

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

Tuesday, November 15, 2022 @ 6:00PM

- **A. Call To Order**

Mayor Hall called the Regular Council Meeting to order on November 15, 2022 at 6:12 p.m. at the Surprise City Hall located at 16000 N. Civic Center Plaza, Surprise, Arizona 85374.

- **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**

- **The Pledge was led by Imagine Prep Middle School Student Council.**

D. Proclamation/Community Acknowledgments: Senator Rick Gray Acknowledgment

Mayor Hall read aloud the proclamation and offered a key to the City to Senator Rick Gray.

E. City Manager Report

Youth Council reports from Maya Calugaru, 11th grade student from Canyon View High School and Amaya Smith 10th grade, home schooled.

- **2. Oath of Office - Fire Chief, Brenden Espie**

City Manager Wingenroth announced that Brenden Espie has been selected as the City's Fire Chief and gave a brief history on Fire Chief's in the department.

City Clerk, Sherry Ann Aguilar conducted the Oath of Office for Fire Chief Espie.

- **G. Call To The Public**

Linda Cabrera - Update on the Surprise Community Garden

1. CONSENT AGENDA:

Councilmember Winters made the motion to approve the items on the Consent Agenda. Vice-Mayor Cline seconded the motion. 7 yes votes, motion carried.

1. Consideration and action to approve the Regular Council Meeting Minutes of November 1, 2022.

2. Consideration and action accepting a Quit Claim Deed from Henry and Patricia Conklin for Rights-of-Way along Waddell near 143rd Avenue.

3. Consideration and action declaring the intention to establish the lighting improvement district known as City of Surprise, Arizona, SU-WINDSTNERNCH205 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution # 2022-75.

4. Consideration and action declaring the intention to establish the lighting improvement district known as City of Surprise, Arizona, SU-BONITARNCH204 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution # 2022-73.

5. Consideration and action pertaining to approval of the Final Plat entitled, "Bonita Ranch" and received September 14, 2022, a property generally located south of Jomax Road and west of 147th Avenue.

6. Consideration and action to approve the Council Meeting dates for 2023.

7. Consideration and action pertaining to approval of the Final Plat entitled, "Heritage Asante – Parcel 8 and dated September 2022, a property generally located west of Asante Blvd. and south of Pat Tillman Blvd; Case FS22-0590.

8. Consideration and action pertaining to a zone change from Community Commercial (C-2) to Residential High Density (R-3) on an approximately 12.82 acre property generally located on the southwest corner of Mountain View Blvd. and White Horse Trail; Ordinance # 2022-24.

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

Applicant Carolyn Oberholtzer Bergin, Frakes, Smalley & Oberholtzer, PLLC did a separate powerpoint presentation on this item.

Council Questions/Comments:

Councilmember Winters asked if the proposed development would be age restricted? Ms. Bergin commented that no it is not age restricted.

Councilmember Remley commented that this item is coming before us on appeal, it was rejected by the Planning & Zoning Commission recently. I Would like to hear more about the 81 people that spoke against this project at that meeting.

Community Development Director, Lloyd Abrams commented on the public comments received at that meeting, he mentioned that the same concerns were addressed in the emails.

Mayor Hall asked if the Planning & Zoning Commission members had this report? City Planner Carnie commented, No sir, not at the time. The traffic analysis was made available to the City Council.

Councilmember Hastings asked for clarification, this has to come to us anyways for consideration, correct? Lloyd Abrams confirmed that this is correct. A recommendation to City Council. It's the applicants choice if they want to continue, or stop the process.

Councilmember Hastings asked for the history on this project. I disagree with this part of the project, not all commercial is equal. The cut through traffic through Summerfield is a serious problem. He asked staff to go back to the traffic study for a moment. I don't want to be a part of making this worse and further commented that he will not support this project.

Councilmember Winters commented that sometimes we can't sell the commercial properties, will it sit like that forever? What options do we have.

Mayor Hall asked for the traffic analysis again and commented on the report indicating 1,175 in both directions. The traffic is coming from Outback, Trader Joe's, Texas Roadhouse, to name a few businesses in this area.

Dawn Cartie, Syntec for traffic analysis. Clarified the numbers on the report and what they did for conclusion of the data.

Mayor Hall asked for an explanation of the setbacks, a side covered this information.

Councilmember Duffy asked for clarification on how many units were built in the Christopher Todd development close by and the impact of traffic it is having on the area.

Councilmember Winters asked for clarification on the water storage?

Councilmember Judd had questions about the Economic Development study. What is your primary metric for measuring?

Councilmember Remley commented that traffic seems to be the biggest issue tonight, I have serious problems in how you came up with these projections in the traffic study and asked how we can reduce traffic and fix this.

Public Work Director, Kristen Tytler explained traffic analysis and controlling traffic in this designated area. It is difficult to gate a community there are issues with this, the roadway is a public street, therefore, the City would not be able to close this access for public safety reasons.

Public Comments:

Donna Lyda, a Sun Village resident spoke in opposition of this project.

Karen Coggins, a Sun Village resident spoke in opposition of this project.

Michael Villamaino, a Sun Village resident spoke in opposition of this project.

Jeannie Enders, a resident of Summerfield at Litchfield and an HOA Board Member opposes the rezone request.

Bill Horton, President of Sun Village Homeowner's Association. 94% of the

residents are not in favor of this zoning change.

Mary Harden, opposed to the zoning for this project.

Bonnie Dean, a Sun Village resident spoke in opposition of this project.

Rudy Dean, a Sun Village resident spoke in opposition of this project.

Keli Price spoke in opposition to the rezone request.

William Coggins spoke in opposition to the rezone request.

Mayor Hall asked for an explanation on the negative Yelp reviews that was mentioned earlier.

Mayor Hall closed the public hearing.

Councilmember Winters made the motion to approve Ordinance 2022-24 with the stipulation of including buildings within 40 feet of the southern border of the property will not exceed 29 feet in height. Mayor Hall seconded the motion. 3 yes votes (Mayor Hall, Councilmember Winters and Councilmember Judd), 4 no votes (Vice-Mayor Cline, Councilmember Hastings, Councilmember Duffy & Councilmember Remley). Motion failed.

9. Consideration and action pertaining to approval of The Third Amendment to the Broadstone Ranch Pre-Annexation Development Agreement between the City of Surprise and Elliott Homes, Inc.; Resolution #2022-110.

Community Development Director, Lloyd Abrams gave a powerpoint presentation on this item. The request is to extend the development agreement for one year.

Councilmember Remley asked about a section on the map that is not included in the proposed development. Lloyd identified it is another project that is not in the City yet.

Mayor Hall commented that this project started in 2007, 15 years ago.

Councilmember Winters asked if this project is in Wittmann or Maricopa County? Mr. Abrams confirmed the County.

Vice-Mayor Cline asked for clarification on the rules for annexation and county

islands. Mr. Abrams addressed this in accordance with state statutes.

Vice-Mayor Cline made the motion to approve Resolution 2022-110.
Councilmember Hastings seconded the motion. 7 yes votes. Motion carried.

10. Consideration and action pertaining to authorizing submission of the Request for Exemption from posting deposit to the Industrial Commission of Arizona.

City Attorney Wingo gave a brief summary for this item and commented this is a routine item that needs annual approval.

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

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

No items received.

- **J. City Council Reports**

Councilmember Judd - Water Resources Director, Lee Lambert retiring and taking a job in CA; toured ASU West; ribbon cutting Merico builders; white tanks big horn sheep, 4th confirmed sighting.

Councilmember Winters - Merico builders; Lee Lambert retirement party;

Vice-Mayor Cline - Attended The Grand Meeting, very well attended; next meeting will be held on Tuesday, November 22nd @ 6 p.m.

Councilmember Hastings - Veterans Day Parade; Meet and Greet tomorrow 6 p.m. at State 48;

Councilmember Remley - Nice Veteran's Day Parade, 10,000 people attended; Fiesta Grande; GAIN Night; Surprise Founder's Day, 4 events in the year.

Councilmember Duffy - Wish everyone a Happy Thanksgiving.

Mayor Hall - Surprise Party, Founder's Day Saturday, December 3rd from 2 to 9 and Sunday December 4th (Carnival); Thursday, December 8th - Deck the Holiday Event at the Senior Center.

K. Executive Session

No Executive Session held.

- **L. Adjournment**

Vice-Mayor Cline made the motion to adjourn the Regular Council Meeting of November 15, 2022 @ 8:52 p.m. Seconded by Councilmember Winters. Unanimous yes vote 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, November 15, 2022.**

Sherry Ann Aguilar, City Clerk, MMC