



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, March 7, 2023 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Any prayer or invocation that may be offered before the start of the Regular Council Meeting is a voluntary offering by a private resident of Surprise; has not been previously reviewed or approved by City Council or City staff; should not be considered an endorsement of any particular religion by the City or its officials, as the beliefs, viewpoint, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the office of the City Clerk and interested persons should contact the Clerk's Office for further information.

B. Roll Call

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

E. City Manager Report

F. City Clerk Report

G. Call To The Public

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins. [Download the Call to the Public form](#) (PDF download requires Adobe Acrobat Reader) [Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time. The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H)- During this time members of the public may address City Council only on issues within the jurisdiction of the City Council which are not an item on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

Please be aware that Council Members may not discuss or respond to matters raised during call to the public that are not specifically identified on the agenda. Council Members may however, in their discretion, discuss or respond to relevant matters raised during a noticed public hearing or agenda item.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

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| 1. | Internal | Consideration and action to approve the February 21, 2023 Regular Work Session, Regular Council Meeting & Executive Session Minutes and the Special | None |
| | | | Sherry Aguilar
City Clerk |

Council/Planning & Zoning Commission Meeting Minutes
of February 23, 2023.

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| 2. | District 1 | Consideration and action to approve a request by Charlotte Ella Pollack (Agent) for a Multi-License Acquisition of Control for BABBO's Italian Eatery (Series 12 - Restaurant) located at 16433 W. Bell Road, Surprise, AZ. 85374. | None

Sherry Aguilar
City Clerk |
| 3. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled "Mach Compound", dated January 5, 2023, a property located at the southeast corner of Jomax Road and 237 th Drive. Case FS22-1382. | None

Tanner Wessel
Community
Development |
| 4. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public improvements at North 163 rd Avenue and East of West Asante Boulevard. Resolution # 2023-18. | Kristin Tytler
Public Works |
| 5. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at N. Citrus Road and W. Enoch Drive. Resolution # 2023-10. | Kristin Tytler
Public Works |
| 6. | District 3 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Ryder Ranch. Resolution # 2023-19. | Kristin Tytler
Public Works |
| 7. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at North 163 rd Avenue and East of West Asante Boulevard. Resolution # 2023-24. | Kristin Tytler
Public Works |
| 8. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements on Sunrise Parcel A. Resolution # 2023-20. | Kristin Tytler
Public Works |
| 9. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements on Sunrise Parcel B. Resolution # 2023-21. | Kristin Tytler
Public Works |
| 10. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Sunrise Parcel D. Resolution # 2023-22. | Kristin Tytler
Public Works |
| 11. | Citywide | Consideration and action pertaining to approval of the Multi-district Litigation opioid settlement with Teva, Allergan, Walmart, CVS, and Walgreens and authorizing the City Attorney to execute any and all documents necessary to effectuate approval and participation in the settlements. | Robert Wingo
Legal |
| 12. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled "Dale 166", dated January 13, 2023, a property generally located on the northwest corner of 165 th Avenue and Dale Lane. Case FS23-0057. | Jessica Brinton
Community
Development |
| 13. | Internal | Consideration and action pertaining to approval of an amendment to the Intergovernmental Agreement with | Seth Dyson |

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| | Maricopa County to provide Community Action Program services, accepting grant funding, and amending the Fiscal Year 2023 Budget by moving budget authority in the amount of \$61,900 within the Grants Fund; Resolution # 2023-23. | Human Svcs and Comm Vitality |
| 14. Citywide | Consideration and action authorizing the Mayor and Council to accept the First Amendment to the Surprise Foothills Water Supply Facility Development Agreement. Resolution # 2023-30. | Michael Boule
Water Resource Management |

REGULAR AGENDA ITEM - PUBLIC HEARING:

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| 15. District 1 | Consideration and action pertaining to a Major General Plan Amendment to change approximately 3,588 acres from Neighborhood Character Area to Employment Character Area, generally located east of US-60/Grand Avenue and Black Mountain Road. Case FS22-0502. Resolution #2023-14. | Trever Fleetham
Community Development |
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REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

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| 16. Citywide | Consideration and action authorizing the Mayor and Council to accept the Willow Trails Water Agreement. Resolution # 2023-31. | Michael Boule
Water Resource Management |
| 17. Citywide | Consideration and action pertaining to a Temporary Wastewater Treatment and Interconnection Agreement with EPCOR Water of Arizona Inc., Resolution 2023-08 | Michael Boule
Water Resource Management |

- I. Other Business and Future Agenda Items
- J. City Council Reports
- K. 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 for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- 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)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

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).

L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Thursday, March 2, 2023 @ 10:15 AM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.