



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

Mayor Hall called the Regular Council Meeting of Tuesday, March 7, 2023 to order at 6:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

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.

Invocation led by Pastor, DJ Bosler

B. Roll Call

In attendance with Mayor Hall were Vice-Mayor Chris Judd, Councilmembers Jack Hastings, Patrick Duffy, Aly Cline, and Nicholas Haney. Councilmember Ken Remley was excused.

C. Pledge of Allegiance

Mayor Hall led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

E. City Manager Report

The City Manager introduced the Recreation Coordinator Gina Neria to talk about some awards.

Gina wanted to introduce Danielle Edgerton from Dysart Unified School District to present the essay contest winners.

Katy Fumiya Countryside Elementary
Rose Vasquez Countryside Elementary
Tatiana Pelegrino Freedom Traditional School
Caleb Delgado Shadowridge Highschool

The Youth Council Members on the Dias for 3/7/23:

Maya Calugaru 11th grade at Canyon View High School

Amaya Trent 12th grade at Willow Canyon High School

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.

Alejandro Christ a Surprise citizen, wanted to give kudos about the Surprise App and whoever is running it. He talked about the city's growth. He then went on to talk about loitering and begging in the City. He also asked if there could be improvements for cell phone services within the City. He voiced concerns about finding a place for the truck drivers to park.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

No items were removed from the consent agenda.

Councilmember Duffy made the motion to approve items 1 through 14 on the Consent Agenda. Seconded by Councilmember Cline. 6 yes votes. 1 excused. Motion carried.

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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 Council/Planning & Zoning Commission Meeting Minutes of February 23, 2023. | None
Sherry Aguilar
City Clerk |
| 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 |

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| 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 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. | Seth Dyson
Human Svcs and
Comm Vitality |
| 14. | Citywide | Consideration and action authorizing the Mayor and Council to accept the First Amendment to the Surprise | Michael Boule |

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. | Trevor Fleetham
Community
Development |
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Senior Planner, Trevor Fleetham gave a presentation for this item.

Councilmember Duffy wanted to know if highway 74 was going to be the main lane in and out of the plan? Trevor differed to the applicant to answer the question. Nick Woods came to talk, he stated that they have not done a traffic analysis. Obviously 74 is a state highway but they are nowhere near being able to answer the question clearly.

Councilmember Cline wanted to clarify that all that council was being asked to do is to change the designation from "residential" to "employment"; and that any further details would be determined be presented in a future meeting.

Mayor Hall opened the meeting to public comments.

Mitch Murray who lives near the development with no address, spoke on the issue. He mentioned how Ohio had been a huge disaster, and how a similar event would impact Surprise. He further talked about the quality of the BNSF workforce. He Asked how devastating it would be if there was a wreck and who would be accountable for these decisions.

Elizabeth Oldham a Morristown resident, asked if all the information has proved to make an appropriate decision. She talked about BNSF intentions with the city. She asked about the potential hazmat and health problems. She expressed her concerns about any potential future incidents.

Ray Manker a Whittman resident, stated that he wasn't concerned about the annexation; but was more concerned about the potential traffic issues. He voiced his wishes that the current traffic problems addressed first.

Bonnie Carmin a Whittman resident, stated that she wants the City to deny the request. She talked about the history of her community and how the proposed changes will have an impact. She expressed her concerns about the air, water, and other types of pollution. She suggested annexing smaller portions of the land. She then talked about the potential truck traffic going to the proposed site. She had concerns about impact of the natural landscape. She was asking why it was necessary to annex that much land.

Pete Weinelt a Circle City Resident, had concerns about the traffic. He suggested that the City expand Grand Avenue to three lanes to assist with the flow of traffic. He's concerned that the new traffic would have a bigger impact on the Bell Road and 303 intersection. He then asked, how many vehicles would go there? Any roads being made? What would the noise impact be? Linda Deberge a Morristown Resident, wanted to address the City's development and BNSF. She wanted to know what were the water and environmental impact statements? She had concerns about potential flood zones and unchecked development traffic. She wanted to know if there would be down lighting for the site?

Mayor Hall closed the public hearing.

Nick Woods returned to talk about how remarkable it is where the city is today. He talked about the growth of the city and how BNSF wanted to expand the employment base for the City. He stated that if amendment is granted that it doesn't give BNSF the right to anything except to file a zoning case with the City.

Vice-mayor Judd asked if BNSF owned the 4000 acres already? Nick said that they do. Judd then asked what would happen if the amendment isn't approved? Nick said they would then go to the county to ask. Judd said he would rather be a partner to help address the problems. Vice-Mayor Judd then asked if the green lines on the map were environmental corridors, and said he would pay close attention to those if the amendment is approved and a future zoning case presented. He then asked if the next step would be annexation? Nick said they would proceed that way. Judd said that traffic is horrendous and said that the City can't fix it themselves. He then asked if BNSF would be able to help getting the highway fixed? Nick said that BNSF is all about solutions. Vice-Mayor Judd also asked if they regularly transport hazmat materials? Nick asked if Ron Acosta could answer that question.

Acosta said that railroads have a common carrier obligation. He said that it does include hazmat commodities. He said that this project doesn't change that fact. He said that a vast majority of hazmat materials arrive safely through BNSF. He talked about a culture of safety within BNSF. Vice-mayor Judd asked if wheel failure would cause derailments. Acosta said that they develop a profile for every car for preventative measures to avoid that.

Vice-mayor Judd wanted to know about the lighting for light pollution concerns. Acosta said that they would address that issue.

Vice-mayor Judd then asked about train horn noises. Acosta said that communities could establish quiet zones but had legal obligations for road crossings.

Councilmember Cline said that if it was all residential it would add more cars and traffic. She stressed that the next step would have all the details about the potential traffic impact of the site. She was concerned about not having a voice in the process if BNSF goes to the County.

Councilmember Haney wanted to thank all the citizens for showing up. He gave a brief update on the 303 and Grand situation. He voiced his concerns about the impact of truck traffic on an already stressed infrastructure. He said that there is a solution in the works, and though he has concerns about this amendment he stressed the importance of proceeding with a partnership for this situation.

Councilmember Haney made the motion to approve Resolution #2023-14. Seconded by Councilmember Cline. 6 yes votes. 1 excused. Motion carried.

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 |
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Michael Boule gave a presentation about Willow Trails.

Mayor Hall said he was proud of the department and said that this situation was a win-win for the City.

Concilmember Haney asked if the construction of the waterline will impact traffic? Michael said they would be working hard to avoid that.

Councilmember Cline wanted to know how the City would work with the water company? Michael stated that we are providing redundancy with two different sources of water.

Vice-Mayor Judd made the motion to approve items 1 through 12 on the Consent Agenda. Seconded by Councilmember Haney. 6 yes votes. 1 excused. Motion carried.

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

Michael Boule gave a presentation for the EPCOR wastewater agreement.

Vice-Mayor Judd said that this looks like a fantastic deal for the City. He said there were concerns about their water being difficult to treat. Michael said that there is a learning curve, but there is no concern about the strain on our system.

Councilmember Cline asked if there would be any issues with processing that much water? Michael said not at all. She then asked what would the cost be for the residents? Michael said there would be no cost. Cline stated that it sounded like a win-win then.

Councilmember Cline made the motion to approve items 1 through 12 on the Consent Agenda. Seconded by Vice-Mayor Judd. 6 yes votes. 1 excused, Motion carried.

I. Other Business and Future Agenda Items

Vice-Mayor Judd wants a presentation with economic development and finance about procurement and involving small local businesses to participate. Councilmember Cline seconded.

Mayor Hall would like the top cellular companies to come into the council to answer questions. Vice-Mayor Judd seconded.

Councilmember Haney would like a presentation on sober living homes. Councilmember Cline seconded.

J. City Council Reports

Councilmember Hastings stated that spring training games are a great opportunity for the City to show off. He has been to games with the Sundancers, BNSF, small businesses, first responders, and carefree partners. His next meet and greet is Tuesday the 14th 6:00 PM at State48.

Councilmember Duffy said that there were two more openings in his district; Ross and Alta did their ribbon cutting ceremonies. Over the weekend the Paradise Honors Middle School cheer squad won the state title.

Councilmember Haney got to attend some ribbon cuttings with Councilmember Duffy. His next community meeting will be on the 16th 6:00 PM at Asanta library. He said that they will have more space, and would be providing updates and seeking community input.

Councilmember Cline went to some ribbon cuttings and spring training games. She wanted to thank economic development for the work they did on the small business game. She went to the library ribbon cutting and talked about her experience there. She talked about how her, and several other councilmembers did Read Across America. She picked up 3300 books from Paradise Honors Elementary from a book drive; the books are offered to the residents at a reduced price and teachers for free. Her next meeting at Grand is on Tuesday the 28th at 6:00 PM in the Pima room. She has another meeting on Friday the 31st at Arizona Traditions ball room at 10:00 AM.

Vice-Mayor Judd on Saturday went to an art and music event, he thanked Connie Whitlock from WHAM. He said that reading last week was fun. His next meet and greet is after the next Council meeting. He said that on March 17th St. Patrick's Day, Irish Wolfhound will be closing their parking lot for a big celebration.

Councilmember Hastings said that the Valley Vista Highschool girls basketball team just won their 6th state championship and would like them honored at a future meeting.

Mayor Hall said that the first Bases and Brew festival is coming on March 24th, 25th, and 26th. He said he would like to invite citizens to the State of the City event on March 30th from 6-8 PM.

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

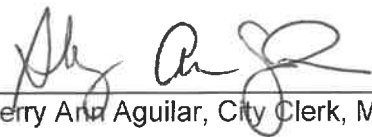
Mayor Hall commented that there is no other business to discuss and asked for a motion to adjourn.

Vice-Mayor Judd made the motion to adjourn. Seconded by Councilmember Cline. Unanimous yes vote to adjourn at 7:47 p.m.



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 Work Session of Tuesday, March 7, 2023.


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.