



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

Tuesday, April 4, 2023 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Hall called the Regular Council Meeting of Tuesday, April 4, 2023 to order at 6:03 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

The Invocation was led by Pastor, Don Aldana

B. Roll Call

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

C. Pledge of Allegiance

Mayor Hall led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

National Community Development Week Proclamation

Mayor Hall presented the proclamation.

Bookmark Contest Award Ceremony presented by Friends of the Surprise Libraries

Mayor Hall talked about the bookmark contest. Councilmember Cline, and Michelle Simpson presented the winners. Chloe Esquera honorable mention for 6th grade. Akisha Penelosa honorable mention for 7th grade. Isabella Jordan was Honorable mention for 8th grade. Eden Immerman for 6th grade won first prize. Tammy Wilson won first place for 7th grade. Kyree Hudson won first place for 8th grade. Olivia Long won the mayor's choice.

E. City Manager Report

The Youth Council Members on the Dias were:

Camila Bassoco - 10th grade, Dysart High School

Maisey Donick - 8th grade, Paradise Honors Middle School

1. **Recognition of the Ottawa University's Men's Basketball and Women's Wrestling Teams**

City Manager Wigenroth recognized the Ottawa University Men's Basketball Team and Women's Wrestling Team. Assistant director Mike Hoover along with Coach Matt Killee, Coach Cruise, and Coach Amada introduced the teams.

F. City Clerk Report

G. Call To The Public

Eva Jane, a Surprise Resident, with the Mass Liberation group, came in opposition to April Sponsel to train the Police Department.

Vanessa DiCarlo, a Surprise Resident, with the Mass Liberation Group, came in opposition to April Sponsel to train the Police Department.

Benjamin Lewis, a Surprise Resident, came in opposition to April Sponsel to train the Police Department.

Patricia Pagliuca, a Phoenix Resident, with the Mass Liberation Group, came in opposition to April Sponsel to train the Police Department.

Aneisa Groves, a Mesa Resident, with the Mass Liberation Group, came in opposition to April Sponsel to train the Police Department.

Petra Morrison, a Surprise Resident, with the Mass Liberation Group, came in opposition to April Sponsel to train the Police Department.

Helen Mendizabal, a Phoenix Resident, with the Mass Liberation Group, came in opposition to April Sponsel to train the Police Department.

Karen Olson, a Phoenix Resident, with the Mass Liberation Group, came in opposition to April Sponsel to train the Police Department.

Kerin Price, a Phoenix Resident, and a former Surprise resident, with the Mass Liberation Group, came in opposition to April Sponsel to train the Police Department.

Aaron Evans, a Peoria Resident, with the Mass Liberation Group, came in opposition to April Sponsel to train the Police Department.

Russell Facente, a Phoenix Resident, with the Mass Liberation Group, came in opposition to April Sponsel to train the Police Department.

Sushil Rao, a Piipaash Territory Resident, with the Mass Liberation Group, came in opposition to April Sponsel to train the Police Department.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

Councilmember Hastings moved to approve the Consent Agenda Items, Vice-Mayor Judd seconded the motion. The motion passed unanimously.

- | | | | |
|----|------------|--|--|
| 2. | Citywide | Consideration and action to approve minutes for the Regular Work Session and Regular Council Meeting of Tuesday, March 21, 2023. | Sherry
Aguilar
City Clerk |
| 3. | District 4 | Consideration and action to approve a request by Melissa Piazza for a Series 07 (Beer and Wine Bar) Liquor License for Coyote Lakes Golf Club located at 18800 N Coyote Lakes Parkway, Surprise, AZ 85374. | Sherry
Aguilar
City Clerk |
| 4. | District 4 | Consideration and action to approve a request by Melissa Piazza for a Series 12 (Restaurant) Liquor License for Coyote Lakes Golf Club located at 18800 N Coyote Lakes Parkway, Surprise, AZ 85374. | Sherry
Aguilar
City Clerk |
| 5. | Citywide | Consideration and action approving amendments to the City's Investment Policy; Resolution #2023-33. | Andrea
Davis
Finance |
| 6. | District 3 | Consideration and action pertaining to approval of the Final Plat entitled, "Final Re-Plat Toll at Prasada, Unit L – Phase 3" and dated January 24, 2023, a property located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS22-1057. | Tanner
Wessel
Community
Development |

- | | | | |
|-----|------------|---|--|
| 7. | District 3 | Consideration and action pertaining to approval of the Final Plat entitled, "Toll at Prasada, Phase II Unit P Lot 631 & Tract A" and dated February 06, 2023, a property located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS22-1161. | Tanner Wessel
Community Development |
| 8. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled, "Anderson Acres" and dated January 30, 2023, a property generally located south of Jomax Road and east of 239 th Avenue; Case FS22-1353. | Tanner Wessel
Community Development |
| 9. | District 6 | Consideration and action pertaining to approval of the Final Plat entitled, "Re-Plat of Lots 1A, 1B, and 2A of Stampede Junction" and dated February 15, 2023, a property located at the southwest corner of Waddell Road and Dysart Road; Case FS22-1469. | Tanner Wessel
Community Development |
| 10. | District 5 | Consideration and action pertaining to approval of the Final Plat entitled, "Hoffman Estates and the Amparo Contreras Living Trust Final Plat" and dated January 27, 2023, a property generally located south of Paradise Lane and east of Reems Road; Case FS22-1476. | Tanner Wessel
Community Development |
| 11. | District 3 | Consideration and action pertaining to approval of the Final Plat entitled, "Replat of Lots 4 and 5 of Replat of Lot 4 of Village at Prasada" and dated January 27, 2023, a located at the northwest corner of Sweetwater Avenue and Prasada Parkway; Case FS22-1486. | Tanner Wessel
Community Development |
| 12. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled, "Clark Final Plat" and dated February 07, 2023, a property located at the northwest corner of Williams Road and 219 th Avenue; Case FS22-1555 | Tanner Wessel
Community Development |
| 13. | Citywide | Consideration and action pertaining to the approval of an Intergovernmental Agreement with Maricopa County in the amount of \$2,580,000 to expand housing availability and for homeless individuals in the Northwest Valley, adding one full-time employee, amending the Fiscal Year 2023 budget by moving budget authority of \$2,580,000 from contingency to project G51721, accepting grant funding from Maricopa County via the Department of Treasury State and Local Fiscal Recovery Funds, and amending the fiscal year 2023 Contract Awarding Authority List to include the homeless infrastructure item in the amount of \$2,600,000; Resolution #2023-28. | Seth Dyson
Human Svcs and Comm Vitality |
| 14. | Citywide | Consideration and action pertaining to approval of an amendment to the Fiscal Year 2023 budget by moving budget authority of \$675,300 from contingency to the Fire-Medical Department for the purpose of covering increased operational costs and wildland fire deployments; Resolution #2023-38. | Andrea Davis
Fire - Medical |
| 15. | District 3 | Consideration and action pertaining to the conditional acceptance and maintenance of certain Public Improvements at Dollar General – Zanjero Trails; Resolution #2023-27. | Kristin Tytler
Public Works |

- | | | |
|----------------|--|------------------------------------|
| 16. District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Desert Oasis Parcel B9, generally located at the Southwest corner of Desert Oasis Boulevard and 163 rd Avenue; Resolution #2023-34. | Kristin Tytler
Public Works |
| 17. Internal | Consideration and action pertaining to approval of an Intergovernmental Agreement (IGA) between the City of Surprise and Luke Air Force Base for mutual aid in fire protection services; Resolution #2023-37. | Brenden
Espie Fire -
Medical |

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | |
|----------------|---|--|
| 18. District 3 | Consideration and action pertaining to a Major Planned Area Development (PAD) Amendment to the Prasada PAD to change the land use designation from PGV-1 to PGV-E for approximately 22 gross acres to accommodate a Dignity Health West Valley Campus. The site is generally located at the southwest corner of Greenway Road and Loop 303; Ordinance #2023-06. | Trever
Fleetham

Community
Development |
|----------------|---|--|

Trever Fleetham gave a presentation regarding the PAD amendment proposals.

Councilmember Duffy stated that this was something that has been needed for a long time in the City. He then asked what kind of facility it would be?

Councilmember Remley asked about the 200ft height and asked if that was 20 stories? He then asked if the existing guidelines allowed that already? Trever said that it does. Councilmember Remley asked if there was a formal submittal and if there is any guidance as to how it would end up? The Applicants Manjula Vaz, and Larissa Spraker said they are still working through site plans. They said they were looking at a community based facility to include a several hundred bed facility. Councilmember Remley noted how the existing hospitals have grown by adding extra wings.

Councilmember Cline talked about having people actually born in Surprise. She noted trauma and birthing centers and how they would be meaningful to the community.

Councilmember Haney wanted to know how many beds? The applicant said there could be between 80 and 120 beds. Councilmember Haney then asked if there was going to be a cardiac facility? The applicant said it would be similar to Mercy Gilbert. Councilmember Haney wanted to gauge the capabilities of the facility and what impact it would have on residents.

Jennifer Vasher, a surprise resident, wanted to know if the next hospital would be a trauma one center?

Mayor hall asked where the nearest trauma one center was? Councilmember Haney said how far away the closest trauma one centers are.

Remley noted how Del Webb is usually at capacity. He said he noticed how facilities at banner might be lacking in services, and wanted those services included in any future plans. He talked about the projections for the city's growth and asked the applicant to be generous in their plans.

Councilmember Duffy made a motion to approve, Councilmember Cline seconded. The motion passed unanimously.

- | | | |
|----------------|--|--|
| 19. District 1 | Consideration and action pertaining to a Major Planned Area Development (PAD) Amendment to the Asante PAD to change the land use designation from commercial to mixed-use and modify development standards for approximately 101 gross acres. The site is generally located at the southwest corner of 163 rd Avenue and Pat Tillman Blvd, within the Asante PAD; Ordinance #2023-03. | Trever
Fleetham

Community
Development |
|----------------|--|--|

Director of Community Development Lloyd Abrams asked for a motion to continue to May 16th.

Councilmember Haney motioned to continue the item, Councilmember Cline seconded. The motion to continue passed unanimously.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | |
|--------------|---|--|
| 20. Citywide | Consideration and action pertaining to an update on Sober Living Homes within the City of Surprise. | Tracy Montgomery
Community
Development |
|--------------|---|--|

Deputy City Manager Tracey Montgomery gave a presentation about Sober Living homes. She talked about complaints regarding the unlicensed homes which first brought this to the attention of the city. She talked about how neither the city or the department of health services have issued any licenses and how that lack of regulation has become a hazard. She talked about how these homes are being marketed as a source of income.

Assistant Director Tiffany Copp talked about code enforcement numbers and how it can be very profitable. She went on to define what a sober living home is. She talked about what the City is currently requiring for a business to operate. She went on to list the number of citations and cases caused by Sober Living Homes. She talked about what the City has done in response to these complaints. She went through the response process in place. She talked about refining the process and updating the City guidelines. She stated that staff will be coming back in the future with recommendations.

Councilmember Cline, talked about how issues have been brought up in her district. She stressed how we want to support people who are turning their lives around. She talked about possible Full Time Employee increase requirements to help investigate and enforce any changes.

Vice-Mayor Judd, talked about how he wants to enforce these violations quickly, considering this topic to be more of an emergency. He stated how this is costing the city money. He said it was important to notice how these homes are profitable business and how could the City offset the cost to enforce? Tiffany said there are other cities charging fees for their services.

Councilmember Duffy, said there needs to be an end to these homes, how they are not following the law, and how it is unfair to residents. He asked how the initial inspection goes? Tiffany said that the point of contact for their department is a former law enforcement official who is used to researching these types of violations. She said we are handling the process much differently than

their initial response. Tracey said that there is a great amount of complexity involved with these cases. Mayor Hall said that we need to know who owns the home and needs to be held accountable for these situations. Tracey talked about how this will impact how they process business licenses now.

Councilmember Haney, stated that we should strive to be responsive to the residents. He thanked the residents for helping identify potential violators. He stated that this is not an attack on those who are battling addiction, but that this issue is about unregulated owners/operators.

Councilmember Remely, said that he sympathizes with those struggling with addiction. He mentioned how the statistics are distressing. He was glad that the City was taking action. He suggested that a health license should precede a business license. He said that owners should be held liable for any violations and suggested that the real estate agency should be notified of the City's Guidelines. He suggested that the City Ordinance should trump the HOA requirements.

Councilmember Hastings, agreed with the general sentiment that his peers had suggested, he thanked the public and staff for their contributions.

Alan Jones, a Tempe Resident, with Lennar Homes as Division President, he talked about the number of homes that they have built in Surprise. He wanted to express the concerns that have been raised. He stressed the importance of these homes being legitimate and fully supported the general sentiment expressed so far. Mayor Hall asked if there was an owner-occupied agreement with Lennar Homes purchase agreement, Alan said that owners can purchase and rent out their homes.

Lawrence Pettit, A Surprise Resident, talked about Sober Living Homes, he talked about the number of names associated with a sober living house and how rooms were installed in the house. He went on to elaborate his experiences.

Maxine Hangar, A Surprise Resident, she talked about how Sober Living Homes have changed the city and pedestrian traffic. She suggested adding another clause and the importance of tracking violators.

Ryder Keen & Mallory, a Phoenix Resident, Work for a licensed facility within the city. She talked about the way these violators are getting paid and how it is impacting legitimate businesses. She talked about the malpractice of some other facilities. She claims the amounts are worse than indicated. She recommended submitting a copy of the lease.

Barbara Wyllie, A Surprise Resident, she talked about previous practices that used to be done by group homes. She talked about the legislation going on right now.

David Maywald, A Surprise Resident, he talked about how unsafe it is to walk at night. He suggested that the owner should put their name on the license. He mentioned property values being effected.

Jennifer Vajoner, A Surprise Resident, said she and her husband are nurses. She went on to talk about what substances are lethal. She offered to help with the issue. She talked about the lack of regulation within these homes.

Mayor hall thanked everyone for sharing. He talked about how quickly this has become a problem within the City. He thanked staff for their work and coordination.

Viola Mitchell, A Surprise Resident, talked about having to live next door to a sober living home. She talked about loitering and odd hours involved with these homes. She talked about how she caught several drug deals on her cameras. She talked about the amount of trash at the homes and possible rat infestations.

Motion by Councilmember Haney, Seconded by Councilmember Cline; the motion to adopt the statement passed unanimously.

- | | | | |
|-----|----------|--|---|
| 21. | Citywide | Presentation and discussion pertaining to the fiscal year 2022 annual audit and Annual Comprehensive Financial Report, and associated reports. | Andrea Davis
Erick Martin
Finance |
|-----|----------|--|---|

Erick Martin introduced Brittany Williams to present on this item.

Brittany Williams talked about the audit and financial report. She talked about general representation letters, independent accountant reports, and she talked about the results of several audits. She spoke favorably about all the results.

Vice-Mayor Judd said that these were the results we wanted for the City.

Councilmember Remley, praised the staff on their work.

- | | | | |
|-----|----------|--|-------------------------|
| 22. | Internal | Consideration and action by City Council determining, in accordance with A.R.S. § 9-481(H), that the City of Surprise has complied with A.R.S. § 41-1494, an Arizona law which prohibits a state agency, including cities, from requiring, or expending public funds on, certain training, orientation or therapy; Resolution #2023-41 | Andrea Davis
Finance |
|-----|----------|--|-------------------------|

Andrea Davis presented on this item. She explained that this resolution needs to be adopted to Comply with state statute.

Councilmember Cline moved to approve, Vice-Mayor Judd seconded. The motion passed unanimously.

- | | | | |
|-----|------------|---|---|
| 23. | District 4 | Consideration and action pertaining to a Ground Lease between the City of Surprise and the Housing Authority of Maricopa County for affordable senior housing in Surprise; Resolution #2023-35. | Seth Dyson
Comm Vitality and
Human Svcs |
|-----|------------|---|---|

Seth Dyson presented this item and asked that it be tabled.

Vice-Mayor Judd moved to continue the item indefinitely, Councilmember Remley seconded. The motion passed unanimously.

- | | | | |
|-----|----------|--|-----------------------|
| 24. | Citywide | Consideration and action pertaining to amendments to the Surprise Municipal Code relating to City Council procedures and Boards and Commissions procedures, membership, and by-laws; Ordinance #2023-08. | Robert Wingo
Legal |
|-----|----------|--|-----------------------|

Attorney Wingo presented this item. He talked about the changes involving part-time employees being allowed to serve so long as there were no conflicts. He also talked about aligning with the state statutes. He talked about term limits being changed along with reappointments not being automatic. New qualifications for reappointment were presented. He talked about the Veterans Commission reducing in size via attrition.

Councilmember Cline motioned to approve, Vice-Mayor Judd seconded. The motion passed unanimously.

I. Other Business and Future Agenda Items

Councilmember Hastings wanted the Cell service to be brought up again. He also mentioned Bell Road having issues and the impact on the local businesses. City Manager Bob Wigenroth said that only one firm was willing to come in. Councilmember Cline seconded this item.

J. City Council Reports

Councilmember Hastings, said he will have a meet and greet at State 48. He said that he didn't agree with some of the earlier non-agenda speakers.

Councilmember Remley, talked about 2.5 million dollars granted to us as a grant to help with the homeless situation within the City. He thanked the citizens for coming to talk about group homes.

Councilmember Duffy, said he has a meet and greet at Total Wine at 9 AM, along with ViceMayor Judd. He talked about the Bases and Brews festival, he congratulated the success of the festival and thanked staff for their hard work.

Councilmember Haney, agreed with Councilmember Duffy about the success of the festival. He said he has an upcoming community meeting on April 20th 6 PM at Western Peaks Elementary.

Councilmember Cline, said she is having a couple of meetings coming up on the 12th at the grand ballroom with ASL accessibility at 10 AM. She said that she will also be attending a veterans group on the 13th.

Vice-Mayor Judd, thanked Kendra for the work that she did on the Festival. He mentioned his meet and greet on Saturday with Councilmember Duffy at Total Wine at 9 AM.

Mayor Hall thanked Staff for Base and Brews, and the State of the City event. He said that Saturday April 8th there will be an Eggstravaganza event. On April 22nd there will be a day of service, which is an excellent opportunity to volunteer.

K. Executive Session

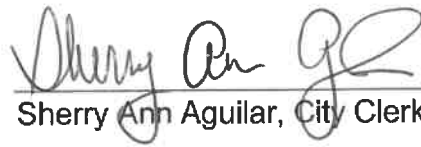
L. Adjournment

Vice-Mayor Judd motioned to adjourn, Councilmember Cline seconded. The motion passed unanimously and the meeting adjourned at 9:15 PM.



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, April 4, 2022.**



Sherry Ann Aguilar, City Clerk, MMC