



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, April 18, 2023 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Hall called the Regular Council Meeting of Tuesday, April 18th, 2023, to order 6:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ, 85374. The Invocation was led by Pastor Alvin Shepard.

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

Fair Housing Month Proclamation
Mayor Hall introduced the proclamation.

E. City Manager Report

City Manager Bob Wingenroth introduced Gina Maria, who in turn introduced the youth council at the dais.

Sophia Bell - 12th Grade, Willow Canyon High School
Nikki Paumi - 10th Grade, Dysart High School

F. City Clerk Report

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| 1. | Internal | Consideration and action to appoint Stephen Gaddis to fill the vacancy on the City Audit Commission for the remainder of the term June 30, 2024. | None

Sherry Aguilar
City Clerk |
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City Clerk Sherry Aguilar presented the item, Councilmember Cline proceeded to introduce Stephen Gaddis and his accomplishments.

Councilmember Cline made a motion to approve the appointment, Councilmember Haney seconded the appointment. The motion passed 6 yes votes, 1 excused.

Clerk Aguilar gave the oath of office to Stephen Gaddis.

G. Call To The Public

Alex Christ, a Surprise Resident, came to talk about the previous speakers who appeared at the last meeting.

H. Regular City Council Meeting Agenda

Item number 6 was removed and continued to the 5/5 Regular City Council Meeting. Item number 10 was removed from the agenda.

Councilmember Hastings motioned to approve the consent items, Councilmember Cline seconded.

The motion passed unanimously.

Mike Hoover talked about item 6 explaining the delay.

Vice-Mayor Judd motioned to continue the item to the next meeting, Councilmember Cline seconded, the motion passed 6 yes, 1 excused.

Mike Hoover and Sintra Hoffman from Westmarc talked about item 10 and foreign trade zones. Sentra gave additional background about the trade zone. She said it was a business attraction tool and elaborated the features of it.

Vice-Mayor Judd asked why other cities are using other trade zones, what were the benefits or lack thereof? Mike said that it had to deal with operational efficiency. Judd asked about reduced property taxes? Mike said they would have to get support from local jurisdictions for that. Judd asked if the companies could come back asking for tax breaks later? Mike said they can't demand it by right, but they could still make the request, although they would need letters of support from the local jurisdictions. Vice-Mayor Judd asked how many jurisdictions there were around there, Mike said there was between 6 and 8.

Councilmember Cline motioned to continue the item to the next meeting, Vice-Mayor Judd seconded, the motion passed 6 yes, 1 excused.

CONSENT AGENDA:

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| 2. | Internal | Consideration and action to approve the Regular Work Session and Regular Council Meeting Minutes of April 4, 2023. | None

Sherry Aguilar
City Clerk |
| 3. | District 3 | Consideration and action pertaining to approval of the Final Plat entitled, "Replat of Lots 1 and 3 of Replat of Lot 4 of Village at Prasada" and dated February 13, 2023, a property generally located south of Waddell Road and west of Prasada Parkway; Case FS22-1509. | None

Tanner Wessel
Community Development |
| 4. | District 3 | Consideration and action pertaining to approval of the Final Plat entitled, "Final Re-Plat Toll at Prasada, Unit Q – Phase 3 – SF" and dated February 9, 2023, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS22-0974. | Jessica Brinton
Community Development |
| 5. | District 1 | Consideration and action pertaining to approval of the Plat entitled, "Master Plat for Asante Planning Area 3" and dated March 1, 2023, a property generally located near Asante Boulevard and Pat Tillman Boulevard; Case FS22-1524. | Jessica Brinton
Community Development |
| 6. | Citywide | Consideration and action pertaining to approval of the Funding Agreement with the Maricopa County Community College District Foundation for career and technical education scholarships and program administration.

This item was removed from Consent Agenda to continue to the next Regular Council Meeting | CONTINUED TO
THE NEXT
REGULAR
COUNCIL MEETING |
| 7. | Citywide | Consideration and action pertaining to approval of the funding priorities for the Community Development Block Grant Program Annual Action Plan for Program Year 2023-2024. | Adam Lane
Human Svcs and
Comm Vitality |
| 8. | Citywide | Consideration and action pertaining to approval of a | |

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| | | Substantial Amendment to the City's Neighborhood Stabilization Program (NSP3) Action Plan to reallocate funding between approved activities. | Adam Lane
Human Svcs and
Comm Vitality |
| 9. | Citywide | Consideration and action pertaining to approval of a Fiscal Year 2023 budget amendment moving budget authority in the amount of \$250,000 from Contingency to Project P17090 I.T. Space Remodel; Resolution #2023-40. | Information
Technology |
| 10. | Citywide | Consideration and action pertaining to approval of an Intergovernmental Agreement with the City of Phoenix authorizing support for a Foreign Trade Zone application for the Rinchem Company distribution facility located in Surprise; Resolution #2023-32. | Economic
Development |
| | | This item was removed from the consent agenda for a presentation. | |
| 11. | Citywide | Consideration and action pertaining to the First Amendment to Option and Lease Agreement with T-Mobile West Tower, LLC for a cell tower located at Surprise Stadium; Resolution #2023-44. | None

Kendra Pettis
Sports and Tourism |

REGULAR AGENDA ITEM - PUBLIC HEARING:

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| 12. | District 1 | Consideration and action pertaining to a Major Planned Area Development ("PAD") Amendment to the North Copper Canyon (Austin Ranch) PAD, generally bounded by Grand Avenue, Deer Valley Road, Norwich Drive, and 185 th Avenue; Ordinance #2023-09. | Trever Fleetham
Community
Development |
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Trever Fleetham came to talk about Austin Ranch PAD. He went over land use maps. He talked about existing PADs and how they would impact this plan. He mentioned the recommendation by the developer.

Councilmember Haney wanted to add a stipulation that the traffic signal at deer valley and grand was operational. Vice-Mayor Judd seconded it.

Councilmember Hastings asked if the applicant had a presentation? Bill Lolly came to give a presentation. He said they were working with ADOT for approvals. He talked about the importance of traffic being developed.

Vice-Mayor Judd added stipulation C about easements, Stipulation D about ingress and egress. Councilmember Cline Seconded.

Councilmember Hastings asked if the stipulations could be clarified further. Bill went over the map explaining the use of the parcels and their impact on traffic. Vice-Mayor Judd made a comment about making sure that water and sewer were going to be connected to the other property owner.

Ken Xander, A Scottsdale Resident, came to talk about the development stating he was a property owner. He said the stipulations would work very well.

The applicant, Bill responded to the stipulations, He talked about the history of these proposed stipulations. He said they had number of conversations with Mr. Xander. He expressed concerns about the stipulations and how specific they were. He talked about the importance of the traffic, he then read the stipulations. He said it was important to keep things normal for Mr. Xander. He said they believed the stipulation isn't required and that they legally wouldn't take access away from property owners.

Mayor Hall asked why the stipulations are a negative? He said they were just front loading the case. He went on to express his understanding for Mr. Xander. Bill said he was concerned about the specificity of the stipulations and was worried if they couldn't meet the stipulations and that they would have to come back.

Mr. Xander said he emailed the stipulations last Thursday. He said he has concerns about future access to his property via traffic and utilities.

Mayor Hall asked who initiated the realignment of the road? Bill talked about predicted traffic solutions through their plans.

Councilmember Haney asked what was the plan for Norwich Grand intersection and if there was going to have a future light at the location? Bill said that they are developing that area and that there are traffic studies. Haney asked if the signal would be developer driven, Bill said it was possible.

Bill talked about the stipulations and went over their details again. He said they would not be removing legal access to Ken.

Councilmember Hastings asked if the stipulations were too specific? Bill said he was worried about future modifying the stipulations.

Mr. Xander said he agrees with their proposed stipulation from the developer.

Attorney Robert Wingo asked if the single stipulation was in lieu of C & D? Robert read the agreed stipulations into the record.

Vice-Mayor Judd made a motion to approve ordinance as read by Attorney Wingo with stipulations A, B, C, & D. Bill made a comment about the stipulation regarding the first home sale, Attorney Wingo corrected it. Councilmember Cline seconded the motion as amended. The motion passed 6 yes, 1 excused.

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| 13. | Citywide | Consideration and action pertaining to the creation of a Library Advisory Commission; Ordinance #2023-10. | Arts, Culture & Library Department |
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Kelsey Lamphier, Arts, Culture, and Library director; came to present Ordinance 2023-10 and the Library Advisory Commission.

Councilmember Hastings, asked about combining the existing commissions? Kelsey said that these commissions would be more focused on their subject matters. She cautioned against combining them.

Councilmember Cline, said she was excited about this and how it would be nice to have the residents involved with this. She agreed with the purposes of the commissions being different.

Councilmember Haney, asked what the minimum age requirement would be. Clerk Aguilar said they would have to be 18 and a resident. Haney said he would love to have youth representation involved. Kelsey said they have a teen advisory. Attorney Wingo said it was great to have them participate informally but warned about liability concerns.

Vice-Mayor Judd, he asked for the financial impact and clarity of staff time involved? He was concerned about extra money or time being used for this. Kelsey said the librarian would be involved. He said he was a fan of a new commission.

Councilmember Cline made a motion to approve, Councilmember Duffy seconded the motion. The motion passed 6 yes, 1 excused.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

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| 14. | Citywide | Presentation and discussion pertaining to the 2017 | None |
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General Obligation ("G.O.") Bond Update.

Andrea Davis
Finance

Vice-Mayor Judd asked if this was added to the agenda by Councilmember Remeley, and asked if this should be continued for his sake? The Mayor said it would be fine.

Andrea Davis came to present the GO Bond Update. She went over the history of previous bonds. She talked about the goals set and met from the 2017 bond. She went over all the challenges that appeared throughout the timeline. She further talked about growth in 2019. She talked about City facilities and different roads throughout the City.

Mayor hall asked if there were many changes to the plans? Andrea said that, yes, there were change orders but handled differently per contract.

15. Citywide Consideration and action pertaining to an update on
Sober Living Homes, including approval of an
amendment to the Surprise Municipal Code
establishing short-term rental regulations; Ordinance
#2023-13. Tracy Montgomery
Community
Development

Deputy City Manager Tracey Montgomery came to talk about sober living homes with Tiffany to provide an update. She said they would be returning with three additional items in the future. Assistant Director Tiffany Coop provided updated figures within the community. She talked about improvements to their current process when dealing with these violations.

Councilmember Haney asked how the inspection process works, and if they are notified prior to it? Tiffany elaborated on the new process and who they were going to work with to proceed.

Tiffany went on to explain how they wanted to adopt fees specific to these homes. She went on to code enforcement and what they could cite right now. She talked about the short-term rental code and the impact it would have if passed.

Vice-Mayor Judd asked about the posting on the property and if it would be visible from the sidewalk. Tiffany said that it would be done inside the home. Judd asked which neighbors would be notified and asked if we could modify that to be more visible? Attorney Wingo said that what is proposed is specifically allowed in statute. He talked about the primary purpose is to notify the renters and not the neighborhood. He said it is something that they could likely do but that they needed to be careful with existing sign ordinances. Judd said he liked the idea of something posted outside and wondered what everyone else thinks of that. He then asked if they need to renew their license every year. Tiffany said that they do so that we have the most current information. Tracey wanted to be clear that this is a short-term rental posting and how it would impact other short-term rentals that are not sober living homes.

Councilmember Cline talked about short-term rentals and how they don't pay the appropriate taxes or lack appropriate insurance. She talked about how important it is to have the current contact information as well. She voiced caution about the differences in short-term rentals.

Councilmember Duffy, asked if it would be possible to give a list to the HOA's? Tiffany said that they could include that in their process.

Councilmember Hastings, said that this seems like what other cities are doing this too. He asked how many cities are doing this too? Tiffany said she didn't have exact numbers, but it was trending with other cities. Hastings expressed concerns over a visible sign for a short-term rental. He said this is a great starting point. Tiffany mentioned some of their future items relate to this. Tracey suggested keeping a map current on the website.

Tiffany continued talking about the short-term rental code. She talked about the City resources needed for this issue and concluded it would involve 4 FTEs. She went over proposed fees/

Vice-Mayor Judd asked about one-time fee? Tiffany said it would be a part of their annual fee. She said the fees would be going to the general fund.

Tiffany talked about future support resources and what the City is capable of handling today. She then went over what was being proposed tonight and what would be coming back in the future.

Councilmember Haney, said he likes the collaborative effort put forward so far has been key. He suggested a central database that would help everyone out and sharing what we know with others. He encouraged any identified loopholes to be brought forward ASAP. Mayor hall agreed.

Councilmember Cline, said she agreed with Haney's ideas. She wants to make sure that this information is shared with who needs to know it for emergencies.

Vice-Mayor Judd, said he ran into Glendale councilmember Talmachoff. He talked about the importance of working with other cities to take care of this problem together and not simply push it other cities.

Councilmember Cline, asked if this is something that should be talked about with the League of Cities and Towns? Mayor Hall agreed.

Councilmember Haney made a motion to approve, Councilmember Cline seconded the motion. The motion passed 6 yes, 1 excused.

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| 16. | Internal | Consideration and action pertaining to candidates for appointment to the position of City Clerk. | None

Donna Meuse
Human Resources |
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Vice-Mayor Judd motioned to enter into executive session, Councilmember Cline seconded. The motion passed 6 yes, 1 excused.

Mayor Hall called the meeting back at 8:11 PM

Mayor Hall made a motion to appoint a candidate to the position, Vice-Mayor Judd seconded. The motion passed 6 yes, 1 excused.

I. Other Business and Future Agenda Items

Councilmember Haney asked for the report to come out with the 6 months data from the Sober Living Homes item.

Councilmember Hasting asked about getting youth involved. He asked if there could have liaisons for a few different commissions. City Manager Bob said he would talk to Gina about it if it was feasible.

J. City Council Reports

Councilmember Haney said that on April 20th at western peaks at 6:00 p.m. he will be having his meeting.

Councilmember Cline, said that she had a secondary meeting with the sign language club at the Grand. She said they will wait until September to have their next ASL meeting. She has two meetings next week Tuesday the 25th at the Pima room at 6:00 p.m., AZ traditions Friday the 28th at 10:00 a.m.

Vice-Mayor Judd, said tomorrow night at the tap house he has his community meeting at 6:00 p.m. He said last week he got a tour of the Police training facility and recommended it.

Councilmember Hastings had nothing to add.

Councilmember Duffy, wished a happy birthday to Vice-Mayor Judd.

Mayor Hall said they are hosting their 6th annual bean bag day this Saturday from 8 am to 12 pm at the Freedom Traditional Academy. There is also the National Day of Prayer is Thursday May 4th at 7 am in front of the public safety building.

K. Executive Session

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| 17. Citywide | Consideration and action to recess into executive session to discuss and consider final candidates for appointment to the position of City Clerk pursuant to A.R.S. 38431.03(A)(1). | None

Donna Meuse
Human Resources |
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L. Adjournment at 8:18 p.m.

Councilmember Cline motioned to adjourn, Councilmember Duffy seconded. The motion passed 6 yes, 1 excused.



Skip Hall, Mayor

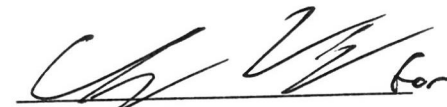
ATTEST:



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 18, 2023.**



Sherry Ann Aguilar, City Clerk, MMC