



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

Tuesday, June 6, 2023 @ 6:15 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Hall called the Regular City Council Meeting of Tuesday June 6th, 2023 to order at 6:15 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ 85374.

1. Invocation

Invocation was led by Pastor Raymond Grim.

B. Roll Call

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

C. Pledge of Allegiance

Mayor Hall led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

1. Monsoon Safety Awareness Week Proclamation

Mayor Hall announced the proclamation of Monsoon Safety Awareness Week.

E. City Manager Report

1. Reports

F. City Clerk Report

1. Reports

G. Call To The Public

Lawrence Pettit, a Surprise Resident, came to talk about Sober Living Homes.

David Maywald, a Surprise Resident, came to talk about Sober Living Homes.

Anthony Johnson, A Surprise Resident came to talk about Sober Living Homes.

H. Regular City Council Meeting Agenda

1. CONSENT AGENDA:

Councilmember Haney asked to remove Item 22.

Motion: To Approve Consent Agenda minus Item 22.

Initiated By: Jack Hastings

Seconded By: Nick Haney

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

1. Consideration and action to approve the Regular Council Work Session and Regular Council Meeting Minutes and Executive Session Minutes of May 16, 2023
2. Consideration and action to approve a request by Perry Charles Huellmantel for a Series 10 (Beer and Wine Store) Liquor License for Quiktrip #464 located at 16475 W Grand Avenue, Surprise, AZ 85387.
3. Consideration and action to approve a request by Jared Michael Repinski for a Series 10 (Beer and Wine Store) Liquor License for Sal's Smoke & Beer located at 12751 W Bell Road #119, Surprise, AZ 85378.
4. Consideration and action to approve a request by Young Ran Lee for a Series 12 (Restaurant) Liquor License for Sakura Sushi Teppan Steak Seafood located at 16525 W Bell Road, Surprise, AZ 85388.
5. Consideration and action to approve a request by Michael John Barro for a Series 12 (Restaurant) Liquor License for Barro's Pizza located at 16350 W Pat Tillman Boulevard, Surprise, AZ 85387.
6. Consideration and action pertaining to approval of the Final Plat entitled, "Asante Unit 4.12" and dated April 5, 2023, a property generally located near 169th Lane and Pat Tillman Boulevard; Case FS22-1530.
7. Consideration and action pertaining to approval of the Final Plat entitled, "Asante Unit 3.11" and dated April 6, 2023, a property generally located near 169th Lane and Pat Tillman Boulevard; Case FS22-1525.
8. Consideration and action pertaining to approval of the Final Plat entitled, "Asante Unit 3.13" and dated April 6, 2023, a property generally located near 169th Lane and Happy Valley Road; Case FS23-0038.
9. Consideration and action pertaining to approval of the Final Plat entitled, "Asante Unit 3.9" and dated April 24, 2023, a property generally located near West Hackamore Drive and Happy Valley Road; Case FS22-1631.
10. Consideration and action pertaining to approval of the Final Plat entitled, "Replat of Tract E Mountain Gate Phase 3 & 4" and dated April 11, 2023, a property generally located near 144th Drive and West Greer Street; Case FS23-0128.
11. Consideration and action pertaining to approval of the Final Plat entitled, "Replat of Lot 1, a Repat of Lot 5 of Village at Prasada" and dated April 13, 2023, a property located at the southeast corner of Alexandria Way and Prasada Parkway; Case FS23-0105.
12. Consideration and action pertaining to approval of the Final Plat entitled, "Asante – Unit 3.12" and dated April 6, 2023, a property generally located northeast of Asante Boulevard and Pat Tillman Boulevard; Case FS22-1552.

13. Consideration and action pertaining to approval of the Final Plat entitled, “Carefree Covered Storage - Surprise” and dated May 11, 2023, a property generally located on the southeast corner of 185th Ave. and Deer Valley Rd; Case FS22-1229.
14. Consideration and action pertaining to the approval of an Intergovernmental Agreement with the Southwest Valley Library Consortium to contract with Overdrive, Inc. for digital library reserve application services; Resolution #2023-57.
15. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at the northwest corner of Peoria Avenue and Citrus Road; Resolution # 2023-56.
16. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements west of Cotton Lane between Peoria Avenue and Cactus Road; Resolution # 2023-55.
17. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements west of Cotton Lane between Peoria Avenue and Cactus Road; Resolution # 2023-53.
18. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at 158th Avenue and Sand Hills Road; Resolution # 2023-58.
19. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at west Dynamite Boulevard and north 175th Lane; Resolution # 2023-63.
20. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at west Dynamite Boulevard and north 175th Lane; Resolution #2023-64.
21. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at west Dynamite Boulevard and north 171st Avenue; Resolution #2023-65.
22. Consideration and action pertaining to acceptance of a Quit Claim Deed from the Szeto Family Trust for Right of Way along Dale Lane at 163rd Avenue.

Lloyd Abrams came to present this item.

Councilmember Remley asked about how many properties remain that the City doesn't have the rights to? Lloyd said there is about 9 property owners. Councilmember Remley talked about the desire to improve this road.

Councilmember Haney talked about the reasoning behind pulling this item, he thanked the staff for their work.

Lloyd thanked Councilmember Haney for his effort on this item.

Motion: To accept the Quit Claim Deed

Initiated By: Nick Haney

Seconded By: Chris Judd

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

23. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Rio Rancho Estates 183rd Avenue; Resolution #2023-73.
24. Consideration and action pertaining to approval of a Fiscal Year 2023 budget amendment by moving budget authority of \$1,300,000 from services within the Water Operations Fund and \$539,000 from Contingency within the Water Utility Capital Fund to project P71240 Water Acquisitions within the Water Utility Capital Fund, authorizing an inter-fund cash transfer and an amendment to the contract awarding list to facilitate the purchase of water credits; Resolution #2023-83.
25. Consideration and action pertaining to approval of an amendment to the fiscal year Fiscal Year 2023 budget by moving budget authority of \$15,000 within the General Fund from Economic Development Workforce Development Program to the Human Services And Community Vitality (HSCV) Project N51010 for the purpose of supporting the Summer Youth Internship Program; Resolution #2023-82.

2. REGULAR AGENDA ITEM - PUBLIC HEARING:

26. Consideration and action pertaining to a Major PAD Amendment to the Asante PAD to change the land use designation for approximately 101 gross acres from commercial to mixed-use and to modify development standards. The site is generally located at the southwest corner of 163rd Avenue and Pat Tillman Blvd, within the Asante PAD. Ordinance No. 2023-03. Case FS22-0517. The applicant has requested that this item be continued to a date certain of August 1, 2023.

Lloyd Abrams asked that this item be continued to August 1, 2023.

Motion: To Continue

Initiated By: Nick Haney

Seconded By: Aly Cline

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

27. Consideration and action pertaining to a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinances (LDO) to revise standards for active single-family residential signs and model home complex signs; Ordinance #2023-14.

Lloyd asked that this item be continued to June 20, 2023.

Motion: To Continue
Initiated By: Chris Judd
Seconded By: None

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

28. Consideration and action on an Ordinance of the Mayor and Council of the City of Surprise adjusting the election districts for the City of Surprise, Arizona; Ordinance #2023-18.

Lloyd came to talk about this item and introduced Douglas Johnson to present this item. Douglas talked about the Map selection and redistricting process. He talked about Maps 102, 102A, and 103.

Councilmember Cline moved to approve map 103, there was no second.

Councilmember Haney asked which map had the minimal amount of changes displacing voters. Lloyd said 102. Councilmember Haney thanked the committee for their work. He said he would prefer not to displace voters.

Motion: To Approve Map 102
Initiated By: Nick Haney
Seconded By: Jack Hastings

Yes: Jack Hastings, Ken Remley, Patrick Duffy, Chris Judd, Nick Haney
No: Aly Cline, Skip Hall
Abstain: None

Vote Result: Passed

29. Consideration and action pertaining to a Major Planned Area Development (PAD) Amendment to the Sycamore Farms PAD to revise the land use plan, development standards, and dwelling unit counts. The subject property is generally bounded by Cactus Road, Sarival Avenue, Peoria Avenue, and Cotton Lane; Ordinance #2023-11.

Trever Fleetham came to present this item, he recapped the item as it was previously presented at the last meeting. He talked about the lot and the proposed developments. He presented the three different motions available to council.

Jason Morris came on behalf of the applicant. He talked about Sycamore Farms, the site history, proposed Land Use, and the Revised Proposal. He talked about acreage challenges, and land use transitions. He talked about a reduction of units and height for the 11B site plan. He detailed new plans for the site and changes that were made from the previous proposal. He went on to talk about traffic trends and trip studies.

Taylor Earl came on behalf of the property owner for Parcel 11. He talked about the efforts of the land owner to get retailers to the site.

Michelle Sussman, a Surprise Resident, came to talk about this item. She talked about the need for wise planning for this site, and expressed concerns regarding traffic.

Councilmember Hastings asked Jason about density of the site. Jason said this would be considered medium density.

Susan Draper, a Surprise Resident, came to talk about this item. She provided a map to council and talked to council about it. She proposed a park for the site.

Mary Sherwood, a Surprise Resident, came to talk about this item. She stated the need for walkable retail. She talked about the impact of the 303 at the site.

Brittany Muldrow, a Surprise Resident, came to talk about this item. She expressed her concerns regarding this site. She talked about retail acreage, and homes behind retail spaces.

Marcy Copeland, a Surprise Resident, came to talk about this item. She talked about the potential manager for the residential site. She talked about the noise concerns of the developer. She then talked about traffic in the area as well as available amenities.

Jesse Vonderahe, a Surprise Resident, came to talk about this item. He talked about the history of this site and desired development for medium density residential.

Susan Vonderahe, a Surprise Resident, came to talk about this item. She expressed her desire for Medium Density Residential. She further expressed her concerns about safety and future development of this site.

Councilmember Remley asked about the original proposal versus the current proposal for the site. He asked what was the difference between the Planning and Zoning recommendation versus the proposed site? Trevor detailed the differences. Councilmember Remley clarified the site being proposed. He then asked about the proposed medium density and traffic routes? Jason talked about the access points for the site and proposed traffic changes. Jason further talked about the traffic engineers involved. Councilmember Remley agreed with the notion of reducing the traffic density for the area and talked about the quality of the proposed site. Councilmember Remley talked about the need for emergency access. Jason talked about the measures they have taken to address future traffic. Taylor Earl talked about a crash gate that would grant emergency access.

Councilmember Duffy asked Trevor about the numbers for density qualification? Trevor said it depends on the PADs, and existing standards define it as medium high density. Duffy said that it is not medium density, he said he would prefer lower density for this area. He talked about traffic concerns in that area. He said less was more and wanted to keep the area safe.

Vice-Mayor Judd talked about the traffic concerns brought up. He asked about the sight lines at that corner and what was used to determine if an intersection could be defined as safe? Chuck Wright, came to talk about the intersection. He talked about the sight line and other obstacles for an intersection. Vice-Mayor Judd asked how wide the road was? Susan Draper talked about commercial traffic impacting Jenan. Lloyd said he wasn't sure the exact dimensions of the street and he talked about the LDO code. Mayor Hall talked about our traffic engineers, Lloyd said that they would make sure that any plans would work. Vice-Mayor Judd asked about the number of PADs to the north of the anchors? Taylor said there would be 10 PADs, and talked about the type of development that could appear there. Vice-Mayor Judd talked about the developers approaching this area. He said his residents were excited for the potential development. He talked about noise complaints from behind grocery stores. He also talked about his desire for Park but the need to put something in that area and how residential would be the best option. He talked about avoiding to return this item back to Planning and Zoning and Home Depot potentially backing out. He asked about a cut out for Home Depot to continue if the project isn't approved as it is.

Mayor Hall asked for Lloyd to review the options available. Lloyd said that the road at Jenan is

narrower than originally thought.

Councilmember Hastings asked about stipulations, specifically B through G. Lloyd said that option B would include A through I. Councilmember Hastings thanked the residents involved, he moved to approve 11A and 11B. Trever said that any motion would need a revision. Robert Wingo said that an ordinance with provided stipulations could be proposed. Councilmember Remley asked about adding additional stipulation about the density and if they could specify the number of units. Attorney Wingo said that council would be.

Councilmember Hastings moved to approve Ordinance 2023-11 for parcel's 11A & 11B only, excluding parcels 1, 6, & 16, adding a stipulation capping the number of units to 328.

Motion: To Approve

Initiated By: Jack Hastings

Seconded By: Chris Judd

Yes: Aly Cline, Jack Hastings, Ken Remley, Skip Hall, Chris Judd, Nick Haney

No: Patrick Duffy

Abstain: None

Vote Result: Passed

3. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

30. Consideration and action pertaining to an amendment to Chapter 30 of the Surprise Municipal Code as to Judicial Selection Advisory Commission (JSAC) membership requirements; Ordinance # 2023-16.

City Attorney Robert Wingo came to present this item. He gave a brief history of this item and the reasons for coming forward with the proposed Ordinance.

Vice-Mayor Judd talked about how hard it is to fill this position.

Motion: To Approve

Initiated By: Chris Judd

Seconded By: Nick Haney

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

31. Consideration and action pertaining to the adoption of a Short Term Rental Licensing Fee; Resolution #2023-72.

Tiffany Copp came to present this item. She talked about how this item relates to Sober Living Homes. She went over the proposed fees, and process.

Councilmember Cline asked about if the City would be reaching out to recreational rentals to avoid impacting them negatively? Tiffany said they would. Councilmember Cline said she was worried about out of state owners and how soon would the process take to be impacted? Tiffany said they were still educating residents, she said the Code Enforcement team would do their due diligence.

Councilmember Remley asked if short-term rental was considered a group home? Tiffany said it included vacation homes, she said that this resolution would close a loophole and Sober Living Homes could exploit. Councilmember Remley asked if a sober living home would be considered

a short term rental or a medical facility? Tiffany said any short-term rentals are prohibited as working as a sober living home. Councilmember Remley asked if the City was going to charge sales tax on assisted living? Tiffany said that an assisted living home is different and that because it is a service the city wouldn't be charging anything.

Councilmember Haney asked if other cities are charging a similar fee? Tiffany said there were other cities doing this already.

Vice-Mayor Judd asked what the definition of a short term rental is? Tiffany said it was defined as a vacation and not by timeline. Judd asked about the fee proposed, Tiffany talked about the amount reflecting staff time.

Attorney Wingo said gave the definition of a short term rental defined by the previous ordinance.

Motion: To Approve
Initiated By: Jack Hastings
Seconded By: Aly Cline

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

32. Consideration and action to update the City Council Strategic Plan.

City Manager Bob Wigenroth came to present this item and proposed an update. He asked for a future workshop item to address this item.

Vice-Mayor Judd said it was a very important topic. He said he would prefer reviewing it individually and seeing this in a work session in the future.

Attorney Wingo said that no action was required since it would be moved by staff to a future date.

I. Other Business and Future Agenda Items

Councilmember Haney asked to include an item updating Sober Living Homes. Councilmember Cline Seconded.

Councilmember Cline wanted to add an item update from the Library staff. Councilmember Remley seconded.

J. City Council Reports

Councilmember Hastings talked about Surprise Safety Splash and said he was glad to be doing it again. He talked about community partnerships and grants. His next meet and greet is next Tuesday at state 48. He talked about the changes with the redistricting.

Councilmember Remley talked about the increase of district size, and how the staff did a wonderful job with the project. He talked about the process of filling the boards and commissions and the quality of applicants.

Councilmember Duffy had nothing to add.

Councilmember Haney talked about attending the Safety Splash. He talked about his future six-month update meeting on June 29th at 6:00PM at Asante Library. He talked about the quality of servant leaders in the City.

Councilmember Cline talked about the Splash event and the summer reading program from June 3rd to August 1st. She said her evening meeting will become a day meeting from 10-12 in the AquaFria room at The Grand.

Vice-Mayor Judd talked about the White Tank Conservatory and the need for volunteers. He talked about the Vista season reveal. He welcomed new businesses in the City. He congratulated Sgt Jensen for being promoted. His next meeting is at the Tap house on Wednesday June 21st.

Mayor Hall talked about the We Ride and the free rides and minimum age to ride being lowered. He talked about city hall being closed for Juneteenth.

K. Executive Session

1. Executive Session Items
2. Executive Disclaimer - Part 1
3. Executive Disclaimer - Part 2
4. Executive Disclaimer - Part 3

L. Adjournment

Motion: To Adjourn

Initiated By: Aly Cline

Seconded By: Nick Haney

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

The meeting adjourned at 8:45 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, June 6, 2023**.

Sherry Ann Aguilar, City Clerk, MMC