



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, August 1, 2023 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Hall called the Regular City Council Meeting of Tuesday August 1st, 2023 to order at 6:00 p.m. located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ 85374.

1. Invocation

Invocation was led by Mayor Hall.

B. Roll Call

In attendance with Mayor Hall were Vice-Mayor Chris Judd, Councilmembers Nick Haney, Alyson Cline, Patrick Duffy, and Ken Remley. Councilmember Jack Hastings was excused (arrived late at 7:02 PM).

C. Pledge of Allegiance

Mayor Hall led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

E. City Manager Report

1. Reports

1. Recognition of the 2023 WHAM's Top Golf winners.

City Manager Bob Wigenroth introduced Connie Whitlock to present the WHAM Top Golf Winners. Vice-Mayor Judd was the winner along with Chief Espie, Genevive Martindelcampo, Russel Baker, and Frank and Jackie Moucheron for the City of Surprise.

2. Recognition for City of Surprise as Policymaker of the Year by the Association for Career and Technical Education of Arizona.

City Manager Bob Wigenroth brought in Jeanine Jerkovic, Economic Development Director to talk about this item. Jeanine introduced Stephen Weltsch from the Arizona Association for career and technical education (West MEC assistant superintendent), and Jim Grieshaber Career Technical Director for Dysart Unified School District. They awarded the recognition to Mayor Hall.

City Manager Wigenroth further went on to congratulate the Fire, Medical, IT, and HR departments for the HIPPA seal of compliance recertification.

F. City Clerk Report

1. Reports

G. Call To The Public

David Marsh, a Surprise Resident, came to talk about two requests. He talked about expanding the 300 foot zoning change notification to 500 feet. He also wanted to increase the distance between planned traffic lights.

H. Regular City Council Meeting Agenda

1. CONSENT AGENDA:
Councilmember Duffy, moved to continue item 22.

Motion: To Approve, minus item 22.

Initiated By: Aly Cline

Seconded By: Ken Remley

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

No: None

Abstain: None

Vote Result: Approved

3. Consideration and action to approve the June 20, 2023 City Council Workshop Minutes and Regular Council Meeting Minutes.
4. Consideration and action to move the Regular Work Session and Council Meeting scheduled for Tuesday, November 7, 2023 to Monday, November 6, 2023 due to the November Special Election falling on Tuesday, November 7, 2023.
5. Consideration and action to approve a request by Steven Christopher Bonillas for a Series 12 (Restaurant) Liquor License for Don Rubens Mexican Food located at 11340 W Bell Rd, Surprise, AZ 85378.
6. Consideration and action to approve a request by Ryan Winter Anderson for a Series 09 (Liquor Store) Liquor License for Safeway #0048 located at 17230 W. Peoria, Surprise, AZ 85355.
7. Consideration and action to approve a request by Ryan Winter Anderson for a Series 09 (Liquor Store) Liquor License for Safeway Express #5830 located at 10730 N Cotton Lane, Surprise, AZ 85355.
8. Consideration and action pertaining to the approval of a Contract for Services between the City of Surprise and First Things First for Early Childhood Programming, authorizing the City to accept grant funding from First Things First and amending the Fiscal Year 2024 budget by moving budget authority of \$250,000 from General Contingency to project G51750, revising the Contract Awarding Authority List, and the addition of two full-time equivalent (FTE) positions to the Human Services and Community Vitality Department (HSCV); Resolution #2023-103.
9. Consideration and action pertaining to approval of the Final Plat entitled, "HC Estates" and dated May 4, 2023, a property located at the southeast corner of Dixileta Drive and 165th Avenue; Case FS23-0067.
10. Consideration and action pertaining to approval of the Final Plat entitled, "Jomax Acres" and dated May 8, 2023, a property located at the northwest corner of Jomax Road and 155th Avenue; Case FS23-0019.
11. Consideration and action pertaining to approval of the Final Plat entitled, "Windstone Ranch Phase 2" and dated May 2023, for property generally located at the northeast corner of Happy Valley Road and 151st Avenue; Case FS21-1037

12. Consideration and action ratifying the June 20, 2023 approval of an Intergovernmental Agreement with the City of Buckeye for access to the Imagetrend reporting software and correcting a scrivener's error; Resolution #2023-102.
13. Consideration and action ratifying the June 06, 2023 amendment to Chapter 30, Article III, Section 30-41 of the Surprise Municipal Code pertaining to the Judicial Selection Advisory Commission and correcting a scrivener's error; Ordinance #2023-22.
14. Consideration and action pertaining to approval of the Final Plat entitled, "NW-NWC 175th Avenue & Dale Lane" and dated May 30, 2023, a property located north of Dale Lane and west of 175th Avenue; Case FS23-0299.
15. Consideration and action pertaining to the acceptance of the Law Enforcement Mutual Aid Agreement between the Tohono O'Odham Nation and the City of Surprise Police Department; Resolution #2023-88
16. Consideration and action pertaining to approval of the Final Plat entitled, "Dignity Prasada" and dated June 28, 2023, a property generally located at the southwest corner of Greenway Road and Loop 303; Case FS23-0033.
17. Consideration and action pertaining to approval of the Final Plat entitled, "SimonCRE at Surprise Center" and dated received June 21, 2023, for property generally located at the southeast corner of Bell Road and Bullard Avenue; Case FS22-1606.
18. Consideration and action pertaining to approval of the Final Plat entitled, "Cactus & Perryville Park" and dated July 06, 2023, a property located at the northeast corner of Cactus Road and Perryville Road; Case FS23-0434.
19. Consideration and action pertaining to the approval of an intergovernmental agreement with the County of Maricopa, State of Arizona for Regional Emergency Operations Management and Disaster services; Resolution #2023-113.
20. Consideration and action pertaining to the approval of an amendment to the Fiscal Year 2024 budget by moving budget authority of \$45,000 from General Contingency to project G34195A to account for the acceptance of a grant from the Arizona Department of Homeland Security; Resolution #2023-108.
21. Consideration and action to grant a utility easement to Arizona Public Service Company, north of Tierra Buena Lane and west of Civic Center Plaza.
22. Consideration and action pertaining to acceptance of the Dedication of Public Right-of-Way With Conditions from High Desert Development, Inc. for right of way along Waddell near Cotton Lane.

Motion: To Continue Indefinitely
Initiated By: Patrick Duffy
Seconded By: Chris Judd

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

Vote Result: Passed

2. REGULAR AGENDA ITEM - PUBLIC HEARING:

23. 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 modify development standards. The site is generally located at the southwest corner of 163rd Avenue and Pat Tillman Blvd, within the Asante PAD. Case FS22-0517

Trever Fleetham came to present this item. He asked the item be continued to the August 15th Meeting.

Motion: to Continue
Initiated By: Nick Haney
Seconded By: Aly Cline

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

Vote Result: Passed

24. Consideration and action pertaining to a rezone of approximately 13.2 acres from Community Commercial (C-2) to Residential High Density (R-3) for a site generally located on the southwest corner of Mountain View Blvd. and White Horse Trail, Case FS23-0198; Ordinance #2023-21.

Assistant Director Tiffany Copp gave a presentation about this item. The applicant, Carolyn Oberholtzer, with Bergin, Frakes, Smalley & Oberholtzer PLLC. on behalf of the Prose Mountain View Project came to present this item as well. She talked about changes to the project as well as property ownership. She went into detail about the E&V investment in Surprise. Mayor Hall asked about Graystar management? Carolyn said that the current agreement is flexible, and that it is a contractual relationship.

She talked about the history of this project and the current efforts with the HOA. Mayor Hall asked if access is limited for the residents? She said that access would be twofold. She went into detail about the design changes, height plans, and other changes. She further talked about support for the project. She also talked about the visibility and access to the proposed property. She talked about concerns about the management company Graystar. Mayor Hall asked about what is being built by QT? She said Dunkin Donuts and Federicos.

Mayor Hall opened the topic for Public Discussion.

Keli Price, a Surprise Resident, submitted a letter for council to review regarding this item.

Jeannine Enders, a Surprise Resident, came to talk about this item. She talked about the potential impact of high-density residential development would have on the local traffic patterns. She also expressed her concerns about the potential management company.

Karen Coggins, a Surprise Resident, submitted a letter for council to review. She also came to talk about this item. She talked about her experience in dealing with the developer. She said that so long as their concerns were addressed, she would be in favor of the project. She expressed her concerns about potential traffic.

David Smolarek, a Surprise Resident, came to talk about this item. He asked several questions about the project. He expressed his concerns regarding this development.

Carolyn came back to address the concerns. She talked about the importance of ongoing communication. She talked about a similar project in Mesa and their relationship with existing residential communities.

Councilmember Remley, talked about how this project is in his district now. He said all concerns were addressed except for one. He talked about the traffic issue. He said that commercial zoning produces five times the traffic than residential. He said he understands the impact traffic could have on an area. He talked about the potential building heights. He said that the people he's talked to have approved of the changes made. He talked about the need for more rentals. He talked about property owners being risk takers. He further went to discuss the history of the project.

Councilmember Hastings arrived at 7:02 P.M.

Councilmember Hastings talked about the district switching hands and how he voted against this item in the past. He talked about wanting growth to move forward. He also talked about commercial zoning generating more traffic than residential areas. He said that he believed that this is a good project.

Councilmember Duffy, asked about the changes, specifically what was removed to lower the unit count? Carolyn showed how structures were removed on the southern edge of the property. He asked how many units were on each floor of the three-story buildings? Carolyn said there were about eight. He said that one of three stories went to two. She said that was correct. Mayor Hall said it was more than 25 feet further from the property line.

Councilmember Cline, said she remembers voting no last time. She said she appreciated the builders working with the existing residents to come back. She talked about the positive impact of changes to the community.

Councilmember Haney, said that the City is growing. He said he thinks it's important for the City to be partners in potential projects.

Motion: To Approve
Initiated By: Ken Remley
Seconded By: Jack Hastings

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:

25. Consideration and action pertaining to acceptance of the Intergovernmental Agreement Between the Dysart Unified School District No. 89 of Maricopa County and The City of Surprise, Arizona to provide school resource officers to certain schools within the district; Resolution #2023-99.

Chief Pina came to present this item. Mayor Hall talked about the praise that has already come through for this item. Councilmember Remley, said that everyone really appreciates the Chief. Chief Pina talked about the schools covered by potential SRO's. He talked about the role the SRO's will take on these campuses.

Councilmember Cline, said that she had a meeting with the Dysart Superintendent, and that the City does a great job helping the district and community.

Councilmember Hastings, said he believes that Police Officers should be in every school. He asked about where the grants are coming from, and what the longevity would be to fund this project? Chief Pina said that he wants to continue it regardless of grants and that there are several programs that help acquire the funds. Councilmember Hastings asked what the situation is with Charter Schools. Chief Pina said that five of them have applied for the grants. He said they could do a work study session to explore the topic further.

Vice-Mayor Judd, asked how many SROs exist already? Chief Pina said there are six and this would increase it to nine. Vice-Mayor Judd asked where the man power would be coming from in the force? Chief Pina said that the budget allowed for new positions. He talked about the timing involved with filling these positions.

Councilmember Haney, said he appreciated the steps the police were taking. He asked for a worksession item to review the SRO program. City Manager Wigenroth said they would bring an item in September for work session. Mayor Hall talked about the number at kids at each school and the importance of safety for children.

Motion: To Approve
Initiated By: Aly Cline
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

26. Consideration and action pertaining to an amendment to the City of Surprise Policies and Procedures Manual pertaining to public participation.

City Attorney Robert Wingo came to present for this item. He talked about appendix B and Rules for the Public at City Council Meetings.

Mayor Hall, talked about the time limit being three minutes and other time limits elsewhere. He said it should be three minutes. Vice-Mayor Judd said the Mayor had the ability to increase talking time as well.

Councilmember Cline, talked about several speakers wanting to talk about an item. She talked about speakers having the same point of view repeating themselves during their comments. Mayor Hall asked about limiting a group of people to a total number of minutes. Attorney Wingo, said that the Chair can limit the time. Mayor Hall talked about past events. Councilmember Cline expressed concerns about outside groups coming to talk who didn't live in Surprise.

Councilmember Hastings, said it was important to balance time. He said it's important for everyone to be heard. He talked about a practice that Phoenix does. Councilmembers asked why Council can't respond to speakers? Attorney Wingo said that under certain situations they can reply, but because of open meeting law they cannot veer off topic. Councilmember Hastings talked about people repeating themselves and how it can be disruptive. He said he supports three minutes.

Councilmember Remley, said they need to know who is addressing the council and where they live along with their contact information. He said he would like the opportunity to engage further beyond the meeting with the parties who come to talk. He talked about the importance of the Freedom of Speech.

Councilmember Duffy, said he's fine with the time being limited. He said he doesn't want to scare people away from participating due to topic time limits.

Councilmember Haney, said he agrees with the general sentiment. He talked about disruptive speakers and how it's important to manage that so that business can be conducted.

Mayor Hall talked about past experiences with public speakers and asked how to manage large numbers. Vice-Mayor Judd said that limiting numbers would depend on non-agendaized items. Attorney Wingo said the Chair would have authority to limit time as needed. Mayor Hall said that they were fine with three minutes.

Motion: to Approve
Initiated By: Aly Cline
Seconded By: Patrick Duffy

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

Vote Result: Passed

- I. Other Business and Future Agenda Items
- J. City Council Reports

Councilmember Hastings, said that there was not much to report. He said there was a sports and tourism meeting in late July, and said he was looking forward to the numbers from Bases and Brews. His meet and greet will be at Surprise Library moving forward on 6 PM on second Tuesday of the month.

Councilmember Remley, said his meet and greet would be at the Salvation Army. He said his monthly meetings are the 4th Wednesday of every month at 6 PM. He talked about the purpose of the meet and greets. He encouraged people to sign up for his newsletter.

Councilmember Duffy, said his meet and greet is this Saturday at Total Wine at 9AM.

Councilmember Haney, said he got to attend Cooper's Hawk opening. He said he got to participate as a judge for the model city contest. His community meeting is on the 24th at Asante Library. He shouted out to troop 400.

Councilmember Cline, said she got to attend the Judging of the YMCA youth groups. She said her next meetings are during the day, Tuesday the 22nd at the Grand, and Friday the 25th at the AZ Traditions meeting room. She said she got to sit on a board meeting for Bell West Ranch. She talked about having an evening meeting for Bell West Ranch and Surprise Farms. She said she got to speak at the newteacher orientation at Dysart last week, and AZ Charter Academy students.

Vice-Mayor Judd, talked about the YMCA Model City event. He wanted to shout out to five different businesses. He talked about the Chimi event at Macayos.

Mayor Hall, day of service event is on Wednesday August 16th at St. Mary's Food Bank. He also said that the City is hiring!

- 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
Meeting Adjourned at 8:24 PM

Skip Hall, Mayor

ATTEST:

Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, 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, August 1, 2023.**

Kristi Passarelli, City Clerk