



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

Tuesday, November 21, 2023 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

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.

B. Roll Call

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

Proclamation for Small Business Saturday

E. City Manager Report

F. City Clerk Report

1. Citywide Election Update

Kristi Passarelli
City Clerk

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. You may also [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.

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.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

1. Internal Consideration and action to approve the November 6, 2023 City Council Workshop Minutes, Regular City Council Meeting Minutes, and Executive Session Minutes.

Kristi Passarelli
City Clerk

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| 2. | Citywide | Consideration and action to approve City Council Meeting dates for 2024. | Kristi Passarelli
City Clerk |
| 3. | Citywide | Consideration and action to approve Resolution No. 2023-167; A Resolution canvassing the November 7, 2023 Special Election Results. | Kristi Passarelli
City Clerk |
| 4. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled, "Asante Trails" a property generally located at the southwest corner of Pat Tillman Blvd and 163 rd Avenue; Case FS23-0058. | Trever Fleetham
Community Development |
| 5. | District 3 | Consideration and action pertaining to approval of the Final Plat entitled, "Toll at Prasada, Unit R – Phase 3" and dated September 11, 2023, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS23-0325. | Tanner Wessel
Community Development |
| 6. | District 3 | Consideration and action pertaining to approval of the Final Plat entitled, "Toll at Prasada Unit J Lots 2114, 2115, 2116, 2117, 2118, 2119, 2120 & Tract J-E" and dated October 10, 2023, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS23-0689. | Tanner Wessel
Community Development |
| 7. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled, "Rancho Mercado Parcel A9-A10", located east of 147th Avenue, south of San Ysidro Road, and north of Beardsley Canal; Case FS23-0583. | Chris Sexton
Community Development |
| 8. | Citywide | Consideration and action pertaining to approval of an amendment to the Fiscal Year 2024 budget by moving budget authority in the amount of \$4,200 from General Contingency to the Victims' Rights Program (VRP) for acceptance of the grant; Resolution # 2023-171. | Robert Wingo
Legal |
| 9. | Citywide | Consideration and action pertaining to approval of a Fiscal Year 2024 budget amendment by moving budget authority of \$248,300 within the Sewer Utility Capital Fund from Contingency to Project A71020 Asset Replacement Machinery and Equipment; Resolution #2023-165. | Michael Boule
Water Resource Management |
| 10. | Citywide | Consideration and action pertaining to participation in the proposed settlements reached with defendants 3M and DuPont in the <i>In Re: Aqueous Film-Forming Foams Products Liability Litigation</i> captioned lawsuit pending in the multi-district litigation in the United States District Court of South Carolina. | Robert Wingo
Legal |
| 11. | Internal | Consideration and action authorizing submission of the <i>Request for Waiver</i> from the requirement of posting the statutory deposit to the Industrial Commission of Arizona. | Donna Meuse
Human Resources |

REGULAR AGENDA ITEM - PUBLIC HEARING:

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| 12. | District 4 | Consideration and action pertaining to an application for the Original Townsite Incentive Program to pay for building permit and building plan review fees in the amount of \$963.60 relating to the construction of improvements to Sweet Pea Kids Preschool & Child Care, generally located at the northwest corner of El Mirage Rd. and Greenway Rd; Case FS23-0691. | Trever Fleetham
Community Development |
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| 13. | Citywide | Consideration and action pertaining to a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) to revise definitions and standards related to Residential Healthcare Facilities; Ordinance #2023-20. | Tanner Wessel
Community
Development |
| 14. | District 1 | Consideration and action pertaining to the rezone of approximately 69.32 acres, generally located south of Deer Valley Road along both the west and east sides of 185th Avenue, from Light Industrial (I-1), General Industrial (I-2), Neighborhood Commercial (C-1), and Regional Commercial (C-3) to General Industrial (I-2); Ordinance #2023-30. | Tanner Wessel
Community
Development |
| 15. | District 5 | Consideration and action pertaining to a rezone of approximately 3.21 acres, generally located south of the southwest corner of Bell Road and Sarival Avenue, from Rural Residential (RR) to Residential High Density (R-3); Ordinance #2023-29. | Chris Sexton
Community
Development |
| 16. | District 4 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 262531, requested by Charlandra Coreen Thompson, for ATL Wings for Series 12 Liquor License. ATL Wings is located at 13732 W Bell Road #2, Surprise, AZ 85374. | Kristi Passarelli
City Clerk |
| REGULAR AGENDA ITEM - NON-PUBLIC HEARING: | | | |
| 17. | Citywide | Consideration and action amending the Fiscal Year 2024 budget by moving authority in the amount of \$735,000 from general contingency to the Municipal Arts Fund for artwork acquisition, maintenance, and administration; Resolution #2023-119. | Julie Akerly
Arts, Culture &
Library Department |
| 18. | District 1 | Consideration and action pertaining to approval of the Visara Development Agreement between the City of Surprise, Leavitt CAP Caballo, LLC and Gerald L. Schneerer and Linda M. Schneerer, Trustees or their Successors, of the Gerald L. Schneerer and Linda M. Schneerer Living Trust; Resolution #2023-172. | Lloyd Abrams
Community
Development |
| 19. | Citywide | Consideration and action pertaining to approval of an Intergovernmental Agreement (IGA) between the City of Surprise and the Arizona Department of Revenue for Transaction Privilege Tax Administration; Resolution #2023-173. | Andrea Davis
Finance |
| 20. | Citywide | Presentation and discussion pertaining to completed City Auditor Department reports. | Carol Holley
City Auditor |
| 21. | Citywide | Consideration and action to update the City Council Strategic Plan. | City Manager Office |
| I. | Other Business and Future Agenda Items | | |
| J. | City Council Reports | | |
| 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

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, November 16, 2023 @ 1:00 PM

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.