



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

Mayor Hall called the Regular Council Meeting of November 21, 2023 to order at 6:12 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

1. Invocation

Pastor John Rysdyk gave an invocation.

B. Roll Call

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

C. Pledge of Allegiance

Mayor Hall led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

1. Proclamation for Small Business Saturday

Mayor Hall proclaimed that it was Small Business Saturday November 25, 2023. He presented the proclamation to CJ Johnson.

E. City Manager Report

City Manager Bob Wigenroth, thanked the City Staff for their contribution and leaderships during the holiday season.

1. Reports

F. City Clerk Report

1. Election Update

City Clerk, Kristi Passarelli, gave an update and figures about the Bond Election.

G. Call To The Public

H. Regular City Council Meeting Agenda

1. CONSENT AGENDA:

Item 6 was pulled by Councilmember Duffy

Motion: To Approve (Minus Item 6)

Initiated By: Chris Judd

Seconded By: Aly Cline

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

No: None

Abstain: None

Vote Result: Passed

1. Consideration and action to approve the November 6, 2023 City Council Workshop Minutes, Regular City Council Meeting Minutes, and Executive Session Minutes.
2. Consideration and action to approve City Council Meeting dates for 2024.
3. Consideration and action to approve Resolution No. 2023-167; A Resolution canvassing the November 7, 2023 Special Election Results.
4. 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 163rd Avenue; Case FS23-0058.
5. 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.
6. 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.

Motion: To Continue

Initiated By: Patrick Duffy

Seconded By: Chris Judd

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

No: None

Abstain: None

Vote Result: Passed

7. 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.
8. 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.
9. 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.
10. Consideration and action pertaining to participation in the proposed settlements reached with defendants 3M and DuPont in the *In Re: Aqueous Film-Forming Foams Products Liability Litigation* captioned lawsuit pending in the multi-district litigation in the United States District Court of South Carolina.

11. Consideration and action authorizing submission of the *Request for Waiver* from the requirement of posting the statutory deposit to the Industrial Commission of Arizona.
2. REGULAR AGENDA ITEM - PUBLIC HEARING:
12. 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, came to talk about this application.

Motion: To Approve
Initiated By: Chris Judd
Seconded By: Patrick Duffy

Yes: None
No: None
Abstain: None

Vote Result: Passed

13. 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 came to talk about this rezoning.

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

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

Vote Result: Passed

14. 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 also talked about this rezoning case.

Mayor Hall asked what the intended use of the site was? The Developer Kurt Jones, said they were looking to market the area for a single user.

Vote Result: Motion: To Approve
Initiated By: Nick Haney
Seconded By: Chris Judd

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

Abstain: None

Vote Result: Passed

15. 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, came to talk about this item.

Mayor Hall how many stories the buildings would be? Chris said this is still conceptual. The Developer, Kent Baker, said they were planning 2 stories. Mayor Hall asked if it was for sale or rent? Kent said it was for rent.

Motion: To Approve

Initiated By: Jack Hastings

Seconded By: Nick Haney

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

No: None

Abstain: None

Vote Result: Passed

16. 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.

Motion: To Approve

Initiated By: Aly Cline

Seconded By: Chris Judd

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

No: None

Abstain: None

Vote Result: Passed

3. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

17. 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, came to present this item. She talked about Public Engagement, Public Art Priorities, Locations, FY24 Percent for Art Plan, FY24 Budget Amendment,

Mayor Hall, thanked staff for the update.

Councilmember Cline, said that she liked the traffic cabinet ideas. She also wanted to know the scale of the upcoming art project? Julie said it would be something that people can gather around. She asked when the design would be completed to proceed for asking artist? Julie said they would be approaching that stage soon around Spring time 2024.

Councilmember Hastings, asked about moving the funds versus spending the money? Julie said it was being moved.

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

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

Vote Result: Passed

18. 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 came to present this item. He showed a location map. He talked about the Buy-In Fee Area, Water Lines, Wastewater Improvements, and the City Responsibilities.

Vice-Mayor Judd, said he was glad we could work with the developers.

Councilmember Haney, asked what would happen if nothing happens? Lloyd said that they would have a 10 year extension and after that it would go away. Councilmember Haney thanked staff for the forward planning.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Chris Judd

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

Vote Result: Passed

19. 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, Chief Financial Officer, came to present this item. She talked about the IGA requirement for sales tax, and Major Changes.

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

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

Vote Result: Passed

20. Presentation and discussion pertaining to completed City Auditor Department reports.

City Auditor, Carol Holley, came to present this item. She gave a Summary of Audit Findings. She further talked about Audit Recommendation, Status of Audit Recommendations.

Councilmember Cline, thanked staff for her work.

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

Eric Fitzer came to present this item. He talked about the Strategic Plan, Focus Points.

Vice-Mayor Judd, talked about how he feels he has input on this strategic plan, and thanked staff for their work.

Motion: To Approve

Initiated By: Jack Hastings

Seconded By: Nick Haney

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

No: None

Abstain: None

Vote Result: Passed

I. Other Business and Future Agenda Items

Councilmember Hastings, asked to look into the possibility of taking over the Vista? Seconded by Vice-Mayor Judd.

J. City Council Reports

Councilmember Haney, said his next community meeting is December 20th, at 6:00 PM but the location might move from Asante Library depending on attendance. He talked about his previous meeting. He talked about the transportation community meeting that occurred as well. He talked about what he was thankful for.

Councilmember Cline, talked about her community meetings and the staff involvement with those meetings. She said she has two meetings upcoming; Tuesday the 28th at the Cimarron center at 10:00 AM, and the 29th is a Welcome Back Parade at Happy Trails.

Vice-Mayor Judd, talked about the Vista and future possibilities regarding it. He talked about some previous meetings and sober living homes. He thanked residents for showing up to the rezoning meetings.

Councilmember Hastings, thanked residents for voting to approve the bond. He thanked Bob Wigenroth for his service.

Councilmember Duffy, talked about Paradise Honors football team advancing to the 3A state championship and the game is on Saturday. He said his next Meeting is Saturday December 2nd at Spencer's Place.

Mayor Hall, said Friday December 1st and Saturday 2nd will be the Annual Surprise Party.

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: None
Seconded By: None

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

Vote Result: Passed

Meeting Adjourned at 7:20 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, November 21, 2023.**


Kristi Passarelli, City Clerk