



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, January 4, 2022 @ 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

E. City Manager Report

F. City Clerk Report

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. [Download the Call to the Public form](#) (PDF download requires Adobe Acrobat Reader) [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.
The Call to the Public form is also available at the front counter.

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. | Citywide | Consideration and action on the minutes of the Regular City Council Session and Regular City Council Meeting of December 21, 2021. | None | Sherry Aguilar |
|----|----------|--|------|----------------|

			City Clerk
2.	District 3	Consideration and action to approve a request by Maria Danielle Burgess (Applicant) for a Series 10 - Beer and Wine for Circle K Stores, Inc., #9543 located at 16265 W. Cactus Road, Surprise, AZ 85379.	None Sherry Aguilar City Clerk
3.	District 5	Consideration and action for an Acquisition of Control for OVER EASY Restaurant located at 14345 W. Bell Road, Suite 102, Surprise, AZ. 85374 with existing liquor license number: 012070014041.	None Sherry Aguilar City Clerk
4.	District 4	Consideration and action pertaining to approval of the Final Plat entitled, "Villas At Vesta Views" and dated November 19, 2021, a property generally located north of Greenway Road and west of El Mirage Road.	Chris Sexton Community Development
5.	District 5	Consideration and action pertaining to approval of the dissolution of the Lighting Improvement District entitled, "City of Surprise, Arizona, Kingwood Parke #105"; Resolution # 2022-01.	None Mike Gent Public Works
6.	Citywide	Consideration and action pertaining to the approval of an amendment of the Fiscal Year 2022 budget by moving budget authority in the amount of \$30,000 for the re-classification of one part-time equivalent position to a full-time equivalent position within the Finance Department; Resolution # 2021-188.	None Andrea Davis Finance

REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

7.	Internal	Presentation and discussion pertaining to a proposed amendment to Surprise Municipal Code Chapter 3, Article IV, Sec. 3-41 regarding the duties of the Personnel Appeals Board.	Donna Meuse Human Resources
8.	Internal	Consideration and action pertaining to direction to the City Attorney regarding potential settlement of the three condemnation lawsuits titled City of Surprise v. 163rd & Happy Valley Road, LLC et al., City of Surprise v. Anthony G. Bagneschi (PC) Trustee of the Anthony G. Bagneschi 401k, et al., and City of Surprise v. Pensco Trust Company Custodian FBO Kent A Xander IRA et al.	Robert Wingo Legal
I.	Other Business and Future Agenda Items		
J.	City Council Reports		
K.	Executive Session		
1.	Internal	Consideration and action to recess into executive session for discussion and consultation with the City Attorney for legal advice, and to consider and instruct the City Attorney regarding the City Council's position pertaining to the condemnation actions titled, City of Surprise v. 163rd & Happy Valley Road, LLC et al., City of Surprise v. Anthony G. Bagneschi (PC) Trustee of the Anthony G. Bagneschi 401k, et al., and City of Surprise v. Pensco Trust Company Custodian FBO Kent A Xander IRA et al., pursuant to A.R.S. 38-431.03(A)(3) and (4).	Robert Wingo Legal

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

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Thursday, December 30, 2021 @ noon

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.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: January 4, 2022
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

Consent: No Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Invocation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: January 4, 2022
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Citywide

Consent: Yes Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action on the minutes of the Regular City Council Session and Regular City Council Meeting of December 21, 2021.

Motion:

I move to approve the meeting minutes of December 21, 2021.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 122121 REG

CITY OF SURPRISE
Regular City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, December 21, 2021 @ 6:00PM

Call To Order

Invocation

Led by Kayre Perez

Roll Call

Vice Mayor Duffy called to order the Regular City Council Meeting of December 21, 2021 at 6:00 PM at Surprise City Hall Council Chambers, 16000 N Civic Center Plaza, Surprise, Arizona 85374. Also in attendance with Vice Mayor Duffy were Council Members: Winters, Cline, Hastings, Judd and Remley. (Mayor Hall - excused)

Staff Present: City Manager, Michael Frazier; City Attorney, Robert Wingo and Deputy City Clerk, Linda Stevens.

Pledge of Allegiance

City Manager Report

Call To The Public

CONSENT AGENDA:

Council Member Hastings made the motion to approve the consent agenda. Council Member Judd seconded the motion. Six yes votes, one excused (Mayor Hall), motion carried.

1. Consideration and action on the minutes of December 7, 2021 Regular City Council Meeting - APPROVED

2. Consideration and action pertaining to approval of the Final Plat entitled, Sunnyside Townhomes and dated October 13, 2021, a property generally located west of North Greasewood Street and south of West Bell Road. (Case FS20-757) - APPROVED

3. Consideration and action pertaining to approval of the Final Plat entitled, Grand Avenue Shops and Surveyor Seal dated November 8, 2021, a property generally located west of Mountain View Boulevard and south of Grand Avenue. (Case FS21-546) - APPROVED

4. Consideration and action pertaining to approval of the Final Plat entitled, Final Re-Plat Toll at Prasada, Unit N Phase I Amended and dated October 27, 2021, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue. (Case FS21-622) - APPROVED

5. Consideration and action pertaining to approval of the Final Plat entitled, Skyway Commons Building D and dated November 18, 2021, a property generally located south of Cactus Road and west of Dysart Road. (Case FS20-438) - APPROVED

6. Consideration and action pertaining to acceptance of a Quit Claim Deed from Courtland Homes for rights-of-way along 183rd Avenue and Pinnacle Peak Road - APPROVED

7. Consideration and action pertaining to approval of a Quit Claim Deed to Surprise Center Development Company, LLC, for the limited purpose of releasing deed restrictions on a property generally located near Bell Road and Litchfield Road - APPROVED

8. Consideration and action pertaining to approval of a Quit Claim Deed to Surprise Center Development Company, LLC, for the limited purpose of releasing deed restrictions on a property generally located near Bell Road and Litchfield Road - APPROVED

9. Consideration and action pertaining to the approval of an Intergovernmental Agreement with the City of El Mirage, authorizing the City to accept funding in the amount of \$685,000 for mortgage, rental, and utility assistance, and amending the Fiscal Year 2022 Budget by moving budget authority in the amount of \$685,000 from Contingency within the Grants Fund to Project G51710 ARPA (American Rescue Plan Act); Resolution # 2021-174 - APPROVED

10. Consideration and action pertaining to approval of a lease agreement between the City of Surprise, the Arizona Army National Guard, and the Arizona Department of Emergency and Military Affairs for the purpose of the State of Arizona constructing a future Surprise Readiness Center on vacant City property - APPROVED

Community Development Director, Chris Boyd reported on this item.

Chief of staff of Arizona Army National Guard - thanked Council for allowing them to be part of the community.

Council Member Winters - long relationship

Council Member Winters made the motion to approve lease agreement between the City of Surprise, the Arizona Army National Guard, and the Arizona Department of Emergency and Military Affairs. Council Member Remley seconded the motion. Six yes votes, one excused (Mayor Hall), motion excused.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

11. Consideration and action directing the recordation of a blank petition setting forth the legal description and map of the proposed annexation in Case FS21-512 of approximately 93.97 acres of county land, generally located south of Pinnacle Peak Road and east of 163rd Avenue; Resolution # 2021-185 - APPROVED

City Planner, Sergio Angulo reported on this item.

Council Member Remley - how many property owners?

Mr. Angulo - 2 prop owners

Council Member Winters made the motion to approve Resolution 2021-185. Council Member Remley seconded the motion. Six yes votes, one excused (Hall), motion carried.

Other Business and Future Agenda Items

City Council Reports

Council and attended and reported on the following:

Council Member Hastings - Merry Christmas

Council Member Remley - District 4 Meeting tomorrow night

Council Member Cline - Skyway Commons Devel; Village Prasada ground breaking, Fire Station ribbon cutting; Women for Women Literacy Challenge; Senior Center holiday party; Fine Arts and Wine Festival in January and Dec 28th District Meeting

Council Member Winters - Happy and Healthy Christmas and new year and welcomed Bob Wingenroth back.

Council Member Judd - Community Meeting; Happy Holidays and get together at Ken Johansons.

Vice Mayor Duffy - tree drop off on January 4; we are glad Bob is back and Mike-we appreciate you and we care whatever it is you do.

Executive Session

Adjournment

Council Member Winters made the motion to adjourn the Regular City Council Meeting at 6:23 PM. Council Member Remley seconded the motion. Six yes votes, one excused (Mayor Hall), motion carried.

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, December 21, 2021**.

Sherry Ann Aguilar, City Clerk, MMC



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: January 4, 2022
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: District 3

Consent: Yes Regular: No Public Hearing: Yes Report/Discussion: No

Agenda Wording:

Consideration and action to approve a request by Maria Danielle Burgess (Applicant) for a Series 10 - Beer and Wine for **Circle K Stores, Inc., #9543** located at 16265 W. Cactus Road, Surprise, AZ 85379.

Motion:

I move to approve a request by Maria Danielle Burgess (Applicant) for a Series 10 - Beer and Wine for Circle K Stores, Inc., #9543 located at 16265 W. Cactus Road, Surprise, AZ 85379.

Background:

Circle-K Corporation has filed plans with our community development and are currently being reviewed. It is not uncommon for large corporations to file for a liquor license before building has actually started. This also falls in compliance with the Arizona State Liquor Board regulations, so no concerns are noted on this request.

Objective Analysis:

Policy Compliant:

Financial Impact:

N/A

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. circle k
 2. circlek dept rpts
-



MEMO

Date:

To: Sherry Aguilar, City Clerk
Linda Stevens, Deputy City Clerk

From:

RE: Liquor License Application –

Business License Status:

Application link emailed on .

License # , current and valid for .

State of Arizona
Department of Liquor Licenses and Control

Created 11/05/2021 @ 12:59:43 PM

Local Governing Body Report

LICENSE

Number:		Type:	010 BEER AND WINE STORE
Name:	CIRCLE K STORE #9543		
State:	Pending		
Issue Date:	Expiration Date:		
Original Issue Date:			
Location:	16251 W CACTUS ROAD SURPRISE, AZ 85379 USA		
Mailing Address:	LICENSING DC-36 PO BOX 52085 PHOENIX, AZ 85072-2085 USA		
Phone:	(000)000-0000		
Alt. Phone:	(602)728-4783		
Email:	AZLICENSE@CIRCLEK.COM		

AGENT

Name:	MARIA DANIELLE BURGESS
Gender:	Female
Correspondence Address:	LICENSING DC-36 PO BOX 52085 PHOENIX, AZ 85072-2085 USA
Phone:	(520)518-0046
Alt. Phone:	
Email:	AZLICENSE@CIRCLEK.COM

OWNER

Name: CIRCLE K STORES INC
Contact Name: KIM KENNETH KWIATKOWSKI
Type: CORPORATION
AZ CC File Number: F00065980 State of Incorporation: AZ
Incorporation Date: 04/08/1957
Correspondence Address: LICENSING DC-36 PO BOX
52085
PHOENIX, AZ 85072-2085
USA
Phone: (602)728-4783
Alt. Phone:
Email: AZLICENSE@CIRCLEK.COM

Officers / Stockholders

Name:	Title:	% Interest:
CIRCLE K DELAWARE INC	Stockholder	100.00
KATHLEEN K CUNNINGTON	President, Sec, Treas, Director	
MORTEN MICHAEL JENSEN	VP	

COUCHE TARD US INC - Stockholder

Name: MACS CONVENIENCE STORES INC
Contact Name: KIM KENNETH KWIATKOWSKI
Type: CORPORATION
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: LICENSING DC-36
PO BOX 52085
PHOENIX, AZ 85072
USA
Phone: (602)728-4783
Alt. Phone:
Email: AZLICENSE@CIRCLEK.COM

MACS CONVENIENCE STORES INC - Stockholder

Name: COUCHE TARD INC
Contact Name: KIM KENNETH KWIATKOWSKI
Type: CORPORATION
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: LICENSING DC-36
PO BOX 52085
PHOENIX, AZ 85072
USA
Phone: (602)728-4783
Alt. Phone:
Email: AZLICENSE@CIRCLEK.COM

COUCHE TARD INC - Stockholder

Name: DEPAN ESCOMPTE COUCHE TARD INC
Contact Name: KIM KENNETH KWIATKOWSKI
Type: CORPORATION
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: LICENSING DC-36
PO BOX 52085
PHOENIX, AZ 85072
USA
Phone: (602)728-4783
Alt. Phone:
Email: AZLICENSE@CIRCLEK.COM

DEPAN ESCOMPTE COUCHE TARD INC - Stockholder

Name: ALIMENTATION COUCHE TARD INC
Contact Name: KIM KENNETH KWIATKOWSKI
Type: CORPORATION
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: LICENSING DC-36
PO BOX 52085
PHOENIX, AZ 85072
USA
Phone: (602)728-4783
Alt. Phone:
Email: AZLICENSE@CIRCLEK.COM

CIRCLE K STORES INC - Stockholder

Name: CIRCLE K DELAWARE INC
Contact Name: KIM KENNETH KWIATKOWSKI
Type: CORPORATION
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: LICENSING DC-36 PO BOX
52085
PHOENIX, AZ 85072-2085
USA
Phone: (602)728-4783
Alt. Phone:
Email: AZLICENSE@CIRCLEK.COM

CIRCLE K CORPORATION - Stockholder

Name: COUCHE TARD US INC
Contact Name: KIM KWIATOKSKI
Type: CORPORATION
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: LICENSING DC-36
PO BOX 52085
PHOENIX, AZ 85072
USA
Phone: (602)728-4783
Alt. Phone:
Email: AZLICENSE@CIRCLEK.COM

CIRCLE K DELAWARE INC - Stockholder

Name: CIRCLE K CORPORATION
Contact Name: KIM KENNETH KWIATKOWSKI
Type: CORPORATION
AZ CC File Number: State of Incorporation: AZ
Incorporation Date:
Correspondence Address: LICENSING DC-36
PO BOX 52085
PHOENIX, AZ 85072
USA
Phone: (602)728-4783
Alt. Phone:
Email: AZLICENSE@CIRCLEK.COM

ALIMENTATION COUCHE TARD INC - VP
CIRCLE K CORPORATION - Pres/SEC
CIRCLE K DELAWARE INC - Pres/SEC
CIRCLE K STORES INC - President, Sec, Treas,
Director
COUCHE TARD INC - VP
COUCHE TARD US INC - Pres/SEC
DEPAN ESCOMPTE COUCHE TARD INC - VP
MACS CONVENIENCE STORES INC - VP

Name: KATHLEEN K CUNNINGTON
Gender: Female
Correspondence Address: LICENSING DC-36 PO BOX
52085
PHOENIX, AZ 85072-2085
USA
Phone: (602)728-7137
Alt. Phone:
Email: KCUNNINGTON@CIRCLEK.COM

CIRCLE K STORES INC - VP

Name: MORTEN MICHAEL JENSEN
Gender: Male
Correspondence Address: LICENSING DC-36 PO BOX
52085
PHOENIX, AZ 85072-2085
USA
Phone: (480)734-6036
Alt. Phone:
Email: MMJENSEN@CIRCLEK.COM

MANAGERS

Name: JANET KAY MEZA
Gender: Female
Correspondence Address: 1130 W WARNER ROAD
TEMPE, AZ 85284
USA
Phone: (602)728-7750
Alt. Phone:
Email: JMEZA@CIRCLEK.COM

APPLICATION INFORMATION

Application Number: 168001
Application Type: New Application
Created Date: 11/05/2021



QUESTIONS & ANSWERS

010 Beer and Wine Store

- 1) Are you applying for an Interim Permit (INP)?
No
- 2) Provide name, address, and distance of nearest school and church.
(If less than one (1) mile note footage)
SONORAN HEIGHTS MIDDLE SCHOOL
11405 N GREER PARKWAY SURPRISE AZ 85379
3,150FT

CHURCH OF JESUS CHRIST OF LDS
15880 W CACTUS RD SURPRISE AZ 85379
1,975FT
- 3) Are you one of the following? Please indicate below.
Property Tenant
Subtenant
Property Owner
Property Purchaser
Property Management Company
OWNER
- 4) Is there a penalty if lease is not fulfilled?
No
- 5) Is the Business located within the incorporated limits of the city or town of which it is located?
Yes
- 6) What is the total money borrowed for the business not including the lease?
Please list each amount owed to lenders/individuals.
\$3,500,000.00
WELLS FARGO BANK
333 S GRAND AVE #12TH FLOOR LOS ANGELES CA 90071
- 7) Is there a drive through window on the premises?
No
- 8) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
NONE
- 9) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
Yes
If yes, what is your estimated completion date?
2/19/2023

**WRITTEN CONSENT OF
THE BOARD OF DIRECTORS OF
CIRCLE K STORES INC.**

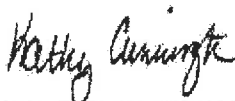
The undersigned, being all the directors of Circle K Stores Inc., a Texas Corporation (the "**Corporation**"), in lieu of a meeting hereby consents to the following resolutions and the actions contemplated therein, and directs that this written consent be inserted into the proceedings of the Corporation:

SIGNING AUTHORITY OF MORTEN JENSEN

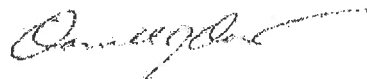
RESOLVED, Morten Jensen shall have the authority to sign on behalf of the Corporation as its "**Authorized Representative**" any and all checks, drafts or other orders for payment, all contracts, leases, licenses, deeds, mortgages and other agreements, and all other certificates, instruments or other documents of any kind, in each case to the same extent as though he were a duly authorized Vice President of the Corporation, unless otherwise directed in a particular case by the sole Shareholder or as otherwise required by any law applicable to the particular document in question.

This consent may be executed in counterparts, all of which shall be deemed to be part of one and the same original instrument.

Dated as of September 30th, 2021.



KATHY CUNNINGTON



DARRELL DAVIS

Circle K Stores Inc.
Texas 6/8/51
Charter No. 0010697700
FIN# 74-1149540

	OFFICE	Name	BUSINESS ADDRESS
AZ DOL	* President/Treasurer/Secretary/Sr VP	Kathy Cunningham	1130 W Warner Rd, Tempe, AZ 85284
	* Sr. Vice President	Darrell Davis	12911 Telecom Parkway, Tampa, FL 33637
	* Sr. Vice President	Dennis Tewell	1130 W Warner Rd, Tempe, AZ 85284
	Sr. Vice President	Timothy Alexander Miller	1130 W Warner Rd, Tempe, AZ 85284
AZ DOL	Vice President	Morten Michael Jensen	1130 W Warner Rd, Tempe, AZ 85284
	Vice President	Trey Powell	25 W Cedar St, Suite 100, Pensacola, FL 35202
	Vice President	David G. Morgan	12911 Telecom Parkway, Tampa, FL 33637
	Vice President	Brian Bednarz	25 W Cedar St, Suite 100, Pensacola, FL 35202
	Vice President	Meredith Will Rice Jr.	305 Gregson Dr., Cary, NC 27511
	Vice President	Rodney Blanton	2440 Whitehall Park Dr., #800, Charlotte, NC 28273
	Vice President	Mark Tate	1199 S Bellline Rd, #160, Coppell, TX 75019
	Vice President	Mark Ostois	2440 Whitehall Park Dr., #800, Charlotte, NC 28273
	Vice President	Luc Langevin	12911 Telecom Parkway, Tampa, FL 33637
	Vice President	George Wilkins	255 E Rincon, Suite 100, Corona, CA 92879
	Vice President	Lisa Geyer	3802 Corpex Park Dr. #200, Tampa Bay, FL 33619
	Vice President	Tom Harman	215 Pendleton St, Waycross, GA 31501
	Assistant Secretary	Karla Ramirez-Garsha	1130 W Warner Rd, Tempe, AZ 85284
	Assistant Secretary	Marcella Rocha	19500 Bulverde RD, Suite 100, San Antonio, TX 78259
	Assistant Secretary	Valery Zamuner	4204 Boul. Industriel, Laval (Quebec) Canada H7L 0E3
	Assistant Secretary	Sarah Lynn Longwell	255 E Rincon, Suite 100, Corona, CA 92879
	Assistant Secretary	Michael L. Foster	2440 Whitehall Park Dr., #800, Charlotte, NC 28273
	Assistant Secretary	Edward Giunta	12911 Telecom Parkway, Tampa, FL 33637
	Assistant Secretary	Kimberly Andrews	5500 S Quebec St, #100, Greenwood Village, CO 80111
	Assistant Secretary	John Little	305 Gregson Dr., Cary, NC 27511
	Assistant Secretary	Aaron Brooks	305 Gregson Dr., Cary, NC 27511

* Director

Business Address: 1130 W. Warner Road, Bldg B, Tempe, AZ 85284 (602) 728-8000

Domicile Address: % CSC-Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, TX 78701

12,000,000 Shares Authorized, 1,000 issued at \$1.00 Par. 100% owned by Circle K Delaware Inc. (FIN: 46-0520672)

Circle K Stores Inc. is qualified in:

AL, AZ, AR, CA, CO, FL, GA, , ID, KS, LA, MS,
 MO, NV, NM, NC, OK, OR, SC, TN, TX, UT, WA

Corporate Structure:

Circle K Delaware Inc. is 100% owned by The Circle K Corporation (Kathy Cunningham - President/Director)

The Circle K Corporation is 100% owned by Couche-Tard US Inc. (Kathy Cunningham - President/Director)

Couche-Tard US Inc. is 100% owned by Mac's Convenience Stores Inc. (Kathy Cunningham - President/Director)

Mac's Convenience Stores Inc. is 100% owned by Couche-Tard Inc. (Kathy Cunningham - Sr. Vice President)

Couche-Tard Inc. is 100% owned by Depan-Escompte Couche-Tard Inc. (Kathy Cunningham - Sr. Vice President)

Depan-Escompte Couche-Tard Inc. is 100% owned by Alimentation Couche-Tard Inc. (Kathy Cunningham - Sr. Vice President)

Alimentation Couche-Tard Inc. is a publicly traded company (Kathy Cunningham - Sr. Vice President)

LETTER OF RESIGNATION

I, the undersigned, TIM TOUREK, hereby resigns as an officer of the following companies, effective September 30, 2021.

- Circle K Stores Inc.
- Circle K Terminal LLC

I HAVE SIGNED, this September 1st, 2021.

• 

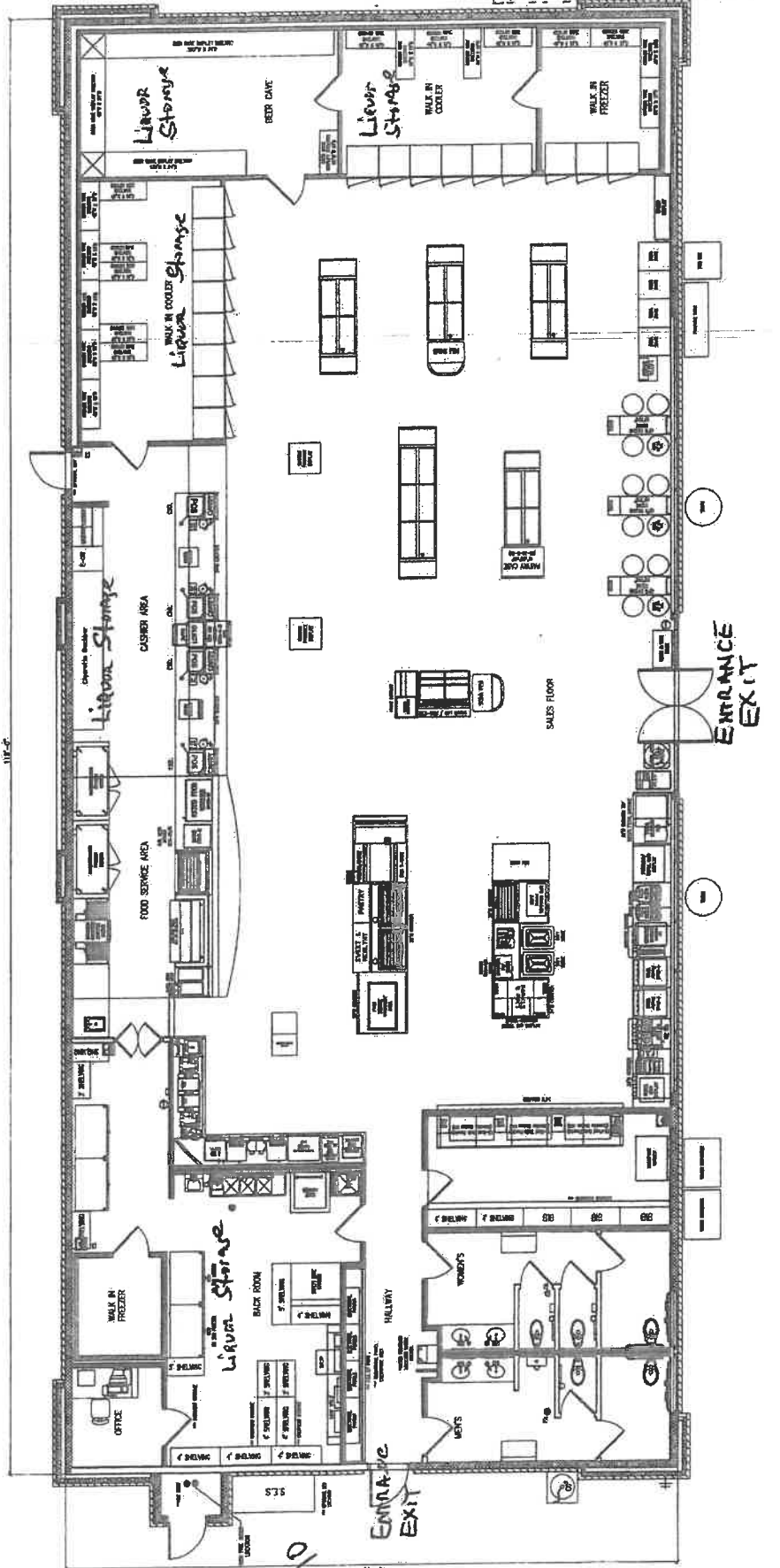
Tim Tourek

N ↑

5,187 sq ft

118'

117'-6"



**SURPRISE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION REVIEW**

REFERENCE:

DATE: December 10, 2021

JOB NUMBER- 168001
New License/Corporation
Existing License #10074889

APPLICANT:

Circle K Store #9543
16251 W Cactus Road
Surprise, Arizona 85379

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Circle K is a full-service convenience market and gas station that primarily serves patrons of all ages from the surrounding communities and general public.
- 2) ***Effect of vehicular traffic in close proximity.***
The roads around this future location are currently being widened to accommodate the anticipated growth for the surrounding area and should be adequate for this Circle K. There is also room for expansion in the area, depending on growth in the area. An application review for this store was originally submitted in March of 2020 and the store was going to be located at the NWC of Sarival and Cactus Roads at that time. This current application has the store being placed at the SEC of Sarival and Cactus Roads, which should not have any negative effect in the area.
- 3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***
N/A.
- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
The business hours of operation is open 24 hours a day. As previously mentioned, there are no other businesses in the area to compare to.
- 5) ***Appropriateness of series license requested.***
Most convenience stores have series 10 licenses. This license request is appropriate for this Circle K store.

Submitted by Officer C. E. Tovar #2059



COMMUNITY DEVELOPMENT DEPARTMENT

Date: December 15, 2021
To: Sherry Aguilar, City Clerk
From: Chris Boyd, Community Development Director
James Stewart, Zoning Specialist
Re: Liquor License Application for:

**Maria Daniella Burgess, Representative
Circle K Stores, #9543
16251 W. Cactus Road
Surprise, Arizona 85379**

New License #168001

The number and series of licenses in close proximity to the subject site are:

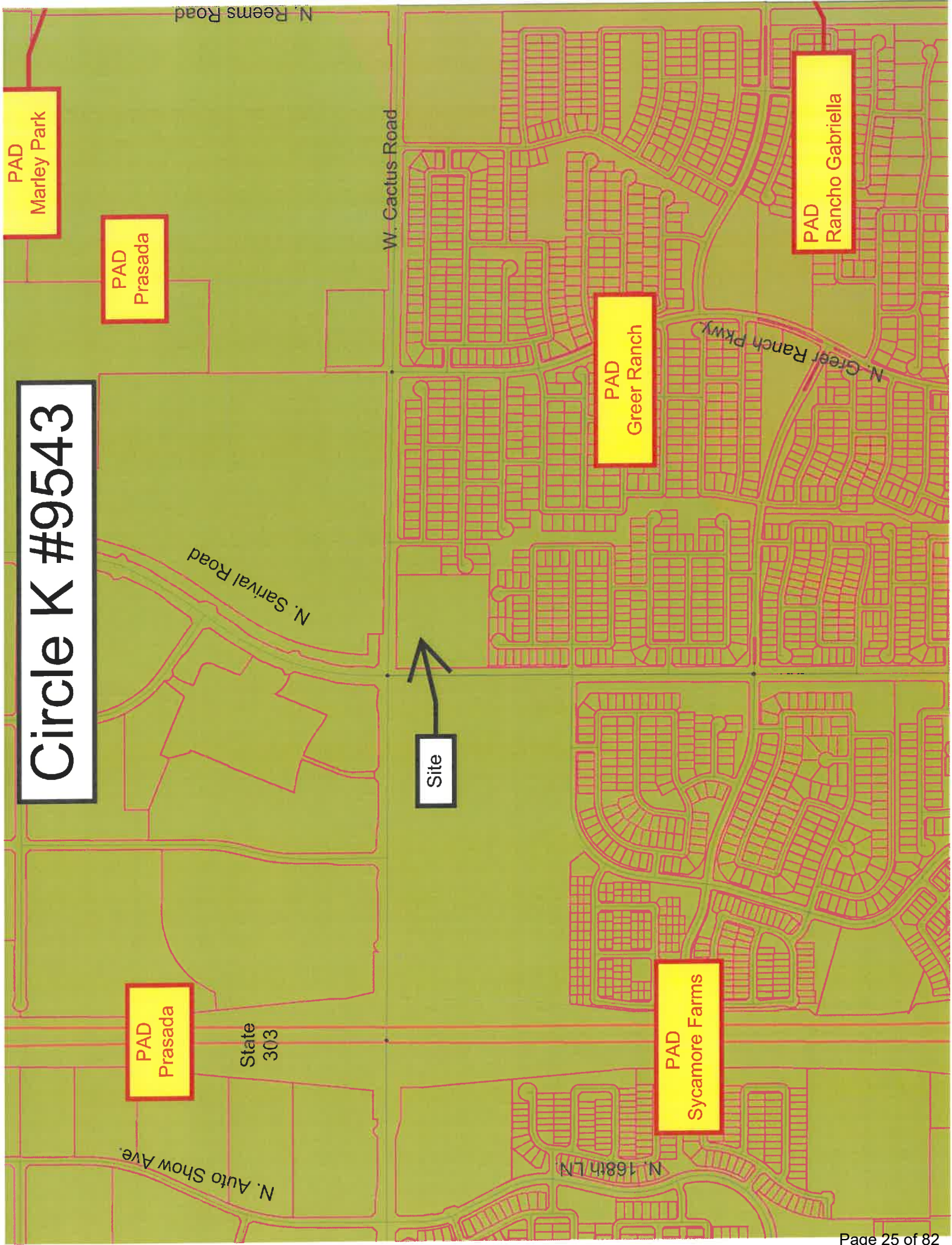
1. ARCO AM/PM (Series 10) – 15433 W. Cactus Road (Expired)

The immediate area is comprised of commercial zoning. The property is zoned PAD Greer Ranch (C-2) which is consistent with the proposed use.

Residential growth will most likely remain static. Commercial growth will likely continue to grow.

If managed properly, the effects of granting this liquor license on surrounding residences will be minimal. This license will have little to no affect on parking in the area. Staff believes that granting this liquor license will not directly impact the surrounding business and residential areas in a negative way.

Circle K #9543





Surprise Fire-Medical Department

14250 W. Statler Plaza Ste. 101

Surprise, AZ 85374-7479

Phone: 623-222-5000

Fax: 623-222-5001



December 6, 2021

To: Sherry Ann Aguilar, City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Circle-K Stores, #9543
16251 W Cactus Rd
Surprise, AZ 85379

The Surprise Fire-Medical Department has not been made aware of any construction permits nor pre-construction activities involving the project referenced above. Since construction work has not started, there are no known fire code violations. Therefore, fire has no comment on the application at this time.

If you have any questions feel free to contact me.

Keith Tanner, Fire Marshal
Fire Prevention Division
Surprise Fire-Medical Department



MEMO

Date: 12/06/2021

To: Sherry Aguilar, City Clerk
Linda Stevens, Deputy City Clerk

From: Sarah Williams

RE: Liquor License Application – Circle K-16251 W Cactus Rd

Business License Status:

☒ Application link emailed on 12/06/2021.

☐ License # , current and valid for .



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: January 4, 2022
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: District 5

Consent: Yes Regular: No Public Hearing: Yes Report/Discussion: No

Agenda Wording:

Consideration and action for an Acquisition of Control for **OVER EASY** Restaurant located at 14345 W. Bell Road, Suite 102, Surprise, AZ. 85374 with existing liquor license number: 012070014041.

Motion:

I move to approve an Acquisition of Control for **OVER EASY** Restaurant located at 14345 W. Bell Road, Suite 102, Surprise, AZ. 85374 with existing liquor license number: 012070014041.

Background:

Over Easy liquor license was approved earlier this year, since then, management has changed. Therefore an Acquisition of Control is required by the State of Arizona for a permanent liquor license to name new members of management. This request will fulfill this requirement. No other concerns are noted.

Objective Analysis:

Policy Compliant:

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. over easy application report
 2. over easy dept rpts
-

21 NOV 23 11:47. LIC. PM 4 00

State of Arizona
Department of Liquor Licenses and Control

Created 11/23/2021 @ 03:57:28 PM

Local Governing Body Report

LICENSE

Number:	012070014041	Type:	012 RESTAURANT
Name:	OVER EASY		
State:	Pending		
Issue Date:		Expiration Date:	03/31/2022
Original Issue Date:	06/03/2021		
Location:	14345 W BELL ROAD #102 SURPRISE, AZ 85374 USA		
Mailing Address:	PO BOX 2502 CHANDLER, AZ 85244 USA		
Phone:	(623)440-9146		
Alt. Phone:	(480)730-2675		
Email:	LIQUORLICENSE@AZLIC.COM		

Currently, this license has pending applications.

AGENT

Name:	JEFFREY CRAIG MILLER
Gender:	Male
Correspondence Address:	PO BOX 2502 CHANDLER, AZ 85244 USA
Phone:	(480)730-2675
Alt. Phone:	
Email:	LIQUORLICENSE@AZLIC.COM

OWNER

Name:	BELL RD CAFE LLC		
Contact Name:	JEFFREY MILLER		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	23170205	State of Incorporation:	AZ
Incorporation Date:	11/13/2021		
Correspondence Address:	PO BOX 2502 CHANDLER, AZ 85244 USA		
Phone:	(480)730-2675		
Alt. Phone:			
Email:	LIQUORLICENSE@AZLIC.COM		

Officers / Stockholders

Name:
OVER EASY AZ HOLDINGS LLC
ALYSSA MORGAN FOWLER

Title:
Member
012070014041

21 NOV 23 1:47 PM 4:00
% Interest: 100.00

EASY OVER AZ LLC - Member

Name: TIMOTHY SCOTT PACATTE
Gender: Male
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (928)853-4810
Alt. Phone:
Email: TIM@PLATEDPROJECTS.COM

EASY OVER AZ LLC - Member

Name: JARED ANDREW FIELD
Gender: Male
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (480)467-8526
Alt. Phone:
Email: JARED@PLATEDPROJECTS.COM

EASY OVER AZ LLC - Member

Name: TRIPLE EATS LLC
Contact Name: TRIPLE EATS LLC
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: L21148000 State of Incorporation: AZ
Incorporation Date:
Correspondence Address: 9238 N ARROYA VISTA DR E
MESA, AZ 85208
USA
Phone: (928)699-4478
Alt. Phone: (602)738-1421
Email:

TRIPLE EATS LLC - Member, Stockholder

Name: JACOB CLAY WHITE
Gender: Male
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (602)363-7993
Alt. Phone:
Email: JAKECWHITE@GMAIL.COM

EASY OVER AZ LLC - Member

21 NOV 23 Lic. Lic. PM 4 00

Name: RYAN MICHAEL FIELD
Gender: Male
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (480)216-9767
Alt. Phone:
Email: RYAN@PLATEDPROJECTS.COM

EASY OVER AZ LLC - Member

Name: ERIC MATTHEW HUTCHENS
Gender: Male
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (520)490-2491
Alt. Phone:
Email: EHUTCHENS@HUTCHCOMPANIES.COM

OVER EASY AZ HOLDINGS LLC - Member

Name: EASY OVER AZ LLC
Contact Name: JEFFREY MILLER
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (480)730-2675
Alt. Phone:
Email: LIQUORLICENSE@AZLIC.COM

EASY BRANDS LLC - Member

Name: RICHARDS FAMILY LIVING TRUST
Contact Name: LAUREN MERRET
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 736 S LONGMORE STREET
CHANDLER, AZ 85224
USA
Phone: (602)738-1421
Alt. Phone:
Email: MERECOINC@GMAIL.COM

EASY BRANDS LLC - Member

21 NOV 23 17.11. PM 4 00

Name: TRACE RICHARDS TRUST
Contact Name: LAUREN MERRET
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 736 S LONGMORE STREET
CHANDLER, AZ 85224
USA
Phone: (602)738-1421
Alt. Phone:
Email: MERECOINC@GMAIL.COM

OVER EASY AZ HOLDINGS LLC - Member

Name: EASY BRANDS LLC
Contact Name: LAUREN MERRETT
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 736 S LONGMORE STREET
CHANDLER, AZ 85224
USA
Phone: (602)738-1421
Alt. Phone:
Email: MERECOINC@GMAIL.COM

BELL RD CAFE LLC - Member

Name: OVER EASY AZ HOLDINGS LLC
Contact Name: JEFFREY MILLER
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (480)738-7302
Alt. Phone:
Email: LIQUORLICENSE@AZLIC.COM

BELL RD CAFE LLC - 012070014041

Name: ALYSSA MORGAN FOWLER
Gender: Female
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (480)747-3450
Alt. Phone:
Email: ALLY.FOWLER.3@GMAIL.COM

APPLICATION INFORMATION

21 NOV 23 14. LIT. PH 4 00

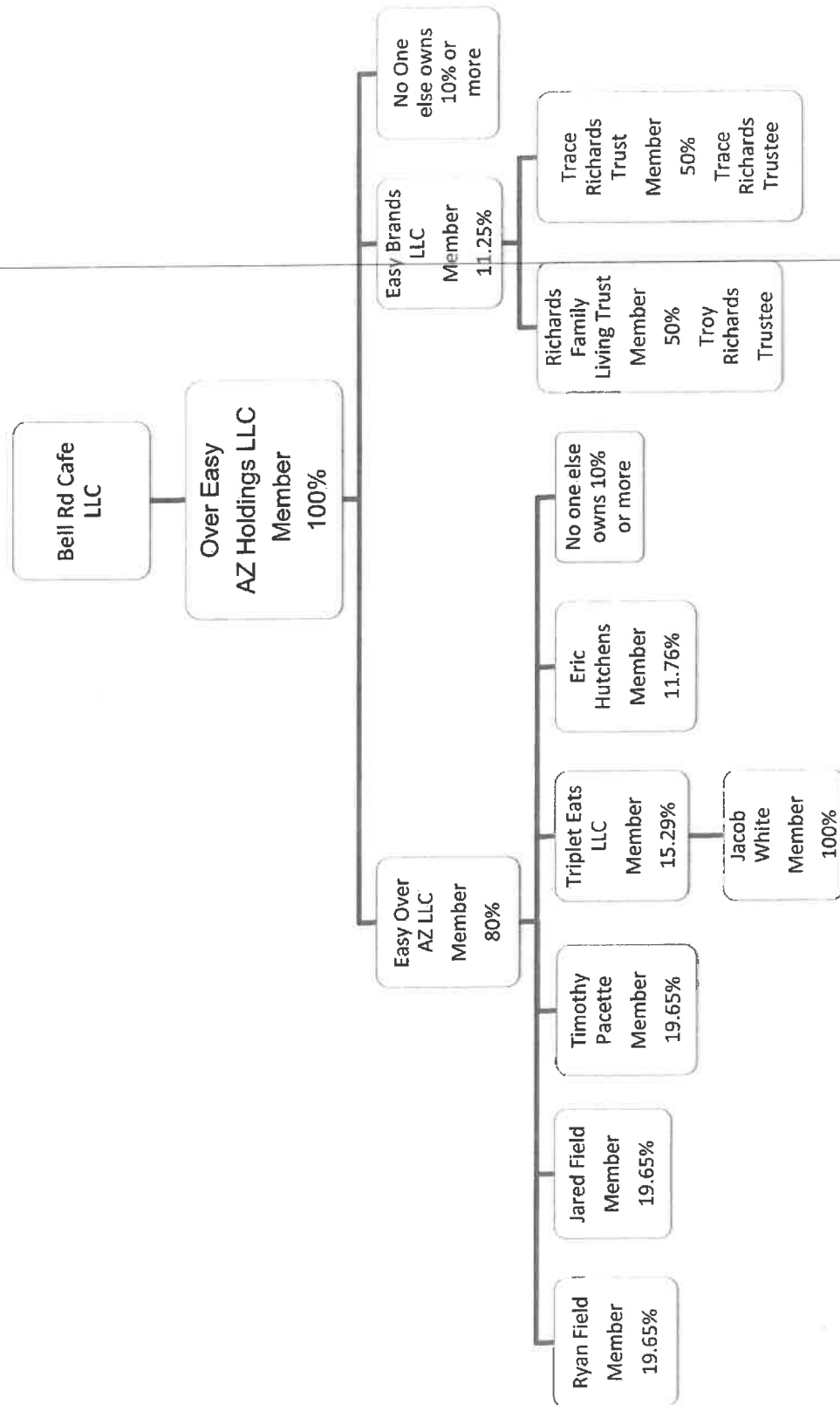
Application Number: 170591
Application Type: Acquisition of Control
Created Date: 11/23/2021

(18

QUESTIONS & ANSWERS

012 Restaurant

- 3) Have you submitted questionnaires? Each person listed must submit a questionnaire and mail in a fingerprint card along with a \$22. processing fee per card.
Yes
- 4) Does the Business location address have a street address for a City or Town but is actually in the boundaries of another City, Town or Tribal Reservation?
No



**SURPRISE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION REVIEW**

REFERENCE:

DATE: December 10, 2021

Existing License #012070014041
Series #12 – Acquisition of Control

APPLICANT:

Over Easy

14345 W. Bell Road #102
Surprise, Arizona 85374

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***

Over Easy is a new fast casual restaurant emphasizing in breakfast and brunch. Over Easy is replacing the previous “Mucho Burrito” who was in operations for approximately one year. The potential market for Over Easy should be customers of all ages from the general public. There is seating for 62 people inside the restaurant, with eight of those for a small designated bar area. There are also plans for additional seating in the outdoor patio.

- 2) ***Effect of vehicular traffic in close proximity.***

The addition of the restaurant and liquor license should have no great impact on traffic in the area. There are multiple ingress/egress points off Bell Road as well as Civic Center Drive, and lots of shared parking to the rear of the plazas and some parking in front as well.

- 3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***

There does not appear to have been any criminal activity at the previous tenant business, Mucho Burrito in the short time they were at this suite. There was a report of an assault at one of the other adjacent restaurants when a customer assaulted an employee. There have also been three DUI arrests in the In-N-Out private parking lot, over the past approximate years this plaza has been in existence. There was also a theft of a tip jar from a nearby business in November of this year.

- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***

The hours of operations will be from 6:30 AM to 2 PM every day. There are other eateries in two adjacent strip plazas including of Pieology (Series 12), Tokyo Joe’s (series 12 License), Menchie’s Frozen Yogurt, and Starbucks. The businesses all close around the same time, which is usually at 10 PM and 11 PM on Fridays and Saturdays. There is also a stand-alone Raising Cane’s Chicken fast food who is on west end of the plaza, which is open until midnight every night. The opposite end of the plaza has an In-N-Out Burger, which has a closing time at 1 AM during the week and 1:30 AM on Fridays and Saturdays.

- 5) ***Appropriateness of series license requested.***

A series 12 license is appropriate and applicable for Over Easy, per state guidelines for restaurants.

Submitted by Officer Chris Tovar #2059



Date: December 15, 2021
To: Sherry Aguilar, City Clerk
From: Chris Boyd, Community Development Director
By: James Stewart, Zoning Specialist
Re: Liquor License Application for:

**Jeffrey Craig Miller
Over Easy
14345 W. Bell Road, #102
Surprise, Arizona 85374
ACQUISITION OF CONTROL – EXISTING LICENSE #012070014041**

The number and series of licenses in close proximity to the subject site are:

1. Tokyo Joes (Series 12) – 14345 W. Bell Rd. #106
2. Pieology Pizzeria (Series 12) – 14345 W. Bell Rd. #100
3. Chef Peter's Bistro (Series 12) – 17300 N. Sun Village Parkway #D
4. Sun Village Community Association (Series 14) – 17300 N. Sun Village Parkway #A (Expired)
5. Pei Wei Asian Diner (Series 12) – 14551 W. Bell Rd. #113
6. Longhorn Steakhouse (Series 12) – 14127 W. Bell Rd.
7. Saigon Kitchen (Series 12) – 14071 W. Bell Rd.
8. Frank-N-Steins (Series 12) – 14071 W. Bell Rd. (Expired)
9. Carrabba's Italian Grill #5306 (Series 12) – 14043 W. Bell Rd.
10. Red Robin (Series 12) – 14015 W. Bell Rd.
11. New York Pizza Dept. (Series 12) – 13980 W. Bell Rd. #1
12. Circle K #2741641 (Series 10) – 13908 W. Bell Rd.
13. Buffalo Wild Wings Grill & Bar (Series 12) – 13882 W. Bell Rd.
14. Chipotle Mexican Grill #0898 (Series 12) – 13869 W. Bell Rd.
15. Rio Mirage Cafe (Series 12) – 13863 W. Bell Rd.
16. Irish Wolfhound Restaurant & Pub (Series 6) – 16811 N Litchfield Rd. #102 - 104

The immediate area is composed of commercial establishments. The property is zoned Surprise Center PAD which is consistent with the proposed use.

Residential population will most likely remain static. Commercial growth will likely continue to grow.

If managed properly, the effects of granting this liquor license on surrounding residences will be minimal. This license will have little to no affect on parking in the area. Staff believes that granting this liquor license will not directly impact the surrounding business and residential areas in a negative way.





Surprise Fire-Medical Department
14250 W. Statler Plaza Ste. 101
Surprise, AZ 85374-7479
Phone: 623-222-5000
Fax: 623-222-5001



December 6, 2021

To: Sherry Ann Aguilar, City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Over Easy
14345 W Bell Rd, #102
Surprise, AZ 85374

The Surprise Fire-Medical Department recently conducted a fire inspection at the above referenced location within the last 12 months to ensure compliance with the applicable fire codes within the tenant space and building. There are no known fire code violations at this time.

Therefore fire has no comment on the application at this time.

If you have any questions feel free to contact me.

Keith Tanner, Fire Marshal
Fire Prevention Division
Surprise Fire-Medical Department



MEMO

Date: 12/06/2021

To: Sherry Aguilar, City Clerk
Linda Stevens, Deputy City Clerk

From: Sarah Williams

RE: Liquor License Application – Over Easy- 14345 W Bell Rd STE 102

Business License Status:

- ☐ Application link emailed on .
- ☒ License # 1697 , current and valid for 2021 .



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: January 4, 2022 Contact Person: Chris Sexton
Submitting Department: Community Development District: District 4
Staff Recommendations:

Consent: Yes Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, “Villas At Vesta Views” and dated November 19, 2021, a property generally located north of Greenway Road and west of El Mirage Road.

Motion:

I move to approve the Plat entitled, “Final Plat of “Villas At Vesta Views” and dated November 19, 2021.

Background:

David Bohn with BFH Group, on behalf of Brad Broyles, JBN Holdings seeks approval of a Final Plat of the subject property.

Objective Analysis:

Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Policy Compliant:

This proposal Final Plat is consistent with the Surprise General Plan 2035 and the Surprise Unified Development Code.

Financial Impact:

While this item does not have an immediate or direct financial impact, ongoing development activity in the City will inevitably have a future financial impact as additional resources are needed to provide city services.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staffing levels.

ATTACHMENTS:

1. 00- FS21-104 Villas At Vesta Views Final Plat- Staff Report 1.4.22
 2. 01 FS21-104 Villas At Vesta Views - Vicinity Map
 3. 02 FS21-104 Villas At Vesta Views - Final Plat
 4. FS21-104 Villas At Vesta Views - Powerpoint
-

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case: FS21-104

Project Name: Villas At Vesta Views - Final Plat

Council District: 4 - Mulberry

City Council Date: January 4, 2022

Planner: Chris Sexton, Planner II

Owner: Brad Broyles, JBN Holdings

Applicant: David Bohn, BFH Group

Request: Final Plat for the dedication of 7-feet of right-of-way along El Mirage Road and a parcel assemblage.

Site Location: Generally located north of Greenway Road and west of El Mirage Road.

Site Size: 5.02 acres (approx.)

Findings:

- The proposed Final Plat is consistent with the Surprise General Plan 2035
- The proposed Final Plat is consistent with the Surprise Municipal Code.

Alternative Actions: **Approve** – Approval of the proposed Final Plat will allow the applicant the ability to subdivide the property as proposed.

Deny – Denial of the requested Final Plat will prevent the applicant from subdividing the property as proposed.

35 **Additional Information:**

36
37 David Bohn, on behalf of JBN Holdings, requests approval of a Final Plat entitled "Final
38 Plat of Villas At Vesta Views" dated November 19, 2021".

39
40 The undeveloped 5.02-acres parcel will encompass 72 for lease residential units and is
41 generally located north of Greenway Road and west of El Mirage Road. This proposed
42 Final Plat will dedicate 7-feet of right-of-way plus establish an 8-foot wide Public Utilities
43 Easement (PUE) for the purpose of accessing, installing, constructing, maintaining,
44 repairing, replacing and utilizing public utilities situated along the easterly boundary of the
45 project site.

46
47 Planning and Zoning Commission approved the Site Plan on October 7, 2021.
48
49

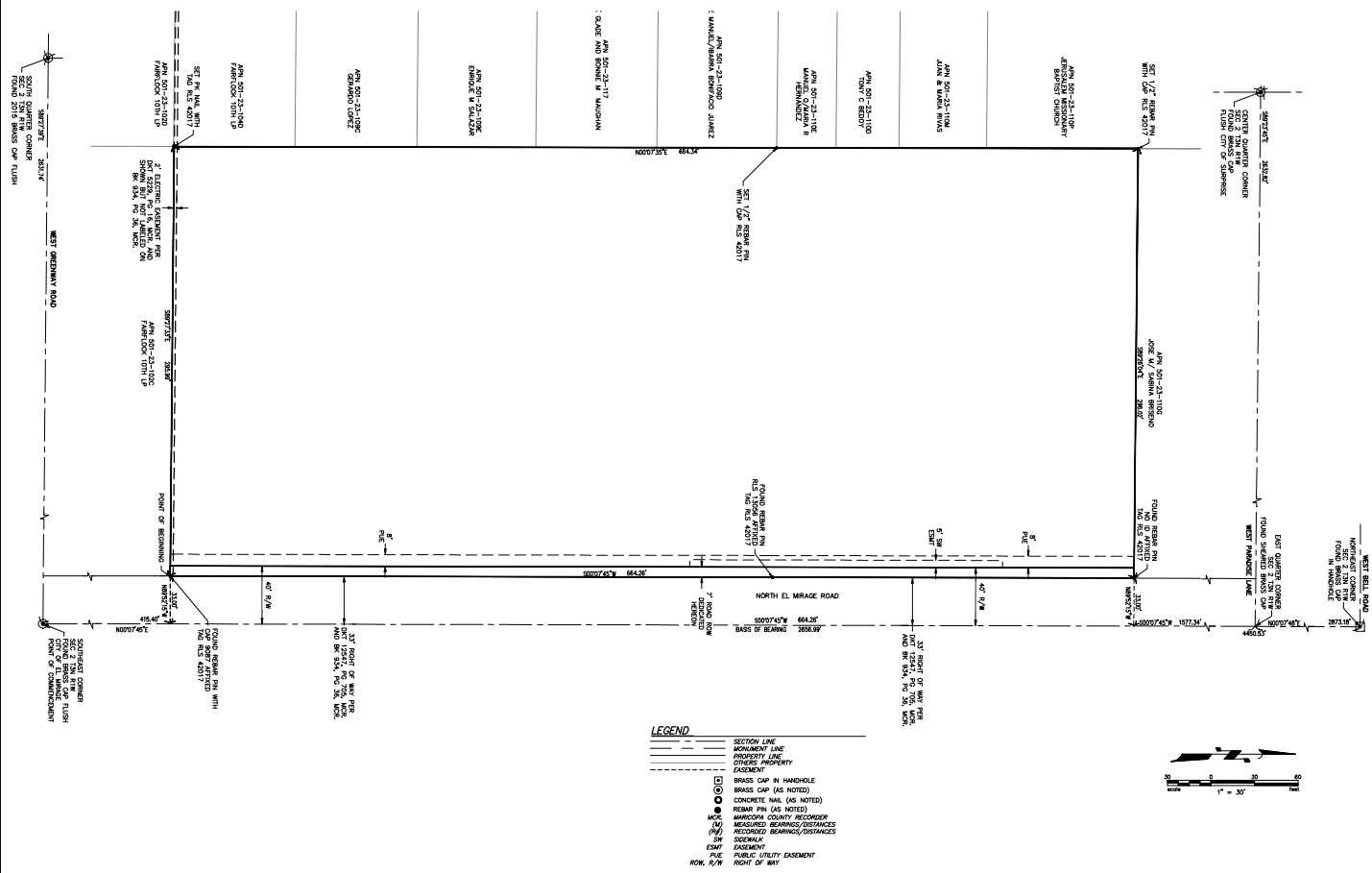
50 **Attachments:**

51
52 01 Vicinity Map
53 02 Final Plat
54
55

VICINTY MAP



VILLAS AT VESTA VIEWS





FS21-104

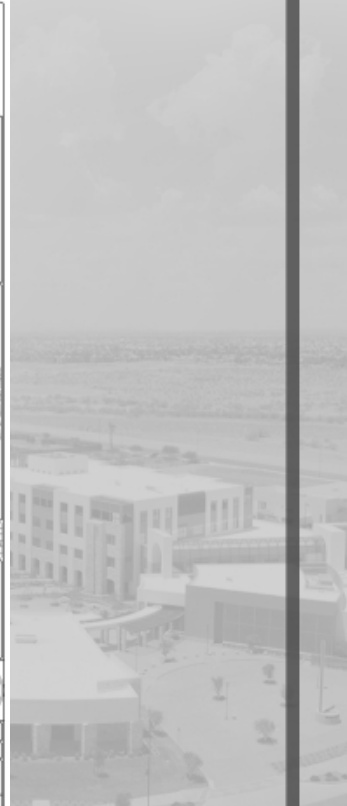
Villas At Vesta Views-Final Plat

City Council
January 4, 2022



Villas At Vesta Views

FS21-104 Vicinity Map





QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: January 4, 2022
Submitting Department: Public Works
Staff Recommendations: None

Contact Person: Mike Gent, DIRECTOR - PW
District: District 5

Consent: Yes	Regular: Yes	Public Hearing: No	Report/Discussion: No
--------------	--------------	--------------------	-----------------------

Agenda Wording:

Consideration and action pertaining to approval of the dissolution of the Lighting Improvement District entitled, "City of Surprise, Arizona, Kingswood Parke #105"; Resolution # 2022-01.

Motion:

I move to approve Resolution # 2022-01.

Background:

The City of Surprise, Arizona, Kingswood Parke Lighting Improvement District was formed by Council Resolution #1996-002 on February 8, 1996. The City of Surprise, Arizona, Kingswood Parke #105 Lighting Improvement District was approved by Council Resolution #2010-103 on October 14, 2010. The real property contained in the City of Surprise, Arizona, Kingswood Parke #105 Lighting Improvement District overlaps a portion of the real property contained in the City of Surprise, Arizona, Kingswood Parke Lighting Improvement District.

Objective Analysis:

Pursuant to A.R.S. §48-616(H), the City orders the deletion of the territory described in Exhibit B from the boundaries of the City of Surprise, Arizona Kingswood Parke #105 Lighting Improvement District, and the resulting boundary of the City of Surprise, Arizona, Kingswood Lighting Improvement District shall be as described in the legal description contained in Exhibit A.

Policy Compliant:

Pursuant to A.R.S. §48-616(H), in the event an improvement district is formed that includes street lighting facilities within any part of the territory of a previously-formed district, the City Council may summarily delete from the previously formed district the street lighting facilities covered by the new district; and the City Council, as a matter of City policy, determines that overlapping street light improvement districts are not desirable.

Financial Impact:

Any financial impact on the City is anticipated to be minimal, as the Developer and District bear the costs and expenses of the District and street light improvement facilities.

Budget Impact:

Any impact on funding is anticipated to be minimal, as the impacted SLIDs were formed in 1996 and 2010. Separate funds for the District are currently in place to track the revenue and expenses.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

1. Res 2022-01 Dissolving of Kingswood Parke 105 final
-

RESOLUTION # 2022-01

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DISSOLVING THE LIGHTING IMPROVEMENT DISTRICT KNOWN AS THE CITY OF SURPRISE, ARIZONA KINGSWOOD PARKE #105 LIGHTING IMPROVEMENT DISTRICT.

WHEREAS, the City of Surprise, Arizona, Kingswood Parke Lighting Improvement District ("KPLID") was formed by Council Resolution #1996-002 on February 8, 1996 as legally described in Exhibit A;

WHEREAS, the City of Surprise, Arizona, Kingswood Parke #105 Lighting Improvement District was formed by Council Resolution 2010-103 on October 14, 2010, legally described in Exhibit B (District No. #105);

WHEREAS, the entirety of the real property contained in District No. #105, was originally included and remained within the boundaries of KPLID, such that said real property was inadvertently included in two separate lighting improvements districts; and

WHEREAS, the City desires to correct the inadvertent creation of the two redundant lighting improvement districts which contain the same real property by dissolving District No. #105.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows.

Section 1. The City of Surprise, Arizona, Kingswood Parke #105 Lighting Improvement District is hereby dissolved.

Section 2. The real property legally described in Exhibit B hereto is and shall remain part of Kingswood Parke Lighting Improvement District.

APPROVED AND ADOPTED this ____ day of _____, 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

CITY OF SURPRISE, ARIZONA
KINGSWOOD PARKE LIGHTING IMPROVEMENT DISTRICT

LEGAL DESCRIPTION OF IMPROVEMENT DISTRICT BOUNDARY AND VICINITY MAP

A PORTION OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 31 AND SECTION 32, TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 32;

THENCE NORTH $00^{\circ}20'15''$ EAST, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 65.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH $89^{\circ}01'12''$ WEST, ALONG A LINE PARALLEL WITH AND 65.00 FEET NORTHERLY OF THE SOUTH LINE OF THE SOUTH EAST QUARTER OF SAID SECTION 32, A DISTANCE OF 2635.85 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32 FROM WHICH THE SOUTH QUARTER CORNER BEARS SOUTH $00^{\circ}27'12''$ WEST A DISTANCE OF 65.00 FEET;

THENCE NORTH $89^{\circ}01'30''$ WEST ALONG A LINE PARALLEL WITH AND 65.00 FEET NORTHERLY OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 2636.94 FEET TO A POINT ON THE EAST LINE OF SECTION 31 FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION BEARS SOUTH $00^{\circ}40'13''$ WEST A DISTANCE OF 65.00 FEET;

THENCE NORTH $89^{\circ}01'11''$ WEST, ALONG A LINE PARALLEL WITH AND 65 FEET NORTHERLY OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 85.99 FEET;

THENCE NORTH $45^{\circ}49'33''$ EAST A DISTANCE OF 29.60 FEET TO A POINT ON THE PROPOSED WESTERLY RIGHT OF WAY LINE OF REEMS ROAD;

THENCE NORTH $00^{\circ}40'09''$ EAST ALONG SAID PROPOSED RIGHT OF WAY LINE A DISTANCE OF 163.64 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 3015.00 FEET;

THENCE NORTHERLY A DISTANCE OF 627.26 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID PROPOSED RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF $11^{\circ}55'12''$ TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

SCOTT M. LARSON, P.E. & R.L.S.
MICHAEL R. BRYCE, P.E. & R.L.S.
BRUCE P. LARSON, P.E.
PATRICK C. ADLER, P.E.
M. LLOYD WILLIS, R.L.S.
LARRY R. GATES, R.L.S.
DOUGLAS L. BAKER, R.L.S.

AEC JOB NO. 95016
STREET LIGHT IMPROVEMENT DISTRICT
PAGE 1 OF 11

WE
DESIGN
SOLUTIONS

THENCE CONTINUING A DISTANCE OF 1503.82 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID PROPOSED RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE 28°34'41" TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 4415.00 FEET;

THENCE NORTHEASTERLY A DISTANCE OF 593.69 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID PROPOSED RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 07°42'17" TO A POINT ON THE EAST-WEST MIDSECTION OF LINE OF SAID SECTION 32;

THENCE CONTINUING A DISTANCE OF 1718.09 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID PROPOSED RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 22°17'47";

THENCE NORTH 71°10'05" EAST, ALONG SAID PROPOSED RIGHT OF WAY LINE, A DISTANCE OF 88.06 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32;

THENCE CONTINUING NORTH 71°10'05" EAST ALONG SAID PROPOSED RIGHT OF WAY LINE, A DISTANCE OF 862.18 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 2435.00 FEET;

THENCE NORTHEASTERLY A DISTANCE OF 1150.69 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°04'33";

THENCE NORTH 44°05'32 EAST ALONG SAID PROPOSED RIGHT OF WAY LINE, A DISTANCE OF 1107.30 FEET TO THE NORTH LINE OF SAID SECTION 32;

THENCE SOUTH 88°59'05" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 88.87 FEET TO THE NORTHEAST CORNER OF SAID SECTION 32;

THENCE SOUTH 00°19'45 WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 2637.07 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 32;

THENCE SOUTH 00°20'15 WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 32, A DISTANCE OF 1547.10 FEET TO THE NORTHERNMOST CORNER OF THE NORTH EXCLUSION PARCEL OF THAT PROPERTY DESCRIBED IN INSTRUMENT NO. 88-017966, MARICOPA COUNTY RECORDS;

THENCE SOUTH 81°43'21" WEST, ALONG THE BOUNDARY LINE OF SAID PARCEL, A DISTANCE OF 3.03 FEET;

THENCE SOUTH 00°20'17" WEST, ALONG SAID BOUNDARY, A DISTANCE OF 23.64 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 57.00 FEET;

THENCE SOUTHWESTERLY A DISTANCE OF 72.95 FEET ALONG SAID BOUNDARY AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $73^{\circ}19'45''$ TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 208.00 FEET;

THENCE SOUTHWESTERLY A DISTANCE OF 123.22 FEET ALONG SAID BOUNDARY, AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $33^{\circ}56'28''$ TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 104.00 FEET;

THENCE SOUTHERLY A DISTANCE OF 136.99 FEET ALONG SAID BOUNDARY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $75^{\circ}28'12''$ TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 156.50 FEET;

THENCE SOUTHEASTERLY A DISTANCE OF 133.01 FEET ALONG SAID BOUNDARY AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $48^{\circ}41'39''$ TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 36.50 FEET;

THENCE SOUTHEASTERLY A DISTANCE OF 54.01 FEET ALONG SAID BOUNDARY AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $84^{\circ}46'34''$;

THENCE SOUTH $00^{\circ}20'15''$ WEST ALONG A LINE PARALLEL WITH AND 3.00 FEET WESTERLY OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 18.94 FEET TO A POINT ON THE NORTHERLY LINE OF THE SOUTH EXCLUSION PARCEL OF THAT PROPERTY DESCRIBED IN INSTRUMENT NO. 88-017966, MARICOPA COUNTY RECORDS;

THENCE SOUTH $46^{\circ}12'36''$ WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 159.41 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, FROM WHICH THE RADIUS POINT BEARS SOUTH $46^{\circ}12'36''$ WEST A DISTANCE OF 533.00 FEET;

THENCE SOUTHEASTERLY A DISTANCE OF 221.97 FEET ALONG THE WESTERLY LINE OF SAID EXCLUSION PARCEL AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $23^{\circ}51'38''$ TO THE EAST LINE OF SAID SOUTHEAST QUARTER;

THENCE SOUTH $00^{\circ}20'15''$ WEST, ALONG SAID EAST LINE, A DISTANCE OF 334.63 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:

EXCEPTION PARCEL NO. 1

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32;

THENCE SOUTH 89°01'30" EAST, ALONG THE SOUTH LINE OF SAID SECTION 32, A DISTANCE OF 65.00 FEET;

THENCE NORTH 00°40'09" EAST A DISTANCE OF 65.01 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°40'09" EAST ALONG THE PROPOSED EAST RIGHT OF WAY LINE OF REEMS ROAD A DISTANCE OF 185.33 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2885.00 FEET;

THENCE NORTHEASTERLY A DISTANCE OF 985.54 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID PROPOSED RIGHT OF WAY, THROUGH A CENTRAL ANGLE OF 19°34'22";

THENCE NORTH 65°56'43" EAST A DISTANCE OF 29.29 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF BROOKSIDE LANE, AS DEDICATED IN BOOK 319 OF MAPS, PAGE 23, MARICOPA COUNTY RECORDS;

THENCE SOUTH 68°33'04" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 469.36 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS POINT BEARS SOUTH 21°26'14" WEST A DISTANCE OF 905.00 FEET;

THENCE SOUTHEASTERLY A DISTANCE OF 1098.64 FEET ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 69°33'18";

THENCE SOUTH 01°04'20" WEST ALONG THE WEST RIGHT OF WAY LINE OF BROOKSIDE LANE, A DISTANCE OF 131.74 FEET;

THENCE SOUTH 46°01'25" WEST A DISTANCE OF 29.72 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BELL ROAD;

THENCE NORTH 89°01'30" WEST, ALONG SAID RIGHT OF WAY, AND ALONG A LINE PARALLEL WITH AND 65.00 FEET NORTHERLY OF THE SOUTH LINE OF SAID SECTION 32 A DISTANCE OF 1194.16 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTION PARCEL NO. 2

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 32;

THENCE SOUTH 89°01'30" EAST, ALONG THE SOUTH LINE OF SAID SECTION 32, A DISTANCE OF 65.00 FEET;

THENCE NORTH 00°40'09" EAST A DISTANCE OF 65.01 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BELL ROAD;

THENCE CONTINUING NORTH 00°40'09" EAST, ALONG THE PROPOSED EAST RIGHT OF WAY LINE OF REEMS ROAD, A DISTANCE OF 185.33 FEET TO THE BEGINNING OF A

TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2885.00 FEET;

THENCE NORTHEASTERLY A DISTANCE OF 1107.33 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID PROPOSED RIGHT OF WAY, THROUGH A CENTRAL ANGLE OF $21^{\circ}59'29''$ TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTHEASTERLY A DISTANCE OF 931.86 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID PROPOSED RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF $18^{\circ}30'24''$ TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 4285.00 FEET;

THENCE NORTHEASTERLY A DISTANCE OF 722.67 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $09^{\circ}39'47''$ TO THE EAST-WEST MIDSECTION LINE OF SAID SECTION 32;

THENCE SOUTH $88^{\circ}59'58''$ EAST, ALONG SAID MIDSECTION LINE, A DISTANCE OF 44.14 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 32;

THENCE NORTH $00^{\circ}33'47''$ EAST, ALONG THE EAST LINE OF SAID SOUTH WEST QUARTER, A DISTANCE OF 36.52 FEET TO A POINT ON THE PROPOSED SOUTHERLY RIGHT OF WAY LINE OF REEMS ROAD, SAID POINT BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, WHICH THE RADIUS POINTS BEARS SOUTH $38^{\circ}24'24''$ EAST A DISTANCE OF 4285.00 FEET;

THENCE NORTHEASTERLY A DISTANCE OF 1333.52 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID PROPOSED RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF $17^{\circ}49'51''$;

THENCE SOUTH $20^{\circ}34'32''$ EAST A DISTANCE OF 50.98 FEET;

THENCE NORTH $68^{\circ}38'17''$ EAST A DISTANCE OF 50.71 FEET;

THENCE SOUTH $21^{\circ}21'43''$ EAST A DISTANCE OF 737.81 FEET TO A POINT ON THE EAST-WEST MIDSECTION LINE OF SAID SECTION 32;

THENCE CONTINUING SOUTH $21^{\circ}21'43''$ EAST A DISTANCE OF 56.25 FEET;

THENCE SOUTH $68^{\circ}38'17''$ WEST A DISTANCE OF 94.62 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1110.00 FEET;

THENCE SOUTHWESTERLY A DISTANCE OF 395.65 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $20^{\circ}25'22''$;

THENCE SOUTH $89^{\circ}03'38''$ WEST A DISTANCE OF 157.63 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 840.00 FEET;

THENCE SOUTHWESTERLY A DISTANCE OF 647.63 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $44^{\circ}10'27''$;

THENCE SOUTH $44^{\circ}53'11''$ WEST A DISTANCE OF 335.91 FEET, TO THE CENTERLINE OF PROPOSED HONEYSUCKLE LANE;

THENCE SOUTH $55^{\circ}15'33''$ EAST, ALONG SAID PROPOSED CENTERLINE, A DISTANCE OF 602.24 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 581.00 FEET;

THENCE SOUTHEASTERLY A DISTANCE OF 111.75 FEET ALONG SAID PROPOSED CENTERLINE, THROUGH A CENTRAL ANGLE OF $11^{\circ}01'12''$;

THENCE SOUTH $15^{\circ}31'49''$ WEST A DISTANCE OF 139.69 FEET TO A POINT ON THE NORTH LINE OF THAT PARCEL DESCRIBED IN INSTRUMENT NO. 88-164218; MARICOPA COUNTY RECORDS SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID PARCEL;

THENCE SOUTH $55^{\circ}44'37''$ EAST A DISTANCE OF 274.28 FEET TO A CORNER OF SAID PARCEL;

THENCE NORTH $62^{\circ}23'52''$ EAST A DISTANCE OF 133.84 FEET TO A CORNER OF SAID PARCEL;

THENCE NORTH $77^{\circ}13'14''$ EAST A DISTANCE OF 123.96 FEET TO THE NORTHEAST CORNER OF SAID PARCEL;

THENCE SOUTH $28^{\circ}35'44''$ EAST ALONG THE EAST LINE OF SAID PARCEL, 459.48 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF MONDELL ROAD, AS DEDICATED IN BOOK 319 OF MAPS, PAGE 23, MARICOPA COUNTY RECORDS, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY WHOSE RADIUS POINT BEARS NORTH $18^{\circ}37'27''$ WEST A DISTANCE OF 1467.00 FEET;

THENCE SOUTHWESTERLY A DISTANCE OF 501.82 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF $19^{\circ}35'57''$ TO A CORNER OF SAID PARCEL;

THENCE NORTH $89^{\circ}01'30''$ WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 226.18 FEET TO A CORNER OF SAID PARCEL, SAID POINT BEING ON A NON TANGENT CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS POINT BEARS SOUTH $00^{\circ}58'05''$ WEST A DISTANCE OF 1183.00 FEET;

THENCE SOUTHWESTERLY A DISTANCE OF 118.00 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF $05^{\circ}42'54''$ TO THE SOUTHWEST CORNER OF SAID PARCEL;

THENCE CONTINUING SOUTHWESTERLY A DISTANCE OF 444.11 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 21°30'33";

THENCE SOUTH 63°44'27" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 130.23 FEET;

THENCE NORTH 72°31'17" WEST A DISTANCE OF 30.33 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF BROOKSIDE LANE, AD DEDICATED IN BOOK 319 OF MAPS, PAGE 23, MARICOPA COUNTY RECORDS, SAID POINT ALSO BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, WHOSE RADIUS POINT BEARS SOUTH 60°37'27" WEST A DISTANCE OF 985.00 FEET;

THENCE NORTHWESTERLY A DISTANCE OF 673.68 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 39°11'13";

THENCE NORTH 68°33'04" WEST A DISTANCE OF 469.34 FEET ALONG SAID RIGHT OF WAY;

THENCE NORTH 23°03'07" WEST A DISTANCE OF 29.29 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTION PARCEL NO. 3

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 32;

THENCE NORTH 89°01'12" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, A DISTANCE OF 1663.96 FEET;

THENCE NORTH 00°01'12" EAST, A DISTANCE OF 65.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON A LINE WHICH IS PARALLEL WITH AND 65.00 FEET NORTHERLY, AS MEASURED AT RIGHT ANGLES FROM SAID SOUTH LINE, AND SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE PLAT OF KINGSWOOD PARKE PARCEL 16, ACCORDING TO BOOK 319 OF MAPS, PAGE 24, MARICOPA COUNTY RECORDS;

THENCE NORTH 89°01'12" WEST, ALONG THE SOUTH LINE OF SAID PLAT, AND ALONG A LINE PARALLEL WITH AND 65.00 FEET NORTHERLY OF SAID SOUTH LINE, A DISTANCE OF 533.97 FEET TO A CORNER OF SAID PLAT;

THENCE NORTH 00°58'48" EAST A DISTANCE OF 460.00 FEET TO A CORNER OF SAID PLAT;

THENCE NORTH 89°01'12" WEST A DISTANCE OF 17.65 FEET TO A CORNER OF SAID PLAT;

THENCE SOUTH 68°06'06" WEST A DISTANCE OF 435.23 FEET TO A CORNER OF SAID PLAT;

THENCE SOUTH 79°54'07" WEST A DISTANCE OF 66.00 FEET TO THE SOUTHWEST CORNER OF SAID PLAT; SAID POINT ALSO BEING A POINT ON THE EAST LINE OF THAT PARCEL

DESCRIBED IN INSTRUMENT NO. 90-418297 MARICOPA COUNTY RECORDS, AND SAID POINT ALSO BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS POINT BEARS SOUTH $79^{\circ}54'07''$ WEST A DISTANCE OF 667.00 FEET;

THENCE SOUTHEASTERLY A DISTANCE OF 128.94 FEET ALONG THE ARC OF SAID CURVE, TO A CORNER OF SAID PARCEL;

THENCE SOUTH $00^{\circ}58'30''$ WEST A DISTANCE OF 129.00 FEET ALONG THE EAST LINE OF SAID PARCEL;

THENCE SOUTH $45^{\circ}58'30''$ WEST A DISTANCE OF 29.66 FEET TO A CORNER OF SAID PARCEL, SAID POINT ALSO BEING ON A LINE PARALLEL WITH AND 65.00 FEET NORTHERLY OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE NORTH $89^{\circ}01'30''$ WEST ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 1201.97 FEET TO A CORNER OF SAID PARCEL;

THENCE NORTH $44^{\circ}01'12''$ WEST A DISTANCE OF 29.85 FEET TO A CORNER OF SAID PARCEL, SAID POINT BEING ALSO ON THE EASTERLY RIGHT OF WAY LINE OF BROOKSIDE LANE AS DEDICATED IN BOOK 319 OF MAPS, PAGE 23, MARICOPA COUNTY RECORDS;

THENCE NORTH $00^{\circ}58'48''$ EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 132.07 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 985.00 FEET;

THENCE NORTHWESTERLY A DISTANCE OF 414.00 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF $24^{\circ}04'54''$ TO A CORNER OF SAID PARCEL;

THENCE NORTH $20^{\circ}01'22''$ EAST A DISTANCE OF 30.35 FEET TO A CORNER OF SAID PARCEL, SAID CORNER ALSO BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF MONDELL ROAD, AS DEDICATED IN BOOK 319 OF MAPS, PAGE 22, MARICOPA COUNTY RECORDS;

THENCE NORTH $63^{\circ}45'25''$ EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 130.29 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1117.00 FEET;

THENCE NORTHEASTERLY A DISTANCE OF 530.72 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF $27^{\circ}13'23''$;

THENCE SOUTH $89^{\circ}01'12''$ EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 226.18 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 1533.00 FEET;

THENCE EASTERLY A DISTANCE OF 252.60 FEET ALONG THE ARC OF SAID CURVE, AND ALONG SAID RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF $09^{\circ}26'27''$;

THENCE SOUTH $54^{\circ}56'52''$ EAST A DISTANCE OF 30.26 FEET TO A CORNER OF SAID PARCEL, SAID POINT BEING ON THE WESTERLY LINE OF SAID PLAT OF KINGSWOOD PARKE PARCEL 16, SAID POINT ALSO BEING ON A NON-TANGENT CURVE CONCAVE TO THE EAST WHOSE RADIUS POINT BEARS NORTH $78^{\circ}22'33''$ EAST A DISTANCE OF 1033.00 FEET;

THENCE NORTHWESTERLY A DISTANCE OF 21.00 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $01^{\circ}09'54''$ TO A CORNER OF SAID PLAT, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID MONDELL ROAD, AND SAID POINT ALSO BEING ON A NON TANGENT CURVE, CONCAVE NORTHWESTERLY WHOSE RADIUS POINT BEARS NORTH $09^{\circ}14'44''$ WEST A DISTANCE OF 1533.00 FEET;

THENCE NORTHEASTERLY 338.51 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $12^{\circ}39'07''$, AND ALONG SAID RIGHT OF WAY LINE TO A CORNER OF SAID PLAT;

THENCE NORTH $68^{\circ}06'09''$ EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 240.36 FEET TO A CORNER OF SAID PLAT;

THENCE SOUTH $66^{\circ}53'51''$ EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 22.63 FEET TO A CORNER OF SAID PLAT;

THENCE NORTH $68^{\circ}06'09''$ EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET TO A CORNER OF SAID PLAT;

THENCE NORTH $23^{\circ}06'09''$ EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 22.63 FEET TO A CORNER OF SAID PLAT;

THENCE NORTH $68^{\circ}06'09''$ EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 145.07 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 917.00 FEET;

THENCE NORTHEASTERLY, A DISTANCE OF 466.48 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $29^{\circ}08'48''$ AND ALONG SAID RIGHT OF WAY LINE TO A CORNER OF SAID PLAT;

THENCE SOUTH $36^{\circ}13'11''$ EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 22.22 FEET TO A CORNER OF SAID PLAT;

THENCE SOUTH $80^{\circ}11'21''$ EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET TO A CORNER OF SAID PLAT;

THENCE NORTH $55^{\circ}50'30''$ EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 22.22

FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS POINT BEARS SOUTH 12°22'23" WEST, A DISTANCE OF 917.00 FEET;

THENCE SOUTHEASTERLY A DISTANCE OF 285.34 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°49'42" AND ALONG SAID RIGHT OF WAY LINE TO A CORNER OF SAID PLAT;

THENCE, LEAVING SAID RIGHT OF WAY LINE, SOUTH 04°25'10" EAST A DISTANCE OF 115.70 FEET TO A CORNER OF SAID PLAT;

THENCE SOUTH 35°23'47" WEST A DISTANCE OF 266.89 FEET TO A CORNER OF SAID PLAT;

THENCE SOUTH 01°29'09" EAST A DISTANCE OF 237.63 FEET TO A CORNER OF SAID PLAT;

THENCE SOUTH 27°52'34" WEST A DISTANCE OF 506.80 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPTING THEREFROM ANY PORTION LYING WITHIN KINGSWOOD PARKE PARCEL 16 RECORDED AT BOOK 319, PAGE 24, MARICOPA COUNTY RECORDERS OFFICE.

EXCEPTION PARCEL NO. 4

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32;

THENCE SOUTH 00°19'45" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32 A DISTANCE OF 93.95 FEET TO A POINT ON THE PROPOSED SOUTHEASTERLY RIGHT OF WAY LINE OF REEMS ROAD;

THENCE SOUTH 44°05'14" WEST, ALONG SAID PROPOSED RIGHT OF WAY LINE, A DISTANCE OF 1110.14 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 2565.00 FEET;

THENCE SOUTHWESTERLY A DISTANCE OF 1212.12 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID PROPOSED RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 27°04'33";

THENCE SOUTH 71°10'05" WEST, ALONG SAID PROPOSED RIGHT OF WAY LINE, A DISTANCE OF 23.98 FEET;

THENCE SOUTH 64°14'43" EAST A DISTANCE OF 29.91 FEET TO THE SOUTHERLY PROPOSED RIGHT OF WAY LINE OF SILVERLEAF WAY;

THENCE SOUTH 19°39'31" EAST, ALONG SAID PROPOSED RIGHT OF WAY LINE, A DISTANCE OF 163.17 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 670.00 FEET;

THENCE SOUTHEASTERLY A DISTANCE OF 413.26 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $35^{\circ}20'25''$, AND ALONG SAID PROPOSED RIGHT OF WAY LINE TO A POINT WHICH IS THE CORNER ON THAT PARCEL DESCRIBED IN INSTRUMENT NO. 88-108136 MARICOPA COUNTY RECORDS, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTHEASTERLY A DISTANCE OF 233.97 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID PROPOSED RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF $20^{\circ}00'30''$ TO A CORNER OF SAID PARCEL;

THENCE SOUTH $14^{\circ}59'31''$ WEST A DISTANCE OF 278.23 FEET TO A CORNER OF SAID PARCEL;

THENCE SOUTH $73^{\circ}18'33''$ WEST A DISTANCE OF 459.95 FEET TO A CORNER OF SAID PARCEL;

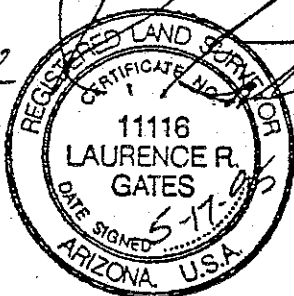
THENCE NORTH $16^{\circ}41'27''$ WEST A DISTANCE OF 280.00 FEET TO A CORNER OF SAID PARCEL;

THENCE NORTH $73^{\circ}18'33''$ EAST A DISTANCE OF 111.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 518.21' FEET;

THENCE NORTHEASTERLY A DISTANCE OF 346.48 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $38^{\circ}18'32''$ TO THE TRUE POINT OF BEGINNING.

SAID TOTAL DESCRIPTION CONTAINS 291.4701 ACRES MORE OR LESS

Laurence



KINGSWOOD PARKE STREET LIGHT IMPROVEMENT DISTRICT

JOB NO. 95016



N.T.S.

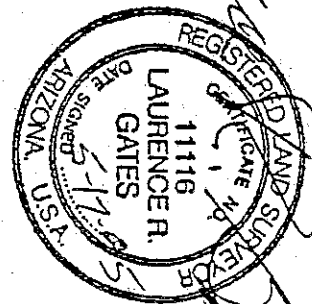
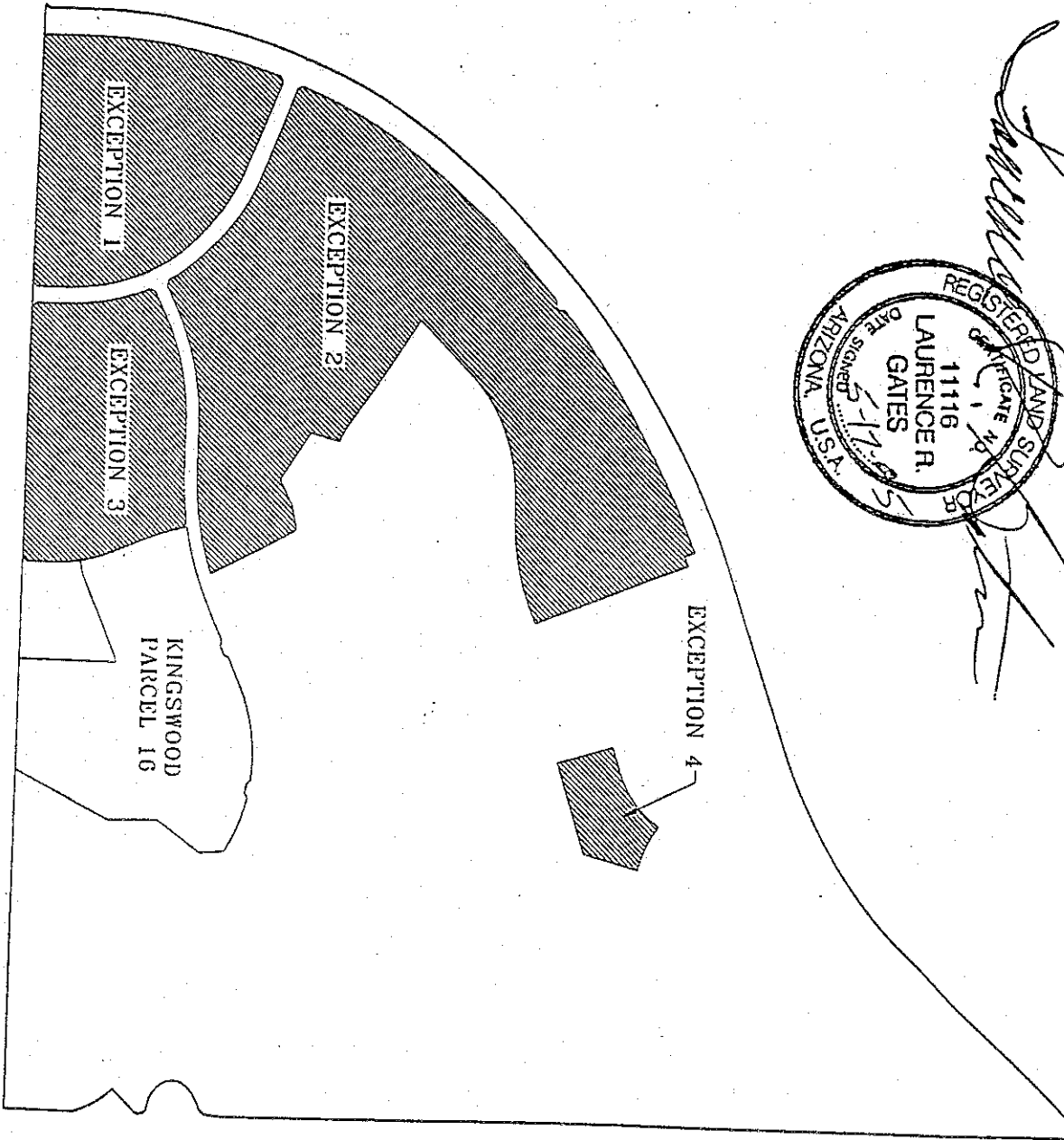


EXHIBIT "B"

DESCRIPTION

KINGSWOOD PARKE #105

STREET LIGHT IMPROVEMENT DISTRICT (SLID)

A parcel of land comprised of a portion of that real property platted as KINGSWOOD PARKE PARCEL 16, a subdivision of land, recorded in Book 319, Page 24, Records of Maricopa County and a portion of that real property platted as KINGSWOOD PARKE PARCEL 15, being located in the south half of Section 32, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Southeast Corner of said Section 32;

Thence along the south line of said Section 32 North 89°01'12" West 2197.92 feet;

Thence North 00°58'48" East 532.46 feet to the southeast corner of Lot 34 of said KINGSWOOD PARKE PARCEL 15 and the POINT OF BEGINNING;

Thence South 68°06'09" West 85.40 feet;

Thence South 66°39'19" West 43.50 feet;

Thence North 67°46'19" West 13.92 feet;

Thence South 68°06'09" West 43.00 feet;

Thence South 23°58'36" West 13.92 feet;

Thence South 69°32'58" West 43.52 feet;

Thence South 68°06'09" West 198.73 feet;

Thence South 77°08'28" West 85.94 feet to a point on a non-tangent curve, concave to the southwest the center of which lies South 79°54'20" West 667.00 feet;

(description continued on page 2 of 2)



EXPIRES 09-11-2011

DESCRIPTION (continued from page 1 of 2)

Thence northwesterly along said curve through a central angle of 12°43'28" 148.13 feet;

Thence North 22°49'07" West 175.13 feet to the beginning of a curve, concave to the northeast having a radius of 1033.00 feet;

Thence northerly along said curve through a central angle 12°21'34" 222.83 feet to a point on a non-tangent curve, concave to the northwest the center of which lies North 09°14'44" West 1533.00 feet;

Thence northeasterly along said curve through a central angle of 12°39'07" 338.51 feet;

Thence North 68°06'09" East 240.36 feet;

Thence South 66°53'51" East 22.63 feet;

Thence South 21°53'51" East 342.00 feet;

Thence South 24°35'14" East 74.58 feet to a point of cusp of a non-tangent curve, concave to the southwest, the center of which lies South 68°06'09" West 16.00 feet;

Thence northwesterly, westerly, and southwesterly along said curve through a central angle of 90°00'00" 25.13 feet;

Thence South 68°06'09" West 77.61 feet;

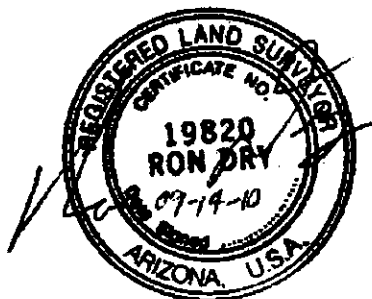
Thence South 23°06'09" West 14.14 feet;

Thence South 21°53'51" East 88.60 feet;

Thence South 21°18'56" West 6.72 feet to the POINT OF BEGINNING.

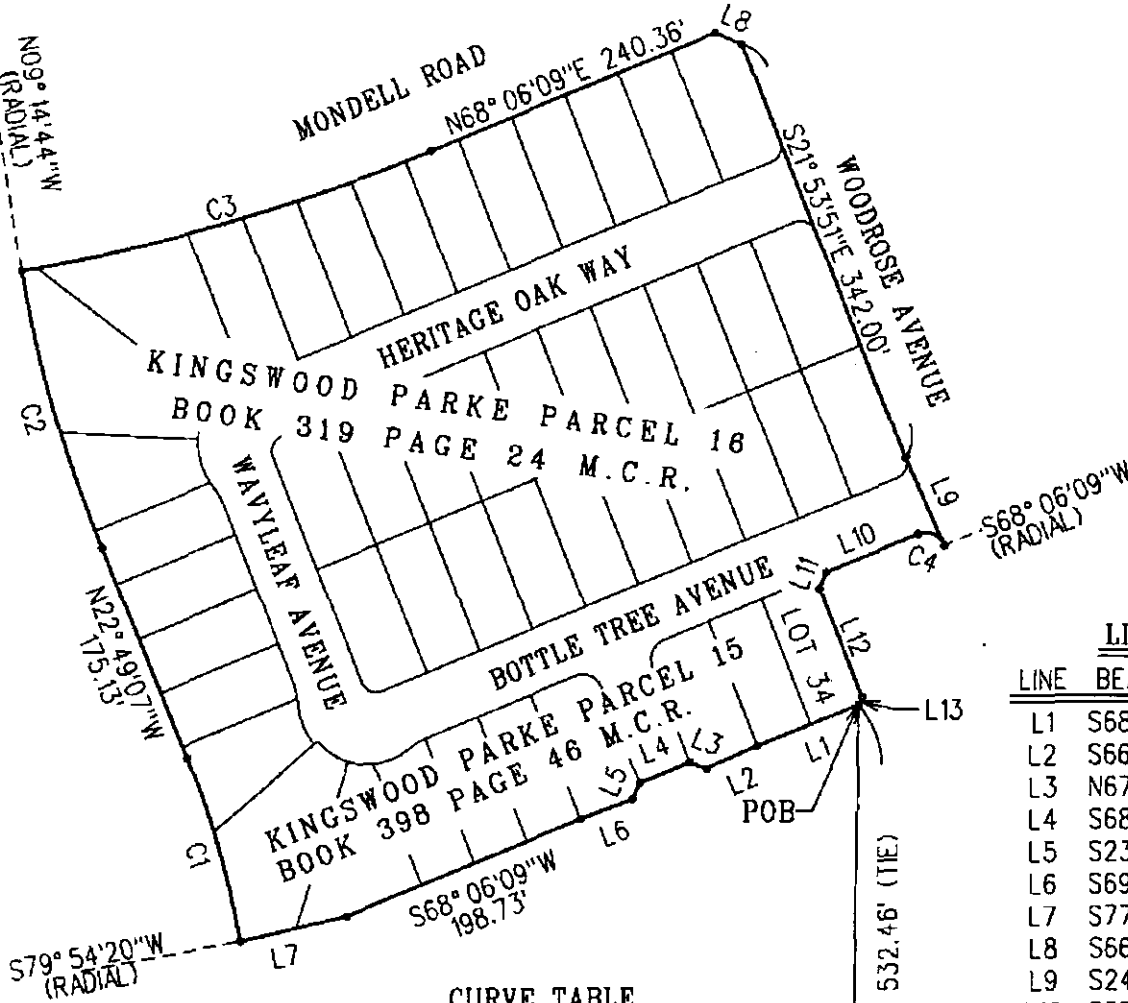
Attached is EXHIBIT "B" and by this reference is made a part hereof.

End of description

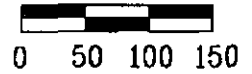


EXPIRES 09-11-2011

EXHIBIT "B"



SCALE: 1"=150'

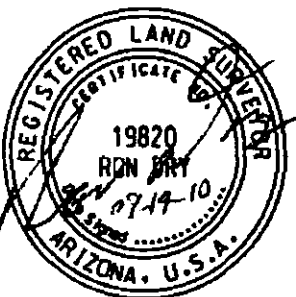


CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	12° 43' 28"	667.00'	148.13'
C2	12° 21' 34"	1033.00'	222.83'
C3	12° 39' 07"	1533.00'	338.51'
C4	90° 00' 00"	16.00'	25.13'

LINE TABLE

LINE	BEARING	LENGTH
L1	S68° 06' 09" W	85.40'
L2	S66° 39' 19" W	43.50'
L3	N67° 46' 19" W	13.92'
L4	S68° 06' 09" W	43.00'
L5	S23° 58' 36" W	13.92'
L6	S69° 32' 58" W	43.52'
L7	S77° 08' 28" W	85.94'
L8	S66° 53' 51" E	22.63'
L9	S24° 35' 14" E	74.58'
L10	S68° 06' 09" W	77.61'
L11	S23° 06' 09" W	14.14'
L12	S21° 53' 51" E	88.60'
L13	S21° 18' 56" W	6.72'



EXPIRES 09/30/11

S89° 01' 12" E 3074.98'

N89° 01' 12" W 2197.92' POC

SW COR
SEC 32
T4N R1W

BELL ROAD

SE COR
SEC 32
T4N R1W

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
M.C.R. MARICOPA COUNTY RECORDER
— SLID BOUNDARY

KINGSWOOD PARKE *105
STRET LIGHT IMPROVEMENT
DISTRICT (SLID)



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 09067

SURVEYED BY N/A

DRAWN BY RCD

DATE 09-14-2010

SHEET 1 OF 1



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: January 4, 2022

Contact Person: Andrea Davis, DIRECTOR -
FINANCE

Submitting Department: Finance

District: Citywide

Staff Recommendations: None

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the approval of an amendment of the Fiscal Year 2022 budget by moving budget authority in the amount of \$30,000 for the re-classification of one part-time equivalent position to a full-time equivalent position within the Finance Department; Resolution # 2021-188.

Motion:

I move to approve Resolution # 2021-188.

Background:

The Finance Department's Utility Billing Division has identified areas in need of improved functionality. The re-classification of 2,080 part-time hours to one full-time equivalent position will assist the department with workload balancing and overall performance.

Objective Analysis:

This request will reclassify 2,080 part-time hours to one full-time position budgeted in the Finance Utility Department.

Policy Compliant:

This action is compliant with City and Council Policy.

Financial Impact:

The increase in employee related expenses (ERE) for transitioning from a part-time position to a full-time position will be absorbed by vacancy savings within the Finance Department's operating budget. Any additional (ERE) full-time expenses will be absorbed and incorporated into future years' budget.

Budget Impact:

This action will move budget authority in the amount of \$30,000 from the part-time salaries to full-time salaries within the Water, Sewer, Solidwaste and Stormwater Operation Funds. This action represents a movement of budget authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

This action to reclassify one part-time employee into a full-time employee will not affect the overall FTE count.

ATTACHMENTS:

1. FINAL_Res 2021-188 Reorg 1 FTE Position Finance UB
-

RESOLUTION # 2021-188

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2022 BUDGET BY MOVING BUDGET AUTHORITY IN THE AMOUNT OF \$30,000 WITHIN THE WATER, SEWER, SOLID WASTE, AND STORMWATER OPERATION FUNDS FOR THE TRANSITION OF ONE PART-TIME POSITION TO FULL-TIME IN AN EFFORT TO INCREASE EFFICIENCIES WITHIN THE FINANCE DEPARTMENT.

WHEREAS, the FY2022 budget was adopted including budget authority for part-time personnel within the Finance Department Utility Billing Department;

WHEREAS, to maintain current service levels in the Finance Utility Billing Department, it is necessary to reclassify 2,080 part-time hours into one full-time position;

WHEREAS, it is also necessary to move budgeted salaries associated with the part-time hours to full-time salaries within the Finance Utility Billing Department;

WHEREAS, the FY2022 budget was adopted by Council Resolution #2021-87 on June 1, 2021;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2021 through June 30, 2022.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

APPROVED AND ADOPTED this ____ day of _____, 2021.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2021-188

Exhibit A

1. Appropriation - This allocation below represents a movement of budget authority in the amount of \$30,000 from part-time salaries to full-time salaries within the within the Water, Sewer, Solid Waste and Stormwater Operation Funds to align the Finance Department Utility Billing Division staffing needs. This action represents a movement of budget authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Water Operations Fund	Finance-Utility Billing	Personnel Part-Time	E	14,000	(10,600)	3,400
Sewer Operations Fund	Finance-Utility Billing	Personnel Part-Time	E	18,400	(12,700)	5,700
Solid Waste Operations Fund	Finance-Utility Billing	Personnel Part-Time	E	8,200	(5,400)	2,800
Stormwater Operations Fund	Finance-Utility Billing	Personnel Part-Time	E	2,600	(1,300)	1,300
Water Operations Fund	Finance-Utility Billing	Personnel Full-Time	E	890,300	10,600	900,900
Sewer Operations Fund	Finance-Utility Billing	Personnel Full-Time	E	454,200	12,700	466,900
Solid Waste Operations Fund	Finance-Utility Billing	Personnel Full-Time	E	190,600	5,400	196,000
Stormwater Operations Fund	Finance-Utility Billing	Personnel Full-Time	E	45,500	1,300	46,800
Expense Total				1,623,800	-	1,623,800

2. Full-Time (FTE) - The amendment to the Finance Utility Billing Department full-time equivalent position count requires a decrease of 2,080 in part-time hours and the increase of one full-time position.

Fund	Department	Category	Current FTEs	Increase/ (Decrease)	Amended FTEs
Water Operations Fund	Finance-Utility Billing	Part-time	0.3	(0.3)	0.0
Sewer Operations Fund	Finance-Utility Billing	Part-time	0.4	(0.4)	0.0
Solid Waste Operations Fund	Finance-Utility Billing	Part-time	0.2	(0.2)	0.0
Stormwater Operations Fund	Finance-Utility Billing	Part-time	0.1	(0.1)	0.0
Water Operations Fund	Finance-Utility Billing	Full-time	10.2	0.3	10.5
Sewer Operations Fund	Finance-Utility Billing	Full-time	5.6	0.4	6.0
Solid Waste Operations Fund	Finance-Utility Billing	Full-time	2.8	0.2	3.0
Stormwater Operations Fund	Finance-Utility Billing	Full-time	1.4	0.1	1.5
Total			21.0	0.0	21.0



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: January 4, 2022

Contact Person: Donna Meuse, Human Resources Director

Submitting Department: Human Resources

District: Internal

Staff Recommendations:

Consent: No

Regular: Yes

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Presentation and discussion pertaining to a proposed amendment to Surprise Municipal Code Chapter 3, Article IV, Sec. 3-41 regarding the duties of the Personnel Appeals Board.

Motion:

Presentation and discussion only.

Background:

From time to time the Human Resources and Legal Departments review provisions of the Surprise Municipal Code pertaining to personnel and identify portions that could benefit from revision. Surprise Municipal Code Chapter 3, Article IV, Sec. 3-41, has been reviewed and would benefit from minor revisions to ensure clarity of the role of the City's Personnel Appeals Board and consistency with relevant state law.

Objective Analysis:

The amendment being proposed does not alter the duties of the Personnel Appeals Board, but clarifies that the scope of their duty is limited solely to a finding of whether or not just cause for discipline exists.

It also expressly adopts A.R.S. 38-1106 (H) by memorializing the authority of the City Manager to amend, modify, reject or reverse the Personnel Appeals Board decision where same is arbitrary or without reasonable justification.

Policy Compliant:

The amendment adds consistency with state law and provides additional direction to a City Council established commission in the performance of its duties.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. 21.11.22 Sec._3_41.____Personnel_appeals_board_(final)
-

Sec. 3-41. - Personnel appeals board.

- (a) *Generally.* Unless otherwise delineated within this section, the personnel appeals board will operate under the generally applicable bylaws contained in section 2-295.
- (b) *Purpose statement.* The purpose of the personnel appeals board is to serve as a neutral fact finding body to ~~determine whether just cause, as defined in (h)(1) of this section, exists when~~ review disciplinary actions of classified employees in the city service appeal disciplinary actions ~~when such consistings of suspensions, demotions, or terminations., and to assure that such employees were provided adequate procedural safeguards related to such disciplinary action.~~
- (c) *Jurisdiction.* The jurisdiction of the personnel appeals board will extend only to timely eligible appeals of disciplinary action by classified employees asserting a deficiency in one or more of the elements ~~of just cause as~~ set forth in subsection (h) below. The personnel appeals board will not hear or decide any other matter, ~~nor will it review or involve itself in investigations or make recommendations pertaining to policy, discipline or disciplinary measures.~~ If jurisdiction is in controversy, the city manager or city manager's designee will decide whether the personnel appeals board has jurisdiction to hear an appeal.
- (d) *Composition and quorum.* The personnel appeals board will consist of seven members who will be citizens of the city, representing, insofar as possible, different professions or occupations. Members of the board shall hold no other compensated municipal office or municipal employment for the city during their service on the board. Insofar as possible, appointment of members will be made so as to constitute equal representation of all areas within the city. Each member will serve staggered terms of four years. In order to create staggered terms, three members will be selected to serve an initial term of two years, and four members shall be selected to serve an initial term of four years. Thereafter, each appointment will be for a full four-year term. Five members will constitute a quorum for the transaction of business.
- (e) *Selection and appointment.* Selection and appointment of the personnel appeals board will conform to section 2-296.
- (f) ~~Reserved.~~ *Meetings.* ~~The personnel appeals board will meet within eight working days of an appeal to the board, filed pursuant to chapter 3 of this Code, to schedule all necessary hearings in the matter as deemed appropriate by the board. For purposes of this paragraph, working days means days on which city hall is open for business.~~
- (g) *Hearings.* A hearing on the matter will be conducted on items appealed pursuant to chapter 3 of this Code by a panel consisting of five members of the board who will serve as hearing officers. The hearing officers will consist of the chairman, or designee in the chairman's absence, who will preside over the hearing and four other members who will serve on rotation.
- (h) *Powers and duties.*
 - (1) The personnel appeals board will review timely filed eligible appeals by employees in the classified service to assure by a preponderance of evidence that:
 - a. The employee knew or reasonably should have known that the employee's conduct could lead to disciplinary action;
 - b. The disciplinary action is the result of job performance, violation of law, violation of established city policy or procedure, and/or a violation of established department policy or procedure;
 - c. ~~There is investigation produced~~ sufficient evidence or proof to reasonably support the failure of performance or violation as alleged;
 - d. If the appellee is a classified sworn law enforcement employee, the disciplinary action is not excessive and is reasonably related to the seriousness of the offense and the officer's service record.

- (2) The board has the power to examine witnesses under oath, and each member of the board has the power to administer oaths to witnesses.
- (3) The determination of the board ~~as to the existence of each element set forth in (h)(1) of this section~~ will be in writing.
- (4) The board's ~~authority extends only to making a determination of the existence of just cause as defined in (h)(1) of this section. The board shall not implement or make a recommendation pertaining to the appropriate discipline of any employee. The City Manager may amend, modify, reject or reverse the determination of the board. will have the authority to sustain or overturn the disciplinary action appealed.~~
- (i) *Personnel board procedures.* The personnel appeals board will establish the rules and procedures which will be applicable to appeal hearings. These may include rules and procedures relating to continuances of a hearing, the order and method of presenting witnesses and evidence, the length of time to be permitted for a presentation or portion of a presentation, the examination of witnesses and any other procedural matters pertaining to appeal hearings. The board may change or modify appeal hearing procedures when there is good cause to do so and the change is in the best interest of the purpose of the hearing.
- (j) *[City manager.]* The city manager will assist the personnel appeals board to fulfill its obligations under this chapter.

(Ord. No. 08-42, § 1(Exh. A), 9-25-08; Ord. No. 2011-04, § 1, 2-22-11; Ord. No. 2015-20, § 1(Exh. A), 11-3-15; Ord. No. 2019-27, § 3, 11-5-19; Ord. No. [2020-34](#), § 1, 10-6-20)



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: January 4, 2022
Submitting Department: Legal
Staff Recommendations:

Contact Person: Robert Wingo, CITY ATTORNEY
District: Internal

Consent: No	Regular: Yes	Public Hearing: No	Report/Discussion: No
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Agenda Wording:

Consideration and action pertaining to direction to the City Attorney regarding potential settlement of the three condemnation lawsuits titled City of Surprise v. 163rd & Happy Valley Road, LLC et al., City of Surprise v. Anthony G. Bagneschi (PC) Trustee of the Anthony G. Bagneschi 401k, et al., and City of Surprise v. Pensco Trust Company Custodian FBO Kent A Xander IRA et al.

Motion:

Dependent on executive session discussion.

Background:

On August 18, 2020, City Council by Resolution #2020-96 authorized and directed appropriate proceedings to acquire, including by exercising its power of eminent domain if necessary, all property necessary for the construction and/or expansion of Happy Valley Road and any necessary drainage improvements, infrastructure, easements, etc. On September 16, 2020, the City filed three separate, but related condemnation actions, in order to acquire a total of approximately 10 acres of real property for Happy Valley Road right-of-way.

Objective Analysis:

Policy Compliant:

Financial Impact:

N/A. Pursuant to the Rancho Mercado Supplement Development Agreement, as amended, William Lyon Homes, Inc. is responsible for the cost of Happy Valley Road West Improvements, including right-of-way acquisition, which is subsequently reimbursed to William Lyon Homes by buy-in fees collected from property owners in the defined benefited area.

Budget Impact:

N/A. Pursuant to the Rancho Mercado Supplement Development Agreement, as amended, William Lyon Homes, Inc. is responsible for the cost of Happy Valley Road West Improvements, including right-of-way acquisition, which is subsequently reimbursed to William Lyon Homes by buy-in fees

collected from property owners in the defined benefited area.

FTE Impact:

N/A.

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: January 4, 2022
Submitting Department: Legal
Staff Recommendations:

Contact Person: Robert Wingo, CITY ATTORNEY
District: Internal

Consent: No Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action to recess into executive session for discussion and consultation with the City Attorney for legal advice, and to consider and instruct the City Attorney regarding the City Council's position pertaining to the condemnation actions titled, City of Surprise v. 163rd & Happy Valley Road, LLC et al., City of Surprise v. Anthony G. Bagneschi (PC) Trustee of the Anthony G. Bagneschi 401k, et al., and City of Surprise v. Pensco Trust Company Custodian FBO Kent A Xander IRA et al., pursuant to A.R.S. 38-431.03(A)(3) and (4).

Motion:

I move to recess into executive session for the purpose noticed.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:
