



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

Tuesday, November 1, 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

Purple Heart Anniversary Proclamation

E. City Manager Report

F. City Clerk Report

1. Citywide **General Elections Update**

City Clerk

G. Call To The Public

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[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 Special Council Meeting of October 11, 2022 and Regular City Council Work None

Session and the Regular City Council Meeting Minutes of October 18, 2022

Sherry Aguilar
City Clerk

- | | | | |
|----|------------|---|--|
| 2. | District 6 | Consideration and action to approve a request by Sargis Gewargis for a new series 12 (Restaurant) liquor license for Tap House Sports Grill located at 13699 N. Litchfield Road, Surprise, AZ. 85379. | None

Sherry Aguilar
City Clerk |
| 3. | District 4 | Consideration and action to approve a request by Minesh Patel for a new Series 10 (Beer & Wine Store) for Bubba's Drive Thru located at 15445 N. Greasewood Street, Surprise, AZ. 85378. | None

Sherry Aguilar
City Clerk |
| 4. | District 1 | Consideration and action to approve a series 07 (Beer & Wine Bar) new license requested by Theresa June Morse, Agent for Dickey's Barbecue #1413 located at 16581 W. Bell Road #101, Surprise, AZ. 85388. | None

Sherry Aguilar
City Clerk |
| 5. | Internal | Consideration and action pertaining to approval of the Intergovernmental Agreement with the City of Phoenix for Arizona Internet Crimes Against Children (ICAC) Task Force participation and training; Resolution #2022-105. | Benny Pina
Police |
| 6. | Internal | Consideration and action pertaining to approval of an amendment to the Fiscal Year 2023 Budget by moving budget authority of \$40,000 from General Contingency to Project G31226 to account for the acceptance of One Arizona Department of Homeland Security (UASI) grant to receive funding for specialized tactical team training and the purchase of equipment; Resolution #2022-107. | Benny Pina
Police |
| 7. | District 6 | Consideration and action pertaining to the City of Surprise granting a Utility Easement to APS to facilitate the service of the new recreational fields at Countryside school. | Lloyd Abrams
Community
Development |

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|----|------------|--|---|
| 8. | District 1 | Consideration and action pertaining to approval of a zone change of approximately 320 gross acres from Rural Residential (RR) to Residential Low Density (R-1), Residential High Density (R-3), and Community Commercial (C-2), generally bounded by Pinnacle Peak Road to the north, 227 th Avenue to the east, Deer Valley Road to the south, and 231 st Avenue to the west; Ordinance #2022-22. | Trevor Fleetham
Community
Development |
|----|------------|--|---|

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|----|----------|---|---|
| 9. | Citywide | Consideration and action pertaining to the Neighborhood Grant Program Awards for Fiscal Year 2023 as recommended by the sub-committee on Community Outreach, Partnerships and Grants. | None

Jodi Tas
Human Svcs and
Comm Vitality |
|----|----------|---|---|

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

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: October 27, 2022 at 10:20 AM

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: November 1, 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: November 1, 2022
Submitting Department: City Manager Office
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Purple Heart Anniversary Proclamation

Motion:

Background:

Larry Brown, along with the Commandant of the Marine Corps League White Tank Mountain Detachment and the Commander of the Purple Heart Chapter 691, to receive the Proclamation.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Purple Heart Anniversary Proclamation
-



Proclamation

Office of the Mayor

WHEREAS, by general orders to the Continental Army from Commander in Chief George Washington on August 7, 1782, the Badge of Military Merit was established in the form of a purple heart; and

WHEREAS, in 1932, on the 200th anniversary of George Washington's birth, the Badge of Military Merit was renamed the Order of the Purple Heart; and

WHEREAS, today, the Purple Heart is awarded to honor the combat wounded Veterans of this country and those who made the ultimate sacrifice and never returned home; and

WHEREAS, our Veterans have earned profound and eternal gratitude from all of the people of this city for their willingness to risk life and limb for the sake of this nation, its people, and our cherished freedoms; and

WHEREAS, The National Flag Foundation, the Military Order of the Purple Heart, and the Marine Corps League have partnered for the "Light to Unite" event on November 11th, as part of a nationwide initiative to celebrate the 240th Anniversary of the Purple Heart Award; and

WHEREAS, on November 7, 2017, the City of Surprise was established as a Purple Heart City to honor the sacrifice of our nation's men and women who were wounded or killed while protecting the freedoms we enjoy; and

WHEREAS, the City of Surprise will join the "Light to Unite" initiative by lighting City Hall purple on the evening of November 11, 2022.

NOW, THEREFORE, let it be resolved that I, **Skip Hall**, Mayor of the **City of Surprise**, do hereby proclaim November 11, 2022 as the:

240th Anniversary of the Purple Heart Award

in the City of Surprise, and encourage the citizens of Surprise to recognize and show their appreciation for the sacrifices all Purple Heart Medal recipients have made in defending our freedoms, to acknowledge their courage, and to show them the honor and support they have so selflessly earned.

DATED this ____ day of _____, 2022.

Skip Hall, Mayor

Attest:

Sherry Aguilar, City Clerk



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 1, 2022
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:
General Elections Update

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 1, 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 Special Council Meeting of October 11, 2022 and Regular City Council Work Session and the Regular City Council Meeting Minutes of October 18, 2022

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. 101102022 Special City Council Meeting Minutes
 2. 10182022 Regular Work Session Minutes
 3. Council Meeting Minutes October 18 2022
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**City of Surprise
Special City Council Meeting
Wickenburg Country Club
1420 N. Country Club Drive
Wickenburg, AZ. 85390**

Call To Order:

Mayor Hall called the meeting to order at 9:00 a.m. at the Wickenburg Country Club located at 1420 N. Country Club Drive, Wickenburg, AZ. 85390.

Roll Call:

Also in attendance with Mayor Hall were Vice-Mayor Alyson Cline; Councilmembers Jack Hastings, Ken Remley, Patrick Duffy, Roland Winters and Chris Judd.

Staff in Attendance:

City Manager Bob Wingenroth, DCM Tracy Montgomery, DCM Mike Gent and Management Analyst, Sr., Gloria Bianco-Dailey; Deputy City Attorney, Ellen VanRiper; Intergovernmental Relations Director, Jodi Tas; Assistant Economic Development Director, Mike Hoover and Strategic Planning & Growth Manager - Economic Development, Eric Fitzer; Parks and Recreation Director, Holly Osborn and City Clerk, Sherry Ann Aguilar.

Public In Attendance: Council Elect District 1- Nick Haney; Andy Cepon, Margaret Lieu, Larry Henley, and David Harding.

Pledge of Allegiance:

City Manager Report: City Manager, Bob Wingenroth outlined today's agenda for the Special City Council Retreat.

City Clerk Report – None.

Call to the Public – None.

Special City Council Meeting Agenda:

Regular Agenda item:

1. Discussion pertaining to City Council's development of primary goals and objectives for the Fiscal Year 2024 operating budget.

City Manager Bob Wingenroth started the discussion by explaining the layout of today's meeting and started off with an ice breaker for the group.

Topics will include but are not limited to:

Legislative Update:

Intergovernmental Director, Jodi Tas gave a legislative update by powerpoint presentation. The report covered the 2022 elections cycle, 2022 Legislative Session Recap of HB 2674 by-right zone, housing supply study committee, SB 1356/HB2685 – Prop 400E - Striker bill entered second to the last day, Governor vetoed.

Tax Bills – HB 2749 TPT, Prime contracting, tax base, Construction sales tax, Vehicle sales tax – out of state, HURF

SB1116 – Municipal Tax Exemption; residential rental tax – if this bill would have went through cities and towns collectively would have lost approximately \$220 million. Impact to Surprise would have been \$3.8 million.

HB 2787 – Maricopa County Split Bill – Still a possibility

Flat tax impact on municipal budgets

Discussion of changes to model city tax code and concerns about funding. Council expressed concerns and asked how we can help. Ms. Tas commented that this will be a ballot issue in November. Ms. Tas commented that if we lose the model city tax code and sales tax, we would lose approximately \$116 million dollars, 66%.

City Manager Wingenroth commented that we rely on the construction sales tax to pay for some of the projects being proposed in our Capital Budget requests coming up. He further asked what the plan is for the legislature. Ms. Tas commented most likely a Special Session of the legislature will be called after the General Election. Mr. Wingenroth further complimented Jodi on her efforts and expressed to Council that she is at the top for Intergov's in the valley.

City Manager Wingenroth opened with another ice breaker, what was your first car and would you trade what you have now for it?

The next topic:

Parks and Recreation:

Parks and recreation Director, Holly Osborn gave a powerpoint presentation on this item. Discussion included:

Current park inventory was reviewed by City Staff as part of the powerpoint presentation.

Councilmember Remley asked about the development agreement for Asante Park and funds the City has contributed. Are the funds reimbursable? Ms. Osborn gave the highlights and history of Asante Park. We have put a million dollars into the park for improvements of our own money due to drainage issues.

Councilmember Judd asked about the programming differences with Countryside vs. Asante. Ms. Osborn explained the difference between programmable vs. non-programmable parks, the difference includes lighting, restrooms, staffing, parking, etc.

Mayor Hall asked if we could require certain infrastructure of the parks before we accept them? Open space corridors were discussed. City Manager Wingenroth commented that currently there is no policy in place but we are working on this.

Councilmember Winters commented that the developers need to finish the parks that they promise, example Surprise Farms Park, the City had to finish and now maintain.

Councilmember Duffy asked can we send Asante the bill for the work that we have done? Holly, we spent \$500,000. To move and fix the equipment.

Mayor Hall commented that Veramonte park is along Litchfield Road, it is one of our gateways and we need to merchandise this. What are we doing to highlight this park?

Councilmember Judd would like to see us only accept parks that we can program. Would like to see a policy on these lines. Council consensus were all in in agreement.

City Manager Wingenroth commented that it sounds like Council consensus on having Public Works observe the proposed land prior to accepting, and to have clear direction in the agreements will be the direction of the Council.

The future of parks included:

Where do we want to go?

Updating the Master Plan in 2023

Councilmember Judd commented that the City needs a big park, the bigger you go, the cheaper it is per acre. If we continue with smaller parks, we forget about planning for a larger park. I am more interested in long term planning, example the McMicken dam park.

Mayor Hall agrees, looking at our City, our growth is going out west, the observation/wildlife area is perfect for this type of park, next to the proposed park.

Mayor Hall also brought up land in Prasada for park possibilities, Mr. Fitzer commented there was a hand shake with the developer on a donation of land.

Councilmember Hastings commented that he likes the idea of a bigger pool and to become a sports and tourism destination, this turns heads and people will come out our way. Pickleball facility, revenue generator ideas.

Ms. Osborn reviewed the timeline for Paloma Park in Peoria as an example of how long this process could take.

City Manager Wingenroth commented that 7 years for planning a park is way too long, now is the time for planning for funding.

Councilmember Judd asked about police sub-station at the new park? Are we required to leave space for one? City Manager Wingenroth said that we don't need one there now but should hold space for future growth.

Councilmember Remley commented that it will cost a lot of money for a park, but having the property is a big savings.

Ms. Osborn commented that the water district wants to see a plan for the proposed pool and park.

Vice-Mayor Cline commented on parking, drainage issues.

City Manager Wingenroth commented that this is an active conversation and we have some great feedback, we will come back with a workshop on this item.

10 minute Break.

The meeting was reconvened at 10:37 a.m.

The meeting has been recorded up to this point, the remainder of the meeting was not recorded due to technical difficulties.

City Manager Wingenroth opened with another ice breaker – Where were you born?

Economic Development:

Discussion was led by Assistant Economic Development Director, Mike Hoover and Strategic Planning & Growth Manager, Eric Fitzer.

The powerpoint presentation topics included:

Assistant Economic Development Director, Mike Hoover led off the powerpoint and gave an overview of their findings as follows:

- Commercial Real Estate Profile
- Surprise Retail Attraction
- Current 303 Regional Retail Opportunities
- Surprise Top Properties Promoted

- Retail Vs. Multi-Family
- Employment

Strategic Planning & Growth Manager, Eric Fitzer reviewed the study findings of retail vs. multi-family.

303 Corridor – 35 miles long. The Surprise portion is designated for retail.

Mr. Hoover mentioned North Surprise, about 100 acres, south of Fry's off 163rd Avenue.

Councilmember Winters asked about a proposed truck stop at 303 and Grand Avenue. Mr. Hoover commented that there is nothing being presented or proposed at this time.

Councilmember Judd asked how did you come up with household spending that is listed on the report? It would be nice to see a chart for 5 to 10 year periods listed if possible.

Vice-Mayor Cline asked if we have a water usage plan in place?

Mayor Hall asked about long term commercial paybacks. We have sights that are not full time tenants. It isn't just commercial, you need access and visibility. We have some land that has neither, it's just going to sit there.

Councilmember Judd commented that every time a landowner or attorney comes to us, they swear the land is useless, it would be nice if we could figure this out ourselves.

Mayor Hall gave an example of the land behind Sun Village zoned commercial but the location is not desirable, he commented that it should be zoned as multi-family. The development Christopher Todd is full and I am not seeing any traffic or congestion problems for this area and I go there often. Going forward, we need more data outlining commercial designations.

Councilmember Hastings commented about rezones coming to us, we don't know how viable the area is, is there an economic development viable study that we could use?

Vice-Mayor Cline asked about the area along the 303, commercial visible to the 303, no need for housing along the freeway. Seeing the businesses makes more sense for visibility.

Mayor Hall commented that Surprise has some real opportunities for commercial developments along the 8 mile stretch of 303.

City Manager Wingenroth commented on tax and funding for City projects, it will depend on retail and commercial.

Mayor Hall asked what are our goals for employment?

Vice-Mayor Cline commented on remote employment and office meeting space.

Councilmember Remley commented that the last time we did a study we found that 95% of our residents drive somewhere else to work, we need to look at attracting more higher paying employment to keep our residents here.

Councilmember Judd asked about a property that is a 10 acre site for grocery, retail, can we divide this into smaller sites to add more businesses that the residents are looking for?

Vice-Mayor Cline mentioned in Sacramento having little shops, more opportunities for locals to shop, I would like this to be a consideration.

Councilmember Judd asked when we do our land planning, do we have a metric for comparison?

- **Land Acquisition Strategy & Implementation Program**

Deputy City Manager, Mike Gent gave an overview of a proposed strategy for land acquisition and asked for Council input.

Mr. Gent asked Council to review the paragraph in #1, to see if wording needs to be amended.

Mayor Hall asked if there is a threshold for selling property without going to the voters?

Deputy City Attorney VanRiper commented that the limit is if its over 1.5 million dollars in value, it would need to go to the voters.

Mayor Hall asked what about the ability to trade properties? Mr. Gent commented under Section "C".

Deputy City Manager Gent reviewed the Property Acquisition Priority Checklist handed out to Council for discussion.

Councilmember Judd commented that if we have a strict policy in place, why are we reviewing a checklist? Mr. Gent commented that the property discussed is just an example, there are many others to compare too.

Surprise resident, Larry Henley commented that he doesn't have a problem with acquiring properties. I think it's a good idea, if we make more money then this will bring our taxes down.

Lunch Break – 12:00 p.m.

Reconvened at 12:36 p.m.

Councilmember Winters had to leave the meeting at 12:30 p.m.

City Manager Wingenroth handed out a document that outlined future projects and projected timelines and including estimated costs.

Discussion took place about possible future bond election for projects on the list. Mr. Wingenroth asked Council to prioritize the projects on the list. Discussion took place for swapping of projects on the priority list:

Road projects at 163rd Avenue/Grand area are top priority.

- Mayor Hall asked to cut the development approval time in half
- Councilmember Judd – Joint Use Agreement along McMicken Dam
- Mayor Hall – Consider taking over flood control – Maricopa County
- Councilmember Hastings – bring back Curbside recycling
- Councilmember Remley – Public Transit – Laser focus on transportation, micro transit
 - Ridership as a metric
 - Failure is not an option
- Vice-Mayor Cline – Multi-Story/Use parking structure by Library and Aquatic Center – Revenue Bond, Multi-use – 1st level retail - Restaurant, possibly 2 lower levels, etc.
- Councilmember Hastings – More use out of tennis facility – increase use by 50%.
 - o Programming for the tennis facility
 - o Increase hotel/restaurant revenue
 - o Tournament seating/lighting
 - o Evaluate cost of revenue vs. advertising, etc.
- Mayor Hall asked for more City coverage from the media

City Manager Wingenroth thanked the Mayor and Council for today's meeting and commented that a lot of helpful feedback and ideas were discussed today to give staff guidance.

Mayor Hall commented that if there is no other discussion, could I have a motion to adjourn.

Adjournment:

Councilmember Remley made the motion to adjourn the Special Council Meeting at 1:27 p.m. Seconded by Vice-Mayor Cline, 6 yes votes, 1 excused (Councilmember Winters left early), Motion carried.

Mayor, Skip Hall

ATTEST:

City Clerk, Sherry Ann Aguilar

CITY OF SURPRISE
Regular City Council Work Session
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, October 18, 2022 @ 5:00PM

A. Call To Order

Mayor Hall called the Regular Council Work Session to order on October 18, 2022 at 5:00 p.m. at the Surprise City Hall located at 16000 N. Civic Center Plaza, Surprise, Arizona 85374.

- B. Roll Call

In attendance with Mayor Hall were Vice-Mayor, Aly Cline; Councilmembers Jack Hastings, Ken Remley, Patrick Duffy, Roland Winters and Chris Judd.

- C. Pledge of Allegiance
- **1. Presentation and discussion pertaining to Dementia Friendly Surprise.**

Human Services and Community Vitality Manager, Joe Gladieux introduced Janice Greeno, Senior Outreach Program Manager with Banner Sun Health Research Institute. Ms. Greeno continued with a powerpoint presentation on Dementia Friendly Surprise.

Ms. Greeno asked Council if they have been effected by someone they know who has dementia and how it has effected their lives and what are some feelings associated with this.

Topics included in the powerpoint presentation: Normal aging vs. Alzheimer's

Communication Tips:

Treat the person with dignity and respect.

Be aware of your feelings.

Be patient and supportive.

Offer comfort and reassurance.

Avoid criticizing or correcting.

Avoid arguing.

Offer a word guess.

Encourage nonverbal communication.

Five Key Messages:

Dementia is not a normal part of aging.
Dementia is caused by diseases of the brain.
Dementia is not just about having memory problems.
It is possible to have a good quality of life with dementia.
There's more to the person than the dementia.

Ms. Greeno asked the Council to break into 3 groups at the dais and asked them to write down steps for a daily routine of brushing your teeth, and to make sure someone reading your list could successfully follow the instructions to complete the task. Most had 7 to 10 steps to follow.

Surprise Memory Cafe - This is the third year for the Surprise Memory Cafe and there have been over 800 attendees that have passed the cafe since the opening. Has become a very successful program.

Councilmember Remley mentioned access to early tests, what is the status of research? Mr. Greeno commented that free tests are offered at Banner Health Research Institute. Ms. Lori Nissan, Director of Family and Community Services commented that within the next few years we will be able to have our blood drawn and tested for genetic markers. Medications are currently on the market to slow down the progress of Dementia.

Mayor Hall commented that he has a lot of empathy for the care takers because I was one. A lot of emotions, anger, guilt, and you have to learn how to deal with these feelings. I started journaling, it is amazing how helpful it is to write down how you feel. You have to take breaks, it's important. It is really hard if you don't take care of yourself.

Ms. Greeno ended the discussion with Reaching our Community:

Find out more about becoming a Dementia Friend and Dementia Friendly Communities: Dementia Friendly America: www.dfamerica.org
Dementia Friends USA: dementiafriendsusa.org

Mayor and Council thanked Ms. Greeno for the presentation.

L. Adjournment

Mayor Hall asked for a motion to adjourn. Councilmember Winters made the motion to adjourn the Regular Work Session of Tuesday, October 18, 2022 at 5:45 p.m. Vice-Mayor Cline seconded the motion. 7 yes votes to adjourn.

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 Work Session of Tuesday, October 18, 2022.

Sherry Ann Aguilar, City Clerk, MMC

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

Tuesday, October 18, 2022 @ 6:00PM

- A. Call To Order:

Mayor Hall called the Regular Council Meeting to order at 6:00 p.m. at the Surprise City Hall located at 16000 N. Civic Center Plaza, Surprise, Arizona 85374 on Tuesday, October 18, 2022.

- B. Roll Call

In attendance with Mayor Hall were Vice-Mayor Aly Cline, Councilmembers Jack Hastings, Ken Remley, Patrick Duffy, Roland Winters and Chris Judd.

- C. Pledge of Allegiance

- E. City Manager Report

CM Bob Wingenroth - Libraries in Surprise. August plans to work with the libraries to take over the library operations in July 1, 2023 to customize to the desires of our Surprise residents. Kelsey Lamphier, Arts, Cultural and Library Department, Acting Director gave a brief update on the goals. Full City operations begin on July 1st, 2023, with a team of 3 staff. First priorities will be budgeting and staffing needs.

Vice-Mayor Cline thanked Kelsey for the presentation and commented about the county library services and funding since 2016. We have had a good system in place for prior years and she expressed she is very excited about this change.

Councilmember Remley asked how can residents apply for employment or volunteer to assist? Through the City's website after positions are publicly available.

F. City Clerk Report

City Clerk Aguilar gave a brief update on the General Election. Early voting has already started here at City Hall. If you haven't received your ballot, you can stop by one of the voting centers in Maricopa County or call the Maricopa County Elections Department to request a ballot.

- 1. CONSENT AGENDA:

Vice-Mayor Cline made the motion to approve the Consent Agenda. Seconded by Councilmember Judd. 7 yes votes to approve. Motion carried.

1. Consideration and action on the Regular City Council Work Session and the Regular City Council Meeting minutes of October 4, 2022.

2. Consideration and action to approve a request by Agent, Andrea Lewkowitz for a New Series 12 (Restaurant) liquor license for MOD Pizza located at 13668 N. Prasada Parkway, #100, Surprise, AZ. 85388.

3. Consideration and action to approve a Class "A" Bingo License for Sunflower RV Resort located at 16501 N. El Mirage Road, Surprise, AZ. 85378.

4. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2023 budget by moving budget authority in the amount of \$33,400 within the Grants Fund for the purpose of accepting two grants from the Arizona Governor's Office of Highway Safety (GOHS) to advocate for child seat safety and youth alcohol awareness; Resolution # 2022-100.

5. Consideration and action pertaining to approval of the Final Plat entitled, "Toll at Prasada, Phase I Unit D Lot 561 & Tract A, Amended" and dated August 17, 2022, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS22-0743

6. Consideration and action pertaining to approval of the Final Plat entitled, "North Copper Canyon Village – Parcel 1.3" and dated July 25, 2022, a property generally located west of the intersection of Deer Valley Road and Grand Avenue; Case FS22-0106.

7. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at the Northeast corner of 175th Avenue and Cactus Road; Resolution # 2022-99.

8. Consideration and action pertaining to approval of the Final Plat entitled, "Heritage Asante – Parcel 10" and received July 26, 2022, a property generally located west of Asante Blvd. and south of Pat Tillman Blvd; Case FS22-0645.

9. Consideration and action pertaining to acceptance of a Drainage Easement Agreement from Royal Ranch Homeowners Association along Greenway near Bullard.

10. Consideration and action vacating the City's interest in a Utility, Sewer Line, and Water Line Easement within Section 16, Township 3 North, Range 1 West, generally located south of Waddell Road and West of Litchfield Road; Resolution #2022-88.

11. Consideration and action pertaining to approval of an Intergovernmental Agreement (IGA) between the City of Surprise and the Maricopa County Department of Transportation (MCDOT) for the construction, operation, and maintenance of traffic signals on Sun Valley Parkway at 227th Avenue and 219th Avenue ; Resolution #2022-102.

12. Consideration and action pertaining to approval of the First Amendment to the Wired Telecommunications License and Right-of-Way Use Agreement with Wyverd Connect, LLC; Resolution #2022-106.

13. Consideration and action to amend the Fiscal Year 2023 budget by moving budget authority of \$7,000 within the Municipal Art Fund from contingency to Project R51020 for the Stadium Art Project; Resolution #2022-103.

14. Consideration and action pertaining to approval of an amendment to the fiscal year 2023 budget by moving budget authority in the amount of \$40,000

within the Grants Fund for the acceptance of a grant from the Arizona Department of Homeland Security grant program; Resolution #2022-104.

- 15. Consideration and action pertaining to adoption of a Major PAD Amendment by rezoning property located at the northeast corner of 134th Avenue and Bell Road from Regional Commercial (C-3) to Planned Area Development (PAD); Ordinance #2022-23.
 - City Planner, Chris Sexton gave a powerpoint presentation on this item. Ms. Sexton An error was made on the public hearing date, but the applicant was there and one person attended expressing concern about the size of the proposed project.

Mayor Hall thanked staff for the presentation and commented that this project was approved in 2007, over 15 years ago, through Planning & Zoning, the staff did not feel at that time it needed to be approved by Council. Current staff reviewed and found that Council needs to approve this.

Councilmember Remley said this is an outstanding use of this property. When this is done, everything will be fully developed.

No public comments were received.

Councilmember Remley made the motion to approve Ordinance No. 2022-23. Seconded by Vice-Mayor Cline. 7 yes votes. Motion carried.

- J. City Council Reports

Councilmember Hastings - Will be changing the Meet and Greet day, to the 3rd Wednesday at State 48. Encouraged residents to attend.

Councilmember Remley - Last weekend was the Fiesta Grande on Hollyhock Street in original townsite and car show. Approximately 10,000 people attended. Thanked Council, staff and friends for showing up.

Councilmember Duffy - Today I attended Wa-Fed ribbon cutting today. Vision Works, ARBY'S, Jersey Mikes, a lot of places opening in the District.

Councilmember Judd - Tomorrow night at the Tap House - 6:00 p.m. for

District 6 Meeting; Last week we said farewell to Chief Abbott at his retirement party and sent congratulations to Chief Espie.

Councilmember Winters - Attended ribbon cutting at the Ottawa University last Saturday, instead of signing the ribbon, we signed a beam for the Co-Ed dorms; Dedication of the 1st building for the president's retirement. Attended the Fiesta Grande last weekend, great turnout and event.

Vice-Mayor Cline - Attended Ottawa beam signing; Fiesta Grande, great pics of the dance group; Holly Osborn, Parks and Recreation Director, did an awesome job with her team. New meeting held in Sun City Grand, had sign language and hearing impaired translators. They were so excited, we had a meeting for them and they were able to communicate and participate. Attended a mortgage burning party for LDS church in District 2; Ariana Maribel Gannon, had just graduated from Imagine Rosefield grade 5, was in a terrible car accident and she did not survive. The community pulled together to create Ariana's Corner at the Surprise Library. District 2 meeting coming up on Tuesday, October 25th - 6:00 p.m.

Mayor Hall - Friday, Oct 7th joined Toyota to award a Surprise resident, Mario Rodarte with a brand new Tacoma truck for his business, My Appliance Guy through a grant process. GAIN Night coming up on October 29th - Free event.

- L. Adjournment

Vice-Mayor Cline made the motion to adjourn the Regular City Council Meeting of Tuesday, October 18, 2022 @ 6:27 p.m. Seconded by Councilmember Duffy. 7 yes votes to adjourn. 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, October 18, 2022.**

Sherry Ann Aguilar, City Clerk, MMC



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 1, 2022
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: District 6

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

Agenda Wording:

Consideration and action to approve a request by Sargis Gewargis for a new series 12 (Restaurant) liquor license for **Tap House Sports Grill** located at 13699 N. Litchfield Road, Surprise, AZ. 85379.

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. FINANCE REPORT TAP HOUSE
 2. POLICE Tap House Sports Grill
 3. TAP HOUSE SPORTS GRILL - OCTOBER 2022 MAP
 4. TAP HOUSE SPORTS GRILL - OCTOBER 2022 Report
 5. fire13699 N Litchfield Rd Tap House Grill Liquor License
-



MEMO

Date: 10/5/22

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

From: Annie Vazquez

RE: Liquor License Application – Tap House Sports Grill - 13699 N Litchfield Rd

Business License Status:

- ☐ Application link emailed on .
- ☒ License # 1024539 , current and valid for 12/31/22 .
- ☐ Applied for license but is still pending and waiting on customer to provide additional information or documents.

S U R P R I S E P O L I C E D E P A R T M E N T
L I Q U O R L I C E N S E A P P L I C A T I O N R E V I E W

REFERENCE:

DATE: October 13, 2022

JOB NUMBER: 201292

Series #12 – New Application/Restaurant

APPLICANT:

Tap House Sports Grill

13699 N. Litchfield Road

Surprise, Arizona 85374

FINDINGS:

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

Tap House Sports Grill is taking over the previous establishment, which operated as Venue Tap Room, with a full restaurant menu, which mostly consists of hamburgers, salads, wings and a small children's menu. There is seating for 126 patrons, including 38 for the bar area. There are 25 televisions, two dart boards, two pinball machines and two kid's game machines, spread out throughout the establishment. There is also karaoke one night a week. The market appears to be open for patrons of all ages during normal business hours and more toward adults in the late evening hours.

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

There are multiple ingress/egress points for Tap House Sports Grill, which is located near the main intersection of Litchfield and Waddell Roads in the large commercial retail plaza known as Surprise Pointe. The change of ownership should not influence on traffic.

- 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.***

Tap House Sports Grill has been operating for the past three months after the change over from previous ownership. Over the last five years, there have been various calls for service to include: (1) Alcohol Offense, (1) Assault, (4) Disorderly Conduct, which all led to arrests, (1) DUI, (3) Thefts, (4) Fights, which led to at least one arrest, (4) Intoxicated person calls, (4) Trespass calls, and (5) Unwanted Guests. A few of these incidents resulted in the arrests, and most of them resulted in the involved persons being asked to leave the premises. The DUI resulted from a patron refusing a cab and drove off in his vehicle before being stopped by police in the parking lot.

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

Tap House Sports Grill is in the northwest section a large retail plaza. The hours of operation, per an employee via the phone is typically 11 AM to 11 PM. The restaurant can vary a bit on weekends, depending on volume of patrons at the time. Across the parking lot at the southeast

section is the Uptown Alley, which has a bowling, video games and a bar inside the facility. It is open until 2AM on weekends during normal operation times. After 10 PM, it is only for patrons over 21 years old, unless accompanied by a parent. There are approximately three other restaurants in the plaza that have series 12 liquor licenses. None of them are open late like Uptown Alley. Additionally, the AMC theaters, which are directly east across the parking lot from Under Review has a series 6 liquor license as well, but they have been temporarily closed also due to the pandemic. During normal operation days, AMC would close usually by midnight at latest, unless special engagements are playing.

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

A series 12 license is appropriate and applicable for the Tap House Sports Grill per state guidelines for restaurants which advises more than 40% of revenue is from food sales.

Submitted by Officer Chris Tovar #2059

TAP HOUSE SPORTS GRILL

PAD
ROYAL
RANCH

IG,
I-2

PAD
SIERRA VERDE

RL-5, R1-5

QUENCH TAPS
AND TAPAS

CC, C-2

PAD
ROSEVIEW

RR, R1-43

RL-5, R1-5

PAD
MARLEY
PARK

SITE

Amigos Authentic
Mexican Grill and Bar

PAD
SURPRISE
POINTE

Nick's Diner II

AMC



COMMUNITY DEVELOPMENT DEPARTMENT

Date: October 12, 2022
To: Sherry Aguilar, City Clerk
From: Lloyd Abrams, Community Development Director
James Stewart, Zoning Specialist
Re: Liquor License Application for:

TAP HOUSE SPORTS GRILL
Samuel David Byrum, Agent
13699 N. Litchfield Road, Surprise, Arizona 85379

SERIES 12 – RESTAURANT – APPLICATION # 125781

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

1. Quench Taps and Tapas (Series 12) – 14010 N. Litchfield Rd.#212
2. Fry's Marketplace #674 (Series 9) – 13982 W. Waddell Rd.
3. Safeway Food & Drug # 2699 (Series # 9) – 13828 W Waddell Rd.
4. Native Grill & Wings (Series 12) – 13929 W. Waddell Rd.
5. Quiktrip #466 (Series 10) – 14057 W. Waddell Rd. (Expired)
6. Walgreen's #12087 (Series 10) – 13723 N. Litchfield Rd.
7. Song Lynn Vietnamese Cuisine (Series 12) – 13749 N. Litchfield Rd. #109
8. Nicks Diner II (Series 12) – 13765 N. Litchfield Rd. (Not Shown)
9. AMC Surprise Pointe 14 (Series 6) – 13649 N. Litchfield Rd. (Not Shown)
10. Amigos Authentic Mexican Grill and Bar (Series 12) – 13621 N. Litchfield Rd. (Not Shown)
11. Uptown Alley II (Series 6) – 13525 N. Litchfield Rd.

The immediate area is comprised of commercial establishments. The property is zoned PAD C-2 which is consistent with the proposed use.

Commercial and residential growth is expected to remain static.

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



October 24, 2022

To: Sherry Ann Aguilar
From: Keith Tanner, Fire Marshal
Subject: Liquor License Application
Applicant: Tap House Sports Grill
13699 N Litchfield Road

On October 20, 2022, our staff conducted a fire inspection for a liquor license application at the above referenced location to ensure compliance with the applicable fire codes within the tenant space.

This tenant space has some outstanding fire code violations that will need to be corrected however they will be handled through the normal channels and will not interfere with the liquor license application.

Therefore we have 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



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 1, 2022
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: District 4

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

Agenda Wording:

Consideration and action to approve a request by Minesh Patel for a new Series 10 (Beer & Wine Store) for **Bubba's Drive Thru** located at 15445 N. Greasewood Street, Surprise, AZ. 85378.

Motion:

I move to approve a request by Minesh Patel for a new Series 10 (Beer & Wine Store) for **Bubba's Drive Thru** located at 15445 N. Greasewood Street, Surprise, AZ. 85378.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. CD LIQUOR LICENSE - BUBBAS DRIVE THRU - MAP
 2. CD LIQUOR LICENSE REPORT - BUBBA'S DRIVE THRU
 3. Finance Bubbas report
 4. fire 15445 N Greasewood St Bubbas Drive Thru Liquor License
 5. police Bubba's Drive Thru
-

SHD-RO

BUBBA'S DRIVE THRU

SHD-CO

SHD-RO

SHD-CO

SHD-RO

SITE

CITY OF EL MIRAGE

October 24, 2022

To: Sherry Aguilar, City Clerk
From: Lloyd Abrams, Community Development Director
By: Tanner Wessel, Planner I
Re: Liquor License Application for:

Bubba's Drive Thru
15445 N Greasewood Street, Surprise, AZ 85378

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

1. Northside Market (Series 10) – 15601 N Greasewood Street
2. Cindy's Mini Market (Series 10) – 15444 N Greasewood Street
3. Circle K #1184 (Series 10) – 12707 W Grand Avenue

The immediate area is composed of residential and commercial uses. The property is zoned SHD-RO (Surprise Heritage District – Residential Overlay) which is consistent with the proposed use.

Both the Residential and Commercial population in the area is expected to remain static.

If managed properly, the effects of granting this liquor license on surrounding residences will be minimal. This license will have little to no effect 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.





MEMO

Date: 10/19/2022

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

From: Annie Vazquez

RE: Liquor License Application – Bubba's Drive Thru - 15445 N Greasewood St

Business License Status:

- ☐ Application link emailed on .
- ☒ License # 1024780 , current and valid for 12/31/23 .
- ☐ Applied for license but is still pending and waiting on customer to provide additional information or documents.



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



October 24, 2022

To: Sherry Ann Aguilar, City Clerk
From: Keith Tanner, Fire Marshal
Subject: Liquor License Application
Applicant: Bubba's Drive Thru
15445 N Greasewood St

The Surprise Fire-Medical Department recently conducted a fire inspection at the above referenced location 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
Keith Tanner, Fire Marshal
Fire Prevention Division
Surprise Fire-Medical Department

S U R P R I S E P O L I C E D E P A R T M E N T
L I Q U O R L I C E N S E A P P L I C A T I O N R E V I E W

REFERENCE:

DATE: October 24, 2022

JOB NUMBER – 211574
Series #10 – Beer & Wine Store/New Application

APPLICANT:

Bubba's Drive Thru
15445 N. Greasewood St.
Surprise, Arizona 85378

FINDINGS:

- 1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Bubba's Drive Thru is an established independent drive thru liquor store and has been at this location for many years. There is also an inside convenience market adjacent to the drive thru. The market should be for patrons in the general area.
- 2) ***Effect of vehicular traffic in proximity.***
This new license/interim permit should have no effect on vehicular traffic with the change of liquor license.
- 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 lest 20 days before the hearing.***
During the past years, there have been a total of 44 incidents at the location. The following is a summary of a few of the incidents that have occurred here.
In **June 2022**, a male and female adult were arrested in the parking lot after hours. Charges of possession of over 1,000 pills combined of Fentanyl and Methamphetamine, as well as illegally being in possession of two firearms.
In **May 2022**, a patron of Bubba's went outside of the store and sat on a crate where he was later seen slouched over and unresponsive. Fire personnel attempted life saving measures but were unsuccessful. It was discovered later the adult male passed from "polydrug toxicity", resulting from alcohol and illegal drugs. The report notes that the subject was a regular customer and would visit the convenience store and sit on the crate to consume his beer.
In **April 2022**, a male subject was finally trespassed after harassing a female employee for months.
December 2021 – Owner of Bubba's vehicle was stolen overnight from parking lot.
October 2021 – Male adult arrested for possession of drug paraphernalia during the day, after store employees reported seeing the adult smoke something from foil.
August 2020 - \$200 donation jar removed from convenience store. Suspect identified and arrested in December 2020.
March 2020- Female adult arrested for assault and disorderly conduct after striking a male adult in the head with a cane. Suspect had been in and out of store throughout the day before incident occurred.
February 2019 – Customer in drive-thru was shot at multiple times after short argument from suspects in the immediate vicinity. Arrests were later made by detectives. Suspect was also found in possession of dangerous drugs.
July 2018 – Store was tagged with "gang style" graffiti by unknown persons.
- 4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
Bubba's hours are open from 7 AM to midnight every day. There is another convenience market, Cindy's 2 (Series 10), directly across Greasewood Street, which has similar hours.

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

A series 10 license is appropriate and applicable for the Bubba's Drive-Thru per state guidelines for Beer & Wine Stores.

Note: As mentioned in item #3 under May 2022, there was mentioned that a regular customer, who passed away, would frequently drink his beer in the parking lot. I would advise employees to keep an eye on open drinking in their parking lot, as this is a violation of Arizona liquor law.

Submitted by Officer Chris Tovar #2059



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: November 1, 2022
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: District 1

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

Agenda Wording:

Consideration and action to approve a series 07 (Beer & Wine Bar) new license requested by Theresa June Morse, Agent for **Dickey's Barbecue #1413** located at 16581 W. Bell Road #101, Surprise, AZ. 85388.

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. DICKKEYS BARBEQUE #1413 - LIQUOR LICENSE REPORT
 2. Dickeys Barbeque #1413 Map
 3. finance dickeys report
 4. Police Dickey's - Oct 22
 5. fire16581 W Bell Rd Dickeys BBQ Liquor License
-

October 19, 2022

To: Sherry Aguilar, City Clerk
From: Lloyd Abrams, Community Development Director
By: Tanner Wessel, Planner I
Re: Liquor License Application for:

Dickey's Barbeque # 1413
16581 W Bell Road, Suite 101, Surprise, AZ 85388

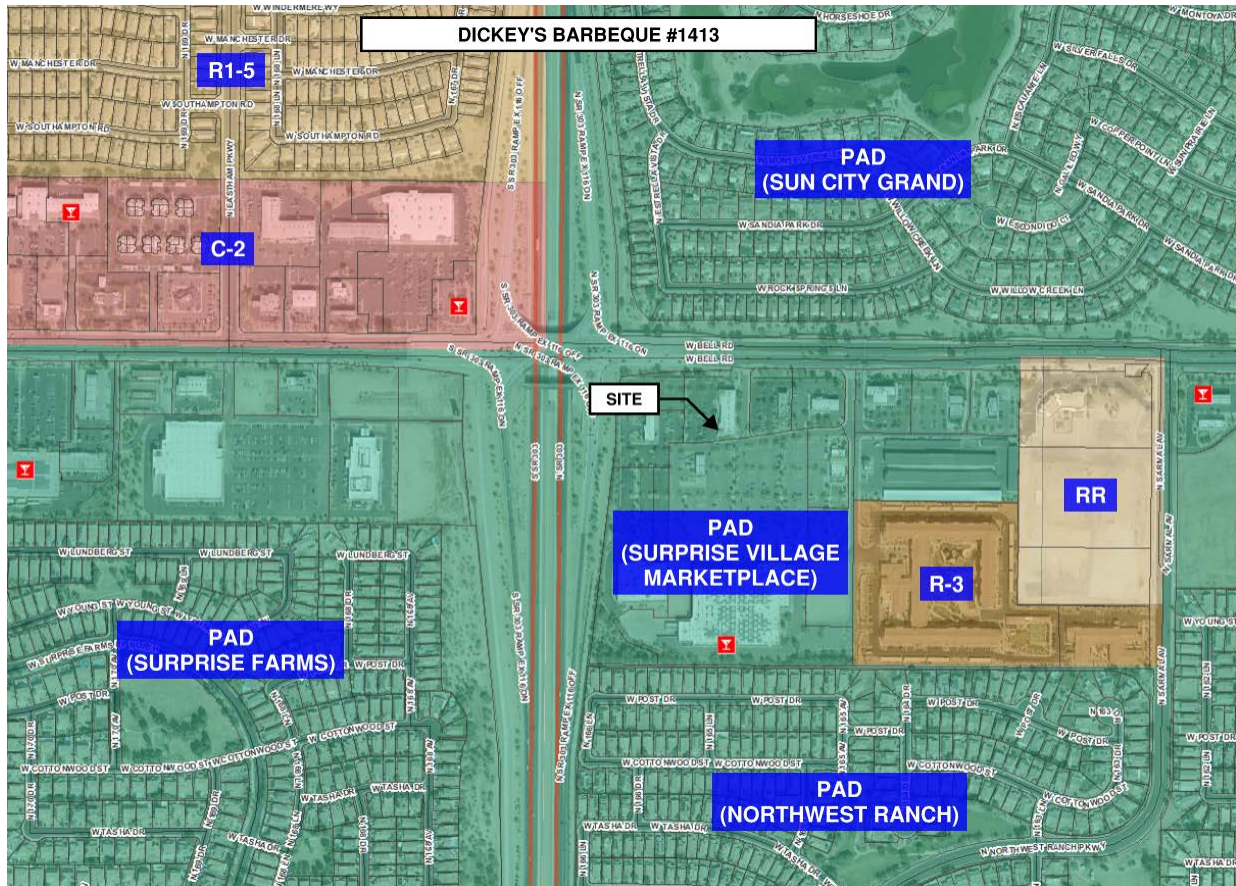
The number and series of licenses in close proximity to the subject site are:

1. Sam's Club #4955 (Series 9) – 16573 West Bell Road
2. Circle K (Series 10) – 16247 West Bell Road
3. Valero Corner Store #1713 (Series 10) – 16794 W Bell Road
4. Safeway Food & Drug #1997 (Series 9) – 17049 W Bell Road

The immediate area is composed of commercial establishments. The property is zoned PAD (Surprise Village Marketplace) which is consistent with the proposed use.

Both the Residential and Commercial population in the area is expected to remain static.

If managed properly, the effects of granting this liquor license on surrounding residences will be minimal. This license will have little to no effect 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.



DICKEY'S BARBEQUE #1413

R1-5

C-2

PAD
(SUN CITY GRAND)

SITE

PAD
(SURPRISE VILLAGE
MARKETPLACE)

RR

R-3

PAD
(SURPRISE FARMS)

PAD
(NORTHWEST RANCH)



MEMO

Date: 10/19/2022

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

From: Annie Vazquez

RE: Liquor License Application – Dickey's BBQ #1413 - 16581 W Bell Road Ste 101

Business License Status:

- ☐ Application link emailed on .
- ☒ License # 1020577 , current and valid for 12/31/23 .
- ☐ Applied for license but is still pending and waiting on customer to provide additional information or documents.

**SURPRISE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION REVIEW**

REFERENCE:

DATE: October 19, 2022

APPLICATION NUMBER - 207710
Series #7 – New License - Beer & Wine

APPLICANT:

DICKEY'S BARBECUE #1413

16581 W. Bell Road #101
Surprise, Arizona 85388

FINDINGS:

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

Dickey's Barbecue has been in existence at this current location for at least the past five years. The market has been customers of all ages from Surprise and the general area. There is no separate bar in the restaurant.

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

The addition of the liquor license should have no impact on traffic in the area to the existing location.

- 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.*

In January 2021, another store in the plaza had an overnight burglary. There was also a report of a theft of a wallet, possibly from Dickey's, but unconfirmed in 2020.

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

The hours of operations are from 11 AM to 9 PM every day. The other business in the plaza all close by 9 PM as well. There is a Taco Bell across the parking lot that has later hours for drive thru service. There is also a Sam's Club south of this strip plaza, across the parking lot, which is not open unusually late.

- 5) *Appropriateness of series license requested.*

A series 7 license is appropriate and applicable for Dickey's to sell beer and wine, per state guidelines for restaurants.

Submitted by Officer Chris Tovar #2059



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



October 24, 2022

To: Sherry Ann Aguilar, City Clerk
From: Keith Tanner, Fire Marshal
Subject: Liquor License Application
Applicant: Dickey's BBQ
16581 W Bell Rd, #101

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



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: November 1, 2022
Submitting Department: Police
Staff Recommendations:

Contact Person: Benny Pina, POLICE CHIEF
District: Internal

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

Consideration and action pertaining to approval of the Intergovernmental Agreement with the City of Phoenix for Arizona Internet Crimes Against Children (ICAC) Task Force participation and training; Resolution #2022-105.

Motion:

I move to approve Resolution #2022-105.

Background:

The City of Phoenix is the lead AZ Internet Crimes Against Children (ICAC) Task Force Agency and Primary Grantee in the US Department of Justice program, Office of Juvenile Justice and Delinquency Prevention grant that is designed to enhance enforcement of the laws regarding internet crimes against children. The Surprise Police Department desires to enhance the quality of its investigations and handling of ICAC crimes by participating in both the ICAC Task Force. The Surprise Police Department wishes to renew this agreement which will remain in effect for five (5) years after the IGA becomes effective.

Objective Analysis:

This agreement allows the Surprise Police Department to assist the AZ ICAC Task Force in its efforts to deter the sexual exploitation of minors and the utilization of the internet to seek children as sexual victims.

Policy Compliant:

The City regularly partners with other government entities when it is beneficial to do so. This action is compliant with City and Council Policy.

Financial Impact:

No financial impact.

Budget Impact:

In the event the City is awarded funding, a budget amendment request shall be brought forward to

council for approval in order to properly track the funds using a grant project.

FTE Impact:

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

ATTACHMENTS:

1. Resolution 2022-105 AZ ICAC COS (final)
 2. ICAC IGA
-

RESOLUTION # 2022-105

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX TO PROVIDE FOR PARTICIPATION IN THE ARIZONA INTERNET CRIMES AGAINST CHILDREN TASK FORCE.

WHEREAS, pursuant to Arizona Revised Statute §11-951, et seq., the City of Surprise has the authority to enter into intergovernmental agreement with other governmental entities for the purposes set forth within;

WHEREAS, the City of Phoenix is the lead Internet Crimes Against Children (ICAC) Task Force Agency and will be the Primary Grantee of any grants received which grants are designed to enhance enforcement of the laws regarding Internet Crimes Against Children by supplementing the costs of related training and travel;

WHEREAS, the Surprise Police Department desires to enhance the quality of its investigations and handling of ICAC crimes by participating in both the ICAC Task Force and any grant which may be awarded; and

WHEREAS, participation in the Task Force requires City approval of the attached Intergovernmental Agreement, the Arizona Internet Crimes Against Children Task Force IGA (IGA); 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. The Intergovernmental Agreement between the City of Surprise and the City of Phoenix, attached as Exhibit A, is approved.

Section 2. That the City Manager, or his designees, is authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with said IGA.

SIGNATURES ARE ON THE NEXT PAGE

APPROVED AND ADOPTED this ____ day of _____, 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2022-105
Exhibit A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND PHOENIX POLICE DEPARTMENT (PRIMARY
GRANTEE) / ARIZONA ICAC TASK FORCE LEAD AGENCY

ARIZONA INTERNET CRIMES AGAINST CHILDREN TASK FORCE

Intergovernmental Agreement

Between

**Phoenix Police Department (Primary Grantee) /
Arizona ICAC Task Force Lead Agency**

and

Surprise Police Department

THIS Intergovernmental Agreement ("IGA") is entered into between the City of Phoenix, Arizona, through the Phoenix Police Department ("PPD" or "Primary Grantee"), and the City of Surprise, Arizona, through the Surprise Police Department ("Affiliate Agency").

I. RECITALS

1.1 Whereas public agencies are authorized and empowered to enter into intergovernmental agreements for the provision of services or for joint or cooperative action pursuant to Arizona Revised Statutes (A.R.S.) §11-952. The City of Phoenix is also authorized and empowered pursuant to Chapter 2, Section 2 (i), of the Charter of the City of Phoenix.

1.2 Whereas the Phoenix Police Department / Arizona Internet Crimes Against Children Task Force ("ICAC Task Force") Lead Agency, is the recipient of the United States Department of Justice ("DOJ"), Office of Juvenile Justice and Delinquency Prevention ("OJJDP") grant regarding Internet Crimes Against Children ("ICAC"). The Task Force utilizes the grant, and funding from the Arizona Attorney General's Office, for the purpose of administering and operating an ICAC Task Force in Arizona. PPD is the primary grantee for the ICAC Task Force. Agencies affiliated through this IGA are known as "Affiliate Agencies".

1.3 Whereas the PPD / ICAC Task Force agrees to work with the affiliates to support and advance the goals of the Internet Crimes Against Children Task Force, a DOJ initiative. Phoenix PD / ICAC Task Force may be able to provide financial assistance to the Affiliate Agency, on a reimbursable basis, through various funding sources.

1.4 Whereas the OJJDP administers the ICAC Task Force Program, which is a national network of state and local law enforcement investigative units. The national ICAC program assists state and local law enforcement agencies in the

development of an effective response to cases involving images depicting the sexual exploitation of minors and the sexual assault and abuse of children facilitated by technology. Due in large part to the technological aspects of these cases, the ICAC Task Force Program promotes a multi-jurisdictional, multi-agency approach to investigating and prosecuting ICAC cases. ICAC's goals are to increase the investigations and prosecutions of Internet crimes against children offenses, and to increase public awareness and prevention of ICAC offenses.

1.5 Whereas the national policy objectives for ICACs are to:

- (1) Increase the investigative capabilities, including effectiveness and efficiency, of law enforcement officers in the detection, investigation of qualifying offenses and the apprehension of offenders;
- (2) Increase the number of ICAC-qualifying (state and federal) offenses being prosecuted;
- (3) Create a multi-agency task force response to ICAC offenses;
- (4) Enhance the nationwide response to ICAC offenses; and
- (5) Develop and deliver ICAC public awareness and prevention programs.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties hereby agree to the following terms and conditions:

II. PURPOSE

2.1 The purpose of this IGA is to provide funding for the Affiliate Agency, on a reimbursable basis, to support their efforts to investigate, prosecute, and deter the possession, production, and distribution of unlawful images depicting the sexual exploitation of minors and the utilization of the Internet to seek children as sexual victims.

2.2 The purpose of this IGA is to memorialize parties' agreement to work together to assist the ICAC Task Force in its efforts to investigate, prosecute, and deter the possession, production, and distribution of unlawful images depicting the sexual exploitation of minors and the utilization of the Internet to seek children as sexual victims.

2.3 Additionally, this IGA defines the responsibilities of the Affiliate Agency with the ICAC Task Force.

III. RESPONSIBILITIES

3.1 Affiliated ICAC Task Forces may include investigators, supervisors, or prosecutors from various local, state, and federal law enforcement agencies who provide assistance, subject to availability.

3.2 Affiliated ICAC Task Forces should identify and investigate individuals who exploit children for sexual purposes through the use of technology and/or who obtain, distribute, and/or produce child pornography.

3.3 Affiliated ICAC Task Forces should be focused on presenting evidence of criminal activity to prosecutors, which then leads to the successful prosecution of individuals who have committed coercion/enticement or unlawful image offenses.

3.4 Affiliated ICAC Task Forces may, subject to availability, sponsor community education efforts regarding the prevention of Internet crimes against children and provide ICAC training to other state and local law enforcement officials.

3.5 Affiliated ICAC Task Forces may, subject to availability:

- (1) Conduct undercover ICAC investigations; and
- (2) Conduct reactive investigations for which venue lies within the agency's jurisdiction(s), including investigations of unlawful images depicting the sexual exploitation of minors, CyberTip referrals from the National Center of Missing and Exploited Children (NCMEC), Internet Service Provider and law enforcement referrals, other ICAC-related investigations, and other sources.

3.6 The Affiliated ICAC Task Force will ensure that:

- (1) Only sworn law enforcement personnel will conduct undercover ICAC investigations;
- (2) Each investigator involved with undercover operations has received ICAC training prior to initiating investigations; and
- (3) ICAC investigations shall also be governed by the national ICAC program's Standard Operating Procedures (Attachment A).

3.7 Where investigations reveal that the safety of a child is at risk, it is of paramount importance that the safety and well-being of the child clearly outweigh any consideration being given to the continued investigation.

3.8 ICAC Task Forces have a substantial number of matters to investigate which requires prioritization of these matters. The Affiliate Agency agrees to use the guidelines in the ICAC Standard Operating Procedures (Attachment A) to prioritize cases.

3.9 An additional secondary role of the Affiliate Agency is to educate, as time and resources permit, both children and parents regarding online dangers, and empower them with information so they may visit the Internet in safety. Task force personnel may conduct education and prevention programs to foster awareness and provide practical, relevant guidance to the community about Internet child safety issues.

IV. DURATION AND TERMINATION

4.1 This IGA shall become effective upon the date of the last signature of the executing parties and will supersede any pre-existing agreements between the Affiliate Agency and the Arizona ICAC Task Force. This IGA will remain in effect

for five (5) years after the IGA becomes effective, unless the agreement is terminated in writing by either party upon thirty (30) day notice.

4.2 Violation of the ICAC Standard Operating Procedures (Attachment A) is considered a material breach of this agreement and cause for cancellation of Affiliate Agency's affiliation with the Arizona ICAC Task Force. Upon discovering a violation and notifying the Affiliate Agency, the Primary Party may cancel the contract and rescind any funding under this agreement.

V. GENERAL PROVISIONS

5.1 Conflict of Interest. This Agreement is subject to cancellation pursuant to the provisions of A.R.S. § 38-511.

5.2 Immigration law compliance and warranty. As required by A.R.S. § 41-4401, each party hereby warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). Each party further warrants that after hiring an employee, it verifies the employment eligibility of the employee through the E-Verify program. If either party uses any subcontractors in performance of the IGA, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A), and subcontractors shall further warrant that after hiring an employee, such subcontractor verifies the employment eligibility of the employee through the E-Verify program. A breach of this warranty shall be deemed a material breach of the IGA, subject to penalties up to, and including, termination. A party shall not be deemed in material breach if it and/or its subcontractors establish compliance with the employment verification provisions of Sections 274A and 274B of the federal Immigration and Nationality Act and the E-Verify requirements contained in A.R.S. § 23-214(A). Each party retains the legal right to inspect the papers of the other party and/or its subcontractor engaged in performance of this IGA to ensure that the other party and/or its subcontractor is complying with the warranty. Any inspection will be conducted after reasonable notice and at reasonable times. If state law is amended, the parties may modify this paragraph consistent with state law.

5.3 Communication between state and local government agencies and federal immigration authorities; compliance. As required by 8 U.S.C. § 1373, each party hereby agrees that, notwithstanding any other provision of federal, state, or local law, it will not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, federal immigration authorities, including US Immigration and Customs Enforcement (ICE), US Customs and Border Protection (CBP), or US Citizenship and Immigration Services (USCIS), information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

5.4 Indemnification. To the extent permitted by law, each party will indemnify and save the other party harmless, including any of the parties' departments, agencies, officers, employees, elected officials or agents, from and against all loss,

expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or non-performance by the indemnifying party of any of the provisions of this IGA.

Each party, in all instances, shall be indemnified against all liability, losses, and damages of any nature for, or on account of, any injuries or death of persons or damages to or destruction of property arising out of or in any way connected with the performance or non-performance of this IGA by the other party, except such injury or damage as shall have been occasioned by the negligence of that other party. The damages incurred by the other party, their department, agencies, officers, employees, elected officers, or agents shall include in the event of any action, court costs, expenses for litigation and reasonable attorneys' fees.

The parties are responsible and liable for the acts and omissions of their own officers, agents, or employees in connection with the performance of their official duties under this IGA.

This agreement does not relieve either agency of its official duties and shall not be construed as limiting or expanding the statutory responsibilities of the parties.

5.5 Binding effect. All terms, provisions, and conditions hereof shall be binding upon and inure to the benefit of all parties hereto and their respective heirs, personal representatives, successors, and assigns.

5.6 Severability. In the event any term or provision of this IGA is held to be invalid or unenforceable, the validity of the other provisions shall not be affected, and the IGA shall be construed and enforced as if it did not contain the particular term or provision that is deemed to be invalid or unenforceable.

5.7 Governing law. This IGA will be governed by the laws of the State of Arizona, both as to interpretation and performance.

5.8 Modification. This IGA may be modified only by mutual written agreement of the parties.

VI. SPECIAL PROVISIONS

6.1 Goals for cases prosecuted. Various County Attorneys' Offices throughout the State of Arizona have successfully prosecuted many cases investigated by the ICAC Task Force and its affiliated agencies. Cases investigated by the ICAC Task Force may be prosecuted in Federal or State Court.

The affiliated agency agrees that the criteria for determining whether to prosecute a particular violation in state or federal court will be determined based upon the forum in which the greatest overall benefit to the public will be achieved. The parties agree that the greatest overall benefit to the public and victims will be achieved in the forum in which the purposes of punishment will be accomplished

to the greatest possible extent. The parties agree that the sentences in ICAC cases should, to the greatest possible extent:

- (1) Reflect the seriousness of the offense;
- (2) Promote respect for the law;
- (3) Provide just punishment for the offense;
- (4) Afford adequate deterrence to criminal conduct;
- (5) Protect the public from further crimes of the defendant; and
- (6) To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

Given these goals and the research regarding the typical hands-on offense histories of those convicted as on-line predators and child pornography offenders, incarceration is a desired outcome in ICAC cases.

6.2 Reporting statistics. The Affiliate Agency will provide monthly reports to the Phoenix PD / ICAC Task Force in the prescribed format, no later than ten (10) days after the end of the preceding month. If statistics are not provided by the deadline, any funding will be suspended until the reporting requirement is met.

6.3 Training. The affiliated agency may make investigators available for applicable specialized training provided through the national ICAC program and other appropriate training programs.

6.4 Media. Media outreach on cases should be coordinated with the prosecutor to whom the case has been, or will be, referred in order to ensure compliance with applicable bar rules. All lawful efforts will be made to protect ongoing undercover operations from media publication. Member agencies will refrain from unnecessarily releasing ongoing investigative techniques and ongoing undercover identities, including screen names, age or sex of undercover personas, unless authorized and mandated by public record law, or when the information is revealed pursuant to lawful discovery or at trial.

6.5 Confidentiality. It is understood that any confidential information pertaining to investigations of ICAC will be held in the strictest confidence, and will only be shared with participating ICAC Task Force members or other law enforcement agencies where necessary, or as otherwise permitted by federal and/or state law.

6.6 Text messaging while driving. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this IGA, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

6.7 Data protection. All data, regardless of form, including originals, images and reproductions, prepared by, obtained by, or transmitted to affiliate agencies in connection with this agreement is to be kept confidential. Except as specifically provided in this IGA, the affiliate agencies shall not disclose data generated in the performance of the service to any third person without the prior written consent of all affiliate agencies, unless required by law.

Personal identifying information, financial account information, or restricted information, whether electronic format or hard copy, must be secured and protected at all times to avoid unauthorized access. At a minimum, affiliate agencies must encrypt and/or password protect electronic files. This includes data saved to laptop computers, computerized devices or removable storage devices.

Unless contrary to law, which includes Arizona State Records Retention statutes, when personal identifying information, financial account information or restricted information, regardless of its format, is no longer necessary, the information must be redacted, destroyed or secured through appropriate and secure methods that ensure the information cannot be viewed, accessed or reconstructed.

In the event that data collected or obtained by the affiliate agencies in connection with this IGA is believed to have been compromised, affiliate agencies shall notify all other agencies in writing within ten (10) business days.

Affiliate agencies agree that the requirements of this section shall be incorporated into all relevant subcontractor/subconsultant agreements entered into by the affiliate agencies. A violation of this section may result in immediate termination of the IGA.

The obligations of affiliate agencies under this section shall survive the termination of this agreement.

6.8 Consistency. No local agreement can be inconsistent with any provision herein or impair achievement of any provision herein.

6.9 Return of Proceeds of Sale or Auction. Affiliate agencies are prohibited from retaining the proceeds from the sale or auction of any equipment purchased with funding provided pursuant to this IGA. In the event that an affiliate agency sells or auctions any equipment purchased with funding provided pursuant to this IGA, the affiliate agency shall return the proceeds from the sale or auction of equipment to the City of Phoenix. The City of Phoenix shall remit the proceeds returned to the original funding source. The City of Phoenix shall have the authority to audit the records of an affiliate agency as shall be deemed proper to ensure that the proceeds from the sale or auction of any equipment purchased with funding provided pursuant to this IGA have been accounted for and returned pursuant to this section.

6.10 Affiliate Agency must abide by all federal, state, and local grant regulations.

IN WITNESS WHEREOF, the parties enter into this Agreement:

City of Phoenix, Arizona
An Arizona Municipal Corporation
(Primary Grantee)

City of Surprise, Arizona
An Arizona Municipal Corporation
(Affiliate)

Jeri L. Williams
Police Chief
Phoenix Police Department

(Authorized Signature)

Printed Name, Title

Date

Date

ATTEST:

ATTEST:

City Clerk

City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Acting City Attorney

City Attorney

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with the requirements of A.R.S. § 11-952 (D), each of the undersigned attorneys Acknowledge: (1) that they have reviewed the above IGA on behalf of their respective clients; and, (2) that, as to their respective clients only, each attorney has determined that this IGA is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

City of Phoenix (Primary Grantee)

City of Surprise (Affiliate)

Sandra Hunter
Asst. Chief Counsel

(Authorized Signature)

Printed Name, Title

Date

Date



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: November 1, 2022
Submitting Department: Police
Staff Recommendations:

Contact Person: Benny Pina, POLICE CHIEF
District: Internal

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

Consideration and action pertaining to approval of an amendment to the Fiscal Year 2023 Budget by moving budget authority of \$40,000 from General Contingency to Project G31226 to account for the acceptance of One Arizona Department of Homeland Security (UASI) grant to receive funding for specialized tactical team training and the purchase of equipment; Resolution #2022-107.

Motion:

I move to approve Resolution #2022-104.

Background:

The City of Surprise Police Department applied for FFY2022 grant funding from the AZ Department of Homeland Security and was awarded one grant totaling \$40,000 titled "Surprise PD Enhancing Response Capabilities CBRNE Sustainment FFY22". The grant funds will support expenses for tactical team training and equipment.

Objective Analysis:

Acceptance of this grant will produce many positive impacts. Tactical team members will get to attend five specialized training courses to better equip them for local and regional public safety hazard mitigation. This will strengthen response to hazard and terror related threats. Additionally, this grant will allow for the purchase of equipment to assist in this response. The one drawback to obtaining any grant funding is the employee time spent in overseeing the grant and making regular reports back to the grantor.

Policy Compliant:

The grant objectives are consistent with City and Council policy and the practice of supplementing the General Fund budget through the use of grant funds when reasonable to do so. In addition, acceptance and utilization of these grants funds will better prepare the City to deal with unusual circumstances in the future and this is consistent with City and Council policy and practice of preparation.

Financial Impact:

The one-time grant award provides \$40,000 in funding for training and the purchase of equipment.

There is no City match requirement.

Budget Impact:

The FY2023 adopted budget did not include appropriations for revenue and expenses related to this grant. Acceptance of the grants will require a movement of budget of \$40,000 from contingency within the Grants Fund to the FFY22 AZDOHS UASI project G31226 within the Grants Fund. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

The number of full-time equivalents (FTE) is not impacted by this item.

ATTACHMENTS:

1. AwardLetter
 2. Subrecipient Agreement
 3. Res 2022-107 FF23 UASI CBRNE Sustainment Grant.final
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Governor Douglas A. Ducey

State of Arizona Department of Homeland Security



Director Tim Roemer

September 20, 2022

Chief Benny Pina
Surprise Police Department
14250 W. Statler Plaza
Surprise, AZ 85374-7472

Subject: FFY 2022 Homeland Security Grant Program Award
Subrecipient Agreement Number: **220825-01**
Project Title: **Surprise PD Enhancing Response Capabilities CBRNE Sustainment FFY22**

Dear Chief Benny Pina,

The application that your agency submitted to the Arizona Department of Homeland Security (AZDOHS) for consideration under the Homeland Security Grant Program has been awarded. The project titled "**Surprise PD Enhancing Response Capabilities CBRNE Sustainment FFY22**" has been **partially funded** under the 2022 Urban Area Security Initiative Grant Program for **\$40,000**. The grant performance period is **October 1, 2022 to September 30, 2023**. Your application will be kept on file and may be considered for additional funding if reallocation funding becomes available. This grant program is part of the U.S. Department of Homeland Security Grant Program and specifically is awarded under CFDA #97.067 (Catalog of Federal Domestic Assistance). The FFY 2022 federal award date as indicated in the U.S. DHS award package is 9/01/2022 with a total amount of funding of \$26,482,500.00 . The Federal Award Identification Number is EMW-2022-SS-00010-S01.

To access your award documentation:

Log-in to the AZDOHS portal at <https://azdohs.gov/user>. A username and password was provided to you/your staff during the application phase. If you no longer have your username/password, please contact your Strategic Planner for assistance. Be advised all applications submitted on behalf of your organization, as well as associated award information, will be viewable and accessible by all authorized users associated with your organization.

To establish acceptance of the award, please follow these instructions:

The following action items must be downloaded, completed, signed and returned to AZDOHS. Specific information regarding the mode of submission for the following requirements is located in the portal:

1. Project Administration Page - Print and sign one original Project Administration Page.
2. Two Subrecipient Agreements - Print and sign two original Subrecipient Agreements, completing section 51.
3. Environmental and Historic Preservation (EHP) required documentation, if applicable.

These items must be completed and on file at AZDOHS in order for your agency to be eligible for reimbursement. **If all documentation listed in numbers 1, 2, and 3 (if applicable), above is not signed**



Governor Douglas A. Ducey

State of Arizona Department of Homeland Security



Director Tim Roemer

and received by AZDOHS on or before January 31, 2023, this award is rescinded and the funds will be reallocated.

This letter does **not** serve as authorization to obligate or begin spending funds toward this award. Obligations and expenditures cannot take place until October 1, 2022. If your project requires an Environmental and Historic Preservation (EHP) review, this must be completed, submitted and approved by FEMA/AZDOHS prior to any obligation/expenditure of funds. **If your award has been designated an EHP B and you obligate funds prior to receiving the EHP Approval from FEMA you will not be reimbursed.** Additionally, all actions associated with this project must be completed, invoiced and received by the end of the period of performance. Reimbursements are limited to approved quantities and funding thresholds. You will not be reimbursed for quantities in excess of what you have been authorized to purchase. AZDOHS reserves the right to request additional documentation at any time.

If you should have any questions, please do not hesitate to contact your Strategic Planner.

Congratulations on your Homeland Security Grant Program award.

Sincerely,

A handwritten signature in black ink that reads "Tim Roemer".

Tim Roemer
Director

SUBRECIPIENT AGREEMENT

22-AZDOHS-HSGP-220825-01

Between

The Arizona Department of Homeland Security

And

Surprise Police Department (UEI: CNDLLN6WTTE3)

WHEREAS, ARS 41-4254 makes AZDOHS responsible for administering the funds covered by this agreement ("Agreement"), the parties hereby agree to the following terms:

1. **Purpose of Agreement** This Agreement is to specify the rights and responsibilities of AZDOHS in administering the distribution of homeland security grant funds to Subrecipient, and to specify the rights and responsibilities of Subrecipient as the recipient of these funds.
2. **Period of Performance** This Agreement shall become effective on **October 1, 2022** and shall terminate on **September 30, 2023**. The obligations of Subrecipient herein survive termination of this Agreement.
3. **Description of Services** Subrecipient must fulfill all obligations set forth in Subrecipient's approved grant application titled: "**Surprise PD Enhancing Response Capabilities CBRNE Sustainment FFY22**" and funded at **\$40,000** (as may have been modified by the award letter).
4. **Financing and Fiscal Responsibility** Under US Department of Homeland Security ("USDHS") grant #EMW-2022-SS-00010-S01 and Catalog of Federal Domestic Assistance ("CFDA") #97.067, AZDOHS shall provide up to **\$40,000** to Subrecipient under this Agreement.

Payment to Subrecipient must be on a reimbursement basis only, conditioned upon Subrecipient providing AZDOHS with proof of payment and applicable, accurate and complete reimbursement documents, as deemed necessary by AZDOHS. A list of acceptable documentation is at www.azdohs.gov. Payments are contingent on Subrecipient performing all its obligations under this Agreement. Subrecipient may use the funds provided under this Agreement only as provided in the application and award documentation. If Subrecipient does not complete all its obligations, Subrecipient must immediately reimburse all previously-provided funds to AZDOHS. If Subrecipient completes its obligations at a lower than the budgeted cost, the amount reimbursed to Subrecipient will be only the amount actually spent by Subrecipient in accordance with the approved application. For any expenditure disallowed after or otherwise by AZDOHS, or the State or Federal government, Subrecipient must immediately reimburse such funds to AZDOHS.

5. **Reporting Requirements** Subrecipient must submit quarterly programmatic reports to AZDOHS as follows:

January 15 (for the period from October 1– December 31)

April 15 (for the period from January 1 – March 31)

July 15 (for the period from April 1 – June 30)

October 15 (for the period from July 1 – September 30)

Subrecipient must use the Quarterly Programmatic Report form (<https://azdohs.gov/grant-program-forms>) for these reports. Subrecipient must provide detailed information on the status of completion of the planned activities in the approved application satisfactory to AZDOHS in its sole discretion. Failure to adequately provide such information will result in the Quarterly Programmatic Report being rejected by AZDOHS and resubmission will be required. If the program has been fully completed so that there will be no further updates, then the quarterly report for the quarter in which the program was completed will be the final report; the report should be marked as “final” and must include all pertinent information regarding the program as determined solely by AZDOHS.

Final Quarterly Programmatic Report: The final quarterly programmatic report is due no more than **15** calendar days after the end of the performance period. Subrecipient may submit a final quarterly report prior to the end of the performance period if the scope of the project has been fully completed and implemented. The Property Control Form is due with the final quarterly report (if applicable).

6. **Reimbursements** Subrecipient must provide AZDOHS with requests for reimbursement as frequently as monthly but not less than quarterly; submissions must be made via US Mail, delivery service (FedEx, UPS, etc.) or in person; **submissions via fax or by any electronic means will not be accepted.** Reimbursement requests shall be submitted with the Reimbursement Form provided by AZDOHS staff. AZDOHS has the right to require Subrecipient to provide any documentation and/or information AZDOHS deems necessary to process submissions.

Reimbursement requests are only required when expenses have been incurred. The Subrecipient shall submit a final reimbursement request, marked as such, for expenses received and invoiced prior to the end of the period of performance. The final reimbursement must be **received** by AZDOHS no more than **45** calendar days after the end of the period of performance. Requests for reimbursement received by AZDOHS later than 45 calendar days after the end of the period of performance will not be paid.

Subrecipients will only be reimbursed for expenses that have been obligated, expended and received within the authorized Period of Performance as identified in Paragraph 2 of this Agreement. Subrecipients are not authorized to obligate or expend funds prior to the start date of the Period of Performance. Any expenses obligated or expended prior to the Period of Performance start date will be deemed unallowable and will not be reimbursed. Any expenses/services that occur beyond the Period of Performance (e.g. cell phone service) will be deemed unallowable and will not be reimbursed.

7. **Environmental Planning and Historic Preservation** Subrecipient **must** comply with Federal, State and Local environmental and historical preservation (EHP) regulations, laws and Executive Orders as applicable. See https://www.fema.gov/media-library-data/1533321728657-592e122ade85743d1760fd4747241776/GPD_EHP_Policy_Final_Amendment_GPD_final_508.pdf and <https://azdohs.gov/environmental-and-historic-preservation->

[ehp](#). Subrecipients proposing programs with potential environmental impact **must** participate in the USDHS/Federal Emergency Management Agency (FEMA) EHP review process. Subrecipient **must** complete the EHP review process before funds will be released by AZDOHS. If Subrecipient engages in ground disturbing activities, Subrecipient must monitor ground disturbance. If archeological resources are discovered, Subrecipient must immediately (a) cease construction and (b) notify FEMA, AZDOHS, and the Arizona State Historic Preservation Office. AZDOHS/DHS/FEMA **will not fund or reimburse** projects that are initiated without the required EHP review.

8. **Procurement (including Noncompetitive Procurement)** Subrecipient must comply with its procurement rules/policies, all Federal procurement rules/policies, and all Arizona Procurement Code provisions and rules, the most restrictive of which will apply. Subrecipient **must not** enter into a noncompetitive procurement unless AZDOHS grants **prior written approval** via the Noncompetitive Procurement Request form at <https://azdohs.gov/grant-program-forms>.
9. **Property Control** Subrecipient must safeguard and maintain control and accountability for all property/equipment purchased under this Agreement, and Subrecipient must assure that it is used only for purposes authorized under this Agreement and maintained as provided in 2 CFR 200.313. Such property/equipment shall be used by Subrecipient in the program for which it was acquired as long as needed, whether or not the program continues to be supported by Federal grant funds. Subrecipient must immediately investigate and report to AZDOHS any loss, damage, or theft. Subrecipient must replace any property/equipment lost, damaged or stolen at Subrecipient's expense, and must immediately submit an updated Property Control Form (<https://azdohs.gov/grant-program-forms>) to AZDOHS.

"Nonexpendable Property/Equipment" is property that has a continuing use, is not consumed in use, has an expected life of one year or more, costs \$5,000 or more per unit, and does not become a fixture or lose its identity as a component of other equipment/systems, while a "Capital Asset" is personal or real property or a fixture costing \$5,000 or more per unit with an expected life of one year or more. Subrecipient is solely responsible for the proper maintenance of all Nonexpendable Property/Equipment and Capital Assets acquired under this Agreement. Subrecipient must take a physical inventory of all such Nonexpendable Property/Equipment and Capital Assets and reconcile the results with the Property Control Form at least once every two years. Subrecipient must maintain a control system to prevent loss, damage, or theft of such Nonexpendable Property/Equipment and Capital Assets, and Subrecipient must immediately report any loss, damage, or theft to AZDOHS. A Property Control Form (if applicable) shall be maintained for the entire scope of the program or project for which property was acquired through the end of its useful life and/or disposition. All Nonexpendable Property and Capital Assets must be included on the Property Control Form. **The Subrecipient, if applicable, shall provide AZDOHS a copy of the Property Control Form with the final quarterly programmatic report.** The Property Control Form can be located at <https://azdohs.gov/grant-program-forms>. The Subrecipient agrees to be subject to equipment monitoring and auditing by state or federal authorized representatives to verify information.

When Subrecipient is no longer using Nonexpendable Property/Equipment and/or Capital Assets acquired under this Agreement on the program, Subrecipient must immediately submit an updated Property Control Form to AZDOHS, and any disposition must be in compliance with AZDOHS Disposition Guidance (<https://azdohs.gov/grant-program-forms>) and 2 CFR Part 200, including specifically 2 CFR 200.313. If Subrecipient seeks disposition of such Nonexpendable Property/Equipment or Capital Assets for any reason other than theft, destruction, or loss, Subrecipient must submit an Equipment Disposition Request Form (<https://azdohs.gov/grant-program-forms>) to AZDOHS and receive approval from AZDOHS prior to disposition. Subrecipient must update the Property Control Form and provide a copy to AZDOHS within 45

calendar days after disposition. Per 2 CFR 200.333(c), Subrecipient must retain all records relating to such Nonexpendable Property/Equipment and Capital Assets for 3 years after disposition.

10. **Training and Exercise** All training and/or exercise events must be included in Subrecipient's application. Alternate/additional training/exercise requests must be approved in advance by AZDOHS. Subrecipient must submit a Project Modification Request Form (<https://azdohs.gov/grant-program-forms>) for review and approval by AZDOHS prior to scheduling alternate/additional training/exercise events. For those projects that are managed by DEMA, alternate/additional training requests must be approved in advance by DEMA and AZDOHS using the Pre-approval form (<https://dema.az.gov/emergency-management/preparedness/training>). All exercises must comply with FEMA Homeland Security Exercise and Evaluation Program (<https://www.fema.gov/emergency-managers/national-preparedness/exercises/hseep>; "HSEEP") guidance. Subrecipient will (a) Submit an exercise summary and attendance/sign-in roster; and (b) Email the After Action Report/Improvement Plan to the local County Emergency Manager, AZDOHS, and the DEMA Exercise Branch, within 90 days of completion of an exercise or as prescribed by HSEEP.
11. **Consultants/Trainers/Training Providers** Invoices for consultants/trainers/training providers must include: a description of services; dates of services; number of hours for services performed; rate charged; and the total cost of services. Rates must be within the prevailing rates; must be consistent with Subrecipient's procurement policies and 2 CFR Part 200; and shall not exceed **\$650** per day per consultant/trainer/training provider unless AZDOHS grants prior written approval. This includes internal personnel hired on backfill/overtime to deliver training. Subrecipient will not be reimbursed costs other than travel, lodging, meals, and incidentals on travel days for consultants/trainers/training providers, at rates not to exceed State rates, and itemized receipts are required. See Travel Costs below, at [Paragraph 12](#).
12. **Travel Costs** All grant funds expended for travel, lodging, meals and incidentals are subject to the standards of Subrecipient's policies and procedures, and the State of Arizona Accounting Manual (<https://gao.az.gov/publications/saam>), which Subrecipient must apply uniformly to both Federally financed and its other activities. AZDOHS will reimburse at the most restrictive allowability and rates. At no time will Subrecipient's reimbursements exceed the State rates established by the Arizona Department of Administration: <https://gao.az.gov/travel>.
13. **Contractors/Subcontractors** Subrecipient may enter into written subcontract(s) in accordance with 2 CFR Part 200 and the NOFO. No subcontract that the Subrecipient enters into relieves Subrecipient of any responsibilities under this Agreement. Subrecipient must give AZDOHS immediate notice in writing of any action filed or claim made against Subrecipient by any subcontractor or vendor.
14. **Allowable Costs** The allowability of costs incurred under this Agreement shall be determined by AZDOHS in its sole discretion and in accordance with the general principles and standards set forth in the CFR, FEMA Authorized Equipment List (<https://www.fema.gov/grants/tools/authorized-equipment-list>), and guidance documents (i.e. NOFO, Preparedness Grants Manual, Information Bulletins). Subrecipient's use of grant funds for indirect costs must be in accordance with 2 CFR Part 200 and the NOFO. Subrecipient must apply to AZDOHS for its written approval of indirect costs prior to expenditure. Subrecipient may not expend grant funds for Management and Administrative costs for administering such funds without prior written approval of AZDOHS.
15. **Amendments** Any change in this Agreement including but not limited to the Description of Services, Period of Performance and budget described herein, whether by modification or

supplementation, must be accomplished by a formal Agreement amendment signed and approved by and between the duly authorized representatives of the Subrecipient and the AZDOHS. Any such amendment shall specify: 1) an effective date; 2) any increases or decreases in the amount of the Subrecipient's reimbursement, if applicable; 3) be titled as an "Amendment," and 4) be signed by the parties identified in the preceding paragraph. The Subrecipient expressly and explicitly understands and agrees that no other method of communication, including any other document, correspondence, act, or oral communication by or from any person, shall be used or construed as an amendment or modification or supplementation to this Agreement.

16. Audit/Monitoring

- a. Subrecipient must comply with the record-keeping and other requirements of ARS 35-214 and 35-215, and shall ensure that its contractors and subcontractors at all tiers also comply.
- b. Under 31 USC 7501-7507 and 2 CFR 200.501, Subrecipient will be subject to audit per 2 CFR Part 200, if Subrecipient expended \$750,000 or more in Federal awards in its previous fiscal year. If Subrecipient has met or exceeded this threshold, Subrecipient must submit to AZDOHS a copy of Subrecipient's single audit or program specific audit report for the previous fiscal year (and for subsequent fiscal years that fall within the Period of Performance) annually, within 9 months of Subrecipient's fiscal year end. Subrecipients not subject to this requirement must submit to AZDOHS via audits@azdohs.gov a statement that they do not meet the threshold and therefore do not have to complete a single audit or program specific audit.
- c. Failure of Subrecipient to comply with any requirements resulting from an audit will suspend reimbursement by AZDOHS to Subrecipient and Subrecipient will not be eligible for any new award, until Subrecipient is in complete compliance.

AZDOHS will monitor Subrecipient to ensure that program goals, objectives, performance requirements, timelines, planned objectives, budgets, and all other related program criteria are being met. Subrecipient must comply with applicable provisions governing USDHS access to records, accounts, documents, information, facilities, and staff and must require any contractors, successors, transferees, and assignees to comply with these same provisions. Subrecipient must cooperate with any review or investigation conducted by USDHS and/or AZDOHS. Subrecipient must give USDHS and AZDOHS access to and the right to copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as deemed necessary by USDHS or AZDOHS. Subrecipient must submit timely, complete, and accurate reports to the appropriate USDHS and AZDOHS officials and maintain appropriate backup documentation. Subrecipient must comply with all reporting, data collection, and evaluation requirements prescribed by law or in program guidance.

- 17. Notice of Funding Opportunity (NOFO)** Subrecipient must comply with the Notice of Funding Opportunity (NOFO). The terms of the NOFO are hereby incorporated into this Agreement.
- 18. National Incident Management System** Subrecipient must remain in compliance with National Incident Management System implementation initiatives as provided in the NOFO.
- 19. Communications Equipment** All Land Mobile Radio equipment purchased must comply with: (a) P25 (Project 25) standards (<https://www.cisa.gov/safecom>); (b) SAFECOM Guidance (<https://www.cisa.gov/safecom>); (c) Land Mobile Radio Minimum Equipment Standards as approved by the Statewide Interoperability Executive Committee (<https://www.azdps.gov/services/government/swic>); and (d) Arizona's State Interoperable Priority

20. **Nonsupplanting Agreement** Subrecipient must not use funds received under this Agreement to supplant Federal, State, Tribal or Local funds or other resources, and may be required to document this. If a position created by this Agreement is filled from within, the resulting vacancy must be filled within 30 days, and if not, Subrecipient must stop charging the grant for the new position; upon filling the vacancy, Subrecipient may resume charging for the position. A cost allocable to a particular Federal award provided for in 2 CFR Part 200 Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal award(s), or any other reason. However, Subrecipient may shift costs allowable under two or more Federal awards if allowed by Federal statute, regulation, or the terms of the Federal award(s).
21. **E-Verify** Subrecipient must comply with all State and Federal immigration laws and regulations relating to its employees and to employees of any contractor or subcontractor retained through Subrecipient to provide goods or services related to this Agreement, including but not limited to ARS 23-214(A) and ARS 41-4401. A breach of this obligation is a material breach of this Agreement and Subrecipient may be subject to penalties to be determined at AZDOHS's discretion, up to and including termination of this Agreement. AZDOHS will have the right to inspect the papers of any Subrecipient employee who works on this Agreement, and to those of any employee of any contractor or subcontractor retained through Subrecipient.
22. **Research and Development** Subrecipient may not use funds obtained under this Agreement for research/development.
23. **Funds Management** Subrecipient must maintain funds received under this Agreement in separate accounts and cannot mix these funds with funds from other sources. Subrecipient must manage funds according to all applicable Federal regulations, including 2 CFR Part 200 and specifically 2 CFR 200.302. Subrecipient must maintain the following business systems:
- Financial Management
 - Procurement
 - Personnel
 - Property
 - Travel
- To be adequate, a business system must be 1) complete and in writing; and 2) consistently followed – Subrecipient must apply it in all circumstances, regardless of funding source.
24. **Reporting of Matters Related to Recipient Integrity and Performance** If the total of Subrecipient's currently active grants, cooperative agreements, and procurement contracts from all Federal assistance offices exceeds \$10,000,000 at any time during the Period of Performance, Subrecipient must comply with Appendix XII to 2 CFR Part 200.
25. **Nondiscrimination** Subrecipient must comply with the following that apply to this Federally-funded program:
- a. 29 USC 794, which bars discrimination against qualified handicapped individuals solely by reason of the handicap;
 - b. 42 USC 2000d *et seq.*, 6 CFR Part 21, and 44 CFR Part 7, which bar discrimination on grounds of race, color, or national origin (which requires Subrecipient to take reasonable steps to provide accommodation to persons with Limited English Proficiency; Subrecipient

must refer to the USDHS Guidance at <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and the resources at <http://www.lep.gov>;

- c. All State and Federal equal opportunity and non-discrimination requirements and conditions of employment, including but not limited to Arizona Executive Order 2009-9 (<https://azgovernor.gov/governor/executive-order/2020-09>) and 42 USC 12101-12213 (which bar discriminating on the basis of disability;
- d. 42 USC 6101 *et seq.*, which prohibits discrimination on the basis of age;
- e. The equal treatment policies and requirements contained in 6 CFR Part 19 and other applicable statutes, regulations, and guidance governing faith-based organizations;
- f. 20 USC 1681 *et seq.* and 6 CFR Part 17 and 44 CFR Part 19, which bars discrimination on the basis of sex; and
- g. 42 USC 3601 *et seq.* and 24 CFR Part 100, which prohibit discrimination in the sale, rental, financing, and advertising of dwellings, or in the provision of related services, on the basis of race, color, national origin, religion, disability, familial status, and sex.

26. Intellectual Property Subrecipient must affix the copyright notices required by 17 USC 401 and 402 and include an acknowledgement of Government sponsorship (including award number) to any work first produced under this Agreement. Unless otherwise provided by law, Subrecipient is subject to 35 USC 200-212 and is subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards that are in 37 CFR Part 401, including specifically 37 CFR 401.14. Subrecipient must obtain USDHS's approval prior to using the USDHS seal(s), logos, crests or reproductions of flags or likenesses of USDHS agency officials. Subrecipient agrees that USDHS and AZDOHS have a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use: (a) the copyright in any work developed under an award or sub-award; and (b) any rights of copyright to which Subrecipient purchases ownership with Federal support. Subrecipient must acknowledge its use of Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing programs funded in whole or in part with Federal funds. Subrecipient must not advertise or publish information for commercial benefit concerning this Agreement without the prior written approval of AZDOHS.

27. Activities Conducted Abroad Subrecipient must ensure that program activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

28. Federal Debt Status Subrecipient must not be delinquent on any Federal obligations, including but not limited to payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 (<https://fiscal.treasury.gov/files/dms/circ-a129-upd-0113.pdf>).

29. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials Subrecipients must comply with the Office of Management and Budget (OMB), Memorandum M-22-11 (<https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>), which provides Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

30. Compliance with Certain Federal Statutes, Regulations, and Requirements

- a. Subrecipient must comply with the 31 USC 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the Federal government; 31 USC 3801-3812 detail the remedies for false or fraudulent claims made.
- b. Subrecipient must comply with 42 USC 6201 *et seq.*, which contain policies relating to energy efficiency that are defined in the State energy conservation plan issued
- c. Subrecipient must comply with the drug-free workplace requirements in 2 CFR Part 3001 and 41 USC 8101-8106.
- d. Subrecipient is prohibited from acquiring certain Chinese and Russian telecommunications equipment, systems, and services as provided in FEMA Policy #405-143-1(https://www.fema.gov/sites/default/files/documents/fema_policy-405-143-1-prohibition-covered-services-equipment-gpd.pdf) ; 2 C.F.R. sections 200.216, 200.327, 200.471 and Appendix II to 2 C.F.R. Part 200; 48 CFR 4.2100 *et seq.*; 48 CFR 52.204-25; 48 CFR 52.212-3; 48 C.F.R. 204.2100 *et seq.*; and 48 C.F.R. 252.204-7018 1.
- e. If grant funds are used for construction, Subrecipient and its contractors and subcontractors at all tiers must comply with the Davis-Bacon Act (40 USC 3141 *et seq.*). Subrecipients must obtain AZDOHS' written approval before using Homeland Security Grant Program ("HSGP") funds for construction/renovation per <https://www.dol.gov/whd/govcontracts/dbra.htm>.
- f. Subrecipient must maintain insurance coverage as provided in 2 CFR 200.310. Subrecipient must provide at least the equivalent insurance coverage for real property and equipment acquired or improved under this Agreement as provided to property owned by Subrecipient.
- g. Subrecipient must comply with 42 USC 6962, including procuring only items designated in the Environmental Protection Agency ("EPA") guidelines at 40 CFR Part 247 as containing the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
- h. Subrecipient must comply with all Federal whistleblower protections, including 41 USC 4712.
- i. Subrecipient must comply with the PATRIOT Act, P.L. 107-56), including 18 USC 175-175c.
- j. Subrecipient must comply with the System for Award Management and Universal Identifier Requirements in 2 CFR, Appendix A to Part 25.
- k. Subrecipient must comply with the Trafficking Victims Protection Act, 22 USC 7101 *et seq.*, as required by 2 CFR 175.15.
- l. Subrecipient must comply with US Executive Order 13224 (<https://www.state.gov/executive-order-13224/>) and all US laws that prohibit transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism.
- m. Subrecipient must comply with the requirements on Reporting Subawards and Executive Compensation in Appendix A to 2 CFR Part 170.
- n. Subrecipient is subject to the debarment and suspension regulations in US Executive Order 12549 (<https://www.archives.gov/federal-register/codification/executive-order/12549.html>) and US Executive Order 12689 (<https://www.gadoe.org/School-Improvement/Teacher-and-Leader-Effectiveness/Documents/Title%20II,%20Part%20A%20Documents/Guidance/WHEO%2012689%20Debarment%20and%20Suspension.pdf>) and 2 CFR Part 180 and 2 CFR Part

3000. These restrict Federal awards, subawards, and contracts with parties debarred, suspended, or otherwise excluded from or ineligible for Federal programs or activities.

- o. If Subrecipient collects Personally Identifiable Information (“PII”), it must have a publically-available written policy stating its standards for the usage and maintenance of PII. PII is any information that permits the identity of an individual to be directly or indirectly inferred, including information linked or linkable to that individual. Subrecipient must follow USDHS guidance (<https://www.dhs.gov/publication/privacy-impact-assessment-guidance>).
- p. Subrecipient must complete either the Standard Form 424B Assurances - Non-Construction Programs (<https://omb.report/icr/202011-0560-005CF>), or Standard Form 424D Assurances - Construction Programs (<https://omb.report/icr/200906-4040-008>), as applicable. The USDHS financial assistance office (“USDHS FAO”) may determine that certain assurances in these documents may not apply, or may require additional assurances; Subrecipient must contact the USDHS FAO with any questions. Subrecipient must follow the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200 and 2 CFR Part 3002. By entering into this Agreement, Subrecipient and its executives, as defined in 2 CFR 170.315, certify that Subrecipient’s policies comply with 2 CFR Part 200, all applicable Federal laws, and applicable guidance.
- q. Subrecipient must comply with the National Environmental Policy Act (“NEPA”) 42 USC 4321 *et seq.*, and Council on Environmental Quality regulations (40 CFR Parts 1500-1508) regarding NEPA.
- r. Subrecipient must comply with 31 USC 1352, and may not use funds provided under this Agreement to pay any person to influence or attempt to influence an officer or employee of any government agency, Member of Congress, officer or employee of Congress, or an employee of a Member of Congress, relating in any way to a Federal award or contract.
- s. In accordance with 15 USC 2201 *et seq.* and 15 USC 2225a in particular, Subrecipient must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with all applicable fire prevention and control guidelines.
- t. Subrecipient must comply with the International Air Transportation Fair Competitive Practices Act of 1974, 49 USC 40118, and the interpretative guidelines in Comptroller General Decision B-138942 (<https://www.gao.gov/products/b-138942>).

- 31. **Applicability of Terms of this Agreement to Tribes** If a term in this Agreement does not apply to Indian Tribes, or there is a Federal law or regulation exempting Indian Tribes, if Subrecipient is an Indian Tribe, this Agreement does not change or alter the inapplicability of such requirements.
- 32. **Cancellation for Conflict of Interest** AZDOHS may, by written notice to Subrecipient, immediately cancel this Agreement without penalty or further obligation pursuant to ARS 38-511 if any person significantly involved in initiating, negotiating, securing, drafting, or creating this Agreement for AZDOHS is an employee or agent of Subrecipient in any capacity, or a consultant to Subrecipient with respect to this Agreement’s subject matter. Cancellation shall be effective when Subrecipient receives AZDOHS’ written notice, unless the notice specifies a later time.
- 33. **Assignment and Delegation** Subrecipient may not assign any rights hereunder without an express written agreement signed by authorized representatives of both parties.

34. **Third Party Antitrust Violations** Subrecipient hereby assigns to the State of Arizona any claim for overcharges resulting from antitrust violations, to the extent that such violations concern materials or services supplied by third parties to Subrecipient toward fulfilling this Agreement.
35. **Availability of Funds** AZDOHS' payment obligations under this Agreement are conditioned on the availability of funds appropriated or allocated for this purpose, per ARS 35-154. If funds are not allocated and available, AZDOHS may terminate this Agreement at the end of the period for which funds are available. No liability shall accrue to AZDOHS in the event this provision is exercised, and AZDOHS shall not be obligated or liable for any future payments or for any damages as a result of termination under this Paragraph, including purchases and/or contracts entered into by Subrecipient in the execution of this Agreement.
36. **Force Majeure** If either party is delayed or prevented from the performance of any act required in this Agreement by reason of acts of God, strikes, lockouts, labor disputes, civil disorder, or other causes without fault and beyond the control of the party obligated, performance of such act will be excused for the period of the delay.
37. **Dispute Resolution** In the event of a dispute regarding this Agreement, written notice must be provided to the other party within 30 calendar days of the relevant events. Any claim made by or against AZDOHS relating to this Agreement shall be resolved through the administrative claims process. The parties agree to resolve all disputes relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by ARS 12-1518 except as may be required by other applicable statutes. The forum for any dispute arising out of this Agreement shall be Maricopa County, Arizona.
38. **Governing Law and Interpretation of This Agreement** This Agreement is governed by the laws of the State of Arizona, without regard to its conflict of laws provisions. This Agreement is the parties' complete agreement and replaces the parties' prior and contemporaneous agreements, representations, and understandings pertaining to its subject matter, whether oral or written. No course of dealings or usage of the trade supplements or explains any terms. A party's failure to insist on strict performance of any term is not a waiver of that term, even if the party accepting or acquiescing in the nonconforming performance knows the nature of the performance and fails to object. If any new legislation, laws, ordinances, or rules affect this Agreement, this Agreement automatically incorporates the terms of such legislation, laws, ordinances, or rules. Any term of this Agreement that is declared contrary to any current or future law, order, regulation, or rule, or that is otherwise invalid, shall be deemed stricken without impairing the validity of the remainder of this Agreement. In the event FEMA determines that changes are necessary to this Agreement after it has been entered into, including changes to Period of Performance or other terms, Subrecipient will be notified of the changes in writing; once notification is made, any subsequent request for funds by Subrecipient will constitute Subrecipient's acceptance of the changes and will incorporate the changes into this Agreement. Except as expressly provided in this Paragraph, any amendment to or extension of this Agreement may be made only in a writing signed by authorized representatives of both parties. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Agreement.
39. **Licensing** Unless otherwise exempted by law, Subrecipient must obtain and maintain all licenses, permits, and authority necessary to perform its obligations under this Agreement.
40. **Sectarian Requests** Funds disbursed under this Agreement may not be used for any sectarian purpose or activity, including worship or instruction in violation of the US or Arizona Constitutions.
41. **Closed-Captioning of Public Service Announcements** Any television public service announcement funded in whole or in part by this Agreement must include closed captioning.

42. **Indemnification** Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury to any person (including death) or property damage, but only to the extent such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers. The State of Arizona and AZDOHS are self-insured per ARS 41-621. If Subrecipient utilizes contractor(s) and/or subcontractor(s), the indemnification clause between Subrecipient and contractor(s) and subcontractor(s) shall include the following:

Contractor shall defend, indemnify, and hold harmless the Arizona Department of Homeland Security and the State of Arizona, and any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and their departments, agencies, boards, commissions, universities, officers, officials, agents, and employees (hereinafter, "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the contractor or any of the directors, officers, agents, or employees or subcontractors of such contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any Federal, State or Local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Additionally on all applicable insurance policies, contractor and its subcontractors shall name the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as an additional insured and also include a waiver of subrogation in favor of the State.

43. **Termination** Each party has the right to terminate this Agreement if the other party fails to comply with this Agreement. A party invoking the right to terminate shall provide written 30 day advance notice of all reasons for the termination. If Subrecipient chooses to terminate this Agreement before all deliverables have been delivered, AZDOHS has the right to recover all reimbursements made to Subrecipient. On termination, AZDOHS may procure, on terms that it deems appropriate, materials or services to replace those that otherwise would have been provided by Subrecipient, and Subrecipient will be liable to AZDOHS for all excess costs incurred by AZDOHS in procuring such materials or services. Subrecipient must continue to perform this Agreement until the date of termination, as directed in the termination notice. If AZDOHS reasonably believes Subrecipient does not intend to, or is unable to fully perform this Agreement, AZDOHS may demand in writing that Subrecipient give written assurance of its intent and ability to perform. If Subrecipient fails to provide written assurance within the time specified in the demand, AZDOHS may terminate this Agreement.
44. **Paragraph Headings** Paragraph headings in this Agreement are for convenience of reference only and do not define, limit, enlarge, or otherwise affect the interpretation of this Agreement.
45. **Counterparts** This Agreement may be executed in any number of counterparts, copies, or duplicate originals. Each such counterpart, copy, or duplicate original shall be deemed an original, and collectively they shall constitute one Agreement.

46. **Authority to Execute This Agreement** The person executing this Agreement on behalf of Subrecipient represents and warrants that he/she is duly authorized to do so.
47. **Transfer of Funds Prohibition** Subrecipient may not transfer funds between programs (e.g., State Homeland Security Program, Urban Area Security Initiative, Operation Stonegarden).
48. **Parties** This Agreement is for the benefit of AZDOHS and Subrecipient as the only parties to this Agreement, and to their respective successors, assigns, executors and legal representatives. Except as expressly provided in this Agreement, nothing in this Agreement confers on any person other than the parties and their respective successors and assigns, any rights, remedies, obligations, or liabilities.
49. **Respective Responsibilities** Except as expressly provided in this Agreement, each party agrees that, to the extent authorized by law, it will be responsible for its own acts or omissions and the results thereof and will not be responsible for the acts or omissions of the other party and the results thereof. In the event that either party becomes aware of any claim made by or expected from a claimant against a party to this Agreement, which claim relates to the subject matter of this Agreement, that party will immediately notify the other party, and the parties will share all information regarding such matter and cooperate with each other in addressing the matter. The parties are independent contractors, and nothing contained in this Agreement will create the relationship of partnership, joint venture, agency, or employment between the parties or any of their employees, officers, agents, or contractors. Each party hereby agrees to perform any further acts and to execute and deliver any documents that may be reasonably necessary to carry out the provisions of this Agreement.
50. **Publicity** Neither party shall use or mention in any publicity, advertising, promotional materials or news release the name or service mark(s) of the other party without the prior written consent of that party.

51. **Notices** All communications by either party to this Agreement, shall be in writing, be delivered in person, or shall be sent to the respective parties at the following addresses:

Arizona Department of Homeland Security
1700 West Washington Street, Suite 210
Phoenix, AZ 85007

Subrecipient must address all notices relative to this Agreement to the appropriate AZDOHS staff; contact information is at www.azdohs.gov.

AZDOHS shall address all notices relative to this Agreement to:

Enter Title, First & Last Name Above

Enter Agency Name Above

Enter Street Address Above

Enter City, State, ZIP Above

IN WITNESS WHEREOF, the parties hereto agree to execute this Agreement.

FOR AND BEHALF OF THE

Enter Agency Name Above

Authorized Signature Above

Print Name & Title Above

Enter Date Above

FOR AND BEHALF OF THE

Arizona Department of Homeland Security

Susan Dzbanko, Deputy Director

Date

(Complete and mail two original documents to the Arizona Department of Homeland Security.)

RESOLUTION # 2022-107

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY, ACCEPTING GRANT FUNDING, AND AMENDING THE FISCAL YEAR 2023 BUDGET BY MOVING BUDGET AUTHORITY IN THE AMOUNT OF \$40,000 FROM CONTINGENCY WITHIN THE GRANTS FUND TO PROJECT G31226 FOR TRAINING AND EQUIPMENT.

WHEREAS, pursuant to Arizona Revised Statute §11-951, *et seq.*, the City of Surprise has the authority to enter into intergovernmental agreement with other governmental entities for the purposes set forth within;

WHEREAS, the State of Arizona, Department of Homeland Security has awarded the City of Surprise Police Department a Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) sustainment grant in the amount of \$40,000 in support of the FFY2022 Urban Area Security Initiative (UASI) grant program for training and equipment;

WHEREAS, it is in the best interests of the City and its residents that this grant be accepted thereby allowing the Police Department and the City to be better prepared to deal with incidents that are unusual and may require special equipment;

WHEREAS, the FY2023 budget was adopted by Council Resolution #2022-56 on June 7, 2022;

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, 2022 through June 30, 2023.

Section 2. The Intergovernmental Agreement between the City of Surprise and the State of Arizona Department of Homeland Security as part of the CBRNE sustainment grant program in support of the FFY2022 Urban Area Security Initiative Grant Program, attached as *Exhibit B*, is approved.

Section 3. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said application and grant award.

APPROVED AND ADOPTED this ____ day of _____, 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2022-107
Exhibit A

1. Appropriation - The allocation below represents a movement of budget in the amount of \$40,000 from contingency within the Grants Fund to the FFY22 AZDOHS UASI project within the Grants Fund to cover the projected expenditures associated with equipment and training used to assist the Police Department's tactical team in dealing with various situations it may encounter locally, as well as regionally, as part of the UASI program. This action represents a transfer of spending 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
Grants	Police	#G31226 FFY22 AZDOHS UASI	E	-	40,000	40,000
Grants	Police	#G31226 FFY22 AZDOHS UASI	R	-	40,000	40,000
Grants/Contingency	General Operations	Contingency	E	3,312,700	(40,000)	3,272,700
Grants/Contingency	General Operations	Other	R	3,319,500	(40,000)	3,279,500
Expense Total				3,312,700	-	3,312,700
Revenue Total				3,319,500	-	3,319,500

RESOLUTION # 2022-107

Exhibit B

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND *ARIZONA DEPARTMENT OF HOMELAND SECURITY*



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: November 1, 2022 Contact Person: Lloyd Abrams
Submitting Department: Community Development District: District 6
Staff Recommendations:

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

Agenda Wording:

Consideration and action pertaining to the City of Surprise granting a Utility Easement to APS to facilitate the service of the new recreational fields at Countryside school.

Motion:

I move to approve the City of Surprise-APS Utility Easement.

Background:

To support improvements to the recreation fields and parking near Countryside Elementary School, additional APS utility lines are needed. In order to run those lines, the City of Surprise needs to grant a utility easement to APS.

Objective Analysis:

Approval of this item will allow the City to grant an easement to APS to install utility lines which will support the recreation field and parking improvements project near Countryside Elementary School.

Policy Compliant:

Approval of this item is policy compliant.

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 currently no budgetary impact related to approval of this item.

FTE Impact:

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

ATTACHMENTS:

1. WA645026 CITY OF SURPRISE
 2. APS Easement Countryside Site
-

NW-8-3N-1W

APN 501-18-526

CCW-22-199

WA645026

JGF/TKH

CITY OF SURPRISE-APS UTILITY EASEMENT

CITY OF SURPRISE, an Arizona municipal corporation, (hereinafter called "Grantor"), is the owner of the following described real property located in Maricopa County, Arizona (hereinafter called "Grantor's Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement, 8 feet in width or as further described in attached exhibits at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property described as follows (herein called the "Easement Premises"):

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; and install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities solely for Grantee's own use incidental to supplying electricity (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"). Grantee Facilities shall consist of underground electric lines and appurtenant facilities including pad mounted equipment. In no event may any overhead electric lines and associated overhead equipment be installed unless in an emergency to restore power. Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves all other rights, interests and uses of the Easement Premises that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, driveways, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises without the prior written consent of Grantee, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

Grantee shall not have the right to use the Easement Premises to store gasoline or petroleum products, hazardous or toxic substances, or flammable materials; provided however, that this prohibition shall not apply to any material, equipment or substance contained in, or a part of, the Grantee Facilities, provided that Grantee must comply with all applicable federal, state and local laws and regulations in connection therewith. Additionally, the Easement Premises may not be used for the storage of construction-related materials or to park or store construction-related vehicles or equipment except on a temporary basis to construct, reconstruct, replace, repair, operate, or maintain the Grantee Facilities.

Grantor shall maintain clear areas that extend: 1) 3 feet from and around all edges of all switching cabinet pads and 2 feet from and around all edges of all transformer pads and other equipment pads, and 2) a clear operational area that extends 10 feet immediately in front of all transformer, switching cabinet and other equipment openings, and 3) a 6 feet by 6 feet hot-stick operating area off the front left corner of all transformers. No obstructions, trees, shrubs, large landscape rocks, fences, fixtures, or permanent structures shall be placed by Grantor within said clear areas; nor shall Grantor install landscape irrigation or sprinkler systems within said clear areas. Landscape irrigation or sprinkler systems installed adjacent to the clear areas shall be installed and maintained so that the transformers, switching cabinets or any other equipment do not get wet by spray or irrigation.

By accepting and utilizing this easement, Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably practicable, at the expense of Grantee; and that Grantee shall indemnify Grantor, to the extent required by law, for any loss, cost or damage incurred by Grantor as a result of any negligent installation, excavation, maintenance, repair or other work performed by Grantee within the Easement Premises.

Grantee shall exercise reasonable care to avoid damage to the Easement Premises and all improvements thereon and agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area, including without limitation, all pavement, landscaping, cement, and other improvements permitted within the Easement Premises pursuant to this easement will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

Grantor reserves the right to require the relocation of Grantee Facilities to a new location within Grantor's Property; provided however, that: (1) Grantor pays the entire cost of redesigning and relocating Grantee Facilities; and (2) Grantor provides Grantee with a new easement in a form and location acceptable to Grantee and at no cost to Grantee. Upon the acceptance by Grantee of a new easement and after the relocation of Grantee Facilities to the new easement area, Grantee shall abandon its rights to use the Easement Premises granted in this easement. The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

If any of Grantee's electric facilities in this easement are not being used or are determined not to be useful, Grantor may request that the facilities that are no longer needed be removed and that portion of the easement be abandoned. Grantee will execute and record a formal instrument abandoning the easement, or a portion thereof. Any facilities that are determined to still be needed for Grantee's electrical system can be relocated pursuant to the above relocation requirements.

Grantee shall not have the right to transfer, convey or assign its interests in this easement to any individual, corporation, or other entity (other than to an affiliated entity of Grantee or an entity that acquires from Grantee substantially all of Grantee's electric distribution facilities within the area of Grantor's Property) without the prior written consent of Grantor, which consent shall not be unreasonably withheld. Grantee shall notify Grantor of the transfer, conveyance or assignment of any rights granted herein.

The covenants and provisions herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

[THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, **CITY OF SURPRISE**, an Arizona municipal corporation, has caused this Utility Easement to be executed by its duly authorized representative, this ____ day of _____, 202__.

APPROVED AS TO FORM:

CITY OF SURPRISE,
an Arizona municipal corporation.

City Attorney

By: _____
Mayor: Skip Hall

ATTEST:

City Clerk

STATE OF _____ }
 } ss.
County of _____ }

This instrument was acknowledged before me this ____ day of _____, 202__ by
_____ of _____, on behalf of
_____.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Seal

Notary Public

EXHIBIT “A”

(LEGAL DESCRIPTION OF GRANTOR’S PROPERTY) AS RECORDED IN INSTRUMENT NUMBER 2006-1354340 M.C.R.

LOT 1, COUNTRYSIDE ELEMENTARY SCHOOL A MINOR LAND DIVISION, BOOK 873 OF
MAPS, PAGE 21, OFFICIAL RECORDS OF THE COUNTY RECORDER, MARICOPA COUNTY,
ARIZONA.

EXHIBIT "B"
ARIZONA PUBLIC SERVICE JOB #WA645026

A Utility Easement situated within the Northwest quarter of Section 8, Township 3 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northeast corner of Lot 1, COUNTRYSIDE ELEMENTARY SCHOOL, according to the Minor Land Division of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 873 of Maps, Page 21;

THENCE South 00 degrees 01 minutes 35 seconds East, along the East line of said Lot 1, a distance of 93.63 feet to the POINT OF BEGINNING;

THENCE continuing South 00 degrees 01 minutes 35 seconds East, along the East line of said Lot 1, a distance of 8.00 feet;

THENCE departing the East line of said Lot 1, North 88 degrees 52 minutes 08 seconds West, a distance of 72.88 feet;

THENCE South 43 degrees 41 minutes 46 seconds East, a distance of 35.37 feet;

THENCE South 00 degrees 11 minutes 11 seconds West, a distance of 391.60 feet;

THENCE North 89 degrees 48 minutes 49 seconds West, a distance of 336.54 feet;

THENCE North 00 degrees 11 minutes 11 seconds East, a distance of 18.28 feet;

THENCE South 89 degrees 48 minutes 49 seconds East, a distance of 15.33 feet;

THENCE South 00 degrees 11 minutes 11 seconds West, a distance of 10.28 feet;

THENCE South 89 degrees 48 minutes 49 seconds East, a distance of 313.21 feet;

THENCE North 00 degrees 11 minutes 11 seconds East, a distance of 380.37 feet;

THENCE North 43 degrees 41 minutes 46 seconds West, a distance of 38.87 feet;

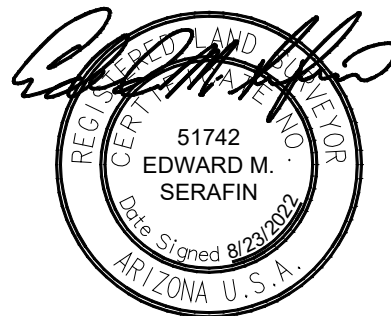
THENCE North 60 degrees 22 minutes 09 seconds West, a distance of 16.13 feet;

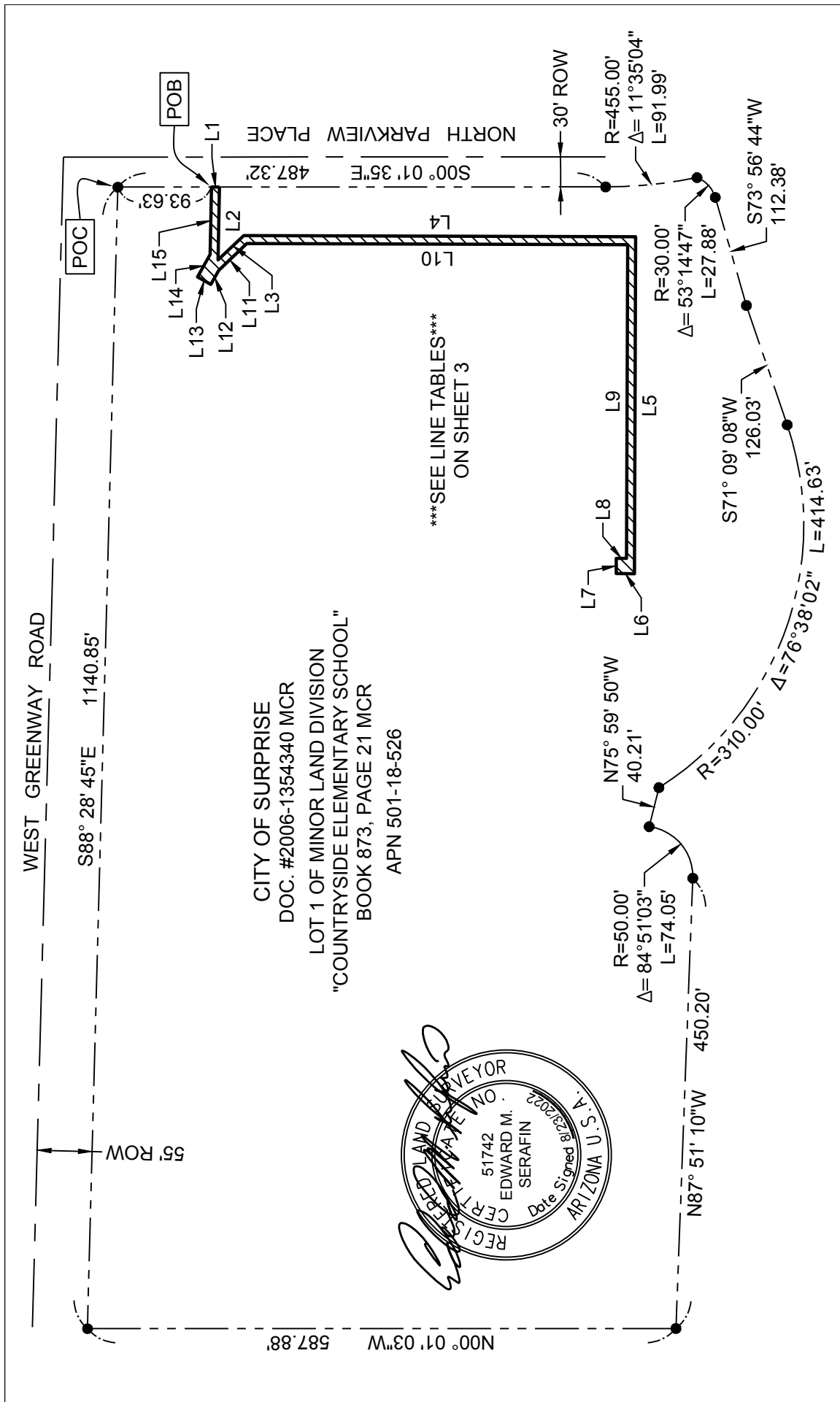
THENCE North 29 degrees 37 minutes 51 seconds East, a distance of 15.33 feet;

THENCE South 60 degrees 22 minutes 09 seconds East, a distance of 25.77 feet;

THENCE South 88 degrees 52 minutes 08 seconds East, a distance of 67.35 feet to the POINT OF BEGINNING.

Contains an area of 7124.16 square feet or 0.1635 acres, more or less.





aps		EXHIBIT "B"	
JOB # WA645026	DATE: 8/23/2022		
NW 1/4 SEC 8 T3N R1W			
SCALE: 1" = 140'	INDEX: CCW-22-199		
R/W: G. FELTMANN			
SURVEY: O. FLORES			
DRAWN BY: E. SERAFIN			
		SHEET 2 OF 3	

LEGEND	
	EASEMENT AREA
	ROAD CENTERLINE
	PROPERTY LINE
	PROPERTY CORNER
	MCR
	MARICOPA COUNTY RECORDER

APN	ASSESSORS PARCEL NUMBER
ROW	RIGHT OF WAY
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°01'35"E	8.00'
L2	N88°52'08"W	72.88'
L3	S43°41'46"E	35.37'
L4	S00°11'11"W	391.60'
L5	N89°48'49"W	336.54'
L6	N00°11'11"E	18.28'
L7	S89°48'49"E	15.33'
L8	S00°11'11"W	10.28'

LINE TABLE		
LINE	BEARING	DISTANCE
L9	S89°48'49"E	313.21'
L10	N00°11'11"E	380.37'
L11	N43°41'46"W	38.87'
L12	N60°22'09"W	16.13'
L13	N29°37'51"E	15.33'
L14	S60°22'09"E	25.77'
L15	S88°52'08"E	67.35'

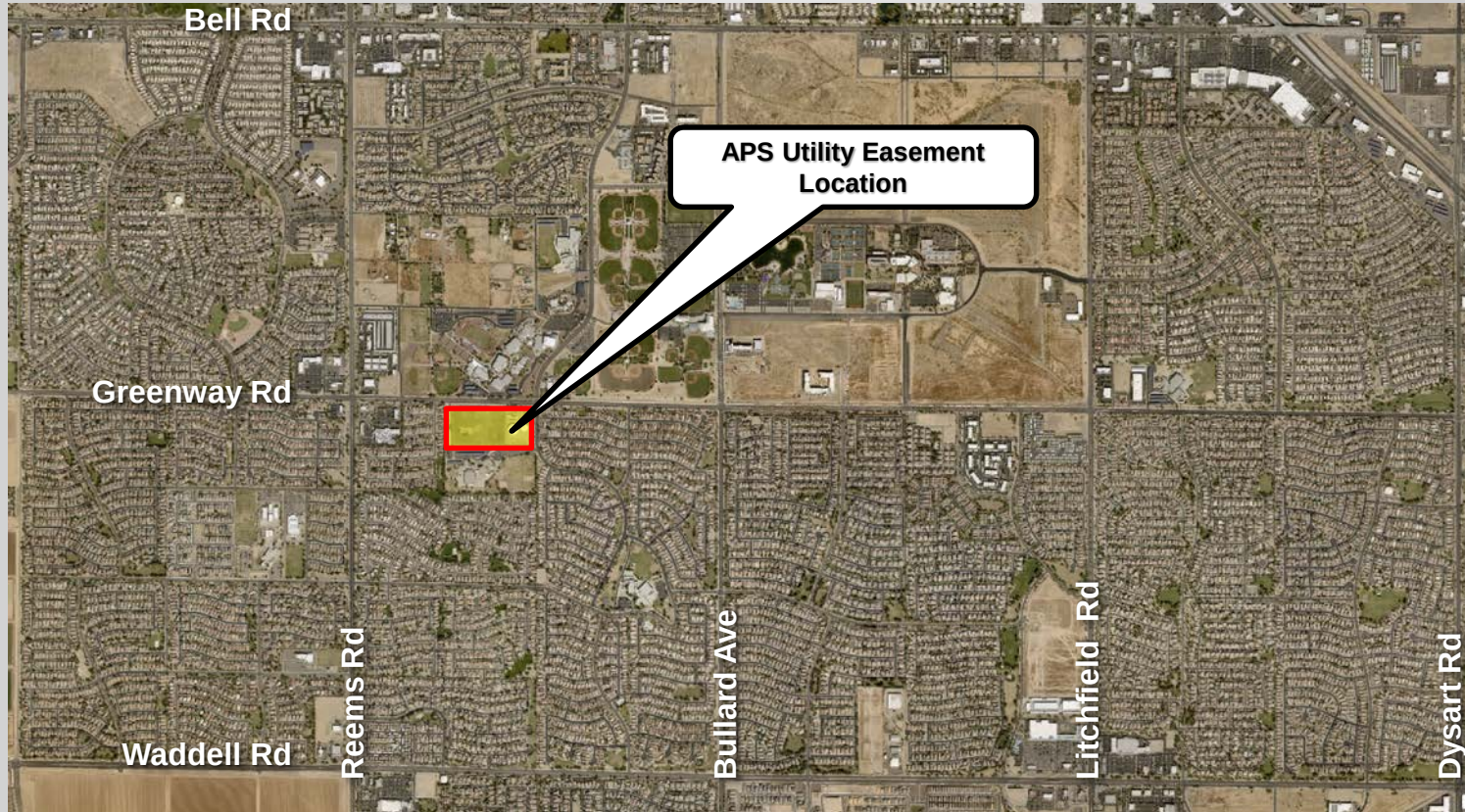
 aps		EXHIBIT "B"	
JOB # WA645026		DATE: 8/23/2022	
NW 1/4 SEC 8		T3N R1W	
SCALE: NONE		INDEX: CCW-22-199	
R/W: G. FELTMANN			
SURVEY: O. FLORES			
DRAWN BY: E. SERAFIN		SHEET 3 OF 3	



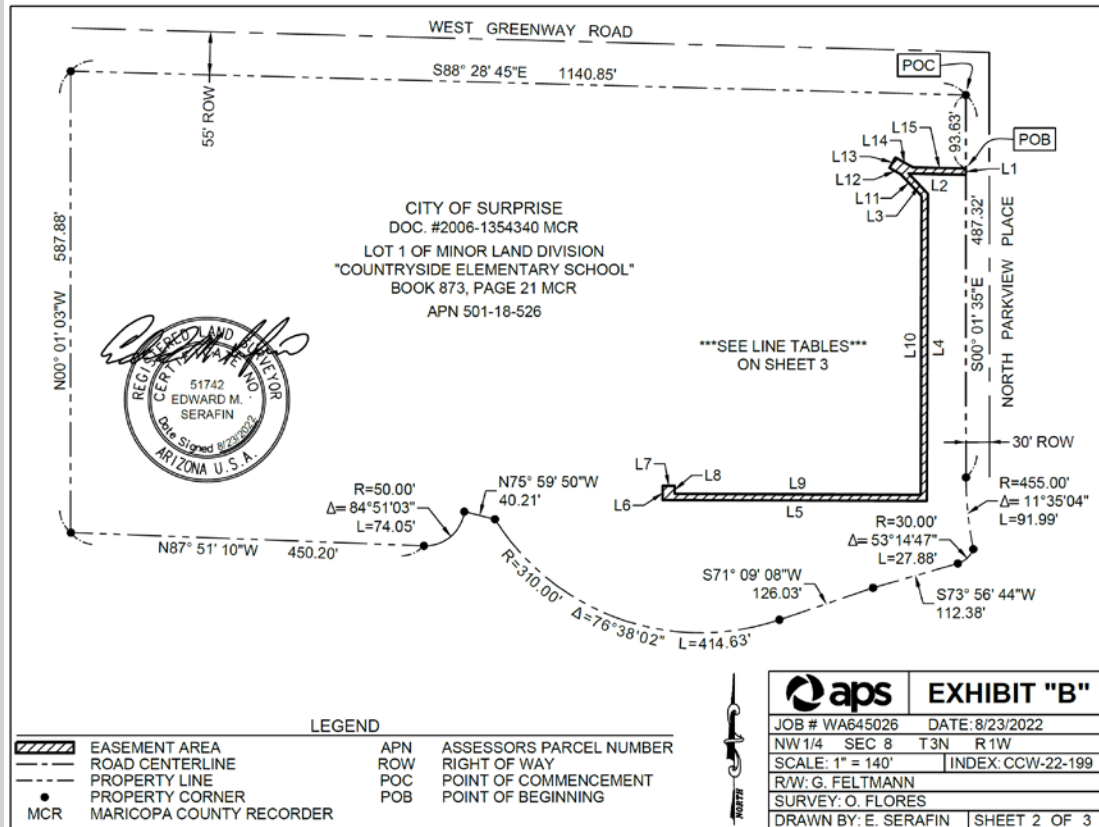
APS Utility Easement to Service the New Recreational Fields at Countryside

City Council – November 1, 2022

VICINITY MAP



APS UTILITY EASEMENT





QUESTIONS / COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: November 1, 2022

Contact Person: Trever Fleetham, PLANNER
SENIOR

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: No

Regular: No

Public Hearing: Yes

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of a zone change of approximately 320 gross acres from Rural Residential (RR) to Residential Low Density (R-1), Residential High Density (R-3), and Community Commercial (C-2), generally bounded by Pinnacle Peak Road to the north, 227th Avenue to the east, Deer Valley Road to the south, and 231st Avenue to the west; Ordinance #2022-22.

Motion:

I move to approve Ordinance #2022-22.

Background:

RVi Planning + Landscape Architecture, the applicant, on behalf of Triangle Partners, the owner, requests a Zone Change for approximately 320 gross acres from Rural Residential (RR) to Residential Low Density (R-1), Residential High Density (R-3), and Community Commercial (C-2) to accommodate future development, on property generally bounded by Pinnacle Peak Road to the north, 227th Avenue to the east, Deer Valley Road to the south, and 231st Avenue to the west.

Objective Analysis:

This Zone Change will allow the owner to market the property for single-family residential, multi-family residential, and commercial developments.

Policy Compliant:

The requested Zone Change is consistent with the Surprise Land Development Ordinance and advances the goals and policies of the General Plan.

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 - FS22-0344 Surprise 320 Rezone - Staff Report 110122 CC
 2. 01 - FS22-0344 Surprise 320 Rezone - Vicinity Map
 3. 02 - FS22-0344 Surprise 320 Rezone - Current Zoning Map
 4. 03 - FS22-0344 Surprise 320 Rezone - Proposed Zoning Map
 5. 04 - FS22-0344 Surprise 320 Rezone - Narrative Document
 6. 05 - FS22-0344 Surprise 320 Rezone - Citizen Participation Report
 7. 06 - FS22-0344 Surprise 320 Rezone - Affidavit of Site Posting
 8. 07 - FS22-0344 Surprise 320 Rezone - Luke Letter
 9. 08 - FS22-0344 Surprise 320 Rezone - Ordinance
 10. FS22-0344 Surprise 320 Rezone - 110122 CC Presentation
-

ZONE CHANGE

REPORT TO THE CITY COUNCIL

Case: **FS22-0344**

Project Name: Surprise 320 Rezone

Council District: 1 – Acacia

Meeting Date: **November 1, 2022**

Planner: Trever Fleetham, AICP

Owner: Triangle Partners, LLC

Applicant: Mark Reddie with RVi Planning & Landscape Architecture

Request: Zone Change from Rural Residential (RR) to Residential Low Density (R-1), Residential High Density (R-3), and Community Commercial (C-2).

Site Location: Generally bounded by Pinnacle Peak Road to the north, 227th Avenue to the east, Deer Valley Road to the south, and 231st Avenue to the west.

Site Size: 320 acres (approx.)

General Plan Conformance: The proposal is consistent with the Surprise General Plan.

Support/Opposition: See attached Citizen Participation Report

Commission

Recommendation: Commission recommend **approval** of case **FS22-0344** to the City Council, subject to stipulations ‘a’ through ‘h’.

33 **Project Description:**

34 RVi Planning + Landscape Architecture, the applicant, on behalf of Triangle Partners, the owner,
35 requests a Zone Change of approximately 320 gross acres from Rural Residential (RR) to Residential
36 Low Density (R-1), Residential High Density (R-3), and Community Commercial (C-2) to accommodate
37 future development, on property generally bounded by Pinnacle Peak Road to the north, 227th
38 Avenue to the east, Deer Valley Road to the south, and 231st Avenue to the west.

39
40 **Background:**

41
42 **June 8, 1989:** The subject properties were annexed into the City of Surprise under Ordinance 89-05.

43
44 **October 14, 2021:** Staff met with the applicant to discuss the project during a regularly scheduled
45 Concept Review meeting under CR21-509.

46
47 **March 8, 2022:** The applicant filed a related request for a Zone Change from RR to R-1, R-3, and C-2
48 under case FS22-0344, the subject case.

49
50 **May 25, 2022:** The applicant held a neighborhood outreach meeting to discuss the project.

51
52 **September 15, 2022:** The Planning & Zoning Commission voted to recommend approval of FS22-
53 0344, the subject case, to the City Council.

54
55 **Neighborhood Meeting Summary:**

56 The applicant held a neighborhood outreach meeting on May 25, 2022 that was properly advertised
57 per the requirements of the LDO. The meeting took place in-person at Western Peaks Elementary
58 School and was available virtually via Zoom. During this meeting, residents from the vicinity expressed
59 their concerns regarding traffic, infrastructure, buffering, wildlife, water, lighting, density, drainage,
60 and more. See the attached Citizen Participation Report for a detailed summary of the meeting.

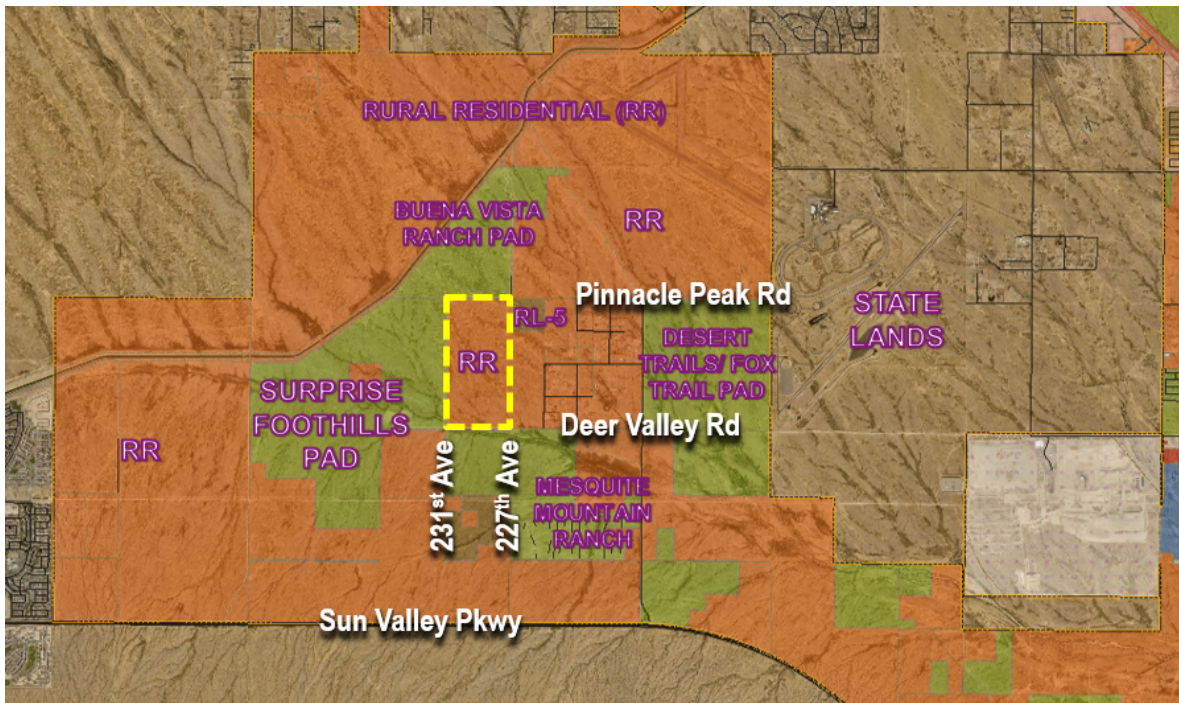
61
62 **Analysis and Discussion:**

63 The subject properties, which encompass approximately 320 gross acres, are currently zoned Rural
64 Residential (RR). The applicant requests to rezone approximately 257.3 acres to Residential Low
65 Density (R-1), approximately 47.6 acres to Residential High Density (R-3), and approximately 14.4
66 acres to Community Commercial (C-2) to accommodate a combination of future single-family, multi-
67 family, and commercial developments.

68
69 The existing and proposed zonings are shown below.

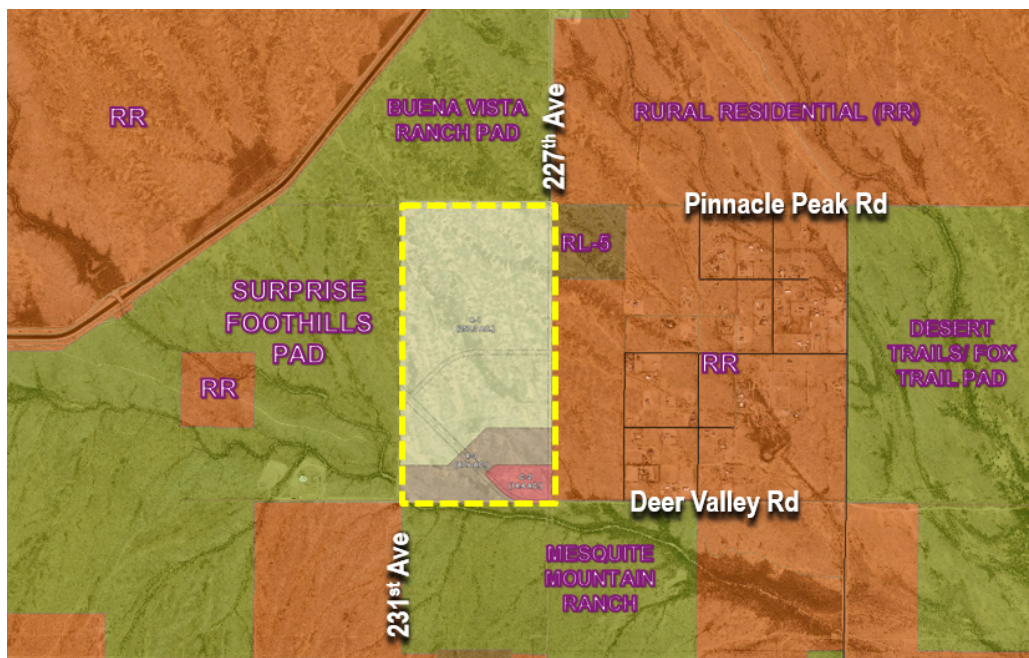
70
71 [continued on following page]

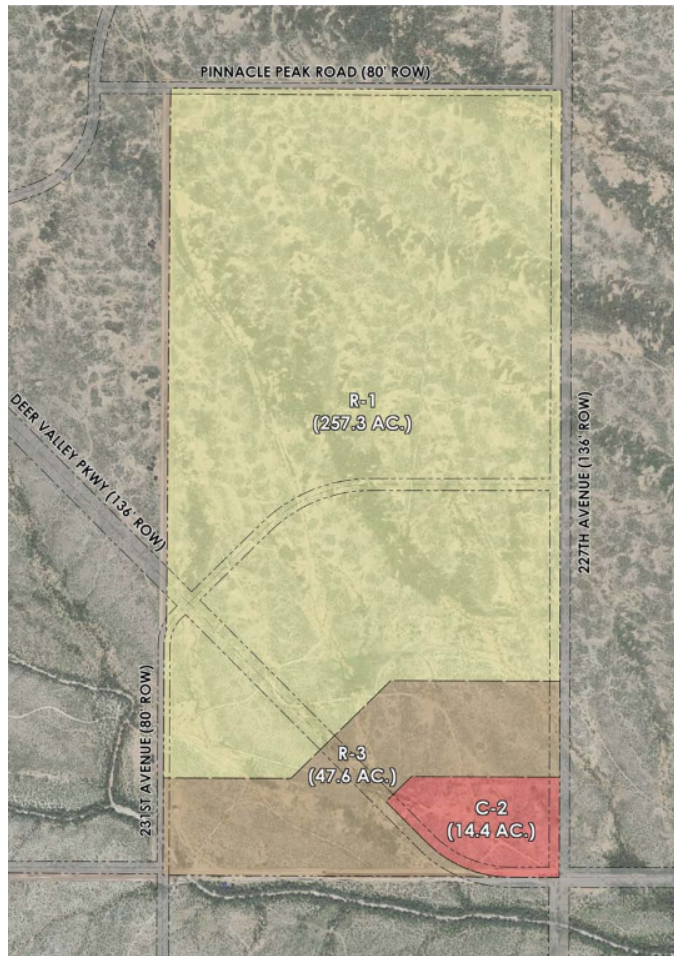
72
73 **Existing Zoning**



Buena Vista Ranch PAD	Buena Vista Ranch PAD	RL-5
Surprise Foothills PAD	RR	RR
RR	Mesquite Mountain Ranch	Mesquite Mountain Ranch

Proposed Zoning





Development Plan:

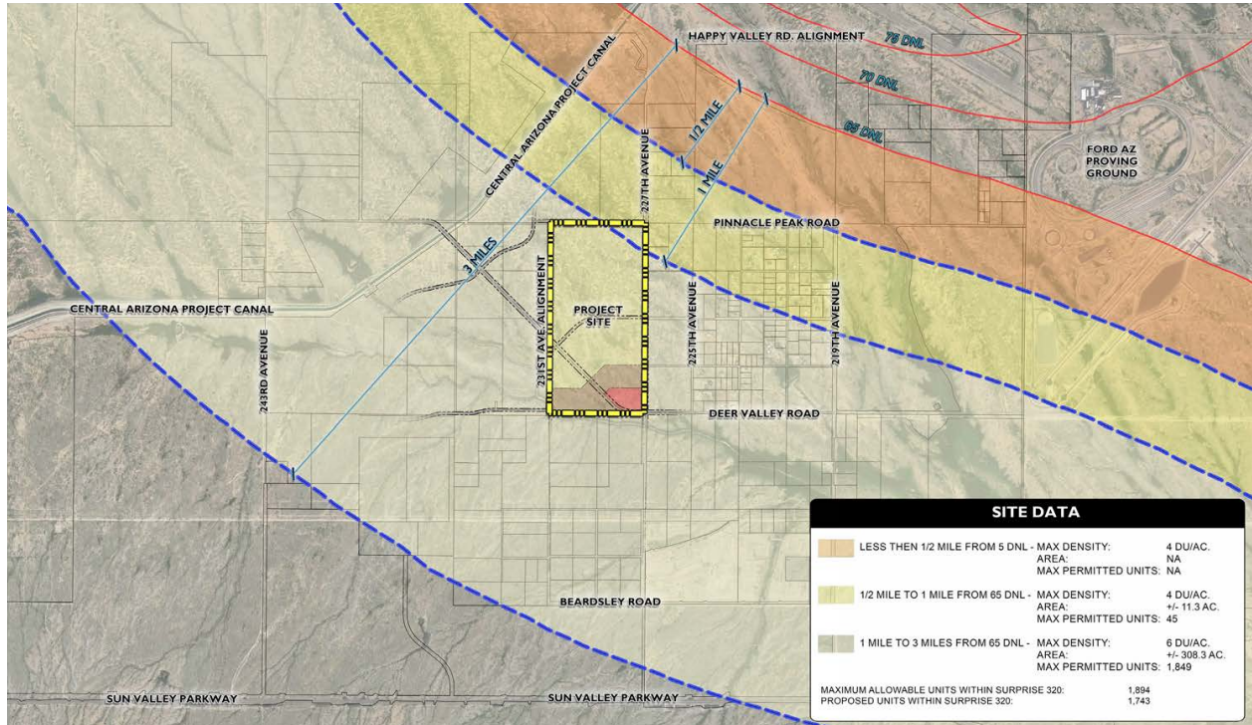
The applicant is requesting a rezone in response to market demands but does not intend to develop the property at this time. This rezone request does not include a preliminary development plan but will instead be used to market the property to future developers. The site layout and zoning categories proposed are influenced by the future roadway network and existing drainage conditions. The commercial portion is located at the intersection of the 227th Avenue and Deer Valley Road alignments, which are planned to be a Major Arterial and Parkway, respectively. The proposed R-3 portion of the project is located north and west of the commercial, acting as a transition between the commercial development and single-family residential. The remainder of the property, which is also the majority, is proposed to be R-1, which allows for a variety of single-family residential development.

Development Standards:

The applicant is not requesting a deviation from the development standards of the LDO, PEDS, or city code to facilitate the re-zone. Furthermore, future development within the subject property will adhere to the applicable development standards of the R-1, R-3, and C-2 zonings.

Density

Due to its proximity to Aux 1, the subject site is subject to the Luke Air Force Base Graduated Density Concept (GDC). The majority of the site is located with the 0-6 DU/Acre band of the GDC, with a small portion of the project at the north east corner being located within the 0-4 DU/Acre band.

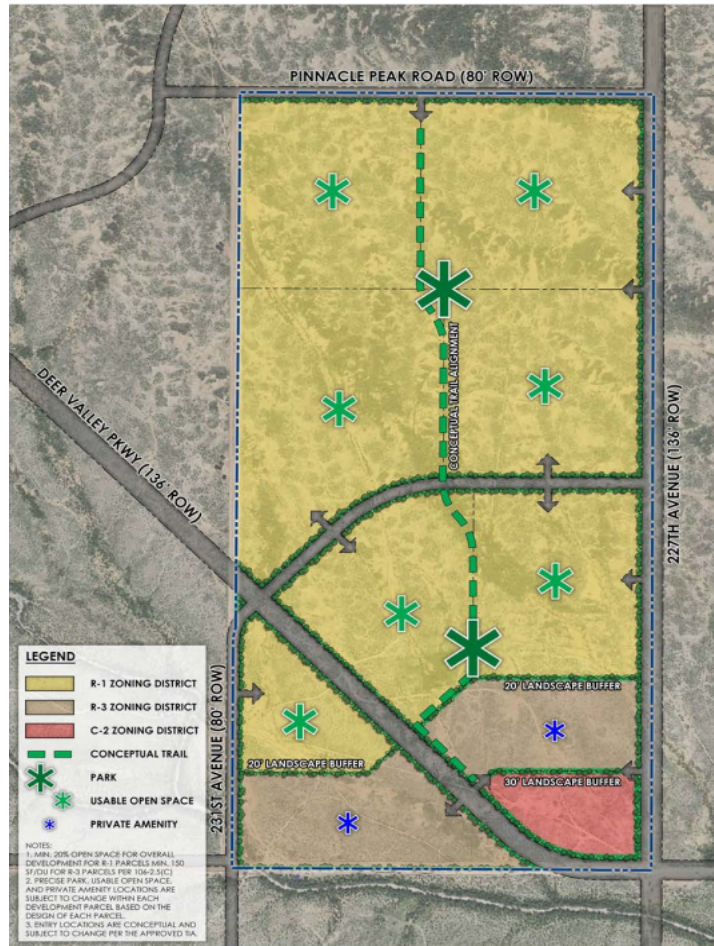


In collaboration between city staff, the applicant, and Luke AFB, it has been determined that a total number of dwelling units of 1,743 would be allowed within the project site, equating to an overall density of 5.44 DU/Acre. The applicant is proposing that the R-1 portion of the site would include a maximum of 1,029 dwelling units and the R-3 portion would include 714 dwelling units. Maximum total net densities for these areas are 4 DU/Acre within the R-1 area, and 15 DU/Acre in the R-3 area.

While the overall framework for the maximum allowed dwelling units and densities has been contemplated with this rezone request, the specifics will not be reviewed and approved until the site plan or preliminary plat stage. At that time, the developments will be subject to the transition and buffering requirements of the LDO and General Plan.

Open Space & Amenities

Utilizing the information known at this time, the applicant provided the below conceptual open space plan to depict where open space and amenities may develop within the subject site. The future developments that locate here will be subject to the requirements of the LDO, PEDS, and General Plan with regards to open space minimums, landscaping, buffering, and amenities. These elements will be reviewed in detail at the time of site plans and preliminary plats.



Roadways

The subject site is bounded by Pinnacle Peak Road to the north, 227th Avenue to the east, Deer Valley Road to the south, and 231st Avenue to the west. Improvements to these roadways will occur as development occurs, in addition to the internal circulation of this area. This development will also be required to construct or contribute to the future traffic signals at Sun Valley Parkway. The applicant has also worked with city staff regarding the new alignment of Deer Valley Road, traversing northwest, and its implications on this development.

Utility and Services Table:

Electric:	APS
Water:	City of Surprise
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Schools:	Wickenburg School District

128 **Conformance with Adopted Plans:**

129
130 **Surprise General Plan 2035:** The Surprise General Plan 2035 shows the subject property as lying
131 within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac
132 or more, provided appropriate transitions are made between the various Neighborhood types
133 included within the character area. At this time, the applicant is proposing a Community Commercial
134 parcel, strategically located at a future major intersection, a multi-family parcel located adjacent to
135 the commercial to act as a transition, and the remainder of the site as Residential Low Density. As
136 such, the proposed Zone Change demonstrates consistency with this land use category.

137
138 **Reviewing Agencies:**

139
140 In addition to the standard city reviewing agencies, Maricopa Water District, Maricopa County
141 Department of Transportation (MCDOT) and Luke AFB were included in the routing of this request.
142 These agencies indicated no objections to the request.
143

144 **Summary:**

145
146 The proposed Zone Change from Rural Residential (RR) to Residential Low Density (R-1), Residential
147 High Density (R-3), and Community Commercial (C-2) is consistent with the Surprise General Plan
148 2035 and will be developed under the provisions of the LDO.
149

150 **Findings:**

151
152 The proposed Zone Change is consistent with the Surprise General Plan 2035.
153

154 **Recommendation:**

155
156 Based on the findings noted above, the Planning & Zoning Commission recommended **approval** of
157 case **FS22-0344** to the City Council, subject to stipulations 'a' through 'h' as outlined below:
158

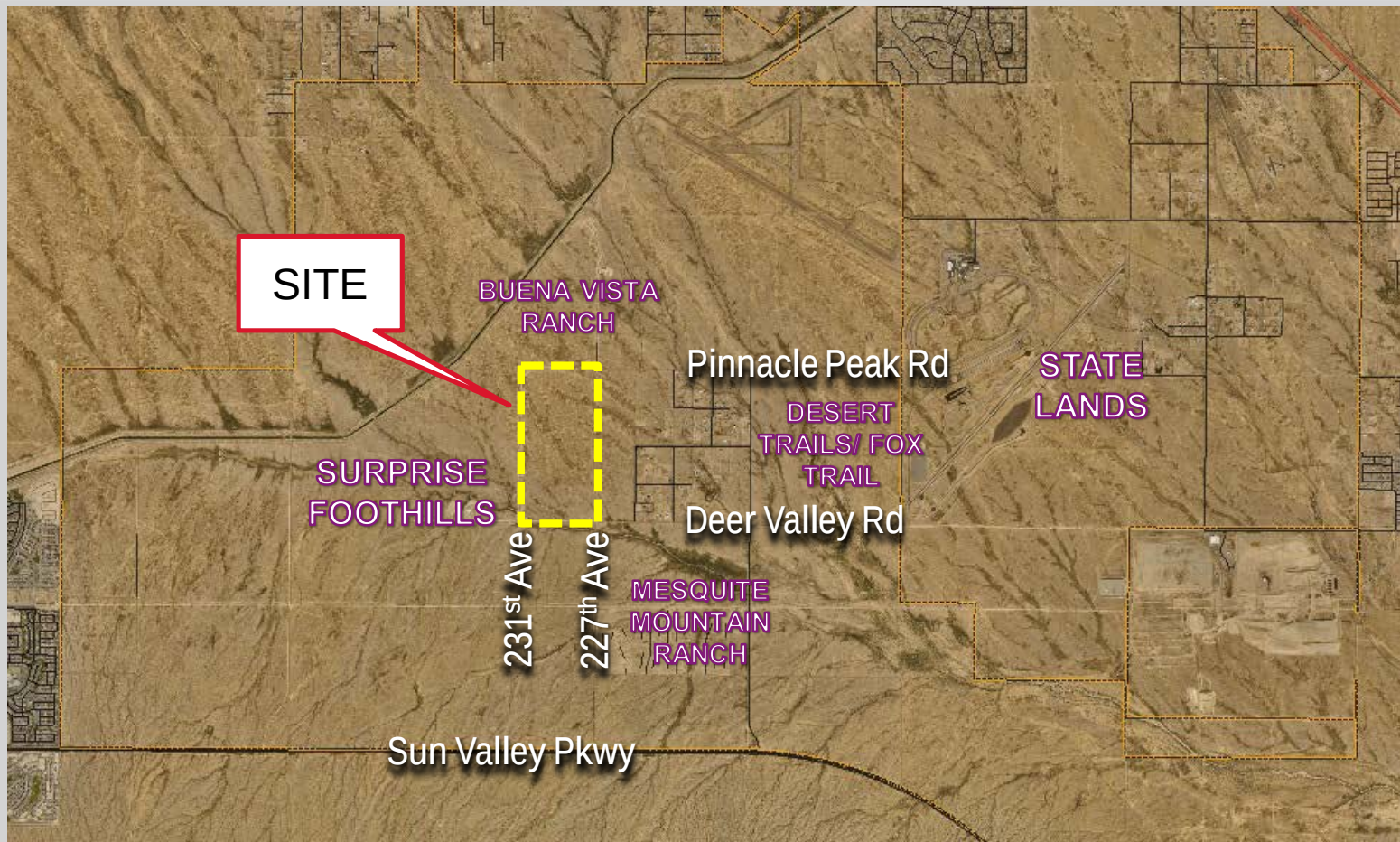
- 159 a. Development and use of the site shall be consistent with the rezone narrative entitled
160 "Surprise 320 Rezoning Narrative", prepared by RVI Planning & Landscape Architecture
161 dated July 13, 2022.
162
163 b. The water and sewer solutions to serve this development must be reviewed and approved
164 prior to Preliminary Plat approval.
165
166 c. This development may be subject to a buy-in fee for the Deer Valley Road Sewer
167 Interceptor.
168

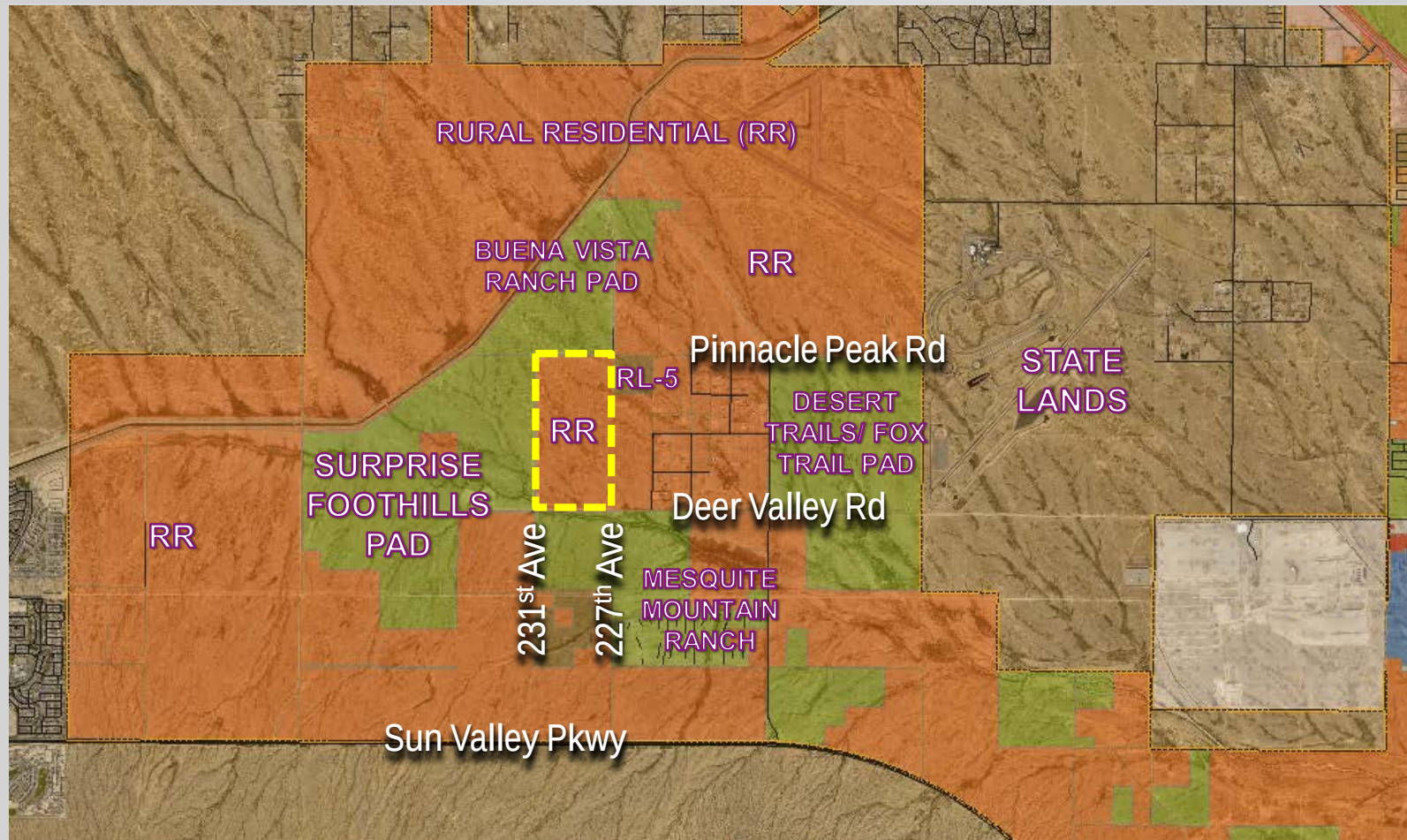
- d. This development will be required to construct the water and sewer mains on the adjacent portions of 227th Avenue per the Integrated Water Master Plan Figure 7-7 and the West Deer Valley Water Group Area Water Master Study Figure 4-1.
- e. The developer will be required to contribute its proportionate share of the cost of installing new traffic signals at Sun Valley Parkway & 227th Avenue and Sun Valley Parkway & 235th Avenue by either installing the signals if it is the first developer requiring these intersections to move forward or pay its proportionate share of the overall cost if the signals are installed by another developer. Two points of access are required per the City's Fire and Engineering standards. Reimbursement of the cost or payment of the proportionate share will be pursuant to a public improvement repayment agreement as permitted by Chapter 42 of the Surprise Municipal Code. All traffic signal installation plans will be subject to approval and permitting by the City of Surprise and MCDOT.
- f. The subject site will be limited to a maximum of 1,743 total dwelling units.
- g. The subject rezoning is conditioned upon and will not become effective until a final plat has been approved by the City Council and recorded that creates parcel boundaries that match the zoning boundaries created by the rezoning.
- h. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

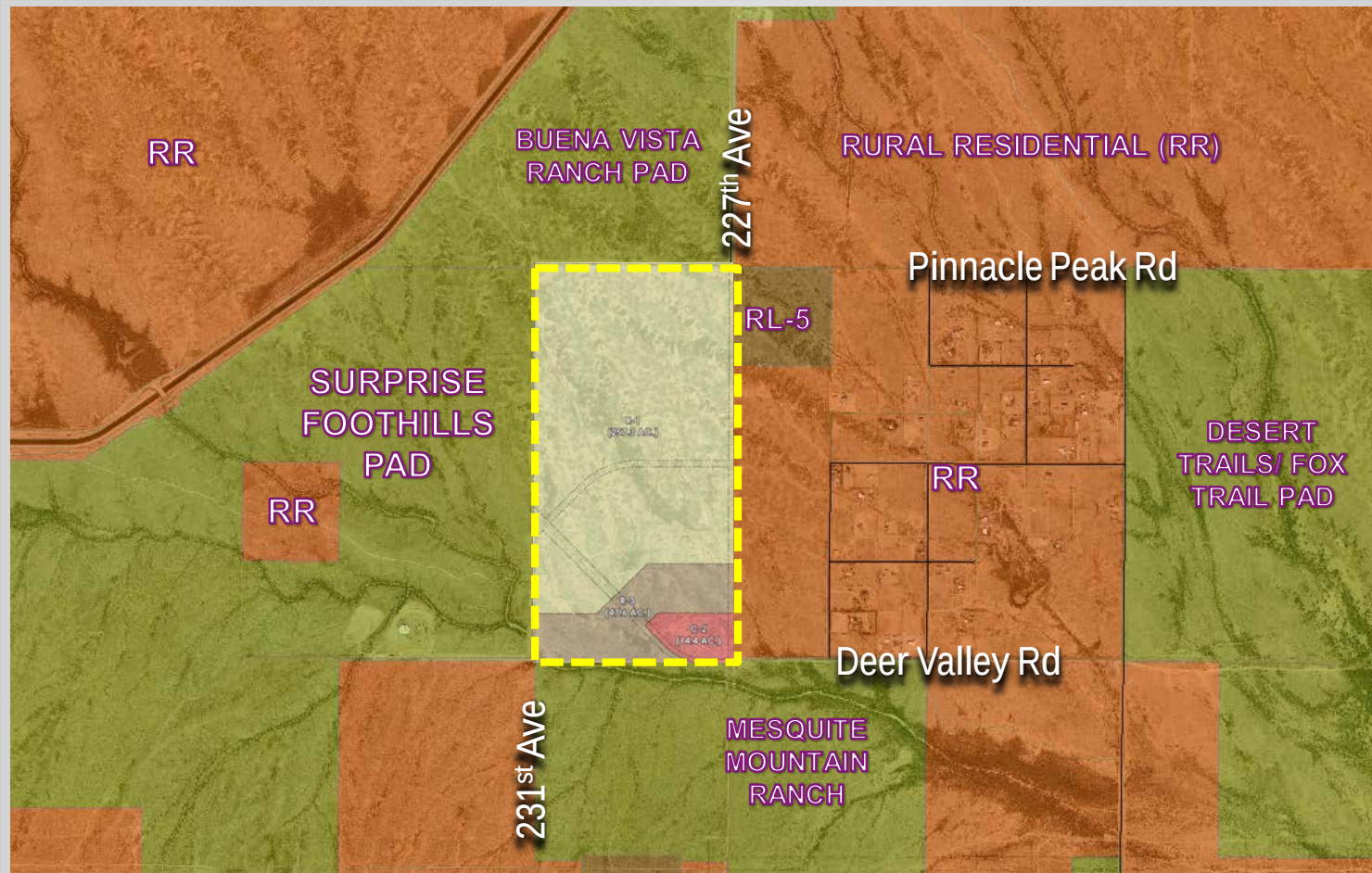
However, should the City Council wish to deny the request, the Council should make its own findings and base its decision on those alternative findings.

Attachments:

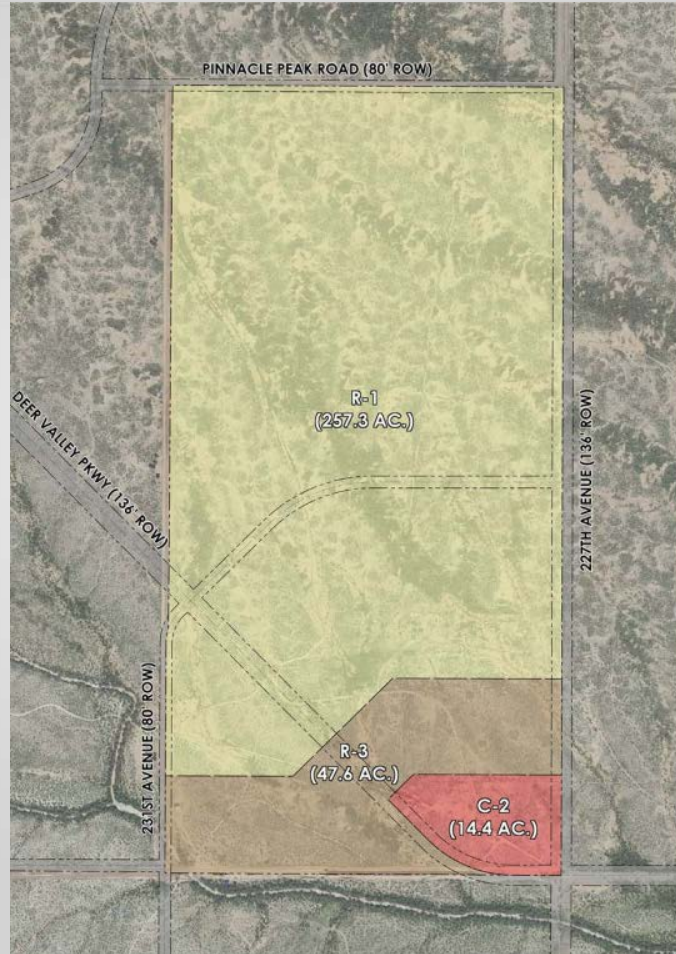
01 Vicinity Map
02 Current Zoning Map
03 Proposed Zoning Map
04 Narrative Document
05 Citizen Participation Report
06 Affidavit of Posting
07 Luke AFB Comments
08 Ordinance
PPT







PROPOSED ZONING MAP



PROPOSED ZONING MAP

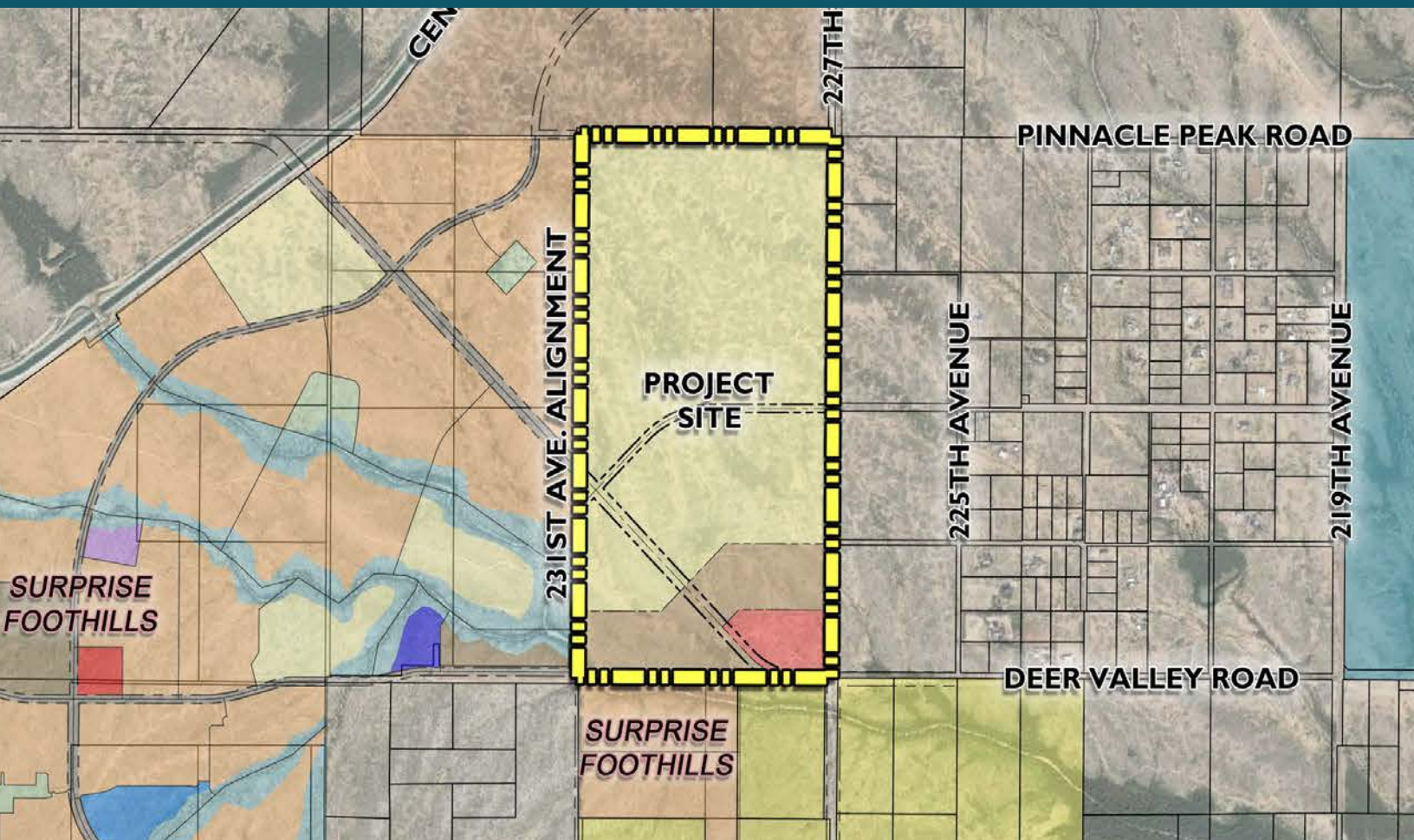
SURPRISE 320

REZONING NARRATIVE

Site Analysis | Proposed Zoning and Conceptual Land Use Plan | Regulatory Development Standards

CASE: FS22-0344

FINAL SUBMITTAL: JULY 13, 2022



PRESENTED BY:

TRIANGLE
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TABLE OF CONTENTS

1. PROJECT INTRODUCTION 1

2. SITE ANALYSIS 1

Existing Pre-Development Conditions 1

Drainage 1

School Districts 2

Water and Sewer Service 2

Electricity 2

Refuse 2

Fire and Law 2

Native Plant Inventory 3

Existing Roads, ROW and Utilities 3

General Plan Land Use and Zoning Designations 3

Luke Air Force Base Compatibility Analysis 4

3. PROPOSED TRANSPORTATION, ZONING AND CONCEPTUAL LAND
USE PLAN 5

Proposed Regional Transportation Improvements 5

Zoning Base Districts 6

Residential – Single Family 6

Residential – Multi-Family 6

Commercial 7

Conceptual Development and Open Space Plan 7

4. REGULATORY DEVELOPMENT STANDARDS 7

Zoning Base Districts 8

General Development Standards 8

5. CONCLUSION 8

EXHIBIT 1 | CONTEXT AREA PLAN 9

EXHIBIT 2 | REGIONAL VICINITY MAP 10

EXHIBIT 3 | GENERAL PLAN LAND USE MAP 11

EXHIBIT 4 | EXISTING ZONING MAP 12

EXHIBIT 5 | LUKE AIR FORCE BASE GRADUATED DENSITY PLAN 13

EXHIBIT 6 | REGIONAL TRANSPORTATION PLAN 14

EXHIBIT 7 | PROPOSED ZONING MAP 15

EXHIBIT 8 | CONCEPTUAL DEVELOPMENT AND OPEN SPACE PLAN 16

1. PROJECT INTRODUCTION

RVi Planning + Landscape Architecture, on behalf of Triangle Partners, is pleased to submit this rezoning application for Surprise 320 (Subject Site) to change the existing zoning from Rural Residential (RR) to a combination of residential and commercial zoning districts on multiple parcels comprising approximately 320 gross acres, located at the northwest corner of the future Deer Valley Road and 227th Avenue alignments. The APNs associated with this request are 503-81-033R,S,T,U,V,W,X,Y. The proposed project is located within Special Planning Area 3 (SPA-3) for both water and sewer service. The Subject Site is currently vacant and does not have built infrastructure to serve the site.

This rezoning narrative will provide the framework for future development of the Subject Site. In the following sections, additional information will be provided as it relates to the following items:

- Site Analysis
- Proposed Zoning and Conceptual Land Use Plan
- Regulatory Development Standards

The proposed development complies with the 2035 General Plan and does not include deviations to the land use and regulatory development provisions outlined in the Surprise Land Development Ordinance (LDO) and Planning and Engineering Design Standards (PEDS) Manual.

2. SITE ANALYSIS

The property is currently vacant and is surrounded by vacant land. Some of the property surrounding the Subject Site is planned and entitled with development plans in various stages of review, approval and constructed, including Surprise Foothills to the immediate west, Buena Vista Ranch to the immediate north, Rancho Vista approximately half mile south, and Mesquite Mountain Ranch to the southeast. The following section highlights the current conditions of the site.

Existing Pre-Development Conditions

The site is relatively flat with general sheet flow drainage conditions from the northwest to the southeast. There is a defined wash corridor that clips the far southwest corner of the property, but this will not have a major impact the development of the Subject Site, as long as the Deer Valley Road alignment is shifted north. A drainage culvert under the 231st Avenue alignment has already been constructed by Surprise Foothills to provide for a utility extension from Pinnacle Peak Road to the Deer Valley Road alignment. No other roadways are construction within or adjacent to the site. See Exhibit 1: Context Area Plan and Exhibit 2: Regional Vicinity Map.

Drainage

Several major watersheds are located immediately west of the property within the Surprise Foothills property. These watersheds converge from several directions at various locations within the Surprise Foothills property and discharge together near the intersection of the Deer Valley Road and 231st Avenue alignments. The combined washes leave the site and continue to flow east, along the original Deer Valley Road alignment, projects southern property line, to the confluence with the Iona and Trilby Washes approximately two miles east of the project. The site area falls within a region that is currently being studied by the Flood Control District of Maricopa County (FCDMC), more specifically within the Whitman ADMS (Area Drainage Master Study) area. The Whitman ADMS contains ongoing hydrologic analyses of the area but has not yet undergone hydraulic delineation of the washes, floodways and floodplains therein.

Based on current records for Maricopa County, as well as the current FEMA FIRM Map (#04013C1185L and 04013C1195L both dated 10/16/2013), the property falls within floodplain Zone Shaded 'X' as well as Zone 'A'.

Flood Zone 'X' is defined as: Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage

areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

Flood Zone "A" is defined as: Areas subject to inundation by the 1-percent-annual-chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.

The floodplain clips the southwest corner of the site and at several locations along the southern property line (see figure below). With the construction of Deer Valley Road a Floodplain Use Permit and LOMR will be required, but with the realignment of Deer Valley Road to the north, major impacts to the floodplain are reduced. Additionally, there are minor/local off-site flows from the north and west that will need to be routed through the site and discharged at their natural drainage locations.

A Final Drainage Report containing detailed hydraulic analysis of the washes/channels in the project, based upon the proposed grading for the development, will be submitted with final engineering. Finished floor elevations for homes adjacent to FEMA washes will be set at least one foot above the resultant 100-year water surface elevations. On-Site drainage for the 100 year, 2 hour storm, will be fully retained on site in retention basins. A Letter of Map Revision (CLOMR) application was included in the study, and submitted to FEMA to remove the developable portion of the Property from the floodplain.

The Final Drainage Report for the Project will be submitted to the City, FCD and FEMA for permitting, during final engineering. The drainage design for the Community will be in accordance with the design guidelines provided in the Drainage Design Manual for Maricopa County, Arizona, Volume I, Hydrology, December 2018 the Drainage Design Manual for Maricopa County, Arizona, Volume II, Hydraulics, date December 2018 and the City of Surprise drainage guidelines. The hydrology for the basis of design of major drainage facilities in this region of the County is the Wittmann Area Drainage Master Study Update ("ADMS"), which was completed by Entellus for the Flood Control District of Maricopa County.

School Districts

The Subject Site is in the Wickenburg-9 Elementary School District and the Wickenburg Unified High School District. The closest public elementary school within the Wickenburg-9 Elementary School District is the Festival Hills Elementary School located at 26252 W Desert Vista Blvd, Buckeye, Arizona, 85396 and is approximately four miles from the Subject Site. The closest middle school is the Vulture Peak Middle School, located at 925 South Vulture Mine Road. Vulture Peak Middle School is in Wickenburg. The closest high school Wickenburg High School, located in Wickenburg at 1090 South Vulture Mine Road with Dysart Unified School District as an option.

Water and Sewer Service

Surprise 320 is located within Special Planning Area 3 (SPA-3) in the City of Surprise, Arizona. SPA-3 is generally located north of Bell Road, west of Beardsley Canal, south of Grand Avenue and Central Arizona Project Aqueduct, east of 259th Avenue and encompasses approximately 59 square miles. Preliminary Water and Sewer Reports have been prepared and are included with the rezoning submittal package as a separate attachment.

Electricity

APS is the service provider in the area. There is no existing service for this site, although APS has approved two new sub-station locations to help serve the northwest Surprise area. Both sub-stations are located approximately five (5) miles directly east and west of the property. These improvements are planned to be built as development occurs in this area. An additional substation will be constructed on the east side of 227th Avenue directly north of the wash that intersects Mesquite Mountain Ranch.

Refuse

The Subject Site and surrounding areas are currently vacant with no existing refuse collection service. However, as the property is entirely within the City of Surprise jurisdictional limits, Surprise will provide refuse collection service once development occurs.

Fire and Law

The City of Surprise will provide fire and police

TABLE 1: EXISTING AND SURROUNDING LAND USES

LOCATION	GENERAL PLAN	EXISTING ZONING	LAND USE
Site	Neighborhoods	Rural Residential (RR)	Vacant
North	Neighborhoods	PAD	Buena Vista Ranch PAD
South	Neighborhoods	PAD	Mesquite Mountain Ranch, Surprise Foothills PAD, Rancho Vista Single Family Residential
West	Neighborhoods	PAD	Surprise Foothills PAD
East	Neighborhoods	Rural Residential (RR)	Rural Residential, Desert Trails PAD

protection service to the property. The closest fire station is Fire Station #2, located approximately 13 miles from the property at Union Hills and Grand Avenue. The closest police station is located at 13063 West Bell Road at Dysart Road, approximately 14 miles from the property.

Native Plant Inventory

A native plant inventory has been completed for the property and is included with the rezoning submittal package as a separate attachment.

Existing Roads, ROW and Utilities

The Subject Site is located at northwest corner of the Deer Valley Road and 227th Avenue alignments. Currently no partially or fully improved roadway network exists adjacent to the Subject Site except for Sun Valley Parkway, which is currently a four-lane divided roadway with access limited to median breaks at approximately one-mile intervals, and 219th Avenue which is a 2-lane roadway that runs north from Sun Valley Parkway to the east of the Subject Site. All other roadways in the study area are unimproved and without full right-of-way dedication necessary for development according to the Surprise 2035 General Plan's roadway classification map. The existing ROW near the Subject Site includes approximately 40-feet on Deer Valley Road, 55-feet at 231st Avenue, and approximately 68-feet at the Pinnacle Peak Road alignment. There is an existing 100' wide bridge (ROW) that crosses the major wash at the 231st Avenue alignment.

There are several existing WAPA utility easements totaling approximately 600-feet in width approximately ½ mile to the west on the Surprise Foothills property, oriented in an east/

west direction through the southern portion of the Surprise Foothills property. These power line easements house existing 500 KV power lines.

General Plan Land Use and Zoning Designations

The City of Surprise 2035 Land Use Map designates the Subject Site as Neighborhood Character Area with the underlying development type as Suburban Neighborhoods. The Suburban Neighborhoods category (2-8 du/ac) is meant to represent the transition area between rural settings and urban environments. These neighborhoods reflect the most common pattern of development in the City and where Surprise's future population growth will be concentrated. Suburban Neighborhoods include predominantly medium-density residential housing types. The proposed development plan shall comply with the Aesthetics and Built Form as perscribed in the General Plan which includes the following elements:

- Residential building setbacks from the front property line should vary to create a more interesting and attractive streetscape.
- Residential buildings should de-emphasize front load garages by providing a mix of garage orientations including, side or angle entry, rear load with alley access, or front load with a set back from the primary living space.
- Neighborhood and community scale retail, professional office and civic uses may be incorporated at strategic locations along proposed or existing arterial corridors that provide convenient access to residential areas.
- Neighborhood and community retail, professional office and civic uses should be clustered to create suburban centers that provide services and

activities for the local community. The design and scale of these centers should blend with surrounding proposed or existing suburban residential development to ensure land use compatibility and pedestrian connectivity.

- The placement of non-residential buildings should be pushed close to the primary roadway, and parking areas should be encouraged to the sides and/or rear of buildings.
- New subdivisions should be connected to existing adjacent developments, or provide stub streets to future development areas, to allow for strong internal pedestrian, bicycle, and automobile connectivity. Cul-de-sacs should only be reserved for use when physical site constraints are present.
- All major residential development shall include active and passive open space areas designed, located, and oriented to provide high pedestrian accessibility within and around the development, and buffer between less developed and more urban developed areas. The design and placement of public off-street pedestrian trail connections to adjacent development is highly encouraged.
- A traditional grid pattern street network is encouraged. Streets with curvilinear design are also encouraged where local topography and protection of natural features warrant such design.
- The incorporation of "complete streets" should be utilized to enable safe, attractive, and comfortable travel for all users, including automobiles, pedestrians, bicyclists, and transit.

To the west is the Surprise Foothills PAD, an approximately 1,047-acre development that was approved in 2005 and recently amended in 2021. The current approved Surprise Foothills PAD is slated for primarily single-family residential uses which is fully compatible with the proposed development of the Subject Site. The Applicant is working closely with the Surprise Foothills landowner to ensure coordination of transportation plans and land use compatibility.

Mesquite Mountain Ranch is located to the south, which was approved in 1994 and amended in

2007. It includes up to 2,850 units. The City of Surprise recently approved a Final Plat for the first +/-660 lots within Mesquite Mountain Ranch. Approximately 274 residential lots are located within Rancho Vista (to the south) and Final Plat Approvals are expected in the next couple of months. Buena Vista Ranch PAD is located to the north and was approved in 2005. It includes up to 1,285 units. Existing large lot residential single-family homes are located to the east. Table 1 (above) provides a breakdown of the existing and surrounding land uses.

All surrounding developments within the area are zoned either Rural Residential or PAD. The nature of the surrounding area is reserved for residential and neighborhood commercial development which is consistent with the proposed rezoning for the Subject Site. See Exhibit 3: General Plan Land Use Map and Exhibit 4: Existing Zoning Map.

Luke Air Force Base Compatibility Analysis

Luke Air Force Base (LAFB) encourages cities to reduce, to the greatest extent possible, residential concentrations within 10 miles of the base. Recognizing that each political subdivision faces unique circumstances and obstacles that prevent the most aggressive implementation of low density residential within 10 miles of the base, LAFB developed a concept of graduated development away from the 65 LDN (day-night average sound level). The Graduated Density Concept provides guidelines for dense development up to and surrounding the "high noise or accident potential zone," commonly referred to the 65 Ldn line, as defined in A.R.S. § 28-8461, which may limit future operations of the U.S. Air Force. In the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 Ldn are to be as follows:

- A maximum of two dwelling units per acre (du/ac) from the 65 Ldn to ½ mile
- A maximum of four du/ac from ½ mile to one mile
- A maximum of 6 du/ac from one to three miles, and
- Graduated densities beyond three miles that include open spaces, light industrial/commercial and rural uses throughout the area defined by

State Statute A.R.S. § 28-8461 as "territory in the vicinity of a military airport."

The project team evaluated the Graduated Density Concept and follows the parameters outlined. In review, this project is located approximately 4,548 ft (.86 mile) from the 65 LDN noise contour line and follows the parameters provided by the LAFB density concept. Approximately 11.3 acres of the project site falls within the 1/2 mile to 1 mile range from the 65 DNL, which limits the density to 4 du/ac in this area and the remainder of the project lies between the 1 mile to 3 mile range from the 65 DNL, which permits up to a 6 du/ac threshold. In total, the maximum allowable units within the project is 1,894 and the proposed units is 1,743. Exhibit 5: Luke Air Force Base Graduated Density Plan (GDP) shows the visual representation of the noise contour lines as well as a table of the project specifics to show compliance.

The city received an email from Christopher P. Toale, Director of the Community Initiatives Team with Luke AFB, dated July 13, 2022, based on their review of the proposed development application. The e-mail indicates that the proposed development should not have a negative impact on Luke AFB flight operations but recommends the applicant review the sound attenuation requirements found in A.R.S. § 28-8482 and a notification program to notify prospective residents of proximity to Luke AFB operations.

3. PROPOSED TRANSPORTATION, ZONING AND CONCEPTUAL LAND USE PLAN

In accordance with the Surprise LDO, the proposed project seeks to establish residential and commercial zoning districts throughout the site to be consistent with the LDO. No deviations are proposed as part of this application and all development will follow the LDO and PEDS Manual as prescribed. Before discussing the proposed zoning and land use for the property, it is important to highlight recent changes to the regional transportation system in the area that will drive major land use decisions for the site.

Proposed Regional Transportation Improvements

In discussion with the City of Surprise and in

conformance with the City's 2035 General Plan, the following is a summary of the regional roadways within or adjacent to the Subject Site.

Deer Valley Parkway: Deer Valley Parkway is proposed as a major arterial road with 136-feet of ROW but may have access limitations more consistent with a parkway design to ensure appropriate capacity as a regional roadway. Deer Valley Parkway will veer off the existing alignment immediately west of 227th Avenue and run diagonally through the property to the northwest. Deer Valley Parkway will cross the CAP canal northwest of the site and eventually align with the Pinnacle Peak Road alignment to the west.

227th Avenue: 227th is designated as a major arterial with 136-feet of total ROW (68-feet west half street), connecting south from Sun Valley Parkway and running along the eastern boundary of the property.

231st Avenue: 231st is a residential collector road with 80-feet of total ROW and will connect from the Deer Valley Road alignment to the Deer Valley Parkway. This roadway will not extend north of the Deer Valley Parkway but will connect to a new interior collector road running east/west through the property, ultimately connecting to 227th Avenue at the half-mile point between Deer Valley Road and Pinnacle Peak Road.

Pinnacle Peak Road: Pinnacle Peak is designated as a residential collector road with 80-feet of total ROW (40-feet south half-street) west of 227th Avenue along the northern perimeter of the site

TABLE 2: ROADWAY CLASSIFICATION		
ROADWAY	ROADWAY CLASSIFICATION	PROPOSED ROW
Deer Valley Parkway	Major Arterial (with limited access)	136'
227th Avenue	Major Arterial	136'
231st Avenue	Residential Collector	80'
Pinnacle Peak Road	Collector	80'
Interior Collector A	Residential Collector	80'

Note: Where the project perimeter is adjacent to the roadway alignments, only half street dedications will be provided. Final determination and details of roadway improvements shall be consistent with the approved TIA.

providing an east/west connection from 227th Avenue through the property. This collector road will ultimately connect to a new collector road within Surprise Foothills. It is not anticipated that Pinnacle Peak Road will ever cross the Central Arizona Project Aqueduct.

Deer Valley Road: Deer Valley Road will not extend from Deer Valley Parkway along the southern boundary of the site but will start as a major collector road west of 231st Avenue through the Surprise Foothills property with 110-feet of total right-of-way. Right-of-way for Deer Valley Road along the southern boundary of the property is not needed.

In summary, the proposed regional transportation network follows the 2035 General Plan Street Transportation Map and as provided above and in Table 2. A full traffic impact analysis is being prepared to confirm the roadway classification for Pinnacle Peak Road, as well as all revised roadways within the project area and surrounding properties. See Exhibit 6: Proposed Regional Transportation Plan.

Zoning Base Districts

There are three zoning districts in conformance with the General Plan and LDO for the property, including R-1 single family residential, R-3 multi-family residential, and C-2 commercial. Detailed descriptions of each is provided below and defined in Table 3. See Exhibit 7: Proposed Zoning Map.

Residential – Single Family

The Residential Low Density (R-1) zoning district provides areas for single-family homes on varying lot sizes and a mix of densities with schools, parks, and other public services necessary for suburban

residential neighborhoods. The proposed zoning will allow for lot categories A (suburban 4,950-7,999 sf lot area) and B (suburban 8,000-11,999 sf lot area), which are compatible with the suburban land use character as outlined in the 2035 General Plan and the LDO. The project proposes approximately 257 acres of low density residential throughout the site. The Subject Site is anticipated to have multiple lot styles which may include but not limited to 48’ x 115’ (5,520 square feet), 53’x120’ (6,360 square feet), 58’ x 120’ (6,960 square feet) and 65’ x 125’ (8,125 square feet). The maximum unit count allowed within the R-1 zoning district parcels is 1,029. The total unit count may vary and will be determined during the preliminary and final platting of the property.

Residential – Multi-Family

The R-3 zoning district reflects the Urban Development Type and is allowed in the Neighborhood Character area in accordance with the General Plan. Multi-family residential shall have a minimum of four dwelling units per lot and a net residential density of more than eight dwelling units per acre. The minimum lot size for R-3 zoning is one acre. The Subject Site seeks to permit a mixture multi-family development which may include a combination of medium density (8.0-11.9 du/ac) and high density (15+ du/ac) development to be located at the southeast corner of the site near Deer Valley Road, providing an appropriate transition to the surrounding single family residential and proposed commercial development on the site. The project proposes approximately 47.6 acres of multi-family residential as shown by the proposed zoning map, built-in accordance with the character areas outlined in the 2035 General Plan and the LDO. The maximum unit count allowed within the R-3 district will be limited to

TABLE 3: PROPOSED ZONING DISTRICTS					
PARCEL	ZONING DISTRICT	GROSS ACRES	LAND USE %	MAX TOTAL NET DENSITY	MAX UNIT COUNT
1	R-1	257.3	80	4 DU/AC	1,029
2	R-3	47.6	15	15 DU/AC	714
3	C-2	14.4	5	NA	NA
TOTAL	-	319.3	100	-	1,743

Note: Density and unit count is estimated across each Zoning District and may be exceeded on a parcel to parcel basis, not to exceed the max unit count within each district.

714 units. Actual unit count may vary based on the approved site plan for the properties at the time of development.

Commercial

The Community Commercial (C-2) zoning district provides for retail, office, and service activities to satisfy the needs of the community with emphasis on shopping commerce centers, clustered office commerce centers, and medium-sized commercial developments. The intent of this district is to create a neighborhood environment and discourage the sprawl of strip commercial development by assembling community-serving businesses and services in commerce centers rather than in a strip or linear pattern. The Subject Site proposes approximately 14 acres of commercial which will be developed at the corner of 227th Avenue and Deer Valley Parkway. This will provide easy access for future development in the surrounding area. The commercial land use will serve residents of the Subject Site as well as surrounding properties as this area continues to grow in population. See Exhibit 7: Proposed Zoning Map for the location of each zoning district proposed. Legal descriptions associated with the zoning categories have also been provided as part of this application.

Conceptual Development and Open Space Plan

The Subject Site is laid out in consideration with the natural drainage constraints and roadway network proposed throughout the site. The multi-family and commercial parcels are located near the major roadway corridors to provide an appropriate balance and transition to the remainder of the residential development throughout the site. Appropriate landscape buffers will be provided along the boundaries of each specific zoning district and along adjacent roadways in compliance with the LDO.

The Subject Site should include numerous opportunities for active and passive recreation through natural open space/wash corridors, developed parks and trails throughout the community which will be incorporated and detailed further during the preliminary and final plat process as development occurs. The

open space program will likely include two neighborhood parks, approximately two to four acres and will be located north and south of the roadway bisecting the center of the site. These parks are envisioned to be tied together by an open space corridor providing a distinguishing usable open space area that serves the entire development. Several smaller local parks/active open space areas that are integrated into each neighborhood and generally within a $\frac{1}{4}$ - $\frac{1}{2}$ mile walking distance to all residents within the community will also be provided. The remaining multi-family parcels will include a combination of usable open spaces and private amenities. Pedestrian connections to the collection of parks and usable open spaces will be evaluated in future phases of development. See Exhibit 8: Conceptual Development and Open Space Plan which conceptually shows the proposed locations of usable open space.

All required minimum open space requirements will be met and all design and development will be in accordance with the Surprise LDO and PEDS requirements as prescribed, which includes a minimum of 20% open space for the overall development despite the differing lot categories provided. The articles within the PEDS shall apply where applicable, based on the specific zoning and land use, and will govern the general site design and development, open space design, circulation design, landscape, and streetscape design, building form and architecture of a development in addition to other elements as required within the LDO.

4. REGULATORY DEVELOPMENT STANDARDS

This section contains the land use and regulatory development provisions to implement the Subject Site in accordance with the Surprise LDO and PEDS manual. These provisions constitute the primary tool for use by the City and the Developer to ensure that Subject Site develops in conformance with this document. Furthermore, this section includes information relating to the required development standards as prescribed by the base zoning districts outlined above including

permitted uses, setbacks, heights, coverage, and general standards. All development within the project area shall conform to all City of Surprise Codes, Policies, and Regulations.

Zoning Base Districts

Residential Low Density (R-1)

The (R-1) zoning district reflects the Suburban Development Type and is allowed in the Neighborhood Character area in accordance with the General Plan with a maximum of one (1) dwelling unit per lot of record. The development of the Subject Site will vary but is anticipated to include multiple lot categories as defined by the LDO.

Development Standards

Table 106-2c within the Surprise LDO identifies the required development standards for the Residential Low Density (R-1) zoning district. All development shall follow as prescribed by the LDO.

Permitted Uses

Permitted uses shall conform to Table 106-1c and Table 106-1d within the Surprise LDO.

Residential High Density (R-3)

The (R-3) zoning district reflects the Urban Development Type and is allowed in the Neighborhood Character area in accordance with the General Plan. Multi-family residential shall have a minimum of four dwelling units per lot and a net residential density of more than eight (8) dwelling units per acre. The minimum lot size for parcels within the R-3 zoning district is one (1) acre.

Development Standards

Table 106-2e within the Surprise LDO identifies the required development standards for the Residential High Density (R-3) zoning district. All multi-family parcels designated on the proposed zoning map and as described above shall follow the LDO as prescribed.

Permitted Uses

Permitted uses shall conform to Table 106-1c and Table 106-1d within the Surprise LDO.

Commercial (C-2)

The C-2 Zoning district is intended to provide for retail, office, and service activities to support the needs of the immediate and surrounding community, with emphasis on shopping centers, office development and/or medium-sized commercial development.

Development Standards

Developments within a Commercial zoning district(s) shall comply with development standards shown in Table 106-6a within the Surprise LDO.

Permitted Uses

Permitted uses shall conform to Table 106-1c and Table 106-1d within the Surprise LDO.

General Development Standards

All general development standards within the Surprise LDO will govern the Subject Site, including the City of Surprise Planning and Engineering Design Standards (PEDS), as referenced in Chapter 107, Article 1. The Articles within the PEDS shall apply where applicable, based on the specific zoning and land use, and will govern the general site design and development, open space design, circulation design, landscape, and streetscape design, and building form and architecture of a development in addition to those listed within the LDO.

5. CONCLUSION

The proposed rezoning application seeks to encourage future development consistent with the City's 2035 General Plan, current market demands for the area, and surrounding developments. The project team has coordinated with City staff regarding the regional transportation system in a rapidly growing area of the City of Surprise. The proposed development plan and zoning is designed to offer a broad mix of housing types appropriate for the area with a range of densities permitted within the neighborhoods land use designation. The proposed project evaluated all the existing and proposed conditions of the site and surround area to ensure compatibility while establishing a well thought out land use plan within this growing area of Surprise.

EXHIBIT 1 | CONTEXT AREA PLAN

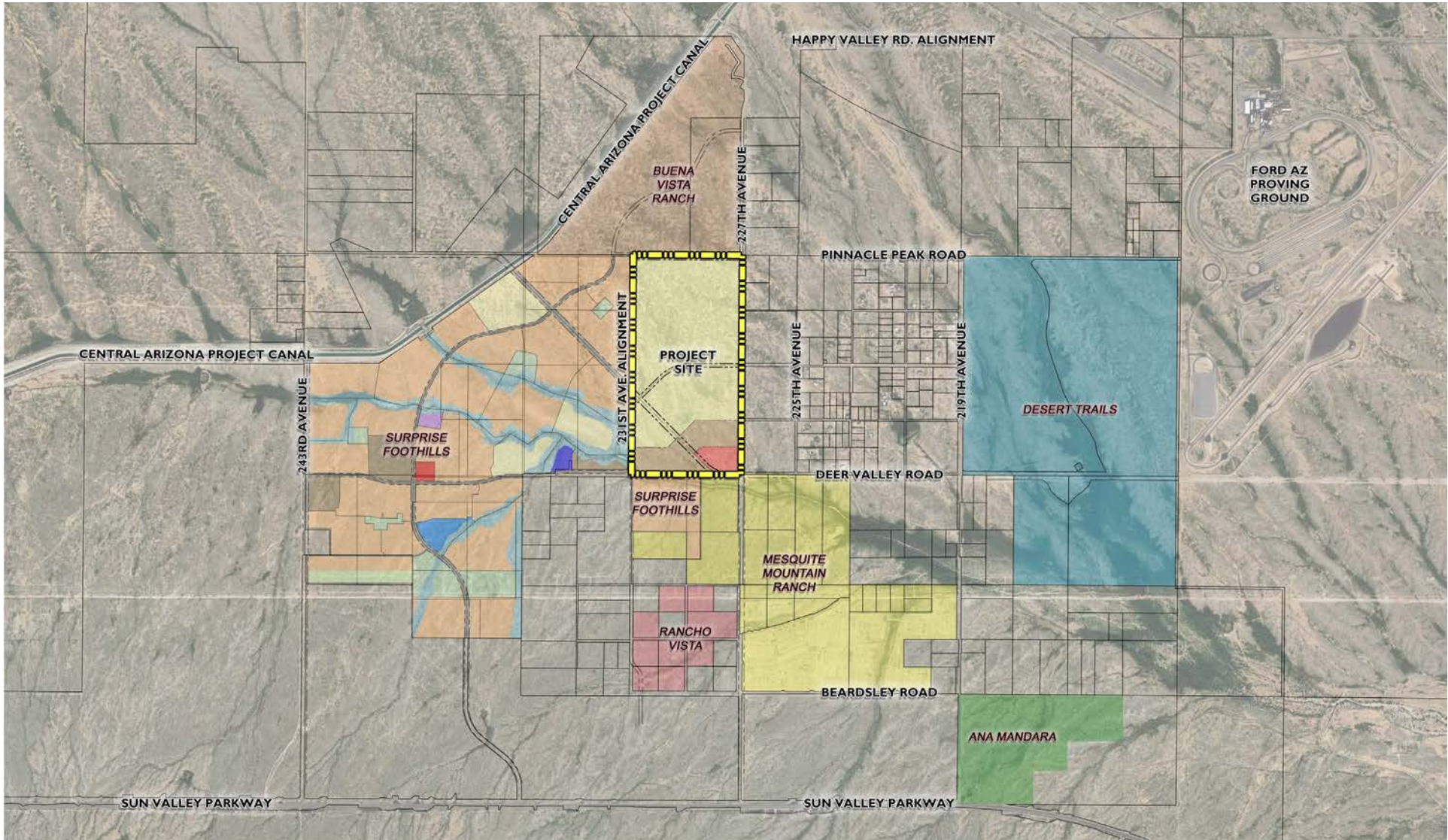


EXHIBIT 2 | REGIONAL VICINITY MAP

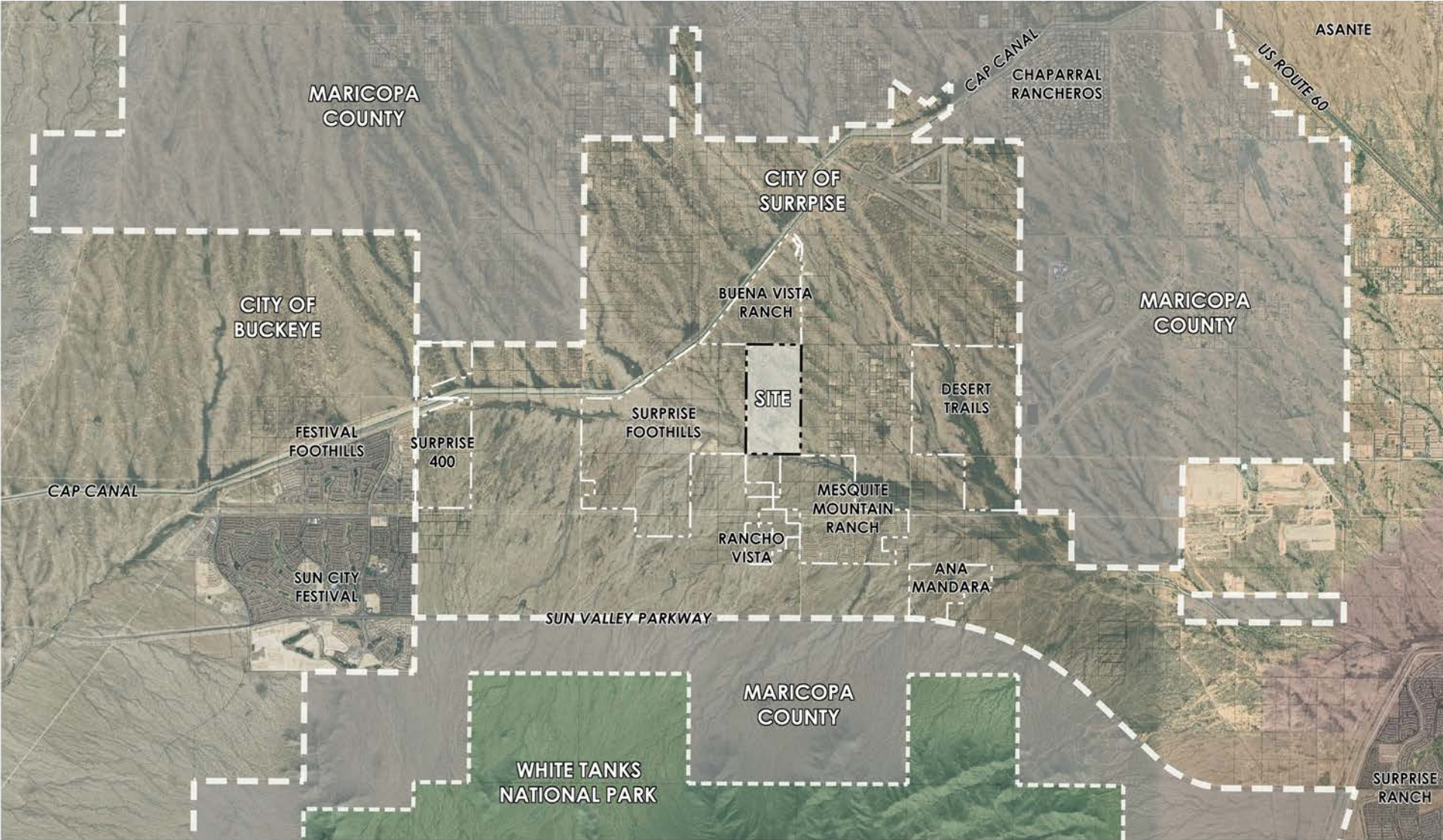


EXHIBIT 3 | GENERAL PLAN LAND USE MAP

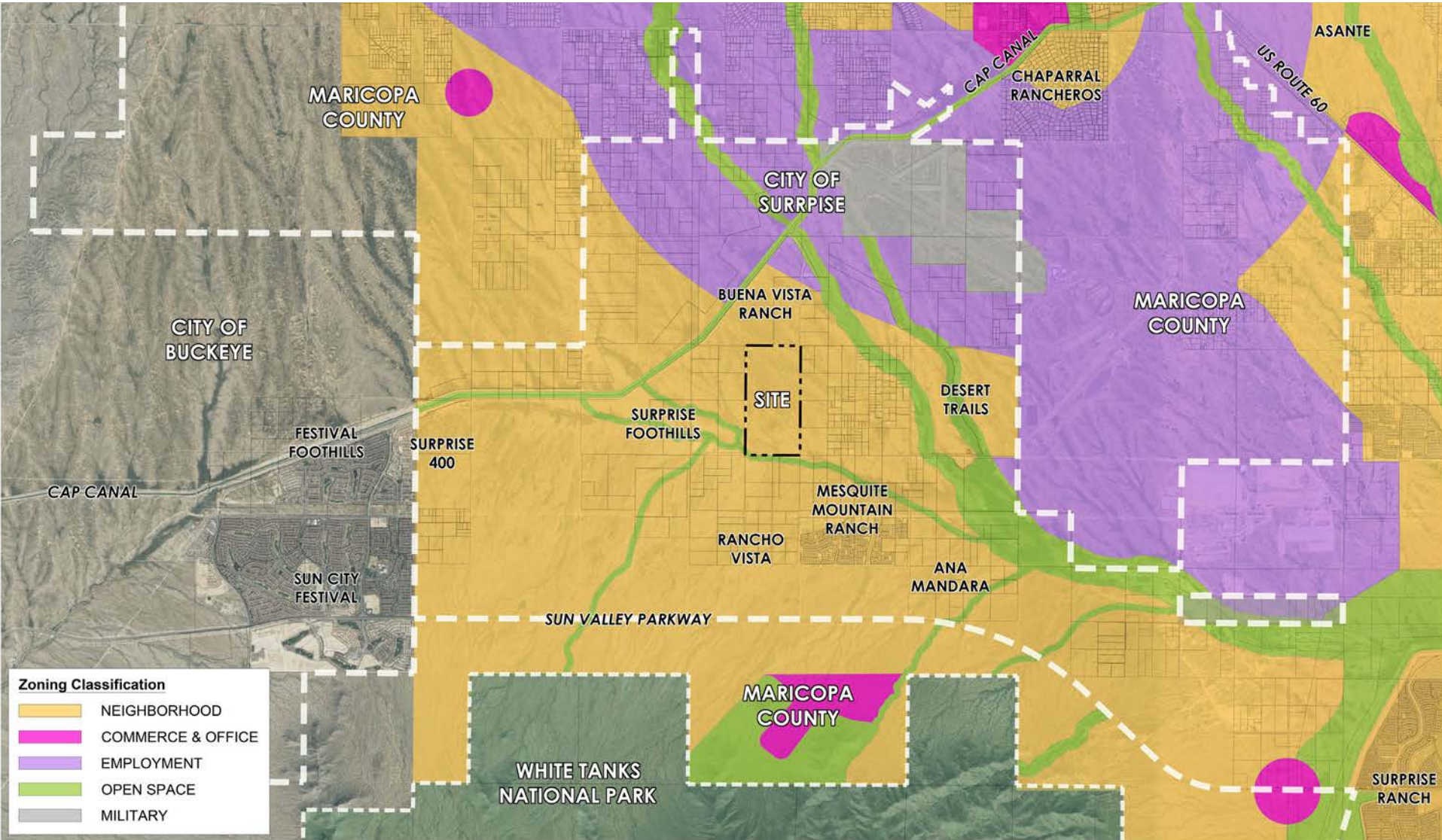


EXHIBIT 4 | EXISTING ZONING MAP

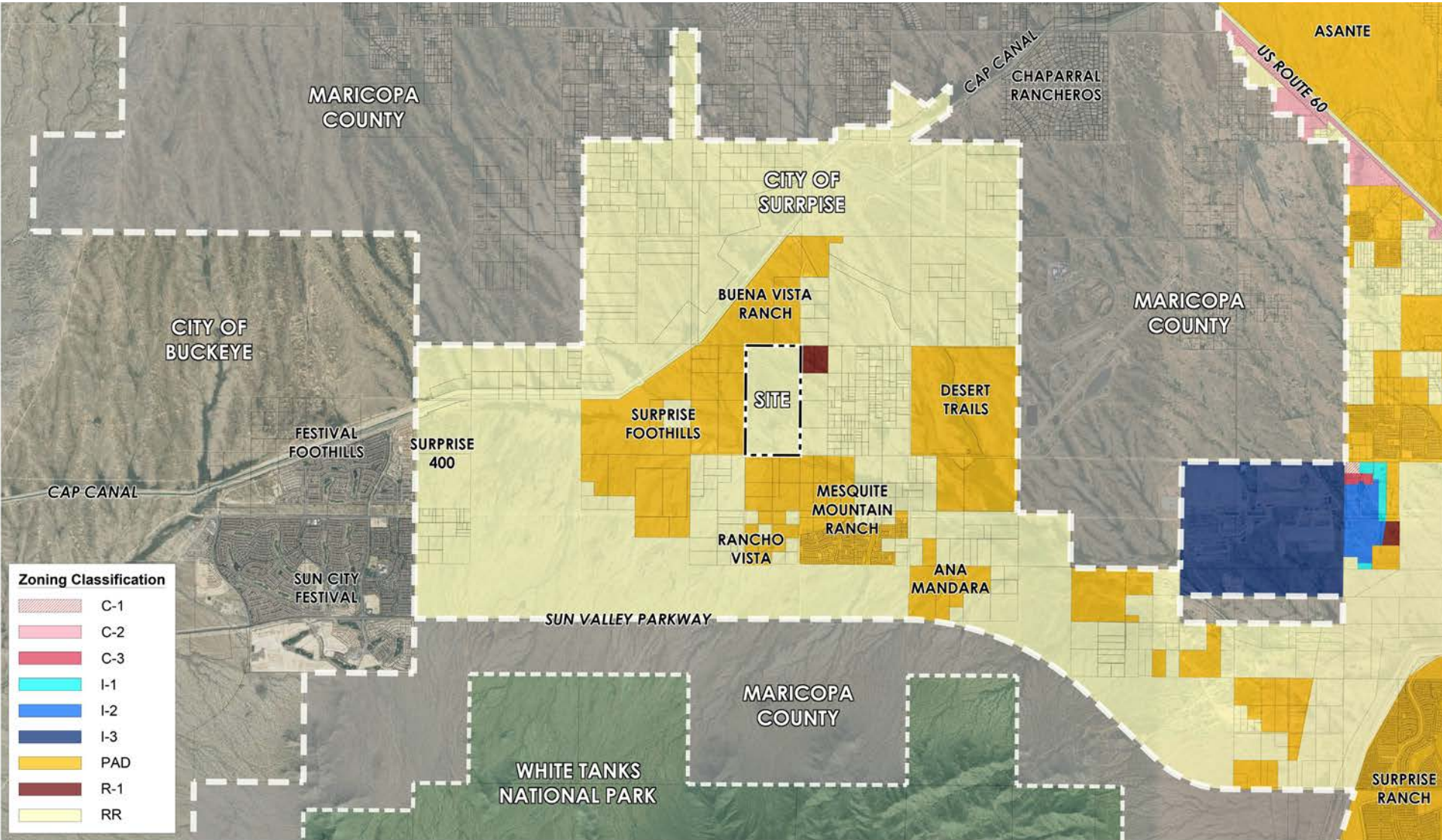


EXHIBIT 5 | LUKE AIR FORCE BASE GRADUATED DENSITY PLAN

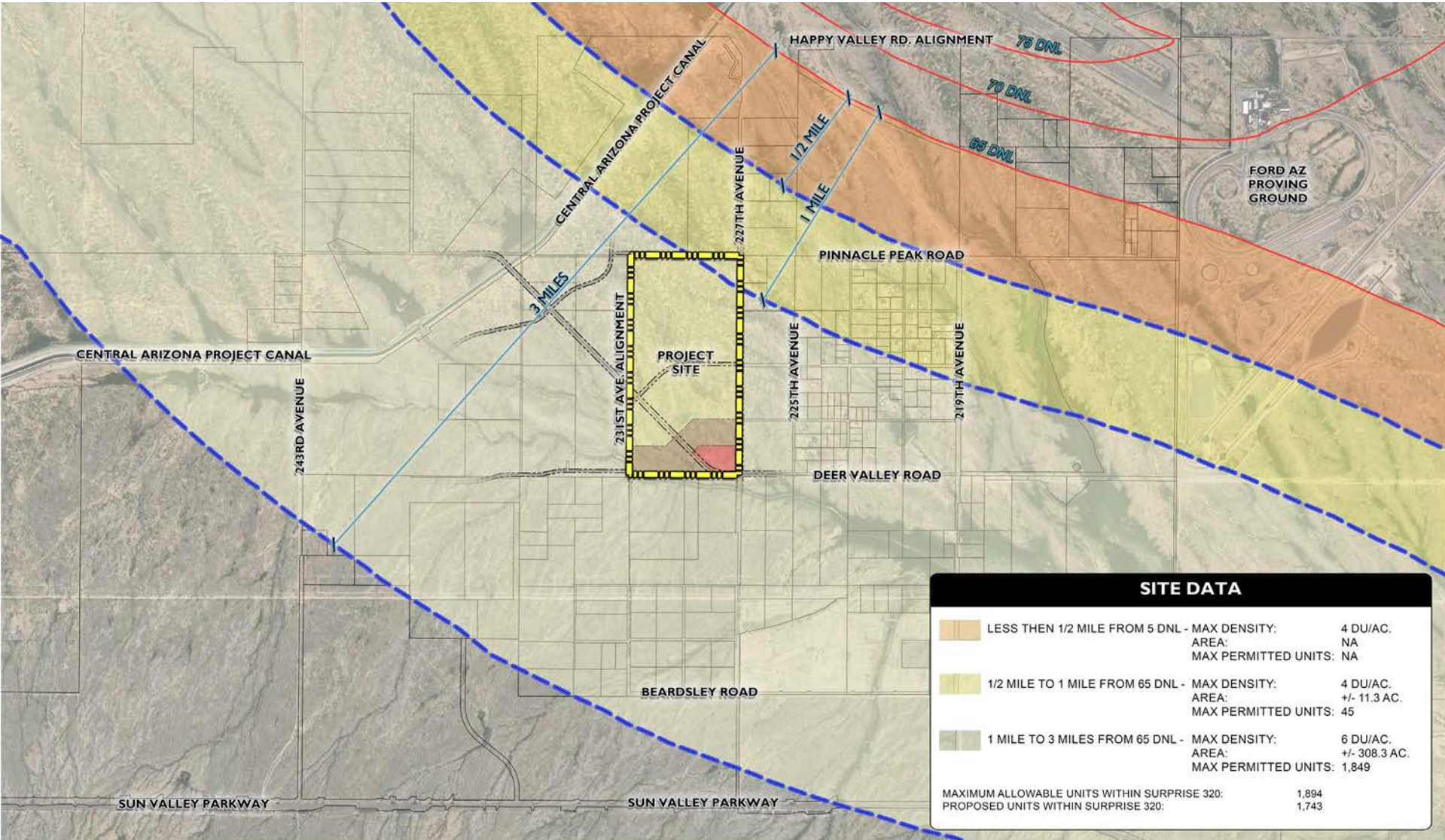


EXHIBIT 6 | REGIONAL TRANSPORTATION PLAN

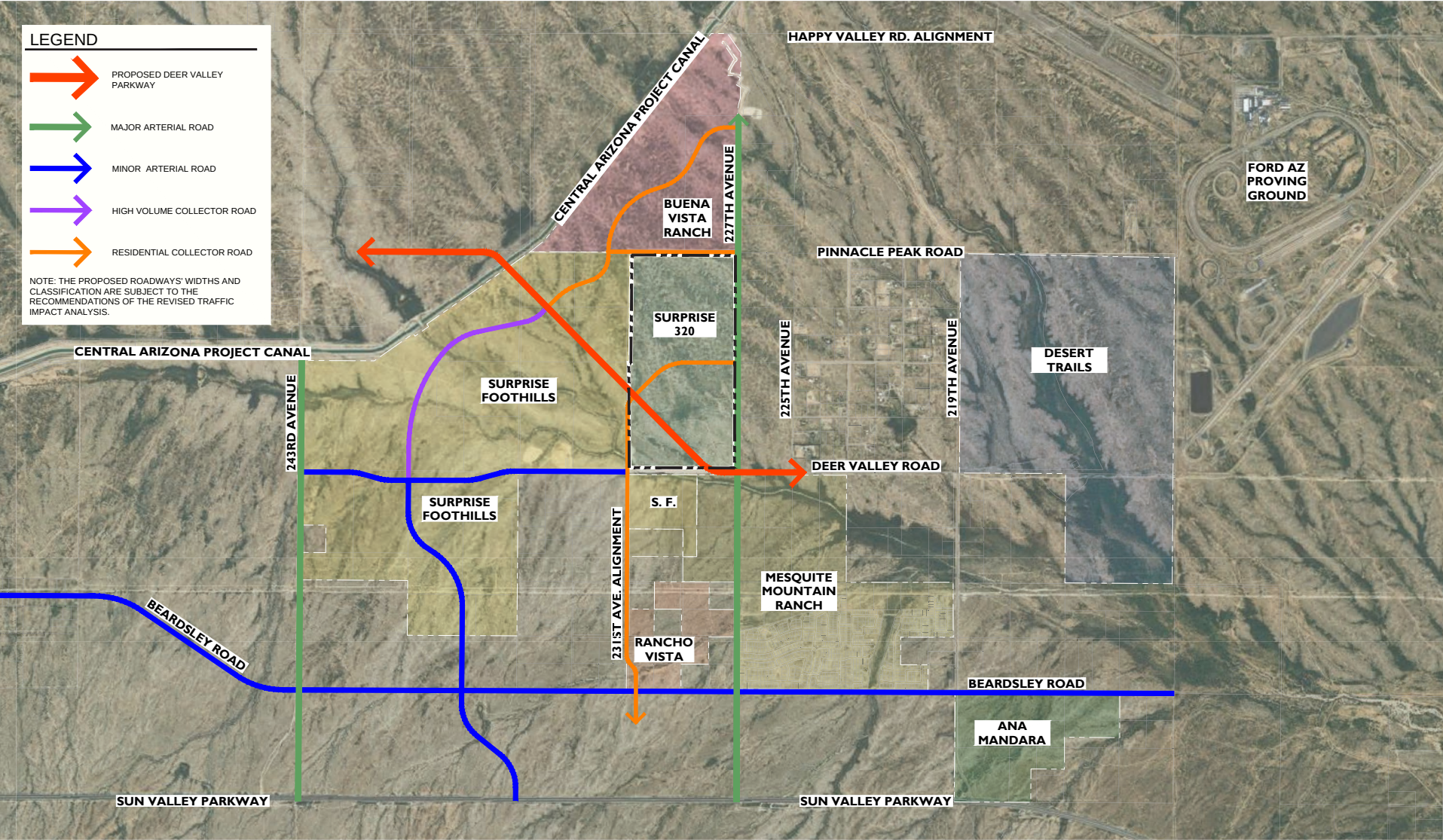


EXHIBIT 7 | PROPOSED ZONING MAP

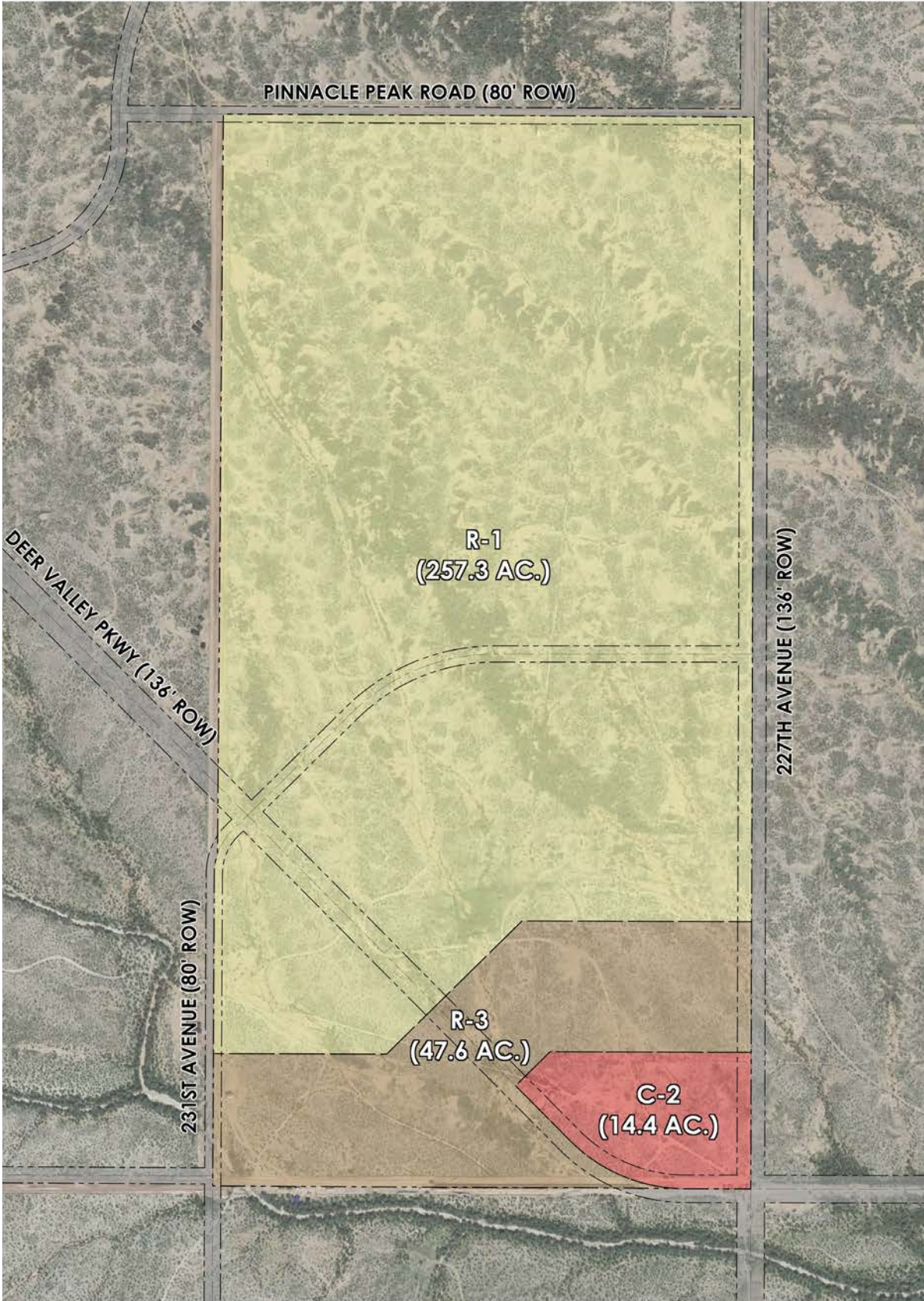
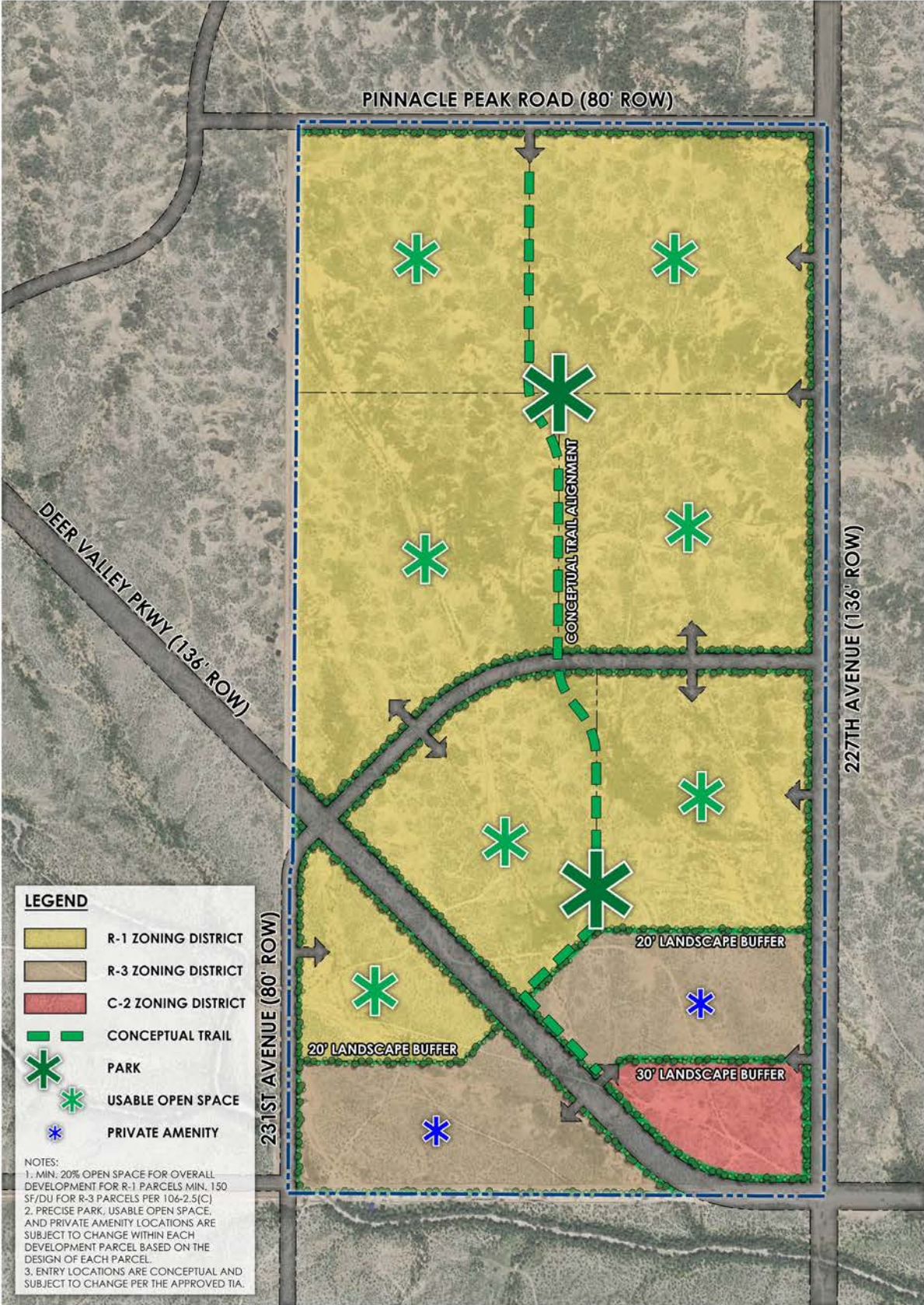
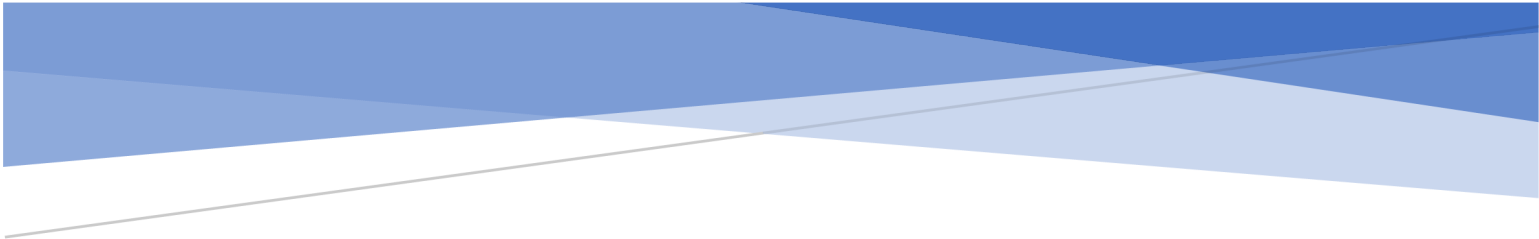


EXHIBIT 8 | CONCEPTUAL DEVELOPMENT AND OPEN SPACE PLAN





CITIZEN PARTICIPATION PLAN

Surprise 320 Rezoning

Surprise, AZ
May 27, 2022
FS22-0344



Introduction

Every Type 3 development application (which includes rezoning applications) in the City of Surprise requires a neighborhood meeting. As such, these applications also require a Citizen Participation Report designed to detail the results of the citizen participation effort prior to the notice of public hearing. The following sections document the public outreach as it relates to the Surprise 320, case number FS22-0344.

Public Outreach

One neighborhood meeting was held for this project on May 25, 2022 in accordance with City LDO requirements. Notices for the neighborhood meeting were mailed to residents and neighborhood associations fifteen (15) days prior by City staff in accordance with the LDO. The meeting details have been included below.

Location: Western Peaks Elementary School – Library/Media Center
18063 W Surprise Farms Loop S
Surprise, AZ 85388

Date and Time: Wednesday May 25, 2022 – 6:00 PM

Additionally, the following exhibits are included as part of the Citizen Participation Report:

- Sign-in sheet as **Exhibit A: Neighborhood Meeting Sign in Sheet**
- Site posting affidavit as **Exhibit B: Sign Posting Affidavit**

Summary of Neighborhood Outreach Efforts

The neighborhood meeting was held at a public place in general vicinity of the subject site in compliance with the recommendations of City staff. The applicant introduced the project via a PowerPoint presentation and described the specifics of the project. Upon conclusion of the formal presentation, the applicant answered questions from the attendee(s), both via the Zoom platform and in person. The following section highlights the questions asked and the responses from the applicant at each neighborhood meeting.

Meeting Documentation

The meeting began at 6:03 PM. There were 12 people attending in person and 1 whom attended virtually. The following section includes the list of questions that were asked, and the responses given by the applicant and The City.

What type of commercial is planned?

Response: The development has no specific user in mind at this time and it is being zoned to accommodate general commercial. General commercial can accommodate many of the retail, restaurants, small grocer, gas stations etc. development you see across the City of Surprise. This district does not allow major department stores and such and is anticipated to be more local in nature given the size of the parcel.

Is there a developer who has bought into the commercial portion of the proposal already, will it be developed when the rest of the site is developed, or will it remain vacant for forever?

Response: It is unknown at this time. Typically, residential homes in close proximity to a commercial corner help drive the demand for commercial services. It is anticipated that as residential homes are constructed as part of this project and surrounding projects, development on the commercial corner becomes more viable. However, there is no timeline or guarantee that this commercial parcel won't remain vacant for years to come. But the reason it is proposed is to reserve the right for commercial to be developed when appropriate.

How much can water campus support?

Response: The water campus is currently built and additional analysis is provided within our water and sewer reports. All new development is required to comply with the standards set by the City's Water Resources Department and are reviewed to ensure there is adequate capacity. Additional details can be provided should you wish to see this information and we can put you in touch with our engineer if so. City Staff shared that they could follow up to provide further information on this as well.

How much multi-family acreage is proposed? Will it be 2 story or higher?

Response: There is 47.6 acres of multi-family zoning proposed across the 320-acre parcel. The density permitted within the multi-family section is 15 du/ac, which permits a maximum of 714 units. The height and specific user is unknown at this time but this district would permit both 1 story detached multi-family units(i.e. bungalow product), traditional multi-family development greater than 1 story, duplex product, etc. consistent with the City's zoning code.

Is the plan to have 227th Avenue widened?

Response: Correct. The TIA provided for the project determines the appropriate widths of the roadway to support this development and the surrounding traffic. It was determined that 227th will be a Major Arterial and widened accordingly.

What is the timeline for construction?

Response: There is no exact timeline for construction at this point and this project is only seeking zoning approval. Before development can break ground, the buyer of this property will have to process a preliminary plat, and then final plat which can take anywhere from 1-2 years for approval before even beginning construction.

What is the traffic route to the highway? A concern was expressed about the overall transportation impact. It was stated that the highway (Sun Valley Parkway) is the only option. If this is shutdown, there is no where to go eastbound.

Response: The regional transportation map that is provided here and within our application shows the roadways that will be improved currently and into the future. This project is primarily served by 227th Avenue and Deer Valley Road/Parkway, one of which has connection to Sun Valley

Parkway. As for any shut down on Sun Valley Parkway, this would be managed by the City of Surprise and other governmental entities as needed.

What about the School district? And bus traffic impact?

Response: Engaging the schools is an important part of this process and required. This project falls within the Wickenburg-9 Elementary School District and the Wickenburg Unified High School District. The closest public elementary school within the Wickenburg-9 Elementary School District is the Festival Hills Elementary School located in Buckeye.

What about the Rural Development Standards? What is the plan for equestrian trails? We are horse people, the recent development projects didn't have horse trails, you aren't proposing horse trails. We are getting boxed in.

Response: No equestrian trails are proposed on this subject site. City staff eluded to the parks and recreation master plan which documents the types of improvements/trail systems proposed within this area.

In the Rural Guidelines – Dark Skies...how does the proposed subdivision with street lights work with the Dark Skies standards?

Response: Not sure exactly on the lighting requirements at this time, but the development will need to follow any lighting requirements of the City. City Staff offered to connect with the residents and the City's Engineering group to provide those requirements.

Wildlife Relocation – All this wildlife is being removed with plowing of trees and shrubs. How are animals and their habitats being protected or relocated through this process? Because this site is in a Wildlife Corridor. Even before you begin construction or get approval, they still go out on the site and scrape things without asking.

Response: The City of Surprise has recently implemented a new requirement for an Environmental Inventory Report to be performed prior to new development to identify any endangered or potentially any other sensitive species as determined by related wildlife agencies. They will have to report what the study found and make improvements/adjustments accordingly. This study will be provided and conducted as part of the preliminary plat application.

Will the roads be public or private?

Response: It is anticipated that the multi-family portion of the development will be private property with private access, as is typically seen. As for the residential neighborhoods, it has not been determined.

Multi-family typically just does not mesh with the surrounding rural lifestyle. People who choose to live in apartments typically don't want openness or wild animals. They don't want to live here long, and they complain about animals. This conflicts with our lifestyle. Can multi-family not be proposed?

Response: RVI has been hired to serve as a consultant to the applicant, Triangle Partners. Both RVI and the property owner worked with Land Development Brokers who are the experts on land speculation and what the market may be able to support. This information and knowledge that was shared about this region indicated that the multi-family acreage proposed as part of this

development is viable, although there is no specific timeline for when it would be built. However, we will share this information and concern with the property owner and the land broker for further consideration.

How many homes will there be per acre?

Response: Overall, there will be a total of about 4 homes per acres on the residential portion.

Sign Posting Location – the sign was only found because we took our four-wheelers out. Why was it posted here? To hide it?

Response: We followed the directions provided by The City to identify a location for the sign that met their location criteria in accordance with state law. We are happy to relocate the sign moving forward to a more visible position as approvable by the City. City Staff explained the requirement for the sign to be posted on site makes it difficult to be visible in areas like this where street improvements and infrastructure are so limited. Relocation will be considered and accommodated as needed.

I read in a document from about 2006 that there are buffers that rural areas are supposed to be buffered from new development. Where is the buffer?

Response: RVi has not been made aware of any further required rural buffer requirements. City Staff shared that there *may* be a 50' to 100' buffer policy but indicated that it sounds like it's from an outdated or inapplicable document such as an old master plan not over the subject site. City Staff to look further into this.

Will Deer Valley Road be public or private? Who will maintain?

Response: From our understanding, Deer Valley Road to the east will be a public roadway maintained by The City.

Have you been to the site when it rains? There is a lot of water. That will need to be handled.

Response: The rezoning application provides an in depth analysis of the grading and drainage of the site and the surrounding area. The project must retain water on site and not add additional strain to the drainage system off site. That being said, as the project progresses more detailed engineering analysis will be completed, including getting approval from FEMA as it relates to the existing floodplains and wash restrictions that exist at the far SW corner of our site. Additionally, this analysis will be provided by the City and we must comply with the strict requirements of City standards.

Other general concerns

Separate from the proposal, residents shared concerns regarding the notification they receive from The City. If city related bills can be mailed to them, why can' the newspaper [with notifications of neighborhood meetings] also be mailed to them

A further concern/request was made by the resident joining online that the findings of the environmental study be presented or shared with the public.

A concern was shared regarding surrounding developments which are not part of this proposal. Residents were surprised to learn that construction could still happen +/- 15 years after a property was rezoned without new stipulations being applied to it.

Ongoing Coordination

Throughout the processing of the rezoning application, the development team will engage with all interested parties to provide up to date information and tracking to the scheduled public hearings, as needed. To date, no additional phone calls or email conversations have occurred as it relates to either application.

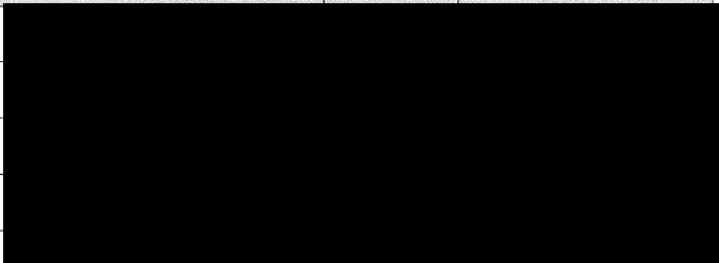
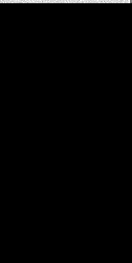
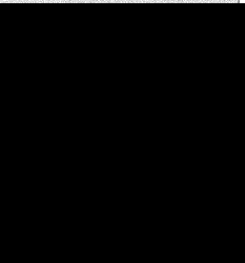
Exhibit A: Sign-In Sheets from May 25th Neighborhood Meeting

1/2

Project: Surprise 320 – FS22-0344 - Neighborhood Meeting

Location: Western Peaks Elementary School – Media Center
18063 W Surprise Farms Loop S
Surprise, AZ 85388

Date and Time: Wednesday May 25, 2022 – 6:00 PM

NEIGHBORHOOD MEETING SIGN-IN SHEET			
NAME	ADDRESS	PHONE	EMAIL
Eddy Edens			
Nichele Styles			
Mary Ansell			
MICHAEL + MELISSA Kolb			

2/2

Project: Surprise 320 – FS22-0344 - Neighborhood Meeting

Location: Western Peaks Elementary School – Media Center
18063 W Surprise Farms Loop S
Surprise, AZ 85388

Date and Time: Wednesday May 25, 2022 – 6:00 PM

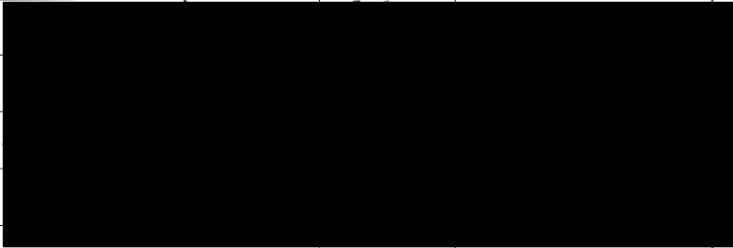
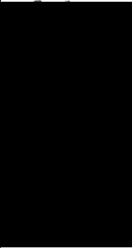
NEIGHBORHOOD MEETING SIGN-IN SHEET			
NAME	ADDRESS	PHONE	EMAIL
Sandra Ansell			
COUNCILMAN			
BLAND WINTERS			
David + Vidai Lee			
JOHN + Lor DiVita			

Exhibit B: Sign Posting Affidavit

CITY OF SURPRISE
Site posting Process

AFFIDAVIT OF POSTING

Application No: FS22-0344
Applicant Name: RVA Planning + Landscape Architecture
Location: NEC 231st Ave & Deer Valley Rd
Date Site Posted: 05/04/22

In order to assist in providing adequate notice to interested parties, the applicant for any *type of public hearing* in the City of Surprise shall erect two (2) signs giving notice of the *date, time and place* of the scheduled hearings. These signs must be erected not less than **fifteen (15) days prior** to the date of the first hearing. The signs shall also include the nature of the request as contained on the formal zoning application. The size and format of this sign shall meet requirements established by the Planning and Zoning Department (see page 2).

Such notice shall be clearly legible and placed at a prominent location on the site – Generally adjacent and perpendicular to the public right-of-way. It shall be the *responsibility of the applicant* to erect and to maintain the sign on the subject property and to maintain the hearing information on the sign until final disposition of the case.

It shall also be the *responsibility of the applicant* to remove the signs within one week after the final disposition of the case.

I confirm that the site has been posted as required above, for the case noted above. A picture of the site posting, and photos of any subsequent changes/updates made to the sign, have also been submitted.

Meghan Liggett 5/4/22
Applicant/Representative Signature Date

This instrument was acknowledged before me on 05/04/22, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.



Marybeth Conrad
Notary Public
10-25-24
My commission expires

*Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).*

Notice of Public Hearing

City of Surprise

In-Person and Virtual

Neighborhood Meeting	Planning & Zoning	City Council
Date: <u>May 25th, 2022</u>	Date: <u>TBD</u>	Date: <u>TBD</u>
Time: <u>6:00 P.M.</u>	Time: <u>6:00 P.M.</u>	Time: <u>6:00 P.M.</u>
Location: <u>Wester Peaks Elementary School</u> 18063 W. Surprise Farms Loop S Surprise, AZ 85388	Location: <u>16000 N Civic Center Plaza</u> Surprise, AZ 85374	Location: <u>16000 N Civic Center Plaza</u> Surprise, AZ 85374

Virtual Meeting Link: <https://bit.ly/3LzRfIN>
 Meeting ID: 873 5007 2946
 Passcode: 472857
 Phone: 1-669-900-6833

Case number: FS22-0344

Request: A Rezoning request to change the existing zoning from Rural Residential (RR) to a combination of R-1, R-3, and C-2 zoning districts approximately 320 acres to allow for single-family, multi-family and commercial development.

Please call to confirm dates: 623- 222-3011 Surpriseaz.gov



Surprise AZ 85387
 +33.690191,-112.556423
 Wednesday, May 4, 2022 at 11:19:46 AM

Notice of Public Hearing

City of Surprise

In-Person and Virtual

Neighborhood Meeting	Planning & Zoning	City Council
Date: <u>May 25th, 2022</u>	Date: <u>TBD</u>	Date: <u>TBD</u>
Time: <u>6:00 P.M.</u>	Time: <u>6:00 P.M.</u>	Time: <u>6:00 P.M.</u>
Location: <u>Wester Peaks Elementary School</u> 18063 W. Surprise Farms Loop S Surprise, AZ 85388	Location: <u>16000 N Civic Center Plaza</u> Surprise, AZ 85374	Location: <u>16000 N Civic Center Plaza</u> Surprise, AZ 85374

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Surprise AZ 85387
 +33.682605,-112.552033
 Wednesday, May 4, 2022 at 10:23:12 AM

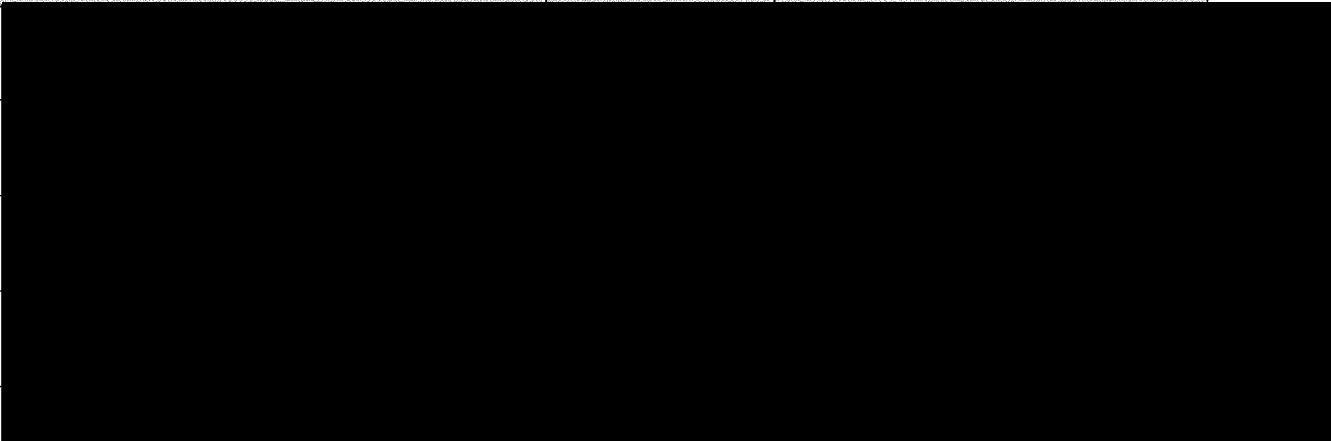


1/2

Project: Surprise 320 – FS22-0344 - Neighborhood Meeting

Location: Western Peaks Elementary School – Media Center
18063 W Surprise Farms Loop S
Surprise, AZ 85388

Date and Time: **Wednesday May 25, 2022 – 6:00 PM**

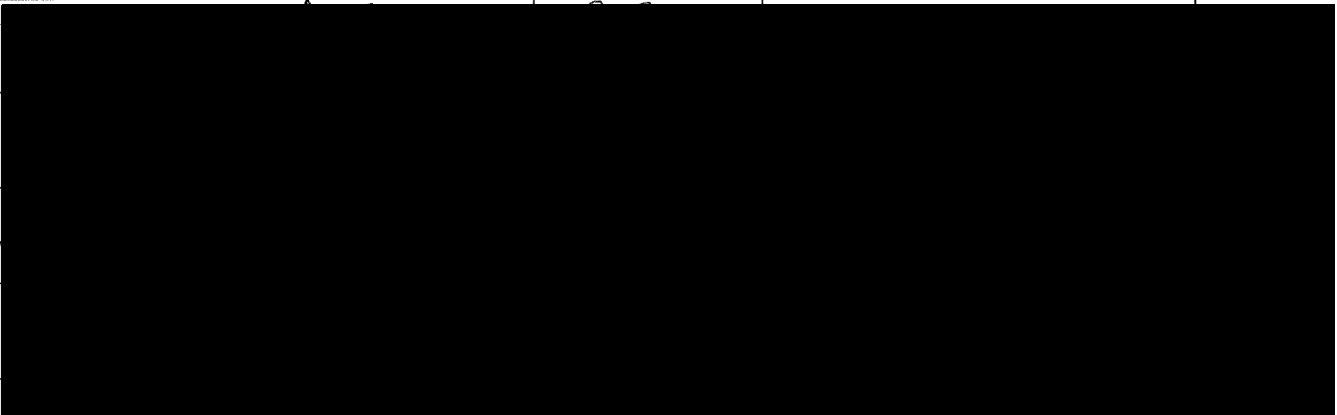
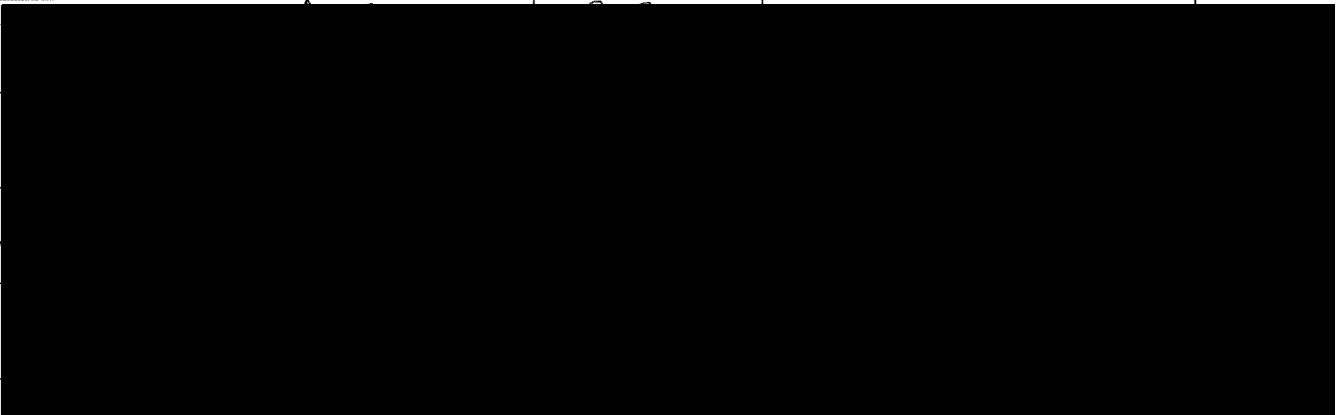
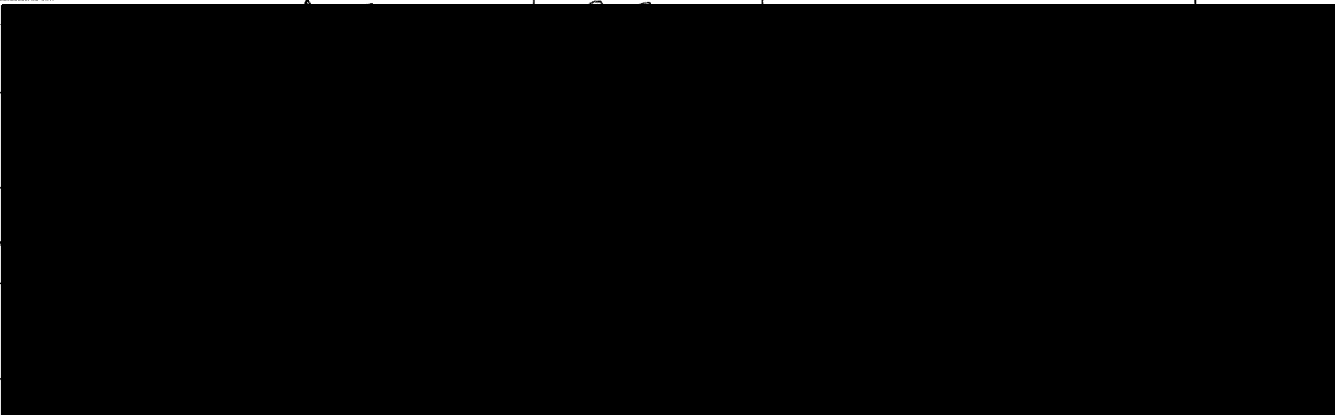
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NAME	ADDRESS	PHONE	EMAIL
Eddy Edens			
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Mary Anne			
MICHAEL + MELISSA KOLB			
/			

Project: Surprise 320 – FS22-0344 - Neighborhood Meeting

Location: Western Peaks Elementary School – Media Center
18063 W Surprise Farms Loop S
Surprise, AZ 85388

Date and Time: **Wednesday May 25, 2022 – 6:00 PM**

NEIGHBORHOOD MEETING SIGN-IN SHEET

NAME	ADDRESS	PHONE	EMAIL
Sandra Ancell			
COUNCILMAN ROLAND WINTERS			
David + Vicki Lee			
JOHN + Lori DiVita			

AFFIDAVIT OF POSTING

Application No: FS22-0344

Applicant Name: RVI Planning + Landscape Architecture

Location: NEC 231st Ave & Deer Valley Rd

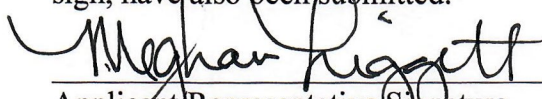
Date Site Posted: 05/04/22

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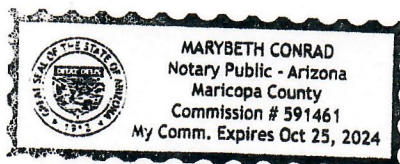
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Applicant Representative Signature

5/4/22
Date

This instrument was acknowledged before me on 05/04/22, by Meghan Liggett. I witness whereof I hereunto set my hand and official seal.




Notary Public
10-25-24
My commission expires

Return completed and notarized affidavit and all relevant photos to the Planning and Zoning Department at least fifteen (15) days prior to the scheduled meeting(s).

Notice of Public Hearing

City of Surprise

In-Person and Virtual

Neighborhood Meeting

Planning & Zoning

City Council

Date: May 25th, 2022

Time: 6:00 P.M.

Location: Wester Peaks Elementary School
18063 W. Surprise Farms Loop S
Surprise, AZ 85388

Date: TBD

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Date: TBD

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

VICINITY MAP



Virtual Meeting Link: <https://bit.ly/3LzRfIN>

Meeting ID: 873 5007 2946

Passcode: 472857

Phone: 1-669-900-6833

Case number: FS22-0344

Request: A Rezoning request to change the existing zoning from Rural Residential (RR) to a combination of R-1, R-3, and C-2 zoning districts approximately 320 acres to allow for single-family, multi-family and commercial development.

Please call to confirm dates: 623- 222-3011 Surpriseaz.gov



Surprise AZ 85387

+33.690191,-112.556423

Wednesday, May 4, 2022 at 11:19:46 AM

Notice of Public Hearing

City of Surprise

In-Person and Virtual

Neighborhood Meeting

Planning & Zoning

City Council

Date: May 25th, 2022

Date: TBD

Date: TBD

Time: 6:00 P.M.

Time: 6:00 P.M.

Time: 6:00 P.M.

Location: Wester Peaks Elementary School
18063 W. Surprise Farms Loop S
Surprise, AZ 85388

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Location: 16000 N Civic Center Plaza
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Surprise AZ 85387

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Wednesday, May 4, 2022 at 11:20:07 AM

Notice of Public Hearing City of Surprise

In-Person and Virtual

Neighborhood Meeting

Planning & Zoning

City Council

Date: May 25th, 2022

Time: 6:00 P.M.

Location: Wester Peaks Elementary School
18063 W. Surprise Farms Loop S
Surprise, AZ 85388

Date: TBD

Time: 6:00 P.M.

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Surprise AZ 85387

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Wednesday, May 4, 2022 at 11:19:46 AM

AFFIDAVIT OF POSTING

Application No: FS22-0344

Applicant Name: RVI Planning + Landscape Architecture

Location: NEC 231st Ave & Deer Valley Rd

Date Site Posted: 08/22/22

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Meghan Liggett
Applicant/Representative Signature

8/22/22
Date

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Mary Beth Conrad
Notary Public

10-25-24
My commission expires

*Return completed and notarized **affidavit** and all relevant **photos** to the Planning and Zoning Department at least fifteen (15) days **prior to** the scheduled meeting(s).*

Notice of Public Hearing City of Surprise

In-Person and Virtual

Neighborhood Meeting

Date: May 25th, 2022

Time: 6:00 P.M.

Location: Wester Peaks Elementary School
18063 W. Surprise Farms Loop S
Surprise, AZ 85388

Planning & Zoning

Date: September 15, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: November 1, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

Virtual Meeting Link: <https://bit.ly/3LzRfIN>

Meeting ID: 873 5007 2946

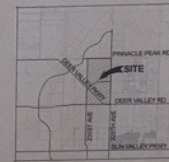
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VICINITY MAP



Please call to confirm dates: 623-222-3011 Surpriseaz.gov

Aug 22, 2022 12:12PM

85387

Maricopa County

Notice of Public Hearing City of Surprise

In-Person and Virtual

Neighborhood Meeting

Date: May 25th, 2022

Time: 6:00 P.M.

Location: Wester Peaks Elementary School
18063 W. Surprise Farms Loop S
Surprise, AZ 85388

Planning & Zoning

Date: September 15, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

City Council

Date: November 1, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

VICINITY MAP



Virtual Meeting Link: <https://bit.ly/3LzRfIN>

Meeting ID: 873 5007 2946

Passcode: 472857

Phone: 1-669-900-6833

Case number: FS22-0344

Request: A Rezoning request to change the existing zoning from Rural Residential (RR) to a combination of R-1, R-3, and C-2 zoning districts approximately 320 acres to allow for single-family, multi-family and commercial development.

Please call to confirm dates: 623- 222-3011 Surpriseaz.gov

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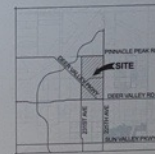
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VICINITY MAP



Aug 22, 2022 12:03PM

85387

Maricopa County

Notice of Public Hearing City of Surprise

In-Person and Virtual

Neighborhood Meeting

Date: May 25th, 2022

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Date: September 15, 2022

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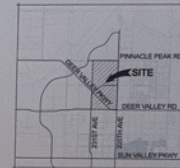
City Council

Date: November 1, 2022

Time: 6:00 P.M.

Location: 16000 N Civic Center Plaza
Surprise, AZ 85374

VICINITY MAP



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Please call to confirm dates: 623- 222-3011 Surpriseaz.gov

Aug 22, 2022 12:03PM

85387

Maricopa County



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

13 July 2022

Mr. Christopher P. Toale
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Mr. Trever Fleetham
Planner II
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: FS22-0344; Surprise 320 (APNs: 503-81-003R, S,T,U,V,W,X,Y)

Dear Mr. Fleetham

Thank you for the opportunity to provide comments on the rezone application for the Surprise 320 area. The site sits on approximately 320 acres of vacant land located on the northwest corner of the future Deer Valley Road and 127th Avenue alignments between Pinnacle Peak Road and Deer Valley Road in Surprise AZ. The project requests development of a 1,743 residential unit subdivision with an overall density of 5.44 du/ac. The site falls from .86 to 2.0 miles outside the Aux-1 2004 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

In an effort to promote a more compatible co-existence, Luke AFB follows the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 Ldn as follows: a maximum of 2 du/ac from the 65 Ldn to 1/2 mile, a maximum of 4 du/ac from 1/2 to 1 mile, and a maximum of 6 du/ac from 1 to 3 miles. The proposal for the property as stated in the narrative, consisting of 5.44 du/ac on the property meets the GDC.

The project, as described, will not have a negative impact on Luke AFB flight operations. The site is located within the "territory in the vicinity of a military airport," therefore; it will be subjected to approximately 165 over flights a day. If this rezone is approved, we recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant would be essential to inform potential residents about Luke AFB operations.

If there are any questions, please contact my Community Planner, Mr. Mark James at (623) 856-9981.

Sincerely

A handwritten signature in black ink, appearing to read "Chris Toale". The signature is fluid and cursive, with the first name "Chris" and last name "Toale" clearly distinguishable.

CHRISTOPHER P. TOALE

cc:

Colonel Keagan L. McLeese, Vice Commander, 56th Fighter Wing

Mr. Timothy A. Forero, GS-13, General Law Attorney, 56th Fighter Wing

ORDINANCE # 2022-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONING FROM RURAL RESIDENTIAL (RR) TO RESIDENTIAL LOW DENSITY (R-1), RESIDENTIAL HIGH DENSITY (R-3), AND COMMUNITY COMMERCIAL (C-2) FOR APPROXIMATELY 320 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF DEER VALLEY ROAD AND WEST OF 227TH AVENUE.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located generally north of Deer Valley Road and west of 227th Avenue;

WHEREAS, the subject site is currently zoned Rural Residential (RR);

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations;

WHEREAS, the proposed rezoning to Residential Low Density (R-1), Residential High Density (R-3), and Community Commercial (C-2) satisfies the requirements set forth in the Surprise Land Development Ordinance;

WHEREAS, this rezoning is in harmony with the purposes and intent of the Land Development Ordinance and the Surprise General Plan 2035; and

WHEREAS, on September 15, 2022, the Planning and Zoning Commission recommended approval of the subject rezoning request.

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

Section 1. *Rezoning.* The parcels legally described on ***Exhibit A*** and depicted on ***Exhibit B***, are rezoned from Rural Residential (RR) to Residential Low Density (R-1), Residential High Density (R-3), and Community Commercial (C-2), subject to the following stipulations:

- a. Development and use of the site shall be consistent with the rezoning narrative entitled "Surprise 320 Rezoning Narrative", prepared by RVi Planning & Landscape Architecture dated July 13, 2022.

- b. The water and sewer solutions to serve this development must be reviewed and approved prior to Preliminary Plat approval.
- c. This development may be subject to a buy-in fee for the Deer Valley Road Sewer Interceptor.
- d. This development will be required to construct the water and sewer mains on the adjacent portions of 227th Avenue per the Integrated Water Master Plan Figure 7-7 and the West Deer Valley Water Group Area Water Master Study Figure 4-1.
- e. The developer will be required to contribute its proportionate share of the cost of installing new traffic signals at Sun Valley Parkway & 227th Avenue and Sun Valley Parkway & 235th Avenue by either installing the signals if it is the first developer requiring these intersections to move forward or pay its proportionate share of the overall cost if the signals are installed by another developer. Two points of access are required per the City's Fire and Engineering standards. Reimbursement of the cost or payment of the proportionate share will be pursuant to a public improvement repayment agreement as permitted by Chapter 42 of the Surprise Municipal Code. All traffic signal installation plans will be subject to approval and permitting by the City of Surprise and MCDOT.
- f. The subject site will be limited to a maximum of 1,743 total dwelling units.
- g. The subject rezoning is conditioned upon and will not become effective until a final plat has been approved by the City Council and recorded that creates parcel boundaries that match the zoning boundaries created by the rezoning.
- h. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.

Section 2. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the

decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____ 2022.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A
LEGAL DESCRIPTIONS FOR THE PROPERTY



ONE COMPANY.
INFINITE SOLUTIONS.

**LEGAL DESCRIPTION
ZONING EXHIBIT (R-3)
SURPRISE 320
CITY OF SURPRISE, ARIZONA**

LOCATED WITHIN A PORTION OF THE EAST HALF OF SECTION 15, TOWNSHIP 4 NORTH,
RANGE 3 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 5/8-INCH REBAR NO CAP AFFIXED, ACCEPTED AS THE EAST QUARTER
CORNER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 3 WEST, FROM WHICH A FOUND 5/8-INCH
REBAR NO CAP AFFIXED, ACCEPTED AS THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 4
NORTH, RANGE 3 WEST, THEREOF BEARS N 00°25'38" E A DISTANCE OF 2640.53 FEET;

THENCE, ALONG THE EAST LINE OF SAID SECTION 15, S00°21'40"W A DISTANCE OF 1321.63 FEET TO THE
POINT OF BEGINNING;

THENCE, CONTINUING ALONG SAID EAST LINE OF SAID SECTION 15, S00°26'14"W A DISTANCE OF 646.66
FEET;

THENCE, LEAVING THE EAST LINE OF SAID SECTION 15, N89°42'42"W A DISTANCE OF 987.65 FEET;

THENCE, S45°27'48"W A DISTANCE OF 236.94 FEET;

THENCE, S44°32'13"E A DISTANCE OF 382.14 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE
TO THE LEFT;

THENCE, SOUTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 612.08 FEET, WITH A RADIUS OF
798.00 FEET AND A CENTRAL ANGLE OF 43°56'49" TO A POINT ON THE SOUTH LINE OF SAID SECTION 15;

THENCE, ALONG THE SOUTH LINE OF SAID SECTION 15, N89°42'42"W A DISTANCE OF 2302.01 FEET;

THENCE, ALONG THE SOUTH-NORTH MID-SECTION LINE OF SAID SECTION 15, N00°26'46"E A DISTANCE
OF 654.00 FEET;

THENCE, LEAVING SAID MID-SECTION LINE, S89°42'42"E A DISTANCE OF 849.45 FEET;

THENCE, N45°10'48"E A DISTANCE OF 940.09 FEET;

THENCE, S89°42'42"E A DISTANCE OF 1126.38 FEET TO THE **POINT OF BEGINNING**.

Page 1 of 3



ONE COMPANY.
INFINITE SOLUTIONS.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 2,073,194 SQUARE FEET OR 47.594 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION RESTRICTIONS.

PREPARED BY:
ATWELL, LLC
4700 E. SOUTHERN AVENUE
MESA, ARIZONA 85206
PROJECT NO. 21001173
DATE MARCH 27TH, 2022



Page 2 of 3



ONE COMPANY.
INFINITE SOLUTIONS.

LEGAL DESCRIPTION
ZONING EXHIBIT (R-1)
SURPRISE 320
CITY OF SURPRISE, ARIZONA

LOCATED WITHIN A PORTION OF THE EAST HALF OF SECTION 15, TOWNSHIP 4 NORTH,
RANGE 3 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 5/8-INCH REBAR NO CAP AFFIXED, ACCEPTED AS THE NORTHEAST CORNER
OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 3 WEST, FROM WHICH A FOUND 5/8-INCH REBAR
NO CAP AFFIXED, ACCEPTED AS THE EAST QUARTER CORNER OF SECTION 15, TOWNSHIP 4 NORTH,
RANGE 3 WEST, THEREOF BEARS S 00°25'38" W A DISTANCE OF 2640.53 FEET;

THENCE, ALONG THE EAST LINE OF SAID SECTION 15, S00°21'40"W A DISTANCE OF 1321.63 FEET;

THENCE, LEAVING THE EAST LINE OF SAID SECTION 15, N89°42'42"W A DISTANCE OF 1126.38 FEET;

THENCE, S45°10'48"W A DISTANCE OF 940.09 FEET;

THENCE, N89°42'42"W A DISTANCE OF 849.45 FEET TO A POINT ON THE SOUTH-NORTH MID-SECTION
LINE OF SAID SECTION 15;

THENCE, ALONG SAID MID-SECTION LINE, N00°26'46"E A DISTANCE OF 4631.02 FEET;

THENCE, S89°39'00"E A DISTANCE OF 2634.64 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 11,232,293 SQUARE FEET OR 257.86
ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF
RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATIONS
OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION RESTRICTIONS.

PREPARED BY:
ATWELL, LLC
4700 E. SOUTHERN AVENUE
MESA, ARIZONA 85206
PROJECT NO. 21001173
DATE MARCH 27TH, 2022



Page 1 of 2



ONE COMPANY.
INFINITE SOLUTIONS.

LEGAL DESCRIPTION
ZONING EXHIBIT (C-2)
SURPRISE 320
CITY OF SURPRISE, ARIZONA

LOCATED WITHIN A PORTION OF THE EAST HALF OF SECTION 15, TOWNSHIP 4 NORTH,
RANGE 3 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 5/8-INCH REBAR NO CAP AFFIXED, ACCEPTED AS THE EAST QUARTER
CORNER OF SECTION 15, TOWNSHIP 4 NORTH, RANGE 3 WEST, FROM WHICH A FOUND 5/8-INCH
REBAR NO CAP AFFIXED, ACCEPTED AS THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 4
NORTH, RANGE 3 WEST, THEREOF BEARS N 00°25'38" E A DISTANCE OF 2640.53 FEET;

THENCE, ALONG THE EAST LINE OF SAID SECTION 15, S00°21'40"W A DISTANCE OF 1968.29 FEET TO THE
POINT OF BEGINNING;

THENCE, CONTINUING ALONG SAID EAST LINE, S00°17'18"W A DISTANCE OF 673.34 FEET;

THENCE, ALONG THE SOUTH LINE OF SAID SECTION 15, N89°42'42"W A DISTANCE OF 337.43 FEET TO
THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE RIGHT;

THENCE, NORTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 612.08 FEET, WITH A RADIUS OF
798.00 FEET AND THE RADIAL BEARING OF N01°30'58"E AND A CENTRAL ANGLE OF 43°56'49";

THENCE, N44°32'13"W A DISTANCE OF 382.14 FEET;

THENCE, N45°27'48"E A DISTANCE OF 236.94 FEET;

THENCE, S89°42'42"E A DISTANCE OF 987.65 FEET TO THE POINT OF BEGINNING.



Page 1 of 3



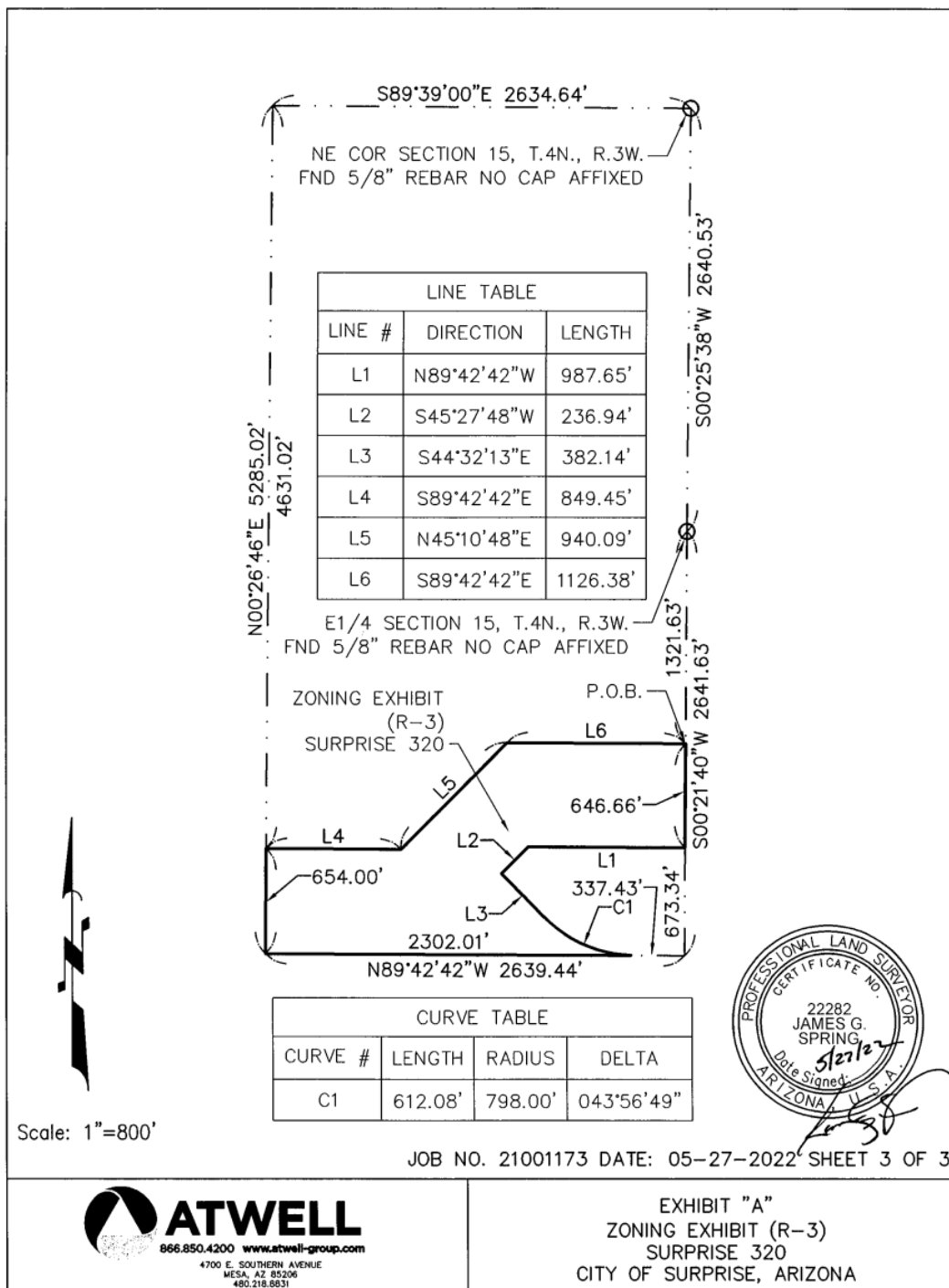
ONE COMPANY.
INFINITE SOLUTIONS.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 622945 SQUARE FEET OR 14.301 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION RESTRICTIONS.

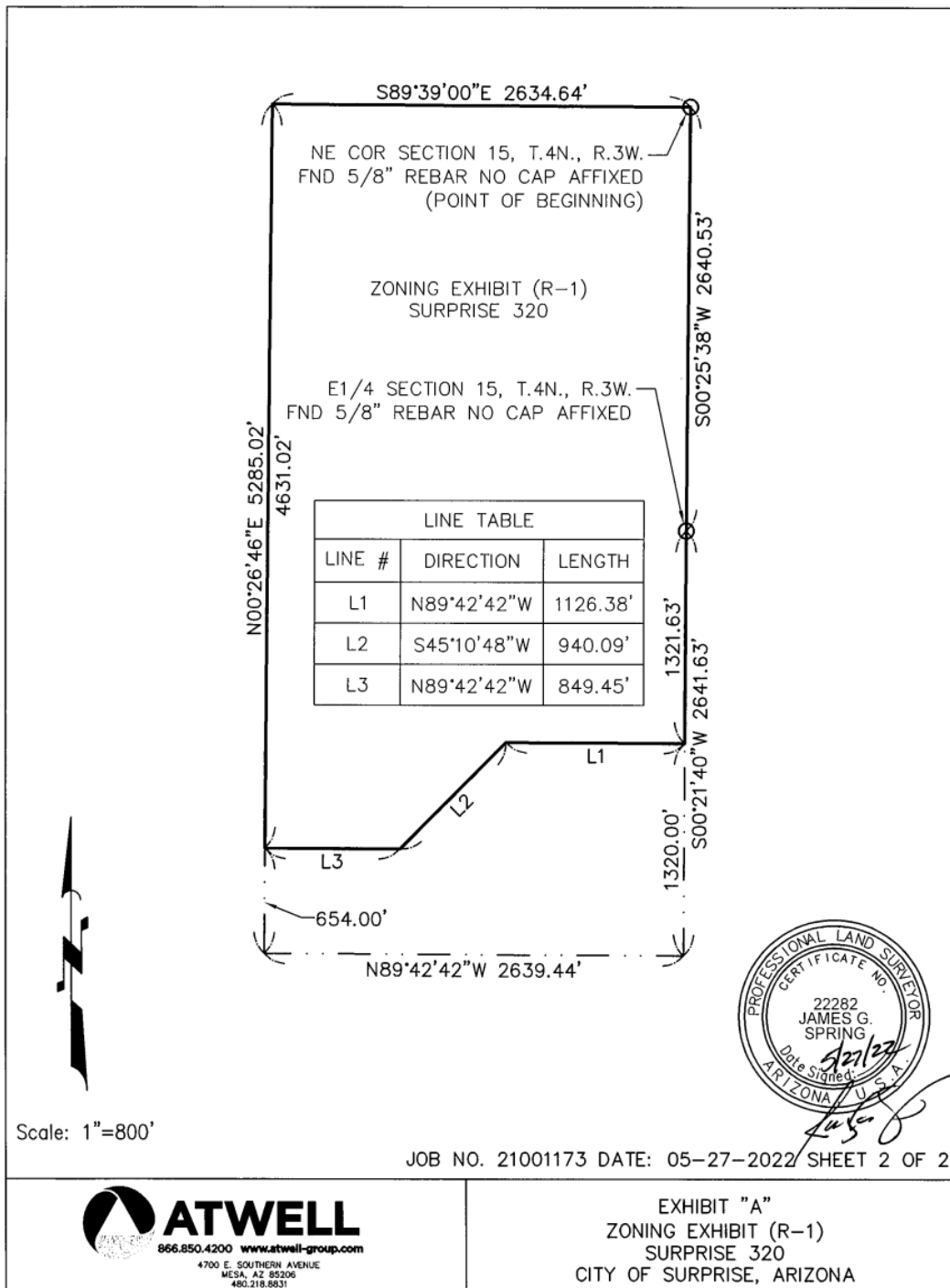
PREPARED BY:
ATWELL, LLC
4700 E. SOUTHERN AVENUE
MESA, ARIZONA 85206
PROJECT NO. 21001173
DATE MARCH 27TH, 2022

EXHIBIT B
DEPICTION OF THE PROPERTY TO BE REZONED



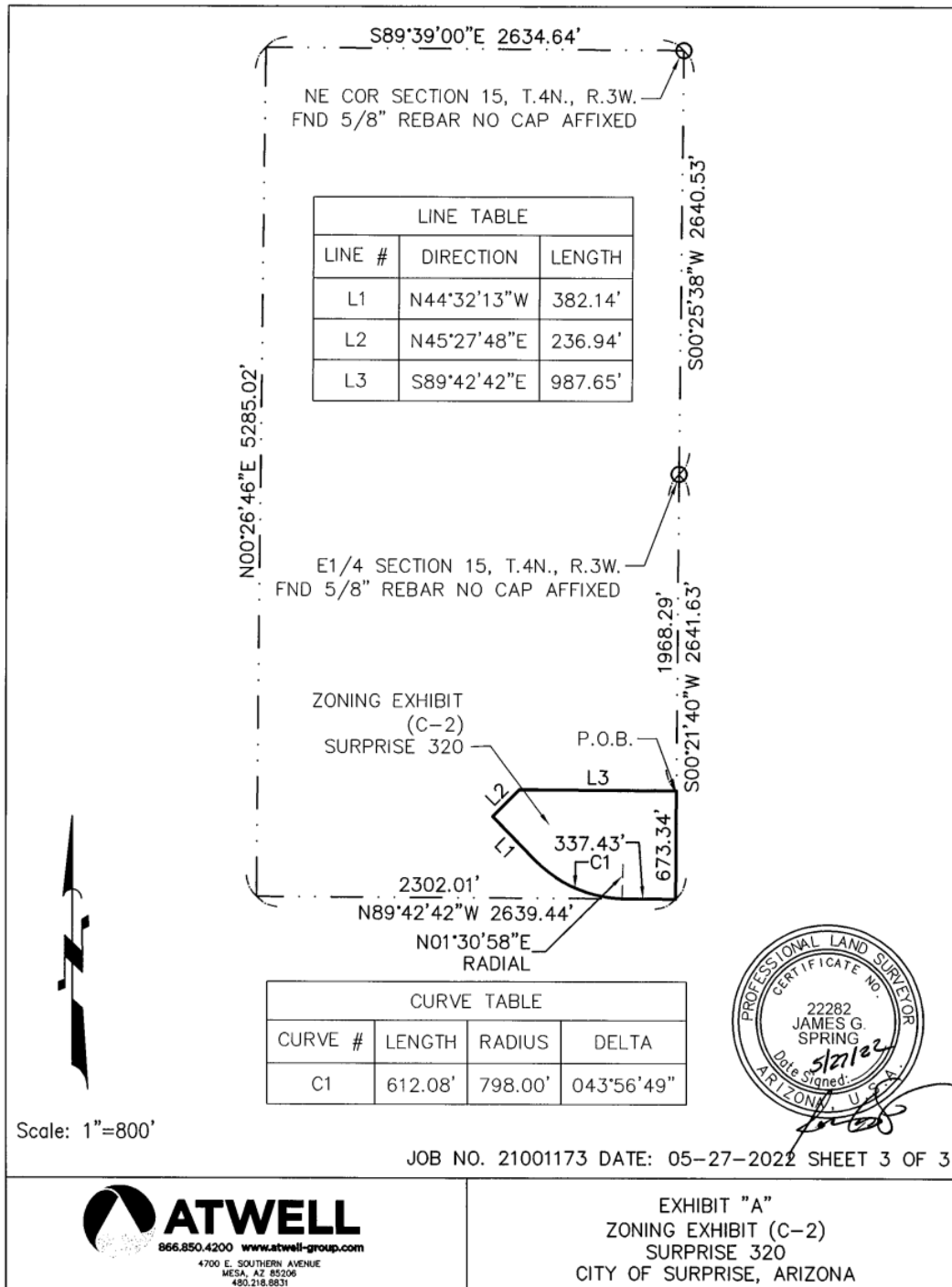
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Ordinance No. 2022-22
RFLS # 8405
Rev 09/22



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Ordinance No. 2022-22
RFLS # 8405
Rev 09/22



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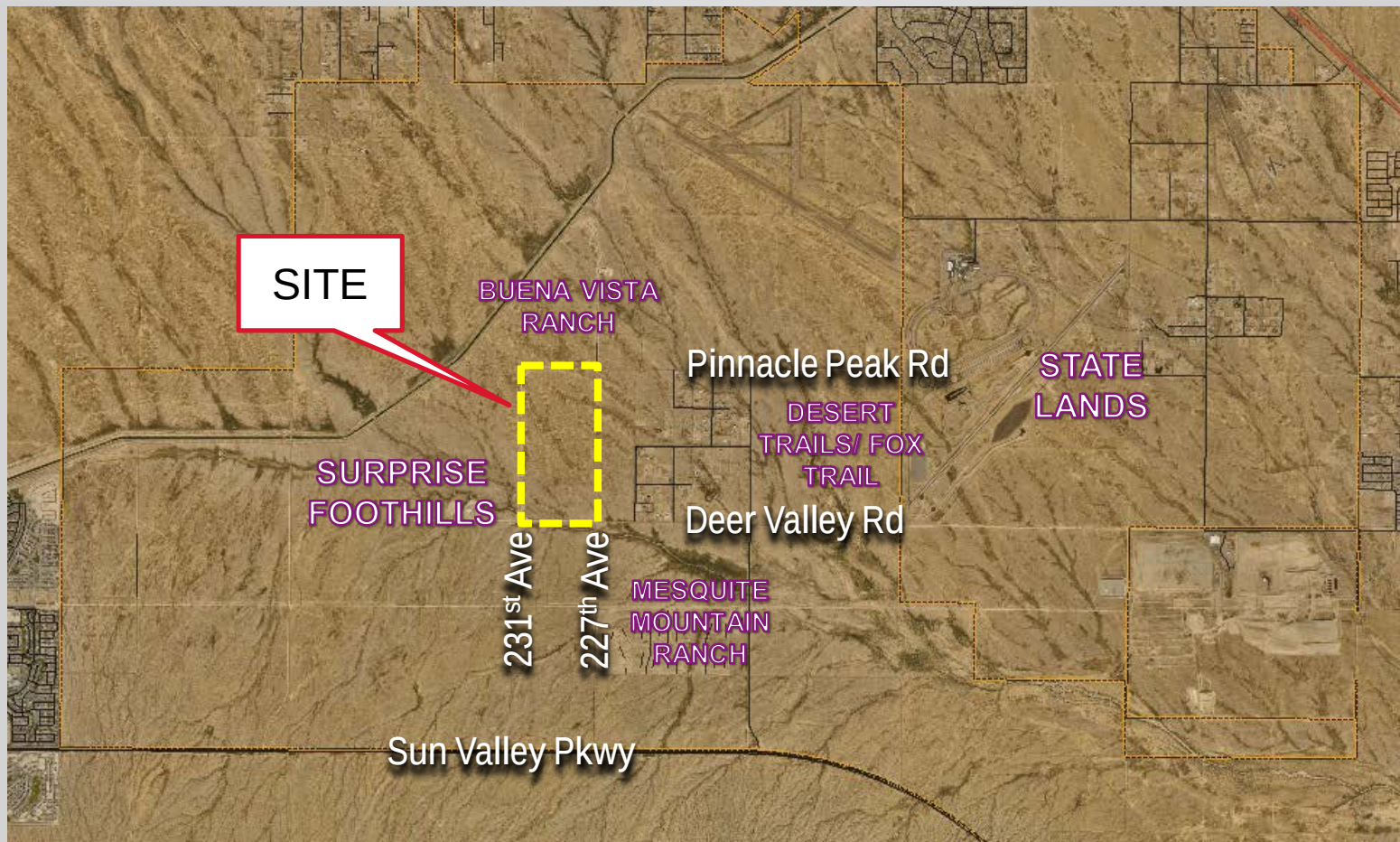
Ordinance No. 2022-22
RFLS # 8405
Rev 09/22

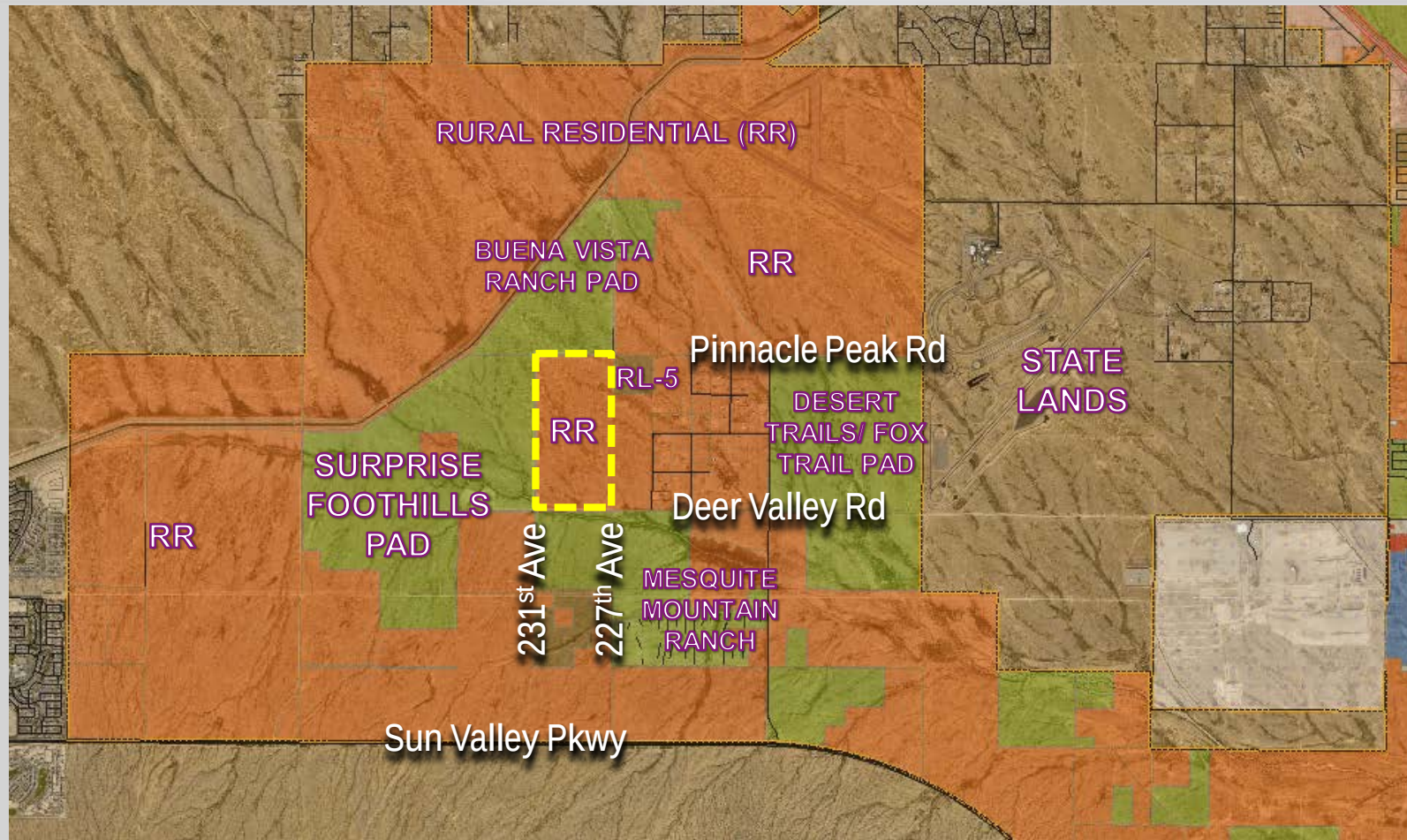


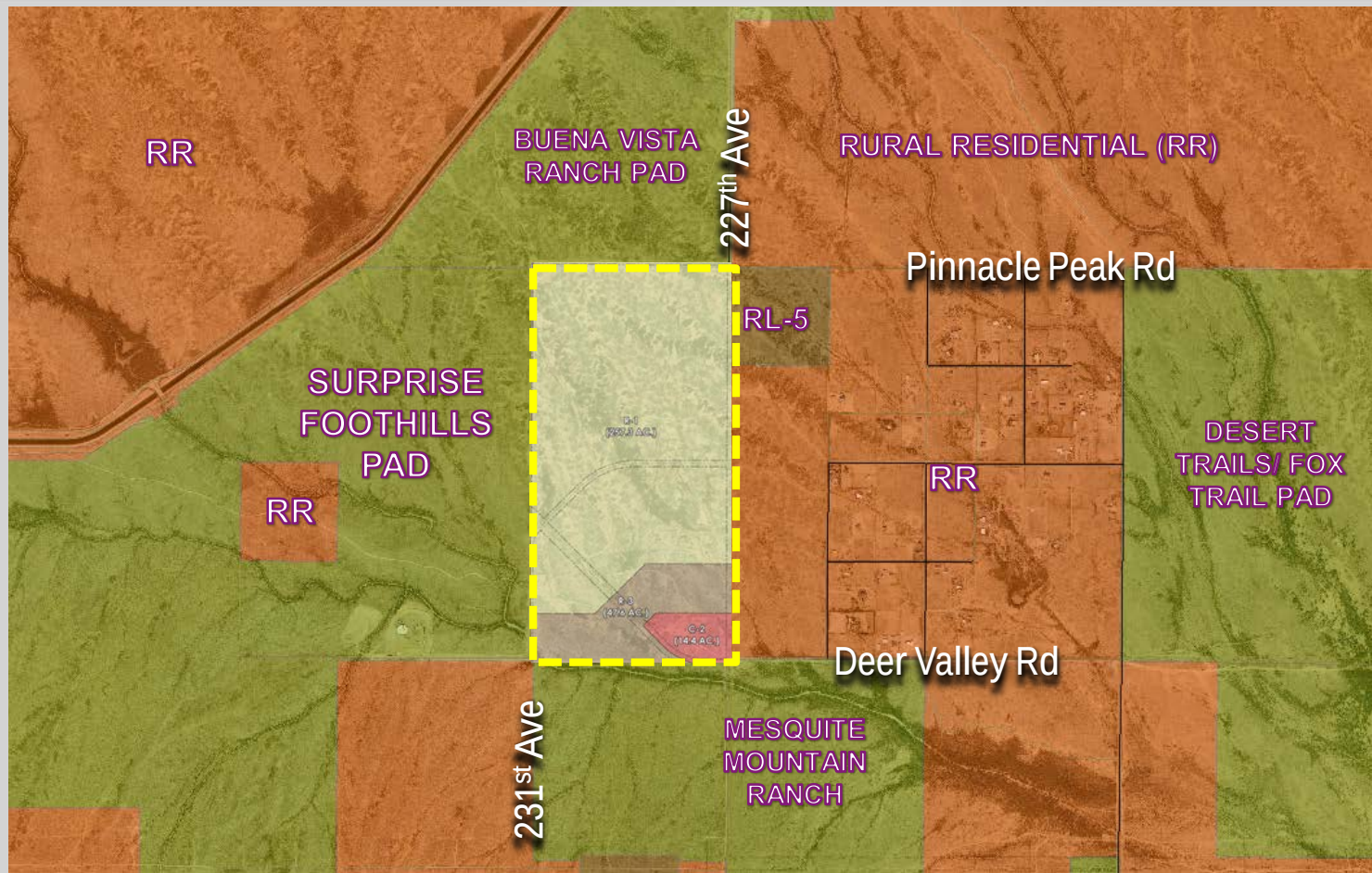
FS22-0344

Surprise 320 Rezone

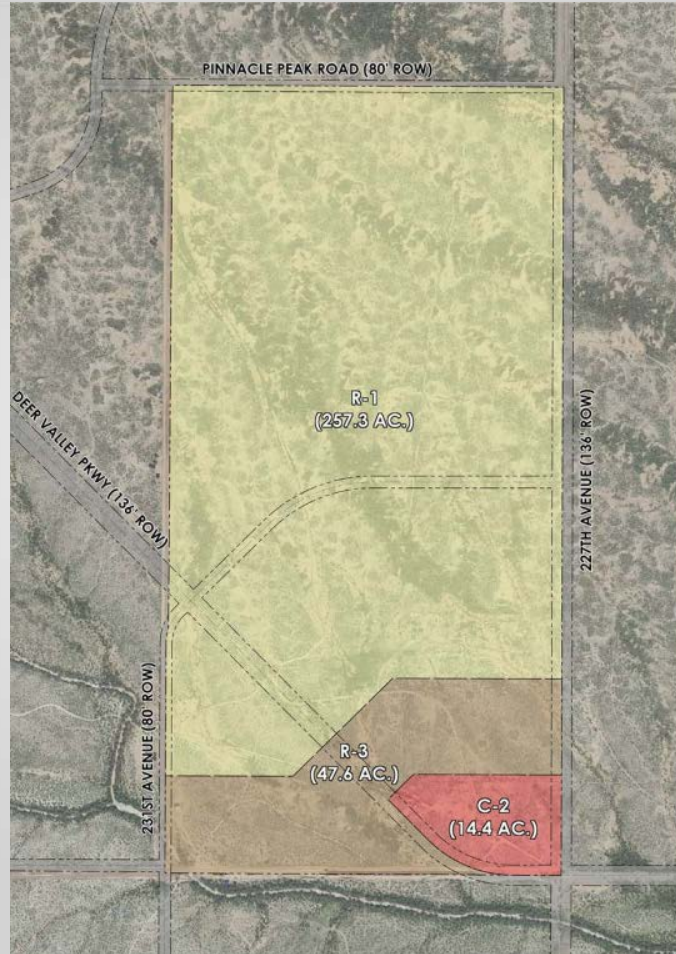
City Council
November 1, 2022



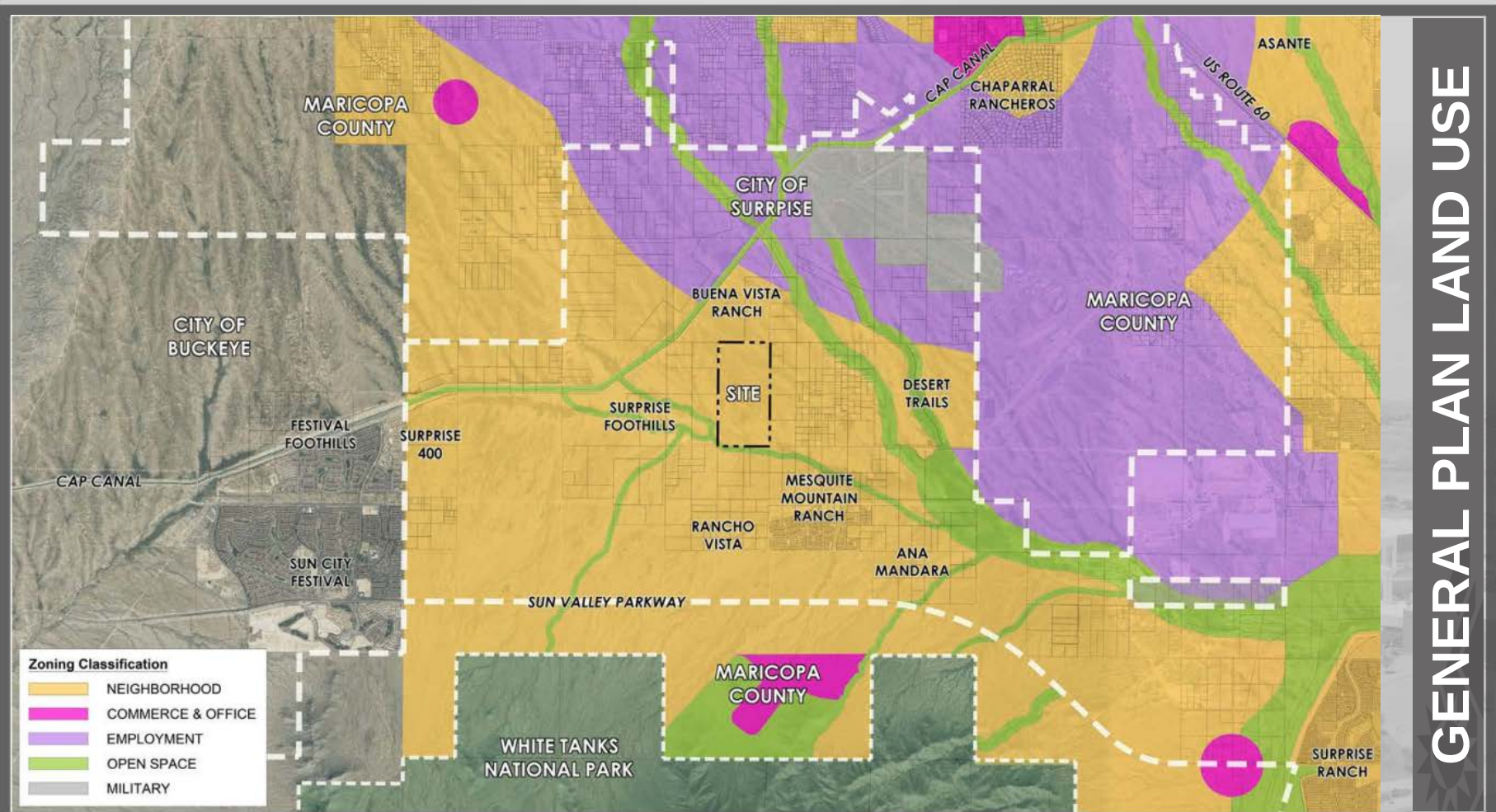




PROPOSED ZONING MAP



PROPOSED ZONING MAP



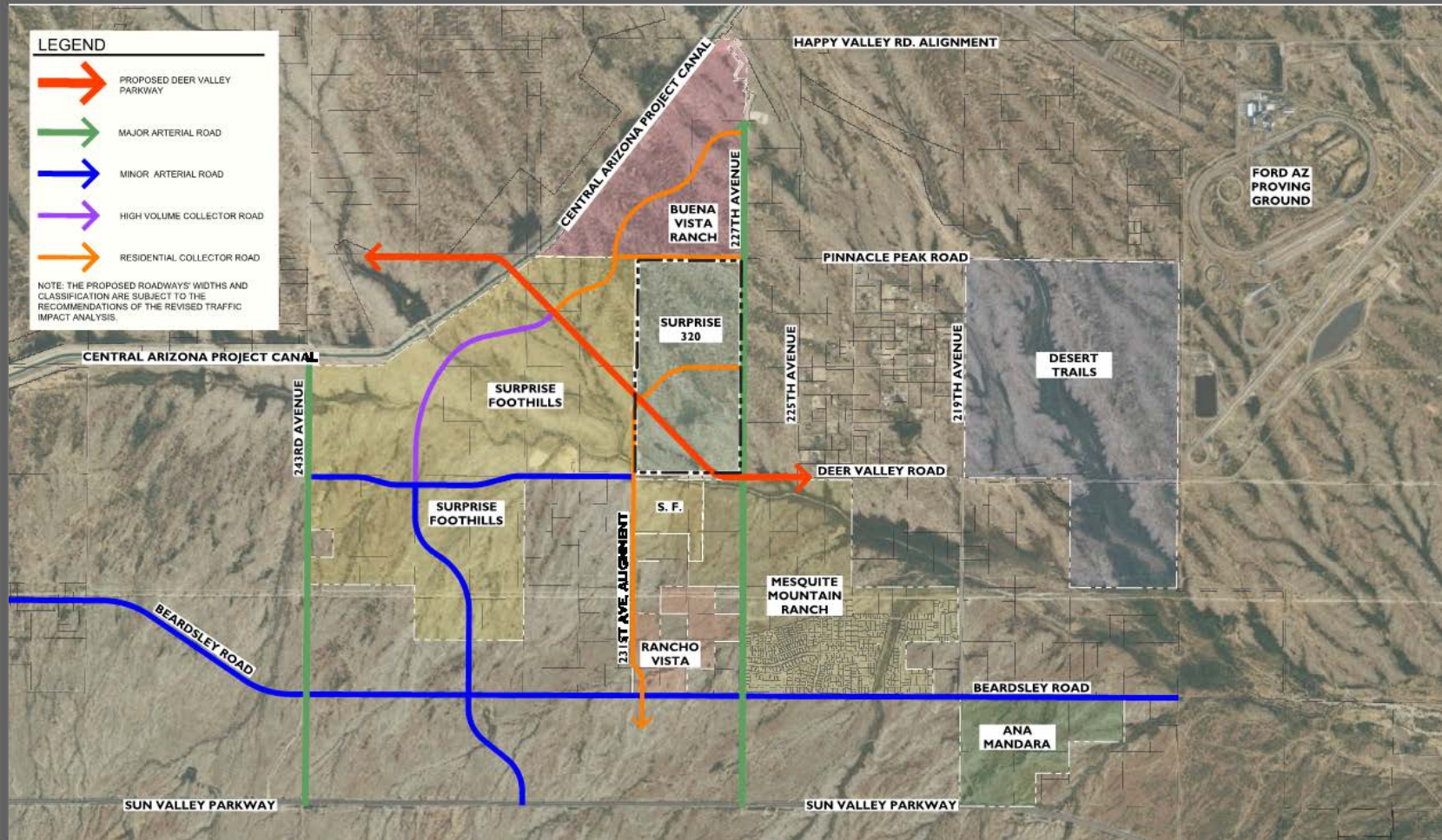


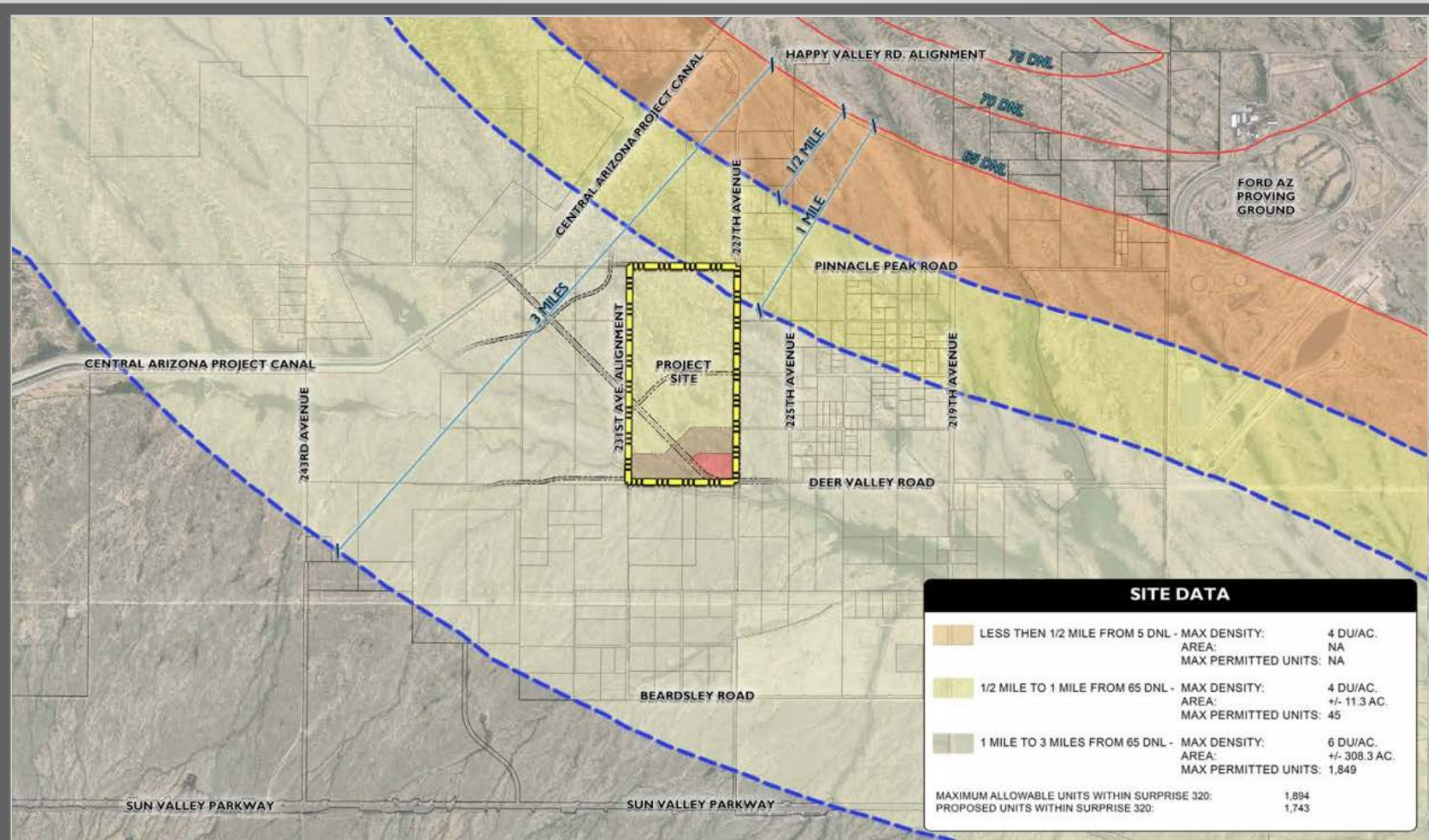
CONCEPTUAL OPEN SPACE

LEGEND

-  PROPOSED DEER VALLEY PARKWAY
-  MAJOR ARTERIAL ROAD
-  MINOR ARTERIAL ROAD
-  HIGH VOLUME COLLECTOR ROAD
-  RESIDENTIAL COLLECTOR ROAD

NOTE: THE PROPOSED ROADWAYS' WIDTHS AND CLASSIFICATION ARE SUBJECT TO THE RECOMMENDATIONS OF THE REVISED TRAFFIC IMPACT ANALYSIS.







OUTREACH

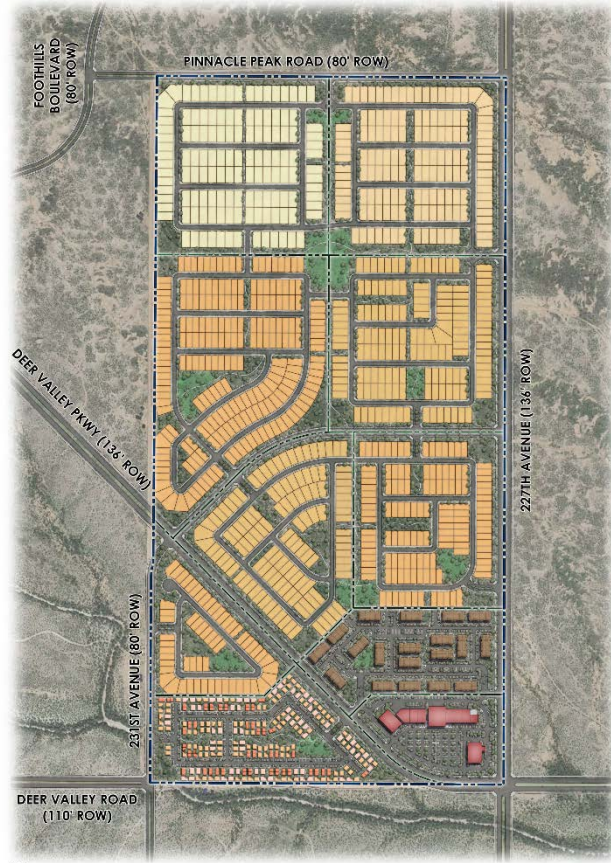


Neighborhood Meeting: May 25, 2022

- Concerns:
 - Traffic
 - Density
 - Drainage
 - Buffering
 - Infrastructure
 - Wildlife
 - Water
 - Lighting

Outside Agencies Review

- Applicant will continue to work with City & MCDOT on roadway improvement solutions



*For visualization only – no development plans at this time

CONCEPTUAL PLANS



RECOMMENDATION

P&Z Commission recommended Approval to the Mayor and City Council, subject to stipulations 'a' - 'h'.



SURPRISE
ARIZONA

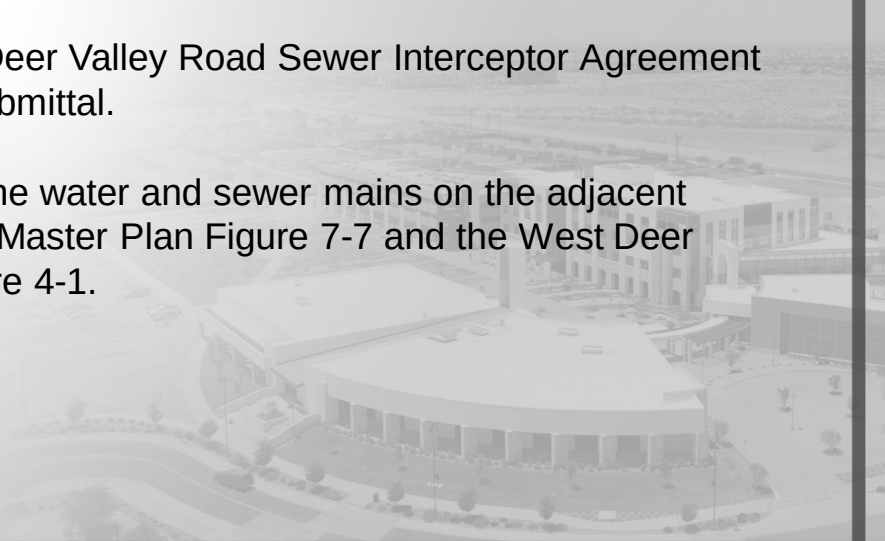
**QUESTIONS OR
COMMENTS?**

Thank You



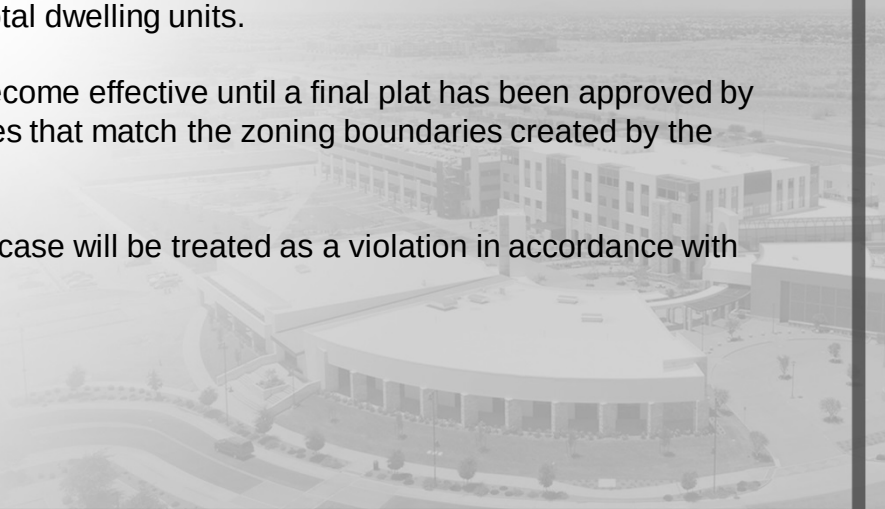


STIPULATIONS

- a. Development and use of the site shall be consistent with the rezone narrative entitled “Surprise 320 Rezoning Narrative”, prepared by RVi Planning & Landscape Architecture dated July 13, 2022.
 - b. The water and sewer solutions to serve this development must be reviewed and approved prior to Preliminary Plat approval.
 - c. Applicant must submit proof of payment of the Deer Valley Road Sewer Interceptor Agreement buy-in fee (MCR# 20090163226) with Final Plat submittal.
 - d. This development will be required to construct the water and sewer mains on the adjacent portions of 227th Avenue per the Integrated Water Master Plan Figure 7-7 and the West Deer Valley Water Group Area Water Master Study Figure 4-1.
- 



STIPULATIONS

- 
- e. The developer will be required to contribute its proportionate share of the cost of installing new traffic signals at Sun Valley Parkway & 227th Avenue and Sun Valley Parkway & 235th Avenue by either installing the signals if it is the first developer requiring these intersections to move forward or pay its proportionate share of the overall cost if the signals are installed by another developer. Two points of access are required per the City's Fire and Engineering standards. Reimbursement of the cost or payment of the proportionate share will be pursuant to a public improvement repayment agreement as permitted by Chapter 42 of the Surprise Municipal Code. All traffic signal installation plans will be subject to approval and permitting by the City of Surprise and MCDOT.
 - f. The subject site will be limited to a maximum of 1,743 total dwelling units.
 - g. The subject rezoning is conditioned upon and will not become effective until a final plat has been approved by the City Council and recorded that creates parcel boundaries that match the zoning boundaries created by the rezoning.
 - h. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the applicable provisions of the Surprise Municipal Code.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: November 1, 2022

Contact Person: Jodi Tas, MNGMNT ANALYST - SR

Submitting Department: Human Svcs and Comm Vitality

District: Citywide

Staff Recommendations: None

Consent: No

Regular: Yes

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the Neighborhood Grant Program Awards for Fiscal Year 2023 as recommended by the sub-committee on Community Outreach, Partnerships and Grants.

Motion:

I move to approve the funding as recommended by the sub-committee on Community Outreach, Partnerships and Grants.

Background:

The Surprise Neighborhood Grant Program was designed to engage residents and increase community engagement, interest, and involvement within the City of Surprise. Funding will be available beginning November 2022. All funding must be spent by June 16, 2023. The Committee on Community Outreach, Partnerships and Grants have reviewed applications and are making funding recommendations to City Council.

Objective Analysis:

The Surprise Neighborhood Grant Program was designed to provide neighborhoods with options for funding programs, community events or improvements. This outlet would provide them the opportunity to request assistance with the goal of building community engagement and stronger relationships with the City of Surprise.

Policy Compliant:

The Surprise Neighborhood Grant Program is consistent with city and council policies.

Financial Impact:

This item will allow for one-time grants up to \$10,000 to be distributed to the qualified applicants to assist in completion of their projects.

Budget Impact:

The FY2023 budget includes an appropriation within the General Fund in the amount of \$210,000 for the Community Outreach Program, \$10,000 of which is for the Neighborhood Grant Program. Since funding for both the Community Outreach Program and Neighborhood Grant Program are combined, no budget amendment is necessary.

FTE Impact:

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

ATTACHMENTS:

1. Staff Report - Neighborhood Grant Program FY 23
 2. Neighborhood Grant Council Presentation FY2023
 3. Neighborhood Grant Program Application - Homestead at Marley Park. redacted pdf
 4. Litchfield Manor Homeowners Association redacted
 5. Surprise Farms III redacted
-



HUMAN SERVICE AND COMMUNITY VITALTY

Date: November 1, 2022

To: Mayor and City Council

From: Jodi Tas, Government Relations Administrator
Seth Dyson, Director

Re: Neighborhood Grant Program FY23

Introduction

The Neighborhood Grant Program provides Surprise neighborhoods with grant opportunities or monetary assistance for funding community events, neighborhood functions or even improvements. This outlet provides the opportunity to request assistance with the goal of building community engagement and stronger relationships with the City of Surprise.

Background

The Neighborhood Grant Program began in FY16 when City Council approved the pilot program with a recommended budget of \$10,000. The city received five applications totaling \$31,976. Four of those programs were funded. In FY17, two rounds of applications were needed in order to fund four applications totaling \$11,460. In FY18 we received eight applications totaling \$53,158 in funding requests. FY19 we received seven applications totaling \$40,476 and for FY20 we received four applications totaling \$17,296. Due to the COVID-19 pandemic the program was suspended for FY21 but brought back in FY22 with two applications totaling \$15,339. This year the program received 3 applications for a total of \$22,437.

Funding

The City Council designated \$10,000 for the Neighborhood Grant Program.

The Committee on Community Outreach, Partnerships and Grants reviewed applications and are making recommendations to the full City Council for which groups get funding.

Committee Recommendations

The Committee on Community Outreach, Partnerships and Grants held a meeting October 5th to review, discuss and act upon the eligible applications received. A total of 3 eligible neighborhood applications were received. Applicants were invited to the meeting to present their project to the committee.

Committee recommendations are as follows:

Neighborhood/Applicant	Project Name	Requested Amount	Committee Recommendation
Homestead at Marley Park	Community Events	\$10,000	\$4,063
Litchfield Manor	Community Events	\$10,000	\$3,500
Surprise Farms III	Table and benches	\$2,437	\$2,437
	Request Total	\$22,437	10,000

Future Actions

- Award notifications to be sent immediately after Council action
- Spending and projects must be complete by June 16, 2023

Recommendation

Approval of Neighborhood Grant Program awards as recommended by the Committee on Community Outreach, Partnerships and Grants.



Neighborhood Grant Program

FY2022-2023

PROGRAM PURPOSE & OVERSIGHT

- To empower residents and increase community engagement, interest and involvement within the City of Surprise
- Surprise Sub-Committee on Community Outreach, Partnerships & Grants makes funding recommendations
- Sub-Committee Members are Council Members Chris Judd (Chair), Jack Hastings and Vice Mayor Aly Cline

PROGRAM GUIDELINES

To receive support, projects must:

- Provide a public benefit,
- Result in a product, which benefits a neighborhood or the larger Surprise Community;
- Be feasible for completion by June 16, 2023;
- Involve the benefiting neighborhood in project identification, planning and execution;
- Emphasize neighborhood self-help, or
- Be educational, community-building, or a public physical improvement

APPLICATION PROCESS

- Application must be signed by a minimum of 5 neighbors within applicant's respective residential area supporting ideas and project applicant
- Must include a thorough description of how funding will be utilized
- Project must comply with City and HOA policies
 - Application must include approval of HOA Board, if necessary
- Nonprofit 501(c)3 organizations are not eligible

PROCESS TIMELINE

July 1, 2022 – Sept.
23, 2022

Application Period

Information session
held July 12th

October 5, 2022

Committee on
Community
Outreach,
Partnerships & Grants
Meeting &
Recommendation

November 1, 2022

City Council
Recommendation

APPLICATION DESCRIPTION

Neighborhood/Applicant	Project Name	Requested Amount	Committee Recommendation
Homestead at Marley Park	Community Events	\$10,000	\$4,063
Litchfield Manor	Community Events	\$10,000	\$3,500
Surprise Farms III	Table and benches	\$2,437	\$2,437
	Request Total	\$22,437	\$10,000

PROGRAM GUIDELINES

- Funding would be available after City Council approval
- All funding must be spent by June 16, 2023
- Reporting will be similar to the Surprise Community Outreach Program



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

NEIGHBORHOOD GRANT PROGRAM

The City of Surprise wants the neighborhood grant program to be successful and therefore continuously work to develop our residents as well as the Neighborhood Grant Program has been utilized to identify community improvement projects that are in the best interest of the community and comply with our policies.

For the interested property owner, a neighborhood grant is a program to help you improve your property and the surrounding area. The grant is a program to help you improve your property and the surrounding area. The grant is a program to help you improve your property and the surrounding area.



HOW THE PROGRAM WORKS

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HOW TO APPLY

If you are seeking funds for Fiscal Year 2022-2023, you will need to do as follows:

1. Complete and submit a Neighborhood Grant Program Application to 5111 West 10th by Friday, September 23, 2022 by 5 p.m. All proposals received after this deadline will not be considered.

NEIGHBORHOOD GRANT PROGRAM

APPLICATION INFORMATION

FY 2022-2023

PROGRAM PURPOSE

Surprise City Council would like to engage residents and increase community spirit. To encourage our residents to do so, the Neighborhood Grant Program has been initiated to provide monetary assistance to support activities with goals that comply with our initiative.

Are you interested in sponsoring a special event in your neighborhood to bring your neighbors together to discuss issues and concerns? Would you like to organize a concert in your local park? If you are willing to work hard to see your ideas come to fruition, the City could help make them a reality through the City of Surprise's Neighborhood Grant Program.

HOW THE PROGRAM WORKS

The City of Surprise will provide small grants through the Neighborhood Grant Program to foster partnerships between the City and its neighborhoods each year. Through an application process, qualifying neighborhoods will receive funds for specific projects outlined through the application.

HOW TO APPLY

If you are seeking funds for Fiscal Year 2022-2023, you will need to do as follows:

1. Complete and submit a Neighborhood Grant Program Application to Jodi Wittrock by **Friday, September 23, 2022 by 5 p.m.**. All proposals received after this deadline will not be considered.
 - a. This application must be signed by a minimum of five neighbors within your residential area supporting the idea and the project applicant.
 - b. The application must include a thorough description of how the funding will be utilized.
 - c. Please include the HOA Board approval, if required.
2. Present your proposal at the Community Outreach, Partnerships & Grants Sub-Committee Meeting on **Wednesday, October 5, 2022 at 3 p.m.**
 - a. The aforementioned panel must support your project for it to move forward.
 - b. Your respective HOA must approve your project, if required, prior to submittal of application.
 - c. Projects must comply with City policy.
 - d. Please contact Jodi Wittrock, Governmental Relations Administrator at 623.222.1330 with any questions, submittal of application and to determine which meeting agenda your application will be considered.

City of Surprise Neighborhood Grant Program

Overview

The Neighborhood Grant Program, established in 2015, fosters a special partnership between the City of Surprise and its neighborhoods. Through an application process, qualifying neighborhoods will receive funds for specific projects. Award decisions are made by the Committee on Community Outreach, Partnerships & Grants. The Program encourages involvement of residents and other public and private organizations to support neighborhood-initiated planning, community-building or improvement projects. This fiscal year, the City is providing up to **\$10,000** for neighborhood projects. Neighborhoods are not limited to one project per fiscal year and may submit more than one application annually.

To receive support, projects must:

- Provide a public benefit
- Result in a product, which benefits a neighborhood or the larger Surprise community
- Be feasible for completion by Friday, **June 16, 2023**
- Involve the benefiting neighborhood in project identification, planning and execution
- Emphasize neighborhood self-help, or be educational, community-building or a public physical improvement
- Submit a Project Report by **January 16, 2023 & April 17, 2023**
- Complete a final report about the project by **June 16, 2023**

Projects not eligible for funding:

- Duplication of an existing private or public program or service
- Ongoing services or requests that support service organizations' operating budgets
- Projects that conflict with existing City policy
- Projects that conflict with your respective HOA policies
- Projects exceeding the duration of one year
- Maintenance of projects built with previous Neighborhood Matching Funds
- Nonprofit 501(c)3 organizations

IDEAS BY PROJECT CATEGORY

1. Neighborhood Events

- Events and gatherings for the community such as a concert in the park, food truck event or movie night.

2. Neighborhood Organizing / Organizational Development

- Activities, services and materials that generate new neighborhood connections and activities to grow an organization or educate neighborhood leadership and promote involvement.

3. Neighborhood Preservation

- Materials, programs or services that sustain or improve the health, public safety and welfare of the neighborhood such as crime watch playgrounds, common areas, park amenities, community gardens, neighborhood markers, identity signs, trash cans, benches, etc. or contribute positively to the neighborhood's aesthetic quality such as community property maintenance programs or beautification programs.

4. Neighborhood Cultural, Social, and Recreational Initiatives

- Materials, programs or services that promote diversity, family literacy, neighborhood access to technology, after school enrichment programs, career preparation, services for the needy, disabled or elderly and cultural activities such as music, dance or art programs.

Important Dates to Remember:

Item	Due Date	Time
Information Session <i>Surprise City Hall, 16000 N Civic Center Plaza, Council Overflow Room</i>	July 12, 2022	4 PM
Grant Applications Due	September 23, 2022	5 PM
Proposal Presentations to Sub-Committee <i>Surprise City Hall, 16000 N Civic Center Plaza, Council Overflow Room</i>	October 5, 2022	3 PM
City Council Meeting (Funding Decision)	November 1, 2022	6 PM
Project Status Report Due	January 16, 2023	5 PM
Project Status Report Due	April 17, 2023	5 PM
Project Completion Deadline	June 16, 2023	
Final Report	June 16, 2023*	5 PM

*Subject to change

The City of Surprise
Neighborhood Grant Program
PROJECT SUMMARY FORM
FY 2022 – 2023

IMPORTANT: The Project Application Forms on the following three pages must be thoroughly completed.

For more information contact:

Jodi Wittrock

Governmental Relations Administrator

623.222.1330

PROJECT APPLICATION FORMS (Continued)

Please provide the following information regarding your proposed project.

This three-page application is due to Jodi Wittrock on Friday, September 23 by 5 p.m.

Name of Neighborhood:	Homestead at Marley Park
Name of Proposed Project:	Monthly Neighborhood Events
Contact Person:	Name: Adam Dawson Address: [REDACTED] Telephone: [REDACTED] Email: [REDACTED]
Other Contacts (If Applicable): Note: May include a community partner working on the project.	Name: Ann Blanchette Address: [REDACTED] Telephone: [REDACTED] Email: [REDACTED]
What is the goal of the project?	To bring our new community together, build comrodarie, and relationships with families.
Please describe the need for the project.	\$10k for 12 total monthly and bimonthly events. Funding would be utilized for supplies for events.
What support have you received? Who is involved?	Entire HOA Board & HOA Community
Have you received HOA approval? (if applicable)	Yes
Do you have the support of 5 neighbors?	Yes
How will this bring your neighborhood together?	Each event is geared towards our families and inclusion of each community member

PROJECT APPLICATION FORMS (Continued)

Please use the following worksheets to estimate your project expenses.

PROPOSED PROJECT EXPENSES

Note: These are only common categories and may not be all inclusive of the expenses for your project or program. Please add to this list on this sheet or another sheet of paper if needed and leave sections blank that do not apply to your project or program.

Type of Cost	Description of Expense	Projected \$ Amount
Salaries/Wages such as youth to clean up after an event, babysitters, etc.	Clean up (HOA)	\$ 3,000
Contracted Services such as site planning, sidewalk installation, etc.	N/A	\$ 0
Material/Supplies such as refreshments, safety equipment, etc.	All events listed as attached	\$ 8,700
Communication such as long distance phone calls, internet usage, etc.	N/A	\$ 0
Printing/Reproduction such as fliers, invitations, applications, etc.	N/A	\$ 0

Rentals/Leases such as renting a PA System for an event	Projector / Screen/ Speakers	\$ 1300
Capital Purchases such as playground equipment, trees, etc.	N/A	\$ 0
Other	N/A	\$ 0
Grand Total of Expenses a)		\$ 13,000

PROPOSED PROJECT REVENUE

Cash Donations from Partners

Name of Neighborhood, Person or Organization \$ Amount

	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
Total Cash From Partners b)		\$ 0

In-Kind Donations from Partners

Person/Group & Activity Performed

\$ Amount

Various Vendors	\$ 750
	\$
	\$
	\$
	\$
Total In-Kind From Partners	c) \$ 750

Volunteer Hours (Valued at \$29.95 per hour)

of Hours
X \$29.95
per hour =

Person/Group & Activity Performed

HOA Board Members (5)	\$ 500.00
Social Committee Members (6)	\$ 725.00
Residents	\$ 500.00
*Planning	\$600.00
	\$
Total Volunteer Labor	d) \$ 2,325.00

Grand Total (b+c+d=e)

e)

\$ 3,075

Project Overage or Shortage (a-e=f)

f)

\$ 9,925

City Grant Request (Total cash request from the City of Surprise)

g)

\$ 10,000

Minimum amount willing to accept to continue with the project

e)

\$ 6,000

Neighbors within your residential area supporting the idea and the project application. A minimum of five (5) is required.

Name: Amy Cook
Address: [REDACTED]
Phone: [REDACTED] Email: [REDACTED]

Name: Andrea M. Coles
Address: [REDACTED]
Phone: [REDACTED] Email: [REDACTED]

Name: Ariana M. Coles
Address: [REDACTED]
Phone: [REDACTED] Email: [REDACTED]

Name: Heath McCarter
Address: [REDACTED]
Phone: [REDACTED] Email: [REDACTED]

Name: Liza Bautista
Address: [REDACTED]
Phone: [REDACTED] Email: [REDACTED]

Phase 1 (\$6,000) (Minimum Request)

December:

Photos with Mr. & Mrs. Claus (photo station and candy cane for the Claus' to give out, Christmas themed face painter and cookies, & juice/ hot cocoa/ apple cider/ water, plus decorations. Costs include decorations, Christmas tree, food and drinks, face painter, & candy canes /stocking items.

\$1,000

January:

Family Bingo night w/ prizes, plus decorations. Costs include Bingo set, extra paper bingo cards, daubers, prizes, folding tables and chairs, snacks & drinks.

\$1,000

February:

Sweetheart Dance/ Adult Prom w/ DJ, photo station, snacks/ hors d'oeuvres & drinks, decorations. Costs include decorations, DJ, snacks & drinks.

\$1,000

March:

First annual Homestead Carnival

- Carnival games w/ prizes: ring toss, lollipop tree, duck pond, fishing for prizes, etc. Cotton candy, popcorn, drinks. Costs could include carnival games, prizes, popcorn & cotton candy machine rental.

\$1,000

April:

Meet & greet/photos with the Easter Bunny. Photo station for Easter Bunny pics. Easter egg hunt. Costs could include Easter Bunny costume or hiring someone who does it professionally, decorations, Easter eggs, and candy.

\$1,000

May:

Movie in the pool. Costs include projector, screen, speakers, popcorn, drinks and movie rights rental.

\$1,000

Phase 2 (If Fully Funded with \$10k Request)

November:

Fall party- bon fire, smore making, hot chocolate, apple cider. Fall themed games: pumpkin toss, pumpkin bowling, candy corn ring toss, etc. Could allow residents to set up a table and sell homemade goods for those who own small businesses. Costs include smore ingredients, drinks, materials to make games, decorations.

\$500

December:

Corn hole tournament/ P.I.G. tournament/ and ping pong tournament with prizes. Age ranges 0-12, 12-15, 15+. Costs include corn hole bags, a few basketballs, basketball rack, ping pong paddles/ balls, decorations and purchasing prizes.

\$500

January:

Football / Early "big game" or playoff party with snacks and drinks. Costs include decorations, snacks and drinks.

\$500

February:

Taco party (walking tacos) and beverages. Costs include walking taco ingredients, regular taco/ carne asada/ specialty Hispanic meals, and drinks.

\$500

March:

Come dressed for St. Patty's Day, contest for best dressed. Snacks and drinks. Costs include food & drinks and decorations.

\$500

May:

Mother's Day Muffins with Mom; decorations set up for photo station. Costs include food and drinks and decorations.

\$500

June:

Early Father's Day Donuts with Dad; decorations set up for photo station. Costs include food and drinks and decorations.

\$500

The City of Surprise
Neighborhood Grant Program
PROJECT SUMMARY FORM
FY 2022 – 2023

IMPORTANT: The Project Application Forms on the following three pages must be thoroughly completed.

For more information contact:

Jodi Wittrock

Governmental Relations Administrator

623.222.1330

Jodi.Wittrock@surpriseaz.gov

PROJECT APPLICATION FORMS

Please provide the following information regarding your proposed project.

This three-page application is due to Jodi Wittrock on Friday, September 23 by 5 p.m.

Name of Neighborhood:	Litchfield Manor Homeowners Association
Name of Proposed Project:	To help build community in Litchfield Manor
Contact Person:	Name: <u>Tyhanna Harrison</u> Address: <u>[REDACTED]</u> Telephone: <u>[REDACTED]</u> Email: <u>[REDACTED]</u>
Other Contacts (If Applicable): Note: May include a community partner working on the project.	Name: <u>Tami Uyeda</u> Address: <u>[REDACTED]</u> Telephone: <u>[REDACTED]</u> Email: <u>[REDACTED]</u>
What is the goal of the project?	Our Goal is to use the money to put on community events.
Please describe the need for the project.	We would like to put on events like movies in the park, Spring Festivals, Fall festivals, and much more.
What support have you received? Who is involved?	At this time we have the support of the entire HOA and the Park Committee. Who will help put on the event.
Have you received HOA approval? (if applicable)	Yes
Do you have the support of 5 neighbors?	Yes
How will this bring your neighborhood together?	We hope these events will bring the community together and help introduce all the new families who have moved into our community in the past few years since COVID.

PROJECT APPLICATION FORMS (Continued)

Please use the following worksheets to estimate your project expenses.

PROPOSED PROJECT EXPENSES

Note: These are only common categories and may not be all inclusive of the expenses for your project or program. Please add to this list on this sheet or another sheet of paper if needed and leave sections blank that do not apply to your project or program.

Type of Cost	Description of Expense	Projected \$ Amount
Salaries/Wages such as youth to clean up after an event, babysitters, etc.	Face Panthers	\$ 460
Contracted Services such as site planning, sidewalk installation, etc.		\$
Material/Supplies such as refreshments, safety equipment, etc.	Sams Club (drinks, cookies, chips, napkins, plates and ice) Papa Johns Pizza (205 large pizzas)	\$ 2880.89
Communication such as long distance phone calls, internet usage, etc.		\$
Printing/Reproduction such as fliers, invitations, applications, etc.		\$

Rentals/Leases such as renting a PA System for an event	-Paradise Bouncers (bounce house, trackless train, cotton candy machine, generator) -White King Party Rental (tables) -Porta Potty Rental -Movie screen rental -Movie License	\$ 5707.37
Capital Purchases such as playground equipment, trees, etc.		\$
Other		\$
Grand Total of Expenses a)		\$ 9048.26

PROPOSED PROJECT REVENUE

Cash Donations from Partners

Name of Neighborhood, Person or Organization	\$ Amount
	\$
	\$
	\$
	\$
	\$
	\$
Total Cash From Partners b)	\$

In-Kind Donations from Partners

Person/Group & Activity Performed

\$ Amount

	\$	
	\$	
	\$	
	\$	
	\$	
Total In-Kind From Partners	c)	\$

Volunteer Hours (Valued at \$29.95 per hour)

of Hours
X \$29.95
per hour =

Person/Group & Activity Performed

HOA Board Members (6 hours each)	\$ 1078.20	
	\$	
	\$	
	\$	
	\$	
Total Volunteer Labor	d)	\$ 1078.20

Grand Total (b+c+d=e)

e) \$ 10,126.46

Project Overage or Shortage (a-e=f)

f) \$ 126.46

City Grant Request (Total cash request from the City of Surprise)

g) \$ 10,126.46

Minimum amount willing to accept to continue with the project

e) \$ 5,000

Neighbors within your residential area supporting the idea and the project application. A minimum of five (5) is required.

Name: Stephen Harrison

Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Name: Danielle Mills

Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Name: Justice + Alesia Braimah

Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Name: ESTELLA RENICH

Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]

Name: Kelli Conklin

Address: [REDACTED]

Phone: [REDACTED] Email: [REDACTED]



NEIGHBORHOOD GRANT PROGRAM

APPLICATION INFORMATION

FY 2022-2023

PROGRAM PURPOSE

Surprise City Council would like to engage residents and increase community spirit. To encourage our residents to do so, the Neighborhood Grant Program has been initiated to provide monetary assistance to support activities with goals that comply with our initiative.

Are you interested in sponsoring a special event in your neighborhood to bring your neighbors together to discuss issues and concerns? Would you like to organize a concert in your local park? If you are willing to work hard to see your ideas come to fruition, the City could help make them a reality through the City of Surprise's Neighborhood Grant Program.

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 - b. The application must include a thorough description of how the funding will be utilized.
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2. Present your proposal at the Community Outreach, Partnerships & Grants SubCommittee Meeting on **Wednesday, October 5, 2022 at 3 p.m.**
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City of Surprise Neighborhood Grant Program

Overview

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Projects not eligible for funding:

Projects not eligible for funding:

- Duplication of an existing private or public program or service
- Ongoing services or requests that support service organizations' operating budgets
- Ongoing services or requests that support service organizations' operating budgets
- Projects that conflict with existing City policy
- Projects that conflict with your respective HOA policies
- Projects that conflict with your respective HOA policies
- Projects exceeding the duration of one year
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- Nonprofit 501(c)3 organizations
- Nonprofit 501(c)3 organizations

IDEAS BY PROJECT CATEGORY

1. Neighborhood Events

- Events and gatherings for the community such as a concert in the park, food truck event or movie night.

2. Neighborhood Organizing / Organizational Development

- Activities, services and materials that generate new neighborhood connections and activities to grow an organization or educate neighborhood leadership and promote involvement.

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*Subject to change

The City of Surprise

Neighborhood Grant Program

PROJECT SUMMARY FORM

FY 2022 – 2023

IMPORTANT: The Project Application Forms on the following three pages must be thoroughly completed.

For more information contact:

Jodi Wittrock

Governmental Relations Administrator

623.222.1330

Jodi.Wittrock@surpriseaz.gov

PROJECT APPLICATION FORMS

Please provide the following information regarding your proposed project.

This three-page application is due to Jodi Wittrock on Friday, September 23 by 5 p.m.

Name of Neighborhood:	Surprise Farms III
Name of Proposed Project:	Surprise Farms III Table with Seats for Use in Park
Contact Person:	Name: Santos Jasso, Community Manager, CPMC Address: [REDACTED] Telephone: [REDACTED] Email: [REDACTED]
Other Contacts (If Applicable):	Name: [REDACTED] Address: [REDACTED] Work phone: [REDACTED] Work email: [REDACTED]
	Name: [REDACTED] Address: [REDACTED] Telephone: [REDACTED] Email: [REDACTED]
What is the goal of the project?	To purchase and install a table with seats that was removed from a ramada in a park on 181 st Avenue in SF III due to poor durability several years ago. For some time, the HOA budget has not been able to incorporate funds to replace it (as well as others located in various SF III greenspaces).
Please describe the need for the project.	SF III homeowners and their children/youth come to the park primarily to play basketball, but also to walk; roller skate; ride a scooter or trike; throw and catch balls; and more. Those who wish to observe have no place to sit. A grill is located at the ramada. If residents wished to picnic, there is no place to sit, eat, and chat. Walkers have no place to rest.
What support have you received? Who is involved?	Numerous homeowners/neighbors who attend HOA Board meetings and/or participate in discussions on the Surprise Farms III Homeowners Facebook/Meta page. There are additional neighbors who have informally lamented the loss of a table with seats. Finally, current HOA Board members.
Have you received HOA approval? (if applicable)	The SF III Homeowners Association is the applicant, thus gives approval.
Do you have the support of 5 neighbors?	Yes, more than 5 homeowners in SF III that can walk or drive to the park, which features a basketball court along with the empty ramada. See attached list.

How will this bring your neighborhood together?	While SF III residents/neighbors come to this particular park to play and watch others play, they do not stay long as there is no where other than the ground/cement to sit while observing and talking. Despite it looking like a place to enjoy food and converse, there isn't a table with seats to facilitate that kind of social gathering.
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PROJECT APPLICATION FORMS (Continued)

Please use the following worksheets to estimate your project expenses.

PROPOSED PROJECT EXPENSES

Note: These are only common categories and may not be all inclusive of the expenses for your project or program. Please add to this list on this sheet or another sheet of paper if needed and leave sections blank that do not apply to your project or program.

Type of Cost	Description of Expense	Projected \$ Amount
Salaries/Wages		\$ N/A
Contracted Services	Due to freight volatility, an exact shipping price will be given at the time of order. Installation of table with seats as well as a solar powered motion sensor light to be installed on the gazebo.	\$380.00 shipping (est.) \$560.00 installation

Material/Supplies	Materials to install the table with seats. These should accompany the table itself or be brought by those contracted to carry out the installation.	\$
Communication	Long distance phone calls to the vendor, etc., will be absorbed by the office of the Community Manager and/or interested parties such as homeowners (the Gentrys).	\$ N/A
Printing/Reproduction		\$ N/A
Rentals/Leases		\$ N/A
Capital Purchases	1) Table with seats. Brand: Wabash Valley Model: Spyder Series, SY125D, 46"octagon Color: Sand Vendor: Dave Bang Associates, Inc. Address: P.O. Box 8760, Mesa, AZ 85214 Telephone: 1-800-669-2585 Contact: Tayler Mazarros 2) Solar powered motion sensor light Brand: LePower Model: 1600LM Vendor: LePower	\$ 1,240.00 \$46.98
Other	Sales Taxes	\$ 210.46
Grand Total of Expenses a)		\$ 2,437.44

PROPOSED PROJECT REVENUE

Cash Donations/Matching Funds from Partners

Name of Neighborhood, Person or Organization	\$ Amount	
If this grant is awarded, the SF III Board will provide matching funds for a second table with seats and solar powered motion sensor light for a different greenspace ramada that is without such equipment. Doing so will double the opportunities for neighbors to gather to socialize. The fund in the budget is one that is set aside for social activities.	\$ 2,437.44	
	\$	
	\$	
	\$	
	\$	
	\$	
Total Cash From Partners	b)	\$ 2,437.44

In-Kind Donations from Partners

Person/Group & Activity Performed	\$ Amount	
	\$	
	\$	
	\$	
	\$	
	\$	
Total In-Kind From Partners	c)	\$

Volunteer Hours (Valued at \$29.95 per hour)

**# of Hours
X \$29.95
per hour =**

Person/Group & Activity Performed

David Gentry assist with installation, however needed	\$ 29.95
	\$
	\$
	\$
	\$
Total Volunteer Labor	d) \$ 29.95

Grand Total (b+c+d=e) e) \$2467.39

Project Overage or Shortage (a-e=f) f) \$ 29.95

City Grant Request (Total cash request from the City of Surprise) g) \$ 2437.44

Minimum amount willing to accept to continue with the project h) \$2437.44

Neighbors within your residential area supporting the idea and the project application. A minimum of five (5) is required.

Name: Walter R. Montgomery

Address: [REDACTED]

Phone: [REDACTED] **Email:** [REDACTED]

Name: Lewis Walker

Address: [REDACTED]

Phone: [REDACTED] **Email:** [REDACTED]

Name: Coleen Smith

Address: [REDACTED]

Phone: [REDACTED] **Email:** [REDACTED]

Name: Joel and Stephanie Thoen

Address: [REDACTED]

Phone: [REDACTED] **Email:** [REDACTED]

Name: Trina Adams-Boone

Address: [REDACTED]

Phone: [REDACTED] **Email:** [REDACTED]

Name: Ruby and Oscar Suarez

Address: [REDACTED]

Phone: [REDACTED] **Email:** [REDACTED]

Name: Barbara Caccese

Address: [REDACTED]

Phone: [REDACTED] **Email:** [REDACTED]



Inground

Surface Mount

Choose colors:

Top & seats (plastisol): _____

Frame (powder coated): _____

SPYDER SERIES 46"
OCTAGON TABLE -
PORTABLE/SURFACE
MOUNT OR INGROUND

46" Octagon Spyder Series Tables utilize 2 3/8" OD Inground or Portable/Surface Mount frames. The Spyder Series unique leg design allows for easy clean-up with less legwork touching the ground. Optional mounting plate covers can be used (sold separately). Umbrella holes are standard on this table and use of the umbrella stands is needed (Umbrellas must be secured to the tables). The tops and seats are coated in our rugged Plastisol coating, while the framework is coated in our AAMA 2604-05 compliant powder coating - Choose between our **DIAMOND PATTERN** or **PERFORATED PATTERN**.

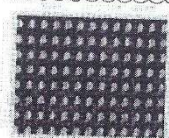
SY125 - 46" Octagon table - Portable/Surface

SY215 - 46" Octagon table - In-ground

PATTERNS

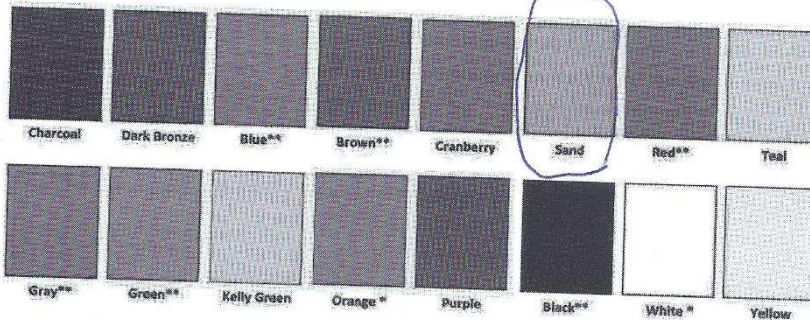


Diamond



Perforated

COLORS



MOUNTING OPTIONS

PORTABLE

SURFACE MOUNT (must add mounting package)

INGROUND

DAVE BANG ASSOCIATES, INC.

PHONE: 1-800-669-2585

DAVEBANG.COM

INFO@DAVEBANG.COM

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Motion Sensor Solar Light Outdoor, Dusk to Dawn Wireless Security LED Flood Light, 6000K Very Bright, Solar Powered Landscape Spotlights Waterproof for Garden/Driveway/Porch, EMANER (1-Pack)

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967 \$39.99 ✓prime

Sponsored



LEPOWER 1600LM LED Solar Security Light Motion Outdoor, Solar Motion Sensor Light, 5500K White Light, IP65 Waterproof Outdoor Flood Solar Light with Adjustable Head for Yard,

LEPOWER Store
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See reviews for "solar panel flood lights outdoor"

\$46.98

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Available at a lower price from other sellers that may not offer free Prime shipping.

Color: White

Color: White \$46.99 \$46.99 \$46.98

Brand LEPOWER

Color White

Material Acrylonitrile Butadiene Styrene, Polycarbonate

Style Modern

Light fixture form Floodlight

About this item

- Solar Powered, Energy Saving:** The solar light outdoor powered by solar energy, no need for electricity bills. The solar panel is monocrystalline silicon, it still can obtain low current charging in the cloudy, rainy days or in areas where sunlight is insufficient.
- Motion Sensor Lights:** Solar flood light outdoor has motion sensor head, you can customize the sensing distance from 0 to 72 feet by stepless adjustable switch.
- 1600LM Brightness Solar Lights:** The solar security light with the 3 adjustable heads design, produces up to 1600lm 5500k brightness. With LED lamp bead as the source of light and professional optical designed filter lens, provide better illumination (soft light, anti-glare) than normal chips; The lifespan will be up to 50,000hrs.
- Easy Installation & IP65 Waterproof:** The solar lights come with longer cable (15 feet), can install it more flexible. No main power or wiring required, this is easy to install solar panel; IP65 waterproof, can be against weather like a rainstorm, sleet or snow, good for the porch, back yard, front door, garage, driveway, walkway, step, etc.

Buy new:
\$46.98
FREE Returns
FREE delivery **Wednesday, September 7**
Or fastest delivery **Saturday, September 3.**
Order within 6 hrs 44 mins

Select delivery location

In Stock.

Qty: 1

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Packaging Shows what's inside...
Details

Return policy: Eligible for Return, Refund or Replacement within 30 days of receipt

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