



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

Tuesday, October 21, 2014 @ 6:00 PM

[Back](#) [Print](#)

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS
- E. City Manager Report:
- F. City Attorney Report:
- G. Regular City Council Meeting Agenda:

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.

Consent Agenda:

- | | | | |
|-----|-------------------|--|---|
| *#1 | District 6 | <u>Consideration and action on a Series 10 Liquor License request by Randy Guse for Walgreen's #12087 located at 13723 N. Litchfield Road, Surprise, AZ. 85379 (New License/Corporation - 10076577).</u> | Approve
Sherry Ann
Aguilar, City
Clerk MMC |
| *#2 | District 3 | <u>Consideration and action approving the Desert Streams Lutheran Church final plat extension, dated August 16, 2013, a property generally located at the northwest corner of Hearn and Reems Road; Resolution #2014-94.</u> | Approve
Chris Boyd,
Community
Development |
| *#3 | District Citywide | <u>Consideration and action on the Regular City Council Work Session and Regular City Council Meeting minutes of October 7, 2014.</u> | Approve
Sherry Ann
Aguilar,
City Clerk |

Regular Agenda Item - Non-Public Hearing:

- | | | | |
|----|-------------------|---|--|
| #4 | District Citywide | <u>Presentation and discussion pertaining to the FY2014 Budget Status Report through June 2014.</u> | No Action
Lindsey
Duncan,
Finance
Director |
|----|-------------------|---|--|

Regular Agenda Item - Public Hearing:

H. 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 on any item not 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.

I. Other Business and Future Agenda Items:

J. Mayor/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.

L. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Posted on Thursday, October 16, 2014 @ 12:08 p.m. Amended on 10/17/14 @ 8:55 a.m. Amended report to item #4.

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

October 21, 2014 @ 6:00:00 PM

+ Back Print

Council Meeting Date: October 21, 2014 Contact Person: Sherry Ann Aguilar, City Clerk
Submitting Department: District: MMC
Staff Recommendations: Approve

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on a Series 10 Liquor License request by Randy Guse for Walgreen's #12087 located at 13723 N. Litchfield Road, Surprise, AZ. 85379 (New License/Corporation - 10076577).

Motion:

I move to approve a Series 10 Liquor License request by Randy Guse for Walgreen's #12087 located at 13723 N. Litchfield Road, Surprise, AZ. 85379 (New License/Corporation - 10076577).

Background:

This request is of a routine nature and all departmental reports are attached with no concerns noted.

Financial Impact Statement:

ATTACHMENTS:

Click to download

☐ [Walgreens Report to Council](#)

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):



City Clerk's Office

Date: September 23, 2014

To: Chris Boyd – Community Development
Police Department, Chris Tovar/ Lt. John Bacon - PD
Doug Helbig/Tom Abbott – Fire
Stacie McQuarrie, Business License Technician

From: Sherry Ann Aguilar - City Clerk, MMC

Re: **Liquor License Application:**

WALGREEN'S ARIZONA DRUG COMPANY #12087
Series #10 (10076577) – New License/Corporation
13723 N. Litchfield Road
Surprise, Arizona 85379

The above referenced application has been submitted for consideration by the Surprise City Council at their **Regular Council Meeting** scheduled for:

Tuesday, October 21, 2014 - 6:00 p.m.

REPORT DUE DATE TO CITY CLERK

A copy of the application is attached for your review and comments. Please provide a written statement regarding this application by no later than **Monday, October 6th - Noon**, as the questions apply to your respective departments to the City Clerk.

COMMUNITY DEVELOPMENT DIRECTOR (Please respond to the following questions):

- 1) The number and series of licenses in close proximity of establishment.
- 2) The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.
- 3) The residential and commercial population in close proximity.

- 4) The effect or impact of the proposed premises on businesses or residential neighborhood whose activities might be affected by granting the license.
- 5) Review to ensure that parking space requirements meet City Code.
- 6) If the applicant has not applied for rezoning or has applied for rezoning but the requested zoning is not appropriate for a business as detailed in the application, the “**Denial**” can be given by the Zoning Division, and the reasons such denial are detailed on the Review Form.

POLICE DEPARTMENT (Please respond to the following questions):

- 1) Evidence concerning the nature of the proposed business, its potential market and its likely customers.
- 2) Effect of vehicular traffic in close proximity.
- 3) The history for the past five (5) years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the board.
- 4) Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.
- 5) Appropriateness of series license requested.

FIRE MARSHALL (Please respond to the following questions in written form):

- 1) Review property to ensure building or plot plan is in compliance with applicable fire codes.

TAX AND LICENSE DIVISION (Please respond to the following questions in written form):

- 1) Review to ensure that applicant has current business license, or has been contacted by Tax and Licensing regarding the need for a business license or is in the process of applying for a business license (whichever is applicable).

Please contact me if you have any questions – 222-1220.



City Clerk, MMC



City Clerk's Office
Sherry Ann Aguilar, City Clerk
16000 N. Civic Center Plaza
Surprise, AZ 85374
Ph: 623-222-1200
Fax: 623-222-1001

September 23, 2014

Randy Allen Guse
Walgreen's Arizona Drug Company
Via E-Mail: eric.lyles@walgreens.com

Re: New License/Corporation - 10076577

Dear Mr. Guse:

Please be advised that we are in receipt of your request for a Series 10 Liquor License for Walgreen's #12087 located at 13723 N. Litchfield Rd., Surprise, Arizona 85379. The notice for this license has been posted on the property and will need to remain posted until the public hearing has taken place.

You are hereby notified that your presence is being requested by the City of Surprise Mayor and Common Council to attend a public hearing at our regular scheduled Council Meeting to be held on:

Tuesday, October 21st, 2014 – 6:00 p.m.

Surprise City Hall - Council Chambers

16000 N. Civic Center Plaza

Upon receipt of this correspondence, please acknowledge receipt by email to clerk@surpriseaz.gov and advise who will be representing you at this meeting. Your cooperation is greatly appreciated.

If you have any questions, please call 623-222-1220.

Sincerely,

City Clerk, MMC

PUBLIC NOTICE

Notice is hereby given that the Surprise City Council will conduct a public hearing on **Tuesday, October 21, 2014 – 6:00 p.m.**, for a Series 10 New License/Corporation for Walgreen's #12087 (**Walgreen's Arizona Drug Company**) located at 13723 N. Litchfield Rd., Surprise, Arizona 85379. The public hearing will be held in the City Council Chambers – 16000 N. Civic Center Plaza, Surprise, Arizona. Members of the public are invited to attend.



COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Date: October 2, 2014
To: Sherry Aguilar, City Clerk
From: Sergio Angulo, Planner I
Re: Liquor License Application for:

Walgreen's #12087
Series # 10 – Location/Corporation- 10076577
13723 N. Litchfield Rd.
Surprise, Arizona 85379

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

1. Beef-O-Brady's (Series 12) – 13699 N Litchfield Rd
2. Safeway (Series 9) – 13828 W Waddell Rd
3. Fry's Marketplace (Series 9) – 13982 W Waddell Rd
4. Nick's Diner II (Series 12) – 14010 N Litchfield Rd # 212
5. Las Fuentes (Series 12) – 13621 N Litchfield Rd #131
6. Uptown Alley (Series 6) – 13525 N Litchfield Rd
7. Native New Yorker (Series 12) – 13929 W Waddell Rd
8. Crescent Crown Distributing (series 4) - 13430 W. Sweetwater

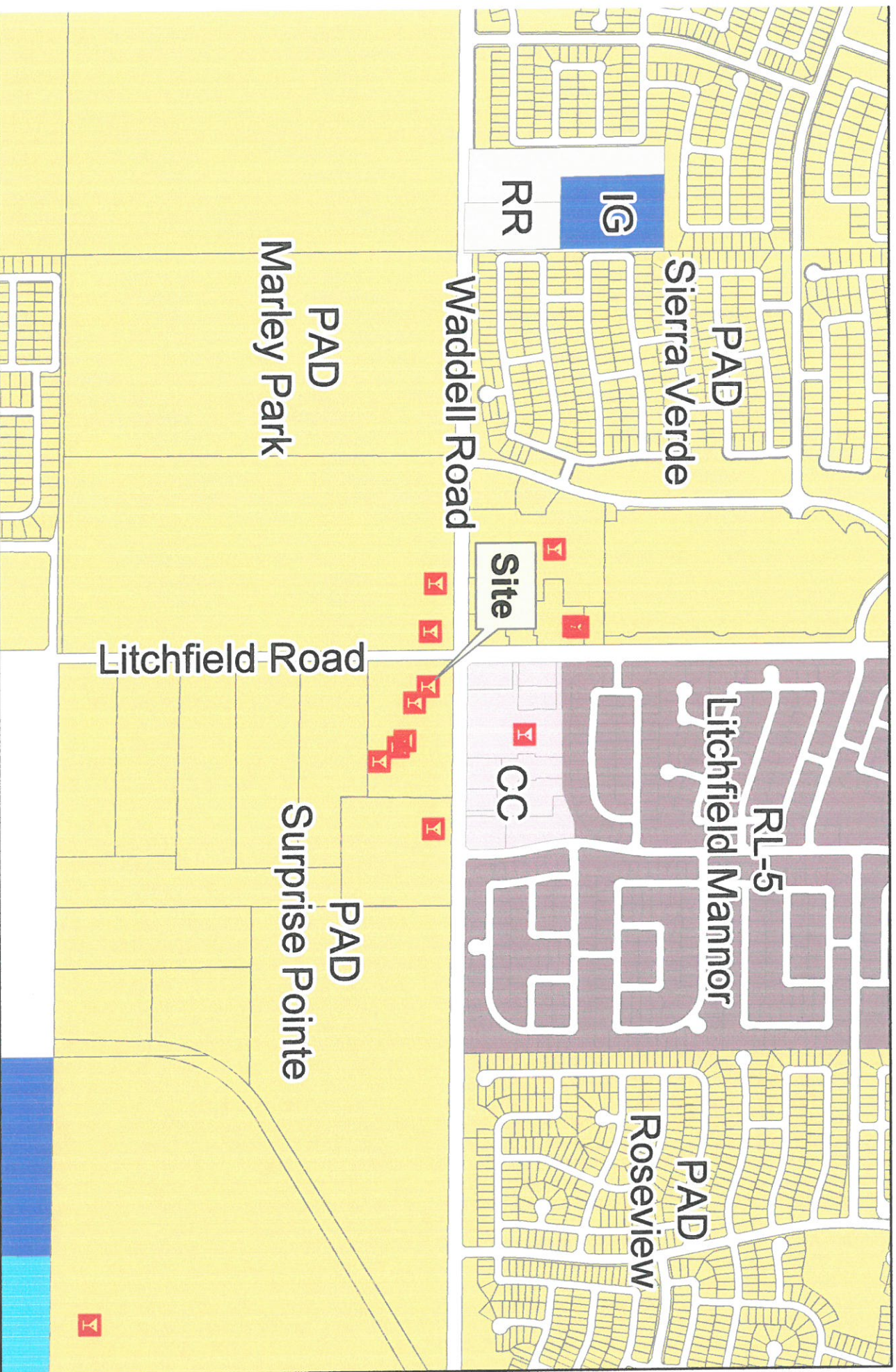
The immediate area is composed of commercial establishments. The property is zoned PAD Bendalin Farms (Surprise Pointe) which is consistent with the proposed use.

Commercial is expected to increase with the build out of Surprise Point and Marley Park commercial parcels.

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.

Surrounding Zoning - Walgreen's #12087





FIRE PREVENTION DIVISION
14250 W. Statler Plaza Ste.101
Surprise, AZ 85374-7479
623-222-5120
Fax: 623-222-5002



Date: September 25, 2014

TO: Sherry Ann Aguilar, City Clerk
CC: Fire Marshal's Office
FROM: Doug Helbig, Fire Marshal

Subject: Fire Safety Inspection

Walgreen's Drug Store
Series #10 (10076577) – New License/Corporation
13723 N. Litchfield Road
Surprise, Arizona 85379

As requested, the Surprise Fire Department has inspected the above location to ensure the building and tenant space is in compliance with applicable fire codes. The fire department finds the business is in compliance with city fire codes at the time of this inspection.

Sincerely,

Inspector



**SURPRISE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION REVIEW**

REFERENCE:

DATE: October 6, 2014

LICENSE NUMBER- 10076577

Series #10 – New License / Corporation

APPLICANT:

Walgreens #12087

13723 N. Litchfield Road
Surprise, Arizona 85374

FINDINGS:

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

Walgreens #12087 is a fairly new construction drug store that sells pharmaceutical items, general merchandise and a small amount of grocery items. It has been open for approximately one year now. It should continue to primarily service patrons of all ages from the surrounding communities and general public. It is scheduled to open in the near future.

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

There should be no changing effect on vehicular traffic in close proximity with opening of this new Walgreens, including the addition of this liquor license. There is very adequate ingress and egress from Litchfield and Waddell Roads.

- 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.*

Since the last report from August, 2013, the only criminal calls for service at the store have included a DUI, but unrelated to the store. The driver was parked with his vehicle running in the back of the building. Additionally, there was a fraudulent use of prescriptions from the pharmacy, a shoplifting call and a trespass arrest.

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

The closing of business hours for the Walgreens is 10:00 PM every evening. This store is located on the Southwest corner of Litchfield and Waddell Roads in the Surprise Pointe retail plaza. It's situated on the far northwest corner of the plaza with its independent parking lot. In the plaza, there are at least three other establishments with liquor licenses, to include Uptown Alley (Series 6), Las Fuentes Restaurant (Series 12), and Beef O' Brady's (Series 12). Uptown Alley is on the far opposite side of the large plaza and is opened until midnight, except for Friday and Saturdays, when it's open until 2 AM. Beef O' Brady's closes at 11 PM. There is also the Digiplex Movie Cinemas which closes on the average by midnight, after their last showings. Las Fuentes closes usually by 11 PM.

5) *Appropriateness of series license requested.*

The series 10 license is appropriate, which allows a retailer to sell beer and wine only.

Submitted by Officer C. E. Tovar #2059



CITY OF SURPRISE
Regular City Council Meeting

October 21, 2014 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date:	October 21, 2014	Contact Person:	Chris Boyd, Community Development
Submitting Department:		District:	3
Staff Recommendations:	Approve		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action approving the Desert Streams Lutheran Church final plat extension, dated August 16, 2013, a property generally located at the northwest corner of Hearn and Reems Road; Resolution #2014-94.

Motion:

I move to approve Resolution 2014-94.

Background:

On October 2, 2014, the Planning and Zoning Commission approved an extension of a previously approved worship facility site plan until October 22, 2015.

Financial Impact Statement:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

ATTACHMENTS:

Click to download

- ☐ [Staff Report](#)
 - ☐ [Resolution](#)
 - ☐ [Vicinity Map](#)
 - ☐ [Final Plat](#)
 - ☐ [Master Site Plan](#)
 - ☐ [Presentation](#)
-

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Hobart Wingard, Planner



COMMUNITY DEVELOPMENT

Date: October 21, 2014

To: Mayor and City Council

From: Chris Boyd, Interim Director
Lloyd Abrams, Long Range Planning Manager
Hobart Wingard, Planner
623.222.3156, hobart.wingard@surpriseaz.gov

Re: FS13-300, Desert Streams Final Plat Extension

Application Summary

The applicant is requesting a one (1) year extension for a final plat for the first phase of a religious, educational, and recreational facility known as Desert Streams Worship and Community Center.

Location

The subject property is located on the northwest corner of Reems and Hearn Roads.

History

- On September 10, 1998, the project site was annexed into the City of Surprise and zoned R1-43, Rural Residential to reflect the existing R-43 County zoning.
- On October 15, 2013, a site plan for the Desert Streams Worship and Community Center was approved by the Planning and Zoning Commission.
- On October 22, 2013, a Planned Unit Development (PUD) and final plat were approved by the Mayor and City Council.
- On October 2, 2014, the Planning and Zoning Commission approved an extension for the Desert Streams site plan.

Project Summary

The vacant project site is approximately eight (8) acres in size and is currently zoned Rural Residential (RR) with a PUD overlay. The adjacent land to the north, south, east and west is developed with single family residential.

The Desert Streams Worship and Community Center will be built in at least two (2) phases with the Child Care Center being the primary structure during Phase One (1). The one-story, 15,661 square-foot building will serve as both the child care and worship facility until the main church building is built in a subsequent phase.

Construction of the facility and the recordation of the final plat have been delayed due to funding issues. This extension will allow the church to continue their fundraising efforts while keeping their final plat approval in place for the next year.

Findings

1. Staff finds that the proposed final plat complies with the Surprise Municipal Code.
2. Staff finds that the proposed final plat complies with the Surprise General Plan.

Recommendation

Staff recommends approval of a one year extension of the site plan approval for the first phase of a religious, educational, and recreational facility known as Desert Streams Worship and Community Center, including the previously approved condition that reads:

- a. The City will require a copy of a mitigation report stating all impacted soil has been removed from the property prior to submittal of any civil or building permits.

Attached

Vicinity Map, Master Site Plan, and Final Plat

RESOLUTION #2014-94

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING AN EXTENSION FOR A FINAL PLAT ENTITLED "DESERT STREAMS LUTHERAN CHURCH," GENERALLY LOCATED AT THE NORTHWEST CORNER OF HEARN AND REEMS ROADS.

WHEREAS, on October 22, 2013 the Mayor and City Council approved the Desert Streams Worship and Community Center Planned Unit Development;

WHEREAS, on October 22, 2013, the Mayor and City Council approved the Desert Streams Lutheran Church Final Plat; and

WHEREAS, the proposed one year extension of the Final Plat is in compliance with the Surprise Municipal Code and Surprise General Plan.

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

Section 1. The Final Plat entitled "Desert Streams Lutheran Church," dated August 16, 2013 is extended until October 22, 2015.

APPROVED AND ADOPTED this _____ day of _____ 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

VICINITY MAP



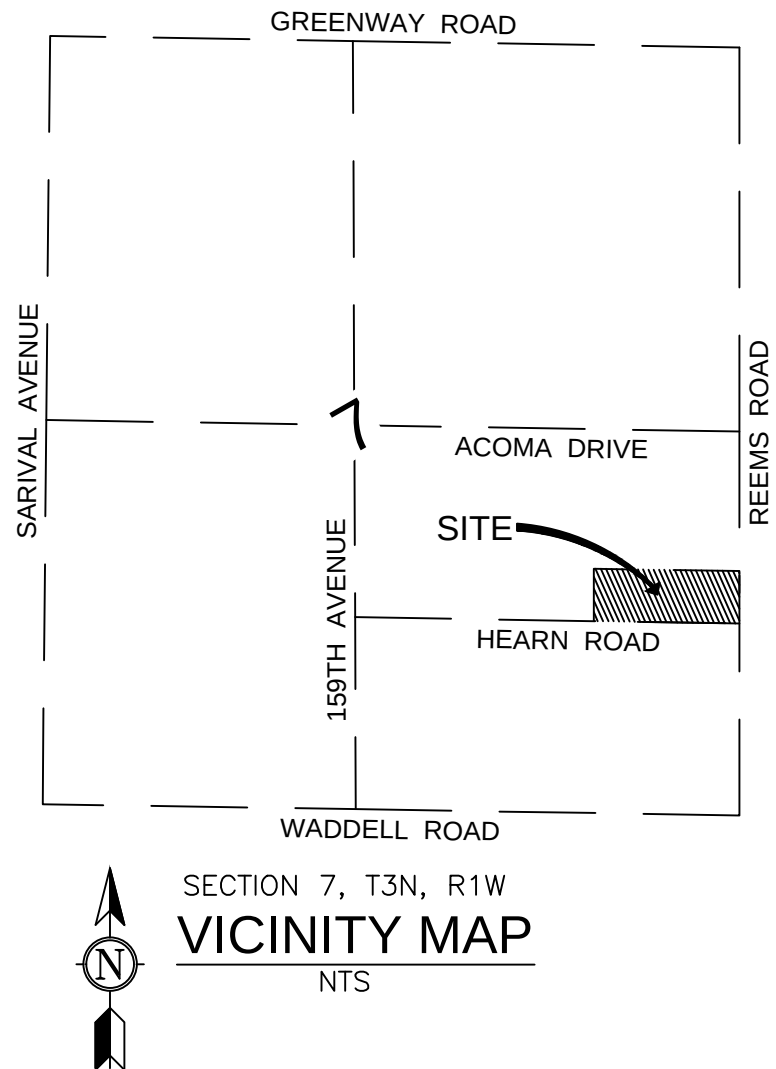
VICINITY MAP



VICINITY MAP



FINAL PLAT
OF
DESERT STREAMS LUTHERAN CHURCH
THE SOUTH 360' OF THE EAST 1001' OF THE NORTH 1/2 OF
THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 3 NORTH,
RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN,
CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA



DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT DESERT STREAMS LUTHERAN CHURCH (ELCA), AN ARIZONA NON-PROFIT CORPORATION, ("OWNER"), HAS SUBDIVIDED UNDER THE NAME DESERT STREAMS LUTHERAN CHURCH, A SUBDIVISION LOCATED IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF DESERT STREAMS LUTHERAN CHURCH AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, STREET, AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, STREET, AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

OWNER HEREBY DEDICATES TO THE CITY OF SURPRISE FEE TITLE TO ALL PUBLIC RIGHTS-OF-WAY AS SHOWN ON THE PLAT.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS THE AREAS DESIGNATED AS PUBLIC UTILITY EASEMENTS AS SHOWN ON THE PLAT FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING AND UTILIZING PUBLIC UTILITIES.

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIGATION EASEMENT OVER AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THIS PLAT, TOGETHER WITH ITS ATTENDANT NOISE, VIBRATIONS, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE AND AUXILIARY FIELD.

DESERT STREAMS LUTHERAN CHURCH (ELCA), AN ARIZONA NON-PROFIT CORPORATION, ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH THE AREAS LOCATED WITHIN THE NEWLY DEDICATED RIGHT-OF-WAY AS DEPICTED ON THIS PLAT UNTIL SUCH TIME THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARDS AND THOSE IMPROVEMENTS ARE APPROVED AND ACCEPTED BY THE CITY COUNCIL. THE MAINTENANCE OF THE AREA WITHIN ANY NEWLY DEDICATED RIGHT-OF-WAY AS SHOWN ON THIS PLAT SHALL BE THE RESPONSIBILITY OF THE ADJACENT OWNER/OR SUBSEQUENT ADJACENT OWNERS WITHIN THE BOUNDERS OF SAID PLAT UNTIL SUCH TIME THAT THE AREA WITHIN THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER.

THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER.

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY, THE EASEMENTS, OR ANY TRACTS OR PARCELS HEREBY DEDICATED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION.

THE EASEMENTS GRANTED WITHIN THIS DEDICATION ARE PERMANENT AND PERPETUAL AND SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS ____ DAY OF _____, 2013.

DESERT STREAMS LUTHERAN CHURCH (ELCA), AN ARIZONA NON-PROFIT CORPORATION

BY _____

ITS _____

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2013, BY _____, THE

_____, OF DESERT STREAMS LUTHERAN CHURCH (ELCA), AN ARIZONA NON-PROFIT CORPORATION ON BEHALF OF THE CORPORATION.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC _____ DATE _____

MY COMMISSION EXPIRES: _____, 20____

NOTES

1. THE PROPERTY OWNER AT THE TIME WHEN CITY OF SURPRISE WATER, AND/OR SEWER INFRASTRUCTURE IS AVAILABLE AT THE PROPERTY, SHALL BE REQUIRED TO CONNECT IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE AND PAY ALL APPLICABLE FEES. ANY OWNER OF THE PROPERTY SHALL NOTIFY PROSPECTIVE BUYERS AND THE PUBLIC OF THIS NOTE, AND SALES CONTRACT, REPORT SHALL CONTAIN SUCH NOTE.
2. THE PROPERTY OWNERS, OR ANY SUBSEQUENT OWNERS SHALL NOT PROCEED WITH ANY ON SITE GRADING OR EXCAVATION WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
3. A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA IDENTIFIED AS ZONE "A", AND A PORTION OF THIS PROPERTY IS LOCATED IN ZONE "X". THE SPECIAL FLOOD HAZARD AREA IS DEFINED AS "THE 1% ANNUAL CHANCE FLOOD (100-YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE OF FLOOD. AREAS OF SPECIAL FLOOD HAZARD INCLUDE ZONES A, AE, AH, AO, AR, A99, V AND VE. THE BASE FLOOD ELEVATION IS THE WATER-SURFACE ELEVATION OF THE 1% ANNUAL CHANCE FLOOD." ZONE "A" IS DEFINED AS "NO BASE FLOOD ELEVATIONS DETERMINED" AND 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" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1585H, WITH A DATE OF IDENTIFICATION OF JULY 23, 2007, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

A LOMR (LETTER OF MAP REVISION) HAS BEEN ISSUED BY FEMA, UNDER CASE NO. 07-09-0391P, HAVING AN EFFECTIVE DATE OF JULY 23, 2007, WHICH REVISES THE LOCATION OF FLOOD LIMITS.

THE APPROXIMATE LOCATION OF THE SPECIAL FLOOD HAZARD AREA LIMITS ARE INDICATED HEREON.

4. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
5. PURSUANT TO A.R.S. § 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.

APPROVALS

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS ____ DAY OF _____, 2013, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____ DATE _____
CITY ENGINEER

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS ____ DAY OF _____, 2013.

MAYOR DATE _____

ATTEST:

CITY CLERK DATE _____

NOTICE OF INTERGOVERNMENTAL AGREEMENT

THE CITY OF SURPRISE ("CITY") AND MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT DATED APRIL 8, 1997 AND RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE ON APRIL 9, 1997 UNDER DOCKET NO. 97-0231759 ("IGA"). CITY AND MWD HAVE FACILITIES AND PROPERTY INTERESTS DESCRIBED AND DELINEATED WITHIN CERTAIN SUBDIVISION PLATS THAT HAVE PRIOR AND SUPERIOR RIGHTS TO THE UTILITY SERVICE PROVIDERS. THE IGA PROVIDES FOR THE CITY TO HAVE A PUBLIC UTILITY EASEMENT WITHIN CERTAIN MWD PROPERTY INTERESTS AND FOR MWD TO HAVE AN EASEMENT WITHIN CITY'S PUBLIC RIGHTS-OF-WAY. CITY AND MWD RIGHTS WITHIN THESE EASEMENTS ARE SUBJECT TO AND CONTROLLED BY THE TERMS AND CONDITIONS OF THE IGA.

IN LOCATIONS WHERE APPLICABLE, INCLUDING AND ALL DEDICATIONS WITHIN A SUBDIVISION PLAT, MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND PROPERTY INTERESTS, SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE IGA.

CITY SHALL HAVE THE RIGHT TO AUTHORIZE AND CONTROL THE UTILITY SERVICE PROVIDERS' USE AND OCCUPANCY OF THESE EASEMENTS. CITY REQUIRES THAT UTILITY SERVICE PROVIDERS CONSENT TO BE BOUND BY THIS IGA PRIOR TO THE USE OR OCCUPANCY OF THE EASEMENTS GRANTED UNDER THE IGA. SUCH USE OR OCCUPANCY OF THE EASEMENTS CONSTITUTES CONSENT OF THE UTILITY SERVICE PROVIDERS TO BE BOUND BY THIS IGA.

PUBLIC NOTICE

THE LOTS DEPICTED ON THIS PLAT ARE LOCATED WITHIN THE VICINITY OF LUKE AIR FORCE BASE AND MAY BE SUBJECT TO OVERFLIGHTS BY JET AIRCRAFT. ALL STRUCTURES WITHIN THIS PLAT SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE SOUND ATTENUATION STANDARDS ADOPTED BY THE CITY OF SURPRISE. A MAP DEPICTING THE MOST CURRENT ADOPTED MAG NOISE CONTOURS IN RELATION TO THIS PLAT SHALL BE DISPLAYED IN ALL SALES OFFICES. ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE CITY OF SURPRISE COMMUNITY DEVELOPMENT DEPARTMENT.

RELEASE OF LIABILITY

DESERT STREAMS LUTHERAN CHURCH (ELCA), AN ARIZONA NON-PROFIT CORPORATION ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE USAF AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE. THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF. THIS INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON OR PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THE RIGHT-OF-WAY UNTIL SUCH TIME THE CITY OF SURPRISE HAS ACCEPTED THE SIDEWALKS.

OWNER & DEVELOPER

APN 501-77-013A
DESERT STREAMS LUTHERAN CHURCH (ELCA)
PO BOX 8667
SURPRISE, ARIZONA 85374
CONTACT
PHONE

ENGINEER & SURVEYOR

VESECKY ENGINEERING & SURVEYING
8502 EAST VIA DE VENTURA, SUITE 101
SCOTTSDALE, ARIZONA 85258
PHONE (480) 393-3640

LEGAL DESCRIPTION

THE SOUTH 360 FEET OF THE EAST 1001 FEET OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

SUBJECT PARCEL CONTAINS 360,449 SQUARE FEET OR 8.275 ACRES MORE OR LESS.

BASIS OF BEARING

THE BASIS OF BEARING USED FOR THIS PROJECT IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA. SAID LINE BEARS N00°00'43"E AS MEASURED AND N00°00'33"E, AS SHOWN ON MARICOPA COUNTY GDACS, RECORDED IN BOOK 688, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA.

GPS NOTE

THIS SURVEY WAS PERFORMED UTILIZING NAD 83, WGS 84, GEOID 09 ON ARIZONA CENTRAL ZONE 0202 STATE PLANE COORDINATES AND A GRID TO GROUND FACTOR OF 1.000239.

REFERENCE DOCUMENTS

- (R1) MARICOPA COUNTY GDACS, RECORDED IN BOOK 688, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA
- (R2) MARICOPA COUNTY GDACS, RECORDED IN BOOK 661, PAGE 18, RECORDS OF MARICOPA COUNTY, ARIZONA
- (R3) FINAL PLAT FOR GREENWAY PARC AT SURPRISE TWO, RECORDED IN BOOK 528, PAGE 02, RECORDS OF MARICOPA COUNTY, ARIZONA
- (R4) REPLAT OF TASH LOTS 29-113, 168-251, AND TRACTS B, D, E, F, RECORDED IN BOOK 592, PAGE 40, RECORDS OF MARICOPA COUNTY, ARIZONA
- (R5) FINAL PLAT OF COUNTRYSIDE UNIT 3, RECORDED IN BOOK 537, PAGE 39, RECORDS OF MARICOPA COUNTY, ARIZONA
- (R6) FINAL PLAT OF "COTTON GIN", RECORDED IN BOOK 658, PAGE 40, RECORDS OF MARICOPA COUNTY, ARIZONA
- (R7) WARRANTY DEED, RECORDED IN DOCUMENT NO. 2008-0038461

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF MAY 2013, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED.



REVISIONS				

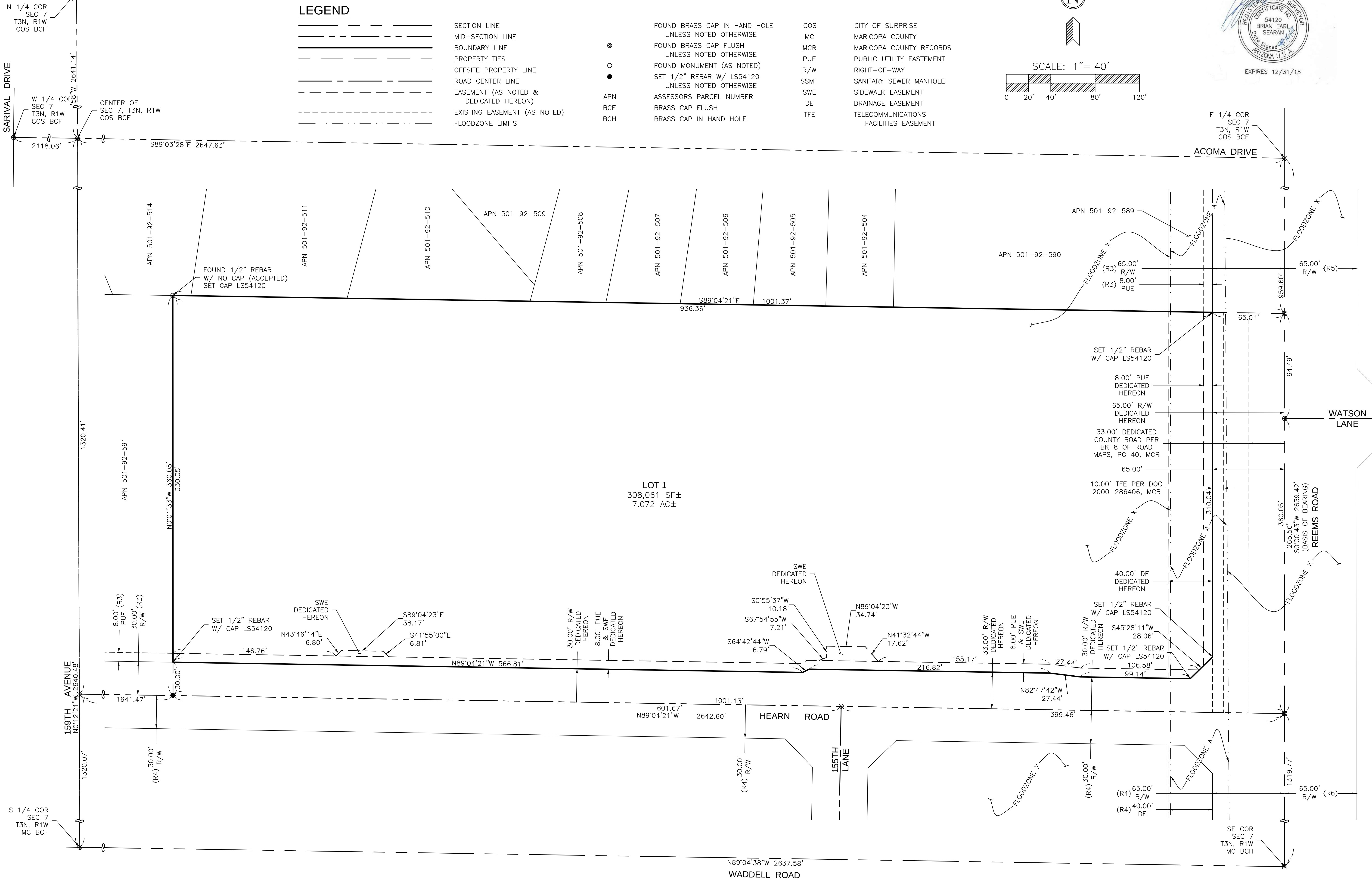
FINAL PLAT OF DESERT STREAMS LUTHERAN CHURCH
THE SOUTH 360' OF THE EAST 1001' OF THE NORTH HALF
OF THE SOUTHEAST QUARTER OF SEC. 7, T3N, R1W, G&SRM

PROJECT NO:	13008
DRAWING DATE:	08/16/13
DRAWN BY:	BES
CHECKED BY:	BES
DRAWING SCALE:	AS SHOWN
DRAWING FILE:	13008_FPT

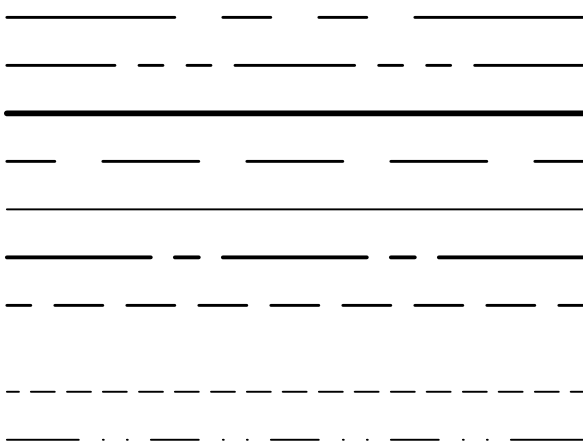
PROJECT NO:	13008
DRAWING DATE:	08/16/13
DRAWN BY:	BES
CHECKED BY:	BES
DRAWING SCALE:	AS SHOWN
DRAWING FILE:	13008_FPT

FINAL PLAT

FINAL PLAT
OF
DESERT STREAMS LUTHERAN CHURCH



LEGEND



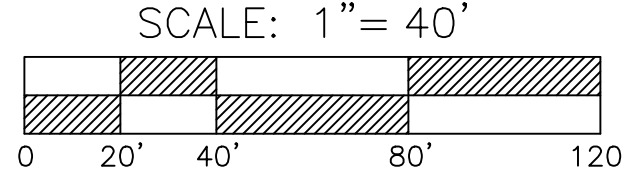
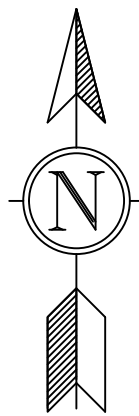
SECTION LINE
MID-SECTION LINE
BOUNDARY LINE
PROPERTY TIES
OFFSITE PROPERTY LINE
ROAD CENTER LINE
EASEMENT (AS NOTED & DEDICATED HEREON)
EXISTING EASEMENT (AS NOTED)
FLOODZONE LIMITS

⊙
○
●
APN
BCF
BCH

FOUND BRASS CAP IN HAND HOLE
UNLESS NOTED OTHERWISE
FOUND BRASS CAP FLUSH
UNLESS NOTED OTHERWISE
FOUND MONUMENT (AS NOTED)
SET 1/2" REBAR W/ LS54120
UNLESS NOTED OTHERWISE
ASSESSORS PARCEL NUMBER
BRASS CAP FLUSH
BRASS CAP IN HAND HOLE

COS
MC
MCR
PUE
R/W
SSMH
SWE
DE
TFE

CITY OF SURPRISE
MARICOPA COUNTY
MARICOPA COUNTY RECORDS
PUBLIC UTILITY EASEMENT
RIGHT-OF-WAY
SANITARY SEWER MANHOLE
SIDEWALK EASEMENT
DRAINAGE EASEMENT
TELECOMMUNICATIONS
FACILITIES EASEMENT



EXPIRES 12/31/15

REVISIONS

FINAL PLAT OF DESERT STREAMS LUTHERAN CHURCH
THE SOUTH 360' OF THE EAST 1000' OF THE NORTH HALF
OF THE SOUTHEAST QUARTER OF SEC. 7, T3N, R1W, G&SRM

PROJECT NO:	13008
DRAWING DATE:	08/16/13
DRAWN BY:	BES
CHECKED BY:	BES
DRAWING SCALE:	AS SHOWN
DRAWING FILE:	13008_FPT

Desert Streams Worship & Community Center Extension

City Council

October 21, 2014



SURPRISE
ARIZONA



VICINITY MAP

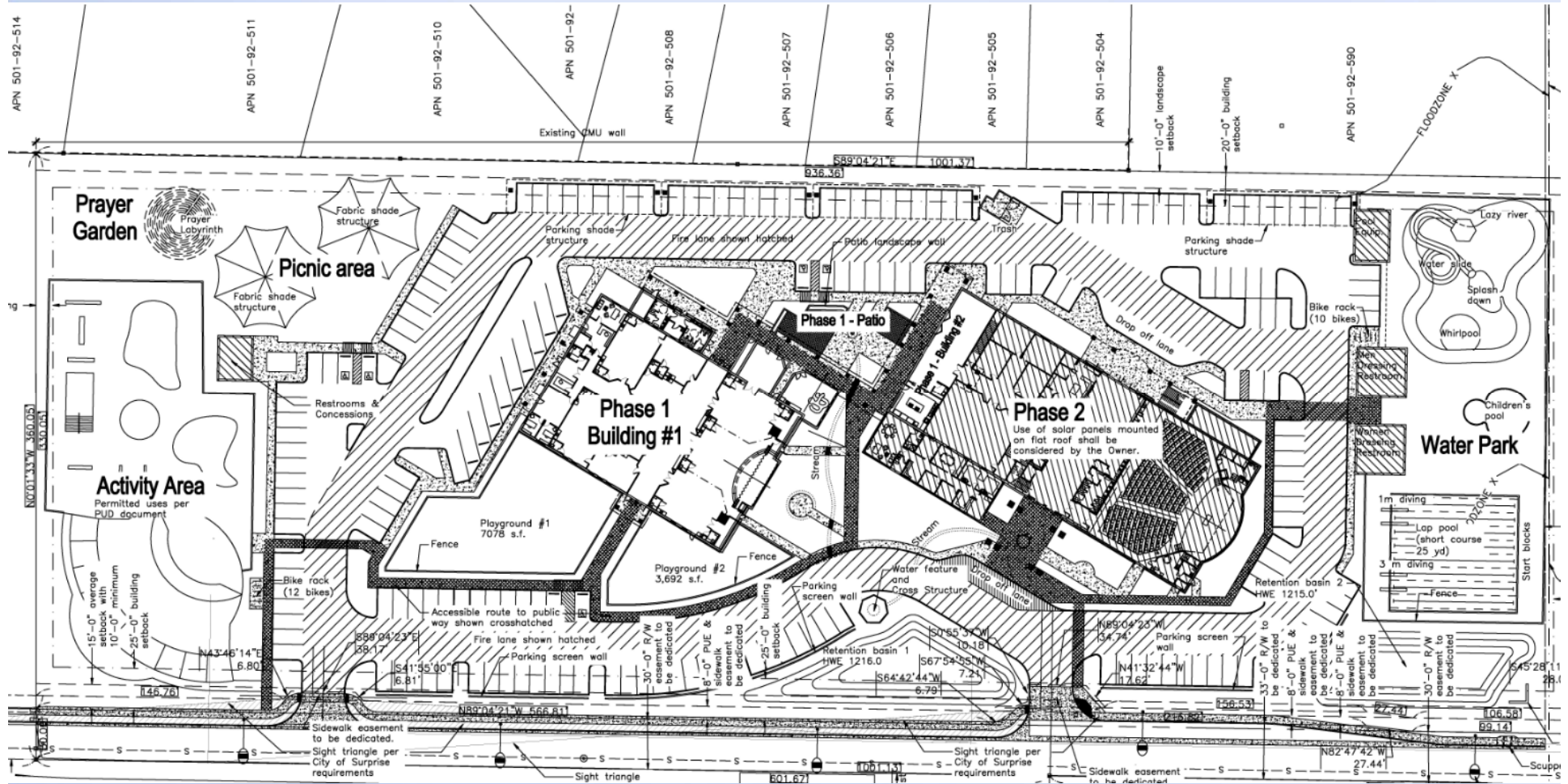


VICINITY MAP



VICINITY MAP

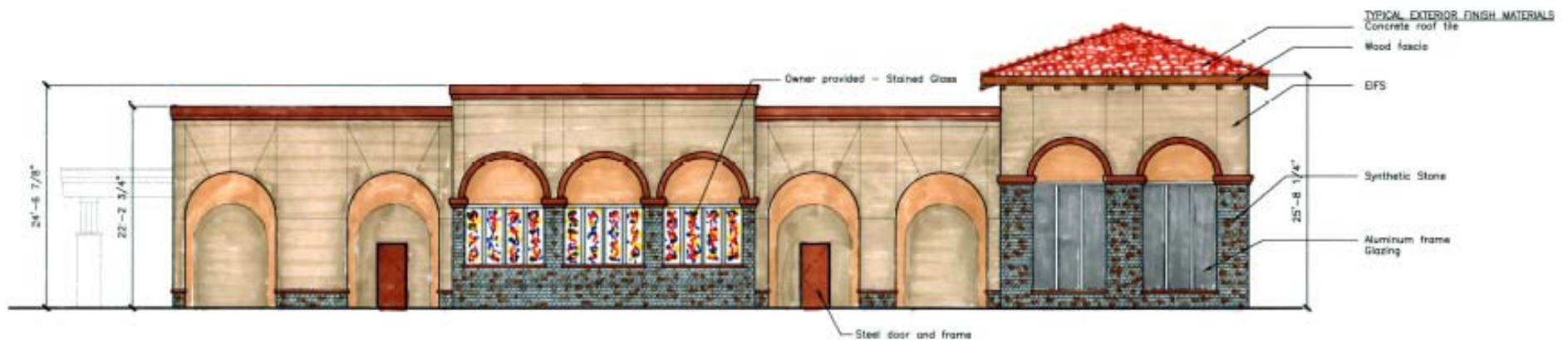




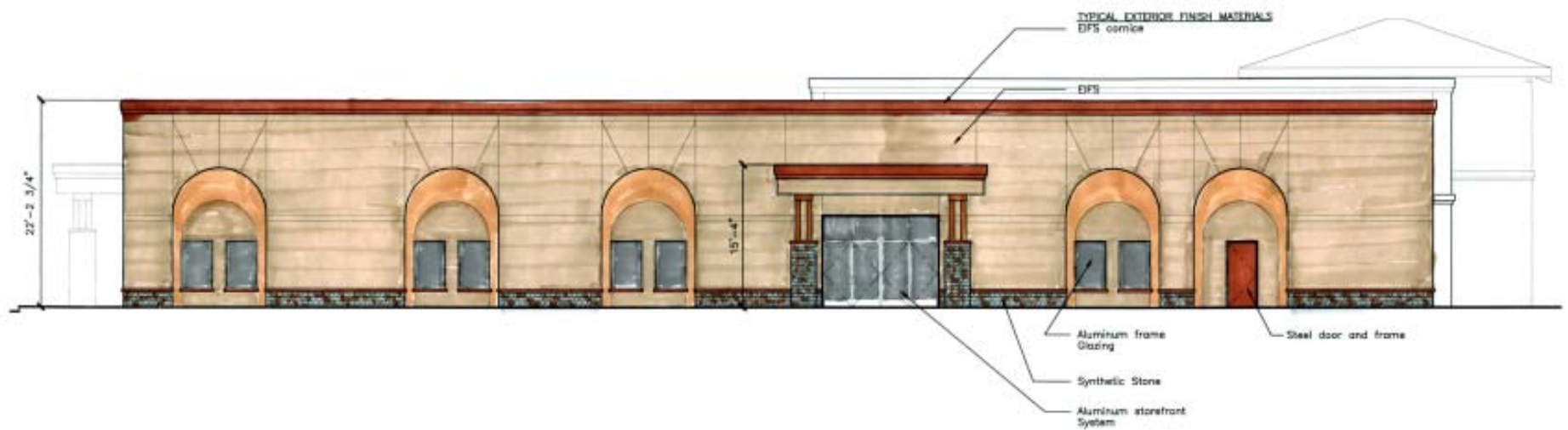
COLOR LANDSCAPE PLAN (Prelim)



BUILDING ONE – EAST ELEVATION



BUILDING ONE – SOUTH ELEVATION



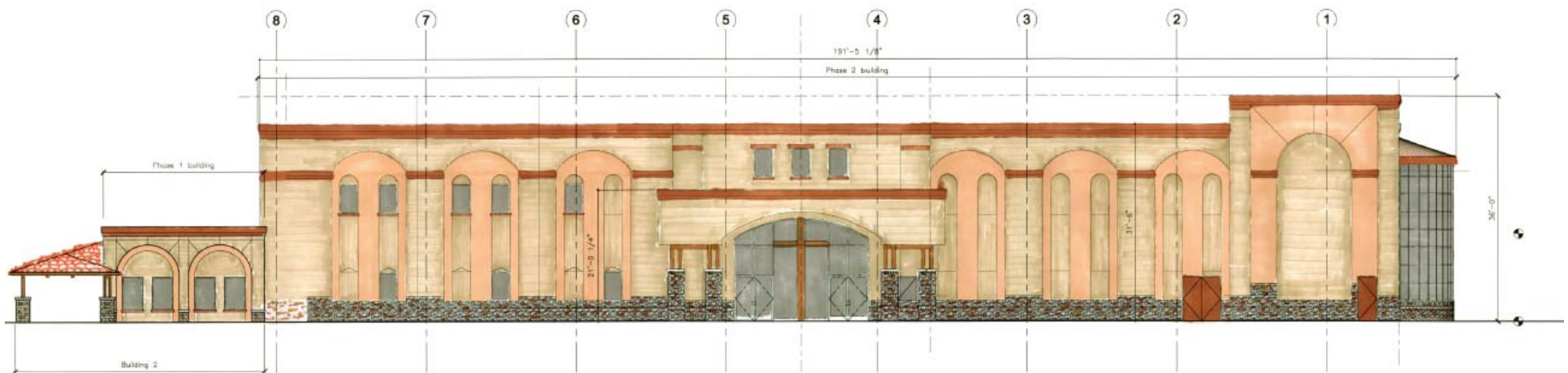
BUILDING ONE – WEST ELEVATION



BUILDING ONE – NORTH ELEVATION



BUILDING TWO – ELEVATIONS



**Staff Recommends
Approval of Desert
Streams Worship &
Community Center Final
Plat Extension**





CITY OF SURPRISE
Regular City Council Meeting

October 21, 2014 @ 6:00:00 PM

+ [Back](#) [Print](#)

Council Meeting Date: October 21, 2014

Contact Person: Sherry Ann Aguilar, City Clerk

Submitting Department:

District: Citywide

Staff Recommendations: Approve

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the Regular City Council Work Session and Regular City Council Meeting minutes of October 7, 2014.

Motion:

I move to approve the meeting minutes.

Background:

Financial Impact Statement:

ATTACHMENTS:

Click to download

☐ [Minutes](#)

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):

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

Tuesday, October 7, 2014 @ 04:00 PM

A. Call to Order

B. Roll Call

Mayor Wolcott called the **Regular City Council Work Session** to order at 04:00 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, October 7, 2014**. Also in attendance with Mayor Wolcott were Vice Mayor Hall, Council Member Winters, Council Member Biundo, Council Member Williams, Council Member Villanueva, and Council Member Tande.

Staff City Manager, Bob Wingenroth, City Attorney, Misty Leslie, and Deputy
Present: City Clerk, Linda Stevens.

C. Pledge of Allegiance

D. Regular City Council Work Session Agenda

Regular Agenda Item - Non-Public Hearing:

1. Discussion and presentation regarding proposed amendment to Municipal Code Section 34-74 relating to the sale and use of Fireworks - NO ACTION

Fire Chief Abbott reported on the proposed amendment to Municipal Code Section 34-74 relating to the sale and use of Fireworks. He commented that they are more in line with state regulations.

Mayor Wolcott asked if the recent action tightens up or loosens the restrictions.

Regular City Council Work Session Minutes – October 7, 2014 – Page 2

Chief Abbott stated that it allows for more time for selling and use of fireworks.

Mayor Wolcott spoke of concern of urban edge being very fragile during certain times of the year.

Chief Abbott Chief stated that this puts us in good position for keep off of government property, then he spoke of private property situations.

Council Member Winters inquired about change in hours.

Council Member Tande inquired about city streets; cul-de-sac and block parties.

Council Member William spoke of communicating what the rule and criteria are.

Vice Mayor Hall spoke of elevating the communication during New Years and Fourth of July.

2. Discussion regarding proposed changes to Chapter 2 of the Surprise City Code related to Boards and Commissions - NO ACTION

City Attorney, Misty Leslie gave a powerpoint presentation regarding the changes discussed on September 2, 2014. A powerpoint presentation is attached.

Ms. Leslie reviewed the changes that Council had requested on September 2.

Discussion regarding General Provisions - no changes per City Council.

Council Member Winters: 2-292 and the Selection Committee.

Council Member Biundo: requesting a report from boards/commissions.

Council Member Villanueva: about 2-290 - public body.

Council Member Biundo: 2953 D - exceptions

Vice Mayor Hall: 296 - paragraph 4 - selection

Mayor Wolcott: 2-295 - serve of any public body. She stated she is concerned with language because she may serves on other boards in private lives.

Mayor Wolcott spoke of CDBG.

Regular City Council Work Session Minutes – October 7, 2014 – Page 3

Council Member Biundo spoke of CDBG history.

Mayor Wolcott spoke of televising the meetings and commented that we want to be open and transparent.

Council Member Winters: P/Z should televise regular meetings

Council Member Villanueva: some of the members may feel uncomfortable.

Council Member Williams: it documents the history.

Council Member Biundo: item 4 - be cautious not use the word budget

Council Member Tande: spoke of City of Glendale

Council Member Villanueva: insurance for art work

Discussion regarding youth in Surprise.

Council Member Tande: include charter schools

Vice Mayor Hall: make exception as long as we have structure

Council Member Villanueva: want all Dysart schools included.

Council Member Winters: home school kids

Council Member Williams: needs to be some credibility and sustainability

Siera Pietry: would make sense to formalize, it prepares for education and time management.

Yona Nikaio - formalization to the direction you go in

E. Call to the Public

Bob Vukanovich commented that his concern has always been with the Original townsite. He spoke of improvements vs rejuvenation.

F. Executive Session

Regular City Council Work Session Minutes – October 7, 2014 – Page 4

G. Adjournment

Council Member Villanueva made the motion to adjourn the Regular City Council Meeting of October 7, 2014 at 5:41 PM. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

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 7, 2014.**

Sherry Ann Aguilar, City Clerk

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

Tuesday, October 7, 2014 @ 06:02 PM

A. Call to Order

B. Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:02 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, October 7, 2014**. Also in attendance with Mayor Wolcott were Vice Mayor Hall, Council Member Winters, Council Member Biundo, Council Member Williams, Council Member Villanueva, and Council Member Tande.

Staff City Manager, Bob Wingenroth, City Attorney, Misty Leslie, and Deputy
Present: City Clerk, Linda Stevens.

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

Recognizing Domestic Violence Awareness Month

Mayor Wolcott presented the proclamation to Laura Horsley of Eve's Place.

Recognizing Bullying Prevention Month - presented to Jim Dean, assistant superintendent at Dysart Unified School District

Mayor Wolcott presented the proclamation to Jim Dean of Dysart Unified School District

Oath of Office - Iona Nikaio

Deputy City Clerk, Linda Stevens administered the Oath of Office for Iona Nikaio, Youth Civic Leader.

E. City Manager Report

Mark Coronado, Community and Recreation Services Director reported on the 2014 Surprise Fiesta Grande.

F. City Attorney Report

G. Regular City Council Meeting Agenda:

Consent Agenda

Council Member Winters made the motion to approve the consent agenda excluding item #5. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

2. **Consideration and action to authorizing the City Manager to accept the Victims' Right Program Grant award from the Attorney General's Office in the amount of \$24,800; Resolution #2014-93 - APPROVED**
3. **Consideration and action on the meeting minutes of September 16, 2014 Regular Work Session (Joint Meeting) and Regular City Council Meeting - APPROVED**
4. **Consideration and action on a resolution accepting the State of Arizona, Department of Homeland Security grant in the amount of \$54,000 in support of the Urban Area Security Initiative (UASI) program and amending the FY2015 budget by reallocating appropriations of \$54,000 from within the grants and contingency fund; Resolution No. 2014-98 - APPROVED**
5. **Consideration and action approving a final plat entitled Replat of Final Plat Amendment of Lot 7, Stadium Village South, dated August 21, 2014, a property generally located at the northeast corner of North Parkview Place and West Paradise Lane; Resolution #2014-99 - APPROVED**

Vice Mayor Hall removed the item from the consent agenda and requested a presentation regarding the history of the property from 2002 to present.

Regular City Council Meeting Minutes – October 7, 2014 – Page 3

City Planner, Hobart Wingard gave an update to Council regarding the history.

Vice Mayor Hall asked for clarification regarding R1-5, R2, R3, C2, C3 - 2002; an amendment in 2008; 62 rooms 86 beds; architecture and number of jobs.

Vice Mayor Hall inquired about the investment in the building.

Applicant Jason Craig with Avenue Retirement stated that the total investment is approximately \$12K.

Mayor Wolcott commented on talk regarding possible overuse of facilities, the vision of continuum of memory care services. She also commented that she likes the idea of the facility being located in a community.

Council Member Winters made the motion to approve a final plat entitled Replat of Final Plat Amendment of Lot 7, Stadium Village South, dated August 21, 2014, a property generally located at the northeast corner of North Parkview Place and West Paradise Lane; Resolution #2014-99 Vice Mayor Hall seconded the motion. Seven yes votes. Motion carried.

Regular Agenda Item - Non Public Hearing

6. Presentation by Rosemary Ybarra Hernandez regarding the Aguila Youth Leadership Program - NO ACTION

Ms. Hernandez, CEO reported on the Aguila Youth Leadership Program and Youth development.

Vice Mayor Hall inquired about funding.

Ms. Hernandez stated they receive grants, donations, and raffles.

Council Member Tande asked for statistics.

Council Member Winters spoke of her enthusiasm and inquired about GPA.

Ms. Hernandez stated that there are no GPA requirements.

Council Member Villanueva spoke of students dropping out of the program due to lack of transportation.

7. Presentation and discussion on FY2014 transit service, and planned FY2015 services - NO ACTION

Dave Kohlbeck gave a powerpoint presentation regarding the FY14 transit service and planned FY15 services.

Council Member Winters inquired about the temporary location for park n ride.

Mr. Kohlbeck spoke of Dream Catcher Park or City Hall.

Vice Mayor Hall inquired about extension connection.

Mr. Kohlbeck reviewed the options.

Public Works Director, Mike Gent explained the cost of buses.

Council Member Winters referred to the survey.

Vice Mayor Hall referred to the analysis and commented on Mr. Kohlbeck's ability to drill down and get answers for him.

Mayor Wolcott stated this has been extremely successful and referred to ridership.

8. Consideration and action authorizing Tourism/Marketing funding to Thunderbird Artists in an amount not to exceed \$31,000 and amending the budget for FY 2015 Surprise Fine Art and Wine Festival as recommended by the Tourism Advisory Commission; Resolution No. 2014-95 - APPROVED

CRS Director, Mark Coronado reported on the event.

Council Member Winters referred to the slide regarding WHAM and asked for comparison between WHAM and Thunderbird Artists.

Mr. Coronado referred to the ledger.

Council Member Biundo referred to the 15% increase in attendance, stated it's more identified.

Vice Mayor Hall inquired about sundancers booth.

Regular City Council Meeting Minutes – October 7, 2014 – Page 5

Council Member Williams made the motion to approve authorizing Tourism/Marketing funding to Thunderbird Artists in an amount not to exceed \$31,000 and amending the budget for FY 2015 Surprise Fine Art and Wine Festival as recommended by the Tourism Advisory Commission; Resolution No. 2014-95. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

9. **Consideration and action authorizing Tourism/Event funding for the 2015 Surprise Big 10/ Pac 12 Collegiate Spring Training Baseball Challenge in an amount not to exceed \$15,000 and amending the budget for FY 2015 as recommended by the Tourism Advisory Commission; Resolution No. 2014-96 - APPROVED**

CRS Director, Mark Coronado reported on the event.

Vice Mayor Hall asked that they notify the following of the event: Paradise Bakery, Red Robin and Subway's.

Council Member Villanueva inquired about rooms available.

Mr. Coronado stated there are 700 room nights.

Council Member Williams made the motion to approve authorizing Tourism/Event funding for the 2015 Surprise Big 10/ Pac 12 Collegiate Spring Training Baseball Challenge in an amount not to exceed \$15,000 and amending the budget for FY 2015 as recommended by the Tourism Advisory Commission; Resolution No. 2014-96. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

10. **Discussion and consideration of the Surprise Community Outreach Program, application guidelines and evaluation/selection criteria as set forth in the program application packet - APPROVED**

Grants Coordinator, Janeen Gaskin reported on the grant.

Council Member Winters congratulated her for her hard work.

Vice Mayor Hall agreed with all of the recommendations.

Mayor Wolcott gave background on the item.

Regular City Council Meeting Minutes – October 7, 2014 – Page 6

Vice Mayor Hall made the motion to approve the Surprise Community Outreach Program, application guidelines and evaluation/selection criteria as set forth in the program application packet. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

Regular Agenda Item - Public Hearing

11. Consideration and Action approving a minor amendment to General Plan 2035, Section 6.0, Implementation; Resolution #2014-101 - APPROVED

Planning Manager, Lloyd Abrams reported on the amendment.

No public comments were made.

Council Member Biundo made the motion to approve a minor amendment to General Plan 2035, Section 6.0, Implementation; Resolution #2014-101. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

Regular Agenda Item - Non Public Hearing

12. Consideration and action on an agreement with Michael J. Baker, Inc. to develop the Village 5 Plan in the amount of \$216,979 with additional city related costs of approximately \$5,000 for a total FY2015 budget amendment in the amount of \$222,000; Resolution 2014-102 - APPROVED

Planning Manager, Lloyd Abrams reported on the project.

Council Member Tande spoke of timeframe and inquired about funding.

Mr. Abrams stated it's coming from Personnel to Services.

Council Member Tande made the motion to approve an agreement with Michael J. Baker, Inc. to develop the Village 5 Plan in the amount of \$216,979 with additional city related costs of approximately \$5,000 for a total FY2015 budget amendment in the amount of \$222,000; Resolution 2014-102. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

13. Consideration and Action disbanding the Teen Advisory Commission (TAC) and Surprise Youth Leadership Commission (SYLC), directing the City Attorney to prepare the appropriate Code changes to eliminate the TAC and SYLC, and directing the City Manager regarding youth engagement - APPROVED

City Attorney reported on disbanding the groups and amending the code.

Council Member Williams gave a recap of previous discussion.

H. Call to the Public

Bob Vukanovich was not present but submitted a statement for the record.

Vukanovich - Statement for the Record

I. Other Business

Mayor Wolcott: Work Session on 5 year Revit Program

J. Mayor/Council Reports

Mayor and Council attended and/or reported on the following:

Council Member Villanueva: thanked everyone who assisted with the Fiesta, the dedication, Police Dept. and referred to a letter by Sun Ridge.

Council Member Tande: Ramon Guzman from Nogales; the Fiesta Grande

Council Member Winters: Thanked Mr. Coronado, staff and Mr. Wingenroth; the dedication

Council Member Biundo: Capital Scholars Program reception

Vice Mayor Hall: Sun City Grand event

Mayor Wolcott: Fiesta Grand; thanked staff; thanked the OTS

K. Executive Session

Regular City Council Meeting Minutes – October 7, 2014 – Page 8

L. Adjournment

Vice Mayor Hall made the motion to adjourn the Regular City Council Meeting at 8:15 PM. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

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 7, 2014.**

Sherry Ann Aguilar, City Clerk

Call to public

For the record
Estuans

Surprise City Hall Council Chambers
16000 N Civic Center Plaza

10/7/2014 Workshop

Mayor and Council Members, have you ever had or thought about having a workshop about how we can go about improving the original town site?

Did you know that ASU gave us plans in 1999 or 2000 showing us how we could develop, what we refer to as the O.T.S. Staff gave the council good advice on how to go about this, but mayor and council this was in 2001, nothing was done other than in 2006 we designated the O.T.S. as an incentive district, naming the incentives that developers could receive when improving property in the district. Wanting to develop some lots on El Mirage Rd I asked about these incentives, since then most of them have been taken off of the city's web site. I would like to ask this council who authorized staff to eliminate the incentive's that were in place until I brought them up?

El Mirage Rd. is not owned by the City of Surprise and has been an eye sore for a long time, you should update the requirements for the improvement of the lots facing what will be an express way.


Bob Vukanovich

15408 W. Jill Ln, Surprise, AZ 85374



CITY OF SURPRISE
Regular City Council Meeting

October 21, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date: October 21, 2014

Contact Person: Lindsey Duncan, Finance Director

Submitting Department:

District: Citywide

Staff Recommendations: No Action

Consent

Regular

Public Hearing

Report/Discussion

Agenda Wording:

Presentation and discussion pertaining to the FY2014 Budget Status Report through June 2014.

Motion:

N/A

Background:

None

Financial Impact Statement:

The attached presentation provides an update of the year to date revenue and expenditures for the general fund and highway user revenue fund(HURF) through June 2014.

ATTACHMENTS:

Click to download

☐ [2014 Monthly Financial Report](#)

External Attachment Links:

Meeting Requirements:

Powerpoint x

Video

White Board

Other x

Presentation Speaker Names (spelling and titles for TV captions):

Lindsey Duncan, Finance Director

FY2014 Monthly Budget Status Report

as of June 2014

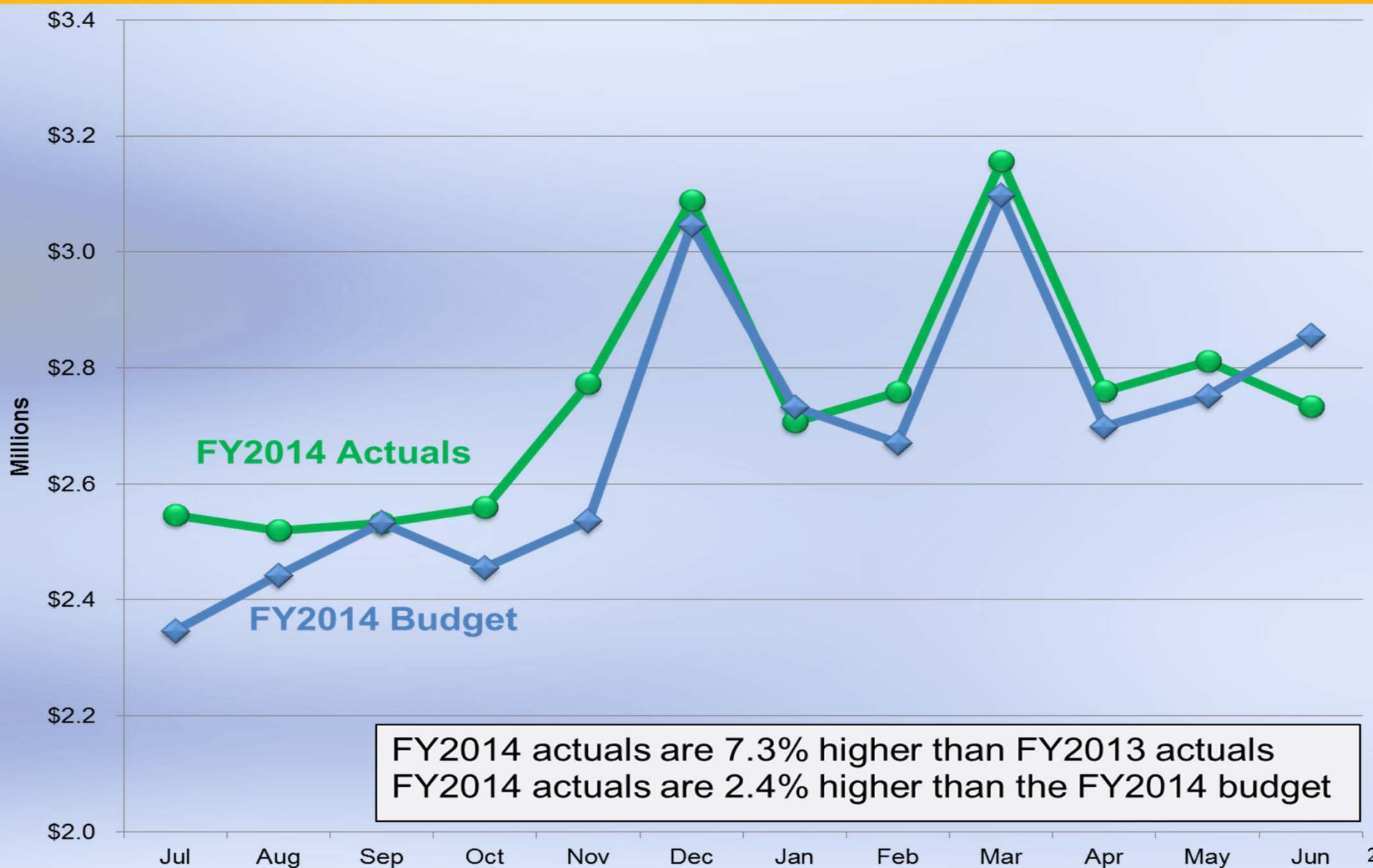
October 21, 2014



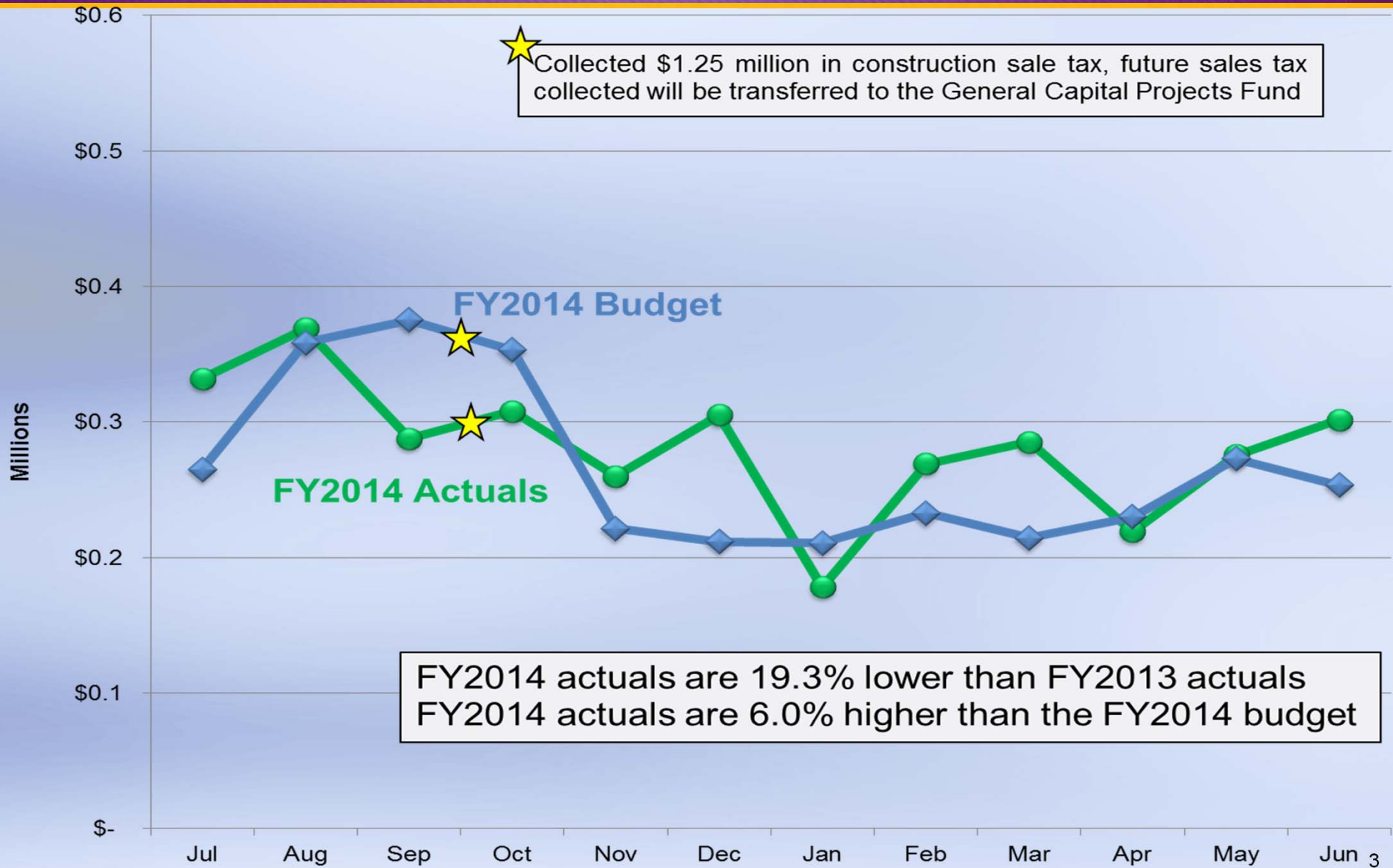
SURPRISE
ARIZONA



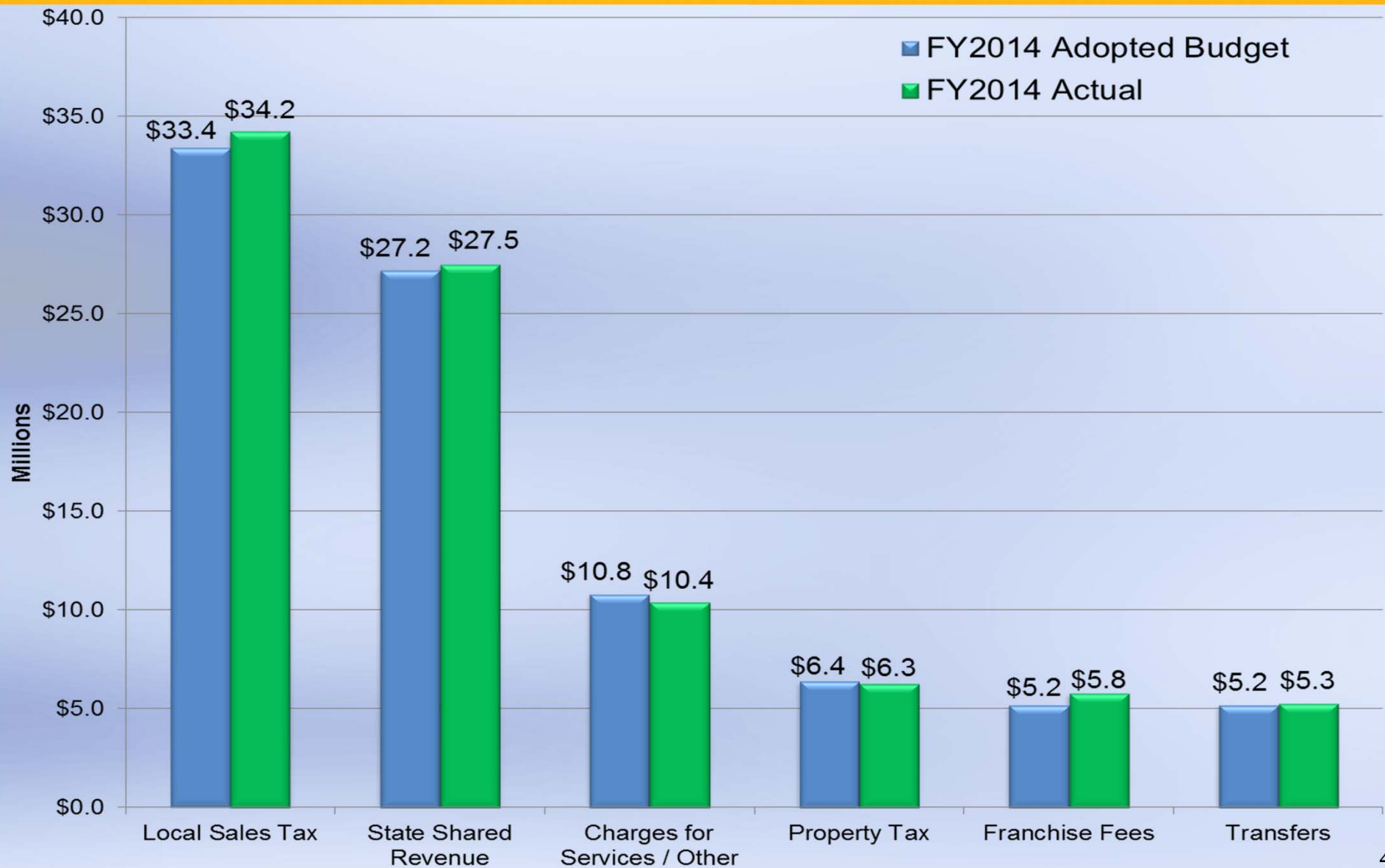
Sales Tax (Excluding Construction)



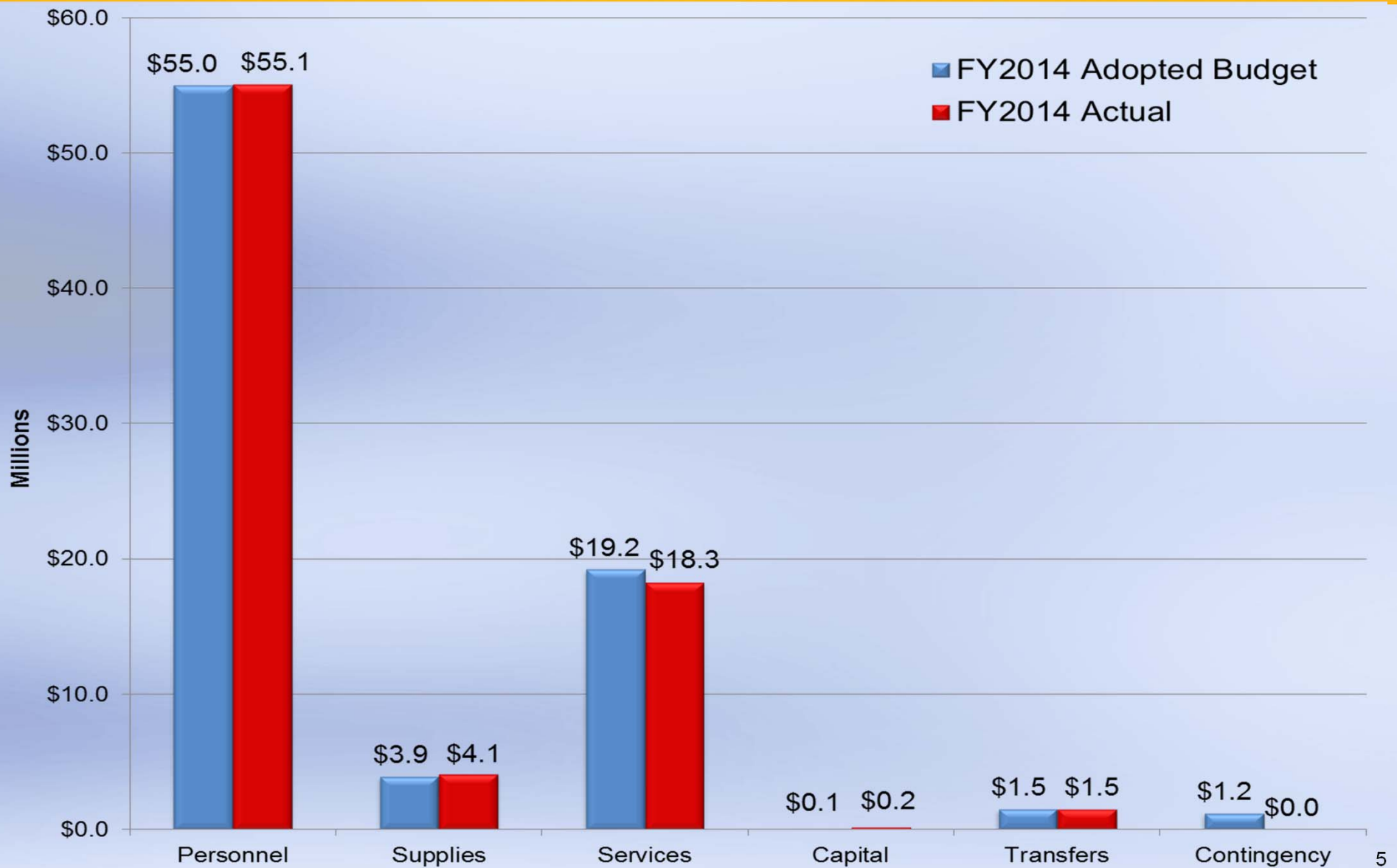
Construction Sales Tax



GF FYTD Resources by Category



GF FYTD Uses by Category



FYTD Results – General Fund

(in millions)*



General Fund	FY2014 Budget	FY2014 Actual*
Beginning Balance	\$ 17.6	\$ 17.6
Total Resources	\$ 88.3	\$ 89.6
Total Expenditures	\$ 80.0	\$ 79.7
Ending Balance	\$ 25.9	\$ 27.4

*unaudited

FYTD Results – General Fund

(in millions)*



General Fund	FY2014 Estimate	FY2014 Actual*	Variance
Personnel	\$ 54.4	\$ 55.1	\$ (0.7)
Supplies	\$ 3.4	\$ 4.1	\$ (0.7)
Services	\$ 17.7	\$ 18.3	\$ (0.6)
Capital	\$ 0.1	\$ 0.2	\$ (0.1)
Debt	\$ 1.5	\$ 2.0	\$ (0.5)
Total Uses	\$ 77.1	\$ 79.7	\$ (2.6)

*unaudited

FYTD Results – General Fund

(in millions)*



General Fund	FY2014 Estimate	FY2014 Actual*
Beginning Balance	\$ 17.6	\$ 17.6
Total Resources	\$ 88.7	\$ 89.6
Total Expenditures	\$ 77.1	\$ 79.7
Ending Balance	\$ 29.2	\$ 27.4

*unaudited

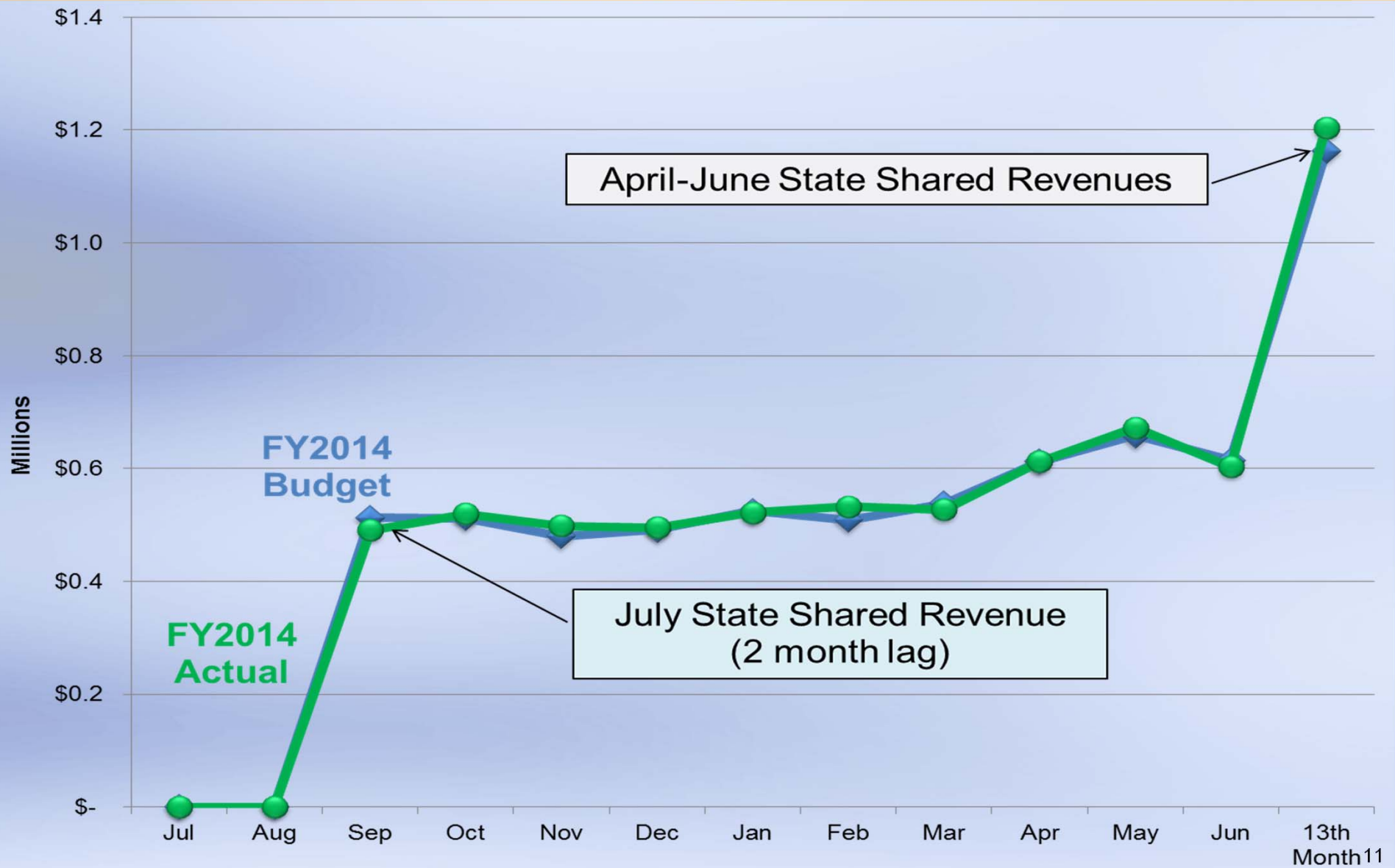
HIGHWAY USER REVENUE FUND QUARTERLY UPDATE

Background - HURF

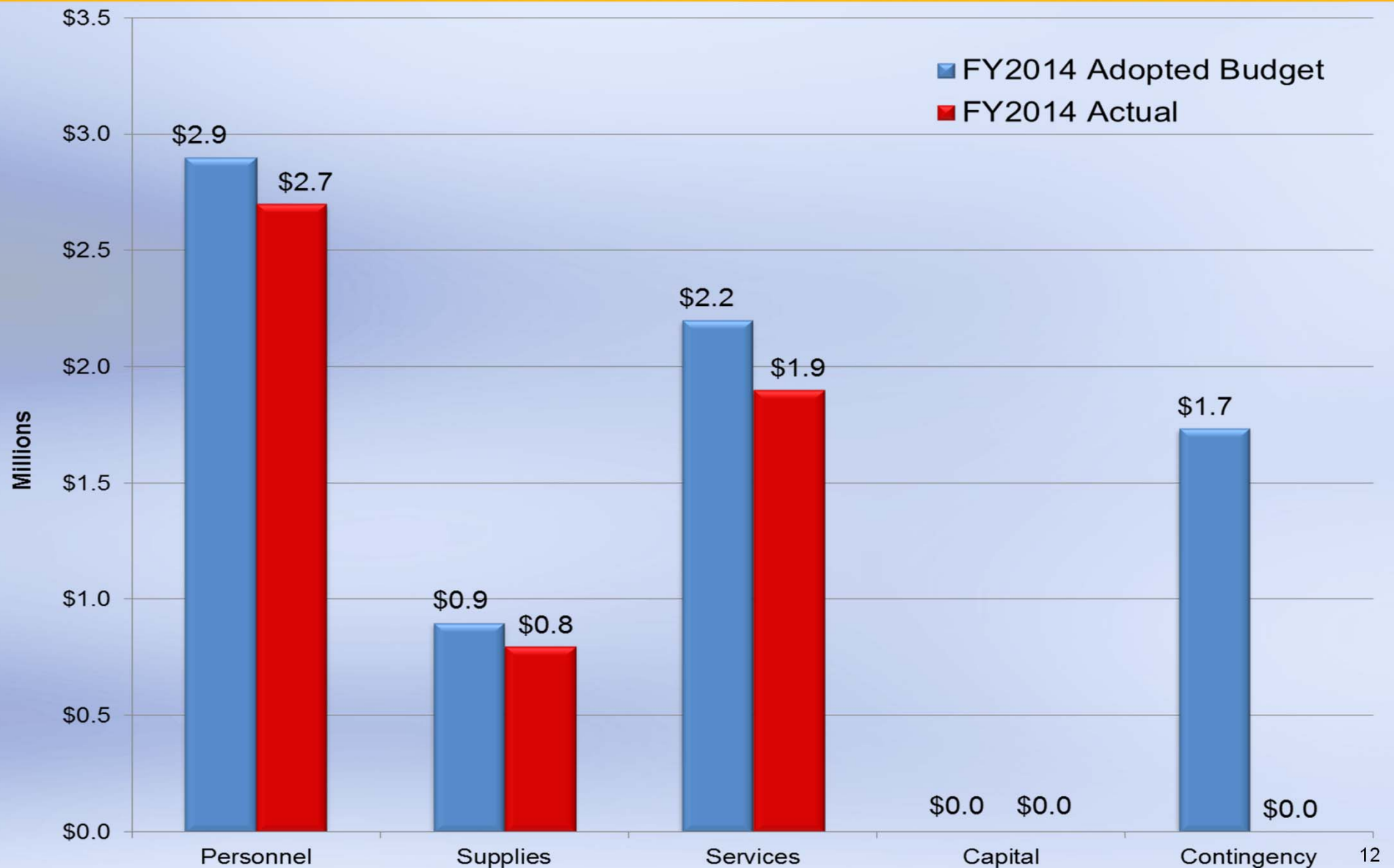


- The **State collects gasoline and use fuel taxes**, motor carrier taxes, vehicle license taxes, vehicle registration fees, and other miscellaneous fees.
- These **revenues are then distributed to the cities**, towns and counties and to the State Highway Fund.
- The City's allocation is based on population and is currently **2.1%** of the distribution for cities.

State Shared HURF Revenue



HURF FYTD Uses by Category



FYTD Results – HURF

(in millions)*



HURF Fund	FY2014 Estimate	FY2014 Actual*
Beginning Balance	\$ 1.5	\$ 1.5
Total Resources	\$ 6.6	\$ 6.7
Total Expenditures	\$ 6.0	\$ 5.4
Ending Balance	\$ 2.1	\$ 2.8

*unaudited

FY2014 Monthly Budget Status Report

as of June 2014





CITY OF SURPRISE
Regular City Council Meeting

October 21, 2014 @ 6:00:00 PM

[Back](#) [Print](#)

Council Meeting Date:	October 21, 2014	Contact Person:	Fire Chief Abbott
Submitting Department:		District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Presentation and action amending the Surprise Municipal Code relating to the sale and use of fireworks; Ordinance No. 2014-11.

Motion:

I move to approve Ordinance 2014-11.

Background:

The state legislature amended fireworks regulations in the just completed legislative session. They created three types of fireworks:

- 1) Display fireworks – fireworks necessitating a permit from the city and that either explode in the air;
- 2) Consumer fireworks – fireworks that citizens can buy and use, subject to regulation; and
- 3) Other fireworks that can be used anywhere and cannot be regulated (e.g., sparklers).

Display fireworks continue to be closely regulated by the city and require a permit to be discharged. This revision of city ordinance provides consistency with state statutes and regulations surrounding the sale and use of consumer fireworks. The ordinance will provide the following:

- Consumer fireworks cannot be set off on public property (property belonging to any government entity)
- Use and sales of consumer fireworks are limited to the time periods specified in the legislation passed this year
- Must be 16 or older to purchase consumer fireworks
- Consumer fireworks cannot be set off by persons under 16
- Consumer fireworks cannot be set off without the permission of the property owner

-Regulates sellers of consumer fireworks requiring them to obtain a permit from the fire-medical department

-Provides for recovery of expenses of an emergency response from a person using consumer fireworks or display fireworks

Financial Impact Statement:

There is no financial impact.

ATTACHMENTS:

Click to download

- ☐ [Fireworks Ordinance Amendment](#)
 - ☐ [Fireworks Ordinance Presentation 2](#)
-

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):

Fire Chief Tom Abbott

ORDINANCE 2014-11

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING THE AMENDMENT TO THE SURPRISE MUNICIPAL CODE CHAPTER 34, ARTICLE IV, SECTION 74, RELATING TO THE SALE AND USE OF FIREWORKS.

WHEREAS, the Arizona Legislature amended the state fireworks regulations to mandate the sale and use of consumer fireworks be allowed state-wide, with certain exceptions and conditions, effective April 22, 2014; and

WHEREAS, the City of Surprise desires to carry out that mandate while prohibiting the sale and use of consumer fireworks on City owned property and limiting the time periods during which consumer fireworks can be sold and used consistent with state law.

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

Section 1. Surprise City Code Chapter 34, Article IV, Section 74 is amended to read:

Sec. 34-74. Use and sale of fireworks.

- (a) *Definitions.* Unless otherwise defined in the Surprise Municipal Code, terms used in this section shall have the same meaning as A.R.S. § 36-1601.
- (b) *Fireworks regulated; exceptions.*
 - (1) The use, discharge or ignition of fireworks within the city limits is prohibited except public displays of fireworks pursuant to a valid city permit.
 - i. Permits for the public display of fireworks may be granted by the Surprise Fire Medical Department, upon application and after proper inspection, in a manner that does not endanger persons, animals, or property. A permit shall not be issued, and may be revoked, during time periods of High Fire Danger warnings. The Fire Chief, or designee, has authority to impose conditions on any permits granted.
 - (2) The use, discharge or ignition of permissible consumer fireworks within the city limits is prohibited upon public property. Public property shall include real property owned by any and all government entities and shall include by way of example, but not by way of limitation, streets, sidewalks, alleys, parks and recreational properties as well as all office buildings and

business facilities including the grounds surrounding them. The use, discharge or ignition of permissible consumer fireworks upon private property is prohibited:

- i. by anyone who is less than sixteen (16) years of age; and
- ii. during the time periods of January 4th through June 23rd and July 7th through December 23rd, and
- iii. without the permission of the of the property owner.

(c) *Sale of fireworks.*

- (1) No person shall sell, permit or authorize the sale of permissible consumer fireworks to a person under the age of sixteen (16) years of age or in conflict with state law.
- (2) No person shall sell, permit or authorize the sale of permissible consumer fireworks to the public during the time periods of either January 4th through May 19th or July 7th through December 9th.
- (3) Prior to the sale of permissible consumer fireworks, every person engaged in such sales shall:
 - i. comply with Surprise Municipal Code Chapter 26, Article II, Business Licenses.
 - ii. submit a consumer fireworks sales application to the Fire Medical Department and obtain an inspection certificate/city permit from the Surprise Fire Medical Department verifying compliance with applicable state law pertaining to the storage, transportation and sale of consumer fireworks for each and every location from which sales will be conducted. The inspection certificate/city permit is valid for a period of six months from date of issuance.
 - iii. openly and conspicuously post color copies of inspection certificates at each cash register and in each area where fireworks are displayed for sale.
 - iv. any temporary sales location must comply with the Surprise Uniform Development Code requirements for a temporary use/special event permit.

(d) *Posting of Signs by sellers.*

- (1) Prior to the sale of permissible consumer fireworks, every person engaged in the selling of permissible consumer fireworks shall prominently display signs indicating the following:
 - i. The use of all fireworks including permissible consumer fireworks as defined under state law within the City of Surprise is prohibited, except:
 - a. as authorized by Fire Medical Department permit, or
 - b. on private property with the consent of the owner, but only from June 24th through July 6th or from December 24th through January 3rd.

- ii. consumer fireworks authorized for sale under state law may not be sold to or used by persons under the age of sixteen (16).
 - iii. persons using permissible consumer fireworks are liable for any emergency response costs related to the use of fireworks.
 - (2) Signs required under this section shall be placed in each area where fireworks are displayed for sale.
 - (3) The City Fire Chief or designee shall develop regulations concerning the size and color of the required signs and develop a model sign. The required sign regulations and model sign shall be posted on the City's website and filed with the City Clerk's office.
- (e) *Enforcement; penalties.*
- (1) Violation of this section may be either a criminal violation or civil violation in accordance with Surprise Municipal Code Chapter 2, Article VI, Ordinance Violations and Citations Practice and Procedure.
 - (2) Civil violations may be issued by the Fire Chief or designee, and any Surprise police officer, code enforcement officer, or park ranger.
 - (3) Criminal violations may be issued by any Surprise police officer.
 - (4) Any person authorized pursuant to this section to issue a civil citation may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal violation.
 - (5) Criminal violation of this section shall be a class 1 misdemeanor.
- (f) *Liability.*
- (1) A person who uses, discharges or ignites fireworks, permissible consumer fireworks, display fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section.
 - (2) The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subpart (a) of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.
 - (3) For the purposes of this section:
 - i. "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.

- ii. "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident
- iii. "City Permit" means a permit issued by the City Fire Chief or designee.
- iv. "Public displays of fireworks" means a monitored performance of display fireworks open to the public and authorized by city permit.
- v. "Display firework" means large firework devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration or detonation as prescribed by 49 Code of Federal Regulations part 172, regulations of the United States consumer product safety commission as prescribed in 16 Code of Federal Regulations parts 1500 and 1507 and the APA 87-1.

Section 2. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or the Code adopted herein are repealed.

PASSED AND ADOPTED this ____ day of _____, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Surprise Fire-Medical

Adoption of the Fireworks Ordinance Amendment



Fireworks Ordinance Amendment



The Arizona Legislature amended the state fireworks regulations during the second regular session 2014

Fireworks are classified as follows:

- **Display fireworks – large firework devices that are explosive materials intended for use in fireworks displays. These fireworks require a permit from the city.**
- **Consumer fireworks – small fireworks that citizens can buy and use subject to regulation**
- **Permissible consumer fireworks – these can be used anywhere and cannot be regulated (e.g., sparklers).**



Fireworks Ordinance Amendment

The following proposed revisions of the City ordinance will provide consistency with Arizona Revised Statutes with respect to regulations surrounding the sale and use of consumer fireworks.

These proposed revisions to the City ordinance will provide that:

- Consumer fireworks cannot be set off on public property belonging to any government entity.**
- Use and sale of consumer fireworks are limited to predetermined time periods**
- A person must be 16 years or older to sell and/or purchase consumer fireworks**
- Consumer fireworks cannot be set off without the permission of the property owner**

Questions ?