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

Tuesday, June 17, 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 5	Consideration and action approving the the final plat entitled "Amended Final Plat of Mountain Vista Ranch Parcel 14, Tracts D & E, dated May 21, 2014, a property generally located on the southeast corner of 162nd Lane and Post Drive; Resolution 2014-61.	Approve Chris Boyd, Community & Economic Development
*#2	District Internal	Consideration and action authorizing the City Manager to accept a grant for cost reimbursement of up to $6,500 from the Department of Homeland Security for two police officers to attend the Government Training Institute's Basic SWAT course; Resolution 2014-67.	Approve Michael T. Frazier, Police Chief
*#3	District Citywide	Consideration and action by Mayor and Council to amend the Bell Road Access Control Plan dated November 29, 2006 and approved by City Council February 8, 2007 by amending Appendix F Figure F-2, Page 5 of 16, by deleting the ¾ access at locations N17 and S15, and amending the access at N17 to allow for an eastbound left turn northbound, and to block any westbound left turn into the S15 driveway.	Approve Dick McKinley, Public Works Department
*#4	District 2	Consideration and action approving a final plat entitled "A Replat of a Portion of Parkview Place Senior Village Lot 5", dated March 2014, a property located at 14581 West Parkwood Drive;	Approve Chris Boyd, Community

		Resolution 2014- 63.	& Economic Development
*#5	District Citywide	Consideration and action on the minutes of June 3, 2014 Regular City Council Work Session; Special City Council Meeting and Regular City Council Meeting.	Approve Sherry Ann Aguilar, City Clerk

Regular Agenda Item - Non-Public Hearing:

#6	District Internal	Consideration and action to reappoint the following members for the Judicial Selection Advisory Commission: Judge Robert Miles (Superior Court) and Kelly Schwab (MC Bar Association) with term expirations of July 1, 2018 (both 4 year terms). -	Approve Sherry Ann Aguilar, City Clerk MMC
#7	District 1	Consideration and action on the appointment of Tyson Gage to fill a vacancy on the Personnel Appeals Board with a term expiration of July 1, 2015; John C. Hart to fill a vacancy on the Building and Construction Review Board with a term expiration of July 1, 2016; Gabriel Rivas to fill a vacancy for the Tourism Commission to represent Restaurant position with a term expiration of July 1, 2015 and Christopher Herring to fill a vacancy on the Judicial Selection Advisory Commission with a term expiration of July 1, 2018. And direct the City Clerk to administer the Oath of Office.	Approve Sherry Ann Aguilar, City Clerk MMC
#8	District Internal	Consideration and action amending the FY2014 budget in the amount of $57,000 for the construction of three replacement homes under the HOME program; Resolution 2014-66.	Approve Chris Boyd, Community & Economic Development
#9	District Citywide	Consideration and action amending the FY2014 budget in the amount of $100,000 for stadium field renovations; Resolution 2014-41.	Approve Mark A. Coronado, Director - Community & Recreation Services
#10	District 6	Consideration and action amending the City's policy regarding Foreign Trade Zone Tax Benefit Eligibility, as previously established in Resolution 09-108 and authorizing the city manager to issue a support letter regarding potential tax reclassification for the building located at 12000 North 132nd Avenue in the Surprise Skyway Business Park; Resolution 2014-65.	Approve Bob Wingenroth, City Manager
#11	District 6	Consideration and action approving Economic Development Agreement with Janus International, located at the northwest corner of Peoria Avenue and Solar Canyon Way, and amending the FY2014 budget in the amount of $60,000 for reimbursement of permit fees and development impact fees related to such agreement; Resolution #2014-71.	Approve Bob Wingenroth, City Manager

#12	District Citywide	Consideration and action on Ordinance 2014-09 amending the Surprise Municipal Code, deleting Sections 109-47 through 109-50, and adopting new Chapter 106, Development Impact Fees.	Approve Misty Leslie, City Attorney
#13	District Citywide	Consideration and action amending the FY2014 budget in the amount of $227,000 to cover unforseen overtime within the fire-medical department; Resolution 2014-70.	Approve Bob Wingenroth, City Manager / Chief Financial Officer

Regular Agenda Item - Public Hearing:

#14	District Citywide	Consideration and action levying upon the assessed valuation of property, a certain sum of money for fiscal year 2015 to be assessed against Street Light Improvement Districts (SLID) within the city; Resolution No. 2014-51	Approve Bob Wingenroth, City Manager / Chief Financial Officer
#15	District Citywide	Consideration and action levying upon the assessed valuation of property within the city a certain sum of money for fiscal year 2015 to be assessed against the valuation of real property for primary and secondary tax purposes; Resolution 2014-52	Approve Bob Wingenroth, City Manager / Chief Financial Officer
#16	District Citywide	Consideration and action adopting the FY2015 through FY2019 schedule of rates for water, wastewater, and sanitation services, and miscellaneous utility charges associated with City service areas; Resolution 2014-64.	Approve Dick McKinley PW Director

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: June 12, 2014 at 4:15 PM

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.

CITY OF SURPRISE
Regular City Council Meeting

June 17, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	June 17, 2014	Contact Person:	Chris Boyd, Community & Economic Development
Submitting Department:	CD	District:	5
Staff Recommendations:	Approve		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action approving the the final plat entitled "Amended Final Plat of Mountain Vista Ranch Parcel 14, Tracts D & E, dated May 21, 2014, a property generally located on the southeast corner of 162nd Lane and Post Drive; Resolution 2014-61.

Motion:

I move to approve Resolution #2014-61.

Background:

The applicant is requesting an amended final plat approval that will merge two tracts “D” & “E”, into one tract “D1”. Tract “D1” will accommodate Mountain Vista Ranch Well No 2. This new municipal well will replace and improve an old agricultural well site. The new well site will be operational by December 2014.

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
- Vicinity Map
- Resolution and Plat

External Attachment Links:

Meeting Requirements:

Powerpoint x	Video	White Board	Other x

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

Vamshee Kovuru, Planner

SURPRISE
ARIZONA

COMMUNITY AND ECONOMIC DEVELOPMENT

Date: June 17, 2014

To: Mayor and City Council

From: Chris Boyd, Interim Director
Vamshee Kovuru, Planner
vamshee.kovuru@surpriseaz.gov 623-222-3153

Re: FS14-150- Final Plat Amendment for Mountain Vista Ranch Parcel 14, Tracts "D" & "E"

Application Summary

The applicant is requesting an amended final plat approval that will combine two (2) tracts, "D" and "E", into one (1) tract "D1".

Location

The subject tracts "D" and "E" are located within Mountain Vista Ranch Planned Area development (PAD) which is generally located on the southeast corner of 162nd Lane and Post Drive.

History

- On April 26, 1984, the Mayor and City Council approved the annexation of this property into City of Surprise, with Ordinance # 84-03.
- On July 28, 1994, the Mayor and City Council approved the Mountain Vista Ranch PAD with case PAD94-002.
- On February 26, 1998, the Mayor and City Council approved the Mountain Vista Ranch Parcel 14 Preliminary Plat with case PP97-081.
- On May 14, 1998, the Mayor and City Council approved the Mountain Vista Ranch Parcel 14 Final Plat with case FP98-016.
- On April 8, 2014, the Mountain Vista Ranch Well No 2 was approved administratively with case FS13-391.

Project Narrative

The subject tracts "D" and "E" are part of the Mountain Vista Ranch parcel 14 with a combined area of 12,000 square feet and are surrounded by single family residential uses. The two (2) parcels are owned by City of Surprise. This final plat amendment request will merge the two tracts into one tract "D1". Tract "D1" will accommodate the Mountain Vista Ranch Well No 2. The well site will provide a redundant source of water production for the

Mountain Vista Ranch Water Supply Facility. This new municipal well will replace and improve an old agricultural well site. The well site was administratively approved by city staff. The new well site will be operational by December 2014.

Department Review

All departments involved in the subject review are recommending the project for approval subject to all conditions.

Staff 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.

3. Staff finds that the proposed Final Plat complies with the Mountain Vista Ranch PAD.

Recommendation

Staff recommends approval of the Final Plat Amendment for Mountain Vista Ranch Parcel 14, Tracts “D” & “E”.

Attachments

Resolution, vicinity map, and final plat.

Vicinity Map- Mountain Vista Ranch Well No 2

RESOLUTION #2014-61

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING AN AMENDED FINAL PLAT ENTITLED "AMENDED FINAL PLAT OF MOUNTAIN VISTA RANCH PARCEL 14, TRACTS D & E," GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 162ND LANE AND POST DRIVE.

WHEREAS, on July 28, 1994, the Mayor and City Council approved the Mountain Vista Ranch Planned Area Development;

WHEREAS, on February 26, 1998, the Mayor and City Council approved the Mountain Vista Ranch Parcel 14 Preliminary Plat in case PP97-81;

WHEREAS, on May 14, 1998, the Mayor and City Council approved the Mountain Vista Ranch Parcel 14 Final Plat dated March 10, 1998;

WHEREAS the proposed amended final plat does not create any substandard or non-conforming lots; and

WHEREAS, the proposed final plat complies with the Surprise Municipal Code and zoning classifications applicable to this property.

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

<u>Section 1.</u> The Amended Final Plat entitled "Amended Final Plat of Mountain Vista Ranch Parcel 14, Tracts D & E," dated May 21, 2014 is approved.

APPROVED AND ADOPTED this_______day of ____________2014.

____
Sharon R. Wolcott, Mayor

Attest:

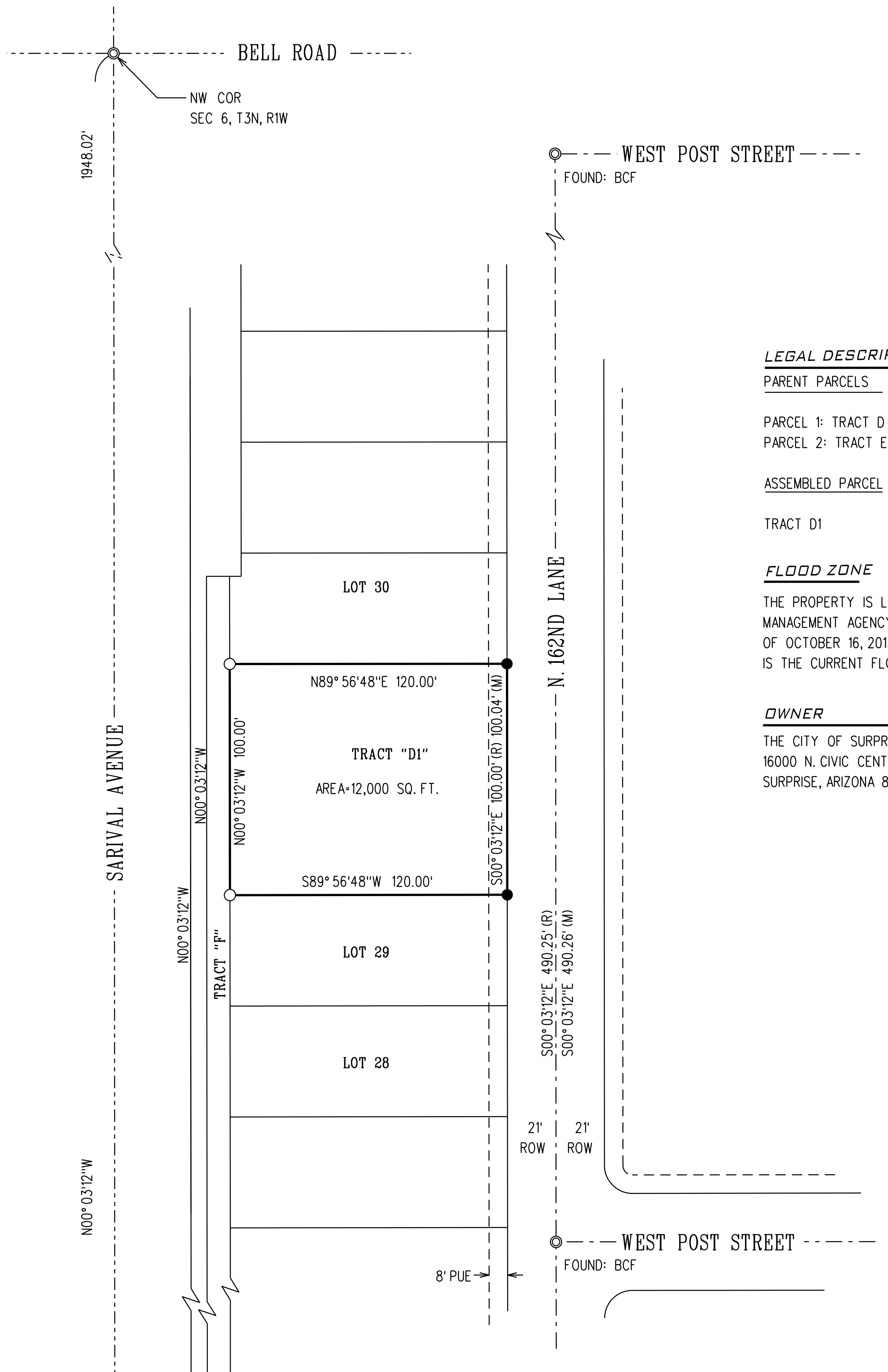
Approved as to form:

____
Sherry Aguilar, City Clerk

____
Misty Leslie, City Attorney

FINAL PLAT OF TRACTS "D" & "E"

AN ASSEMBLAGE OF TRACTS "D" & "E" OF THE FINAL PLAT OF MOUNTAIN VISTA RANCH PARCEL 14, RECORDED IN BOOK 476, PAGE 16, RECORDS OF MARICOPA COUNTY, SITUATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



LEGAL DESCRIPTIONS

PARENT PARCELS

PARCEL 1: TRACT D of MOUNTAIN VISTA RANCH, PARCEL 14, Book 476, Page 16 Records of Maricopa County, Arizona.
PARCEL 2: TRACT E of MOUNTAIN VISTA RANCH, PARCEL 14, Book 476, Page 16 Records of Maricopa County, Arizona.

ASSEMBLED PARCEL

TRACT D1

FLOOD ZONE

THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X", BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1220L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, 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.

OWNER

THE CITY OF SURPRISE, A MUNICIPAL CORPORATION
16000 N. CIVIC CENTER PLAZA
SURPRISE, ARIZONA 85374-7470

DEDICATION

STATE OF ARIZONA)
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT THE CITY OF SURPRISE,("OWNER") A MUNICIPAL CORPORATION IN THE STATE OF ARIZONA, AS OWNER, HAS PUBLISHED THIS "FINAL PLAT OF TRACTS "D" & "E"" WITHIN THE FINAL PLAT OF "MOUNTAIN VISTA RANCH PARCEL 14" WITHIN SECTION 6, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA PER PLAT RECORDED IN BOOK 476, PAGE 16, RECORDS OF MARICOPA COUNTY, AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS FINAL PLAT AS AND FOR THE PLAT OF "THE FINAL PLAT OF TRACTS "D" & "E"" OF "THE FINAL PLAT OF MOUNTAIN VISTA RANCH PARCEL 14" AND DECLARE THAT THIS FINAL PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET, AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT, STREET, AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

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.

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______________, 2014.

THE CITY OF SURPRISE, A MUNICIPAL CORPORATION

BY ____________________________________

ITS ____________________________________

APPROVALS:

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _______ DAY OF _______________, 2014 BY THE CITY ENGINEER OF SURPRISE, ARIZONA

APPROVED:

CITY ENGINEER *DATE*

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA

THIS _________ DAY OF ____________________, 2014

MAYOR *DATE*

ATTEST:

CITY CLERK *DATE*

ACKNOWLEDGEMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA) SS

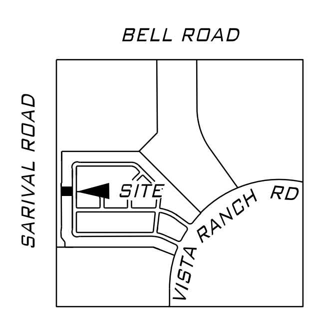
ON THIS___DAY OF_______, 2014 BEFORE ME THE UNDERSIGNED

APPEARED _________________________ WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEIREIN CONTAINED.
IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

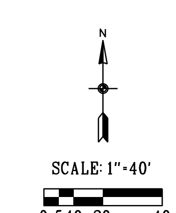
BY:__________________ MY COMMISSION EXPIRES: ___________

NOTARY PUBLIC

COUNTY RECORDER



PARADISE LANE
VICINITY MAP
NW 1/4
SECTION 6 T3N R1W
NOT TO SCALE



LEGEND

M.C.R.	MARICOPA COUNTY RECORDER
———	ASSEMBLED PROPERTY LINE
——	OTHER PROPERTY LINE
—··	SECTION LINE
—·	ROAD CENTERLINE
— —	PUBLIC UTILITY EASEMENT
(R)	RECORD DATA: BOOK 476 PAGE 16 M.C.R.
(M)	MEASURED
◎	FOUND BRASS CAP MONUMENT
●	FOUND & ACCEPTED REBAR & CAP, MARKINGS ILLEGIBLE ATTACHED STAINLESS DISC STAMPED "CITY OF SURPRISE RLS 19820"
○	CORNER NOT FOUND OR SET (FALLS ON TOP OF BLOCK WALL)
BCF	BRASS CAP MONUMENT FLUSH WITH THE ROAD SURFACE
ROW	RIGHT-OF-WAY

BASIS OF BEARING

The West line of the northwest quarter of Section 6, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian Maricopa County, Arizona as recorded in Book 476, Page 16 of the official Records of Maricopa County Recorder, cited as North 00° 03'12" West.

62.92'

635.31'

W QUARTER COR
SEC 6, T3N, R1W

LAND SURVEYORS CERTIFICATION

This is to certify that I, Ron Dry, RLS No. 19820 have performed a land survey of the hereon referenced realproperty during the month of March, 2014, that this plat correctly represents the results of that survey and have found or set monuments as shown hereon, and that the monuments are sufficient to enable the survey to be retraced.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
19820
RON DRY
ARIZONA, U.S.A.

EXPIRES 09/30/14

SURPRISE
ARIZONA

CITY OF SURPRISE
LAND SURVEY DEPARTMENT
16000 N. CIVIC CENTER PLAZA
SURPRISE, ARIZONA 85374
(623)222-7543

FINAL PLAT OF TRACTS "D" & "E"

PROJECT NO.	13030	SURVEYED BY	MEK	SHEET 1 OF 1
DATE	03-17-2014	DRAWN BY	RCD	

CITY OF SURPRISE
Regular City Council Meeting

June 17, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	June 17, 2014	Contact Person:	Michael T. Frazier, Police Chief
Submitting Department:	Police	District:	Internal
Staff Recommendations:	Approve		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action authorizing the City Manager to accept a grant for cost reimbursement of up to $6,500 from the Department of Homeland Security for two police officers to attend the Government Training Institute's Basic SWAT course; Resolution 2014-67.

Motion:

I move to approve Resolution 2014-67.

Background:

The funding for this training is from the Department of Emergency Management, Arizona Department of Homeland Security and consists of grant funds which were returned. The grant is pre-approved and provides funding to cover the travel, tuition and meal expenses for two police officers to attend a basic SWAT training school.

Financial Impact Statement:

The AZDOHS will reimburse the City up to $6,500 to be used to cover the travel, tuition and meal expenses incurred by sending two police officers to a Government Training Institute basic SWAT training school. Approval of this item authorizes the transfer of $6,500 from the unforeseen grants budget, to the center assigned to record all applicable grant activity and the Chief Financial Officer is authorized to make the appropriate fund source(s) budget adjustments. This grant was unforeseen when the FY2014 budget was adopted.

ATTACHMENTS:

Click to download

- rESOLUTION 2014-67 AZDOHS/ADEM Grant funding SWAT training 2 offs
- AZDOHS/ADEM Grant funding approval SWAT training 2 offs

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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

Michael T. Frazier

RESOLUTION # 2014-67

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AUTHORIZING THE CITY TO ACCEPT GRANT FUNDING FROM THE ARIZONA DEPARTMENT OF HOMELAND SECURITY/ARIZONA DEPARTMENT OF MILITARY AND EMERGENCY AFFAIRS AND AMENDING THE FISCAL YEAR 2014 BUDGET BY REALLOCATING APPROPRIATIONS OF $6,500 FROM REVENUE EXPENSE, GRANTS AND CONTINGENCY FUND, AND CONTINGENCY TO TRAVEL AND TRAINING EXPENSES, AZDOHS/ADEM GRANT FUND, TO SEND 2 OFFICERS TO BASIC SWAT SCHOOL.

WHEREAS, the Arizona Department of Homeland Security/Arizona Department of Military and Emergency Affairs has awarded the City of Surprise $6,500 in grant funding;

WHEREAS, the City of Surprise Police Department desires to accept the grant funding to send two officers to SWAT training;

WHEREAS, the FY2014 budget was adopted by Council Resolution #2013-13 on June 18, 2013;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, 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, 2013 through June 30, 2014.

APPROVED AND ADOPTED this _____day of ___________, 2014.

____
Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk | Misty Leslie, City Attorney

RESOLUTION # 2014-67
Exhibit A

The FY2014 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

Grants and Contingency Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
AZDOHS/ADEM Grant/Revenue	$220,200	$6,500	$226,700
Other Grant Revenue	4,798,800	(6,500)	4,792,300
	$5,019,000	$0	$5,019,000
AZDOHS/ADEM Grant/Travel and Training	$11,300	$6,500	$17,800
Contingency	4,847,300	(6,500)	4,840,800
	$4,848,600	$0	$4,858,600

The fund changes are as follows:

- Grants and Contingency Fund - Revenue –The amendment reallocates budget authority for $6,500 to the AZDOHS/ADEM grant within other grant revenue.
- Grants and Contingency Fund – Expenditures – the amendment reallocates appropriation of $6,500 from contingency for travel and training expenditures to send two officers to SWAT training. Contingency is programmed for unplanned expenses without exceeding the approved total annual budget for FY2014

AZDOHS/ADEM Reimbursement Pre-Approval Request | Approval # and PCA (ADEM Use): 0105

*** Must Submit Prior to any Contracted Services with Training Providers ***

Once Training/Event is COMPLETE, submit this form (with Approval #) with Reimbursement Request

Agencies must follow the State of Arizona and local procurement rules for contracting services from private vendor training providers.

Section I: Grant and Requester Information (to be completed by requester)

Sub-Grant Number (if known):	Project Title (if known):	UASI/Region: *UASI*	Requested Funding Source: *UASI*
Requesting Agency and Jurisdiction: *City of Surprise Police Department*			Date of Request: *12/31/13*
Agency POC (Requester): *Randy Rody*	Phone: *623-693-1559*	E-mail: *randy.rody@surpriseaz.gov*	
FINANCE POC (for pre & final reimbursement coordination): *Mary Truhler*	Phone: *623-222-1847*	E-mail: *mary.truhler@surpriseaz.gov*	

Purpose: ☐ Backfill ☐ Overtime ☒ Travel (mileage, meals, lodging, airfare) ☒ Event Registration/Tuition ☐ Contractor Fees ☐ Books/Supplies ☐ Catered Meals/Refreshments ☒ Other

Total Estimated Expenses: *$6,500.00*

Explanation and Breakdown of Estimated Expenses: ***Registration $1600 x 2 = $3200, Airfare $600 x 2 = $1200, Lodging $600, Per diem $46/day x 9 days x 2 attendees = $828, $672 misc. baggage and equipment expenses***

Section II: Course/Event Information and Justification (to be completed by requester)

Course Number: *ID-006-RESP*	Course/Event Title (*Exercises must be conducted in accordance with the provisions of HSEEP*): *Law Enforcement Tactical Operations for Terrorism Response*	Requested Dates: *1/27/14 - 2/2/14*
Proposed Location (Training Site, Facility, Out-of-State Location): *Barnwell, South Carolina*	Who will be attending (disciplines, roles): *SWAT team members*	Number of Attendees:

General Course/Event Overview – MUST BE TIED TO A HOMELAND SECURITY OR HAZMAT JUSTIFICATION PER THE SECTION II INSTRUCTIONS LISTED ON PAGE 1:

This Basic SWAT course provides law enforcement officers with proven tactics and techniques for first responders in a SWAT operation to include terrorist incidences.

The Government Training Institute's Basic SWAT course covers 23 separate modules in a 7 day period. Students learn proven tactics, techniques and procedures for SWAT operations. Students learn SWAT operations specific to terrorist threats and current mission essential tasks utilized by SWAT teams across the nation.

Mission Area: ☒ PREVENT | ☒ PROTECT | ☒ RESPOND | ☐ RECOVER

Level of Training: ☐ AWARENESS | ☒ PERFORMANCE | ☐ MANAGEMENT

Training Provider/Company/Organizer: *GTI*		Web Site (if available): *http://www.gtitraining.org/*		
Provider/Event POC: *GTI / Chris Givens*	Phone: *208-938-5510*	E-mail: *cgivens@gtitraining.org*		
Provider Address: *3858 Garden Center Way #301*		City *Boise*	State *ID*	Zip Code: *83703*

Requester Coordination (all requesters must acknowledge by checking the first box):

☒ I understand that I must submit all requested reimbursement documentation within 30 days of completion of this event.

**** Print, SIGN, date and forward to the Grant POC for coordination on Page 2, Section III – Approval Routing ****

☐ I AM the Grant POC (skip to **Page 2, County/UASI/Grant Manager Coordination** and enter Comments, Sign, & Date)

☒ I do not know who the Grant POC is for this request (fax directly to DEMA State Training POC – 602-464-6206).

Requester Signature: [signature] Date: 01/07/14

Section III – Approval Routing (to be completed by appropriate agencies below)

*** Must Submit Prior to any Contracted Services with Training Providers ***

If approval is received, submit copy of this approval form along with reimbursement request

Agencies must follow the State of Arizona or local procurement rules for contracting services from private vendor training providers.

Requests that do not provide adequate information will be returned to the requesting agency.

County/UASI/Grant Manager Coordination.

[X] ***I have reviewed the course/event justification provided as it relates to the scope for which my grant was awarded.***

- The requested training [X] ADDRESSES | [ ] DOES NOT ADDRESS the approved scope for use of Homeland Security funds or Hazardous Materials Grant funds.
- The County/Grant POC [X] SUPPORTS | [ ] DOES NOT SUPPORT this training request.

Comments (may help to strengthen justification as related to grant award criteria):

THIS TRAINING IS CRITICAL IN PROVIDING ADEQUATE RESPONSE IN OUR REGION

Name: PETE WEAVER | Signature: Pete Weaver | Date: 1/7/2014

**** Sign and Fax (or Sign, Scan and Email) to DEMA Training POC: training@azdema.gov or fax to 602-464-6206**

DEMA SAA Training POC: *For Hazardous Materials Grants, DEMA is the sole approver. For County Grant funds identified through Subgrantee Agreement with AZDOHS, DEMA may approve requests for reimbursement of eligible expenses in support of approved FEMA G-level courses or NTED programs, such as travel or backfill/overtime. All other requests require AZDOHS approval.*

The requested training is: [X] **FEMA Approved Training** | [ ] **Non-FEMA Approved Training**

[ ] **Conference, Workshop or Seminar** | [ ] **Supplemental HazMat Training** | [ ] **Exercise**

This program [X] MEETS | [ ] DOES NOT MEET the guidelines as prescribed by FEMA.

This program [X] IS | [ ] IS NOT eligible for reimbursement.

Comments: Eligible FEMA training

Name: Ron Kopcik | Signature: | Date: 1/7/14

AZDOHS Strategic Planner Approval. *Required for County Grant funds identified through Subgrantee Agreement with DEMA for any non-FEMA training requests, conferences or other uncommon or costly activities; as well as any reimbursements NOT managed through DEMA.*

The requested training [x] MEETS | [ ] DOES NOT MEET the State, Territory, or Urban Area's Homeland Security Strategy.

Providing that funds are available, this program [x] IS | [ ] IS NOT eligible for reimbursement.

Training is [x] APPROVED | [ ] DENIED.

Comments: Email approval attached.

Name: Lisa Hansen | Signature: see attached email | Date: 1/8/2014

*** Copy (with Approval #) to: AZDOHS Strategic Planner, DEMA SAA Training POC, County/UASI POC, Requesting Agency POC ***

Katherine Hassett - FW: Pre-Approval Request

From: "Lisa Hansen" <LHansen@azdohs.gov>
To: "Ron Kopcik" <Ron.Kopcik@azdema.gov>, "Katherine Hassett" <Katherine.Has...
Date: 1/8/2014 9:54 AM
Subject: FW: Pre-Approval Request
CC: "Susan Dzbanko" <SDzbanko@azdohs.gov>
Attachments: 20140107175010614.pdf

Approved in accordance with (IAW) allowable reimbursements.

Thanks,
Lisa L. Hansen
Assistant Director Planning and Preparedness
Arizona Department of Homeland Security
Office: 602-542-7014
www.azdohs.gov

From: Ron Kopcik [mailto:Ron.Kopcik@azdema.gov]
Sent: Tuesday, January 07, 2014 5:41 PM
To: Lisa Hansen
Cc: Katherine Hassett
Subject: Pre-Approval Request

Lisa,
Please see the attached pre-approval request for a FEMA approved program.

Thanks,

Ron

Ron Kopcik
Training Program Manager
Arizona Division of Emergency Management

5636 E. McDowell Rd
Phoenix, AZ 85008
Ph: 602-464-6210
Fax: 602-464-6206
ron.kopcik@azdema.gov
Visit our website at www.dem.azdema.gov/preparedness for state-sponsored training and exercise opportunities
>>> <Ricoh5500ADEM@azdema.gov> 1/7/2014 3:50 PM >>>
This E-mail was sent from "RNPC9ADBC" (Aficio MP 5500).

Scan Date: 01.07.2014 17:50:10 (-0500)
Queries to: Ricoh5500ADEM@azdema.gov

Council Meeting Date:	June 17, 2014	Contact Person:	Dick McKinley, Public Works Department
Submitting Department:	Public Works	District:	Citywide
Staff Recommendations:	Approve		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action by Mayor and Council to amend the Bell Road Access Control Plan dated November 29, 2006 and approved by City Council February 8, 2007 by amending Appendix F Figure F-2, Page 5 of 16, by deleting the ¾ access at locations N17 and S15, and amending the access at N17 to allow for an eastbound left turn northbound, and to block any westbound left turn into the S15 driveway.

Motion:

I move to amend The Bell Road Access Control Plan Appendix F Figure F-2, Page 5 of 16, by deleting the access at locations N17 and S15, and amending the access at N17 to allow for an eastbound left turn northbound, and to block any westbound left turn into the S15 driveway.

Background:

The City completed the Bell Road Access Plan in February 2006 and it was approved by the City Council on February 8, 2007.

The access plan on page 5 of 16 in appendix F allowed for a ¾ access at 168th. This ¾ access allows for left turns from Bell Road east and west bound to 168th Avenue north and south bound respectively. In the last year the 303 loop was completed. As part of the 303 loop construction signals were installed at the interchange with Bell Road.

Due to the close proximity of the signals at the 303 loop and 168th Avenue it is a concern that the westbound left turn que would extend into the through lane and block traffic during peak traffic times. It is recommended the Bell Road Access Plan be amended to delete the westbound to southbound left turn at 168th Avenue to allow for better traffic flow.

Financial Impact Statement:

N/A

ATTACHMENTS:

Click to download

No Attachments Available

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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

Council Meeting Date:	June 17, 2014	Contact Person:	Chris Boyd, Community & Economic Development
Submitting Department:	CD	District:	2
Staff Recommendations:	Approve		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action approving a final plat entitled "A Replat of a Portion of Parkview Place Senior Village Lot 5", dated March 2014, a property located at 14581 West Parkwood Drive; Resolution 2014- 63.

Motion:

I move to approve Resolution #2014-63.

Background:

The applicant is requesting approval of an amended final plat to subdivide the single 8-acre parcel into 3 parcels for future development.

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
- Vicinity Map
- Resolution and Plat

External Attachment Links:

Meeting Requirements:

Powerpoint x	Video	White Board	Other x

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

Hobart Wingard, Planner

SURPRISE ARIZONA

COMMUNITY AND ECONOMIC DEVELOPMENT

Date: June 17, 2014

To: Mayor and City Council

From: Chris Boyd, Interim Director
Lloyd Abrams, GIS Division Manager
Hobart Wingard, Planner
hobart.wingard@surpriseaz.gov 623-222-3156

Re: FS14-115 - Parkview Place Senior Village

Application Summary

The applicant is requesting an approval for an amended final plat entitled "A Replat of a Portion of Parkview Place Senior Village Lot 5" The amended final plat consists of a single eight (8) acre lot that will be subdivided to create three (3) lots consistent with the approved master plan of the development.

Location

The existing facility is located at 14581 West Parkwood Drive. The proposed mixed use development located on the north side of Parkview Place, 500 feet south of Mountain View Blvd. within the Park Place Planned Area Development (PAD).

History

- On November 10, 1983, the subject parcel was annexed into the City of Surprise.
- On November 14, 1991, a PAD for Park Place was approved by the Mayor and City Council.
- On December 5, 2006, a site plan for Bellazano Condominiums was approved by the Planning and Zoning Commission, but has since expired.
- On July 6, 2010, a site plan for a memory care facility was approved by the Planning and Zoning Commission.
- On July 22, 2010, a PAD amendment for Park Place was approved by the Mayor and City Council.
- On April 5, 2012, a site plan for an assisted care facility was approved by the Planning and Zoning Commission.

Project Summary

An assisted care facility with 99 suites was built on this parcel in 2013. The applicant is proposing to subdivide the unutilized portions of this parcel into three (3) properties. This subdivision would create two (2) vacant parcels that can be developed as per the approved PAD covering this development area.

Economic Impact Analysis

The proposed plat will not impact the economic and fiscal status of the city and the region until which time a project is built upon the land.

Department Review

All departments involved in the subject review are recommending the project for approval.

Findings of Fact

1. Staff finds that the proposed final plat complies with the Surprise General Plan.
2. Staff finds that the proposed final plat complies with the Surprise Municipal Code.
3. Staff finds that the proposed final plat complies with the approved Parkview Place Senior Village Planed Area Development Amendment.

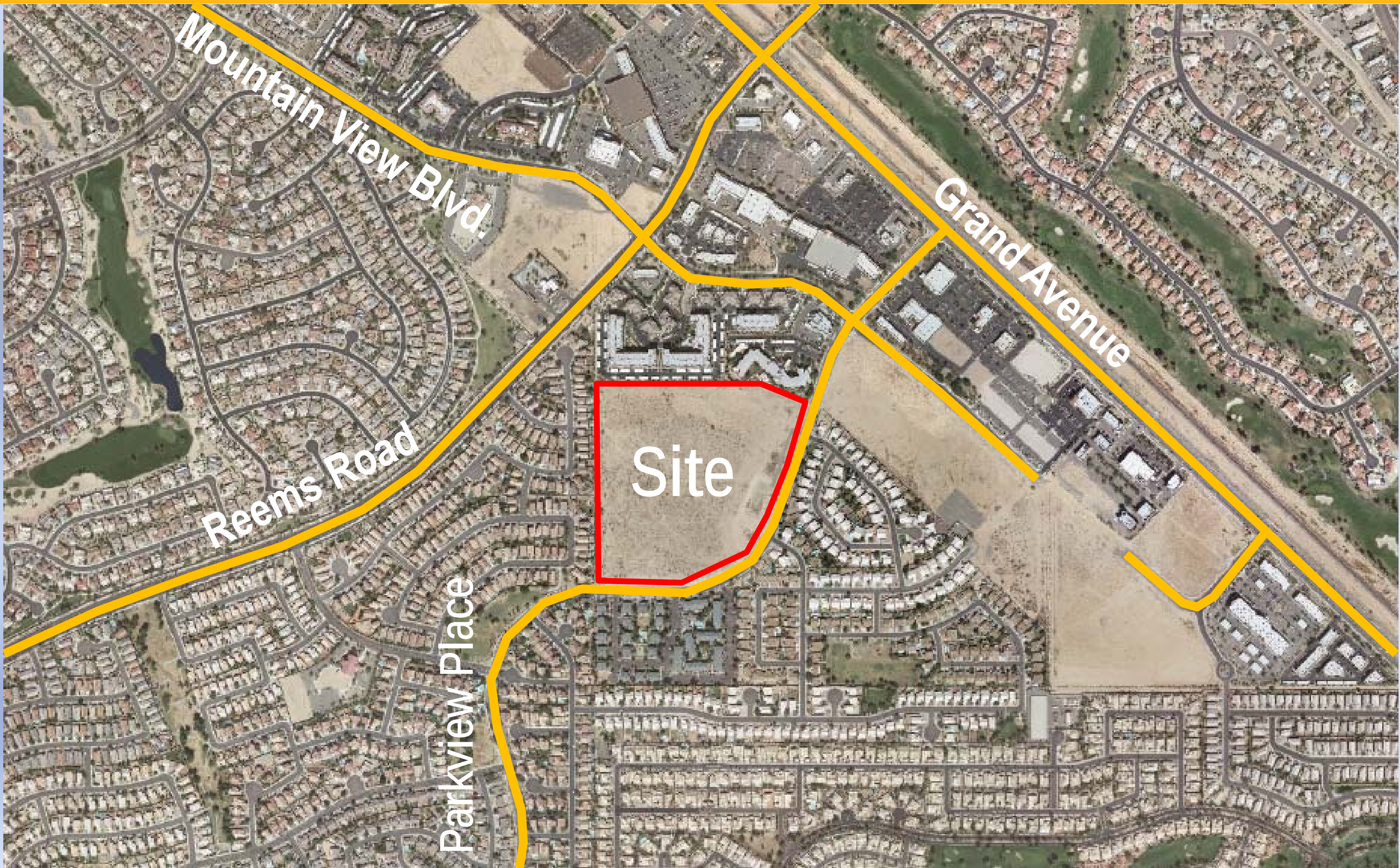
Recommendation

Staff recommends approval of the project, subject to the findings of fact.

Attachment

Vicinity map and final plat.

VICINITY MAP – FS14-115



RESOLUTION #2014-63

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING AN AMENDED FINAL PLAT ENTITLED “A REPLAT OF A PORTION OF PARKVIEW PLACE SENIOR VILLAGE LOT 5,” LOCATED AT 14581 WEST PARKWOOD DRIVE.

WHEREAS, on July 22, 2010 the Mayor and City Council approved the Park Place amended Planned Area Development;

WHEREAS, on November 17, 1994, the Mayor and City Council approved the Vistas at Park Place Preliminary Plat;

WHEREAS, on July 22, 2010, the Mayor and City Council approved the Parkview Place senior village Final Plat;

WHEREAS, the property owners propose to subdivide and market the vacant portions of the property;

WHEREAS, the proposed amended final plat does not create any substandard or non conforming lots; and

WHEREAS, the proposed Amended Final Plat complies 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:

<u>Section 1.</u> The Amended Final Plat entitled “A Replat of a Portion of Parkview Place Senior Village Lot 5,” dated March 2014 is approved.

APPROVED AND ADOPTED this_______day of ____________2014.

____
Sharon R. Wolcott, Mayor

Attest:

____
Sherry Aguilar, City Clerk

Approved as to form:

____
Misty Leslie, City Attorney

A REPLAT OF A PORTION OF
PARKVIEW PLACE SENIOR VILLAGE LOT 5

AS RECORDED IN BOOK 1066, PAGE 19, MARICOPA COUNTY RECORDS,
A PORTION OF SECTION 33, T4N, R1W, 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 SURPRISE AL CARE GROUP, L.L.C. AS "OWNER", HAS SUBDIVIDED UNDER THE NAME "A REPLAT OF A PORTION OF PARKVIEW PLACE SENIOR VILLAGE LOT 5", A SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 33,TOWNSHIP 4 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, CITY OF SURPRISE, ARIZONA AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF "A REPLAT OF A PORTION OF PARKVIEW PLACE SENIOR VILLAGE LOT 5" AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND EASEMENT SHALL BE KNOWN BY THE NUMBER AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

OWNER HEREBY GRANTS TO CITY OF SURPRISE AN EXCLUSIVE EASEMENT OVER, UPON AND ACROSS ALL WATER/ SEWER LINES AND WATER METERS AS SHOWN ON THE PLAT, INCLUDING A CROSS-ACCESS EASEMENT ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY AND TRASH COLLECTION VEHICLES AND TO DEDICATED WATER/SEWER LINES/WATER METERS FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING AND UTILIZING THE WATER/SEWER LINES/WATER METERS.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS THE AREAS DESIGNATED AS SIGHT VISIBILITY TRIANGLES FOR THE PURPOSE OF ENSURING THAT THESE AREAS REMAIN FREE OF SIGHT VISIBILITY OBSTRUCTIONS.

THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHT-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 OR THE PROPERTY ASSOCIATION FORMED BY THE ADJACENT PROPERTY.

THE MAINTENANCE OF LANDSCAPING IN THE PUBLIC RIGHTS-OF-WAY TO BACK-OF-CURB SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER, WHETHER AN INDIVIDUAL, CORPORATION, OR ASSOCIATION.

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF EACH PARCEL CREATED BY THIS PLAT, AN EASEMENT OVER, UPON AND ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

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, 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.

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

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF EACH PARCEL CREATED BY THIS PLAT AN EASEMENT OVER, UPON AND ACROSS THE AREAS DESIGNATED AS DRAINAGE EASEMENTS FOR THE PURPOSE OF STORM WATER RETENTION/DETENTION STORAGE. THE ULTIMATE OWNER OF EACH PARCEL ON WHICH THE DRAINAGE EASEMENT IS LOCATED SHALL BE RESPONSIBLE FOR THE CONTROL, MAINTENANCE, SAFETY AND LIABILITY OF SUCH DRAINAGE EASEMENTS.

IN WITNESS WHEREOF SURPRISE AL CARE GROUP, L.L.C. HAS HEREUNTO CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED TO BY THE MANAGER OF THE LIMITED LIABILITY COMPANY, THEREUNTO AUTHORIZED THIS ____ DAY OF ____________________ 2014.

SURPRISE AL CARE GROUP, L.L.C.
A WASHINGTON LIMITED LIABILITY COMPANY

BY: ______________________________
NAME: W CODY ERWIN
TITLE: MEMBER

ACKNOWLEDGMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS _____ DAY OF _________, 2014, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _______________ WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF,
I HAVE HEREUNTO SET MY HAND AN OFFICIAL SEAL

BY: ______________________________ DATE____________
NOTARY PUBLIC

MY COMMISSION EXPIRES: __________________, 20___

PUBLIC NOTICE

THE LOTS DEPICTED ON THIS PLAT ARE LOCATED WITHIN THE VICINITY OF LUKE AIR FORCE BASE AND MAY BE SUBJECT TO OVER FLIGHTS 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

THAT SURPRISE AL CARE GROUP L.L.C., A WASHINGTON LIMITED LIABILITY COMPANY (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 WITHIN THIS PLAT THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVER FLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER NORMAL 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 SAID OWNERS AND THEIR 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 THE 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.

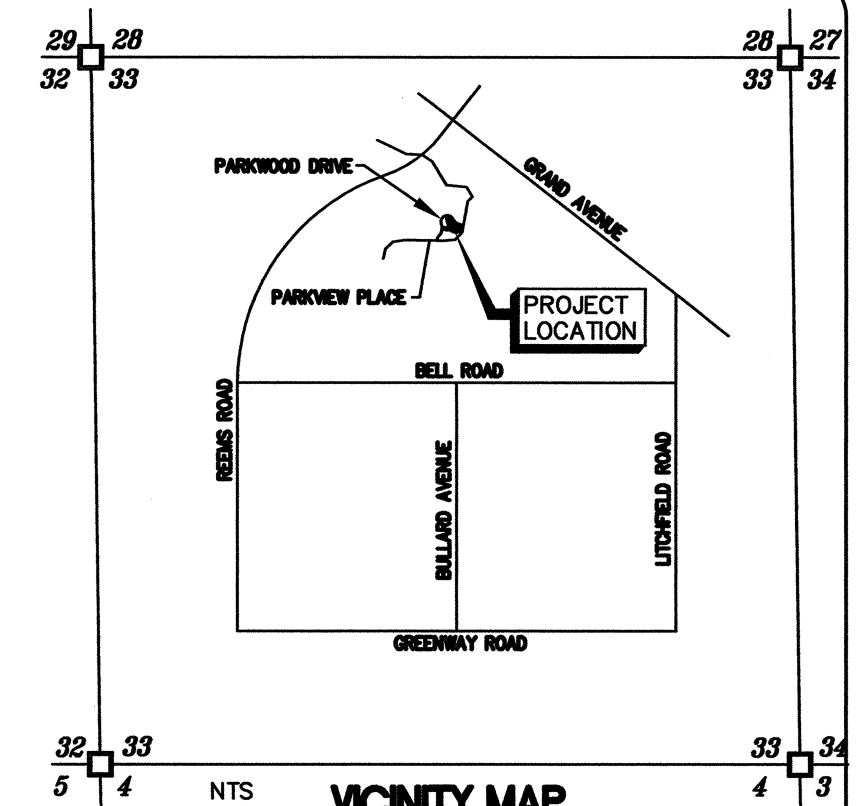
NOTES

1. 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.

2. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAPS 1220L AND 1240L, DATED OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

3. THE ROADS DESIGNATED AS "PRIVATE" AND ANY APPURTENANCES INCLUDING BUT NOT LIMITED TO ROAD SIGNS, STRIPING, CURB AND GUTTER, AND SIDEWALKS ARE PRIVATE; SUCH ROADS AND APPURTENANCES ARE OWNED, MAINTAINED AND REPAIRED BY OWNER OR THE ASSOCIATION FORMED BY OWNER. THE CITY OF SURPRISE SHALL NOT MAINTAIN OR REPAIR ANY ROAD DESIGNATED AS "PRIVATE".

4. 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.



VICINITY MAP

SECTION 33
TOWNSHIP 4 NORTH, RANGE 1 WEST,
GILA & SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA

LEGAL DESCRIPTION

LOT 5 OF PARKVIEW PLACE SENIOR VILLAGE AS RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE IN BOOK 1066, PAGE 19.

BASIS OF BEARING

THE BASIS OF BEARING IS SOUTH 18°50'33" WEST ALONG THE CENTERLINE OF PARKVIEW PLACE PER PLAT OF PARKVIEW PLACE SENIOR VILLAGE, BOOK 1066, PAGE 19 OF MARICOPA COUNTY RECORDS.

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA
THIS ________ DAY OF _________, 2014.

____
MAYOR DATE

ATTEST: ______________________________________
CITY CLERK DATE

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS ____ DAY OF _____________, 2014, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED: ______________________________________
CITY ENGINEER DATE

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND PLAT OF THE PREMISES DESCRIBED HEREON WERE MADE UNDER MY DIRECTION AND THIS PLAT IS TRUE, ACCURATE AND COMPLETE AND THAT THE DESCRIBED MONUMENTS HAVE BEEN LOCATED AS DESCRIBED.

BY: ______________________________________
KENNETH A. MARKS, RLS NO. 35869
THE WLB GROUP, INC.
1600 W BROADWAY RD. SUITE 150
TEMPE, ARIZONA 85282

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
35869
KENNETH A.
MARKS
5-16-14
Date Signed
ARIZONA, U.S.A.

EXPIRES 03-31-16

PARCEL AREA

TOTAL SITE: 354,370.54 SQUARE FEET OR 8.13 ACRES, MORE OR LESS

LOT 6: 46,142.32 S.F. OR 1.06 ACRES
LOT 7: 171,321.51 S.F. OR 3.93 ACRES
LOT 8: 136,906.71 S.F. OR 3.14 ACRES

OWNER/DEVELOPER

SURPRISE AL CARE GROUP, LLC
A WASHINGTON LIMITED LIABILITY COMPANY
12115 N.E. 99TH. SUITE 1800
VANCOUVER, WA. 98682
(360) 254-9442
ATT: W. CODY ERWIN

COUNTY RECORDER

NO:	DATE:	ITEM:

REVISIONS

The WLB Group INC.

Engineering • Planning • Surveying
Landscape Architecture • Urban Design
Offices located in: Tucson, Phoenix,
Flagstaff, and Las Vegas, NV.
1600 W Broadway Rd, Ste 150
Tempe, AZ, 85282 PH.(480) 736-1600

FINAL PLAT

LOT 5 PARKVIEW PLACE SENIOR VILLAGE
MARICOPA COUNTY, ARIZONA

DESIGNED BY: KB
DRAWN BY: KAM
CHECK BY: KAM
DATE: MARCH 2014
Q.A. REVIEW
BY: ________
DATE: ________

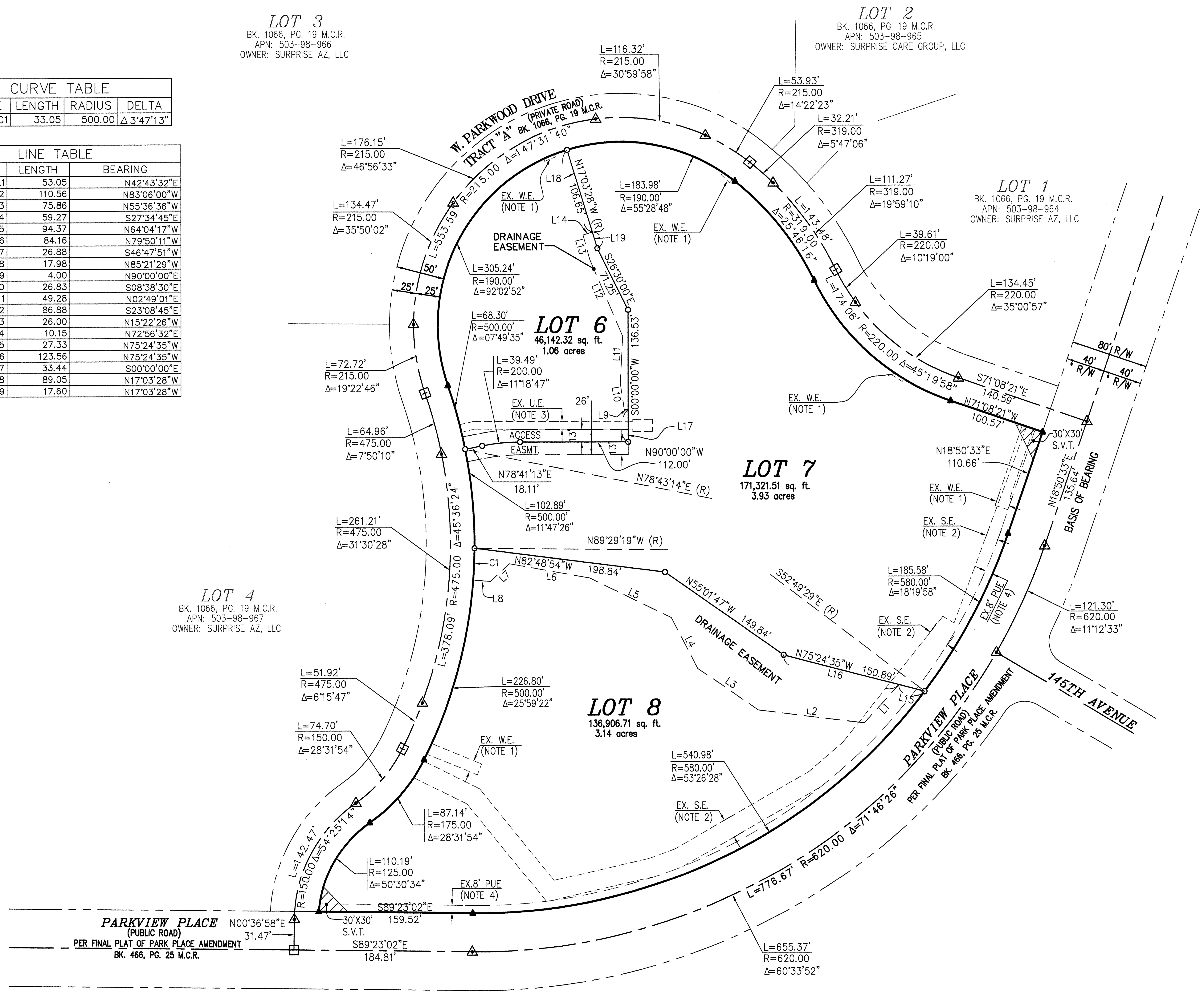
PROJECT NO.
111053B001

SHEET	OF
1	2

A REPLAT OF A PORTION OF
PARKVIEW PLACE SENIOR VILLAGE LOT 5

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	33.05	500.00	Δ 3°47'13"

LINE TABLE		
LINE	LENGTH	BEARING
L1	53.05	N42°43'32"E
L2	110.56	N83°06'00"W
L3	75.86	N55°36'36"W
L4	59.27	S27°34'45"E
L5	94.37	N64°04'17"W
L6	84.16	N79°50'11"W
L7	26.88	S46°47'51"W
L8	17.98	N85°21'29"W
L9	4.00	N90°00'00"E
L10	26.83	S08°38'30"E
L11	49.28	N02°49'01"E
L12	86.88	S23°08'45"E
L13	26.00	N15°22'26"W
L14	10.15	N72°56'32"E
L15	27.33	N75°24'35"W
L16	123.56	N75°24'35"W
L17	33.44	S00°00'00"E
L18	89.05	N17°03'28"W
L19	17.60	N17°03'28"W



LEGEND

SYMBOL OR ABBREVIATION	DESCRIPTION
▲	FND. 1/2" REBAR W/TAG 35869 PER ALTA/ACSM LAND TITLE SURVEY RECORDED IN BOOK.1185, PAGE 28,MCR UNLESS OTHERWISE NOTED
○	INDICATES 1/2" IRON PIN TO BE SET UPON COMPLETION OF CONSTRUCTION.
△	FOUND BC FLUSH MARKED "CITY OF SURPRISE"
⊡	NOTHING FOUND OR SET
	PROPOSED LOT LINE
	PARCEL BOUNDARY
	EASEMENT LINE AS NOTED
	RIGHT OF WAY
	STREET CENTERLINE
	(R) RADIAL BEARING
	ACCESS EASEMENT
	OFFSITE LOT LINE
FND	FOUND
R/W	RIGHT-OF-WAY
APN	ASSESSORS PARCEL NUMBER
MCR	MARICOPA COUNTY RECORDER
PUE	PUBLIC UTILITY EASEMENT
WE	WATER EASEMENT
SE	SEWER EASEMENT
UE	UTILITY EASEMENT
BK.	BOOK
PG.	PAGE
EX.	EXISTING
	(S.V.T.) SIGHT VISIBILITY TRAINGLE

NOTES:

NOTE 1 – WATERLINE EASEMENTS SHOWN HEREON ARE EXISTING PER FINAL PLAT PARKVIEW PLACE SENIOR VILLAGE RECORDED IN BOOK 1066 PAGE 19 MCR

NOTE 2 – SEWER EASEMENTS SHOWN HEREON ARE EXISTING PER FINAL PLAT PARKVIEW PLACE SENIOR VILLAGE RECORDED IN BOOK 1066 PAGE 19 MCR

NOTE 3 – UTILITY EASEMENT SHOWN HEREON IS EXISTING PER DOCUMENT 2012-922155 MCR

NOTE 4 – PUBLIC UTILITY EASEMENT SHOWN HEREON IS EXISTING PER FINAL PLAT PARKVIEW PLACE SENIOR VILLAGE RECORDED IN BOOK 1066 PAGE 19 MCR

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 35869
KENNETH A. MARKS
ARIZONA, U.S.A.
EXPIRES 03-31-16

NO.	DATE:	ITEM:

REVISIONS

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1600 W Broadway Rd, Ste 150
Tempe, AZ, 85282 PH.(480) 736-1600

FINAL PLAT

LOT 5 PARKVIEW PLACE SENIOR VILLAGE
MARICOPA COUNTY, ARIZONA

DESIGNED BY: KB
DRAWN BY: KAM
CHECK BY:
DATE: MARCH 2014
Q.A. REVIEW
BY:
DATE:

PROJECT NO. 111053B001

SHEET	OF
2	2

CITY OF SURPRISE
Regular City Council Meeting

June 17, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	June 17, 2014	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Citywide
Staff Recommendations:	Approve		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action on the minutes of June 3, 2014 Regular City Council Work Session; Special City Council Meeting and Regular City Council Meeting.

Motion:

I move to approve the meeting minutes.

Background:

Financial Impact Statement:

ATTACHMENTS:

Click to download

- Minutes
- Minutes
- Minutes

External Attachment Links:

Meeting Requirements:

Powerpoint x	Video	White Board	Other x

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, June 3, 2014 @ 04:00 PM

A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. Regular City Council Work Session Agenda

Regular Agenda Item - Non-Public Hearing

1. Discussion and presentation regarding the State Land Process - NO ACTION

IGR Director, Michael Celaya opened the presentation and introduced Vanessa Hickman of the Arizona State Land Commission. A powerpoint presentation was reviewed.

Mayor Wolcott thanked Ms. Hickman for a very detailed and informational presentation.

Vice Mayor asked for clarification of steps for 5 year plan and API land sales (Brown highlighted areas).

Anubhav Bagley of MAG reported on population, data and demographics.

2. Presentation and discussion pertaining to the City's comprehensive Financial, HR/Payroll and Community Development system needs to include a business case report with improvement options - NO ACTION

A powerpoint presentation was reviewed by Seth Hedstrom and Jonathon Grace, BerryDunn Consulting.

Council Member Biundo asked for clarification on point solutions.

It is a software application that is very specific.

Mayor Wolcott stated that she would like a plan that creates pliability as we grow that we can plug in new pieces?

Council Member Tande inquired about the following topics: survey. piggyback with other agencies and RFP process.

BerryDunn Consulting will lead the City through the process but Council will not vote on actual selection.

Vice Mayor Hall inquired about updates and new releases.

3. Presentation and discussion of the "Surprise Farms Gateway" plat, dated April 28, 2014, a property generally located at the southwest corner of Bell Road and the Loop 303 - NO ACTION

Chris Boyd and Dick McKinley gave an overview relating to this item. The applicant is requesting a final plat approval that will establish the property boundaries, necessary easements, and right-of-way dedications to create eight (8) commercial parcels for development, including an 85,000 square foot building currently identified as a grocery store and the primary anchor.

Mayor Wolcott spoke of the concerns that she and Council have with the backups, she stated that she appreciates Mr. McKinley's recommendation.

Council Member Tande inquired about option 3 - left turn lanes and option 1 - left turn possibilities.

Vice Mayor Hall asked for clarification regarding crossing 168 and Bell Rd to enter the Center. He stated that he likes Option 3.

Council Member Winters inquired about Option 3 - left hand turn on Bell exiting the Winco Development. He commented that he would like to see the analysis before we are making a decision on this item.

Council Member Villanueva inquired about option 3 - exiting the parking lot onto Bell Road.

Paul Gilbert: spoke in opposition of the plat.

Mayor Wolcott stated they would hear his arguments at the Regular Meeting.

4. <u>Discussion of Ordinance 2014-09 amending the Surprise Municipal Code by deleting Sections 109-46 through 109-50 and adopting new Chapter 106, Development Impact Fees - NO ACTION</u>

City Attorney, Misty Leslie gave an overview regarding Discussion of Ordinance 2014-09.

Ms. Leslie reviewed the following changes with Council:

Chapter 106 - cost per service unit

Service Unit instead of EDU

Dwelling Unit

Definition 16 - Grandfathered Facilities

Removed - Offset

Added definition of service unit and useful life

Vice Mayor Hall inquired about the term service unit.

E. <u>Call To The Public - None</u>

F. Adjournment

Council Member Biundo made the motion to adjourn the Regular City Council Work Session of June 3, 2014 at 5:44 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, June 3, 2014.**

____
Sherry Ann Aguilar, City Clerk

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

Tuesday, June 3, 2014 @ 06:08 PM

A. Call To Order

B. Roll Call

Mayor Wolcott called the **Special City Council Meeting** to order at 06:08 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, June 3, 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 Present:	City Manager, Chris Hillman, City Attorney, Misty Leslie and City Clerk, Sherry Ann Aguilar.

C. Pledge of Allegiance

D. Special City Council Meeting Agenda

Regular Agenda Item - Public Hearing:

1. **Conduct a public hearing on the FY2015 final budget and the levy of primary property tax.**

   Consideration and action pertaining to approval of Resolution 2014-54 to set forth the intention to levy primary property taxes in the amount of $0.7591 per $100 of assessed valuation and set the property tax levy adoption for June 17, 2014 - APPROVED

Asst. Finance Director, Lindsey Duncan gave a powerpoint presentation regarding a public hearing on the FY2015 final budget and the levy of primary property tax.

Mayor Wolcott thanked Finance staff for a job well done.

City Manager, Hillman also thanked everyone for pulling this budget process together, and the Mayor and Council for their diligence in reviewing and recommendations on this year's budget.

No public comments were made.

Council Member Biundo made the motion to approve Resolution 2014-54; to set forth the intention to levy primary property taxes in the amount of $0.7591 per $100 of assessed valuation and set the property tax levy adoption for June 17, 2014. Council Member Williams seconded the motion. Roll call vote: Mayor Wolcott - yes; Vice Mayor Hall - yes; Council Member Winters - yes; Council Member Biundo - yes; Council Member Williams - yes; Council Member Villanueva - yes and Council Member Tande - yes. Seven yes votes. Motion carried.

2. Consideration and action on Resolution 2014-53, a resolution adopting the FY2015 Final Budget in the amount of $310,855,200 - APPROVED

Council Member Biundo made the motion to approve Resolution 2014-53; adopting the FY2015 Final Budget. Council Member Winters seconded the motion. Roll call vote: Mayor Wolcott - yes; Vice Mayor Hall - yes; Council Member Winters - yes; Council Member Biundo - yes; Council Member Williams - yes; Council Member Villanueva - yes and Council Member Tande - yes. Seven yes votes. Motion carried.

E. Call To The Public:

F. Executive Session:

G. Adjournment

Council Member Williams made the motion to adjourn the Special City Council Meeting of June 3, 2014 at 6:12 PM. Council Member Tande 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 Special City Council Meeting of **Tuesday, June 3, 2014.**

____
Sherry Ann Aguilar, City Clerk

CITY OF SURPRISE

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

Tuesday, June 3, 2014 @ 06:18 PM

A. Call To Order

B. Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:18 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, June 3, 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 Present: City Manager, Chris Hillman, City Attorney, Misty Leslie and City Clerk, Sherry Ann Aguilar.

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

E. City Manager Report - None

F. City Attorney Report - None

G. Regular City Council Meeting Agenda

Consent Agenda:

1. Consideration and action authorizing the Mayor to execute an Intergovernmental Agreement with the Arizona Game and Fish Commission to continue the Urban Fishing Program at Surprise Lake located within the Surprise Community Park; Resolution No. 2014-56 - APPROVED

2. Consideration and action on a Series 12 liquor license request by Rich Kim for Uni Sushi & Steak located at 17191 N. Litchfield Rd., Suite 40, Surprise, Arizona 85374 - APPROVED

3. Consideration and action authorizing the Mayor to execute an amended Intergovernmental Agreement with Maricopa County Library District to operate the Hollyhock Library, term ending June 30, 2016; Resolution 2014-58 - APPROVED

4. Consideration and action declaring the City's intention to create the "City of Surprise, Arizona, Mariposa Acres #135 Lighting Improvement District" pursuant to A.R.S. § 48-616; Resolution No. 2014-40 - APPROVED

5. Consideration and action on the minutes of May 20, 2014 Regular City Council Work Session and Regular City Council Meeting - APPROVED

Council Member Villanueva made the motion to approve the consent agenda. Vice Mayor Hall seconded the motion.   Seven yes votes. Motion carried.

Non-Public Hearing:

6. Discussion and presentation regarding the NLC trips by Surprise Youth Delegates - NO ACTION

Janeen Gaskins conducted a powerpoint presentation regarding the NLC trips by Surprise Youth Delegates.

Three youth accompanied Council Member Williams, Janeen Gaskins and IGR, Michael Celaya.

Sarah Fakoury; Yasmine Padilla and Alex Kaufman gave an overview of their experience in DC at the conference.

Council Member Villanueva asked to give the youth a hand for a job well done.

Mayor Wolcott commented that it has been so much fun working with each of the youth and thanked Council Member Williams for his efforts and enthusiasm for leading this youth leadership group.

Council Member Tande spoke of public service.

Council Member Williams commended youth for job well done and stated that he has a sense of pride knowing that they are from this area.

7. <u>Consideration and action approving the "Surprise Farms Gateway" plat, dated April 28, 2014, a property generally located at the southwest corner of Bell Road and State Route 303; Resolution 2014-43 - APPROVED</u>

Chris Boyd reported on the final plat for Surprise Farms Gateway.

Public Comments:

Paul Gilbert - Handed out a written response to Council. This item does not meet your requirements and should be denied.   Traffic and access concerns have been expressed by Council and have not been adequately addressed. Asking for a traffic impact analysis since one has not been done since 2007 and was done for LA Fitness site. The handout summarizes the points that have not been complied with by WINCO.

Susan Demmitt - Whitney Morris - staff has asked to make modifications and we have done this. We did do an update to the traffic study and it was done in 2013. Surrpise Farms project is in the district which satisfies this requirement.

Courd Rich - Rose Law Group commented that Mr. Gilbert doesn't want competition or Winco.

Jeff Blilie (Gilbert Law Firm) - Safeway is not our clients. Corner lot issue, the code requires 150 feet minimum. Quoted ARS regarding water assurance water supply, no record of this. Traffic study, the update they provided is a 2 page report no update on internal circulation.

Council Member Winters spoke of back of buildings point against Bell Rd; it's not an alley and stated that if someone tells him this will not be done that he may not be able to support this request.

Chris Boyd - We heard Council's direction, any future phase site plan will have to come forward for approval. You have my assurance that this will not take place.

Council Member Tande asked staff to verify the speakers concerns.

Dick McKinley commented that the concerns expressed by Paul Gilbert are not valid pertaining to traffic study.

Vice Mayor Hall made the motion to approve Resolution 2014-43. Council Member Villanueva seconded the motion. Four yes votes, three no votes (Wolcott, Williams and Tande). Motion carried.

8. <u>Consideration and action on Ordinance 2014-08, deleting Surprise Municipal Code, Chapter 3, Section 3-62(d) - APPROVED</u>

City Attorney Leslie gave an overview on Ordinance 2014-08, which is a clean up of Chapter 3 and will be effective July 3, 2014.

Council Member Tande asked for clarification regarding employee's retirement benefit.

City Manager, Hillman stated that this is a cleanup of code in order to make sure this is in compliance.

Council Member Winters made the motion to approve Ordinance 2014-08. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

Regular Agenda Item - Public Hearing:

9. <u>Conduct a public hearing on intention to levy Street Light Improvement District (SLID) property tax.</u>

<u>Consideration and action pertaining to the approval of Resolution 2014-55 to set forth the intention to adopt Street Light Improvement District (SLID) property tax levies up to the maximum rate of $1.20 for each One Hundred Dollars ($100) of assessed valuation as shown in Resolution 2014-55. The SLID property tax levies are set for adoption on June 17, 2014 - APPROVED</u>

ACM Bob Wingenroth gave an overview of the intention to levy Street Light Improvement District (SLID) property tax.

No public comments were made.

Council Member Biundo made the motion to approve Resolution 2014-55. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

H. Call To The Public: None

I. Other Business and Future Agenda Items:

Vice Mayor Hall - Presentation from CFO on procurement policies that are in process and what the strategy is for procurement and disposition of assets.

Council Member Villanueva - Construction concerns for businesses along El Mirage Road and access.

J. Mayor/Council Reports:

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

Council Member Tande: reported on the budget

Council Member Winters: conference regarding F35; WHAM Art group; Heritage Park - Police Dept.

Council Member Biundo: Community Group - Memorial Celebration and Speech at AZ Charter Academy.

Vice Mayor Hall: Citizen's Patrol picnic.

Yazmin Padilla: Channel 11 survey update

Mayor Wolcott: comp and class study

Vice Mayor Hall made the motion to adjourn the Regular City Council Meeting and enter into executive session at 7:25 PM. Council Member Biundo seconded the motion. Seven yes votes. Motion carried.

K. <u>Executive Session:</u>

<u>#10. Discussion/consultation with the City Attorney to receive legal advice; and to consider its position on contract negotiations and pending/contemplated litigation regarding development on property bounded by Bell, Litchfield, Greenway and Bullard Roads. (A.R.S. §38-431.03(A))</u>

<u>Discussion/consultation with the City Attorney to receive legal advice; and to consider its position, and to provide instruction/direction regarding Surprise's position on contract negotiations regarding a potential letter of Intent for a new business at the Southwest Railplex (A.R.S. §38-431.03(A)(3) &(4)).</u>

L. Adjournment

Vice Mayor Hall made the motion to adjourn the Regular City Council Meeting of June 3, 2014 at 8:18 PM. Council Member Villanueva 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, June 3, 2014.**

____
Sherry Ann Aguilar, City Clerk

Council Meeting Date:	June 17, 2014	Contact Person:	Sherry Ann Aguilar, City Clerk MMC
Submitting Department:		District:	Internal
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action to reappoint the following members for the Judicial Selection Advisory Commission: Judge Robert Miles (Superior Court) and Kelly Schwab (MC Bar Association) with term expirations of July 1, 2018 (both 4 year terms).

Motion:

I move to approve reappointment of Judge Robert Miles (Superior Court) and Kelly Schwab (MC Bar Association) with term expirations of July 1, 2018 (both 4 year terms) for the Judicial Selection Advisory Commission.

Background:

Sec. 2-296. Member selection and replacement process.

The following process shall apply to all openings or vacancies in existing city boards, committees and commissions, as well as the initial appointment of members to all new city boards, committees and commissions, unless otherwise indicated in the codified ordinance or resolution creating the board, committee or commission:

(1) The city clerk shall maintain and distribute applications to all persons interested in being a member of a city board, committee or commission.

(2) All persons, including current members seeking re-appointment, interested in becoming a member of a city board, committee or commission shall submit their applications to the city clerk's office. Only applications received by the clerk's office shall be considered for openings. Members with expiring terms shall not automatically be re-appointed and shall be required to have submitted an application for consideration.

Financial Impact Statement:

N/A

ATTACHMENTS:

Click to download

- MILES APP
- SCHWAB APP

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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

Date/Time/Initials Received by Clerk's Office: ______________

SURPRISE
ARIZONA

City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Robert E. Miles Date Submitted: 6/11/14

Address: 201 W. Jefferson St. Phoenix, AZ. Zip Code: 85003

Phone (Home): 480-596-8297 Cell: [redacted]

E: Mail Address: milesr@superiorcourt.maricopa.gov

Resident of Surprise: _____ Yes X No Number of Years: __________

Board/Commission(s) you are applying for? Judicial Selection Advisory Commission

Education: Ohio State University - B.A. Jour., 1971; JD, 1974

EMPLOYMENT BACKGROUND:

Present Employer/Position: Maricopa County Superior Court

Previous Employer(s)/Position (Last 5 Years): same

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

Judge - Maricopa County Superior Court

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

Currently a member of the JSAC

Statement as to why you want to serve as a Commission Member for the City of Surprise:

To help select quality Judges for the City of Surprise

Additional Information/Comments:

I, Robert E. Miles certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

The Law Offices of
CURTIS, GOODWIN, SULLIVAN, UDALL & SCHWAB, P.L.C.
501 East Thomas Road
Phoenix, Arizona 85012-3205
Telephone (602) 393-1700
Facsimile (602) 393-1703
E-mail kschwab@cgsuslaw.com
www.cgsuslaw.com

Michael A. Curtis
Susan D. Goodwin
Kelly Y. Schwab

William P. Sullivan
Larry K. Udall
Phyllis L.N. Smiley
Trish Stuhan

Of Counsel
Joseph F. Abate
Patricia E. Ronan

REFER TO FILE NO. 1662

April 2, 2014

Sherry Aguilar, Clerk
City of Surprise
16000 North Civil Center Plaza
Surprise, Arizona 85374

Re: Appointment to the Surprise Judicial Selection Advisory Commission

Dear Sherry:

For the past year and a half, I completed the term of a previous Commissioner on the Surprise Judicial Selection Advisory Commission ("Commission"). I have enjoyed being a part of the Commission and am interested in being re-appointed to the Commission. As you may be aware, I am currently practicing in the area of municipal law, which includes general legal advice, employment, contracts, elections, construction, land use and development law, family law and litigation. I have over twenty (20) years' experience as a litigator. My litigation experience includes insurance defense, civil litigation and criminal prosecution for the Town of Marana, domestic relations, criminal defense and juvenile law cases. I have also served as lead counsel in defending public entities on employment, civil rights, personal injury, and construction cases. I have attached my resume for your review.

If you have any questions or require further assistance in this matter, please feel free to contact us.

Very truly yours,

Kelly Y. Schwab, Esq.
For the Firm

KYS/km

Enclosure: Resume

KELLY Y. SCHWAB

Kelly Y. Schwab graduated from the University of Arizona, College of Law, and was admitted to practice law in 1991. She practices in the area of municipal law, including general legal advice, employment, contracts, elections, construction, land use and development law. Her litigation experience includes insurance defense, civil litigation, and criminal prosecution for the Town of Marana, domestic relations, criminal defense and juvenile law cases.

She currently sits on the State Board for the Arizona Women Lawyers Association. She served as the President of the Young Lawyers' Division of the State Bar of Arizona and on the Arizona State Bar Board of Governors, a result of her leadership abilities and active involvement in community concerns. She is licensed in Arizona, and is a member of the Arizona State Bar Association, the Arizona Women Lawyers Association and the American Bar Association. She has been a member of numerous State Bar Committees including Appointments, Professionalism, State Bar Convention and she served as the 2001 State Bar Convention Committee Chair.

<u>Experience in Areas of Practice:</u>

Commercial, Contract and Other Civil Litigation:

Ms. Schwab has litigation experience in civil litigation and criminal prosecution, including jury trials. See also civil litigation experience.

Ms. Schwab reviews all notices of claims made on the Town of Gilbert, and is responsible for monitoring the status of cases handled by insurance defense counsel for the Town. She also reviews subpoenas and attends depositions where Town employees are called as witnesses.

Ms. Schwab is lead attorney in litigation involving a contract dispute between the Arizona Department of Transportation and Paul Braunstein, *Paul E. Braunstein DBA Baseplans USA v. State of Arizona Department of Transportaion and DMJM – Harris*, CV2005-091963. The case also involved questions of constitutionality and authority of the Arizona Department of Transportation. She has prevailed on behalf of the Arizona Department of Transportation in the Maricopa County Superior Court and the Arizona Court of Appeals.

She assisted in the settlement of *EXAC v. City of Mesa, Gilbert,* CV 2003-019339, a case involving a rent dispute among the parties related to use of a commercial communications tower, successfully bringing an end to a bitter feud. This case was dismissed in August 2005. Ms. Schwab is currently representing the Arizona Department of Transportation in state, federal and appellate court in contract disputes.

Civil Rights, Housing Discrimination, Employment Discrimination, Disabilities:

Kelly Schwab regularly provides legal advice to clients on civil rights, housing, employment and disabilities issues. She meets weekly with the Personnel Director, as well as other department directors, for the Town of Gilbert to review employment related issues. She also works closely with the Legal Advisor for the Gilbert Police Department on employment related issues. She provides training on hiring, training, employment and termination of personnel from time to time. She assists in review and drafting of personnel policies.

She served as lead attorney in defending a wrongful termination lawsuit, *Caravella v. Town of Gilbert* (CIV 99-0215-PHX-SRB), involving allegations of sexual harassment, retaliation and violations of the Americans with Disabilities Act. This case resulted in a jury verdict in favor of the defendant in 2001. She also served as lead attorney in defending a claim against Tempe Union High School District for alleged violation of civil rights and discrimination. The dismissal was upheld by the Ninth Circuit Court of Appeals (01-16464).

She assisted in the defending the Town of Gilbert in *Arizona Civil Liberties Union v. Dunham*, 88 F. Supp. 2d 1066 (Dist. Ariz. 2000), a case alleging that the Mayor's proclamation of Bible Week was a violation of the separation of church and state. The trial court first decided that residents lacked standing to bring the case, but on reconsideration reversed itself. The case was then settled to all parties' satisfaction. (Mayor Dunham was separately represented.)

Elections and Voting Rights:

Kelly Schwab regularly advises clients on election and voting rights matters. The Firm regularly advises its municipal and special district clients on election matters and has defended clients in court when challenged on election matters.

Employment Law, Discrimination – Age, Sex, Race, Religion, Handicap:

Kelly Schwab regularly advises clients on employment law and discrimination issues.

Natural Resources, Public Land Use, Water Law:

Ms. Schwab has been instrumental in assisting the Town of Gilbert Planning and Zoning Department on planning and zoning matters. She served as its primary legal counsel from 1999 to 2003, attending Planning and Zoning Commission meetings and attending weekly staff meetings. In the past she also served as legal counsel to the Towns of Marana and Sahuarita. She assisted in implementation of Growing Smarter Plus, leading to the electorate's adoption of a new General Plan in Gilbert in November 2001. She continues to regularly provide legal advice on planning and zoning matters to Gilbert and other Firm clients.

Negligence, Civil Rights and Other Tort Actions:

Ms. Schwab has successfully litigated matters in Arizona courts and United States District Court.

Public Contract Law and Construction:

Ms. Schwab regularly drafts and reviews municipal contracts, including intergovernmental agreements, construction contracts, architect/engineering services contracts, independent contractor agreements, purchase of equipment, real estate purchase contracts, leases, landscaping and maintenance contracts.

She regularly assists in resolution of construction-related disputes, including but not limited to change orders and delay claims and has represented the Town of Gilbert in litigation related to construction disputes.

She provides legal advice on issues of public bidding, including issues of responsibility and responsiveness of bidders.

Regulatory Advice for State Agencies:

Ms. Schwab provides legal advice to numerous municipal clients, including the Town of Gilbert, Town of Wickenburg, and City of Litchfield Park, and special district clients, including the Fountain Hills Sanitary District and Arizona City Sanitary District. Ms. Schwab is currently representing the Arizona Department of Transportation on public records, contract matters and other issues.

Date/Time/Initials Received by Clerk's Office: ____________

SURPRISE
ARIZONA

City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Kelly Y. Schwab Date Submitted: May 16, 2014

Address: Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.

501 E. Thomas Rd., Phoenix, AZ Zip Code: 85012-3205

Phone (Work): (602) 393-1700 Cell: [redacted]

E: Mail Address: kschwab@cgsuslaw.com

Resident of Surprise: ______ Number of Years: ________ No. X

Board/Commission(s) you are applying for? Judicial Selection Advisory Commission

Education: B.S. from Arizona State University, J.D. from University of Arizona

EMPLOYMENT BACKGROUND:

Present Employer/Position: Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.

Previous Employer(s)/Position (Last 5 Years): N/A

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

Judicial Selection Advisory Commission last year and a half.

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

Judicial Selection Advisory Commission

Statement as to why you want to serve as a Commission Member for the City of Surprise:

For the past year and a half, I completed the term of a previous Commissioner on the Surprise Judicial Selection Advisory Commission. I have enjoyed being a part of the Commission and am interested in being re-appointed to the Commission. As you may be aware, I am currently practicing in the area of municipal law, which includes general legal advice, employment, contracts, elections, construction, land use and development law, family law and litigation.

Additional Information/Comments:

I, **Kelly Y. Schwab** certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Applicant's Signature

Please return to:
City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

CITY OF SURPRISE
Regular City Council Meeting

June 17, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	June 17, 2014	Contact Person:	Sherry Ann Aguilar, City Clerk MMC
Submitting Department:		District:	1
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action on the appointment of Tyson Gage to fill a vacancy on the Personnel Appeals Board with a term expiration of July 1, 2015; John C. Hart to fill a vacancy on the Building and Construction Review Board with a term expiration of July 1, 2016; Gabriel Rivas to fill a vacancy for the Tourism Commission to represent Restaurant position with a term expiration of July 1, 2015 and Christopher Herring to fill a vacancy on the Judicial Selection Advisory Commission with a term expiration of July 1, 2018. And direct the City Clerk to administer the Oath of Office.

Motion:

I move to approve the appointment of the following: Tyson Gage to fill a vacancy on the Personnel Appeals Board with a term expiration of July 1, 2015; John C. Hart to fill a vacancy on the Building and Construction Review Board with a term expiration of July 1, 2016; Gabriel Rivas to fill a vacancy for the Tourism Commission to represent Restaurant position with a term expiration of July 1, 2015 and Christopher Herring to fill a vacancy on the Judicial Selection Advisory Commission with a term expiration of July 1, 2018. And direct the City Clerk to administer the Oath of Office.

Background:

Financial Impact Statement:

ATTACHMENTS:

Click to download

Applications

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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

6/5/2014 - 3 p.m.

Date/Time/Initials Received by Clerk's Office: 5/28/14 7:13am

SURPRISE
ARIZONA

Tyson Gage

City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Tyson W. Gage Date Submitted: 05/28/2014

Address: [redacted] Zip Code: [redacted]

Phone (Home): N/A Cell: [redacted]

E: Mail Address: [redacted]

Resident of Surprise: ✓ Yes ___ No Number of Years: 2

Board/Commission(s) you are applying for? Judicial Selection Advisory, or Personnel Appeals Board

Education: BA Social Science; MS Criminal Justice; Doctorate of Strategic Leadership expected 2016

EMPLOYMENT BACKGROUND:

Present Employer/Position: United States Probation Office / U.S. Probation Officer

Previous Employer(s)/Position (Last 5 Years): Service King Auto Collision / Service Advisor

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):
FBI Intelligence Academy graduate; Federal Law Enforcement Training Center graduate; volunteered as youth basketball coach

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

no

Statement as to why you want to serve as a Commission Member for the City of Surprise:

I desire the opportunity to serve as a Commission Member of the City of Surprise to devote my knowledge, skills, and abilities in intelligence, academia, and federal investigations to improving the community through volunteerism and integrity.

Additional Information/Comments:

Fluent in Spanish; Federal Law Enforcement Training Center class president; Director's Training Award; Adjunct College Instructor; experience in objective investigations

I, Ryan W. Gage certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Applicant's Signature

***Please return to*:**
City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

6/5/14 - 3:30 p.m.

Date/Time/Initials Received by Clerk's Office: S.G. 4/14/14 - 2:30 p.m.

SURPRISE
ARIZONA

City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: John C. Hart, Sr. Date Submitted: April 10, 2014

Address: [redacted] Zip Code: [redacted]

Phone (Home): [redacted] Cell: [redacted]

E: Mail Address: [redacted]

Resident of Surprise: x Yes ____ No Number of Years: 16 years

Board/Commission(s) you are applying for? Building & Construction Review Board

Education: High School Graduate, Indiana; HVAC Equipment Manufacturer Training and Testing, Indiana;

College: North Manchester College, North Manchester, Indiana; College Related Credits: Business Management and Administration

EMPLOYMENT BACKGROUND:

Present Employer/Position: Hart Mechanical, Inc. - Owner/President

Previous Employer(s)/Position (Last 5 Years):

G.R.A.Z.A.K. - Operations Manager

Commercial Air, Inc. - Vice President

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

Surprise Chamber of Commerce

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s): No

Statement as to why you want to serve as a Commission Member for the City of Surprise:

I would like to serve as a Commission Member for the City of Surprise because with my 37 years of experience in the construction arena, specifically in Heating and Air Conditioning (HVAC), I believe I can provide a valuable contribution to the mission of the City of Surprise. I am very interested in our City and I would like to have the opportunity to step up and serve, and be accountable to our community. To actively be a part of the consensus decision making process is a great chance to participate in community affairs and gain a broader understanding of our city government. I would consider it a privilege and rewarding experience to serve the City of Surprise.

Additional Information/Comments:

I am a mechanical contractor registered by the State of Arizona for both commercial and residential, Air Conditoning and Refrigeration (279069 Class L-39 and 279070 Class C39R). I am a small business owner in the City of Surprise and very interested in the growth of our community. I am currently on the D-backs Season Ticket Holder Advisory Board and would like to experience the fulfillment that comes with sitting on a board that gives back directly to our community. I will work hard within the group, actively participate and bring the wealth of my experience. I find this an amazing opportunity to pool collective view points, visions and hopes. I thank you for your consideration.

I, John Hart certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

John Hart

Applicant's Signature

Please return to:
City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

- Thes. June 10th -
5:15 p.m.

Date/Time/Initials Received by Clerk's Office: ____________

SURPRISE
ARIZONA

City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Christopher Herring Date Submitted: 5/14/2014

Address: [redacted] Zip Code: [redacted]

Phone (Home): [redacted] Cell: [redacted]

E: Mail Address: [redacted]

Resident of Surprise: X Yes ____ No Number of Years: 5

Board/Commission(s) you are applying for? Judicial Selection Advisory Commission

Education: Master of Management (2010) University of Phoenix,

BA History (Pre-law focus) (2007) The Master's College

EMPLOYMENT BACKGROUND:

Present Employer/Position: University of Phoenix/ Student Services Manager

Working with the future strategy team.

Previous Employer(s)/Position (Last 5 Years): ____________

University of Phoenix- Student Services Manager March 2009- Present

University of Phoenix- Academic Counselor May 2008- March 2009

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

Pathway Bible Church Board of Trustees.

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

No

Statement as to why you want to serve as a Commission Member for the City of Surprise:

I believe that our local communities and neighborhoods are were we can make the most significant changes we want to see in our society. Serving on this commission will allow me to take a more active and purposeful role in my community. I believe that the local judicial system is a crucial pillar in ensuring the rule of law. Ensuring that qualified judges hold each position is a way that I can help my local community thrive.

Additional Information/Comments:

I, Christopher Herring certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Applicant's Signature

Please return to:
City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

6/10/2014 – 2:00 pm

Date/Time/Initials Received by Clerk's Office: 6/2/14 8:28 am umo

SURPRISE
ARIZONA

City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Gabriel Rivas Date Submitted: 6/2/14

Address: [redacted] Zip Code: [redacted]

Phone (Home): same as cell Cell: [redacted]

E: Mail Address: [redacted]

Resident of Surprise: ✓ Yes ____ No Number of Years: 11 yrs

Board/Commission(s) you are applying for? Tourism Advisory Board

Education: High School Graduate (San Dimas, Ca), some college

EMPLOYMENT BACKGROUND:

Present Employer/Position: The Links Neighborhood Grill 4 yrs; Owner

Previous Employer(s)/Position (Last 5 Years): La Petite Cafe Co-Owner since 1997; Sole Owner for one location from 2008-2012 (Sun City location)

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):
Member of Surprise Chamber of Commerce
Ability to work well within a team
City resident & local business owner

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

No current or prior service on a board.

Statement as to why you want to serve as a Commission Member for the City of Surprise:

I am a home owner and a business owner in the City of Surprise. I really like this city and would be proud to be involved in the continuing growth of tourism & entertainment in Surprise. I am 35 years old so I fit the average age in Surprise and would be able to offer that perspective.

Additional Information/Comments:

My mission as a business owner is to give back to the community. I have two restaurants and hold a yearly charity event at each. Once a year is not enough and I feel that by serving on a board would enable me to give back on a consistent basis

I, Gabriel Rivas certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Applicant's Signature

Please return to:
City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

CITY OF SURPRISE
Regular City Council Meeting

June 17, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	June 17, 2014	Contact Person:	Chris Boyd, Community & Economic Development
Submitting Department:	CD	District:	Internal
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action amending the FY2014 budget in the amount of $57,000 for the construction of three replacement homes under the HOME program; Resolution 2014-66.

Motion:

I move to approve Resolution 2014-66.

Background:

HOME grant funding is provided by the U.S. Department of Housing and Urban Development (HUD) to municipalities in order to provide decent and affordable housing, particularly housing for income qualified residents of Surprise, who are living in homes that are in need of health and safety repairs or eventual replacement if the home is beyond repair.

Contracts to commence construction were approved on October 8, 2013, by City Council and subsequently awarded to Cholla Managing Group, LLC (Cholla) in the amount of $374,000, plus $18,700 (5% contingency).

Financial Impact Statement:

Due to change orders, an additional $57,000, which includes and additional $16,666.87 contingency, is necessary to complete the projects. These change orders were not foreseen when the original contracts were approved by Council.

ATTACHMENTS:

Click to download

- Staff Report
- Resolution

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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

Christina Ramirez, Neighborhood Services Supervisor

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: June 3, 2014

To: Mayor and City Council

From: Chris Boyd, Interim Community and Economic Development Director
Christina Ramirez, Neighborhood Services Supervisor

Re: Replacement HOME project contingency request.

Introduction

The Neighborhood Services Division has started construction to replace three substandard homes under the City's HOME Investment Partnerships Program (HOME). Contracts to commence construction were approved on October 8, 2013, by City Council and subsequently awarded to Cholla Managing Group, LLC (Cholla) in the amount of $374,000, plus $18,700 (5% contingency).

Background

HOME grant funding is provided by the U.S. Department of Housing and Urban Development (HUD) to municipalities in order to provide decent and affordable housing, particularly housing for income qualified residents of Surprise, who are living in homes that are in need of health and safety repairs or eventual replacement if the home is beyond repair.

Notices to proceed were issued to Cholla to begin construction on all three properties. The first on 11/25/2013 for 15845 N Hollyhock, the second on 11/26/13 for 12926 W Sahuaro, and the third on 3/18/2014 for 24401 N 181st Dr.

The construction contract amount required change orders are as follows:

Sahuaro: Original bid amount for construction: $120,353.00

Change Orders:

- Shower/tub accessibility $1,113
- Toilet accessibility $115
- Pad Certification $1,245
- Water Main/line Installation* $21,469
- Design $2,563
- Taxes $7,685.75

Total: $154,543.75

*During construction it was determined the waterline was not near the property

181st Drive: Original bid amount for construction: $133,873.00

- Client Relocation $285

- Asbestos Testing of original property $695
- Asbestos Abatement of original property $7,850
- Taxes $8500

Total: $151,203

Hollyhock Drive: Bid Amount of Construction: $119,718.00

- Taxes $7,568.38

Total: $127,286.38

Previously approved amount (including contingency): $392,700

New construction amount including change orders -$433,033.13

Difference between original and approved amounts: ($40,333.13)

Additional contingency for remainder of project $16,666.87

Requested increase amount to budget: $57,000

An increase of $57,000, that includes and additional $16,666.87 contingency would help assist in the attempt to prevent the project from going over budget in the future due to any more potential change orders that may be necessary to complete construction of the new homes.

Previous Actions

Through the City's Annual Action Plan, HOME grant funding in the amount of $652,100 was identified and approved for reconstruction of substandard homes. The approved amount for these three homes by County is $462,700 leaving the City of Surprise with $189,400 to focus on other projects or apply towards this project if necessary. The current HOME funded construction contract was approved by Council on October 8, 2013.

Conclusion

The increase to the budget mentioned above will be funded through the HOME funding allotment. It is the intent of staff to support projects that will foster neighborhood sustainability, vibrancy and to keep residents in their neighborhoods. It is believed that the recommended increase to the contingency will complete the assistance needed by these residents. With the grant funding available, and the approval of necessary change orders, it is the intention of staff to follow procurement contract amendment procedures that assure expenditures exceeding prior Council approval are authorized through a budget increase.

Recommendations

Approval of increase to the contingency by $57,000.

RESOLUTION # 2014-66

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2014 BUDGET BY REALLOCATING APPROPRIATIONS OF $57,000 FROM THE GRANTS AND CONTINGENCY FUND TO THE NEIGHBORHOOD REVITALIZATION FUND AND INCREASING THE BUDGET TO FACILITATE COMPLETION OF THE PROJECT FUNDED WITH HOME GRANT FUNDS.

WHEREAS, on October 8, 2013, Council approved a contract with Cholla Managing Group, LLC and the budget to complete three new home replacements utilizing funds under the HOME program;

WHEREAS, an additional $57,000 in funding is necessary to complete the project due to unforeseen circumstances;

WHEREAS, the City has additional HOME grant funds available to complete the project and has received approval from Maricopa County to use the additional HOME funds;

WHEREAS, the FY2014 budget was adopted by Council Resolution #2013-13 on June 18, 2013;

WHEREAS, this action will necessitate increasing the project budget and a budget amendment; and

WHEREAS, 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 City Council of the City of Surprise, Arizona, as follows.

Section 1. The City is hereby authorized to increase the project budget by the amount of $57,000, and 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, 2013 through June 30, 2014.

APPROVED AND ADOPTED this _____day of ___________, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION # 2014-66
Exhibit A

The FY2014 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Professional & Outside Services/Neighborhood Revitalization Fund	$374,000	$57,000	$431,000
Contingency/ Grants and Contingency Fund	45,069,200	(57,000)	45,012,200
	$45,443,200	$0	$45,443,200

Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
State Grant Revenue/Neighborhood Revitalization Fund	$374,000	$57,000	$431,000
Other Grant Revenue/Grants and Contingency Fund	4,798,800	(57,000)	4,741,800
	$5,172,800	$0	$5,172,800

The fund changes are as follows:

- Grants and Contingency Fund – provide budget authority to move $57,000 in additional HOME grant funding to the Neighborhood Revitalization fund. When the original budget adjustment was completed, only $374,000 in funding had been identified. This budget adjustment moves $57,000 from grants and contingency fund to the neighborhood revitalization fund.
- Neighborhood Revitalization Fund – provide budget authority to use $57,000 in additional HOME grant funding. This budget adjustment moves $57,000 in budget authority from the grants and contingency fund to the neighborhood revitalization fund.

CITY OF SURPRISE
Regular City Council Meeting

June 17, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	June 17, 2014	Contact Person:	Mark A. Coronado, Director - Community & Recreation Services
Submitting Department:	CRS	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action amending the FY2014 budget in the amount of $100,000 for stadium field renovations; Resolution 2014-41.

Motion:

I move to approve resolution # 2014-41.

Background:

The City of Surprise is seeking a qualified contractor in sports field installation/renovation for the renovation of four professional baseball fields at the Surprise Stadium. It is the intent of the city of Surprise to award this contract for a multi-year term renewable on an annual basis for the purpose of renovating all 18 sports fields located at the Surprise Stadium over the term of the contract. Estimated begin date of project is June 16, 2014. Project must be completed by August 1, 2014. Project dates for each subsequent year will be determined during the spring and will be based on which fields are being renovated and the summer schedule. The general time frame to complete the renovations will be 45-60 days. The estimated cost for renovating four fields each year is $250,000.

Financial Impact Statement:

For FY2014, requesting $100,000 of budget authority to be moved from contingency to professional services in the spring training ticket surcharge fund (21227).

ATTACHMENTS:

Click to download

Resolution Field Renovation 2014-41

External Attachment Links:

Resolution

Meeting Requirements:

Powerpoint x Video White Board Other x

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

Mark A. Coronado, Director - Community & Recreation Services

RESOLUTION # 2014-41

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2014 BUDGET BY REALLOCATING APPROPRIATIONS OF $100,000 FROM CONTINGENCY TO SERVICES IN THE SPRING TRAINING TICKET SURCHARGE FUND FOR STADIUM FIELD RENOVATIONS.

WHEREAS, the City of Surprise wishes to authorize the use of $100,000 of the Spring Training Ticket Surcharge fund for stadium field renovations on the Ranger and Royal major league fields;

WHEREAS, on May 21, 2001 Mayor and Council approved Sports Facilities Use Agreements with the Kansas City Royals and the Texas Rangers;

WHEREAS, per the Agreements the city is contractually obligated to maintain a fund for facility improvements;

WHEREAS, the Spring Training Ticket Surcharge fund is a special revenue fund established in June 2012 to account for revenue from a ticket surcharge on the sale of spring training tickets. The Community and Recreation Services Department is able to use this revenue to address facility operational improvements at the stadium;

WHEREAS, the FY2014 budget was adopted by Council Resolution #2013-13 on June 18, 2013;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, 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. Pursuant to obligations contained within the May 21, 2001 Sports Facilities Use Agreements, the use of Spring Training Ticket Surcharge special revenue funds for facility operational projects is hereby authorized

Section 2. 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, 2013 through June 30, 2014.

APPROVED AND ADOPTED this _____day of ___________, 2014.

Sharon R. Wolcott, Mayor

Attest:

Sherry Aguilar, City Clerk

Approved as to form:

Misty Leslie, City Attorney

RESOLUTION # 2014-41
Exhibit A

The FY2014 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

Spring Training Ticket Surcharge	Current Appropriation	Increase (Decrease)	Amended Appropriation
Services	0	$100,000	$100,000
Contingency	$301,500	($100,000)	$201,500
	$301,500	$0	$301,500

The fund changes are as follows:

- The amendment utilizes Spring Training Ticket Surcharge fund in the amount of $100,000 for field renovations without exceeding the approved total annual budget for FY2014.

CITY OF SURPRISE
Regular City Council Meeting

June 17, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	June 17, 2014	Contact Person:	Bob Wingenroth, City Manager
Submitting Department:	CD	District:	6
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action amending the City's policy regarding Foreign Trade Zone Tax Benefit Eligibility, as previously established in Resolution 09-108 and authorizing the city manager to issue a support letter regarding potential tax reclassification for the building located at 12000 North 132nd Avenue in the Surprise Skyway Business Park; Resolution 2014-65.

Motion:

I move to approve Resolution 2014-65.

Background:

The city of Surprise approved a resolution to join the Greater Maricopa Foreign Trade Zone (GMFTZ) in 2009. Park Skyway, a 420,000 square foot speculative industrial building, has requested letters of support from Surprise and other taxing jurisdictions for a foreign trade zone (user driven) pre-application.

Financial Impact Statement:

This action is revenue neutral.

ATTACHMENTS:

Click to download

- Staff Report
- FTZ Support Letter - Wingenroth
- Resolution 2014-65

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video		White Board	Other	x

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

Mike Hoover, Economic Development Supervisor

COMMUNITY & ECOMONIC DEVELOPMENT

SURPRISE
ARIZONA

Date: June 17, 2014

To: Mayor and City Council

From: Michael W. Hoover, Economic Development Supervisor

Re: Park Skyway – Foreign Trade Zone Support Letter

Introduction

Attached for the Mayor and Council's review and discussion is a resolution to provide a support letter to Park Skyway to pursue Foreign Trade Zone qualified companies.

Background

The city of Surprise approved a resolution to join the Greater Maricopa Foreign Trade Zone (GMFTZ) in 2009. Surprise Pointe, located at the SWC of Thunderbird Road and Dysart Road is one of the original designated sites for the GMFTZ. The support for the reclassification was with the agreement the taxing jurisdictions revenue from the property would be equal or above the previously collected amounts.

Proposed Support Letter

Park Skyway, a 420,000 square foot speculative industrial building, has requested letters of support from Surprise and other taxing jurisdictions for a foreign trade zone (user driven) pre-application. The pre-application would be used in dialogue with potential new tenants and be formalized with a tenant lease or purchase agreement and federal approval of foreign trade zone qualifications.

Development Agreement

The Economic Development Division recommends a letter of support. Park Skyway is the only large industrial building in the city and will be competing statewide and nationally for tenants. The letter of support will provide Park Skyway a marketing tool that may show potential new businesses cost and time savings. The letter of support will be consistent with city activity in the past, identifying a revenue neutral approach to providing foreign trade zone status.

Recommendation

Approval.

SURPRISE
ARIZONA

City Manager's Office
16000 N. Civic Center Plaza
Surprise, AZ 85374
Ph 623-222-1100
Fax 623-222-1021
TTY: 623-222-1002

June 18, 2014

Mr. Arthur B. Othon
Chairman of GMFTZ, Inc.
WESTMARC
14100 N. 83rd Avenue, Suite 150
Peoria, AZ 85381

RE: Greater Maricopa Foreign Trade Zone, Inc. *and*
Skyway Business Park
12000 North 132nd Avenue
Surprise, Arizona 85375

Dear Mr. Othon,

On behalf of the City of Surprise I would like to offer my continued support of FTZ No. 277, as we believe that the Zone is an excellent vehicle for attracting, expanding and maintaining business opportunities within our community.

It is our understanding that Park Skyway is proposing to bring FTZ tenants and users to their new 400,000+ square foot building inside Skyway Business Park located at southwest Cactus Road and Dysart Road in Surprise. In order to better secure and capture new business opportunities, Park Skyway (the building parcel only) is seeking advance assurance of the FTZ tax ramifications which might ensue should a real "project" start to show interest in the currently constructed building. This is exciting news for our community and it is our hope that a tenant or user will locate at this industrial site and bring employment opportunities to our community.

This letter will serve as recognition of our policy to support a FTZ tax classification for any Zone user or tenant that enters into an agreement for leasing or purchasing the building currently constructed within Skyway Business Park. The City of Surprise authorized me to approve any qualified FTZ applicant seeking to locate in the building located at 12000 North 132nd Avenue. Applicants may be qualified by me if they represent a project generating city property taxes in the City of Surprise that are greater than or equal to the most recent Maricopa County Board of Supervisors certified tax roll at the subject location as further described in Resolution 2014-65. The Zone Applicant may use this letter as evidence of our tax support for this site.

Sincerely,

Bob Wingenroth
City Manager

RFLS # 3944

RESOLUTION NO. 2014-65

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE CITY'S POLICY REGARDING FOREIGN TRADE ZONE (FTZ) TAX BENEFIT ELIGIBILITY AS PREVIOUSLY ESTABLISHED IN RESOLUTION 09-108 AND AUTHORIZING THE CITY MANAGER TO ISSUE A LETTER OF SUPPORT FOR FTZ TAX TREATMENT FOR THE PROPERTY LOCATED AT 12000 NORTH 132ND AVENUE, SURPRISE ARIZONA.

WHEREAS, since 2009 the City of Surprise has been a member of the Greater Maricopa FTZ Inc, Advisory Board, the grantee of a new general-purpose foreign trade zone ("FTZ" or "Zone") to be created in western and northern Maricopa County;

WHEREAS, the City of Surprise supports the continued utilization of this FTZ and believes that use of Zone status serves as a means to encourage new business to locate within our City as well as encourage the retention and expansion of local business involved in international commerce;

WHEREAS, Under A.R.S. §42-12006, the State of Arizona allows real and personal property within an approved and activated foreign trade zone, or subzone, to be reclassified within Class 6 and assessed for taxation purposes at a reduced value, currently 5% of its full cash value;

WHEREAS, the City Council of the City of Surprise is authorized by the Grantee to establish local policy regarding the reclassification of real and personal property within its City's jurisdiction for the use of this new FTZ, and any approved special-purpose subzones that may apply; and

WHEREAS, the Council wishes to grant certain authority to the Surprise City Manger to pre-authorize sites within FTZ no. 277 to help market sites within the Zone.

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

Section 1: This Resolution restates and amends the policies set forth in Surprise Resolution 09-108.

Section 2: The City of Surprise will issue its support letter for any qualified applicant for FTZ designation (either subzone or a new site) provided that it is consistent with the City's goals and objectives and where the following items are completed to the City's satisfaction, in the City's sole discretion:

(a) The applicant or operator agrees in writing that the reclassified FTZ tax assessment ratio (rate) will be applied only to new property, fixed assets and equipment that will be added to the Zone after a baseline date; and that the previous year's taxes and rate shall apply to all real and personal property that was assessed and taxed prior to the baseline date at the same taxable rate which will apply, had there not been an FTZ applied for and activated on the property, for any subsequent tax years.

(b) The baseline date for tax value shall be the date of completion of all of the following:

(1) The applicant submitting a letter to the City and the Grantee (Greater Maricopa FTZ Inc.) requesting FTZ sponsorship; and
(2) The applicant signing a Tax Policy Agreement with the City, and
(3) The applicant paying the required fees to the Grantee.

Section 3: Notwithstanding Section 2 of this Resolution, and for only the building located at 12000 North 132nd Avenue, MCR parcel # 501-45-938 in the Surprise Skyway Business Park, the Surprise City Council hereby authorizes the Surprise City Manager, or his designee, to execute a letter of support for FTZ tax treatment as set forth in Section 4 of this Resolution, to any applicant or operator seeking assurance from the city for a proposal that also meets the following criteria:

(a) The applicant is for FTZ designation for operations at that building located at 12000 North 132nd Avenue, MCR parcel # 501-45-938 in the City of Surprise, AZ;

(b) The applicant or operator agrees in writing that the reclassified FTZ tax assessment ratio (rate) will be applied only to new property, fixed assets and equipment that will be added to the Zone after a baseline date; and that the previous year's taxes and rate shall apply to all real and personal property that was assessed and taxed prior to the baseline date at the same taxable rate which will apply, had there not been an FTZ applied for and activated on the property, for any subsequent tax years;

(c) The baseline date for tax value shall be the date of completion of the following:

(1) The applicant signing a Tax Policy Agreement with the City; and
(2) The applicant paying the required fees to the Grantee.

The purpose for this delegation of authority is for the promotion of the FTZ classification and for industry recruitment for this particular parcel only.

Section 4: The applicant shall prepare and submit to the Maricopa County Assessor the following documents:

(a) a baseline value estimate consisting of the sum of the past year's assessment on the property as last-assessed or taxed, prior to the baseline date which will establish the baseline value which shall be assessed the rate as if the baseline value was not part of an activated FTZ Site, which will establish the baseline taxes payable on said Site;

(b) an estimate or plan for the construction/purchase or erection of any new real property and equipment purchased after the date of the baseline, which, when in place and assessed for taxes (and qualified by the Assessor as having met the FTZ requirements of "approved and activated FTZ Site"), shall be taxed at the re-classed rate of 5%, or as may be adjusted by the State.

APPROVED AND ADOPTED this _____day of ___________, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Council Meeting Date:	June 17, 2014	Contact Person:	Bob Wingenroth, City Manager
Submitting Department:	CD	District:	6
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action approving Economic Development Agreement with Janus International, located at the northwest corner of Peoria Avenue and Solar Canyon Way, and amending the FY2014 budget in the amount of $60,000 for reimbursement of permit fees and development impact fees related to such agreement; Resolution #2014-71.

Motion:

I move to approve Resolution #2014-71.

Background:

Janus International has operated in the City of Surprise at the NWC of Peoria Avenue and Solar Canyon Way for over 10 years. Janus International is a leading manufacturer of steel roll-up doors and building components created for the self storage, industrial and commercial door dealer markets. Janus exports across the United States

Financial Impact Statement:

This action utilizes economic development contingency in the general fund in the amount of $60,000 for reimbursing permit and development impact fees.

ATTACHMENTS:

Click to download

- Staff Report
- Resolution and Agreement

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video		White Board	Other	x

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

Mike Hoover, Economic Development Supervisor

SURPRISE
ARIZONA

COMMUNITY & ECOMONIC DEVELOPMENT

Date: June 17, 2014

To: Mayor and City Council

From: Michael W. Hoover, Economic Development Supervisor

Re: Janus International – Development Agreement

Introduction

Attached for the Mayor and Council's review and discussion is a proposed Development Agreement between the City of Surprise and Janus International.

Company Summary

Janus International has operated in the City of Surprise at the NWC of Peoria Avenue and Solar Canyon Way for over 10 years. Janus International is a leading manufacturer of steel roll-up doors and building components created for the self storage, industrial and commercial door dealer markets. Janus exports across the United States.

Proposed Development

Janus International has proposed to expand its Surprise location with an investment of approximately $1.8 million and 30,000 square feet of new facilities. The project expansion would establish an estimated 30 new positions.

- Size: 30,000 square feet of expansion
- Jobs: 30 Full/Part Time
- Capital Investment: $1.8 Million
- Completion: December 2014

Development Agreement

The proposed development agreement is incentive based and is phased to encourage performance. The terms of the agreement are consistent with similar transactions in the area and expected revenues will exceed the offered incentives.

Recommendation

Approval

RESOLUTION # 2014-71

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2015 BUDGET BY REALLOCATING APPROPRIATIONS OF $60,000 FROM THE ECONOMIC DEVELOPMENT CONTINGENCY TO SERVICES IN THE CITY MANAGER'S OFFICE TO FUND AN ECONOMIC DEVELOPMENT AGREEMENT WITH JANUS INTERNATIONAL LLC FOR PLANT EXPANSION, FENCE MODIFICATION AND LANDSCAPING.

WHEREAS, Janus International has proposed to expand its Surprise location with an investment of approximately $1.8 million and 30,000 square feet of new facilities;

WHEREAS, the project expansion would establish an estimated 30 new positions;

WHEREAS, Janus International is located at a gateway to the City's Southwest Railplex and has agreed to help beautify the gateway by replacing its current fencing and significantly enhancing its current landscaping along Solar Canyon Way to help the City market the Railplex;

WHEREAS, the City seeks to participate in this Project by reimbursing Janus International for up to $20,000 in permit fees and $40,000 in development impact fees once Janus meets certain performance milestones;

WHEREAS, the FY2015 budget was adopted by Council Resolution #2014-53 on June 3, 2014;

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. The Economic Development Agreement authorized by Arizona Revised Statutes §9-500.05 and presented for Council review at its June 17, 2014 council meeting is hereby approved.

Section 2. 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, 2014 through June 30, 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

RESOLUTION # 2014-71
Exhibit A

The FY2015 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

General Fund City Manager's Office Economic Development	Current Appropriation	Increase (Decrease)	Amended Appropriation
Services	$4,566,800	$60,000	$4,506,800
Economic Development Contingency	1,000,000	(60,000)	940,000
	$0	$0	$0

The fund changes are as follows:

- The amendment utilizes economic development contingency in the general fund in the amount of $60,000 for reimbursing permit fees and development impact fees to Janus International without exceeding the approved total annual budget for FY2015.

WHEN RECORDED RETURN TO:

City Clerk, City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374-74470

ECONOMIC DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is entered into _______ ______, 20__, by and between JANUS INTERNATIONAL GROUP, LLC. a Delaware corporation ("Janus") and the CITY OF SURPRISE, an Arizona municipal corporation (the "City"). Janus and City are collectively referred to herein as the "Parties," or individually as the "Party."

RECITALS:

A. Janus operates a business under a ten year lease on the Property located at 13374 W. Peoria Avenue, Surprise, AZ 85379, MCR# 501-43-002T,depicted in Exhibit A (the "Property") within the City of Surprise, AZ.

B. The Parties desire to enter into this Agreement for the purpose of retention/expansion project of manufacturing operations intending this document to be an Agreement within the meaning of both A. R. S. § 9-500.05 and § 9-500.11 (A).

C. Janus is an existing manufacturing company that is expanding its operations in the City of Surprise and has agreed to help beautify the entrance to the City's Southwest Railplex by making significant landscaping improvements to its facilities consistent with this Agreement. The Project expansion is intended to accommodate an additional 30 new positions which Janus intends to add over the next three to five years. In exchange, City agrees to reimburse Janus's permit and development impact fees paid in association with construction of the Project. City will only reimburse the fees after all the improvements are made and accepted by the City.

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, and the mutual promises set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties state, confirm and agree as follows:

1. Parties' Duties and Obligations. Janus, its successors and assigns agree that the obligations set forth in this Agreement are binding and enforceable upon Janus,

its successors and assigns. City agrees that its obligations under this Agreement are binding and enforceable upon City.

2. Janus's Project Obligations. Janus is obligated to construct the "Project" that is described in this Agreement to qualify for fee reimbursement. The Project includes the following three components:

2.1 Plant Expansion. Construction of an approximately thirty thousand (30,000) square foot building addition to existing facilities located at the Property described in Recital A and on Exhibit A, requiring an approximate capital investment of $1.8 million dollars no later than March 1, 2015. The Project must be constructed in compliance with all applicable City design and construction approvals.

2.2 Landscaping. Installation of City-approved landscaping consistent with City standards. As a pre-condition for reimbursement under section 3 of this Agreement, Janus will obtain written approval of the landscape design from the Surprise City Manager or his designee, which must be obtained prior to issuance of any permit related to installation of the landscaping. The size and character of the landscaping must be consistent with established landscaping in other Southwest Railplex properties and must conform to the landscaping designs and standards conceptually described in Exhibit B. All vegetation must be sufficiently mature to blend with the maturity of landscaping on nearby properties along Solar Canyon Way. The goal of the landscaping is to unite the properties on both sides of Solar Canyon Way to form a cohesive entrance to the Railplex at Solar Canyon Way and Peoria.

2.3 Fence. Construction of a fence or wall in a form acceptable to City for replacement of Janus's existing fence along Solar Canyon Way. The fence or wall design is subject to the written approval of the Surprise City Manager or his designee which must be obtained prior to issuance of any construction permit for the fence or wall. The goal of the fence or wall design is to unite the properties on both sides of Solar Canyon Way to form a cohesive entrance to the Railplex at Solar Canyon Way and Peoria.

2.4 Janus will obtain City manager approval of the landscape or fence/wall design, as described in sections 2.2 and 2.3, in addition to the normal City plan review process. Janus agrees to obtain this written approval from the Surprise City Manager prior to beginning construction on these portions of the Project to be eligible for reimbursement under section 3 of this Agreement.

3. City's Project Obligations.

3.1 Fee Reimbursement. If Janus constructs the Project described in Section 2 of this Agreement and obtains City acceptance or approval of the construction prior to December 1, 2014, City will reimburse Janus for fees as follows.

3.1.1 Pre-condition. Prior to submission of a request for reimbursement, Janus must construct the Project in conformance with City approved plans and specifications and must obtain written city approval that all construction meets applicable City standards and approved plans.

3.1.2 Permit Fee Reimbursement. Upon compliance with the pre-condition set forth in section 3.1.1, City agrees to reimburse Janus for all actual plan and permit fees (development review, civil construction review, civil permit, building permit and plan review) it paid related to the Project **in an amount not to exceed $20,000**. City will pay Janus the funds discussed in this sub-section 3.1.2 associated with this Project within 60 days of Janus's written request for reimbursement.

3.1.3 Impact Fee Reimbursement. Upon compliance with the pre-condition set forth in section 3.1.1, City agrees to reimburse Janus for all actual development Impact Fees paid by Janus as part of this Project **in an amount not to exceed $40,000**. City will pay Janus the funds discussed in this sub-section 3.1.3 associated with this Project within 60 days of Janus's written request for reimbursement.

3.1.4 Deadline. Janus must meet all of the conditions of this Agreement and must deliver Janus's request for reimbursement no later than the date set in section 2.1 to be eligible for City reimbursement under this section 3.

3.2 City agrees that if the City manager issues a letter approving the designs for the landscaping, the fence or wall, or both, that letter shall constitute the written approval of the plans as required as a pre-condition to fee reimbursement under this section 3.

4. Term/Termination. This Agreement shall become effective on the date this Agreement is recorded and shall continue in full force and effect until the requirements of this Agreement have been fulfilled or June 30, 2015, whichever is later. This Agreement shall automatically terminate upon the effective date of Council approved re-zoning in conflict with this Agreement.

5. General Provisions.

5.1 Recordation. This Agreement shall be recorded in its entirety in the Official Records of Maricopa County, Arizona, not later than ten days after its full execution by the Parties.

5.2 Notices and Requests. Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if (A) delivered to the party at the address set forth below, (B) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below or (C) given to a recognized and reputable overnight delivery service, to the address set forth below:

The City:	City of Surprise 16000 N. Civic Center Plaza Surprise, AZ 85374-74470 Attn: City Manager
With copy to:	Surprise City Attorney's Office City of Surprise 16000 N. Civic Center Plaza Surprise, AZ 85374-74470 Attn: Misty Leslie, City Attorney
Janus:	Janus International Group LLC. 135 Janus International Blvd. P.O. Box 567 Temple, GA 30179 Attn: David Curtis CEO
With copy to:	________________

or at such other address, and to the attention of such other person or officer, as any party may designate in writing by notice duly given pursuant to this Section. Notices shall be deemed received (A) when delivered to the party, (B) three business days after being placed in the U.S. Mail, properly addressed, with sufficient postage or (C) the following business day after being given to a recognized overnight delivery service, with the person giving the notice paying all required charges and instructing the delivery service to deliver on the following business day. If a copy of a notice is also given to a party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a party shall mean and refer to the date on which the party, and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

5.3 Choice of Law, Venue and Attorneys' Fees. The laws of the State of Arizona shall govern any dispute, controversy, claim or cause of action arising out of or related to this Agreement. The venue for any such dispute shall be Maricopa County, Arizona, and each Party waives the right to object to venue in Maricopa County for any reason. Neither Party shall be entitled to recover any of its attorneys' fees or other costs from the other Party incurred in any such dispute, controversy, claim, or cause of action, but each Party shall bear its own attorneys' fees and costs, whether the same is resolved through arbitration, litigation in a court, or otherwise.

5.4 Default. In the event a Party fails to perform or fails to otherwise act in accordance with any term or provision hereof (the "Defaulting Party") then the other Party (the "Non-Defaulting Party") may provide written notice to perform to the Defaulting Party (the "Notice of Default"). The Defaulting Party shall have 30 days from receipt of the Notice of Default to cure the default. In the event the failure is such that more than 30 days would reasonably be required to cure the default or otherwise comply with any term or provision herein, then the Defaulting Party shall notify the City of such and the timeframe needed to cure such default, so long as the Defaulting Party commences performance or compliance or gives notice of additional time needed to cure within said 30-day period and diligently proceeds to complete such performance or fulfill such obligation; provided further, however, that no such cure period shall exceed 90 days. Any written notice shall specify the nature of the default and the manner in which the default may be satisfactorily cured, if possible.

5.5 Good Standing; Authority. Each Party represents and warrants that it is a duly formed and legally valid existing entity under the laws of the State of Arizona with respect to Janus, or a municipal corporation within Arizona with respect to the City and that the individuals executing this Agreement on behalf of their respective Party are authorized and empowered to bind the Party on whose behalf each such individual is signing.

5.6 Assignment. The provisions of this Agreement are binding upon and shall inure to the benefit and burden of the Parties, and all of their successors in interest and assigns.

5.7 Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between the Parties. No term or provision of this Agreement is intended to, or shall be for the benefit of any person, firm or entity not a party hereto, and no such other person, firm, or entity shall have any right or cause of action hereunder.

5.8 Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver of any breach shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant, or condition of this Agreement. No waiver shall be effective unless it is in writing and is signed by the Party asserted to have granted such waiver.

5.9 Further Documentation. The Parties agree in good faith to execute such further or additional instruments and documents and to take such further acts as may be necessary or appropriate to fully carry out the intent and purpose of this Agreement.

5.10 Fair Interpretation. The Parties have been represented by counsel in the negotiation and drafting of this Agreement and this Agreement shall be construed according to the fair meaning of its language. The rule of construction that ambiguities shall be resolved against the Party who drafted a provision shall not be employed in interpreting this Agreement.

5.13 Computation of Time. In computing any period of time under this Agreement, the date of the act or event from which the designated period of time begins to run shall not be included. The last date of the period so completed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday. The time for performance of any obligation or taking any action under this Agreement shall be deemed to expire at 5:00 p.m. (Phoenix, Arizona time) on the last day of the applicable time period provided herein.

5.14 Conflict of Interest. Pursuant to A.R.S. § 38-503 and § 38-511, no member, official or employee of the City shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official or employee participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership or association in which he or she is, directly or indirectly, interested. This Agreement is subject to cancellation pursuant to the terms of A.R.S. § 38-511.

5.15 Entire Agreement. This Agreement, together with the following Exhibits attached hereto (which are incorporated herein by this reference) constitute the entire agreement between the Parties:

Exhibit A: Depiction of the Property
Exhibit B: Landscape Plan (Proposed)

All prior and contemporaneous agreements, representations and understandings of the Parties, oral or written, are superseded by and merged in this Agreement.

5.16 Time of the Essence. Time is of the essence in this Agreement and with respect to the performance required by each Party hereunder.

5.17 Severability. If any provisions of this Agreement is declared void or unenforceable, such provisions shall be severed from this Agreement, which shall otherwise remain in full force and effect.

5.18 Proposition 207 Waivers. Developer hereby waives and releases the City from any and all claims under A.R.S. § 12-1134 et seq., including any right to compensation for reduction to the fair market value of the Property, as a result of the City's approval of this Agreement. The terms of this waiver shall run with the land and shall be binding upon all subsequent land Janus and shall survive the expiration or earlier termination of this Agreement.

To the extent applicable under A.R.S. § 41-4401 and 23-214, Janus represents and warrants compliance with all federal immigration laws and regulations that relate to their employees and their compliance with the E-verify requirements of A.R.S. 23-214(A). Breach of the above-mentioned warranty shall be deemed a material breach of the Agreement and may result in the termination of the Agreement by City. The City retains the legal right to randomly inspect the papers and records of any employee who works under this Agreement to ensure compliance with the above-mentioned laws.

5.20 Prior Appropriations. Pursuant to ARS § 42-17106, the City is a governmental agency which relies upon the appropriation of funds by its governing body to satisfy its obligations. City represents that it intends to pay all monies due under this Agreement if such funds have been legally appropriated. City agrees to actively request funding for future fiscal periods in order to satisfy the terms of this Agreement. However, in the event that an appropriation is not granted and operating funds are not otherwise legally available to pay the monies due or to become due under this Agreement, City shall have the right to terminate the Agreement without penalty on the last day of the fiscal period for which funds were legally available. In the event of such termination, City agrees to provide a minimum of thirty (30) calendar days' advance written notice of its intent to terminate.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above:

"**City**"

CITY OF SURPRISE, an Arizona municipal corporation

By:________________________________
Its: CITY MANAGER

ATTEST:

____
Sherry Aguilar, City Clerk

APPROVED AS TO FORM

____
Misty Leslie, City Attorney

STATE OF ARIZONA)
)ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this _____ day of ________________, 2014, by Bob Wingenroth, the City Manager for the CITY OF SURPRISE, an Arizona municipal corporation.

____
Notary Public

My Commission Expires:

____

"**Janus**"

____________________, Inc.,
A ____________ Corporation

By:____________________________________

Name:_________________________________

Title:__________________________________

STATE OF ____________)
) ss.
County of _____________)

The foregoing instrument was acknowledged before me this _____ day of ______________, 2014, by___________________________ , the _________________ of Janus International, LLC. a Delaware corporation, on behalf of the corporation.

____
Notary Public

My commission expires:

____

RFLS 4076

EXHIBIT A
TO DEVELOPMENT AGREEMENT

DEPICTION OF THE PROPERTY

See following pages

Exhibit A

Parcel ID 501-43-002T

EXHIBIT B

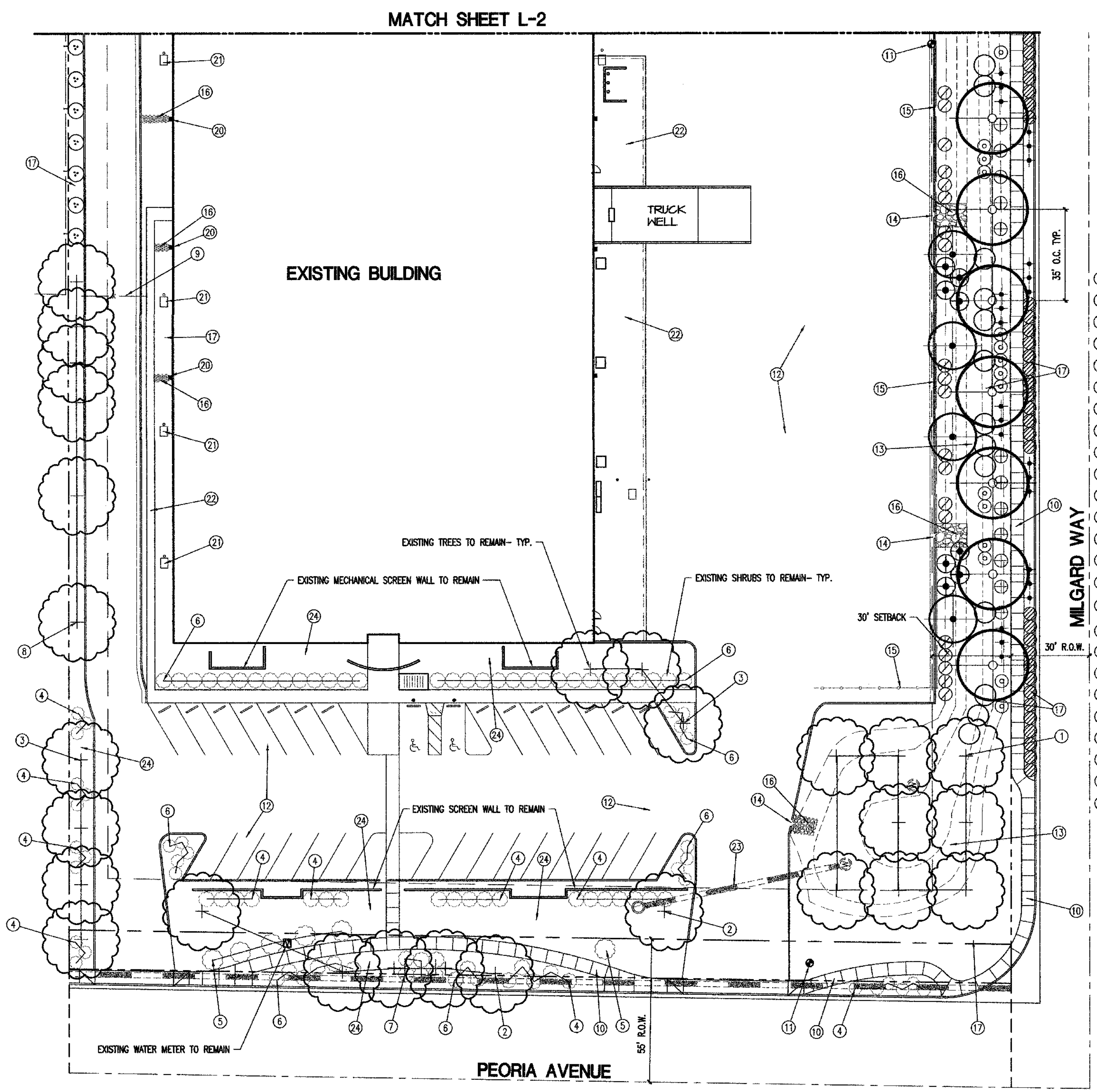
TO DEVELOPMENT AGREEMENT

PROPOSED LANDSCAPE PLANS

See following pages

PLANT SCHEDULE: (FOR THIS SHEET ONLY)

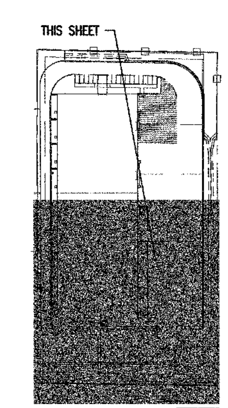
EXISTING TREE	TO REMAIN	
CERCIDIUM HYBRID DESERT MUSEUM PALO VERDE	24" BOX MINIMUM, STANDARD 9' HT., 4.5' SP., 1 1/2" CAL.	0 TOTAL
ACACIA SMALLII SWEET ACACIA	24" BOX MINIMUM MATCHING, 9' HT., 4.5' SP., 1 1/4" CAL.	0 TOTAL
CHITALPA "PINK DAWN" CHITALPA	24" BOX MINIMUM 7' HT., 4.5' SP., 1 1/2" CAL.	4 TOTAL
DAHLBERGIA SISSOO SISSOO TREE	24" BOX MINIMUM 9' HT., 4.5' SP., 1 1/2" CAL.	7 TOTAL
HESPERALOE PARVIFOLIA RED YUCCA	5 GALLON CONTAINER FULL, PAST CAN	24 TOTAL
LEUCOPHYLLUM LANGMANIAE "R.B." RIO BRAVO SAGE	5 GALLON CONTAINER FULL, PAST CAN	20 TOTAL
CASSIA STURTII GREEN DESERT CASSIA	5 GALLON CONTAINER FULL, PAST CAN	7 TOTAL
ROSMARINUS OFF. PROSTRATUS DWARF ROSEMARY	5 GALLON CONTAINER FULL, PAST CAN	0 TOTAL
CNEORUM CONVOLVULUS BUSH MORNING GLORY	5 GALLON CONTAINER FULL, PAST CAN	12 TOTAL
CAESALPINIA PULCHERRIMA RED BIRD OF PARADISE	5 GALLON CONTAINER FULL, PAST CAN	8 TOTAL
RUELLIA PENINSULARIS DESERT RUELLIA	5 GALLON CONTAINER FULL, PAST CAN	15 TOTAL
ACACIA REDOLENS "D.C." DESERT CARPET REDOLENS	5 GALLON CONTAINER FULL, PAST CAN	13 TOTAL
LANTANA MONTIVIDENSIS "N.G." NEW GOLD LANTANA	1 GALLON CONTAINER FULL, PAST CAN	32 TOTAL



Landscape Plan
Scale 1:20
20 10 0 20
GRAPHIC SCALE
NORTH

PLAN KEY NOTES:

1. EXISTING CITRUS TREES TO REMAIN
2. EXISTING PALO VERDE TO REMAIN
3. EXISTING MESQUITE TREE TO REMAIN
4. EXISTING CASSIA TO REMAIN
5. EXISTING AGAVE TO REMAIN
6. EXISTING DWARF OLEANDER TO REMAIN
7. EXISTING MEXICAN BIRD OF PARADISE TO REMAIN
8. EXISTING SWEET ACACIA TO REMAIN
9. EXISTING GATE TO REMAIN
10. EXISTING SIDEWALK TO REMAIN
11. EXISTING FIRE HYDRANT
12. EXISTING PAVED PARKING TO REMAIN
13. EXISTING RETENTION BASIN
14. EXISTING CURB CUT FOR DRAINAGE
15. EXISTING CHAINLINK FENCE W/ SOLID WOOD SLATS
16. INSTALL NEW 5"-6" DIA. GRANITE COBBLE (12" DEEP) (COLOR TO MATCH D.G.)
17. INSTALL 2" DEEP, ¾" MINUS "MADISON GOLD" DECOMPOSED GRANITE
18. NEW FENCE PER ARCH. DWGS.
19. NEW RETAINING WALL FOR RETENTION PER ARCH. DWGS.
20. NEW DOWNSPOUT FOR ROOF DRAINAGE
21. WATER COOLER UNIT ON GROUND
22. EXISTING CONCRETE SLAB
23. EXISTING STORM DRAIN PIPE
24. EXISTING MADISON GOLD TOPDRESSING TO REMAIN
25. EXISTING TRANSFORMER TO BE REPLACED PER ARCH. SITE PLAN A-1



Key Map
NORTH

LANDSCAPE NARRATIVE:

THIS OLDER INDUSTRIAL USER IS SURROUNDED ON THE NORTH AND WEST BY VACANT I-1 ZONING, AND ON THE EAST ACROSS MILGARD WAY BY TWO (2) RECENTLY DEVELOPED LARGE TENANT INDUSTRIAL USERS. THE LANDSCAPE DESIGN IS ENHANCED ON THE PUBLIC SIDE, WHICH IS VIEWED FROM MILGARD WAY AND PEORIA AVENUE. THE LARGE SERVICE AREA AND DRIVEWAY ON THE WEST, NORTH, AND EAST SIDE OF THE BUILDING IS A NON-PUBLIC AREA SCREENED BY OPAQUE FENCING. THIS AREA IS NOT ACCESSABLE OR CAN IT BE SEEN BY THE PUBLIC, AND THEREFORE THE LANDSCAPING PROPOSED IS MINIMAL. THE EXISTING LANDSCAPE ALONG PEORIA AVENUE AND ALONG THE FRONT (SOUTH) SIDE OF THE BUILDING IS IN GOOD HEALTH AND WILL BE MAINTAINED IN ITS ORIGINAL CONDITION.

LANDSCAPE CONCEPT AND CALCULATIONS:

- PRESERVE EXISTING MATURE LANDSCAPE ALONG PEORIA AVENUE, IN SOUTH PARKING AREA, AND ALONG FOUNDATION OF EXISTING BUILDING.
- PROVIDE DENSE NEW LANDSCAPING ALONG MILGARD WAY TO ENHANCE AND BALANCE THE NEW LANDSCAPING RECENTLY INSTALLED ACROSS THE STREET ON THE EAST SIDE OF MILGARD WAY. THE LANDSCAPE PALLETTE PROPOSED HERE IS COMPATIBLE WITH THAT INSTALLED ALONG THE STREET FRONTAGE OF THE TWO (2) NEW PROJECTS ON THE EAST SIDE OF MILGARD WAY.
- THE PROPOSED LANDSCAPE ALONG MILGARD WAY CONSISTS OF AN ABUNDANCE OF LOW-WATER USE PLANT MATERIALS TO PRESERVE WATER CONSERVATION AND PROVIDE ADDITIONAL BUFFERING AND SCREENING OF THE FACILITY FROM PUBLIC VIEW.
- PLACEMENT OF NON-DECIDOUS TREES ALONG THE MILGARD WAY RIGHT-OF-WAY AND BUILDING SETBACK IS DESIGNED IN A SPATIAL DESIGN PATTERN OF TWO (2) ROWS OF TREES AT 35 FEET ON CENTER, ALTERNATING AT 17'-6" SPACING.
- ALL NEW LANDSCAPED AREAS WILL BE TOPDRESSED WITH 2" DEEP, ¾" MINUS "MADISON GOLD" DECOMPOSED GRANITE, AND EXISTING LANDSCAPED AREAS THAT ARE VOID OF GRANITE WILL BE TOPDRESSED WITH NEW GRANITE.
- THE NEW PARKING AREA ON THE NORTH SIDE OF PROPOSED BUILDING IS PROVIDED WITH WELL-POSITIONED LANDSCAPE TO PROVIDE SHADE FOR THE PARKING.

IRRIGATION NOTE:

THE CURRENT METER SIZE IS SUFFICIENT FOR THE PROPOSED IRRIGATION SYSTEM.

KKE architects
KKE Architects, Inc.
3333 east camelback road
suite 190
phoenix, az 85018
(602) 774-3434
FAX (602) 774-3433
www.kke.com
minneapolis
las vegas
pasadena
irvine
phoenix
tucson

phillip r. ryan
landscape architect p.c.
landscape architecture & planning
575 w. chandler blvd., suite 229
chandler, arizona 85225
(480) 899-5813 fax (480) 963-3674

No.	Date	Revision Description

New Addition to JanUS Door
13374 W. Peoria Ave.
Surprise, Arizona

LANDSCAPE PLAN

Project	0918.1238.01	Drawing Number
Date	04/02/09	L-1
Drawn by	DLR	
Checked by	PRR	

KKe architects
KKE Architects, Inc.
3333 east camelback road
suite 190
phoenix, az 85018
(602) 774-3434
FAX (602) 774-3433
www.kke.com
minneapolis
las vegas
pasadena
irvine
phoenix
tucson

phillip r. ryan
landscape architect p.c.
landscape architecture & planning
575 w. chandler blvd., suite 229
chandler, arizona 85225
(480) 899-5813 fax (480) 963-3674

No.	Date	Revision Description

New Addition to JanUS Door 13374 W. Peoria Ave. Surprise, Arizona

LANDSCAPE PLAN

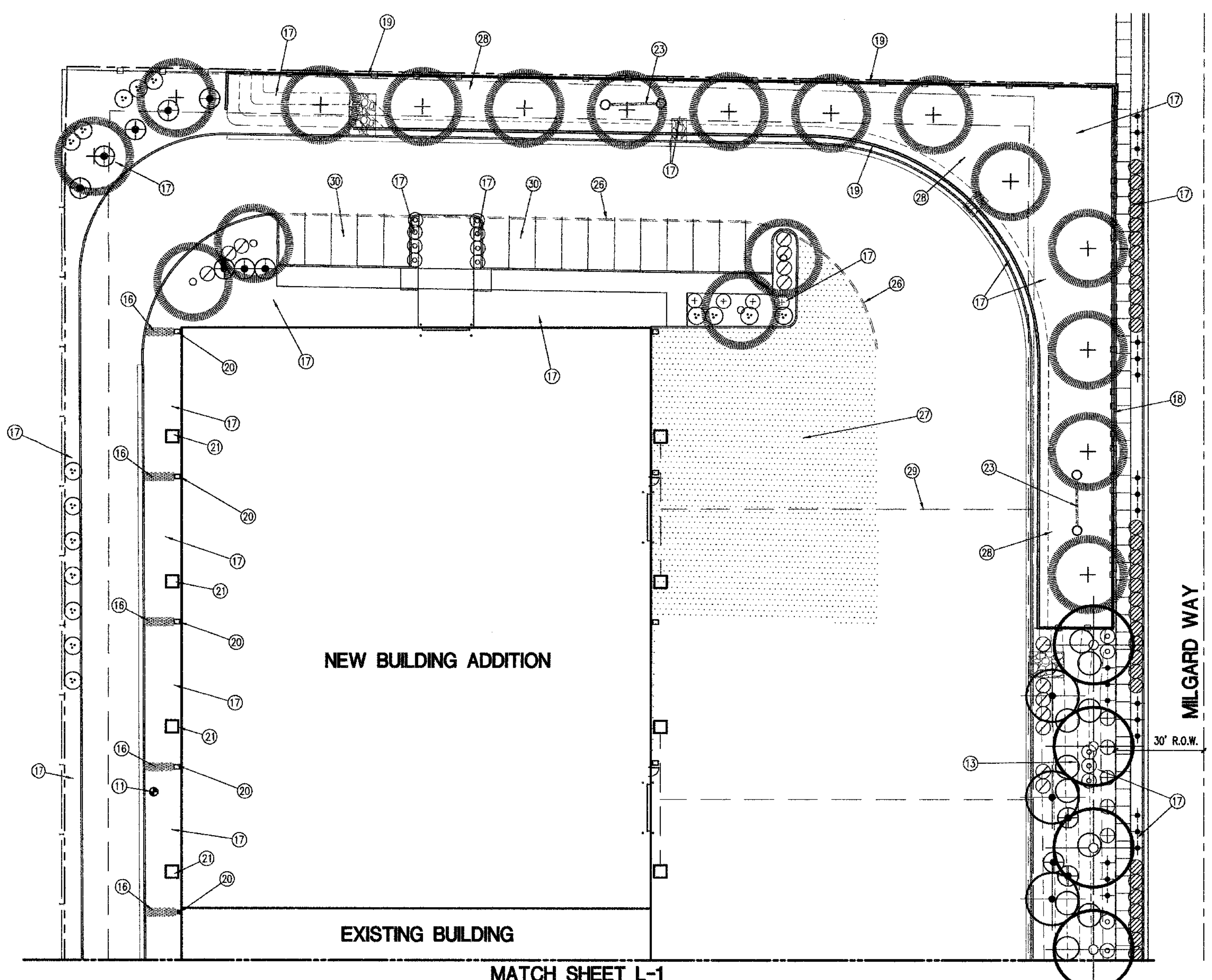
Project	0918.1238.01	Drawing Number	L-2
Date	04/02/09		
Drawn by	DLR		
Checked by	PRR		

PLANT SCHEDULE: (FOR THIS SHEET ONLY)

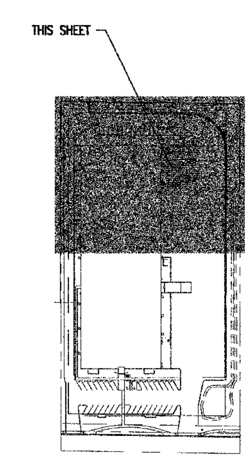
EXISTING TREE	TO REMAIN	
CERCIDIUM HYBRID DESERT MUSEUM PALO VERDE	24" BOX MINIMUM, STANDARD 9' HT., 4.5' SP., 1 1/2" CAL.	4 TOTAL
ACACIA SMALLII SWEET ACACIA	24" BOX MINIMUM MATCHING, 9' HT., 4.5' SP., 1 1/4" CAL.	14 TOTAL
CHITALPA "PINK DAWN" CHITALPA	24" BOX MINIMUM 7' HT., 4.5' SP., 1 1/2" CAL.	3 TOTAL
DAHLBERGIA SISSOO SISSOO TREE	24" BOX MINIMUM 9' HT., 4.5' SP., 1 1/2" CAL.	4 TOTAL
HESPERALOE PARVIFOLIA RED YUCCA	5 GALLON CONTAINER FULL, PAST CAN	21 TOTAL
LEUCOPHYLLUM LANGMANIAE "R.B." RIO BRAVO SAGE	5 GALLON CONTAINER FULL, PAST CAN	14 TOTAL
CASSIA STURTII GREEN DESERT CASSIA	5 GALLON CONTAINER FULL, PAST CAN	16 TOTAL
ROSMARINUS OFF. PROSTRATUS DWARF ROSEMARY	5 GALLON CONTAINER FULL, PAST CAN	4 TOTAL
CNEORUM CONVOLVULUS BUSH MORNING GLORY	5 GALLON CONTAINER FULL, PAST CAN	5 TOTAL
CAESALPINIA PULCHERRIMA RED BIRD OF PARADISE	5 GALLON CONTAINER FULL, PAST CAN	11 TOTAL
RUELLIA PENINSULARIS DESERT RUELLIA	5 GALLON CONTAINER FULL, PAST CAN	15 TOTAL
ACACIA REDOLENS "D.C." DESERT CARPET REDOLENS	5 GALLON CONTAINER FULL, PAST CAN	10 TOTAL
LANTANA MONTIVIDENSIS "N.G." NEW GOLD LANTANA	1 GALLON CONTAINER FULL, PAST CAN	31 TOTAL

PLAN KEY NOTES:

1. EXISTING CITRUS TREES TO REMAIN
2. EXISTING PALO VERDE TO REMAIN
3. EXISTING MESQUITE TREE TO REMAIN
4. EXISTING CASSIA TO REMAIN
5. EXISTING AGAVE TO REMAIN
6. EXISTING DWARF OLEANDER TO REMAIN
7. EXISTING MEXICAN BIRD OF PARADISE TO REMAIN
8. EXISTING SWEET ACACIA TO REMAIN
9. EXISTING GATE TO REMAIN
10. EXISTING SIDEWALK TO REMAIN
11. EXISTING FIRE HYDRANT
12. EXISTING PAVED PARKING TO REMAIN
13. EXISTING RETENTION BASIN
14. EXISTING CURB CUT FOR DRAINAGE
15. EXISTING CHAINLINK FENCE W/ SOLID WOOD SLATS
16. INSTALL NEW 5"-8" DIA. GRANITE COBBLE (12" DEEP) (COLOR TO MATCH D.G.)
17. INSTALL 2" DEEP, ¾" MINUS "MADISON GOLD" DECOMPOSED GRANITE
18. NEW OPAQUE FENCE PER ARCH. DWGS.
19. NEW RETAINING WALL FOR RETENTION PER ARCH. DWGS.
20. NEW DOWNSPOUT FOR ROOF DRAINAGE
21. EVAPORATIVE COOLER UNIT ON GROUND
22. EXISTING CONCRETE SLAB
23. EXISTING STORM DRAIN PIPE
24. EXISTING MADISON GOLD TOPDRESSING TO REMAIN
25. EXISTING TRANSFORMER TO BE REPLACED PER ARCH. SITE PLAN A-1
26. EXISTING CONCRETE CURB TO BE REMOVED AND ASPHALT PATCHED PER ARCH. DWGS.
27. 5" CONCRETE RAMP PER ARCH. DWGS.
28. NEW RETENTION BASIN PER CIVIL DWGS.
29. NEW 3" DIA. PVC DRAIN LINE FOR EVAP. COOLER BLEED PER ARCH. DWGS.
30. NEW ASPHALT PAVEMENT



Landscape Plan
Scale 1:20
20 10 0 20
GRAPHIC SCALE
NORTH



Key Map
NORTH

Council Meeting Date:	June 17, 2014	Contact Person:	Misty Leslie, City Attorney
Submitting Department:	Attorney's Office	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action on Ordinance 2014-09 amending the Surprise Municipal Code, deleting Sections 109-47 through 109-50, and adopting new Chapter 106, Development Impact Fees.

Motion:

I move to approve Ordinance 2014-09.

Background:

The fiftieth Legislature, first regular session, adopted Senate Bill 1525 amending A.R.S. §9-463.05 which dramatically altered the types of impact fees municipalities are authorized to impose, and the manner which those impact fees may be imposed. In response to that statutory amendment, as well as to update City Code consistent with Council direction. The ultimate council action will repeal the existing development impact fee ordinance, codified in Chapter 109 Sections 47-50 of the Municipal Code and create a separate chapter, Chapter 106 entitled Development Impact Fees. The new Chapter more specifically addresses the process and purpose of development impact fees. The changes reflected in the proposed Chapter 106 largely conform to the recommendations in the Model City Impact Fee Ordinance created by the League of Cities.

Financial Impact Statement:

This code change does not have any financial impact to the city beyond those incurred by the change in state law.

ATTACHMENTS:

Click to download

Impact Fee Ordinance

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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

ORDINANCE #2014-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 109 OF THE SURPRISE MUNICIPAL CODE BY AMENDING ARTICLE III, BY DELETING SECTIONS 109-47 THROUGH 109-50, AND ADOPTING CHAPTER 106, DEVELOPMENT IMPACT FEES.

WHEREAS, the Mayor and Council seek to promote the health, safety and general welfare of the residents of the City by requiring new development to pay its proportionate share of the costs incurred by the City that are associated with providing necessary public services to new development;

WHEREAS, the Mayor and Council seek to establish standards and procedures for creating and assessing development impact fees consistent with the requirements of A.R.S. § 9-463.05, as amended by the state legislature in SB 1525, fiftieth legislature, first regular session; and

WHEREAS, the Mayor and Council wish to set forth procedures for administering the development impact fee program, including mandatory offsets, credits, and refunds of development impact fees;

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

Section 1. Chapter 109, Miscellaneous Provisions, Article III – Development Fees and Infill Incentive Districts, Sections 109-47 through 109-50 is herby amended and deleted as follows:

ARTICLE III. ~~DEVELOPMENT FEES AND~~ INFILL INCENTIVE DISTRICTS

~~109-47. Development fee study.~~

~~A current version of the development fee study shall be kept on file in the clerk's office and made available to the public.~~

~~109-48. Development fees.~~

~~(a) The residential and commercial development fees shall be the maximum supportable fees as identified in the development fee study. The development fees shall be annually adjusted to account for inflation.~~

~~(b) The development fees set forth in the development fee study shall be collected by the community development director or his designee prior to the issuance of a building permit for the construction of any dwelling unit or commercial or industrial building or structure. The development fees with respect to any mobile, manufactured,~~

~~or modular home space shall be collected prior to the issuance of a permit for the establishment of a mobile, manufactured, or modular home within a mobile home park or a manufactured housing subdivision. The development fees with respect to any recreational vehicle pad or travel trailer pad shall be collected prior to the issuance of a permit for the construction of a recreational vehicle or travel trailer park, or for the construction of a pad contained therein. The building inspector shall not issue a building permit until the applicable development fees have been paid.~~

~~(c) In the event a building permit is issued for the enlargement, reconstruction, or remodel of an existing structure, the development fees may be reduced by giving a credit for previously paid development fees with regard to that unit or parcel, the purpose being to collect development fees when additional demand is created on the city services because of enlargement, reconstruction, removal or remodeling of a structure.~~

~~Sec. 109-49. Disposition.~~

~~(a) All development fees collected shall be deposited into separate accounts according to the development fee category and shall not be commingled with the general fund revenues of the city.~~

~~(b) The revenues generated by development fees shall be used for the purposes as identified in the development fee study.~~

~~109-50. Exemptions.~~

~~Development fees shall only be collected where services are provided by the city. For example, development located outside of the city's water service area shall not be assessed the development fees related to the provision of water. Additionally, commercial development shall not be assessed the park and recreation development fee, the library development fee or the sanitation portion of the public works development fee.~~

Section 2. Chapter 106, Development Impact Fees, as set forth in *Exhibit A*, incorporated as if fully set forth herein, is hereby adopted.

Section 3. This Ordinance does not affect the City's zoning authority or its authority to adopt or amend its General Plan, provided that planning and zoning activity by the City may require amendments to development impact fees as provided in Chapter 106, as adopted by this Ordinance.

Section 4. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or the Code adopted herein are repealed.

Section 5. That if any provision or any portion of any provision of this Ordinance is for any reason held to be unconstitutional or otherwise unenforceable by a court of competent jurisdiction, such provision or portion thereof shall be deemed separate, distinct and independent of the remaining provisions of this Ordinance and shall be severed without affecting the validity of the remaining portions of this Ordinance.

Section 6. This Ordinance will be effective August 1, 2014.

APPROVED AND ADOPTED this_______day of ______________2014.

____
Sharon R. Wolcott, Mayor

Attest:

____
Sherry Aguilar, City Clerk

Approved as to form:

____
Misty Leslie, City Attorney

Ordinance 2014-09
Exhibit A

CHAPTER 106 DEVELOPMENT IMPACT FEES

Article I General

106-1 Definitions. Unless otherwise defined in this Chapter, terms used in this Chapter have the same meaning as used in A.R.S. §9-463.05.

1) Applicant: A person who applies to the City for a Building Permit.

2) Building Permit: Any permit issued by the City that authorizes vertical construction, increases square footage, authorizes changes to land use, or provides for the addition of a residential or non-residential point of demand to a water or wastewater system.

3) Capital Facility: An asset having a Useful Life of three or more years that is a component of one or more Categories of Necessary Public Service provided by the City. A Capital Facility may include any associated purchase of real property, architectural and engineering services leading to the design and construction of buildings and facilities, improvements to existing facilities, improvements to or expansions of existing facilities, and associated financing and professional services. Wherever used herein, “infrastructure” has the same meaning as “Capital Facilities.”

4) Category of Development: A specific category of residential, commercial, or industrial development against which a development impact fee is calculated and assessed. The City assesses development impact fees against the categories as set forth in the City’s Impact Fee Study.

5) Cost Per Service Unit: The total future capital costs listed in the Infrastructure Improvement Plan for a category of Necessary Public Services divided by the total new service units projected in a particular Service Area for that category of Necessary Public Services over the same time period.

6) Credit: A reduction in an assessed development impact fee resulting from Developer contributions to, payments for, construction of, or dedications for Capital Facilities included in an Infrastructure Improvement Plan permitted by this Chapter.

7) Credit Agreement: A written agreement between the City and a Developer(s) subject development that allocates Credits to the land that is the subject of the agreement. A Credit Agreement may be included as part of a Development Agreement.

8) Credit Allocation: A term used to describe when Credits are distributed to a particular development or parcel of land after execution of a Credit Agreement, but are not yet issued.

9) Credit Issuance: A term used to describe when the amount of an assessed development impact fee attributable to a particular development or parcel of land is reduced by applying a Credit allocation.

10) Developer: An individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person or entity undertaking land development activity, and their respective successors and assigns.

11) Development Agreement: An agreement prepared in accordance with the requirements of A.R.S. §9-500.05, and any applicable requirements of the City Code.

12) Direct Benefit: A benefit to a Service Unit resulting from a Capital Facility that: (a) addresses the need for a Necessary Public Service created in whole or in part by the Service Unit; and (b) meets either of the following criteria: (i) the Capital Facility is located in the immediate area of the Service Unit and is needed in the immediate area of the Service Unit to maintain the Level of Service; or (ii) the Capital Facility substitutes for, or eliminates the need for a Capital Facility that would have otherwise have been needed in the immediate area of the Service Unit to maintain the City's Level of Service.

13) Equipment: Machinery, tools, materials, and other supplies, not including vehicles, needed by a Capital Facility to provide the Level of Service specified by the Infrastructure Improvement Plan, but excluding replacement of the same after initial development of the Capital Facility.

14) Financing or Debt: Any debt, bond, note, loan, interfund loan, fund transfer, or other debt service obligation used to pay for the development or expansion of a Capital Facility.

15) Grandfathered Facilities: Capital Facilities included in an Infrastructure Improvement Plan or other City planning document, and Impact Fee Study prepared pursuant to applicable law prior to June 1, 2011, and constructed through Financing or Debt for which development impact fee(s) were Pledged for repayment prior to June 1, 2011

16) Impact Fee Study: A written report that identifies the methodology for calculating the amount of each development impact fee, explains the relationship between the development impact fee to be assessed and the Cost per Service Unit calculated in the Infrastructure Improvement Plan, and which meets other requirements set forth in A.R.S. § 9-463.05.

17) Infrastructure Improvement Plan: A document or series of documents that meet the requirements set forth in A.R.S. § 9-463.05, including those adopted pursuant to this Chapter, to cover any category or combination of categories of Necessary Public Services.

18) Land Use Assumptions: Projections of changes in land uses, densities, intensities and population for a Service Area over a period of at least ten years.

19) Level of Service: A quantitative and/or qualitative measure of a Necessary Public Service that is to be provided by the City to development in a particular Service Area, defined in terms of the relationship between service capacity and service demand, accessibility, response times, comfort or convenience of use, or other similar measures or combinations of measures. Level of Service may be measured differently for different Categories of Necessary Public Services, as identified in the applicable Infrastructure Improvement Plan.

20) Necessary Public Services: "Necessary Public Services" has the meaning prescribed in A.R.S. 9-463.05, subsection T, paragraph 5.

21) Pledged: Where used with reference to a development impact fee, a development impact fee will be considered "Pledged" where it was identified by the City as a source of payment or repayment for Financing or Debt that was identified as the source of financing for a Necessary Public Service for which a development impact fee was assessed pursuant to the then-applicable provisions of A.R.S. §9-463.05.

22) Qualified Professional: Any one of the following: (a) a professional engineer, surveyor, financial analyst or planner, or other licensed professional providing services within the scope of that person's education or experience related to City planning, zoning, or development impact fees and holding a license issued by an agency or political subdivision of the State of Arizona; (b) a financial analyst, planner, or other non-licensed professional that is providing services within the scope of the person's education or experience related to City planning, zoning, or development impact fees; or (c) any other person operating under the supervision of one or more of the above.

23) Service Area: Any specified area within the boundaries of the City within which: (a) the City will provide a category of Necessary Public Services to development at a planned Level of Service; and (b) within which (i) a Substantial Nexus exists between the Capital Facilities to be provided and the development to be served, or (ii) a Direct Benefit exists between the Capital Facilities and the development to be served, each as prescribed in the Infrastructure Improvement Plan. Some or all of the Capital Facilities providing service to a Service Area may be physically located outside of that Service Area provided that the required Substantial Nexus or Direct Benefit is demonstrated to exist.

24) Service Unit: A unit of development within a particular Category of Development, defined in terms of a standardized measure of the demand that a unit of development in that Category of Development generates for Necessary Public Services in relation to the demand generated by a detached single-family dwelling unit. For all Categories of Necessary Public Services, the Service Unit factor for a detached single-family dwelling unit is one (1), while the factor for a unit of development within another Category of Development is represented as a ratio of the demand for each Category of Necessary Public Services typically generated by that unit as compared to the demand for such services typically generated by a detached single-family dwelling unit.

25) Substantial Nexus: A Substantial Nexus exists where the demand for Necessary Public Services that will be generated by an Service Unit can be reasonably quantified in terms of the burden it will impose on the available capacity of existing Capital Facilities, the need it will create for new or expanded Capital Facilities, and/or the benefit to the development from those Capital Facilities.

26) *Useful Life*: The period of time in which an asset can reasonably be expected to be used under normal conditions, whether or not the asset will continue to be owned and operated by the City over the entirety of such period.

106-2 Applicability

(a) Except as otherwise provided in this Chapter, this Chapter applies to all new development within any Service Area, except for the development of any City Facility.

(b) The provisions of this Chapter apply to all of the territory within the corporate limits of the City and within the City's water and wastewater Service Areas.

(c) The City Manager is authorized to make determinations regarding the application, administration and enforcement of the provisions of this Chapter.

106-3 Authority to Assess

(a) The City may assess and collect a development impact fee for costs of Necessary Public Services, including all professional services required for the preparation or revision of an Infrastructure Improvement Plan, Impact Fee Study, development impact fee, and required reports or audits conducted pursuant to this Chapter.

(b) Development impact fees are subject to the following requirements:

1) The City will develop and adopt an Impact Fee Study that analyzes and defines the development impact fees to be charged for each Capital Facility category in each Service Area, based on the Infrastructure

Improvement Plan and the Cost Per Service Unit calculated pursuant to the Chapter.

2) Development impact fees will be assessed against all new commercial, residential, and industrial developments, provided that the City may assess different amounts of development impact fees against specific categories of development based on the actual burdens and costs that are associated with providing Necessary Public Services to that Category of Development. No development impact fee may exceed the Cost Per Service Unit for any Necessary Public Service Category of Development.

3) No development impact fees will be charged, or credits issued, for any Capital Facility that does not fall within one of the categories of Necessary Public Services for which development impact fees may be assessed under this Chapter.

4) Costs for Necessary Public Services made necessary by new development will be based on the same Level of Service provided to existing development Service Area. Development impact fees may not be used to provide a higher Level of Service to existing development or to meet stricter safety, efficiency, environmental, or other regulatory standards to the extent that these are applied to existing Capital Facilities that are serving existing development.

5) Development impact fees may not be used to pay the City's administrative, maintenance, or other operating costs.

6) Projected interest charges and financing costs can only be included in development impact fees to the extent they represent principal and/or interest on the portion of any Financing or Debt used to pay for the construction or expansion of a Capital Facility identified in the Infrastructure Improvement Plan.

7) Except for any fees charged for Grandfathered Facilities, all development impact fees charged by the City must be included in a "fee schedule" prepared pursuant to this Chapter and included in the Impact Fee Study.

8) All development impact fees must meet the requirements of A.R.S. § 9-463.05.

106-4 Grandfathered Facilities. Notwithstanding the requirements of this Chapter, certain development impact fees adopted by the City and Pledged to repay Financing or Debt for Grandfathered Facilities will continue in effect until the Financing or Debt to which the impact fee was Pledged is repaid.

106-5 Appeal. A City development impact fee determination may be appealed in accordance with the following procedures:

(a) Limited Scope. Only disputes regarding the calculation of the development impact fees for a specific development and/or permit and calculation of Service Unit's for the development may be appealed.

(b) Form of Appeal; Filing. An appeal must be initiated on such written form as the City may prescribe, and submitted to the City Clerk within 15 days of assessment.

(c) Determination by the City Manager. The City Manager will act upon the appeal and notify the party who submitted the appeal of the City Manager's determination in writing within 30 calendar days of the filing of the appeal.

(d) Final Decision. The determination of the City Manager regarding the appeal is final.

(e) Fees During Pendency. Building Permits may be issued during the pendency of an appeal if the Applicant pays the full impact fee calculated by the City at the time the appeal is filed. Upon final disposition of an appeal, the fee must be adjusted in accordance with the determination rendered and a refund paid if warranted.

106-6 Refunds of Development Impact Fees

(a) Refunds. Any refund (or partial refund) required under this Chapter will be paid to any current owner of property within the City who submits a written request to the City and demonstrates that:

1) The permit that triggered the collection of the development impact fee has expired or been voided prior to the commencement of the development for which the permit was issued and the development impact fees collected have not been expended, encumbered, or Pledged for the repayment of Financing or Debt; or

2) The owner of the subject real property or its predecessor in interest paid a development impact fee for the applicable Capital Facility on or after August 1, 2014, and one of the following conditions exists:

   i. The Capital Facility designed to serve the subject real property was constructed, has the capacity to serve the subject real property and any development for which there is reserved capacity, and the service which was to be provided by that Capital Facility has not been provided to the subject real property from that Capital Facility or from any other infrastructure.

   ii. After collecting the development impact fee to construct a Capital Facility the City failed to complete construction of the Capital Facility within the time period identified in the Infrastructure

Improvement Plan, as it may be amended, and the corresponding service is otherwise unavailable to the subject real property from that Capital Facility or any other infrastructure.

iii. For a category of Necessary Public Services other than water or wastewater facilities, any part of a development impact fee was not spent within ten years of the City's receipt of the development impact fee.

iv. Any part of a development impact fee for water or wastewater facilities was not spent within 15 years of the City's receipt of the development impact fee.

v. The development impact fee was calculated and collected for the construction cost to provide all or a portion of a specific Capital Facility serving the subject real property and the actual construction costs for the Capital Facility was less than the construction costs projected in the Infrastructure Improvement Plan by a factor of 10% or more. In such event, the current owner of the subject real property, upon request as set forth in this section, is entitled to a refund for the difference between the amounts of the development impact fee charged for and attributable to such construction cost and the amount the development impact fee would have been calculated to be if the actual construction cost had been included in the Impact Fee Study. The refund contemplated by this subsection relates only to the costs specific to the construction of the applicable Capital Facility and does not include any related design, administrative, or other costs not directly incurred for construction of the Capital Facility included in the development impact fee as permitted by A.R.S. § 9-463.05.

(b) Earned Interest. A refund of a development impact fee must include any interest actually earned on the refunded portion of the development impact fee by the City from the date of collection to the date of refund. All refunds must be made to the record owner of the property at the time the refund is paid.

(c) Refund to Government. If a development impact fee was paid by a governmental entity, any refund must be paid to that governmental entity.

Article II. Administration of Development Impact Fees

106-10 Separate Accounts. Each development impact fee collected pursuant to this Chapter will be placed in a separate fund and accounted for separately with interest earned credited to each fund at least annually.

106-11 Limitations On Use of Fees. Development impact fees and any interest on them collected pursuant to this Chapter must be spent to provide Capital Facilities associated with the same category of Necessary Public Services in the same Service Area for which they were collected, including costs of Financing or Debt used by the City to finance those Capital Facilities and other costs authorized by this Chapter that are included in the Infrastructure Improvement Plan.

106-12 Time Limit. Development impact fees collected after July 31, 2014 must be used within ten years of the date upon which they were collected for all categories of Necessary Public Services except for water and wastewater facilities. For water facilities or wastewater facilities collected after July 31, 2014, development impact fees must be used within 15 years of the date upon which they were collected.

Article III Land Use Assumptions and Infrastructure Improvement Plans

106-20 Consistency. The Infrastructure Improvement Plan will be consistent with the City's current Land Use Assumptions for each Service Area and each category of Necessary Public Services as adopted by the City pursuant to A.R.S. §9-463.05.

106-21 Land Use Assumptions; Review.

(a) Prior to the adoption or amendment of an Infrastructure Improvement Plan, the City will review and evaluate the Land Use Assumptions on which the Infrastructure Improvement Plan is to be based to ensure that the Land Use Assumptions within each Service Area conform with the City's General Plan.

(b) If the Land Use Assumptions upon which an Infrastructure Improvement Plan is based have not been updated within the last five years, the City will evaluate the Land Use Assumptions to determine whether changes are necessary. If, after general evaluation, the City determines that the Land Use Assumptions are still valid, the City will issue the report required by this Article.

(c) If the City determines that changes to the Land Use Assumptions are necessary in order to adopt or amend an Infrastructure Improvement Plan, the City will make such changes as necessary to the Land Use Assumptions prior to or in conjunction with the review and approval of the Infrastructure Improvement Plan.

106-22 Infrastructure Improvement Plan; Contents. The Infrastructure Improvement Plan will be developed by Qualified Professionals and may be based upon or incorporated within the City's capital improvements plan. The Infrastructure Improvement Plan will:

(a) Specify the categories of Necessary Public Services for which the City will impose a development impact fee.

(b) Define and provide a map of one or more Service Areas within which the City will provide each category of Necessary Public Services for which development impact fees will be charged.

1) Each Service Area must be defined in a manner that demonstrates a Substantial Nexus or Direct Benefit between the Capital Facilities to be provided in the Service Area and the Service Units to be served by those Capital Facilities.

2) For library facilities, and park facilities larger than 30 acres, each Service Area must be defined in a manner that demonstrates a Direct Benefit between the Capital Facilities and the Service Units to be served by those Capital Facilities.

3) The City may cover more than one category of Capital Facilities in the same Service Area provided that there is an independent Substantial Nexus or Direct Benefit, as applicable, between each category of Necessary Public Services and the Service Units to be served.

(c) Identify and describe the Land Use Assumptions upon which the Infrastructure Improvement Plan is based in each Service Area.

(d) Analyze and identify the existing Level of Service provided by the City to existing Service Units for each category of Necessary Public Services.

(e) Identify the Level of Service to be provided by the City for each category of Necessary Public Services in each Service Area based on the relevant Land Use Assumptions and any established standards or policies related to required levels of service. If the same category of Necessary Public Services is provided in more than one Service Area, the Infrastructure Improvement Plan will include a comparison of the levels of service to be provided in each Service Area.

(f) For each category of Necessary Public Services, analyze and identify the existing capacity of the Capital Facilities in each Service Area, the utilization of those Capital Facilities by existing Service Units, and the available excess capacity of those Capital Facilities to serve new Service Units including any existing or planned commitments or agreements for the usage of such capacity. The Infrastructure Improvement Plan will additionally identify any changes or upgrades to existing Capital Facilities that will be needed to achieve or maintain the planned Level of Service to existing Service Units, or to meet new safety, efficiency, environmental, or other regulatory requirements for services provided to existing Service Units.

(g) Estimate the total number of existing and future Service Units within each Service Area based on the City's Land Use Assumptions and projected new Service Units in each Service Area.

(h) Provide a summary table or tables describing the Level of Service for each category of Necessary Public Services by relating the required Capital Facilities to Service Units in each Service Area, and identifying the applicable Service Unit factor associated with each Category of Development.

(i) For each category of Necessary Public Services, analyze and identify the projected utilization of any available excess capacity in existing Capital Facilities, and all new or expanded Capital Facilities that will be required to provide and maintain the planned Level of Service in each Service Area as a result of the new projected Service Units in that Service Area, for a period not to exceed ten years. Nothing in this subsection prohibits the City from additionally including in its Infrastructure Improvement Plan projected utilization of, or needs for, Capital Facilities for a period longer than ten years, provided that the costs of such Capital Facilities are excluded from the calculation of the Cost Per Service Unit.

(j) For each category of Necessary Public Services, estimate the total cost of any available excess capacity and/or new or expanded Capital Facilities that will be required to serve new Service Units, including costs of land acquisition, improvements, engineering and architectural services, studies leading to design, design, construction, financing, and administrative costs, as well as projected costs of inflation. Such total costs shall not include costs for ongoing operation and maintenance of Capital Facilities, nor for replacement of Capital Facilities to the extent that such replacement is necessary to serve existing Service Units. If the Infrastructure Improvement Plan includes changes or upgrades to existing Capital Facilities that will be needed to achieve or maintain the planned Level of Service to existing Service Units, or to meet new regulatory requirements for services provided to existing Service Units, such costs shall be identified and distinguished in the Infrastructure Improvement Plan.

(k) Forecast the revenues from taxes, fees, assessments or other sources that will be available to fund the new or expanded Capital Facilities identified in the Infrastructure Improvement Plan, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved Land Use Assumptions.

(l) Estimate the time required to finance, construct and implement the new or expanded Capital Facilities.

(m) Calculate required offsets as follows:

1) From the forecasted revenues, identify those sources of revenue that: (i) are attributable to new development, and (ii) will contribute to paying for the capital costs of Necessary Public Services.

2) For each source and amount of revenue identified pursuant to subparagraph 1), calculate the relative contribution of each Category of Development to paying for the capital costs of Necessary Public Services in each Service Area.

3) Based on the relative contributions identified pursuant to subparagraph(2), for each category of Necessary Public Services, calculate the total offset to be provided to each Category of Development in each Service Area.

4) For each category of Necessary Public Services, convert the total offset to be provided to each Category of Development in each Service Area into an offset amount per Service Unit by dividing the total offset for each Category of Development by the number of Service Units associated with that Category of Development.

5) Beginning August 1, 2014, for purposes of calculating the required offset, if the City imposes a construction, contracting, or similar excise tax rate in excess of the percentage amount of the transaction privilege tax rate that is imposed on the majority of other transaction privilege tax classifications in the City, the entire excess portion of the construction, contracting, or similar excise tax must be treated as a contribution to the capital costs of Necessary Public Services provided to new development unless the excess portion is already utilized for such purpose pursuant to this section.

6) In determining the amount of required offset for land included in a community facilities district established under A.R.S. title 48, Chapter 4, article 6, the City will take into account any Capital Facilities provided by the district that are included in the Infrastructure Improvement Plan and the capital costs paid by the district for such Capital Facilities, and will offset impact fees assessed within the community facilities district proportionally.

(n) Calculate the Cost Per Service Unit by:

1) Dividing the total projected costs to provide Capital Facilities to new Service Units for each category of Necessary Public Services in each Service Area into the number of new Service Units projected for that Service Area over a period not to exceed ten years, considering the specific Service Unit factors associated with those Service Units for each category of Necessary Public Services.

2) Subtracting the required offset per Service Unit calculated pursuant to subsection (l).

106-23 Multiple Infrastructure Improvement Plans. An Infrastructure Improvement Plan adopted pursuant to this section may address one or more of the City's categories of Necessary Public Services in any or all of the City's Service Areas. Each Capital Facility will be subject to no more than one Infrastructure Improvement Plan at any given time.

106-24 Reserved Capacity. The City may reserve capacity in an Infrastructure Improvement Plan to serve one or more planned future developments, including capacity reserved through a Development Agreement. All reservations of existing capacity must be disclosed in the Infrastructure Improvement Plan at the time it is adopted.

106-25 Infrastructure Improvement Plan; Adoption and Modification. The infrastructure improvement plan must be adopted or amended subject to the following procedures:

(a) Major amendments to the Infrastructure Improvement Plan.

1) Except for minor amendments, the adoption or amendment of an infrastructure improvement plan must occur at one or more public hearings according to the following schedule, and may occur concurrently with the adoption of an update of the City's Land Use Assumptions as provided in Chapter:

i. Sixty days before the first public hearing regarding a new or updated Infrastructure Improvement Plan, the City must provide public notice of the hearing and post the Infrastructure Improvement Plan and the underlying Land Use Assumptions on its website; the City must additionally make available to the public the documents used to prepare the Infrastructure Improvement Plan and underlying Land Use Assumptions and the amount of any proposed changes to the Cost Per Service Unit.

ii. The City must conduct a public hearing on the Infrastructure Improvement Plan and underlying Land Use Assumptions at least 30 days, but no more than 60 days, before approving or disapproving the Infrastructure Improvement Plan.

(b) Minor amendments to the Infrastructure Improvement Plan. Notwithstanding the other requirements of this section, the City may update the Infrastructure Improvement Plan and/or its underlying Land Use Assumptions without a public hearing if all of the following apply:

1) The changes in the Infrastructure Improvement Plan and/or the underlying Land Use Assumptions will not add any new category of Necessary Public Services to any Service Area.

2) The changes in the Infrastructure Improvement Plan and/or the underlying Land Use Assumptions will not increase the Level of Service to be provided in any Service Area.

3) Based on an analysis of the Impact Fee Study and the City's adopted development impact fee schedules, the changes in the Infrastructure Improvement Plan and/or the underlying Land Use Assumptions will not, individually or cumulatively with other amendments undertaken pursuant to this subsection, cause a development impact fee in any Service Area

to increase by more than 5% above the development impact fee that is provided in the current development impact fee schedule.

4) At least 30 days prior to the date that a minor amendment is adopted, the City must post the proposed amendments on the City website.

106-26 Renewal and Updating

(a) Except as provided in subparagraph (b), below, not later than every five years the City must update the applicable Infrastructure Improvement Plan and Impact Fee Study related to each category of Necessary Public Services. Such five-year period will be calculated from the date of the adoption of the Infrastructure Improvement Plan or the date of the adoption of the Impact Fee Study, whichever occurs later.

(b) Notwithstanding subparagraph (a), if the City determines that no changes to an Infrastructure Improvement Plan, underlying Land Use Assumptions, or Impact Fee Study are needed, the City may elect to continue the existing Infrastructure Improvement Plan and Impact Fee Study without amendment by providing notice as follows:

1) Notice of the determination must be published at least 180 days prior to the end of the five-year period described in subparagraph (a) above.

2) The notice must identify the Infrastructure Improvement Plan and Impact Fee Study that shall continue in force without amendment.

3) The notice must provide a map and description of the Service Area covered by the Infrastructure Improvement Plan and Impact Fee Study.

4) The notice must identify an address to which any resident of the City may submit, within 60 days, a written request that the City update the Infrastructure Improvement Plan, underlying Land Use Assumptions, and/or Impact Fee Study and the reasons and basis for the request.

(c) Response to comments. The City must consider and respond within 30 days to any timely requests submitted pursuant to subparagraph (b) above.

Article IV Development Impact Fees

106-30 Impact Fee Study; Adoption and Amendment.

(a) The Impact Fee Study must summarize the costs of Capital Facilities necessary to serve new development on a per Service Unit basis as defined and calculated in the Infrastructure Improvement Plan, including all required offsets, and must recommend a development impact fee structure for adoption by the City. The actual impact fees to be assessed must be disclosed and adopted in the form of impact fee schedules.

(b) Any adoption or amendment of an Impact Fee Study and fee schedule must occur at one or more public hearings according to the following schedule:

1) The first public hearing on the Impact Fee Study must be held at least 30 days after the adoption or approval of an Infrastructure Improvement Plan. The City must give at least 30 days' notice prior to the hearing, provided that this notice may be given on the same day as the approval or disapproval of the Infrastructure Improvement Plan.

2) The City must make the Infrastructure Improvement Plan and underlying Land Use Assumptions available to the public on the City's website 30 days prior to the public hearing described in subparagraph (1), above.

3) The Impact Fee Study may be adopted by the City no sooner than 30 days, and no later than 60 days, after the hearing described in subparagraph (1), above.

4) The development fee schedules in the Impact Fee Study adopted pursuant to this subsection become effective 75 days after adoption of the Impact Fee Study by the City.

106-31 Collection. Development impact fees will be calculated and collected prior to issuance of permission to commence development; specifically:

(a) Unless otherwise specified pursuant to a Development Agreement, development impact fees must be paid prior to issuance of a Building Permit, water or sewer connection, or certificate of occupancy, according to the current development impact fee schedule for the applicable Service Area or other development impact fee schedule as authorized in this Chapter.

(b) If a Building Permit is not required for the development, but water or wastewater connections are required, any and all development impact fees due must be paid at the time the water service connection is purchased. If only a wastewater connection is required, the development impact fees must be paid prior to approval of a connection to the sewer system. Wastewater development impact fees must be assessed if a development connects to the public sewer, or as determined by the City, is capable of discharging sewage to a City public sewer.

(c) If the Building Permit is for a change in the type of building use, an increase in square footage, a change to land use, or an addition to a residential or non-residential point of demand to the water or wastewater system, the development impact fee must be assessed on the additional service units resulting from the expansion or change, and following the development impact fee schedule applicable to any new use type.

(d) For issued permits that expire or are voided, and the development impact fees paid for such development have not been refunded, the permittee, or the permittee's assignee, must pay the difference between any development impact fees the permittee paid at the time the permit was issued and those in the fee schedule at the time the permit is reissued or renewed.

106-32 Exceptions. Development impact fees will not be owed under either of the following conditions:

(a) Development impact fees have been paid for the development and the permit that triggered the collection of the development impact fees has not expired or been voided.

(b) The approval that triggers the collection of development impact fees involves modifications to existing residential or non-residential development that do not: (a) add new Service Units, (b) increase the impact of existing Service Units on existing or future Capital Facilities, or (c) change the land-use type of the existing development to a different Category of Development for which a higher development impact fee would have been due. To the extent that any modification does not meet the requirements of this paragraph, the development impact fee due must be the difference between the development impact fee that was or would have been due on the existing development and the development impact fee that is due on the development as modified.

106-33 Development Impact Fee Assessment; Delay on New or Increased Fees..

(a) For a period of 24 months after the commencement of development, no new or increased portion of a modified development impact fee may be assessed against a development. For purposes of this section, the 24 month period will commence as follows:

1) For single family residential development, from the date that the first Building Permit is issued pursuant to an approved site plan or subdivision plat, provided that no subsequent changes are made to the approved site plan or subdivision plat that would increase the number of Service Units. The 24 month period cannot be extended by a renewal or amendment of the site plan or final subdivision plat.

2) For all other development, from the date of the City issues final approval of a development plan or subdivision plat. Other uses includes, but are not limited to retail, high traffic retail, industrial, general office, medical facilities, institutional, recreational, or multifamily development. The 24 month period cannot be extended by a renewal or amendment of the development plan or final subdivision plat.

(b) During the 24-month period referred to above, if changes are made to a development's final development plan, site plan or subdivision plat that increases the number of Service Units, the City may assess any new or modified development impact fees against the additional Service Units. If the City reduces the amount of an applicable development impact fee during the 24-month period referred to above, the City will assess the lower development impact fee.

(c) Upon request, the City will provide a copy of the applicable development impact fee schedule (that is the schedule in effect prior to the new or increased modified development impact fee) that will be in force for the 24 month period, and which will expire at the end of the last business day of the 24 month period. During the effective period of the applicable development impact fee schedule, any Building Permit issued for the same development shall not be subject to any new or modified development impact fees.

106-34 Option to Pursue Special Fee Determination. Where a development is of a type that does not closely fit within a particular Category of Development appearing on an adopted development impact fee schedule, or where a development has unique characteristics such that the actual burdens and costs associated with providing Necessary Public Services to that development will differ substantially from that associated with other developments in a specified Category of Development, the City may require the Applicant to provide the City with an alternative development impact fee analysis. Based on a projection of the actual burdens and costs that will be associated with the development, the alternative development impact fee analysis may propose a unique fee for the development based on the application of an appropriate Service Unit factor to the applicable Cost Per Service Unit, or may propose that the development be covered under the development impact fee schedule governing a different and more analogous Category of Development. The City will review the alternative impact fee analysis and make a determination as to the development impact fee to be charged. The decision will be appealable under this Chapter. The City may require the Applicant to pay an administrative fee to cover the actual costs of reviewing the special fee determination application.

Article V Credits and Credit Agreements

106-40 Eligibility of Capital Facility. All development impact fee credits must meet the following requirements:

(a) One of the following must be true:

1) The Capital Facility, or the financial contribution toward a Capital Facility that will be provided by the Developer and for which a credit will be issued, must be identified in an adopted Infrastructure Improvement Plan and Impact Fee Study as a Capital Facility for which a development impact fee was assessed; or

2) The Applicant must demonstrate to the satisfaction of the City that, given the class and type of improvement, the subject Capital Facility should have been included in the Infrastructure Improvement Plan in lieu of a different Capital

Facility that was included in the Infrastructure Improvement Plan and for which a development impact fee was assessed. If the subject Capital Facility is determined to be eligible for a credit in this manner, the City will amend the Infrastructure Improvement Plan to (i) include the subject replacement facility and (ii) delete the Capital Facility that will be replaced.

3) Credits are not available for any infrastructure provided by a Developer if the cost of the infrastructure will be repaid to the Developer by the City through another agreement or mechanism. To the extent that the Developer will be paid or reimbursed by the City for any contribution, payment, construction, or dedication from any City funding source including an agreement to reimburse the Developer with future collected development impact fees, any credits claimed by the Developer must be (a) deducted from any amounts to be paid or reimbursed by the City or (b) reduced by the amount of the payment or reimbursement.

(b) Eligibility of subject development. To be eligible for a credit, the subject development must be located within the Service Area of the eligible Capital Facility.

106-41 Calculation of credits. Credits will be based on that portion of the costs for an eligible Capital Facility identified in the adopted Infrastructure Improvement Plan for which a development fee was assessed pursuant to the Impact Fee Study. If the total applicable impact fee for a particular category of Necessary Public Service is adopted at an amount lower than the Cost Per Service Unit, the amount of any credit shall be reduced in proportion to the difference between the Cost Per Service Unit and the total applicable impact fee adopted. A credit shall not exceed the actual costs the Applicant incurred in providing the eligible Capital Facility.

106-42 Allocation of credits.

(a) Before credits can be issued to a subject development (or portion of it), credits must be allocated to that development as follows:

1) The Developer and the City must execute a credit agreement including all of the following:

2) The total amount of the credits resulting from provision of an eligible Capital Facility.

3) The estimated number of Service Units to be served within the subject development.

4) The method by which the credit values will be distributed within the subject development.

(b) It is the responsibility of the Developer to request allocation of development impact fee credits through an application for a credit agreement.

(c) If a Building Permit is issued or a water/sewer connection is purchased, and a development impact fee is paid prior to execution of a credit agreement for the subject development, no credits may be allocated retroactively to that permit or connection. Credits may be allocated to any remaining permits for the subject development in accordance with this Chapter.

(d) If the entity that provides an eligible Capital Facility sells or relinquishes a development (or portion of it) that it owns or controls prior to execution of a credit agreement or Development Agreement, credits resulting from the eligible Capital Facility will only be allocated to the development if the entity legally assigns such rights and responsibilities to its successor in interest for the subject development.

(e) If multiple entities jointly provide an eligible Capital Facility, both entities must enter into a single credit agreement with the City, and any request for the allocation of credit within the subject development must be made jointly by the entities that provided the eligible Capital Facility.

(f) Credits may only be reallocated from or within a subject development with the City's approval of an amendment to an executed credit agreement, subject to the following conditions:

1) The entity that executed the original agreement with the City, or its legal successor in interest and the entity that currently controls the subject development are parties to the request for reallocation.

2) The reallocation proposal does not change the value of any credits already issued for the subject development.

(g) A credit agreement may authorize the allocation of credits to a non-contiguous parcel only if all of the following conditions are met:

1) The entity that executed the original agreement with the City or its legal successor in interest, the entity that currently controls the subject development, and the entity that controls the non-contiguous parcel are parties to the request for reallocation.

2) The reallocation proposal does not change the value of any credits already issued for the subject development.

3) The non-contiguous parcel is in the same Service Area as that served by the eligible Capital Facility.

4) The non-contiguous parcel receives a Necessary Public Service from the eligible Capital Facility.

5) The credit agreement specifically states the value of the credits to be allocated to each parcel and/or Service Unit, or establishes a mechanism for future determination of the value of the credits.

6) The credit agreement does not involve the transfer of credits to or from any property subject to a Development Agreement.

106-43 Credit agreement. Credits may only be issued pursuant to a credit agreement that conforms to the requirements set forth in this Article, subject to the following:

(a) The Developer requesting the credit agreement must provide all information requested by the City to allow it to determine the value of the credit to be applied.

(b) The Developer must submit a draft credit agreement to the City for review in the form provided to the Applicant by the City. The draft credit agreement must include, at a minimum, all of the following information and supporting documentation:

1) A legal description and map depicting the location of the subject development for which the credits are being applied, depicting the location of the Capital Facilities that have been or will be provided.

2) An estimate of the total Service Units that will be developed within the subject development depicted on the map and described in the legal description.

3) A list of the Capital Facilities, associated physical attributes, and the related costs as stated in the Infrastructure Improvement Plan.

4) Documentation showing the date of acceptance by the City, if the Capital Facilities have already been provided.

5) The total amount of the credits to be applied within the subject development and the calculations leading to the total amount of the credits.

6) The credits to be applied to each Service Unit within the subject development for each category of Necessary Public Services.

(c) The City's determination of the credits to be allocated is final.

(d) Upon execution of the credit agreement by the City and the Applicant, credits are deemed allocated to the subject development.

(e) Any amendment to a previously approved credit agreement must be initiated within two years of the City's final acceptance of the eligible Capital Facility for which the amendment is requested.

(f) Any credit agreement approved as part of a Development Agreement must be amended in accordance with the terms of the Development Agreement and this Chapter.

106-44 Issuance of credits. Credits allocated pursuant to this Article may be issued and applied toward the total applicable impact fees due from a development, subject to the following conditions:

(a) Credits issued for an eligible Capital Facility may only be applied to the development impact fee due for the applicable category of Necessary Public Services, and may not be applied to any fee due for another category of Necessary Public Services.

(b) Credits may only be issued when the eligible Capital Facility from which the credits were derived has been accepted by the City or when adequate security for the completion of the eligible Capital Facility has been provided in accordance with all terms of an executed Development Agreement.

(c) Where credits have been issued pursuant to subparagraph (b) above, an impact fee due at the time a Building Permit is issued must be reduced by the credits stated in or calculated from the executed credit agreement. Where credits have not yet been issued, the total applicable impact fee must be paid in full, and credits due refunded when the Developer demonstrates compliance with subparagraph (b) above in a written request to the City.

(d) Credits, once issued, may not be rescinded or reallocated to another permit or parcel, except that credits may be released for reuse on the same subject development if a Building Permit for which the credits were issued has expired or been voided and is otherwise eligible for a refund.

(e) Notwithstanding the other provisions of this Section, credits issued prior to January 1, 2012 may only be used for the subject development for which they were issued. The credits may be transferred to a new owner of all or part of the subject development in proportion to the percentage of ownership in the subject development to be held by the new owner.

Article VI Development Agreements

106-50 General. Development Agreements containing provisions regarding development impact fees, development impact fee credits, and/or disbursement of revenues from development impact fee accounts shall comply with the requirements of this Section.

106-51 Development Agreement required. A Development Agreement is required to authorize any of the following:

(a) To issue credits prior to the City's acceptance of an eligible Capital Facility.

(b) To allocate credits to a parcel that is not contiguous with the subject development and that does not meet the requirements of Article V.

(c) To reimburse the Developer of an eligible Capital Facility using funds from development impact fee accounts.

(d) To allocate different credit amounts per Service Unit to different parcels within a subject development.

(e) For a single family residential dwelling unit, to allow development impact fees to be paid at a later time than the issuance of a Building Permit as provided in this Article.

106-52 General requirements. All Development Agreements must be prepared and executed in accordance with A.R.S. § 9-500.05 and any applicable requirements of the City code. Except where specifically modified by this Article, all provisions of Article V shall apply to any credit agreement that is authorized as part of a Development Agreement.

106-53 Early issuance of credits. A Development Agreement may authorize the issuance of credits prior to acceptance of an eligible Capital Facility by the City when the Development Agreement specifically states the form and value of the security (i.e. bond, letter of credit, etc.) to be provided to the City prior to issuance of any credits. The City shall determine the acceptable form and value of the security to be provided.

106-54 Non-contiguous allocation of credits. A Development Agreement may authorize the allocation of credits to a non-contiguous parcel only if all of the following conditions are met:

(a) The non-contiguous parcel is in the same Service Area as that served by the eligible Capital Facility.

(b) The non-contiguous parcel receives a Necessary Public Service from the eligible Capital Facility.

(c) The Development Agreement specifically states the value of the credits to be allocated to each parcel and/or Service Unit, or establishes a mechanism for future determination of the credits.

106-55 Uneven allocation of credits. The Development Agreement must specify how credits will be allocated amongst different parcels on a per-Service Unit basis, if the credits are not to be allocated evenly. If the Development Agreement is silent on this topic, all credits will be allocated evenly amongst all parcels on a per-Service Unit basis.

106-56 Use of reimbursements. Funds reimbursed to Developers from impact fee accounts for construction of an eligible Capital Facility must be utilized in accordance with applicable law for the use of City funds in construction or acquisition of Capital Facilities, including A.R.S. § 34-201, et seq.

106-57 Deferral of fees. A Development Agreement may provide for the deferral of payment of development impact fees for a residential development beyond the issuance of a Building Permit; provided that a development impact fee may not be paid later than 15 days after the issuance of the certificate of occupancy for that dwelling unit. The Development Agreement shall provide for the value of any deferred development impact fees to be supported by appropriate security, including a surety bond, letter of credit, or cash bond.

106-58 Waiver of fees. If the City agrees to waive any development impact fees assessed on development in a Development Agreement, the City shall reimburse the appropriate development impact fee account for the amount that was waived.

106-59 No obligation. Nothing in this section obligates the City to enter into any Development Agreement or to authorize any type of credit agreement permitted by this section.

Article VII Oversight of development impact fee program

106-60 Annual report. Within 90 days of the end of each fiscal year, the City will file with the City Clerk an unaudited annual report accounting for the collection and use of the fees for each Service Area and must post the report on its website in accordance with A.R.S. § 9-463.05 (N) and (O), as amended.

106-61 Biennial audit.

(a) In addition to the annual report described in this Article, the City will provide for a biennial, certified audit of the City's Land Use Assumptions, Infrastructure Improvement Plan and development impact fees.

(b) An audit pursuant to this section must be conducted by one or more Qualified Professionals who are not employees or officials of the City and who did not prepare the Infrastructure Improvement Plan.

(c) The audit will review the collection and expenditures of development fees for each project in the plan and provide written comments describing the amount of development impact fees assessed, collected, and spent on Capital Facilities.

(d) The audit will describe the Level of Service in each Service Area, and evaluate any inequities in implementing the Infrastructure Improvement Plan or imposing the development impact fee.

(e) The City shall post the findings of the audit on the City's website and shall conduct a public hearing on the audit within 60 days of the release of the audit to the public.

(f) For purposes of this section a certified audit shall mean any audit authenticated by one or more of the Qualified Professionals conducting the audit pursuant to subparagraph (b) above.

Council Meeting Date:	June 17, 2014	Contact Person:	Bob Wingenroth, City Manager / Chief Financial Officer
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action amending the FY2014 budget in the amount of $227,000 to cover unforseen overtime within the fire-medical department; Resolution 2014-70.

Motion:

I move to approve Resolution 2014-70.

Background:

Due to unforeseen increases in illnesses/injuries, the fire-medical department has experienced greater overtime utilization in the general fund to ensure constant staffing levels. Use of paid time off (PTO) was limited during reductions in previous years to mitigate impacts on overtime. The limitation of PTO use is not sustainable as leave time accrued increases and nears the cap. The experience of greater illnesses/injuries has limited converage for use of PTO already approved.

Further, unbudgeted costs related to the retirement of three management employees, including payouts of accrued PTO and executive recruitment costs, have placed additional pressure on the department budget.

The department has undertaken numerous steps to mitigate pressure on the budget including the reassignment of sworn administrative positions to shifts, freezing new requests for PTO, and restricting non-essential supply/service expenses.

Additional overtime was budgeted within two other funds that may be used to offset the general fund budget, the wildland fire fund and the ambulance contract fund. Due to timing, the ambulance contract overtime will not be needed in FY2014 and the city will be able to deploy on fewer wildland fires. This amendment reallocates budget authority between these funds within the fire-medical department.

Financial Impact Statement:

Approval of the budget amendment moves previously approved budget authority and does not increase the overall budget.

ATTACHMENTS:

Click to download

Fire Overtime Resolution

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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

Bob Wingenroth ACM/CFO

RESOLUTION # 2014-70

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2014 BUDGET BY REALLOCATING APPROPRIATIONS OF $185,100 FROM THE AMBULANCE CONTRACT FUND AND $42,000 FROM THE WILDLAND FIRE FUND TO THE GENERAL FUND FOR ADDITIONAL OVERTIME UTILIZATION IN THE OVERTIME ACCOUNT.

WHEREAS, Due to unforeseen increases in illnesses/injuries, the fire-medical department has experienced greater overtime utilization in the general fund to ensure constant staffing levels;

WHEREAS, the Fire-Medical department has unused budget authority for overtime in the Ambulance Contract and Wildland Fire special revenue funds that can be moved to the general fund to cover the overage;

WHEREAS, the FY2014 budget was adopted by Council Resolution #2013-13 on June 18, 2013;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, 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 City is hereby authorized to amend the approved budget by transferring $185,100 from the ambulance contract fund and $42,000 from the Wildland Fire Fund for a total of $227,100 into the Overtime Account of the General Fund

Section 2. 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, 2013 through June 30, 2014.

APPROVED AND ADOPTED this _____day of ____________, 2014.

Sharon R. Wolcott, Mayor

Attest:

Sherry Aguilar, City Clerk

Approved as to form:

Misty Leslie, City Attorney

RESOLUTION # 2014-70
Exhibit A

The FY2014 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

Fund/Object	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Fund/Overtime	$594,300	$227,100	$821,400
Ambulance Contract/Overtime	185,100	(185,100)	0
Wildland Fire/Overtime	100,000	(42,000)	58,000
	$0	$0	$0

The fund changes are as follows:

- General Fund – provide budget authority to use and additional $227,100 in overtime to cover operational needs. When the original budget was approved, only $594,300 in needs had been identified. This budget adjustment moves $227,100 from the Ambulance Contract and Wildland Fire funds to the general fund.
- Ambulance Contract Fund – provide budget authority to use $185,100 in additional overtime.
- Wildland Fire Fund – provide budget authority to use $42,000 in additional overtime.

CITY OF SURPRISE
Regular City Council Meeting

June 17, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	June 17, 2014	Contact Person:	Bob Wingenroth, City Manager / Chief Financial Officer
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing x	Report/Discussion

Agenda Wording:

Consideration and action levying upon the assessed valuation of property, a certain sum of money for fiscal year 2015 to be assessed against Street Light Improvement Districts (SLID) within the city; Resolution No. 2014-51

Motion:

I move to approve Resolution 2014-51. {a roll call vote is required].

Background:

On June 3rd the Mayor and City Council held a public hearing on the proposed FY2015 SLID tax levy. Per Arizona Revised Statute §42-17107, a public hearing was held to receive public comment on the proposed SLID tax levies for fiscal year 2015. This hearing was published and advertised in accordance with State law. Adoption of Resolution 2014-51 will set said Street Light Improvement District (SLID) property tax levies.

Financial Impact Statement:

The proposed SLID tax levies are included as a part of the FY2015 Final Budget that was approved at the June 3, 2014 City Council meeting and total about $2.5 M.

ATTACHMENTS:

Click to download

Resolution 2014-51

External Attachment Links:

Meeting Requirements:

Powerpoint x	Video	White Board	Other x

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

Bob Wingenroth, ACM / CFO

RESOLUTION 2014-51

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, SETTING FORTH THE LEVY OF PROPERTY TAX RATES FOR STREET LIGHTING IMPROVEMENT DISTRICTS.

WHEREAS, the provisions of Arizona Revised Statutes Section 48-616 require the governing body to levy taxes upon all property in municipal street lighting improvement districts necessary to pay the annual expenses of said districts;

WHEREAS, the City Council is required by Arizona Revised Statutes Section 42-17103 et seq. to hold a public hearing on or before the fourteenth day before the day on which it levies taxes, and the City council held such hearing on June 3, 2014; and

WHEREAS, the City has computed tax rates for Street Lighting Improvement Districts up to the maximum rate of $1.20 for each One Hundred Dollars ($100.00) of assessed valuation, as set forth on *Exhibit A* attached hereto.

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

Section 1. For each Street Lighting Improvement District as set forth in *Exhibit A*, attached and incorporated herein, there is hereby levied an amount not to exceed the maximum rate of $1.20 on each One Hundred Dollars ($100.00) of assessed valuation, to be collected as provided by law and for the purpose provided by law.

APPROVED AND ADOPTED this _____day of ___________, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

EXHIBIT “A”

Fiscal Year 2015

Street Light Improvement Districts – (SLIDS)

Expense Estimates and Levy Rates

Street Light Improvement Districts
Expense Estimates and Levy Rates
Fiscal Year 2015

County Number \ City District Name By Assessment Type	Net Assessed Value[1]	Estimated Expenses	Levy Amount	Levy Rate[2]
Ad Valorem				
23667 Asante Parcel 1.16	35,744	1,100	400	1.1191
23641 Asante Phase 1	2,732,544	46,600	32,700	1.1967
23183 Ashton Ranch I	2,541,979	12,600	12,400	0.4878
23238 Ashton Ranch II	2,941,891	14,100	13,700	0.4657
23355 Ashton Ranch III	2,679,596	15,700	15,200	0.5672
23358 Ashton Ranch IV	2,665,665	11,400	11,100	0.4164
Autoshow East 1 #126 (Coulter Nissan)	0	0	0	0.0000
Autoshow East 3 #132 (Toyota)	0	0	0	0.0000
23682 Autoshow NW #114 SLID	2,736,975	500	0	0.0000
23468 Bell Pointe I	4,375,604	21,700	20,800	0.4754
23193 Bell West Ranch	1,683,806	7,400	7,600	0.4514
23323 Bell West Ranch 1A	2,307,652	10,400	10,300	0.4463
23351 Bell West Ranch 1B	1,404,980	7,100	7,300	0.5196
23424 Bell West Ranch II	2,489,259	9,700	9,500	0.3816
23461 Bell West Ranch III	2,317,377	9,800	9,900	0.4272
23660 Cactus Ward LDS NONTAX	0	0	0	0.0000
23194 Canyon Ridge West	8,923,695	12,200	11,700	0.1311
23537 City @ Surprise Ph 1	2,218,753	7,700	7,600	0.3425
23125 Continental at Kingswood Parke	3,971,558	11,700	11,400	0.2870
23456 Cotton Gin	2,964,847	14,600	21,600	0.7285
23330 Countryside	7,737,816	29,000	32,700	0.4226
23590 Desert Oasis Lancer 5 A5B14A	2,335,860	28,000	27,100	1.1602
23450 Desert Oasis No. 1	4,566,562	19,100	19,000	0.4161
23700 Desert Oasis Pcl 13A	321,842	7,000	3,800	1.1807
23706 Desert Oasis Pcl 14C	120,500	7,000	1,400	1.1618
23258 Greenway Parc #1	3,120,079	18,200	17,600	0.5641
23329 Greenway Parc #2	2,795,140	15,300	15,000	0.5366
23268 Greenway Parc #3	726,116	5,700	5,700	0.7850
23525 Greer Ranch North Ph1	3,877,190	24,600	23,200	0.5984
23555 Greer Ranch North PH2	1,446,355	6,700	6,600	0.4563
23460 Greer Ranch South	9,987,916	41,700	39,200	0.3925
23644 Johnson Townhomes	402,620	1,200	1,600	0.3974
23469 Kenly Farms	2,956,199	11,200	10,900	0.3687
13980 Kingswood Parke	9,402,787	34,800	33,200	0.3531
23319 Legacy Parc	5,842,764	23,800	22,600	0.3868
23356 Legacy Parc G,H,I	2,493,226	14,200	13,800	0.5535
23419 Legacy Parc Parcels e, f, & j	2,932,262	10,000	9,900	0.3376
23449 Litchfield Manor	13,445,142	50,700	48,400	0.3600
23457 Marley Park I, p 1-4	5,972,050	26,900	25,800	0.4320
23521 Marley Park Ph 1, P 5, 6	3,317,349	16,500	15,900	0.4793
23512 Marley Park Ph 1, P 7, 8	2,717,425	10,400	10,200	0.3754
23566 Marley Park Ph 2, 9,11,12	2,373,872	13,800	15,200	0.6403
23135 Mountain Vista	7,201,000	18,500	17,700	0.2458
23191 Mountain Vista II	6,828,283	11,400	11,200	0.1640
23239 Mountain Vista III	4,872,611	17,100	16,500	0.3386
23267 Northwest Ranch #1	3,871,322	8,300	8,200	0.2118

Street Light Improvement Districts
Expense Estimates and Levy Rates
Fiscal Year 2015

County Number \ City District Name By Assessment Type	Net Assessed Value[1]	Estimated Expenses	Levy Amount	Levy Rate[2]
Ad Valorem				
23335 Northwest Ranch II	5,021,527	24,300	23,300	0.4640
23409 Orchards 1,2,3,4,5	7,421,308	28,200	26,700	0.3598
23686 Paradise #117 NONTAX	437	0	0	0.0000
23417 Parke Row	718,346	2,900	3,100	0.4315
23661 Quick Trip # 410	275,443	800	0	0.0000
23390 Rancho Gabriella - Phase I	7,847,548	27,300	26,300	0.3351
23401 Rancho Gabriella 2,3,4A-B	16,865,791	56,900	53,900	0.3196
23487 Rancho Gabriella Ph 2 pcl 11	946,580	3,500	3,700	0.3909
23536 Rancho Gabriella PH 3 pcl 17	1,027,780	3,500	3,500	0.3405
23336 Roseview Units 1-6	8,003,651	35,200	33,500	0.4186
23333 Roseview Units 5, 5a, 7, 8	4,946,426	18,800	18,000	0.3639
23542 Royal Ranch Unit 2, P7	1,854,630	6,400	0	0.0000
23524 Royal Ranch Unit 2, pcl 8	1,216,440	5,500	13,300	1.0934
23506 Royal Ranch Unit II, pcl 5,6,9	6,126,941	19,100	35,100	0.5729
23673 Santa Fe Ave #111	634,888	1,300	1,600	0.2520
23591 Sarah Ann Ranch	13,015,555	57,400	53,700	0.4126
23455 Sierra Montana Parcel 12	1,220,950	8,000	8,000	0.6552
23668 Sierra Montana Parcel 14	1,998,010	10,000	9,600	0.4805
23581 Sierra Montana Parcel 7	677,000	3,500	3,200	0.4727
23448 Sierra Montana Phase II	11,417,965	37,400	35,600	0.3118
23510 Sierra Verde Parcel 4	1,336,850	3,300	3,600	0.2693
23467 Sierra Verde Ph I	8,036,085	36,100	33,900	0.4218
23458 Summerfield @ Litchfields	1,089,442	5,000	5,200	0.4773
23110 Sun City Grand (DW)	37,220,429	268,400	244,500	0.6569
23174 Sun City Grand II	103,387,128	464,000	421,300	0.4075
23184 Sun City Grand III	5,013,100	30,800	28,000	0.5585
23338 Sun City Grand IV	71,336,249	152,300	138,800	0.1946
23414 Surprise Farms 1A	10,973,596	39,400	37,400	0.3408
23444 Surprise Farms 1B	12,402,276	58,100	54,700	0.4410
23498 Surprise Farms Ph 2	9,925,150	42,700	40,300	0.4060
23517 Surprise Farms Ph 3	6,246,576	35,800	34,100	0.5459
23582 Surprise Farms PH 4, Par 1-6	8,217,592	30,500	28,900	0.3517
23654 Surprise Farms Phase 5	4,335,986	13,900	13,300	0.3067
23683 Surprise Medical Plaza SLID	613,552	3,200	2,000	0.3260
23645 Surprise Pointe Comml Subdivision	9,876,500	12,300	12,900	0.1306
23653 Surprise Valley Station (Trader Joe's)	493,388	1,100	800	0.1621
23563 Sycamore Estates Par 13	3,455,948	24,100	23,200	0.6713
23405 Tash/Western Meadows	3,073,310	13,600	13,700	0.4458
23470 Veramonte	4,260,142	24,400	23,200	0.5446
23663 Westfield Commons	1,758,134	500	0	0.0000
23124 WestPoint Towne Center	15,778,432	64,700	57,100	0.3619
Total Ad Valorem	**570,723,294**	**2,359,600**	**2,224,600**	

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ARIZONA

Street Light Improvement Districts
Expense Estimates and Levy Rates
Fiscal Year 2015

County Number \ City District Name By Assessment Type	Net Assessed Value[1]	Estimated Expenses	Levy Amount	Levy Rate[2]
Equal Apportionment				
23708 Autoshow East 2 #127 (L Miller Dodge)	869,273	1,300	1,400	1,400.00
23670 Commerce Park East #109 SLID	2,569,670	3,800	0	0.00
23671 Coyote Lakes #95 SLID	11,240,921	34,100	31,600	41.41
23662 Crescent Crown #82	3,029,334	2,100	2,500	1,250.00
23676 Kingswood Parke #105 SLID	390,042	1,700	2,100	44.68
23666 Marley Park Parcel 12	1,191,890	12,400	14,300	91.08
23665 Marley Park Plaza #91	2,007,875	1,300	0	0.00
23702 OTS Commercial B #123	696,465	2,100	6,300	1,575.00
23693 OTS Market Street #121	0	600	0	0.00
23674 Parkview Place #112	842,420	2,300	2,800	466.66
23434 Royal Ranch Unit I	6,312,908	20,000	19,100	37.01
23418 Sierra Montana Phase 1a	15,878,218	59,100	50,400	36.07
23692 Skyway Business Park #92	13,200,952	15,800	15,000	217.39
23669 Stadium Village Small A #107	5,407,194	7,100	4,900	700.00
23672 Stonebrook #103	1,486,770	4,700	3,900	23.77
23659 Surprse Farm Chrch 84 NONTAX	0	0	0	0.00
23694 Westgate #122	164,521	700	800	800.00
Total Equal Apportionment	**65,288,453**	**169,100**	**155,100**	
Grand Total	**636,011,747**	**2,528,700**	**2,379,700**	

[1] Net Assessed Value based on Maricopa County Assessor's Office 2014 February State Abstract report.

[2] Levy rate per $100 of assessed value for Ad Valorem assessments. Dollar levy per parcel for Equal Apportionment assessments.

Council Meeting Date:	June 17, 2014	Contact Person:	Bob Wingenroth, City Manager / Chief Financial Officer
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing x	Report/Discussion

Agenda Wording:

Consideration and action levying upon the assessed valuation of property within the city a certain sum of money for fiscal year 2015 to be assessed against the valuation of real property for primary and secondary tax purposes; Resolution 2014-52

Motion:

I move to approve Resolution 2014-52 [In accordance with state statute, a roll call vote on this motion is required.]

Background:

On June 3, 2014 the Mayor and City Council held a public hearing on the proposed property taxes, and a roll call vote was held concerning the intention of passage of the primary property tax levy. This hearing was published and advertised in accordance with state law. Adoption of Resolution 2014-52 will set primary tax levies.

Financial Impact Statement:

Adoption of primary property tax levies will allow for the collection of these revenues, which are an integral part of the adopted fiscal year 2015 budget. The proposed primary property tax rate is $0.7591 per $100 of assessed value and will generate approximately $6.5M.

ATTACHMENTS:

Click to download

Resolution 2014-52

External Attachment Links:

Meeting Requirements:

Powerpoint x	Video	White Board	Other x

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

Bob Wingenroth, ACM / CFO

RESOLUTION # 2014-52

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA LEVYING UPON THE ASSESSED VALUATION OF PROPERTY WITHIN THE CITY A CERTAIN SUM OF MONEY FOR FISCAL YEAR 2015 TO BE ASSESSED AGAINST THE VALUATION OF REAL AND PERSONAL PROPERTY FOR PRIMARY AND SECONDARY TAX PURPOSES.

WHEREAS, the City Council is required by Arizona Revised Statutes ARS §42-17253 to adopt an annual tax levy based upon the rate to be assessed per each One Hundred Dollars ($100.00) of assessed valuation of property within the City;

WHEREAS, the primary and secondary tax levy for Fiscal Year 2015 beginning July 1, 2014 must be adopted by resolution prior to the third Monday in August, and not less than fourteen days after adoption of the municipal budget;

WHEREAS, the municipal budget of the City of Surprise was adopted at a special meeting of the City Council held on June 3, 2014, at least fourteen days prior to the adoption of this Resolution 2014-52; and

WHEREAS, the City has computed tax rates at $0.7591 per One Hundred Dollars ($100.00) of assessed valuation to be levied and collected as primary taxes.

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

Section 1. That there is hereby levied, as a primary property tax, $0.7591 per each One Hundred Dollars ($100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City, except such property as may be by law exempt from taxation, a primary property tax rate sufficient to raise the sum of six million, five hundred thirteen thousand, six hundred dollars ($6,513,600.00) for the fiscal year ending on June 30, 2015.

Section 2. Any failure by the Maricopa County officials to properly return the delinquent tax list, irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings nor invalidate any title conveyed by any tax deed, any sale or proceeding pursuant thereto, the validity of the assessment or levy of taxes, nor the judgment of sale by which the collection of taxes may be enforced. All actions by officers de facto shall be valid as if performed by officers de jure.

APPROVED AND ADOPTED this _____day of ___________, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Resolution #2014-52
RFLS #4053
01/14-UN5482Fr6

Council Meeting Date:	June 17, 2014	Contact Person:	Dick McKinley PW Director
Submitting Department:	Public Works	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion

Agenda Wording:

Consideration and action adopting the FY2015 through FY2019 schedule of rates for water, wastewater, and sanitation services, and miscellaneous utility charges associated with City service areas; Resolution 2014-64.

Motion:

I move to approve Resolution 2014-64.

Background:

Pursuant to state law, there are several steps the City must complete to consider and adopt changes to its utility rates.

1: The Notice of Intention to adjust utility rates was adopted by Council with a public hearing date set no sooner than 30 after adoption of Notice. Council adopted Notice of Intention on May 6, 2014.

2: The notice must be advertised in a newspaper of general circulation including the date and time of the public hearing. The Notice was published in the Surprise Today and the Daily News Sun on May 14, 2014.

3: The Comprehensive Water, Wastewater, and Sanitation Utilities Rate Study and the new schedule of proposed rates were filled with the City Clerk's office on May 6 2014, and are available on line at the City’s main internet page.

There are no fee increases in the miscellaneous charges associated with the utility fees.

Tonight's public hearing and formal adoption are the final steps in the rate change process. If adopted the attached new rates will become effective August 1, 2014, and each July 1 through 2018 for all services outlined in the report and schedule.

Financial Impact Statement:

The proposed rate increases are designed to allow the cost for these services to be recovered through the associated user fees. The delay in these proposed rate increases will reduce the efforts of the services to be self sufficient and maintain the systems for regulatory compliance which would add an undue burden on the general fund in future fiscal years.

ATTACHMENTS:

Click to download

- Resolution 2014-64
- PRESENTATION

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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

Dick McKinley Public Works Director
Bob Wingenroth Assistant City Manager, CFO

RESOLUTION # 2014-64

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, ADOPTING A NEW SCHEDULE OF RATES FOR WATER SERVICES, WASTEWATER SERVICES, SANITATION SERVICES, AND MISCELLANEOUS UTILITY CHARGES WITHIN THE CITY SERVICE AREAS.

WHEREAS, the City of Surprise is a provider of water, wastewater, and sanitation services;

WHEREAS, the City has a fiduciary responsibility to ensure that the rates charged to its customers fully recover the total cost of operating each system: capital improvement and replacement, operations, maintenance, general administration, fiscal policy attainment, cash reserve management, and debt repayment;

WHEREAS, all provisions of A.R.S §9-511.01 regarding the increase of any water or wastewater rate or rate component, fee or service charge have been met;

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

Section 1. Resolution #08-200, which established the current rates for water, wastewater, and sanitation services, is hereby repealed effective as of July 31, 2014.

Section 2. That the "Utility Rates" attached as *Exhibit A,* is adopted as the schedule of rates for water, wastewater, and sanitation services and miscellaneous utility charges for the City of Surprise service areas.

Section 3. This resolution shall become effective August 1, 2014 after its adoption and for all services billed thereafter.

APPROVED AND ADOPTED this _____day of ___________, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Exhibit A

City of Surprise
Utility Rates

MONTHLY UTILITY RATES	08/01/2014 - 06/30/2015	07/01/2015 - 06/30/2016	07/01/2016 - 06/30/2017	07/01/2017 - 06/30/2018	07/01/2018 - 06/30/2019
WATER RATES					
All Customers					
Base Charges					
(Meter Size)					
0.625 inch	$ 20.99	$ 22.72	$ 24.59	$ 26.62	$ 28.82
0.75 inch	$ 20.99	$ 22.72	$ 24.59	$ 26.62	$ 28.82
1 inch	$ 27.28	$ 29.53	$ 31.97	$ 34.61	$ 37.47
1.5 inch	$ 69.26	$ 74.97	$ 81.16	$ 87.86	$ 95.11
2 inch	$ 111.23	$ 120.41	$ 130.34	$ 141.09	$ 152.73
3 inch	$ 224.56	$ 243.09	$ 263.15	$ 284.85	$ 308.35
4 inch	$ 356.78	$ 386.21	$ 418.07	$ 452.56	$ 489.90
6 inch	$ 692.66	$ 749.80	$ 811.66	$ 878.62	$ 951.11
8 inch	$ 1,118.75	$ 1,211.05	$ 1,310.96	$ 1,419.12	$ 1,536.19
Volumetric Charges					
Potable					
0 - 10,000 Gallons	$ 1.73	$ 1.87	$ 2.02	$ 2.19	$ 2.37
10,001 - 20,000 Gallons	$ 3.41	$ 3.69	$ 3.99	$ 4.32	$ 4.68
Over 20,000	$ 3.97	$ 4.30	$ 4.65	$ 5.03	$ 5.44
Non-Potable					
0 - 10,000 Gallons	$ 1.39	$ 1.50	$ 1.62	$ 1.75	$ 1.89
10,001 - 20,000 Gallons	$ 1.39	$ 1.50	$ 1.62	$ 1.75	$ 1.89
Over 20,000	$ 1.39	$ 1.50	$ 1.62	$ 1.75	$ 1.89
Effluent Reuse Agreement (1989) - per 1,000 Gallons	$ 0.20	$ 0.20	$ 0.21	$ 0.22	$ 0.23

SOLID WASTE RATES					
Monthly Base					
Per Solid Waste Can	$16.63	$16.63	$16.63	$16.63	$16.96

WASTEWATER RATES					
Monthly Base					
Single Family	$ 24.78	$ 24.78	$ 24.78	$ 24.78	$ 24.78
Multi-Family - Per Unit	$ 21.77	$ 21.77	$ 21.77	$ 21.77	$ 21.77
RV Resort - Per Unit/Space	$ 12.47	$ 12.47	$ 12.47	$ 12.47	$ 12.47
Commercial - Business Type	$ 2.63	$ 2.63	$ 2.63	$ 2.63	$ 2.63
Sewer Service Agreement - Additional Residential Fee for Cortessa and White Tank Foothills Properties	$ 3.36	$ 3.36	$ 3.36	$ 3.36	$ 3.36
Residential Aggregated Account Billing Discount	5%	5%	5%	5%	5%
Volumetric - Usage Charge Per 1,000 gallons					
Commercial - Business Type					
Bakeries	$ 6.24	$ 6.24	$ 6.24	$ 6.24	$ 6.24
Bars w/ dining	$ 4.98	$ 4.98	$ 4.98	$ 4.98	$ 4.98
Bars w/o dining	$ 3.23	$ 3.23	$ 3.23	$ 3.23	$ 3.23
Carwash	$ 2.68	$ 2.68	$ 2.68	$ 2.68	$ 2.68
Garage & Service Stations	$ 3.39	$ 3.39	$ 3.39	$ 3.39	$ 3.39
Hospitals, Convalescent, & Assisted Living	$ 3.12	$ 3.12	$ 3.12	$ 3.12	$ 3.12
Laundromats	$ 2.90	$ 2.90	$ 2.90	$ 2.90	$ 2.90
Medical Offices	$ 3.12	$ 3.12	$ 3.12	$ 3.12	$ 3.12
Professional Office	$ 2.74	$ 2.74	$ 2.74	$ 2.74	$ 2.74
Restaurants	$ 6.24	$ 6.24	$ 6.24	$ 6.24	$ 6.24
Schools, Parks & Recreation	$ 2.79	$ 2.79	$ 2.79	$ 2.79	$ 2.79
Other	$ 3.01	$ 3.01	$ 3.01	$ 3.01	$ 3.01

Exhibit A
City of Surprise
Utility Rates

For Non-Residential Wastewater Customers that are not listed under the commercial business listing, the strength of the wastewater exceeds the Biochemical Oxygen Demand (BOD), and Total Suspended Solids (TSS) of 150 parts per million respectively, the rate shall be calculated using the following table:

	PER #BOD	PER #TSS	PER 1,000 Gal
Flow			$ 0.6513
BOD	$ 0.3078		
TSS		$ 0.2903	
Capital			$ 0.8627
Administrative			$ 0.3899

ANNUAL PREPAY RATES Single Annual Advance Payment (5% Prepayment Discount)	**01/01/2014 - 12/31/2014**	**01/01/2015 - 12/31/2015**	**01/01/2016 - 12/31/2016**	**01/01/2017 - 12/31/2017**	**01/01/2018 - 12/31/2018**
SOLID WASTE RATES					
Per Solid Waste Can	$ 189.58	$ 189.58	$ 189.58	$ 189.58	$ 191.48
WASTEWATER RATES					
Single Family	$ 282.49	$ 282.49	$ 282.49	$ 282.49	$ 282.49
Multi-Family - Per Unit	$ 248.18	$ 248.18	$ 248.18	$ 248.18	$ 248.18
RV Resort - Per Unit/Space	$ 142.16	$ 142.16	$ 142.16	$ 142.16	$ 142.16
Sewer Service Agreement - Additional Residential Fee for Cortessa and White Tank Foothills Properties	$ 38.30	$ 38.30	$ 38.30	$ 38.30	$ 38.30

MISCELLANEOUS UTILITY CHARGES	**08/01/2014 - 06/30/2015**	**07/01/2015 - 06/30/2016**	**07/01/2016 - 06/30/2017**	**07/01/2017 - 06/30/2018**	**07/01/2018 - 06/30/2019**
Establish/Reestablish Service During Normal Hours	$ 32.00	$ 32.00	$ 32.00	$ 32.00	$ 32.00
Establish/Reestablish Service After Normal Hours	$ 43.00	$ 43.00	$ 43.00	$ 43.00	$ 43.00
Disconnect Services for Non-Payment Fee	$ 32.00	$ 32.00	$ 32.00	$ 32.00	$ 32.00
Process NSF/Returned Payment Fee	$ 12.00	$ 12.00	$ 12.00	$ 12.00	$ 12.00
Reread Confirming an Accurate Meter Read Fee	$ 5.00	$ 5.00	$ 5.00	$ 5.00	$ 5.00
Meter Testing Fee	Cost	Cost	Cost	Cost	Cost
Failure to Cancel Pre-Pay Election and Conversion Fee	$ 75.00	$ 75.00	$ 75.00	$ 75.00	$ 75.00
Solid Waste Temporary Suspension Fee	$ 55.00	$ 55.00	$ 55.00	$ 55.00	$ 55.00
Late Fee	1.5% of Balance	1.5% of Balance	1.5% of Balance	1.5% of Balance	1.5% of Balance

DEPOSITS	**08/01/2014 - 06/30/2015**	**07/01/2015 - 06/30/2016**	**07/01/2016 - 06/30/2017**	**07/01/2017 - 06/30/2018**	**07/01/2018 - 06/30/2019**
Residential and Commercial Water	(3) times the base charge	(3) times the base charge	(3) times the base charge	(3) times the base charge	(3) times the base charge
Hydrant Meter	$ 500.00	$ 500.00	$ 500.00	$ 500.00	$ 500.00
Solid Waste	(3) times the base charge	(3) times the base charge	(3) times the base charge	(3) times the base charge	(3) times the base charge
Residential Wastewater	(3) times the base charge	(3) times the base charge	(3) times the base charge	(3) times the base charge	(3) times the base charge
Commercial Wastewater	$ 75.00	$ 75.00	$ 75.00	$ 75.00	$ 75.00

Utility Rates Public Hearing Rate Adoption

June 17, 2014

SURPRISE
ARIZONA

Utility Rate Study Process

SURPRISE ARIZONA

- A ten-year forecast that evaluates the sufficiency of current rates on a self supporting basis
- Determines the amount of revenue necessary to meet all utility system financial obligations
  - Operating, capital and fiscal policies
- Develops rate implementation strategy
- Collects the target revenue level through fixed and/or variable charges

Fiscal Policies

	Purpose	Target
Operating Reserve	To provide sufficient cash flow to meet daily operating expenses (short-term, annual revenue cycles)	60 Days O&M Sanitation: $1.1 - $1.6 mil Wastewater: $1.9 - $2.6 mil Water: $1.5 - $2.7 mil
Capital Contingency	To provide a source of funding for emergency repairs, unanticipated capital, and project cost overruns.	2% of Original Asset Values Wastewater: $5.3 - $6.2 mil Water: $2.2 - $3.9 mil
System Replacement Funding	To ensure ongoing system integrity through reinvestment in the system.	Sanitation: $2.0 mil per year Wastewater: $7.3 - $8.2 mil per year Water: $3.0 - $4.6 mil per year
Debt Service Coverage	To ensure compliance with existing loan/debt covenants and maintain credit worthiness for future debt issuance.	Minimum Requirements Revenue Bond Requirement: 1.20 MPC 2007 Bond Requirement: 1.00

Analysis of Rates

Utility Rate Adoption Process

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ARIZONA

- March 4 – Council worksession to review rate study
- March 10 – Publish Notice of Intention of increases in fees/rates on City Website
- May 6 – Adopt Notice of Intention
- May 7 – Filed rate study with Clerk's office and on City website
- May 14 – Publish Notice of Intention of fees/rates changes in newspapers (Surprise Today; Daily News Sun)
- June 17 – Public hearing; adopt rates
- August 1 – New utility rates go into effect

Sanitation Rates

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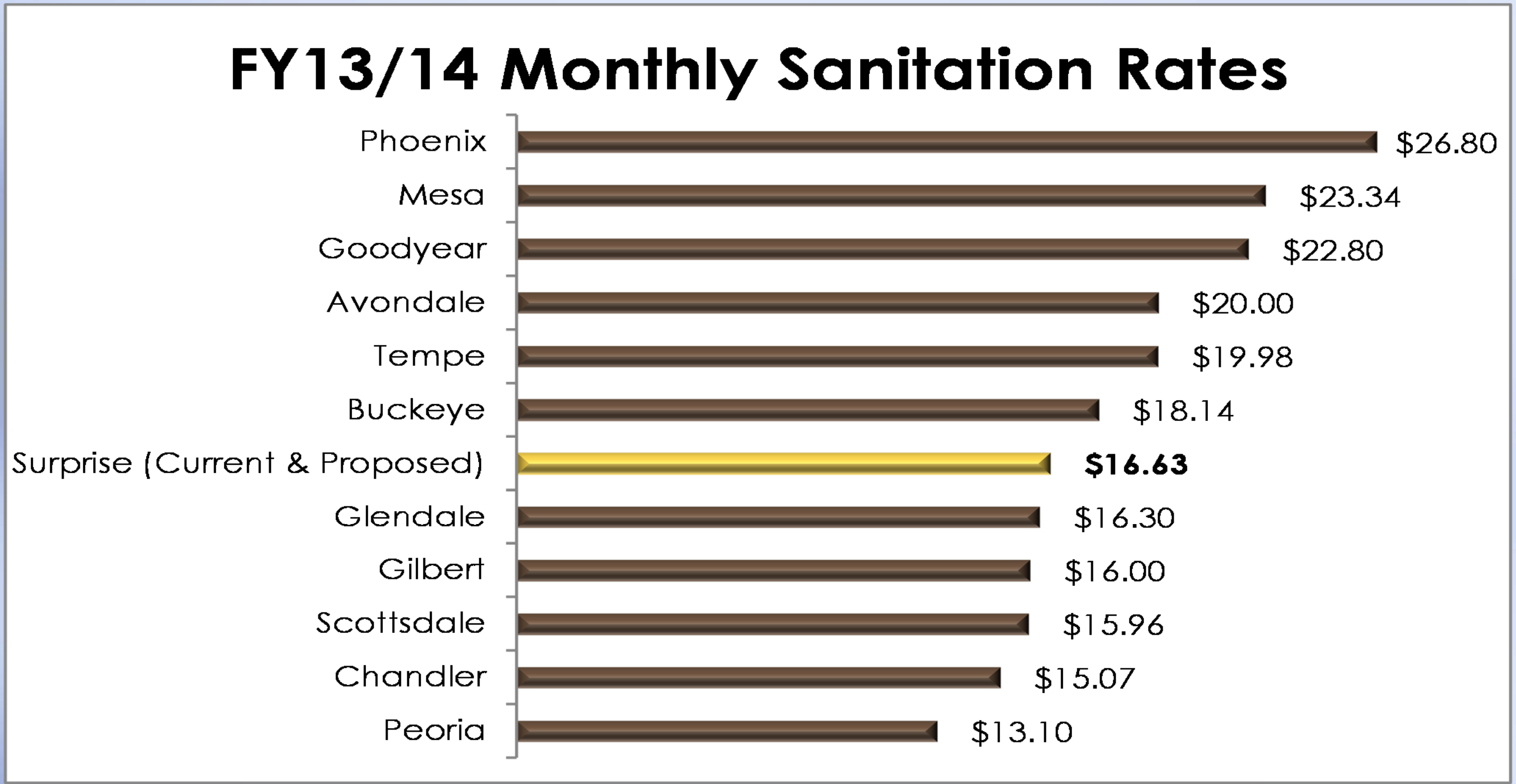
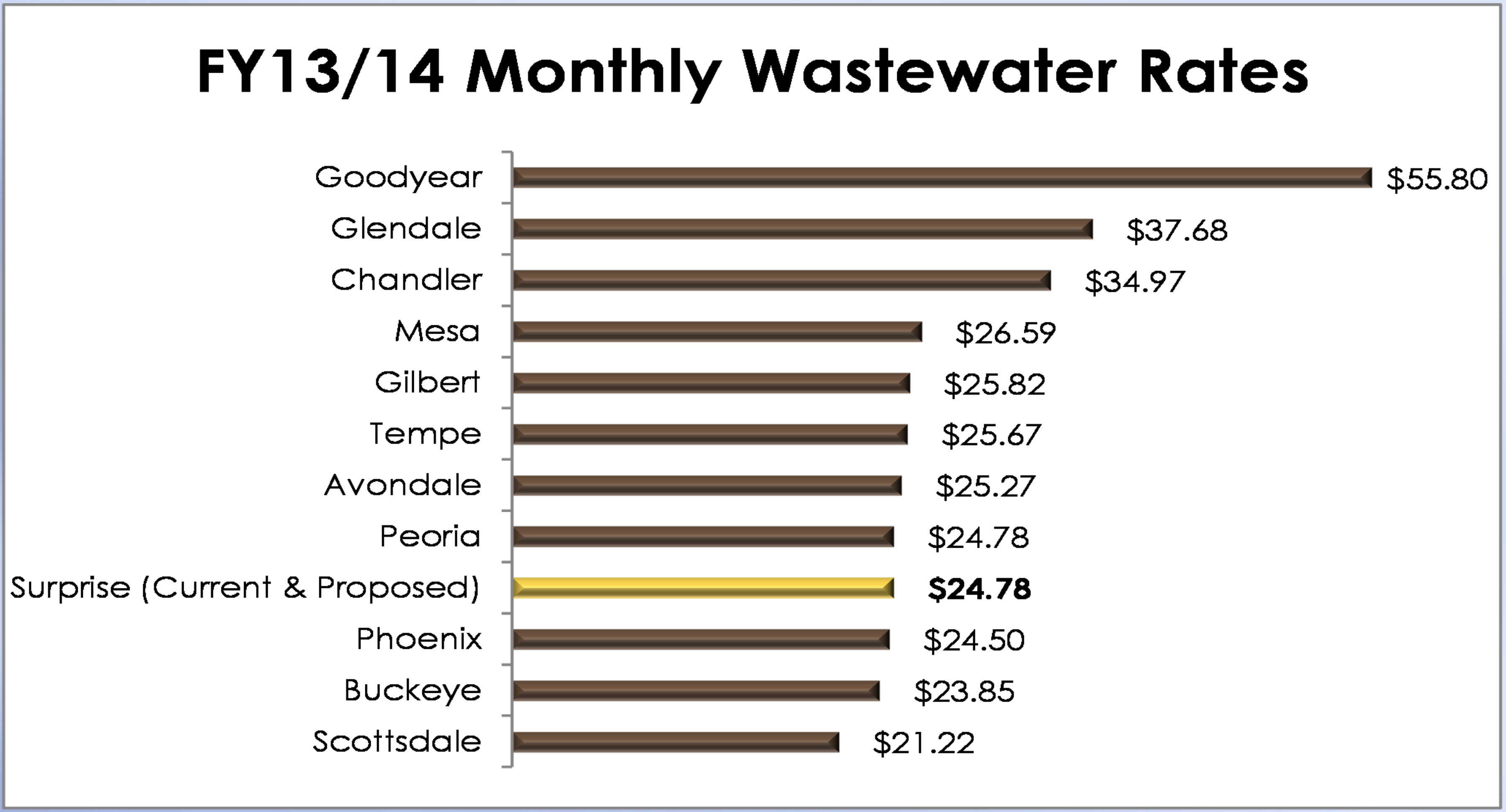


FY15	FY16	FY17	FY18	FY19
16.63	16.63	16.63	16.63	16.96

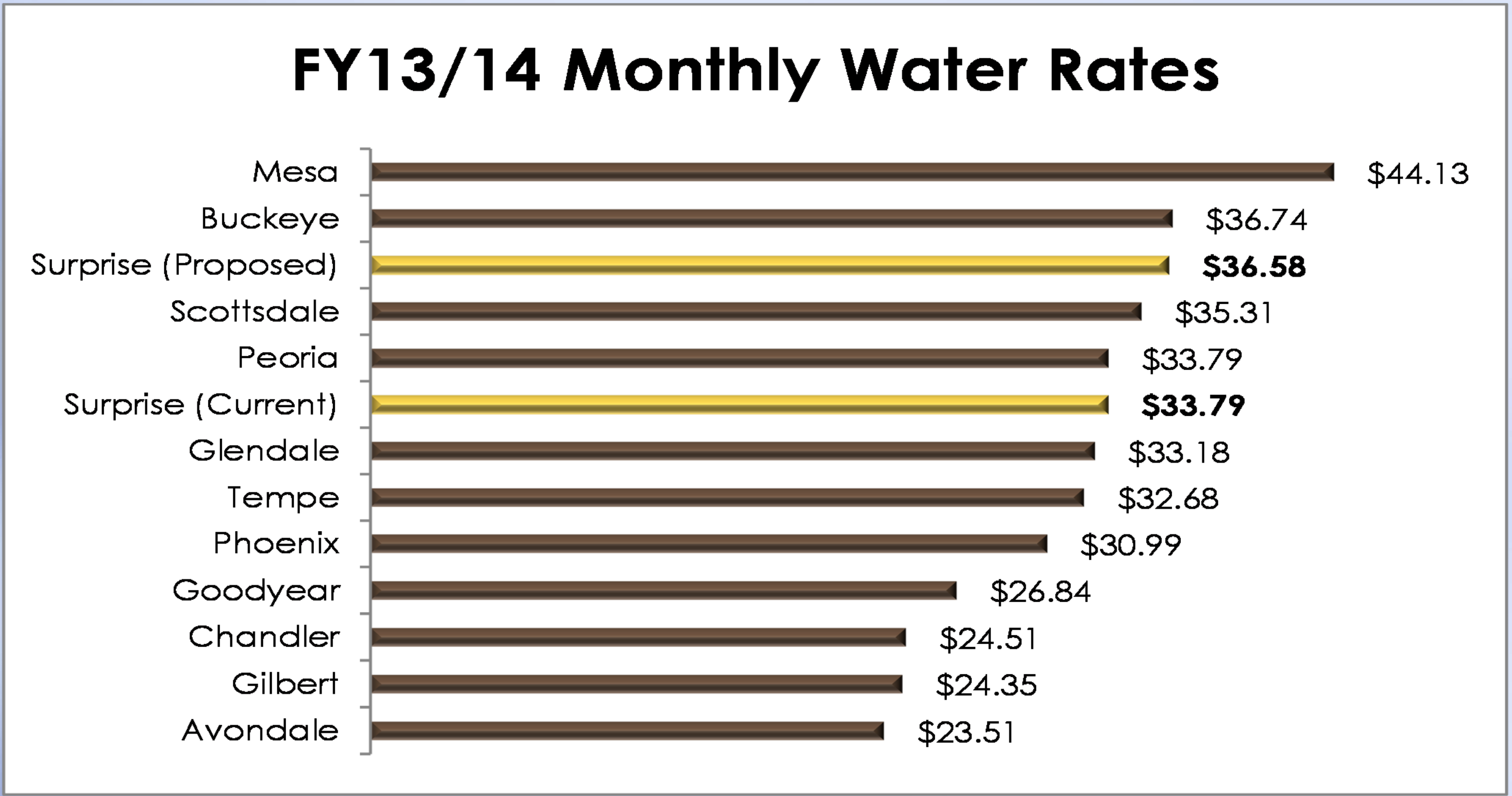
Sewer Rates



FY15	FY16	FY17	FY18	FY19
24.78	24.78	24.78	24.78	24.78

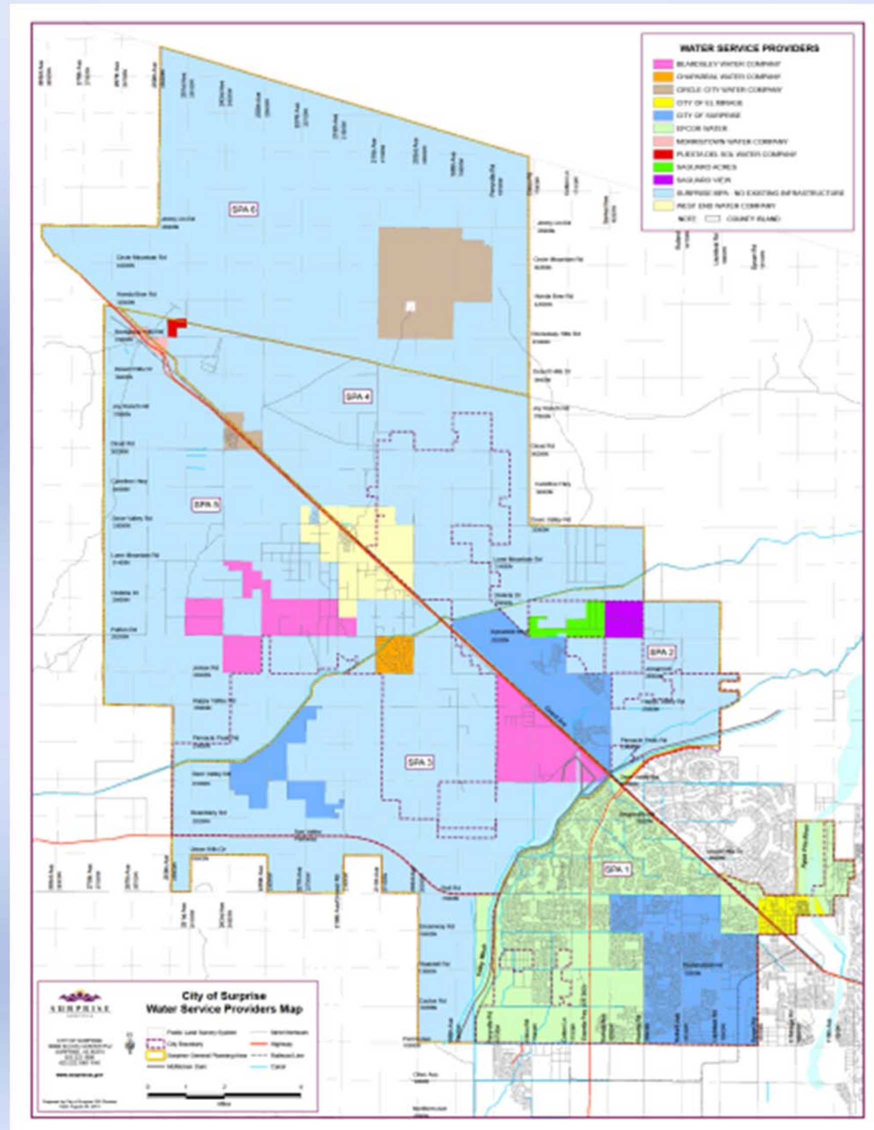
Water Rates

SURPRISE ARIZONA



FY15	FY16	FY17	FY18	FY19
36.58	39.60	42.87	46.41	50.24

Water Service Areas

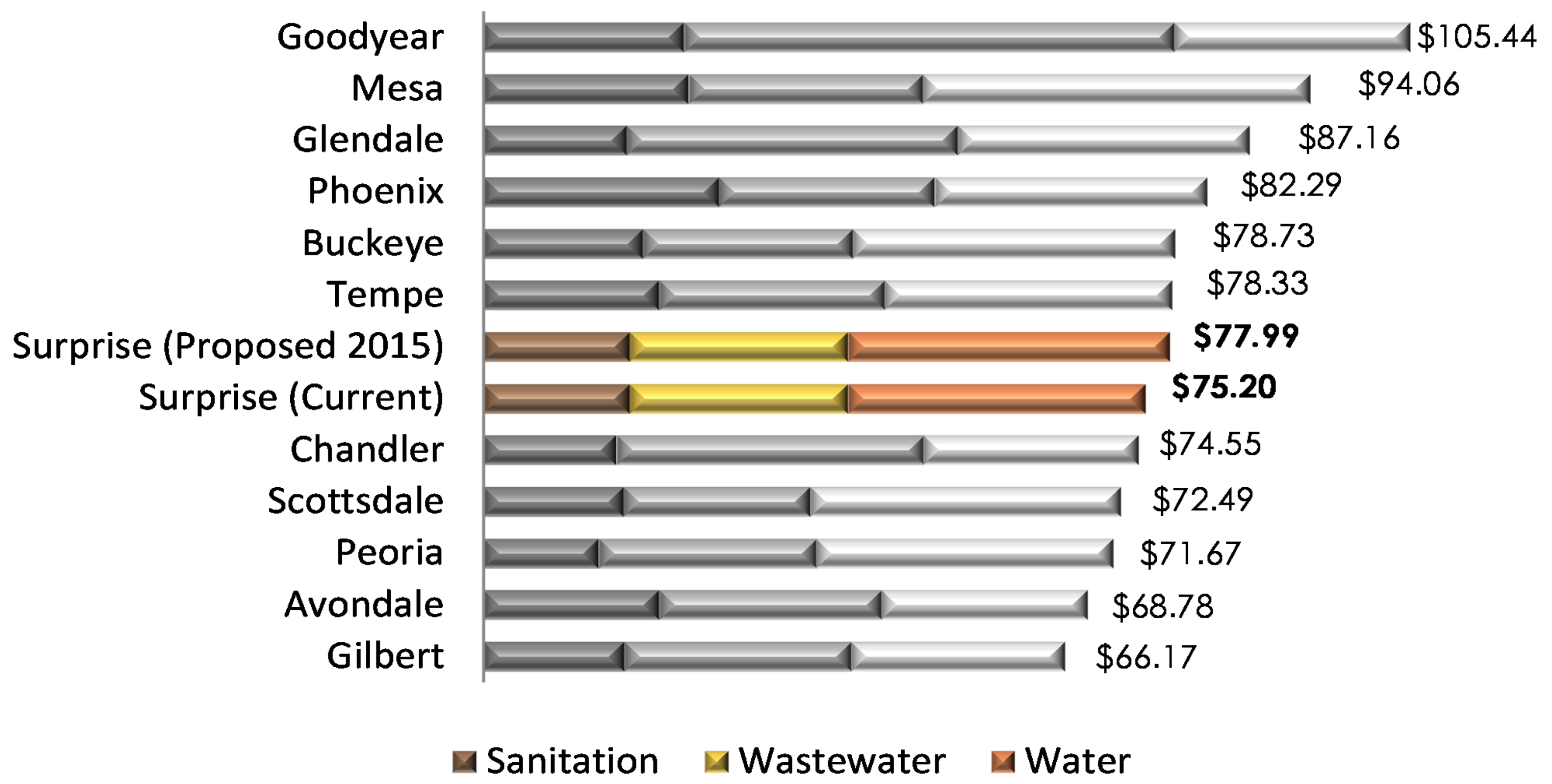


Valley Cities Utility Rate Studies

SURPRISE ARIZONA

- Goodyear – Planning a water study in FY15
- Peoria – Performing analysis on purchasing New River Utility for water; Rate study to be performed in FY15 by City's finance staff
- Chandler – Planning on water and wastewater study in FY15
  - Policy to review rates every 4 years
- Gilbert – Study in process water, wastewater, environmental services (sanitation) expect to complete in FY15
- Mesa – Increases planned for water, wastewater and sanitation
  - 7% sanitation
  - 2% wastewater
  - 3.5% water

Combined Bill



FY15	FY16	FY17	FY18	FY19
77.99	81.01	84.28	87.82	91.98