



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

Tuesday, November 15, 2016 @ 6:00 PM
COUNCIL CHAMBERS

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- 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. City Clerk Report:
- 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. Regular City Council Meeting Agenda:

Consent Agenda:

- | | | | |
|----|------------|--|--|
| 1. | District 5 | Consideration and action on a request for a Series 12 liquor license (1207A792 - Interim Permit/New License, LLC) for Red Line Grill (Family Nest, LLC) located at 15332 W. Bell Road, #101 & #102, Surprise, Arizona 85374. | None
Sherry Ann Aguilar, City Clerk |
| 2. | District 1 | Consideration and action pertaining to approval the Final Plat entitled "Desert Oasis Lancer Parcel L7 and Lancer Parcel L8", | None
Sergio |

- | | | |
|----|---|--|
| | <u>dated October 12, 2016, a property generally located at the northwest corner of Jomax Road and 171st Avenue.</u> | Angulo - Community Development |
| 3. | District 3 <u>Consideration and action pertaining to conditional acceptance of the public utility improvements at Prasada – Phase 2A West Lot 2B (Burger King), generally located on the northwest corner of Waddell Road and SR303; Resolution # 2016-135.</u> | None
Karl Zook,
Public Works
Department |
| 4. | District Citywide <u>Consideration and action on the minutes of November 1, 2016 Regular City Council Work Session and Regular City Council Meeting.</u> | None
Sherry Ann Aguilar,
City Clerk |

Regular Agenda Item - Public Hearing:

- | | | |
|----|--|---|
| 5. | District 3 <u>Presentation and discussion of FS16-427 Magnolia Annexation Public Hearing, in accordance with Arizona Revised Statutes 9-471 (A)(3), a public hearing is required to be held after filing a blank petition within the last ten days of the thirty day waiting period.</u> | None
Eric Fitzer - Community Development |
|----|--|---|

Regular Agenda Item - Non-Public Hearing:

- | | | |
|-----|--|---|
| 6. | District Citywide <u>Consideration and action pertaining to the recommendation of Presiding Judge Louis F. Dominguez to appoint Catherine Gaudreau to a four year term as the Associate Judge for the Surprise City Court; Resolution #2016-149.</u> | None
Louis Frank Dominguez |
| 7. | District Citywide <u>Consideration and action pertaining to an amendment to the fiscal year 2017 budget by reallocating appropriations of \$8,400 within the Grants and Contingency Fund and authorizing the acceptance of Project Initiation Pool (PIP) grant funds; Resolution # 2016-142.</u> | None
Martin Lucero - Community Development |
| 8. | District Citywide <u>Consideration and action pertaining to an amendment to the fiscal year 2017 budget by reallocating appropriations of \$737,900 within the Grants Fund and \$146,500 within the General Fund for the receipt of a FEMA grant to fund the addition of five (5) firefighters in accordance with the Staffing for Adequate Fire and Emergency Response (SAFER) program; Resolution #2016-138.</u> | None
Chief Tom Abbott |
| 9. | District Internal <u>Consideration and action pertaining to approval of an agreement with Tohono O'odham Nation and the WHAM Art Association to accept and administer funding for the Art: A Path of Healing project and an amendment to the fiscal year 2017 budget by reallocating appropriations of \$5,000 within the Grants Fund; Resolution # 2016-140.</u> | None
Seth Dyson,
Human Service & Community Vitality |
| 10. | District Internal <u>Consideration and action pertaining to approval of a second amendment to the Surprise Center Development Company L.L.C. Compromise Settlement Agreement and Full and Final Release of All Claims.</u> | None
Robert Wingo, City Attorney |

J. Other Business and Future Agenda Items:

K. Mayor/Council Reports:

L. Executive Session:

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

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

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

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

M. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Nov. 10, 2016 at

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

November 15, 2016 @ 6:00:00 PM

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Council Meeting Date: November 15, 2016 Contact Person: Sherry Ann Aguilar, City Clerk
Submitting Department: District: 5
Staff Recommendations: None

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on a request for a Series 12 liquor license (1207A792 - Interim Permit/New License, LLC) for Red Line Grill (Family Nest, LLC) located at 15332 W. Bell Road, #101 & #102, Surprise, Arizona 85374.

Motion:

I move to approve a request for a Series 12 liquor license (1207A792 - Interim Permit/New License, LLC) for Red Line Grill (Family Nest, LLC) located at 15332 W. Bell Road, #101 & #102, Surprise, Arizona 85374.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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☐ [Reports](#)



MEMO

Date: 10/27/2016

To: Sherry Aguilar, City Clerk
Linda Stevens, Deputy City Clerk
From: Stacie McQuarrie, Fiscal Support Specialist

RE: Liquor License Application – Family Nest LLC dba Red Line Grill

Business License Status:

Application packet mailed on 10/27/16.

Mailing to:

Family Nest, L.L.C.
dba Red Line Grill
Attn: Mr. Demetrios Papamatheakis
15332 W. Bell Rd., #101 & 102
Surprise, AZ 85374



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



November 8, 2016

To: Sherry Ann Aguilar, City Clerk
From: James Whitehead, Fire Inspector
Subject: Liquor License Application
Applicant: Red Line Grill
15332 W Bell Rd #101
Surprise, Arizona 85374

The Surprise Fire-Medical Department recently conducted a fire inspection at the above referenced location to ensure compliance with the applicable fire codes within the tenant space and building. There were some issues noted. The applicant has applied for a permit to do the required work. Fire has reviewed and approved the plans. A complete fire inspection will be required before the business will be allowed to open to the public.

Based on the approved plans we recommend approval of the liquor license.

If you have any questions feel free to contact me.

James Whitehead, Fire Inspector
Fire Prevention Division
Surprise Fire-Medical Department

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

REFERENCE:

DATE: October 20th, 2016

LICENSE NUMBER- 1207A792
Series #12 – New License/LLC

APPLICANT:

Red Line Grill

15332 W. Bell Road, #101 & #102
Surprise, Arizona 85374

FINDINGS:

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

Red Line Grill is a restaurant. The surrounding area consists of residential and commercial buildings. There are several other businesses in the area that also serve alcohol in accordance with a series #12 licence. There is no evidence to support a substantial impact on the area.

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

There is no anticipated impact on vehicle traffic in close proximity to this location.

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

There are no liquor violations reported at this location over the past five years.

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

The hours of operation are relatively consistent with the existing businesses in close proximity.

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

The series 12 license is appropriate.

Submitted by Sergeant Tim Klarkowski #2137



COMMUNITY DEVELOPMENT DEPARTMENT

Date: October 17, 2016
To: Sherry Aguilar, City Clerk
From: Eric Fitzer, Community Development Director
By: James Stewart, Zoning Specialist
Re: Liquor License Application for:

**Red Line Grill (Family nest, LLC)
Interim Permit/New License & LLC – (License # 1207A792)
15332 W. Bell Road, # 101 & 102
Surprise, Arizona 85374**

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

1. Fry's #61 (Series 9) – 15510 W. Bell Rd.
2. Lucky's Pizza #3 (Series 12) – 15508 W. Bell Rd. #107
3. Macayo's Mexican Kitchen (Series 12) – 15565 W. Bell Rd.
4. Babbo Italian Eatery (Series 12) – 15609 W. Bell Rd.
5. Booty's (Series 12) – 15557 W. Bell Rd. # 404, 405, 406
6. Tailgaters Sports Grill (Series 12) – 15529 W. Bell Rd.
7. 4 Sons Food Store #604 (Series 10) – 15505 W. Bell Rd.
8. Walgreens #4620 (Series 10) – 15490 W. Bell Rd.
9. Archie's Deli (Series 12) – 15332 W. Bell Rd. #101 & 102
10. Brookside II (Series 6) – 15170 W. Bell Rd. #115
11. New York Flavor (Series 12) – 15170 W. Bell Rd. #103
12. Residence Inn (Series 7) – 16418 N. Bullard Avenue

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

Residential population will most likely remain static. Commercial growth will likely remain static.

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

RED LINE GRILL

PAD
KINGSWOOD PARK/SUN VILLAGE

PAD
SUN CITY GRAND

SITE

PAD
MOUNTAIN VISTA RANCH

PAD ORCHARDS

RR / R1-43



CITY OF SURPRISE
Regular City Council Meeting

November 15, 2016 @ 6:00:00 PM

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Council Meeting Date:	November 15, 2016	Contact Person:	Sergio Angulo - Community Development
Submitting Department:	CD	District:	1
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to approval the Final Plat entitled "Desert Oasis Lancer Parcel L7 and Lancer Parcel L8", dated October 12, 2016, a property generally located at the northwest corner of Jomax Road and 171st Avenue.

Motion:

I move to approve the Final Plat entitled "Desert Oasis Lancer Parcel L7 and Lancer Parcel L8"

Background:

Kent A. Xander, on behalf of DKJ Desert Oasis, LLC and 171st Avenue Northwest, LLC, submitted a request for a Final Plat for Parcels L7 & L8 of Desert Oasis at Surprise to subdivide a 30.32 acres (approx.) into two (2) lots.

Objective Analysis:

The split of the subject lot was not approved by the City and violated the Land Divisions section of the Surprise Unified Development Code, consequently creating two nonconforming lots. This Final Plat will bring the subject lots into conformance.

Policy Compliant:

This Final Plat is consistent with City and Council Policy.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

Click to download

- ☐ [00 - FS16-379 - Desert Oasis Parcel L7 and L8 - Final Plat - Staff Report](#)
 - ☐ [01 - FS16-379 - Desert Oasis Parcel L7 and L8 - Final Plat - Vicinity Map](#)
 - ☐ [02 - FS16-379 - Desert Oasis Parcel L7 and L8 - Final Plat](#)
 - ☐ [03 - FS16-379 - Desert Oasis Parcel L7 and L8 - Final Plat -Luke AFB Comments](#)
 - ☐ [04 - FS16-379 - Desert Oasis Parcel L7 and L8 - Final Plat - Presentation](#)
-

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case: FS16-379

Project Name: Desert Oasis Parcels L7 & L8

Council District: 1 - ACACIA

City Council Date: November 15, 2016

Planner: Sergio Angulo

Owner: DKJ Desert Oasis, LLC (Parcel L7)
171 Avenue Northwest, LLC (Parcel L8)

Applicant: Kent A. Xander

Request: Final Plat to subdivide a 30.32 acres (approx.) lot into two (2) lots in Desert Oasis at Surprise.

Site Location: Generally north of Jomax Road and west of 171st Avenue

Site Size: 30.32 acres (approx.)

Findings:

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

Staff

Recommendation: Approve [no stipulations on final plats]

History:

- On October 12, 2000 the Mayor and City Council approved the annexation of the subject property.
- On September 14, 2000 the Mayor and City Council approved the Desert Oasis at Surprise Planned Area Development.
- On May 26, 2016 the Maricopa County Recorder's Office recorded a metes and bounds document which split the subject lot. Creating two (2) nonconforming lots.

- On September 2, 2016 the applicant filed a request for a Final Plat approval to subdivide the subject lot to bring it into compliance with the City's requirements.

Additional Information:

The applicant is requesting a Final Plat approval that will subdivide a 30.32 acre (approx.) lot into two (2) lots. The subject site is located at the northwest corner of Jomax Road and 171st Avenue and includes Parcel L7 and Parcel L8 of the Desert Oasis at Surprise Planned Area Development. Originally 171 Avenue Northwest, LLC. owned all 30.32 acres (approx.) but earlier this year DKJ Desert Oasis, LLC. purchased the eastern 17.32 (approx.) acres and the subject lot was split through a metes and bounds document. As per the Land Divisions section of the Surprise Unified Development Code (SUDC), all property splits must be approved by the City. The split of the subject lot was not approved by the City and violated the Land Divisions section of the SUDC, consequently creating two (2) nonconforming lots. Approval of this Final Plat by the City Council will bring the subject lots into conformance.

As mentioned above, the subject site includes Parcels L7 and L8 of the Desert Oasis at Surprise PAD and this Final Plat sets the boundary property lines for each parcel. Both parcels are currently vacant. Parcel L7 is a 17.32 (approx.) acre lot and is zoned PAD – Medium Density Residential with an allowed density of six (6) dwelling units per acre. Parcel L8 is a 12.98 (approx.) acre lot and is zoned PAD – Commercial. This Final Plat does not propose any new right-of-way dedication but it does propose to abandon 20 feet of right-of-way of Jomax Road. The reason for the abandonment is the reclassification of Jomax Road from a Parkway to an Arterial which requires less right-of-way. In place of right-of-way, the applicant is proposing a 20-foot Public Utility Easement and (public) Multi-Use Trial Easement along Jomax Road.

Under a separate case application the applicant is proposing a rezone to 12 acres of Parcel L8 from PAD Commercial to PAD Medium Density Residential for a future residential subdivision. When ready, the applicant will be scheduled for a public hearing for this rezone application. This Final Plat application (case FS16-379) will simply take care of a nonconforming lot split and bring the subject lots into conformance with the SUDC and City processes.

Attachments:

01 Vicinity Map
02 Final Plat
03 Luke AFB Comments

Enclosure:

Sealed mylars

VICINITY MAP



VICINITY MAP



EAST QUARTER CORNER
SECTION 35, T5N, R2W
FOUND 2" BRASS CAP RLS 37174





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

13 September 2016

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon St.
Luke AFB AZ 85309-1629

Ms. Jamie Sullivan
Development Services Specialist
City of Surprise Planning Department
16000 N. Civic Center Plaza
Surprise AZ 85374

Re: FS16-379; Desert Oasis Parcel L7 and L8

Dear Ms. Sullivan

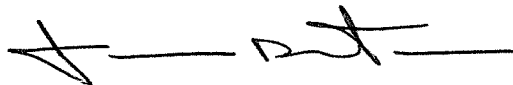
Thank you for the opportunity to provide comments on the Final Plat Application for Desert Oasis Parcel L7 and L8. The site is on 29.71 net acres located at the northwest corner of 171th Avenue and Jomax Road in Surprise AZ and is part of the larger Desert Oasis 890-acre mixed-use Master Plan. This request is to officially subdivide Parcel L7 and Parcel L8. Parcel L7 will be subdivided in 17 acres and will remain commercial/Medium Density Residential allowing for 90 residential lots for an overall density of 5.3 dwelling units per acre. Parcel L8 will be subdivided into 12.7 acres and the zoning shall remain zoned for Commercial use. The site is approximately 2.1 miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is outside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

Luke AFB follows the guidelines in the Graduated Density Concept (GDC). The GDC proposes, in the absence of a more restrictive state, county or municipal general or comprehensive plan, graduating densities away from the 65 Ldn as follows: a maximum of 2 du/acre from the 65 Ldn to 1/2 mile, a maximum of 4 du/acre from 1/2 to 1 mile, and a maximum of 6 du/acre from 1 to 3 miles. The density of 5.3 du/acre meets these guidelines.

This request as stated in the application will not negatively impact the flying operations at Luke AFB. Even though Desert Oasis Parcel L7 & L8 will be located outside the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform potential residents about Luke AFB operations.

If there are any questions, please contact my Community Planner, Ms. Barbara Plante, at (623) 856-9981.

Sincerely

A handwritten signature in black ink, appearing to read 'J. Mitchell', with a stylized flourish at the end.

JAMES R. MITCHELL

cc:

Colonel David G. Shoemaker, Vice Commander, 56th Fighter Wing

Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing



SURPRISE
ARIZONA

FS16-379

Desert Oasis Parcels L7 & L8

Final Plat

City Council

November 15, 2016

VICINITY MAP



VICINITY MAP





SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Regular City Council Meeting

November 15, 2016 @ 6:00:00 PM

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Council Meeting Date:	November 15, 2016	Contact Person:	Karl Zook, Public Works Department
Submitting Department:	Public Works	District:	3
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to conditional acceptance of the public utility improvements at Prasada – Phase 2A West Lot 2B (Burger King), generally located on the northwest corner of Waddell Road and SR303; Resolution # 2016-135.

Motion:

I move to approve Resolution # 2016-135.

Background:

The Public Works Department conducted the final inspection of the sewer improvements for the Burger King at 303 & Waddell located on the northwest corner of Waddell Road and SR303 on or about June 7, 2016, totaling 302 LF (6" PVC (61 LF) and 8" PVC (241')). There is no other public infrastructure to be dedicated with this project - the water infrastructure is in the Epcor service area, all drainage infrastructure is private, and no offsite asphalt work was associated.

Objective Analysis:

The sewer improvements for this property convey wastewater from the property to the City's public system. This action will accept the required infrastructure.

Policy Compliant:

This action is compliant with City and Council Policy.

Financial Impact:

Acceptance of streets, water, and sewer infrastructure increases the City's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure items included with this item is \$14,758.

Budget Impact:

Funding for infrastructure maintenance is included in street preservation and maintenance, water and sewer operational budgets. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-135](#)
 - ☐ [Final Plat 1252.43](#)
 - ☐ [Notice of Completion Letter](#)
 - ☐ [Inspector Sign Off](#)
-

RESOLUTION # 2016-135

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, CONDITIONALLY ACCEPTING MAINTENANCE OF THE PUBLIC UTILITY IMPROVEMENTS AT PRASADA – PHASE 2A WEST LOT 2B, GENERALLY LOCATED ON THE NORTHWEST CORNER OF WADDELL ROAD AND STATE ROUTE LOOP 303.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled “Prasada – Phase 2A West, Lot 2” on, December 1, 2015;

WHEREAS, Westcor Surprise WCW LLC, the developer of Prasada – Phase 2A West, Lot 2B, dedicated to the City public utility improvements, generally located at the northwest corner of Waddell Road and State Route Loop 303.

WHEREAS, the City of Surprise Public Works Department Engineering Division conditionally accepted the improvements describes in this resolution on June 7, 2016;

WHEREAS, the City of Surprise notes that the two-year warranty period will commence upon conditional acceptance by the City; and

WHEREAS, the City of Surprise will release the warranty and begin maintenance of the public utility improvements upon final acceptance of the improvements.

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

Section 1. The City of Surprise conditionally accepts the public utility improvements generally located as depicted on the map attached as Exhibit A and listed on Exhibit B.

Section 2. Upon final acceptance by the City Engineer, the City Council hereby directs that the City to release warranty and begin maintenance of the public utility improvements.

APPROVED AND ADOPTED this _____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure

Prasada Ph2A West Lot 2B

Burger King at 303 & Waddell

Public Sewer Acceptance



EXHIBIT B

List and Cost of Improvements



Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: 10/5/16
Re: Prasada – Phase 2A West Lot 2B (Burger King) Sewer Line Improvements and City Acceptance

The public improvements for the above project have been completed and are on the November 1, 2016 council agenda for acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting.

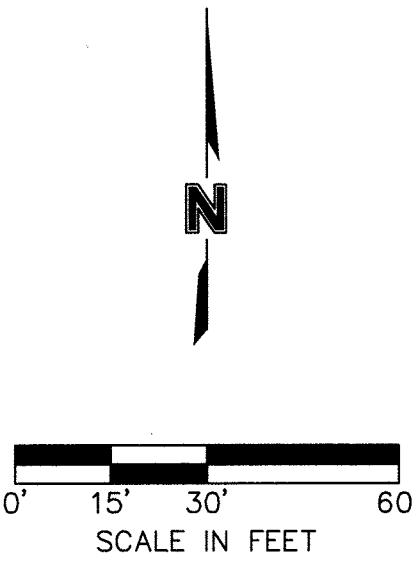
- City Sewer - \$14,758.00

FINAL PLAT
FOR "PRASADA - PHASE 2A WEST, LOT 2", BEING LOT 2 OF "PRASADA - PHASE 2A WEST",
A COMMERCIAL SUBDIVISION AS RECORDED IN BOOK 960, PAGE 16, LOCATED IN A
PORTION OF THE WEST HALF OF SECTION 12, T3N, R2W,
OF THE GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA

LEGEND

- REBAR W/CAP #49097 TO BE SET UPON APPROVAL OF PLAT.
- FOUND CORNER AS NOTED
- ⊗ FOUND CHISELED X
- ⊙ BRASS CAP FLUSH
- ⊠ BRASS CAP IN HAND HOLE
- △ CALCULATED CORNER
- COS CITY OF SURPRISE
- R/W PUBLIC RIGHT-OF-WAY
- MCR MARICOPA COUNTY RECORDS
- (M) MEASURED BEARING/DISTANCE
- (R) RECORDED BEARING/DISTANCE

PROPERTY LINE
SECTION LINE
EASEMENT AS NOTED
EXISTING LOT LINE

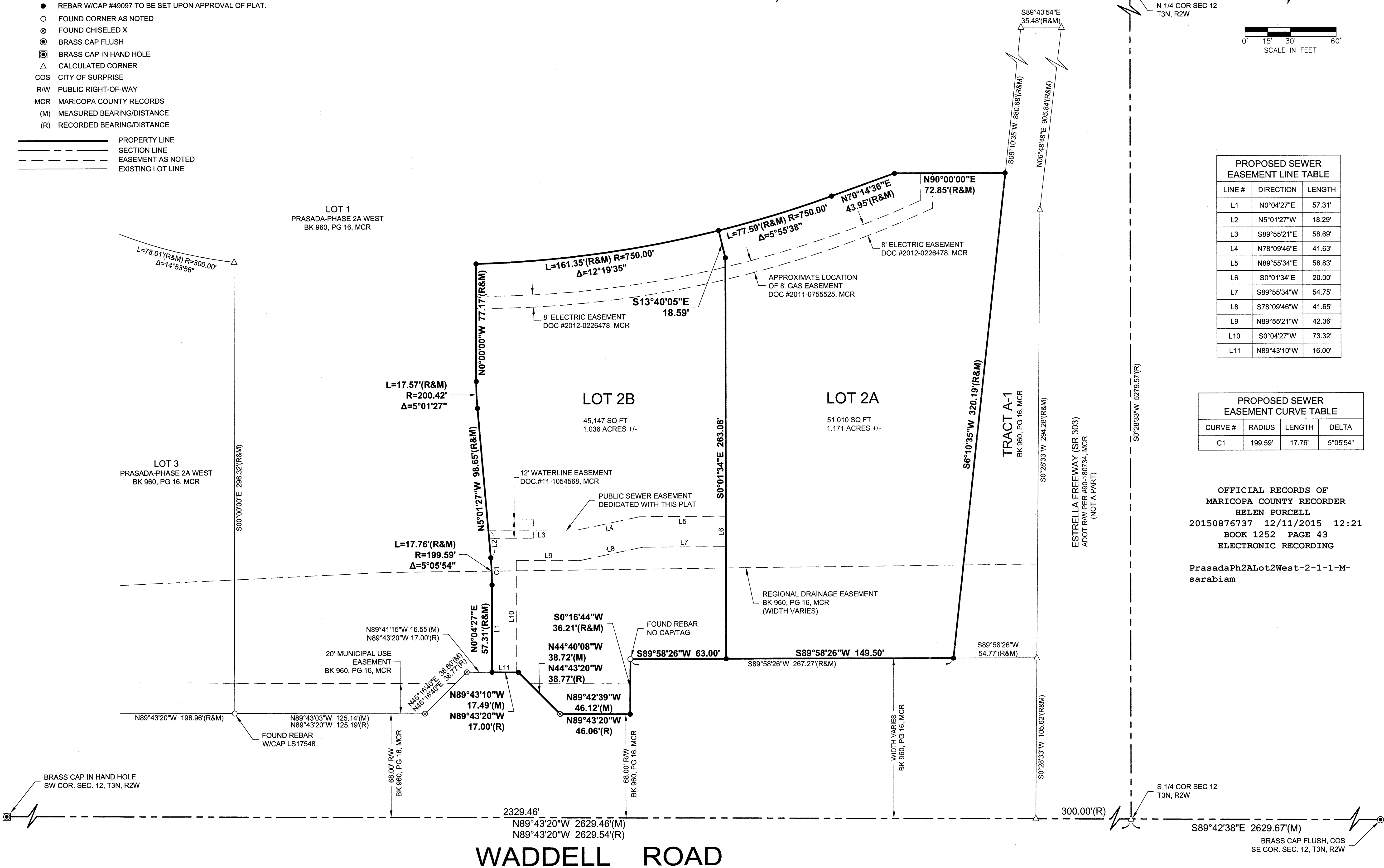


PROPOSED SEWER EASEMENT LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	N0°04'27"E	57.31'
L2	N5°01'27"W	18.29'
L3	S89°55'21"E	58.69'
L4	N78°09'46"E	41.63'
L5	N89°55'34"E	56.83'
L6	S0°01'34"E	20.00'
L7	S89°55'34"W	54.75'
L8	S78°09'46"W	41.65'
L9	N89°55'21"W	42.36'
L10	S0°04'27"W	73.32'
L11	N89°43'10"W	16.00'

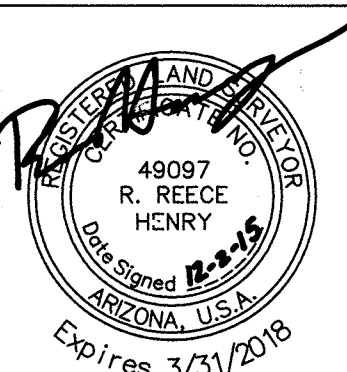
PROPOSED SEWER EASEMENT CURVE TABLE			
CURVE #	RADIUS	LENGTH	DELTA
C1	199.59'	17.76'	5°05'54"

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20150876737 12/11/2015 12:21
BOOK 1252 PAGE 43
ELECTRONIC RECORDING

PrasadaPh2ALot2West-2-1-1-M-
sarabiam



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ASSOCIATES[®]
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REVISIONS	
REV. NO.	DESCRIPTION

REVISIONS	
REV. NO.	DESCRIPTION

A FINAL PLAT OF LOT 2 OF
"PRASADA - PHASE 2A WEST", A COMMERCIAL SUBDIVISION BEING A PART OF THE WEST HALF OF
SECTION 12, T3N, R2W, OF THE GILA AND SALT RIVER MERIDIAN,
SURPRISE, ARIZONA
2015

drawn by: GPT
checked by: GPT
approved by: GPT
QA/QC by: RRH
project no.: 011-2637
drawing no.:
date: 12/02/15



Public Works Department
Engineering Development Services
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6141
Fax 623-222-6006

August 02, 2016

Monza Construction Company
325 N. Austin Dr. 2
Chandler, AZ 85226

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR
BURGER KING AT PRASADA-FS15-309**

The City of Surprise Public Works Department has completed the inspection of the public utility improvements for the above referenced subdivision. These improvements are in substantial compliance with the approved plans and specifications. Council action is required prior to conditional acceptance and the official beginning of the warranty period. The time frame for Council action is approximately 90 days after the following items have been submitted:

- A copy of all lien releases or a title report
- Actual construction cost for related civil permits issued
- Warranty assurance in a format acceptable by the City

A notice of the required assurance amount and acceptable formats will be sent via email once actual construction costs have been submitted by the applicant. The warranty period starts upon council acceptance for a period of two (2) years; please ensure warranty assurance will not expire prior to this date. The applicant will be notified of the council date as soon as it is scheduled and the warranty financial assurance is required to be submitted to the city 10 calendar days prior to the council date. If a warranty financial assurance is not received within 10 calendar days, council action and start of the warranty period will be delayed, at a minimum, an additional two (2) weeks.

A letter of conditional acceptance and notification that the warranty period has begun will be forwarded upon the completion of council acceptance. Also, a request to release the associated completion assurance will be made; notification will be sent when assurance document is available for pick up.

If you have any questions or concerns, you can reach me at 623-222-6141.

Sincerely,

Kristin Tytler P.E.,
Development Engineering Manager

kt/jg

c: David Mobley, Civil Inspector
Mike Gent, Public Works
David Kohlbeck, Public Works
John McFarland, Public Works
Lee Lambert, Water Resources Management
File

Lora Ingram, Finance
Antonio DeLaCruz, Public Works
Fermin Camacho, Public Works
Terry Lowe, Water Resources Management
Warren Dancer, Water Resources Management



6/2/2016	Date of Punch-List Walk	6/7/2016	Date Punch-List Completed
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325 N. Austin Dr. 2, Chandler, AZ 85226

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features

Date: 6/23/14



CITY OF SURPRISE
Regular City Council Meeting

November 15, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date: November 15, 2016 Contact Person: Sherry Ann Aguilar, City Clerk
Submitting Department: District: Citywide
Staff Recommendations: None

Consent	☒	Regular	Public Hearing	Report/Discussion
---------	-------------------------------------	---------	----------------	-------------------

Agenda Wording:

Consideration and action on the minutes of November 1, 2016 Regular City Council Work Session and Regular City Council Meeting.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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- ☐ [WKS](#)
 - ☐ [REG MTG](#)
 - ☐ [Statement for the record](#)
-

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

Tuesday, November 1, 2016 @ 04:00 PM

Call to Order

Roll Call

Council Member Williams called the **Regular City Council Work Session** to order at 04:00 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, November 1, 2016**. Also in attendance with Council Member Williams were Council Member Winters, Council Member Hayden, Council Member Villanueva, Council Member Hall, and Mayor Wolcott and Council Member Tande were excused.

Staff Present: City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Regular Agenda Item - Non-Public Hearing

1 – Presentation and discussion regarding the FY2016 Financial Status Report - NO ACTION

Budget Manager, Jared Askelson and Finance Director, Lindsey Duncan reported on this item.

Council Member Winters - it looks like we're in pretty good shape.

Mr. Askelson - Council has already approved the expenditure.

Council Member Hall - do we envision Workers Comp. falling under the Health Insurance Board?

Mr. Askelson - We are still discussing whether it should go under another one or not.

**2 – Presentation and discussion pertaining to FS16-400 Prasada Lake Village
Planned Area Development Minor Amendment - NO ACTION**

Community Development Director, Eric Fitzer gave an overview and highlights of the project.

Council Member Hall - Density, the 20% swap, doesn't impact overall density - 4.7? Asked for clarification.

Mr. Fitzer - No swapping of density at this point.

Paul Gilbert - Excited about this project, what we are proposing improves it in every way. Not increasing by one unit, stays the same.

Council Member Villanueva - Same concern about retirement age, how many more retirement communities are we going to have in our City? There are a lot of young couples that live in SC Grand and other retirement communities.

Council Member Winters - I am excited to see this sleeping giant wake up. Why did Fulton homes pull out of this project?

Council Member Hayden - Is the configuration now the same as what it was previously when this was done a few years ago?

Paul Gilbert - Yes, it has stayed the same, that has not changed.

Council Member Villanueva - Are the developers going to stick with the same type of homes?

Executive Session

Adjournment

Council Member Winters adjourned the Regular City Council Work Session of November 9, 2016 at 4:53 PM. Council Member Hayden seconded the motion. Five yes votes, two excused (Wolcott and Tande). 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, November 1, 2016.**

Sherry Ann Aguilar, City Clerk

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

Tuesday, November 1, 2016 @ 06:00 PM

Call to Order

Roll Call

Council Member Williams called the **Regular City Council Meeting** to order at 06:00 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, November 1, 2016**. Also in attendance with Council Member Williams were Council Member Winters, Council Member Hayden, Council Member Villanueva, Council Member Hall, and Mayor Wolcott and Council Member Tande were excused.

Staff Present: City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Students from the Parkview Elementary School lead the pledge.

Proclamation and Community Acknowledgements

City Manager Report

Youth Coordinator, Mike Cassidy introduced students from Parkview Elementary School.

City Manager Wingenroth AA minus to AA+, almost unprecedented rating. Thanked Finance staff for their efforts. A bond rating is not like an individual event. Thanked Council for their leadership.

Riley and Connor, Surprise Youth Council on dais.

City Attorney Report

City Clerk Report

2016 Election Update

City Clerk Aguilar reported on early voting.

Call to the Public

Statement for the Record by Ken Wright

Consent Agenda

1 – Consideration and action on a request by Andrea Lewkowitz on behalf of Digiplex Surprise 14 IMAX for a Person/Location Transfer/LLC - Liquor License #07070183 located at 13649 N. Litchfield Road, Surprise, AZ. 85379 - APPROVED

2 – Consideration and action on the minutes of October 18, 2016 Regular City Council Meeting - APPROVED

3 – Item #3 was removed from the consent agenda on 10/31/2016 at 8:35 AM.

4 – Consideration and action pertaining to approval of Re-Plat entitled "Final Plat For Marley Park Legacy Charter School Expansion" dated September 30, 2016; Resolution #2016-145 - APPROVED

5 – Consideration and action pertaining to approval of a corrective final plat entitled "Corrected Plat for Lots 1110 and 1111 of Marley Park Parcel 1" dated September 13, 2016; Resolution # 2016-144 - APPROVED

6 – Consideration and action pertaining to a fiscal year 2017 budget amendment reallocating appropriations in the amount of \$50,000 to reflect acceptance of the FFY2016 Homeland Security CBRNE Sustainment Grant awarded to the Surprise Police Department by the Arizona Department of Homeland Security (AZDOHS); Resolution # 2016-128 - APPROVED

7 – Consideration and action pertaining to approval of the Subrecipient Agreement with the Arizona Department of Homeland Security; accepting grant funding in the amount of \$50,000 in support of the Urban Area Security Initiative (UASI); and an amendment to FY2017 budget by reallocating appropriations of \$50,000 within Grants & Contingency Fund; Resolution # 2016-136 - APPROVED

Regular City Council Meeting Minutes – November 1, 2016 – Page 3

8 – Consideration and action pertaining to an amendment to the fiscal year 2017 budget by reallocating appropriations of \$20,000 from the Grants Fund to the Donations Fund for the Human Service & Community Vitality Department (HSCV), Community Resources Division; Resolution # 2016-137 - APPROVED

Council Member Winters made the motion to approve the consent agenda. Council Member Hayden seconded the motion. Five yes votes, two excused (Wolcott and Tande). Motion carried.

Regular Agenda Item - Public Hearing

9 – Consideration and action pertaining to a Rezone of the Surprise Village Marketplace Planned Area Development (PAD) to provide development standards and allowing for Self-Storage and Recreational Vehicle (RV) storage; Ordinance # 2016-30 - APPROVED

City Planner Wingard reported on the project.

Council Member Winter - a good project and good location because it's 235' off of Bell Road.

Council Member Hall - it's a good project, likes the exterior. Are buildings 4 and 5 the same as ground level as the assisted living facility behind it?

Mr. Wingard - it is 90' away with a 2% slope.

No public comments were made.

Council Member Winters made the motion to approve Ordinance 2016-30. Council Member Hall seconded the motion. Five yes votes, two excused (Wolcott and Tande). Motion carried.

Regular Agenda Item - Non-Public Hearing

10 – Consideration and action pertaining to approval of Neighborhood Grant Program awards as recommended by the Committee on Community Outreach, Partnerships, and Grants for the fiscal year 2016-2017 Neighborhood Grant Applications - APPROVED

Seth Dyson and Jodi Tas reported on the program.

Regular City Council Meeting Minutes – November 1, 2016 – Page 4

Council Member Hall made the motion to approve the Community Outreach, Partnerships and Grants for F/Y 2016/17. Council Member Villanueva seconded the motion. Five yes votes, two excused (Wolcott and Tande). Motion carried.

11 – Consideration and action on a fiscal year 2016 budget amendment reallocating appropriations from various funds required to close the fiscal year 2016 budget; Resolution 2016-106 - APPROVED

Budget Manager, Jared Askelson reported on Resolution 2016-106.

Council Member Hall made the motion to approve Resolution 2016-106. Council Member Villanueva seconded the motion. Five yes votes, two excused (Wolcott and Tande). Motion carried.

12 – Consideration and action pertaining to a fiscal year 2017 budget amendment reallocating appropriations from various funds which are dependent on fiscal year 2016 expenditure estimates and adjusting budget authority; Resolution # 2016-141 - APPROVED

Budget Manager, Jared Askelson reported on Resolution 2016-141.

Council Member Hall made the motion to approve Resolution 2016-141. Council Member Villanueva seconded the motion. Five yes votes, two excused (Wolcott and Tande). Motion carried.

13 – Consideration and action pertaining to an amendment to the fiscal year 2017 budget to reallocating appropriations of \$292,800 and \$299,500 within the Ground Ambulance Fund for the purpose of expansion of service and receipt of revenue respectively; and authorizing 6.5 new full-time equivalents in the Fire-Medical Department; Resolution # 2016-130 - APPROVED

Chief Abbott reported on Resolution 2016-130.

Council Member Hall made the motion to approve Resolution 2016-130. Council Member Hayden seconded the motion. Five yes votes, two excused (Wolcott and Tande). Motion carried.

14 – Discussion pertaining to an update from the Economic Development Department regarding planned celebratory activities and promotions anticipated for the reopening of Bell Road following the project road closure for the past eight months - NO ACTION

Regular City Council Meeting Minutes – November 1, 2016 – Page 5

Economic Development Director Jerkovic reported on the celebration activities and promotions for the reopening of Bell Road.

Other Business

Mayor and Council Reports

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

Council Member Hall - so proud of the Arts Commissions, many events

Executive Session

Adjournment

Council Member Winters made the motion to adjourn the Regular City Council Meeting of November 1, 2016 at 7:00 PM. Council Member Hall seconded the motion. Five yes votes, two excused (Wolcott and Tande). 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, November 1, 2016**.

Sherry Ann Aguilar, City Clerk

The capital improvement bond proposed by the Surprise City Council deserves our support. Development and presentation of the program have been transparent. Projects are clearly identified, estimated costs for each is provided and an aggressive timeline for work to start is noted. Police and fire needs are addressed along with street work, facilities and recreation needs.

Approving the bond is step one. Surprise is fortunate to have a professional senior management team. They will provide oversight of the various projects as plans move forward. A plan is in place to pay for new staffing as projects are completed.

Surprise City Council has approved a plan to renovate the original town site. Greenway has been rebuilt from Bullard to Litchfield. Many miles of streets in Sun City Grand have been resurfaced. More miles have been resurfaced throughout the City. The sidewalk on Bell Road from Grand to the East has been completed. The Bell and Grand intersection work is progressing nicely. The point being that no part of Surprise is being ignored when it comes to needed improvements.

A Surprise annual budget cannot finance the large scale projects. If Surprise is to move forward in an orderly manner a bond program is needed. With interest rates being so low the timing is right to support the proposed bond program.

Ken Wright



CITY OF SURPRISE
Regular City Council Meeting

November 15, 2016 @ 6:00:00 PM

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

Council Meeting Date:	November 15, 2016	Contact Person:	Eric Fitzer - Community Development
Submitting Department:	CD	District:	3
Staff Recommendations:	None		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Presentation and discussion of FS16-427 Magnolia Annexation Public Hearing, in accordance with Arizona Revised Statutes 9-471(A)(3), a public hearing is required to be held after filing a blank petition within the last ten days of the thirty day waiting period.

Motion:

N/A

Background:

Mark Reddie of LVA Urban Design Studio, on behalf of AZ Community Development LLC, seeks annexation of several parcels generally located between Cotton Lane and 175th Avenue, Waddell Road and Cactus Road in anticipation of a new residential development. The annexation proposal includes all unincorporated lands located within the aforementioned boundaries except for two (2) properties owned by Paragon Management, LLC, the latter being associated with Paradise Honors High School.

The properties all zoned Maricopa County Rural-43 zoning and commercial zoning. If annexed, the properties will assume similar R1-43 zoning and commercial zoning; however, most of the properties involved are part of a proposed rezone and preliminary plat referred to as Magnolia, which are being processed under two cases to be heard by the Planning and Zoning Commission and the City Council on later dates.

The blank petition was recorded with the Maricopa County Recorder's Office on October 25 2016. Per the Arizona Revised Statutes (ARS) signatures of property owners may not be collected until 30 days after the recording of the blank petition and a public hearing must be held within the last ten days of the 30 day waiting period. Once the public hearing is held and the 30 day waiting period has expired state statute requires that an excess of 50% of the land owners and assessed valuation for all real and personal property sign the in order to validate the petition. The statute allows up to one year to obtain the signatures, staff anticipates obtaining all of the necessary signatures in with the final signed petition being heard by the City Council in December of 2016.

In accordance with statute this request is for Council to hold the public hearing.

Objective Analysis:

Positive impacts include adding additional property to the incorporated limits which will generate additional property and sales taxes and potential development fees. Negative impacts could include providing services in an area where the City did not have to previously serve.

Policy Compliant:

No action is being taken at this time. However if the City Council moves forward to annex property into the City limits the annexation would be deemed policy compliant by expanding the range of influence of the City.

Financial Impact:

At this time there are no financial impacts associated with this item. If the City Council moves forward to annex property into the City limits there could be financial impacts to the City to provide services to an area which the City did not provide services in the past. If the area is annexed that could result in future development fees, sales and property taxes. Also a Financial Impact Analysis will be conducted and submitted along with the final annexation documents.

Budget Impact:

At this time there are no budget impacts associated with this item. If the City Council moves forward to annex property into the City limits there could be minor budget impacts to the City to provide services to an area which the City did not provide services in the past. If the area is annexed that could result in future development fees, sales and property taxes.

FTE Impact:

At this time there would be no additional FTEs associated with this item. If the City Council moves forward to annex property into the City limits staff does not believe any future FTEs would be needed based on the potential annexation.

ATTACHMENTS:

Click to download

- ☐ [00 - FS16-427 Magnolia - Annexation - Staff Report](#)
 - ☐ [01 - FS16-427 Magnolia - Annexation - Vicinity Map](#)
 - ☐ [02 - FS-16-427 Magnolia - Annexation - Annexation Map](#)
 - ☐ [03 - FS-4627 Magnolia - Annexation - Recorded Blank Petition](#)
 - ☐ [04 - FS16-427 Magnolia - Annexation - Presentation](#)
 - ☐ [05-FS16-427 Magnolia - Annexation - ARS Sec. 9-471](#)
-

Case: **FS16-427**

Project Name: Magnolia Annexation

Council District: 3 Mesquite

City Council Date: **November 15, 2016**

Planner: Eric Fitzer, Community Development Director

Owner: Multiple

Applicant: Mark Reddie of LVA Urban Design Studio, LLC

Request: Annexation Public Hearing

Site Location: Generally located between Cotton Lane and 175th Avenue, Waddell Road and Cactus Road

Site Size: 200 acres (approx.)

Density: N/A

Project Summary:

Mark Reddie of LVA Urban Design Studio, on behalf of AZ Community Development LLC, seeks annexation of several parcels generally located between Cotton Lane and 175th Avenue, Waddell Road and Cactus Road in anticipation of a new residential development. The annexation proposal includes all unincorporated lands located within the aforementioned boundaries except for two (2) properties owned by Paragon Management, LLC, the latter being associated with Paradise Honors High School.

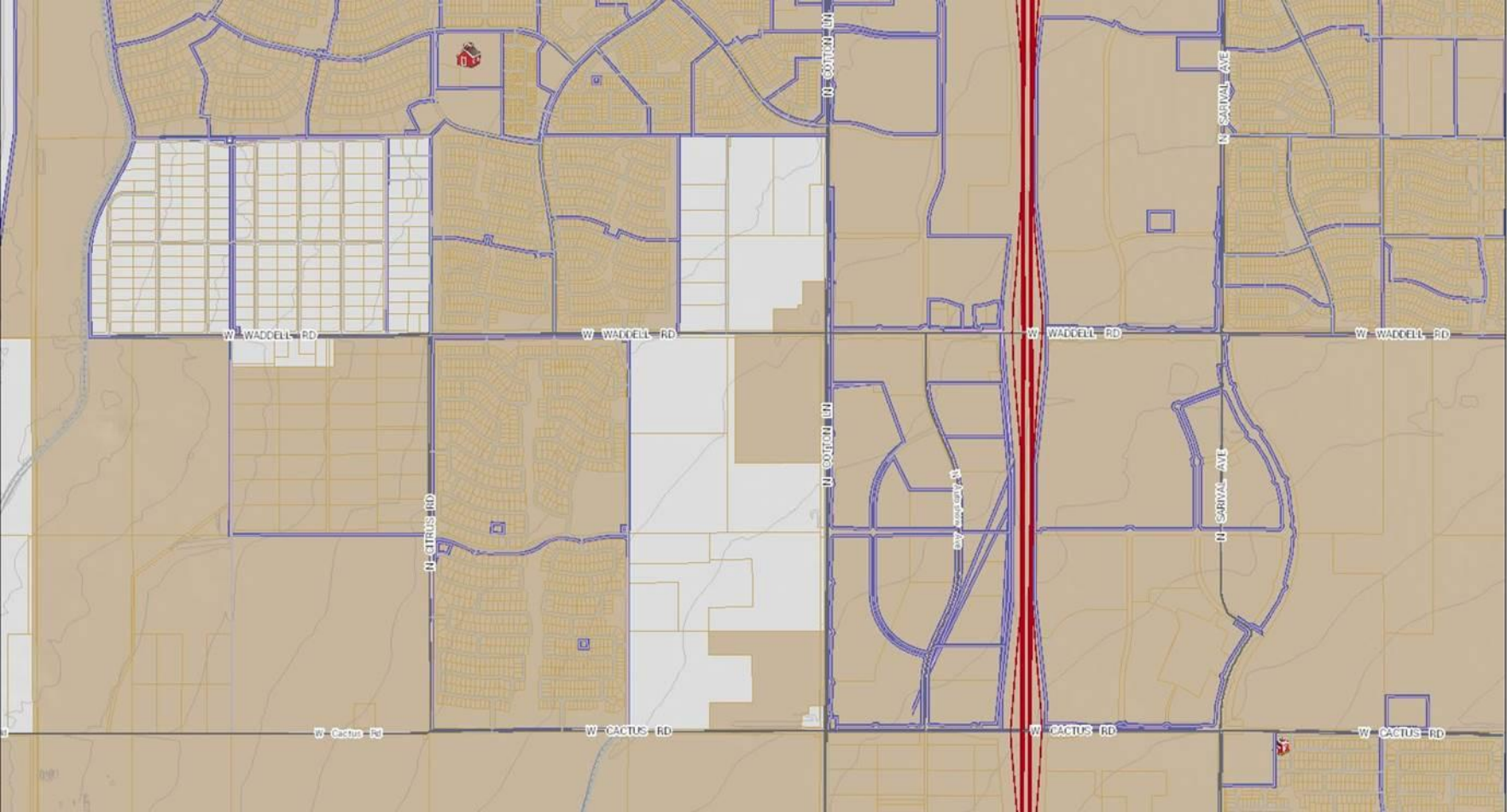
The properties all zoned Maricopa County Rural-43 zoning and commercial zoning. If annexed, the properties will assume similar R1-43 zoning and commercial zoning; however, most of the properties involved are part of a proposed rezone and preliminary plat referred to as Magnolia, which are being processed under two cases to be heard by the Planning and Zoning Commission and the City Council on later dates.

41 The blank petition was recorded with the Maricopa County Recorder's Office on October 25 2016.
42 Per the Arizona Revised Statutes (ARS) signatures of property owners may not be collected until 30
43 days after the recording of the blank petition and a public hearing must be held within the last ten
44 days f the 30 day waiting period. Once the public hearing is held and the 30 day waiting period has
45 expired state statute requires that an excess of 50% of the land owners and assessed valuation for
46 all real and personal property sign the in order to validate the petition. The statute allows up to one
47 year to obtain the signatures, staff anticipates obtaining all of the necessary signatures in with the
48 final signed petition being heard by the City Council in December of 2016.

49
50 In accordance with statute this request is for Council to hold the public hearing.

51
52 **Attachments:**

- 53
54 01 Vicinity Map (1 page)
55 02 Annexation Map (1 page)
56 03 Recorded Blank Annexation Petition



Recording requested by:

City of Surprise
City Clerk's Office
16000 N Civic Center Plaza
Surprise, Arizona 85374

AnnexPetition-8-1-1--
Garcia

ANNEXATION PETITION

[illegible]

EXHIBIT "A"**DESCRIPTION****MAGNOLIA ANNEXATION**

Portions of the east halves of Sections 11 and 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

PARCEL 1

COMMENCING at the South Quarter Corner of said Section 14, being the southeast corner of that real property as described in the City of Surprise Annexation Ordinance # 03-15 as recorded in Instrument 2003-0920269, records of said County, and the southwest corner of Parcel #2 of that real property as described in the City of Surprise Annexation Ordinance #2015-17 as recorded in Instrument 2015-0867344, records of said County, from which the Southeast Corner of said Section 14 lies North 89°49'03" East 2645.36 feet;

Thence along the east line of said Ordinance #03-15 and the west line of said Parcel #2 being also the north-south midsection line of said Section 14, North 00°12'41" East 33.00 feet to the northwest corner of said Parcel #2 and the POINT OF BEGINNING;

Thence continuing along said east line of Ordinance #03-15 and said midsection line North 00°12'41" East 1299.63 feet;

Thence departing said lines North 89°49'03" East 1077.68 feet to the most northerly northwest corner of that real property as described in the City of Surprise Annexation Ordinance #2010-12 as recorded in Instrument 2010-0594770, records of said County, being also Point "A" for purposes of this description;

Thence along a west line of said Ordinance #2010-12 South 00°10'57" East 316.90 feet;

Thence along a south line of said Ordinance #2010-12 North 89°49'03" East 575.97 feet;

Thence along a west line of said Ordinance #2010-12 South 00°10'57" East 633.80 feet;

Thence along a north line of said Ordinance #2010-12 South 89°49'03" West 573.52 feet;

Thence along a west line of said Ordinance #2010-12 South 00°10'57" East 348.90 feet to the northeast corner of said Parcel #2;

Thence along the north line of said Parcel #2 South 89°49'03" West 1089.06 feet to the POINT OF BEGINNING.

TOGETHER WITH

DESCRIPTION continued on page 2 of 4

DESCRIPTION continued from page 1 of 4

PARCEL 2

BEGINNING at the aforementioned Point "A"

Thence North 00°10'57" West 316.90 feet;

Thence North 89°49'03" East 584.03 feet;

Thence North 00°10'57" West 633.80 feet;

Thence South 89°49'03" West 570.97 feet;

Thence South 00°10'57" East 44.59 feet;

Thence South 89°48'47" West 1084.52 feet to a point on the north-south midsection line of said Section 14 and the east line of said Ordinance # 03-15;

Thence along said midsection line and said east line North 00°12'41" East 40.45 feet to the south corner of that real property as described in the City of Surprise Annexation Ordinance #08-13, as recorded in Instrument 2008-0397058, records of said County said corner being the beginning of a tangent curve, concave easterly, having a radius of 150.00 feet;

Thence departing said east line and said mid-section line northerly along the east line of said Ordinance #08-13 and the arc of said curve through a central angle of 02°57'02" a distance of 7.73 feet;

Thence continuing along said east line North 03°09'43" East 186.55 feet to the beginning of a tangent curve, concave westerly, having a radius of 150.00 feet;

Thence continuing northerly along said east line and the arc of said curve through a central angle of 02°57'02" a distance of 7.73 feet;

Thence continuing along said east line North 00°12'41" East 354.20 feet to the beginning of a tangent curve, concave westerly having a radius of 150.00 feet;

Thence continuing northerly along said east line and the arc of said curve through a central angle of 02°57'02" a distance of 7.73 feet;

Thence continuing along said east line North 02°44'21" West 186.54 feet to the beginning of a tangent curve, concave easterly, having a radius of 150.00 feet;

Thence continuing northerly along said east line and the arc of said curve through a central angle of 02°57'02" a distance of 7.73 feet to the most northerly point of said Ordinance #08-13 and a point on said east line of Ordinance #03-15, being also a point on said mid-section line;

DESCRIPTION continued on page 3 of 4

DESCRIPTION continued from page 2 of 4

Thence northerly along last said east line and said midsection line North 00°12'41" East 2244.24 feet to the North Quarter Corner of said Section 14, being the northeast corner of said Ordinance #03-15, being also a point on the south line of that real property described in the City of Surprise Annexation Ordinance #00-16 as recorded in Instrument 2000-0713570, records of said County;

Thence easterly along the north line of the northeast quarter of said Section 14 and the south line of said Ordinance #00-16, North 89°50'28" East 660.87 feet to the southeast corner of said Ordinance #00-16;

Thence along an east line of said Ordinance #00-16 North 00°13'35" East 33.00 feet;

Thence parallel with and 33.00 feet north of, measured at right angles, the south line of the southeast quarter of said Section 11 North 89°50'29" East 1271.62 feet to a point on the west line of that real property described in the City of Surprise Annexation Ordinance #07-42 as recorded in Instrument 2007-1177274 records of said County;

Thence along said west line South 00°09'26" East 33.00 feet to the southwest corner of said Ordinance #07-42, being also a point on said south line of the southeast quarter of Section 11, said point being also a point on the north line of that real property as described in the City of Surprise Annexation Ordinance #08-31 as recorded in Instrument 2008-0725885, records of said County;

Thence westerly along said south line of the southeast quarter and said north line South 89°50'29" West 510.95 feet to the northwest corner of said Ordinance #08-31;

Thence along the west line of said Ordinance #08-31 South 00°12'17" West 1716.03 feet to the southwest corner of said Ordinance #08-31;

Thence along the south line of said Ordinance #08-31, North 89°50'28" East 1205.36 feet to a point on that real property described in the City of Surprise Annexation Ordinance #08-21 as recorded in Instrument 2008-0498462, records of said County;

Thence along the west line of said Ordinance #08-21 South 00°12'03" West 923.52 feet to a point on the east-west midsection line of said Section 14;

Thence continuing along said west line South 00°10'54" West 1307.79 feet to a point on the north line said Ordinance #2010-12;

Thence along said north line of Ordinance #2010-12 South 89°49'03" West 1550.49 feet to the POINT OF BEGINNING.

TOGETHER WITH

DESCRIPTION continued on page 4 of 4

DESCRIPTION continued from page 3 of 4

PARCEL 3

COMMENCING at the southeast corner of said Section 14;

Thence along the south line of said Section 14 South 89°49'03" West 16.50 feet;

Thence North 00°10'54" East 33.00 feet to the northeast corner of Parcel #1 of said Ordinance 2015-17 and the POINT OF BEGINNING;

Thence along the north line of said Parcel #1 South 89°49'03" West 316.50 feet to the northwest corner of said Parcel #1 being also a point on an east line of said Ordinance #2010-12;

Thence along said east line North 00°10'52" East 200.00 feet;

Thence along a south line of said Ordinance #2010-12 North 89°49'03" East 100.00 feet;

Thence along an east line of said Ordinance #2010-12 North 00°10'52" East 100.00 feet;

Thence along a south line of said Ordinance #2010-12 North 89°49'03" East 216.50 feet to the most northerly southeast corner of said Ordinance #2010-12 being also a point on the west line of that real property as described in the aforementioned Ordinance 08-21;

Thence along said west line South 00°10'54" West 300.00 feet to the POINT OF BEGINNING.

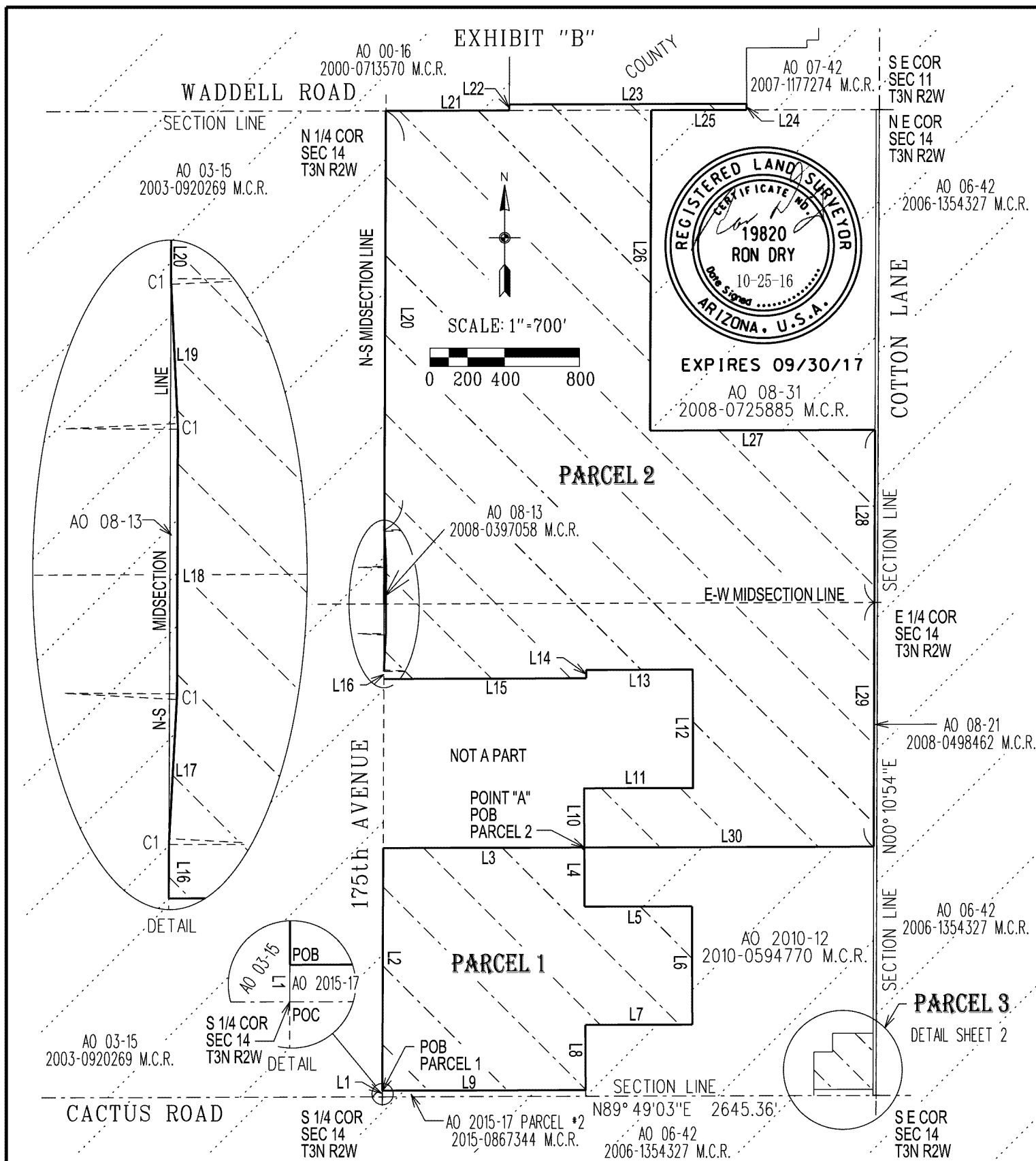
Containing 203.28 acres, more or less.

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

End of description



EXPIRES 09-30-2017



MAGNOLIA ANNEXATION



CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 16023

DRAWN BY RCD

DATE 10-25-16

SHEET 1 OF 2

EXHIBIT "B"

LINE TABLE

LINE	BEARING	LENGTH
L1	N00° 12'41"E	33.00'
L2	N00° 12'41"E	1299.63'
L3	N89° 49'03"E	1077.68'
L4	S00° 10'57"E	316.90'
L5	N89° 49'03"E	575.97'
L6	S00° 10'57"E	633.80'
L7	S89° 49'03"W	573.52'
L8	S00° 10'57"E	348.90'
L9	S89° 49'03"W	1089.06'
L10	N00° 10'57"W	316.90'
L11	N89° 49'03"E	584.03'
L12	N00° 10'57"W	633.80'
L13	S89° 49'03"W	570.97'

LINE TABLE

LINE	BEARING	LENGTH
L14	S00° 10'57"E	44.59'
L15	S89° 48'47"W	1084.52'
L16	N00° 12'41"E	40.45'
L17	N03° 09'43"E	186.55'
L18	N00° 12'41"E	354.20'
L19	N02° 44'21"W	186.54'
L20	N00° 12'41"E	2244.24'
L21	N89° 50'28"E	660.87'
L22	N00° 13'35"E	33.00'
L23	N89° 50'29"E	1271.62'
L24	S00° 09'26"E	33.00'
L25	S89° 50'29"W	510.95'
L26	S00° 12'17"W	1716.03'

LINE TABLE

LINE	BEARING	LENGTH
L27	N89° 50'28"E	1205.36'
L28	S00° 12'03"W	923.52'
L29	S00° 10'54"W	1307.79'
L30	S89° 49'03"W	1550.49'
L31	S89° 49'03"W	16.50'
L32	N00° 10'54"E	33.00'
L33	S89° 49'03"W	316.50'
L34	N00° 10'52"E	200.00'
L35	N89° 49'03"E	100.00'
L36	N00° 10'52"E	100.00'
L37	N89° 49'03"E	216.50'
L38	S00° 10'54"W	300.00'

CURVE TABLE

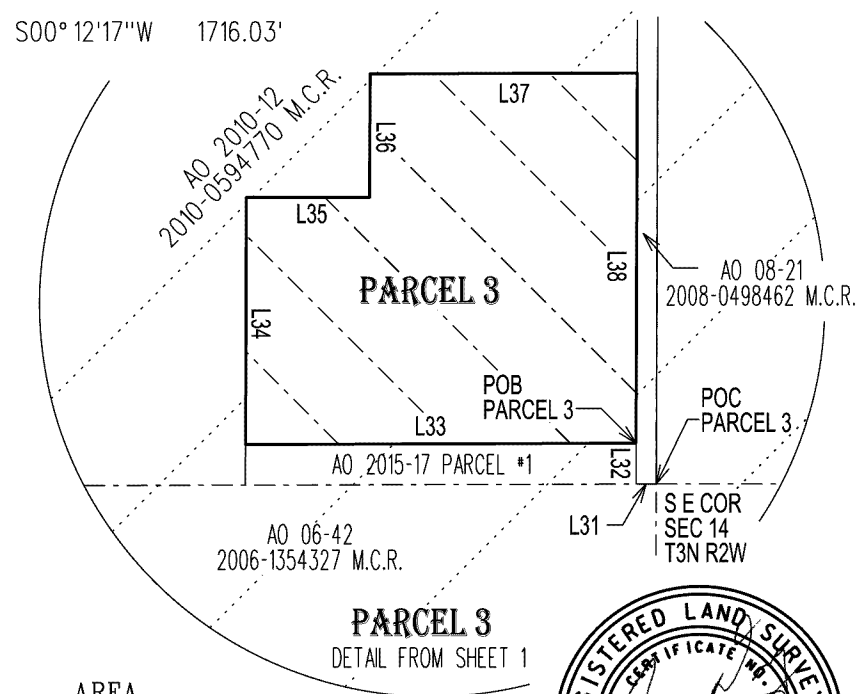
CURVE	△	RADIUS	LENGTH
C1	02° 57'02"	150.00'	7.73'

LEGEND

- POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING
 M.C.R. MARICOPA COUNTY RECORDER
 AO ANNEXATION ORDINANCE
 EXISTING CITY OF SURPRISE JURISDICTION
 ANNEXATION AREA

BASIS OF BEARINGS

Maricopa County Low Distortion Projection
 Linear unit: International foot
 Geodetic Datum: NAD 1983
 Projection type: Lambert Conformal Conic (single parallel)
 Latitude of origin: 33° 15'00"N
 Central meridian: 112° 15'00" W
 False northing: 1,500,000.000 ift
 False Easting: 2,500,000.000 ift
 Standard parallel scale: 1.000045 (exact)



AREA

PARCEL 1	40.69 ACRES
PARCEL 2	160.64 ACRES
PARCEL 3	1.95 ACRES
TOTAL	203.28 ACRES



EXPIRES 09/30/17

MAGNOLIA ANNEXATION

CITY OF SURPRISE
LAND SURVEY DEPARTMENT

PROJECT # 16023

DRAWN BY RCD

DATE 10-25-16

SHEET 2 OF 2



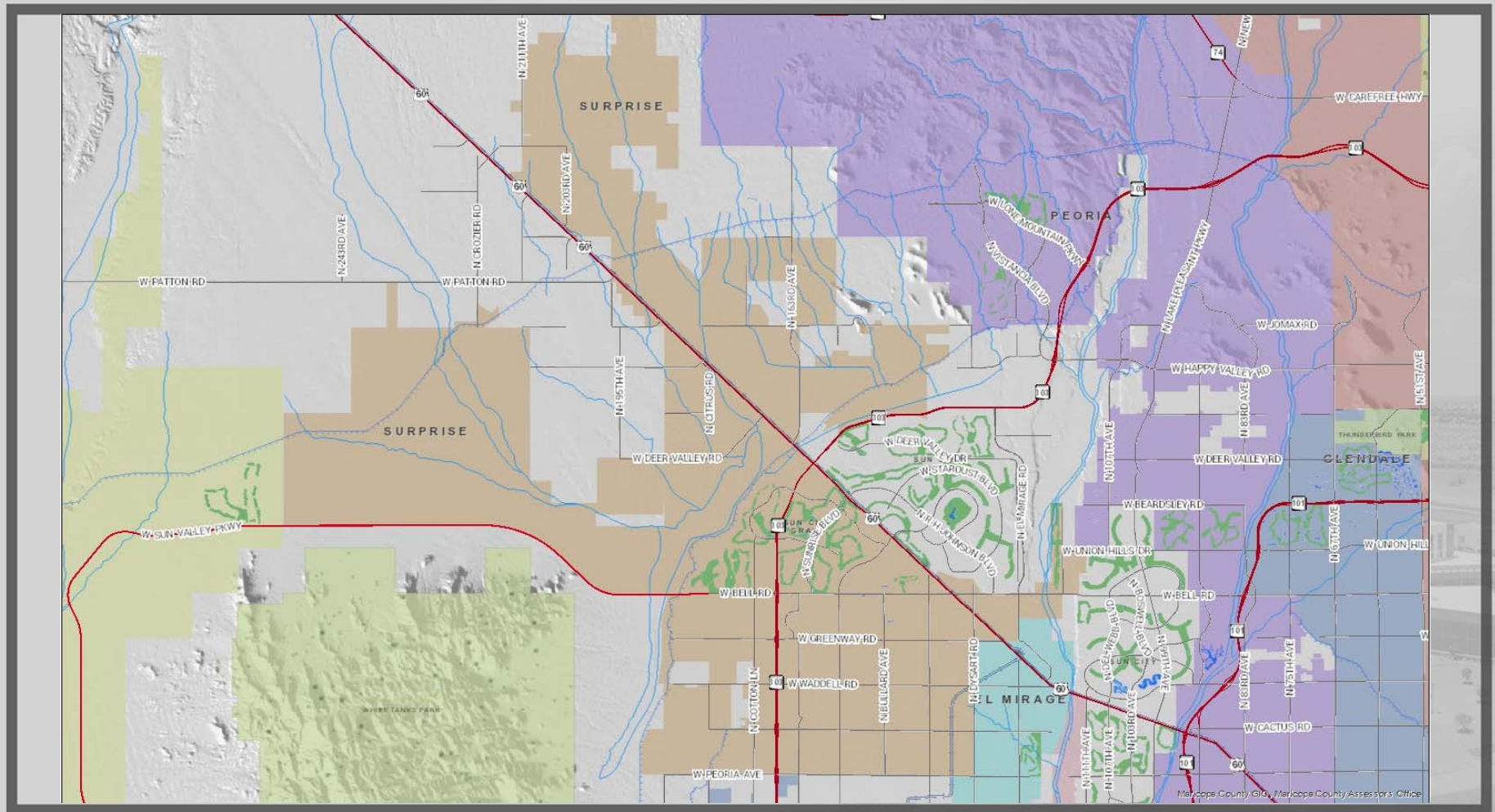
FS16-427 Magnolia Annexation

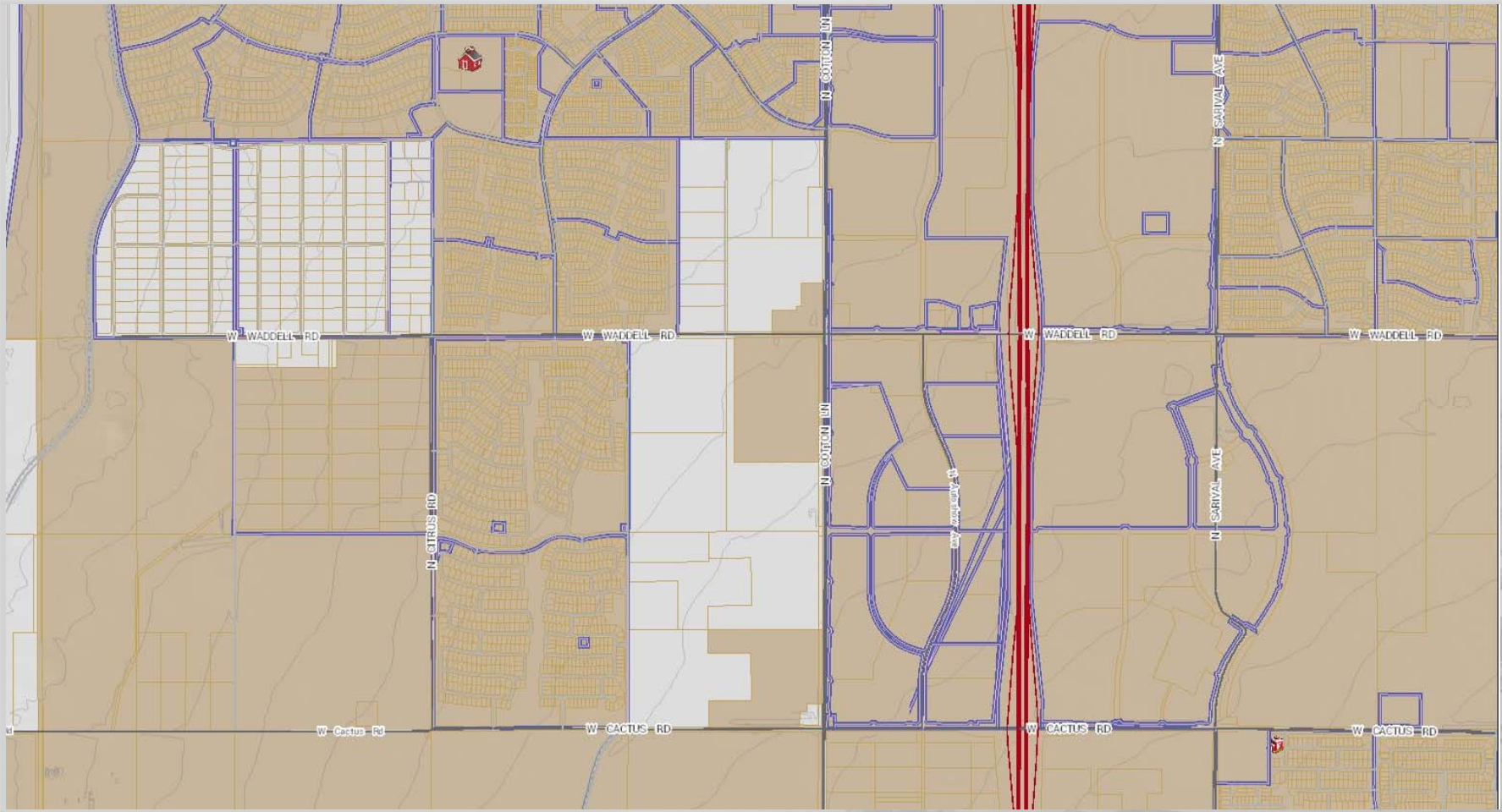
November 15, 2016

Annexation

BACKGROUND

- City received an annexation application on September, 7 2016
 - Proposal is generally bounded by:
 - North: Waddell Road
 - South: Cactus Road
 - West: 175th Avenue
 - East Cotton Lane
- The City also received a Planned Unit Development (PUD) Application
 - Irregular shaped property bound generally by the same
- The property is currently an unincorporated county island





Annexation

PROCESS/REQUIREMENTS

- Must Record a Blank Petition per Arizona Revised Statutes
- Must wait 30 days to collect signatures
- Must hold a public hearing within the last 10 days of the 30 day waiting period
- Must record signed petition within 1 year of the last day of the 30 day waiting period
 - Must be signed by owners of $\frac{1}{2}$ or more in value of real and personal property (Assessor Value and DOR value)
 - Must be signed by more than $\frac{1}{2}$ of property owners (if owned by multiple owners deemed as one owner)

Annexation

PROCESS/REQUIREMENTS

- Once signed the annexation boundaries may not be altered
 - Can be altered prior to signature but must be the same boundaries or smaller
- Annexation becomes final 30 days after adoption of the ordinance
- The City recorded the blank petition on October 25, 2016
- Looking to finalize signatures, ordinances etc. for the December 6th, 2016 City Council meeting



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

9-471. Annexation of territory; procedures; notice; petitions; access to information; restrictions

A. The following procedures are required to extend and increase the corporate limits of a city or town by annexation:

1. A city or town shall file in the office of the county recorder of the county in which the annexation is proposed a blank petition required by paragraph 4 of this subsection setting forth a description and an accurate map of all the exterior boundaries of the territory contiguous to the city or town proposed to be annexed, except that a city or town shall not file an annexation petition that includes any territory for which an unsuccessful annexation was attempted by the same city or town until at least forty-five days after completion of the unsuccessful attempt. A property owner may waive the forty-five day waiting period for the owner's property that was part of the original unsuccessful annexation. Notice and a copy of the filing shall be given to the clerk of the board of supervisors and to the county assessor. The accurate map shall include all county rights-of-way and roadways that are within or contiguous to the exterior boundaries of the area of the proposed annexation. If state land, other than state land utilized as state rights-of-way or land held by the state by tax deed, is included in the territory, written approval of the state land commissioner and the selection board established by section 37-202 shall also be filed. For the purposes of this paragraph, "unsuccessful annexation" means an annexation attempt that was withdrawn or that was not completed pursuant to this section.

2. Signatures on petitions filed for annexation shall not be obtained for a waiting period of thirty days after filing the blank petition.

3. After filing the blank petition pursuant to paragraph 1 of this subsection, the governing body of the city or town shall hold a public hearing within the last ten days of the thirty-day waiting period to discuss the annexation proposal. The public hearing shall be held in accordance with title 38, chapter 3, article 3.1, except that, notwithstanding section 38-431.02, subsections C and D, the following notices of the public hearing to discuss the annexation proposal shall be given at least six days before the hearing:

(a) Publication at least once in a newspaper of general circulation, which is published or circulated in the city or town and the territory proposed to be annexed, at least fifteen days before the end of the waiting period.

(b) Posting in at least three conspicuous public places in the territory proposed to be annexed.

(c) Notice by first class mail sent to the chairman of the board of supervisors of the county in which the territory proposed to be annexed is located.

(d) Notice by first class mail with an accurate map of the territory proposed to be annexed sent to each owner of the real and personal property as shown on the statement furnished pursuant to subsection G of this section that would be subject to taxation by the city or town in the event of annexation in the territory proposed to be annexed. For the purposes of this subdivision, "real and personal property" includes mobile, modular and manufactured homes and trailers only if the owner also owns the underlying real property.

4. Within one year after the last day of the thirty-day waiting period a petition in writing signed by the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the city or town in the event of annexation, as shown by the last assessment of the property, may be circulated and filed in the office of the county recorder. For the purposes of this paragraph, "real and personal property" includes mobile, modular and manufactured homes and trailers only if the owner also owns the underlying real property.

5. Alterations increasing or reducing the territory sought to be annexed shall not be made after a petition has been signed by a property owner.

6. The petitioner shall determine and submit a sworn affidavit verifying that no part of the territory for which the filing is made is already subject to an earlier filing for annexation. The county recorder shall not accept a filing for annexation without the sworn affidavit.

B. All information contained in the filings, the notices, the petition, the tax and property rolls and other matters regarding a proposed or final annexation shall be made available by the appropriate official for public inspection during regular office hours.

C. Any city or town, the attorney general, the county attorney, or any other interested party may on verified petition move to question the validity of the annexation for failure to comply with this section. The petition shall set forth the manner in which it is alleged the annexation procedure was not in compliance with this section and shall be filed within thirty days after adoption of the ordinance annexing the territory by the governing body of the city or town and not otherwise. The burden of proof shall be on the petitioner to prove the material allegations of the verified petition. An action shall not be brought to question the validity of an annexation ordinance unless brought within the time and for the reasons provided in this subsection. All hearings provided by this section and all appeals therefrom shall be preferred and heard and determined in preference to all other civil matters, except election actions. In the event more than one petition questioning the validity of an annexation ordinance is filed, all such petitions shall be consolidated for hearing. If two or more cities or towns show the court that they have demonstrated an active interest in annexing any or all of the area proposed for annexation, the court shall consider any oral or written agreements or understandings between or among the cities and towns in making its determination pursuant to this subsection.

D. The annexation shall become final after the expiration of thirty days after the adoption of the ordinance annexing the territory by the city or town governing body, provided the annexation ordinance has been finally adopted in accordance with procedures established by statute, charter provisions or local ordinances, whichever is applicable, subject to the review of the court to determine the validity of the annexation ordinance if petitions in objection have been filed. After adoption of the annexation ordinance, the clerk of the city or town shall provide a copy of the adopted annexation ordinance to the clerk of the board of supervisors of each county that has jurisdiction over the annexed area within sixty days of the annexation becoming final.

E. For the purpose of determining the sufficiency of the percentage of the value of property under this section, the values of property shall be determined as follows:

1. In the case of property assessed by the county assessor, values shall be the same as shown by the last assessment of the property.

2. In the case of property valued by the department of revenue, values shall be appraised by the department in the manner provided by law for municipal assessment purposes.

F. For the purpose of determining the sufficiency of the percentage of persons owning property under this section, the number of persons owning property shall be determined as follows:

1. In the case of property assessed by the county assessor, the number of persons owning property shall be as shown on the last assessment of the property.

2. In the case of property valued by the department of revenue, the number of persons owning property shall be as shown on the last valuation of the property.

3. If an undivided parcel of property is owned by multiple owners, those owners shall be deemed as one owner for the purposes of this section.

4. If a person owns multiple parcels of property, that owner shall be deemed as one owner for the purposes of this section.

G. The county assessor and the department of revenue, respectively, shall furnish to the city or town proposing an annexation, within thirty days after a request, a statement in writing showing the owner, the address of each owner and the appraisal and assessment of all such property.

H. Territory is not contiguous for the purposes of subsection A, paragraph 1 of this section unless:

1. It adjoins the exterior boundary of the annexing city or town for at least three hundred feet.

2. It is, at all points, at least two hundred feet in width, excluding rights-of-way and roadways.

3. The distance from the existing boundary of the annexing city or town where it adjoins the annexed territory to the furthest point of the annexed territory from that boundary is no more than twice the maximum width of the annexed territory.

I. A city or town shall not annex territory if as a result of that annexation unincorporated territory is completely surrounded by the annexing city or town.

J. Notwithstanding any provisions of this article to the contrary, any town incorporated before 1950 that had a population of less than two thousand persons by the 1970 census and that is bordered on at least three sides by Indian lands may annex by ordinance territory owned by the state within the same county for a new townsite that is not contiguous to the existing boundaries of the town.

K. Subsections H and I of this section do not apply to territory that is surrounded by the same city or town or that is bordered by the same city or town on at least three sides.

L. A city or town annexing an area shall adopt zoning classifications that permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made according to existing procedures established by the city or town for the rezoning of land.

M. The annexation of territory within six miles of territory included in a pending incorporation petition filed with the county recorder pursuant to section 9-101.01, subsection D shall not cause an urbanized area to exist pursuant to section 9-101.01 that did not exist before the annexation.

N. As an alternative to the procedures established in this section, a county right-of-way or roadway may be transferred to an adjacent city or town by mutual consent of the governing bodies of the county and city or town if the property transferred is adjacent to the receiving city or town and if the city or town and county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies. A transfer of property made pursuant to this subsection shall be treated by the receiving city or town as if the transferred property was newly annexed territory.

O. On or before the date the governing body adopts the ordinance annexing territory, the governing body shall have approved a plan, policy or procedure to provide the annexed territory with appropriate levels of infrastructure and services to serve anticipated new development within ten years after the date when the annexation becomes final pursuant to subsection D of this section.

P. If a property owner prevails in any action to challenge the annexation of the property owner's property, the court shall allow the property owner reasonable attorney fees and costs relating to the action from the annexing municipality.

Q. A city or town may annex territory that is a county owned park or a park operated on public lands by a county as part of a management agreement if otherwise agreed to by the board of supervisors. If the board of supervisors does not agree to the annexation, the county owned park or park operated on public lands by a county as part of a management agreement shall be excluded from the annexation area, notwithstanding subsections H and I of this section. A county owned park or park operated on public lands by a county as part of a management agreement that is excluded from the annexation area pursuant to this subsection may subsequently be annexed with the permission of the board of supervisors notwithstanding any other provision of this section. For the purposes of this subsection, "public lands":

1. Has the same meaning prescribed in section 37-901.
2. Does not include lands owned by a flood control district.

R. Notwithstanding subsection H of this section, territory is considered contiguous for the purposes of subsection A, paragraph 1 of this section if all of the real property in the territory is

owned by one person, the city or town and the owner of the real property agree to the annexation and the territory adjoins the exterior boundary of the annexing city or town for at least three hundred feet.



CITY OF SURPRISE
Regular City Council Meeting

November 15, 2016 @ 6:00:00 PM

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

Council Meeting Date:	November 15, 2016	Contact Person:	Louis Frank Dominguez
Submitting Department:	Court	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
---------	---------	----------------	-------------------

Agenda Wording:

Consideration and action pertaining to the recommendation of Presiding Judge Louis F. Dominguez to appoint Catherine Gaudreau to a four year term as the Associate Judge for the Surprise City Court; Resolution #2016-149.

Motion:

I move to approve Resolution #2016-149.

Background:

As part of the City of Surprise Public Safety Initiative, the Surprise City Council approved the reinstatement of one (1) full-time Associate Judge position to the Surprise City Court, a position that was previously eliminated in 2009.

The City of Surprise Judicial Selection Advisory Commission (JSAC) announced the vacancy of this position and received sixteen (16) applications. The JSAC conducted interviews of five (5) candidates and forwarded the names of the three (3) finalists to Presiding Judge Louis Frank Dominguez for final selection.

Presiding Judge Louis Frank Dominguez personally interviewed the three (3) final candidates on Monday, November 7, 2016. Presiding Judge Louis Frank Dominguez hereby provides notice to the Surprise City Council of his recommendation for the appointment of Catherine Gaudreau as the Associate Judge for the Surprise City Court.

Objective Analysis:

The appointment of this Associate Judge will allow the Court to expand courtroom coverage by a full-time judge, enhance existing court programs as well as allow for the development and implementation of new court programs.

Policy Compliant:

The appointment of this full-time Associate Judge is consistent with City and Council Policy.

Financial Impact:

The salary of the Associate Judge will be determined by the Surprise City Council at the time of appointment. The agreed upon salary and benefits are considered ongoing expenses.

Budget Impact:

This position has been included within the General Fund as part of the FY2017 adopted budget.

FTE Impact:

This item does not impact the overall full-time equivalent count as the position was included in the FY2017 adopted budget.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-149](#)
 - ☐ [Recommendation](#)
 - ☐ [JSAC Recommendations](#)
-

RESOLUTION # 2016-149

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPOINTING AN ASSOCIATE JUDGE OF THE SURPRISE CITY COURT AND SETTING COMPENSATION.

WHEREAS, Surprise City Council approved, as part of the fiscal year 2017 budget, a public safety initiative which included reinstatement of one full-time associate judge position to the Surprise City Court;

WHEREAS, the Surprise Judicial Selection Advisory Committee, pursuant to Surprise City Code §30-45, forwarded to Presiding Judge Louis F. Dominguez three candidates for consideration of initial appointment to said position;

WHEREAS, Presiding Judge Dominguez, pursuant to Surprise City Code §30-45, personally interviewed each applicant forwarded by the Judicial Selection Advisory Committee and recommends that City Council consider the appointment of Catherine Ann Gaudreau to the Associate Judge position; and

WHEREAS, the Surprise City Code provides that City Council appoint associate judges to a term not less than four years and set compensation at a fixed amount, “not [to] be reduced or increased during the term of office, except for adjustments which are applicable to all employees of the city, without regard to performance.”

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

Section 1. Catherine Ann Gaudreau is hereby appointed to the position of Associate Judge of the Surprise City Court for a term of four years, commencing December 19, 2016, and ending December 19, 2020.

Section 2. The compensation for this Associate Judge of the Surprise City Court is hereby fixed as follows:

- (a) Salary: Five Thousand Eight Hundred Forty-Six Dollars and 16/100 (\$152,000.16) [\$5846.16 bi-weekly]. Per City Code, this salary shall automatically be amended to reflect any salary adjustments, with the exception of merit or performance that are generally provided or required by the City’s compensation policies to all employees such as cost of living adjustments or other discretionary pay as approved by City Council.
- (b) Paid Time Off: 80 hours of Paid Time Off (“PTO”) shall be available at the commencement of the term and thereafter shall accrue at 10.77 hours per pay period. In no event shall accrued but unused PTO exceed 560 hours.

(c) Benefits. Except as otherwise provided herein, this Associate Judge is entitled to all other City benefits which are available to non-classified City employees including but not limited to Insurance (health, dental, vision), Deferred Compensation, Paid Medical Leave, Worker's Compensation, etc...

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney



SURPRISE CITY COURT

16081 N. Civic Center Plaza, Suite 105
Surprise, AZ 85374-7478
Telephone: (623) 222-4821
Fax: (623) 222-4801

MEMORANDUM

To: Mayor and Council, City of Surprise

Cc: Bob Wingenroth, City Manager
Robert Wingo, City Attorney
Mark Schott, Human Resources Director

From:  Louis Frank Dominguez, Presiding Judge, Surprise City Court

Date: November 9, 2016

Re: Recommendation for Associate Judge

Pursuant to Surprise City Code Section 30-45, I recommend that Catherine A. Gaudreau be appointed by the City Council as a Full-Time Associate Judge for the Surprise City Court.

Selection Process:

On August 8, 2016 the Associate Judge vacancy was posted and advertised in accordance with the requirements of Surprise City Code Section 30-44. Applications were due by September 9, 2016 and sixteen applications were received.

The Judicial Selection Advisory Commission (JSAC) met on September 22, 2016, discussed the sixteen applicants and selected five to be interviewed. A Press Release was issued on October 17, 2016 with the names of the five applicants and dates and times of the interviews. In addition, the JSAC meeting agendas for November 1st and 3rd of 2016 were posted.

On November 1, 2016 the JSAC interviewed Charles Adornetto and Nicole Farnum. On November 3, 2016, the JSAC interviewed Catherine Gaudreau, Daniel Hernacki, and Anita Simons. In accord with Section 30-45 of the Surprise City Code, the JSAC recommended Nicole Farnum, Catherine Gaudreau and Anita Simons to me for consideration.

On November 7, 2016, I interviewed the three candidates.

Catherine A. Gaudreau

Catherine A. Gaudreau has served as an Assistant City Prosecutor with the City of Scottsdale since 2006 and was an Assistant District Attorney with the Milwaukee County District Attorney's Office from 1991 to 2002. She also has past experience as an Associate in California and Florida. Ms. Gaudreau holds a Juris Doctor from the University of Miami School of Law and a Bachelor of Arts in Political Science from Florida International University.

Ms. Gaudreau has substantial legal experience in the civil and criminal practice of law. Her experience in civil practice includes general commercial litigation and appellate practice, securities litigation defense, product liability, and employment discrimination defense.

Ms. Gaudreau also has extensive legal experience in a municipal court practice. She is well versed on the law, the rules of criminal procedure and evidence, and courtroom protocol. In her criminal practice, she has handled substantive motions and appeals, mental health and competency proceedings, and conducted numerous criminal bench trials and jury trials.

Ms. Gaudreau has developed an outstanding reputation in the legal community for her integrity, legal knowledge, and ability to treat all professionally and with respect. She has a demonstrated ability to handle difficult individuals and situations in an appropriate manner. Ms. Gaudreau has an excellent demeanor and temperament which will serve her well as a judge.

As the Associate Judge for the Surprise City Court, Catherine A. Gaudreau will serve with integrity, provide litigants with an opportunity to be heard, and timely render impartial, fair, and just decisions.

Therefore, I recommend that Catherine A. Gaudreau be appointed as a Full-Time Associate Judge for the Surprise City Court.

Human Resources Department

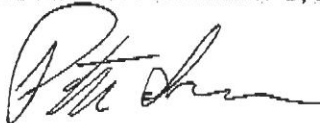
Memorandum

To: Presiding Judge Louis Frank Dominguez
From: Judicial Selection Advisory Commission
Date: November 3, 2016
Re: Associate Judge Recommendations

The Judicial Selection advisory Commission is pleased to provide the following three (3) recommendations, in alphabetical order, for Associate Judge for the City of Surprise. Each of these candidates would make an outstanding Associate Judge.

- Nicole Teresa Farnum
- Catherine Ann Gaudreau
- Anita Louise Simons

The above recommendations were made by the Judicial Selection Advisory Commission on November 3, 2016.



Honorable Peter Swann, JSAC Chair



CITY OF SURPRISE
Regular City Council Meeting

November 15, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	November 15, 2016	Contact Person:	Martin Lucero - Community Development
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to an amendment to the fiscal year 2017 budget by reallocating appropriations of \$8,400 within the Grants and Contingency Fund and authorizing the acceptance of Project Initiation Pool (PIP) grant funds; Resolution # 2016-142.

Motion:

I move to approve Resolution #2016-142.

Background:

Staff regularly is in search of grant opportunities that will have a positive impact to the City. These grants will help the City establish ADOT numbers and projects that will help facilitate Safe Route to School Plans for various Dysart Schools, create walking maps for Dysart Unified School District elementary schools, and procurement of crosswalk safety equipment.

Objective Analysis:

These three grants will allow the City to bring in outside consultants to evaluate pedestrian safety along highly publicized corridors and to help identify solutions to a pedestrian crossing.

Policy Compliant:

This is compliant with the City of Surprise Strategic Plan under Transportation- Goal 7: Identify funding sources for the transportation system. Strategies: d. Review federal MAP-21 legislation and grant programs to identify potential federal funding opportunities for City of Surprise transportation system projects.

Financial Impact:

Each of these one-time grant awards include \$2,829 for professional and outside services with a City match requirement of \$171 for a total project budget of \$3,000. In total, the three PIP grant awards include \$8,487 in federal funding and a City match requirement of \$513 which was paid in FY2016.

Budget Impact:

This action will reallocate appropriation in the amount of \$8,400 within the Grants Fund from contingency to professional and outside services without exceeding the approved total annual budget for FY2017.

FTE Impact:

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

ATTACHMENTS:

Click to download

- ☐ [Grant Fund Awards Presentation](#)
 - ☐ [Resolution 2016-142](#)
 - ☐ [Grant Fund Awards Staff Report](#)
-



Grant Fund Awards

Community Development, November 15, 2016

Project Initiation Pool Grant



DYSART
Unified School District

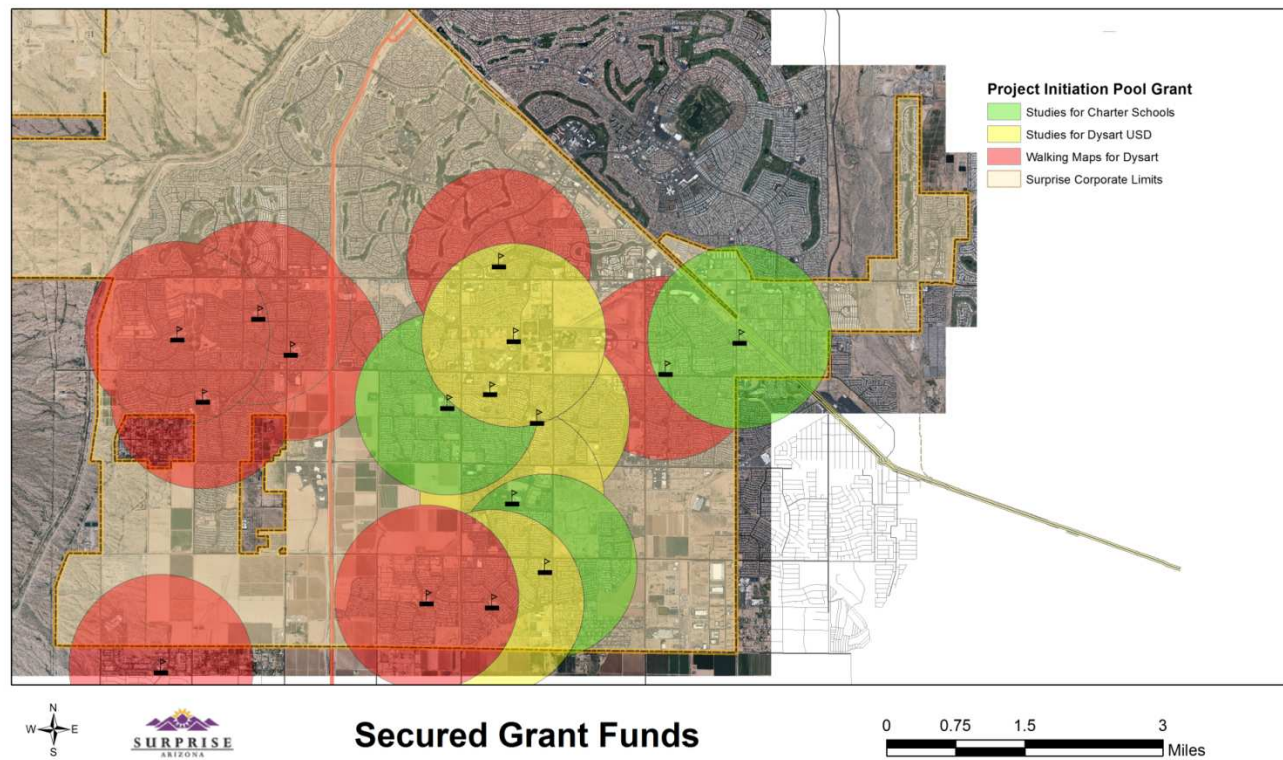


Project Details

Project Initiation Pool

Fiscal Year	Project Name	Total Amount	Federal Match	Local Match
FY 16	SRTS Studies for Parkview, Countryside and Aston Ranch	\$3,000.00	\$2,829.00	\$171.00
FY 16	SRTS Studies for Marley Park and Rancho Gabriela Schools	\$3,000.00	\$2,829.00	\$171.00
FY 16	Crosswalk Safety Equipment for Dysart Schools	\$3,000.00	\$2,829.00	\$171.00
	TOTAL	\$9,000.00	\$8,487.00	\$684.00

Overview





SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

RESOLUTION # 2016-142

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2017 BUDGET BY REALLOCATING APPROPRIATIONS OF \$8,400 FROM GRANTS FUND CONTINGENCY FOR RECEIPT OF THREE PROJECT INITIATION POOL GRANTS.

WHEREAS, the City supports policies and programs that focus on health and wellness and healthier community environments;

WHEREAS, the health and safety of children is of highest concern to the residents of the City;

WHEREAS, on April 5, 2016, Council approved Resolution #2016-034 accepting four Transportation Alternative Non-Infrastructure grants with the Arizona Department of Transportation totaling \$202,745 with a City match requirement of \$12,255 to establish the Safe Routes to School Program;

WHEREAS, the FY2017 budget includes appropriation for receipt of this grant funding and the City match requirement;

WHEREAS, the City has been awarded three Project Initiation Pool (PIP) grants to partially offset the City match requirement associated with the Transportation Alternative Non-Infrastructure grants;

WHEREAS, each of the three PIP grants include \$2,829 in grant funding and a \$171 City match requirement for a total project budget of \$3,000 each. In total, the three PIP grant awards include \$8,487 in funding and a City match requirement of \$513;

WHEREAS, the City match requirement of \$513 was paid in FY2016;

WHEREAS, the FY2017 budget was adopted by Council Resolution #2016-81 on June 21, 2016;

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 City of Surprise is authorized to accept PIP grant funding in the amount of \$8,487 to partially offset the City match requirement associated with the

Transportation Alternative Non-Infrastructure grants for the Safe Routes to School Program.

Section 2. The City Manager, or his designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said PIP grant funding.

Section 3. 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, 2016 through June 30, 2017.

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2016-142
Exhibit A

The FY2017 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, Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
Professional and Outside Services, PIP SRTS Parkview & Ashton	\$0	\$2,800	\$2,800
Professional and Outside Services, PIP SRTS Marley & Rancho	0	2,800	2,800
Professional and Outside Services, PIP SRTS Crosswalk Safety Contingency	0	2,800	2,800
	22,701,100	(8,400)	22,692,700
	<u>\$22,701,100</u>	<u>\$0</u>	<u>\$22,701,100</u>
Federal Grant Revenue, PIP SRTS Parkview & Ashton	\$0	\$2,800	\$ 2,800
Federal Grant Revenue, PIP SRTS Marley & Rancho	0	2,800	2,800
Federal Grant Revenue, PIP SRTS Crosswalk Safety	0	2,800	2,800
Other Grant Revenue	13,292,100	(8,400)	13,283,700
	<u>\$13,292,100</u>	<u>\$0</u>	<u>\$13,292,100</u>

The fund changes are as follows:

- The amendment utilizes Grants Fund contingency in the amount of \$8,400 for professional and outside services without exceeding the approved total annual budget for FY2017.



COMMUNITY DEVELOPMENT

Date: November 15, 2016

To: Mayor and City Council

From: Martin Lucero, Transportation Planning Manager
martin.lucero@surpriseaz.gov, 623-222-3142
Eric Fitzer, Community Development Director

Re: Grant Fund Awards

Background

ADOT has awarded four Project Initiation Pool (PIP) Grants to the City to help facilitate the initiation of the MAG 2017 Transportation Alternative Non-Infrastructure grants through the State process.

In anticipation of the City accepting 2017 Transportation Alternative Non-Infrastructure grants, for the development of Safe Routes to School Action Plans for eight elementary schools, walking maps for Dysart elementary schools and for the procurement of crosswalk safety equipment, ADOT has awarded the City the PIP grants to help with the establishment of an IGA and the ADOT review fees.

Below you will find a breakdown of the budget implications and total awards.

Project Initiation Pool

Fiscal Year	Project Name	Total Amount	Federal Match	Local Match
FFY 16	SRTS Studies for Parkview, Countryside and Aston Ranch	\$3,000.00	\$2,829.00	\$171.00
FFY 16	SRTS Studies for Marley Park and Rancho Gabriela Schools	\$3,000.00	\$2,829.00	\$171.00
FFY 16	Crosswalk Safety Equipment for Dysart Schools	\$3,000.00	\$2,829.00	\$171.00
	TOTAL	\$9,000.00	\$8,487.00	\$513.00

ADOT has awarded Project Initiation Pool Grants to help facilitate the initiation of the 2017 Transportation Alternative Non-Infrastructure grants through the State process.

Fiscal Implication

The PIP grants received in FY2016 were not approved in the budget as they were unanticipated grant opportunities.

The local required matches were taken from existing Community Development Professional and Outside Services funds, account string # 21111-242-211-38199, at the end of the fiscal year.

In order to utilize the PIP grant funds an amendment to the FY2017 budget needs to be made to reflect the addition of \$8,487.00 federal funds available for use.

Recommendation

Presentation and discussion only.

ATTACHMENTS:

1. PowerPoint Presentation



CITY OF SURPRISE
Regular City Council Meeting

November 15, 2016 @ 6:00:00 PM

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

Council Meeting Date:	November 15, 2016	Contact Person:	Chief Tom Abbott
Submitting Department:	Fire	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to an amendment to the fiscal year 2017 budget by reallocating appropriations of \$737,900 within the Grants Fund and \$146,500 within the General Fund for the receipt of a FEMA grant to fund the addition of five (5) firefighters in accordance with the Staffing for Adequate Fire and Emergency Response (SAFER) program; Resolution #2016-138.

Motion:

I move to approve Resolution # 2016-138.

Background:

FEMA's SAFER grant program was created to provide funding directly to fire departments and volunteer firefighter organizations to help increase the number of trained, "front line" firefighters available in their respective communities. The Surprise Fire-Medical Department (SFMD) applied for this competitive grant in FY2015 and was unsuccessful in the process. SFMD was authorized by Council Resolution #2016-50 to once again apply, and if awarded, accept the FEMA SAFER grant for five firefighter positions. In August 2016, SFMD received word that the City had been awarded the SAFER grant in the amount of \$737,850. The period of performance for this grant is two years commencing in January 2017 to allow for the recruitment of the positions.

The primary goal of the SAFER grant is to meet the emergency response and firefighting needs of fire and emergency medical response jurisdictions. While the SAFER grant is a very competitive grant program in the category of hiring firefighters, it has proven to be an incredible resource to awarded jurisdictions nationally. This grant will allow the department to hire five new firefighters to implement and deploy a new peak time unit in the City of Surprise. As a result of hiring the new firefighters, SFMD will need to promote a Captain and an Engineer to ensure the department's deployment model is maintained. The staffing of the peak time unit will consist of one Captain, one Engineer and two firefighters, with the fifth firefighter position being utilized as a rover to cover paid time off (PTO). Additionally, two of these positions will be paramedics. This grant will improve reliability of Fire Station 305's first due area, improve response times, and open up training opportunities for other companies within the department.

Objective Analysis:

This grant award will provide the financial resources to pay the salary and benefits for five firefighters while simultaneously ensuring citizen and responder safety for a period of two years. The staff hired with this grant will allow the deployment of a peak time unit (paramedic engine company) 40 hours per week, thus improving response initiatives Citywide.

Policy Compliant:

All policies and protocols on a local, state and national level will be adhered to including FEMA's requirement that no layoffs occur during the performance period.

Financial Impact:

The SAFER grant is a two year grant spanning three fiscal years (FY2017, FY2018, and FY2019). While there is no City match requirement, the grant award includes \$737,850 only for full-time salaries and benefits. As a result, the City match is \$81,900 in FY2017, \$143,600 in FY2018, and \$180,500 in FY2019 which will cover overtime; uniforms; personal protective equipment; physicals; training; and software licenses. The FY2017 City match also includes one-time expenses for training and equipment. There is a requirement that the City maintain staffing levels throughout the two year performance period, however the requirement to sustain those positions past the performance period has been lifted.

The operational costs to support peak time unit which will not be deployed until FY2018 include: \$26,300 for the promotion of one firefighter to an Engineer and one firefighter to a Captain; \$14,000 in paramedic specialty pay for two positions; and \$30,000 for fuel and maintenance of the peak time unit for a total of \$70,300.

Budget Impact:

This action will reallocate appropriation in the amount of \$81,900 within the General Fund from the SFMD's operating budget to the project budget for the identified City match. This match is being met by delaying the recruitment of 3 new firefighters and 3 new firefighter engineers from February 2017 to April 2017. These 6 new positions were approved by Council with the adoption of the FY2017 budget. Additionally, this item will reallocate appropriation in the amount of \$737,900 within the Grants Fund from contingency to personnel without exceeding the approved total annual budget for FY2017.

The operational costs to support the peak time unit will be included as part of the FY2018 Recommended Budget in the amount of \$70,300.

FTE Impact:

This action will authorize the addition of five full-time equivalents within the Surprise-Fire Medical Department.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-138- Finance Approved](#)
 - ☐ [Award Notification EMW-2015-FH-00791](#)
 - ☐ [SAFER Grant Presentation](#)
-

RESOLUTION # 2016-138

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2017 BUDGET BY REALLOCATING APPROPRIATIONS OF \$737,900 WITHIN THE GRANTS FUND AND \$146,500 WITHIN THE GENERAL FUND FOR RECEIPT OF A GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND AUTHORIZING THE ADDITION OF FIVE FULL-TIME EQUIVALENTS WITHIN THE CITY OF SURPRISE FIRE-MEDICAL DEPARTMENT.

WHEREAS, the Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) annually awards grants to local agencies under the hiring of firefighters category for jurisdictions to develop sustainable fire and emergency operations;

WHEREAS, the Surprise Fire-Medical Department (SFMD) was authorized by Council Resolution #2016-50 to apply for and, if awarded, accept a FEMA SAFER grant in the amount of \$737,850;

WHEREAS, the SFMD has been awarded grant funding in the amount of \$737,850 to hire five (5) additional firefighters and retain them for a two year period;

WHEREAS, the grant award will reimburse full-time salaries and a portion of employee related expenses resulting in a City match of \$146,500 in FY2017 which will be met with the SFMD's operating budget.

WHEREAS, the City match in FY2018 is estimated at \$148,000 and FY2019 is estimated at \$111,500 which will be included as part of each year's budget process;

WHEREAS, the FY2017 budget was adopted by Council Resolution #2016-81 on June 21, 2016;

WHEREAS, this action will necessitate a budget amendment; and

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

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

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2016 through June 30, 2017.

Section 2. The City of Surprise is hereby authorized to accept the FEMA SAFER grant in the amount of \$737,850. The City Manager, or his designee, is hereby authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with this grant.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2016-138
Exhibit A

The FY2017 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.

Department	Current FTE's	Increase (Decrease)	Amended FTE's
Surprise Fire-Medical Department	135.8	5	140.8

Fund, Category, Program or Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Fund, Personnel, SAFER	\$0	\$97,000	\$97,000
General Fund, Uniforms, SAFER	0	2,500	2,500
General Fund, Personal Protective Equipment, SAFER	0	18,000	18,000
General Fund, Software Licenses, SAFER	0	3,500	3,500
General Fund, Employee Certifications and Licensing	0	18,000	18,000
General Fund, Annual Firefighter Physicals, SAFER	0	7,500	7,500
General Fund, Personnel, Operations- Shift A-FD Shift A	14,066,700	(146,500)	13,920,200
Grants Fund, Personnel, SAFER	0	737,900	737,900
Grants Fund, Contingency, General Operations	22,701,100	(737,900)	21,963,200
	<u>\$36,767,800</u>	<u>\$0</u>	<u>\$36,767,800</u>
Grants Fund, Federal Grant Revenue, SAFER	\$0	\$737,900	\$737,900
Grants Fund, Other Grant Revenue, General Operations	13,292,100	(737,900)	12,554,200
	<u>\$13,292,100</u>	<u>\$0</u>	<u>\$13,292,100</u>

The fund changes are as follows:

- The amendment reallocates appropriation within the Grants Fund in the amount of \$737,900 from contingency to personnel and \$146,500 within the General Fund from personnel to project related personnel, equipment, software, and physicals without exceeding the approved total annual budget for FY2017.
- The amendment authorizes the addition of five full-time equivalents (FTEs) in SFMD.

From: firegrants@dhs.gov
To: [Kimberly Drabik](#)
Subject: Award Notification (Application Number: EMW-2015-FH-00791)
Date: Friday, August 05, 2016 1:59:24 AM

Congratulations!

Your grant application submitted under The Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grant Programs

Directorate FY 2015 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program has been approved for award. Please go to the Assistance to Firefighters eGrants system at <https://portal.fema.gov> to accept or reject your award. Enter the same User Name and Password used to complete the online application as requested on the login screen.

Once you are in the system, the Status page will be the first screen you see. On the right side of the Status screen, you will see

a column entitled Action. In this column, please select View Award Package from the drop down menu; click Go to view your Award Package. After review of your award package, you will need to indicate either your acceptance or rejection of award. NOTE: If you wish to accept the award, you should do so immediately as the applicable recruitment period has begun. When you have finished, please print your award package for your records.

As a reminder, awards made under the **Hiring of Firefighters Category** require the support of your governing body

prior to acceptance of the award. Therefore, by accepting this award you are confirming that you have discussed this application with your local officials and that there is a clear understanding of the long-term obligations of a SAFER grant and that both the department and governing body are committed to fulfilling the requirements of this grant immediately upon acceptance.

If you choose to decline the award, you waive all future rights to this award.

If you accept your award, you will now see a link on the left side of the screen that says Update 1199A in the Action column. Click this link as it will take you to the SF-1199A Direct Deposit Sign-up Form. **Note:** If you have been awarded in the past, the SF-1199A link will be located under the action column of the first award your organization has received. If you have not done so already, please complete the SF-1199A on-line. When you have finished, you must submit the form electronically. Then, using the Print 1199A button, print a copy and take it to your bank to have the bottom portion completed. Make sure your application number is on the form. After your bank has filled out their portion of the form, you must fax a copy of the form to FEMA's SF-1199 Processing Staff at 301-998-8699. You should keep the original form in your grant files. After the faxed version of your SF 1199A has been reviewed, you will receive an email indicating the form is approved. After which you will be able to request payments online.

If you have any questions regarding your SF-1199A, please call 1-866-274-0960.



SFMD Grant Award



- **SFMD has received formal notification of approval for a Staffing for Adequate Fire and Emergency Response (SAFER) grant.**
- **The SAFER grant will cover both the wages and benefits for five new firefighters for a two-year period.**
- **Total grant award is \$737,850.**
- **Period of performance must begin by January 28, 2017.**



- **A Phoenix Fire Department Fire Academy is scheduled to start on February 6, 2017.**
- **The five SAFER funded recruits would graduate on May 12, 2017.**
- **This would allow for a Peak Time Response unit, Engine 305, to be placed in-service 40-hours per week on July 1, 2017 at Fire Station 305, which is located at Greenway and Parkview Place.**



- **Engine 305 will increase the reliability of Ladder 305; in first due area, allow Ladder 305 to perform ladder functions on structure fires; reduce response times; and provide options for training of other companies.**
- **Placing Engine 305 in-service, will require the on-going positions of: captain, engineer, and two firefighters.**
- **Of the four positions above, two will be paramedics**

Timeline



Grant
Performance
Period Begins
Jan. 28th

SAFER
Firefighters
Graduate
Academy
May 12th

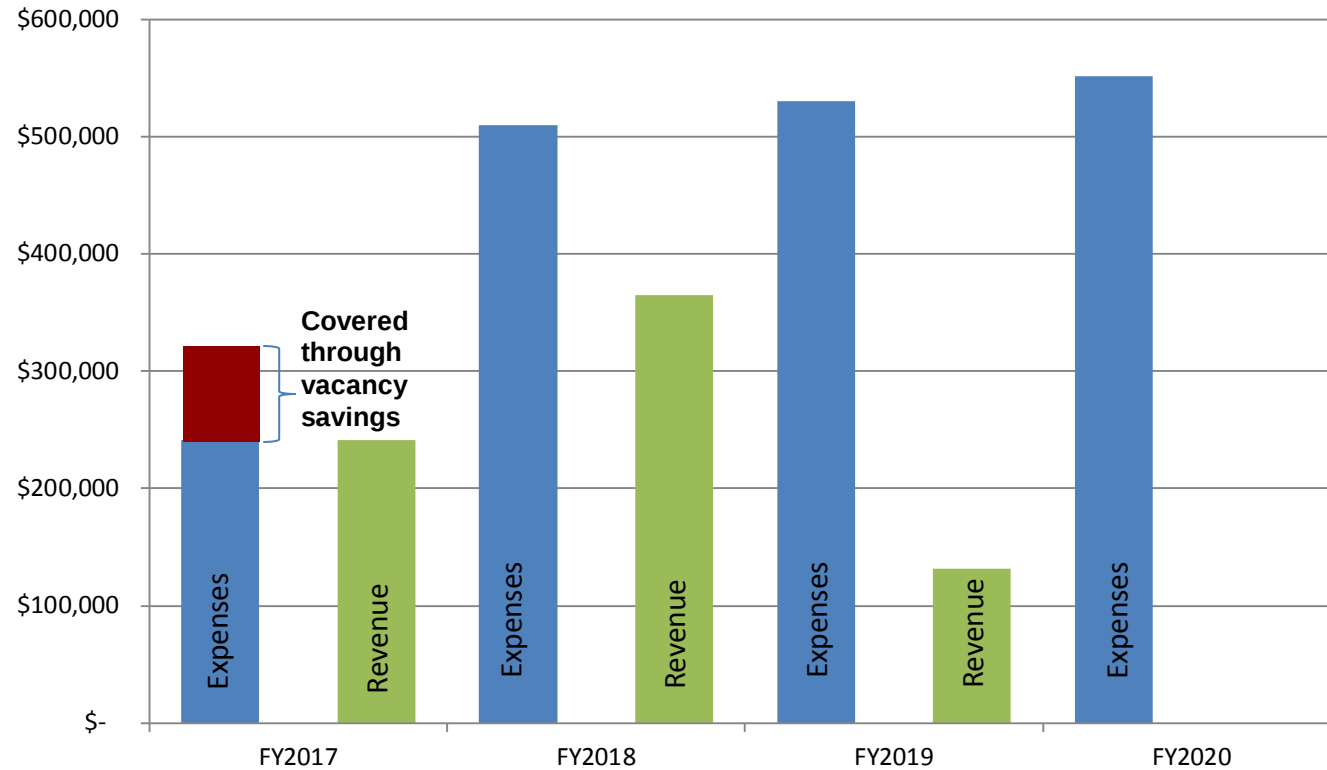
Peak
Activity
Unit
Deployed
July 1st

SAFER
Firefighters
Begin
Academy
Feb. 6th

PS Initiative
Firefighters
Begin
Academy
May 15th
(est.)

PS Initiative
Firefighters
Graduate
Academy
Aug. 18th
(est.)

Four Year Financial Plan





Comments & Questions

Thank you!



CITY OF SURPRISE
Regular City Council Meeting

November 15, 2016 @ 6:00:00 PM

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

Council Meeting Date:	November 15, 2016	Contact Person:	Seth Dyson, Human Service & Community Vitality
Submitting Department:	Human Service & Community Vitality	District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to approval of an agreement with Tohono O'odham Nation and the WHAM Art Association to accept and administer funding for the Art: A Path of Healing project and an amendment to the fiscal year 2017 budget by reallocating appropriations of \$5,000 within the Grants Fund; Resolution # 2016-140.

Motion:

I move to approve Resolution # 2016-140.

Background:

The What's Happen'n Art Movement (WHAM) Art Association applied for and received grant funding from the Tohono O'odham Nation for the Art: A Path to Healing Project. The City of Surprise was named as co-applicant and fiscal agent on the grant application. The City will be responsible for accepting and administering the funds as required per the Grant in Aid Agreement.

Objective Analysis:

The approval of this agreement and budget amendment will allow the Human Service and Community Vitality (HSCV) Department to act as fiscal agent between Tohono O'odham Nation and WHAM Art Association.

Policy Compliant:

This action is compliant with City and Council policies.

Financial Impact:

This action will allow for the acceptance of a one-time \$5,000 grant from the Tohono O'odham Nation and the distribution of \$5,000 to the WHAM Art Association for their Art: A Path to Healing Project.

Budget Impact:

This item was not included as a part of the FY2017 budget. The action will amend the budget to reallocate \$5,000 within the Grants Fund from contingency to professional and outside services without exceeding the approved total annual budget for FY2017.

FTE Impact:

This item does not impact the overall FTE count.

ATTACHMENTS:

Click to download

- ☐ [Resolution](#)
 - ☐ [Grant In Aid - Fiscal Agent Agreement](#)
 - ☐ [Presentation](#)
-

RESOLUTION # 2016-140

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH TOHONO O'ODHAM NATION AND THE WHAM ART ASSOCIATION TO ACCEPT AND ADMINISTER GRANT FUNDING FOR THE ART: A PATH OF HEALING PROJECT AND AMENDING THE FISCAL YEAR 2017 BUDGET BY REALLOCATING APPROPRIATIONS OF \$5,000 WITHIN THE GRANTS FUND.

WHEREAS, the What's Happen'n Art Movement (WHAM) Art Association applied for and received grant funding in the amount of \$5,000 from the Tohono O'odham Nation for the Art: A Path to Healing Project;

WHEREAS, the City of Surprise was named as co-applicant on the grant application;

WHEREAS, the City of Surprise will accept and administer the grant award on behalf of the WHAM Art Association, as required as a condition of the grant;

WHEREAS, the FY2017 budget was adopted by Council Resolution # 2016-81 on June 21, 2016;

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 City is hereby authorized to enter into an agreement with the Tohono O'odham Nation and WHAM Art Association to accept and administer grant funding in the amount of \$5,000.

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

Section 3. 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, 2016 through June 30, 2017.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2016-140
Exhibit A

The FY2017 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, Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
Professional and Outside Services, WHAM Art	\$0	\$5,000	\$5,000
Contingency	20,994,700	(5,000)	20,989,700
	<u>\$20,994,700</u>	<u>\$0</u>	<u>\$20,994,700</u>
Other Grant Revenue, WHAM Art	\$0	\$5,000	\$5,000
Other Grant Revenue	13,279,300	(5,000)	13,274,300
	<u>\$13,279,300</u>	<u>\$0</u>	<u>\$13,279,300</u>

The fund changes are as follows:

- The amendment utilizes Grants Fund contingency in the amount of \$5,000 for professional and outside services without exceeding the approved total annual budget for FY2017.

**Grant-in-Aid
Fiscal Agent Agreement
between
the Tohono O'odham Nation
and
the City of Surprise
On behalf of
WHAM Art Association**

THIS GRANT-IN-AID Fiscal Agent Agreement, ("Grant") is entered into as of the _____ day of _____, 2016, by and between the Tohono O'odham Nation, a federally recognized Indian tribe (the "Nation"), The City of Surprise, a municipal corporation, and WHAM Art Association, a non-profit organization ("Grantee").

R E C I T A L S

A. The Constitution of the Tohono O'odham Nation, Article VI, Section 1(f) provides that the Tohono O'odham Legislative Council is authorized to negotiate and conclude agreements on behalf of the Tohono O'odham Nation with Federal, State and local governments.

B. The Constitution of the Tohono O'odham Nation Article VII, Section 2(f) provides that the Chairman of the Nation is the official representative of the Tohono O'odham Nation; and as such, upon passage of a Resolution by the Legislative Council approving of any agreement with Federal, State and local governments, the Chairman is authorized to sign such agreement on behalf of the Nation.

C. The City Manager for the City of Surprise, or his designees, is authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with said grant through Resolution approved by the City Council.

D. Arizona State Law , A.R.S. § 11-951 and 11-952 authorize the City of Surprise to enter into agreements with the Tohono O'odham Nation to perform some or all of the services specified in the contract or agreement.

Now, therefore, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

P R O V I S I O N S

1. **Purpose.** The purpose of this Grant is to set forth the rights and responsibilities of the parties with respect to the payment and distribution of the Contribution, as hereinafter defined.

2. **Acceptance of Duties; Monies Held in Trust.** The City of Surprise agrees to perform the duties of fiscal agent, paying agent and registrar for all monies the Nation deposits with the City of Surprise for the benefit of WHAM Art Association. The City of Surprise shall hold this funding separate from all other monies in the possession or control of WHAM Art Association. The City of Surprise shall notify the Nation, at the address set forth in Paragraph 11, that the Contribution monies are provided to the City of Surprise within five (5) business days after the distribution is made.

3. **Contribution.** The Nation shall make a payment to the City of Surprise in the amount described in Exhibit "A" (the "Contribution") on or about November 30, 2016. The City shall then make this funding available to Grantee as quickly as is feasible. The Grantee may not change the scope of the project or use the funds for a project other than that explained in Exhibit "A" without the written consent of the Nation.

4. **Funding.** The Contribution payment shall be delivered to WHAM Art Association, without any further notice or invoice required, at the address set forth in Paragraph 11 below, upon the complete execution of this Grant.

5. **Disbursement of Contribution.** In accordance with the City of Surprise's policies and procedures and upon satisfactory documentation, as quickly as is feasible the City will distribute the funds to WHAM Art Association.

6. **Money Unclaimed.** In the event that the City of Surprise is unable to distribute the funding to WHAM Art Association on or before January 1, 2017, the City shall immediately notify the Nation and the Nation will arrange for the funding to be returned. Any interest earnings on the Contribution funding between the time the Nation deposits the Contribution with the City and the time the City disburses the Contribution to WHAM Art Association shall be paid to the Grantee.

7. **Consideration and Reliance.** It is acknowledged that the City of Surprise's promise to accept and disburse the funds received by the City pursuant to this Grant is full and adequate consideration and shall render this promise to provide funding irrevocable.

8. **Fees.** The City of Surprise shall not charge WHAM Art Association and shall waive any applicable administrative or other fees related to this Grant and shall not deduct any funds from the amount designated for contribution to WHAM Art Association.

9. **Dispute Resolution.** The parties mutually agree that any disputes arising between either 1) the Nation or the City of Surprise or 2) the City of Surprise and WHAM Art Association pursuant to this Grant shall be resolved through informal dispute resolution. Nothing herein is intended to be or shall be construed as a waiver of sovereign immunity by either party. In the event of a dispute between the City of Surprise and WHAM Art Association,

both the City and WHAM Art Association must notify the Nation within five (5) business days. All disputes that cannot be resolved through informal dispute resolution shall be resolved in the Courts of the Nation, subject to the laws of the Nation.

10. **Reports:** Unless otherwise extended by the Nation upon request of WHAM Art Association no later than July 31, 2017, WHAM Art Association shall provide a report to the Nation explaining how and when the funds provided under this Grant were used. This report may be in the form of an affidavit signed by an officer of WHAM Art Association and may be accompanied by supporting documentation. The report shall address: (i) changes in the scope of the project or purchase funded under this grant, (ii) the total expenses under the project or purchase funded by the Grant, (iii) a brief description of who has benefited from this Grant, and (iv) the Grantee's next steps with regard to the project or purchase made under this Grant. The Grantee will submit a final report to the Nation within thirty (30) days of the end of this Agreement.

11. **Notices.** Any notice, consent or other communication required or permitted under this Grant shall be in writing and shall be deemed received at the time it is personally delivered, on the day it is sent by facsimile transmission, on the second day after its deposit with any commercial air courier or express service or if mailed, three (3) days after the notice is deposited in the United States mail addressed as follows:

If to the Nation: Edward D. Manuel
 Chairman
 P.O. Box 837
 Sells, Arizona 85634
 Fax: 520-383-3379

and

 Special Counsel
 P.O. Box 837
 Sells, Arizona 85634
 Fax: 520-383-3379

If to the City of Surprise:

 Seth Dyson, HSCV Director
 16000 N. Civic Center Plaza
 Surprise, AZ 85374
 Phone: 623-222-11620
 Email: seth.dyson@surpriseaz.gov

If to WHAM Art Association:

 Connie Whitlock, Executive Director
 16560 N. Dysart Rd.

Surprise, AZ 85378
Phone: 623-640-5229
Email: Connie.whitlock@wham-art.org

Any time period stated in a notice shall be computed from the time the notice is deemed received. Either party may change its mailing address or the person to receive notice by notifying the other party as provided in this paragraph.

12. **Term of Grant.** The term of this Grant shall begin on the date of execution and shall terminate on the one-year anniversary of this Grant.

13. **Entire Grant, Waivers and Amendments.** This Grant is executed in three (3) duplicate originals, each of which is deemed to be an original. This Grant constitutes the entire understanding and agreement of the parties. This Grant integrates all of the terms and conditions mentioned herein or incident hereto, and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof. All waivers of the provisions of this Grant and all amendments hereto must be in writing and signed by the appropriate authorities of each of the parties to this Grant.

14. **No Waiver.** Except as otherwise expressly provided in this Grant, any failure or delay by any party in asserting any of its rights or remedies as to any default, shall not operate as a waiver of any default, or of any such rights or remedies, or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

15. **Severability.** If any provision of this Grant shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Grant shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

16. **Sovereign Immunity.** Nothing in this Grant shall be deemed a waiver of any party's applicable sovereign immunity in any forum or jurisdiction.

TOHONO O'ODHAM NATION

THE CITY OF SURPRISE

Edward D. Manuel, Chairman
Tohono O'odham Nation

Bob Wingenroth, City Manager

Date _____

Date _____

WHAM ART ASSOCIATION

Connie Whitlock, Executive Director

Date _____

Approved as to form:

Laura Berglan, Acting Attorney General
Tohono O'odham Nation

I, Donna Bronski, attorney for the City of Surprise, have determined that this Agreement is in proper form and is within the powers and authority granted under the laws of this state to the City of Surprise.

Donna Bronski, Deputy City Attorney
City of Surprise

EXHIBIT “A”

<u>Program</u>	<u>Contribution</u>
Art: A Path to Healing	\$5,000.00
TOTAL	\$5,000.00

Proposal:

a). Explain the perceived need and explain how the proposal will address that need.

As the United States wraps up its wars in Iraq and Afghanistan, and an already huge population of Vietnam Vets who have returned home, the significant public health issues related to Post-traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) are steadily climbing. Even more distressing is that every day 22 veterans take their own lives according to the Department of Veteran’s Affairs in February, 2015. According to the Census Bureau, there are approximately 20 million veterans, about 14% of the veteran population suffer from PTSD, or about 2.8 million veterans. Men and women who experienced military action will experience PTSD at rates of 10 out of 100.

As we face the growing public health challenge of PTSD/TBI, exploring new paths for ways to treat veterans is essential. Creative expression based programs are one such path. Art Therapy was recognized in 1980 by the Veterans Administration as a behavioral treatment for PTSD and TBI that allows the Veteran to identify an emotion without verbally expressing the unresolved memories and feelings.

WHAM Art Association’s ‘Art: A Path to Healing’ art therapy type classes has, unofficially, been observed to relieve depression and anxiety as well as to improve orientation to reality. This program for Veterans with PTSD/TBI began in August, 2014 and is currently in its second year with over 30 veterans registered. They come to WHAM’s community art center once a month for 6 hrs., which includes a lunch, to paint, draw, create clay pieces, carve gourds, and make recycled art. These classes are taught by professional artists who have volunteered their time to teach the Veterans. The intent is to eventually give the professional artists a stipend for their service.

The program has grown and is now offered in two locations. The original site at WHAM Art Center at 16560 N. Dysart Rd., Surprise, AZ, 85378 has room for 20 veterans at each session in the classroom. The second location is being offered at the Peoria Community Center at 8335 W. Jefferson Street, Peoria, Arizona 85345 has currently 10 registered veterans. Each class will be limited to 20 students for space requirements; however, as classes grow in number the classes will be extended to more days.

b). Describe the population who will benefit from the proposal if approved.

Target populations for classes called, Art: A Path to Healing; is for at-risk Veterans who are seeking treatment for substance abuse, undergoing physical rehabilitation, have experienced Traumatic Brain Injury (TBI), Sexual Trauma (MST) or experienced Post-traumatic Stress Disorder (PTSD). For Veterans seeking treatment art techniques that are taught may help participants understand the need for treatment, accept their powerlessness over addictive substances committing to a path of sobriety, it may help the veteran to achieve insights, identify strengths and deficits, and experience a sense of spirituality through self-reflection. The sense of creating and expressing oneself through art may bolster the courage, and pride of the military personnel to rejoin society gaining a productive quality of life.

c). Include a budget of the requested funds, with the total amount requested clearly notated.

Expenses	T O Nation Grant Funds	Individual Sponsorships	WHAM In-Kind
<u>Total</u>			
a)Instructors, assistants, other volunteers Fee \$23.08 per hr. x 240 hrs. (4 volunteers x 5 hrs. each session x12 months) \$ 5,540.00			\$ 5,540.00
b) Part Time Program Manager Apportioned Salary \$ 820.00		\$ 820.00	
c) Art Supplies and equipment \$11,175.00	\$5,000.00	\$ 6,175.00	
d) Telephone/communications \$ 206.00		\$ 206.00	
e) Marketing/Printing/Publication \$ 2,060.00		\$ 2,060.00	
f) Transportation \$ 650.00		\$ 650.00	
g) Veteran's Lunches \$ 1,600.00		\$ 1,600.00	
h) Occupancy/Rent/Utilities/Janitorial \$ 1,556.00		\$ 1,556.00	
h) Art Seminars/Exhibits \$ 300.00		\$ 300.00	
i) Art Memberships \$ 150.00		\$ 150.00	
j) Pottery/Kilns Wheel etc. \$ 600.00		\$ 600.00	

k) Accounting Services	\$ 1,008.00
\$ 1,008.00	

TOTALS	<u>\$5,000.00</u>	<u>\$ 15,125.00</u>	<u>\$5,540.00</u>
<u>\$ 25,665.00</u>			

Income

Arizona Art Alliance Partnership	\$ 1,855.00		
\$ 1,855.00			
Government Grants, ADVS	\$ 4,999.00		
\$ 4,999.00			
VFW, Peoria, Individual Donations	\$ 2,096.00		
\$ 2,096.00			
Major Gifts/ City Grants	\$ 6,175.00		
\$ 6,175.00			
Volunteer Services Instructors, assistants			
Executive Director (In-Kind)			\$5,540.00
\$ 5,540.00			
Desert Diamond Casinos			
& Entertainment Grant Request			
\$5,000.00			
TOTALS	<u>\$5,000.00</u>	<u>\$15,125.00</u>	<u>\$5,540.00</u>
<u>\$25,685.00</u>			

The total cost of this program is calculated as a one year or 12 month expense.

Tohono O'odham Nation

\$5,000 Pass Through Grant to
WHAM Art Association for

Free Class for Veterans: ***“A Path to Healing”***



**Veterans are taught by
volunteer WHAM
professional artist once
a month from 10 to 2
and given a lunch.**

**30 Veterans currently
enrolled.**

**No Vet is turned away
even though the class
was started for veterans
with PTSD and TBI.**

Tohono O'odham Nation 12% Grant



City of Surprise - Human Service & Community Vitality



WHAM Art Association

FREE Veteran's Art Class "*A Path to Healing*"

Timeline: One year

City Responsibility: Accept and pass through funding. Administer grant



CITY OF SURPRISE
Regular City Council Meeting

November 15, 2016 @ 6:00:00 PM

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

Council Meeting Date:	November 15, 2016	Contact Person:	Robert Wingo, City Attorney
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to approval of a second amendment to the Surprise Center Development Company L.L.C. Compromise Settlement Agreement and Full and Final Release of All Claims.

Motion:

I move to approve the Second Amendment to the Compromise Settlement Agreement and Full and Final Release of All Claims.

Background:

On May 5, 2016, the City of Surprise and the Surprise Center Development Company LLC (SCDC) entered into a Compromise Settlement Agreement and Full and Final Release of All Claims ("Settlement Agreement") in order to resolve on-going litigation. The Settlement Agreement provided that the parties would, in good-faith, work together to finalize a drainage plan and a development incentive agreement by September 30, 2016. The Parties on September 20, 2016, amended the Settlement Agreement to extend the times of performance.

The Parties have been working toward this goal, however, additional time is needed to finalize the drainage plan and development incentive agreement. Therefore, the City and SCDC agree to amend the Settlement Agreement to extend the time of performance for these two items until February 10, 2017.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

☐ [Surprise Second Amendment Development Agreement](#)

**SECOND AMENDMENT
TO
COMPROMISE SETTLEMENT AGREEMENT AND FULL AND FINAL RELEASE
OF ALL CLAIMS**

This SECOND AMENDMENT TO THE COMPROMISE SETTLEMENT AGREEMENT AND FULL AND FINAL RELEASE OF ALL CLAIMS (“Second Amendment”) is entered into by and between the City of Surprise, an Arizona municipal corporation (the “City”) and Surprise Center Development Company L.L.C., an Arizona limited liability Company (“SCDC”). The City and SCDC are referred to herein collectively as the “Parties”.

RECITALS

WHEREAS, on May 5, 2016, the Parties entered into the Compromise Settlement Agreement and Full and Final Release of All Claims (the “Agreement”);

WHEREAS, Paragraph 7 of the Agreement provides, among other things, that the Parties “shall use Commercially Reasonable efforts to reach an acceptable master drainage plan to be executed and approved by the City on or before September 30, 2016”;

WHEREAS, Paragraph 12 of the Agreement provides, among other things, that the Parties “will agree upon and execute on or before September 30, 2016, a Development Incentive Agreement.”;

WHEREAS, on September 20, 2016, the Parties entered into the First Amendment to the Agreement because they required additional time, beyond September 30, 2016, to finalize the master drainage plan and Development Incentive Agreement;

WHEREAS, the First Amendment modified the dates of performance for entering into the master drainage plan and Development Incentive Agreement to December 6, 2016, and November 15, 2016, respectively; and

WHEREAS, the Parties again require additional time, beyond December 6, 2016, and November 15, 2016, to finalize the master drainage plan and Development Incentive Agreement.

SECOND AMENDMENT

NOW, THEREFORE, in consideration of the premises, the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and SCDC, intending to be legally bound, agree as follows:

1. The Recitals set forth above are acknowledged by the Parties to be true and correct and are incorporated in this Second Amendment as fully as though set forth herein.

2. The last sentence of Paragraph 7 of the Agreement is hereby amended to read, “The City and SCDC shall use Commercially Reasonable efforts to reach an acceptable master drainage plan to be executed and approved by the City on or before February 10, 2017.”
3. The first sentence of Paragraph 12 of the Agreement is hereby amended to read, “The City and SCDC will agree upon and execute on or before February 10, 2017, a Development Incentive Agreement.”
4. Except for the modification of the two dates of performance as expressly stated in Section 2 and 3 herein, the provisions of the Agreement are otherwise hereby ratified and confirmed in all respects.

IN WITNESS WHEREOF, the Parties have executed this First Amendment on the date(s) written below, the latter being the effective date.

CITY:

CITY OF SURPRISE, an Arizona
municipal corporation

By: _____
Mayor

Date: _____

APPROVED AS TO FORM:

By: _____
City Attorney

ATTESTED:

By: _____
City Clerk

SCDC:

SURPRISE CENTER DEVELOPMENT COMPANY L.L.C.,
an Arizona limited liability company

By: AIRFIELD CAPITAL PARTNERS L.L.C.,
an Arizona limited liability company
Its: Managing Member

By: Airfield Management Associates L.L.C., an
Arizona limited liability company
Its: Managing Member

By: TRW Partners LLC,
an Arizona limited liability company Its:
Member

By: West Management Limited Partnership, an
Arizona limited partnership
Its: Managing Member

By: The Richard West Co.,
an Arizona corporation,
Its: General Manager

By: _____
Richard B. West, III,

Date: _____