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

Tuesday, June 5, 2018 @ 6:15 PM
COUNCIL CHAMBERS

Back Print

A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

E. City Manager Report:

F. City Attorney Report:

G. City Clerk Report:

District Internal	Consideration and action to affirm appointment of Donald Jeffrey to serve a full four year term as a citizen board member of the Public Safety Personnel Retirement System Local Board. This term will expire on June 30, 2022.	None Mayor Wolcott
District Internal	Consideration and action to appoint Steven Berwald to fill the vacancy on the Community & Recreation Services Commission for the remainder of the term June 30, 2019.	None Sherry Ann Aguilar, City Clerk
District Internal	Consideration and action to appoint Deborah Welch to fill the remainder of a vacancy on the Arts & Cultural Advisory Commission with a term expiration of June 30, 2019.	None Sherry Ann Aguilar, City Clerk
District Internal	Consideration and action to appoint Doc Sullivan to fill the remainder of a term on the Municipal Property Corporation with a term expiration of June 30, 2021.	None Sherry Ann Aguilar, City Clerk
District Internal	Consideration and action to approve the following reappointments: Melissa Holdaway - Audit Committee (2 year term to expire June 30, 2020); Sharon Ward - Audit Committee (2 year term to expire June 30, 2020); Richard Jessen - Judicial Selection Advisory Commission (4 year term to expire June 30, 2022); William Coniam - Board of Trustees (4 year term to expire June 30, 2022) and Gwen Skorupan - Board of Trustees (4 year term to expire June 30, 2022).	None Sherry Ann Aguilar, City Clerk

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 only on issues within the jurisdiction of the City Council which are not an item on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

I. Regular City Council Meeting Agenda:

Consent Agenda:

1.	District 3	Consideration and action for the maintenance of the streets and public utility improvements at Zanjero Trails Phase 2 Parcel 13C. Resolution #2018-69.	None Karl Zook, Public Works Department
2.	District Citywide	Consideration and action on the minutes of the Special Joint City Council/Planning and Zoning Commission Meeting of May 14, 2018; the Regular City Council Work Session, Regular City Council Meeting and Executive Session of May 15, 2018 and the Special City Council Meeting of May 22, 2018.	None Sherry Ann Aguilar, City Clerk
3.	District 5	Consideration and action on a request by John Cosmas (Owner/Agent) for an Interim permit/New License with Growler Privileges for Boots and Bourbon located at 14051 W. Grand Avenue, Surprise, AZ 85374 (Series 12 - License 20064).	None Sherry Ann Aguilar
4.	District 4	Consideration and action to approve a request by Kim Kwiatkowski (Agent), for a New License/Interim Permit/Corporation for Circle-K Store #2741712 located at 14559 W. Grand Avenue, Surprise, AZ. 85378 (Series 10 - License #19687).	None Sherry Ann Aguilar, City Clerk
5.	District 1	Consideration and action on a request by Kim Kwiatkowski (Agent), for a New License/Interim Permit/Corporation for Circle-K Store #2741713 located at 16794 W. Bell Road, Surprise, AZ 85378 (Series 10 - License #19690).	None Sherry Ann Aguilar, City Clerk
6.	District 1	Consideration and action to approve a request by Kim Kwiatkowski (Agent), for a New License/Interim Permit/Corporation for Circle-K Store #2741641 located at 13908 W. Bell Road, Surprise, AZ. 85378 (Series 10 - License #19684).	None Sherry Ann Aguilar, City Clerk
7.	District Citywide	Consideration and action pertaining to an amendment of the Fiscal	None

		Year 2018 Operating List of Items over $50,000 to adjust the medical premiums line in the amount of $30,000; Resolution #2018-74.	Mark Schott, HR Director
8.	District Internal	Consideration and action pertaining to approval of an Intergovernmental Agreement (IGA) between the City of Surprise and the City of Peoria for police radio maintenance and repair; Resolution #2018-55.	None Domela Finnessey
9.	District Citywide	Consideration and action pertaining to approval of an Amendment to the Intergovernmental Agreement (IGA) with Maricopa County to continue providing Community Action Program services for fiscal year 2019 and acceptance of grant funding in the amount of $89,256 to support operations of the Surprise Resource Center; Resolution # 2018-75.	None Seth Dyson, Human Service & Community Vitality
10.	District 1	Consideration and action pertaining to amending the FY2018 budget adjusting budget authority for developer reimbursements; Resolution #2018-94.	None Lindsey Duncan, Finance Director
11.	District Citywide	Consideration and action pertaining to approval of an amendment to the Fiscal Year 2018 Capital and Operating list of items over $50,000 by increasing the Mound Clay Item by $10,000 for additional soil amendment materials; Resolution #2018-82.	None Donna Miller, Community and Recreation Services Director
12.	District 5	Consideration and action regarding a Re-Plat of Lots 1 and 2 of West Point Towne Center Parcel 12	Approve Robert Kuhfuss - Community Development
13.	District Citywide	Consideration and action authorizing the Mayor to execute three Intergovernmental Agreements with Arizona Department of Transportation for the establishment of Safe Routes to School coordinators and incentive programs: Resolution #2018-76.	No Action Martin Lucero - Community Development
14.	District 6	Consideration and action regarding a Final Plat for Marley Park Phase 4 & 5 Model Complex and Park “A”	Approve Robert Kuhfuss - Community Development
15.	District 1	Consideration and action on the Final Plat for Neiffer Land Division generally north of Adobe Road and East of 222nd Avenue, in a RR (Residential Ranch) zoning district.	None Shirley Phan - Community Development
16.	District Citywide	Consideration and action pertaining to approval of an amendment to the Fiscal Year 2018 Operating List of Items Over $50,000 by	None Maria Lugo

		increasing Security Guard Services by $3,000 to account for costs associated with increased demand of Court security guard services; Resolution #2018-87.	
17.	District Internal	Consideration and action authorizing the City Manager to execute and enter into an Intergovernmental Agreement for mutual aid response for fire protection and other emergency services with the Arizona Fire Medical Authority (AFMA); Resolution # 2018-58.	None Tom Abbott

Regular Agenda Item - Public Hearing:

18.	District 1	Consideration and action approving a Conditional Use Permit for a Freeway Monument Sign located at Surprise Village Marketplace.	Approve Robert Kuhfuss - Community Development

Regular Agenda Item - Non-Public Hearing:

19.	District 6	Consideration and action pertaining to approval of an amendment to the FY2018 budget by reallocating appropriations of $400,000 within the grants and contingency fund to transportation improvement fund for the increase in project construction costs based on Arizona Department of Transportation (ADOT) construction bid results, and amending the FY2018 Operating List of Items Over $50,000; Resolution #2018-84.	None Mike Gent; Public Works Director
20.	District Internal	Consideration and action amending the Surprise Municipal Code, Chapter 3 - Personnel amending Chapter 3, Article VII, Sections 3-71, 3-74(e), and 3-77(b)(1), (2), and (3); (c)(1); (d)(1)(a) and (2)(d); Ordinance #2018-07.	None Mark Schott, HR Director
21.	District Internal	Consideration and action approving a resolution to establish a policy for reviewing and adjusting the Mayor and Council Members' salaries; Resolution #2018-65.	Approve Bob Wingenroth, City Manager
22.	District Internal	Discussion and action pertaining to the absences of, and/or non-responsiveness to contact from city staff by, certain City Board or Commission members.	None Sherry Ann Aguilar, City Clerk

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:

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

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Mayor Wolcott
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action to affirm appointment of Donald Jeffrey to serve a full four year term as a citizen board member of the Public Safety Personnel Retirement System Local Board. This term will expire on June 30, 2022.

Motion:

I move to approve the appointment of Donald Jeffrey to serve a full four year term as a citizen board member of the Public Safety Personnel Retirement System Local Board. This term will expire on June 30, 2022.

Background:

Citizen board member Jerry Huston has decided not to apply for re-appointment for his seat as a citizen board member. His term expired on April 30, 2018.

Objective Analysis:

This action will only replace one citizen board member since they do not wish to apply for re-appointment.

Policy Compliant:

This action is consistent with City and Council Policy.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

Click to download

No Attachments Available

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action to appoint Steven Berwald to fill the vacancy on the Community & Recreation Services Commission for the remainder of the term June 30, 2019.

Motion:

I move to approve appointment of Steven Berwald to fill the vacancy on the Community & Recreation Services Commission for the remainder of the term June 30, 2019.

Background:

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

- Share Link
- Print
- Download (docx)
- Email
- Compare

The following process will apply to all openings or vacancies for appointment to a public body, unless otherwise indicated in the ordinance or resolution creating the body:

(a)

Application process.

(1)

Upon notice of a vacancy, the city clerk will promptly notify the nominations committee chair, and post all vacancies on the city website. Vacancies will also be posted at all designated posting locations, no later than three business days after a vacancy is created and continue such posting until the position is filled.

(2)

The city clerk will maintain and distribute applications to all persons interested in being a member of a public body.

(3)

All persons, including current members seeking re-appointment, interested in becoming a member of a public body must submit an application to the city clerk's office. Only applications received by the city clerk's office may be considered for body vacancies. Members with expiring terms who submit a timely application will automatically be nominated for reappointment unless the nominations committee objects to reappointment. Notice of the nominations committee's objection for reappointment will be provided to the member no less than ten business days after referral by the city clerk.

(4)

All applications will be accepted on an open rolling basis and will be maintained as an active application for four years.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- Steven Berwald Application

Date/Time/Initials Rec [redacted]

CRS

SURPRISE
ARIZONA

City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Steven Borwald Date Submitted: 6/2/15

[redacted]

Resident of Surprise: ✓ Yes ____ No Number of Years: 6

Board/Commission(s) you are applying for? Community & Recreation Services

Education: B.S. Environmental Health Sciences

Hunter College - 1979

EMPLOYMENT BACKGROUND:

Present Employer/Position: ONIX Sports - Sales & Service

Previous Employer(s)/Position (Last 5 Years): Sears - Merchandising Assoc. 2010 - 2014

ArcelorMittal USA - Production Manager - 1979 - 2009 - Retired

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

President of the Board of Directors - Surprise Farms HOA III 2010 - 2014

Board Member - Surprise Pickleball Assoc. 2014 - Present

(Continued on Reverse Side)

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

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

I have been involved in Community affairs since I moved to Arizona, as a HOA President and a member of the Board of Building and Contruction and I feel I can make a contribution to Community & Recreation Board if given the opportunity.

Additional Information/Comments:

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

Applicant's Signature

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

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

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action to appoint Deborah Welch to fill the remainder of a vacancy on the Arts & Cultural Advisory Commission with a term expiration of June 30, 2019.

Motion:

I move to approve appointment of Deborah Welch to fill the remainder of a vacancy on the Arts & Cultural Advisory Commission with a term expiration of June 30, 2019.

Background:

Sec. 2-296. - Member selection and replacement process. The following process will apply to all openings or vacancies for appointment to a public body, unless otherwise indicated in the ordinance or resolution creating the body: (a) Application process. (1) Upon notice of a vacancy, the city clerk will promptly notify the nominations committee chair, and post all vacancies on the city website. Vacancies will also be posted at all designated posting locations, no later than three business days after a vacancy is created and continue such posting until the position is filled. (2) The city clerk will maintain and distribute applications to all persons interested in being a member of a public body. (3) All persons, including current members seeking re-appointment, interested in becoming a member of a public body must submit an application to the city clerk's office. Only applications received by the city clerk's office may be considered for body vacancies. Members with expiring terms who submit a timely application will automatically be nominated for reappointment unless the nominations committee objects to reappointment. Notice of the nominations committee's objection for reappointment will be provided to the member no less than ten business days after referral by the city clerk. (4) All applications will be accepted on an open rolling basis and will be maintained as an active application for four years.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- Deborah Welch Application

8-18-17 7:15 p.m

Received by e-mail on 3/16/17 - S.S.

SURPRISE
ARIZONA

City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: __Deborah Welch_____ Date Submitted: __3/16/17_____

[redacted]

Resident of Surprise: _____ Yes _____ No Number of Years: ___almost 10 years_____

Board/Commission(s) you are applying for? __Arts & Culture_____

Education: _____Doctorate – Biblical Leadership – Ascend International University_____

_____

_____

EMPLOYMENT BACKGROUND:

Present Employer/Position: ___LTF Ministries also Self Employed Business Owner_____

__Consulting in the area of accounting and finance_____

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

_____

_____

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

Attending current Citizen's Academy_

(Continued on Reverse Side)

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

No

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

Although I haven't had prior participation in organizations in Surprise I am currently attending the Citizen's Academy. I have a great passion for this City, I have studied its history and am excited to be a part of it great future. I have over 30 year experience in accounting and finance in the real estate industry with 8 years of that in Real Estate Development. Prior to living in Surprise I worked for a company that developed several communities in Surprise. At the time I was impressed with the vision for the City and was part of the motivation for moving here in 2007. I believe with my diverse background and love for the City I could bring value to the committee especially in the area of public art.

Additional Information/Comments:

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

Deborah A Welch
Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
Or by email to: clerk@surpriseaz.gov

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

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action to appoint Doc Sullivan to fill the remainder of a term on the Municipal Property Corporation with a term expiration of June 30, 2021.

Motion:

I move to approve the appointment of Doc Sullivan to fill the remainder of a term on the Municipal Property Corporation with a term expiration of June 30, 2021.

Background:

Sec. 2-296. - Member selection and replacement process. The following process will apply to all openings or vacancies for appointment to a public body, unless otherwise indicated in the ordinance or resolution creating the body: (a) Application process. (1) Upon notice of a vacancy, the city clerk will promptly notify the nominations committee chair, and post all vacancies on the city website. Vacancies will also be posted at all designated posting locations, no later than three business days after a vacancy is created and continue such posting until the position is filled. (2) The city clerk will maintain and distribute applications to all persons interested in being a member of a public body. (3) All persons, including current members seeking re-appointment, interested in becoming a member of a public body must submit an application to the city clerk's office. Only applications received by the city clerk's office may be considered for body vacancies. Members with expiring terms who submit a timely application will automatically be nominated for reappointment unless the nominations committee objects to reappointment. Notice of the nominations committee's objection for reappointment will be provided to the member no less than ten business days after referral by the city clerk. (4) All applications will be accepted on an open rolling basis and will be maintained as an active application for four years.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- Doc Sullivan Application

SURPRISE
ARIZONA

City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: DOC SULLIVAN Date Submitted: 5-14-18

[redacted]

Resident of Surprise: ✓ Yes _____ No Number of Years: 18

Board/Commission(s) you are applying for? MPC

Education: DEGREE IN COMMUNICATIONS

EMPLOYMENT BACKGROUND:

Present Employer/Position: _____

_____

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

COX COMMUNICATIONS

BEST BUY

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

_____

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s): SEDAB 2006

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

I HAVE A BACKGROUND IN FINANCE

Additional Information/Comments:

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

Applicant's Signature

Please return to:

City Clerk's Office – 16000 N. Civic Center Plaza, Surprise, AZ, 85374, or email to: clerk@surpriseaz.gov

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

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action to approve the following reappointments: Melissa Holdaway - Audit Committee (2 year term to expire June 30, 2020); Sharon Ward - Audit Committee (2 year term to expire June 30, 2020); Richard Jessen - Judicial Selection Advisory Commission (4 year term to expire June 30, 2022); William Coniam - Board of Trustees (4 year term to expire June 30, 2022) and Gwen Skorupan - Board of Trustees (4 year term to expire June 30, 2022).

Motion:

I move to reappoint the following reappointments: Melissa Holdaway - Audit Committee (2 year term to expire June 30, 2020); Sharon Ward - Audit Committee (2 year term to expire June 30, 2020); Richard Jessen - Judicial Selection Advisory Commission (4 year term to expire June 30, 2022); William Coniam - Board of Trustees (4 year term to expire June 30, 2022) and Gwen Skorupan - Board of Trustees (4 year term to expire June 30, 2022).

Background:

City Code Regarding Boards and Commissions Member Reappointment Process: (3) All persons, including current members seeking re-appointment, interested in becoming a member of a public body must submit an application to the city clerk's office. Only applications received by the city clerk's office may be considered for body vacancies. Members with expiring terms who submit a timely application will automatically be nominated for reappointment unless the nominations committee objects to reappointment. Notice of the nominations committee's objection for reappointment will be provided to the member no less than ten business days after referral by the city clerk.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- Reappointment Applications

SURPRISE
ARIZONA

City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Melissa Holdaway Date Submitted: 5/23/18

[redacted]

Resident of Surprise: X Yes ____ No Number of Years: 17

Board/Commission(s) you are seeking reappointment for:

Audit Committe

Does the above information reflect any changes from your original application?

Yes ___ No X

If Yes, please explain?

I, Melissa Holdaway acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 2 year term scheduled to expire June 30, 2020 **subject to Council approval.**

Applicant's Signature

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

Received by the City Clerk's Office

Date/Time: 5-23-18 Initials: SD

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. Please submit no later than **Wednesday, May 9, 2018 – *5:00 p.m.***

SURPRISE
ARIZONA

City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Sharon Ward Date Submitted: 4-30-18

[redacted]

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

Board/Commission(s) you are seeking reappointment for:

_____

Does the above information reflect any changes from your original application?

Yes ___ No X

If Yes, please explain?

_____

I, Sharon Ward acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 2 year term scheduled to expire June 30, 2020 **subject to Council approval.**

Sharon Ward
–Applicant's Signature

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

Received by the City Clerk's Office

Date/Time: 4/30/18 11:20 AM Initials: A.G.

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. **Please submit no later than Friday, May 11, 2018 – *5:00 p.m.***

Richard T. Jessen

[redacted]

May 1, 2018

Sherry Ann Aguilar
City Clerk, MMC
16000 N. Civic Center Plaza
Surprise, AZ 85374

RE: Judicial Selection Advisory Committee

Dear Ms. Aguilar:

Enclosed please find my application for reappointment to the Judicial Selection Advisory Committee.

Sincerely,

Richard T. Jessen

SURPRISE
ARIZONA

City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: __Richard T. Jessen_____ Date Submitted: ___May 1, 2018_____

[redacted]

Resident of Surprise: __X___ Yes _____ No Number of Years: _____4_____

Board/Commission(s) you are seeking reappointment for:

___Judicial Selection Advisory Committee_____

Does the above information reflect any changes from your original application?

Yes _x__ No ___

If Yes, please explain?

____New email address_____

I, _Richard T. Jessen acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2022 **subject to Council approval.**

Richard T. Jessen
Applicant's Signature

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

Received by the City Clerk's Office
Date/Time: 5-4-18 Initials: SB

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. Please submit no later than **Friday, May 11, 2018 – *5:00 p.m.***

SURPRISE
ARIZONA

City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: Thomas William Coriam Date Submitted: 5/7/18

[redacted]

Resident of Surprise: X Yes ____ No Number of Years: 9

Board/Commission(s) you are seeking reappointment for:

Board of Trustees

Does the above information reflect any changes from your original application?

Yes ___ No X

If Yes, please explain?

I, T. William Coriam acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2022 **subject to Council approval.**

Applicant's Signature

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

Received by the City Clerk's Office
Date/Time: 5-7-18 Initials: SDA

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. Please submit no later than **Friday, May 11, 2018 – *5:00 p.m.***

SURPRISE
ARIZONA

City of Surprise

REAPPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS/COMMISSIONS

Name: ___Gwen Skorupan_____ Date Submitted: _4/10/18_____

[redacted]

Resident of Surprise: __X___ Yes _____ No Number of Years: __10_____

Board/Commission(s) you are seeking reappointment for:

Health Benefits Trust Fund Board

Does the above information reflect any changes from your original application?

Yes ___ No _X__

If Yes, please explain?

_____

I, GWEN SKORUPAN acknowledges that all information given herewith is true and correct and understand that with completion of the Reappointment Application, you hereby verify that you are interested in serving on the same Board/Commission for an additional 4 year term scheduled to expire June 30, 2022 **subject to Council approval.**

Gwen Skorupan
Applicant's Signature

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

Received by the City Clerk's Office
Date/Time: 5-7-18 Initials: SA

Applicant - You can submit your application in person, by mail or scan and send electronically but your application must contain your signature. Please submit no later than **Friday, May 11, 2018 – *5:00 p.m.***

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Karl Zook, Public Works Department
Submitting Department:		District:	3
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action for the maintenance of the streets and public utility improvements at Zanjero Trails Phase 2 Parcel 13C. Resolution #2018-69.

Motion:

I move to approve Resolution No. 2018-69

Background:

The Public Works Department conducted the final inspection of the public improvements for Zanjero Trails Phase 2 Parcel 13C on or about April 10, 2018 totally 15,626 SY (approximately 2.5 miles) and determined that the infrastructure was compliant and acceptable to the city. The infrastructure includes asphalt pavement, storm drain and wastewater lines. Domestic water lines are located within the Epcor water jurisdiction.

Objective Analysis:

The improvements for this property provide roadways for conveyance through the property, storm drains to convey stormwater to retention basins, and sewer lines to convey wastewater from the property to the City's public system. This action will accept the required infrastructure. The domestic water serving the property is within Epcor jurisdiction.

Policy Compliant:

City Code generally requires development to install public infrastructure required to serve the development. Upon completion and acceptance of such infrastructure, the infrastructure becomes the property of the City. Acceptance of this infrastructure will officially transfer ownership and future maintenance to the City.

Financial Impact:

Acceptance of streets, sewer, and storm drain infrastructure increases the city's asset base and adds to future maintenance commitments. The total acceptance value of the infrastructure included with this

item is $1,113,956.

Budget Impact:

Funding for the infrastructure maintenance now and in the future will be supported from the city's HURF, Wastewater Operations, and Stormwater Operations Funds. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future year budgets.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- Resolution 2018-69
- Notice of Completion
- Inspector sign off

RESOLUTION # 2018-69

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, TO CONDITIONALLY ACCEPT THE STREET AND PUBLIC UTILITY IMPROVEMENTS AND COMMENCE MAINTENANCE AFTER TWO YEAR WARRANTY AT ZANJERO TRAILS PHASE 2 PARCEL 13C, GENERALLY LOCATED AT PEORIA AVENUE AND N. 183RD LANE.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled "Zanjero Trails Phase 2 – Parcel 13C" on, May 2, 2017;

WHEREAS, Woodside Homes Sales AZ, LLC, the developer of Zanjero Trails Phase 2 Parcel 13C, dedicated to the City the street and public utility improvements, generally located at Peoria Avenue and N. 183rd Lane;

WHEREAS, the City of Surprise Public Works Department Engineering Division conditionally accepted the improvements describes in this resolution on April 10, 2018;

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 street and 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 street and 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 the City to release warranty and begin maintenance of the street and public utility improvements.

APPROVED AND ADOPTED this _____day of _____, 2018.

_____
Sharon R. Wolcott, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

Exhibit A

Map of Infrastructure

ZANJERO TRAILS PARCEL 13C

Accepted Infrastructure

- Paving /Concrete
- Sewer
- Storm Drain

EXHIBIT B

List and Cost of Improvements

SURPRISE
ARIZONA

ENGINEERING DIVISION
PUBLIC WORKS
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623·222·6150

Memorandum

To: City of Surprise City Council

From: Public Works – Engineering Services

Date: 4/26/2018

Re: Zanjero Trails Parcel 13C

The public improvements for the above project have been completed and are on the May 29, 2018 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 Paving - $404,301
- City Concrete - $426,170
- City Sewer - $245,705
- City Storm Drain - $37,780
- Total: $1,113,956

SURPRISE
ARIZONA

PUBLIC WORKS
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623·222·6000

April 17, 2018

Hilgart Wilson
2141 E. Highland Ave 250
Phoenix, AZ 85016

RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR ZANJERO TRAILS II PARCEL 13C – FS12-351

The City of Surprise Public Works Department has completed the inspection of the public utility improvements for the above referenced project. 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, PE
Engineering Manager

c: David Mobley, Civil Inspections Supervisor
Warren Bert, GIS
David Kohlbeck, Public Works
Fermin Camacho, Public Works
Lee Lambert, Water Services
File
Lora Ingram, Finance
John McFarland, Public Works
Mike Gent, Public Works
Terry Lowe, Water Services
Warren Dancer, Water Services

SURPRISE
ARIZONA

PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 4/11/2018 ____ Commercial ____ Commercial w/Offsite X Residential

X COMPLETION ACCEPTANCE (End of Construction) ____ FINAL ACCEPTANCE (End of Warranty)

3/12/2018 Date of Punch-List Walk 4/10/2018 Date Punch-List Completed

FS Number: FS12-351 **Permit Number(s):** E17P-0557,E16P-02400238,0242,0243,0237.0239

Project Name: Zanjero Trails **Project Description (Phase/Parcel):** 2/13C

Project Developer/Builder: (Name, Address, and Phone #)

Hilgart Wilson

2141 E. HighLand Ave 250, Phoenix AZ, 85016

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
183rd Lane	Local	Peoria Ave	Becker Lane	2	1/4	
Becker Lane	Local	184th Drive	183rd Ave	2	1/4	
184th Drive	Local	Becker Lane	Clinton St	2	1/4	
Clinton St	Local	184th Drive	183rd Drive	2	1/4	
183rd Drive	Local	Becker Lane	Clinton St	2	1/4	

MATERIALS:

Asphalt: Vulcan Materials Supplier 2 1/2 Total Lane Miles 15,626 Total Square Yards

Water:	8" PVC	Size/Type	4,924'	Total Linear Feet		Size/Type	Total Linear Feet
		Size/Type		Total Linear Feet		Size/Type	Total Linear Feet
Sewer:	8" PVC	Size/Type	4,373'	Total Linear Feet		Size/Type	Total Linear Feet
		Size/Type		Total Linear Feet		Size/Type	Total Linear Feet
Storm:	30" RGRCP	Size/Type	460'	Total Linear Feet	36" RGRCP	Size/Type	62' Total Linear Feet
		Size/Type		Total Linear Feet		Size/Type	Total Linear Feet
Fire Ln:		Size/Type		Total Linear Feet		Size/Type	Total Linear Feet

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

X Copy of Punch List
N/A Final Certification Letter from Engineer of Record
X Complete Geotechnical Testing Packet
X Sewer Pressure Testing Results
X Sewer Manhole Vacuum Testing Certification
X Sewer Manhole Insecticide Certification
X Sewer Videos with Operators Notes (inc. re-videos)
X AOC
X Asphalt Concrete Ticket w/ Name of Contractor
X Streetlight Energize Letter
X As built Documents (PDF copy on CD)
X As Built Documents in PDF format (copy on CD)
N/A Updated asbuilt CAD base files (copy on CD)
____ Other _____ (Specify)

APPROVAL:

Civil Inspector: _____ **Date:** 4/11/2018

Civil Engineering Supervisor: _____ **Date:** 4/11/18

SURPRISE
ARIZONA

PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 4/11/2018 ____ Commercial ____ Commercial w/Offsite X Residential

X COMPLETION ACCEPTANCE (End of Construction) ____ FINAL ACCEPTANCE (End of Warranty)

3/12/2018 Date of Punch-List Walk 4/10/2018 Date Punch-List Completed

FS Number: FS12-351 **Permit Number(s):** E17P-0557,E16P-02400238,0242,0243,0237.0239

Project Name: Zanjero Trails **Project Description (Phase/Parcel):** 2/13C

Project Developer/Builder: (Name, Address, and Phone #)

Hilgart Wilson

2141 E. HighLand Ave 250, Phoenix AZ, 85016

MAG TIP Reporting:

Street Name	Classification	Begin Limits	End Limits	# Lanes	Length to nearest ¼ mi.	Features
183rd Lane	Local	Peoria Ave	Becker Lane	2	1/4	
Becker Lane	Local	184th Drive	183rd Ave	2	1/4	
184th Drive	Local	Becker Lane	Clinton St	2	1/4	
Clinton St	Local	184th Drive	183rd Drive	2	1/4	
183rd Drive	Local	Becker Lane	Clinton St	2	1/4	

MATERIALS:

Asphalt: Vulcan Materials Supplier 2 1/2 Total Lane Miles 15,626 Total Square Yards

Water: 8" PVC Size/Type 4,924' Total Linear Feet ____ Size/Type ____ Total Linear Feet

____ Size/Type ____ Total Linear Feet ____ Size/Type ____ Total Linear Feet

Sewer: 8" PVC Size/Type 4,373' Total Linear Feet ____ Size/Type ____ Total Linear Feet

____ Size/Type ____ Total Linear Feet ____ Size/Type ____ Total Linear Feet

Storm: 30" RGRCP Size/Type 460' Total Linear Feet 36" RGRCP Size/Type 62' Total Linear Feet

____ Size/Type ____ Total Linear Feet ____ Size/Type ____ Total Linear Feet

Fire Ln: ____ Size/Type ____ Total Linear Feet ____ Size/Type ____ Total Linear Feet

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

X Copy of Punch List

N/A Final Certification Letter from Engineer of Record

X Complete Geotechnical Testing Packet

X Sewer Pressure Testing Results

X Sewer Manhole Vacuum Testing Certification

X Sewer Manhole Insecticide Certification

X Sewer Videos with Operators Notes (inc. re-videos)

X AOC

X Asphalt Concrete Ticket w/ Name of Contractor

X Streetlight Energize Letter

X As built Documents (PDF copy on CD)

X As Built Documents in PDF format (copy on CD)

N/A Updated asbuilt CAD base files (copy on CD)

____ Other ____ (Specify)

APPROVAL:

Civil Inspector: ____ **Date:** 4/11/2018

Civil Engineering Supervisor: ____ **Date:** ____

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action on the minutes of the Special Joint City Council/Planning and Zoning Commission Meeting of May 14, 2018; the Regular City Council Work Session, Regular City Council Meeting and Executive Session of May 15, 2018 and the Special City Council Meeting of May 22, 2018.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- ☐ May 14 Joint Mtg
- ☐ May 15 WKS
- ☐ May 15 REG
- ☐ May 22 Special

CITY OF SURPRISE

Joint City Council and Planning & Zoning Commission Meeting
16000 North Civic Center Plaza
Surprise, AZ 85374

Monday, May 14, 2018 @ 6:00PM

Call To Order

Roll Call

Vice Mayor Remley called the Special Joint Meeting to order at 06:00 p.m. at Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374, on Monday, May 14, 2018. Also in attendance with Vice Mayor Remley were Council Members Winters, Hayden, Tande, Duffy and Hall. Planning and Zoning: Chair Chapman, Vice Chair Rosenbaum and Commissioners: Keating, Bash and Norberg. Excused were; Mayor Wolcott and Commissioners Cultum and Smith.

Staff Present:

City Manager, Bob Wingenroth, City Attorney, Robert Wingo, Attorney Ellen Van Riper and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Special Meeting Agenda: Agenda Item:

1. Presentation and Discussion of general fund revenue generated by development type - NO ACTION

City Manager Wingenroth thanked all members for being present. He gave a brief background.

Council Member Hall - It is evident that we are playing catch up, at least since 2000 when we had this tremendous growth, and is based off of the census. We need to figure out how to catch up faster.

Commissioner Keating - Intergovernmental services funds, can you expand on this and how does it impact the people who live and work here?

Finance Director Duncan - State shared sales tax, of the amount that goes to the State is distributed with cities and towns based on population. Also, State shared income tax, we receive a portion of that as well. We are more reliant on that source.

Commissioner Keating - Why is it more compared to other cities?

Ms. Duncan - Referenced the pie chart slide labeled Average vs. Surprise.

Vice Chair Rosenbaum - Difficult to compare with cities due to size. Is there any way this can be figured into this? Commercial development, the bottom dropped out of everything. Prasada was supposed to be one of our major projects. Getting more residential over commercial.

Vice Mayor Remley - Bridge completion last year, we had an impact on retail sales.

Council Member Tande - Referred to Surprise Restaurants and Retail, comparison of Surprise vs. Glendale, seeing some good trends picking up even during slow times.

Council Member Hall - I really think the 303 has really impacted Surprise vs. Bell/Grand, auto sales are a huge increase in real dollars. If we didn't have the 303, we wouldn't see this. With Toll Brothers coming in, the retail will follow quickly.

Chair Chapman - What impact is online shopping, do we get tax revenue?

City Manager, Wingenroth - Yes online is a piece of the $128M and is growing. We do see some online revenue, and there is a sales tax on each purchase.

Council Member Hall - The last leakage report I looked at is a huge leakage in gasoline. We need to really look at this report in detail, and furniture, household goods, the residents are leaving Surprise to shop.

Council Member Duffy - As far as online shopping goes, it effects every City but I agree the 303 is it. With the 303 and Toll Brothers, this area is ready to go. Agreed, it is time to play catch up.

2. Presentation and discussion on the use of Community Facilities Districts (CFD) including updates to the City's policies and procedures for the establishment of such districts - NO ACTION

City Manager Wingenroth opened the presentation commenting to Council and Planning & Zoning Commission with the up rise in growth and new developments, this is a really good time to discuss Community
Facilities Districts.

Mr. Wingenroth introduced Finance Director, Lindsey Duncan to proceed with the powerpoint presentation.

Handouts were issued to each member that addressed Revenues by Development.

Vice Mayor Remley - Retail gap reduced dramatically? What was the reason for this? A number of home base3d businesses, adding retailers in the City, many ribbon cuttings and this is what we are focusing on.

Attorney, Ellen Van Riper discussed the policies and procedures and changes to the law regarding CFD's.

Procedure Changes Under Consideration. The application process is outlined on the graph.

Commissioner Norberg - It says it's going to City Council, does it ever go to the Planning & Zoning Commission?

No it does not, however, the actual planning component will go to P&Z.

Attorney Van Riper continued with Procedure Changes under Consideration.

Vice Mayor Remley - Can Council say No?

Commissioner Chapman - Application in terms of qualifying for financing for a bond, will this come before the Council prior to them making a decision?

Ms. Duncan, this is part of the application process to vet an analysis.

Continuing on with the presentation, the issue of CFD Board was discussed. The change will be that the Mayor and Council will serve as the Board, but the addition of two members designated by largest landowners in district appointed by Council upon completion of all CFD development.

Council Member Tande - We have certain requirements for developers in City Code, my sense is a lot of the things on the list is what we require anyway. We don't have to give up our rights, could we have a policy that we also have a right to stand firm?

Attorney Van Riper - We can't require above and beyond what we normally require. We can't force them to do it per say.

Chair Chapman - Will the City still be able to collect impact fees?

Ms. Duncan - yes.

Vice Mayor Remley - My water and sewer lines that come to my house and provided by the City, why would this be part of a CFD?

Attorney Van Riper - This is what we are looking for tonight, what do we want in our policy.

Council Member Hall - This is mandated by state law, we can't just create a policy that doesn't follow the law. I have visited the sales office at Marley Park and there was no mention of the CFD.

Commissioner Bash - Rooftops drive retail, retail drives economic development, with the flood gate open, can the City out strip itself and assume the maintenance of the infrastructure? City staff standpoint, a laborious issue, will we need to add City staff?

Vice Mayor Remley - Taking a big step forward in 5 to 10 years, if the Council served as the Board of the CFD meetings, could be a 12 hour meeting.

Ms. Duncan - Part of the administrative charges help defray the cost of staff time, we would need to take a look at additional staff to maintain the districts.

Council Member Hall - Was anyone at the legislature giving a Cityside of CFD's?

Ms. Duncan - Yes we were down there along with the League of Cities and Towns, difficult thing to do to lobby.

Ms. Duncan - Additional insurance and indemnification required withe new changes, increased disclosure for prospective property owners. Develop representative must attend HOA meetings.

CD Director, Eric Fitzer - Discussed proposed qualified projects for CFD's. Targeted economic development that generates signature retail expansion; capital investment in advancement of quality employment; significant positive impact to the quality of community life.

Mr. Fitzer discussed Next Steps.

Ms. Duncan - Asked for Council and P&Z Commission comments and feedback.

Council Member Tande - On the list of targeted projects, office buildings are tough to get approved through finance, is this something we can include?

Employment and office buildings.

Commissioner Keating - CFD's increasing? Any idea why we are getting more of our fair share? Market in Surprise and price of land?

Commissioner Keating - Will this affect the decision of developers to build in Surprise if they cannot get the CFD to pass in Surprise?

Commissioner Keating - Does the Mayor and Council have a limited ability to say no to CFD's?

Commissioner Keating - Is this a way for developers to pay for amenities?

Commissioner Norberg - Possibly limit the number of CFD's so we are not inundated? Would there be cause to say no?

Commissioner Norberg - Can the wording of property tax be added as an explanation of what a CFD is?

Commissioner Norberg - I have experience with CFD's from California, they can be a problem with resale. Need to make sure they are clearly aware of what they are buying.

Chair Chapman - Glad to be a part of this, to develop policy. The best thing that we can do is what we are doing, trying to clarify what will work best for the development of our City. Disclosure statements are a big concern for me. What would be the actual cost to the property owner if they pay cash, versus a CFD for 20 years.

Council Member Winters - I have a lot of difficulty with CFD's, it's a state statute so there is not a lot we can do with this. Concerned with home buyers not being informed. This is another way for the developer to get out of paying for infrastructure.

Council Member Tande - Thanks to staff for requiring a meeting with developer and staff. The application costs are going down, but they are big dollar amount and I think this creates the importance of a clear policy. I would like to have an analysis of what it is going to cost to maintain until the bonds are paid off and the CFD is dissolved. An economic model of what this means to the City. Surprise has a ton of opportunity, I don't view a CFD as an incentive. We can take a look on a case by case basis. Downtown, resorts close to the White Tanks, any place that will make Surprise special.

Council Member Hayden - I don't think they should be able to do CFD's unless it is extra special, not for building roads and infrastructure.

Council Member Hall - Interchange on the 303, that would be a benefit where a CFD would work. Signature retail is another one, I don't want to incentivize CFD's. Focus on employment, Surprise has 22,600 jobs in Surprise, Goodyear has 28,000 and they are half our size. Peoria has 45,000 jobs. If a CFD produces employment and retail and it is good for the City, then I would agree.

Council Member Duffy - Disclosure should be well spelled out on why it is. I don't think we learned our lesson from 2008, going down the same road. We are 7 years in a boom market but how long is this going to last? There is no guarantee, they have to be special and tell me why.

Vice Mayor Remley - I have been very honored to serve as your Chair tonight, this is one of the greatest discussions we have ever had.

Adjournment:

Council Member Hall made the motion to adjourn the Special Meeting of May 14, 2018 at 8:11 PM. Council Member Winters seconded the motion.

_____
Sharon R. Wolcott, Mayor

ATTEST:

_____
Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Special City Council Meeting of **Monday, May 14, 2018.**

_____
Sherry Ann Aguilar, City Clerk, MMC

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

Tuesday, May 15, 2018 @ 4:00PM

Call To Order

Roll Call

Vice Mayor Remley called the Regular City Council Work Session to order at 05:00 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on Tuesday, May 15, 2018. Also in attendance were Council Member Winters, Council Member Hayden, Council Member Duffy, Council Member Tande and Council Member Hall. Mayor Wolcott was excused.

Staff Present:

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

Pledge of Allegiance

Call To The Public:

Regular City Council Work Session Agenda:

1. Presentation and discussion pertaining to the Draft Tourism Five Year Strategic Plan (2018-2023) - NO ACTION

Sports and Tourism Director, Kendra Pettis gave a powerpoint presentation regarding this item. The presentation included the planning process as well as next steps to move forward with the 5 year strategic plan.

4 focus areas
2018-2023 Strategic Plan
Events and Entertainment

Council Member Tande - Rose Festival

Council Member Hall - Timeline for RFP, it's open ended, can you add an timeline on this?

Ms. Pettis - Once Council approves, we can finalize the timeline - 90 to 100 days to get an event on the books within the next year.

Council Member Hall - Smith Travel Research - Hotel revenue since 2012?

Ms. Pettis - from 11 million to 18 million in one year.

Council Member Hall - Would like to see more events at the Tennis Facility. The front desk clerks need to know what is going on in Surprise, they need to have knowledge of all the good places to eat, other activities to go to, they need to sell Surprise. We have a lot of excitement in Surprise, a lot to do here.

Vice Mayor Remley - We have over 200 restaurants here in Surprise, is there a restaurant guide in each of the hotels for guests when they check in? You did a good job with this, how are we going to define the sort term goals, that is my take away from this.

Council Member Tande - Tracking and performance of events at the stadium, a metrics that can be shared with the staff to address issues. I like the idea of a restaurant guide for front desk staff.

Council Member Winters - I see a lot of the Cities surrounding us that advertise on TV what is going on in their Cities, I hardly ever see anything on Surprise. I would like for you to check on this.

Council Member Tande - Our departments work very well together, would like for you to take an opportunity to work with ED, try to attract some of the teams favorite restaurants here. Competing BBQ restaurants, etc., Let's make them feel a little bit more at home.

Council Member Hall - Explain the DMO and how it works?

Ms. Pettis - The City is now a DMO, work with the office of Tourism, receive an overall percentage from overnight stays in the City hotels to use for Tourism events.

Vice Mayor Remley - Has the Tourism Commission been spending the funds that come in for that purpose? Thunderbird Arts event, but we have not been draining that fund each year. Need to look at how we can utilize the funds for future opportunities.

2. Presentation and discussion pertaining to a text amendment to Chapter 42 by adding a new article III, titled Urban Camping - NO ACTION

Seth Dyson gave a powerpoint presentation for this item. Urban Camping text amendment to the City Code. Asking for Council input this evening. Thanked Police Chief Young and the Surprise Police Department for their efforts. Mr. Dyson discussed and highlighted recommended changes. He also introduced the new Community Resources Guide that will have social services listed and will have an online version that will be updated on a regular basis.

Council Member Winters - Yes this is a complex problem, we had 16 homeless last year and 39 this year and it's a growing issue across the region. How many homeless shelters do we have in Surprise?

Mr. Dyson - We do not have any in the City of Surprise, the closest is a home for Women and children in Glendale. Most of the homeless here don't want to go to Mesa, they want to stay here. They also need to be made aware of the services available.

Council Member Winters - Sometimes they're homeless and it is out of their control. It's a serious problem and I hope we can find a solution. I think this is a good ordinance.

Council Member Hall - Good job Seth, you did a great job on this ordinance because it is tricky, but very well done. How long has the Community Resource Guides been online?

Mr. Dyson - For 3 or 4 weeks. Recently had the pamphlet printed. Tons of veteran services in the pamphlet, this is great.

Council Member Tande - I also want to say thank you, I shared the online version and they were very happy. In looking through the draft ordinance, is there a model being used?

Harold Brady - Attended a conference in California, they have created an amended these types of ordinances.

Council Member Tande - I like that the ordinance allows for some discretion, will there be training opportunities?

Chief Young - Great questions, we have been proactive establishing relationships with the homeless living in the City, taking a soft approach to make services available to them. We need to have a tool to balance out our other residents lives. This is the humane thing to do to protect them as well.

Vice Mayor Remley - Almost 9 months ago, I came to you guys to see what we can do about this. At the time, there were no tools or resources. I applaud all of you for the work that you have done, going to Long Beach, CA. for the conference on Homeless, this ordinance will give us more to work with.

Council Member Hayden - Any place here for showers, baths, food that is local?

Mr. Dyson - There are local services available depending on the topic. We do not have showers available here, there are housing and employment services available, local food bank and warm food options St. Vincent DePaul for local services. We have invested funds through social services for these types of services.

Executive Session:

Adjournment:

Council Member Hall made the motion to adjourn the Regular City Council Work Session of May 15, 2018 at 5:58 PM. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

_____
Sharon R. Wolcott, Mayor

ATTEST:

_____
Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Work Session of **Tuesday, May 15, 2018.**

_____
Sherry Ann Aguilar, City Clerk, MMC

CITY OF SURPRISE

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

Tuesday, May 15, 2018 @ 06:14 PM

Call to Order

Roll Call

Vice Mayor Remley called the Regular City Council Meeting to order at 06:14 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on Tuesday, May 15, 2018. Also in attendance were Council Member Winters, Council Member Hayden, Council Member Duffy, Council Member Tande and Council Member Hall. Mayor Wolcott was excused.

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

Pledge of Allegiance

PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

Proclamation acknowledging National Lupus Awareness Month.

City Manager Report:

Recognition of the City Court Explorer Program.

Pledge led by the Surprise Explorer Program.

John Williams and family were in attendance.

Vice-Mayor Remley read aloud a proclamation recognizing Lupus Awareness Month. The proclamation was given to Melissa Williams and youth council member.

City Manager Wingenroth introduced Judge Dominguez who gave a presentation on the Surprise Explorer Program. This is the 3rd Court Explorer Program. Learned about government, court staff, attorneys and Judges.

China Dennington, Court Explorer gave a statement on her experience as an explorer. Field trip to the Arizona Supreme Court.

City Attorney Report:

City Clerk Report:

The City Clerk will give an update on the May 15th Special Election for Circle City Water.

Call To The Public:

Linda Cabrera, garden coordinator for Benevilla Community Garden. Encouraging residents to participate with the community garden. Also highlighted statistics for the garden and various projects taking place.

Regular City Council Meeting Agenda:

1. Consideration and action pertaining to approval of an amendment to the FY2018 budget by reallocating appropriations of $7,800 from contingency within the Grants Fund for acceptance of a grant award change order from the Arizona Governor's Office of Highway Safety, STEP Enforcement Campaign; Resolution #2018-70 - APPROVED

2. Consideration and action pertaining to approval of a final plat entitled, "Re-plat of Lot 6e of Bell & Dysart Commerce Center" dated April 3, 2018, to allow for a new Vehicle Service – Major Repair facility for Service King generally located north of Bell Road and east of Dysart Road - APPROVED

3. Consideration and action pertaining to approval of the final plat entitled, "Murano at Desert Oasis" dated April 9, 2018, to modify the lot lines of Parcel L7 and L8 to conform to the zoning land use designations of Parcels L7 and L8 of the Desert Oasis at Surprise PAD located on the Northwest corner of Jomax Road and 171st Avenue - APPROVED

Council Member Winters removed #3 consent agenda.

Community Development Director, Eric Fitzer gave an overview of this item.

Council Member Winters - Dollar General Store, lot of phone calls about this. The site plan has already been approved for Dollar General.

Council Member Winters made the motion to approve the final plat for Murano at Desert Oasis. Council Member Tande seconded the motion. Six yes votes, one excused (Wolcott), motion carried.

4. Consideration and action pertaining to approval of the Right of Way Agreement between the Arizona State Land Department and The City of Surprise; Resolution #2018-72 - APPROVED

Council Member Winters removed #4 from consent.

Mr. Fitzer gave a brief presentation on this item.

Council Member Winters - Thank you for the explanation on this item. Confused about the right of way issue.

Council Member Winters made the motion to approve Resolution 2018-12. Council Member Duffy seconded the motion. Six yes votes, one excused (Wolcott), motion carried.

5. Consideration and action pertaining to approval of an amendment to the FY2018 Budget by reallocating appropriations of $20,000 from Contingency to Services within the Tourism Fund and authorizing a resort feasibility study in an amount not to exceed $20,000 as recommended by the Tourism Advisory Commission; Resolution #2018-73 - APPROVED

Council Member Hall removed item #5 for discussion.

Council Member Hall - asked for the scope of work and we hope to achieve for results. What is the projected timeline? Would like to see a report within 8 weeks after the RFP process.

Vice Mayor Remley - How did you come up with the $20,000. dollar amount?

Council Member Hall - Funded out of the Tourism fund.

Council Member Winters - I think a resort at the White Tanks Mountain would be fantastic.

Council Member Tande - Also like white tanks resort and 303 development.

Council Member Hall - Doesn't the County want a north entrance into the park?

Council Member Hall made the motion to approve Resolution 2018-73. Council Member Tande seconded the motion. Six yes votes, one excused (Wolcott), motion carried.

6. Consideration and action on the minutes of the Regular City Council Work Session and Regular City Council Meeting of May 1, 2018 - APPROVED

7. Consideration and action on a renewal license for Turf Paradise Off-track Parimutuel Wagering License for Brookside II Sports Bar & Grille located at 15170 W. Bell Road, Suite 115, Surprise, AZ 85374 for the term of June 1, 2018 through May 31, 2021 - APPROVED

8. Consideration and action on a renewal license for Off-track Parimutuel Wagering License for Runner's Sports Bar located at 12751 W. Bell Road, Surprise, AZ 85378 for the term of June 1, 2018 through May 31, 2021 - APPROVED

9. Consideration and action on a request by Nicholas Guttilla (Agent) for an Interim Permit/Person Transfer/Corporation for Safeway #977 (Also known as Albertson's) located at 14551 W. Grand Avenue, Surprise, AZ 85374 (License #09070567) - CONTINUED TO JUNE 19, 2018 COUNCIL MEETING

Regular Agenda Item - Non-Public Hearing:

10. Presentation and discussion pertaining to the FY2018 Financial Status Report through February 2018 – NO ACTION

Finance Director, Lindsey Duncan gave status report on this item. There is no action to be taken.

Vice Mayor Remley - Great job, not only is the money coming in, but on track with spending. I am very impressed.

Other Business and Future Agenda Items:

Mayor/Council Reports:

Council Member Winters - Assisted Living, new gated community located near Sam's Club; Attended Safety Day at the aquatic Center; Economic update at WESTMEC in Glendale. Reminder for tomorrow night, Gail Pletnick retirement party at School District office.

Council Member Hayden - National Day of Prayer at City hall was wonderful; attended WESTMEC, attended safety day at the Aquatic Center; tour of ED department, love the Techcelerator, Beehive. Joint meeting with Planning & Zoning Commission for CFD'

Council Member Duffy - Aquatic Safety Day, great time; Sarah Ann Ranch movie event over 300 attended; First pitch is right now, Al??? good luck fellows; car seat installation event.

Council Member Hall - Attended Art exhibit; STEAM night at Kingswood Elementary; attended bike rodeo at Kohl's parking lot with obstacle course; Car seat installation;

Council Member Tande - Quick count of heavy equipment in District 6, lots of construction going on right now, Marley Park major projects. Retail Survey tracking top 10 restaurants, Techcelerator growing our own companies;

Vice Mayor Remley - Attended Day of Service last Saturday; cleaned up some properties and couldn't help but feel really good about our City; attended the Community

Garden; thanked staff for their efforts on the sign ordinance, other cities are going to use or ordinance as a model. Vice Mayor Remley recognized his daughter Candy that came in from Tennessee to wish her mother a happy birthday.

Executive Session:

11. Consideration and action to enter into executive session for legal advice and discussion or consultation with the City Attorney pertaining to the Circle City Water acquisition pursuant to A.R.S. 38-431.03(A)(3).

Adjournment:

Council Member Hall made the motion to adjourn the Regular City Council Meeting of May 15, 2018 at 7:50 PM. Council Member Tande seconded the motion. Six yes votes, one excused (Wolcott), motion carried.

_____
Sharon R. Wolcott, Mayor

ATTEST:

_____
Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, May 15, 2018.**

_____
Sherry Ann Aguilar, City Clerk, MMC

CITY OF SURPRISE

Special City Council Meeting - May 22, 2018
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, May 22, 2018 @ 4:30PM

Call to Order

Roll Call

Mayor Wolcott called the Special City Council Meeting to order at 04:35 p.m. at Surprise City Hall Community Room, 16000 North Civic Center Plaza Surprise, Arizona 85374, on Tuesday, May 22, 2018. Also in attendance with Mayor Wolcott were Vice Mayor Remley, Council Member Winters, Council Member Hayden, Council Member Duffy, Council Member Tande, and Council Member Hall.

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

Pledge of Allegiance

Call to the Public:

Kathryn Cloonan and Timothy Cloonan

Special City Council Meeting Agenda:

1. Consideration and action pertaining to canvassing election results for the Circle City Water Company utilities acquisition ballot issue; Resolution # 2018-77 - APPROVED

Council Member Tande made the motion to approve Resolution 2018-77. Council Member Hall seconded the motion. Seven yes votes, motion carried.

2. Consideration and action pertaining to authorizing the acquisition, through the exercise of the power of eminent domain, of the water utility systems and tangible and intangible utility assets located within and without the boundaries of the City of Surprise of Circle City Water Company, L.L.C.; authorizing all necessary acts to accomplish said acquisition, including but not limited to initiating litigation; and declaring an emergency; Resolution # 2018-83- APPROVED

Council Member Hall made the motion to approve Resolution 2018-83. Council Member Tande seconded the motion. Seven yes votes, motion carried.

Executive Session

Adjournment

Council Member Hall made the motion to adjourn the Special City Council Meeting of May 22, 2018 at 4:42 PM. Council Member Winters seconded the motion. Seven yes votes, motion carried.

_____
Sharon R. Wolcott, Mayor

ATTEST:

_____
Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, May 22, 2018.**

_____
Sherry Ann Aguilar, City Clerk, MMC

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Sherry Ann Aguilar
Submitting Department:		District:	5
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action on a request by John Cosmas (Owner/Agent) for an Interim permit/New License with Growler Privileges for Boots and Bourbon located at 14051 W. Grand Avenue, Surprise, AZ 85374 (Series 12 - License 20064).

Motion:

I move to approve a request by John Cosmas (Owner/Agent) for an Interim permit/New License with Growler Privileges for Boots and Bourbon located at 14051 W. Grand Avenue, Surprise, AZ85374 (Series 12 - License 20064).

Background:

There are no concerns or issues with this request.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- Dept. Reports

2018-11 C.A.

'18 APR 30 Liq. Lic. PM12:10

DLLC USE ONLY

License #	20064
Date Accepted:	4/30/18
CSR:	

IP: 20066

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Application for Liquor License
Type or Print with Black Ink

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE
A service fee of $25 will be charged for all dishonored checks (A.R.S. § 44-6852)

SECTION 1 Type of License

- [X] Interim Permit
- [X] New License
- [ ] Person Transfer (series 6, 7 and 9)
- [ ] Location Transfer (series 6, 7 and 9)
- [ ] Probate/ Will Assignment/ Divorce Decree (No Fees)
- [ ] Seasonal

SECTION 2 Type of Ownership

- [ ] J.T.W.R.O.S.
- [X] Individual
- [ ] Partnership
- [ ] Corporation
- [ ] Limited Liability Co
- [ ] Club
- [ ] Government
- [ ] Trust
- [ ] Tribe
- [ ] Other (Explain) _____

SECTION 3 Type of Privilege

- [ ] Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application) A.R.S.§4-206.01(G), (H), (I) & (L)
- [X] Add Growler privileges (restaurant, series 12, license only. 300-foot restriction applies) A.R.S.§4-207(A) & (B)

1.Type of License (Series of license): Series 12 2. LICENSE # 20064

SECTION 4 Applicants

1. Agent's Name: Cosmas (Last) John (First) _____ (Middle)
2. Individual/Owner Name: John Cosmas (Ownership name for type of ownership checked in section 2)
3. Business Name (Doing Business As-DBA): ~~Johnny's Grill~~ Boots and Bourbon
4. Business Location Address: 14051 W Grand Ave (Street) Surprise (City), AZ (State) 85374 (Zip Code) Maricopa (County) (Do not use PO Box)
5. Mailing Address: 14051 W Grand Ave (Street) Surprise (City), AZ (State) 85374 (Zip Code) (All correspondence will be mailed to this address)
6. Business Phone: (623) 584-5957 Daytime Contact Phone: (623) 687-4545
7. Email Address. _____
8. Is the Business located within the incorporated limits of the above city or town? [X] Yes [ ] No
   If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? _____
9. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only) $ 0

Department Use Only

Fees:				$
Application	Interim Permit	Site Inspection	Finger Prints	Total of All Fees

Individuals requiring ADA accommodations please call (602)542-2999

SECTION 5 Interim Permit

If you intend to operate business while the application is pending, you will need an interim permit pursuant to A.R.S.§4-203.01. For approval of an interim permit:

- There **must** be a valid license of the same series issued to the current location you are applying for, **OR**
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S.§4-203.01(A)

1. Enter license number currently at the location: 12070917

2. Is the license currently in use? ☒ Yes ☐ No If no, how long has it been out of use? ✓

NOTARY

KEIHALA

I (Print Full Name) THOMAS SCHOENKE hereby declare that I am the Agent, Current Owner, or Controlling Person on the stated license and location.

Signature: _____ State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

My Commission Expires on: _____ 30 Day of April 2018

Day Month Year

OFFICIAL SEAL
JENAKA LYNN WAGNER
NOTARY PUBLIC - State of Arizona
MARICOPA COUNTY
My Comm. Expires February 21, 2021

Signature of Notary

SECTION 6 Background Check

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.

1. If the applicant is an entity, and not an individual, answer questions 1a-b.

a) Date Incorporated/Organized: _____ State where Incorporated/Organized: _____

b) AZ Corporation or AZ L.L.C. File No: _____ Date authorized to do business in AZ: _____

2. List any individual or entity that owns a beneficial interest of 10% or more and/or controls the applicant or licensee. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed. Disclose all controlling persons and members, shareholders or general partners who own a beneficial interest of 10% or more of the applicant or licensee.

Last	First	Middle	Title	%Owned	Mailing Address	City	State	Zip
COSMAS	JOHN		OWNER	100	17529 W. Voltaire			
						Surprise	AZ	
							85388	

(Attach additional sheet if necessary)

SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license A.R.S.§4-204

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.

1. Current Licensee's Name: _____
(Exactly as it appears on the license) Last First Middle

2. Assignee's Name: _____
Last First Middle

3. License Number: _____

ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.

Individuals requiring ADA accommodations please call (602)542-2999

SURPRISE
ARIZONA

COMMUNITY DEVELOPMENT DEPARTMENT

Date: May 9, 2018

To: Sherry Aguilar, City Clerk

From: Eric Fitzer, Community Development Director
By: James Stewart, Zoning Specialist

Re: Liquor License Application for:

Boots and Bourbon Bar & Grill
Interim Permit/New License/Individual – Series 12 License #20064
14051 W. Grand Avenue, Surprise, Arizona 85374

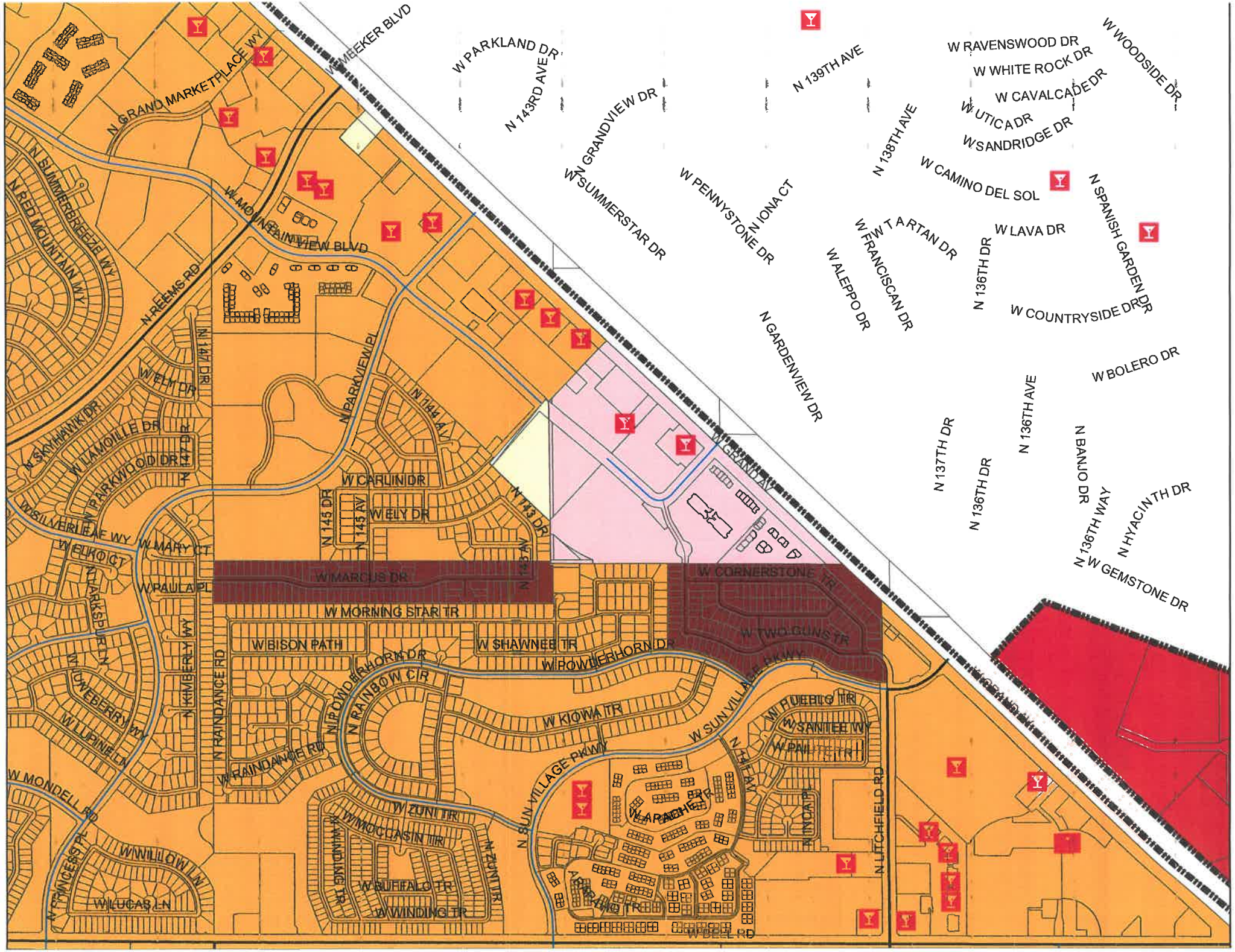
The number and series of licenses in close proximity to the subject site are:

1. Fuzzy's Sports Bar & Grill (Series 12) – 18795 N. Reems Rd. #107 - 109
2. China City Super Buffet (Series 12) – 18885 N. Reems Rd. #101 (EXPIRED)
3. Safeway #1520 (Series 9) – 14505 W. Grand Avenue (EXPIRED)
4. Chevron Food Mart (Series 10) – 14445 W. Grand Avenue
5. Outback Steakhouse #0323 (Series 12) – 14225 W. Grand Avenue
6. Texas Roadhouse (Series 12) – 14175 W. Grand Avenue
7. Trader Joe's #92 (Series 10) – 14095 W. Grand Avenue
8. Quik Trip #410 (Series 10) – 14007 W. Grand Avenue
9. Wal-Mart Supercenter #2777 (Series 9) – 13770 W. Bell Road
10. Applebee's (Series 12) – 13756 W. Bell Road
11. Streets of New York #23 (Series 12) – 13736 W. Bell Road #4
12. Tom Yum Thai Restaurant (Series 12) – 13736 W. Bell Road #2
13. Rubio's Restaurant # 102 (Series 12) – 13736 W Bell Rd. # 2 (EXPIRED)
14. Caramba Fresh Mexican Food (Series 12) – 17239 N. Litchfield Road
15. China Buffet #17119 (Series 12) – 17119 N. Litchfield Road #20
16. Mike's Kitchen (Series 12) – 17221 N. Litchfield Road #50 (EXPIRED)
17. Uni Sushi & Steak (Series 12) – 17191 N. Litchfield Rd. # 20
18. Buffalo Wild Wings Grill & Bar (Series 12) – 13882 W. Bell Road
19. Circle K Store # 2741641 (Series 10) – 13908 W. Bell Road
20. New York Pizza Dept (Series 12) – 13980 W. Bell Road
21. El Tepeyac Cafe (Series 12) – 17300 N. Sun Village Parkway #D
22. Sun Village Community Association (Series 14) – 17300 N Sun Village Pkwy. # A
23. Ray's Pizza (Series 12) – 14545 W. Grand Avenue
24. Safeway #977 (Series 9) – 14551 W. Grand Avenue
25. Hampton Inn & Suites (Series 7) – 14783 W. Grand Avenue
26. The Colonnade (Series 12) – 19116 N. Colonnade Way
27. Circle K Store #1712 (Series 10) – 14559 W. Grand Avenue

The immediate area is composed of commercial establishments. The property is zoned CC, 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.


W PARKLAND DR
N 143RD AVE
N GRANDVIEW DR
W SUMMERSTAR DR
W PENNYSTONE DR
N IONA CT
N 139TH AVE
N 138TH AVE
W RAVENSWOOD DR
W WHITE ROCK DR
W CAVALCADE DR
W UTICA DR
W SANDRIDGE DR
W WOODSIDE DR
W CAMINO DEL SOL
N SPANISH GARDEN DR
W LAVA DR
W TARTAN DR
W FRANCISCAN DR
W ALEPPO DR
N 136TH DR
W COUNTRYSIDE DR
N GARDENVIEW DR
W BOLERO DR
N 137TH DR
N 136TH AVE
N BANJO DR
N 136TH WAY
N HYACINTH DR
W GEMSTONE DR
W MEEKER BLVD
N GRAND MARKETPLACE WY
N SUMMERBREEZE WY
N RED MOUNTAIN WY
W MOUNTAIN VIEW BLVD
N REEMS RD
N 147 DR
W ELM DR
N SKYHAWK DR
W LAMOILLE DR
W PARKWOOD DR
N 147 PL
W SILVERLEAF WY
W ELK CT
W MARY CT
W PAULA PL
N PARKVIEW PL
N 144 AV
W CARLIN DR
W ELY DR
N 145 DR
N 145 AV
N 145 AV
N 143 DR
W GRAND AV
W MARCUS DR
W MORNING STAR TR
W CORNERSTONE TR
W TWO GUNS TR
W BISON PATH
W SHAWNEE TR
W POWDERHORN DR
N POWDERHORN DR
N RAINBOW CIR
W KIOWA TR
W SUN VILLAGE PKWY
W HUEBLO TR
W SANTEE WY
W PAWNEE TR
N KIMBERLY WY
N RAINDANCE RD
W RAINDANCE RD
N WEBERRY WY
W LUPINE LN
W MONDELL RD
N SUN VILLAGE PKWY
W ZUNI TR
W MOCCASIN TR
N ZUNI TR
W WINDING TR
W BUFFALO TR
W WINDING TR
W WILLOW LN
W LUCAS LN
W BEEL RD
N LITCHFIELD RD

SURPRISE
ARIZONA

MEMO

Date: 05/11/2018

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

RE: Liquor License Application – Boots & Bourbon Bar & Grill

Business License Status:

License #1020690, current and valid for 2018.

SURPRISE
ARIZONA

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

May 16, 2018

To: Sherry Ann Aguilar

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Boots and Bourbon
14051 W Grand Ave
Surprise, AZ 85374

On May 11, 2018, we conducted a fire inspection for a liquor license application at the above referenced location to ensure compliance with the applicable fire codes within the tenant space.

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

Therefore we have no comment on the application at this time.

If you have any questions feel free to contact me.

Keith Tanner

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

SURPRISE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION REVIEW

REFERENCE: May 17, 2018

License Number #20064 (Growler Privileges)
Interim Permit/New license/Individual - Series 12
Liquor License on Premises: 1207A917

APPLICANT:

Boots and Bourbon
14051 W. Grand Avenue
Surprise, Arizona 85374

FINDINGS:

1) **Evidence concerning the nature of the proposed business, its potential market and its likely customers.**
Boots and Bourbon Bar & Grill is a full service restaurant specializing in American cuisine with a capacity of 150 persons, including 50 in the designated bar area. Boots and Bourbon has 15 TV's for entertainment. The potential customers should be for residents of all ages from Surprise and the greater northwest valley.

2) **Effect of vehicular traffic in close proximity.**
There should be no effect on traffic with this change.

3) **The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at lest 20 days before the hearing.**
In the last five years there have been a total of (3) thefts, (2) assaults, (1) burglary of the premises, and (1) vehicle burglary from the parking lot.

4) **Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.**
Boots and Bourbon is open until 8 PM on most nights, with the exception of weekends, when it stays open until 10 PM.

5) **Appropriateness of series license requested.**
Series 12 licenses is applicable for the Boots and Bourbon.

Submitted by Officer C. E. Tovar #2059

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	4
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action to approve a request by Kim Kwiatkowski (Agent), for a New License/Interim Permit/Corporation for Circle-K Store #2741712 located at 14559 W. Grand Avenue, Surprise, AZ. 85378 (Series 10 - License #19687).

Motion:

I move to approve a request by Kim Kwiatkowski (Agent), for a New License/Interim Permit/Corporation for Circle-K Store #2741712 located at 14559 W. Grand Avenue, Surprise, AZ. 85378 (Series 10 - License #19687).

Background:

There are no concerns or issues with this request.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- Circle K 2741712

2018-08

JP # 19689

DLLC USE ONLY

License #	19687
Date Accepted:	08-24-18
CSR:	JB

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Application for Liquor License
Type or Print with Black Ink

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE
A service fee of $25 will be charged for all dishonored checks (A.R.S. § 44-6852)

SECTION 1 Type of License

- ☑ Interim Permit
- ☑ New License
- ☐ Person Transfer (series 6, 7 and 9)
- ☐ Location Transfer (series 6, 7 and 9)
- ☐ Probate/ Will Assignment/ Divorce Decree (No Fees)
- ☐ Seasonal

SECTION 2 Type of Ownership

- ☐ I.T.W.R.O.S.
- ☐ Individual
- ☐ Partnership
- ☑ Corporation
- ☐ Limited Liability Co
- ☐ Club
- ☐ Government
- ☐ Trust
- ☐ Tribe
- ☐ Other (Explain) _____

SECTION 3 Type of Privilege
☐ Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application) A.R.S.§4-206.01(G), (H), (I) & (L)
☐ Add Growler privileges (restaurant, series 12, license only. 300-foot restriction applies) A.R.S.§4-207(A) & (B)

1.Type of License (Series of license): Beer Wine Series 10 2. LICENSE # JOB # 19687

SECTION 4 Applicants

1. Agent's Name: KWIATKOWSKI (Last) KIM (First) KENNETH (Middle)
2. Individual/Owner Name: CIRCLE K STORES INC. (Ownership name for type of ownership checked in section 2)
3. Business Name (Doing Business As-DBA): CIRCLE K STORE # 274 1712
4. Business Location Address: 14559 W Grand Ave (Street) Surprise (City) AZ (State) 85374 (Zip Code) Maricopa (County) (Do not use PO Box)
5. Mailing Address: LICENSING DC-36, PO BOX 52085 (Street) PHOENIX (City) AZ (State) 85072-2085 (Zip Code) (All correspondence will be mailed to this address)
6. Business Phone: (623) 556-1824 Daytime Contact Phone: (602) 728-4783
7. Email Address: _____
8. Is the Business located within the incorporated limits of the above city or town? ☑ Yes ☐ No
   If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? _____
9. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only) $ _____

Department Use Only

Fees:				$
100.00	100.00			200.00
Application	Interim Permit	Site Inspection	Finger Prints	Total of All Fees

Individuals requiring ADA accommodations please call (602)542-2999

SECTION 5 Interim Permit

If you intend to operate business while the application is pending, you will need an interim permit pursuant to A.R.S.§4-203.01. For approval of an interim permit:

- There **must** be a valid license of the same series issued to the current location you are applying for, **OR**
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S.§4-203.01(A)

1. Enter license number currently at the location: 10075633

2. Is the license currently in use? ☑ Yes ☐ No If no, how long has it been out of use? na

NOTARY

I (Print Full Name) Kim Kenneth Kwiatkowski hereby declare that I am the Agent, Current Owner, or Controlling Person on the state license and location.

Signature: _____ State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

My Commission Expires on: 8/8/20 (Date) _____ Day of APR 09 2018 (Day / Month / Year)

LETICIA M. MARTINEZ
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
August 8, 2020

Leticia M. Martinez
Signature of Notary

SECTION 6 Background Check

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.

1. If the applicant is an entity, and not an individual, answer questions 1a-b.

a) Date Incorporated/Organized: 06/08/1951 State where Incorporated/Organized: Texas

b) AZ Corporation or AZ L.L.C. File No: F-0006598-0 Date authorized to do business in AZ: 04/08/1957

2. List any individual or entity that owns a beneficial interest of 10% or more and/or controls the applicant or licensee. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed. Disclose all controlling persons and members, shareholders or general partners who own a beneficial interest of 10% or more of the applicant or licensee.

Last	First	Middle	Title	%Owned	Mailing Address City State Zip
Haxel	Geoffrey	Charles	Pres/Sec/Dir	0	1130 W Warner Rd, Tempe, AZ 85284
Cunnington	Kathleen	K	Treas/VP/Dir	0	1130 W Warner Rd, Tempe, AZ 85284
Lapointe	Francis	(none)	Vice President	0	1130 W Warner Rd, Tempe, AZ 85284
Kwiatkowski	Kim	Kenneth	Asst Secretary	0	1130 W Warner Rd, Tempe, AZ 85284

(Attach additional sheet if necessary)

SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license A.R.S.§4-204

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.

1. Current Licensee's Name: _____
(Exactly as it appears on the license) Last First Middle

2. Assignee's Name: _____
Last First Middle

3. License Number: _____

ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.

SURPRISE
ARIZONA

MEMO

Date: 05/11/2018

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

RE: Liquor License Application – Circle K Store #2741712 – 14559 W Grand Ave

---

Business License Status:

Application packet to be mailed on 5/14/18.

Mailing to:

Circle K Stores Inc
Dba Circle K Store #2741712
Licensing DC-36
PO Box 52085
Phoenix AZ 85072-2085

SURPRISE
ARIZONA

COMMUNITY DEVELOPMENT DEPARTMENT

Date: May 9, 2018

To: Sherry Aguilar, City Clerk

From: Eric Fitzer, Community Development Director
By: James Stewart, Zoning Specialist

Re: Liquor License Application for:

Circle K Store # 2741712
Interim Permit / New License/Corporation – Job # 19687
14559 W. Grand Avenue
Surprise, Arizona 85374

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

1. Hampton Inn & Suites (Series 7) – 14783 W. Grand Avenue
2. The Colonade (Series 12) – 19116 N. Colonade Way
3. Safeway # 977 (Series 9) - 14551 W. Grand Ave.
4. Ray's Pizza (Series 12) – 14545 W. Grand Avenue
5. Fuzzy's Sports Bar & Grill (Series 12) – 18795 N. Reems Rd. #107 - 109
6. China City Super Buffet (Series 12) – 18885 N. Reems Rd. #101 (EXPIRED)
7. Safeway #1520 (Series 9) – 14505 W. Grand Avenue (EXPIRED)
8. Chevron Food Mart (Series 10) – 14445 W. Grand Avenue
9. Outback Steakhouse #0323 (Series 12) – 14225 W. Grand Avenue
10. Texas Roadhouse (Series 12) – 14175 W. Grand Avenue
11. Trader Joe's #92 (Series 10) – 14095 W. Grand Avenue
12. Boots & Bourbon Bar & Grill (Series 12) – 14051 W Grand Avenue
13. Quik Trip #410 (Series 10) – 14007 W. Grand Avenue
14. Crooked Putter Restaurant(Series 12) – 14260 W. Meeker Blvd. (Unincorporated Maricopa County)

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 effect on parking in the area. Staff believes that granting this liquor license will not directly impact the surrounding business and residential areas in a negative way.

W YORKSHIRE DR
N VERONIA WY
N BELLA VISTA ST
W GOLDWATER RIDGE DR
N PALERMO ST N PALERMO ST
N MIRA BELLO RD N MIRA BELLO RD
W CACTUS RIDGE WY
W MOUNTAIN VIEW BLVD W MOUNTAIN VIEW BLVD
W DAYBREAK DR
N SUMMERBREEZE WY
W GOLDWATER RIDGE DR
W MUIRFIELD LN
N DIAMOND DR
N COLONNADE WY N COLONNADE WY
W MOUNTAIN VIEW BLVD
W WOODBURY LN
N SUMMERBREEZE WY N SUMMERBREEZE WY
W MEDINAH WY
N RED MOUNTAIN WY
N DIAMOND DR N DIAMOND DR
W ANGEL BASIN WAY
W GENTLE BREEZE WY
W WALKING STICK WY
N DIAMOND DR
N LA ROSA LN
W DOUBLE TREE WY
W WOODRIDGE DR
N REEMS RD N REEMS RD
N AUSTIN AV
W KINGS DR
N RENO AV
W JACKPOT WY
W SKYHAWK WY
W EUREKA TR
W MELISSA LN
W EUREKA TR
W ELKO DR
W SILVERLEAF WY
W ELKO CT
N SKYHAWK DR
N SKYHAWK DR
W LAMOILLE DR
W LAMOILLE DR
W PARKWOOD DR
N CATHERINE DR
W ELY DR
W CARLIN DR
N 147 DR
N 147 DR
N 147 DR
N KIMBERLY WY
W MARY CT
W PAULA PL
N REEMS RD
W GRAND AV
W GRAND AV
N PARKVIEW PL
N PARKVIEW PL
W PARKWOOD DR
N 144 AV
N 144 AV
W WENDOVER DR
N 145 AV
N 144 AV
W CARLIN DR
W CARLIN DR
N 145 DR
N 145 AV
N 144 DR
W ELY DR
W ELY DR
W ELY DR
N 143 DR
W LAMOILLE DR
W LAMOILLE DR
N 145 AV
N 143 DR
W MARCUS DR
W MARCUS DR
N 144 CIR
W MARCUS DR
N 143 CIR
W MARCUS DR
W MOUNTAIN VIEW BLVD
N WHITE HORSE TR
N DACHTLER DR
W MEEKER BLVD
W MEEKER BLVD
N TR RIDGE DR
W ALEPPO DR
W SUMMERSTAR DR
W PARKLAND DR
N ALOE CT
N 143 AV
N GRANDVIEW DR
W ALEPPO DR
W PENNYSTONE DR
W SUMMERSTAR DR W SUMMERSTAR DR

SURPRISE
ARIZONA

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

May 10, 2018

To: Sherry Ann Aguilar, City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Circle-K Store #2741712
14559 W Grand Avenue
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 are no known fire code violations at this time.

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

If you have any questions feel free to contact me.

Keith Tanner

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

SURPRISE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION REVIEW

REFERENCE: DATE: May 17, 2018

JOB NUMBER- 19687
Interim Permit/New License/Corporation

APPLICANT:
Circle K Store #2741712
14559 W. Grand Avenue
Surprise, Arizona 85374

FINDINGS:

1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Circle K is a full-service convenience market and gas station that primarily serves patrons of all ages from the surrounding communities and general public.

2) ***Effect of vehicular traffic in close proximity.***
The changeover from Valero to Circle K at this location should have no effect on traffic.

3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***
In 2013 after May, there were four beer run thefts. In 2014, there were four beer run thefts and one Domestic Violence Assault at the store. In 2015, there was one beer-run. In 2016 there was one beer run theft and one report of trespassing. In 2017 there was one report of theft, one assault, one fraud incident and one beer run theft.

4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
The proposed business hours of operation is open 24 hours a day. The Albertson's grocery store is open until 11 PM. There is also a nearby McDonalds whose drive thru is open until midnight.

5) ***Appropriateness of series license requested.***
Most convenience stores in Surprise sell beer and wine only. This job report reference the existing series 10 license (10075633) appears appropriate.

Submitted by Officer C. E. Tovar #2059

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	1
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action on a request by Kim Kwiatkowski (Agent), for a New License/Interim Permit/Corporation for Circle-K Store #2741713 located at 16794 W. Bell Road, Surprise, AZ 85378 (Series 10 - License #19690).

Motion:

I move to approve a request by Kim Kwiatkowski (Agent), for a New License/Interim Permit/Corporation for Circle-K Store #2741713 located at 16794 W. Bell Road, Surprise, AZ 85378 (Series 10 - License #19690).

Background:

There are no concerns or issues with this request.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- Circle K 2741713

2018-08

IP # 19692

DLLC USE ONLY

License #	19690
Date Accepted:	04-24-18
CSR:	JB

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Application for Liquor License
Type or Print with Black Ink

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE
A service fee of $25 will be charged for all dishonored checks (A.R.S. § 44-6852)

SECTION 1 Type of License

- ☑ Interim Permit
- ☑ New License
- ☐ Person Transfer (series 6, 7 and 9)
- ☐ Location Transfer (series 6, 7 and 9)
- ☐ Probate/ Will Assignment/ Divorce Decree (No Fees)
- ☐ Seasonal

SECTION 2 Type of Ownership

- ☐ J.T.W.R.O.S.
- ☐ Individual
- ☐ Partnership
- ☑ Corporation
- ☐ Limited Liability Co
- ☐ Club
- ☐ Government
- ☐ Trust
- ☐ Tribe
- ☐ Other (Explain) _____

SECTION 3 Type of Privilege

☐ Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application) A.R.S.§4-206.01(G), (H), (I) & (L)

☐ Add Growler privileges (restaurant, series 12, license only. 300-foot restriction applies) A.R.S.§4-207(A) & (B)

1.Type of License (Series of license): Beer Wine Series 10 2. LICENSE # JDB # 19690

SECTION 4 Applicants

1. Agent's Name: KWIATKOWSKI (Last) KIM (First) KENNETH (Middle)
2. Individual/Owner Name: CIRCLE K STORES INC. (Ownership name for type of ownership checked in section 2)
3. Business Name (Doing Business As-DBA): CIRCLE K STORE # 2741713
4. Business Location Address: 16794 W Bell Rd (Street) Surprise (City) AZ (State) 85374 (Zip Code) Maricopa (County) (Do not use PO Box)
5. Mailing Address: LICENSING DC-36, PO BOX 52085 (Street) PHOENIX (City) AZ (State) 85072-2085 (Zip Code) (All correspondence will be mailed to this address)
6. Business Phone: (623) 556-0946 Daytime Contact Phone: (602) 728-4783
7. Email Addi
8. Is the Business located within the incorporated limits of the above city or town? ☑ Yes ☐ No
   If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? _____
9. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only) $ _____

Department Use Only

Fees:				$
100.00	100.00			200.00
Application	Interim Permit	Site Inspection	Finger Prints	Total of All Fees

Individuals requiring ADA accommodations please call (602)542-2999

SECTION 5 Interim Permit

If you intend to operate business while the application is pending, you will need an interim permit pursuant to A.R.S.§4-203.01. For approval of an interim permit:

- There **must** be a valid license of the same series issued to the current location you are applying for. **OR**
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S.§4-203.01(A)

1. Enter license number currently at the location: 10075636

2. Is the license currently in use? ☑ Yes ☐ No If no, how long has it been out of use? na

NOTARY

I (Print Full Name) Kim Kenneth Kwiatkowski hereby declare that I am the Agent, Current Owner, or Controlling Person on the stated license and location.

Signature: _____ State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

My Commission Expires on: 8/8/20 Date _____ Day of APR 09 2018 Day Month Year

LETICIA M. MARTINEZ
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
August 8, 2020

Leticia M. Martinez
Signature of Notary

SECTION 6 Background Check

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.

1. If the applicant is an entity, and not an individual, answer questions 1a-b.

a) Date Incorporated/Organized: 06/08/1951 State where Incorporated/Organized: Texas

b) AZ Corporation or AZ L.L.C. File No: F-0006598-0 Date authorized to do business in AZ: 04/08/1957

2. List any individual or entity that owns a beneficial interest of 10% or more and/or controls the applicant or licensee. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed. Disclose all controlling persons and members, shareholders or general partners who own a beneficial interest of 10% or more of the applicant or licensee.

Last	First	Middle	Title	%Owned	Mailing Address City State Zip
Haxel	Geoffrey	Charles	Pres/Sec/Dir	0	1130 W Warner Rd, Tempe, AZ 85284
Cunnington	Kathleen	K	Treas/VP/Dir	0	1130 W Warner Rd, Tempe, AZ 85284
Lapointe	Francis	(none)	Vice President	0	1130 W Warner Rd, Tempe, AZ 85284
Kwiatkowski	Kim	Kenneth	Asst Secretary	0	1130 W Warner Rd, Tempe, AZ 85284

(Attach additional sheet if necessary)

SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license A.R.S.§4-204

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.

1. Current Licensee's Name: _____
(Exactly as it appears on the license) Last First Middle

2. Assignee's Name: _____
Last First Middle

3. License Number: _____

ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.

SURPRISE
ARIZONA

MEMO

Date: 05/11/2018

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

RE: Liquor License Application – Circle K Store #2741713 – 16794 W Bell Rd

---

Business License Status:

Application packet to be mailed on 5/14/18.

Mailing to:

Circle K Stores Inc
Dba Circle K Store #2741713
Licensing DC-36
PO Box 52085
Phoenix AZ 85072-2085

SURPRISE
ARIZONA

COMMUNITY DEVELOPMENT DEPARTMENT

Date: May 9, 2018

To: Sherry Aguilar, City Clerk

From: Eric Fitzer, Community Development Director
James Stewart, Zoning Specialist

Re: Liquor License Application for:

Circle K Store # 2741713
Interim Permit/New License/Corporation – Job # 19690
16794 W. Bell Road
Surprise, Arizona 85374

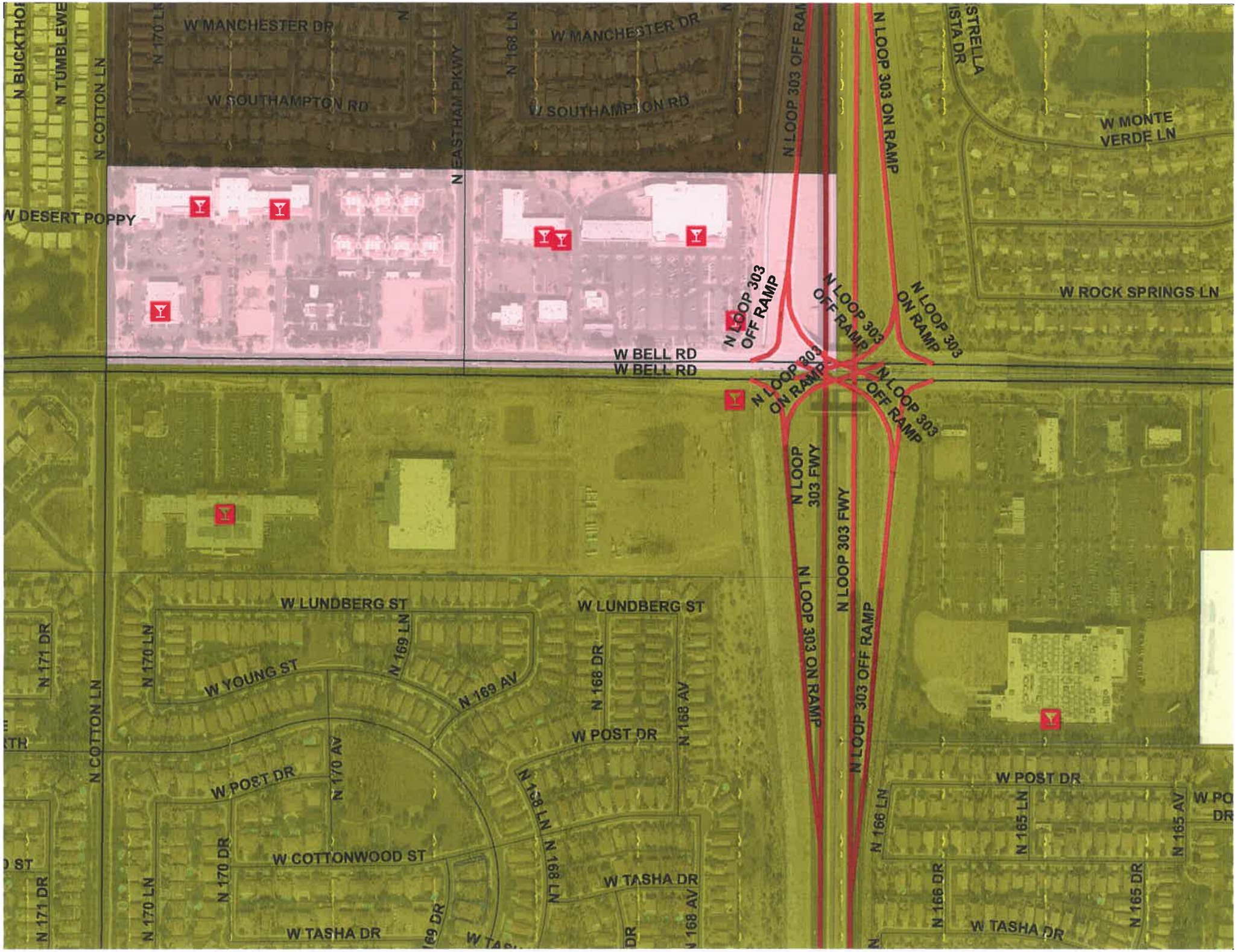
The number and series of licenses in close proximity to the subject site are:

1. Sam's Club #4955 (Series 9) – 16573 W. Bell Rd.
2. Peter Piper Pizza (Series 12) – 16641 W. Bell Rd. (EXPIRED)
3. Winco Foods #127 (Series 9) – 16925 W Bell Rd.
4. Safeway Food & Drug #1997 (Series 9) – 17049 W. Bell Rd.
5. Walgreens #6806 (Series 10) – 17088 W. Bell Rd.
6. Amuse Bouche (Series 12) – 17058 W. Bell Rd. # 104
7. Golden Wei Chinese Cuisine (Series # 12) – 17104 W Bell Rd.
8. Rumor's Sports Bar (Series 6) – 16846 W. Bell Rd.#100
9. Eddie's European Bistro (Series 12) – 16846 W. Bell Rd. #109 (EXPIRED)
10. Coyote Alley (Series 6) – 16846 W. Bell Rd. #100 (EXPIRED)
11. Albertson's #1026 (Series 9) – 16750 W. Bell Rd.
12. Babbo Italian Eatery (Series 12) – 15609 W. Bell Rd.

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

Commercial and residential growth is expected to remain static.

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


W MANCHESTER DR
W MANCHESTER DR
W SOUTHAMPTON RD
W SOUTHAMPTON RD
N 170 LN
N 168 LN
N EASTHAM PKWY
N COTTON LN
N BUCKTHO
N TUMBLEWE
W DESERT POPPY
N LOOP 303 OFF RAMP
N LOOP 303 ON RAMP
N LOOP 303 OFF RAMP
N LOOP 303 ON RAMP
N LOOP 303 OFF RAMP
N LOOP 303 ON RAMP
N LOOP 303 OFF RAMP
N LOOP 303 FWY
N LOOP 303 FWY
N LOOP 303 ON RAMP
N LOOP 303 OFF RAMP
W BELL RD
W BELL RD
W MONTE VERDE LN
W ROCK SPRINGS LN
W LUNDBERG ST
W LUNDBERG ST
W YOUNG ST
N 169 LN
N 169 AV
N 170 LN
N 171 DR
N 168 DR
N 168 AV
W POST DR
W POST DR
N 170 AV
N 168 LN
W COTTONWOOD ST
N 170 DR
W TASHA DR
W TASHA DR
N 166 LN
N 165 LN
N 165 AV
N 166 DR
N 165 DR
W TASHA DR

SURPRISE
ARIZONA

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

May 10, 2018

To: Sherry Ann Aguilar, City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Circle-K Store #2741713
16794 W Grand Avenue
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 are no known fire code violations at this time.

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

If you have any questions feel free to contact me.

Keith Tanner

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

SURPRISE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION REVIEW

REFERENCE: DATE: May 17, 2018

JOB NUMBER- 19690
Interim Permit/New License/Corporation

APPLICANT:
Circle K Store #2741713
16794 W. Bell Road
Surprise, Arizona 85374

FINDINGS:

1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Circle K is a full-service convenience market and gas station that primarily serves patrons of all ages from the surrounding communities and general public.

2) ***Effect of vehicular traffic in close proximity.***
The changeover from Valero to Circle K at this location should have no effect on traffic.

3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***
In 2013 after May, there was one fraud incident. In 2014, there was one beer run theft and one report of fraud. In 2015, there were two beer run thefts and two reports of trespassing/unwanted guests. In 2016 there was one armed robbery of the store and one warrant arrest. The suspects were in the robbery were later apprehended. In 2017 there was four reports of shoplifting and one arrest for disorderly conduct. In 2018, there has been an arrest for possession of drugs.

4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
The business hours of operation is open 24 hours a day. There is a Jack in the Box in the shared parking lot that has a late night drive thru. There is also an O'Reilly's auto store that closes by 10 every day along with a Pizza Hut delivery store who does late night deliveries.

5) ***Appropriateness of series license requested.***
Most convenience stores in Surprise sell beer and wine only. This job report reference the existing series 10 license (10075636) appears appropriate.

Submitted by Officer C. E. Tovar #2059

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	1
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action to approve a request by Kim Kwiatkowski (Agent), for a New License/Interim Permit/Corporation for Circle-K Store #2741641 located at 13908 W. Bell Road, Surprise, AZ. 85378 (Series 10 - License #19684).

Motion:

I move to approve a request by Kim Kwiatkowski (Agent), for a New License/Interim Permit/Corporation for Circle-K Store #2741641 located at 13908 W. Bell Road, Surprise, AZ. 85378 (Series 10 - License #19684).

Background:

There are no concerns or issues with this request.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- Circle K 274164

2018-09

IP #19686

DLLC USE ONLY

License #	19684
Date Accepted:	04-24-18
CSR:	JB

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Application for Liquor License
Type or Print with Black Ink

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE
A service fee of $25 will be charged for all dishonored checks (A.R.S. § 44-6852)

SECTION 1 Type of License

- [x] Interim Permit
- [x] New License
- [ ] Person Transfer (series 6, 7 and 9)
- [ ] Location Transfer (series 6, 7 and 9)
- [ ] Probate/ Will Assignment/ Divorce Decree (No Fees)
- [ ] Seasonal

SECTION 2 Type of Ownership

- [ ] J.T.W.R.O.S.
- [ ] Individual
- [ ] Partnership
- [x] Corporation
- [ ] Limited Liability Co
- [ ] Club
- [ ] Government
- [ ] Trust
- [ ] Tribe
- [ ] Other (Explain) _____

SECTION 3 Type of Privilege

- [ ] Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application) A.R.S.§4-206.01(G), (H), (I) & (L)
- [ ] Add Growler privileges (restaurant, series 12, license only. 300-foot restriction applies) A.R.S.§4-207(A) & (B)

1.Type of License (Series of license): Beer Wine Series 10

2. ~~LICENSE #~~ JOB # 19684

SECTION 4 Applicants

1. Agent's Name: KWIATKOWSKI (Last) KIM (First) KENNETH (Middle)
2. Individual/Owner Name: CIRCLE K STORES INC. (Ownership name for type of ownership checked in section 2)
3. Business Name (Doing Business As-DBA): CIRCLE K STORE #2741641
4. Business Location Address: 13908 W Bell Rd (Street) Surprise (City) AZ (State) 85374 (Zip Code) Maricopa (County) (Do not use PO Box)
5. Mailing Address: LICENSING DC-36, PO BOX 52085 (Street) PHOENIX (City) AZ (State) 85072-2085 (Zip Code) (All correspondence will be mailed to this address)
6. Business Phone: (623) 975-4905 Daytime Contact Phone: (602) 728-4783
7. Email Address: _____
8. Is the Business located within the incorporated limits of the above city or town? [x] Yes [ ] No
   If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? _____
9. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only) $ _____

Department Use Only

Fees:				
100.00	100.00			$ 200.00
Application	Interim Permit	Site Inspection	Finger Prints	Total of All Fees

Individuals requiring ADA accommodations please call (602)542-2999

SECTION 5 Interim Permit

If you intend to operate business while the application is pending, you will need an interim permit pursuant to A.R.S.§4-203.01. For approval of an interim permit:

- There **must** be a valid license of the same series issued to the current location you are applying for, **OR**
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S.§4-203.01(A)

1. Enter license number currently at the location: 10073408

2. Is the license currently in use? ☑ Yes ☐ No If no, how long has it been out of use? na

NOTARY

I (Print Full Name) Kim Kenneth Kwiatkowski hereby declare that I am the Agent, Current Owner, or Controlling Person on the stated license and location.

Signature: _____ State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

My Commission Expires on: 8/8/20 _____ Day of APR 09 2018

Day Month Year

LETICIA M. MARTINEZ
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
August 8, 2020

Leticia M Martinez
Signature of Notary

SECTION 6 Background Check

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.

1. If the applicant is an entity, and not an individual, answer questions 1a-b.

a) Date Incorporated/Organized: 06/08/1951 State where Incorporated/Organized: Texas

b) AZ Corporation or AZ L.L.C. File No: F-0006598-0 Date authorized to do business in AZ: 04/08/1957

2. List any individual or entity that owns a beneficial interest of 10% or more and/or controls the applicant or licensee. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed. Disclose all controlling persons and members, shareholders or general partners who own a beneficial interest of 10% or more of the applicant or licensee.

Last	First	Middle	Title	%Owned	Mailing Address City State Zip
Haxel	Geoffrey	Charles	Pres/Sec/Dir	0	1130 W Warner Rd, Tempe, AZ 85284
Cunnington	Kathleen	K	Treas/VP/Dir	0	1130 W Warner Rd, Tempe, AZ 85284
Lapointe	Francis	(none)	Vice President	0	1130 W Warner Rd, Tempe, AZ 85284
Kwiatkowski	Kim	Kenneth	Asst Secretary	0	1130 W Warner Rd, Tempe, AZ 85284

(Attach additional sheet if necessary)

SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license A.R.S.§4-204

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.

1. Current Licensee's Name: _____
(Exactly as it appears on the license) Last First Middle

2. Assignee's Name: _____
Last First Middle

3. License Number: _____

ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.

SURPRISE
ARIZONA

MEMO

Date: 05/11/2018

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

RE: Liquor License Application – Circle K Store #2741641 – 13908 W Bell Rd

---

Business License Status:

Application packet to be mailed on 5/14/18.

Mailing to:

Circle K Stores Inc
Dba Circle K Store #2741641
Licensing DC-36
PO Box 52085
Phoenix AZ 85072-2085

SURPRISE
ARIZONA

COMMUNITY DEVELOPMENT DEPARTMENT

Date: May 09, 2018

To: Sherry Aguilar, City Clerk

From: Eric Fitzer, Community Development Director
By: James Stewart, Zoning Specialist

Re: Liquor License Application for:

Circle K Store # 2741641
Interim Permit/New License/Corporation – Job # 19684
13908 W. Bell Road, Surprise, Arizona 85374

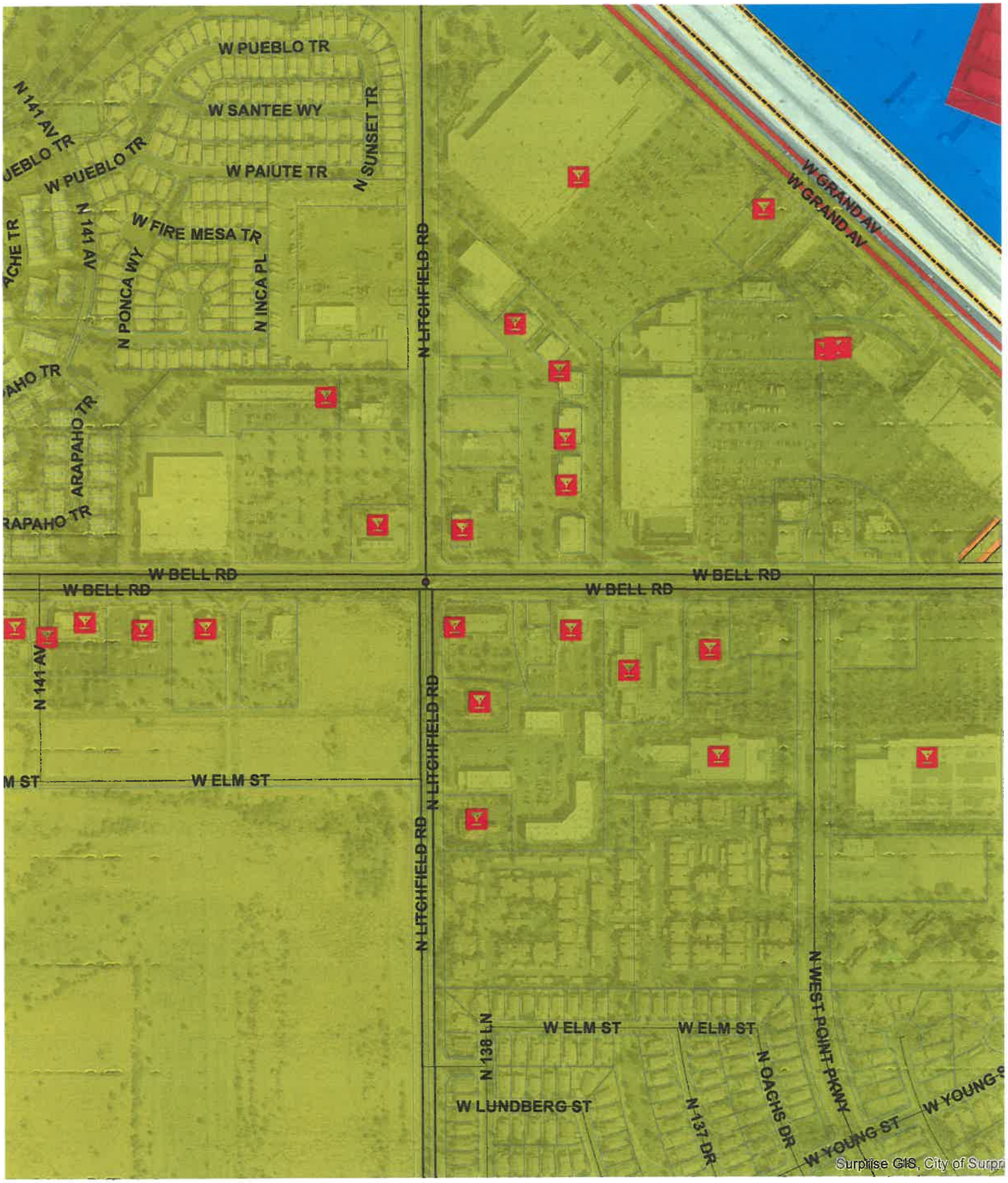
The number and series of licenses in close proximity to the subject site are:

1. Wal-Mart Supercenter #2777 (Series 9) – 13770 W. Bell Rd.
2. Applebee's (Series 12) – 13756 W. Bell Rd.
3. Caramba Fresh Mexican Food (Series 12) – 17239 N. Litchfield Rd.
4. Streets of New York #23 (Series 12) – 13736 W. Bell Rd.
5. Tom Yum (Series 12) – 13736 W. Bell Rd. #2
6. Rubio's Restaurant #102 (Series 12) – 13736 W. Bell Rd. #2
7. China Buffet #17119 (Series 12) – 17119 N. Litchfield Rd. #20
8. Uni Sushi & Steak (Series 12) – 17191 N. Litchfield Rd.
9. Buffalo Wild Wings Grill & Bar (Series 12) – 13882 W. Bell Rd.
10. Target #1335 (Series 10) – 13731 W. Bell Rd.
11. Sprouts Farmers Market # 12 (Series 10) – 13759 W. Bell Rd.
12. Chili's Grill & Bar #1153 (Series 12) – 13765 W. Bell Rd.
13. Cobblestone Auto Spa & Market (Series 10) – 13811 W. Bell Rd.
14. State 48 Brewery (Series 3 &12) – 13823 W. Bell Rd.
15. Irish Wolfhound Restaurant (Series 6) – 16811 N. Litchfield Rd. #102-104
16. Rio Mirage Cafe (Series 12) – 13863 W. Bell Rd.
17. Chipotle Mexican Grill #0898 (Series 12) – 13869 W. Bell Rd. #107
18. Red Robin (Series 12) – 14015 W. Bell Rd.
19. Carrabba's Italian Grill (Series 12) – 14043 W. Bell Rd.
20. Frank-N-Steins (Series 12) – 14071 W. Bell Rd. (Expired)
21. Saigon Kitchen (Series 12) – 14071 W. Bell Rd.
22. Long Horn Steakhouse (Series 12) – 14127 W. Bell Rd.
23. New York Pizza Dept. (Series 12) – 13980 W. Bell Rd.

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.


W PUEBLO TR
W SANTEE WY
W PAIUTE TR
N SUNSET TR
N 141 AV
W PUEBLO TR
W FIRE MESA TR
N 141 AV
N PONCA WY
N INCA PL
N LITCHFIELD RD
W GRAND AV
W GRAND AV
ARAPAHO TR
W BELL RD
W BELL RD
W BELL RD
W BELL RD
N 141 AV
W ELM ST
N LITCHFIELD RD
N LITCHFIELD RD
N 138 LN
W ELM ST
W ELM ST
N WEST POINT PKWY
N OACHS DR
N 137 DR
W LUNDBERG ST
W YOUNG ST
Surprise GIS, City of Surpri

SURPRISE
ARIZONA

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

May 10, 2018

To: Sherry Ann Aguilar, City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Circle-K Store #2741641
13908 W Bell Road
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 are no known fire code violations at this time.

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

If you have any questions feel free to contact me.

Keith Tanner

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

SURPRISE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION REVIEW

REFERENCE: DATE: May 17, 2018

JOB NUMBER- 19684
Interim Permit/New License/Corporation

APPLICANT:
Circle K Store #2741641
13908 W. Bell Road
Surprise, Arizona 85374

FINDINGS:

1) ***Evidence concerning the nature of the proposed business, its potential market and its likely customers.***
Circle K is a full-service convenience market and gas station that primarily serves patrons of all ages from the surrounding communities and general public.

2) ***Effect of vehicular traffic in close proximity.***
The changeover from Valero to Circle K at this location should have no effect on traffic.

3) ***The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.***
In 2013 after May, there were four beer run thefts. In 2014, there were two beer run thefts, one report of fraud, one trespassing incident and one shoplifting. In 2015, there was one reported shoplifting, one report of fraud, one drugs call, one robbery and four beer run thefts. In 2016 there was one assault, one drug incident, two calls for intoxicated subjects, one robbery a, one shoplifting and six beer run thefts. In 2017 there was one report of fraud, one intoxicated person, one robbery, one shoplifting and five beer run thefts. In 2018, there has been one shoplifting.

4) ***Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.***
The business hours of operation is open 24 hours a day. There is a Kohl's Department store that normally closes by 10 PM, in addition to other shops in the nearby retail plaza that are not open past 9 PM. There is also a pizza restaurant with a liquor license that closes by 10 PM on weekends. There is a Buffalo Wild Wings across Litchfield with a liquor license that closes normally at midnight, except for weekends when it closes at 2 AM.

5) ***Appropriateness of series license requested.***
Most convenience stores in Surprise sell beer and wine only. This job report reference the existing series 10 license (10075636) appears appropriate.

Submitted by Officer C. E. Tovar #2059

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Mark Schott, HR Director
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to an amendment of the Fiscal Year 2018 Operating List of Items over $50,000 to adjust the medical premiums line in the amount of $30,000; Resolution #2018-74.

Motion:

I move to approve Resolution #2018-74.

Background:

Council approved, Reference #18015, Medical Premiums in the amount of $963,500 as part of the Fiscal Year 2018 Capital and Operating List of Items Over $50,000. This amount was based on the projected premium cost as presented to Council in January of 2017. Medical premiums and stop loss can fluctuate due to turnover and other election changes, thus impacting administrative costs, which are higher than budgeted, requiring an increase of $30,000 for a total amount of $993,500.

Objective Analysis:

To comply with City of Surprise Procurement Code, Resolution #2018-74 requires the authority of the Mayor and Council when the cost to the city is greater than $50,000.

Policy Compliant:

The City of Surprise Procurement Code 2-338 (d) requires the authority of the Mayor and Council when the cost to the city is greater than $50,000.

Financial Impact:

The Fiscal Year 2018 full year cost related to the administrative costs associated with medical premiums and stop loss premiums is not expected to exceed $993,500. This is an ongoing expense that can fluctuate from year to year depending on benefit elections and turnover.

Budget Impact:

Along with the Fiscal Year 2018 adopted budget, Council approved Reference #18015, Medical

Premiums, in the amount of $963,500 as part of the Fiscal Year 2018 Capital and Operating List of Items Over $50,000. Approval of this item will increase the amount by $30,000 to $993,500. Funding is available within the Human Resource's Employee Healthcare Fund service budget. A budget amendment is not necessary due to anticipated savings within medical claims.

FTE Impact:

The number of full time equivalent (FTE) is not impacted by this action.

ATTACHMENTS:

Click to download

- Current Operating List of Items over $50k
- Resolution 2018-74

OPERATING
FY2018 Items Over $50K

City Manager's Office

Reference	Description	Total
18001	City Café Facilities Use Agreement	90,000
18002	League of Cities & Towns Dues	72,000

City Clerk

Reference	Description	Total
18003	Election Expenses	251,400

Finance

Reference	Description	Total
18004	Online Utility Payment Contract	275,000
18005	TPT Administration and collection	270,000
18006	Postage for Utility Billing	230,400
18007	Public Defender	187,000
18008	School District Fees	103,200
18009	Audit Services	100,000
18010	Investment Advisory Services	86,000
18011	Retail Lockbox	75,000
18012	Online Bill print	65,000

Human Resources

Reference	Description	Total
18013	Medical Claims	10,508,300
18014	AZ Municipal Risk Retention Pool Premiums	1,400,000
18015	Medical Premiums	963,500
18016	Dental Claims	819,300
18017	AZ Municipal Risk Retention Pool Deductible	500,000
18018	Workers' Compensation Claims	450,000
18019	Workers' Compensation Premiums	135,000
18020	Vision Claims	98,300
18021	Performance Management System	89,000
18022	Employee Benefits Consulting	87,000

OPERATING
FY2018 Items Over $50K

Information Technology

Reference	Description	Total
18023	Enterprise software license agreeement for desktop and office productivity. Year 1 of 3	330,000
18024	Annual maintenance agreement for Backups and SAN hardware and software	198,300
18025	Network and Telephony Maintenance	165,000
18026	Enterprise software maintenance for HR and Financial system	102,100
18027	Annual software maintenance agreement for Police CAD/RMS system	97,800
18028	Annual Copier Lease and Maintenance Agreements	95,000
18029	GIS Software Enterprise Agreement Yr 1 of 3	88,200
18030	Annual maintenance agreement for enterprise asset management and work order system.	85,100
18031	Enterprise software maintenance	50,000

Fire-Medical

Reference	Description	Total
18032	Radio Dispatch Services	744,700
18033	Firefighter Physicals	115,100
18034	GRPSTC Contract	86,200
18035	Fire Prevention Truck	65,000

Police

Reference	Description	Total
18036	Jail Housing Services	682,000
18037	Regional Wireless Cooperative O&M Staffing/SUA II	346,300
18038	Body Cameras	136,200
18039	COPS Grant vehicles	54,000

City Court

Reference	Description	Total
18040	Security Guard Services	90,000

Economic Development

Reference	Description	Total
18041	Greater Phoenix Economic Council Annual Contract	56,400
18042	Legal services for University Agreements	56,100

Community Development

Reference	Description	Total
18043	SUDC Zonig Code update Professional consultant	143,000
18044	Art and Cultural Master Plan	59,400

OPERATING
FY2018 Items Over $50K

Community and Recreation Services

Reference	Description	Total
18045	Northwest Regional Library	1,975,800
18046	Spring Training Payouts to teams	280,400
18047	Equipment rentals	238,200
18048	Fertilizer, herbicides, pesticides	237,000
18049	Sundancers Pro Circuit Prize Money/Spring Training Payouts	164,800
18050	Facility Usage	121,200
18051	Sports Umpires	112,600
18052	Irrigation Parts and winter rye	111,000
18053	Officials	104,100
18054	4th of July Stadium Cleaning	98,800
18055	Sports Uniforms	95,200
18056	Spring Training Platform	82,000
18057	Mound Clay	75,000
18058	Hollyhock Library	73,600
18059	MLB Security	70,000
18060	Landscape Services	70,000
18061	Rooms for College Baseball	67,000
18062	Library Feasibility Study	60,000
18063	Chemicals for Aquatic Facilities	60,000
18064	Bling Tour (SIC Class Instructor)	60,000
18065	Surprise Sundancers Annual Payment based on CPI	52,000

Public Works

Reference	Description	Total
18066	Regional transit service Express Route and paratransit	940,400
18067	Solid Waste containers such as, but not limited to, trash/recycle cans and baskets, roll-off containers,	284,900
18068	Building mintenance services such as fire alarm and fire supprssion testing, elevator maintenance, and inspections and maintenance of chillers and boilers.	134,700
18069	Household Hazardous Waste services	89,400

Water Resource Management

Reference	Description	Total
18070	Central Arizona Project charges for M&I delivery, underground water storage, and capital	2,355,000
18071	Chemicals	878,800
18072	Maintenance, mechanical and electrical repairs to equipment such as, but not limited to, motors, air conditioning, fiber optic, pumps, gear boxes, generator, and backflow devices	567,000
18073	Annual water recharge fees and other contracted services	435,100
18074	Recharge basin, wells and sewer lines maintenance	191,100
18075	Water Portfolio Management services	100,000

OPERATING
FY2018 Items Over $50K

Public Works/Water Resource Management

Reference	Description	Total
18076	Sanitation services, hauling and landfill disposal fees	1,541,500
18077	Auto parts and lubricants	863,300
18078	Op Equip Tool Part Under 10K	607,400
18079	Outside vehicle repair and other services	510,900
18080	Janitorial Services	272,200
18081	Signs and Sign Supplies	244,400
18082	Street maintenance services such as striping, road resurfarcing, curb cuts, sidewalk replacement, and traffic control related to the maintenance of streets	194,500
18083	Lab Services	176,500
18084	Building Maintenance	151,500
18085	Street Repair Supplies	150,800
18086	Arizona State Prison Contract for Inmate and Guard Labor associated with weed abatement	129,000
18087	Prof Svc-Recording License Fees	125,800
18088	Prof Svc-Software Licenses	115,000
18089	Pest Control Services	99,600
18090	Traffic Signal Supplies	92,200
18091	Cleaning Janitorial Supplies	67,200
18092	UtilSvc-Cell Phone Pagers	51,700
18093	Uniform_Laundry Services	50,800

Citywide

Reference	Description	Total
18094	Fuel contracts to fuel City fleet for unleaded and diesel fuel	1,455,000
18095	Electicity Utility	3,366,900
18096	Water Utility	430,600

RESOLUTION # 2018-74

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2018 CAPITAL AND OPERATING LIST OF ITEMS OVER $50,000 BY INCREASING THE MEDICAL INSURANCE PREMIUMS ITEM TO $993,500.

WHEREAS, the FY2018 budget was adopted included funding for the administration of the city's self-insured plan through a medical vendor;

WHEREAS, medical premiums and stop loss premiums can fluctuate throughout the year due to turnover and other election changes in medical benefits, thus impacting administrative costs;

WHEREAS, savings are anticipated in medical claims that can offset the increase in administrative costs;

WHEREAS, the FY2018 budget, including the FY2018 Capital and Operating List of Items Over $50,0000, was adopted by Council Resolution #2017-64 on June 6, 2017;

WHEREAS, the City of Surprise Procurement Code §2-338 (d) requires the authority of the Mayor and Council when the cost to the city is greater than $50,000.

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 Fiscal Year 2018 Capital and Operating List of Items Over $50,000 of the City of Surprise, Arizona for the fiscal year July 1, 2017 through June 30, 2018.

APPROVED AND ADOPTED this _____day of _____, 2018.

_____
Sharon R. Wolcott, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

RESOLUTION # 2018-74
Exhibit A

1. List of Operating Items Over $50,000 – Council approved $963,500 for the purpose of Medical Insurance Premiums included on the Fiscal Year 2018 Capital and Operating List of Items Over $50,000. This amount was based on the projected premium cost as presented to Council in January of 2017. Medical premiums and stop loss can fluctuate due to turnover and other election changes, thus impacting administrative costs, which are higher than budgeted, requiring an increase of $30,000.

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
18015	Medical Insurance Premiums	$963,500	$30,000	$993,500

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Domela Finnessey
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to approval of an Intergovernmental Agreement (IGA) between the City of Surprise and the City of Peoria for police radio maintenance and repair; Resolution #2018-55.

Motion:

I move to approve Resolution #2018-55.

Background:

The City of Peoria is presently providing radio maintenance and repair services to the City of Surprise. Surprise has been very satisfied with the services received and it is now time for renewal of the present contract. The City of Surprise has been in contact with the City of Peoria to continue providing radio services including programming, troubleshooting, maintenance and repair, and after hours services. The proposed agreement is a three-year contract with three additional, optional one-year renewals. There is funding available in the current fiscal year's budget for the Police Department and it is anticipated that this funding will continue to be renewed. The Department has investigated other providers; however, this is the best option resulting from that investigation.

Objective Analysis:

This IGA is the most cost effective approach for receiving services. The only other option is through Motorola and the hourly rates are higher, service response is slower, and it is a great distance to transport the items to be serviced. In addition, the City of Surprise has a positive history with the City of Peoria providing this service.

Policy Compliant:

This action is consistent with City and Council policies, and specifically is appropriate given there are no vendors located within the City of Surprise.

Financial Impact:

The Police Department has currently budgeted $261,900 in the FY2018 budget for the radio maintenance line item and this is expected to equal or exceed the costs of the services received for this

ongoing expense.

Budget Impact:

It is the Police Department's intent to seek Council approval for this expense in upcoming budgets.

FTE Impact:

No FTE impact will come from this IGA.

ATTACHMENTS:

Click to download

- Peoria IGA - Surprise Radio Subscriber Support Services
- Resolution 2018-55

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF SURPRISE
AND
THE CITY OF PEORIA
FOR
RADIO SUBSCRIBER SERVICES

THIS INTERGOVERNMENTAL AGREEMENT (this "Agreement") is entered into as of June 19, 2017 (the "Effective Date"), between the City of Surprise, an Arizona municipal corporation ("Surprise") and the City of Peoria, an Arizona municipal corporation ("Peoria"). Surprise and Peoria are referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. Surprise desires to have Peoria provide radio subscriber support services.

B. Peoria has the necessary equipment and expertise to provide radio subscriber services to Surprise.

C. Surprise and Peoria each have funding available in their budgets to provide for the costs associated with this Agreement.

D. Surprise and Peoria are authorized to enter into this Agreement pursuant to Ariz. Rev. Stat. § 11-952.

E. The Parties desire to enter into this Agreement to establish the rights and responsibilities with respect to Peoria providing Surprise with radio subscriber services as set forth in Section 2 below.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration; the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Term. This Agreement shall remain in full force and effect from the Effective Date until June 30, 2021 (the "Initial Term"), unless terminated as otherwise provided pursuant to the terms and conditions of this Agreement. After the expiration of the Initial Term, this Agreement may be renewed for up to three successive three-year terms (each, a "Renewal Term") if (i) Surprise deems the Agreement to be in the best interests of Surprise, subject to availability

and appropriation of funds for renewal in each subsequent year, (ii) at least 30 days prior to the end of the then-current term of the Agreement, Surprise requests, in writing, to extend the Agreement for an additional three-year term and (iii) Peoria approves the additional three-year term in writing (including any cost adjustments approved as part of this Agreement), as evidenced by the signature thereon of the City Manager, which approval may be withheld for any reason. Surprise's failure to seek a renewal of this Agreement shall cause the Agreement to terminate at the end of the then-current term of this Agreement; provided, however, that Surprise may, at its discretion and with the agreement of Peoria, elect to waive this requirement and renew this Agreement. The Initial Term and any Renewal Term(s) are collectively referred to herein as the "Term." Upon renewal, the terms and conditions of this Agreement shall remain in full force and effect.

2. Services. Peoria shall provide Surprise with routine services on subscriber equipment, including programming, troubleshooting, maintenance and repair on an as needed basis, Monday through Thursday between the hours of 7:00 a.m. and 6:00 p.m. (the "Routine Services"). In addition to the Routine Services, Peoria may be available to provide critical services outside of normal business hours on a per-case basis.

3. Compensation. Surprise shall pay Peoria for the Services as follows:

3.1 $75.00 per hour (one-hour minimum required).

3.2 After the first hour, rates for the Services will be calculated in quarter-hour increments (at $18.75 per every 15 minutes).

3.3 For on-site service, there will be an additional trip charge of $75.00, plus mileage at the current federal mileage reimbursement rate.

3.4 For the Initial Term and for each subsequent Renewal Term, if any, Surprise shall pay Peoria an annual aggregate amount not to exceed $10,000 for the Services at the unit rates as set for in this Section 3. The maximum aggregate amount for this Agreement shall not exceed $50,000.

4. Payments. Surprise shall pay Peoria on a quarterly (three month) basis, based upon work performed to date and upon submission and approval of invoices.

5. Capital and Operating Expenditures. Nothing in this Agreement shall be construed as committing Surprise to incur capital expenditures for equipment, facilities, or otherwise, or to incur expenses not expressly set forth in this Agreement.

6. Oversight; Acceptance. All Services shall be subject to oversight and acceptance by Surprise at reasonable times during Peoria's performance.

7. Materials. Surprise has no obligation to provide tools, equipment or materials to Peoria for the performance of the Services. Each Party shall be solely responsible for the costs of repair of damage to equipment, materials or tools caused by such Party.

8. Performance Warranty. Peoria warrants that the Services rendered will conform to the requirements of this Agreement and to the highest professional standards in the field.

9. Liability and Indemnification. Each Party agrees that it will be responsible for any liability or loss that may be incurred as a result of any claim, demand, cost or judgment made against that Party to the extent arising from any negligent, reckless or intentional act or omission by any of that Party's employees, agents or servants in connection with work or services performed pursuant to this Agreement. To the extent permitted by law, each Party shall indemnify, defend and hold harmless the other Party and each council member, officer, employee or agent thereof (the Party being indemnified and any such person referred to herein as an "Indemnified Party") for from and against any and losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys' fees, court costs and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims"), insofar as such Claims (or actions in respect thereof) relate to, arise out of, or are cause by or based upon the negligent acts, intentional misconduct, errors, mistakes or omissions in connection with the work or services of the other Party, its officers, employees, agents, or any tier of subcontractor in the performance of this Agreement. The amount and type of insurance coverage secured by the indemnifying Party will in no way be construed as limiting the scope of the indemnity in this Section.

10. Insurance. The Parties agree to secure and maintain insurance coverage for any and all risk that may arise out of the terms, obligations, operations and actions as set forth in this Agreement, including but not limited to public entity insurance. The acquisition of insurance or the maintenance and operation of a self-insurance program may fulfill this insurance requirement.

11. Termination; Cancellation.

11.1 For Convenience. This Agreement may be terminated by either Party with or without cause upon 60 days' written notice to the other Party.

11.2 Conflict of Interest. This Agreement may be canceled by either Party for conflict of interest pursuant to ARIZ. REV. STAT. § 38-511.

11.3 Agreement Subject to Appropriation. Each Party is obligated only to pay its obligations set forth in this Agreement as may lawfully be made from funds appropriated and budgeted for that purpose during the Party's then current fiscal year. Each Party's obligations under this Agreement are current expenses subject to the "budget law" and the unfettered legislative decision of the Party concerning budgeted purposes and appropriation of funds. Should a Party elect not to appropriate and budget funds to pay its obligations under this Agreement, this Agreement shall be deemed terminated at the end of the then current fiscal year

term for which such funds were appropriated and budgeted for such purpose and the Party shall be relieved of any subsequent obligation under this Agreement. The Parties agree that each Party has no obligation or duty of good faith to budget or appropriate the payment of a Party's obligations set forth in this Agreement in any fiscal year other than the fiscal year in which this Agreement is executed and delivered. Each Party shall be the sole judge and authority in determining the availability of funds for its obligation under this Agreement. The obligation to make any payment pursuant to this Agreement is not a general obligation or indebtedness of the Parties. Each Party hereby waives any and all rights to bring any action against the other Party from or relating in any way to such Party's termination of this Agreement pursuant to this subsection 11.3.

12. Miscellaneous.

12.1 Independent Contractor. Peoria acknowledges and agrees that the Services provided under this Agreement are being provided as an independent contractor, not as an employee or agent of Surprise, except as provided in Section 12.13 below. Peoria, its employees and subcontractors are not entitled to workers' compensation benefits from Surprise. Surprise does not have the authority to supervise or control the actual work of Peoria, its employees or subcontractors. Peoria, and not Surprise, shall determine the time of its performance of the services provided under this Agreement so long as Peoria meets the requirements set forth herein. The Parties do not intend to nor will they combine business operations under this Agreement. Peoria is advised that taxes or Social Security payments will not be withheld from any Surprise payment issued hereunder and Peoria agrees to be fully and solely responsible for the payment of such taxes and any other taxes applicable to this Agreement.

12.2 Applicable Law; Venue. This Agreement shall be governed by the laws of the State of Arizona and suit pertaining to this Agreement may be brought only in courts in Maricopa County, Arizona.

12.3 Laws and Regulations. Both Parties shall keep fully informed and shall at all times during the performance of its duties under this Agreement ensure that it and any person for whom the Parties are responsible for abides by, and remains in compliance with, all rules, regulations, ordinances, statutes or laws affecting the Services, including, but not limited to, the following: (A) existing and future local and county ordinances and regulations, (B) existing and future state and federal laws and (C) existing and future Occupational Safety and Health Administration standards.

12.4 Amendments. This Agreement may be modified only by a written amendment approved by the Parties' respective City Councils and signed by persons duly authorized to enter into contracts on behalf of Surprise and Peoria. Any attempt at oral modification of this Agreement shall be void and of no effect.

12.5 Provisions Required by Law. Each and every provision of law and any clause required by law to be in this Agreement will be read and enforced as though it were included herein and, if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either Party, this Agreement will promptly be physically amended to make such insertion or correction.

12.6 Entire Agreement; Interpretation; Parol Evidence. This Agreement represents the entire agreement of the Parties with respect to its subject matter, and all previous agreements, whether oral or written, entered into prior to this Agreement are hereby revoked and superseded by this Agreement. No representations, warranties, inducements or oral agreements have been made by any of the Parties except as expressly set forth herein, or in any other contemporaneous written agreement executed for the purposes of carrying out the provisions of this Agreement. This Agreement shall be construed and interpreted according to its plain meaning, and no presumption shall be deemed to apply in favor of, or against the Party drafting the Agreement. The Parties acknowledge and agree that each has had the opportunity to seek and utilize legal counsel in the drafting of, review of, and entry into this Agreement.

12.7 Assignment; Delegation. No right or interest in this Agreement shall be assigned by a Party to this Agreement without prior, written permission of the other Party signed by the City Manager, or authorized designee, and no delegation of any duty of any Party shall be made without prior, written permission of the other Party signed by the City Manager, or authorized designee. Any attempted assignment or delegation by either Party in violation of this provision shall be a breach of this Agreement.

12.8 Subcontracts. Peoria shall not enter into any subcontract with any other party to furnish any of the Services specified herein without the prior written approval of Surprise.

12.9 Rights and Remedies. No provision in this Agreement shall be construed, expressly or by implication, as waiver by Surprise of any existing or future right and/or remedy available by law in the event of any claim of default or breach of this Agreement. The failure of Surprise to insist upon the strict performance of any term or condition of this Agreement or to exercise or delay the exercise of any right or remedy provided in this Agreement, or by law, or Surprise's acceptance of and payment for Services, shall not release Peoria from any responsibilities or obligations imposed by this Agreement or by law, and shall not be deemed a waiver of any right of Surprise to insist upon the strict performance of this Agreement.

12.10 Attorneys' Fees. In the event either Party brings any action for any relief, declaratory or otherwise, arising out of this Agreement or on account of any breach or default hereof, the prevailing Party shall be entitled to receive from the other Party reasonable attorneys' fees and reasonable costs and expenses, determined by the court sitting without a jury, which shall be deemed to have accrued on the commencement of such action and shall be enforced whether or not such action is prosecuted through judgment.

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

If to Surprise:

City of Surprise
16000 N Civic Center Drive
Surprise, Arizona. 85374
Attn: Bob Wingenroth, City Manager

City of Surprise Police Department
14250 W Statler Plaza Suite 103
Surprise, Arizona 85374
Attn: Public Safety Communications Manager

If to Peoria:

City of Peoria
8401 West Monroe Street
Peoria, Arizona 85345
Attn: Jeff Tyne, City Manager

or at such other address, and to the attention of such other person or officer, as any Party may designate in writing by notice duly given pursuant to this Section. Notices shall be deemed received (A) when delivered to the Party, (B) three business days after being placed in the U.S. Mail, properly addressed, with sufficient postage or (B) the following business day after being given to a recognized overnight delivery service, with the Party giving the notice paying all required charges and instructing the delivery service to deliver on the following business day. If a copy of a notice is also given to a Party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a Party shall mean and refer to the date on which the Party,

and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

12.12 Severability. The provisions of this Agreement are severable to the extent that any provision or application held to be invalid or unenforceable by a court of competent jurisdiction shall not affect any other provision or application of the Agreement, which may remain in effect without the invalid provision or application.

12.13 Worker's Compensation. An employee of either Party shall be deemed to be an "employee" of both public agencies while performing pursuant to this Agreement solely for purposes of ARIZ. REV. STAT. § 23-1022 and the Arizona Workers' Compensation laws. The primary employer shall be solely liable for any workers' compensation benefits, which may accrue. Each Party shall post a notice pursuant to the provisions of ARIZ. REV. STAT. § 23-1022 in substantially the following form:

> "All employees are hereby further notified that they may be required to work under the jurisdiction or control or within the jurisdictional boundaries of another public agency pursuant to an intergovernmental agreement or contract, and under such circumstances they are deemed by the laws of Arizona to be employees of both public agencies for the purposes of worker's compensation."

12.14 Counterparts. This Agreement may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument, and each of said counterparts shall be deemed original hereof.

12.15 Captions. Captions and section headings used herein are for convenience only and are not a part of this Agreement and shall not be deemed to limit or alter any provisions hereof and shall not be deemed relevant to construing this Agreement.

12.16 Disposition of Property Upon Termination. The Parties do not anticipate having to dispose of any property upon partial or complete termination of this Agreement. However, to the extent that such disposition is necessary, property shall be returned to its original owner.

12.17 No Israel Boycott. In accordance with ARIZ. REV. STAT. § 35-393.01, by entering into this Agreement, each Party certifies that it is not currently engaged in, and agrees that for the duration of this Agreement to not engage in a boycott of Israel.

13. E-verify, Records and Audits. To the extent applicable under ARIZ. REV. STAT. § 41-4401, each Party and their respective subcontractors warrant compliance with all federal immigration laws and regulations that relate to their employees and compliance with the E-verify requirements under ARIZ. REV. STAT. § 23-214(A). Each Party has the right to inspect the papers of the other Party or its subcontractors participating in this Agreement to ensure compliance with this paragraph. A Party's or its subcontractor's breach of the above-mentioned warranty shall be deemed a material breach of this Agreement and may result in the termination of this Agreement by a non-breaching Party under the terms of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date.

"**Surprise**"	"**Peoria**"
CITY OF SURPRISE, an Arizona municipal corporation	CITY OF PEORIA, an Arizona municipal corporation
_____	_____
Bob Wingenroth, City Manager	Jeff Tyne, City Manager
ATTEST:	ATTEST:
_____	_____
Sherry Aguilar, City Clerk	Rhonda Geriminsky, City Clerk

In accordance with the requirements of ARIZ. REV. STAT. § 11-952(D), the undersigned City Attorneys acknowledge that (i) they have reviewed the above agreement on behalf of their respective clients and (ii) as to their respective clients only, each attorney has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

_____	_____
Robert Wingo, City Attorney	Steve Burg, City Attorney

RESOLUTION # 2018-55

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH CITY OF PEORIA FOR POLICE RADIO MAINTENANCE AND REPAIR SERVICES.

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

WHEREAS, The City of Peoria has the personnel and equipment to maintain and service police radios and the City of Surprise does not; and

WHEREAS, the Surprise desires to enter into an intergovernmental agreement with the City of Peoria for police radio maintenance and repair services.

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

Section 1. The Intergovernmental Agreement between the City of Surprise and the City of Peoria*,* attached as Exhibit A, is approved.

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 agreement.

APPROVED AND ADOPTED this _____day of _____, 2018.

_____
Sharon R. Wolcott, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND CITY OF PEORIA

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Seth Dyson, Human Service & Community Vitality
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to approval of an Amendment to the Intergovernmental Agreement (IGA) with Maricopa County to continue providing Community Action Program services for fiscal year 2019 and acceptance of grant funding in the amount of $89,256 to support operations of the Surprise Resource Center; Resolution # 2018-75.

Motion:

I move to approve Resolution # 2018-75.

Background:

The Surprise Resource Center is in a central location where all residents of all ages can come inquire and receive services and information. It is also a central location in the northwest valley where non-profit agencies can offer their services on a daily, weekly, and/or monthly basis at no cost to the City of Surprise or the community. Services that could be included are a wide variety of social, financial, legal, educational, safety classes, and community resources. Financial assistance services are provided to stabilize the immediate and emergent needs of the client including basic needs. Financial services in conjunction with this agreement may include, but are not limited to: emergency rent and mortgage assistance, first month's rent deposit assistance, utility payment assistance, and utility deposit assistance.

Objective Analysis:

This action will allow the Human Service and Community Vitality (HSCV) Department to maintain the Community Action Program (CAP) at the Surprise Resource Center.

Policy Compliant:

This action is compliant with City and Council Policy.

Financial Impact:

This grant award is $87,191 for personnel and employee related expenses, $1,791 for supplies, and $274 for training for a one-time total of $89,256. There is a City match requirement in the amount of $30,000

which will be met with HSCV's General Fund operating budget.

Budget Impact:

Grant funding in the amount of $89,300 will be included as part of the FY2019 budget.

FTE Impact:

There is no FTE impact with this item.

ATTACHMENTS:

Click to download

- Resolution
- CAP SFY19 Amend Surprise

RESOLUTION # 2018-75

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING THE AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY TO CONTINUE TO PROVIDE COMMUNITY ACTION PROGRAM SERVICES.

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

WHEREAS, the City of Surprise is the regional center for Community Action Program (CAP) services;

WHEREAS, Maricopa County and the City of Surprise desire to amend the intergovernmental agreement (IGA) for the provision of CAP services;

WHEREAS, the IGA provides for federal CAP funding via block grants which will be retained by the Maricopa County Human Services Department (MCHSD) and made available to contractors through the Human Services Department (HSD) Online Client Data System and paid directly to vendors upon authorization by MCHSD;

WHEREAS, the IGA Amendment provides for federal grant funding to support operations of the Community Resource Center in the amount of $89,256;

WHEREAS, the City of Surprise is required to provide $30,000 in grant match funds; and

WHEREAS, the grant award will be included as a part of the FY2019 budget.

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

Section 1. The Amendment to the Intergovernmental Agreement between the City of Surprise and Maricopa County for the provision of CAP services, attached as *Exhibit A*, is approved and the City Manager is authorized to accept grant funding in the amount of $89,256.

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 agreement.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____day of _____, 2018.

_____
Sharon R. Wolcott, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND MARICOPA COUNTY

AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN MARICOPA COUNTY ADMINISTERED BY ITS HUMAN SERVICES DEPARTMENT AND CITY OF SURPRISE

I. Maricopa County ("County") by and through its Human Services Department and the City of Surprise ("City") entered into a financial Intergovernmental Agreement ("Agreement") which began on July 1, 2016 through June 30, 2017. The County provided the City with $87,452 for the provision of Community Action Program services to include reimbursement to the City to assist eligible low income households with Crisis Case Management and Financial Assistance Services. Amendment No. 1 extended the Agreement term and provided funding for July 1, 2017 through June 30, 2018. The County and the City may be referred to individually as "Party" or collectively as "Parties."

II. The Parties wish to amend the Agreement as follows:

A. Extend the Agreement termination date from June 30, 2018 to June 30, 2019.

B. The funding amount available for the period of July 1, 2018 to June 30, 2019 is $89,256.

C. The operating budget for the period of availability shall be reflected in Attachment A, Operating Budget.

D. Revise Section III Work Statement to include the following:

1. Remove in its entirety Paragraph J and substitute the following language:

J. SERVICE REQUIREMENTS

Contractor shall adhere to the following service requirements:

1. Provide personnel, supervision, staff training, equipment, materials and supplies necessary to perform and provide crisis case management and financial assistance services;
2. Provide services that are appropriate to the language and culture of the target population in the geographic service area;
3. Provide on-site financial assistance services at a location(s) within the specified service area;
4. Maintain a client-focused facility which offers sufficient space for program applicants waiting to be seen or waiting rooms which provide adequate seating, and accessible in all permanent facility locations;
5. Ensure adequate space is available for conducting eligibility determination where confidential information cannot be overheard;
6. Assure that staff members and volunteers do not have conflicts of interest in the provision of services and management of programs;
7. Maintain client/recipient information confidential and in a secure location;
8. Conduct quality assurance review of each application prior to payment authorization; and
9. Authorize payments for all financial assistance services as described in the Maricopa County Human Services Department/Community Services Division Policy & Procedure Handbook (as amended).

2. Remove in its entirety Paragraph N and substitute the following language:

N. COUNTY-FUNDED FINANCIAL ASSISTANCE

1. Contractor shall adhere to policies and procedures for administration of County-funded financial assistance and shall respond to how requirements will be met.
2. Contractor policies and procedures shall address the following:
   a. Notifying applicants of their rights, responsibilities, and grievance/problem solving procedures, including the provision of the approval/denial/ appeal process for services;

b. Completing quality assurance and payment authorization on all client applications, to include the staff position(s) responsible for conducting the quality assurance and payment authorizations;
c. Responding to the Department when notified of inaccurate or pending financial assistance payment authorizations or requests for data entry clarification/corrections. Contractor shall include the staff position responsible for responding to Department requests;
d. Securing, completing and issuing County Financial Assistance Vouchers as these vouchers shall be treated as currency and must be kept secure at all times;
e. Identifying the staff position authorized to sign vouchers;
f. Utility Assistance:
If a utility vendor agrees to wait for payment or accepts a guarantee, documentation or arrangement is required. Documenting and Guaranteeing Utility Assistance to Utility Companies consistent with the following criteria:
i. Assistance provided within 48 hours after application and deemed eligible; or
ii. Assistance is provided within 18 hours after application, deemed eligible and a life threatening situation exists;
g. Providing of energy conservation education to all eligible applicants receiving utility assistance;
h. That 50% of clients that receive Low Income Home Energy Assistance Program funded utility assistance ("LIHEAP") receive targeted energy-savings activities education and an Energy Savers Brochure which is documented in client files and the HSD Online Client Data System.

3. Direct Financial Assistance Funds will not be included in this Agreement. These funds will be retained by the County and will be made available to the Contractor through the HSD Online Client Data System. Application for funded financial assistance must be completed via the HSD Online Client Data System. The County will make payments directly to vendors (i.e. utility companies, landlords, mortgage companies, etc.) upon authorization by the Contractor.
4. The allocation of Direct Financial Assistance Funds for each service area is determined through the use of a funding formula recommended and approved by the Maricopa County Community Services (MCCS) Commission.
5. For State Fiscal Year (SFY) 2019, the following financial assistance fund amounts are anticipated for this Agreement (allocations being subject to change, based upon the availability of funds):

Service Area	Low Income Home Energy Assistance (LIHEAP)		Short Term Crisis Services Assistance for Needy Families (TANF)		Total Allocation of Direct Financial Assistance Funds	
	Funds Available	Minimum Number of Households	Funds Available	Minimum Number of Households	Total Funds Available	Total Number of Households
Surprise Service Area	$318,107	497	$27,344	18	$345,451	515

6. Contractor is required to provide community funds to be leveraged for use for Financial Assistance. Contractor shall demonstrate the amount of community funds to be leveraged for Financial Assistance.
7. Contractor will ensure service delivery is available for a period of no less than (12) twelve months.
8. Contractor shall provide Department an expenditure plan that includes the amount of local dollars that will be leveraged in the twelve (12) month period.

E. Revise Section IV Compensation to include the following:
Add to Paragraph E Method of Payment:
7. The County shall reimburse the Contractor on a Net 10 payment standard.

III. This Amendment is subject to A.R.S. §38-511. The foregoing paragraphs, contain all the changes made by this Amendment. All other terms and conditions of the original Agreement remain the same and in full force and effect as approved and amended.

IN WITNESS THEREOF, the Parties have signed this Amendment:

APPROVED BY:
CITY OF SURPRISE

_____
Mayor

Date:_____

Attested To:

_____
City Clerk Date

APPROVED BY
MARICOPA COUNTY

_____
Steve Chucri, Chairman

Date:_____

Attested To:

_____
Fran McCarroll, Clerk of the Board Date

IN ACCORDANCE WITH A.R.S. §§ 11-952, THIS AMENDMENT HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY(S) WHO HAVE DETERMINED THAT THIS AMENDMENT IS IN PROPER FORM AND WITHIN THE POWER AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

CITY OF SURPRISE

BY:_____
City Attorney

Date:_____

MARICOPA COUNTY

BY:_____
Deputy County Attorney

Date:_____

ATTACHMENT A

SFY19 OPERATING BUDGET

Contract Operating Budget-County July 1, 2018 to June 30, 2019

CONTRACTOR: City of Surprise

Service: Crisis Case Management and Financial Assistance Services

Revenue Sources	
County*	$89,256
Total Revenues	$89,256

Budget Categories	
Personnel / ERE	$87,191
Materials and Supplies	$1,791
Operating Services	$274
Total Expenses	$89,256

*Funding will be allocated internally on a monthly basis by Maricopa County Human Services Department/Financial Services.

Based on fund availability, funds utilized may include, but are not limited to:
SSBG, TANF, LIHEAP, County Funds and CSBG

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Lindsey Duncan, Finance Director
Submitting Department:		District:	1
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to amending the FY2018 budget adjusting budget authority for developer reimbursements; Resolution #2018-94.

Motion:

I move to approve Resolution #2018-94.

Background:

The City of Surprise collects development impact fees to serve future development. With the adoption of Arizona Revised Statutes (ARS) 9-463-05 in 2011, which took effect in 2014, additional impact fee funds were created to house the fees collected based on the new legislative requirements. Collecting fees to serve future development also includes reimbursement obligations to developers for infrastructure constructed and accepted by the City, such as the development agreement with Asante. Under the Asante development agreement, the City is required to reimburse the developer for parks constructed by the developer and accepted by the City. Permit growth has outpaced the original projections therefore more budget authority is required to repay these obligations. There are also two development agreements that require sales tax reimbursements for Transaction Privilege Tax collected in the defined development area, these agreements are for Prasada and Surprise Pointe. With the sales tax revenue also outpacing the original projections more budget authority is required to repay these obligations.

Objective Analysis:

Due to state laws regarding requirements for development impact fees as well as expenditure limits that are set by the adopted budget, it is necessary to amend the FY2018 budget for various development impact fee funds.

Policy Compliant:

City Council approval is required for budget amendments across funds, and grants per the Budget Amendment Policies and Procedures.

Financial Impact:

There is no direct financial impact of this item. All amendments are adjustments to budget authority that will have no net financial impact in FY2018. The adjustments include total expenditures of $1,484,100 associated with three developer reimbursements for Prasada, Asante and Surprise Pointe. These expenditures are offset by revenue and have no net financial budget impact.

Budget Impact:

This action will allow for the reallocation of appropriations in the amount of $1,484,100 from contingency within the Parks and Recreation Development Fee Grandfathered Fund, Sewer Fund and Water Fund and from Grant Contingency to the Transportation and General Fund for the Prasada, Asante, and Surprise Pointe Development reimbursements.

FTE Impact:

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

ATTACHMENTS:

Click to download

- Resolution 2018-94

RESOLUTION # 2018-94

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2018 BUDGET BY REALLOCATING APPROPRIATIONS OF $1,484,100 FROM CONTINGENCY WITHIN VARIOUS FUNDS TO DEVELOPER REIMBURSEMENT FUNDS TO ACCOMMODATE ACCURATE DEVELOPER REIMBURSEMENT OBLIGATIONS.

WHEREAS, the FY2018 budget was adopted included appropriations for developer reimbursements;

WHEREAS, the City has collected revenues in excess of FY2018 budgeted amounts;

WHEREAS, the City is obligated to reimburse developers for collected revenues;

WHEREAS, the FY2018 budget was adopted by Council Resolution #2017-64 on June 6, 2017;

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, 2017 through June 30, 2018.

APPROVED AND ADOPTED this _____day of _____, 2018.

_____
Sharon R. Wolcott, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

RESOLUTION # 2018-94
Exhibit A

1. Appropriation - The allocations below represent a reallocation of appropriations in the amount of $1,484,100 from various fund contingencies to various developer reimbursement and developer agreement funds to accommodate expenditures associated with developer agreements over what was originally budgeted for FY2018. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Fire/EMS Dev Fee Grandfathered	General Operations	Services	E	49,100	30,900	80,000
Park/Rec Dev Fee Grandfathered	General Operations	Services	E	91,800	98,200	190,000
General Fund	General Operations	Services	E	5,309,600	1,148,200	6,457,800
Sewer Operations	General Operations	Services	E	600,200	174,800	775,000
Water Operations	General Operations	Services	E	37,000	9,300	46,300
Transportation Improvement	General Operations	Services	E	90,500	22,700	113,200
Grants	General Operations	Contingency	E	7,175,400	(1,201,800)	5,973,600
Park/Rec Dev Fee Grandfathered	General Operations	Contingency	E	742,400	(98,200)	644,200
Sewer Operations	General Operations	Contingency	E	4,214,600	(174,800)	4,039,800
Water Operations	General Operations	Contingency	E	198,100	(9,300)	188,800
			Expense Total	**18,508,700**	**-**	**18,508,700**

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Donna Miller, Community and Recreation Services Director
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Fiscal Year 2018 Capital and Operating list of items over $50,000 by increasing the Mound Clay Item by $10,000 for additional soil amendment materials; Resolution #2018-82.

Motion:

I move to approve Resolution #2018-82.

Background:

The adopted budget for the CRS Department included funding for soil amendment materials to maintain the campus fields. Due to increased field utilization with the partnership with Ottawa University and new baseball tournaments secured by the Sports and Tourism Department, additional materials will be needed this fiscal year. This action will increase the line item for FY18, which necessitates an amendment to the Fiscal Year 2018 Capital and Operating list of items over $50,000.

Objective Analysis:

The materials are required to maintain the fields at a high performance standard and to ensure player safety.

Policy Compliant:

This action is consistent with City and Council Policy.

Financial Impact:

There is no financial impact. The increase to the line item will be realized through savings in other line items.

Budget Impact:

This action amends the list of Fiscal Year 2018 Capital and Operating List of items over $50,000.

FTE Impact:

There is no FTE impact.

ATTACHMENTS:

Click to download

- Resolution

RESOLUTION # 2018-82

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2018 CAPITAL AND OPERATING LIST OF ITEMS OVER $50,000 BY INCREASING THE SOIL AMENDMENT MATERIALS TO EIGHTY-FIVE THOUSAND DOLLARS.

WHEREAS, the FY2018 budget was adopted included funding for specialized soil amendments to maintain the Campus fields at professional standards;

WHEREAS, the Campus fields utilization has increased significantly with the partnership with Ottawa University and new baseball tournaments secured by the Sports and Tourism Department;

WHEREAS, to conduct these tournaments during the month of June, additional soil amendment materials will be required to ensure the fields remain at a high performance standard and to ensure player safety.

WHEREAS, the FY2018 budget, including the FY2018 Capital and Operating List of Items Over $50,000, was adopted by Council Resolution #2017-64 on June 6, 2017; and

WHEREAS, the City of Surprise Procurement Code §2-338 (d) requires the authority of the Mayor and Council when the cost to the city is greater than $50,000.

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, the Fiscal Year 2018 Capital and Operating List of Items Over $50,000 of the City of Surprise, Arizona for the fiscal year July 1, 2017 through June 30, 2018.

APPROVED AND ADOPTED this _____day of _____, 2018.

Sharon R. Wolcott, Mayor

Attest:

Sherry Aguilar, City Clerk

Approved as to form:

Robert Wingo, City Attorney

RESOLUTION # 2018-82
Exhibit A

1. List of Operating Items Over $50,000 – Council approved $75,000 for the purpose of soil amendments for the Campus fields included on the Fiscal Year 2018 Capital and Operating List of Items Over $50,000.

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
18063	Mound Clay	$75,000	$10,000	$85,000

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Robert Kuhfuss - Community Development
Submitting Department:		District:	5
Staff Recommendations:	Approve		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action regarding a Re-Plat of Lots 1 and 2 of West Point Towne Center Parcel 12

Motion:

Motion to approve the requested Re-Plat

Background:

The subject request involves a Re-Plat of West Point Towne Center Parcel 12. This property was previously platted in such a manner as to create two separate parcels. One of the parcels was originally part of the WestMEC Northwest Campus, while the second parcel was associated with a proposed boutique hospital. Since that time, the hospital project has not come to fruition and the School District has purchased that land with the intent of extending their campus. The removal of this internal property line will simplify the project and remove potential conflicts relating to building placement within the campus. The subject Re-Plat also creates a number of easements intended to facilitate the extension of infrastructure through the site.

Objective Analysis:

The proposed Re-Plat is one of several case activities related to the WestMEC Northwest Campus. Approval of the subject Final Plat will result in the removal of an existing property line internal to the site, which will facilitate site development in that area. The proposed Re-Plat is consistent with the West Point Towne Center PAD, the applicable City of Surprise regulations, and the reviewing agencies have expressed no objections to the requested Re-Plat.

Policy Compliant:

The requested Final Plat is consistent with the West Point Towne Center PAD and advances the goals and policies of the General Plan.

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 - FS18-117 Final Plat of WestMEC Northwest Campus - Staff Report
- 01 - FS18-117 Final Plat of WestMEC Northwest Campus - Vicintiy Map
- 02 - FS18-117 Final Plat of WestMEC Northwest Campus - Case Map
- 03 - FS18-117 Final Plat of WestMEC Northwest Campus
- 04 - FS18-117 Final Plat of WestMEC Northwest Campus - Presentation

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case:	**FS18-117**
Project Name:	Final Plat of WestMEC Northwest Campus
Council District:	4
City Council Date:	**June 5, 2018**
Planner:	Robert H. Kuhfuss, AICP

Owner:	Western Maricopa Education Center No. 402
Applicant:	Joe Petrucci of EPS Group, Inc.
Request:	Re-Plat of Lots 1 and 2 of West Point Towne Center Parcel 12
Site Location:	Generally located along the southwest side of U.S. 60 (Grand Avenue) between Dysart Road and Bell Grande
Site Size:	19.12 acres (approx.)
Density:	N/A
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035
Support/Opposition:	None known

Findings:

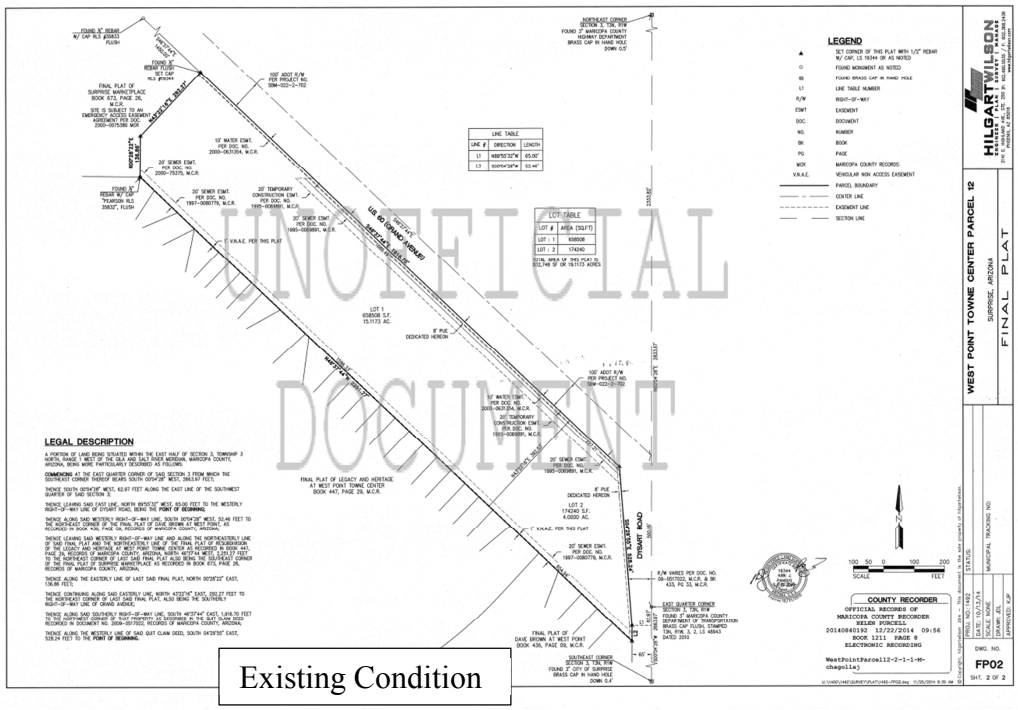
- The proposed Final Plat is consistent with the West Point Towne Center PAD.
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

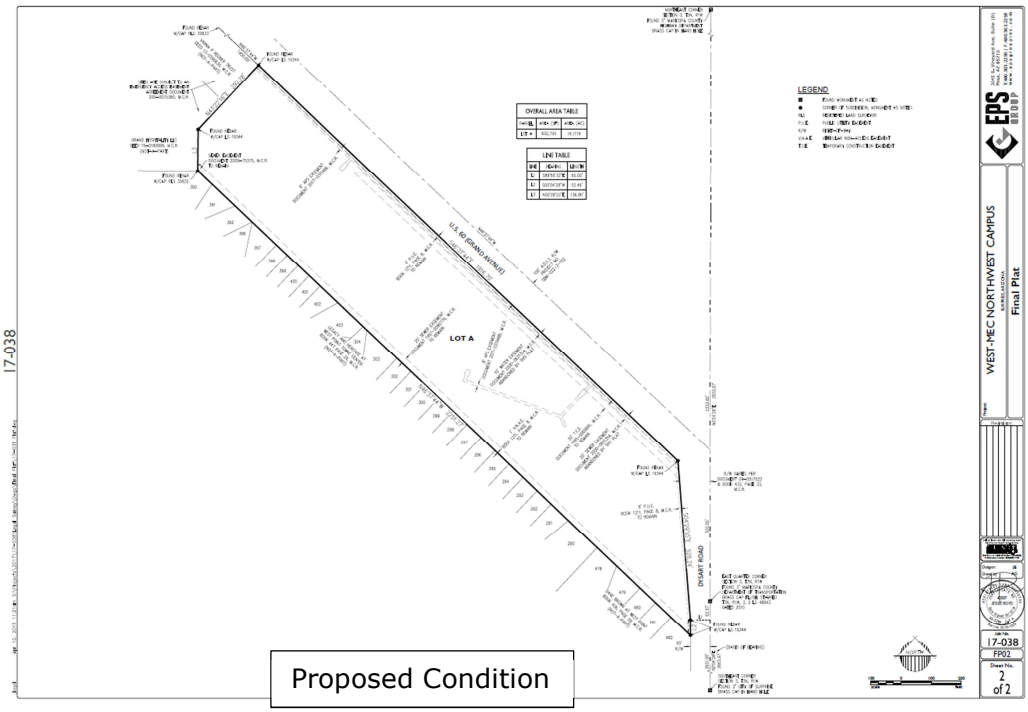
Alternative Actions: **Approval** of the requested Final Plat will result in the removal of an existing property line internal to the site.

Denial of the requested Final Plat will result in an existing internal property line remaining on the site.

Project Description:

The subject request involves a Re-Plat of West Point Towne Center Parcel 12. This property was previously platted in such a manner as to create two separate parcels. One of the parcels was originally part of the WestMEC Northwest Campus, while the second parcel was associated with a proposed boutique hospital. Since that time, the hospital project has not come to fruition and the School District has purchased that land with the intent of extending their campus. The removal of this internal property line will simplify the project and remove potential conflicts relating to building placement within the campus. The subject Re-Plat also creates a number of easements intended to facilitate the extension of infrastructure through the site. The following two images compare the existing and proposed conditions.





Background:

October 26, 1995: The City Council approved the original Planned Area Development (PAD) for West Point Towne Center under PAD95-044 per Ordinance #95-15.

April 24, 2003: The City Council approved a Major Amendment pertaining to Parcel 12 of the West Point Towne Center under PADA02-336, which served to change the land use mix of the subject property from Multi-family to Mixed Use.

October 10, 2014: City staff met with the applicant, ADOT and MAG to discuss issues relating to the MAG COMPASS study as they pertain to site access from Grand Avenue (US-60).

December 16, 2014: The City Council approved a Zone Change and General Plan Amendment relating to the subject property under case FS14-381.

December 16, 2014: The City Council approved a Final Plat for West Point Towne Center Parcel 12 under case FS14-390.

December 19, 2015: The City Council approved Major Amendment to the Surprise General Plan 2035 under Resolution 2015-120.

October 4, 2016: Staff approved a Site Plan for WestMEC Northwest Campus, Phase I, Quad III, Building A under case FS16-333.

September 12, 2017: Staff approved a Site Plan for WestMEC Northwest Campus, Phase II, Quad III, Administration Building under case FS17-398.

November 30, 2017: Staff approved a Site Plan for WestMEC Northwest Campus, Phase IIIA, Quad II, Vet Building under case FS17-573.

February 28, 2018: The applicant submitted the subject request.

Reviewing Agencies:

The subject request was routed to the standard reviewing agencies, who have indicated no objections to the request.

Summary:

The proposed Re-Plat is one of several case activities related to the WestMEC Northwest Campus. Approval of the subject Final Plat will result in the removal of an existing property line internal to the site, which will facilitate site development in that area. The proposed Re-Plat is consistent with the West Point Towne Center PAD, the applicable City of Surprise regulations, and the reviewing agencies have expressed no objections to the requested Re-Plat.

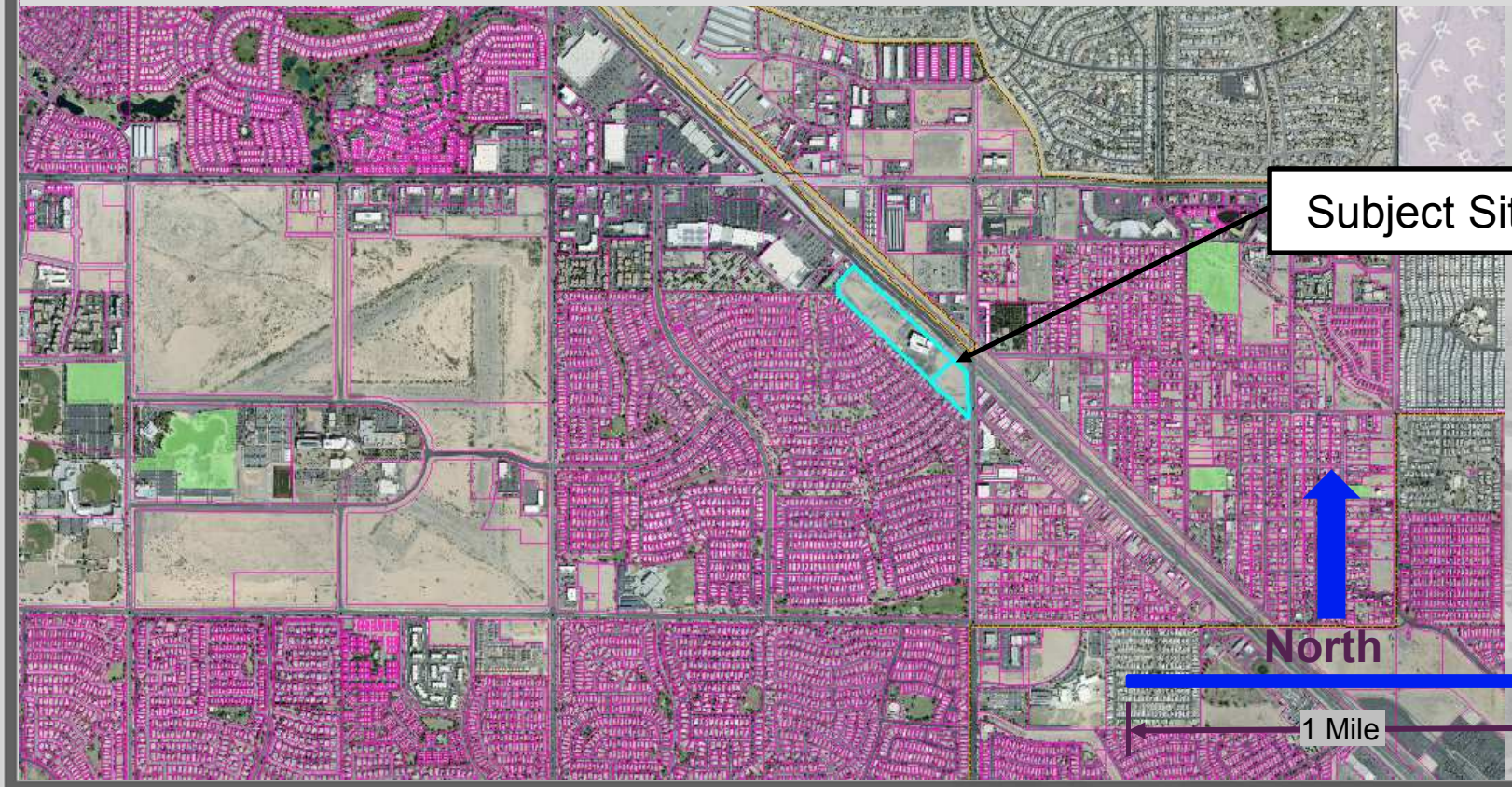
Findings:

- The proposed Final Plat is consistent with the West Point Towne Center PAD.
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

Attachments:

01 Case Map
02 Vicinity Map
03 Final Plat Document

Vicinity Map



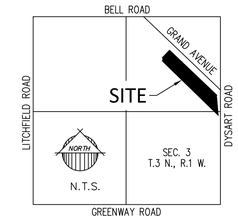
FS18-117
WestMEC NW Campus Re-Plat

Case Map

FS18-117
WestMEC NW Campus Re-Plat

FINAL PLAT OF
WEST-MEC NORTHWEST CAMPUS

A RE-PLAT OF LOTS 1 AND 2 OF WEST POINT TOWNE CENTER PARCEL 12
RECORDED IN BOOK 1211, PAGE 8, OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA
SITUATED IN A PORTION OF THE EAST HALF OF SECTION 3,
TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA



VICINITY MAP

DEDICATION

STATE OF ARIZONA }
} SS
COUNTY OF MARICOPA }

KNOW ALL PERSONS BY THESE PRESENTS: THAT WESTERN MARICOPA EDUCATION CENTER NO 402 OF MARICOPA COUNTY, ARIZONA, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, ("OWNER"), HAVE SUBDIVIDED UNDER THE NAME WEST-MEC NORTHWEST CAMPUS, LOTS 1 AND 2 OF WEST POINT TOWNE CENTER PARCEL 12, RECORDED IN BOOK 1211, PAGE 8, OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, SITUATED IN A PORTION OF THE EAST HALF OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF WEST-MEC NORTHWEST CAMPUS AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET, AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT, STREET, AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

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

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A CROSS ACCESS EASEMENT ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY AND TRASH COLLECTION VEHICLES.

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

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

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 2018.

BY: WESTERN MARICOPA EDUCATION CENTER NO 402 OF MARICOPA COUNTY, ARIZONA, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA

BY _____

ITS _____

ACKNOWLEDGEMENT

STATE OF ARIZONA }
} S.S.
COUNTY OF MARICOPA }

ON THIS _____ DAY OF _____, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED SELF TO BE _____ _____ OF WESTERN MARICOPA EDUCATION CENTER NO 402 OF MARICOPA COUNTY, ARIZONA, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, AND BEING DULY AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

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

BY: _____
NOTARY PUBLIC DATE

MY COMMISSION EXPIRES: _____

PUBLIC NOTICE

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

RELEASE OF LIABILITY

WESTERN MARICOPA EDUCATION CENTER NO 402 OF MARICOPA COUNTY, ARIZONA, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE (USAF) AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE. THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF. THIS INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON OR PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

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

GENERAL NOTES

ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.

RIGHTS-OF-WAY AND EASEMENTS OUTSIDE THE PLATTED BOUNDARY ARE FROM AVAILABLE PUBLIC RECORDS AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY; NO WARRANTY IS EXPRESSED OR IMPLIED.

PURSUANT TO A.R.S. § 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.

IN ACCORDANCE WITH A.R.S. § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN 2035.

ACCORDING TO THE FLOOD INSURANCE RATE MAP #04013C1240L, DATED OCTOBER 16, 2013 THIS PROPERTY IS LOCATED IN FLOOD ZONE "X": AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

NO STRUCTURES OF ANY KIND MAY BE CONSTRUCTED, OR ANY VEGETATION NEITHER PLANTED NOR ALLOWED TO GROW WITHIN DRAINAGE EASEMENTS THAT WOULD IMPEDE THE FLOW OF WATER THROUGH THE EASEMENTS.

THE CITY OF SURPRISE IS NOT RESPONSIBLE FOR, AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE UTILITIES, PRIVATE STREETS, PRIVATE FACILITIES AND LANDSCAPE AREAS WITHIN THE PROJECT.

ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2 INCH REBAR AND CAP OR TAG BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THE PLACEMENT.

NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

OWNER

WEST-MEC
ADDRESS: 5487 N. 99th AVE.
GLENDALE, ARIZONA 85305
PHONE: (623) 738-0022
CONTACT: GREG DONOVAN
EMAIL: GREG.DONOVAN@WEST-MEC.ORG

ENGINEER

EPS GROUP, INC.
2045 S. VINEYARD AVE, SUITE 101
MESA, AZ 85210
PHONE: (480)-503-2250
FAX: (480)-503-2258
CONTACT: DAN "OX" AUXIER, PE
EMAIL: DAN.AUXIER@EPSGROUPINC.COM

SHEET INDEX

SHEET 1: COVER SHEET
SHEET 2: PLAN SHEET

LEGAL DESCRIPTION

LOTS 1 & 2 OF THE FINAL PLAT OF WEST POINT TOWNE CENTER PARCEL 12 (BOOK 1211, PAGE 8 MCR).

BASIS OF BEARING

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS MEASURED AND AS SHOWN ON THE FINAL PLAT FOR "WEST POINT TOWNE CENTER PARCEL 12", RECORDED IN BOOK 1211, PAGE 8, RECORDS OF MARICOPA COUNTY, ARIZONA:

SOUTH 00 DEGREES 04 MINUTES 28 SECONDS WEST

APPROVALS

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 2018,

BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____ _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

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

_____, 2018.

_____ _____
MAYOR DATE

ATTEST: _____ _____
CITY CLERK DATE

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF NOVEMBER 2017; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

JESSE BOYD, RLS 42937
EPS GROUP, INC.
2045 S. VINEYARD
SUITE 101
MESA, AZ 85210
480.503.2250

17-038

Apr 12, 2018 11:21am S:\Projects\2017\17-038\Legal Survey\Dwgs\Final Plat\17-038 Plat.dwg

jboyd

EPS GROUP
2045 S. Vineyard Ave, Suite 101
Mesa, AZ 85210
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

Project:
WEST-MEC NORTHWEST CAMPUS
SURPRISE, ARIZONA
Final Plat

Revisions:

Call at least two full working days before you begin excavation
ARIZONA 811
Blue Stake, Inc.
Dial 8-1-1 or 1-800-STAKE-IT (782-5348)
In Maricopa County: (602)263-1100

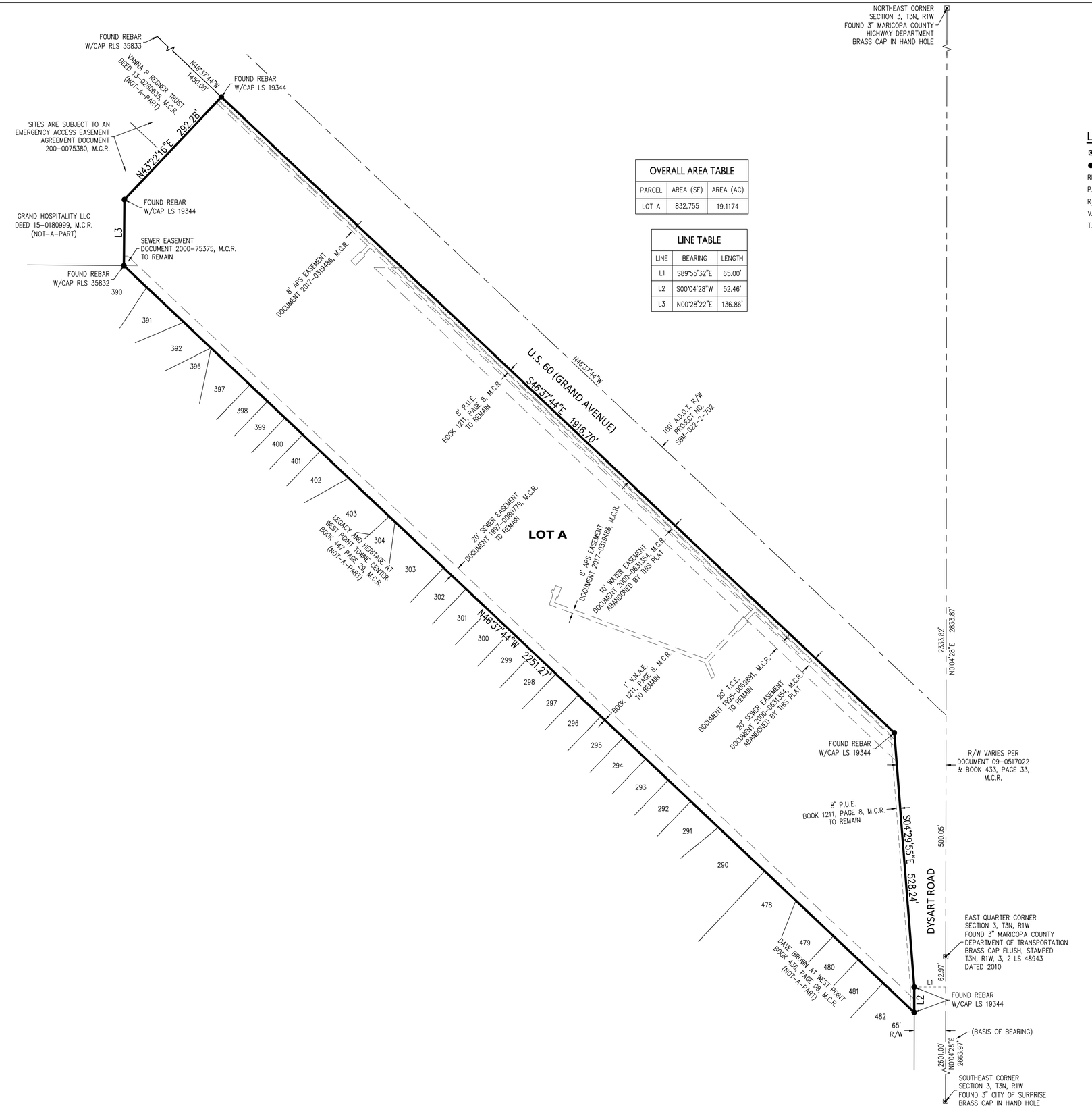
Designer: JB
Drawn by: AG

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
42937
JESSE BOYD
Date Signed 04/12/18
ARIZONA, U.S.A.
Expires 06/30/2020

Job No.
17-038

FP01

Sheet No.
1
of 2



OVERALL AREA TABLE

PARCEL	AREA (SF)	AREA (AC)
LOT A	832,755	19.1174

LINE TABLE

LINE	BEARING	LENGTH
L1	S89°55'32"E	65.00'
L2	S00°04'28"W	52.46'
L3	N00°28'22"E	136.86'

LEGEND

⊡	FOUND MONUMENT AS NOTED
●	CORNER OF SUBDIVISION, MONUMENT AS NOTED.
RLS	REGISTERED LAND SURVEYOR
P.U.E.	PUBLIC UTILITY EASEMENT
R/W	RIGHT-OF-WAY
V.N.A.E.	VEHICULAR NON-ACCESS EASEMENT
T.C.E.	TEMPORARY CONSTRUCTION EASEMENT

EPS GROUP
2045 S. Vineyard Ave, Suite 101
Mesa, Az 85210
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

Project:

WEST-MEC NORTHWEST CAMPUS

SURPRISE, ARIZONA

Final Plat

Revisions:

Call at least two full working days before you begin excavation
ARIZONA 811
Blue Stake, Inc.
Dial 8-1-1 or 1-800-STAKE-IT (782-5348)
In Maricopa County: (602)263-1100

Designer: JB
Drawn by: AG

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
48937
JESSE BOYD
Date Signed 04/12/18
ARIZONA, U.S.A.
Expires 06/30/2020

Job No.
17-038

FP02

Sheet No.
2
of 2

17-038

jboyd Apr 12, 2018 11:21am S:\Projects\2017\17-038\Legal Survey\Dwgs\Final Plat\17-038 Plat.dwg

SURPRISE
ARIZONA

WestMEC Northwest Campus Re-Plat FS18-117

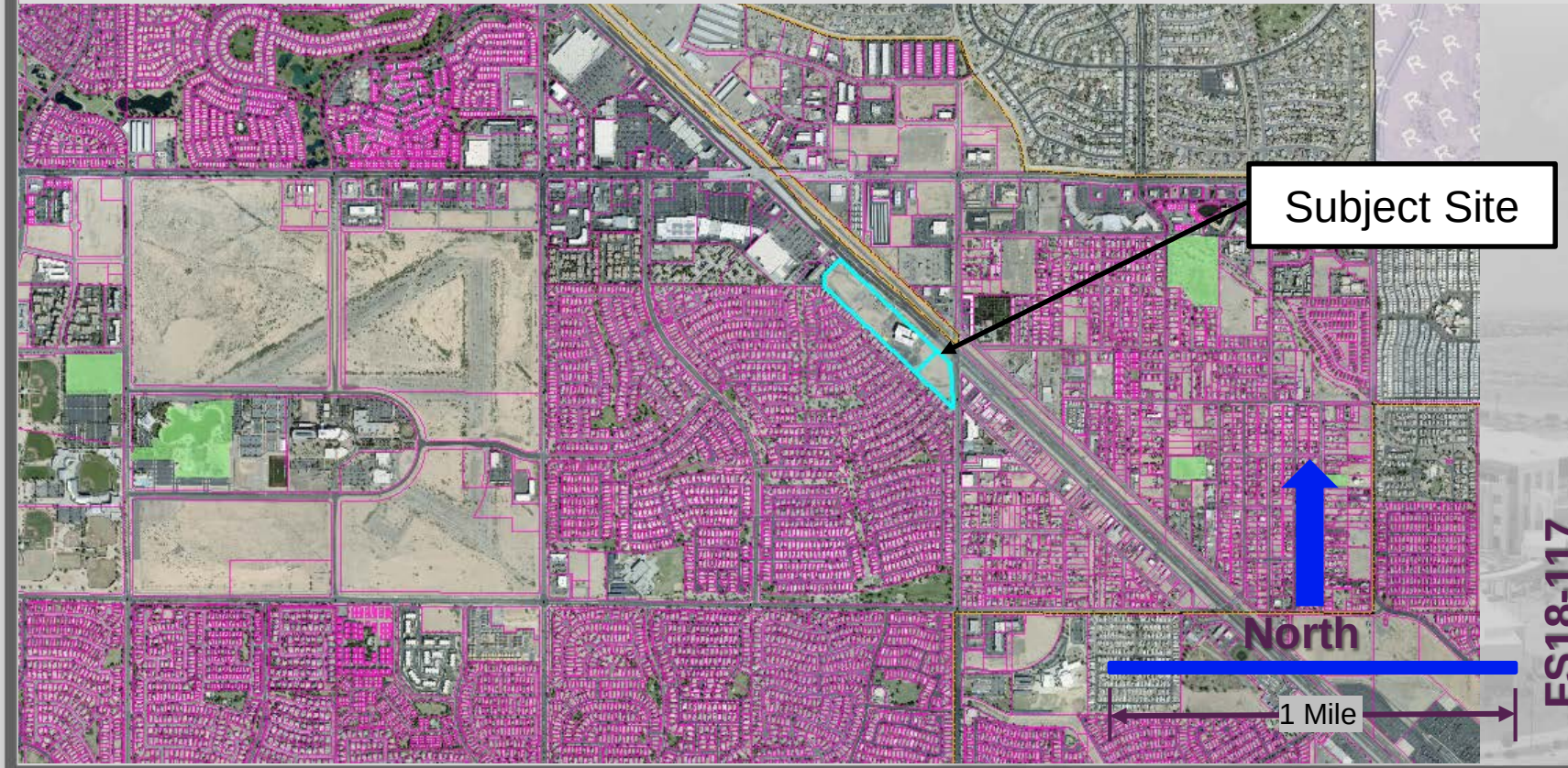
City Council

June 05, 2018

Case Map

FS18-117
WestMEC NW Campus Re-Plat

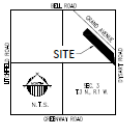
Vicinity Map



FS18-117
WestMEC NW Campus Re-Plat

FINAL PLAT OF
WEST-MEC NORTHWEST CAMPUS

A RE-PLAT OF LOTS 1 AND 2 OF WEST POINT TOWNE CENTER PARCEL 12
RECORDED IN BOOK 1211, PAGE 8, OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA
SITUATED IN A PORTION OF THE EAST HALF OF SECTION 3,
TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA



VICINITY MAP

DEDICATION

STATE OF ARIZONA }
} SS
COUNTY OF MARICOPA }

KNOW ALL BY THESE PRESENTS: THAT WESTERN MARICOPA EDUCATION CENTER NO. 402 OF MARICOPA COUNTY, ARIZONA, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, OWNER, HAVE SUBMITTED UNDER THE NAME WEST-MEC NORTHWEST CAMPUS, LOTS 1 AND 2 OF WEST POINT TOWNE CENTER PARCEL 12, RECORDED IN BOOK 1211, PAGE 8, OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN A PORTION OF THE EAST HALF OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND DO HEREBY DECLARE THIS PLAT TO BE THE PLAT OF WEST-MEC NORTHWEST CAMPUS AND DECLARE THAT THE PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT, STREET AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH HEREWITH AS SHOWN ON THE PLAT.

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIGATION EASEMENT OVER AND ACROSS THE PLAT AS EACH LOT AND PARCEL MEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER THE PLAT, TOGETHER WITH RELATED EFFECTS HEREIN CAUSED, WHICH EFFECTS MAY INCLUDE, BUT NOT BE LIMITED TO, NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT OR TAKING OFF FROM, OR OPERATING AT OR ON LAKE AIR FORCE BASE, THE INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS AND SUCCESSORS IN INTEREST TO THE PLAT OF ANY PARCEL OF LOT MEREOF. THE INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSONS OR PROPERTY CAUSED BY FLYING AIRCRAFT OR FLYING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN AND EXCEPT THE NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

OWNER HEREBY PLEDGES AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES IF ANY DUE TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE DEDICATED LOCATED WITHIN THE RIGHT-OF-WAY.

GENERAL NOTES

ALL NOTE OR TELEPHONE UTILITIES ARE TO BE PLACED UNDERGROUND.

FOUND MONUMENTS AND EASEMENTS OUTSIDE THE PLATTED BOUNDARY ARE FROM AVAILABLE PUBLIC RECORDS AND ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED.

PURSUANT TO A.R.S. § 42-1105, THE CITY OF SURPRISE IS A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, EXCEPT FROM ALL TAXES AND ASSESSMENTS DUE ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICT AREAS AND NOTE THEREON ATTACHED.

IN ACCORDANCE WITH A.R.S. § 9-463.05, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEVELOPMENTS OCCURRING WITHIN THIS PLAT WILL CONFORM WITH THE SURPRISE GENERAL PLAN 2035.

ACCORDING TO THE FLOOD INSURANCE RATE MAP (MARICOPA COUNTY, ARIZONA) DATED OCTOBER 16, 2013 THE PROPERTY IS LOCATED IN FLOOD ZONE "X", AREAS OF 0.20 ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

NO STRUCTURES OF ANY KIND MAY BE CONSTRUCTED, OR ANY OBSTRUCTION WITHIN PLATTED NOR ALLOWED TO GROW WITHIN DRAINAGE EASEMENTS THAT WOULD IMPEDE THE FLOW OF WATER THROUGH THE EASEMENTS.

THE CITY OF SURPRISE IS NOT RESPONSIBLE FOR, AND WILL NOT ASSUME MAINTENANCE OF ANY PRIVATE STREETS, PRIVATE FACILITIES AND EASEMENTS WITHIN THE PROJECT.

ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2 INCH REBAR AND CAP OR TAG BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THE PLAT/SUBDIVISION.

NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT PRIOR OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

PUBLIC NOTICES

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

RELEASE OF LIABILITY

WESTERN MARICOPA EDUCATION CENTER NO. 402 OF MARICOPA COUNTY, ARIZONA, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, OWNER(S) DOES HEREBY FOREVER RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE, USAF, AND THE CITY OF SURPRISE AND ITS INDIVIDUAL OFFICERS AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE OF ANY KIND, THE RESULT OF, IN CONNECTION WITH AIRCRAFT OVERFLIGHT FROM AIRCRAFT TAKEOFF, LANDING OR OTHERWISE, WHICH SUCH DAMAGE SHALL INCLUDE, BUT NOT BE LIMITED TO, NOISE, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT OR TAKING OFF FROM, OR OPERATING AT OR ON LAKE AIR FORCE BASE. THE INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS AND SUCCESSORS IN INTEREST TO THE PLAT OF ANY PARCEL OF LOT MEREOF. THE INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSONS OR PROPERTY CAUSED BY FLYING AIRCRAFT OR FLYING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN AND EXCEPT THE NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

ACKNOWLEDGEMENT

STATE OF ARIZONA }
} SS
COUNTY OF MARICOPA }

ON THIS _____ DAY OF _____, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO ACKNOWLEDGED THAT SHE/HE _____ OF WESTERN MARICOPA EDUCATION CENTER NO. 402 OF MARICOPA COUNTY, ARIZONA, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, AND WHO FULLY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

BY: _____
NOTARY PUBLIC DATE

MY COMMISSION EXPIRES: _____

OWNER

WESTMEC
ATTENTION: JAMES M. HAYS, ARE
1 SOUTHEAST ARIZONA AVENUE
GILBERT, ARIZONA 85296
PHONE: (480) 728-3022
CONTACT: DAVID DONOVAN
EMAIL: DAVID.DONOVAN@WESTMEC.ORG

ENGINEER

EPS GROUP, INC.
2045 S. VINEYARD AVE, SUITE 101
MESA, AZ 85210
PHONE: (480) 503-2250
FAX: (480) 503-2258
CONTACT: DAN "DJ" ALBERS, PE
EMAIL: DANALBERS@EPSGROUP.COM

SHEET INDEX

SHEET 1:	COVER SHEET
SHEET 2:	PLAN SHEET

LEGAL DESCRIPTION

LOTS 1 & 2 OF THE FINAL PLAT OF WEST POINT TOWNE CENTER PARCEL 12 (BOOK 1211, PAGE 8 MCR).

BASIS OF BEARING

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH RANGE 1 WEST OF THE GLA AND SALT RIVER RANGE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS DEPICTED AND AS SHOWN ON THE FINAL PLAT FOR WEST POINT TOWNE CENTER PARCEL 12, RECORDED IN BOOK 1211, PAGE 8, RECORDS OF MARICOPA COUNTY, ARIZONA

NORTH 00 DEGREES 04 MINUTES 38 SECONDS WEST

APPROVALS

CITY OF SURPRISE DENIER APPROVAL

DATA ON THIS PLAT HEREBY AND APPROVED THIS _____ DAY OF _____, 2018.

BY THE CITY ENGINEER OF SURPRISE, ARIZONA

APPROVED _____ _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS _____ DAY OF _____, 2018.

_____ _____
MAYOR DATE

ATTEST _____ _____
CITY CLERK DATE

CERTIFICATION

THE UNDERSIGNED HEREBY THAT THE SURVEY AND SUBDIVISION OF THE PROPERTY DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF NOVEMBER 2017; THAT THE MONUMENTS THERE ARE CORRECTLY SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST; THAT THEY POSITIONS ARE CORRECTLY SHOWN; AND THAT THE MONUMENTS ARE SUFFICIENT TO RENDER THE SURVEY TO BE RETRACED.

JEFFREY DOYLE, RLS 42637
EPS GROUP, INC.
2045 S. VINEYARD
SUITE 101
MESA, AZ 85210
480.503.2250

17-038

EPS GROUP
2045 S. Vineyard Ave, Suite 101
Mesa, AZ 85210
480.503.2250 F 480.503.2258
www.epsgroup.com

WEST-MEC NORTHWEST CAMPUS
SURPRISE, ARIZONA
Final Plat

Project:

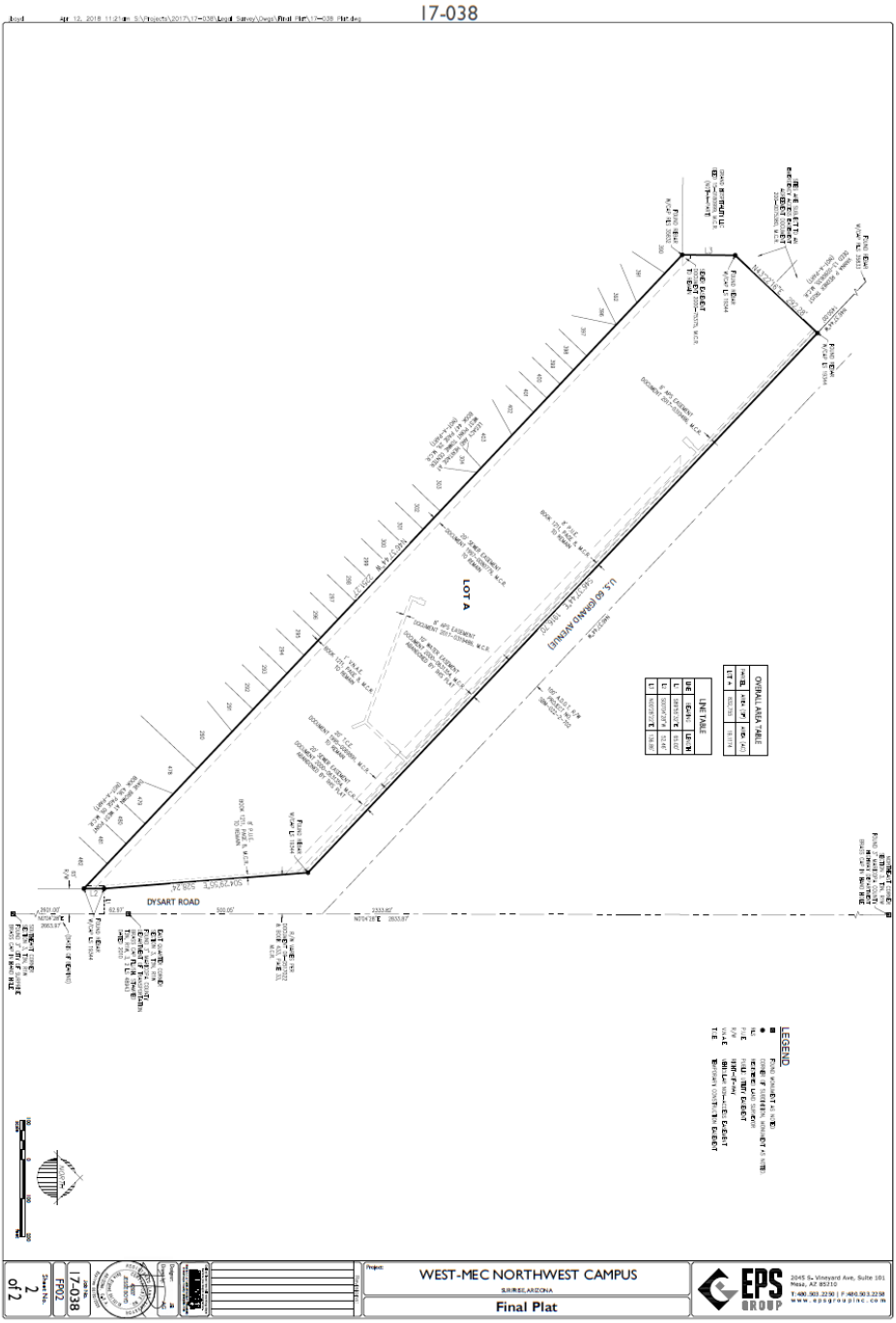
Revisions

Designer: JR
Drawn by: MG

Job No.
17-038
FP01

Sheet No.
1
of 2

FS18-117
WestMEC NW Campus Re-Plat



FS18-117
WestMEC NW Campus Re-Plat

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Martin Lucero - Community Development
Submitting Department:		District:	Citywide
Staff Recommendations:	No Action		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action authorizing the Mayor to execute three Intergovernmental Agreements with Arizona Department of Transportation for the establishment of Safe Routes to School coordinators and incentive programs: Resolution #2018-76.

Motion:

I move to approve Resolution #2018-76.

Background:

These are grants that have been accepted and budgeted by the City to continue to facilitate the City's Safe Route to School efforts in conjunction with the Dysart Unified School District (DUSD) schools and the various charter schools within Surprise. These grants will help to establish Safe Routes to School coordinators that will coordinate, educate and engage our citizens in the benefits of alternative forms of transportation. Funds are also available to provide incentive for the SRTS programs.

Objective Analysis:

These IGAs will allow the City to utilize the federal grants that have been secured and accepted.

Policy Compliant:

This is compliant with the City of Surprise Strategic Plan under Transportation - Goal 7: Identify funding sources for the transportation system.

Financial Impact:

These IGAs will allow the City to utilize federal grant awards in the total amount of $47,021 with a City Match of $8,843 for a total budget of $55,864. The City match requirement will be met with the Community Development Department's General Fund budget.

Budget Impact:

The total project budget amount has been included in the City's FY2019 Budget.

FTE Impact:

This item includes budget for a part time grant funded staff position.

ATTACHMENTS:

Click to download

- Resolution 2018-76

RESOLUTION # 2018-76

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING INTER-GOVERNMENTAL AGREEMENTS WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION ALTERNATIVE NON-INFRASTRUCTURE GRANT FUNDS TO ESTABLISH A SAFE ROUTES TO SCHOOL COORDINATORS AND INCENTIVE PROGRAM.

WHEREAS, pursuant to A.R.S. § 11-952, the City of Surprise has the authority to enter into intergovernmental agreements with other governmental entities;

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

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

WHEREAS, the City has established the Safe Routes to School initiatives within its City, and wishes to utilize grant funding to develop a Safe Routes to School coordinators and incentives program;

WHEREAS, the City applied for and was awarded three Transportation Alternative Non-Infrastructure grants with the Arizona Department of Transportation for an estimated total of $47,021 with a City match requirement and PDA cost estimated at $8,843, for a total budget estimated at $55,864; and

WHEREAS, the FY2018 budget was adopted by Council Resolution #2017-64 on June 6, 2017, including funding for *Transportation Alternative Non-Infrastructure Grant Funds for the Safe Routes to School Program*.

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

Section 1. The three Intergovernmental Agreements, including their respective exhibits, between the City of Surprise and the Arizona Department of Transportation for the establishment of Safe Routes to School coordinators and incentive programs, attached as Exhibit A, are hereby approved.

Section 2. The City of Surprise is authorized to accept grant funding in the amount of $47,021 with a City match requirement and PDA cost of $8,843 from the Arizona Department of Transportation for the City of Surprise Community Development Department to develop a Safe Routes to School coordinators and incentives program.

Section 3. The Mayor, or her designee, is hereby authorized to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

APPROVED AND ADOPTED this _____day of _____, 2018.

_____
Sharon R. Wolcott, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF SURPRISE, ARIZONA
AND
ARIZONA DEPARTMENT OF TRANSPORTATION

[Including three IGA's and their respective exhibits.]

ADOT CAR No.: IGA 18-0006861-I
AG Contract No.: P001 000xxx
Project Location/Name: ACA, Imagine Prep, and Imagine Rosefield Elementary
Type of Work: SRTS Coordinator, Incentives & Promo Materials
Federal-aid No.: SRTS-SUR-0(232)D
ADOT Project No.: T0172 01D/01X
TIP/STIP No.: SUR18-702
CFDA No.: 20.205 – Highway Planning and Construction
Budget Source Item No.: NA

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SURPRISE

THIS AGREEMENT is entered into this date _____, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the CITY OF SURPRISE, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached and made a part of, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. The Safe Routes to School Program (SRTS) was established in August 2005 as part of SAFETEA-LU, Section 1404 of this legislation provides funding (for the first time) for State Departments of Transportation to create and administer SRTS programs. This is a one-school-year non-infrastructure project in which the recipient has eighteen (18) to twenty-four (24) months to expend the funds, unless otherwise specified. The State and the City have identified programs within the City as eligible for this funding.

4. The purpose of this Agreement between the State and the City is to allow the State to acquire federal funds for the implementation of various educational safety programs at ACA, Imagine Prep, and Imagine Rosefield Elementary Schools, the "Project". The Project will implement a SRTS Coordinator for each of the schools participating in the program,

incentives for SRTS competitions and activities, and promotional and educational materials to help promote healthy walking and biking to school. The City will procure supplies or services following the State procurement process or utilizing an established ADOT procurement contract.

5. The Project has been submitted to the State and Federal Highway Administration (FHWA) for their approval.

THEREFORE, in consideration of the mutual terms expressed in this Agreement, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

    a. Execute this Agreement, and if the Project is approved by FHWA and funds for the Project are available, be the City's designated agent for the Project.

    b. Execute this Agreement, and prior to performing or authorizing any work, invoice the City for the initial Project Development Administration (PDA) costs, estimated at $2,000.00 If actual PDA costs exceed the estimate during the development of the Project, notify the City and obtain concurrence prior to continuing with the development of the Project. After the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

    c. Review and approve the SRTS application submitted by the City. Verify the City demonstrates the ability to meet the SRTS requirements and provide an environmental review.

    d. Within 30 days of receipt of a Progress Payment Report (Exhibit B), reimburse the City for eligible costs incurred not to exceed $15,667.00, as shown in Exhibit A. Any costs incurred prior to the date of Federal Authorization will not be eligible for reimbursement.

    e. Continuously evaluate the City's program based on the regular submittal of evaluation data and the number of participating students. Should either of these not be met, the State maintains the right to discontinue the award.

2. The City will:

    a. Designate the State as the City's authorized agent for the Project.

    b. Within 30 days of receipt of an invoice from the State, pay the initial PDA costs, estimated at $2,000.00. Agree to be responsible for actual PDA costs, if during the development of the Project, PDA costs exceed the initial estimate. Be responsible for any difference between the estimated and actual PDA costs of the Project.

c. After receipt of the State's environmental review and the official SRTS Notice to Proceed, begin SRTS Program and activities.

d. Within 30 days of payment to a vendor, not less than quarterly, complete and submit a Progress Payment Report (Exhibit B), and all documentation necessary for reimbursement of eligible costs incurred not to exceed $15,667.00, as shown in Exhibit A. Any costs incurred prior to the date of the official SRTS Notice to Proceed will not be eligible for reimbursement.

e. Communicate regularly with the ADOT Program Coordinator, based within ADOT's Local Public Agency (LPA) Section.

f. Twice a year, once during the fall school semester and once during the spring school semester, conduct surveys of participating classes by using the "Student Travel Tally" sheet. Obtain this form by using the "Data Central" tab and then "Data Collection Forms" from the National Center for Safe Routes to School (NCSRTS) on-line web-site at (www.saferoutesinfo.org). Complete one form for each participating class. Then enter this data into the NCSRTS database by first creating an account at www.saferoutesdata.org and following the instructions.

g. Submit the cover/front page of the NCSRTS output as verification of surveys and the page entitled "Evaluation - Semi-Annual Data" as documentation for reimbursements to be processed to the ADOT Program Coordinator.

h. On a semi-annual basis, along with the reimbursement request and data verification, submit a report, no more than one page in length, of your program's progress.

i. Use the funds in a timely manner. The ADOT Program Coordinator has the right to discontinue reimbursements if sufficient progress has not been made.

j. Should the City fail to provide the submittal of evaluation data and the number of participating students on a regular basis, ADOT maintains the right to discontinue the award.

k. At Project completion, before the final reimbursement request is submitted, complete and submit the Project Close-Out Evaluation Form.

III. MISCELLANEOUS PROVISIONS

1. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

2. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of the Project and all related deposits and/or reimbursements are made.

3. This Agreement may be cancelled at any time prior to the award of the Project contract and after 30 days written notice to the other Party. It is understood and agreed that, in the event the City terminates this Agreement, the City shall be responsible for all costs incurred by the

State up to the time of termination. It is further understood and agreed that in the event the City terminates this Agreement, the State shall in no way be obligated to complete or maintain the Project.

4. The City shall indemnify, defend, and hold harmless the State, any of its departments, agencies, officers or employees (collectively referred to in this paragraph as the "State") from any and all claims, demands, suits, actions, proceedings, loss, cost and damages of every kind and description, including reasonable attorneys' fees and/or litigation expenses (collectively referred to in this paragraph as the "Claims"), which may be brought or made against or incurred by the State on account of loss of or damage to any property or for injuries to or death of any person, to the extent caused by, arising out of, or contributed to, by reasons of any alleged act, omission, professional error, fault, mistake, or negligence of the City, its employees, officers, directors, agents, representatives, or contractors, their employees, agents, or representatives in connection with or incident to the performance of this Agreement. The City's obligations under this paragraph shall not extend to any Claims to the extent caused by the negligence of the State, except the obligation does apply to any negligence of the City which may be legally imputed to the State by virtue of the State's ownership or possession of land. The City's obligations under this paragraph shall survive the termination of this Agreement.

5. The cost of work under this Agreement is to be covered by the federal funds programmed for this Project, up to the maximum available. The City acknowledges that actual Project costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by FHWA as eligible for federal funds. Therefore, the City agrees to pay the difference between actual costs of the Project and the federal funds received.

6. Should the federal funding related to this Project be terminated or reduced by the federal government, or Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.

7. The cost of the Project under this Agreement includes indirect costs approved by FHWA, as applicable.

8. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the City will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

9. The City acknowledges and will comply with Title VI of the Civil Rights Act Of 1964.

10. The City acknowledges compliance with federal laws and regulations and may be subject to the CODE OF FEDERAL REGULATIONS, TITLE 2, PART 200 (also known as The Uniform Grant Guidance). Entities that expend $750,000.00 or more (on or after 12/26/14) of federal assistance (federal funds, federal grants, or federal awards) are required to comply by having an independent audit in accordance with §200.331 Subpart F. Either an electronic or hardcopy of the Single Audit is to be sent to Arizona Department of Transportation

Financial Management Services within the required deadline of nine months of the sub recipient fiscal year end.

ADOT – FMS
Attn: Cost Accounting Administrator
206 S 17th Ave. Mail Drop 204B
Phoenix, AZ 85007
SingleAudit@azdot.gov

11. This Agreement shall be governed by and construed in accordance with Arizona laws.

12. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

13. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 shall apply to this Agreement.

14. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The Parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated in this Agreement by reference regarding "Non-Discrimination".

15. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

16. In the event of any controversy, which may arise out of this Agreement, the Parties agree to abide by arbitration as is set forth for public works contracts if required by Arizona Revised Statutes § 12-1518.

17. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401.

18. The Parties shall ensure that all contractors comply with the applicable requirements of Arizona Revised Statutes §35-393.01.

19. The Parties shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

20. All notices or demands upon any Party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

For Agreement Administration:

Arizona Department of Transportation	City of Surprise
Joint Project Agreement Section	Attn: Martin Lucero
205 S. 17th Avenue, Mail Drop 637E	Transportation Manager

Phoenix, AZ 85007
JPABranch@azdot.gov

16000 N. Civic Center Plaza
Surprise, AZ 85374
623.222.3142
623.222.3001 Fax

For Project Administration:
Arizona Department of Transportation
Local Public Agency
205 S. 17th Avenue
Phoenix, AZ 85007
LPAGroup@azdot.gov

City of Surprise
Attn: Martin Lucero
Transportation Manager
16000 N. Civic Center Plaza
Surprise, AZ 85374
623.222.3142
623.222.3001 Fax

For Financial Administration:
Arizona Department of Transportation
Local Public Agency
205 S. 17th Avenue
Phoenix, AZ 85007
LPAGroup@azdot.gov

City of Surprise
Attn:
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone #
Fax #

21. In accordance with Arizona Revised Statutes § 11-952 (D) attached and incorporated in this Agreement is the written determination of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

CITY OF SURPRISE

By _____
SHARON WOLCOTT
Mayor

ATTEST:

By _____
SHERRY ANN AGUILAR
City Clerk

STATE OF ARIZONA
Department of Transportation

By _____
STEVE BOSCHEN, P.E.
Division Director

IGA 18-0006861-I

ATTORNEY APPROVAL FORM FOR THE CITY OF SURPRISE

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF SURPRISE, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2018.

_____

City Attorney

IGA 18-0006861-I
EXHIBIT A
Cost Estimate

T0172 01D/01X

The federal funds will be used for the procurement of the Project. The estimated Project costs are as follows:

T0172 01D (ADOT Project Development Administration (PDA) Cost, non-federal-aid):

PDA costs*	$ 2,000.00

T0172 01X (scoping/design):

Federal-aid funds @ 94.3%	$ 15,667.00
City's match @ 5.7%	$ 947.00
Subtotal – Scoping/Design/PDA	**$ 16,614.00**
Estimated TOTAL Project Cost	**$ 16,614.00**
Total Estimated City Funds	**$ 2,947.00**
Total Federal Funds	**$ 15,667.00**

* (Included in the City Estimated Funds)

EXHIBIT B

ARIZONA DEPARTMENT OF TRANSPORTATION
PROGRESS PAYMENT REPORT

Report No.			**IGA**	**18-0006861-I**
ADOT PO #			**PROGRESS**	
Item No.			**FINAL**	
Federal-aid No.	SRTS-SUR-0(232)D			
ADOT Project No.	T0172 01X			
Name of Project	**ACA, Imagine Prep and Imagine Rosefield Elementary**			
Name of Vendor				
REMIT PAYMENT TO:				
Date Started :	Estimated Completion Date:	% Billed		% Complete

SUMMARY OF WORK FOR WHICH PAYMENT IS REQUESTED

Items	DESCRIPTION	Hours	**CONTRACT AMOUNT**	Previous Accumulative Amount	Current Month	Accumulative Amount
	PER IGA 18-0006861-I					
	See Attached					$15,667.00
						$0.00
						$0.00
						$0.00
						$0.00
						$0.00

Submitted By: _____ Date:	Total to Date	$15,667.00
Approved By: _____ Date:	Total Previous Report	$0.00
ADOT Project Manager	Current Report	**$0.00**

Contract Payables/JPA-PR-FORMAT 8/21/17

ADOT CAR No.: IGA 18-0006862-I
AG Contract No.: P001 000xxx
Project Location/Name: Kingswood-West Point Sonoran Heights Elementary
Type of Work: SRTS Coordinator, Incentives & Promo Materials
Federal-aid No.: SRTS-SUR-0(233)D
ADOT Project No.: T0173 01D/01X
TIP/STIP No.: SUR18-701
CFDA No.: 20.205 – Highway Planning and Construction
Budget Source Item No.: NA

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SURPRISE

THIS AGREEMENT is entered into this date _____, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the CITY OF SURPRISE, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached and made a part of, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. The Safe Routes to School Program (SRTS) was established in August 2005 as part of SAFETEA-LU, Section 1404 of this legislation provides funding (for the first time) for State Departments of Transportation to create and administer SRTS programs. This is a one-school-year non-infrastructure project in which the recipient has eighteen (18) to twenty-four (24) months to expend the funds, unless otherwise specified. The State and the City have identified programs within the City as eligible for this funding.

4. The purpose of this Agreement between the State and the City is to allow the State to acquire federal funds for the implementation of various educational safety programs at Kingswood, West Point, and Sonoran Heights Elementary Schools, the "Project". The Project will implement a SRTS Coordinator for each of the schools participating in the program,

incentives for SRTS competitions and activities, and promotional and educational materials to help promote healthy walking and biking to school. The City will procure supplies or services following the State procurement process or utilizing an established ADOT procurement contract.

5. The Project has been submitted to the State and Federal Highway Administration (FHWA) for their approval.

THEREFORE, in consideration of the mutual terms expressed in this Agreement, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

    a. Execute this Agreement, and if the Project is approved by FHWA and funds for the Project are available, be the City's designated agent for the Project.

    b. Execute this Agreement, and prior to performing or authorizing any work, invoice the City for the initial Project Development Administration costs, estimated at $2,000.00 If actual PDA costs exceed the estimate during the development of the Project, notify the City and obtain concurrence prior to continuing with the development of the Project. After the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

    c. Review and approve the SRTS application submitted by the City. Verify the City demonstrates the ability to meet the SRTS requirements and provide an environmental review.

    d. Within 30 days of receipt of a Progress Payment Report (Exhibit B), reimburse the City for eligible costs incurred not to exceed $15,677.00, as shown in Exhibit A. Any costs incurred prior to the date of Federal Authorization will not be eligible for reimbursement.

    e. Continuously evaluate the City's program based on the regular submittal of evaluation data and the number of participating students. Should either of these not be met, the State maintains the right to discontinue the award.

2. The City will:

    a. Designate the State as the City's authorized agent for the Project.

    b. Within 30 days of receipt of an invoice from the State, pay the initial PDA costs, estimated at $2,000.00. Agree to be responsible for actual PDA costs, if during the development of the Project, PDA costs exceed the initial estimate. Be responsible for any difference between the estimated and actual PDA costs of the Project.

c. After receipt of the State's environmental review and the official SRTS Notice to Proceed, begin SRTS Program and activities.

d. Within 30 days of payment to a vendor, not less than quarterly, complete and submit a Progress Payment Report (Exhibit B), and all documentation necessary for reimbursement of eligible costs incurred not to exceed $15,677.00, as shown in Exhibit A. Any costs incurred prior to the date of the official SRTS Notice to Proceed will not be eligible for reimbursement.

e. Communicate regularly with the ADOT Program Coordinator, based within ADOT's Local Public Agency (LPA) Section.

f. Twice a year, once during the fall school semester and once during the spring school semester, conduct surveys of participating classes by using the "Student Travel Tally" sheet. Obtain this form by using the "Data Central" tab and then "Data Collection Forms" from the National Center for Safe Routes to School (NCSRTS) on-line web-site at (www.saferoutesinfo.org). Complete one form for each participating class. Then enter this data into the NCSRTS database by first creating an account at www.saferoutesdata.org and following the instructions.

g. Submit the cover/front page of the NCSRTS output as verification of surveys and the page entitled "Evaluation - Semi-Annual Data" as documentation for reimbursements to be processed to the ADOT Program Coordinator.

h. On a semi-annual basis, along with the reimbursement request and data verification, submit a report, no more than one page in length, of your program's progress.

i. Use the funds in a timely manner. The ADOT Program Coordinator has the right to discontinue reimbursements if sufficient progress has not been made.

j. Should the City fail to provide the submittal of evaluation data and the number of participating students on a regular basis, ADOT maintains the right to discontinue the award.

k. At Project completion, before the final reimbursement request is submitted, complete and submit the Project Close-Out Evaluation Form.

III. MISCELLANEOUS PROVISIONS

1. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

2. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of the Project and all related deposits and/or reimbursements are made.

3. This Agreement may be cancelled at any time prior to the award of the Project contract and after 30 days written notice to the other Party. It is understood and agreed that, in the event the City terminates this Agreement, the City shall be responsible for all costs incurred by the

State up to the time of termination. It is further understood and agreed that in the event the City terminates this Agreement, the State shall in no way be obligated to complete or maintain the Project.

4. The City shall indemnify, defend, and hold harmless the State, any of its departments, agencies, officers or employees (collectively referred to in this paragraph as the "State") from any and all claims, demands, suits, actions, proceedings, loss, cost and damages of every kind and description, including reasonable attorneys' fees and/or litigation expenses (collectively referred to in this paragraph as the "Claims"), which may be brought or made against or incurred by the State on account of loss of or damage to any property or for injuries to or death of any person, to the extent caused by, arising out of, or contributed to, by reasons of any alleged act, omission, professional error, fault, mistake, or negligence of the City, its employees, officers, directors, agents, representatives, or contractors, their employees, agents, or representatives in connection with or incident to the performance of this Agreement. The City's obligations under this paragraph shall not extend to any Claims to the extent caused by the negligence of the State, except the obligation does apply to any negligence of the City which may be legally imputed to the State by virtue of the State's ownership or possession of land. The City's obligations under this paragraph shall survive the termination of this Agreement.

5. The cost of work under this Agreement is to be covered by the federal funds programmed for this Project, up to the maximum available. The City acknowledges that actual Project costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by FHWA as eligible for federal funds. Therefore, the City agrees to pay the difference between actual costs of the Project and the federal funds received.

6. Should the federal funding related to this Project be terminated or reduced by the federal government, or Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.

7. The cost of the Project under this Agreement includes indirect costs approved by FHWA, as applicable.

8. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the City will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

9. The City acknowledges and will comply with Title VI of the Civil Rights Act Of 1964.

10. The City acknowledges compliance with federal laws and regulations and may be subject to the CODE OF FEDERAL REGULATIONS, TITLE 2, PART 200 (also known as The Uniform Grant Guidance). Entities that expend $750,000.00 or more (on or after 12/26/14) of federal assistance (federal funds, federal grants, or federal awards) are required to comply by having an independent audit in accordance with §200.331 Subpart F. Either an electronic or hardcopy of the Single Audit is to be sent to Arizona Department of Transportation Financial Management Services within the required deadline of nine months of the sub recipient fiscal year end.

ADOT – FMS
Attn: Cost Accounting Administrator
206 S 17th Ave. Mail Drop 204B
Phoenix, AZ 85007
SingleAudit@azdot.gov

11. This Agreement shall be governed by and construed in accordance with Arizona laws.

12. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

13. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 shall apply to this Agreement.

14. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The Parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated in this Agreement by reference regarding "Non-Discrimination".

15. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

16. In the event of any controversy, which may arise out of this Agreement, the Parties agree to abide by arbitration as is set forth for public works contracts if required by Arizona Revised Statutes § 12-1518.

17. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401.

18. The Parties shall ensure that all contractors comply with the applicable requirements of Arizona Revised Statutes §35-393.01.

19. The Parties shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

20. All notices or demands upon any Party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

For Agreement Administration:

Arizona Department of Transportation
Joint Project Agreement Section
205 S. 17th Avenue, Mail Drop 637E
Phoenix, AZ 85007
JPABranch@azdot.gov

City of Surprise
Attn: Martin Lucero
Transportation Manager
16000 N. Civic Center Plaza
Surprise, AZ 85374

623.222.3142
623.222.3001 Fax

For Project Administration:
Arizona Department of Transportation
Local Public Agency
205 S. 17th Avenue
Phoenix, AZ 85007
LPAGroup@azdot.gov

City of Surprise
Attn: Martin Lucero
Transportation Manager
16000 N. Civic Center Plaza
Surprise, AZ 85374
623.222.3142
623.222.3001 Fax

For Financial Administration:
Arizona Department of Transportation
Local Public Agency
205 S. 17th Avenue
Phoenix, AZ 85007
LPAGroup@azdot.gov

City of Surprise
Attn:
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone #
Fax #

21. In accordance with Arizona Revised Statutes § 11-952 (D) attached and incorporated in this Agreement is the written determination of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

CITY OF SURPRISE

By _____
SHARON WOLCOTT
Mayor

ATTEST:

By _____
SHERRY ANN AGUILAR
City Clerk

STATE OF ARIZONA
Department of Transportation

By _____
STEVE BOSCHEN, P.E.
Division Director

IGA 18-0006862-I

ATTORNEY APPROVAL FORM FOR THE CITY OF SURPRISE

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF SURPRISE, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2018.

_____

City Attorney

EXHIBIT A

IGA 18-0006862-I
Cost Estimate

T0173 01D/01X

The federal funds will be used for the procurement of the Project. The estimated Project costs are as follows:

T0173 01D (ADOT Project Development Administration (PDA) Cost, non-federal-aid):

PDA costs*	$ 2,000.00

T0173 01X (procurement):

Federal-aid funds @ 94.3%	$ 15,677.00
City's match @ 5.7%	$ 948.00
Subtotal – Scoping/Design/PDA*	**$ 16,625.00**
Estimated TOTAL Project Cost	**$ 16,625.00**
Total Estimated City Funds	**$ 2,948.00**
Total Federal Funds	**$ 15,677.00**

* (Included in the City Estimated Funds)

EXHIBIT B

ARIZONA DEPARTMENT OF TRANSPORTATION
PROGRESS PAYMENT REPORT

Report No.			**IGA**	**18-0006862-I**
ADOT PO #			**PROGRESS**	
Item No.			**FINAL**	
Federal-aid No.	SRTS-SUR-0(233)D			
ADOT Project No.	T0173 01X			
Name of Project	**Kingswood-West Point Sonoran Heights Elementary**			
Name of Vendor				
REMIT PAYMENT TO:				
Date Started :	Estimated Completion Date:	% Billed		% Complete

SUMMARY OF WORK FOR WHICH PAYMENT IS REQUESTED

Items	DESCRIPTION Hours	**CONTRACT AMOUNT**	Previous Accumulative Amount	Current Month	Accumulative Amount
	PER IGA 18-0006862-I				
	See Attached				$15,677.00
					$0.00
					$0.00
					$0.00
					$0.00
					$0.00

Submitted By: Date:	Total to Date	$15,677.00
Approved By: Date:	Total Previous Report	$0.00
ADOT Project Manager	Current Report	**$0.00**

Contract Payables/JPA-PR-FORMAT 8/21/17

ADOT CAR No.: IGA 18-0006863-I
AG Contract No.: P001 000xxx
Project Location/Name: Ashton Ranch-Countryside-Parkview Elementary
Type of Work: SRTS Coordinator, Incentives & Promo Materials
Federal-aid No.: SRTS-SUR-0(234)D
ADOT Project No.: T0174 01D/01X
TIP/STIP No.: SUR18-704
CFDA No.: 20.205 – Highway Planning and Construction
Budget Source Item No.: NA

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SURPRISE

THIS AGREEMENT is entered into this date _____, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State" or "ADOT") and the CITY OF SURPRISE, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached and made a part of, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. The Safe Routes to School Program (SRTS) was established in August 2005 as part of SAFETEA-LU, Section 1404 of this legislation provides funding (for the first time) for State Departments of Transportation to create and administer SRTS programs. This is a one-school-year non-infrastructure project in which the recipient has eighteen (18) to twenty-four (24) months to expend the funds, unless otherwise specified. The State and the City have identified programs within the City as eligible for this funding.

4. The purpose of this Agreement between the State and the City is to allow the State to acquire federal funds for the implementation of various educational safety programs at Ashton Ranch, Countryside, and Parkview Elementary Schools, the "Project". The Project will implement a SRTS Coordinator for each of the schools participating in the program,

incentives for SRTS competitions and activities, and promotional and educational materials to help promote healthy walking and biking to school. The City will procure supplies or services following the State procurement process or utilizing an established ADOT procurement contract.

5. The Project has been submitted to the State and Federal Highway Administration (FHWA) for their approval.

THEREFORE, in consideration of the mutual terms expressed in this Agreement, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

    a. Execute this Agreement, and if the Project is approved by FHWA and funds for the Project are available, be the City's designated agent for the Project.

    b. Execute this Agreement, and prior to performing or authorizing any work, invoice the City for the initial Project Development Administration costs, estimated at $2,000.00 If actual PDA costs exceed the estimate during the development of the Project, notify the City and obtain concurrence prior to continuing with the development of the Project. After the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

    c. Review and approve the SRTS application submitted by the City. Verify the City demonstrates the ability to meet the SRTS requirements and provide an environmental review.

    d. Within 30 days of receipt of a Progress Payment Report (Exhibit B), reimburse the City for eligible costs incurred not to exceed $15,677.00, as shown in Exhibit A. Any costs incurred prior to the date of Federal Authorization will not be eligible for reimbursement.

    e. Continuously evaluate the City's program based on the regular submittal of evaluation data and the number of participating students. Should either of these not be met, the State maintains the right to discontinue the award.

2. The City will:

    a. Designate the State as the City's authorized agent for the Project.

    b. Within 30 days of receipt of an invoice from the State, pay the initial PDA costs, estimated at $2,000.00. Agree to be responsible for actual PDA costs, if during the development of the Project, PDA costs exceed the initial estimate. Be responsible for any difference between the estimated and actual PDA costs of the Project.

c. After receipt of the State's environmental review and the official SRTS Notice to Proceed, begin SRTS Program and activities.

d. Within 30 days of payment to a vendor, not less than quarterly, complete and submit a Progress Payment Report (Exhibit B), and all documentation necessary for reimbursement of eligible costs incurred not to exceed $15,677.00, as shown in Exhibit A. Any costs incurred prior to the date of the official SRTS Notice to Proceed will not be eligible for reimbursement.

e. Communicate regularly with the ADOT Program Coordinator, based within ADOT's Local Public Agency (LPA) Section.

f. Twice a year, once during the fall school semester and once during the spring school semester, conduct surveys of participating classes by using the "Student Travel Tally" sheet. Obtain this form by using the "Data Central" tab and then "Data Collection Forms" from the National Center for Safe Routes to School (NCSRTS) on-line web-site at (www.saferoutesinfo.org). Complete one form for each participating class. Then enter this data into the NCSRTS database by first creating an account at www.saferoutesdata.org and following the instructions.

g. Submit the cover/front page of the NCSRTS output as verification of surveys and the page entitled "Evaluation - Semi-Annual Data" as documentation for reimbursements to be processed to the ADOT Program Coordinator.

h. On a semi-annual basis, along with the reimbursement request and data verification, submit a report, no more than one page in length, of your program's progress.

i. Use the funds in a timely manner. The ADOT Program Coordinator has the right to discontinue reimbursements if sufficient progress has not been made.

j. Should the City fail to provide the submittal of evaluation data and the number of participating students on a regular basis, ADOT maintains the right to discontinue the award.

k. At Project completion, before the final reimbursement request is submitted, complete and submit the Project Close-Out Evaluation Form.

III. MISCELLANEOUS PROVISIONS

1. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

2. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of the Project and all related deposits and/or reimbursements are made.

3. This Agreement may be cancelled at any time prior to the award of the Project contract and after 30 days written notice to the other Party. It is understood and agreed that, in the event the City terminates this Agreement, the City shall be responsible for all costs incurred by the

State up to the time of termination. It is further understood and agreed that in the event the City terminates this Agreement, the State shall in no way be obligated to complete or maintain the Project.

4. The City shall indemnify, defend, and hold harmless the State, any of its departments, agencies, officers or employees (collectively referred to in this paragraph as the "State") from any and all claims, demands, suits, actions, proceedings, loss, cost and damages of every kind and description, including reasonable attorneys' fees and/or litigation expenses (collectively referred to in this paragraph as the "Claims"), which may be brought or made against or incurred by the State on account of loss of or damage to any property or for injuries to or death of any person, to the extent caused by, arising out of, or contributed to, by reasons of any alleged act, omission, professional error, fault, mistake, or negligence of the City, its employees, officers, directors, agents, representatives, or contractors, their employees, agents, or representatives in connection with or incident to the performance of this Agreement. The City's obligations under this paragraph shall not extend to any Claims to the extent caused by the negligence of the State, except the obligation does apply to any negligence of the City which may be legally imputed to the State by virtue of the State's ownership or possession of land. The City's obligations under this paragraph shall survive the termination of this Agreement.

5. The cost of work under this Agreement is to be covered by the federal funds programmed for this Project, up to the maximum available. The City acknowledges that actual Project costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by FHWA as eligible for federal funds. Therefore, the City agrees to pay the difference between actual costs of the Project and the federal funds received.

6. Should the federal funding related to this Project be terminated or reduced by the federal government, or Congress rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.

7. The cost of the Project under this Agreement includes indirect costs approved by FHWA, as applicable.

8. The Parties warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the City will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

9. The City acknowledges and will comply with Title VI of the Civil Rights Act Of 1964.

10. The City acknowledges compliance with federal laws and regulations and may be subject to the CODE OF FEDERAL REGULATIONS, TITLE 2, PART 200 (also known as The Uniform Grant Guidance). Entities that expend $750,000.00 or more (on or after 12/26/14) of federal assistance (federal funds, federal grants, or federal awards) are required to comply by having an independent audit in accordance with §200.331 Subpart F. Either an electronic or hardcopy of the Single Audit is to be sent to Arizona Department of Transportation Financial Management Services within the required deadline of nine months of the sub recipient fiscal year end.

ADOT – FMS
Attn: Cost Accounting Administrator
206 S 17th Ave. Mail Drop 204B
Phoenix, AZ 85007
SingleAudit@azdot.gov

11. This Agreement shall be governed by and construed in accordance with Arizona laws.

12. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

13. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 shall apply to this Agreement.

14. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The Parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated in this Agreement by reference regarding "Non-Discrimination".

15. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

16. In the event of any controversy, which may arise out of this Agreement, the Parties agree to abide by arbitration as is set forth for public works contracts if required by Arizona Revised Statutes § 12-1518.

17. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401.

18. The Parties shall ensure that all contractors comply with the applicable requirements of Arizona Revised Statutes §35-393.01.

19. The Parties shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

20. All notices or demands upon any Party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

For Agreement Administration:

Arizona Department of Transportation
Joint Project Agreement Section
205 S. 17th Avenue, Mail Drop 637E
Phoenix, AZ 85007
JPABranch@azdot.gov

City of Surprise
Attn: Martin Lucero
Transportation Manager
16000 N. Civic Center Plaza
Surprise, AZ 85374

623.222.3142
623.222.3001 Fax

For Project Administration:
Arizona Department of Transportation
Local Public Agency
205 S. 17th Avenue
Phoenix, AZ 85007
LPAGroup@azdot.gov

City of Surprise
Attn:
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone #
Fax #

For Financial Administration:
Arizona Department of Transportation
Local Public Agency
205 S. 17th Avenue
Phoenix, AZ 85007
LPAGroup@azdot.gov

City of Surprise
Attn:
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone #
Fax #

21. In accordance with Arizona Revised Statutes § 11-952 (D) attached and incorporated in this Agreement is the written determination of each Party's legal counsel that the Parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

CITY OF SURPRISE

By _____
SHARON WOLCOTT
Mayor

ATTEST:

By _____
SHERRY ANN AGUILAR
City Clerk

STATE OF ARIZONA
Department of Transportation

By _____
STEVE BOSCHEN, P.E.
Division Director

IGA 18-0006863-I

ATTORNEY APPROVAL FORM FOR THE CITY OF SURPRISE

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF SURPRISE, an agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2018.

_____

City Attorney

IGA 18-0006863-I
EXHIBIT A
Cost Estimate

T0174 01D/01X

The federal funds will be used for the procurement of the Project. The estimated Project costs are as follows:

T0174 01D (ADOT Project Development Administration (PDA) Cost, non-federal-aid):

PDA costs*	$ 2,000.00

T0174 01X (procurement):

Federal-aid funds @ 94.3%	$ 15,677.00
City's match @ 5.7%	$ 948.00
Subtotal – Scoping/Design/PDA*	**$ 16,625.00**
Estimated TOTAL Project Cost	**$ 16,625.00**
Total Estimated City Funds	**$ 2,948.00**
Total Federal Funds	**$ 15,677.00**

* (Included in the City Estimated Funds)

EXHIBIT B

ARIZONA DEPARTMENT OF TRANSPORTATION
PROGRESS PAYMENT REPORT

Report No.			**IGA**	**18-0006863-I**
ADOT PO #			**PROGRESS**	
Item No.			**FINAL**	
Federal-aid No.	SRTS-SUR-0(234)D			
ADOT Project No.	T0174 01X			
Name of Project	**Ashton Ranch, Countryside, Parkview Elementary Schools**			
Name of Vendor				
REMIT PAYMENT TO:				
Date Started :	Estimated Completion Date:	% Billed		% Complete

SUMMARY OF WORK FOR WHICH PAYMENT IS REQUESTED

Items	DESCRIPTION	Hours	**CONTRACT AMOUNT**	Previous Accumulative Amount	Current Month	Accumulative Amount
	PER IGA 18-0006863-I					
	See Attached					$15,677.00
						$0.00
						$0.00
						$0.00
						$0.00
						$0.00

Submitted By: _____ Date:	Total to Date	$15,677.00
Approved By: _____ Date:	Total Previous Report	$0.00
ADOT Project Manager	Current Report	**$0.00**

Contract Payables/JPA-PR-FORMAT 8/21/17

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Robert Kuhfuss - Community Development
Submitting Department:		District:	6
Staff Recommendations:	Approve		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action regarding a Final Plat for Marley Park Phase 4 & 5 Model Complex and Park "A"

Motion:

Motion to approve the requested Final Plat

Background:

Dan Auxier of EPS Group on behalf of Meritage Homes requests approval of a Final Plat in the Marley Park PAD. The proposed Final Plat is the first in a series of Final Plats associated with Phases 4 and 5 of Marley Park and includes a total of seven (7) single-family residential lots of varying sizes, in addition to approximately 3.1 acres of open space including a 2.4-acre HOA maintained recreation center and sales office. This Final Plat follows the recently approved Preliminary Plat for Marley Park Phases 4 & 5.

Objective Analysis:

The subject Final Plat meets the requirements of the Marley Park PAD, in addition to other requirements as set forth in the SUDC. All city reviewing departments have reviewed the request and offered no concerns. The project is well integrated with the Marley Park PAD and advances the goals and policies as established in the currently approved General Plan.

Policy Compliant:

The requested Final Plat is consistent with the Marley Park PAD and advances the goals and policies of the General Plan.

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 - FS18-103 Marley Park Phase 4 & 5 Model Complex and Park A Final Plat - Staff Report
- 01 - FS18-103 Marley Park Phase 4 & 5 Model Complex and Park A Final Plat - Vicinity Map
- 02 - FS18-103 Marley Park Phase 4 & 5 Model Complex and Park A Final Plat - Case Map
- 03 - FS18-103 Marley Park Phase 4 & 5 Model Complex and Park A Final Plat
- 04 - FS18-103 Marley Park Phase 4 & 5 Model Complex and Park A Final Plat - Presentation

---

SURPRISE
ARIZONA

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case:	**FS18-103**
Project Name:	Marley Park Phase 4 & 5 Model Complex and Park A Final Plat
Council District:	6
Meeting Date:	**June 05, 2018**
Planner:	Robert H. Kuhfuss, AICP

Owner:	Meritage Homes
Applicant:	Dan Auxier, EPS Group, Inc.
Request:	7-Lot, 4-Tract Final Plat in the PAD Zoning District (Marley Park)
Site Location:	Generally south and east of the 144th Drive and Old Oak Lane alignments in Marley Park
Site Size:	4.66 gross acres (approx.)
Density:	1.50 DU/Ac
General Plan Conformance:	The proposal advances the goals of the Surprise General Plan 2035
Support/Opposition:	None known.

Findings:

- The proposed Final Plat is consistent with the Marley Park PAD
- The proposed Final Plat is consistent with the Preliminary Plat for Marley Park Phase 4 & 5
- The proposed Final Plat is consistent with the applicable City of Surprise regulations
- The reviewing agencies have indicated no objections to the request

Alternative Actions:

Approval of the requested Final Plat will allow the developer to begin construction of the Model Home Complex and related amenities in advance of the school year.

Denial of the requested Final Plat will delay the developer from beginning construction of the Model Complex and related amenities.

Project Description:

Dan Auxier of EPS Group on behalf of Meritage Homes requests approval of a Final Plat in the Marley Park PAD. The proposed Final Plat is the first is a series of Final Plats associated with Phases 4 and 5 of Marley Park and includes a total of seven (7) single-family residential lots of varying sizes, in addition to approximately 3.1 acres of open space including a 2.4-acre HOA maintained recreation center and sales office. This Final Plat follows the recently approved Preliminary Plat for Marley Park Phases 4 & 5.

BACKGROUND:

October 25, 2000: The City Council approved the original Marley Park PAD under case PAD00-091.

September 26, 2002: The City Council approved a Major Amendment to the Marley Park PAD for the purpose of adding land mass to the PAD under case PADA02-104.

March 23, 2006: The City Council approved a Major Amendment to the Marley Park PAD for the purpose of addressing densities in the eastern portion of Marley Park.

September 27, 2017: The applicant filed for civil review of the Waddell Road Median Improvements and Landscaping under FS17-576, which is currently under review.

December 5, 2017: Staff met with the applicant to discuss the Phase 1 Final Plat at a regularly scheduled Concept Review meeting under CR17-702.

December 15, 2017: Staff met with the applicant to discuss the Phase 2 Final Plat at a regularly scheduled Concept Review meeting under CR17-716.

January 31, 2018: Staff approved a Minor Amendment to the Marley Park PAD under case FS17-699 for the purpose of reconfiguring land use and shifting density away from the 65 ldn.

March 12, 2018: The applicant filed a request for a Final Plat for Marley Park Phase 4 & 5, Parcel 9 under case FS18-135, which is still under review.

March 20, 2018: The City Council approved the Preliminary Plat for Marley Park Phase 4 & 5 under case FS17-508. The City Council also approved three (3) related Maps-of-Dedication (MOD) this date. Said MODs were for Sweetwater Avenue, 144th Drive, and Old Oak Lane under cases FS17-584, FS17-601, and FS17-618, respectively.

March 26, 2018: The applicant filed a request for a Final Plat for Marley Park Phase 4 & 5, Parcel 8 under case FS18-162, which is still under review.

April 4, 2018: The applicant filed a request for a Final Plat for Marley Park Phase 4 & 5, Parcel 4 under case FS18-177, and Marley Park Phase 4 & 5, Parcel 3 under case FS18-178, both of which are still under review.

April 5, 2018: The applicant filed a request for a Final Plat for Marley Park Phase 4 & 5, Parcel 1A under case FS18-181, and Marley Park Phase 4 & 5, Parcel 1B under case FS18-182, both of which are still under review.

April 10, 2018: The applicant filed a request for a Final Plat for Marley Park Phase 4 & 5, Parcel 7 under case FS18-190, which is still under review.

April 18, 2018: The applicant filed a request for a Final Plat for Marley Park Phase 4 & 5, Parcel 6 under case FS18-209, which is still under review.

April 23, 2018: The applicant filed a request for a Landscape Plan Review for Marley Park Phase 4 & 5, Parcel 4 and Park B under case FS18-214, which is still under review.

May 4, 2018: The applicant filed a request for a Final Plat for Marley Park Phase 4 & 5, Parcel 5 under case FS18-245, which is still under review.

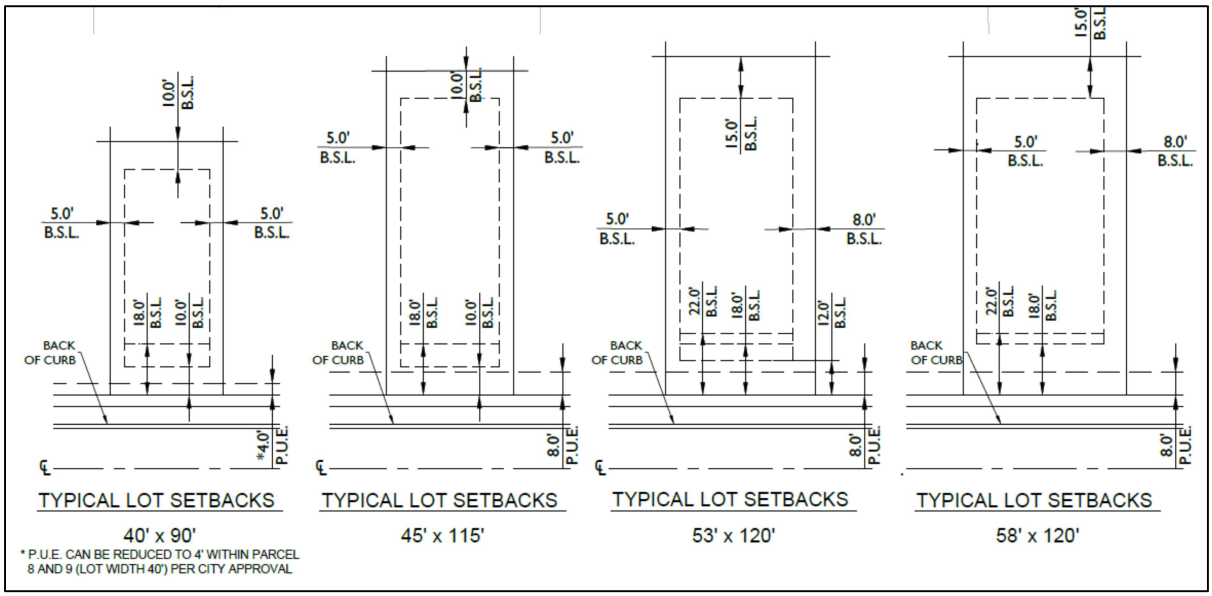
Citizen Outreach:

N/A

Analysis and Discussion:

Four (4) different lot products within three (3) different lot categories will be modelled in the Model Park.

[Continued on following page.]



The approved development standards for each of these Lot Categories are depicted in the following chart.

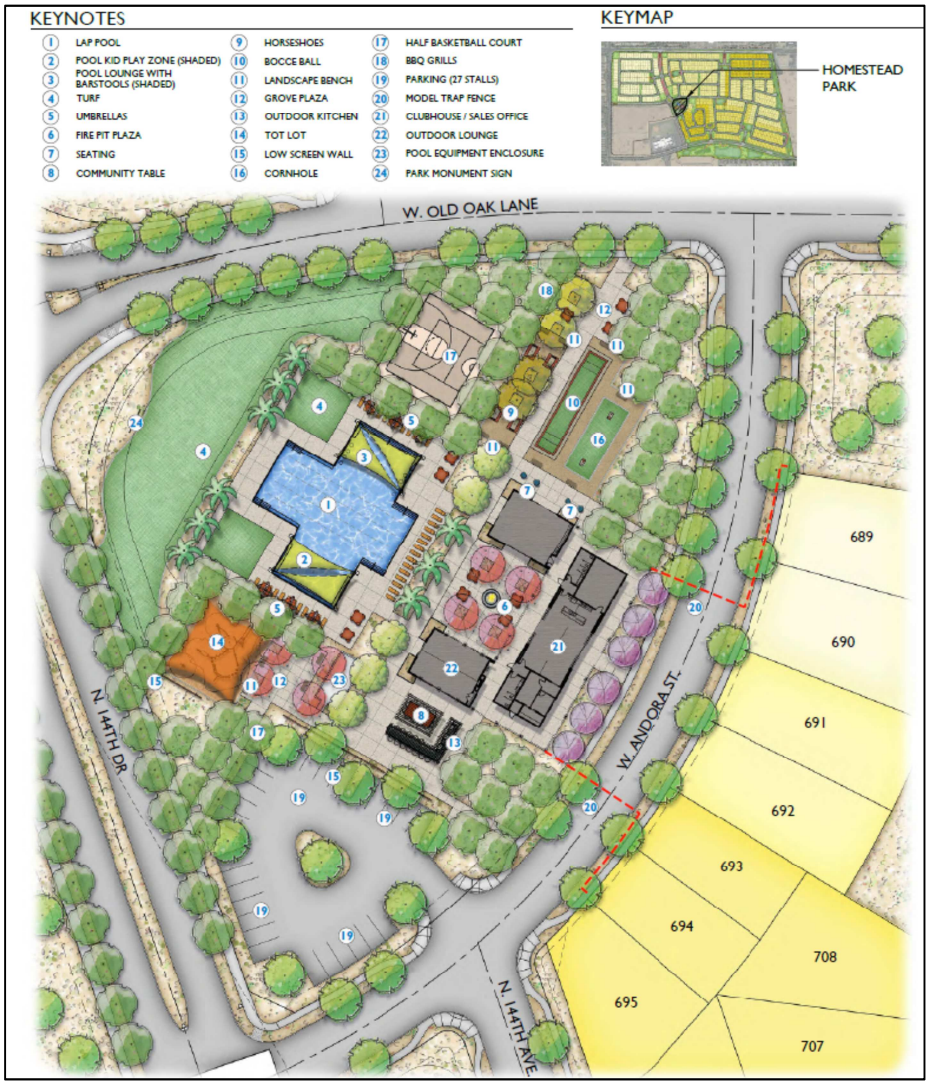
DEVELOPMENT STANDARDS PER PADA02-104			
STANDARD	**SINGLE FAMILY RESIDENTIAL DISTRICT**		
Lot Category	**C**	**B**	**SFD - SFA (3)**
Minimum Lot Size	6,380	5,830	3,500
Minimum Lot Width	58'	53'	
Setbacks			
Front (Livable)	12'	12'	10'
Front (garage) ***(2)***	18' / 22'	18' / 22'	<7'/18'
Side (Interior)	5'/8' -13'	5'/8' -13'	5'/5' -10'
Side (Corner Liviable)	13'	13'	10'
Side (Corner Garage) ***(2)***	5'	5'	5'
Rear (Livable)	15'	15'	10'
Rear (garage) ***(2)***	3'	3'	3'

Notes:

2. Setbacks from garage face measured from back of walk, R.O.W., or lot line in alley loaded conditions (rear garage)
3. Setbacks identified for SFD/SFA and HDR are bulding setbacks, measured from rights-of-ways or parcel lines

[Continued on following page.]

The Model Complex will be adjacent to Park A, which will be completed during the 1st phase. During the life of the Model Complex, the local street that separates Park A from the Model Complex will be closed to vehicular traffic (except fire/emergency access), thereby allowing potential customers the ability to walk safely from the main sales office located within the clubhouse building to the individual model homes. Off-street parking serving both the Model Home Complex and Park A will be located within Park A. Upon closeout of the subdivision, the sales office will be absorbed into the Park A clubhouse and the street will be opened to the public. The following image, taken from Sheet L-0.02 of the Preliminary Landscape Plans shows this relationship, together with the Park A amenities.



[Continued on following page.]

Utility and Services Table:

Electric:	APS
Water:	City of Surprise
Wastewater:	City of Surprise
Refuse:	TBD
Natural Gas:	SWG
Irrigation:	N/A
Schools:	Dysart USD #89

Conformance with Adopted Plans:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Neighborhood Character Area, which supports residential development of up to 8 DU/Ac or more, provided appropriate transitions are made between the various Neighborhood types included within the character area. At 3.30 DU/Ac, the approved Preliminary Plat from which this Final Plat is derived, most closely aligns with the Suburban Neighborhood type and is consistent with the General Plan in this regard. The General plan also seeks appropriate buffers and transitions between the various Character Areas; however, since the subject request is consistent with the proposed development of the surrounding area, transition and buffering are not an issue.

The General Plan also supports the Graduated Density Concept (GDC) as set forth by Luke AFB. As noted by Luke AFB during the Preliminary Plat phase, at the densities proposed, the Preliminary Plat did not meet the GDC; therefore, the Preliminary Plat was inconsistent with the General Plan in this regard; however, the zoning entitlements associated with the Marley Park PAD pre-date this provision in the General Plan, and prior to the approval of the Minor Amendment under FS17-699, the PAD would have allowed 1,098 dwelling units in the north half of Section 16, with densities as high as 4.3 DU/Ac in the vicinity of the 65 ldn. The Minor Amendment approved under FS17-699 kept the overall lot yield for the north half of Section 16, but shifted much of that density further to the west, which supports the goal of lessening densities as development moves closer to the 65 ldn. This having been noted, at 1.50 DU/Ac, the subject Final Plat meets the GDC.

Reviewing Agencies:

All city reviewing departments have reviewed the request and expressed no objections to the request. The subject Final Plat was also routed to the standard external reviewing agencies, who offered the following comments:

Maricopa Water District (MWD): In an email dated February 27, 2018, MWD indicated the proposed project is outside their current boundaries.

Arizona Department of Transportation (ADOT): In an email dated February 27, 2018, ADOT indicated no objection to the request.

Luke Air Force Base (LAFB): In a letter dated March 6, 2018, LAFB indicated the proposed Final Plat, at 1.5 DU/Ac meets the Gradated Density Concept. LAFB advises that homes in this area will be subjected to approximately 165 low-level over-flights per day and recommends appropriate sound attenuation together with a strong notification program.

Summary:

The subject Final Plat meets the requirements of the Marley Park PAD, in addition to other requirements as set forth in the SUDC. All city reviewing departments have reviewed the request and offered no concerns. The project is well integrated with the Marley Park PAD and advances the goals and policies as established in the currently approved General Plan.

Findings:

- The proposed Final Plat is consistent with the Marley Park PAD.
- The proposed Final Plat is consistent with the Preliminary Plat for Marley Park Phase 4 & 5
- The proposed Final Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

Alternative Actions:

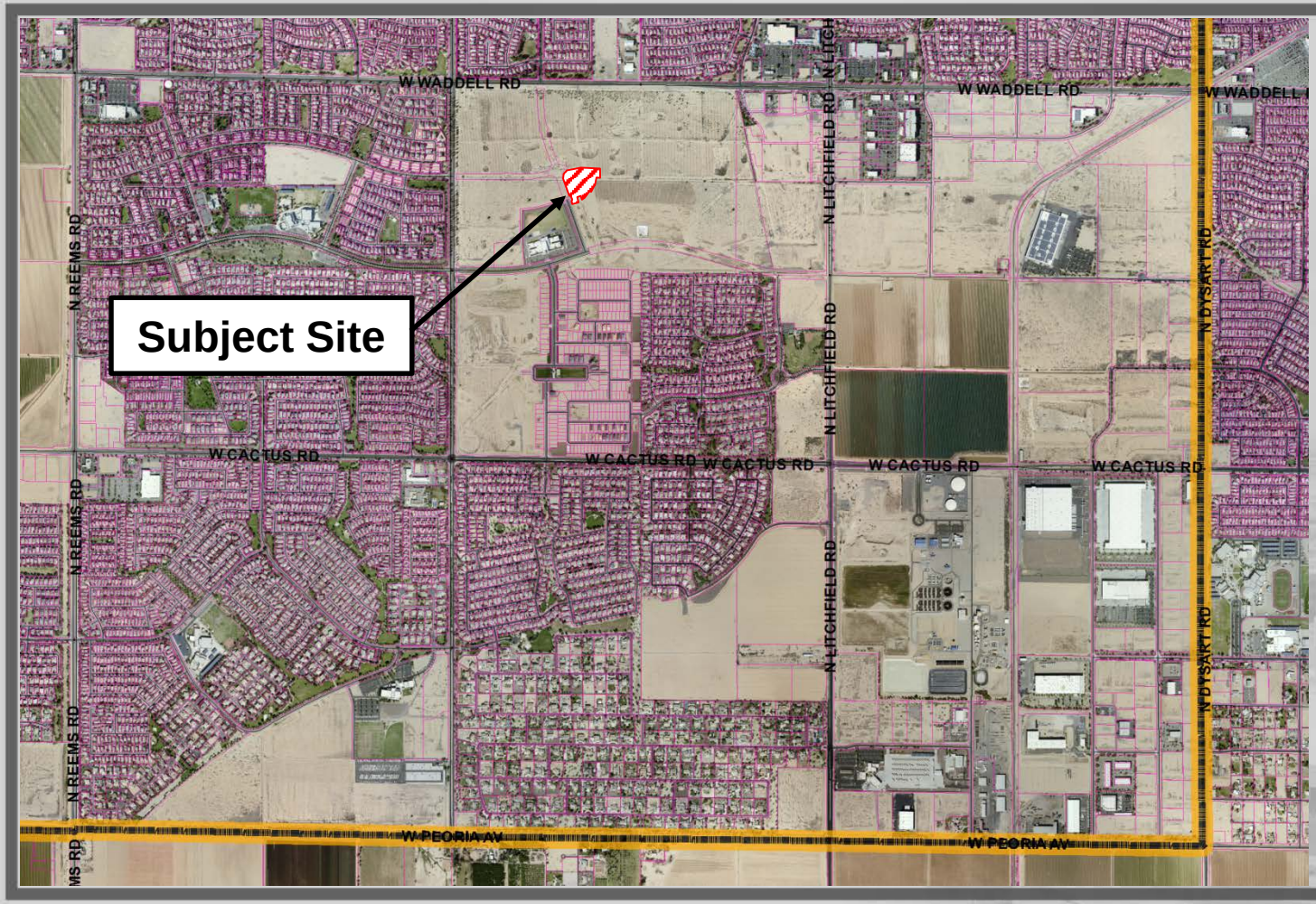
Approval of the requested Final Plat will allow the developer to begin construction of the Model Home Complex and related amenities in advance of the school year.

Denial of the requested Final Plat will delay the developer from beginning construction of the Model Complex and related amenities.

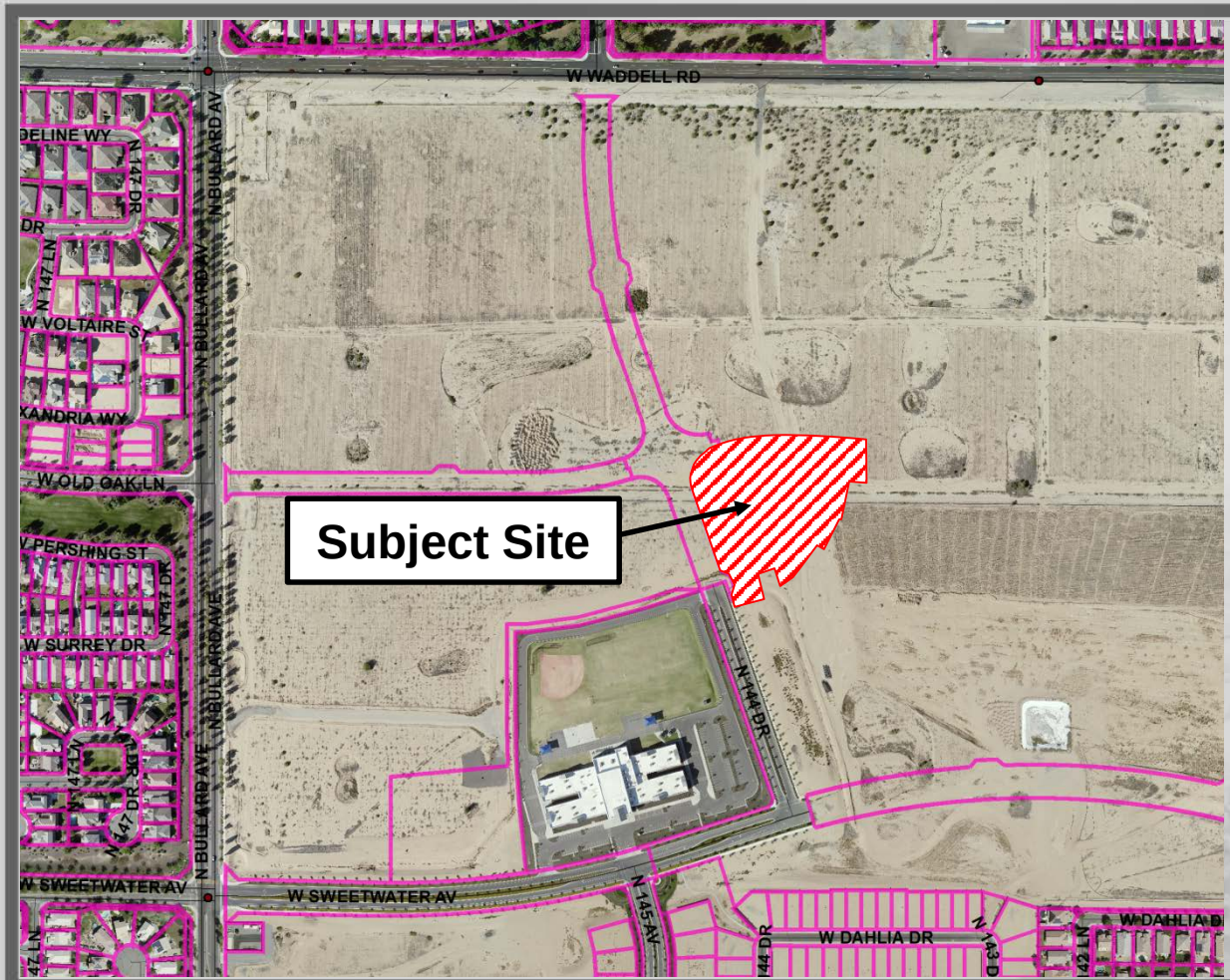
Attachments:

01 – Vicinity Map
02 – Case Map
03 – Final Plat

FS18-103 Vicinity Map



FS17-508 Case Map



FINAL PLAT
HOMESTEAD AT MARLEY PARK PHASE 4 & 5 - PARK A & MODEL COMPLEX

A PORTION OF THE NORTH HALF OF SECTION 16,
TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN
MARICOPA COUNTY, ARIZONA

17-234

DEDICATION

STATE OF ARIZONA }
} SS
COUNTY OF MARICOPA }

KNOW ALL MEN BY THESE PRESENTS: THAT MERITAGE HOMES OF ARIZONA INC., AN ARIZONA CORPORATION, AS "OWNER", HEREBY PUBLISHES THIS FINAL PLAT OF "HOMESTEAD AT MARLEY PARK PHASE 4 & 5 – PARK A & MODEL COMPLEX", A PORTION OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT AND EASEMENT, AND THAT EACH LOT AND TRACT SHALL BE KNOWN BY THE NUMBER, AND LETTER GIVEN TO EACH RESPECTIVELY. THE PURPOSES OF THE EASEMENTS ARE SHOWN HEREON.

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

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY AND TRASH COLLECTION VEHICLES.

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

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

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

ANY PARTY WITH RIGHTS TO ANY WATER OR SEWER EASEMENT THAT OVERLAPS ANOTHER WATER OR SEWER EASEMENT SHALL HAVE THE RIGHT TO INSTALL, CONSTRUCT, MAINTAIN, REPAIR, REPLACE AND UTILIZE THE WATER/SEWER LINES/WATER METERS IN SUCH EASEMENTS THAT OVERLAP IN AN EMERGENCY SITUATION WITHOUT THE CONSENT OF ALL PARTIES WITH RIGHTS TO SUCH EASEMENTS. IN SUCH AREAS THAT OVERLAP IN A NON-EMERGENCY SITUATION ALL PARTIES SHALL CONSENT PRIOR TO ALLOWING ANY OTHER PARTY TO PERFORM ANY INSTALLATION, CONSTRUCTION, MAINTENANCE, REPAIR, OR REPLACEMENT WORK WITHIN THE EASEMENT

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

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

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUMES, SMELLS, AND PHYSICAL AIRBORNE PARTICULATES CAUSED BY THE OPERATION AND MAINTENANCE OF THE CITY'S WATER RECLAMATION FACILITIES.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS _____ DAY OF _____, 2018.

MERITAGE HOMES OF ARIZONA INC., AN ARIZONA CORPORATION

BY _____ DATE _____

ITS _____

ACKNOWLEDGMENT

STATE OF ARIZONA }
} SS
COUNTY OF MARICOPA }

ON THIS ____ DAY OF _____, 2018 BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED HERSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

_____
NOTARY PUBLIC DATE

_____
MY COMMISSION EXPIRES:

PUBLIC NOTICE

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

RELEASE OF LIABILITY

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

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

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

GENERAL NOTES

1. SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
2. NO ONSITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
3. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "OTHER FLOOD AREAS ZONE X," BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1680 L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
4. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
5. PURSUANT TO A.R.S. § 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.
6. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE HOMESTEAD AT MARLEY PARK COMMUNITY ASSOCIATION, AN ARIZONA NONPROFIT CORPORATION.
7. THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER OR THE PROPERTY ASSOCIATION FORMED BY THE ADJACENT PROPERTY.

ASSURED WATER SUPPLY CERTIFICATION

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF CITY OF SURPRISE, AWS NO. 2010-012, SIGNED ON 9-29-2011, DECISION AND ORDER NUMBER 86-002344.001, WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. 45-576.

AREA SUMMARY TABLE

DESCRIPTION	AREA (SF)	AREA (ACRES)
LOTS 689 – 695	38,402	0.8816
TRACTS A – D	135,044	3.1002
RIGHT-OF-WAY	29,701	0.6818
GROSS AREA	203,146	4.6636

LEGAL DESCRIPTION

A PORTION OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE AT THE NORTHWEST CORNER OF SAID SECTION 16, FROM WHICH A BRASS CAP FLUSH AT THE WEST QUARTER-CORNER BEARS SOUTH 00 DEGREES 01 MINUTES 03 SECONDS EAST, 2627.28 FEET;

THENCE ALONG THE NORTH LINE OF SAID SECTION 16, SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, 2119.62 FEET;

THENCE SOUTH 0 DEGREES 39 MINUTES 11 SECONDS WEST, 1153.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 0 DEGREES 39 MINUTES 11 SECONDS WEST, 140.00 FEET;

THENCE NORTH 85 DEGREES 55 MINUTES 06 SECONDS WEST, 50.63 FEET;

THENCE SOUTH 12 DEGREES 07 MINUTES 10 SECONDS WEST, 64.78 FEET;

THENCE SOUTH 18 DEGREES 17 MINUTES 08 SECONDS WEST, 64.78 FEET;

THENCE NORTH 68 DEGREES 37 MINUTES 53 SECONDS WEST, 5.00 FEET;

THENCE SOUTH 23 DEGREES 59 MINUTES 13 SECONDS WEST, 54.57 FEET;

THENCE SOUTH 29 DEGREES 13 MINUTES 26 SECONDS WEST, 54.57 FEET;

THENCE NORTH 58 DEGREES 09 MINUTES 28 SECONDS WEST, 24.79 FEET;

THENCE SOUTH 34 DEGREES 10 MINUTES 19 SECONDS WEST, 46.54 FEET;

THENCE SOUTH 38 DEGREES 49 MINUTES 53 SECONDS WEST, 46.54 FEET;

THENCE SOUTH 41 DEGREES 30 MINUTES 14 SECONDS WEST, 45.97 FEET;

THENCE SOUTH 50 DEGREES 35 MINUTES 20 SECONDS WEST, 48.38 FEET;

THENCE NORTH 19 DEGREES 06 MINUTES 12 SECONDS WEST, 63.77 FEET;

THENCE SOUTH 70 DEGREES 53 MINUTES 48 SECONDS WEST, 52.00 FEET;

THENCE SOUTH 19 DEGREES 06 MINUTES 12 SECONDS EAST, 74.06 FEET;

THENCE SOUTH 70 DEGREES 53 MINUTES 48 SECONDS WEST, 105.02 FEET;

THENCE NORTH 19 DEGREES 06 MINUTES 12 SECONDS WEST, 48.68 FEET;

THENCE NORTH 25 DEGREES 53 MINUTES 48 SECONDS EAST, 28.28 FEET;

THENCE NORTH 19 DEGREES 06 MINUTES 12 SECONDS WEST, 52.48 FEET;

THENCE NORTH 64 DEGREES 06 MINUTES 12 SECONDS WEST, 28.28 FEET;

THENCE NORTH 19 DEGREES 06 MINUTES 12 SECONDS WEST, 263.39 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 110.00 FEET;

THENCE NORTHEASTERLY 185.97 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 96 DEGREES 51 MINUTES 51 SECONDS TO A POINT OF COMPOUND CURVATURE OF A CURVE HAVING A RADIUS OF 974.00 FEET;

THENCE NORTHEASTERLY 219.16 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12 DEGREES 53 MINUTES 32 SECONDS;

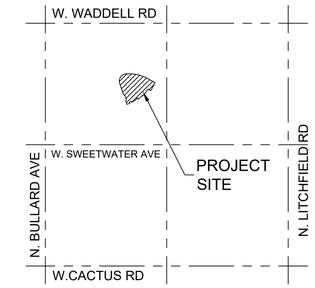
THENCE SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, 262.94 FEET TO THE POINT OF BEGINNING.

CONTAINS 4.6636 ACRES, MORE OR LESS.

BASIS OF BEARING

THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS MEASURED AND AS SHOWN ON THE FINAL PLAT FOR "MARLEY PARK PHASE 3 & 4 – PARK A & MODEL COMPLEX", AS SHOWN ON THE MAP OF DEDICATION FOR WADDELL ROAD, LITCHFIELD ROAD AND CACTUS ROAD, RECORDED IN BOOK 839, PAGE 39, M.C.R.

SOUTH 00 DEGREES 01 MINUTES 03 SECONDS EAST



VICINITY MAP
(NTS)
T.3 N., R.1 W.
SEC. 16

DEVELOPER

MERITAGE HOMES OF ARIZONA INC.
8800 E. RAINTREE DR, SUITE 300
SCOTTSDALE, AZ 85260
TEL: (480)515-8251
CONTACT: JASON JARVIS

ENGINEER

EPS GROUP, INC.
2045 S. VINEYARD, SUITE 101
MESA, AZ 85210
CONTACT: DANIEL AUXIER, P.E.

SHEET INDEX

SHEET 1 COVER SHEET
SHEET 2 FINAL PLAT

HOMEOWNERS ASSOCIATION RATIFICATION

KNOW ALL MEN BY THESE PRESENTS: THAT HOMESTEAD AT MARLEY PARK COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS PLAT FOR "HOMESTEAD AT MARLEY PARK PHASE 4 & 5 – PARK A & MODEL COMPLEX" AND THE RESPONSIBILITIES IMPOSED UPON IT UNDER THIS PLAT.

IN WITNESS WHEREOF, _____ HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS ____ DAY OF_____, 2018.

HOMESTEAD AT MARLEY PARK COMMUNITY ASSOCIATION,
AN ARIZONA NON-PROFIT CORPORATION

BY: _____

ITS: _____

ACKNOWLEDGMENT

STATE OF ARIZONA }
} SS
COUNTY OF MARICOPA }

ON THIS ____ DAY OF _____, 2018 BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED HERSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

_____
NOTARY PUBLIC DATE

_____
MY COMMISSION EXPIRES:

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 2018, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____ _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

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

_____, 2018.

_____ _____
MAYOR DATE

ATTEST: _____ _____
CITY CLERK DATE

CERTIFICATION

I, JESSE BOYD, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY DIRECTION DURING THE MONTH OF JULY 2017; THAT THE SURVEY IS TRUE AND CORRECT TO MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

JESSE BOYD, R.L.S. 42937
EPS GROUP, INC.
2045 S. VINEYARD AVENUE, SUITE 101
MESA, AZ 85210

DATE OF PREPARATION: REVISED APRIL 17, 2018

2045 S. Vineyard Ave, Suite 101
Mesa, AZ 85210
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com
EPS GROUP

HOMESTEAD AT MARLEY PARK PHASE 4 & 5 - PARK A & MODEL COMPLEX
Surprise, Arizona
Final Plat

Project: HOMESTEAD

Revisions:

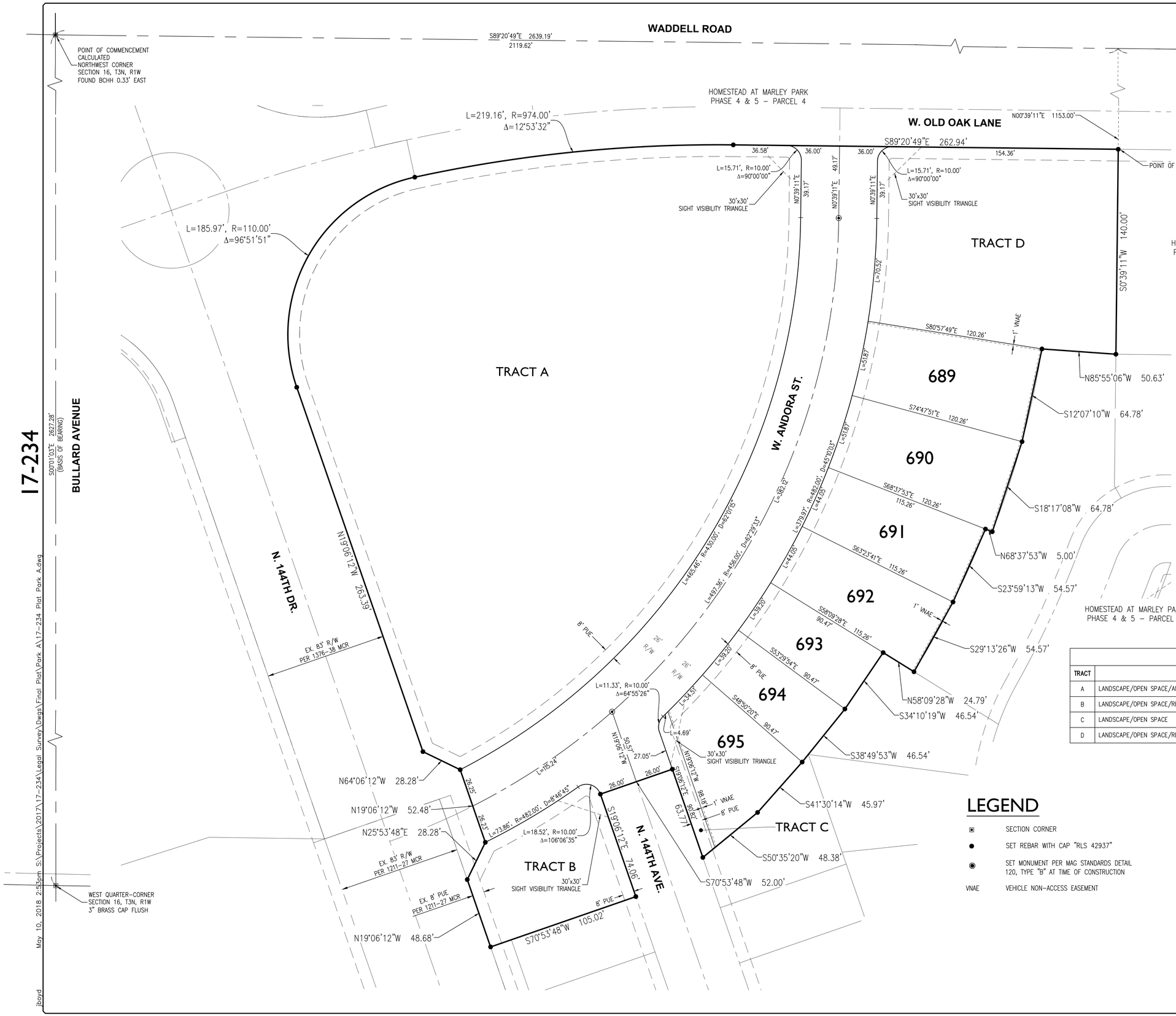
Designer: JB
Drawn by: JB

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
42937
JESSE BOYD
Date Signed 05.16.18
ARIZONA, U.S.A.
Expires 06/30/2020

Job No.
17-234

FP01

Sheet No.
1
of 2



LOT AREA TABLE		
LOT #	AREA (SF)	AREA (AC)
689	6,979	0.1602
690	6,979	0.1602
691	5,662	0.1300
692	5,662	0.1300
693	3,864	0.0887
694	3,864	0.0887
695	5,392	0.1238

TRACT USE TABLE			
TRACT	USE	AREA (SF)	AREA (AC)
A	LANDSCAPE/OPEN SPACE/AMENITY/RETENTION/PARKING	104,678	2.4031
B	LANDSCAPE/OPEN SPACE/RETENTION	7,660	0.1758
C	LANDSCAPE/OPEN SPACE	970	0.0223
D	LANDSCAPE/OPEN SPACE/RETENTION	21,736	0.4990

LEGEND

- SECTION CORNER
- SET REBAR WITH CAP "RLS 42937"
- SET MONUMENT PER MAG STANDARDS DETAIL 120, TYPE "B" AT TIME OF CONSTRUCTION
- VNAE — VEHICLE NON-ACCESS EASEMENT

17-234

May 10, 2018 2:53pm S:\Projects\2017\17-234\Legal Survey\Dwgs\Final Plat\Park A\17-234 Plat Park A.dwg

jboyd

EPS GROUP
2045 S. Vineyard Ave, Suite 101
Mesa, Az 85210
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

Project: HOMESTEAD AT MARLEY PARK PHASE 4 & 5 - PARK A & MODEL COMPLEX
Surprise, Arizona

Final Plat

Revisions:

Designer: JB
Drawn by: JB

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
42937
JESSE BOYD
Date Signed 2018.10.18
ARIZONA, U.S.A.
Expires 06/30/2020

Job No.
17-234

FP01

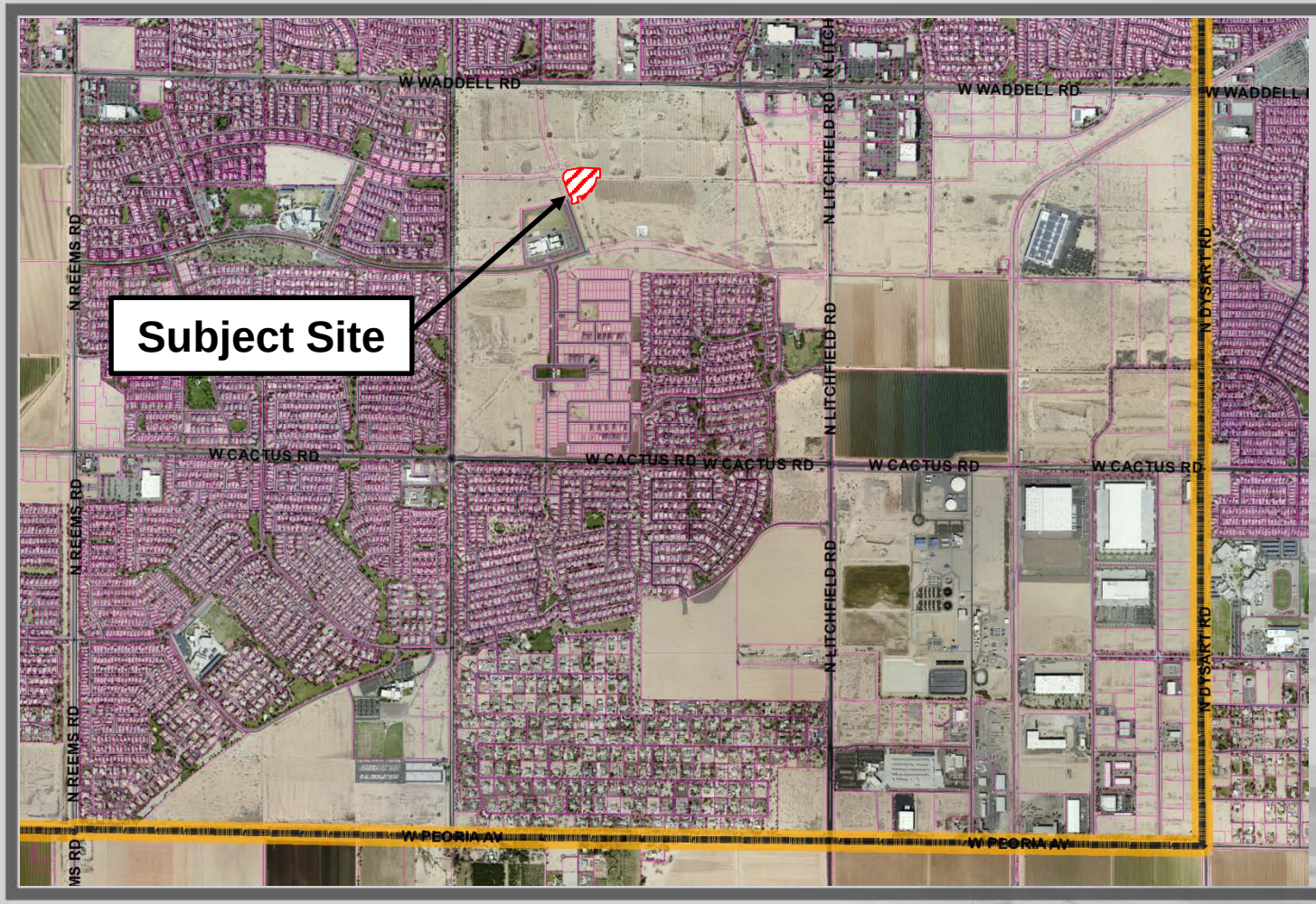
Sheet No.
2
of 2

SURPRISE
ARIZONA

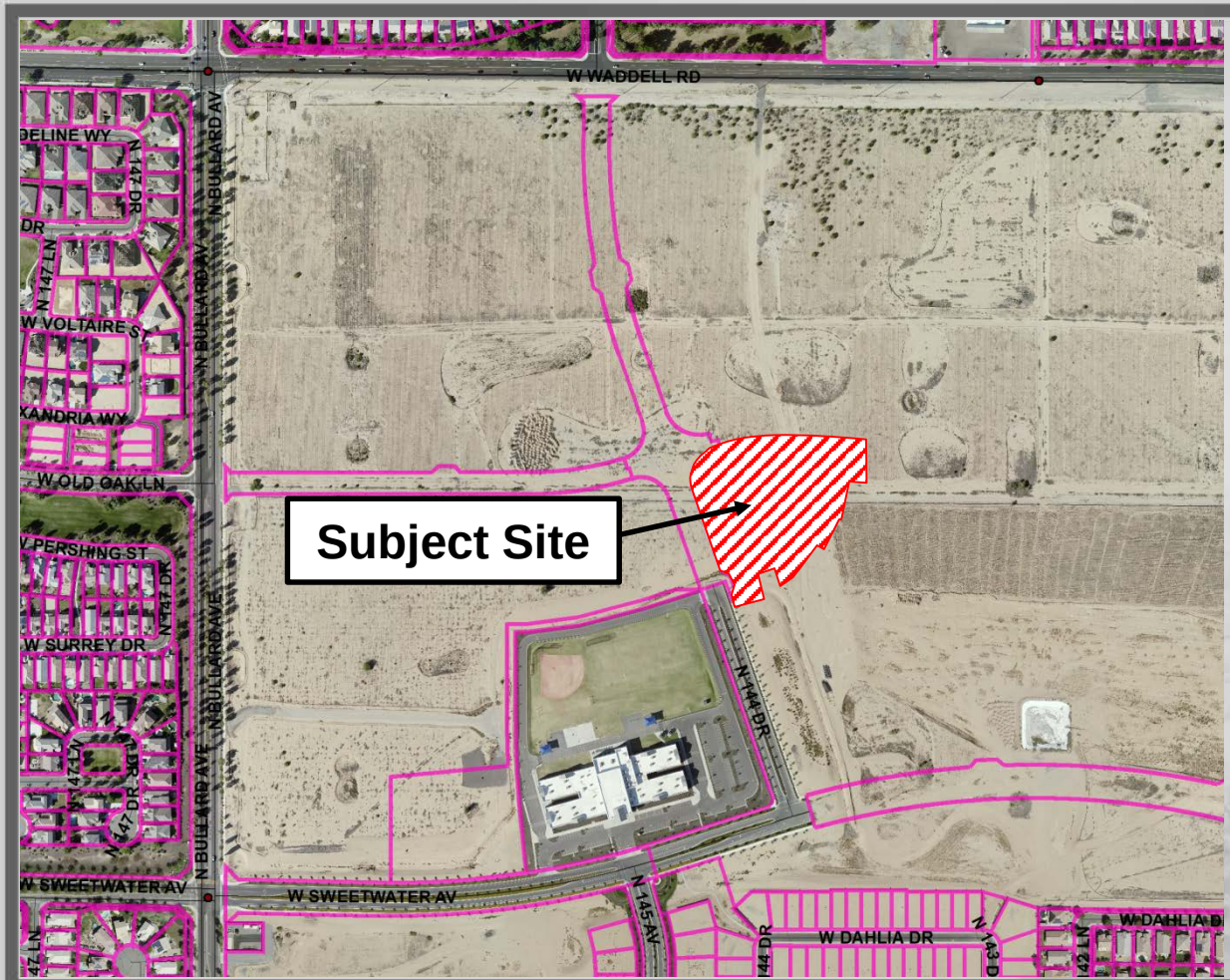
Marley Park Phase 4 & 5
Model Complex and Park A Final Plat

City Council, June 05, 2018

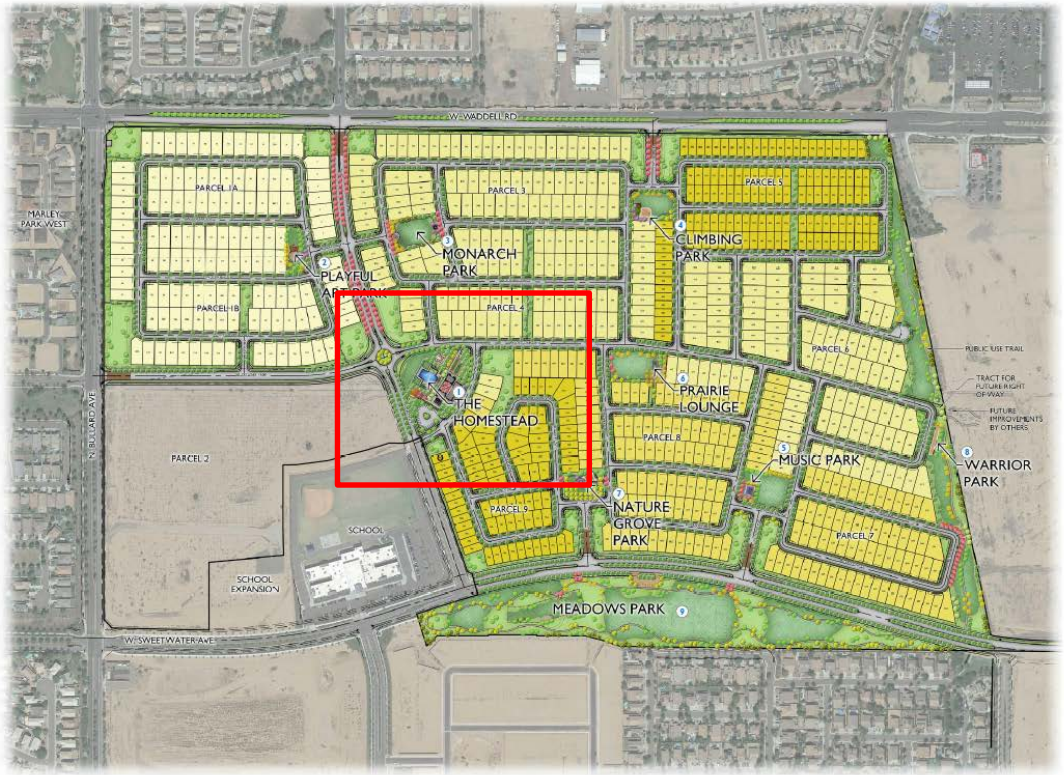
FS18-103 Vicinity Map



FS17-508 Case Map



FS17-508 Landscape



PARKS & AMENITY

1 THE HOMESTEAD

- Community / Sales Center
- Ramada
- Outdoor Fireplace Plaza
- Communal Table
- Tot Lot
- Half Basketball Court
- Grove Plaza
- Pool
- Kid Zone
- Adult Zone
- Lap Pool
- Dive-in Movie
- Bocce Ball Court
- Horseshoes Court
- Open Turf Area

2 PLAYFUL ART PARK (PARCEL 1)

- Playful Art Play Structure
- Shaded Seating
- Gathering Area
- Shaded Seatwall Gathering Plaza
- Open Turf Area

3 MONARCH PARK (PARCEL 3)

- Passive Recreation Park
- Outdoor Lounge
- Overlook Platform
- Grove Plaza
- Formal Gardens
- Social Event Space

4 CLIMBING PARK (PARCEL 5)

- Climbing Tot Lot
- Turf Play Area
- Ramada Gathering
- Shaded Seating

5 MUSIC PARK (PARCEL 7)

- Interactive Musical Play
- Turf Play Area
- Shade Structure
- Seating Area
- Gathering Plaza

6 PRAIRIE LOUNGE (PARCEL 8)

- Outdoor Kitchen
- Outdoor Living
- Outdoor Fireplace
- Movie Lawn
- Community Garden
- Communal Table
- Corn Hole

7 NATURE GROVE PARK (PARCEL 9)

- Nature Play Feature
- Animal Play Feature
- Turf Play Area
- Shade Structure
- Seating Area

8 WARRIOR PARK (LINEAR PARK)

- Active Recreation Park
- Fitness Stations
- Ninja Equipment
- Multi-use Trails

9 MEADOW PARK (13 ACRE PARK)

- Active Recreation Park
- Multi-use Turf Fields
- Multi-use Paths

NORTH 0' 100' 200' 400'
Scale: 1" = 200'-0"

17-234 MeritageHomes | Marley Park - Phase 4 & 5 | Surprise, Arizona | Illustrative Master Plan

L-0.01
12.14.2017

EPS GROUP

FS17-508 Landscape

FS18-103 Final Plat

FINAL PLAT

HOMESTEAD AT MARLEY PARK PHASE 4 & 5 - PARK A & MODEL COMPLEX

A PORTION OF THE NORTH HALF OF SECTION 16,
TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN
MARICOPA COUNTY, ARIZONA

17-234

DEDICATION

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

KNOW ALL MEN BY THESE PRESENTS: THAT HERITAGE HOMES OF ARIZONA INC., AN ARIZONA CORPORATION, AS "OWNER", HEREBY PUBLISHES THIS FINAL PLAT OF "HOMESTEAD AT MARLEY PARK PHASE 4 & 5 – PARK A & MODEL COMPLEX", A PORTION OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT AND EASEMENT, AND THAT EACH LOT AND TRACT SHALL BE KNOWN BY THE NUMBER, AND LETTER GIVEN TO EACH RESPECTIVELY. THE PURPOSES OF THE EASEMENTS ARE SHOWN HEREON.

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

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY AND TRASH COLLECTION VEHICLES.

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

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

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

ANY PARTY WITH RIGHTS TO ANY WATER OR SEWER EASEMENT THAT OVERLAPS ANOTHER WATER OR SEWER EASEMENT SHALL HAVE THE RIGHT TO INSTALL, CONSTRUCT, MAINTAIN, REPAIR, REPLACE AND UTILIZE THE WATER/SEWER LINES/WATER METERS IN SUCH EASEMENTS THAT OVERLAP IN AN EMERGENCY SITUATION WITHOUT THE CONSENT OF ALL PARTIES WITH RIGHTS TO SUCH EASEMENTS. IN SUCH AREAS THAT OVERLAP IN A NON-EMERGENCY SITUATION ALL PARTIES SHALL CONSENT PRIOR TO ALLOWING ANY OTHER PARTY TO PERFORM ANY INSTALLATION, CONSTRUCTION, MAINTENANCE, REPAIR, OR REPLACEMENT WORK WITHIN THE EASEMENT.

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

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

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUMES, SMELLS, AND PHYSICAL AIRBORNE PARTICULATES CAUSED BY THE OPERATION AND MAINTENANCE OF THE CITY'S WATER RECLAMATION FACILITIES.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS ________ DAY OF ________, 2018.

HERITAGE HOMES OF ARIZONA INC., AN ARIZONA CORPORATION

BY ______________________ DATE ________

ITS ______________________

ACKNOWLEDGMENT

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

ON THIS ____ DAY OF ______________, 2018 BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED ______________, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

____
NOTARY PUBLIC DATE

____
MY COMMISSION EXPIRES:

PUBLIC NOTICE

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

RELEASE OF LIABILITY

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

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

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

GENERAL NOTES

1. SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
2. NO ONSITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
3. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "OTHER FLOOD AREAS ZONE X," BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1660 L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
4. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
5. PURSUANT TO A.R.S. § 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.
6. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE HOMESTEAD AT MARLEY PARK COMMUNITY ASSOCIATION, AN ARIZONA NONPROFIT CORPORATION.
7. THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER OR THE PROPERTY ASSOCIATION FORMED BY THE ADJACENT PROPERTY.

ASSURED WATER SUPPLY CERTIFICATION

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF CITY OF SURPRISE, AWS NO. 2010-012, SIGNED ON 9-29-2011, DECISION AND ORDER NUMBER 86-002344.001, WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. 45-576.

AREA SUMMARY TABLE

DESCRIPTION	AREA (SF)	AREA (ACRES)
LOTS 668 – 695	38,402	0.8816
TRACTS A – D	135,044	3.1002
RIGHT-OF-WAY	29,701	0.6818
GROSS AREA	203,146	4.6636

LEGAL DESCRIPTION

A PORTION OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HANDHOLE AT THE NORTHWEST CORNER OF SAID SECTION 16, FROM WHICH A BRASS CAP FLUSH AT THE WEST QUARTER-CORNER BEARS SOUTH 00 DEGREES 01 MINUTES 03 SECONDS EAST, 2627.28 FEET;

THENCE ALONG THE NORTH LINE OF SAID SECTION 16, SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, 2119.62 FEET;

THENCE SOUTH 0 DEGREES 39 MINUTES 11 SECONDS WEST, 1153.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 0 DEGREES 39 MINUTES 11 SECONDS WEST, 140.00 FEET;

THENCE NORTH 85 DEGREES 55 MINUTES 06 SECONDS WEST, 50.63 FEET;

THENCE SOUTH 12 DEGREES 07 MINUTES 10 SECONDS WEST, 64.78 FEET;

THENCE SOUTH 18 DEGREES 17 MINUTES 08 SECONDS WEST, 64.78 FEET;

THENCE NORTH 68 DEGREES 37 MINUTES 53 SECONDS WEST, 5.00 FEET;

THENCE SOUTH 23 DEGREES 59 MINUTES 13 SECONDS WEST, 54.57 FEET;

THENCE SOUTH 29 DEGREES 13 MINUTES 26 SECONDS WEST, 54.57 FEET;

THENCE NORTH 58 DEGREES 09 MINUTES 26 SECONDS WEST, 24.79 FEET;

THENCE SOUTH 34 DEGREES 10 MINUTES 19 SECONDS WEST, 46.54 FEET;

THENCE SOUTH 38 DEGREES 49 MINUTES 53 SECONDS WEST, 46.54 FEET;

THENCE SOUTH 41 DEGREES 30 MINUTES 14 SECONDS WEST, 45.87 FEET;

THENCE SOUTH 50 DEGREES 35 MINUTES 20 SECONDS WEST, 48.38 FEET;

THENCE NORTH 19 DEGREES 06 MINUTES 12 SECONDS WEST, 63.77 FEET;

THENCE SOUTH 70 DEGREES 53 MINUTES 48 SECONDS WEST, 52.00 FEET;

THENCE SOUTH 19 DEGREES 06 MINUTES 12 SECONDS EAST, 74.06 FEET;

THENCE SOUTH 70 DEGREES 53 MINUTES 48 SECONDS WEST, 105.02 FEET;

THENCE NORTH 19 DEGREES 06 MINUTES 12 SECONDS WEST, 48.68 FEET;

THENCE NORTH 25 DEGREES 53 MINUTES 48 SECONDS EAST, 28.28 FEET;

THENCE NORTH 19 DEGREES 06 MINUTES 12 SECONDS WEST, 52.48 FEET;

THENCE NORTH 64 DEGREES 06 MINUTES 12 SECONDS WEST, 28.28 FEET;

THENCE NORTH 19 DEGREES 06 MINUTES 12 SECONDS WEST, 263.39 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 110.00 FEET;

THENCE NORTHEASTERLY 185.97 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 96 DEGREES 51 MINUTES 51 SECONDS TO A POINT OF COMPOUND CURVATURE OF A CURVE HAVING A RADIUS OF 974.00 FEET;

THENCE NORTHEASTERLY 219.16 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12 DEGREES 53 MINUTES 32 SECONDS;

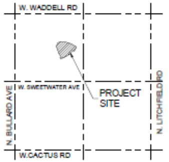
THENCE SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, 262.94 FEET TO THE POINT OF BEGINNING.

CONTAINS 4.6636 ACRES, MORE OR LESS.

BASIS OF BEARING

THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS MEASURED AND AS SHOWN ON THE FINAL PLAT FOR "MARLEY PARK PHASE 3 & 4 – PARK A & MODEL COMPLEX", AS SHOWN ON THE MAP OF DEDICATION FOR WADDELL ROAD, LITCHFIELD ROAD AND CACTUS ROAD, RECORDED IN BOOK 839, PAGE 39, M.C.R.

SOUTH 00 DEGREES 01 MINUTES 03 SECONDS EAST



VICINITY MAP
(NTS)
T.3 N., R.1 W.
SEC. 16

DEVELOPER

HERITAGE HOMES OF ARIZONA INC.
8800 E. RAINTREE DR., SUITE 300
SCOTTSDALE, AZ 85260
TEL: (480)515-8251
CONTACT: JASON JARNIS

ENGINEER

EPS GROUP, INC.
2045 S. VINEYARD, SUITE 101
MESA, AZ 85210
CONTACT: DANIEL AUXIER, P.E.

SHEET INDEX

SHEET 1 COVER SHEET
SHEET 2 FINAL PLAT

HOMEOWNERS ASSOCIATION RATIFICATION

KNOW ALL MEN BY THESE PRESENTS: THAT HOMESTEAD AT MARLEY PARK COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, HEREBY RATIFIES, AFFIRMS AND APPROVES THIS PLAT FOR "HOMESTEAD AT MARLEY PARK PHASE 4 & 5 – PARK A & MODEL COMPLEX" AND THE RESPONSIBILITIES IMPOSED UPON IT UNDER THIS PLAT.

IN WITNESS WHEREOF, ______________ HAS CAUSED ITS NAME TO BE AFFIXED BY THE UNDERSIGNED, DULY AUTHORIZED OFFICER THIS ____ DAY OF____________, 2018.

HOMESTEAD AT MARLEY PARK COMMUNITY ASSOCIATION,
AN ARIZONA NON-PROFIT CORPORATION

BY: ______________________

ITS: ______________________

ACKNOWLEDGMENT

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

ON THIS ____ DAY OF ______________, 2018 BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED ______________, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

____
NOTARY PUBLIC DATE

____
MY COMMISSION EXPIRES:

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF __________, 2018, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED ______________________ ____________
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS ____ DAY OF ______________, 2018.

______________________ ____________
MAYOR DATE

ATTEST: ______________________ ____________
CITY CLERK DATE

CERTIFICATION

I, JESSE BOYD, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY DIRECTION DURING THE MONTH OF JULY 2017; THAT THE SURVEY IS TRUE AND CORRECT TO MY KNOWLEDGE AND BELIEF; THAT ALL MONUMENTS ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

JESSE BOYD, R.L.S. 42937
EPS GROUP, INC.
2045 S. VINEYARD AVENUE, SUITE 101
MESA, AZ 85210

DATE OF PREPARATION: REVISED APRIL 17, 2018

EPS GROUP
2045 S. Vineyard Ave, Suite 101
Mesa, AZ 85210
T:480.503.2250 | F:480.503.2258
www.epsgroupinc.com

Project: HOMESTEAD AT MARLEY PARK PHASE 4 & 5 - PARK A & MODEL COMPLEX
Surprise, Arizona
Final Plat

Revisions:

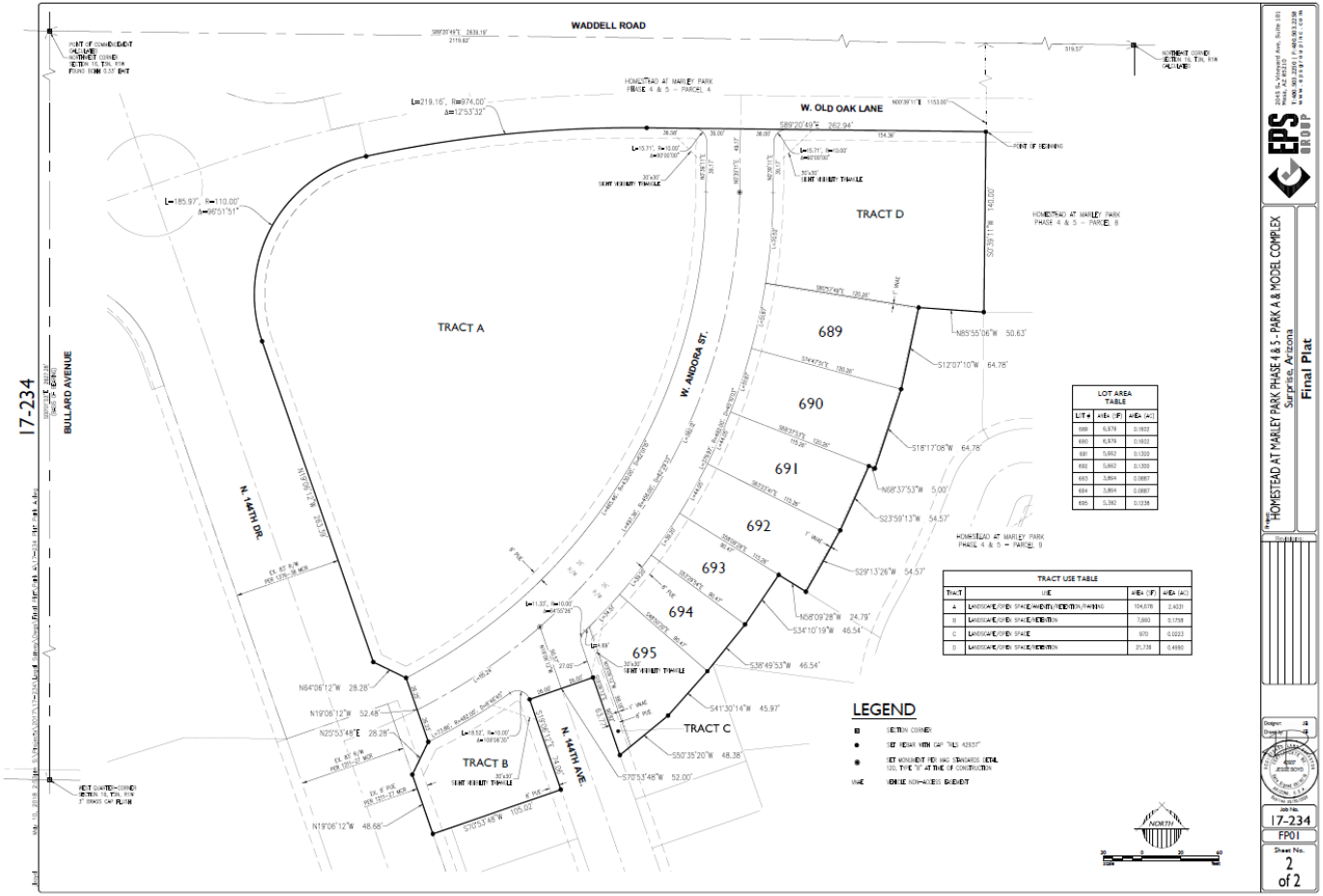
Designer: JB
Drawn by: JB

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 42937
JESSE BOYD
ARIZONA, U.S.A.

Job No. 17-234
FP01
Sheet No. 1 of 2

May 10, 2018 2:53pm S:\Projects\2017\17-234\Legal Survey\Dwgs\Final Plat\Park A\17-234 Plat Park A.dwg

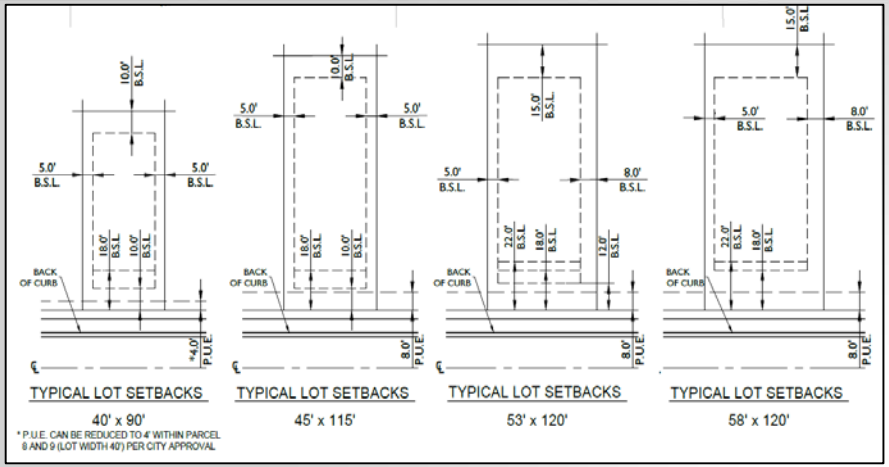
FS18-103 Final Plat



LOT AREA TABLE		
LOT #	AREA (SF)	AREA (AC)
689	6,879	0.1602
690	6,879	0.1602
691	5,662	0.1300
692	5,662	0.1300
693	3,894	0.0867
694	3,894	0.0867
695	5,392	0.1238

TRACT USE TABLE			
TRACT	USE	AREA (SF)	AREA (AC)
A	LANDSCAPE/OPEN SPACE/AMENITY/RETENTION/PARKING	104,676	2.4031
B	LANDSCAPE/OPEN SPACE/RETENTION	7,660	0.1758
C	LANDSCAPE/OPEN SPACE	970	0.0223
D	LANDSCAPE/OPEN SPACE/RETENTION	21,738	0.4990

FS18-103 Final Plat



DEVELOPMENT STANDARDS PER PADA02-104			
STANDARD	**SINGLE FAMILY RESIDENTIAL DISTRICT**		
Lot Category	**C**	**B**	**SFD - SFA (3)**
Minimum Lot Size	6,380	5,830	3,500
Minimum Lot Width	58'	53'	
Setbacks			
Front (Livable)	12'	12'	10'
Front (garage) ***(2)***	18' / 22'	18' / 22'	<7'/18'
Side (Interior)	5'/8' -13'	5'/8' -13'	5'/5' -10'
Side (Corner Liviable)	13'	13'	10'
Side (Corner Garage) ***(2)***	5'	5'	5'
Rear (Livable)	15'	15'	10'
Rear (garage) ***(2)***	3'	3'	3'

Notes:

2. Setbacks from garage face measured from back of walk, R.O.W., or lot line in alley loaded conditions (rear garage)
3. Setbacks identified for SFD/SFA and HDR are bulding setbacks, measured from rights-of-ways or parcel lines

FS17-508 Landscape

KEYNOTES

1. LAP POOL
2. POOL KID PLAY ZONE (SHADED)
3. POOL LOUNGE WITH BARSTOOLS (SHADED)
4. TURF
5. UMBRELLAS
6. FIRE PIT PLAZA
7. SEATING
8. COMMUNITY TABLE
9. HORSESHOES
10. BOCCE BALL
11. LANDSCAPE BENCH
12. GROVE PLAZA
13. OUTDOOR KITCHEN
14. TOT LOT
15. LOW SCREEN WALL
16. CORNHOLE
17. HALF BASKETBALL COURT
18. BBQ GRILLS
19. PARKING (27 STALLS)
20. MODEL TRAP FENCE
21. CLUBHOUSE / SALES OFFICE
22. OUTDOOR LOUNGE
23. POOL EQUIPMENT ENCLOSURE
24. PARK MONUMENT SIGN

KEYMAP

CHARACTER IMAGERY

CLUBHOUSE (21)(22)(23)

COMMUNAL TABLE (8)

OUTDOOR FIREPIT (6)

GROVE PLAZA (12)

BOCCE BALL (10)

TOT LOT (14)

HORSESHOES (9)

WATER BUCKET POOL FEATURE (2)

BASKETBALL COURT (17)

POOL LOUNGE WITH BARSTOOLS (3)

NORTH

0' 15' 30' 60'

Scale: 1" = 30'-0"

17-234

MeritageHomes

Marley Park - Phase 4 & 5

Surprise, Arizona

Homestead Park Conceptual Plan

L-0.02

12.14.2017

EPS GROUP

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Shirley Phan - Community Development
Submitting Department:		District:	1
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action on the Final Plat for Neiffer Land Division generally north of Adobe Road and East of 222nd Avenue, in a RR (Residential Ranch) zoning district.

Motion:

I move to approve/deny the Final Plat for Neiffer Land Division generally north of Adobe Road and East of 222nd Avenue.

Background:

On June 8th, 1989 the Mayor and City Council approved Ordinance #89-05 approving the annexation of the subject property. Nikki Neiffer on behalf of Richard & Cheryl Neiffer submitted a request for a Final Plat of a 4.61 acre (approx.) parcel.

Objective Analysis:

This Final Plat will establish a 25-foot right-of-way dedication of 221st Avenue.

Policy Compliant:

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

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:

None.

FTE Impact:

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

ATTACHMENTS:

Click to download

- 00 - FS18-116 Neiffer Land Division Final Plat - Staff Report
- 01 - FS18-116 Neiffer Land Division Final Plat - Vicinity Map
- 02 - FS18-116 Neiffer Land Division Final Plat
- 03 - FS18-116 Neiffer Land Division Final Plat - Presentation
- Valuation Memo

FINAL PLAT

REPORT TO THE CITY COUNCIL

Case:	**FS18-116**
Project Name:	Neiffer Land Division Final Plat
Council District:	1-Acacia
City Council Date:	**June 5, 2018**
Planner:	Shirley Phan

Owner:	Richard & Cheryl Neiffer
Applicant:	Nikki Neiffer
Request:	Final Plat to subdivide a 4.61 acre (approx.) parcel into two (2) parcels; Lot 1 (2.09 acre) and Lot 2 (2.52 acre) in the RR (Residential Ranch) zoning district.
Site Location:	Generally north of Adobe Road and east of 222nd Avenue
Site Size:	4.61 acres (approx.)
Density:	0-1 DU/AC
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035
Support/Opposition:	None known
Findings:	• The proposed Final Plat is consistent with the Surprise General Plan 2035. • The proposed Final Plat is consistent with the Surprise Municipal Code.
Alternative Actions:	**Approval** of the requested Final Plat to subdivide a 4.61 acre parcel into 2 lots. **Denial** of the requested Final Plat to subdivide a 4.61 acre parcel into 2 lots.

PROJECT DESCRIPTION:

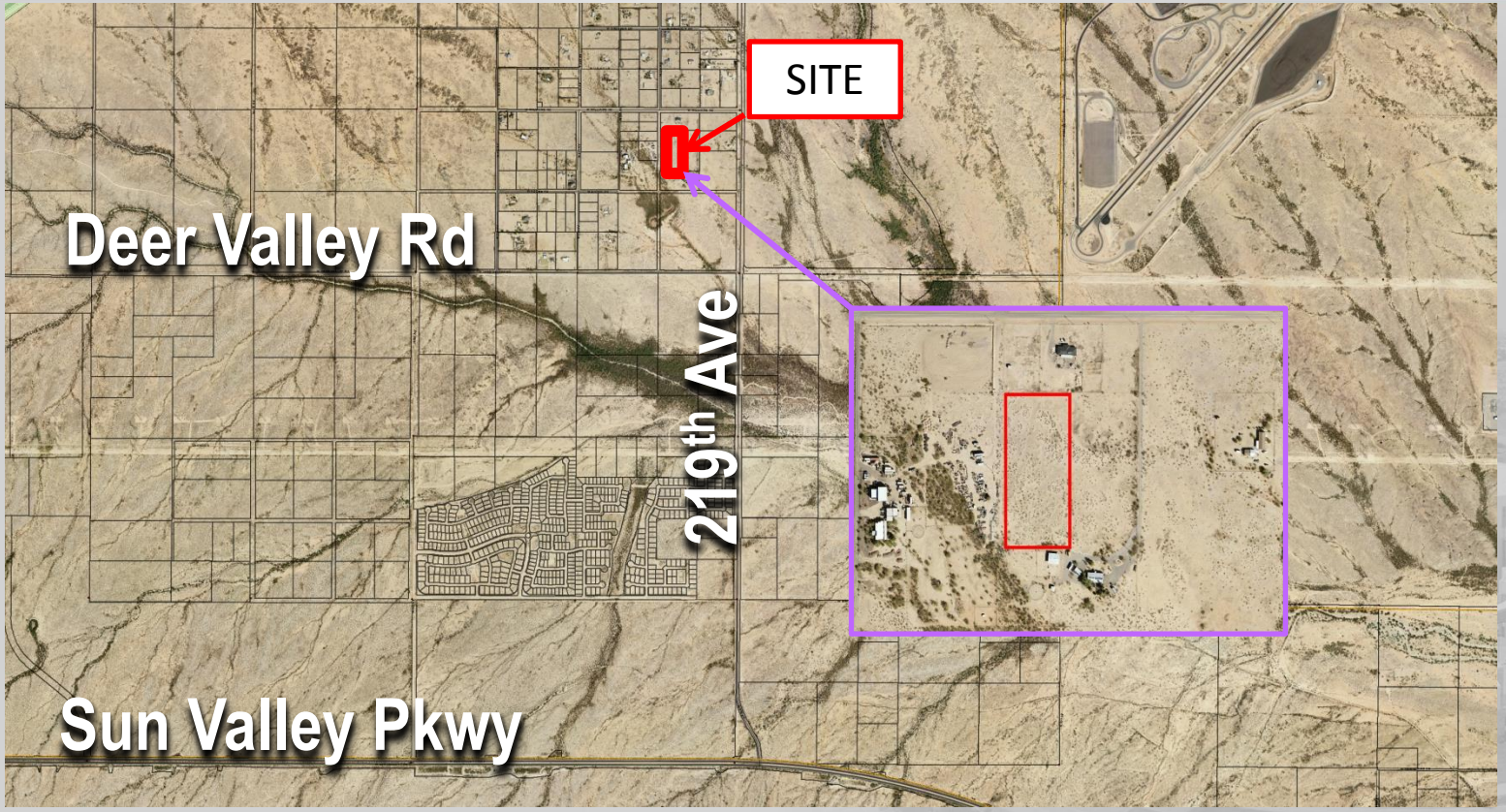
On June 8th, 1989 the Mayor and City Council approved Ordinance #89-05 approving the annexation of the subject property.

The applicant is requesting a final plat approval that will subdivide a 4.61 acre (approx.) parcel into two (2) parcels; Lot 1 (2.09 acre) and Lot 2 (2.52 acre). The subject site is generally located north of Adobe Road and east of 222nd and zoned RR (Residential Ranch). The final plat will be dedicating 25 feet of right-of-way for 221st Avenue. The property is current vacant land. The applicant plans to begin development soon after this final plat is approved.

Attachments:

01 Vicinity Map
02 Final Plat

Vicinity MAP



FINAL PLAT FOR NEIFFER

A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

RECORDER

VICINITY MAP
SCALE: N.T.S. SEC. 14 T.4N., R.3W.

DEDICATIONS

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS: THAT RICHARD A. NEIFFER, AND CHERYL E. NEIFFER AS OWNERS, HAVE SUBDIVIDED UNDER THE NAME OF "FINAL PLAT FOR NEIFFER", SAID PLAT BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA, AS SHOWN AND PLATTED HEREON, AND DOES HEREBY PUBLISH THIS PLAT AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET, AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT, STREET, AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

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

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

THE OWNERS OR SUBSEQUENT OWNERS OF THE WELLS LOCATED WITHIN THIS PLAT WILL BE REQUIRED TO SIGN A WELL IMPACT WAIVER(S) WITH THE CITY OF SURPRISE. IN ADDITION, OWNER SHALL PROVIDE WELL IMPACT WAIVERS FOR FUTURE CITY WELLS THAT ARE CONSTRUCTED.

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

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

IN WITNESS WHEREOF, OWNERS HAVE HEREUNTO CAUSED THEIR NAMES TO BE SIGNED AND THE SAME TO BE ATTESTED BY THEIR SIGNATURE THIS 25 DAY OF April 2018.

OWNER/AUTHORIZED SIGNER: Richard A. Neiffer

OWNER/AUTHORIZED SIGNER: Cheryl E. Neiffer

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

BEFORE ME THIS 25 DAY OF April 2018, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED SELF TO BE THE LEGAL OWNER OF THE PROPERTY HEREON AND ACKNOWLEDGE THAT HE/SHE AS SUCH, EXECUTED THIS INSTRUMENT FOR THE PURPOSE HEREIN CONTAINED.

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

BY: [signature]
NOTARY PUBLIC

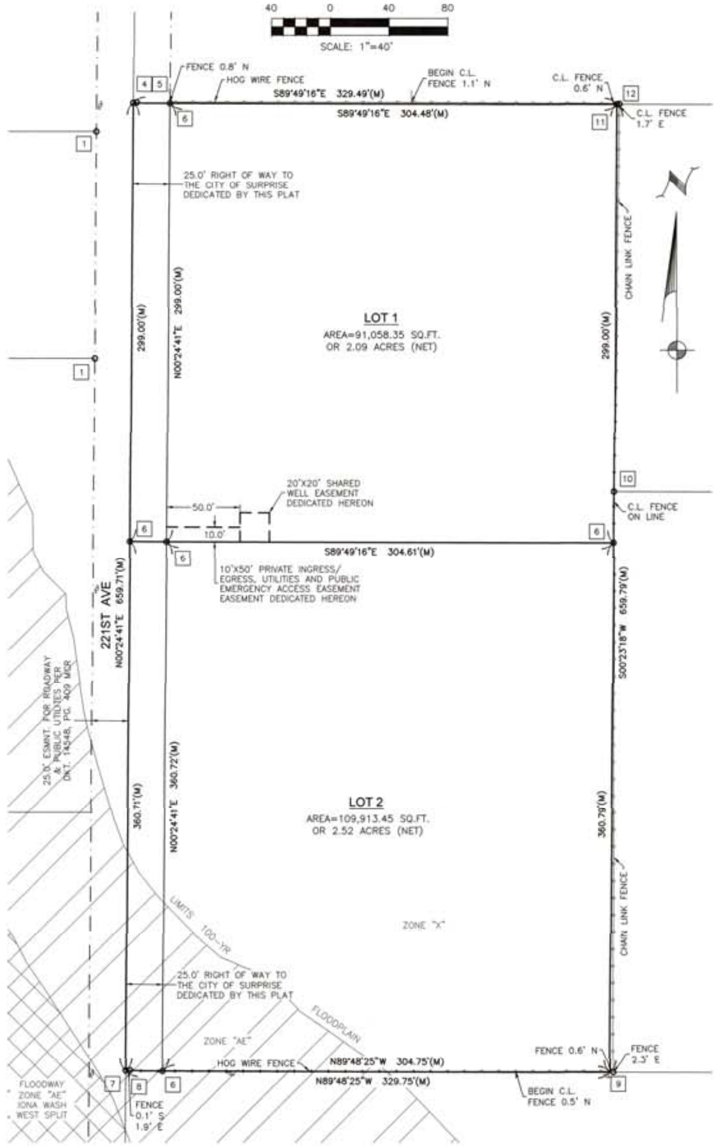
MY COMMISSION EXPIRES: 8-31-18

KORI ZANE
Notary Public - Arizona
Maricopa County
Expires 08/31/2018

RELEASE OF LIABILITY

RICHARD A. NEIFFER AND CHERYL E. NEIFFER, AS OWNERS, DO HEREBY (1) RELEASE AND DISCHARGE THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE (USAF) AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE AT ANY TIME IN THE FUTURE OVER, OR IN CONNECTION WITH AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR FORCE BASE, WHETHER SUCH DAMAGE SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE BASE AND ITS AUXILIARY FIELDS. THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF. THIS INSTRUMENT DOES NOT RELEASE THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON OR PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

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



PUBLIC NOTICE

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

GENERAL NOTES

1. *FIRE SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS* WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
2. PROPERTIES BEING SERVED BY PRIVATE WELLS OR SEPTIC SYSTEMS SHALL BE CONNECTED TO MUNICIPAL WATER AND/OR SEWER SERVICE WITHIN 90 DAYS FROM THE DATE SUCH SERVICE BECOMES AVAILABLE, AND THE PROPERTY OWNER SHALL PAY ALL APPLICABLE DEVELOPMENT, CONNECTION AND SEVICE FEES. S.M.C. 58-181 AND 58-314.
3. THE PROPERTY OWNERS, OR ANY SUBSEQUENT OWNERS SHALL NOT PROCEED WITH ANY ON SITE GRADING OR EXCAVATION WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
4. THE PROPERTY OWNER AT THE TIME WHEN THE CITY OF SURPRISE WATER, AND/OR SEWER INFRASTRUCTURE IS AVAILABLE AT THE PROPERTY, SHALL BE REQUIRED TO CONNECT IN ACCORDANCE WITH THE SURPRISE MUNICIPAL CODE AND PAY ALL APPLICABLE FEES. ANY OWNER OF THE PROPERTY SHALL NOTIFY PROSPECTIVE BUYERS AND THE PUBLIC OF THIS NOTE, AND SALES CONTRACT, REPORT SHALL CONTAIN SUCH NOTE.
5. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING A FLOOD ZONE "X", AND ALSO FLOOD "AE", BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1185L, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
6. IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
7. PURSUANT TO A.R.S. § 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.

APPROVALS

DATA ON THIS PLAT REVIEWED AND APPROVED THIS ________ DAY OF ________ 2018, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED ________________________
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA. THIS ________ DAY OF ________ 2018.

____
MAYOR DATE

ATTEST:

____
CITY CLERK DATE

LAND SURVEYOR'S CERTIFICATION:

THE IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA: THAT THIS MINOR LAND DIVISION MAP CONSISTING OF 2 SHEETS WAS MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF JANUARY 2018; AND THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: [signature]
BRETT NOWACKI
REGISTERED LAND SURVEYOR # 41896

ZONING INFORMATION

RESIDENTIAL RANCH (RR)

UTILITY PROVIDERS

PHONE: QWEST
CABLE: COX
ELECTRIC: ARIZONA PUBLIC SERVICE
WATER: PRIVATE WELL
SEWER: SEPTIC SYSTEM

BASIS OF BEARINGS

NORTH 00 DEGREES 18 MINUTES 30 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, PER BOOK 686 OF MAPS, PAGE 42.

OWNER/DEVELOPER

RICHARD A. NEIFFER AND CHERYL E. NEIFFER
11520 N. 147TH LANE
SURPRISE, AZ 85379

REFERENCES

(R1) BOOK 1021 OF SURVEYS, PAGE 25 MCR
(R2) BOOK 710 OF SURVEYS, PAGE 19 MCR
BOOK 686 OF SURVEYS, PAGE 42 MCR
BOOK 1334 OF SURVEYS, PAGE 10 MCR

LOT AREA SUMMARY TABLE

LOT 1:	91,058.35 S.F. OR 2.09 ACRES
LOT 2:	109,913.45 S.F. OR 2.52 ACRES
R.O.W. DEDICATION:	16,492.85 S.F. OR 0.38 ACRES
TOTAL SITE AREA:	217,464.65 S.F. OR 4.99 ACRES

OWNER
RICHARD & CHERYL NEIFFER
11520 N. 147TH LANE
SURPRISE, AZ 85379

PROPERTY INFO
APN: 503-81-060C
DOC.#: 2017-0790429
22440 N. 221ST AVENUE
SURPRISE, AZ 85387

REVISIONS
4/24/18 CITY COMMENTS

FINAL PLAT
FOR NEIFFER
BOUNDARY DETAIL, NOTES
A PART OF THE SOUTHEAST QUARTER OF SEC. 14, T.4N, R.3W
MARICOPA COUNTY, ARIZONA

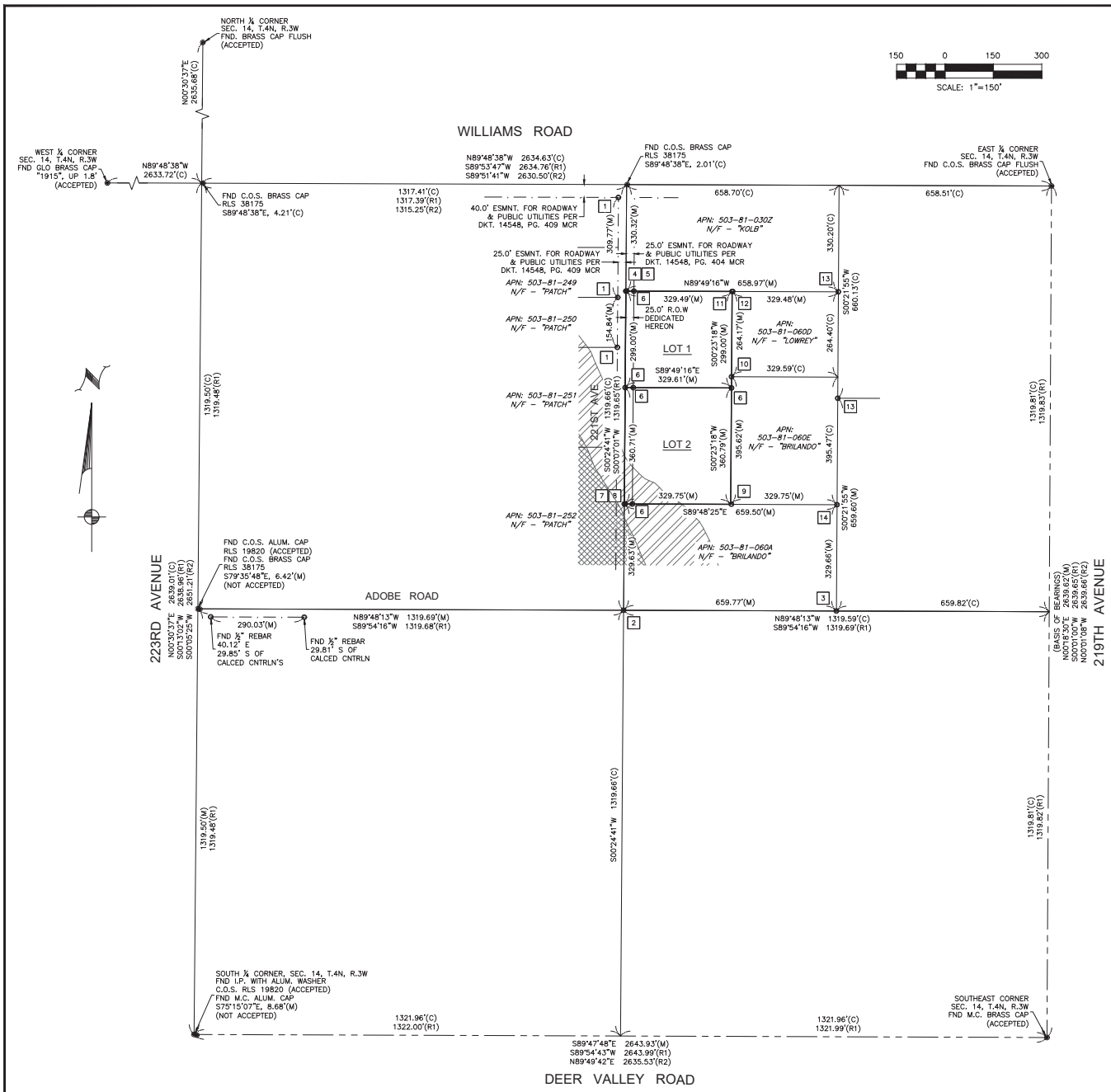
DRAWN BY:	BLN
CHECKED BY:	AJW
DATE:	2/21/18
SCALE:	AS SHOWN
PROJECT #:	17101
LAST MODIFIED:	4/24/18
LAST MODIFIED BY:	BLN

Infinity ENGINEERING SERVICES, ltd.
P.O. BOX 86034
PHOENIX, AZ 85080
PHONE: (602) 670-8635

41896
BRETT L. NOWACKI
4/24/18
ARIZONA, USA

SHEET 1 OF 2

FP-1



PARENT PARCEL LEGAL DESCRIPTION

THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14; AND

EXCEPT THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14.

PROPERTY LEGAL DESCRIPTION LOT 1

THE NORTH 299.00 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND;

THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14; AND

EXCEPT THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14.

PROPERTY LEGAL DESCRIPTION LOT 2

THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14; AND

EXCEPT THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14; AND

EXCEPT THE NORTH 299.00 FEET THEREOF.

MONUMENT TABLE

NO.	MONUMENT CHARACTER	FROM CALCULATED POSITION	STATUS
1	FND ½" RBR, SIDLER, RLS 28232		ACCEPTED
2	FND ½" REBAR NO TAG	S64°29'52"E, 0.27'	NOT ACCEPTED
3	FND ½" REBAR NO TAG	S19°08'11"W, 0.56'	NOT ACCEPTED
4	FND ½" REBAR TAG RLS 9088		ACCEPTED
5	FND ½" REBAR NO TAG, BENT	N81°24'44"E, 2.37'	NOT ACCEPTED
6	SET ½" RBR, W/CAP, RLS 41896		ACCEPTED
7	FND ½" REBAR NO TAG	N85°13'13"E, 2.80'	ACCEPTED AS R.M.
8	FND ½" REBAR NO TAG	S89°48'25"E, 0.28'	ACCEPTED AS R.M.
9	FND ½" RBR, RLS 29868	S86°37'21"E, 2.18'	ACCEPTED AS R.M.
10	FND ½" REBAR NO TAG		ACCEPTED
11	FND ½" REBAR TAG RLS 9088		ACCEPTED
12	FND ½" RBR, RLS 29868	N81°55'02"E, 1.75'	NOT ACCEPTED
13	FND ½" REBAR NO TAG		ACCEPTED
14	FND ½" REBAR NO TAG	S89°48'25"E, 0.24'	NOT ACCEPTED

NOTE: MONUMENTS 7, 8 AND 9 ARE ACCEPTED AS REFERENCE MONUMENTS. THE CALCULATED PROPERTY CORNERS ARE NOT ABLE TO BE SET DUE TO THE LOCATION OF THE EXISTING FENCES.

LEGEND AND ABBREVIATIONS

APN	ASSESSORS PARCEL NUMBER
FND	FOUND
(C)	CALCULATED
(R)	RECORD
(M)	MEASURED
R.L.S.	REGISTERED LAND SURVEYOR
▩	FOUND MONUMENT AS NOTED
●	SET MONUMENT AS NOTED
○	FOUND MONUMENT AS NOTED
R/W	RIGHT OF WAY
N/F	NOW OR FORMERLY
ESMNT	EASEMENT
DKT	DOCKET
PG	PAGE
MCR	MARICOPA COUNTY RECORDER
C.O.S.	CITY OF SURPRISE
M.C.	MARICOPA COUNTY
ALUM	ALUMINUM
SEC	SECTION
I.P.	IRON PIPE
GLO	GENERAL LAND OFFICE
RBR	REBAR
CNTRLN	CENTER LINE
C.L.	CHAIN LINK

OWNER

RICHARD & CHERYL NEIFFER
11520 N. 147TH LANE
SURPRISE, AZ 85379

PROPERTY INFO

APN: 503-81-060C
DOC.#: 2017-0790429

22440 N. 221ST AVENUE
SURPRISE, AZ 85387

REVISIONS

4/24/18 CITY COMMENTS

FINAL PLAT
FOR NEIFFER
SECTION BREAKDOWN, LEGAL DESCRIPTIONS, LEGEND
A PART OF THE SOUTHEAST QUARTER OF SEC. 14, T.4N, R.3W
MARICOPA COUNTY, ARIZONA

DRAWN BY:	BLN
CHECKED BY:	AJW
DATE:	2/21/18
SCALE:	AS SHOWN
PROJECT #:	17101
LAST MODIFIED:	4/24/18
LAST MODIFIED BY:	BLN

Infinity Surveying, Inc.
P.O. BOX 80134
PHOENIX, AZ 85080
PHONE: (602) 670-9635

BRETT L. NOWACKI
4/24/18
REGISTERED LAND SURVEYOR
EXPIRES 3-31-2020

SHEET 2 OF 2

FP-2

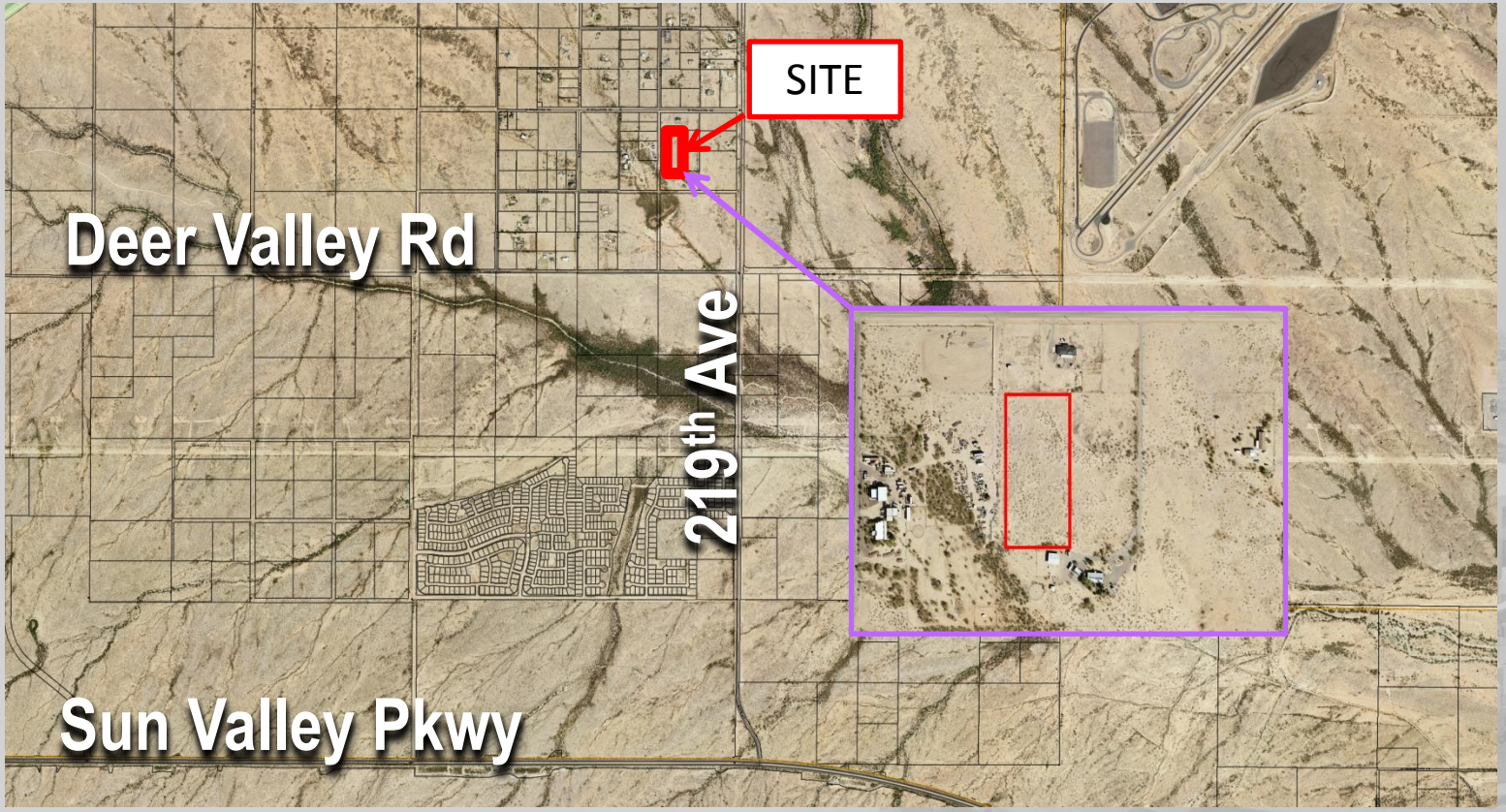
SURPRISE
ARIZONA

FS18-116
Neiffer Land Division Final Plat

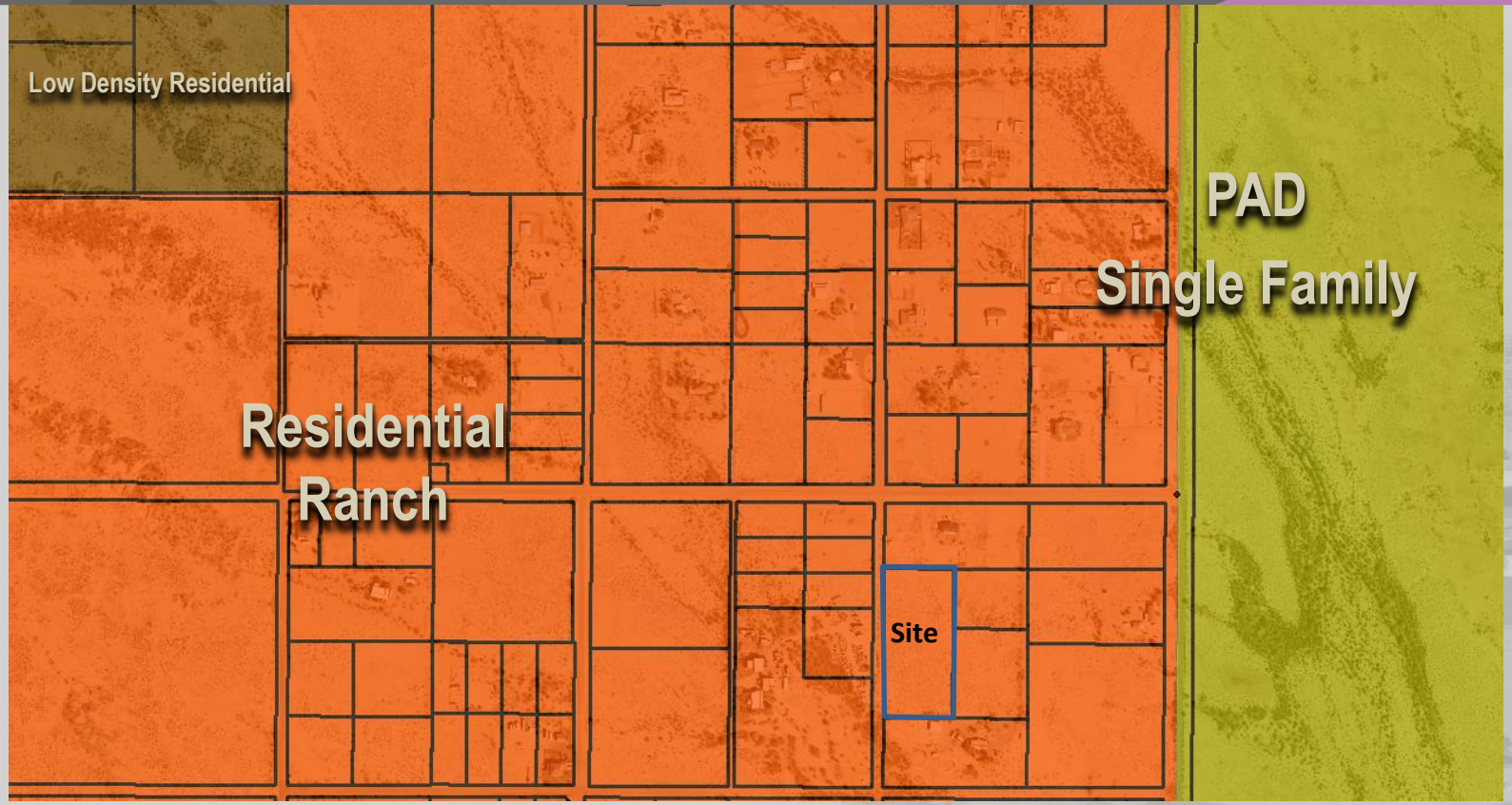
City Council

June 5, 2018

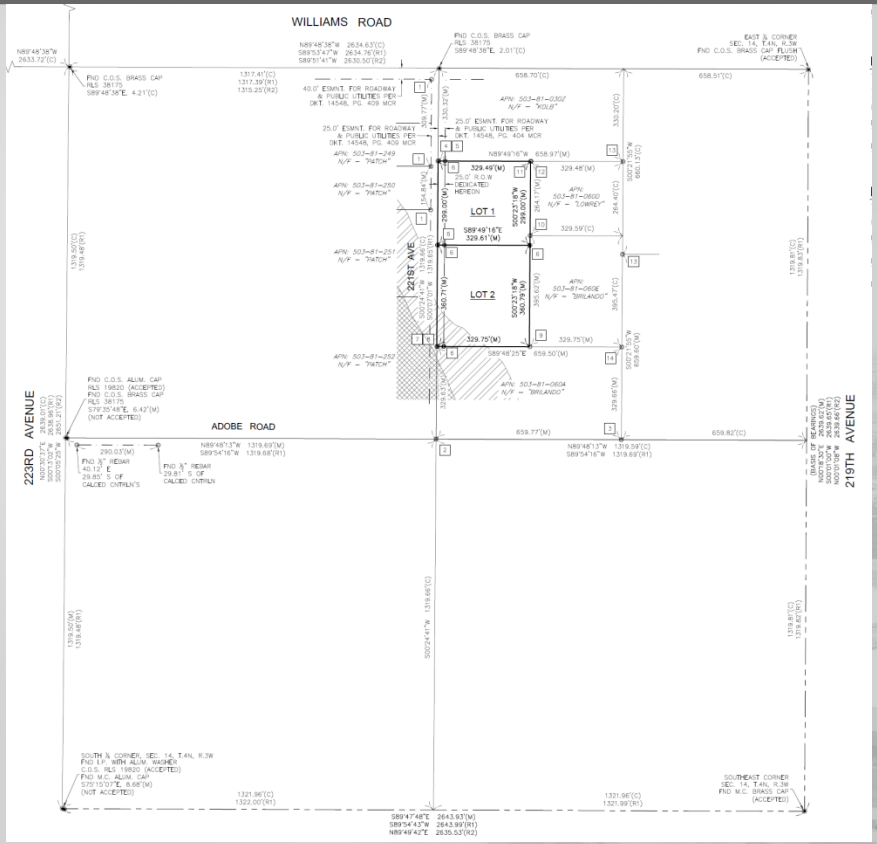
Vicinity MAP



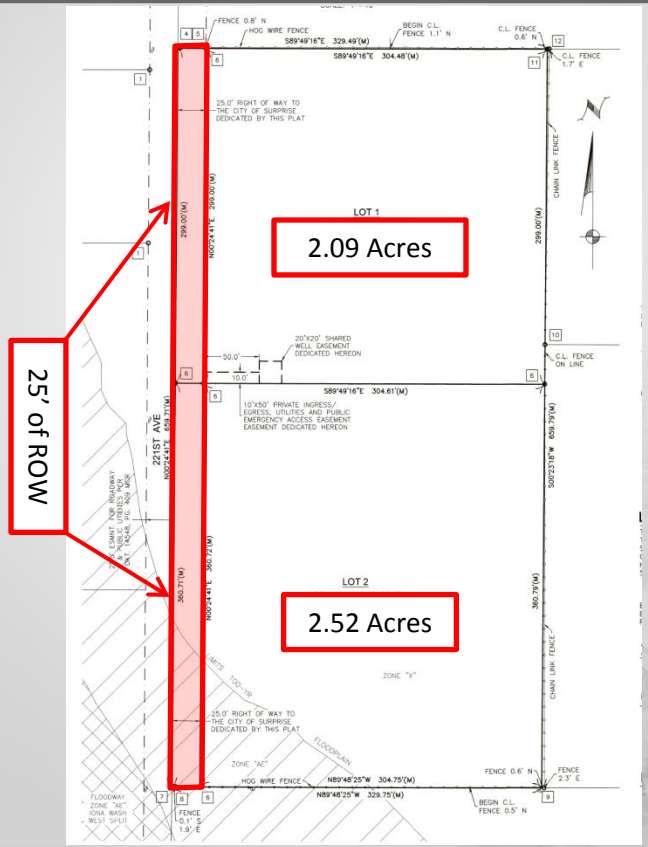
SURROUNDING ZONING



Final Plat


WILLIAMS ROAD
ADOBE ROAD
223RD AVENUE
219TH AVENUE
223RD AVE
LOT 1
LOT 2
329.49'(M)
329.75'(M)
329.61'(M)
S00°23'16"W
S00°23'16"W
360.79'(M)
360.71'(M)
25.0' R.O.W DEDICATED HEREON
40.0' ESMNT. FOR ROADWAY & PUBLIC UTILITIES PER DKT. 14548, PG. 409 MCR
25.0' ESMNT. FOR ROADWAY & PUBLIC UTILITIES PER DKT. 14548, PG. 404 MCR
25.0' ESMNT. FOR ROADWAY & PUBLIC UTILITIES PER DKT. 14548, PG. 409 MCR
APN: 503-81-249 N/F - "PATCH"
APN: 503-81-250 N/F - "PATCH"
APN: 503-81-251 N/F - "PATCH"
APN: 503-81-252 N/F - "PATCH"
APN: 503-81-0602 N/F - "LOWREY"
APN: 503-81-0602 N/F - "BRILANDO"
APN: 503-81-0604 N/F - "BRILANDO"
N89°49'16"W 658.97'(M)
S89°49'16"E 329.61'(M)
S89°48'25"E 659.50'(M)
N89°48'38"W 2633.72'(C)
N89°48'38"W 2634.63'(C)
S89°53'47"W 2634.76'(R1)
S89°51'41"W 2630.50'(R2)
S89°47'48"E 2643.93'(M)
S89°54'43"W 2643.99'(R1)
N89°49'42"E 2635.53'(R2)
SOUTH ¼ CORNER, SEC. 14, T.4N, R.3W
SOUTHEAST CORNER SEC. 14, T.4N, R.3W
EAST ¼ CORNER SEC. 14, T.4N, R.3W

Final Plat


LOT 1
2.09 Acres
LOT 2
2.52 Acres
25' of ROW
221ST AVE
25.0' RIGHT OF WAY TO THE CITY OF SURPRISE DEDICATED BY THIS PLAT
20'X20' SHARED WELL EASEMENT DEDICATED HEREON
10'X50' PRIVATE INGRESS/ EGRESS, UTILITIES AND PUBLIC EMERGENCY ACCESS EASEMENT EASEMENT DEDICATED HEREON
ZONE "X"
ZONE "AE"
FLOODPLAIN
FLOODWAY ZONE "AE" IONA WASH WEST SPLIT
CHAIN LINK FENCE
HOG WIRE FENCE
C.L. FENCE ON LINE
N89°48'25"W 304.75'(M)
N89°48'25"W 329.75'(M)
S89°49'16"E 304.61'(M)
S89°49'16"E 304.48'(M)
S89°49'16"E 329.49'(M)
N00°24'41"E 299.00'(M)
N00°24'41"E 360.72'(M)
S00°23'18"W 659.79'(M)

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

SURPRISE
ARIZONA

COMMUNITY DEVELOPMENT
CITY OF SURPRISE
16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374
T. 623·222·3000

Date: **March 20, 2018**

To: **Finance**

From: **Lari Beth Kirkendall, Real Property Manager**

Re: **FS18-116 Neiffer Land Division Dedication of Right of Way Valuation**

The Value of the Right of Way associated with the Neiffer Land Division FS18-116 is $82,464.25.
The area being dedicated as right-of-way is 16,492.85 square feet. The value of the land is $5.00/sq foot.

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Maria Lugo
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Fiscal Year 2018 Operating List of Items Over $50,000 by increasing Security Guard Services by $3,000 to account for costs associated with increased demand of Court security guard services; Resolution #2018-87.

Motion:

I move to approve Resolution #2018-87.

Background:

As part of the FY2018 budget adoption, Council approved the FY2018 Operating List of Items Over $50,000 on June 6th 2017 by Council Resolution #2017-64. The approved list included Security Guard Services for the Surprise City Court in the amount of $90,000. During FY2018, court administration authorized additional hours for security guard services to maintain adequate coverage and ensure the safety of the staff and the public. The estimated costs associated with security guard services for FY2018 is expected to exceed the amount approved in the FY2018 Operating List of Items Over $50,000 by approximately $3,000.

Objective Analysis:

This item is a request to amend the FY2018 Operating List of Items Over $50,000 with no impact to the FY2018 adopted budget.

Policy Compliant:

This action is consistent with City and Council Policy.

Financial Impact:

There is no financial impact. The Surprise City Court has sufficient funds within the court's General Fund operating budget to cover the total estimated FY2018 costs for security guard services.

Budget Impact:

This action amends the list of FY2018 Operating List of items over $50,000.

FTE Impact:

There is no FTE impact associated with this item.

ATTACHMENTS:

Click to download

- Resolution #2018-87 Security Guard Services

RESOLUTION # 2018-87

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2018 OPERATING LIST OF ITEMS OVER $50,000 FOR SECURITY GUARD SERVICES.

WHEREAS, the FY2018 adopted budget included funding in the amount of $90,000 for Court Security Guard Services;

WHEREAS, during the fiscal year, court administration authorized additional hours for security guard services to maintain adequate security coverage and ensure the safety of staff and the public;

WHEREAS, it is necessary to increase the amount of the Operating List of Items Over $50,000 by $3,000 for Security Guard Services to include the estimated FY2018 costs to be incurred;

WHEREAS, the FY2018 budget, including the FY2018 Operating List of Items Over $50,000, was adopted by Council Resolution #2017-64 on June 6, 2017; and

WHEREAS, the City of Surprise Procurement Code §2-338 (d) requires the authority of the Mayor and Council when the cost to the city is greater than $50,000.

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 Fiscal Year 2018 Operating List of Items Over $50,000 of the City of Surprise, Arizona for the fiscal year July 1, 2017 through June 30, 2018.

APPROVED AND ADOPTED this _____day of _____, 2018.

_____
Sharon R. Wolcott, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

RESOLUTION # 2018-87
Exhibit A

1. List of Operating Items Over $50,000 – City Council approved appropriation for Court Security Guard Services that was included in the Fiscal Year 2018 budget and Operating List of Items Over $50,000. The line item referenced below must be increased by $3,000 to include the estimated FY2018 costs to be incurred.

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
18040	Security Guard Services	$90,000	$3,000	$93,000

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Tom Abbott
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action authorizing the City Manager to execute and enter into an Intergovernmental Agreement for mutual aid response for fire protection and other emergency services with the Arizona Fire Medical Authority (AFMA); Resolution # 2018-58.

Motion:

I move to approve Resolution # 2018-85.

Background:

The Arizona mutual and automatic aid systems have been in existence for decades providing the highest level of service to participating jurisdictions in their time of critical need. Each participating agency agrees to respond to the affected area in accordance with local ordinances, resolutions, emergency plans or agreements.

Objective Analysis:

By participating in this agreement, the City of Surprise and the Arizona Fire and Medical Authority (AFMA) agree to provide apparatus, equipment, response criteria, staffing levels and other required supplies on a mutual aid basis in a geographical area that was originally served by the former Wittmann Fire District and currently within the boundaries of AFMA. A request for mutual aid would only occur after all of the resources of the requesting agency are committed to an emergency incident and allow for the agency receiving the request to determine resources provided. This IGA identifies mutual aid for areas that were not included for automatic aid dispatch by a unanimous vote of the Central Arizona Life Safety Council on January 16, 2018. The mutual aid is reciprocal.

Policy Compliant:

This action is compliant with City, County and State policy.

Financial Impact:

Each participating agency retains ownership of their respective equipment according to the automatic mutual aid agreement. There is no financial impact as no fees are identified nor will either party be

reimbursed for assistance.

Budget Impact:

There is no budget impact as this is a mutual aid IGA.

FTE Impact:

No FTE

ATTACHMENTS:

Click to download

- SFMD AFMA Wittmann Mutual Aid IGA
- RES 2018-85 IGA MUTUAL AID

INTERGOVERNMENTAL AGREEMENT
MUTUAL AID RESPONSE FOR FIRE PROTECTION AND OTHER EMERGENCY SERVICES

THIS AGREEMENT ("Agreement") is entered into as of the_____day of_____, 2018, between the CITY OF SURPRISE (hereinafter "City"), and the ARIZONA FIRE & MEDICAL AUTHORITY (hereinafter "AFMA")(formerly known as NORTH COUNTY FIRE & MEDICAL DISTRICT, formerly known as FIRE DISTRICT OF SUN CITY WEST), a special taxing district of the State of Arizona. City and AFMA are hereinafter referred to collectively in this Agreement as the "Parties" and individually as "Party."

RECITALS

WHEREAS, agreements for mutual assistance in fire protection and response to other emergencies have existed between municipalities and governmental jurisdictions; and

WHEREAS, it is further the determination of each of the parties thereto that the decision to enter into this Mutual Aid Agreement constitutes a fundamental governmental policy of the parties hereto which is discretionary in nature, and includes the determination of the proper use of the resources available to each of the parties hereto with respect to the providing of governmental services and the utilization of existing resources of each of the parties hereto, including the use of equipment and personnel; and

WHEREAS, it is the desire of the Parties to initiate and/or renew a "Mutual Aid Agreement" for fire department services.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

ARTICLE 1 - PURPOSE AND AUTHORITY

1.1 **Purpose** All Parties to this Agreement agree that its purpose is for the City's Fire and Medical Services Department to provide mutual assistance to fires, medical emergencies, hazardous materials incidents, technical rescues and other types of emergency incidents in all areas served by AFMA that were not included for automatic aid dispatch in the November 7, 2017 Intergovernmental Agreement for the Regional Metropolitan Phoenix Fire Service Automatic Aid as approved on January 16, 2018 by the members of the Central Arizona Life Safety Council that are within the scope of services provided by fire departments and for AFMA to provide mutual assistance from the areas as described above to fires, medical emergencies, hazardous materials incidents, technical rescues and other types of emergency incidents in the City that are within the scope of services provided by fire departments

subject to the limitations described herein.

1.2 **Definition** The Parties agree that mutual aid is defined as, any Fire Department emergency response and/or incident mitigation assistance provided by one Party to the other Party when no formal automatic assistance agreement has been instituted. Any mutual aid assistance provided will be the result of a formal request for assistance from one party to the other party, as prescribed in this agreement.

1.3 **Authority** The Parties acknowledge that this Agreement is being entered into pursuant to the Intergovernmental Agreement Statute, Section 11-952, Arizona Revised Statutes ("A.R.S.")

1.4 **Effect on Prior Agreements** The Parties further understand that this Agreement supersedes any previous mutual aid and automatic aid agreements between any of the Parties hereto as they relate to the November 7, 2017 Intergovernmental Agreement for the Regional Metropolitan Phoenix Fire Service Automatic Aid as approved on January 16, 2018 by the members of the Central Arizona Life Safety Council . This Agreement does not affect the November 7, 2017 Automatic Aid Agreement between the City and North County Fire & Medical District (now AFMA).

1.5 **Effect on current Intergovernmental Agreement for the Regional Metropolitan Phoenix Fire Service Automatic Aid Agreement** Any response to a mutual aid jurisdiction or mutual aid response area by a Participant in the current Intergovernmental Agreement for the Regional Metropolitan Phoenix Fire Service Automatic Aid Agreement (Agreement) will not bind any other Participant in the Agreement to provide any assistance in support of the mutual aid request.

ARTICLE 2 – PARAMETERS FOR ASSISTANCE TO BE PROVIDED

2.1 The Parties joining this discretionary agreement agree, for the purpose of emergency response, that the operating procedures set out in Volume II of the Phoenix Regional Standard Operating Procedures, Mutual Aid Response and Operations shall be followed in terms of requesting, dispatching and redeploying emergency units and operating at the scene of emergency incidents.

2.2 Each Party agrees not to call the other Party for help unless the Requesting Party's own resources have been exhausted or unless the fire, medical emergency, hazardous materials incident, technical rescue, or other type of emergency incident is of such a nature that it cannot be handled by the Requesting Party's equipment due to the Requesting Party's resources being committed to other fires, medical emergencies, hazardous materials incidents, technical rescues or other types of emergency incidents.

2.3 Upon request for assistance, it is further understood and agreed that the Fire Chief or their designee of the Providing Party being requested for assistance shall have sole discretion to determine, pursuant to the governmental policy of his/her jurisdiction, the level and amount of resources, if any, including equipment and personnel to be devoted in response to the request. Neither Party is in any way liable to the other or to any other person, firm or corporation for the Providing Party's determination to supply, not to supply, or limit the amount of, assistance upon such request following such determination. The Providing Party shall be the sole judge of what mutual aid it has available to furnish to the Requesting Party.

2.4 It is understood and agreed that the Providing Party fire department units shall operate only if determined safe to do so under the direction of the Fire Chief or other authorized person in command of emergency operations for the jurisdiction requesting assistance. To ensure safety, the Parties shall use an Incident Safety Officer System ("ISOS") that will follow standardized procedures as recommended by the NFPA 1521 and will follow the process set out in Phoenix Fire Department's Volume II, specifically 205.17.

2.5 It is understood that the equipment and personnel of the Party providing mutual aid assistance are to be released from service and returned to the Party's jurisdiction by the commanding officer in charge of operations as soon as conditions warrant.

ARTICLE 3 – REQUEST FOR ASSISTANCE

All requests for mutual aid assistance will follow the process set out in the version of Volume II and specifically, 205.17 of the Phoenix Regional Standard Operating Procedures' Mutual Aid Response and Operations in effect at the time of the request.

ARTICLE 4 - MISCELLANEOUS

4.1 Nothing in this agreement shall limit the ability of either Party from agreeing to participate in more specific contracts for services, mutual assistance or automatic response; nor shall this prohibit any Party from providing emergency assistance to another jurisdiction, which is not a participant in this agreement.

4.2 It is understood that no Party to this agreement by the execution of said agreement or by the requesting or providing of assistance under this agreement has assumed any binding legal responsibility to provide the resources, equipment, facilities or personnel of such responding jurisdiction outside its geographic area of jurisdiction, either in the instance of the initial request for assistance or any future request for assistance.

4.3 Neither Party shall be reimbursed by the other Party for any costs incurred pursuant to the Agreement.

4.4 Both Parties shall retain ownership of any equipment or property it brings to the performance of this Agreement.

ARTICLE 5 –TERM OF THE AGREEMENT

5.1 **Termination** This agreement shall be recorded by each Party with the Maricopa County Recorder's Office, and shall continue in force until terminated by formal act of the governing body of either or both Parties to this Agreement, and if terminated by one only, 90 days formal notice, in writing, of the intention to terminate shall be given to the other Party. The terminating Party's termination will then be effective on the 91st day after notice has been given, unless the terminating party has withdrawn the notice.

ARTICLE 6–GENERAL TERMS AND CONDITIONS

6.1 **No Third-Party Beneficiaries** No term or provision of this Agreement is intended to, or shall, create any rights in any person, firm, corporation or other entity not a party hereto, and no such person or entity shall have any cause of action hereunder.

6.2 **Workers' Compensation** The Parties agree that it is the responsibility of each Party to ensure that its employees are notified in accordance with the provision of Arizona Workers' Compensation Law, specifically, A.R.S. § 23-1022, or any amendment thereto, and that all such notices, as required by such laws, shall be posted accordingly. By signing this Agreement and to ensure compliance with the notice posting requirements, each Party grants consent to all other Parties to inspect that Party's respective premises and work places upon request of any of the other Parties. However, nothing in this Agreement should be construed as imposing a duty to inspect another Party's respective premises and work places, and this agreement does not create a joint or employer/employee relationship between a Party and another Party's employees.

6.3 **Immigration Requirements** The Parties will comply with the Immigration Reform and Control Act of 1986 ("IRCA") and will permit inspection of its personnel records to verify such compliance. To the extent applicable under A.R.S. § 41-4401, each Party warrants compliance with all federal immigration laws and regulations that relate to its employees and compliance with the E-verify requirements under A.R.S. § 23-214(A). Each Party has the right to inspect the papers of the other Parties participating in this Agreement to ensure compliance with this paragraph. The right to inspect does not imply or create a duty to inspect another Party's papers. A Party's breach of the above-mentioned warranty shall be deemed a material breach of the Agreement and may result in the termination of the Agreement by the Central Arizona Life Safety Council under the terms of this Agreement.

6.4 **No Joint Venture** No term or provision in this Agreement is intended to create a partnership, joint venture or agency arrangement between any of the Parties.

6.5 **Notices** Any notice to be provided to a Party or Parties to this Agreement shall be satisfied by sending a written letter by U.S. mail, certified, return receipt to the current fire chief of each respective Party. Notice shall be deemed effective five days after mailing.

6.6 **Cancellation for Conflicts of Interest** This Agreement is subject to cancellation pursuant to the provisions of A.R.S. § 38-511.

6.7 **No Israel Boycott** In accordance with A.R.S. § 35-393.01, by entering into this Agreement, each Participant certifies that it is not currently engaged in, and agrees that for the duration of this Agreement to not engage in a boycott of Israel.

REMAINDER OF PAGE LEFT BLANK

SIGNATURE PAGE

IN WITNESS WHEREOF, the City and AFMA have executed this Agreement through their representatives duly authorized to execute this Agreement and bind their respective entities to the terms and obligations contained herein to be effective on the date first written above.

In accordance with the requirement of Section 11-952 (D), Arizona Revised Statutes, the undersigned attorney acknowledge: 1) That he/she has reviewed the above agreement on behalf of his/her respective clients; and 2) that, as to his/her respective client's only, each attorney has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

AFMA	CITY OF SURPRISE
_____Date:_____	_____Date:_____ City Manager
ATTEST:	ATTEST:
_____	_____ Sherry Aguilar, City Clerk
APPROVED AS TO FORM:	APPROVED AS TO FORM:
_____	_____ Robert Wingo, City Attorney

RESOLUTION # 2018-85

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA FIRE AND MEDICAL AUTHORITY FOR MUTUAL AID FOR SPECIFIED AREAS.

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

WHEREAS, the parties desire to enter into an intergovernmental agreement in order to provide mutual aid for both fire protection and response to other emergencies within the areas that were not included for automatic aid dispatch by a unanimous vote of the Central Arizona Life Safety Council on January 16, 2018.

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

Section 1. The Intergovernmental Agreement between the City of Surprise and the Arizona Fire & Medical Authority, attached as Exhibit A, is approved.

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 agreement.

APPROVED AND ADOPTED this _____day of _____, 2018.

Sharon R. Wolcott, Mayor

Attest:

Sherry Aguilar, City Clerk

Approved as to form:

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND THE ARIZONA FIRE & MEDICAL AUTHORITY

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Robert Kuhfuss - Community Development
Submitting Department:		District:	1
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion

Agenda Wording:

Consideration and action approving a Conditional Use Permit for a Freeway Monument Sign located at Surprise Village Marketplace.

Motion:

Motion to approve the requested Conditional Use Permit subject to Commission recommended stipulations “a” and “b”.

Background:

On March 20, 2007, the Planning and Zoning Commission approved a Comprehensive Sign Program for Surprise Village Marketplace via Conditional Use Permit (CUP) under CUP06-458; however, said CUP did not contemplate Freeway Monument Signs. More recently, the City Council approved a Text Amendment to Chapter 113 of the Surprise Municipal Code (SMC) pertaining to signs. Section 113-09.C.8 of the new Sign Code allows Freeway Monument Signs via CUP in certain geographical areas with specific time, place and manner restrictions. Andy Gibson of Bootz & Duke Sign Company, on behalf of WM Grace and Fitness International, LLC seeks approval of a Conditional Use Permit (CUP) to allow a Freeway Monument Sign to be located within the Surprise Village Marketplace PAD. The proposed sign will be located twenty (20) feet from the Loop 303 right-of-way line and will be 45 feet tall with approximately 367 square feet of sign copy area. The proposed sign is designed to complement the commercial center it serves and is consistent with the time, place, and manner requirements as stated in the recently adopted Sign Code

Objective Analysis:

The proposed Freeway Monument Sign is permitted as a Conditional Use under Section 113-09.C.8 of the SMC and meets the requirements set forth therein. Further, the time, place and manner criteria set forth in Section 113-09.C.8 of the SMC are intended to foster compatibility with the surrounding area and includes a requirement that Freeway Monument Signs be architecturally compatible with the commercial center it serves. The proposed Freeway Monument Sign will not impair the integrity or character of the area, and the time, place and manner criteria set forth in Section 113-09.C.8 of the SMC are intended to promote the health, safety and welfare of the community. The proposed Freeway

Monument Signs does not conflict with the goals and policies of the General Plan, nor the PAD where the property is located. The City Council approved a new Sign Code that includes time, place and manner requirements for Freeway Monument Signs, and allows such signs via Conditional Use Permit. The proposed Freeway Monument Sign meets the time, place and manner provisions of the Sign Code, in addition to the criteria set forth under Section 122-114 of the Surprise Municipal Code.

Policy Compliant:

The Surprise General Plan 2035 shows the subject property as lying within the Commercial and Office Land Use Category, which supports retail uses such as those served by the proposed sign.

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 - FS18-054, Surprise Village Marketplace Freeway Monument Sign CUP - Staff Report
- 01 - FS18-054, Surprise Village Marketplace Freeway Monument Sign CUP - Vicintiy Map
- 02 - FS18-054, Surprise Village Marketplace Freeway Monument Sign CUP - Case Map
- 03 - FS18-054, Surprise Village Marketplace Freeway Monument Sign CUP - Sign Package
- 04 - FS18-054, Surprise Village Marketplace Freeway Monument Sign CUP - Citizen Outreach
- 05 - FS18-054, Surprise Village Marketplace Freeway Monument Sign CUP - Presentation
- 06 - FS18-054, Surprise Village Marketplace Freeway Monument Sign CUP - Public Engagement for SVM FMS CUP

CONDITIONAL USE PERMIT

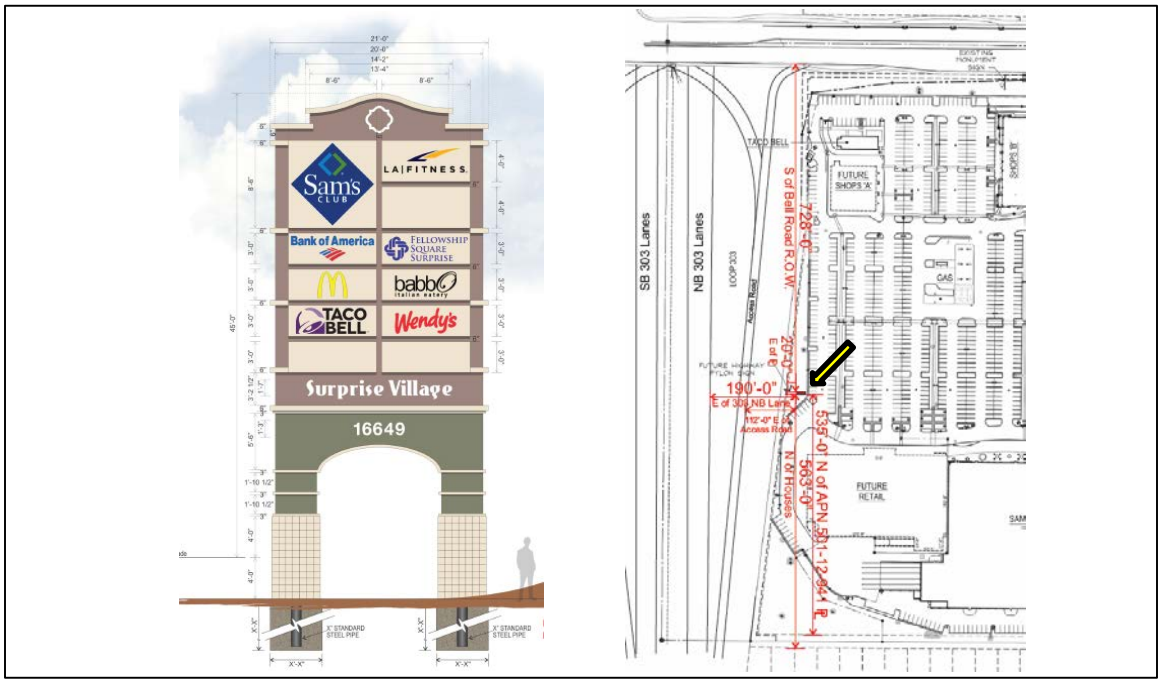
REPORT TO THE CITY COUNCIL

Case:	**FS18-054**
Project Name:	Surprise Village Marketplace Freeway Monument Sign
Council District:	1
Meeting Date:	**June 5, 2018**
Planner:	Robert H. Kuhfuss, AICP

Owner:	Fitness International, LLC
Applicant:	Andy Gibson of Bootz & Duke Sign Company on behalf of WM Grace and Fitness International, LLC
Request:	Conditional Use Permit for a Freeway Monument Sign in the PAD zoning district (Surprise Village Marketplace)
Site Location:	Generally south and east of Loop 303 and Bell Road
Site Size:	5.3 acres (approx.)
Density:	N/A
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035
Support/Opposition:	None known
Commission Recommendation:	The Planning and Zoning Commission recommended **approval** of the proposed Conditional Use Permit, subject to stipulations ‘a’ and ‘b’.

PROJECT DESCRIPTION:

Andy Gibson of Bootz & Duke Sign Company, on behalf of WM Grace and Fitness International, LLC seeks approval of a Conditional Use Permit (CUP) to allow a Freeway Monument Sign to be located within the Surprise Village Marketplace PAD. The proposed sign will be located twenty (20) feet from the Loop 303 right-of-way line and will be 45 feet tall with approximately 367 square feet of sign copy area. The proposed sign is designed to complement the commercial center it serves and is consistent with the time, place, and manner requirements as stated in the recently adopted Sign Code.

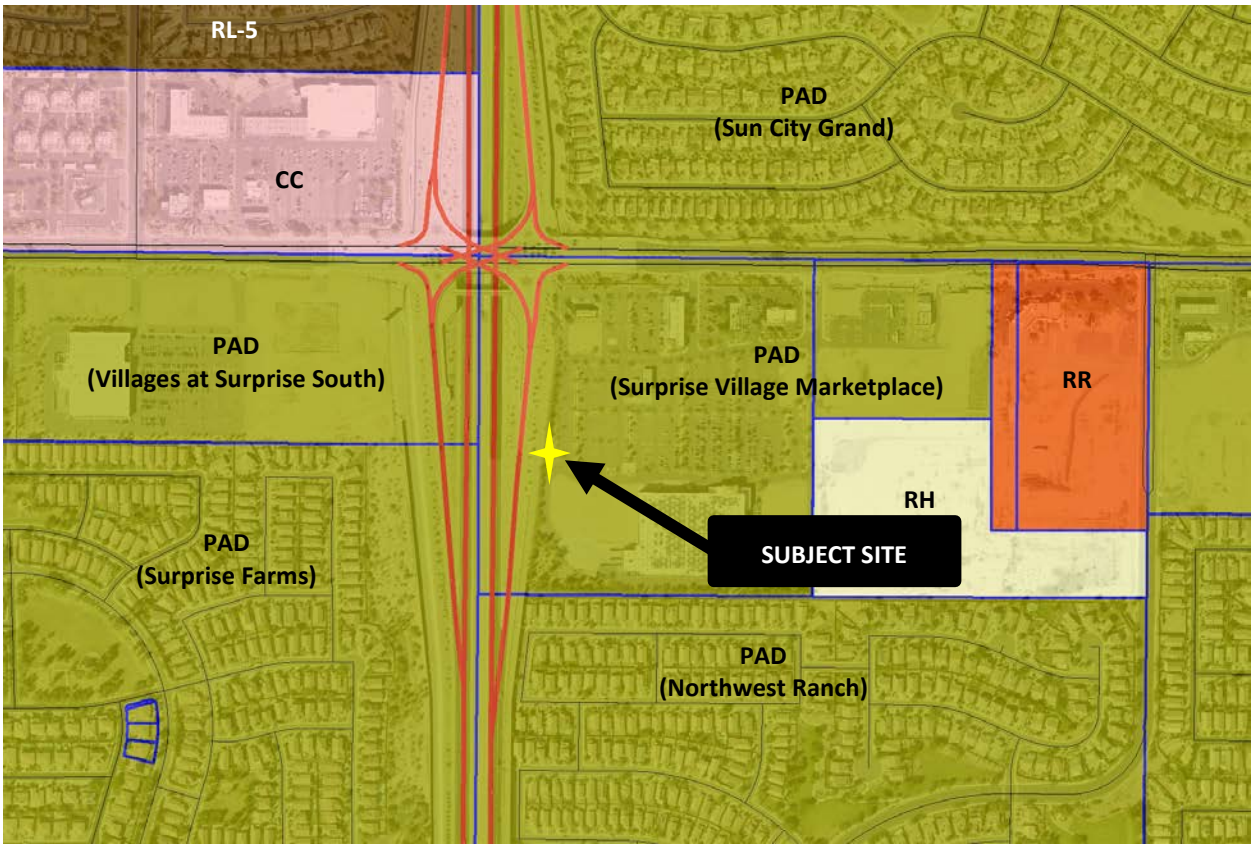


EXISTING ZONING:

The following chart and associated map depict the existing zoning of the subject site and its surrounds.

CC	PAD (Residential)	PAD (Residential)
PAD (Commercial)	**PAD** (Commercial)	PAD (Commercial) and RH
PAD (Residential)	PAD (Residential)	PAD (Residential)

[See map on following page]



BACKGROUND:

September 28, 2006: The City Council approved the Surprise Village Marketplace PAD under case PAD06-286.

March 20, 2007: The Planning and Zoning Commission approved the Comprehensive Sign Program (CSP) for Surprise Village Marketplace under case CUP06-458.

January 14, 2018: Staff met with the applicant to discuss the subject request during a regularly scheduled Concept Review meeting under CR18-709.

January 29, 2018: The applicant filed a request for a Conditional Use Permit to allow a Freeway Monument Sign on the subject property under FS18-054, the subject case.

March 6, 2018: The City Council approved a new Sign Code under case FS15-311, Ordinance # 2018-04.

March 7, 2018: The applicant held a Citizen Outreach meeting.

April 5, 2018: The aforementioned Sign Code went into effect.

May 3, 2018: The Planning and Zoning Commission recommended approval of the subject Conditional Use Permit to the City Council.

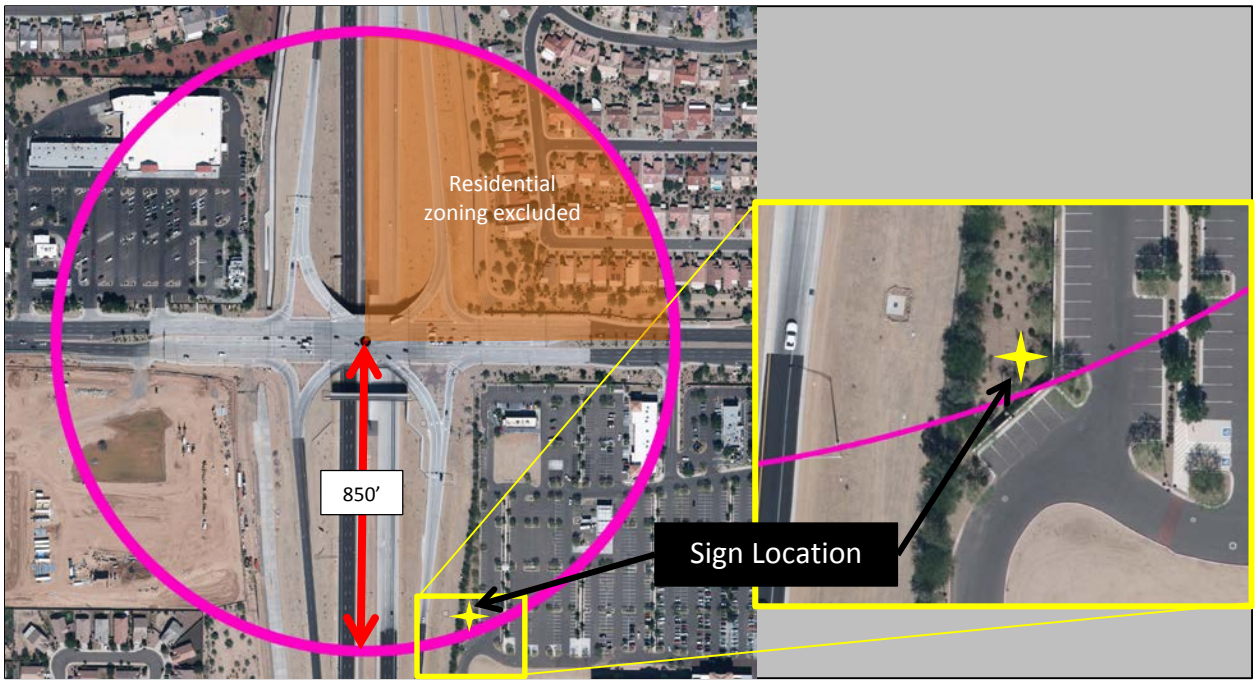
CITIZEN OUTREACH:

As noted above, the applicant held a Citizen Outreach meeting on March 7, 2018. Staff was not present at that meeting; however, according to the applicant, the meeting began promptly at 6:00 PM and was terminated at 7:00. The applicant states that no one from the public was in attendance. Staff notes that the site was posted and advertised in accordance with the SUDC and has received no items of support or opposition regarding the request.

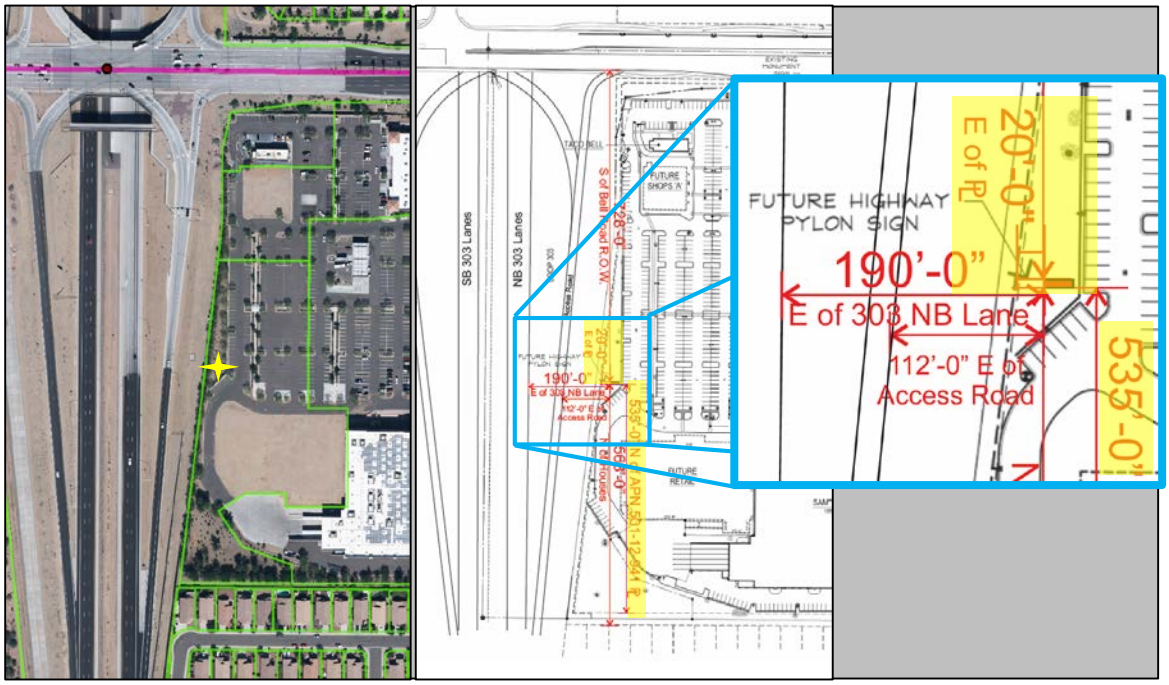
ANALYSIS AND DISCUSSION:

On March 20, 2007, the Planning and Zoning Commission approved a Comprehensive Sign Program for Surprise Village Marketplace via Conditional Use Permit (CUP) under CUP06-458; however, said CUP did not contemplate Freeway Monument Signs. More recently, the City Council approved a Text Amendment to Chapter 113 of the Surprise Municipal Code (SMC) pertaining to signs, hereafter referred to as the "Sign Code". Section 113-09.C.8 of the new Sign Code allows Freeway Monument Signs via CUP in certain geographical areas with specific time, place and manner restrictions, as summarized below. The proposed Freeway Monument Sign meets these criteria.

- May be located in commercially zoned properties within 850 feet of the intersection of Loop 303 and Bell Road

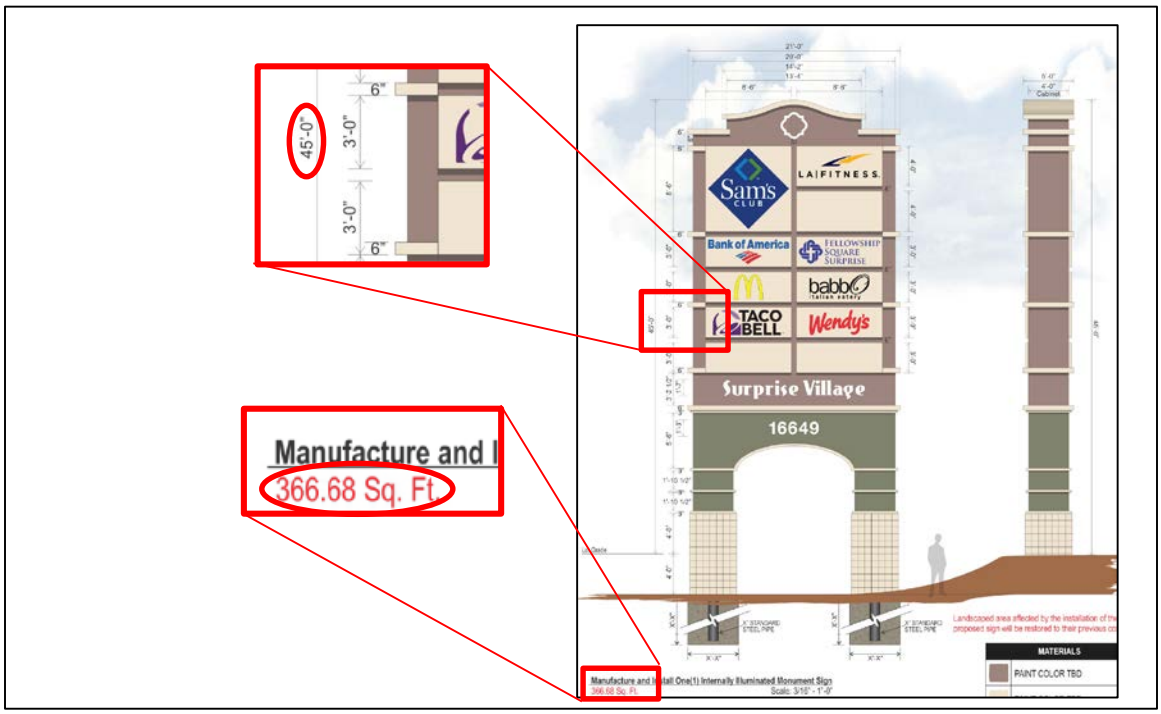


- May not be located closer than 300 feet from any residentially zoned property or related open space tract.
- May not be located closer than 20 feet from the freeway right-of-way line.

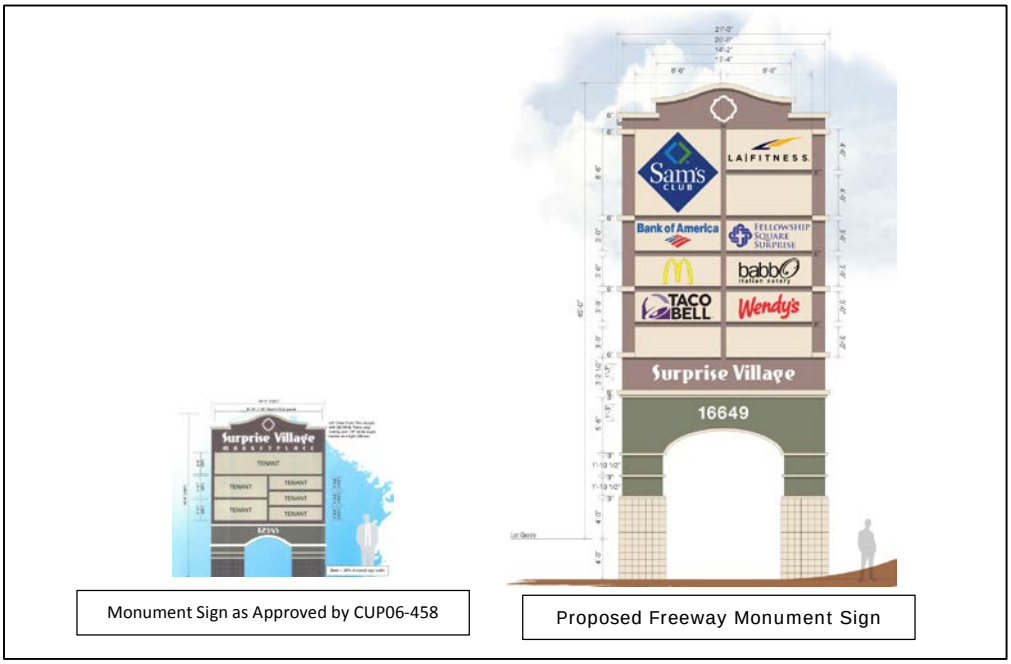


- May not be closer than 750 feet from another Freeway Monument Sign unless separated by a freeway or arterial right-of-way.

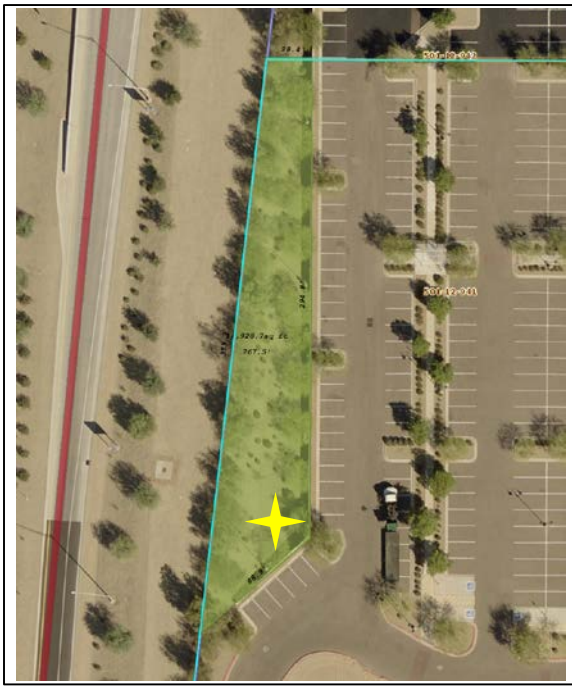
- Overall height of the sign not to exceed 65’.
- Sign copy area not to exceed 650 square feet.



- Must incorporate architectural features of the commercial center it serves.



- Must be located in a landscape area of not less than four (4) square feet per square foot of sign area.



366.68 sq. ft. sign area x 4 sq. ft. landscape area per 1 sq. ft. of sign area = 1,467 sq. ft. landscape area required

15,000 sq. ft. ± provided

In addition to the time, place and manner criteria set forth under Section 113-09.C.8 of the SMC, Section 122-114(a) of the SMC sets for the approval criteria for all Conditional Use Permits as follows:

"(1) The proposed use is listed as a conditional use in the use matrix set forth in article V and meets any special requirements set forth for that particular use;

(2) Location and character of the use shall be in harmony with the surrounding area;

(3) The proposed use shall not impair the integrity or character of the community nor shall it be detrimental to the public health, safety or general welfare of the city;

(4) The proposed use shall conform to the goals and policies of the General Plan;

(5) The proposed use shall conform to the goals and policies of any specific district or plans for the area;

(6) The proposed use shall conform to the development standards and shall take into account the following factors:

a. Site and building design;
b. Sensitivity to existing natural features;
c. Volume or character of traffic;
d. Circulation patterns;

e. Connectivity;
f. Parking and loading;
g. Screening and buffering of uses;
h. Landscaping;
i. Exterior lighting;
j. Signage;
k. Storm water retention and drainage;
l. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
m. A demonstrated need for such use.

(7) The proposed use shall have adequate ingress and egress to property and proposed structures, pedestrian and vehicular circulation with particular reference to emergency service access;

(8) Adequate utilities, access roads, drainage sanitation; and/or

(9) Necessary facilities will be provided and the use will not contribute toward an overburdening of municipal services."

While the proposed use is not listed in the use matrix contained in Article V, the proposed Freeway Monument Sign is permitted as a Conditional Use under Section 113-09.C.8 of the SMC and meets the requirements set forth therein. Further, the time, place and manner criteria set forth in Section 113-09.C.8 of the SMC are intended to foster compatibility with the surrounding area and includes a requirement that Freeway Monument Signs be architecturally compatible with the commercial center it serves. The proposed Freeway Monument Sign will not impair the integrity or character of the area, and the time, place and manner criteria set forth in Section 113-09.C.8 of the SMC are intended to promote the health, safety and welfare of the community. The proposed Freeway Monument Signs does not conflict with the goals and policies of the General Plan, nor the PAD where the property is located.

Staff notes that during the Commission hearing of May 3, 2018, a Commissioner inquired as to the proposed color palette as the specific colors are not clearly stated on the plans. To address this issue, the applicant revised the plans to be more specific as to the actual colors of the proposed sign in a manner consistent with the larger retail center. For the Council's consideration, staff included an alternative set of stipulations, which reference a "received" date of May 15, 2018 to address this issue.

UTILITY AND SERVICES TABLE:

Electric:	APS
Water:	EPCOR
Wastewater:	City of Surprise
Refuse:	N/A
Natural Gas:	SWG
Irrigation:	N/A
Schools:	N/A

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Commercial and Office Land Use Category, which supports retail uses such as those served by the proposed sign.

REVIEWING AGENCIES:

The subject request was routed to the standard internal reviewing agencies, who have indicated no objections to the request.

SUMMARY:

The City Council approved a new Sign Code that includes time, place and manner requirements for Freeway Monument Signs, and allows such signs via Conditional Use Permit. The proposed Freeway Monument Sign meets the time, place and manner provisions of the Sign Code, in addition to the criteria set forth under Section 122-114 of the Surprise Municipal Code. As such, staff is supportive of the request.

FINDINGS:

- The proposed Freeway Monument Sign is consistent with the criteria set forth in Section 113-09.C.8 of the Surprise Municipal Code pertaining to Freeway Monument Signs.
- The proposed Conditional Use Permit is consistent with the criteria set forth in Section 122-114 of the Surprise Municipal Code pertaining to Conditional Use Permits.
- The reviewing agencies have indicated no objections to the request.

COMMISSION RECOMMENDATION:

Based on the findings noted above, the Commission recommended **approval** of the subject Conditional Use Permit to the City Council, subject to stipulations 'a' and 'b' as outlined below:

a) The Freeway Monument Sign shall be consistent with the Sign Package entitled "Surprise Village" consisting of four (4) pages prepared by Bootz & Duke Signs and stamped received March 22, 2018.

b) Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

[Continued following page.]

ALTERNATIVE RECOMMENDATION:

In order to address the concerns expressed by the Planning and Zoning Commission regarding the specific color palette, the Council may wish to consider adopting revised stipulations which reference an updated plan set as follows [*emphasis added*]:

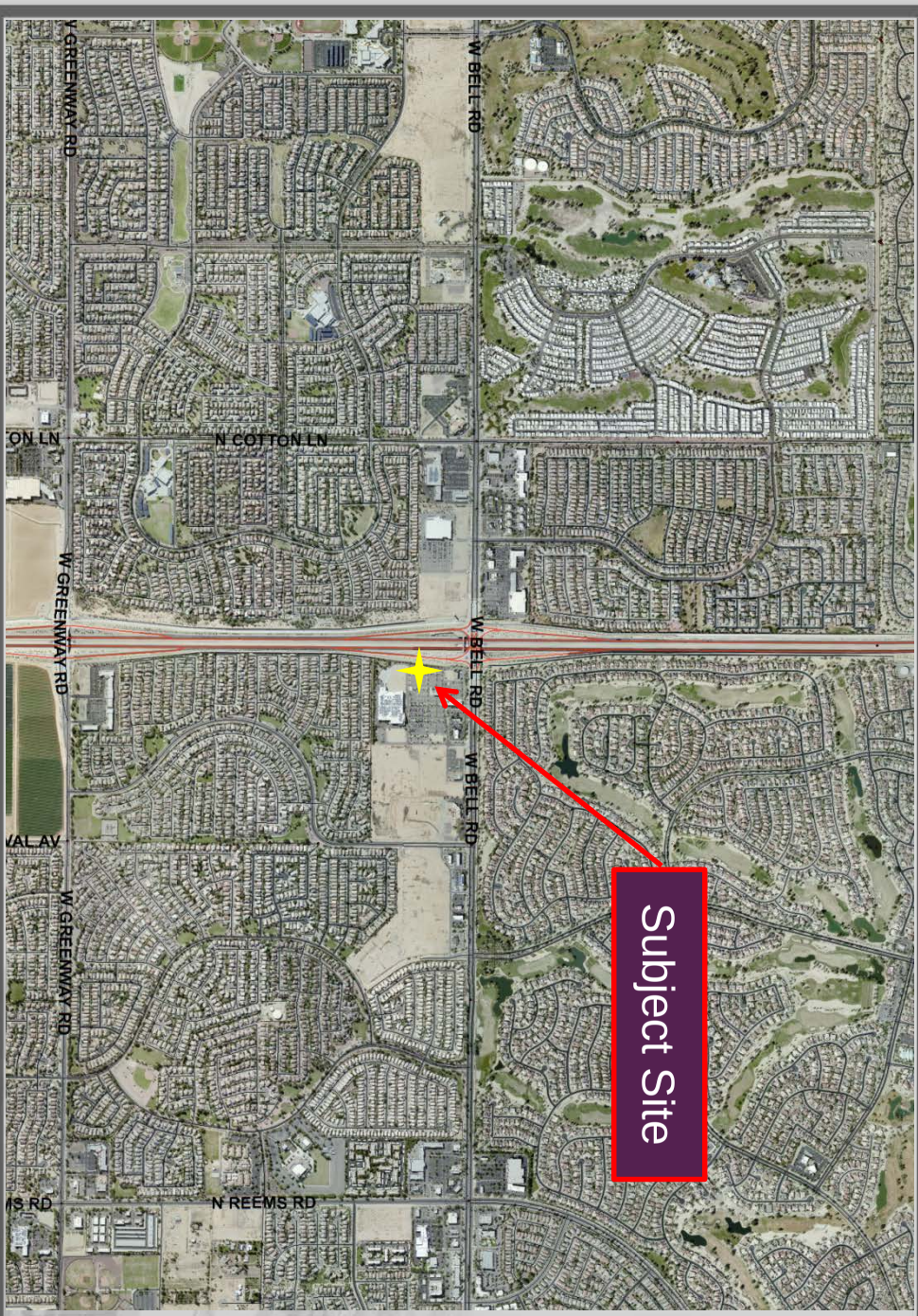
a) The Freeway Monument Sign shall be consistent with the Sign Package entitled "Surprise Village" consisting of four (4) pages prepared by Bootz & Duke Signs and stamped received *May 15*, 2018.

b) Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.

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

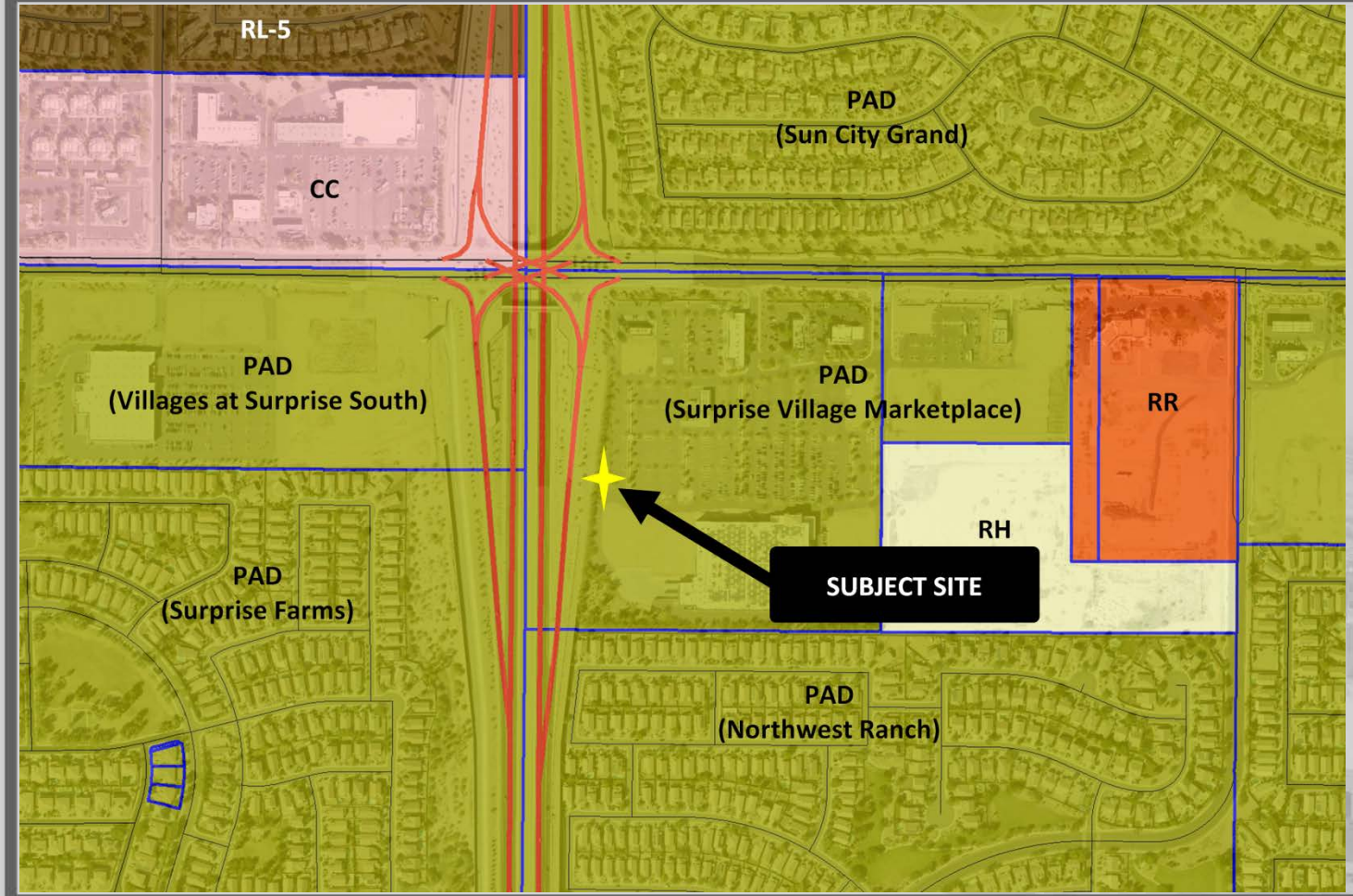
Attachments:

01 – Vicinity Map
02 – Case Map
03 – Sign Package
04 – Citizen Outreach



FS18-054 Vicinity Map

FS18-054 Case Map



Landscaped area affected by the installation of the proposed sign will be restored to their previous condition.

Manufacture and Install One(1) Internally Illuminated Monument Sign

366.68 Sq. Ft. Scale: 3/16" - 1"-0"

Monument Sign:

- **Structure:** Aluminum Angle Skinned with .090" Aluminum Painted to Match
- **Faces:** Routed .125 Painted to Match
- **Backed:** 3/16" Acrylic Stud Mounted to the Face
- **Vinyl:** Colors TBD
- **Illumination:** CWHO Fluorescent Lamps
- **Power:** Ballasts in Sign
- **Installation:** On ASA Pipe and Footer at Customer Specified Location

PAINT COLORS	
	"Pure White" SW #1004 Smooth Satin Finish
	"Sheraton Sage" SW #0014 Medium Montex Finish
	"Nuthatch" SW #6068 Split Face Block
	"Simply Beige" SW #6084 Smooth Satin Finish

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

All Signs Shall Be Installed In Accordance With N.E.C. Article 600

Engineering Specifications	Electrical Specifications
All Signs Fabricated as per A.S.A. Specifications & 2012 I.B.C.	All Signs Fabricated as per 2011 N.E.C. Specifications

BOOTZ & DUKE Signs
SINCE 1964
2831 W. Weldon Ave. Phoenix, AZ 85017
P: (602) 272-9356 F: (602) 272-4608
www.bootzandduke.com

Customer:	Surprise Village	**Design #**	172493-02
Address:	303 Bell Rd | Surprise, AZ 85374	**Date:**	December 5, 2016
Salesperson:	Andy Gibson	**Revision:**	[0]~ Date
Designer:	Kenney Welker	**Page:**	1 of 4

THIS CUSTOM DESIGN IS THE EXCLUSIVE PROPERTY OF BOOTZ & DUKE SIGN CO. OF PHOENIX, ARIZONA. IT MAY NOT BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION.

NOTE: ALL SIGNS MANUFACTURED BY BOOTZ AND DUKE SIGNS ARE 120 VOLT ANY OTHER VOLTAGE REQUIREMENTS MUST BE IN WRITING.

UL LISTED

BOOTZ & DUKE *Signs*

SINCE 1964

2831 W. Weldon Ave. Phoenix, AZ 85017
P: (602) 272-9356 F: (602) 272-4608
www.bootzandduke.com

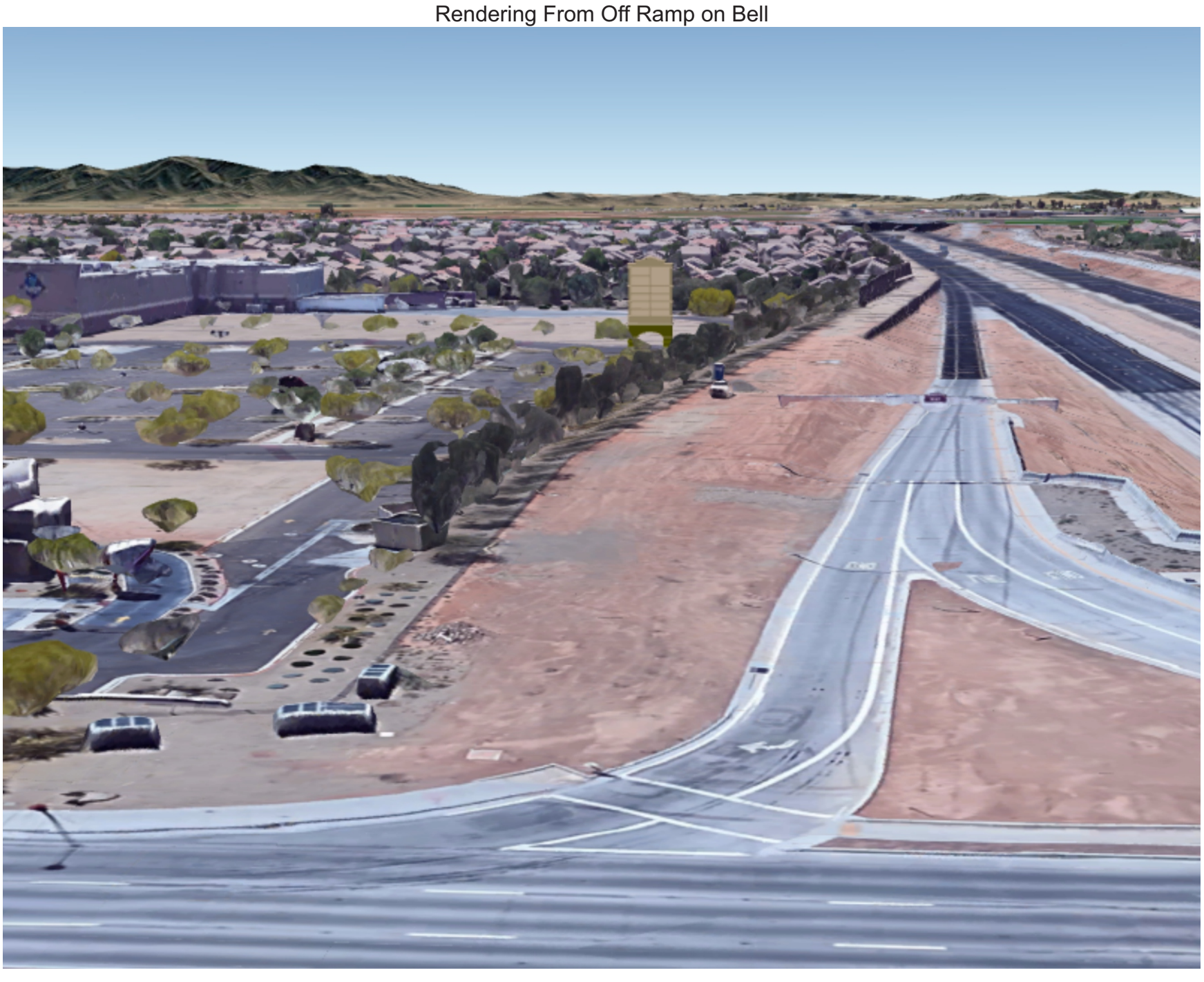
Customer: Surprise Village	**Design #** 172493-02
Address: 303 Bell Rd | Surprise, AZ 85374	**Date:** December 5, 2016
Salesperson: Andy Gibson	**Revision:** [0]~ Date
Designer: Kenney Welker	**Page:** 2 of 4

THIS CUSTOM DESIGN IS THE EXCLUSIVE PROPERTY OF BOOTZ & DUKE SIGN CO. OF PHOENIX, ARIZONA. IT MAY NOT BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION.

NOTE: ALL SIGNS MANUFACTURED BY BOOTZ AND DUKE SIGNS ARE 120 VOLT ANY OTHER VOLTAGE REQUIREMENTS MUST BE IN WRITING.

From Off Ramp on Bell

Rendering From Off Ramp on Bell

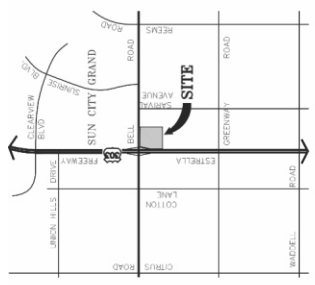


BOOTZ & DUKE Signs
2831 W. Weldon Ave. Phoenix, AZ 85017
P: (602) 272-9356 F: (602) 272-4608
www.bootzandduke.com

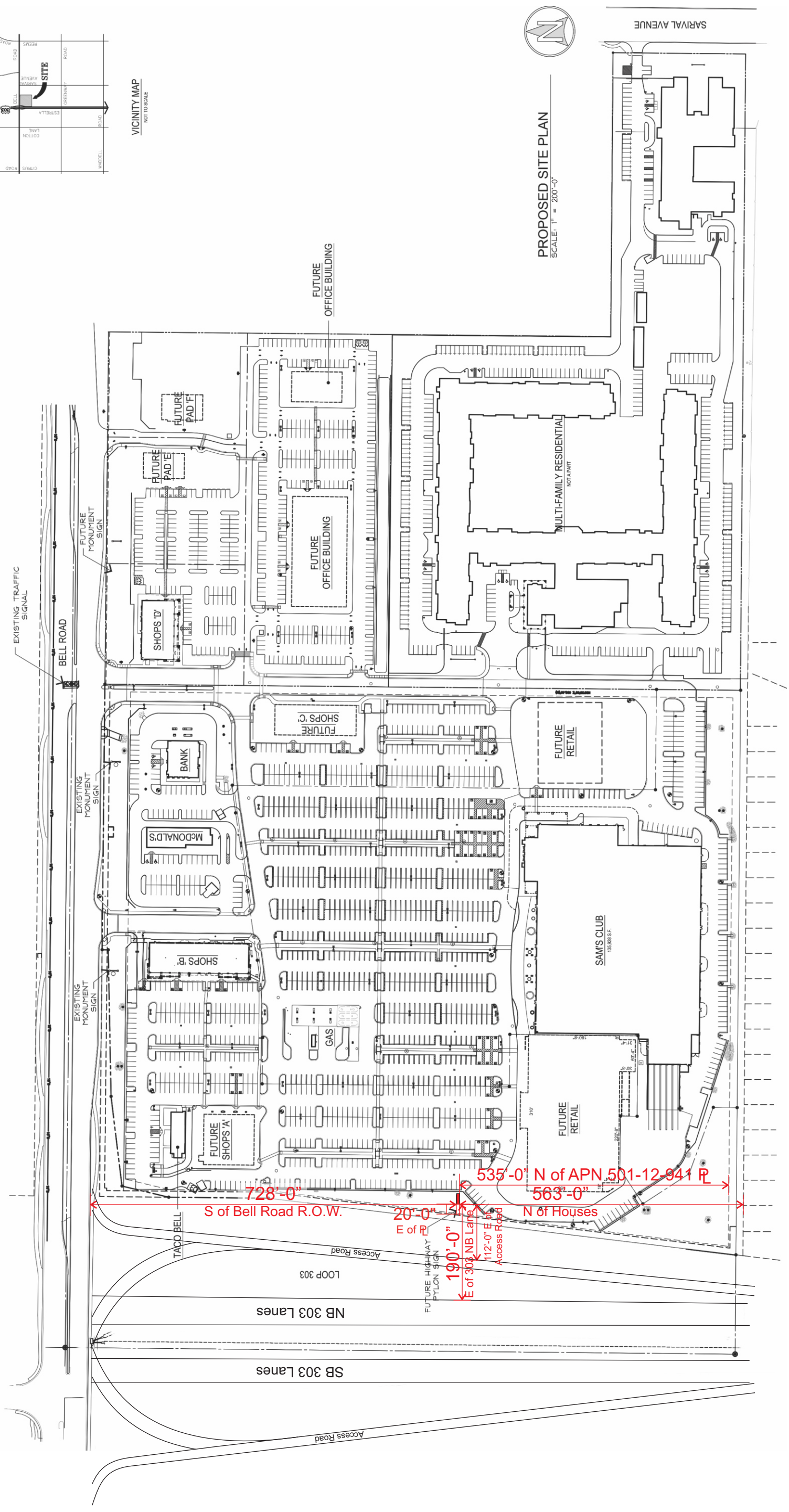
Customer: Surprise Village	**Design #** 172493-02
Address: 303 Bell Rd | Surprise, AZ 85374	**Date:** December 5, 2016
Salesperson: Andy Gibson	**Revision:** [0]~ Date
Designer: Kenney Welker	**Page:** 3 of 4

THIS CUSTOM DESIGN IS THE EXCLUSIVE PROPERTY OF BOOTZ & DUKE SIGN CO. OF PHOENIX, ARIZONA. IT MAY NOT BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION.

NOTE: ALL SIGNS MANUFACTURED BY BOOTZ AND DUKE SIGNS ARE 120 VOLT ANY OTHER VOLTAGE REQUIREMENTS MUST BE IN WRITING.



VICINITY MAP
NOT TO SCALE



BOOTZ & DUKE Signs
SINCE 1964
2831 W. Weldon Ave. Phoenix, AZ 85017
P: (602) 272-9356 F: (602) 272-4608
www.bootzandduke.com

Customer: Surprise Village	**Design #** 172493-02
Address: 303 Bell Rd | Surprise, AZ 85374	**Date:** December 5, 2016
Salesperson: Andy Gibson	**Revision:** [0]~ Date
Designer: Kenney Welker	**Page:** 4 of 4

THIS CUSTOM DESIGN IS THE EXCLUSIVE PROPERTY OF BOOTZ & DUKE SIGN CO. OF PHOENIX, ARIZONA. IT MAY NOT BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION.

NOTE: ALL SIGNS MANUFACTURED BY BOOTZ AND DUKE SIGNS ARE 120 VOLT ANY OTHER VOLTAGE REQUIREMENTS MUST BE IN WRITING.

MARCH 21, 2018

RE: Surprise Village Marketplace Conditional Use Permit. FS18-054

City of Surprise

Attn: Robert Kuhfuss

Surprise Village Marketplace is an existing shopping center on the south east corner of Bell Road and Loop 303. It is a mix use of major, pad and inline tenants. There is an existing Comprehensive sign plan for this center that mandating the types, sizes, and layout s of all signs allowed in the center.

For this submittal a neighborhood meeting necessary to inform any concerned citizen/ neighbor s of the planned work for the property.

Bootz & Duke Sign Company posted the date, time and location on the site sign posting.

March 7th, from 6-7 pm and the residence Marriot on Bullard in Surprise.

Not on person from the community showed for the meeting. Pictures were sent to Robert Kuhfuss of the set up empty room and empty sign in sheet.

Thank you for your time in this matter. Please contact me with any questions.

Andy Gibson

President

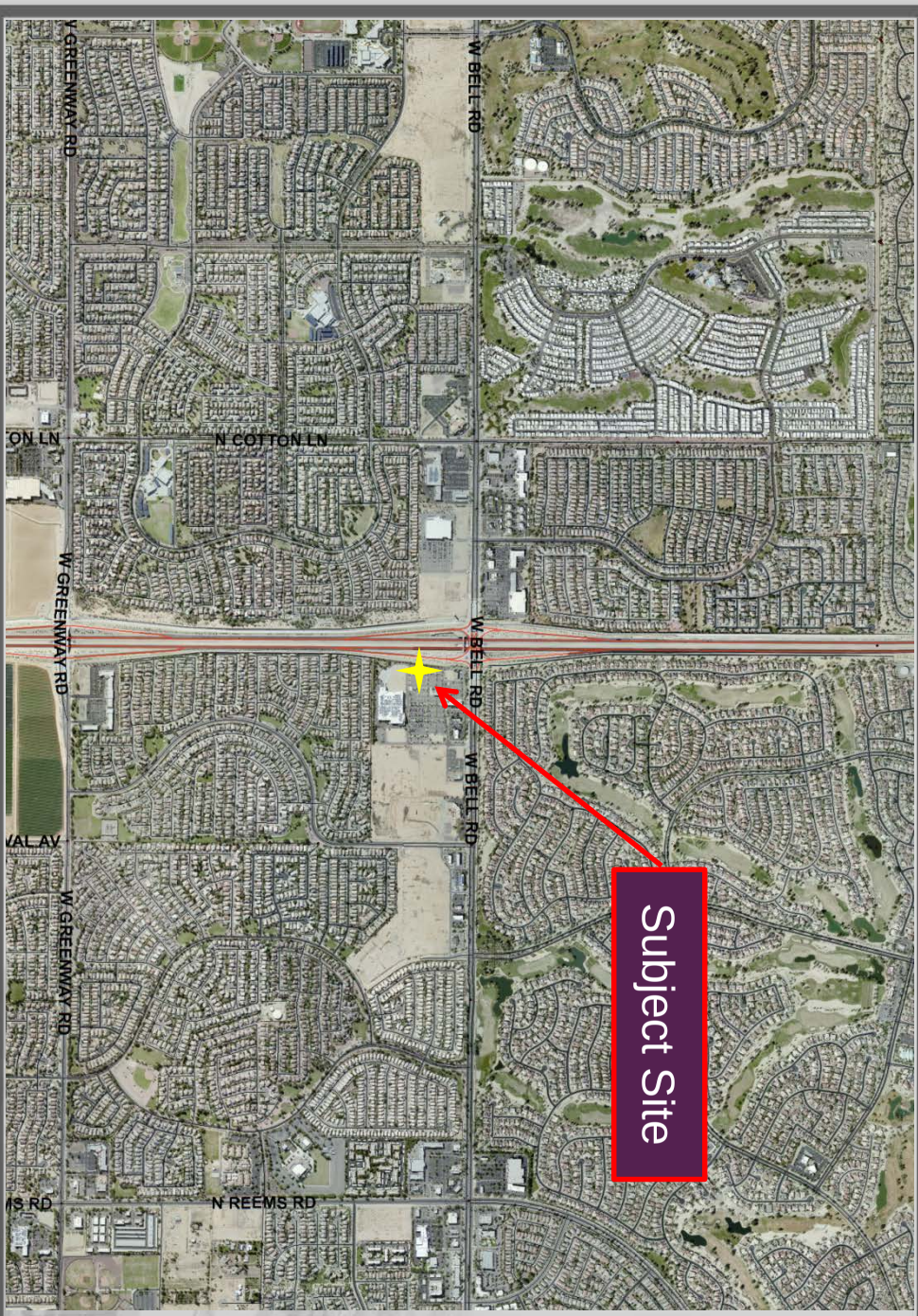
Bootz & Duke Sign Company

SURPRISE
ARIZONA

City Council

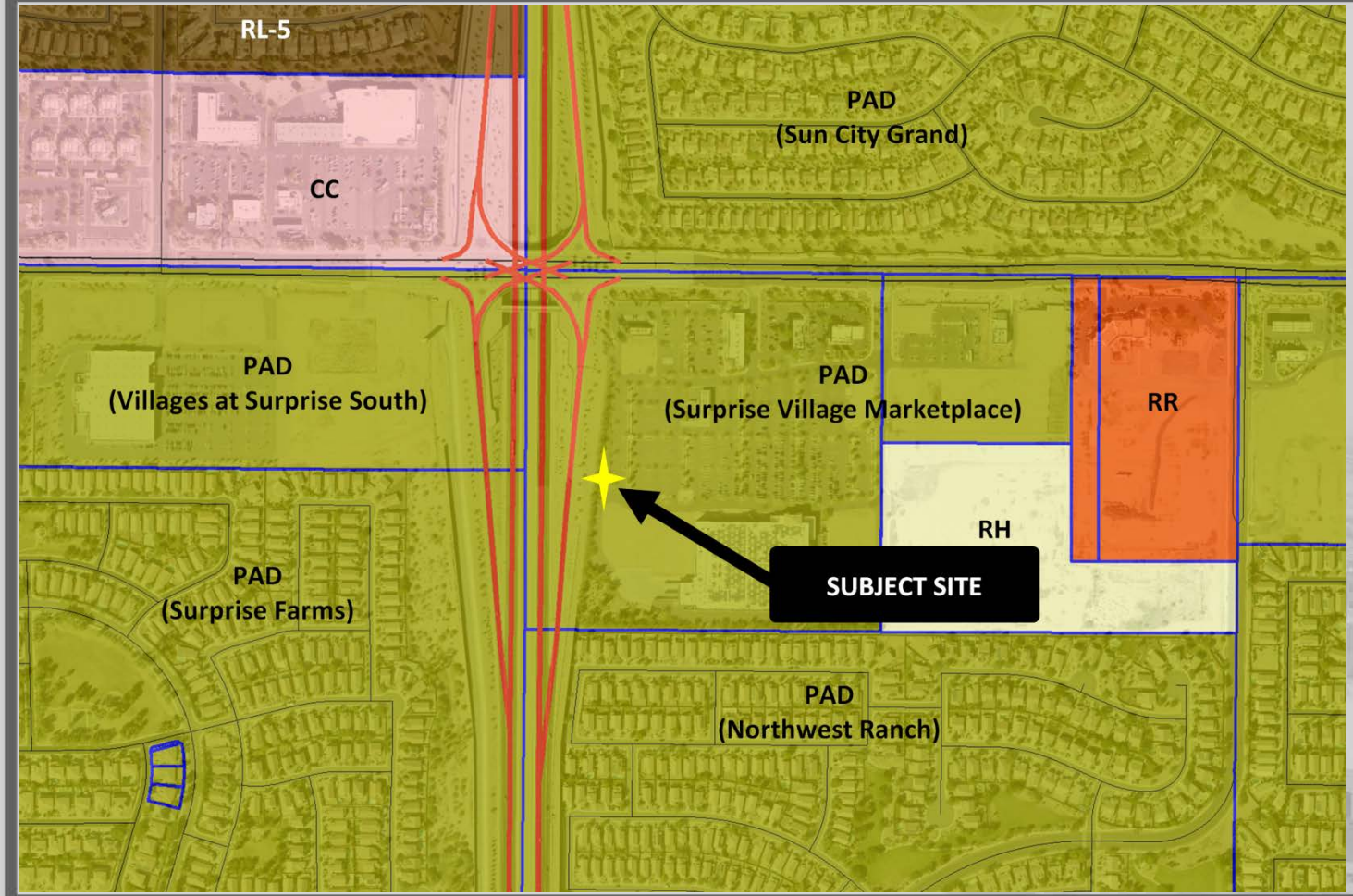
June 5, 2018

Surprise Village Marketplace Freeway Monument Sign Conditional Use Permit



FS18-054 Vicinity Map

FS18-054 Case Map



FS18-054 Elevation

Landscaped area affected by the installation of the proposed sign will be restored to their previous condition.

Manufacture and Install One(1) Internally Illuminated Monument Sign
366.68 Sq. Ft. Scale: 3/16" - 1"-0"

Monument Sign:
- **Structure:** Aluminum Angle Skinned with .090" Aluminum Painted to Match
- **Faces:** Routed .125 Painted to Match
- **Backed:** 3/16" Acrylic Stud Mounted to the Face
- **Vinyl:** Colors TBD
- **Illumination:** CWHO Fluorescent Lamps
- **Power:** Ballasts in Sign
- **Installation:** On ASA Pipe and Footer at Customer Specified Location

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

PAINT COLORS
"Pure White" SW #1004 Smooth Satin Finish
"Sheraton Sage" SW #0014 Medium Montex Finish
"Nuthatch" SW #6068 Split Face Block
"Simply Beige" SW #6084 Smooth Satin Finish

All Signs Shall Be Installed In Accordance With N.E.C. Article 600

Engineering Specifications	Electrical Specifications
All Signs Fabricated as per A.S.A. Specifications & 2012 U.B.C.	All Signs Fabricated as per 2011 N.E.C. Specifications

BOOTZ & DUKE Signs

FS18-054 Site Plan

FS18-054 Renderings

BOOTZ & DUKE Signs
2021 W Medina Ave. Phoenix, AZ 85017
P: (602) 272-0206 F: (602) 272-4080
www.bootzandduke.com

Customer:	Surprise Village	Design #:	17C40-02
Address:	105 Bell Rd / Surprise, AZ 85374	Date:	December 5, 2016
Salesperson:	Andy Gibson	Revision:	20 - Date
Designer:	Kenney Hesher	Page:	3 of 4

THIS CUSTOM DESIGN IS THE EXCLUSIVE PROPERTY OF BOOTZ & DUKE SIGN CO. OF PHOENIX, ARIZONA. IT MAY NOT BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION.

NOTE: ALL SIGNS MANUFACTURED BY BOOTZ AND DUKE SIGNS ARE UL® MEET ANY OTHER VOLTAGE REQUIREMENTS MEET ALL UL SPECIFICATIONS.

From Off Ramp on Bell

Rendering From Off Ramp on Bell

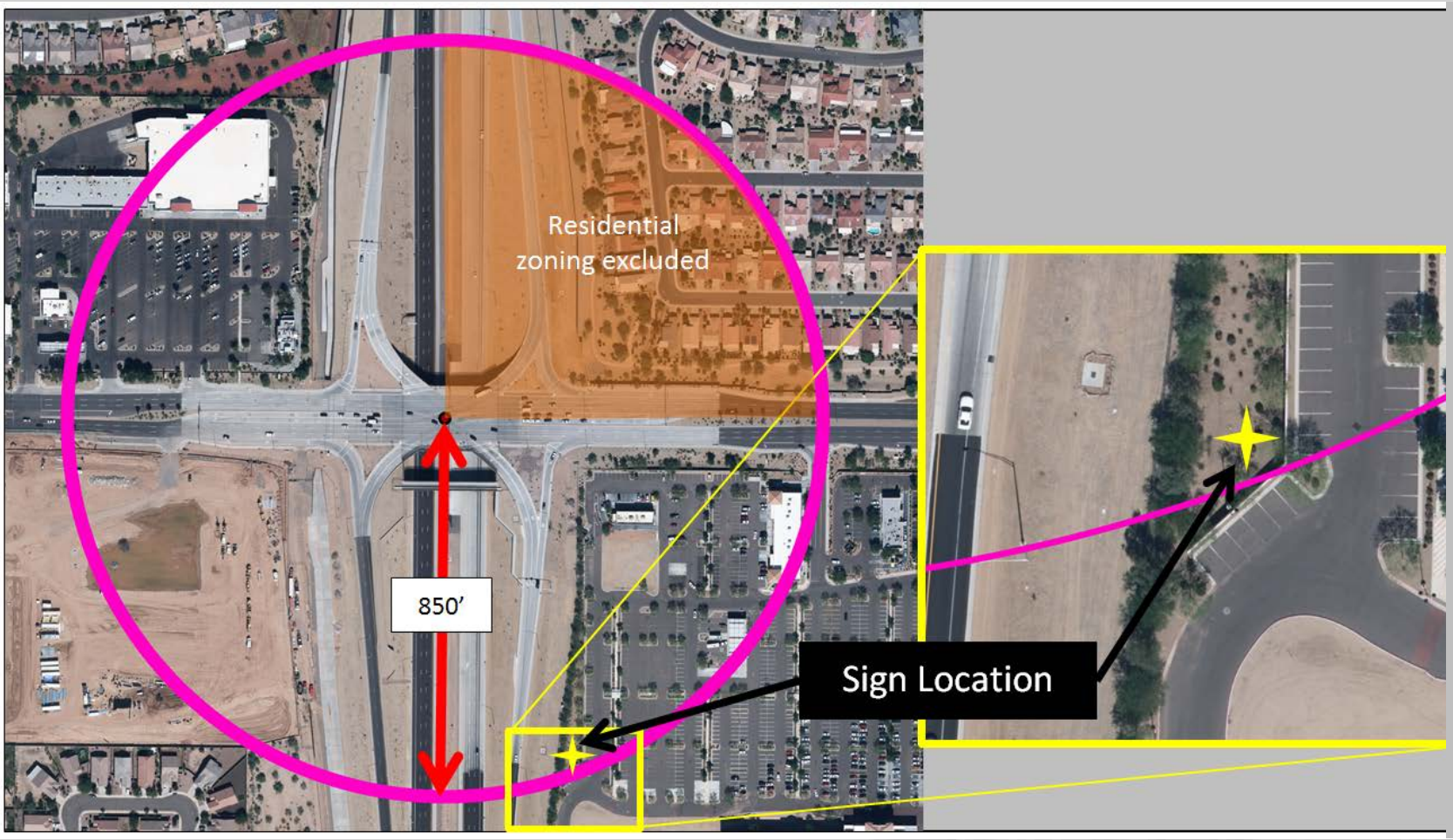
BOOTZ & DUKE Signs
2021 W Medina Ave. Phoenix, AZ 85017
P: (602) 272-0206 F: (602) 272-4080
www.bootzandduke.com

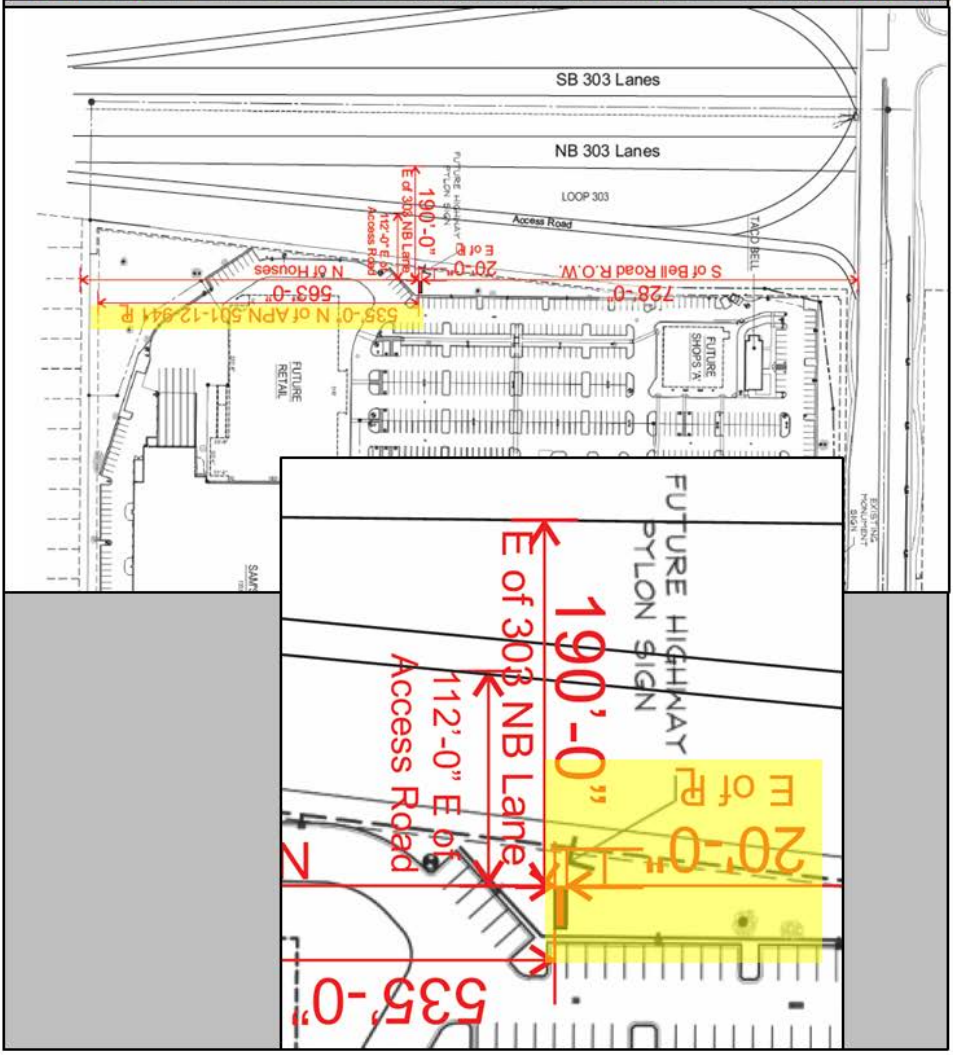
Customer:	Surprise Village	Design #:	17C40-02
Address:	105 Bell Rd / Surprise, AZ 85374	Date:	December 5, 2016
Salesperson:	Andy Gibson	Revision:	20 - Date
Designer:	Kenney Hesher	Page:	3 of 4

THIS CUSTOM DESIGN IS THE EXCLUSIVE PROPERTY OF BOOTZ & DUKE SIGN CO. OF PHOENIX, ARIZONA. IT MAY NOT BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION.

NOTE: ALL SIGNS MANUFACTURED BY BOOTZ AND DUKE SIGNS ARE UL® MEET ANY OTHER VOLTAGE REQUIREMENTS MEET ALL UL SPECIFICATIONS.

FS18-054 TPM Criteria



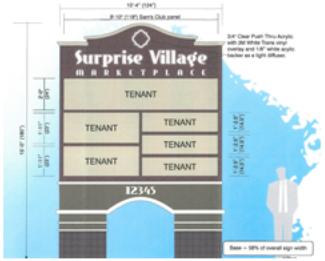


FS18-054 TPM Criteria

FS18-054 TPM Criteria

FS18-054 TPM Criteria

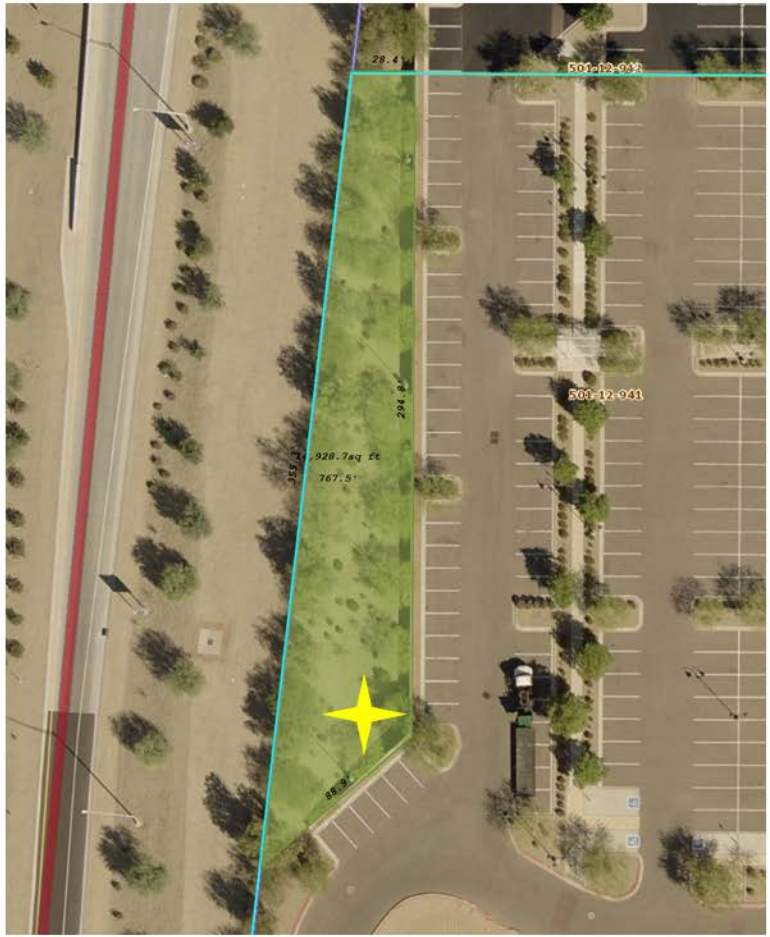
FS18-054 TPM Criteria



Monument Sign as Approved by CUP06-458

Proposed Freeway Monument Sign

FS18-054 TPM Criteria



366.68 sq. ft. sign area x 4 sq. ft. landscape area per 1 sq. ft. of sign area = 1,467 sq. ft. landscape area required

15,000 sq. ft. ± provided

Commission Recommendation:

Approve subject to stipulations “a” and “b”

Alternative Recommendation:

Approve subject to revised stipulations “a” and “b” relative to received date of plan set

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

PUBLIC ENGAGEMENT FORM

PROJECT TITLE: Surprise Village Marketplace Freeway Monument Sign

OVERALL PUBLIC INVOLVEMENT LEVEL:

This activity will follow the citizen outreach and public hearing notification processes as outlined in state statute and the SUDC.

IDENTIFY STAKEHOLDERS:

Impacted residents; schools; churches; businesses; public at-large; property owners?

OBJECTIVES:

What is the purpose of the project/service/program and why is it needed? What are the impacts if the project/service/program is not achieved?

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:
Public outreach time frame (when to when) 03/07/18
Future Council Work Session/Meetings target dates P&Z 05/03/18, City Council 06/05/18
Election dates (if applicable)
Project start/completion dates

Communication Tools and Technique options: (which do you plan to use?)

- ☐ Press releases
- ☐ Public meetings (video/photos, poster boards, fact sheet(s) *do you need Spanish version?)
- ☑ Presentations to boards and commissions, other interested community partners/stakeholders
- ☐ Third-party consultant/moderator (pending budget)
- ☐ Survey (online/paper/both?)
- ☐ Social media
- ☐ Surprise 11
- ☐ Notify Me email/ Council newsletters (opt-in audience)
- ☐ Paid advertising (pending budget)
- ☐ Surprise Progress (mailed quarterly and tied to print deadlines)
- ☐ Booth at city events
- ☐ Paid mailings (pending budget)
- ☐ Creation of a subcommittee/task force
- ☐ Youth/adult activities, registration, or orientation (HOA Academy)
- ☐ Website updates

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Mike Gent; Public Works Director
Submitting Department:		District:	6
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the FY2018 budget by reallocating appropriations of $400,000 within the grants and contingency fund to transportation improvement fund for the increase in project construction costs based on Arizona Department of Transportation (ADOT) construction bid results, and amending the FY2018 Operating List of Items Over $50,000; Resolution #2018-84.

Motion:

I move to approve Resolution 2018-84.

Background:

The City Public Works department and Transportation Planning division of Community Development has been working in conjunction with Maricopa Association of Governments (MAG) and ADOT to secure federal funds to complete the reconstruction of Bullard Ave between Greenway and Peoria to a more multimodal thoroughfare. The project has been awarded federal construction funds twice through the MAG process bringing the federal commitment to $2,661,542, as with any MAG project the City is committed to pay a minimum 5.7% construction match and any monies above the minimum requirement. This project was bid by ADOT in April of this year and construction estimates have risen beyond ADOT engineer's estimates, requiring additional funds over and above the current project budget. In order for ADOT to award the contract they require the City to commit and pay, before the award is approved by their Board on June 15, 2018. In order to meet ADOT's deadlines and timelines for the project, the departments are requesting a budget amendment to meet all time commitments. The attached memo outlines the shortfalls in the project construction costs.

Objective Analysis:

There are several options with this project as dictated by ADOT agreements. Accept the award and modify the budget to accommodate the existing bid. Reject all bids; re-scope project and rebid which would endanger use of federal funds. Re-scope project and return all federal funds. Cancel project.

Policy Compliant:

This item is policy compliant

Financial Impact:

The approval of this item will allow the City to formally proceed with payment in FY2018 on the City required match portion of the agreement. All monies programmed with this item will be expended in the timelines and guidelines of the IGA with ADOT. If approved this item will decrease available fund balance in the Transportation Improvement Fund by $400,000.

Budget Impact:

The FY2018 approved annual budget includes a total of $1,056,900 funding for project P61320 Bullard Avenue Greenway to Peoria within the transportation improvement and Public Works development fee fund(s). If approved this item will transfer budget authority from grant contingency to the transportation improvement fund in the amount of $400,000; and amend the appropriated operating and capital list of items over $50,000 by adding $587,600 for construction associated with the project item #18269.

FTE Impact:

There is no FTE associated with this item.

ATTACHMENTS:

Click to download

- Bullard Memo
- ADOT Recap Sheets
- Presentation
- Resolution

SURPRISE
ARIZONA

Public Works Department
Administrative Office
16000 N Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6020
Fax- 623-222-6002

May 8, 2018

To: Lindsey Duncan; CFO
Holly Osborn; Budget Manager

From: Michael Gent Public Works Director
David Kohlbeck; Business Manager

Re: P61320 Bullard Ave (Greenway to Peoria)

Lindsey and Holly

The City Public Works department and Transportation Planning division of Community Development has been working in conjunction with Maricopa Association of Governments (MAG) and ADOT to secure federal funds to complete the reconstruction of Bullard Ave between Greenway and Peoria to a more multimodal thoroughfare.

The project has been awarded federal construction funds twice through the MAG process bringing the federal commitment to $2,661,542, as with any MAG project the City is committed to pay a minimum 5.7% construction match and any dollars above the Federal and minimum requirements.

This project was bid by ADOT in April of this year and construction estimates have risen beyond ADOT engineer's estimates, requiring additional funds over and above the current project budget. In order for ADOT to award the contract they require the City to commit and pay, before the award is approved by their Board on June 15, 2018. In order to meet ADOT's deadlines and timelines for the project, the departments are requesting a budget amendment to meet all time commitments. The table below outlines the shortfalls in the project.

P61320 Bullard Greenway to Peoria		
Current IGA 2/26/2018	**Bid IGA 5/7/2018**	**Description**
$3,138,812	$4,073,065	Total Construction with Mgt. Fees
2,661,542	2,661,542	Federal Construction Funds (mis-stated on IGA)
160,878	160,878	City Required Match (Paid)
316,392	1,250,645	Addition City Required Funding
477,270	$1,411,523	Total Required City Funds
$477,270	477,270	Paid to Date for Construction
$ -	934,253	Balance Due
	558,030	Budget Available
	$376,223	Needed per Contract Award
	$23,777	Contingency
	$400,000	Total

CC:
Karl Zook; City Engineer Assistant PW Director
Michael Boule; Manager CIP
Suneel Garg; Project Manager
Nicole Fields; Senior Financial Analyst

AS - BID

AGREEMENT ESTIMATE RECAPITULATION

0000 MA SUR T006301C
SUR-0(230)T
Bullard Ave: Greenway Rd to Peoria Ave

CREATED: 05/07/18
REVISED:
ENGINEER: M. Anwar

DESCRIPTION		FHWA CODE	CONTRACTOR'S BID	FEDERAL PARTICIPATION	FEDERAL FUNDS 94.30%	LOCAL FUNDS 5.70%	LOCAL FUNDS 100.00%	LENGTH IN MILES
ROADWAY		28	3,394,221	2,352,017	2,217,952	134,065	1,042,204	
STRUCTURES								
TRAINEES		42						
SUBTOTAL			3,394,221	2,352,017	2,217,952	134,065	1,042,204	
CONSTRUCTION ENGINEERING	14%	17	475,191	329,282	310,513	18,769	145,909	
CONSULTANT SERVICES	1%	17	33,942	23,520	22,180	1,341	10,422	
CONSTRUCTION CONTINGENCY	5%	28	169,711	117,601	110,898	6,703	52,110	
PAVEMENT INCENTIVES								
AC SMOOTHNESS								
AC QUALITY LOT								
PCCP SMOOTHNESS								
PCC QUALITY LOT								
OTHER INCENTIVES								
FINAL RIGHT-OF-WAY MONUMENTATION								
FLAGGING SERVICES								
RAILROAD/OTHER		21						
PUBLIC RELATION		44						
OTHER								
PROJECT TOTAL:			**4,073,065**	**2,822,420**	**2,661,542**	**160,878**	**1,250,645**	

NOTE:

AS - ESTIMATED

DETAILED ESTIMATE RECAPITULATION

0000 MA SUR T006301C
CM-SUR-0(230)T
BULLARD AVE: GREENWAY TO PEORIA

CREATED: 02/26/18
REVISED: 03/27/18
ENGINEER: M.ANWAR

DESCRIPTION		FHWA CODE	ESTIMATED COST	FEDERAL PARTICIPATION	FEDERAL FUNDS 94.30%	LOCAL FUNDS 5.70%	LOCAL FUNDS 100.00%	LENGTH IN MILES
ROADWAY		28	2,352,017	2,352,017	2,217,952	134,065		3.000
Roadway		28	263,660				263,660	
SUBTOTAL			2,615,677	2,352,017	2,217,952	134,065	263,660	3.000
CONSTRUCTION ENGINEERING	14%	17	366,195	329,282	310,513	18,769	36,913	
CONSULTANT SERVICES	1%	17	26,157	23,520	22,180	1,341	2,637	
CONSTRUCTION CONTINGENCY	5%	28	130,784	117,601	110,898	6,703	13,183	
PAVEMENT INCENTIVES								
AC SMOOTHNESS								
AC QUALITY LOT								
PCCP SMOOTHNESS								
PCC QUALITY LOT								
OTHER INCENTIVES								
FINAL RIGHT-OF-WAY MONUMENTATION								
FLAGGING SERVICES								
RAILROAD/OTHER		21						
PUBLIC RELATION		44						
OTHER								
PROJECT TOTAL:			**3,138,813**	**2,822,420**	**2,661,542**	**160,878**	**316,393**	**3.000**

NOTE:

SURPRISE
ARIZONA

Bullard Avenue Project

PUBLIC WORKS DEPARTMENT June 5, 2018

Schedule for Project Award

- June 5th – Council Action/Budget Amendment
- June 15th – ADOT Board Approval
- July 10th – ADOT Potential Contract Award

Original IGA Funds vs Final Bid Funds

	IGA	Bid IGA
Total Amount	$3,138,812	$4,073,065
Grant Funded Portion	2,661,542	2,661,542
City Match (5.7%)	160,878	160,878
Additional City Funding	316,392	1,250,645
Total Required City Funds	477,270	$1,411,523
Paid o date for construction	$477,270	477,270
Balance Due	$0	$934,253
Budget Available		558,030
Needed per Contract Award		376,223
Contingency		23,777
Total		$400,000

Questions?

RESOLUTION # 2018-84

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2018 BUDGET BY REALLOCATING APPROPRIATIONS OF $400,000 FROM GRANTS AND CONTINGENCY TO TRANSPORTATION IMPROVEMENT CAPITAL PROJECT P61320 BULLARD AVENUE RELATED TO ADDITIONAL CONSTRUCTION COSTS BASED ON ARIZONA DEPARTMENT OF TRANPORTATION (ADOT) BID AWARD, AND AMENDING THE LIST OF ITEMS OVER $50,000 ASSOCIATED WITH THIS PROJECT.

WHEREAS, the FY2018 budget was adopted included funding for construction for Bullard Avenue P61320;

WHEREAS, ADOT is the managing authority for Federal dollars associated with State and Maricopa Association of Governments (MAG) grant awarded monies;

WHEREAS, ADOT bid the construction project through the State's procurement guidelines;

WHEREAS, ADOT has experienced a higher than anticipated low bid for construction associated with this project in the amount of $376,223;

WHEREAS, to keep this project on schedule with the ADOT process the project needs a budget amendment of $400,000;

WHEREAS, the FY2018 budget, including the FY2018 Capital and Operating List of Items Over $50,000, was adopted by Council Resolution #2017-64 on June 6, 2017;

WHEREAS, the City of Surprise Procurement Code §2-388 (d) requires the authority of Mayor and Council when the cost to the city is greater than $50,000;

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, 2017 through June 30, 2018.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____day of _____, 2018.

_____
Sharon R. Wolcott, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

RESOLUTION # 2018-84
Exhibit A

1. Appropriation - The allocation below represents a reallocation of appropriation in the amount of $400,000 from grants contingency to the Bullard project P61320 in the transportation improvement fund. To cover bid award based on ADOT bid project scope. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Transportation Improvement	Public Works	#P61320 Bullard Ave (Greenway to Peoria)	E	$558,000	$400,000	$958,000
Grants	General Operations	Contingency	E	$7,175,400	($400,000)	$6,775,400

2. List of Capital Items Over $50,000 - Council approved $847,700 for the construction of Bullard Ave (Greenway to Peoria), project P61320. Due to an unanticipated increased construction bid this line item requires an increase of $400,000 associated with the budget amendment and a movement of 187,600 from design 18268 to construction 18269.

Reference #	Description	Current Amount	Increase/(Decrease)	Amended Amount
18268	Bullard Design	$209,200	($187,600)	$21,600
18269	Bullard Construction	$847,700	$587,600	$1,435,300

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Mark Schott, HR Director
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action amending the Surprise Municipal Code, Chapter 3 - Personnel amending Chapter 3, Article VII, Sections 3-71, 3-74(e), and 3-77(b)(1), (2), and (3); (c)(1); (d)(1)(a) and (2)(d); Ordinance #2018-07.

Motion:

I move to approve Ordinance #2018-07.

Background:

Due to recent revisions to the Memorandums of Understanding between the City and Public Safety Employee Associations, the City is required to make amendments to the Surprise Municipal Code, Chapter 3 for consistency.

Objective Analysis:

These changes support an effective Meet and Confer process.

Policy Compliant:

This request for updates to the Surprise Municipal Code, Chapter 3-Personnel is consistent with prior practices when recommending amendments.

Financial Impact:

This action does not have a financial impact.

Budget Impact:

This action does not have a budgetary impact.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- HR Code Changes
- Council Presentation - HR Code Changes
- Ordinance 2018-07 Amending Chapter 3

Sec. 3-71. - Eligible employee groups.

(a) Employee groups eligible for representation:

(1) This MOU will apply to all Police Officers in classifications up to and including Sergeants, Police Transportation Officers, Records Supervisor, Records Technicians, Community Services Officers, Property and Evidence Supervisor, Property and Evidence Technicians, Public Safety Communications Supervisors, Public Safety Communication Officers, Police Animal Control Officers and other non-supervisory civilian support staff (i.e.: Administrative Assistants, Analysts, etc.) working within the Police Department.

(2) Firefighters up to and including the rank of Captain.

(3) All other city employees not otherwise covered or excepted by this section.

(b) The following employees shall not be members of any represented groups:

(1) Appointed officials;

(2) Non-classified employees unless expressly permitted in 3-71 (a).

(Ord. No. 2011-10, § 3(Exh. A), 6-28-2011)

Sec. 3-74. - Rights of employees and employee organizations.

(a) Employees have the right to participate on behalf of, or engage in activities on behalf of, an employee organization and have the right to refrain from such activity. Employees shall be free from any interference, restraint, or coercion by any employee, supervisor, or manager for or against employee organizations.

(b) There can be only one authorized representative employee organization for each eligible employee group for purposes of meeting and conferring. An authorized representative employee organization must equally and fairly represent all employees in the eligible employee group and shall provide to them the same voting rights and eligibility to hold office in the employee organization.

(c) Employees and employee organizations shall have no rights expressed or implied beyond those specified in this chapter. Nothing in this article prohibits any employee from exercising any rights the employee may have consistent with personnel rules and regulations or any city manager directive adopted by the city manager pursuant to this chapter.

(d) Employee organizations shall have the right to bi-weekly dues deductions if properly authorized by the members of the organization. Dues deductions from payroll must be authorized by each individual employee and may be withdrawn by the employee at any time, pursuant to personnel rules and regulations established by the city manager.

(e) Solicitation of members or dues, or internal employee organization business, shall be conducted only during non-duty hours and in non-working areas, and shall not interfere with city business or employee's work. Unless prior approval is received upon request to the Chief or designee.

(Ord. No. 2011-10, § 3(Exh. A), 6-28-2011)

Sec. 3-77. - Meeting and conferring.

(a) *Topics subject to meet and confer.*

(1) The meet and confer process encompasses wages, hours, benefits and working conditions of employment, which may include: direct monetary compensation; paid time off; leaves of absence; employment benefits; professional employment growth incentives; hours of work; rest and meal periods; call-in/call-back; health and safety; additional or supplemental training; retirement incentives; and items mutually agreed upon by the employee organization and the city manager.

(2) The meet and confer process shall not include any rights reserved to city management including, but not limited to, processes or procedures related to any facet of the hiring, promotion, corrective action, transfer or discharge of employees.

(b) *Initiating the meet and confer.*

(1) An authorized representative employee organization wishing to engage city management in a formal meet and confer process under this section shall submit a proposal to the city manager by November 1 of each year. After this date no new issues can be introduced by the employee organization during the meet and confer process for the same year.

(2) Upon receiving a proposal from an authorized representative employee organization, the city manager shall submit a written response to the proposal to the employee organization by November 30.

(3) Representatives of the city manager and the designated employee organization shall begin "meeting and conferring" at mutually agreed upon locations and times for the purpose of discussion and consideration relating to the proposal submitted under this section. Meetings shall take place as mutually agreed until an agreement is reached or April 1, whichever is later.

(c) *Meeting rules.*

(1) No more than five representatives from the city manager's office and each authorized representative employee organization shall participate in the meet & confer meetings, unless additional representatives are mutually agreed upon.

(2) The parties shall have the duty to meet and confer in good faith. Good faith shall mean to meet with an open mind and with a sincere desire to reach agreement. The duty to meet and confer in good faith does not require any party to agree to a proposal or make a concession.

(3) The city manager and authorized representative employee organization may establish mutually agreeable rules applicable to the meeting and conferring process not inconsistent with this chapter.

(d) *Resulting agreement.*

(1) *Memorandum of understanding.*

a. On or before April 1, all areas of agreement shall be documented in a memorandum of understanding (MOU) prepared in article format. Areas in dispute shall be submitted to the process established under subsection (2) of this section.

b. The MOU shall apply to the upcoming fiscal year, unless a longer period is agreed upon, subject to approval of the budget by city council, and may not be modified by the city manager without written agreement from the authorized representative employee association. Items agreed upon in any prior MOU cannot be reduced or diminished without an agreement of the parties.

c. If the city manager seeks to modify an MOU, but is unable to resolve the matter with the authorized representative employee association after 30 days, the city manager shall submit the dispute to the process established under subsection (2) of this section.

(2) *Items in dispute.*

a. All items in dispute shall be submitted to a mediator.

b. Mediation must include, at a minimum, the submission of a written position statement from each party and one in person meeting. The position statement shall be limited to 1,000 words for each item in dispute, and must be submitted to the mediator within 15 days of selection. The submission shall not include any attachments or exhibits except where agreed to by the parties or when requested by the mediator. The mediator shall make a separate written recommendation to resolve each item in dispute and deliver such to the parties within 30 days of the submission of the position statements.

c. The parties may accept the recommendations of the mediator, in which case the recommendation becomes part of the MOU, or otherwise reach an agreement on the item in dispute. If the parties do not accept the recommendations of the mediator or otherwise agree, the recommendations will be submitted to city council for consideration and action at the first regular council meeting after the recommendation is made.

d. For purposes of this section, the mediator shall be selected by mutual agreement of the parties..

(Ord. No. 2011-10, § 3(Exh. A), 6-28-2011)

SURPRISE
ARIZONA

Municipal Code Chapter 3 Amendments

Human Resources Department, June 5, 2018

Overview

RECENT REVISIONS TO MEMORANDUMS OF UNDERSTANDING WITH PUBLIC SAFETY EMPLOYEE ASSOCIATIONS, REQUIRE AMENDMENTS TO MUNICIPAL CODE – CHAPTER 3

- **Eligible Employee Groups** (Sec. 3-71)
  - Update to position titles - accurately capture eligible employees
- **Rights of Employees and Employer**
  - Chief approval for employee organization business conducted during work hours. (Sec 3-74)

Overview - Continued

- **Meet and Confer Timelines** (Sec.3-77)
  - Adjustment of due dates - better align with budgetary planning
- **Representatives from City Mgt. & Employee Organization**
  - Adjusts quantity of representatives from three to five (Sec.3-77)

SURPRISE
ARIZONA

QUESTIONS OR COMMENTS?

Thank You

ORDINANCE # 2018-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 3, ARTICLE VII, SECTIONS 3-71 (C) ELIGIBLE EMPLOYEE GROUPS, 3-74 RIGHTS OF EMPLOYEES AND EMPLOYEE ORGANIZATIONS, AND 3-77 MEETING AND CONFERRING.

WHEREAS, Chapter 23, Article VII of the City Code pertaining to the Meet and Confer process was last revised in June of 2011;

WHEREAS, from time to time the Human Resources Department reviews the personnel portions of the Surprise City Code and identifies sections which would benefit from clarification or revision for various reasons; and

WHEREAS, during the current year's Meet and Confer process, certain preferred amendments to Chapter 23, Article VII of the City Code were identified to ensure harmony between the City Code and the practical practice of the Meet and Confer process.

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

Section 1. Chapter 3, Article VII, Section 3-71 is hereby amended to read as follows:

Sec. 3-71.- Eligible employee groups.

(a) ~~There shall be three e~~Employee groups eligible for representation:

(1) ~~All police officers in classifications up to and including sergeants, civilian dispatchers and civilian support staff.~~ POLICE OFFICERS IN CLASSIFICATIONS UP TO AND INCLUDING SERGEANTS, POLICE TRANSPORTATION OFFICERS, RECORDS SUPERVISOR, RECORDS TECHNICIANS, COMMUNITY SERVICES OFFICERS, PROPERTY AND EVIDENCE SUPERVISOR AND TECHNICIANS, PUBLIC SAFETY COMMUNICATIONS SUPERVISORS AND OFFICERS, POLICE ANIMAL CONTROL OFFICERS AND OTHER NON-SUPERVISORY CIVILIAN SUPPORT STAFF (I.E. ADMINISTRATIVE ASSISTANTS, ANALYSTS, ETC…) WORKING WITHIN THE POLICE DEPARTMENT.

(2) Firefighters up to and including the rank of Captain.

(3) All other city employees not otherwise covered or exempted by this section.

(b) The following employees shall not be members of any represented groups:

(1) Appointed officials;

(2) Non-classified employees UNLESS EXPRESSLY PERMITTED BY THIS SECTION.

Section 2. Chapter 3, Article VII, Section 3-74(e) is hereby amended to read as follows:

(e) WITH THE EXCEPTION OF PRIOR WRITTEN APPROVAL AFTER A WRITTEN REQUEST SUBMITTED TO THE POLICE OR FIRE CHIEF OR THEIR RESPECTIVE DESIGNEES, solicitation of members or dues, or internal employee organization business, shall be conducted only during non-duty hours and in non-working areas, and shall not interfere with city business or employee's work.

Section 3. Chapter 3, Article VII, Section 3-77(b)(1), (2), and (3); (c)(1); (d)(1)(a) and (2)(d) are hereby amended to read as follows:

(b) *Initiating the meet and confer.*

(1) An authorized representative employee organization wishing to engage city management in a formal meet and confer process under this section shall submit a proposal to the city manager by ~~October~~ NOVEMBER 1 of each year. After this date no new issues can be introduced by the employee organization during the meet and confer process for the same year.

(2) Upon receiving a proposal from an authorized representative employee organization, the city manager shall submit a written response to the proposal to the employee organization by ~~October 31~~NOVEMBER 30.

(3) Representatives of the city manager and the designated employee organization shall begin "meeting and conferring" at mutually agreed upon locations and times for the purpose of discussion and consideration relating to the proposal submitted under this section. Meetings shall take place as mutually agreed until an agreement is reached or ~~March~~ APRIL 1, whichever is later.

(c) *Meeting rules.*

(1) No more than ~~three~~ FIVE representatives from the city manager's office and each authorized representative employee organization shall participate in the meet & confer meetings, UNLESS ADDITIONAL REPRESENTATIVES ARE MUTUALLY AGREED UPON BY THE PARTIES.

(d) Resulting agreement.

(1) *Memorandum of understanding*.

a. On or before ~~March~~ APRIL 1, all areas of agreement shall be documented in a memorandum of understanding (MOU) prepared in article format. Areas in dispute shall be submitted to the process established under subsection (2) of this section.

(2)

d. For purposes of this section, the mediator shall be selected by mutual agreement of the parties ~~from a list of mediators maintained by American Arbitration Association~~.

Section 4. All other Sections and subsections of Chapter 3, Article VII Surprise City Code not expressly amended herein will remain unchanged and in full force and effect.

Section 5. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or the Code adopted by this Ordinance are repealed upon the effective date of this Ordinance.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 7. This ordinance will become effective at the time and manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____, 2018.

_____
Sharon R. Wolcott, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Bob Wingenroth, City Manager
Submitting Department:		District:	Internal
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action approving a resolution to establish a policy for reviewing and adjusting the Mayor and Council Members' salaries; Resolution #2018-65.

Motion:

I move to approve Resolution #2018-65.

Background:

On February 14, 2012, the Mayor and City Council voted to suspend an existing policy and process for reviewing and adjusting Council salaries. Since the passage of resolution #2012-19 there has been an increasing disparity between the current salaries of the Surprise City Council and the salaries of City Councils of comparable valley cities. Starting with this election year, the City Manager proposes to compile salary information for non-full-time Mayors and Council members of comparable cities operating under the council-manager form of government. The salary information would reflect the salaries as of January 31st of that respective year. Comparable cities would include those municipalities within the Phoenix-metropolitan area, with a population between 100,000 and 300,000 based on the most recent census data available. At a time consistent with section 1(F) of this Resolution, City of Surprise Mayor and Council Members' salaries would be adjusted to equal the current mean salary as calculated by the City Manager and would program the adjustment to Mayor and Council members salaries, if any, into the corresponding fiscal year budget.

Objective Analysis:

Given the City of Surprise's growth and increased population, it is imperative that City Council's salaries remain competitive with comparable valley cities in order to attract qualified candidates to public office.

Policy Compliant:

This action complies with A.R.S. Section 9-274, authorizing a City Council to establish or alter salaries of the Mayor and Council by resolution.

Financial Impact:

In accordance with Article 4, Part 2, Section 17 of the Arizona Constitution, any adjustment to the Mayor and City Council's salaries shall not become effective until the commencement of a term, whether by election or appointment, of any Council member of the body. Consequently, adjustment to the salaries of the Mayor and Council will occur only upon the taking the of Oath of Office beginning the duties of a term of any seat, generally January 1st following the election year, or appointment to fill any vacancy, whichever occurs first. This will establish a policy going forward on how to adjust the salaries of the Mayor and City Council members.

Budget Impact:

Implementation would not occur until January 2019. If approved, sufficient resources and spending authority exist in the FY19 final budget.

FTE Impact:

No FTE impact.

ATTACHMENTS:

Click to download

- Resolution 2018-65

RESOLUTION # 2018-65

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, ESTABLISHING A POLICY AND PROCESS FOR REVIEWING AND ADJUSTING CITY COUNCIL SALARIES.

WHEREAS, A.R.S § 9-274 authorizes a City Council to establish or alter salaries of the Mayor and Council by resolution;

WHEREAS, the last adjustment to Mayor and Council salaries occurred in January 2008;

WHEREAS, the passage of a decade since the last salary adjustment has resulted in an increasing disparity between the current salaries of the Surprise City Council and the salaries of City Councils of comparable valley cities;

WHEREAS, on February 14, 2012, the City Council approved and adopted Resolution # 2012-19, thereby repealing all pertinent previous Council salary resolutions and rescinding the policy and process for reviewing and adjusting City Council salaries;

WHEREAS, given the City of Surprise's growth and increased population it is imperative that City Council salaries remain competitive with comparable valley cities in order to attract qualified candidates to public office.

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

Section 1. The following Mayor and Council Member Salary Review and Adjustment Policy is established:

A. As part of the budget process in each election year, the City Manager will compile salary information for non-full-time mayors and council members of comparable cities operating under the council-manager form of government. The salary information will reflect the salaries as of January 31st of that respective year.

B. Comparable cities will include those municipalities within the Phoenix-metropolitan area, with a population between 100,000 and 300,000, based on the most recent census data available.

C. The City Manager shall calculate the mean salary for mayors and council members of these comparable cities.

D. At a time consistent with Section 1.F. of this Resolution, the City of Surprise Mayor and Council Members' salaries will be adjusted to equal the current mean salary as calculated by the City Manager.

E. The City Manager will program the adjustment to Mayor and Council Member salaries, if any, into the corresponding fiscal year budget.

F. In accordance with Article 4, Part 2, Section 17 of the Arizona Constitution, any adjustment to the Mayor and City Council's salaries shall not become effective until the commencement of a term, whether by election or appointment, of any Council member of the body. Consequently, adjustment to the salaries of the Mayor and Council will occur only upon the taking of the Oath of Office beginning the duties of a term of any seat, generally January 1st following the election year, or appointment to fill any vacancy, whichever occurs first.

APPROVED AND ADOPTED this _____day of _____, 2018.

_____
Sharon R. Wolcott, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

CITY OF SURPRISE
Regular City Council Meeting

June 5, 2018 @ 6:15:00 PM

Back Print

Council Meeting Date:	June 5, 2018	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Discussion and action pertaining to the absences of, and/or non-responsiveness to contact from city staff by, certain City Board or Commission members.

Motion:

Motion will be dependent on the findings of City Council. Removal must be by majority vote of City Council. If removal is due to attendance, the member will be ineligible for appointment to any Surprise public body for 6 months, unless City Council in its motion identifies a longer period.

Background:

Raoul Sada – (3) absences within a 6 month period

02/08 – no notice provided

03/08 – no notice provided

05/10 (no quorum) – notice of unavailability provided 05/10 at 1:08 p.m.

Marco Daleo – (3) absences within a 6 month period; two consecutive

01/11 - notification was provided for mtg. 01/11 in advance

02/08 – informed Chair via text message prior to meeting

03/08 – unavailable, date was recorded incorrectly

Chris Hall – (3) absences within a 6 month period; two consecutive

01/11 - notification was provided for mtg. in advance

05/10 (no quorum) – notification provided; out of state for conference

05/16 (Special Mtg.) – unavailable, notification provided; out of state

Attendance. If any member of a public body is absent from two consecutive meetings or three meetings in any six-month period, or repeatedly fails to respond to contact from city staff regarding body activity, the matter will be promptly referred to city council for action which may include removal of the member. If removed because of attendance, the member will be ineligible for appointment to any public body for a period of no less than six months. Attendance by a member must be in person; attendance by telephone is not permitted.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

No Attachments Available