



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

Tuesday, June 3, 2025 @ 6:15 PM
COUNCIL CHAMBERS

A. Call To Order

Any prayer or invocation that may be offered before the start of the Regular Council Meeting is a voluntary offering by a private resident of Surprise; has not been previously reviewed or approved by City Council or City staff; should not be considered an endorsement of any particular religion by the City or its officials, as the beliefs, viewpoint, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the office of the City Clerk and interested persons should contact the Clerk's Office for further information.

B. Roll Call

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

E. City Manager Report

The City Manager may present a brief summary of current events, including recognition of community members, employees, and programs, pursuant to A.R.S. § 38-431.02(K). The City Council will not discuss or take action on any matter within the City Manager Report.

F. City Clerk Report

G. Regular City Council Meeting Agenda

CONSENT AGENDA:

- | | | | |
|----|------------|--|--|
| 1. | Internal | Consideration and action to approve the May 20th Regular Meeting Minutes. | Kristi Passarelli
City Clerk |
| 2. | Citywide | Consideration and action to approve the revised version of the City Council Meeting Dates for 2025. | Kristi Passarelli
City Clerk |
| 3. | District 1 | Consideration and action on Resolution No. 2025-62 approving Development Agreement between the City of Surprise and the Old Westbury Land and Cattle Company, L.L.C. | Lloyd Abrams
Community
Development |
| 4. | Citywide | Consideration and action pertaining to approval of Amendment No. 2 to the intergovernmental agreement with Maricopa County for Homeless Outreach and Navigation Services; Resolution #2025-69. | Adam Lane
Human Svcs and
Comm Vitality |
| 5. | Citywide | Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$400,000 for increased Spring Training revenues; Resolution #2025-80. | Kendra Pettis
Sports and Tourism |

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|----|------------|--|---------------------------------|
| 6. | District 5 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 337514, requested by Reimun Sabri Shleimun, for Pita Kitchen for Series 12 Liquor License. Pita Kitchen is located at 16853 N 145th Ave #167, Surprise, AZ 85388. | Kristi Passarelli
City Clerk |
|----|------------|--|---------------------------------|

7. District 6 Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 347131, requested by Andrea Dahlman Lewkowitz, for Chipotle Mexican Grill # 4993 for Series 12 Liquor License. Chipotle Mexican Grill # 4993 is located at 13610 N Litchfield Rd, Surprise, AZ 85379. Kristi Passarelli
City Clerk

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

H. Call To The Public

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

Note: A.R.S. 38-431.01(H)- During this time members of the public may address City Council only on issues within the jurisdiction of the City Council which are not an item on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

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

Please be aware that Council Members may not discuss or respond to matters raised during call to the public that are not specifically identified on the agenda. Council Members may however, in their discretion, discuss or respond to relevant matters raised during a noticed public hearing or agenda item.

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

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

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

- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

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

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

L. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, May 29th, 2025 @ 4:30 PM

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



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 3, 2025
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

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

Invocation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 3, 2025
Submitting Department:
Staff Recommendations:

Contact Person:
District: Citywide

Consent: No	Regular: No	Public Hearing: No	Report/Discussion: No
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Agenda Wording:
City Manager sub-text

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: June 3, 2025
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: Internal

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

Agenda Wording:

Consideration and action to approve the May 20th Regular Meeting Minutes.

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. DRAFT 05_20_2025 Regular Council Meeting_Minutes
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CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, May 20, 2025 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Sartor called the Regular Council Meeting of May 20th, 2025 to order at 6:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

1. Invocation

Amy Kellenburger led the invocation.

B. Roll Call

In attendance with Mayor Sartor were Vice Mayor Jack Hastings, Council members Chris Judd, Earle Greenberg, Patrick Duffy, Johnny Melton and Nick Haney.

C. Pledge of Allegiance

Surprise Life Guards led in the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

2. Robotics Group Launch Team 6352 Recognition

Mayor Sartor acknowledged the Robotics Group Launch Team 6352

3. National Public Works Week

Mayor Sartor proclaimed that it was National Public Works Week.

E. City Manager Report

City Manager Bob Wigenroth presented Shelby Fenwick. Shelby introduced the incoming youth council members.

The new members were:

Bella Haney
Ella Messner
Grace Disotell
Jackson Freeman
Kaydence Sartor
Mila Whitt
Peterlaena Gyimah
Phoebe Gardner
Ryker Yeager

Shelby also introduced the sitting youth council members on the dais.

Lily Robert, Willow Canyon Highschool

Chloe Eastburn, Dysart Highschool

4. City Manager sub-text

5. Reports

F. City Clerk Report

6. Reports

G. Regular City Council Meeting Agenda

7. CONSENT AGENDA:

Councilmember Haney asked to pull item 9 for separate consideration, Vice-Mayor Hastings seconded. Council agreed unanimously to move the item to a Public Hearing.

Motion: To Approve (Minus Item 9)

Initiated By: Nick Haney

Seconded By: Patrick Duffy

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg

No: None

Abstain: None

Vote Result: Passed

1. Consideration and action to approve the May 5th Special City Council Meeting Minutes, Executive Session Minutes; May 6th, 2025 Regular City Council Meeting Minutes, and Executive Session Minutes.
2. Consideration and action pertaining to the immediate formation of a lighting improvement district known as SU-GRANDDRVLLY222 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution No. 2025-48.
3. Consideration and action pertaining to approval of amendments to the FY2026 Comprehensive Financial Management Policies; Resolution #2025-47.
4. Consideration and action pertaining to approval of the updated Budget Amendment Policies and Procedures; Resolution #2025-59.
5. Consideration and action pertaining to approval of a grant renewal amendment with First Things First, accepting grant funding, approving a Fiscal Year 2025 budget amendment moving budget in the amount of \$250,000 for Early Childhood Programming, and an addition to the Fiscal Year 2025 Contract Awarding Authority List; Resolution #2025-65.
6. Consideration and Action on accepting a Right of Way for a water line from Arizona State Land Department along 171st Avenue and Patton Road.
7. Consideration and Action on accepting a Quit Claim Deed for dedication of right of way from Zanjero Trails HOA for right of way at the southwest corner of Perryville and Desert Cove Roads.
8. Consideration and Action on accepting a Quit Claim Deed for dedication of right of way from Zanjero Trails HOA for right of way at the northwest corner of Perryville and Desert Cove Roads.
10. Consideration and action pertaining to acceptance of a vehicle donation to support Human Service & Community Vitality Department programs.

11. Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$4,000 to accept an award from the Michael Phelps Foundation; Resolution #2025-68.

8. REGULAR AGENDA ITEM - PUBLIC HEARING:

18. Consideration and action pertaining to the award of the Education Subcommittee Youth Scholarship Program.

Deputy Economic Director, Mike Hoover, came to present this item. He talked about the Purpose of the program, Overview, and Scholarship Requirements. Vice Mayor Hastings talked about the history of this item. Mayor Sartor talked about how this will impact the City. Vice-Mayor Hastings and Councilmember Melton introduced the winners and their backgrounds.

The recipients were:

Isabella Ray
Morgan Goates
Mia Hiniker
Mirabelle Yontz
Lily Potter
Johnny Villareal
Sara Galaz
Alden Halanes
Chloe Brown

Motion: To Approve.

Initiated By: Jack Hastings

Seconded By: Nick Haney

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg

No: None

Abstain: None

Vote Result: Passed

9. Consideration and action pertaining to approval of a Development Agreement between the City of Surprise and Desert Moon 40, LLC, Resolution No. 2025-60.

Community Development Director, Lloyd Abrams, came to present this item. He talked about the Developer Obligations, and Vicinity Map.

Councilmember Haney, talked about making sure infrastructure is placed in this location. He asked about the type of infrastructure and if there would be two access points? Lloyd said there would be. Councilmember Haney asked if there was an estimated cost? Lloyd said they don't know but the infrastructure has to be developed.

Motion: To Approve

Initiated By: Nick Haney

Seconded By: Jack Hastings

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg

No: None

Abstain: None

Vote Result: Passed

12. Consideration and action pertaining to the rezone of approximately 40 acres from Residential Low Density (R-1) to Residential Medium Density (R-2). The proposed rezone is located at the southeast corner of Pinnacle Peak Road and 227th Avenue. Case FS24-0080.

Planner, Tanner Wessel, came to present this item. He talked about the Vicinity Map, Project Site, Zoning Map, Proposed Zoning, Luke Overlay, R-1 & R-2 Development Standards, Open Space, Regional Traffic, Conceptual Layout, Outreach, and Staff Recommendation.

Michele Staples, a Surprise Resident, came to talk about her concerns about the development in this area.

Kimberly Virostek, a Surprise Resident, came to express her concerns about the development in this area.

Jeff Blilie, from the developer, came to give some clarification about the development. He said if the project grows, they would have to develop the area more. He talked about preferred access to the planned community.

Councilmember Duffy, asked if it gets rezoned for R2 and what the maximum would be? Tanner said it would be approximately 174 lots. Lloyd said the Luke Graduated Density the maximum would be 163 because of the Luke restrictions.

Vice-Mayor Hastings, asked if it was always zoned residential? Tanner said it was. Vice-Mayor Hastings asked for examples of low density residential. Tanner said it was primarily single residential home. They talked about potential sizes. Vice-Mayor Hastings asked for examples of R2? Tanner said it could include town homes. Vice-mayor Hastings talked about the importance of infrastructure and development.

Councilmember Judd, asked if the streets were accounted for and how much space would the streets take up? Lloyd said the streets would vary based on the configuration of the lots. Councilmember Judd asked about the R1 chart? Lloyd said those are the lot categories. They talked about the differences between suburban and rural labels for communities. Councilmember Judd asked about the categories already established in R1? Lloyd said they could do a combination depending on development. Councilmember Judd asked if they could use the rural designation? Lloyd said they could because they were adjacent to an existing Rural area. Councilmember Judd asked if they could pick and choose categories? Lloyd said that was correct.

Councilmember Greenberg, asked about the Luke overlay? Lloyd said there are different bands and it defaults to whatever is allowed under the density. Councilmember Greenberg, asked about the number of lots per acre and what was happening with the extra land? Lloyd said it would be used for open space or streets.

Councilmember Haney, asked about the current zoning and maximum units allowed? Lloyd said it varies based on right of way. Councilmember Haney asked about what kind of infrastructure the developer would be responsible for now? Lloyd said they would only be liable for half streets and they would be incomplete. Councilmember Haney said any development would come out the City's Budget? Lloyd said that is they case unless there are further development. Councilmember Haney asked about access east or south to rural residents? Jeff said there would be no access that way. Councilmember Haney made sure it was purely residential. He asked Lloyd about the overlay and the role it would play? Lloyd said the overlay sits in the general plan and has no effect on the property at this time. Nick asked if the overlay was in place? Lloyd said then they would be looking at staying in the current zoning or increasing the buffer distance to comply with the zoning district. Councilmember Haney asked how much more of an increase? Lloyd said just

that corner based on that location and approximately 125 feet, the current plan is 200 feet and they would be meeting the current criteria. Councilmember Haney, talked about prioritizing infrastructure. Councilmember Haney talked about engaging the community and addressing their concerns.

Councilmember Judd, asked about the corner on the southeast and if it is in the code? Lloyd said that when it comes back they would make sure it stays in the plan. Councilmember Judd asked if it could be stipulated for the buffer? Lloyd said they could. Jeff asked about the setback and the buffer and agreed they could do a 150 foot buffer.

Councilmember Judd, moved to add a stipulation 150 foot buffer. Vice-Mayor Hastings seconded. Council agreed unanimously to approve the stipulation.

Mayor Sartor talked about the efforts of everyone to get this passed.

Kimberly came back to thanked Council for their efforts on this item.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Jack Hastings

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

13. Consideration and action pertaining to a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) to amend the Planned Unit Development (PUD) Overlay code to facilitate development of underutilized, constrained, and challenging sites. Case FS24-1431.

Planner, Christina Sexton, came to present this item. She talked about Purpose, Legislative Edits, General Plan 2040 Compliance, Public Outreach, and Staff Recommendation.

Motion: To Approve
Initiated By: Jack Hastings
Seconded By: Chris Judd

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

14. Consideration and action pertaining to a Rezone from Sierra Verde Planned Area Development (PAD), with an underlying zoning of commercial, to Residential Medium Density (R-2) with a Planned Unit Development (PUD) overlay. Case FS24-0503.

Planner, Chris Sexton, came to present this item as well. She talked about the Vicinity Map, Existing Zoning, Proposed Zoning, Background, PUD criteria, General Plan 2040 Compliance, Proposed Development Standards, Preliminary Plat, Outreach, and Recommendation.

Brennan Ray, on behalf of the developer appeared to present for this item. He talked about the location, Commercial Challenges, Site Plan, Housing Product, and Neighborhood Outreach.

Vice-Mayor Hastings, talked about the corner being zoned commercial and it not being built out. He talked about the development being built out and potential commercial for that location. Brennan said that there hasn't been any serious interest by a commercial developer. Vice-Mayor asked why it was chosen to be medium density versus high density? Brennan talked about being responsible for the area. Vice-Mayor Hastings talked about the housing shortage and how this would help. He asked what kind of town homes these would be? Brennan said they are still deciding.

Councilmember Melton, asked if a traffic study was required and if it produced results? Brennan said it focused on trip generation, he talked about the peak hours and number of trips for each portion of the day.

Councilmember Haney, talked about looking at each project individually. He talked about the history of the site and how this would be beneficial to develop.

Councilmember Judd, talked about not wanting to give up commercial and how this made sense.

Motion: To Approve
Initiated By: Jack Hastings
Seconded By: Nick Haney

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

9. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

15. Consideration and action pertaining to authorizing acceptance of an Intergovernmental Agreement with the City of Peoria, approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$350,000 for the design of the Jomax Road Extension Project, and amending the Fiscal Year 2025 Contract Awarding Authority List, Resolution #2025-66.

Transportation Director, Eric Boyles, talked about the Jomax Road Extension Project, the Background, IGA Overview, Project Status, Project Schedule, and Project Funding Request.

Councilmember Haney, talked about the history of the project and access to the area. He thanked staff and council for their support of this item.

Councilmember Melton, asked if the Beardslay canal hold a challenge? Eric said they don't have any issues with the canal and would be able to work around any terrain.

Mayor Sartor and asked if they could concurrently run the right of way with the designs to expedite the process? Eric said that as they design they would start the right of way process.

Councilmember Haney asked about potentially changing the name on the project in the future.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Johnny Melton

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg

No: None
Abstain: None

Vote Result: Passed

16. Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$15,000 to support the United States Tennis Association (USTA) League National Championships in Surprise; Resolution #2025-58

Sports and Tourism Director, Kendra Pettis, came to present this item, she introduced Guillermo Lucero. She talked about the Background of the USTA League Program and the City, Council Strategic Plan, Tourism Strategic Plan, Tourism Fund Guidelines, and Tourism Fund Request.

Mayor Sartor asked what the tourism fund was funded by? Kendra said it was paid by the hotel tax.

Councilmember Duffy, talked about the history of Tennis in the City.

Motion: To Approve
Initiated By: Patrick Duffy
Seconded By: Chris Judd

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

17. Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$50,000 and amending the Contract Awarding Authority List to support partnering on two events with Flying E Ranch; Resolution #2025-57.

Kendra introduced Travis Ashby to present this item, She talked about the Background, LA Finikera Fest, Chris Janson Concert, Event Partnership Alignment, Tourism Fund Guidelines, and Tourism Fund Request.

Vice-Mayor Hastings, talked about private public partnerships. He asked how having the incentives work and having the partnership impacts the city? Kendra said the money is from the tourism fund and the impact is from hotel stays. They talked about the impact tourism has financially in the City.

Motion: To Approve
Initiated By: Patrick Duffy
Seconded By: Chris Judd

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg
No: None
Abstain: None

Vote Result: Passed

19. Transportation Master Plan City Council Kickoff

Transportation Director, Eric Boyles, returned to talk about this item. He introduced Kevin Kugler. Kevin talked about the Study Objectives, Project Schedule, Public & Stakeholder Engagement, Scope of Work Summary, Existing & Forecasted Condition Assessment, Visioning, Public

Outreach Round #1.

Mayor Sartor asked for any meetings to be hybrid or in person.

Kevin continued to talk about Multimodal Transportation System Alternatives, Public Outreach Round #2, Evaluations Criteria & Weighting, Draft Transportation Master Plan (TMP), Public Outreach Round #3, Draft Final Transportation Master Plan, and Project Work Group Discussion.

Vice-Mayor Hastings, said there is a need for this Master Plan, right after public safety. He talked about public transportation and not wanting to mirror how it is in Phoenix. He asked if Public Transportation would come back for consideration? Kevin said they would provide a technical analysis and that it depends on the direction of Council for Public Transportation.

Mayor Sartor thanked staff for the presentation.

20. Consideration and action pertaining to approval of an Employment Agreement appointing Jeffrey Murray to the position of City Attorney pursuant to Surprise Municipal Code Section 2-140.

Mayor Sartor thanked Council for their efforts.

Vice-Mayor Hastings, talked about the appointed positions within the City. He went over the selection process and Jeff's credentials.

Motion: To Approve

Initiated By: Chris Judd

Seconded By: Earle Greenberg

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg

No: None

Abstain: None

Vote Result: Passed

H. Call To The Public

Melissa & Ryan Langohr, Surprise Residents to talk about the road behind their house and the safety around their area.

Petri Ahonen, a Surprise Resident, came to talk about ground water recharge.

I. Other Business and Future Agenda Items

Vice-Mayor Hastings, asked about having a conversation consent agenda items. Councilmember Judd seconded.

J. City Council Reports

Councilmember Haney, talked about his upcoming community meetings.

Councilmember Greenberg talked about his upcoming community meeting.

Councilmember Duffy congratulated Jeff.

Councilmember Melton talked about the upcoming IGA for the recharge fee.

Vice-Mayor Hastings, talked about the police chief finalist and selection process.

Councilmember Judd, talked about his upcoming community meeting.

Mayor Sartor, talked about the baseball championship. He talked about an upcoming faith summit. He thanked council for their leadership and vision.

K. Executive Session

10. Executive Session Items

11. Executive Disclaimer - Part 1

12. Executive Disclaimer - Part 2

13. Executive Disclaimer - Part 3

L. Adjournment

Motion: To Adjourn

Initiated By: Nick Haney

Seconded By: Jack Hastings

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg

No: None

Abstain: None

Vote Result: Passed

Meeting Adjourned at 8:45 PM

Kevin D. Sartor, Mayor

ATTEST:

Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, 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 20, 2025.**

Kristi Passarelli, City Clerk



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 3, 2025
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: Citywide

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

Consideration and action to approve the revised version of the City Council Meeting Dates for 2025.

Motion:

I move to approve the revised City Council Meeting Dates for 2025.

Background:

Due to a conflict with the AZ League of Cities and Towns Annual Conference, the meeting date of August 19th has been canceled.

Objective Analysis:

Majority vote of council is required to vacate a meeting.

Policy Compliant:

City Code Sec. 2-65. - Meeting, location and time.

(a)

Regular meeting of the city council will be held on the first and third Tuesday of each month at 6:00 p.m. at City Hall, 16000 N. Civic Center Plaza, Surprise, Arizona, unless otherwise provided in the public notice.

(b)

Work sessions may be held for the purpose of presentations to and discussions with council. Action by council at work sessions is limited to general consensus, conveying questions or requesting information. No formal action of the city council may be taken at work sessions.

(c)

Special meetings may be convened by the mayor or at least three councilmembers at any time.

(d)

The city council may call, vacate, or change the date, time or location of a specific meeting by majority vote.

(Ord. No. 2013-09, § 2(Exh. A), 11-12-2013; Ord. No. 2014-03, § 2, 1-28-2014; [Ord. No. 2024-28](#), § 1, 8-20-24)

Financial Impact:

n/a

Budget Impact:

n/a

FTE Impact:

n/a

ATTACHMENTS:

1. 2025 COUNCIL MEETING DATES AND AGENDA TIMELINES _revision approval 06032025
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2025 City Council Meeting Dates – Agenda Timeline

WORK SESSION / REGULAR MEETING DATE:	ITEMS DUE INTO CIVIC CLERK WORKFLOW: (15 DAYS PRIOR)	AGENDA CALL MEETING (14 DAYS PRIOR)
TUESDAY, JANUARY 7 (<i>Induction Ceremony</i>)	MONDAY, DECEMBER 23, 2024	TUESDAY, DECEMBER 24, 2024
TUESDAY, JANUARY 21 (<i>Vice-Mayor Election</i>)	MONDAY, JANUARY 6	TUESDAY, JANUARY 7
TUESDAY, FEBRUARY 4	MONDAY, JANUARY 20	TUESDAY, JANUARY 21
TUESDAY, FEBRUARY 18	MONDAY, FEBRUARY 3	TUESDAY, FEBRUARY 4
TUESDAY, MARCH 4	MONDAY, FEBRUARY 17	TUESDAY, FEBRUARY 18
TUESDAY, MARCH 18	MONDAY, MARCH 3	TUESDAY, MARCH 4
TUESDAY, APRIL 1	MONDAY, MARCH 17	TUESDAY, MARCH 18
TUESDAY, APRIL 15	MONDAY, MARCH 31	TUESDAY, APRIL 1
TUESDAY, MAY 6	MONDAY, APRIL 21	TUESDAY, APRIL 22
TUESDAY, MAY 20	MONDAY, MAY 5	TUESDAY, MAY 6
TUESDAY, JUNE 3	MONDAY, MAY 19	TUESDAY, MAY 20
TUESDAY, JUNE 17	MONDAY, JUNE 2	TUESDAY, JUNE 3
SUMMER BREAK - NO MEETINGS HELD IN JULY		
TUESDAY, AUGUST 5	MONDAY, JULY 21	TUESDAY, JULY 22
TUESDAY, AUGUST 19 — (MEETING CANCELED)	MONDAY, AUGUST 4	TUESDAY, AUGUST 5
TUESDAY, SEPTEMBER 2	MONDAY, AUGUST 18	TUESDAY, AUGUST 19
TUESDAY, SEPTEMBER 16	TUESDAY, SEPTEMBER 2*	TUESDAY, SEPTEMBER 2
TUESDAY, OCTOBER 7	MONDAY, SEPTEMBER 22	TUESDAY, SEPTEMBER 23
TUESDAY, OCTOBER 21	MONDAY, OCTOBER 6	TUESDAY, OCTOBER 7
TUESDAY, NOVEMBER 4	MONDAY, OCTOBER 20	TUESDAY, OCTOBER 21
TUESDAY, NOVEMBER 18	MONDAY, NOVEMBER 3	TUESDAY, NOVEMBER 4
TUESDAY, DECEMBER 2	MONDAY, NOVEMBER 17	TUESDAY, NOVEMBER 18
TUESDAY, DECEMBER 16	MONDAY, DECEMBER 1	TUESDAY, DECEMBER 2

2026 JANUARY MEETINGS: 6th & 20th

*Indicates holidays or election conflicts

Clerk's Office - Council Book Preparation Process: Mayor and Council will receive the electronic version of the council meeting packet one week prior to the scheduled meeting date. Paper copy books will be provided upon request. Final packets will be posted to the public on Thursday prior to the meeting, no later than noon.

Prepared by Kristi Passarelli, City Clerk 08/22/2024 (revised 05/08/2025)



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 3, 2025

Contact Person: Lloyd Abrams, Director -
Community Development

Submitting Department: Community Development District: District 1

Staff Recommendations:

Consent: No

Regular: Yes

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action on Resolution No. 2025-62 approving Development Agreement between the City of Surprise and the Old Westbury Land and Cattle Company, L.L.C.

Motion:

I move to approve Resolution No. 2025-62

Background:

The owner owns approximately 295 acres of real property generally located north of the northwest corner of 251st Avenue and Beardsley Road, known as "Surprise 295." On June 8, 1989, the City of Surprise City Council approved the annexation of approximately 19,038 acres pursuant to Ordinance No. 89-05, which included the property. On March 4, 2025, the City Council approved the annexation of an additional approximately 5.41 acres pursuant to Ordinance No. 2025-01, which also included the property.

The property is currently zoned Rural Residential (RR), which was the zoning designation applied at the time of the original annexation. The owner has submitted an application to the city to rezone the property from RR to a combination of R-1 and R-3 (the "Rezoning"). In the event the City Council, in the exercise of its legislative discretion, approves the owner's request to rezone the property, and as a result of the uses permitted under the City's R-1 and R-3 zoning districts, certain public infrastructure shall be constructed to accommodate the owner's development and use of the property. This agreement outlines the obligations of both the Owner and the City.

Owner's Obligations – The owner is required to construct off-site roadway improvements to provide access to the property unless such improvements have already been completed by an adjacent property owner. The City will determine which of the three roadway improvement options will be pursued, with the decision communicated to the owner during the development review process. The owner must finance, design, and complete all required roadway improvements before the issuance of any building permits, except for model homes. Additionally, the owner must maintain two points of ingress and egress to the property at all times during and after construction, in compliance with the International Fire Code.

The owner has three roadway improvement options. Under Option 1 (Beardsley Road Connection), the owner would complete off-site improvements to 251st Avenue from the southern edge of the property to Sun Valley Parkway for primary access, Beardsley Road from 251st Avenue to Desert Vista Boulevard for secondary access, and a local road from the property to Beardsley Road. All roadways must provide "all-weather" access and meet specific construction standards but do not require curbs, gutters, sidewalks, landscaping, or streetlights unless necessary for all-weather access. The owner must also dedicate fifty-five feet (55') of right-of-way for each roadway segment.

Option 2 (251st Avenue Connection) requires the owner to complete east-half street minor arterial improvements to 251st Avenue from Beardsley Road to Deer Valley Road and full street minor arterial improvements from Beardsley Road to Sun Valley Parkway. Similar to Option 1, the owner would also complete Beardsley Road and the connecting local road improvements. Dedications of fifty-five feet (55') of right-of-way for the east half of 251st Avenue and one hundred ten feet (110') for the full-width segment are required.

Under Option 3 (Deer Valley Road Connection), the owner must complete 251st Avenue improvements from the property to Sun Valley Parkway, as in Option 1, and Deer Valley Road improvements from 251st Avenue to approximately 600 feet east of 243rd Avenue for secondary access. Unlike the other options, Deer Valley Road improvements are not required to meet ultimate grade standards or provide "all-weather" access. The owner must also dedicate fifty-five feet (55') of right-of-way along Deer Valley Road.

In the event the City determines that the SPA 3 Recharge Basin is needed prior to the development of the property, the owner agrees to pay its proportionate share (based on acreage), including the expenditure of all necessary proportional funds, for the cost of acquiring and/or constructing the SPA 3 Recharge Basin. Additionally, the owner is required to provide and dedicate to the city, in fee, a 150-foot by 150-foot site for a future water well. If the well site is adjacent to owner-owned parks, storm water systems, or open spaces, the owner must also grant a flowage easement over those areas.

The owner must also finance, design, construct, and dedicate to the city a well transmission line (WT Line) connecting the Well Site to either the Surprise Foothills Water Supply Facility or an existing appropriately sized transmission line. Furthermore, to ensure water service redundancy for the property, the owner must provide either two points of connection to the city's existing water distribution system or one point of connection to the city's system along with an emergency interconnect with the City of Buckeye's water system.

Regarding wastewater infrastructure, the owner must secure wastewater treatment capacity at the SPA 3 Water Reclamation Facility (SPA 3 WRF) according to the SPA 3 Regional Wastewater Treatment Plant Capacity Allocation Agreement (MCR # 20190029551). If no capacity is available for purchase, the owner is required to participate in expanding the SPA 3 WRF.

City's Obligation – The city agrees to assist the owner in acquiring any right-of-way necessary to install the roadways described in this Agreement, including, if necessary, the use of the city's condemnation authority. In the event the city exercises its condemnation authority, the owner shall reimburse the city for all actual, third-party, out-of-pocket costs incurred by the city during the condemnation process.

Objective Analysis:

Potential Positive Impacts Include: Growth is paying for itself; the city is not fully administering the fees; infrastructure is being built in an area of the city needing public infrastructure.

Potential Negative Impacts: The city will be required to operate and maintain more infrastructure.

Policy Compliant:

The action is compliant with the City Council's policy relative to growth paying for itself.

Financial Impact:

Per the agreement, Old Westbury Land and Cattle Company, L.L.C will be responsible for the design, construction, and installation of the various public improvements as outlined in the agreement. The city will be responsible for the operating and maintenance costs of the public infrastructure upon acceptance. The acceptance of infrastructure increases the city's asset base and adds to future maintenance commitments.

Budget Impact:

None at this time; however, the anticipated incremental additional maintenance expense associated with the public infrastructure will be incorporated in future budgets.

FTE Impact:

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

ATTACHMENTS:

1. Surprise 295 Resolution 2025-62
 2. Surprise 295 DA - execution version
 3. Surprise 295 DA Presentation
-

RESOLUTION # 2025-62

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SURPRISE AND OLD WESTBURY LAND AND CATTLE COMPANY, L.L.C., PERTAINING TO PROPERTY GENERALLY LOCATED NORTH OF THE NORTHWEST CORNER OF 251ST AVENUE AND BEARDSLEY ROAD, KNOWN AS SURPRISE 295.

WHEREAS, the City of Surprise (the “City”) is authorized to enter into development agreements, pursuant to A.R.S. § 9-500.05;

WHEREAS, Old Westbury Land and Cattle Company, L.L.C., owns approximately 295 acres of real property generally located north of the northwest corner of 251st Avenue and Beardsley Road, as more particularly described in Exhibit “A” (the “Property”) to the Development Agreement (the “Agreement”) that is the subject of this Resolution and is attached as Exhibit “A” hereto;

WHEREAS, City staff and Old Westbury Land and Cattle Company, L.L.C, have agreed upon the subject Agreement for the future development of the Property, which sets forth, among other things: (1) conditions, terms, restrictions, and requirements for the future development of the Property; (2) upon Old Westbury Land and Cattle Company, L.L.C’s, satisfaction of all applicable legal requirements, consideration by the Planning and Zoning Commission and the City Council of a request to rezone the Property from R-1 to R-2; and (3) other matters related to the future development of the Property; and

WHEREAS, Old Westbury Land and Cattle Company, L.L.C, now desires to obtain City Council approval to enter into the Agreement, attached hereto as Exhibit “A,” for the purpose of setting forth certain obligations and commitments relative to the future development of the Property.

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

Section 1. The Development Agreement between the City and Old Westbury Land and Cattle Company, L.L.C, attached hereto as Exhibit “A,” is approved.

Section 2. The Mayor is hereby directed to execute the Agreement on behalf of the City and any other documents necessary to effectuate the intent of this Resolution.

APPROVED AND ADOPTED this ____ day of _____, 2025.

Kevin D. Sartor, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Jeffrey Murray, City Attorney

EXHIBIT A

Development Agreement

After recording, return to:
City Clerk
City of Surprise, Arizona
16000 N. Civic Center Plaza
Surprise, AZ 85374

With a copy to:
Jeffrey M. Blilie PLLC
701 N 44th Street
Phoenix, AZ 85008

DEVELOPMENT AGREEMENT (SURPRISE 295)

THIS DEVELOPMENT AGREEMENT (this “**Agreement**”) is entered into as of the _____ day of _____, 2025, (the “**Effective Date**”), by and between the CITY OF SURPRISE, an Arizona municipal corporation (the “**City**”), and OLD WESTBURY LAND AND CATTLE COMPANY, L.L.C., an Arizona limited liability company (“**Owner**”). City and Owner are referred to herein individually as a “**Party**” or collectively as the “**Parties**.”

RECITALS

A. Owner owns approximately 295 acres of real property generally located north of the northwest corner of 251st Avenue and Beardsley Road, as legally described in Exhibit A and depicted on Exhibit B attached hereto (the “**Property**”).

B. On June 8, 1989, the City of Surprise City Council (the “**City Council**”) approved the annexation of approximately 19,038 acres pursuant to Ordinance No. 89-05, which included the Property.

C. On March 4, 2025, the City Council approved the annexation of approximately 5.41 acres pursuant to Ordinance No. 2025-01, which included the Property.

D. The Property is currently zoned Rural Residential (RR), which was the like zoning applied at the time of annexation.

E. Owner has submitted to the City an application to rezone the Property from RR to a combination of R-1 and R-3 (the “**Rezoning**”).

F. In the event the City Council, in the exercise of its legislative discretion, approves Owner’s request to rezone the Property, and as a result of the uses permitted under the City’s R-1 and R-3 zoning districts, certain public infrastructure shall be constructed to accommodate Owner’s development and use of the Property.

G. Pursuant to A.R.S. § 9-500.05(H), the Parties now seek to enter into this Agreement to further define the Parties’ respective rights, responsibilities, and obligations with respect to the contemplated development of the Property, namely to set forth the duration of the Agreement; the future uses permitted on the Property; the density and intensity of uses and the maximum height and size of proposed buildings within the Property; the dedication of land for public purposes; the phasing or time of construction or development on the Property; conditions, terms, restrictions,

and requirements for public infrastructure and the financing of public infrastructure and subsequent reimbursements over time, if any; and other matters relating to the development of the Property.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. General Matters.

1.1 The recitals are incorporated as if fully set forth herein.

1.2 The exhibits attached to this Agreement are incorporated herein by this reference.

2. General Plan and Surprise Municipal Code Compliance. Pursuant to A.R.S. § 9-500.05(B), the proposed development of the Property pursuant to this Agreement is consistent with the City's General Plan as of the Effective Date. Unless otherwise amended or provided for within this Agreement, Owner shall develop the Property in accordance with the zoning narrative previously submitted to the City of Surprise, but subject to final approval by the City's Planning and Zoning Commission and City Council. The current draft of the Owner's zoning narrative is attached hereto as Exhibit C, subject to final legislative review and approval by the City Council. Notwithstanding the foregoing, nothing herein shall relieve Owner of the obligation to comply with the City Code and all applicable rules, ordinances, regulations, standards, procedures, plans (general or specific), and administrative policies of the City that are in effect at the time submittals or permit applications are received by the City.

3. Owner's Obligations.

3.1 Roadway Improvements. Owner shall construct one of the following off-site roadway improvement options to provide access to the Property, provided such off-site roadway improvements have not already been completed by the adjacent property owner. The City retains the sole discretion on the selection of the preferred option that will move forward with the development. The City shall make that decision known to the Owner through the development review process. Owner shall finance, design, and construct all roadway improvements prior to issuance of any building permits (with the exception of building permits for model homes).

3.1.1 Option #1 – Beardsley Rd Connection (as depicted in Exhibit D)

3.1.1.1 251st Avenue (Off-Site) Improvements. Owner shall complete the off-site section of 251st Avenue between the southern edge of the Property to Sun Valley Parkway for primary access to the Property. The off-site improvements to 251st Avenue shall provide "all-weather" access to the Property and shall be designed, constructed, and installed according to the following:

- Two 14' paved travel lanes with thickened edge per MAG Standard Detail 201, Type B. Travel lanes shall have a 2% slope from centerline to allow for drainage and meet AASHTO Roadside Design requirements;
- Pavement Section – Per geotechnical recommendations, 5" AC over 9" ABC minimum for arterial roadways and 3" AC over 8" ABC minimum for local roadways;

- The paved roadway section shall be at ultimate grade and shall be reusable when ultimate roadway cross-section is built;
- Two 10' unpaved dirt shoulders at a 10:1 slope;
-
- Fill Slopes – 6:1 preferred, 4:1 maximum with clear zone; and Cut slopes – Foreslope to be 6:1 for a minimum of 6', drainage ditch slopes and backslope are to comply with the preferred channel cross section as identified in the most recent AASHTO Roadside Design Guide.

Owner shall not be required to install any curbs, gutters, sidewalks, landscaping, or streetlights with the off-site portion of 251st Avenue, unless such improvements are needed to provide “all-weather” access, as determined by the City in the City’s sole discretion. Owner shall ensure that any existing access points/driveways are preserved along this section of roadway. Additionally, Owner shall be required to obtain and dedicate to the City fifty-five feet (55’) of right-of-way for the off-site portion of 251st Avenue.

3.1.1.2 Beardsley Road (Off-Site) Improvements. Owner shall complete the off-site section of Beardsley Road between 251st Avenue and Desert Vista Boulevard for secondary access to the Property. The off-site improvements to Beardsley Road shall provide “all-weather” access and shall be designed, constructed, and installed as described in Section 3.1.1.1. Owner shall not be required to install any curbs, gutters, sidewalks, landscaping, or streetlights with the off-site portion of Beardsley Road, unless such improvements are needed to provide “all-weather” access, as determined by the City in the City’s sole discretion. Owner shall ensure that any existing access points/driveways are preserved along this section of roadway. Additionally, the Owner shall dedicate to the City fifty-five feet (55’) of right-of-way for the off-site portion of Beardsley Road from 251st Avenue to the City’s municipal limits (generally an alignment along the western edge of the Property).

3.1.2.3 Local Road (Off-Site) Improvements. Owner shall complete the off-site local road extending from the Property to Beardsley Road. The off-site improvements to the local road shall provide “all-weather” access and shall be designed, constructed, and installed as described in Section 3.1.1.1. Owner shall not be required to install any curbs, gutters, sidewalks, landscaping, or streetlights with the off-site local road, unless such improvements are needed to provide “all-weather” access, as determined by the City in the City’s sole discretion. Owner shall ensure that any existing access points/driveways are preserved along this section of roadway. Additionally, if the off-site local road is located within the City, Owner shall be required to obtain and dedicate to the City fifty-five feet (55’) of right-of-way for the off-site local road.

3.1.2 Option #2 – 251st Avenue Connection (as depicted in Exhibit E)

3.1.2.1 251st Avenue (Off-Site) Improvements. Owner shall complete the following off-site sections of 251st Avenue: (i) the minor arterial east-half street roadway improvements for 251st Avenue from Beardsley Road to Deer Valley Road, and (ii) the minor arterial full street roadway improvements for 251st Avenue from Beardsley Road to Sun Valley Parkway. Owner shall not be required to install any curbs, gutters, sidewalks, landscaping, or streetlights with the off-site portion of 251st Avenue, unless such improvements are needed to provide “all-weather” access, as determined by the City in the City’s sole discretion. Owner shall

ensure that any existing access points/driveways are preserved along this section of roadway. Additionally, Owner shall be required to obtain and dedicate to the City fifty-five feet (55') of right-of-way for the east half of 251st Avenue between Beardsley Road and Deer Valley Road, and one hundred ten feet (110') of right-of-way for 251st Avenue from Beardsley Road to Sun Valley Parkway.

3.1.2.2 Beardsley Road (Off-Site) Improvements. Owner shall complete the off-site section of Beardsley Road between the off-site local road (described in Section 3.1.2.3) and Desert Vista Boulevard for secondary access to the Property. The off-site improvements to Beardsley Road shall provide “all-weather” access and shall be designed, constructed, and installed as described in Section 3.1.1.1. Owner shall not be required to install any curbs, gutters, sidewalks, landscaping, or streetlights with the off-site portion of Beardsley Road, unless such improvements are needed to provide “all-weather” access, as determined by the City in the City’s sole discretion. Owner shall ensure that any existing access points/driveways are preserved along this section of roadway.

3.1.2.3 Local Road (Off-Site) Improvements. Owner shall complete the off-site local road extending from the Property to Beardsley Road. The off-site improvements to the local road shall provide “all-weather” access and shall be designed, constructed, and installed as described in Section 3.1.1.1. Owner shall not be required to install any curbs, gutters, sidewalks, landscaping, or streetlights with the off-site local road, unless such improvements are needed to provide “all-weather” access, as determined by the City in the City’s sole discretion. Owner shall ensure that any existing access points/driveways are preserved along this section of roadway. Additionally, if the off-site local road is located within the City, Owner shall be required to obtain and dedicate to the City fifty-five feet (55') of right-of-way for the off-site local road.

3.1.3 Option #3 – Deer Valley Rd Connection (as depicted in Exhibit F)

3.1.3.1 251st Avenue (Off-Site) Improvements. Owner shall complete the off-site section of 251st Avenue between the southern edge of the Property to Sun Valley Parkway for primary access to the Property as described in Section 3.1.1.1.

3.1.1.2 Deer Valley Road (Off-Site) Improvements. Owner shall complete the off-site section of Deer Valley Road between 251st Avenue and approximately 600' east of 243rd Avenue for secondary access to the Property. The Owner shall ensure that Deer Valley Rd connects to the east at the termination point of the roadway within the Surprise Foothills development. The off-site improvements to Deer Valley Road shall be designed, constructed, and installed as described in Section 3.1.1.1, with the exception that the roadway may not be at its ultimate grade, and shall not be required to provide “all-weather” access. Owner shall not be required to install any curbs, gutters, sidewalks, landscaping, or streetlights with the off-site portion of Deer Valley Road. Owner shall ensure that any existing access points/driveways are preserved along this section of roadway. Additionally, the Owner shall dedicate to the City fifty-five feet (55') of right-of-way for the off-site portion of Deer Valley Road from 251st Avenue to approximately 600' east of 243rd Avenue.

3.1.4 Two Points of Ingress and Egress. In accordance with the 2018 International Fire Code, section 503 as referenced in the City’s Municipal Code § 105-19(J), Owner shall, at all times during and after construction, maintain two points of ingress and egress.

3.2. Assured Water Supply. The City has a Designation of Assured Water Supply pursuant to A.R.S. § 45-576. This Agreement is not a written commitment of water service from the City pursuant to A.R.S. § 9-463.01(I).

3.3. Water Supply Infrastructure Improvements.

3.3.1. Regional Recharge Basin. A regional recharge basin is necessary in order to support the ongoing development in the City's Special Planning Area 3 (SPA 3) region (the "**SPA 3 Recharge Basin**"). Owner's payment of the City Water Resource Development Fee shall constitute payment of Owner's proportionate share of the costs to acquire and/or construct the SPA 3 Recharge Basin. In the event the City determines that the SPA 3 Recharge Basin is needed prior to the development of the Property, then Owner agrees to pay its proportionate share (based on acreage), including the expenditure of all necessary proportionate funds, for the cost of acquiring and/or constructing the SPA 3 Recharge Basin prior to the City approving any final plat, site plan, or building permit within the Property, and such amount paid shall be creditable against the Water Resource Development Fees to be collected within the Property.

3.3.2. Well Site. Owner shall provide and dedicate to the City, in fee, one (1) approximately one hundred fifty foot by one hundred fifty foot (150' x 150') site for a future well which will include the well site perimeter improvements (8' block wall, gates, utilities stubbed, etc.) (the "**Well Site**") in accordance with the City of Surprise Water Guidelines and Standards. The location of the well site shall be within the SPA 3 Surprise Foothills Water Facility service area and at a location based on the results of a well impact analysis and a hydrologic model that the Owner shall cause to be completed by a registered hydrogeologist. If the Well Site is located next to a park, stormwater system or open space area owned by Owner, Owner shall dedicate to the City a flowage easement over such park, stormwater system or open space area. Unless waived in writing by the City, the Well Site shall not be located within a 404 wash, flood plain (after a CLOMR/LOMR), hillside with slopes greater than 15%, or identified subsidence area. The Well Site shall be dedicated to the City, in fee, in accordance with Section 5.1.

3.3.2 Well Transmission Line. Owner shall finance, design, construct, install and dedicate to City, in fee, the well transmission line (the "**WT Line**") from the Well Site to the Surprise Foothills Water Supply Facility or an existing well transmission line sized to accommodate the well to be drilled within the Well Site.

3.3.3. Water Distribution Infrastructure. The Owner shall provide either (i) two separate points of connection to the City's existing water distribution system, or (ii) one point of connection to the City's existing water system and an emergency interconnect with the City of Buckeye water system in order to provide redundancy for water service to the Property.

3.4. Wastewater Improvements. The Owner shall secure wastewater treatment capacity in the SPA 3 Water Reclamation Facility ("**SPA 3 WRF**") pursuant to the SPA 3 Regional Wastewater Treatment Plant Capacity Allocation Agreement (MCR # 20190029551). If there is no available capacity for purchase, Owner shall participate in an expansion of the SPA 3 WRF. The City will not approve any final plat, site plan, or building permit unless and until such time as Owner provides verifiable proof, as determined by the City in the City's sole discretion, of wastewater treatment capacity for the final plat, site plan or building permit being approved.

4. City's Obligations.

4.1 Right-of-Way Acquisition. Owner shall be responsible for acquiring the

rights-of-way (“**ROW**”) and/or easement(s), such as drainage easements, slope easements, or public utility easements, that may be necessary for the roadway improvements through commercially reasonable efforts with the property owners. Owner shall follow the requirements set forth in A.R.S., Title 12, for the acquisition of any such property as if Owner were a government entity obtaining property by eminent domain and with the City’s Real Estate Administrator from the beginning of the negotiation process to ensure compliance with applicable State statutes and to expedite the process. If Owner is unable to acquire the ROW and/or easement(s) after exercising reasonable diligence and making appropriate offers of just compensation as determined by the City, Owner may submit to the City a written request for the City to initiate eminent domain proceedings to acquire the ROW and/or easement(s). The City may, in its sole discretion, choose to exercise, or not, its power of eminent domain to acquire the necessary ROW and/or easement(s). If the City chooses to exercise its power of eminent domain, whether through the City Attorney’s Office or by retaining outside counsel, Owner shall be responsible for all costs and fees incurred by the City associated with the condemnation action, including, but not limited to, the initial deposit and final award of just compensation, attorneys’ fees, expert fees, witness fees, filing fees and court costs, jury fees, etc., all of which shall be deemed costs with respect to the roadway improvements. In the event the City exercises its discretion and does not provide assistance to Owner in acquiring ROW and/or easement(s), Owner shall still be obligated to acquire said ROW through alternative means.

5. Construction and Dedication.

5.1 Conveyance of Property. On the final plats (or by some other instrument in the event a final plat is not required), Owner shall dedicate to the City all parcels, rights-of-way, and easements within the Property needed for the public infrastructure, or as required pursuant to this Agreement, free and clear of all encumbrances which could affect marketability of title.

5.2 Construction Access. Owner and its agents shall have the right to enter, remain upon, right-of-way to the extent reasonably necessary to design, construct, or install public infrastructure, provided that (i) Owner’s use does not unreasonably impede the City’s use and enjoyment of the subject property; and (ii) Owner shall obtain any required permit for the use of such easement or right-of-way, as required by the City, and provided also that Owner shall restore such easement or right-of-way to substantially the same condition as existed prior to Owner’s entry. The City and its employees, agents, and contractors shall have the right to enter, remain upon, and cross over any portion of the Property to the extent reasonably necessary to inspect, test, maintain, or operate public infrastructure, provided that (i) the City’s use does not materially impede or adversely affect Owner’s use and enjoyment of the subject property; and (ii) the City shall restore such portion of the Property to substantially the same condition as existed prior to the entry thereon by the City and/or its employees, agents, or contractors.

6. General Provisions.

6.1 Term. The term of this Agreement shall be ten (10) years commencing upon its full execution and may be extended for two (2) additional five (5) year periods, as long as within ninety (90) days prior to the expiration of the term or an extension thereof, the City finds that (i) development within the Property is ongoing or imminent, and (ii) the parties within the Property will be served by the improvements that are the subject of this Agreement. The City’s obligation to continue providing municipal services to the portions of the Property receiving municipal services shall survive the termination of this Agreement. If for any reason the Rezoning is denied

or otherwise rejected by the City Council through the Council's exercise of its legislative discretion, this Agreement shall be null and void.

6.2 Recordation. This Agreement shall be recorded in its entirety in the Official Records of Maricopa County, Arizona, not later than ten (10) days after its full execution.

6.3 Notices and Filings. All notices, filings, consents, approvals, and other communications provided for herein or given in connection herewith shall be validly given, filed, made, delivered, or served if in writing and delivered personally, emailed, or sent by certified United States Mail, postage pre-paid, return receipt requested, to:

City: City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374
Attn: City Manager
Email: bob.wingenroth@surpriseaz.gov

With Copy to: City of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374
Attn: Chief Deputy City Attorney
Email: jeffrey.murray@surpriseaz.gov
Phone: (623) 222-1152

Owner: Old Westbury Land and Cattle Company, LLC
c/o The Hampton Group, Inc.
8432 E. Shea Blvd. Suite 100
Scottsdale, AZ 85260
Attn: John Berry
Email: JHB@HamptonAZ.com
Phone: (480) 348-0300

With Copy to: Gilbert Blilie PLLC
701 N. 44th Street
Phoenix, AZ 85008
Attn: Jeffrey Blilie
Email: jblilie@gilbertblilie.com
Phone: (623) 606-0532

or to such other address or addresses as may hereafter be specified by notice given by any of the above for itself to the others. Any notice or other communication directed to any Party shall become effective upon the earliest of the following: (a) actual receipt by that Party; or (b) thirty-six (36) hours after deposit with the United States Postal Service, addressed to the Party, and with sufficient postage.

6.4 Default. Failure or unreasonable delay by either Party to perform or otherwise act in accordance with any term or provision hereof shall constitute a breach of this Agreement by such Party. Any breach not cured within thirty (30) days after written notice is received from a non-breaching party shall constitute a default by the breaching Party under this

Agreement; provided, however, that if the failure is such that more than thirty (30) days would reasonably be required to perform such action or comply with any term or provision hereof, then the breaching Party shall have such additional time as may be necessary to perform or comply so long as the breaching Party commences performance or compliance within said thirty (30) day period and diligently proceeds to complete such performance or fulfill such obligation within ninety (90) days after written notice is received from another Party. Any notice of a breach shall specify the nature of the alleged breach and the manner in which said breach may be satisfactorily cured, if possible. The thirty (30) day period shall not apply where an ordinance or statute requires the City to perform or otherwise act in a period in excess of thirty (30) days. In the event a breach remains uncured following the thirty (30) day period, the only remedy permitted shall be specific performance, except as specifically allowed within this Agreement.

6.5 Dispute Resolution. If there is a dispute hereunder which the Parties cannot resolve between themselves, the Parties agree that there shall be a sixty (60) day moratorium on litigation during which time the Parties agree to attempt to settle the dispute by nonbinding mediation before commencing litigation. The mediation may be held under the commercial mediation rules of the American Arbitration Association, or any other rules acceptable to the Parties or required by the selected mediator. The matter in dispute shall be submitted to a mediator mutually selected by the Parties. If the Parties cannot agree upon the selection of a mediator within seven (7) days, then within three (3) days thereafter, the City and Owner shall request the presiding judge of the Superior Court in and for the County of Maricopa, Arizona, to appoint an independent mediator. The mediator selected shall have at least five (5) years' experience in mediating or arbitrating disputes relating to development. The cost of any such mediation shall be divided equally between the City and Owner. The results of the mediation shall be nonbinding on the Parties, and any Party shall be free to initiate litigation after the moratorium.

6.6 Choice of Law, Venue, Damages, and Attorneys' Fees. Any dispute, controversy, claim, or cause of action arising out of or related to this Agreement shall be governed by Arizona law. The venue for any such dispute shall be Maricopa County, Arizona, and each Party waives the right to object to venue in Maricopa County for any reason. Relief is limited to injunctive relief and specific performance. In no instance shall either Party be entitled to recover monetary damages, general or special, from the other Party. Neither Party shall be entitled to recover any of its attorneys' fees nor other costs from the other Party incurred in any such dispute, controversy, claim, or cause of action, but each Party shall bear its own attorneys' fees and costs, whether the same is resolved through arbitration, litigation in a court, or otherwise.

6.7 Good Standing and Authority. The Parties represent and warrant that each is duly formed and validly existing under applicable laws and that the individuals executing this Agreement on behalf of their respective Party are authorized and empowered to bind the Party on whose behalf each such individual is signing.

6.8 Assignment. The provisions of this Agreement are binding upon and shall inure to the benefit of the Parties, and all of their successors in interest and assigns, provided, however, that Owner's rights and obligations hereunder may be assigned, in whole or in part, only to a person or entity that has acquired title to the Property or a portion thereof and only by a written instrument with consent of the City and recorded in the Official Records of Maricopa County, Arizona, expressly assigning such rights and obligations. In the event of a complete or partial assignment by Owner, all or a portion of Owner's rights and obligations hereunder shall terminate effective upon the (i) assumption by Owner's assignee of such rights and obligations and the

execution of an addendum that recognizes the assignment with respect to the portion of the Property transferred or conveyed; and (ii) approval by City of the addendum. Any addendum shall be incorporated into and become a part of this Agreement.

6.9 Termination Upon Sale of Subdivided Lots. Except as otherwise provided herein, this Agreement is not intended to and shall not create conditions or exceptions to title or covenants running with the individual lots within the Property. Therefore, in order to alleviate any concern as to the effect of this Agreement on the status of title to any of the Property, so long as not prohibited by law, this Agreement shall terminate without the execution or recordation of any further document or installment as to any finally subdivided lot, and thereupon such lot shall be released from and no longer be subject to or burdened by the provisions of this Agreement.

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

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

6.12 Headings. The headings of this Agreement are for purposes of reference only and shall not limit or define the meaning of any provision of this Agreement.

6.13 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.

6.14 Conflict of Interest. This Agreement is subject to the terms of A.R.S. § 38-511.

6.15 Entire Agreement. This Agreement, together with the following Exhibits attached hereto constitutes the entire agreement between the Parties. All prior and contemporaneous agreements, representations, and understandings of the Parties, oral or written, are superseded by this Agreement.

- (a) Exhibit A: Legal description of the Property
- (b) Exhibit B: Depiction of the Property
- (c) Exhibit C: Zoning Narrative
- (d) Exhibit D: Depiction of Access Option #1
- (e) Exhibit E: Depiction of Access Option #2
- (f) Exhibit F: Depiction of Access Option #3

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

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

CITY:

CITY OF SURPRISE,
an Arizona municipal corporation

By _____
Mayor Kevin Sartor

Date _____

APPROVED AS TO FORM:

City Attorney

ATTESTED:

City Clerk

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this ____ day of _____, 2025, before me personally appeared Kevin Sartor, the Mayor of the CITY OF SURPRISE, an Arizona municipal corporation, for and on behalf thereof, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public
My Commission Expires: _____

OWNER:

**OLD WESTBURY LAND AND CATTLE
COMPANY, LLC,**

an Arizona limited liability company

By: _____
John Berry, Manager

Date: _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this _____ day of _____, 2025, before me personally appeared John Berry, manager of OLD WESTBURY LAND AND CATTLE COMPANY, LLC, an Arizona limited liability company, for and on behalf thereof, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public
My Commission Expires: _____

EXHIBIT A

Legal Description



ONE COMPANY.
INFINITE SOLUTIONS.

EXHIBIT "A"
LEGAL DESCRIPTION
OLD WESTBURY LAND AND CATTLE COMPANY LLC
FUTURE SURPRISE 295
LEGAL BOUNDARY
APN 503-82-001B &
APN 503-83-022J
CITY OF SURPRISE, ARIZONA
MARICOPA COUNTY, ARIZONA

LOCATED WITHIN A PORTION OF THE WEST HALF OF SECTIONS 18 AND 19, TOWNSHIP 4 NORTH, RANGE 3 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND ALUMINUM CAP, ACCEPTED AS THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 3 WEST FROM WHICH A FOUND GENERAL LAND OFFICE MONUMENT, ACCEPTED AS THE EAST QUARTER CORNER OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 3 WEST, THEREOF BEARS S00°27'15"W A DISTANCE OF 2638.55 FEET;

THENCE, ALONG SAID LINE, S00°27'15"W A DISTANCE OF 2638.55 FEET;

THENCE, N89°41'51"W A DISTANCE OF 2663.53 FEET;

THENCE, N00°26'05"E A DISTANCE OF 2640.94 FEET;

THENCE, N00°24'59"E A DISTANCE OF 1632.69 FEET;

THENCE, N69°28'10"E A DISTANCE OF 650.27 FEET;

THENCE, N20°31'58"W A DISTANCE OF 99.98 FEET;

THENCE, N69°28'10"E A DISTANCE OF 1436.34 FEET;

THENCE, N77°42'16"E A DISTANCE OF 588.23 FEET;

THENCE, S89°34'24"E A DISTANCE OF 177.19 FEET;

THENCE, S00°24'22"W A DISTANCE OF 2598.55 FEET TO THE POINT OF BEGINNING.



ONE COMPANY.
INFINITE SOLUTIONS.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 12,910,913 SQUARE FEET OR 296.39 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD OR OTHERWISE.

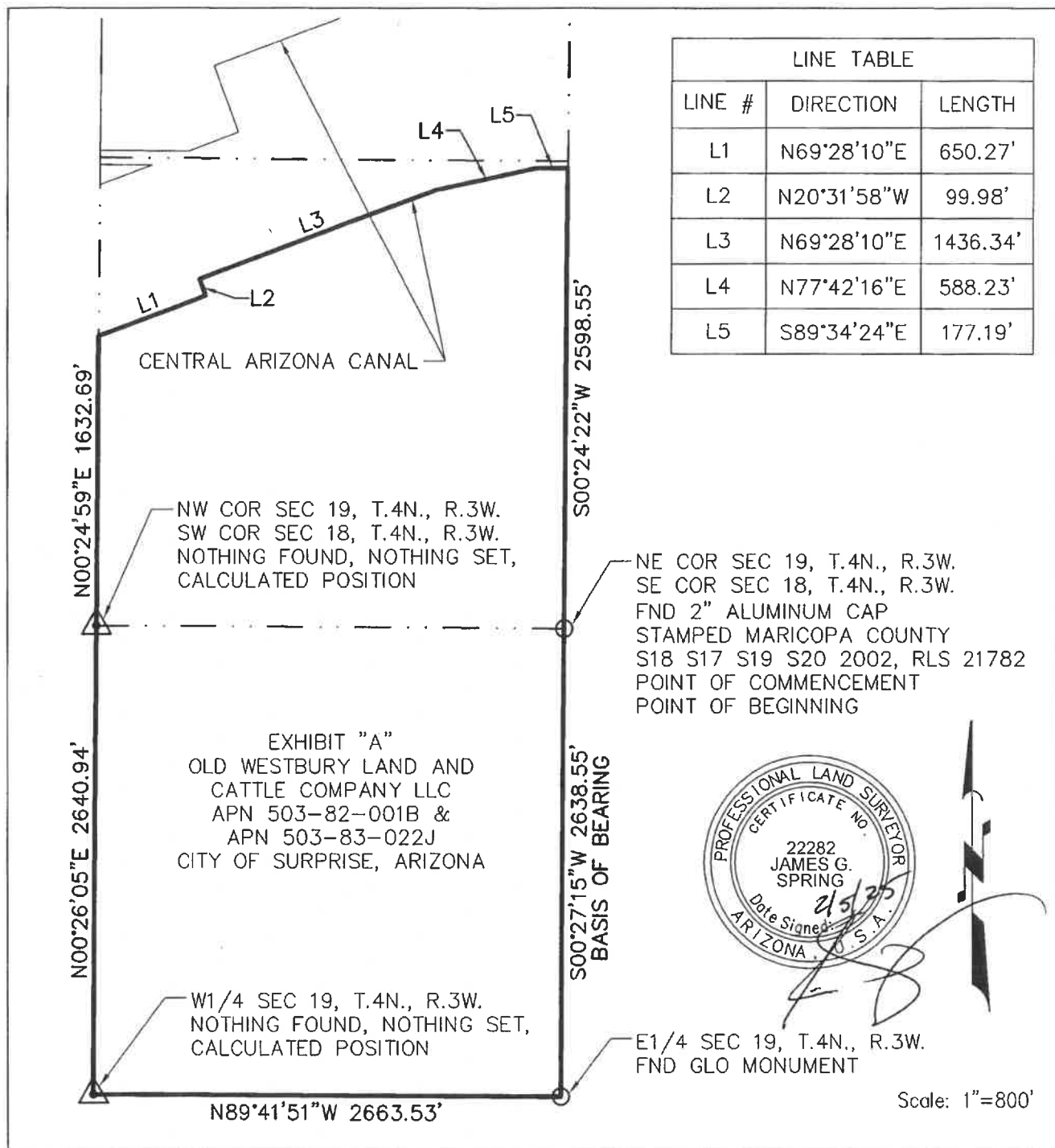
THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION RESTRICTIONS.

PREPARED BY:
ATWELL, LLC
4700 E. SOUTHERN AVENUE
MESA, ARIZONA 85206
PROJECT NO. 21003646
DATE FEBRUARY 4TH, 2025



EXHIBIT B

Depiction of the Property



JOB NO. 24002024 PRODUCT TYPE: EX DATE: 02-04-2024

SHEET 3 OF 3



EXHIBIT "B"
 OLD WESTBURY LAND AND
 CATTLE COMPANY LLC
 FUTURE SURPRISE 295
 LEGAL BOUNDARY
 APN 503-82-001B &
 APN 503-83-022J
 CITY OF SURPRISE, ARIZONA

EXHIBIT C

Zoning Narrative

EXHIBIT C

Zoning Narrative

SURPRISE 295

REZONING NARRATIVE

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

CASE: FS23-0350

FINAL SUBMITTAL: SEPTEMBER, 2023



PRESENTED BY:



APPLICANT TEAM

PROPERTY OWNER

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1. PROJECT INTRODUCTION

RVi Planning + Landscape Architecture, on behalf of The Hampton Group, is pleased to submit this rezoning application for Surprise 295 (Subject Site) to change the existing zoning from Rural Residential (RR) to a combination of single-family and multi-family residential zoning districts on multiple parcels comprising approximately 295 gross acres, located just north of the northwest corner of the future Beardsley Parkway and 251st Avenue alignments. The APNs associated with this request are 503-83-022J, 503-82-001B, 503-83-022H, and 503-82-001A.



Assessor Parcel Map

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

- Site Analysis
- Proposed Development Plan
- Regulatory Development Standards

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

2. SITE ANALYSIS

Site Location

The Property's western edge shares a municipal boundary with the City of Buckeye and the Festival Foothills Planned Community, a portion of the 10,000+ acre Festival Ranch Community Master Plan, with lot sizes ranging from 5,175-7,800 SF. See **Exhibit 1: Regional Vicinity Map**. Properties located north, south and east of the subject site are within the City of Surprise jurisdictional boundary but are currently vacant/undeveloped. The property immediately east of the site is State Land. There are many properties starting one mile east of the Subject Site that are planned and entitled with development plans in various stages of review, approval and construction, including Surprise Foothills, Surprise 320, Buena Vista Ranch, Rancho Vista, and Mesquite Mountain Ranch. See **Table 1: Existing and Surrounding Land Uses** below.

TABLE 1: EXISTING AND SURROUNDING LAND USES

LOCATION	GENERAL PLAN	EXISTING ZONING	LAND USE
Site	Neighborhoods	Rural Residential (RR)	Vacant
North	Neighborhoods	Rural Residential (RR)	CAP Canal, Vacant
South	Neighborhoods	Rural Residential (RR)	Vacant
West	Master Planned Community (Buckeye)	Planned Community (Buckeye)	Festival Foothills
East	Neighborhoods	Rural Residential (RR)	Vacant

General Plan Land Use and Zoning Designations

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

- Residential building setbacks from the front property line should vary to create a more interesting and attractive streetscape.
- Residential buildings should de-emphasize front load garages by providing a mix of garage orientations including, side or angle entry, rear load with alley access, or front load with a set back from the primary living space.
- The placement of non-residential buildings should be pushed close to the primary roadway, and parking areas should be encouraged to the sides and/or rear of buildings.
- New subdivisions should be connected to existing adjacent developments, or provide stub streets to future development areas, to allow for strong internal pedestrian, bicycle, and automobile connectivity. Cul-de-sacs should only be reserved for use when physical site constraints are present.
- All major residential development shall include active and passive open space areas designed, located, and oriented to provide high pedestrian accessibility within and around the development, and buffer between less developed and more urban developed areas. The design and placement of public off-street pedestrian trail connections to adjacent development is highly encouraged.

- A traditional grid pattern street network is encouraged. Streets with curvilinear design are also encouraged where local topography and protection of natural features warrant such design.
- The incorporation of "complete streets" should be utilized to enable safe, attractive, and comfortable travel for all users, including automobiles, pedestrians, bicyclists, and transit.

All surrounding developments within the City of Surprise are zoned either Rural Residential or PAD. The nature of the surrounding area is reserved for residential and neighborhood commercial development which is consistent with the proposed rezoning for the Subject Site. See **Exhibit 2: General Plan Land Use Map** and **Exhibit 3: Existing Zoning Map**.

Existing Pre-Development Conditions

The site is relatively flat and contains multiple washes running south to northeast throughout with no major defined wash corridors extending through the property. Portions of the site are within a designated floodplain, and a network of drainage channels is being considered to route the off-site drainage flows around the perimeters of the property to remove the property from the floodplain. A solution for stormwater management is currently being studied to evaluate the requirements that may include 404, LOMR, and Floodplain Use Permits. The Subject Site is currently vacant and does not have built roadways or infrastructure to serve the site.

Drainage: The site area falls within a region that is currently being studied by the Maricopa County Flood Control District (MCFCD), more specifically within the Whitman ADMS (Area Drainage Master Study) area, and is partially within another active study known as the Sun Valley ADMS. The Whitman ADMS contains ongoing hydrologic analyses of the area but has not yet undergone hydraulic delineation of the washes, floodways and floodplains therein.

Based on current records for Maricopa County, as well as the current FEMA FIRM Map (#04013C1190L effective 10/16/2013 and 04013C1180M effective 11/4/2015), the property falls within floodplain Zone Shaded 'X' as well as Zone 'A'. "Area of Minimal Flood Hazard."

Special Flood Hazard Zone "A" is defined as: "Special Flood Hazard Areas (SFHAs) subject to inundation by the 1% annual chance flood, no base flood elevations determined."

According to FEMA there is only a zone A floodplain located on the southern and eastern portions of the site. In addition to this floodplain limit, the MCFCD is also showing a floodway Zone AAFF on the western portion of the site. This floodway is effective for MCFCD but not approved by FEMA.

The 100-year return period design flow was approximated to be $Q_{100}=1,500$ cfs for the FEMA Zone A floodplain, and $Q_{100}=400$ cfs for the westerly floodway area. At the northwest corner of the project site, the westerly floodway combines with offsite flow of $Q_{100}=900$ cfs and flows east along the northern boundary of the site with a total of $Q_{100}=1,300$ cfs. This information is better represented in Exhibit 3.

The FLO2D model used for the white tanks mountain will be used as the base and updated using the latest version of FLO2D. This update may modify the existing condition results, and needs to be discussed with MCFCD. The impacts to the wash on the north side of the property will be done using either the FLO2D model or the HEC2 model, updated to the latest version of HEC-RAS.

School Districts: The Subject Site is in the Wickenburg Unified #9 School District. The closest public elementary school within this district is the Festival Foothills Elementary School located at 26252 W Desert Vista Blvd, Buckeye, Arizona, 85396 and is less than one mile from the Subject Site. The closest middle school is the Vulture Peak Middle School, located at 920 S Vulture Mine Rd, Wickenburg, AZ 85390. The closest high school is Wickenburg High School, located in Wickenburg at 1090 South Vulture Mine Road with Dysart Unified School District as an option.

Water and Sewer Service: Surprise 295 is located within Special Planning Area 3 (SPA-3) in the City of Surprise, Arizona. SPA-3 is generally located north of Bell Road, west of Beardsley Canal, south of Grand Avenue and Central Arizona Project Aqueduct, east of 259th Avenue and encompasses approximately 59 square miles.

Electricity: APS is the service provider in the area. There is no existing service for this site, although APS has approved two new sub-station locations to help serve the northwest Surprise area. The closest sub-station is located approximately four (4) miles west of the property. These improvements are planned to be built as development occurs in this area. An additional substation is under construction on the east side of 227th Avenue directly north of the wash that intersects Mesquite Mountain Ranch

There is an existing WAPA utility easement totaling approximately 175-feet in width oriented in an east/west direction through the southern portion of the Subject Site. These power line easements house existing 500 KV power lines.

Existing Roads, ROW and Utilities: The Subject Site is located just north of the northwest corner of the future Beardsley Parkway and 251st Avenue alignments. Currently no partially or fully improved roadway network exists adjacent to the Subject Site except for Sun Valley Parkway, which is currently a four-lane divided roadway with access limited to median breaks at approximately one-mile intervals, and the portion of Beardsley Parkway going through Festival Foothills to the west. All other roadways in the study area are unimproved and without full right-of-way dedication necessary for development according to the Surprise 2035 General Plan's roadway classification map. There is no existing ROW near the Subject Site.

3. PROPOSED DEVELOPMENT PLAN

In accordance with the Surprise LDO, the proposed project seeks to establish residential zoning districts throughout the site to be consistent with the LDO. No deviations are proposed as part of this application and all development will follow the LDO and PEDS Manual as prescribed.

Conceptual Development and Open Space Plan

The Subject Site is laid out in consideration with the natural drainage constraints and roadway network proposed throughout the site. The multi-family parcel is located near the major roadway corridors to provide an appropriate balance and transition to the remainder of the residential development

throughout the site. Landscape buffers will be provided along the boundaries of each specific zoning district and along adjacent roadways in compliance with the LDO. In addition to the primary entry located at the Deer Valley Road and 251st Avenue intersection, two full access entryways will be provided with 1/4 mile spacing along 251st Avenue. It is also anticipated that the proposed R-3 parcel will include a restricted secondary access point along 251st Avenue. The conceptual location of these future intersections are depicted on **Exhibit 5: Conceptual Development Plan**.

The Subject Site should include numerous opportunities for active and passive recreation through open space, drainage corridors, developed parks, and trails throughout the community. These will be incorporated and detailed further during the preliminary and final plat process as development occurs. The open space program will likely include one central community park that is approximately six acres and will be located at the terminus of Deer Valley Road. The community and neighborhood parks are envisioned to be tied together by open space corridors providing a distinguishing usable open space area that serves the entire development. Several smaller local parks/active open space areas that are integrated into each neighborhood and generally within a 1/4 to 1/2 mile walking distance to all residents within the community will also be provided. Neighborhood parks will include a combination of passive and active amenity types that may include shaded seating areas, limited turf areas, dog parks, sport courts, ramadas, bbqs, tot lots, and walking paths.

The remaining multi-family parcel will include a combination of usable open spaces and private amenities. Pedestrian connections to the collection of parks and usable open spaces will be evaluated in future phases of development. See **Exhibit 6: Conceptual Open Space Plan** which shows the proposed locations of usable open space.

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

Three trail types are proposed for the development, including a Regional Path, Community path, and Local Paths. The Regional Path is a 12' concrete path located along the northern perimeter of the property adjacent to the CAP Canal. This will provide future regional trail connections to the east and west of the property. The Community Path is a 10' concrete path running north/south through the site, connecting from the Regional Path to the various residential parcels and the neighborhood park within the development. The Local Paths are 6' concrete paths and will provide additional connectivity within the individual subdivisions to the Community Path. All three trail types are visually represented on Exhibit 6, Conceptual Open Space Plan.

Zoning Base Districts

There are two zoning districts proposed for the property that will be in conformance with the General Plan and LDO for the property. These districts include R-1 single family residential and R-3 multi-family residential. Detailed descriptions of each of these districts are provided below and defined in Table 3. See **Exhibit 4: Proposed Zoning Map** and **Exhibit 5: Conceptual Development Plan**.

This development proposes an estimated unit count of 1,185 with an overall gross density of 4.0 du/ac; though the overall unit count and density will be regulated by the LDO in accordance with the R-1 and R-3 zoning district requirements. This falls within the Suburban Neighborhood category's allowed density range of 2.0 to 8.0. See **Table 2: Proposed Zoning Districts**.

TABLE 2: PROPOSED ZONING DISTRICTS					
PARCEL	ZONING DISTRICT	GROSS ACRES	LAND USE %	ESTIMATED NET DENSITY	ESTIMATED UNIT COUNT
1	R-1	272.8	92	3.5 DU/AC	945
2	R-3	22.8	8	11.9 DU/AC	240
TOTAL	-	295.6	100	-	1,185

Notes:

- Density and unit count is estimated across each Zoning District and may be exceeded on a parcel to parcel basis, as permitted within each district.
- Net density calculations do not include areas of the property identified for perimeter roadways.

Residential – Single Family

The Residential Low Density (R-1) zoning district provides areas for single-family homes on varying lot sizes and a mix of densities with schools, parks, and other public services necessary for suburban residential neighborhoods. The proposed zoning will allow for the following lot categories:

- A (suburban 4,950-7,999 sf lot area)
- B (suburban 8,000-11,999 sf lot area)

These categories are compatible with the Suburban land use character as outlined in the 2035 General Plan and the LDO. The project proposes approximately 273 acres of low density residential uses throughout the site. The Subject Site is anticipated to have multiple lot types which may include but are not limited to 48' x 115' (5,520 square feet), 53'x120' (6,360 square feet), 58' x 120' (6,960 square feet) and 65' x 125' (8,125 square feet). The estimated proposed unit count allowed within the R-1 zoning district parcels is 945 (3.5 du/ net ac). The actual density per each of the seven development parcels may vary and will be determined during the preliminary and final platting of the property.

Residential – Multi-Family

The R-3 zoning district reflects the Urban Development Type and is allowed in the Neighborhood Character area in accordance with the General Plan. Multi-family residential shall have a minimum of four dwelling units per lot and a net residential density of more than eight dwelling units per acre. The minimum lot size for R-3 zoning is one acre. The Subject Site will permit a variety of uses including but not limited to build-to-rent, duplexes, and multi-story assisted living facilities. This development parcel is intentionally located centrally along the east edge of

the site north of the Deer Valley Road alignment, to place these higher density uses adjacent to a future arterial roadway and provide buffer to existing single family residential uses located west of the subject property. The project proposes approximately 23 acres of multi-family residential uses as shown by the proposed zoning map, built-in accordance with the character areas outlined in the 2035 General Plan and the LDO.

Proposed Regional Transportation Improvements

In discussion with the City of Surprise and in conformance with the City's 2035 General Plan, the following is a summary of the regional roadways within or adjacent to the Subject Site. See **Exhibit 7: Proposed Regional Transportation Plan**.

Deer Valley Road: The City of Surprise Roadway Plan shows Deer Valley Road extending to the Site from the east, but will terminate at 251st Avenue as it enters the property and will not extend into the City of Buckeye due to the Festival Foothills project blocking future access. Through the development of neighboring projects, it has been determined that Deer Valley Parkway will veer off the existing alignment immediately west of 227th Avenue and run diagonally through Surprise Foothills, and Deer Valley Road will continue as a minor arterial with 110-feet of total right-of-way west of 231st Avenue. Festival Foothills was built with lots backing the entire western edge of the Subject Site, with no available connection points to their internal street network. Due to this, Deer Valley Road will terminate within the Subject Site. As this road serves as the main access to this development, the developer will be required to obtain an access easement from the state land department to extend Deer Valley east from 243rd Avenue.

TABLE 3: ROADWAY CLASSIFICATION		
ROADWAY	ROADWAY CLASSIFICATION	PROPOSED ROW
Deer Valley Road	Minor Arterial	110'
251st Avenue	Minor Arterial	110'

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

251st Avenue: 251st is designated as a minor arterial with 110-feet of total ROW (55-feet west half street), connecting south from Sun Valley Parkway and running along the eastern boundary of the property.

In summary, the proposed regional transportation network follows the 2035 General Plan Street Transportation Map and as provided above and in **Table 3: Roadway Classification**. All roads immediately adjacent to and within the project will be designed and constructed per City of Surprise standard cross sections at the time of preliminary plat review.

Utilities & Services

Drainage: The proposed drainage solution consists of a rock trapezoidal perimeter channel. The channel conveys the floodway combined with the offsite floodplain at southerly portion of the site.

To create the largest dry area possible for potential development, both offsites flows entering the south property line are collected in one channel and routed to the east and north along the south and east property line respectively.

Water & Sewer: Both the water and sewer for the project will be served by the City of Surprise. Due to the remote nature of the subject property, significant offsite infrastructure will be required to physically provide the services necessary. Based on available records and through discussions with City staff, it was determined that the nearest water campus is WSF-3, which is located roughly 2-miles due east of the project along the north side of the W. Deer Valley Road alignment. This campus is being developed in part with the Surprise Foothill subdivision and will be expanded as needed to serve the area. It is anticipated that a new 24" water main will be installed

beneath the Deer Valley Road extension to connect the project to the City water system and will be the primary supply for water service at the project site. The project interior distribution network is expected to be made up of 6" – 24" main sizes to support the demands. Water supply to serve the project will be determined as the project continues due to varying needs and new projects in the vicinity. Due to the uncertainty of demand conditions in the future, the extent of water campus expansion or production well additions are currently unknown.

Based on a meeting with City of Surprise Water Resources Department staff on August 17, 2023, several specific requests were made as it pertains to continued development requirements for this project. Those additional requirements are identified as follows: the project is required to initiate discussions with the City of Buckeye to try and get a valve-controlled interconnect between Surprise and Buckeye water systems (for emergency purposes only), the project will be required to make two or more connections to the offsite public portion of the water main for redundancy, a 150'x150' future well site will need to be provided within the subdivision, a transmission main connecting the well site to WSF-3 will be added to the offsite infrastructure, and the City wishes to establish groundwater recharge basins with projects adjacent to the CAP Canal, where feasible. With respect to the Buckeye/ Surprise interconnect and the desire for recharge basins, these are currently only requests by staff and will require further investigation and negotiations with outside sources to determine feasibility and viability for the future.

The nearest sewer treatment facility is SPA3-WRF, which is located approximately 9-miles southeast of the project. The City has indicated that there is currently no sewer main extended in the vicinity, so the project will need to provide offsite improvements along Deer Valley Road to connect the subdivision to the treatment plant. At this time, it is anticipated that an offsite collection main will be constructed ahead of this project and consist of 24" – 48" sewer mains that are expected to extend to near the WSF-3 water campus to serve Surprise Foothills. With this, the project is currently only anticipating a need to extend approximately 2-miles of sewer main to physically serve the project. The onsite collection

system is projected to include 6" – 18" sewer mains. Treatment capacity at the plant is provided on a first come, first served basis, and will likely be established as a phased approach which will be dependent on other improvements and projects in the area when final design is being prepared.

Both water and sewer systems being connected to were constructed by private developers and have been/will be turned over to the City ultimately (if not so already). It is known that the developers of the infrastructure have provisions in place to sell and allocate openly available capacities for water and sewer demands in the area. Discussions have been initiated with the controlling parties to determine and acquire the necessary assurances for water and sewer service for the subject project.

It should be noted that both the water and sewer extensions along the Deer Valley Road alignment cross State Trust Land and will require the transfer or acquisition of land for public R/W along the proposed route.

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

Fire & Police: The City of Surprise will provide fire and police protection service to the property. The closest existing fire station is Fire Station #2, located approximately 14 miles from the property at Union Hills and Grand Avenue, but a new fire station is proposed as part of the Surprise Foothills development two miles to the east. The closest police station is located at 13063 West Bell Road at Dysart Road, approximately 15 miles from the property.

Environmental Inventory Plan

An Environmental Inventory Plan will be provided in the Preliminary Plat stage to identify the extent of environmentally sensitive features present on the site that are to be protected.

4. REGULATORY DEVELOPMENT STANDARDS

This section contains the land use and regulatory development provisions to implement the Subject Site in accordance with the Surprise LDO and PEDS manual. These provisions constitute the primary tool for use by the City and the Developer to ensure that Subject Site develops in conformance with this document. Furthermore, this section includes information relating to the required development standards as prescribed by the base zoning districts outlined above including permitted uses, setbacks, heights, coverage, and general standards. All development within the project area shall conform to all City of Surprise Codes, Policies, and Regulations.

Residential Low Density (R-1)

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

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

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

Residential High Density (R-3)

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

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

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

General Development Standards

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

5. CONCLUSION

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

EXHIBIT 1 | REGIONAL VICINITY MAP

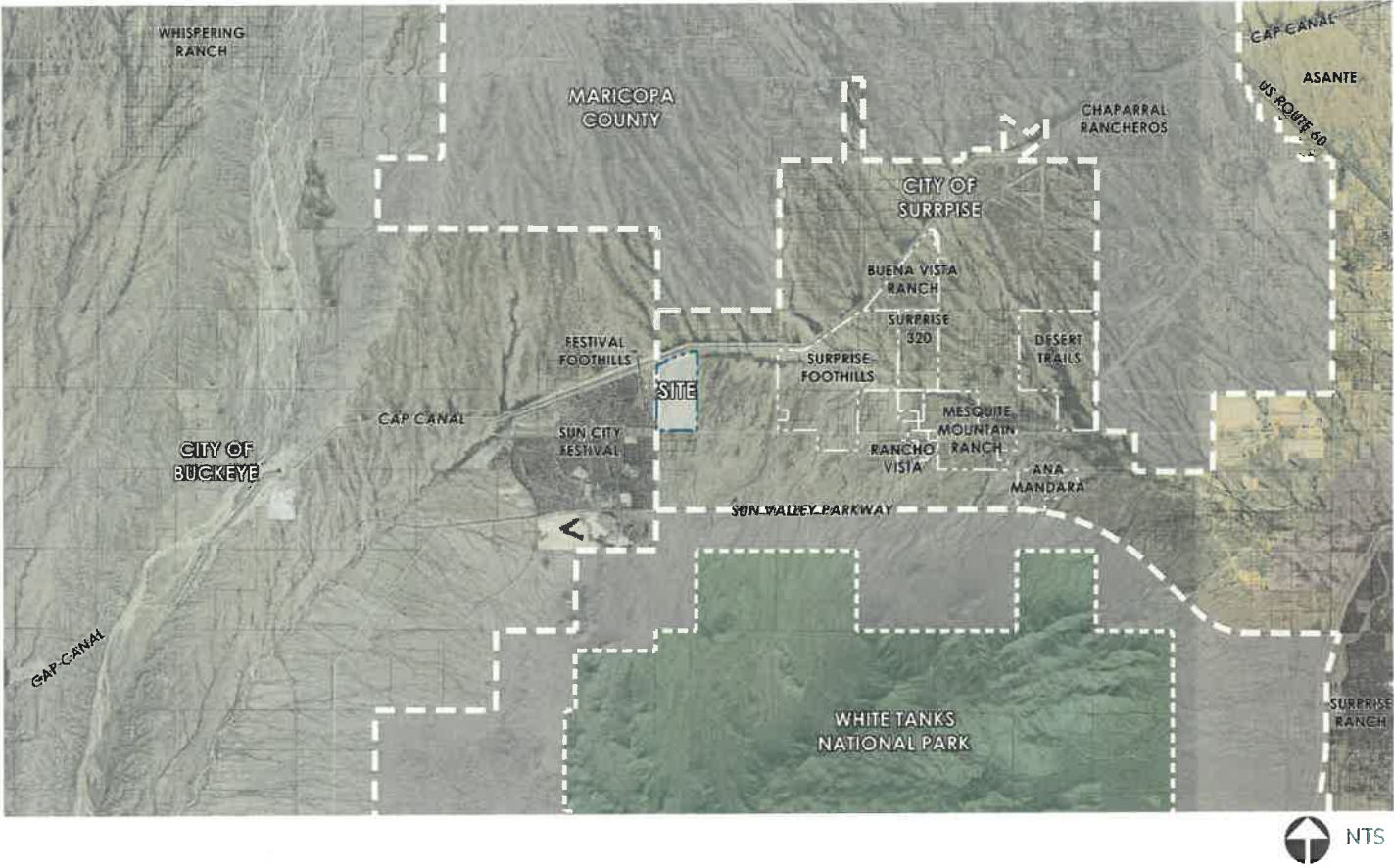


EXHIBIT 2 | GENERAL PLAN LAND USE MAP

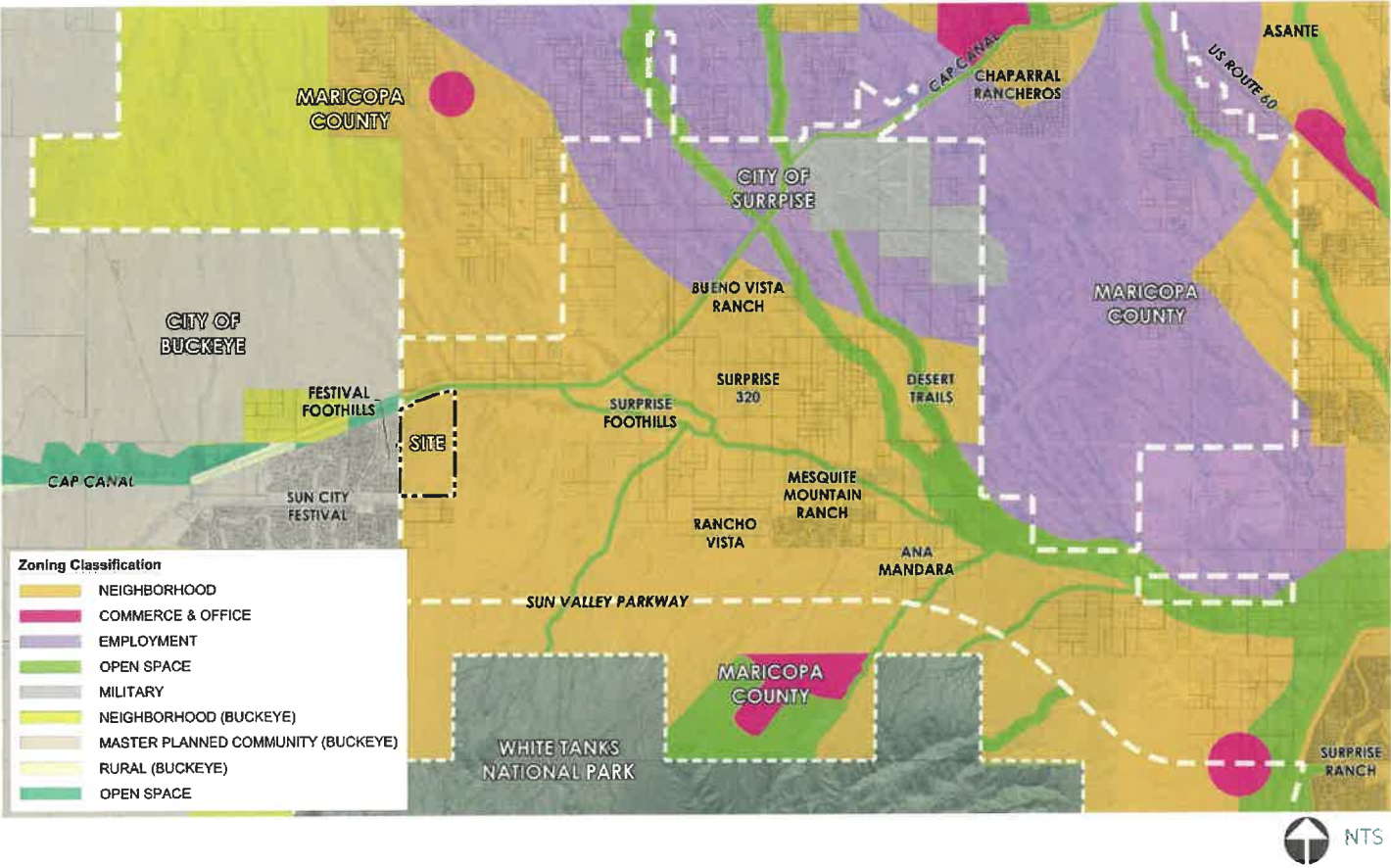


EXHIBIT 3 | EXISTING ZONING MAP

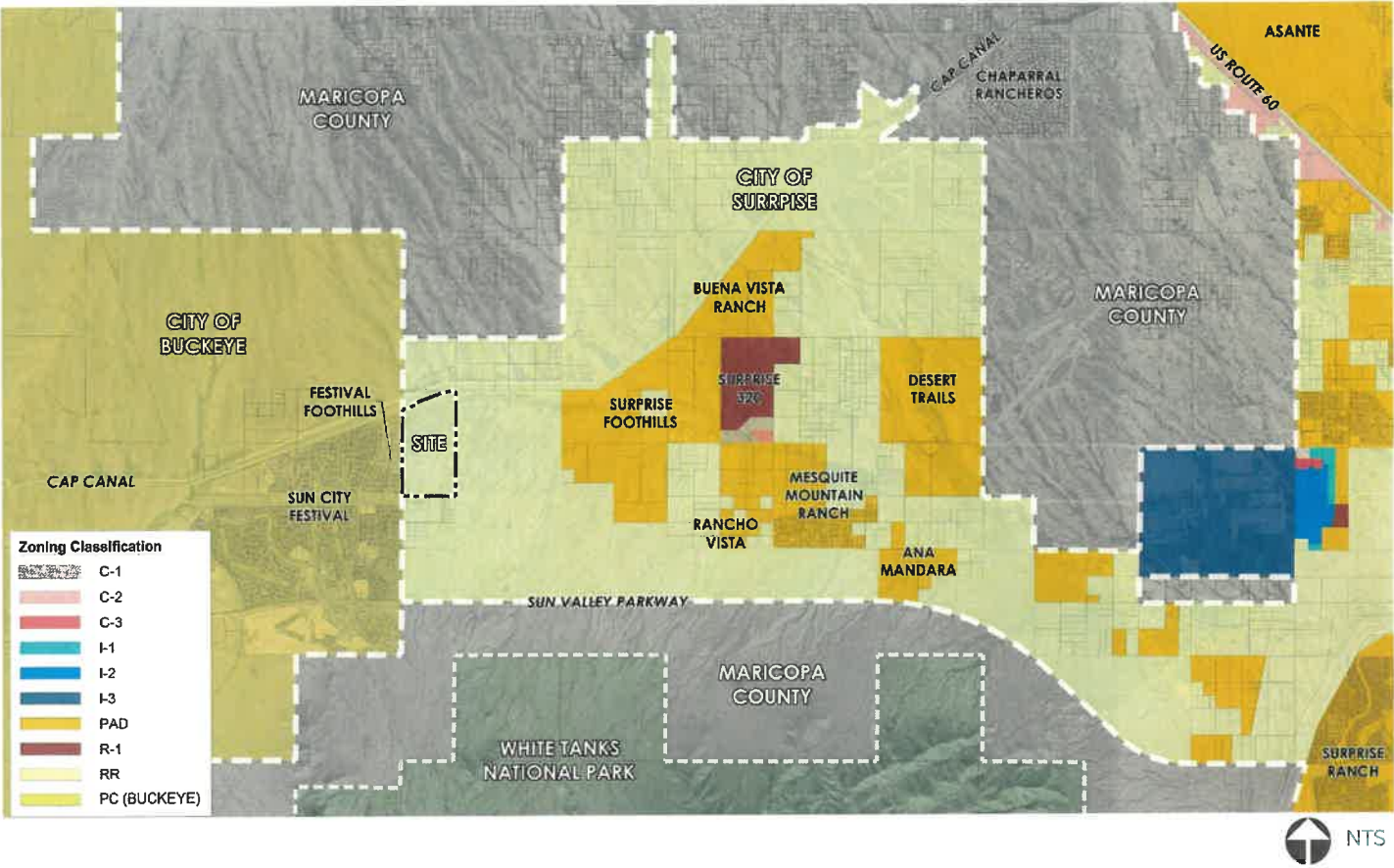


EXHIBIT 4 | PROPOSED ZONING MAP

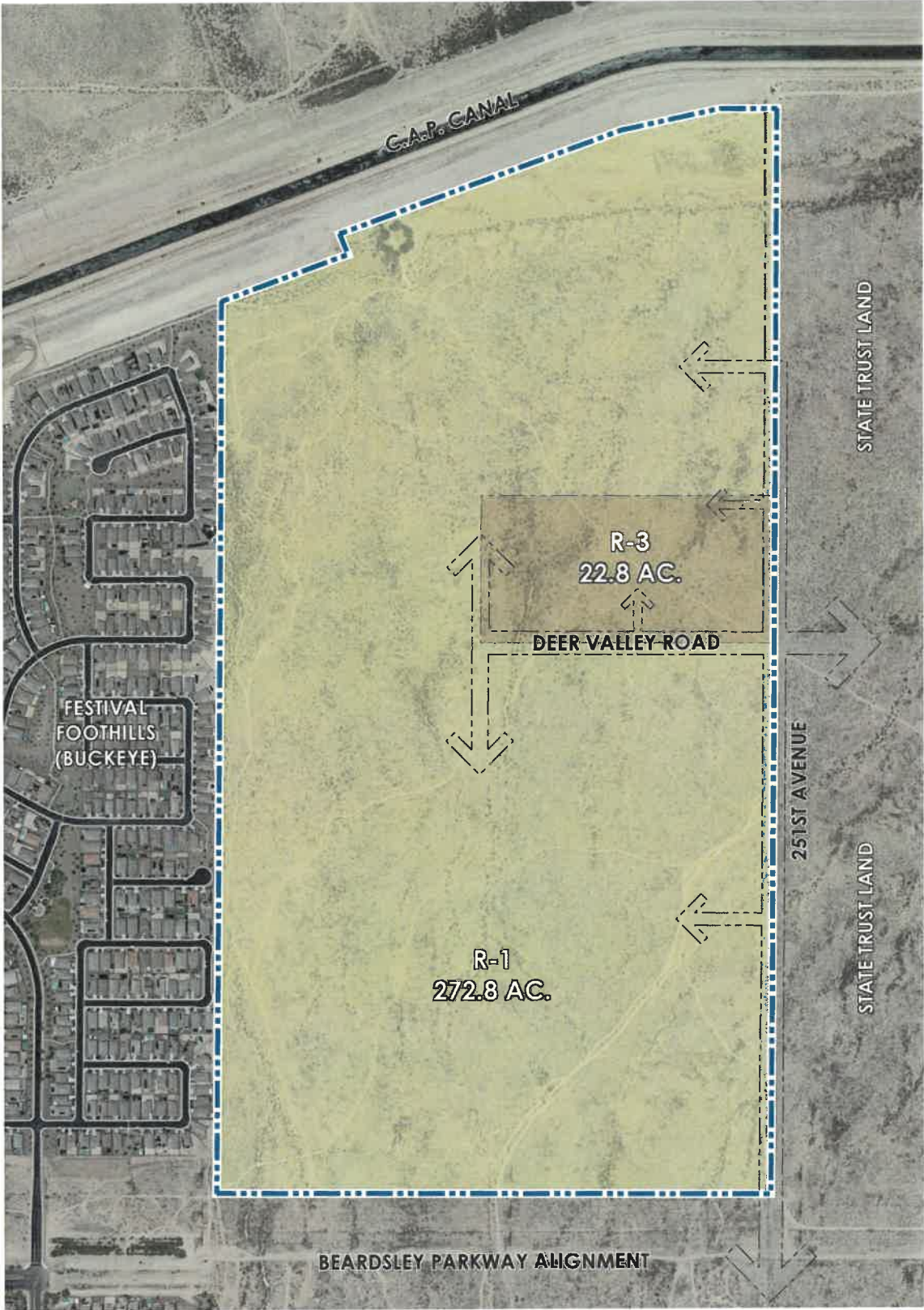


EXHIBIT 5 | CONCEPTUAL DEVELOPMENT PLAN

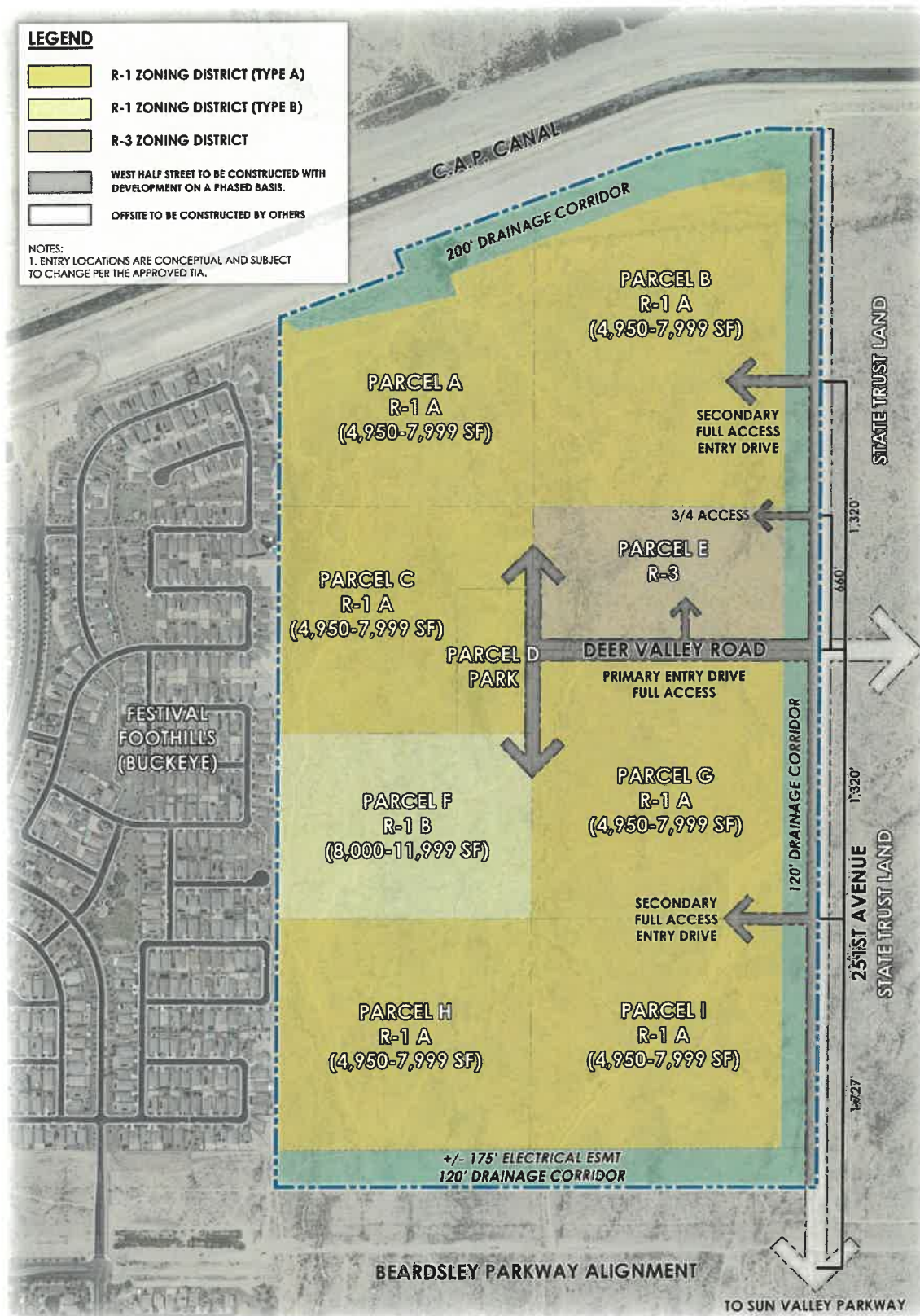


EXHIBIT 6 | CONCEPTUAL OPEN SPACE PLAN

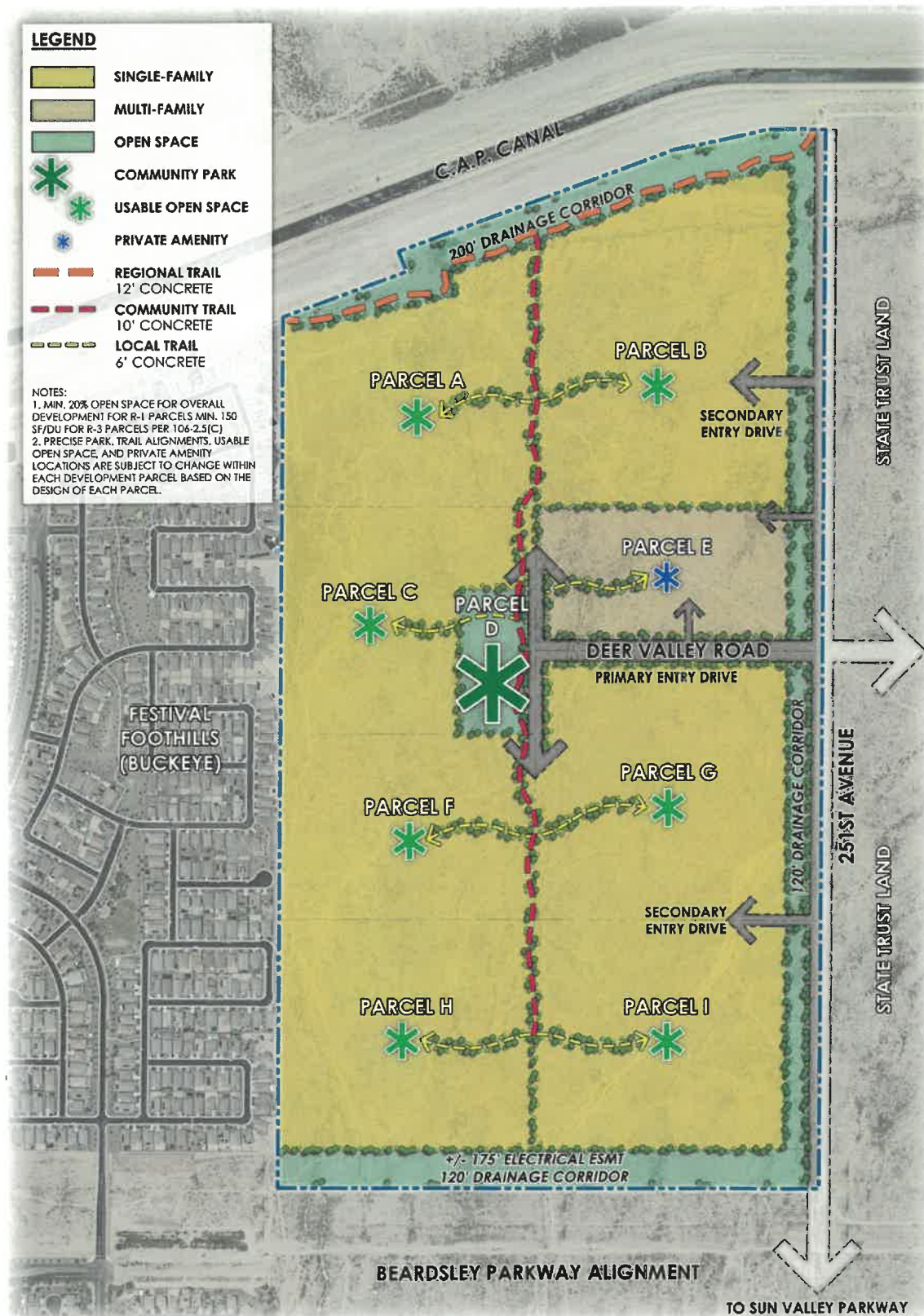


EXHIBIT 7 | REGIONAL TRANSPORTATION PLAN

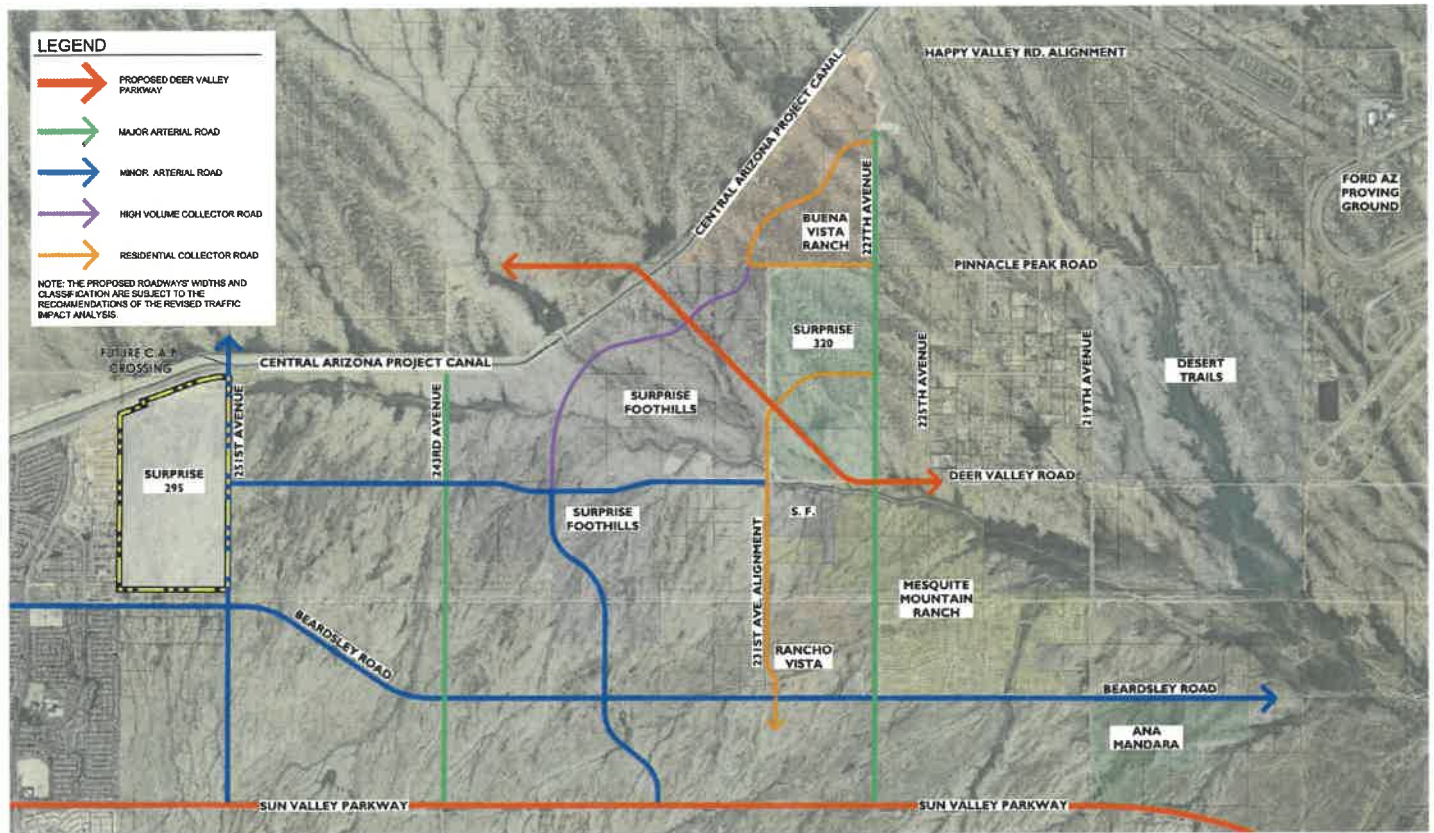


EXHIBIT D

Depiction of Access Option #1

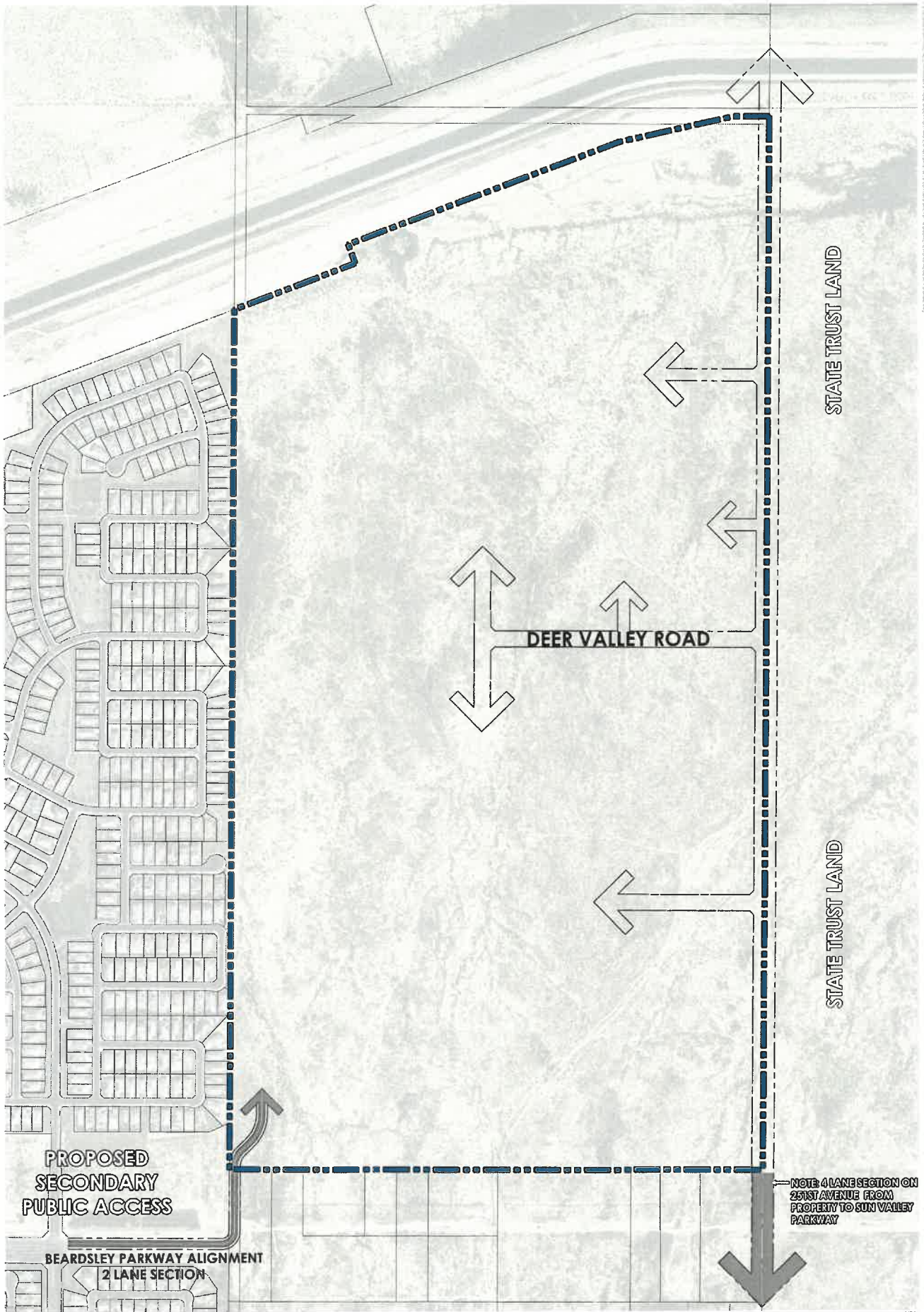
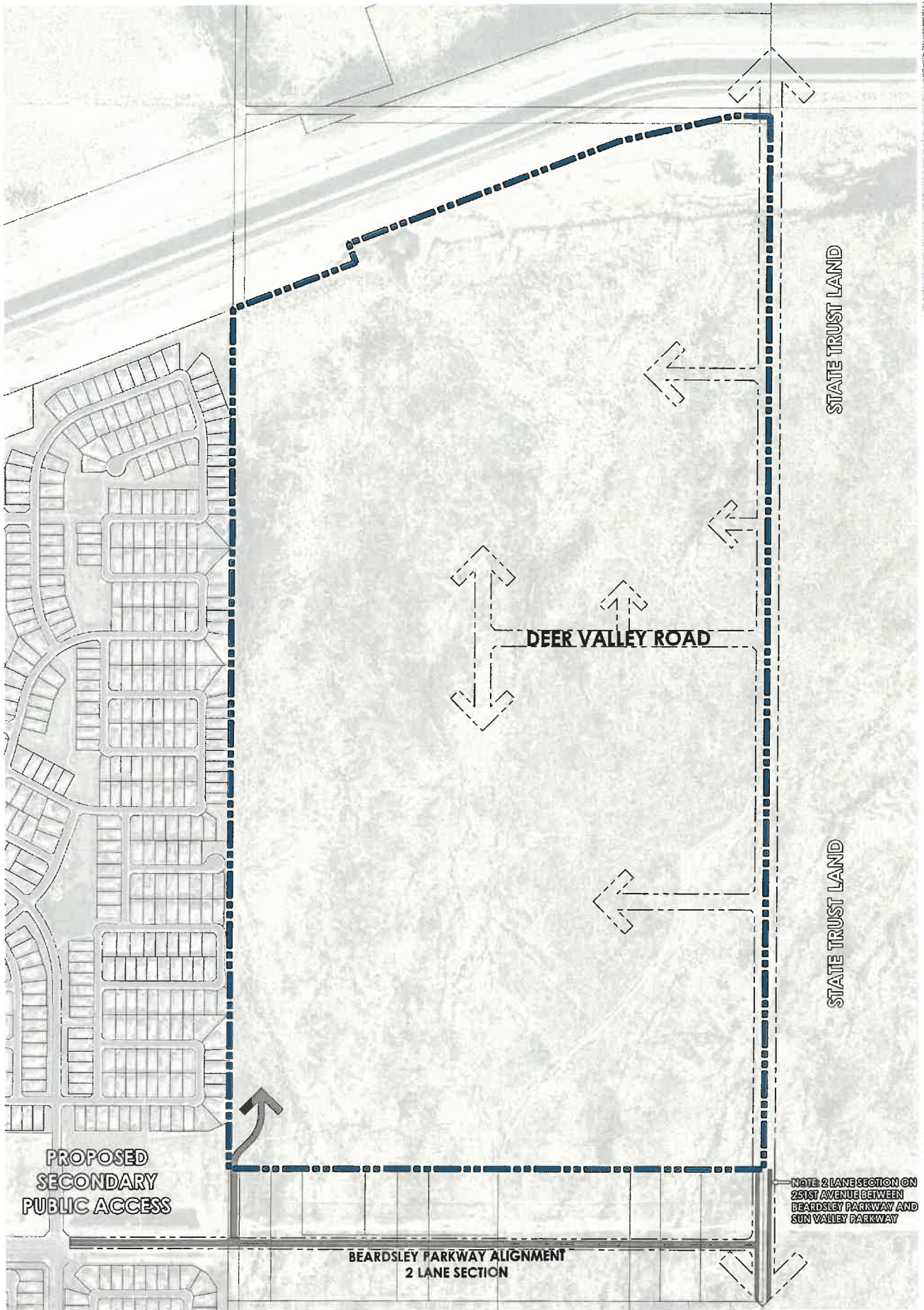


EXHIBIT E

Depiction of Access Option #2

1



SURPRISE 295 • CONCEPTUAL SITE PLAN - SECONDARY ACCESS OPTION # 2

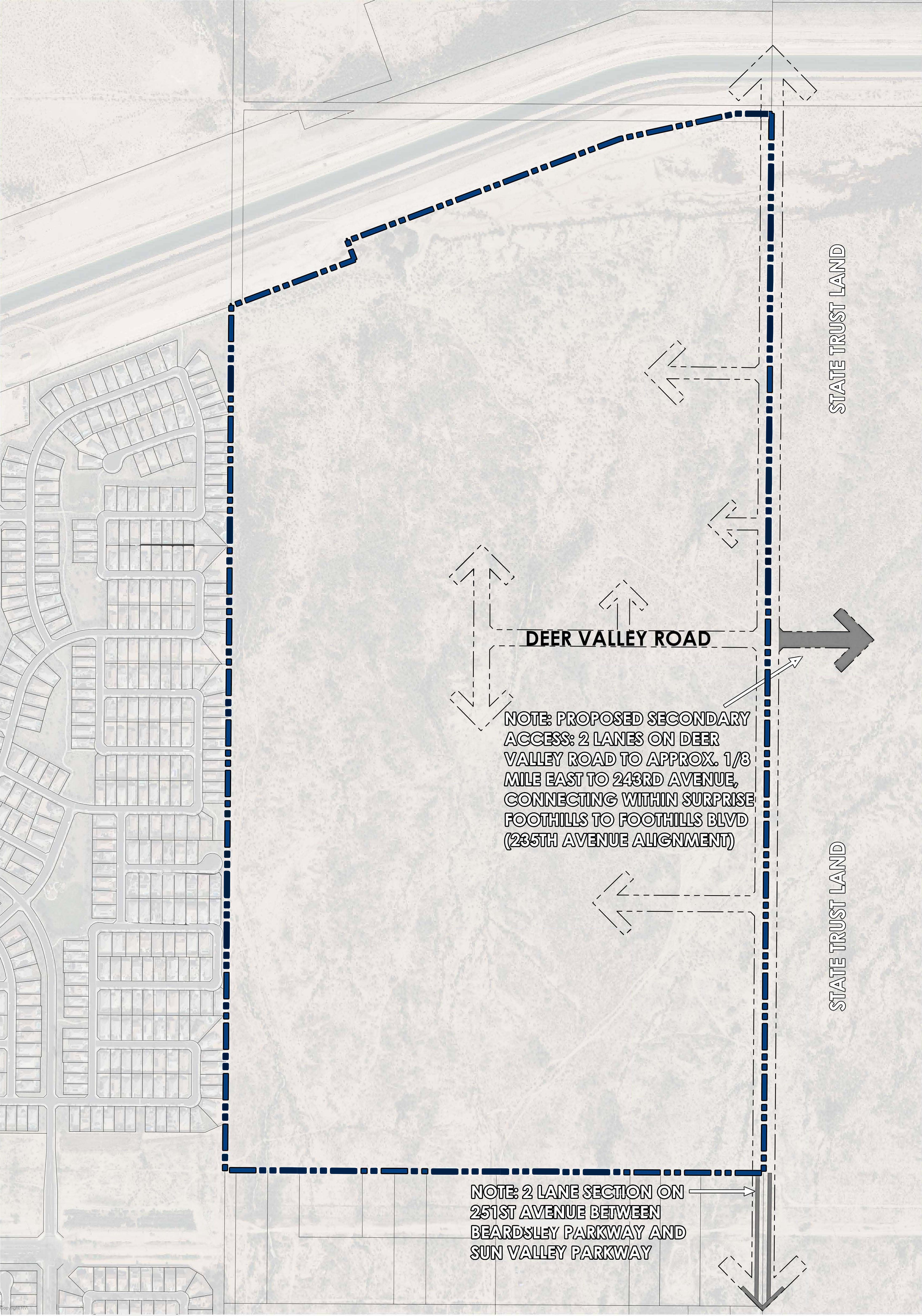
SURPRISE, AZ
 2025-02-03
 # 21003808
 HAMPTON GROUP



Information furnished regarding this property is based on records, documents, and other data not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is preliminary, subject to change, and does not constitute any regulatory approval.

EXHIBIT F

Depiction of Access Option #3



Surprise 295

Development Agreement

Resolution 2025-62

City Council

June 3, 2025



SURPRISE
ARIZONA

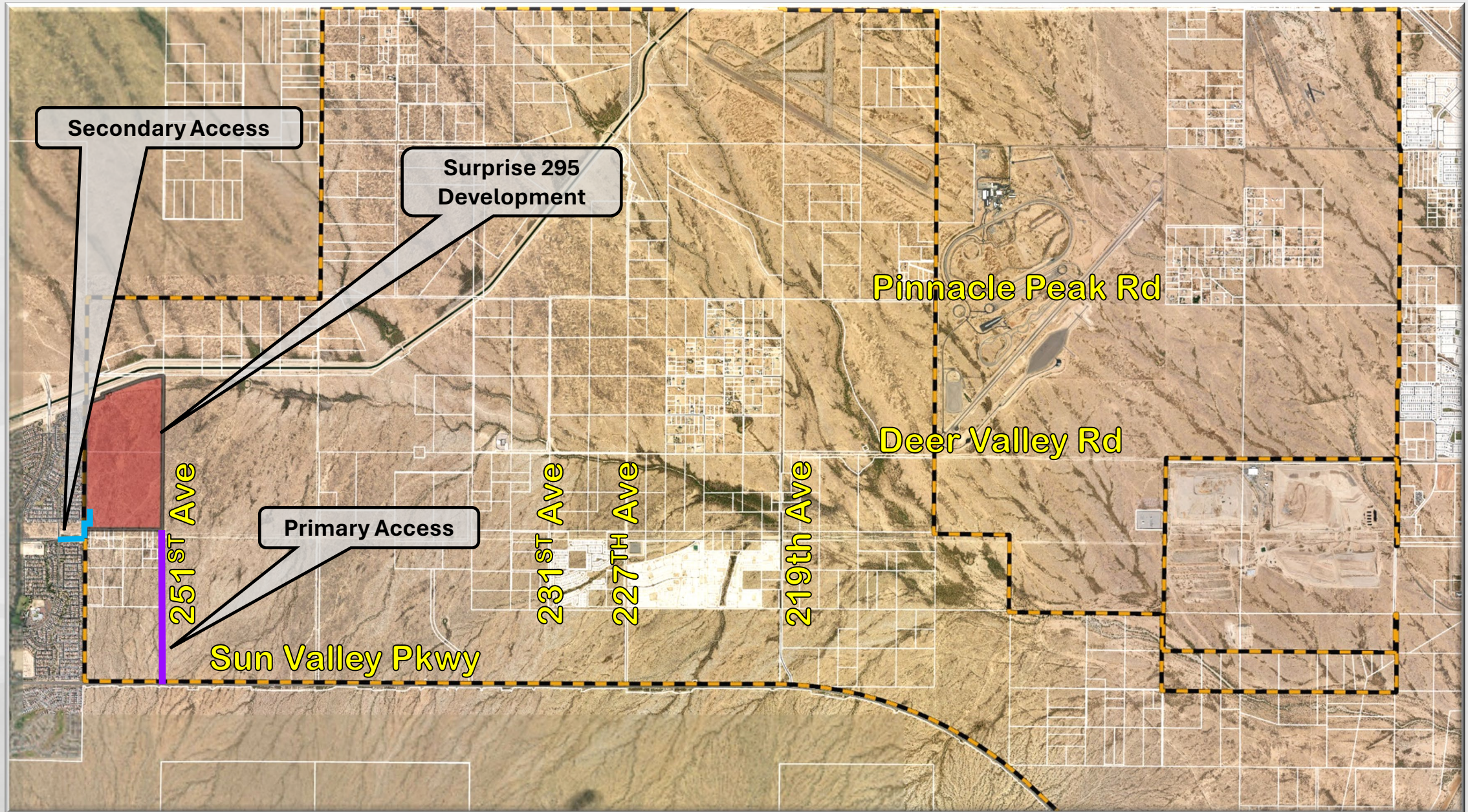
Owner's \ Developer's Obligations

- Must finance, design, construct, and dedicate to the city a well site and well transmission line connecting the well site to either the Surprise Foothills Water Supply Facility or an existing appropriately sized transmission line and provide either two points of connection to the city's existing water distribution system, or one point of connection to the city's system along with an emergency interconnect with the City of Buckeye's water system.
- Must secure wastewater treatment capacity at the SPA 3 Water Reclamation Facility (SPA 3 WRF) according to the SPA 3 Regional Wastewater Treatment Plant Capacity Allocation Agreement (MCR # 20190029551). If no capacity is available for purchase, the owner is required to participate in expanding the SPA 3 WRF.

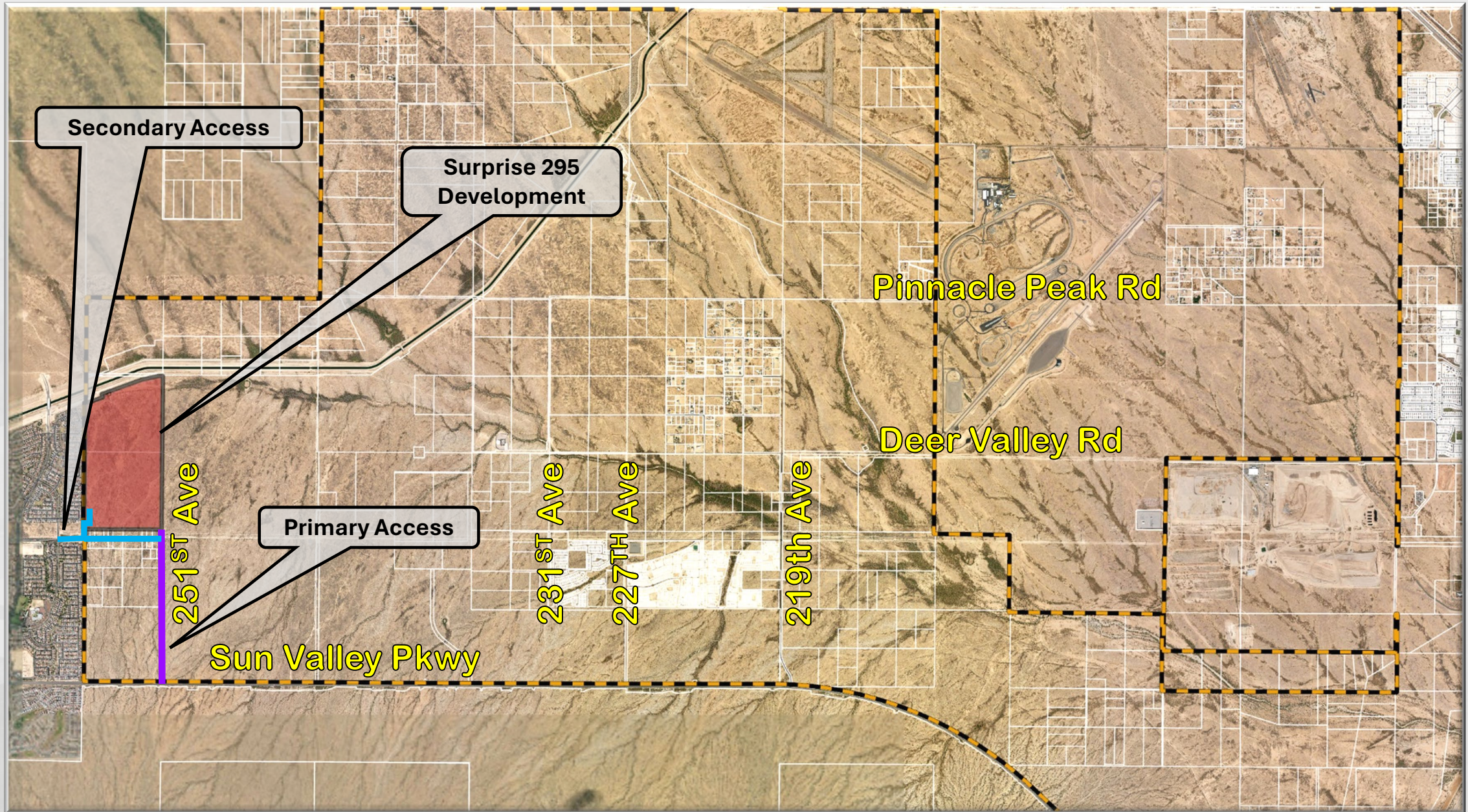
Owner's \ Developer's Obligations

- Three roadway improvement options.
 - Option 1 (Beardsley Road Connection), the owner would complete off-site improvements to 251st Avenue from the southern edge of the property to Sun Valley Parkway for primary access, Beardsley Road from 251st Avenue to Desert Vista Boulevard for secondary access, and a local road from the property to Beardsley Road.
 - Option 2 (251st Avenue Connection) requires the owner to complete east-half street minor arterial improvements to 251st Avenue from Beardsley Road to Deer Valley Road and full street minor arterial improvements from Beardsley Road to Sun Valley Parkway. Similar to Option 1, the owner would also complete Beardsley Road and the connecting local road improvements.
 - Under Option 3 (Deer Valley Road Connection), the owner must complete 251st Avenue improvements from the property to Sun Valley Parkway, as in Option 1, and Deer Valley Road improvements from 251st Avenue to approximately 600 feet east of 243rd Avenue for secondary access.

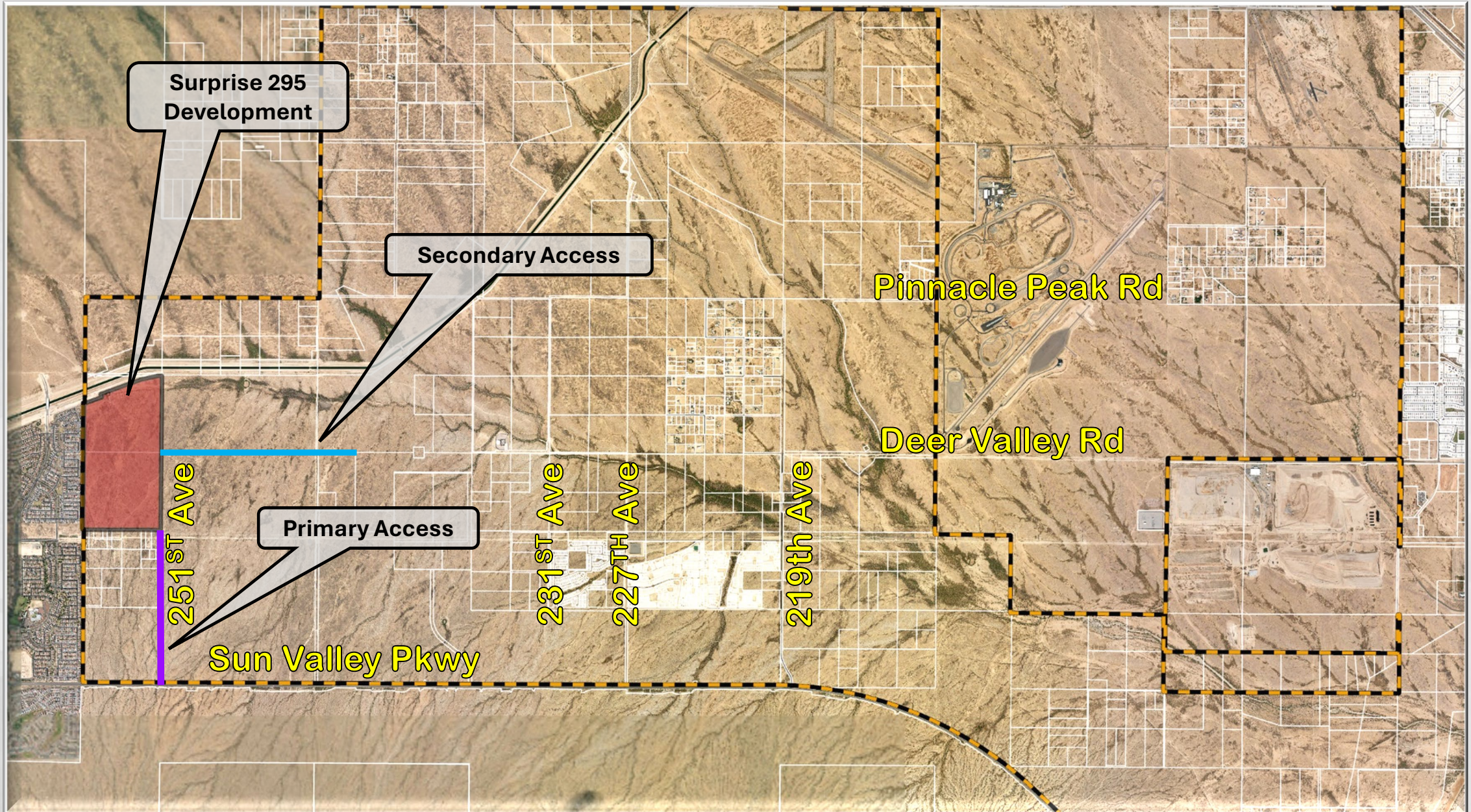




OPTION #1 MAP



OPTION #2 MAP



OPTION #3 MAP

City's Obligations

- Assist the owner in acquiring any necessary right-of-way for the installation of the roadways, at the owner's expense, in accordance with the agreement.



SURPRISE
ARIZONA

Questions or Comments?

THANK YOU



SURPRISE

ARIZONA



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 3, 2025 Contact Person: Adam Lane
Submitting Department: Human Svcs and Comm District: Citywide
Vitality
Staff Recommendations:

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

Consideration and action pertaining to approval of Amendment No. 2 to the intergovernmental agreement with Maricopa County for Homeless Outreach and Navigation Services; Resolution #2025-69.

Motion:

I move to approve Resolution #2025-69.

Background:

The City and County entered into Intergovernmental Agreement (IGA) #C-22-24-050-X-01 effective November 1, 2023, to establish a collaboration between the parties to reduce homelessness in the Agua Fria Wash. The City of Surprise, along with other West Valley cities, collaborate with Maricopa County by providing funding for Street Outreach Case Workers that assist unsheltered individuals in finding resources and ultimately transition into permanent housing. Homeless Outreach and Navigation Services are critical to the City's economic health. A strategic investment and partnership with Maricopa County will enhance homeless services for Surprise. Amendment No. 1 to the agreement extended the term through June 30, 2025.

Objective Analysis:

Amendment No. 2 extends the IGA for an additional one (1) year term through June 30, 2026. The amendment also revises Section 2.0 expanding the program to homelessness in West Valley communities in general, which includes the Agua Fria Wash. All other terms and conditions of the IGA remain in full force and effect except as amended by Amendment Nos. 1 & 2.

Policy Compliant:

This item is compliant with City and Council policies.

Financial Impact:

The total City of Surprise contribution for the funding three (3) Street Outreach Case Manager positions will not exceed \$50,000 annually.

Budget Impact:

The HSCV Department and the Police Department will be sharing the expenses of this contract with \$28,500 from HSCV's General Fund and the remaining \$21,500 from the Police Department RICO funds. The budget authority is included in both departments' FY26 operating budget.

FTE Impact:

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

ATTACHMENTS:

1. Amendment No. 2 - Hand in Hand Program
 2. Resolution 2025-69
-

**AMENDMENT NO. 2
TO THE AGREEMENT
BETWEEN
MARICOPA COUNTY
ADMINISTERED BY ITS HUMAN SERVICES DEPARTMENT
AND
CITY OF SURPRISE**

- I. Maricopa County ("County") administered by its Human Services Department and the City of Surprise ("City") fully executed a financial Intergovernmental Agreement ("Agreement") on or about January 10, 2024. The purpose of the Agreement is to establish a collaboration between the Parties to reduce homelessness in Maricopa County through the County's "Hand in Hand" program (the Program). Program outreach will include a combination of case management, coordination with municipal entities, workforce and mental health care connections and substance use support. Under the Agreement, the City provides funds to the County for program service delivery. The Agreement term is November 1, 2023, through June 30, 2024. The County and the City collectively are referred to as the "Parties" and individually as the "Party."

The Parties fully executed Amendment No. 1 on or about July 24, 2024. The Amendment extended the Agreement term through June 30, 2025, and provided the County funding for the extension term, Fiscal Year 2025 (FY25), in the amount of \$50,000 for Program service delivery. The Amendment also updated the County Point of contact in section 10.0 Notices.

- II. The Parties now agree to enter into this Amendment No. 2 to amend the Agreement as authorized by Section 4.0 (Amendments). The Amendment No. 2 addresses the following items:
- A. Extend the Agreement term from July 1, 2025, through June 30, 2026.
 - B. Revise Section 2.0 (Purpose), by removing Subparagraph 2.1 in its entirety and replacing it with the following:
 - 2.1 The purpose of this Agreement is to establish a collaboration between the Parties focused on a strategy to reduce homelessness in the West Valley communities, including the Agua Fria Wash, through the County's "Hand in Hand" Program (Program). The City of Surprise, Sun City, Sun City West, Waddell, Wittmann, Town of Youngstown and City of El Mirage (Subregional Partners) are committed to provide outreach teams with needed resources to assist individuals who are unsheltered to transition into permanent housing.
 - C. Revise Section 5.0 (Funding) to amend the Agreement as follows:
The City shall provide the County with \$50,000 defined in Attachment A, Budget for the Agreement term.
 - D. Revise Section 8.0 (Responsibilities of Organizations), by removing it in its entirety and replacing with the following:
 - 8.0 RESPONSIBILITIES OF ORGANIZATIONS**
 - 8.1 The County shall:
 - 8.1.1 Assign outreach staff, either County staff or contracted agency staff to:

- 8.1.1.1 Provide outreach 7 days a week, a minimum of 8 hours a day.
- 8.1.1.2 Collaborate with homelessness service agencies and other local partners to coordinate services for clients.
- 8.1.1.3 Complete information in HMIS (Homeless Management Information System). Ensure demographic data is entered on all persons contacted, and all activities assisted with under this Program in accordance with the local HMIS standards on data collection. Outreach staff must also enter latitude and longitude to log location where individuals were contacted.
- 8.1.1.4 Utilize the Continuum of Care (COC) Community Adopted Best practices as a guide for core competencies and service delivery.
- 8.1.1.5 Ensure activities are designed to meet the immediate needs of people experiencing homelessness in unsheltered locations by connecting them with emergency shelter, housing, or critical services, and providing them with urgent, non-facility-based care. Component services generally consist of:
 - 8.1.1.5.1 Engagement
 - 8.1.1.5.1.1 Activities to locate, identify and build relationships with individuals or families living in unsheltered settings for the purpose of providing immediate support, intervention, and connections with homeless assistance programs or mainstream social services and housing programs.
 - 8.1.1.5.1.2 These activities consist of making an initial assessment of needs and eligibility; providing crisis counseling; addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries; and actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs, including emergency shelter, transitional housing, community-based services, permanent supportive housing, and rapid re-housing programs.
 - 8.1.1.5.2 Case management

- 8.1.1.5.2.1 Assessing housing and service needs, and arranging, coordinating, and monitoring the delivery of individualized services.
- 8.1.1.5.2.2 Eligible services and activities are as follows: using coordinated entry; conducting the initial evaluation, including verifying and documenting eligibility; counseling; developing, securing, and coordinating services; obtaining Federal, State, and local benefits; monitoring and evaluating program participant progress; providing information and referrals to other providers; and developing an individualized housing and service plan, including planning a path to permanent housing stability.
- 8.1.1.5.2.3 These services may be provided to clients staying in shelter via hotel or other shelter service provider within the designated service area.
- 8.1.1.5.3 Transportation
 - 8.1.1.5.3.1 The transportation costs of travel by outreach workers, social workers, medical professionals, or other service providers are eligible, provided that this travel takes place during the provision of services eligible under this section. The costs of transporting unsheltered people to emergency shelters or other service facilities are also eligible.
- 8.1.1.5.4 Administration of flex funds
 - 8.1.1.5.4.1 Flexible spending account funds must be for the purpose of clients obtaining or retaining housing and/or eliminate barriers in obtaining or retaining housing. Priority given to clients currently sleeping outdoors and not in shelter.
 - 8.1.1.5.4.2 Flex funds can be administered with up to \$5,000 per household per year.
 - 8.1.1.5.4.3 Expenditures can include any of the following items (any items not

on this list must receive prior approval from Maricopa County before purchase):

- 8.1.1.5.4.3.1 Hotel stays
- 8.1.1.5.4.3.2 Diversion to another sheltered location (bus ticket to family, friend in another jurisdiction or state.)
- 8.1.1.5.4.3.3 Legal fees for prior legal judgements or expunging legal judgements.
- 8.1.1.5.4.3.4 Vehicle repairs or vehicle payments to prevent loss of employment.
- 8.1.1.5.4.3.5 Housing search and placement.
- 8.1.1.5.4.3.6 Rental application fees (when charged by the owner to all applicants.)
- 8.1.1.5.4.3.7 Security deposits (no more than two month's rent.)
- 8.1.1.5.4.3.8 Rent for the last month of a lease agreement.
- 8.1.1.5.4.3.9 Utility deposits (when required by utility company for all customers.)
- 8.1.1.5.4.3.10 Moving and storage costs for up to three months.
- 8.1.1.5.4.3.11 Costs associated with pet rent, pet fees and/or pet related costs that are a barrier to housing or shelter services.
- 8.1.1.5.4.3.12 Service Eligibility
- 8.1.1.5.4.3.13 Other housing related costs that are a great burden or barrier to remaining sheltered (household furniture like a mattress, cookware); these must be approved in writing by Maricopa

County Homeless
Initiatives staff.

8.1.1.5.4.3.14 Other items must be approved in writing by Maricopa County.

8.1.2 Assign County Coordinator to be the primary liaison with City officials, local designees, and the street outreach team to effectively execute the Program. The Coordinator will:

8.1.2.1 Work with local designees to coordinate services with local emergency services, parks and recreation, libraries, and other departments as outlined by the City.

8.1.2.2 Act as a point of contact for the County to respond to escalated issues.

8.1.2.3 Coordinate regular case conferencing meetings to improve service delivery of clients experiencing homelessness.

8.1.3 Provide the City with reports on a monthly basis on the 30th of the month for the previous month of activities containing the following data metrics:

8.1.3.1 Summary of services provided:

8.1.3.1.1 Outreach

8.1.3.1.1.1 Total number of unduplicated contacts

8.1.3.1.1.2 Total number of unduplicated clients engaged in the program

8.1.3.1.1.3 Total number of positive exits

8.1.3.1.1.4 Total number of clients that obtain receipt of outside benefits

8.1.3.1.1.5 Total number of referrals received

8.1.3.1.1.6 Response time: same day, 1 day and 2 or more days

8.1.3.1.2 Flex funds

8.1.3.1.2.1 Total number of applications received.

8.1.3.1.2.2 Total number of applications processed.

8.1.3.1.2.3 Total number of clients that obtained housing.

8.1.4 Collaborate with the City to establish a standard response time for outreach referrals to be reported monthly.

8.2 The City shall:

8.2.1 Work collaboratively with the County and other Subregional Partners in implementing the effort primarily through:

8.2.1.1 Regular meetings to create strategic plans and to review progress.

8.2.1.2 Facilitate Connection to key City departments and points of contact to further the goal of the effort.

8.2.1.3 Identification of a primary point of contact to represent the City in strategic plans, progress, and escalated issues.

8.2.1.4 Review data and findings to identify opportunities, where possible, for sustainability of services beyond the term of this contract.

8.2.2 Reimburse the County for eligible expenses made against the Budget specified in Attachment A.

E. Update Section 10.0 (Notices) as follows for Maricopa County:

Maricopa County Human Services Department
 KateLynn Dean, Homeless Initiatives Program Manager
 234 N. Central Avenue, STE 3000
 Phoenix, AZ 85004
 602-657-0361
katelynn.dean@maricopa.gov

F. Revise Section 15.0 (General Liability Insurance Exception), by replacing with the following language:

Each Party is a public entity and shall provide the other Party a Certificate of Self-Insurance. The City will send their Self-insured certificate of insurance to HSDcontracts@maricopa.gov. Both Parties Certificates of Self-Insurance shall be equal to:

General Aggregate:	\$2,000,000
Each Occurrence Limit:	\$1,000,000

G. Add the following Sections to the Agreement:

24.0 ADMINISTRATIVE CHANGE ORDERS

24.1 The Chairman of the Board of Supervisors is authorized, upon the recommendation of the Human Services Department Director and Legal Counsel, to review and execute administrative changes to the Agreement on behalf of the County through Administrative Change Orders. Administrative Change Orders will be effective upon execution by both the Parties. Administrative Change Orders shall address any of the following changes:

24.1.1 Modifications to the project timeline if the last day of the project timeline is within the Agreement term;

24.1.2 Modifications to Budget line items if the Agreement Amount remains unchanged;

24.1.3 Modifications required by federal, state, or County regulations, ordinances, or policies; and/or

24.1.4 Modifications to Administrative requirements such as changes in reporting periods, frequency of reports, or report formats required by the federal, state or local regulations, policies, or requirements.

25.0 WRITTEN CERTIFICATION PURSUANT TO A.R.S. § 35-393.01

If the City engages in for-profit activity and has 10 or more employees, and if this Agreement has a value of \$100,000 or more, then the Subrecipient certifies it is not currently engaged in and agrees for the duration of this

Agreement not to engage in, a boycott of goods and services from Israel. This certification does not apply to a boycott prohibited by 50 U.S.C. § 4842 or a regulation issued pursuant to 50 U.S.C. § 4842.

26.0 ACRONYMS AND DEFINITIONS

Acronyms and Definitions found under 2 C.F.R. §§ 200.0 & 200.1 are hereby incorporated by reference.

27.0 UYGHUR FORCED LABOR PREVENTION ACT (UFLPA)

- 27.1 The City warrants and certifies that it does not currently, and agrees for the duration of the agreement that it will not, use:
 - 27.1.1 the forced labor of ethnic Uyghurs in the People's Republic of China.
 - 27.1.2 any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China.
 - 27.1.3 any contractors, subcontractors or suppliers that use the forced labor or any goods or services produced by the forced labor of ethnic Uyghurs in the People's Republic of China.
- 27.2 If the City becomes aware during the term of the Agreement that the City is not in compliance with this paragraph, the City shall notify the County within five business days after becoming aware of the noncompliance. Failure of the City to provide a written certification that the City has remedied the noncompliance within one hundred eighty (180) days after notifying the County of its noncompliance, this Agreement shall terminate unless the Term of this Agreement shall end prior to said one hundred eighty (180) day period.

28.0 FORCE MAJEURE

- 28.1 Neither Party shall be liable for failure of performance, nor incur any liability to the other Party on account of any loss or damage resulting from any delay or failure to perform all or any part of this Agreement if such delay or failure is caused by events, occurrences, or causes beyond the reasonable control and without negligence of the Parties. Such events, occurrences, or causes will include Acts of God/Nature (including fire, flood, earthquake, storm, hurricane, or other natural disaster), war, invasion, act of foreign enemies, hostilities (whether war is declared or not), civil war, riots, rebellion, revolution, insurrection, military or usurped power or confiscation, terrorist activities, nationalization, government sanction, lockout, blockage, embargo, labor dispute, strike, pandemic, and interruption or failure of electricity or telecommunication service.
- 28.2 Each Party, as applicable, shall give the other Party notice of its inability to perform and particulars in reasonable detail of the cause of the inability. Each party must use best efforts to remedy the situation and remove, as soon as practicable, the cause of its inability to perform or comply.
- 28.3 The Party asserting Force Majeure as a cause for non-performance shall have the burden of proving that reasonable steps were taken to minimize delay or damages caused by foreseeable events, all non-excused obligations were substantially fulfilled, and the other

Party was timely notified of the likelihood or actual occurrence that would justify such an assertion, so that other prudent precautions could be contemplated.

- III. Section II above contains all the changes to the Agreement made by this Amendment No. 2. The Agreement is amended to incorporate the changes contained in this Amendment No. 2. All other terms and conditions of the Agreement remain in full force and effect as executed by the Parties. This Amendment No. 2 is subject to and incorporates the provisions of A.R.S. § 38-511.
- IV. The Parties have authorized the undersigned to execute this Amendment No. 2, and it shall be effective upon approval and signature by both Parties.

[Signatures contained on following page]

IN WITNESS, the Parties have approved and signed this Amendment No. 2:

FOR CITY OF SURPRISE:

FOR MARICOPA COUNTY:

Kevin D. Sartor, Mayor Date

Thomas Galvin, Chairman Date
Board of Supervisors

Attested to:

Attested to:

Kristi Passarelli, City Clerk Date

Juanita Garza Date
Clerk of the Board

IN ACCORDANCE WITH A.R.S. §§ 9-240 AND 11-952, THIS AMENDMENT NO. 2 HAS BEEN REVIEWED BY THE UNDERSIGNED CITY ATTORNEY WHO HAS DETERMINED THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO THE CITY OF SURPRISE UNDER THE LAWS OF THE STATE OF ARIZONA.

IN ACCORDANCE WITH A.R.S. §§ 11-201, 11-251, AND 11-952 THIS AMENDMENT NO. 2 HAS BEEN REVIEWED BY THE UNDERSIGNED DEPUTY COUNTY ATTORNEY WHO HAS DETERMINED THAT IT IS PROPER IN FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney Date

Deputy County Attorney Date

ATTACHMENT A: BUDGET**Fiscal Year 2026**

HAND IN HAND- SURPRISE - ANNUAL BUDGET				
NUMBER OF POSITIONS	POSITION TITLE	SALARY PER POSITION	TOTAL SERVICE COST	CITY OF SURPRISE COST
5	Street Outreach Case Managers	\$59,690.20	\$298,451.00	\$50,000

RESOLUTION # 2025-69

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AMENDMENT NO. 2 TO INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR HOMELESS OUTREACH AND NAVIGATION SERVICES.

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

WHEREAS, Homeless Outreach and Navigation services are critical to the City's economic health, and a strategic investment, and the partnership with Maricopa County will enhance homeless services for Surprise;

WHEREAS, the City and the County entered into IGA #C-22-24-050-X-01, effective November 1, 2023 (the "IGA"), which purpose is to establish a collaboration between the parties to reduce homelessness in the Agua Fria Wash, generally known as the "Hand in Hand" program;

WHEREAS, the City and the County entered into Amendment No. 1 on or about July 24, 2024, to extend the term through June 30, 2025, and to provide the County funding for the extension term, Fiscal Year 2025 (FY25), in the amount of \$50,000 for program service delivery;

WHEREAS, the City and the County desire to enter into Amendment No. 2 in order to extend the IGA from July 1, 2025, through June 30, 2026, and provide the County funding for the extension term, Fiscal Year 2026 (FY26), in the amount of \$50,000 for program service delivery. This Amendment No. 2 also expands the Hand in Hand program from the Agua Fria Wash to homelessness in West Valley communities generally, which includes the Agua Fria Wash;

WHEREAS, Amendment No. 2 will also: Revise Sections 2.0, 5.0, 8.0, and 15.0; Update Section 10.0, Notices, with new contact information; and, Add Sections 24.0 through 28.0; and

WHEREAS, all other terms and conditions of the IGA remain in full force and effect except as amended by Amendment No. 2.

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

Section 1. Amendment No. 2 to the Intergovernmental Agreement between the City of Surprise and the Maricopa County for Homeless Outreach and Navigation Services, 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 IGA.

APPROVED AND ADOPTED this ____ day of _____, 2025.

Kevin D. Sartor, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Jeffrey Murray, Acting City Attorney

RESOLUTION # 2025-69
EXHIBIT A

AMENDMENT NO 2. TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND MARICOPA COUNTY



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 3, 2025

Contact Person: Kendra Pettis, DIR -
SPORTS/TOURISM

Submitting Department: Sports and Tourism

District: Citywide

Staff Recommendations: None

Consent: Yes

Regular: No

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$400,000 for increased Spring Training revenues; Resolution #2025-80.

Motion:

I move to approve Resolution #2025-80.

Background:

The 2025 Spring Training season had increased revenues. Due to the increased revenues, the City of Surprise will have a larger annual payout to the Kansas City Royals and Texas Rangers for their percentage of the revenues. The Sports and Tourism department will receive increased revenues to offset the increased expenses.

Objective Analysis:

The City of Surprise is contractually obligated to pay the Kansas City Royals and Texas Rangers an annual Spring Training payout based on the revenues brought in each season. The objective of this budget amendment is to be able to pay the teams the appropriate amount, which is higher in 2025 than the budgeted amount due to increased revenues.

Policy Compliant:

This action is compliant with City and Council policies.

Financial Impact:

There is no financial impact related to this item due to revenue received that will offset the expenses.

Budget Impact:

Approval of this item will amend the FY2025 budget by moving budget authority in the amount of \$400,000 from General Contingency in the General Fund to the Sports and Tourism Fund. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

FTE Impact:

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

ATTACHMENTS:

1. Res 2025-80_Spring Training Team Payouts Budget Amendment
-

RESOLUTION # 2025-80

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2025 BUDGET BY MOVING BUDGET AUTHORITY IN THE AMOUNT OF \$400,000 FROM GENERAL CONTINGENCY IN THE GENERAL FUND TO THE SPORTS AND TOURISM FUND TO SUPPORT THE INCREASED ANNUAL SPRING TRAINING PAYOUTS TO THE KANSAS CITY ROYALS AND TEXAS RANGERS, DUE TO INCREASED REVENUES FOR THE 2025 SPRING TRAINING SEASON.

WHEREAS, the FY2025 budget was adopted by Council Resolution #2024-94 on June 4, 2024;

WHEREAS, due to increased attendance and revenues for the 2025 Spring Training season, additional expenses are being incurred to make the annual payout to the Kansas City Royals and Texas Rangers;

WHEREAS, the Sports and Tourism department is receiving additional revenue to offset the increased expenses;

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, 2024, through June 30, 2025.

SIGNATURES ON FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2025.

Kevin D. Sartor, Mayor

Attest:

Approved as to form:

Kristi Passarelli, City Clerk

Jeffrey Murray, City Attorney

RESOLUTION # 2025-80
Exhibit A

1. Appropriation - The allocation listed below represents a movement of budget authority in the amount of \$400,000 from General Contingency in the General Fund to services within the Sports and Tourism Fund. Due to an increase in attendance for the 2025 Spring Training season, the Sports and Tourism Department is requesting additional spending authority to support the annual 2025 Spring Training payout to the Kansas City Royals and Texas Rangers. Additional revenues collected from the increased attendance will offset the increase in expenses. This action represents a transfer of spending authority and does not increase or decrease the total adopted citywide expenditure budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Sports and Tourism Fund	Sports and Tourism	Services	E	2,321,000	400,000	2,721,000
Contingency	General Operations	Contingency	E	81,649,600	(400,000)	81,249,600
Sports and Tourism Fund	Sports and Tourism	Charges for Services	R	2,995,800	400,000	3,395,800
Contingency	General Operations	Other	R	76,946,900	(400,000)	76,546,900
Expense Total				83,970,600	-	83,970,600
Revenue Total				79,942,700	-	79,942,700



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 3, 2025
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: District 5

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

Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 337514, requested by Reimun Sabri Shleimun, for Pita Kitchen for Series 12 Liquor License. Pita Kitchen is located at 16853 N 145th Ave #167, Surprise, AZ 85388.

Motion:

I move to recommend approval of application No. 337514 to the Arizona Department of Liquor Licenses and Control.

Background:

The City has received an application for a new Series 12 Liquor License for Pita Kitchen, located at 16853 N 145th Ave #167, Surprise, AZ 85388. The City Clerk's Office has posted the appropriate notice as required by law. No written arguments in favor of or opposed to the issuance of the license have been received by the Clerk's Office within the twenty days after the date of posting the notice.

The application has also been disseminated to the Community Development Department, Finance Department, Surprise Police Department, and Surprise Fire and Medical Department for review. Those departments have submitted memoranda which are attached to this item.

Objective Analysis:

Pursuant to state law, the City Council shall enter an order recommending approval or disapproval within sixty days after the filing of the application and shall file a certified copy of the order with the director. If the City Council recommends approval of the license a hearing before the state Liquor License Board is not required unless the director, the board or any aggrieved party requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If the recommendation is for disapproval, a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order and the state Liquor License Board will hold a hearing.

Policy Compliant:

The Liquor License process is controlled by state law. The steps taken by the City Clerk's Office and this public hearing comply with, and fulfill the City's legal obligation under, applicable state law.

Financial Impact:

None

Budget Impact:

None

FTE Impact:

None

ATTACHMENTS:

1. Finance - Pita Kitchen
 2. Fire - 16853 N 145th Ave Pita Kitchen Liquor License
 3. PD - Pita Kitchen
 4. Pita Kitchen 16853 N 145 Ave MAP
 5. CD - Pita Kitchen 16853 N 145 Ave Report
-



MEMO

Date: 05/13/2025

To: Kristi Passarelli, City Clerk

Charles Vasquez, Deputy City Clerk

From: -Lillian Nieto

RE: Liquor License Application – Pita Kitchen

Business License Status:

Application link emailed on .

License # , current and valid for .

Applied for license but is still pending and waiting on customer to provide additional information or documents.



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



May 13, 2025

To: Charles Vasquez, Deputy City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Chipotle Mexican Grill #4993
13574 N Litchfield Rd
Surprise, AZ 85379

The Surprise Fire-Medical Department has been involved with the pre-construction / plan review process at the above referenced location within the last few months to ensure compliance with the applicable fire codes within the tenant space and building. Since construction work is still ongoing, there are no known fire code violations. Therefore, fire has no comment on the application at this time.

If you have any questions feel free to contact me.

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

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

REFERENCE:

DATE: May 22, 2025

Application Number – 337514
Series #12 – New License

APPLICANT:

Pita Kitchen
16853 N. 145th Ave
Surprise, Arizona 85388

FINDINGS:

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

Pita Kitchen is a brand new fast casual restaurant specializing in Mediterranean Mexican cuisine. There is seating for 40 people inside the restaurant, with no designated bar area. The potential market for Chipotle should be customers of all ages from the surrounding community.

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

The addition of the restaurant and liquor license should not have too great of an impact on traffic in the area. There are adequate ingresses/egresses for the restaurant inside a brand-new plaza.

- 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.***

N/A. New construction.

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

The hours of operation should be like the other existing two restaurants in the valley, which are until 9 PM every day during the week and until 10 PM on Fridays and Saturdays. No other stores in plaza are open currently.

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

A series 12 license is appropriate and applicable for Pita Kitchen, per state guidelines for restaurants.

Submitted by Officer Chris Tovar #2059

PITA KITCHEN

PAD
KINGSWOOD
PARK/SUN VILLAGE

PAD
ORCHARDS

SITE

OVER EASY
SURPRISE

HILTON
GARDEN INN
SURPRISE

PAD
SURPRISE
CENTER



COMMUNITY DEVELOPMENT DEPARTMENT

Date: May 21, 2025
To: Kristi Passarelli, City Clerk
From: Lloyd Abrams, Community Development Director
Dan Johnson, Zoning Specialist
Re: Liquor License Application for:

**AGENT, Reimun Sabri Shleimun
Pita Kitchen
16853 N 145th Ave
Surprise, Arizona 85388**

NEW SERIES 12 (New Application – Restaurant) – Application # 337514

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

1. Kimble's Kitchen (Series 12) – 17300 N Sun Village Parkway #D
2. Sun Village Community Center (Series BYO) – 17300 N Sun Village Parkway Suite. A
3. Pei Wei Fresh Kitchen (Series 12) – 14155 W Bell Rd #113
4. Over Easy (Series 12) – 14345 W Bell Rd #102 Not Shown
5. Residence Inn By Marriott (Series 7) – 16418 N Bullard Ave
6. Hilton Garden Inn Surprise (Series 11) – 16601 N Stadium Way Not Shown

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

Commercial and residential growth is expected to increase.

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.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: June 3, 2025
Submitting Department: City Clerk
Staff Recommendations:

Contact Person: Kristi Passarelli, City Clerk
District: District 6

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

Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 347131, requested by Andrea Dahlman Lewkowitz, for Chipotle Mexican Grill # 4993 for Series 12 Liquor License. Chipotle Mexican Grill # 4993 is located at 13610 N Litchfield Rd, Surprise, AZ 85379.

Motion:

I move to recommend approval of application No. 347131 to the Arizona Department of Liquor Licenses and Control.

Background:

The City has received an application for a new Series 12 liquor license for Chipotle Mexican Grill #4993 located at 13610 N Litchfield Rd, Surprise AZ 85379. The City Clerk's Office has posted the appropriate notice as required by law. No written arguments in favor of or opposed to the issuance of the license have been received by the Clerk's Office within the twenty days after the date of posting the notice.

The application has also been disseminated to the Community Development Department, Finance Department, Surprise Police Department, and Surprise Fire and Medical Department for review. Those departments have submitted memoranda which are attached to this item.

Objective Analysis:

Pursuant to state law, the City Council shall enter an order recommending approval or disapproval within sixty days after the filing of the application and shall file a certified copy of the order with the director. If the City Council recommends approval of the license a hearing before the state Liquor License Board is not required unless the director, the board or any aggrieved party requests a hearing on the grounds that the public convenience and the best interest of the community will not be substantially served if a license is issued. If the recommendation is for disapproval, a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval shall be attached to the order and the state Liquor License Board will hold a hearing.

Policy Compliant:

The Liquor License process is controlled by state law. The steps taken by the City Clerk's Office and this public hearing comply with, and fulfill the City's legal obligation under, applicable state law.

Financial Impact:

None

Budget Impact:

None

FTE Impact:

None

ATTACHMENTS:

1. MAP_CHIPOTLE MEXICAN GRILL #4993
 2. CD - REPORT_Chipotle Mexican Grill #4993
 3. PD_REPORT_Chipotle Mexican Grill #4993
 4. FINANCE_re Chipotle #4993
 5. FIRE_REPORT_Chipotle Mexican Grill #4993
-

CHIPOTLE MEXICAN GRILL #4993

PAD
SIERRA VERDE

QUENCH TAPS
AND TAPAS

R-1

CC, C-2

QUIKTRIP #466
(EXPIRED)

SITE

NICK'S DINER II

AMC

AMIGO'S AUTHENTIC
MEXICAN GRILL AND
BAR

PAD
MARLEY
PARK

FOX CIGAR BAR
SURPRISE LLC
(PENDING)

PAD
SURPRISE
POINTE



COMMUNITY DEVELOPMENT DEPARTMENT

Date: May 20, 2025
To: Kristi Passarelli, City Clerk
From: Lloyd Abrams, Community Development Director
Dan Johnson, Zoning Specialist
Re: Liquor License Application for:

AGENT, Andrea Dahlman Lewkowitz
Chipotle Mexican Grill #4993
13610 N Litchfield Road
Surprise, Arizona 85379

NEW SERIES 12 (New Application – Restaurant) – Application # 347131

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

1. Quench Taps and Tapas (Series 12) – 14010 N. Litchfield Rd. #212
2. Fry's Marketplace #674 (Series 9) – 13982 W. Waddell Rd.
3. Safeway Food & Drug # 2699 (Series # 9) – 13828 W Waddell Rd.
4. Quiktrip #466 (Series 10) – 14057 W. Waddell Rd. (Expired)
5. Native Grill & Wings (Series 12) 13929 W Waddell Rd
6. Walgreen's #12087 (Series 10) – 13723 N. Litchfield Rd.
7. Tap House Sports Grill (Series 12) – 13699 N. Litchfield Rd.
8. Real Thai & Sushi (Series 12) – 13749 N. Litchfield Rd.
9. Nicks Diner II (Series 12) – 13765 N. Litchfield Rd. (Not Shown)
10. AMC Surprise Pointe 14 (Series 6) – 13649 N. Litchfield Rd. (Not Shown)
11. Amigos Authentic Mexican Grill and Bar (Series 12) – 13621 N. Litchfield Rd. #131 (Not Shown)
12. Fox Cigar Bar Surprise LLC (Series 6) – 13601 N. Litchfield Rd. (Pending)(Not Shown)
13. Uptown Alley II (Series 6) – 13525 N. Litchfield Rd

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

Commercial and residential growth is expected to increase.

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.

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

REFERENCE:

DATE: May 22, 2025

Application Number – 347131
Series #12 – New License

APPLICANT:

CHIPOTLE MEXICAN GRILL #4993

13610 N. Litchfield Rd.
Surprise, Arizona 85379

FINDINGS:

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

Chipotle #4993 is a new fast casual restaurant emphasizing in Mexican cuisine. There is seating for 42 people inside the restaurant, with no designated bar area. The potential market for Chipotle should be customers of all ages from the surrounding community.

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

The addition of the restaurant and liquor license should not have too great of an impact on traffic in the area. There are adequate ingresses/egresses for the restaurant.

- 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.***

N/A. New construction.

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

The hours of operations should be similar to other local Chipotles, will be from 10:45 AM to 10 PM every day. There is an Angie's Lobster & Angie's Prime Grill just north of Chipotle that is open every day from 6 AM to 10 PM.

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

A series 12 license is appropriate and applicable for Chipotle #3642, per state guidelines for restaurants.

Submitted by Officer Chris Tovar #2059

From: [Business License](#)
To: [Charles Vasquez](#)
Cc: [Business License](#)
Subject: RE: Liquor Application #347131 - Chipotle #4993
Date: Friday, May 23, 2025 2:05:03 PM
Attachments: [image002.png](#)
[image003.jpg](#)

Hello Charles,

Chipotle Mexican Grill #4993 listed 13574 N Litchfield Rd, Surprise AZ 85379 as their address on their business license application. Their application was denied per Development Services due to not having a building permit. Currently Chipotle Mexican Grill #4993 does not have an active business license.

City of Surprise logo



City of Surprise

Business Licensing

Phone: 623.222.1836

Email: business.license@surpriseaz.gov

Website: [Business Licensing | Surprise, AZ - Official Website](#)

The City of Surprise Municipal Code Chapter 26 Licenses, Permits, and Miscellaneous Business Regulations is available at:

https://library.municode.com/az/surprise/codes/municipal_code?nodeId=PTIGEOR_CH26LIPEMIBURE

From: Charles Vasquez <Charles.Vasquez@surpriseaz.gov>

Sent: Friday, May 23, 2025 1:26 PM

To: Brenden Espie <Brenden.Espie@surpriseaz.gov>; Business License <Business.License@surpriseaz.gov>; Chris Tovar <Chris.Tovar@surpriseaz.gov>; Keith Tanner <Keith.Tanner@surpriseaz.gov>; Kevin Spirlong <Kevin.Spirlong@surpriseaz.gov>

Cc: Kristi Passarelli <Kristi.Passarelli@surpriseaz.gov>; Sharla Sanders <Sharla.Sanders@surpriseaz.gov>

Subject: RE: Liquor Application #347131 - Chipotle #4993

Good Afternoon Everyone,

I was told that the address provided to us was incorrect. Could you please provide us an update for 13610 N Litchfield Road, Surprise, AZ 85379? I want to make sure we have everything covered for this one.

Thanks,

Charles Vasquez, Deputy City Clerk, CMC
16000 N. Civic Center Plaza
Surprise, AZ. 85374



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



May 27, 2025

To: Charles Vasquez, Deputy City Clerk

From: Keith Tanner, Fire Marshal

Subject: Liquor License Application

Applicant: Chipotle Mexican Grill #4993
13601 N Litchfield Rd
Surprise, AZ 85379

The Surprise Fire-Medical Department has been involved with the pre-construction / plan review process at the above referenced location within the last few months to ensure compliance with the applicable fire codes within the tenant space and building. Since construction work is still ongoing, there are no known fire code violations. 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