



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

Tuesday, December 3, 2019 @ 6:00 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

Speak Up, Stand Up, Save a Life Proclamation

E. City Manager Report

1. Paradise Honor Elementary School and Youth Council
Members will be providing a report pertaining to current
Youth events and projects.

2. Recognition of Veterans Day event participants.

F. City Clerk Report

3.	Consideration and action to remove Jacob Thomas from the Veterans, Disability and Human Services Commission due to unexcused absences.	None Sherry Aguilar City Clerk
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G. Call To The Public

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

[Download the Call to the Public form](#) (PDF download requires Adobe Acrobat Reader)

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

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

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

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.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

4.	Citywide	Consideration and action on the Regular City Council Meeting Minutes of November 19, 2019.	None Sherry Aguilar City Clerk
5.	Internal	Consideration and action to approve the Regular Council Work Session and Regular Council Meeting Schedule for 2020.	None Sherry Aguilar City Clerk
6.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Plath North Dixileta" and dated October 6, 2019, a 2.71 acre property generally located south of Dixileta Drive and west of 165th Avenue, in the Residential Ranch (RR) zoning district.	None Shirley Phan Community Development
7.	District 5	Consideration and action pertaining to approval of the Final Plat entitled, "Replat of Lot 2 "Rangers Housing at Surprise Center"" and dated October 20, 2019, a 3.07 acre property located in the Surprise Center Planned Area Development ("PAD").	None Hobart Wingard Community Development

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| 8. | District 3 | Consideration and action pertaining to the approval of the Re-Plat entitled, "A Re-Plat of Lot 1 of the Final Plat Amendment of Lots 7, 8 and Custer Lane of Prasada-Phase 2A West" and dated October 25, 2019, a 40.8 acre property generally located south of Custer Lane alignment and east of Cotton Lane in Prasada. | None

Robert Kuhfuss
Community
Development |
| 9. | District 1 | Consideration and action pertaining to acceptance of a Dedication of Public Rights-of-Way from RM 47, LLC, for rights-of-way near Happy Valley and 147th Avenue. | None

Chris Boyd
Community
Development |
| 10. | District 1 | Consideration and action pertaining to acceptance of a Dedication of Public Rights-of-Way from Sun Belt Land Investment Limited Partnership, for rights-of-way along 147th Avenue between Jomax and Happy Valley Roads. | None

Chris Boyd
Community
Development |
| 11. | District 6 | Consideration and action pertaining to a Grant of an Utility Easement to APS at the SPA 1 Waste Water Treatment Facility for the purpose of ongoing expansion of city facilities. | None

Chris Boyd
Community
Development |
| 12. | Citywide | Consideration and action pertaining to approval of an amendment to the Fiscal Year 2020 budget by reallocating appropriations in the amount of \$54,300 within the Grants Fund for the receipt of grant funding and to amend the FY2020 Capital and Operating List of Items Over \$50,000 by increasing the GOHS Grant Purchases Item in the amount of \$75,000; Resolution # 2019-139. | None

Terry Young
Police |
| 13. | Internal | Consideration and action pertaining to approval of an agreement with the Tohono O'odham Nation to accept grant funding for the Enhancing Community Resiliency Project and amending the Fiscal Year 2020 budget by reallocating appropriations of \$50,000 within the Grants Fund; Resolution # 2019-142. | None

Seth Dyson
Human Svcs and
Comm Vitality |
| 14. | Internal | Consideration and action pertaining to approval of an Intergovernmental Agreement with the cities of Avondale, Chandler, Glendale, Peoria, Scottsdale, Surprise, and Tempe, the Town of Gilbert; and, the County of Maricopa to remain a part of the Maricopa Home Consortium; Resolution # 2019-141. | None

Adam Lane
Human Svcs and
Comm Vitality |

REGULAR AGENDA ITEM - PUBLIC HEARING:

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|-----|------------|--|--|
| 15. | District 3 | Consideration and action pertaining to approval of an Annexation for Paradise Education located on the east side of 175th Avenue, one-quarter (1/4) mile north of Cactus Road; Ordinance #2019-30. | None

Hobart Wingard
Community
Development |
|-----|------------|--|--|

16.	Citywide	Presentation and action pertaining to approval of a Major Amendment to the Surprise General Plan 2035; Resolution # 2019-138.	None Joshua Mike Community Development
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REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

17.	Citywide	Presentation pertaining to an Emergency Management update.	None Tracy Montgomery City Manager Office
18.	Citywide	Consideration and action pertaining to the City Council Strategic Plan.	None Mark Schott City Manager Office
19.	Citywide	Consideration and action pertaining to approval of the Shared Active Transportation Vehicle (SATV) Pilot Program Temporary Operating Agreement with The Collective We, LLC.	None Stephen Chang Community Development
20.	Citywide	Consideration and action pertaining to an amendment to Surprise Municipal Code Chapter 26, Article III, Sections 26-66 and 26-67 relating to carrying the Luke Air Force Base noise contour map; Ordinance # 2019-33.	None Legal

- 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

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Tuesday, November 26, 2019 @ 8:36 a.m.

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



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 3, 2019
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: Internal

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

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: December 3, 2019
Submitting Department: Mayor and Council
Staff Recommendations:

Contact Person:
District: Citywide

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

Agenda Wording:

Speak Up, Stand Up, Save a Life Proclamation

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 3, 2019

Contact Person: Michael Frazier, CITY
MANAGER

Submitting Department: City Manager Office

District: Citywide

Staff Recommendations: None

Consent: No

Regular: No

Public Hearing: No

Report/Discussion: Yes

Agenda Wording:

Paradise Honor Elementary School and Youth Council Members will be providing a report pertaining to current Youth events and projects.

Motion:

None

Background:

Paradise Honors Elementary School is part of the National Elementary Honor Society.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 3, 2019

Contact Person: Michael Frazier, CITY
MANAGER

Submitting Department: City Manager Office

District: Citywide

Staff Recommendations: None

Consent: No

Regular: No

Public Hearing: No

Report/Discussion: Yes

Agenda Wording:

Recognition of Veterans Day event participants.

Motion:

None

Background:

Donna Miller, Parks and Recreation Director will recognize the parade entry winners from November 11, 2019 Veterans Day Parade.

Objective Analysis:

The winners from the November 11, 2019 Veterans Day Parade are as follows:

Best Veteran Service Organization Entry – VFW Post 285

Best Military Entry – Vietnam Veterans of America West Valley Chapter #1043

Best Motorized Entry – Rotary Club of Surprise, honorable mention Surprise Police Department Citizens Patrol

Best Non-Motorized Entry – Ottawa University

Best Musical/Performance Entry – Valley Vista High School Marching Band

Best Youth Entry – Girl Scouts Cactus La Promesa

Best Classic Car Entry – Psychedelic Rolls Royce

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 3, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Internal

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

Consideration and action to remove Jacob Thomas from the Veterans, Disability and Human Services Commission due to unexcused absences.

Motion:

I move to remove Jacob Thomas from the Veteran's, Disability and Human Services Commission.

Background:

The Boards and Commissions Nominations Committee met on November 19, 2019 to consider a recommendation to City Council to remove Mr. Thomas from the Veteran's, Disability, and Human Services Commission due to unexcused absences.

The Committee determined that Mr. Thomas had been unexcused for three consecutive commission meetings beginning with the September 2019 meeting. Prior to the Committee considering these absences, Committee Chairman Winters attempted to resolve the issue by contacting Mr. Thomas, but to no avail; Chairman Winters was unable to contact Mr. Thomas.

Objective Analysis:

Mr. Thomas has been absent from three consecutive Veteran's meetings beginning with the September 2019 meeting. Per city code, two consecutive, or three unexcused absences within a 6 month period, is basis for removal.

Policy Compliant:

The action is consistent with the procedure and substance of the Surprise Municipal Code as it relates to board and commission absences. Specifically, Surprise Municipal Code Sec. 2-295 (8) provides:

Attendance. Attendance shall be taken at every meeting of a public body and the staff liaison shall report attendance to the city clerk, identifying whether an absence is excused or unexcused. If any member of a public body accrues two consecutive, or three unexcused absences in any six-month period, the matter will be promptly referred to the boards and commissions nomination committee by the city clerk. Upon referral, the committee will reach resolution of the attendance issues in coordination with the presiding officer of the board or commission and the member in question. In the event a satisfactory resolution is not achieved, the committee shall forward a report including findings and conclusions and a recommendation to city council for consideration and action. If removed because

of attendance, the member will be ineligible for appointment to any public body for a period of no less than six months. Attendance by a member must be in person; attendance by telephone is not permitted. For purposes of this section, excused absence shall have the same meaning as defined by section 2-60 of this Code. The presiding officer of each board or commission shall determine whether an absence is excused and state that determination on the record.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. Committee Findings Memo
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FINDINGS AND CONCLUSIONS (RECOMMENDATION)

of the

BOARDS AND COMMISSIONS NOMINATIONS COMMITTEE

Surprise Municipal Code Sec. 2-295 (8) provides, in the context of city boards and commissions:

*Attendance. Attendance shall be taken at every meeting of a public body and the staff liaison shall report attendance to the city clerk, identifying whether an absence is excused or unexcused. **If any member of a public body accrues two consecutive, or three unexcused absences in any six-month period, the matter will be promptly referred to the boards and commissions nomination committee by the city clerk. Upon referral, the committee will reach resolution of the attendance issues in coordination with the presiding officer of the board or commission and the member in question. In the event a satisfactory resolution is not achieved, the committee shall forward a report including findings and conclusions and a recommendation to city council for consideration and action. If removed because of attendance, the member will be ineligible for appointment to any public body for a period of no less than six months.** Attendance by a member must be in person; attendance by telephone is not permitted. For purposes of this section, excused absence shall have the same meaning as defined by section 2-60 of this Code. The presiding officer of each board or commission shall determine whether an absence is excused and state that determination on the record.(Emphasis added)*

The Boards and Commissions Nominations Committee ("Committee") held a duly noticed public meeting on November 19, 2019, at which the attendance of Veteran's, Disability and Human Services Commission member Jacob Thomas' attendance was agandized and considered.

The Committee substantially found the following:

- 1) Mr. Thomas had three unexcused absences: September 11, 2019, October 09, 2019, and November 13, 2019.
- 2) Both city staff and Committee Chair Vice Mayor Roland Winters attempted to resolve the issue by attempting contact with Mr. Thomas, but all contact was unsuccessful.

The Committee moved, voted, and approved to recommend to City Council removal of Mr. Thomas from the Veteran's, Disability and Human Services Commission due to unexcused absences. This is the recommendation of the Committee.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 3, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Citywide

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

Agenda Wording:

Consideration and action on the Regular City Council Meeting Minutes of November 19, 2019.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. Nov 19 REG
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CITY OF SURPRISE
Regular City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, November 19, 2019 @ 6:00PM

Call To Order

Invocation

Roll Call

Mayor Hall called to order the Regular City Council Meeting of November 19, 2019 at 6:02 PM at Surprise City Hall Council Chambers, 16000 N Civic Center Plaza, Surprise, Arizona 85374. Also in attendance with Mayor Hall were Vice Mayor Winters, Council Members; Duffy, Hayden, Judd and Sanders. Absent - Council Member Remley.

Staff Present: City Manager, Michael Frazier; City Attorney, Robert Wingo and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Proclamation and Community Acknowledgements

City Manager Report

1. Youth Council member's will provide a brief report pertaining to current Youth Council events and projects.

Youth reports : Favour Alino, Senior at Paradise Honors High School and Kylie Halliburton, Senior at Shadow Ridge High School.

2. Surprise Police Department Explorer Program Recognition

City Clerk Report

Call To The Public

Regular City Council Meeting Agenda

CONSENT AGENDA:

Council Member Sanders made the motion to approve the consent agenda. Council Member Duffy seconded the motion. Six yes votes, one absent (Remley), motion carried.

1. Consideration and action pertaining to approval of the Agreement for Termination of the SPA3 South Sewer Interceptor between the City of Surprise and various owners of property in Spa 3 - APPROVED

2. Consideration and action to approve a request by Naresh Mago (Agent/Owner) for a Series 12 liquor license for 5 & Diner 2 located at 11340 W. Bell Road, #125A, Surprise, AZ 85374 - APPROVED

3. Consideration and action on the Regular Council Work Session, Regular Council Meeting and Executive Session minutes from November 5th, 2019 - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

4. Consideration and action pertaining to an application by Jasinski Trading LLC (Mariusz Jasinski -Agent/member) for a Series 004 Wholesaler Liquor License located at 20162 N. Windsong Drive, Surprise, AZ 85374 - DENIED

Mayor Hall - I'm going to turn this over to our City Attorney, Robert Wingo.

City Attorney, Robert Wingo - what you have before you this evening is an application for a Series 4 Wholesaler Liquor License. It would prudent for me to say a few words before the hearing and decision by Council. It important for Council to understand its role and that the record in this matter be perfectly clear.

Mr. Wingo further commented: State Law provides that when an application for a liquor license is submitted, the Governing body of a local jurisdiction, that is you, acts as an advisory capacity, makes a recommendation to the State Board either approve or deny the license. So whatever your decision tonight you are not approving or denying a license, you are making a recommendation. It is up to the State Liquor Board to ultimately approve or deny

In this role you function as a quasi-judicial body you will need to make your decision on what is presented on the record arguments or statements, i.e. testimony that's presented during the hearing tonight as well the application and any other documentation attached to the agenda item. As you know there were several staff memos with pertinent information attached, those will be part of this record. One nuance of this hearing which will differentiate it from other public hearings is that only individuals who either own or lease property within one mile of the premises shall be allowed to speak. In addition to the HOA Representatives or any other corporate body representatives who have an interest in the license. It would also be appropriate to not to limit the time of the speaker to within reason.

Pursuant to state law the applicant bares the sole burden of proof specifically ARS 4-201G provides that and this is verbatim "the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license." So after the hearing considering all of the evidence on the record if you decide the applicant has met the burden of showing so basically convincing all of you that the public convenience requires and that the best interest of the community again will be substantially served by operating a wholesaling liquor business where they intend to operate it out of. You should make a recommendation of approval if however after consideration of all the evidence you've determine that the applicant has not shown that public convenience requires to the best interest of the community are substantially served, then you should recommend to the State Liquor Board that they deny the license.

The state has provided guidance to assist in determining whether a public convenience requires the best interest of the community be substantially served. This guidance comes in the Arizona Administrative Code.

This guidance comes under Section R19-1-702. I am going to read that section and I believe it was in your materials, but just as a refresher before we have the hearing.

A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:

1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
2. Number and types of licenses within one mile of the proposed premises;
3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
5. Residential and commercial population density within one mile of the proposed premises;
6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
7. Effect on vehicular traffic within one mile of the proposed premises;
8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
9. Effect or impact on the activities of businesses or the residential

neighborhood that might be affected by granting a license at the proposed premises;

10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;

11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and

12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. Â§ 36-881.

So, with those in mind staff has provided a map of a one mile radius of the proposed premise.

I will close again with reiterating that the burden is on the applicant to prove that the public convenience requires and the best interest to the community be substantially served by the issuance of the license.

Thank you.

Mayor Hall - are there any speakers?

City Clerk Aguilar - we have Terry Murphy.

Public Comments:

Mr. Murphy read the following statement for the record.

Terry Murphy, President, Sun City Grand Board of Directors read a written statement into the record expressing opposition for this request.

The statement is as follows:

November 18,2019

Mayor Skip Hall. Vice Mayor Roland Winters Jr., Councilmember Patrick Duffy , Councilmember Nancy Hayden ,Councilmember Chris Judd, Councilmember Ken Remley .Councilmember David Sanders ,City Manager Michael Frazier .

Surprise City Hall

16000 N. Civic Center Plaza

Surprise , Arizona 85374

Re: Surprise City Council Meeting Agenda/November 19,2019/Item 4/District2.

Consideration and action pertaining to an application by Jasinski Trading LLC (Mariusz Jasinski Agent /member) for a Series 004 Wholesale Liquor License, located at 20162

N. Windsong Drive ,Surprise AZ 85374.

Lady and gentlemen.

Sun City Grand is an age restricted residential I community established in 1996. It is composed of 9,802 homes and approximately 17,000 residents. The community is zoned PAD.

The Sun City Grand Covenants, Conditions, and Restrictions (CC&Rs) Exhibit C (1) General clearly state, The properties shall be used only residential, Recreational, and related purposes.

Exhibit C (2) Prohibited Activities The following activities are prohibited within the properties unless expressly authorized by, and then subject to such conditions as may be imposed by, the Board:

(k) Any business, trade, garage sale, moving sale, rummage sale, or similar activity, except that an Owner or occupant residing in a Dwelling Unit may conduct business activities within the Dwelling Unit so long as: (i) the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from outside the Dwelling Unit; (ii) the business activity conforms to all zoning requirements for the Lot; (iii) the business activity does not involve regular visitation of the Lot or Dwelling Unit by clients, customers, suppliers, or other business invitees or door-to-door solicitation of residents of the Properties; and (iv) the business activity is consistent with the residential character of the Properties and does not constitute a nuisance, or a hazardous or offensive use, or threaten the security or safety of other residents of the Properties, as may be determined in the sole discretion of the Board.

Public records indicate the Jolanta Jasinska and Mariusz Jasinski have owned the property at 20162 N Windsong Drive since August 5, 2014. It is a single-family residence surrounded by similar single-family residences. All new owners are provided copies of the Sun City Grand CC&Rs and Bylaws as part of the sale transaction.

Had the property owners contacted the Sun City Grand Standards Office, they would have been advised that their Wholesale Liquor License application was an unacceptable use of the property according to the CC&Rs, and any request for an exception would be denied. That would have eliminated the need of city staff conducting the required inspections for such an application, as well as Tuesday's public hearing.

A copy of a letter from our attorney and the relevant CC&R pages are attached. Hard copies of this information will be delivered to the City Clerk.

Sun City Grand respectfully requests you deny this application for unacceptable use of a residential property in a residential neighborhood and community. I Thank you for your time and consideration.

Yours truly,

Terry Murphy

President Sun City Grand Board of Directors

Vice Mayor Winters - is the applicant here? I had a question for the applicant but he is not here.

The applicant was not present.

Mayor Hall - Are there any other questions Council?

Mayor Hall - I will entertain a motion.

Council Member Judd - I move to recommend to the State Liquor Board that deny the Series 04 Wholesaler Liquor License for Jasinski Trading LLC located at 20162 N Windsong Drive, Surprise Arizona 85374.

Vice Mayor Winters - second.

Mayor Hall - it has been moved and seconded and there are no other questions or concerns, please cast your vote.

City Clerk Aguilar requested a voice vote.

Council Member Judd - what is the question again?

City Attorney Wingo - a yes vote is the deny the application.

Mayor Hall - yes

Vice Mayor Winters - yes

Council Member Duffy - yes

Council Member Hayden - yes

Council Member Sanders - yes

Council Member Remley - absent

City Clerk Aguilar - that is 6 yes vote to deny this request.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

5. Presentation and discussion pertaining to the FY2019 Financial Status Report through June 2019 - NO ACTION

Finance Director, Andrea Davis gave a powerpoint presentation on this item.

6. Presentation and discussion regarding development roadway - NO ACTION

CD Assistant Director, Lloyd Abrams gave a powerpoint presentation on this item.

Council Member Judd - Plans for a street light on Bullard and Waddell?

Mr. Abrams - Yes there is, city will look at funding for this.

Council Member Duffy - What kind of timeline on Perryville?

Mr. Abrams - Not a definite timeline but know that they are wanting to do this one quickly.

Mayor Hall - Asked for clarification on when we lien the properties for roadways.

Mayor Hall - The gap on Happy Valley is another 2 miles, correct?

Mr. Abrams - yes.

Vice Mayor Winters - Commercial property up north, is it commercial on Pat Tillman and 163rd Avenue?

7. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2020 budget by reallocating appropriations of \$300,000 within the Water Operations Fund to support increased demand for meter installations and an amendment of the Fiscal Year 2020 Capital and Operating list of items over \$50,000; Resolution # 2019-140 - APPROVED

Finance Director, Andrea Davis gave a brief powerpoint presentation for this item.

Council Member Judd made the motion to approve Resolution 2019-140. Vice Mayor Winters seconded the motion. Six yes votes, one absent (Remley), motion carried.

Other Business and Future Agenda Items

Vice Mayor Winters - Work session to update boards and commissions ordinance, seconded by Council Member Sanders.

City Council Reports

Council attended and/or reported on the following:

Council Member Sanders - Iris USA tour, Jaden and I completed the HOA academy, Best of the West, Veterans Day Parade and Vein Envy ribbon cutting.

Vice Mayor Winters - Mancini Memorial and Sun Health Re-hab Center.

Council Member Duffy - Sonoran Heights, Dysart School District Athlete of the Month, Ottawa Football won their conference and Happy Thanksgiving.

Council Member Hayden - attended the same events, ribbon cutting beautiful was a beautiful experience Ugly Tuna ribbon cutting and Sun Health Re-hab.

Council Member Judd - Ugly Tuna Sushi opening, Reflection Circle, he commended staff for their work. White Tank Mountain Conservancy Advisory and Executive Board meeting, Iris USA, Meet and Greet West valley.

Mayor Hall - commend City Manager and his entire team on Reflection Circle, thanked all Veterans. Dysart School District Athlete of the month, Police Dept.- Bike Rodeo. Nov 30th Fire Station 306 and Happy and Blessed Thanksgiving.

Executive Session

Adjournment

Vice Mayor Winters made the motion to adjourn the Regular City Council Meeting of November 19, 2019 at 8:03 PM. Council Member Sanders seconded the motion. Six yes votes, one absent (Remley), motion carried.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, November 19, 2019.**

Sherry Ann Aguilar, City Clerk, MMC



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 3, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Internal

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

Agenda Wording:

Consideration and action to approve the Regular Council Work Session and Regular Council Meeting Schedule for 2020.

Motion:

I move to approve the Regular Council Work Session and Regular Council Meeting Schedule for 2020.

Background:

This request is done every year to finalize Council Meeting dates for following year and establish agenda item due dates.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

1. CIVICCLERK TIMELINE 2020 updated
-

CIVICCLERK TIMELINE

JANUARY 2020 THROUGH DECEMBER 2020

COUNCIL WORK SESSION/REGULAR MEETING DATES:	ITEMS DUE INTO WORKFLOW (15 days prior to meeting)	AGENDA CALL MEETING DATES (14 days prior to meeting)
TUESDAY, JANUARY 7, 2020	MONDAY, DECEMBER 23, 2019	TUESDAY, DECEMBER 24, 2019
TUESDAY, JANUARY 21, 2020	MONDAY, JANUARY 6, 2020	TUESDAY, JANUARY 7, 2020
TUESDAY, FEBRUARY 4, 2020	MONDAY, JANUARY 20, 2020	TUESDAY, JANUARY 21, 2020
TUESDAY, FEBRUARY 18, 2020	MONDAY, FEBRUARY 3, 2020	TUESDAY, FEBRUARY 4, 2020
TUESDAY, MARCH 3, 2020	MONDAY, FEBRUARY 17, 2020	TUESDAY, FEBRUARY 18, 2020
TUESDAY, MARCH 17, 2020	MONDAY, MARCH 2, 2020	TUESDAY, MARCH 3, 2020
TUESDAY, APRIL 7, 2020	MONDAY, MARCH 23, 2020	TUESDAY, MARCH 24, 2020
TUESDAY, APRIL 21, 2020	MONDAY, APRIL 6, 2020	TUESDAY, APRIL 7, 2020
TUESDAY, MAY 5, 2020	MONDAY, APRIL 20, 2020	TUESDAY, APRIL 21, 2020
TUESDAY, MAY 19, 2020	MONDAY, MAY 4, 2020	TUESDAY, MAY 5, 2020
TUESDAY, JUNE 2, 2020	MONDAY, MAY 18, 2020	TUESDAY, MAY 19, 2020
TUESDAY, JUNE 16, 2020	MONDAY, JUNE 1, 2020	TUESDAY, JUNE 2, 2020
NO MEETINGS IN JULY 2020	SUMMER BREAK	
TUESDAY, AUGUST 4, 2020 (PRIMARY ELECTION DAY)	NO MEETING	NO MEETING
TUESDAY, AUGUST 18, 2020 (need to canvass Primary Election Results, last day to canvass is August 24th)	MONDAY, AUGUST 3, 2020	TUESDAY, AUGUST 4, 2020
TUESDAY, SEPTEMBER 1, 2020	NO MEETING DUE TO LEAGUE CONFERENCE	Renaissance Phoenix Glendale Hotel & Spa 9495 W. Coyotes Blvd., Glendale, Arizona 85305 USA September 1-4, 2020

COUNCIL WORK SESSION/REGULAR MEETING DATES:	ITEMS DUE INTO WORKFLOW (15 days prior to meeting)	AGENDA CALL MEETING DATES (14 days prior to meeting)
TUESDAY, SEPTEMBER 15, 2020	MONDAY, AUGUST 31, 2020	TUESDAY, SEPTEMBER 1, 2020
TUESDAY, OCTOBER 6, 2020	MONDAY, SEPTEMBER 21, 2020	TUESDAY, SEPTEMBER 22, 2020
TUESDAY, OCTOBER 20, 2020	MONDAY, OCTOBER 5, 2020	TUESDAY, OCTOBER 6, 2020
TUESDAY, NOVEMBER 3, 2020 (GENERAL ELECTION DAY)	MONDAY, OCTOBER 19, 2020	TUESDAY, OCTOBER 20, 2020
TUESDAY, NOVEMBER 17, 2020	MONDAY, NOVEMBER 2, 2020	TUESDAY, NOVEMBER 3, 2020
TUESDAY, DECEMBER 1, 2020	MONDAY, NOVEMBER 16, 2020	TUESDAY, NOVEMBER 17, 2020
TUESDAY, DECEMBER 15, 2020	MONDAY, NOVEMBER 30, 2020	TUESDAY, DECEMBER 1, 2020



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 3, 2019 Contact Person: Shirley Phan
Submitting Department: Community Development District: District 1
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, "Plath North Dixileta" and dated October 6, 2019, a 2.71 acre property generally located south of Dixileta Drive and west of 165th Avenue, in the Residential Ranch (RR) zoning district.

Motion:

I move to approve/deny the Final Plat for Plath North Dixileta generally south of Dixileta Drive and west of 165th Avenue.

Background:

On October 30, 2018, the applicant Paul Zeising on behalf of Robert Plath requested to subdivide a 5 acre (approx.) parcel into three (3) parcels; Lot 1 (1.21 acre), Lot 2 (1.07 acre), and Lot 3 (2.71 acre). On March 12, 2019 the Minor Land Division for Plath Dixileta Drive and 165th Avenue was administratively approved under case FS18-588.

On July 19, 2019, the applicant requested to split Lot 3 (2.71 acre) from the previous case FS18-588 into two (2) lots. The new lot split would be a total of four (4) lots, so a Minor Land Division would not work because the amount allowed for a Minor Land Division would be three (3) or less lots. Since this would be a total of four (4) lots this process would require a Final Plat.

Objective Analysis:

This Final Plat will split the 2.71 acre parcel from the previously approved case (FS18-588) into two (2) lots that will create a total of a four (4) lot split.

Policy Compliant:

This proposed Final Plat is consistent with the Surprise General Plan 2035 and the Surprise Municipal Code.

Financial Impact:

This item does not have a direct financial impact, however all activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 00-FS19-507-Plath North Dixileta-Final Plat Staff Report
 2. 01-FS19-507-PLath North Dixileta- Vicinity Map
 3. 02-FS19-507-FS19-507- Plath North Dixileta- Case Map
 4. 03-FS19-507-Plath North Dixilieta- Final Plat
 5. FS19-507-CC presentation 120319 revised
-

Case: FS19-507

Project Name: Plath North Dixileta Final Plat

Council District: 1-Acacia

City Council Date: December 3, 2019

Planner: Shirley Phan

Owner: Robert Plath Sr.

Applicant: Paul Zeising, Custom Creations

Request: Final Plat to subdivide a 2.71 acre (approx.) parcel into two (2) parcels in the Residential Ranch (RR) zoning district.

Site Location: Generally, south of Dixileta Drive and west of 165th Avenue

Site Size: 2.71 acres (approx.)

Density: 0.73 DU/Ac

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2035

Support/Opposition: None known

Findings:

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

Alternative Actions: **Approval** of the requested Final Plat to subdivide a 2.71 acre parcel into 2 lots, will allow the owner the ability to build two (2) single-family residences.

Denial of the requested Final Plat to subdivide a 2.71 acre parcel into 2 lots, will prevent the owner from developing the property as proposed.

Background:

November 3, 1988: The Mayor and City Council approved Ordinance #88-24 approving the annexation of the subject property.

October 30, 2018: The applicant filed a request for a Minor Land Division under case FS18-588 to subdivide a 5 acre (approx.) parcel into three (3) parcels; Lot A (1.21 acre), Lot B (1.07 acre), and Lot C (2.71 acre).

March 12, 2019: Staff administratively approved the aforementioned Minor Land Division under case FS18-588.

July 19, 2019: The applicant filed a request to split Lot C of the previously approved Minor Land Division into two (2) lots.

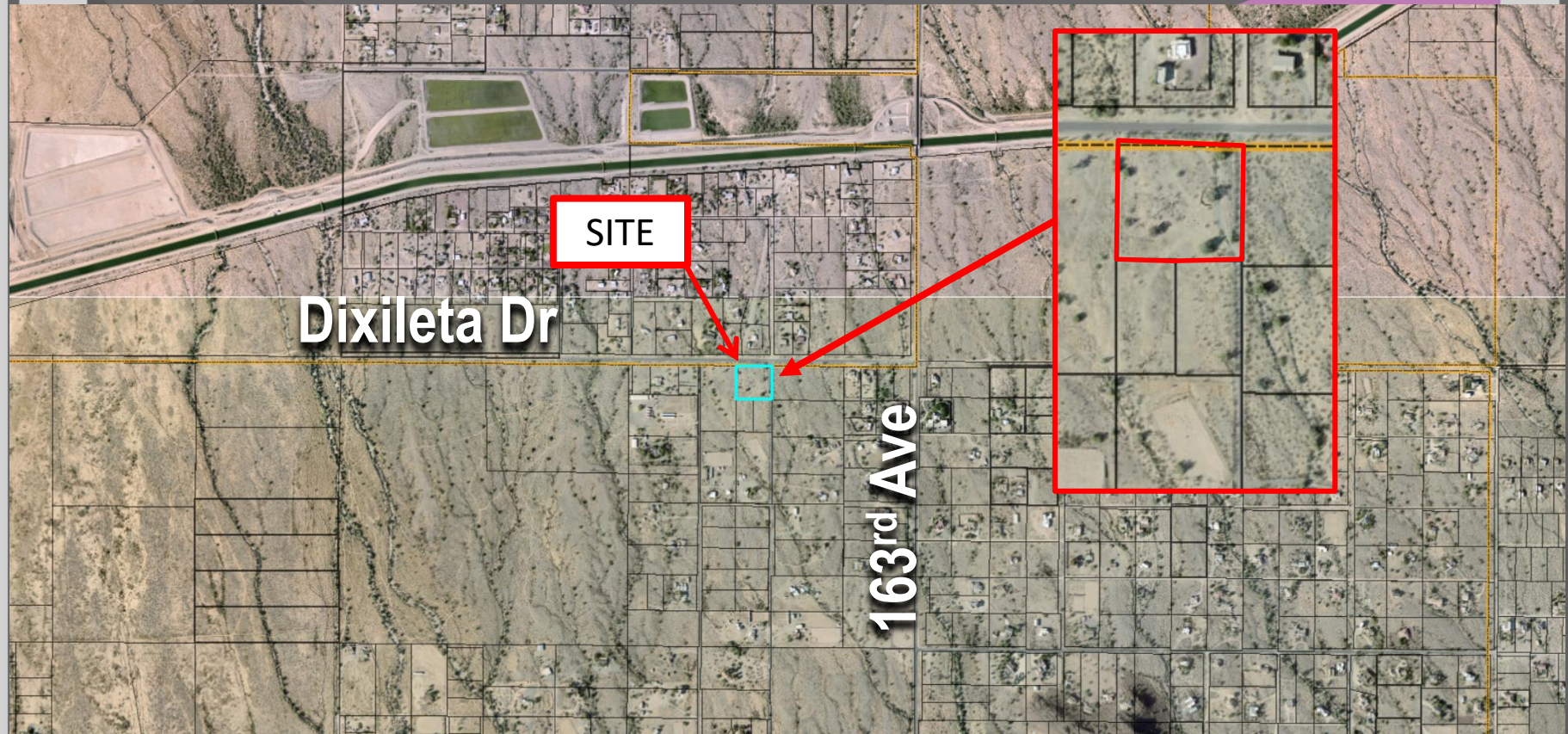
PROJECT DESCRIPTION:

The previously approved Minor Land Division approved under case FS18-588 allowed a three (3) lot split. The applicant now seeks to split Lot C into two (2) lots for a total of four (4) lots. Lots A and B are currently vacant; however, the applicant plans to begin development soon after the subject Final Plat is approved.

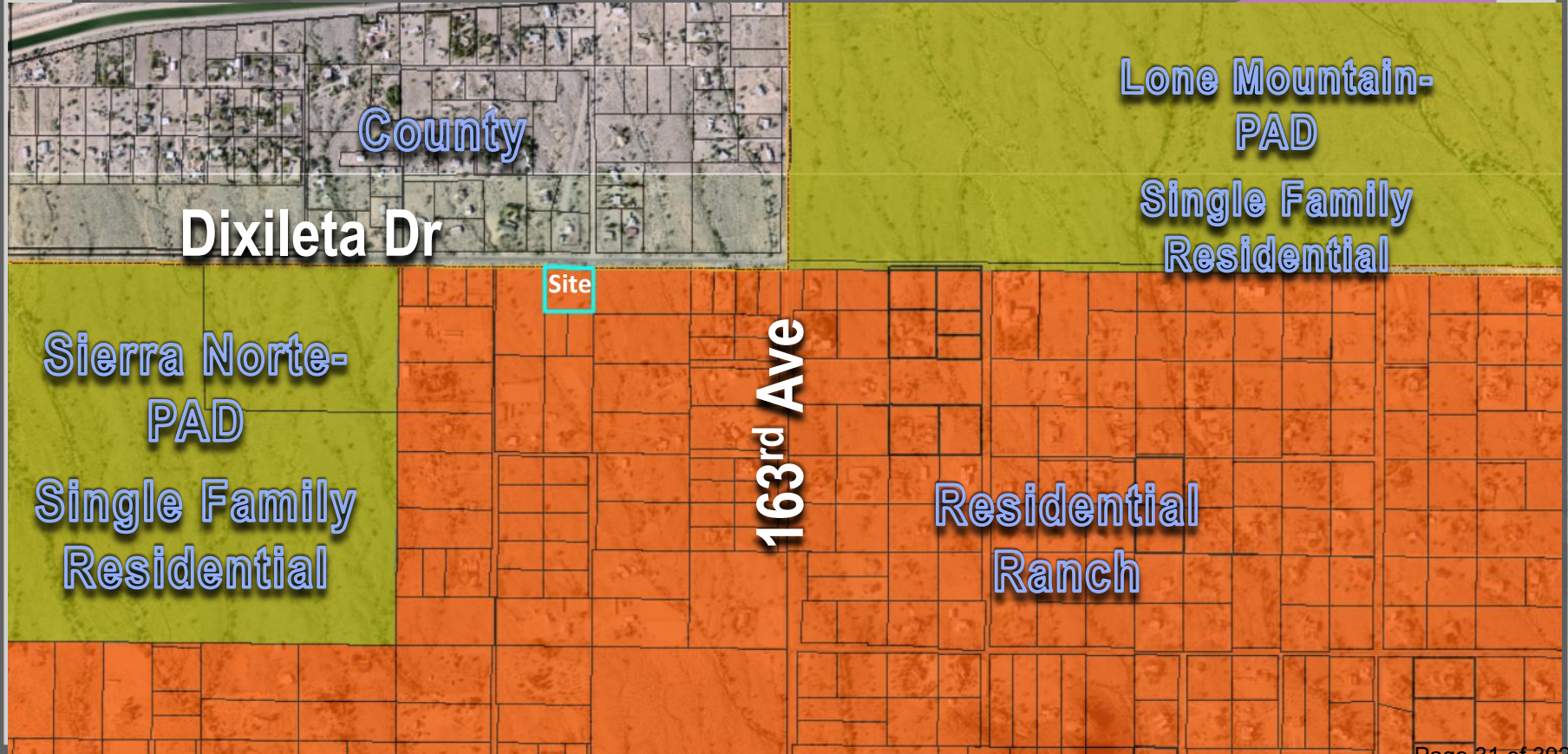
Attachments:

- 01 Vicinity Map
- 02 Case Map
- 03 Final Plat

Vicinity MAP



Case MAP



FINAL PLAT
PLATH NORTH DIXILETA

16503 W. DIXILETA DRIVE, SURPRISE, AZ 85383
(510-14-170)

LOT C OF "DIXILETA – MINOR LAND DIVISION" PER BK. 1446 OF MAPS, PG. 9, M.C.R.
BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN.

DEDICATION

STATE OF ARIZONA)
COUNTY OF MARICOPA) SS

KNOW ALL PERSONS BY THESE PRESENTS: THAT ROBERT V. PLATH, AS OWNER, HEREBY PUBLISHES THIS PLAT UNDER THE NAME OF "PLATH NORTH DIXILETA", A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE MEASUREMENTS AND DIMENSIONS OF THE LOTS AND EASEMENTS CONSTITUTING SAME, AND EACH LOT SHALL BE KNOWN BY THE NUMBER THAT IS GIVEN ON SAID PLAT, AND ROBERT V. PLATH SR., AS OWNER, HEREBY DEDICATES TO THE PUBLIC FOR USE AS SUCH THE EASEMENTS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES.

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

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

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

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

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

ROBERT V. PLATH. HEREBY GRANTS TO THE PUBLIC A PERPETUAL NONEXCLUSIVE EASEMENT IN, UPON, OVER, UNDER, THROUGH, AND ACROSS THE AREAS DESIGNATED AS PUBLIC UTILITY EASEMENTS AS SHOWN ON THE PLAT FOR THE PURPOSE OF ACCESSING, INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND UTILIZING PUBLIC UTILITIES.

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

IN WITNESS WHEREOF ROBERT V. PLATH, AS OWNER, HAS HEREUNTO CAUSED HIS NAME TO BE SIGNED BY THE UNDERSIGNED OFFICER THERE-UNTO DULY AUTHORIZED
THIS _____ DAY OF _____, 2019.

BY: _____
OWNER, ROBERT V. PLATH

ACKNOWLEDGEMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA) SS

ON THIS _____ DAY OF _____, 2019, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED HIMSELF TO BE ROBERT V. PLATH AND THAT HE, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSED THEREIN CONTAINED BY SIGNING HIS NAME.

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

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF MARCH, 2018; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST; THAT THEIR POSITIONS ARE CORRECTLY SHOWN; AND THAT SAID MONUMENTS ARE SUFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

ALLEN F. SADBERRY, R.L.S. #50620

OWNER INFO

ROBERT V. PLATH
2402 BAY DRIVE
POMPANO BEACH, FL 33062
PHONE: 954-650-3882
EMAIL: bplath@comcast.net

AREAS

LOT 1 62,592.6 S.F., 1.4369 ACRES
LOT 2 55,462.0 S.F., 1.2732 ACRES
TOTAL 118,054.6 S.F., 2.7102 ACRES

LEGEND

SYMBOL	DESCRIPTION
_____	PROPERTY LINE
-----	EASEMENT LINE
_____	MONUMENT/CENTER LINE
●	FOUND MONUMENT AS NOTED
○	SET 1/2" REBAR W/ CAP
●	STAMPED "RLS 50620"
●	FOUND REBAR
ABBREV.	DESCRIPTION
M.C.R.	MARICOPA COUNTY RECORDS
ESMT.	EASEMENT
PRVT.	PRIVATE
DKT.	DOCKET
PG.	PAGE
S.F.	SQUARE FEET

▲ BENCH MARK

CITY OF SURPRISE POINT I.D. EL_C15 163RD AVE-DIXITETA, N.E. CORNER OF SECTION 25, T5N, R2W, OF GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

ELEV.: 1521.58 (NAVD88)

BASIS OF BEARING

SOUTH 89°29'36" EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MONUMENTED AT THE NORTH QUARTER CORNER WITH A BRASS CAP IN A HANDHOLE AND AT THE NORTHEAST QUARTER OF SECTION 25 WITH A BRASS CAP IN A HANDHOLE PER MARICOPA COUNTY GEODETIC DENSIFICATION AND CADASTRAL SURVEY.

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY
OF _____, 2019, BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____
CITY ENGINEER DATE

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA
THIS _____ DAY OF _____, 2019.

MAYOR DATE

ATTEST: _____
CITY CLERK DATE

LEGAL DESCRIPTIONS

PARENT PARCEL – LEGAL DESCRIPTION
LOT C OF "DIXILETA – MINOR LAND DIVISION" PER BOOK 1446 OF MAPS, PAGE 9, M.C.R.

BEING THE EAST HALF OF THE NORTH HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 302.25 FEET.

LOT 1 – LEGAL DESCRIPTION
LOT C OF "DIXILETA – MINOR LAND DIVISION" PER BK. 1446 OF MAPS, PG. 9, M.C.R.;

EXCEPT THE WEST 155.25 FEET.

TOGETHER WITH;

AN INGRESS-EGRESS & UTILITY EASEMENT OVER THE SOUTH 13.00 FEET OF THE EAST 200.21 FEET OF SAID LOT C.

LOT 2 – LEGAL DESCRIPTION
THE WEST 155.25 FEET OF LOT C OF "DIXILETA – MINOR LAND DIVISION" PER BK. 1446 OF MAPS, PG. 9, M.C.R.;

TOGETHER WITH;

AN INGRESS-EGRESS & UTILITY EASEMENT OVER THE SOUTH 13.00 FEET OF THE EAST 200.21 FEET OF SAID LOT C.

SURVEYOR NOTES

MONUMENTS FOUND DURING THIS SURVEY WERE ACCEPTED UNLESS NOTED OTHERWISE.

THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS SURVEY MAKES NO WARRANTY REGARDING THE EXISTENCE OF ANY EASEMENTS OR ENCUMBERENCES THAT MAY EXIST.

NO ATTEMPT HAS BEEN MADE TO SHOW DATA CONCERNING UTILITIES.

THIS SURVEYOR OBSERVED NO ENCROACHMENTS FROM OR ONTO ADJACENT PARCELS.

ALL DIMENSIONS SHOWN HEREON ARE CALCULATED FROM RECORD, AND ALL MEASURED DIMENSIONS FALL WITHIN ALLOWABLE TOLERANCES, UNLESS OTHERWISE NOTED.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS OF RECORD, WHETHER SHOWN OR NOT.

CITY NOTES

THE PROPERTY OWNER AT THE TIME WHEN CITY OF SURPRISE SEWER INFRASTRUCTURE AND/OR SAGUARO ACRES HOMEOWNER'S ASSOCIATION WATER INFRASTRUCTURE IS AVAILABLE AT THE PROPERTY, SHALL BE REQUIRED TO CONNECT IN ACCORDANCE WITH SURPRISE MUNICIPAL CODE AND PAY ALL APPLICABLE FEES. ANY OWNER OF THE PROPERTY SHALL NOTIFY PROSPECTIVE BUYERS AND THE PUBLIC OF THIS NOTE, AND SALES CONTRACT, REPORT SHALL CONTAIN SUCH NOTE.

THE CITY CURRENTLY DOES NOT HAVE SEWER SERVICE AVAILABLE TO THE PROPERTY, HOWEVER PER CITY OF SURPRISE MUNICIPAL CODE CHAPTERS 58-181 AND 58-314, ONCE SEWER SERVICE IS AVAILABLE WITHIN 500 FEET OF THESE PROPERTIES, THE OWNER(S) WILL BE REQUIRED TO CONNECT TO CITY SERVICES WITHIN 90 DAYS. IN ADDITION ANY PRIVATE SEPTIC SYSTEM SHALL BE PROPERLY ABANDONED PER CITY AND COUNTY REQUIREMENTS.

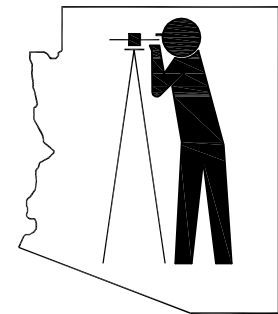
NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.

THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE DESIGNATION OF ZONE "X" SHADED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NUMBER 04013C0795L WITH A PANEL DATE OF IDENTIFICATION OF OCT. 16, 2013 FOR COMMUNITY NUMBER 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

THE EXISTING 30' PRIVATE EASEMENT ON 165TH AVENUE FOR UTILITIES, EMERGENCY VEHICLES, SERVICE VEHICLES, & PRIVATE ROADWAYS WILL BE DEDICATED TO THE CITY OF SURPRISE AS PUBLIC-RIGHT-OF-WAY WHEN THE ROADWAY IS DEVELOPED.

SPRINKLERS ARE REQUIRED ON ALL ONE- AND TWO-FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.

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



SURVEY ARIZONA
1144 W. COURTNEY LANE, TEMPE, AZ 85284
602-576-1322
ALSAD@COX.NET

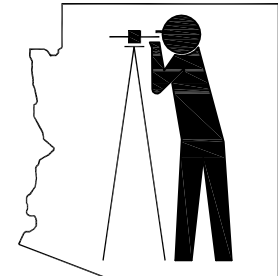
PLATH NORTH DIXILETA – FINAL PLAT

OF APN 510-14-170
16503 W. DIXILETA DRIVE, SURPRISE, AZ 85387
LOT C OF "DIXILETA – MINOR LAND DIVISION" PER BK. 1446 OF MAPS, PG. 9, M.C.R.
A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF
THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE
GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

JOB NO. 17099

DATE 3/16/19

SHEET 1 OF 2

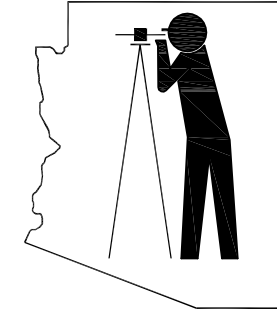
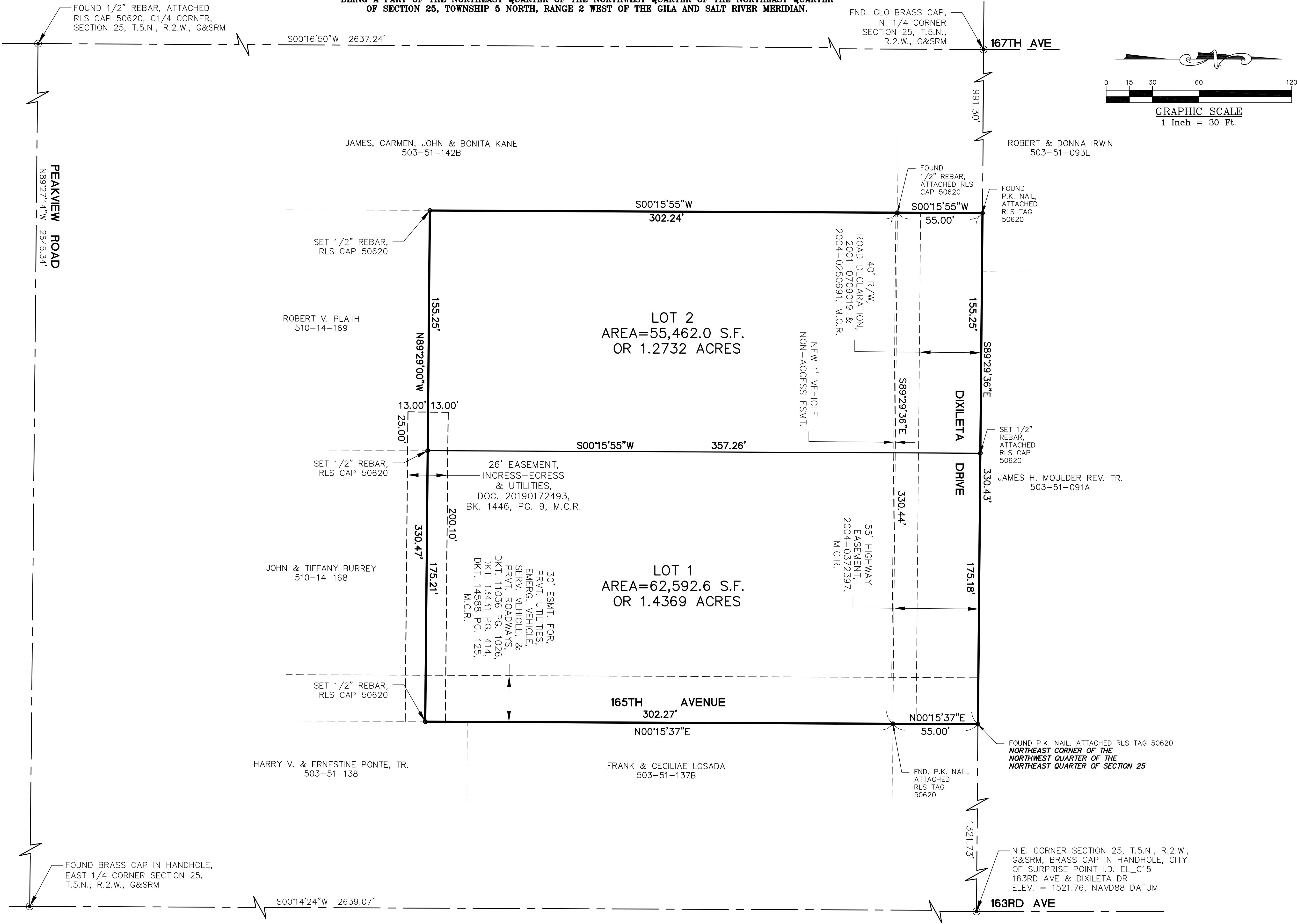


FINAL PLAT
PLATH NORTH DIXILETA

16503 W. DIXILETA DRIVE, SURPRISE, AZ 85383

(510-14-170)

LOT C OF "DIXILETA - MINOR LAND DIVISION" PER BK. 1446 OF MAPS, PG. 9, M.C.R.
BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN.

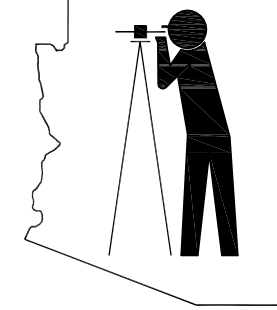


SURVEY ARIZONA
1144 W. COURTNEY LANE, TEMPE, AZ 85284
602-576-1322
ALSAD@COX.NET

PLATH NORTH DIXILETA - FINAL PLAT

OF APN 510-14-170
16503 W. DIXILETA DRIVE, SURPRISE, AZ 85387
A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF
THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE
GILA AND SALT RIVER MERIDIAN.
MARICOPA COUNTY, ARIZONA.

JOB NO. 17099
DATE 3/16/19
SHEET 2 OF 2

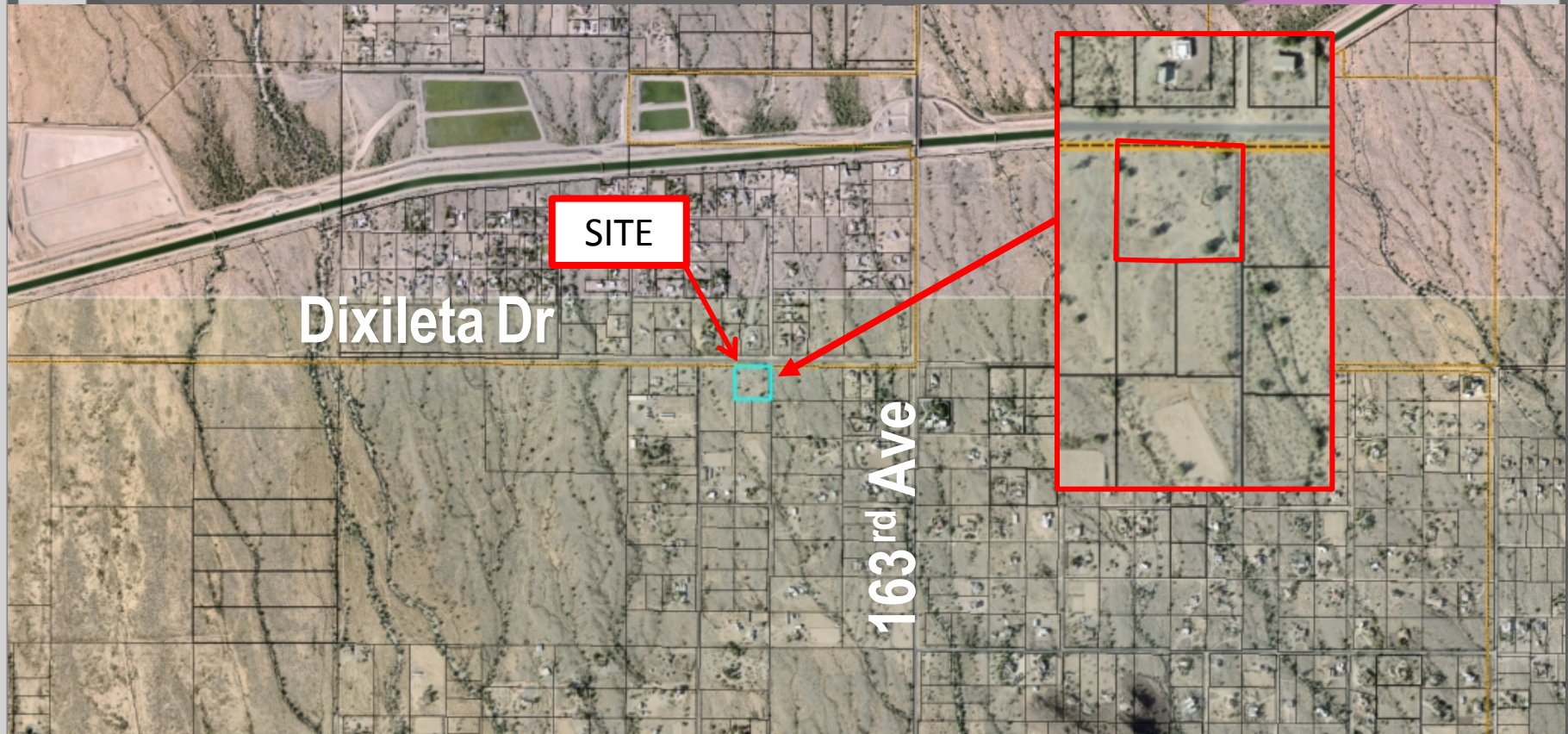




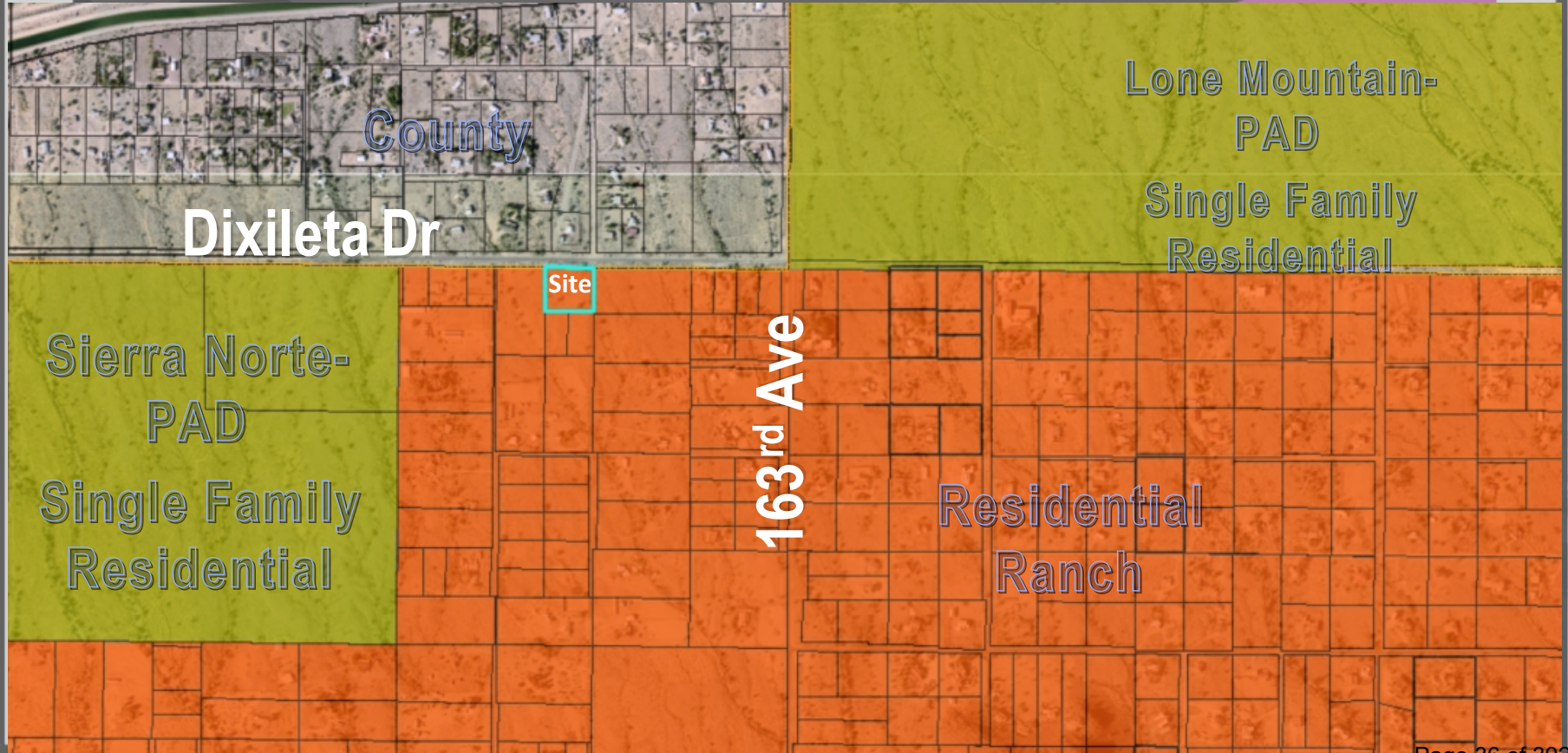
FS19-507
Plath North Dixileta
Final Plat

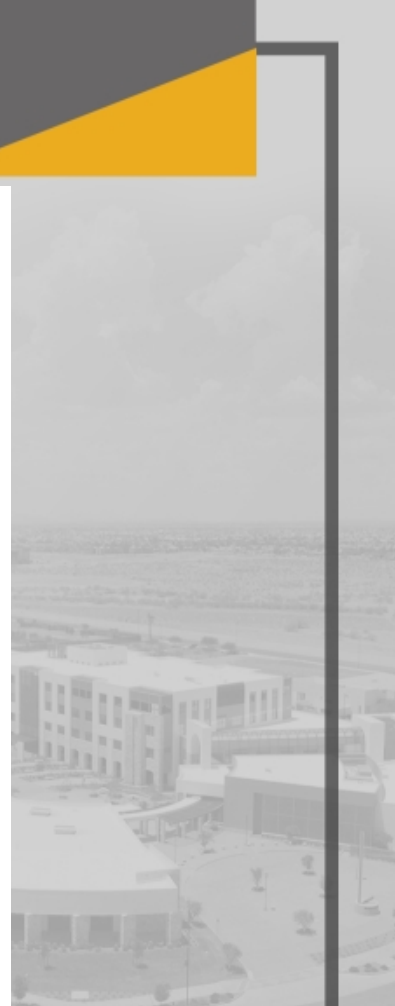
City Council
December 3, 2019

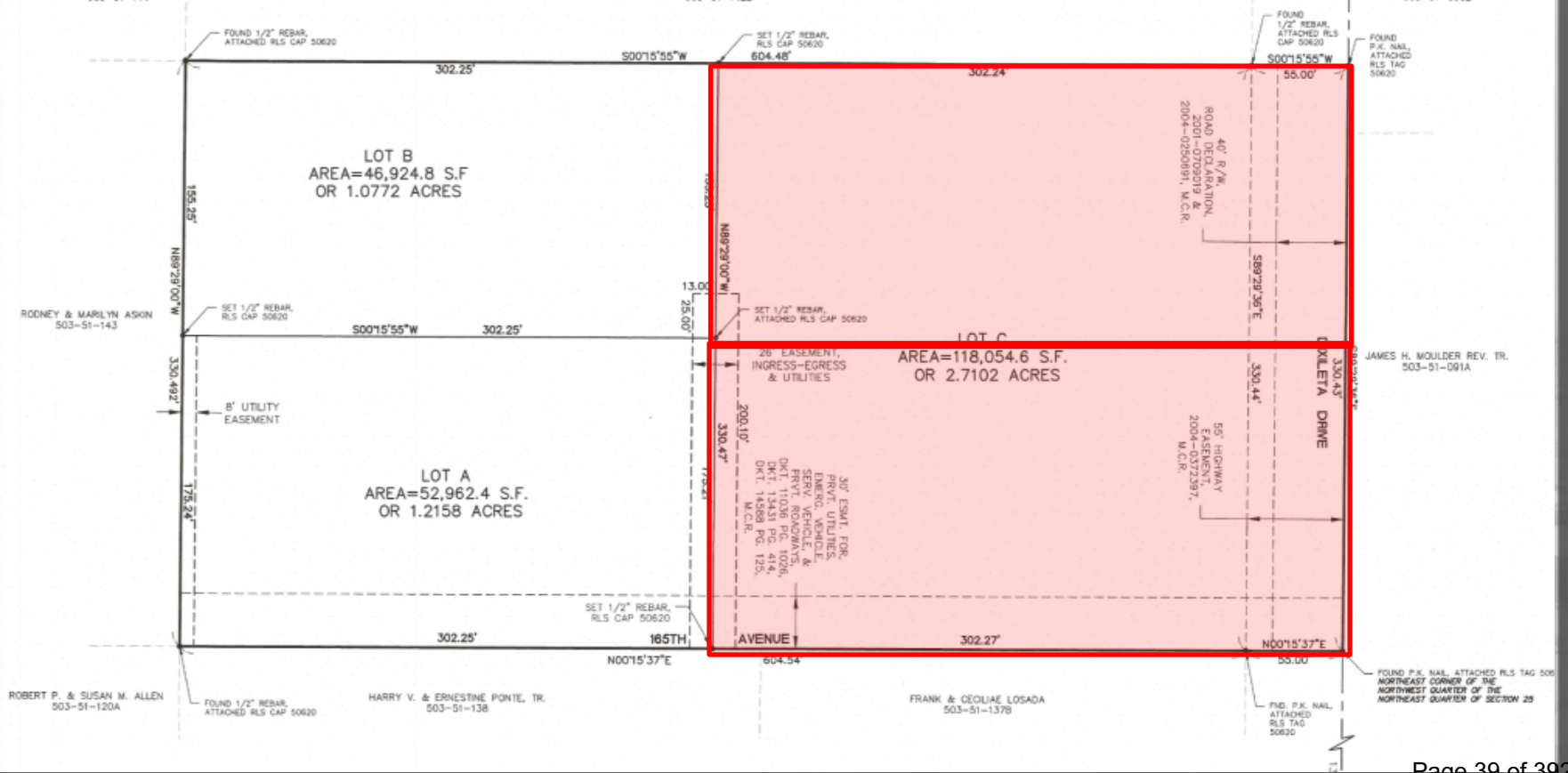
Vicinity MAP



Case MAP









QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 3, 2019 Contact Person: Hobart Wingard, PLANNER II
Submitting Department: Community Development District: District 5
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of the Final Plat entitled, "Replat of Lot 2 "Rangers Housing at Surprise Center"" and dated October 20, 2019, a 3.07 acre property located in the Surprise Center Planned Area Development ("PAD").

Motion:

I move to approve the Final Plat entitled "Replat of Lot 2 "Rangers Housing at Surprise Center""

Background:

Beck Consulting Engineers, on behalf of TR Surprise, LLC, seeks approval of a Final Plat Amendment to subdivide the original Rangers Parcel within the Surprise Center PAD.

Objective Analysis:

The proposed Final Plat will provide a 2.34 acre parcel for the Texas Rangers housing facility and 0.74 acres for the Rangers Sports Lab.

Policy Compliant:

The Surprise General Plan 2035 shows the subject property as lying within the Commerce and Office Character Area within the Surprise Center District, which supports uses such as that proposed.

Financial Impact:

This item does not have a direct financial impact, however all activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 19.11.19 EVR TX Rangers Housing FP - CC Staff Report - 120319
2. 01 - FS19-708 - TX Rangers Housing FP - Vicinity - 120319
3. 02 - FS19-708 - TX Rangers Housing FP - Final Plat - 120319

4. 03 - FS19-708 - TX Rangers Housing FP - Site Plan - 120319
 5. 04 - FS19-708 - TX Rangers Housing FP - CC PowerPoint - 120319
-

FINAL PLAT

REPORT TO THE MAYOR AND CITY COUNCIL

Case: FS19-708

Project Name: Texas Rangers Housing at Surprise Center Replat

Council District: 5 – Palm

Meeting Date: December 3, 2019

Planner: Hobart Wingard, Planner II

Owner: TR Surprise, LLC

Applicant: Beck Consulting Engineers

Request: Final Plat approval for Texas Rangers Facility at Surprise Center within the Surprise Center Planned Area Development (“PAD”).

Site Location: Generally, on the northeast corner of Bullard Avenue and Saguaro Lane within the Surprise Center PAD.

Site Size: Approximately 3.07 acres

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2035

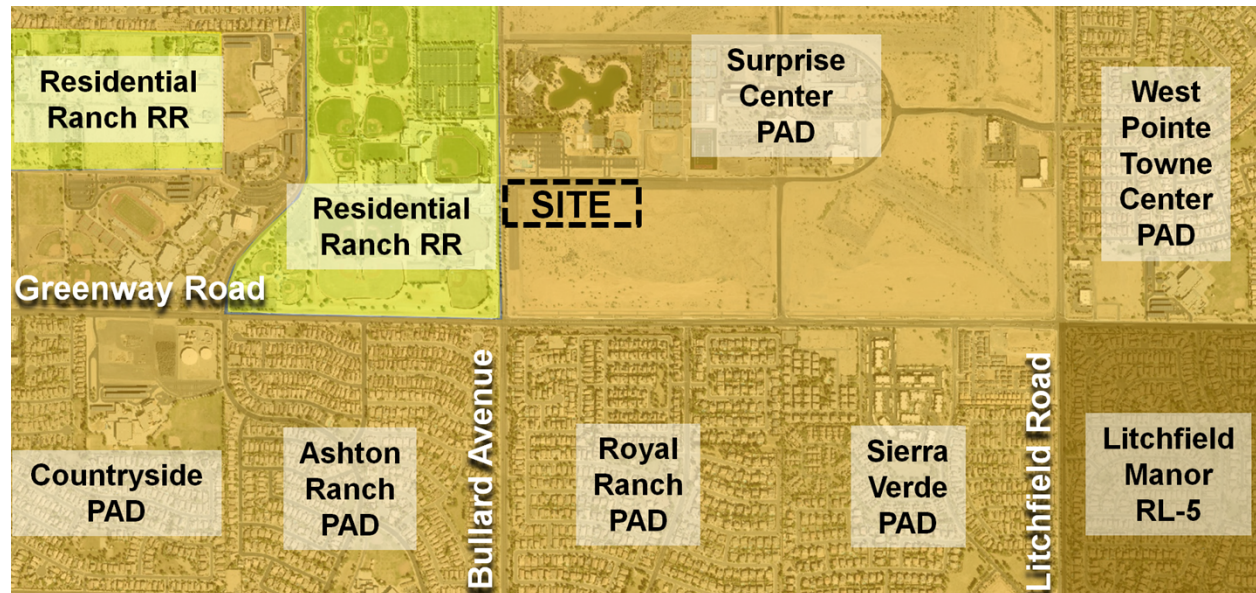
Support/Opposition: None received by staff

PROJECT DESCRIPTION:

Beck Consulting Engineers, on behalf of TR Surprise, LLC, seeks approval of a Final Plat Amendment to subdivide the original Rangers Parcel within the Surprise Center PAD.

EXISTING ZONING:

The following map and chart depicts the existing zoning of the subject site and its surroundings:



Surprise Stadium Residential Ranch (RR)	Surprise Center PAD (MU-PAD)	Surprise Center PAD (MU-PAD)
Surprise Stadium Residential Ranch (RR)	Surprise Center PAD (MU-PAD)	Surprise Center PAD (MU-PAD)
Surprise Stadium Residential Ranch (RR)	Surprise Center PAD (MU-PAD)	Surprise Center PAD (MU-PAD)

BACKGROUND:

June 12, 1980: The Mayor and City Council approved an Annexation for the subject property under Ordinance 80-03.

January 25, 2001: The Mayor and City Council approved a PAD for Surprise Center, under case PAD00-105.

February 21, 2019: The Planning and Zoning Commission approved a Site Plan for Rangers Housing and Sports Lab under case FS18-615.

March 5, 2019: The Mayor and City Council approved a final plat for the Rangers Housing Facility under Case FS18-665.

March 25, 2019: The applicant submitted for an Amended Final Plat for The Rangers Housing and Sports Lab, under Case FS19-708, the subject case.

ANALYSIS AND DISCUSSION:

The subject Final Plat Amendment request involves subdividing the existing Rangers housing facility from the Sports Lab.

The proposed Final Plat Amendment will provide a 2.34 acre parcel for the Rangers Housing facility while providing a 0.74 acre parcel for the Rangers Sports Lab.

UTILITY AND SERVICES TABLE:

Electric:	APS
Water:	City of Surprise
Wastewater:	City of Surprise
Internet:	Cox/Century Link
Refuse:	Private Collector
Natural Gas:	SWG

CONFORMANCE WITH ADOPTED PLANS:

The Surprise General Plan 2035 shows the subject property as lying within the Commerce and Office Character Area within the Surprise Center District, which supports multi-family uses such as that proposed.

REVIEWING AGENCIES:

All City reviewing departments have reviewed the request and expressed no objections. The subject Final Plat was also routed to the standard external reviewing agencies, which provided no other comments.

SUMMARY:

Staff believes the proposed Final Plat is consistent with the manner and intent of the Surprise Center District in which it occupies. Approval will allow the site to be developed in accordance with the requirements of the City of Surprise.

FINDINGS:

- The proposed Final Plat Amendment demonstrates compliance with the General Plan.
- The proposed Final Plat Amendment demonstrates compliance with the Surprise Center PAD.
- The reviewing agencies have indicated no objections to the request.

ATTACHMENTS:

- 01 - Vicinity Maps
- 02 - Final Plat
- 03 - Site Plan
- 04 - PowerPoint

VICINITY MAP

FS18-708
Ranger's



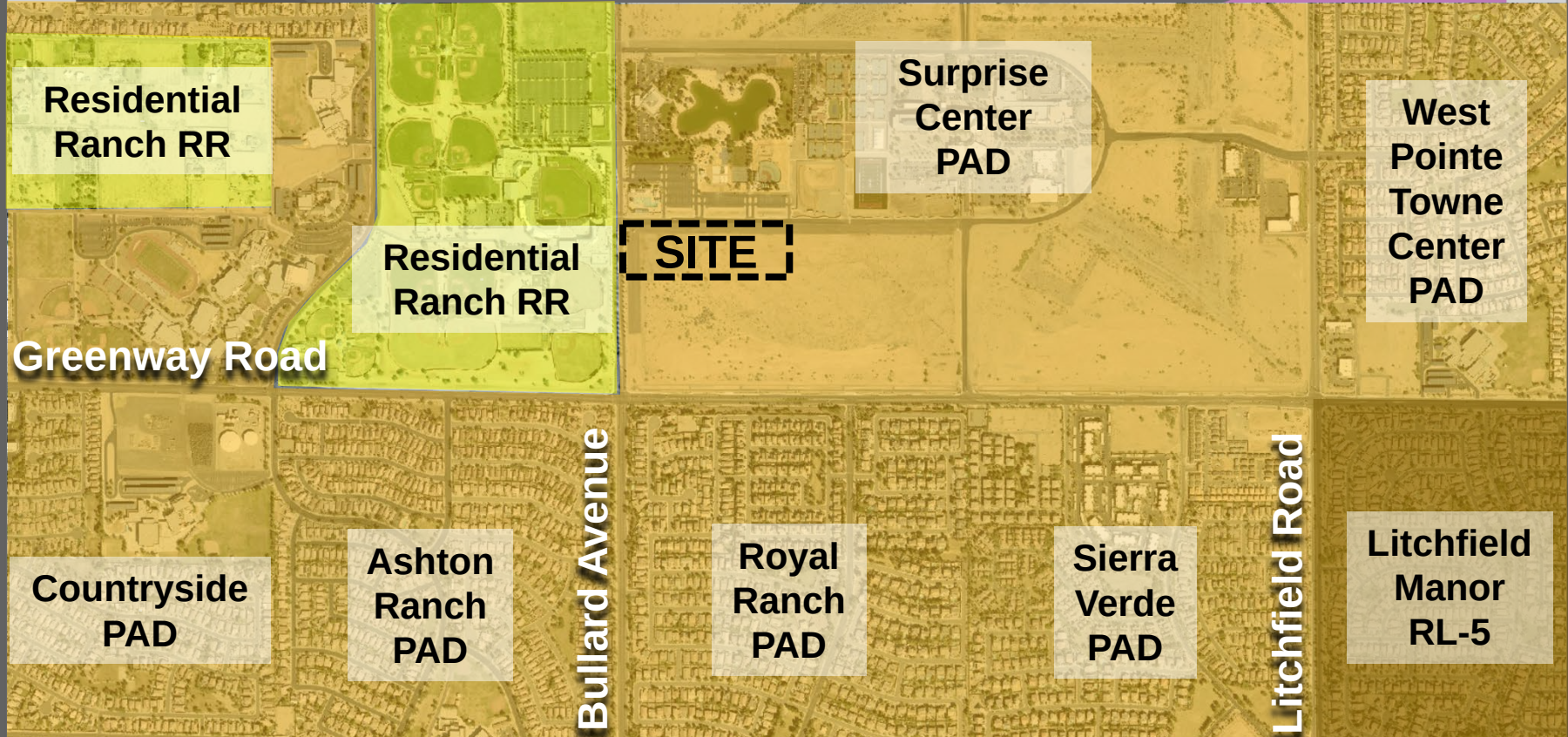
VICINITY MAP

FS18-708
Ranger's



ZONING

FS18-708
Ranger's



DEDICATIONS

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

KNOW ALL PERSONS BY THESE PRESENTS: THAT TR SURPRISE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAVE SUBDIVIDED UNDER THE NAME OF A "RE-PLAT OF LOT 2 OF "RANGERS HOUSING AT SURPRISE CENTER", SAID PLAT BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA, AS SHOWN AND PLATTED HEREON, AND DOES HEREBY PUBLISH THIS PLAT AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET, AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT, STREET, AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

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

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL CROSS ACCESS EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS, AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY VEHICLES.

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A PERPETUAL EASEMENT ACROSS THE PLAT INCLUDING ROADS AND STREETS, OPEN SPACES, COMMUNITY FACILITIES, TRACTS, SIDEWALKS, DRAINAGE BASINS AND ANY PROPERTY WITHIN THE PLAT OWNED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR TRASH COLLECTION VEHICLES.

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

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

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

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF"), ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE PERPETUAL AND PERMANENT AVIGATION EASEMENT, OVER AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT WILL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO FLY AIRCRAFT OVER THE PLAT, TOGETHER WITH ITS ATTENDANT NOISE, VIBRATIONS, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPERATION OF AIRCRAFT LANDING AT OR TAKING OFF FROM OR OPERATING AT LUKE AIR FORCE BASE AND THE AUXILIARY FIELD. OWNER WILL NOT ALLOW ANYTHING OCCURRING ON THE PLAT TO IMPEDE THE USAF'S USE OF THIS AVIGATION EASEMENT.

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

GRANTOR HEREBY GRANTS AND CONVEYS TO THE CITY OF SURPRISE A PERPETUAL, EXCLUSIVE EASEMENT OVER THE EASEMENT AREAS FOR INSTALLATION AND MAINTENANCE OF WATER METERS.

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

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

DATED THIS _____ DAY OF _____, 20____.

BY: TR SURPRISE, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____
NEIL LEIBMAN
ITS: _____
MANAGING MEMBER

ACKNOWLEDGEMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2019, TR SURPRISE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

RE-PLAT
OF
LOT 2 "RANGERS HOUSING AT SURPRISE CENTER"

A RE-PLAT OF LOT 2 OF "RANGERS HOUSING AT SURPRISE CENTER"
AS RECORDED IN BOOK 1444, PAGE 9, MARICOPA COUNTY RECORDS
A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST,
OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

SURVEYOR

INFINITY ENGINEERING SERVICES, LTD.
P.O. BOX 88034
PHOENIX, AZ 88034
CONTACT: BRETT NOWACKI, R.L.S.
PH: (602) 670-8635

OWNER

TR SURPRISE, LLC
5950 SHERRY LANE
DALLAS, TX 75225
CONTACT: SCOTT RILEY
PH: (214) 378-7500

RELEASE OF LIABILITY

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

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

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

BY: TR SURPRISE, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____
NEIL LEIBMAN
ITS: _____
DATE: _____

ACKNOWLEDGEMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2019, TR SURPRISE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

PUBLIC NOTICE

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

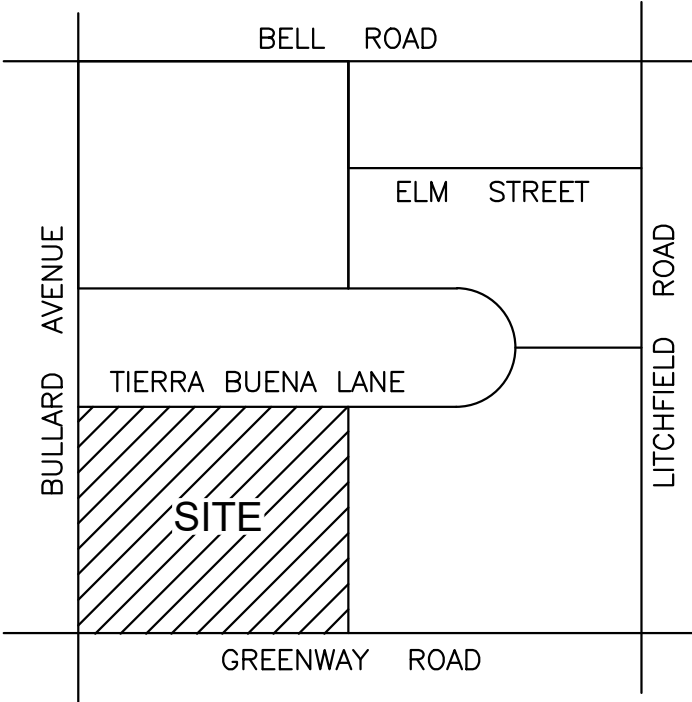
REFERENCE DOCUMENTS

(R) INST. NO. 2000-0325404 MCR
(R1) INST. NO. 2006-1100434 MCR
(R2) BOOK 890 OF MAPS, PAGE 04 MCR
(R3) BOOK 688 OF MAPS, PAGE 41 MCR

LOT AREA SUMMARY TABLE

LOT 5: 101,786.08 S.F. OR 2.34 ACRES
LOT 6: 32,034.97 S.F. OR 0.74 ACRES
TOTAL: 133,821.04 S.F. OR 3.07 ACRES

RECORDER



VICINITY MAP

SCALE: N.T.S. SEC. 4 T.3N, R.1W.



GENERAL NOTES

- FIRE SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
- NO ON-SITE GRADING OR EXCAVATION SHALL OCCUR WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
- THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF THE CITY OF SURPRISE WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. § 45-576.
- THE ROADS DESIGNATED AS "PRIVATE" AND ANY APPURTENANCES INCLUDING BUT NOT LIMITED TO ROAD SIGNS, STRIPING, CURB AND GUTTER, AND SIDEWALKS ARE PRIVATE; SUCH ROADS AND APPURTENANCES ARE OWNED, MAINTAINED AND REPAIRED BY OWNER OR THE HOMEOWNER'S ASSOCIATION FORMED BY OWNER. THE CITY OF SURPRISE SHALL NOT MAINTAIN OR REPAIR ANY ROAD DESIGNATED AS "PRIVATE".
- IN ACCORDANCE WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT ALL DEDICATIONS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE GENERAL PLAN.
- PURSUANT TO A.R.S. § 42-11102, THE CITY OF SURPRISE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA, IS EXEMPT FROM ALL TAXES AND ASSESSMENTS BASED ON ASSESSED VALUE EXCEPT FOR SPECIAL DISTRICTS #14751 AND 14710, WHEN APPLICABLE.
- THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE OWNER.
- THE MAINTENANCE OF LANDSCAPING WITHIN THE ADJACENT PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS, AND LANDSCAPED AREAS BETWEEN THE CURB AND THE DETACHED SIDEWALK, SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNER OR THE HOMEOWNERS' ASSOCIATION FORMED BY THE ADJACENT PROPERTY.
- LANDSCAPING MAINTENANCE OF THE MEDIANS WITHIN THE PUBLIC RIGHT-OF-WAY WITHIN ANY ARTERIAL OR PARKWAY STREET CLASSIFICATION SHALL BE RESPONSIBILITY OF THE CITY OF SURPRISE AFTER ACCEPTANCE.

FLOOD ZONE

THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X," BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C12201 AND 04013C1240L, WITH EFFECTIVE DATES OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

BASIS OF BEARING

SOUTH 00 DEGREES 11 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN ON INSTRUMENT NO.: 2000-0325404, RECORDS OF MARICOPA COUNTY, AZ.

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT WAS REVIEWED AND APPROVED THIS _____ DAY OF _____, 2019, BY CITY ENGINEER OF SURPRISE, ARIZONA.

APPROVED _____ DATE
CITY ENGINEER

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA. THIS _____ DAY OF _____, 2019,

ATTEST: _____ DATE
MAYOR

CITY CLERK DATE

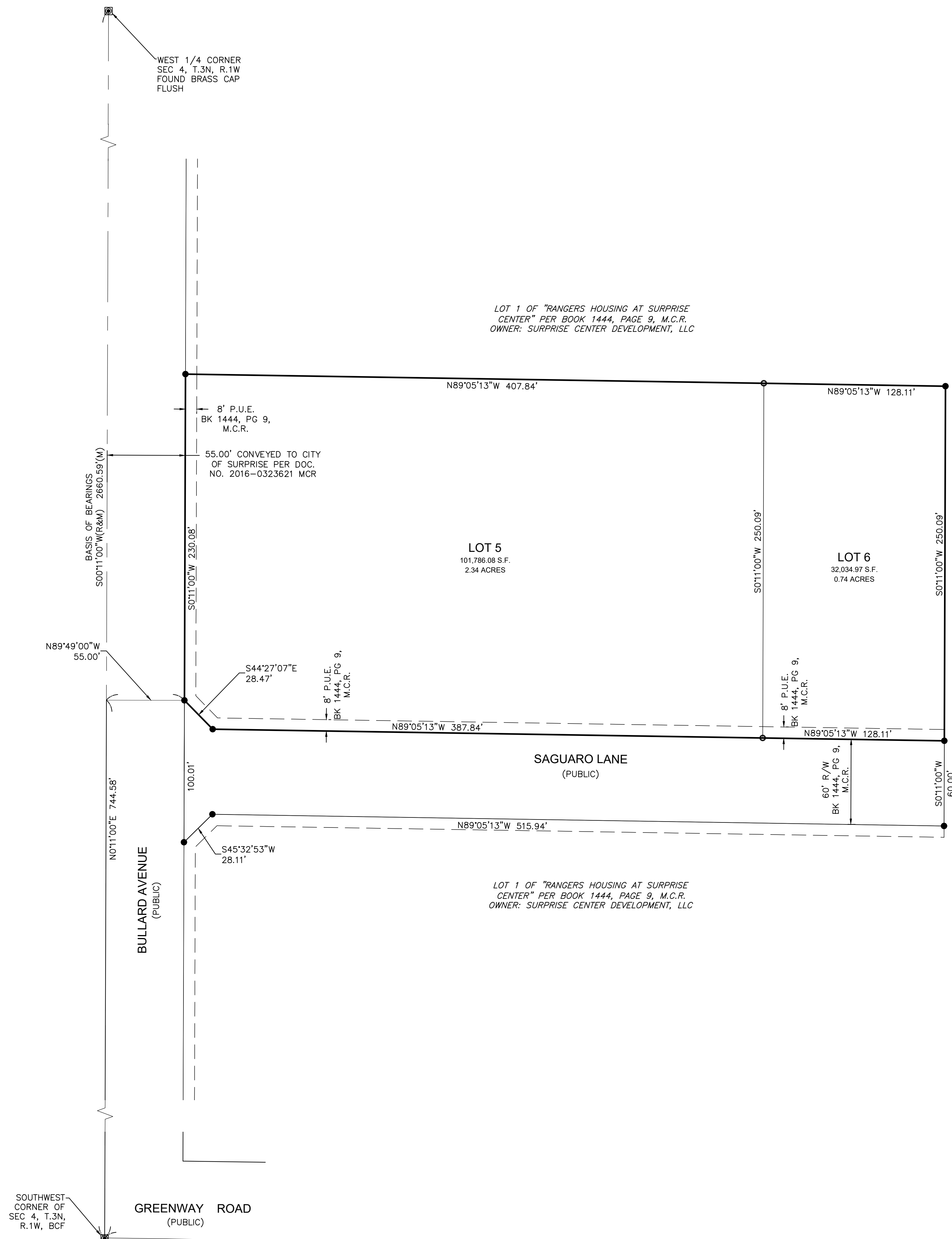
LAND SURVEYOR'S CERTIFICATION:

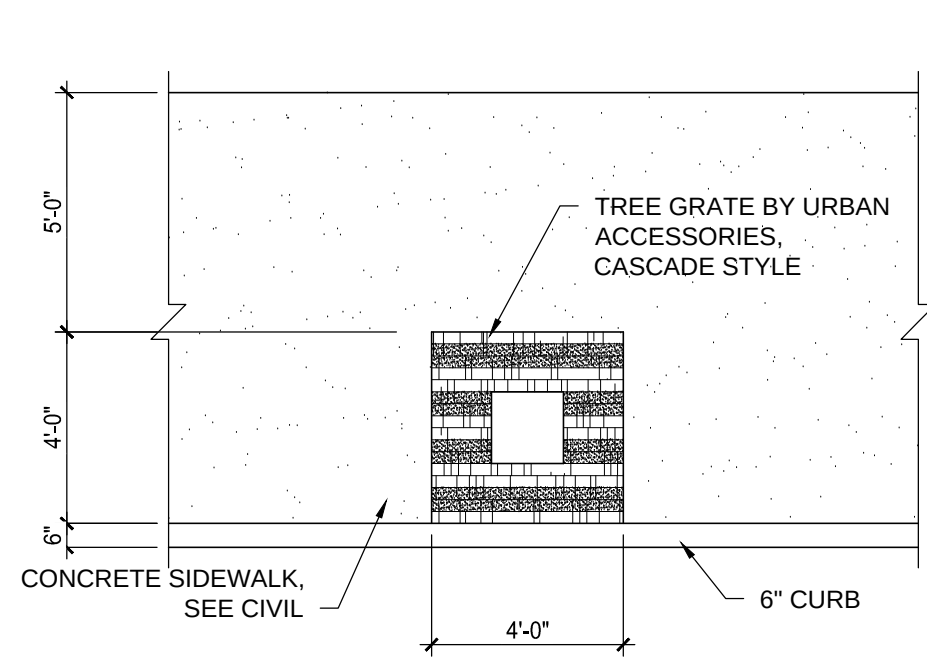
THE IS TO CERTIFY THAT THE SURVEY AND PLAT OF THE PREMISES DESCRIBED HEREON WERE MADE UNDER MY DIRECTION AND THIS PLAT IS CORRECT AND ACCURATE AND THE FOUND MONUMENTS SHOWN HEREON HAVE BEEN LOCATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: _____
BRETT NOWACKI
REGISTERED LAND SURVEYOR # 41896

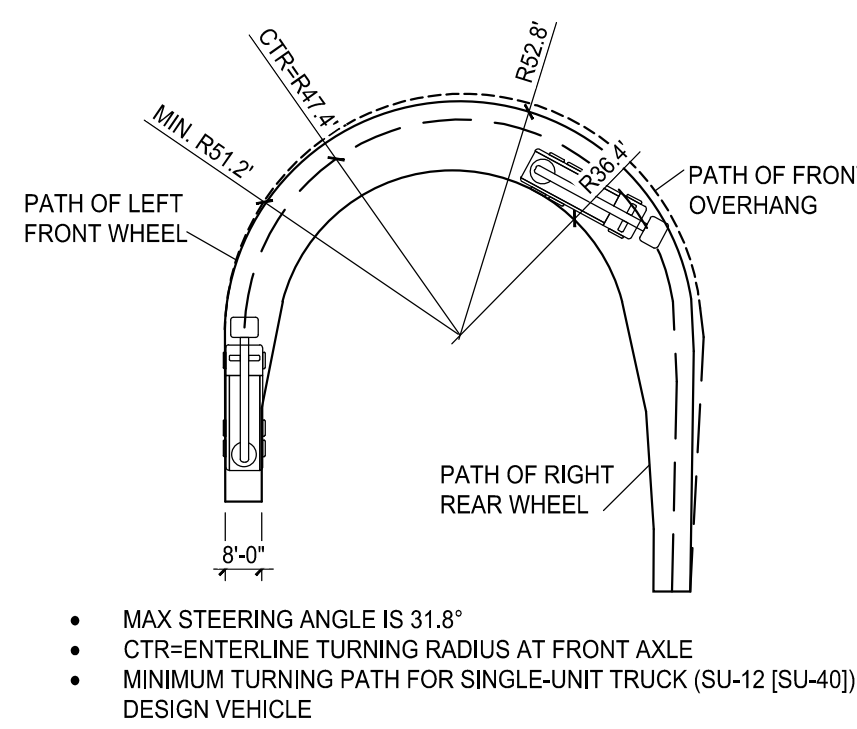
FS19-708

OWNERS			
SURPRISE CENTER DEVELOPMENT, LLC, & TR SURPRISE, LLC, & CITY OF SURPRISE			
PREPARED FOR			
BECK CONSULTING ENGINEERS 2942 N. 24TH STREET #114 PHOENIX, AZ 85016 (602) 943-6200			
PROPERTY INFO			
A PART OF THE SW 1/4 OF SECTION 4, T-3N, R-1W, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA			
FINAL PLAT A RE-PLAT OF LOT 2 "RANGERS HOUSING AT SURPRISE CENTER" A PART OF THE SOUTHWEST 1/4 OF SECTION 4, T-3N, R-1W MARICOPA COUNTY, ARIZONA			
DRAWN BY:	BLN	CHECKED BY:	AJW
DATE:	11/20/18	SCALE:	AS SHOWN
PROJECT #:	16042	LAST MODIFIED:	11/20/18
LAST MODIFIED BY:	BLN		
 P.O. BOX 88034 PHOENIX, AZ 85080 PHONE: (602) 670-8635			
SHEET 1		OF 2	
PL1			

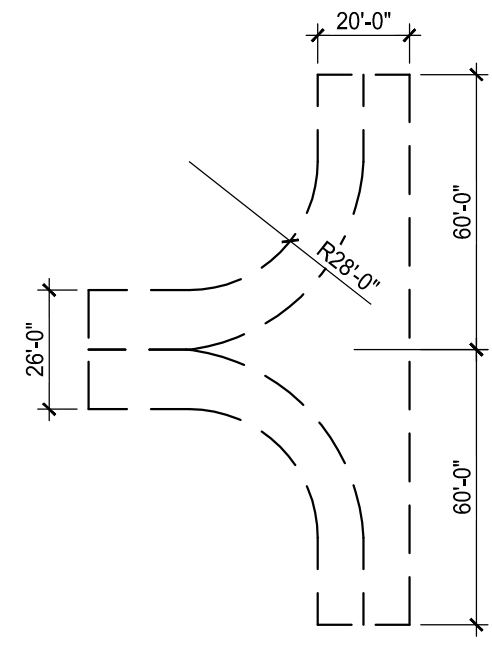




5 SIDEWALK DETAIL
SCALE: 1/4"=1'-0"



4 MIN. TURNING PATH FOR SU-40
SCALE: N.T.S.



3 FIRE TRUCK HAMMERHEAD
SCALE: N.T.S.



2 VICINITY MAP
SCALE: N.T.S.

SITE SUMMARY

OWNER	TR SURPRISE, LLC. 5850 S HERRY LANE, SUITE 550 DALLAS, TX. 75225
ADDRESS	N. BULLARD AVE & W. GREENWAY RD, SURPRISE AZ 85379
JURISDICTION LAND USE PLAN AREA	SURPRISE, AZ PAD
ZONING CLASSIFICATION SETBACK HEIGHT ALLOWED	PAD 0'-0" REQUIRED EXCEPT 8'-0" PUE ALONG BULLARD 15 - STORIES (0 - 300'-0") OFF BULLARD - 3 STORIES
SITE AREA (NET) RANGERS NEW R.O.W.	166,181 SQ. FT. (3.81 ACRES) 134,021 SQ. FT. (3.08 ACRES) 32,160 SQ. FT. (.73 ACRES)
PERMEABLE SURFACE COVERAGE SITE AREA VILLAGE FOOTPRINT SPORTS LAB FOOTPRINT IMPERMEABLE SURFACE TOTAL (94,646/134,021)	134,021 SQ. FT. 30,636 SQ. FT. 12,760 SQ. FT. 51,250 SQ. FT. 94,646 SQ. FT. 70.62%
DENSITY RANGE RANGERS HOUSING FACILITY FIRST FLOOR SECOND FLOOR THIRD FLOOR RANGERS SPORTS LAB TOTAL (82,899/134,021)	FLOOR AREA RATIO (F.A.R.) MAXIMUM = 1.50 30,636 SQ. FT. 21,867 SQ. FT. 17,636 SQ. FT. 12,760 SQ. FT. 82,899 SQ. FT. F.A.R. = 0.62
PARKING REQUIRED .8 PER ROOM 1800 SQ.FT. PUBLIC SPACE SPORTS LAB TOTAL PROVIDED	36 ROOMS X 0.8 PER ROOM = 28.8 NO PUBLIC SPACE PROVIDED 12,760 SQ.FT. / 4 PER 1,000 SQ.FT. = 13 42 PARKING SPACES 3 ACCESSIBLE STALLS INCLUDING 50 TOTAL SPACES NOTE: REFER TO PARKING STUDY PREPARED BY CIVTECH DATED 11-5-18 STIPULATIONS: DESIGNATE 15-18 SPACES AS VISITOR SPACES
BICYCLE PARKING	3 REQUIRED 3 PROVIDED

PROJECT SUMMARY

THE PROPOSED PROJECT IS BEING DEVELOPED BY T.R. SURPRISE, L.L.C. FOR THE TEXAS RANGERS BASEBALL CLUB.

THIS PROPOSED DEVELOPMENT INCLUDES A COMMERCIAL LOT FOR A TWO STORY PUBLIC AREA AND A PRIVATE THREE-STORY HOUSING FACILITY FOR THE TEXAS RANGERS BASEBALL CLUB WHICH IS FOR THE MINOR LEAGUE BASEBALL PLAYERS AND COACHES. IN ADDITION, A PRIVATE "STATE-OF-THE-ART" SPORTS LAB FOR INDIVIDUAL TRAINING OF THE TEXAS RANGERS BASEBALL CLUB.

THE PROPOSED PROJECT IS LOCATED ON THE EAST SIDE OF BULLARD AVENUE, DIRECTLY ACROSS FROM THE EXISTING TEXAS RANGERS PRACTICE FIELDS. THIS EXISTING VACANT PROPERTY IS LOCATED IN THE CITY OF SURPRISE, AZ. THIS IS A "P.A.D." SPECIAL PLANNING AREA.

HISTORICALLY THIS CURRENT PROPERTY HAS SERVED AS OVERFLOW PARKING FOR SPRING TRAINING GAMES AT THE SHARED TEXAS RANGERS AND KANSAS CITY ROYALS BASEBALL STADIUM.

THE TEXAS RANGERS HOUSING FACILITY WILL CONSIST OF AN TWO-STORY STRUCTURE FOR THE PUBLIC AREA AND A THREE-STORY PRIVATE STRUCTURE FOR THE VILLAGE HOUSING UNITS. THE FACILITY WILL INCLUDE A LOBBY, PUBLIC RESTROOMS, BREAKFAST RESTAURANT, CLASSROOMS, AUDITORIUM, FITNESS ROOM, ONE-BEDROOM, AND TWO-BEDROOM ROOM SUITES, LAUNDRY ROOMS, HOUSING MANAGEMENT OFFICES, AND MECHANICAL/ELECTRICAL SUPPORT ROOMS. THE EXTERIOR AMENITIES WILL BE OUTDOOR EATING AREAS AND ROOFTOP PATIO. NO POOL IS PLANNED. THE RESIDENTS ARE EITHER BALLPLAYERS OR CLUB EMPLOYEES THAT WILL ARRIVE BY PLANE, SO LIMITED SURFACE PARKING WILL BE SUPPLIED.

THE RANGERS SPORTS LAB IS A CLEAR-SPAN METAL BUILDING WITH MATCHING EXTERIOR FEATURES AS TO THE HOTEL BUILDING. THE INTERIOR INCLUDES AN OPEN TRAINING AREA, WEIGHT ROOM, LOCKER ROOM, AND A SPORTS SCIENCE ROOM.

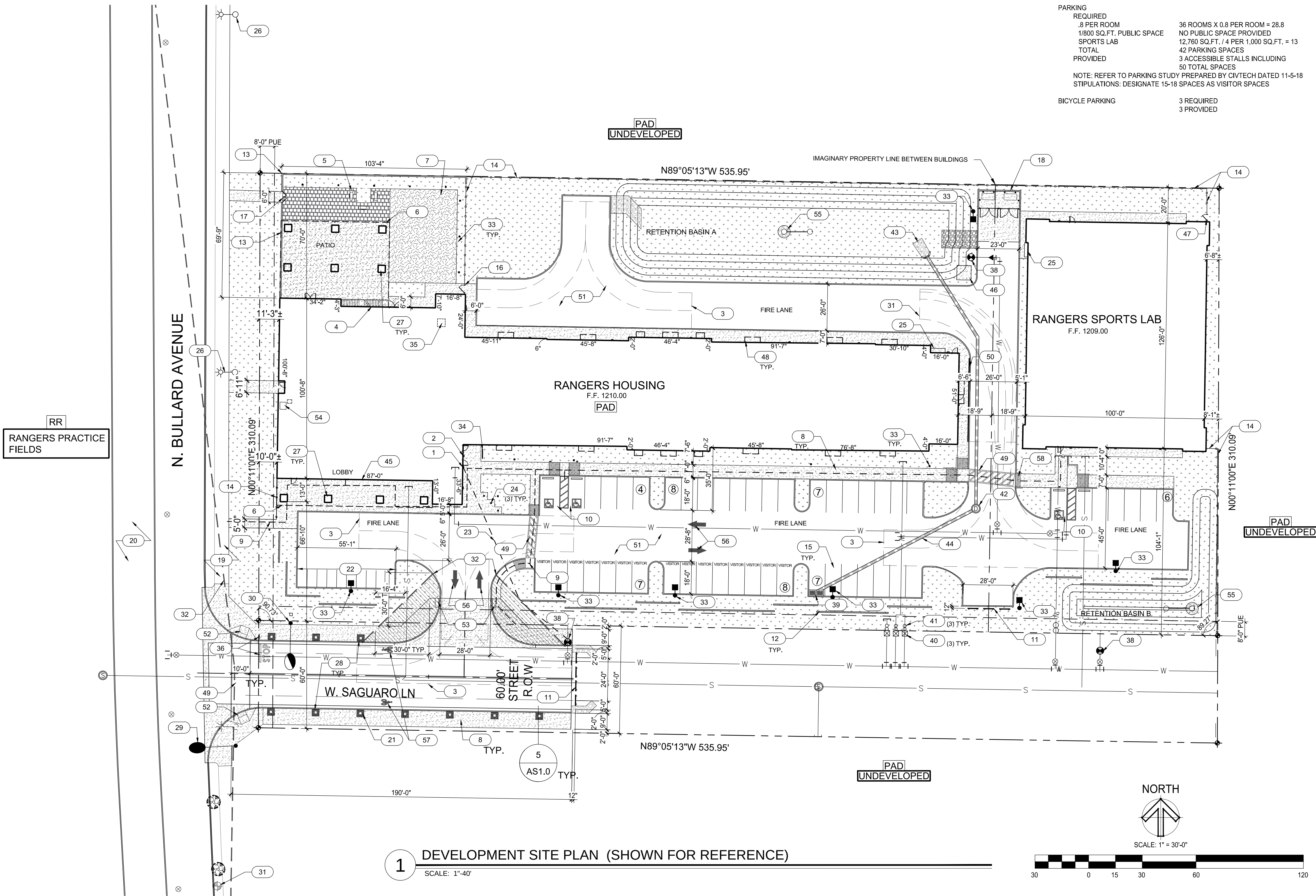
THE PROPERTY IS BEING DEVELOPED WITH A PORTION OF NEW PUBLIC STREET AT THE REQUEST OF THE CURRENT LANDOWNER WHO PLANS ON DEVELOPING THE REMAINING BLOCKS AROUND THIS PROJECT. AS AGREED TO WITH THE CITY OF SURPRISE, CONSTRUCTION OF THE NEW PUBLIC STREET WILL EXTEND JUST PAST THE FIRST DRIVEWAY AND TO INCLUDE REQUIRED STREET LIGHTS, PUBLIC SIDEWALKS WITH TREE WELLS, AND ONE DRIVEWAY CURB CUT FOR THE PARKING LOT.

BUILDING SUMMARY

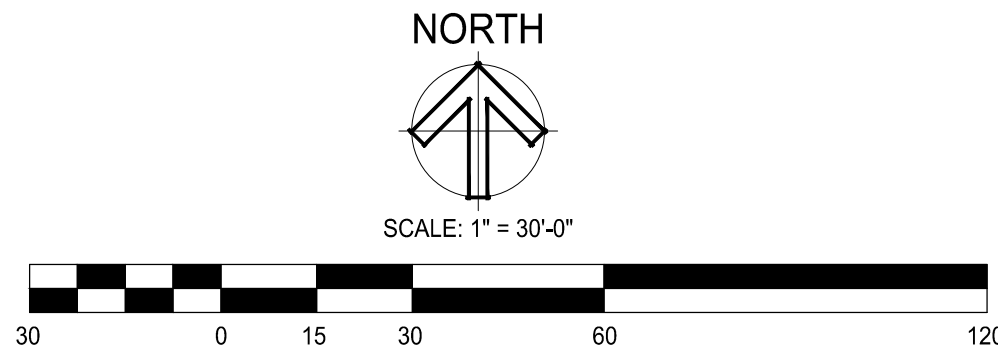
TEXAS RANGERS HOUSING USE:	R-1: RESIDENTIAL CONSTRUCTION TYPE V-B SPRINKLERED BUILDING Aa = [At + (At x 2)] Aa = (7,000 + [7,000 x 2]) = 21,000 21,000 SQ.FT. > 18,255 SQ.FT. ACTUAL 3 FLOOR ALLOWED = 3 FLOORS ACTUAL
	B: BUSINESS CONSTRUCTION TYPE V-B SPRINKLERED BUILDING Aa = [At + (At x 2)] Aa = (9,000 + [9,000 x 2]) = 27,000 27,000 SQ.FT. > 8,522 SQ.FT. ACTUAL 2 FLOORS ALLOWED > 2 FLOORS ACTUAL
SPORTS LAB:	B: BUSINESS CONSTRUCTION TYPE II-B SPRINKLERED BUILDING Aa = [At + (At x 2)] Aa = (19,000 + [19,000 x 2]) = 57,000 57,000 SQ.FT. > 12,760 SQ.FT. ACTUAL 4 FLOOR ALLOWED > 1 FLOORS ACTUAL

KEYNOTES

1. FIRE RISER ROOM
2. FIRE CONNECTION LOCATED 36" ABOVE FINISHED GRADE
3. FIRE HAMMERHEAD TURN. REFER TO DETAIL 3/AS1.0 & 4/AS1.0
4. EXTERIOR STAIRS TO ROOFTOP PATIO
5. OUTDOOR GRILL AREA
6. ROOF OF SHADE STRUCTURE
7. LAWN AREA
8. SIDEWALK
9. ACCESSIBLE PATH OF TRAVEL FROM PUBLIC ACCESS
10. ACCESSIBLE PARKING SPACES
11. BARRICADE WITH ROAD CLOSURE SIGN
12. 3'-0" PAINTED SCREEN WALL. TYPICAL ALONG NEW ROW, REFER TO WALL ELEVATIONS
13. 8'-0" PAINTED SCREEN WALL. REFER TO WALL ELEVATIONS
14. 8'-0" PAINTED ORNAMENTAL METAL FENCE. REFER TO WALL ELEVATIONS
15. 9'-0"x18'-0" PARKING SPACE
16. 4'-0" GATE
17. (2)3'-0" GATE
18. TRASH ENCLOSURE
19. EXISTING PUBLIC SIDEWALK
20. EXISTING LANDSCAPE MEDIAN
21. NEW IRRIGATION FOR TREES ON SOUTH SIDE OF ROW TO CONNECT UNDERGROUND TO IRRIGATION SYSTEM ON NORTH SIDE OF ROW
22. 5'-6"x9'-0" GOLF CART PARKING
23. 150' MAXIMUM HOSE-LAY
24. FLAGPOLE
25. APPROXIMATE LOCATION OF FUTURE SES CABINET, PAINT TO MATCH BUILDING
26. EXISTING STREET LIGHT, SEE STREET LIGHT PLANS
27. STRUCTURAL COLUMN
28. PLANTER WITH GRATE, REFER TO LANDSCAPING PLAN
29. EXISTING STREET LIGHT TO BE RELOCATED, SEE STREET LIGHT PLANS
30. NEW STREET LIGHT, SEE STREET LIGHT PLANS
31. FIRE TURNING RADIUS, REFER TO DETAIL 4/AS1.0
32. SIGHT DISTANCE REQUIREMENTS ON ARTERIALS AND COLLECTORS WILL ADHERE TO SURPRISE DETAIL 4-01. SIGHT VISIBILITY WITHIN THE UNOBSTRUCTED VIEW EASEMENT AREA AND IN FRONT OF STOP SIGNS MUST MEET OR EXCEED REQUIREMENTS IN SURPRISE DETAILS 4-01 AND 4-02
33. SITE LIGHTING. SEE ELECTRICAL DRAWINGS. CONCRETE LIGHT POLE TO BE PAINTED TO MATCH BUILDING; COLOR: DUNN EDWARDS "SLOPES"
34. BIKE RACK
35. LINT TRAP FOR STACKED GUEST LAUNDRY ROOMS - ENGINEERED CALCULATIONS WILL BE PROVIDED IN PERMIT DRAWINGS
36. STOP SIGN AND MARKING
37. EXISTING FIRE HYDRANT
38. FIRE HYDRANT, SEE CIVIL DRAWINGS
39. CATCH BASIN, SEE CIVIL DRAWINGS
40. WATER METER, SEE CIVIL DRAWINGS
41. BACKFLOW PREVENTOR WITH LOCKABLE CAGE, SEE CIVIL DRAWINGS
42. STORM DRAIN MANHOLE, SEE CIVIL DRAWINGS
43. CONCRETE HEADWELL, SEE CIVIL DRAWINGS
44. UNDERGROUND STORM DRAIN, SEE CIVIL DRAWINGS
45. KNOW BOX AT MAIN ENTRANCE
46. POSSIBLE LOCATION OF PAD MOUNTED ELECTRICAL TRANSFORMER
47. 3'-0" GATE
48. STEEL CANOPY
49. CROSSWALK PER CITY STANDARDS
50. 42" HIGH GUARDRAIL
51. PAVING, SEE CIVIL DRAWINGS
52. CURB RAMP PER MAG DETAIL 237, SEE CIVIL DRAWINGS
53. CURB RAMP PER SURPRISE DETAIL 3-09, SEE CIVIL DRAWINGS
54. INTERNAL GREASE TRAP WITH EXTERIOR CLEAN-OUT PORT - ENGINEERED CALCULATIONS WILL BE PROVIDED IN PERMIT DRAWINGS
55. DRYWELL, SEE CIVIL DRAWINGS
56. PAINTED TRAFFIC ARROWS
57. 5'-0" WIDE BIKE LANE, SEE CIVIL DRAWINGS
58. ACCESS WARNING PANEL AT ROAD, SEE CIVIL DRAWINGS



1 DEVELOPMENT SITE PLAN (SHOWN FOR REFERENCE)
SCALE: 1"=40'



SITE PLAN

DATE
1.23.19
PROJECT NO.
18-177

SURPRISE CASE NUMBER FS18-615

AS1.0



S U R P R I S E
A R I Z O N A

FS19-708

Texas Ranger's Facility

Final Plat

Mayor and City Council – December 3, 2019

VICINITY MAP

FS18-708
Ranger's



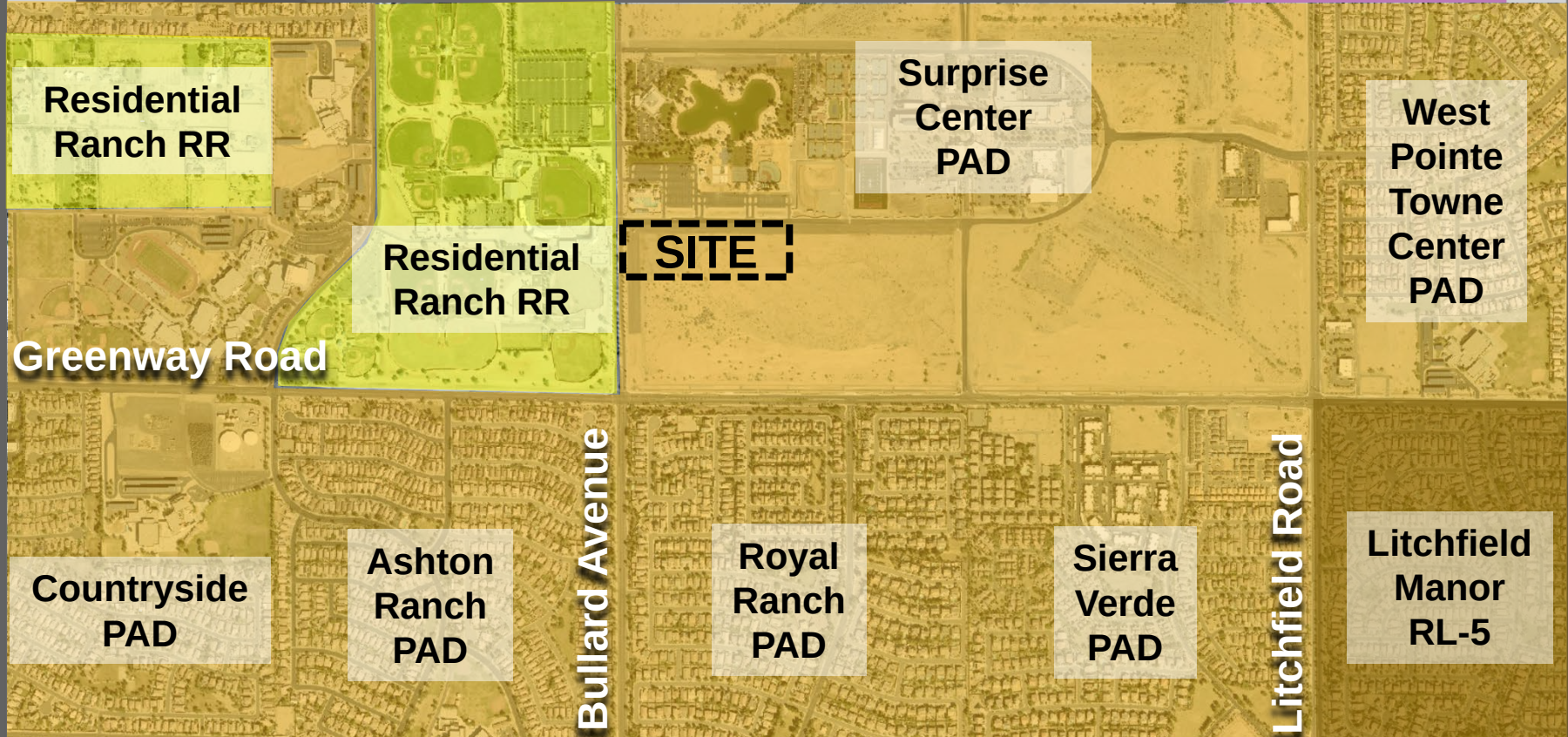
VICINITY MAP

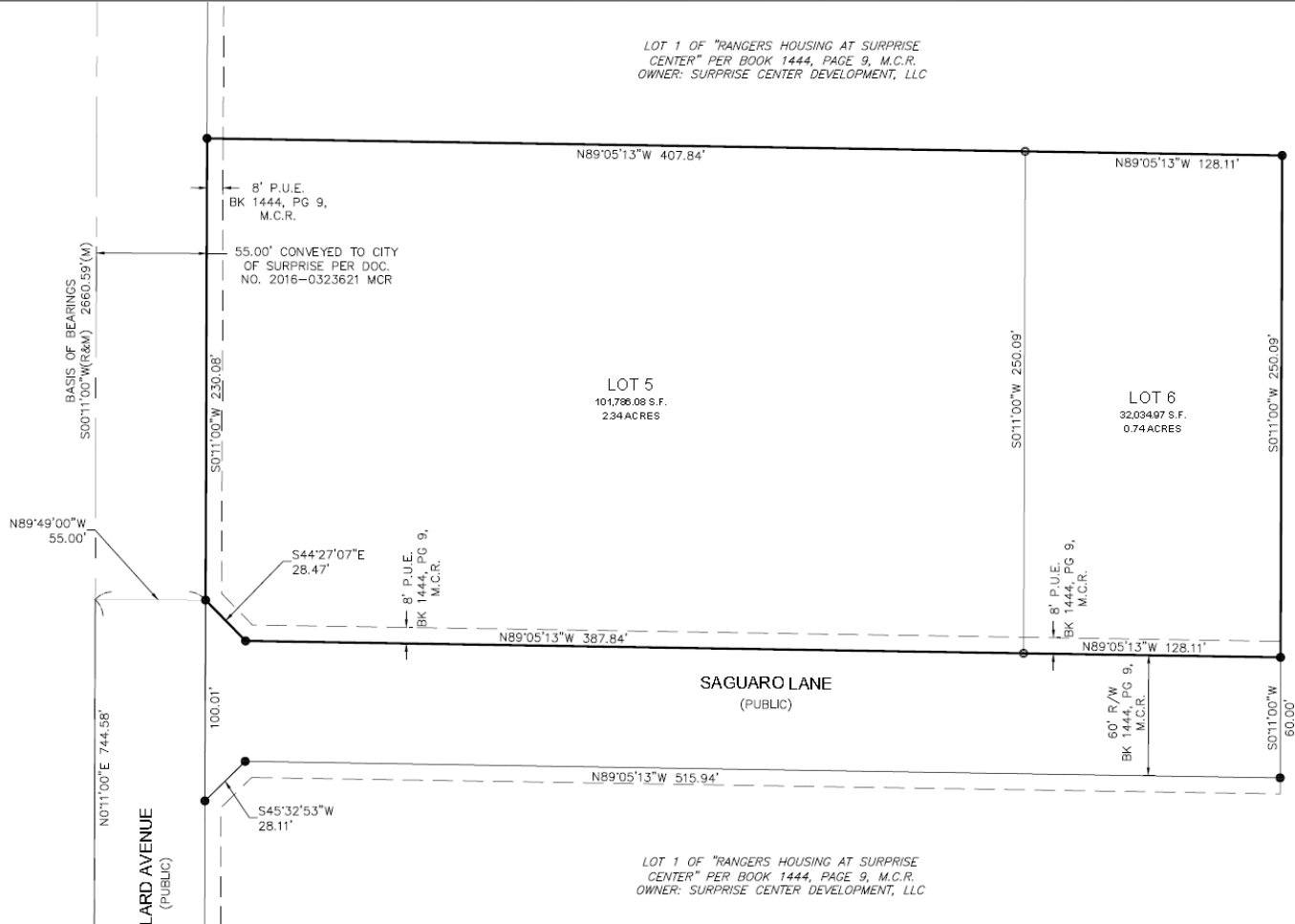
FS18-708
Ranger's



ZONING

FS18-708
Ranger's





LOT 1 OF "RANGERS HOUSING AT SURPRISE CENTER" PER BOOK 1444, PAGE 9, M.C.R.
OWNER: SURPRISE CENTER DEVELOPMENT, LLC

FINAL PLAT

LOT 1 OF "RANGERS HOUSING AT SURPRISE
CENTER" PER BOOK 1444, PAGE 9, M.C.R.
OWNER: SURPRISE CENTER DEVELOPMENT, LLC

**3.08
Acres**

LOT 6
32,034.97 S.F.
0.74 ACRES

LOT 1 OF "RANGERS HOUSING AT SURPRISE
CENTER" PER BOOK 1444, PAGE 9, M.C.R.
OWNER: SURPRISE CENTER DEVELOPMENT, LLC

SAGUARO LANE
(PUBLIC)

LOT 1 OF "RANGERS HOUSING AT SURPRISE
CENTER" PER BOOK 1444, PAGE 9, M.C.R.
OWNER: SURPRISE CENTER DEVELOPMENT, LLC

8' P.U.E.
BK 1444, PG 9,
M.C.R.
55.00' CONVEYED TO CITY
OF SURPRISE PER DOC.
NO. 2016-0323621 MCR
BASIS OF BEARINGS
S00°11'00"W(R&M) 2660.59'(M)

N89°49'00"W
55.00'

N01°10'00"E 744.58'

LARD AVENUE
(PUBLIC)

S45°32'53"W
28.11'

100.01'

S01°10'00"W 230.08'

S44°27'07"E
28.47'

8' P.U.E.
BK 1444, PG 9,
M.C.R.

N89°05'13"W 387.84'

N89°05'13"W 407.84'

S01°10'00"W 250.09'

8' P.U.E.
BK 1444, PG 9,
M.C.R.

60' R/W
BK 1444, PG 9,
M.C.R.

N89°05'13"W 128.11'

N89°05'13"W 128.11'

S01°10'00"W 250.09'

S01°10'00"W
60.00'

FINAL PLAT

LOT 1 OF "RANGERS HOUSING AT SURPRISE
CENTER" PER BOOK 1444, PAGE 9, M.C.R.
OWNER: SURPRISE CENTER DEVELOPMENT, LLC



FINAL PLAT



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 3, 2019 Contact Person: Robert Kuhfuss
Submitting Department: Community Development District: District 3
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to the approval of the Re-Plat entitled, "A Re-Plat of Lot 1 of the Final Plat Amendment of Lots 7, 8 and Custer Lane of Prasada-Phase 2A West" and dated October 25, 2019, a 40.8 acre property generally located south of Custer Lane alignment and east of Cotton Lane in Prasada.

Motion:

I move to approve the Re-Plat entitled "A Re-Plat of Lot 1 of the Final Plat Amendment of Lots 7, 8 and Custer Lane of Prasada-Phase 2A West"

Background:

Jason Sanks of Sanks and Associates, on behalf of Suburban Land Reserve, Inc. seeks approval of a Re-Plat covering a portion of the amended Final Plat for Lot 1 of Prasada-Phase 2A West. This activity will accommodate the development of the Omni Self-Storage Facility that is currently under review.

Objective Analysis:

This Re-plat will serve to create two (2) lots where one (1) lot currently exists. There are no dedications of right-of-way associated with this plat.

Policy Compliant:

The requested Re-Plat is consistent with the Prasada PAD and advances the goals and policies of the General Plan.

Financial Impact:

The current action does not incur any direct revenue or expenses. However, all activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the City and region.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 00 FS19-640 Prasada Phase 2A West Lot 1 Re-Plat Staff Report 12-03-19 CC
 2. 01 FS19-640 Prasada Phase 2A West Lot 1 Re-Plat Vicinity Map
 3. 02 FS19-640 Prasada Phase 2A West Lot 1 Re-Plat Case Map
 4. 03 FS19-640 Prasada Phase 2A West Lot 1 Re-Plat Document
 5. 04 FS19-640 Prasada Phase 2A West Lot 1 Re-Plat
-

FINAL RE-PLAT

REPORT TO THE CITY COUNCIL

Case: FS19-640

Project Name: Prasada Omni Self-Storage Re-Plat

Council District: 3 – Mesquite

City Council Date: December 3, 2019

Planner: Robert H. Kuhfuss, AICP

Owner: Suburban Land Reserve, Inc.

Applicant: Sanks and Associates

Request: Re-Plat of Lot 1 of the Final Plat Amendment of Lots 7, 8 and Custer Lane of Prasada-Phase 2A West

Site Location: South of Custer Lane (alignment) and east of Cotton Lane in Prasada

Site Size: 40.8 acres (approx.)

Density: N/A

General Plan Conformance: The proposal is consistent with the Surprise General Plan 2035

Support/Opposition: None known

Findings:

- The proposed Re-Plat is consistent with the Prasada PAD.
- The proposed Re-Plat is consistent with the applicable City of Surprise regulations.
- The reviewing agencies have indicated no objections to the request.

Alternative Actions: **Approval** of the requested Re-Plat will allow Lot 1B of said plat to be developed as a self-storage facility.

Denial of the requested Re-Plat will prevent the applicant from developing the property as proposed.

44 **Project Description:**

45
46 Jason Sanks of Sanks and Associates, on behalf of Suburban Land Reserve, Inc., seeks approval of a
47 Re-Plat of Lot 1 of the Final Plat Amendment of Lots 7, 8 and Custer Lane of Prasada-Phase 2A
48 West. This re-plat will create two (2) lots where one (1) lot currently exists. The proposed re-plat
49 will accommodate an Omni Self-Storage Facility that is currently in review.
50

51 **Background:**

52
53 **October 23, 2007:** The City Council approved the original Final Plat for Prasada - Phase 2A West,
54 which was subsequently recorded in Book 960 Page 16 MCR.
55

56 **November 13, 2008:** The City Council approved the Amended Final Plat for Lots 7, 8 and Custer
57 Lane of Prasada - Phase 2A West, which was subsequently recorded in Book 1014 Page 26 MCR.
58

59 **September 5, 2019:** The applicant filed a request for a Re-Plat of Lot 1 of the Final Plat Amendment
60 of Lots 7, 8 and Custer Lane of Prasada-Phase 2A West, FS19-640, the subject case.
61

62 **Reviewing Agencies:**

63
64 The subject request was routed to the standard internal and external reviewing agencies who
65 indicated no objections to the requests.
66

67 **Discussion:**

68
69 The original Final Plat served to subdivide a large area of land generally located between Greenway
70 Road and Waddell Road and east of Cotton Lane. A subsequent Amended Final Plat served to
71 further subdivide Lots 7 and 8 of said subdivision and to re-align Custer Lane. The subject Re-Plat
72 will again subdivide one of the previously created lots into two (2) lots.
73

74 **Summary:**

75
76 The proposed Re-Plat meets the requirements of the Prasada PAD and the Municipal Code. The Re-
77 Plat will also facilitate the development of a self-storage facility that is currently under review. The
78 reviewing agencies have expressed no objections to the approval of the Re-Plat.
79

80 **Findings:**

- 81
82
 - The proposed Re-Plat is consistent with the Prasada Park PAD.
 - 83 • The proposed Re-Plat is consistent with the applicable City of Surprise regulations.
 - 84 • The reviewing agencies have indicated no objections to the request.

85
86

87 **Alternative Actions:**

88

89 **Approval** of the requested Re-Plat will allow Lot 1B of said plat to be developed as a self-
90 storage facility.

91

92 **Denial** of the requested Re-Plat will prevent the applicant from developing the property as
93 proposed.

94

95 **Attachments:**

96

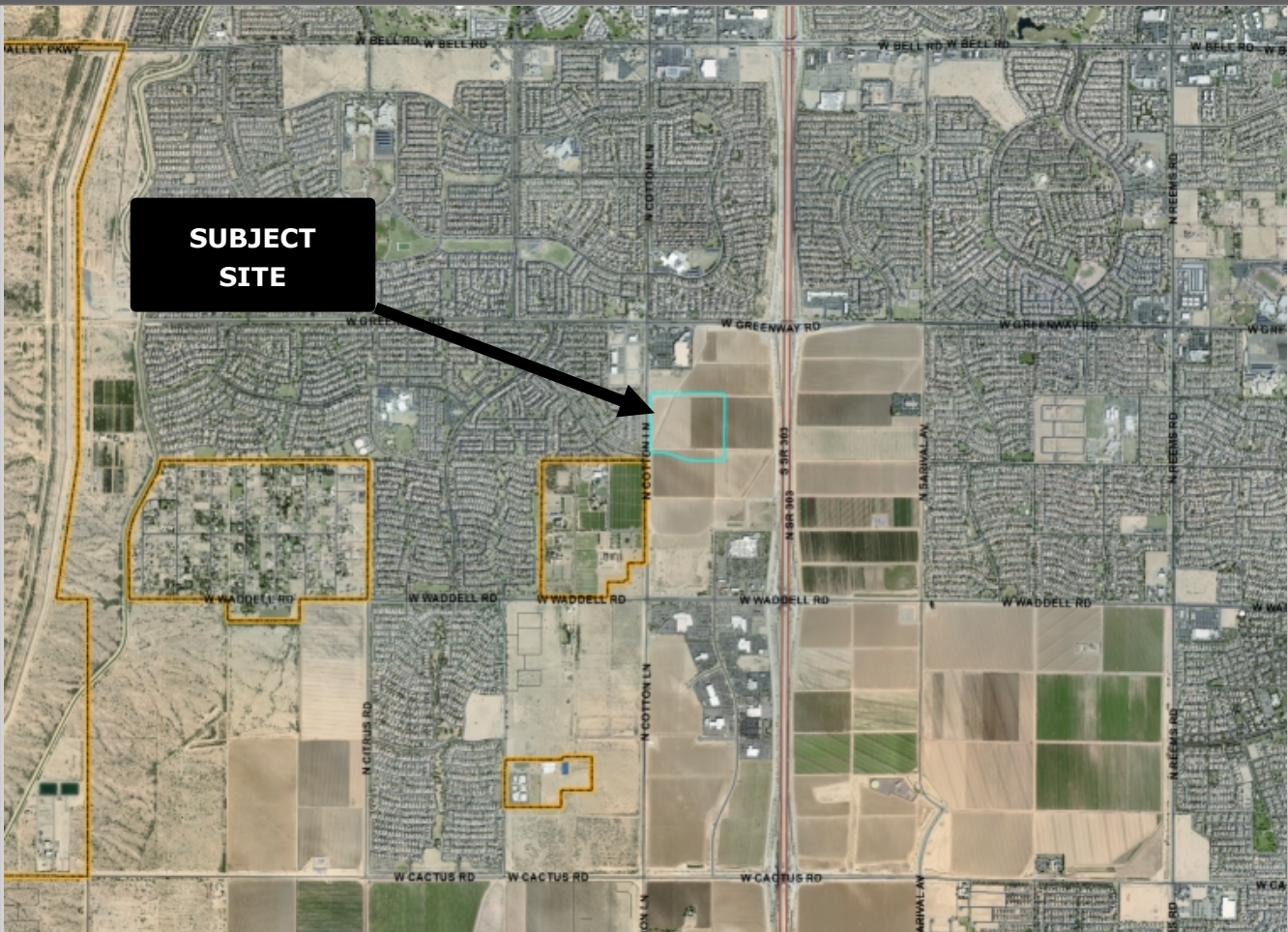
97 01 Vicinity Map

98 02 Case Map

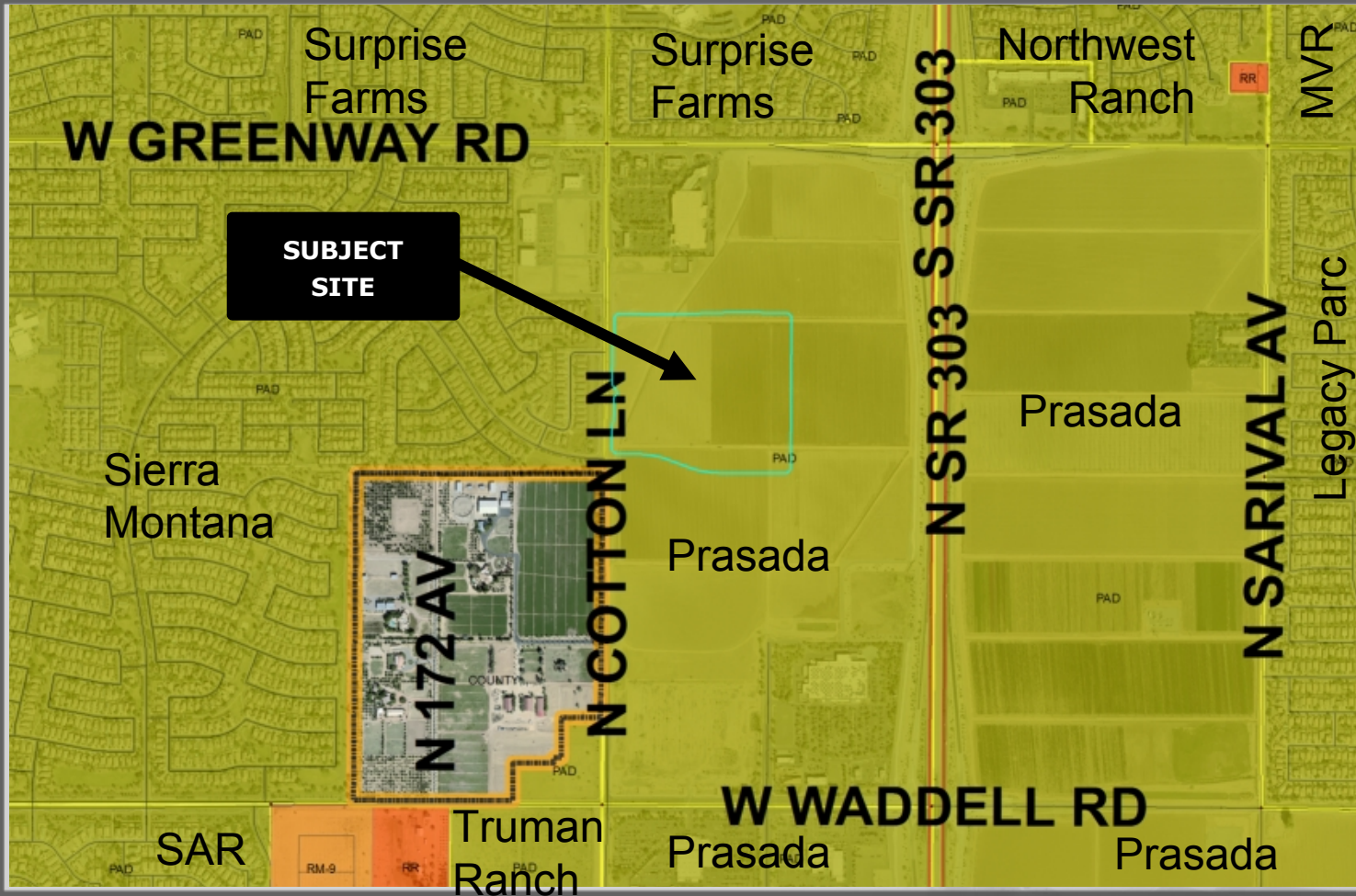
99 03 Re-Plat

100 04 PPT

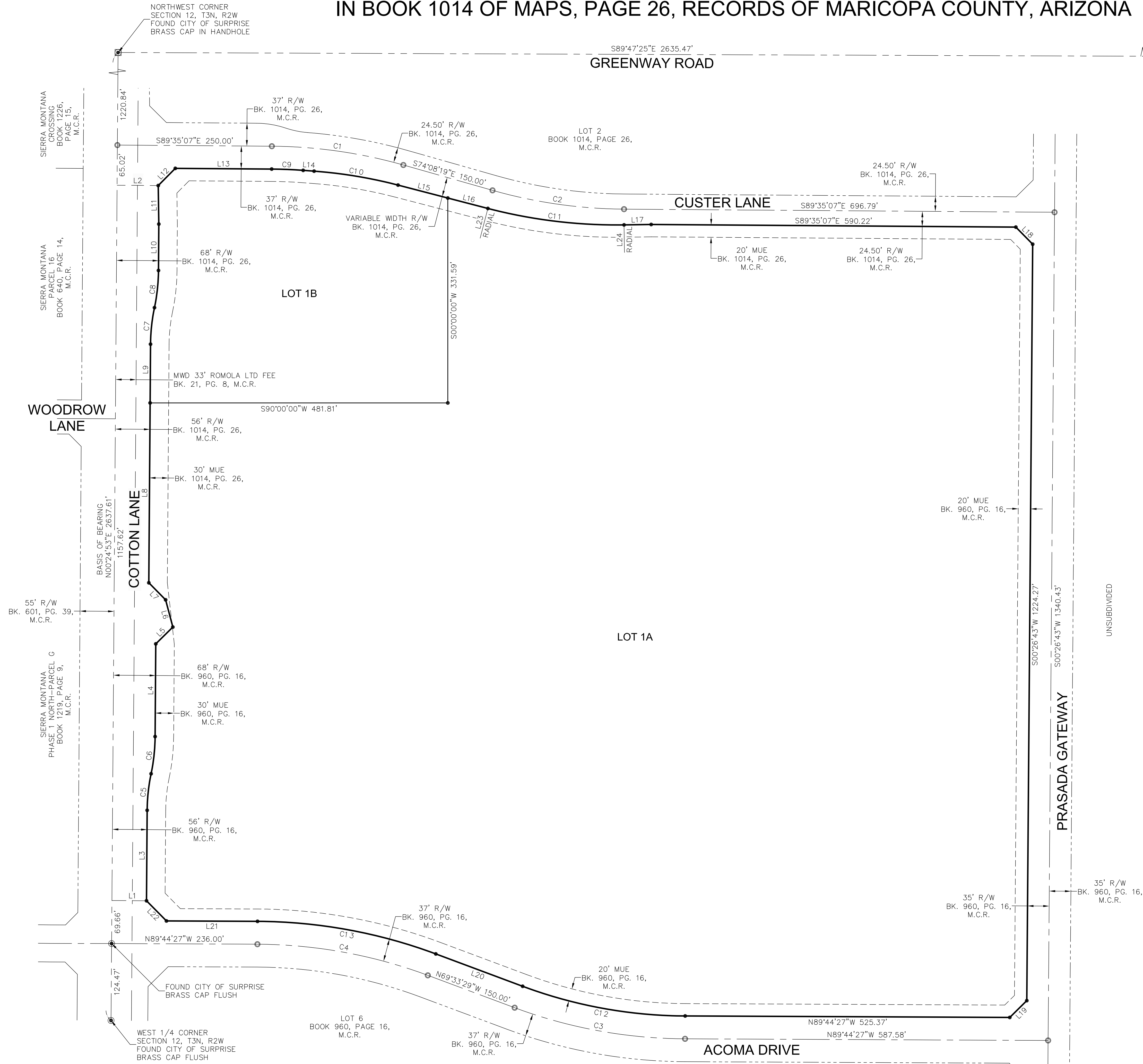
**FS19-640
Prasada
Phase 2A West Lot 1 Re-Plat
Vicinity Map**



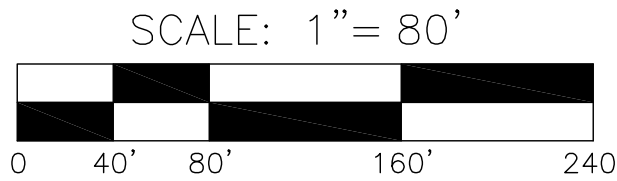
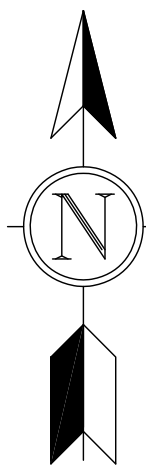
FS19-640
Prasada
Phase 2A West Lot 1 Re-Plat
Case Map



A REPLAT OF LOT 1 OF THE FINAL PLAT AMENDMENT OF
LOTS 7, 8 AND CUSTER LANE OF PRASADA-PHASE 2A WEST, AS RECORDED
IN BOOK 1014 OF MAPS, PAGE 26, RECORDS OF MARICOPA COUNTY, ARIZONA



NORTH 1/4 CORNER
SECTION 12, T3N, R2W
FOUND ALUMINUM CAP FLUSH
STAMPED 1/4 S1 S12 T3N R2W 2013



LEGEND

- FOUND BRASS CAP FLUSH
- ⊙ FOUND BRASS CAP IN HANDHOLE
- STREET CENTERLINE MONUMENT TO BE INSTALLED PER MAG STANDARD DETAIL 120-1 TYPE "B"
- 1/2" REBAR WITH CAP TO BE SET AT COMPLETION OF MASS GRADING

M.C.R. MARICOPA COUNTY RECORDER

MUE MUNICIPAL USE EASEMENT

MWD MARICOPA WATER DISTRICT

R/W RIGHT-OF-WAY

BK. BOOK

PG. PAGE

———— SUBDIVISION LINE

———— LOT LINE

———— SECTION LINE

———— CENTER LINE

———— RIGHT-OF-WAY LINE

———— EASEMENT LINE

LINE TABLE		
LINE	LENGTH	BEARING
L1	56.00	S89°35'07"E
L2	66.61	S89°35'07"E
L3	146.43	N00°24'53"E
L4	150.00	N00°24'53"E
L5	38.77	N45°24'53"E
L6	45.61	N14°50'25"W
L7	38.77	N44°35'07"W
L8	291.09	N00°24'53"E
L9	95.05	N00°24'53"E
L10	75.07	N00°24'53"E
L11	62.36	N00°51'30"W
L12	39.20	N44°46'42"E
L13	155.98	S89°35'07"E
L14	17.69	S85°45'07"E
L15	83.22	S75°24'52"E
L16	67.02	S75°24'52"E
L17	43.92	N89°08'30"E
L18	38.78	S44°34'12"E
L19	38.71	S45°21'08"W
L20	150.00	N69°33'29"W
L21	147.40	N89°44'27"W
L22	45.91	N44°39'47"W
L23	827.88	N14°35'06"E
L24	827.88	N00°49'26"W

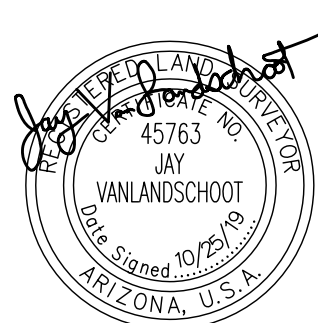
CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	215.68	800.00	15°26'48"
C2	215.68	800.00	15°26'48"
C3	281.81	800.00	20°10'59"
C4	281.81	800.00	20°10'59"
C5	59.58	297.42	11°28'42"
C6	60.62	302.58	11°28'42"
C7	59.58	297.42	11°28'42"
C8	60.62	302.58	11°28'42"
C9	51.05	763.00	3°50'00"
C10	137.93	764.49	10°20'15"
C11	222.65	827.88	15°24'32"
C12	268.77	763.00	20°10'59"
C13	294.84	837.00	20°10'59"

SUBDIVISION ACREAGE: 40.8104 NUMBER OF LOTS: 2



LSRS LAND
SURVEYING
33215 N. 46TH WAY
CAVE CREEK, AZ 85331
PHONE: (480) 650-4006
LSRSSURVEY@OUTLOOK.COM

A REPLAT OF LOT 1 OF THE FINAL PLAT AMENDMENT OF
LOTS 7, 8 AND CUSTER LANE OF PRASADA-PHASE 2A WEST
SURPRISE, ARIZONA



PROJ. NO.: 19003
CAD FILE: 19003_FP
DATE: 10/25/19
DRAWN: J/V
SCALE: 1"=80'

REVISIONS

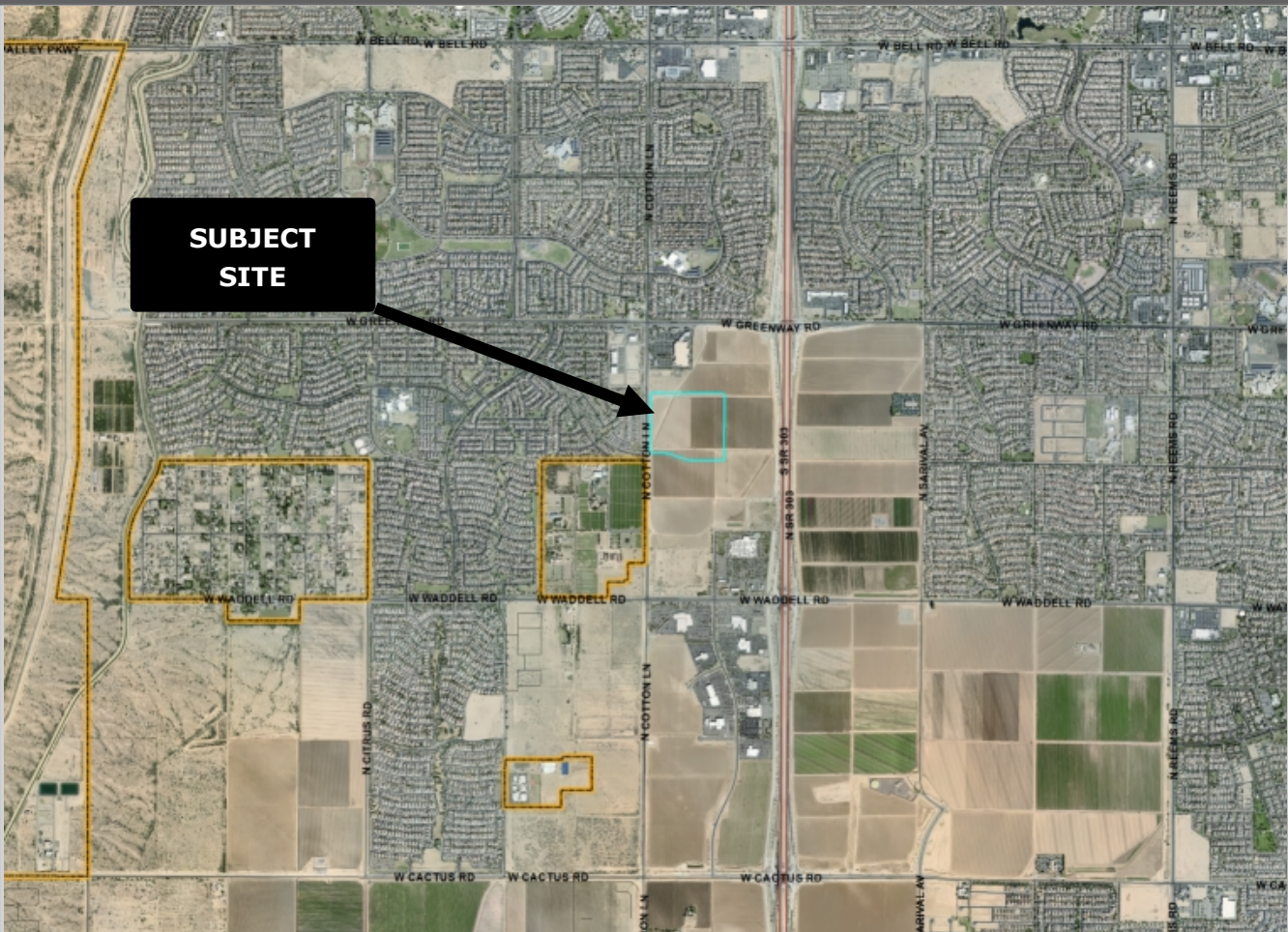
SHEET
2 of 2



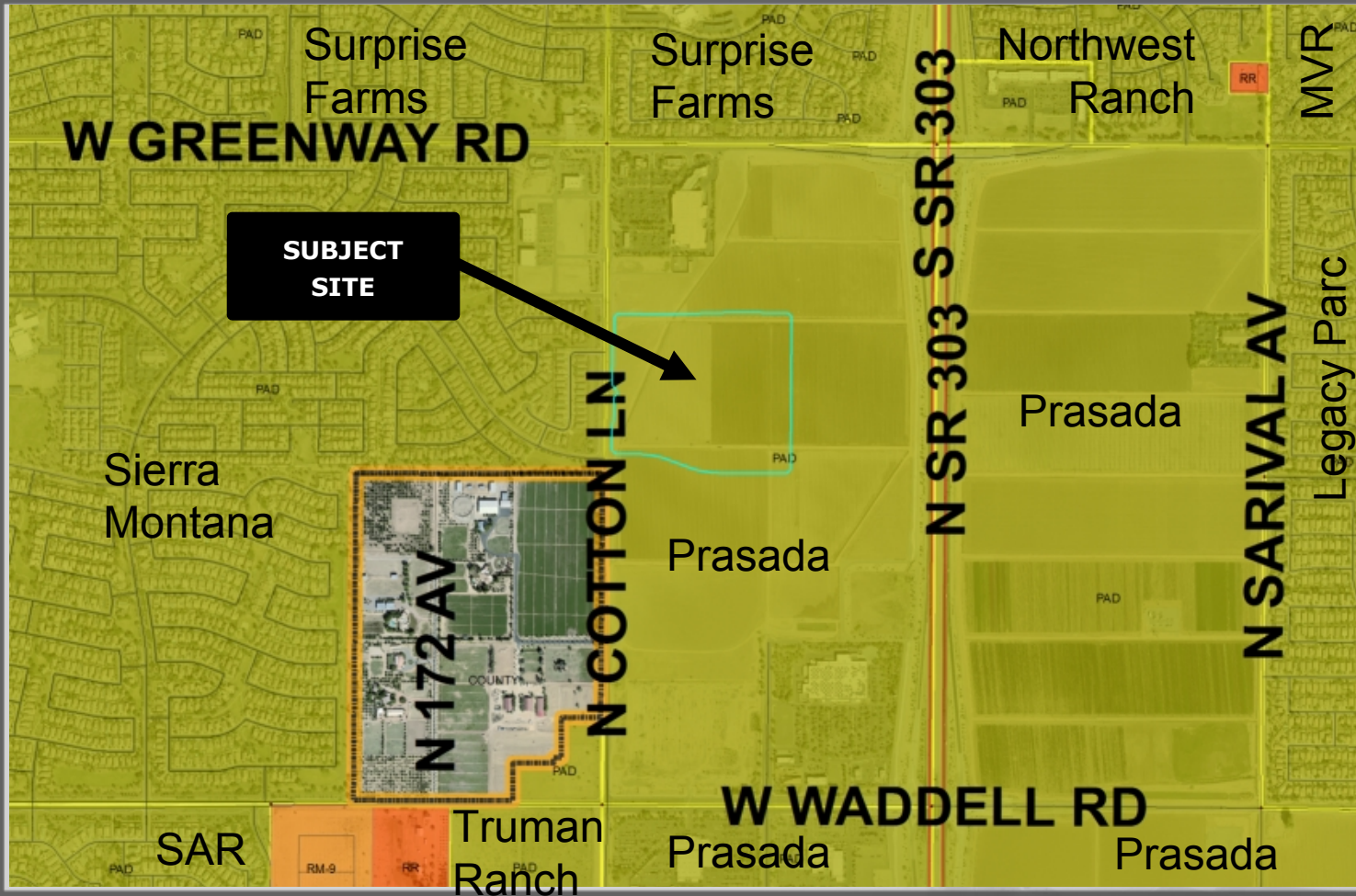
City Council
December 3, 2019

FS19-640 Prasada Phase 2A West Lot 1 Re-Plat

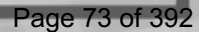
**FS19-640
Prasada
Phase 2A West Lot 1 Re-Plat
Vicinity Map**



FS19-640
Prasada
Phase 2A West Lot 1 Re-Plat
Case Map



**FS19-640
Prasada
Phase 2A West Lot 1 Re-Plat**





QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 3, 2019

Contact Person: Chris Boyd, AD - BS DV & CD
ENF

Submitting Department: Community Development District: District 1

Staff Recommendations: None

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

Consideration and action pertaining to acceptance of a Dedications of Public Rights-of-Way from RM 47, LLC, for rights-of-way near Happy Valley and 147th Avenue.

Motion:

I move to accept the Dedications of Public Rights-of-Way from RM 47, LLC.

Background:

The Rights of Way being dedicated are in association with the road improvements being done by the developer to improve roads near Happy Valley and 147th avenue to access Rancho Mercado Development.

Objective Analysis:

The planned development needs the right of way to put in roadway to access the Rancho Mercado Development.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

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

Budget Impact:

There is currently no budgetary impact related to approval of this item. The City will plan for future O&M as part of the annual budget process when the road is in place and is accepted by the City.

FTE Impact:

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

ATTACHMENTS:

1. RM 47 dedication of RW 147, HV, 145th
2. RM 47 dedication of RW s of Happy Valley

3. RW value for RM 47 LLC s of HV
 4. RW value for RM 47 LLC 147th, HV, 145th
-

When Recorded Mail To:

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

DEDICATION OF PUBLIC RIGHT-OF-WAY

GRANTOR: RM 47, LLC, an Arizona limited liability company

GRANTEE: City of Surprise, an Arizona municipal corporation (the "City")

Grantor, for and in consideration of the sum of \$1.00 and other valuable consideration, receipt of which is hereby acknowledged, does hereby dedicate to the City fee title to the following described real property:

See Exhibit A attached hereto and incorporated herein by reference (the "Property")

for public right-of-way and utility use.

The Grantor hereby binds itself and its successors to warrant and defend the title to the Property as against all acts of Grantor herein and none other.

DATED: OCTOBER 31, 2019.

ACCEPTED BY:

"Grantor"

RM 47, LLC, an Arizona limited liability company


Andy Kunasek


John Wittrock

"City"

CITY OF SURPRISE, an Arizona
municipal corporation

By: _____
Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

(ACKNOWLEDGMENTS)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on OCTOBER 31, 2019
by ANDY KUNASIK as GUARANTOR, of RM 47, LLC

Renee Lindley
Notary Public in and for the State of Arizona

My Commission Expires:

8/1/22



STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on OCTOBER 31, 2019
by JOHN WITKOWICZ as GUARANTOR, of RM 47 LLC

Renee Lindley
Notary Public in and for the State of Arizona

My Commission Expires:



STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 20____,
by Skip Hall, the Mayor of the City of Surprise, an Arizona municipal corporation.

Notary Public in and for the State of Arizona

My Commission Expires:

LEGAL DESCRIPTION
RM 47 LLC
Right of Way

A portion of the Northwest Quarter of Section 9, Township 4 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 9, from which the North quarter corner of said Section 9 bears S89°49'20"E a distance of 2631.56 feet;

Thence, S89°49'20"E a distance of 1285.78 feet along the North line of said Section;

Thence, S00°05'46"E a distance of 762.63 feet to the beginning of a tangent curve concave westerly with a radius of 500.00 feet;

Thence, southerly along said curve an arc length of 264.19 feet through a central angle of 30°16'26";

Thence, S30°10'40"W a distance of 201.84 feet to the beginning of a tangent curve concave northwesterly with a radius of 500.00 feet;

Thence, southwesterly along said curve an arc length of 173.98 feet through a central angle of 19°56'13" to the south line of Parcel No. 7 as described in Document #20060498810, Maricopa County Records;

Thence, N89°50'18"W a distance of 66.57 feet along the south line of said Parcel No. 7 to the beginning of a non-tangent curve concave northwesterly the radius points of which bears N33°31'30"W a distance of 460.00 feet;

Thence, northeasterly along said curve an arc length of 211.13 through a central angle of 26°17'50";

Thence, N30°10'40"E a distance of 201.84 feet to the beginning of a tangent curve concave westerly with a radius of 460.00 feet;

Thence, northerly along said curve an arc length of 243.05 feet through a central angle of 30°16'26";

Thence, N00°05'46"W a distance of 674.82 feet along a line parallel with and 40.00 feet normally distant west of the east line of said Parcel No. 7;

Thence, N44°57'33"W a distance of 28.35 feet;

Thence, N89°49'20"W a distance of 1165.76 feet along a line parallel with and 68.00 feet normally distant south of the north line of said Parcel No. 7;

Thence, S45°01'59"W a distance of 28.21 feet;

Thence, S00°06'42"E a distance of 1234.77 feet along a line parallel with and 40.00 feet normally distant east of the west line of said Parcel No. 7;

Thence, N89°50'18"W a distance of 40.00 feet along the South line of said Parcel 7 to the west line of the Northwest quarter of said Section 9;

Thence, N00°06'42"W a distance of 1322.78 feet along said west line of Section 9 to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 4.401 acres, more or less.

Prepared by: Atwell, LLC
4700 E. Southern Ave
Mesa, AZ 85206
Project No. 09001944
June 20th 2019



N.W. COR., SEC. 9
FOUND 3.5" ALUMINUM
CAP STAMPED
LS 33307 2011

N1/4., SEC. 9
MARICOPA
COUNTY 2"
ALUMINUM CAP
LS 35832

S89°49'20"E 1285.78'

N89°49'20"W 1165.76'

68'
R/W

40'
R/W

N00°06'42"W 1322.78'
S00°06'42"E 1234.77'

RM 47 LLC
DOC.20180277453 M.C.R.

40' R/W

N00°05'46"W 674.82'

S00°05'46"E 762.63'

N89°50'18"W 1003.64'

RM 47 LLC
DOC.20180277453 M.C.R.

BROOKFIELD
HOLDINGS MERCADO
LLC
DOC.20180838712
M.C.R.

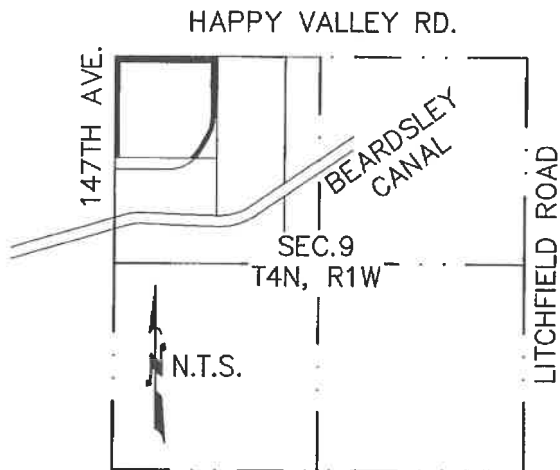
W1/4 COR., SEC. 9
FOUND MARICOPA COUNTY 2"
ALUMINUM CAP LS 35832

SCALE: 1"=250'



JOB #09001944-Sheet 1 of 2
RM 47 LLC
RIGHT OF WAY
SURPRISE, ARIZONA

06/20/2019



LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S30°10'40"W	201.84'
L2	N89°50'18"W	66.57'
L3	N30°10'40"E	201.84'
L4	N44°57'33"W	28.35'
L5	S45°01'59"W	28.21'
L6	N89°50'18"W	40.00'
L7	S89°49'20"E	1345.78'
L8	S00°06'42"E	1322.78'

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C1	264.19'	500.00'	030°16'26"
C2	173.98'	500.00'	019°56'13"
C3	211.13'	460.00'	026°17'50"
C4	243.05'	460.00'	030°16'26"



JOB #09001944-Sheet 2 of 2

06/20/2019

RM 47 LLC
RIGHT OF WAY
SURPRISE, ARIZONA

When Recorded Mail To:

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

DEDICATION OF PUBLIC RIGHT-OF-WAY

GRANTOR: RM 47, LLC, an Arizona limited liability company

GRANTEE: City of Surprise, an Arizona municipal corporation (the "City")

Grantor, for and in consideration of the sum of \$1.00 and other valuable consideration, receipt of which is hereby acknowledged, does hereby dedicate to the City fee title to the following described real property:

See Exhibit A attached hereto and incorporated herein by reference (the "Property")

for public right-of-way and utility use.

The Grantor hereby binds itself and its successors to warrant and defend the title to the Property as against all acts of Grantor herein and none other.

DATED: 10/31/19, 2019.

ACCEPTED BY:

"Grantor"

RM 47, LLC, an Arizona limited liability company


Andy Kunasek


John Wittrock

"City"

CITY OF SURPRISE, an Arizona
municipal corporation

By: _____
Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

(ACKNOWLEDGMENTS)

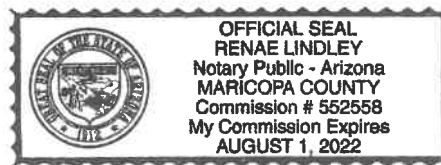
STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on October 31, 2019
by ANDY KUNASEK as GUARANTOR, of RH 47, LLC

Renae Lindley
Notary Public in and for the State of Arizona

My Commission Expires:

8/1/22



STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on October 31, 2019
by JOHN WITTHOCK as GUARANTOR, of RH 47, LLC

Renae Lindley
Notary Public in and for the State of Arizona

My Commission Expires:

8/1/22



STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 20____,
by Skip Hall, the Mayor of the City of Surprise, an Arizona municipal corporation.

Notary Public in and for the State of Arizona

My Commission Expires:

LEGAL DESCRIPTION
RM 47 LLC
Right of Way

A portion of the Northwest Quarter of Section 9, Township 4 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

Commencing at the Northwest corner of said Section 9, from which the West quarter corner of said Section 9 bears S00°06'42"E a distance of 2645.56 feet;

Thence, S00°06'42"E a distance of 1322.78 feet along the West line of said Section to the **POINT OF BEGINNING**, said point being the northwest corner of Parcel No. 3 as described in Document #201800277453, Maricopa County Records;

Thence, S89°50'18"E a distance of 40.00 feet along the north line of said Parcel No. 3;

Thence, S00°06'42"E a distance of 77.24 feet;

Thence, S89°50'18"E a distance of 641.56 feet to the beginning of a tangent curve concave northwesterly with a radius of 460.00 feet;

Thence, northeasterly along said curve an arc length of 270.45 feet through a central angle of 33°41'11" to the north line of said Parcel 3;

Thence, S89°50'18"E a distance of 66.57 feet along the north line of said Parcel No. 3 to the beginning of a non-tangent curve concave northwesterly the radius point of which bears N39°53'07"W a distance of 500.00 feet;

Thence, southwesterly along said curve an arc length of 349.48 feet through a central angle of 40°02'49";

Thence, N89°50'18"W a distance of 681.37 feet to the west line of said Section 9;

Thence, N00°06'42"W a distance of 117.24 feet along said west line to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 0.982 acres, more or less.

Prepared by: Atwell, LLC
4700 E. Southern Ave
Mesa, AZ 85206
Project No. 09001944
October 23, 2019



HAPPY VALLEY RD.

147TH AVE.

BEARDSLEY CANAL

LITCHFIELD ROAD

SEC. 9
T4N, R1W

VICINITY MAP

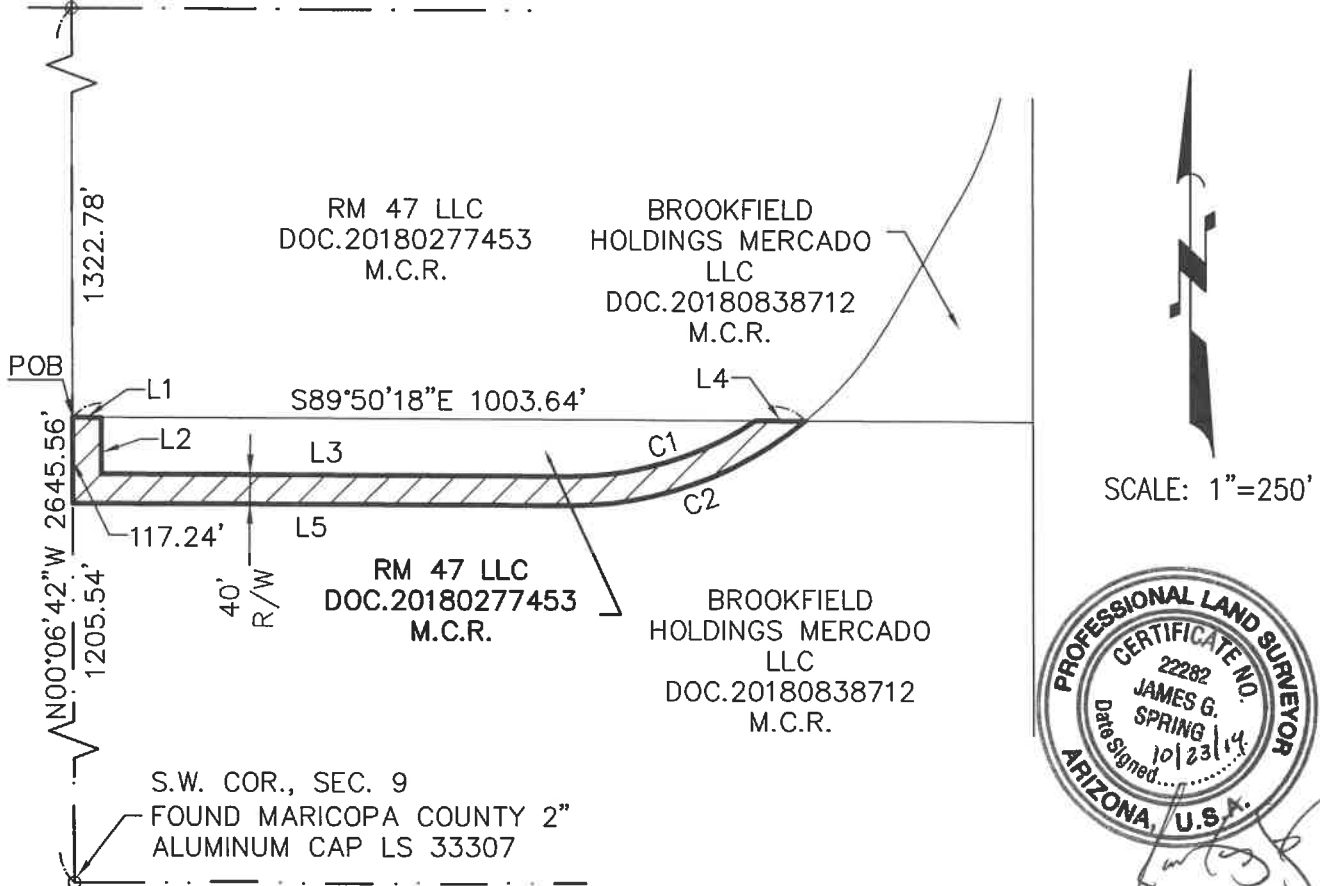
CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C1	270.45'	460.00'	033°41'11"
C2	349.48'	500.00'	040°02'49"

LINE TABLE

LINE #	DIRECTION	LENGTH
L2	S00°06'42"E	77.24'
L3	S89°50'18"E	641.56'
L4	S89°50'18"E	66.57'
L5	N89°50'18"W	681.37'

N.W. COR., SEC. 9
FOUND 3.5" ALUMINUM
CAP STAMPED
LS 33307 2011



S.W. COR., SEC. 9
FOUND MARICOPA COUNTY 2"
ALUMINUM CAP LS 33307



JOB #09001944-Sheet 1 of 1
RM 47 LLC
RIGHT OF WAY
SURPRISE, ARIZONA

10/23/2019

09001944 RM 47 LLC-LTD-RW-Exhibit.txt

Name: PROPOSED LOT: 1

North: 985278.4935' East: 559925.2005'

Segment #1 : Line

Course: S89°50'18.170"E Length: 40.0005'

North: 985278.3807' East: 559965.2008'

Segment #2 : Line

Course: S0°06'41.918"E Length: 77.2419'

North: 985201.1389' East: 559965.3514'

Segment #3 : Line

Course: S89°50'18.183"E Length: 641.5640'

North: 985199.3292' East: 560606.9128'

Segment #4 : Curve

Length: 270.4525' Radius: 460.0000'

Delta: 33°41'11.37" Tangent: 139.2611'

Chord: 266.5739' Course: N73°19'06.133"E

Course In: N0°09'41.817"E Course Out: S33°31'29.552"E

RP North: 985659.3274' East: 560608.2103'

End North: 985275.8502' East: 560862.2679'

Segment #5 : Line

Course: S89°50'18.170"E Length: 66.5690'

North: 985275.6624' East: 560928.8366'

Segment #6 : Curve

Length: 349.4751' Radius: 500.0000'

Delta: 40°02'48.81" Tangent: 182.2169'

Chord: 342.4046' Course: S70°08'17.414"W

Course In: N39°53'06.990"W Course Out: S0°09'41.817"W

RP North: 985659.3274' East: 560608.2104'

End North: 985159.3294' East: 560606.8000'

Segment #7 : Line

09001944 RM 47 LLC-LTD-RW-Exhibit.txt

Course: N89°50'18.183"W Length: 681.3736'

North: 985161.2514' East: 559925.4291'

Segment #8 : Line

Course: N0°06'41.918"W Length: 117.2423'

North: 985278.4934' East: 559925.2007'

Perimeter: 2243.9188' Area: 42773.19 Sq. Ft.

Error Closure: 0.0002 Course: S70°43'07.908"E

Error North: -0.00006 East: 0.00017

Precision 1: 11219594.5000



Date: November 7, 2019

To: Finance

From: Lari Beth Kirkendall, Real Property Manager

Re: RM 47, LLC Property Right of Way Valuation South of Happy Valley

The Value of the Right of Way associated with the RM 47, LLC Property is \$213,875.00.

The area being dedicated as right-of-way is 42775 square feet. The value of the land is \$5.00/sq foot.



COMMUNITY DEVELOPMENT
CITY OF SURPRISE

16000 N. CIVIC CENTER PLAZA
SURPRISE, AZ 85374

T. 623-222-3000

Date: November 7, 2019

To: Finance

From: Lari Beth Kirkendall, Real Property Manager

Re: RM 47, LLC Property Right of Way Valuation for 147th, Happy Valley, 145th

The Value of the Right of Way associated with the RM 47, LLC Property is \$958,535.00.

The area being dedicated as right-of-way is 191,707 square feet. The value of the land is \$5.00/sq foot.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 3, 2019

Contact Person: Chris Boyd, AD - BS DV & CD
ENF

Submitting Department: Community Development District: District 1

Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to acceptance of a Dedication of Public Rights-of-Way from Sun Belt Land Investment Limited Partnership, for rights-of-way along 147th Avenue between Jomax and Happy Valley Roads.

Motion:

I move to accept a Dedication of Public Rights-of-Way from Sun Belt Land Investment Limited Partnership.

Background:

The Right of Way being dedicated is in association with the road improvements being done by the developer to improve roads near Happy Valley Road and 147th Avenue to access the Rancho Mercado Development.

Objective Analysis:

The planned development needs the right of way to put in roadway to access the Rancho Mercado Development.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

This item does not have a direct financial impact. However all activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region

Budget Impact:

There is currently no budgetary impact related to approval of this item. The City will plan for future O&M as part of the annual budget process when the road is in place and is accepted by the City.

FTE Impact:

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

ATTACHMENTS:

1. sun belt land dedication rw
 2. RW value for Sun Belt Land Investment
-

When Recorded Mail To:

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

DEDICATION OF PUBLIC RIGHT-OF-WAY

GRANTOR: Sun Belt Land Investment Limited Partnership

GRANTEE: City of Surprise, an Arizona municipal corporation (the "City")

Grantor, for and in consideration of the sum of \$1.00 and other valuable consideration, receipt of which is hereby acknowledged, does hereby dedicate to the City fee title to the following described real property:

See Exhibit A attached hereto and incorporated herein by reference (the "Property")

for public right-of-way and utility use.

The Grantor hereby binds itself and its successors to warrant and defend the title to the Property as against all acts of Grantor herein and none other.

DATED: 10 '16, 2019.

"Grantor"



General Partner

ACCEPTED BY:

"City"

CITY OF SURPRISE, an Arizona
municipal corporation

By: _____
Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

(ACKNOWLEDGMENTS)

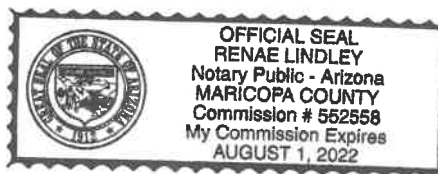
STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on OCTOBER 16 2019
by ANDREW KUNASEK as GENERAL Partner of SUN BELT LAND FUND
PARTNERSHIP

Renae Lindley
Notary Public in and for the State of Arizona

My Commission Expires:

8/1/22



STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 20__,
by Skip Hall, the Mayor of the City of Surprise, an Arizona municipal corporation.

Notary Public in and for the State of Arizona

My Commission Expires:



ONE COMPANY.
INFINITE SOLUTIONS.

**LEGAL DESCRIPTION
SUN BELT LAND INVESTMENT LIMITED PARTNERSHIP
RIGHT OF WAY
APN 503-54-014**

A PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND GLO BRASS CAP IN HAND HOLE ACCEPTED AS THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 WEST, FROM WHICH A FOUND 2-INCH ALUMINUM CAP STAMPED MARICOPA COUNTY RLS 35832, 2003 ACCEPTED AS THE EAST QUARTER CORNER OF SAID SECTION 5, THEREOF BEARS S00°06'54"E A DISTANCE OF 2315.02 FEET;

THENCE, ALONG THE EAST LINE OF SAID SECTION 5, S00°06'54"E A DISTANCE OF 126.55 TO THE **POINT OF BEGINNING**;

THENCE, CONTINUING ALONG THE EAST LINE OF SAID SECTION 5, S00°06'54"E A DISTANCE OF 2,188.47 FEET TO THE EAST-WEST MID-SECTION LINE OF SAID SECTION 5;

THENCE, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 5, N89°41'23"W A DISTANCE OF 55.00 FEET;

THENCE, LEAVING SAID EAST-WEST MID-SECTION LINE OF SAID SECTION 5, N00°06'54"W A DISTANCE OF 1,757.37 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE RIGHT;

THENCE, NORTHERLY ALONG SAID CURVE AN ARC LENGTH OF 132.25 FEET, WITH A RADIUS OF 2,056.11 FEET AND A CENTRAL ANGLE OF 03°41'07";

THENCE, N03°34'13"E A DISTANCE OF 150.04 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE LEFT;

THENCE, NORTHERLY ALONG SAID CURVE AN ARC LENGTH OF 125.19 FEET, WITH A RADIUS OF 1,946.32 FEET AND A CENTRAL ANGLE OF 03°41'07";

THENCE, N00°06'54"W A DISTANCE OF 23.77 FEET;

THENCE, N89°59'40"E A DISTANCE OF 37.08 FEET TO THE **POINT OF BEGINNING**.



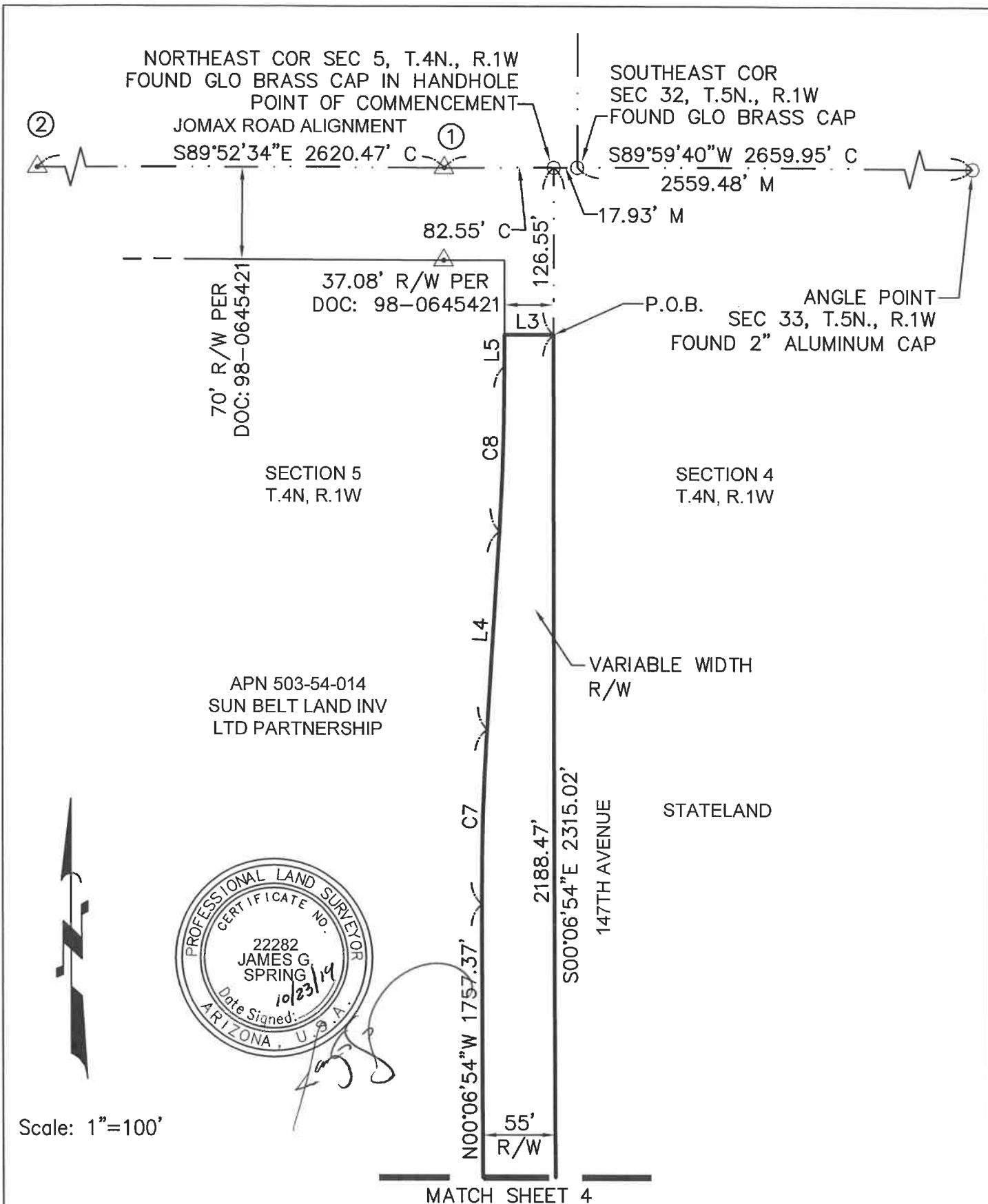
ONE COMPANY.
INFINITE SOLUTIONS.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 116,311 SQUARE FEET OR 2.670 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 REGULATION OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION RESTRICTIONS.

ATWELL, LLC
4700 E. SOUTHERN AVENUE
MESA, ARIZONA 85206
PROJECT NO. 09001944
OCTOBER 23, 2019





JOB #--Sheet 3 of 6 DATE 10-23-2019
RANCHO MERCADO
SUN BELT LAND INVESTMENT LIMITED PARTNERSHIP
RIGHT OF WAY APN 503-54-014
CITY OF SUPRISE, ARIZONA



Scale: 1"=100'

APN 503-54-014
SUN BELT LAND INV
LTD PARTNERSHIP



MATCH SHEET 3

55'
R/W

N00°06'54"W 1757.37'

2188.47'

S00°06'54"E 2315.02'

147TH AVENUE

STATELAND

55'
R/W

MATCH SHEET 5



JOB #-Sheet 4 of 6

DATE 10-23-2019

RANCHO MERCADO
SUN BELT LAND INVESTMENT LIMITED PARTNERSHIP
RIGHT OF WAY APN 503-54-014
CITY OF SUPRISE, ARIZONA



Scale: 1"=100'

APN 503-54-014
SUN BELT LAND INV
LTD PARTNERSHIP



MATCH SHEET 4

55'
R/W

N00°06'54"W 1757.37'

2188.47'

S00°06'54"E 2315.02'

147TH AVENUE

STATELAND

55'
R/W

N89°41'23"W 55.00'

EAST 1/4 COR SEC 5, T.4N., R.1W
FOUND 2" MARICOPA COUNTY ALUMINUM
CAP STAMPED RLS 35832 2003



JOB #-Sheet 5 of 6 DATE 10-23-2019
RANCHO MERCADO
SUN BELT LAND INVESTMENT LIMITED PARTNERSHIP
RIGHT OF WAY APN 503-54-014
CITY OF SUPRISE, ARIZONA

LINE TABLE		
LINE #	DIRECTION	LENGTH
L3	N89°59'40"E	37.08'
L4	S03°34'13"W	150.04'
L5	S00°06'54"E	23.77'

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C7	132.25'	2056.11'	003°41'07"
C8	125.19'	1946.32'	003°41'07"

LEGEND

— · · — · · —	SECTION LINE
— — — — —	EXISTING RIGHT OF WAY PER DOC: 98-0645421
=====	PROPOSED BOUNDARY
○	MONUMENT AS NOTED
△	CALCULATED MONUMENT
C	CALCULATED BEARING AND OR DISTANCE
M	MREASURED BEARING AND OR DISTANCE
①	ANGLE POINT SEC 32, T.5N., R.1W CALCULATED POSITION BASED ON GDACS BK 1032, PG 6 MCR
②	ANGLE POINT SEC 32, T.5N., R.1W CALCULATED POSITION BASED ON GDACS BK 1032, PG 6 MCR



JOB #-Sheet 6 of 6 DATE 10-23-2019
 RANCHO MERCADO
 SUN BELT LAND INVESTMENT LIMITED PARTNERSHIP
 RIGHT OF WAY APN 503-54-014
 CITY OF SUPRISE, ARIZONA

Date: November 7, 2019

To: Finance

From: Lari Beth Kirkendall, Real Property Manager

Re: Sun Belt Land Investments Property Right of Way Valuation

The Value of the Right of Way associated with the Sun Belt Land Investments Property is \$581,555.00.

The area being dedicated as right-of-way is 116,311 square feet. The value of the land is \$5.00/sq foot.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 3, 2019

Contact Person: Chris Boyd, AD - BS DV & CD
ENF

Submitting Department: Community Development District: District 6

Staff Recommendations: None

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

Consideration and action pertaining to a Grant of an Utility Easement to APS at the SPA 1 Waste Water Treatment Facility for the purpose of ongoing expansion of city facilities.

Motion:

I move to approve the grant of an utility easement to APS.

Background:

The City of Surprise needs to grant the easement to APS to run additional lines at the SPA 1 Waste Water Treatment Facility for expansion of the City buildings. The expansion at the SPA 1 WWTF was approved under project number P61480.

Objective Analysis:

To allow the project to continue to proceed, the easement is needed to run additional utility lines.

Policy Compliant:

Approval of this item is policy compliant.

Financial Impact:

This item does not have a direct financial impact, however all activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

Budget Impact:

There is currently no budgetary impact related to approval of this item.

FTE Impact:

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

ATTACHMENTS:

1. easement and legal
-

NW 22 3N 1W
33.590243, -112.354664
APN 501-43-986
CCW-16-141
WA483960
SER RLM

UTILITY EASEMENT

THE CITY OF SURPRISE, ARIZONA, a municipal corporation, (hereinafter called "Grantor"), is the owner of the following described real property located in Maricopa County, Arizona (hereinafter called "Grantor's Property"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property described as follows (herein called the "Easement Premises"):

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right within the Easement Premises to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities incidental to supplying electricity or for Grantee's own use (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"); utilize the Easement Premises for all other purposes connected therewith; and permit the installation of the wires, fixtures, conduits, or cables of any other company.

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantor shall maintain clear areas that extend: 1) 3 feet from and around all edges of all switching cabinet pads and 2 feet from and around all edges of all transformer pads and other equipment pads, and 2) a clear operational area that extends 10 feet immediately in front of all transformers, switching cabinet and other equipment openings. No obstructions, trees, shrubs, large landscape rocks, fences, fixtures, or permanent structures shall be placed by Grantor within said clear areas; nor shall Grantor install landscape irrigation or sprinkler systems within said clear areas. Landscape irrigation or sprinkler systems installed adjacent to the clear areas shall be installed and maintained so that the transformers, switching cabinets or any other equipment do not get wet by spray or irrigation.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves the right to use the Easement Premises for purposes that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

By accepting and utilizing this easement, Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee; and that Grantee shall indemnify Grantor, to the extent required by law, for any loss, cost or damage incurred by Grantor as a result of any negligent installation, excavation, maintenance, repair or other work performed by Grantee within the Easement Premises.

The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

The covenants and provisions herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

IN WITNESS WHEREOF, **THE CITY OF SURPRISE, ARIZONA**, a municipal corporation, has caused this Utility Easement to be executed by its duly authorized representative, this _____ day of _____, 201__.

THE CITY OF SURPRISE, ARIZONA,
a municipal corporation

By: _____
Printed Name

Its: _____
Title

Signature

STATE OF _____ }
 } ss.
County of _____ }

This instrument was acknowledged before me this _____ day of _____, 201__
by _____ (Grantor).

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Seal: _____
Notary Public Signature

EXHIBIT “A”

(LEGAL DESCRIPTION OF GRANTOR’S PROPERTY)

ASSEMBLED PARCEL OF A FINAL PLAT OF THE SPA 1 WATER RECLAMATION FACILITY,
BOOK 1288 OF MAPS, PAGE 1, IN THE OFFICE OF THE COUNTY RECORDER, MARICOPA
COUNTY, ARIZONA.

EXHIBIT "B"

A Utility Easement situate within the Northwest quarter of Section 9, Township 1 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the most northerly Northwest corner of that certain Assembled Parcel as shown on A FINAL PLAT OF THE SPA 1 WATER RECLAMATION FACILITY, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 1288 of Maps, Page 1, from which the Northeast corner of said Assembled Parcel bears South 89 degrees 20 minutes 11 seconds East, a distance of 2464.60 feet;

THENCE South 89 degrees 20 minutes 11 seconds East, along the northerly line of said Assembled Parcel, a distance of 1103.98 feet;

THENCE departing said northerly line South 00 degrees 39 minutes 49 seconds West, a distance of 567.18 feet to the POINT OF BEGINNING of this easement description;

THENCE North 85 degrees 48 minutes 01 seconds East, a distance of 108.47 feet to the westerly line of an existing Arizona Public Service (APS) Utility Easement, recorded in document #2016-0446183 Maricopa County Recorder;

THENCE South 00 degrees 00 minutes 00 seconds East, along the westerly line of said existing APS Utility Easement, a distance of 8.02 feet;

THENCE departing the westerly line of said existing APS Utility Easement South 85 degrees 48 minutes 01 seconds West, a distance of 105.74 feet;

THENCE South 55 degrees 48 minutes 28 seconds West, a distance of 85.13 feet;

THENCE South 42 degrees 45 minutes 58 seconds West, a distance of 147.10 feet;

THENCE South 00 degrees 00 minutes 24 seconds West, a distance of 39.80 feet;

THENCE South 13 degrees 09 minutes 02 seconds East, a distance of 34.52 feet;

THENCE South 00 degrees 37 minutes 25 seconds West, a distance of 356.25 feet;

THENCE North 89 degrees 22 minutes 09 seconds West, a distance of 295.90 feet;

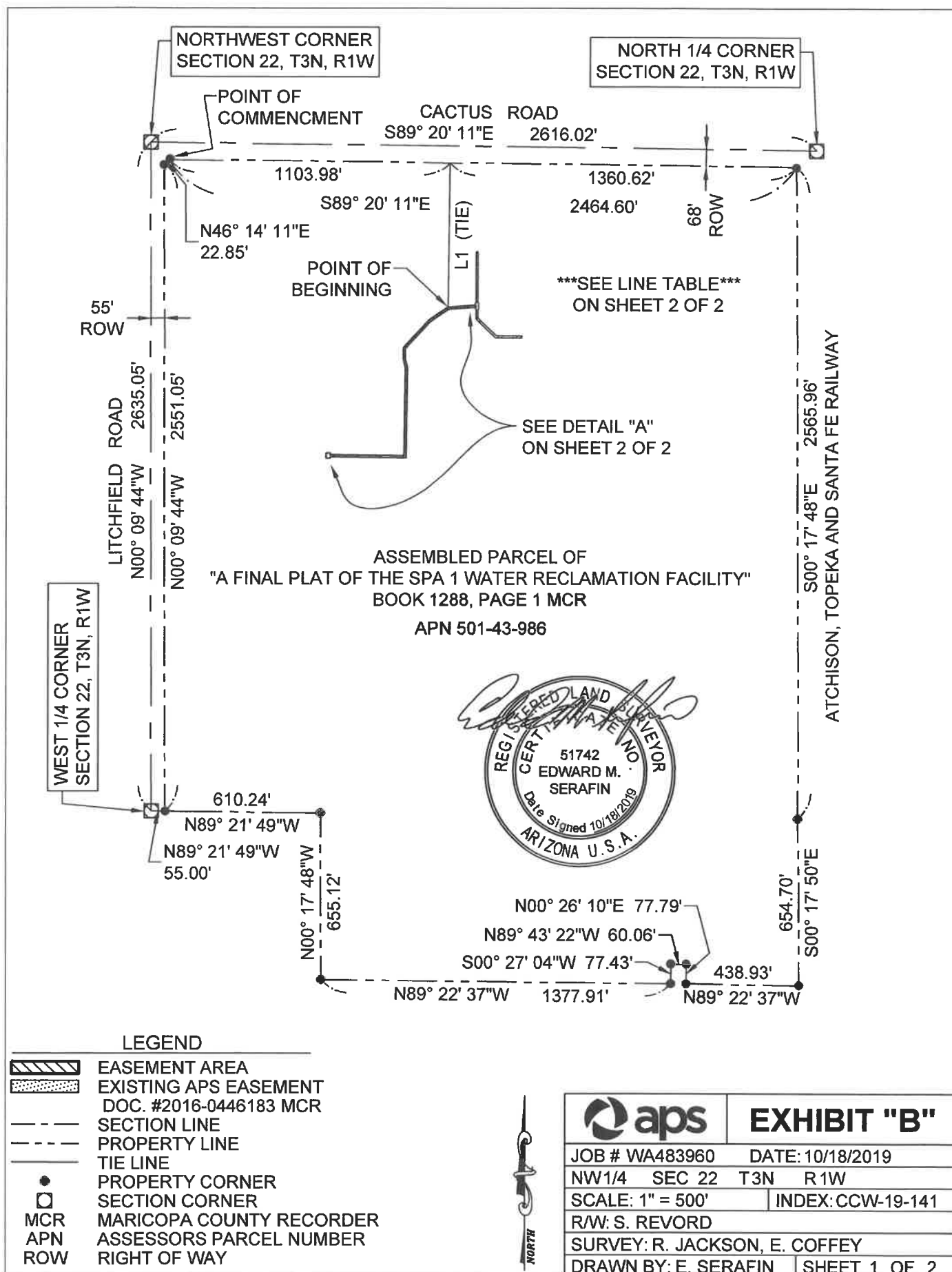
THENCE South 00 degrees 08 minutes 54 seconds East, a distance of 4.90 feet;

THENCE South 89 degrees 51 minutes 06 seconds West, a distance of 16.50 feet;

THENCE North 00 degrees 08 minutes 54 seconds West, a distance of 20.33 feet;
THENCE North 89 degrees 51 minutes 06 seconds East, a distance of 16.50 feet;
THENCE South 00 degrees 08 minutes 54 seconds East, a distance of 7.43 feet;
THENCE South 89 degrees 22 minutes 09 seconds East, a distance 288.01 feet;
THENCE North 00 degrees 37 minutes 25 seconds East, a distance of 347.29 feet;
THENCE North 13 degrees 09 minutes 02 seconds West, a distance of 34.47 feet;
THENCE North 00 degrees 00 minutes 24 seconds East, a distance of 43.86 feet;
THENCE North 42 degrees 45 minutes 58 seconds East, a distance of 151.15 feet;
THENCE North 55 degrees 48 minutes 28 seconds East, a distance of 88.19 feet to the POINT
OF BEGINNING.

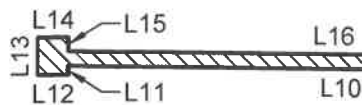
Utility Easement has an area of 8839.08 square feet or 0.2029 acres, more or less.





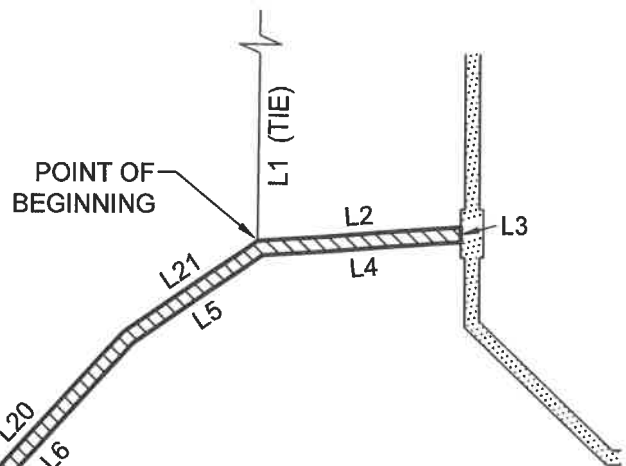
LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°39'49"W	567.18'
L2	N85°48'01"E	108.47'
L3	S00°00'00"E	8.02'
L4	S85°48'01"W	105.74'
L5	S55°48'28"W	85.13'
L6	S42°45'58"W	147.10'
L7	S00°00'24"W	39.80'
L8	S13°09'02"E	34.52'
L9	S00°37'25"W	356.25'
L10	N89°22'09"W	295.90'
L11	S00°08'54"E	4.90'
L12	S89°51'06"W	16.50'
L13	N00°08'54"W	20.33'
L14	N89°51'06"E	16.50'
L15	S00°08'54"E	7.43'
L16	S89°22'09"E	288.01'
L17	N00°37'25"E	347.29'
L18	N13°09'02"W	34.47'
L19	N00°00'24"E	43.86'
L20	N42°45'58"E	151.15'
L21	N55°48'28"E	88.19'



LEGEND

	EASEMENT AREA
	EXISTING APS EASEMENT
	DOC. #2016-0446183 MCR
	SECTION LINE
	PROPERTY LINE
	TIE LINE
	PROPERTY CORNER
	SECTION CORNER
MCR	MARICOPA COUNTY RECORDER
APN	ASSESSORS PARCEL NUMBER
ROW	RIGHT OF WAY



NOTE: IT IS THE INTENT TO BE COINCIDENT WITH THE EXISTING APS EASEMENT WITH NO GAP OR OVERLAP

ASSEMBLED PARCEL OF
"A FINAL PLAT OF THE SPA 1 WATER
RECLAMATION FACILITY"
BOOK 1288, PAGE 1 MCR
APN 501-43-986



DETAIL "A"

	EXHIBIT "B"
JOB # WA483960	DATE: 10/18/2019
NW1/4 SEC 22 T3N R1W	
SCALE: 1" = 100'	INDEX: CCW-19-141
R/W: S. REVORD	
SURVEY: R. JACKSON, E. COFFEY	
DRAWN BY: E. SERAFIN	SHEET 2 OF 2



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 3, 2019
Submitting Department: Police
Staff Recommendations: None

Contact Person: Terry Young, POLICE CHIEF
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Fiscal Year 2020 budget by reallocating appropriations in the amount of \$54,300 within the Grants Fund for the receipt of grant funding and to amend the FY2020 Capital and Operating List of Items Over \$50,000 by increasing the GOHS Grant Purchases Item in the amount of \$75,000; Resolution # 2019-139.

Motion:

I move to approve Resolution # 2019-139.

Background:

The City of Surprise applied for and received a grant in FY2019 for the purchase and upfit of a van for DUI operations enforcement. The City purchased the DUI van; however, due to delayed build times, the upfitting could not be completed in FY2019. The City requested that the funds be rolled into the FY2020 budget to allow for the upfitting of the van. The Governor's Office of Highway Safety has approved the request and issued GOHS Grant 2020-II-006, Change Order 2020-02 to allow for the cost of upfitting.

Objective Analysis:

Aggressive enforcement of impaired driving laws is a top priority of the Surprise Police Department. Acceptance of this change order will allow for the upfitting and completion of the DUI van. The DUI van is a valuable resource which will allow officers to quickly and efficiently process DUI offenders in the field and quickly return to service. The one negative to obtaining any grant funding is the employee time spent in overseeing the grant and making regular reports back to the grantor.

Policy Compliant:

The grant is consistent with the City's past practice of using grant funding to supplement the enforcement of City traffic laws and enhance highway safety enforcement efforts in the City of Surprise.

Financial Impact:

This one-time GOHS grant rollover award provides \$54,201.75 for DUI van related expenses. There is no City match requirement.

Budget Impact:

This grant change order was not included in the FY2020 adopted budget. Acceptance of this grant will reallocate \$54,300 from Grants Fund Contingency to increase budget authority for the purposes of DUI van upfitting to previously accepted FFY20 GOHS Project G31263. This action also amends the List of Operating and Capital Items Over \$50,000 by increasing reference #20164 in the amount of \$75,000 for grant related expenses. This does not represent an actual transfer of funds, but only a transfer of budget authority and does not increase or decrease the total budget.

FTE Impact:

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

ATTACHMENTS:

1. 2020-II-006 Change Order-1
 2. 2020-II-006 (fully executed)
 3. Res 2019-139 GOHS Grant Rollover
-



DOUGLAS A. DUCEY
GOVERNOR

ALBERTO GUTIER
DIRECTOR
GOVERNOR'S HIGHWAY SAFETY REPRESENTATIVE

DATE: October 25, 2019

TO: Chief Terry Young
Surprise Police Department
14250 W Statler Plaza, Ste. 103
Surprise, AZ 85374

FROM: Alberto Gutier, Director
Governor's Highway Safety Representative
Governor's Office of Highway Safety

TRANSMITTAL: Amendment Number: 2020-02
Effective Date: October 25, 2019
Revision Number: 001
Project Coordinator: Gabriela Gallegos
Contract Number: 2020-II-006
Program Area: 405d- DUI/Alcohol

NARRATIVE:

The purpose of this Amendment is to add funds to Professional and Outside Services for the Up fitting of the DUI Van Purchased in FY2019.

There is a **\$54,201.75 increase** in Federal funds because of this Amendment.

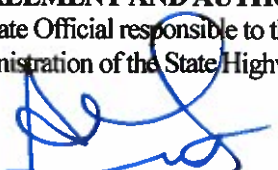
ESTIMATED COSTS:

	<u>From</u>	<u>To</u>
I. Personnel Services (includes overtime)	\$30,000.00	\$30,000.00
II. Employee Related Expenses	\$0.00	\$0.00
III. Professional and Outside Services DUI Van Up fitting	\$0.00	\$54,201.75
IV. Travel In-State	\$0.00	\$0.00
V. Travel Out-of-State	\$0.00	\$0.00
VI. Materials and Supplies	\$0.00	\$0.00
VII. Capital Outlay	\$10,000.00	\$10,000.00
TOTAL ESTIMATED COSTS	<u>\$40,000.00</u>	<u>\$94,201.75</u>

*Includes all applicable training, tax, freight, and advertising costs. The GOHS reserves the right to limit reimbursement of Employee Related Expenses from zero (0) to a maximum rate of 40 percent. This is the maximum ERE amount to be reimbursed. It is agreed and understood that the Surprise Police Department shall absorb any and all expenditures in excess of \$94,201.75.

AGREEMENT AND AUTHORIZATION TO PROCEED

by State Official responsible to the Governor for the
administration of the State Highway Safety Agency.



Alberto Gutier, Director
Governor's Highway Safety Representative
Governor's Office of Highway Safety

10-31-19

Date



DOUGLAS A. DUCEY
GOVERNOR

ALBERTO GUTIER
DIRECTOR
GOVERNOR'S HIGHWAY SAFETY REPRESENTATIVE

Chief Terry Young
Surprise Police Department
14250 W. Statler Plaza Suite 103
Surprise, Arizona 85374

PROJECT REFERENCE:

Contract Number: 2020-II-006
Contract Amount: \$40,000.00
Purpose of Project: DUI Enforcement Overtime,
Capital Outlay (Intox 9000)

Dear Chief Young:

Attached are the following documents:

- a) One (1) fully executed original of the above-referenced contract
- b) Project Director's Manual

The Report of Costs Incurred (RCI Form) and RCI Instructions are located on the GOHS website at www.azgohs.gov/grant-opportunities/. Refer to the Contract and/or Project Directors Manual for instructions on completion and submission.

Please have your Project Administrator and Fiscal staff review and become familiar with the reporting requirements outlined in this Contract.

Please note that any equipment costing \$5,000.00 or more must comply with the Buy America Act as mandated by federal law.

You are hereby authorized to proceed under the terms of the Highway Safety Contract, effective on the "Authorization to Proceed Date" (i.e., the date of my signature on the last page of the contract as long as the signature is within the Federal Fiscal Year that this contract applies to) with an obligation of \$40,000.00 in Federal funds.

Sincerely,

Alberto Gutier, Director
Governor's Highway Safety Representative

Date

10-22-19

Enclosures
AG

**GOVERNOR'S OFFICE OF
HIGHWAY SAFETY**

STATE OF ARIZONA

HIGHWAY SAFETY CONTRACT

This page, the Project Director's Manual and attached hereto and incorporated herein by reference, constitute the entire Contract between the parties hereto unless the Governor's Highway Safety Representative authorizes deviation in writing.

FAIN: 69A3752030000405dAZM		Assistance Listings: 20.616
1. APPLICANT AGENCY Surprise Police Department	GOHS CONTRACT NUMBER: 2020-II-006	
ADDRESS 14250 W. Statler Plaza, Ste. 103, Surprise, AZ 85374	PROGRAM AREA: 405d	
2. GOVERNMENTAL UNIT City of Surprise	AGENCY CONTACT: Michael Robbins	
ADDRESS 16000 N. Civic Center Drive, Surprise, AZ 85374	3. PROJECT TITLE: DUI/Impaired Driving Enforcement Overtime, and Related Equipment- Intox 9000	
4. GUIDELINES: 405d		
5. BRIEFLY STATE PURPOSE OF PROJECT: Federal 405d funds will support Personnel Services (Overtime), and Capital Outlay: Intox 9000 to enhance DUI/Impaired Driving Enforcement throughout the City of Surprise.		
6. BUDGET	Project Period	
COST CATEGORY	FFY 2020	
I. Personnel Services	\$30,000.00	
II. Employee Related Expenses	\$0.00	
III. Professional and Outside Services	\$0.00	
IV. Travel In-State	\$0.00	
V. Travel Out-of-State	\$0.00	
VI. Materials and Supplies	\$0.00	
VII. Capital Outlay	\$10,000.00	
TOTAL ESTIMATED COSTS	\$40,000.00	
PROJECT PERIOD	FROM: Effective Date (Date of GOHS Director Signature)	TO: 09-30-2020
CURRENT GRANT PERIOD	FROM: 10-01-2019	TO: 09-30-2020
TOTAL FEDERAL FUNDS OBLIGATED THIS FFY: \$40,000.00		

A political subdivision or State agency that is mandated to provide a certified resolution or ordinance authorizing entry into this Contract must do so prior to incurring any expenditures. Failure to do so may result in termination of the awarded Contract.

PROBLEM IDENTIFICATION AND RESOLUTION:
Agency Background:

Number of sworn officers: 141

Total Population in city/town or county: 130,000

Total Road Mileage: Highway: 39 Local: 857 Total: 896

	2017	2016	2015
Total Crashes	1951	1973	1791
Total Injury Crashes	251	239	253
Total Fatal Crashes	5	3	0
Total Alcohol-related Crashes	13	20	37
Total Alcohol-related Serious Injuries	0	1	6
Total Alcohol-related Fatalities	0	3	0
Total Speed-related Crashes	346	348	306
Total Speed-related Serious Injuries	23	35	41
Total Speed-related Fatalities	0	2	0

The data above represents: County ☐ City/Town ☒

Agency Problem/Attempts to Solve Problem:

In total, the Surprise Police Department is responsible for patrolling approximately 857 miles of roadway. The population and infrastructure growth of the City of Surprise has caused heavy traffic loads resulting in an increase of traffic collisions. The Surprise Police Department is committed to reducing traffic collisions through strategic, intensive enforcement, community education, the use of improved technology and equipment, and training.

With the increase in population, the city has seen a growth in the alcohol serving establishment industry, to include: bars, restaurants, movie theaters, spring training and minor league baseball facility, bowling alley/night club, golf courses/clubhouses, etc. The growth of the industry has increased opportunities for drivers to consume alcohol prior to driving. Similarly to the growth of the alcohol serving establishments, the legalization of medical marijuana has sprouted several medical marijuana dispensaries in the City of Surprise. The increased access to the impairing drug has increased the likelihood a driver will operate a motor vehicle while impaired by marijuana. The need to be intensively patrolling the streets for alcohol impaired drivers has never been greater.

Agency Funding:

Federal 405d funds will support Personnel Services (Overtime), and Capital Outlay: Intox 9000 to enhance DUI/Impaired Driving Enforcement throughout the City of Surprise.

How Agency Will Solve Problem with Funding:

The City of Surprise Police Department is requesting funding from the Governor's Office of Highway Safety to promote the Impaired Driving (AL) program to continue the commitment to the West Valley DUI Task Force. The granted funding will be used to further the mission of GOHS and the City of Surprise Police Department by removing alcohol and drug impaired drivers from the road through highly effective enforcement.

PROJECT MEASURES:**Agency Goals:**

To decrease the number of impaired driving-related crashes 10% from 13 during calendar year 2017 to 11 by December 31, 2020.

To decrease fatalities in impaired driving-related crashes 0% from 0 in calendar year 2017 to 0 by December 31, 2020.

To decrease injuries in impaired driving-related crashes 0 % from 0 in calendar year 2017 to 0 by December 31, 2020.

Contract Objectives:

To participate in a minimum of 2 DUI saturation patrols per quarter during FFY 2020.

To participate in a minimum of 4 DUI task force operations per quarter during FFY 2020.

Additional Contract Objectives:

1. To host a minimum of 4 DUI task force operations during FFY 2020.
2. To increase the number of DUI arrests by 3% from 330 during calendar year 2017 to 340 by December 31, 2020

GOALS/OBJECTIVES:

Federal 405d funds will support Personnel Services (Overtime), and Capital Outlay: Intox 9000 to enhance DUI/Impaired Driving Enforcement throughout the City of Surprise.

Expenditures of funding pertaining to Impaired Driving Enforcement including Personnel Services and ERE, Materials and Supplies, Capital Equipment, and/or Travel In and Out-of-State shall comply with the Impaired Driving Program goals provided by the Arizona Governor's Office of Highway Safety. The Impaired Driving Program goal is to reduce the incidences of alcohol and drug related driving fatalities and injuries through enforcement, education, and public awareness throughout the State of Arizona. Law enforcement personnel participating in Impaired Driving Enforcement/DUI activities including, DUI Task Force details under this program, shall be HGN/SFST certified.

MEDIA RELEASE:

To prepare complete press release information for media (television, radio, print, and on-line) during each campaign period including a main press release, schedule of events, departmental plans, and relevant data. The material will emphasize the campaign's purpose, aggressive enforcement, and the high cost of DUI/Impaired Driving in terms of money, criminal, and human consequences.

The Surprise Police Department will maintain responsibility for **reporting sustained enforcement** activity in a timely manner. Additionally, it is the responsibility of the Surprise Police Department to report all holiday task force enforcement statistics to GOHS on-line at the GOHS website **no later than 10:00 a.m. the morning following each day of the event.**

The holidays and special events include but not limited to: Super Bowl Sunday, Valentine's Day, President's Day, St. Patrick's Day, Spring Break, Easter, Cinco de Mayo, Prom Night, Memorial Day, Graduation Day, Independence Day, Labor Day, Columbus Day, Halloween, and the Thanksgiving through New Year's details.

PLEASE NOTE: Failure to submit Statistics, Quarterly Reports, and/or Report of Costs Incurred (RCIs) timely and correctly may delay reimbursement for expenditures to your Agency.

METHOD OF PROCEDURE:

The Surprise Police Department will make expenditures, as follows, to meet the outlined Program Goals/Objectives:

Personnel Services - To support Overtime for DUI/Impaired Driving Enforcement Activities

Capital Outlay - To purchase/procure the following Capital Outlay for DUI/Impaired Driving Enforcement Activities: **Intox 9000**

PRESS RELEASE:

Agencies are **required** to develop and distribute a press release announcing this grant award **upon receipt** of the executed Contract. A copy of this press release shall be sent to the GOHS Director for approval prior to being sent to the media. This press release shall include the objective and specify that the funding is from the Governor's Office of Highway Safety.

BAC TESTING AND REPORTING REQUIREMENTS:

Alcohol impairment is a major contributing factor in fatality and serious injury motor vehicle collisions. Accurate data on alcohol involvement is essential to understanding the full extent of the role of alcohol and to assess progress toward reducing impaired driving.

Each law enforcement agency that receives an enforcement-related grant is required to ensure that accurate data on all drivers involved is reported. Failure to comply may result in withholding funds and cancellation of the enforcement contract until this requirement is met.

PURSUIT POLICY:

All law enforcement agencies receiving Federal funds are encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police (IACP) that are currently in effect.

EQUIPMENT:**Intox 9000**

Agencies receiving funding for Capital Outlay (major equipment) such as DUI processing vans, marked and unmarked enforcement sedans, and marked enforcement motorcycles shall schedule a press conference acknowledging the grant award from the Governor's Office of Highway Safety. The purpose of this press conference is for the Agency to present the equipment to their community.

The Surprise Police Department shall immediately notify GOHS if any equipment purchased under this Contract ceases to be used in the manner described in this Contract. In such event, the Surprise Police Department further agrees to dispose of this equipment using the Surprise Police Department's, city, town, or county ordinance, code, or rule regarding disposal of equipment.

In the absence of an ordinance, code, or rule regarding the disposal of the property, the Surprise Police Department may refer to that of the State. The Surprise Police Department shall maintain or cause to be maintained for its useful life, any equipment purchased under this Contract. The Surprise Police Department shall incorporate any equipment purchased under this Contract into its inventory records. The Surprise Police Department shall insure any equipment purchased under this Contract for the duration of its useful life. Self-insurance meets this requirement.

Administrative and Maintenance Costs:

The Surprise Police Department shall be responsible for all administrative, maintenance, operational costs, and the costs of any damage relating to the Intox 9000.

Decals:

The Governor's Office of Highway Safety shall provide the Surprise Police Department with decals depicting the Governor's Office of Highway Safety logo. These decals shall be affixed to the equipment before being placed in service.

Equipment Purchase:

The equipment purchased under this Contract shall be ordered, received, training completed, and placed in service prior to the end of the project period.

If the Agency cannot meet this requirement, the Agency must submit a letter of explanation signed by the Project Director on the Agency's letterhead via mail or hand delivered to the Director of the Governor's Office of Highway Safety within sixty (60) days before the end of the project period.

The application of 2 CFR Part 200 "Procurement Standards" requires that:

Grantees and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurement procedures conform to applicable Federal and State laws and standards. The most stringent purchasing requirement at each level must be met. If the Agency does not have a procurement process, the Agency shall use the State procurement process.

Original Purpose of Equipment:

Pursuant to 23 CFR §1300.31, all equipment purchased under this Contract is to be used for the original purpose intended under this Contract. All equipment shall be used for the originally authorized grant purposes for as long as needed for those purposes. Neither the State nor the Agency (sub-grantees) or contractors shall encumber the title or interest while such need exists.

The Governor's Office of Highway Safety shall reserve the right to transfer title of equipment acquired under the Section 405 program to the Federal government or to a third party when such third party is otherwise eligible under existing statutes.

Furthermore, 2 CFR §200.313 states that equipment (acquired under this grant) shall be used by the grantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.

Insurance:

It is agreed that the Surprise Police Department shall adequately insure all capital equipment purchased under this Contract for repair or replacement.

SPECIFIC REQUIREMENTS:**BREATH TESTING DEVICES –****Requirements for Intoxilyzers (Evidentiary Breath Testing Instruments):**

The successful vendor must certify that the devices purchased are on the National Highway Traffic Safety Administration (NHTSA) Conforming Products List and must meet, or exceed, NHTSA model specifications.

In addition, the devices must be certified and approved by the Arizona Department of Public Safety per Arizona Administrative Code R9-14-403.

The Surprise Police Department will be responsible for providing all personnel the appropriate training for using the Intoxilyzers purchased under this Contract implementing a NHTSA approved training course.

The Surprise Police Department will maintain written documentation (copy of the training certificates) which will be available upon request for review by GOHS.

Intoxilyzers will be operated, calibrated under the standard quality assurance procedures per the appropriate outlined procedures listed in the Arizona Administrative Code.

EQUIPMENT –

Requirements for Equipment:

The Surprise Police Department shall provide a high quality color photograph of all equipment purchased under this Contract. The Surprise Police Department shall complete the attached **Capital Outlay Equipment** form for all individual equipment purchases of \$5,000.00 or more. The form is to be attached and submitted with the next quarterly report subsequent to the delivery of the equipment.

METHOD OF PROCUREMENT:

The application of 2 CFR Part 200 "Procurement Standards" requires that:

Grantees and sub-grantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided the procurement procedures conform to applicable Federal laws and standards. The most stringent purchasing requirement at each level must be met. If the Agency does not have a procurement process, the Agency may use the State procurement process.

A clear audit trail must be established to determine costs charged against this Contract. Substantiation of costs shall, where possible, be made utilizing the Surprise Police Department documentation consisting of, but not limited to, copies of time sheets, purchase orders, copies of invoices, and proof of payment.

The Agency shall retain copies of all documentation in the project file.

State Contract:

Procurement may be made using an open State contract award. Documents submitted to substantiate purchases using an open State contract must bear the contract number.

PROJECT EVALUATION:

This project shall be administratively evaluated to ensure the objectives have been met.

Quarterly Report

The purpose of the Quarterly Report is to provide information on contracted grant activities conducted at the conclusion of each active quarter. The information provided is used to review progress of the funded project and the successfulness in meeting outlined goals and objectives. The information, photos, highlights, obstacles,

and mandatory statistical data provided in this report are analyzed by the assigned Project Coordinator. It is critical the report contains the following information:

- **Original signatures on all Quarterly Reports and RCIs**
 - **All Quarterly Reports and RCIs shall include the signature of the Project Director unless prior authorization for another is on file with GOHS.**

Report Schedule

Reporting Period	Due Date
1st Quarterly Report and RCI (October 1 to December 31, 2019)	January 30, 2020
2nd Quarterly Report and RCI (January 1 to March 31, 2020)	April 20, 2020
3rd Quarterly Report and RCI (April 1 to June 30, 2020)	July 20, 2020
4th Quarterly Report and RCI (July 1 to September 30, 2020)	October 15, 2020
Final Statement of Accomplishments	October 15, 2020

The Quarterly Report **shall be completed on the form available on-line and can be submitted by email** to the Governor's Office of Highway Safety.

NOTE: IT IS REQUIRED THAT ALL LAW ENFORCEMENT AGENCIES MUST ENTER STATISTICAL AND ENFORCEMENT ACTIVITY INTO THE ON-LINE GOHS DUI REPORTING SYSTEM, IN ADDITION TO SUBMITTING THE QUARTERLY ENFORCEMENT REPORT.

Final Statement of Accomplishments

The Project Director shall submit a Final Statement of Accomplishments Report to the GOHS **no later than fifteen (15) days after the conclusion of each Federal Fiscal Year (September 30th)**. All agencies receiving funding are required to submit a Final Statement of Accomplishments Report.

Note: Failure to comply with the outlined GOHS reporting requirements may result in withholding of Federal funds or termination of the Contract.

PROFESSIONAL AND TECHNICAL PERSONNEL:

Terry Young, Chief, Surprise Police Department, shall serve as Project Director.

Michael Robbins, Sergeant, Surprise Police Department, shall serve as Project Administrator.

Gabriela Gallegos, Governor's Office of Highway Safety, shall serve as Project Coordinator.

REPORT OF COSTS INCURRED (RCI):

The Agency shall submit a Report of Costs Incurred (RCI), with supporting documentation attached, to the Governor's Office of Highway Safety on a quarterly basis, for each active quarter, in conjunction with the required report. Agencies may submit additional RCI forms for expenditures when funds have been expended for which reimbursement is being requested.

Accepted supporting documentation to submit with a Report of Cost Incurred (RCI) includes, but is not limited to; scanned copies of timesheets, payroll records, paid invoices/purchase orders, and other account records.

RCIs shall be typed and delivered via mail or hand delivered with appropriate supporting documentation to the Governor's Office of Highway Safety. **Electronically submitted RCIs will not be accepted.** Final RCIs will not be accepted fifteen (15) days after the conclusion of each Federal Fiscal Year (September 30th). **Expenditures submitted after the expiration date may not be reimbursed and the Agency will accept fiscal responsibility.**

PROJECT MONITORING:

Highway safety grant project monitoring is used by GOHS project coordinators to track the progress of project objectives, performance measures, and compliance with applicable procedures, laws, and regulations.

The process is used throughout the duration of the contracted project and serves as a continuous management tool. Project monitoring also presents an opportunity to develop partnerships, share information, and provide assistance to contracted agencies. Additionally, project monitoring outlines a set of procedures for project review and documentation.

Project monitoring serves as a management tool for:

- Detecting and preventing problems
- Helping to identify needed changes
- Identifying training or assistance needed
- Obtaining data necessary for planning and evaluation
- Identifying exemplary projects

Types of Monitoring

Monitoring is formal and informal, financial and operational. The most common types of monitoring are:

- Ongoing contact with the contracted grantee through phone calls, e-mails, correspondence, and meetings
- On-Site and/or In-House monitoring reviews of project operations, management, and financial records and systems
- Review of project Quarterly Reports
- Review and approval of Report of Costs Incurred (RCIs)
- Desk review of other documents in the project grant files for timely submission and completeness

Monitoring Schedule	
Total Awarded Amount:	Type of Monitoring:
Under \$50,000	Desk Review/Phone Conference
\$50,000 and over	May have an In-House GOHS Review
\$100,000+	May have an On-Site Review
Capital Outlay Greater than \$25,000 (combined)	May have an On-Site Review
Desk Review and Phone Conference	Internal review of all written documentation related to contractual project including, but not limited to the Contract, Quarterly Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. A phone conference call conducted during the course of the project which includes the date and time of the call, the person(s) contacted, and the results. It serves as an informational review to determine progress of programmatic/financial activities. Both the designated project administrator and fiscal contact should be present, if possible, during the phone conference. If identified financial or operational problems are present, GOHS reserves the right to bring

	the grantee in for an in-house meeting at GOHS. Monitoring form written by Project Coordinator, any findings, areas of improvement, concern, or recognition will be provided to the grantee.
In-House Review	Documents performance review results including project activities, reimbursement claims review, equipment purchases, approvals, and other information. Reviews applicable information related to the project(s) including, but not limited to the Contract, Quarterly Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Completed at GOHS in a meeting with appropriate operational and financial personnel. Monitoring form written by Project Coordinator, any findings, areas of improvement, concern, or recognition will be provided to the grantee.
On-Site Monitoring	Documents performance review results including project activities, reimbursement claims review, equipment purchases, and other information. Reviews applicable information related to the project(s) including, but not limited to the Contract, Quarterly Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Conducted on-site at the grantee's Agency with monitoring form completed on-site by Project Coordinator. Any findings, areas of improvement, concern, or recognition, will be provided to the grantee.

On-site and/or in-house monitoring for grantees of designated projects with large Capital Outlay purchases, personnel services, and complex projects must be completed within the second or third quarter of the fiscal year. Contracted projects displaying any problems may need on-site monitoring more than once during the fiscal year.

On-site and/or In-house monitoring includes a review and discussion of all issues related to ensure the effective administration of the contracted project. The following are the most important items to review:

- Progress toward meeting goals/objectives and performance measures
- Adherence to the contract specifications, timely submission of complete and correct reports, including required documentation
- Quarterly Reports
- Status of expenditures related to the outlined budget
- Accounting records and RCI's
- Supporting documentation (training documentation, inventory sheets, photographs, press releases, etc.)

In addition, the designated Agency will ensure that any equipment purchased will be available for inspection and is being used for the purpose for which it was bought under the outlined contractual agreement.

Documentation

The Governor's Office of Highway Safety will retain all findings documented on the GOHS Monitoring Form in the Agency's respective Federal file. Findings will be discussed with the designated contract representative (Project Administrator, fiscal specialist) by phone and/or e-mail. All noted deficiencies will be provided to the grantee with guidance for improvement and solutions to problems. Grantees that exhibit significantly poor performance may be placed on a performance plan as outlined by the GOHS Director. Grantee monitoring information will additionally provide documentation for potential funding in subsequent fiscal year grant proposal review.

PROJECT PERIOD:

The project period shall commence on the date the GOHS Director signs the Highway Safety Contract and terminate on September 30th of that or subsequent year as indicated on the Highway Safety Contract.

DURATION:

Contracts shall be effective on the date the Governor's Office of Highway Safety Director signs the Contract and expire at the end of the project period.

If the Agency is unable to expend the funds in the time specified, the Agency will submit notification on the Agency's letterhead and hand deliver or submit via regular mail to the Director of the Governor's Office of Highway Safety a minimum of sixty days (60) prior to the end of the project period.

The Agency shall address all requests to modify the Contract to the Director of the Governor's Office of Highway Safety on Agency's official letterhead and either hand deliver or submit the request via regular mail. All requests for modification must bear the signature of the Project Director.

Failure to comply may result in cancellation of the Contract. Any unexpended funds remaining at the termination of the Contract shall be released back to the Governor's Office of Highway Safety.

ESTIMATED COSTS:

I.	Personnel Services (overtime)	\$30,000.00
II.	Employee Related Expenses (ERE)	\$0.00
III.	Professional and Outside Services	\$0.00
IV.	Travel In-State	\$0.00
V.	Travel Out-of-State	\$0.00
VI.	Materials and Supplies	\$0.00
VII.	Capital Outlay Intox 9000	\$10,000.00
TOTAL ESTIMATED COSTS		*\$40,000.00

*Includes all applicable training, tax, freight, and advertising costs. The GOHS reserves the right to limit reimbursement of Employee Related Expenses from zero (0) to a maximum rate of forty (40) percent. This is the maximum ERE amount to be reimbursed. It is agreed and understood that the Surprise Police Department shall absorb any and all expenditures in excess of \$40,000.00.

**QUARTERLY ENFORCEMENT REPORT
(Submitted to GOHS)**

Reporting Period

DESCRIPTION	CONTRACT ACTIVITY	AGENCY ACTIVITY
Total Contacts (Traffic Stops)		
Total Sober Designated Drivers Contacted		
Total Know Your Limit Contacts		
TOTAL DUI ARRESTS		
Total DUI Aggravated		
Total DUI Misdemeanor		
Total DUI Extreme (.15 or Above)		
Under 21 DUI Arrests		
Average BAC		
Minor Consumption / Possession Citations		
Total DUI Drug Arrests		
30-Day Vehicle Impounds		
Seat Belt Citations		
Child Restraint Citations		
Criminal Speed Citations		
Reckless Driving Citations		
Civil Speed Citations		
Other Citations (Except Speed)		
Other Arrests		
Participating Officer/Deputies (Cumulative)		

**Arizona Governor's Office of Highway Safety
Capital Outlay Equipment Record
Equipment \$5,000.00 or more**

Equipment Description	Make/Model	Serial Number	Date Ordered	Date Received	Cost Per Unit

Note: Photographs of all Capital Outlay Equipment must be submitted with form

CERTIFICATIONS AND AGREEMENTS

This CONTRACT, is made and entered into by and between the STATE OF ARIZONA, by and through the Governor's Office of Highway Safety (GOHS) hereinafter referred to as "STATE", and the agency named in this Contract, hereinafter referred to as "AGENCY".

WHEREAS, the National Highway Safety Act of 1966, as amended (23 USC §§401-404), provides Federal funds to STATE for approved highway safety projects; and

WHEREAS, STATE may make said funds available to various state, county, tribal, or municipal agencies, governments, or political subdivisions upon application and approval by STATE and the United States Department of Transportation (USDOT); and

WHEREAS, AGENCY must comply with the requirements listed herein to be eligible for Federal funds for approved highway safety projects; and

WHEREAS, AGENCY has submitted an application for Federal funds for highway safety projects;

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOODS AND VALUABLE CONSIDERATION, it is mutually agreed that AGENCY will strictly comply with the following terms and conditions and the following Federal and State Statutes, Rules, and Regulations:

I. Project Monitoring, Reports, and Inspections

- A. AGENCY agrees to fully cooperate with representatives of STATE monitoring the project, either on-site or by telephone, during the life of the Contract.
- B. AGENCY will submit Quarterly Reports (one for each three-month period of the project year) to STATE in the form and manner prescribed by STATE. Notice of the specific requirements for each report will be given in this Contract or at any time thereafter by giving thirty (30) days written notice to AGENCY by ordinary mail at the address listed on the Contract. Failure to comply with Quarterly Report requirements may result in withholding of Federal funds or termination of this Contract.
- C. AGENCY will submit a Final Report/Statement of Accomplishment at completion of the Contract to include all financial, performance, and other reports required as a condition of the grant to STATE within thirty (30) days of the completion of the Contract.
- D. Representatives authorized by STATE and the National Highway Traffic Safety Administration (NHTSA) will have the right to visit the site and inspect the work under this Contract whenever such representatives may determine such inspection is necessary.

II. Reimbursement of Eligible Expenses

- A. AGENCY's Project Director, or Finance Personnel, will submit a Report of Costs Incurred Form (RCI) to STATE each time there have been funds expended for which reimbursement is being requested. Failure to meet this requirement may be cause to terminate the project under Section XX herein, "Termination and Abandonment".

- B. AGENCY will reimburse STATE for any ineligible or unauthorized expenses for which Federal funds have been claimed and reimbursement received, as may have been determined by a State or Federal audit.
- C. STATE will have the right to withhold any installments equal to the reimbursement received by AGENCY for prior installments which have been subsequently determined to be ineligible or unauthorized.

III. Property Agreement

- A. AGENCY will immediately notify STATE if any equipment purchased under this Contract ceases to be used in the manner as set forth by this Contract. In such event, AGENCY further agrees to either give credit to the project cost or to another active highway safety project for the residual value of such equipment in an amount to be determined by STATE or to transfer or otherwise dispose of such equipment as directed by STATE.
- B. No equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of STATE, or unless otherwise provided elsewhere in this Contract.
- C. AGENCY will maintain or cause to be maintained for its useful life, any equipment purchased under this Contract.
- D. AGENCY will incorporate any equipment purchased under this Contract into its inventory records.
- E. AGENCY will insure any equipment purchased under this Contract for the duration of its useful life. Self-insurance meets the requirements of this section.

IV. Travel

In-State and Out-of-State Travel

In state and out-of-state travel claims will be reimbursed at rates provided by AGENCY's regulations, provided that such regulations are as restrictive as those of STATE. Where they are less restrictive, ARS §38-624 will apply.

The State must approve all out-of-state travel in writing and in advance.

V. Standard of Performance

AGENCY hereby agrees to perform all work and services herein required or set forth, and to furnish all labor, materials, and equipment, except that labor, material, and equipment as STATE agrees to furnish pursuant to this Contract.

VI. Hold Harmless Agreement

Neither party to this agreement agrees to indemnify the other party or hold harmless the other party from liability hereunder. However, if the common law or a statute provides for either a right to indemnify and/or a right to contribution to any party to this agreement then the right to pursue one or both of these remedies is preserved.

VII. Non-Assignment and Sub-Contracts

This Contract is not assignable nor may any portion of the work to be performed be subcontracted unless specifically agreed to in writing by STATE. No equipment purchased hereunder may be assigned or operated by other than AGENCY unless agreed to in writing by STATE.

VIII. Work Products and Title to Commodities and Equipment

A. The work product and results of the project are the property of STATE, unless otherwise specified elsewhere in this Contract. All property, instruments, non-consumable materials, supplies, and the like, which are furnished or paid for by STATE under the terms of this Contract, unless otherwise provided for elsewhere in this Contract, are and remain the property of STATE and will be returned at the completion of this project upon request of STATE. The work product and results of the project will be furnished to STATE upon request, if no provision is otherwise made by this Contract.

B. The provisions of subparagraph A apply whether or not the project contracted for herein is completed.

IX. Copyrights and Patents

Any copyrightable materials, patentable discovery, or invention produced in the course of this project may be claimed by STATE and a copyright or patent obtained by it at its expense. In the event STATE does not wish to obtain such copyright or patent, AGENCY may do so, but in any event, provision will be made by AGENCY for royalty-free, nonexclusive, nontransferable, and irrevocable licenses to be given the United States Government and STATE and its political subdivisions to use such copyrightable material, patented discoveries, or inventions in any manner they see fit. The STATE reserves the right to impose such other terms and conditions upon the use of such copyrights or patents as may be deemed in the best interest of STATE in the event AGENCY is allowed to obtain a copyright or patent.

X. Uniform Administrative Requirements

(2 CFR Part 1201): Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards:

The application of 2 CFR Part 200 "Procurement Standards" Requires that:

AGENCY and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law. The most stringent purchasing requirement at each level must be met.

The Arizona Procurement Code (ARS §41-2501, et. seq.) and promulgated rules (A.A.C. Title 2, Chapter 7) are a part of this Contract as if fully set forth herein and AGENCY agrees to fully comply with these requirements for any procurement using grant monies from this Contract.

XI. Non-Discrimination

During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- A. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- B. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR part 21 and herein;
- C. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- D. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including, but not limited to, withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- E. To insert this clause, including paragraphs A through E, in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

XII. Executive Order 2009-09

It is mutually agreed that AGENCY will comply with the terms and conditions of Executive Order 2009-09, *Non-Discrimination in Employment by Government Contractors and Subcontractors*. Executive Order 2009-09 is located in Part II of the Project Director's Manual.

XIII. Application of Hatch Act

The AGENCY will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

XIV. Minority Business Enterprises (MBE) Policy and Obligation

- A. Policy: It is the policy of the USDOT that minority business enterprises as defined in 49 CFR Part 23, will have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Contract. Consequently, the minority business enterprises requirements of 49 CFR Part 23 apply to this Contract.
- B. Obligation: The recipient or its contractor agrees to ensure that minority business enterprises, as defined in 49 CFR Part 23, have the subcontracts financed in whole or in part with Federal funds provided under this Contract. In this regard, all recipients or contractors will take all necessary and reasonable steps in accordance with 49 CFR, Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors will not discriminate on the basis of race, color, creed, sex, or national origin in the award and performance of USDOT-assigned contracts.

XV. Arbitration Clause, ARS §12-1518

Pursuant to ARS §12-1518, the parties agree to use arbitration, after exhausting applicable administrative reviews, to resolve disputes arising out of this Contract where the provisions of mandatory arbitration apply.

XVI. Inspection and Audit, ARS §35-214

Pursuant to ARS §35-214, all books, accounts, reports, files, and other records relating to this Contract will be subject at all reasonable times to inspection and audit by STATE for five (5) years after completion of this Contract. The records will be produced at the Governor's Office of Highway Safety.

XVII. Appropriation of Funds by U.S. Congress

It is agreed that in no event will this Contract be binding on any party hereto unless and until such time as funds are appropriated and authorized by the U.S. Congress and specifically allocated to the project submitted herein and then only for the fiscal year for which such allocation is made. In the event no funds are appropriated by the U.S. Congress or no funds are allocated for the project proposed herein for subsequent fiscal years, this Contract will be null and void, except as to that portion for which funds have then been appropriated or allocated to this project, and no right of action or damages will accrue to the benefit of the parties hereto as to that portion of the Contract or project that may so become null and void.

XVIII. Continuation of Highway Safety Program

It is the intention of AGENCY to continue the Highway Safety Program identified in this Contract once Federal funding is completed. This intended continuation will be based upon cost effectiveness and an evaluation by AGENCY of the program's impact on highway safety.

XIX. E-Verify

Both parties acknowledge that immigration laws require them to register and participate with the E-Verify Program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this State. Both parties warrant that they have registered with and participate with E-Verify. If either party later determines that the other non-compliant party has not complied with E-Verify, it will notify the non-compliant party by certified mail of the determination and of the right to appeal the determination.

XX. Termination and Abandonment

- A. The STATE and AGENCY hereby agree to the full performance of the covenants contained herein, except that STATE reserves the right, at its discretion, to terminate or abandon any portion of the project for which services have not been already performed by AGENCY.
- B. In the event STATE abandons the services or any part of the services as herein provided, STATE will notify AGENCY in writing and within twenty-four (24) hours after receiving such notice, AGENCY will discontinue advancing the work under this Contract and proceed to close said operations under the Contract.

- C. The appraisal value of work performed by AGENCY to the date of such termination or abandonment shall be made by STATE on a basis equitable to STATE and AGENCY and a final reimbursement made to AGENCY on the basis of costs incurred. Upon termination or abandonment, AGENCY will deliver to STATE all documents, completely or partially completed, together with all unused materials supplied by STATE.
- D. AGENCY may terminate or abandon this Contract upon thirty (30) days written notice to STATE, provided there is subsequent concurrence by STATE. Termination or abandonment by AGENCY will provide that costs can be incurred against the project up to and including sixty (60) days after notice is given to STATE.
- E. Any equipment or commodities which have been purchased as a part of this Contract and which have not been consumed or reached the end of its useful life will be returned to STATE upon its written request.

XXI. Cancellation Statute

All parties are hereby put on notice that this Contract is subject to cancellation pursuant to ARS §38-511, the provisions of which are stated below.

In accordance with ARS §38-511, this Contract may be cancelled without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Contract on behalf of the STATE, its political subdivisions or any department or agency of either, is at any time while the Contract or any extension of the Contract is in effect, an employee of any other party to the Contract in any capacity or a consultant to any other party of the Contract with respect to the subject matter or the Contract.

The cancellation shall be effective when written notice from the Governor or Chief Executive Officer or governing body of the political subdivision is received by all other parties to the Contract unless the notice specifies a later time.

AGREEMENT OF UNDERSTANDING AND CERTIFICATION OF COMPLIANCE**Acceptance of Condition**

It is understood and agreed by the undersigned that a grant received as a result of this Contract is subject to the Highway Safety Act of 1966, as amended (23 U.S.C.A. §§401-404), ARS §28-602, and all administrative regulations governing grants established by the USDOT and STATE. It is expressly agreed that this Highway Safety Project constitutes an official part of the STATE's Highway Safety Program and that AGENCY will meet the requirements as set forth in the accompanying Project Director's Manual, which are incorporated herein and made a part of this Contract. All State and Federal Statutes, Rules, Regulations, and Circulars referenced in this Contract are a part of this document as if fully set forth herein. It is also agreed that no work will be performed nor any obligation incurred until AGENCY is notified in writing that this project has been approved by the Governor's Highway Safety Representative.

Certificate of Compliance

This is to certify that AGENCY will comply with all of the State and Federal Statutes, Rules and Regulations identified in this Contract.

Certification of Non-Duplication of Grant Funds Expenditure

This is to certify that AGENCY has no ongoing nor completed projects under contract with other Federal fund sources which duplicate or overlap any work contemplated or described in this Contract. It is further certified that any pending or proposed request for other Federal grant funds which would duplicate or overlap work described in the Contract will be revised to exclude any such duplication of grant fund expenditures. It is understood that any such duplication of Federal funds expenditures subsequently determined by audit will be subject to recovery by STATE.

Single Audit Act

If your political subdivision has had an independent audit meeting the requirements of the Single Audit Act of 1984, (31 U.S.C.A. §7501 et. seq.), please forward a copy to GOHS, Attention: Fiscal Services Officer, within thirty (30) days of the effective date of this Contract. If such audit has not been performed, please advise when it is being scheduled.

Buy America Act

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron, and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than twenty-five (25) percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

Prohibition on Using Grant Funds to Check for Helmet Usage

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

Certification Regarding Debarment and Suspension

- A. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
- B. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
- C. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in

addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

- D. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- E. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
- F. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
- G. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled Instructions for Lower Tier Certification including the Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction, provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
- H. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
- I. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- J. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matter

- A. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principal:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
 2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- B. Where the prospective primary tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

- A. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
- B. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- C. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- D. The terms covered transaction, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- E. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4,

debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

- F. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
- G. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions Website (<https://www.sam.gov>).
- H. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- I. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

- A. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
- B. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

REIMBURSEMENT INSTRUCTIONS**1. Agency Official preparing the Report of Costs Incurred:**Name: Lisa Alexander-FroslandTitle: Accountant PrincipalTelephone Number: (623) 222-1847 Fax Number: (623) 222-1801E-mail Address: lisa.alexander@surpriseaz.gov**2. Agency's Fiscal Contact:**Name: Lisa Alexander-FroslandTitle: Accountant PrincipalTelephone Number: (623) 222-1847 Fax Number: (623) 222-1801E-mail Address: lisa.alexander@surpriseaz.govFederal Identification Number: 86-6007796**3. REIMBURSEMENT INFORMATION:**

Warrant/Check to be made payable to:

City of Surprise

Warrant/Check to be mailed to:

City of Surprise

(Agency)

16000 N Civic Center Plaza

(Address)

Surprise, AZ 85374

(City, State, Zip Code)

4. DUNS Number:021 64 8936

(DUNS #)

16000 N Civic Center Plaza, Surprise, AZ 85374

(Registered Address & Zip Code)

Restriction on State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

Certification for Contracts, Grant, Loans, and Cooperative Agreements (Federal Lobbying)

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients will certify and disclose accordingly.
- D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature of Project Director:

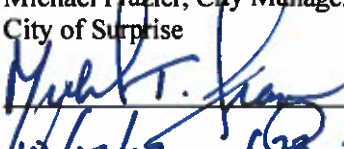
Terry Young, Chief
Surprise Police Department



10/21/19 623-222-4620
Date Telephone

**Signature of Authorized Official of
Governmental Unit:**

Michael Frazier, City Manager
City of Surprise



10/17/19 623-222-1022
Date Telephone

AUTHORITY & FUNDS

1. This Project is authorized by 23 U.S.C. §405 and regulations promulgated there under, more particularly Volume 102, and if State funds are involved, this project is authorized by ARS §28-602.

The funds authorized for this Project have been appropriated and budgeted by the U.S. Department of Transportation. The expenses are reimbursable under Arizona's Highway Safety Plan Program Area 405d, as approved for by the National Highway Traffic Safety Administration.

- 2. A. EFFECTIVE DATE:** _____ **B. FEDERAL FUNDS:** _____

Authorization to Proceed Date

\$40,000.00

- ### 3. AGREEMENT AND AUTHORIZATION TO PROCEED

by State Official responsible to Governor for the
administration of the State Highway Safety Agency

A handwritten signature in blue ink, appearing to be "A. S.", written over a horizontal line.

Albeno Gutier, Director
Governor's Office of Highway Safety
Governor's Highway Safety Representative

10-22-19

Approval Date

RESOLUTION # 2019-139

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AUTHORIZING THE CITY TO ACCEPT AND ENTER INTO A GRANT AGREEMENT WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR DUI ENFORCEMENT AND AMENDING THE FISCAL YEAR 2020 BUDGET BY REALLOCATING APPROPRIATIONS OF \$54,300 WITHIN THE GRANTS FUND FOR THE RECEIPT OF GRANT FUNDING AND TO AMEND THE FISCAL YEAR 2020 CAPITAL AND OPERATING LIST OF ITEMS OVER \$50,000 BY INCREASING THE GOHS GRANT PURCHASES ITEM IN THE AMOUNT OF \$75,000.

WHEREAS, in FY2019, the City of Surprise applied for and received from the Governor's Office of Highway Safety (GOHS) a grant to purchase and outfit a van for DUI operations to support improved enforcement of DUI offenses;

WHEREAS, due to delays beyond the City's control, the van was able to be purchased but not outfitted in FY2019;

WHEREAS, GOHS has agreed to rollover grant funds in the amount of \$54,202 into FY2020 to allow for outfitting and the City desires to accept this grant fund rollover;

WHEREAS, GOHS is rolling over these funds into an already accepted DUI enforcement grant providing \$30,000 for personnel costs and \$10,000 for the purchase of an intoxilyzer;

WHEREAS, the FY2020 budget was adopted by Council Resolution #2019-75 on June 4, 2019;

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; and

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

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

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2019 through June 30, 2020.

Section 2. That the statements and schedules attached as *Exhibit B* and incorporated by reference are adopted, the Fiscal Year 2020 Capital and Operating List of Items Over \$50,000 of the City of Surprise, Arizona for the fiscal year July 1, 2019 through June 30, 2020.

Section 3. The City of Surprise is authorized to accept and enter into the amended DUI grant agreement with the Arizona Governor's Office for Highway Safety for receipt of grant rollover funding for a total amount of \$94,201.75 to provide for DUI enforcement, the purchase of an intoxilyzer and upfitting of a DUI van.

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2019-139
Exhibit A

1. Appropriation - The allocations below represent a reallocation of appropriations in the amount of \$54,300 from contingency within the Grants Fund to the GOHS DUI OT project within the Grants Fund to allow for DUI van upfitting. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these allocations do not increase or decrease the total budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Police	#G31263 FFY20 GOHS DUI OT	E	40,000	54,300	94,300
Grants	Police	#G31263 FFY20 GOHS DUI OT	R	40,000	54,300	94,300
Grants	General Operations	Contingency	E	23,148,500	(54,300)	23,094,200
Grants	General Operations	Other	R	23,909,200	(54,300)	23,854,900
Expense Total				23,188,500	-	23,188,500
Revenue Total				23,949,200	-	23,949,200

RESOLUTION # 2019-139
Exhibit B

2. List of Operating Items Over \$50,000 – This Resolution provides authorization to amend item 20164 on the current FY2020 Operating List of Items Over \$50,000.

Reference #	Description	Current Amount	Increase/ (Decrease)	Amended Amount
20164	GOHS Grant Purchases	\$75,000	\$75,000	\$150,000



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 3, 2019
Submitting Department: Human Svcs and Comm
Vitality
Staff Recommendations: None

Contact Person: Seth Dyson, DIRECTOR - HSCV
District: Internal

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

Consideration and action pertaining to approval of an agreement with the Tohono O'odham Nation to accept grant funding for the Enhancing Community Resiliency Project and amending the Fiscal Year 2020 budget by reallocating appropriations of \$50,000 within the Grants Fund; Resolution # 2019-142.

Motion:

I move to approve Resolution # 2019-142.

Background:

The City of Surprise Human Service & Community Vitality (HSCV) Department works daily to build community resiliency. This funding will support those efforts by providing educational and safe after school programming, tax, utility and rental support services and support to build community by supporting our annual Dr. Martin Luther King Jr. Day of Celebration and Service. We firmly believe that the best way to serve our most vulnerable in a comprehensive way is to partner with other agencies and community based organizations. Infusions of resources to vulnerable families or those experiencing crisis can stabilize the situation and offer some economic relief. The City of Surprise, through direct service and partnerships seek to enhance community resiliency with this grant by offering additional wrap around support service and community vitality events.

Objective Analysis:

The approval of this agreement and budget amendment will allow the Human Service & Community Vitality Department to provide crisis assistance to families in need.

Policy Compliant:

This action is compliant with City and Council policies.

Financial Impact:

This action will allow for the acceptance of one-time grant revenue in the amount of \$50,000 from the Tohono O'odham Nation for expenses related to Enhancing Community Resiliency as follows: \$20,000 for a Crisis Assistance Fund, \$20,000 for the Volunteer Income Tax Assistance (VITA) Program with A New Leaf, LLC, \$7,000 in support of an after-school and summer youth program and \$3,000 as a sponsorship for the Dr. Martin Luther King, Jr. Day of Celebration and Service event. There is no city match requirement.

Budget Impact:

This item was not included as a part of the FY2020 budget. The action will amend the budget by reallocating \$50,000 within the Grants Fund from contingency to the Enhancing Community Resiliency project. This does not represent an actual transfer of funds, but only a transfer of budget authority and does not increase or decrease the total budget.

FTE Impact:

This item does not impact the overall FTE count.

ATTACHMENTS:

1. TO Grant-in-Aid Agreement SURPRISE
 2. RESOLUTION 2019-142 Grant in Aid-final
-

**GRANT-IN-AID AGREEMENT
BETWEEN
THE TOHONO O’ODHAM NATION
AND
CITY OF SURPRISE**

THIS GRANT-IN-AID AGREEMENT (“Agreement”) is between the Tohono O’odham Nation, a federally recognized Indian tribe (the “Nation”), and the City of Surprise, a political subdivision of the State of Arizona (“City”).

RECITALS

The Nation desires to convey to City a portion of its annual 12% local revenue-sharing contribution (“Contribution”) to be used by City and non-City recipients for services that benefit the general public.

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

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

Under A.R.S. § 5-601.02(H)(4), City may receive monies from the Nation for services identified by the Nation that benefit the general public, including public safety, mitigation of gaming impacts, and promotion of commerce and economic development.

City is authorized by A.R.S. § 11-951 through § 11-954 to enter into agreements for joint or cooperative actions with public agencies.

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

AGREEMENT

- 1. Purpose.** The purpose of this Agreement is to set forth the rights and responsibilities of the parties with respect to the payment and distribution of the Contribution, as hereinafter defined.
- 2. Contribution.** On execution of this Agreement, the Nation will issue payment to the City in the amount described in Schedule A (the “Contribution”) for the purpose(s) detailed in Schedule A.

3. Disbursement of Contribution.

- a. Disbursing Contribution and Recordkeeping.** City is responsible for disbursing the Contribution consistent with this Agreement. Within a reasonable time following receipt of the Contribution from the Nation, City shall distribute the Contribution per City policies and procedures governing the disbursement of these funds. City shall keep and maintain records relating to the disbursements and this Agreement.
- b. Post-Disbursement Responsibilities.** When applicable, the parties agree that City will be acting as a conduit for distribution of the Contribution to the Non-City Recipients. Upon distribution of the Contribution to the Non-City Recipients as identified in Section 2 of this Agreement, the City shall have no further responsibility to the Nation with respect to such funds or the use thereof by the Non-City Recipients. Therefore, upon the City's disbursement of the Contribution to a Non-City Recipient as provided in Section 2, the Nation shall release the City from any and all claims, demands, debts, liabilities, or obligations that may arise in the event that a Non-City Recipient fails to expend the Contribution in accord with Section 2. The Nation further agrees that the City shall have no obligation to reimburse the Nation the amount of the Contribution after the City disburses the Contribution to a Non-City Recipient and that the Nation shall look solely to the Non-City Recipient for repayment of the Contribution if the Contribution is not used for the intended purposes.

4. Term and Termination.

- a. Effective Date.** This Agreement shall become effective when all parties have signed. The date this Agreement is signed by the last party, as indicated by the date associated with the party's signature, shall be deemed the Effective Date.
- b. Term.** This Agreement shall commence upon the Effective Date and will continue for twelve (12) months unless terminated earlier ("End Date"). The Nation, in its discretion, may approve in writing any request by the City for a no-cost extension, including amending the End Date and adjusting any affected reporting requirements.
- c. Termination by Nation.** The Nation may terminate this Agreement with or without cause at any time by providing City fifteen (15) days advance notice in writing. If the Nation terminates this Agreement after City receives the Contribution but before City disbursed the Contribution in accord with Section 2, the Nation shall include in the notice of termination specific instructions regarding disposition of the Contribution.
- d. Termination by City.** All parties acknowledge that this Agreement may be subject to cancellation by City per A.R.S. § 38-511.

5. Money Unclaimed. If City fails to accept the Contribution on or before December 19, 2019, this Agreement will be deemed to have been terminated by City and the Nation will award the Agreement Contribution to another local government entity.

6. Monitoring, Review, and Audit. The Nation may monitor and review the City Recipients' use of their portions of the Contribution as well as the City Recipients'

performance of the projects funded thereunder, and their compliance with this Agreement, which may include onsite visits to assess the City Recipients' governance, management and operations, to discuss the City Recipients' programming and finances, and review relevant financial and other records and materials related to the City Recipients' use of their portion of the Contribution. In addition, the Nation may conduct audits, including onsite audits, at any time during the term of this Agreement, and within three years after the Contribution has been fully spent by the City Recipients. Any onsite visit or audit shall be conducted at the Nation's expense, following prior written notice, during normal business hours, and no more than once during any twelve (12) month period.

7. **Dispute Resolution.** The parties mutually agree that any disputes arising pursuant to this Agreement shall be resolved through informal dispute resolution. For all disputes arising under this Agreement the Nation and City shall first attempt to negotiate a resolution.
8. **Reports:** If applicable, City will submit a final report to the Nation within 30 days of the End Date of this Agreement explaining how and when the funds provided under this Agreement to the City Recipients were used. This report may be in the form of an affidavit signed by an officer of City and may be accompanied by supporting documentation. The report must address: (i) changes in the scope of the project or purchase funded under this Agreement, (ii) the total expenses under the project or purchase funded by the Agreement, (iii) a brief description of who has benefited from this Agreement, and (iv) City's next steps with regard to the project or purchase made under this Agreement. City is not required to provide reports about the Non- City Recipients.
9. **Notices.** Any notice, consent or other communication required or permitted under this Agreement shall be in writing and shall be deemed received at the time it is personally delivered, on the day it is sent by facsimile transmission, on the second day after its deposit with any commercial air courier or express service or if mailed, three (3) days after the notice is deposited in the United States mail addressed as follows:

If to the Nation:

Ned Norris, Chairman
Tohono O'odham Nation
P.O. Box 837
Sells, Arizona 85634
Phone: (520) 383-2028
Fax: (520) 383-3379

and

Executive Counsel
Tohono O'odham Nation
P.O. Box 837

Sells, Arizona 85634
Phone: (520) 383-2028
Fax: 520-383-3379

If to the City:

Seth Dyson, HSCV Director
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-1620
Email: seth.dyson@surpriseaz.gov

Deb Perry, Financial Analyst, Sr.
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623-222-1623
Email: deborah@surpriseaz.gov

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

- 10. Entire Agreement, and Amendments.** This Agreement constitutes the entire understanding and agreement of the parties. This Agreement integrates all of the terms and conditions mentioned herein or incident hereto, and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.
- 11. Relationship.** The relationship of the parties to this Agreement is determined solely by the provisions of this Agreement. The parties do not intend to create any agency, partnership, joint venture, trust, fiduciary or other relationship which would impose liability upon one party for the act or failure to act of the other party.
- 12. No Waiver.** Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies as to any default, shall not operate as a waiver of any default, or of any such rights or remedies, or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.
- 13. Severability.** If any provision of this Agreement shall be found invalid or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.
- 14. Counterparts and Electronic Signatures.** This Agreement is executed in duplicate originals. Except as may be prohibited by applicable law or regulation, this Agreement and any amendment may be signed in counterparts, by facsimile, PDF, or other electronic

means, each of which will be deemed an original and all of which when taken together will constitute one agreement. Facsimile and electronic signatures will be binding for all purposes.

15. Sovereign Immunity. Nothing in this Agreement shall be deemed a waiver of either party's sovereign immunity in any forum or jurisdiction.

This Agreement is signed on behalf of the parties:

TOHONO O'ODHAM NATION

Ned Norris, Chairman

Date

CITY OF SURPRISE

Michael Frazier, City Manager

Date

ATTEST:

Clerk of the Board

Date

APPROVED AS TO FORM:

Robert Wingo, City Attorney

Date

Schedule A

Program	Project	Contribution
1. City of Surprise, Human Service & Community Vitality Department	Enhancing Community Resiliency	\$50,000.00
	Total	\$50,000.00

Proposal:

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

The City of Surprise Human Service & Community Vitality (HSCV) Department works daily to build community resiliency. This grant application will support those efforts by providing educational and safe after school programming, tax, utility and rental support services and support to build community by supporting our annual Dr. Martin Luther King Jr. Day of Celebration and Service. We firmly believe that the best way to serve our most vulnerable in a comprehensive way is to partner with other agencies and community based organizations. Infusions of resources to vulnerable families or those experiencing crisis can stabilize the situation and offer some economic relief. The City of Surprise, through direct service and partnerships seek to enhance community resiliency with this request for funding by offering additional wrap around support service and community vitality events.

Dr. Martin Luther King, Jr Day of Celebration & Service: \$3,000 is requested for sponsorship of this 4th annual event. The program celebrates Dr. Martin Luther King Jr. and focuses on his community-building and service to others. With more than 550 in attendance, the event includes a variety of local musicians and performers, food and fun for the entire family. After the celebration, all are invited to participate in Surprise Day of Service projects throughout the city and surrounding communities. Last year 400 volunteers assisted with 14 service projects. Your sponsorship will contribute to the ongoing viability of this community centric event. As a fast growing city, it is important Surprise works toward creating culturally significant events and promotes service to others. By forming these types of traditions, the community can continue to work towards being an inclusive city that celebrates history, diversity and the human spirit. As a sponsor of the event the Tohono O'odham Nation will be recognized with a plaque presentation on stage during event, "Presented by" distinction on all program collateral with prominent logo placement, Logo placement on official MLK t-shirt, reserved table of 8 located in the front row, banner/signage displayed by the stage (5' X 3' banner created by city of Surprise, display table (6') provided for organization marketing, invitation into "VIP Green Room" to meet with city officials, performers and keynote speakers.

After School and Summer Youth Programming: \$7,000 is requested in support of an after-school and summer youth program in an effort to expand youth services in the

Original Town Site of Surprise. The city partnered with Dysart Community Center (DCC) to pilot an after-school program at the Surprise Senior Center during the last school year. The low-cost program launched in August 2018 and served 24 children ages 6 – 15. The program ran Monday–Friday between 4-7PM, which allowed working families to give their children a chance to stay in the neighborhood, complete homework, play at the park and enjoy snacks provided by Kids Café, a program administered by St. Mary’s Food Bank. The city and DCC plan to expand the program to 50 children for the 2019-2020 school year in addition to adding a summer program at the neighboring gym. The funding will assist our partner in administering this valuable program to an underserved community in our city.

Volunteer Income Tax Assistance (VITA) Program: The \$20,000 for VITA Services through A New Leaf, a 501-c-3 partner, will provide west valley cities in Maricopa County with this program to ensure the financial stability of low-to-moderate income families. Residents are assisted in taking advantage of the Earned Income Tax Credit and the Arizona State Tax Credit and are able to file taxes electronically at no cost. This valuable service allows clients to offset debt, increase savings, and contribute to the municipal tax base and asset acquisition such as a post-secondary education or first-time home purchase through Individual Development Account Programs. The return on investment for this program is staggering. In 2018-19, VITA accomplished the following:

Area Residents	2019 Households Served	Total Tax Refunds
Surprise	272	\$286,450
El Mirage	119	\$270,824
Surprise surrounding area	384	\$504,425
# of Tax Returns		Tax Refund
Total Clients Served	4,683	\$6,059,129

The economic lift to the individuals, families and communities in the West Valley is significant. Surprise had two VITA locations this past year, including the Surprise Resource Center where the family receiving VITA services can also connect to other services.

Surprise Crisis Assistance Fund: \$20,000 to continue with the Crisis Assistance Fund to be administered from the Surprise Resource Center. These funds will support individuals and families with homeless prevention services such as rental and utility assistance that do not meet the eligibility requirements for the Community Action Program (CAP), thus no duplication of funding. Demand for these services in the communities of El Mirage and Surprise is extremely high, much like other areas of Arizona. Since July 2018, the CAP program has received **26,490** calls for assistance, and due to current funding levels, has served **662** households. The Crisis Assistance Fund will target residents that are at or below the **80%** income limits defined by the U.S. Housing & Urban Development (HUD). For example, total household income for a family of four cannot exceed more than **\$58,300**. The requested funds will go directly to families in need with no administration money needed.

b) The population that will benefit if approved

All city residents will benefit from the MLK event, while the vulnerable and families in crisis who live in El Mirage and Surprise would be eligible to receive the Crisis Assistance funding support. All in need of assistance, especially those who are low-income are welcome to access the VITA program and variety of other services at the Surprise Resource Center. Local area youth are eligible for the after-school program.

RESOLUTION # 2019-142

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH TOHONO O'ODHAM NATION TO ACCEPT GRANT FUNDING FOR THE ENHANCING COMMUNITY RESILIENCY PROJECT AND AMENDING THE FISCAL YEAR 2020 BUDGET BY REALLOCATING APPROPRIATIONS OF \$50,000 WITHIN THE GRANTS FUND.

WHEREAS, the Human Service and Community Vitality Department received grant funding in the amount of \$50,000 from the Tohono O'odham Nation for the Enhancing Community Resiliency Project;

WHEREAS, the Enhancing Community Resiliency Project includes \$20,000 for a Crisis Assistance Fund, \$20,000 for the Volunteer Income Tax Assistance (VITA) Program with A New Leaf, LLC, \$7,000 in support of an after-school and summer youth program and \$3,000 as a sponsorship for the Dr. Martin Luther King, Jr. Day of Celebration and Service event;

WHEREAS, the FY2020 budget was adopted by Council Resolution # 2019-75 on June 4, 2019;

WHEREAS, this action will necessitate a budget amendment; and

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

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

Section 1. The City is hereby authorized to enter into an agreement with the Tohono O'odham Nation to accept a grant in the amount of \$50,000 for the Enhancing Community Resiliency Project.

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

Section 3. That the statements and schedules attached as *Exhibit A* and incorporated by reference are amending the budget of the City of Surprise, Arizona for the July 1, 2019 through June 30, 2020.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2019-142
Exhibit A

1. Appropriation - The allocations below represent a reallocation of appropriations in the amount of \$50,000 from contingency within the Grants Fund to the HSCV Admin and Community Resources programs within the Grants Fund to establish a budget for the FY2020 Tohono O'odham Nation Grant awarded. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these allocations do not increase or decrease the total budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
Grants	Human Svcs and Comm Vitality	#G51481 TO Enhancing Community Resiliency	E	-	50,000	50,000
Grants	Human Svcs and Comm Vitality	#G51481 TO Enhancing Community Resiliency	R	-	50,000	50,000
Grants	General Operations	Contingency	E	23,148,500	(50,000)	23,098,500
Grants	General Operations	Other	R	23,909,200	(50,000)	23,859,200
Expense Total				23,148,500	-	23,148,500
Revenue Total				23,909,200	-	23,909,200



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 3, 2019 Contact Person: Adam Lane
Submitting Department: Human Svcs and Comm District: Internal
Vitality
Staff Recommendations: None

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

Consideration and action pertaining to approval of an Intergovernmental Agreement with the cities of Avondale, Chandler, Glendale, Peoria, Scottsdale, Surprise, and Tempe, the Town of Gilbert; and, the County of Maricopa to remain a part of the Maricopa Home Consortium; Resolution # 2019-141.

Motion:

I move to approve Resolution #2019-141.

Background:

This action will allow the City of Surprise to enter into a consortium for the purposes of receiving an allocation from the HOME Program and agree to cooperate to undertake or to assist in undertaking housing assistance activities for the HOME Program. This Consortium shall be known as the Maricopa HOME Consortium and the County shall be designated as Lead Agency. This agreement is for funding HOME program activities for the federal fiscal years 2021 through 2023.

Objective Analysis:

This action will allow us to continue our partnership and membership in the Maricopa HOME Consortium through Fiscal year 2023.

Policy Compliant:

This action is compliant with City and Council Policies.

Financial Impact:

This item has no immediate budget or financial impact but will allow Surprise to enter into an IGA with the Consortium for Home Investment Partnership grant funds for Fiscal Years 2021-2023.

Budget Impact:

This item has no immediate budget or financial impact but will allow Surprise to enter into an IGA with the Consortium for Home Investment Partnership grant funds for Fiscal Years 2021-2023.

FTE Impact:

This action does not impact total FTE count.

ATTACHMENTS:

1. RES 2019-141 IGA for HOME Consortium
-

RESOLUTION # 2019-141

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITIES OF AVONDALE, CHANDLER, GLENDALE, PEORIA, SCOTTSDALE, SURPRISE, AND TEMPE, THE TOWN OF GILBERT; AND, THE COUNTY OF MARICOPA TO REMAIN A PART OF THE MARICOPA HOME CONSORTIUM.

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

WHEREAS, the parties desire to enter into an intergovernmental agreement in order to participate in the HOME Investment Partnerships Program, to be funded by the United States Department of Housing and urban Development; and

WHEREAS, this Agreement is for funding HOME Program activities for the federal fiscal years 2021 through 2023.

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

Section 1. The Intergovernmental Agreement between the City of Surprise and the Cities of Avondale, Chandler, Glendale, Peoria, Scottsdale, Surprise, and Tempe, the Town of Gilbert; and the County of Maricopa, attached as Exhibit A, is approved.

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

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND THE CITIES OF AVONDALE, CHANDLER,
GLENDALE, PEORIA, SCOTTSDALE, SURPRISE, AND TEMPE,
THE TOWN OF GILBERT; AND THE COUNTY OF MARICOPA

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

(C# _____)

This Intergovernmental Agreement (“Agreement”) is between the Cities of Avondale, Chandler, Glendale, Peoria, Scottsdale, Surprise, and Tempe, the Town of Gilbert; and, the County of Maricopa through its Human Services Department, (the “County”) (collectively, the “Consortium,” or the “Maricopa HOME Consortium,” or the “Parties”; and, individually, “Consortium Member” or “Party”).

WHEREAS, the National Affordable Housing Act provides that units of local government that are geographically contiguous may form a consortium for the purposes of receiving an allocation to participate in the HOME Investment Partnerships Program (hereinafter “HOME Program”) to be funded by the United States Department of Housing and Urban Development (“HUD”); and,

WHEREAS, the proposed level of federal funding is unlikely to provide grants to individual municipalities, but by cooperating in consortium they may as a group become eligible participants in the HOME Program; and,

WHEREAS, the consortium of geographically contiguous local governments has notified HUD of their intention to participate in the HOME Program by March 1, 2020; and,

WHEREAS, one local government entity must be designated to act as a representative for all member local governments for the HOME Program; and,

WHEREAS, this Agreement constitutes an Intergovernmental Agreement (“IGA”) under Arizona law, meets the criteria pursuant to 24 CFR 92.101, and the Consortium Members are authorized to enter into this Agreement by A.R.S. §11-951 *et seq.* and adopt this Agreement by their respective legislative bodies;

NOW, THEREFORE, be it resolved that the Parties hereby enter into a consortium for the purposes of receiving an allocation from the HOME Program and agree to cooperate to undertake or to assist in undertaking housing assistance activities for the HOME Program. This Consortium shall be known as the Maricopa HOME Consortium (“Consortium”). The County shall be designated as Lead Agency of the Maricopa HOME Consortium. It is further resolved that:

1. This Agreement is for funding HOME Program activities for the federal fiscal years 2021 through 2023. The initial term of this Agreement is from July 1, 2021 to June 30, 2023, or until the HOME program funds from each of the federal fiscal years of the qualification period are closed out pursuant to 24 CFR 92.507, whichever is later. This Agreement shall automatically be renewed for the Consortium’s participation in successive qualification periods of three federal fiscal years. No later than the date specified by HUD’s Consortia designation notice, the County shall notify each Party in writing of its right to decide not to participate in the Consortium for the next qualification period and the County

MARICOPA HOME CONSORTIUM INTERGOVERNMENTAL AGREEMENT

shall send a copy of each notification to the HUD Field Office.

- (a) The Lead Agency will notify each Consortium Member in writing at least 180 days prior to the renewal date of its right to not participate in the successive three-year Agreement period by the date specified in HUD's Consortia designation notices. The Lead Agency will forward a copy of the written notifications to the HUD Field Office prior to the renewal effective date. The automatic renewal provision will be void if the County fails to notify a Party of its right to not participate for the next qualification period or the County fails to submit a copy of each amendment to the Agreement as required.
 - (b) The Consortium Members may amend this Agreement upon the approval of the undersigned current Consortium Members. Any amendments to the Agreement must be adopted and submitted to HUD prior to the automatic renewal effective date.
 - (c) Before the beginning of each renewal date, the County will submit to the HUD Field Office a statement of whether or not any amendments have been made to this Agreement, a copy of each amendment to the Agreement, and if the Consortium's membership has changed, the state certification required under 24 CFR 92.101(a)(2)(i).
- 2. Except as provided by law, no Consortium Member may withdraw from the Consortium while the Agreement remains in effect. If a Consortium Member elects to withdraw from the Consortium, written notification will be provided to the Consortium prior to the renewal date. The Lead Agency will notify HUD of the Consortium Member's withdrawal from the Agreement/Consortium. The Consortium Member shall be withdrawn effective on the first business day of the renewal period.
- 3. New members may be added to the Consortium upon consent of a simple majority of the Consortium Members. When a new member is added, the Agreement will be amended accordingly; and the Parties agree to execute such further instruments as may be reasonably required to effect such amendment. The Agreement will be amended in the federal fiscal year before the year in which the new member is to be added.
- 4. Each Consortium Member (i.e., the governing body or its designee) shall designate an individual to act as Consortium staff on its behalf. Consortium staff shall have voting authority. An alternate shall be designated by the Consortium Member if the designated individual is unable to attend a Consortium meeting. Consortium staff shall act on behalf of and in an advisory capacity to their respective jurisdictions. Each Consortium Member shall have one (1) vote on all issues. All actions of the Consortium will be determined by a simple majority of votes cast.

**MARICOPA HOME CONSORTIUM
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5. In accordance with section 91.402 of the Consolidated Plan (“CP”) rule, all units of general government that are Consortium Members are on the same program year that starts on each July 1st for Community Development Block Grants (“CDBG”), HOME Investment Partnerships Program and Emergency Solutions Grants (“ESG”).
6. This Consortium shall submit to HUD a single, unified CP, which describes the Consortium’s five-year strategy for addressing housing, homeless and supportive housing needs and Citizen Participation Plan. The Consortium shall also submit to HUD Annual Action Plans, Consolidated Annual Performance and Evaluation Reports (“CAPERs”) and other reports, as required by HUD. Per regulation, all Consortium plans and reports shall contain goals and accomplishments for the Consortium. At the discretion of the Consortium, individual Consortium Member goals and accomplishments may be reported.
7. The Consortium Members shall receive their pro rata share of available HOME Program funds from the Consortium. This share will be calculated based on the annual Consortium Members’ collective annual CDBG allocation. These funds shall be allocated to individual Consortium Members in direct proportion to each Consortium Member’s annual CDBG entitlement compared to the sum of all Consortium Members CDBG entitlements received in a program year.
 - (a) If a member opts not to accept its annual pro rata share of available HOME Program funds, it must provide written notification to the County prior to January 1 of the upcoming program year. The allocation will be redistributed amongst all remaining HOME Consortium members per their pro rata share.
 - (b) If a member notifies the County of its intent to return HOME Program funds after January 1 of the upcoming program year, proposals for the funds will be accepted by the Consortium Members. A subcommittee of Consortium Members will review and make a recommendation for the reallocation of funds to an existing contract.
 - (c) A Consortium Member that returns its allocation remains a voting member of the Consortium.
8. Each Consortium Member will be responsible for providing its pro-rata share of matching non-federal funds not previously used each time it makes a draw against its allocation of federal funds from the HOME Program.
9. Each Consortium Member agrees to affirmatively further fair housing as required by 24 CFR 91.425(a)(1)(i) and agrees to participate in any HUD-required analysis of fair housing or assessment of fair housing. The Parties agree to comply with Arizona Executive Order 2009-09 and to comply with all applicable state and federal laws, rules, and regulations regarding equal opportunity, equal access, non-discrimination, and affirmative action.

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

10. To the extent permitted by law, a Consortium Member (including its employees, agents, elected officials and volunteers) whose act, omission, negligence, misconduct or other fault gives rise to any claim, loss, liability, cost or expense, including, but not limited to, reasonable attorneys' fees, court costs, penalties, claims for reimbursement and sanctions (hereinafter collectively referred to as "claims"), made by HUD or any third party shall defend and hold harmless the other Consortium Members from and against any and all such claims. In the event of a dispute regarding whether such indemnification is due under this Agreement, the Parties agree to use arbitration to the extent required by A.R.S. §12-133.
11. The Consortium shall comply with Arizona open meeting, public records, and ethics laws. An agenda shall be posted and minutes shall be kept on each meeting of the Maricopa HOME Consortium.
12. The Consortium Members hereby authorize the Lead Agency to act on its behalf in any way required to comply with federal statute or regulation and this Agreement, except to make legislative commitments on behalf of Consortium Members.
13. The County, as Lead Agency, shall ensure that the Consortium's HOME Program is carried out in compliance with HUD rules and regulations and the requirements of the HOME Program. These requirements include a CP in accordance with HUD regulations 24 CFR Parts 91 and 92 and the requirements of 24 CFR 92.350 and all related regulations and notices required by HUD for administration. As Lead Agency, the County shall be responsible for the administration of the Consortium HOME funds. As such, the County has been designated the Participating Jurisdiction ("PJ") by HUD in the HOME Program.
14. As reimbursement for its administrative duties under this IGA, the Lead Agency will receive administrative funds from other Consortium Members in the amount of five percent (5%) of each Consortium Member's pro-rata share of HOME Program grant allocations for each year. This percentage will be calculated on the Consortium's annual HOME Program allocation.
15. The Lead Agency agrees to:
 - (a) Prepare the Consortium's Five-Year Consolidated Plan and Annual Action Plans.
 - (b) Prepare the Consortium's CAPER.
 - (c) Prepare application and contract template for Community Housing Development Organizations ("CHDO"). Publish Public Notices on CHDO funds.
 - (d) Monitor Consortium Members and CHDOs and prepare monitoring tools.
 - (e) Coordinate/chair Consortium meetings, and prepare, maintain and disseminate agendas, minutes, and records.
 - (f) Coordinate/chair public hearings and publish notices.

MARICOPA HOME CONSORTIUM INTERGOVERNMENTAL AGREEMENT

- (g) Process all agenda items (i.e., plans, intergovernmental agreements, contracts) through the Maricopa County Board of Supervisors (“BOS”).
- (h) Submit Requests for Release of Funds documents to HUD on behalf of Consortium Members. Transmit Authority to Use Grant Funds documents from HUD to Consortium Members.
- (i) Process project setups, revisions, and completion reports.
- (j) Process reimbursement requests from County funds and process drawdowns from HUD.
- (k) Prepare monthly Consortium financial reports and reconcile with HUD’s financial data.
- (l) Calculate annual Consortium allocation.
- (m) Coordinate reallocation of funds when necessary.
- (n) Provide technical assistance to Consortium Members as required.
- (o) Facilitate audits and/or monitorings with HUD and State Auditor General.
- (p) Maintain all applicable Maricopa HOME Consortium application, implementation, and financial files for CHDO activities. In addition, the Lead Agency will maintain all files associated with monitoring and reporting to HUD. The Lead Agency will maintain these administrative and programmatic files according to the current applicable State and Federal record retention schedule and regulations.
- (q) Procure and contract with shared consultant/services.
- (r) Maintain a Programmatic Agreement with the State Historic Preservation Office (“SHPO”) for Section 106 reviews per Part 58, contingent upon SHPO approval.
- (s) Perform market study to determine annual HOME homeownership value limits and submit to HUD for approval.
- (t) Serve as the “Certifying Officer” with respect to environmental matters on all Consortium-funded projects.

16. Consortium Members agree to:

- (a) Administer all activities funded from the pro-rata share of the non-CHDO HOME funds in respective Consortium Member jurisdictions. Each Consortium Member will develop criteria for project selection and guidelines for implementation within HUD statutes and regulations. Administration includes, but is not limited to: negotiation and execution of the contract; completion of Part 58 environmental reviews including consultation with SHPO and tribal entities as necessary; completion of required reports for project set-up and completion; processing Deeds of Trust; review and approval of reimbursement requests; submission of reimbursement requests to the Lead Agency for payment; initiation of recommendations for any contractual changes where feasible and consistent with the Consortium’s Citizen Participation Plan and needs identified in the CP; and general project oversight. The Consortium Member shall be named as the beneficiary in the Deed of Trust and shall

MARICOPA HOME CONSORTIUM INTERGOVERNMENTAL AGREEMENT

- be responsible for monitoring and enforcing HUD requirements during the period of affordability.
- (b) Provide information and data for the CP, Annual Action Plans, CAPERs and other reports as required by HUD by the date and in the format specified by the Lead Agency.
 - (c) Attend Consortium meetings and public hearings whenever possible. One representative with voting authority should be at each meeting, telephonic attendance is acceptable.
 - (d) Serve on Consortium committees for policies and procedures, and CHDO selection as necessary.
 - (e) Represent the Consortium in training, seminars, conventions, etc., and share resulting information with the full Consortium.
 - (f) Participate in Consortium training sessions for subrecipients as necessary.
 - (g) Conduct appropriate environmental reviews for all projects in accordance with Part 58. Complete appropriate environmental clearance documents for all projects, including CHDO projects, administered by the Consortium Member. Publish notices when appropriate. Consortium Members will submit any Request for Release of Funds documents to the Lead Agency for forwarding to HUD.
 - (h) Submit all financial reimbursements and project set-ups, revisions, and completion reports to the Lead Agency. Each Consortium Member is responsible for educating each of their subrecipients as to the procedures and time involved for processing activity reimbursement approvals, draws, and payments. Each Consortium Member shall request drawdowns of funds from the Lead Agency for all activities in its jurisdiction with proper documentation including proof of payment and updated match log. The Consortium Members shall process reimbursement requests in a timely manner and forward them to the County to help facilitate reimbursement by the County.
 - (i) Report, retain, account for, and expend program income generated in their jurisdictions per federal regulations.
 - (j) Maintain all applicable application, implementation, financial, and CHDO files. The Consortium Member will maintain these administrative and programmatic files according to the current applicable State and Federal record retention schedule and regulations.
 - (k) Monitor rental properties in respective jurisdictions at the specified intervals throughout the period of affordability and submit monitoring reports to the Lead Agency.
 - (l) Carry out activities in compliance with HUD rules and regulations and the requirements of the HOME Program including the provisions of 24 CFR 92.504(c)(2).
 - (m) Notify the Lead Agency of their willingness to participate in a Programmatic Agreement with SHPO for the Maricopa HOME Consortium.

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

- (n) Oversee and make recommendations for the fifteen percent (15%) CHDO set-aside funding as defined within the HOME Program regulations according to the following guidelines:
- i. These funds shall be awarded to CHDOs on a competitive Consortium-wide basis.
 - ii. Requests will be submitted by CHDOs through an application process and rated through a ranking system as set forth in the CHDO application for funding.
 - iii. CHDO applicants will coordinate applications with the Consortium Member in whose jurisdiction the HOME Program activity is proposed. The CHDO applicant shall secure a formal resolution of support including agreement to administer the contract from this Consortium Member. The Consortium Member in which the CHDO activities occur will be named the Contract Administrator in the CHDO contract and will administer the executed contract on behalf of the Consortium. Administration includes, but is not limited to: negotiation of the CHDO contract; completion of environmental reviews, completion of required reports for project set-up and completion; Deed of Trust processing; review and approval of reimbursement requests; submission of reimbursement requests to the Lead Agency for payment; actively participate with the County in monitoring of activities; initiation of recommendations for any contractual changes where feasible and consistent with the Consortium's Citizen Participation Plan and needs identified in the CP; and general project oversight. The Contract Administrator shall be named as the Beneficiary in the Deed of Trust and shall be responsible for monitoring and enforcing HUD requirements during the period of affordability.
 - iv. CHDOs funded in a Consortium Member's jurisdiction with the 15% set-aside funds will enter into a tri-party agreement with the County and the Consortium member, with the Consortium member named as the Contract Administrator.
 - v. CHDOs that are funded in the Urban County with the 15% set-aside funds will enter into contracts with the County. The County will be the Contract Administrator for all Urban County funded CHDOs.
 - vi. The Contract Administrator shall require CHDOs to invoice the Consortium by submitting the invoice to the Contract Administrator who will review the reimbursement request and upon authorizing reimbursement shall forward to the Lead Agency for payment. Payment shall not be made until the Contract Administrator authorizes and certifies payment.
 - vii. The Contract Administrator and the Lead Agency will work cooperatively to ensure that federal and local requirements are met under the CHDO guidelines.

MARICOPA HOME CONSORTIUM INTERGOVERNMENTAL AGREEMENT

- viii. To comply with the provisions of 24 CFR 92.204, CHDO funds must be encumbered within 24 months after HUD approves the HOME Program action plan. Encumbrance means that a legally binding agreement has been executed for the use of the HOME Program funds.
 - ix. The Contract Administrator will be responsible for maintaining all CHDO contracts, implementation records, and financial files during the life of a CHDO contract for the applicable retention period.
 - x. Upon the completion of a CHDO contract, the Contract Administrator will be responsible for maintaining all additional monitoring and other applicable files during the period of affordability.
 - xi. The Contract Administrator will participate in Consortium training sessions regarding CHDOs as necessary.
17. Pursuant to 2 CFR 200, *et seq.*, if a Consortium Member fails to comply with any term(s) outlined in paragraph 16 of this Agreement, the Lead Agency may take remedial action against the Member after providing 45 (forty-five) days' written notice to the noncompliant Consortium Member. After one instance of noncompliance, and the Consortium Member's failure to cure same, remedial action may consist of the imposition of additional conditions on the Member up to suspending the Member's participation in the Consortium for up to one year. After two instances of noncompliance, the Lead Agency may terminate the noncompliant Consortium Member from the Agreement, after following the procedure set forth in Section 18 below. Notice under this section shall include, at minimum, the term(s) violated, any additional conditions imposed, signature lines for Lead Agency and noncompliant Consortium member, and a written appeal process.
18. During administration of the HOME Program, the Consortium may determine that there are circumstances under which reallocation of certain Consortium Member(s) and/or CHDO(s) HOME Program Funds is necessary. The County, as Lead Agency, may reallocate HOME Program Funds between the Parties only under the following circumstances:
- (a) A CHDO has not met a contractual commitment and/or expenditure deadline.
 - (b) A Consortium Member is determined to be non-performing by the Lead Agency. Non-performance by a Consortium member will be defined as any of the following:
 - i. Remitting more than one-third of a program year allocation to the Treasury Department due to lack of expenditures/commitments or timely draws.
 - ii. Obtaining two or more findings that are unable to be corrected during a HUD monitoring of the Consortium Member's HOME program.
 - iii. Noncompliance with two or more of the items listed in paragraph sixteen (16) of this document.
 - iv. Refusal to spend annual allocation or participate in the Consortium.

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- (c) A CHDO or Consortium Member may appeal the Consortium's determination of nonperformance by issuing a formal appeal letter to the Lead Agency within 60 days of the original non-performance determination. The Lead Agency has 90 days to organize a subcommittee of the Consortium to accept or deny the appeal.
19. All reallocation actions will be based on a majority vote of the Consortium Members. When there is a need to reallocate funds of a Consortium Member(s), the Consortium may elect to reallocate funds to another member of the Consortium or to a CHDO.
20. When there is a need to reallocate CHDO funds, the Consortium will first prioritize potential recipients according to the following criteria:
- (a) CHDOs that have existing contracts with the Consortium.
 - (b) CHDOs that have unfunded previous submitted applications with the Consortium from the current year.
 - (c) CHDOs that submit new applications to the Consortium because of a new Request for Proposal ("RFP") process.
21. All CHDO and Consortium Member(s) reallocations will be determined by using the following funding criteria:
- (a) Ability to expend reallocated amount
 - i. Ability to encumber within time limits
 - ii. Level of effort in place to appropriately expend amount available
 - iii. Ability to secure non-federal match
 - iv. Timely implementation of current and past projects
 - v. Current and past monitoring findings
 - (b) Need
 - i. According to the priorities outlined in the CP
 - ii. Degree of urgency
 - iii. Relative levels of existing funding
22. Appeals of administrative decisions and resolutions of complaints or disputes will be addressed at whatever level of administration they occur. Every contract administrator is required to have an appeals/dispute resolution procedure. Therefore, appeals/disputes relating to the administration of any contract developed in the implementing of these programs will be processed by the administrator of that contract according to the procedures of that administrator. For CHDO contracts only, final appeal may be made to the Lead Agency.

All appeals of administrative decisions by the Consortium or requests for dispute resolution relating to Consortium activities shall be in writing and submitted to the Lead Agency. The Consortium shall review the matter at the next regularly scheduled meeting and shall respond in writing within seven days of the decision.

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

23. This Agreement may be executed in one or more counterparts, and each originally executed duplicated counterpart of this Agreement shall be deemed to possess the full force and effect of the original.
24. This Agreement may be terminated by the Lead Agency if a Consortium Member violates any term or condition of this Agreement or if Consortium Member fails to maintain a good faith effort to carry out the purpose of the Agreement. Following the termination of participation by one of the Consortium Members, this Agreement will remain in full effect with respect to the remaining Consortium Members. This Agreement may also be terminated according to A.R.S. § 38-511, which is incorporated herein by reference.
25. This Agreement will be filed with the Maricopa County Recorder's Office by the Lead Agency within ten (10) calendar days after the final counterpart is executed and returned to the Lead Agency. This Agreement will become effective on the date of recordation ("Effective Date").
26. When a shared consultant/service is hired on behalf of the Consortium, the costs will be shared on a pro-rata basis. This share will be calculated based on the annual Consortium Members' collective annual CDBG allocation. Consortium Member's pro-rata annual HOME allocation will be reduced by each Consortium Member's cost share.
27. In the event a Consortium Member elects to no longer participate in the Consortium, the following duties and obligations will be required with respect to those Consortium funds controlled by the departing Consortium Member:
- (a) Unencumbered/unexpended funds
 - i. Consortium HOME funds allocated prior to the date of separation, shall not be commingled with any other HOME funds in any one project.
 - ii. All funds allocated to the departing Consortium Member by the Consortium must be encumbered before encumbering funds granted to the departing Consortium Member directly by HUD.
 - iii. If departing Consortium Member encumbers the bulk of Consortium funds, but a minimal amount remains, the departing Consortium Member can simply return the funds to the Consortium.
 - iv. The departing Consortium Member shall return to the Consortium any Consortium funds allocated to the departing Consortium Member that have not been expended by the expenditure and encumbrance timelines specified in this Agreement.
 - v. The departing Consortium Member shall name the Consortium as beneficiary on documents (e.g. deeds of trust, liens) associated with any Consortium-funded projects that the departing Consortium Member enters into and shall modify all documents necessary to meet this requirement.

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

- (b) Program Income
 - i. The departing Consortium Member shall remit to the County all Program Income received attributable to Consortium-funded projects.
 - ii. The County, as Lead Agency, shall be responsible for using any Program Income it receives in accordance with applicable statutes and regulations and shall reallocate such funds according to the Consortium Reallocation Policy.
- (c) Match
 - i. The departing Consortium Member shall retain any match credits held by the departing Consortium Member as of the date of separation, to be used in accordance with statute and HUD regulations and guidelines.
 - ii. The departing Consortium Member shall apply match credits to Consortium-funded projects first; when those projects have the full required match amount, then the departing Consortium Member may apply the credits to the departing Consortium Member's funded projects.
- (d) Planning and Reporting
 - i. The departing Consortium Member shall use its own Citizen Participation Plan for all Consortium-funded projects committed after the date of separation. The departing Consortium Member shall maintain all appropriate reports as described in the Agreement, on all Consortium-funded projects for the entirety of each project's respective affordability period.
 - ii. The departing Consortium Member shall remit these reports to the County upon request.
- (e) Monitoring
 - i. The departing Consortium Member shall maintain separate records for all Consortium-funded projects in accordance with the applicable Consortium policy and shall provide these reports to the County upon request.
 - ii. The departing Consortium Member shall monitor its subrecipient and CHDO agreements related to projects funded by the departing Consortium Member in accordance with the applicable HUD regulations for the entirety of each applicable affordability period.
- (f) Meetings
 - i. The departing Consortium Member may participate in Consortium meetings in a non-voting capacity until all Consortium funds held by the departing Consortium Member as of the date of separation have been expended.
- (g) Environmental Reviews
 - i. Maricopa County shall be the "Certifying Officer" with respect to environmental matters on all Consortium-funded projects.

**MARICOPA HOME CONSORTIUM
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28. In the event funds are not appropriated to the HOME program, HUD guidance shall be followed to close out the program. The Lead Agency will be responsible for grant close-out. The Consortium Members will be responsible for maintaining compliance on previous HOME-funded units.
- (a) Program Income
 - i. Consortium Members shall remit to the County all Program Income received attributable to Consortium-funded projects.
 - ii. The County, as Lead Agency, shall be responsible for using any Program Income it receives in accordance with applicable statutes and regulations and shall reallocate such funds according to the Consortium Reallocation Policy.

In witness whereof, the Parties hereto have caused this Agreement to be executed by their duly authorized officers.

This Agreement is for the purpose of funding HOME Program activities for the federal fiscal years 2021 – 2023.

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

IN WITNESS THEREOF, the Parties have signed this Agreement:

Approved By:
MARICOPA COUNTY (LEAD ENTITY)

Chairman, Board of Supervisors

Attested to:

Fran McCarroll, Clerk of the Board

Date

IN ACCORDANCE WITH A.R.S. §§ 11-201, 11.251 & 11-952, THIS AGREEMENT HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY AND HAS DETERMINED THAT THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWER AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

Approved as to Form:

Deputy County Attorney for Maricopa County Date

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

IN WITNESS THEREOF, the Parties have signed this Agreement:

Approved By:
CITY OF GLENDALE

City Mayor

Attested to:

City Clerk

Date

IN ACCORDANCE WITH A.R.S. §§ 9-231, 9-240 & 9-441.02, THIS AGREEMENT HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY AND HAS DETERMINED THAT THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWER AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

Approved as to Form:

Attorney for the City of Glendale Date

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

IN WITNESS THEREOF, the Parties have signed this Agreement:

Approved By:
CITY OF TEMPE

City Mayor

Attested to:

City Clerk

Date

IN ACCORDANCE WITH A.R.S. §§ 9-231, 9-240 & 9-441.02, THIS AGREEMENT HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY AND HAS DETERMINED THAT THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWER AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

Approved as to Form:

Attorney for the City of Tempe Date

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

IN WITNESS THEREOF, the Parties have signed this Agreement:

Approved By:
CITY OF CHANDLER

City Mayor

Attested to:

City Clerk

Date

IN ACCORDANCE WITH A.R.S. §§ 9-231, 9-240 & 9-441.02, THIS AGREEMENT HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY AND HAS DETERMINED THAT THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWER AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

Approved as to Form:

Attorney for the City of Chandler Date

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

IN WITNESS THEREOF, the Parties have signed this Agreement:

Approved By:
CITY OF SCOTTSDALE

City Mayor

Attested to:

City Clerk

Date

IN ACCORDANCE WITH A.R.S. §§ 9-231, 9-240 & 9-441.02, THIS AGREEMENT HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY AND HAS DETERMINED THAT THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWER AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

Approved as to Form:

Attorney for the City of Scottsdale Date

Reviewed by:

Risk Manager for the City of Scottsdale

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

IN WITNESS THEREOF, the Parties have signed this Agreement:

Approved By:
TOWN OF GILBERT

Town Mayor

Attested to:

Town Clerk

Date

IN ACCORDANCE WITH A.R.S. §§ 9-231, 9-240 & 9-441.02, THIS AGREEMENT HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY AND HAS DETERMINED THAT THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWER AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

Approved as to Form:

Attorney for the Town of Gilbert Date

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

IN WITNESS THEREOF, the Parties have signed this Agreement:

Approved By:
CITY OF PEORIA

City Mayor

Attested to:

City Clerk

Date

IN ACCORDANCE WITH A.R.S. §§ 9-231, 9-240 & 9-441.02, THIS AGREEMENT HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY AND HAS DETERMINED THAT THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWER AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

Approved as to Form:

Attorney for the City of Peoria Date

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

IN WITNESS THEREOF, the Parties have signed this Agreement:

Approved By:
CITY OF SURPRISE

City Mayor

Attested to:

City Clerk

Date

IN ACCORDANCE WITH A.R.S. §§ 9-231, 9-240 & 9-441.02, THIS AGREEMENT HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY AND HAS DETERMINED THAT THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWER AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

Approved as to Form:

Attorney for the City of Surprise Date

**MARICOPA HOME CONSORTIUM
INTERGOVERNMENTAL AGREEMENT**

IN WITNESS THEREOF, the Parties have signed this Agreement:

Approved By:
CITY OF AVONDALE

City Mayor

Attested to:

City Clerk

Date

IN ACCORDANCE WITH A.R.S. §§ 9-231, 9-240 & 9-441.02, THIS AGREEMENT HAS BEEN REVIEWED BY THE UNDERSIGNED ATTORNEY AND HAS DETERMINED THAT THIS AGREEMENT IS PROPER IN FORM AND WITHIN THE POWER AND AUTHORITY GRANTED UNDER THE LAWS OF THE STATE OF ARIZONA.

Approved as to Form:

Attorney for the City of Avondale Date

This Agreement is for the purpose of funding HOME Program activities for the federal fiscal years 2021 – 2023.



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 3, 2019 Contact Person: Hobart Wingard, PLANNER II
Submitting Department: Community Development District: District 3
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of an Annexation for Paradise Education located on the east side of 175th Avenue, one-quarter (1/4) mile north of Cactus Road; Ordinance #2019-30.

Motion:

I move to approve Ordinance # 2019-30.

Background:

Paragon Management Inc. seeks annexation of a developed parcel generally located on the east side of 175th Avenue, one-quarter (1/4) mile north of Cactus Road. The annexation proposal is for a 30.84 acre parcel under single ownership of unincorporated land adjacent on four (4) sides by the City of Surprise.

Objective Analysis:

The proposed Annexation will eliminate a county island from within the city.

Policy Compliant:

Annexation of this property is compliant with Council policy by expanding the range of influence of the City.

Financial Impact:

This item does not have a direct financial impact, however all activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

1. 19.11.19 EVR Paradise Education ANX - Staff Report - 120319 (3)
2. 01 - FS19-445 - Paradise Education ANX - Vicinity - 120319
3. 02 - ORD - FS19-445 - Paradise Education ANX - 19.10.31 EVR Ordinance 2019-30 - 120319
4. 19.11.18 signed petition



Case: FS19-445

Project Name: Paradise Education Annexation

Council District: 3 - Mesquite

City Council Date: December 3, 2019

Planner: Hobart Wingard, Planner II

Owner: Paragon Management Inc.

Applicant: Paragon Management Inc.

Request: Annexation

Site Location: Generally, on the east side of 175th Avenue, one-quarter (1/4) mile north of Cactus Road

Site Size: Approximately 30.84 acres

Actions: **Approve:** Approval of the proposed annexation will increase the corporate limits of the City of Surprise and allow for the subsequent approval of a related request, which in turn will allow the property to be developed in accordance with the City of Surprise General Plan and Unified Development Code.

Deny: Denial of the proposed annexation will result in the continuation of a long-standing county jurisdiction and prevent the City Council considering other requests on the subject property.

Introduction:

Paragon Management Inc. seeks annexation of a developed parcel generally located on the east side of 175th Avenue, one-quarter (1/4) mile north of Cactus Road. The annexation proposal is for a 30.84 acre parcel under single ownership of unincorporated land adjacent on four (4) sides by the City of Surprise.

44 **Annexation Process:**

45 Arizona Revised Statutes established requirements for a municipality to annex
46 unincorporated land. The City must file a blank annexation petition with Maricopa
47 County where it is held for a 30-day waiting period. City Council must hold a public
48 hearing during the last 10 days of the 30-day waiting period, also required by Arizona
49 Revised Statutes. After the public hearing and the 30-day waiting period has ended, an
50 excess of 50% of the land owners and assessed valuation for all real and personal
51 property must sign the petition in order to validate the petition. State statute also allows
52 up to one year following the end of the 30-day period to obtain the required number of
53 signatures.

- 54 • The City recorded the blank petition with the Maricopa County Recorder's Office
55 on October 15, 2019.
56 • Surprise City Council held a public hearing on November 5, 2019
57 • Mandatory 30-day waiting period ended on November 14, 2019
58 • The applicant is scheduled to submit a signed petition on November 15, 2019
59

60 **Project Description:**

61 The property is currently zoned Maricopa County Rural-43. If annexed, the property will
62 assume similar Rural Residential (RR) zoning of the Surprise Unified Development
63 Code (SUDC). Paradise Honors High School and Middle School are located on the
64 property.



67 **Background:**

68 **June 21, 2019:** The applicant submitted for an Annexation for Paradise Education
69 under Case FS19-445, the subject case.

70 **October 1, 2019:** The Mayor and City Council approved Resolution 2019-115 directing
71 staff to file the blank petition.

72 **October 15, 2019:** Blank Annexation Petition recorded with the Maricopa Recorder
73 Office.

74 **October 21, 2019:** The Applicant held a Citizen Review Meeting at the subject site,
75 12775 North 175th Avenue.

76 **November 5, 2019:** The Mayor and City Council discussed the proposed annexation at
77 a public hearing.

78

79 **Summary:**

80 The proposed annexation is requested by the single ownership of a 30.84 acre parcel
81 and only requires one signature after the Arizona Revised Statutes required 30-day
82 waiting period that concludes on November 5, 2019. The parcel to be annexed
83 complies with all requirements for size, shape, and contiguity set forth in the Arizona
84 annexation statutes.

85

86 **Attachments:**

87 01 - Vicinity Maps

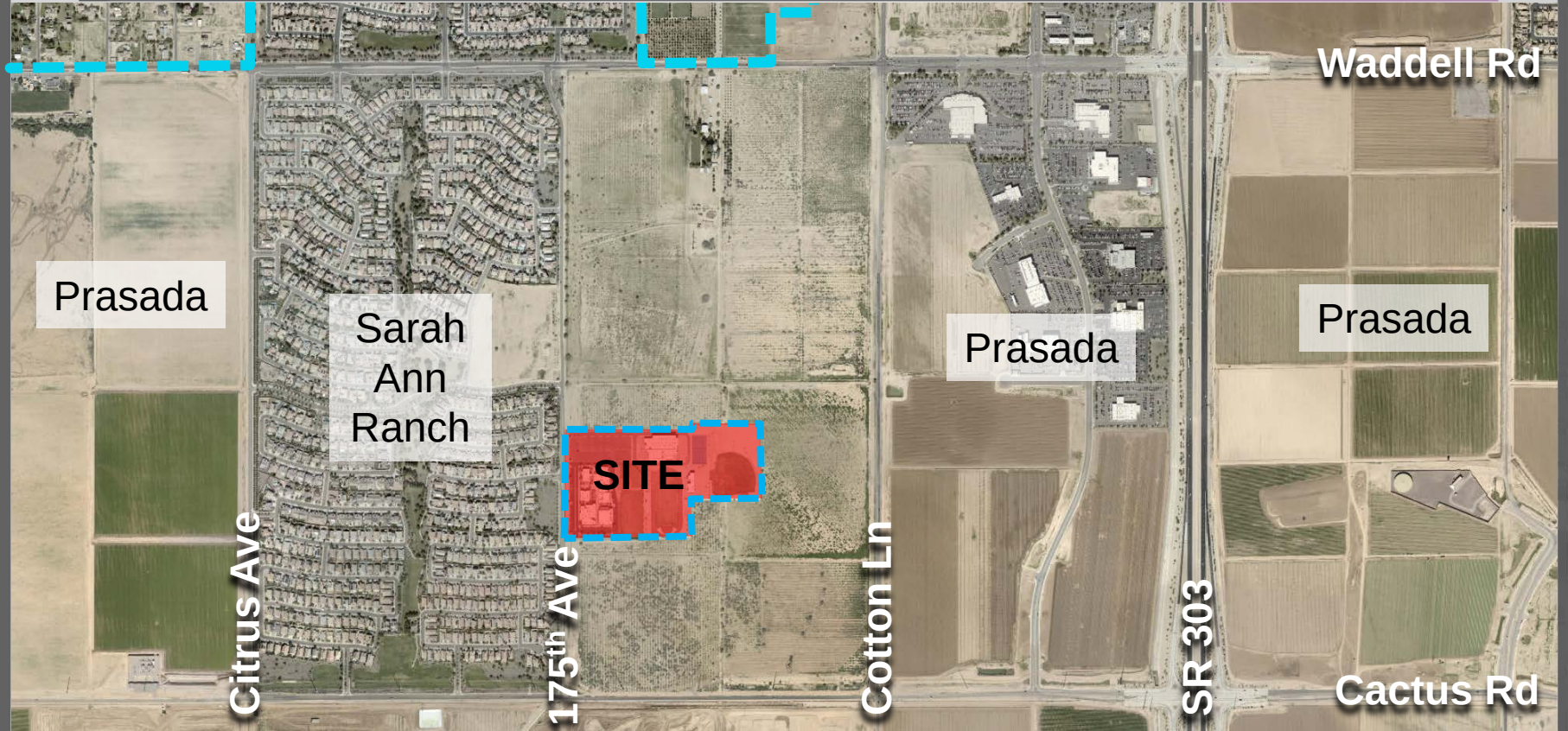
88 02 - Ordinance 2019-30

89 03 - Annexation Petition

90 04 - PowerPoint

VICINITY MAP

FS19-445
Paradise Annexation



VICINITY MAP

FS19-445
Paradise Annexation



ORDINANCE 2019-30

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF SURPRISE, MARICOPA COUNTY, STATE OF ARIZONA PURSUANT TO THE PROVISIONS OF ARIZONA REVISED STATUTES TITLE 9 CHAPTER 4 ARTICLE 7 AND AMENDMENTS THERETO BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF SURPRISE, CONSISTING OF 30.84 ACRES LOCATED ON THE EAST SIDE OF 175TH AVENUE, ONE-QUARTER (1/4) MILE NORTH OF CACTUS ROAD, MARICOPA COUNTY, STATE OF ARIZONA, AND ESTABLISHING EQUIVALENT CITY OF SURPRISE ZONING.

WHEREAS, a petition in writing accompanied by a map or plot of said real property having been filed and presented to the Mayor and Council of the City of Surprise, Arizona, signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation by the City of Surprise in the event of annexation within the territory and land hereinafter described in the attached ***Exhibit A*** (the "Annexation Area") and as shown by the last assessment of said property which said Annexation Area is contiguous to the City of Surprise, and not now embraced within its limits, asking that the Annexation Area be annexed to the City of Surprise, and to extend and increase the corporate limits of the City of Surprise so as to embrace the same;

WHEREAS, the Mayor and City Council of the City of Surprise, Arizona are desirous of accepting said petition and extending and increasing the corporate limits of the City of Surprise to include said territory;

WHEREAS, the said petition sets forth a true and correct description of all the exterior boundaries of the entire Annexation Area proposed to be annexed to the City of Surprise and had attached thereto at all times an accurate map of the Annexation Area, as shown in ***Exhibit B***, desired to be annexed;

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after the said petition had been signed by any owner of real and personal property within the Annexation Area;

WHEREAS, the provisions of A.R.S. § 9-471, and amendments thereto, have been fully observed;

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the City Clerk of the City of Surprise, Arizona, together with a true and correct copy of the original petition referred to herein, which is on file in the office of the County Recorder for Maricopa County, Arizona;

WHEREAS, the Annexation Area described in **Exhibit A** and depicted on **Exhibit B** includes approximately 30.84 acres of improved property owned by Paragon Management, Inc.;

WHEREAS, the subject property is within the Annexation Area having zoning in Maricopa County, as shown in **Exhibit C**, the Mayor and City Council, pursuant to A.R.S. § 9-471(L), shall adopt and apply to this area the City of Surprise zoning districts that permit densities and uses no greater than those permitted by the Maricopa County zoning immediately before annexation;

WHEREAS, the City Council has reviewed the Staff Reports and supporting materials which discuss the proposed annexation to be considered by the Council, and now finds that the annexation of the Annexation Area would be beneficial to Surprise by ensuring that all future development would be controlled by and be consistent with the objectives and policies of the Surprise General Plan 2035, the requirements of the Surprise Unified Development Code ("SUDC"), all future land development ordinances, and all other applicable City of Surprise codes and regulations; and

WHEREAS, the City Council finds that annexation of the Annexation Area would not require any current expenditures in the City's Capital Improvement Plan ("CIP") because the site has been previously constructed within Maricopa County under Maricopa County's jurisdiction.

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

SECTION 1. That the Annexation Area described in the attached **Exhibit A** be and the same hereby is annexed to the City of Surprise and that the present corporate limits be and the same hereby are extended and increased to include the Annexation Area described in Exhibit A contiguous to the present City limits.

SECTION 2. That a copy of this Ordinance, together with an accurate map of the territory hereby annexed as shown in **Exhibit B**, is certified by the Mayor of the City of Surprise shall be recorded in the office of the County Recorder of Maricopa County, Arizona and that a copy of this ordinance shall be provided to the Clerk of the Board of Supervisors of Maricopa County, Arizona.

SECTION 3. That the property described in **SECTION 1** of this Ordinance with Maricopa County zoning as shown in **Exhibit C** shall be designated with equivalent City of Surprise zoning as shown in **Exhibit C** upon the effective date of this Ordinance.

SECTION 4. That the City of Surprise zoning map is herewith amended to reflect the change in districts referred to in **SECTION 3**, above.

SECTION 5. This Ordinance shall take effect, and the annexation of the subject property shall become final, thirty days after this Ordinance is adopted.

SECTION 6. This Ordinance is not of general application throughout the City and therefore is not required to be codified.

SECTION 7. That the provisions of this Ordinance are not severable, and the entirety of this Ordinance shall become null and void and of no effect in the event any provision is finally determined to be illegal or invalid by a court of competent jurisdiction or if any provision should be invalidated by a referendum vote.

PASSED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 14, BEING MARKED BY A BRASS CAP FLUSH, FROM WHICH THE CENTER OF SECTION OF SAID SECTION 14, BEING MARKED BY AN ALUMINUM CAP FLUSH, BEARS NORTH 00 DEGREES 12 MINUTES 45 SECONDS EAST, 2640.44 FEET;

THENCE NORTH 00 DEGREES 12 MINUTES 45 SECONDS EAST, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 14, 1332.64 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH-SOUTH MID-SECTION LINE. NORTH 00 DEGREES 12 MINUTES 45 SECONDS EAST, 906.16 FEET;

THENCE DEPARTING SAID NORTH-SOUTH MID-SECTION LINE, NORTH 89 DEGREES 48 MINUTES 44 SECONDS EAST, 1084.4.3 FEET;

THENCE NORTH 00 DEGREES 11 MINUTES 27 SECONDS WEST, 44.60 FEET;

THENCE NORTH 89 DEGREES 48 MINUTES 56 SECONDS EAST, 570.96 FEET;

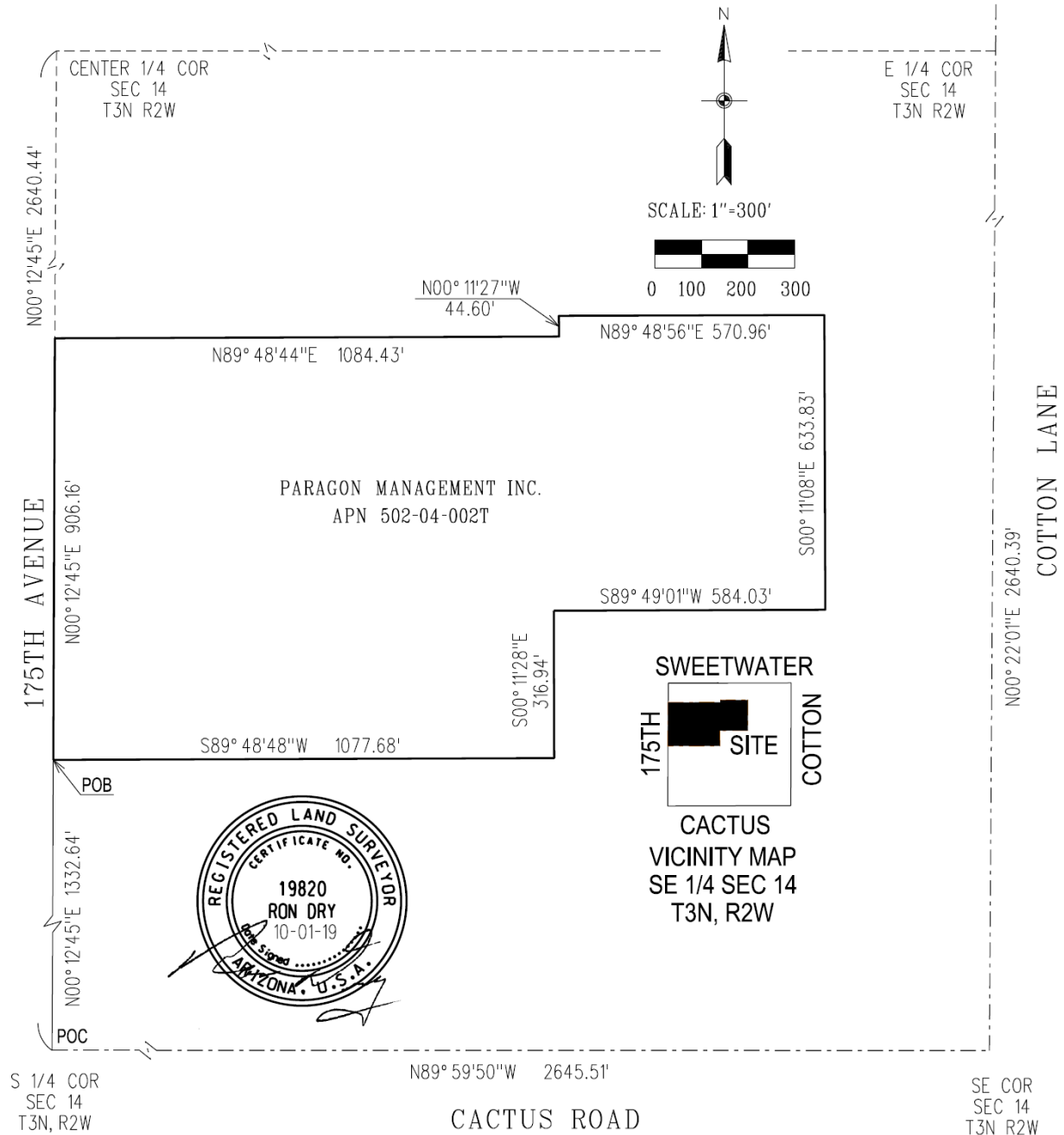
THENCE SOUTH 00 DEGREES 11 MINUTES 08 SECONDS EAST, 633.83 FEET;

THENCE SOUTH 89 DEGREES 49 MINUTES 01 SECONDS WEST, 584.03 FEET;

THENCE SOUTH 00 DEGREES 11 MINUTES 28 SECONDS EAST, 316.94 FEET;

THENCE SOUTH 89 DEGREES 48 MINUTES 48 SECONDS WEST, 1077.68 FEET TO THE POINT OF BEGINNING.

Exhibit B



Ordinance No. 2019-30
RFLS #7026
Rev 10/19

Exhibit C

Zoning Table

APN	Owner	Pre-annexation Maricopa County Zoning	Post-annexation Surprise Zoning
502-04-002T	Paragon Management, Inc.	Rural-43 (RU-43)	Residential Ranch (RR)

ANNEXATION PETITION

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA:

We, the undersigned, the owners of one-half or more of the real and personal property that also represents one-half or more of the value of the real and personal property that would be subject to taxation by the City of Surprise in the event of annexation within the territory proposed to be annexed, which is hereafter described, said territory being contiguous to the corporate limits of the City of Surprise, with the exterior boundaries of the territory proposed to be annexed shown on the map attached hereto, marked **Exhibit B** and made a part hereof, request the City of Surprise to annex the following described territory, provided that the requirements of A.R.S. §9-471, and amendments thereto are fully observed.

The description of the territory proposed to be annexed, not already within the present limits of the City of Surprise and located in Maricopa County, Arizona, is as described and attached hereto, marked **Exhibit A** and made part thereof:

PARCEL NUMBER OR LEGAL DESCRIPTION	MAILING ADDRESS	NAME OF PROPERTY OWNER	PHONE NO
502-04-002T	12775 N 175TH AVE SURPRISE 85388	PARAGON MANAGEMENT INC.	623-455-7405

SIGNATURE OF PROPERTY OWNER	DATE
	11-15-19



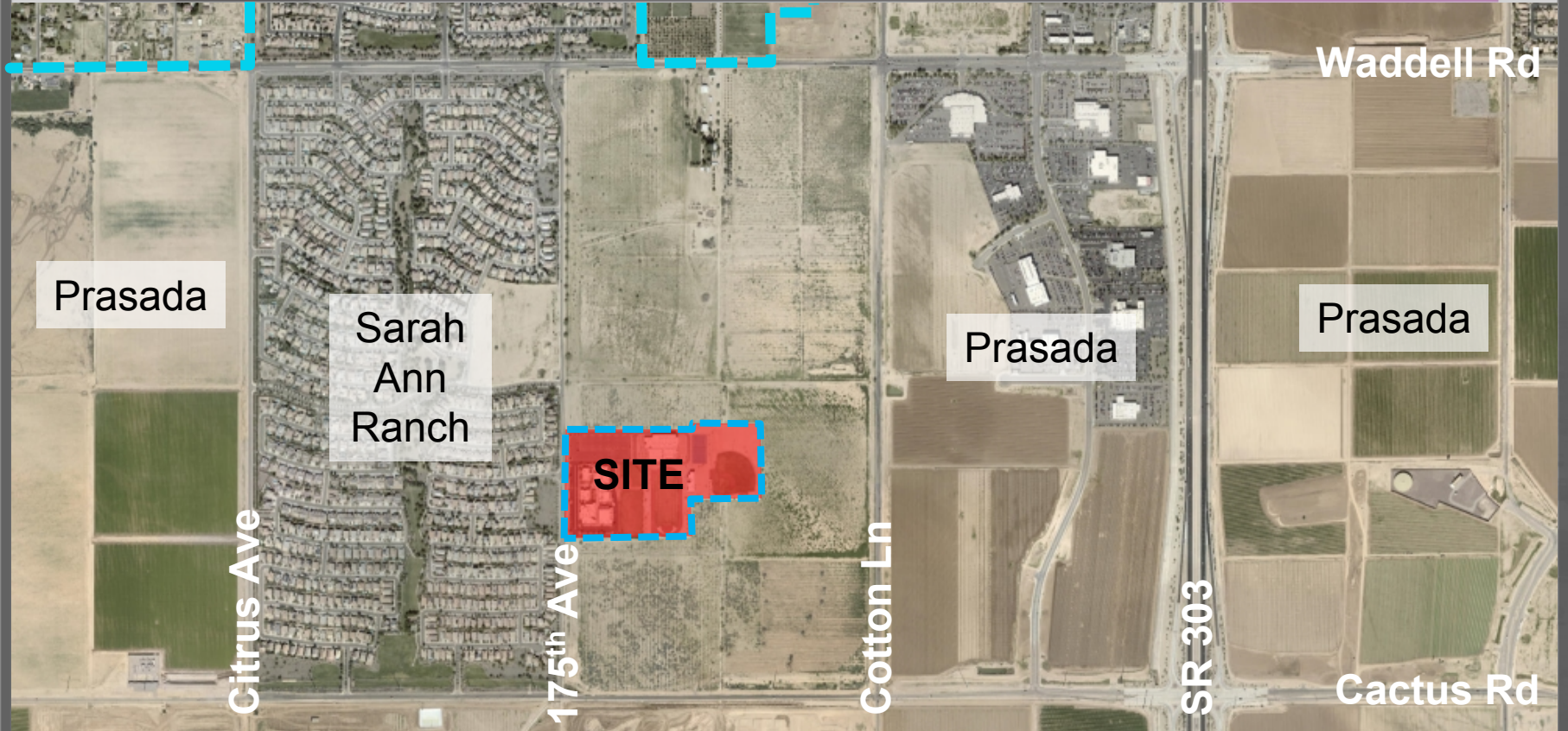
FS19-445

Paradise Education Annexation

Mayor and City Council – December 3, 2019

VICINITY MAP

FS19-445
Paradise Annexation



VICINITY MAP

FS19-445
Paradise Annexation





Annexation Process

June 21, 2019: The applicant submitted for an Annexation for Paradise Education under Case FS19-445, the subject case.

October 1, 2019: The Mayor and City Council approved Resolution 2019-115 directing staff to file the blank petition.

October 15, 2019: Blank Annexation Petition recorded with the Maricopa Recorder Office.

October 21, 2019: The Applicant held a Citizen Review Meeting at the subject site, 12775 North 175th Avenue.

November 5, 2019: The Mayor and City Council will discuss the proposed annexation at a public hearing.

December 3, 2019: The Mayor and City Council will take action on the Annexation Ordinance.



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 3, 2019 Contact Person: Joshua Mike
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

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

Agenda Wording:

Presentation and action pertaining to approval of a Major Amendment to the Surprise General Plan 2035; Resolution # 2019-138.

Motion:

I move to approve Resolution # 2019-138.

Background:

The City of Surprise is working on a Major General Plan Amendment to update three elements of the General Plan 2035. The proposed updates include:

Roadway Systems Element and Transit Element within “Chapter 3: Transportation” to reflect updated roadway maps and policy changes associated with the recent Transit Feasibility Study and Transit-Oriented Development Strategic Plan.

Growth Element to reflect changes in the housing market.

Extending Surprise Municipal Planning Area as shown in the Land Use Map.

This Major Amendment includes expanding the Surprise Planning Area Boundary near the White Tank Mountains. If the proposed boundary is approved, all other maps that do not have substantive changes within the General Plan 2035 will also be updated.

Objective Analysis:

Positive impacts include updating the General Plan 2035 to reflect changes in vision for the City of Surprise, such as the Transit Oriented Development (TOD) Strategic Plan, growth areas, and regional roadway connections.

Policy Compliant:

The major amendment to the General Plan 2035 complies with the policies outlined in its Implementation chapter and with Arizona Revised Statutes.

Financial Impact:

This item does not have a direct financial impact, however all activity related to ongoing development

of the City of Surprise has an economic and fiscal impact on the city and the region.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

The major amendment does not have any impact on additional future FTEs.

ATTACHMENTS:

1. 00 FS19-296 Major GPA Staff Report
 2. 01 FS19-296 GPA Land Use Map (60-Day Review)
 3. 02 FS19-296 GPA Roadway Systems Element FORMATTED DRAFT (60-Day Review)
 4. 03 FS19-296 GPA Transit Element FORMATTED DRAFT (60-Day Review)
 5. 04 FS19-296 GPA Growth Element FORMATTED DRAFT (60-Day Review)
 6. 05 FS19-296 GPA Resolution 2019-138
 7. 06 FS19-296 GPA Presentation 12.3.19 CC Presentation
-



Case:	FS19-296
Project Name:	Major General Plan Amendment
Council District:	Citywide
City Council Date:	December 3, 2019
Planners:	Joshua Mike Martin Lucero
Applicant:	City of Surprise
Request:	Amend the General Plan 2035
Site Location:	Surprise Municipal Planning Area
Site Size:	328 square miles
General Plan Conformance:	The proposal advances the goals of the Surprise General Plan 2035 and provides direction to further enhance additional tools and planning policy.
Support/Opposition:	This request has generated letters of acknowledgment and support received from stakeholders and neighboring municipalities.
Planning and Zoning:	As of the writing of this report Planning and Zoning had not heard the Major Amendment to make a recommendation to City Council. Staff will bring forward Planning and Zoning Recommendation at the City Council meeting.
Actions:	Approve: Approval of Resolution 2019-138 will adopt the proposed Major Amendment to the General Plan 2035, which amend the text and expand the Surprise Municipal Planning Area. Deny: Denial of Resolution 2019-138 will result in the continuation of the existing text within the General Plan 2035 and maintain the current Surprise Municipal Planning Area

42
43
44
45 **INTRODUCTION:**

46 The City of Surprise is working on a Major Amendment to the General Plan 2035 that will
47 update three elements of the General Plan 2035 and expand the Surprise Planning Area
48 Boundary near the White Tank Mountains.
49

50 These proposed changes qualify as a Major Amendment because according to the
51 Implementation Chapter of the General Plan 2035 “A Major Amendment to the Surprise
52 General Plan 2035 is any proposal that would result in a change to the Character Area Land Use
53 Plan that would substantially alter the city’s planned mixture or balance of uses.” This proposal
54 includes expanding the overall Municipal Planning Area (MPA) by adding approximately 26
55 square miles of Open Space to the land use balance.
56

57 **PROJECT DESCRIPTION:**

58 The proposed updates include:

- 59 • Roadway Systems Element and Transit Element within “Chapter 3: Transportation” to
60 reflect updated roadway maps and policy changes associated with the recent Transit
61 Feasibility Study and Transit-Oriented Development Strategic Plan.
- 62 • Growth Element to reflect changes in the housing market and recent annexations.
- 63 • Extending Surprise Municipal Planning Area by adding approximately 26 square miles as
64 shown in the Land Use Map.
65

66 **BACKGROUND:**

67 *Current General Plan 2035 and Major Amendments*

68 June 28, 2011: City Council approved Wildlife Corridors under Resolution 2011-68.
69

70 June 25, 2013: The City Council approved the current version of the Surprise General Plan 2035
71 under Resolution 2013-39.
72

73 November 5, 2013: The Surprise voters ratified the Surprise General Plan 2035.
74

75 February 3, 2015: Staff presentation updating City Council and Planning and Zoning Commission
76 on the development of the city-initiated Major General Plan Amendment-General Plan
77 Elements Update and summary of community workshops.
78

79 April 16, 2015: The Planning and Zoning Commission provided direction to pursue the
80 “Character Area” planning approach.
81

82 April 21, 2015: The City Council provided direction to pursue the “Character Area” planning
83 approach.
84

November 18-19, 2015: Consecutive public hearings for the Planning and Zoning Commission held off-site at the AZ TechCelerator (12425 West Bell Road, Surprise, AZ). Presented the Staff Report and summary of the Major Amendment to the General Plan 2035. The Planning and Zoning Commission received comments from a Surprise resident and listened to a presentation of parcels impacted by the existing Wildlife Linkages Map and proposed Wildlife Linkages Corridor sub area.

December 3, 2015: Presentation and discussion at regular City Council meeting. Based on discussions of parcels impacted by the existing Wildlife Linkages Map and proposed Wildlife Linkages Corridor sub area, action was postponed so an alternative Land Use Map could be presented.

December 15, 2015: At a Special Meeting City Council adopted the full proposed General Plan Amendment text and a revised Land Use Map.

August 8, 2019: The 60-day review period required by Arizona Revised Statue begins to allow residents, stakeholders, and neighboring municipalities an opportunity to review and comment.

October 7, 2019: Review period ends

October 29, 2019: Citizen Outreach is held at City Hall for staff to discuss and answer questions regarding the proposed Major Amendment.

STAKEHOLDER AND CITIZEN OUTREACH:

The proposed changes were distributed to the stakeholder list that included adjacent municipalities, Luke AFB, regional governments and organizations, and state agencies. The City published drafts online, made announcements via Press Release and Public Notices, and sent digital copies to stakeholders. Staff received acknowledgements from various stakeholders that the proposals do not conflict with their edge treatments or regional goals.

ANALYSIS AND DISCUSSION:

Surprise General Plan Amendment Criteria:

The Implementation Section of the Surprise General Plan 2035 states *"In considering plan amendments, the proposal will be considered in terms of all the elements. A thorough evaluation shall include, but is not limited to the following:"*

- ***Whether the proposed change is generally consistent with goals, objective, and other elements of the Surprise General Plan.***
 - The objective of the Elements within the General Plan 2035 will still be achieved through the guidance of the existing goals and policies. The proposed change furthers the goal to provide transit options within Surprise.
- ***Whether the proposed change is justified by a change in community conditions or neighborhood characteristics since adoption of the Plan.***

- Development is occurring and this addresses market conditions and future traffic and transportation needs.
 - ***Whether the proposed change creates an adverse impact on public facilities and services, including roads, sewer, water supply, drainage, schools, police, fire, and parks, that cannot be reasonably mitigated.***
 - There are no adverse impacts expected by these proposals.
 - ***Whether the proposed change creates an adverse impact on landmarks or other historically significant structure or properties that cannot be reasonably mitigated.***
 - There are no adverse impacts expected by these proposals.
 - ***Whether development resulting from the proposed change would create an undue adverse impact on surrounding neighborhoods.***
 - The objective of the improving traffic and transportation planning and achieving public transit goals will have a positive impact on Surprise neighborhoods.
 - ***Whether the proposed change would have a significant adverse impact on the natural environment, including washes, vegetation, slopes, groundwater, and other significant natural resources that could not be easily mitigated.***
 - Open Space is being added to the Surprise MPA as part of the White Tank Mountains Regional Park to protect the natural environment within Surprise. This park will continue being managed by Maricopa and supported by organizations and neighboring municipalities.
 - ***Whether there was a change in city-adopted policies or codes that would justify a change in the Surprise General Plan 2035.***
 - The adopted and accepted findings of recent Transit Feasibility Study and Transit-Oriented Development Strategic Plan justify the proposed changes.
- Staff has evaluated the subject request against these criteria and is satisfied the proposed changes to the General Plan 2035 adequately address these issues.

REVISIONS TO GENERAL PLAN 2035 ELEMENTS:

Roadway Systems Element

Roadway Systems Element includes goals and policies to improve overall circulation in the City of Surprise. A hierarchical roadway network is established for vehicle transportation, with designated roadway types, that correspond to the City's design standards. The roadway type is linked to anticipated traffic levels, and acceptable levels of service. Alternative transportation modes are also emphasized in this element to reduce dependency on the automobile and thereby improving the residence quality of life and environmental quality.

The transportation policies serve as guidelines for planning circulation improvements to accommodate anticipated population growth, maintaining acceptable service levels while development occurs, promoting alternative transportation modes, and coordinating with local and regional jurisdictions to phase regional transportation facilities. The Roadway Systems Element explains how the goals will be achieved and the policies implemented, and directly relate to the City's design standards.

Transit Element

Surprise growth has placed it in the top ten largest cities in Arizona. As Surprise continues to evolve and grow, providing a range of mobility services will be essential to attracting new economic opportunities for the expanding residential base. The general plan amendment has been updated to refer back to Study which was adopted in October 2018. The study developed a comprehensive understanding of the City's current and future transit needs. The Transit Feasibility Study in combination with the Transit Orientation Development standards specifically outlines transit investments for the City for the short- and long-range planning horizons.

If implemented, a multi-modal transit network would connect residents to popular destinations and activity centers both within City limits and throughout the region. Having an established transit network is increasingly becoming a vital component in the efforts of cities to be economically competitive and retain existing and attract new residents, businesses, and visitors to their communities.

Growth Element

Per the Marisol Ranch and Lone Mountain Pre-Annexation Development agreements the City is required to include the annexation area into the any growth boundary, urban boundary, urban service boundary, or other similar purpose land use regulatory device that may be established by Surprise or local or state law, referendum, or initiative in the future with respect to the area in which the Annexation Parcels are located. Based on this requirement, the growth patterns and other developer proposals since the most recent Major Amendment in 2015, staff has updated the population data and "Anticipated Growth Map".

Surprise Municipal Planning Area

This proposal includes expanding the Surprise MPA boundary by adding approximately 26 square miles of Open Space Character Area Land Use. This expansion will result in the White Tank Mountains Regional Park included in both the Buckeye and Surprise MPAs. There is no expectation to annex this regional park into either municipality, but the expansions are intended to avoid islands of County land on regional maps. If the proposed boundary is approved, all other maps that do not have substantive changes within the General Plan 2035 will also be updated.

SUMMARY:

Staff is proposing changes to the Surprise General Plan 2035 that qualify as a Major Amendment due to the expansion of the planning area and the non-technical text change. The proposed changes to the Roadway Systems Element and Transit Element within "Chapter 3:

214 Transportation” reflect updated roadway maps and policy changes associated with the recent
215 Transit Feasibility Study and Transit-Oriented Development Strategic Plan. The revisions to the
216 Growth Element reflect changes in the housing market and the requirements of two pre-
217 annexation agreements.

218

219 **ATTACHMENTS:**

220 01 FS19-296 GPA Land Use Map (60-Day Review)

221 02 FS19-296 GPA Roadway Systems Element FORMATTED DRAFT (60-Day Review)

222 03 FS19-296 GPA Transit Element FORMATTED DRAFT (60-Day Review)

223 04 FS19-296 GPA Growth Element FORMATTED DRAFT (60-Day Review)

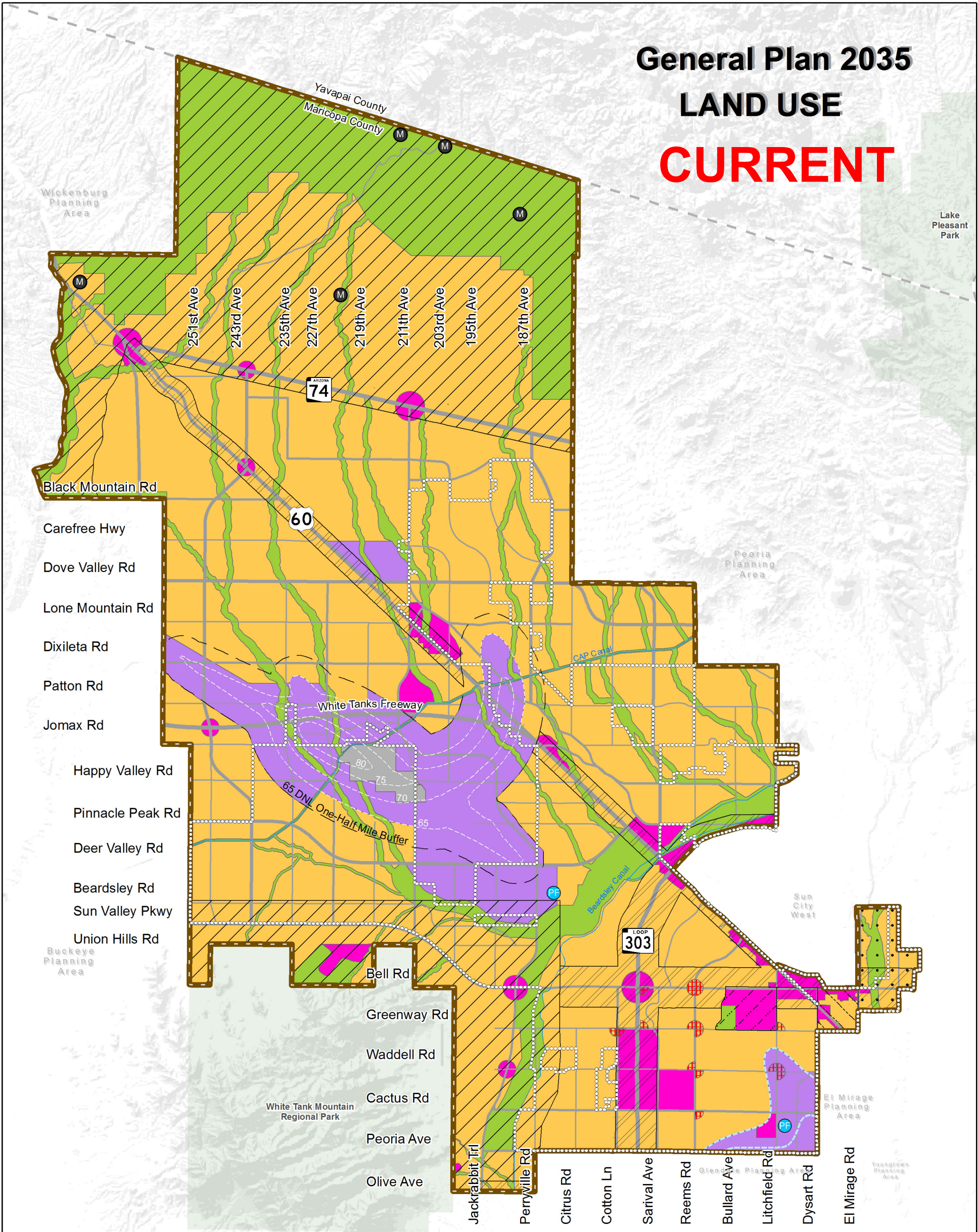
224 05 FS19-296 GPA Resolution 2019-138

225 06 FS19-296 GPA Presentation

General Plan 2035

LAND USE

CURRENT



Character Areas

- Neighborhood
 - Rural
 - Suburban
 - Urban
- Commerce & Office
 - Mixed Use: Residential
 - Mixed Use: Commercial
 - Regional Commercial
 - Commercial Office
- Employment
 - Business Park
 - Industrial
- Open Space
(As described on page 53)

Sub Areas

- [] Luke Compatibility District
- [] Scenic Lands Development
- [] Surprise Center District
- [] Surprise Heritage District
- [] Transit Oriented Development District
- [] Aggregate Resource Areas

Features

- [] Planning Area
- [] Aux 1 Noise Contours
- [] Luke AFB Noise Contours
- [] Canals
- [] Military
- [] Existing Community Commercial
- [] Public Facility
- [] Mining

Circulation

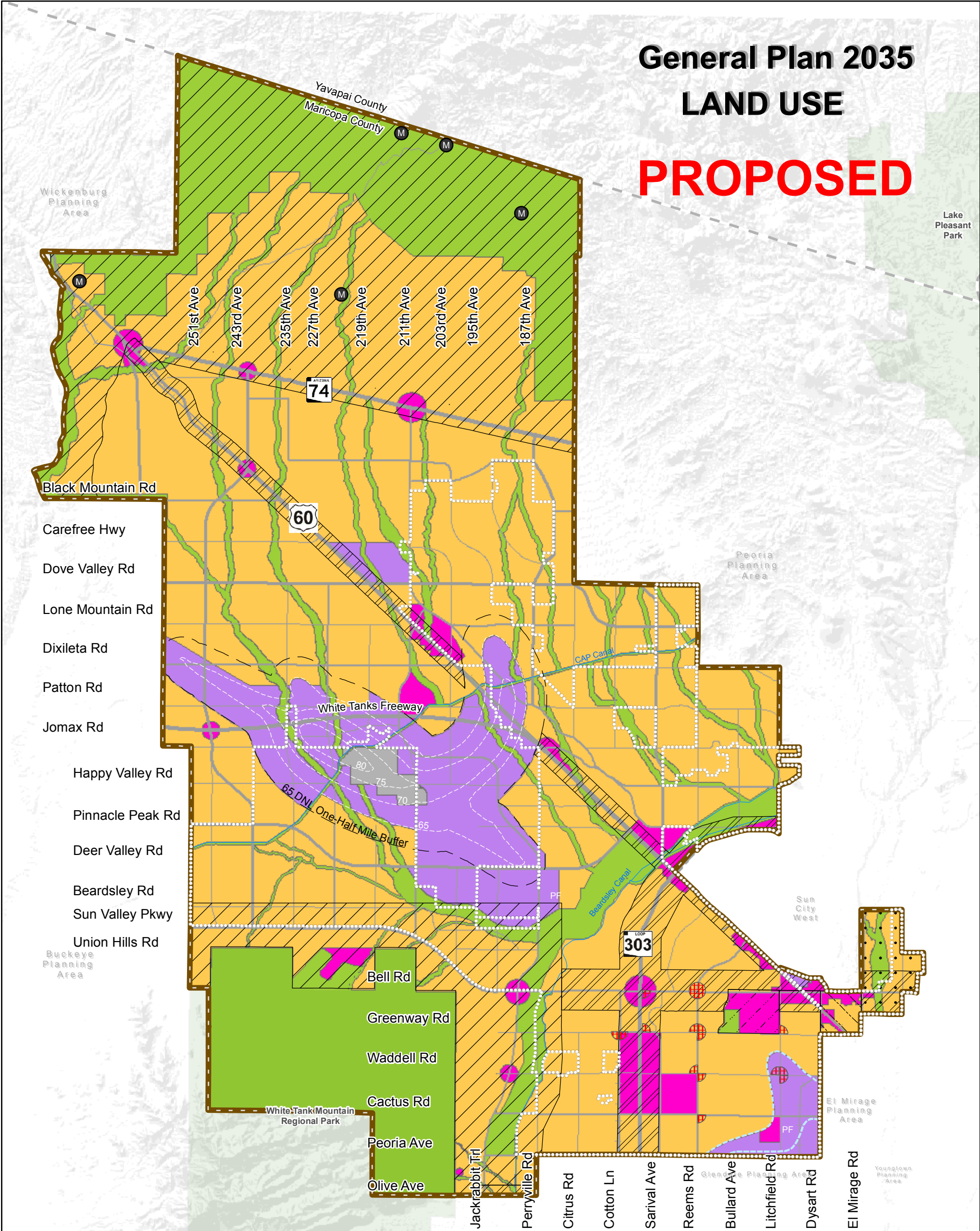
- [] Freeway
- [] Parkway
- [] Major Arterial
- [] Minor Arterial
- [] BNSF Rail

0 1 2 Miles

General Plan 2035

LAND USE

PROPOSED



Character Areas

- Neighborhood
 - Rural
 - Suburban
 - Urban
- Commerce & Office
 - Mixed Use: Residential
 - Mixed Use: Commercial
 - Regional Commercial
 - Commercial Office
- Employment
 - Business Park
 - Industrial
- Open Space

Sub Areas

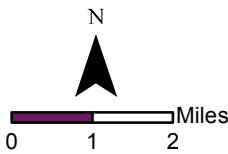
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- [] Aggregate Resource Areas

Features

- [] Planning Area
- [] Aux 1 Noise Contours
- [] Luke AFB Noise Contours
- [] Military
- [] Existing Community Commercial
- [] Public Facility
- [] Mining

Circulation

Roadways_B&W



Roadway Systems Element

INTRODUCTION

The purpose of the Roadway Systems Element is to plan a sufficient roadway network for the future that will support multiple modes of transportation, including travel by private automobile, public transit, walking, bicycling and neighborhood electric vehicles. This system includes all levels of roadway from freeways to local streets.

DISCUSSION

Surprise's Roadway Accessibility & Mobility in the Regional Context

Located approximately 45 minutes from downtown Phoenix, US-60/Grand Avenue and the Loop-303 freeway serve as the largest high capacity roadways that connect the city of Surprise to the Maricopa County region. Surprises location at the northwestern edge of the Phoenix metropolitan area and prominence of the US-60/Grand Avenue corridor make it a gateway for travelers coming to and from Las Vegas and Wickenburg and is an Interim Segment of the CANAMEX Trade Route under the North American Free Trade Agreement (NAFTA).

The existing roadway network within the developed areas of Surprise primarily consists of the one-mile arterial roadway grid system typical of the Phoenix metropolitan area. With the exception of a few isolated roadways with topographical constraints or other physical obstructions, future planned roadways in Surprise will also follow the one-mile arterial roadway grid pattern.

There are currently five Roads of Regional Significance identified by Maricopa County DOT within or immediately adjacent to the Surprise Municipal Planning Area. These roadways include; Loop 303, US-60/Grand Avenue, Bell Road, Dysart Road, and Olive

Avenue. Roadways of Regional Significance are established at McDOT so as to prioritize their importance and linkage to the regional arterial network. These roadways then are also receive higher recognition and priority when evaluation of regional improvements by MAG and McDOT.

A 2010 US 60 Access Management Plan Study conducted by MAG recommends an Arizona Parkway section for the entire corridor length along with access management guidelines. The widened median north of Jomax Road accommodates the future White Tanks Freeway. The ultimate facility will comprise one trumpet interchange, four diverging diamond interchanges (DDI), two single point urban interchanges (SPUI) and 13 indirect left turn intersections. Currently, MAG is in the process of completing the US-60/Grand Avenue Corridor Optimization and Access Management Plan and System Study (COMPASS), which is evaluating an overall vision for the corridor. It will establish an access management system and improve traffic operations by reducing rail conflicts along the corridor.

The Loop 303's connection between I-10 and I-17 provides an invaluable transportation corridor that will not only enhance the mobility of people and goods to and from Surprise and the region, but also support employment growth and economic development

Roadway Systems Element



opportunities in Surprise. Regional services such as automobile dealerships have already been constructed at the Loop 303 and Waddell Road and a future mixture of high intensity commercial uses are planned in the Prasada planned community along Loop 303.

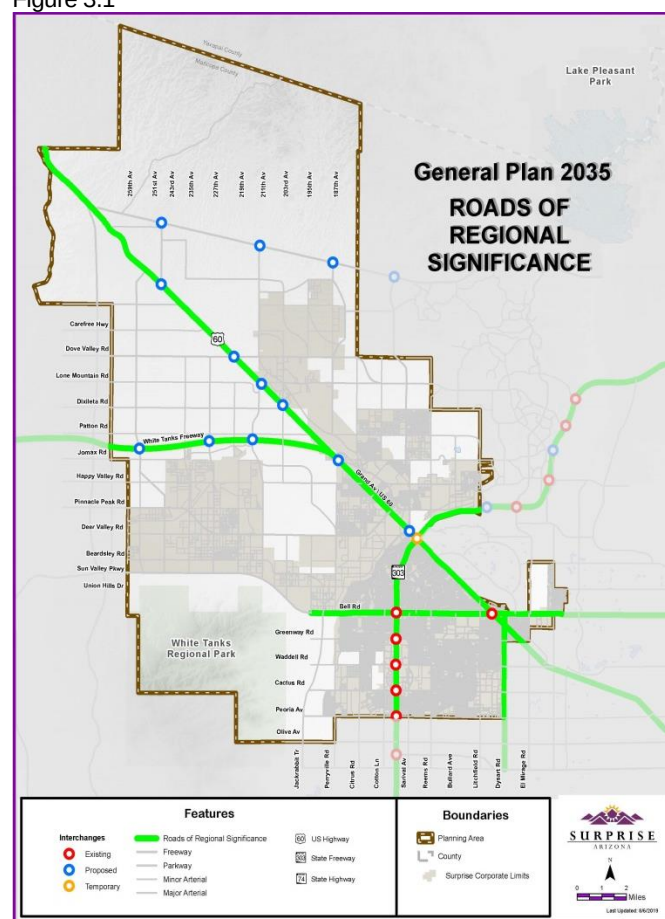
While US-60 and Loop 303 are important facilities to promote regional connectivity, east to west mobility is challenged with the existing roadway infrastructure in Surprise. Bell Road is also a primary community gateway. It is heavily traveled by Surprise residents and Sun City residents that travel east to regional employment and commercial retail centers in Peoria and Glendale. With the exception of Grand Avenue (running diagonally from southeast to northwest), Bell Road current serves as the sole east-west high capacity roadway with the only bridge crossing of the Agua Fria River. The only other bridge crossings of the Agua Fria River are Grand Avenue and the Loop 303, neither facilitating a direct east-west connection along the traditional grid pattern.

The lack of vehicular roadway connections to the east is a constraint that can limit employment growth in Surprise and increases the congestion of Bell Road within Surprise and adjacent communities. A large percentage of residents who commute to jobs east of the city put stress on the performance and capacity of Bell Road and Grand Avenue, particularly during the morning and afternoon peak periods. As jobs are created in Surprise, the reduction in commute patterns will also reduce stress onto the overall performance of the arterial and collector network in Surprise.

With respect to planned long term accessibility and mobility in the region, the White Tanks Freeway has been identified by MAG, in the 2007 Interstate 10/Hassayampa Valley

Transportation Framework Study (Figure 3.2), to serve the future growth and development of the region. The White Tanks Freeway is a planned long term freeway, yet to commit or identify a permanent funding source, will provide east to west regional connectivity from the planned Hassayampa Freeway (possible I-11 corridor) in Buckeye to existing Loop 303 freeway in Surprise. As Figure 3.1 illustrates, within the Surprise planning area, the proposed freeway corridor runs approximately north of the current Jomax Road alignment, until its intersection with Loop 303 freeway.

Figure 3.1



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Influence of Previous and Ongoing Studies

There are a number of important local and regional transportation planning studies that have influenced the planning and design of existing and planned roadways in Surprise over the last several years. Some refinements to Roadway Circulation Framework map were made in conjunction with the planning process, but the foundation of the Roadway Circulation Plan was made based influences and recommendations identified in the studies identified below. Additional transportation studies associated with transit, commuter rail and bike and pedestrians are identified and discussed in the Transit and Alternative Modes Elements.

Table 3.1: Previous and Ongoing Studies

Study (Year), Author	Purpose	Findings/Key Points
US-60/Grand Ave. Access Management Plan: SR -303L/Estrella Freeway to SR-74 (2010)	The study provides a clear vision for the corridor development to guide the actions of the various agencies in the corridor. The study recommends an Arizona Parkway section for the entire corridor length along with access management guidelines. The ultimate facility will comprise one trumpet interchange, four diverging diamond interchanges (DDI), two single point urban interchanges (SPUI) and 13 indirect left turn intersections.	- US-60/Grand Avenue will connect with several key high-capacity, region serving facilities. - Access to US-60/Grand Avenue must reflect the facility's role in regional and state travel, which demands traffic operational concepts that maintain safety and capacity as growth progresses. - US-60/Grand Avenue, in combination with US-93 north of Wickenburg, is an Interim Segment of the CANAMEXT Trade Route under the North American Free Trade Agreement (NAFTA). - Future BNSF operations potentially will impact traffic operations and truck traffic levels in the Study Corridor. - The presence of the parallel BNSF corridor will affect options for a future regional arterial grid system.
North Peoria Traffic Study (2014)	The study identifies multimodal transportation needs for an area approximately bounded by the Agua Fria River, 67th Avenue, Union Hills Drive and the West Wing Parkway.	- There are 19 roadway improvements ranging in cost from \$1.6 million to \$22.8 million. - There are 15 intersection improvements ranging from operations only to \$1.2 million in costs. - There are seven transit improvements ranging in annual cost from \$189,000 to \$275,000 plus one Park-and-ride lot estimated at \$6 million. - There are 10 non-motorized improvements ranging in cost from \$50,000 to \$1.5 million.
Peoria Multi-modal Transportation Study (2011) Nelson/Nygaard	The study addresses smarter growth with short-term and mid to long-term improvements for local transit service, high capacity transit, an Old Town Transit Center and bus stop improvements.	- It is more important to extend Valley Metro services into Peoria than to develop purely local circulator services. - It is important to provide full rather than limited service. - Peoria Dial-A-Ride service needs to be maintained. - Bus stop facilities should be improved. - An Old Town Transit Center should be developed at the 83rd/Peoria/Grand

Roadway Systems Element



Table 3.1: Previous and Ongoing Studies

Study (Year), Author	Purpose	Findings/Key Points
		intersection. Projected population and employment levels and densities for the foreseeable future will not support High Capacity Transit.
Access Management Plan, Draft (2014) Surprise	The purpose is to maintain the capacity of roadways while promoting safety and bicycle and pedestrian access by reducing the number of conflict points along the roadway facility.	- The plan defines roadway functional classification for urban and rural roads. - The plan defines access management strategies for driveways and intersections, number of access points, auxiliary lanes and internal site circulation. - The plan defines bicycle and pedestrian access and mobility and shared use paths for bicycle and pedestrian access.
Maricopa County Department of Transportation (MCDOT) Planning Studies 163rd Avenue Corridor Improvement Study - El Mirage Road Corridor Improvement Study - Jackrabbit Trail Parkway Corridor Improvement Study - Jomax Road East Corridor Improvement Study - Patton-Jomax Corridor Improvement Study - Sun Valley Parkway Corridor Improvement Study - Turner Parkway Corridor Feasibility Study - State Route 74 Access Management Study - Deer Valley Parkway Feasibility Study - Dove Valley Parkway Feasibility Study	MCDOT conducted corridor studies for numerous current and future roadways within and adjacent to the Surprise Metropolitan Planning Area. Many of the studies were derived from the Interstate 10-Hassayampa Valley Roadway Framework Study.	- Many of the studies recommend a preferred or feasible roadway alignment for potential Arizona Parkway facilities. - The Arizona Parkway is a six to eight-lane roadway with a wide median in a 200-foot right-of-way that employs indirect left turn intersections and median u-turn features. - Most experts agree that the Arizona Parkway achieves greater vehicular capacities at reasonable travel speeds in a safer manner when compared to the conventional principle arterial roadway.
MAG Regional Transit Framework (2010)	The framework provides an understanding of the region's transit needs and deficiencies with the goal of identifying high-leverage transit investments that can attract a significant number of new passengers	- Scenario II assumes the existing transit revenues sources and services continue through 2030. - Scenario II expands funding to \$11.05 billion that is consistent with peer regions in 2006. This addresses many service deficiencies.

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Table 3.1: Previous and Ongoing Studies

Study (Year), Author	Purpose	Findings/Key Points
	while improving existing transit service.	Scenario III expands funding to \$21.46 billion that is a leader among peers and is four times the existing level. Among other service enhancements, it develops a more comprehensive network of higher speed transit.
Interstate 10 – Hassayampa Valley Roadway Framework Study (2007) Figure 3.2	The study develops a multi-modal transportation network for the build-out population and employment in the study area bounded by Loop 303, 459th Ave, the Gila River and SR 74. The 3,000,000 person population is derived from the more than 100 entitled master-planned communities.	The project established a transportation framework that: - Identifies a network of freeways, parkways and arterials - Recommends a new arterial facility entitled the “Arizona Parkway” for providing a higher capacity and safer roadway - Includes recommendations for transit connections - Provides a transportation planning framework for making land use decisions
2035 Regional Transportation Plan (2014) MAG	This is the fourth update of the 2003 RTP. The RTP is the basis for programming of regional transportation funds for regional transportation services in the freeway life cycle program (FLCP), the arterial life cycle program (ALCP) and the transit life cycle program (TLCP).	- Freeway/Highway projects include Loop 303 and an interchange at Bell Road and Grand Avenue and an interchange at El Mirage Rd and Loop 303. - Arterial street projects include R.O.W. preservation for Jomax Rd and El Mirage Rd improvements between Grand Ave and Bell Road. - Transit projects local bus, regional super grid bus and regional Express/LINK bus service on select routes in Surprise. - Improvements are funded by a combination of federal, regional transportation sales tax and local revenue sources.
US-60/Grand Avenue Corridor Optimization and Access Management Plan, and System Study (COMPASS) (in process)	The project goals are to: - Create an overall vision for the corridor - Enhance economic development, maintain accessibility, improve traffic operations and reduce highway and rail conflicts. - Establish an access management system - Develop guidelines for signage, landscaping and aesthetic treatments	The study evaluates Grand Avenue from Loop 303 and Interstate 10, is in process. Draft documents are currently unavailable at the time of this writing.

Functional Classification System

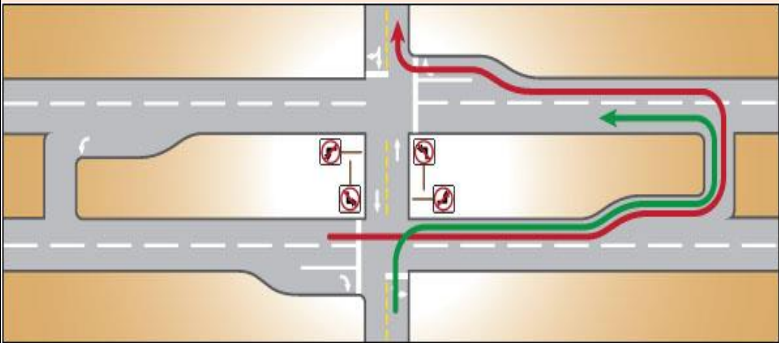
Roadway Systems Element



Roadways are typically characterized by their operational, access management, and physical characteristics called “functional classifications”. The Roadway Functional Classification Plan shown in Figure 3.3 depicts the classification of each roadway type under “build-out” conditions within for Surprise Planning Area. Typical roadway cross sections can be found in the city’s engineering design manual as the cross section details can be modified from time to time.

The following categories are included in the Functional Classification System for the Surprise Roadway Systems Plan:

Table 3.2: Functional Classification System

Roadway Type	Description	Through Lanes	Target Operating Speed
Freeway/Highway	Freeways and highways are divided facilities that are designed to carry large volumes of high-speed traffic and serve long, regional trips. Freeways have full access control (highways do not); with entry and exit restricted to grade-separated traffic interchanges. A freeway is typically 4 to 8 through lanes that can accommodate 160,000 to 200,000 vehicles per day. All roadways classified as freeways are portions of the State Highway System and are under the jurisdiction of the Arizona Department of Transportation (ADOT).	4 or more	45-65 mph
Parkway	Parkways are, by design, an enhanced arterial roadway which utilizes a distinct indirect left-turn intersection configuration. This intersection treatment prohibits left turns at major cross-street intersections and controls intersection traffic movements with two-phased traffic signal control. The improved functionality increases capacity while maintaining local access. As such, Parkway can accommodate up to 85,000 vehicles per day and acceptable level of service. The standards for a Parkway are based on the “Design Guideline Recommendations for the Arizona Parkway” adopted by the Maricopa County Department of Transportation. 	6 lanes	45 mph
Major Arterial	Major arterials are designed to move high volumes of traffic over substantial distances, but may also provide direct access to adjacent properties. In the Valley, arterial streets are usually located on one-mile section lines and intersections are at-grade	6 lanes	45 mph

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Table 3.2: Functional Classification System

Roadway Type	Description	Through Lanes	Target Operating Speed
Minor Arterial	Minor arterials are similar to major arterials but with somewhat lower design requirements.	4 lanes	35-45 mph
Commercial Collector	Collector streets are designed to carry lower traffic volumes for shorter distances while providing direct access to commercial land uses. Commercial Collector streets serve as a land access function by receiving traffic from arterial roadways and distributing it to commercial business driveways and vice versa. Two through lanes with striped bike lane and detached sidewalk is a typical design. Commercial collector roadways may be increased to 4 lane roadways to accommodate high volume land use trip generators.	2-4 lanes	25-35 mph
Residential Collector	Residential Collector roadways are designed to carry lower traffic volumes for shorter distances while providing direct access to residential communities. These roadways typically receive traffic from adjacent arterial roadways and distribute traffic to local streets within a residential community. The Residential Collector is intended to promote all modes of mobility by offering striped bike lanes and large detached sidewalks separated from the roadway with generous landscape designs.	2 lanes	25 – 35 mph
Local Street	Local streets provide access directly to local property and are not designed to accommodate through traffic. Two lanes is the usual width. Since collector and local roadways are usually developed as part of planned communities to support specific land uses and site plan configurations, these roadways are not shown on the Transportation Map on page 94	2 lanes	25 mph

The Roadway Functional Classification Plan for Surprise relies upon a series of Parkways to efficiently serve as high capacity corridors. The majority of the proposed parkway locations were originally identified in the Interstate 10/Hassayampa Valley Transportation Framework Study (Figure 3.2). Those parkway location recommendations (with a few subtle alignment adjustments and modifications) are essentially intact and represented in the Roadway Functional Classification Plan. Proposed north-south parkway corridors are 163rd Avenue, 187th Avenue, portions of 211th Avenue, Wild Rose Parkway and Turner Parkway (northwest planning area). Sun Valley Parkway, Deer Valley/Pinnacle Peak Parkway, and Dove Valley/Lone Mountain Road are proposed parkways to serve high capacity east-west mobility in Surprise.

The Roadway Functional Classification Plan has fewer 6-lane major arterial roadways than previously identified. The inclusion of parkways into the overall roadway functional classification plan increases vehicle carrying capacities of these corridors thereby reducing the operational and performance stresses on adjacent arterial roadways. Adhering to strong access

Roadway Systems Element



management policies on major arterial roadways will increase the operational performance of these facilities which in turn will create an opportunity for additional 4-lane minor arterial roadways along added section line roadways.

Figure 3.2: Interstate 10/Hassayampa Valley Transportation Framework Study

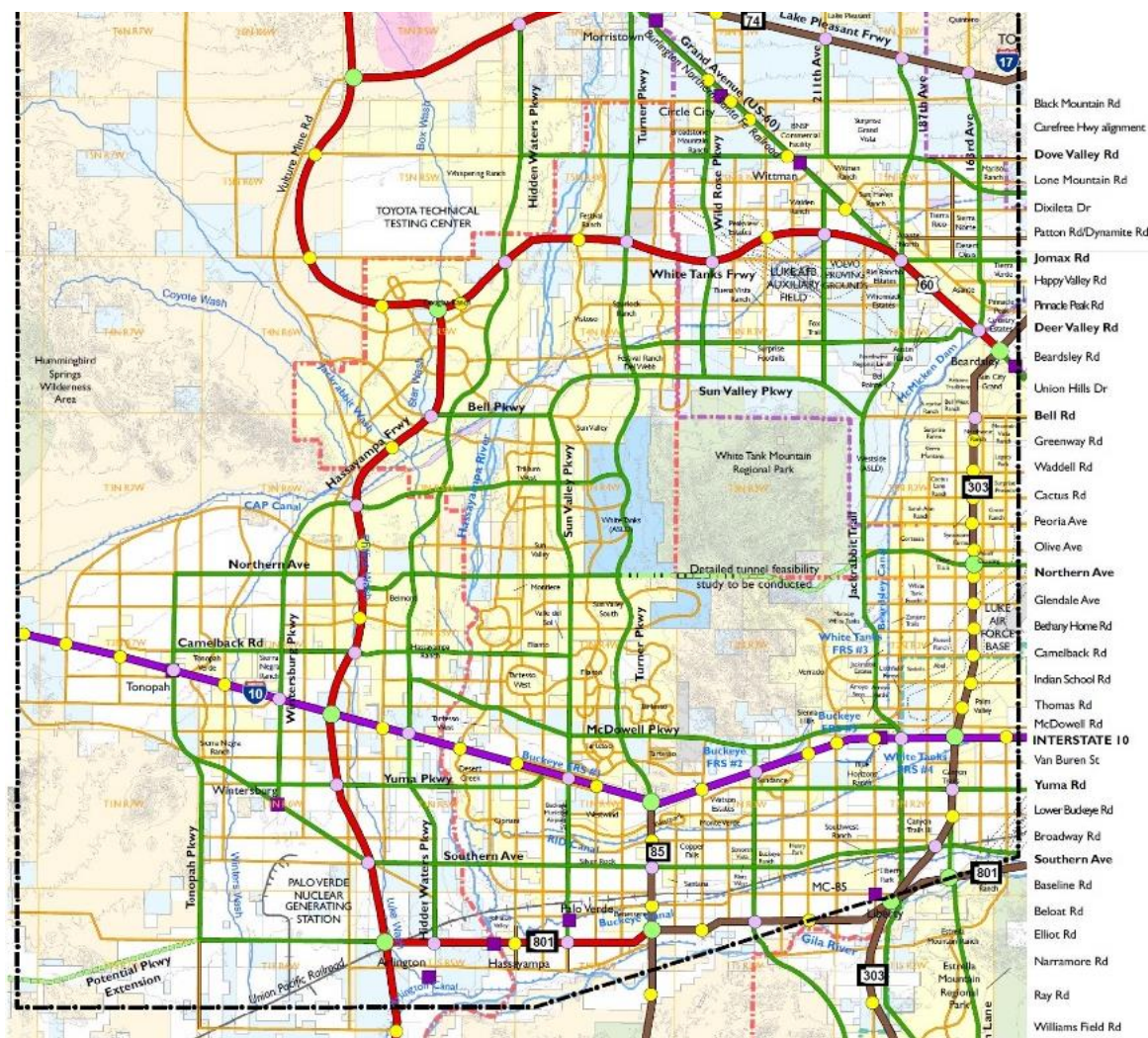


Table 3.3 below shows a breakdown of the total length of existing and planned roadways by type under build out condition in Surprise.

Table 3.3 Roadway Type	Length	
	Miles	Percent
Freeway/Highway	34.7	8.58%
Parkway	82.03	20.29%
Major Arterial	113.84	28.16%
Minor Arterial	173.63	42.96%
TOTAL	404.2	100%

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Scenic Corridors

The Roadway Functional Classification Plan identifies four Scenic Corridors. The Scenic Corridor is a special overlay designation designed to protect and enhance the byway's intrinsic qualities and character that define their scenic corridor. The four Scenic Corridors are; Sun Valley Parkway, Carefree Highway, Castle Hot Springs Road and Olive Avenue. Specific urban design character guidelines are recommended to be developed for each Scenic Corridor, extending $\frac{1}{4}$ mile from the centerline of each roadway. The Scenic Corridor designation is intended to:

- Preserve the native vegetation and unique visual characteristics of the corridor
- Encourage buildings and other structures to adapt to the terrain in placement and appearance, avoiding excessive cuts and fills.
- Encourage the use of open space buffers separating the roadway from buildings
- Encourage the use of southwestern architectural styles that reflect the character of the Sonoran Desert
- Maintain the natural state of washes at necessary crossings
- Encourage plant species and densities to be consistent with the surrounding landscape character of the specific location
- Encourage the use of muted or low level lighting to help minimize nighttime glare
- Encourage signage design that is context sensitive

Sun Valley Parkway has been functionally designated as a "Parkway." The roadway also experiences significant recreational bicycle use. The City of Buckeye, Maricopa County and the City of Surprise all recognize that this roadway showcases the White Tank Mountain Regional Park, which the roadway

circumnavigates. The view angles away from the mountains are also dramatic. The Scenic Corridor designation is designed to preserve these mountain views and suggest development practices that limit encroachment into hillsides and maintain broad viewsheds as reasonably as possible.

Carefree Highway/State Route 74 also maintains a Scenic Roadway designation. Recognizing the inherent beauty of the surrounding area, Maricopa County completed the State Route 74 Scenic Corridor Management Guidelines in 2000. Cities are encouraged to follow suit and the City of Peoria has established guidelines to mirror the corridor and Surprise is designating this facility as a Scenic Corridor. The Scenic Corridor for Carefree Highway will also have to consider a planned overhead electric transmission line along the roadway corridor.

Castle Hot Springs Road is a unique rural roadway Scenic Corridor designation. Maricopa County completed the Castle Hot Springs Scenic Corridor Guidelines in 2000. These guidelines assume that the historic pattern of urban growth and development will continue in Maricopa County. The Castle Hot Springs Scenic Corridor is consistent with other scenic corridors in Maricopa County that were established ahead of urban growth and development. This roadway serves a natural gateway to the Bradshaw-Harquahala BLM recreation and management areas located to the north of Surprise.

Olive Avenue, much like Carefree Highway and Castle Hot Springs Road, also was identified by Maricopa County as a scenic roadway in 2000. Olive Avenue serves as the primary roadway access to White Tanks Regional Park. The Surprise Municipal Planning Area has now expanded by two square miles that includes frontage on Olive Avenue from 187th Avenue to 203rd Avenue.

Roadway Systems Element



Designated Truck Routes & the Movement of Goods & Freight

Virtually all of Surprise's goods are imported from outside the region. The movement of freight and goods in Surprise and the region is supported by an integrated intermodal freight infrastructure consisting of trucks on roadways, rail and railroads. Commercial goods movement must be optimized to maintain and improve the region's economic competitiveness while minimizing potential negative impacts to the transportation system and neighborhoods.

The overall intermodal freight system and infrastructure is owned and operated by public agencies and private businesses. While the system is intended to support the goods movement/freight requirements for the City of Surprise and the region, it is important to also note that this infrastructure also supports Surprise's role in the nation's supply chain and business trade.

Trucks: The majority of goods in the Surprise region are transported by trucks using state and federal highways with access provided by truck routes along regional arterials. In the Surprise region, US-60, Loop-303 and SR-74 are major truck corridors. These serve both local as well as regional trade. There are four arterial roadways that also serve as designated truck routes in Surprise. Bell Road, Dysart Road, Cactus Road (from Litchfield Rd. to Dysart Rd. only) and Peoria Avenue (from Litchfield Rd. to Dysart Road only) are designated truck routes to facilitate the movement of goods primarily from the Skyway Business park to the Loop-303 and Loop-101 freeways. While the designation of Bell Road as a truck route is not ideal, because Bell Road maintains the only bridge over the Agua Fria River to the east, there are no other alternatives for a truck route until a

second bridge crossing is constructed. A future Olive Avenue crossing of the Agua Fria River will promote a more efficient east-west movement of trucks originating from the Skyline Business Park and reduce the dependency on an already-overcrowded Bell Road. Truck route standards within the City of Surprise adhere to all current Arizona Department of Transportation standards for length and weight.

Freight Rail Service: Freight rail service is operated by the Burlington Northern Santa Fe (BNSF) railroad along the US-60 corridor. Freight service within this corridor is focused in the areas of auto trans-load service, lumber, fly ash, cement and local freight service. The Alternative Modes Element provides a more in depth discussion on rail service in Surprise.

Roadway Level of Service

The arterial street system forms the backbone of the City's multi-modal transportation system. As illustrated below in the Complete Streets section, a street is more than curb, gutter, and pavement built to serve the private automobile. The street right of way is often shared by several different transportation modes including automobiles, trucks, buses, bicycles and pedestrians. Improvements to the street system must balance the needs of all modes. The street system provides access to activity centers, supports new development, and provides for recreational travel. While widening streets adds capacity to the system, it cannot eliminate congestion. The modern street system provides a combination of integrated components that can work together to maximize mobility and manage congestion.

A street is a fundamental part of what makes up a neighborhood's culture and can simply

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act as a conduit for vehicles in some contexts, or take on aspects of the surrounding place in others. The street cross-section includes the sidewalk and store frontage areas of the road edge as well, greatly impacting the feel of a community. Therefore, the plan for future improvements of Surprise roadways must take the context of the adjacent area and the prime use of the road into consideration. Conversely, land development proposals must be integrated with the street.

The City street system is comprised of section line and mid-section line streets that form a grid network that is the backbone of the transportation system. The grid system provides convenient square-mile units when considering design options for private developments or public improvements. This square-mile unit should be considered as a whole whenever planning and designing improvements anywhere within that unit. The network includes streets that have two, four, six or eight through lanes, a striped center two-way left turn lane, or raised medians, and various configurations at the major intersections. The City Transportation Department maintains a very comprehensive traffic counting program on its major streets. Daily traffic counts are conducted every year. The 24-hour volumes are published in map form annually by the Traffic Engineering Division and Transportation Planning. Detailed 15-min count data is also available through the Traffic Engineering Division.

The City also uses Level of Service (LOS) to analyze road conditions. Levels of Service (LOS) is a roadway “grading scale” initiated by the 1965 Highway Capacity Manual (HCM), used to describe traffic operations and is used to explain the quality of traffic operations in a broader, less technical sense for consumption by general public and elected officials.

The LOS level of service (LOS) concept is

utilized to determine the efficiency of existing and future roadway and intersection operations. Level of service provides a comparative measure of the congestion and travel conditions and is reported in levels “A through F,” with “A” representing the best representing free flow conditions and “F” representing breakdown conditions that includes driver discomfort. LOS on roadway segments, as shown in Table 3.4 in the context typical daily vehicular volumes, is defined as follows:

LOS A: Free flowing conditions. The operation of vehicles is virtually unaffected by the presence of other vehicles and operations are constrained only by the geometric features of the roadway and driver preferences.

LOS B: Indicative of free flow, but the presence of other vehicles begins to have a noticeable impact on speeds and freedom to maneuver.

LOS C: Represents a range in which the influence of traffic density on operations becomes marked. The ability to maneuver within the traffic stream and to select an operating speed is now clearly affected by the presence of other vehicles.

LOS D: Borders on unstable flow. Speeds and ability to maneuver are severely restricted because of traffic congestion.

LOS E: Operations are at or near capacity and are quite unstable.

LOS F: Represents forced or breakdown flow.

The City of Surprise strives to achieve a level of service “C” “D” or better on all roadways. Any roadway where the level of service falls to a level of service “E” or “F” is considered congested and requires review for improvements. Where feasible, capacity

Roadway Systems Element



improvements or other remedial actions are usually recommended if the level of service is worse than “C”. “D.”

For the 2012 Transportation Plan update the City worked with the Maricopa Association of Governments (MAG) to conduct a Citywide LOS analysis. Based on methodology used by MAG, the majority of intersections in Surprise currently operate at LOS B or C. It needs to be understood that LOS is only one aspect of looking at streets and potential future improvements.

The city of Surprise has goal of achieving a LOS C on major arterial roadways and parkways but will accept a LOS D. This is a common approach taken by many communities nationally, but Surprise will strive to maintain the LOS C or better on each of Surprise’s major arterials and parkways.

Connecting gaps and improving safety in the overall network are of primary importance, along with travel times if possible. Additionally, improvements can be triggered by adjacent developments. Finally, improvements may be made due to a need to balance the travel modes by using Complete Streets Methods.

Table 3.4 – Service Volumes and LOS						
Roadway Type	# of Travel Lanes	LOS A	LOS B	LOS C	LOS D	LOS E
Freeways	4	47,940	55,930	63,920	71,910	79,900
	6	73,980	86,310	98,640	110,970	123,300
	8	100,080	116,760	133,440	150,120	166,800
	10	126,180	147,210	168,240	189,270	210,300
Limited Access Parkway	4	29,280	34,160	39,040	43,920	48,800
	6	43,740	51,030	58,320	65,610	72,900
	8	57,960	67,620	77,280	86,940	96,600
Major Arterial	5	30,480	35,560	40,640	45,720	50,800
	6	36,480	42,560	48,640	54,720	60,800
Minor Arterial	3	12,960	15,120	17,280	19,440	21,600
	4	21,540	25,130	28,720	32,310	35,900
Major Collector	2	5,100	5,950	6,800	7,650	8,500
	3	8,520	9,940	11,360	12,780	14,200
	4	10,560	12,320	14,080	15,840	17,600
Minor Collector	2	3,360	3,920	4,480	5,040	5,600
Local Street	2	1,200	1,400	1,600	1,800	2,000

Source: City of Peoria TIA Criteria; McDOT Roadway Design Manual

A street system can be defined by the function of individual streets both from an access and mobility standpoint. Generally, the higher the functional class, the higher the level of mobility and the less direct access. Conversely, the lower the functional class, the lower the level of mobility and the more direct access. A freeway is considered the highest

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functional class since it provides good regional mobility and only has access at traffic interchanges. Local streets are considered the lowest functional class because the primary purpose is local access. Arterial streets primarily serve through traffic; however, they also have local access at driveways and intersecting streets. Collector streets fall between local and arterial streets. As the name suggests, they are meant to act as collecting conduits for local streets and provide a link to arterials.

Collector streets within a square mile provide an opportunity to reduce the dependency on arterial streets and allow alternative connections to adjacent sections, communities, and commercial corners. Additionally, mid-section access between communities is desired by cyclists in some cases as these roads have lower speeds and generally feel safer.

Complete Streets

The notion of a “complete street” is to ensure that the design and construction of new roadways and retro-fitting of existing roadways ensures that facilities for bicycles, pedestrians, and transit are recognized as integral to a properly designed and functioning street. “Complete Streets” as defined by the National Complete Street Coalition, is “a transportation policy and design approach that requires streets to be planned, designed, operated, and maintained to enable safe, convenient and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation”.

~~“Complete streets” embraces the notion that all modes of travels are equally as important to mobility, health, and safety as a vehicular travel lane. Walking and bicycling foster safer, more livable, family friendly communities; promote physical activity and health; reduce~~

~~vehicle emissions and fuel use; and often increase property values in the areas they serve.~~

On March 11, 2010, the U.S. Secretary of Transportation issued a Policy Statement on Bicycle and Pedestrian Accommodation. This policy states that walking and bicycling shall be considered equal to other transportation modes, and encourages states, local governments, professional associations, community organizations, public transportation agencies, and other government agencies to adopt similar policy statements.

The Complete Streets concepts within the Transit-Oriented Development Strategic Plan and the Transit Feasibility Study that were accepted by Surprise City Council, are intended to work toward the implementation of a Complete Streets planning process. The Maricopa Association of Governments (MAG) is the regional planning agency and they produced a Complete Streets Guide in 2011. The MAG Complete Streets Guide is a resource containing strategies and goals, and presents a planning process which can be utilized to implement Complete Streets within a community.

The City will work toward the development of Complete Streets design guidelines that accommodate and balance the needs of all users of the transportation network. The design guidelines will consider such features as street and intersection design, retrofitting existing roadways, accommodating people with disabilities, pedestrian access and crossings, transit accommodations, bikeway design and bicycle facilities, street furnishings, sidewalks and pedestrian walkways, striping, streetscapes and streetscape ecosystems, lighting, and landscaping and the placement of street canopies. Other features for consideration within the framework of formal guidelines

Roadway Systems Element



include traffic calming measures, connectivity between adjacent land uses, street networks and classifications, the interaction between future light rail transit extensions and other modes, and Context Sensitive Design as it pertains to Complete Streets.

The City of Surprise embraces the “complete streets” policy in patterning design components presented in the MAG Complete Streets Guide for the planning and design of new or retrofitted streets in Surprise. While the City intends to pattern the development of future corridors upon the recommended planning methodology of the MAG Complete Streets Guide, the City specifically envisions a local process that is necessary in order to establish a long-term Complete Streets planning process. The development of an overall process will ultimately lead to Complete Street Standards and Guidelines being considered in all future reconstruction projects and new street construction projects that occur in Surprise. While the City can utilize guidance offered in the MAG Complete Streets Guide, the City also intends to develop its own long term process and procedures (and perhaps guidelines or standards) for the evaluation, design and prioritization of investment choices for complete streets projects in Surprise.

Parking

As travel and parking needs have increased, there has been recognition of the constant need to better manage transportation and parking facilities. Parking requirements in Surprise are set out in the Zoning Ordinance and Engineering Design Guidelines by the type and size of use.

Trends

There is rising demand for parking for long

distance commuters. The current park and ride facility, located on Bell Road east of Grand Avenue provides for inter-modal service. The predominant modal interchange is between the private automobile and transit, but also includes modal changes between transit and bicycle, pedestrian, carpool, vanpool, or drop-and-ride modes as well. Maricopa County government found that vanpool subsidies helped achieve trip reduction ordinance goals but was also an efficient and cost effective way to reduce single occupant vehicle use. Transit service offered at the facility includes the Route 571 Express Bus between Surprise and downtown Phoenix. There is a rising demand for additional park and ride facilities in Surprise. The changing needs of the public and the surrounding environment reaffirm the need to approach park and ride facilities with an eye for innovation and optimization.

Managing Parking Supply

A balance should be achieved between parking policies, travel behavior, development density, development cost and urban design. In most developments in Surprise there is an oversupply of parking, and it is provided at no direct cost to the tenants or their employees. Measures need to be taken to discourage oversupply of parking while still providing adequate parking that is not too expensive in order to maintain retail and employment centers. On-street parking in residential areas near employment and commercial sites should also strike a balance between providing for resident parking and providing overflow commercial and employee parking.

Parking Facility Design

Structured parking allows development densities and site designs that support good transit service and alternative modes,

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although it is more expensive than surface parking to build. Structured parking will minimize the amount of valuable land needed for travel and parking purposes.

Character Area Land Uses & Roadway Compatibility (in progress)

As described throughout the General Plan 2035, the character area land use planning approach places emphasis upon the urban form and character of an area, not the prescriptive land use of each development parcel. The Neighborhood Character Areas may consist of rural, suburban or urban neighborhoods. Compatibility and transition procedures and guidelines help shape the integration and buffering of various development types. For example, the Commerce & Business Character Area locations could include a blend of mixed used commercial and residential, regional shopping centers or a medical campus. The question of their individual appropriateness will hinge upon how these uses fit into the character of the area in which they are proposed.

~~The City has a section line and mid-section line system of surface streets that form the grid network which creates one square mile development patterns throughout the majority of Surprise's planning area.~~ When applying the Character Area land use approach, the intent is to fit developments and roads together by ensuring that the activity creating trips are located on a roadway designed to handle the impact. It also strives to make efficient use of public investment by not overcrowding or underutilizing roadways. Because the precise future land use surrounding of a given intersection is not specifically defined, it places a greater need in forecasting necessary roadway capacity to accommodate vehicle trips generated. When considering the flexibility within the Character Area land use approach it would be acceptable to upgrade the roadway

classification to the next level to handle a greater intensity.

Neighborhood commercial, and large scale retail destinations are expected to be more intense uses. These uses may take access to lower classified roadways if access may be taken directly from a neighborhood or collector street that intersects the arterial at a controlled intersection. This would be dependent on the development having good internal circulation and providing access points at the appropriate arterial access spacing.

The Character Area approach then puts a greater degree of emphasis on the need for the city to more frequently evaluate the performance of roadways compared against a continually updated “scorecard” of new growth. While it is likely that the predominant residential land use pattern will consist of suburban densities (3-5 dwelling units per acre), a mixture of densities can maximize the opportunity for non-vehicular forms of transportation within the development. This will maximize the level of internalized activity and minimize the impact on surrounding neighborhoods. In either case, the Character Area approach puts added emphasis on the city to conduct more frequent performance measurements of roadways and off street systems than under the traditional planning methods. The Implementation Element in Chapter 6 provides more detail on the need to conduct roadway count studies and travel time studies on a regular basis.

In order to provide a snapshot of the impact of certain typical land uses upon Surprise's roadways, Table 3.5 is provided to demonstrate these effects. The Institute for Traffic—Transportation Engineers Trip generation Manual offers guidance on trip generation levels for many different land use types and is referenced and utilized in the creation of Table 3.5.

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Table 3.5: Average Daily Trips by Land Use Types

Land Use Type	Average Daily Vehicle Trips Generated
Single Family Residential Home	10
200-unit apartment complex	1,330
Condominium/Townhouse (300-vehicles)	1,000
Assisted Living Facility (150-beds)	410
Fast Food restaurant – 3000 Sq. ft. with Drive thru	1,490
Convenience Market (2,000 sq. ft.) –	1,500
Hotel (200-rooms)–	1,785
Grocery Store – 50,000 sq. ft.	5,100
Warehouse (350-employees)	1,360
Office Park (1,500-employees)	5,250
Community Park (50-acres)	80
Elementary School (650-students)	840
Church (20,000 sq. ft. on a Sunday)	735

Table 3.5: Average Daily Trips by Land Use Types

Land Use Type	Average Daily Vehicle Trips Generated
210 - Single Family Residential Home	10
220 - 200 unit apartment complex	1464
254 - Assisted Living Facility (150 beds)	390
934 - Fast Food restaurant – 3000 Sq. ft. with Drive thru	1413
851 - Convenience Market (2,000 sq. ft.)	1525
310 - Hotel (200 rooms)	1672
850 - Grocery Store – 50,000 sq. ft.	5339
150 - Warehouse (350 employees)	1768
750 - Office Park (1,500 employees)	5310
411 - Public Community Park (50 acres)	39
520 - Elementary School (650 students)	1230
560 - Church (20,000 sq. ft. on a Sunday)	550
210 - Single Family Residential Home	10

Source: ITE Trip Generation Report, 8th-10th Edition

GOALS AND POLICIES

The goal and policy statements for the Roadway Systems Element serve as the City's policy guide for the expansion, design and prioritization of investment choices for roadways in Surprise. The goals and policy statements reflect the culmination of collective inputs received from stakeholders, citizens, elected officials, City staff as well as the re-validation of select goals and policies from the 2013 Surprise General Plan update process.

Goal 1: Integrated Decisions

Develop a complete and connected system of roadways.

Policies

1. The City will maintain the Surprise transportation system to serve current and future needs and protect the investment in the City's roadways.
2. Design roadways to support planned and existing land uses to achieve a LOS C or greater and maintain no less than a LOS D on major arterial and parkways.
3. Prioritize opportunities to restore and reconnect the street grid.
4. Partner with land owners and developers to seek to add capacity and identify a second point of arterial roadway access north of Grand Avenue and east of 163rd Avenue.
5. Provide for future transportation corridors by identifying and preserving adequate right-of-ways during the planning and development processes, in advance of development occurring.
6. The City continually find efficient means to transport truck traffic in a manner that minimizes the impacts upon residential and pedestrian oriented land uses.

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7. Require the use collector roadways or frontage roads for warehouse and distribution uses land uses along the Loop 303 corridor in order to promote the segregation of truck trips from automobile trips.
8. Collaborate with ADOT, MAG and McDOT to identify likely routes for over-sized, over-weight vehicles.
9. Partner with McDOT to accept the recommendations of the Capacity Study to promote the expansion of capacity of roadways such as El Mirage Road and Sun Valley Parkway that provide regional connection to and from Surprise and have experienced significant increases in average daily vehicle trips over the past several years.
10. Regularly conduct (every two years) customer satisfaction surveys to determine areas in need of improvement to supplement and support findings from bi-annual traffic counts and LOS analyses of roadways in Surprise.
11. Maintain strong access management policies for incoming development accessing major arterials and parkways. The extent feasible, promote internalized driveways for limiting driveway access onto major arterials to enhance the operations and capacity of these roadways in order to reduce the need to expand system capacity in the future.
12. Strive to improve traffic flow by completing missing and incomplete links in the arterial network in Surprise.
13. Plan for the one mile spacing of arterial roadways in Surprise to the extent possible.
14. Conduct roadway count studies and travel time studies on a more frequent and regular basis to assist the city with the goal of keeping the rate of travel time increases below the growth rate of traffic volumes

under the Character Area land use planning approach.

Goal 2: Complete Streets

Provide roadways that are “complete streets” that cater to enhancing multi-modal accessibility.

Policies

1. Adopt a Complete Streets Plan and Policy document that provides specific direction for the planning and implementation of complete street elements for Surprise roadways. The City shall utilize guidance from the MAG Complete Streets Guide in the preparation of this document.
2. Encourage a pilot program to evaluate and assess functionality of a complete street design and assess future potential opportunities for existing streets to transition to complete streets.
3. The City of Surprise shall require developers to design and construct pedestrian and bicycle connections to internally and externally link residential uses to nearby commercial uses, schools, parks, transit stops and adjacent neighborhoods.
4. Evaluate and prioritize existing roadways that are minor arterials or greater for retrofitting to a complete street. Greenway Road is a high priority candidate. Evaluate and prioritize and cost benefit analysis should be utilized to target roadways that provide the greatest connection between existing neighborhoods and employment and other activity centers.
5. Continue to update the City’s adopted standard roadway cross-sections to embrace the complete street concepts to enhance multi-modal mobility when designing new streets or improving existing streets throughout the Surprise

Roadway Systems Element



planning area.

6. Update to the Gap Study should commence in the near future to re-fresh the city's priorities and investment choices for closing multimodal infrastructure gaps
7. Prepare an off-street systems mobility plan that investigates and recommends non-motorized mobility network along the newly recognized greenway system. This plan should provide for a safe, alternate mode of transportation to motor vehicular trips using sidewalks, greenways, trails of all sorts, other pedestrian linkages can make the City more walkable to and from existing and planned neighborhoods and employment centers.

Goal 3: Access

Improve transportation access to, from, and within Surprise.

Policies

1. The City shall continue to seek collaboration with ADOT and the City of Peoria to prioritize the need to establish a partial interchange on the Loop 303 at Litchfield Road.
2. Collaborate with the City of Peoria, MCDOT, ADOT for the coordination and extension of Jomax Road from US60 to Happy Valley Road, and for a future traffic interchange with the Loop 303.
3. Continue to collaborate with MAG, McDOT and the City of Peoria to continually emphasize the need for additional east-west major arterial roadway bridge crossings of the Agua Fria River to support anticipated growth. Potential bridge crossings at Olive Avenue, Happy Valley Road and Lone Mountain Road are preferred crossings to service growth at a

timeframe complimentary to development proximate to these areas.

4. Identify and prioritize freight infrastructure projects that are needed to maintain mobility and enhance the City's (and regions) economic competitiveness.
5. Collaborate with ADOT, MAG, FHWA and McDOT to preserve a 350-foot right-of-way for the future White Tanks Freeway and planned parkways as designated in the Roadway Systems Element.
6. Continue to collaborate with MAG to leverage funding opportunities for the construction of planned parkway facilities. Added emphasis may be placed on parkways if support for additional freeway facilities is lacking.
7. Ensure that the local transportation system is fully and effectively connected to the regional transportation system.
8. The City shall support construction of regional freeways providing improved access between Surprise and the region.
9. Maximize the effective use of roadway capacity by managing access to arterials, and assuring a high level of cross access between adjacent developments
10. Utilize new technologies such as Intelligent Transportation Systems (ITS) to maximize the capacity and efficiency of the transportation system.
11. Continue to coordinate and cooperate with regional agencies and adjacent communities to assure continuity of roadway, transit and alternative modes of travel across jurisdictional boundaries.

Goal 4: Funding

Leverage regional partnerships, land owner

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support, and cost effective financing mechanisms to secure fair and sufficient funding for the transportation system in Surprise.

Policies

1. Investigate alternative funding options for the design, construction, operation and maintenance of transportation facilities and services in Surprise.
2. Continue to develop and maintain strategic partnerships with Arizona Department of Transportation, Maricopa County Department of Transportation, the Maricopa Association of Governments, the Regional Public Transit Association, and adjacent jurisdictions for regional projects and services that benefit Surprise.
3. Continually update the CIP for priority roadway projects to make investment choices that assist in the construction of roadway facilities that support employment growth areas and residential growth areas identified in the Growth Area Element.
4. Collaborate with existing properties with approved PAD's to equitably evaluate the adjustments in the Functional Classification Plan to make adjustments to approved PADs that will accommodate modifications to proposed alignments and right-of-ways widths.
5. Invite and encourage the use of CIP budgets to leverage the development of recommended greenway trails as a mechanism to encourage investment in existing communities that in turn spurs redevelopment and revitalization of these areas.
6. Update and implement the Capital Improvement Plan and evaluate its projects using the goals and policies within the General Plan and City Council Strategic Action Plan.
7. The City put an enhanced emphasis on developing and maintaining a robust pavement preservation system that earmarks annual CIP dollars towards the

maintenance of priority needs in order to extend the lifespan of critical roadway infrastructure.

8. Continue to apply for all applicable state and federal grants to develop and maintain the transportation system in Surprise.
9. Explore additional opportunities to work with adjacent communities, Flood Control District of Maricopa County, Maricopa County and the Maricopa Association of Governments to ensure bicycle and pedestrian network continuity across jurisdictional boundaries.

Goal 5: Roadway Designs

Promote roadway designs, operations, and aesthetics that support the Character Areas they serve.

Policies

1. The City of Surprise shall require that newly proposed developments demonstrate that there are adequate services and facilities, or plans to provide the necessary services and facilities, to serve the development during the development approval process.
2. Maintain the traditional grid street pattern where it currently exists, reconnect it where possible. When improving older streets in neighborhoods, maintain original street widths and curb radii.
3. The City of Surprise shall initiate and/or require development applicants to prepare and update master plans and strategic plans as needed to prepare for infrastructure needs and financial resources to serve growth.
4. Strive to integrate land use and roadway compatibility decisions per suggested measures outlined in the Implementation Element of General Plan.
5. Revise subdivision regulations to include connectivity standards and guidelines that require greater street connectivity, and

Roadway Systems Element



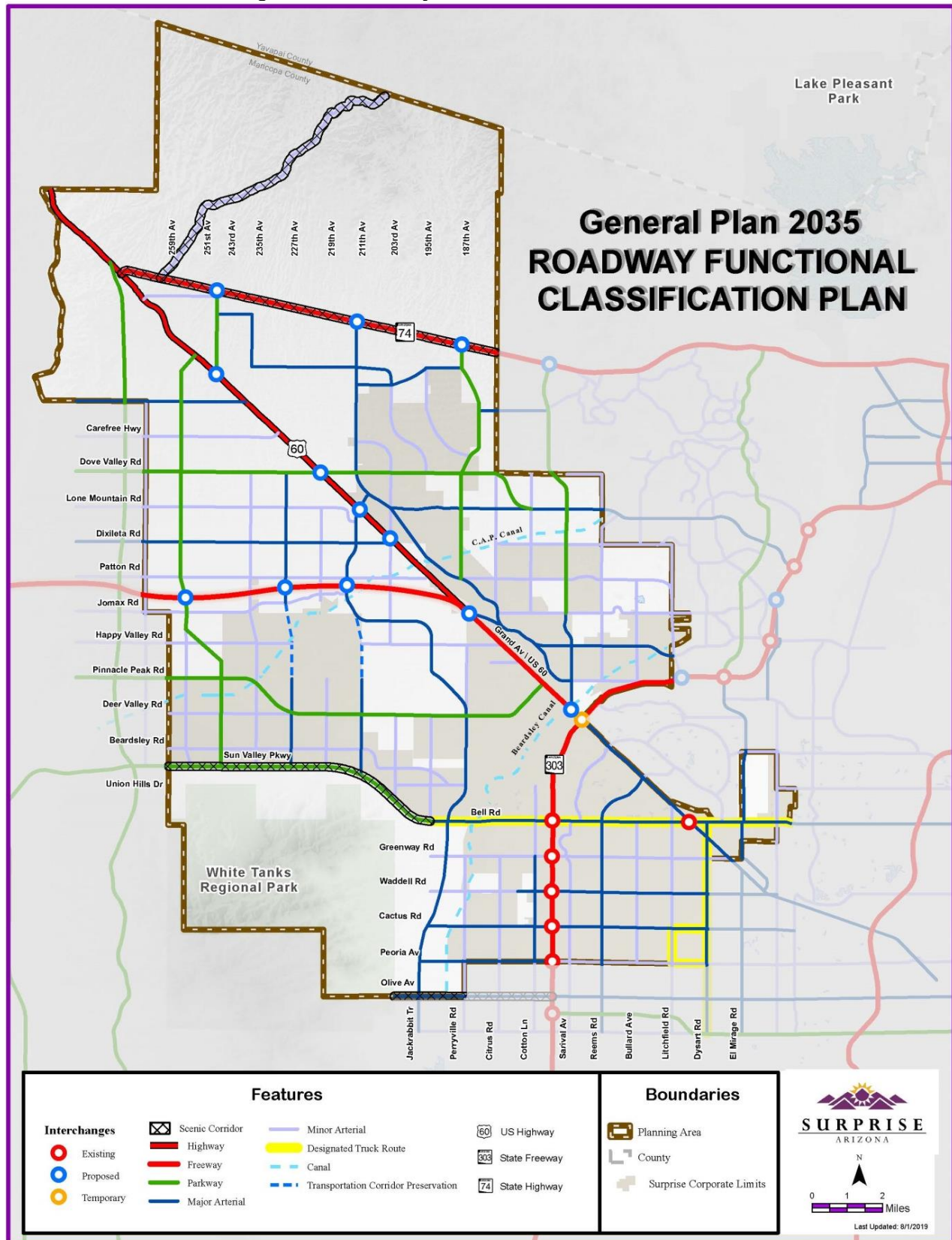
provide allowances for pedestrian and bicycle connections when street connectivity cannot be made.

6. Within Scenic Land Overlay and Scenic Roadway Corridor areas, the City promote roadway designs that preserve natural features, steep slopes, and when appropriate, views, low ambient light intrusion, and low noise.
7. The City continue to utilize the MAG roadway construction standards and specifications.
8. Partner with BNSF railroad to identify a comprehensive intermodal transportation network to serve the daily needs of this future facility. An internal collector roadway that promotes truck traffic while segregating truck trips from adjacent planned residential communities is a priority. Partner with ADOT to identify coordinated access management and turning movements onto US 60.
9. Install truck route signage on Bell Road and Dysart Road and segments of Cactus Road and Peoria Avenue to identify truck routes in the City.
10. Encourage land use patterns that reduce the amount of external travel by developing neighborhoods where mixed use centers and services are easily accessible from residences.
11. Prepare a Scenic Roadway Corridors overlay district and/or design guidelines to require the design and construction of Scenic Corridor roadways that embrace the terrain and scenic quality in the roadway design, landscaping, lighting and building development standards for properties located within these corridors.
12. Ensure the physical location and design of transportation facilities are done in a fashion which is environmentally sensitive to our desert, mountains, scenic corridors, open spaces and

neighborhoods.

13. Strive to protect neighborhoods and the environment from adverse effects of transportation facilities and services.
14. Promote the design well landscaped streets, with low water usage plants, to help improve the community aesthetics.
15. Establish a process for existing neighborhoods to request traffic calming, including how to evaluate the request, select the appropriate type of calming treatment, and fund recommendations.

Figure 3.3: Roadway Functional Classification Plan





Transit Element

INTRODUCTION

A primary strategy of the Transit Element is to reduce dependence on the private automobile in order to achieve multiple and interrelated goals including: increasing mobility, preserving and enhancing neighborhood character, improving air quality, and fostering compact development and a more walkable city. A greater reliance on public transportation will improve mobility by increasing travel options for residents, and by increasing the people-carrying capacity of the City's transportation system. It will also decrease the environmental degradation caused by the growing use of single-occupant vehicles. The intent is to develop a transit system that supports as well as leads the development of Surprise Land Use Character Areas as set forth by the Surprise General Plan 2035.

Surprise's development strategy combines transit supportive changes in the City's development pattern with a more complete and competitive multimodal transportation system. Achieving growth targets based on cores and corridors is an important element for the future development of Surprise. It provides more desirable investment in facilities and service delivery systems to support areas where growth will occur and reflects local decisions and neighborhood priorities. This shift may require some major investments in transit infrastructure and services as well as changes in priorities for street use.

DISCUSSION

Regional Collaboration

The transit system in Surprise is affected by plans and programs that guide the development and management of the regional transportation system. The *Regional Transportation Plan* (RTP) adopted by the Maricopa Association of Governments (MAG) in July 2010 calls for a significant expansion of regional transit services into portions of Maricopa County which are currently underserved, including Surprise. Proposition 400, the funding measure to implement the RTP, was passed by voters in November 2004. This extended the one-half cent sales tax (approved through Proposition 300) for transportation an additional 20 years, through 2025. This funding is divided between freeway, arterial roadway, and transit projects.

Commuter express service from Surprise to downtown Phoenix via the Grand Avenue corridor began in January 2006. Regional transit service planned to be extended to Surprise through Proposition 400 funding (both frequent stop trunk line and limited stop express services) will not occur within the planned timeframe of the RTP due to shortfalls in sales tax revenues, which provide the funding for these planned services. It is likely that no future funding for regional transit service will be available to Surprise until such time as another Proposition is passed by the voters, or another funding source is instituted.

The levels of transit service provided for in the RTP are not adequate to accommodate demand given the projected rate of development in Surprise. [The City of Surprise completed its Transit Feasibility Study \(October 2018\).](#)

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which made short-term and long-term recommendations for Surprise and its connectivity into the larger regional network. Short-term recommendations include creating a Surprise local circulator that provides access to many retail, commercial, educational, and institutional destinations along Bell Road and Greenway Road. The long-range transit service recommendation includes a new neighborhood circulator route on Bullard Avenue, additional trips on the Route 571, and a new local route on Litchfield Road. MAG published the Northwest Valley Local Transit System Study (June 2013), which made short-term, mid-term, and long-term recommendations for Surprise and the rest of the Northwest Valley. Short-term recommendations include creating a Surprise local circulator that provides access to many retail, commercial, educational, and institutional destinations along Bell Road and Greenway Road. Mid-term recommendations include extending existing bus routes into Surprise and increasing service on local circulators as demand increases. Long-term recommendations include the implementation of high-capacity transit along the US60/Grand Avenue corridor and extending additional bus routes into Surprise.

The City of Surprise is currently working with Valley Metro on a Short Range Transit Study to identify additional transit opportunities along US60/Grand Avenue corridor prior to the implementation of a high-capacity transit option.

During the public outreach effort for this Surprise Transit Feasibility Study, the public was able to provide comments on draft service routes/corridors and transit points of interest and desired connections to existing transit services and areas. Public feedback obtained helped the study team refine the draft network into a final transit service recommendation for the City of Surprise. General Plan 2035, citizens showed a preference for development

patterns concentrated around major transportation corridors. Surprise has no major transportation corridor more significant than US 60/Grand Avenue. Not only is this roadway part of the State Highway System, it is also immediately adjacent to the BNSF Railway.

In addition to the short- and long-range recommendations discussed previously, there are other service options available that can help the City of Surprise build transit supply. These options are further discussed in the plan but could include additional express routes, carpool and vanpool programs and emerging technologies and service modes.

MAG completed the initial phase of a regional commuter rail study, which shows support for passenger service in this corridor. In addition to the City's effort in planning and developing transit options for its residents, MAG and Valley Metro continue to perform and develop regional plans for regional commuter options. Recently MAG completed the Regional Transit Framework update (focused on high capacity transit), Regional Commuter System update (focused on commuter rail) and will be beginning studies for Regional Bus Rapid Transit and Commuter Bus Feasibility. Such service is not yet assured, and will, in any case, be years in the future. Until that time, concentrated rubber tired-transit services in the corridor can both demonstrate the demand for service and influence land use patterns in the corridor.

Existing and Projected Levels of Transit

Valley Metro under the Regional Public Transportation Authority (RPTA) provides all of Surprise's transit service. Surprise is currently served by one Valley Metro express bus route to downtown Phoenix. Valley Metro also provides local Dial-a-Ride (DAR) service to Surprise through a regional cab contract. Express bus routes are meant to be suburb-to-suburb

Transit Element



~~routes. Route 571 serves commuters travelling between Surprise and Phoenix. Existing transit service in Surprise consists of express bus and paratransit service. While there is currently no local bus service in Surprise, there are several routes that operate in neighboring communities. Valley Metro's vanpool program is another service available to Surprise residents. The City also has one designated park-and-ride facility.~~ A park and ride facility at 13327 W. Bell Road serves transit users. The popularity of the Express Route 571 shows that there are important transportation needs in Surprise and the surrounding areas. Due to the success of these services, plans are progressing to implement a circulator route within the City, as well as regional high capacity transit such as commuter rail.

Commuter Rail

Many consider commuter rail to be the missing element in the regional transportation system, and the BNSF line running along Grand Avenue is key to achieving the objective of implementing commuter rail services in this corridor. Commuter rail trains typically provide service between suburbs and urban centers. Service typically occurs at a lower frequency than light rail, serving primarily peak travel needs for commuters. Travel distance between a rail line's termini may range between 30 and 50 miles, with station spacing typically five to ten miles apart.

In ~~2010-2018~~ MAG completed an update to the Commuter Rail System Study, along with corridor development plans for each of the four corridors identified in the system study. The system study provides a detailed evaluation of potential commuter rail links to the West Valley by incorporating the findings of the Grand Avenue and Yuma West

Corridor Development Plans; and evaluation of potential commuter rail links to the East Valley. The system study calls for phased implementation of the commuter rail system based on a number of factors, including: development patterns, changes in travel demand, community support, potential funding sources and potential integration with the Phoenix/Tucson intercity rail.

By 2035 the Grand Avenue corridor is projected to experience a 41 percent increase in population and a 52 percent increase in employment. As a result of this growth, and even with planned roadway improvements and increased transit service, congestion in the Grand Avenue corridor is expected to worsen. Automobile congestion levels are projected to range from moderate to severe throughout the length of the project corridor. Commuter rail service would provide an opportunity to improve mobility, particularly for peak period trips, by reducing travel time and providing a reliable and consistent alternative to automobile travel in a congested roadway corridor.

The BNSF rail line currently carries seven to eight trains daily at an approximate speed of 49 miles per hour. Upgrades and changes desired for implementing commuter rail services on the BNSF line may include new signals, a second track, and reduced main track switching activity. Additional commuter rail implementation requirements include governance and administration, railroad cooperation and funding.

Trends in Transit Use

The Surprise Transit Feasibility Study accepted by Surprise City Council on October 2, 2018 documented existing conditions in Surprise. This includes an analysis of the City's demographic trends, the identification of

activity centers and land uses, and a review of the City's existing transit services and facilities. The study additionally documented the existing travel markets in Surprise.

The commute is an important transit trip generator. The American Community Survey (ACS) 5-year estimates show that Surprise has the lowest percentage of households with workers compared to Maricopa County and its peers. This can be attributed to the fact that 22 percent of Surprise's population is over 64 years of age compared to 14 percent countywide. According to the United States Census, more than 75 percent of Surprise workers used a car, truck, or van to commute to their jobs. Public transportation as a mode of commuting amounted to less than one percent.

Although the majority of Surprise workforce travels to jobs across the region, by personal automobiles, the data also show several potential internal transit markets. Potential service between large employment centers and retail, commercial, and residential areas of Surprise may circulate both internal work and non-work trips.

City of Surprise Dial-a-Ride (DAR) transit use has remained relatively flat for the last five years due to limited funding. In 2012 the City switched to contract service for DAR and began to use 2010 New Freedom grant funds available for this type of service. The City anticipates a 10 percent growth over the next three years in DAR service trips.

The City participated in a region wide reorganization of the express bus route system that was implemented in 2012. The 571 express route, which provides express commuter service from Surprise into downtown Phoenix, has experienced steady growth, and currently provides 4 morning inbound trips and 4 evening outbound trips.

According to the United States Census, more than 75 per cent of Surprise workers used a car, truck, or van to commute to their jobs. Public transportation as a mode of commuting amounted to less than one percent. Surprise has seen an increase in transit ridership in the past year. Valley Metro's annual transit report reflects a 9.33% increase in Route 571 ridership in 2015 from 2014, and 31.15% decrease in 2014 from 2013. The total decrease in 2014 was similar to those experienced throughout the valley and was partially attributed to the significant decrease in fuel prices.

The projected increase in pPopulation increases for Surprise will provide an opportunity to expand transit into new and growing markets, thereby extending its ridership base. To meet the continued needs and demands generated by development, it will become necessary to develop local public transit services. As environmental and capacity issues become more evident, transit's role will increase. Effective use of transit could make a difference in the level of congestion in certain corridors in the Surprise area.

Surprise Transit Services

Express Bus

Express Route 571 is the sole regional transit service connecting Surprise to downtown Phoenix. As a direct commuter service, Route 571 operates Monday through Friday, making four inbound morning peak-period trips to Phoenix and four outbound peak-period trips back to Surprise. Route 571 operates from the Surprise Park-and-Ride to Downtown Phoenix via Grand Avenue in the inbound direction and Interstate 10/Loop 101 in the outbound direction.

Local Bus

At this time, there are no local bus routes

Transit Element



serving Surprise; however, Valley Metro Local Routes 83-83rd Avenue, 106-Peoria Avenue, and 138-Thunderbird Road provide service in the vicinity of Surprise.

Valley Metro Paratransit

Paratransit service is a shared-ride, door-to-door service (mandated by the Americans with Disabilities Act of 1990) provided to people with disabilities who are not able to use traditional fixed-route transit service. Federal Transit Administration requires that, at a minimum, ADA complementary paratransit be provided within 3/4 of a mile of a bus route or rail station, at the same hours and days, for no more than twice the regular fixed route fare. In Surprise, seniors, certified ADA passengers, and income-qualified individuals are eligible to use Valley Metro paratransit services to book trips longer than 7 miles outside of Surprise for medical appointments and work.

RideChoice Taxi Service

Valley Metro's RideChoice program provides discounted taxi service to qualified seniors, people with disabilities, and income-qualified individuals 24 hours per day, 365 days per year. To be eligible for the program, passengers must either be 65 years or older or be certified as ADA-paratransit eligible, and provide proof of residency within a participating community. Wheelchair accessible service is available at no additional charge.

In October 2018, Valley Metro launched an Enhanced RideChoice service for qualified participants. The redesigned program provides more service and more transportation options, including additional wheelchair-accessible vehicle providers and the rideshare provider Lyft.

Vanpool

Valley Metro's vanpool program is another service available to Surprise residents. Under the vanpool program, Valley Metro provides a group of six to fifteen people with a van to use for commuting purposes. One qualified participant volunteers to be the driver, and each rider pays a monthly fare that covers the lease, fuel, maintenance, and insurance costs of the van.

Transit Supportive Land Use Planning

In order for transit to be successful, the City of Surprise City Council approved the Transit-Oriented Development Strategic Plan needs to create a more "transit friendly environment" in which transit has a better opportunity to succeed. One element of this strategy is to provide for denser, mixed use developments that will support travel by transit. Another element is to provide the physical facilities that result in a better operating environment for transit, such as bus pullouts, park and ride lots, signal prioritization for transit vehicles and improved access to transit for pedestrians and bicyclists.

Implementation is dependent on the close coordination of land use and transportation planning. The relationship between transit and land use focuses development in concentrated rather than linear patterns adjacent to transit stops and stations. Transit investments are directed to link these transit supportive areas to provide people with an attractive option alternative to the single occupant vehicle. This will allow more people to live and work within walking distance of transit.

GOALS AND POLICIES

Goal 1: Balanced Multi-modal System

Surprise General Plan 2035: Foundation for the Future

Develop and maintain a balanced, multi-modal transportation system to ensure safe and efficient movement of people and goods in Surprise.

Policies

1. Provide and expand transportation demand management strategies to help reduce traffic congestion and encourage alternative modes of travel.
2. Consider the needs of the entire community and the special needs of the elderly and people with impaired mobility in the planning, design, construction and maintenance of the City's transportation system.
3. Include transit planning as an integral component of long range plans and the development review process.

sistent with regional standards.

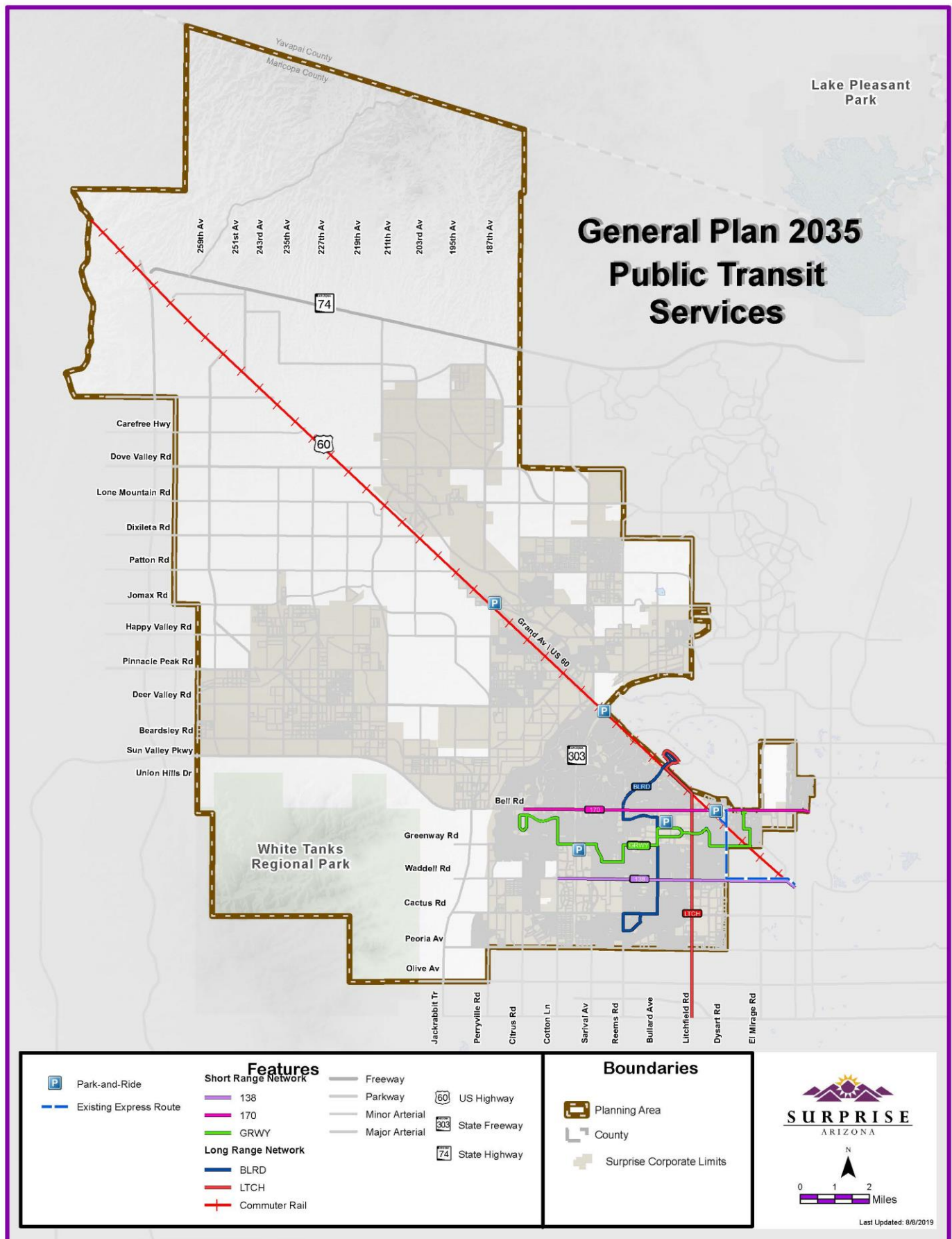
8. Collaborate with regional agencies to ensure increased transit service frequency, connectivity and availability in Surprise.

Goal 2: Access and Alternatives

Provide attractive and convenient public transit services to, from, and within Surprise.

Policies

1. Pursue a Citywide local transit system that connects homes, businesses, schools, and employment centers.
2. Integrate the regional transit system with the Surprise local transit system.
3. Work with all appropriate agencies and interests to support the implementation of commuter rail service in the Burlington Northern/Santa Fe (BNSF) Railway corridor adjacent to US 60/Grand Avenue.
4. Support the provision of high frequency transit service and capital investments to benefit high density/intensity areas.
5. Implement transit priority measures to ensure increased transit ridership.
6. Encourage transit services that address the needs of persons with disabilities, the elderly, young people, people with special needs, and people who depend on public transit for their mobility.
7. Develop transit fare recovery policies con-



Growth Element

INTRODUCTION

The purpose of the Growth Element is to establish policies that will lead to sustainable growth over the next 10-20 years by promoting more efficient coordination of land use, transportation, and infrastructure development. The policies and plans outlined within this Element are designed to sustain high quality of life within Surprise, protect natural resources, and drive economic vitality by ensuring that necessary public facilities are completed in harmony with both existing and new development.

DISCUSSION

The City of Surprise's population is projected to reach approximately 750,000 residents upon build-out of the City's Planning Area. This means, with a current population of just over ~~123,000~~ 138,000 residents, there is significant opportunity for growth within the City over the next 10-20 years and beyond. Where and when growth is accommodated has major implications on the outlay of infrastructure, service levels and on the costs to maintain City operations and infrastructure. Therefore, the ability to wisely manage and direct growth to key strategic locations is critical for Surprise's continued success and prosperity.

This element provides the direction for managing this expected growth by creating a link between planned land use, transportation, and infrastructure facilities with specific implementation techniques such as zoning ordinances, capital improvement programs, impact fee requirements, and design guidelines.

Growth Management Strategy

While demographics, market trends, community needs, and land resources often drive growth, development must be strategically planned and phased to maximize the efficient use of urban facilities and services.

Through the use of smart growth policies that promote development near existing trans-

portation options, public infrastructure, and community facilities; foster distinct, attractive communities with a strong sense of place; and preserve open space and critical environmental areas the City has developed a strong policy framework to guide growth management in a sustainable way, which reflects the community vision established within the General Plan 2035.

Recent Growth and Development Patterns

Recent Growth

Over the decade of 2000 to 2010, Surprise had an astounding population growth rate of 281%, making it the 6th fastest growing city in Arizona over that time frame. The current population of Surprise is approximately 138,161 ~~123,000~~ (~~2013—2018~~ US Census estimate) and continues to grow at a steady pace. Affordable housing, an abundance of parks and open spaces, quality schools, sustainable employment opportunities, connected transportation systems, sense of community pride, and a low crime rate are just a few reasons that contribute to a superior quality of life that draw incoming residents to Surprise.

Historically known as a community that caters to the active adult lifestyle, Surprise has experienced an infusion of younger families that have helped generate more diverse services, recreation and retail shopping opportunities in Surprise over the past decade. In fact, the

Growth Element



median age in Surprise is now 36.841.3 years old (2010) and was 46.1 years of age in 2000.

Like the majority of fast growing cities, Surprise has its challenges with achieving an appropriate jobs to housing balance that ensures a sustainable growth model into the future. Much like the population, the labor force in Surprise has shown positive growth of 4.7% over the last 10 years. However, Surprise experiences a significant amount of daily workers migrating out to jobs in other cities throughout the region. In 2011–2015 Surprise had a workforce of 42,44048,716 people, of which 38,73443,730 of the residents commuted to work outside of Surprise. Whereas 10,14813,328 people commute into Surprise for work and only 3,7064,986 people both live and work in Surprise.

This condition has caused Surprise residents, elected officials and employers to place an importance within the General Plan 2035 on reducing the current trend of residents commuting elsewhere for higher paying, professional wage jobs.

Development Patterns

The analysis of Surprise's present development pattern is one of the fundamental steps in formulating a growth plan for the City. The evaluation of current land use patterns coupled with the understanding of existing and planned transportation corridors, public facilities and environmental constraints, enables a determination of development potential to be made for the remaining undeveloped portions of the planning area.

Up to today, the majority of the City's growth has largely been concentrated within the southeastern portion of the City's planning area. This roughly 40 square mile core area is bounded by Grand Avenue (US 60) on the north, Peoria Avenue on the south, Beardsley Canal on the west, and Dysart Road to the east.

Growth within this area has historically been dominated by sprawling low-density suburban development on former agricultural lands. Of this development, a large concentration of active-adult communities are located north of Bell Road, while traditional single-family communities are primarily located south of Bell Road. Smaller clusters of multi-family development are also scattered throughout this portion of the City.

Along with their foundation of suburban residential development, the City maintains a service base of commercial, business and industrial uses. Retail and service uses are generally concentrated along Bell Road and Grand Avenue, while neighborhood type retail and service uses are located at the intersection of many major arterials within the central core of Surprise. However, with the development of Loop 303, additional regional retail and service uses have begun to concentrate along this important regional transportation corridor.

The planned Surprise Center District, or downtown, is also located within this core development area and is currently comprised of Surprise's spring training facilities, community park, aquatics and tennis center, and the City Hall and Public Facility complex.

Almost all industrial development currently within the City constitutes light manufacturing, distribution and storage facilities. These uses are generally located along the existing BNSF railroad line in the southeast portion of Surprise as well as at the north east intersection of Bell Road and Grand Avenue.

The remaining portions of land north of the Beardsley canal within the City limits and the larger Surprise planning area is predominantly undeveloped. However, the limited land use that does exist in this area is diverse and has a significant impact on the future growth of Surprise. Most notably, the Luke Air Force Base Auxiliary Field #1 (AUX 1) is located along

Happy Valley Road, west of 211th Avenue. Immediately adjacent to AUX 1 is the Ford Proving Grounds, which borders the Northwest Regional Landfill.

In addition to these large non-residential land uses, several existing residential land uses can be found in the vast Surprise planning area north of the Beardsley canal. Most residential development consists of smaller pockets of rural residential development scattered north of Jomax Road and south of SR 74, including the communities of Wittman and Circle City. However, multiple large scale suburban planned area developments are currently under construction along the 163rd Avenue alignment.

Growth Areas

With a planning area of approximately 302 square miles, growth in the City of Surprise has the ability to occur at many levels and in many directions. Growth areas are not static—they are prone to change due to outside influences such as market conditions and specific city needs. The Anticipated Growth Map shows where growth is highly likely and encouraged in the City. The growth areas are categorized by the type of development that may occur, and will be further defined as part of a city-initiated or private development-initiated specific area plan to better define land use, circulation and urban form plans for each area.

The following growth area descriptions identify a general narrative of each area's existing and desired future development characteristics. The intent is to provide a more enhanced picture of these areas that is in keeping with the recommended land uses identified in the Character Area Land Use Plan. Land use decisions affecting property within these growth areas should not only take into account these general descriptions, but should also be based upon future area-specific planning recommendations and appropriate design principles that may relate to future requests for development.

Residential

Cactus & Citrus: As some of the last available land within the existing urbanized area of Surprise, this growth area is well suited for residential development. The defined arterial roadway system and Loop 303 freeway provide optimal connectivity for future residents to access destinations within Surprise as well as the larger region. Residential development in this area should reflect densities that respect existing adjacent development, while also fostering a population base that will promote future transit opportunities and support more intense non-residential development desired along the Loop 303 corridor.

163rd Ave Corridor: This area is already experiencing new residential growth as developable land south of the Beardsley canal is becoming more limited. With access along 163rd Avenue and Grand Avenue as well as close proximity to Loop 303, availability of existing services, and adjacency to desired open space linkages, growth in this area should include a full range of housing opportunities along with appropriately located commercial areas.

Sun Valley Parkway: While residential development may not occur in this area as quickly as other residential growth areas, this land is readily accessible with its placement along Sun Valley Parkway. Given the proximity to the White Tank Mountain Regional Park, this area is well suited to create a smooth transition from urban to rural residential land uses. The location of this area provides opportunities to define a more natural edge with the park that includes wildlife corridors and community trail linkages to a City-wide open space system.

Employment

Bell Road: The Bell Road corridor is largely built-out, therefore growth along this corridor is expected to be primarily infill development of vacant sites or redevelopment of underutilized properties. Much of this infill development

Growth Element



should take the form of commercial, office and appropriately placed mixed-use projects. However, a potential exists for infill development to further degrade traffic congestion along Bell Road. Consequently, growth management strategies for this area should focus on the timely development of circulation system improvements related to infill development projects, such as the use of transit or other alternative transportation methods.

Railplex: This growth area is already a significant employment center within Surprise. The availability of extensive land resources combined with the placement of existing infrastructure and rail access, positions this area to immediately support a mix of export-oriented base sector activities, such as warehouse distribution, light or heavy manufacturing, research and development uses, and select business services. In order to support near term job growth in the City, development in this area should focus on supporting a variety of employment types from small and mid-size warehouse projects to large scale manufacturing. In addition, the maintenance of the “goods movement” infrastructure within this growth area is also important to remain competitive within the region.

303 Corridor: The 303 Corridor is expected to be a prestigious corporate center and high density development area. The strong connections this growth area has to the Loop 303 regional transportation system, as well as the local circulation system, makes this area appropriate for a mix of employment and residential uses. Development should create an attractive public realm and include provisions for enhanced community amenities, transportation and infrastructure, and other public services. Density, building design and streetscapes must support transit oriented development and must encourage the use of alternative modes of transportation as the preferred method of travel to and within this

area.

Grand & Beardsley: As development occurs along 163rd Avenue, this growth area will play a prominent role in providing a variety of employment opportunities, such as office and institutional jobs and regional shopping services. Access to Loop 303 will also help to draw people beyond the adjacent residential neighborhoods to this mixed use area. The relationship between these various uses and their impact on one another and surrounding residential neighborhoods deserves special consideration. With the BNSF rail line and Beardsley canal running through this area, it will be critical to provide adequate connections to the surrounding planned residential neighborhoods and open space linkages to ensure this area is not an isolated development. Consideration should also be given to take advantage of future mass transit systems that might be built along the existing BNSF rail line.

Special Districts:

City Center: City Center or Downtown Surprise has a unique role to play in the 21st century development of the West Valley region. In addition to being the civic, administrative, legal, cultural, and entertainment center, downtown will also offer transit connections and is planned as an exciting pedestrian environment.

The downtown should be a vibrant city and regional center where residents are able to live, work and play. Most of this area should integrate a diverse, but compatible, cluster of land uses where residents, employees, shoppers, tourists, and students can gather in a well-designed mixed use environment. Development should exhibit high architectural and urban design standards where the public realm is inviting and the street network is supportive of alternative modes of transportation.

Surprise General Plan 2035: Foundation for the Future

Heritage District: The Original Town Site (OTS) of Surprise currently includes over 16% of undeveloped lands within its boundaries, in addition to many vacant properties. Therefore future growth in this area is envisioned to have a strong focus on providing much needed services for the residents living within the Heritage District, while protecting and expanding the cultural aspects of the City's roots. The revitalization of the Heritage District will provide a balanced approach to heritage neighborhood renewal and a heritage arts, culture, and entertainment-oriented development sector—providing unique cultural and heritage assets for the city as a whole.

The ultimate pattern of revitalization supports design strategies and public improvements that capitalize on the cultural aspects of walkability and “front yard-living” that provide the basis for a vibrant, culturally diverse community, while providing regional connectivity and expanded services.

Current planning efforts for this area include the Village 1 Plan and the Specific Plan for the Revitalization of the Original Town Site that ensures the vision of future investment.

Managed Growth Areas

Managing growth not only involves the identification of those areas that are appropriate for enhanced development, it also requires controlling growth in areas that exhibit important natural resources.

Surprise has many significant natural areas that help give the City a unique identity. In order to protect and ensure that future generations will be able to use and enjoy these natural resource areas, some portions of the City require a more context sensitive development pattern. These lands include Sub Areas such as the Scenic Lands Development and Wildlife Linkages Corridor, and may also include additional key resource lands to be further defined through future studies.

To limit the density and intensity of development in these important natural resource areas and maintain an overall healthy and diverse environment, the City will utilize the various conservation goals and policies provided throughout the General Plan 2035 along with all accompanying existing and future planning policy documents.

GOALS AND POLICIES

Goal 1: Sustainable Growth

Support sustainable growth that ensures effective, efficient, and equitable provision of public services, land, and infrastructure.

Policies

1. Promote infrastructure expansion where it will be more efficient and effective, and minimizes adverse impacts outside the identified growth areas.
2. Give priority to infrastructure upgrades and improvements in the identified growth areas.
3. Focus infrastructure improvements in designated growth areas and contiguous to existing development.
4. Make development decisions predictable, fair and cost effective.
5. Promote and provide incentives for infill development, redevelopment and growth in existing urbanized areas.
6. Expand efforts to ensure all new development and future development includes community and stakeholder collaboration.
7. Promote sustainable and green building practices to lessen the demand on infrastructure.

Goal 2: Multi-Modal Growth

Growth Element



Emphasize efficient transportation to, from, and within growth areas, focusing on automobile, transit, and other forms of circulation.

Policies

1. Promote physical planning and design techniques that facilitate access to, and use of, transit services and other multi-modal circulation options.
2. Concentrate circulation infrastructure expansion in identified growth areas and coordinate improvements with development activity.

Goal 3: Natural Resources

Conserve significant natural resources and open space in the Growth Areas.

Policies

1. Allow for growth management strategies, such as the transfer of development rights, to conserve open space.
2. Strengthen connections between open space areas within, and outside of growth areas by identifying open space corridors between these areas.
3. Safeguard and maintain significant historic, archaeological, and natural resources in the growth areas.

Goal 4: Downtown

Foster the continued development of a unique and well-designed downtown.

Policies

1. Create and adopt design guidelines specific to the downtown area.
2. Promote art as an integral part of all downtown development.
3. Remove barriers that may hinder residential development in the identified downtown

area.

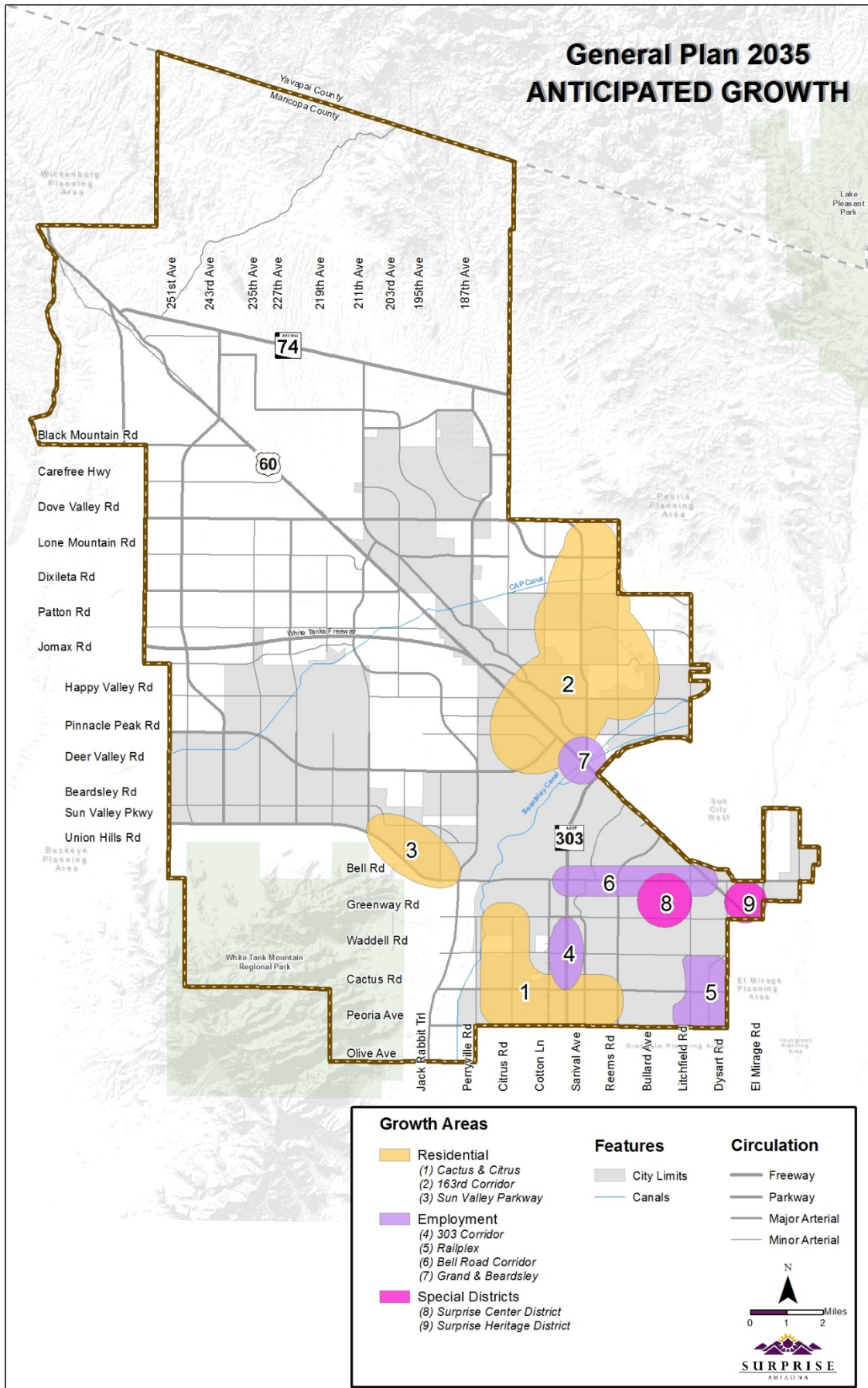
Goal 5: Original Townsite

Protect the historic qualities of the Original Townsite (OTS) while promoting compatible, context-sensitive infill development.

Policies

1. Seek opportunities to leverage outside funding and incentives to promote growth in the OTS.
2. Identify local, state and federal resource programs and grant opportunities that can be used to enhance social programs and/or public facilities in the OTS.
3. Continue to work with other public, private, and non-profit entities to enhance needed services in the OTS.
4. Create and adopt design guidelines specific to the OTS.
5. Continue to educate and inform residents of the value in preserving the heritage of the OTS.
6. Promote pedestrian connectivity as an integral part of all OTS development.
7. Encourage adaptive reuse of vacant properties to preserve cultural identity and invigorate underutilized areas.

General Plan 2035 ANTICIPATED GROWTH



RESOLUTION # 2019-138

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA APPROVING FS19-296, A MAJOR AMENDMENT TO THE SURPRISE GENERAL PLAN 2035 THAT INCLUDES EXPANDING THE MUNICIPAL PLANNING AREA AND REVISING TEXT TO THE ROADWAY SYSTEMS ELEMENT, TRANSIT ELEMENT, AND GROWTH ELEMENT.

WHEREAS, on November 5, 2013 City of Surprise voters ratified the Surprise General Plan 2035;

WHEREAS, on December 19, 2015 the City Council approved a Major Amendment the Surprise General Plan 2035;

WHEREAS, the Surprise Municipal Planning Area will be expanded to include a portion of the White Tank Mountains Regional Park as shown in *Exhibit A*;

WHEREAS, all other maps within the General Plan 2035 Municipal Planning Area will be updated as shown in *Exhibit A*;

WHEREAS, in response to public input, staff analysis, consultant recommendations, and the findings of the Transit Feasibility Study conducted throughout 2019 the City Council accepted the Transit Oriented Development (TOD) Strategic Plan;

WHEREAS, the Roadway Systems Element and Transit Element within the General Plan 2035 have been revised as shown in *Exhibit B*;

WHEREAS, in response to changes in the housing market and population statistics since the Major Amendment approved in 2015 and recent annexations, the Growth Element of the General Plan 2035 has been revised as shown in *Exhibit B*;

WHEREAS, after months of public and stakeholder outreach, public hearings were held before the Planning and Zoning Commission as follows:

November 7, 2019 at the Surprise TechCenter, and
November 21, 2019 at the City Council Chambers; and

WHEREAS, the Planning and Zoning Commission recommended to Council that it approve the major general plan amendments.

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

Section 1. The Major General Plan amendment in case FS19-296 dated December 3, 2019, a copy of which has been published on the City web page and is on file in the Community Development Department and is attached to this Resolution, is hereby approved amending the Surprise General Plan 2035.

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

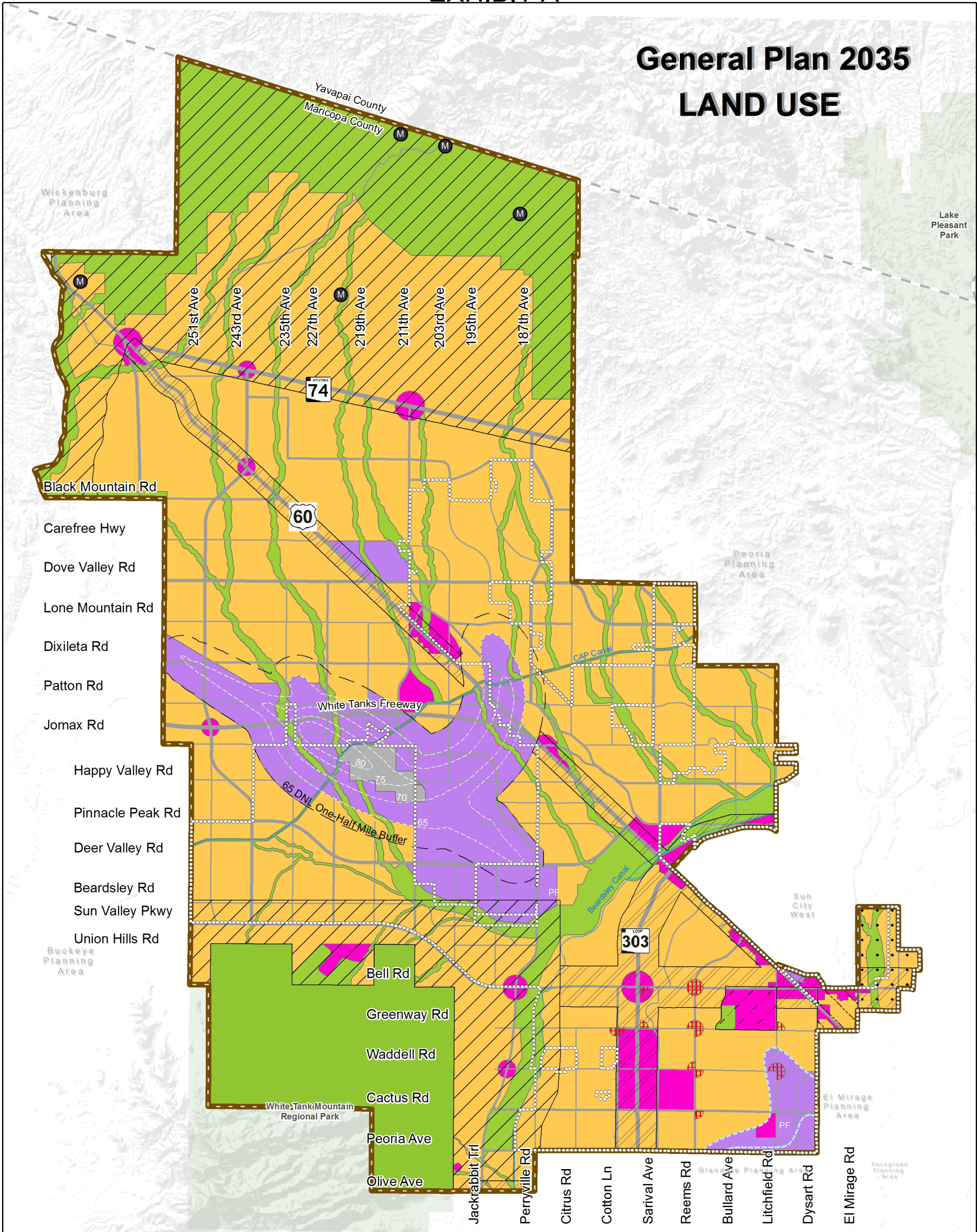
Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

General Plan 2035
LAND USE



Character Areas

- Neighborhood
 - Rural
 - Suburban
 - Urban
- Commerce & Office
 - Mixed Use: Residential
 - Mixed Use: Commercial
 - Regional Commercial
 - Commercial Office
- Employment
 - Business Park
 - Industrial
- Open Space

Sub Areas

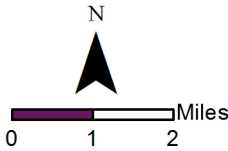
- [] Luke Compatibility District
- [] Scenic Lands Development
- [] Surprise Center District
- [] Surprise Heritage District
- [] Transit Oriented Development District
- [] Aggregate Resource Areas

Features

- [] Planning Area
- [] Aux 1 Noise Contours
- [] Luke AFB Noise Contours
- [] Military
- [] Existing Community Commercial
- [] Public Facility
- [] Mining

Circulation

- [] Roadways_B&W



Roadway Systems Element

INTRODUCTION

The purpose of the Roadway Systems Element is to plan a sufficient roadway network for the future that will support multiple modes of transportation, including travel by private automobile, public transit, walking, bicycling and neighborhood electric vehicles. This system includes all levels of roadway from freeways to local streets.

DISCUSSION

Surprise's Roadway Accessibility & Mobility in the Regional Context

Located approximately 45 minutes from downtown Phoenix, US-60/Grand Avenue and the Loop-303 freeway serve as the largest high capacity roadways that connect the city of Surprise to the Maricopa County region. Surprises location at the northwestern edge of the Phoenix metropolitan area and prominence of the US-60/Grand Avenue corridor make it a gateway for travelers coming to and from Las Vegas and Wickenburg and is an Interim Segment of the CANAMEX Trade Route under the North American Free Trade Agreement (NAFTA).

The existing roadway network within the developed areas of Surprise primarily consists of the one-mile arterial roadway grid system typical of the Phoenix metropolitan area. With the exception of a few isolated roadways with topographical constraints or other physical obstructions, future planned roadways in Surprise will also follow the one-mile arterial roadway grid pattern.

There are currently five Roads of Regional Significance identified by Maricopa County DOT within or immediately adjacent to the Surprise Municipal Planning Area. These roadways include; Loop 303, US-60/Grand Avenue, Bell Road, Dysart Road, and Olive

Avenue. Roadways of Regional Significance are established at McDOT so as to prioritize their importance and linkage to the regional arterial network. These roadways then are also receive higher recognition and priority when evaluation of regional improvements by MAG and McDOT.

A 2010 US 60 Access Management Plan Study conducted by MAG recommends an Arizona Parkway section for the entire corridor length along with access management guidelines. The widened median north of Jomax Road accommodates the future White Tanks Freeway. The ultimate facility will comprise one trumpet interchange, four diverging diamond interchanges (DDI), two single point urban interchanges (SPUI) and 13 indirect left turn intersections. Currently, MAG is in the process of completing the US-60/Grand Avenue Corridor Optimization and Access Management Plan and System Study (COMPASS), which is evaluating an overall vision for the corridor. It will establish an access management system and improve traffic operations by reducing rail conflicts along the corridor.

The Loop 303's connection between I-10 and I-17 provides an invaluable transportation corridor that will not only enhance the mobility of people and goods to and from Surprise and the region, but also support employment growth and economic development

EXHIBIT B

Roadway Systems Element



opportunities in Surprise. Regional services such as automobile dealerships have already been constructed at the Loop 303 and Waddell Road and a future mixture of high intensity commercial uses are planned in the Prasada planned community along Loop 303.

While US-60 and Loop 303 are important facilities to promote regional connectivity, east to west mobility is challenged with the existing roadway infrastructure in Surprise. Bell Road is also a primary community gateway. It is heavily traveled by Surprise residents and Sun City residents that travel east to regional employment and commercial retail centers in Peoria and Glendale. With the exception of Grand Avenue (running diagonally from southeast to northwest), Bell Road current serves as the sole east-west high capacity roadway with the only bridge crossing of the Agua Fria River. The only other bridge crossings of the Agua Fria River are Grand Avenue and the Loop 303, neither facilitating a direct east-west connection along the traditional grid pattern.

The lack of vehicular roadway connections to the east is a constraint that can limit employment growth in Surprise and increases the congestion of Bell Road within Surprise and adjacent communities. A large percentage of residents who commute to jobs east of the city put stress on the performance and capacity of Bell Road and Grand Avenue, particularly during the morning and afternoon peak periods. As jobs are created in Surprise, the reduction in commute patterns will also reduce stress onto the overall performance of the arterial and collector network in Surprise.

With respect to planned long term accessibility and mobility in the region, the White Tanks Freeway has been identified by MAG, in the 2007 Interstate 10/Hassayampa Valley

Transportation Framework Study (Figure 3.2), to serve the future growth and development of the region. The White Tanks Freeway is a planned long term freeway, yet to commit or identify a permanent funding source, will provide east to west regional connectivity from the planned Hassayampa Freeway (possible I-11 corridor) in Buckeye to existing Loop 303 freeway in Surprise. As Figure 3.1 illustrates, within the Surprise planning area, the proposed freeway corridor runs approximately north of the current Jomax Road alignment, until its intersection with Loop 303 freeway.

Figure 3.1

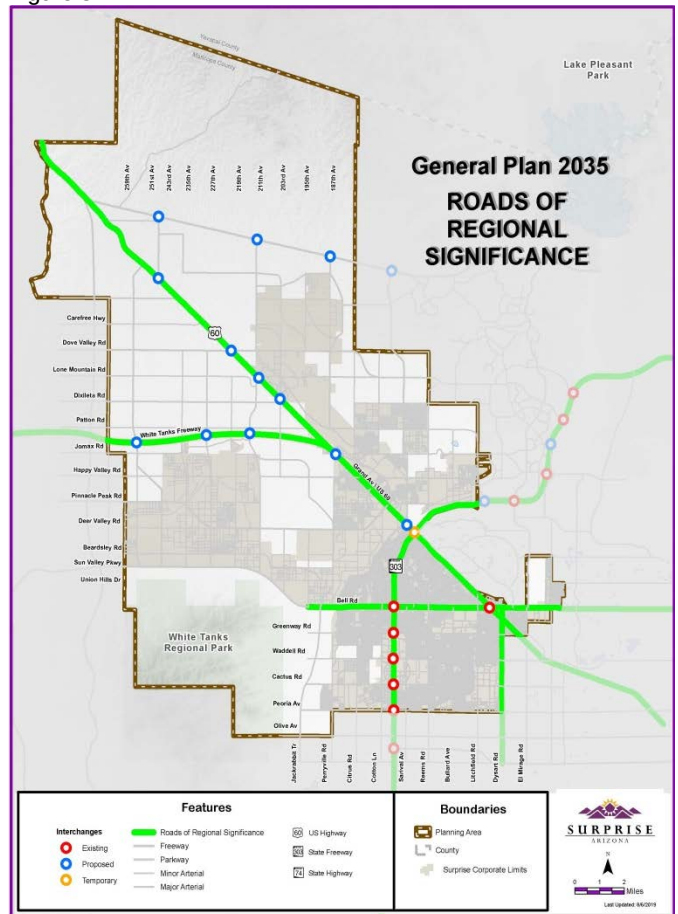


EXHIBIT B

Surprise General Plan 2035: Foundation for the Future

Influence of Previous and Ongoing Studies

There are a number of important local and regional transportation planning studies that have influenced the planning and design of existing and planned roadways in Surprise over the last several years. Some refinements to Roadway Circulation Framework map were made in conjunction with the planning process, but the foundation of the Roadway Circulation Plan was made based influences and recommendations identified in the studies identified below. Additional transportation studies associated with transit, commuter rail and bike and pedestrians are identified and discussed in the Transit and Alternative Modes Elements.

Table 3.1: Previous and Ongoing Studies

Study (Year), Author	Purpose	Findings/Key Points
US-60/Grand Ave. Access Management Plan: SR -303L/Estrella Freeway to SR-74 (2010)	The study provides a clear vision for the corridor development to guide the actions of the various agencies in the corridor. The study recommends an Arizona Parkway section for the entire corridor length along with access management guidelines. The ultimate facility will comprise one trumpet interchange, four diverging diamond interchanges (DDI), two single point urban interchanges (SPUI) and 13 indirect left turn intersections.	- US-60/Grand Avenue will connect with several key high-capacity, region serving facilities. - Access to US-60/Grand Avenue must reflect the facility's role in regional and state travel, which demands traffic operational concepts that maintain safety and capacity as growth progresses. - US-60/Grand Avenue, in combination with US-93 north of Wickenburg, is an Interim Segment of the CANAMEXT Trade Route under the North American Free Trade Agreement (NAFTA). - Future BNSF operations potentially will impact traffic operations and truck traffic levels in the Study Corridor. - The presence of the parallel BNSF corridor will affect options for a future regional arterial grid system.
North Peoria Traffic Study (2014)	The study identifies multimodal transportation needs for an area approximately bounded by the Agua Fria River, 67th Avenue, Union Hills Drive and the West Wing Parkway.	- There are 19 roadway improvements ranging in cost from \$1.6 million to \$22.8 million. - There are 15 intersection improvements ranging from operations only to \$1.2 million in costs. - There are seven transit improvements ranging in annual cost from \$189,000 to \$275,000 plus one Park-and-ride lot estimated at \$6 million. - There are 10 non-motorized improvements ranging in cost from \$50,000 to \$1.5 million.
Peoria Multi-modal Transportation Study (2011) Nelson/Nygaard	The study addresses smarter growth with short-term and mid to long-term improvements for local transit service, high capacity transit, an Old Town Transit Center and bus stop improvements.	- It is more important to extend Valley Metro services into Peoria than to develop purely local circulator services. - It is important to provide full rather than limited service. - Peoria Dial-A-Ride service needs to be maintained. - Bus stop facilities should be improved. - An Old Town Transit Center should be developed at the 83rd/Peoria/Grand

EXHIBIT B

Roadway Systems Element



Table 3.1: Previous and Ongoing Studies

Study (Year), Author	Purpose	Findings/Key Points
		intersection. Projected population and employment levels and densities for the foreseeable future will not support High Capacity Transit.
Access Management Plan, Draft (2014) Surprise	The purpose is to maintain the capacity of roadways while promoting safety and bicycle and pedestrian access by reducing the number of conflict points along the roadway facility.	- The plan defines roadway functional classification for urban and rural roads. - The plan defines access management strategies for driveways and intersections, number of access points, auxiliary lanes and internal site circulation. - The plan defines bicycle and pedestrian access and mobility and shared use paths for bicycle and pedestrian access.
Maricopa County Department of Transportation (MCDOT) Planning Studies 163rd Avenue Corridor Improvement Study - El Mirage Road Corridor Improvement Study - Jackrabbit Trail Parkway Corridor Improvement Study - Jomax Road East Corridor Improvement Study - Patton-Jomax Corridor Improvement Study - Sun Valley Parkway Corridor Improvement Study - Turner Parkway Corridor Feasibility Study - State Route 74 Access Management Study - Deer Valley Parkway Feasibility Study - Dove Valley Parkway Feasibility Study	MCDOT conducted corridor studies for numerous current and future roadways within and adjacent to the Surprise Metropolitan Planning Area. Many of the studies were derived from the Interstate 10-Hassayampa Valley Roadway Framework Study.	- Many of the studies recommend a preferred or feasible roadway alignment for potential Arizona Parkway facilities. - The Arizona Parkway is a six to eight-lane roadway with a wide median in a 200-foot right-of-way that employs indirect left turn intersections and median u-turn features. - Most experts agree that the Arizona Parkway achieves greater vehicular capacities at reasonable travel speeds in a safer manner when compared to the conventional principle arterial roadway.
MAG Regional Transit Framework (2010)	The framework provides an understanding of the region's transit needs and deficiencies with the goal of identifying high-leverage transit investments that can attract a significant number of new passengers	- Scenario II assumes the existing transit revenues sources and services continue through 2030. - Scenario II expands funding to \$11.05 billion that is consistent with peer regions in 2006. This addresses many service deficiencies.

EXHIBIT B

Surprise General Plan 2035: Foundation for the Future

Table 3.1: Previous and Ongoing Studies

Study (Year), Author	Purpose	Findings/Key Points
	while improving existing transit service.	Scenario III expands funding to \$21.46 billion that is a leader among peers and is four times the existing level. Among other service enhancements, it develops a more comprehensive network of higher speed transit.
Interstate 10 – Hassayampa Valley Roadway Framework Study (2007) Figure 3.2	The study develops a multi-modal transportation network for the build-out population and employment in the study area bounded by Loop 303, 459th Ave, the Gila River and SR 74. The 3,000,000 person population is derived from the more than 100 entitled master-planned communities.	The project established a transportation framework that: - Identifies a network of freeways, parkways and arterials - Recommends a new arterial facility entitled the “Arizona Parkway” for providing a higher capacity and safer roadway - Includes recommendations for transit connections - Provides a transportation planning framework for making land use decisions
2035 Regional Transportation Plan (2014) MAG	This is the fourth update of the 2003 RTP. The RTP is the basis for programming of regional transportation funds for regional transportation services in the freeway life cycle program (FLCP), the arterial life cycle program (ALCP) and the transit life cycle program (TLCP).	- Freeway/Highway projects include Loop 303 and an interchange at Bell Road and Grand Avenue and an interchange at El Mirage Rd and Loop 303. - Arterial street projects include R.O.W. preservation for Jomax Rd and El Mirage Rd improvements between Grand Ave and Bell Road. - Transit projects local bus, regional super grid bus and regional Express/LINK bus service on select routes in Surprise. - Improvements are funded by a combination of federal, regional transportation sales tax and local revenue sources.
US-60/Grand Avenue Corridor Optimization and Access Management Plan, and System Study (COMPASS) (in process)	The project goals are to: - Create an overall vision for the corridor - Enhance economic development, maintain accessibility, improve traffic operations and reduce highway and rail conflicts. - Establish an access management system - Develop guidelines for signage, landscaping and aesthetic treatments	The study evaluates Grand Avenue from Loop 303 and Interstate 10, is in process. Draft documents are currently unavailable at the time of this writing.

Functional Classification System

EXHIBIT B

Roadway Systems Element



Roadways are typically characterized by their operational, access management, and physical characteristics called “functional classifications”. The Roadway Functional Classification Plan shown in Figure 3.3 depicts the classification of each roadway type under “build-out” conditions within for Surprise Planning Area. Typical roadway cross sections can be found in the city’s engineering design manual as the cross section details can be modified from time to time.

The following categories are included in the Functional Classification System for the Surprise Roadway Systems Plan:

Table 3.2: Functional Classification System

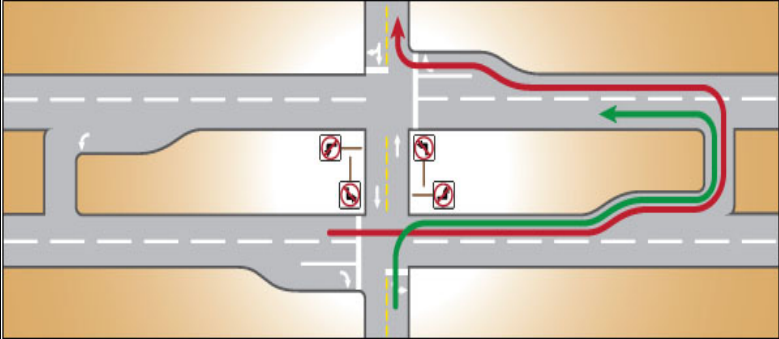
Roadway Type	Description	Through Lanes	Target Operating Speed
Freeway/Highway	Freeways and highways are divided facilities that are designed to carry large volumes of high-speed traffic and serve long, regional trips. Freeways have full access control (highways do not); with entry and exit restricted to grade-separated traffic interchanges. A freeway is typically 4 to 8 through lanes that can accommodate 160,000 to 200,000 vehicles per day. All roadways classified as freeways are portions of the State Highway System and are under the jurisdiction of the Arizona Department of Transportation (ADOT).	4 or more	45-65 mph
Parkway	Parkways are, by design, an enhanced arterial roadway which utilizes a distinct indirect left-turn intersection configuration. This intersection treatment prohibits left turns at major cross-street intersections and controls intersection traffic movements with two-phased traffic signal control. The improved functionality increases capacity while maintaining local access. As such, Parkways can accommodate up to 85,000 vehicles per day and acceptable level of service. The standards for a Parkway are based on the “Design Guideline Recommendations for the Arizona Parkway” adopted by the Maricopa County Department of Transportation. 	6 lanes	45 mph
Major Arterial	Major arterials are designed to move high volumes of traffic over substantial distances, but may also provide direct access to adjacent properties. In the Valley, arterial streets are usually located on one-mile section lines and intersections are at-grade	6 lanes	45 mph

EXHIBIT B

Surprise General Plan 2035: Foundation for the Future

Table 3.2: Functional Classification System

Roadway Type	Description	Through Lanes	Target Operating Speed
Minor Arterial	Minor arterials are similar to major arterials but with somewhat lower design requirements.	4 lanes	35-45 mph
Commercial Collector	Collector streets are designed to carry lower traffic volumes for shorter distances while providing direct access to commercial land uses. Commercial Collector streets serve as a land access function by receiving traffic from arterial roadways and distributing it to commercial business driveways and vice versa. Two through lanes with striped bike lane and detached sidewalk is a typical design. Commercial collector roadways may be increased to 4 lane roadways to accommodate high volume land use trip generators.	2-4 lanes	25-35 mph
Residential Collector	Residential Collector roadways are designed to carry lower traffic volumes for shorter distances while providing direct access to residential communities. These roadways typically receive traffic from adjacent arterial roadways and distribute traffic to local streets within a residential community. The Residential Collector is intended to promote all modes of mobility by offering striped bike lanes and large detached sidewalks separated from the roadway with generous landscape designs.	2 lanes	25 – 35 mph
Local Street	Local streets provide access directly to local property and are not designed to accommodate through traffic. Two lanes is the usual width. Since collector and local roadways are usually developed as part of planned communities to support specific land uses and site plan configurations, these roadways are not shown on the Transportation Map on page 94	2 lanes	25 mph

The Roadway Functional Classification Plan for Surprise relies upon a series of Parkways to efficiently serve as high capacity corridors. The majority of the proposed parkway locations were originally identified in the Interstate 10/Hassayampa Valley Transportation Framework Study (Figure 3.2). Those parkway location recommendations (with a few subtle alignment adjustments and modifications) are essentially intact and represented in the Roadway Functional Classification Plan. Proposed north-south parkway corridors are 163rd Avenue, 187th Avenue, portions of 211th Avenue, Wild Rose Parkway and Turner Parkway (northwest planning area). Sun Valley Parkway, Deer Valley/Pinnacle Peak Parkway, and Dove Valley/Lone Mountain Road are proposed parkways to serve high capacity east-west mobility in Surprise.

The Roadway Functional Classification Plan has fewer 6-lane major arterial roadways than previously identified. The inclusion of parkways into the overall roadway functional classification plan increases vehicle carrying capacities of these corridors thereby reducing the operational and performance stresses on adjacent arterial roadways. Adhering to strong access

EXHIBIT B

Roadway Systems Element



management policies on major arterial roadways will increase the operational performance of these facilities which in turn will create an opportunity for additional 4-lane minor arterial roadways along added section line roadways.

Figure 3.2: Interstate 10/Hassayampa Valley Transportation Framework Study

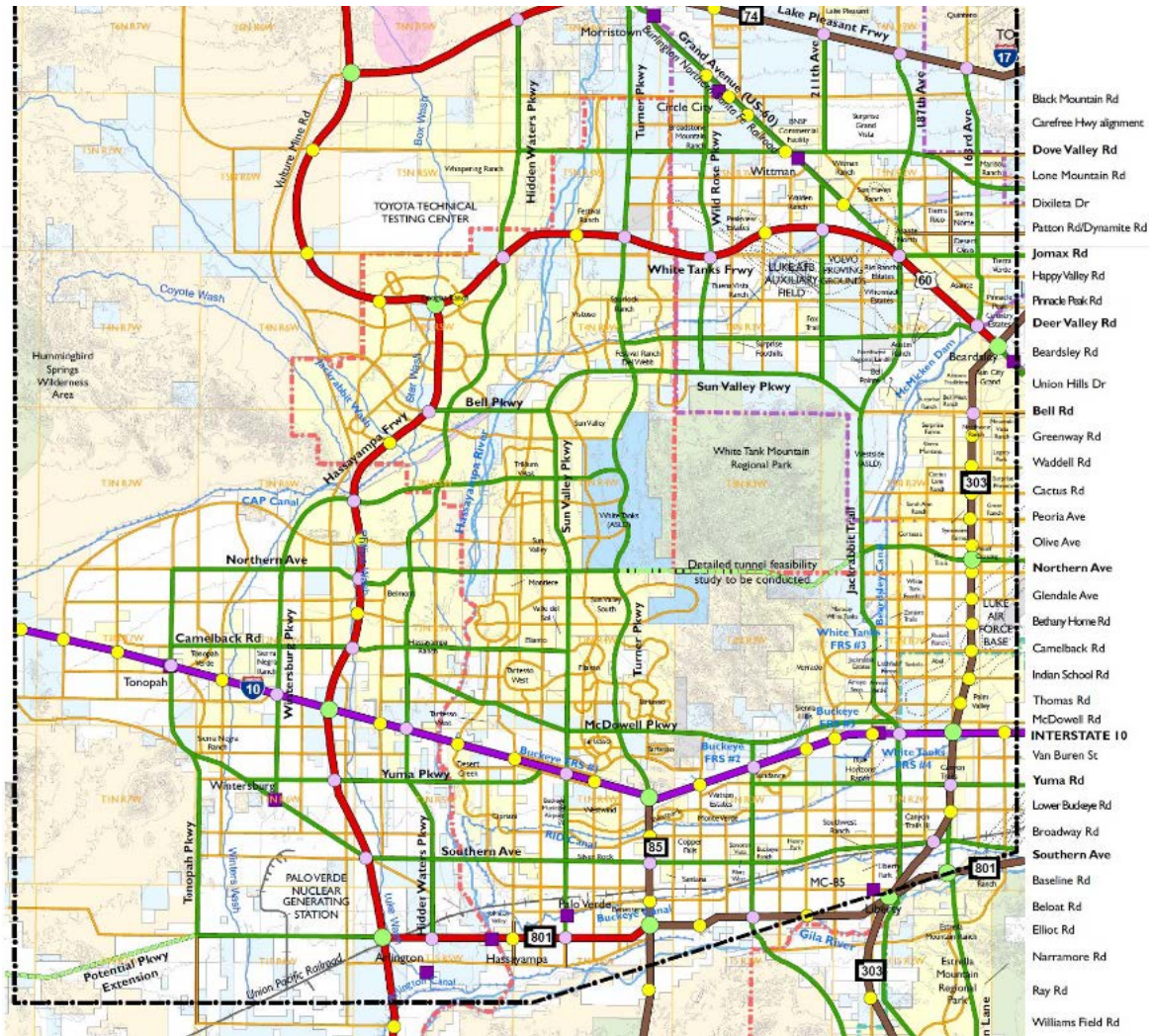


Table 3.3 below shows a breakdown of the total length of existing and planned roadways by type under build out condition in Surprise.

Table 3.3 Roadway Type	Length	
	Miles	Percent
Freeway/Highway	34.7	8.58%
Parkway	82.03	20.29%
Major Arterial	113.84	28.16%
Minor Arterial	173.63	42.96%
TOTAL	404.2	100%

EXHIBIT B

Surprise General Plan 2035: Foundation for the Future

Scenic Corridors

The Roadway Functional Classification Plan identifies four Scenic Corridors. The Scenic Corridor is a special overlay designation designed to protect and enhance the byway's intrinsic qualities and character that define their scenic corridor. The four Scenic Corridors are; Sun Valley Parkway, Carefree Highway, Castle Hot Springs Road and Olive Avenue. Specific urban design character guidelines are recommended to be developed for each Scenic Corridor, extending $\frac{1}{4}$ mile from the centerline of each roadway. The Scenic Corridor designation is intended to:

- Preserve the native vegetation and unique visual characteristics of the corridor
- Encourage buildings and other structures to adapt to the terrain in placement and appearance, avoiding excessive cuts and fills.
- Encourage the use of open space buffers separating the roadway from buildings
- Encourage the use of southwestern architectural styles that reflect the character of the Sonoran Desert
- Maintain the natural state of washes at necessary crossings
- Encourage plant species and densities to be consistent with the surrounding landscape character of the specific location
- Encourage the use of muted or low level lighting to help minimize nighttime glare
- Encourage signage design that is context sensitive

Sun Valley Parkway has been functionally designated as a "Parkway." The roadway also experiences significant recreational bicycle use. The City of Buckeye, Maricopa County and the City of Surprise all recognize that this roadway showcases the White Tank Mountain Regional Park, which the roadway

circumnavigates. The view angles away from the mountains are also dramatic. The Scenic Corridor designation is designed to preserve these mountain views and suggest development practices that limit encroachment into hillsides and maintain broad viewsheds as reasonably as possible.

Carefree Highway/State Route 74 also maintains a Scenic Roadway designation. Recognizing the inherent beauty of the surrounding area, Maricopa County completed the State Route 74 Scenic Corridor Management Guidelines in 2000. Cities are encouraged to follow suit and the City of Peoria has established guidelines to mirror the corridor and Surprise is designating this facility as a Scenic Corridor. The Scenic Corridor for Carefree Highway will also have to consider a planned overhead electric transmission line along the roadway corridor.

Castle Hot Springs Road is a unique rural roadway Scenic Corridor designation. Maricopa County completed the Castle Hot Springs Scenic Corridor Guidelines in 2000. These guidelines assume that the historic pattern of urban growth and development will continue in Maricopa County. The Castle Hot Springs Scenic Corridor is consistent with other scenic corridors in Maricopa County that were established ahead of urban growth and development. This roadway serves a natural gateway to the Bradshaw-Harquahala BLM recreation and management areas located to the north of Surprise.

Olive Avenue, much like Carefree Highway and Castle Hot Springs Road, also was identified by Maricopa County as a scenic roadway in 2000. Olive Avenue serves as the primary roadway access to White Tanks Regional Park. The Surprise Municipal Planning Area has now expanded by two square miles that includes frontage on Olive Avenue from 187th Avenue to 203rd Avenue.

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Designated Truck Routes & the Movement of Goods & Freight

Virtually all of Surprise's goods are imported from outside the region. The movement of freight and goods in Surprise and the region is supported by an integrated intermodal freight infrastructure consisting of trucks on roadways, rail and railroads. Commercial goods movement must be optimized to maintain and improve the region's economic competitiveness while minimizing potential negative impacts to the transportation system and neighborhoods.

The overall intermodal freight system and infrastructure is owned and operated by public agencies and private businesses. While the system is intended to support the goods movement/freight requirements for the City of Surprise and the region, it is important to also note that this infrastructure also supports Surprise's role in the nation's supply chain and business trade.

Trucks: The majority of goods in the Surprise region are transported by trucks using state and federal highways with access provided by truck routes along regional arterials. In the Surprise region, US-60, Loop-303 and SR-74 are major truck corridors. These serve both local as well as regional trade. There are four arterial roadways that also serve as designated truck routes in Surprise. Bell Road, Dysart Road, Cactus Road (from Litchfield Rd. to Dysart Rd. only) and Peoria Avenue (from Litchfield Rd. to Dysart Road only) are designated truck routes to facilitate the movement of goods primarily from the Skyway Business park to the Loop-303 and Loop-101 freeways. While the designation of Bell Road as a truck route is not ideal, because Bell Road maintains the only bridge over the Agua Fria River to the east, there are no other alternatives for a truck route until a

second bridge crossing is constructed. A future Olive Avenue crossing of the Agua Fria River will promote a more efficient east-west movement of trucks originating from the Skyline Business Park and reduce the dependency on an already-overcrowded Bell Road. Truck route standards within the City of Surprise adhere to all current Arizona Department of Transportation standards for length and weight.

Freight Rail Service: Freight rail service is operated by the Burlington Northern Santa Fe (BNSF) railroad along the US-60 corridor. Freight service within this corridor is focused in the areas of auto trans-load service, lumber, fly ash, cement and local freight service. The Alternative Modes Element provides a more in depth discussion on rail service in Surprise.

Roadway Level of Service

The arterial street system forms the backbone of the City's multi-modal transportation system. As illustrated below in the Complete Streets section, a street is more than curb, gutter, and pavement built to serve the private automobile. The street right of way is often shared by several different transportation modes including automobiles, trucks, buses, bicycles and pedestrians. Improvements to the street system must balance the needs of all modes. The street system provides access to activity centers, supports new development, and provides for recreational travel. While widening streets adds capacity to the system, it cannot eliminate congestion. The modern street system provides a combination of integrated components that can work together to maximize mobility and manage congestion.

A street is a fundamental part of what makes up a neighborhood's culture and can simply

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act as a conduit for vehicles in some contexts, or take on aspects of the surrounding place in others. The street cross-section includes the sidewalk and store frontage areas of the road edge as well, greatly impacting the feel of a community. Therefore, the plan for future improvements of Surprise roadways must take the context of the adjacent area and the prime use of the road into consideration. Conversely, land development proposals must be integrated with the street.

The City street system is comprised of section line and mid-section line streets that form a grid network that is the backbone of the transportation system. The grid system provides convenient square-mile units when considering design options for private developments or public improvements. This square-mile unit should be considered as a whole whenever planning and designing improvements anywhere within that unit. The network includes streets that have two, four, six or eight through lanes, a striped center two-way left turn lane, or raised medians, and various configurations at the major intersections. The City Transportation Department maintains a very comprehensive traffic counting program on its major streets. Daily traffic counts are conducted every year. The 24-hour volumes are published in map form annually by the Traffic Engineering Division and Transportation Planning. Detailed 15-min count data is also available through the Traffic Engineering Division.

The City also uses Level of Service (LOS) to analyze road conditions. LOS is a roadway “grading scale” initiated by the 1965 Highway Capacity Manual (HCM), used to describe traffic operations and explain the quality of traffic operations in a broader, less technical sense.

The LOS concept is utilized to determine the efficiency of existing and future roadway and intersection operations. Level of service

provides a comparative measure of the congestion and travel conditions and is reported in levels “A through F,” with “A” representing the best representing free flow conditions and “F” representing breakdown conditions that includes driver discomfort. LOS on roadway segments, as shown in Table 3.4 in the context typical daily vehicular volumes, is defined as follows:

LOS A: Free flowing conditions. The operation of vehicles is virtually unaffected by the presence of other vehicles and operations are constrained only by the geometric features of the roadway and driver preferences.

LOS B: Indicative of free flow, but the presence of other vehicles begins to have a noticeable impact on speeds and freedom to maneuver.

LOS C: Represents a range in which the influence of traffic density on operations becomes marked. The ability to maneuver within the traffic stream and to select an operating speed is now clearly affected by the presence of other vehicles.

LOS D: Borders on unstable flow. Speeds and ability to maneuver are severely restricted because of traffic congestion.

LOS E: Operations are at or near capacity and are quite unstable.

LOS F: Represents forced or breakdown flow.

The City of Surprise strives to achieve a level of service “C” or better on all roadways. Any roadway where the level of service falls to a level of service “E” or “F” is considered congested and requires review for improvements. Where feasible, capacity improvements or other remedial actions are usually recommended if the level of service is worse than “C”.

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For the 2012 Transportation Plan update the City worked with the Maricopa Association of Governments (MAG) to conduct a Citywide LOS analysis. Based on methodology used by MAG, the majority of intersections in Surprise currently operate at LOS B or C. It needs to be understood that LOS is only one aspect of looking at streets and potential future improvements.

The city of Surprise has goal of achieving a LOS C on major arterial roadways and parkways but will accept a LOS D. This is a common approach taken by many communities nationally, but Surprise will strive to maintain the LOS C or better on each of Surprise's major arterials and parkways.

Table 3.4 – Service Volumes and LOS						
Roadway Type	# of Travel Lanes	LOS A	LOS B	LOS C	LOS D	LOS E
Freeways	4	47,940	55,930	63,920	71,910	79,900
	6	73,980	86,310	98,640	110,970	123,300
	8	100,080	116,760	133,440	150,120	166,800
	10	126,180	147,210	168,240	189,270	210,300
Limited Access Parkway	4	29,280	34,160	39,040	43,920	48,800
	6	43,740	51,030	58,320	65,610	72,900
	8	57,960	67,620	77,280	86,940	96,600
Major Arterial	5	30,480	35,560	40,640	45,720	50,800
	6	36,480	42,560	48,640	54,720	60,800
Minor Arterial	3	12,960	15,120	17,280	19,440	21,600
	4	21,540	25,130	28,720	32,310	35,900
Major Collector	2	5,100	5,950	6,800	7,650	8,500
	3	8,520	9,940	11,360	12,780	14,200
	4	10,560	12,320	14,080	15,840	17,600
Minor Collector	2	3,360	3,920	4,480	5,040	5,600
Local Street	2	1,200	1,400	1,600	1,800	2,000

Source: City of Peoria TIA Criteria; McDOT Roadway Design Manual

Connecting gaps and improving safety in the overall network are of primary importance, along with travel times if possible. Additionally, improvements can be triggered by adjacent developments. Finally, improvements may be made due to a need to balance the travel modes by using Complete Streets Methods.

A street system can be defined by the

function of individual streets both from an access and mobility standpoint. Generally, the higher the functional class, the higher the level of mobility and the less direct access. Conversely, the lower the functional class, the lower the level of mobility and the more direct access. A freeway is considered the highest functional class since it provides good regional mobility and only has access at traffic interchanges. Local streets are considered the lowest functional class because the

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primary purpose is local access. Arterial streets primarily serve through traffic; however, they also have local access at driveways and intersecting streets. Collector streets fall between local and arterial streets. As the name suggests, they are meant to act as collecting conduits for local streets and provide a link to arterials.

Collector streets within a square mile provide an opportunity to reduce the dependency on arterial streets and allow alternative connections to adjacent sections, communities, and commercial corners. Additionally, mid-section access between communities is desired by cyclists in some cases as these roads have lower speeds and generally feel safer.

Complete Streets

The notion of a “complete street” is to ensure that the design and construction of new roadways and retro-fitting of existing roadways ensures that facilities for bicycles, pedestrians, and transit are recognized as integral to a properly designed and functioning street. “Complete Streets” as defined by the National Complete Street Coalition, is “a transportation policy and design approach that requires streets to be planned, designed, operated, and maintained to enable safe, convenient and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation”.

On March 11, 2010, the U.S. Secretary of Transportation issued a Policy Statement on Bicycle and Pedestrian Accommodation. This policy states that walking and bicycling shall be considered equal to other transportation modes, and encourages states, local governments, professional associations, community organizations, public transportation agencies, and other government agencies to adopt similar policy

statements.

The Complete Streets concepts within the Transit-Oriented Development Strategic Plan and the Transit Feasibility Study that were accepted by Surprise City Council, are intended to work toward the implementation of a Complete Streets planning process. The Maricopa Association of Governments (MAG) is the regional planning agency and they produced a Complete Streets Guide in 2011. The MAG Complete Streets Guide is a resource containing strategies and goals, and presents a planning process which can be utilized to implement Complete Streets within a community.

The City will work toward the development of Complete Streets design guidelines that accommodate and balance the needs of all users of the transportation network. The design guidelines will consider such features as street and intersection design, retrofitting existing roadways, accommodating people with disabilities, pedestrian access and crossings, transit accommodations, bikeway design and bicycle facilities, street furnishings, sidewalks and pedestrian walkways, striping, streetscapes and streetscape ecosystems, lighting, and landscaping and the placement of street canopies. Other features for consideration within the framework of formal guidelines include traffic calming measures, connectivity between adjacent land uses, street networks and classifications, the interaction between future light rail transit extensions and other modes, and Context Sensitive Design as it pertains to Complete Streets.

The City of Surprise embraces the “complete streets” policy in patterning design components presented in the MAG Complete Streets Guide for the planning and design of new or retrofitted streets in Surprise. While the City intends to pattern the development of future corridors upon the recommended

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planning methodology of the MAG Complete Streets Guide, the City specifically envisions a local process that is necessary in order to establish a long-term Complete Streets planning process. The development of an overall process will ultimately lead to Complete Street Standards and Guidelines being considered in all future reconstruction projects and new street construction projects that occur in Surprise.

Parking

As travel and parking needs have increased, there has been recognition of the constant need to better manage transportation and parking facilities. Parking requirements in Surprise are set out in the Zoning Ordinance and Engineering Design Guidelines by the type and size of use.

Trends

There is rising demand for parking for long distance commuters. The current park and ride facility, located on Bell Road east of Grand Avenue provides for inter-modal service. The predominant modal interchange is between the private automobile and transit, but also includes modal changes between transit and bicycle, pedestrian, carpool, vanpool, or drop-and-ride modes as well. Maricopa County government found that vanpool subsidies helped achieve trip reduction ordinance goals but was also an efficient and cost effective way to reduce single occupant vehicle use. Transit service offered at the facility includes the Route 571 Express Bus between Surprise and downtown Phoenix. There is a rising demand for additional park and ride facilities in Surprise. The changing needs of the public and the surrounding environment reaffirm the need to approach park and ride facilities with an eye for innovation and optimization.

Managing Parking Supply

A balance should be achieved between parking policies, travel behavior, development density, development cost and urban design. In most developments in Surprise there is an oversupply of parking, and it is provided at no direct cost to the tenants or their employees. Measures need to be taken to discourage oversupply of parking while still providing adequate parking that is not too expensive in order to maintain retail and employment centers. On-street parking in residential areas near employment and commercial sites should also strike a balance between providing for resident parking and providing overflow commercial and employee parking.

Parking Facility Design

Structured parking allows development densities and site designs that support good transit service and alternative modes, although it is more expensive than surface parking to build. Structured parking will minimize the amount of valuable land needed for travel and parking purposes.

Character Area Land Uses & Roadway Compatibility (in progress)

As described throughout the General Plan 2035, the character area land use planning approach places emphasis on the urban form and character of an area, not the prescriptive land use of each development parcel. The Neighborhood Character Areas may consist of rural, suburban or urban neighborhoods. Compatibility and transition procedures and guidelines help shape the integration and buffering of various development types. For example, the Commerce & Business Character Area locations could include a blend of mixed used commercial and

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residential, regional shopping centers or a medical campus. The question of their individual appropriateness will hinge upon how these uses fit into the character of the area in which they are proposed.

When applying the Character Area land use approach, the intent is to fit developments and roads together by ensuring that the activity creating trips are located on a roadway designed to handle the impact. It also strives to make efficient use of public investment by not overcrowding or underutilizing roadways. Because the precise future land use surrounding a given intersection is not specifically defined, it places a great need in forecasting necessary roadway capacity to accommodate vehicle trips generated. When considering the flexibility within the Character Area land use approach it would be acceptable to upgrade the roadway classification to the next level to handle a greater intensity.

Neighborhood commercial, and large scale retail destinations are expected to be more intense uses. These uses may take access to lower classified roadways if access may be taken directly from a neighborhood or collector street that intersects the arterial at a controlled intersection. This would be dependent on the development having good internal circulation and providing access points at the appropriate arterial access spacing.

The Character Area approach then puts a greater degree of emphasis on the need for the city to more frequently evaluate the performance of roadways compared against a continually updated “scorecard” of new growth. While it is likely that the predominant residential land use pattern will consist of suburban densities (3-5 dwelling units per acre), a mixture of densities can maximize the opportunity for non-vehicular forms of transportation within the development. This

will maximize the level of internalized activity and minimize the impact on surrounding neighborhoods. In either case, the Character Area approach puts added emphasis on the city to conduct more frequent performance measurements of roadways and off street systems than under the traditional planning methods. The Implementation Element in Chapter 6 provides more detail on the need to conduct roadway count studies and travel time studies on a regular basis.

In order to provide a snapshot of the impact of certain typical land uses upon Surprise’s roadways, Table 3.5 is provided to demonstrate these effects. The Institute for Transportation Engineers Trip generation Manual offers guidance on trip generation levels for many different land use types and is referenced and utilized in the creation of Table 3.5.

Table 3.5: Average Daily Trips by Land Use Types

Land Use Type	Average Daily Vehicle Trips Generated
210 - Single Family Residential Home	10
220 - 200 unit apartment complex	1464
254 - Assisted Living Facility (150 beds)	390
934 - Fast Food restaurant – 3000 Sq. ft. with Drive thru	1413
851 - Convenience Market (2,000 sq. ft.)	1525
310 - Hotel (200 rooms)	1672
850 - Grocery Store – 50,000 sq. ft.	5339
150 - Warehouse (350 employees)	1768
750 - Office Park (1,500 employees)	5310
411 - Public Community Park (50 acres)	39
520 - Elementary School (650 students)	1230
560 - Church (20,000 sq. ft. on a Sunday)	550
210 - Single Family Residential Home	10

Source: ITE Trip Generation Report, 10th Edition

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GOALS AND POLICIES

The goal and policy statements for the Roadway Systems Element serve as the City's policy guide for the expansion, design and prioritization of investment choices for roadways in Surprise. The goals and policy statements reflect the culmination of collective inputs received from stakeholders, citizens, elected officials, City staff as well as the re-validation of select goals and policies from the 2013 Surprise General Plan update process.

Goal 1: Integrated Decisions

Develop a complete and connected system of roadways.

Policies

1. The City will maintain the Surprise transportation system to serve current and future needs and protect the investment in the City's roadways.
2. Design roadways to support planned and existing land uses to achieve a LOS C or greater and maintain no less than a LOS D on major arterial and parkways.
3. Prioritize opportunities to restore and reconnect the street grid.
4. Partner with land owners and developers to seek to add capacity and identify a second point of arterial roadway access north of Grand Avenue and east of 163rd Avenue.
5. Provide for future transportation corridors by identifying and preserving adequate right-of-ways during the planning and development processes, in advance of development occurring.
6. The City continually find efficient means to transport truck traffic in a manner that minimizes the impacts upon residential and pedestrian oriented land uses.
7. Require the use collector roadways or frontage roads for warehouse and distribution uses land uses along the Loop 303 corridor in order to promote the segregation of truck trips from automobile trips.
8. Collaborate with ADOT, MAG and McDOT to identify likely routes for over-sized, over-weight vehicles.
9. Partner with McDOT to accept the recommendations of the Capacity Study to promote the expansion of capacity of roadways such as El Mirage Road and Sun Valley Parkway that provide regional connection to and from Surprise and have experienced significant increases in average daily vehicle trips over the past several years.
10. Regularly conduct (every two years) customer satisfaction surveys to determine areas in need of improvement to supplement and support findings from bi-annual traffic counts and LOS analyses of roadways in Surprise.
11. Maintain strong access management policies for incoming development accessing major arterials and parkways. The extent feasible, promote internalized driveways for limiting driveway access onto major arterials to enhance the operations and capacity of these roadways in order to reduce the need to expand system capacity in the future.
12. Strive to improve traffic flow by completing missing and incomplete links in the arterial network in Surprise.
13. Plan for the one mile spacing of arterial roadways in Surprise to the extent possible.
14. Conduct roadway count studies and travel time studies on a more frequent and

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regular basis to assist the city with the goal of keeping the rate of travel time increases below the growth rate of traffic volumes under the Character Area land use planning approach.

Goal 2: Complete Streets

Provide roadways that are “complete streets” that cater to enhancing multi-modal accessibility.

Policies

1. Adopt a Complete Streets Plan and Policy document that provides specific direction for the planning and implementation of complete street elements for Surprise roadways. The City shall utilize guidance from the MAG Complete Streets Guide in the preparation of this document.
2. Encourage a pilot program to evaluate and assess functionality of a complete street design and assess future potential opportunities for existing streets to transition to complete streets.
3. The City of Surprise shall require developers to design and construct pedestrian and bicycle connections to internally and externally link residential uses to nearby commercial uses, schools, parks, transit stops and adjacent neighborhoods.
4. Evaluate and prioritize existing roadways that are minor arterials or greater for retrofitting to a complete street. Greenway Road is a high priority candidate. Evaluate and prioritize and cost benefit analysis should be utilized to target roadways that provide the greatest connection between existing neighborhoods and employment and other activity centers.
5. Continue to update the City’s adopted standard roadway cross-sections to embrace the complete street concepts to

enhance multi-modal mobility when designing new streets or improving existing streets throughout the Surprise planning area.

6. Update to the Gap Study should commence in the near future to re-fresh the city’s priorities and investment choices for closing multimodal infrastructure gaps
7. Prepare an off-street systems mobility plan that investigates and recommends non-motorized mobility network along the newly recognized greenway system. This plan should provide for a safe, alternate mode of transportation to motor vehicular trips using sidewalks, greenways, trails of all sorts, other pedestrian linkages can make the City more walkable to and from existing and planned neighborhoods and employment centers.

Goal 3: Access

Improve transportation access to, from, and within Surprise.

Policies

1. The City shall continue to seek collaboration with ADOT and the City of Peoria to prioritize the need to establish a partial interchange on the Loop 303 at Litchfield Road.
2. Collaborate with the City of Peoria, MCDOT, ADOT for the coordination and extension of Jomax Road from US60 to Happy Valley Road, and for a future traffic interchange with the Loop 303.
3. Continue to collaborate with MAG, McDOT and the City of Peoria to continually emphasize the need for additional east-west major arterial roadway bridge crossings of the Agua Fria River to support anticipated growth. Potential bridge crossings at Olive Avenue, Happy Valley Road and Lone Mountain Road are preferred crossings to service growth at a

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Roadway Systems Element



timeframe complimentary to development proximate to these areas.

4. Identify and prioritize freight infrastructure projects that are needed to maintain mobility and enhance the City's (and regions) economic competitiveness.
5. Collaborate with ADOT, MAG, FHWA and McDOT to preserve a 350-foot right-of-way for the future White Tanks Freeway and planned parkways as designated in the Roadway Systems Element.
6. Continue to collaborate with MAG to leverage funding opportunities for the construction of planned parkway facilities. Added emphasis may be placed on parkways if support for additional freeway facilities is lacking.
7. Ensure that the local transportation system is fully and effectively connected to the regional transportation system.
8. The City shall support construction of regional freeways providing improved access between Surprise and the region.
9. Maximize the effective use of roadway capacity by managing access to arterials, and assuring a high level of cross access between adjacent developments
10. Utilize new technologies such as Intelligent Transportation Systems (ITS) to maximize the capacity and efficiency of the transportation system.
11. Continue to coordinate and cooperate with regional agencies and adjacent communities to assure continuity of roadway, transit and alternative modes of travel across jurisdictional boundaries.

support, and cost effective financing mechanisms to secure fair and sufficient funding for the transportation system in Surprise.

Policies

1. Investigate alternative funding options for the design, construction, operation and maintenance of transportation facilities and services in Surprise.
2. Continue to develop and maintain strategic partnerships with Arizona Department of Transportation, Maricopa County Department of Transportation, the Maricopa Association of Governments, the Regional Public Transit Association, and adjacent jurisdictions for regional projects and services that benefit Surprise.
3. Continually update the CIP for priority roadway projects to make investment choices that assist in the construction of roadway facilities that support employment growth areas and residential growth areas identified in the Growth Area Element.
4. Collaborate with existing properties with approved PAD's to equitably evaluate the adjustments in the Functional Classification Plan to make adjustments to approved PADs that will accommodate modifications to proposed alignments and right-of-ways widths.
5. Invite and encourage the use of CIP budgets to leverage the development of recommended greenway trails as a mechanism to encourage investment in existing communities that in turn spurs redevelopment and revitalization of these areas.
6. Update and implement the Capital Improvement Plan and evaluate its projects using the goals and policies within the General Plan and City Council Strategic Action Plan.
7. The City put an enhanced emphasis on developing and maintaining a robust

Goal 4: Funding

Leverage regional partnerships, land owner

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pavement preservation system that earmarks annual CIP dollars towards the maintenance of priority needs in order to extend the lifespan of critical roadway infrastructure.

8. Continue to apply for all applicable state and federal grants to develop and maintain the transportation system in Surprise.
9. Explore additional opportunities to work with adjacent communities, Flood Control District of Maricopa County, Maricopa County and the Maricopa Association of Governments to ensure bicycle and pedestrian network continuity across jurisdictional boundaries.

Goal 5: Roadway Designs

Promote roadway designs, operations, and aesthetics that support the Character Areas they serve.

Policies

1. The City of Surprise shall require that newly proposed developments demonstrate that there are adequate services and facilities, or plans to provide the necessary services and facilities, to serve the development during the development approval process.
2. Maintain the traditional grid street pattern where it currently exists, reconnect it where possible. When improving older streets in neighborhoods, maintain original street widths and curb radii.
3. The City of Surprise shall initiate and/or require development applicants to prepare and update master plans and strategic plans as needed to prepare for infrastructure needs and financial resources to serve growth.
4. Strive to integrate land use and roadway compatibility decisions per suggested measures outlined in the Implementation Element of General Plan.
5. Revise subdivision regulations to include

connectivity standards and guidelines that require greater street connectivity, and provide allowances for pedestrian and bicycle connections when street connectivity cannot be made.

6. Within Scenic Land Overlay and Scenic Roadway Corridor areas, the City promote roadway designs that preserve natural features, steep slopes, and when appropriate, views, low ambient light intrusion, and low noise.
7. The City continue to utilize the MAG roadway construction standards and specifications.
8. Partner with BNSF railroad to identify a comprehensive intermodal transportation network to serve the daily needs of this future facility. An internal collector roadway that promotes truck traffic while segregating truck trips from adjacent planned residential communities is a priority. Partner with ADOT to identify coordinated access management and turning movements onto US 60.
9. Install truck route signage on Bell Road and Dysart Road and segments of Cactus Road and Peoria Avenue to identify truck routes in the City.
10. Encourage land use patterns that reduce the amount of external travel by developing neighborhoods where mixed use centers and services are easily accessible from residences.
11. Prepare a Scenic Roadway Corridors overlay district and/or design guidelines to require the design and construction of Scenic Corridor roadways that embrace the terrain and scenic quality in the roadway design, landscaping, lighting and building development standards for properties located within these corridors.
12. Ensure the physical location and design of transportation facilities are done in a fashion which is environmentally sensitive to our desert, mountains, scenic corridors, open spaces and neighborhoods.

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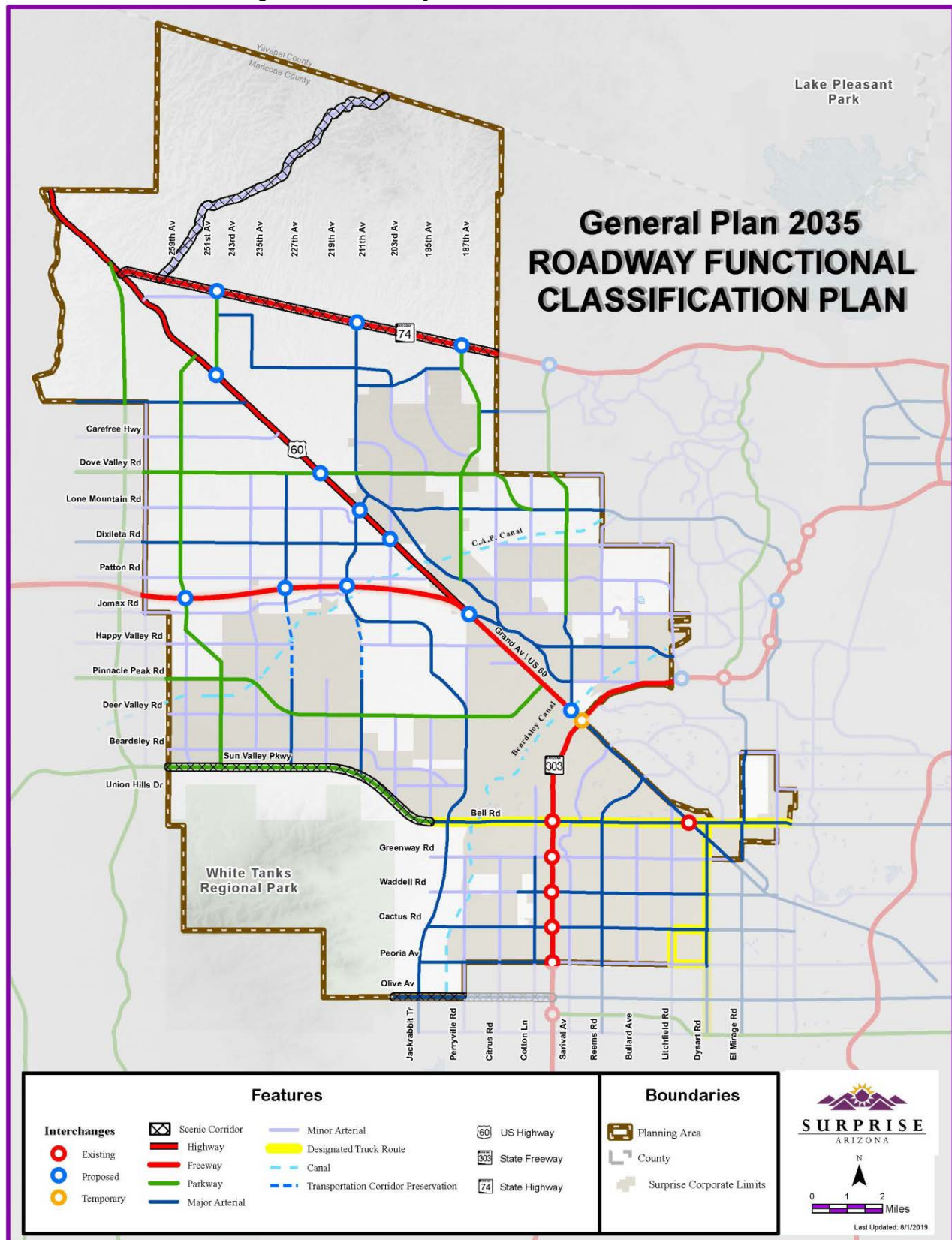


13. Strive to protect neighborhoods and the environment from adverse effects of transportation facilities and services.
14. Promote the design well landscaped streets, with low water usage plants, to help improve the community aesthetics.
15. Establish a process for existing neighborhoods to request traffic calming, including how to evaluate the request, select the appropriate type of calming treatment, and fund recommendations.

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Figure 3.3: Roadway Functional Classification Plan



Transit Element



Transit Element

INTRODUCTION

A primary strategy of the Transit Element is to reduce dependence on the private automobile in order to achieve multiple and interrelated goals including: increasing mobility, preserving and enhancing neighborhood character, improving air quality, and fostering compact development and a more walkable city. A greater reliance on public transportation will improve mobility by increasing travel options for residents, and by increasing the people-carrying capacity of the City's transportation system. It will also decrease the environmental degradation caused by the growing use of single-occupant vehicles. The intent is to develop a transit system that supports as well as leads the development of Surprise Land Use Character Areas as set forth by the Surprise General Plan 2035.

Surprise's development strategy combines transit supportive changes in the City's development pattern with a more complete and competitive multimodal transportation system. Achieving growth targets based on cores and corridors is an important element for the future development of Surprise. It provides more desirable investment in facilities and service delivery systems to support areas where growth will occur and reflects local decisions and neighborhood priorities. This shift may require some major investments in transit infrastructure and services as well as changes in priorities for street use.

DISCUSSION

Regional Collaboration

The transit system in Surprise is affected by plans and programs that guide the development and management of the regional transportation system. The *Regional Transportation Plan* (RTP) adopted by the Maricopa Association of Governments (MAG) in July 2010 calls for a significant expansion of regional transit services into portions of Maricopa County which are currently underserved, including Surprise. Proposition 400, the funding measure to implement the RTP, was passed by voters in November 2004. This extended the one-half cent sales tax (approved through Proposition 300) for transportation an additional 20 years, through 2025. This funding is divided between freeway, arterial roadway, and transit projects.

Commuter express service from Surprise to downtown Phoenix via the Grand Avenue corridor began in January 2006. Regional transit service planned to be extended to Surprise through Proposition 400 funding (both frequent stop trunk line and limited stop express services) will not occur within the planned timeframe of the RTP due to shortfalls in sales tax revenues, which provide the funding for these planned services. It is likely that no future funding for regional transit service will be available to Surprise until such time as another Proposition is passed by the voters, or another funding source is instituted.

The levels of transit service provided for in the RTP are not adequate to accommodate demand given the projected rate of development in Surprise. The City of Surprise completed its Transit Feasibility Study (October 2018),

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which made short-term and long-term recommendations for Surprise and its connectivity into the larger regional network. Short-term recommendations include creating a Surprise local circulator that provides access to many retail, commercial, educational, and institutional destinations along Bell Road and Greenway Road. The long-range transit service recommendation includes a new neighborhood circulator route on Bullard Avenue, additional trips on the Route 571, and a new local route on Litchfield Road.

During the public outreach effort for this Surprise Transit Feasibility Study, the public was able to provide comments on draft service routes/corridors and transit points of interest and desired connections to existing transit services and areas. Public feedback obtained helped the study team refine the draft network into a final transit service recommendation for the City of Surprise.

In addition to the short- and long-range recommendations discussed previously, there are other service options available that can help the City of Surprise build transit supply. These options are further discussed in the plan but could include additional express routes, carpool and vanpool programs and emerging technologies and service modes.

In addition to the City's effort in planning and developing transit options for its residents, MAG and Valley Metro continue to perform and develop regional plans for regional commuter options. Recently MAG completed the Regional Transit Framework update (focused on high capacity transit), Regional Commuter System update (focused on commuter rail) and will be beginning studies for Regional Bus Rapid Transit and Commuter Bus Feasibility. Such service is not yet assured, and will, in any case, be years in the future. Until that time, concentrated rubber tired-transit services in the corridor can both

demonstrate the demand for service and influence land use patterns in the corridor.

Existing and Projected Levels of Transit

Existing transit service in Surprise consists of express bus and paratransit service. While there is currently no local bus service in Surprise, there are several routes that operate in neighboring communities. Valley Metro's vanpool program is another service available to Surprise residents. The City also has one designated park-and-ride facility. A park and ride facility at 13327 W. Bell Road serves transit users. The popularity of the Express Route 571 shows that there are important transportation needs in Surprise and the surrounding areas. Due to the success of these services, plans are progressing to implement a circulator route within the City, as well as regional high capacity transit such as commuter rail.

Commuter Rail

Many consider commuter rail to be the missing element in the regional transportation system, and the BNSF line running along Grand Avenue is key to achieving the objective of implementing commuter rail services in this corridor. Commuter rail trains typically provide service between suburbs and urban centers. Service typically occurs at a lower frequency than light rail, serving primarily peak travel needs for commuters. Travel distance between a rail line's termini may range between 30 and 50 miles, with station spacing typically five to ten miles apart.

In 2018 MAG completed an update to the *Commuter Rail System Study*, along with corridor development plans for each of the four corridors identified in the system study. The system study provides a detailed evaluation of potential commuter rail links to the West Valley by incorporating the findings of the Grand Avenue and Yuma West

Transit Element



Corridor Development Plans; and evaluation of potential commuter rail links to the East Valley. The system study calls for phased implementation of the commuter rail system based on a number of factors, including: development patterns, changes in travel demand, community support, potential funding sources and potential integration with the Phoenix/Tucson intercity rail.

By 2035 the Grand Avenue corridor is projected to experience a 41 percent increase in population and a 52 percent increase in employment. As a result of this growth, and even with planned roadway improvements and increased transit service, congestion in the Grand Avenue corridor is expected to worsen. Automobile congestion levels are projected to range from moderate to severe throughout the length of the project corridor. Commuter rail service would provide an opportunity to improve mobility, particularly for peak period trips, by reducing travel time and providing a reliable and consistent alternative to automobile travel in a congested roadway corridor.

The BNSF rail line currently carries seven to eight trains daily at an approximate speed of 49 miles per hour. Upgrades and changes desired for implementing commuter rail services on the BNSF line may include new signals, a second track, and reduced main track switching activity. Additional commuter rail implementation requirements include governance and administration, railroad cooperation and funding.

Trends in Transit Use

The Surprise Transit Feasibility Study accepted by Surprise City Council on October 2, 2018 documented existing conditions in Surprise. This includes an analysis of the City's demographic trends, the identification of

activity centers and land uses, and a review of the City's existing transit services and facilities. The study additionally documented the existing travel markets in Surprise.

The commute is an important transit trip generator. The American Community Survey (ACS) 5-year estimates show that Surprise has the lowest percentage of households with workers compared to Maricopa County and its peers. This can be attributed to the fact that 22 percent of Surprise's population is over 64 years of age compared to 14 percent countywide. According to the United States Census, more than 75 percent of Surprise workers used a car, truck, or van to commute to their jobs. Public transportation as a mode of commuting amounted to less than one percent.

Although the majority of Surprise workforce travels to jobs across the region, by personal automobiles, the data also show several potential internal transit markets. Potential service between large employment centers and retail, commercial, and residential areas of Surprise may circulate both internal work and non-work trips.

Population increases for Surprise will provide an opportunity to expand transit into new and growing markets, thereby extending its ridership base. To meet the continued needs and demands generated by development, it will become necessary to develop local public transit services. As environmental and capacity issues become more evident, transit's role will increase. Effective use of transit could make a difference in the level of congestion in certain corridors in the Surprise area.

Surprise Transit Services

EXHIBIT B

Surprise General Plan 2035: Foundation for the Future

Express Bus

Express Route 571 is the sole regional transit service connecting Surprise to downtown Phoenix. As a direct commuter service, Route 571 operates Monday through Friday, making four inbound morning peak-period trips to Phoenix and four outbound peak-period trips back to Surprise. Route 571 operates from the Surprise Park-and-Ride to Downtown Phoenix via Grand Avenue in the inbound direction and Interstate 10/Loop 101 in the outbound direction.

Local Bus

At this time, there are no local bus routes serving Surprise; however, Valley Metro Local Routes 83-83rd Avenue, 106-Peoria Avenue, and 138-Thunderbird Road provide service in the vicinity of Surprise.

Valley Metro Paratransit

Paratransit service is a shared-ride, door-to-door service (mandated by the Americans with Disabilities Act of 1990) provided to people with disabilities who are not able to use traditional fixed-route transit service. Federal Transit Administration requires that, at a minimum, ADA complementary paratransit be provided within 3/4 of a mile of a bus route or rail station, at the same hours and days, for no more than twice the regular fixed route fare. In Surprise, seniors, certified ADA passengers, and income-qualified individuals are eligible to use Valley Metro paratransit services to book trips longer than 7 miles outside of Surprise for medical appointments and work.

RideChoice Taxi Service

Valley Metro's RideChoice program provides discounted taxi service to qualified seniors, people with disabilities, and income-qualified individuals 24 hours per day, 365 days per year. To be eligible for the program,

passengers must either be 65 years or older or be certified as ADA-paratransit eligible, and provide proof of residency within a participating community. Wheelchair accessible service is available at no additional charge.

In October 2018, Valley Metro launched an Enhanced RideChoice service for qualified participants. The redesigned program provides more service and more transportation options, including additional wheelchair-accessible vehicle providers and the rideshare provider Lyft.

Vanpool

Valley Metro's vanpool program is another service available to Surprise residents. Under the vanpool program, Valley Metro provides a group of six to fifteen people with a van to use for commuting purposes. One qualified participant volunteers to be the driver, and each rider pays a monthly fare that covers the lease, fuel, maintenance, and insurance costs of the van.

Transit Supportive Land Use Planning

In order for transit to be successful, the Surprise City Council approved the Transit-Oriented Development Strategic Plan to create a more "transit friendly environment" in which transit has a better opportunity to succeed. One strategy is to provide for dense, mixed use developments that will support travel by transit. Another element is to provide the physical facilities that result in a better operating environment for transit, such as bus pullouts, park and ride lots, signal prioritization for transit vehicles and improved access to transit for pedestrians and bicyclists.

Implementation is dependent on the close coordination of land use and transportation planning. The relationship between transit and land use focuses development in concen-

Transit Element



trated rather than linear patterns adjacent to transit stops and stations. Transit investments are directed to link these transit supportive areas to provide people with an attractive alternative to the single occupant vehicle. This will allow more people to live and work within walking distance of transit.

GOALS AND POLICIES

Goal 1: Balanced Multi-modal System

Develop and maintain a balanced, multi-modal transportation system to ensure safe and efficient movement of people and goods in Surprise.

Policies

1. Provide and expand transportation demand management strategies to help reduce traffic congestion and encourage alternative modes of travel.
2. Consider the needs of the entire community and the special needs of the elderly and people with impaired mobility in the planning, design, construction and maintenance of the City's transportation system.
3. Include transit planning as an integral component of long range plans and the development review process.

Goal 2: Access and Alternatives

Provide attractive and convenient public transit services to, from, and within Surprise.

Policies

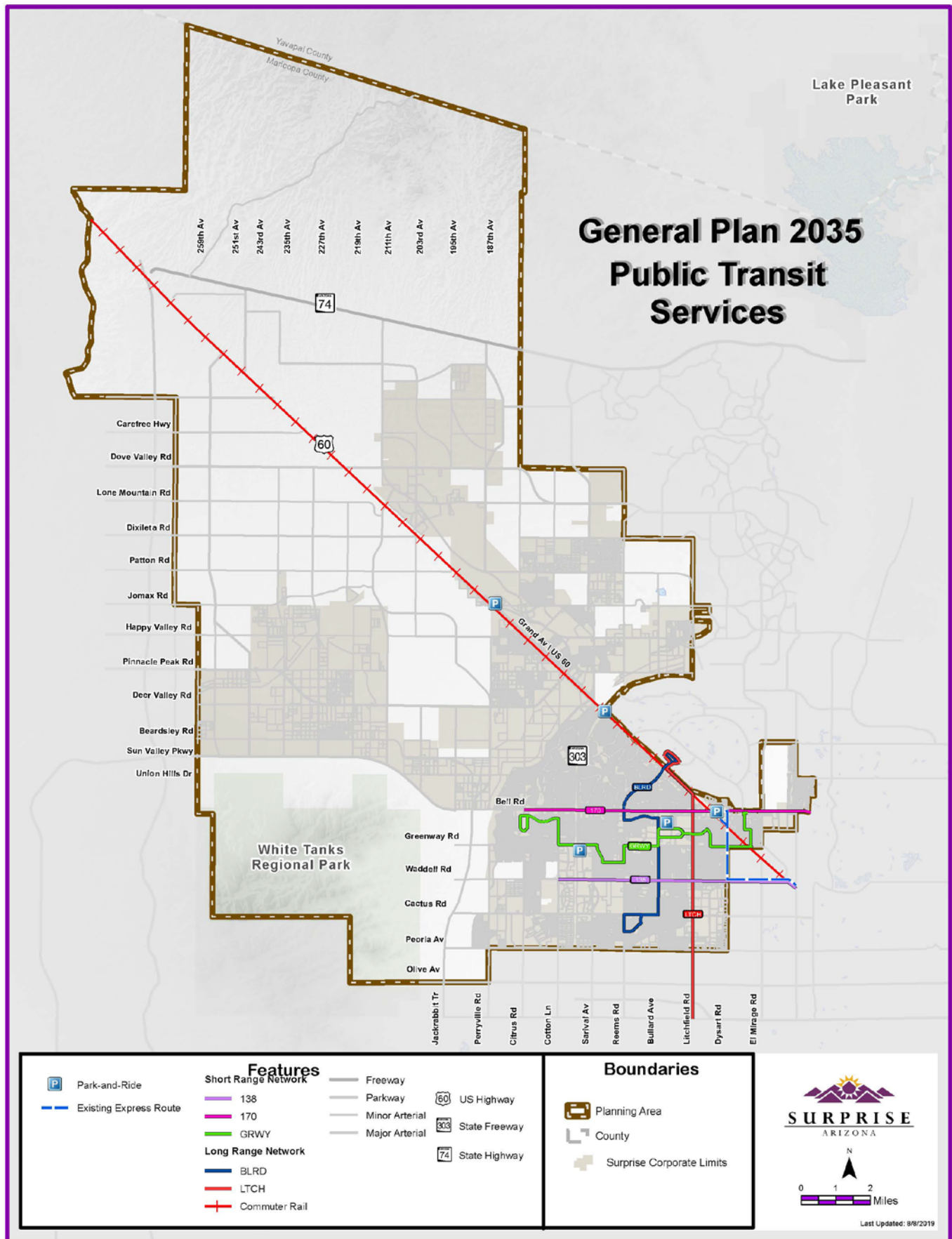
1. Pursue a Citywide local transit system that connects homes, businesses, schools, and employment centers.
2. Integrate the regional transit system with the Surprise local transit system.
3. Work with all appropriate agencies and in-

terests to support the implementation of commuter rail service in the Burlington Northern/Santa Fe (BNSF) Railway corridor adjacent to US 60/Grand Avenue.

4. Support the provision of high frequency transit service and capital investments to benefit high density/intensity areas.
5. Implement transit priority measures to ensure increased transit ridership.
6. Encourage transit services that address the needs of persons with disabilities, the elderly, young people, people with special needs, and people who depend on public transit for their mobility.
7. Develop transit fare recovery policies consistent with regional standards.
8. Collaborate with regional agencies to ensure increased transit service frequency, connectivity and availability in Surprise.

EXHIBIT B

Surprise General Plan 2035: Foundation for the Future



Growth Element

INTRODUCTION

The purpose of the Growth Element is to establish policies that will lead to sustainable growth over the next 10-20 years by promoting more efficient coordination of land use, transportation, and infrastructure development. The policies and plans outlined within this Element are designed to sustain high quality of life within Surprise, protect natural resources, and drive economic vitality by ensuring that necessary public facilities are completed in harmony with both existing and new development.

DISCUSSION

The City of Surprise's population is projected to reach approximately 750,000 residents upon build-out of the City's Planning Area. This means, with a current population of just over ~~123,000~~ 138,000 residents, there is significant opportunity for growth within the City over the next 10-20 years and beyond. Where and when growth is accommodated has major implications on the outlay of infrastructure, service levels and on the costs to maintain City operations and infrastructure. Therefore, the ability to wisely manage and direct growth to key strategic locations is critical for Surprise's continued success and prosperity.

This element provides the direction for managing this expected growth by creating a link between planned land use, transportation, and infrastructure facilities with specific implementation techniques such as zoning ordinances, capital improvement programs, impact fee requirements, and design guidelines.

Growth Management Strategy

While demographics, market trends, community needs, and land resources often drive growth, development must be strategically planned and phased to maximize the efficient use of urban facilities and services.

Through the use of smart growth policies that promote development near existing trans-

portation options, public infrastructure, and community facilities; foster distinct, attractive communities with a strong sense of place; and preserve open space and critical environmental areas the City has developed a strong policy framework to guide growth management in a sustainable way, which reflects the community vision established within the General Plan 2035.

Recent Growth and Development Patterns

Recent Growth

Over the decade of 2000 to 2010, Surprise had an astounding population growth rate of 281%, making it the 6th fastest growing city in Arizona over that time frame. The current population of Surprise is approximately 138,161 ~~123,000~~ (~~2013—2018~~ US Census estimate) and continues to grow at a steady pace. Affordable housing, an abundance of parks and open spaces, quality schools, sustainable employment opportunities, connected transportation systems, sense of community pride, and a low crime rate are just a few reasons that contribute to a superior quality of life that draw incoming residents to Surprise.

Historically known as a community that caters to the active adult lifestyle, Surprise has experienced an infusion of younger families that have helped generate more diverse services, recreation and retail shopping opportunities in Surprise over the past decade. In fact, the

Growth Element



median age in Surprise is now 36.841.3 years old (2010) and was 46.1 years of age in 2000.

Like the majority of fast growing cities, Surprise has its challenges with achieving an appropriate jobs to housing balance that ensures a sustainable growth model into the future. Much like the population, the labor force in Surprise has shown positive growth of 4.7% over the last 10 years. However, Surprise experiences a significant amount of daily workers migrating out to jobs in other cities throughout the region. In 2011–2015 Surprise had a workforce of 42,44048,716 people, of which 38,734–43,730 of the residents commuted to work outside of Surprise. Whereas 10,14813,328 people commute into Surprise for work and only 3,706–4,986 people both live and work in Surprise.

This condition has caused Surprise residents, elected officials and employers to place an importance within the General Plan 2035 on reducing the current trend of residents commuting elsewhere for higher paying, professional wage jobs.

Development Patterns

The analysis of Surprise's present development pattern is one of the fundamental steps in formulating a growth plan for the City. The evaluation of current land use patterns coupled with the understanding of existing and planned transportation corridors, public facilities and environmental constraints, enables a determination of development potential to be made for the remaining undeveloped portions of the planning area.

Up to today, the majority of the City's growth has largely been concentrated within the southeastern portion of the City's planning area. This roughly 40 square mile core area is bounded by Grand Avenue (US 60) on the north, Peoria Avenue on the south, Beardsley Canal on the west, and Dysart Road to the east.

Growth within this area has historically been dominated by sprawling low-density suburban development on former agricultural lands. Of this development, a large concentration of active-adult communities are located north of Bell Road, while traditional single-family communities are primarily located south of Bell Road. Smaller clusters of multi-family development are also scattered throughout this portion of the City.

Along with their foundation of suburban residential development, the City maintains a service base of commercial, business and industrial uses. Retail and service uses are generally concentrated along Bell Road and Grand Avenue, while neighborhood type retail and service uses are located at the intersection of many major arterials within the central core of Surprise. However, with the development of Loop 303, additional regional retail and service uses have begun to concentrate along this important regional transportation corridor.

The planned Surprise Center District, or downtown, is also located within this core development area and is currently comprised of Surprise's spring training facilities, community park, aquatics and tennis center, and the City Hall and Public Facility complex.

Almost all industrial development currently within the City constitutes light manufacturing, distribution and storage facilities. These uses are generally located along the existing BNSF railroad line in the southeast portion of Surprise as well as at the north east intersection of Bell Road and Grand Avenue.

The remaining portions of land north of the Beardsley canal within the City limits and the larger Surprise planning area is predominantly undeveloped. However, the limited land use that does exist in this area is diverse and has a significant impact on the future growth of Surprise. Most notably, the Luke Air Force Base Auxiliary Field #1 (AUX 1) is located along

Surprise General Plan 2035: Foundation for the Future

Happy Valley Road, west of 211th Avenue. Immediately adjacent to AUX 1 is the Ford Proving Grounds, which borders the Northwest Regional Landfill.

In addition to these large non-residential land uses, several existing residential land uses can be found in the vast Surprise planning area north of the Beardsley canal. Most residential development consists of smaller pockets of rural residential development scattered north of Jomax Road and south of SR 74, including the communities of Wittman and Circle City. However, multiple large scale suburban planned area developments are currently under construction along the 163rd Avenue alignment.

Growth Areas

With a planning area of approximately 302 square miles, growth in the City of Surprise has the ability to occur at many levels and in many directions. Growth areas are not static—they are prone to change due to outside influences such as market conditions and specific city needs. The Anticipated Growth Map shows where growth is highly likely and encouraged in the City. The growth areas are categorized by the type of development that may occur, and will be further defined as part of a city-initiated or private development-initiated specific area plan to better define land use, circulation and urban form plans for each area.

The following growth area descriptions identify a general narrative of each area's existing and desired future development characteristics. The intent is to provide a more enhanced picture of these areas that is in keeping with the recommended land uses identified in the Character Area Land Use Plan. Land use decisions affecting property within these growth areas should not only take into account these general descriptions, but should also be based upon future area-specific planning recommendations and appropriate design principles that may relate to future requests for development.

Residential

Cactus & Citrus: As some of the last available land within the existing urbanized area of Surprise, this growth area is well suited for residential development. The defined arterial roadway system and Loop 303 freeway provide optimal connectivity for future residents to access destinations within Surprise as well as the larger region. Residential development in this area should reflect densities that respect existing adjacent development, while also fostering a population base that will promote future transit opportunities and support more intense non-residential development desired along the Loop 303 corridor.

163rd Ave Corridor: This area is already experiencing new residential growth as developable land south of the Beardsley canal is becoming more limited. With access along 163rd Avenue and Grand Avenue as well as close proximity to Loop 303, availability of existing services, and adjacency to desired open space linkages, growth in this area should include a full range of housing opportunities along with appropriately located commercial areas.

Sun Valley Parkway: While residential development may not occur in this area as quickly as other residential growth areas, this land is readily accessible with its placement along Sun Valley Parkway. Given the proximity to the White Tank Mountain Regional Park, this area is well suited to create a smooth transition from urban to rural residential land uses. The location of this area provides opportunities to define a more natural edge with the park that includes wildlife corridors and community trail linkages to a City-wide open space system.

Employment

Bell Road: The Bell Road corridor is largely built-out, therefore growth along this corridor is expected to be primarily infill development of vacant sites or redevelopment of underutilized properties. Much of this infill development

Growth Element



should take the form of commercial, office and appropriately placed mixed-use projects. However, a potential exists for infill development to further degrade traffic congestion along Bell Road. Consequently, growth management strategies for this area should focus on the timely development of circulation system improvements related to infill development projects, such as the use of transit or other alternative transportation methods.

Railplex: This growth area is already a significant employment center within Surprise. The availability of extensive land resources combined with the placement of existing infrastructure and rail access, positions this area to immediately support a mix of export-oriented base sector activities, such as warehouse distribution, light or heavy manufacturing, research and development uses, and select business services. In order to support near term job growth in the City, development in this area should focus on supporting a variety of employment types from small and mid-size warehouse projects to large scale manufacturing. In addition, the maintenance of the “goods movement” infrastructure within this growth area is also important to remain competitive within the region.

303 Corridor: The 303 Corridor is expected to be a prestigious corporate center and high density development area. The strong connections this growth area has to the Loop 303 regional transportation system, as well as the local circulation system, makes this area appropriate for a mix of employment and residential uses. Development should create an attractive public realm and include provisions for enhanced community amenities, transportation and infrastructure, and other public services. Density, building design and streetscapes must support transit oriented development and must encourage the use of alternative modes of transportation as the preferred method of travel to and within this

area.

Grand & Beardsley: As development occurs along 163rd Avenue, this growth area will play a prominent role in providing a variety of employment opportunities, such as office and institutional jobs and regional shopping services. Access to Loop 303 will also help to draw people beyond the adjacent residential neighborhoods to this mixed use area. The relationship between these various uses and their impact on one another and surrounding residential neighborhoods deserves special consideration. With the BNSF rail line and Beardsley canal running through this area, it will be critical to provide adequate connections to the surrounding planned residential neighborhoods and open space linkages to ensure this area is not an isolated development. Consideration should also be given to take advantage of future mass transit systems that might be built along the existing BNSF rail line.

Special Districts:

City Center: City Center or Downtown Surprise has a unique role to play in the 21st century development of the West Valley region. In addition to being the civic, administrative, legal, cultural, and entertainment center, downtown will also offer transit connections and is planned as an exciting pedestrian environment.

The downtown should be a vibrant city and regional center where residents are able to live, work and play. Most of this area should integrate a diverse, but compatible, cluster of land uses where residents, employees, shoppers, tourists, and students can gather in a well-designed mixed use environment. Development should exhibit high architectural and urban design standards where the public realm is inviting and the street network is supportive of alternative modes of transportation.

EXHIBIT B

Surprise General Plan 2035: Foundation for the Future

Heritage District: The Original Town Site (OTS) of Surprise currently includes over 16% of undeveloped lands within its boundaries, in addition to many vacant properties. Therefore future growth in this area is envisioned to have a strong focus on providing much needed services for the residents living within the Heritage District, while protecting and expanding the cultural aspects of the City's roots. The revitalization of the Heritage District will provide a balanced approach to heritage neighborhood renewal and a heritage arts, culture, and entertainment-oriented development sector—providing unique cultural and heritage assets for the city as a whole.

The ultimate pattern of revitalization supports design strategies and public improvements that capitalize on the cultural aspects of walkability and “front yard-living” that provide the basis for a vibrant, culturally diverse community, while providing regional connectivity and expanded services.

Current planning efforts for this area include the Village 1 Plan and the Specific Plan for the Revitalization of the Original Town Site that ensures the vision of future investment.

Managed Growth Areas

Managing growth not only involves the identification of those areas that are appropriate for enhanced development, it also requires controlling growth in areas that exhibit important natural resources.

Surprise has many significant natural areas that help give the City a unique identity. In order to protect and ensure that future generations will be able to use and enjoy these natural resource areas, some portions of the City require a more context sensitive development pattern. These lands include Sub Areas such as the Scenic Lands Development and Wildlife Linkages Corridor, and may also include additional key resource lands to be further defined through future studies.

To limit the density and intensity of development in these important natural resource areas and maintain an overall healthy and diverse environment, the City will utilize the various conservation goals and policies provided throughout the General Plan 2035 along with all accompanying existing and future planning policy documents.

GOALS AND POLICIES

Goal 1: Sustainable Growth

Support sustainable growth that ensures effective, efficient, and equitable provision of public services, land, and infrastructure.

Policies

1. Promote infrastructure expansion where it will be more efficient and effective, and minimizes adverse impacts outside the identified growth areas.
2. Give priority to infrastructure upgrades and improvements in the identified growth areas.
3. Focus infrastructure improvements in designated growth areas and contiguous to existing development.
4. Make development decisions predictable, fair and cost effective.
5. Promote and provide incentives for infill development, redevelopment and growth in existing urbanized areas.
6. Expand efforts to ensure all new development and future development includes community and stakeholder collaboration.
7. Promote sustainable and green building practices to lessen the demand on infrastructure.

Goal 2: Multi-Modal Growth

Growth Element



Emphasize efficient transportation to, from, and within growth areas, focusing on automobile, transit, and other forms of circulation.

Policies

1. Promote physical planning and design techniques that facilitate access to, and use of, transit services and other multi-modal circulation options.
2. Concentrate circulation infrastructure expansion in identified growth areas and coordinate improvements with development activity.

Goal 3: Natural Resources

Conserve significant natural resources and open space in the Growth Areas.

Policies

1. Allow for growth management strategies, such as the transfer of development rights, to conserve open space.
2. Strengthen connections between open space areas within, and outside of growth areas by identifying open space corridors between these areas.
3. Safeguard and maintain significant historic, archaeological, and natural resources in the growth areas.

Goal 4: Downtown

Foster the continued development of a unique and well-designed downtown.

Policies

1. Create and adopt design guidelines specific to the downtown area.
2. Promote art as an integral part of all downtown development.
3. Remove barriers that may hinder residential development in the identified downtown

area.

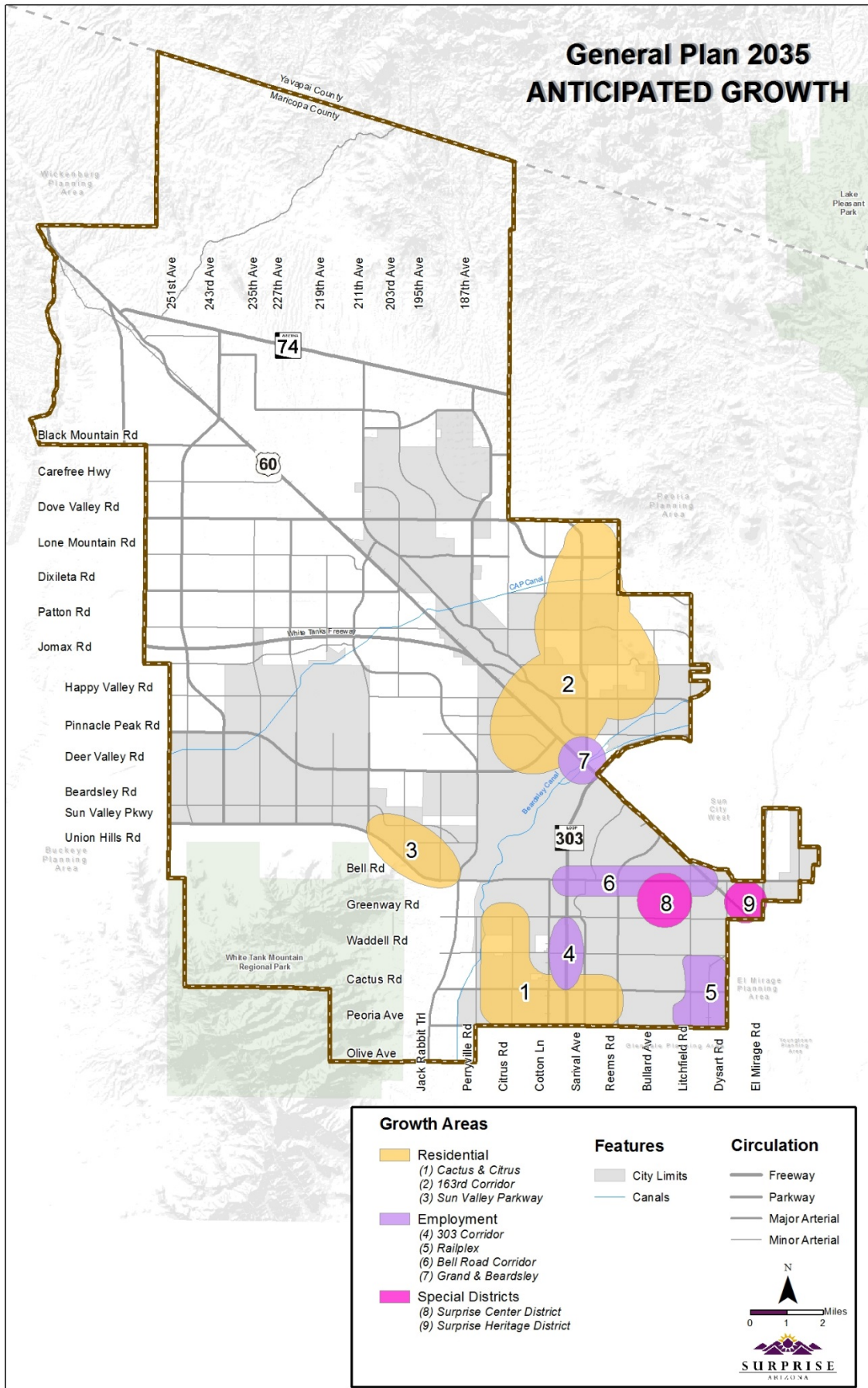
Goal 5: Original Townsite

Protect the historic qualities of the Original Townsite (OTS) while promoting compatible, context-sensitive infill development.

Policies

1. Seek opportunities to leverage outside funding and incentives to promote growth in the OTS.
2. Identify local, state and federal resource programs and grant opportunities that can be used to enhance social programs and/or public facilities in the OTS.
3. Continue to work with other public, private, and non-profit entities to enhance needed services in the OTS.
4. Create and adopt design guidelines specific to the OTS.
5. Continue to educate and inform residents of the value in preserving the heritage of the OTS.
6. Promote pedestrian connectivity as an integral part of all OTS development.
7. Encourage adaptive reuse of vacant properties to preserve cultural identity and invigorate underutilized areas.

EXHIBIT B





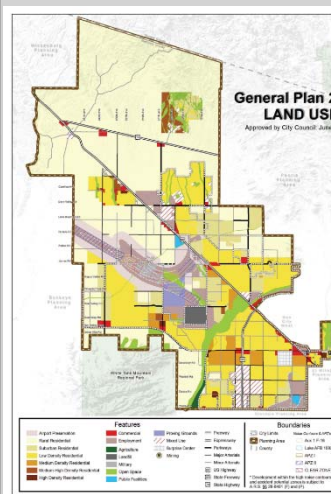
**Major Amendment General Plan 2035
City Council
December 3, 2019
FS19-296**

Today's Discussion

- What is the General Plan 2035?
 - History and background
- Major vs Minor Amendments
- Proposed Changes
 - Extending Surprise Municipal Planning Area
 - Roadway Systems Element and Transit Element
 - Growth Element to reflect changes in the housing market and recent annexations.

What is the General Plan 2035

- History and background
 - General Plan 2035 – State required comprehensive plan
 - Ratified in 2013, major amendment in 2015
 - Character Zones, but no “tool” to link them Land Use Plan
 - Character Area mimics these Zones on the Land Use Plan



Ratified General Plan

Natural Zone

Rural Zone

Suburban Zone

Urban Zone

Urban Center

-

Special District Zone



Amended General Plan

Open Space Character Area

Rural Neighborhoods

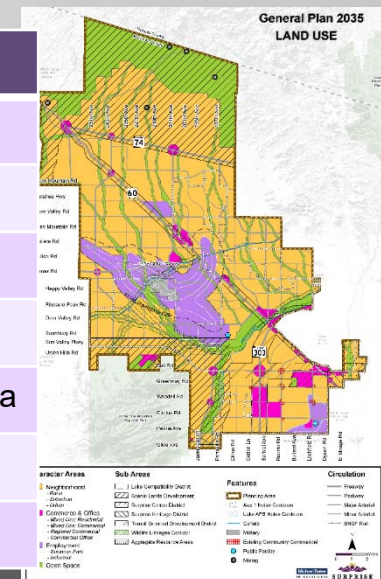
Suburban Neighborhoods

Urban Neighborhoods

Commerce & Office Character Area

Employment Character Area

Sub Areas (7)



Minor vs Major Amendments

- Minor Amendments
 - Processed anytime; typically concurrent with Rezoning Applications
 - Standard Citizen Outreach and Public Hearings
 - Minor text changes
 - Non-substantive corrections to Land Use plan's mixture or balance
 - Other changes that don't qualify as Major Amendments
- Major Amendments
 - Any change from Commerce & Office or Employment to Neighborhood
 - Any change from Neighborhood of 640 or more acres
 - Any change to or from Open Space exceeding 160 acres
 - Requires 2 public hearings in front of Planning and Zoning Commission
 - City Council considers all Major Amendments at single public hearing per year

Proposed Changes

- Extending Surprise Municipal Planning Area by adding approximately 26 square miles as shown in the Land Use Map. (all other maps will also be updated)
- Roadway Systems Element and Transit Element within “Chapter 3: Transportation” to reflect updated roadway maps and policy changes associated with the recent Transit Feasibility Study and Transit-Oriented Development Strategic Plan.
- Growth Element to reflect changes in the housing market and recent annexations.

General Plan 2035 LAND USE

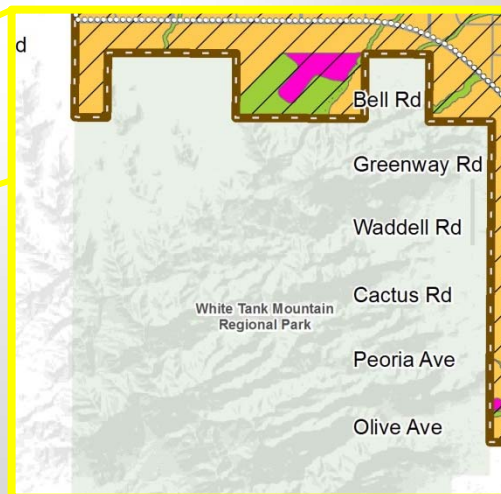
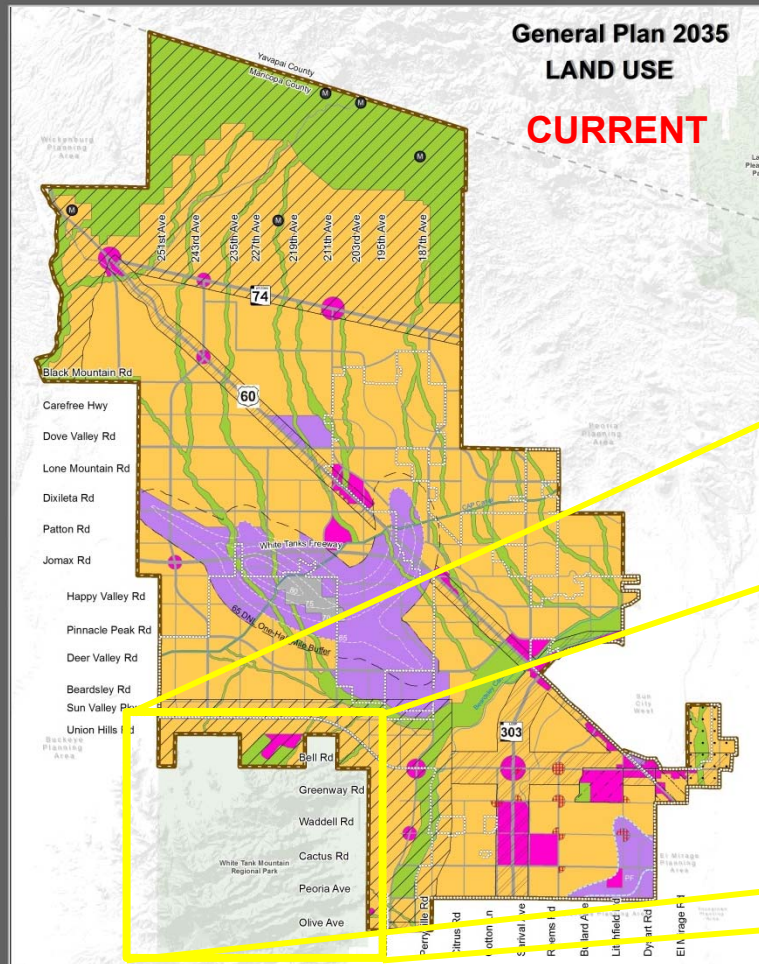
CURRENT

Surprise Municipal Planning Area (MPA)

- Expanding the Surprise MPA
- About ½ White Tank Mountains Regional Park (remain County park)
- Aligns with Buckeye's updated MPA
- 26 square miles of Open Space
- Eliminate islands in region's MPAs

Character Areas

- Neighborhood**
 - Rural
 - Suburban
 - Urban
- Commerce & Office**
 - Mixed Use: Residential
 - Mixed Use: Commercial
 - Regional Commercial
 - Commercial Office
- Employment**
 - Business Park
 - Industrial
- Open Space**



General Plan 2035 LAND USE

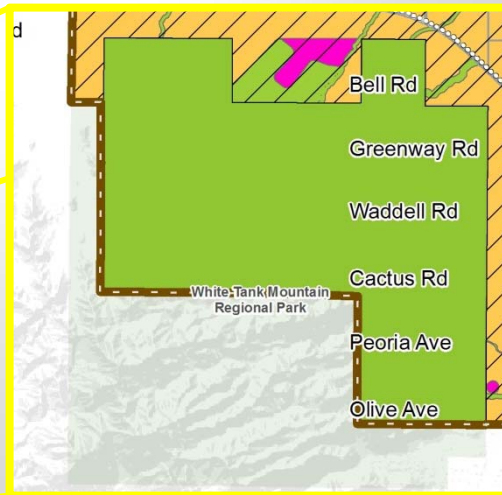
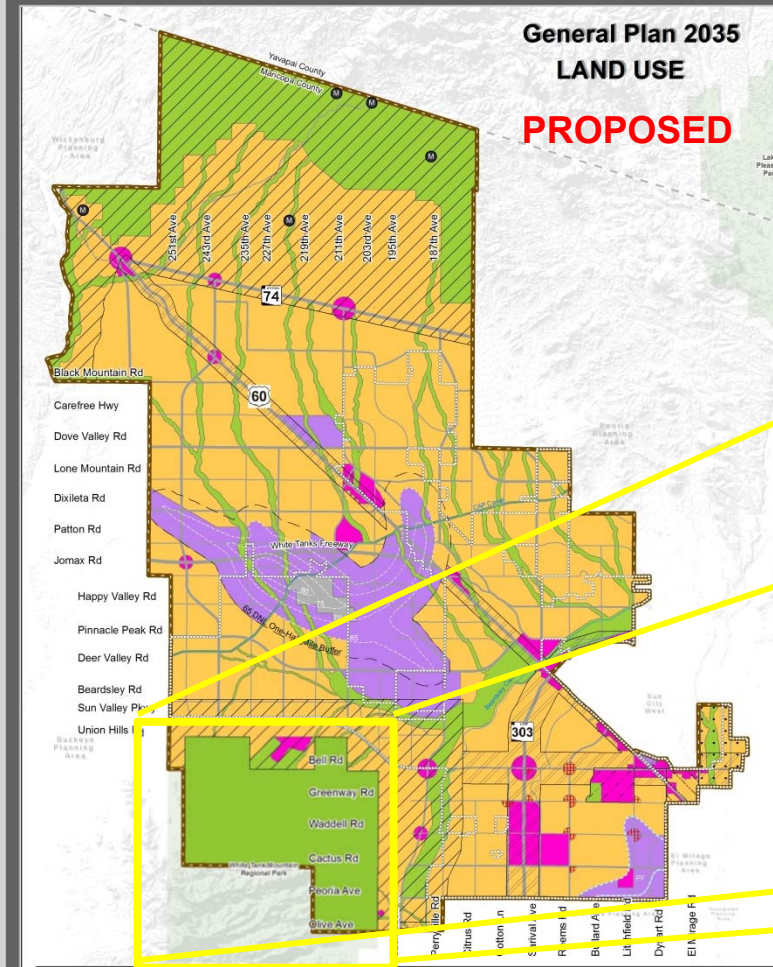
PROPOSED

Surprise Municipal Planning Area (MPA)

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- 26 square miles of Open Space
- Eliminate islands in region's MPAs

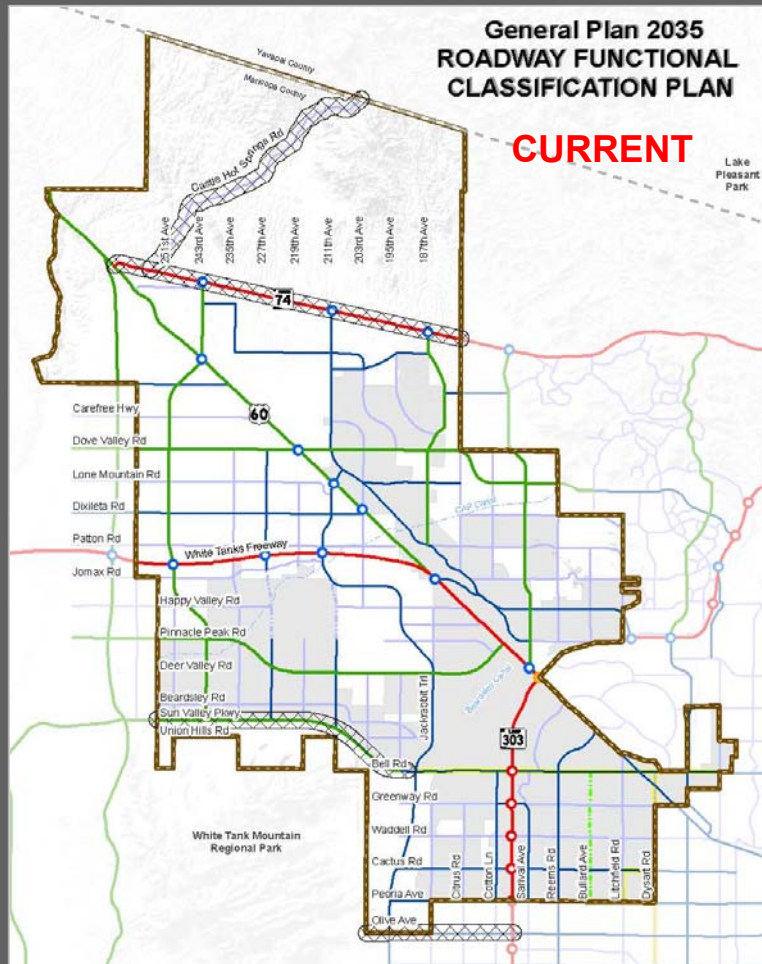
Character Areas

- Neighborhood**
 - Rural
 - Suburban
 - Urban
- Commerce & Office**
 - Mixed Use: Residential
 - Mixed Use: Commercial
 - Regional Commercial
 - Commercial Office
- Employment**
 - Business Park
 - Industrial
- Open Space**



General Plan 2035 ROADWAY FUNCTIONAL CLASSIFICATION PLAN

CURRENT

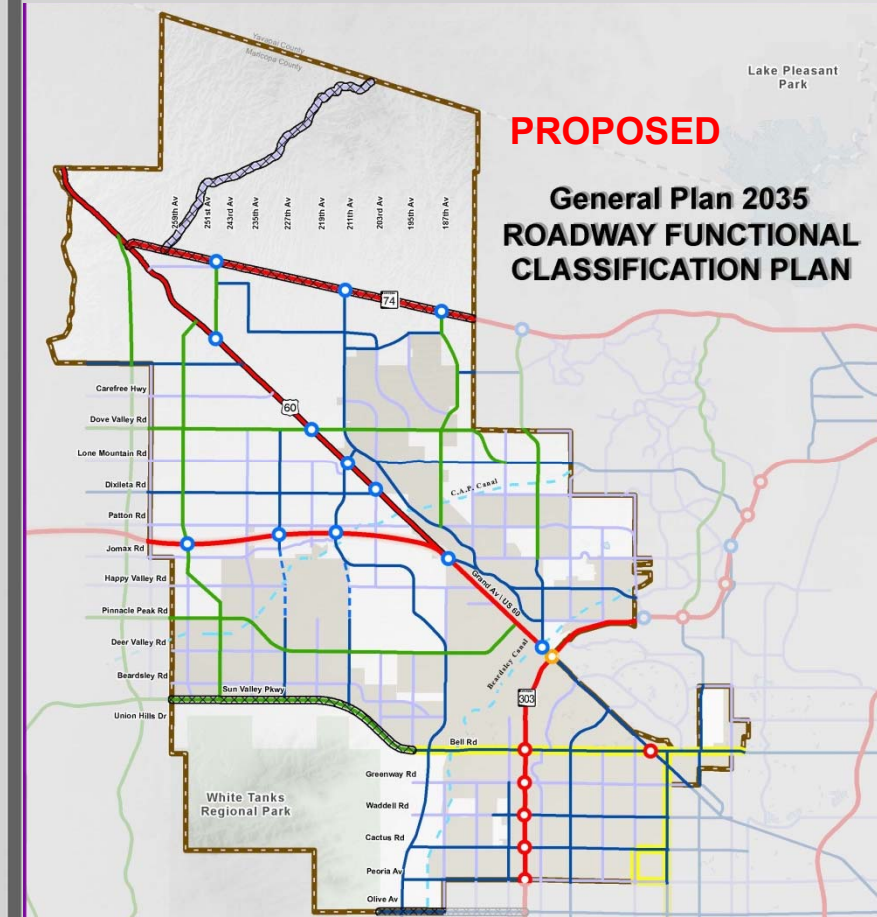


Roadways Element

- Goals and policies to improve overall circulation
- Hierarchical roadway network
- Emphasis on alternative transportation modes
- Explains how:
 - Goals will be achieved
 - Policies will be implemented

Features				Boundaries	
Interchanges		Scenic Corridor	Minor Arterial	US Highway	Planning Area
Existing	Proposed	Freeway	Designated Truck Route	State Freeway	County
Temporary		Parkway	Canal	State Highway	Surprise Corporate Limits
		Major Arterial	Transportation Corridor Preservation		

Roadways Element



- Goals and policies to improve overall circulation
- Hierarchical roadway network
- Emphasis on alternative transportation modes
- Explains how:
 - Goals will be achieved
 - Policies will be implemented

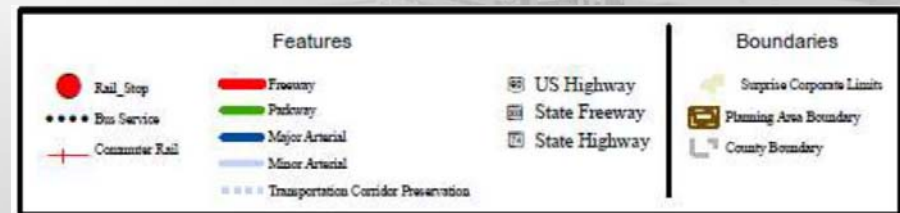
CURRENT

General Plan 2035 PUBLIC TRANSIT



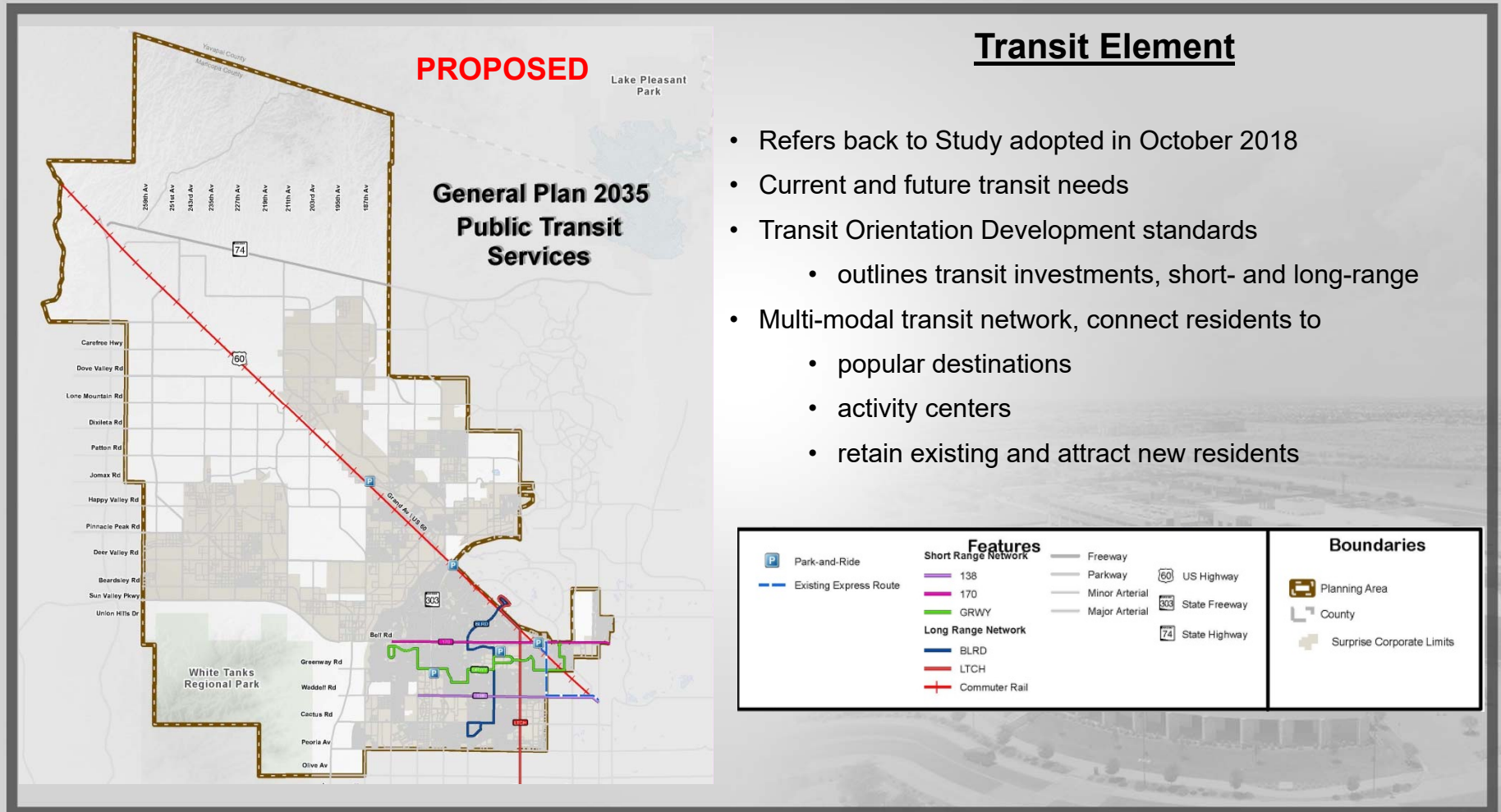
Transit Element

- Refers back to Study adopted in October 2018
- Current and future transit needs
- Transit Orientation Development standards
 - outlines transit investments, short- and long-range
- Multi-modal transit network, connect residents to
 - popular destinations
 - activity centers
 - retain existing and attract new residents



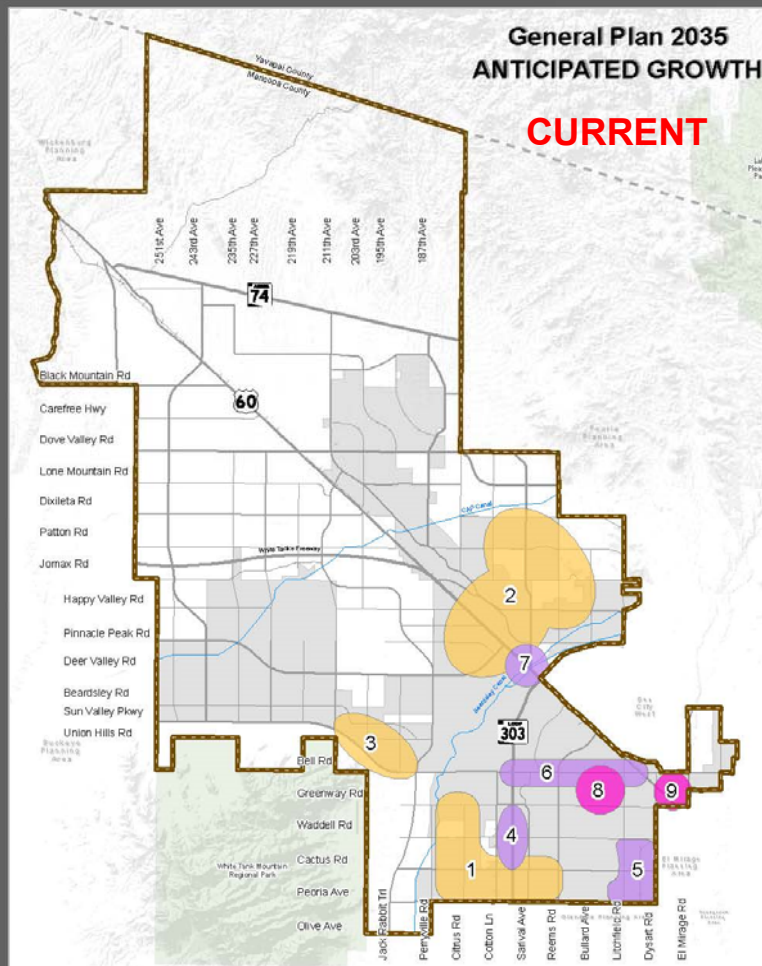
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 - outlines transit investments, short- and long-range
- Multi-modal transit network, connect residents to
 - popular destinations
 - activity centers
 - retain existing and attract new residents



General Plan 2035 ANTICIPATED GROWTH

CURRENT



Growth Element

- Based on growth patterns and other developer proposals
- Revised since most recent Major Amendment in 2015
- Recent pre-Annexation Development agreements
- Development growing more north than previously projected

Growth Areas

- Residential**
 - (1) Cactus & Citrus
 - (2) 163rd Corridor
 - (3) Sun Valley Parkway
- Employment**
 - (4) 303 Corridor
 - (5) Railplex
 - (6) Bell Road Corridor
 - (7) Grand & Beardsley
- Special Districts**
 - (8) Surprise Center District
 - (9) Surprise Heritage District

Features

- City Limits
- Canals

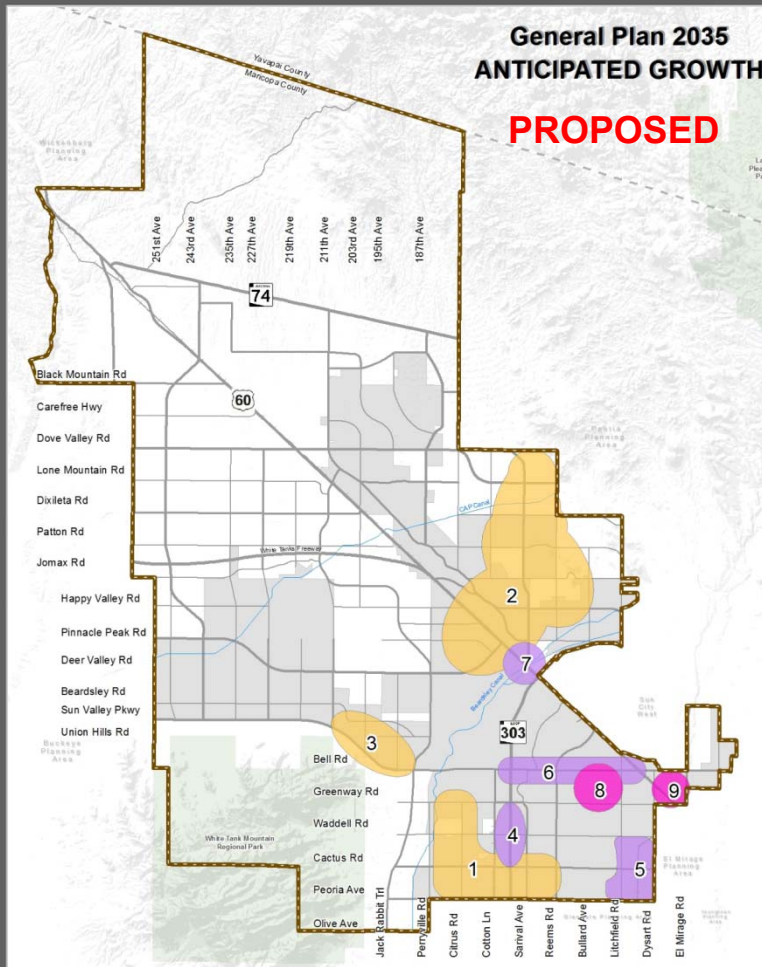
Circulation

- Freeway
- Parkway
- Major Arterial
- Minor Arterial



General Plan 2035 ANTICIPATED GROWTH

PROPOSED



Growth Element

- Based on growth patterns and other developer proposals
- Revised since most recent Major Amendment in 2015
- Recent pre-Annexation Development agreements
- Development growing more north than previously projected

Growth Areas

- Residential**
 - (1) Cactus & Citrus
 - (2) 163rd Corridor
 - (3) Sun Valley Parkway
- Employment**
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 - (8) Surprise Center District
 - (9) Surprise Heritage District

Features

- City Limits
- Canals

Circulation

- Freeway
- Parkway
- Major Arterial
- Minor Arterial



General Plan Timeline

Transit Feasibility Study and Transit-Oriented Development Strategic Plan

- Adopted by City Council, October 2018

Citizen and Stakeholder Outreach

- July 2019 – staff review complete
 - Early drafts sent to stakeholders
- August 2019 – 60 Day Review Period
 - Final drafts sent to stakeholder
 - Published online

Public Hearings: Arizona Revised Statutes

- 2 public hearings with Planning and Zoning Commission
 - 1 off-site – November 7, 2019
 - 1 at City Hall – November 21, 2019
- 1 public hearings with City Council
 - All proposed amendments heard at 1 meeting per year – December 3, 2019



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: December 3, 2019
Submitting Department: City Manager Office
Staff Recommendations: None

Contact Person: Tracy Montgomery
District: Citywide

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

Agenda Wording:

Presentation pertaining to an Emergency Management update.

Motion:

None, discussion only.

Background:

It has been one year since the City of Surprise hired its first Emergency Manager. This presentation will provide a general progress update and highlight some of the many accomplishments made in the first year with an emphasis on city partnerships.

Objective Analysis:

Emergency Managers perform many services for their institutions. Focusing on Critical Infrastructure and Key City Resources, these services are focused on prevention, protection, mitigation, response, and recovery from natural and human-caused events, incidents, and disasters that impact the resiliency of communities. This presentation is an overview of completed and ongoing accomplishments most critical to the City and its stakeholders. Security sensitive information will not be presented or discussed.

Policy Compliant:

This item is policy compliant.

Financial Impact:

There is no financial impact associated with this item.

Budget Impact:

There is no budget impact associated with this item.

FTE Impact:

There is no FTE impact associated with this item.

ATTACHMENTS:

1. 20191203 EM Annual Council Update
-



EMERGENCY MANAGEMENT UPDATE

City Council Presentation
December 3, 2019
Tracy Montgomery, Emergency Manager

FIRST STEPS

- Review Emergency Operations Plan
- Identify City Owned Critical Infrastructure
- Identify Known Risks and Threats
- Assess Preparedness
- Prioritize Needs
- Build Core Capabilities
- Meet with Department Heads and Staff

WHAT DOES AN EMERGENCY MANAGER DO?

- Protect and preserve the safety of the community.
- Prepare plans and procedures for responding to natural and human caused disasters and incidents.
- Lead the organized response to emergency incidents and events in collaboration with Public Safety, City Departments, and community partners.

5 FOCUS AREAS (THE PREPAREDNESS CYCLE)

- Prevention – Plan, exercise, familiarize, and formalize the response. Communicate and educate.
- Preparedness – Plan, organize, train, equip.
- Response – Coordination and Resource Management.
- Recovery – Continuity of Operations Plans and community resilience.
- Mitigation – Limit the impact of disasters.



PREVENTION EFFORTS

- Conduct threat and vulnerability assessments – Stadium and Water Facilities.
- Revise evacuation plans.
- Review/Revise Emergency Operations Plan.
- Initiate business continuity discussions.
- Storm Ready Certification.
- Community outreach – monsoon and special weather, general preparedness.
- Aggregate intelligence sources.
- Examine mail procedures.



PREPAREDNESS EFFORTS

- Increase citywide National Incident Management System (NIMS) capabilities (Integrated with Target Solutions).
- Collaborate with Public Safety and City Departments on Incident Action Planning for known events (Spring Training, Fiesta Grande, Surprise Party).
- Implement specific training for large venue incident management.
- Increase capabilities in the Emergency Operations Center (EOC) and utilize for major events.
- Prepare a valley-wide Table Top Exercise for all 10 Spring Training Stadiums.



RESPONSE EFFORTS

- Increase awareness for soft target threats.
- Increase our knowledge and capacity regarding evacuation of large gatherings.
- Review the Emergency Operations Plan and add special annexes (mass fatality incident management).
- Increase our Unified Command Capabilities through Police, Fire Medical, Sports and Tourism, Parks and Recreation, and Public Works relationships.
- Improve radio interoperability among emergency response stakeholders through specific emergency management radio channels.



RECOVERY EFFORTS

- Continuity of Operations Plan (COOP) planning.
- Established Relationships with American Red Cross.
- Ongoing Intergovernmental Agreement (IGA) with Maricopa County Department of Emergency Management (MCDEM).
- Ongoing Relationship with Arizona Department of Emergency and Military Affairs (AZDEMA).
- Exploring Flood Insurance Compliance.
- Response to Rain and Floodwater Incidents.



American Red Cross



MITIGATION EFFORTS

- Increase the number of security cameras at key locations.
- Restrict access to critical infrastructure (Parking Garage).
- Implement findings associated with vulnerability assessments.
- Identify specific threats and hazards and address them.
- Conduct community preparedness outreach – National Preparedness Month.
- Red Cross Shelter Assessments (4 community, and 4 city-owned facilities).
- Storm Ready Certification (increased weather awareness).





QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 3, 2019

Contact Person: Mark Schott, ASSISTANT CITY
MGR

Submitting Department: City Manager Office

District: Citywide

Staff Recommendations: None

Consent: No

Regular: Yes

Public Hearing: No

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to the City Council Strategic Plan.

Motion:

I move to approve the updated strategic plan.

Background:

The City Council Strategic Plan was first adopted by the City Council in February 2011, following a months-long citizen input process. Council approved an update to the plan in March 2013, adding new elements and more specific goals and strategies to the plan. The City Council is seeking to update the plan in order to remain relevant with local and national trends, and Council objectives.

Objective Analysis:

This item has been placed on the agenda for the review and approval of the recommended amendments to the City Council Strategic Plan.

Policy Compliant:

This item is compliant with City Council policies and City of Surprise Municipal Code.

Financial Impact:

There is no financial impact associated with this item; however, topics covered in this presentation could lead to future actions which may have a financial/budget impact.

Budget Impact:

There is no financial impact associated with this item; however, topics covered in this presentation could lead to future actions which may have a financial/budget impact.

FTE Impact:

There is no FTE impact associated with this item.

ATTACHMENTS:

1. Council Strategic Plan Update 2019.12.03
2. 20191203 Council Strategic Plan - Final draft



Council Strategic Plan Update

City Manager's Office – December 3, 2019

History of the Council Strategic Plan

- Following visioning sessions and other public engagement, Council developed and adopted in 2011
- Updated with additional public safety emphasis in 2013

Current Council Strategic Plan

- Council's priorities focus on seven key areas:
 - Transportation
 - Community Lifestyle
 - Sustainability
 - Public Safety
 - Economic Development
 - Tourism
 - Education

Council Strategic Plan

- 2019 – City leadership collaborated on a review of the 2013 version of the plan
- Recommendations – Update content while retaining the core vision and priorities

Recommendations

- Complementing areas of focus
 - Community Livability & Life-Long Learning
 - Stewardship
 - Transportation
 - Economic and Cultural Vitality
 - Safe and Environmentally Healthy Community

Recommended Revisions

- Revisions primarily “freshen up” the original plan, while retaining the core focus and priorities
- Content was updated to ensure high level, truly “strategic” initiatives
- These initiatives will drive the development of organizational goals by City Management



QUESTIONS OR COMMENTS?

Thank You



UPDATES TO THE CITY COUNCIL STRATEGIC PLAN

DRAFT UPDATE PRESENTED
December 3, 2019



The City of Surprise delivers exemplary
and innovative public service with
integrity and professionalism;
in a fiscally responsible manner; creating
a safe and attractive community where
residents and businesses can thrive.

CITY COUNCIL - 623.222.1300

MAYOR **Skip Hall**

VICE MAYOR, DISTRICT 1 **Roland F. Winters Jr.**

DISTRICT 2 **Nancy Hayden**

DISTRICT 3 **Patrick Duffy**

DISTRICT 4 **Ken Remley**

DISTRICT 5 **David Sanders**

DISTRICT 6 **Chris Judd**

CITY MANAGER'S OFFICE - 623.222.1100

CITY MANAGER **Michael Frazier**

ASSISTANT CITY MANAGER **Mark Schott**

DEPUTY CITY MANAGER **Diane Arthur**

DEPUTY CITY MANAGER **Terry Lowe**

INTRODUCTION

The **City Council Strategic Plan** provides a framework for establishing community priorities and focuses resources in achieving shared goals and outcomes that make Surprise a vibrant place for residents, businesses, and visitors - today and in the future.

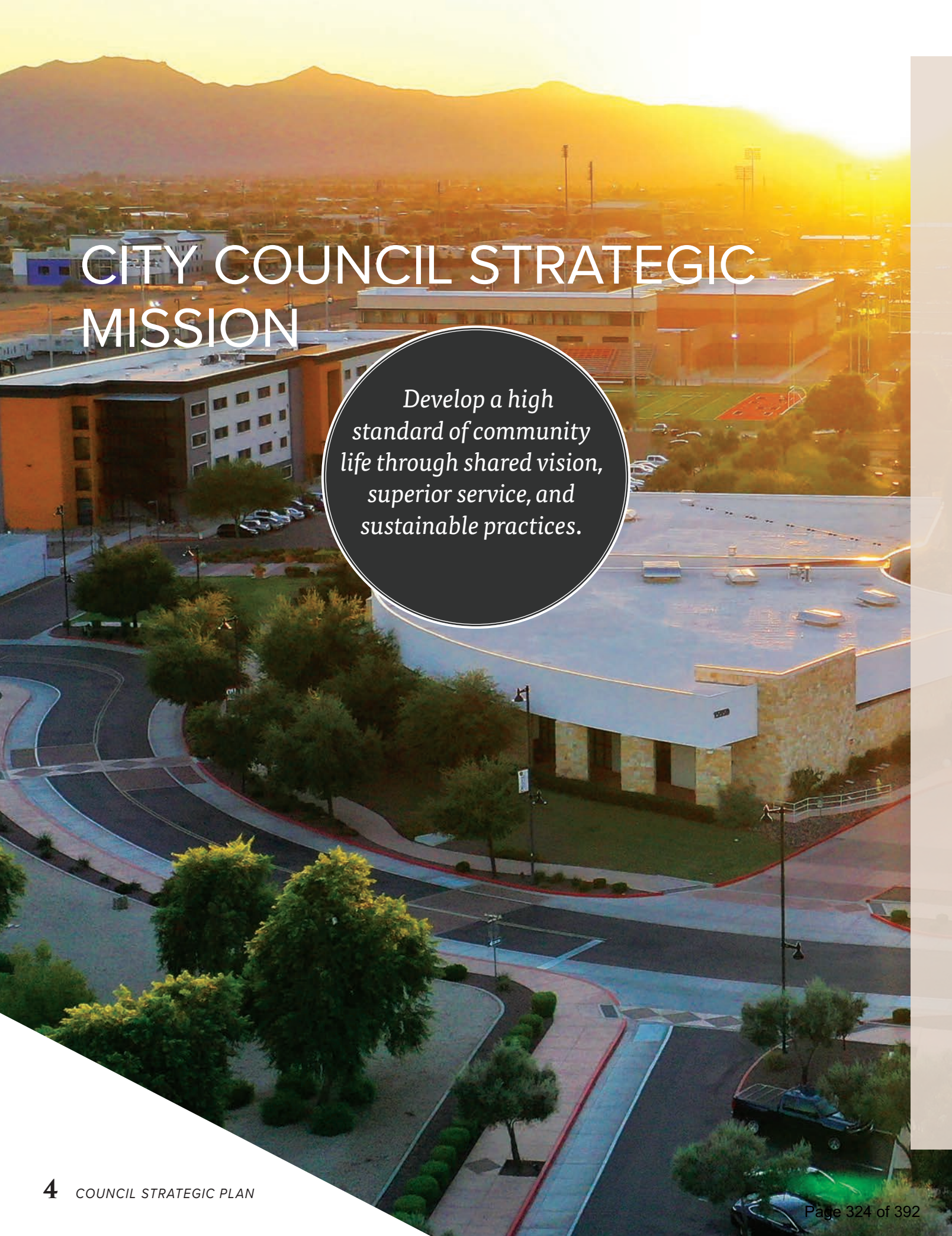
Following visioning sessions and other public engagement opportunities, the Surprise City Council first adopted the Strategic Plan in 2011.

To stay current with changing dynamics over time, Council may review and adjust the Strategic Plan. In 2013, Council added new elements and specific goals to the plan. Council also adopted new revisions to the plan in 2019 to provide high-level initiatives to better support the vision of our growing community.

To make this vision become a reality, the City Council Strategic Plan identifies the following strategic priorities:

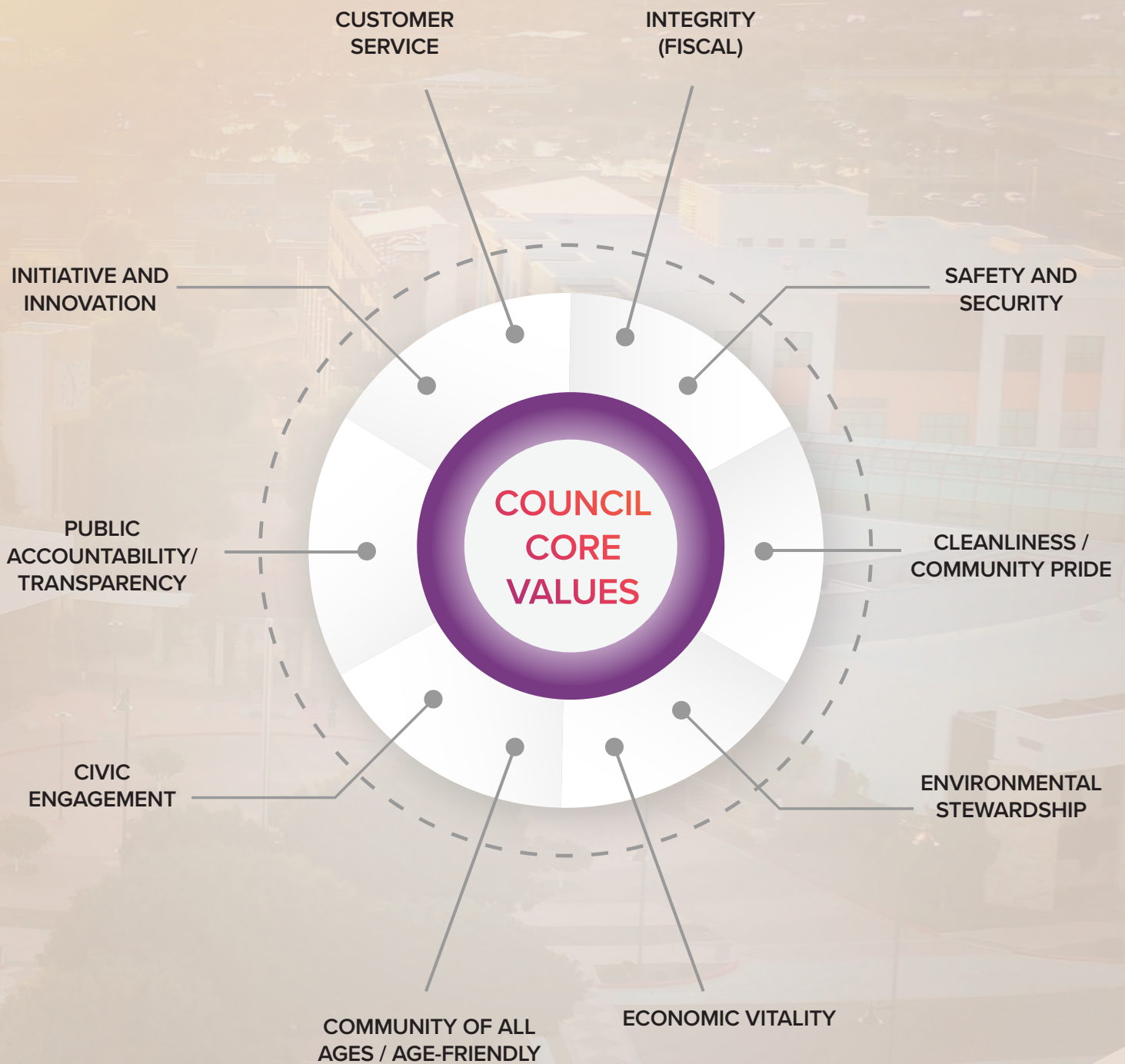


These priorities, with their accompanying strategies, will guide City Council policy and budgetary decision making, shape partnerships locally and regionally, and involve the residents of Surprise in building the future of our community. In concert with other planning and policy documents, including the long-range General Plan, the Strategic Plan will provide the guidance and tools to achieve our community's shared vision.



CITY COUNCIL STRATEGIC MISSION

Develop a high standard of community life through shared vision, superior service, and sustainable practices.



TRANSPORTATION

Develop an efficient, cost effective, multi-modal transportation system that provides connectivity to the region, ease of movement into, within, and out of Surprise, and supports a high standard of community life.

Strategy 1.1:
**IMPROVE ACCESS TO
AND FROM SURPRISE,
SPECIFICALLY EAST/WEST
CONNECTIONS.**

- Work with neighboring jurisdictions and regional partners to plan for and develop seamless arterial connections.
- Facilitate planning for connections to major existing and future transportation corridors, e.g. SR303, I-10, I-11, and Maricopa County.

- Support regional partnerships tied to the Intelligent Transportation System that connect city streets and signal timing to the region. Coordinate with all partners on regional transportation corridor studies as they develop.

Strategy 1.2:
**IMPROVE INTERNAL
CIRCULATION BY COMPLETING
MISSING AND INCOMPLETE
LINKS IN THE ARTERIAL CITY
NETWORK.**

- Complete scalloped city streets (streets not built to their full planned width).

- Maintain an updated Long Range Master Street Plan to guide the successful development for arterials in the Surprise planning area.

Strategy 1.3:
**DEVELOP AND IMPLEMENT
A ROBUST MULTIMODAL
TRANSIT SYSTEM THAT
PROVIDES FOR TRANSIT
CONNECTIVITY TO THE
REGION.**

- Coordinate with all regional partners and West Valley communities for provision of public transit services provided to Surprise residents.
- Pursue grants and explore fund options for transit-oriented development, and develop public transit services, such as local circulator.

- Identify transit connections for Bell Road, SR303, and the arterials connecting to the freeway.
- Identify local multi-modal linkages.
- Seek partnerships with the private sector on attracting transportation options within the City.

Strategy 1.4:
**IDENTIFY FUNDING SOURCES
FOR TRANSPORTATION
SYSTEM.**

- Commit to an annual CIP allocation for local transportation improvement projects.
- Routinely conduct community outreach to gauge resident interest in additional local tax with revenue dedicated to local transportation projects.
- Develop new transportation impact fee ordinance to comply with state law.

- Review federal programs to identify potential federal funding opportunities for the City's transportation system projects.
- Actively participate in public and private regional organizations that address transportation.
- Consider developing "shovel-ready" plans for local transportation priority projects to put the city in a position to secure funds that may become available.

Strategy 1.5:
DEVELOP AND
MAINTAIN A BALANCED
TRANSPORTATION SYSTEM
FOR NON-VEHICULAR MODES
OF TRAVEL, INCLUDING
BICYCLING AND WALKING.

- Identify missing links to enable non-vehicular travel throughout the City of Surprise.
- Develop and implement a complete streets policy to accommodate multimodal transportation needs on city streets (share-the-road models to accommodate vehicles, bikes, pedestrians).
- Encourage alternate transportation modes throughout the city, focusing on those that produce little-to-no harmful emissions.
- Support robust carpooling and park-‘n’-ride initiatives.

ECONOMIC AND CULTURAL VITALITY

Promote a healthy economy through strategies that add employment, attract new businesses and capital investment; support opportunities for veterans and people of all abilities and income levels to thrive; provide tourism and cultural opportunities.

Strategy 2.1:

PROMOTE SURPRISE AS A LOCATION FOR QUALITY ADVANCED MANUFACTURING OR LOGISTICS BUSINESSES THAT USE INNOVATIVE TECHNOLOGIES TO IMPROVE THEIR PRODUCTS OR PROCESSES.

- Continue to proactively market “shovel-ready” sites and available real estate within the City.

- Deliver economic development business retention and expansion principles to facilitate an advantageous growth environment for advanced manufacturing and logistics businesses.

- Maintain workforce development, marketing, and business retention partnerships that support the goal of growing and retaining advanced manufacturing and logistics industries.

Strategy 2.2:

PROVIDE HANDS-ON APPROACH TO SUPPORTING INNOVATION, ENTREPRENEURSHIP AND SMALL BUSINESSES.

- Promote and market the AZ TechCelerator facility and programming to help small businesses in the City of Surprise.

- Continuously engage with the Surprise Regional Chamber of Commerce to identify needs within the Surprise small business community.

- Foster entrepreneurship and small business education and partnerships.

- Leverage local, regional, statewide, national, and global partnerships that facilitate entrepreneurial growth in Surprise and the Greater Phoenix West Valley.

Strategy 2.3:

IDENTIFY LOCAL, REGIONAL, STATEWIDE, NATIONAL, AND GLOBAL PARTNERSHIP WHICH SERVE TO PROMOTE LOCAL JOB GROWTH, LOCAL BUSINESS ENVIRONMENT ENHANCEMENT, AND BUSINESS-TO-BUSINESS COMMUNITY ENGAGEMENT OPPORTUNITIES IN SURPRISE.

- Advance partnerships that promote initiatives to market and encourage new business growth, existing business retention, and other business engagement opportunities.

- Utilize the credibility, contacts, and resources of partnerships to add value to recruitment and retention efforts.

- Continue to cross-market local employment opportunities and job fairs with partners in order to enhance Surprise workforce development initiatives.

- Market Foreign Trade Zone.



Strategy 2.4:

PURSUE OPPORTUNITIES TO ATTRACT DESIRABLE RETAIL SERVICES OR PRODUCTS TO THE CITY OF SURPRISE WHICH ARE DESTINATION-ORIENTED AND/OR FAMILY-ORIENTED ENTERTAINMENT VENUES.

- Actively market and promote premiere retail sites in the City of Surprise, such as City Center and the Loop 303, to include entertainment and venues for community youth.

- Continue to promote opportunities to build and expand upon relationships with existing retail businesses, brokers, industry experts, and developers in pursuit of additional quality retail growth.

- Maintain strong support for retail promotional initiatives with ongoing workforce development support, research analytics, and local, regional, statewide, and national partnerships.

- Promote Surprise as a tourism and meeting destination through innovative marketing initiatives and shared promotions with local hotel, hospitality, and retail partners.

Strategy 2.5:

ATTRACT AND ENCOURAGE THE GROWTH OF SPECIALTY, WORLD-CLASS MEDICAL SERVICES AND TREATMENTS AIMED AT SERVING THE NEEDS OF RESIDENTS AND VISITORS.

- Advance efforts to distinguish, market, and promote the City of Surprise as a premiere medical location at the center of local, regional, and statewide healthcare excellence and talent.

- Strengthen partnerships with existing regional medical corporations to promote Surprise sites as future growth locations.

- Remain vigilant to identify opportunities to engage with industry and workforce experts to identify development potential.

- Promote the sharing of research analytics and marketing collateral with industry opportunities.

Strategy 2.6:

FOSTER THE DEVELOPMENT OF SURPRISE CITY CENTER.

- In cooperation with the developer, work to brand private/public collateral.

- Identify land options and outline potential city support to prospective end-users.

- Continue to communicate the vision of the Surprise Center to potential projects.

- Promote the vision of a dynamic, high-density commercial future with a special sense of character and place within Surprise City Center in marketing strategies.

Strategy 2.7:

IDENTIFY, PROMOTE AND LEVERAGE NEW AND EXISTING OPPORTUNITIES FOR NARROWING COMPETITIVENESS ISSUES TO FOSTER ECONOMIC DEVELOPMENT PROJECTS.

- Continuously research, categorize and communicate local/regional, statewide, and national competitive incentives offered that may facilitate projects in the City of Surprise.

- Promote the use of creative and in-kind value-added incentives within the City of Surprise to help corporations

advance their hiring, growth, and time-to-market goals.

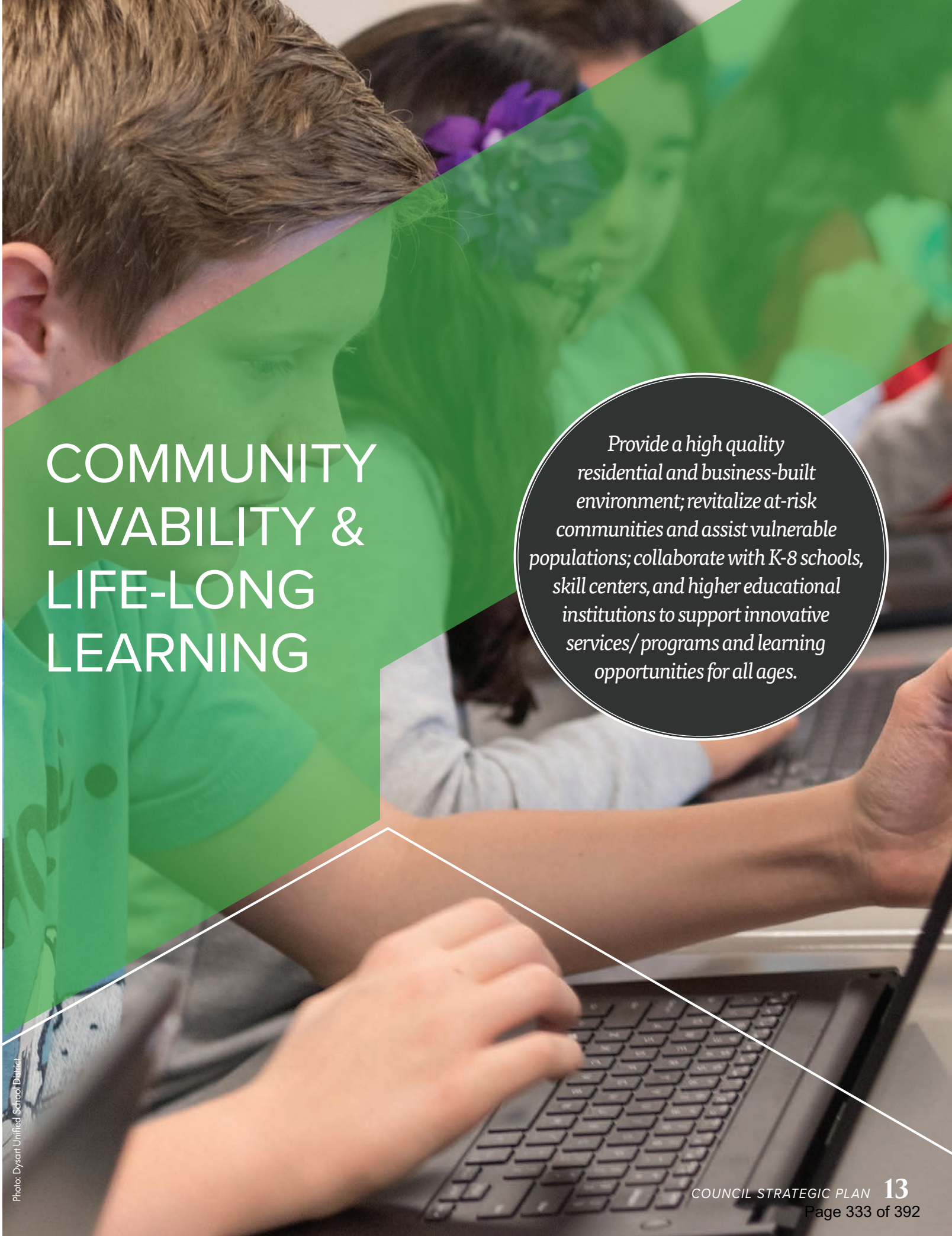
- Encourage the use of reasonable, legal, post-performance incentives, especially for projects that will offer the City of Surprise substantial, measurable public benefit.

Strategy 2.8: LEVERAGE NEW OPPORTUNITIES TO ATTRACT VISITORS WITH ENHANCED EVENT AND ENTERTAINMENT OPPORTUNITIES.

- Create and update infrastructure to streamline the process for third party events in order to build and promote year-round tourism activity.
- Develop local and regional partnerships that will increase tourism-related room nights, exploring the marketing of tourism package opportunities.
- Collaborate with land owners and developers to support tourism and entertainment development in Surprise.
- Create multi-beneficial partnerships with hotels, restaurants, and regional tourism groups to strategically attract tourism events and development that will create revenue opportunities for all parties involved.

Strategy 2.9: STRATEGICALLY MARKET SURPRISE AS AN INTENTIONAL SPORTS AND TOURIST DESTINATION

- Develop a comprehensive tourism advertising and communications plan to promote sports and tourism-based events and initiatives.
- Increase strategic collaboration with key partners to expand our ability to identify and target demographics for tourism.
- Market Tourism Fund opportunities to attract professional event and entertainment groups.
- Research and initiate other possible sources for creating Tourism revenue in Surprise.



COMMUNITY LIVABILITY & LIFE-LONG LEARNING

Provide a high quality residential and business-built environment; revitalize at-risk communities and assist vulnerable populations; collaborate with K-8 schools, skill centers, and higher educational institutions to support innovative services/ programs and learning opportunities for all ages.

Strategy 3.1:
**MAINTAIN HIGH STANDARDS
OF DESIGN FOR NEW AND
REVITALIZED HOUSING
DEVELOPMENTS.**

- Ensure Surprise Unified Code maintains current design standards for neighborhoods and buildings.
- Seek the inclusion of parks, trails, and community facilities when planning for new housing development, as detailed in the Parks & Recreation Master Plan.
- Focus on quality housing in future development for all income levels and abilities.

- Emphasize neighborhood preservation and rehabilitation.
- Continue in neighborhood and building design which focuses and utilizes principles of Crime Prevention Through Environmental Design (CPTED) that emphasize design of the physical environment.

Strategy 3.2:
**SUPPORT OUR EDUCATIONAL
PARTNERS TO ADDRESS LIFE-
LONG LEARNING INITIATIVES.**

- Work with all educational partners to identify innovative learning opportunities for all ages, workforce development programs for all ages, and shared-facility agreements.
- Support city and school/college initiatives and partnerships to engage with our youth population, while promoting Career and Technical Education (CTE) opportunities

- in Surprise to enhance vocational and technical training opportunities for Surprise residents.
- Maintain a direct connection between the city and schools through the Surprise Youth Council and other youth initiatives, promoting educational enrichment programs.

Strategy 3.3:
**RESPECT NATURE BY
PROTECTING CRITICAL WILDLIFE
CORRIDORS.**

- Implement code and design guidelines for wildlife corridors.
- Follow the identified wildlife corridors listed in the Parks and

Recreation Master Plan as new development occurs.

Strategy 3.4:
**COLLABORATE WITH PARTNERS
TO MANAGE THE NEEDS OF OUR
SENIOR POPULATION, ADDRESS
POVERTY ISSUES, AND MAKE
HOMELESSNESS RARE, SHORT-
LIVED, AND NON-RECURRING.**

- Collaboration with the Veterans, Disability, and Human Services Commission.
- Coordination with local and regional agencies to address homelessness issues.
- Expansion of programming through the Human Service &

- Community Vitality department to specifically address senior citizen/aging issues.
- Collaborate on programs to support veteran employment, housing, and mental health.



STEWARDSHIP

*Foster a culture
of transparency and
fiscal responsibility
in providing excellent
municipal services.*

Strategy 4.1:

REDUCE TOTAL ENERGY USAGE IN CITY-OWNED FACILITIES AND EQUIPMENT.

- Develop an energy savings plan for city-owned facilities.
- Continue to seek grants that will provide for more sustainable choices at city facilities.
- Incorporate energy-savings methods into the budget for new city facilities.
- Seek out cleaner technologies for city fleet vehicles.

Strategy 4.2:

MAKE GOOD USE OF OUR PHYSICAL RESOURCES AND ENSURE PROPER DISPOSAL OF THOSE RESOURCES.

- Enhance recycling program and educate citizens about residential recycling.
- Promote city's household hazardous waste disposal program to allow for proper disposal of electronics, paint and other hazardous household waste.
- Develop an anti-litter program in partnership with local businesses and organizations.

Strategy 4.3:

ENSURE SUFFICIENT WATER RESOURCES FOR CURRENT AND FUTURE NEEDS.

- Continue water conservation initiatives to the public and those carried out by the city at our parks (non-potable water use on turf; reduce over-seeding at appropriate locations).
- Expand the city's water portfolio and infrastructure to meet projected growth needs.
- Manage growth to achieve a proper balance of land and water resources.

Strategy 4.4:

MAINTAIN THE CITY'S STREETS AND ROADS AT A HIGH LEVEL OF SERVICE.

- Explore and review alternative funding methods for transportation operations and maintenance.
- Assess and maintain pavement of the city's total roadway network at an acceptable level.
- Develop infrastructure maintenance cycles to extend useful life of all assets.

Strategy 4.5:

MAINTAIN THE CITY'S INFRASTRUCTURE AND FISCAL RESOURCES, IN PREPARATION OF ECONOMIC FLUCTUATIONS.

- Routinely research and update utility rates, impact fees, and other user fees (such as recreation classes) to best recover service costs.
- Secure grant funding to support city programs and services where possible.
- Optimize and protect the use of technology to assist in the city's critical built infrastructure and cybersecurity.



SAFE AND ENVIRONMENTALLY HEALTHY COMMUNITY

*Maintain a
safe community
amid growth; foster
innovation to sustain the
natural environment
and resources.*

Strategy 5.1:

MITIGATE CRIMES AND ACCIDENTS BY ENHANCING COMMUNITY AWARENESS OF PUBLIC SAFETY SYSTEMS AND PARTNERING WITH OTHER FIRE AND CRIME PREVENTION PROGRAMS.

- Maintain a partnership with area schools to provide fire and law enforcement safety awareness education to the student population.
- Increase awareness of residents and visitors by providing information that enhances their knowledge of how public safety agencies deliver service to the community through police department community events, fire department open houses, and the effective use of media and social media.
- Maintain the priority of community education opportunities in traffic and fire safety, crime prevention, personal safety, and the prevention of accidents in the home and workplace.
- Continue community outreach to high risk populations through Community Risk Reduction based on quantitative data analysis.

Strategy 5.2:

PROVIDE PUBLIC SAFETY WORKERS WITH THE TOOLS AND TRAINING NECESSARY TO MEET COMMUNITY PUBLIC SAFETY NEEDS.

- Deploy a Fire training division to fully manage, administer, and oversee the daily operations of the training division.
- Provide appropriate training (including scenario-based opportunities), education, and certifications to effectively serve the community.
- Strategically plan for the necessary resources including personnel, equipment, vehicles, and facilities for public safety service providers.
- Explore and utilize innovative technology to enhance operational support for public safety service providers.

Strategy 5.3:

ENSURE TIMELY AND APPROPRIATE RESPONSE.

- Deploy fire department resources to meet ideal suburban response time goals and deploy police department resources to reduce or maintain emergency (priority 1) response times.
- Continue to work in concert with other public safety, governmental and non-governmental agencies, and seek additional opportunities to work cooperatively to enhance customer service and efficiency.
- Work internally and externally to ensure that qualifying post incident recovery of public and private resources occurs.
- Expand citywide emergency management capabilities through further development of program planning, city-wide training, and exercise opportunities.

Strategy 5.4:

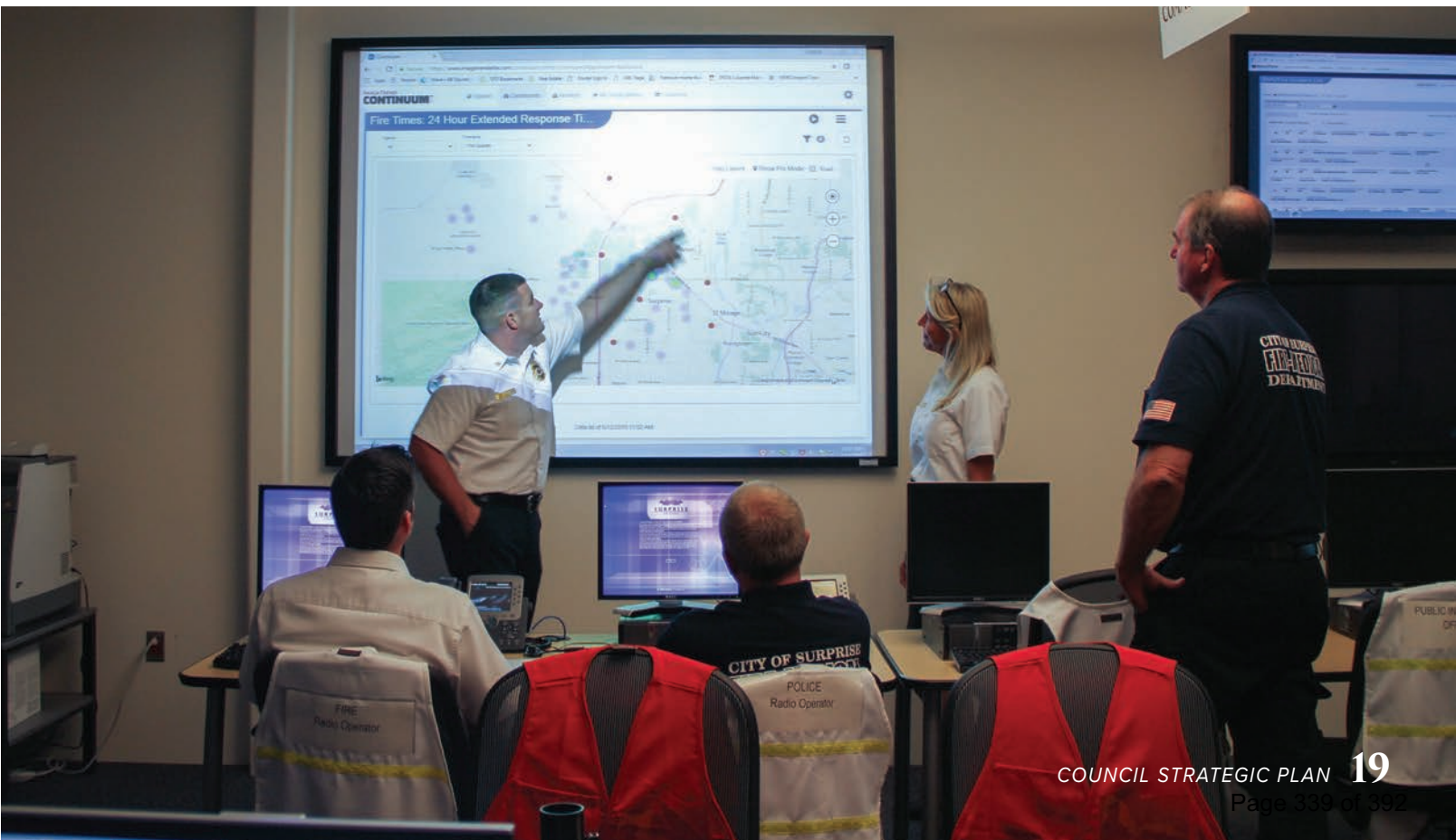
PROVIDE EXTRAORDINARY INTERNAL AND EXTERNAL CUSTOMER SERVICE.

- Maintain and build upon relationships with communities and the public that encourage collaboration, communication, trust, and understanding.
- Provide customers with a venue to openly discuss issues of concern.
- Maintain relationships with other City of Surprise departments to ensure that public safety is incorporated into the plans and goals of non-public safety departments.
- Further enhance volunteer opportunities for community members including the crisis management response teams by recruiting qualified staff that will develop, train, and manage volunteers.

Strategy 5.5:

ENSURE FISCAL RESPONSIBILITY IN ALL PUBLIC SAFETY EFFORTS.

- Be receptive to discuss and implement change in service provision methods and change in the needs of the community to include the support of innovation, efficiency, and continual improvement.
- Continuously evaluate the effectiveness and efficiency of the ground ambulance service delivery system.
- Promote efficiencies in public safety while enhancing service delivery, leveraging technology to maximize resources.
- Aggressively pursue grant funding from appropriate sources to assist in providing public safety services.





SURPRISE
ARIZONA



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 3, 2019 Contact Person: Stephen Chang
Submitting Department: Community Development District: Citywide
Staff Recommendations: None

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

Agenda Wording:

Consideration and action pertaining to approval of the Shared Active Transportation Vehicle (SATV) Pilot Program Temporary Operating Agreement with The Collective We, LLC.

Motion:

I move to approve the Shared Active Transportation Vehicle (SATV) Temporary Operating Agreement with The Collective We, LLC.

Background:

On October 1, 2019 City Council approved an amendment to the Surprise Municipal Code by establishing a temporary pilot program for shared active transportation vehicles (SATV); Ordinance #2019-26. The Pilot Program began on November 1, 2019 and will last 180 days. Interested vendors must execute a 90-day Temporary Operating Agreement with the City of Surprise. The Agreement may then be extended for an additional term until the expiration of the Pilot Program. Staff sent the SATV Temporary Operating Agreement to The Collective We, LLC for their execution to participate in the Pilot Program. On October 31, 2019, The Collective We, LLC requested three (3) revisions to the operating agreement, which were acceptable to Staff. Staff has determined that The Collective We meets the requirements to participate in the Pilot Program, and The Collective We has committed to deploying up to 30 SATVs pursuant to the subject Temporary Operating Agreement.

Objective Analysis:

The SATV Temporary Operating Agreement specifies various requirements including, deployment and parking requirements, data collection and reporting, application and enforcement fees, indemnification and insurance requirements, etc. The Agreement also includes a SATV Allowable Areas of Operations map.

The vendor, The Collective We, LLC, requested deletion of two requirements:

1. Requiring riders to take a photo of the SATV at the end of the ride and forward the photo to the Operator using the Operator's software,
2. Requiring the Operator to collect and report anonymized demographic data, such as age and gender of riders, and general trip purpose,

Staff believes that the requested deletion of the two operational requirements is acceptable because they do not provide critical operational data that would affect future SATV policies in Surprise.

Staff added a Notice to Proceed provision. The vendor will not be able to deploy any SATVs until a written Notice to Proceed is issued by the City after it has reviewed and approved the insurance coverage.

Policy Compliant:

This is compliant with the City of Surprise Strategic Plan under Transportation – Goal 8: Develop and maintain a balanced transportation system for alternative modes of travel, including bicycling, walking, and electric cars. This is also compliant with City of Surprise General Plan 2035 Transportation Chapter Alternative Modes Element – Goal 1: Develop and promote safe bicycle and pedestrian systems, and provide connectivity throughout Surprise. At the time these documents were prepared, shared active transportation vehicles such as shared e-bikes and e-scooters were not available in the Phoenix metropolitan area.

Financial Impact:

None at this time; however, topics covered in this presentation may lead to future actions which may have a fiscal impact.

Budget Impact:

None at this time; however, topics covered in this presentation may lead to future actions which may have a budget impact. Staff hours to administer the Pilot Program will be absorbed into the current budget.

FTE Impact:

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

ATTACHMENTS:

1. 19.11.19 EVR 12-3-2019 Council Meeting Report - SATV Operating Agreement v2 (1)
 2. The Collective We-Temp Operating Agreement
 3. Exhibit A -- Ordinance 2019-26
 4. Exhibit B -- SATV Operating Area Boundary Map
 5. Exhibit C -- Form of Affidavit
 6. 19.11.19 EVR SATV City Council WS Pres-12-03-19
-

Date: December 3, 2019
To: Mayor and City Council
From: Stephen Chang, Senior Transportation Planner
Chris Boyd, Interim Community Development Director
Re: Shared Active Transportation Vehicles Temporary Operating Agreement

Background

On October 1, 2019, City Council approved an amendment to Surprise Municipal Code by adding Chapter 54, Article III, Section 54-58, establishing a temporary pilot program for shared active transportation vehicles (SATV) with Ordinance #2019-26. The Pilot Program began on November 1, 2019 and will last 180 days, ending on April 28, 2020. Interested vendors who wish to participate in the SATV Pilot Program must execute a 90-day Temporary Operating Agreement with the City of Surprise. The Agreement may then be extended for an additional term until the expiration of the Pilot Program. Staff finalized the SATV Temporary Operating Agreement and sent it to the potential vendor, The Collective We, LLC on October 21, 2019 for their review and execution. Two days later, the vendor notified staff that they would not proceed with the SATV Pilot Program citing onerous terms and condition in the temporary operating agreement. On October 31, 2019, The Collective We, LLC sent a list of proposed changes to the SATV Temporary Operating Agreement.

Key Points in the SATV Temporary Operating Agreement

The SATV Temporary Operating Agreement specifies several requirements including, deployment and parking requirements, data collection and reporting, application and enforcement fees, indemnification and insurance requirements, etc. The Agreement also includes a SATV Allowable Areas of Operations map.

- A maximum of 100 SATVs are allowed among all operators.
- A single operator is limited to no more than 50 SATVs.

- The SATV operating area is generally bounded by Grand Avenue, Litchfield Road, Greenway Road, and Reems Road. This boundary includes some of the major commercial centers along Bell Road, Surprise City Center, and Surprise Stadium.
- Operator will collect all SATVs nightly by 10:00 PM and deploy them no earlier than 5:00 AM.
- SATV Riders must be at least 18 years of age.
- Only one rider per SATV at a time.
- E-scooters are limited to 12 mph, and e-bikes are limited to 20 mph.
- No more than 5 SATVs will be deployed at the same location.
- SATVs shall be deployed and parked in the upright position and not block sidewalks, fire hydrants, doorways, driveways, bike racks, accessible parking spaces, loading zone, etc.
- SATV rider must yield to pedestrians and other non-motorized users when operating on City sidewalks.
- SATV may be operated at nighttime if equipped with a white lamp on the front and a red lamp on the rear.

Operator Requested Changes to the Temporary Operating Agreement

The vendor, The Collective We, LLC, requested the following changes to the SATV Temporary Operating Agreement.

1. Deletion of Section IV(Q): *The Operator shall require SATV Riders to take a photo whenever they park the SATV at the end of their ride and forward that photo to the Operator using the Operator's software.*
2. Deletion of Section V(G)(12): *Data collection of Anonymized demographic data, such as age and gender, general trip purpose, etc. Gender must be reported as male, female, or non-binary. Age must be reported using these age groups: 18-24, 25-34, 35-44, 45-54, 55-64, 65 and over.*

Staff Recommendations

Staff believes that the requested deletion of the two operational requirements is acceptable because they do not provide critical operational data that would affect future SATV policies in Surprise.

Staff-Initiated Changes to the Temporary Operating Agreement

Staff added a Notice to Proceed provision, which is a standard provision for many contracts. The vendor will not be able to deploy any SATVs until a written Notice to Proceed is issued by the City after it has reviewed and approved the insurance coverage.

- Section IV(A): *The Operator shall not deploy or place any SATV within the Allowable Area of Operation depicted on Exhibit B or make any SATV otherwise available for use by a Rider within Surprise until the City has approved the Operator's insurance coverage, as required by Section IX of this Agreement, and has issued a written Notice to Proceed.*

SATV Pilot Program Timeline

Staff will return to City Council near the conclusion of the Pilot Program with SATV operating data and seek City Council direction for a permanent ordinance. The timeline for the Pilot Program is shown below:



ATTACHMENTS:

1. PowerPoint Presentation

SHARED ACTIVE TRANSPORTATION VEHICLE PILOT PROGRAM TEMPORARY OPERATING AGREEMENT

This Temporary Operating Agreement (“Agreement”) is entered into this ____ day of December, 2019 (the “Effective Date”), by and between The Collective We, LLC, an Arizona limited liability company, located at 14401 W. Lisbon Lane, Surprise, Arizona 85379 (“Operator”), and the City of Surprise, an Arizona municipal corporation (“City”). Operator and City may be referred to herein individually as a “Party” or collectively as the “Parties.”

RECITALS

A. The City of Surprise Mayor and City Council adopted Ordinance #2019-26 (“Ordinance”) on October 1, 2019 to add Chapter 54, Article III, Section 54-58 (Temporary Shared Active Transportation Vehicle Pilot Program) to the City of Surprise Municipal Code, which Ordinance establishes a pilot program (“Pilot Program”) to study the deployment, use, and operation of Shared Active Transportation Vehicles (each a “SATV”), such as Electric Bicycles and Stand-up Electric Scooters, within a defined area of the City of Surprise. A copy of the Ordinance is attached hereto as ***Exhibit “A”***. In the event of any conflict between the provisions of this Agreement and the Ordinance, the provisions of the Ordinance shall prevail.

B. Pursuant to the Ordinance, a maximum of 100 SATVs may be deployed at any given time within the area of Surprise depicted on the attached ***Exhibit “B”*** (the “Allowable Area of Operations”), for a period of 180 days commencing on the effective date of the Ordinance or November 1, 2019.

C. Pursuant to the Ordinance, any person or entity desiring to participate in the Pilot Program must enter into a 90-day Temporary Operating Agreement before deploying any SATVs within Surprise and otherwise fully comply with the Ordinance and all other applicable Federal, State, Maricopa County, and Surprise laws and regulations.

D. Operator owns and operates a fleet of SATVs and desires to participate in the Pilot Program.

E. The City has determined that Operator is qualified to participate in the Pilot Program.

AGREEMENT

In consideration of the foregoing Recitals, which are incorporated by reference, the City and Operator hereby agree as follows:

I. SCOPE AND PURPOSE

This Agreement applies to any and all proposed deployment(s) by Operator of SATVs within the City's jurisdictional boundaries. The purpose of this Agreement is to establish rules and regulations governing the temporary use and operation of SATVs owned by Operator and deployed within the City under the Pilot Program and to ensure that the deployment and operation of the SATVs is consistent with the safety and well-being of pedestrians, bicyclists, motorists, and other users of the City's Rights-of-Way.

II. TERM

This Agreement, unless earlier terminated as provided for herein, shall commence on the Effective Date and shall expire ninety (90) days thereafter. This Agreement may be extended for an additional term for until expiration of the Ordinance upon written mutual agreement of the Parties. On or before the expiration of the Pilot Program, the City may adopt a permanent ordinance governing the operation of SATVs within the City of Surprise. In such event, Operator, if it desires to continue deploying SATVs in Surprise, would be required to comply with that ordinance, and this Agreement would be superseded by a new form of operating agreement to be made available at that time.

III. DEFINITIONS

City: City of Surprise.

Deployment: Placement of a SATV in an upright position by the Operator at a location within the City of Surprise.

Electric Bicycle: A two- or three-wheeled vehicle with fully operable pedals and an electric motor of no more than 750 watts (1 H.P.), the maximum speed of which on a paved level surface, when powered solely by such motor, is 20 MPH.

Fleet: All of the Operator's SATVs in operation within the City's corporate boundaries at any one time.

Nighttime: That period between sunset and sunrise.

Parking Surface: Concrete, asphalt bricks or pavers. A Parking Surface does not include a parking space utilized by motor vehicles or any area of a street between face of curb and face of curb unless otherwise designated.

Residential Street: A street with a lawful speed limit of 25 MPH or less.

Rider: Any person who operates or is in actual physical control of a SATV.

Rights-of-Way: Any area dedicated for public use as a public street, pedestrian way

or other thoroughfare, including but not limited a street, sidewalk, parkway, alley, public transportation path or easement.

Shared Active Transportation Vehicle ("SATV"): A commercially-rented, scooter, bike, or any other mobile vehicle, including but not limited to Stand-up Electric Scooters and Electric Bicycles, excluding motor vehicles as defined by A.R.S. § 28-101, with a self-contained locking mechanism that does not require locking to a bicycle rack, docking system or other structure.

Stand-up Electric Scooter: A device which weighs less than seventy-five pounds, has two or three wheels, has handlebars, has a floorboard on which person may stand while riding, is powered by an electric motor or human power, or both, has a maximum speed that does not exceed twenty miles per hour, with or without human propulsion.

Shared Active Transportation Vehicle ("SATV") System: One or more SATVs deployed within the corporate boundaries of the City of Surprise.

IV. DEPLOYMENT REQUIREMENTS

A. The Operator shall not deploy or place any SATV within the Allowable Area of Operations depicted on ***Exhibit B*** or make any SATV otherwise available for use by a Rider within Surprise until the City has approved the Operator's insurance coverage, as required by Section IX of this Agreement, and has issued a written Notice to Proceed.

B. Operator shall provide visible contact information, including a toll-free phone number and e-mail address, on each SATV for City employees and/or members of the public to make relocation requests or to report other issues with a SATV.

C. Operator shall submit to the City a map of the proposed deployment locations for City approval based on deployment criteria set forth in the Ordinance and this Agreement to include private property owners' authorization for any deployment areas on private property. Such map shall include no more property than is included within the approved Allowable Area of Operation depicted on ***Exhibit B***. The Operator shall geo-fence all areas within the Allowable Area of Operation where use and operation of SATVs is prohibited, such as City parks.

D. Operator shall limit deployment of SATVs to no more than five (5) at any single location established by this Agreement and shall deploy no more than 50 SATVs during the term of this Agreement. All SATVs will be deployed in an upright position.

E. SATVs shall be parked in an upright position and in such a manner as to not block pedestrian traffic in any way and shall be kept clear of any and all fire hydrants, call boxes, or other emergency facilities, bus benches, utility poles, or utility boxes. SATVs shall

not be deployed within bus shelters, in front of, or next to bus seating and/or benches, and shall not, in any way impede or block accessible sidewalks designed for the elderly or individuals with disabilities. SATVs shall not be placed or parked in any manner that prevents or impedes bus operators from deploying a bus lift or ramp.

F. SATVs shall not be deployed or parked in such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any building.

G. SATVs shall not be deployed or parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.

H. SATVs shall not be deployed or parked in or on:

- (1) Any area not specifically allowed by this Agreement;
- (2) Landscaping or greenbelts;
- (3) Any bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks and locations approved by City;
- (4) Private property without the consent of the private property owner;
- (5) Loading zones;
- (6) Disabled parking zones;
- (7) Curb ramps;
- (8) Entryways; or
- (9) Driveways.

I. Operator shall collect all SATVs every night, seven (7) days a week, before 10:00 pm and may deploy them no earlier than 5:00 am the next day.

J. On days where inclement weather (heavy rain and/or strong winds) is anticipated, Operator shall not deploy SATVs in the City.

K. Operator shall collect immediately any and all SATVs that are not deployed as required by this Agreement. City may collect and confiscate any SATV not deployed or parked according to the terms and conditions of this Agreement.

L. Operator may implement a marketing and targeted community outreach plan at its own cost. City may, at its own cost, promote the use of SATVs on the City of Surprise website and elsewhere.

M. Operator shall restrict the maximum speeds of SATVs to twenty (20) mph for Electric Bicycles and twelve (12) mph for Stand-up Electric Scooters by incorporating necessary technical and/or mechanical limitations to each type of SATV and by integrating the twenty (20) and twelve (12) mph speed restrictions into the onboard software or hardware.

N. Operator shall maintain its SATVs in a good working manner. In the event a safety or maintenance issue is reported for a specific SATV, the Operator will promptly remove it from service and not return it to service until the safety or maintenance issue has been corrected and the unit has passed a full safety and operations inspection. The City shall not have any obligation with regard to maintenance of the SATVs.

O. Operator shall respond to requests for rebalancing, reports of incorrectly parked SATVs, or reports of unsafe/inoperable SATVs by relocating, re-parking, or removing the SATVs, as appropriate, within two (2) hours of receiving notice. Should a SATV be incorrectly parked, unsafe/inoperable, or in another condition which poses a health and safety risk, the City may immediately confiscate the SATV prior to the expiration of the two-hour period.

P. In the event a SATV is not relocated, re-parked, or removed within the timeframe specified herein, or any SATV is parked in one location for more than 24 hours without moving, such SATV may be removed and stored by the City, and the City shall provide written notice of the removal and storage to Operator. The cost to transport and store these SATVs shall be at the sole expense of the Operator. In addition to any cost to transport and store the SATVs, the Operator shall pay the City a fee of \$25.00 for relocation of each SATV. In such instance, Operator shall retrieve the SATVs from the City within two (2) business days. If the Operator does not retrieve the SATVs within two (2) business days, the City may dispose of the SATVs at the Operator's expense. The Operator expressly waives any claim for damage to a SATV that may result from removal by the City under this Agreement.

Q. SATVs may only be operated as permitted by the Ordinance and this Agreement. The Operator shall provide notice to all Riders through a mobile or web application of the permitted use of a SATV within the City of Surprise, including:

- (1) Riders must yield to pedestrians and other non-motorized users of the City sidewalks;
- (2) Riders must be at least eighteen (18) years of age to operator a SATV;
- (3) Helmets are encouraged for all users;
- (4) SATVs are restricted to one Rider at a time;

- (5) Riders must abide by all traffic and safety laws when picking up, riding, and parking the SATV;
- (6) SATVs shall only be parked in an upright position in designated areas;
- (7) Riders may not ride or leave SATVs where prohibited by official signs or designations, or where the curb is painted red (fire) or yellow (restricted), or within the Right-of-Way, or within City-owned or maintained parking lots;
- (8) SATVs may not be operated in any City parking structure or within any City park, unless the park has pathways or trails so designated;
- (9) No SATV may be operated at Nighttime unless it is equipped with a lamp on the front that emits a white light visible from a distance of a least five hundred (500) feet to the front and a red lamp in the rear of a type that is visible from all distances from fifty (50) feet to three hundred (300) feet to the rear.
- (10) If a SATV is left in front of private property, it must be parked upright and parallel to the curb lane;
- (11) No person shall operate a SATV within the City while under the influence of an alcoholic beverage or any drug or under the combined influence of an alcoholic beverage or drug; and
- (12) Those users of a SATV who act irresponsible, illegally, or operate a SATV in violation of the Operator's User Rental Agreement, this Agreement, or applicable laws may be locked out of the Operator's mobile or web application and forbidden to use the Operator's SATVs.

R. The Operator shall create a detailed Communication and Education Plan ("Plan") to be approved by the City. The Plan shall state actions the Operator will undertake to educate SATV Riders regarding this Agreement, the Pilot Program Area, the City's existing rules and regulations, safe and courteous riding, proper parking, and other information required by the City consistent with public health and safety concerns.

S. The City may require the Operator to reduce its Fleet on a monthly basis in the event Operator's Fleet provides on average less than one Rider per SATV per day. The Operator shall share data with the City as provided in this Agreement to determine and demonstrate the utilization rate of the Fleet.

V. DATA COLLECTION AND REPORTING

A. Operator shall provide City with current baseline data of all information required by this Section for its Fleet from the first date of deployment in the City to within one (1) week thereafter.

B. Operator shall provide City with the SATV identification numbers for the entire Fleet and shall notify the City on a weekly basis with updated SATV identification numbers.

C. All Geographic Positioning System (“GPS”) data shall come from the active GPS that is affixed to each SATV and will not be collected from Riders’ mobile devices. The City is permitted to disseminate all data not prohibited from publication by law or otherwise legally exempt.

D. Operator shall provide the City with a report that includes the following anonymized data for each trip record to inform and support safe and effective management of the SATV Pilot Program, and for transportation planning efforts: Trip duration, trip distance, start date, start time, end date, end time, start location, end location, SATV identification number. This report will be provided monthly or at such other times as requested by the City, but no more often than three (3) times per month.

E. Operator shall provide the City with a report that includes the following device availability data for oversight of parking compliance and device distribution by minutes: GPS coordinates availability duration, availability start, and availability end. This report shall be provided monthly or at such other times as requested by the City, but no more often than twice per month.

F. Operator shall provide raw data to the City as required by the City in a format acceptable to the City.

G. Operator shall provide the City with a monthly report that includes, but is not limited to, the following data related to utilization of the SATVs:

- (1) Total number of rides for the previous month and total miles ridden;
- (2) Total number of SATVs in service for the previous month;
- (3) Total number of rides per SATV per day;
- (4) Rider beginning and end location of all SATVs;
- (5) Real time anonymized trip date – GPS, date/time, duration;
- (6) Number of SATVs removed from service;

- (7) Operator staffing levels;
- (8) Customer services cases, including all complaints registered;
- (9) Vandalism incidents;
- (10) Crash reports (to include injuries/fatalities); and
- (11) Aggregated reports on damaged or lost SATVs.

H. Operator shall certify in writing under oath the accuracy, validity, and completeness of all data and reports submitted to the City using the form of Affidavit attached hereto as “*Exhibit C*.” An Affidavit shall accompany every submission of data and reports to the City.

I. Operator shall establish a privacy policy that safeguards Rider personal identifying information. In addition, the Operator shall provide an electronic system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS).

VI. APPLICATION AND ENFORCEMENTS FEES

The Operator shall pay the City a monthly enforcement fee of \$2.50 per SATV deployed in the City, and a \$25.00 relocation fee for each SATV collected and stored by the City.

VII. TERMINATION

The City may terminate this Agreement with 24 hours’ written notice in its sole and absolute discretion. Upon expiration of this Agreement, or in the event the City terminates this Agreement, the Operator shall remove its entire Fleet of SATVs from the City within 48 hours. In the event the SATVs are not removed within 48 hours as specified in this Section, the City may collect the SATVs and take them to a City facility for storage. The Operator shall be responsible for the cost to transport and store the SATVs.

VIII. INDEMNIFICATION

A. The Operator shall defend, indemnify and hold harmless the City, its officers, directors, employees, agents, servants, successors, assigns and subsidiaries (collectively “the Indemnified Parties”), from and against any and all losses and liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, costs and expenses incidental thereto (including cost of defense and attorney’s fees), which any of the Indemnified Parties may hereafter incur, be responsible for, or pay as a result of any and all legal liabilities associated with the use of the public Right-of-Way by Operator’s SATVs, provided that Operator shall not be so obligated in the event that the claim or occurrence at issue arose out of the gross negligence or willful misconduct of the

Indemnified Parties or any one of them.

B. The Operator also agrees to hold harmless the City and its officers and employees for any loss or damage to persons or property, arising out of or in any way related to the Operator's use of the public space, public Rights-of-Way, or public structures.

C. The Operator's contract with every Rider shall require such persons or entities to release the City and any of its agencies, officials, officers and employees to the same extent that Operator is required by this Section to defend, indemnify, and hold harmless City and any of its agencies, officials, officers and employees. Operator shall provide to City a copy of the Rider contract.

D. If Operator hires any architect, engineer, or service technician in connection with design, manufacture, repair, or maintenance of its SATVs, then Operator shall indemnify and hold harmless City and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorneys' fees, but only to the extent caused by the negligent acts, efforts, or omissions of such employees, agents or others.

IX. INSURANCE

A. At all times during the term of this Agreement and any use of the public Rights-of-Way by the Operator pursuant to this Agreement, O p e r a t o r shall maintain the insurance coverage set forth below:

- (1) Commercial General Liability Insurance coverage of One Million Dollars (\$1,000,000) per occurrence, with a \$2,000,000 general aggregate limit, with the City as an additional insured;
- (2) Workers' Compensation Insurance coverage for all employees involved in operations pertaining to this Agreement including Employer's Liability Insurance coverage of at least One Hundred Thousand Dollars (\$100,000) per occurrence. Operator agrees to comply at all times with the provisions of the Workers' Compensation laws of the State of Arizona;
- (3) Business Automobile Liability coverage for bodily injury and property damage for any owned, hired, and/or non-owned vehicles used in the performance of this Agreement of at least One Million Dollars (\$1,000,000) combined single limit; and
- (4) Insurance policies shall be written with responsible companies licensed by the State of Arizona acceptable to the City. At a minimum, insurance must be obtained from duly licensed or approved non-admitted insurers in the State of Arizona with an A.M. Best rating of A- or above with policies and forms

satisfactory to the City. The City in no way warrants that the minimum-insurer rating is sufficient to protect Operator from potential insurer insolvency.

B. Operator shall deliver to City, prior to the Effective Date of this Agreement, copies of the insurance policies required by this Section.

C. All policies of insurance required to be purchased and maintained by Operator will contain waiver provisions. All insurance policies required by this Agreement shall contain a waiver of subrogation against the City of Surprise and its departments, agencies, boards, commissions, officers, officials, agents, and employees for losses arising from any performance by Operator under this Agreement, any use of Operator's SATVs in the public rights-of-way, and/or any use of the public rights-of-way by Operator.

D. All policies required under this Agreement shall be endorsed to include the City of Surprise as an additional insured. Operator shall provide the City with Certificates of Insurance and the respective endorsements (including the City of Surprise being listed as an additional insured) prior to Operator using the right-of-way or any performance by Operator under this Agreement. Said Certificates of Insurance and endorsements shall also reference this Agreement (e.g. by an agreement number or some other means). The certificates of insurance will also contain a provision stating that should any of the policies described in the certificate be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

E. All of Operator's policies required by this Agreement shall be primary and non-contributory to any insurance held by the City.

F. If the coverage afforded is cancelled or changed or its renewal is refused, Operator shall give at least thirty (30) days prior written notice to City. In the event Operator fails to ensure that the required insurance is procured and maintained in effect, or that City or any subcontractor is named as an additional insured, City may order that the Agreement immediately stop and may pursue its remedies for breach of this Agreement as provided for herein and by law, including, but not limited to, immediate termination of this Agreement.

G. Operator's Certificates of Insurance and endorsements must include any and all of Operator's subcontractors as insureds under Operator's policies or Operator must furnish to the City separate certificates and endorsements for each subcontractor. All coverage for subcontractors is subject to the minimum insurance requirements identified in this Agreement.

H. Any modification or variation from the insurance requirements in this Agreement will be made by the City, whose decision is final. Failure to demand evidence of full compliance with the insurance requirements set forth in this Agreement or failure to

identify any insurance deficiency will not relieve Operator from, nor be construed or deemed a waiver of, its obligation to maintain the required insurance at all times during the performance of this Agreement.

X. ADVERTISING

A. Operator shall not advertise or publish the City of Surprise's participation in or endorsement of the Pilot Program in Operator's marketing or promotional materials without the City's prior written consent.

B. Company shall not utilize its SATVs for the sale or display of third-party advertising.

XI. NOTICES

All notices required by this Agreement shall be in writing and sent by regular U.S. mail, postage prepaid, or delivered by courier to the following:

CITY: City of Surprise
City Manager
16000 N. Civic Center Plaza
Surprise, AZ 85374

With a Copy to: City of Surprise
City Attorney's Office
16000 N. Civic Center Plaza
Surprise, AZ 85374
Email: CityAttorney@surpriseaz.gov

Operator: The Collective We, LLC
14401 W. Lisbon Lane
Surprise, AZ 85379
Attn: Clayton Bedoya
Email: Clayton.Bedoya@gmail.com

All notices are effective on the date mailed or upon receipt if delivered by a courier. Either of the Parties may provide the other party a change of address in writing which change shall be effective ten (10) days after delivery.

XII. CONTROLLING LAW

This Agreement shall be construed and governed in accordance with the laws of the State of Arizona. City and Operator: (1) shall submit to the jurisdiction of the state and

federal courts located in Maricopa County, Arizona; (2) shall waive any and all objections to jurisdiction and venue; and (3) shall not raise forum non conveniens as an objection to the location of any litigation.

XIII. COMPLIANCE WITH LAWS

Operator its employees, agents and contractors, including independent contractors, shall comply with all Federal, State, and local laws, ordinances, and regulations applicable to the maintenance and operation of the SATVs.

XIV. DEFAULT AND REMEDIES

If Operator should be in default or breach of any provision of this Agreement, City may terminate this Agreement, suspend City's performance, and invoke any other legal or equitable remedy after giving Operator written notice and opportunity to correct such default or breach.

XV. NO ASSIGNMENT

Operator may not assign or transfer any part or all of their obligations or interests under this Agreement without City's prior written approval, which approval may be withheld by the City in its absolute discretion. Operator shall notify City, in writing, at least (30) days prior to any proposed assignment or transfer and shall provide with that notice, the proposed assignee's or transferee's written acceptance of the terms and conditions of this Agreement. Company shall not be released from its obligations under this Agreement unless and until such time as it is released, in writing, by the City.

XVI. CONFLICT OF INTEREST

This Agreement is subject to cancellation for conflict of interest pursuant to A.R.S. §38-511.

XVII. COMPLIANCE WITH TAX LAWS

Prior to deploying any SATVs, Operator shall obtain all necessary licenses, including a City of Surprise Business License, and shall be in compliance with the City of Surprise Municipal Tax Code. Operator shall, upon request, furnish to City proof that it is in compliance with the City of Surprise Municipal Tax Code and not delinquent on any payment or other obligation imposed by such ordinances.

XVIII. MISCELLANEOUS PROVISIONS

A. No consent or waiver, express or implied, by any Party to this Agreement or any breach or default by any other Party in the performance of its obligations under this Agreement shall be deemed or construed to be a consent to or waiver of any other breach or

default in the performance of the same or any other obligations hereunder. Failure on the part of any Party to complain of any act or failure to act or to declare the other Party to be in default, irrespective of how long such failure continues, shall not constitute a waiver by such Party of its rights under this Agreement. The Parties reserve the right to waive any term, covenant, or condition of this Agreement; provided, however, such waiver shall be in writing and shall be deemed to constitute a waiver only as to the matter waived and the Parties reserve the right to exercise any and all of their rights and remedies under this Agreement irrespective of any waiver granted.

B. This Agreement shall not be amended or modified without the written consent of the Parties to this Agreement. This in no way prevents the City from terminating this Agreement as set forth herein.

C. The headings of each section of this Agreement are for reference only. Unless the context of this Agreement clearly requires otherwise, all terms and words used herein, regardless of the number and gender in which used, shall be construed to include any other number, singular or plural, or any other gender, masculine, feminine or neuter, the same as if such words had been fully and properly written in that number or gender.

D. Except as specifically provided in this Agreement, all of the provisions of this Agreement shall be severable. In the event that any provision of this Agreement is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining provisions of this Agreement shall be valid unless the court finds that the valid provisions of this Agreement are so essentially and inseparably connected with and so dependent upon the invalid provision(s) that it cannot be presumed that the parties to this Agreement could have included the valid provisions without the invalid provision(s); or unless the court finds that the valid provisions, standing alone, are incapable of being performed in accordance with the intentions of the Parties.

E. It is expressly understood that the Parties are not now, nor will they be, engaged in a joint venture, partnership or any other form of business relationship except as expressly set forth herein, and that neither Party shall be responsible for the conduct, warranties, guarantees, acts, errors, omissions, debts, obligations, or undertaking of any kind or nature of the other in performance of this Agreement.

F. This Agreement shall be binding upon the Parties hereto and upon their assigns, transferees, and successors in interest.

G. This Agreement may be executed in counterparts.

[Signature Pages Follow]

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the Effective Date set forth above.

“CITY”

CITY OF SURPRISE, ARIZONA,
An Arizona. municipal corporation

Skip Hall
Mayor

Date: _____

ATTEST:

Sherry Aguilar
City Clerk

APPROVED AS TO FORM:

Robert Wingo
City Attorney

“OPERATOR”

The Collective We, an Arizona limited liability company

By 

Printed Name CLAYTON BEDOYA

Its OWNER

Date: 11/13/19

EXHIBIT “A”

Ordinance #2019-26

(attached)

EXHIBIT “B”

Allowable Area of Operations

(map attached)

EXHIBIT “C”

Form of Affidavit

(attached)

AFFIDAVIT

STATE OF ARIZONA)
)
County of Maricopa) ss:

I am the _____ for The Collective We, LLC, an Arizona limited liability company.

1. I hereby certify that I am duly authorized to and have authority to certify on behalf of The Collective We, LLC, the data, reports, and/or records submitted this date to the City of Surprise pursuant to Section V of the Shared Active Transportation Vehicle Pilot Program Temporary Operating Agreement (“Agreement”) dated November __, 2019.

2. I hereby certify that the attached data, reports, and/or records reflect the data required by Section V of the Agreement and are complete, true, and accurate.

3. These records were prepared by me as the _____ of The Collective We, LLC, or persons acting under my direction, in the ordinary course of business at or near the time of the act, condition, or event.

DATED this ____ day of _____ 20__.

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20__.

Notary Public

My Commission expires:

ORDINANCE # 2019-26

A TEMPORARY ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE SURPRISE MUNICIPAL CODE, BY ADDING CHAPTER 54, ARTICLE III, SECTION 54-58, TEMPORARY SHARED ACTIVE TRANSPORTATION VEHICLE (SATV) PILOT PROGRAM; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND TEMPORARILY SUPERSEDING CONFLICTING ORDINANCES.

WHEREAS, Arizona law expressly provides municipalities with exclusive control over their respective streets, sidewalks, and rights-of-way;

WHEREAS, the City of Surprise exercises this authority to protect its rights-of-way by regulating all commercial activities and enterprises therein;

WHEREAS, Arizona law also expressly grants municipalities the authority to regulate or prohibit, among other vehicles, Electric bicycles and Stand-up electric scooters within its corporate boundaries;

WHEREAS, in August 2019, Shared Active Transportation Vehicles ("SATV") appeared in the City's public rights-of-way and on public property;

WHEREAS, the rapid introduction and implementation of a Shared Active Transportation Vehicle System, when unregulated, may create serious public health and safety concerns for pedestrians, bicyclists, drivers, and users of SATVs;

WHEREAS, SATVs are also considered a nuisance, when they are improperly parked or abandoned on City streets, sidewalks or other public rights-of-way;

WHEREAS, a properly implemented SATV system may contribute to the City both as a short-distance transportation option and an activity that stimulates the economy;

WHEREAS, without immediate regulatory action to manage the use and operation of SATVs, the safety and well-being of users of City rights-of-way will be at risk and serious accidents may occur;

WHEREAS, it would be in the best interest of the City of Surprise and the general public to study the use and operation of SATVs to determine how best to regulate this proposed new transportation system in the City of Surprise;

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WHEREAS, a one hundred and eighty (180) day Pilot Program for a SATV System (the "Pilot Program") will be utilized to study and understand the proper use and safe Deployment of SATVs on the City streets and rights-of-way; and

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

Section 1. Chapter 54, Article III, of the Surprise Municipal Code is amended by adding Section 54-58 pertaining to Temporary Shared Active Transportation Vehicle System Pilot Program to read as follows:

Sec. 54-58. Purpose and Intent; Temporary Shared Active Transportation Vehicle Pilot Program.

(a) Introduction.

The State of Arizona has granted municipalities express authority to regulate or prohibit the operation of Electric bicycles and Stand-up electric Scooters. It is the purpose and intent of this Section to provide for regulation to protect the safety of pedestrians, bicyclists, and users of Shared Active Transportation Vehicles. It is in the public interest to regulate the use of Shared active transportation vehicles within public rights-of-way, including but not limited to, public sidewalks.

The purpose of this Pilot Program is to permit and govern a temporary program to test the deployment and use of a Shared Active Transportation Vehicle System within the City of Surprise.

This Pilot Program will allow the City of Surprise to learn and gain knowledge about Shared Active Transportation Vehicle Systems and the unique issues created by their implementation in the City of Surprise, to ensure that such mobility-sharing systems are consistent with the City's policies, objectives and the City's general plan goals; and account for the safety and well-being of bicyclists, pedestrians, business owners, and all other users of the public property and rights-of-way within the City.

The Pilot Program will allow the City to explore a new multi-modal transportation option and assess whether this new option is beneficial or detrimental to achieving the City's goals.

(b) Definitions.

- (1) *City*: City of Surprise.
- (2) *Deployment*: Placement of an SATV by the Operator at a location within the City of Surprise.
- (3) *Electric bicycle*: A two- or three-wheeled vehicle with fully operable

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pedals and an electric motor of no more than 750 watts (1 H.P.), the maximum speed of which on a paved level surface, when powered solely by such motor, is 20 MPH.

- (4) *Fleet*: All of the Operator's SATVs in operation within the City's corporate boundaries at any one time.
- (5) *Nighttime*: That period between sunset and sunrise.
- (6) *Operator*: The entity participating in the Pilot Program by entering into the Temporary Operating Agreement with the City, and owning the Shared active transportation vehicles, its agents and contractors (including independent contractors) and every person, agent, or entity retained or employed by the entity to maintain the entity's Shared active transportation vehicles.
- (7) *Parking surface*: Concrete, asphalt bricks or pavers. A parking surface does not include a parking space utilized by motor vehicles or any area of a street between face of curb and face of curb unless otherwise designated.
- (8) *Residential street*: A street with a lawful speed limit of 25 MPH or less.
- (9) *Rider*: Any person who operates or is in actual physical control of a SATV.
- (10) *Rights-of-way*: Any area dedicated for public use as a public street, pedestrian way or other thoroughfare, including but not limited a street, sidewalk, parkway, alley, public transportation path or easement.
- (11) *Shared Active Transportation Vehicle ("SATV")*: A commercially-rented, scooter, bike, or any other mobile vehicle, including but not limited to Stand-up Electric Scooters and Electric Bicycles, excluding motor vehicles as defined by A.R.S. § 28-101, with a self-contained locking mechanism that does not require locking to a bicycle rack, docking system or other structure.
- (12) *Stand-up electric scooter*: A device which weighs less than seventy-five pounds, has two or three wheels, has handlebars, has a floorboard on which person may stand while riding, is powered by an electric motor or human power, or both, has a maximum speed that does not exceed twenty miles per hour, with or without human propulsion.

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- (13) *Shared Active Transportation Vehicle ("SATV") System:* One or more SATV deployed within the corporate boundaries of the City of Surprise.
- (14) *Temporary operating agreement:* An agreement entered into between the City of Surprise and an Operator setting forth additional terms and conditions of implementing a temporary SATV system within the City's public rights-of-way, which shall include, but not be limited to, insurance, indemnity, costs, and any other terms and conditions the City deems necessary to protect its rights-of-way and ensure safe implementation of SATV Systems.

(c) Term.

The Term of the Pilot Program, shall commence on the Effective Date of this Ordinance and shall expire one hundred eighty (180) days thereafter. Notwithstanding the foregoing, the Pilot Program shall be terminated upon creation and adoption of a City ordinance governing the operation of SATV Systems.

After the one hundred eighty (180) day Pilot Program, the City may, in its sole and absolute discretion, establish an ordinance governing the operation of SATV Systems. This Pilot Program does not obligate the City, in any way, to allow use of SATV Systems within the City boundaries. If the City adopts a permanent operating ordinance for SATV systems, any Operator that is a participant in the Pilot Program shall be required to comply with the adopted ordinance.

(d) Scope.

This Pilot Program applies to any and all proposed Deployment(s) of SATV Systems within the City's jurisdictional boundaries. Any Operator wishing to deploy SATVs in the City must participate in the Pilot Program and shall sign a Temporary operating agreement that will allow the Operator to participate in the Pilot Program for a period of ninety (90) days. If an Operator has not entered into a Temporary operating agreement, the Operator shall not be permitted to deploy SATVs within the City's rights-of-way or on public property. Deployment of any SATV on City owned property or in the City's rights-of-way without a Temporary operating agreement shall constitute a trespass.

The City reserves the right to terminate the Temporary operating agreement at any time and require the Operator to remove its entire Fleet from within the City's boundaries. If the City exercises its right to terminate a Temporary operating agreement the Operator will have 48 hours, after written notification from the City, to remove its entire Fleet from the City.

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(e) Minimum Pilot Program Eligibility Requirements:

- (1) SATV that integrate on-board technology allowing a Rider to check out a vehicle remotely from public rights-of-way will be required to be registered as part of this Pilot Program.
- (2) Electric bicycles and Stand-up electric scooters that have been technically or mechanically restricted by the Operator to not exceed a speed of twenty (20) MPH or twelve (12) MPH, respectively.
- (3) SATVs equipped with an on-board GPS device capable of providing real-time location data so that the Operator knows where each SATV of their Fleet is located at all times.
- (4) Stand-up electric scooters that comply with A.R.S. § 28-819 (F) by having a unique identification that consists of letters or numbers, or both, that is visible from a distance of at least five (5) feet.
- (5) This Pilot Program applies to operations within the City's public rights-of-way.
- (6) The City will offer one form of Temporary operating agreement for all Operators of SATVs as part of the Pilot Program.
- (7) Operators will be allowed to participate for the first ninety (90) days of the Pilot Program per the terms of this Ordinance and Temporary operating agreement. This ninety days may be renewed in the sole discretion of the City.
- (8) There shall be a total Deployment cap of one hundred (100) SATVs within the City at any given time during the Pilot Program period.
- (9) Any SATV that is deployed on private property or property not owned by the City but within the corporate limits of the City will still count towards an Operator's total fleet number and total Deployment cap under the Pilot Program.
- (10) Upon the expiration or termination of the Temporary operating agreement, the Operator shall immediately immobilize their Fleet and remove the Fleet from the City's rights-of-way and public property within 48 hours.
- (11) Operators will provide the City with complete and accurate data as may be required by the Temporary operating agreement.

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(f) Deployment.

- (1) Permissible geographic Deployment areas shall be identified with specificity in the Temporary operating agreement. Likewise, the Temporary operating agreement will require geo-fencing of prohibited area such as City parks.
- (2) Deployment of SATVs shall be strictly prohibited within the interior of any City park, in front of single-family residential properties, streets, alleys, medians, landscaping or greenbelts, public parking lots, on private property without consent of the property owner, loading zones, disabled parking zones, curb ramps, entryways and driveways.
- (3) SATVs shall be deployed upright, facing the same direction, in groupings of five. Groups shall be separated by at least 300 feet and only on Parking surfaces. If there is a bicycle rack or other area specifically designated for bicycle parking, SATVs may be deployed adjacent to these areas. Deployment of all SATVs shall be consistent with the American Disabilities Act, and other federal, state and local laws.
- (4) No other Deployment areas are permissible in the City during this Pilot Program except those set forth in this Ordinance and Temporary operating agreement.
- (5) SATVs shall not be deployed in such a manner as to block pedestrian traffic in any way, and shall be kept clear of any and all fire hydrants, call boxes, or other emergency facilities, bus benches, or utility poles or boxes. SATVs shall not be deployed in a manner which will impede or block sidewalks.
- (6) SATVs shall not be deployed in any manner that impedes or denies individuals with disabilities passage or access on any pathway, or to any building or structure, in compliance with the Americans with Disabilities Act. A clear width of 48 inches on a walking surface on any sidewalk or pedestrian path must be accessible at all times.
- (7) SATVs shall not be deployed in such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any private or public building.
- (8) SATVs shall not be deployed in such a manner as to impede or interfere with the reasonable use of any bicycle rack or other

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facilities or lawful commercial transactions within the City's rights-of-way.

- (9) Operators are required to pick up their respective Fleets every night, seven (7) days a week by 10 pm and shall not deploy to areas designated by this Ordinance earlier than 5 am.
 - (10) Operators are required to pick up immediately any and all SATVs deployed, parked, or abandoned, contrary to the terms and conditions of the Pilot Program. The City has the right and authority to pick up and impound any SATVs not deployed or parked according to the terms and conditions of the Pilot Program.
 - (11) Operators shall respond to reports of unlawfully deployed, parked, or abandoned SATVs, or reports of unsafe/inoperable SATVs by relocating, re-deploying, or removing the SATVs, as appropriate, within two (2) hours of receiving notice. Should a SATV be incorrectly deployed, parked or abandoned, unsafe/inoperable or in another condition which poses a health and safety risk or violates federal, state, or local law, the City may immediately impound the SATV prior to the expiration of the two hour period.
 - (12) Operators shall retrieve any SATVs impounded by the City within two (2) business days. If Operator does not retrieve any SATVs within two (2) business days, the City may dispose of any SATVs at Operator's expense.
 - (13) Operators shall only deploy SATVs that are technically or mechanically restricted by the Operator to have a maximum speed of 20 MPH for Electric bicycles and 12 MPH for Stand-up electric scooters.
 - (14) Operators shall have a customer service phone number for Users and the public to report safety concerns, mechanical problems, complaints, SATV removal requests or ask questions. The customer service phone number shall be displayed prominently on the exterior of each SATV.
 - (15) Operators shall implement a SATV operation and parking education plan to educate Riders on the operation and parking laws established by this Ordinance.
- (g) Rider Operation of SATVs.
- (1) A person operating an Electric bicycle or Stand-up electric scooter is granted all of the rights of and is subject to all of the duties

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applicable to a bicycle rider under applicable state and local law.

- (2) A person may operate a bicycle or SATV, excluding Class 3 Electric bicycles as defined by A.R.S. § 28-101, upon a sidewalk where no bike lane is available and where the speed limit on the roadway is greater than 25 mph.
- (3) A person may operate a Stand-up electric scooter upon a sidewalk where the speed limit on the roadway is greater than 35 mph, whether or not a bicycle lane is available.
- (4) When accompanied by a parent or guardian, or with the consent of a parent or guardian, minors may operate a bicycle on a sidewalk at all times unless otherwise posted.
- (5) Whenever any person is permitted to operate a bicycle or SATV upon a sidewalk, such person shall yield the right of way to any pedestrian and shall slow to five (5) MPH and give an audible signal before overtaking and passing such pedestrian.
- (6) Whenever any person is permitted to operate a bicycle or SATV upon a sidewalk, such person shall travel at a rate of speed which is reasonable and prudent under the conditions at the point of operation, taking into account the amount and character of pedestrian traffic, grade and width of path, condition of surface, and any other relevant conditions. In any event, the Rider shall control speed as may be necessary to avoid colliding with other users of the sidewalk and not exceed 12 MPH regardless of the conditions.
- (7) No person shall ride or operate a bicycle or SATV in any direction except as permitted by vehicular traffic on the same side of the roadway where the sidewalk or bicycle lane exists; provided, that bicycles and SATVs may proceed either way where signs or pavement markings on the sidewalk or bicycle lane designate two-way traffic. Additionally, where no bike lane or sidewalk is available and the roadway speed limit is greater than 25 mph, a bicycle or SATV, excluding Class 3 Electric bicycles as defined by A.R.S. § 28-101, may proceed either way on the closest sidewalk when reasonably safe to do so.
- (8) A person operating a bicycle or SATV in bicycle lanes or in traffic lanes, shall comply with state traffic requirements, speed restrictions, official traffic control signals, signs and other traffic direction devices applicable to vehicles, unless otherwise directed by a peace officer.

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- (9) Whenever any person is permitted to operate a bicycle or SATV upon a sidewalk and is about to enter or cross a roadway or driveway, that person shall yield the right of way to all traffic on such roadway or driveway.
- (10) No person may ride an Electric bicycle on sidewalks while the helper motor is engaged.
- (11) A person riding a bicycle or SATV on a roadway at less than the normal speed of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right-hand curb or edge of the roadway, except under the following conditions and when the movement can be made safely:
 - A. If overtaking and passing another bicycle or SATV proceeding in the same direction;
 - B. In preparing for a left turn at an intersection or into a private roadway or driveway;
 - C. If reasonably necessary to avoid hazardous conditions ahead in the roadway; or
 - D. If the lane in which the person is operating the bicycle or SATV is too narrow to travel safely side by side with another vehicle, bicycle or SATV.
- (12) No person shall operate a bicycle or SATV in any City parking structure or within any City park, unless the park has pathways or trails so designated.
- (13) No person shall operate a bicycle or SATV while carrying any package, bundle or article which prevents the operator from keeping both hands upon the steering mechanism at all times.
- (14) No person may operate a bicycle or SATV at Nighttime unless the bicycle or SATV is equipped with a lamp on the front that emits a white light visible from a distance of at least five hundred (500) feet to the front and a red lamp in the rear of a type that is visible from all distances from fifty (50) feet to three hundred (300) feet to the rear. An Operator shall immobilize at Nighttime any SATV not equipped with the fully operational equipment required by this Ordinance.
- (15) Whenever any person is permitted to operate a bicycle or SATV upon a sidewalk, that person must dismount and walk their bicycle or SATV across public streets as a pedestrian.

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- (16) A Rider must be at least eighteen (18) years of age to ride or operate SATVs.
- (17) SATVs are restricted to one Rider at a time.
- (18) A Rider shall abide by all existing traffic and safety laws when picking up, riding, parking, or abandoning an SATV.
- (19) A Rider may not ride or leave an SATV where prohibited by official signs or designations, or where the curb is painted red (fire) or yellow (restricted) within the rights-of-way or in City owned or maintained parking lots.
- (20) It is unlawful for any Rider to operate a SATV within the City while under the influence of an alcoholic beverage or any drug or under the combined influence of an alcoholic beverage or drug.

(h) Rider Parking of SATVs

- (1) No person shall park or abandon a bicycle or SATV in any of the following places:
 - A) Where prohibited by official signs or where the curb is painted red;
 - B) On a sidewalk, except in such a manner that does not block or impede pedestrian traffic;
 - C) On the roadway, alley, designated bicycle lane, or public parking lot;
 - D) Within a designated disabled parking zone and all adjoining clear zones;
 - E) Within any portion of a sidewalk, roadway, path, or building entrance or exit that provides access to disabled persons pursuant to the Americans with Disabilities Act;
 - F) Within medians, landscaping, or greenbelts;
 - G) Within thirty feet of public art displays;
 - H) On private property without permission of the property owner. A private property owner of any non-residential property open to the public is presumed to have given permission unless such parking is otherwise restricted by federal, state, or local law or the property owner expressly indicates, either orally or by signage that parking is restricted.

Section 2. Notwithstanding any provision in the City Code to the contrary, the requirements, conditions, and authorized activities of this Ordinance shall supersede the City Code for the duration of the Pilot Program. This is a temporary Ordinance which shall automatically, by operation of law, expire and have no further legal force or effect one hundred eighty (180) days from its effective date. Upon expiration or termination as

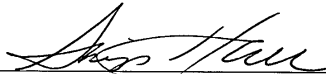
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provided for herein, all superseded ordinances, whether codified or not, shall automatically be reinstated.

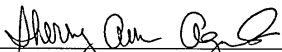
Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 4. Pursuant to Surprise Municipal Code Sec. 2-64, this Ordinance shall become effective thirty (30) days after adoption.

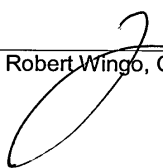
PASSED AND ADOPTED this 1st day of October, 2019.


Skip Hall, Mayor

Attest:


Sherry Aguilar, City Clerk

Approved as to form:

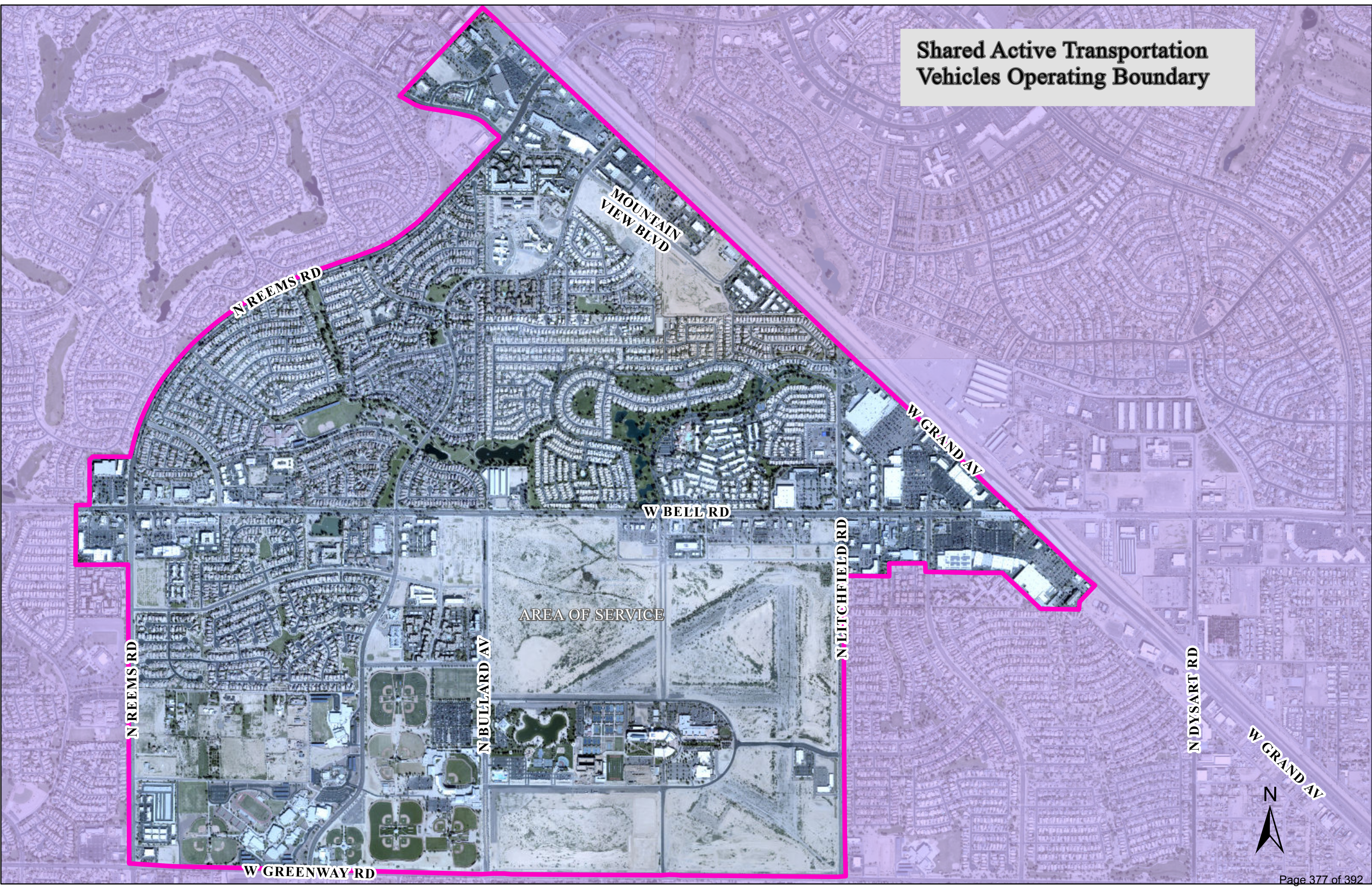

Robert Wingo, City Attorney

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Shared Active Transportation
Vehicles Operating Boundary



AFFIDAVIT

STATE OF ARIZONA)
)
County of Maricopa) ss:

I am the _____ for The Collective We, LLC, an Arizona limited liability company.

1. I hereby certify that I am duly authorized to and have authority to certify on behalf of The Collective We, LLC, the data, reports, and/or records submitted this date to the City of Surprise pursuant to Section V of the Shared Active Transportation Vehicle Pilot Program Temporary Operating Agreement (“Agreement”) dated November __, 2019.

2. I hereby certify that the attached data, reports, and/or records reflect the data required by Section V of the Agreement and are complete, true, and accurate.

3. These records were prepared by me as the _____ of The Collective We, LLC, or persons acting under my direction, in the ordinary course of business at or near the time of the act, condition, or event.

DATED this ____ day of _____ 20__.

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20__.

Notary Public

My Commission expires:



Shared Active Transportation Vehicles Pilot Program Temporary Operating Agreement

City Council Regular Session, December 3, 2019
Community Development Department



Background

- October 1: Council approved Ordinance #2019-26 establishing a SATV Pilot Program.
- October 21: Temporary Operating Agreement sent to the potential vendor, The Collective We, LLC.
- Nov 7: Staff and vendor agreed on terms to bring to City Council.



Staff Requested Changes

- Add new subsection to provide for a Notice to Proceed to the vendor after the City has approved the vendor's insurance coverage.



SATV Operating Agreement

- 180 days beginning Nov. 1, 2019
- 90 days - Term of Temporary Operating Agreement
 - may be extended until end of Pilot Program
- Total maximum of 50 SATV
- Defined Allowable Operating Area

- Allowable SATV Operating Area





SATV Operating Agreement

- Hours of Operation: 5AM – 10PM
- Collected by vendor nightly
- Riders must be 18 or older
- E-scooters 12mph, e-bikes 20mph
- No more than 5 deployed per location



SATV Operating Agreement

- Deployed or parked SATV must be
 - Upright, on a hard surface
- Deployed or parked SATV must not
 - Block sidewalks, fire hydrants, doors, driveways, bike racks, accessible parking spaces, loading zones, etc.

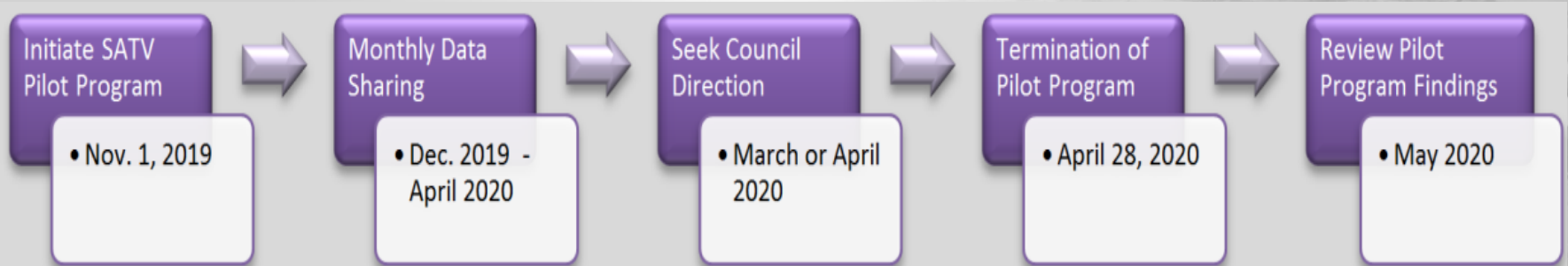


SATV Operating Agreement

- One rider at a time
- SATV rider must yield to pedestrians on City sidewalks
- Rider must obey all traffic and safety laws
- No SATV may be operated at night unless it is equipped with front and rear lights

SATV Pilot Program Timeline

Staff will return to City Council near the conclusion of the Pilot Program with SATV operating data and seek City Council direction for a permanent ordinance.





QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: December 3, 2019
Submitting Department: Legal
Staff Recommendations: None

Contact Person:
District: Citywide

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

Agenda Wording:

Consideration and action pertaining to an amendment to Surprise Municipal Code Chapter 26, Article III, Sections 26-66 and 26-67 relating to carrying the Luke Air Force Base noise contour map; Ordinance # 2019-33.

Motion:

I move to approve Ordinance # 2019-33.

Background:

In 2003, City Council adopted Ordinance #03-08, which created certain local requirements pertaining to the display and carrying a Luke Notification Map. Specifically, Section 26-67(b) provides that:

Every realtor shall:

- (1) Carry an 8½-inch by 11-inch copy of the map;
- (2) Display the map to potential buyers and lessees prior to showing any home or apartment; and (3) Indicate on the map the approximate location of the home or apartment being shown.

The West Maricopa Association of Realtors (WeMar) has voiced concerns, from time to time, about the requirement that "realtors" carry the noise contour map without further qualification as to time and place. WeMAR has also pointed out that Arizona state law addresses disclosure of Luke noise contours during the real estate buying process.

Staff has reviewed the relevant provision and agree that the carrying requirement as currently drafted is broad, and on its face suggests that any person employed to sell or lease homes or apartments must at all times carry the requisite map. Furthermore, there is no record of the carrying ordinance ever resulting in civil citation being issued.

Staff's recommendation is that the carry requirement be removed from the ordinance. Luke AFB has been consulted and has no objection to this ordinance being amended.

Objective Analysis:

As currently drafted, Section 26-67(b) expressly requires all individuals employed to sell or lease residential real estate to carry and display the Luke Notification Map to potential buyers/leasees. The requirement is not qualified by time, place, or manner and which may indicate that it is overly broad in scope. The ordinance also does not require any display by individuals selling or renting property on their own behalf, or even buyers agents/brokers, which may indicate that the provision is not narrowly tailored to ensure display in all relevant situations.

The remainder of the ordinance will still require display of the Luke Notification Map at any place of business engaged in the selling or leasing of residential property. State law also requires disclosure of the noise contour map when purchasing residential real property.

Policy Compliant:

This amendment is consistent with state law, and per city policy, Luke AFB was consulted on the proposed amendment and raised no objection.

Financial Impact:

N/A.

Budget Impact:

N/A.

FTE Impact:

N/A.

ATTACHMENTS:

1. 19.11.13 ORDINANCE 2019-33 Contour Map
-

ORDINANCE 2019-33

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 26, ARTICLE III, SECTIONS 26-66 AND 26-67(b), PERTAINING TO REMOVAL OF THE REQUIREMENT OF CARRYING THE LUKE AIR FORCE BASE NOISE COUNTOUR MAP; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, Ordinance #03-08, as adopted on May 8, 2003, requires certain notifications of noise contours to buyers and leasees of residential real estate, by display and carrying the the Luke Notification Map;

WHEREAS, there has been long-standing concern voiced by certain professionals within the community that the current requirement pertaining to the carrying of the Luke Notification Map is, on its face, overly broad and unnecessary because Arizona state law already requires disclosure of Luke Air Force Base noise contours to residential real estate buyers;

WHEREAS, City staff have consulted appropriate Luke Air Force Base personnel and they have no objection to removal of said carrying provision so long as the City complies with state law disclosure requirements, which it does.

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

Section 1. Chapter 26, Article III, Section 26-66 of the Surprise Municipal Code is hereby amended to read as follows:

Sec. 26-66.-Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Map means the Surprise/Luke Notification Map adopted by city council from time to time by resolution.

~~*Realtor* means any person employed to sell or lease homes or apartments.~~

Section 2. Chapter 26, Article III, Section 26-67(b) of the Surprise Municipal Code is hereby deleted.

Section 3. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 5. This ordinance will become effective at the time and manner prescribed by law.

PASSED AND ADOPTED this _____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney