



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

Tuesday, October 6, 2015 @ 6:00 PM
COUNCIL CHAMBERS - Amended on Monday, October 5, 2015 at 1:15 adding item #16 to request continuance.

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A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

District Citywide [Vice-Mayor Williams will present a proclamation to Laura Horsely, Program Director of Eve's Place, recognizing Domestic Violence Awareness Month.](#) None
Mayor
Wolcott

E. City Manager Report:

District Citywide [Surprise Students/Teachers for Education](#) None
Paul
Bernardo,
City
Manager's
Office

F. City Attorney Report:

G. City Clerk Report:

District Citywide [An update on Voter Outreach](#) None
Sherry Ann
Aguilar,
City Clerk

H. Call To The Public:

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

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

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

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

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

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

I. Regular City Council Meeting Agenda:

Consent Agenda:

- | | | | |
|----|-------------------|---|---|
| 1. | District 3 | <u>Consideration and action declaring the City's intention to create a lighting improvement district pursuant to A.R.S. 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Sycamore Farms Parcel 12 North #146 Street Lighting Improvement District'; Resolution 2015-84.</u> | Approve
Karl Zook,
Public
Works
Department |
| 2. | District 3 | <u>Consideration and action dissolving the Sycamore Farms Parcel 12 #136 Lighting Improvement District now covered by the Sycamore Farms Parcel 12 North #146 Lighting Improvement District; Resolution # 2015-91.</u> | Approve
Karl Zook
Public
Works
Department |
| 3. | District 3 | <u>Consideration and action on accepting maintenance of the public improvements for the Shops at 303 & Waddell, generally located on the northwest corner of Waddell Road and SR303; Resolution No. 2015-81.</u> | Approve
Karl Zook,
Public
Works
Department |
| 4. | District 6 | <u>Consideration and action approving an amendment to the “Surprise Pointe North” final plat, dividing the existing parcel into 9 smaller parcels consistent with existing structures.</u> | None
Hobart
Wingard -
Community
Development |
| 5. | District Citywide | <u>Consideration and action on a fiscal year 2016 budget amendment reallocating appropriations from various funds for fiscal year 2016 budget and adjusting budget authority; Resolution 2015-89.</u> | None
Lindsey
Duncan,
Finance
Director |
| 6. | District Citywide | <u>Consideration and action on a fiscal year 2015 budget amendment reallocating appropriations from various funds required to close the fiscal year 2015 budget; Resolution 2015-88.</u> | None
Lindsey
Duncan,
Finance
Director |
| 7. | District Citywide | <u>Consideration and action; amending FY2016 budget by reallocating appropriations from contingency in the grants and contingency fund to project #28034 in the general capital fund for the purchase of replacement stadium seating at Surprise Stadium in an amount not to exceed \$1.2M ; Resolution No. 2015-92.</u> | None
Mark A.
Coronado,
CRS
Director |
| 8. | District 5 | <u>Consideration and action to approve a Series 12 liquor license request by Daniel Avila for Daniel's Original Mexican Food located at 13761 W. Bell Road, #213, Surprise, Arizona 85374 (New License/Corporation - 1207A368).</u> | None
Sherry Ann
Aguilar, City
Clerk |

- | | | | |
|-----|-------------------|--|--|
| 9. | District Citywide | <u>Consideration and action on the minutes of September 15, 2015 Regular City Council Work Session and Regular City Council Meeting and September 22, 2015 Special City Council Work Session.</u> | None
Sherry Ann Aguilar,
City Clerk |
| 10. | District Internal | <u>Consideration and action amending the Vehicle Replacement Fund budget by \$1,000,000 increasing the Public Works Departments ability to replace City vehicles and equipment that have been delayed; Resolution 2015-95.</u> | Approve
Mike Gent
Public
Works
Director |
| 11. | District Citywide | <u>Consideration and action amending the Water Resource Management Departments capital projects budget; Resolution 2015-93.</u> | Approve
Terry Lowe
Water
Resource
Management
Director |

Regular Agenda Item - Public Hearing:

- | | | | |
|-----|-------------------|---|---|
| 12. | District Citywide | <u>Consideration and action on a Zoning Text Amendment to allow accessory structures to be limited by lot coverage on residential properties one (1) acre or more in size; Ordinance 2015-13.</u> | Approve
Hobart
Wingard -
Community
Development |
| 13. | District Citywide | <u>Consideration and action amending Surprise Municipal Code, Chapter 122, Surprise Unified Development Code, Section 122-112, Wireless Communications, to allow Wireless Telecommunication Facilities to conform to federal regulations and current technology (this is a Zoning Text Amendment); Ordinance 2015-15.</u> | Continue
Hobart
Wingard -
Community
Development |
| 14. | District Citywide | <u>Consideration and action authorizing the renewal of the CenturyLink Cable Television License Agreement; Resolution No. 2015-75.</u> | Approve
Tammie
Hollowell -
Information
Technology
Director |
| 15. | District Citywide | <u>Consideration and action amending the 2012 International Building Code, as referenced in Surprise Municipal Code Section 105-19(a), by authorizing the use of a new Accessibility Icon; Ordinance 2015-18.</u> | None
Chris Boyd,
Community
Development |
| 16. | District 1 | <u>Consideration and action regarding a proposed Zone Change from CR to IP-PUD, CR to CR-PUD, and from IP to CR-PUD for Dysart Subdivision located at the southwest corner of Bell Road and Dysart Road; Ordinance 2015-16.</u> | Continue
Robert
Kuhfuss,
Community
Development |
| 17. | District 3 | <u>Consideration and action on a Preliminary Plat entitled "Sycamore Farms Parcel 12, Phase 1," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-100.</u> | Approve
Hobart
Wingard -
Community
Development |

- | | | |
|----------------|---|--|
| 18. District 3 | <u>Consideration and action on a Preliminary Plat entitled "Sycamore Farms Parcel 12, Phase 2," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-102.</u> | Approve
Hobart
Wingard -
Community
Development |
|----------------|---|--|

Regular Agenda Item - Non-Public Hearing:

- | | | |
|-----------------------|--|--|
| 19. District 3 | <u>Consideration and action on a Final Plat entitled "Sycamore Farms Parcel 12, Phase 1," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-101.</u> | Approve
Hobart
Wingard -
Community
Development |
| 20. District 3 | <u>Consideration and action on a Final Plat entitled "Sycamore Farms Parcel 12, Phase 2," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-103.</u> | Approve
Hobart
Wingard -
Community
Development |
| 21. District Citywide | <u>Consideration and action; amending FY2016 budget by reallocating appropriations from contingency in the general fund to the Community and Recreation Services Department general fund for the Veterans Day Celebration Event in an amount not to exceed \$20,000; Resolution No. 2015-73</u> | None
Mark A.
Coronado,
Director -
Community
&
Recreation
Services |
| 22. District Citywide | <u>Consideration and action amending Surprise Municipal Code Chapter 34, Offenses and Miscellaneous Provisions, Sections 34-76, 34-77 pertaining to unauthorized entry onto athletic fields during contests, and Sections 34-226 and 34-227 pertaining to obstructing or interfering with a police officer or police dog; Ordinance 2015-06.</u> | None
Harold
Brady,
Police and
Fire Legal
Advisor |
| 23. District Internal | <u>Consideration and possible action adopting the City Council Board and Commission Handbook (2015 edition), replacing all prior board/commission handbooks.</u> | None
Misty Leslie,
City
Attorney |

J. Other Business and Future Agenda Items:

K. Mayor/Council Reports:

L. Executive Session:

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

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A))

(2));

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

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

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

M. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Amended on Monday, October 5, 2015 at 1:15 adding item #16 to request continuance.

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

October 6, 2015 @ 6:00:00 PM

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Council Meeting Date: October 6, 2015
Submitting Department:
Staff Recommendations: None

Contact Person: Paul Bernardo, City Manager's Office
District: Citywide

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Surprise Students/Teachers for Education

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

[Click to download](#)

No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 6, 2015	Contact Person:	Karl Zook, Public Works Department
Submitting Department:	Public Works	District:	3
Staff Recommendations:	Approve		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action declaring the City's intention to create a lighting improvement district pursuant to A.R.S. 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Sycamore Farms Parcel 12 North #146 Street Lighting Improvement District'; Resolution 2015-84.

Motion:

I move to approve Resolution 2015 - 84.

Background:

The City has verified that the Petition for the proposed street light improvement district contains the signatures of all of the real property owners in the district, exclusive of mortgages and other lien holders.

The City has approved the street layout and facilities design. The electric rates are established by APS tariff.

The lighting improvements are more than local or ordinary public benefit and the expenses of the district will be paid for by the levy and collection of equal apportionment taxes based on the number and classification of properties within the district.

Objective Analysis:

A SLID is a neighborhood partnership and very common practice in which property owners in a defined area agree to pay the costs to operate and maintain their immediate area's street lights through a property tax. All new developments in the City of Surprise require a SLID. This action will create a SLID boundary for the Sycamore Farms Parcel 12 North development.

Policy Compliant:

Surprise Municipal Code requires that street lighting that serves a defined area be paid for through revenues obtained from the specific area being served by such street lighting. In these instances, a Street

Light Improvement District (SLID) is formed. The city strives to assure that residents are subject to only one SLID and that the boundaries of each SLID accurately reflect the service area. This item is consistent with these objectives.

Financial Impact:

Any financial impact on the City is anticipated to be minimal, as the Developer and District will be bearing the costs and expenses of the District and street light improvement facilities.

Budget Impact:

Funding was not included as part of the FY2016 adopted budget. A separate fund will be created to track revenue and expenses once the city starts receiving electric bills from APS for this particular SLID. If the SLID incurs expenses during FY2016, staff will return to request a budget amendment to appropriate the new fund. Regardless, the city will be unable to collect property taxes for this SLID until FY2017, at the earliest.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

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- ☐ [Resolution 2015-84](#)
 - ☐ [Area Map](#)
 - ☐ [Petition](#)
-

RESOLUTION # 2015-84

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DECLARING ITS INTENTION TO ESTABLISH A STREET LIGHT IMPROVEMENT DISTRICT TO PURCHASE ENERGY FOR LIGHTING THE PUBLIC STREETS AND PARKS IN THE AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF SURPRISE, ARIZONA DESCRIBED ON EXHIBIT A, ATTACHED HERETO; DECLARING SUCH IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT AND THAT THE EXPENSES THEREOF BE PAID FOR BY THE LEVY AND COLLECTION OF EQUAL APPORTIONMENT OF TAXES BASED ON THE NUMBER AND CLASSIFICATION OF PROPERTIES WITHIN THE DISTRICT TO BE KNOWN AS "CITY OF SURPRISE, ARIZONA, SYCAMORE FARMS PARCEL 12 NORTH #146 LIGHTING IMPROVEMENT DISTRICT"; AND ORDERING THAT SUCH IMPROVEMENTS BE PROVIDED FOR UNDER THE PROVISIONS OF SECTION 48-572, ARIZONA REVISED STATUTES.

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of all of the real property (hereinafter referred to as "Petitioner") in the hereinafter described District, acting pursuant to the provisions of Sections 48-615(A) and 48-617(A), Arizona Revised Statutes, have petitioned the Mayor and Council of the City of Surprise, Arizona (hereinafter referred to as "City"), to adopt a resolution of intention (hereinafter referred to as "Resolution") ordering the purchase of energy for the lighting of the public streets and parks (hereinafter referred to as "Improvements") for the real property legally described in Exhibit A (such area hereinafter referred to as the "District") with such boundaries as shown in the map in Exhibit B attached hereto pursuant to the provisions of Section 48-576, Arizona Revised Statutes, giving the City immediate jurisdiction to order the Improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes, without the necessity of the publications or posting of this Resolution provided for in Sections 48-578, Arizona Revised Statutes;

WHEREAS, the City has verified that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District, and;

WHEREAS, the Mayor and Council of the City hereby find and determine that they have jurisdiction to adopt this Resolution to order the Improvements pursuant to the provisions of Section 48-576, Arizona Revised Statutes, and have immediate jurisdiction to adopt this Resolution ordering the Improvements pursuant to the provisions of Section 48-581, Arizona Revised Statutes without the necessity of publications and posting of this Resolution as provided for in Section 48-578, Arizona Revised Statutes;

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

Section 1. The City, after verifying ownership of the real property included within the boundaries of the District, hereby finds the Petitioner is the owner, exclusive of

mortgagees and other lienholders, of all of the real property included within the boundaries of the District.

Section 2. The name of the District shall be "CITY OF SURPRISE, ARIZONA, SYCAMORE FARMS PARCEL 12 NORTH #146 LIGHTING IMPROVEMENT DISTRICT."

Section 3. The District is formed, and shall exist, pursuant to the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and Section 48-616, Arizona Revised Statutes.

Section 4. The public interest or convenience requires, and it is the intention of the Mayor and Council of the City to order the Improvements as so described above.

Section 5. The Improvements, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit and are of special benefit to the respective lots, pieces and parcels of real property in the District, and the Mayor and Council of the City hereby make and order the expense of the Improvements payable from the levying and collection of an equal apportionment of taxes based on the number and classification of properties within the District to be known and designated as "City of Surprise, Arizona Sycamore Farms Parcel 12 North #146 Lighting Improvement District" and hereby declare that the District is as legally described on Exhibit A attached hereto with the boundaries as shown in the map in Exhibit B attached hereto. Any public street or alley within the District shall be omitted from the assessment. Any lot belonging to the United States, the State, a county, city, school district or political subdivision or institution of the state or county within the District shall be omitted from the assessment.

Section 6. The Superintendent of Streets or equivalent of the City shall not be required to post or cause to be posted notices of the Resolution of Intention. The Clerk of the City shall certify to the passage of this Resolution of Intention but shall not be required to cause the same to be published in a newspaper published and of general circulation in the City.

Section 7. The Mayor and Council of the City shall make annual statements and estimates of the expenses of the district, which shall be provided for by the levy and collection of equal apportionment of taxes based on the number and classification of properties within the District; shall publish notice thereof; shall have hearings thereon; and shall adopt them at the times and in the manner provided for incorporated cities and towns by the applicable portions of Section 42-17101, et seq., 42-17152, Arizona Revised Statutes. The Mayor and Council of the City shall, on or before the third Monday in August of each year, fix, levy and assess the amount to be raised by an equal apportionment of taxes based on the number and classification of the properties within the District and collect, as Maricopa County, Arizona (the "County") taxes are collected, the amounts shown by the statements and estimates as adopted by the Mayor and Council of the City. All statutes providing for the levy and collection of State of Arizona and County taxes, shall be applicable to District taxes as provided to be levied under Section 48-616, Arizona Revised Statutes.

Section 8. The District shall not be authorized to issue bonds and no assessment for District purposes against the property within the District shall exceed

One Dollar and Twenty Cents (\$1.20) per each hundred dollars of taxable valuation thereof in any year.

Section 9. The District shall not engage in any activity other than as provided in Section 48-616, Arizona Revised Statutes, i.e., contracting for and purchasing of energy for street and public park lighting.

Section 10. The formation of the District shall not be considered as preventing the subsequent establishment of improvement districts for any other purpose authorized by law, including improvement districts for the purpose of construction street lighting facilities within any part or all of the same territory as the District.

Section 11. The type of lighting facilities to be installed in the District and the locations thereof shall consist of those lighting facilities and locations described in the petition submitted by Petitioner, or as may be approved by the City.

Section 12. The rate to be paid for purchasing the energy for the District shall be the rate described in the petition submitted by Petitioner, or as may be approved by the Arizona Public Service Company.

Section 13. Any resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

APPROVED AND ADOPTED this __day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

EXHIBIT A

LEGAL DESCRIPTION



**Legal Description
Sycamore Farms
Street Light Improvement District**

Job No. 12-128

December 2, 2013

Revised June 20, 2014

That part of the East Half of Section 24, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly describe as follows:

COMMENCING at a brass cap in hand hole marking the east quarter corner of said Section 24, from which a brass cap in hand hole marking the Northeast corner of said Section 24 bears North 00 degrees 19 minutes 18 seconds East, a distance of 2,637.80 feet; thence North 00 degrees 19 minutes 18 seconds East, along the east line of the Northeast quarter of said Section 24, a distance of 1,324.45 feet; thence North 89 degrees 40 minutes 42 seconds West a distance of 901.40 feet to the beginning of a curve, concave to the south, the center of which bears South 00 degrees 19 minutes 18 seconds West at a distance of 550.00 feet; thence westerly, along the arc of said curve to the left, through a central angle of 39°17'21" for a distance of 377.15 feet to the POINT OF BEGINNING;

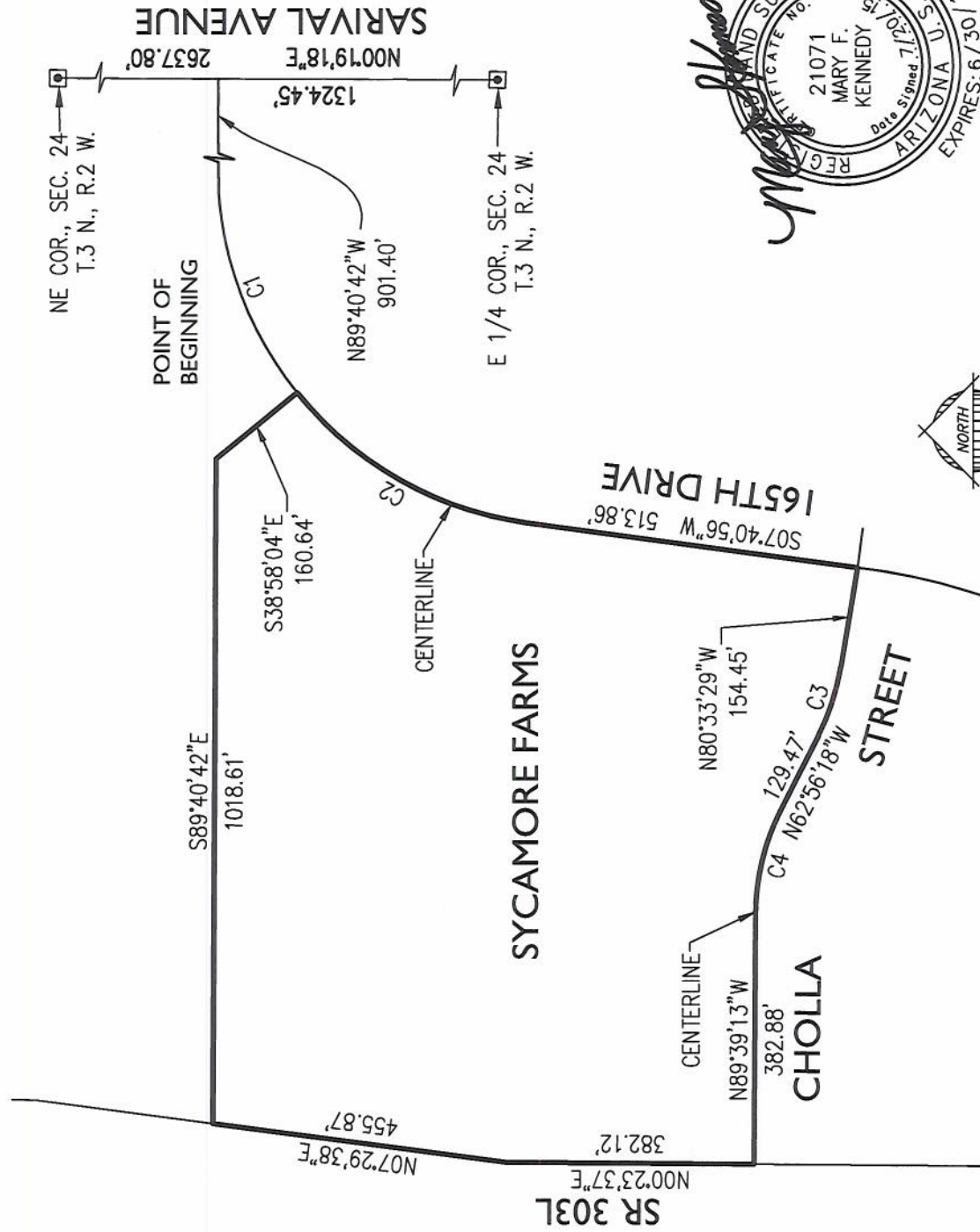
Thence continuing southwesterly 416.13 feet along the arc of said curve to the left through a central angle of 43 degrees 21 minutes 01 seconds; thence South 7 degrees 40 minutes 56 seconds West, 513.86 feet; thence North 80 degrees 33 minutes 29 seconds West, 154.45 feet to the beginning of a curve, concave northeast, having a radius of 365.00 feet; thence northwesterly 112.24 feet along the arc of said curve to the right through a central angle of 17 degrees 37 minutes 11 seconds; thence North 62 degrees 56 minutes 18 seconds West, 129.47 feet to the beginning of a curve, concave southwest, having a radius of 350.00 feet; thence northwesterly 163.19 feet along the arc of said curve to the left through a central angle of 26 degrees 42 minutes 55 seconds; thence North 89 degrees 39 minutes 13 seconds West, 382.88 feet to a point on the east line of that parcel described in Document No. 2013-0639146, Maricopa County Records; thence North 0 degrees 23 minutes 37 seconds East, 382.12 feet along said east line; thence North 7 degrees 29 minutes 38 seconds East, 455.87 feet along said east line; thence South 89 degrees 40 minutes 42 seconds East, 1018.61 feet; thence South 38 degrees 58 minutes 04 seconds East, 160.64 feet to the POINT OF BEGINNING.

Containing an area of 884,791 square feet or 20.3120 acres, more or less.



EXHIBIT B

MAP



SHEET 1 OF 2

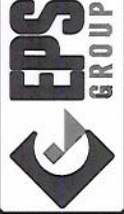
NOT TO SCALE

SEE SHEET 2 FOR CURVE TABLE

12-128

SYCAMORE FARMS
SURPRISE, ARIZONA

STREET LIGHT IMPROVEMENT DISTRICT



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

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BRG
C1	377.15'	550.00'	39°17'21"	196.33'	369.80'	S70°40'37"W
C2	416.13'	550.00'	43°21'01"	218.59'	406.28'	S29°21'26"W
C3	112.24'	365.00'	17°37'11"	56.57'	111.80'	N71°44'54"W
C4	163.19'	350.00'	26°42'55"	83.11'	161.72'	N76°17'46"W

Mary F. Kennedy

REGISTERED LAND SURVEYOR
 21071
 MARY F. KENNEDY
 Date Signed: 7/20/18
 ARIZONA
 U.S.A.
 EXPIRES: 6/30/18

12-128

SYCAMORE FARMS
SURPRISE, ARIZONA

STREET LIGHT IMPROVEMENT DISTRICT



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

Sycamore Farms – Phase 1



STREET LIGHT IMPROVEMENT DISTRICT PETITION

TO THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE:

We, the undersigned, are all or a majority of the real property owners, exclusive of mortgagees and other lienholders, within the district named below. We petition the City Council of the City of Surprise, Arizona, to establish a street light improvement district under Arizona Revised Statutes (A.R.S.) §48-571 to 48-622, and any amendments, and specifically A.R.S. §48-615 to 48-617, to purchase electricity for lighting the public streets and/or parks within the district whose boundaries and area is described in Exhibits A and B attached hereto. This petition includes a charge for maintaining the lighting facilities.

It is hereby requested that, in compliance with the Arizona Revised Statutes, the City Council adopt a Resolution of Intention to order the proposed improvements, and that unless protests are received pursuant to A.R.S. §48-579 sufficient to bar further proceedings, the City Council proceed with the improvements petitioned for herein.

Expenses of the District shall be paid by the levy and collection of an equal apportionment of taxes based on the number and classification of properties within the District.

Public convenience, necessity and welfare will be promoted by the establishment of the District and the real property within the District will be benefited by the District. Additional street lighting facilities may be installed and included in the District, at no investment cost to the District, as directed by the City and as approved by Arizona Public Service and the City Engineer.

WHEREFORE, we respectfully ask that this Petition be properly filed and that the Mayor and Council of the City adopt the Resolution and take such other action as is proper, necessary and appropriate to form the District and to fulfill the purposes for which the District is organized, as the Mayor and Council believe is proper and necessary.

The name of the proposed street light improvements district shall be:

Sycamore Farms Parcel 12 North #146

PETITIONERS: Please print and sign your name

PRINT BUSINESS/ PETITIONER'S NAME	ADDRESS OF PROPERTY OWNED WITHIN DISTRICT	ASSESSOR PARCEL #	SIGNATURE
KB Home Phoenix, Inc Jannelle Speake, Agent	See Exhibit "A"		<i>Jannelle Speake</i>

"EXHIBIT A"

SYCAMORE FARMS – PHASE 1

501-09-281	501-09-282	501-09-283	501-09-284	501-09-285	501-09-286
501-09-287	501-09-288	501-09-289	501-09-290	501-09-291	501-09-292
501-09-293	501-09-294	501-09-295	501-09-296	501-09-297	501-09-298
501-09-299	501-09-300	501-09-301	501-09-302	501-09-303	501-09-304
501-09-305	501-09-306	501-09-307	501-09-308	501-09-309	501-09-310
501-09-311	501-09-312	501-09-313	501-09-314	501-09-315	501-09-316
501-09-317	501-09-318	501-09-319	501-09-320	501-09-321	501-09-322
501-09-323	501-09-324	501-09-325	501-09-326	501-09-327	501-09-328
501-09-347	501-09-348	501-09-349	501-09-350	501-09-351	501-09-352
501-09-353	501-09-354	501-09-355	501-09-356	501-09-357	501-09-358
501-09-359	501-09-360	501-09-361	501-09-362	501-09-363	501-09-364
501-09-373	501-09-374	501-09-375	501-09-376	501-09-377	501-09-378
501-09-379	501-09-380	501-09-381	501-09-382	501-09-383	501-09-384

"EXHIBIT A"

SYCAMORE FARMS – PHASE 2

501-09-251	501-09-252	501-09-253	501-09-254	501-09-255	501-09-256
501-09-257	501-09-258	501-09-259	501-09-260	501-09-261	501-09-262
501-09-263	501-09-264	501-09-265	501-09-266	501-09-267	501-09-268
501-09-269	501-09-270	501-09-271	501-09-272	501-09-273	501-09-274
501-09-275	501-09-276	501-09-277	501-09-278	501-09-279	501-09-280
501-09-329	501-09-330	501-09-331	501-09-332	501-09-333	501-09-334
501-09-335	501-09-336	501-09-337	501-09-338	501-09-339	501-09-340
501-09-341	501-09-342	501-09-343	501-09-344	501-09-345	501-09-346
501-09-365	501-09-366	501-09-367	501-09-368	501-09-369	501-09-370
501-09-371	501-09-372	501-09-385	501-09-386	501-09-387	501-09-388
501-09-389	501-09-390	501-09-391	501-09-392	501-09-393	501-09-394
501-09-395	501-09-396	501-09-397	501-09-398		



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

AVAILABILITY

This rate schedule is available in those portions of cities, towns and unincorporated communities in which Company does a general retail electric business and where Company has installed a multiple or series street lighting system of adequate capacity for the service to be rendered.

APPLICATION

This rate schedule is applicable to service for lighting public streets, alleys, thoroughfares, public parks and playgrounds from dusk to dawn by use of Company's facilities where such service for the entire area is contracted for from the Company by the city, town, other governmental agencies, or a responsible individual for unincorporated communities. Dusk is defined as the time between sunset and full night when a photocontrol senses the lack of sufficient sunlight and turns on the lights. Dawn is defined as the time between full night and sunrise when a photocontrol senses sufficient sunlight to turn off lights.

RATES

The bill shall be computed at the following rates for each type of standard facility and/or service utilized to provide street lighting, plus any adjustments incorporated in this schedule:

I. FIXTURES (Includes Mounting Arm, if Applicable)

	Lumen	Watts	kWh	RATES	
				Investment by Company	Investment by Others
A. Acorn	9,500 HPS	100	41	\$ 27.06	\$9.22
	16,000 HPS	150	69	30.04	11.65
	6000 IND	85	29	17.87	4.77
B. Architectural	9,500 HPS	100	41	15.38	7.34
	16,000 HPS	150	69	17.96	9.82
	30,000 HPS	250	99	21.31	12.60
	50,000 HPS	400	153	26.29	18.13
	14,000 MH	175	72	21.51	11.79
	21,000 MH	250	101	24.42	14.54
	36,000 MH	400	159	30.54	20.00
	8,000 LPS	55	30	22.35	9.82
	13,500 LPS	90	50	26.36	11.84
	22,500 LPS	135	72	30.11	14.45
	33,000 LPS	180	90	36.22	17.02
	6,200 IND	85	29	9.40	3.65
	8,400 IND	100	34	9.93	4.05
	10,200 IND	120	41	10.91	4.63
	13,000 IND	150	52	12.05	5.50
	20,500 IND	200	69	13.72	6.84
	22,500 IND	265	91	16.37	8.62
	5,800 LED	94	32	16.53	4.79
	7,400 LED	127	44	18.96	5.89
	12,300 LED	203	70	23.66	8.22



RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE

I. FIXTURES (Includes Mounting Arm, if Applicable) (cont):

				RATES	
	Lumen	Watts	kWh	Investment by Company	Investment by Others
B. Architectural	9,200 LED	139	48	\$23.77	\$6.78
	13,620 LED	202	70	26.45	8.58
	6,400 LED	89	31	16.61	4.73
C. Cobra/Roadway	5,800 HPS	70	29	8.73	5.16
	9,500 HPS	100	41	10.28	6.32
	16,000 HPS	150	69	12.87	8.82
	30,000 HPS	250	99	15.52	11.46
	50,000 HPS	400	153	21.06	16.37
	14,000 MH	175	72	14.97	10.20
	21,000 MH	250	101	17.49	12.69
	36,000 MH	400	159	23.03	17.63
	8,000 FL	100	38	17.20	5.04
	6,200 IND	75	26	9.78	3.50
	6,400 IND	85	29	8.33	3.51
	8,000 IND	88	30	9.72	3.75
	8,400 IND	100	34	9.01	3.93
	10,200 IND	120	41	9.69	4.47
	13,000 IND	150	52	10.67	5.32
	15,250 IND	200	69	12.87	6.73
	22,500 IND	250	86	17.22	8.41
	Gray/Bronze 3,500 IND	55	19	9.75	3.03
	6,000 LED	95	33	15.83	4.76
	8,700 LED	142	49	17.80	6.06
	9,600 LED	157	54	18.94	6.54
	11,600 B-LED	181	62	17.67	6.90
	Gray/Bronze 3,300 LED	43	15	8.36	2.59
	Gray/Bronze 5,300 LED	67	23	9.70	3.29
	Gray/Bronze 8,300 LED	106	37	12.58	4.59
	Gray/Bronze 10,500 LED	130	45	14.00	5.29
	Gray/Bronze 20,000 LED	258	89	24.33	9.54
D. Decorative	9,500 HPS	100	41	37.09	11.11
	16,000 HPS	150	69	36.88	12.41
	30,000 HPS	250	99	42.46	16.02
E. Flood	30,000 HPS	250	99	20.61	12.81
	50,000 HPS	400	153	25.56	17.77
	21,000 MH	250	101	22.00	13.53
	36,000 MH	400	159	26.82	18.35



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

I. FIXTURES (Includes Mounting Arm, if Applicable) (cont):

					Rates	
					Investment By Company	Investment By Others
		Lumens	Watts	kWh		
F. Post Top	Colonial Gray	8,000 FL	100	38	\$18.54	\$5.23
		9,500 HPS	100	41	10.60	6.65
	Colonial Black	9,500 HPS	100	41	12.21	6.88
	Decorative Transit	9,500 HPS	100	41	32.47	10.24
	Copper Square	6,000 IND	85	29	17.52	4.72
	Gray/Black	8,000 IND	88	30	13.80	4.29
	Gray/Black	4,350 LED	86	30	12.52	4.12
G. FROZEN						
	4,000 INC	295	103		\$9.78	\$5.47
	7,000 MV	175	73		12.67	7.27
	11,000 MV	250	96		15.87	9.68
	20,000 MV	400	150		24.92	14.12

NOTES:

1. Investment by Company. These rates are applicable where the Company provides the initial investment to purchase and install all facilities necessary for street lighting service. The Company will own, operate, and maintain the street lighting system.
2. Investment by Others. These rates are applicable in those instances where the requesting entity or individual purchases and installs the street lighting facilities at their own expense and in accordance with Company specifications. These rates will also apply in the instance where the customer provides a non-refundable advance to the Company to cover the Company's cost of purchasing and installing the street lighting system. The Company retains ownership of the street lighting system and provides operation and maintenance for all facilities.
3. Listed kWhs reflect the assigned monthly energy usage for each type of fixture and are used to determine any applicable transmission, system benefit, distribution, energy, and adjustment charges.
4. HPS = High Pressure Sodium
5. MH = Metal Halide
6. LPS = Low Pressure Sodium
7. FL = Fluorescent
8. INC = Incandescent. Incandescent lighting charges are applicable and available only to those customers being served and those installations in service on November 1, 1986.
9. MV = Mercury Vapor. Mercury Vapor lighting charges are applicable and available only to those customers being served and those installation in service on November 1, 1986 in accordance with A.R.S. §49-1104(A).
10. LED = Light Emitting Diode
11. IND = Induction



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

II. POLES

			RATES		
			Height	Investment by Company	Investment by Others
A. Anchor Base Mounted (Flush)	Round Steel	1 Simplex Adapter	12 ft.	\$12.17	\$1.68
			22 ft.	13.70	1.88
			25 ft.	14.82	2.05
			30 ft.	17.03	2.34
			32 ft.	17.89	2.37
		2 Simplex Adapters	12 ft.	12.98	1.79
			22 ft.	14.91	2.06
			25 ft.	15.55	2.14
			30 ft.	18.07	2.49
			32 ft.	19.28	2.66
	Square Steel	5"	13 ft.	13.95	1.92
			15 ft.	12.47	1.72
			23 ft.	14.79	2.03
			25 ft.	16.26	2.23
			28 ft.	18.05	2.48
			32 ft.	17.95	2.47
	Concrete		12 ft.	41.58	5.73
Fiberglass		12 ft.	35.21	4.85	
Decorative Transit Pedestrian		4"	16 ft.	34.33	4.73
Decorative Transit		6"	30 ft.	66.28	9.13
Hinged Poles		Square	15 ft.	13.20	1.08
		Round	19 ft.	11.93	.97
B. Anchor Base Mounted (Pedestal)	Round Steel	1 Simplex Adapter	12 ft.	11.71	1.61
			22 ft.	13.24	1.82
			25 ft.	14.35	1.98
			30 ft.	16.58	2.29
			32 ft.	17.41	2.40
		2 Simplex Adapters	12 ft.	12.51	1.72
			22 ft.	13.97	1.92
			25 ft.	15.08	2.07
			30 ft.	17.61	2.42
			32 ft.	18.81	2.59
		3 Bolt Arm	32 ft.	21.62	2.97
		Square Steel	5"	13 ft.	13.50
	15 ft.			13.80	1.89
	23 ft.			14.32	1.98
	25 ft.			15.80	2.19
	28 ft.			17.56	2.42
	32 ft.			18.23	2.50



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

II POLES (cont)

			RATES		
			Investment by Company	Investment by Others	
			Height		
C. Direct Bury	Round Steel		19 ft.	\$18.42	\$2.54
			30 ft.	14.38	2.66
			38 ft.	17.55	2.73
		Self Support	40 ft.	21.62	3.42
		Stepped	25 ft.	49.72	4.06
			32 ft.	52.36	4.27
			49 ft.	64.99	8.96
	Square Steel	4"	34 ft.	15.87	2.75
		5"	20 ft.	15.07	2.49
			30 ft.	15.71	2.59
			38 ft.	17.05	2.96
		8"	28 ft.	28.45	2.32
			32 ft.	29.74	2.43
	Decorative Transit	41 ft 6 in	20.47	3.01	
	Decorative Transit	47 ft.	25.50	3.75	
	Steel Distribution Pole (for lighting only)	35 ft.	23.54	3.10	
D. Post Top	Decorative Transit Anchor Base	16 ft.	35.07	4.82	
	Gray Steel/Fiberglass	23 ft.	12.16	2.00	
	Black Steel	23 ft.	13.41	2.21	
E. Existing distribution pole suitable for streetlight use			1.48	--	
F. FROZEN	Wood Poles	30 ft.	\$8.95	\$1.55	
		35 ft.	8.95	1.48	

NOTE: The monthly rate for all new poles includes up to 300 feet of overhead secondary wire, or up to 300 feet of underground secondary wire if the customer provides earthwork and conduit (excluding the underground to overhead transition).

III. ANCHOR BASE

		RATES		
			Investment by Company	Investment by Others
		Height		
A. Flush		4 ft.	\$9.91	\$1.36
		6 ft.	11.82	2.05
B. Pedestal		8 ft.	13.54	2.36
	For 32' Round Steel Pole only	4 ft. 6"	9.39	1.63



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

IV. CHARGES FOR OPTIONAL OR ADDITIONAL EQUIPMENT

		RATES
		Company Owned
Underground Circuit Charges:		
a. Per foot of cable, installed under paving		\$0.15716
b. Per foot of cable, not installed under paving		0.05589

V. DETERMINATION OF RATES FOR NEW EQUIPMENT

Monthly rates for new lighting fixtures, poles and other equipment not included in Sections I, II, or III above shall be determined by the Company using the following method:

Step 1 Determination of Charges for each Charge Type							Monthly Fixed Charge Rate
Charge Type	Monthly Charge	=	Cost Inputs	x	PV Factor	x	
1	Carrying Cost (fixtures)	=	Equipment Cost (installed)	x	NA	x	1.533%
2	Carrying Cost (poles)	=	Equipment Cost (installed)	x	NA	x	1.449%
3	Fixture Replacement Cost	=	Equipment Cost (installed)	x	0.132	x	1.533%
4	Pole, Anchor Replacement Cost	=	Equipment Cost (installed)	x	0.082	x	1.449%
5	Lighting O&M	=	O&M Cost (lifecycle)	x	0.381	x	1.533%
Charge Type	Monthly Charge	=	kWh Input	x	\$/kWh		
6	Generation	=	kWh per month	x	0.04023		
7	T&D, RCS, SB	=	kWh per month	x	0.03516		

Step 2 Determination of Total Monthly Charge	
The total monthly charge shall be the summation of the charges for each applicable charge type	
Equipment	Charge Type
Fixture - IBC	1,5,6,7
Fixture - IBO	3,5,6,7
Pole, Anchor Base - IBC	2
Pole, Anchor Base - IBO	4



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

TRIP CHARGE

When Company is not the responsible party contracted for the regular maintenance of a street lighting system owned by a city, town or other governmental entity, a \$100.00 trip charge per light will be charged when Customer requests a disconnect and/or reconnect of service in order to accommodate the maintenance activities of the Customer or its designee(s) on their street light equipment. The trip charge will also apply when Customer request disconnect or reconnect for non-maintenance purposes.

ADJUSTMENTS

1. The bill is subject to the Renewable Energy Standard as set forth in the Company's Adjustment Schedule REAC-1 pursuant to Arizona Corporation Commission Decision No. 70313.
2. The bill is subject to the Power Supply Adjustment factor as set forth in the Company's Adjustment Schedule PSA-1 pursuant to Arizona Corporation Commission Decision No. 67744 Arizona Corporation Commission Decision No. 69663, and Arizona Corporation Commission No. 71448, and 73183.
3. The bill is subject to the Transmission Cost Adjustment factor as set forth in the Company's Adjustment Schedule TCA-1 pursuant to Arizona Corporation Commission Decision No. 67744.
4. The bill is subject to the Environmental Improvement Surcharge as set forth in the Company's Adjustment Schedule EIS pursuant to Arizona Corporation Commission Decision No. 69663 and Arizona Corporation Commission Decision No. 73183.
5. Direct Access customers returning to Standard Offer service may be subject to a Returning Customer Direct Access Charge as set forth in the Company's Adjustment Schedule RCDAC-1 pursuant to Arizona Corporation Commission Decision No. 67744.
6. The bill is subject to the Demand Side Management Adjustment Charge as set forth in the Company's Adjustment Schedule DSMAC-1 pursuant to Arizona Corporation Commission Decision No. 71448.
7. The bill is subject to the applicable proportionate part of any taxes or governmental impositions which are or may in the future be assessed on the basis of gross revenues of APS and/or the price or revenue from the electric energy or service sold and/or the volume of energy generated or purchased for sale and/or sold hereunder.

SPECIAL PROVISIONS

1. Street lighting facilities installed under this rate schedule are of the type currently being furnished by Company as standard at the time service is initially requested. Standard facilities are those listed in the Company's Transmission and Distribution Construction Standards book.
2. The Company cannot guarantee that streetlighting facilities will always operate as intended. Therefore, the customer will be responsible for notifying the Company when the streetlighting facilities are not operating as intended. The Company will use reasonable efforts to complete normal maintenance (replacement of lamps, photocontrols or fixtures) within ten (10) working days from notification by customer; however, if the maintenance requires cable replacement or repairs, the Company shall use reasonable efforts to complete said repairs within twenty (20) working days.
3. The customer's bill will not be reduced due to lamp, photocontrol or cable repair or replacement outages.



**RATE SCHEDULE E-58
CLASSIFIED SERVICE
STREET LIGHTING SERVICE**

SPECIAL PROVISIONS (cont')

4. Lighting equipment which is not specified in this rate schedule will be billed at the rates corresponding to the most similar equipment, as determined by the Company.

NON-STANDARD FACILITIES

Non-standard facilities (non-standard being defined as any facility not listed in the Company's Transmission and Distribution Construction Standards book) do not qualify for this rate schedule. At the Company's discretion, such facilities may be served under another of the Company's rate schedules.

EXTENSION OF STREET LIGHTING SYSTEM

The Company will extend its standard street lighting system up to a distance of 300 feet for each additional lighting installation without cost at the request of the customer. When the extension is underground the customer will provide earthwork as specified in of the Company's Service Schedule 3, Conditions Governing Extensions of Electric Distribution Lines and Services; or, at the applicant's request, the Company will provide such earthwork and the applicant will be required to pay a non-refundable contribution in aid of construction equal to the cost of such earthwork. Any additional extension required (over and above the first 300 feet) will be provided by Company for a contribution in aid of construction equal to the cost of the additional extension.

Extensions to isolated areas requiring a substantial extension of the electric distribution system, as opposed to an extension of the street lighting system, will require a special study to determine the terms and conditions under which the Company will undertake such an extension.

TERMS AND CONDITIONS

Service under this rate schedule is subject to the Company's Schedule 1, Terms and Conditions for Standard Offer and Direct Access Services and the Company's Schedule 10, Terms and Conditions for Direct Access. These schedules have provisions that may affect the customer's bill. In addition, service may be subject to special terms and conditions as provided for in a customer contract or service agreement.



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Karl Zook Public Works Department
Submitting Department:	Public Works	District:	3
Staff Recommendations:	Approve		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action dissolving the Sycamore Farms Parcel 12 #136 Lighting Improvement District now covered by the Sycamore Farms Parcel 12 North #146 Lighting Improvement District; Resolution # 2015-91.

Motion:

I move to approve Resolution # 2015-91.

Background:

The Sycamore Farms Parcel 12 #136 Lighting Improvement District's southern boundary extends to the south side of the Cholla Street right-of-way. The southern boundary should only extend to the centerline of Cholla Street.

The Sycamore Farms Parcel 12 North #146 Lighting Improvement District replaces the Sycamore Farms Parcel 12 #136 Lighting Improvement District. The southern boundary of the Sycamore Farms Parcel 12 North #146 Lighting Improvement District extends to the centerline of Cholla Street.

Objective Analysis:

A SLID is a neighborhood partnership and very common practice in which property owners in a defined area agree to pay the costs to operate and maintain their immediate area's street lights through a property tax. All new developments in the City of Surprise require a SLID. This action will dissolve the Sycamore Farms Parcel 12 #136 Lighting Improvement District, which is now covered by the Sycamore Farms Parcel 12 North #146 Lighting Improvement District.

Policy Compliant:

Surprise Municipal Code requires that street lighting that serves a defined area be paid for through revenues obtained from the specific area being served by such street lighting. In these instances, a Street Light Improvement District (SLID) is formed. The city strives to assure that residents are subject to only one SLID and that the boundaries of each SLID accurately reflect the service area. This item is consistent with these objectives.

Financial Impact:

There has been no financial activity since the establishment of this SLID, therefore there is no financial impact associated with it being dissolved.

Budget Impact:

There has been no budget activity since the establishment of this SLID, therefore there is no budget impact associated with it being dissolved.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

Click to download

☐ [Resolution 2015-91](#)

RESOLUTION # 2015-91

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DISSOLVING THE SYCAMORE FARMS PARCEL 12 #136 LIGHTING IMPROVEMENT DISTRICT NOW COVERED BY SYCAMORE FARMS PARCEL 12 NORTH #146 LIGHTING IMPROVEMENT DISTRICT.

WHEREAS, Sycamore Farms Parcel 12 #136 Lighting Improvement District was approved by council with Resolution 2014-26 on April 15, 2014, legally described in Exhibit A;

WHEREAS, on October 6, 2015, the City Council adopted Resolution 2015-84 forming the Sycamore Farms Parcel 12 North #146;

WHEREAS, pursuant to A.R.S. 48-616(H), in the event an improvement district is formed that includes street lighting facilities within any part of the territory of a previously-formed district, the City Council may delete from the previously-formed district the street lighting facilities covered by the new district; and

WHEREAS, the City Council, as a matter of city policy, determines that overlapping street light improvement districts are not desirable.

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

Section 1. Pursuant to A.R.S. § 48-616(H), the city orders the dissolution of the street light improvement district known as Sycamore Farms Parcel 12 #136 Lighting Improvement District originally approved with Resolution 2014-26, as shown in Exhibit A.

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

EXHIBIT A



**Legal Description
Sycamore Farms
Street Light Improvement District**

Job No. 12-128

December 2, 2013

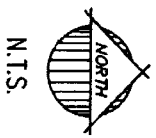
That part of the East Half of Section 24, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly describe as follows:

COMMENCING at a brass cap in hand hole marking the east quarter corner of said Section 24, from which a brass cap in hand hole marking the northeast corner of said Section 24 bears N 00°19'18"E, a distance of 2,637.80 feet; thence N00°19'18"E, along the east line of the northeast quarter of said Section 24, a distance of 1,324.45 feet; thence N89°40'42"W a distance of 901.40 feet to the beginning of a curve, concave to the south, the center of which bears S00°19'18"W at a distance of 550.00 feet; thence westerly, along the arc of said curve, through a central angle of 39°17'21" for a distance of 377.15 feet to the POINT OF BEGINNING

Thence continuing southwesterly along the arc of said curve, through a central angle of 43°21'01", for a distance of 416.13 feet; thence S07°40'56"W for a distance of 537.45 feet to the beginning of a curve, concave to the west, the center of which bears N82°19'04"W at a distance of 905.00 feet; thence southerly, along the arc of said curve, through a central angle of 01°13'48" for a distance of 19.43 feet; thence N80°33'29"W, not tangent to said curve, for a distance of 155.57 feet to the beginning of a curve, concave to the north, the center of which bears N09°26'31"E at a distance of 408.00 feet; thence westerly, along the arc of said curve, through a central angle of 17°37'11" for a distance of 125.47 feet to a point of tangency; thence N62°56'18"W for a distance of 129.60 feet to a point on a non-tangent curve, concave to the south, the center of which bears S28°15'52"W, at a distance of 281.09 feet; thence westerly along the arc of said curve, through a central angle of 28°00'07" for a distance of 137.38 feet; thence N89°39'13"W, not tangent to said curve, for a distance of 388.79 feet to the east line of for State Route 303 right-of-way as described in Instrument No. 2013-639146, Official Records of Maricopa County, Arizona; thence N 00°23'37"E, along said east line, for a distance of 425.12 feet; thence N07°29'38"E, along said east line, for a distance of 455.87 feet; thence S89°40'42"E, departing said east line, a distance of 1,018.61 feet; thence S38°58'04"E, a distance of 160.64 feet to the POINT OF BEGINNING.

An area containing 925,119 square feet or 21.2378 acres, more or less.

SEE SHEET 2 FOR LINE AND CURVE TABLES



N.T.S.



OS group, Inc.
Engineers, Planners & Surveyors
2045 S. Vineyard, Ste. 101, Mesa, Arizona
Phone (480) 501-2150
Fax (480) 501-2150

2045 S. Vineyard, Ste. 101, Mesa, Arizona 85210
Phone (480) 503-2250 Fax (480) 503-2258

SECTION 24, T.3N, R.2W

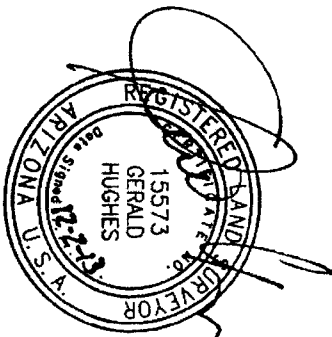
Project

**EXHIBIT
SYCAMORE FARMS**

SURPRISE, ARIZONA

SHEET 1 OF 2

EXPIRES: 3/31/2015



E 1/4 COR., SEC. 24
T.3 N., R.2 W.

POINT OF BEGINNING

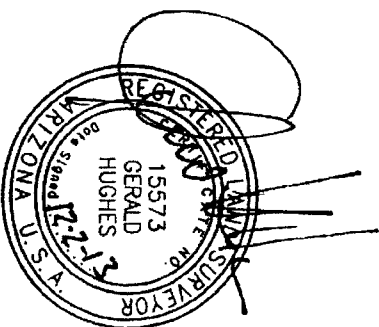
NE COR., SEC. 24.
T.3 N., R.2 W.

1324.45'
N00°19'18"E 2637.80'
SARIVAL AVENUE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°40'42"W	901.40'
L4	S07°40'56"W	537.45'
L5	N80°33'29"W	155.57'
L6	N62°56'18"W	129.60'
L7	N89°39'13"W	388.79'
L8	N00°21'37"E	425.12'
L9	N07°29'38"E	445.87'
L10	S38°58'04"E	160.64'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD DIR.
C1	550.00'	377.15'	39°17'21"	196.33'	S70°40'37"W
C2	550.00'	416.13'	43°21'01"	218.59'	S29°21'26"W
C3	905.00'	19.43'	1°13'48"	9.71'	N08°17'50"E
C4	408.00'	125.47'	17°37'11"	63.23'	S71°44'54"E
C5	281.09'	137.38'	28°00'07"	70.09'	N75°44'12"W

EXPIRES: 3/31/2015



12-128



eps group, Inc.
Engineers, Planners & Surveyors

2048 S. Vinograd, Ste. 101, Mesa, Arizona 85210
Phone (480) 501-2250 Fax (480) 501-2258

SECTION 24, T.3N, R.2W

Project
EXHIBIT
SYCAMORE FARMS
SUBURB, ARIZONA

SHEET 2 OF 2



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Karl Zook, Public Works Department
Submitting Department:	Public Works	District:	3
Staff Recommendations:	Approve		

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

Agenda Wording:

Consideration and action on accepting maintenance of the public improvements for the Shops at 303 & Waddell, generally located on the northwest corner of Waddell Road and SR303; Resolution No. 2015-81.

Motion:

I move to approve Resolution No. 2015-81

Background:

The Public Works Department conducted the final inspection of the sewer improvements for the Shops at 303 & Waddell located on the northwest corner of Waddell Road and SR303 on or about February 26, 2015, totaling 235 LF. There is no other public infrastructure to be dedicated with this project - the water infrastructure is in the Epcor service area, all drainage infrastructure is private, and no offsite asphalt work was associated.

Objective Analysis:

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

Policy Compliant:

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

Financial Impact:

Acceptance of sewer infrastructure increases the city's asset base and adds to future maintenance commitments. The anticipated incremental additional maintenance expense associated with the acceptance of these infrastructure items will be incorporated in future sewer operational budgets.

Budget Impact:

Funding for the sewer infrastructure maintenance, now and in the future, will be supported from the city's Sewer Operations Fund.

FTE Impact:

This action does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- ☐ [MEMO](#)
 - ☐ [Warranty Bond](#)
 - ☐ [Inspector Sign Off](#)
 - ☐ [Notice of completion Letter](#)
 - ☐ [Final Plat](#)
 - ☐ [Final Plat Res](#)
 - ☐ [Resolution 2015-81](#)
-



Public Works Department
Engineering Division
16000 North Civic Center Plaza
Surprise, Arizona 85374
Phone 623-222-6000

Memorandum

To: City of Surprise City Council
From: Public Works – Engineering Services
Date: September 10, 2015
Re: Shops at 303 & Waddell

The public improvements for the above project have been completed and are on the October 6, 2015 council agenda for acceptance. The amounts for the infrastructure have been provided by a third party and not the City of Surprise. The following are the infrastructure improvements included with this acceptance and the corresponding valuation that the City will be accepting:

- City Sewer - \$25,572.80



**Financial Assurance
Warranty Bond**

FA14-0012

Date: 8/14/2015 8:54:57 AM **Case #:** FS14-208

Project Name: SHOPS AT 303 & WADDELL

EVERGREEN DEVCO INC ALLISON REIS 602 567 7139
2390 E CAMELBACK RD, SUITE 410 PHOENIX, AZ 85013

Permit Information:

Permit #	Type	Cost	Bond Amount
E14P-0354	SEWER	\$25,572.80	\$2,557.28

Total Bond Amount: 2557.28

The Total Bond Amount represents the Bond Amount that is required for your project at the time of this document's generation. If there are any questions or if there are any changes to the estimated costs for the permits covered by this bond, contact the City of Surprise Engineering Department at 623-222-3400.



PROJECT SIGN OFF FORM

PUBLIC WORKS - ENGINEERING SERVICES, INSPECTIONS

Date Submitted: 4/07/2015 ☒ Commercial ☐ Commercial w/Offsite ☐ Residential

☒ COMPLETION ACCEPTANCE (End of Construction) ☐ FINAL ACCEPTANCE (End of Warranty)

2/26/2015 Date of Punch-List Walk 4/1/2015 Date Punch-List Completed

Permit Number: E14P-0342

Project Name: Shops at 303 & Waddell Project Description (Phase/Parcel): _____

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

Alexander Building Co.

7550 E. Main St. Scottsdale AZ 85251

MAG TIP Reporting:

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

MATERIALS:

Asphalt: N/A Supplier _____ Total Lane Miles _____ Total Square Yards _____

Water: N/A Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet _____

Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet _____

Sewer: 8" Size/Type 235' Total Linear Feet _____ Size/Type _____ Total Linear Feet _____

Size/Type _____ Total Linear Feet _____ Size/Type _____ Total Linear Feet _____

Fire Ln: 6" Size/Type 140' Total Linear Feet _____ Size/Type _____ Total Linear Feet _____

Additional Comments:

SUPPORTING DOCUMENTATION REQUIRED:

☒ Copy of Punch List

N/A Engineer of Record Reports to Include but not limited to:

____ ATC, ____ AOC, ____ Material Submittals, ____ Water Test Results, ____ Daily Reports

N/A Final Certification Letter from Engineer of Record

N/A Asphalt Concrete Emulsion Fog Seal Cert. (SS1H)

☒ Complete Geotechnical Testing Packet

N/A Asphalt Concrete Ticket w/ Name of Contractor

☒ Sewer Pressure Testing Results

N/A Streetlight Energize Letter

☒ Sewer Manhole Vacuum Testing Certification

☒ As built Documents (☒ 2 Bond and ☒ 1 Mylar)

☒ Sewer Manhole Insecticide Certification

☒ CD with As Built Documents in .pdf format

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

____ Other _____ (Specify)

APPROVAL:

Civil Inspector: *Del A. Mahley*

Date: 4/07/2015

Civil Engineering Supervisor: *Kristen J. Smith*

Date: 4/7/2015



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

May 12, 2015

Evergreen Devco, Inc.
2390 E. Camelback Rd, Suite 410
Phoenix, AZ 85016

**RE: NOTICE OF COMPLETION AND COUNCIL ACTION REQUIREMENT FOR
SHOPS AT 303 & WADDELL – FS14-208**

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

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

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

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

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

Sincerely,


Kristin Tytler P.E.
Development Engineering Manager

kt/jg

c: David Mobley, Civil Inspector
Warren Bert, GIS
David Kohlbeck, Public Works
Fermin Camacho, Public Works
File

Andrea Davis, Finance
Antonio DeLaCruz, Public Works
Mike Gent, Public Works
Terry Lowe, Water Services

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20120277717 04/03/2012 02:44
BOOK 1111 PAGE 18
ELECTRONIC RECORDING
Lot3Prasada2AWest-2-1-1-M-
chagollaj

FINAL PLAT
FOR
"PRASADA - PHASE 2A WEST, LOT 3"
BEING LOT 3 OF "PRASADA - PHASE 2A WEST",
A COMMERCIAL SUBDIVISION AS RECORDED IN BOOK 960, PAGE 16,
AND AFFIDAVIT OF CORRECTION RECORDED IN INSTRUMENT
NO. 2008-0060184 RECORDS OF MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA }

KNOW ALL MEN BY THESE PRESENTS:

THAT WESTCOR SURPRISE WCW LLC, AN ARIZONA LIMITED LIABILITY COMPANY ("OWNER"), HAS SUBDIVIDED UNDER THE NAME "PRASADA - PHASE 2A WEST, LOT 3", A COMMERCIAL SUBDIVISION, BEING LOT 3 OF "PRASADA - PHASE 2A WEST", AS RECORDED IN BOOK 960, PAGE 16, AND AFFIDAVIT OF CORRECTION RECORDED IN INSTRUMENT NO. 2008-0060184, RECORDS OF MARICOPA COUNTY, ARIZONA AND BEING LOCATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, COUNTY OF MARICOPA, STATE OF ARIZONA, AS SHOWN AND PLATTED HEREON, AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF "PRASADA - PHASE 2A WEST, LOT 3", AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT SHALL BE KNOWN BY THE NUMBER GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

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

OWNER HEREBY GRANTS TO CITY, SUBJECT TO THE RESTRICTIONS SET FORTH BELOW, PERPETUAL USE OF A EXCLUSIVE EASEMENT (THE "SEWER EASEMENT") OVER THAT PORTION OF THE PROPERTY SHOWN ON THIS PLAT AS "PUBLIC SEWER EASEMENT" (THE "SEWER EASEMENT AREA") TO CONSTRUCT, INSTALL, MAINTAIN, REPAIR AND/OR REPLACE CERTAIN IMPROVEMENTS AND INFRASTRUCTURE FACILITIES ("SEWER FACILITIES"), INCLUDING, WITHOUT LIMITATION, WATER/SEWER LINES AND WATER METERS.

THE SEWER EASEMENT HEREBY GRANTED TO CITY SHALL INCLUDE A CROSS-ACCESS EASEMENT ACROSS ALL PROPERTY SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS FOR EMERGENCY AND TRASH COLLECTION VEHICLES AND TO DEDICATED SEWER FACILITIES FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING AND UTILIZING THE SEWER FACILITIES.

OWNER SHALL NOT ERECT, CONSTRUCT OR PERMIT TO BE ERECTED OR CONSTRUCTED ANY BUILDING OR OTHER STRUCTURE WITHIN THE SEWER EASEMENT AREA; PROVIDED, HOWEVER, OWNER SHALL HAVE THE RIGHT TO CONSTRUCT AND ERECT FENCES, TO INSTALL LANDSCAPING, PARKING FACILITIES AND DRIVEWAYS, AND TO ESTABLISH OTHER USES WHICH ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID SEWER EASEMENT AREA IN A MANNER WHICH WILL NOT UNREASONABLY INTERFERE WITH CITY'S ACCESS TO THE SEWER FACILITIES.

THE SEWER EASEMENT IS GRANTED SUBJECT TO THE CONDITION THAT CITY SHALL HOLD OWNER AND ITS SUCCESSORS AND ASSIGNS HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, LIABILITIES OR EXPENSES WHICH MAY RESULT FROM CITY'S USE OF THE SEWER EASEMENT. BY ACCEPTING THE SEWER EASEMENT, THE CITY AGREES TO EXERCISE REASONABLE CARE TO AVOID DAMAGE TO THE PREMISES AND ALL PROPERTY THAT MAY AT ANY TIME BE THEREON.

THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS, PARKS AND PUBLIC RIGHTS-OF-WAY, INCLUDING LANDSCAPED MEDIANS WITHIN COLLECTORS AND LOCAL STREETS AND LANDSCAPED AREAS BACK OF CURB, SHALL BE THE RESPONSIBILITY OF OWNER OR ITS SUCCESSORS, ASSIGNEES AND DESIGNEES. ALL IMPROVEMENTS FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED WITHIN THE PUBLIC RIGHTS-OF-WAY, THE EASEMENTS, OR ANY TRACTS OR PARCELS HEREBY OR PREVIOUSLY DEDICATED TO THE CITY, SHALL BE DEEMED TO HAVE BEEN DEDICATED TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH DEDICATION SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY FORMAL COUNCIL ACTION.

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE ("USAF") AN AVIATION EASEMENT OVER AND ACROSS THE PROPERTY SHOWN ON THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT OF FLIGHT OF AIRCRAFT OVER SUCH PROPERTY, TOGETHER WITH ITS ATTENDANT NOISE, VIBRATIONS, FUMES, DUST, FUEL, 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.

ALL OF THE PROVISIONS SET FORTH HEREIN SHALL RUN WITH THE LAND AND BE BINDING UPON AND INURE TO THE BENEFIT OF OWNER, CITY AND USAF AND THEIR RESPECTIVE HEIRS, ASSIGNS, TRANSFEREES AND SUCCESSORS IN INTEREST.

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.

WESTCOR SURPRISE WCW LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: WESTCOR 303 WCW LLC, AN ARIZONA LIMITED LIABILITY COMPANY, ITS MANAGING MEMBER

BY: THE WESTCOR COMPANY II LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP, ITS MANAGING MEMBER

BY: MACERICH TWCI CORP., A DELAWARE CORPORATION, ITS GENERAL PARTNER

BY: Don M. Foster DATE: 3/2/12

NAME: DON M. FOSTER

TITLE: SENIOR VICE PRESIDENT

ACKNOWLEDGEMENT

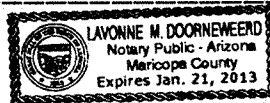
STATE OF Arizona
COUNTY OF Maricopa

ON THIS 3rd DAY OF March, 2012 BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED Don M. Foster, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

Savanna Moorenewood 3/2/12
NOTARY PUBLIC DATE

MY COMMISSION EXPIRES: Jan. 21 2013



APPROVALS

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 2020.

DATA ON THIS PLAT REVIEWED AND APPROVED THIS 27th DAY OF MARCH 2012 BY THE CITY ENGINEER OF SURPRISE, ARIZONA.

Joan Mackentz CEP
CITY ENGINEER

THIS PLAT APPROVED BY THE CITY OF SURPRISE PLANNING AND ZONING COMMISSION THIS ____ DAY OF _____, 20____.

CHAIRPERSON

ATTEST:

SECRETARY

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS 27th DAY OF March, 2012.

Sherry Ann Ogilvie
MAYOR

ATTEST:

Sherry Ann Ogilvie
CITY CLERK

DATE

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

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

NOTICE OF INTERGOVERNMENTAL AGREEMENT

THE CITY OF SURPRISE ("CITY") AND MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT DATED APRIL 8, 1997 AND RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE ON APRIL 9, 1997 UNDER DOCKET NO. 97-0231759 ("IGA"). CITY AND MWD HAVE FACILITIES AND PROPERTY INTERESTS DESCRIBED AND DELINEATED WITHIN CERTAIN SUBDIVISION PLATS OR, FOR LANDS NOT INCLUDED IN A SUBDIVISION PLAT, DECLARATIONS OF TURF LANDS OR DECLARATIONS OF URBANIZED AREA, THAT HAVE PRIOR AND SUPERIOR RIGHTS TO THE UTILITY SERVICE PROVIDERS. THE IGA PROVIDES FOR THE CITY TO HAVE A PUBLIC UTILITY EASEMENT WITHIN CERTAIN MWD PROPERTY INTERESTS AND FOR MWD TO HAVE AN EASEMENT WITHIN CITY'S PUBLIC RIGHTS-OF-WAY. CITY AND MWD RIGHTS WITHIN THESE EASEMENTS ARE SUBJECT TO AND CONTROLLED BY THE TERMS AND CONDITIONS OF THE IGA.

IN LOCATIONS WHERE APPLICABLE, INCLUDING AND ALL DEDICATIONS WITHIN A SUBDIVISION PLAT, MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND PROPERTY INTERESTS, SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE IGA.

CITY SHALL HAVE THE RIGHT TO AUTHORIZE AND CONTROL THE UTILITY SERVICE PROVIDERS' USE AND OCCUPANCY OF THESE EASEMENTS. CITY REQUIRES THAT UTILITY SERVICE PROVIDERS CONSENT TO BE BOUND BY THIS IGA PRIOR TO THE USE OR OCCUPANCY OF THE EASEMENTS GRANTED UNDER THE IGA. SUCH USE OR OCCUPANCY OF THE EASEMENTS CONSTITUTES CONSENT OF THE UTILITY SERVICE PROVIDERS TO BE BOUND BY THIS IGA.

NOTICE OF PRASADA PHASE 2A DEVELOPMENT AGREEMENT

LANDOWNER HAS ENTERED INTO A PRASADA PHASE 2A DEVELOPMENT AGREEMENT DATED NOVEMBER 19, 2007 (AGREEMENT) WITH MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") FOR WHICH A MEMORANDUM OF AGREEMENT WAS RECORDED ON NOVEMBER 21, 2007, AT THE MARICOPA COUNTY RECORDER'S OFFICE AT DOCKET #07-1241466. THE PROPERTIES INVOLVED IN THIS PLAT ARE SUBJECT TO THIS AGREEMENT. THE AGREEMENT AND THIS PLAT, INCLUDING ANY AND ALL DEDICATIONS THEREIN, HEREBY PRESERVE MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND MWD PROPERTY INTERESTS, AS SUCH TERMS ARE DEFINED IN THE AGREEMENT, TO ENABLE MWD TO ACCOMPLISH ALL OF MWD'S PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE TRANSMISSION AND DISTRIBUTION OF WATER, WASTEWATER, POWER AND COMMUNICATIONS, AND TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN AND REPLACE THOSE MWD FACILITIES AND MWD PROPERTY INTERESTS. THE AGREEMENT IS ON FILE AT THE OFFICES OF LANDOWNER AT 5 TRIAD CENTER, SUITE 325, SALT LAKE CITY, UT 84180, AND MAY BE REVIEWED AS TO ALL DETAILS, WITH PARTICULAR REFERENCE TO SECTION 7 AND SECTION 9, UPON REASONABLE REQUEST.

DATED THIS 6th DAY OF March, 2012

MARICOPA COUNTY MUNICIPAL
WATER CONSERVATION DISTRICT
NUMBER ONE, A POLITICAL SUBDIVISION OF
THE STATE OF ARIZONA ("MWD")

BY: Karen Kay Kvistad
KAREN KAY KVISTAD

ITS ADMINISTRATIVE MANAGER

ATTEST:

BY: Glen Vorthems
GLEN VORTHERMS

ITS ASSISTANT SECRETARY

WESTCOR SURPRISE WCW LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: WESTCOR 303 WCW LLC, AN ARIZONA LIMITED LIABILITY COMPANY, ITS MANAGING MEMBER

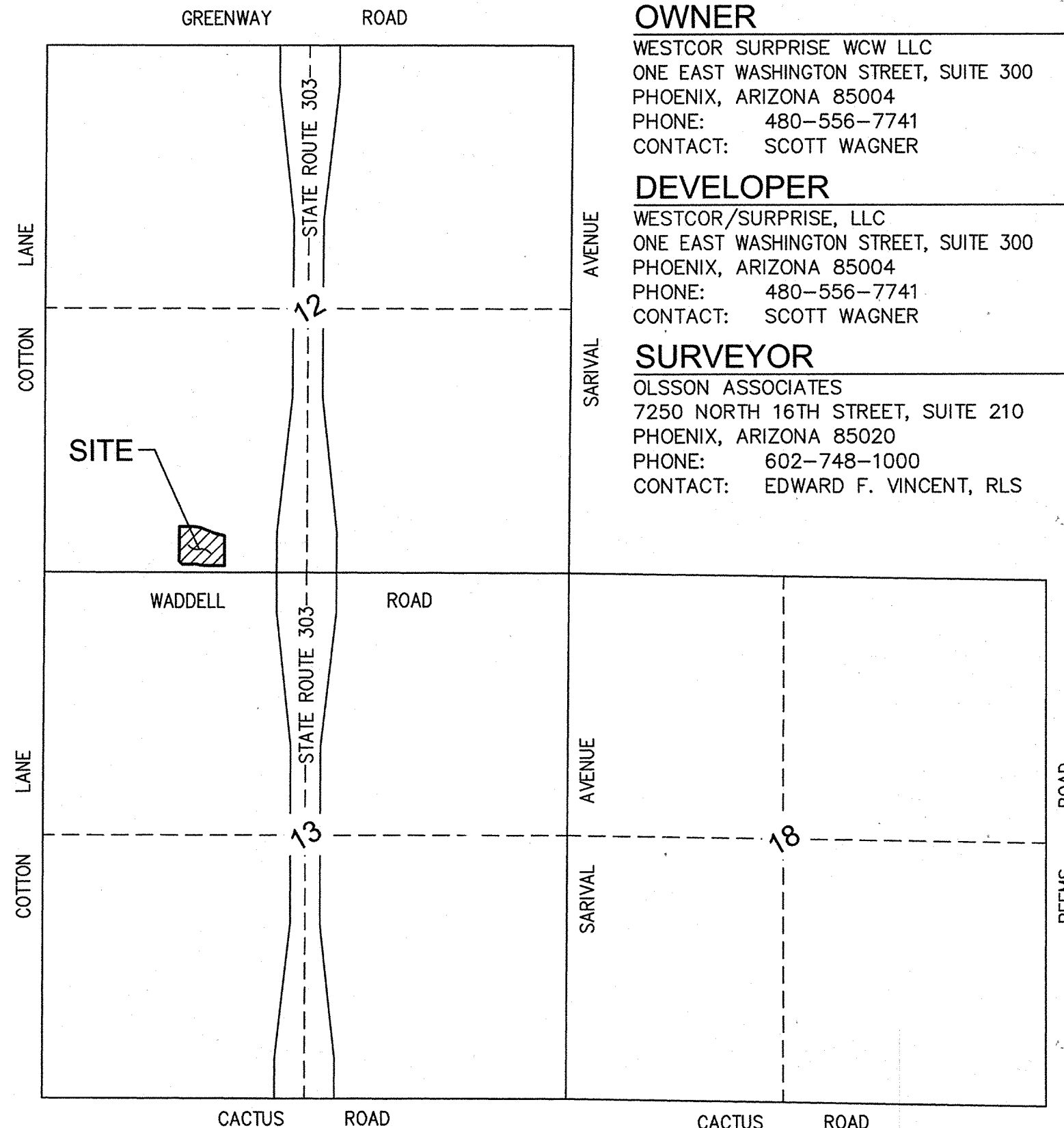
BY: THE WESTCOR COMPANY II LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP, ITS MANAGING MEMBER

BY: MACERICH TWCI CORP., A DELAWARE CORPORATION, ITS GENERAL PARTNER

BY: Don M. Foster DATE: 3/2/12

NAME: DON M. FOSTER

TITLE: SENIOR VICE PRESIDENT



SECTIONS 12 & 13, T3N, R2W
AND SECTION 18, T3N, R1W
VICINITY MAP
NTS

NOTES

1. 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.

2. 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.

LEGAL DESCRIPTION

LOT 3 OF "PRASADA - PHASE 2A WEST", A COMMERCIAL SUBDIVISION AS RECORDED IN BOOK 960, PAGE 16, RECORDS OF MARICOPA COUNTY, ARIZONA

FLOOD ZONE CLASSIFICATION

THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION "ZONE X", BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 04013C1585H, WITH AN IDENTIFICATION DATE OF SEPTEMBER 30, 2005, FOR COMMUNITY NO. 040037, MARICOPA COUNTY UNINCORPORATED AREAS, ARIZONA.

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA. SAID LINE BEARING N89°43'20"W AS MEASURED AND N89°43'15"W AS TAKEN FROM GDACS, RECORDED IN BOOK 661, PAGE 18, MARICOPA COUNTY RECORDS.

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 AUGUST 2011, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACED. FOR AND ON BEHALF OF OLSSON ASSOCIATES, INC.



EXPIRES 09/30/13

FINAL PLAT FOR "PRASADA - PHASE 2A WEST, LOT 3" BEING LOT 3 OF "PRASADA - PHASE 2A WEST", A COMMERCIAL SUBDIVISION AS RECORDED IN BOOK 960, PAGE 16, AND AFFIDAVIT OF CORRECTION RECORDED IN INSTRUMENT NO. 2008-0060184, RECORDS OF MARICOPA COUNTY, ARIZONA A TOTAL OF 3.619 ACRES ± BEING DIVIDED INTO 3 LOTS	
	DATE: 8-15-11 DRN BY: BES CHKD BY: EFV JOB NO. 11-2513 SHEET
	1 OF 2

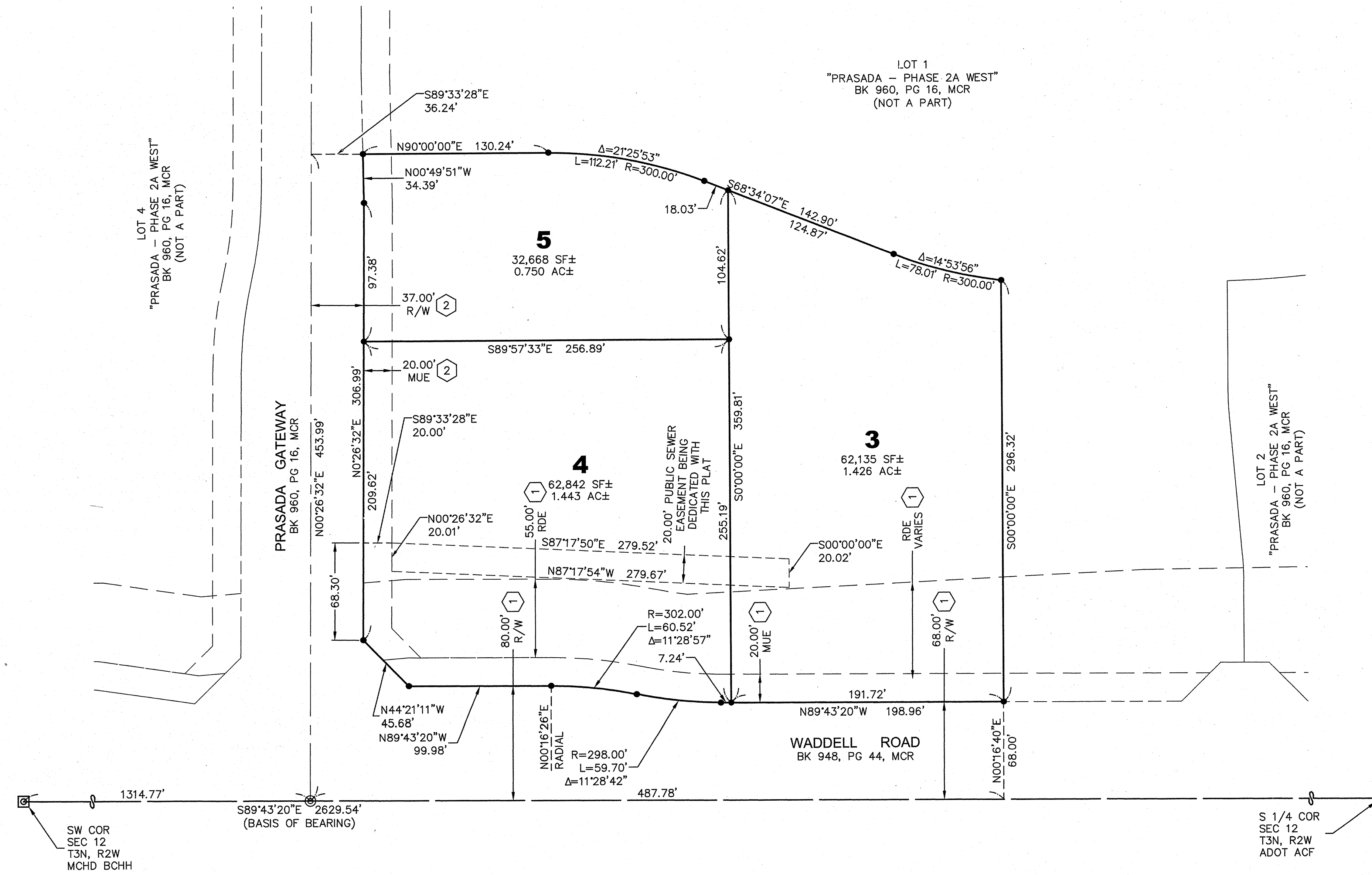
7250 North 16th Street, Suite 210
Phoenix, AZ 85020-5282

TEL 602.748.1000
FAX 602.748.1001

www.oaconsulting.com

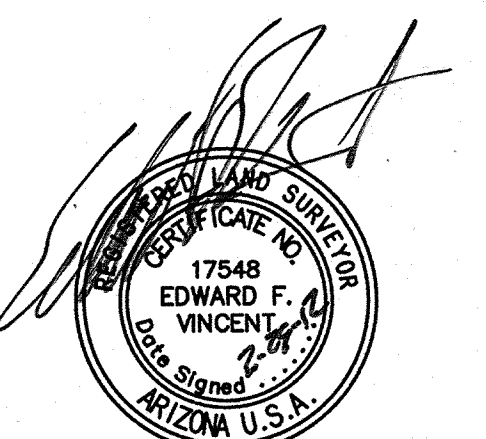
FINAL PLAT FOR "PRASADA - PHASE 2A WEST, LOT 3"

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
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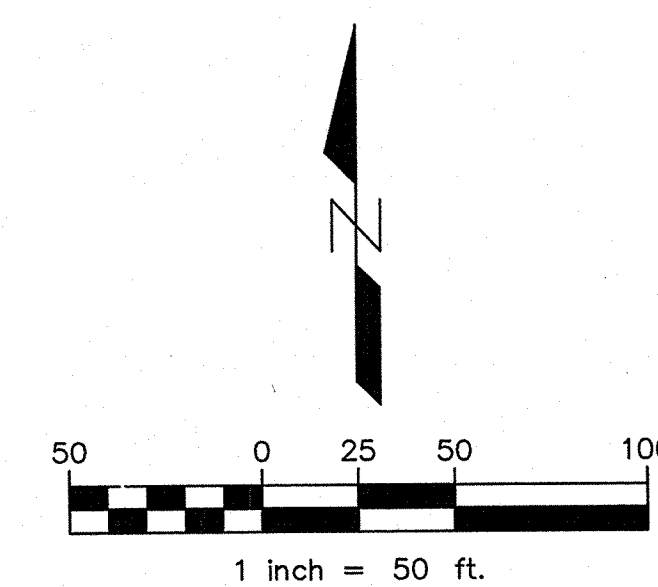


LEGEND

—	SECTION LINE
—	BOUNDARY LINE
—	LOT LINES
—	STREET CENTERLINE
—	RIGHT-OF-WAY LINE
—	EASEMENT LINE (AS NOTED)
⊗	FOUND BRASS CAP IN HAND HOLE (UNO)
⊙	FOUND BRASS CAP FLUSH (UNO)
•	1/2" REBAR W/ CAP TO BE SET AT COMPLETION OF MASS GRADING
①	RIGHTS-OF-WAY AND EASEMENTS PER FINAL PLAT FOR "PRASADA - PHASE 1A", RECORDED IN BOOK 948, PAGE 44, MCR
②	RIGHTS-OF-WAY AND EASEMENTS PER FINAL PLAT FOR "PRASADA - PHASE 2A WEST", RECORDED IN BOOK 960, PAGE 16, MCR
ACF	ALUMINUM CAP FLUSH
ADOT	ARIZONA DEPARTMENT OF TRANSPORTATION
BCHH	FOUND BRASS CAP IN HAND HOLE
MCHD	MARICOPA COUNTY HIGHWAY DEPARTMENT
MCR	MARICOPA COUNTY RECORDS
MUE	MUNICIPAL USE EASEMENT
RDE	REGIONAL DRAINAGE EASEMENT
R/W	RIGHT-OF-WAY
(UNO)	UNLESS NOTED OTHERWISE



EXPIRES 09/30/13



FINAL PLAT FOR "PRASADA - PHASE 2A WEST, LOT 3" BEING LOT 3 OF "PRASADA - PHASE 2A WEST", A COMMERCIAL SUBDIVISION AS RECORDED IN BOOK 960, PAGE 16, AND AFFIDAVIT OF CORRECTION RECORDED IN INSTRUMENT NO. 2008-0060184, RECORDS OF MARICOPA COUNTY, ARIZONA A TOTAL OF 3.619 ACRES ± BEING DIVIDED INTO 3 LOTS	
MOLSSON ASSOCIATES 7250 North 16th Street, Suite 210 Phoenix, AZ 85020-5282 TEL: 602.748.1000 FAX: 602.748.1001 www.oaconsulting.com	DATE: 8-15-11 DRN BY: BES CHKD BY: EFV JOB NO. 11-2513 SHEET 2 OF 2

RESOLUTION # 2012-27

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF SURPRISE, ARIZONA, APPROVING A FINAL PLAT
ENTITLED "LOT 3 OF PRASADA 2A WEST," LOCATED
GENERALLY ON THE NORTHEAST CORNER OF WADDELL
ROAD AND PRASADA GATEWAY WITHIN THE "PRASADA
GATEWAY VILLAGE."**

WHEREAS, on June 22, 2006, the Mayor and City Council approved the Prasada Planned Area Development, and;

WHEREAS, this resolution is in compliance with the approved Prasada Planned Area Development, Surprise Municipal Code, and Surprise General Plan.

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

Section 1. The Final Plat case FS11-367 entitled "Lot 3 of Prasada 2A West," is approved.

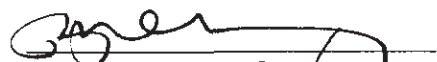
APPROVED AND ADOPTED this 27 day of March, 2012.


Sharon R. Wolcott, Mayor

Attest:


Sherry Aguilar, City Clerk

Approved as to form:


Michael Bailey, City Attorney

Yeas: Mayor Wolcott, Vice Mayor Williams, Council Members; Biundo, Alton, Woodard, Villanueva and Hall

Nays: _____



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: February 28, 2012

To: Mayor and City Council

From: Jeffrey J. Mihelich, Assistant City Manager
Vamshee Kovuru, Planner
vamshee.kovuru@surpriseaz.gov 623-222-3153

Re: FS11-367, Lot 3 of Prasada 2A West, Final Plat Amendment

Application Summary

The applicant is requesting a final plat approval that will establish the property boundaries and necessary easements to accommodate Chase bank, retail, and or/restaurant uses.

Location

The project is generally located on the northeast corner of Waddell Road and Prasada Gateway adjacent to the WalMart currently under construction. It is located within the "Prasada Gateway Village" per the approved Prasada Planned Area Development (PAD). The total land area of lots 1-3 equals 3.619 acres.

History

- On June 22, 2006, the Mayor and City Council approved the Prasada Planned Area Development (PAD).
- Since the adoption of the Prasada PAD, WalMart broke ground in March 2011 and is currently under construction.

Economic Impact

The project will generate ongoing sales tax revenue for the city. The facility will employ approximately 60 full-time and part-time employees.

Findings

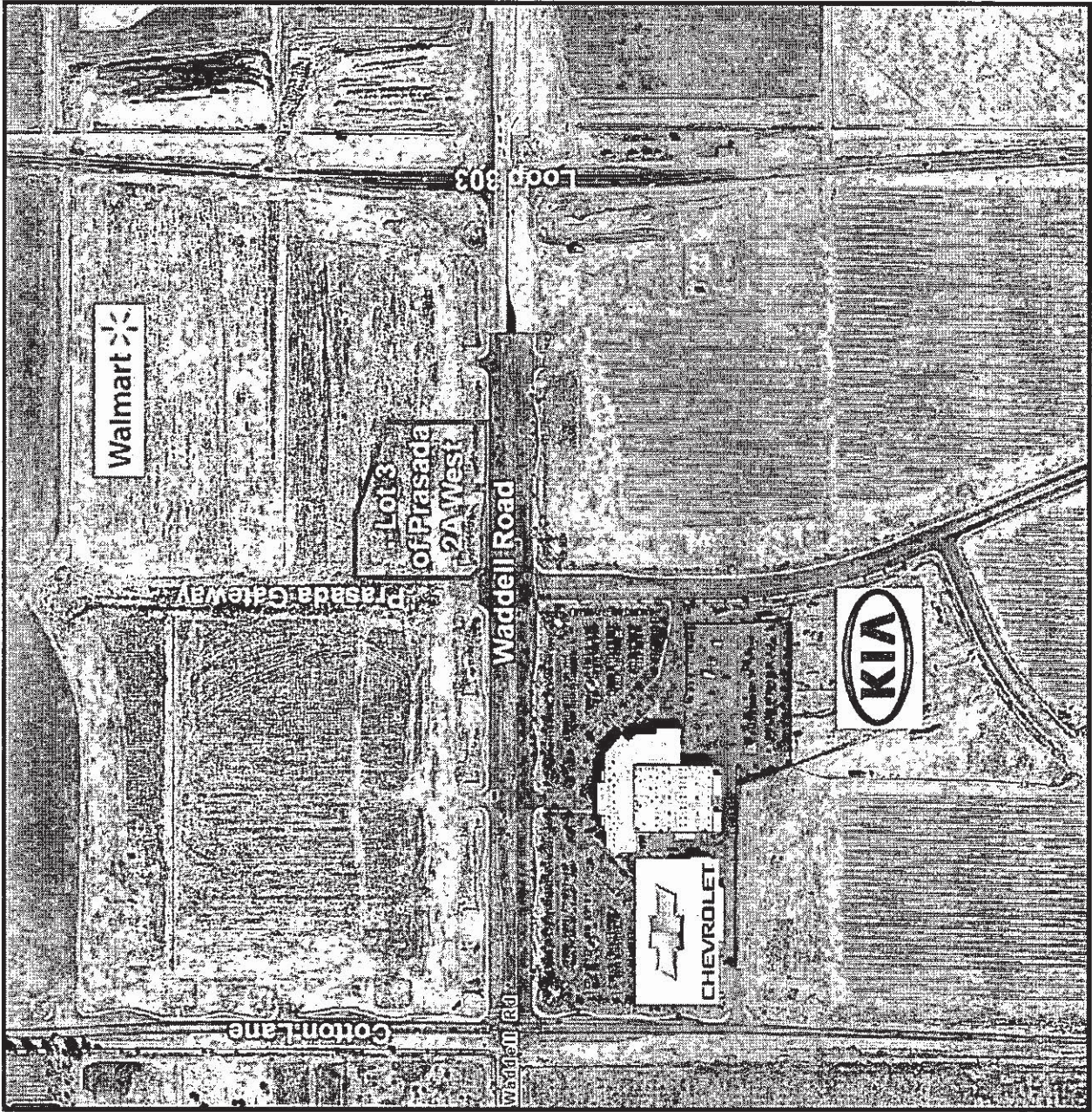
1. Staff finds that the proposed final plat complies with the Surprise Municipal Code.
2. Staff finds that the proposed final plat complies with the Surprise General Plan.
3. Staff finds that the proposed final plat complies with the approved Prasada PAD.

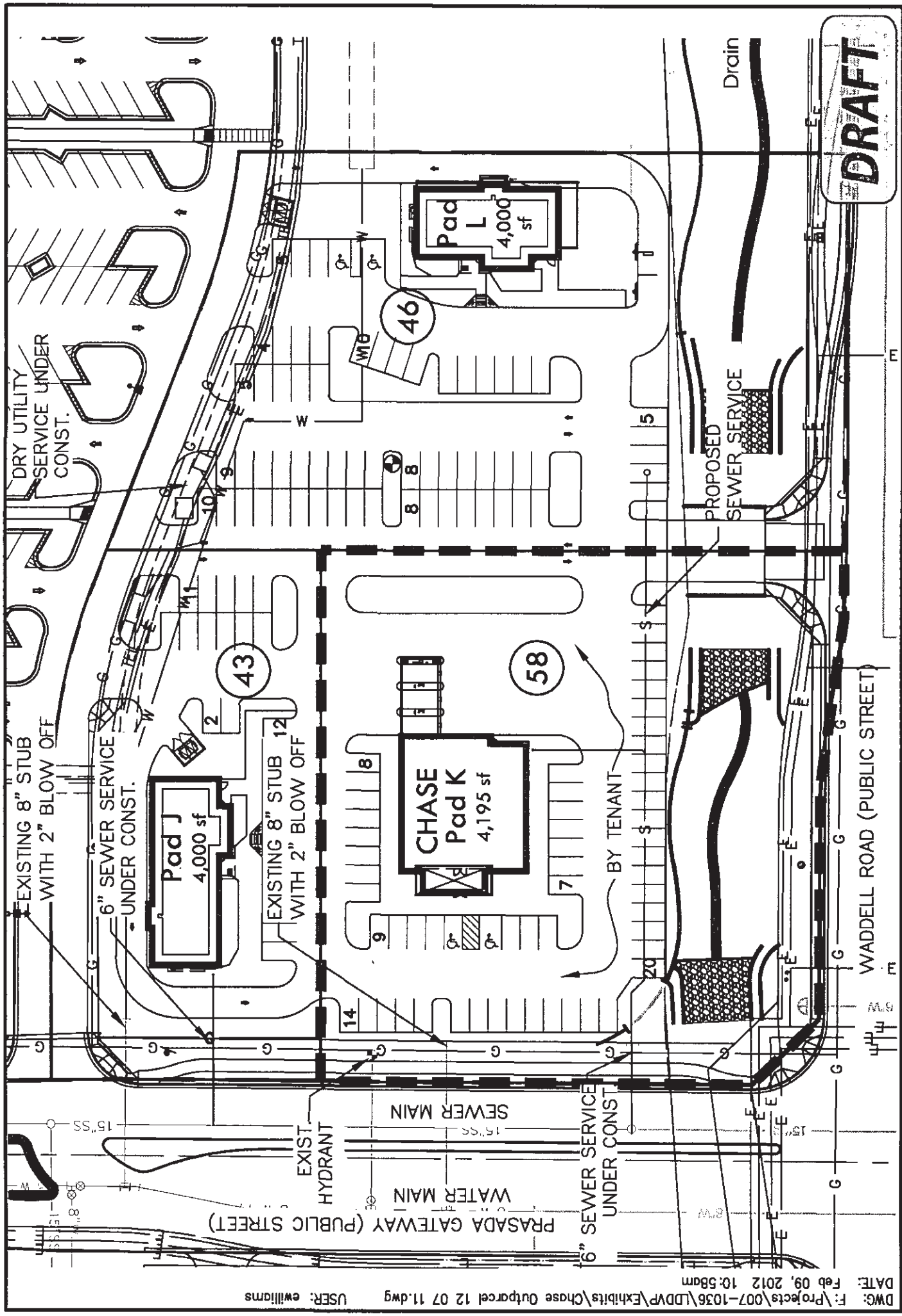
Recommendation

Staff recommends approval of Lot 3 of Prasada 2A West, a Final Plat Amendment.

Attachment

Resolution, Vicinity Map, Site Plan, Final Plat.



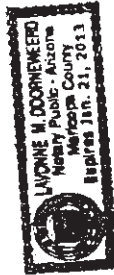


PROJECT NO: 007-1036 DRAWN BY: LJS DATE: 12/9/11		SITE PLAN EXHIBIT PAD K		OLSSON ASSOCIATES 7250 North 16th Street Suite 210 Phoenix, AZ 85020-5282 TEL 602.748.1000 FAX 602.748.1001		EXHIBIT 1
--	--	----------------------------	--	---	--	--------------

7/2/12
DATE

ON EXPIRES:

21 2013



PLATS

WITH ARS § 9-461.07, THE CITY OF SURPRISE HAS DETERMINED THAT
PLATS OCCURRING WITH THIS PLAT ARE IN CONFORMANCE WITH THE SURPRISE
PLAT 2020.

PLAT REVIEWED AND APPROVED THIS ____ DAY OF ____
CITY ENGINEER OF SURPRISE, ARIZONA.

R

APPROVED BY THE CITY OF SURPRISE PLANNING AND ZONING COMMISSION
OF ____, 20__.

N

THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA, THIS ____ DAY
____, 20__.

AIRCRAFT OVERFLIGHTS FROM AIRCRAFT UTILIZING LUKE AIR F
SHALL ORIGINATE FROM NOISE, VIBRATION, FUMES, DUST, FUEL
AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY THE OPER
TAKING OFF FROM, OR OPERATING AT OR ON LUKE AIR FORCE
WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS
INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF. TH
THE USAF FROM LIABILITY FOR DAMAGE OR INJURY TO PERSON
AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EX
TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND
SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY
MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS

NOTICE OF INTERGOVERNMENTAL AGREEMENT

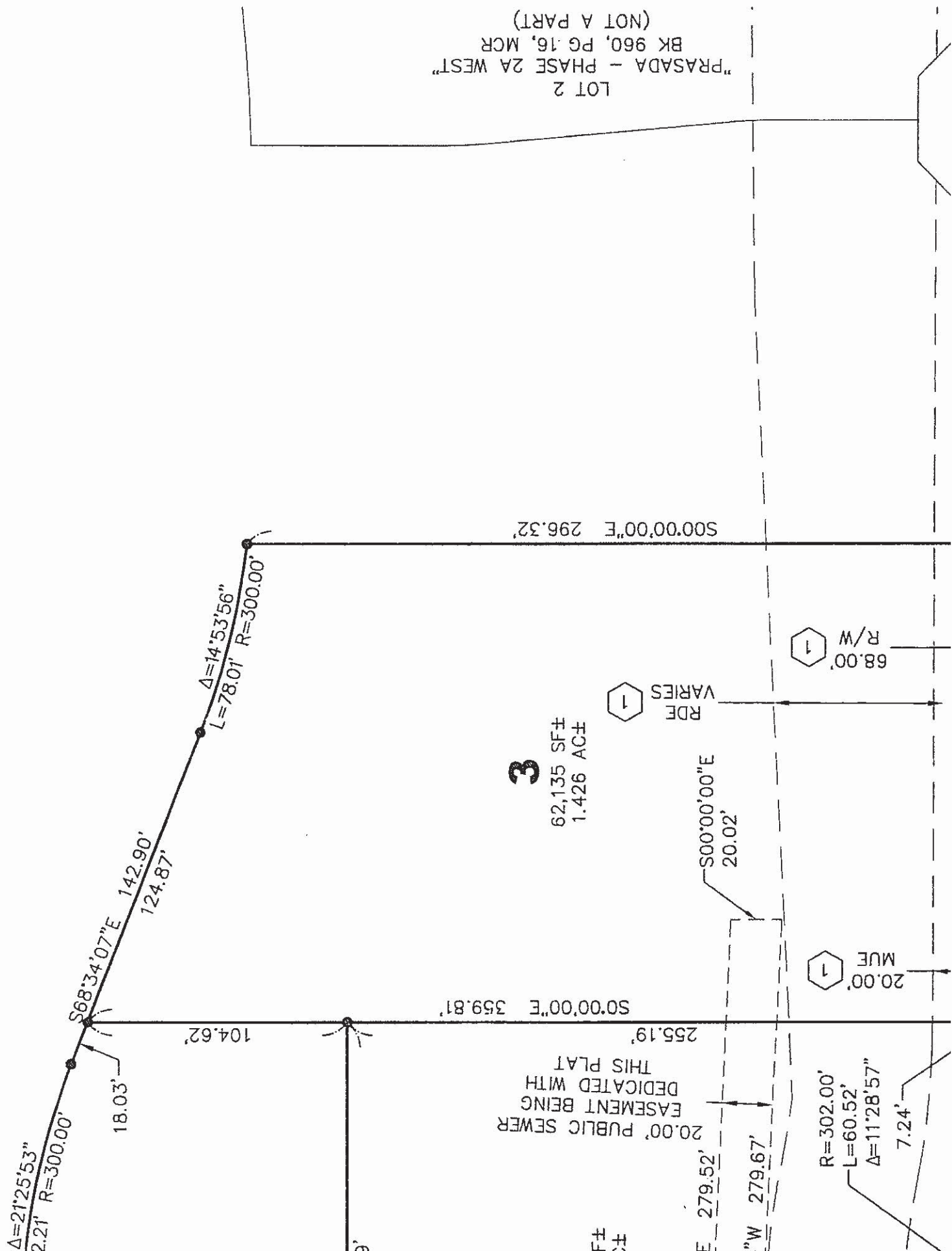
THE CITY OF SURPRISE ("CITY") AND MARICOPA COUNTY MUNICI
NUMBER ONE ("MWD") ENTERED INTO AN INTERGOVERNMENTAL
RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE ON
97-0231759 ("IGA"). CITY AND MWD HAVE FACILITIES AND P
DELINEATED WITHIN CERTAIN SUBDIVISION PLATS OR, FOR LAND
PLAT, DECLARATIONS OF TURF LANDS OR DECLARATIONS OF U
AND SUPERIOR RIGHTS TO THE UTILITY SERVICE PROVIDERS.
HAVE A PUBLIC UTILITY EASEMENT WITHIN CERTAIN MWD PROP
HAVE AN EASEMENT WITHIN CITY'S PUBLIC RIGHTS-OF-WAY.
EASEMENTS ARE SUBJECT TO AND CONTROLLED BY THE TERM

IN LOCATIONS WHERE APPLICABLE, INCLUDING AND ALL DEDICA
MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE
FACILITIES AND PROPERTY INTERESTS, SHALL BE SUBJECT TO
IGA.

CITY SHALL HAVE THE RIGHT TO AUTHORIZE AND CONTROL TH
AND OCCUPANCY OF THESE EASEMENTS. CITY REQUIRES THA
TO BE BOUND BY THIS IGA PRIOR TO THE USE OR OCCUPANC
THE IGA. SUCH USE OR OCCUPANCY OF THE EASEMENTS CON
SERVICE PROVIDERS TO BE BOUND BY THIS IGA.

NOTICE OF PRASADA PHASE 2A DEVELOPMENT

LANDOWNER HAS ENTERED INTO A PRASADA PHASE 2A DEVELO
19, 2007 (AGREEMENT) WITH MARICOPA COUNTY MUNICIPAL W
ONE ("MWD") FOR WHICH A MEMORANDUM OF AGREEMENT WAS
AT THE MARICOPA COUNTY RECORDER'S OFFICE AT DOCKET #
INVOLVED IN THIS PLAT ARE SUBJECT TO THIS AGREEMENT.
INCLUDING ANY AND ALL DEDICATIONS THEREIN, HEREBY PRES
RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE M



LOT 2
"PRASADA - PHASE 2A WEST"
BK 960, PG 16, MCR
(NOT A PART)

3
62,135 SF±
1,426 AC±

20.00' PUBLIC SEWER
EASEMENT BEING
DEDICATED WITH
THIS PLAT

1
MUE
20.00'

1
R/W
68.00'

1
RDE
VARIES

S00°00'00"E
20.02'

E 279.52'
"W 279.67'

R=302.00'
L=60.52'
Δ=11°28'57"

7.24'

104.62'

255.19'

S00°00'00"E 359.81'

S68°34'07"E 142.90'
124.87'

Δ=14°53'56"
L=78.01' R=300.00'

Δ=21°25'53"
2.21' R=300.00'

18.03'



March 27, 2012 @ 6:00:00 PM

+ Back Print

Council Meeting Date: March 27, 2012

Contact Person: Vamshee Kovuru, Community & Economic Development

Submitting Department:

District: 3

Staff Recommendations: Approve

Consent x

Regular

Public Hearing

Report/Discussion

Agenda Wording:

Consideration and action on Resolution 2012-27, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment, entitled Lot 3 of Prasada 2A West, located generally on the northeast corner of Waddell Road and Prasada Gateway within the Prasada Gateway Village.

Motion:

I move to approve Resolution 2012-27.

Background:

The applicant is requesting a final plat approval that will establish the property boundaries and necessary easements to accommodate Chase bank, retail, and or/restaurant uses.

Financial Impact Statement:

The project will generate ongoing sales tax revenue for the city. The facility will employ approximately 60 full-time and part-time employees.

ATTACHMENTS:

Click to download

- ☐ Resolution
- ☐ Staf_Report
- ☐ Vicinity_Map
- ☐ Site_Plan
- ☐ PLAT

External Attachment Links:

Meeting Requirements:

Powerpoint x Video White Board Other x

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

Vamshee Kovuru, Planner, Community & Economic Development

=====

City Clerk's Office only

Council Action

Motion/Second:

Wolcott	_____
Biundo	_____
Alton	_____
Williams	<u>S</u>
Villanueva	_____
Woodard	<u>M</u>
Hall	_____

Results:

For	<u>7</u>
Against	<u>0</u>
Passed	<u>✓</u>
Failed	_____
Continued	_____
Tabled	_____
Absent	_____

RESOLUTION # 2015-81

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, TO ACCEPT MAINTENANCE OF THE PUBLIC UTILITY IMPROVEMENTS AT THE SHOPS AT THE 303 AND WADDELL, GENERALLY LOCATED ON THE NORHEAST CORNER OF PRASADA GATEWAY AND WADDELL ROAD UPON COMPLETION OF THE WARRANTY.

WHEREAS, the Mayor and City Council of the City of Surprise approved a final plat entitled "Lot 3 of Prasada 2A West" on, March 27, 2012;

WHEREAS, Evergreen Devco, Inc., the developer of the Shops at 303 & Waddell, dedicated to the City the public sewer improvements, specifically the public sewer line located at the northeast corner of Prasada Gateway and Waddell Road;

WHEREAS, the City of Surprise Public Works Department Engineering Division notes that the two-year warranty period will commence upon acceptance of construction of the improvements; and,

WHEREAS, the City of Surprise Public Works Department Engineering Division conducted the completion acceptance inspection of the sewer improvements located at the Shops at 303 and Waddell on or about February 26, 2015.

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

Section 1. The City of Surprise conditionally accepts the sewer improvements located as generally depicted on the map attached as Exhibit "A."

Section 2. Upon completion of the two-year warranty period, the City will accept maintenance of the sewer improvements.

APPROVED AND ADOPTED this _____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Exhibit A

[Map of Infrastructure]

Shops at 303 & Waddell

Public Sewer Acceptance





CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	6
Staff Recommendations:	None		

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

Agenda Wording:

Consideration and action approving an amendment to the “Surprise Pointe North” final plat, dividing the existing parcel into 9 smaller parcels consistent with existing structures.

Motion:

I move to approve the Surprise Pointe North Final Plat Amendment.

Background:

The applicant is proposing a nine (9) parcel split on the existing 16 acre parcel that contains nine (9) existing structures. The purpose of the split is to sell the current movie theater while providing flexibility for sales of the other buildings currently occupying the parcel.

Objective Analysis:

Not applicable at this time.

Policy Compliant:

City Code allows property for which a final plat has been previously approved to be subdivided through an amendment to the final plat, without requiring a preliminary plat, so long as the subdivision of land does not include a change in any road arrangement. This action is consistent with code requirement.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This action will not have any impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [FS15-276 - Surprise Point North - Staff Report](#)
 - ☐ [FS15-276 - Surprise Point North - Vicinity Maps](#)
 - ☐ [FS15-276 - Surprise Point North - Final Plat](#)
 - ☐ [FS15-276 - Surprise Point North - Presentation](#)
-

FINAL PLAT AMENDMENT

REPORT TO THE CITY COUNCIL

Case: FS15-276

Project Name: Surprise Pointe North Final Plat Amendment

Council District: 6 - Palo Verde

City Council Date: October 6, 2015

Planner: Hobart Wingard, 623.222.3156, hobart.wingard@surpriseaz.gov

Owner/Applicant: Surprise Pointe, LLC

Request: Final Plat Amendment for a 9 lot, commercial subdivision in the Surprise Pointe Planned Area Development (PAD).

Site Location: Generally on the southeast corner of Litchfield and Waddell Roads

Site Size: 16 acres (approx.)

Findings:

- The proposed Final Plat is consistent with the Surprise General Plan 2035.
- The proposed Final Plat is consistent with the Zone Change as approved under case PAD05-282.
- The Final Plat is consistent with the Preliminary Plat approved under case PP06-327.
- The Final Plat is consistent with the Final Plat approved under case FP07-062.
- The Final Plat is consistent with the Final Plat Amendment approved under case FPA07-429.

Staff Recommendation: Approve

Additional Information:

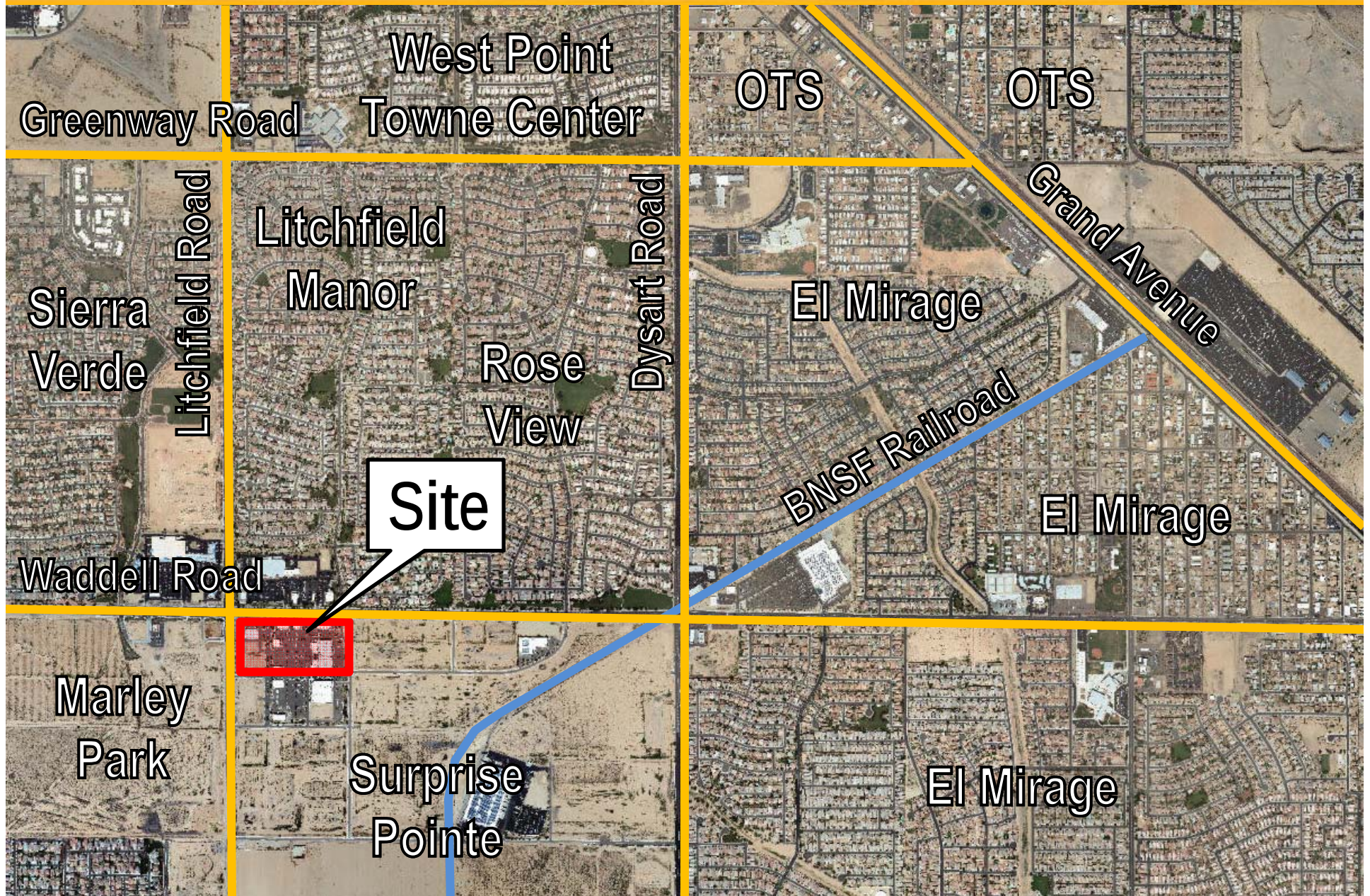
The applicant is proposing a nine (9) parcel split on the existing 16 acre parcel that contains nine (9) existing structures. The purpose of the split is to sell the current movie theatre while providing flexibility for sales of the other buildings currently occupying the parcel. The entire Surprise Point commercial center is subject to recorded Covenants, Conditions, and Restrictions (CC&R's) that provide for shared access and parking.

Attachments:

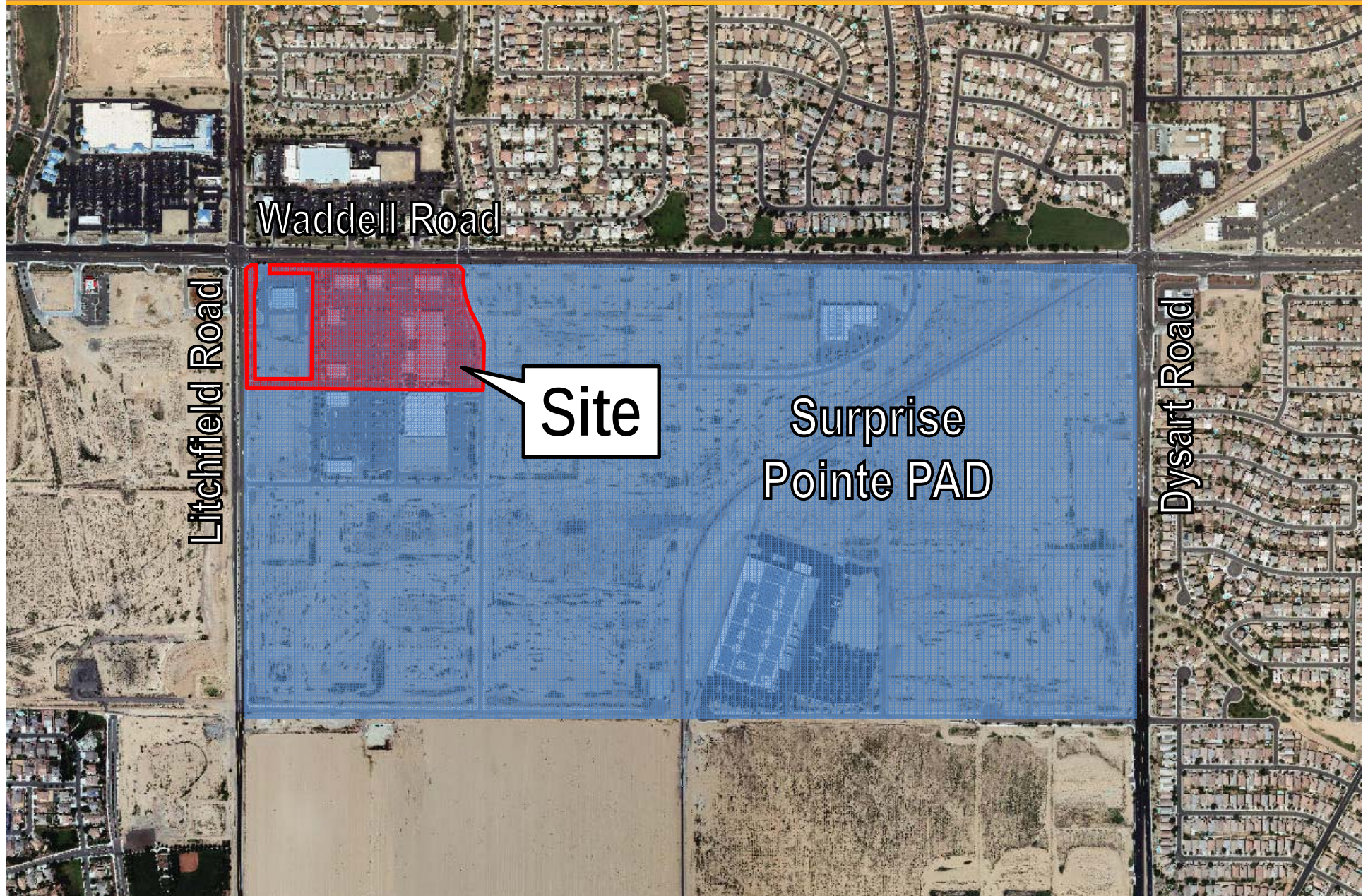
Final Plat (2 pages)

43 **Enclosure:**
44
45 Sealed mylars (1 set)

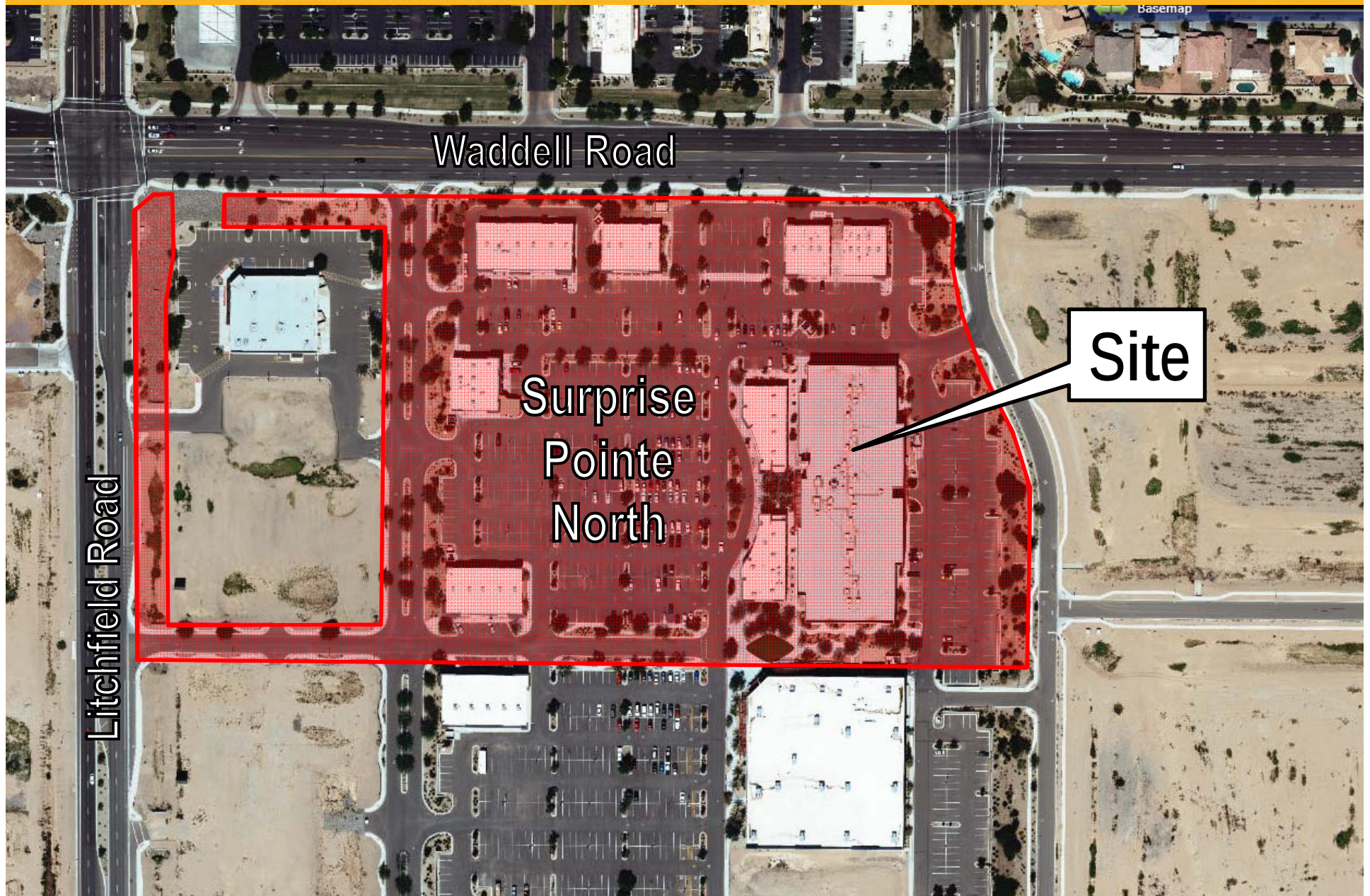
VICINITY MAP



VICINITY MAP



VICINITY MAP



AMENDED FINAL PLAT
SURPRISE POINTE NORTH
A REPLAT IN THE CITY OF SURPRISE, ARIZONA

A REPLAT LOT 1, OF THE AMENDED FINAL PLAT OF SURPRISE POINTE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 984 OF MAPS, PAGE 20, LOCATED WITHIN THE NORTH HALF OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA,

DEDICATION:

STATE OF ARIZONA

COUNTY OF MARICOPA

KNOW ALL PERSONS BY THESE PRESENTS: THAT SURPRISE POINTE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, ("OWNER"), HAS SUBDIVIDED UNDER THE NAME "SURPRISE POINT NORTH", A SUBDIVISION LOCATED IN A THE NORTH HALF SECTION 15, 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 AS AND FOR THE PLAT OF "SURPRISE POINT NORTH" AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, STREET, AND EASEMENT CONSTITUTING SAME, AND THAT EACH LOT, TRACT, STREET, AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER, AND/OR NAME GIVEN TO EACH RESPECTIVELY AS SHOWN ON THIS PLAT.

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

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE A NON-EXCLUSIVE EASEMENT OVER, UPON AND ACROSS THE AREAS DESIGNATED AS 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 ULTIMATE OWNER OF EACH PARCEL CREATED BY THIS PLAT AN EASEMENT OVER, UPON AND ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

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

OWNER HEREBY GRANTS TO THE CITY OF SURPRISE AN ODOR EASEMENT OVER, UPON AND ACROSS THIS PLAT AND EVERY LOT AND PARCEL THEREOF, WHICH EASEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE RIGHT TO INVADE WITH ODORS, FUMES, SMELLS, AND PHYSICAL AIRBORNE PARTICULATES CAUSED BY THE OPERATION AND MAINTENANCE OF THE CITY'S WATER RECLAMATION FACILITIES.

THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, AND RETENTION BASINS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE 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 PROPERTY ASSOCIATION FORMED BY THE ADJACENT PROPERTY.

LANDSCAPING MAINTENANCE WITHIN 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.

ALL OWNERS SHALL BE IN AGREEMENT WITH THE SHARED MAINTENANCE FOR CROSS DRAINAGE EASEMENT/STORM WATER FACILITIES.

ALL IMPROVEMENTS, FOR STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY, INSTALLED OR CONSTRUCTED BY OWNER WITHIN THE PUBLIC RIGHTS-OF-WAY, THE EASEMENTS, OR ANY TRACTS OR PARCELS HEREBY DEDICATED TO THE CITY OF SURPRISE SHALL BE DEEMED TO HAVE BEEN DEDICATED BY OWNER TO THE CITY UPON THEIR COMPLETION; HOWEVER, SUCH TRANSFER SHALL NOT OCCUR UNTIL THE CITY COUNCIL FOR THE CITY OF SURPRISE MANIFESTS ITS ACCEPTANCE BY SEPARATE FORMAL COUNCIL ACTION. THE EASEMENTS GRANTED WITHIN THIS DEDICATION ARE PERMANENT AND PERPETUAL AND SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF.

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

_____ DAY OF _____, 2015.

BY: SURPRISE POINTE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: _____
(NAME)

ITS _____
(TITLE)

ACKNOWLEDGMENT:

STATE OF CALIFORNIA }
COUNTY OF _____ } SS A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

ON _____, 2015, BEFORE ME _____

PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

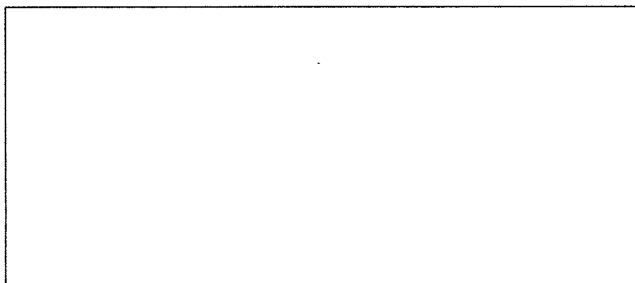
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE _____

COMMISSION # _____

MY COMMISSION EXPIRES _____



NOTARY STAMP

LEGAL DESCRIPTION:

LOT 1 OF AMENDED FINAL PLAT SURPRISE POINTE, ACCORDING TO BOOK 984 OF MAPS, PAGE 20, AND AFFIDAVIT OF CORRECTION RECORDED IN RECORDING NO. 2008-0388669, RECORDS OF MARICOPA COUNTY, ARIZONA.

NOTES:

- CONSTRUCTION WITHIN PUBLIC UTILITY EASEMENTS EXCEPT BY PUBLIC AGENCIES AND UTILITY COMPANIES SHALL BE LIMITED TO UTILITIES, AND WOOD, WIRE OR REMOVABLE SECTION-TYPE FENCING UNLESS APPROVED OTHERWISE BY THE CITY OF SURPRISE.
- ALL ELECTRIC AND COMMUNICATION LINES TO BE CONSTRUCTED UNDERGROUND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION.
- THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF SURPRISE WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS, NOR SHALL OTHER IMPROVEMENTS OR ALTERATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS DEVELOPMENT WITHOUT WRITTEN AUTHORIZATION OF THE CITY OF SURPRISE.
- ALL UTILITIES SHALL BE PLACED UNDERGROUND.
- THE CITY OF SURPRISE IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT THE MAINTENANCE OF ANY PRIVATE STREETS, PRIVATE UTILITIES, PRIVATE FACILITIES AND LANDSCAPED AREAS WITHIN THE PROJECT.
- ALL RETENTION BASINS MUST DRAIN ANY STORM EVENT UP TO AND INCLUDING THE 100-YEAR, TWO-HOUR STORM WITHIN THIRTY-SIX (36) HOURS. OWNER(S) OF ANY BASIN FAILING TO MEET THIS REQUIREMENT MUST TAKE CORRECTIVE ACTION TO BRING THE BASIN INTO COMPLIANCE.
- ALL DRYWELLS ON THIS PROJECT SHALL BE MAINTAINED BY THE OWNER(S) AND ARE TO BE REPLACED BY THE OWNER(S) WHEN THEY CEASE TO DRAIN THE SURFACE WATER IN A THIRTY-SIX (36) HOUR PERIOD. REGULAR MAINTENANCE OF THE DRYWELL SILTING CHAMBER IS REQUIRED TO ACHIEVE THE BEST OPERATION OF THE DRYWELL.
- ALL INDIVIDUAL LOT PROPERTY CORNERS SHALL BE SET WITH 1/2" REBAR AND CAP BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
- THE PROPERTY OWNERS, OR ANY SUBSEQUENT OWNERS SHALL NOT PROCEED WITH ANY ON SITE GRADING OR EXCAVATION WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE ENGINEERING DEPARTMENT.
- ALL COMMERCIAL/INDUSTRIAL BUILDINGS SHALL BE EQUIPPED WITH A FIRE SPRINKLING SYSTEM, SUBJECT TO THE REVIEW AND APPROVAL BY THE CITY OF SURPRISE FIRE CHIEF OR THE FIRE CHIEF'S DESIGNEE.
- ZONING FOR THIS PROPERTY IS P.A.D., PLANNED AREA DEVELOPMENT.
- THE CURRENT FEMA FLOOD INSURANCE RATE MAP (FIRM) FOR THIS AREA, MAP NUMBER 04013C1680L (EFFECTIVE REVISED DATE OCTOBER 16, 2013), DESIGNATES THE PROPERTY WITHIN FLOOD HAZARD ZONE "X". ZONE X IS DEFINED AS AREAS OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN, AREAS OF 1% ANNUAL CHANCE SHEET FLOW FLOODING WHERE THE AVERAGE DEPTHS ARE LESS THAN 1 FOOT, AREAS OF 1% ANNUAL CHANCE STREAM FLOODING WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN 1 SQUARE MILE, OR AREAS PROTECTED FROM THE 1% ANNUAL CHANCE FLOOD BY LEVEES. NO BASE FLOOD ELEVATIONS OR DEPTHS ARE SHOWN WITHIN THIS ZONE. INSURANCE PURCHASE IS NOT REQUIRED IN THESE ZONES.
- 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 BASIS OF BEARING FOR THIS SURVEY IS A BEARING OF NORTH 00°02'26" WEST AS MEASURED ALONG THE WEST LINE OF THE NORTHWEST QUARTER SECTION 15, T. 3 N., R.1 W. OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA. AND AS RECORDED IN BOOK 935, PG. 21, OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

SHARED PARKING:

A SHARED PARKING AND CROSS ACCESS EASEMENT SHALL RUN WITH THE LAND AND SHALL BE FOR THE BENEFIT AND USE OF THE PRESENT OWNERS AND/OR THEIR GRANTEES, HEIRS, SUCCESSORS OR ASSIGNS AND SHALL BE BINDING UPON ALL FUTURE PARTIES WITH INTEREST IN THE PARCELS HEREIN DESCRIBED.

PUBLIC NOTICE:

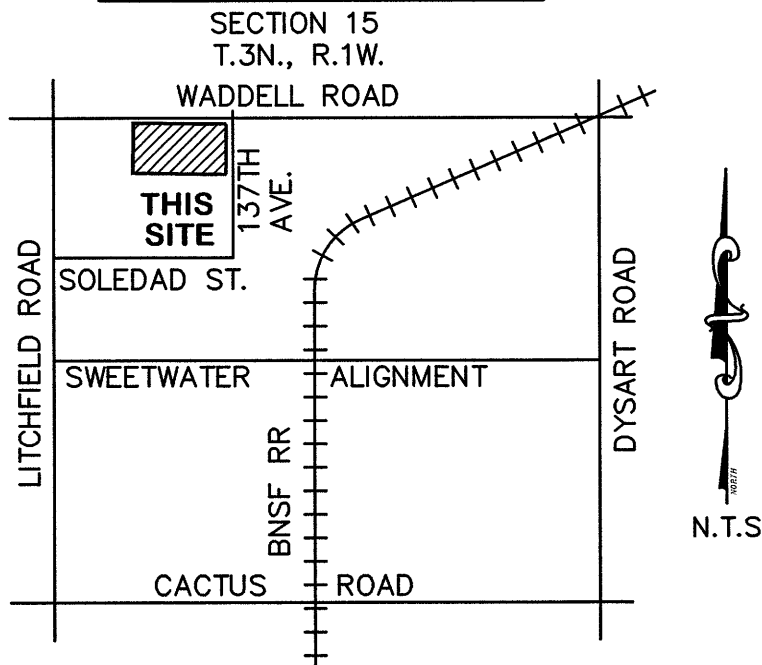
THE LOTS DEPICTED ON THIS PLAT ARE LOCATED WITHIN THE VICINITY OF LUKE AIR FORCE BASE AND MAY BE SUBJECT TO OVERFLIGHTS BY JET AIRCRAFT. ALL STRUCTURES WITHIN THIS PLAT SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE SOUND ATTENUATION STANDARDS ADOPTED BY THE CITY OF SURPRISE. A MAP DEPICTING THE MOST CURRENT 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:

KARLIN SURPRISE, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("OWNER") DOES HEREBY (1) RELEASE AND DISCHARGE THE USAF AND THE CITY OF SURPRISE, AND (2) INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE, OF AND FROM ANY LIABILITY FOR ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY 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 LIABILITY FOR DAMAGE OR INJURY TO PERSON OR PROPERTY CAUSED BY FALLING AIRCRAFT OR FALLING PHYSICAL OBJECTS FROM AIRCRAFT, EXCEPT AS STATED HEREIN WITH RESPECT TO NOISE, FUMES, DUST, FUEL, AND LUBRICANT PARTICLES.

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

VICINITY MAP:



OWNER:

SURPRISE POINTE, LLC
1020 PROSPECT STREET, SUITE 425
LA JOLLA, CALIFORNIA 90037
PHONE: (858) 367-5908
CONTACT: ALEXIS VOLEN

SURVEYOR:

HUNTER ENGINEERING INC.
10450 N. 74TH STREET, SUITE #200
SCOTTSDALE, ARIZONA 85258
PHONE: (480) 991-3985
FAX: (480) 991-3986
CONTACT: JERRY D HEATH JR.

NOTICE OF INTERGOVERNMENTAL AGREEMENT:

THE CITY OF SURPRISE ("CITY") AND MWD ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT DATED APRIL 8, 1997, AND RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE ON APRIL 9, 1997, UNDER DOCKET NO. 97-0231759 ("IGA"). CITY AND MWD HAVE FACILITIES AND PROPERTY INTERESTS DESCRIBED AND DELINEATED WITHIN CERTAIN SUBDIVISION PLATS OR, FOR LANDS NOT INCLUDED IN A SUBDIVISION PLAT, DECLARATIONS OF TURF LANDS OR DECLARATIONS OF URBANIZED AREA, THAT HAVE PRIOR AND SUPERIOR RIGHTS TO THE UTILITY SERVICE PROVIDERS, AS DEFINED IN THE IGA. THE IGA PROVIDES FOR THE CITY TO HAVE A PUBLIC UTILITY EASEMENT WITHIN CERTAIN MWD PROPERTY INTERESTS AND FOR MWD TO HAVE AN EASEMENT WITHIN CITY'S PUBLIC RIGHTS-OF-WAY. CITY AND MWD RIGHTS WITHIN THESE EASEMENTS ARE SUBJECT TO AND CONTROLLED BY THE TERMS AND CONDITIONS OF THE IGA.

IN LOCATIONS WHERE APPLICABLE, INCLUDING ANY AND ALL DEDICATIONS WITHIN A SUBDIVISION PLAT, MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND PROPERTY INTERESTS, SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE IGA.

CITY SHALL HAVE THE RIGHT TO AUTHORIZE AND CONTROL THE UTILITY SERVICE PROVIDER'S USE AND OCCUPANCY OF THESE EASEMENTS. CITY REQUIRES THAT UTILITY SERVICE PROVIDERS CONSENT TO BE BOUND BY THE IGA PRIOR TO THE USE OR OCCUPANCY OF THE EASEMENTS GRANTED UNDER THE IGA. SUCH USE OR OCCUPANCY OF THE EASEMENTS CONSTITUTES CONSENT OF THE UTILITY SERVICE PROVIDERS TO BE BOUND BY THE IGA.

APPROVALS:

CITY OF SURPRISE ENGINEER APPROVAL:

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 2015 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 _____, 2015.

MAYOR DATE

ATTEST: _____
CITY CLERK DATE

LOT AREAS:

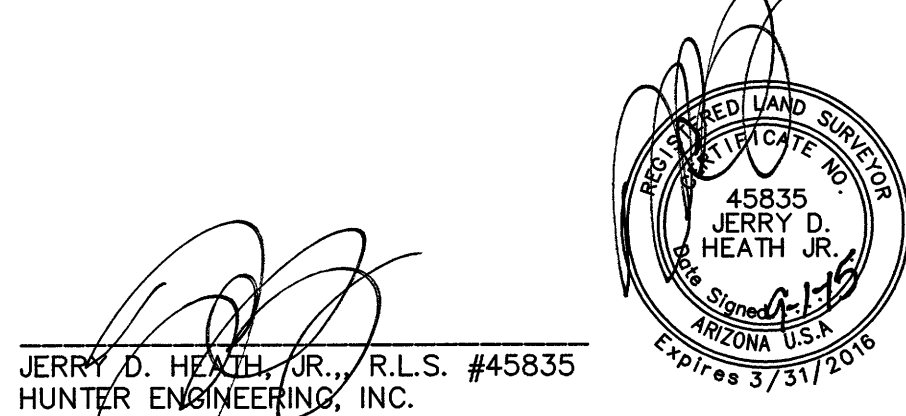
LOT 1: (PARENT) NET: 16.186 ACRES, 705,071 SQ.FT.±
LOT 1: NET AREA: 1.888 ACRES, 82,230 S.F.±
LOT 2: NET AREA: 0.946 ACRES, 41,206 S.F.±
LOT 3: NET AREA: 1.102 ACRES, 47,987 S.F.±
LOT 4: NET AREA: 0.947 ACRES, 41,248 S.F.±
LOT 5: NET AREA: 4.969 ACRES, 216,454 S.F.±
LOT 6: NET AREA: 0.827 ACRES, 36,012 S.F.±
LOT 7: NET AREA: 1.222 ACRES, 53,245 S.F.±
LOT 8: NET AREA: 3.175 ACRES, 138,298 S.F.±
LOT 9: NET AREA: 1.111 ACRES, 48,391 S.F.±

SERVING UTILITIES:

SEWER	CITY OF SURPRISE
WATER	CITY OF SURPRISE
ELECTRICITY	ARIZONA PUBLIC SERVICE
TELEPHONE	CENTURY LINK INC.
CABLE TV	COX COMMUNICATIONS
GAS	SOUTHWEST GAS COMPANY
FIRE AND EMERGENCY	CITY OF SURPRISE
POLICE	CITY OF SURPRISE

CERTIFICATION:

I, JERRY D. HEATH, JR., HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CONSISTING OF 2 SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF JULY, 2015, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN. THAT ALL EXTERIOR BOUNDARY MONUMENTS ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



COUNTY RECORDER:

SECTION: 15
TWNHP: 3N
RANGE: 1W

JOB NO.:
KREL001-SP

SCALE
1"=50'

SHEET
1 OF 2

AMENDED FINAL PLAT
SURPRISE POINTE NORTH

A REPLAT LOT 1, OF THE AMENDED FINAL PLAT OF SURPRISE POINTE, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 984 OF MAPS, PAGE 20, LOCATED WITHIN THE NORTH HALF OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA,

HUNTER
ENGINEERING
10450 N. 74TH ST., SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

CIVIL AND SURVEY

DRAWN BY: PJE
CHECKED BY: JDH

NO.	DATE	REVISION	BY
1	8/31/15	FIRST REVIEW	JDH

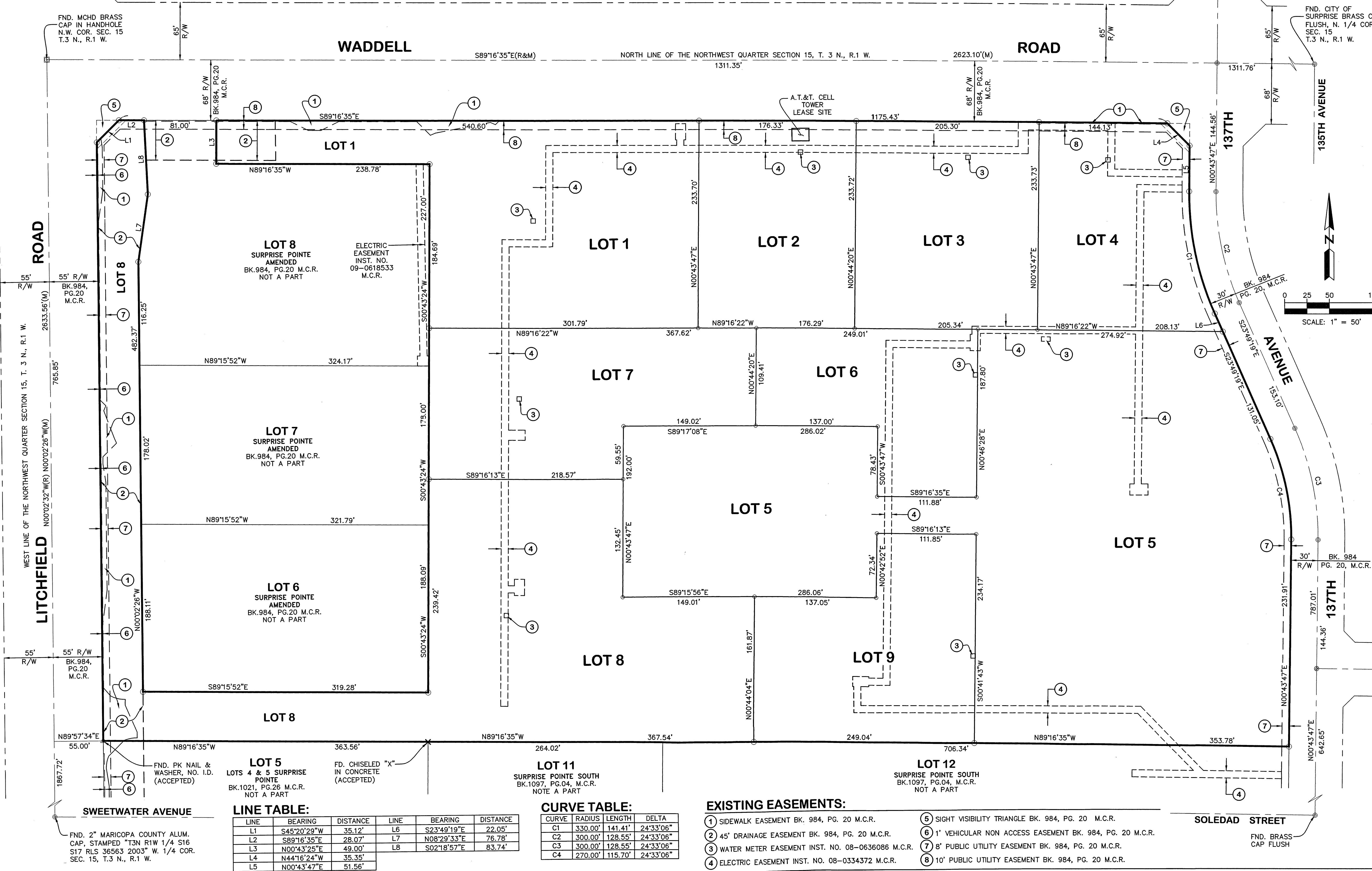
JOB NAME:
AMENDED FINAL PLAT

LEGEND:

P.U.E. PUBLIC UTILITY EASEMENT
R/W RIGHT-OF-WAY
P/L PROPERTY LINE
M.C.R. MARICOPA COUNTY RECORDS
M.C.H.D. MARICOPA COUNTY HIGHWAY DEPARTMENT
COS CITY OF SURPRISE
A.E. ACCESS EASEMENT
APN ASSESSOR'S PARCEL NUMBER

T.R.E. TEMPORARY RETENTION EASEMENT
T.E. TEMPORARY EASEMENT (SEE LINE TABLE)
S.V.T. SIGHT VISIBILITY TRIANGLE (SEE DETAIL)
S.W.E. SIDEWALK EASEMENT (SEE DETAIL)
D.E. DRAINAGE EASEMENT
(M) MEASURED DATA
(R) RECORDED DATA
VNAE VEHICULAR NON ACCESS EASEMENT

FOUND MONUMENT AS NOTED
SET BRASS CAP FLUSH
LOT CORNER SET 1/2" REBAR RLS 45835
SUBDIVISION BOUNDARY LINE / R/W LINE
EXISTING RIGHT-OF-WAY LINE
VEHICLE NON-ACCESS EASEMENT
PUBLIC UTILITY EASEMENT LINE
SECTION LINE & CENTERLINE
PROPERTY LINE



LINE TABLE:

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S45°20'29"W	35.12'	L6	S23°49'19"E	22.05'
L2	S89°16'35"E	28.07'	L7	N08°29'33"E	76.78'
L3	N00°43'25"E	49.00'	L8	S02°18'57"E	83.74'
L4	N44°16'24"W	35.35'			
L5	N00°43'47"E	51.56'			

CURVE TABLE:

CURVE	RADIUS	LENGTH	DELTA
C1	330.00'	141.41'	24°33'06"
C2	300.00'	128.55'	24°33'06"
C3	300.00'	128.55'	24°33'06"
C4	270.00'	115.70'	24°33'06"

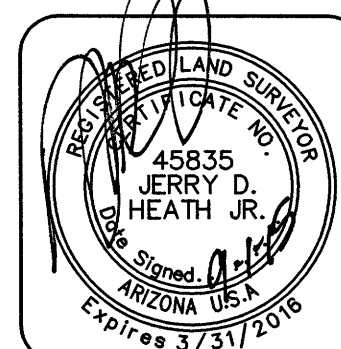
EXISTING EASEMENTS:

- 1' SIDEWALK EASEMENT BK. 984, PG. 20 M.C.R.
- 45' DRAINAGE EASEMENT BK. 984, PG. 20 M.C.R.
- WATER METER EASEMENT INST. NO. 08-0636086 M.C.R.
- ELECTRIC EASEMENT INST. NO. 08-0334372 M.C.R.
- SIGHT VISIBILITY TRIANGLE BK. 984, PG. 20 M.C.R.
- 1' VEHICULAR NON ACCESS EASEMENT BK. 984, PG. 20 M.C.R.
- 8' PUBLIC UTILITY EASEMENT BK. 984, PG. 20 M.C.R.
- 10' PUBLIC UTILITY EASEMENT BK. 984, PG. 20 M.C.R.

NO.	DATE	REVISION	BY
1	8/31/15	FIRST REVIEW COMMENTS	JDH

DRAWN BY: PJE
CHECKED BY: JDH

HUNTER
ENGINEERING
10450 N. 74TH ST., SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986



AMENDED FINAL PLAT
SURPRISE POINTE NORTH
A REPLAT LOT 1, OF THE AMENDED FINAL PLAT OF SURPRISE POINTE, ACCORDING TO THE RECORDS OF THE MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 984 OF MAPS, PAGE 20, LOCATED WITHIN THE NORTH HALF OF SECTION 15, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

SECTION: 15
TWN: 3N
RANGE: 1W

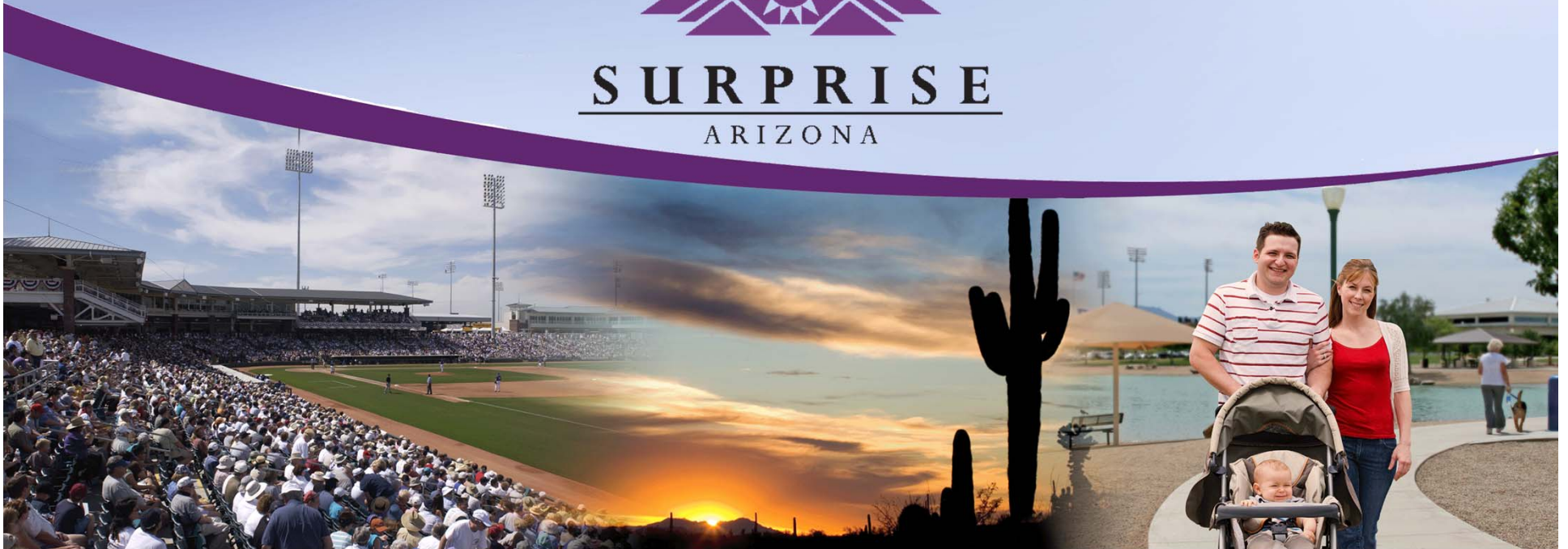
JOB NO.:
KRELO01-SP

SCALE
1"=50'

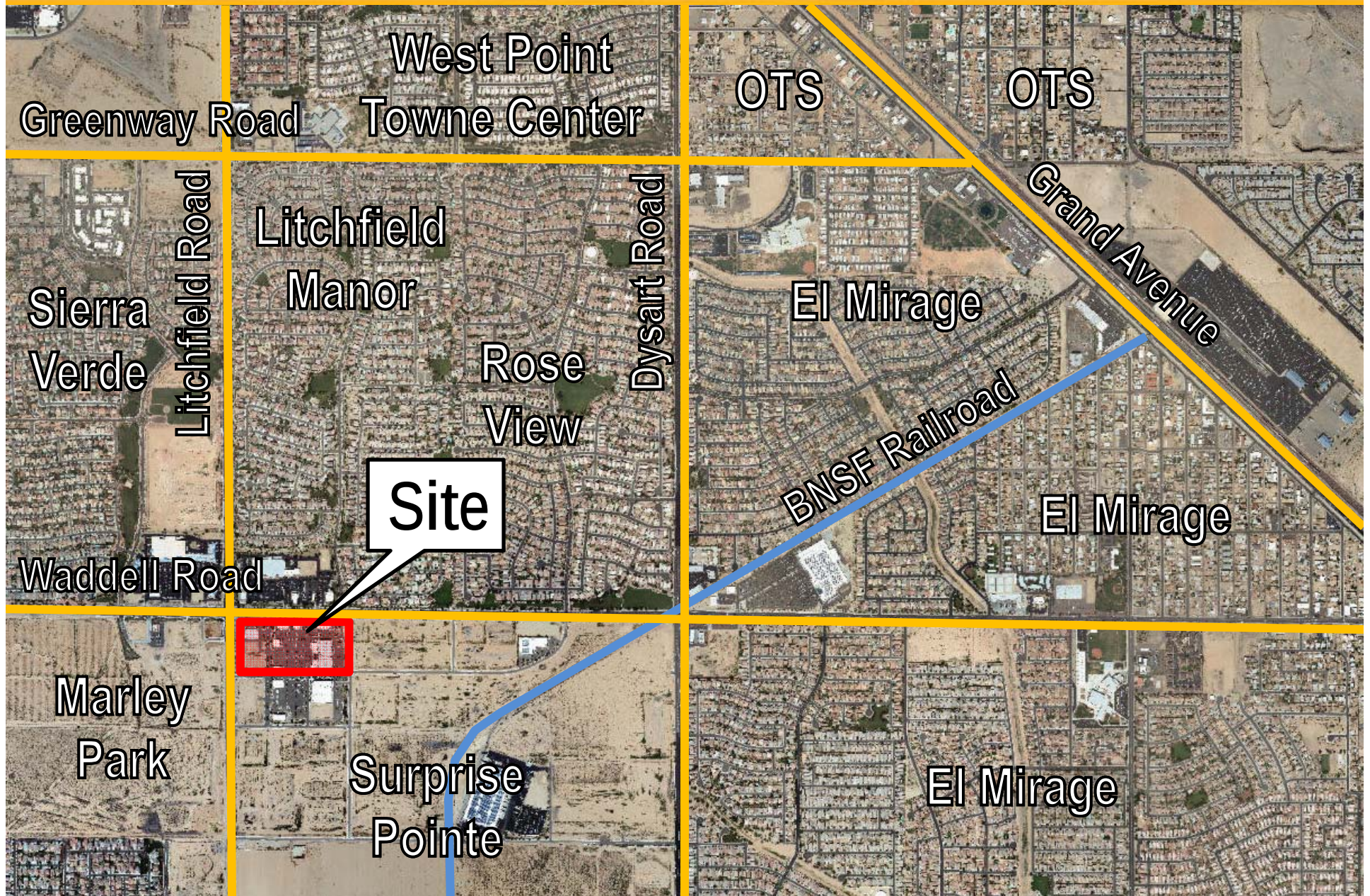
SHEET
2 OF 2

Surprise Pointe North Final Plat Amendment

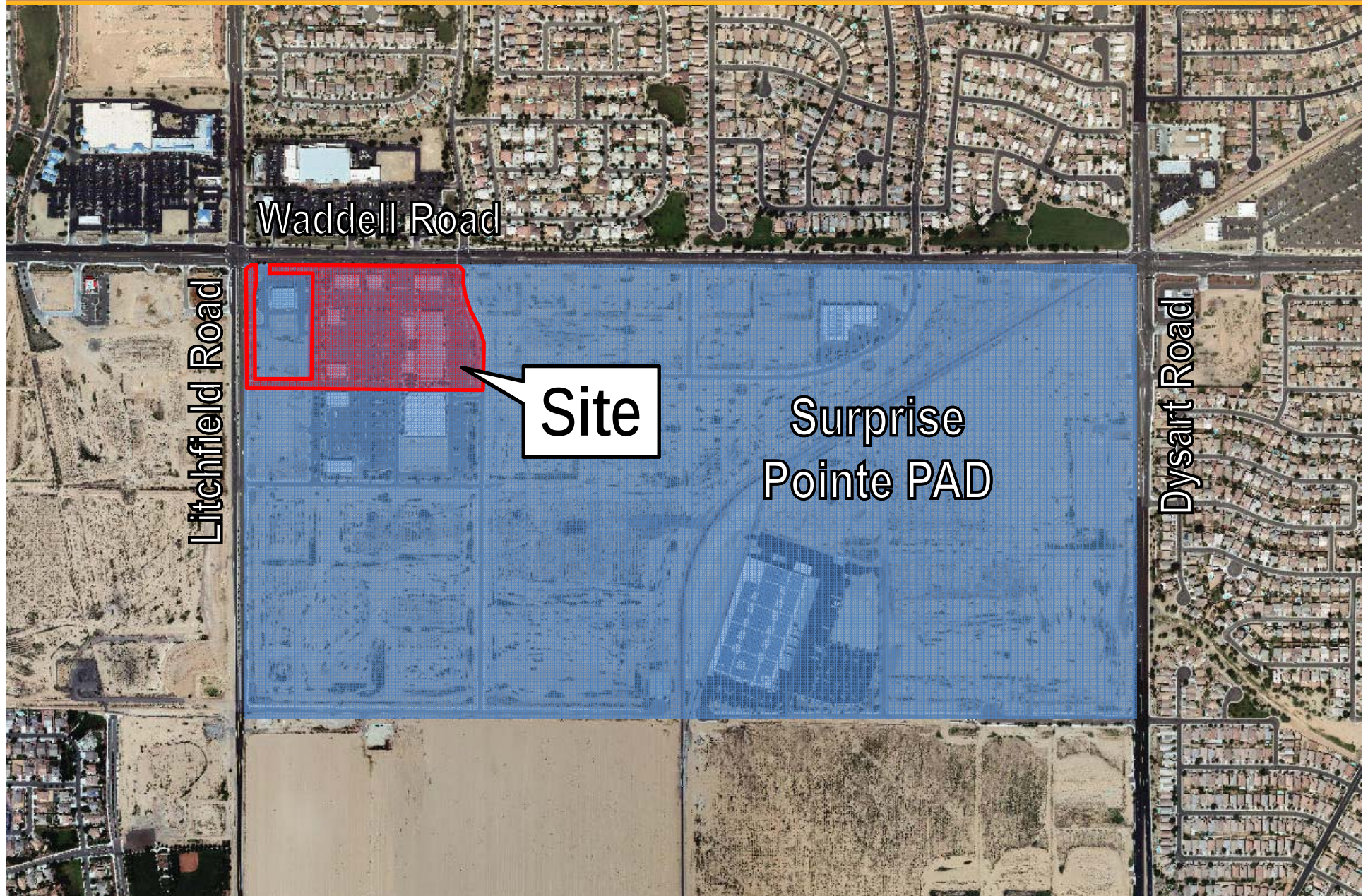
City Council
October 6, 2015



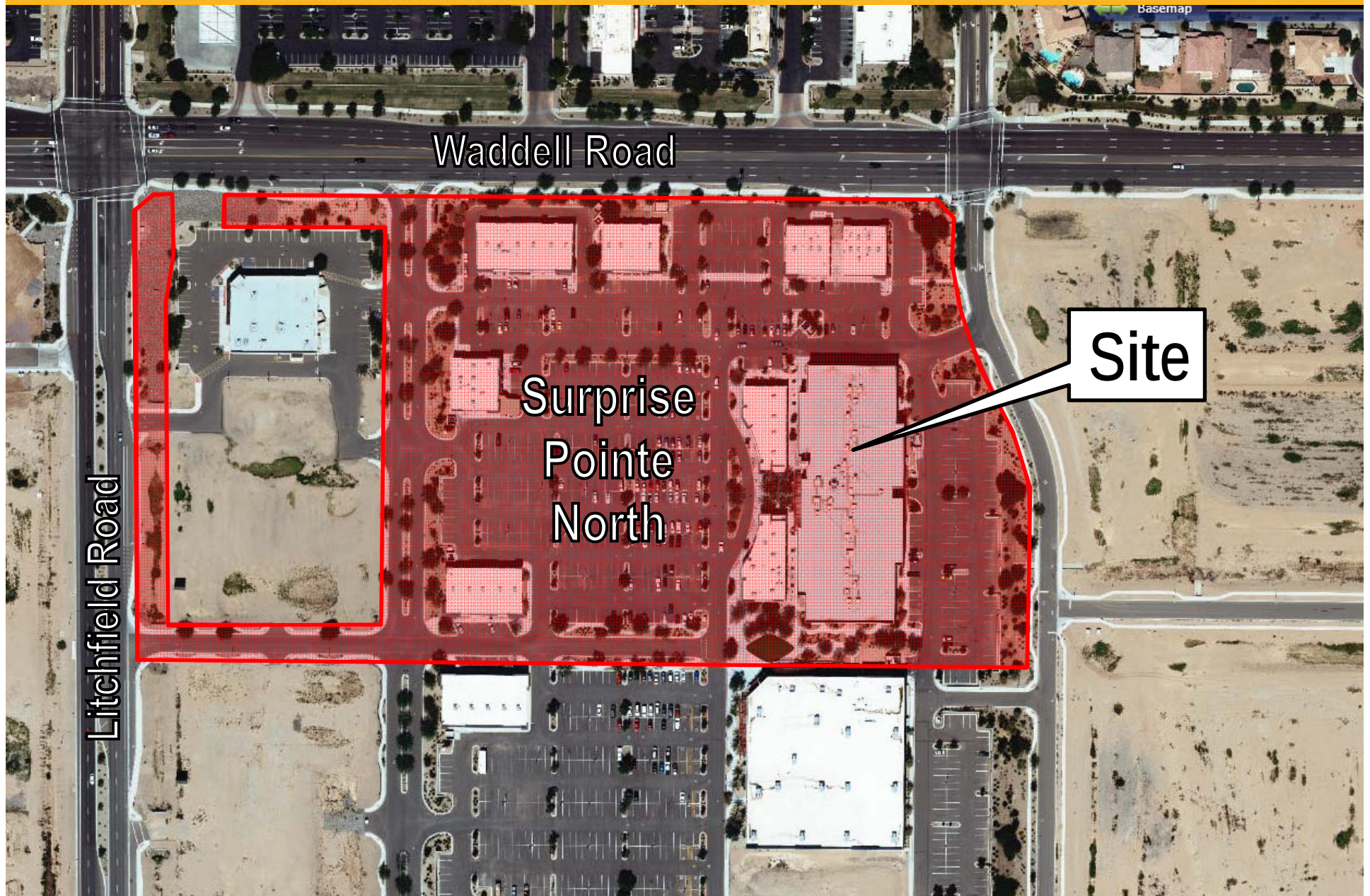
VICINITY MAP



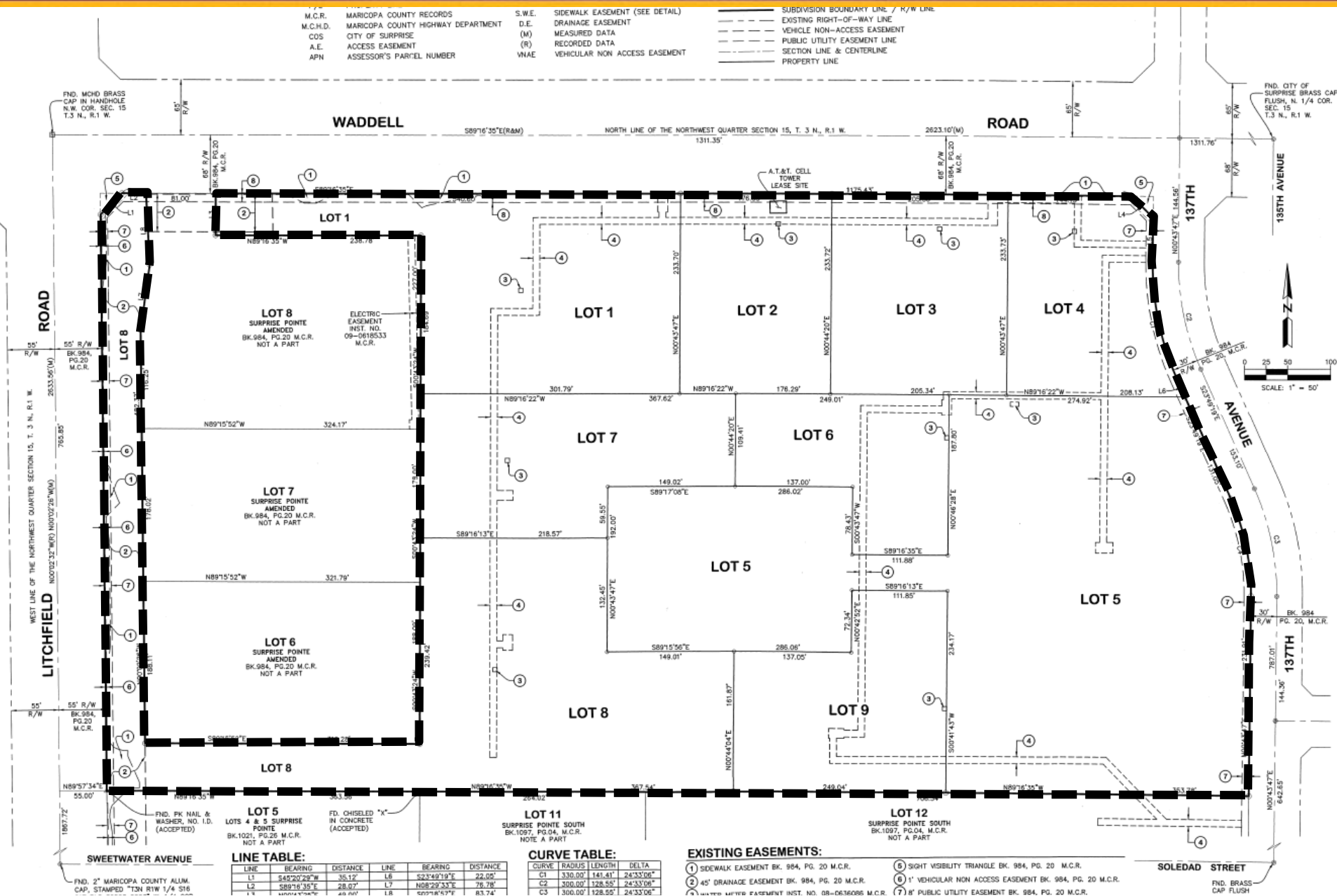
VICINITY MAP



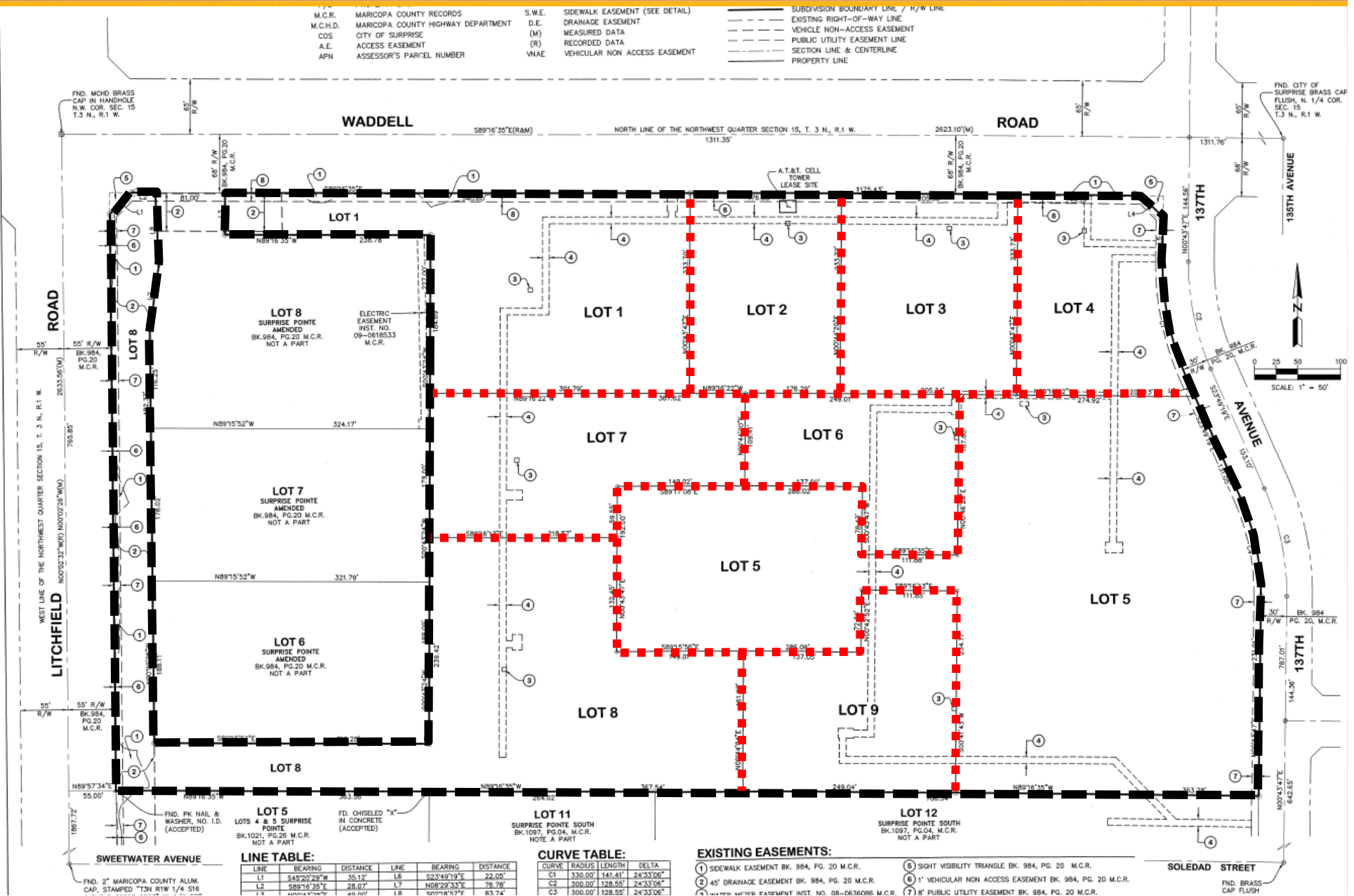
VICINITY MAP



SUBDIVISION BOUNDARY LINE / R/W LINE
 EXISTING RIGHT-OF-WAY LINE
 VEHICLE NON-ACCESS EASEMENT
 PUBLIC UTILITY EASEMENT LINE
 SECTION LINE & CENTERLINE
 PROPERTY LINE



SUBDIVISION BOUNDARY LINE / R/W LINE
 EXISTING RIGHT-OF-WAY LINE
 VEHICLE NON-ACCESS EASEMENT
 PUBLIC UTILITY EASEMENT LINE
 SECTION LINE & CENTERLINE
 PROPERTY LINE



Questions or Comments?





CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Lindsey Duncan, Finance Director
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	None		

Consent	☒	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on a fiscal year 2016 budget amendment reallocating appropriations from various funds for fiscal year 2016 budget and adjusting budget authority; Resolution 2015-89.

Motion:

I move to approve Resolution 2015-89.

Background:

The adoption of the fiscal year (FY) 2016 budget occurred prior to the completion of FY2015. To ensure that the new fiscal year had enough budget authority for all potential expenditures, conservative FY2015 expenditure estimates were used and remaining balances for items such as grants and CIP projects were carried forward into FY2016 and included in the adopted budget. With FY2015 nearing completion, the remaining balances are reexamined and adjustments to the FY2016 budget are made as necessary. For example, if a project expended more than estimated amount in FY2015, the FY2016 budget must be reduced to keep the total project budget equal to that approved by the Mayor and Council.

The action identifies two main categories of amendments for FY2016. The first category is budget corrections for grants not received, grants whose programming has moved to another department, grants or projects that are broken out into separate project numbers for proper tracking, and non-CIP items spent in the prior fiscal year. This category also includes one project, IT Disaster Recovery, that is increasing by \$20,000. The second category involves the change of budget authority that was carried forward from FY2015. The amendments are made due to actual expenditures varying from estimates for FY2015 as discussed in the previous example.

This action will update budget amounts to allow for improved management of the City's funds. As the audit of FY2015 financials is currently underway, further changes to FY2015 may impact FY2016 carry forward amounts and require future action by the Mayor and Council.

Objective Analysis:

Due to state laws regarding expenditure limits that are set by the adopted budget, it makes practical sense to use conservative expenditure estimates for the prior fiscal year with respect to grants and CIP projects. This will normally result in a total budget, and the resulting expenditure limit, that may be a little larger than necessary, but provides some built in contingency for future items. It becomes important to continue to track the prior year activity and adjust the current year as needed. Without the adjustment, the current year budgets no longer reflect the total grant or project budgets approved by the Mayor and Council or the actual financial position of the City.

Policy Compliant:

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

Financial Impact:

There is no direct financial impact of this item, but it does increase the total project budget of the IT Disaster Recovery project by \$20,000. This should result in an expenditure of \$20,000 that was not anticipated as a part of the FY2016 budget. All other amendments are adjustments to budget authority that will have no net financial impact across FY2015 and FY2016.

Budget Impact:

This action reallocates sixty-nine separate items and does not increase or decrease the total budget for FY2016. The action does, however, sweep in excess of \$2.5 million of budget authority into contingency. This authority cannot be spent without future action by the Mayor and Council. One project, IT Disaster Recovery is increasing by \$20,000 to \$335,000. Each of the items is considered one time in nature. This action reallocates spending authority and does not represent an actual transfer of funds

FTE Impact:

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

ATTACHMENTS:

Click to download

☐ [Resolution 2015-89](#)

RESOLUTION # 2015-89

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2016 BUDGET BY REALLOCATING APPROPRIATIONS BETWEEN THE GRANTS AND CONTINGENCY FUND AND VARIOUS PROJECTS FOR THE PURPOSE OF ADJUSTING BUDGET AUTHORITY.

WHEREAS, in preparing the FY2016 budget, there were specific budgeted items in various funds and departments with amounts dependent on FY2015 expenditure estimates;

WHEREAS, FY2015 expenditure activity has been largely completed with actual amounts varying from the estimates used when preparing the FY2016 budget;

WHEREAS, movement of authority between projects is necessary for tracking purposes;

WHEREAS, these amendments will allow the city to have current and updated budgetary amounts and help departments manage their project and line item expenditures;

WHEREAS, the FY2016 budget was adopted by Council Resolution #2015-53 on June 2, 2015;

WHEREAS, this action will necessitate a budget adjustment; and

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

NOW, THEREFORE, BE IT RESOLVED by the City 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, 2015 through June 30, 2016.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION # 2015-89
Exhibit A

The FY2016 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

1. Budget corrections

- A. Grants and Contingency Fund - Grants that were previously approved during the budget process, but were not awarded or were awarded less money than anticipated.

Grants and Contingency Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Expenditures			
Bulletproof Vest	\$11,700	(\$11,700)	\$0
FY2016 PD GOHS	7,000	(7,000)	0
GOHS DUI	40,000	(5,000)	35,000
Contingency	7,730,700	23,700	7,754,400
	<u>\$7,789,400</u>	<u>\$0</u>	<u>\$7,789,400</u>
Revenue			
Bulletproof Vest	\$11,700	(\$11,700)	\$0
FY2016 PD GOHS	7,000	(7,000)	0
GOHS DUI	40,000	(5,000)	35,000
Unforeseen Revenue	8,192,400	23,700	8,216,100
	<u>\$8,251,100</u>	<u>\$0</u>	<u>\$8,251,100</u>

- B. Budget Sweep – a few items were approved as a part of the operations budget that did not require as much authority due to expenditures occurring in the prior fiscal year.

Fund/Department	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Fund/Human Service and Community Vitality	\$1,274,200	(\$21,500)	\$1,252,700
General Fund/Community and Recreation Service	16,295,200	(15,700)	16,279,500
Grants and Contingency Fund/General Ops	7,730,700	37,200	7,767,900
	<u>\$25,300,100</u>	<u>\$0</u>	<u>\$25,300,100</u>

- C. IT Disaster Recovery #21409 – the project needs additional authority to complete the installation process of the software.

Fund/Projects	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Capital/IT Disaster Recovery #21409	\$0	\$20,000	\$20,000
Grants and Contingency/One-Time #20001	7,730,700	(20,000)	7,710,700
	<u>\$7,730,700</u>	<u>\$0</u>	<u>\$7,730,700</u>

- D. Vehicle Replacement Fund -- the city will be tracking the purchase of a fire pumper truck for FY2016. Per the city's financial policies, projects within the capital project funds need to have sufficient budget authority.

Fund/Projects	Current Appropriation	Increase (Decrease)	Amended Appropriation
Vehicle Replacement/Pumper Replacement #28033	\$0	\$750,000	\$750,000
Vehicle Replacement/General #20001	4,512,200	(750,000)	3,762,200
	<u>\$4,512,200</u>	<u>\$0</u>	<u>\$4,512,200</u>

- E. Neighborhood Revitalization Fund – the city will be utilizing the neighborhood revitalization fund to engage in two different projects: Desert Sage and Sunny Lane. The fund and project has sufficient authority to perform both projects.

Fund/Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
Expenditures			
Neighborhood Revitalization/Desert Sage #21610	0	181,600	181,600
Neighborhood Revitalization/Sunny Lane #21611	0	107,000	107,000
Grants and Contingency/One-Time #20001	7,730,700	169,000	7,899,700
Neighborhood Revitalization/CDBG #27167	481,700	(457,600)	24,100
	<u>\$8,212,400</u>	<u>\$0</u>	<u>\$8,212,400</u>

Fund/Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
Revenue			
Grants and Contingency/One-Time #20001	8,192,400	169,000	8,361,400
Neighborhood Revitalization/HOME #27168	481,700	(169,000)	312,700
	<u>\$8,674,100</u>	<u>\$0</u>	<u>\$8,674,100</u>

- F. Grants and Contingency Fund – the city moved oversight of the congregate meals grant from Community and Recreation Service to Human Service and Community Vitality. This transaction moves the budget authority.

Grants and Contingency Fund Department/Object Code	Current Appropriation	Increase (Decrease)	Amended Appropriation
Community and Recreation Service/Personnel	\$10,000	(\$10,000)	\$0
Community and Recreation Service/Supplies	28,300	(28,300)	0
Human Service and Community Vitality/Personnel	88,900	10,000	98,900
Human Service and Community Vitality /Supplies	6,300	28,300	34,600
	<u>\$133,500</u>	<u>\$0</u>	<u>\$133,500</u>

2. Carry Forwards Sweep – budget authority for projects previously approved by Council that do not require as much authority as originally estimated during the FY2016 budget process due to expenditures occurring in the prior fiscal year.

Fund/Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Fund/Jerry St and Rimrock Drainage #21527	\$189,000	(\$400)	\$188,600
General Fund/AZ Techcelerator Renovation #21529	500,000	(120,000)	380,000
General Capital Fund/Bell Rd Sidewalks E of Grand #21103	231,000	(52,400)	178,600
General Capital Fund/Dove Valley Pkway 163rd-179th #21105	272,300	(4,700)	267,600
General Capital Fund/Martin Acres Flood Control #21106	805,300	(45,300)	760,000
General Capital Fund/107th & Union Hills Drainage #21204	2,659,200	(72,500)	2,586,700
General Capital Fund/Replace Financial Software #21408	2,000,000	161,400	2,161,400
General Capital Fund/Booster Station Bell Rd Lake #21410	29,500	(29,500)	0
General Capital Fund/CRS Master Plan #21414	25,000	2,000	27,000
General Capital Fund/Cactus S. Side RR TRK/Litchfld #21503	140,000	(1,200)	138,800
General Capital Fund/Jomax 147 to 132 Pave Dirt Rd #21504	515,300	(35,000)	480,300
General Capital Fund/Skatepark-in-ground #21507	435,000	13,500	448,500
General Capital Fund/Boys and Girls Club #21508	2,000,000	(2,000,000)	0
General Capital Fund/City Entry Monuments #21510	50,000	(10,700)	39,300
General Capital Fund/Electric Svc Upgr at Techcelerator #21524	331,000	(59,600)	271,400
General Capital Fund/Medians at Waddell W. Ltchfld #21525	50,000	(15,800)	34,200
HURF/Booster Station Bell Rd Lake #21410	92,500	32,500	125,000
HURF/Median and Row Landscaping #21509	600,000	(42,600)	557,400
HURF/Sidewalk gaps #21511	100,000	(48,900)	51,100
Municipal Court Enhancement/Courtroom Audio/Video Equip #21512	-	29,700	29,700
Tourism/Clubhouse Improvements #21514	345,100	(55,800)	289,300
Stadium Improvements/Clubhouse Improvements #21514	-	400	400
Parks and Rec Dev Fee/Surprise Farms Park #21417	1,386,300	(65,000)	1,321,300
Parks and Rec Dev Fee/Vermonte Park #21418	748,800	6,000	754,800
Public Works Dev Fee/New Public Works Yard (North) #21515	4,550,000	(43,700)	4,506,300
Transportation Improvement/Peoria (Sarival to Reams) #21210	961,900	(7,300)	954,600
Transportation Improvement/Cactus Rd 175th to Cotton Ln #21304	278,900	(6,700)	272,200
Water Operations/City Hall Reclaim Connections #21211	208,500	(15,600)	192,900
Water Operations/SPA 1 VFDs Plant 4&5 #21213	451,500	(6,900)	444,600
Water Operations/Cactus S. Side RR TRK/Litchfld #21503	280,000	(11,900)	268,100
Water Resources Sys Dev Fee SPA1/SPA1 Effluent Strg Reser Covers #21308	2,493,500	(11,300)	2,482,200
Sewer Operations/Site and Security Improvements #21110	152,700	(1,700)	151,000
Sewer Operations/Cactus S. Side RR TRK/Litchfld #21503	980,000	(55,900)	924,100
Sewer Operations/SPA1 WRF N. Entr Gate and Wall #21516	1,150,000	(28,200)	1,121,800
Sewer Operations/Litchfld E SD Cactus-Desert CV #21517	1,237,500	(63,800)	1,173,700

Sewer Operations/Solar Biosolids Dryer #21518	450,000	(14,900)	435,100
Sewer Operations/SPA1 Influent Ln Hydr Rehab #21519	700,000	(54,000)	646,000
Sewer Operations/Wastewater SCADA Upgrade #21520	-	38,100	38,100
Sewer Operations/Green Wy Lift Station Rehab #21521	316,500	(6,800)	309,700
Sanitation Operations/New Public Works Yard (North) #21515	900,000	(41,700)	858,300
Stadium Gov Construction 2015/Stadium Gov Construction #21514	18,900,000	(746,400)	18,153,600
Water Operations/Booster Station Bell Rd Lake #21410	340,000	(5,500)	334,500
Sanitation Operations/Vehicle replacement #20001	2,565,000	900,000	3,465,000
Vehicle replacement/One-Time #20001	3,184,000	100,000	3,284,000
Grants and Contingency/One-Time #20001	7,730,700	2,498,100	10,228,800
	<u>\$61,336,000</u>	<u>\$0</u>	<u>\$61,336,000</u>



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

Back Print

Council Meeting Date:	October 6, 2015	Contact Person:	Lindsey Duncan, Finance Director
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on a fiscal year 2015 budget amendment reallocating appropriations from various funds required to close the fiscal year 2015 budget; Resolution 2015-88.

Motion:

I move to approve Resolution 2015-88.

Background:

As a part of closing fiscal year (FY) 2015, expenditure budgets and actuals are reviewed to ensure that the City is in compliance with budget amendment policy. Specifically, fund, capital improvement plan (CIP) projects, grants, and departments within the General Fund cannot have actual expenditures exceed the budgeted amounts. When this does occur, approval of the Mayor and Council is necessary to increase the budgeted amounts.

For FY2015, four main categories of corrections have been identified. The first category is budget corrections for funds and CIP projects that exceeded their budget. In each case, the fund had sufficient contingency to make an amendment, received unforeseen revenue that allowed an increase in authority, or, in the case of the Street Light Improvement Districts (SLID) could use authority from other, like funds. The second category involves the carry forward of budget authority from FY2014. Each instance involves grants that had been previously approved by the Mayor and Council. The amounts were not known at the time of the adoption of the FY2015 budget, and this action amends them to the proper level of authority. The third category involves amendments resulting from the restructuring of existing debt and the issuance of new debt that occurred during FY2015. As a part of this, some new funds were created and this action places the appropriate amount of budget authority in them. The fourth category involves vehicle replacement and the use of project numbers to track long lead replacements that cross fiscal years.

With the annual audit currently underway, FY2015 has not yet been closed. Any changes that are made to the financials may require additional budget amendments for FY2015.

Objective Analysis:

The Mayor and Council annually adopts a budget by fund, CIP project, grant, and department within the General Fund. The Budget Amendment Policies and Procedures are designed to place any amendments to the budget that cross those categories back before the Mayor and Council for approval. This action accomplishes that aim and ensures that each of those categories do not have actual expenditures that exceed the budget.

The current financial system does not have budget controls in place that stop expenditures from exceeding the budgeted amounts. The practice used by the City of Surprise, and many other cities throughout Arizona, is to seek approval at the end of the fiscal year after a budget has been exceeded. The new financial system that is currently being implemented has the ability to place controls that stop expenditures from exceeding the budget. The new financial system and Budget Amendment Policies and Procedures will be reviewed to ensure that processes can be improved in this area.

Policy Compliant:

This action will make the FY2015 financials compliant with the Budget Amendment Policies and Procedures.

Financial Impact:

This action has no direct financial impact. Expenditures have already occurred and this action brings the financials back in compliance with the Budget Amendment Policies and Procedures. The approval of these budget amendments by City Council is necessary to complete the FY2015 Comprehensive Annual Financial Report (CAFR) and related audit.

Budget Impact:

This action reallocates eighty two separate items and does not increase or decrease the total budget for FY2015. Each item is considered one time in nature, however this amendment may impact future carry forward amounts with respect to CIP projects and grants. This action reallocates spending authority and does not represent an actual transfer of funds.

FTE Impact:

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

ATTACHMENTS:

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☐ [Resolution 2015-88](#)

RESOLUTION # 2015-88

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2015 BUDGET BY REALLOCATING APPROPRIATIONS FROM VARIOUS FUNDS TO VARIOUS FUNDS TO CLOSE OUT THE CURRENT FISCAL YEAR.

WHEREAS, in the course of daily operations some adjustments were identified which are necessary amendments to the FY2015 Annual Budget, and;

WHEREAS, in the course of preparing the FY2015 Comprehensive Annual Financial Report (CAFR), some adjustments were identified and are required to ensure compliance with state law for appropriations. These legally required amendments will allow the city to close out the current fiscal year's budgetary accounts and proceed with the annual independent audit. These are standard, end-of-year processes that are required to close the books, and the bottom line budget amounts do not change, and;

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

WHEREAS, this action will necessitate a budget adjustment; and

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

NOW, THEREFORE, BE IT RESOLVED by the City 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, 2014 through June 30, 2015.

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION # 2015-88
Exhibit A

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

1. Budget corrections

- A. Arizona Lottery Fund (ALF) -- The city received additional revenue from ALF for transportation related costs. Additional authority is required in order to expend the additional \$2,400 in revenue.

Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
ALF Fund	\$350,000	\$2,400	\$352,400
Grants and Contingency Fund	3,860,500	(2,400)	3,858,100
	<u>\$4,210,500</u>	<u>\$0</u>	<u>\$4,210,500</u>

- B. Ambulance Contract Fund -- The fund incurred additional expenses related to the personnel and dispatching services and, therefore, additional authority is required for personnel of \$6,000 and dispatching services of \$21,800. The fund has sufficient authority and the use of contingency requires council approval.

Ambulance Contract Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Personnel	\$134,200	\$6,000	\$140,200
Service	53,600	21,800	75,400
Contingency	59,200	(27,800)	31,400
	<u>\$247,000</u>	<u>\$0</u>	<u>\$247,000</u>

- C. Marley Park Bond Debt Service Fund – the fund incurred costs related to banking. Additional authority of \$6,000 is required. The fund has sufficient authority and the use of contingency requires council approval.

Marley Park Bnd Debt Svc Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Services	\$673,900	\$6,000	\$679,900
Contingency Fund	25,000	(6,000)	19,000
	<u>\$698,900</u>	<u>\$0</u>	<u>\$698,900</u>

- D. Fire Development Fee 2012 Fund – the fund incurred costs related to unanticipated growth that was connected to a development agreement and required to be reimbursed to the developer. The fund has sufficient authority and the use of contingency requires council approval.

Fire Development Fee 2012 Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Services	\$12,500	\$68,700	\$81,200
Contingency	1,077,100	(68,700)	1,008,400
	<u>\$1,089,600</u>	<u>\$0</u>	<u>\$1,089,600</u>

- E. Risk Management Fund – due to abnormally high number of incidents for FY2015, the risk management fund's claim settlements requires more budget authority in the amount of \$131,200. Per the city's insurance policy, there was additional revenue received due to the claims being greater than \$250,000. The fund has sufficient authority and the use of contingency requires council approval.

Risk Management Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Services	\$1,391,300	\$131,200	\$1,522,500
Contingency	2,147,900	(131,200)	2,016,700
	<u>\$3,539,200</u>	<u>\$0</u>	<u>\$3,539,200</u>

- F. General Capital Fund – Fire Station #304 incurred additional expenses that were not originally budgeted for in FY2015, but were anticipated during the FY2016 budget process.

General Capital Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Service	\$0	\$800	\$800
Capital	0	16,700	16,700
Contingency	2,823,600	(17,500)	2,806,100
	<u>\$2,823,600</u>	<u>\$0</u>	<u>\$2,823,600</u>

G. Transportation Improvement Fund – an acceleration lane was added to project Pavement Preservation #28019, however the lane was part of project Medians at Bell E. El Mirage #21526. This additional scope increase was estimated during the FY2016 budget process. Therefore, budget authority needs to be moved from project Pavement Preservation #28019 to Medians at Bell E. El Mirage #21526 to account for the increased cost.

Transportation Improvement Fund/Projects	Current Appropriation	Increase (Decrease)	Amended Appropriation
Medians at Bell E. El Mirage #21526	\$75,000	\$67,400	\$142,400
Pavement Preservation #28019	2,303,900	(67,400)	2,236,500
	<u>\$2,378,900</u>	<u>\$0</u>	<u>\$2,378,900</u>

H. Street Light Improvement Districts (SLIDs) Funds – some funds need more budget authority for electricity than what was originally budgeted.

Funds	Current Appropriation	Increase (Decrease)	Amended Appropriation
Expenditures			
Countryside SLID	\$29,000	\$900	\$29,900
Sierra Montana 1A SLID	59,100	1,500	60,600
Greer Ranch N PH 1	24,600	7,600	32,200
Greer Ranch N Phase 2	6,700	6,000	12,700
Marley Park Comm FAC Dist	62,800	400	63,200
Desert Oasis Pcl 14C 12-08	7,000	(6,500)	500
NW Ranch #2 SLID	24,300	(2,300)	22,000
Rancho Gabriela 2,3 4A-B SLID	56,900	(2,000)	54,900
Surprise Farms 1B SLID	58,100	(2,000)	56,100
Sarah Ann Ranch SLID	57,400	(2,000)	55,400
Asante Phase 1	46,600	(1,600)	45,000
	<u>\$432,500</u>	<u>\$0</u>	<u>\$432,500</u>

2. Carry Forwards – budget authority for grants previously approved by Council.

Grants and Contingency Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Expenditures			
VOCA	\$0	\$2,200	\$2,200
Dial-A-Ride	0	3,300	3,300
FY2011 JAG	0	800	800
FY2013 CBRNE	0	4,900	4,900
FY2014 CBRNE	0	35,200	35,200
Contingency	3,860,500	(46,400)	3,814,100
	<u>\$3,860,500</u>	<u>\$0</u>	<u>\$3,860,500</u>
Revenue			
VOCA	\$0	\$2,000	\$2,000
Dial-A-Ride	0	3,300	3,300
FY2011 JAG	0	700	700
FY2013 CBRNE	0	4,900	4,900
FY2014 CBRNE	0	35,200	35,200
Unforeseen Revenue	4,051,500	(46,100)	4,097,600
	<u>\$4,643,100</u>	<u>\$0</u>	<u>\$4,643,100</u>

Fund/Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
Expenditures			
Neighborhood Revitalization/HUD #27027	\$0	\$47,900	\$47,900
Neighborhood Revitalization/NSP #27119	0	48,900	48,900
Neighborhood Revitalization/HOME #27139	0	18,600	18,600
Neighborhood Revitalization/HOME #27140	0	85,800	85,800
Neighborhood Revitalization/CDBG #27143	0	76,800	76,800
Neighborhood Revitalization/CDBG #27152	0	97,000	97,000
Neighborhood Revitalization/CDBG #27153	0	17,300	17,300
Neighborhood Revitalization/CDBG #27154	0	86,700	86,700
Neighborhood Revitalization/CDBG #27155	0	71,600	71,600
Neighborhood Revitalization/CDBG #27165	0	19,200	19,200
Neighborhood Revitalization/HOME #27168	238,500	(152,300)	86,200
Neighborhood Revitalization/CDBG #27167	332,900	(252,400)	80,500
Neighborhood Revitalization/CDBG #27166	76,800	(19,200)	57,600
Neighborhood Revitalization/CDBG #27164	102,500	(97,000)	5,500
Neighborhood Revitalization/NSP #27118	635,000	(48,900)	586,100
	<u>\$1,385,700</u>	<u>\$0</u>	<u>\$1,385,700</u>

Fund/Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
Revenue			
Neighborhood Revitalization/HUD #27027	\$0	\$47,900	\$47,900
Neighborhood Revitalization/NSP #27119	0	48,900	48,900
Neighborhood Revitalization/HOME #27139	0	18,600	18,600
Neighborhood Revitalization/HOME #27140	0	85,800	85,800
Neighborhood Revitalization/CDBG #27143	0	76,800	76,800
Neighborhood Revitalization/CDBG #27152	0	97,000	97,000
Neighborhood Revitalization/CDBG #27153	0	17,300	17,300
Neighborhood Revitalization/CDBG #27154	0	86,700	86,700
Neighborhood Revitalization/CDBG #27155	0	71,600	71,600
Neighborhood Revitalization/CDBG #27165	0	19,200	19,200
Neighborhood Revitalization/HOME #27168	238,500	(152,300)	86,200
Neighborhood Revitalization/CDBG #27167	332,900	(252,400)	80,500
Neighborhood Revitalization/CDBG #27166	76,800	(19,200)	57,600
Neighborhood Revitalization/CDBG #27164	102,500	(97,000)	5,500
Neighborhood Revitalization/NSP #27118	635,000	(48,900)	586,100
	<u>\$1,385,700</u>	<u>\$0</u>	<u>\$1,385,700</u>

3. Debt Service Funds – Due to the restructuring of the city's debt, these entries were required to give each debt service fund the proper budget authority.

Funds	Current Appropriation	Increase (Decrease)	Amended Appropriation
Gov Debt Service 2000-2003	\$0	\$18,233,300	\$18,233,300
Prop Debt Service 2007	0	1,939,200	1,939,200
Refunded Gov Debt Service 2015	0	177,600	177,600
Stadium Gov Construction 2015	11,513,200	(10,766,600)	746,600
Prop Debt Service 2000-2003	10,000,000	(7,466,700)	2,533,300
Prop Reserve Debt 2007	5,142,800	(2,116,800)	3,026,000
	<u>\$26,656,000</u>	<u>\$0</u>	<u>\$26,656,000</u>

Stadium Gov Construction 2015 Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Buildings	\$0	\$746,500	\$746,500
Contingency	11,513,200	(746,500)	10,766,700
	<u>\$11,513,200</u>	<u>\$0</u>	<u>\$11,513,200</u>

4. Vehicle Replacement Fund – the city individually tracked the purchases of various vehicles. Per the city's financial policies, projects within the capital project funds need to have sufficient budget authority.

Vehicle Replacement Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Pumper Replacement #28023	\$0	\$700,000	\$700,000
Van Replacement #28025	0	56,900	56,900
Suppression Truck Replacement #28024	0	710,000	710,000
2014 Pumper Replacement #21419	0	410,700	410,700
General #29999	3,360,400	(1,877,600)	1,482,800
	<u>\$3,360,400</u>	<u>\$0</u>	<u>\$3,360,400</u>



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 6, 2015	Contact Person:	Mark A. Coronado, CRS Director
Submitting Department:	CRS	District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action; amending FY2016 budget by reallocating appropriations from contingency in the grants and contingency fund to project #28034 in the general capital fund for the purchase of replacement stadium seating at Surprise Stadium in an amount not to exceed \$1.2M ; Resolution No. 2015-92.

Motion:

I move to approve Resolution No. 2015 -92.

Background:

The Surprise Stadium was constructed in 2002. After thirteen years the approximately 7,800 stadium seats have reached the end of their useful life. In addition to the seats being damaged by the sun, staff are having to replace several hundred seats each year. The department is currently spending the entire budgeted campus annual repair and maintenance line item of approximately \$30,000 for parts to replace broken seats. Over the last several years staff have tracked the number of seat repairs.

2012- 125 repairs, 2013- 155 repairs, 2014 – 433 repairs, 2015 -545 repairs (since January 2015)

This request is critical to ensure all residents and visitors enjoy the experience at the stadium in a safe and comfortable environment. It is also important to ensure the availability of the seat that ticket holders have purchased. Approximately 250,000 utilize the stadium for spring training, events and other sports tourism events each year.

The lead time to manufacture and install the seats is 16-20 weeks. New seats ready early February 2016.

Objective Analysis:

Over 500 seats have had to be replaced since January of 2015. It is important to ensure the availability of the seat that ticket holders have purchased and ensure guests are able to enjoy the experience in a safe and enjoyable atmosphere. Approximately 250,000 fans utilize the stadium for spring training, events and other sports tourism events each year.

There are several options to consider: Option one is to leave the original cast iron stanchions in place

and replace the seat back, seat bottom, and hinge arm for all seats. This option will cost approximately \$900,000 and will directly address the safety concerns. The down side with this option is that the original stanchions will not color match the new plastic seating. This cosmetic flaw can be mitigated with buffing of original stanchions to remove oxidation. Option two is to replace full seats including stanchions. This option will cost approximately \$1.2 M and will address safety concern and maintain aesthetics of the stadium. The third option is to phase in replacement of seats by section over several years. This will spread the project cost over several years although does not address safety concerns for all original seats. Phasing is also not recommended because the city receives a volume pricing discount, so the fewer seats that are purchased, the higher cost per seat.

Policy Compliant:

City assets are replaced at the end of their useful life cycle; though there is not a currently a policy on criteria for replacement for non-rolling stock. City Administrative Policies require the approval of the Mayor and Council for budget amendments of this nature as part of the FY2016 budget which was adopted by Council Resolution #2015-53 on June 2, 2015.

Financial Impact:

The stadium seats will cost approximately \$1.2M to replace. The expenditures are one-time for FY2016. Once the seats have reached the end of their useful life they will need to be replaced again in the future.

Budget Impact:

As a part of finalizing FY2015, an additional \$4.4 million of fund balance within the General Fund was identified. This action will allocate a \$1.2 million of this savings for stadium seating replacement. As this additional fund balance was unforeseen during the FY2016 budget process, budget authority will be reallocated from contingency in the Grants fund normally reserved for unforeseen revenues such as this. The action will also result in an actual transfer of funds from the General Fund to the General Capital fund in the amount of \$1.2 million.

FTE Impact:

No FTE impact.

ATTACHMENTS:

Click to download

- ☐ [PowerPoint](#)
 - ☐ [Resolution #2015.92](#)
-

Stadium Seats Replacement

October 6, 2015



Overview



- **Surprise Stadium was constructed in 2002 with approximately 7,800 stadium seats.**
- **Approximately 250,000 fans visit the stadium annually for Spring Training, City Events, and other sports tourism events.**
- **The Stadium will celebrate its 14th year in 2016.**

Annual Repairs and Expenses



- **Stadium Seats**

- Number of seat failures/repairs has continued to escalate over the years due to aging seat brackets and sun damage

- **Annual Seat Failures/Repairs**

Year	Number of Failures/Repairs
2015 (since January)	545
2014	433
2013	155
2012	125

- **Annual expenditure- Approximately \$30,000**

Staff Recommendations for Replacement



Option 1- Replace only seat back, seat bottom, and hinge arm for all seats

Approximate Cost- \$900,000

- Pros- Addresses safety concerns.
- Cons- Leaves the original cast iron stanchions in place which will not 100% match the new seat color. This may be mitigated by buffing to remove oxidation.
- i.e. Phoenix Municipal Stadium

Option 2- Full Seats Replacement including stanchions

Approximate Cost- \$1.2 million

- Pros- Addresses safety concerns. Maintains aesthetics of stadium.

Option 3- Phasing of replacement seats over several years

- Pros- Project cost allocated over a number of years.
- Cons- Safety concerns remain for older seats. The City also receives a volume pricing discount, so the fewer seats that are purchased, the higher cost per seat.

Stadium Seats Replacement



- **Timeline:**
 - The lead time to manufacture and install the seats is 16-20 weeks.
 - New seats to be ready early February 2016.
- **Funding:**
 - From Grants and Contingency Funding to General Capital

Stadium Seats Replacement Summary



Replacement of the seats is essential for maintaining the Stadium as a premier destination for the City of Surprise.

- **Ensures all residents and visitors enjoy the experience at the stadium in a safe and comfortable environment.**
- **Maintains the overall aesthetic appeal of the stadium.**
- **Ensures all seats are in safe operating condition to maximize revenue potential and fan experience.**

Questions or Comments?



RESOLUTION #2015-92

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2016 BUDGET BY REALLOCATING APPROPRIATIONS OF \$1,200,000 (FROM CONTINGENCY IN THE GRANTS FUND TO PROJECT #28034 IN THE GENERAL CAPITAL FUND) AND A TRANSFER OF ACTUAL FUNDS OF \$1,200,000 (FROM THE GENERAL FUND TO THE GENERAL CAPITAL FUND) FOR THE PURCHASE OF REPLACEMENT PATRON SEATING AT THE SURPRISE STADIUM.

WHEREAS, the general fund ending fund balance for FY2015 is higher than estimated;

WHEREAS, the City wishes to provide additional funding for the replacement patron seating at the Surprise Stadium;

WHEREAS, the City of Surprise constructed the Surprise Stadium in 2002 with approximately 7,800 seats for patrons;

WHEREAS, the stadium seats have reached the end of their useful life after being utilized for thirteen years;

WHEREAS, the City of Surprise wishes to authorize the use of \$1,200,000 of contingency funding for the purchase of replacement seats;

WHEREAS, the FY2016 budget was adopted by Council Resolution #2015-53 on June 2, 2015;

WHEREAS, this action will necessitate a budget amendment; and

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

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

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2015 through June 30, 2016.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION #2015-92
Exhibit A

The FY2016 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

Fund, Department, Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Capital Fund, Community and Recreation Service, Stadium Seats #28034	\$0	\$1,200,000	\$1,200,000
Grants and Contingency Funds, General Operations, One-Time #20001	7,730,700	(1,200,000)	6,530,700
	<u>\$7,730,700</u>	<u>\$0</u>	<u>\$7,730,700</u>

These allocations represent an actual transfer of funds from the general fund to the general capital fund.

Fund, Department, Account	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Fund, General Operations, Transfer Out	\$7,047,000	\$1,200,000	\$8,247,000
General Capital Fund, General Operations, Transfer In	(6,174,200)	(\$1,200,000)	(7,374,200)
	<u>\$872,800</u>	<u>\$0</u>	<u>\$872,800</u>

The fund changes are as follows:

- The amendment utilizes contingency funding and reallocates appropriation from the Grants and Contingency Fund to the General Capital Fund in the amount of \$1,200,000 for the stadium seats replacement without exceeding the approved total annual budget for FY2016.
- The amendment also reallocates actual funds of \$1,200,000 from the general fund to the general capital fund.



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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Council Meeting Date: October 6, 2015 Contact Person: Sherry Ann Aguilar, City Clerk
Submitting Department: District: 5
Staff Recommendations: None

Consent x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action to approve a Series 12 liquor license request by Daniel Avila for Daniel's Original Mexican Food located at 13761 W. Bell Road, #213, Surprise, Arizona 85374 (New License/Corporation - 1207A368).

Motion:

I move to approve a Series 12 liquor license request by Daniel Avila for Daniel's Original Mexican Food located at 13761 W. Bell Road, #213, Surprise, Arizona 85374 (New License/Corporation - 1207A368).

Background:

This is a new license request for a new business located in an existing building that use to be known as Pinoy's Bistro. There are no issues noted for this request.

Objective Analysis:

New business coming into Surprise.

Policy Compliant:

This request is policy compliant and follows state statues regarding liquor license requests.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

Click to download

☐ [Daniel's Liquor License Report](#)



City Clerk's Office
Sherry Ann Aguilar, City Clerk
16000 N. Civic Center Plaza
Surprise, AZ 85374
Ph: 623-222-1200
Fax: 623-222-1001

September 4, 2015

Daniel Avila
For Daniel's Original Mexican Food
13761 W. Bell Road, #213
Surprise, AZ. 85374
Globalcr.Inc2014@cox.net

New License/Corporation – 1207A368

Dear Mr. Avila:

Please be advised that we are in receipt of your requests for a New License/Corporation for Daniel's Original Mexican Food, 13761 W. Bell Road, #213, Surprise, AZ. 85374.

The notice for this application has been posted on the property and will need to remain posted until the public hearing has taken place.

You are hereby notified that your presence is being requested by the City of Surprise Mayor and Common Council to attend a public hearing at our regular scheduled Council Meeting to be held on:

Tuesday, October 6, 2015 – 6:00 p.m.
Surprise City Hall - Council Chambers
16000 N. Civic Center Plaza

Upon receipt of this correspondence, please acknowledge receipt by email to clerk@surpriseaz.gov and advise who will be representing you at this meeting. Your cooperation is greatly appreciated.

If you have any questions, please call 623-222-1220.

Sincerely,

City Clerk, MMC



COMMUNITY DEVELOPMENT DEPARTMENT

Date: September 10, 2015
To: Sherry Aguilar, City Clerk
From: Eric Fitzer, Community Development Director
By: James Stewart, Zoning Specialist
Re: Liquor License Application for:

**Daniel's Original Mexican Food, Inc.
Series #12(1207A368) – New License / Corporation
13761 W. Bell Road, #213
Surprise, Arizona 85374**

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

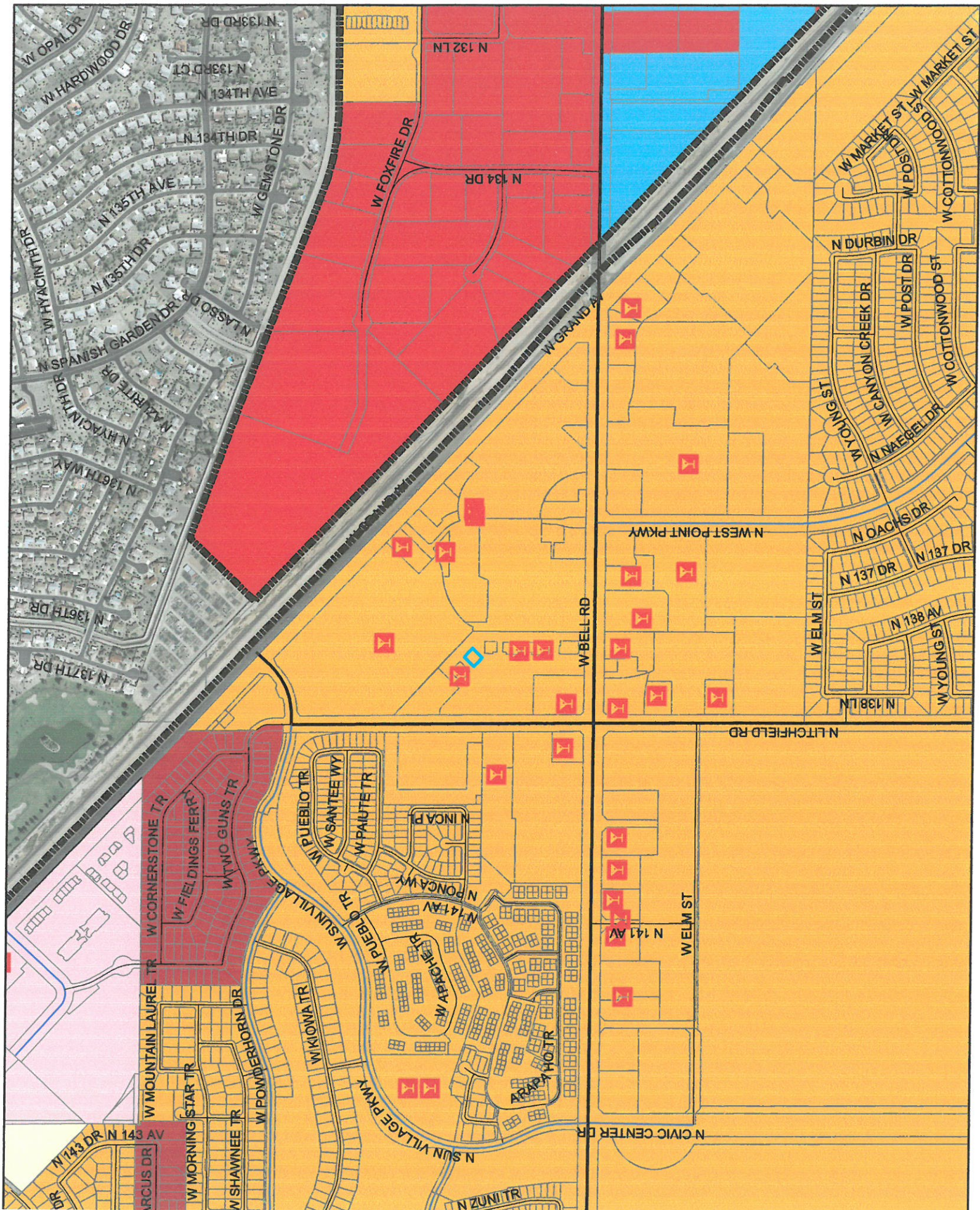
1. Wal-Mart Supercenter #2777 (Series 9) – 13770 W. Bell Rd.
2. Applebee's (Series 12) – 13756 W. Bell Rd.
3. Uncle Bear's (Series 12) – 13752 W. Bell Rd.
4. Caramba Fresh Mexican Food (Series 12) – 17239 N. Litchfield Rd.
5. Streets of New York #23 (Series 12) – 13736 W. Bell Rd.
6. Tom Yum (Series 12) – 13736 W. Bell Rd. #2
7. Rubio's Restaurant #102 (Series 12) – 13736 W. Bell Rd. #2
8. China Buffet #17119 (Series 12) – 17119 N. Litchfield Rd. #20
9. Mikes Kitchen (Series 12) – 17221 N. Litchfield Rd. #50
10. Mike's Greek and Italian Cuisine (Series 12) – 17191 N. Litchfield Rd.
11. Buffalo Wild Wings Grill & Bar (Series 12) – 13882 W. Bell Rd.
12. Olive Garden #1627 (Series 12) – 13379 W. Grand Ave.
13. Red Lobster #6288 (Series 12) – 13709 W. Bell Rd.
14. Target #1335 (Series 10) – 13731 W. Bell Rd.
15. Sprouts Farmers Market # 12 (Series 10) – 13759 W. Bell Rd.
16. Chili's Grill & Bar #1153 (Series 12) – 13765 W. Bell Rd.
17. Cobblestone Auto Spa & Market (Series 10) – 13811 W. Bell Rd.
18. Hayashi (Series 12) – 13823 W. Bell Rd.
19. Irish Wolfhound Restaurant (Series 6) – 16811 N. Litchfield Rd. #102-104
20. Rio Mirage Cafe (Series 12) – 13863 W. Bell Rd.
21. Chipotle Mexican Grill #0898 (Series 12) – 13869 W. Bell Rd. #107
22. Red Robin (Series 12) – 14015 W. Bell Rd.
23. Carrabba's Italian Grill (Series 12) – 14043 W. Bell Rd.
24. Frank-N-Steins (Series 12) – 14071 W. Bell Rd.
25. Saigon Kitchen (Series 12) – 14071 W. Bell Rd.
26. Long Horn Steakhouse (Series 12) – 14127 W. Bell Rd.
27. Pei Wei Asian Diner (Series 12) – 14155 W. Bell Rd. #113
28. Diamond Shamrock #1641 (Series 10) – 13908 W. Bell Rd.
29. New York Pizza Dept. (Series 12) – 13980 W. Bell Rd.

- 30. Sun Village Community Association (Series 14) – 17300 N. Sun Village Pkwy. #A
- 31. Link's Neighborhood Grill (Series 12) – 17300 N. Sun Village Pkwy. #D

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

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

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





MEMO

Date: 09/08/2015

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

RE: Liquor License Application – Daniel's Original Mexican Food, Inc.

Business License Status:

License #1019456, current and valid for 2015.

**SURPRISE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION REVIEW**

REFERENCE:

DATE: August 17th, 2015

LICENSE NUMBER- 1207A368
Series #12 – New License/LLC

APPLICANT:

DANIEL'S ORIGINAL MEXICAN FOOD, INC.

13761 W. Bell Road, #213
Surprise, Arizona 85374

FINDINGS:

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

Daniel's Original Mexican Food is a newly developed restaurant. The surrounding area consists of residential and commercial buildings. There are several other businesses in the area that also serve alcohol in accordance with a series #12 license. There is no evidence to support a substantial impact on the area.

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

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

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

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

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

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

- 5) *Appropriateness of series license requested.*

The series 12 license is appropriate.

Submitted by Sergeant Tim Klarkowski #2137



No Violation Notice

City of Surprise Fire Medical Department
Fire Prevention Division
14250 W. Statler Plaza #101
Surprise AZ 85374
Phone: 623.222.5100

Daniels Original Mexican Food
13761 W BELL RD
213
Surprise, AZ 85374

An inspection of your facility on **09/08/2015** revealed no violations to the City of Surprise Fire Code.
Thank you for your cooperation.

A handwritten signature in black ink, appearing to read 'James Whitehead', written over a horizontal line.

x **Whitehead, James**
Inspector



City Clerk's Office

Date: September 4, 2015

To: Lloyd Abrams/James Stewart – Community Development
Police Department, Timothy Klarkowski/Chris Tovar - PD
James Whitehead/Tom Abbott – Fire
Stacie McQuarrie, Business License Technician

From: Sherry Ann Aguilar - City Clerk, MMC

Re: **Liquor License Application:**

DANIEL'S ORIGINAL MEXICAN FOOD, INC.
Series #12 (1207A368) – New License/Corporation
13761 W. Bell Road, #213
Surprise, Arizona 85374

The above referenced application has been submitted for consideration by the Surprise City Council at their **Regular Council Meeting** scheduled for:

Tuesday, October 6, 2015 - 6:00 p.m.

REPORT DUE DATE TO CITY CLERK

A copy of the application is attached for your review and comments. Please provide a written statement regarding this application by no later than **Friday, September 11, 2015 - noon**, as the questions apply to your respective departments to the City Clerk.

COMMUNITY DEVELOPMENT DIRECTOR (Please respond to the following questions):

- 1) The number and series of licenses in close proximity of establishment.
- 2) The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.
- 3) The residential and commercial population in close proximity.

- 4) The effect or impact of the proposed premises on businesses or residential neighborhood whose activities might be affected by granting the license.
- 5) Review to ensure that parking space requirements meet City Code.
- 6) If the applicant has not applied for rezoning or has applied for rezoning but the requested zoning is not appropriate for a business as detailed in the application, the “**Denial**” can be given by the Zoning Division, and the reasons such denial are detailed on the Review Form.

POLICE DEPARTMENT (Please respond to the following questions):

- 1) Evidence concerning the nature of the proposed business, its potential market and its likely customers.
- 2) Effect of vehicular traffic in close proximity.
- 3) The history for the past five (5) years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the board.
- 4) Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.
- 5) Appropriateness of series license requested.

FIRE MARSHALL (Please respond to the following questions in written form):

- 1) Review property to ensure building or plot plan is in compliance with applicable fire codes.

TAX AND LICENSE DIVISION (Please respond to the following questions in written form):

- 1) Review to ensure that applicant has current business license, or has been contacted by Tax and Licensing regarding the need for a business license or is in the process of applying for a business license (whichever is applicable).

Please contact me if you have any questions – 222-1220.



City Clerk, MMC

PUBLIC NOTICE

Notice is hereby given that the Surprise City Council will conduct a public hearings on **Tuesday, October 6, 2015 – 6:00 p.m.**, for a New license/Corporation requested by Daniel Avila **for Daniel's Original Mexican Food, INC.**, located at 13761 W. Bell Road, #213, Surprise, AZ. 85374. The public hearing will be held in the City Council Chambers – 16000 N. Civic Center Plaza, Surprise, Arizona. Members of the public are invited to attend.



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date: October 6, 2015
Submitting Department:
Staff Recommendations: None

Contact Person: Sherry Ann Aguilar, City Clerk
District: Citywide

Consent	☒	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the minutes of September 15, 2015 Regular City Council Work Session and Regular City Council Meeting and September 22, 2015 Special City Council Work Session.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- ☐ [WK SESSION](#)
 - ☐ [REG MTG](#)
 - ☐ [SPC WKS](#)
-

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

Tuesday, September 15, 2015 @ 04:00 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Work Session** to order at 04:00 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, September 15, 2015**. Also in attendance with Mayor Wolcott were Vice Mayor Williams (arrived at 4:16), Council Member Biundo, Council Member Villanueva, Council Member Hall, and Council Member Tande.

Staff Present: City Manager, Bob Wingenroth, City Attorney, Misty Leslie, and Deputy City Clerk, Linda Stevens.

Pledge of Allegiance

Regular Agenda Item - Non-Public Hearing

1 – The Capital Scholar Students will conduct a Bill Presentation - NO ACTION

Daniel Gyroffy, Elizabeth Zickerfoose and Samantha Rosales reported on Donuts with Police.

Emily Holdaway and Destany Aiken reported on the Traveling Library.

Destyna Figueroa, Mica Hill and Connor Duncan reported on Recreational Art.

Fianna Aird, April Cekosh, Hannah Millage and Kiara Valdes reported on Recreation in Surprise.

Glory, Jadon, Julie and Jake reported CCC Across Dysart Schools.

Regular City Council Work Session Minutes – September 15, 2015 – Page 2

Bailey Walker reported on Fire Service Education Betterment.

Traveling Library:

Council Member Villanueva inquired about volunteers and who will be in charge.

Council Member Hall inquired about drivers, volunteers and community outreach.

Donuts with Police:

Council Member Hall inquired about the purpose.

Mayor Wolcott stated that all of the proposals are wonderful and spoke of engaging the community and Council Outreach Fund.

Vice Mayor Williams commented that there are always great ideas that come out of this program.

Council Member Hall commented on incorporating this in one of our city buildings.

Arts:

Vice Mayor Williams commented on tagging of buildings and referred to murals in Phoenix and Maryvale.

Council Member Biundo spoke of having the Arts Commission take a look at this.

Council Member Villanueva commented on graffiti.

Council Member Tande stated that these are all great ideas for the community.

Mayor Wolcott stated that there are things that are already in place they can start enhancing.

Recreation in Surprise:

Council Member Tande commented on facilities and asked the students to attend Council's budget hearings.

Council Member Hall commented on assets and buildings.

Council Member Biundo commented on surveys of what currently exists.

Regular City Council Work Session Minutes – September 15, 2015 – Page 3

Mayor Wolcott commented on un-utilized buildings; input, their thoughts and their dreams.

Council Member Villanueva asked the students to involve others that are not involved.

Continuous Chest Compression:

Council Member Hall stated that we have a great education program in our Fire-Medical Department.

Council Member Villanueva commented on encouraging fellow students to take these classes.

Council Member Tande likes the idea of having all opportunities to students and referred to his daughter's career.

Vice Mayor Hall inquired about marketing to get the masses involved.

Fire Service Education Betterment:

Council Member Hall asked how the group sees this happening and how it would work.

Mayor Wolcott commented on programming and Westmec.

Council Member Biundo inquired about interns.

2 – Presentation and discussion relative to the City's 2016 State Legislative Agenda - NO ACTION

Deputy City Manager, Nicole Lance reported on the City's 2016 State Legislative Agenda.

Mayor Wolcott commented on the legislative breakfast, the format and having a work session.

Council Member Hall commented on communication/linkage to the residents. He referred to Arizona Public Service, Southwest Gas, Waste Management and rate hikes.

Ms. Lance agreed and commented on upcoming meetings.

Regular City Council Work Session Minutes – September 15, 2015 – Page 4

Council Member Biundo referred to League Resolutions and asked who leads them through the process.

Ms. Lance explained the process.

Council Member Tande referred to the "next steps" slide.

Ms. Lance commented that we have integrated staff appropriately and that we are plugged in.

Vice Mayor Williams spoke of the importance of staying engaged and referred to long term issues. He further commented on a stakeholder breakfast.

3 – Community Development staff and consultant will provide an update to the city initiated General Plan 2035 Major Amendment. The presentation will focus on the Land Use Element, the foundation piece for this Major General Plan Amendment - NO ACTION

City Planner, Joshua Mike reported on the background.

Mr. Mike turned it over to the Consultant Matthew Klyszeiko with Baker International who provided further description of the revised land use development in the proposed area.

Council Member Hall referred to slide III and inquired about the yellow section.

Mr. Klyszeiko commented that he would cover this after reviewing a couple more slides.

Council Member Hall asked how this will intersect with form based codes then commented that he wants to make sure they mesh.

Mr. Klyszeiko stated yes that they want to make sure that the two elements mesh.

Mayor Wolcott spoke of growing a community and needing function (gas stations, neighborhoods, etc.), she also referred to form and integrating function and form.

Mr. Fitzer explained what they are trying to build it into the general plan.

Council Member Tande inquired about the future White Tanks Freeway, Interstate 11 and referred to the contour lines.

Regular City Council Work Session Minutes – September 15, 2015 – Page 5

Council Member Villanueva asked if we would lose some developers if we require upgrading.

Mr. Fitzer explained that this would add a lot more flexibility.

Due to time constraints, Mayor Wolcott asked staff to bring this back for discussion at another meeting.

Executive Session

Adjournment

Council Member Villanueva made the motion to adjourn the Regular City Council Work Session of September 15, 2015 at 5:58 PM. Council Member Tande seconded the motion. Six yes votes. Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Work Session of **Tuesday, September 15, 2015.**

Sherry Ann Aguilar, City Clerk

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

Tuesday, September 15, 2015 @ 06:16 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:16 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, September 15, 2015**. Also in attendance with Mayor Wolcott were Vice Mayor Williams, Council Member Biundo, Council Member Villanueva, Council Member Hall, and Council Member Tande.

Staff Present: City Manager, Bob Wingenroth, City Attorney, Misty Leslie, and Deputy City Clerk, Linda Stevens.

Pledge of Allegiance

City Manager Report

City Manager Wingenroth reported on Bullard Road.

City Attorney Report

1. City Clerk Report

Deputy City Clerk, Linda Stevens gave an update on 2015 Important Election Dates.

Call to the Public:

Jim Grieshaber: Dysart Unified School, invited Council to the College Expo on Oct 20, 2015.

Regular City Council Meeting Minutes – September 15, 2015 – Page 2

Leo Mankiewicz: spoke of moving the City Attorney under the City Manager. He asked why fix something that's obviously not broke.

Pam Hilinski: spoke of putting the City Attorney under the control of the City Manager.

Ken Wright: spoke of the proposal of putting the City Attorney under the direction of the City Manager.

Ken Wright statement for the Record

William Murr:

Deputy City Clerk, Linda Stevens read the following statement

Consent Agenda

Vice Mayor Williams made the motion to approve the consent agenda. Council Member Biundo seconded the motion. Six yes votes.

2 – Consideration and action authorizing the City Manager to accept the grant funding from the State of Arizona Office of the Attorney General Victims' Rights Program in the amount of \$24,790 for continuation of our Victim Services Program; Resolution 2015-77 - APPROVED

3 – Consideration and action amending FY2016 budget by transferring funds from the grant contingency in the amount of \$551,400 for professional and outside services related to qualifying Community Development Block Grant (CDBG) projects; Resolution #2015-83 - APPROVED

4 – Consideration and action authorizing the City Manager to execute an intergovernmental agreement between participating cities, towns, fire districts, and governmental jurisdictions for automatic assistance for an all hazards response throughout the automatic aid response area; Resolution 2015-87 - APPROVED

5 – Consideration and action authorizing the City Manager to renew an Intergovernmental Agreement between the City of Surprise and the Department of Justice Drug Enforcement Administration for two (2) experienced officers to be assigned to the DEA Task Force for a period of not less than two years; Resolution 2015-86 - APPROVED

6 – Consideration and action on the minutes of September 1, 2015 Regular City Council Work Session and Regular City Council Meeting - APPROVED

CITY CLERK

I will be using the TO and the list of Departments on the web site to make my case for status quo.

See responsibilities of the CM on that page.

See responsibilities of the CA on that page.

~~XXXXXXXXXX~~ The TO serves as the communications conduit.

None of the council members have served with the CA taking direction from the CM. Since they have no experience under that system, how do the CC members have any knowledge a revision will improve anything. The reality is they have listened to a speech about "improvement" and are diving off the cliff through ignorance.

The proposal to relocate the Ca, if successful, will provide future councils (maybe this one) a new toy to play with, called "Staff Chess". To win, majority will move a pawn (a staff member) on the organization playing board. The losers then plan to take out a winner to become a new majority and move a pawn to tie the game. While the CC plays a game fit for pre-schoolers, Surprise residents (at the top of your TO sheet) should be not have to witness the game of raw power for political gain.

This "Move for improvement" is simply an attempt by some members of the CC to accomplish two things.

To enhance their status as they prepare for the next election. Two of the group have never been elected by Surprise voters. Both were appointed by other CC members to vacant positions. The main proponent may, or may not run for mayor. He has that right. Political games that hurt present employees are NOT an asset for any candidate.

The CM is already overloaded, the CA is well qualified and Surprise residents do not need the CC playing "Staff Chess".

Suggestion: Work together on real problems.

Ken Wright

City of Surprise
Comprehensive Org Chart
July 13, 2015



City of Surprise
Residents, Businesses, Volunteers,
Youth, Seniors, Visitors, Parents,
Families, Employers, Entrepreneurs,
Persons with Disabilities, Pioneers,
Artists, Commissioners, Teachers,
.... **EVERYONE**

Mayor Sharon Wolcott
Vice Mayor John Williams
Council Members
Roland F Winters Jr., Jim Biundo, Rachel Villanueva, Skip Hall and Todd Tande

Presiding Judge
Louis Frank Dominguez

City Attorney
Misty Leslie

City Clerk
Sherry Aguilar

Economic Development
Jeanine Jerkovic

Community Development
Eric Fitzer

Water Resource Management
Terry Lowe

Information Technology
Tammie Hollowell

Assistant City Manager
Rick Buss

Community & Recreation Services
Mark Coronado

Finance
Lindsey Duncan

Human Resources
Mark Schott

Internal Auditor
VACANT

City Manager
Bob Wingenroth

Human Service & Community Vitality
(Interim Director)
Brenden Espie

Deputy City Manager
Nicole Lance

Police
Terry Young

Fire/Medical
Tom Abbott

Public Works
Mike Gent

Communications
Diane Arthur

Assistant City Manager
Mike Frazier

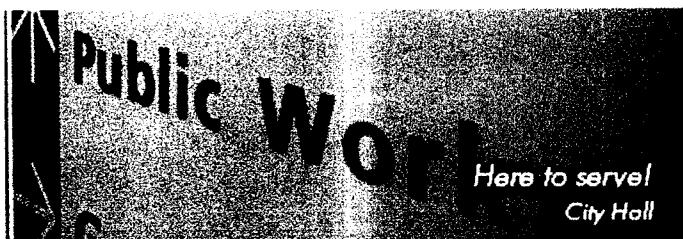
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COUNCILCITY
DEPARTMENTSLIVING IN
SURPRISEBUSINESS IN
SURPRISE

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Surprise City Departments & Divisions

City Contact Directory

[Click here for a list of City Department/Division contacts](#)

City Manager

City Manager

The City Manager is responsible for carrying out the council-created policies, and directing the day-to-day operations of city government.

[Find out more...](#)

Finance

The Finance Department reports and assists in the financial management of the city.

[Find out more...](#)

City Attorney

City Clerk

City Court

City Clerk

The City Clerk, appointed by the Mayor and Council, serves as the official record's custodian of the City's official records, is the city's election coordinator and manages Public Records Requests. [Find out more...](#)

Surprise Fire-Medical

Our Mission is to protect and preserve life and property with the highest level of safety, customer service and pride. [Find out more...](#)

Community Development

Community & Recreation
Services

Economic Development

Finance Department

Government and
Community Partnerships

Surprise Fire-Medical

Human Resources

Human Service &
Community Vitality

IT/GIS

Police Department

Public Works

Water Resource
Management**City Court**

The Court is a separate branch of city government and a part of the statewide court system. [Find out more...](#)

Human Resources

The City of Surprise Human Resources Department prides itself on hiring and retaining the best employees. [Find out more...](#)

City Attorney

The City Attorney's Office consists of two divisions. The Civil Division and the Criminal Division. [Find out more...](#)

Human Service & Community Vitality

The Surprise Human Service and Community Vitality Department houses the Neighborhood Services Division, Senior Services Division and Grants Administration. [Find out more...](#)

Community Development

The Community Development Department oversees the city's development (permit) services, planning reviews, long-range planning, general plan updates and code enforcement. [Find out more...](#)

Government and Community Partnerships

Government and Community Partnerships carefully monitors legislative activity at both the state and federal level and works with partner agencies in support of a strong quality of life for residents. [Find out more...](#)

Community and Recreation Services

Community and Recreation Services includes recreation, adaptive recreation, aquatics,

Marketing & Communications

Marketing & Communications, a division of the City Manager's Office, communicates the goals

Regular City Council Meeting Minutes - September 15, 2015 - Page 6

Surprise Recreation Campus, park maintenance, Regional Library, Spring Training and Surprise Tennis and Racquet Complex. [Find out more...](#)

Economic Development

The Surprise Economic Development team is committed to the constant pursuit of attracting quality jobs and business to Surprise and the Greater Phoenix Area. [Find out more...](#)

Water Resource Management

The Water Resource Management Department includes management of water and wastewater utilities, water-related capital improvement projects, as well as oversight of the Environmental Division focused on regulatory compliance and planning for our water future. [Find out more...](#)

and activities of Surprise city government and assists with media inquiries. [Find out more...](#)

Police

The Surprise Police Department, in partnership with the community, is committed to providing fair and equal treatment, while improving the quality of life through maintaining a safe community. [Find out more...](#)

Public Works

The divisions within Public Works provide efficient, economical sanitation, engineering development and street maintenance services to Surprise. The Transportation Division focuses on growing and maintaining transportation infrastructure built for today and the future. [Find out more...](#)

City of Surprise
Surprise City Hall
16000 N. Civic Center Plaza
Surprise, AZ 85374-9002

Phone: 623.222.1000
Fax: 623.222.1001
[Email US](#)



16000 N. Civic Center Plaza Surprise, AZ 85374 City Hall Hours: Monday - Friday; 8am - 5pm
Phone: 623.222.1000 | TTY: 623.222.1002 | [Phone Directory](#)

Questions or Comments contact the Webmaster@surpriseaz.gov

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REQUEST FOR RECONSIDERATION OF AUGUST VOTE RE. CITY ATTORNEY

THE SURPRISE CITY COUNCIL SHOULD NOT DELEGATE THEIR FIDUCIARY DUTY OWED TO SURPRISE RESIDENTS TO DIRECTLY OVERSEE THE LEGALITY OF CITY OPERATIONS AND DEPARTMENT AGREEMENTS. AS AN ATTORNEY, WITH DIRECT EXPERIENCE IN CORPORATE GOVERNANCE, I WOULD NEVER RECOMMEND THAT A CLIENT TAKE THIS ACTION.

THE CITY OF SURPRISE NEEDS TO FURTHER A CULTURE IN WHICH CONSULTATION WITH THE CITY ATTORNEY IS ACCEPTED AS NORMAL, DESIRABLE, AND EVEN AN INDISPENSABLE PART OF CONDUCTING THE PUBLIC'S BUSINESS. INSERTING AN APPOINTEE EMPLOYEE AS A ROADBLOCK TO COUNCIL AND MAYORAL ACCESS IS A DANGEROUS MOVE.

IT IS CRUCIAL THAT GOVERNMENT OFFICIALS, WHO ARE EXPECTED TO UPHOLD AND EXECUTE THE LAW, AND WHO MAY FACE CRIMINAL PROSECUTION FOR FAILING TO DO SO, BE ENCOURAGED TO SEEK OUT AND DIRECTLY RECEIVE FULLY INFORMED LEGAL ADVICE. THE COUNCIL AND MAYOR ESTABLISH POLICIES, AND THE CITY ATTORNEY MAKES SURE THOSE POLICIES ARE LEGAL AND ARE CARRIED OUT LEGALLY. HAVING THE CITY ATTORNEY REPORT TO AN EQUAL, THE CITY MANAGER, IS A BAD IDEA WITHOUT ANY COMPELLING REASON BEING ADVANCED AS TO WHY THIS WAS EVEN CONSIDERED.

THE CITY ATTORNEY'S CLIENT IS THE CITY - i.e. THE RESIDENTS OF SURPRISE, THROUGH THEIR ELECTED REPRESENTATIVES, THE COUNCIL AND MAYOR. THOSE PERSONS HAVE A FIDUCIARY DUTY TO ENGAGE WITH AND LISTEN DIRECTLY TO THE CITY ATTORNEY REGARDING ANY CITY RELATED LEGAL ISSUE THE CITY ATTORNEY IDENTIFIES.

AMONG THE MANY PROBLEMS THAT MAY RESULT, THE COUNCIL HAS SET UP A POTENTIAL CONFLICT FOR THE CITY ATTORNEY. THE CITY ATTORNEY HAS AN ETHICAL RESPONSIBILITY TO ADVISE THE CITY COUNCIL AND MAYOR OF ANY

QUESTIONABLE PRACTICES AND AGREEMENTS OCCURRING ANYWHERE WITHIN THE CITY GOVERNMENT.

IF A CITY MANAGER WANTS A PARTICULAR OUTCOME FROM A DEPARTMENT HEAD, THE LEGALITY OF THAT OUTCOME MUST BE REVIEWED BY THE CITY ATTORNEY. IF THE CITY ATTORNEY DOES NOT FEEL AT LIBERTY TO GIVE DIRECT COUNSEL TO THE MAYOR AND CITY COUNCIL, THE CITY COUNCIL AND MAYOR MAY BE PLACED IN A POSITION OF APPROVING POORLY DRAFTED OR EVEN AN ILLEGAL ARRANGEMENT WITH AN OUTSIDE ENTITY. PLUS , THERE ARE OPEN MEETING LAW QUESTIONS RE THIS ACTION .

A CITY ATTORNEY IS CHARGED WITH THE RESPONSIBILITY TO INDEPENDENTLY REVIEW THE LEGALITY OF ALL PROPOSALS - FROM ALL DEPARTMENTS UNDER THE CITY MANAGER. NO RATIONAL PERSON COULD EXPECT THE CITY ATTORNEY NOT TO FEEL PRESSURED BY A SUPERVISOR (CITY MANAGER) AND FOR EXAMPLE - TO GO EASY ON A DEAL FOR A DEVELOPMENT THAT A DEPARTMENT HEAD WANTS. THE CITY ATTORNEY CAN ONLY BE EXPECTED TO BE ABLE TO STAND UP TO THAT PRESSURE IF THE PERSON IS INDEPENDENT AND REPORTS ONLY TO THE CITY COUNCIL AND MAYOR.

THE PROPOSED CHANGE PLACES THE CITY ATTORNEY IN A SITUATION WITH POSSIBLY CONFLICTING OBJECTIVES (THE NEW IMMEDIATE SUPERVISOR - A CITY MANAGER - AND THE MAYOR AND CITY COUNCIL). THE RESULTING ETHICAL CONFLICT COULD LEAD TO ONE OR MORE CITY ATTORNEY RESIGNATIONS. AS A RESULT, THERE WOULD BE A DEGRADATION OF THE LEGAL OVERSIGHT OF CITY BUSINESS AND DEALINGS, ALL TO THE DETRIMENT OF SURPRISE RESIDENTS.

FOR THIS, AND NUMEROUS OTHER LEGAL REASONS, PLEASE RECONSIDER - REVOTE - AND REJECT THIS ILL ADVISED STEP BACKWARD IN SURPRISE CITY GOVERNANCE.

YOURS TRULY,

WILLIAM MURR, ESQ.

Regular Agenda Item - Non-Public Hearing

7 – Presentation and discussion regarding the FY2015 Financial Status Report - NO ACTION

Finance Director, Lindsey Duncan gave the FY2015 Financial Status report.

Mayor Wolcott thanked Ms. Duncan for a very understandable report, she commended Mr. Wingenroth and staff. She spoke of the task force; the pedestrian crossing and setting funds aside.

Council Member Hall inquired about the stadium seating replacements.

Council Member Villanueva commented on a park for the south part of the OTS.

Council Member Tande commented that he appreciates that the estimates are conservative.

Other Business

Mayor Wolcott: referred to plat approvals and requested a work session regarding the new streamlined process.

Mayor/Council Reports:

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

Council Member Tande: visited New York City, attended the 9-11 Memorial.

Council Member Hall: impressed with Arts Commission Meeting and commended Nicole

Vice Mayor Williams: thanked Jodi Tas for keeping him on task; Desert Streams; Constitution Day; Marley Park is 10 years old and Anthony Bates (annual screening).

Mayor Wolcott: Arts Meeting, thanked Nicole Lance; Hispanic Heritage Art Show and metal art.

Council Member Hall made the motion to recess into executive session at 7:12 PM. Vice Mayor Williams seconded the motion. Six yes votes.

Executive Session

7 – Discussions and consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property; and to receive legal advice regarding the same, pursuant to 38-431.03(A)(3) & (7).

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Meeting of September 15, 2015 at 9:24 PM. Vice Mayor Williams seconded the motion. Four yes votes. Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, September 15, 2015.**

Sherry Ann Aguilar, City Clerk

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

Tuesday, September 22, 2015 @ 04:05 PM

Call to Order

Roll Call

Mayor Wolcott called the **Special City Council Work Session** to order at 04:05 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, September 22, 2015**. Also in attendance with Mayor Wolcott were Vice Mayor Williams, Council Member Biundo, Council Member Villanueva, Council Member Hall, and Council Member Tande.

Staff City Manager, Bob Wingenroth, City Attorney, Misty Leslie, and City Clerk,
Present: Sherry Ann Aguilar.

Pledge of Allegiance

Call to the Public:

Mayor read aloud the statement for call to the public.

Ken Wright - commented on the 2 million dollars given to the Boys and Girls Club; asked for a report in a public meeting. He referred to a newspaper article, a study; unrestrained construction and legislative agenda.

Regular Agenda Item - Non-Public Hearing

1 – Presentation and discussion of a sign code policy - NO ACTION

ACM, Rick Buss opened up the discussion regarding a Sign Code Policy. Mr. Buss commented how important it is for a growing City to have a solid policy in place for current and future growth.

Special City Council Work Session Minutes – September 22, 2015 – Page 2

Community Development Director, Eric Fitzer continued the powerpoint presentation and focused on the sign text amendment. Topics included sign haze; temporary signs; banners and tear drops; where the signs are affixed to the buildings, sign walkers; window signage and how will we regulate; crime prevention through environmental designs; wall signs, placement area, materials and illuminations need to be considered.

On site monument signage - Current City Code does not allow for electronic messaging.

Council Member Hall: The residents need to feel a sense of place with the signage. I am glad you are looking at this.

Mayor Wolcott: Yes we need to make sure the signage matches the development or business so we need to look at this. It is more than just the form; we need to look at the neighborhood and surroundings. I personally really like signs that relate to the heritage of our City.

Council Member Hall: Fry's shopping center at Cotton Lane and Greenway, there were 10 tent signs, maybe we should look at a monument sign that could contain all of the businesses on it.

Mr. Fitzer: our current code only allows for 8 or 10 names on monument signs.

Council Member Biundo: What best fits the character for Surprise? Looking at the examples of signs, we need to find out what fits the best character for our City, tasteful, conservative and historic. This is what we need to decide.

Mayor Wolcott: brought up the issue of panels for the monument signs and who decides on what businesses will be included.

Mr. Fitzer commented that there are 6 panels on both sides.

Council Member Villanueva: are going to look at the City entrance signs?

Staff is looking at different concepts and will bring forward to Council for review.

Council Member Biundo: Fixed awnings and balloons and inflatables, will these be addressed.

Mr. Fitzer went on to next topic - Freeway Monument Signs - Do you want electronic signage along the 303 and if so, what do you want to see?

Special City Council Work Session Minutes – September 22, 2015 – Page 3

Electronic messaging - We have the ability to link messaging up with monument signs. There are issues dealing with day and night views.

Council Member Villanueva: will tenants that already have the electronic signs have to replace them?

Mr. Fitzer: No, they would not; it would pertain to all future signs and replacement signs.

Billboards - Do we allow electronic messaging?

Illumination - Back-lit Halo effects - Should we allow these? Currently this is done through the PAD process.

Flags and flagpoles - Currently treated as signs, do we limit the amount of flags to be flown?

What is the Comprehensive Sign Program? What is it? Is it too restrictive?

Signage for construction - Where are we going to provide these signs, do we create a sign overlay district?

Council Member Hall: Going back to the type of street, maybe the type of street drives the temporary signage. Minor arterial, maybe this is where we allow temporary signs.

Council Member Hall: The window signs on fast food are so important but I think they overdo it. If the business were being robbed, the Police couldn't tell.

Council Member Biundo: The Auto Mall is a prime example, that the developer is very strict.

Mayor Wolcott: If the individual developer wanted to be more restrictive, then they should have that option.

Council Member Villanueva: I am concerned about the businesses on Bell Road when construction starts, we need to make a decision on what we are going to do ahead of time. We can't afford to lose any of these businesses.

Council Member Tande: People like variety, quality, reaching out to sign industries; engaging stakeholders and businesses, they may have some thoughts on outreach for signage. LED lighting, good quality benefits; like the idea of sign character bases, how do we transition? Sun City Grand does regulate the real estate industry, restricted to smaller size signs. It should make sense for the community.

Special City Council Work Session Minutes – September 22, 2015 – Page 4

Vice Mayor Williams: I like the idea of packaging for special circumstances to get the word out on the construction. I am glad we are going through the stakeholder's process. I like being known as a clean community, but we need to consider the business communities. I am glad we are having these conversations.

Mayor Wolcott: Discussing monuments throughout the City, while it is a separate issue, it isn't. We are setting the tone, what the City does matters and I want to make sure we are consistent. I have seen some very beautiful LED Signs that are tasteful, but we need to be sensitive to light pollution as well. I look forward to the feedback from the members of the community.

Council Member Tande: Reach out to the regional directors of local stores; I am sure they will want to weigh in on this subject.

Public Comments:

Nate Brill - Address the fact that the Real Estate Community is a business. Major intersections are the life blood for our businesses. I know my numbers are up from signage. We are a transient business, we move from one place to the next. People won't know where we are so we have to have signs. The human connection is lost and people crave it more than ever. The best way for us to do this is with Open Houses. I speak very highly of Surprise, I love this City and I have sold a number of homes here.

Leo Mankewicz - It is wonderful to hear everyone talk about Surprise. I love this discussion because this is where you incubate your Formed Base Code. This is a good time to think about this. The intersection at Bell & Grand and the overpass that is going in there, this is a great way to spotlight this corner. Dig into your pockets to add that art project, people will come just to see the art. If you allow electronic images you will find ways to regulate this. I like some of the existing monument signs throughout the City and the exception is the Winco Sign. It works looking off of the 303, but on Bell Road, it breaks up the view. Glendale has proposed a scenic corridor on the 101. Window signage, it has gotten out of hand and can use a public safety issue to regulate.

Mr. Buss: a Stakeholder Engagement sessions coming up. We will have Robert Kuhfuss as our contact person for the public.

Robert Kuhfuss: Once the language is in the draft format, then we can let the Stakeholders know and allow them to react to it.

Council Member Hall: What about input on our website?

Special City Council Work Session Minutes – September 22, 2015 – Page 5

Mayor Wolcott: asked that the calendar chart be placed on our website, we want and value the public's feedback. This is all about our stakeholders and this is their lifeline.

Mr. Fitzer: This is our tentative timeline but we can make adjustments if needed, we want to be open and transparent.

Executive Session

Adjournment

Council Member Villanueva made the motion to adjourn the Special City Council Work Session of September 22, 2015 at 5:37 PM. Council Member Hall seconded the motion. Six yes votes. Motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Special City Council Work Session of **Tuesday, September 22, 2015.**

Sherry Ann Aguilar, City Clerk



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 6, 2015	Contact Person:	Mike Gent Public Works Director
Submitting Department:	Public Works	District:	Internal
Staff Recommendations:	Approve		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action amending the Vehicle Replacement Fund budget by \$1,000,000 increasing the Public Works Departments ability to replace City vehicles and equipment that have been delayed; Resolution 2015-95.

Motion:

I move to approve Resolution 2015-95.

Background:

The Vehicle Replacement Fund maintains approximately 462 General Fund and HURF assets valued at approximately \$26.6M. Contributions to the replacement fund were discontinued in FY2010. The fund balance decreased from a balance of \$7.3M to \$2.9M in FY2014. Due to the decline of ongoing contributions, replacements have been pushed beyond original life cycles. In some cases this practice causes an increase in maintenance cost.

Objective Analysis:

This funding will support the replacement of 30 additional assets, 14 of which are for the Police Department, 11 for the Community and Recreation Services Department, and 5 for the Public Works Department.

Policy Compliant:

This action item is consistent with City and Council policy. All vehicles and equipment being replaced are at the end of their useful life cycle and meet the criteria for replacement as described within the vehicle replacement policies. City Administrative Policies require the approval of the Mayor and Council for budget amendments of this nature as part of the FY2016 budget which was adopted by Council Resolution #2015-53 on June 2, 2015.

Financial Impact:

Approval of this resolution will result in the expenditure of \$1,000,000 for the purposes of vehicle and equipment replacement. This expenditure is considered one time because of the source is fund balance.

Vehicle and equipment replacement budgets are reviewed each fiscal year.

Budget Impact:

As a part of finalizing FY2015, an additional \$4.4 million of fund balance within the General Fund was identified. This action will allocate a \$1.0 million of this savings for additional vehicle and equipment replacement. As this additional fund balance was unforeseen during the FY2016 budget process, budget authority will be reallocated from contingency in the Grants fund normally reserved for unforeseen revenues such as this. The action will also result in an actual transfer of funds from the General Fund to the Vehicle Replacement fund in the amount of \$1.0 million. Future year vehicle and replacement funding will be evaluated during the budget process and a recommendation will be made accordingly.

FTE Impact:

This action will not have an impact on FTE.

ATTACHMENTS:

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☐ [Resolution 2015-95](#)

RESOLUTION # 2015-95

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2016 BUDGET BY REALLOCATING APPROPRIATIONS OF \$1,000,000 (FROM CONTINGENCY IN THE GRANTS FUND TO THE VEHICLE REPLACEMENT FUND) AND A TRANSFER OF ACTUAL FUNDS OF \$1,000,000 (FROM THE GENERAL FUND TO THE VEHICLE REPLACEMENT FUND) TO FUND THE REPLACEMENT OF VEHICLES AND EQUIPMENT.

WHEREAS, the general fund ending fund balance for FY2015 is higher than estimated;

WHEREAS, the City wishes to provide additional funding for vehicle and equipment replacement;

WHEREAS, the FY2016 budget was adopted by Council Resolution #2015-53 on June 2, 2015;

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's Chief Financial Officer is authorized to make the fund source budget adjustments described and estimated in Exhibit A.

Section 2. That the statements and schedules attached as Exhibit A and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2015 through June 30, 2016.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION # 2015-95
Exhibit A

The FY2016 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

Fund, Department, Project or Account	Current Appropriation	Increase (Decrease)	Amended Appropriation
Expenses:			
Vehicle Replacement Fund, General Operations, Vehicles	\$3,184,000	\$ 883,000	\$4,067,000
Vehicle Replacement Fund, General Operations, Mach & Equipment	\$ 329,000	\$ 117,000	\$ 446,000
Grants Fund, General Operations, Contingency	\$7,730,700	(\$1,000,000)	\$6,730,700
	<u>\$11,243,700</u>	<u>-</u>	<u>\$11,243,700</u>

These allocations represent an actual transfer of funds from the general fund to the vehicle replacement fund.

Fund, Department, Account	Current Transfer Amount	Increase (Decrease)	Amended Transfer Amount
General Fund, General Operations, Transfer Out	\$7,047,000	\$1,000,000	\$8,047,000
Vehicle Replacement Fund, General Operations, Transfer In	(\$910,400)	(\$1,000,000)	(\$1,910,400)
	<u>\$6,136,600</u>	<u>-</u>	<u>\$6,136,600</u>

The fund changes are as follows:

- The amendment reallocates appropriations of \$1,000,000 from the grants fund, contingency account to the vehicle replacement fund without exceeding the approved total annual budget for FY2016.
- The amendment also reallocates actual funds of \$1,000,000 from the general fund to the vehicle replacement fund.



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 6, 2015	Contact Person:	Terry Lowe Water Resource Management Director
Submitting Department:	Water Resource	District:	Citywide
Staff Recommendations:	Approve		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action amending the Water Resource Management Departments capital projects budget; Resolution 2015-93.

Motion:

I move to approve Resolution 2015-93.

Background:

The City's Water Resource Management director and the City's project management staff have met and revised the scopes of work and the expected expenditures related to the capital projects. Based on the revised scopes and expected expenditures the attached resolution reflects the necessary budget adjustments to the various projects.

Objective Analysis:

The amendment utilizes three (3) Water fund capital project in the amount of \$1,245,000 for reallocation to two (2) Water fund capital projects. One project (21110) site and security is moving money to another site and security project (21516) the block wall at the south plant associated with the Rancho Gabriela well site. The other two projects (21604 and 21605) have identified savings associated with projects being re-scoped to allow funding for a water operations lab to the training center (21608).

The amendment utilizes one (1) Wastewater fund capital asset replacement project (28031) in the amount of \$100,000 for reallocation to one (1) wastewater fund stand alone asset replacement capital project for the Sluice gates (21411).

The amendment also utilizes identified savings associated with re-scoping in four (4) Wastewater fund capital projects to two (2) Wastewater fund capital projects in the amount of \$1,050,900. One project (21110) site and security is moving, and a reduced project scope associated with the Bell Road booster pump station (21410) will be added to site and security project (21516) North Entry gate and block wall at SPA1. The last two projects to be re-scoped are both associated with sewer lines on site at SPA1 with

projects (21522) sewer line installations, and (21519) sewer hydraulic line rehabilitation their savings being moved to SPA1 WRF training center those project are 21608.

These reallocations do not increase or decrease Water and Wastewater total capital budget.

Policy Compliant:

This action item is consistent with City and Council policy, City Administrative Policies requires the approval of the Mayor and Council for budget amendments of this nature as part of the FY2016 budget which was adopted by Council Resolution #2015-53 on June 2, 2015.

Financial Impact:

The FY2016 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority.

Additionally, these reallocations do not increase or decrease Water and Wastewater total budgets.

Budget Impact:

All projects were approved as part of the FY2016 City adopted budget. This amendment will reallocate budget authority within the Water and Wastewater funds to increase the budget for three projects and reduce the budget of seven projects. These reallocations do not increase or decrease the total capital budgets of the Water and Wastewater funds.

The Special Planning Area 1 (SPA1) Water Reclamation Facility (WRF) Sluice Gate Repairs project will increase by \$100,000 to \$425,000 within the Wastewater fund. The SPA1 WRF North Entrance Gate will increase by \$1,021,000 to \$2,171,000 within the Water and Wastewater funds. The SPA1 WRF Conference and Training Center budget will increase by \$1,274,900 to \$3,924,900 within the Water and Wastewater funds. The other seven projects will collectively be reduced by \$1,245,000 in the Water Fund and \$1,150,900 in the Wastewater Fund.

FTE Impact:

This item does not change the full time equivalent count.

ATTACHMENTS:

Click to download

☐ [Resolution 2015-93](#)

RESOLUTION # 2015-93

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2016 BUDGET BY REALLOCATING APPROPRIATIONS OF \$2,395,900 FROM SEVEN (7) (21110, 21604, 21605, 21522, 21519, 21410, AND 28031) WATER AND WASTEWATER PROJECTS TO THREE (3) (21516, 21608, AND 21411) WATER AND WASTEWATER PROJECTS. BASED ON REVISED SCOPES OF WORK AND EXPECTED EXPENDITURES RELATED TO THE REVISED PROJECTS.

WHEREAS, the City's Water Resource Management director and the City's project management staff have met and revised the scopes of work and the expected expenditures related to the capital projects;

WHEREAS, the seven projects being reduced and the three projects being increase have a net zero impact to the City's adopted budget for FY2016;

WHEREAS, the FY2016 budget was adopted by Council Resolution #2015-53 on June 2, 2015;

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. All projects were approved as part of the FY2016 City adopted budget. The project list is: 21516 SPA1 WRF N. Entrance Gate; 21608 SPA1 WRF Conference and Training Center; 21411 Sluice Gates; 21110 Site and Security Improvements; 21522 Line Installation at SPA1 WRF; 21519 SAP1 Influent Line Rehabilitation; 21604 Combine Water Distribution System; 21605 Water Line Civic Center/Tierra Buena; 21410 Booster Station Bell Road Lake; 28031 Asset replacements Wastewater.

Section 2. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2015 through June 30, 2016

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION # 2015-93
Exhibit A

The FY2016 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease Water and Wastewater total budget.

Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
WATER Site and Security (21110)	\$770,000	(\$570,000)	\$200,000
WATER Combined Distribution System (21604)	625,000	(525,000)	100,000
WATER Water Line Civic Center/Tierra Buena (21605)	150,000	(150,000)	-
WATER North Entrance Gate and Wall (21516)	-	570,000	570,000.00
WATER Training Center (21608)	0	675,000	675,000
TOTALS	\$1,545,000	\$0	\$1,545,000

Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
WASTEWATER Site and Security (21110)	\$151,000	(151,000)	\$0
WASTEWATER Line Installations SPA1 (21522)	400,000	(200,000)	200,000
WASTEWATER Influent Line Rehabilitation (21519)	700,000	(399,900)	300,100
WASTEWATER Booster Station Bell Road (21410)	300,000	(300,000)	-
WASTEWATER Asset Replacements (28031)	508,800	(100,000)	408,800
WASTEWATER Sluice Gates (21411)	325,000	100,000	425,000
WASTEWATER North Entrance Gate and Wall (21516)	1,150,000	451,000	1,601,000
WASTEWATER Training Center (21608)	2,550,000	599,900	3,149,900
	\$6,084,800	\$0	\$6,084,800

The fund changes are as follows:

- The amendment utilizes three (3) Water fund capital project in the amount of \$1,245,000 and five (5) Wastewater fund capital projects in the amount of \$1,150,900 for reallocation to two (2) Water fund capital projects and three (3) Wastewater fund capital projects without exceeding the approved total annual budget for FY2016.



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 6, 2015	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	3
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on a Final Plat entitled "Sycamore Farms Parcel 12, Phase 1," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-101.

Motion:

I move to approve Resolution 2015-101.

Background:

This final plat is the second of two items related to the subdivision of property known as Sycamore Farms Parcel 12, Phase 2. The first item is a preliminary plat of the same name. The property is a 13.33-acre vacant parcel located between SR303 and North 165th Drive approximately 1,200 feet south of Cactus Road. The parcel was previously platted in 2013/2014, however the plat expired. Approval of this item will result in the subdivision of the property into 78 medium density single-family residential lots for a density of 5.85 dwelling units per acre. This item was heard by the Planning and Zoning Commission on September 17, 2015 with a recommendation for approval with stipulations. The stipulations are included in the Resolution. Additional information can be found in the attached staff report.

Objective Analysis:

Not applicable at this time.

Policy Compliant:

City Code requires that property be subdivided using a two-step process; a preliminary plat that requires a public hearing, and a final plat. The subdivision of this property is combining this two-step process into one agenda, though separate items, to facilitate faster processing time for the applicant. All other code requirements are satisfied.

Financial Impact:

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

the city and the region.

Budget Impact:

There are no anticipated budget impacts related to this item.

FTE Impact:

This action will not have any impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Final Plat - Staff Report](#)
 - ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Final Plat - Vicinity Maps](#)
 - ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Final Plat](#)
 - ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Landscape Plans](#)
 - ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Auto Court](#)
 - ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Presentation](#)
 - ☐ [Resolution 2015-101](#)
-

PRELIMINARY AND FINAL PLATS

REPORT TO THE MAYOR AND CITY COUNCIL

Case: FS15-191

Project Name: Sycamore Farms Parcel 12, Phase 1

Council District: 3 - Mesquite

Meeting Date: October 6, 2015

Planner: Hobart Wingard, Planner II, 623.222.3156

Owner: KB Homes Inc.

Applicant: EPS Group Inc.

Request: Preliminary and Final Plats for a 78 lot, medium density single-family subdivision in the Sycamore Farms Planned Area Development (PAD)

Site Location: Generally south of Cactus Road between North 165th Drive and SR303

Site Size: 13.33 acres

Density: 5.85 DU/Ac

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

Support/Opposition: No communications of support or opposition received

Project Description:

Sycamore Farms Parcel 12 North is approximately 21.24 acres of medium density residential land within the Sycamore Farms PAD. The medium density residential designation within the PAD has a target density of 8 dwelling units per acre. A previous site plan for this parcel contained 171 units with a density of 9.09 dwelling units per acre. These preliminary and final plats, Phase 1, propose 78 units with a density of 5.85 dwelling units per acre. This and the second phase of this project will combine to provide 148 dwelling units with a density of 6.97 dwelling units per acre overall.

PARCEL 12 NORTH	PHASE 1	PHASE 2	TOTALS
UNITS	78	70	148
AREA	13.33 Acres	7.91 Acres	21.24 Acres
DENSITY	5.85 DU/Ac	8.85 DU/Ac	6.97 DU/Ac
OPEN SPACE	3.53 Acres	0.42 Acres	3.95 Acres

The type of housing proposed is auto court layout. This type of housing provides a higher density by providing common driveways for clusters of 4, 6, or 8 dwelling units. The individual units will have back and side yards that utilize use and benefit easements to maximize the usable space in the yard areas. Use and benefit easement is a grant to an adjacent lot for ingress/egress for the purpose of repair, maintenance, drainage, and improvement of any of the lots that are contiguous to the easement area. No structure and/or other permanent improvement of any nature shall be placed, maintained, or permitted to remain on or within the easement area.

Students from this development will be within the Dysart School Districts. Discussions with the district and the developer have resulted in a central bus stop to transport students while providing an efficient way of collecting students for transportation to school.

Surrounding Land Zoning:

ADJACENCY	ZONING DISTRICT	PAD LAND USE
North	PAD	Commercial
East	PAD	Low Density Residential
South	PAD	Medium Density Residential
West	PAD	Medium Density Residential

Background:

July 22, 2004: The subject project area was annexed into the City of Surprise.

July 22, 2004: The Mayor and City Council approved the Sycamore Farms PAD.

November 1, 2005: The Planning and Zoning Commission approved a site plan for a medium density project for the same location, which has since expired.

July 31, 2013: An amendment to the PAD was administratively approved by the Community Development Director to adjust setbacks for medium density parcels.

September 24, 2013: The Mayor and City Council approved a preliminary plat for the subject project, which has since expired.

April 15, 2014: The Mayor and City Council approved a final plat for the subject project, which has since expired.

May 8, 2015: The applicant filed dual requests for preliminary and final plats for Phases 1 and 2 of Parcel 12 North.

September 17, 2015: The Planning and Zoning Commission recommended approval for a preliminary plat for Phase 1 of Parcel 12 North. There was concern and discussion regarding the density, product, and fire access. All concerns were addressed by staff.

Analysis and Discussion:

The proposed project does meet the density and development standards of the Sycamore Farms PAD with the exception of certain items regarding the landscape plan. Stipulation 'a' provides requirements that, when resubmitted, will meet all applicable criteria.

Development Standards Table:

DEVELOPMENT STANDARDS FOR SYCAMORE FARMS MEDIUM DENSITY RESIDENTIAL	
Minimum Lot Area:	2,500 Square Feet
Minimum Lot Width:	30 Feet
Minimum Lot Depth:	39 Feet
Minimum Front Setback (Auto Court):	13 Feet
Minimum Front Setback (Livable):	5 Feet
Minimum Side Yard Setback:	4 Feet
Minimum Street Adjacent Setback:	10 Feet
Minimum Rear Yard Setback:	5 Feet
Maximum Building Height:	36 Feet
Maximum Lot Coverage:	As Per Setbacks

Utility and Services Table:

Electric:	APS
Water:	EPCOR Water
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Schools:	Dysart

Reviewing Agencies: In addition to the standard internal city reviewing divisions, EPCOR Water, the Arizona Department of Transportation, Maricopa Water District, Luke AFB, USPS, Dysart School District, APS, Cox Communications, and Century Link were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

Summary:

These preliminary and final plats for Sycamore Farms Parcel 12, Phase 1 propose 78 medium density lots with a density of 5.85 dwelling units per acre. Overall density of Parcel 12 North will be 6.97 dwelling units per acre on 148 lots with 3.95 acres (18.60 percent) of open space provided.

95
96 **Findings:**
97

- 98 • The proposed Preliminary and Final Plats are consistent with the Surprise General Plan
99 2035.
100 • The proposed Preliminary and Final Plats are consistent with the Surprise Municipal Code.
101 • The proposed Preliminary and Final Plats are consistent with the Sycamore Farms PAD.
102

103 **Recommendation:**
104

105 Based on the findings noted above, should the Council first move to recommend approval of the
106 Sycamore Farms Parcel 12, Phase 1 preliminary and final plats, staff then recommends the Council
107 **approve** case **FS15-191**, subject to stipulation 'a' as outlined below:
108

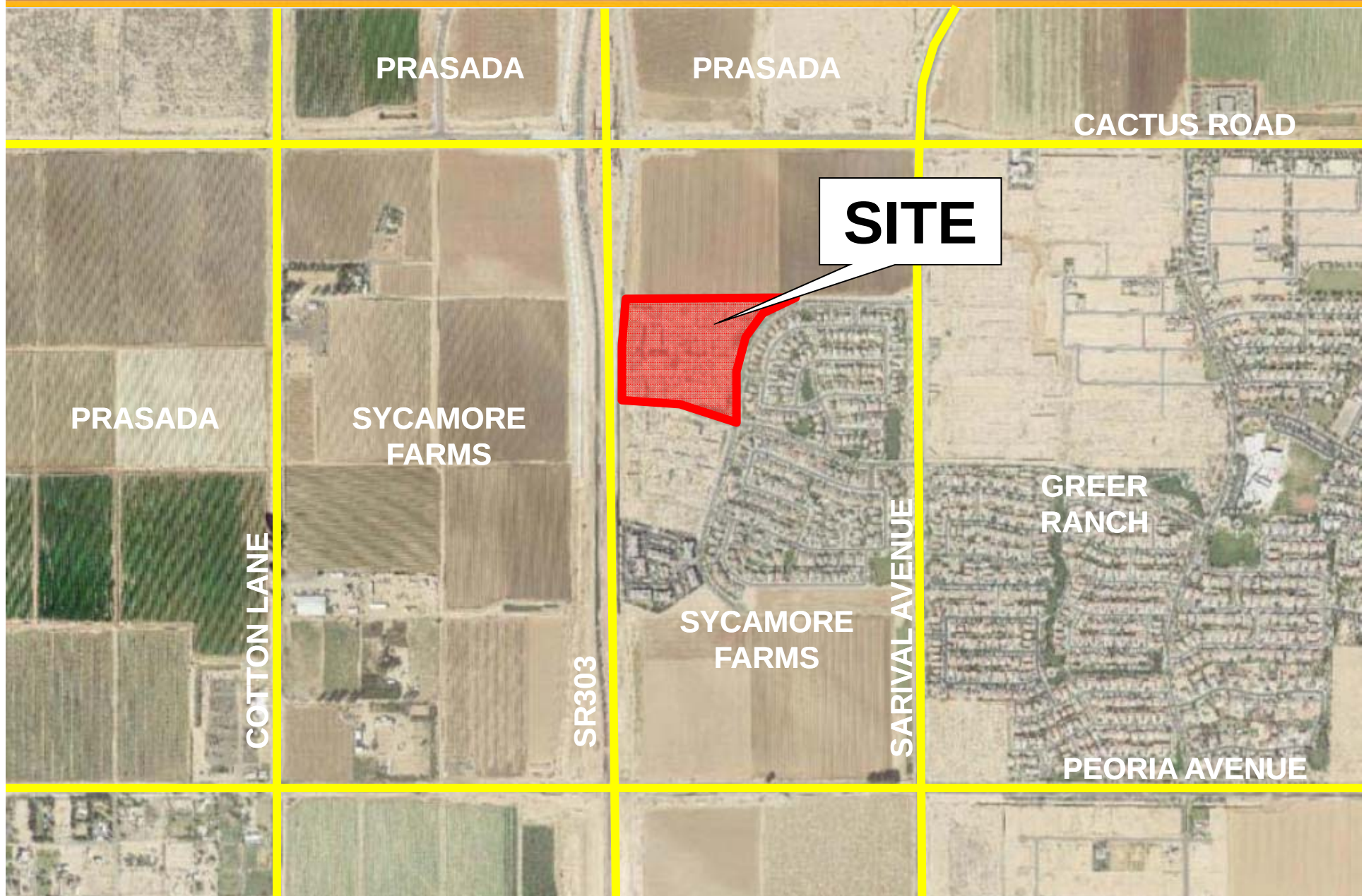
- 109 a. The Landscape Plan prepared by Andersonbaron dated June 30, 2015 will be revised and
110 submitted for review to include the following modifications:
111 1. Sheet LA2.2, Note 11 will include a note that indicates the design of the pool
112 building will follow the administrative amended site plan process.
113 2. Sheets LA3.0 through LA3.4 will provide 24 inch box trees every 50 linear feet of
114 collector streets.
115 3. Trees provided in the rights-of-ways will be a species listed in Chapter eight (8) of
116 the Engineering Development Standards.
117 4. The wall and sign design illustrated on Sheets LA6.1 and LA6.2 will be reflective of
118 the design provided in the Planned Area Development (PAD) document and the
119 adjacent single family residential neighborhood. The wall will incorporate single-
120 scored smooth face block with repeating cultured stone veneer columns.
121 5. Sheet LA7.1 will include a note that requires deep root barriers for trees within ten
122 (10) feet of curbs sidewalks, or pavement.

123 However, should the Council wish to deny the request, the Council should make its own findings
124 and base its decision on those alternative findings.
125

126 **Attachments:**
127

128 Vicinity Maps (3 pages)
129 Preliminary Plat (11 x 17 reductions, 3 sheets)
130 Final Plat (11 x 17 reductions, 3 sheets)
131 Landscape Plans (11 x 17 reductions, 12 sheets)
132 Auto Court Exhibit (1 page)

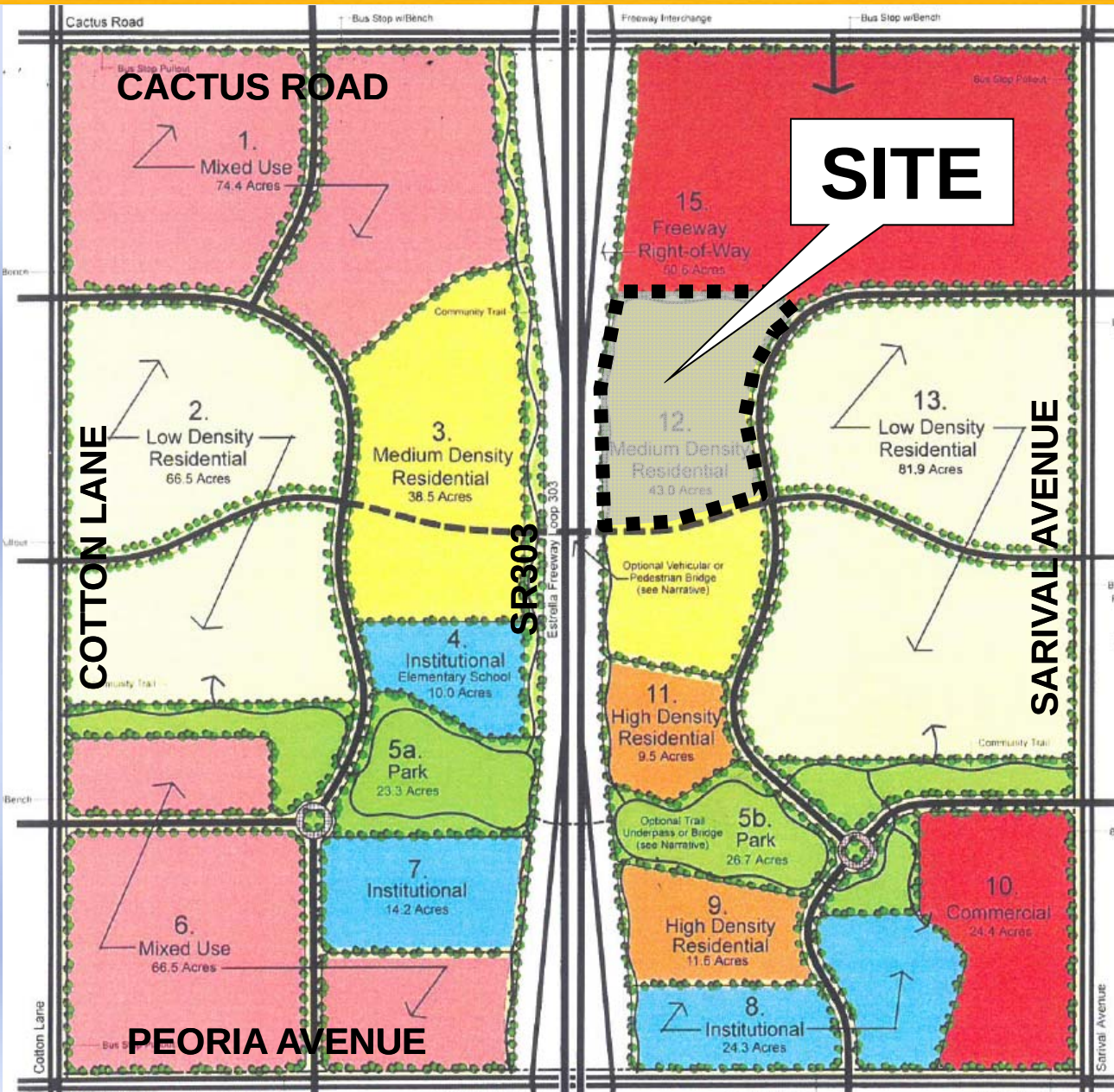
VICINITY MAP



VICINITY MAP

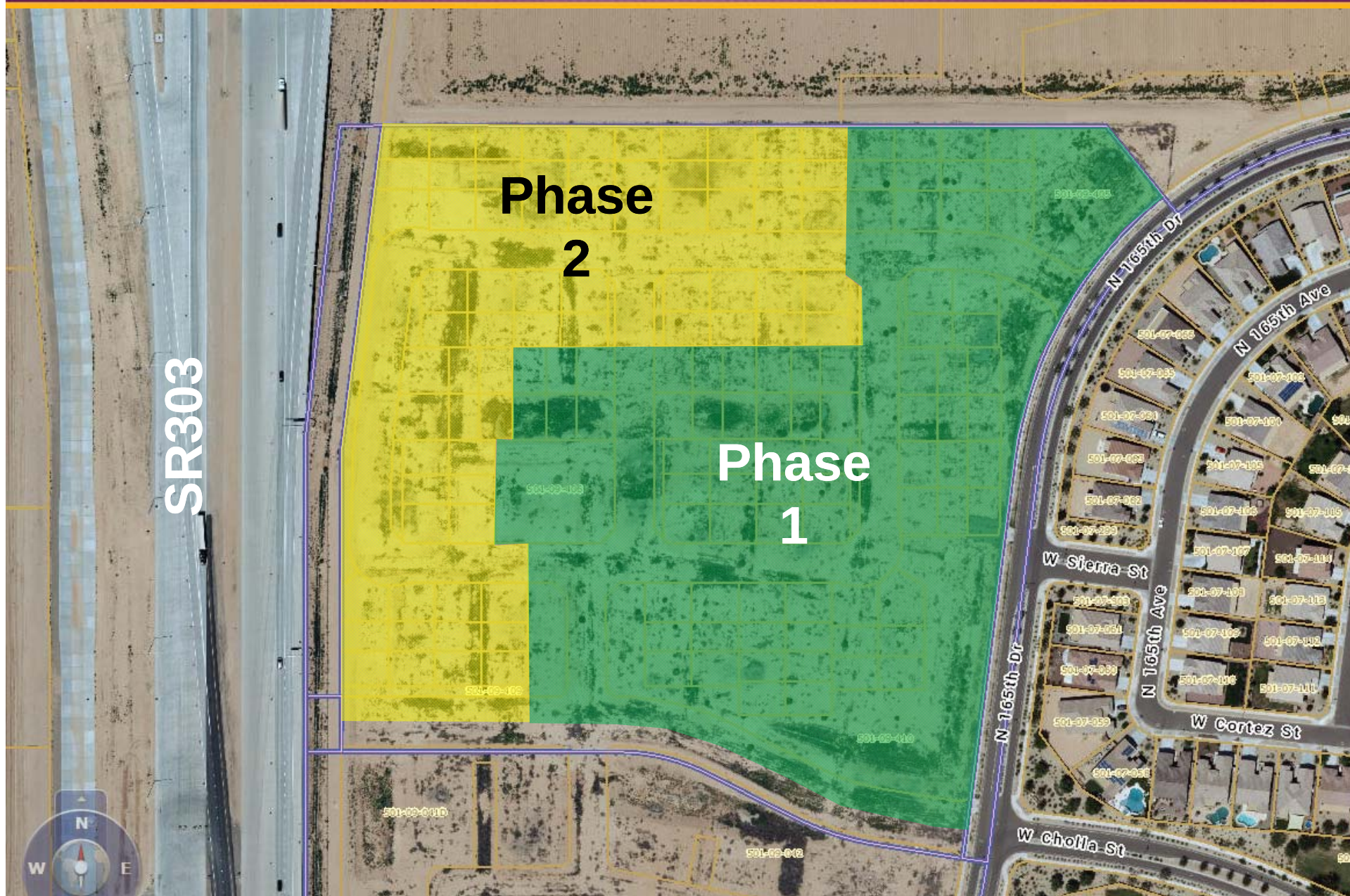


PRASADA



GREER RANCH

VICINITY MAP



DEDICATION

STATE OF ARIZONA
SS
COUNTY OF MARICOPA

KNOW ALL PERSONS BY THESE PRESENTS: THAT KB HOME PHOENIX INC., AN ARIZONA CORPORATION, ("OWNER"), HAS SUBDIVIDED UNDER THE NAME SYCAMORE FARMS, PARCEL 12, PHASE 1, A REPLAT OF A PORTION OF SYCAMORE FARMS ACCORDING TO BOOK 1183, PAGE 24, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT AS AND FOR THE PLAT OF SYCAMORE FARMS PHASE 1 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 NON--EXCLUSIVE EASEMENT OVER, UPON AND ACROSS ALL MOTOR COURT EASEMENTS AS SHOWN ON THE PLAT FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING AND UTILIZING THE WATER AND SEWER LINES, MANHOLES, FIRE HYDRANTS AND WATER METERS.

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

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

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

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF EACH LOT CREATED BY THIS PLAT THAT IS BENEFITED BY A MOTOR COURT EASEMENT AN EASEMENT OVER, UPON AND ACROSS SUCH MOTOR COURT EASEMENT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS TO SUCH ULTIMATE OWNER'S LOT.

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF EACH LOT CREATED BY THIS PLAT AN EASEMENT OF USE AND ENJOYMENT IN AND TO THE TRACTS CREATED BY THIS PLAT FOR THE PURPOSES SET FORTH HEREIN.

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.

KB HOME PHOENIX INC., AN ARIZONA CORPORATION ("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 SHALL NOT ERECT OR CONSTRUCT OR PERMIT TO BE ERECTED OR CONSTRUCTED ANY BUILDING, STRUCTURE OR SIMILAR IMPROVEMENT WITHIN THE LIMITS OF THE WATER EASEMENT GRANTED HEREIN, OWNER SHALL NOT, NOR PERMIT, THE GRADE OVER GRANTEE'S FACILITIES TO BE SUBSTANTIALLY ALTERED WITHOUT, IN EACH INSTANCE, THE PRIOR WRITTEN CONSENT OF GRANTEE, AND OWNER AGREES THAT NO OTHER PIPES OR CONDUITS SHALL BE PLACED WITHIN THE PREMISES SUBJECT TO THE WATER EASEMENT GRANTED HEREIN, EXCEPT PIPES CROSSING GRANTEE'S FACILITIES AT RIGHT ANGLES, IN WHICH CASE, A MINIMUM VERTICAL DISTANCE OF TWO (2) FEET (AS MEASURED FROM THE CLOSEST POINTS ON THE OUTSIDE EDGES) SHALL BE MAINTAINED BETWEEN GRANTEE'S FACILITIES AND SUCH OTHER PIPES OR CONDUITS. UNLESS GRANTEE EXPRESSLY CONSENTS IN WRITING OTHERWISE, ANY AND ALL SEWER PIPES CROSSING THE WATER EASEMENT GRANTED HEREIN SHALL BE LAID BELOW GRANTEE'S FACILITIES. HOWEVER, OWNER SHALL HAVE THE RIGHT TO CONSTRUCT AND ERECT FENCES, TO INSTALL LANDSCAPING, PARKING FACILITIES AND DRIVEWAYS, AND TO ESTABLISH OTHER USES WHICH ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID WATER EASEMENT IN A MANNER WHICH WILL NOT UNREASONABLY INTERFERE WITH GRANTEE'S ACCESS TO THE FACILITIES.

THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE 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 PROPERTY ASSOCIATION FORMED BY THE ADJACENT PROPERTY.

LANDSCAPING MAINTENANCE WITHIN 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.

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

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

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

BY: KB HOME PHOENIX INC., AN ARIZONA CORPORATION

BY: _____

ITS: _____

ACKNOWLEDGMENT

STATE OF ARIZONA)
) S.S.
COUNTY OF MARICOPA)

ON THIS ____ DAY OF _____, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED SELF TO BE _____ OF KB HOME PHOENIX INC., AN ARIZONA CORPORATION, AND BEING DULY AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

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

BY: _____
NOTARY PUBLIC DATE _____

MY COMMISSION EXPIRES: _____

FINAL PLAT
SYCAMORE FARMS , PARCEL 12, PHASE 1

A REPLAT OF A PORTION OF "SYCAMORE FARMS" ACCORDING TO BOOK 1183, PAGE 24, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

THIS REPLAT TERMINATES ALL EASEMENTS SET FORTH ON AND DEDICATED BY THE PRIOR PLAT REFERENCED ABOVE AND WITHIN THE BOUNDARY OF THE PROPERTY SHOWN HEREIN, AND THIS REPLAT SUPERSEDES AND REPLACES ALL LOTS, TRACTS, STREETS AND EASEMENTS SET FORTH ON AND DEDICATED BY THE PRIOR PLAT REFERENCED ABOVE AND WITHIN THE BOUNDARY OF THE PROPERTY SHOWN HEREIN.

LEGEND

- FOUND BRASS CAP AS NOTED
- SET BRASS CAP AT COMPLETION OF CONSTRUCTION
- SET 1/2" REBAR WITH CAP STAMPED "RLS 21071" UNLESS NOTED OTHERWISE
- BC BRASS CAP
- BCHH BRASS CAP IN A HAND HOLE
- MAX. MAXIMUM
- MCE MOTOR COURT EASEMENT ("PRIVATE ROAD")
- MCR MARICOPA COUNTY RECORDER
- PUE PUBLIC UTILITY EASEMENT
- R/W RIGHT--OF--WAY
- SVT 30' X 30' SIGHT VISIBILITY TRIANGLE EASEMENT
- SVE 20' X 10' SIGHT VISIBILITY TRIANGLE EASEMENT
- UBE USE AND BENEFIT EASEMENT
- VNAE VEHICULAR NON--ACCESS EASEMENT

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.

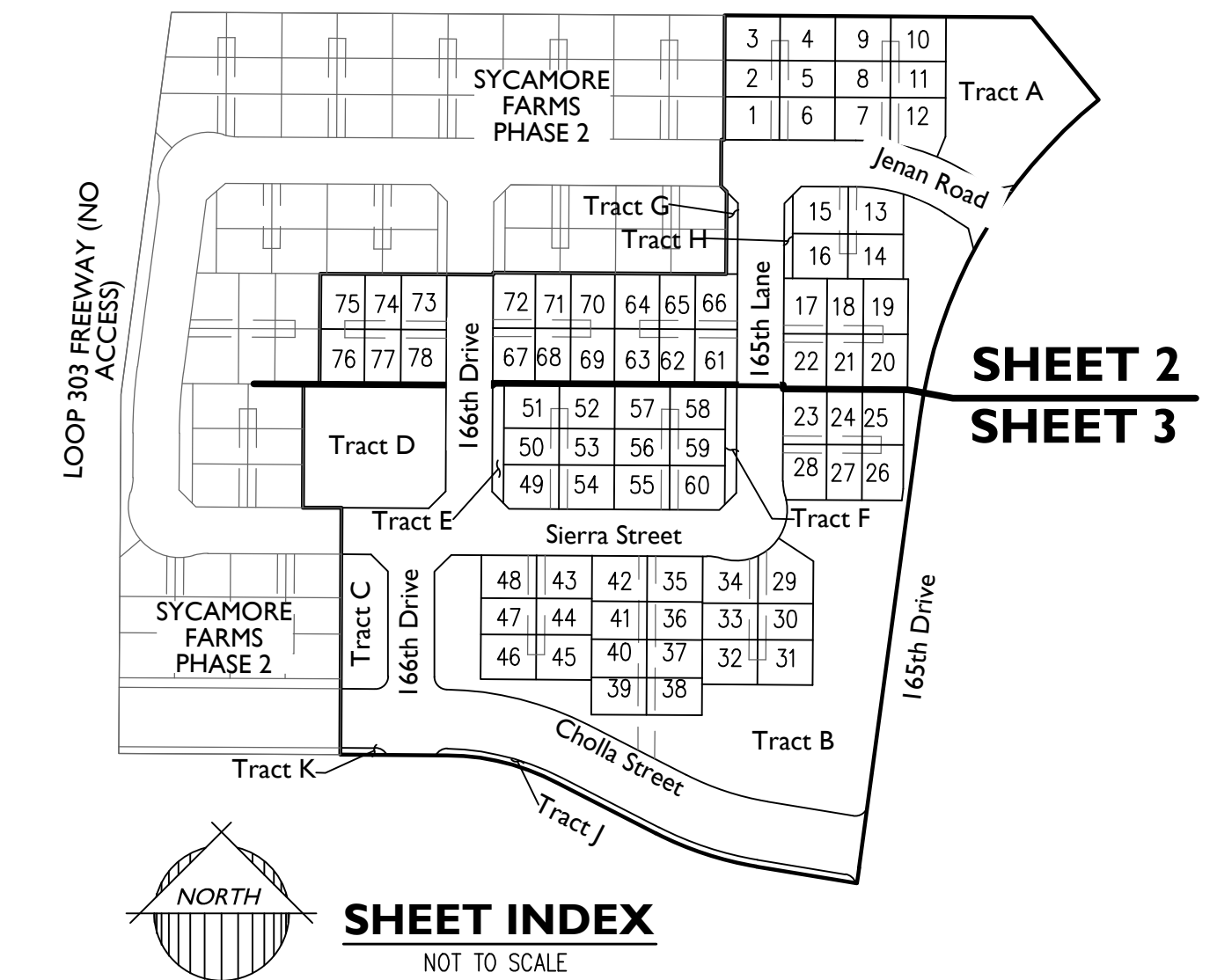
RELEASE OF LIABILITY

KB HOME PHOENIX INC., AN ARIZONA CORPORATION, ("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.

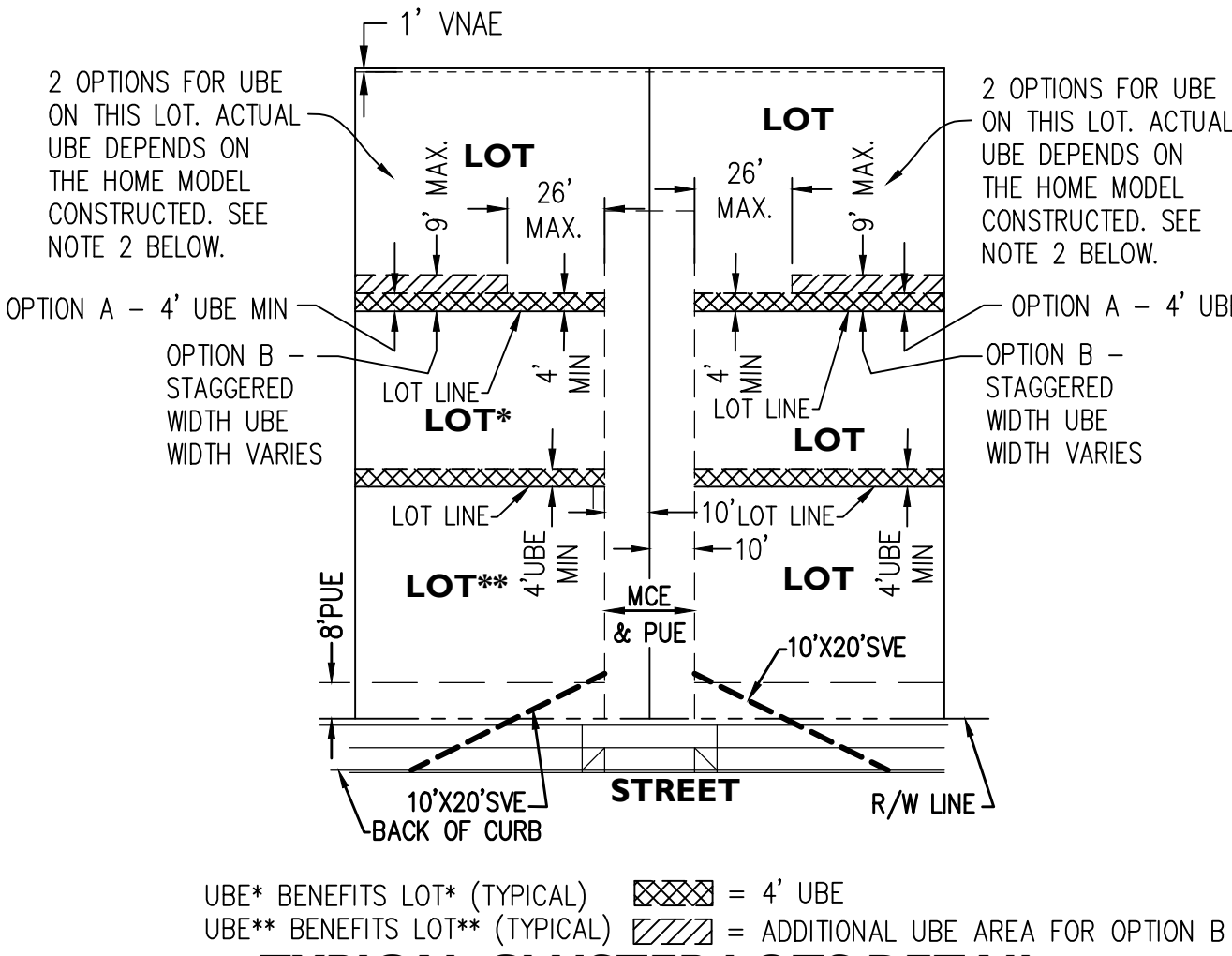
OWNER HEREBY FURTHER AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF SURPRISE FROM ANY AND ALL CLAIMS FOR DAMAGES OF ANY KIND TO PERSONS OR PROPERTY THAT MAY ARISE IN CONNECTION WITH THE USE OF THE SIDEWALKS LOCATED WITHIN THE RIGHT--OF--WAY.

GENERAL NOTES

- A HOMEOWNERS' ASSOCIATION SHALL BE ESTABLISHED FOR SYCAMORE FARMS. THE ASSOCIATION WILL ACCEPT OWNERSHIP AND MAINTENANCE RESPONSIBILITIES OF ALL TRACTS, WHICH ARE PLATTED AS COMMON AREA FOR THE USE AND ENJOYMENT OF THE ASSOCIATION OF MEMBERS AND OTHERS, AS MORE FULLY IDENTIFIED AND SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PROPERTY.
- THE CITY OF SURPRISE IS NOT RESPONSIBLE FOR, AND WILL NOT ACCEPT, THE MAINTENANCE OF ANY PRIVATE UTILITIES, PRIVATE STREETS, PRIVATE FACILITIES AND PRIVATE LANDSCAPE AREAS WITHIN THE PROJECT.
- EXCEPT FOR CONSTRUCTION AND IMPROVEMENTS BY GOVERNMENTAL ENTITIES AND CERTIFIED PUBLIC UTILITIES, CONSTRUCTION AND IMPROVEMENTS WITHIN PUBLIC UTILITY EASEMENTS SHALL BE LIMITED TO ONLY THE FOLLOWING:
 - A. REMOVABLE WOOD, WIRE OR SECTION TYPE FENCING, SIDEWALKS, DRIVEWAYS, PAVING, GRASS AND LANDSCAPING.
 - B. CONSTRUCTION, STRUCTURES OR BUILDINGS EXPRESSLY APPROVED IN WRITING BY ALL PUBLIC UTILITIES WHICH USE OR SHALL USE THE PUBLIC UTILITY EASEMENT.
- ALL PUBLIC UTILITIES SHALL BE INSTALLED UNDERGROUND AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION GENERAL ORDER R(42)33.
- ELECTRICAL LINES ARE TO BE CONSTRUCTED AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION GENERAL ORDER R--14--2--133.
- COMMUNICATION LINES ARE TO BE CONSTRUCTED AS REQUIRED BY THE ARIZONA CORPORATION COMMISSION GENERAL ORDER R--14--2--133.
- SIGHT VISIBILITY EASEMENTS MUST BE CLEAR OF LANDSCAPING, SIGNS, OR OTHER VISIBILITY OBSTRUCTIONS BETWEEN 2-FEET AND 7-FEET IN HEIGHT AND 6-INCHES MAXIMUM WIDTH OR DIAMETER.
- USES AND RESTRICTIONS, TERMS AND CONDITIONS GOVERNING THE MOTOR COURT EASEMENTS ARE SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND EASEMENTS FOR THIS PLAT TO BE RECORDED HEREAFTER.
- SPRINKLERS ARE REQUIRED IN ALL ONE AND TWO FAMILY DWELLINGS BUILT IN AREAS WHICH DO NOT HAVE AN ADEQUATE WATER SUPPLY.
- THE PROPERTY OWNERS, OR ANY SUBSEQUENT OWNERS SHALL NOT PROCEED WITH ANY ON SITE GRADING OR EXCAVATION WITHOUT FIRST OBTAINING A PERMIT FROM THE CITY OF SURPRISE.
- THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF EPCOR WATER WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT A.R.S. § 45-576.
- THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X," BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1660I, WITH A DATE OF IDENTIFICATION OF OCTOBER 16, 2013, FOR COMMUNITY NO. 040053, IN MARICOPA COUNTY, STATE OF ARIZONA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- 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.
- DEVELOPER TO INSTALL NO PARKING SIGN FOR DAY OF TRASH COLLECTION.



AREA SUMMARY TABLE		
DESCRIPTION	AREA (SF)	AREA (ACRES)
LOTS (1--78)	251,605 S.F.	5.7762 AC.
TRACTS A THROUGH K	154,074 S.F.	3.5371 AC.
NEW RIGHT OF WAY	139,944 S.F.	3.2127 AC.
TOTAL AREA	545,623 S.F.	12.5257 AC.



UBE* BENEFITS LOT* (TYPICAL) [hatched pattern] = 4' UBE
UBE** BENEFITS LOT** (TYPICAL) [diagonal lines] = ADDITIONAL UBE AREA FOR OPTION B

USE AND BENEFIT EASEMENT DETAIL

NOT TO SCALE

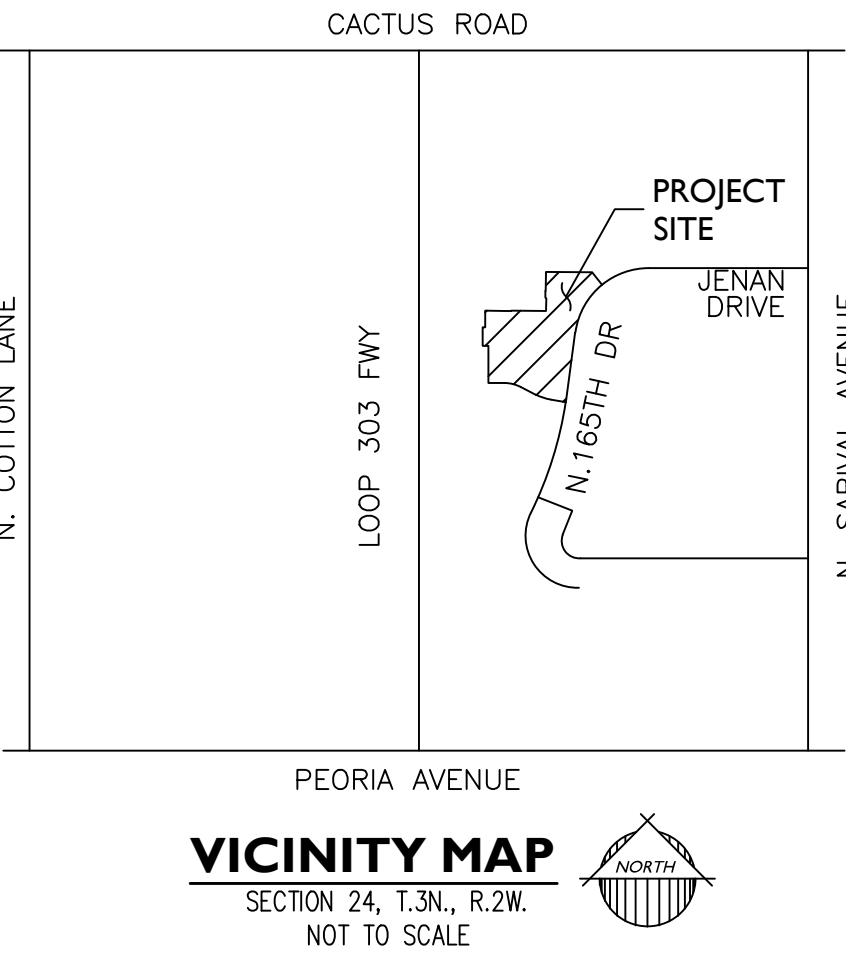
- LOTS 2-5, 8-11, 14, 16, 18-21, 24-27, 30-33, 36-41, 44-47, 50-53, 56-59, 62-65, 68-71, AND 74-77, AS SHOWN ON SAID PLAT, SHALL BE BURDENED BY A PRIVATE USE AND BENEFIT EASEMENT (UBE) OF NOT LESS THAN FOUR (4) FEET IN WIDTH (MEASURED FROM THE COMMON PROPERTY LINE TO THE EXTERIOR BUILDING STEM WALL OF THE BURDENED LOT). THE LENGTH OF THE UBE SHALL RUN THE ENTIRE LENGTH OF THE LOT, EXCEPT IT SHALL NOT ENCROACH UPON THE MOTORCOURT EASEMENT.
- THE BOUNDARIES OF THE UBE (EITHER "OPTION A" OR "OPTION B") LOCATED ON LOTS 3, 4, 9, 10, 14, 16, 19, 20, 25, 26, 31, 32, 45, 46, 51, 52, 57, 58, 63, 64, 69, 70, 75 AND 76 ARE DETERMINED BY THE SPECIFIC MODEL OF HOME THAT IS CONSTRUCTED ON THE LOT.
- THE U.B.E. MAY BE USED BY THE BENEFITED LOT FOR LANDSCAPING, DRAINAGE CONVEYANCE AND MAINTENANCE PURPOSES AND BY THE AFFECTED LOT FOR DRAINAGE CONVEYANCE AND FOR MAINTENANCE OF THE SIDE YARD RETURN WALLS AND THE EXTERIOR PORTION OF THE RESIDENCE AND GARAGE.
- PERMANENT HARDSCAPE STRUCTURES WITH FOUNDATIONS SUCH AS POOLS, SPAS, A/C UNITS AND FENCES (EXCEPT SIDE YARD RETURN WALLS), AND SIMILAR STRUCTURES ARE PROHIBITED WITHIN THE U.B.E.
- ADDITIONAL USES, TERMS AND CONDITIONS GOVERNING THE U.B.E.'S ARE SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR THIS PLAT AS RECORDED HEREAFTER.

OWNER:

KB HOME PHOENIX INC., AN ARIZONA CORPORATION
10429 SOUTH 51ST STREET, SUITE 100
PHOENIX, AZ 85044
CONTACT: JANNELLE SPEAKE

ENGINEER:

CONSULTANT:
EPS GROUP, INC.
2045 S. VINEYARD, SUITE 101
MESA, AZ 85210
TEL: (480)-503-2250
FAX: (480)-503-2258
CONTACT: DAN "OX" AUXIER, PE



SHEET INDEX

- SHEET 1: COVER SHEET
SHEET 2: PLAN SHEET, NOTICE OF SYCAMORE FARMS DEVELOPMENT AND WATER DELIVERY AGREEMENT, NOTICE OF INTERGOVERNMENTAL AGREEMENT, CURVE TABLE, LOT AREAS TABLE
SHEET 3: PLAN SHEET, LEGAL DESCRIPTION

BASIS OF BEARINGS

EAST LINE OF THE NE 1/4 OF SEC. 24, T.3N., R.2 W., AS SHOWN ON THE MAP OF DEDICATION FOR THE RETREAT AT SYCAMORE FARMS, BOOK 864, PAGE 16, MARICOPA COUNTY RECORDS. THE BEARING OF WHICH IS: N00°19'18"E

TRACT USE TABLE			
TRACT	USE	AREA (SF)	AREA (AC)
A	LANDSCAPE, OPEN SPACE, RETENTION	26,301	0.6038
B	LANDSCAPE, OPEN SPACE, RETENTION, EMERGENCY ACCESS EASEMENT	84,450	1.9387
C	LANDSCAPE, OPEN SPACE, RETENTION	8,589	0.1972
D	LANDSCAPE, OPEN SPACE, RETENTION, AMENITIES	24,448	0.5613
E	LANDSCAPE, OPEN SPACE	1,823	0.0419
F	LANDSCAPE, OPEN SPACE	1,823	0.0419
G	LANDSCAPE, OPEN SPACE	1,225	0.0281
H	LANDSCAPE, OPEN SPACE	938	0.0215
J	LANDSCAPE, OPEN SPACE	4,069	0.0934
K	LANDSCAPE, OPEN SPACE	407	0.0093

APPROVALS

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS ____ DAY OF _____

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 _____

MAYOR _____ DATE _____

ATTEST: _____ CITY CLERK _____ DATE _____

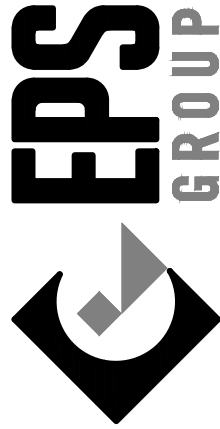
CERTIFICATION

I, MARY KENNEDY, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY DIRECTION DURING THE MONTH OF APRIL 2015; THAT THE SURVEY IS TRUE AND CORRECT AS SHOWN; THAT ALL MONUMENTS ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

LAND SURVEYOR:
MARY KENNEDY, R.L.S.
EPS GROUP, INC.
2045 S. VINEYARD AVENUE STE 101
MESA, AZ 85210

PREPARED: APRIL 30, 2015
JOB NO. 12-128
SCALE: 1"=30'
SHEET: 1 OF 3 SHEETS

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



Final Plat for Sycamore Farms, Parcel 12, Phase 1

Final Plat

Revisions:



Designer:

Drawn by: MK



Job No.
12-128

Sheet No.
1
of 3

FINAL PLAT

SYCAMORE FARMS , PARCEL 12, PHASE I

A REPLAT OF A PORTION OF "SYCAMORE FARMS" ACCORDING TO BOOK 1183, PAGE 24, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

THIS REPLAT TERMINATES ALL EASEMENTS SET FORTH ON AND DEDICATED BY THE PRIOR PLAT REFERENCED ABOVE AND WITHIN THE BOUNDARY OF THE PROPERTY SHOWN HEREIN, AND THIS REPLAT SUPERSEDES AND REPLACES ALL LOTS, TRACTS, STREETS AND EASEMENTS SET FORTH ON AND DEDICATED BY THE PRIOR PLAT REFERENCED ABOVE AND WITHIN THE BOUNDARY OF THE PROPERTY SHOWN HEREIN.

NOTICE OF INTERGOVERNMENTAL AGREEMENT

THE CITY OF SURPRISE ("CITY") AND MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT DATED APRIL 8, 1997, AND RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE ON APRIL 9, 1997, UNDER DOCKET NO. 97-0231759 ("IGA"). CITY AND MWD HAVE FACILITIES AND PROPERTY INTERESTS DESCRIBED AND DELINEATED WITHIN CERTAIN SUBDIVISION PLATS OR, FOR LANDS NOT INCLUDED IN A SUBDIVISION PLAT, DECLARATIONS OF TURF LANDS OR DECLARATIONS OF URBANIZED AREA, THAT HAVE PRIOR AND SUPERIOR RIGHTS TO THE UTILITY SERVICE PROVIDERS, AS DEFINED IN THE IGA. THE IGA PROVIDES FOR THE CITY TO HAVE A PUBLIC UTILITY EASEMENT WITHIN CERTAIN MWD PROPERTY INTERESTS AND FOR MWD TO HAVE AN EASEMENT WITHIN CITY'S PUBLIC RIGHTS-OF-WAY. CITY AND MWD RIGHTS WITHIN THESE EASEMENTS ARE SUBJECT TO AND CONTROLLED BY THE TERMS AND CONDITIONS OF THE IGA.

IN LOCATIONS WHERE APPLICABLE, INCLUDING ANY AND ALL DEDICATIONS WITHIN A SUBDIVISION PLAT, MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND PROPERTY INTERESTS, SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE IGA.

CITY SHALL HAVE THE RIGHT TO AUTHORIZE AND CONTROL THE UTILITY SERVICE PROVIDER'S USE AND OCCUPANCY OF THESE EASEMENTS. CITY REQUIRES THAT UTILITY SERVICE PROVIDERS CONSENT TO BE BOUND BY THE IGA PRIOR TO THE USE OR OCCUPANCY OF THE EASEMENTS GRANTED UNDER THE IGA. SUCH USE OR OCCUPANCY OF THE EASEMENTS CONSTITUTES CONSENT OF THE UTILITY SERVICE PROVIDERS TO BE BOUND BY THE IGA.

TEMPORARY TURN-AROUND
EASEMENT PER DOC. NO.
2015-0537206 MCR

NOTICE OF SYCAMORE FARMS DEVELOPMENT AND WATER DELIVERY AGREEMENT

LANDOWNER HAS ENTERED INTO A SYCAMORE FARMS DEVELOPMENT AND WATER DELIVERY AGREEMENT DATED AUGUST 4, 2005 ("AGREEMENT") WITH MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") FOR WHICH A MEMORANDUM OF AGREEMENT WAS RECORDED ON AUGUST 9, 2005, AT THE MARICOPA COUNTY RECORDER'S OFFICE AT DOCKET NO. 2005-1128112. THE PROPERTIES INVOLVED IN THIS PLAT ARE SUBJECT TO THIS AGREEMENT. THE AGREEMENT AND THIS PLAT, INCLUDING ANY AND ALL DEDICATIONS THEREIN, HEREBY PRESERVE MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND MWD PROPERTY INTERESTS, AS SUCH TERMS ARE DEFINED IN THE AGREEMENT, TO ENABLE MWD TO ACCOMPLISH ALL OF MWD'S PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE TRANSMISSION AND DISTRIBUTION OF WATER, WASTEWATER, POWER AND COMMUNICATIONS, AND TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN AND REPLACE THOSE MWD FACILITIES AND MWD PROPERTY INTERESTS. THE AGREEMENT IS ON FILE AT THE OFFICES OF LANDOWNER FOR KB HOME PHOENIX INC., AN ARIZONA CORPORATION AT 4127 E. VAN BUREN STREET, SUITE 150, PHOENIX, ARIZONA 85008 AND MAY BE REVIEWED AS TO ALL DETAILS, WITH PARTICULAR REFERENCE TO SECTION 7 AND SECTION 9, UPON REASONABLE REQUEST.

DATED THIS ____ DAY OF _____

MARICOPA COUNTY MUNICIPAL
WATER CONSERVATION DISTRICT
NUMBER ONE, A POLITICAL SUBDIVISION OF
THE STATE OF ARIZONA

ATTEST:

BY: CHRISTINE CAIN

BY: GLEN VORTHERMS

ITS: PROPERTY & CONTRACTS SUPERVISOR

ITS: ASSISTANT SECRETARY

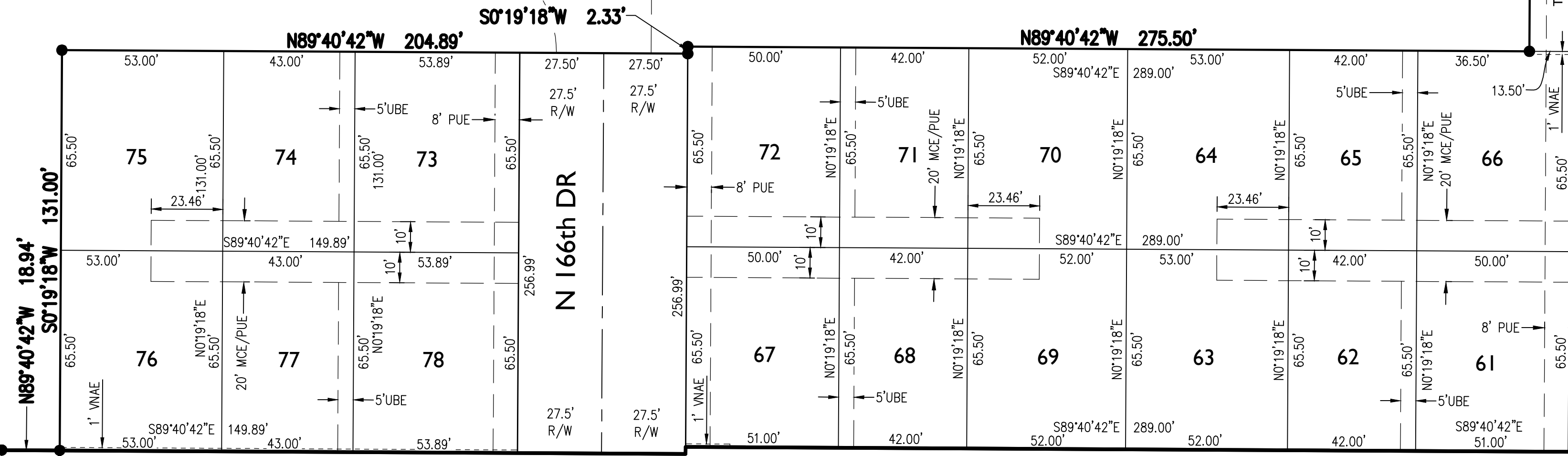
LANDOWNER:

BY: KB HOME PHOENIX INC., AN ARIZONA CORPORATION,
AS OWNER

BY: _____

ITS: _____

PART OF SYCAMORE FARMS
BOOK 1183 PG 24 M.C.R.

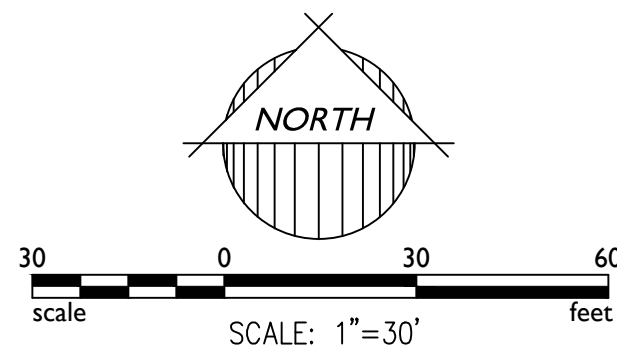


MATCH LINE SHEET 3

LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE			LOT AREA TABLE		
LOT #	AREA (SF)	AREA (AC)	LOT #	AREA (SF)	AREA (AC)	LOT #	AREA (SF)	AREA (AC)	LOT #	AREA (SF)	AREA (AC)	LOT #	AREA (SF)	AREA (AC)	LOT #	AREA (SF)	AREA (AC)
1	3,341	0.0767	15	3,606	0.0828	29	4,225	0.0970	43	3,341	0.0767	57	3,472	0.0797	71	2,751	0.0632
2	2,817	0.0647	16	3,471	0.0797	30	2,816	0.0647	44	2,817	0.0647	58	3,472	0.0797	72	3,275	0.0752
3	3,471	0.0797	17	3,340	0.0767	31	3,471	0.0797	45	3,471	0.0797	59	2,817	0.0647	73	3,530	0.0810
4	3,471	0.0797	18	2,816	0.0647	32	3,471	0.0797	46	3,471	0.0797	60	3,406	0.0782	74	2,816	0.0647
5	2,817	0.0647	19	3,471	0.0797	33	2,816	0.0647	47	2,816	0.0647	61	3,275	0.0752	75	3,471	0.0797
6	3,341	0.0767	20	3,471	0.0797	34	3,472	0.0797	48	3,341	0.0767	62	2,751	0.0632	76	3,472	0.0797
7	3,385	0.0777	21	2,817	0.0647	35	3,537	0.0812	49	3,406	0.0782	63	3,472	0.0797	77	2,817	0.0647
8	2,817	0.0647	22	3,341	0.0767	36	2,948	0.0677	50	2,817	0.0647	64	3,471	0.0797	78	3,530	0.0810
9	3,471	0.0797	23	3,384	0.0777	37	2,948	0.0677	51	3,472	0.0797	65	2,751	0.0632			
10	3,471	0.0797	24	2,751	0.0632	38	2,882	0.0662	52	3,472	0.0797	66	3,275	0.0752			
11	2,817	0.0647	25	3,209	0.0737	39	2,882	0.0662	53	2,817	0.0647	67	3,275	0.0752			
12	3,967	0.0911	26	3,198	0.0734	40	2,948	0.0677	54	3,427	0.0787	68	2,751	0.0632			
13	3,499	0.0803	27	2,751	0.0632	41	2,948	0.0677	55	3,427	0.0787	69	3,406	0.0782			
14	3,471	0.0797	28	3,356	0.0770	42	3,537	0.0812	56	2,817	0.0647	70	3,406	0.0782			

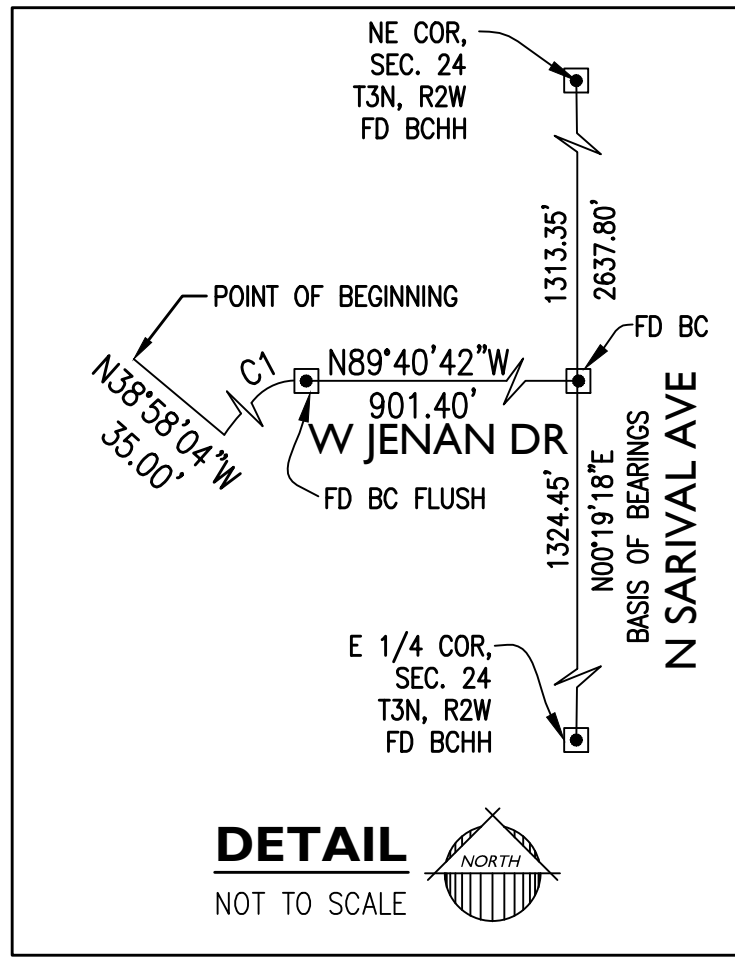
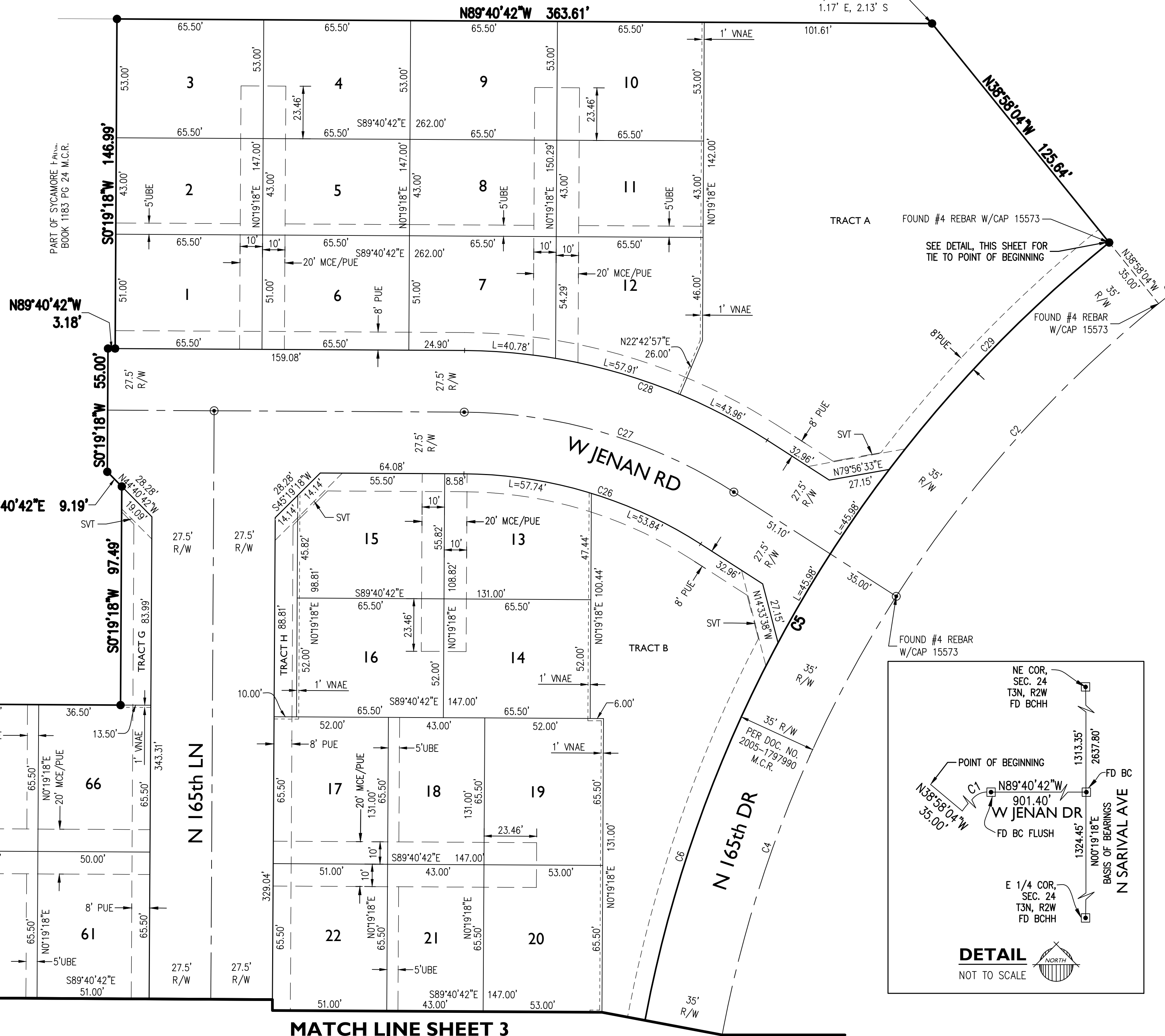
CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BRG
C1	377.15'	550.00'	39°17'21"	196.33'	369.80'	S70°40'37"W
C2	176.07'	550.00'	18°20'29"	88.79'	175.31'	S41°51'42"W
C4	240.07'	550.00'	25°00'31"	121.98'	238.17'	S20°11'12"W
C6	209.37'	585.00'	20°30'20"	105.81'	208.25'	S17°56'06"W
C7	209.37'	585.00'	20°30'20"	105.81'	208.25'	S17°56'06"W
C8	23.00'	15.00'	87°50'41"	14.45'	20.81'	N55°31'10"E
C9	18.35'	870.00'	1°12'31"	9.18'	18.35'	N08°17'11"E
C10	16.28'	15.00'	62°10'55"	9.05'	15.49'	N49°28'02"W
C11	125.47'	408.00'	17°37'11"	63.23'	124.98'	S71°44'54"E
C12	123.01'	400.00'	17°37'11"	61.99'	122.52'	S71°44'54"E
C13	112.24'	365.00'	17°37'11"	56.57'	111.80'	S71°44'54"E
C14	101.48'	330.00'	17°37'11"	51.14'	101.08'	S71°44'54"E
C15	137.38'	281.09'	28°00'07"	70.09'	136.01'	N75°44'12"W
C16	140.84'	315.00'	25°37'05"	71.62'	139.67'	N75°44'51"W
C17	163.19'	350.00'	26°42'55"	83.11'	161.72'	N76°17'46"W

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BRG
C18	174.57'	385.00'	25°58'44"	88.81'	173.07'	N75°55'40"W
C19	16.50'	15.00'	63°02'28"	9.20'	15.68'	S59°55'23"W
C20	16.28'	15.00'	62°11'43"	9.05'	15.49'	N58°34'10"W
C21	23.28'	15.00'	88°55'03"	14.72'	21.01'	S44°27'31"E
C22	23.65'	15.00'	90°20'47"	15.09'	21.28'	N45°10'23"E
C23	17.39'	60.00'	16°36'26"	8.76'	17.33'	N81°22'29"W
C24	129.02'	60.00'	123°12'18"	110.98'	105.56'	N45°19'35"E
C25	17.38'	60.00'	16°35'52"	8.75'	17.32'	S07°58'38"E
C26	53.84'	197.50'	15°37'06"	27.09'	53.67'	N65°07'06"W
C27	127.11'	225.00'	32°22'09"	65.30'	125.43'	N73°29'37"W
C28	57.91'	252.50'	13°08'26"	29.08'	57.78'	N73°51'16"W
C29	141.29'	585.00'	13°50'18"	70.99'	140.95'	S44°06'48"W



PART OF UNIT NO. 29 ROMOLA OF
ARIZONA GRAPE FRUIT UNIT
BOOK 19 OF MAPS, PAGE 19 M.C.R.

FOUND #4 REBAR W/CAP 15573
FOUND REBAR W/CAP 31610 @ 0.63' W
0.10' N. FOUND REBAR W/CAP 31610 @
1.17' E, 2.13' S



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

Final Plat for Sycamore Farms, Parcel 12, Phase I

Project:

Revisions:

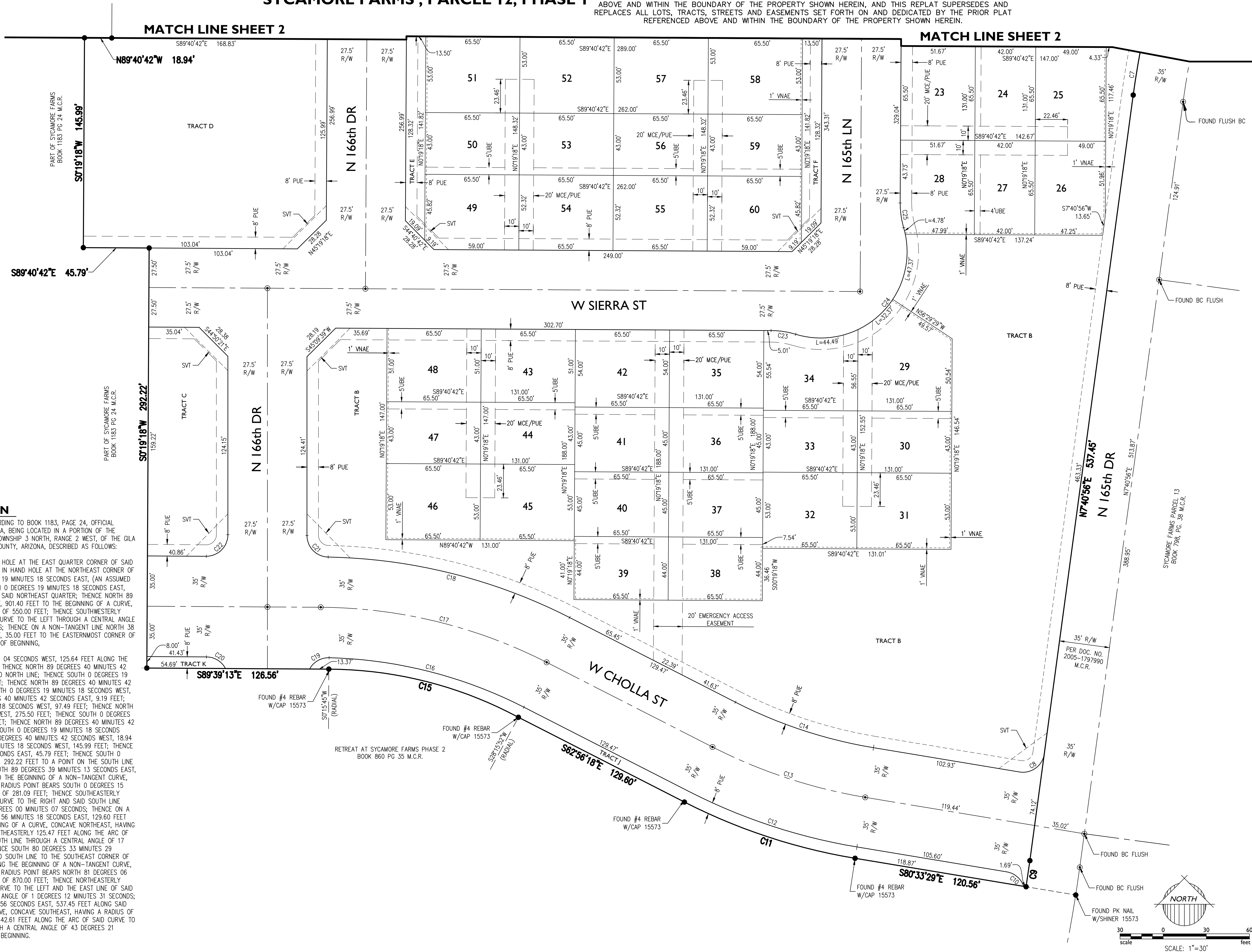
21071
MARY F.
KENNEDY
2014/09/19
EMPRES: 6/30/18

Job No.
12-128

Sheet No.
2
of 3

Case NO. 15-191

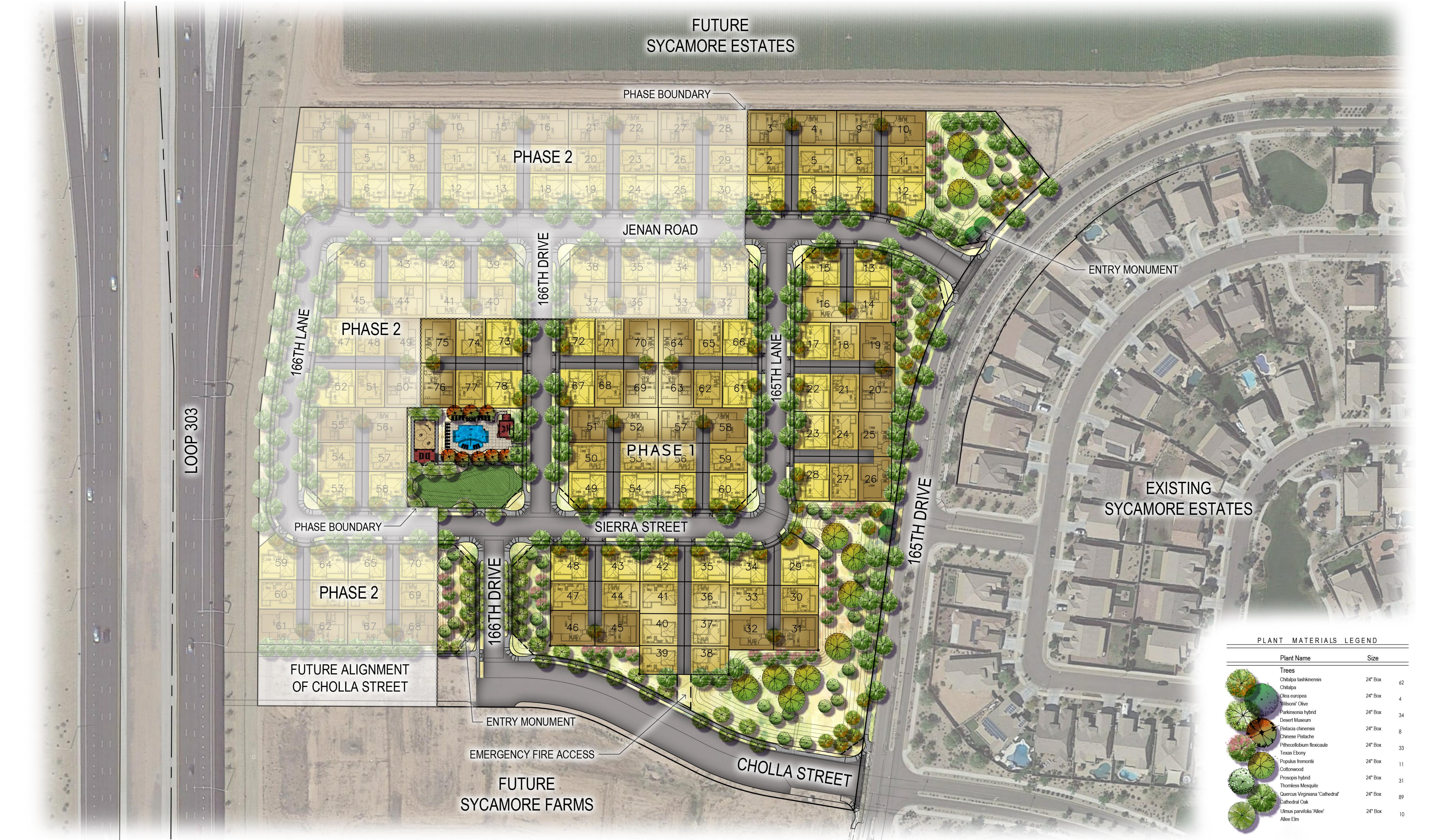
A REPLAT OF A PORTION OF "SYCAMORE FARMS" ACCORDING TO BOOK 1183, PAGE 24, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA THIS REPLAT TERMINATES ALL EASEMENTS SET FORTH ON AND DEDICATED BY THE PRIOR PLAT REFERENCED ABOVE AND WITHIN THE BOUNDARY OF THE PROPERTY SHOWN HEREIN, AND THIS REPLAT SUPERSEDES AND REPLACES ALL LOTS, TRACTS, STREETS AND EASEMENTS SET FORTH ON AND DEDICATED BY THE PRIOR PLAT REFERENCED ABOVE AND WITHIN THE BOUNDARY OF THE PROPERTY SHOWN HEREIN.



A PORTION OF SYCAMORE FARMS, ACCORDING TO BOOK 1183, PAGE 24, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, BEING LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HAND HOLE AT THE EAST QUARTER CORNER OF SAID SECTION 24, FROM WHICH A BRASS CAP IN HAND HOLE AT THE NORTHEAST CORNER OF SAID SECTION BEARS NORTH 0 DEGREES 19 MINUTES 18 SECONDS EAST, (AN ASSUMED BEARING) 2,638.00 FEET; THENCE NORTH 0 DEGREES 19 MINUTES 18 SECONDS EAST, 1324.45 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 901.40 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 550.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, 39.70 FEET TO A POINT OF TANGENCY; THENCE ALONG A CENTRAL ANGLE OF 39 DEGREES 17 MINUTES 21 SECONDS; THENCE ON A NON-TANGENT LINE NORTH 38 DEGREES 58 MINUTES 04 SECONDS WEST, 35.00 FEET TO THE EASTERNMOST CORNER OF SAID SYCAMORE FARMS AND THE POINT OF BEGINNING.

THENCE NORTH 38 DEGREES 58 MINUTES 04 SECONDS WEST, 125.64 FEET ALONG THE NORTH LINE OF SAID SYCAMORE FARMS; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 363.61 FEET ALONG SAID NORTH LINE; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 146.99 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 3.18 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 55.00 FEET; THENCE SOUTH 44 DEGREES 40 MINUTES 42 SECONDS EAST, 9.19 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 97.49 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 275.50 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 2.33 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 204.89 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 131.00 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 18.94 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 145.99 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, 45.79 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 292.22 FEET TO A POINT ON THE SOUTH LINE OF SAID SYCAMORE FARMS; THENCE SOUTH 89 DEGREES 39 MINUTES 13 SECONDS EAST, 126.56 FEET ALONG SAID SOUTH LINE TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWEST, FROM WHICH THE RADIUS POINT BEARS SOUTH 0 DEGREES 15 MINUTES 45 SECONDS WEST A DISTANCE OF 281.09 FEET; THENCE SOUTHEASTERLY 137.38 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT AND SAID SOUTH LINE THROUGH A CENTRAL ANGLE OF 28 DEGREES 00 MINUTES 07 SECONDS; THENCE ON A NON-TANGENT LINE SOUTH 62 DEGREES 56 MINUTES 18 SECONDS EAST, 129.60 FEET ALONG SAID SOUTH LINE TO THE BEGINNING OF A CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 408.00 FEET; THENCE SOUTHEASTERLY 125.47 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT AND SAID SOUTH LINE THROUGH A CENTRAL ANGLE OF 17 DEGREES 37 MINUTES 11 SECONDS; THENCE SOUTH 80 DEGREES 33 MINUTES 29 SECONDS EAST, 120.56 FEET ALONG SAID SOUTH LINE TO THE SOUTHEAST CORNER OF SAID SYCAMORE FARMS, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWEST, FROM WHICH THE RADIUS POINT BEARS NORTH 81 DEGREES 06 MINUTES 33 SECONDS WEST A DISTANCE OF 870.00 FEET; THENCE NORTHEASTERLY 18.35 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT AND THE EAST LINE OF SAID SYCAMORE FARMS THROUGH A CENTRAL ANGLE OF 1 DEGREES 12 MINUTES 31 SECONDS; THENCE NORTH 7 DEGREES 40 MINUTES 56 SECONDS EAST, 537.45 FEET ALONG SAID EAST LINE TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 585.00 FEET; THENCE NORTHEASTERLY 442.61 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT AND SAID EAST LINE THROUGH A CENTRAL ANGLE OF 43 DEGREES 21 MINUTES 01 SECONDS TO THE POINT OF BEGINNING.



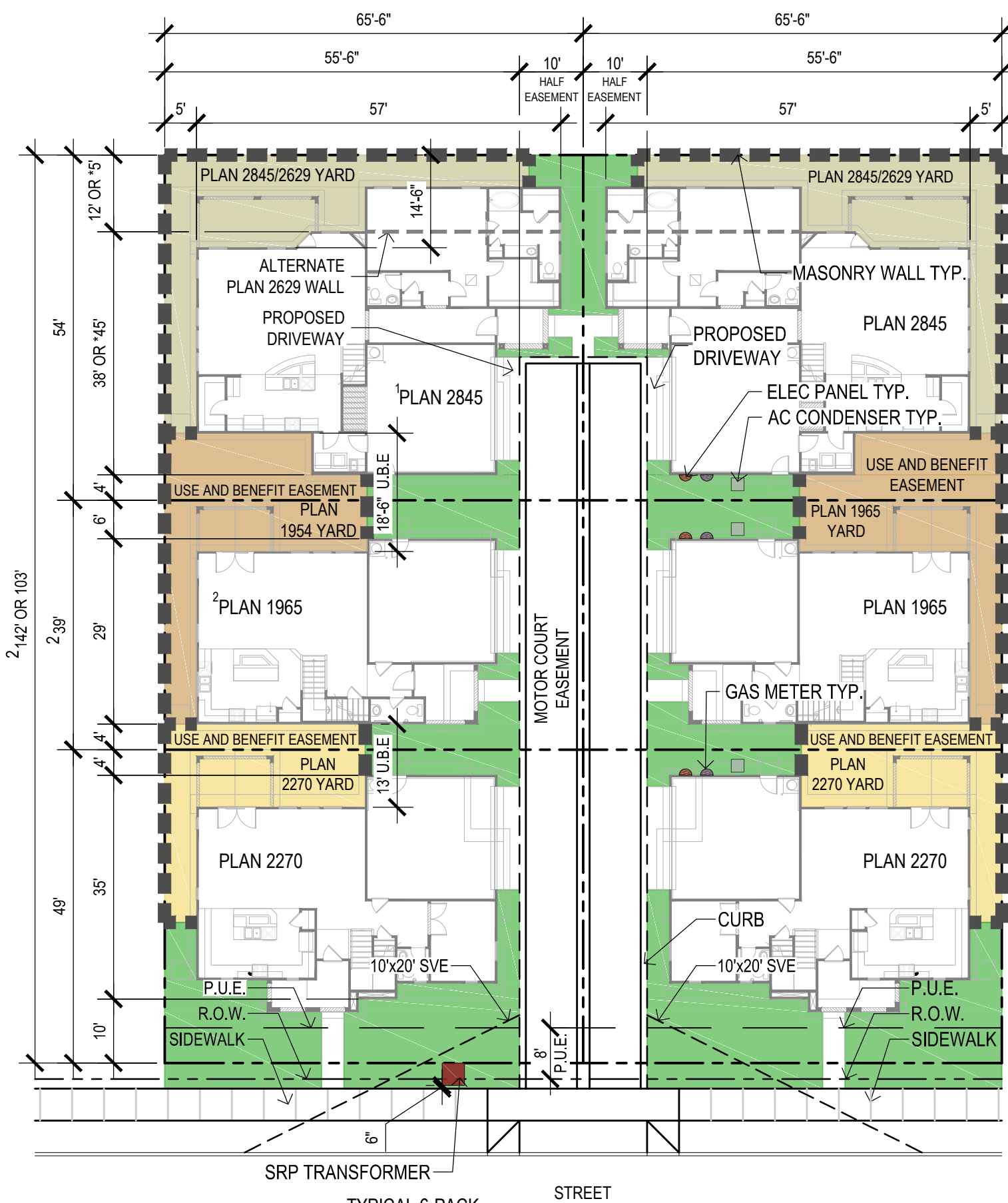
PLANT MATERIALS LEGEND		
Plant Name	Size	
Trees		
Chitalpa tashkinensis	24" Box	62
Chitalpa		
Olea europaea	24" Box	4
Wilsonia Olive		
Parkinsonia hybrid	24" Box	34
Desert Museum		
Pistacia chinensis	24" Box	8
Chinese Pistache		
Pinus strobus flexilis	24" Box	33
Texas Ebony		
Populus fremontii	24" Box	11
Cottonwood		
Prosopis hybrid	24" Box	31
Thornless Mesquite		
Quercus virginiana 'Cathedral'	24" Box	89
Cathedral Oak		
Ulmus parvifolia 'Allee'	24" Box	10
Allee Elm		

SYCAMORE FARMS - PHASE 1

LANDSCAPE PLAN

scale 1:60
date: 08.24.15

andersonbaron
plan - design - achieve
50 n. mcclintock drive, ste 1
chandler, arizona 85226
ph. 480.699.7956 f.480.699.7986



NOTE:

1. PLAN 2845 AND PLAN 2629 CONDITION OCCURS ON 6-PACK ENDS
2. PLAN 1965 NOT PART OF 4-PACK CONDITION



SYCAMORE FARMS

6-PACK PLOT PLAN



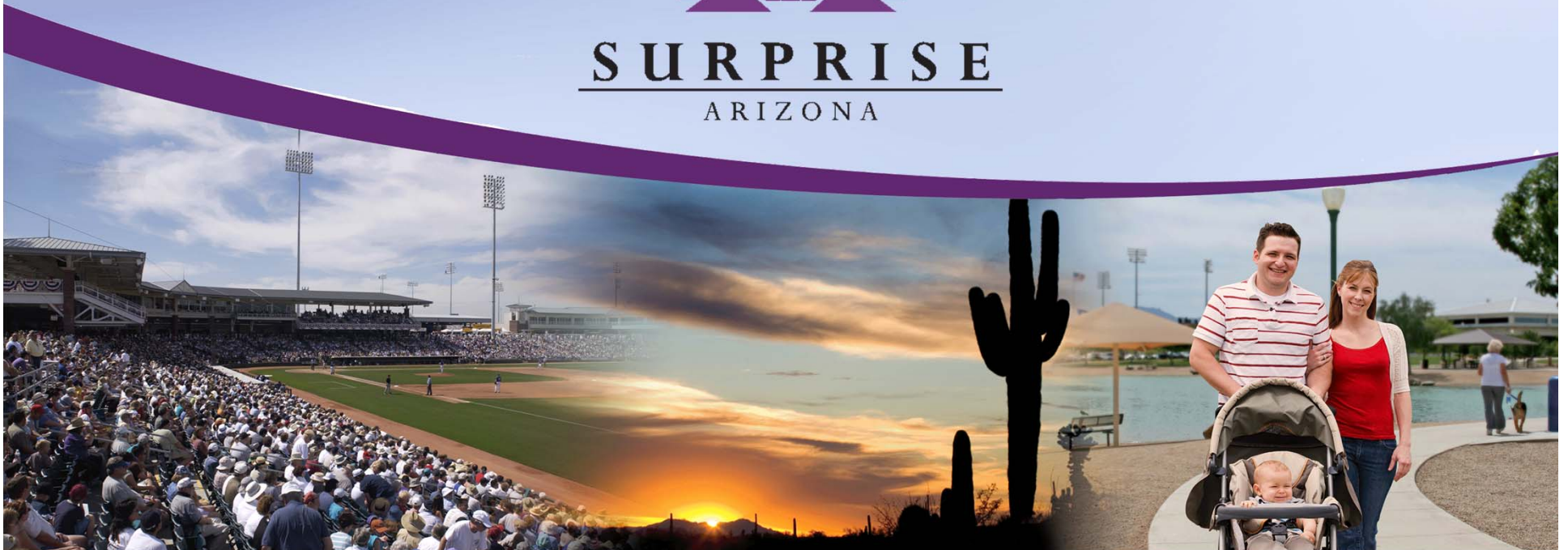
andersonbaron
plan • design • achieve
50 n. mcclintock drive, suite 1
chandler, arizona 85226
ph. 480.699.7956 F. 480.699.7986

plan scale NTS
date: 05.03.13

Sycamore Farms Parcel 12 North Preliminary and Final Plats

October 6, 2015

City Council

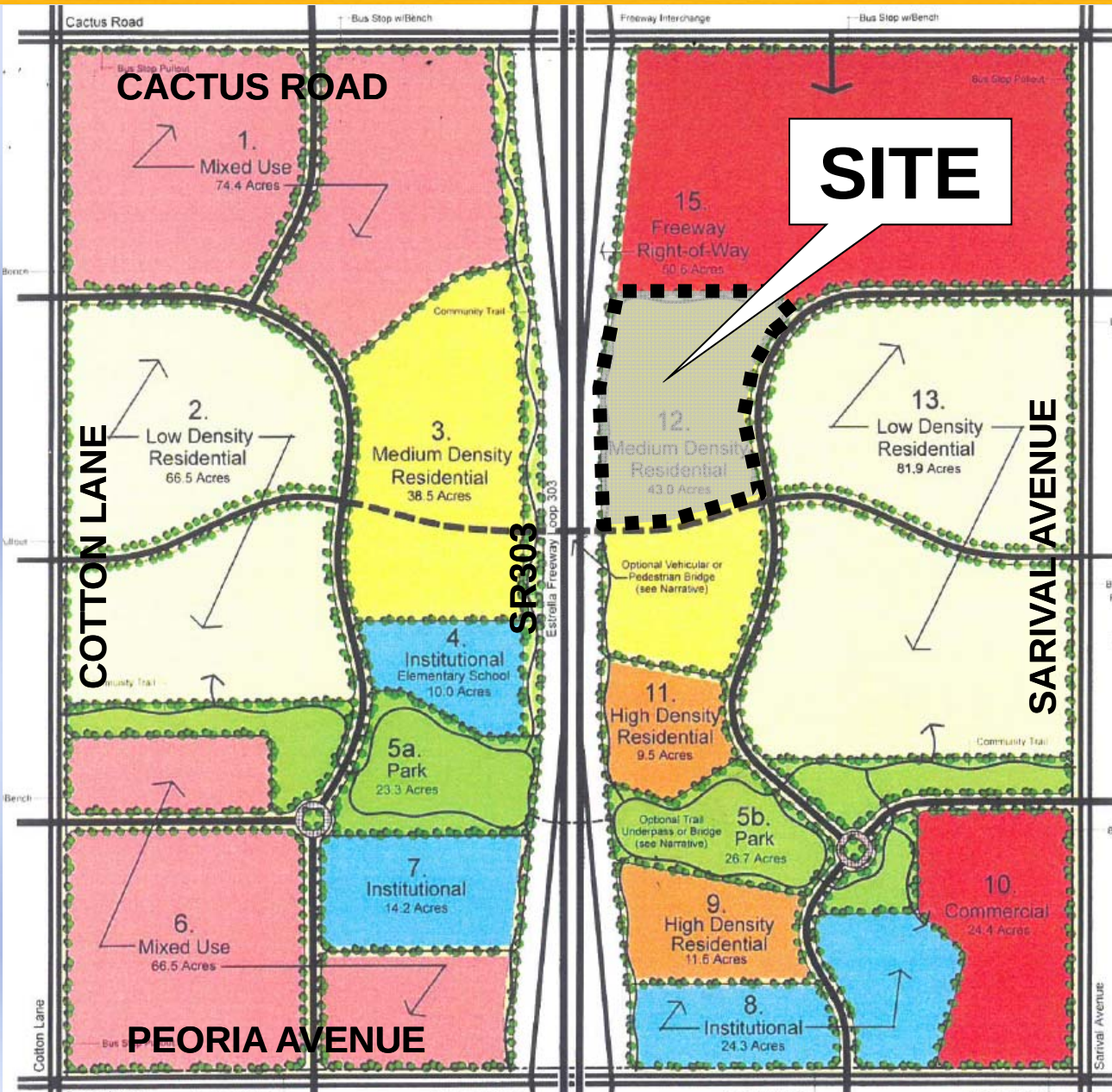


VICINITY MAP



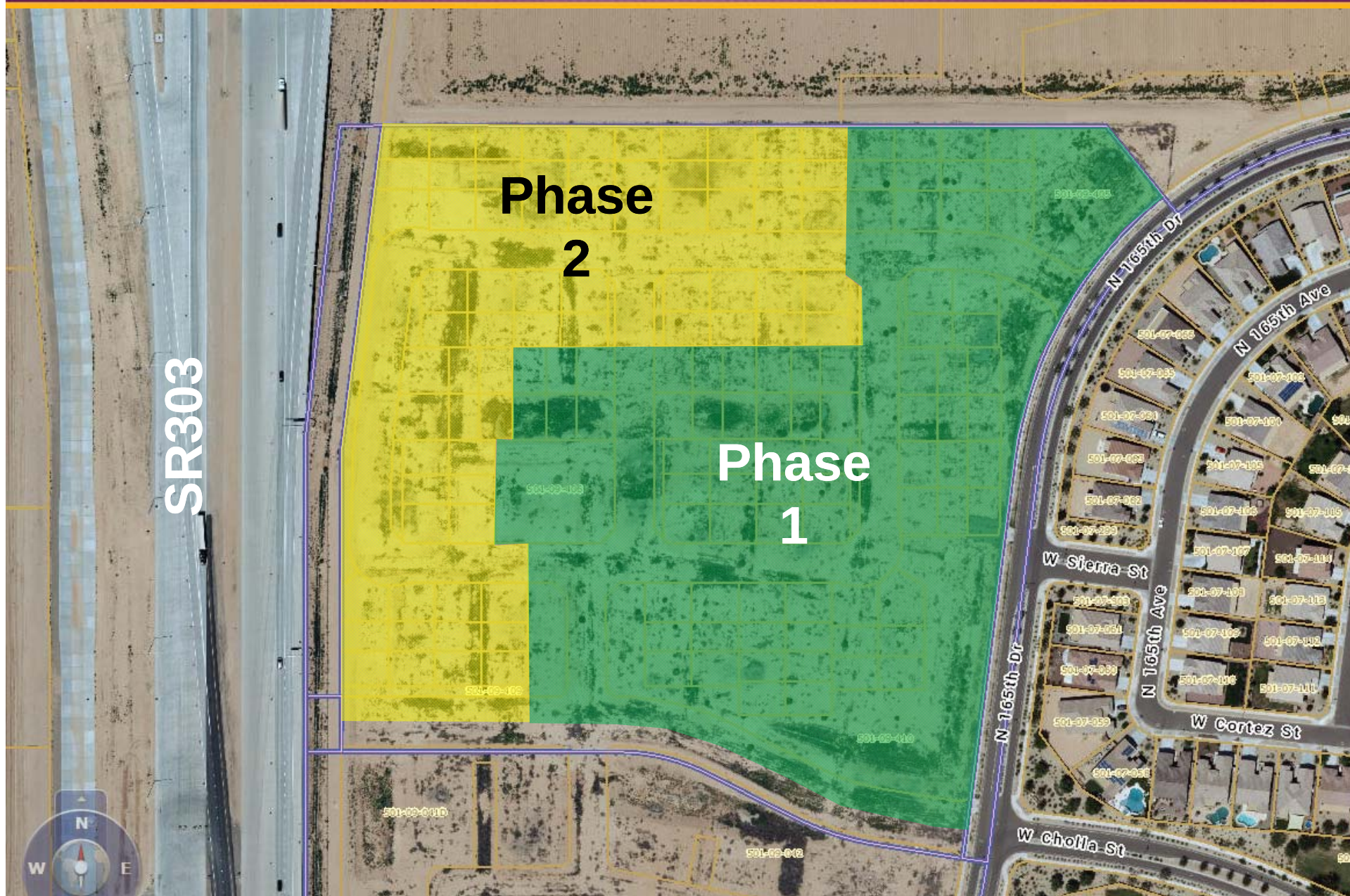
VICINITY MAP

PRASADA

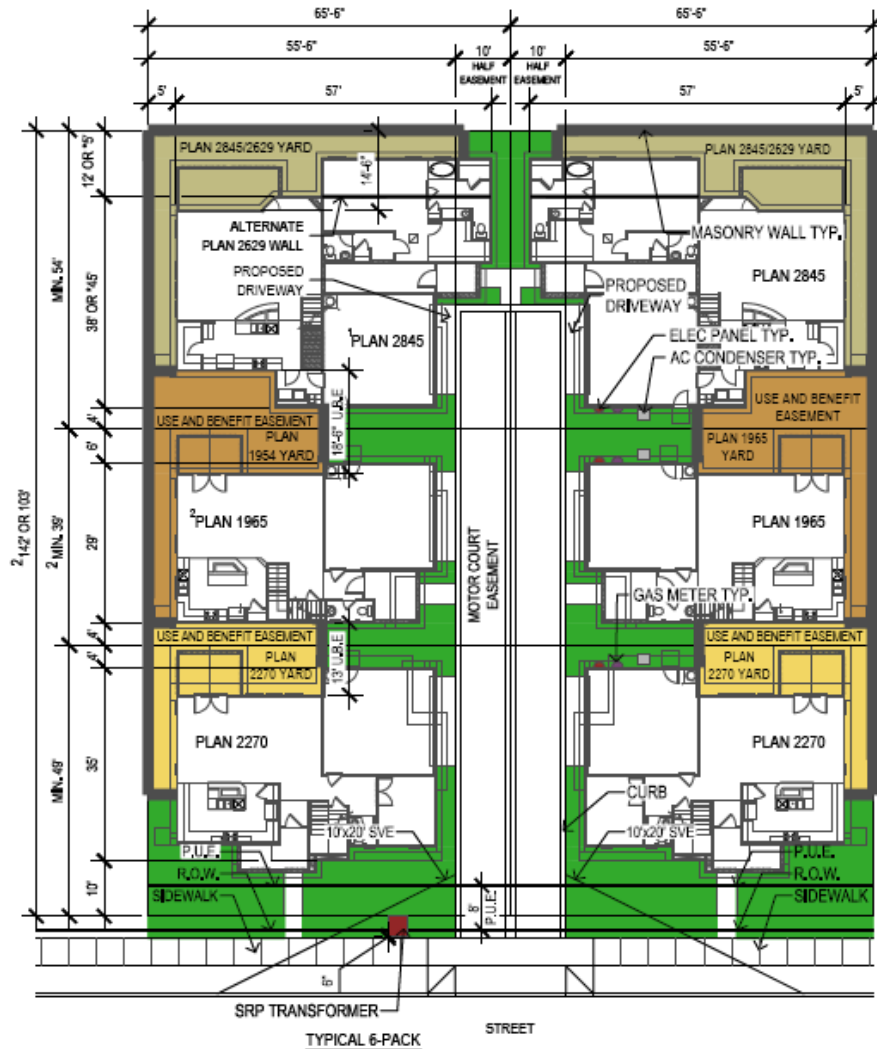


GREER
RANCH

VICINITY MAP

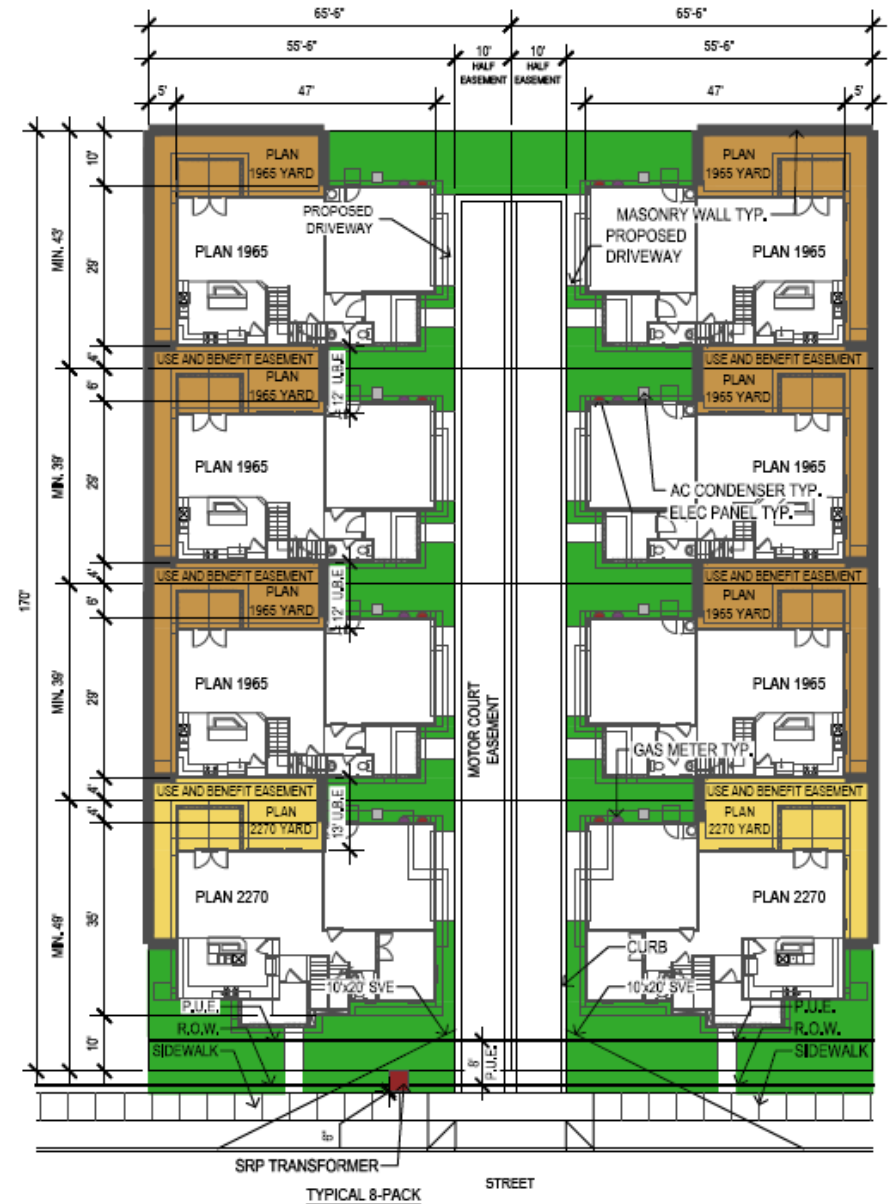


AUTO COURT



NOTE:

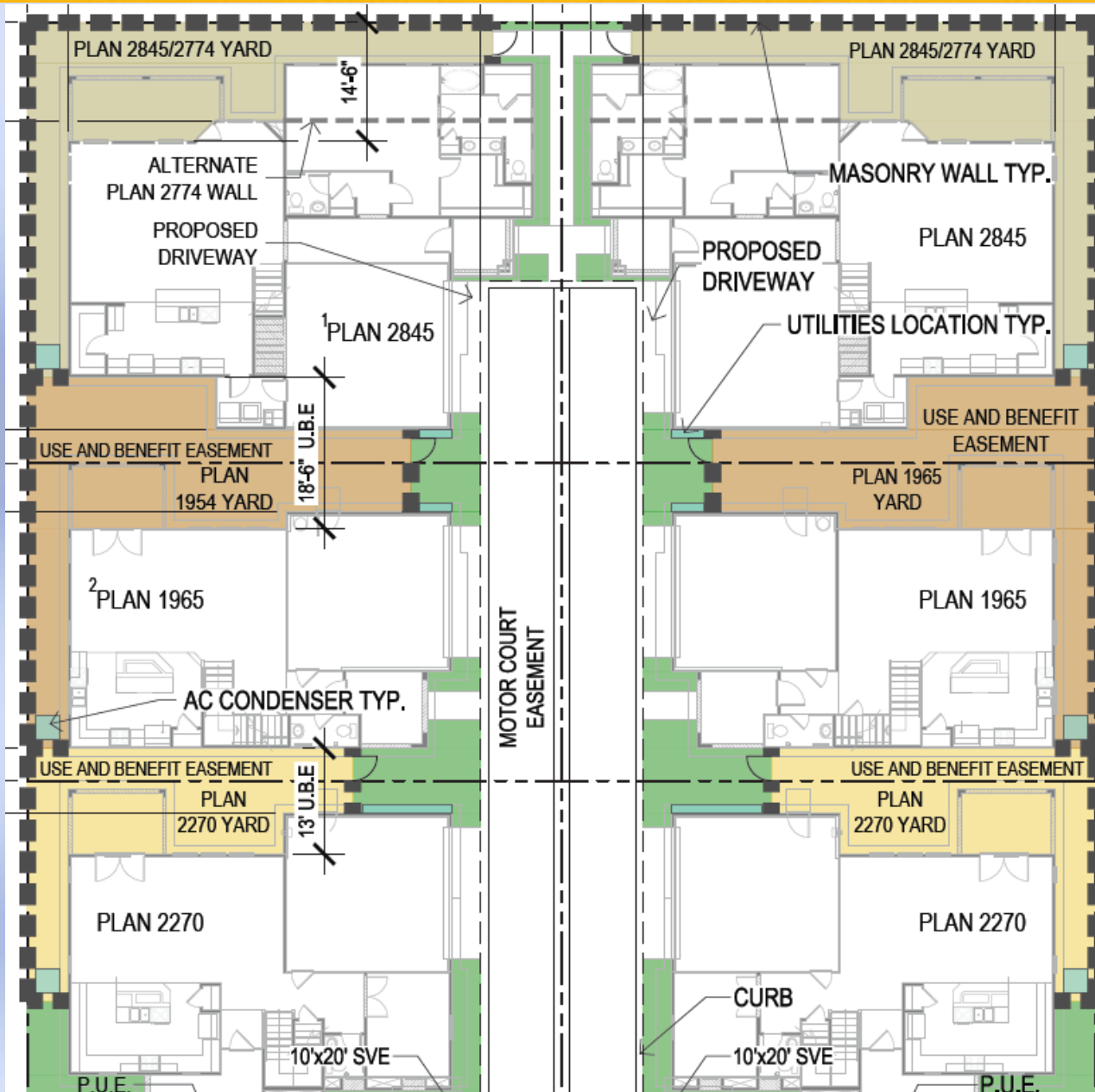
1. PLAN 2845 AND PLAN 2629 CONDITION OCCURS ON 6-PACK ENDS
2. PLAN 1965 NOT PART OF 4-PACK CONDITION



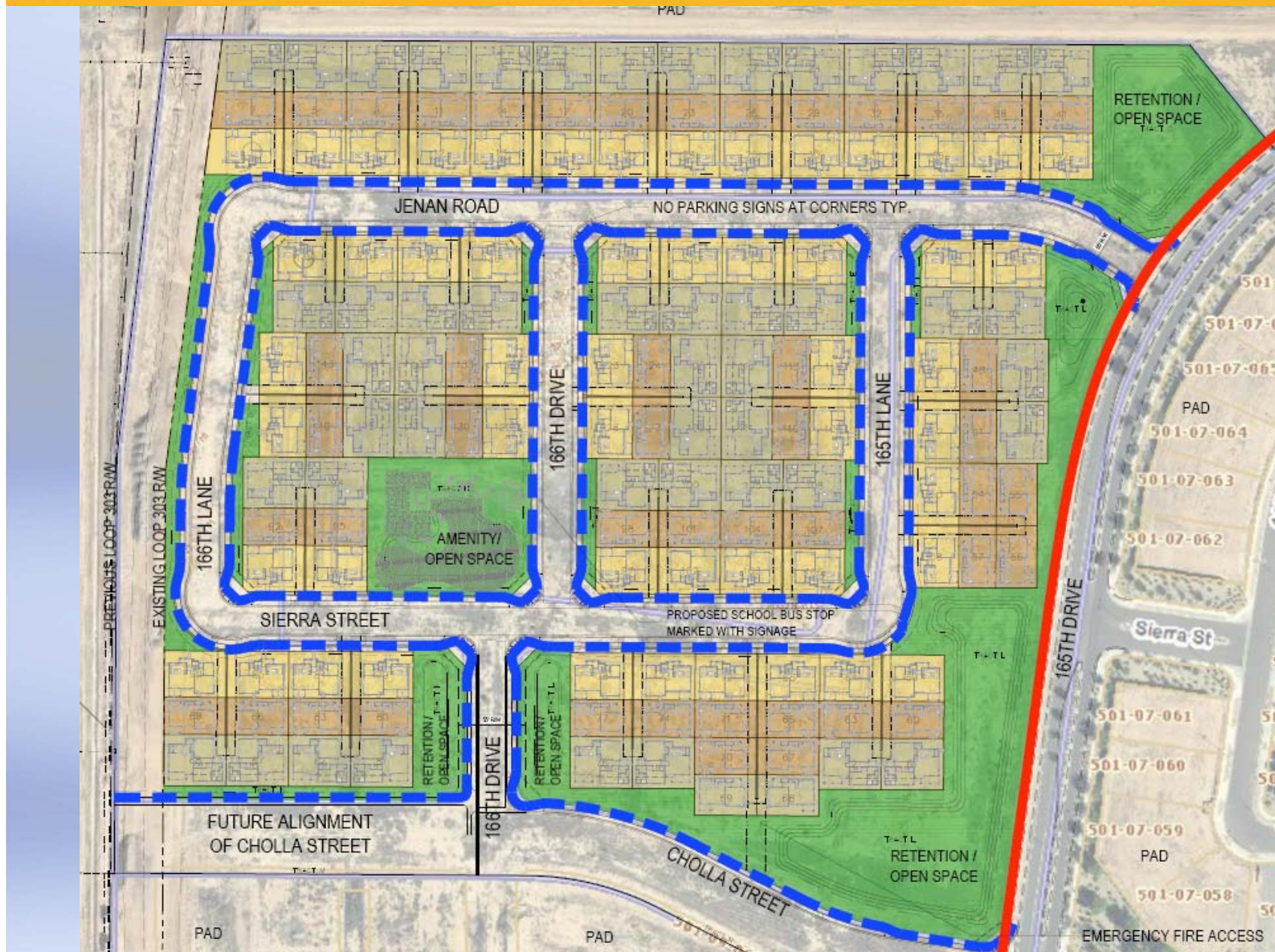
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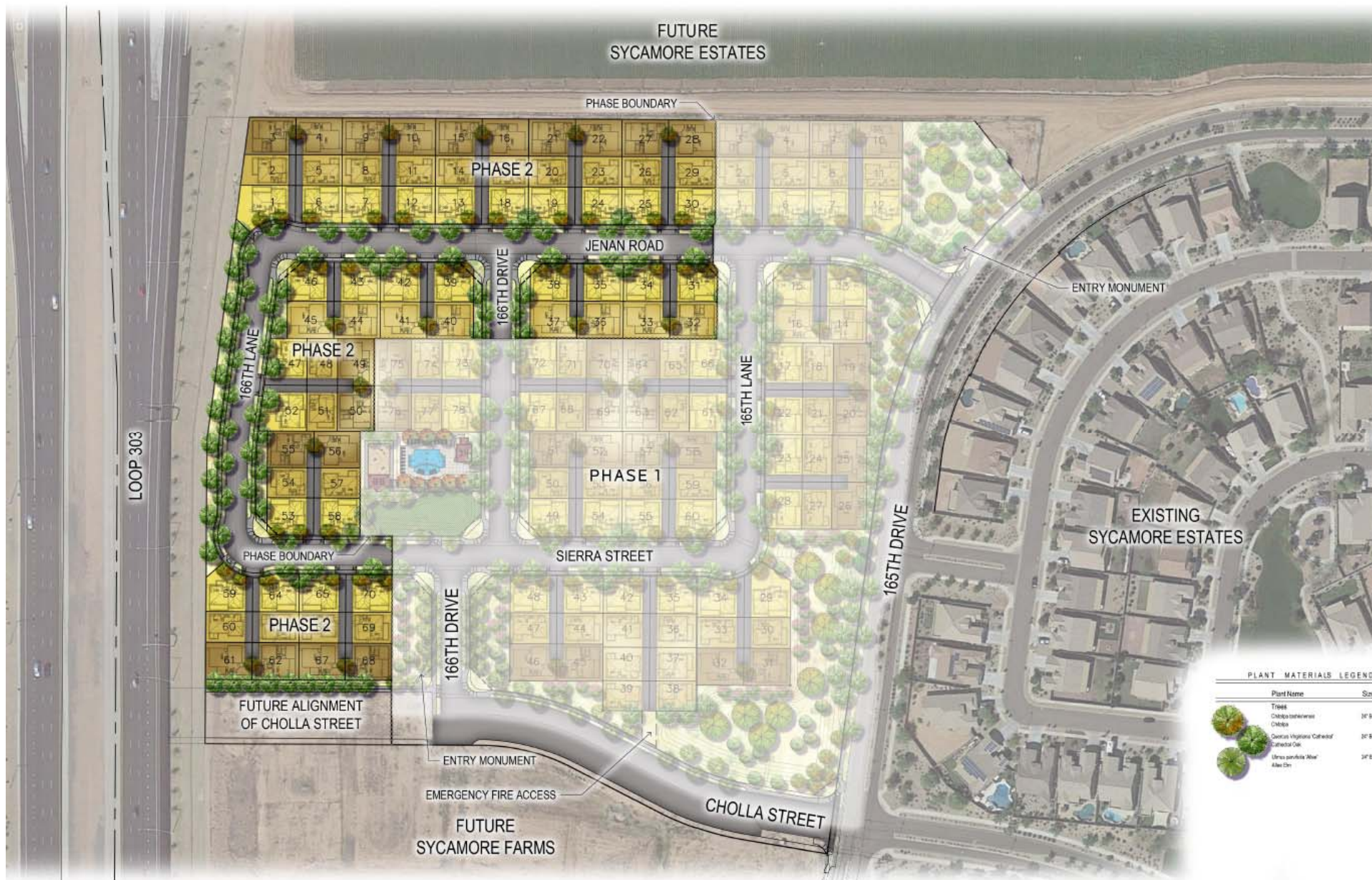
1. EMERGENCY FIRE ACCESS TO ADJACENT CHOLLA OCCURS AT THE END OF 8-PACK MOTOR COURT

AUTO COURT

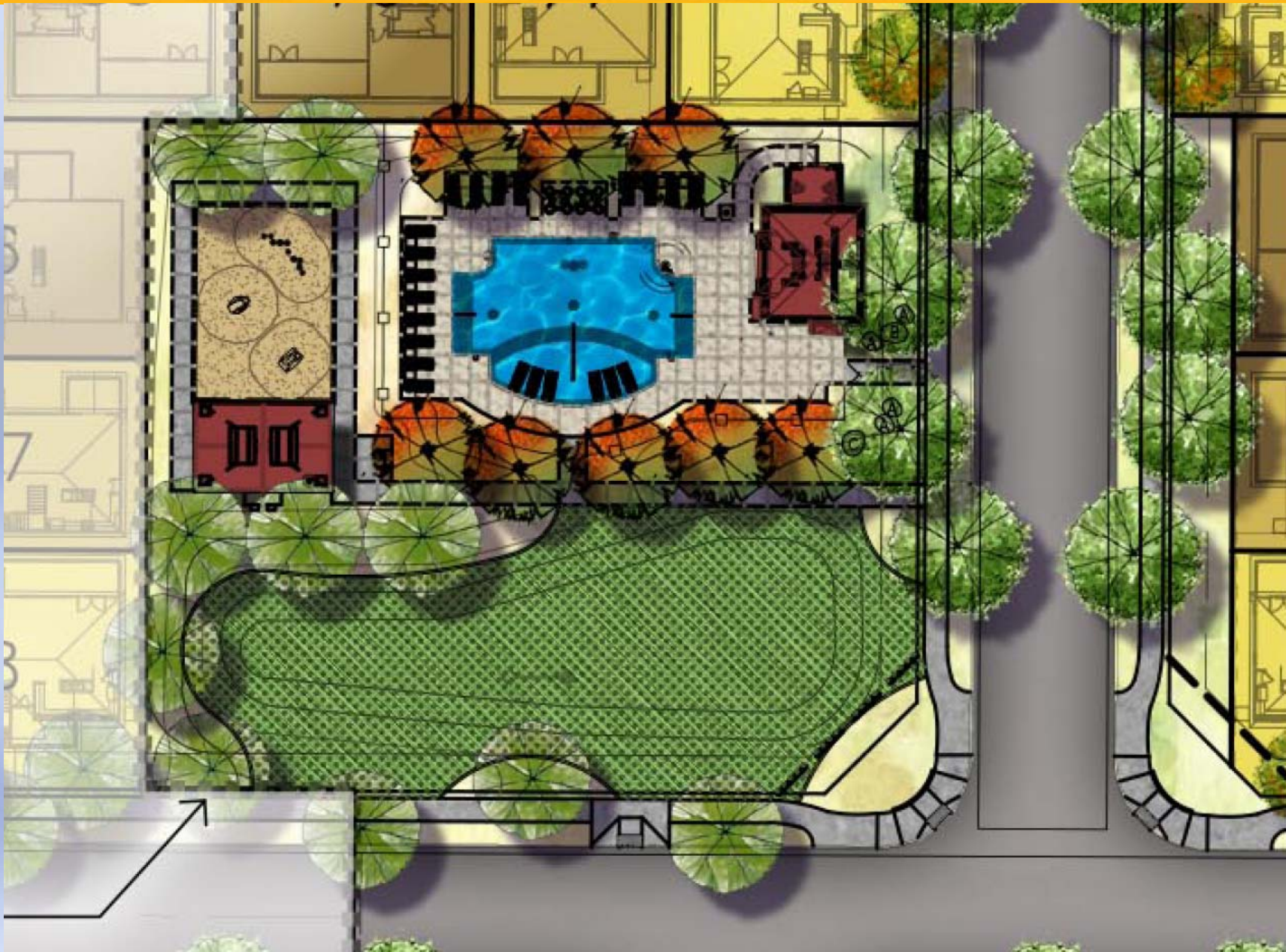


OPEN SPACE





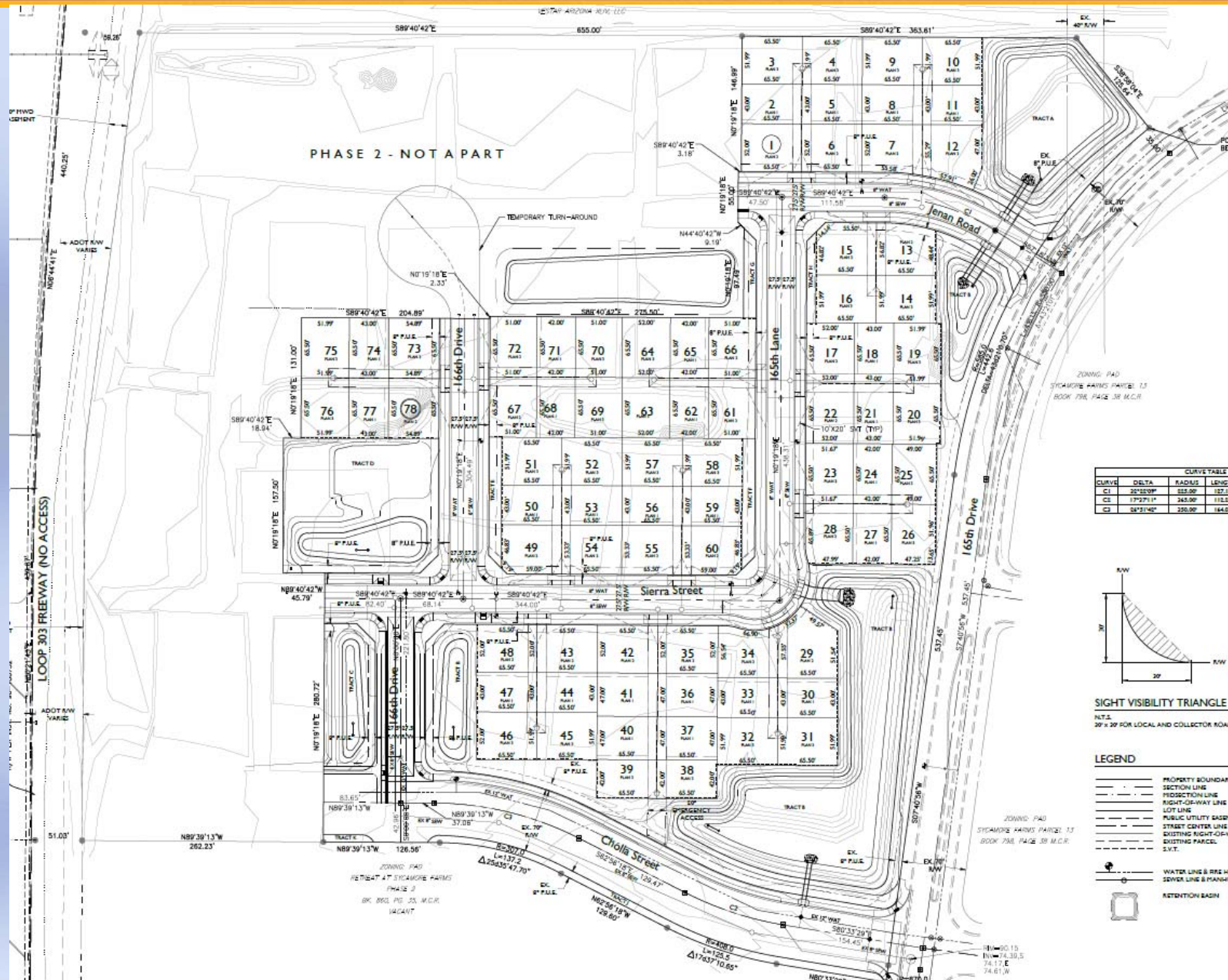
LANDSCAPE



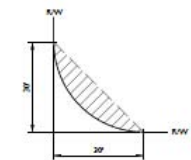
PLAT - PHASE 1



SURPRISE
ARIZONA



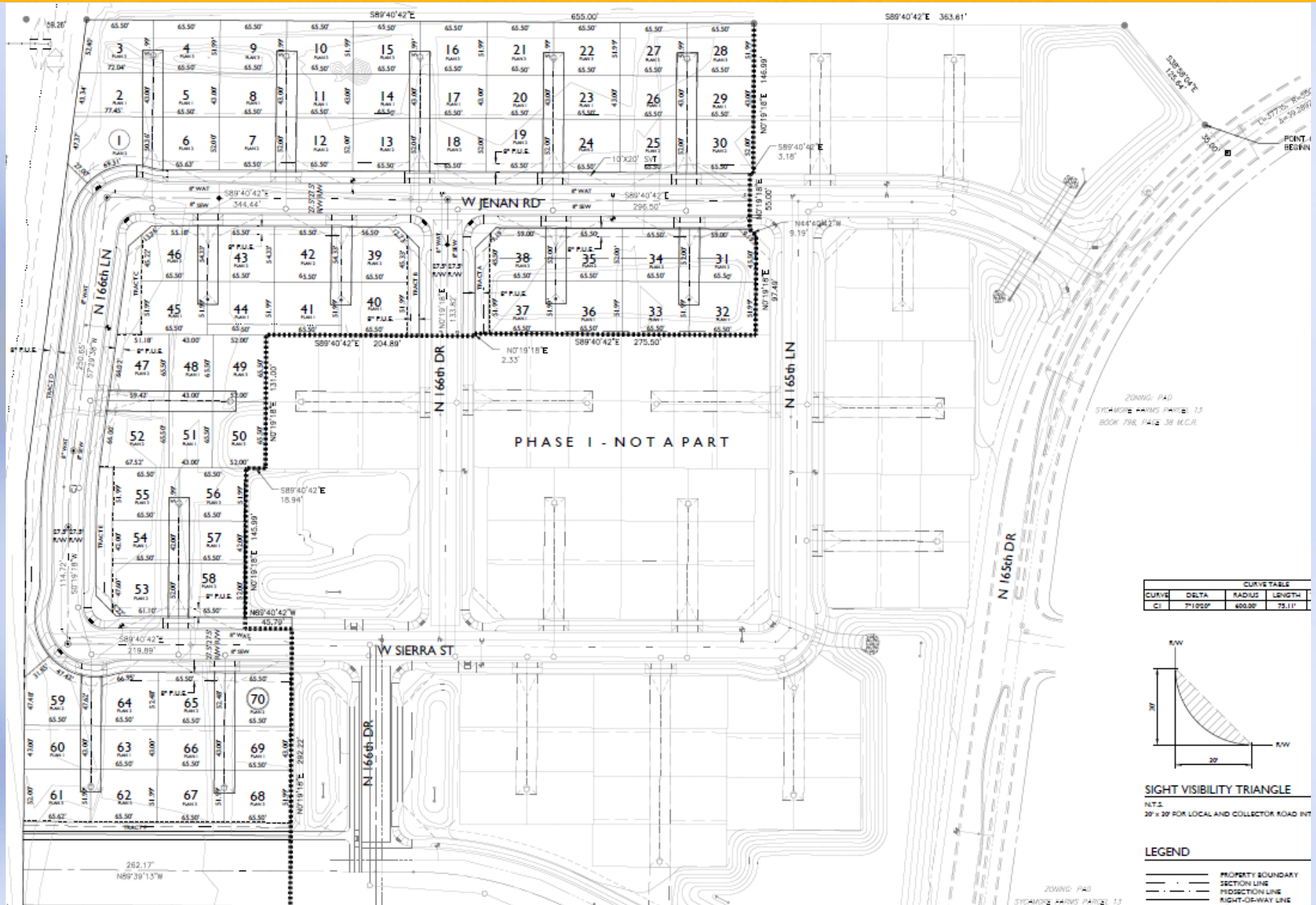
CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	35°10'00"	333.00'	127.11'
C2	17°21'11"	343.80'	113.24'
C3	54°21'40"	250.00'	184.09'

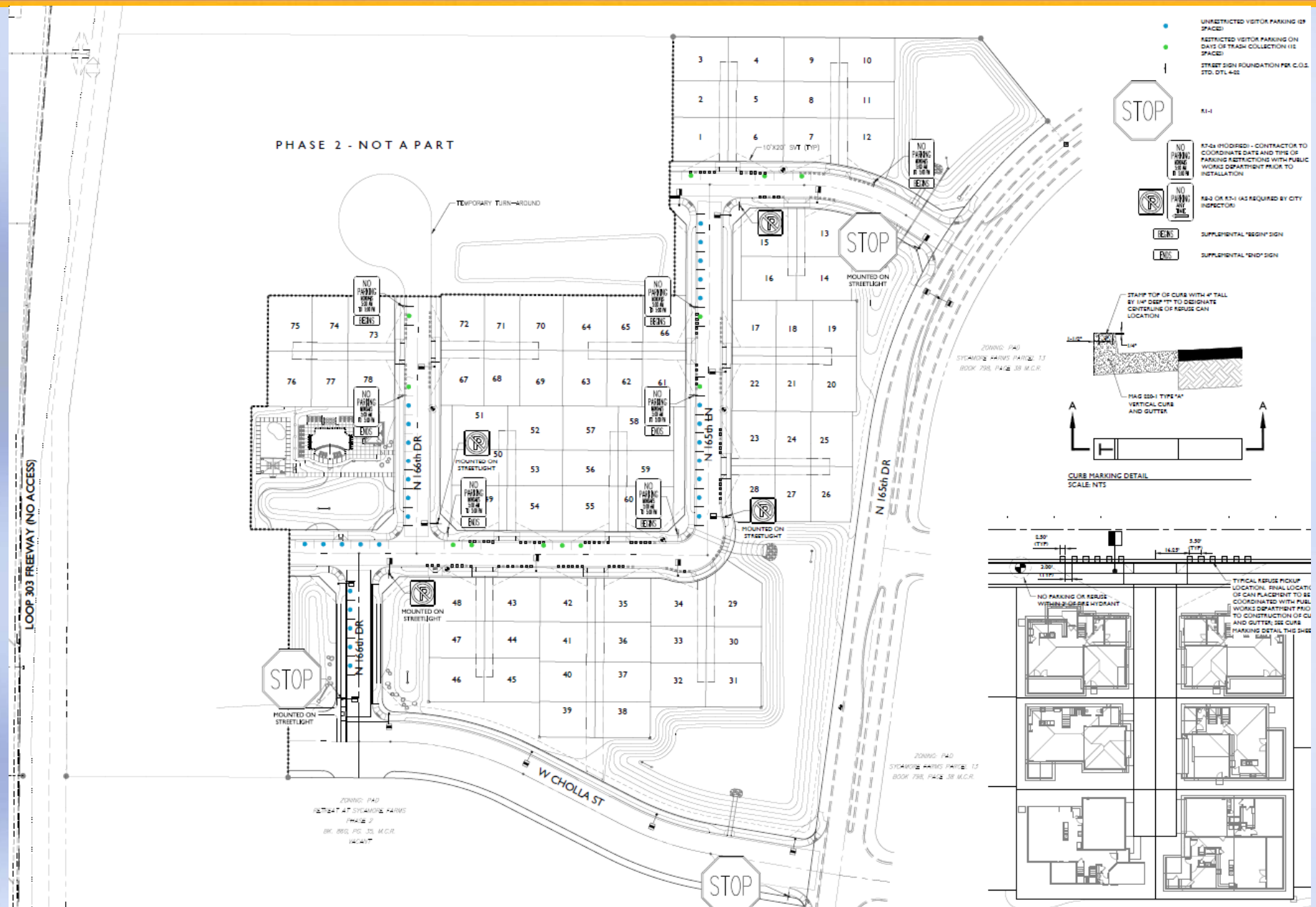


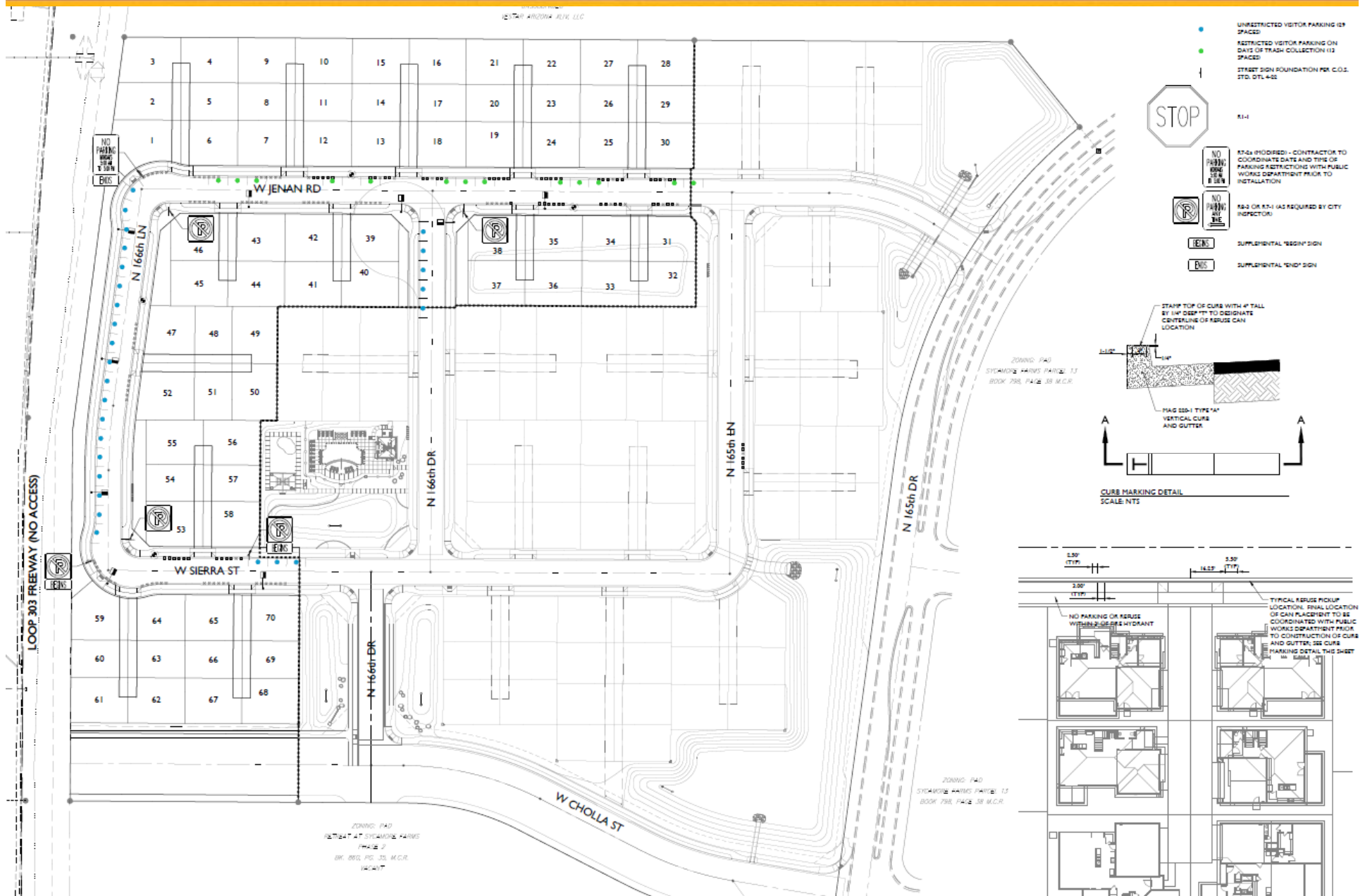
SIGHT VISIBILITY TRIANGLE
N.T.S.
30' x 30' FOR LOCAL AND COLLECTOR ROAD

LEGEND

- PROPERTY BOUNDARY
- SECTION LINE
- PROJECTION LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- PUBLIC UTILITY EASEMENT
- STREET CENTER LINE
- EXISTING RIGHT-OF-WAY
- EXISTING PARCEL, S.V.T.
- WATER LINE & R.E. BY
- SEWER LINE & MANHOLE
- RETENTION BASIN







SYCAMORE FARMS PARCEL 12 NORTH



Questions?



RESOLUTION #2015-101

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A FINAL PLAT ENTITLED "SYCAMORE FARMS, PARCEL 12, PHASE 1," GENERALLY LOCATED SOUTH OF CACTUS ROAD BETWEEN 165TH DRIVE AND SR303.

WHEREAS, on July 22, 2004 the Mayor and City Council approved the Sycamore Farms Planned Area Development;

WHEREAS, on October 6, 2015, the Mayor and City Council approved the Sycamore Farms Parcel 12, Phase, Preliminary Plat dated July 27, 2015;

WHEREAS, the proposed Final Plat conforms with the preliminary plat approved on the same meeting;

WHEREAS, the proposed final plat does not create any substandard or nonconforming lots; and

WHEREAS, the proposed final plat complies with the Surprise General Plan and Municipal Code.

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

Section 1. The Final Plat entitled "Sycamore Farms, Parcel 12, Phase 1," dated September 29, 2015 is approved with the following conditions:

The Landscape Plan prepared by Andersonbaron dated June 30, 2015 will be revised and submitted for review to include the following modifications:

- a. Sheet LA2.2, Note 11 will include a note that indicates the design of the pool building will follow the administrative amended site plan process.
- b. Sheets LA3.0 through LA3.4 will provide 24 inch box trees every 50 linear feet of collector streets.
- c. Trees provided in the rights-of-ways will be a species listed in Chapter eight (8) of the Engineering Development Standards.
- d. The wall and sign design illustrated on Sheets LA6.1 and LA6.2 will be reflective of the design provided in the Planned Area Development (PAD) document and the adjacent single family residential neighborhood. The wall will incorporate single 120 scored smooth face block with repeating cultured stone veneer columns.
- f. Sheet LA7.1 will include a note that requires deep root barriers for trees within ten (10) feet of curbs sidewalks, or pavement.

Section 2. Any future amendment of this plat does not require approval by resolution.

APPROVED AND ADOPTED this _____ day of _____ 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	3
Staff Recommendations:	Approve		

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

Agenda Wording:

Consideration and action on a Final Plat entitled "Sycamore Farms Parcel 12, Phase 2," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-103.

Motion:

I move to approve Resolution 2015-103.

Background:

This final plat is the second of two items related to the subdivision of property known as Sycamore Farms Parcel 12, Phase 2. The first item is a preliminary plat of the same name. The property is a 7.91-acre vacant parcel located between SR303 and North 165th Drive approximately 1,200 feet south of Cactus Road. The parcel was previously platted in 2013/2014, however the plat expired. Approval of this item will result in the subdivision of the property into 70 medium density single-family residential lots for a density of 8.85 dwelling units per acre. This item was heard by the Planning and Zoning Commission on September 17, 2015 with a recommendation for approval with stipulations. The stipulations are included in the Resolution. Additional information can be found in the attached staff report.

Objective Analysis:

Not applicable at this time.

Policy Compliant:

City Code requires that property be subdivided using a two-step process; a preliminary plat that requires a public hearing, and a final plat. The subdivision of this property is combining this two-step process into one agenda, though separate items, to facilitate faster processing time for the applicant. All other code requirements are satisfied.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This action will not have any impact on current staff levels.

ATTACHMENTS:**Click to download**

- ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Final Plat - Staff Report](#)
 - ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Final Plat - Vicinity Map](#)
 - ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Final Plat](#)
 - ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Final Plat - Landscape Plans](#)
 - ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Final Plat - Auto Court](#)
 - ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Final Plat - Presentation](#)
 - ☐ [Resolution 2015-103](#)
-



PRELIMINARY AND FINAL PLATS

REPORT TO THE MAYOR AND CITY COUNCIL

Case: FS15-192

Project Name: Sycamore Farms Parcel 12, Phase 2

Council District: 3 - Mesquite

Meeting Date: October 6, 2015

Planner: Hobart Wingard, Planner II, 623.222.3156

Owner: KB Homes Inc.

Applicant: EPS Group Inc.

Request: Preliminary and Final Plats for a 70 lot, medium density single-family subdivision in the Sycamore Farms Planned Area Development (PAD)

Site Location: Generally south of Cactus Road between North 165th Drive and SR303

Site Size: 7.91 acres

Density: 8.85 DU/Ac

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

Support/Opposition: No communications of support or opposition received

Project Description:

Sycamore Farms Parcel 12 North is approximately 21.24 acres of medium density residential land within the Sycamore Farms PAD. The medium density residential designation within the PAD has a target density of 8 dwelling units per acre. A previous site plan for this parcel contained 171 units with a density of 9.09 dwelling units per acre. These preliminary and final plats, Phase 2, propose 70 units with a density of 8.85 dwelling units per acre. This and the first phase of this project will combine to provide 148 dwelling units with a density of 6.97 dwelling units per acre overall.

PARCEL 12 NORTH	PHASE 1	PHASE 2	TOTALS
UNITS	78	70	148
AREA	13.33 Acres	7.91 Acres	21.24 Acres
DENSITY	5.85 DU/Ac	8.85 DU/Ac	6.97 DU/Ac
OPEN SPACE	3.53 Acres	0.42 Acres	3.95 Acres

The type of housing proposed is auto court layout. This type of housing provides a higher density by providing common driveways for clusters of 4, 6, or 8 dwelling units. The individual units will have back and side yards that utilize use and benefit easements to maximize the usable space in the yard areas. Use and benefit easement is a grant to an adjacent lot for ingress/egress for the purpose of repair, maintenance, drainage, and improvement of any of the lots that are contiguous to the easement area. No structure and/or other permanent improvement of any nature shall be placed, maintained, or permitted to remain on or within the easement area.

Students from this development will be within the Dysart School Districts. Discussions with the district and the developer have resulted in a central bus stop to transport students while providing an efficient way of collecting students for transportation to school.

Surrounding Land Zoning:

ADJACENCY	ZONING DISTRICT	PAD LAND USE
North	PAD	Commercial
East	PAD	Medium Density Residential
South	PAD	Medium Density Residential
West	PAD	Medium Density Residential

Background:

July 22, 2004: The subject project area was annexed into the City of Surprise.

July 22, 2004: The Mayor and City Council approved the Sycamore Farms PAD.

November 1, 2005: The Planning and Zoning Commission approved a site plan for a medium density project for the same location, which has since expired.

July 31, 2013: An amendment to the PAD was administratively approved by the Community Development Director to adjust setbacks for medium density parcels.

September 24, 2013: The Mayor and City Council approved a preliminary plat for the subject project, which has since expired.

April 15, 2014: The Mayor and City Council approved a final plat for the subject project, which has since expired.

May 8, 2015: The applicant filed dual requests for preliminary and final plats for Phases 1 and 2 of Parcel 12 North.

September 17, 2015: The Planning and Zoning Commission recommended approval for a preliminary plat for Phase 2 of Parcel 12 North. There was concern and discussion regarding the density, product, and fire access. All concerns were addressed by staff.

Analysis and Discussion:

The proposed project does meet the density and development standards of the Sycamore Farms PAD with the exception of certain items regarding the landscape plan. Stipulation 'a' provides requirements that, when resubmitted, will meet all applicable criteria.

Development Standards Table:

DEVELOPMENT STANDARDS FOR SYCAMORE FARMS MEDIUM DENSITY RESIDENTIAL	
Minimum Lot Area:	2,500 Square Feet
Minimum Lot Width:	30 Feet
Minimum Lot Depth:	39 Feet
Minimum Front Setback (Auto Court):	13 Feet
Minimum Front Setback (Livable):	5 Feet
Minimum Side Yard Setback:	4 Feet
Minimum Street Adjacent Setback:	10 Feet
Minimum Rear Yard Setback:	5 Feet
Maximum Building Height:	36 Feet
Maximum Lot Coverage:	As Per Setbacks

Utility and Services Table:

Electric:	APS
Water:	EPCOR Water
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Schools:	Dysart

Reviewing Agencies: In addition to the standard internal city reviewing divisions, EPCOR Water, the Arizona Department of Transportation, Maricopa Water District, Luke AFB, USPS, Dysart School District, APS, Cox Communications, and Century Link were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

Summary:

These preliminary and final plats for Sycamore Farms Parcel 12, Phase 2 propose 70 medium density lots with a density of 8.85 dwelling units per acre. Overall density of Parcel 12 will be 6.97 dwelling units per acre on 148 lots with 3.95 acres (18.60 percent) of open space provided.

95
96 **Findings:**
97

- 98 • The proposed Preliminary and Final Plats are consistent with the Surprise General Plan
99 2035.
100 • The proposed Preliminary and Final Plats are consistent with the Surprise Municipal Code.
101 • The proposed Preliminary and Final Plats are consistent with the Sycamore Farms PAD.
102

103 **Recommendation:**
104

105 Based on the findings noted above, should the Council first move to recommend approval of the
106 Sycamore Farms Parcel 12, Phase 2 preliminary and final plats, staff then recommends the Council
107 **approve** case **FS15-192**, subject to stipulation 'a' as outlined below:
108

- 109 a. The Landscape Plan prepared by Andersonbaron dated June 30, 2015 will be revised and
110 submitted for review to include the following modifications:
111 1. Sheet LA2.2, Note 11 will include a note that indicates the design of the pool
112 building will follow the administrative amended site plan process.
113 2. Sheets LA3.0 through LA3.4 will provide 24 inch box trees every 50 linear feet of
114 collector streets.
115 3. Trees provided in the rights-of-ways will be a species listed in Chapter eight (8) of
116 the Engineering Development Standards.
117 4. The wall and sign design illustrated on Sheets LA6.1 and LA6.2 will be reflective of
118 the design provided in the Planned Area Development (PAD) document and the
119 adjacent single family residential neighborhood. The wall will incorporate single-
120 scored smooth face block with repeating cultured stone veneer columns.
121 5. Sheet LA7.1 will include a note that requires deep root barriers for trees within ten
122 (10) feet of curbs sidewalks, or pavement.

123 However, should the Council wish to deny the request, the Council should make its own findings
124 and base its decision on those alternative findings.
125

126 **Attachments:**
127

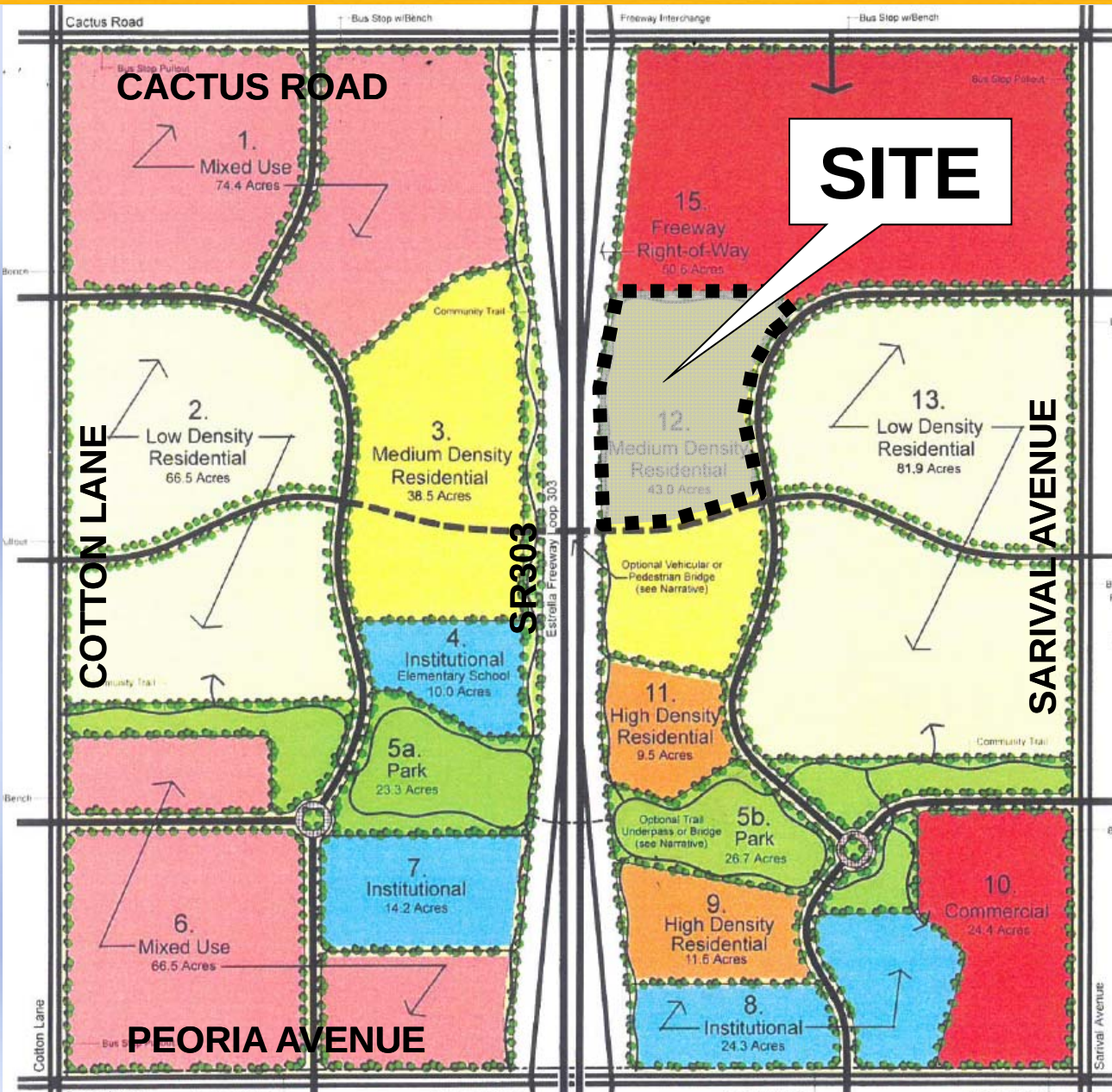
128 Vicinity Maps (3 pages)
129 Preliminary Plat (11 x 17 reductions, 3 sheets)
130 Final Plat (11 x 17 reductions, 3 sheets)
131 Landscape Plans (11 x 17 reductions, 7 sheets)
132 Auto Court Exhibit (1 page)

VICINITY MAP



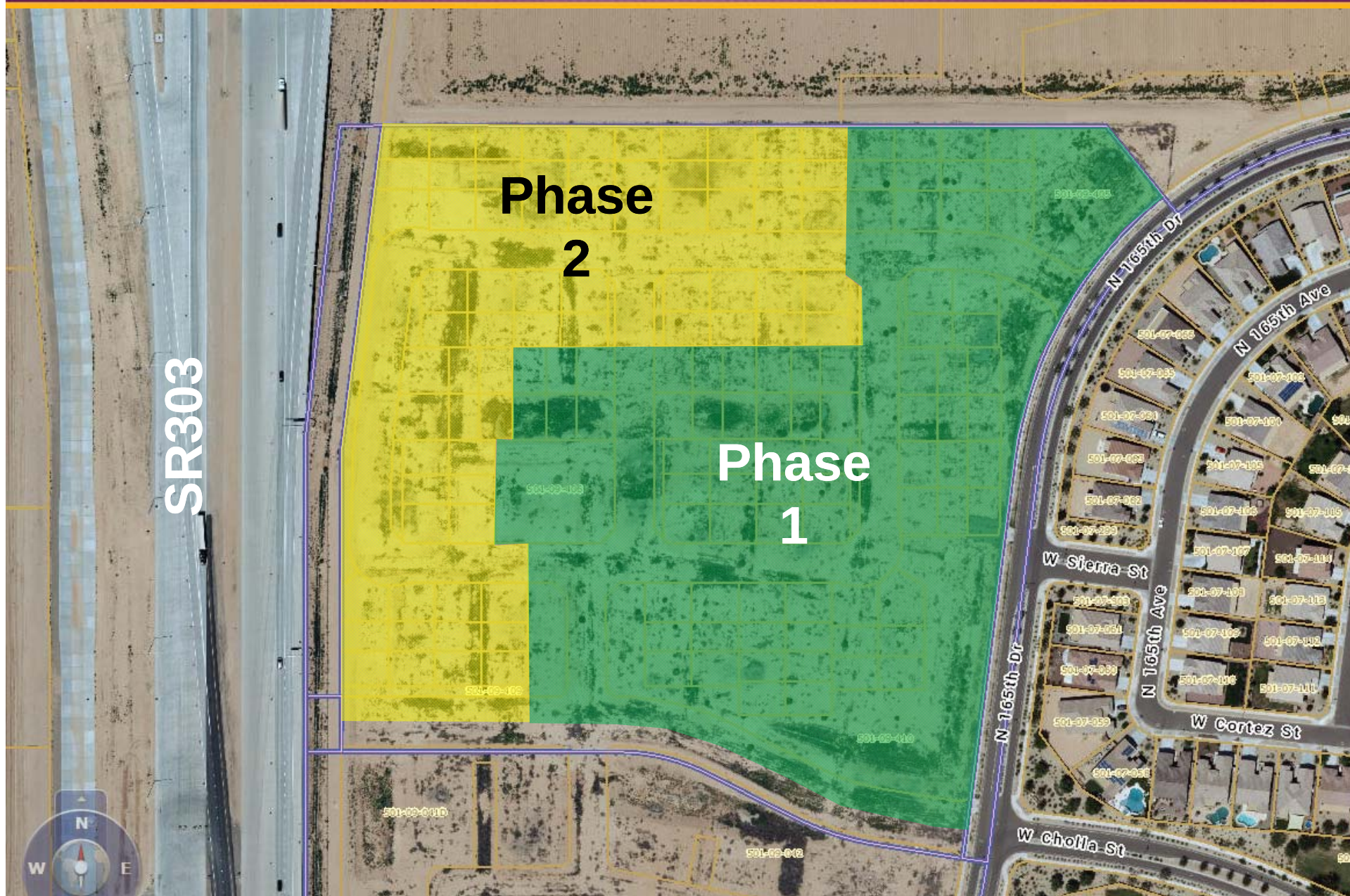
VICINITY MAP

PRASADA



GREER
RANCH

VICINITY MAP

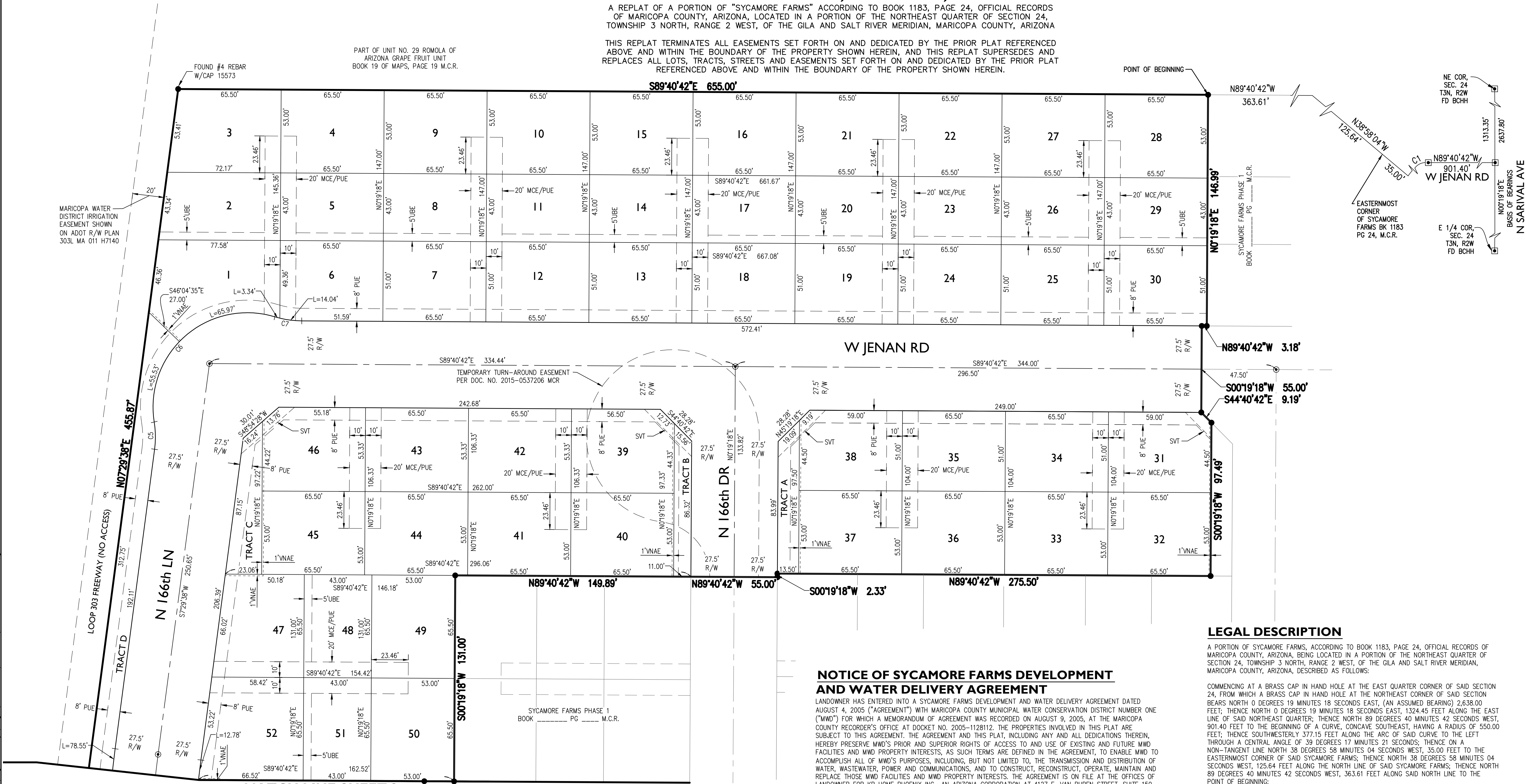


FINAL PLAT

SYCAMORE FARMS, PARCEL 12, PHASE 2

A REPLAT OF A PORTION OF "SYCAMORE FARMS" ACCORDING TO BOOK 1183, PAGE 24, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

THIS REPLAT TERMINATES ALL EASEMENTS SET FORTH ON AND DEDICATED BY THE PRIOR PLAT REFERENCED ABOVE AND WITHIN THE BOUNDARY OF THE PROPERTY SHOWN HEREIN, AND THIS REPLAT SUPERSEDES AND REPLACES ALL LOTS, TRACTS, STREETS AND EASEMENTS SET FORTH ON AND DEDICATED BY THE PRIOR PLAT REFERENCED ABOVE AND WITHIN THE BOUNDARY OF THE PROPERTY SHOWN HEREIN.



MATCH LINE SHEET 3

NOTICE OF INTERGOVERNMENTAL AGREEMENT

THE CITY OF SURPRISE ("CITY") AND MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT DATED APRIL 8, 1997, AND RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE ON APRIL 9, 1997, UNDER DOCKET NO. 97-0231759 ("IGA"). CITY AND MWD HAVE FACILITIES AND PROPERTY INTERESTS DESCRIBED AND DELINEATED WITHIN CERTAIN SUBDIVISION PLATS OR, FOR LANDS NOT INCLUDED IN A SUBDIVISION PLAT, DECLARATIONS OF TURF LANDS OR DECLARATIONS OF URBANIZED AREA, THAT HAVE PRIOR AND SUPERIOR RIGHTS TO THE UTILITY SERVICE PROVIDERS, AS DEFINED IN THE IGA. THE IGA PROVIDES FOR THE CITY TO HAVE A PUBLIC UTILITY EASEMENT WITHIN CERTAIN MWD PROPERTY INTERESTS AND FOR MWD TO HAVE AN EASEMENT WITHIN CITY'S PUBLIC RIGHTS-OF-WAY. CITY AND MWD RIGHTS WITHIN THESE EASEMENTS ARE SUBJECT TO AND CONTROLLED BY THE TERMS AND CONDITIONS OF THE IGA.

IN LOCATIONS WHERE APPLICABLE, INCLUDING ANY AND ALL DEDICATIONS WITHIN A SUBDIVISION PLAT, MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND PROPERTY INTERESTS, SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE IGA.

CITY SHALL HAVE THE RIGHT TO AUTHORIZE AND CONTROL THE UTILITY SERVICE PROVIDER'S USE AND OCCUPANCY OF THESE EASEMENTS. CITY REQUIRES THAT UTILITY SERVICE PROVIDERS CONSENT TO BE BOUND BY THE IGA PRIOR TO THE USE OR OCCUPANCY OF THE EASEMENTS GRANTED UNDER THE IGA. SUCH USE OR OCCUPANCY OF THE EASEMENTS CONSTITUTES CONSENT OF THE UTILITY SERVICE PROVIDERS TO BE BOUND BY THE IGA.

NOTICE OF SYCAMORE FARMS DEVELOPMENT AND WATER DELIVERY AGREEMENT

LANDOWNER HAS ENTERED INTO A SYCAMORE FARMS DEVELOPMENT AND WATER DELIVERY AGREEMENT DATED AUGUST 4, 2005 ("AGREEMENT") WITH MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE ("MWD") FOR WHICH A MEMORANDUM OF AGREEMENT WAS RECORDED ON AUGUST 9, 2005, AT THE MARICOPA COUNTY RECORDER'S OFFICE AT DOCKET NO. 2005-1128112. THE PROPERTIES INVOLVED IN THIS PLAT ARE SUBJECT TO THIS AGREEMENT. THE AGREEMENT AND THIS PLAT, INCLUDING ANY AND ALL DEDICATIONS THEREIN, HEREBY PRESERVE MWD'S PRIOR AND SUPERIOR RIGHTS OF ACCESS TO AND USE OF EXISTING AND FUTURE MWD FACILITIES AND MWD PROPERTY INTERESTS, AS SUCH TERMS ARE DEFINED IN THE AGREEMENT, TO ENABLE MWD TO ACCOMPLISH ALL OF MWD'S PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE TRANSMISSION AND DISTRIBUTION OF WATER, WASTEWATER, POWER AND COMMUNICATIONS, AND TO CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN AND REPLACE THOSE MWD FACILITIES AND MWD PROPERTY INTERESTS. THE AGREEMENT IS ON FILE AT THE OFFICES OF LANDOWNER FOR KB HOME PHOENIX INC., AN ARIZONA CORPORATION AT 4127 E. VAN BUREN STREET, SUITE 150, PHOENIX, ARIZONA 85008 AND MAY BE REVIEWED AS TO ALL DETAILS, WITH PARTICULAR REFERENCE TO SECTION 7 AND SECTION 9, UPON REASONABLE REQUEST.

DATED THIS ____ DAY OF _____

MARICOPA COUNTY MUNICIPAL WATER CONSERVATION DISTRICT NUMBER ONE, A POLITICAL SUBDIVISION OF THE STATE OF ARIZONA

BY: CHRISTINE CAIN
ITS: PROPERTY & CONTRACTS SUPERVISOR

BY: GLEN VORTHERMS
ITS: ASSISTANT SECRETARY

LANDOWNER:

BY: KB HOME PHOENIX INC., AN ARIZONA CORPORATION, AS OWNER

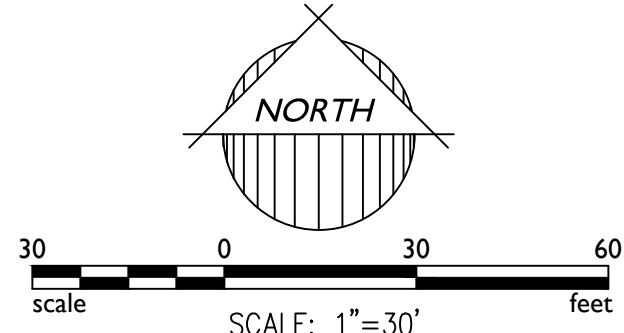
BY: _____
ITS: _____

LEGAL DESCRIPTION

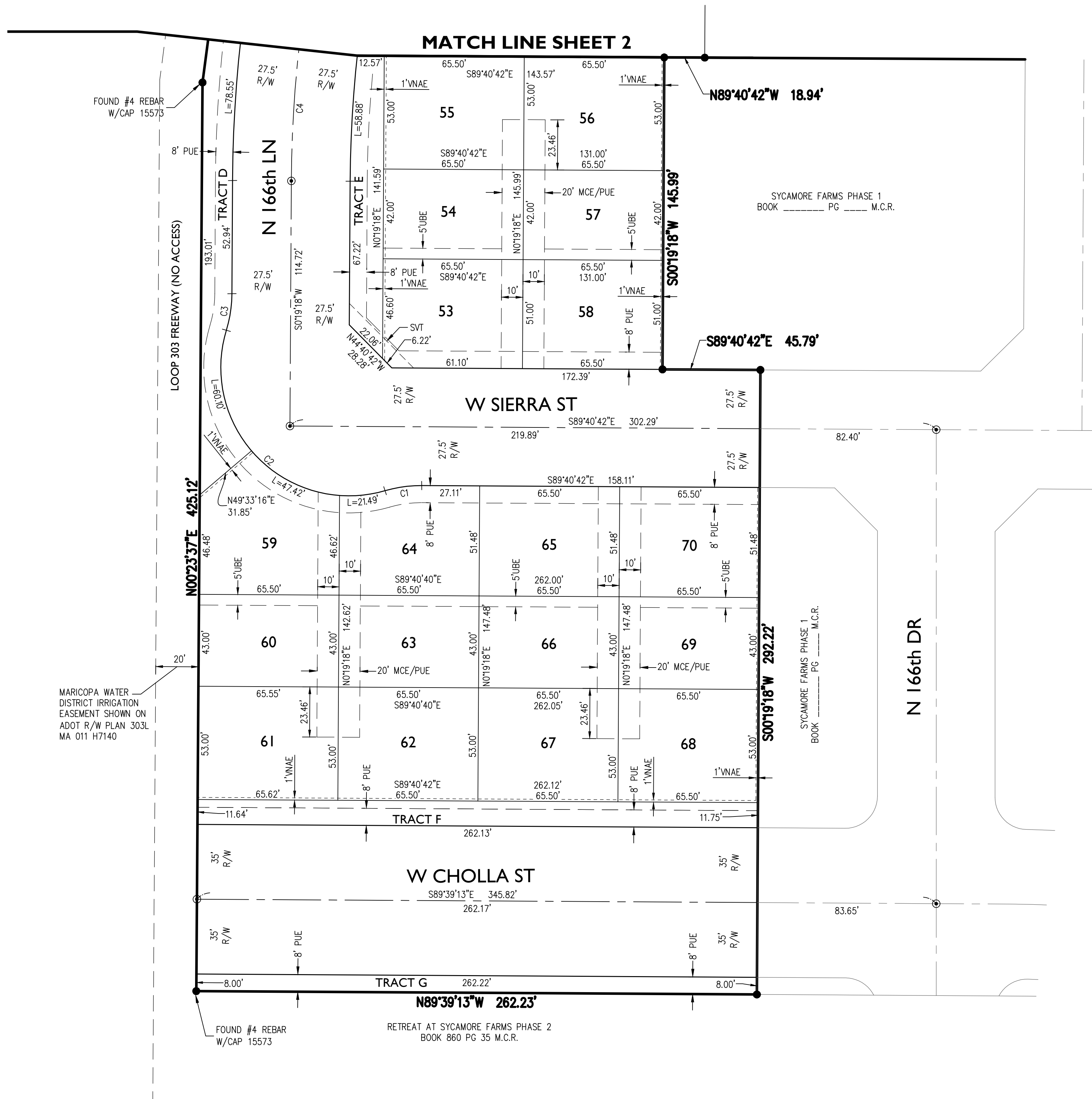
A PORTION OF SYCAMORE FARMS, ACCORDING TO BOOK 1183, PAGE 24, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, BEING LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN HAND HOLE AT THE EAST QUARTER CORNER OF SAID SECTION 24, FROM WHICH A BRASS CAP IN HAND HOLE AT THE NORTHEAST CORNER OF SAID SECTION BEARS NORTH 0 DEGREES 19 MINUTES 18 SECONDS EAST, (AN ASSUMED BEARING) 2,638.00 FEET; THENCE NORTH 0 DEGREES 19 MINUTES 18 SECONDS EAST, 1324.45 FEET ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 901.40 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 550.00 FEET; THENCE SOUTHWESTERLY 377.15 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 39 DEGREES 17 MINUTES 21 SECONDS; THENCE ON A NON-TANGENT LINE NORTH 38 DEGREES 58 MINUTES 04 SECONDS WEST, 35.00 FEET TO THE EASTERNMOST CORNER OF SAID SYCAMORE FARMS; THENCE NORTH 38 DEGREES 58 MINUTES 04 SECONDS WEST, 125.64 FEET ALONG THE NORTH LINE OF SAID SYCAMORE FARMS; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 363.61 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING;

THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 146.99 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 3.18 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 55.00 FEET; THENCE SOUTH 44 DEGREES 40 MINUTES 42 SECONDS EAST, 9.19 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 97.49 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 275.50 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 2.33 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 204.89 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 131.00 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, 18.94 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 145.99 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, 45.79 FEET; THENCE SOUTH 0 DEGREES 19 MINUTES 18 SECONDS WEST, 292.22 FEET TO A POINT ON THE SOUTH LINE OF SAID SYCAMORE FARMS; THENCE NORTH 89 DEGREES 39 MINUTES 13 SECONDS WEST, 262.23 FEET ALONG SAID SOUTH LINE; THENCE NORTH 0 DEGREES 23 MINUTES 37 SECONDS EAST, 425.12 FEET ALONG THE WEST LINE OF SAID SYCAMORE FARMS; THENCE NORTH 7 DEGREES 29 MINUTES 38 SECONDS EAST, 455.87 FEET ALONG SAID WEST LINE; THENCE SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, 655.00 FEET ALONG THE NORTH LINE OF SAID SYCAMORE FARMS TO THE POINT OF BEGINNING.



12-128



FINAL PLAT

SYCAMORE FARMS, PARCEL 12, PHASE 2

A REPLAT OF A PORTION OF "SYCAMORE FARMS" ACCORDING TO BOOK 1183, PAGE 24, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

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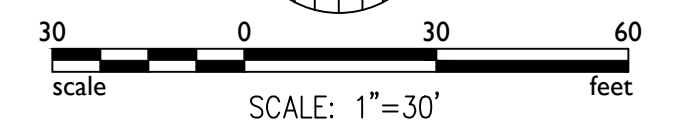
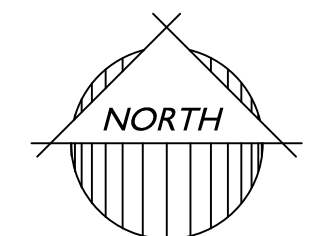
CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BRG
C1	17.38'	60.00'	16°35'52"	8.75'	17.32'	S82°01'22"W
C2	129.01'	60.00'	123°11'44"	110.96'	105.56'	S44°40'42"E
C3	17.38'	60.00'	16°35'52"	8.75'	17.32'	N08°37'14"E
C4	75.11'	600.00'	7°10'20"	37.60'	75.06'	S03°54'28"W
C5	17.38'	60.00'	16°35'52"	8.75'	17.32'	N00°48'18"W
C6	121.50'	60.00'	116°01'24"	96.06'	101.78'	S45°54'28"W
C7	17.38'	60.00'	16°35'52"	8.75'	17.32'	S81°22'46"E

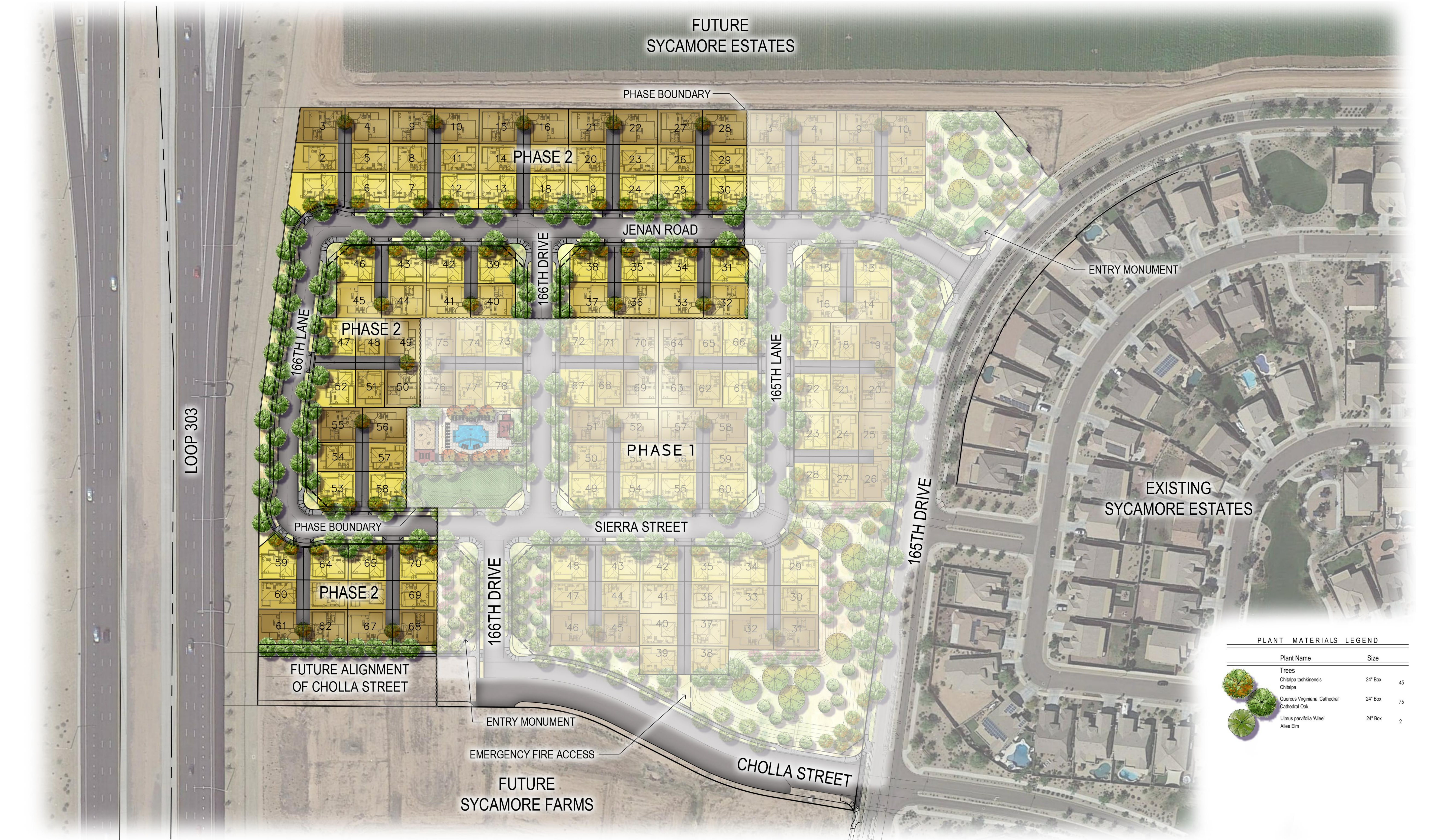
LOT AREA TABLE		
LOT #	AREA (SF)	AREA (AC)
1	4,158	0.0955
2	3,220	0.0739
3	3,648	0.0837
4	3,471	0.0797
5	2,817	0.0647
6	3,333	0.0765
7	3,341	0.0767
8	2,817	0.0647
9	3,471	0.0797
10	3,471	0.0797
11	2,817	0.0647
12	3,341	0.0767
13	3,341	0.0767
14	2,817	0.0647
15	3,471	0.0797
16	3,471	0.0797
17	2,817	0.0647
18	3,341	0.0767
19	3,341	0.0767
20	2,817	0.0647

LOT AREA TABLE		
LOT #	AREA (SF)	AREA (AC)
21	3,471	0.0797
22	3,471	0.0797
23	2,817	0.0647
24	3,341	0.0767
25	3,341	0.0767
26	2,817	0.0647
27	3,471	0.0797
28	3,471	0.0797
29	2,817	0.0647
30	3,341	0.0767
31	3,319	0.0762
32	3,471	0.0797
33	3,471	0.0797
34	3,341	0.0767
35	3,341	0.0767
36	3,471	0.0797
37	3,471	0.0797
38	3,319	0.0762
39	3,452	0.0793
40	3,471	0.0797

LOT AREA TABLE		
LOT #	AREA (SF)	AREA (AC)
41	3,471	0.0797
42	3,493	0.0802
43	3,493	0.0802
44	3,471	0.0797
45	3,471	0.0797
46	3,446	0.0791
47	3,557	0.0816
48	2,816	0.0647
49	3,471	0.0797
50	3,472	0.0797
51	2,817	0.0647
52	4,096	0.0940
53	3,331	0.0765
54	2,751	0.0632
55	3,471	0.0797
56	3,471	0.0797
57	2,751	0.0632
58	3,341	0.0767
59	3,583	0.0822
60	2,817	0.0647

LOT AREA TABLE		
LOT #	AREA (SF)	AREA (AC)
61	3,476	0.0798
62	3,471	0.0797
63	2,817	0.0647
64	3,266	0.0750
65	3,372	0.0774
66	2,817	0.0647
67	3,471	0.0797
68	3,471	0.0797
70	3,372	0.0774





PLANT MATERIALS LEGEND		
Plant Name	Size	
Trees		
Chitalpa tashkinensis	24" Box	45
Chitalpa		
Quercus Virginiana 'Cathedral'	24" Box	75
Cathedral Oak		
Ulmus parvifolia 'Allee'	24" Box	2
Allee Elm		

SYCAMORE FARMS - PHASE 2

LANDSCAPE PLAN

scale 1:60
date: 08.24.15

andersonbaron
plan · design · achieve
50 n. mcclintock drive, ste 1
chandler, arizona 85226
ph. 480.699.7956 f.480.699.7986

Sycamore Farms Parcel 12 North Preliminary and Final Plats

October 6, 2015

City Council

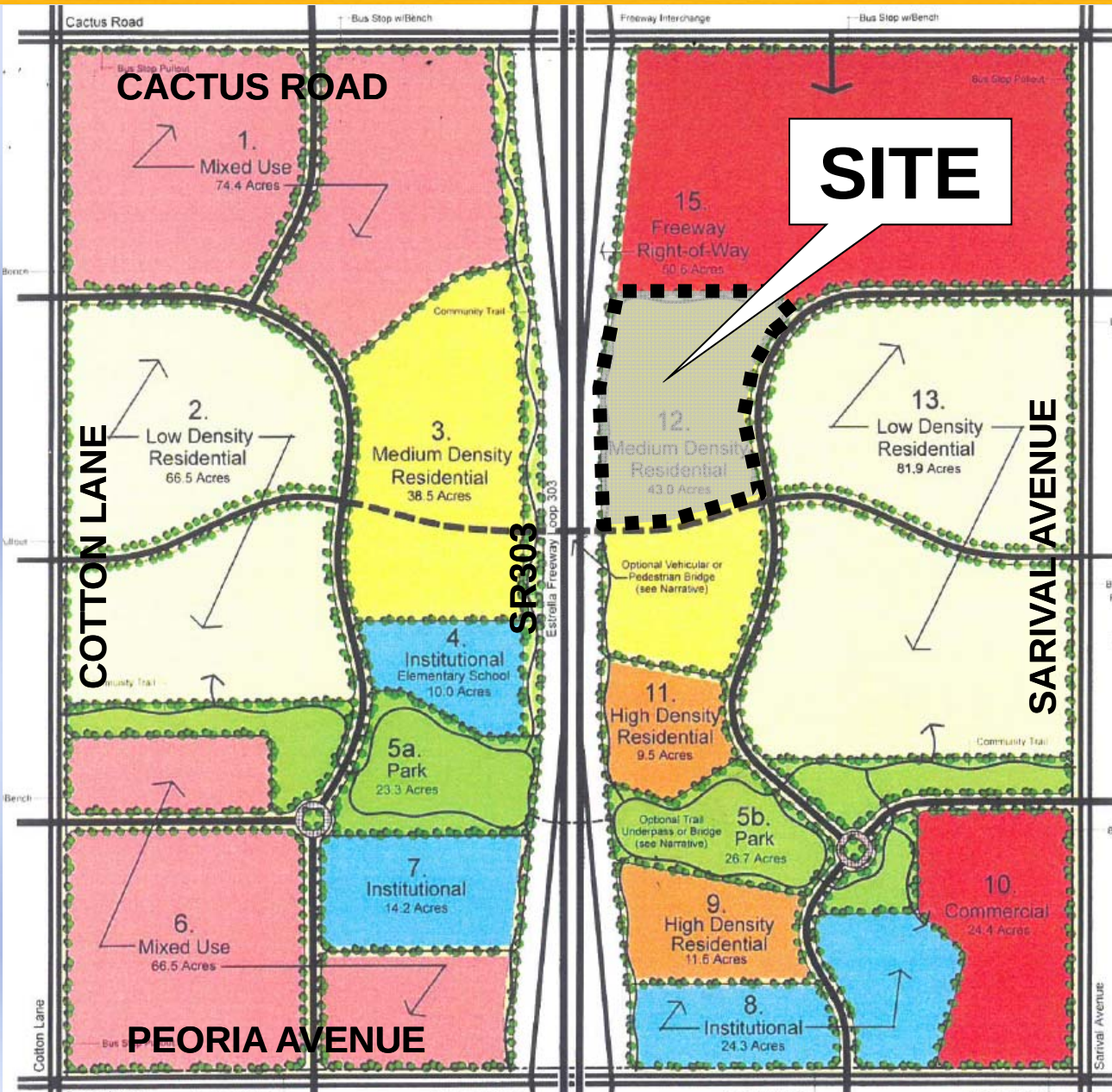


VICINITY MAP



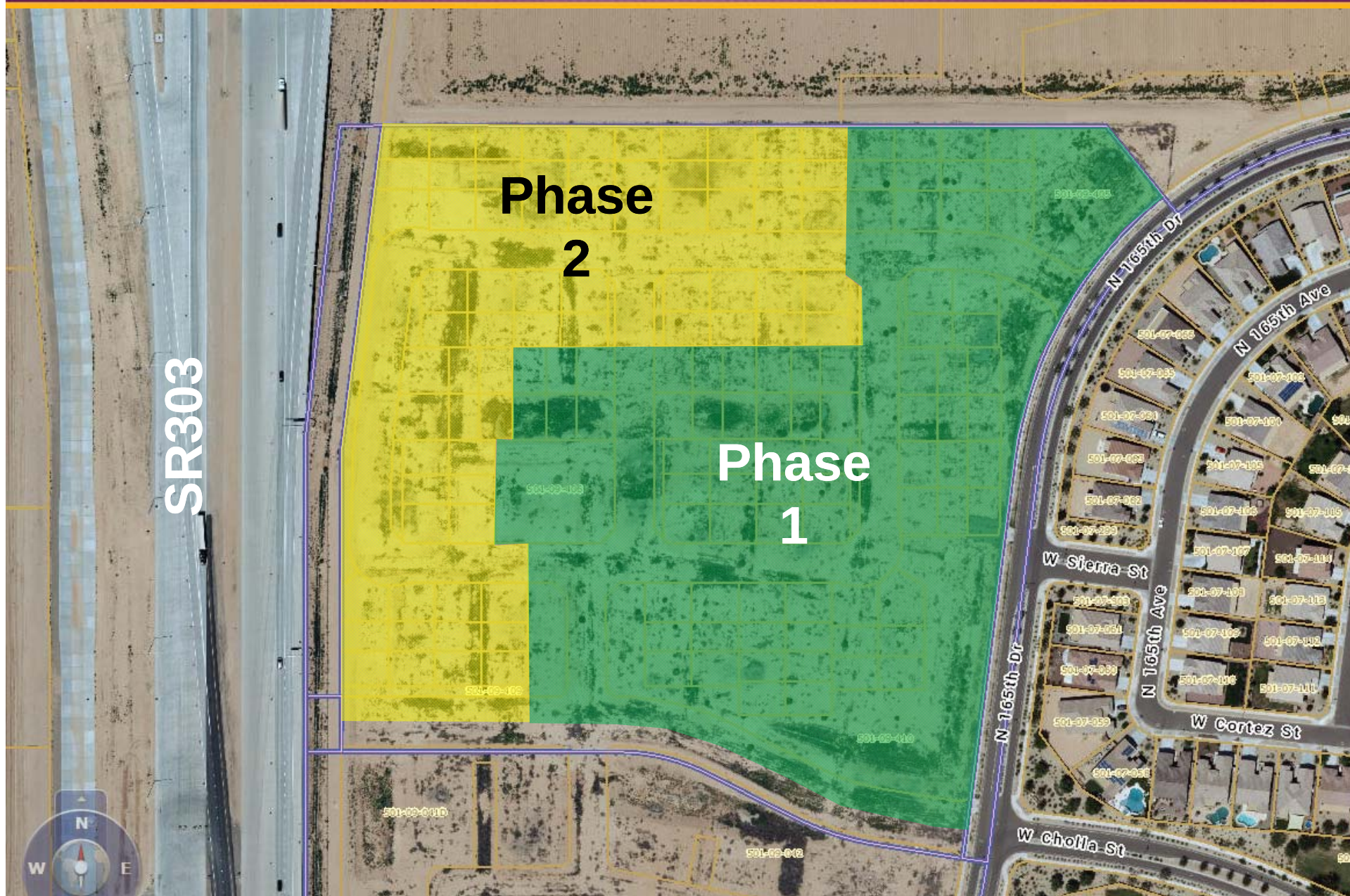
VICINITY MAP

PRASADA

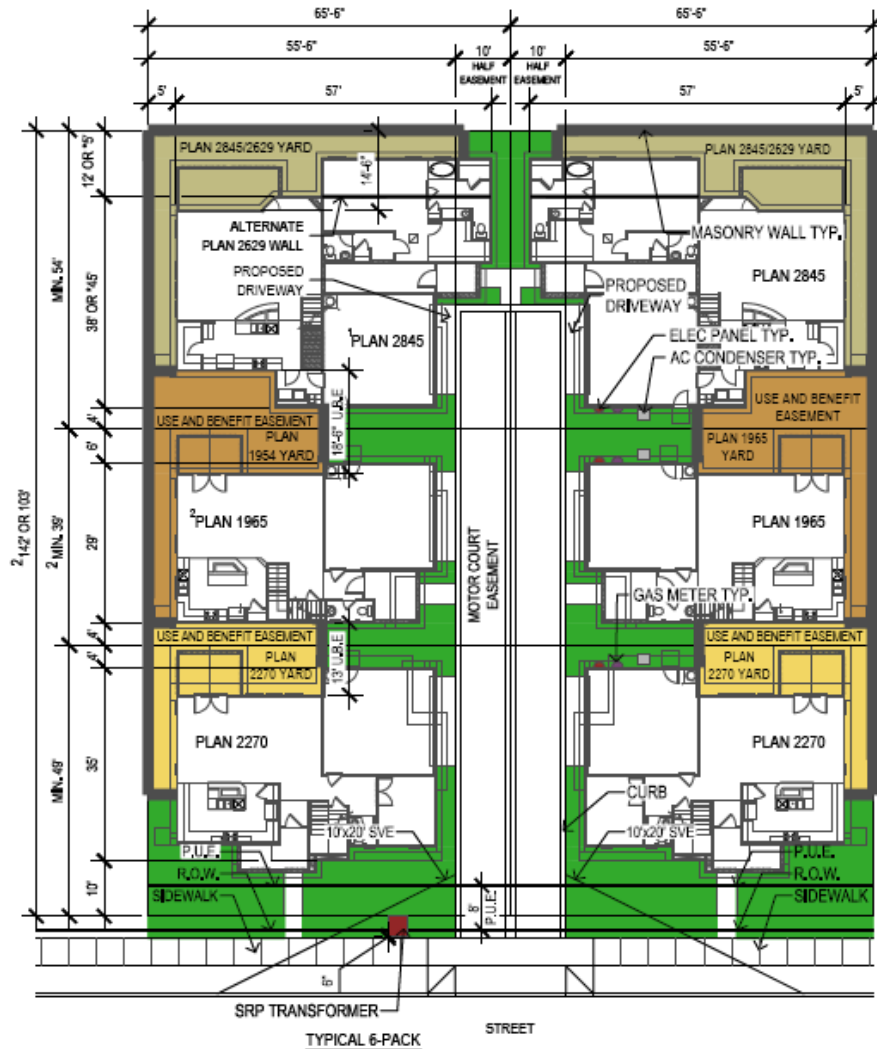


GREER
RANCH

VICINITY MAP

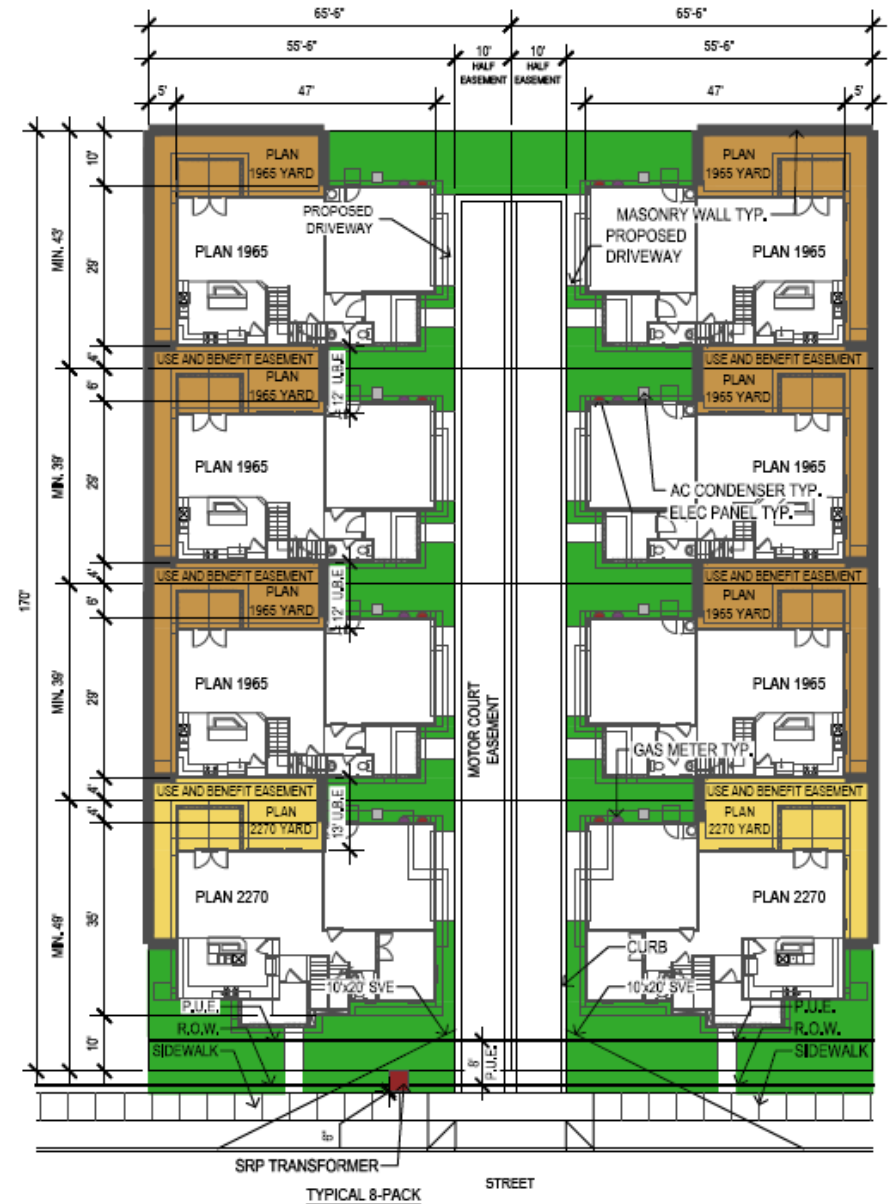


AUTO COURT



NOTE:

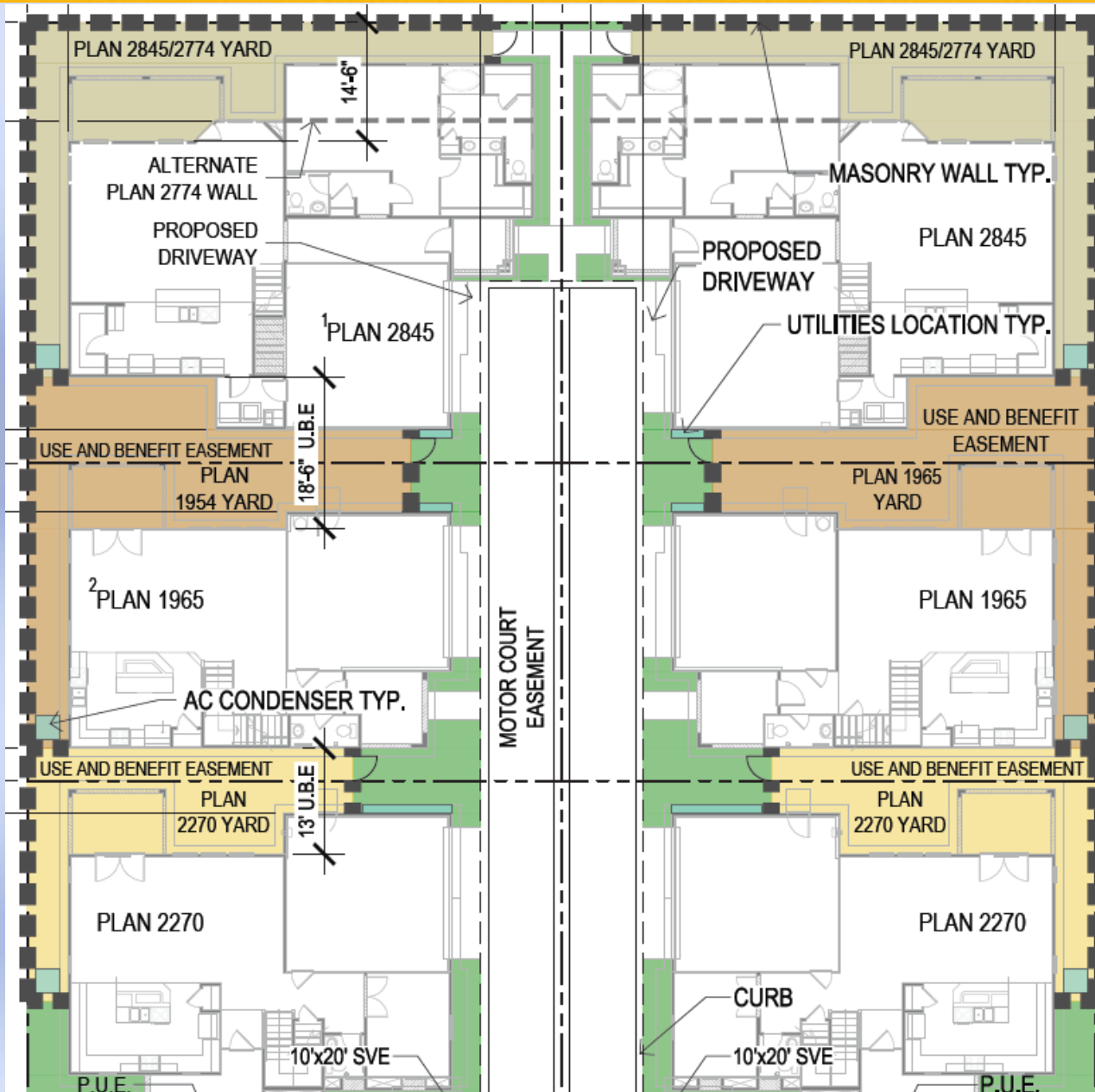
1. PLAN 2845 AND PLAN 2629 CONDITION OCCURS ON 6-PACK ENDS
2. PLAN 1965 NOT PART OF 4-PACK CONDITION



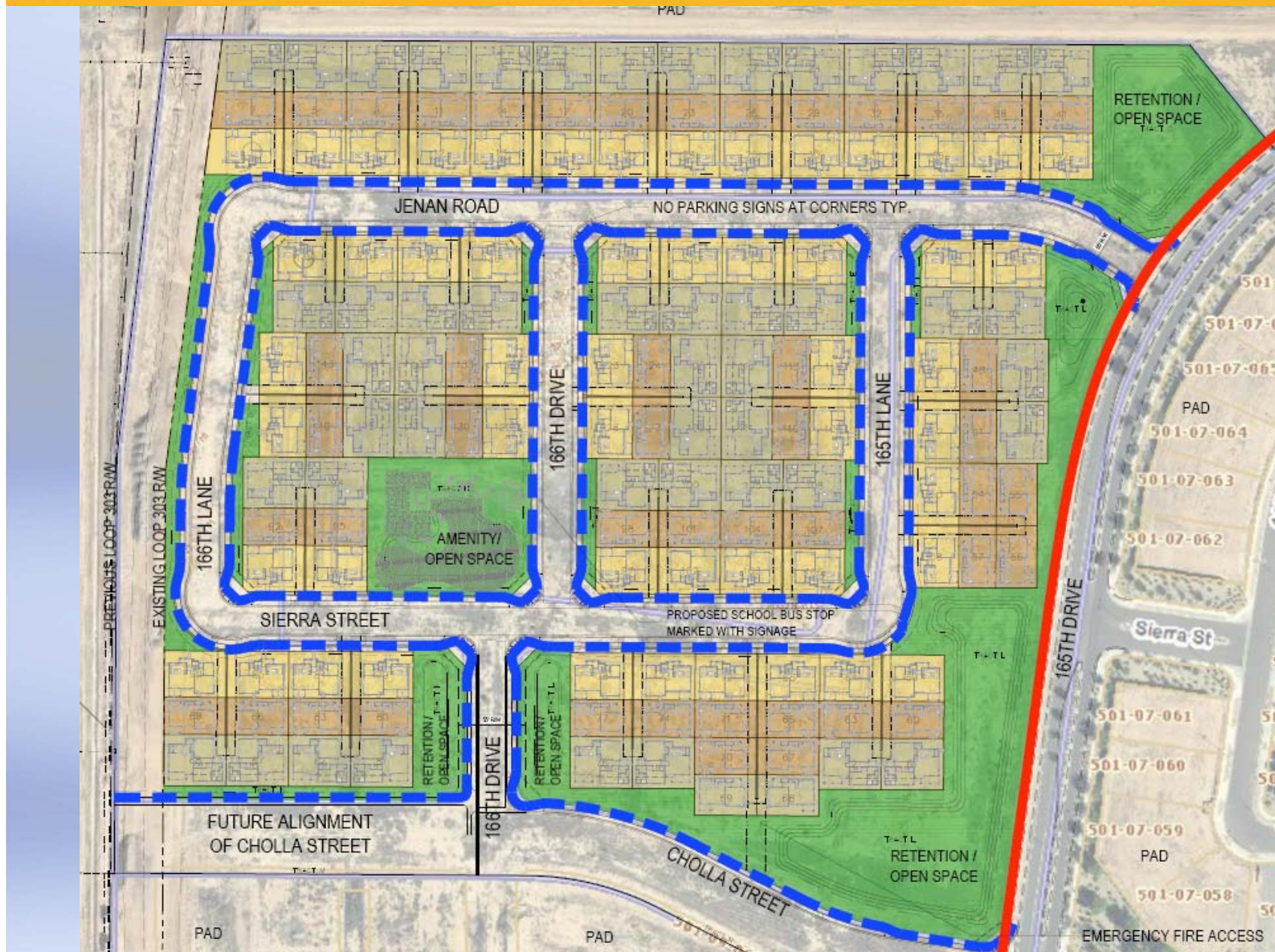
NOTE:

1. EMERGENCY FIRE ACCESS TO ADJACENT CHOLLA OCCURS AT THE END OF A 8-PACK MOTOR COURT

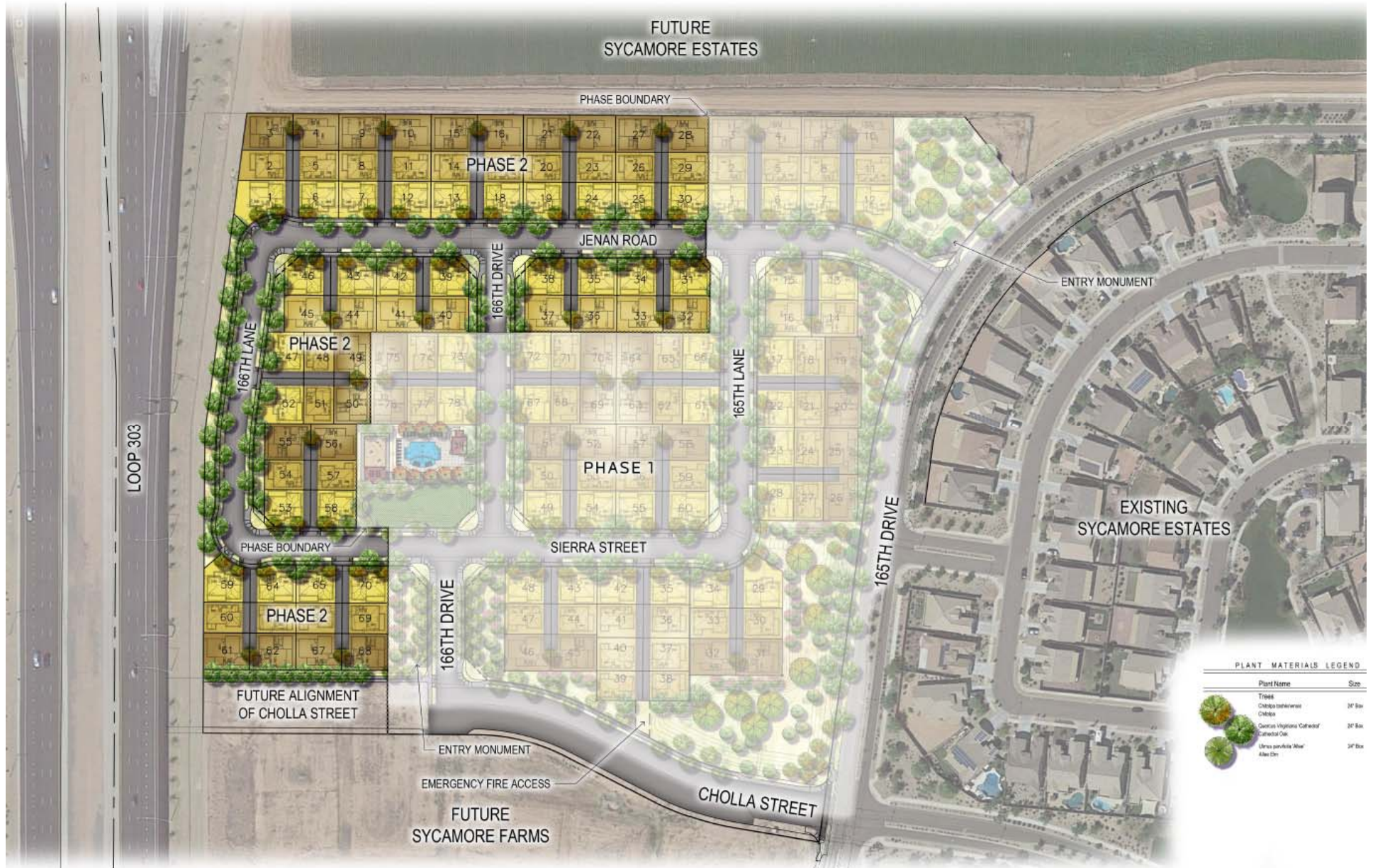
AUTO COURT



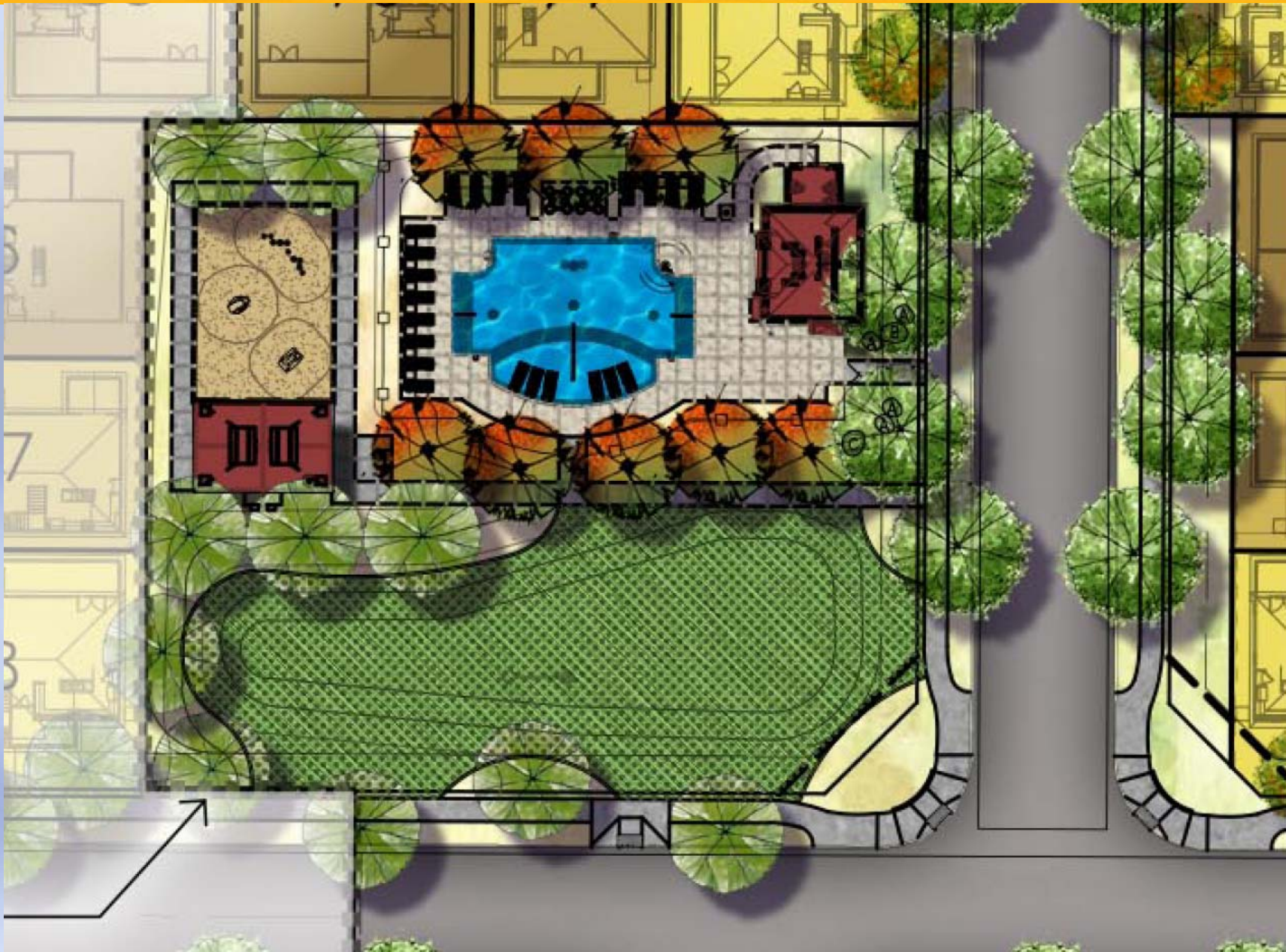
OPEN SPACE

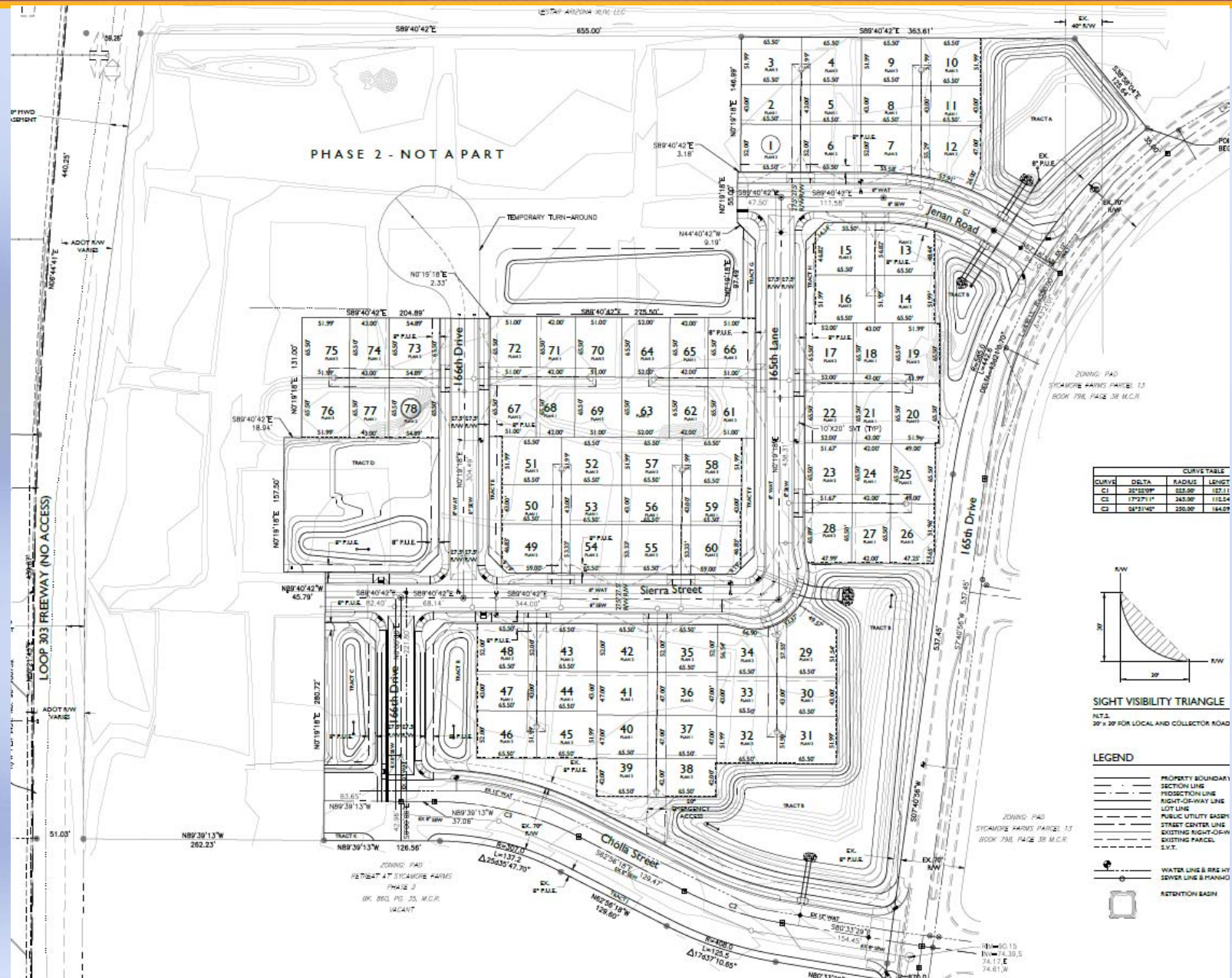


LANDSCAPE

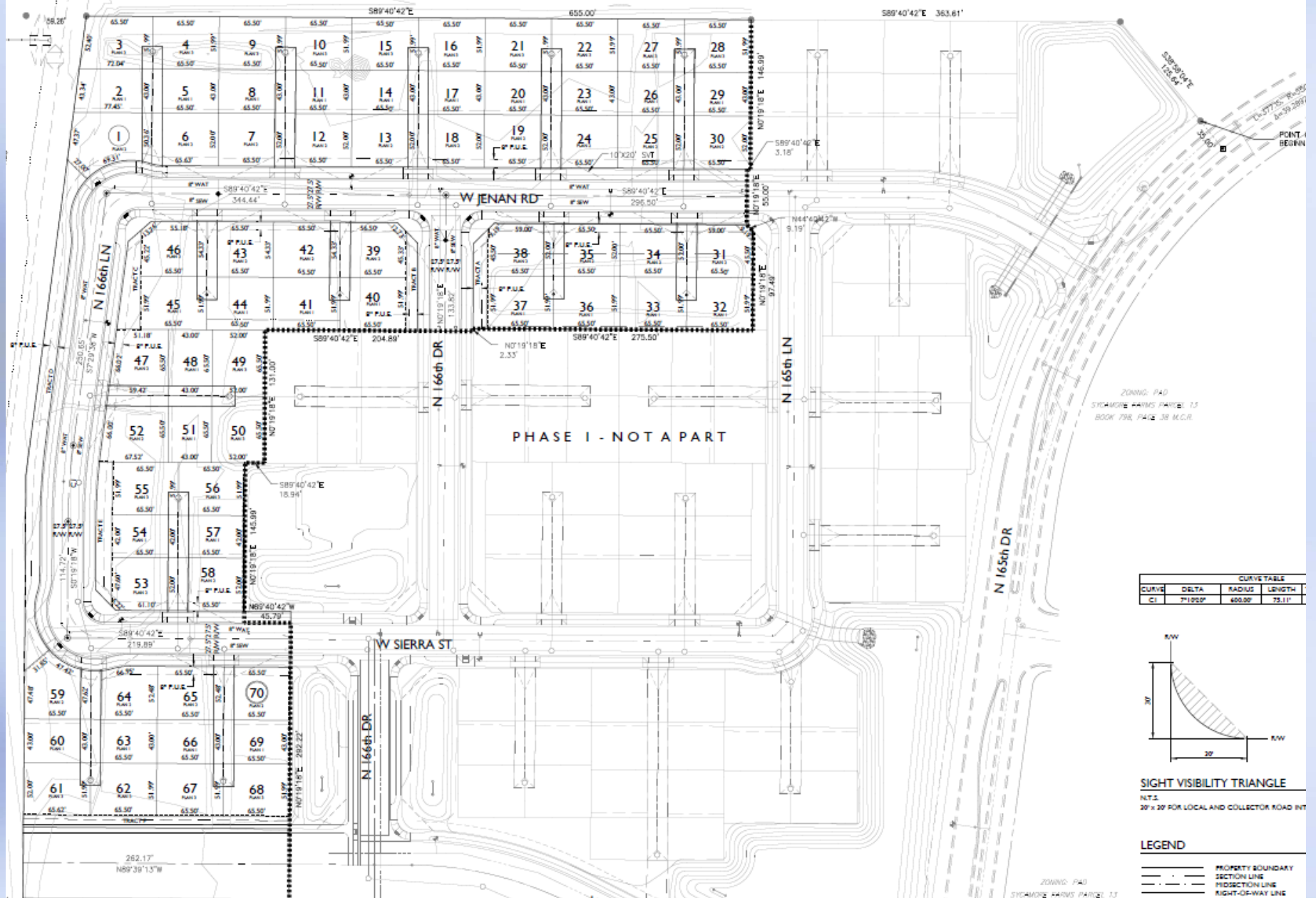


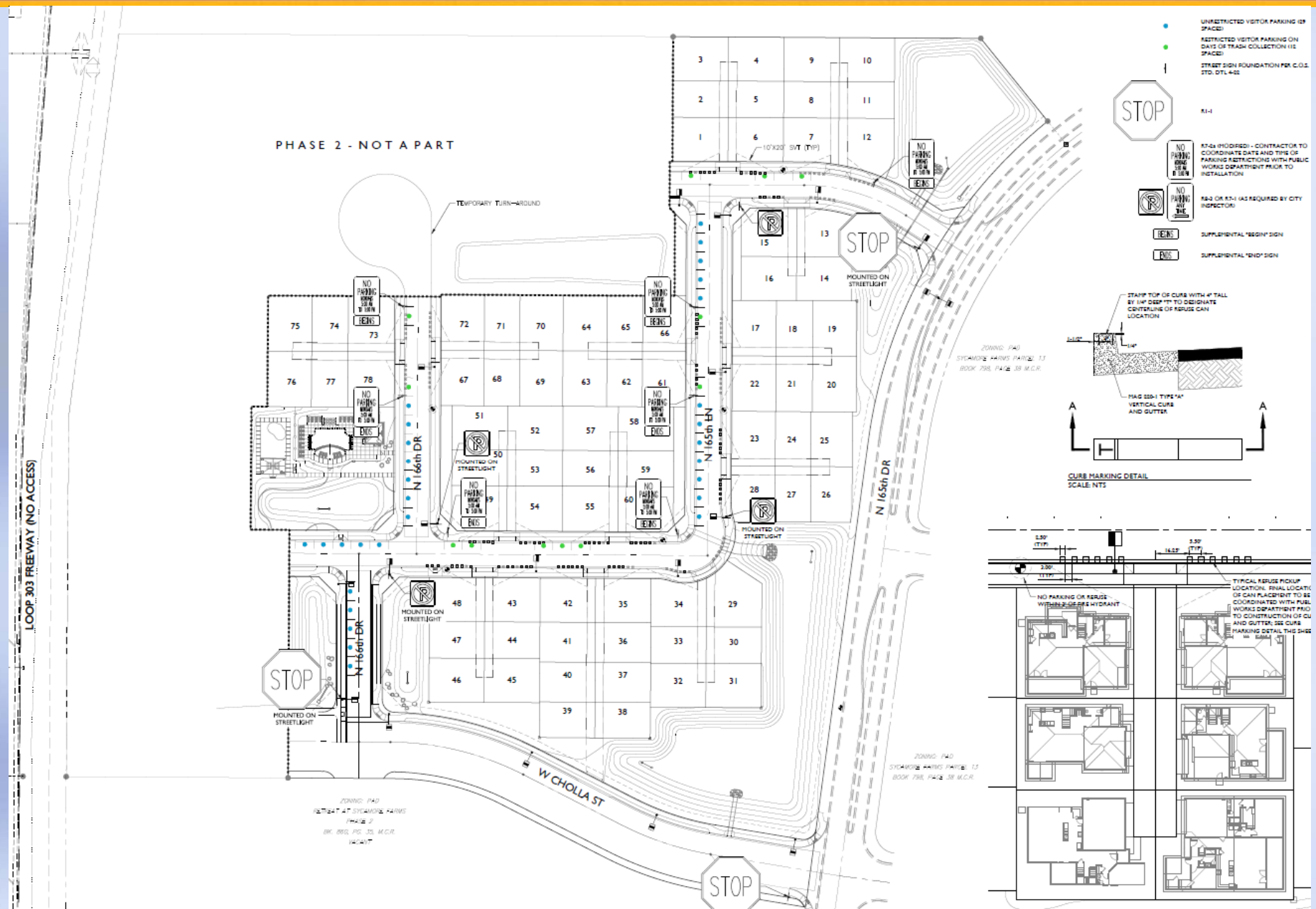
LANDSCAPE

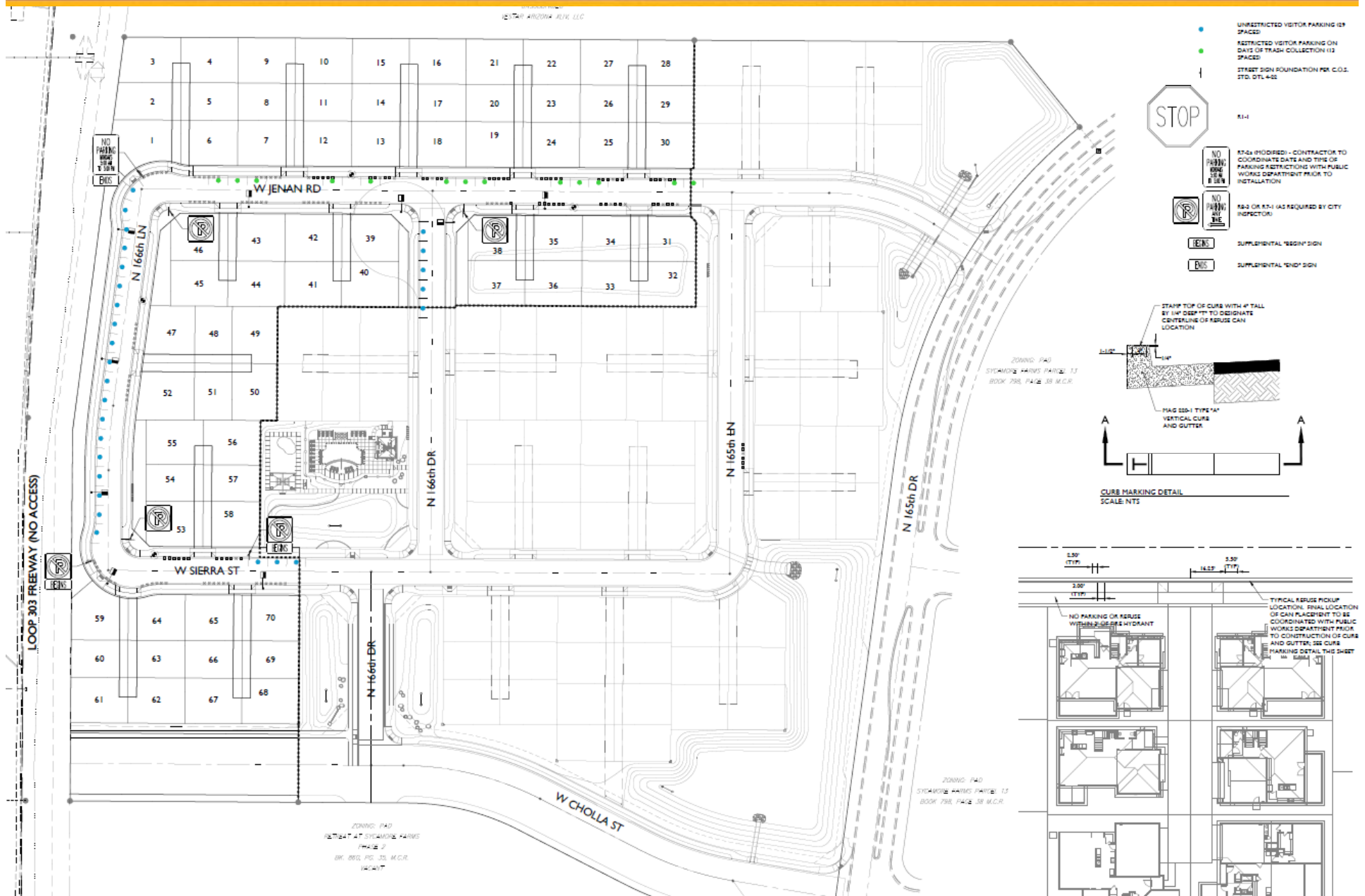




PLAT – PHASE 2







SYCAMORE FARMS PARCEL 12 NORTH



Questions?



RESOLUTION #2015-103

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A FINAL PLAT ENTITLED "SYCAMORE FARMS, PARCEL 12 - PHASE 2," GENERALLY LOCATED SOUTH OF CACTUS ROAD BETWEEN 165TH DRIVE AND SR303.

WHEREAS, on July 22, 2004 the Mayor and City Council approved the Sycamore Farms Planned Area Development;

WHEREAS, on October 6, 2015, the Mayor and City Council approved the Sycamore Farms Parcel 12, Phase, Preliminary Plat dated July 27, 2015;

WHEREAS, the proposed Final Plat conforms with the preliminary plat approved on the same meeting;

WHEREAS, the proposed final plat does not create any substandard or nonconforming lots; and

WHEREAS, the proposed final plat complies with the Surprise General Plan and Municipal Code.

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

Section 1. The Final Plat entitled "Sycamore Farms, Parcel 12 - Phase 2," dated September 9, 2015 is approved with the following conditions:

The Landscape Plan prepared by Andersonbaron dated June 30, 2015 will be revised and submitted for review to include the following modifications:

- a. Sheet LA2.2, Note 11 will include a note that indicates the design of the pool building will follow the administrative amended site plan process.
- b. Sheets LA3.0 through LA3.4 will provide 24 inch box trees every 50 linear feet of collector streets.
- c. Trees provided in the rights-of-ways will be a species listed in Chapter eight (8) of the Engineering Development Standards.
- d. The wall and sign design illustrated on Sheets LA6.1 and LA6.2 will be reflective of the design provided in the Planned Area Development (PAD) document and the adjacent single family residential neighborhood. The wall will incorporate single 120 scored smooth face block with repeating cultured stone veneer columns.
- f. Sheet LA7.1 will include a note that requires deep root barriers for trees within ten (10) feet of curbs sidewalks, or pavement.

Section 2. Any future amendment of this plat does not require approval by resolution.

APPROVED AND ADOPTED this _____ day of _____ 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Mark A. Coronado, Director - Community & Recreation Services
Submitting Department:	CRS	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action; amending FY2016 budget by reallocating appropriations from contingency in the general fund to the Community and Recreation Services Department general fund for the Veterans Day Celebration Event in an amount not to exceed \$20,000; Resolution No. 2015-73

Motion:

I move to approve Resolution No. 2015-73.

Background:

The city of Surprise wishes to honor our nation's Veterans by hosting a Veterans Day Celebration. The CRS department will work with the community to host the event. The event budget is \$20,000.

Objective Analysis:

This action will allow the City of Surprise Community and Recreation Services to work with the community and host a Veterans Day Celebration to honor our nation's veterans.

Policy Compliant:

This action item is consistent with City and Council policy, City Administrative Policies requires the approval of the Mayor and Council for budget amendment of this nature as part of the FY2016 budget which was adopted by Council Resolution #2015-53 on June 2, 2015.

Financial Impact:

The Veterans Day Event will cost up to \$20,000 and is not expected to bring in any revenues. The expenditures are one-time for FY2016. To continue as an ongoing event, it will need to be included as a part of the FY2017 budget.

Budget Impact:

This event was not included as part of the FY2016 budget. This action will reallocate \$20,000 in

appropriations from within the general fund contingency to the Community and Recreation Services general fund. To continue as an ongoing event, it will need to be included as a part of the FY2017 budget.

FTE Impact:

This action will not require additional full time staff or a transfer of a full time staff. However, the budget amendment includes authority for part time staff working a total of 96 hours for the event.

ATTACHMENTS:

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☐ [Resolution](#)

☐ [Powerpoint](#)

RESOLUTION # 2015-73

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2016 BUDGET BY REALLOCATING APPROPRIATIONS OF \$20,000 FROM CONTINGENCY IN THE GENERAL FUND TO THE COMMUNITY AND RECREATION SERVICES DEPARTMENT GENERAL FUND FOR THE 2015 VETERANS DAY CELEBRATION EVENT.

WHEREAS, the City of Surprise wishes to honor our nation's Veterans by hosting a Veterans Day Celebration the week of November 8, 2015;

WHEREAS, the Community and Recreation Services Department will be working with the community to host the event;

WHEREAS, the City of Surprise wishes to authorize the use of \$20,000 of contingency funding to support the event;

WHEREAS, the FY2016 budget was adopted by Council Resolution #2015-53 on June 2, 2015;

WHEREAS, this action will necessitate a budget amendment; and

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

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

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2015 through June 30, 2016.

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION # 2015-73
Exhibit A

The FY2016 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

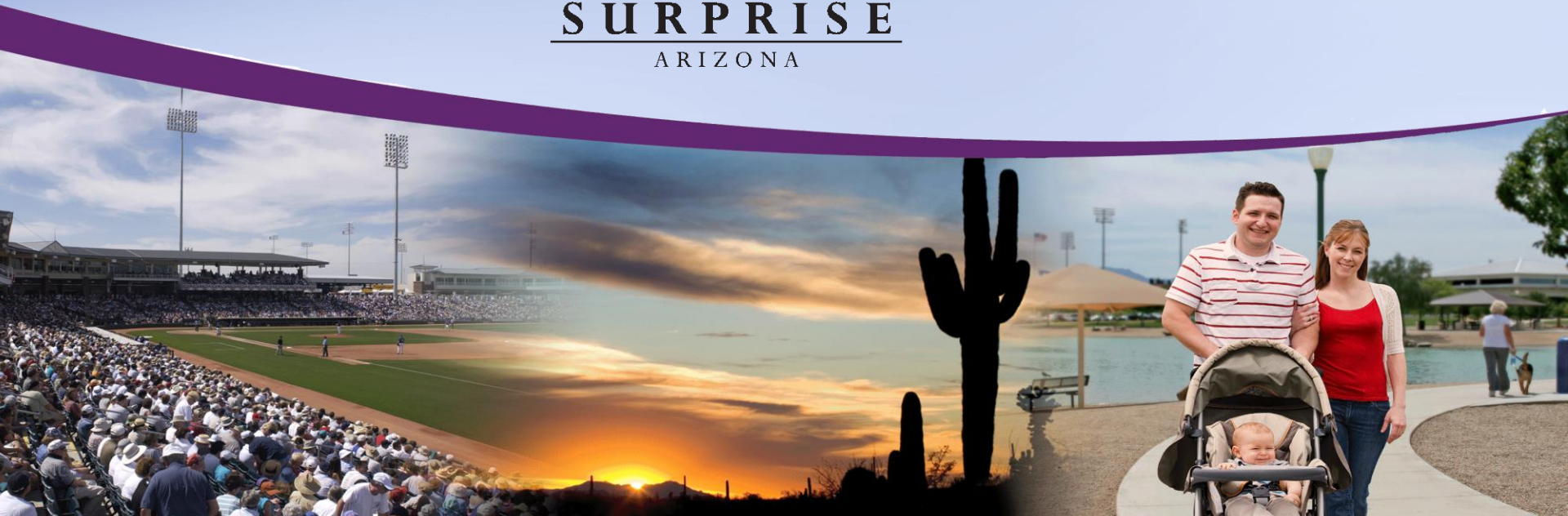
General Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
Personnel/Community and Recreation Services	\$185,300	\$4,900	\$190,200
Supplies/Community and Recreation Services	90,900	9,300	100,200
Services/Community and Recreation Services	409,300	5,800	415,100
Contingency/General Operations	1,740,600	(20,000)	1,720,600
	<u>\$2,426,100</u>	<u>\$0</u>	<u>\$2,426,100</u>

The fund changes are as follows:

- The amendment reallocates appropriations of \$20,000 from contingency in the general fund to the Community and Recreation Services Department general fund for the 2015 Veterans Day Celebration event without exceeding the approved total annual budget for FY2016.

City of Surprise

Veterans Day Celebration



VETERANS DAY CELEBRATION



- **Saturday, November 7th**
 - CrossFit event “America’s Mighty Warrior Challenge”
 - CrossFit includes a 5K run, swim and cross fit disciplines. It will be conducted by a 3rd party 623STRONG. The finalists will be invited to be participants in the parade.
- **Wednesday, November 11th**
 - Inaugural Parade will be held at the Surprise Recreation Campus/Bullard Ave.
 - Event includes a pancake breakfast, parade and presentation.
- **Requesting to reallocate \$20,000 from general fund contingency to Community and Recreation Services General Fund.**

VETERANS DAY CELEBRATION BUDGET



Cross Fit Event Budget

<i>Interdepartmental costs (Police and Fire)</i>	<i>\$ 600</i>
<i>Part time staff costs</i>	<i>\$ 400</i>

Parade Budget

<i>Interdepartmental costs (Police and Fire)</i>	<i>\$2,300</i>
<i>Part time staff costs</i>	<i>\$1,600</i>
<i>Awards and Recognition</i>	<i>\$7,000</i>
<i>Operational Supplies</i>	<i>\$ 800</i>
<i>Signs and Sign Supplies</i>	<i>\$1,500</i>
<i>Equipment Rental</i>	<i>\$4,000</i>
<i>Advertising</i>	<i>\$1,500</i>
<i>Printing</i>	<i>\$ 300</i>
Total Budget	\$20,000

Questions or Comments?





CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 6, 2015	Contact Person:	Harold Brady, Police and Fire Legal Advisor
Submitting Department:	Attorney's Office	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action amending Surprise Municipal Code Chapter 34, Offenses and Miscellaneous Provisions, Sections 34-76, 34-77 pertaining to unauthorized entry onto athletic fields during contests, and Sections 34-226 and 34-227 pertaining to obstructing or interfering with a police officer or police dog; Ordinance 2015-06.

Motion:

I move to adopt Ordinance 2015-06.

Background:

As part of the review and update of the City's Code, the City Attorney's Office solicited input on Chapter 34, Offenses and Miscellaneous Provisions, from city employees and from other cities. That input resulted in several possible recommendations for change and the departments, especially the police department, have reduced the recommendations down to the four contained in the ordinance being brought forward. The prohibitions upon entering the field of play or throwing objects into the field of play will only apply to stadiums or arenas seating 1,000 or more people. This would then apply to the high school football stadiums, high school basketball stadiums and the main spring training baseball field. The obstructing a public official and interfering with a police dog provisions are modeled after provisions of other Arizona municipalities.

Objective Analysis:

Normal City practice would be to pursue criminal violations in all these types of circumstances. Without the proposed changes, and depending upon the circumstances, convictions would be more difficult, if not impossible, to obtain under the current language.

Although there have not been significant reports of incidence of spectators entering the playing field and throwing objects onto the playing field, current state law and city code does not provide sufficient prosecutorial authority should these types of events occur. These changes are anticipated to be proactive.

Prosecution for tormenting or similar aggressive conduct directed toward a K-9 unit, under current state law, requires the K-9 to be under "control" of the handler. "Control" is not defined under state law. The City's current Code defines control as being under verbal command or on lead. Changes to the City Code would result in authority to prosecute individuals who torment, abuse, or direct similar aggressive conduct toward a K-9 unit whether or not the handler has "control". These changes are anticipated to be proactive.

Policy Compliant:

There is no current City policy, other than current code provisions, on this topic. The proposed changes are consistent with the general policy presented by the City Code of maintaining safe and orderly atmosphere for individuals enjoying City amenities and protecting city resources and personnel.

Financial Impact:

Additional operational costs for the police department, city prosecutor, and city court may occur as a result of this Code change. Such changes would be considered ongoing, but anticipated to be insignificant and irregular.

Budget Impact:

Additional operational costs for the police department, city prosecutor, and city court may occur as a result of this Code change. Such changes would be considered ongoing, but anticipated to be insignificant and irregular.

FTE Impact:

No FTE changes are required.

ATTACHMENTS:

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- ☐ [Ordinance 2015-06 Amendments to Chapter 34](#)
 - ☐ [Presentation re Chapter 34 Criminal code amendments](#)
-

ORDINANCE 2015-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 34, ARTICLE IV BY ADDING SECTIONS 34-76 AND 34-77 RELATING TO INVADING THE PLAYING AREA OF STADIUM AND THROWING OBJECTS ONTO THE PLAYING AREA AT A STADIUM, RESPECTIVELY, AND AMENDING ARTICLE VII BY ADDING SECTIONS 34-226, AND 34-227 RELATING TO OBSTRUCTING A PUBLIC OFFICIAL, AND INTERFERING WITH A POLICE DOG, RESPECTIVELY.

WHEREAS, the City has a stadium and desires to maintain a safe environment for both players and spectators;

WHEREAS, the City desires to punish those persons who might create risks by invading the playing area or throwing objects onto the field; and

WHEREAS, the City desires to punish those who might obstruct a public official carrying out his or her duties or interfere with a police dog;

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

Section 1. Chapter 34, Articles IV and VII, of the Surprise Municipal code are hereby amended as set forth in Attachment A, incorporated herein by reference.

PASSED AND ADOPTED this 1st day of September, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

ATTACHMENT A

Section 1. Surprise City Code Chapter 34, Article IV is hereby amended by adding Sections 34-76 and 34-77 to read:

Sec. 34-76. - Athletic contests and exhibitions—Invading playing area.

For any athletic contest or exhibition at a venue with a fixed seating capacity of one thousand (1,000) persons or more and where admission is charged or tickets are required for admission, it is unlawful for any person to invade the playing field of any athletic contest or exhibition at any time while such contest or exhibition is in progress; or during intermissions or delays of such contest or exhibition; or for one (1) hour before and after such contest or exhibition; provided that this section shall not apply to the participants or officials in such contests or exhibition or other persons authorized to be on the playing field by a designated person of the organizer, sponsor or promoter of such sporting event.

Sec. 34-77. - Same—Throwing of bottles, cans, other objects prohibited.

For any athletic contest or exhibition at a venue with a fixed seating capacity of one thousand (1,000) persons or more and where admission is charged or tickets are required for admission it is unlawful for any person to cast, throw, hurl or fling bottles, cans, receptacles or any other object that could cause injury or harm to any person in the spectator area where any athletic contest or exhibition is conducted or onto the playing field or into or upon the area used for the conduct of such contest or exhibition while the same is in progress; or during intermissions or delays of such contests or exhibitions or for one () hour before and after such contest or exhibition.

Section 2. Surprise City Code Chapter 34, Article VII is hereby amended by adding Sections 34-226, and 34-227 to read:

34-226. Obstructing a police officer or other public official.

It is unlawful for a person to knowingly:

- a) obstruct, delay, resist or oppose any police officer, any member of the Fire-Medical Department or any other city official in the performance or attempted performance of official duties. It is an affirmative defense to any charge pursuant to this subsection that the person only uttered words alone, regardless of how offensive or obscene the words may be. or,
- b) fail or refuse to obey or otherwise comply with any lawful order issued by a police officer, including a request to provide a full, true name, when such officer has

reasonable suspicion that criminal activity is occurring, has occurred or is about to occur.

34-227. Interfering with police dog

- (a) While a police service dog is being caged, kenneled, transported, exhibited, exercised, or engaged in discharging or attempting to discharge any lawful duty or function, it is unlawful to, and no person shall, either:
 - (1) Intentionally, knowingly, or recklessly kill, injure, strike, interfere with, or bait, or attempt to recklessly kill, injure, strike, interfere with or bait a police service dog; or
 - (2) Cause or direct any animal to attack or otherwise interfere with the police service dog.
- (b) If an animal is attacking a police service dog, or such attack is imminent, a police officer may destroy the animal if no lesser means are reasonably available to prevent injury to the police service dog.
- (c) A "police service dog" as used in this section shall mean any dog which is owned and used by the Surprise Police Department or any other law enforcement agency.

ORDINANCE 2015-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 34, ARTICLE IV BY ADDING SECTIONS 34-76 AND 34-77 RELATING TO INVADING THE PLAYING AREA OF STADIUM AND THROWING OBJECTS ONTO THE PLAYING AREA AT A STADIUM, RESPECTIVELY, AND AMENDING ARTICLE VII BY ADDING SECTIONS 34-226, AND 34-227 RELATING TO OBSTRUCTING A PUBLIC OFFICIAL, AND INTERFERING WITH A POLICE DOG, RESPECTIVELY.

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WHEREAS, the City desires to punish those who might obstruct a public official carrying out his or her duties or interfere with a police dog;

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PASSED AND ADOPTED this 1st day of September, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

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For any athletic contest or exhibition at a venue with a fixed seating capacity of one thousand (1,000) persons or more and where admission is charged or tickets are required for admission it is unlawful for any person to cast, throw, hurl or fling bottles, cans, receptacles or any other object that could cause injury or harm to any person in the spectator area where any athletic contest or exhibition is conducted or onto the playing field or into or upon the area used for the conduct of such contest or exhibition while the same is in progress; or during intermissions or delays of such contests or exhibitions or for one () hour before and after such contest or exhibition.

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- b) fail or refuse to obey or otherwise comply with any lawful order issued by a police officer, including a request to provide a full, true name, when such officer has

reasonable suspicion that criminal activity is occurring, has occurred or is about to occur.

34-227. Interfering with police dog

- (a) While a police service dog is being caged, kenneled, transported, exhibited, exercised, or engaged in discharging or attempting to discharge any lawful duty or function, it is unlawful to, and no person shall, either:
 - (1) Intentionally, knowingly, or recklessly kill, injure, strike, interfere with, or bait, or attempt to recklessly kill, injure, strike, interfere with or bait a police service dog; or
 - (2) Cause or direct any animal to attack or otherwise interfere with the police service dog.
- (b) If an animal is attacking a police service dog, or such attack is imminent, a police officer may destroy the animal if no lesser means are reasonably available to prevent injury to the police service dog.
- (c) A "police service dog" as used in this section shall mean any dog which is owned and used by the Surprise Police Department or any other law enforcement agency.



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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Council Meeting Date:	October 6, 2015	Contact Person:	Misty Leslie, City Attorney
Submitting Department:	Attorney's Office	District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and possible action adopting the City Council Board and Commission Handbook (2015 edition), replacing all prior board/commission handbooks.

Motion:

I move to approve the 2015 City Council Board and Commission Handbook.

Background:

On September 25, 2012, Mayor and Council approved Ordinance 2012-10, amending numerous sections of the Surprise Municipal Code pertaining to Council Boards and Commissions. On the same evening, Mayor and Council adopted a City of Surprise Boards and Commission's Handbook. The ordinance made a variety of changes pertaining to board and commission meetings, times, and locations, and changed the composition of some boards. The adoption of the handbook, in addition to setting out the code requirements for each board and commission, set out some general guidance from the City Council to its boards and commissions.

In anticipation of significant code changes, Council by consensus agreed to suspend the reporting requirements contained in the Boards & Commission Handbook on March 11, 2013. The impact of the changes implemented by Ordinance 2012-10 was reviewed in 2014. The review of the applicable city code sections was discussed in a series of meetings held on September 2, 2014, October 7, 2014, and November 4, 2014. In these meetings, Mayor and Council discussed whether the powers and duties for each board and commission meet Council's expectations, and discussed significant changes to the applicable code sections. In December 2014, the Mayor and Council amended the City Code related to Boards and Commissions (Ord. 2014-14).

At the August 4, 2015 work session, the draft 2015 Handbook was presented. The Handbook provides increased guidance to Council appointed boards and commissions, creates rules of procedure consistent with those adopted by Council for its own meetings, and establishes expectations for boards and commissions. The objective of the revisions is to make a more user friendly document that provides guidance to boards and commissions.

The item presented for consideration and adoption is a completed draft, including Staff Liaison material

drafted in coordination with the City Manager's Office and Staff Liaisons and an amended City Overview section reflecting additional information about the City's art programs.

Objective Analysis:

The Boards & Commissions Handbook highlights the importance of public bodies created by the City Council and establishes council expectations with regard to those bodies. The handbook identifies the roles and responsibilities of the board and commissions in general, and establishes simplified procedural rules consistent with those council adopted for itself.

Policy Compliant:

The Handbook is a policy statement of the Council and is consistent with the policy established in existing City Code related to boards, commissions and committees.

Financial Impact:

There is no financial impact associated with this item.

Budget Impact:

There is no additional budget impact associated with this item.

FTE Impact:

No additional FTE will be required by this item.

ATTACHMENTS:

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☐ [PP PAGE](#)

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WELCOME!

Thank you for your willingness to serve the City of Surprise. As a citizen volunteer, you are a member of a select group appointed by City Council. Your participation personifies citizen involvement in the governing process. By serving on a board or commission you become part of the official family of the City of Surprise. You represent the Mayor and Council and must abide by a number of policies and procedures which govern public bodies. Primary among these are the Open Meeting Law, the City Code that applies to your board or commission, and the Rules contained in this Handbook. Members must expect that all deliberations and recommendations will be reviewed and scrutinized not only by the City Council, but also by the public, media, and other interested parties.

Being a member of a board or commission is not an easy task, but, if done well, it can be very rewarding.

City Overview

Surprise residents enjoy clean, safe neighborhoods, a family-friendly environment and incredible retail and recreational amenities. Surprise is rated one of the top ten-safest cities in the nation and offers top-ranked public and charter schools.

Recreation is big in this beautiful Sonoran-desert community. Surprise Stadium is the Spring Training home of Major League Baseball's Texas Rangers and Kansas City Royals. The Surprise Tennis and Racquet Complex attracts both tennis legends and national tournaments, and the White Tank Mountain Regional Park offers 30,000 acres of outdoor recreation. Plus, the city offers seven gorgeous 18-hole golf courses, an urban fishing lake, and two public aquatic centers.

The Surprise Recreation Campus is where our community comes together for celebratory events including 4th of July fireworks, arts and music festivals and the annual Surprise Party. The city offers a variety of sports and recreation programs for residents of all ages and community centers where youth can play games and indoor sports.

Art is another important focus in Surprise. In addition to having two local art centers, the city has commissioned several public art pieces and invests in various arts and cultural events and programs, including a free concert series called Second Sundays in the Park and the popular Thunderbird Fine Art & Wine Festival.

Surprise has a diversified employment corridor from small home-based businesses to large company headquarters and is focused on growing local jobs. That goal is supported by our AZ TechCelerator business incubator and Beehive co-working space, as well as robust international recruitment strategies and programs that offer soft landing opportunities to international companies looking to locate in the city.

Surprise is the ideal place to live, work and play!

Form of Government

The City of Surprise operates under the Council-Manager form of government. Under this form, the elected governing body is responsible for the legislative function of the municipality, such as establishing policy, passing local ordinances, adopting a budget, appropriating money, and developing an overall

vision for the community. Day to day operations for the City are the responsibility of the City Manager.

City Council

In addition to the Mayor, who is elected at-large, there are six other members who are elected from the most current election districts shown on the official election district map on file in the Office of the City Clerk. Each Council Member is elected to a four-year term of office.

Appointed Officials

The City Council appoints four individuals to serve in different functions that support the City Council; Presiding City Court Judge, City Manager, City Clerk, and City Attorney.

The Presiding City Court Judge is appointed to a fixed term by City Code and is responsible for all operational matters pertaining to the City Court. As a separate branch of government, the City Court is autonomous, with only the approval of the annual budget within the power of the City Council.

The City Manager serves at the pleasure of Council and is responsible for drafting a balanced budget for Council consideration, and executing the Council approved budget. In addition to supervising daily operations of the City, the City Manager works with elected officials and citizens to plan for the future of the community and to define and carry out the vision of the Council by setting goals and establishing strategies for reaching these goals.

The City Clerk serves at the pleasure of Council and is the official document and record custodian for the City. The Clerk is responsible for assuring the Council, and all the boards and commissions of the City, comply with the notice and agenda requirements of the Open Meeting Law, and assuring the City complies with the public records law. The Clerk also services at the City's chief elections officer.

The City Attorney serves at the pleasure of Council and serves as the chief legal advisor to the Council, and all officers and employees of the City in matters relating to their official duties. The City Attorney is responsible to oversee the drafting of contracts, ordinances and resolutions of the City, and to assist the Clerk in the preparation of the wording of Agenda's used for public meetings.

Relationships

With Council

A good relationship with the City Council is essential. The primary responsibility of boards, commissions, and committees is providing additional avenues of communication between the City Council and the general public. Commission and committee members should keep in mind that only the City Council can establish City policy. It is the City Council's role to receive the recommendations made by commissions and committees, and to consider them as part of the Council's decision making. No matter what one individual's position may be, it is important that each commission or committee member support the recommendations made by the member's commission or committee and, ultimately, the policy decisions of the City Council once the decision is made. This is true even if the recommendation by the commission or committee is not that of the individual member.

Official communications with the City Council should be written and from the entire appointed body. Communications will be forwarded through the Staff Liaison to the City Council and the City Manager's Office. Remember, the role of the Staff Liaison is to *communicate* the position of the commission or committee - not *advocate* on behalf of the commission or committee. Whenever a commission or committee has an item before the City Council, the Chair or a representative of that appointed body is encouraged to attend the City Council meeting to speak to the topic or answer questions.

When an appointed member addresses the City Council at a public meeting, it should be made clear whether or not he/she is speaking on behalf of the board, commission, or committee, or as an individual. If the member is speaking on behalf of a board, commission, or committee, only the majority position of the body should be presented. If the member is expressing his/her own personal viewpoint on a particular subject, it should be stated as such.

With Staff

Each board and commission has a Staff Liaison assigned by the City Manager. The role of the Staff Liaison is principally to coordinate the preparation of the agenda for each meeting, to prepare minutes in accordance with the Open Meeting Law, and to work with the board or commission chair to assure the work of the board or commission is completed in a timely and effective manner.

Just as it is inappropriate for Council to direct work of staff who are under the jurisdiction of the City Manager, so too must members of boards and commissions refrain from doing so. Instead, each Board and Commission should utilize agenda discussions at meetings as a basis for making requests of staff. All board or commission members needing to contact City personnel for information concerning official business should always make the request through the Staff Liaison.

Any action by the board or commission must be consistent with the powers and duties of the board and commission outlined in the ordinance that created the board or commission. This means that no board or commission may on its own, or through city staff, enter into contracts, authorize the expenditure of funds, bind the city to act, or act outside the powers granted by the City Council.

In general, the Staff Liaison will do the following:

- Establish and maintain a positive working relationship with the members;
- Assist with the creation of operating procedures;
- Work with the body to assure the body acts consistent with its established powers and duties, and complies with this handbook;
- Offer advice and recommendations to members as appropriate and when requested;
- Report the boards' and commissions' concerns to the City Manager, who, in turn, will notify Council;
- Provide advice regarding the most effective way of presenting recommendations to City Council, as appropriate;
- Facilitate interaction between boards and commissions as appropriate;
- Make meeting arrangements and prepare and distribute agenda packets to board and commission members on a timely basis;
- Provide members with the background information necessary for making an informed decision;
- Take notes during the meeting and prepare meeting minutes in a timely manner for approval by the board or commission; and
- Provide or otherwise arrange for orientation and training for new members.
- Assure agenda packets are complete, including any attachments, when posted.

With Fellow Members

Cooperation among fellow board, commission, and committee members is essential to success. Building consensus around common goals and objectives, members should first show a willingness to objectively define the issues at hand and then work to reconcile opposing viewpoints. When board and commission members interact positively, the group as a whole will be more effective. Important points to keep in mind in working with others:

1. Respect an individual's viewpoint, even though it may be different from your own.
2. Allow other members adequate time to present their views before making comments.
3. Be open and honest.
4. Welcome new members and help them become acquainted with their board, commission, or committee.
5. Accept responsibility, voice opinions, be fair and factual.

With Fellow Boards & Commissions

The City Council has authorized the use of “joint” meetings and occasionally has “joint” meetings of more than one board, commission, or committee. When this occurs, each body should focus on its respective advisory responsibilities. The same considerations should be made during “joint” meetings as are followed for relationships with fellow members of the same body.

With the Public

Good relations with the public are vital for all City boards, commission, and committees. In many cases each body serves as a link between the City Council and the public, helping to inform the public, to reconcile opposing viewpoints, and to explain City programs and policies. Appointed members should welcome citizen input at meetings and be considerate of all interests, attitudes, and differences of opinion. Each body provides a channel for citizen expression by listening to comments, opinions, and concerns from the public. Therefore, it is important to be responsive and in tune with the community.

Eligibility/Application

Residency

Most boards and commission members must be residents of Surprise. There are, however, a few of exceptions.

Term

Board and commission members are appointed for terms of four years with no term limits. The terms of the members are staggered so that only one half of the board is up for reappointment at any one time. Terms begin on July 1st and end on June 30th, four years later.

Member Selection

Generally, members of board and commissions are appointed through an application process. Applications are available at the City Clerk's Office and can be submitted any time.

When a vacancy in a board or commission is anticipated, the City Clerk will advertise the vacancy. Applications from eligible individuals are forwarded to the City Council's Boards and Commission Subcommittee, who review the applications and interview applicants. The Subcommittee will forward those applicants the subcommittee is recommending for appointment to the full Council. The Council will meet and consider recommendations for appointment at a public meeting. Applicants are appointed by a majority vote of the City Council.

After appointment, but usually immediately following the appointment by Council, the City Clerk administers the Oath of Office. For any newly appointed member not available to participate in the formal swearing in process, the City Clerk will make arrangements to administer the Oath of Office at a more convenient time. The Oath of Office requires the newly appointed member to swear, under oath, to support the Constitution of the United States, laws of the State of Arizona, and all official policies and procedures of the City of Surprise.

Vacancies

If a vacancy in a board or commission is created because of a member's death, resignation, or removal, a new member is appointed to serve for the unexpired portion of the term. If a vacancy in a board or commission is created because a term has expired, a new member is appointed for a full term (4 years). In either event, the same selection and process is used.

Removal

The members of every board and commission serve at the pleasure of City Council. Any member of any board or commission may be removed with or without cause by a majority vote of City Council. The decision is final and not appealable.

Member Orientation and Training

All members are required to attend an orientation and training workshop during their first term of office. The workshop will be coordinated with Staff Liaisons. Though some members may have previous general board training background and experience, it is important that all members are oriented to the policies and procedures specific to the City of Surprise.

Boards & Commissions Roles

As elected officials, Council recognizes the value boards and commission members bring to the community. Boards and commissions are created by the Council and may be changed, or abolish, at any time.

Boards and commissions are given powers and tasks to perform by Council. These powers and tasks are set out in City Code. A summary of the powers, duties, and tasks for each board or commission is contained in the board or commission specific handouts available through the Staff Liaison. Most boards and commissions also utilize the bi-laws set forth in Section 2-295 of the City Code, a copy of which is also available through the Staff Liaison.

Classification of Boards, Commissions & Committees

Commissions & Committees advise the City Council by making recommendations on public policy. Commissions are perpetual, while committees are gathered for a limited period for a very limited purpose. Examples of commissions include the Arts & Cultural Advisory, Community and Recreation and Disability Advisory Commissions. An example of a committee is the City's Bond Election Evaluation Committee.

Commissions and Committees are asked to make recommendations based on their own expertise, what they hear from other community members, and based on the information and analysis of specific issues. Although all commission and committee actions and recommendations are subject to the approval by City Council, the Council appoints citizens to these positions because Council trusts that the members will exercise sound, independent judgment and do their best to form advice for the City Council. The City Council will consider recommendations within the parameters of Council's own deliberations. As a result, the City Council can do the following:

- Follow the recommendation of the commission or Committee;
- Request further study;
- Decide to take a different action than what has been recommended;
- Decide not to act at all.

Boards: Boards, unlike commissions and committees, have some decision-making powers within their purview. Examples of boards include the Personnel Appeals, Adjustment and Construction Review, and the City's Trust Fund Boards

Council Expectations

The City Council has the following expectations of its appointed boards and commissions:

- Provide citizens' perspectives on issues;
- Prioritize options for Council and refine recommendations;
- Enable citizens to contribute their expertise to the community;
- Advise Council on policy matters;
- Act in full accordance with all the powers and duties established in City Code; and
- Comply with the Open Meetings Law, laws governing public bodies and the City policies and procedures.

Election of Officers

Every board and commission must select a member to serve as the chair and a member to serve as the vice-chair. This selection must be done each July, or any time there is a chair or vice chair vacancy. If, for any reason, both the chair and vice chair are absent from a meeting, the members who are in attendance at the meeting must select a member to serve as the chair for that meeting. The chair or vice-chair may be removed from their positions as chair or vice-chair at any time by a three-fourths majority vote of the board or commission membership.

Role of Chair/Vice Chair

The chair, or vice chair when the chair is absent, presides over meetings, decides all points of order and procedure, and performs any duties required by law. The chair, or vice chair in the absence of a chair, has the right to make a motion, second any motion, and vote on any matter under consideration of the board or commission.

Meetings

Quorum

A quorum is the number of members needed for there to be a proper meeting of the board or commission. A quorum exists when a majority of the members are present. Vacancies on a board or commission do not count when determining whether or not a quorum exists. If a quorum is not present, the meeting must still be conducted for the purpose of attendance only. No other business can be conducted unless a quorum is present.

Times & Location

Each board and commission must meet at least one time per year. Boards and commissions may have two types of meetings; “Regular” meetings, those meetings scheduled as part of an annual calendar of meetings; and “Special” meetings, those meetings that are called by the chair or Staff Liaison that were not included in the annual calendar of meetings.

Boards and commissions that meet regularly must adopt an annual meeting schedule. Meetings on the schedule are referred to as “Regular” meetings and, unless the adopted calendar states otherwise, Regular meetings must be held at

6:00 pm at City Hall. Boards and commissions may designate a different time and place for the meeting, however, by adopting a Regular meeting schedule.

The chair of each board and commission, or the Staff Liaison as authorized by the City Manager, may call a “Special” meeting. Typically, Special meetings will only be used when the use of a Regular meeting is not practical.

In any event, meetings must be held at a time and a place designed to maximize public engagement in the business of the body.

Attendance

Attendance is very important and must be in person. Calling in (by phone, Skype, Face Time, or otherwise) is not permitted.

If any member is absent for three consecutive meetings, or five meetings in any six month period, or if a member fails to respond to contact from the Staff Liaison, the Staff Liaison will refer the matter to the City Council for consideration and action. Council may remove the member by majority vote.

Preparation.

Adequate preparation is another requisite for effective membership. The Staff Liaison will provide reports, proposals, and other information to help you make informed decisions. Do not hesitate to request additional information you need to make thoughtful and appropriate decisions.

Agenda

The agenda, and any supporting materials, are created in cooperation with the Staff Liaison, and given to the City Clerk five days prior to the meeting. The Agenda will be posted no later than 24 hours prior to the meeting.

Minutes

Minutes of each meeting will be prepared by the Staff Liaison and must include attendance, record any vote, and otherwise comply with the Open Meeting Law. The City Clerk will post the minutes of each board and commission meeting.

Sub-committees

A subcommittee is a “subgroup” of two or more board or commission members who meet to discuss matters that will come to the full body for discussion and consideration. Sub-Committees are not allowed, unless specifically authorized by the City Council. If the majority of a body wishes to use sub-committees, the body should take formal action to submit such request through the Staff Liaison consistent with this Handbook.

Conducting Business

In a nutshell, effective members:

- Attend all meetings.
- Are well prepared for meetings.
- Recognize that serving the public interest is the top priority.
- Recognize that the body must operate in an open and public manner.
- Are knowledgeable about the legislative process and issues affecting the body.
- Examine all available evidence before making a judgment.
- Communicate well and participate in group discussions.
- Are aware that authority to act is granted to the board as a whole, not to individual members.
- Exhibit a willingness to work with the group in making decisions.
- Recognize that compromise may be necessary to reach consensus.

Do not let personal feelings toward other board members or staff interfere with your judgment.

Rules of Conduct & Demeanor

As volunteers, board and commission members represent the City of Surprise. Therefore, they should conduct themselves in an appropriate manner at all times.

While every board or commission tends to have its own “personality” and methods for working together to form recommendations, some of the characteristics that successful boards and commissions have in common include:

- Interest in City issues and a willingness to learn about them;

- Preparing for each meeting by reviewing the agenda packet, knowing the issues to be discussed;
- Steady, consistent attendance and being on time for meetings;
- A sense of open-mindedness, patience, and fairness;
- An ability to envision and consider the long-term effects of a proposed project/issue and to balance those effects with short-term consideration.
- The ability to come to a conclusion, making an informed recommendation.
- Excellent people skills; i.e., respect for one another, respect for differing opinions, reasoning and communicating in a concise and clear manner.
- Ability to work well with staff and community members.

Just as it is inappropriate for Council to direct work of staff who are under the jurisdiction of the City Manager, members of public bodies also are prohibited from doing so. Instead, members should utilize agenda discussions at meetings as a basis for making requests of staff.

Boards and commissions are extensions of the City Council. As such, members must adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness, or illegality. **Preservation of public trust is critical for the preservation of democracy.**

It is the policy of the City of Surprise to uphold, promote, and demand the highest standards of ethics from all of its officials, whether elected or appointed. Accordingly, all members of each board and commission will maintain the following standards:

Rule 1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the City of Surprise and not for any private or personal interest, and will assure fair and equal treatment of all persons, claims, and transactions coming before the board or commission.

Rule 2. Comply with the Law

Members will comply with the laws of the nation, the State of Arizona, and the City of Surprise in the performance of their public duties. These laws include, but are not limited to: the Federal and State constitutions, laws pertaining to

conflicts of interest, election campaigns, financial disclosures, anti-discrimination, confidentiality/non-disclosure laws, open meeting, City ordinances, and City and City Council policies.

Rule 3. Professional Conduct

The professional and personal conduct of members must be above reproach and devoid of even the appearance of impropriety. Members must refrain from abusive conduct, harassment, personal charges or verbal attacks upon the character or motives of members of Council, boards, commissions, and committees, City staff, or members of the public.

Rule 4. Respect for Process

Members must perform their duties in accordance with the processes and rules of order established by the City Council governing the board or commission.

Rule 5. Conduct of Public Meetings

Members must prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. Members must refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

Rule 6. Decisions Based on Merit

Members must base all decisions on the merits and substance of the matter at hand.

Rule 7. Transparent Governance

Members must publicly share substantive information that is relevant to a matter under consideration by the board/commission which the member may have received from sources outside the public decision-making process.

Rule 8. *[Intentionally Omitted]*

Rule 9. *[Intentionally Omitted]*

Rule 10. Positive Work Place Environment

Members must support and maintain a positive and constructive work place environment for City employees, residents, and businesses dealing with the City. Members must recognize the special role of Council appointed board and commission members in dealings with City employees and refrain from creating the perception of inappropriate direction to staff.

Rule 10. Conflict of Interest

Members must be constantly on guard against conflicts of interest, whether real or perceived. Officials must not be involved in discussing or deciding any issue over which the board or commission may have jurisdiction and which may impact a financial or property interest of either the member or a family member (spouse, children, grandparent, grandchildren, in-laws).

If a member believes that a conflict of interest (or even a possible conflict) exists, then the member must disclose the fact as soon as possible on the record. From that point on, the member may not participate in any manner (by discussing, questioning or voting) in that matter. Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience. Indeed, members should declare possible conflicts to avoid any appearance of impropriety.

Rule 11. Accepting Gifts, Favors or Benefits

The acceptance or solicitation of gifts, favors or benefits by a member in their official capacity should be avoided. "Gifts, favors, or benefits" include event tickets, admission, meals, products, autographs, memorabilia, special celebrity access, and travel expenses, but does not include de minimus tokens of appreciation or for participation such as a pen, pin, plaque of appreciation or award. Gift, favor, or benefit does not include City sponsored or hosted events, or event tickets/admission given to a member when such is necessary for the member to perform the member's function as a board or commission member.

Generally, Arizona law prohibits a member from receiving anything of value or any compensation for any service rendered in connection with that person's duties with the City, or using or attempting to use the member's position to secure anything of value or benefit. See A.R.S. §§38-504 and 38-505.

The acceptance and, specifically, the solicitation of gifts, benefits, or favors either for the member or the member's family or friends, even if not technically in violation of law, will raise the appearance of impropriety. The member should also not accept or solicit any gift, benefit, or favor when such would be advantageous to their political/career aspirations.

In the event of uncertainty, contact the City Attorney.

Parliamentary Rules

Surprise Municipal Code §2-295(15) provides that "Meetings will generally be conducted consistent with Robert's Rules of Order, unless other procedural rules are adopted by City Council." In furtherance of such guidance, the parliamentary rules outlined below will be followed in all meetings of boards, commissions and Committees; keeping the following principles:

1. The members must act as a body.
2. The body should proceed in the most efficient manner possible.
3. The body must act by at least a majority.
4. Every member must have an equal opportunity to participate in decision making.
5. The rules of procedure must be followed consistently.
6. The body's actions should be the result of a decision on the merits and not a manipulation of the procedural rules.

Rule 1. Powers of the Chair

The Chair has the following powers:

- a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- c) To entertain and answer questions of parliamentary law or procedure;
- d) To call a brief recess at any time;
- e) To adjourn in an emergency.

Comment: A decision by the Chair under (a), (b) or (c) may be appealed to the board/commission upon motion of any member, pursuant to Rule 8(b). Such a motion is in order immediately after a decision under (a),(b) or (c) is announced

and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

Rule 2. Consent Agenda

The board/commission may designate approval of minutes a part of a “consent agenda.” No other items should be on “consent”.

Rule 3. When the Chair Is in Active Debate

If the Chair becomes actively engaged in extended debate on a particular proposal, the Chair may designate another member to preside over the debate. The Chair will resume presiding as soon as action on the matter is concluded.

Comment: *Good leadership depends, to a certain extent, on not taking sides during a debate. On a small board this may not always be feasible or desirable; yet, an unfair advantage accrues to the side whose advocate controls access to the floor. This rule is designed to ensure even-handed treatment to both sides during a heated debate. Ordinarily, if the Chair is leading the meeting, he or she should ask the Vice Chair to preside in this situation. But, if that person also engaged in the debate, the Chair should feel free to call on some other member in order to achieve the purpose of this rule.*

Rule 4. One Motion at a Time

A member may make only one substantive motion at a time.

Comment: *None.*

Rule 5. Substantive Motions

A substantive motion is a motion to take action on the principal item and is out of order while another substantive motion is pending. In other words, a substantive motion is any motion other than the procedural motions listed in Rule 8. A substantive motion may deal with any subject within the board/commission’s legal powers, duties, and responsibilities.

Comment: *This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been*

concluded. The term substantive motion is used here to underscore the distinction between this type of motion and the various procedural motions listed in Rule 8.

Rule 6. Debate

The Chair will state the motion and then open the floor to debate on it. The Chair will preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue will be recognized before someone who has already spoken;
- (c) To the extent possible, the debate will alternate between proponents and opponents of the measure.

Comment: *None.*

Rule 7. Ratification of Actions

To the extent permitted by law, the board/commission may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Comment: *Ratification of actions taken on the board/commission's behalf but without its prior approval is permitted under these rules, to the extent that such after-the-fact approval of actions is legally allowed. The principle behind the motion to ratify is that an assembly may subsequently approve what it could have authorized. This rule treats the motion to ratify as a substantive proposal rather than as a procedural motion, since a ratification is in effect an after-the-fact substantive action by the board/commission concerning something that was done without board/commission approval when advance authorization should have been obtained.*

Rule 8. Withdrawal of Motion

A motion may be withdrawn by the maker at any time before it is amended or before the Chair puts the motion to a vote, whichever occurs first.

Comment: *This rule prohibits withdrawing motions after they have been amended. Once a motion has been amended, it is no longer the same motion as was made by the maker, so it is no longer his or hers to withdraw.*

Rule 9. Procedural Motions

(a) Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are permitted. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

***Comment:** The following enumeration of procedural motions is exhaustive; if a procedural motion is not on the list, then it is not available. Procedural motions are frequently used to “act upon” a substantive motion by amending it, delaying consideration of it, and so forth. Several procedural motions can be entertained in succession without necessarily disposing of the previous procedural motion. The order of priority establishes which procedural motion yields to which—that is, which procedural motion may be made and considered while another one is pending.*

(b) Order of Priority of Motions. In order of priority (if applicable), the procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Chair. A decision of the Chair ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board/commission. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the Chair and the motion, if timely made, may not be ruled out of order.

***Comment:** This motion allows the ruling of the Chair on certain procedural matters to be appealed to the whole board/commission. This appeal must be made as soon as the Chair’s decision is announced, so this motion is accorded the highest priority.*

Motion 2. To Adjourn. This motion may be made only at the conclusion of board/commission consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to or adjourn ends the current meeting to a time and place certain and establishes a specified time and place for the meeting to reconvene.

Comment: Since the number of members is small and procedures are available to limit debate, Motion 2 allows both debate and amendment, but specifies the motion is in order only when consideration of a pending matter has concluded. If the board/commission wants to adjourn before completing final action on a matter, it must, prior to adjourning, first temporarily conclude its consideration of that matter. This is done with one of three motions: to defer consideration of the matter, to postpone the matter to a certain time or day, or to refer the matter to a committee. Only as a last resort should the board/commission use a motion to suspend the rules, in order to allow the motion to adjourn to interrupt deliberation on the matter.

Motion 3. To Take a Brief Recess. This motion is made when a member wishes to take a short break during the meeting, but does not end the meeting.

Comment: This motion allows the board/commission to pause briefly in its proceedings and should not be confused with the motion to adjourn to a time and place certain, which is a form of the motion to adjourn under these rules. Motion 3 is a “motion to take a brief recess” rather than a “motion to recess” or “motion to adjourn.” Since the number of board/commission members is small, and procedures are available to limit debate, debate is allowed on this motion. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the Chair or a motion to adjourn is pending.

Motion 4. Call to Follow the Agenda. This motion would require the agenda be taken in order, prohibiting the Chair from taking items out of order. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

Comment: This motion may be debated. Unless the motion is made when the item of business that deviates from the agenda is proposed, the right to insist on following the agenda is waived for that item.

Motion 5. To Suspend the Rules. The board/commission may not suspend provisions of the rules that state requirements imposed by law on the board/commission. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the board/commission, excluding vacant seats.

Comment: This motion is in order when the board/commission wishes to do something that it may legally do but cannot accomplish without violating its own rules. The motion permits the board/commission to exercise greater flexibility and perhaps informality than adhering strictly to what the rules might allow. A motion to suspend the rules requires approval by two-thirds of the actual

membership of the board/commission to pass. Note that the Chair and members who are absent from the meeting are counted for purposes of determining two-thirds of the board/commission, but vacant seats are excluded in making the two-thirds determination.

Motion 6. To Go into Executive Session. The board/commission may go into Executive session only for one or more of the permissible purposes listed in A.R.S. §38-431.03. The motion to go into Executive Session must cite the purpose of the Executive Session and must be adopted at an open meeting.

Comment: *The requirements for this motion are found in A.R.S. §38-431.03(A), which permits Executive Session only for 7 topics. Those are:*

- 1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.*
- 2. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.*
- 3. Discussion or consultation for legal advice with the attorney or attorneys of the public body.*
- 4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body'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.*
- 5. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations*

regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.

6. 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 board/commission, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.

7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

Motion 7. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Comment: *This motion is debatable.*

Motion 8. Motion for the Previous Question. The motion is not in order until every member has had an opportunity to speak once and there has been either at least 15 minutes of debate or debate has become repetitive.

Comment: *With small boards, a minimum period of debate on every proposal that comes before it strikes a superior balance between efficiency and effective representation by all board/commission members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote. Fifteen minutes is merely a suggested minimum period of time. This rule avoids the practice followed by some boards of allowing any member to end debate by simply saying “call the question,” without the board/commission actually taking a vote on that procedural issue. Such a practice is contrary to regular parliamentary procedures. In addition, such a practice allows individual members to impose their will unilaterally on the group, in defiance of the principle of majority rule on which these rules are based.*

Motion 9. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules.

Comment: *This motion allows the board/commission to postpone consideration to a specified time or day and is appropriate when more information is needed or the deliberations are likely to be lengthy. Note the restriction on making a new motion with the same effect while a postponed motion remains pending.*

Motion 10. To Refer a Matter to a Sub-Committee. The board/commission may vote to refer an item on the agenda to a sub-committee for study and recommendations. Sixty days or more after a substantive motion has been referred to a sub-committee, a member may compel consideration of the item by the entire board/commission, whether or not the committee has reported the matter to the board/commission by requesting the matter be placed back on the board/commission agenda.

Comment: *The right of the maker to compel consideration by the full board/commission after a specified period of time prevents using the motion as a mechanism to defeat a proposal by referring it to a subcommittee that is willing to “sit” on it.*

Motion 11. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment will be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed legislative action (resolution/ordinance) must be reduced to writing before the vote on the amendment is taken.

Comment: *This motion is similar to a traditional motion to amend except for the additional requirement to write down amendments to legislation. The restriction on amendments stated in subpart (a), second sentence, of the provisions concerning this motion should be read narrowly; it is intended only to prevent an amendment that merely negates the provisions of the original motion. The intent of such an amendment can be achieved in a simpler and more straightforward manner by the defeat of the original proposal. Pertinent amendments that make major substantive changes in the original motion are quite proper.*

Some board/commissions allow a “substitute motion” when major changes in a motion are proposed. Such a motion is, in effect, a type of amendment. To avoid confusion, “substitute motions” are not allowed under these rules. All proposals for changes in a motion or in an amendment are treated as motions to amend, no matter how major their potential effect.

Subpart (b) of the rules governing this motion limits the number of proposed amendments that may be pending at one time to two, in order to reduce confusion. Amendments are voted on in reverse order; that is, the last-offered amendment, which would amend the first amendment, is voted on first. Once the last-offered of the two pending amendments is disposed of, an additional amendment may be offered.

Subpart (c) of the rules for this motion imposes an additional writing requirement for amendments to legislative actions. The rule assumes that amendments to proposed ordinances, like the ordinances themselves, should be in written form before they are voted on, both because of the importance of ordinances and to make it easier to maintain the required ordinance book and the minutes of the board/commission accurately. Similarly, amendments to orders, policies, and resolutions should be in written form before they are voted on, because of their significance and to make it easier to record them in the minutes.

Some board/commissions may have a practice of requiring the person making the original motion to approve of any proposed amendments to that motion. Such a practice is not recommended. Once a motion has been offered to the board/commission, it is up to the board/commission to decide whether or not it should be changed by amendment. If the person making the motion does not favor a proposed amendment, he or she is free to vote against it. And so long as the original motion has not been voted on and no amendment to it has passed, the original maker of the motion is free under these rules to withdraw it (see Rule 8). If a motion has been withdrawn, the board/commission members are generally free to make their own separate motions on the same subject.

Motion 12. To Reconsider. The board/commission may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the “nos” prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

Comment: *To avoid placing a measure in limbo, these rules restrict the*

availability of the motion to the same meeting as the original vote, including any continuation of that meeting if it is recessed, or adjourned to a time and place certain.

Open Meeting Law

The Open Meeting Law was enacted in 1962 to assure actions taken by the government be done in the open. The Act was adopted to promote accountability of public officials, to encourage public participation, and build trust between local government and its citizenry.

The core provisions of the Open Meeting Law state:

"All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings." A.R.S. §38-431.01(A)

"It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonable ? necessary to inform the public of the matters to be discussed or decided." A.R.S. §38-431.09

Q &A

Who is a "public official"?

Anyone who serves on a City Council, or serves on any board or commission appointed by the City Council, or who serves on any committee or subcommittee appointed by the City Council and whose purpose is to make a recommendation to the City Council. A.R.S. §38-431(1) and (6)

What constitutes a meeting?

A meeting occurs any time a majority of public officials from the same public body (be it a Council, board, commission or committee) communicate about an item within the jurisdiction of the public body. A.R.S. §38-431(4). This can happen through technology (facebook, twitter, email, text messages), in a series of meetings between 1 or more members (also called "serial meetings"), or in private meetings with City staff members. To be safe – **any** discussion about the business of the public body should happen **only** at an open public meeting.

What is included in the Agenda?

The agenda must include a description of the item being discussed that will provide reasonable notice to the public of the item being discussed or decided. A.R.S. §38-431.09

Who prepares and posts the agenda?

The Staff Liaison will prepare a meeting agenda, making sure the item/s being discussed are within the scope of the board/commission. The City Clerk will post the agenda in accordance with the Open Meeting Law. The agenda must be posted at least 24 hours before the meeting in order to comply with the Open Meeting Law. A.R.S. §38-431.02 (C)

In what way may the public participate in a meeting?

The public has the right to attend, listen and even record the meeting (video or audio). The public does not have the right to speak on any particular item (unless the chair permits public comment), and “call to the public” is not required to be on an agenda. The public never has the right to disrupt the meeting.

What is an executive session?

An executive session is a lawfully permitted session for a public body to meet in a closed session -for discussion only - for very limited purposes. A.R.S. §38-431.03(D). Those purposes are:

1. Personnel (with proper notice to the employee);
2. Records exempt by law from public inspection (e.g. medical records);
3. Legal advice from the body’s attorney;
4. Litigation and contract negotiations;
5. International, interstate and tribal negotiation;
6. Purchase, sale, or lease of real property.

No vote or official action can be taken in an executive session.

Can a board or commission meet in executive session?

Yes, as long as the item is properly on the agenda, and a majority of members vote to recess into executive session. Most boards and commissions, however, will not have the occasion to recess into an executive session.

Who takes the minutes for board/commission meetings?

The Staff Liaison will take minutes, and gives them to the City Clerk who posts them in accordance with the Open Meeting Law. For boards and commissions, minutes must include:

- The date, time and place of the meeting;
- Identify the members present or absent;
- A general description of the matters considered (that is what was discussed); and
- A description of the legal action taken.

Handbook at a Glance



- Provides an overview of Surprise form of Government
- Discusses Council expectations regarding relationships between boards/commissions and others
- Provides an overview of appointment process
- Explains the difference between boards, commissions and committees
- Educates members on rules related to meetings
- Outlines rules on conduct and demeanor
- Sets forth parliamentary rules
- Provides an overview of Open Meeting Law



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action on a Zoning Text Amendment to allow accessory structures to be limited by lot coverage on residential properties one (1) acre or more in size; Ordinance 2015-13.

Motion:

I move to approve Ordinance 2015-13.

Background:

Staff has received numerous requests from residents on larger lots to allow larger accessory structures than are currently allowed. This ordinance will implement a lot coverage allowance of 25 percent for properties one (1) acre or more in size.

Objective Analysis:

Residents will gain the ability to construct accessory structures for more usable space. Staff does not anticipate any negative impacts.

Policy Compliant:

The proposed zoning text amendment is consistent with City and Council Policies.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This action will not have any impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [FS15-305 - Lot Coverage ZTA - Staff Report](#)
 - ☐ [FS15-305 - Lot Coverage ZTA - Ordinance](#)
 - ☐ [FS15-305 - Lot Coverage ZTA - Presentation](#)
-

ZONING TEXT AMENDMENT

REPORT TO THE CITY COUNCIL

1 **Case:** **FS15-305**
2
3 **Project Name:** Accessory Uses for Large Residential Lots
4
5 **Council District:** Citywide
6
7 **Planning Commission Date:** September 17, 2015
8
9 **City Council Date:** **October 6, 2015**
10
11 **Planner:** Hobart Wingard, 623.222.3156
12
13

14 **Owner:** Citywide
15
16 **Applicant:** City Initiated
17
18 **Request:** Zoning text amendment (ZTA) to allow accessory structures to be
19 limited by lot coverage on residential properties one (1) acre or more
20 in size
21
22
23 **General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2035
24
25
26 **Support/Opposition:** No communications of support or opposition received
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28
29 **Commission**
30 **Recommendation:** **Approve** subject to staff findings
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Project Description:

The current Surprise Unified Development Code, Section 122-70 restricts accessory structures such as detached garages, workshops, and gazebos to the following criteria:

Maximum Size Accessory Building or Garage	Lot Size (Gross Area)	Total Floor Area for all Accessory Buildings
600 sq. ft., or 50% of the finished floor area of the first floor of the principal building, whichever is less	Less than 1 acre	600 sq. ft.
800 sq. ft., or 50% of the finished floor area of the first floor of the principal building, whichever is less	1—5 acres	1,000 sq. ft.
1000 sq. ft., or 50% of the finished floor area of the first floor of the principal building, whichever is less	5 acres or greater	1,400 sq. ft.

The above referenced requirements strictly limit the number and size of structures on a residents parcel for accessory structures.

The proposed changes to Section 122-70 will have the effect of allowing up to 25 percent of a residential lot one (1) acre or greater in size. For some time, staff has received numerous requests for accessory structures for car collections, recreational vehicle garages, and workshops. The proposed lot coverage allowances would be able to allow residents to implement a diversity of accessory uses while maintaining a coverage ratio that will not create clutter.

Additionally, this amendment will create setbacks for accessory structures with the height of the structures being taken into consideration for neighboring properties. These setbacks are accompanied by graphics for a greater understanding of the proposed language.

Citizen Review:

The Citizen Review meeting was held on September 2, 2015 from 6:00 to 7:00 PM in the Council Overflow Room at City Hall.

Findings:

- The proposed zone change is consistent with the Surprise General Plan 2035
- The proposed zone change will advance the goals of the City Council

74 **Commission Recommendation:**

75
76 The Planning and Zoning Commission meeting was held on September 17, 2015 at City Hall.
77 Commissioners Ferguson and Smith voiced concerns regarding the amount of buildable area as well
78 as the height of accessory structures. Based on discussion and the findings noted above, the
79 Commission voted unanimously to recommend **approval** of case **FS15-305** to the City Council.
80

81 **Attachments:**

82 Ordinance 2015-13 and PowerPoint Presentation

ORDINANCE 2015-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A TEXT AMENDMENT TO THE SURPRISE UNIFIED DEVELOPMENT CODE AS IT RELATES TO ACCESSORY USES FOR RESIDENTIAL PROPERTIES ONE (1) ACRE OR MORE IN SIZE.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, in response to citizen inquiries, City staff recommends adoption of rules regarding the size of accessory structures on residential properties of one (1) acre or more in size; and

WHEREAS, on September 17, 2015, the Planning and Zoning Commission recommended approval of the proposed Text Amendment.

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

Section 1: Section 122-70, Accessory Uses, of the Surprise Uniform Development Code is hereby amended as described on attached Exhibit A, and incorporated by this reference.

Section 2: All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or the Code adopted by this ordinance are repealed upon the effective date of this Ordinance.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 4: This ordinance will become effective at the time and manner prescribed by law.

Signatures on next page

APPROVED AND ADOPTED this _____ day of _____ 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

EXHIBIT A

Zoning Text Amendment

Accessory Uses

Legislative Edit

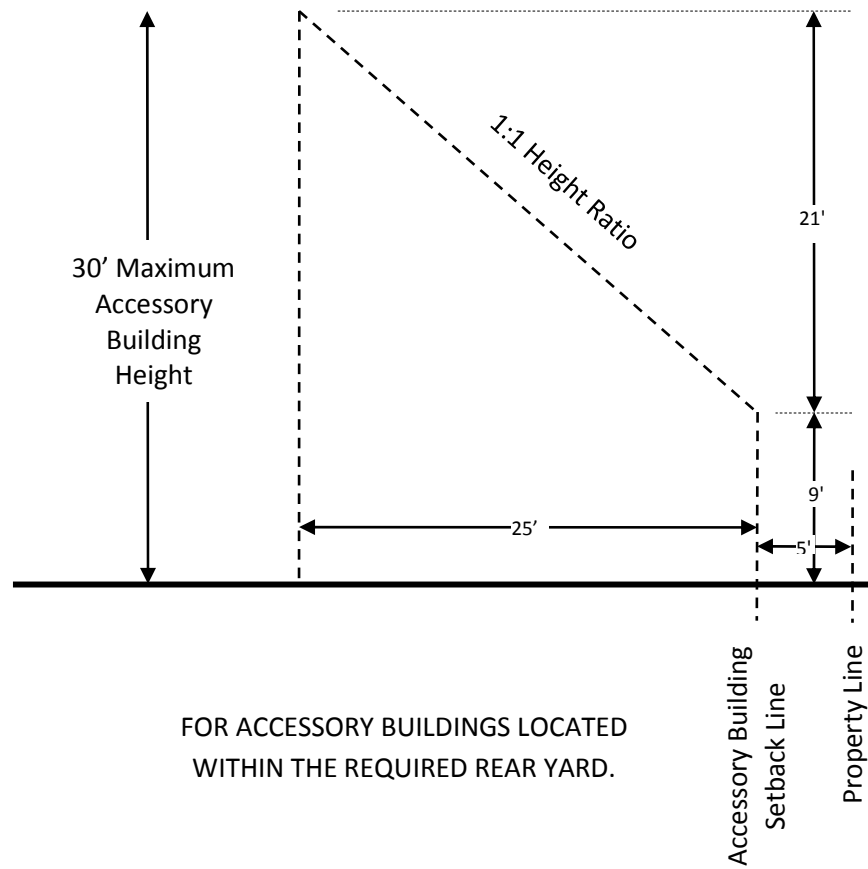
Sec. 122-70. - Accessory uses.

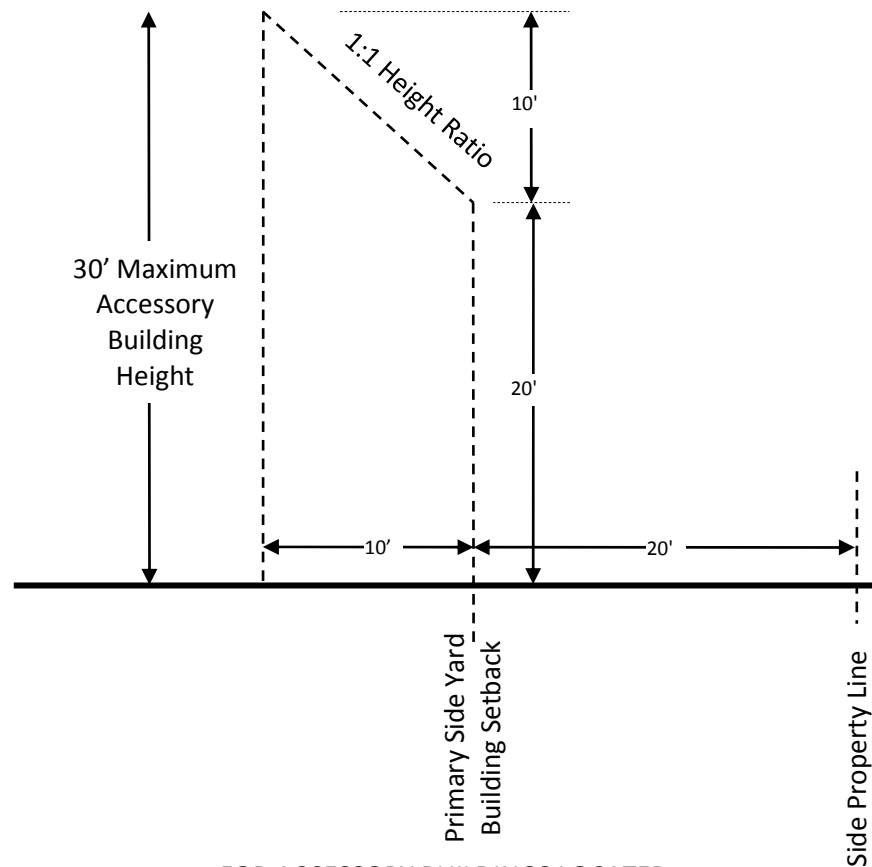
Accessory use requirements provide residents with the opportunity to use their property while maintaining the integrity and character of the neighborhood. This is accomplished by regulating the ~~through the regulation of~~ relationships between the principal and accessory uses and ~~to establish~~ **ING provisions governing** accessory use standards. For the purpose of chapter 122, a building shall not be considered **AN** accessory building if it is connected to the principal building by a covered passageway. All accessory buildings shall be subject to the following requirements:

- (a) All accessory uses, buildings and structures, except for approved off-site parking, shall be located on the same lot as the principal or main use.
- (b) No accessory building, structure or use shall be constructed or developed on a lot prior to the time of construction of the principal building to which it is accessory, except by conditional use permit.
- (c) No accessory building or structure shall at any time be used as a principal dwelling unit.
- (d) Accessory buildings and ~~garages~~ **STRUCTURES** in residential districts shall not exceed 30 feet in height ~~the height of the principal structure~~ and shall not be located within any easement.
- (e) An accessory structure shall not be located in the front yard of a lot where the principal use of the lot is for dwelling or residence ~~unless the accessory building is architecturally integrated into the design of the primary building.~~
- (f) An accessory structure shall be at least five feet from a principal dwelling.
- (g) The accessory structure shall remain accessory to and under the same ownership as the principal use, and shall not be subdivided or sold separately.
- (h) The accessory building shall be designed to complement the primary building.
- (i) No permit shall be issued for the construction of more than one accessory, detached, private garage structure for each dwelling.
- ~~(j) All accessory building or garage for single family detached homes shall comply with the following standards.~~

Maximum Size Accessory Building or Garage	Lot Size (Gross Area)	Total Floor Area for all Accessory Buildings
600 sq. ft., or 50% of the finished floor area of the first floor of the principal building, whichever is less	Less than 1 acre	600 sq. ft.
800 sq. ft., or 50% of the finished floor area of the first floor of the principal building, whichever is less	1—5 acres	1,000 sq. ft.
1000 sq. ft., or 50% of the finished floor area of the first floor of the principal building, whichever is less	5 acres or greater	1,400 sq. ft.

- (j) NOTWITHSTANDING ZONING DISTRICT SETBACKS, ALL ACCESSORY STRUCTURES WILL BE SETBACK A MINIMUM OF FIVE (5) FEET FROM THE PROPERTY LINE. ACCESSORY STRUCTURES OVER NINE (9) FEET IN HEIGHT WILL BE SETBACK AN ADDITIONAL ONE (1) FOOT FOR EVERY FOOT IN EXCESS OF NINE (9) VERTICAL FEET. ON CORNER LOTS THE APPLICABLE STREET SIDE ZONING SETBACKS WILL BE MAINTAINED AT A MINIMUM.





FOR ACCESSORY BUILDINGS LOCATED
WITHIN THE BUILDING ENVELOPE

(k) ALL ACCESSORY BUILDINGS FOR PARCELS LESS THAN ONE(1) ACRE IN SIZE AND LOCATED IN RESIDENTIAL ZONING DISTRICTS WILL BE LIMITED TO 600 SQUARE FEET OR 50 PERCENT OF THE FINISHED FLOOR AREA OF THE FIRST FLOOR OF THE PRINCIPAL BUILDING, WHICHEVER IS LESS.

(l) PROPERTIES WITH AN AREA EQUAL TO OR GREATER THAN ONE (1) ACRE SHALL BE ALLOWED PRIMARY AND ACCESSORY STRUCTURES UP TO 25 PERCENT LOT COVERAGE. LOT COVERAGE WILL BE BASED ON

THE PERCENTAGE OF PROPERTY THAT IS COVERED BY AN OVERHEAD STRUCTURE USED FOR PROTECTION OR SHIELDING FROM THE SUN, RAIN, OR OTHER ELEMENTS OR WEATHER.

- (m) ~~(k)~~ Shade structures, gazebos, accessory greenhouses, detached covered patios and unenclosed structures in single family residential zoning districts shall adhere to the following standards:
- (1) The height of the structure shall not exceed ten feet on residential lots less than 7,200 square feet;
 - (2) The height of the structure shall not exceed 15 feet on residential lots 7,200 square feet or greater;
 - (3) The total floor area of the structure shall not exceed 400 square feet.
- (n) ~~(l)~~ Accessory buildings in any business park or industrial district may be located only to the side or rear of the principal building; ~~and~~.
- (o) ~~(m)~~ No accessory building in any business park or industrial district shall exceed the height of the principal building except by conditional use permit.
- (p) ~~(n)~~ Outdoor swimming pools, in ground or above ground, wading pools, hot tubs, spas, or other similar pools used for swimming, wading, or bathing purposes are subject to building code requirements with the following additions.
- (1) ~~(o)~~ Private swimming pools located in residential single-family or two-family zoning districts shall be situated in the side or rear yards and no water surface shall be closer than three feet from any property line.
 - (2) ~~(p)~~ A building permit shall not be issued for any swimming pool unless the plans for such pool provide for a fence as required by this section and chapter 105 of the Surprise Municipal Code.
 - (3) ~~(q)~~ No swimming pool shall be filled in whole or in part with water unless the pool structure has been installed in accordance with this section and approved by the building official, or his designee.
 - (4) ~~(r)~~ It shall be the responsibility of both the property owner and the occupant of the premises to install and maintain the fences, locks, latches, and gates in good condition and proper working order when water is in the pool, and either or both may be deemed in violation of this section for failure to do so.
- (q) ~~(s)~~ Sports and tennis courts in residential zones, including the enclosure and lighting elements, may be built as follows:
- (1) Sports and tennis courts shall not be permitted in the front yard;
 - (2) Sports and tennis courts without lighting shall be setback five feet from all side and rear lot lines (measure from the edge of the playing surface);
 - (3) Sports and tennis courts with lighting shall be setback 20 feet from all side and rear lot lines (measured from the edge of the playing surface ~~and~~ **OR** base of the lighting standard);

- (4) Photometric foot candles shall be zero along property lines and shielded to prevent light spillage.

LOT COVERAGE ON LARGER RESIDENTIAL PROPERTIES

City Council
October 6, 2015



PURPOSE



- Nothing New - Residents on Large Residential Lots Have Been Asking for Larger/More Accessory Structures
 - Car Collections
 - Barns for Livestock and Horses
 - Recreational Vehicles
- Historical and Current Regulations
 - Title 17 – Required a Conditional Use Permit
 - SUDC – Regardless the Size of the Parcel, the Maximum Aggregate Square Footage is 1,400 Square Feet

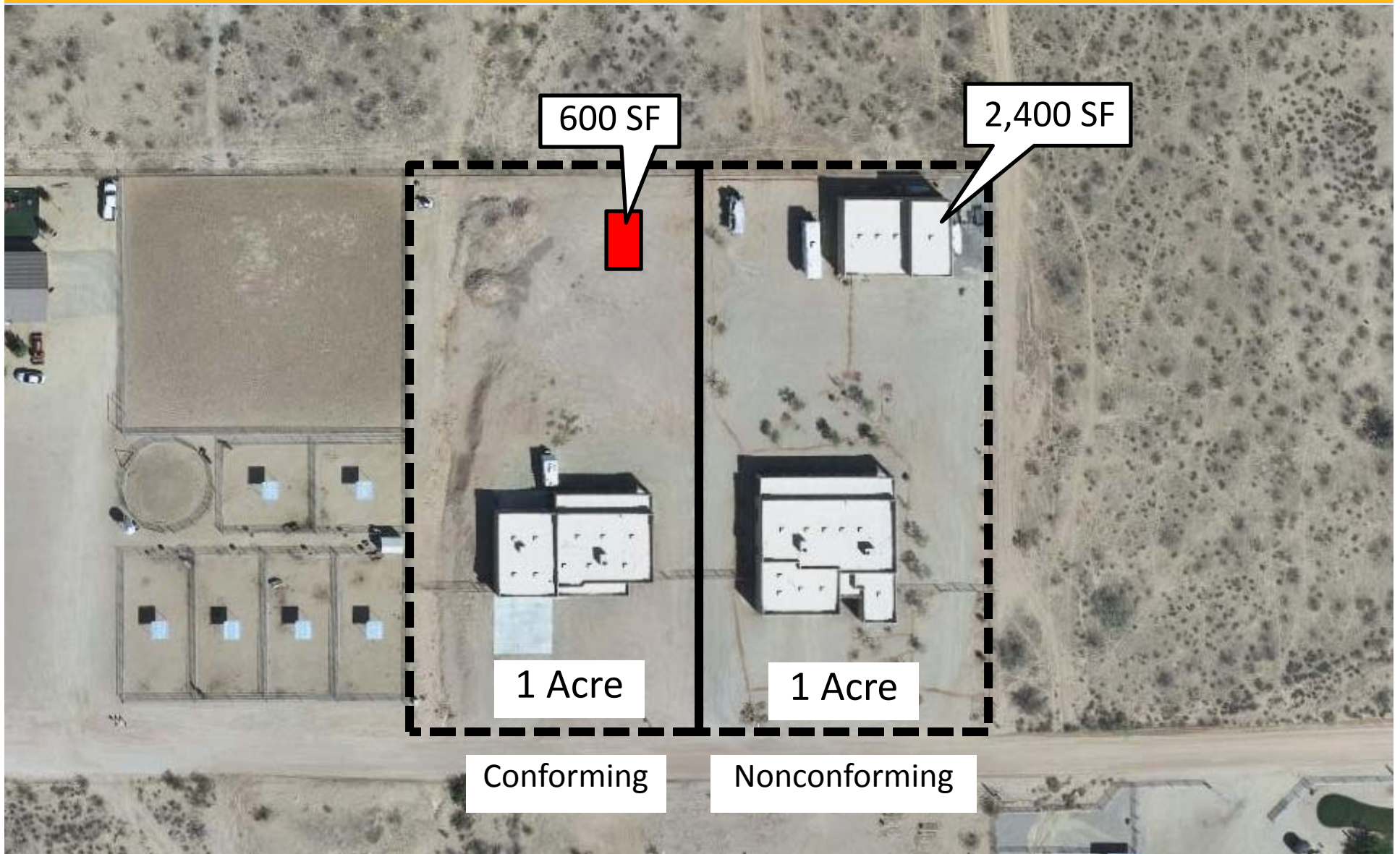
CURRENT CODE LANGUAGE



- Section 122-70(j)
 - All Accessory Building or Garage for Single-Family Detached Homes Shall Comply With the Following Standards:

Maximum Size Accessory Building or Garage	Lot Size (Gross Area)	Total Floor Area for all Accessory Buildings
600 sq. ft., or 50% of the finished floor area of the first floor of the principal building, whichever is less	Less than 1 acre	600 sq. ft.
800 sq. ft., or 50% of the finished floor area of the first floor of the principal building, whichever is less	1—5 acres	1,000 sq. ft.
1000 sq. ft., or 50% of the finished floor area of the first floor of the principal building, whichever is less	5 acres or greater	1,400 sq. ft.

CURRENT CODE GRAPHIC



CURRENT CODE GRAPHIC



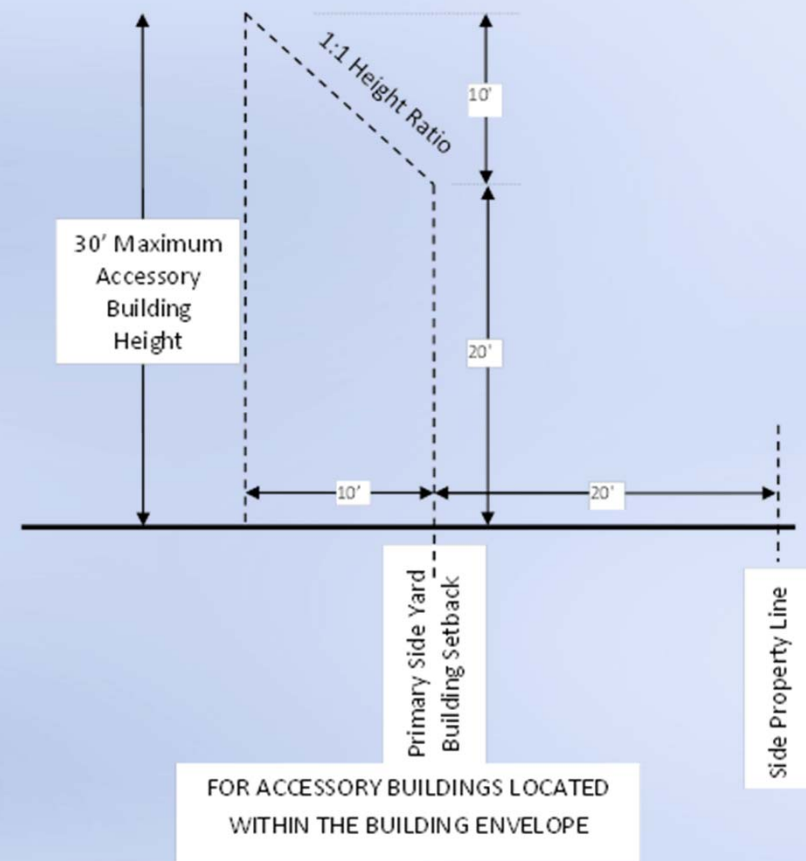
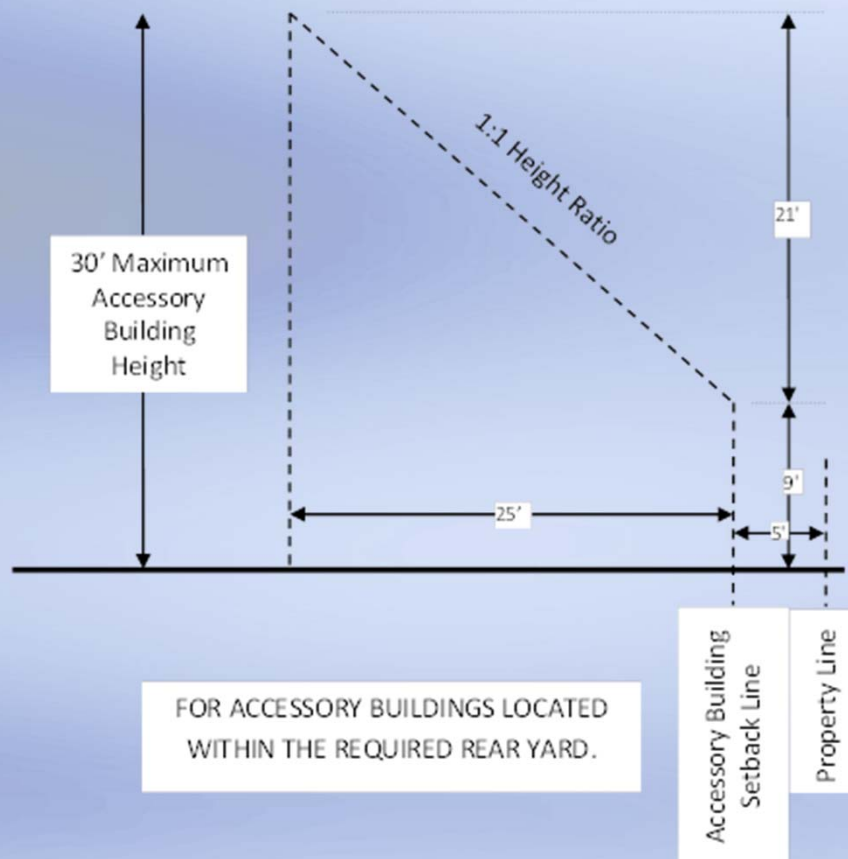
PROPOSED CODE LANGUAGE



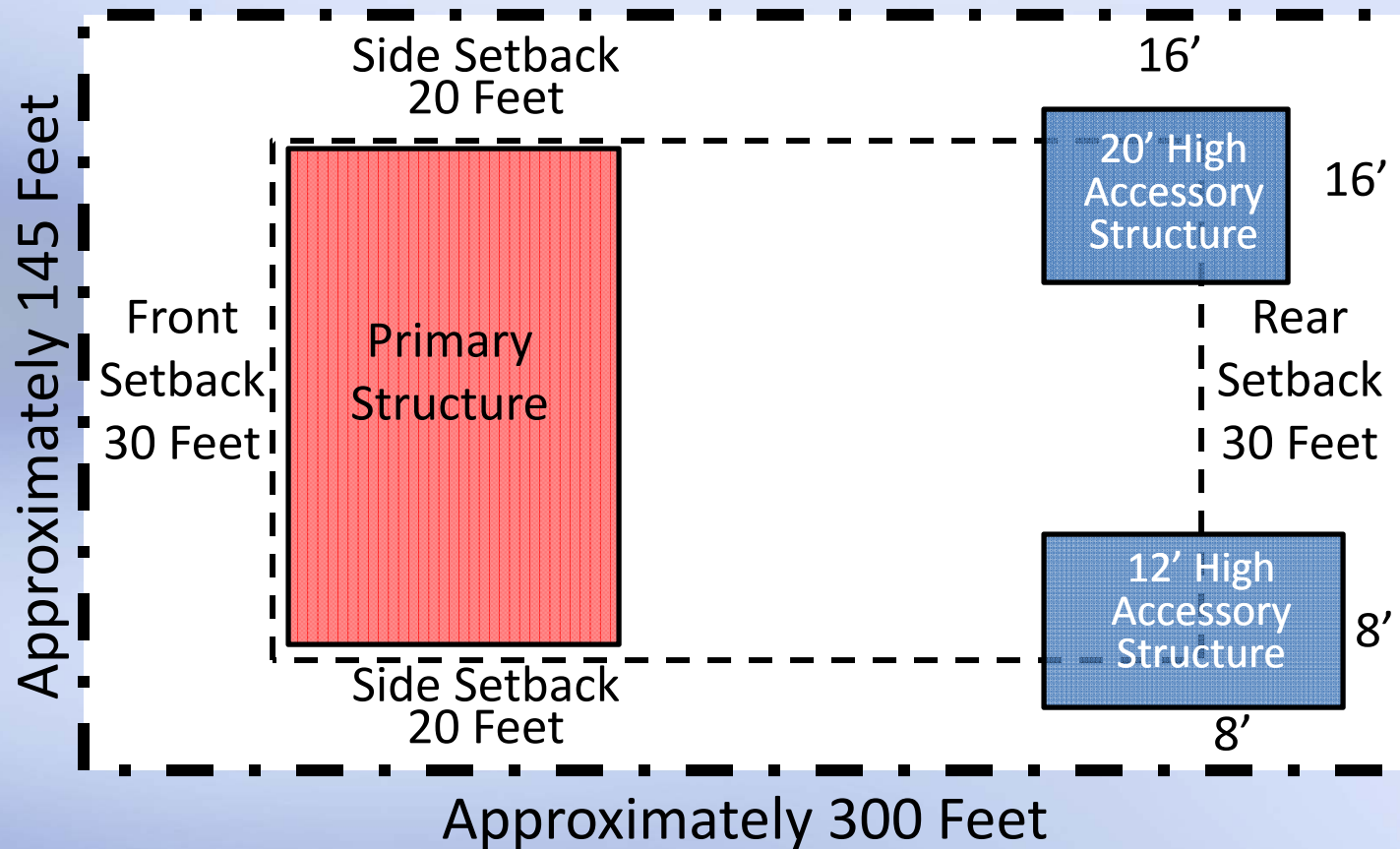
Section 122-70

- j) Notwithstanding zoning district setbacks, all accessory structures will be setback a minimum of five (5) feet from the property line. Accessory structures over nine (9) feet in height will be setback an additional one (1) foot for every foot in excess of nine (9) vertical feet. On corner lots the applicable street side zoning setbacks will be maintained.
- k) All accessory buildings for parcels less than one (1) acre in size located in residential zoning districts will be limited to 600 square feet or 50 percent of the finished floor area of the first floor of the principal building, whichever is less.
- l) Properties with a net area equal to or greater than one (1) acre shall be allowed accessory structures based on 25 percent lot coverage.

PROPOSED CODE GRAPHIC

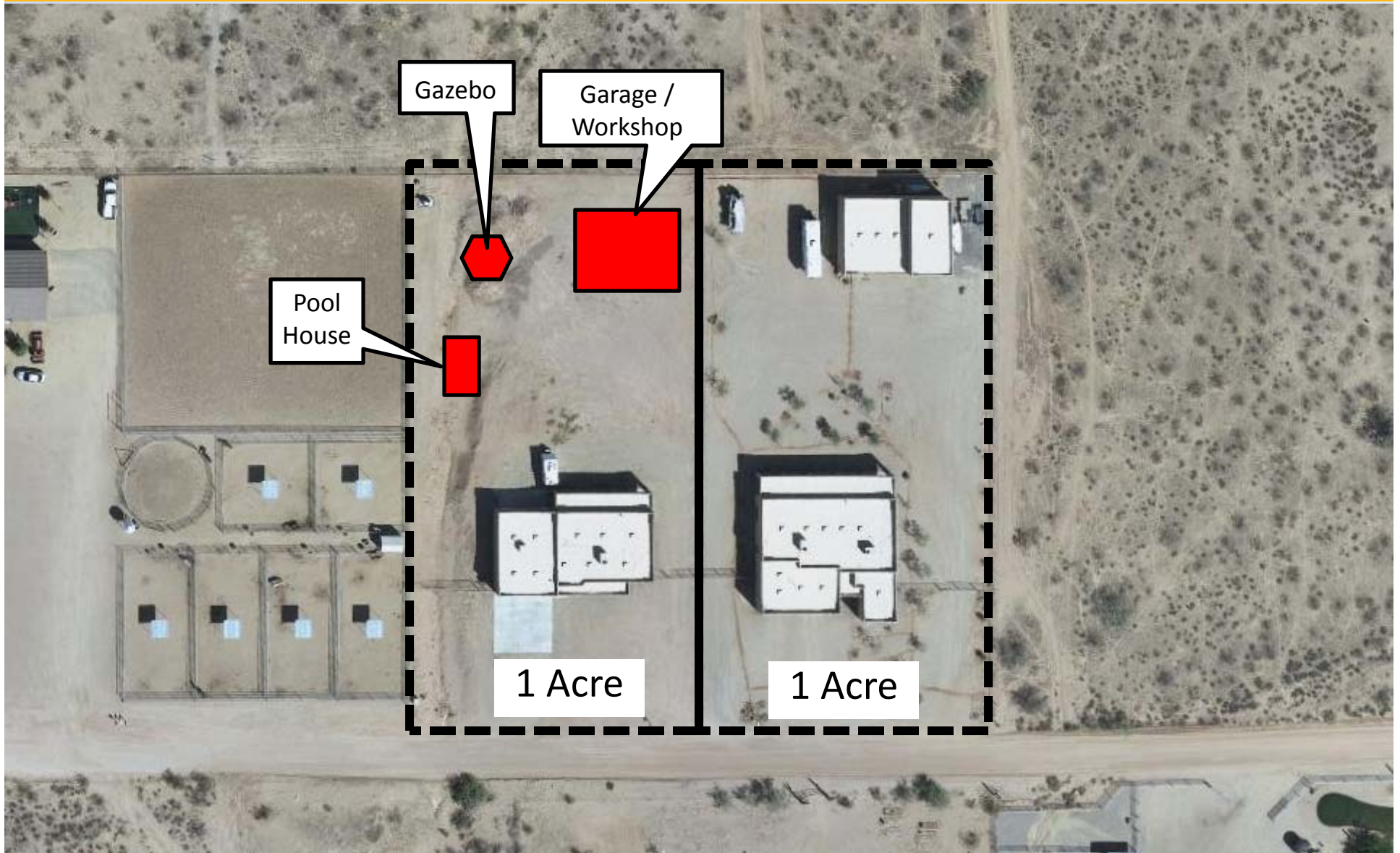


PROPOSED SETBACK GRAPHIC

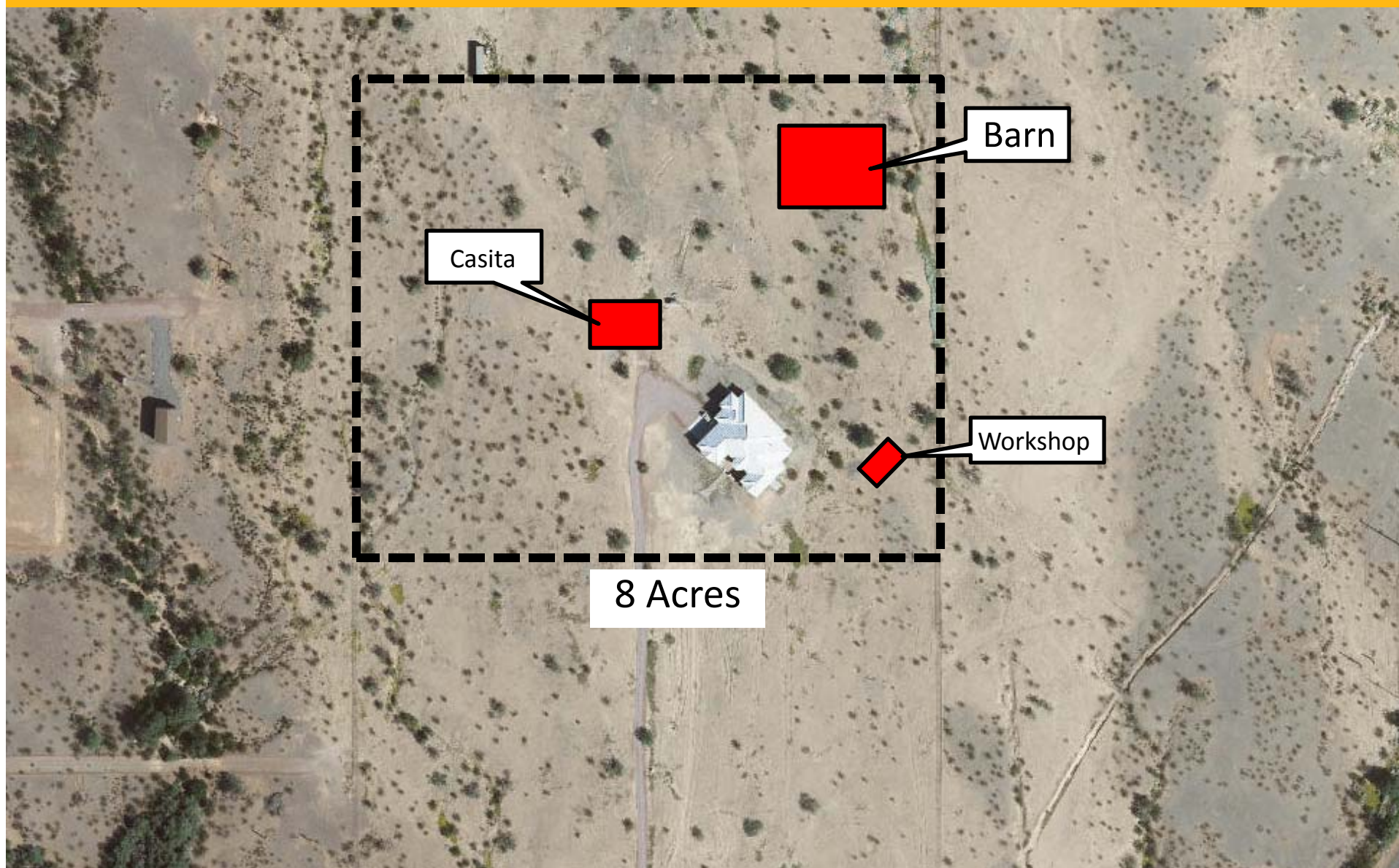


Typical 1 Acre Parcel

PROPOSED CODE GRAPHIC



PROPOSED CODE GRAPHIC



OTHER HOUSEKEEPING ITEMS



- Allow a 30 Foot Height - Accessory Building Can Be Higher Than Primary Structure
- Remove Accessory Structures From Front Yards
- Correct Numeration



ACCESSORY RESIDENTIAL LOT COVERAGE



Questions or Comments?





CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	Continue		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action amending Surprise Municipal Code, Chapter 122, Surprise Unified Development Code, Section 122-112, Wireless Communications, to allow Wireless Telecommunication Facilities to conform to federal regulations and current technology (this is a Zoning Text Amendment); Ordinance 2015-15.

Motion:

I move to continue consideration of this item to the October 20th, 2015 Regular City Council Meeting.

Background:

The City is required under Section 6409 of the Spectrum Act (The Middle Class Tax Relief and Job Creation Act of 2012) and the Eligible Facility Request Rules established in the Order, to adopt and implement local development and zoning regulations that are consistent with Section 6409 and the Order. These requirements coincide with the need to update the Surprise Unified Development Code to regulate Wireless Telecommunication Facilities due to advancing technology.

This item was publically noticed for a public hearing anticipating Planning & Zoning Commission consideration on September 17th and Council Consideration on October 6th. The final language was not ready for consideration by Planning and Zoning on September 17th and the item was continued until the October 1st Planning & Zoning Commission meeting. Because the Planning & Zoning Commission has not yet heard or considered this item, and to avoid the need to repost the public hearing notices and related cost, Staff is requesting the item be continued until October 20th.

Objective Analysis:

Not applicable at this time.

Policy Compliant:

This action is compliant with City and Council Policy.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This action will not have any impact on current staff levels.

ATTACHMENTS:

Click to download

☐ [Ord 2015-15](#)

ORDINANCE 2015-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A ZONING TEXT AMENDMENT FOR THE LOCATION, COLLOCATION, REMOVAL AND REPLACEMENT OF WIRELESS TELECOMMUNICATION FACILITIES

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, in 1934, Congress enacted the Communications Act of 1934, creating the FCC and granting it authority over common carriers engaged in the provision of interstate or foreign communications services; and

WHEREAS, in 1996 Congress enacted Pub. L. No. 104-104, 110 Stat. 70 (the “**1996 Act**”), amending the Communications Act of 1934 and implementing regulations applicable to both wireless and wireline communications facilities for the purpose of removal of barriers to entry into the telecommunications market while preserving local government zoning authority except where specifically limited under the 1996 Act; and

WHEREAS, in the 1996 Act, Congress imposed substantive and procedural limitations on the traditional authority of state and local governments to regulate the location, construction, and modification of wireless facilities and incorporated those limitations into the Communications Act of 1934; and

WHEREAS, the City has adopted regulations that have been codified as part of the Municipal Code of the City establishing local requirements for the location, construction, and modification of wireless facilities; and

WHEREAS, in 2012 Congress passed the “Middle Class Tax Relief and Job Creation Act of 2012” (the “**Spectrum Act**”) (PL-112-96; codified at 47 U.S.C. § 1455(a)); and

WHEREAS, Section 6409 (hereafter “**Section 6409**”) of the Spectrum Act implements additional substantive and procedural limitations upon state and local government authority to regulate modification of existing wireless antenna support structures and base stations; and

WHEREAS, Congress through its enactment of Section 6409 of the Spectrum Act, has mandated that local governments approve, and cannot deny, an application requesting modification of an existing tower or base station if such modification does not substantially change the physical dimensions of such tower or base station; and

WHEREAS, the 1996 Act empowers the Federal Communications Commission (the “**FCC**”) to prescribe such rules and regulations as may be necessary in the public interest to carry out the provisions of the 1996 Act, and subsequently added portions of the 1996 Act such as Section 6409; and

WHEREAS, the FCC, pursuant to its rule making authority, adopted and released a Notice of Proposed Rulemaking in September of 2013 (*In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 13-122) which focused in part upon whether or not the FCC should adopt rules regarding implementation of Section 6409; and

WHEREAS, on October 21, 2014, the FCC issued its report and order, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, in the above described proceeding (the “**Report and Order**” or “**Order**”) clarifying and implementing statutory requirements related to state and local government review of infrastructure siting, including Section 6409, with the intent of facilitating and expediting the deployment of equipment and infrastructure to meet the demand for wireless capacity; and

WHEREAS, the rules adopted by the FCC in its Report and Order implementing Section 6409 are intended by the FCC to spur wireless broadband deployment, in part, by facilitating the sharing of infrastructure that supports wireless communications through incentives to collocate on structures that already support wireless facilities; and

WHEREAS, the Report and Order also adopts measures that update the FCC’s review processes under the National Environmental Policy Act of 1969 (“**NEPA**”) and section 106 of the National Historic Preservation Act of 1966 (“**NHPA**”), with a particular emphasis on accommodating new wireless technologies that use smaller antennas and compact radio equipment to provide mobile voice and broadband service; and

WHEREAS, on January 5, 2015, the FCC released an Erratum to the Report and Order making certain amendments to the provisions of the Report and Order related to NEPA and Section 106 of the NHPA; and

WHEREAS, that part of the Report and Order related to implementation of Section 6409, amends 47 C.F.R. Part 1 (PART 1 – PRACTICE AND PROCEDURE) by adding new Subpart CC § 1.40001 and establishing both substantive and procedural limitations upon local government application and development requirements applicable to proposals for modification to an existing antenna support structure or an existing base station (“**Eligible Facility Request Rules**”); and

WHEREAS, the Order, among other things, defines key terms utilized in Section 6409, establishes application requirements limiting the information that can be required from an applicant, implements a 60 day shot clock and tolling provisions, establishes a “deemed approved” remedy for applications not timely responded to, requires cities to

approve a project permit application requesting modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, and establishes development standards that govern such proposed modifications; and

WHEREAS, the Report and Order provides that the Eligible Facility Request Rules will be effective 90 days following publication in the Federal Register; and

WHEREAS, the Order was published in the Federal Register on Thursday, January 8, 2015, Federal Register; Vol. 80; No. 5, resulting in the Eligible Facility Request Rules becoming effective on April 8, 2015; and

WHEREAS, the Order is subject to appeal, however, even if an appeal is filed, the appeal will not automatically result in delay of implementation of the Eligible Facility Request Rules; and

WHEREAS, this zoning text amendment is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on September 17, 2015, the Planning and Zoning Commission recommended approval of the zoning text amendment for the location, collocation, removal and replacement of wireless telecommunication facilities.

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

Section 1. The City Council finds that it is required under Section 6409 of the Spectrum Act and the Eligible Facility Request Rules established in the Order, to adopt and implement local development and zoning regulations that are consistent with Section 6409 and the Order; and

Section 2. Section 122-112, *Wireless Communication Facilities (WCF)*, of the Surprise Uniform Development Code is hereby amended as per the attached Exhibit A, and incorporated by this reference.

Section 3. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

FS15-176

Zoning Text Amendment

Wireless Telecommunications Facilities (WTF)

Legislative Edit

Section 122-112 – Wireless ~~Communications~~ Telecommunications Facilities (W~~C~~TF)

~~When allowed, the following minimum development standards shall apply to all wireless communications facilities in addition to any development standards that apply in the underlying zoning district in which a wireless communication facility is located and/or additional requirements in any conditions of approval attached to a conditional use approval.~~

~~(a) Siting standards.~~

- ~~(1) No new WTF shall be located within 1,320 feet of an existing WTF unless the existing WTF does not meet the structural specifications or technical requirements necessary for additional antenna co-location, or unless a co-location agreement could not be obtained at commercial reasonable terms and conditions, including price. WTF used to support athletic field lighting or parking lot lighting, and are camouflaged to disguise the presence of the antennas shall be exempt from this requirement;~~
- ~~(2) A WTF shall be set back from all non-residential lot lines a minimum distance equal to the height of the pole; and from all residential lot lines a minimum distance of 200 feet of the height of the mount. However, in no instance, shall the WTF, other than a minor antenna be placed closer than 200 feet from a residential dwelling or from the property line of a vacant lot or vacant parcel in a residentially zoned district;~~
- ~~(3) A WTF may be mounted on a structure that is not a dwelling unit on the side or roof in accordance with the requirements of this section.~~
- ~~(4) All WTF shall be adequately insured for injury and property damage.~~

~~(b) Design standards.~~

- ~~(1) Materials, colors, textures and landscaping shall be designed to blend in naturally with the surrounding setting. A WTF shall be finished or painted to minimize visual obtrusiveness by using a non-reflective color or color scheme appropriate to the background against which the WTF would be viewed from a majority of points within its viewshed. Panel antennae and their associated cables and~~

~~hardware mounted on or against an existing structure shall be painted to match the existing façade or be otherwise camouflaged to reduce their visual impact;~~

~~(2) A WTF shall be:~~

- ~~a. Completely screened from public view and rights-of-way by trees, mature vegetation, natural features or structures on the subject property; and/or~~
- ~~b. Completely camouflaged in a manner that is architecturally compatible with the structure on which it is mounted and integrated as an integral architectural element of the structure. The required screening may exist on the subject property or be installed as part of the proposed WTF or a combination of both.~~

~~(3) A WTF shall not be illuminated unless otherwise required by state or federal regulations;~~

~~(4) All wireless communication facilities shall have an identification plaque no larger than 12 inches by 12 inches permanently affixed which clearly identifies the name, address, and emergency phone number of the provider. No other identification or sign is permitted on a WTF or related facility;~~

~~(5) All WTF support structures and required fencing shall be equipped with appropriate anti-climbing devices.~~

~~(6) A security barrier, if any, shall be screened from view through the use of appropriate landscaping materials consistent with the city landscaping standards.~~

~~(7) The silhouette of the WTF shall be reduced to minimize visual impact. To the extent allowed by law, the city shall consider the cumulative visual effects of WTF and any mount, specifically their appearance or domination of the skyline, natural and structural features or terrain, in determining whether to approve a WTF.~~

~~(8) Any access road to a WTF site shall withstand all-weather and dust controlled surfaces.~~

~~(9) An equipment cabinet shall be located below natural grade underground if site conditions permit and if technically feasible. An equipment cabinet shall be completely screened from view by compatible wall, fence or landscaping consistent with the city landscaping standards except that an equipment cabinet larger than 144 cubic feet may not be required to be totally screened from view if the city manager or designee finds, in its discretion, that the cabinet has been designed with a structure or façade, materials, colors or detailing that affect a structure which emulates the architectural character of the area;~~

~~(10) The maximum height of a monopole including the base and platform, but excluding attached antennae, shall be limited to 65 feet above the finished grade of the site. The maximum height of the antennae attached to a wireless communication monopole shall not exceed 80 feet above the finished grade of the site. Whip antennas are excluded from this calculation. However, in no case shall a WTF be permitted when heights are found to be intrusive, obtrusive or out of character with the surrounding area.~~

~~(11) A WTF co-located on existing monopoles and towers shall be subject to the following criteria:~~

~~(12) The monopole or tower shall not increase in height more than six feet; and~~

~~(13) The maximum height of the antennae attached to a wireless~~

~~(14) The pole portion of a monopole may not exceed 42 inches in diameter. No microwave dish or similar device may be mounted on the pole portion of a monopole.~~

~~(15) A WTF that is located on traffic signal poles shall be subject to the following criteria:~~

~~a. Antennas shall be limited to canister mount antennas, shall be no more than 18 inches in diameter and shall not increase the city standards traffic pole height more than six feet;~~

~~b. All cables shall be located inside the pole.~~

~~(c) Co-location and limitations.~~

~~(1) A proposal for a new wireless communication facility shall not be approved unless the communications equipment cannot be accommodated on an existing or approved monopole or structure within a one mile search radius of the proposed WTF due to one or more of the following reasons:~~

~~a. The planned equipment would exceed the structural capacity of the existing or approved structure, as documented by a qualified and licensed professional engineer, and the existing or approved WTF cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.~~

~~b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the WTF as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.~~

~~c. Existing or approved structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.~~

~~(d) Cessation of use.~~

~~(1) In the event the use of any WTF has been discontinued for a period of 60 consecutive days, the WTF shall be deemed to be abandoned. Upon such abandonment, the owner/operator of the tower shall have 60 days to:~~

~~a. Reactivate the use of the WTF or transfer the WTF to another owner/operator who makes actual use of the WTF; or~~

~~b. Dismantle and remove the WTF. If such WTF is not removed within said 60 days, the city may remove such WTF at the owner's expense. If there are~~

~~several users of a single WTF, then this provision shall only require that the unnecessary sections of the WTF be removed.~~

~~(2) At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, city approval for the WTF shall automatically expire.~~

~~(3) If an abandonment of a WTF occurs by all of the permittees or licensees and the owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of wireless services. In the event that the WTF ceases to be licensed by the FCC for the transmission of radio energy, the owner of the WTF shall maintain the prescribed painting and/or illumination of such tower until it is dismantled.~~

~~(4) Upon removal of the wireless service facility, the site shall be returned to its natural state and topography and vegetated consistent with the natural surroundings.~~

~~(e) Additional submittal requirements. In addition to the information requested for a conditional use permit, the following items shall be required for a WTF application:~~

~~(1) A site plan showing the subject property and adjacent properties; all existing and proposed buildings on the subject property and their purpose; the specific placement of the WTF antenna, mount and equipment cabinet; security barrier, including type and extent and point of controlled entry on the site; fall zone; all proposed changes to the existing site, including grading, vegetation, roads, sidewalks and driveways;~~

~~(2) A landscape plan showing specific placement of existing and proposed vegetation, trees, shrubs, identified by species and size of specimen at installation in accordance with city landscape standards;~~

~~(3) Photographs, diagrams, photo simulations and sight line representations as listed below:~~

~~a. A diagram or map showing the viewshed of the proposed facility;~~

~~b. Sight line representation;~~

~~c. Existing (before condition) photographs illustrated by four by six inch color photograph(s) of what can currently be seen from any adjacent buildings and properties, private roads and rights-of-way adjacent to the site;~~

~~d. Photo simulations of the proposed facility from each adjacent residential properties or buildings, private roads and public rights-of-way adjacent to the site (after condition photographs). Such photo simulations shall include, but not be limited to, each of the existing condition photographs with the proposed WTF superimposed on it to show what will be seen from residential buildings, properties, private roads and rights-of-way adjacent to the site;~~

~~e. Aerial photograph.~~

~~(4) Siting elevations, or views at natural grade, from all directions (north, south, east, west) for a 50-foot radius around the proposed WTF plus from all existing rights-of-way and private roads that serve the subject property. Elevations shall be at one-quarter inch equals one foot scale and show the following:~~

- ~~a. Antenna, mount, equipment cabinet;~~
- ~~b. If the security barrier will block views of the WTF, the barrier drawing shall be cut away to show the view behind the barrier;~~
- ~~c. Any and all structures on the subject property, existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation;~~
- ~~d. Grade changes or cuts and fills to be shown at original grade and new grade line.~~

~~(5) Design submittals as follows:~~

- ~~a. Equipment brochures for the WTF such as manufacturer's specifications or trade journal reprints;~~
- ~~b. Materials of the WTF and security barrier, if any, specified by generic type and specific treatment, such as brick, masonry with stucco finish, anodized aluminum, stained wood, etc.;~~
- ~~c. Colors represented by samples or a color board showing actual colors proposed;~~
- ~~d. Dimensions of all equipment specified for all three dimensions: height, width and depth;~~
- ~~e. Appearance shown by at least two photographic superimpositions of the WTF within the site. The photographic superimpositions shall include the antenna, mount, equipment cabinet and security barrier, if any, for the total height, width and breadth. The submittal may also include, if required by the city, a scaled three-dimensional model of the WTF on the site.~~

~~(6) Market and service maps as follows:~~

- ~~a. A map showing the service area of the proposed WTF and the explanation of the need for that facility;~~
- ~~b. A map showing the locations and service areas of other WTF sites operated by the permittee and those that are proposed by the permittee which are close enough to impact service within the city or are within a two-mile radius of the limits of the city.~~

~~(7) Co-location submittals, including signed statements indicating:~~

- ~~a. The permittee agrees to allow for the potential co-location of additional WTF(s) by other personal wireless services and carriers on the permittee's structure or facility or within the same site;~~

- ~~b. That the permittee agrees to remove the WTF as required by this section;~~
- ~~c. That the permittee has made a good faith effort to achieve co-location with other carriers and facilities as required in this section, and if co-location is not feasible for this application for a substantial technical reason, a written statement of the reasons for the infeasibility.~~
- ~~(8) A lease agreement with the owner or landholder shall also be submitted that:~~
 - ~~a. Allows the landholder to enter into leases with other providers;~~
 - ~~b. Specifies that if the carrier fails to remove the WTF when required by this section, the responsibility for removal falls upon the landholder;~~
 - ~~c. Allows entry by the city and its agent for the purpose of inspection and compliance with city codes;~~
 - ~~d. Consents to the terms of subsection J (permit limitations and general conditions) of this section.~~
- ~~(f) Permit limitations and general conditions. In addition to the requirements of this section and any additional administrative use processing requirements located in article VIII herein, a WTF administrative use permit thereto shall comply with the following requirements:~~
 - ~~(1) An administrative use permit shall expire five years after the date of the permit approval. A permittee wishing to continue the use at the end of the five-year period must apply for a conditional use permit renewal application to continue the use at least six months prior to its expiration. The permittee shall be responsible for initiating a review of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the conditional use permit. In ruling on the renewal, the city manager or designee shall apply all then existing regulations affecting the application;~~
 - ~~(2) If the conditional use permit expires, terminates, is abandoned or revoked for any reason pursuant to this section or any City Municipal Code, if removal of the WTF is required in this section, or if the use is discontinued pursuant to this section, the WTF shall be removed as required herein. If the WTF is not so removed, the city may cause the facility to be removed and the owner of the land where the facility is located shall pay all expenses of removal. If not paid by the owner within 30 days of notice by the city, the permittee agrees that the city's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office. The term "remove" shall include but not be limited to the following:~~
 - ~~a. Removal of antenna, mount, equipment cabinet, security barrier from the site;~~
 - ~~b. Transportation of the antenna, mount, equipment cabinet, or security barrier to a location off-site; if the location is within the city limits, it is subject to approval by the city;~~

- ~~c. Restoration of the site of the WTF to its natural condition, except that any landscaping and grading shall remain in finished condition.~~
- ~~(3) A wireless service carrier, upon granting of a conditional use permit or amendment for a WTF use, shall indemnify, protect and hold harmless the city, its officers and agents, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney fees (collectively "liabilities") incurred by the city arising directly or indirectly from the:~~
- ~~a. WTF use as contemplated herein and in the use permit; and~~
 - ~~b. installation and operation of the WTF permitted thereby, including without limitation, any and all liabilities arising from emission by the WTF of electromagnetic fields or other energy waves or emissions. The wireless service carrier's compliance with this subsection is an express condition of the conditional use permit or amendment and is binding on any and all personal wireless service carrier's successors and assigns. The requirements of this subsection shall survive the termination of any such permit or amendment.~~
- ~~(4) The permittee shall maintain the WTF to standards that are imposed by the city at the time of granting of a permit or amendment thereto. Such maintenance shall include, but shall not be limited to, maintenance of the paint, structural integrity and landscaping. If the permittee fails to maintain the facility, the city may undertake the maintenance at the expense of the permittee or terminate or revoke the permit, at its sole option. If the owner does not pay such maintenance expense within 30 days of notice by the city, the permittee agrees that the city's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office.~~
- ~~(5) An administrative use permit granted to an permittee is specific to the owner and personal wireless service carrier and may not be assigned, provided however that the personal wireless service carrier may assign its interest in the permit to any subsidiary or other affiliate of the personal wireless carrier. In the event of such assignment, the assignee shall re-execute the administrative use permit or amendment thereto within 30 days of the effective date of the assignment or the permit shall automatically expire. The permittee shall notify the city of any change in ownership or operation of the WTF at least 90 days prior to such change taking place for approval by the planning and zoning commission, which approval shall not be unreasonably withheld.~~
- ~~(6) In its consideration of applications herein, and in addition to criteria in this section, and within authority granted by law, the city may also consider and prescribe limitations on the locations and numbers of conditional use permits which may be granted pursuant to this section.~~
- ~~(7) Within 90 days after issuance of the FCC operational permit, the wireless service carrier shall provide a copy of such permit to the city and register the WTF, providing information and the city may request data as. Any change in the permit or registration data shall be filed with the city within 30 days after the change is~~

~~made. The wireless service carrier shall submit to the city a copy of its FCC Form 600 prior to the city's approval of final inspection of a building permit for the WTF or portion thereof.~~

~~(8) The city and its agents are authorized to enter on the subject property and WTF site for the purpose of inspection and determining compliance with this section and the provisions of the conditional use permit or amendment thereto.~~

~~(Ord. No. 09-12, § 2(Exh. A), 5-14-09)~~

THE PURPOSE OF THE WIRELESS TELECOMMUNICATIONS FACILITY ("WTF") REGULATIONS IS TO ENCOURAGE AND PROMOTE WIRELESS COMMUNICATIONS COVERAGE FOR ALL AREAS OF THE CITY WHILE MINIMIZING THE VISUAL, ENVIRONMENTAL, AND NEIGHBORHOOD IMPACTS. WTF'S ARE ALLOWED IN ALL ZONING DISTRICTS, BUT THE PREFERRED WTF LOCATIONS INCLUDE LOCATIONS HAVING THE LEAST AMOUNT OF VISUAL AND NEIGHBORHOOD IMPACT. THE WIRELESS COMMUNICATIONS SERVICE PROVIDERS WILL ADHERE TO ALL APPLICABLE FEDERAL REGULATIONS.

(a) DEFINITIONS - THE FOLLOWING DEFINITIONS WILL APPLY IN THE INTERPRETATION AND ENFORCEMENT OF THIS SECTION, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE. ANY TERM OR PHRASE NOT DEFINED HEREIN WILL BE DEFINED BY THE CITY MANAGER OR DESIGNEE. WHEN NOT INCONSISTENT WITH THE CONTEXT, WORDS USED IN THE PRESENT TENSE INCLUDE THE FUTURE, WORDS IN THE PLURAL INCLUDE THE SINGULAR, AND WORDS IN THE SINGULAR INCLUDE THE PLURAL. THE WORDS "WILL" AND "SHALL" WILL ALWAYS BE MANDATORY AND NOT MERELY DIRECTORY AND THE WORD "MAY" IS ALWAYS DISCRETIONARY. REFERENCES TO GOVERNMENTAL ENTITIES (WHETHER PERSONS OR ENTITIES) REFER TO THOSE ENTITIES OR THEIR SUCCESSORS IN AUTHORITY. IF SPECIFIC PROVISIONS OF LAW, REGULATION OR RULE REFERRED TO HEREIN BE RENUMBERED OR AMENDED, THEN THE REFERENCE WILL BE READ TO REFER TO THE RENUMBERED OR AMENDED PROVISION.

(1) "ALTERNATIVE TOWER STRUCTURE" IS AN INNOVATIVE WIRELESS TELECOMMUNICATIONS TOWER DESIGN SUCH AS A CLOCK TOWER, GRAIN SILO, BELL TOWER, FALSE CHIMNEY, STEEPLE, LIGHT POLE, FLAG POLE, WINDMILL, AND SIMILAR DESIGN MOUNTING STRUCTURES THAT CAMOUFLAGE OR CONCEAL THE PRESENCE OF WIRELESS TELECOMMUNICATIONS ANTENNAS OR TOWERS. ALTERNATIVE TOWER STRUCTURES MAY ALSO INCLUDE UTILIZATION OF A TRAFFIC SIGNAL STREET LIGHT POLE OR SIMILAR STRUCTURE, OR FREE STANDING STRUCTURE WITHIN A PUBLIC RIGHT OF WAY AS APPROVED BY THE ENGINEERING DEPARTMENT ON A CASE BY CASE BASIS.

- (2) "AUTHORIZED PERSON" IS THE PERSON, EMPLOYEES, AGENTS, CONSULTANTS, AND CONTRACTORS, AUTHORIZED IN WRITING BY APPLICANT TO COMPLETE AND SUBMIT A WTF APPLICATION, TO INCLUDE AN ELIGIBLE FACILITIES APPLICATION ON BEHALF OF APPLICANT AND WHO IS AUTHORIZED TO RECEIVE ANY NOTICES ON BEHALF OF APPLICANT OF ANY ACTION TAKEN BY THE CITY REGARDING THE WTF APPLICATION.
- (3) "BASE STATION" WILL MEAN AND REFER TO THE STRUCTURE OR EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS LICENSED OR AUTHORIZED BY THE FCC, BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK. THE TERM DOES NOT ENCOMPASS A TOWER AS DEFINED IN THIS CHAPTER OR ANY EQUIPMENT ASSOCIATED WITH A TOWER.
- a. THE TERM INCLUDES, BUT IS NOT LIMITED TO, EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS SERVICES SUCH AS PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL.
 - b. THE TERM INCLUDES, BUT IS NOT LIMITED TO, RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP POWER SUPPLIES, AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION (INCLUDING DISTRIBUTED ANTENNA SYSTEMS AND SMALL-CELL NETWORKS).
 - c. THE TERM INCLUDES ANY STRUCTURE OTHER THAN A TOWER THAT, AT THE TIME THE RELEVANT WTF APPLICATION IS FILED WITH THE CITY UNDER THIS CHAPTER, SUPPORTS OR HOUSES EQUIPMENT, AND THAT HAS BEEN REVIEWED AND APPROVED UNDER THE APPLICABLE ZONING OR SITING PROCESS, OR UNDER ANOTHER STATE, COUNTY OR LOCAL REGULATORY REVIEW PROCESS, EVEN IF THE STRUCTURE WAS NOT BUILT FOR THE SOLE OR PRIMARY PURPOSE OF PROVIDING SUCH SUPPORT.
 - d. THE TERM DOES NOT INCLUDE ANY STRUCTURE THAT, AT THE TIME THE RELEVANT WTF APPLICATION IS FILED WITH THE CITY UNDER THIS SECTION, DOES NOT SUPPORT OR HOUSE EQUIPMENT DESCRIBED IN PARAGRAPHS (a.) AND/OR (b.) ABOVE.
- (4) "CELL ON WHEELS" (COW) IS A MOBILE CELL SITE THAT CONSISTS OF A CELLULAR ANTENNA TOWER AND ELECTRONIC RADIO TRANSCEIVER EQUIPMENT ON A TRUCK OR A TRAILER, DESIGNED TO BE PART OF A CELLULAR NETWORK AND TEMPORARY IN NATURE.
- (5) "COLLOCATION" WILL MEAN AND REFER TO THE MOUNTING OR INSTALLATION OF TRANSMISSION EQUIPMENT AT ANY EXISTING

BASE STATION OR ON AN ELIGIBLE SUPPORT STRUCTURE FOR THE PURPOSE OF TRANSMITTING AND/OR RECEIVING RADIO FREQUENCY SIGNALS FOR COMMUNICATIONS PURPOSES.

- (6) "CONCEAL" OR "CONCEALMENT" WILL MEAN AND REFER TO WTF'S DESIGNED TO LOOK LIKE SOME FEATURE OTHER THAN A WIRELESS TOWER OR BASE STATION.
- (7) "DEEMED APPROVED" WILL MEAN AND REFER TO AN ELIGIBLE FACILITIES MODIFICATION APPLICATION THAT HAS BEEN DEEMED APPROVED UPON THE CITY'S FAILURE TO ACT, AND HAS BECOME EFFECTIVE, AS PROVIDED PURSUANT THE FCC ELIGIBLE FACILITIES REQUEST RULES.
- (8) "ELIGIBLE FACILITIES MODIFICATION APPLICATION" WILL, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, MEAN AND REFER TO A WRITTEN DOCUMENT SUBMITTED TO THE CITY PURSUANT TO THIS CHAPTER FOR REVIEW AND APPROVAL OF A PROPOSED FACILITIES MODIFICATION.
- (9) "ELIGIBLE FACILITIES MODIFICATION" WILL MEAN AND REFER TO ANY PROPOSED FACILITIES MODIFICATION THAT HAS BEEN DETERMINED PURSUANT TO THE PROVISIONS OF THIS CHAPTER TO BE SUBJECT TO THIS CHAPTER AND WHICH DOES NOT RESULT IN A SUBSTANTIAL CHANGE IN THE PHYSICAL DIMENSIONS OF AN ELIGIBLE SUPPORT STRUCTURE.
- (10) "ELIGIBLE FACILITIES MODIFICATION PERMIT" OR "PERMIT" WILL, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, MEAN AND REFER TO A WRITTEN DOCUMENT ISSUED BY THE APPROVAL AUTHORITY PURSUANT TO THIS CHAPTER APPROVING AN ELIGIBLE FACILITIES MODIFICATION APPLICATION.
- (11) "ELIGIBLE SUPPORT STRUCTURE" WILL MEAN AND REFER TO ANY EXISTING TOWER OR BASE STATION, PROVIDED THAT IT IS IN EXISTENCE AT THE TIME THE ELIGIBLE FACILITIES MODIFICATION APPLICATION IS FILED WITH THE CITY UNDER THIS CHAPTER.
- (12) "EXISTING" WILL, FOR PURPOSE OF THIS CHAPTER AND AS APPLIED TO A TOWER OR BASE STATION, MEAN AND REFER TO A CONSTRUCTED TOWER OR BASE STATION THAT HAS BEEN REVIEWED AND APPROVED UNDER THE APPLICABLE ZONING OR SITING PROCESS OF THE CITY, OR UNDER ANOTHER STATE, COUNTY OR LOCAL REGULATORY REVIEW PROCESS; PROVIDED THAT, A TOWER THAT HAS NOT BEEN REVIEWED AND APPROVED BECAUSE IT WAS NOT IN A ZONED AREA WHEN IT WAS BUILT, BUT WAS LAWFULLY CONSTRUCTED, IS EXISTING FOR PURPOSES OF THIS DEFINITION.
- (13) "PROPOSED FACILITIES MODIFICATION" WILL MEAN AND REFER TO A PROPOSAL SUBMITTED BY AN APPLICANT TO MODIFY AN ELIGIBLE

SUPPORT STRUCTURE WHICH THE APPLICANT ASSERTS IS SUBJECT TO REVIEW UNDER SECTION 6409 OF THE SPECTRUM ACT, AND INVOLVING:

- a. COLLOCATION OF NEW TRANSMISSION EQUIPMENT;
 - b. REMOVAL OF TRANSMISSION EQUIPMENT; OR
 - c. REPLACEMENT OF TRANSMISSION EQUIPMENT.
- (14) "FCC" WILL MEAN AND REFER TO THE FEDERAL COMMUNICATIONS COMMISSION OR ITS SUCCESSOR.
- (15) "FCC ELIGIBLE FACILITIES REQUEST RULES" WILL MEAN AND REFER TO 47 C.F.R. PART ONE (1) (PART ONE (1) – PRACTICE AND PROCEDURE), SUBPART CC § 1.40001 AS ESTABLISHED PURSUANT TO ITS REPORT AND ORDER IN, IN RE ACCELERATION OF BROADBAND DEPLOYMENT BY IMPROVING WIRELESS FACILITIES SITING POLICIES, WT DOCKET NOS. 13-238, 13-32; WC DOCKET NO. 11-59; FCC 14-153, OR AS MAY BE THEREAFTER AMENDED.
- (16) "MONOPOLE" IS A STRUCTURE COMPOSED OF A SINGLE SPIRE USED TO SUPPORT TELECOMMUNICATIONS EQUIPMENT HAVING NO GUY WIRES OR GROUND ANCHORS.
- (17) ROOFTOP MOUNTED WTF MEANS A WIRELESS TELECOMMUNICATION FACILITY WITH THE ANTENNAS LOCATED ON THE ROOF OF A BUILDING OR ON TOP OF A STRUCTURE AND CONSISTING OF ANTENNAS, SUPPORT STRUCTURES AND ACCESSORY EQUIPMENT, BUT ARE ADEQUATELY SCREENED SO AS NOT TO APPEAR AS STAND-ALONE DEVICES ABOVE THE TOP OF THE ROOF LINE.
- (18) "SITE" WILL, FOR TOWERS OTHER THAN TOWERS IN THE PUBLIC RIGHTS-OF-WAY, MEAN AND REFER TO THE CURRENT BOUNDARIES OF THE LEASED OR OWNED PROPERTY SURROUNDING THE TOWER AND ANY ACCESS OR UTILITY EASEMENTS CURRENTLY RELATED TO THE SITE, AND, FOR OTHER ELIGIBLE SUPPORT STRUCTURES, WILL MEAN AND BE FURTHER RESTRICTED TO, THAT AREA IN PROXIMITY TO THE STRUCTURE AND TO OTHER TRANSMISSION EQUIPMENT ALREADY DEPLOYED ON THE GROUND.
- (19) "SMALL CELL FACILITY" MEANS A WIRELESS TELECOMMUNICATION FACILITY THAT MAY CONSIST OF ONE (1) OR MORE RADIO RECEIVERS, ANTENNAS, INTERCONNECTING CABLES, POWER SUPPLY, OTHER ASSOCIATED ELECTRONICS, AND ACCESSORY EQUIPMENT, WHICH ARE ATTACHED TO A STRUCTURE AND MEET THE PARAMETERS IN SUBSECTIONS (a.) AND (b.) BELOW. FOR PURPOSES OF THESE DEFINITIONS, VOLUME IS A MEASURE OF THE EXTERIOR DISPLACEMENT, NOT THE INTERIOR VOLUME OF THE ENCLOSURES. ANTENNAS OR ACCESSORY EQUIPMENT CONCEALED FROM PUBLIC

VIEW IN OR BEHIND AN OTHERWISE APPROVED STRUCTURE OR CONCEALMENT ARE NOT INCLUDED IN CALCULATING VOLUME.

- a. ALL ANTENNAS ARE LOCATED INSIDE AN ANTENNA ENCLOSURE OF NO MORE THAN 12 CUBIC FEET IN VOLUME OR, IN THE CASE OF ANTENNAS THAT HAVE EXPOSED ELEMENTS, THE ANTENNAS AND ALL OF ITS EXPOSED ELEMENTS COULD FIT WITHIN AN IMAGINARY ENCLOSURE OF NO MORE THAN 12 CUBIC FEET; AND
 - b. PRIMARY EQUIPMENT ENCLOSURES ARE NO LARGER THAN 50 CUBIC FEET IN VOLUME. THE FOLLOWING ASSOCIATED EQUIPMENT MAY BE LOCATED OUTSIDE THE PRIMARY EQUIPMENT ENCLOSURE AND IF SO LOCATED, ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT VOLUME: ELECTRIC METER, CONCEALMENT, TELECOMM DEMARCATION BOX, GROUND-BASED ENCLOSURES, BATTERY BACK-UP POWER SYSTEMS, GROUNDING EQUIPMENT, POWER TRANSFER SWITCH, AND CUT-OFF SWITCH.
- (20) "SMALL CELL NETWORK" WILL MEAN AND REFER TO A COLLECTION OF INTERRELATED SMALL CELL FACILITIES DESIGNED TO DELIVER PERSONAL WIRELESS SERVICES.
- (21) "SPECTRUM ACT" WILL MEAN AND REFER TO THE "MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012" (PUBLIC LAW 112-96; CODIFIED AT 47 U.S.C. § 1455(a)).
- (22) "STRUCTURE-MOUNTED WIRELESS TELECOMMUNICATION FACILITY" MEANS A WIRELESS TELECOMMUNICATION FACILITY WITH THE ANTENNAS LOCATED ON THE WALL OR ROOF OF A BUILDING OR ON THE SIDE OR TOP OF A STRUCTURE, INCLUDING CO-LOCATING ON AN EXISTING FREESTANDING WIRELESS TELECOMMUNICATION FACILITY AND CONSISTING OF ANTENNAS, SUPPORT STRUCTURES AND ACCESSORY EQUIPMENT
- (23) "TRANSMISSION EQUIPMENT" WILL MEAN AND REFER TO EQUIPMENT THAT FACILITATES TRANSMISSION FOR ANY WIRELESS COMMUNICATION SERVICE LICENSED OR AUTHORIZED BY THE FCC, INCLUDING, BUT NOT LIMITED TO, RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, AND REGULAR AND BACKUP POWER SUPPLY. THE TERM INCLUDES EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO, PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL.
- (24) "TOWER" WILL MEAN AND REFER TO ANY STRUCTURE BUILT FOR THE SOLE OR PRIMARY PURPOSE OF SUPPORTING ANY ANTENNAS AND THEIR ASSOCIATED FACILITIES, LICENSED OR AUTHORIZED BY THE FCC, INCLUDING STRUCTURES THAT ARE CONSTRUCTED FOR

WIRELESS COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO, PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL, AND THE ASSOCIATED SITE.

- (25) "WIRELESS TELECOMMUNICATION FACILITY" (WTF) WILL MEAN ANY UNMANNED FACILITY ESTABLISHED FOR THE PURPOSE OF PROVIDING WIRELESS TRANSMISSION OF VOICE, DATA, IMAGES OR OTHER INFORMATION INCLUDING, BUT NOT LIMITED TO, CELLULAR TELEPHONE SERVICE, PERSONAL COMMUNICATIONS SERVICE, AND PAGING SERVICE. A WTF CAN CONSIST OF ONE (1) OR MORE ANTENNAS, ACCESSORY EQUIPMENT, SUPPORT STRUCTURES AND A BASE STATION.

(b) CLASSIFICATIONS AND APPLICATION PROCESSES:

- (1) WTF COLLOCATION AND MODIFICATION REQUESTS GOVERNED BY SECTION 6409 OF THE SPECTRUM ACT. AN APPLICANT SEEKING COLLOCATION OR MODIFICATION OF AN ELIGIBLE SUPPORT STRUCTURE WILL FILE A PROPOSED FACILITIES MODIFICATION APPLICATION FOR REVIEW AND MINISTERIAL DECISION BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. SAID DECISION WILL BE RENDERED WITHIN 60 DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT. IF THE APPLICATION IS GRANTED, AN ELIGIBLE FACILITIES MODIFICATION PERMIT WILL BE ISSUED TO THE APPLICANT. THE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE MAY BE APPEALED TO THE PLANNING AND ZONING COMMISSION, WHOSE DECISION WILL BE FINAL. THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE SHALL USE THE FOLLOWING CRITERIA IN MAKING SAID DECISION:

- a. SECTION 6409 OF THE SPECTRUM ACT;
- b. THE FCC ELIGIBLE FACILITIES REQUEST RULES; AND
- c. ANY OTHER RELEVANT FCC RULINGS.

- (2) WTF, COLLOCATION, AND MODIFICATION REQUESTS NOT GOVERNED BY SECTION 6409 OF THE SPECTRUM ACT MAY FILE FOR A FORMAL WRITTEN REQUEST FOR WAIVER OF THE REQUIREMENTS FOR A CONDITIONAL USE PERMIT (CUP) WITH THE COMMUNITY DEVELOPMENT DIRECTOR. IT IS THE RESPONSIBILITY OF THE APPLICANT TO ESTABLISH EVIDENCE IN SUPPORT OF THE WAIVER CRITERIA REQUIRED BY THIS SECTION. THE COMMUNITY DEVELOPMENT DIRECTOR MAY WAIVE THE REQUIREMENTS FOR A CUP AND INSTEAD REQUIRE A TYPE 1, ADMINISTRATIVE SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER, FOR COLLOCATIONS AND MODIFICATIONS THAT MEET THE FOLLOWING CRITERIA:

- a. THE PROPOSED FACILITY OR EQUIPMENT IS COLLOCATED ON OR ADJOINING AN EXISTING WTF;
 - b. THE FACILITY IS LOCATED ON A PROPERTY OR COMMERCIAL CENTER DEVELOPED PREDOMINANTLY WITH COMMERCIAL LAND USES;
 - c. THE WTF IS DESIGNED IN CONFORMANCE WITH THE DESIGN STANDARDS FOUND IN THIS SECTION;
 - d. THE EXISTING WTF WAS SUBJECT TO CUP APPROVAL AND COMPLIES WITH THE CURRENT CITY OF SURPRISE POLICIES AND REGULATIONS; AND
 - e. APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION WILL BE ACTED UPON WITHIN 90 DAYS OF SUBMITTAL OF A COMPLETE APPLICATION.
- (3) THE FOLLOWING TYPE'S OF WCF APPLICATIONS WILL BE PROCESSED AS A TYPE I ADMINISTRATIVE SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER, IF THEY MEET THE CRITERIA CONTAINED IN THESE REGULATIONS. APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION WILL BE ACTED UPON WITHIN 90 DAYS OF SUBMITTAL OF A COMPLETE APPLICATION:
- a. SMALL CELL FACILITIES
 - b. *STRUCTURES LOCATED ON CITY PROPERTIES OR RIGHTS-OF-WAYS*
 - c. BUILDING OR STRUCTURE MOUNTED FACILITIES
 - d. ROOFTOP MOUNTED FACILITIES
- (4) THE FOLLOWING TYPE'S OF WCF APPLICATIONS WILL BE PROCESSED AS A TYPE II SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER, IF THEY MEET THE CRITERIA CONTAINED IN THESE REGULATIONS. APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION WILL BE ACTED UPON WITHIN 90 DAYS OF SUBMITTAL OF A COMPLETE APPLICATION:
- a. MONOPALMS
 - b. MONOCACTUS
 - c. MONOPINE
 - d. BROADLEAF TREE
 - e. RECREATION FIELD LIGHTPOLES
 - f. WATER TOWERS OR TANKS
 - g. PUBLIC UTILITY POLES
 - h. ALTERNATIVE TOWER STRUCTURE

- (5) ALL OTHER WTF FACILITIES THAT DO NOT FALL UNDER SUBSECTIONS ONE (1), TWO (2), THREE (3), OR FOUR (4) WILL FOLLOW THE TYPE III CUP PROCESS FOUND IN ARTICLE XII OF THIS CHAPTER. APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION WILL BE ACTED UPON WITHIN 150 DAYS OF SUBMITTAL OF A COMPLETE APPLICATION.

(c) DESIGN STANDARDS:

- (1) ALL WTFS WILL BE DESIGNED TO BLEND INTO THE ARCHITECTURE AND LANDSCAPE OF THE ZONE IN WHICH IT IS PLACED.
- (2) ALL WTF ANTENNAS, MOUNTING HARDWARE, AND CABLING SHALL BE COVERED OR PAINTED TO MATCH THE COLOR AND TEXTURE OF THE BUILDING, TOWER, OR POLE ON WHICH IT IS MOUNTED. WHEN REQUIRED, BASE STATIONS WILL BE SCREENED BY SOLID WALLS, LANDSCAPING, OR BERMS. SCREENING SHALL BLEND WITH OR ENHANCE THE SURROUNDING CONTEXT IN TERMS OF SCALE, FORM, TEXTURE, MATERIALS, AND COLOR.
- (3) THE HEIGHT OF FREE-STANDING WTF SHALL BE MEASURED FROM NATURAL GRADE TO THE TOP OF ALL APPURTENANCES.
- (4) THE SETBACK OF ALL WTF'S SHALL MEET THE YARD DEVELOPMENT STANDARDS AND SETBACK REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS OTHERWISE PERMITTED HEREIN. ADDITIONALLY, ALL TOWERS SHALL BE SETBACK FROM ANY RESIDENTIAL LOT LINE A DISTANCE EQUAL TO TWICE THE HEIGHT OF THE TOWER.
- (5) LIGHTING OF WTFS IS ONLY ALLOWED WHEN REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION (FAA) OR OTHER FEDERAL REGULATION.
- (6) WTF IDENTIFICATION. EACH WTF SHALL BE IDENTIFIED BY A PERMANENTLY INSTALLED PLAQUE OR MARKER ON THE DOOR OF THE BASE STATION, NO LARGER THAN FOUR (4) INCHES BY SIX (6) INCHES, CLEARLY IDENTIFYING THE WIRELESS COMMUNICATIONS SERVICE PROVIDER'S NAME, ADDRESS, E-MAIL CONTACT, AND EMERGENCY PHONE NUMBER.

(7) INDUSTRIAL ZONING DISTRICTS:

- a. THE STAND OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.
 1. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT.
 2. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.

3. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A WTF WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE.
 4. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH WTF. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE.
 5. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.
 6. WHEN INSTALLING THE WTF, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED.
- (8) RESIDENTIAL, MIXED USE, COMMERCIAL AND BUSINESS PARK ZONING DISTRICTS:
- a. SMALL CELL FACILITY:
 1. THE ANTENNA OR POWER-RADIATING COMPONENTS OF A SMALL CELL OR WIRELESS MESH NETWORK FACILITY MUST BE MOUNTED A MINIMUM OF 12 FEET ABOVE GROUND.
 2. WIRELESS SMALL CELL OR WIRELESS MESH NETWORKING FACILITIES MAY NOT EXTEND MORE THAN SIX (6) FEET ABOVE THE FACILITY OR STRUCTURE ON WHICH THEY ARE MOUNTED.
 3. SMALL CELL FACILITIES MAY NOT BE INSTALLED ON TRAFFIC SIGNAL POLES OR MAST ARMS AND MAY NOT UTILIZE TRAFFIC SIGNAL PULL BOXES, VAULTS, CONDUIT, CABINETS, OR OTHER TRAFFIC SIGNAL INFRASTRUCTURE. SMALL CELL FACILITIES ARE PERMITTED ON LUMINAIRE ARMS ONLY AS LONG AS THEY DO NOT INTERFERE WITH CITY COMMUNICATION EQUIPMENT. APPROVAL OF THESE FACILITIES WILL BE DETERMINED ON A CASE BY CASE BASIS BY THE PUBLIC WORKS DEPARTMENT.
 - b. WTF'S LOCATED ON CITY PROPERTY OR WITHIN RIGHTS-OF-WAYS:
 1. BASE STATIONS, TOWERS, OR FACILITIES LOCATED WITHIN THE STREET RIGHT-OF-WAY WILL NOT BE ALLOWED ON LOCAL RESIDENTIAL STREETS.
 2. ARE EXEMPT FROM ALL SETBACK REQUIREMENTS.
 3. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET.
 4. THE ANTENNA, WHETHER OR NOT PART OF AN ARRAY, WILL NOT EXTEND MORE THAN 24 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION SHALL NOT APPLY TO RECREATION FIELD LIGHT POLES, MONOPALMS, MONOPINES,

BORADLEAF TREES, OR ALTERNATIVE TOWER STRUCTURES LOCATED ON CITY PROPERTY.

5. THE MAXIMUM ALLOWABLE LENGTH OF ALL ANTENNAS ADDED TO A UTILITY POLE IS TEN (10) FEET.
6. THE ADDITION OF AN ANTENNA OR WTF TO A PUBLIC UTILITY POLE WILL NOT INCREASE THE HEIGHT OF THE PUBLIC UTILITY POLE BY MORE THAN TEN (10) FEET.
7. ALL CABLES WILL BE CONCEALED WITHIN THE PUBLIC UTILITY POLE OR A CABLE SHROUD.
8. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE.
9. NO MORE THAN TWO (2) EXTERNAL MICROWAVE DISHES ARE PERMITTED ON EACH STRUCTURE.
10. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE STRUCTURE.

c. BUILDING OR STRUCTURE MOUNTED FACILITY:

1. ANTENNAS WILL BE MOUNTED ON A BUILDING WALL OR SIDE OF A STRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE. IF THE APPLICANT DEMONSTRATES THAT IT IS NOT FEASIBLE TO MOUNT THE ANTENNAS ON A BUILDING WALL OR SIDE OF A STRUCTURE, THE ANTENNAS MAY BE MOUNTED ON THE ROOF OR TOP OF THE STRUCTURE, PROVIDED THE FACILITY COMPLIES WITH ALL OTHER APPLICABLE STANDARDS.
2. A BUILDING OR STRUCTURE MOUNTED WIRELESS TELECOMMUNICATION FACILITY SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY RESIDENTIAL USES.
3. ANTENNAS MAY ENCROACH INTO A SETBACK A MAXIMUM OF TWO (2) FEET, BUT WILL NOT EXTEND OVER A PROPERTY LINE.
4. ANTENNAS MOUNTED ON A BUILDING WALL OR SIDE OF A STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:
 - i. ANTENNAS WILL BE MOUNTED FLUSH TO THE BUILDING WALL OR SIDE OF A STRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE UNLESS TECHNICAL REASONS DICTATE ANOTHER TYPE OF INSTALLATION AND WILL NOT EXTEND ABOVE THE ROOF LINE OR PARAPET OF THE BUILDING OR TOP OF THE STRUCTURE.
 - ii. SUPPORT STRUCTURES, ACCESSORY EQUIPMENT INCLUDING EQUIPMENT CABINETS, AND ALL OTHER APPURTENANCES

SHALL BE FULLY SCREENED FROM VIEW AND NOT VISIBLE FROM THE GROUND.

- iii. ANTENNAS SHALL BE PAINTED A COLOR TO MATCH THE BUILDING OR STRUCTURE TO WHICH THEY ARE MOUNTED.

d. ROOFTOP MOUNTED FACILITIES:

1. ROOFTOP MOUNTED WTF'S ARE NOT PERMITTED ON PORTIONS OF BUILDINGS WITH PITCHED ROOFS.
2. A ROOFTOP MOUNTED WIRELESS TELECOMMUNICATION FACILITY SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY RESIDENTIAL USES.
3. A WTF LOCATED ON A BUILDING ROOF OR TOP OF STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:
 - i. ANTENNAS, SUPPORT STRUCTURES, ACCESSORY EQUIPMENT, AND ALL OTHER APPURTENANCE SHALL BE FULLY SCREENED FROM VIEW THROUGH THE USE OF ARCHITECTURALLY COMPATIBLE FEATURES, SCREENING MATERIALS AND COLORS THAT MATCH THE BUILDING OR STRUCTURE TO WHICH THE FACILITY IS MOUNTED.
 - ii. WHIP ANTENNAS SHALL EXTEND NO MORE THAN TEN (10) FEET ABOVE THE PARAPET OF THE ROOF OR THE STRUCTURE TO WHICH THEY ARE MOUNTED REGARDLESS OF THE HEIGHT LIMITATIONS OF THE UNDERLYING ZONING DISTRICT.
 - iii. PANEL AND MICROWAVE ANTENNAS SHALL EXTEND NO MORE THAN TEN (10) FEET ABOVE THE PARAPET OF THE ROOF OR THE STRUCTURE TO WHICH THEY ARE MOUNTED.
 - iv. ACCESSORY EQUIPMENT STRUCTURES SHALL EXTEND NO MORE THAN EIGHT (8) FEET ABOVE ANY PARAPET OF THE ROOF OR THE STRUCTURE TO WHICH THEY ARE MOUNTED AND MUST BE FULLY SCREENED FROM VIEW.
4. THESE FACILITIES WILL NOT EXCEED ANY HEIGHT LIMIT FOR THE APPLICABLE ZONING DISTRICT.

e. *MONOPALMS*:

1. WILL CONTAIN A MINIMUM OF 55 PALM FRONDS THAT DISGUISE THE LENGTH OF THE ANTENNA.
2. THE STAND OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.
3. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK THAT BEGINS AT THE BASE OF THE POLE STRUCTURE AND CONTINUES

TO THE HEIGHT OF THE FIRST PALM FROND ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE PALM FRONDS.

4. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT.
 5. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.
 6. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A WIRELESS COMMUNICATION MONOPALM WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE.
 7. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH MONOPALM. MICROWAVE DISHES WILL BE LIMITED TO ONE (1) SQUARE FOOT IN SIZE AND WILL BE CONCEALED WITHIN THE MONOPALM, TRIMMED LEAF CLUSTER, OR PALM FRONDS.
 8. THE TRIMMED LEAF CLUSTER WILL BE MOUNTED DIRECTLY BELOW THE PALM FRONDS AND WILL BE PAINTED TO BLEND WITH THE POLE STRUCTURE.
 9. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.
 10. WHEN INSTALLING THE MONOPALM, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED.
- f. *MONOCACTUS*:
1. THE *MONOCACTUS* STRUCTURE WILL BE CLAD WITH A FAUX FINISH THAT RESEMBLES A SAGUARO CACTUS FROM THE BASE OF THE STRUCTURE AND CONTINUES TO THE TOP OF THE STRUCTURE.
 2. THE DIAMETER OF THE *MONOCACTUS* STRUCTURE WILL NOT EXCEED 34 INCHES AT ITS WIDEST POINT AND WILL HAVE A NATURAL APPEARING TAPER FROM THE BOTTOM TO THE TOP.
 3. THE HEIGHT OF THE *MONOCACTUS* STRUCTURE WILL NOT EXCEED 30 FEET IN HEIGHT.
 4. ALL ANTENNA AND CABLES WILL BE CONCEALED WITHIN THE *MONOCACTUS* STRUCTURE.
 5. EXTERNAL MICROWAVE DISHES AND CLIMBING PEGS ARE PROHIBITED ON THE *MONOCACTUS* STRUCTURE.
 6. WHEN INSTALLING THE *MONOCACTUS*, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED.

g. *MONOPINE OR BROADLEAF TREE:*

1. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK. THE FAUX BARK WILL START AT THE BASE OF THE POLE STRUCTURE AND CONTINUE TO THE HEIGHT OF THE FIRST BRANCH ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE BRANCHES.
2. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES AT THE BASE AND WILL TAPER TO NO GREATER THAN 28 INCHES AT THE TOP OF THE POLE STRUCTURE.
3. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.
4. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED THE POLE STRUCTURE WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE.
5. BRANCHES:
 - i. WILL BE CONSTRUCTED TO A DENSITY OF 2.5 BRANCHES FOR EACH ONE (1) VERTICAL FOOT OF POLE.
 - ii. WILL START NO LESS THAN 15 FEET ABOVE FINISHED GRADE AND CONTINUE TO THE TOP OF THE POLE STRUCTURE.
 - iii. WILL BE A MINIMUM OF EIGHT (8) FEET LONG AROUND THE CIRCUMFERENCE OF THE LOWER LEVEL AND WILL TAPER AS THE BRANCHES PROGRESS UPWARD. THE BRANCHES WILL APPROXIMATE THE APPEARANCE OF A PARTICULAR TREE SPECIES GROWN IN THE VICINITY OF THE SITE AND THAT GROWS TO APPROXIMATELY THE HEIGHT OF THE MONOPINE OR BROADLEAF TREE WTF.
 - iv. THE ENTIRE LENGTH OF ALL ANTENNAE AND THEIR ATTACHING APPARATUS WILL BE DISGUISED BY THE BRANCHES AND THE STAND OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE POLE STRUCTURE TO WHICH IT IS ATTACHED.
6. MICROWAVE DISHES WILL BE LIMITED TO ONE (1) SQUARE FOOT IN SIZE. DISHES AND ATTACHING APPARATUS WILL BE PAINTED TO BLEND WITH THE BRANCHES.
7. NO MORE THAN FOUR (4) MICROWAVE DISHES ARE PERMITTED.
8. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.
9. WHEN INSTALLING THE MONOPINE OR BROADLEAF TREE, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING

MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED.

h. *RECREATION FIELD LIGHT POLES:*

1. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET.
2. THE STAND OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.
3. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA IS TEN (10) FEET.
4. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES.
5. THE ADDITION OF A WTF TO A RECREATION FIELD LIGHT WILL NOT INCREASE THE HEIGHT OF THE LIGHT STRUCTURE BY MORE THAN TEN (10) FEET.
6. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.
7. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE.
8. NO MORE THAN TWO (2) EXTERNAL MICROWAVE DISHES ARE PERMITTED ON EACH RECREATION FIELD LIGHT POLE.
9. ALL MICROWAVE DISHES, ANTENNAS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE RECREATION FIELD LIGHT POLE.
10. INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED.

i. *WATER TOWERS/TANKS:*

1. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE A FAUX WATER TOWER/TANK.
2. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNAS INSTALLED INSIDE A FAUX WATER TOWER/TANK.
3. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.
4. THE ADDITION OF A WTF WILL NOT INCREASE THE HEIGHT OF THE WATER TOWER/TANK STRUCTURE.

5. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.
 6. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE.
 7. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH WATER TOWER OR WATER TANK.
 8. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE WATER TOWER OR WATER TANK.
 9. INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED.
- j. *ALTERNATIVE TOWER STRUCTURE:*
1. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE AN *ALTERNATIVE TOWER STRUCTURE*.
 2. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNA ARRAYS INSTALLED INSIDE AN *ALTERNATIVE TOWER STRUCTURE*.
 3. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.
 4. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.
 5. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE.
 6. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH *ALTERNATIVE TOWER STRUCTURE*.
 7. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE *ALTERNATIVE TOWER STRUCTURE*
 8. INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED.
- k. BASE STATION(S) WILL BE LOCATED INSIDE BUILDINGS, SCREENED BEHIND WALLS, POLE MOUNTED, OR BURIED UNDERGROUND:
1. WILL COMPLY WITH THE HEIGHT AND YARD DEVELOPMENT STANDARDS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS PROVIDED BELOW:

- i. BASE STATIONS LOCATED OUTSIDE THE RIGHT-OF-WAY WILL NOT EXCEED EIGHT (8) FEET TALL AND 300 CUBIC FEET, MEASURED ABOVE GROUND LEVEL.
- ii. ALL EQUIPMENT CABINETS THAT ARE LOCATED WITHIN THE RIGHT-OF-WAY OR COMPLETELY UNDERGROUND ARE EXEMPT FROM YARD DEVELOPMENT STANDARDS.

(d) SUBMITTAL REQUIREMENTS:

- (1) A SITE PLAN IN ACCORDANCE SHOWING THE SUBJECT PROPERTY AND ADJACENT PROPERTIES; ALL EXISTING AND PROPOSED BUILDINGS ON THE SUBJECT PROPERTY AND THEIR PURPOSE; THE SPECIFIC PLACEMENT OF THE BASE STATION AND CELL TOWER, INCLUDING TYPE AND EXTENT AND POINT OF ENTRY ON THE SITE; ALL PROPOSED CHANGES TO THE EXISTING SITE, INCLUDING GRADING, VEGETATION, ROADS, SIDEWALKS AND DRIVEWAYS;
- (2) A LANDSCAPE PLAN SHOWING SPECIFIC PLACEMENT OF EXISTING AND PROPOSED VEGETATION, TREES, SHRUBS, IDENTIFIED BY SPECIES AND SIZE OF SPECIMEN AT INSTALLATION IN ACCORDANCE WITH CITY LANDSCAPE GUIDELINES;
- (3) A GRADING AND DRAINAGE PLAN OF THE ENTIRE PROJECT SITE AS DETERMINED BY THE PUBLIC WORKS DEPARTMENT.
- (4) PHOTOGRAPHS, DIAGRAMS, PHOTOSIMULATIONS AND SIGHT LINE REPRESENTATIONS AS LISTED BELOW:
 1. SIGHT LINE REPRESENTATION UNLESS DEEMED UNNECESSARY BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE;
 2. EXISTING (BEFORE CONDITION) PHOTOGRAPHS AND PROPOSED (AFTER CONDITION) PHOTOSIMULATIONS OF THE PROPOSED FACILITY FROM RESIDENTIAL PROPERTIES OR BUILDINGS, PRIVATE ROADS AND PUBLIC RIGHTS-OF-WAY ADJACENT TO THE SITE. SUCH PHOTOSIMULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUPERIMPOSED REPRESENTATIONS OF THE PROPOSED BASE STATION AND TOWER TO SHOW WHAT WILL BE SEEN FROM RESIDENTIAL BUILDINGS, PROPERTIES, PRIVATE ROADS AND RIGHTS-OF WAY ADJACENT TO THE SITE;
 3. AERIAL PHOTOGRAPH(S).
- (5) ELEVATIONS FROM ALL DIRECTIONS (NORTH, SOUTH, EAST, AND WEST) FOR A FIFTY-FOOT RADIUS AROUND THE PROPOSED BASE STATION AND TOWER. ELEVATIONS SHALL BE AT ONE-QUARTER INCH EQUALS ONE (1) FOOT SCALE AND SHOW THE FOLLOWING:

1. MATERIALS OF THE BASE STATION AND SECURITY BARRIER, IF ANY, SPECIFIED BY GENERIC TYPE AND SPECIFIC TREATMENT, SUCH AS BRICK, MASONRY WITH STUCCO FINISH, ANODIZED ALUMINUM, STAINED WOOD, ETC.;
2. COLORS REPRESENTED BY SAMPLES OR A COLOR BOARD SHOWING ACTUAL COLORS PROPOSED;
3. DIMENSIONS OF ALL EQUIPMENT SPECIFIED FOR ALL THREE (3) DIMENSIONS: HEIGHT, WIDTH AND DEPTH;

(6) MARKET AND SERVICE MAPS AS FOLLOWS:

1. A MAP SHOWING THE SERVICE AREA OF THE PROPOSED FACILITY AND THE EXPLANATION OF THE NEED FOR THAT FACILITY;
2. A MAP SHOWING THE LOCATIONS AND SERVICE AREAS OF OTHER BASE STATIONS AND TOWER SITES OPERATED BY THE APPLICANT AND THOSE THAT ARE PROPOSED BY THE APPLICANT WHICH ARE WITHIN A TWO (2)-MILE RADIUS OF THE LIMITS OF THE SITE;

(7) COLLOCATION SUBMITTALS, INCLUDING SIGNED STATEMENTS INDICATING:

1. THE APPLICANT AGREES TO ALLOW FOR THE POTENTIAL COLLOCATION OF ADDITIONAL WTF'S BY OTHER WIRELESS SERVICES AND CARRIERS ON THE APPLICANT'S STRUCTURE OR FACILITY OR WITHIN THE SAME SITE;
2. THAT THE APPLICANT AGREES TO REMOVE THE WTF AS REQUIRED BY THIS SECTION;
3. THAT THE APPLICANT HAS MADE A GOOD FAITH EFFORT TO ACHIEVE COLLOCATION WITH OTHER CARRIERS AND FACILITIES AS REQUIRED IN THIS SECTION, AND IF COLLOCATION IS NOT FEASIBLE FOR THIS APPLICATION FOR A SUBSTANTIAL TECHNICAL OR OTHER REASON(S), A WRITTEN STATEMENT OF THE REASONS FOR THE INFEASIBILITY;

(8) A LEASE AGREEMENT WITH THE OWNER OR LANDHOLDER SHALL ALSO BE SUBMITTED PRIOR TO A BUILDING PERMIT BEING ISSUED THAT:

1. ALLOWS THE LANDHOLDER TO ENTER INTO LEASES WITH OTHER PROVIDERS;
2. SPECIFIES THAT IF THE CARRIER FAILS TO REMOVE THE BASE STATION AND TOWER WHEN REQUIRED BY THIS SECTION, THE RESPONSIBILITY FOR REMOVAL FALLS UPON THE LANDHOLDER; AND

3. ALLOWS ENTRY BY THE CITY AND ITS AGENT FOR THE PURPOSE OF INSPECTION AND COMPLIANCE WITH CITY CODES;
 - (9) THE CITY MANAGER OR DESIGNEE MAY REQUIRE ADDITIONAL INFORMATION OR MAY WAIVE SUBMITTAL REQUIREMENTS DETERMINED UNNECESSARY FOR APPROPRIATE REVIEW OF THE PROJECT.
- (e) CELLULAR ON WHEELS (COW)
- (1) COWS ARE ALLOWED DURING:
 - a. CONSTRUCTION OF A PERMANENT WTF NOT TO EXCEED DURATION OF ONE (1) YEAR.
 1. UTILIZATION OF THE COW WILL REQUIRE A TYPE ONE (1) ADMINISTRATIVE SITE REVIEW AS PER ARTICLE XII OF THIS CHAPTER.
 - b. MAINTENANCE OR REPLACEMENT OF EQUIPMENT.
 1. UTILIZATION OF A COW WILL BE INCLUDED WITH THE BUILDING PERMIT ASSOCIATED WITH THE WTF MAINTENANCE OR REPLACEMENT OF EQUIPMENT.
 - c. SPECIAL EVENTS.
 1. UTILIZATION OF THE COW FOR A SPECIAL EVENT WILL REQUIRE A TEMPORARY USE PERMIT AS PER ARTICLE VII OF THIS CHAPTER. COW PLACEMENT WILL BE LIMITED TO A DURATION NOT TO EXCEED 30 DAYS UNLESS APPROVED BY THE CITY MANAGER OR DESIGNEE.
 - d. AN EMERGENCY OR DISASTER AS DETERMINED BY THE CITY MANAGER OR DESIGNEE.
 - (2) COWS WILL BE SET BACK FROM ALL RESIDENTIAL LOT LINES A MINIMUM DISTANCE EQUAL TO THE FULLY EXTENDED HEIGHT OF THE COW.
 - (3) COWS ARE PERMITTED ON A UTILITY TRAILER WITH A MAXIMUM WIDTH OF TEN (10) FEET AND MAXIMUM LENGTH OF 35 FEET.
 - (4) PERMITTED POWER SOURCES:
 - a. A GENERATOR OR OTHER UTILITY SOURCE WILL BE USED THAT EMITS AN AVERAGE NOISE LEVEL NOT TO EXCEED 60 DB, MEASURED AT ANY PROPERTY LINE THAT IS ZONED OR USED FOR RESIDENTIAL PURPOSES.
 - b. USE OF ON-SITE UTILITY SERVICES WILL REQUIRE A BUILDING PERMIT.
- (f) CONTINUED MONITORING:
- (1) EVERY FIVE (5) YEARS, EACH WIRELESS COMMUNICATIONS SERVICE PROVIDER SHALL SUBMIT TO THE CITY A WRITTEN REPORT VERIFYING

THAT, AT ITS MAXIMUM LOAD, INCLUDING CUMULATIVE EFFECTS OF MULTIPLE FACILITIES, EACH WTF WAS TESTED AND CERTIFIED TO MEET OR EXCEED THE FCC'S RADIO FREQUENCY SAFETY STANDARDS. THE FIVE (5) YEARS WILL BE FROM THE MOST RECENT APPROVAL OF THE RESPECTIVE WTF OR FROM THE EFFECTIVE DATE OF THIS ORDINANCE, WHICHEVER IS EARLIER, AND EVERY FIVE (5) YEARS THEREAFTER.

(g) DISCONTINUATION OF USE:

- (1) IN THE EVENT THE USE OF ANY WTF HAS BEEN DISCONTINUED FOR A PERIOD OF 90 CONSECUTIVE DAYS, THE WTF WILL BE DEEMED TO BE ABANDONED. UPON SUCH ABANDONMENT, THE OWNER AND/OR OPERATOR OF THE TOWER AND/OR PROPERTY OWNER WILL HAVE AN ADDITIONAL 90 DAYS TO:
 - a. REACTIVATE THE USE OF THE WTF OR TRANSFER THE WTF TO ANOTHER OWNER/OPERATOR WHO MAKES ACTIVE USE OF THE WTF;
OR
 - b. DISMANTLE AND REMOVE THE WTF. UPON REMOVAL OF THE WIRELESS SERVICE FACILITY, THE SITE WILL BE RETURNED TO ITS BUILT OR NATURAL STATE AND TOPOGRAPHY AND VEGETATED CONSISTENT WITH THE NATURAL SURROUNDINGS.



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Tammie Hollowell - Information Technology Director
Submitting Department:	IT	District:	Citywide
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action authorizing the renewal of the CenturyLink Cable Television License Agreement; Resolution No. 2015-75.

Motion:

I move to approve Resolution No. 2015-75.

Background:

A Cable Television license is authorized by state statute and also regulated by federal guidelines. This license gives CenturyLink the permission to use the public right-of-way to construct and expand a cable system for a fee.

In January, 2007, the City Council approved a cable license for Qwest (now CenturyLink). This item is to renew the Cable Television license with CenturyLink for 15 years with the continued fee of 5% of gross revenues. This also includes continuation of existing PEG (public, government and governmental) channels with the ability to broadcast in HD.

Objective Analysis:

The Cable Television license is a legislatively mandated method of compensating municipalities for the use of public right-of-way by telecommunication providers. This fee functions to offset the City's expense, as allowed by law.

Policy Compliant:

This item is compliant with City and Council Policy.

Financial Impact:

The city is to receive a license fee equal to 5% of gross revenue for services provided within city limits as determined by state law. The fees are to be paid on a quarterly basis, over the course of the 15 year agreement.

Budget Impact:

Cable license fee revenue is considered an ongoing revenue source within the General Fund and are budgeted annually.

FTE Impact:

This item does not change the full time equivalent position count.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2015-75](#)
 - ☐ [CenturyLink Cable Television License Agreement](#)
 - ☐ [CL License Agreement Presentation](#)
-

RESOLUTION #2015-75

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SURPRISE, GRANTING TO QWEST BROADBAND SERVICES, INC. D/B/A CENTURYLINK, THE NON-EXCLUSIVE LICENSE TO USE PUBLIC STREETS, ROADS, AND ALLEYS FOR THE CONSTRUCTION, OPERATION AND MAINTAINANCE OF A CABLE TELEVISION SYSTEM; AND IMPOSING CONDITIONS, RESTRICTIONS AND LIMITATIONS UPON THE USE OF THE PUBLIC RIGHT OF WAY AND THE CONTRUCTION, OPERATION AND MAINTENANCE OF THE CABLE TELEVISION SYSTEM.

WHEREAS, CenturyLink has requested the renewal of its current license to construct, operate and maintain a cable television system within the corporate boundaries of the City of Surprise;

WHEREAS, the Mayor and Council are authorized by A.R.S. § 9-505 et seq. and 47 U.S.C. §§ 521 et seq., to grant a non-exclusive license for the construction, operation and maintenance of a cable system over the public rights-of-way by resolution;

WHEREAS, the Mayor and Council have determined that it will be beneficial to grant said renewal to CenturyLink to encourage and promote continued construction, operation and maintenance of CenturyLink's cable television system infrastructure within the City; and

WHEREAS, the City has provided notice and conducted a public hearing in compliance with A.R.S. § 9-507(B).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, Arizona, that Qwest Broadband Inc., d/b/a CenturyLink is hereby granted a license to construct, operate, and maintain a cable system subject to the terms and conditions of the Cable Television License Agreement, which is hereby approved, attached as Exhibit A, and incorporated by reference.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

APPROVED AND ADOPTED this ____ day of _____, 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Exhibit A
[Franchise Agreement]

QWEST BROADBAND SERVICES, INC., D/B/A CENTURYLINK

CITY OF SURPRISE

CABLE TELEVISION LICENSE AGREEMENT

_____, 2015

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CABLE TELEVISION LICENSE AGREEMENT

This Cable Television License Agreement (the "License") is made and entered into as of the date of the last signature as indicated herein, by and between the City of Surprise (the "City") and Qwest Broadband Services, Inc., d/b/a CenturyLink. ("Licensee").

RECITALS

- A. The City is authorized to grant, renew, deny, and terminate Licenses for the installation, operation, and maintenance of Cable Systems and otherwise regulate Cable Services within the City boundaries by virtue of federal and state statutes, by the City's police powers, by its authority over its public rights-of-way, and by other City powers and authority.
- B. Upon the expiration of the Existing License, Licensee and the City desire to enter into a new license to provide Cable Services within the City.
- C. The City has reviewed Cable Service in the City, including but not limited to a review of Licensee, Licensee's record of service in the City, Licensee's facilities, the cable-related community needs of the City for both the present and future, Licensee's ability to carry out its commitments, and Licensee's overall financial, legal, and technical qualifications to hold a license from the City.
- D. Based on such review, the City hereby finds that it would serve the public interest to grant a license on the terms and conditions hereinafter set forth, and Licensee agrees to obtain a license under these conditions.

AGREEMENT

In consideration of the foregoing recitals, which are incorporated herein by reference, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows.

1. **Definitions.** For the purposes of this License, the following terms, phrases, words, abbreviations, and their derivations have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory, not merely directory. All references to days are to calendar days, unless otherwise specified.

1.1. "Affiliate" means any Person who owns or controls, is owned by or controlled by, or is under common ownership or control with Licensee.

1.2. "Cable Act" means the Cable Communications Policy Act of 1984, as amended, including the Telecommunications Act of 1996.

1.3. "Cable Service" means the transmission to Subscribers of video programming or other programming services and Subscriber interaction, if any, that is required for the selection or use of the video programming or other programming services.

1.4. "Cable System" means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Services, that includes video programming, and that is provided to multiple Subscribers within the City, but such term does not include (a) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (b) a facility that serves Subscribers without using any public right-of-way; (c) a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, except that such facility shall be considered a Cable System to the extent such facility is used in the transmission of video programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services; (d) an open video system that complies with 47 U.S.C. § 653; or (e) any facility of an electric utility used solely for operating its electric utility systems. Any reference to Licensee's Cable System refers to the Cable System as a whole or any part thereof. As used above, "interactive on-demand services" means a service providing video programming to Subscribers over switched networks on an on-demand, point-to-point basis, but does not include services providing video programming prescheduled by the programming provider.

1.5. "City Building" means a building that is both (a) occupied by the City or owned by the City and (b) used for municipal purposes.

1.6. "City Channels" means the Government Channels, Education Channels, and Additional Channels for City use. These are used interchangeably with PEG Channels.

1.7. "City Council" means the present governing body of the City or any future body constituting the legislative body of the City.

1.8. "City Manager" means the City Manager or the City Manager's designee.

1.9. "Competitor" means any Person entering into the Public Streets for the purpose of constructing or operating a Cable System, or for the purpose of providing Cable Service or video programming service to any part of the License Area, including by means of an "open video system" (as such term is defined in the Cable Act).

1.10. "Confidential Information" means any and all technical data, materials, reports, and other information owned by or developed by, or on behalf of Licensee and/or its Affiliates, any information that relates to the Cable System, and any and all financial data and information relating to Licensee's business, that Licensee discloses in writing, orally, visually, or through some other media, or that the City learns or obtains through observation, analysis, compilation, or other study of such information, data, or knowledge, except any portion thereof that (a) is known to the City at the time of the disclosure, as evidenced by its written records and was not acquired by the City on a confidential basis; (b) is disclosed to the City by a third party having a right to make such disclosure; (c) becomes published, or otherwise publicly known through no fault of the City; or (d) is independently developed by or for the City without use of Confidential Information disclosed hereunder as evidenced by its written records.

1.11. "Existing License" means the License Agreement dated January 2, 2007, by and between Qwest Broadband Services, Inc., d/b/a CenturyLink and the City.

1.12. "FCC" means the Federal Communications Commission or its designated representative.

1.13. "Gross Revenues" shall have the meaning set forth in A. R. S. Section 9-505(6) and any amendments thereto. The definition of "Gross Revenue" contained in Section 5-19 of the City Code is no longer applicable. By operation of law, the license fee paid to the City under the terms of this License shall be the maximum allowed pursuant to state law.

1.14. "License Area" means the current incorporated boundaries of the City and any future annexed area.

1.15. "License Fee" means the fee set forth in Section 3 of this License.

1.16. "Living Unit" means a distinct address contained in Qwest Corporation d/b/a CenturyLink network inventory database. This includes, but is not limited to, single family homes, multi-dwelling units and business locations.

1.17. "MDU" means any adjacent building(s) such as apartments under common ownership containing more than four dwelling units used as living quarters.

1.18. "Normal Business Hours" means those hours during which most similar businesses in the community are open to serve Subscribers.

1.19. "Normal Operating Conditions" means those service conditions that are within Licensee's control including, but not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the Cable System. Those conditions that are not within Licensee's control include, but are not limited to, natural disasters, civil disturbances, utility company power outages, telephone network outages, and severe or unusual weather conditions.

1.20. "Person" means an individual, partnership, association, joint stock company, trust, corporation, limited liability company, or governmental entity.

1.21. "Public Street" means only a street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, right-of-way, or drive that is owned by a public entity in fee or as to which a public easement has been dedicated for street purposes, and with respect to which, and to the extent that, City has a right to grant the use of the surface of, and space above and below in connection with this License for the Cable System, or other compatible uses; provided, however, a requirement that Licensee also obtain a permit from another government agency or entity to use of street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, right-of-way, or drive does not mean that such street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, right-of-way, or drive is not a Public Street.

1.22. "Remote Terminal" means a Digital Subscriber Line Access Multiplier (DSLAM) capable of providing Cable Services.

1.23. "Standard Drop" means a physical connection, not longer than four thousand cable feet between a living unit and a Remote Terminal capable of offering Cable Services.

1.24. "Subscriber" means any Person lawfully receiving the Cable Services of Licensee's Cable System.

1.25. "Subscriber Complaint" means any written or oral complaint by a Subscriber to the City that the Subscriber did not receive the Cable Service that the Subscriber requested consistent with the requirements of this License.

2. Grant of Authority to Operate; Term.

2.1. Grant of Authority. The City hereby grants to Licensee the right and authority to operate a Cable System in the City and for that purpose to erect, install, solicit, construct, repair, replace, rebuild, reconstruct, maintain, and retain in, on, over, upon, across, and along any Public Streets such poles, wires, cable fiber optics, conductors, ducts, conduit, vaults, manholes, pedestals, amplifiers, appliances, attachments, power supplies, network reliability units, and other property or equipment as may be necessary or appurtenant to the Cable System; and, in addition, so to use, operate, and provide similar facilities or properties rented or leased from other Persons, including but not limited to any public utility or other entity licensed or permitted to do business in the City. Nothing in this License shall be construed to prohibit Licensee from offering any service over its Cable System that is not prohibited by federal or state law.

2.2. Competitive Parity.

2.2.1. Licensee's right to use and occupy the Public Streets in the City for the purpose herein provided shall not be exclusive. However, the City agrees not to allow any person to enter into the Public Streets for the purpose of constructing or operating a Cable System, or for the purpose of providing Cable Service or video programming service to any part of the License Area, including by means of an "open video system" (as such term is defined in the Cable Act), without first obtaining a permit, license, authorization, or other agreement from the City or such other governmental entity then entitled to grant such permit, license, authorization, or other agreement.

2.2.2. The material provisions of the agreement under which any Competitor is authorized to enter the Public Streets shall be reasonably comparable to those contained herein, and the obligations imposed on Licensee shall be no less burdensome nor more favorable than the obligations imposed upon such Competitor, in order that one operator not be granted an unfair competitive advantage over another.

2.3. Prior Occupancy. Any privilege claimed under this License by Licensee in any Public Street or other public property is subordinate to any (a) prior or subsequent lawful occupancy or use thereof by the City or any other governmental entity, (b) prior lawful occupancy or use thereof by any other Person, and (c) prior easements therein; provided, however, that nothing herein extinguishes or otherwise interferes with property rights established independently of this License.

2.4. Term. This grant of authority runs for a term of fifteen years, effective as of midnight on _____, 2015, and ending at 11:59 p.m. on, 2030.

3. **License Fee.**

3.1. License Fee. Licensee shall pay to the City a License Fee in an amount equal to five percent (5%) of Licensee's Gross Revenues during the term of this License.

3.2. Offsets. Licensee is entitled to offset against the License Fee due to the City only the amount Licensee paid to the City during the prior quarter in privilege license taxes; provided, however, that Licensee is not entitled to offset to the extent that Licensee made payments of privilege license taxes on any gross income (within the meaning of the privilege license tax ordinance) that is not included in Gross Revenues. No other offset will be allowed.

3.3. Payment of License Fees. The payment of the License Fee shall be made quarterly by delivery to the City Manager on or before the thirtieth day of the month following the end of each calendar quarter, with a fifteen-day grace period. Each License Fee payment shall be accompanied by a written report to the City, verified by an authorized Licensee representative, containing an accurate statement in summarized form of Licensee's Gross Revenues and the computation of the payment amount under Sections 3.1 and 3.2.

3.4. Interest. If License Fees are not paid in accordance with Section 3.3 above, the City will impose interest and penalties in accordance with City Code Section 50-75(c), as may be amended from time to time.

3.5. **License Fee Audit.**

3.5.1. Upon written notice to Licensee, the City may inspect Licensee's records of Gross Revenues, and the City and Licensee each have the right to audit and to recompute any amounts determined to be payable under this License; provided, however, that such audit must take place within thirty-six months following the close of Licensee's fiscal year for which the audit is desired.

3.5.2. Upon completion of an audit, the City shall provide Licensee with written notice including a copy of the audit report and setting forth any additional amounts due to the City identified in the audit. Licensee shall contest or pay any deficiency within thirty days following such written notice; provided, however, that Licensee will not be required to pay such deficiency until thirty days after completion of the administrative hearing process if Licensee commences such process pursuant to Section 19. If there is a deficiency in the payment of License Fees to the City of ten percent or more, the City may assess the cost of the audit to Licensee.

3.5.3. Licensee may recover overpayment(s) of License Fees by taking credits of up to one-hundred percent of each subsequent quarterly License Fee payment due to the City until Licensee has recouped the full amount of the overpayment, without interest.

4. **City Channels.**

4.1. Government Channels. Licensee shall provide at no cost to the City two channels on the basic tier of the Cable System for use by the City for non-commercial, informational programming regarding government activities and programs.

4.2. Education Channels. Licensee shall make available at no cost to the City one channel on the basic tier of the Cable System for use by the City for non-commercial, informational programming regarding educational activities and programs. The city may allow another entity to operate the channel following the same guidelines set as the city.

4.3. Point of Origin. The City Channels shall each originate from a studio designated by the City within the corporate limits of the City. Licensee shall maintain the connection to the Cable System necessary for each of the City Channels to originate from this location at no cost to the City. If the City elects to relocate the point of origination for any of the City Channels, the City shall bear the entire cost of such relocation.

4.4. Additional Channels. In addition to the Government Channel, within one hundred twenty days of written request by the City, Licensee shall make available at no cost to the City up to two additional channels for City use. These shall be located in the digital tier. At no cost to the City, the Licensee shall secure the audio and video portions of the signals delivered over none, one or both of the digital tier channels, as specified by the City, so that the signals may only be received by converter equipment compatible with the Cable System and installed by the Licensee at the location(s) designated by the City. In no event shall any licensed cable operator in the City be required to provide more Government or Education channels than any other licensed cable operator.

4.5. Maintenance of Equipment. Licensee shall provide at no charge to the City prompt and regular periodic maintenance and replacement of any cables, amplifiers, and other distribution equipment owned by Licensee and used for the City Channels. The City shall provide and operate and maintain at its expense all other equipment and facilities necessary for operation of the City Channels.

4.6. Downstream Programming. If the City elects to receive downstream programming from another city or town, the City shall pay all costs incurred by Licensee in providing for the City to receive such programming. The City must obtain the necessary consents from the city or town that originated the programming before Licensee takes any steps to provide the City with such programming. Location of Channels. The location of City Channels shall be by mutual agreement of the City and Licensee. The channel shall have a designated channel number available, and be accessible via a Mosaic on channel 11 (or any future agreed upon channel along with the other Government Channels) and be accessible via a High Definition Channel Mosaic on channel 1011 (or any future agreed upon channel along with the other Government Channels).

4.7.1. If there is no Basic Cable Service, Licensee shall provide the PEG Channels as part of the service provided to every Subscriber, at no additional charge to Subscribers or the City.

4.7.2. Licensee may, at its sole discretion, elect to utilize a mosaic, a collection of channels displayed on a single TV screen to display Government and/or Educational Channels.

4.8. Program Guide. Within one hundred twenty days of written request by the City, the City may at its sole discretion require CenturyLink to include any or all of its channels in the guide with full programming and description information. The City will work with CenturyLink's designated provider to ensure that the proper information is included on the channel guide.

4.9. On Demand Content. Licensee shall place a minimum of ten hours of educational or governmental content on the Licensee's network in the form of "on demand" programming.

4.10. High Definition Signals. Within one hundred twenty days of written request by the City, the City may at its sole discretion require CenturyLink to carry up to all of the City Channels in high definition ("HD") format. The City will be responsible for any costs to broadcast HD programming.

4.10.1. For purposes of this Agreement, HD format shall mean a display resolution of at least 1080 lines (interlaced) that is supported by CenturyLink on the Cable System, including the CenturyLink terminal device(s) provided to Subscribers for HDTV use.

4.10.2. If CenturyLink supports more than one such resolution, the City shall specify which of those supported by CenturyLink shall be used for EG Channels. CenturyLink will be responsible for any costs from the transmission point into their system.

4.10.3. The City may at its sole discretion require CenturyLink to carry additional PEG Channels in high definition format, at any time. CenturyLink shall, without cost to the City or PEG Users, provide, install, and maintain the equipment necessary to transmit the signals specified in this Section from the PEG Users' origination points to Subscribers.

4.10.4. If during the Franchise Term CenturyLink introduces any advanced video format other than HD on its Cable System ("Advanced Format"), then whenever at least half of the primary video feeds of the commercial programmers carried by CenturyLink are made available by CenturyLink to Subscribers in such Advanced Format, the City shall have the option in its sole discretion to require CenturyLink at no cost to the City, to carry PEG Channels, selected by the City, in such Advanced Format. Multiple video feeds from a single commercial programmer that substantially replicate the same programming but are transmitted in different formats (for example, programming transmitted in analog, digital SD, HD, and advanced Format) shall be counted only once for purposes of calculating the share of Advanced Format programming feeds in this section. A PEG Channel transmitted in an Advanced Format shall count toward the total PEG Channels specified in Section.

4.11. Return Broadcast Feed. At which time service is available to the City of Surprise Public Safety Building and surrounding areas in accordance with Section 5.1, a return feed of the television signal being transmitted shall be provided to the point of origin.

4.12. Unused Capacity. Licensee may utilize unused capacity on the City Channels for any purpose under rules and procedures established by the City. Licensee and the City will annually review the use of the City Channels and, upon mutual agreement between Licensee and the City, the City may relinquish one or more of the City Channels to Licensee for use as Licensee sees fit.

5. Services to the City.

5.1. Service to City Buildings. Upon written request from the City Manager, Licensee shall provide at no charge to the City Licensee's Basic tier of service to City Buildings provided that such locations are within four thousand (4000) cable feet of a Remote Terminal capable of providing Cable Service and no other provider is offering service to the City at that location.

5.2. Drops to City Buildings. If making service available to a City Building requires no more than a Standard Drop, Licensee shall make service available without charge to City Buildings absent a showing by Licensee to the City Manager of unusual circumstances, which include without limitation street crossings or plant extensions. Any Standard Drop to any City Buildings shall be accomplished within ten days of the written request for service.

5.3. Service to Schools. Upon written request from the City Manager, Licensee shall provide at no charge to schools within the City's corporate boundaries Licensee's Basic tier of service to school buildings provided that such locations are within four thousand (4000) cable feet of a Remote Terminal capable of providing Cable Service and no other provider is offering service to the school at that location.

6. Required Service; System Design and Capacity.

6.1. System Design. The technology Licensee uses in connection with the provision of Cable Services deploy is an Ethernet-based, switched digital video service (and is not a QAM-based, broadcast system).

6.2. System Capacity. The channel capacity of the Cable System is expandable as future needs arise. At a minimum, system capacity with the capability and characteristics of 750 MHz system must be available for signal transmission on the Cable System.

7. Changes in Cable Technology.

7.1. Periodic Meetings. The City and Licensee will meet upon the written request of either to discuss changes in Broadband and Communications cable television laws, regulations, technology, competing services, the needs of the community, and other factors impacting cable television. The frequency of such meetings shall not exceed three (3) years. As a result of these discussions, this License may be modified by mutual agreement of the City and Licensee to respond to a change in laws, regulations, technology, competing services, the needs of the community, or other factors affecting cable television.

7.2. Certain Conditions. If any of the following conditions occur, and upon written request of either Licensee or the City, the City Manager and Licensee will meet and discuss in good faith the terms of a mutually agreeable amendment to this License:

7.2.1. Cable Service similar to the Cable Service offered by Licensee is provided by any Competitor that is not subject to similar licensing requirements of the City; or

7.2.2. Any other significant event occurs, including but not limited to changes of federal or state law or a final non-appealable order or judgment by a court of competent jurisdiction, which either the City or Licensee believes may affect the current terms and conditions of this License.

7.3. Purpose. The purpose of the meetings set forth in this Section is to use best efforts to reach mutually acceptable agreement for recommendation to the City Council for proposed action on amendments to this License to relieve the City or Licensee from any commercial impracticability that arises during the term of this License. This Section 7 is intended to facilitate a process whereby the parties may reach a mutually acceptable agreement to amend this License, but does not require that this License be amended. In the event a mutually acceptable agreement cannot be reached, either party may utilize any and all remedies provided at law or in equity.

8. Line Extension.

8.1 Extension of Service. Licensee will make cable services available to living units within the city and will extend its cable system as follows:

8.1.1. When requested by a resident or developer in the city, Licensee will, at the Licensee's sole expense, extend the cable system to any living unit within the city; provided that there are at least 250 Living Units located within four thousand (4000) cable feet of a potential Remote Terminal site, Licensee shall extend its Cable System to such potential Subscriber(s) at no cost to said potential Subscriber(s); provided, however, that the provisions of this section shall only apply after the first date by which Licensee is providing Cable to more than fifty percent (50%) of all Subscribers receiving Cable Service from both the Licensee and any other provider(s) of Cable Service within the City.

8.1.2. Where there is a request by a developer for an extension to a development which does not meet the minimum requirements of 8.1.1, and where the developer agrees to pay Licensee's full costs of extending the cable system from the nearest technically feasible point of connection on the cable system to the nearest street access to the development, the Licensee will then extend the cable system within the development.

9. Service Drops.

9.1. Standard Drop. Licensee shall make Cable Service available to any living unit within the City at the standard connection charge if the connection requires a Standard Drop.

9.2. Bulk Billing. Licensee may offer bulk billing service, but may not require a bulk billing agreement as a condition of providing service.

9.3. Timing. Absent a showing by Licensee to the City Manager of unusual circumstances, including without limitation Public Street crossings, any Standard Drop to any living unit shall be accomplished within ten days of the request for service.

10. Construction Requirements.

10.1. Construction and Technical Standards. Licensee shall construct, install, operate, and maintain its system in a manner such that it operates at all times consistent with all laws, the construction standards of the City, and the FCC Rules and Regulations, Part 76 SubPart K (Technical Standards), as amended from time to time. In addition, the City may at any time conduct independent measurements and inspection of the Cable System. If inaccurate proof of performance reports is shown to have been the result of Licensee's willful neglect, the Licensee shall pay the costs reasonably incurred by the city in obtaining independent verification of technical compliance with all standards.

Construction, installation, and maintenance of a Cable System shall be performed in an orderly and professional manner and adhere to the City standards relative to underground facilities. All cables and wires shall be installed underground, and where possible, parallel with and in a manner similar to the installation of electric and telephone lines, so long as such lines are underground. Multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering considerations. Installations shall be in conformance with all applicable codes including property maintenance codes, the subdivision code and design guidelines approved by the City. Licensee must at all times comply with applicable sections of all current codes, ordinances, and standards in effect at the time of permitting.

10.2 Affiliate Obligation. Licensee promises and guarantees as a condition of exercising the privileges granted by this License, that any Affiliate of the Licensee directly involved in the offering of Cable Service in the City or directly involved in the management and operation of the Cable System will also comply with the obligations of this License. However, the parties acknowledge that Qwest Corporation ("QC"), an affiliate of Licensee, will pull permits and be primarily responsible for the construction and installation of facilities in the public rights of way which will be utilized by Licensee to provide Cable Services and QC will own, operate and maintain all such facilities not installed by Licensee. So long as QC does not provide Cable Service to Subscribers in the City, QC will not be subject to the terms and conditions contained in this License pertaining to Cable Services. QC's installation and maintenance of facilities in the public rights of way are governed by applicable law. The parties also acknowledge that if and when QC does provide Cable Services to subscribers in the City, QC will need to get a separate cable license from the City. To the extent Licensee constructs and installs facilities in the public rights of way, such installation will be subject to the terms and conditions of this License Agreement.

10.3 Utility Locating System. Licensee shall participate in the regional one-call utility locating system (Blue Stake).

10.4 Resident Notification of Construction Activity Required. Licensee shall provide sixty (60) day advance notice to all affected residents before system construction crews enter the right-of-way adjacent to their property; provided that Licensee shall not be required to provide such notice in emergencies or for normal system repair and maintenance work.

11. Emergency Service. In accordance with the provisions of FCC Rules and Regulations Part 11, Subpart D, Section 11.51(h)(1), as they may from time to time be amended, Licensee shall install and maintain an Emergency Alert System and shall transmit all Emergency Act Notifications and Emergency Act Terminations relating to local and state-wide situations as may be designated to be an emergency by the Local Primary, the State Primary and/or the State Emergency Operations Center, as those authorities are identified and defined within FCC Rules and Regulations, Part 11.

12. Use of Public Streets.

12.1. Location of Licensee's Property. Any poles, wires, cable lines, conduits, or other properties of Licensee to be constructed or installed in Public Streets shall be so constructed or installed only at such locations and in such manner approved by the City consistent with the City's technical and permitting regulations. Licensee or its authorized contractors will obtain, any required permits before any physical work is done in the City's rights-of-way or on City-owned property.

12.2. Undergrounding.

12.2.1. Unless otherwise provided in this License, all new Licensee facilities in the Public Streets or in any public or private easement shall be located in accordance with the City's subdivision regulations and design guidelines, as they may be amended from time to time. Nothing contained in this Section requires Licensee to construct, operate, and maintain underground any ground-mounted appurtenances such as Subscriber taps, line extenders, system passive devices (splitters, directional couplers), amplifiers, stand-by and other power supplies, network reliability units, pedestals, or other related equipment.

12.2.2. In the event Licensee extends new service into an area the Licensee will underground all facilities in accordance with Section 12.2.1. Where there are existing poles, Licensee may use such poles for its facilities, subject to agreement with the pole owner. No underground facilities may be moved to poles. Licensee may not install any poles. Licensee's existing overhead facilities may remain on poles subject to the requirements of Section 12.2.3 below.

12.2.3. Licensee's aerial facilities shall be placed underground as set forth below.

12.2.3.1. Where aerial facilities of other utilities in the same span are placed underground at the cost of such other utility, Licensee shall concurrently (or earlier) place its existing aerial facilities underground at its own expense.

12.2.3.2. Where aerial facilities of other utilities in the same span are placed underground at the cost of the City or a third party, such as a developer, Licensee shall concurrently (or earlier) place its existing overhead facilities underground only if (a) the cost of such undergrounding is paid by the City or such third party and (b) Licensee receives timely notification of the undergrounding of such other utility lines and opportunity to participate in joint trench with such other utility(ies). In the event that Licensee is not notified and given reasonable opportunity to participate in a joint trench with other utility(ies), Licensee will not be required to place its facilities underground at a later date unless the cost of such undergrounding is in excess of the cost to participate in the joint trench and is borne by the entity charged with providing Licensee notice of the joint trench opportunity.

12.2.4. The City shall notify utilities or developers of their obligation to provide Licensee with notice of the issuance of building or development permits for planned commercial/residential/industrial/public developments within the City requiring undergrounding of cable facilities. The City shall require as a condition of issuing any permit for open trenching to any utility or developer, that the utility or developer give Licensee reasonable access to open trenches for deployment of cable facilities and written notice of the date of availability of trenches. Such notice must be received by Licensee at least ten (10) business days before availability.

12.2.5. All new underground wires or cable placed by Licensee after the effective date of this License shall be placed in conduit except for service drops.

12.3. Emergency Work. The City reserves the right to move any portion of Licensee's equipment and facilities as may be required in any emergency as determined by the City without liability for interruption of Cable Service. However, before taking any action pursuant to this Section, the City shall provide, whenever feasible, reasonable notice to Licensee of the emergency to allow Licensee the opportunity to protect and repair Licensee's facilities involved in the emergency.

12.4. Temporary Removal for Building Improvements. Licensee, on the written request of any Person holding a building moving permit issued by the City, shall temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising, or lowering of wires shall be paid to Licensee by the Person requesting the same, and Licensee shall have the authority to require such payment in advance. Licensee shall be given not less than ten (10) days advance notice to arrange for such temporary wire changes.

12.5. Changes Required by Public Improvements. Licensee shall from time to time protect, support, temporarily dislocate, temporarily or permanently, as may be required, remove or relocate, any facilities installed, used, or maintained under this License, if and when (a) made necessary by any lawful change of grade, alignment, or width of any Public Street, by the City or (b) made necessary by any City improvement or alteration in, under, on, upon, or about any Public Street, when such improvement or alteration is being conducted by the City for a governmental purpose or is made necessary by traffic conditions, public safety, Public Street vacation, or any other public project or purpose by the City. Such removal or relocation shall be

paid for by Licensee; provided, however, that Licensee shall have substantially the same obligations with respect to the cost of such relocation as all other users of the public rights-of-way. If any portion of the removal or relocation costs of other users of the public rights-of-way is being borne by a third party, the City will use its best efforts to work with Licensee and such third party to ensure that the third party bears the cost of removal or relocation of Licensee's facilities to the same extent that it is covering such costs of removal or relocation of the facilities of other users of the right-of-way. To the extent that public funds are available to compensate utilities and other affected rights-of-way users for the costs of such location, Licensee shall be entitled to receive such funds on an equal basis with all other utilities and users.

12.6. Notification to Licensee. In an effort to alert Licensee to all potential areas where Licensee's facilities may be installed, the City shall include Licensee as a "check-off" participant in the permitting process and on all relevant permits or other forms that will provide developers or contractors with notice to contact Licensee and provide Licensee the opportunity to participate in joint trench or joint facility placement opportunities.

12.7. Street Repair. If Licensee causes damage to pavement, sidewalks, driveways, landscaping, or other property during construction, installation, or repair of its facilities, Licensee or its authorized agent shall replace and restore such places to the condition that existed before the damage occurred. All repair and restoration necessary to meet the requirements set forth in this Section shall be at Licensee's expense and in a manner and time acceptable to the City. Upon failure of the Licensee to complete any work required by law, or by the provisions of this License, to be done in any street, within 10 days following due notice and to the satisfaction of the city manager, the city may, at its option, cause such work to be done through its own forces or through a hired contractor, and the Licensee will pay to the city the cost thereof in the itemized amounts reported by the city manager to the Licensee within 15 days after receipt of such itemized report. Or, at the city's option, the city may demand the estimated cost of such work and be paid by Licensee within 15 days of the demand. Upon award of contract thereof, Licensee will pay within 15 days of demand any additional amounts necessary to provide for the cost of such work. Upon completion of the work, Licensee will pay city, or city will refund Licensee, the sums so that the total received and retained by the city will equal the cost to the city for the work. The term "cost," as used in this section will include 15 percent of all other costs for its own personnel and equipment and materials or for a contractor to compensate the city for its overhead, including inspection and supervision, and any interest charges incurred by the city arising out of the Licensee's late payment to the city under this section.

12.8. Permitting.

12.8.1. For all permits applied for by Licensee, the City agrees to act timely and in any event in accordance with any timelines established by the City for permit issuance. Where Licensee identifies changes after the issuance of a permit and during construction, Licensee shall apply for a permit revision as required by City guidelines; provided, however, that upon the approval of the City Engineer or designee Licensee may continue construction while waiting for approval of the revised permit.

12.8.2. To facilitate coordination with the City on review, prioritizing and issuance of permits, Licensee shall apply for and process permits through a centralized office of Licensee established for that purpose. When this office identifies to the City a non-emergency but atypically time-sensitive permit that requires processing and issuance more surely or swiftly than under City's customary timelines, City agrees to use its best efforts to review and issue the permit.

12.8.3. Upon the Effective Date of this License the City shall grant to Licensee a maintenance permit for a period of one year. This maintenance permit shall cover Licensee's access to its existing facilities within the License Area for the performance of work by Licensee where no excavation is involved.

12.8.4. While performing work under this maintenance permit, Licensee shall comply with all requirements of the City regarding traffic control, notice to the City, and related matters. This emergency permit shall be automatically renewed on each anniversary of the Effective Date of this License.

13. **Subscriber Service Provisions.**

13.1. Subscriber Service Standards. Licensee shall at all times satisfy FCC customer service standards, as amended from time to time by the FCC and the customer service standards set forth in Chapter 50 of the City Code. If there is a conflict among standards, the stricter standard will prevail, unless preempted by federal law.

13.2. Billing Practices. Licensee shall bill all Subscribers to its Cable System in a uniform manner, regardless of a Subscriber's level of service. In no case may any Subscriber be billed for service more than thirty days before receipt of such service. Payment may be due no sooner than the fifteenth day of each billing period, and the due date shall be listed on each bill. Bills shall be mailed no later than the first day of the billing period.

13.3. Subscriber Complaint Procedures. Licensee shall comply with the following Subscriber Complaint procedures.

13.3.1. Licensee shall ensure that all Subscribers have recourse to a satisfactory process to submit complaints. Licensee shall respond to all Subscriber Complaints within thirty (30) business days. Licensee shall establish and maintain a written log listing all Subscriber Complaints. The written log shall include the name and telephone number, if given, of the Subscriber making the complaint and Licensee's action on the complaint. The log shall be maintained by Licensee for three years and, to the extent permitted by federal law, shall be available to the City Manager upon written notice and request for inspection.

13.3.2. Licensee shall provide, in writing, upon request of the City Manager, details from its written log relating to any Subscriber Complaint within five (5) business days.

13.4. Subscriber Solicitation Procedures.

13.4.1. All Licensee personnel, agents, and representatives, including subcontractors, shall wear a cable uniform or clearly display a photo-identification badge when acting on behalf of Licensee in the City.

13.4.2. Licensee shall afford each Subscriber of the Cable System a three-day right of rescission for ordering installation of Cable Service from the System provided that such right of rescission will end when physical installation of Cable System equipment on such Subscriber's premises begins.

13.5. Disconnection and Termination of Cable Services. Licensee shall only disconnect or terminate a Subscriber's Cable Service for good and just cause. In no event may Licensee disconnect Cable Service for nonpayment without prior written notification to the affected Subscriber at least seven (7) days before such disconnection or termination. In no event may such disconnection or termination for nonpayment occur in less than thirty (30) days after a Subscriber's failure to pay a bill when due. If Licensee improperly discontinues Cable Service to any such Subscriber, upon request it shall provide free reconnection to the Cable System to such Subscriber.

13.6. Rights of Individuals. Licensee may not deny Cable Service, deny access, or otherwise discriminate against Subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, sex, age, or disability; provided, however, that Licensee may not be required to provide Cable Services to any Person who does not pay the applicable line extension connection fee, fees for drops in excess of Standard Drops, and/or Cable Service charge(s). Licensee shall comply at all times with all other applicable federal, state, and local laws and regulations, as amended from time to time, relating to nondiscrimination.

14. Inspection of Records.

14.1. Inspection of Records. At all reasonable times as related to determination of License compliance, Licensee shall permit any duly authorized representative of the City to examine any and all financial records kept or maintained by Licensee or under its control that reasonably relate to Licensee's accurate payment of License Fees.

14.2. Scope of Information. Unless otherwise specified, all of Licensee's recordkeeping and disclosure obligations include and are limited to information that reasonably relate to Licensee's accurate payment of License Fees. This does not include personally identifiable Subscriber information without the Subscriber's consent in violation of Section 631 of the Cable Communications Policy Act of 1984, as amended, 47 U.S.C. Section 551.

14.3. Maps. Licensee shall at all times make and keep full and complete plans and records showing the exact location of all Cable System equipment installed or in use in Public Streets, and other places in the City and make them available to the City for review upon request. Upon request, Licensee shall provide the City Manager route maps or sets of maps drawn to scale, showing the location of Licensee's underground and above ground facilities.

15. Indemnification.

15.1. Indemnification. Licensee agrees to defend, indemnify, and hold harmless the City, its officers, boards, and employees, for, from, and against any and all costs, damages, expenses, claims, suits, actions, liabilities, and judgments for damages including, but not limited to, expenses for legal fees, whether suit be brought or not, and disbursements and liabilities incurred or assumed by the city in connection with: (i) damages to persons or property, in any way arising out of or through the acts or omissions of the Licensee, its servants, officials, agents, attorneys, representatives or employees (ii) requests for relief arising out of any Licensee action or inaction which results in a claim for invasion of right of privacy, for defamation of any person; for the violation or infringement of copyright, trademark, trade name, service mark or patent; or of any other right of any person; (iii) any and all claims arising out of the Licensee's failure to comply with the provisions of this License or any federal, state, or local law, or regulation applicable to the Licensee or cable system; (iv) any and all disputes arising out of a claim by any party other than the city wherein damages or other relief is sought as a result of the city's cable system licensing of Licensee or as a result of the renewal or nonrenewal of Licensee's cable system License; (v) any liability or claims resulting from property damage or bodily injury (including accidental death) that arise out of Licensee's construction, operation, or maintenance of its Cable System. Notwithstanding the foregoing, Licensee shall not indemnify the City for any damages, liability, or claims resulting from the willful misconduct or negligence of the City.

15.2. Procedure. In the event that a third-party claim is made or third-party suit is filed for which the City intends to seek indemnification from Licensee pursuant to Section 15.1 above, the City shall promptly notify Licensee of said claim or suit. Licensee shall have the right to control, through counsel of its choosing, the defense of such third-party claim or suit, but may compromise or settle the same only with the consent of the City, which consent shall not be unreasonably withheld. The City shall cooperate with Licensee and its counsel in the defense of any such claim or suit and shall make available to Licensee any books, records or other documents necessary or appropriate for such defense. The City shall have the right to participate at its expense in the defense of any such claim or suit through counsel of its own choosing.

16. Insurance.

Licensee shall maintain in full force and effect, at no cost and expense to the City, during the term of this License, commercial general liability insurance in the amount of three million dollars combined single limit for bodily injury and property damage. The City shall be designated as an additional insured. Such insurance will not be cancelable except upon thirty days prior written notice to the City. Licensee shall provide annually, a certificate of insurance showing evidence of the coverage required by this Section. Licensee may self-insure the above-described policy coverages if Licensee or its parent is of sufficient financial standing to provide such insurance.

17. Letter of Credit.

17.1. Amount; Purpose. Within thirty days after the effective date of this License, Licensee shall deposit with the City an irrevocable letter of credit in an amount not to exceed

five thousand dollars (replenishable as specified in Section 17.3 below) issued by a federally insured commercial lending institution. The form and substance of said letter of credit will be used to assure (a) the faithful performance by Licensee of all provisions of this License; (b) compliance with all orders, permits, and directions of any agency, commission, board, department, division, or office of the City having jurisdiction over Licensee's acts or defaults under this License; and (c) Licensee's payment of any penalties, liquidated damages, claims, liens, and taxes due to the City that arise by reason of the construction, operation, or maintenance of the Cable System, including cost of removal or abandonment of any of Licensee's property.

17.2. Drawing on Letter of Credit. The letter of credit may be drawn upon by the City by presentation of a draft at sight on the lending institution, accompanied by a written certificate signed by the City Manager certifying that Licensee has been found, pursuant to Sections 18 through 21 below, to have failed to comply with this License, stating the nature of noncompliance, and stating the amount being drawn. The rights reserved to the City with respect to the letter of credit are in addition to all other rights of the City, whether reserved by this License or authorized by law, and no action proceeding against a letter of credit will affect any other right the City may have.

17.3. Replenishing. The letter of credit shall be structured in such a manner so that if the City at any time draws upon the letter of credit, upon notice to Licensee by the issuing lending institution, Licensee shall immediately increase the amount of available credit by the amount necessary to replenish that portion of the available credit exhausted by the honoring of the City's draft; provided, however the maximum amount available to be drawn on this letter of credit for any one event shall not exceed the amount of the License Fee paid to the City the previous year. The intent of this Section is to make available to the City at all times a letter of credit in the amount of five thousand dollars.

18. Liquidated Damages; Notice of Violation; Right to Cure or Respond.

18.1. Liquidated Damages. Licensee understands and agrees that failure to comply with any time or performance requirements set forth in this License will result in damage to the city, and that it is impracticable to determine the actual amount of damages caused by delay or nonperformance. Therefore, the Licensee will be assessed liquidated damages in the amount of \$500.00 per violation per day per while a violation(s) continue.

18.2. In the event that the city manager determines that Licensee has not complied with the terms of this License and is in fact liable for liquidated damages, he will issue to the Licensee by certified mail a notice of intention to assess liquidated damages. The notice will set forth the violation and the amount of liquidated damages assessed. Licensee will have thirty (30) calendar days from receipt of the notice of violation: (a) to respond to the City contesting the assertion of noncompliance; (b) to cure such default; or (c) if, by the nature of default, such default cannot be cured within the thirty (30)-day period, initiate reasonable steps to remedy such default and notify the City in writing of the steps being taken and report the Licensee's progress until such violation is cured.

18.3. If Licensee contests the city's assertion of violation, within 15 days the city will schedule a hearing in accordance with the procedure set forth in Section 19 of this License.

19. Administrative Hearing.

In the event that Licensee timely contests a notice of violation as set forth in Section 18 or an audit determination under Section 3.5.2 of this License, the city will proceed in accordance with Section 50-207 and 208 of the City Code.

20. Enforcement. Subject to applicable federal and state law, if, after the hearing set forth in Section 19, the City determines that Licensee is in default of any provision of this License, the City may seek any and all remedies, now or hereafter available, at law or in equity.

21. Revocation.

21.1. Process. Revocation will be in accordance with Sections 50-207 through 209 of the City Code.

21.2. Other Action. The City may, at its sole discretion, take any lawful action that it deems appropriate to enforce the City's rights under this License in lieu of revocation of this License.

22. Effect of Expiration, Revocation, or Termination of License.

22.1. Continuity of Service. It is the right of all Subscribers to continue receiving Cable Service as long as their financial and other obligations to Licensee are honored. If this License expires or terminates, Licensee shall cooperate with the City to ensure continuity of Cable Service to all Subscribers for a period not to exceed ninety (90) days. Said period may be extended by written agreement between the City and Licensee. During such period, Licensee shall be entitled to the revenues for operating the Cable System.

22.2. Other Services. Upon expiration, revocation, or termination of this License for any reason, Licensee shall have one hundred eighty (180) days from the date of expiration, revocation, or termination to enter into good faith negotiations with the City or other governmental authority to obtain a license, permit, or other approval or agreement that may then lawfully be required in order to allow Licensee to continue using Licensee's facilities in the Public Streets for any lawful service other than Cable Service that Licensee may then provide over its facilities in the License Area.

22.3. Holding Over. In any circumstance whereby Licensee would continue to occupy the Public Streets after the expiration of this Agreement, such holding over shall be deemed to operate as a renewal or extension of this Agreement on a month-to-month basis that may be terminated at any time by the City upon sixty (60) days written notice to Licensee, or by Licensee upon sixty (60) days' written notice to the City.

23. Transfer.

23.1. Prior Consent.

23.1.1. Except as otherwise set forth below, Licensee's right, title, or interest in this License may not be sold, transferred, assigned, or otherwise encumbered, other

than to an entity controlling, controlled by, or under common control with Licensee, without the prior consent of the City, such consent not to be unreasonably withheld. No consent is required for (a) a transfer to an entity controlling, controlled by, or under common control with Licensee or (b) a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of Licensee in the License or Cable System in order to secure indebtedness.

23.1.2. Within thirty (30) days after receiving request for consent to a transfer for which City consent is required, the City shall notify Licensee in writing of any additional information it reasonably requires to determine the legal, financial, and technical qualifications of the transferee. If the City has not taken action on Licensee's request for transfer within one hundred twenty (120) days after receiving such request, consent by the City will be deemed given.

23.2. Grant, Rent, or Lease. As long as a grant, rent, or lease of all or a portion of the Cable System does not amount to a transfer, Licensee in the normal course of providing Cable Services or other services such as telecommunications and information service over the Cable System may grant, rent, or lease use of the Cable System to other Persons. Any use by such persons shall be restricted to and consistent with such uses as Licensee or such person is authorized in this License or under other applicable law. Any such use shall be in compliance with applicable federal and state law. No such grant, rent or lease by Licensee will, however, relieve Licensee of any requirement or obligation under this License as to its use of the Public Streets.

24. Controlling Authorities.

24.1. Local Ordinances and Guidelines. Licensee agrees to comply with the terms of any lawfully adopted generally applicable local ordinances and guidelines, to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations placed upon Licensee that are contained in this License.

24.2. Chapter 50 Telecommunications. Notwithstanding Section 24.1, to ensure this license agreement is in accord with Chapter 50 of the City Code, any and all provisions of Chapter 50, including but not limited to all obligations, rights, or duties of either party, not in direct conflict with the expressed provisions of this agreement are hereby included by reference.

24.3. Federal and State Laws. This License is subject to and shall be governed by all requirements of the Cable Act; Arizona Revised Statutes Sections 9-505 through 9-510, as amended; and other federal and state laws and regulations governing cable communications. In a conflict between the terms and conditions of this License and the terms and conditions on which the City can grant a license, federal and state law shall control.

25. Licensee's Representations and Warranties.

25.1. Authority. Licensee represents and warrants that it has the power and authority to enter into this License by and through the representative who has signed this License on its behalf, and that it has the power and ability to do all the acts required of it by this License.

25.2. Misrepresentation. Licensee has not misrepresented or omitted material facts, has not accepted this License with intent to act contrary to the provisions herein, and represents and warrants that, as long as it operates the Cable System, it will be bound by the terms and conditions of this License or a subsequently issued license.

25.3. Attorneys. Licensee further acknowledges that it was represented throughout the negotiations of this License by its own attorneys and had opportunity to consult with its own attorneys about its rights and obligations regarding this License.

26. Confidentiality.

26.1. Protection of Confidential Information. To the fullest extent permitted by law, the City agrees to treat on a confidential basis any Confidential Information disclosed by Licensee to the City. The City shall not use the Confidential Information for any purpose whatsoever other than in connection with its rights and obligations under this License. The City shall safeguard the Confidential Information using measures that are equal to the measures used to safeguard its own confidential information of comparable value, but in no event less than reasonable care.

26.2. Disclosure to Representatives. Disclosure of Licensee's Confidential Information by the City shall be limited to only those of its employees, representatives, or agents that have a need to know, and that are in a confidential relationship with the City, who are informed by the City of the confidential nature of the Confidential Information, and who agree to act in accordance with the terms and conditions of this Section.

26.3. Disclosure Required by Law. In the event that the City becomes legally compelled to disclose any of the Confidential Information, the City shall provide Licensee with prompt notice so that Licensee may seek a protective order or other appropriate remedy and/or waive compliance with the provisions of this Section. In the event that such protective order or other remedy is not obtained, or that Licensee waives compliance with the provisions of this Section, the City shall furnish only that portion of the Confidential Information that the City is advised by opinion of counsel is legally required and the City shall exercise its best efforts to obtain reliable assurance that confidential treatment shall be accorded the Confidential Information by the person to whom it is disclosed.

27. Miscellaneous.

27.1. Filings. When not otherwise prescribed herein, all matters herein required to be filed with the City shall be filed with the office of the City Clerk.

27.2. Force Majeure.

27.2.1. Licensee shall not be held in default under, or in noncompliance with, the provisions of this License, nor suffer any enforcement or penalty relating to noncompliance or default (including termination, cancellation, or revocation of this License) where such alleged noncompliance or default occurred or was caused by an act of God, an act or omission of governmental military or civilian authority, strike or

lockout, riot, epidemic or quarantine, war, earthquake, fire, flood, tidal wave, unusually severe rain, wind, or snow storm, hurricane, tornado or other catastrophic act of nature, labor disputes, terrorist acts or judicial order or regulation or other circumstances that could not have been avoided through Licensee's exercise of reasonable care, prudence and diligence. This provision includes work delays caused by waiting for utility providers to service or monitor their own above-ground or underground facilities to which Licensee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

27.2.2. Furthermore, the parties hereby agree that it is not the City's intention to subject Licensee to penalties, fines, forfeitures, or revocation of the License for so-called "technical" breach(es) or violation(s) of this License, which include but are not limited to instances or for matters where a violation or a breach by Licensee of the License was good faith error that resulted in no or minimal negative impact on the Subscribers within the License Area.

27.3. Severability. If any Section, sentence, paragraph, term, or provision of this License or any ordinance, regulation, law, or document incorporated herein by reference is held to be illegal, invalid, unconstitutional, or unenforceable, by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions hereof all of which shall remain in full force and effect for the term of this License.

27.4. Notice. Unless otherwise provided for in this License, all notices to be given hereunder shall be given in writing and may be hand delivered or given by certified first class mail, postage prepaid addressed to the parties at the addresses set forth below. Such notices will be deemed served and effective when delivered to the designated persons listed below during ordinary business hours or on the date of delivery by U.S. Mail registered or certified return receipt requested.

To Licensee:

Qwest Broadband Services, Inc.,
d/ba CenturyLink
1801 California Street, 10th Floor
Denver, CO 80202
ATTN: Public Policy

With a copy, which is not notice, to:

Qwest Broadband Services, Inc.
d/b/a CenturyLink
20 East Thomas, 1st Floor
Phoenix, AZ

To the City:

City of Surprise
16000 N. Civic Center Plaza
Surprise, Arizona 85374
Attn: City Manager

27.5. Governing Law; Venue. The provisions of this License are subject to applicable federal law, including but not limited to the Cable Act and the rules, regulations, and orders of the FCC, and are also subject to state law not in conflict with such federal law. In the event of any conflict between the provisions of this License and such state or federal law, the provisions of such state or federal law shall prevail. Proper venue is exclusive to the Superior Court of Maricopa County or the United States District Court for the District of Arizona.

27.6. Headings. The headings contained herein are intended solely to facilitate the reading thereof. Such headings shall not affect the meaning or interpretation of the text herein.

27.7. Integration; Acquired Licenses. This License constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes any prior agreement, understanding, negotiation, drafts, discussion outlines, correspondence, memoranda, or otherwise regarding the subject matter hereof. This License hereby preempts and cancels any other license agreements granted by the City that are acquired by Licensee through the purchase or acquisition of other Cable Systems and/or cable operators. Upon completion of an acquisition, the terms of this License shall govern Licensee's newly acquired Cable System(s) or cable operation(s).

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties have executed this License on the dates below to take effect retroactively as of the _____ day of _____, 2015.

CITY OF SURPRISE

By:

Sharon Wolcott, Mayor

Date

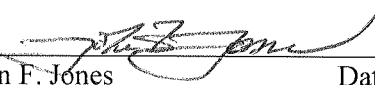
ATTEST:

Sherry Ann Aguilar, City Clerk

APPROVED AS TO FORM:

Misty Leslie, City Attorney

Qwest Broadband Services, Inc., d/b/a CenturyLink

By 
John F. Jones

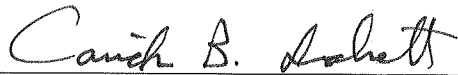
Date

9/1/15

STATE OF LOUISIANA

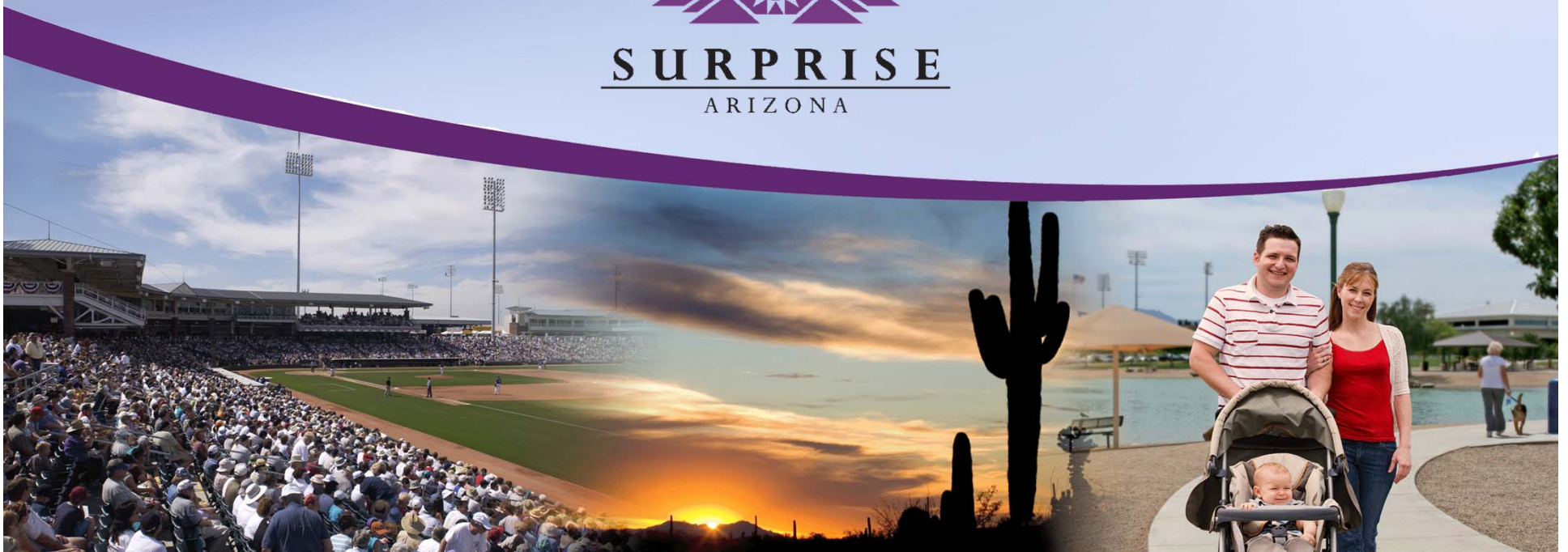
PARISH OF OUACHITA

The foregoing instrument was acknowledged before me this 1st September, 2015, by John Jones, the SVP of Qwest Broadband Services, Inc., a Delaware Corporation, on behalf of the corporation.


NOTARY PUBLIC

Print Name: Carrick B. Inabnett
Bar Roll# 21635
My Commission Expires: Death

CenturyLink Cable Television License Agreement October 06, 2015



Renewal of the CenturyLink cable television license agreement

- Permission to utilize the public right-of-way to construct and expand a cable system for a fee
- 15 year contract
- Fee is 5% of gross revenue

Revenue



FY15 revenue from CenturyLink license agreement

1 st Quarter	\$ 41,162.33
2 nd Quarter	51,010.23
3 rd Quarter	52,428.29
4 th Quarter	51,807.78
Total	\$196,408.63

City Channels



- Continuation of 2 existing PEG channels
 - Surprise 11 – Managed by Communications
 - Dysart 99 – Managed by Dysart USD
- Ability to broadcast in High Definition
- Ability to add Electronic Program Guide
 - Listing of Shows, Description, Etc.

Additional Service to City



- Basic cable service and drops to schools within the City's boundaries
- Undergrounding: Construction, installation, and maintenance of the Cable System will now adhere to the City standards relative to underground facilities
 - New service areas – underground cabling – no poles.

Questions or Comments?





CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

Back Print

Council Meeting Date:	October 6, 2015	Contact Person:	Chris Boyd, Community Development
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	None		

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

Agenda Wording:

Consideration and action amending the 2012 International Building Code, as referenced in Surprise Municipal Code Section 105-19(a), by authorizing the use of a new Accessibility Icon; Ordinance 2015-18.

Motion:

I move to approve Ordinance 2015-18.

Background:

On April 15, 2014 the City Council approved Ordinance 2014-40, adopting the 2012 set of international technical codes, including the 2012 International Building Code. This item will amend the 2012 International Building Code by making the “active accessibility” icon an option for businesses needing to utilize an accessibility icon. This amendment does not require the use of the “active accessibility” icon, but gives business a choice between the active and historic icons. The “active accessibility” icon has been adopted by the State of New York, and the cities of Phoenix, Arizona, El Paso, Texas and Cambridge, Massachusetts. For additional information, please see the attached staff report.

Objective Analysis:

This action should result in a positive impact for the City of Surprise and its residents. It will provide an option for businesses to utilize an accessibility symbol as more progressive.

Policy Compliant:

This action is consistent with Council's policy of promoting business choice and supporting people with disabilities by shifting the focus of the icon to reflect an active person.

Financial Impact:

There are no additional operational costs associated with this item; replacement of existing signage at city facilities will occur during normal operational maintenance by facilities management.

Budget Impact:

Funding for normal operational maintenance is included in the ongoing General Fund operating budget of the Public Works Department.

FTE Impact:

This action will not have any impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [Accessibility Icon - Staff Report](#)
 - ☐ [Accessibility Icon - Presentation](#)
 - ☐ [Ordinance 2015-18](#)
-



**Community Development
Building Safety Division**

16000 N Civic Center Plaza

Surprise, Arizona 85374

Phone: 623-222-3000 / Fax: 623-222-3001

TTY: 623-222-1002

Date: October 6, 2015

To: Mayor and Surprise City Council

From: Eric Fitzer, Department Director
Chris Boyd, Assistant Department Director
Brigham Bennett, Plans Examiner

Re: **New Accessibility Icon - Pictogram**

INTRODUCTION

This text amendment will allow commercial property owners the choice of using the new accessibility icon for the required accessible signage.

BACKGROUND

Cigna Corporation has approached City of Surprise staff about using the image adopted by the Accessible Icon Project for the accessible parking space signage and parking lot markings for its existing facility located in Surprise. Building Safety staff has researched the adoption and use of the Accessibility Icon as an approved pictogram for accessibility signage and markings.

The Accessible Icon Project transforms the original International Symbol of Accessibility into an active engaged image. The new icon proposed by the Accessible Icon Project shows the handicapped person in a more active manner and shifts the focus from the chair to the person. The purpose of the new symbol is to re-imagine how society and individuals view people with disabilities.

The Accessibility Icon has been previously approved for use by the State of New York, City of Phoenix, City of El Paso and the City of Cambridge, Massachusetts.

IMPLEMENTATION

The new symbol is consistent with the requirements of the Americans with Disabilities Act. Federal and state officials have determined that slight variations of the historical

International Symbol of Accessibility are generally permissible as long as the symbol clearly displays a wheelchair and signifies accessibility.

The text amendment would alter three sections of the building code requirements pertaining to accessible signage to allow the Accessibility Icon where the current code language specifically requires the historic International Symbol of Accessibility.

A building permit would not be required for any existing commercial property owner to change the pictogram on signage as it would be considered regular maintenance. Property owners of new buildings and parking lots would have the option to use either the historic International Symbol Accessibility or the new Accessibility Icon.

The Building Safety Division has collaborated with the Police Department to verify that there are no parking enforcement issues created by the use of the Accessibility Icon. The State of Arizona statutes related to police department enforcement of accessible parking requirements are not affected, nor negate or diminish the ability of the Police Department to cite any driver of a vehicle who parks in accessible parking spaces illegally.

This recommendation would not require any businesses operating within the City of Surprise to adopt this new pictogram, but would allow any commercial business owner the choice of doing so, while being in conformance to the accessibility provisions of the currently adopted building codes. This recommendation is forward-looking only: it would not require any commercial property owner to go back and create unnecessary expense by requiring existing signage to be altered or accessible parking spaces to be re-paved or re-painted with the new pictogram.

CITY OWNED FACILITIES

Public Works staff has led the efforts to collaboratively develop an implementation plan for city owned facilities. For new buildings and facilities, Public Works will use the Accessibility Icon as the pictogram on accessible signage and accessible parking space identification. Public Works will also utilize the Accessibility Icon as part of their regular and ongoing signage replacement and maintenance strategies.

RECOMMENDATION

Staff respectfully recommends the approval of the text amendment to allow property and business owners the option to use the new Accessibility Icon.

Accessibility Icon

October 6, 2015



Historic International Symbol of Accessibility



History of the Symbol of Accessibility

- **In Use Since 1968**
- **Used Internationally**
- **Adopted by ADA in 1990**
- **Depicts Improved Access and the Removal of Physical Barriers**

Accessibility Icon



Accessibility Icon

- **Active and Engaged Image**
- **Changes Focus from Chair to Person**
- **“Re-imagines” How Society and Individuals View People with Disabilities**

Adoption of Accessibility Icon

- **State of New York**
- **City of Phoenix**
- **City of El Paso**
- **City of Cambridge, Mass.**

Adoption of Accessibility Icon - Surprise

- **Option to Use Either Pictogram**
- **Can Change Without Permit**
- **Forward Looking Approach**
- **Parking Violations Enforceable by Police Department**

City of Surprise Facilities

- **Public Works Implementation**
- **New Facilities**
- **Existing Facilities**
 - **Regular Maintenance**
 - **Phased In Replacement**

Questions or Comments?



ORDINANCE #2015-18

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING APPLICABLE SECTIONS OF THE CURRENTLY ADOPTED 2012 INTERNATIONAL BUILDING CODES TO ALLOW THE USE OF THE ACCESSIBILITY ICON AS AN APPROVED ACCESSIBILITY PICTOGRAM, REFERENCED IN SECTION 105-19(a) OF THE SURPRISE MUNICIPAL CODE.

WHEREAS, the Mayor and Council deem it necessary, in order to protect the public health, safety and welfare and public and private property, to adopt certain rules and regulations to regulate the erection, construction, enlargement, alteration, repair, moving, removal, and demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings, structures, or premises;

WHEREAS, in 2014 the Mayor and City Council adopted the 2012 set of International Codes;

WHEREAS, City staff recommends the proposed change to the building code to give business and property owners the opportunity to use this alternate icon to satisfy the signage requirements; and

WHEREAS, all other sections of the 2012 International Codes not specified within this ordinance, remain in effect as previously adopted.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Surprise that:

Section 1. The 2012 International Codes and appendices as published by the International Code Council, and the amendments to those codes, as adopted on April 15, 2014, in Ordinance # 2014-04, is hereby further amended as indicated on attached Exhibit A. At least three (3) copies of this amendment shall be filed in the City Clerk's office and kept available for public use and inspection.

Section 2. Those changes indicated on attached Exhibit A are made to the International Code referenced in the Surprise Municipal Code, Chapter 105, Article II, Division 1, Section 105-19 (a).

Section 3. That if any provision or any portion of any provision of this Ordinance is for any reason held to be unconstitutional or otherwise unenforceable by a court of competent jurisdiction, such provision or portion thereof shall be deemed separate, distinct and independent of the remaining provisions of this Ordinance and shall be severed without affecting the validity of the remaining portions of this Ordinance.

Section 4. This Ordinance shall be codified in the same manner as previous City of Surprise amendments to the International Building Code.

Section 5. Other ordinances or sections of ordinances which are in conflict with the present Ordinance are repealed, including portions of Ordinance 2014-04 wherein it adopted the 2012 International Codes and amendments.

Section 6. Any violation of the 2012 International Codes or amendments may be enforced by civil or criminal citation as consistent with Surprise City Code.

PASSED AND ADOPTED by the City Council of the City of Surprise, Arizona this _____ day of _____, 2015.

Sharon Wolcott, Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

EXHIBIT A TO ORDINANCE NO. 2015-18

2012 INTERNATIONAL BUILDING CODE

SECTION 1110 SIGNAGE

1110.1 Signs.

Required *accessible* elements shall be identified by the International Symbol of Accessibility at the following locations:

1. *Accessible* parking spaces required by Section 1106.1 except where the total number of parking spaces provided is four or less.
 - a. Accessible parking spaces may also be identified by the use of the Accessibility Icon.
2. Accessible passenger loading zones.
3. *Accessible* rooms where multiple single-user toilet or bathing rooms are clustered at a single location.
4. *Accessible* entrances where not all entrances are accessible.
5. *Accessible* check-out aisles where not all aisles are accessible. The sign, where provided, shall be above the check-out aisle in the same location as the check-out aisle number or type of check-out identification.
6. Family or assisted-use toilet and bathing rooms.
7. *Accessible* dressing, fitting and locker rooms where not all such rooms are accessible.
8. *Accessible areas of refuge* in accordance with Section 1007.9.
9. Exterior areas for assisted rescue in accordance with Section 1007.9

1110.2 Directional signage.

Directional signage indicating the route to the nearest like *accessible* element shall be provided at the following locations. These directional signs shall include the International Symbol of Accessibility or the Accessibility Icon:

1. Inaccessible building entrances.
2. Inaccessible public toilets and bathing facilities.
3. Elevators not serving an *accessible route*.
4. At each separate-sex toilet and bathing room indicating the location of the nearest family or assisted-use toilet or bathing room where provided in accordance with Section 1109.2.1
5. At *exits* and *exit stairways* serving a required *accessible* space, but not providing an *approved accessible means of egress*, signage shall be provided in accordance with Section 1007.10.

ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES ICC/ANSI 117.1-2009

SECTION 502 Parking Spaces

502.7 Identification. Where accessible parking spaces are required to be identified by signs, the signs shall include the International Symbol of Accessibility complying with Section 703.6.3.1 or the Accessibility Icon complying with Section 703.6.3.2. Signs identifying van parking spaces shall contain the designation "van accessible." Such signs shall be 60 inches (1525 mm) minimum above the floor of the parking space, measured to the bottom of the sign.

SECTION 703 Signs

703.6.3 Symbols.

703.6.3.1 International Symbol of Accessibility. The International Symbol of Accessibility shall comply with Figure 703.6.3.1.

703.6.3.2 Accessibility Icon. The Accessibility Icon shall comply with Figure 703.6.3.2.



FIG. 703.6.3.1 INTERNATIONAL SYMBOL OF ACCESSIBILITY



FIG. 703.6.3.2 ACCESSIBILITY ICON



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Robert Kuhfuss, Community Development
Submitting Department:		District:	1
Staff Recommendations:	Continue		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action regarding a proposed Zone Change from CR to IP-PUD, CR to CR-PUD, and from IP to CR-PUD for Dysart Subdivision located at the southwest corner of Bell Road and Dysart Road; Ordinance 2015-16.

Motion:

I move to continue the consideration of this item to the October 20th 2015 Regular City Council Meeting.

Background:

The owner's agent met with staff to discuss the possibility of rezoning the property to accommodate a proposed automotive body repair facility in addition to future commercial uses as yet to be determined. These meetings were followed by a formal submittal to change the zoning of the property, in addition to a Master Site Plan and Final Plat. Staff is comfortable with the proposed zone change but notes that due to the timing of the Planning Commission relative to the City Council dates, the results of the Planning and Zoning Commission are not known as of the writing of the staff report.

This item was publicly noticed for a public meeting before the Planning & Zoning Commission on October 1st, 2015 and anticipated Council consideration on October 6th. Final consideration for Council consideration was not finalized until October 1st. Because the Planning & Zoning Commission had not yet considered the item and to avoid the need to repost the public hearing notices and related costs, staff is requesting the item to be continued to October 20th.

Objective Analysis:

The proposed Zone Change will facilitate the development of the property as an automotive repair facility and other as-yet to be determined commercial uses. Together with related Final Plat and Master Site Plan, the proposed Zone Change will provide the mechanism needed to allow the owner to bring

this otherwise vacant property to market, which will in turn allow it to be developed in a manner that is consistent with the goals and policies of the General Plan.

Policy Compliant:

The proposed Zone Change advances the goals and policies of the Surprise General Plan and the City Council's Strategic Plan.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This action will not have any impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [PZ00 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Staff Report](#)
 - ☐ [PZ01 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Vicinity Map](#)
 - ☐ [PZ02 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Case Map](#)
 - ☐ [PZ03 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Zoning Narrative](#)
 - ☐ [PZ04 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - P&Z Commission Staff Report](#)
 - ☐ [PZ05 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Site Plan \(1 & 2 of 3\)](#)
 - ☐ [PZ05 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Site Plan \(3 of 3\)](#)
 - ☐ [PZ06 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Landscape Rendering](#)
 - ☐ [PZ07 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Elevation Rendering](#)
 - ☐ [PZ08 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Sign Package](#)
 - ☐ [PZ09 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - ADOT Comments](#)
 - ☐ [PZ10 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - MWD Comments](#)
 - ☐ [PZ11 - FS15-155 - Dysart Subdivision - Caliber Collision - Rezone - Luke AFB Comments](#)
 - ☐ [FS15-155 - Dysart Subdivision - Caliber Collision - Presentation](#)
 - ☐ [Ordinance 2015-16](#)
-

ZONE CHANGE

REPORT TO THE CITY COUNCIL

Case: FS15-155

Project Name: Dysart Subdivision Rezone

Council District: 4

Meeting Date: October 6, 2015

Planner: Robert H. Kuhfuss, AICP

Owner: Farhad and Kathryn Shokoohl

Applicant: Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn Shokoohl

Request: Rezone from CR to IP-PUD (approx. 2.04 acres), from CR to CR-PUD (approx. 0.75 acres), and from IP to CR-PUD (approx. 5.51 acres)

Site Location: Southwest corner of Bell Road and Dysart Road

Site Size: 8.30 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 Zone Change is consistent with the Surprise General Plan 2035.
- The reviewing agencies have indicated no objections to the request.

Actions: Should the Council wish to move favorably on the Zone Change, the Council may wish to include the following stipulation of approval; however, staff notes these are as proposed to the Commission by staff and that the Commission's recommendation is not available as of the writing of this report.

- 40
- 41 a. Development and use of the site shall be in substantial conformance with the project
- 42 narrative entitled “Dysart Subdivision Rezone Document PUD Overlay”, prepared by Olsson
- 43 Associates, consisting of 20 pages dated revised August 17, 2015 and stamped received
- 44 August 17, 2015, except as modified by the following stipulations.
- 45
- 46 b. If a Final Plat has not been recorded within one (1) year of approval of this Zone Change
- 47 request by the City Council, the subject zone change may be scheduled for public hearing by
- 48 the Planning and Zoning Commission and City Council for consideration of reverting the
- 49 property to its former zoning per ARS § 9-462.01.E.
- 50
- 51 c. Non-compliance with the stipulations of approval of this case will be treated as a violation in
- 52 accordance with the provisions of Article XIV of the Surprise Unified Development Code.
- 53
- 54 d. The Property owner and successors waive claim for diminution of in value if the City takes
- 55 action to rescind approval of this zone change request due to non-compliance with the
- 56 stipulations of approval.
- 57

58 **PROJECT DESCRIPTION:**

59

60 Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn

61 Shokoohl, seeks approval of three separate but related requests:

62

- 63 • A Zone Change from CR to IP-PUD, from CR to CR-PUD, and from IP to CR-PUD (Item 1
- 64 above);
- 65 • A Major Site Plan in these newly established districts;
- 66 • A three-lot Final Plat.
- 67

68 The Zone Change and Major Site Plan are scheduled for action by the Planning and Zoning

69 Commission on October 1, 2015; however, as of the writing of this report, the Commission has not

70 yet taken action. Staff will therefore update the Council regarding the Commission’s action during

71 the Council’s regular session to occur on October 6, 2015.

72

73 While the Commission has purview over the Major Site Plan, the subject Zone Change supports the

74 Site Plan and will proceed to the City Council for final action on October 6, 2015, pending a

75 favorable recommendation by the Commission. The Final Plat will proceed directly to the City

76 Council on October 6, 2015 without benefit of Commission review and is discussed under separate

77 cover.

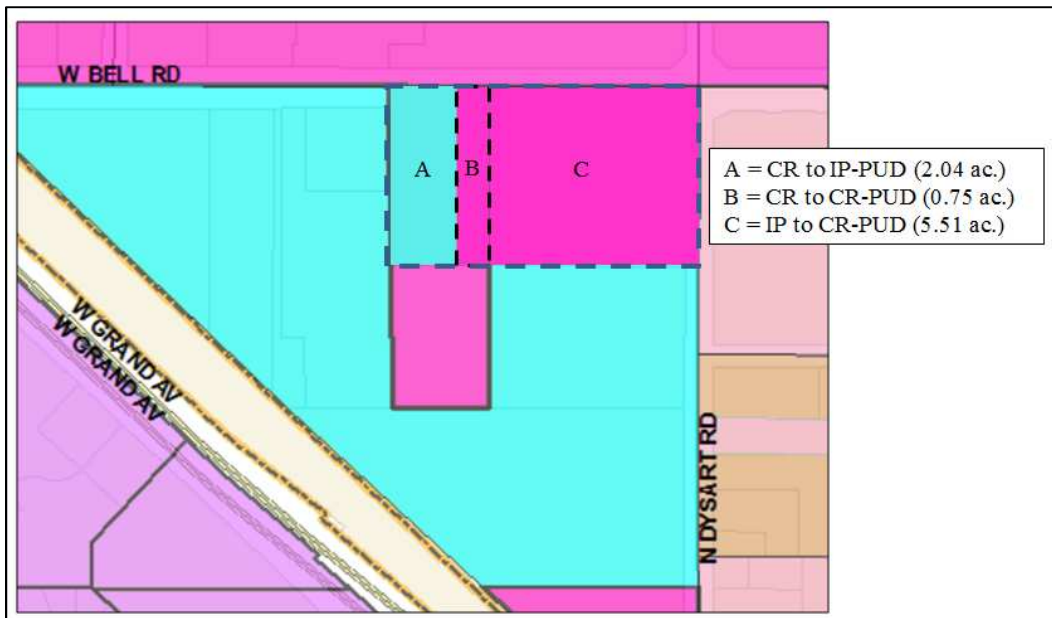
78

79 All three actions anticipate the development of a Calber Collision Center and other as-yet to be

80 determined commercial uses. The merits of the Zone Change are discussed in the attached staff

81 report to the Planning and Zoning Commission; however, the following map expresses the overall

82 intent.



SUMMARY:

Staff believes the proposed Zone Change, Major Site Plan and Final Plat, will provide the mechanism needed to allow the owner to bring the property to market, which will in turn allow it to be developed in a manner that is consistent with the goals and policies of the General Plan.

Attachments:

- 01 – Vicinity Map (1 page)
- 02 – Zone Change Case Map (1 page)
- 03 – Zoning Narrative (20 pages)
- 04 – Planning and Zoning Commission Staff Report (8 pages)
- 05 – Site Plan (3 pages)
- 06 – Landscape Rendering (1 page)
- 07 – Elevation Rendering (1 page)
- 08 – Sign Package (5 pages)
- 09 – ADOT comments (1 page)
- 10 – MWD comments (1 page)
- 11 – Luke AFB comments (1 page)

[illegible]

From: Bob Patoni
Sent: Wednesday, April 22, 2015 10:41 AM
To: 'Deborah.Perry@surprizeaz.gov'; 'lswartz@olssonassociates.com'
Cc: Vanessa Nunez
Subject: FW: FS15-155 Caliber Collision, Bell Rd East of Grand Ave

RE: FS15-155
Caliber Collision
Bell Road, East of Grand Avenue

Attention: Deborah Perry and Len Swartz

Thank you for your notice of rezoning and final plat application for the above-referenced proposed development.

ADOT is neutral regarding the proposed rezoning of the parcels cited in your rezoning package. However, the above-described project is in very close proximity to ADOT's planned US60 Bell Road Traffic Interchange, a grade-separated improvement that will have Bell Road elevated via a bridge over Grand Avenue. The Traffic Interchange is in design stage and is planned for construction in late 2015. We would recommend that the principals to your project familiarize themselves with the aspects of the US60 Bell Road Traffic Interchange project. For further information, please contact me at the below contact information.

Bob Patoni
Right of Way Project Coordinator

205 S. 17th Ave. MD: 612E
Phoenix, AZ 85007
602-712-6126
WWW.AZDOT.GOV



Intermodal Transportation

Deborah,

Thank you for providing the submittal for Caliber Collision (FS15-155).

Maricopa Water District (MWD) has reviewed this submittal and determined this lies outside the current boundaries of MWD.

Thank again,

Debbie Trasancos

Property & Contracts Specialist

Maricopa Water District

14825 W. Grand Ave.

Surprise, AZ 85374

623/546-8266

fax 623/584-2536

debbiet@mwdaz.com



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

27 April 2015

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

Ms. Deborah Perry
City of Surprise Planning Department
16000 North Civic Center Plaza
Surprise AZ 85374

Re: FS15-155; Caliber Collison

Dear Ms. Perry

Thank you for the opportunity to comment on the Rezone, Final Plat, & Site Plan application for Caliber Collison located on 9.9 acres at the SWC of Bell and Dysart Roads in Surprise AZ. The project is comprised of new construction for a 14,000 square foot building which will house office, mechanic shop, parts sales, detailing and painting booth. The request is also to rezone 200 feet of parcel 501-16-001V from C-3 (Regional Commercial) to I-1 (Light Industrial) and to rezone parcel 501-16-001K from I-1 to C-3. The site is located approximately 1.7 miles outside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as identified by A.R.S. § 28-8461 and is within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described, this request will not negatively impact the flying operations at Luke AFB. Since the site is located within the "territory in the vicinity of a military airport," it will be subjected to noise from approximately 165 over flights a day, with some as low as 1,500 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform the tenant about Luke AFB operations. We also recommend a review of the Luke AFB web site at <http://www.luke.af.mil>, Community Interests and Community Initiatives links, for further information.

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

Sincerely

A handwritten signature in purple ink, appearing to read "JA Mitchell", is written over the word "Sincerely". Below the signature, the word "For" is written in a smaller, handwritten style.

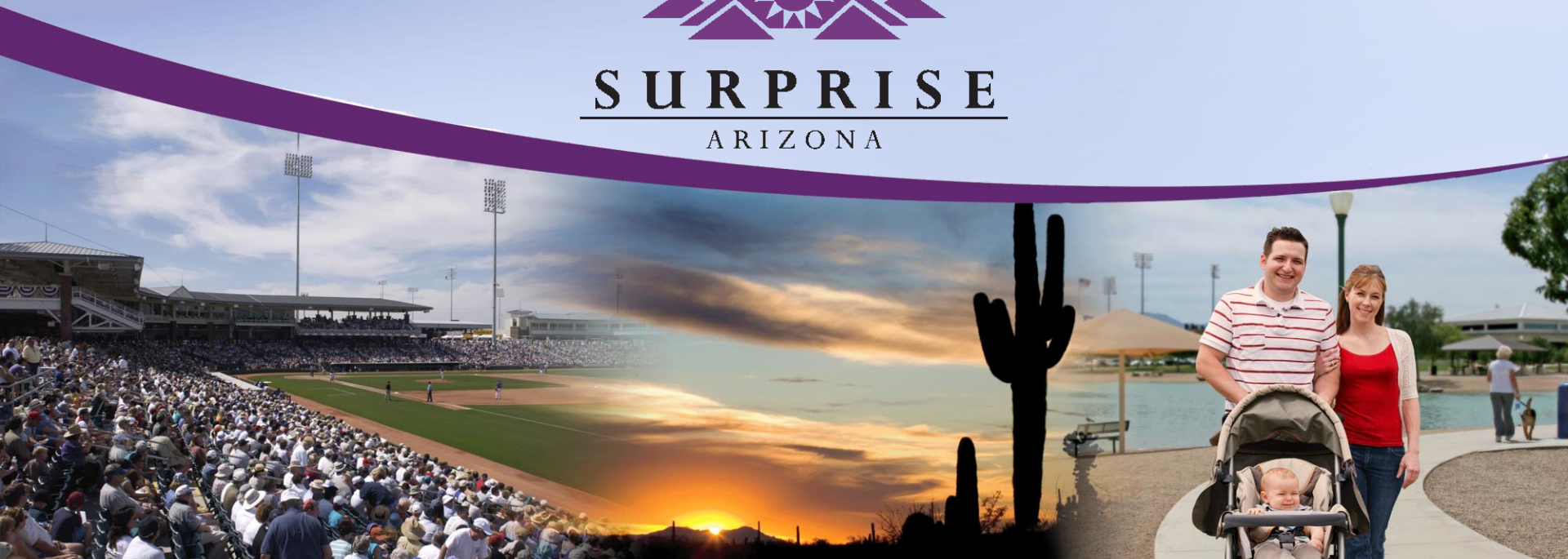
JAMES R. MITCHELL

cc:

Colonel Jeremy T. Sloane, Vice Commander, 56th Fighter Wing
Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

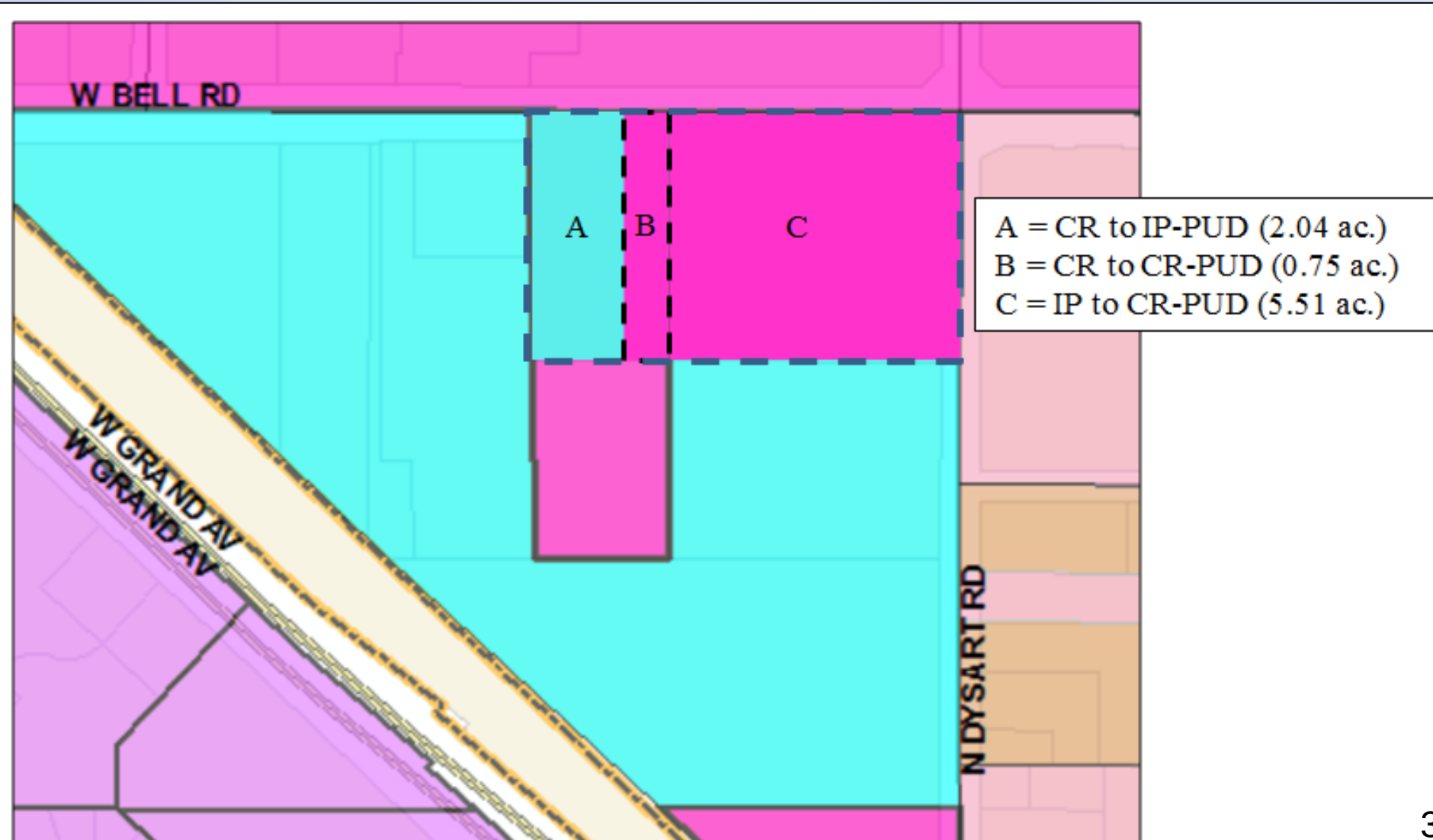
FS15-155 Dysart Subdivision Zone Change and Final Plat City Council Regular Session

October 6, 2015

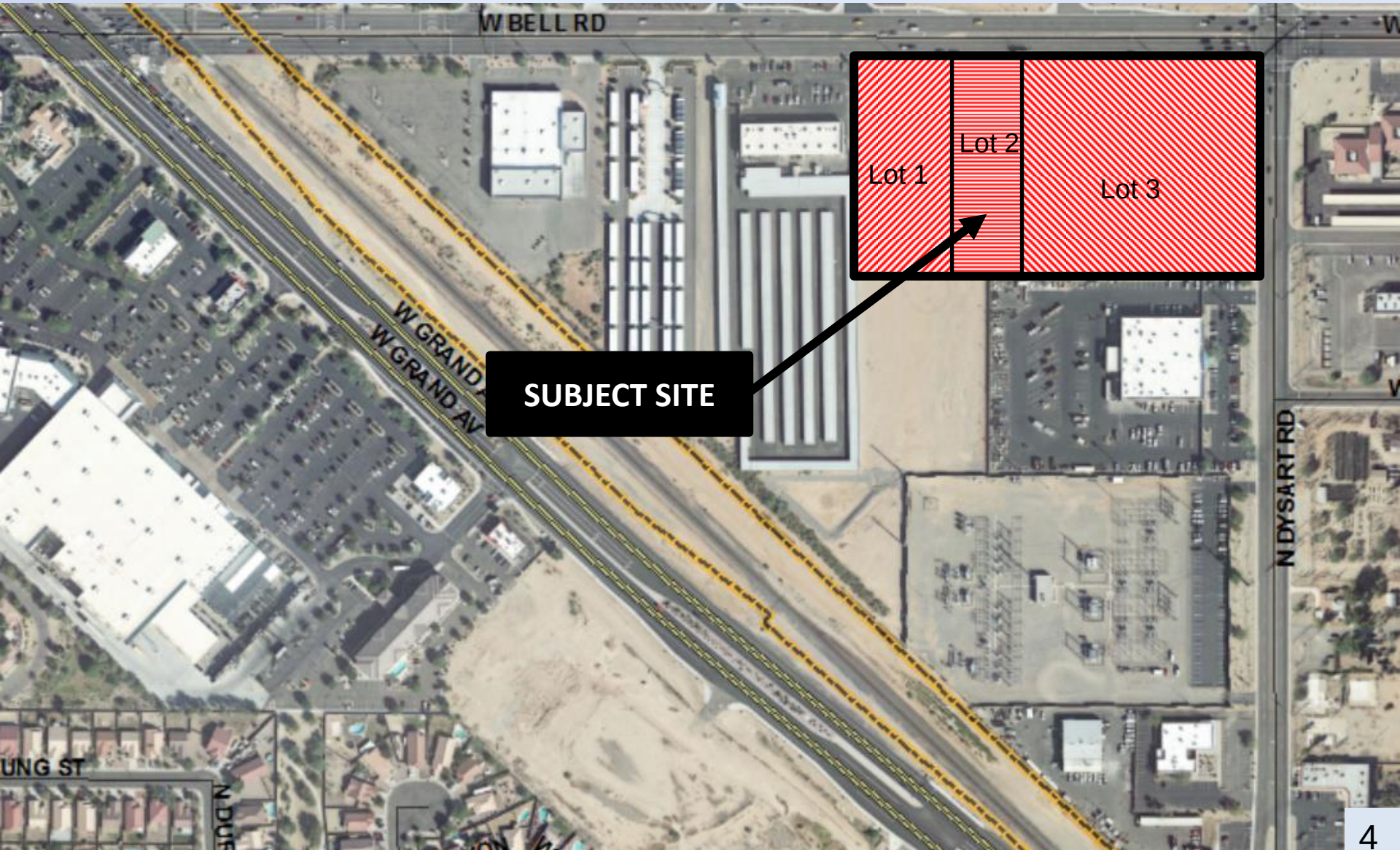


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Zoning Case Map



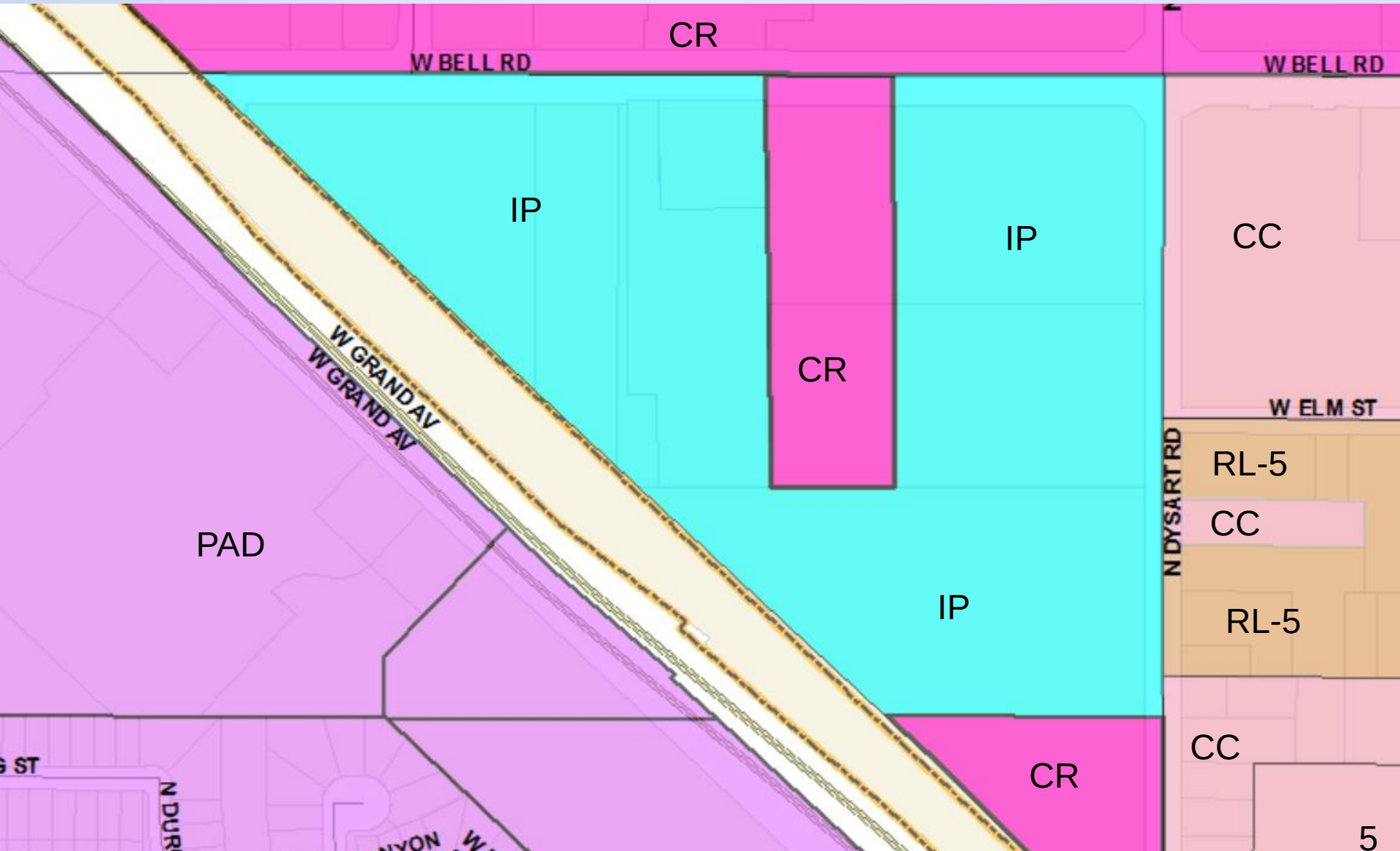
Final Plat Case Map



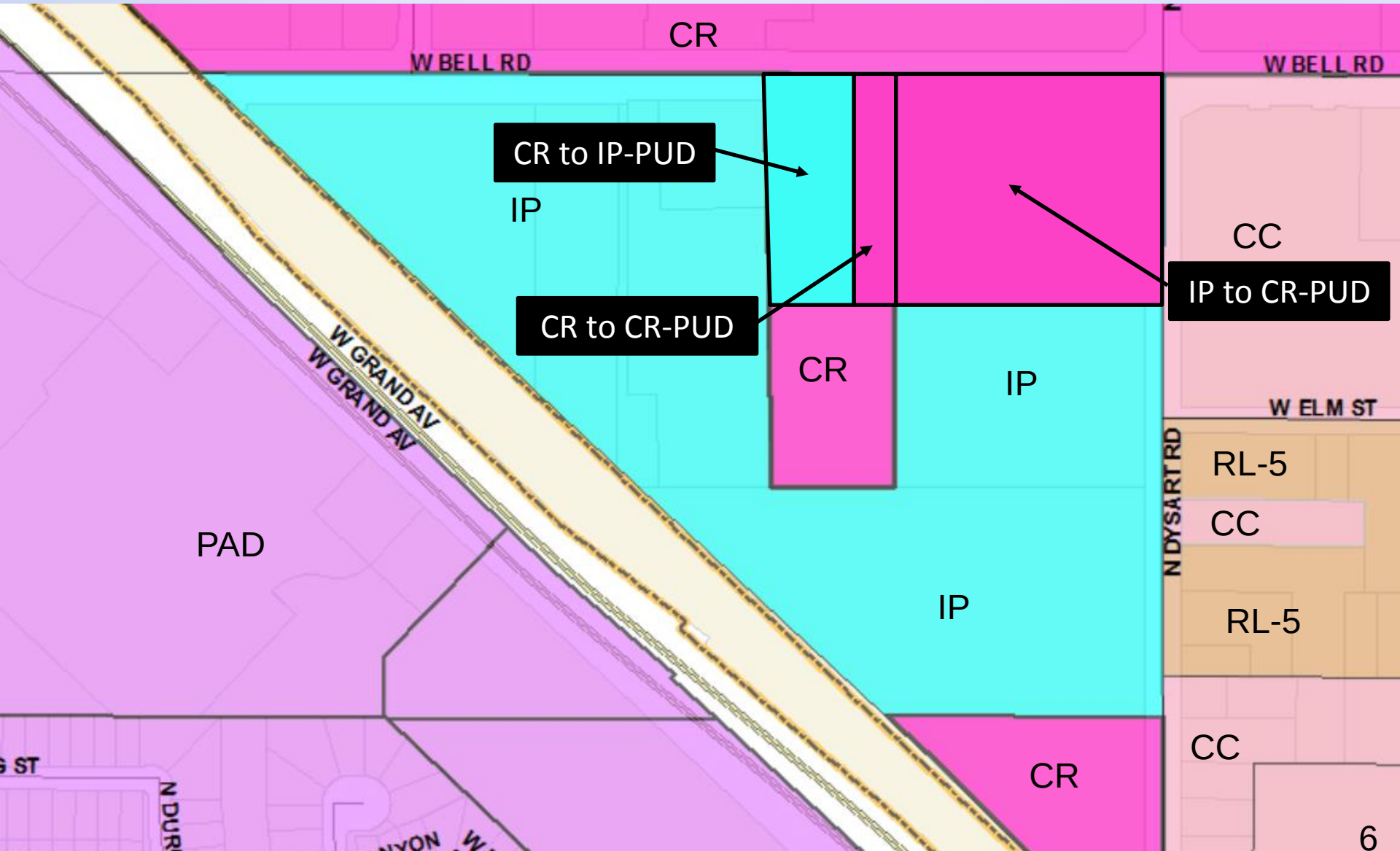
FS15-155 Dysart Subdivision



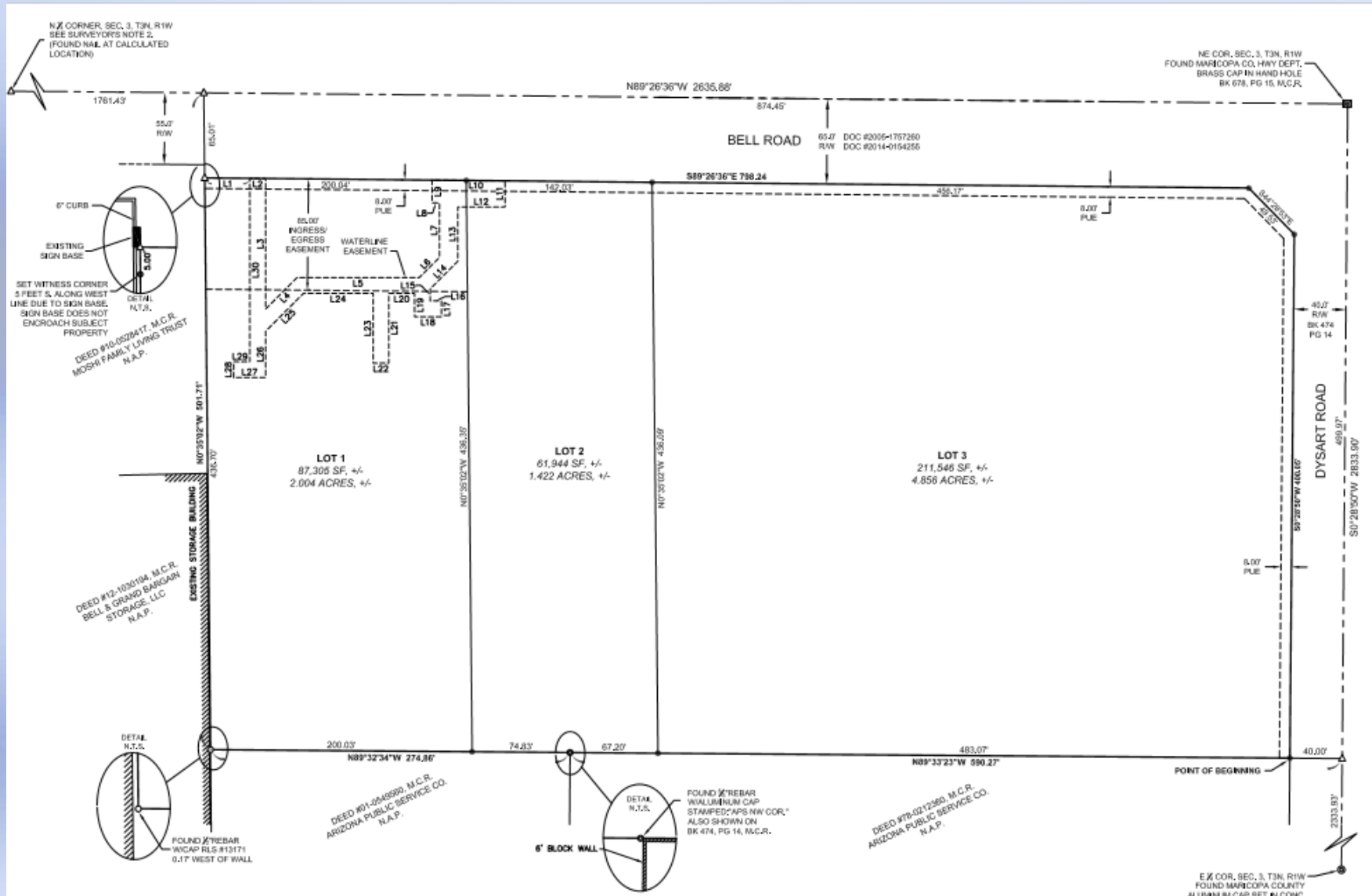
Current Zoning



Proposed Zoning



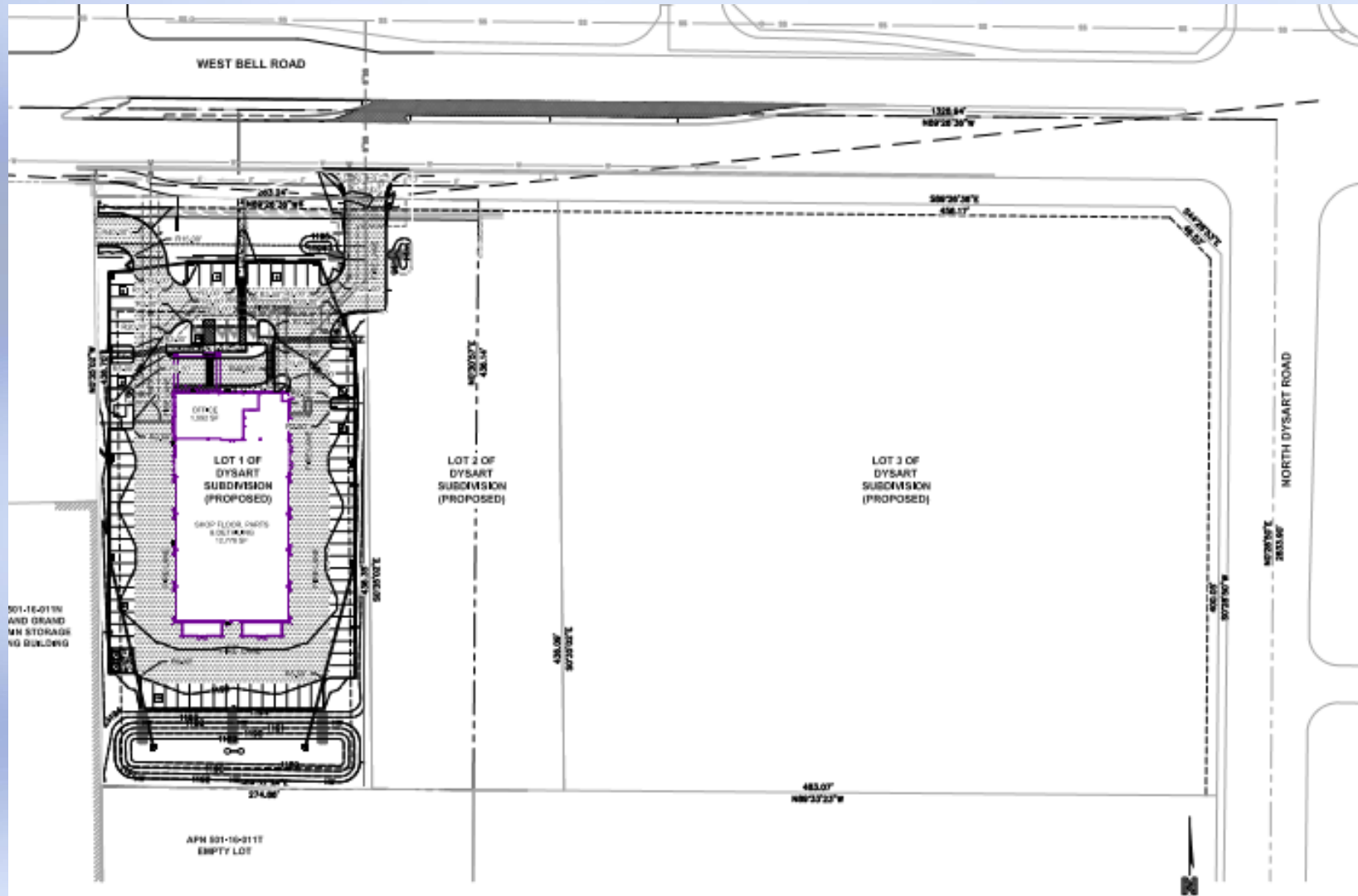
Proposed Final Plat



FS15-155 Dysart Subdivision

Proposed Site Plan

(Context only – reviewed by P&Z on October 1, 2015)



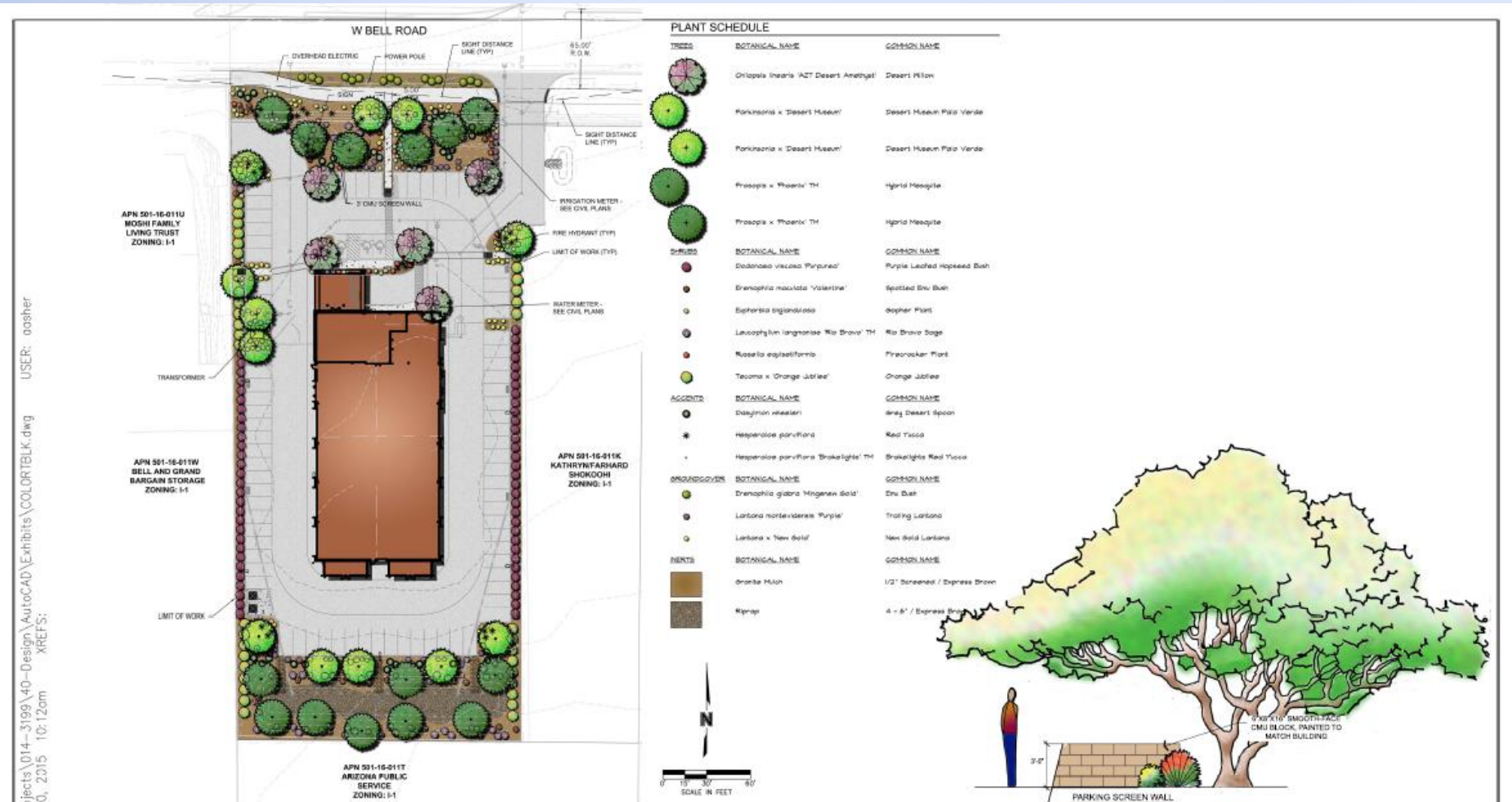
(Context only – reviewed by P&Z on October 1, 2015)



FS15-155 Dysart Subdivision

Proposed Landscape Plan

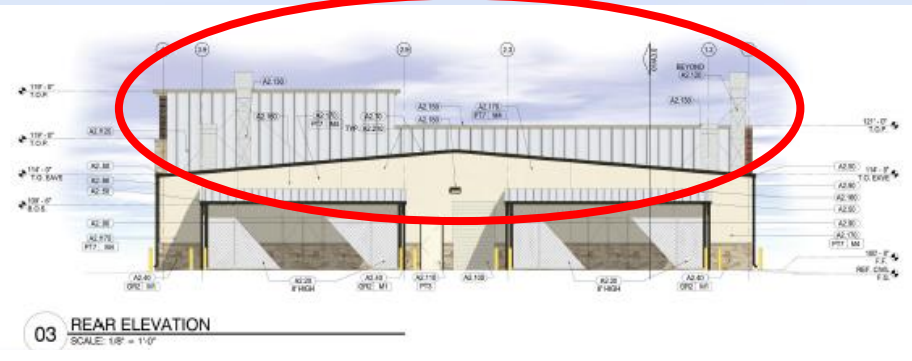
(Context only – reviewed by P&Z on October 1, 2015)



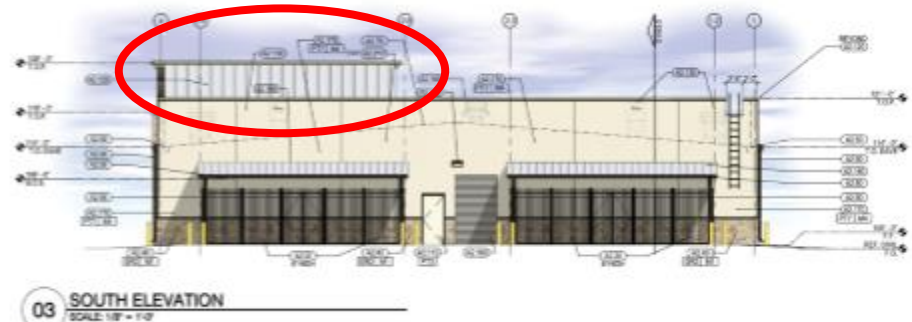
(Context only – reviewed by P&Z on October 1, 2015)



Proposed Elevations – North and South (Context only – reviewed by P&Z on October 1, 2015)



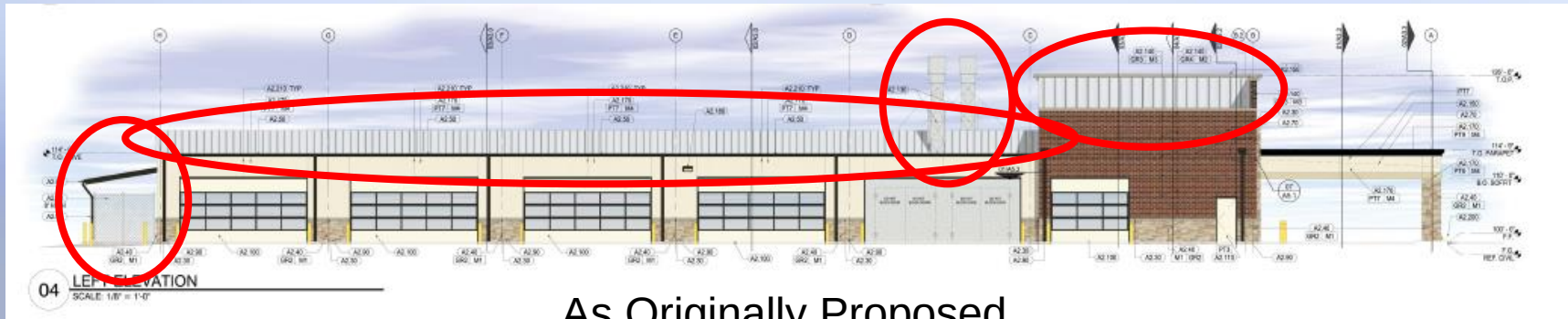
As Originally Proposed



As Currently Proposed

Proposed Elevations – East

(Context only – reviewed by P&Z on October 1, 2015)



As Originally Proposed



As Currently Proposed

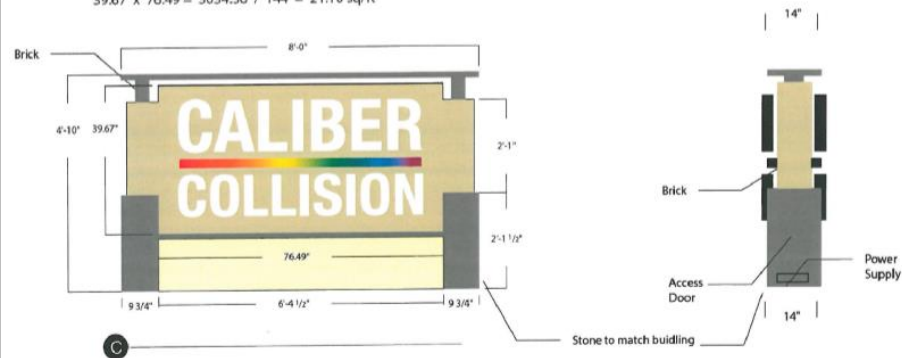
FS15-155 Dysart Subdivision

Proposed Signage

(Context only – reviewed by P&Z
on October 1, 2015)



$$39.67 \times 76.49 = 3034.36 / 144 = 21.10 \text{ sq/ft}$$



Proposed Development Standards

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155)
 Shaded cells indicate development standard that is less restrictive than the base zoning district.
 All other provisions of the IP and CR zoning districts apply.

Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122- 136(b)(18)(h)	45' ³	45' ²	122- 136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)

Footnotes:

¹ Adjacent to Commercial or Industrial zoning districts.

² 10' limited driveway access encroachment from street and architectural encroachment allowed per 122-136(b)(18)(h), Table 10-4.

³ Limited driveway encroachment from the west to accommodate shared access allowed per site plan.

⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.

Citizen Outreach

- Outreach meeting on July 21, 2015
- One phone inquiry
- No support or opposition known

Planning Commission Recommendations:

- To be determined

Questions or Comments?



ORDINANCE 2015-16

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM CR TO IP, FROM CR TO CR AND FROM IP TO CR WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY FOR THE DYSART SUBDIVISION, LOCATED AT THE SOUTHWEST CORNER OF BELL ROAD AND DYSART ROAD.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located at the southwest corner of Bell Road and Dysart Road;

WHEREAS, the subject site is zoned as CR and IP;

WHEREAS, the Zone Change and PUD overlay district is authorized by Surprise Municipal Code §122-68;

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations;

WHEREAS, the proposed PUD overlay satisfies the requirements set forth in Chapter 122 of the Surprise Municipal Code;

WHEREAS, this Zone Change and PUD overlay is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on October 1, 2015, the Planning and Zoning Commission recommended approval of the application to re-zone from CR to IP-PUD and from CR to CR-PUD and PUD overlay.

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

Section 1. The parcel legally described on Exhibit A and depicted on Exhibit B, known as the “Dysart Subdivision” is rezoned from CR to IP PUD, from CR to CR PUD and from IP to CR PUD with a planned unit development (PUD) overlay, in conformance with the “Dysart Subdivision Zone Change and PUD Overlay” document, dated August 17, 2015. This re-zoning approval is subject to the following conditions:

- a. Development and use of the site shall be in substantial conformance with the project narrative entitled “Dysart Subdivision Rezone Document PUD Overlay”, prepared by Olsson Associates, consisting of 20 pages dated revised August 17, 2015 and stamped received August 17, 2015, except as modified by the following stipulations.
- b. If a Final Plat has not been recorded within one (1) year of approval of this Zone Change request by the City Council, the subject zone change may be scheduled for public hearing by the Planning and Zoning Commission and City Council for consideration of reverting the property to its former zoning per ARS § 9-462.01.E.
- c. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.
- d. The Property owner and successors waive claim for diminution of in value if the City takes action to rescind approval of this zone change request due to non-compliance with the stipulations of approval.

Section 2. Amendment of Zoning Map. The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. Codification. This ordinance is not of a general nature and will not be codified.

Section 4. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SIGNATURES ON FOLLOWING PAGE

PASSED AND ADOPTED this _____ day of _____, 2015.

Sharon R. Wolcott, Mayor

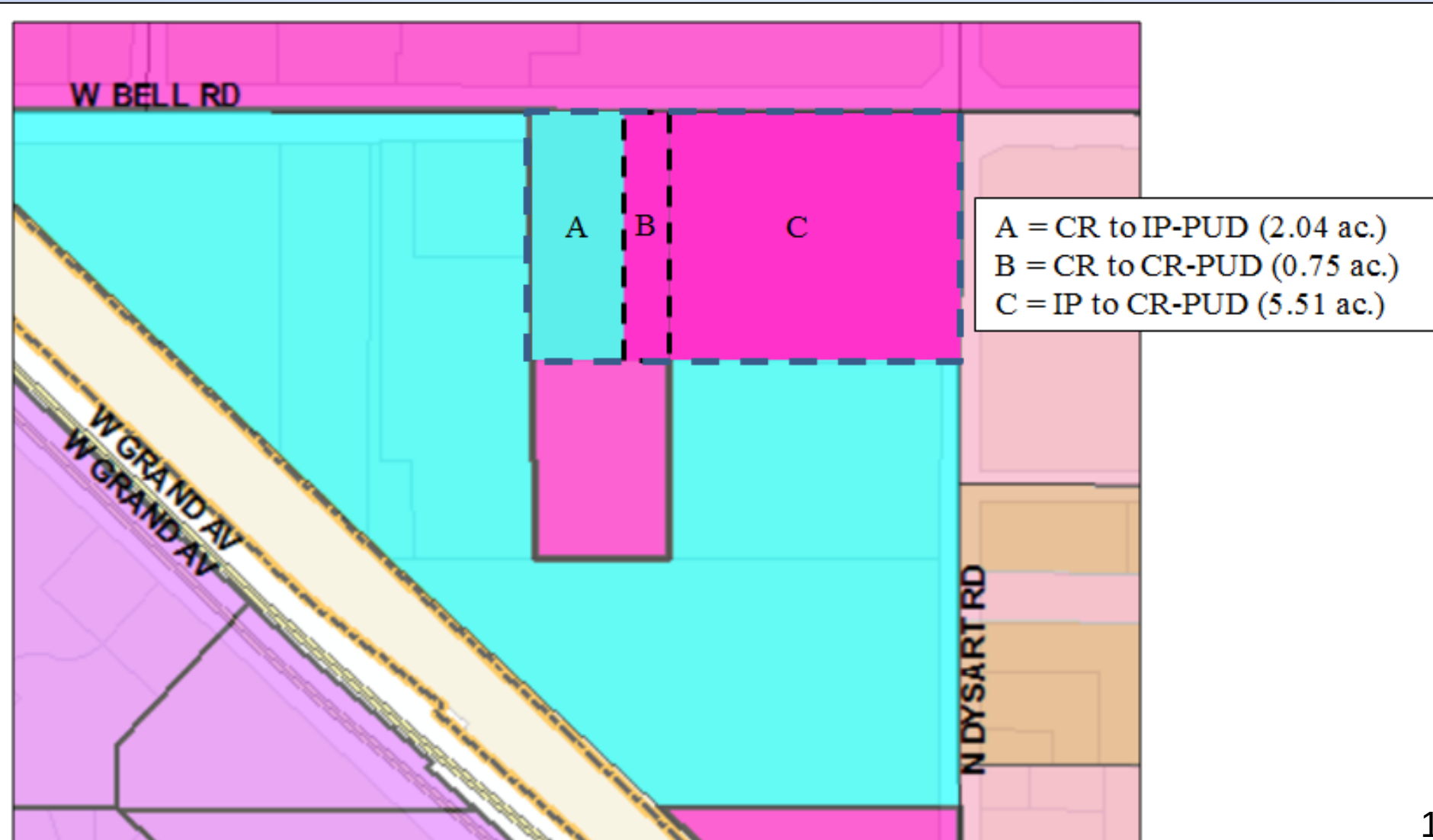
Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

Zoning Case Map





**Dysart Subdivision
Rezone Document
PUD Overlay**

**Southwest Corner of Bell and Dysart
501-16-011V and 501-16-011K**

**1st Submittal
April 10, 2015
Revision
June 26, 2015
Revision
July 24, 2015
Revision
August 17, 2015**

**Prepared by Olsson Associates
OA# 014-3199
Surprise Case # FS15-155**

Project Team

Developer
Cross Development
17430 Campbell Road, Suite 225
Dallas, TX 75252
214-422-3031
Kevin McKibben

Applicant and Engineer
Olsson Associates
7250 N 16th Street, Suite 210
Phoenix, AZ 85020
480-333-4319
Len Swartz, PE

Request:	Rezone of vacant land. From CR to IP-PUD and from IP to CR-PUD
Applicant:	Olsson Associates on behalf of Cross Development
Site Location:	Southwest corner of Bell and Dysart 501-16-011V and 501-16-011K
Existing Zoning:	CR and IP
Proposed Zoning:	IP-PUD and CR-PUD
Existing Land Use:	Vacant

TABLE OF CONTENTS

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FIGURE 1 – AERIAL VIEW OF SITE

TABLE 1 – REZONING REQUEST TABLE

APPENDIX 1 – SITE PLAN

APPENDIX 2 – EXISTING ZONING MAP

APPENDIX 3 – PROPOSED ZONING MAP

APPENDIX 4 – PROPOSED LAND USE MAP

APPENDIX 5 – LOT 1, CALIBER COLLISION SITE PLAN

APPENDIX 6 – LOT 1, CALIBER COLLISION LANDSCAPE PLAN

1.0 INTRODUCTION

The proposed Dysart Subdivision (the “Site”) consists of 3 lots located along the south side of Bell Road beginning at the south-west corner of Bell Road and Dysart Road. The total gross area is 10.00 acres. A total Right-of Way dedication of 1.703 acres is proposed with the development of all 3 lots, resulting in a net area of 8.297 acres for the Site.

Lot 3 is located directly on the south-west corner of Bell & Dysart Roads, with approx. 456 feet of frontage on Bell Road and approx. 400 feet of frontage on Dysart Road. Lot 3 has a net area of 4.856 acres. Lot 3 is currently vacant land, with no plans at this time for development.

Lot 2 is located to the west of Lot 3, and has approx. 142 feet of frontage along Bell Road. Lot 2 has a net area of 1.422 acres. Lot 2 is currently vacant land, and is under design by another team for an anticipated commercial use.

Lot 1 is located to the west of Lot 2, and has approx. 200 feet of frontage along Bell Road. Lot 1 has a net area of 2.004 acres. Lot 1 is currently vacant land, and is under design for a Caliber Collision Repair Shop.

Figure 1 below shows an aerial view of the property, and a copy of the Site Plan can be found in Appendix 1.



FIGURE 2 – AERIAL VIEW OF SITE

2.0 SURROUNDING AREA AND EXISTING ZONING

As previously mentioned, all 3 lots are currently vacant and undeveloped. The Site is bounded on the north by Bell Road, and on the east by Dysart Road. South of the Site is a vacant, undeveloped property toward the west, and APS's office and facility toward the east. Neighboring to the west of the Site is a shops building and storage facility.

Currently the existing western parcel, (Lot 1, and approx. ½ of Lot 2) is zoned CR and the eastern parcels, (approx. ½ of Lot 2 & Lot 3) are zoned IP.

The Existing Zoning Map can be found in Appendix 2.

3.0 PROPOSED ZONING AND PUD OVERLAY

The purpose of the PUD Overlay on the IP Portion is to address landscape setbacks, parking and signage issues. The purpose of the PUD Overlay on the CR portion is to address the side yard setback.

The proposed condition will reflect rezoning the vacant land of the western parcel, (Lot 1) from CR to IP-PUD, and the remaining vacant property, (Lots 2 & 3) will be rezoned from CR & IP to CR-PUD through this request.

See Rezoning Request Table below for the full rezoning request:

IP-PUD/CR-PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155) Shaded cells indicate development standard that is less restrictive than the base zoning district. All other provisions of the IP and CR zoning districts apply.						
Development Standard	IP to IP-PUD			CR to CR-PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122-136(b)(18)(h)	45' ³	45' ²	122-136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁴	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)
Footnotes:						
¹ Adjacent to Commercial or Industrial zoning districts.						
² 10' limited driveway access encroachment from street and architectural encroachment allowed.						
³ Limited driveway encroachment from the west to accommodate shared access allowed peer site plan.						
⁴ Based on Automotive Repair and Service use. If other than automotive Repair and Service, City of Surprise, Municipal Code Section 122-133 Table 9-1 applies.						

TABLE 1 – REZONING REQUEST TABLE

The proposed uses fit well with the existing land uses and surrounding neighbors. The Proposed Zoning Map can be found in Appendix 3, and the Proposed Land Use Map can be found in Appendix 4.

The proposed uses include Caliber Collision on the IP-PUD property, (Lot 1), and the remainder of the site zoned CR-PUD with anticipated commercial uses that are compatible with neighboring properties.

3.1 SITE LAYOUT

As the properties to the east develop, detailed site/construction plans for those lots will be required. Only the Caliber Collision, (Lot 1) details are included with this submittal.

Caliber Collision is the nation's largest collision repair company. They were founded in 1997 and is headquartered in Texas. Caliber participates in a number of community involvement projects including food drives, recycled rides, and veteran organizations.

Caliber is committed to health, safety and environmental protection. They use the repair processes with the highest standards and have pioneered the use of water-based versus solvent based paint to reduce VOCs. More can be found about Caliber on their web site at <http://calibercollision.com/>

The proposed Caliber Collision site, (Lot 1), is located approximately 500 feet west of Dysart Road on the south side of Bell Road. The project is comprised of a 14,770 SF building. Within the building there will be an office, mechanic shop, parts sales, detailing, and painting booth. Customers can also rent a vehicle on location when they drop off their vehicle for repairs.

The site is proposing a new right in/right out/left in drive connection to Bell Road on the eastern boundary of the site. The existing left in median cut at the western side of the Caliber project will be closed off.

The intention is for the future development to the east to tie into the newly proposed drive as well. Cross access easements will be proposed on the plat allowing for cross access and a shared drive.

Neighboring to the west is a shops building and storage facility. Caliber will extend the front drive to align with their parking lot and allow for cross access. Caliber will work with the City on obtaining cross access easements with these owners to improve fire and emergency access.

Lot 1, Caliber Collision Site Plan can be found in Appendix 5.

3.2 LANDSCAPING

A Conceptual Landscape Plan for Lot 1, Caliber Collision, can be found in Appendix 6. The street frontage will be planted with Hybrid Mesquite, Desert Museum Palo Verde and Desert Willow, interspersed with Spotted Emu Bush, Gopher Plant, Rio Bravo Sage, Firecracker Plant, Grey Desert Spoon, Red Yucca, Trailing Lantana and New Gold Lantana. Each side, north of the gates will be planted with Orange Jubilee, and south of the gates will be Purple Leafed Hopseed Bush. The rear of the property, around the retention pond will be planted primarily with Hybrid Mesquite and Desert Museum Palo Verde, interspersed with Spotted Emu Bush, Gopher Plant, Rio Bravo Sage, Firecracker Plant, Grey Desert Spoon, Red Yucca, Trailing Lantana and New Gold Lantana.

As Lots 2 & 3 develop, detailed landscaping plans for those lots will be required.

3.3 ARCHITECTURE

The proposed building for Lot 1, Caliber Collision is a 14,770 SF mixed use structure with a 'B' and a 'S1' occupancy. Within the building there will be an office, mechanic shop, parts sales, detailing, and painting booth. The exterior is stone, brick, and EIFS veneer with a max parapet height of 26'-0". The roofing material is galvalume which also includes all RTU, (Roof Top Unit), screening and backsides of the parapet.

As Lots 2 & 3 develop, detailed architectural plans for those lots will be required.

3.4 MONUMENT SIGNAGE AND WALLS

Signage

Current Surprise Municipal Code Section 113-129(a)(3) restricts the maximum aggregate sign area for any business to 0.5 square feet for each linear foot of the business wall elevation along the street frontage on which the sign is displayed.

REQUESTED DEVIATION

1. That the allowable signage be increase to 0.6 square feet of signage for each linear foot of the business wall elevation along the street frontage on which the sign is displayed.

Walls

Current Surprise Municipal Code Section 122-136(b)(2)c requires that parking areas be screened from the street by a solid wall, earthen berms or opaque hedging. A solid 3' wall has been installed approx. 4' to the north of the parking lot to provide the required screening.

3.5 DEVELOPMENT STANDARDS

Current Surprise Municipal Code 122-36(c)(2)c requires the side landscape setback to be twenty-four feet, (24ft.).

REQUESTED DEVIATION

1. That the allowable side landscape setback be reduced to fifteen feet, (15ft.) from twenty-four feet, (24ft.)

3.6 PARKING STANDARDS

Current Surprise Municipal Code Section 122-133(e), Table 9-1, requires a maximum parking ratio of one to three-hundred-seventy-five, (1:375) for "Automobile Repair and Service Structures".

REQUESTED DEVIATION

1. That the maximum parking ratio be reduced from one to three-hundred-seventy-five, (1:375) to one to one-hundred-eighty, (1:180).

4.0 MISCELLANEOUS

4.1 UTILITIES

Water and sewer will be provided by EPCOR Utilities, a private company. Electrical service is provided by APS, and Southwest Gas will provide the natural gas service. Century Link and Cox are both available for telephone/internet services.

4.2 GRADING AND DRAINAGE

Grading, drainage and retention will be designed in accordance with the Maricopa County Drainage Design Manual and City of Surprise 2012 Engineering Development Manual.

4.3 SAFETY FACILITIES

Fire and police protection for the Site will be provided by the City of Surprise.

5.0 CONCLUSION

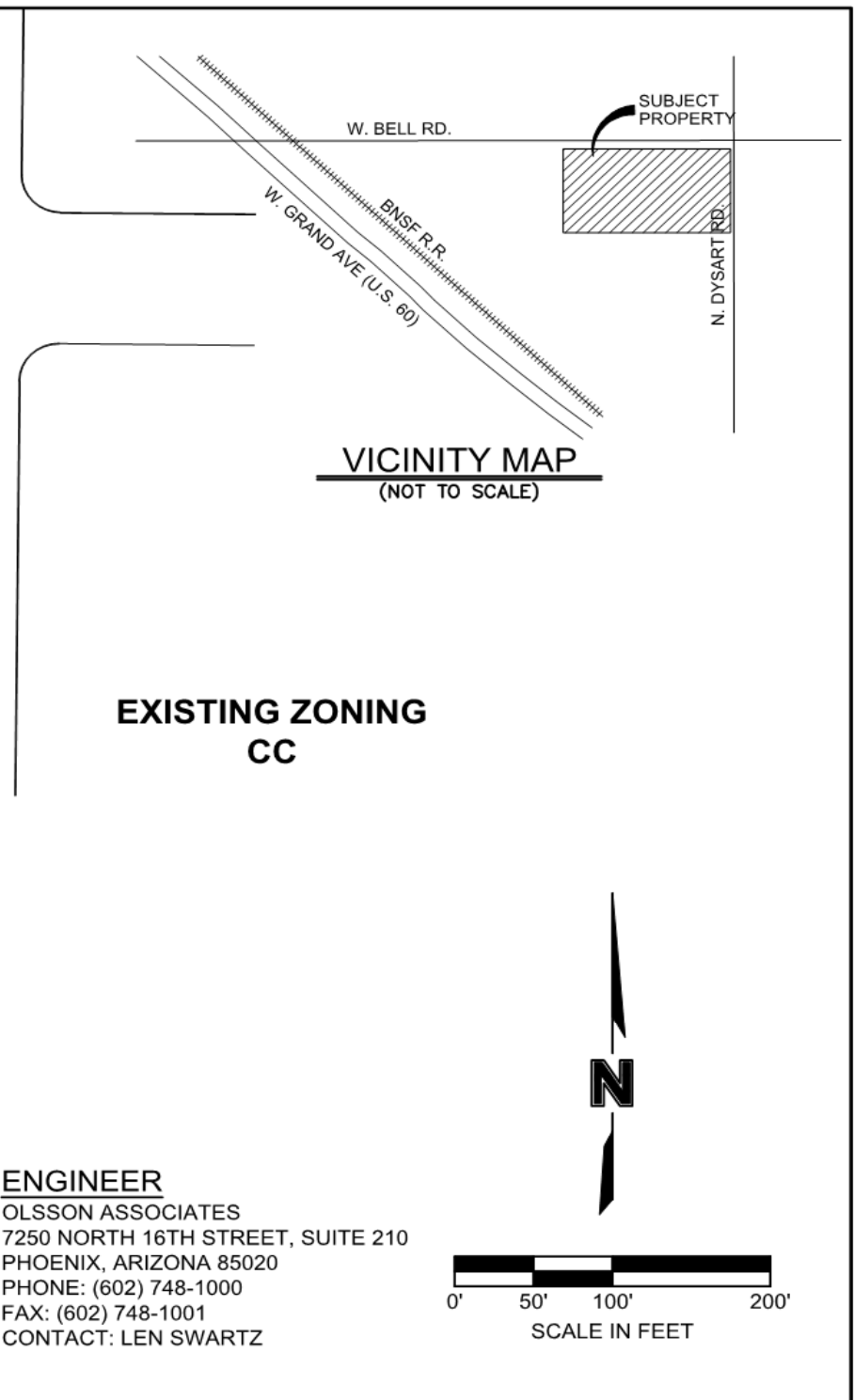
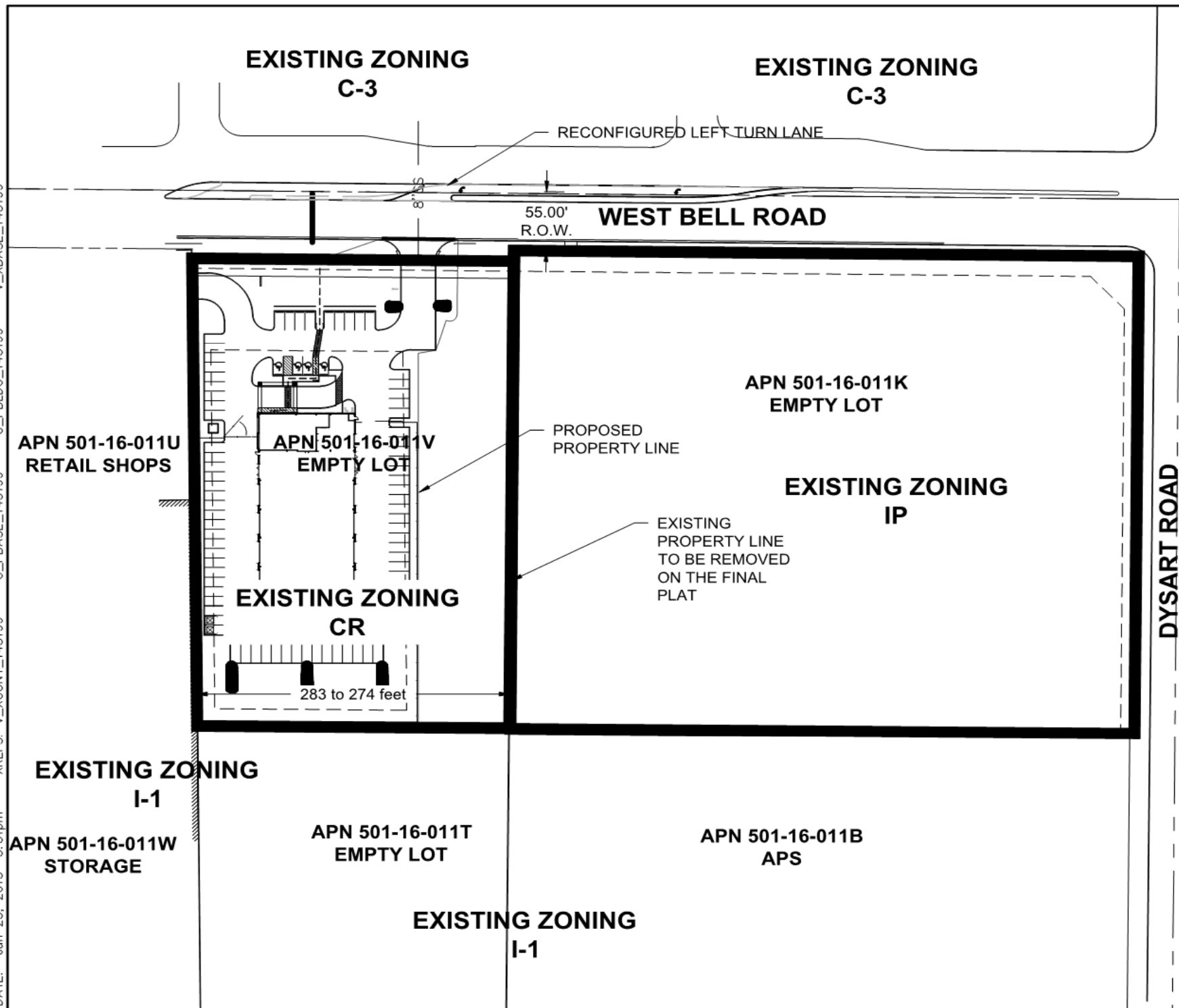
Caliber Collision, (Lot 1) is consistent with the General Plan and compatible with the surrounding area. The proposed uses for Lots 2 & 3 will be commercial, and thus will also be compatible with the surrounding area.

APPENDIX 1

SITE PLAN

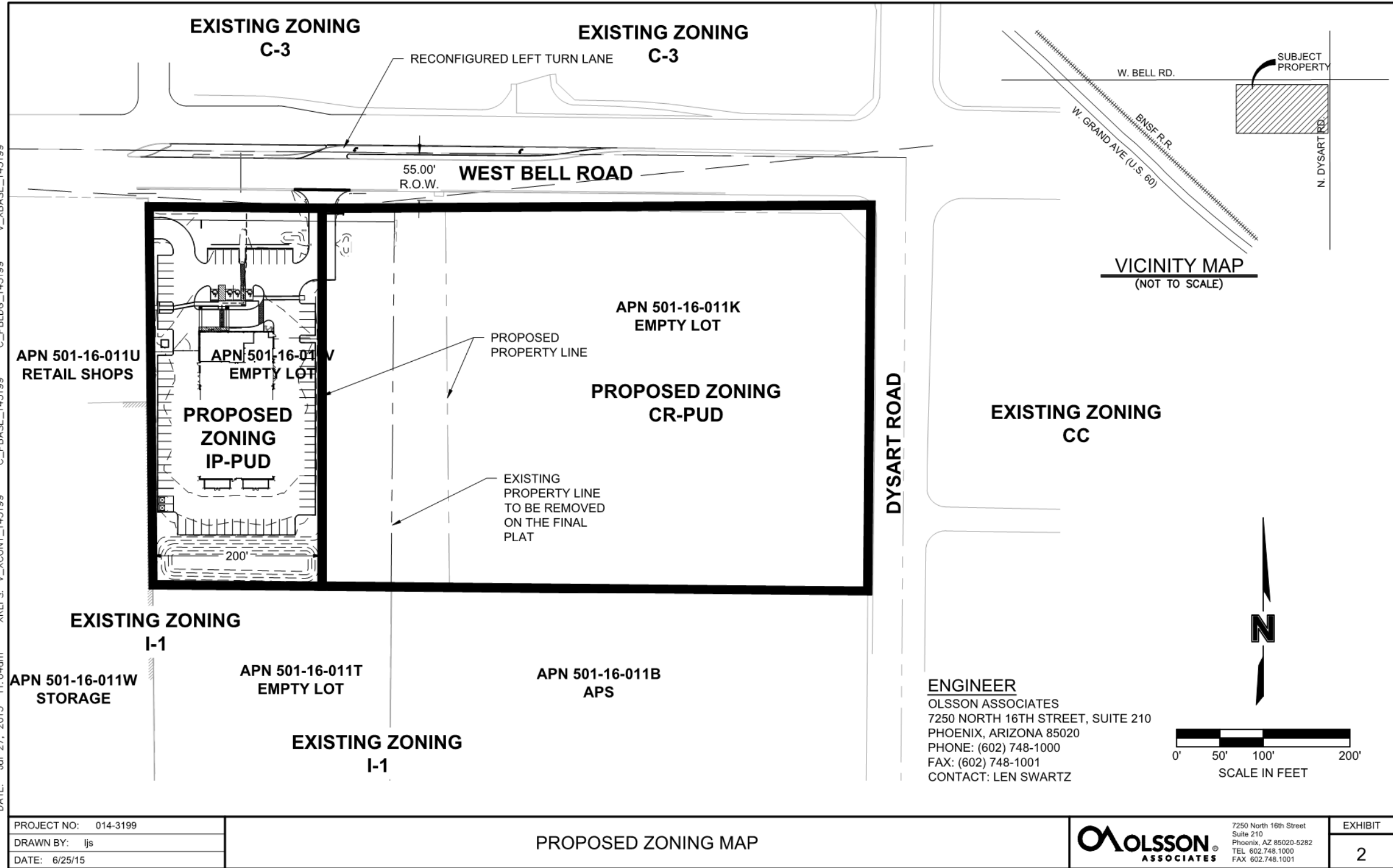
APPENDIX 2
EXISTING ZONING MAP

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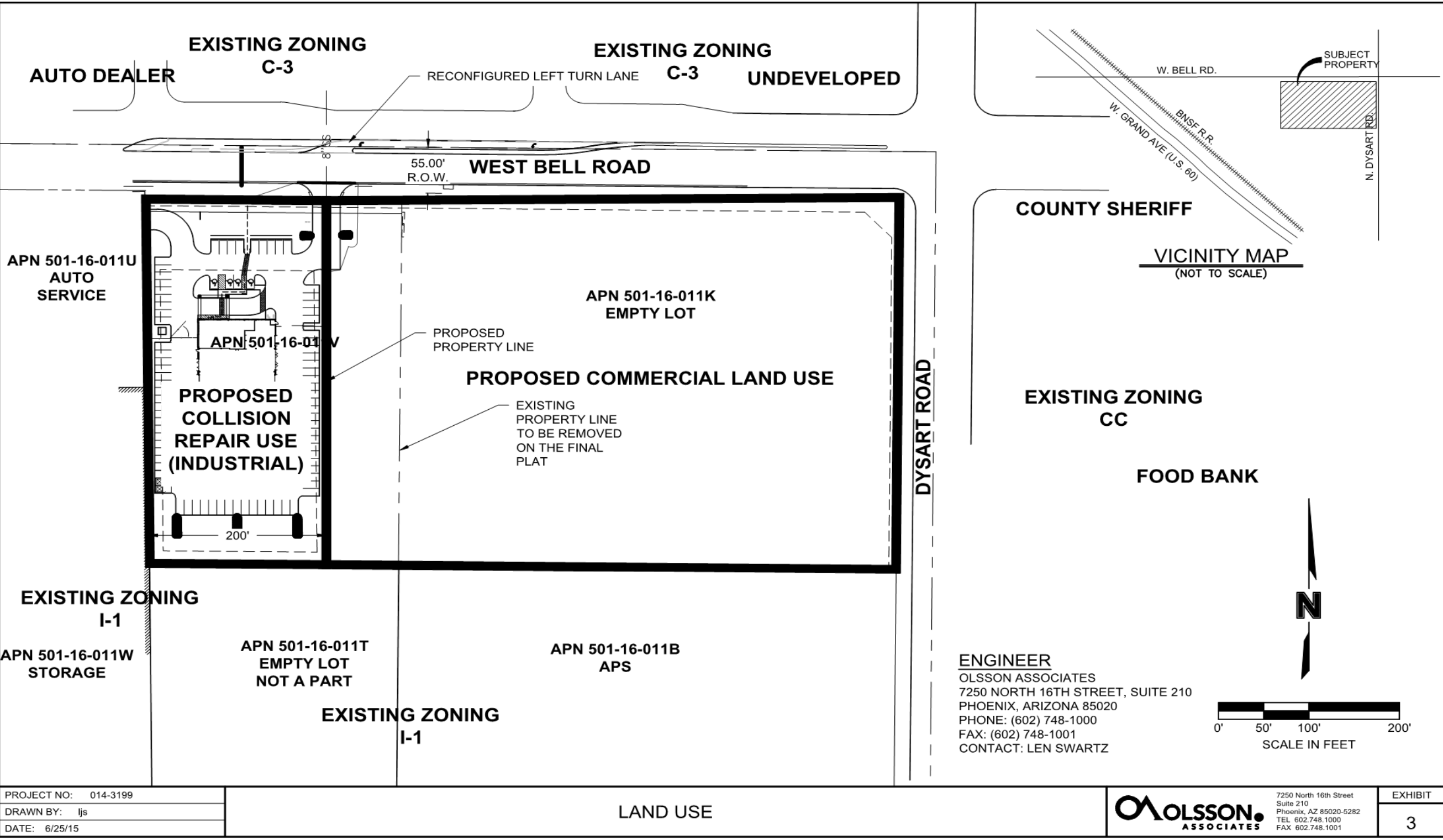
APPENDIX 3
PROPOSED ZONING MAP

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APPENDIX 4
PROPOSED LAND USE MAP

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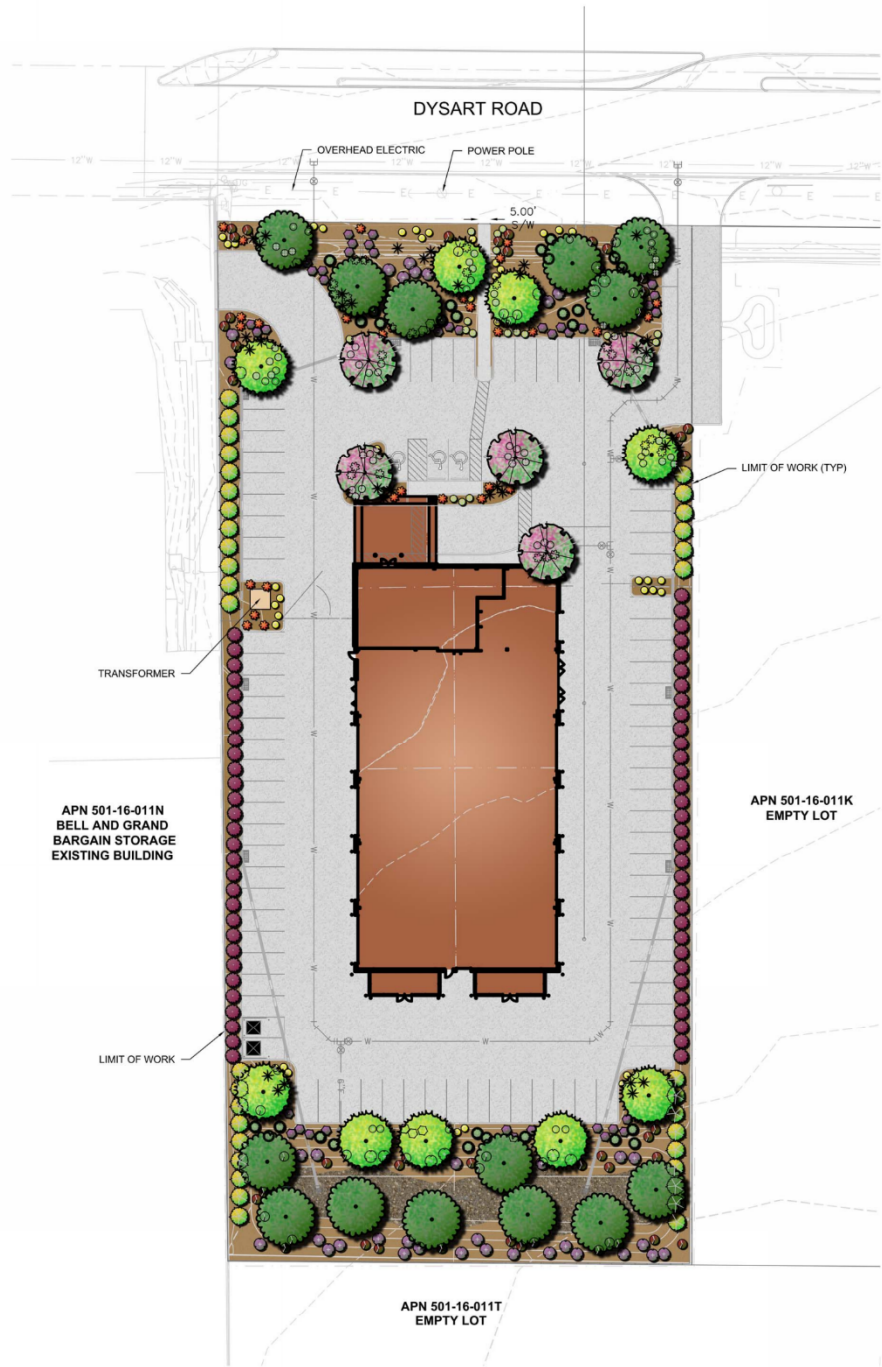


APPENDIX 5
LOT 1, CALIBER COLLISION SITE PLAN

APPENDIX 6

LOT 1, CALIBER COLLISION LANDSCAPE PLAN

DWG: F:\Projects\014-3199\40-Design\AutoCAD\Exhibits\COLORBLK.dwg
DATE: Apr 10, 2015 10:12am
USER: aasher
XREFS:



PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME
	<i>Chilopsis linearis</i> 'AZT Desert Amethyst'	Desert Willow
	<i>Parkinsonia</i> x 'Desert Museum'	Desert Museum Palo Verde
	<i>Prosopis</i> x 'Phoenix' TM	Hybrid Mesquite
SHRUBS	BOTANICAL NAME	COMMON NAME
	<i>Dodonaea viscosa</i> 'Purpurea'	Purple Leafed Hopseed Bush
	<i>Eremophila maculata</i> 'Valentine'	Spotted Emu Bush
	<i>Euphorbia biglandulosa</i>	Gopher Plant
	<i>Leucophyllum langmaniae</i> 'Rio Bravo' TM	Rio Bravo Sage
	<i>Russelia equisetiformis</i>	Firecracker Plant
	<i>Tecoma</i> x 'Orange Jubilee'	Orange Jubilee
ACCENTS	BOTANICAL NAME	COMMON NAME
	<i>Dasylinon wheeleri</i>	Gray Desert Spoon
	<i>Hesperaloe parviflora</i>	Red Yucca
GROUNDCOVER	BOTANICAL NAME	COMMON NAME
	<i>Lantana montevidensis</i> 'Purple'	Trailing Lantana
	<i>Lantana</i> x 'New Gold'	New Gold Lantana
INERTS	BOTANICAL NAME	COMMON NAME
	Granite Mulch	1/2" Screened / Express Brown
	Riprap	4 - 6" / Express Brown



PROJECT NO: 014-3199
DRAWN BY: AA
DATE: 04/10/15

CALIBER COLLISION

	7250 North 18th Street Suite 210 Phoenix, AZ 85020-5282 TEL 602.748.1000 FAX 602.748.1001	EXHIBIT
		1

ZONE CHANGE

REPORT TO THE PLANNING AND ZONING COMMISSION

Case: FS15-155

Project Name: Dysart Subdivision Rezone

Council District: 4

Meeting Date: October 1, 2015

Planner: Robert H. Kuhfuss, AICP

Owner: Farhad and Kathryn Shokoohl

Applicant: Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn Shokoohl

Request: Rezone from CR to IP-PUD (approx. 2.04 acres), from CR to CR-PUD (approx. 0.75 acres), and from IP to CR-PUD (approx. 5.51 acres)

Site Location: Southwest corner of Bell Road and Dysart Road

Site Size: 8.30 acres (approx.)

Density: N/A

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

Support/Opposition: None known

Staff Recommendation: Staff recommends the Commission move to recommend **approval** of the proposed Zone Change to the City Council, subject to stipulations 'a'-d'.

[Note: See related Master Site Plan request being processed under this case, but discussed under separate cover.]

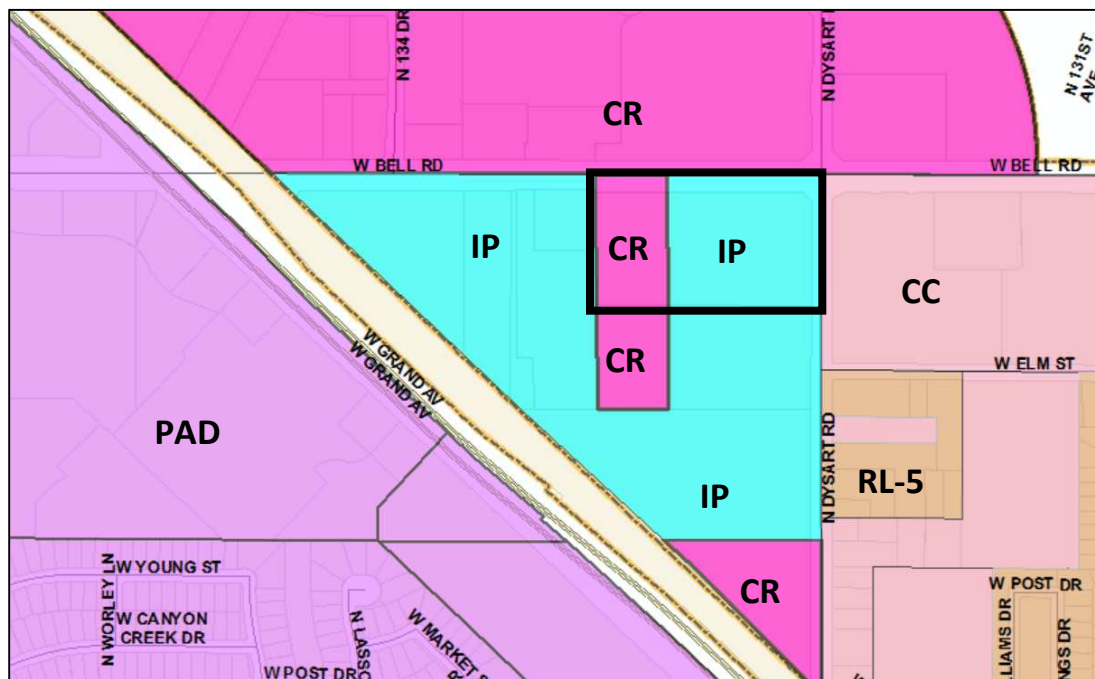
PROJECT DESCRIPTION:

Len Swartz, PE, of Ollson Associates, on behalf of Cross Development and Farhad and Kathryn Shokoohl, seeks approval of two separate but related requests. The first request involves a rezone from CR to IP-PUD (approx. 2.04 acres), from CR to CR-PUD (approx. 0.75 acres), and from IP to CR-PUD (approx. 5.51 acres). The second request involves a Major Site Plan in these newly established districts. These requests are also in conjunction with a related Final Plat, which is being processed under the same case number, but is being scheduled for City Council separately, pending the Commission's favorable action on the two requests discussed herein. All three actions anticipate the development of a Calber Collision Center and other as-yet to be determined commercial uses.

EXISTING ZONING:

The following chart and associated map depict the existing zoning of the subject site and its surrounds.

Regional Commercial (CR)	Regional Commercial (CR)	Regional Commercial (CR)
Industrial Performance (IP)	Community Commercial (CR) and Industrial Performance (IP)	Community Commercial (CC)
Industrial Performance (IP)	Regional Commercial (CR)	Community Commercial (CC)



57 **BACKGROUND:**

58
59 **December 18, 2014:** Staff met with the applicant to discuss the project during a regularly
60 scheduled Concept Review meeting under CR14-468.

61
62 **April 17, 2015:** The applicant filed a request for a Zone Change, Major Site Plan and Final Plat under
63 case FS15-155, the subject case.

64
65 **April 30, 2015:** Staff met with another entity to discuss the development of what would become
66 Lot 2 of the subject site during a regularly scheduled Concept Review meeting under CR15-165.

67
68 **June 21, 2015:** The applicant held a neighborhood outreach meeting to discuss the project.

69
70 **CITIZEN OUTREACH:**

71
72 As noted above, the applicant held a Citizen Review meeting on June 21, 2015, which generated no
73 input. Staff is not aware of any support to opposition regarding this request.

74
75 **ANALYSIS AND DISCUSSION:**

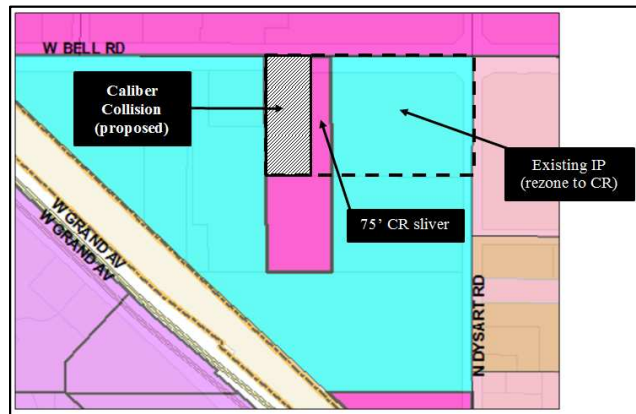
76
77 The subject property consists of two parcels, which are currently vacant except for an existing
78 billboard, which is presumed to be legal non-conforming due to its appearance in aerial
79 photography as early as 1986. The westernmost parcel is currently zoned CR and is immediately
80 north of and adjacent to another vacant CR parcel, which is owned by Arizona Public Service. The
81 easternmost parcel is currently zoned IP and is immediately north of and adjacent to another IP
82 parcel, currently developed as an APS facility. Located to the east of the subject property, across
83 Dysart Road, is an area of CC zoning, currently developed with state and county facilities. Just to
84 the west of the subject parcel is an existing tire shop located within IP zoning. The property located
85 across Bell Road from the property is currently vacant and zoned CR, while the property to the
86 northeast of the site, at the northeast corner of Dysart Road and Bell Road, is currently under
87 construction as a medical facility.

88
89 **Proposed Zoning:**

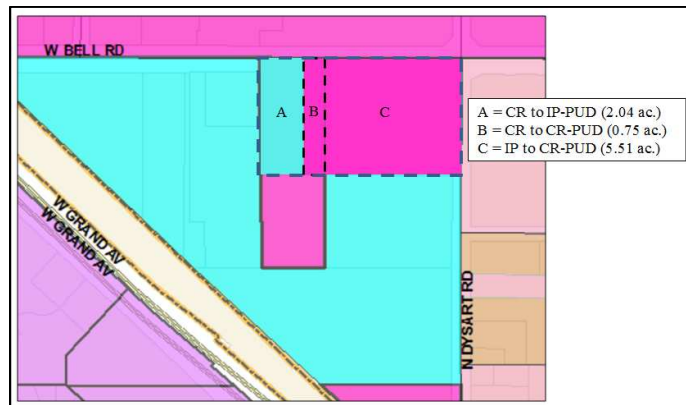
90
91 The westernmost parcel of the subject site is currently approximately 275' wide; however, Caliber
92 Collision is proposing to build a collision center on the westernmost 200' of that parcel. Since the
93 existing zoning of that parcel is CR, the collision center could be entitled through a Conditional Use
94 Permit; however, if zoned to IP, the collision center would be considered a principal, by-right use.
95 Given the proximity of the proposed use to the existing tire center, and the proximity to the existing
96 IP zoning, staff is comfortable with the concept of rezoning from CR to IP for that property.

Since Caliber Collision is only interested in acquiring and rezoning the westernmost 200' of the subject property, there will remain a 75' wide remnant property with CR zoning sandwiched in between new and existing IP zoning. In order to remove that incongruent sliver, either the sliver needs to be rezoned to IP so it is in line with the existing IP to the east, or the existing IP property should be rezoned to CR.

The following map depicts the condition that would be present if the 75' sliver remained intact.



The following map depicts the proposed zoning.



While no end users have been identified for the eastern end of the subject site, given the proximity of the subject site to the existing CC zoning to the east, rezoning the eastern end of the subject property to CR would provide an appropriate transition from the existing CC zoning to the east and the IP zoning to the west. Staff notes that this approach will create a CR island nearly completely surrounded by IP zoning; however, staff's desire would be for the owner of that parcel to ultimately seek IP zoning.

Development Standards Table:

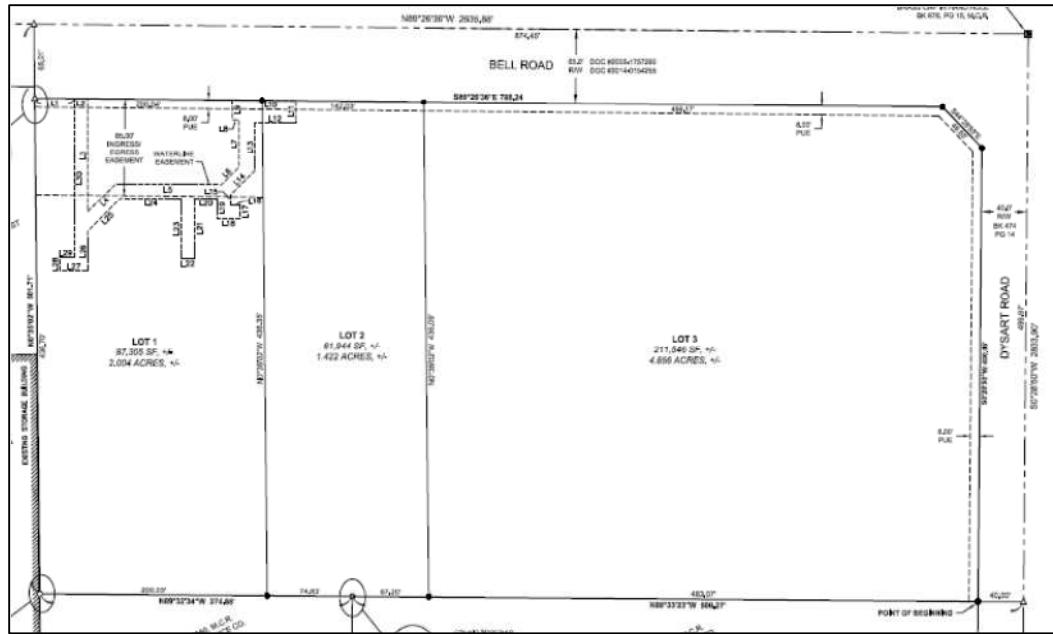
The subject rezone request also involves a PUD Overlay, which will serve to amend the development standards for the IP portion as they relate to the required landscape setback along Bell Road, the maximum allowed parking, and secondary wall sign area. The PUD overlay for the CR portion will serve to amend the development standards relating to the interior side yard setback adjacent to CR zoning. These development standards are depicted in the following table, which is included in Section 3.0 of the Project Narrative.

IP PUD/CR PUD DEVELOPMENT STANDARDS TABLE FOR DYSART SUBDIVISION (CASE FS15-155) Shaded cells indicate development standard that is less restrictive than the base zoning district. All other provisions of the IP and CR zoning districts apply.						
Development Standard	IP – IP PUD			CR – CR PUD		
	Base Zoning	PUD Overlay	SUDC Reference	Base Zoning	PUD Overlay	SUDC Reference
Interior Side Setback	15'	15'	122-36(c)(2)b, Table 5-11	24'	15' ¹	122-36(c)(2)c, Table 5-12
Landscape Setback (Arterial)	45' ³	45' ^{2,3}	122-136(b)(18)(h)	45' ³	45' ²	122-136(b)(18)(h)
Maximum Parking Allowed	1:375 SF of GFA ⁵	1:180 SF of GFA ⁴	122-133(e)	As specified in Table 9-1	As specified in Table 9-1	122-133(e)
Secondary Wall Sign Area	0.5 SF per 1 linear foot of elevation	0.6 SF per 1 linear foot of elevation	113-129(a)(3)(a)	0.5 SF per 1 linear foot of elevation	0.5 SF per 1 linear foot of elevation	113-129(a)(3)(a)
Footnotes:						
¹ Adjacent to Commercial or Industrial zoning districts.						
² 10' limited driveway access encroachment from street and architectural encroachment allowed per 122-136(b)(18)(h), Table 10-4.						
³ Limited driveway encroachment from the west to accommodate shared access allowed per site plan.						
⁴ Based on Automotive Repair and Service use. If other than Automotive Repair and Service, Table 9-1 applies.						

The IP-PUD development standards will allow the Caliber Collision facility to address the cross-access issue by allowing the driveway to encroach into the required landscape setback, while providing reasonable wall signage opportunities not currently allowed through the Municipal Code. The CR-PUD development standards came about as a result of the Concept Review for the proposed Lot 2 and are geared primarily to a decreased setback on one side to allow shade trees to be installed on the opposing side.

Staff notes that while the review of the proposed Final Plat is not within the Commission's purview, the Final Plat would serve to remove the existing lot line and create three new lots: the westernmost being the Caliber Collision site and the other two lots slated for future commercial development. The following image depicts this arrangement. The Final Plat also will provide for reciprocal cross-access throughout the plat as well as cross-access to the property to the west.

[See image on following page.]



UTILITY AND SERVICES TABLE:

Electric:	APS
Water:	EPCOR
Wastewater:	EPCOR
Refuse:	TBD
Natural Gas:	SWG
Irrigation:	N/A
Schools:	N/A

CONFORMANCE WITH ADOPTED PLANS:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Employment Land Use Category, which supports retail and light industrial uses. The proposed Zone Change and the related Major Site Plan and Final Plat, support the goals and policies of the General Plan, especially with respect to encouraging well managed and phased growth (Policy LU2.2), improving the jobs to housing ratio (Policy LU2.2), promoting a compatible mix of land uses (Policy LU3.1), encouraging sound urban design principles (Policy UD1.1), and the development of otherwise vacant infill land in the heart of the city (Policy UD1.4).

147 **REVIEWING AGENCIES:**

148
149 In addition to the standard city reviewing agencies, who indicate no objections to the requests,
150 Luke Air force Base, Maricopa Water District, and ADOT were included in the routing of this case.

151
152 **Luke Air Force Base (LAFB):** LAFB indicates no objections to the request, but advises the applicant
153 review sound attenuation requirements and engage in a strong notification program with respect
154 to the air base and its operations.

155
156 **Arizona Department of Transportation (ADOT):** ADOT indicated general neutrality regarding the
157 subject requests, but advises the project may be impacted by the Bell/Grand Overpass Project and
158 advises the applicant consult with ADOT in that regard.

159
160 **Maricopa Water District (MWD):** MWD advises the subject property lies outside of their service
161 area and offers no comment.

162
163 **SUMMARY:**

164
165 Staff believes the proposed Zone Change, Major Site Plan and Final Plat, will provide the mechanism
166 needed to allow the owner to bring the property to market, which will in turn allow it to be
167 developed in a manner that is consistent with the goals and policies of the General Plan.

168
169 **FINDINGS:**

- 170
171
 - The proposed Zone Change is consistent with the Surprise General Plan 2035.
 - The reviewing agencies have indicated no objections to the request.

172
173
174 **RECOMMENDATION:**

175
176 Based on the findings noted above, staff recommends the Commission move to recommend
177 **approval** of the proposed Zone Change under case **FS15-155** to the City Council, subject to
178 stipulations 'a' through 'd' as outlined below:

- 179
180 a. Development and use of the site shall be in substantial conformance with the project
181 narrative entitled "Dysart Subdivision Rezone Document PUD Overlay", prepared by Olsson
182 Associates, consisting of 20 pages dated revised August 17, 2015 and stamped received
183 August 17, 2015, except as modified by the following stipulations.
184
185 b. If a Final Plat has not been recorded within one (1) year of approval of this Zone Change
186 request by the City Council, the subject zone change may be scheduled for public hearing by
187 the Planning and Zoning Commission and City Council for consideration of reverting the
188 property to its former zoning per ARS § 9-462.01.E.

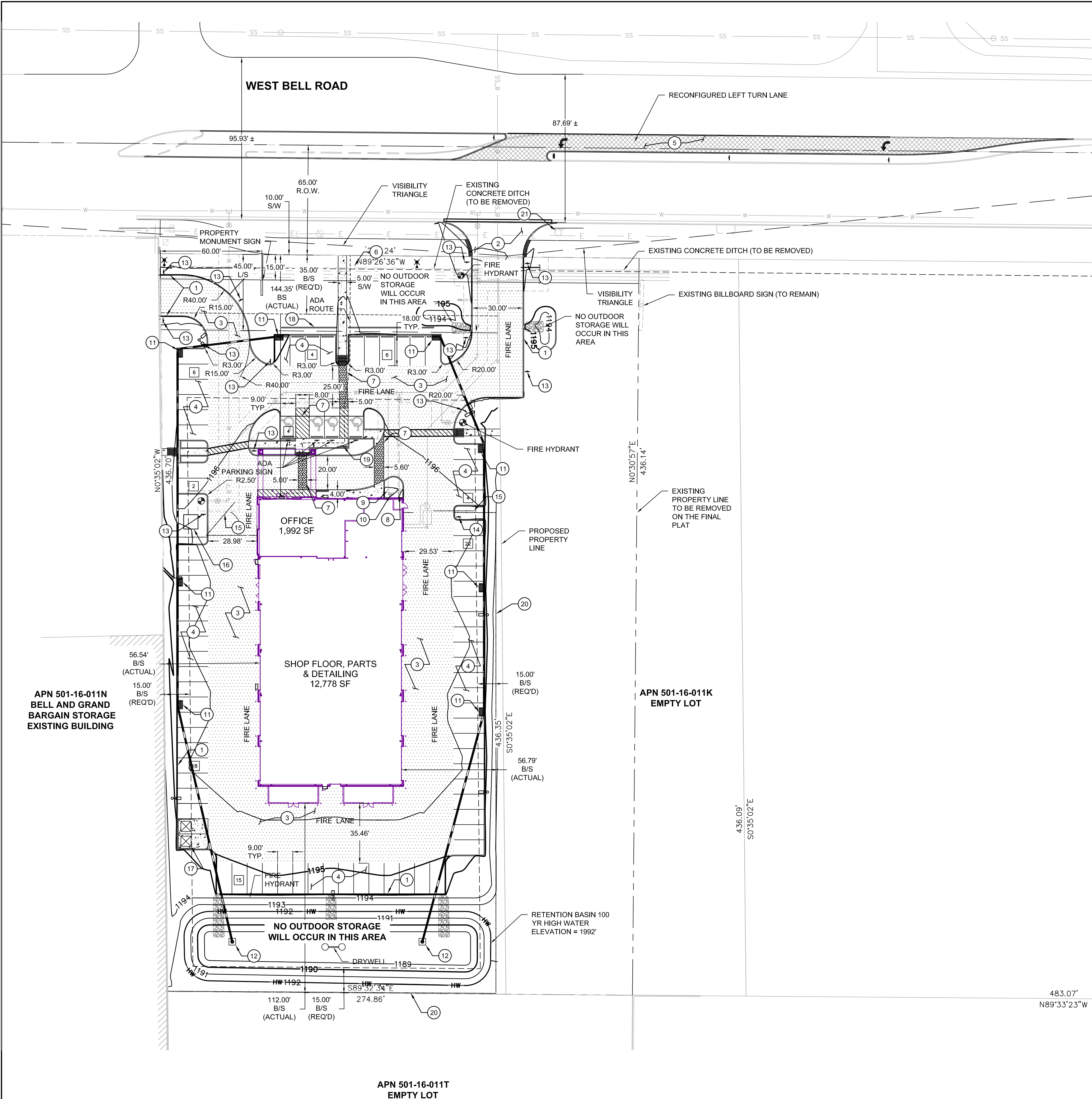
- 190 c. Non-compliance with the stipulations of approval of this case will be treated as a violation in
191 accordance with the provisions of Article XIV of the Surprise Unified Development Code.
192
- 193 d. The Property owner and successors waive claim for diminution of in value if the City takes
194 action to rescind approval of this zone change request due to non-compliance with the
195 stipulations of approval.
196

197 However, should the Commission wish to recommend denial of the request, the Commission
198 should make its own findings and base its decision on those alternative findings.
199

200 **Attachments:**
201

202 PZ01 – Vicinity Map (1 page)
203 PZ02 – Zone Change Case Map (1 page)
204 PZ03 – Master Site Plan Case Map (1 page)
205 PZ04 – Zoning Narrative (20 pages)
206 PZ05 – Site Plan (3 pages)
207 PZ06 – Landscape Plan (5 pages)
208 PZ07 – Landscape Rendering (1 page)
209 PZ08 – Elevations (3 pages)
210 PZ09 – Elevation Rendering (1 page)
211 PZ10 – Sign Package (5 pages)
212 PZ11 – ADOT comments (1 page)
213 PZ12 – MWD comments (1 page)
214 PZ13 – Luke AFB comments (1 page)

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DATE: Aug 17, 2015 2:28pm XREFS: C_TBK_143199 V_XCONT_143199 C_PBLDG_143199 V_XBASE_143199



DESIGN TEAM CONTACTS
OWNER/DEVELOPER
CROSS DEVELOPMENT, LLC
5317 INVERRARY DRIVE
PLANO, TEXAS
PHONE: (602) 748-1000
CONTACT: KEVIN MCKIBBEN

ENGINEER
OLSSON ASSOCIATES
7250 NORTH 16TH STREET, SUITE 210
PHOENIX, ARIZONA 85020
PHONE: (602) 748-1000
FAX: (602) 748-1001
CONTACT: LEN SWARTZ

ARCHITECT
CROSS ARCHITECTS
1255 W. 15TH STREET
SUITE #125
PLANO, TEXAS 75075
PHONE: (972) 398-6644
CONTACT: SHAWN OFFUTT

- LEGEND:**
- HEAVY DUTY PAVEMENT (ONSITE)
 - LIGHT DUTY PAVEMENT
 - HEAVY DUTY PAVEMENT (BELL ROAD)
 - FIRE HYDRANT
 - WATERVALVE
 - CATCH BASIN
 - SEWER MANHOLE
 - CLEANOUT
 - BUBBLER
 - DRYWELL
 - SITE LIGHTING
 - STREET LIGHT
 - FIRE LANE SIGN
 - ACCESSIBLE PARKING
 - TRASH ENCLOSURE
 - WATERMAIN
 - STORM DRAIN
 - SANITARY SEWER

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF LOT 1 CREATED BY THIS PLAT, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE ENTIRE PLAT FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

OWNER HEREBY GRANTS TO THE ULTIMATE OWNER OF EACH PARCEL CREATED BY THIS PLAT, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE NORTH 85 FEET OF LOT 1 FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO EACH PARCEL CREATED BY THIS PLAT.

OWNER HEREBY GRANTS TO THE MOSHI FAMILY LIVING TRUST, AND IT'S SUCCESSOR'S AND ASSIGNS, A CROSS ACCESS EASEMENT OVER, UPON AND ACROSS THE NORTH 85 FEET OF LOT 1 FOR THE PURPOSE OF PROVIDING CONTINUOUS AND UNINTERRUPTED INGRESS AND EGRESS TO AND FROM IT'S WEST ADJOINING PROPERTY DESCRIBED IN THE DEED RECORDED IN DOCUMENT NO. 2010-0528417 OF OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.

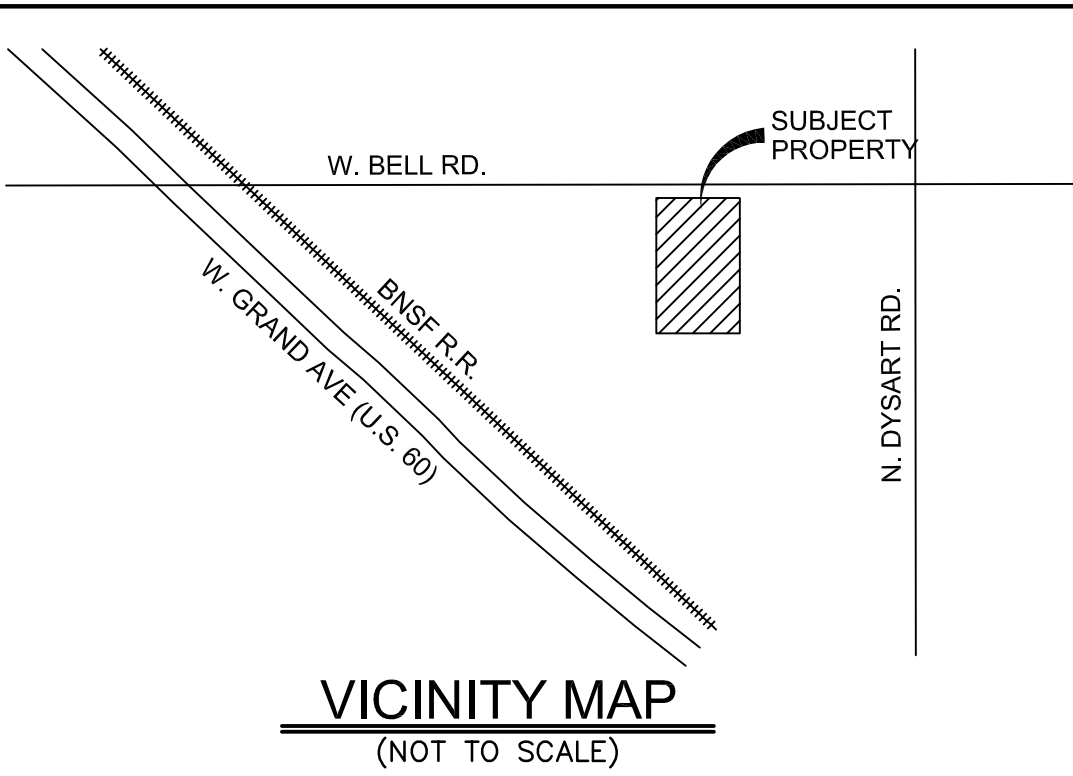


SITE CONSTRUCTION KEYNOTES

- 6" SINGLE CURB PER MAG DETAIL 222, TYPE A
- DRIVEWAY PER CITY OF SURPRISE DETAIL 3-10
- HEAVY DUTY ASPHALT PAVEMENT PER GEOTECHNICAL ENGINEERS RECOMMENDATION, 4" AC ON 12" ABC
- LIGHT DUTY ASPHALT PAVEMENT PER GEOTECHNICAL ENGINEERS RECOMMENDATION, 3" AC ON 7.5" ABC
- HEAVY DUTY ASPHALT PAVEMENT ON BELL ROAD, 5" AC ON 9" ABC, OR REPLACE IN KIND, WHICH EVER IS GRATER
- SIDEWALK PER MAG DETAIL 230
- INTEGRALLY COLORED CONCRETE. COLOR TO MATCH ARCHITECTURE
- 6" DOUBLE CHECK BACKFLOW PREVENTOR PER AWC DETAIL 320-1
- 1 1/2" METER BOX PER EPCOR STD DTL 342-2
- 1 1/2" REDUCED PRESSURE PRINCIPLE ASSEMBLY PER EPCOR STD DTL 310-1
- CATCH BASIN PER MAG STD DTL 534-1 TYPE E
- BUBBLER PER DETAIL SHEET C501
- STANDARD FIRE LANE SIGN, "FIRE LANE", PER CITY OF SURPRISE, SURPRISE FIRE DEPARTMENT-CHAPTER 1
- FIRE DEPARTMENT GATED ACCESS SIGN PER CITY OF SURPRISE, SURPRISE FIRE DEPARTMENT-CHAPTER 8
- PROPOSED GATES (SEE SHEET C501 FOR DETAILS).
- PROPOSED TRANSFORMER
- PROPOSED TRASH ENCLOSURE
- PROPOSED 36" CMU SCREEN WALL. COLOR SCHEME TO MATCH BLDG .
- PROPOSED 4 BICYCLE PARKING RACK
- SCREEN WALL (SEE SHEET C501 FOR DETAILS).
- STREET LIGHT

LOT 1 PARKING TABLE:

MINIMUM SPACES REQUIRED: 14,770 SF GROSS FLOOR AREA X 1:500 = 30 (BASED ON AUTO REPAIR AND SERVICE USE)
MAXIMUM SPACES REQUIRED: 14,770 SF GROSS FLOOR AREA X 1:180 = 82 (BASED ON AMENDED DEVELOPMENT STANDARD)
SPACES PROVIDED: 78 STANDARD + 4 ACCESSIBLE = 82 TOTAL
4 BICYCLE SPACES PROVIDED



EXPIRES 06/30/17

OLSSON ASSOCIATES ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS (HORIZONTAL OR VERTICAL). THE EXISTING UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS HOWEVER THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

REVISIONS

REV. NO.	DATE	REVISIONS DESCRIPTION
A	06/25/15	CITY COMMENTS
B	07/16/15	CITY COMMENTS

**CONSTRUCTION PLANS
SITE PLAN**

**CALIBER COLLISION
BELL ROAD AND DYSART ROAD**

SURPRISE, ARIZONA

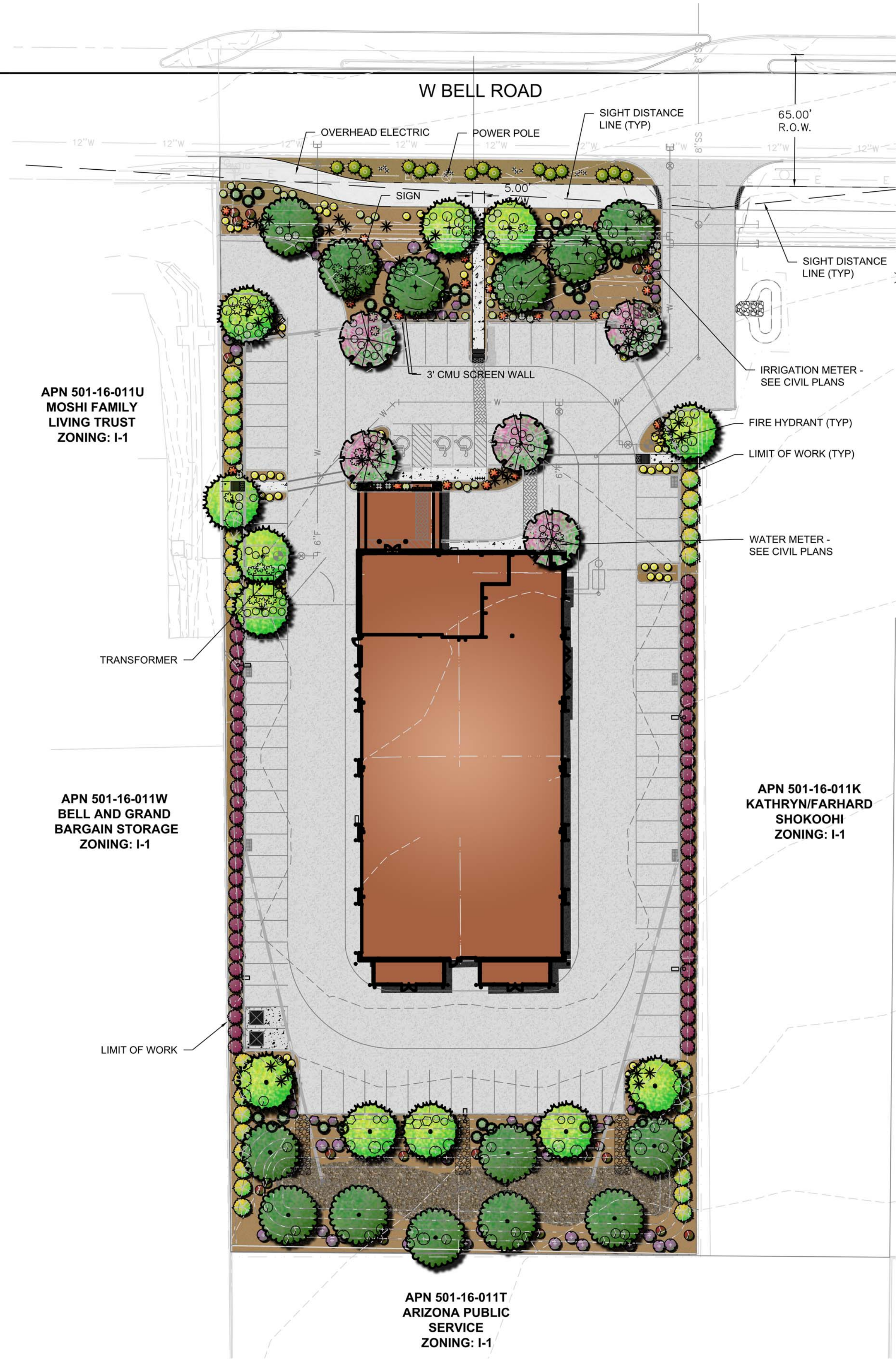
2015

drawn by: SS
checked by: EW
approved by: LS
QA/QC by: PV
project no.: 014-3199
drawing no.: 100_C_SPL_143199.dwg
date: 04/30/15

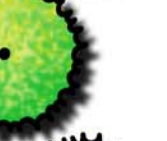
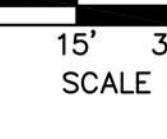
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C100**

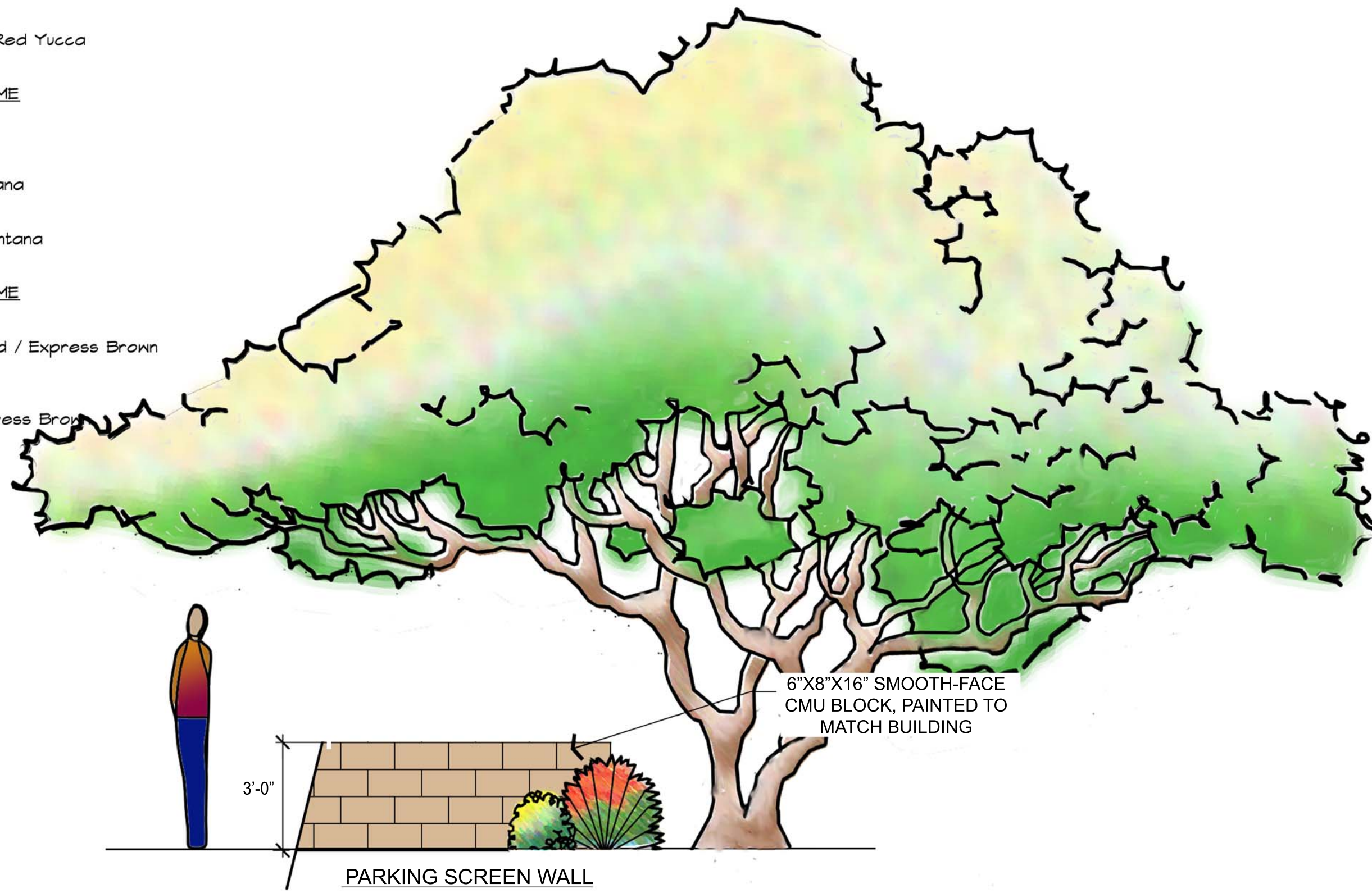
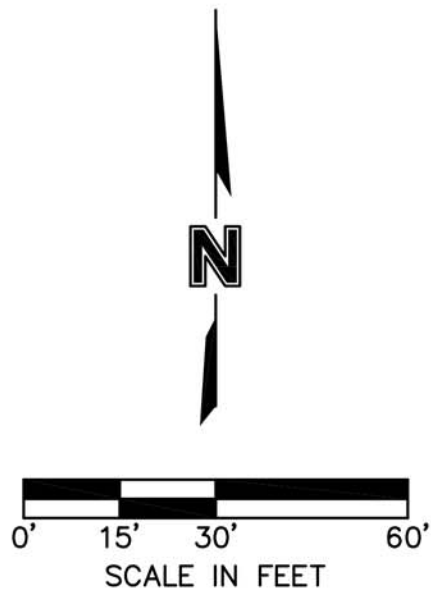
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XREFS:



PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME
	<i>Chilopsis linearis</i> 'AZT Desert Amethyst'	Desert Willow
	<i>Parkinsonia</i> x 'Desert Museum'	Desert Museum Palo Verde
	<i>Parkinsonia</i> x 'Desert Museum'	Desert Museum Palo Verde
	<i>Prosopis</i> x 'Phoenix' TM	Hybrid Mesquite
	<i>Prosopis</i> x 'Phoenix' TM	Hybrid Mesquite
SHRUBS	BOTANICAL NAME	COMMON NAME
	<i>Dodonaea viscosa</i> 'Purpurea'	Purple Leaved Hopseed Bush
	<i>Eremophila maculata</i> 'Valentine'	Spotted Emu Bush
	<i>Euphorbia biglandulosa</i>	Gopher Plant
	<i>Leucophyllum langmaniae</i> 'Rio Bravo' TM	Rio Bravo Sage
	<i>Russelia equisetiformis</i>	Firecracker Plant
	<i>Tecoma</i> x 'Orange Jubilee'	Orange Jubilee
ACCENTS	BOTANICAL NAME	COMMON NAME
	<i>Dasyliirion wheeleri</i>	Grey Desert Spoon
	<i>Hesperaloe parviflora</i>	Red Yucca
	<i>Hesperaloe parviflora</i> 'Brakelights' TM	Brakelights Red Yucca
GROUND COVER	BOTANICAL NAME	COMMON NAME
	<i>Eremophila glabra</i> 'Mingenew Gold'	Emu Bush
	<i>Lantana montevidensis</i> 'Purple'	Trailing Lantana
	<i>Lantana</i> x 'New Gold'	New Gold Lantana
INERTS	BOTANICAL NAME	COMMON NAME
	Granite Mulch	1/2" Screened / Express Brown
	Riprap	4 - 6" / Express Brown



PROJECT NO: 014-3199
DRAWN BY: AA
DATE: 07/27/15

CALIBER COLLISION

MOLSSON
ASSOCIATES

7250 North 16th Street
Suite 210
Phoenix, AZ 85020-5282
TEL 602.748.1000
FAX 602.748.1001

EXHIBIT

1



PROJECT:
CALIBER COLLISION
SURPRISE, AZ

O	DATE
2	REVISION #1
3	REVISION #2

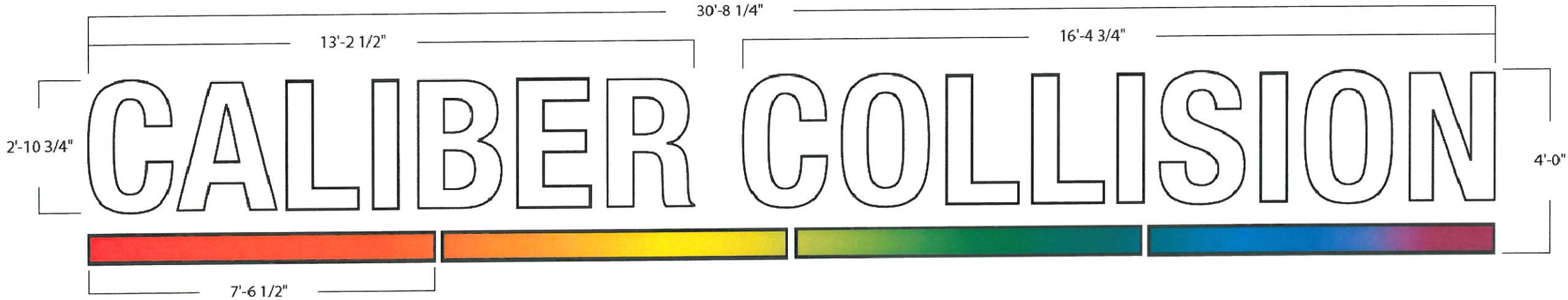
PROJ. NO.:
15053
SHEET NUMBER

Copyright © 2015



1. DOWNSPOUTS ARE INDICATED FOR SIZE, QUANTITY, AND APPROXIMATE LOCATION ONLY.
2. HOLLOW METAL STEEL DOORS, FRAMES, EXPOSED METAL FLASHING AND EXPOSED MISCELLANEOUS STEEL SHALL MATCH ADJACENT BUILDING COLOR UNLESS NOTED OTHERWISE. IF THERE ARE TWO ADJACENT COLORS AT THE DOOR LOCATIONS CONTRACTOR TO USE THE BASE OF THE BOTTOM FINISH FOR THE ENTIRE DOOR.
3. CONTRACTOR TO PROVIDE PLYWOOD BACKING FOR SIGNAGE AS SHOWN. PLYWOOD BACKING TO EXTEND 1'-0" BEYOND EDGES OF SIGN.
4. REFER SHEET A1.3 FOR FINISHES AND MATERIALS.





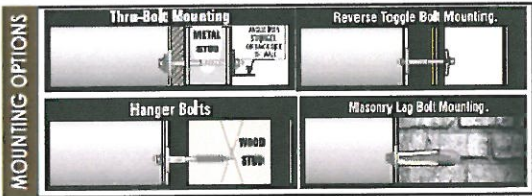
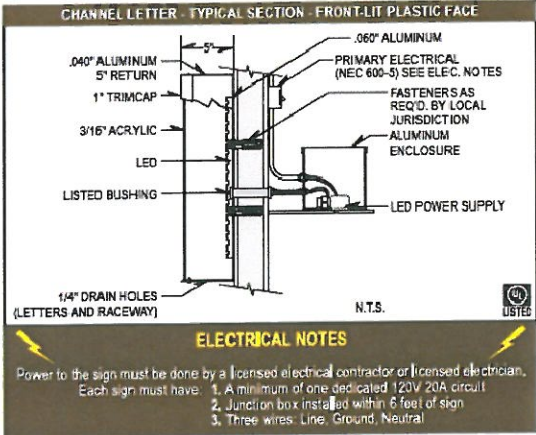
B CHANNEL LETTERS
3/8" = 1'-0"

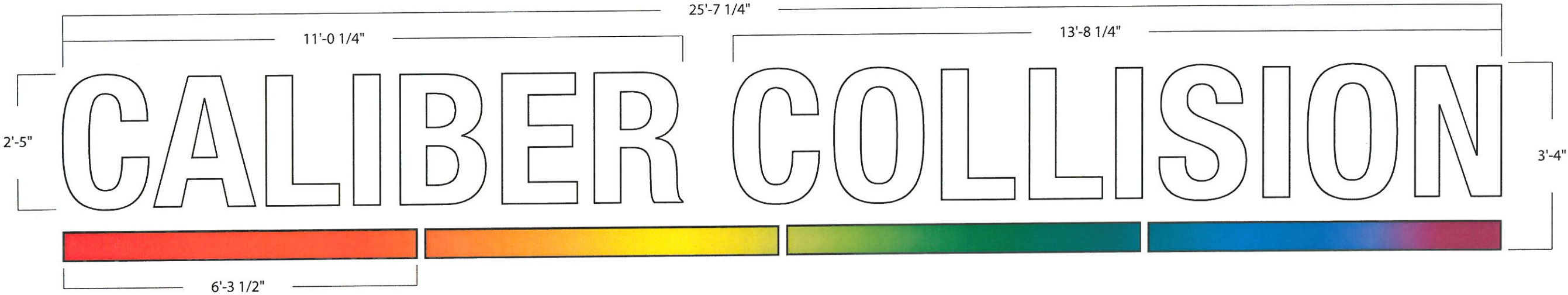
total square footage for both channel letter signs is 208.5 sq/ft

- Quantity: ONE (1)
Total Sq.Ft: 123 sq/ft
Returns: 5" Black
Trimcap: 1" Black
Face: 7328 White Plex
First-surface translucent vinyl:
• Digital Print for rainbow strip
Illumination: White LED's

- NOTES:
- Individually Mounted Letters
 - White interiors for increased illumination
 - All paint two-stage automotive acrylic

209' 6 1/4" (linear ft) x .6 (sq ft) = 125.7 (allowed footage)





A CHANNEL LETTERS
1/2" = 1'-0"

Quantity: ONE (1)
Total Sq.Ft: 85.5 sq/ft
Returns: 5" Black
Trimcap: 1" Black
Face: 7328 White Plex
First-surface translucent vinyl:
• Digital Print for rainbow strip
Illumination: White LED's

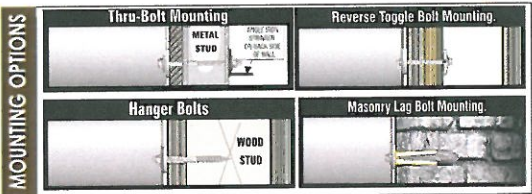
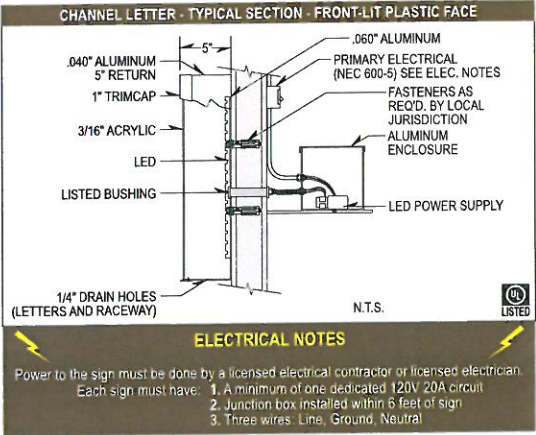
- NOTES:**
- Individually Mounted Letters
 - White interiors for increased illumination
 - All paint two-stage automotive acrylic

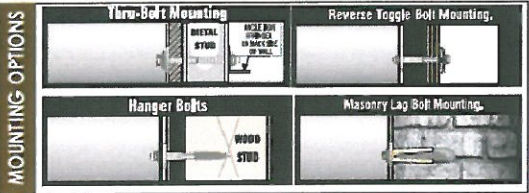
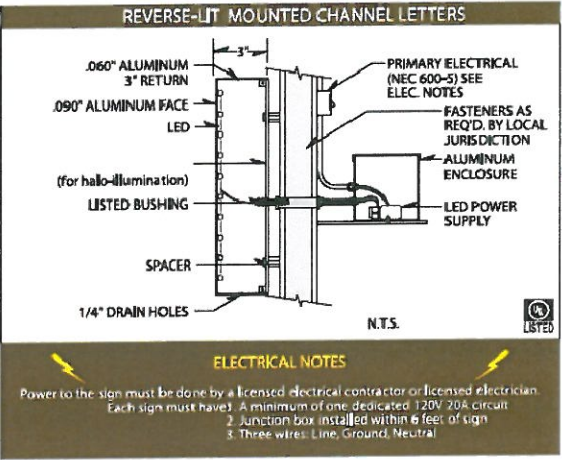
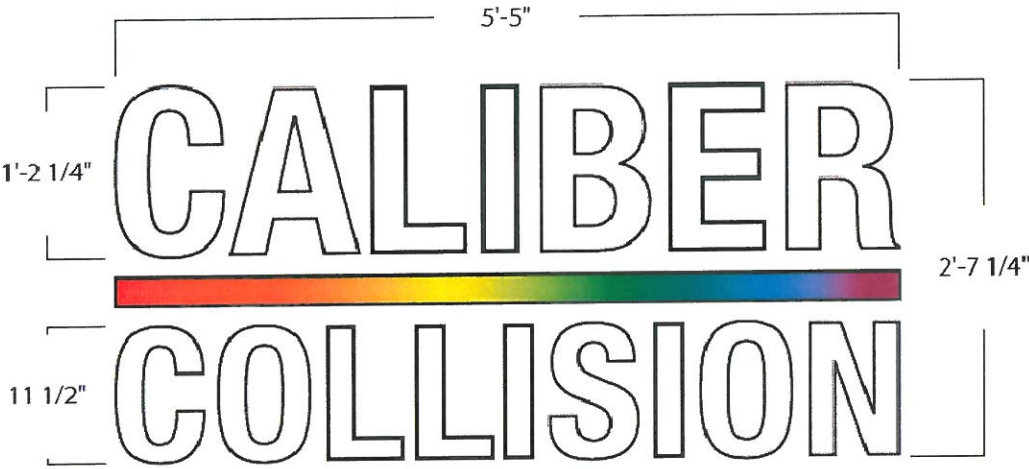
total square footage for both channel letter signs is 208.5 sq/ft



86.75(1linear ft) x 1 (sq ft) = 86.75 (allowed footage)

A CHANNEL LETTERS
3/32" = 1'-0"



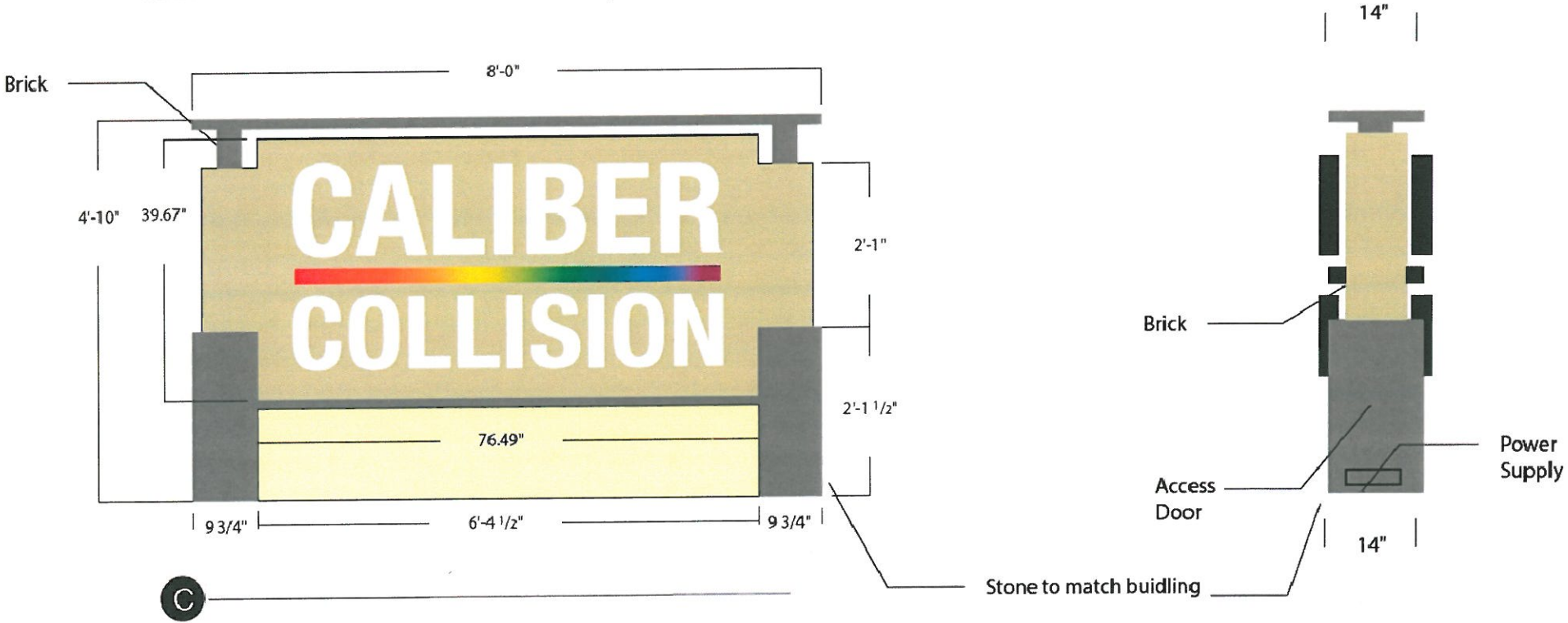


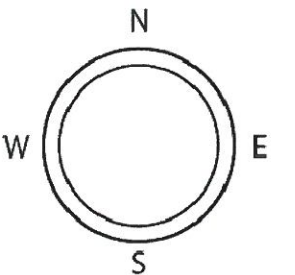
C MONUMENT SIGN
3/4" = 1'-0"

$39.67 \times 76.49 = 3034.36 / 144 = 21.10 \text{ sq/ft}$

Quantity: ONE (1)
Total Sq.Ft: 22 sq/ft
Returns: 5" Black
Trimcap: 1" Black
Face: 7328 White Plex
First-surface translucent vinyl:
• Digital Print for rainbow strip
Illumination: White LED's

- NOTES:
- Individually Mounted Reverse Letters
 - White interiors for increased illumination
 - All paint two-stage automotive acrylic
 - Fabricate and install (1) D/S illuminated cabinet
 - Flagstone base to match architect's drawings
 - Brick veneer / Hanson Century Plus V224 Velour







CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	3
Staff Recommendations:	Approve		

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

Agenda Wording:

Consideration and action on a Preliminary Plat entitled "Sycamore Farms Parcel 12, Phase 1," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-100.

Motion:

I move to approve Resolution 2015-100.

Background:

This preliminary plat is the first of two items related to the subdivision of property known as Sycamore Farms Parcel 12, Phase 1. The second item is a final plat of the same name. The property is a 13.33-acre vacant parcel located between SR303 and North 165th Drive approximately 1,200 feet south of Cactus Road. The parcel was previously platted in 2013/2014, however the plat expired. Approval of this item is the first step of the subdivision process. Approval of the final plat will result in the subdivision of the property into 78 medium density single-family residential lots for a density of 5.85 dwelling units per acre. This item was heard by the Planning and Zoning Commission on September 17, 2015 with a recommendation for approval with stipulations. The stipulations are included in the Resolution. Additional information can be found in the attached staff report.

Objective Analysis:

Not applicable at this time.

Policy Compliant:

City Code requires that property be subdivided using a two-step process; a preliminary plat that requires a public hearing, and a final plat. The subdivision of this property is combining this two-step process into one agenda, though separate items, to facilitate faster processing time for the applicant. All other code requirements are satisfied.

Financial Impact:

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

the city and the region.

Budget Impact:

There are no anticipated budget impacts related to this item.

FTE Impact:

This action will not have any impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Preliminary Plat - Staff Report](#)
 - ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Preliminary Plat - Vicinity Maps](#)
 - ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Preliminary Plat](#)
 - ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Landscape Plans](#)
 - ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Auto Court](#)
 - ☐ [FS15-191 - Sycamore Farms Parcel 12 North - Phase 1 - Presentation](#)
 - ☐ [Resolution 2015-100](#)
-

PRELIMINARY AND FINAL PLATS

REPORT TO THE MAYOR AND CITY COUNCIL

Case: FS15-191

Project Name: Sycamore Farms Parcel 12, Phase 1

Council District: 3 - Mesquite

Meeting Date: October 6, 2015

Planner: Hobart Wingard, Planner II, 623.222.3156

Owner: KB Homes Inc.

Applicant: EPS Group Inc.

Request: Preliminary and Final Plats for a 78 lot, medium density single-family subdivision in the Sycamore Farms Planned Area Development (PAD)

Site Location: Generally south of Cactus Road between North 165th Drive and SR303

Site Size: 13.33 acres

Density: 5.85 DU/Ac

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

Support/Opposition: No communications of support or opposition received

Project Description:

Sycamore Farms Parcel 12 North is approximately 21.24 acres of medium density residential land within the Sycamore Farms PAD. The medium density residential designation within the PAD has a target density of 8 dwelling units per acre. A previous site plan for this parcel contained 171 units with a density of 9.09 dwelling units per acre. These preliminary and final plats, Phase 1, propose 78 units with a density of 5.85 dwelling units per acre. This and the second phase of this project will combine to provide 148 dwelling units with a density of 6.97 dwelling units per acre overall.

PARCEL 12 NORTH	PHASE 1	PHASE 2	TOTALS
UNITS	78	70	148
AREA	13.33 Acres	7.91 Acres	21.24 Acres
DENSITY	5.85 DU/Ac	8.85 DU/Ac	6.97 DU/Ac
OPEN SPACE	3.53 Acres	0.42 Acres	3.95 Acres

The type of housing proposed is auto court layout. This type of housing provides a higher density by providing common driveways for clusters of 4, 6, or 8 dwelling units. The individual units will have back and side yards that utilize use and benefit easements to maximize the usable space in the yard areas. Use and benefit easement is a grant to an adjacent lot for ingress/egress for the purpose of repair, maintenance, drainage, and improvement of any of the lots that are contiguous to the easement area. No structure and/or other permanent improvement of any nature shall be placed, maintained, or permitted to remain on or within the easement area.

Students from this development will be within the Dysart School Districts. Discussions with the district and the developer have resulted in a central bus stop to transport students while providing an efficient way of collecting students for transportation to school.

Surrounding Land Zoning:

ADJACENCY	ZONING DISTRICT	PAD LAND USE
North	PAD	Commercial
East	PAD	Low Density Residential
South	PAD	Medium Density Residential
West	PAD	Medium Density Residential

Background:

July 22, 2004: The subject project area was annexed into the City of Surprise.

July 22, 2004: The Mayor and City Council approved the Sycamore Farms PAD.

November 1, 2005: The Planning and Zoning Commission approved a site plan for a medium density project for the same location, which has since expired.

July 31, 2013: An amendment to the PAD was administratively approved by the Community Development Director to adjust setbacks for medium density parcels.

September 24, 2013: The Mayor and City Council approved a preliminary plat for the subject project, which has since expired.

April 15, 2014: The Mayor and City Council approved a final plat for the subject project, which has since expired.

May 8, 2015: The applicant filed dual requests for preliminary and final plats for Phases 1 and 2 of Parcel 12 North.

September 17, 2015: The Planning and Zoning Commission recommended approval for a preliminary plat for Phase 1 of Parcel 12 North. There was concern and discussion regarding the density, product, and fire access. All concerns were addressed by staff.

Analysis and Discussion:

The proposed project does meet the density and development standards of the Sycamore Farms PAD with the exception of certain items regarding the landscape plan. Stipulation 'a' provides requirements that, when resubmitted, will meet all applicable criteria.

Development Standards Table:

DEVELOPMENT STANDARDS FOR SYCAMORE FARMS MEDIUM DENSITY RESIDENTIAL	
Minimum Lot Area:	2,500 Square Feet
Minimum Lot Width:	30 Feet
Minimum Lot Depth:	39 Feet
Minimum Front Setback (Auto Court):	13 Feet
Minimum Front Setback (Livable):	5 Feet
Minimum Side Yard Setback:	4 Feet
Minimum Street Adjacent Setback:	10 Feet
Minimum Rear Yard Setback:	5 Feet
Maximum Building Height:	36 Feet
Maximum Lot Coverage:	As Per Setbacks

Utility and Services Table:

Electric:	APS
Water:	EPCOR Water
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Schools:	Dysart

Reviewing Agencies: In addition to the standard internal city reviewing divisions, EPCOR Water, the Arizona Department of Transportation, Maricopa Water District, Luke AFB, USPS, Dysart School District, APS, Cox Communications, and Century Link were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

Summary:

These preliminary and final plats for Sycamore Farms Parcel 12, Phase 1 propose 78 medium density lots with a density of 5.85 dwelling units per acre. Overall density of Parcel 12 North will be 6.97 dwelling units per acre on 148 lots with 3.95 acres (18.60 percent) of open space provided.

95
96 **Findings:**
97

- 98 • The proposed Preliminary and Final Plats are consistent with the Surprise General Plan
99 2035.
100 • The proposed Preliminary and Final Plats are consistent with the Surprise Municipal Code.
101 • The proposed Preliminary and Final Plats are consistent with the Sycamore Farms PAD.
102

103 **Recommendation:**
104

105 Based on the findings noted above, should the Council first move to recommend approval of the
106 Sycamore Farms Parcel 12, Phase 1 preliminary and final plats, staff then recommends the Council
107 **approve** case **FS15-191**, subject to stipulation 'a' as outlined below:
108

- 109 a. The Landscape Plan prepared by Andersonbaron dated June 30, 2015 will be revised and
110 submitted for review to include the following modifications:
111 1. Sheet LA2.2, Note 11 will include a note that indicates the design of the pool
112 building will follow the administrative amended site plan process.
113 2. Sheets LA3.0 through LA3.4 will provide 24 inch box trees every 50 linear feet of
114 collector streets.
115 3. Trees provided in the rights-of-ways will be a species listed in Chapter eight (8) of
116 the Engineering Development Standards.
117 4. The wall and sign design illustrated on Sheets LA6.1 and LA6.2 will be reflective of
118 the design provided in the Planned Area Development (PAD) document and the
119 adjacent single family residential neighborhood. The wall will incorporate single-
120 scored smooth face block with repeating cultured stone veneer columns.
121 5. Sheet LA7.1 will include a note that requires deep root barriers for trees within ten
122 (10) feet of curbs sidewalks, or pavement.

123 However, should the Council wish to deny the request, the Council should make its own findings
124 and base its decision on those alternative findings.
125

126 **Attachments:**
127

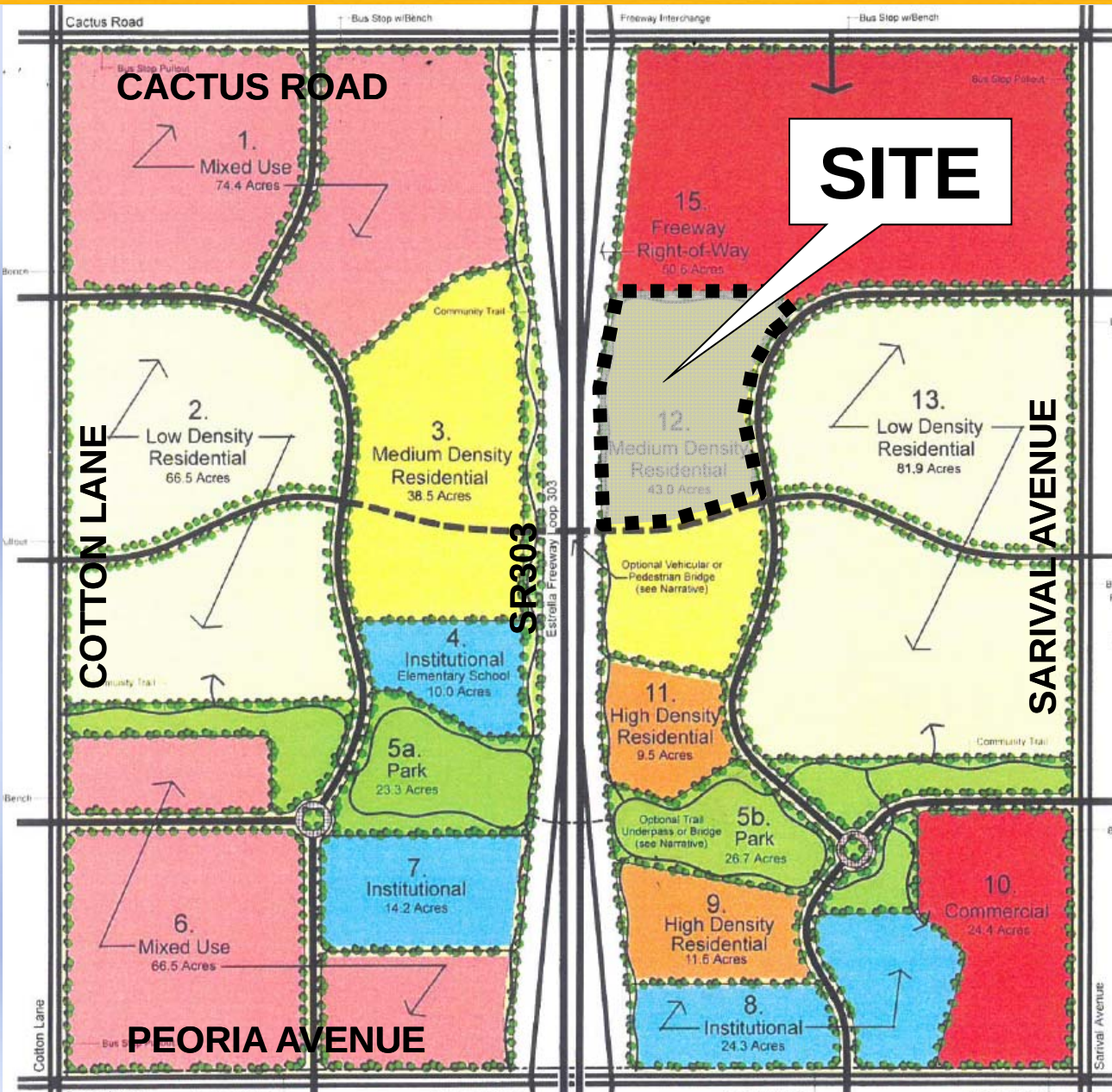
128 Vicinity Maps (3 pages)
129 Preliminary Plat (11 x 17 reductions, 3 sheets)
130 Final Plat (11 x 17 reductions, 3 sheets)
131 Landscape Plans (11 x 17 reductions, 12 sheets)
132 Auto Court Exhibit (1 page)

VICINITY MAP



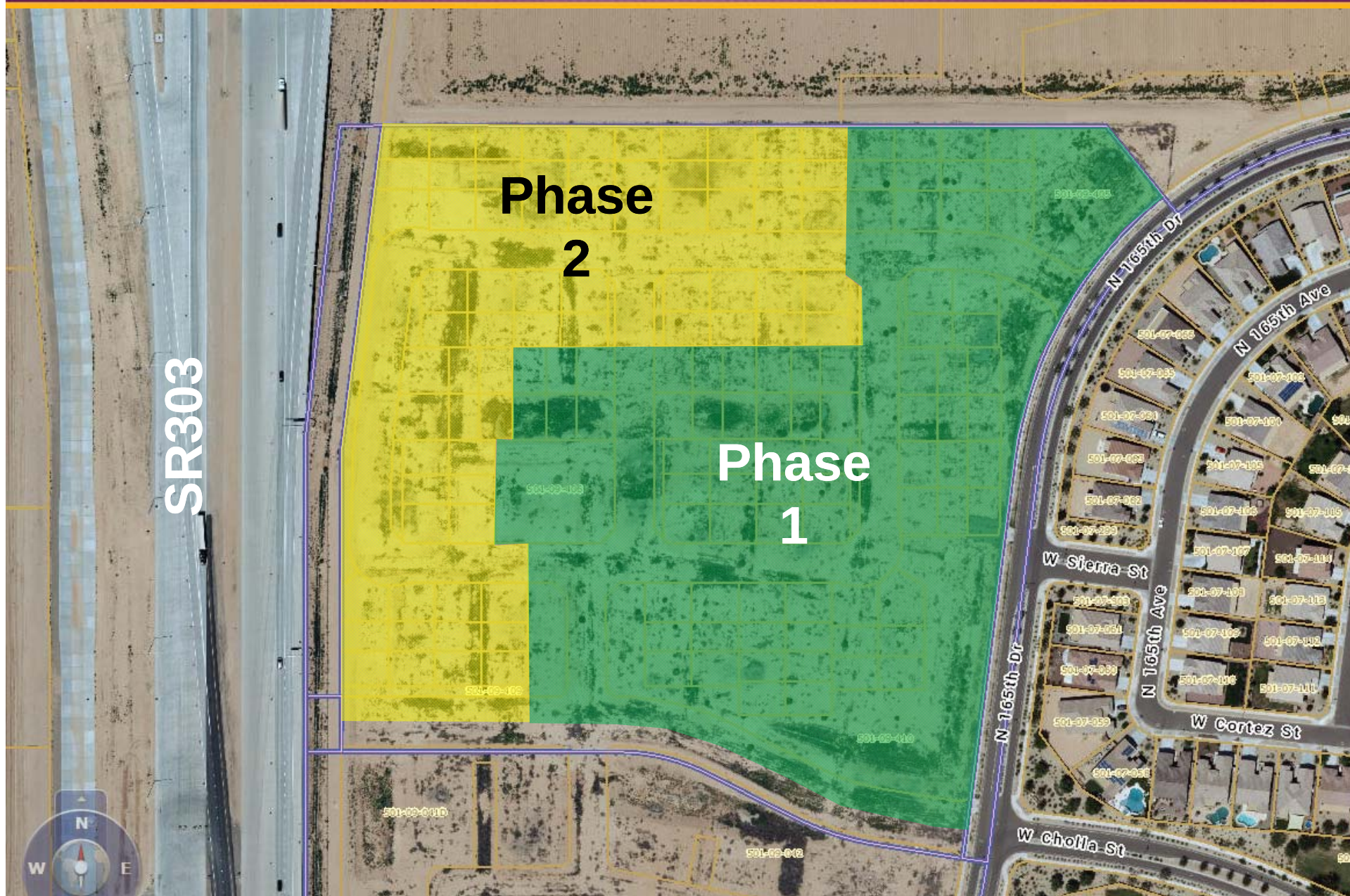
VICINITY MAP

PRASADA



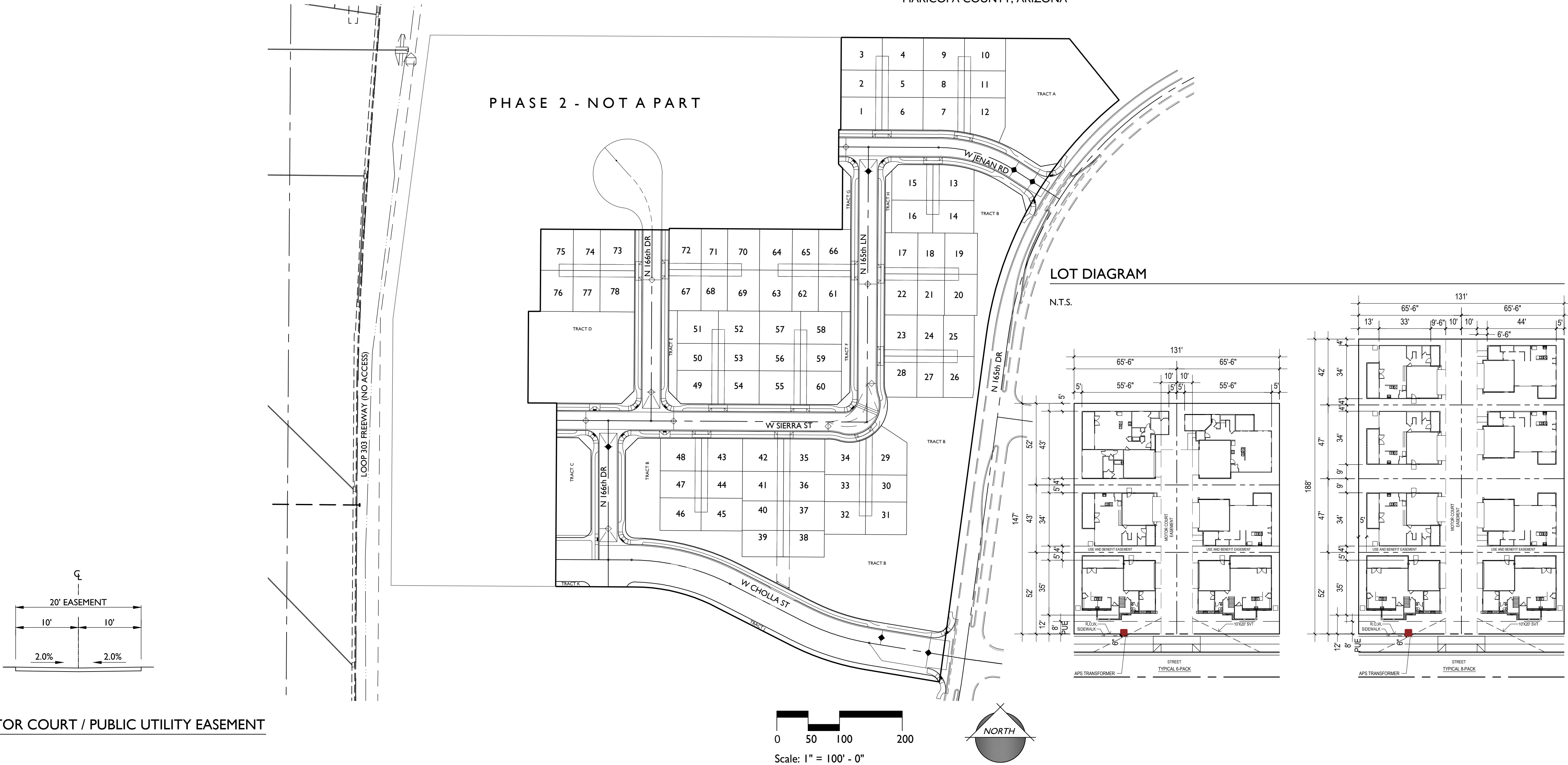
GREER
RANCH

VICINITY MAP

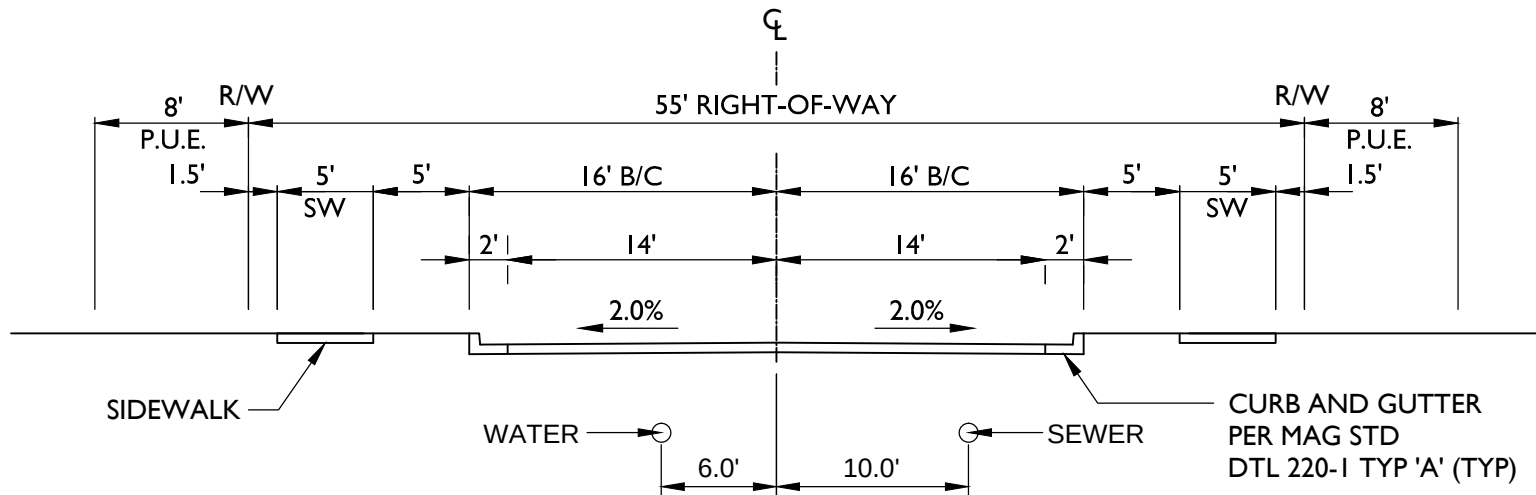


PRELIMINARY PLAT FOR SYCAMORE FARMS, PARCEL 12, PHASE I SURPRISE, ARIZONA

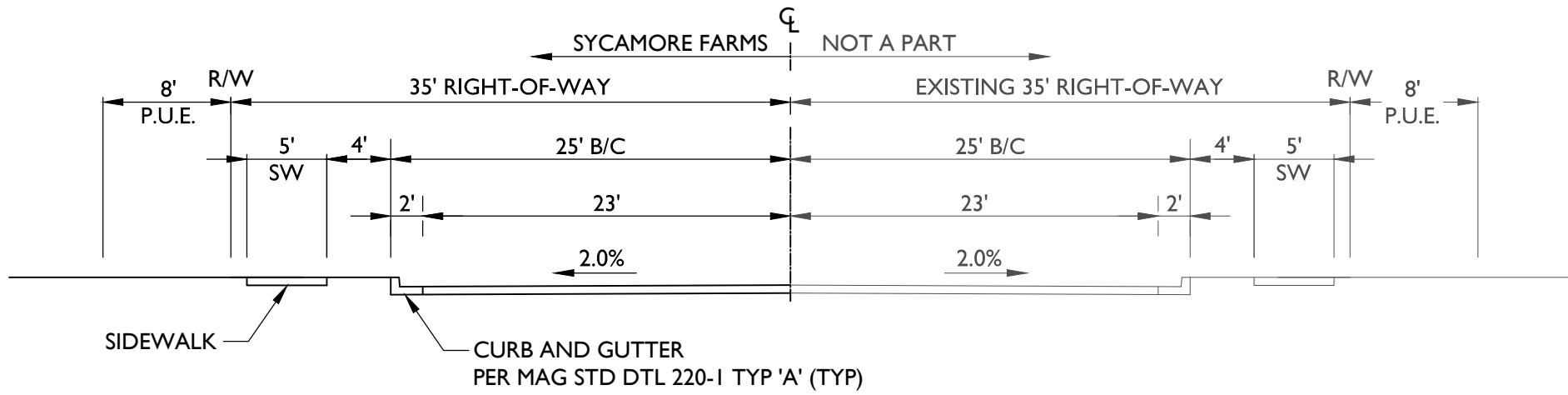
A PORTION OF THE EAST HALF, SECTION 24, T.3 N., R.2 W., GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA



20' MOTOR COURT / PUBLIC UTILITY EASEMENT
N.T.S.



LOCAL STREET WITH ON-STREET PARKING (LOOKING NORTH OR EAST)
N.T.S.



CHOLLA STREET (LOOKING EAST)
N.T.S.

TRACT TABLE

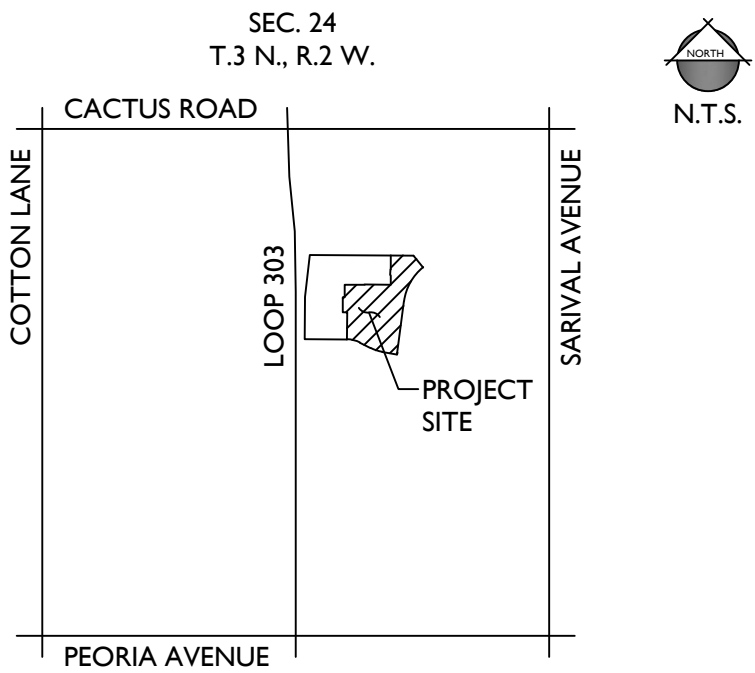
TRACT	USE	AREA (ACRES)
A	LANDSCAPE OPEN SPACE / RETENTION	0.60 AC.
B	LANDSCAPE OPEN SPACE / RETENTION	1.94AC.
C	LANDSCAPE OPEN SPACE / RETENTION	0.20 AC.
D	LANDSCAPE OPEN SPACE / RETENTION/PARK	0.56 AC.
E	LANDSCAPE OPEN SPACE	0.04 AC.
F	LANDSCAPE OPEN SPACE	0.04 AC.
G	LANDSCAPE OPEN SPACE	0.03 AC.
H	LANDSCAPE OPEN SPACE	0.02 AC.
J	LANDSCAPE OPEN SPACE	0.09 AC.
K	LANDSCAPE OPEN SPACE	0.01 AC.
TOTAL		3.53 AC.

LOT TABLE

1	3,406 sq.ft.	31	3,406 sq.ft.	61	3,340 sq.ft.
2	2,817 sq.ft.	32	3,406 sq.ft.	62	2,751 sq.ft.
3	3,406 sq.ft.	33	2,817 sq.ft.	63	3,406 sq.ft.
4	3,406 sq.ft.	34	3,538 sq.ft.	64	3,406 sq.ft.
5	2,817 sq.ft.	35	3,406 sq.ft.	65	2,751 sq.ft.
6	3,406 sq.ft.	36	3,079 sq.ft.	66	3,340 sq.ft.
7	3,450 sq.ft.	37	3,079 sq.ft.	67	3,341 sq.ft.
8	2,817 sq.ft.	38	2,751 sq.ft.	68	2,751 sq.ft.
9	3,406 sq.ft.	39	2,751 sq.ft.	69	3,341 sq.ft.
10	3,406 sq.ft.	40	3,079 sq.ft.	70	3,341 sq.ft.
11	2,817 sq.ft.	41	3,078 sq.ft.	71	2,751 sq.ft.
12	4,032 sq.ft.	42	3,406 sq.ft.	72	3,341 sq.ft.
13	3,564 sq.ft.	43	3,406 sq.ft.	73	3,595 sq.ft.
14	3,406 sq.ft.	44	2,817 sq.ft.	74	2,816 sq.ft.
15	3,672 sq.ft.	45	3,406 sq.ft.	75	3,406 sq.ft.
16	3,406 sq.ft.	46	3,406 sq.ft.	76	3,406 sq.ft.
17	3,406 sq.ft.	47	2,817 sq.ft.	77	2,817 sq.ft.
18	2,817 sq.ft.	48	3,406 sq.ft.	78	3,595 sq.ft.
19	3,406 sq.ft.	49	3,472 sq.ft.		
20	3,406 sq.ft.	50	2,817 sq.ft.		
21	2,817 sq.ft.	51	3,406 sq.ft.		
22	3,406 sq.ft.	52	3,406 sq.ft.		
23	3,395 sq.ft.	53	2,817 sq.ft.		
24	2,740 sq.ft.	54	3,493 sq.ft.		
25	3,209 sq.ft.	55	3,493 sq.ft.		
26	3,198 sq.ft.	56	2,817 sq.ft.		
27	2,751 sq.ft.	57	3,406 sq.ft.		
28	3,356 sq.ft.	58	3,406 sq.ft.		
29	4,290 sq.ft.	59	2,817 sq.ft.		
30	2,817 sq.ft.	60	3,472 sq.ft.		

Total 251,619 sq.ft.

VICINITY MAP



PROJECT TEAM

OWNER / DEVELOPER: KB HOME PHOENIX INC. 10429 S. 51st STREET SUITE 100 PHOENIX, AZ 85044 TEL: (480)-752-6366 CONTACT: JASON JARVIS	CONSULTANT: EPS GROUP, INC. 2045 S. VINEYARD, SUITE 101 MESA, AZ 85210 TEL: (480)-503-2250 FAX: (480)-503-2258 CONTACT: DAN "OX" AUXIER, PE
--	---

PROJECT DATA

EXISTING GENERAL PLAN: EXISTING ZONING: CURRENT LAND USE: GROSS AREA: NET AREA: RIGHT-OF-WAY AREA: TOTAL NO. OF UNITS: GROSS DENSITY: NET DENSITY: TRACT OPEN SPACE:	MEDIUM DENSITY RESIDENTIAL PLANNED AREA DEVELOPMENT (PAD) VACANT +/- 13.33 ACRES +/- 11.49 ACRES +/- 1.84 ACRES 78 DWELLING UNITS 5.85 DU/AC. 6.79 DU/AC. 3.53 ACRES
---	---

PAD DEVELOPMENT STANDARDS

FRONT SETBACK FACING STREET	10'
SIDE SETBACK	4'
REAR SETBACK	5'
MINIMUM BUILDING SEPARATION	8'

UTILITIES

WATER SEWER GAS ELECTRIC TELEPHONE REFUSE CABLE TV	EPICOR WATER CITY OF SURPRISE SOUTHWEST GAS ARIZONA PUBLIC SERVICE CENTURYLINK / COX CITY OF SURPRISE CENTURYLINK / COX
--	---

GENERAL NOTES

- THIS PLAN IS NOT A CONSTRUCTION DOCUMENT.
- LOT DIMENSIONS ARE APPROXIMATE. FINAL LOT DIMENSIONS SHALL BE PER THE FINAL PLAT.
- ALL ROADS WILL BE CONSTRUCTED TO CITY OF SURPRISE MINIMUM STANDARDS AS MODIFIED HEREIN.
- THE HOMEOWNERS' ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF ALL LANDSCAPE TRACTS.
- THIS DEVELOPMENT WILL PROVIDE FOR INSTALLATION OF REQUIRED STREET LIGHTS.
- DEVELOPER TO INSTALL NO PARKING SIGNS FOR DAY OF TRASH COLLECTION.

BASIS OF BEARING

EAST LINE OF NE 1/4, SEC. 24, T. 3 N., R. 2 W.,
ASSUMED BEARING = N 00°19'18"E, PER MAP OF DEDICATION, THE
RETREAT AT SYCAMORE FARMS - PHASE I, BOOK 864, PG. 16 M.C.R.

BENCHMARK

BENCHMARK:
CHISELED SQUARE ON THE NORTH CORNER OF CONCRETE BASE FOR
STEEL POWER POLE, APPROXIMATELY 30' SOUTH OF EDGE OF
PAVEMENT OF CACTUS ROAD AT THE SW CORNER OF CACTUS ROAD
& SARIVAL AVENUE.
(AKA BM# 80)
ELEVATION = 1199.17

TBM:
3" CITY OF SURPRISE BCHH AT INTERSECTION OF SARIVAL & CACTUS
ELEVATION = 1199.50

SHEET INDEX

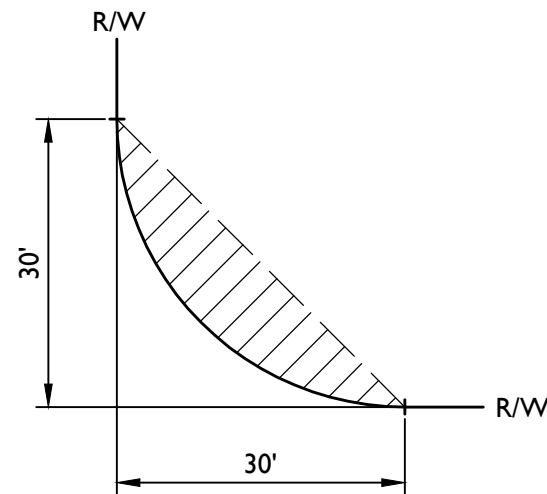
PRE-PLAT	PP01
SHEET 1	PP02
SHEET 2	PP01
SHEET 3	

mambrosio Jul 27, 2015 10:11am S:\Projects\2012\12-128\Civil\Construction Documents_Phase 1_Pre-Plat\12-128 - PH1 - PP02.dwg

mambrosio



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD
C1	32°22'09"	225.00'	127.11'	65.30'	125.43'
C2	17°37'11"	365.00'	112.24'	56.57'	111.80'
C3	26°51'42"	350.00'	164.09'	83.58'	162.59'

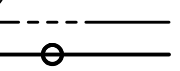


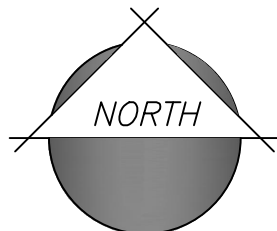
SIGHT VISIBILITY TRIANGLE

N.T.S.

30' x 30' FOR LOCAL AND COLLECTOR ROAD INTERSECTIONS

LEGEND

	PROPERTY BOUNDARY
	SECTION LINE
	MIDSECTION LINE
	RIGHT-OF-WAY LINE
	LOT LINE
	PUBLIC UTILITY EASEMENT
	STREET CENTER LINE
	EXISTING RIGHT-OF-WAY
	EXISTING PARCEL
	S.V.T.
	WATER LINE & FIRE HYDRANT
	SEWER LINE & MANHOLE
	RETENTION BASIN



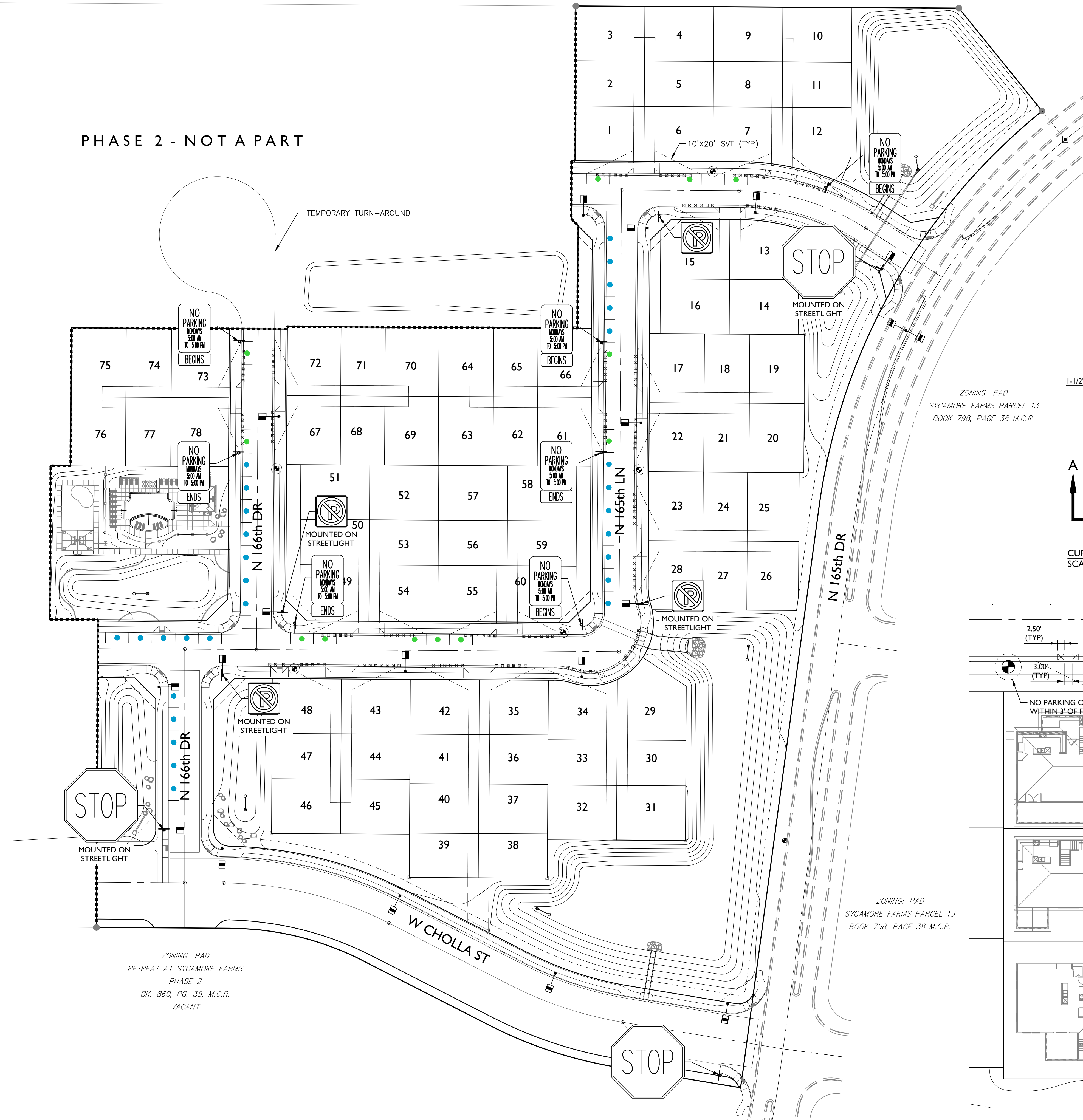
		2045 S. Vineyard Ave, Suite 101 Mesa, AZ 85210 T: 480.503.2250 F: 480.503.2258 www.epsgroupinc.com	
Project:		Preliminary Plat for Sycamore Farms, Parcel 12, Phase I Surprise, AZ	
Revisions:		Preliminary Plat	
Call or faxed your full working day before your begin expiration.  52991 DANIEL B. AUXIER Date signed 07/17/15 Maricopa County (928)250-1198			
Designer: DMA		Drawn by: MSA	
			
Expires: 12/31/2015 Job No. 12-128			
PP02			
Sheet No. 2 of 3			

I2-128 Sycamore Farms, Parcel 12, Phase I

Jul 27, 2015 10:20am S:\Projects\2012\12-128\Civil\Construction Documents\Phase 1\Pre-Plat\12-128 - PH1 - PP03.dwg

dauxier

LOOP 303 FREEWAY (NO ACCESS)



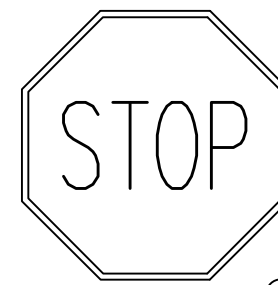
ZONING: PAD
RETREAT AT SYCAMORE FARMS
PHASE 2
BK. 860, PG. 35, M.C.R.
VACANT

ZONING: PAD
SYCAMORE FARMS PARCEL 13
BOOK 798, PAGE 38 M.C.R.

ZONING: PAD
SYCAMORE FARMS PARCEL 13
BOOK 798, PAGE 38 M.C.R.

LEGEND

- UNRESTRICTED VISITOR PARKING (29 SPACES)
- RESTRICTED VISITOR PARKING ON DAYS OF TRASH COLLECTION (12 SPACES)
- STREET SIGN FOUNDATION PER C.O.S. STD. DTL 4-22



R1-1



R7-2a (MODIFIED) - CONTRACTOR TO COORDINATE DATE AND TIME OF PARKING RESTRICTIONS WITH PUBLIC WORKS DEPARTMENT PRIOR TO INSTALLATION



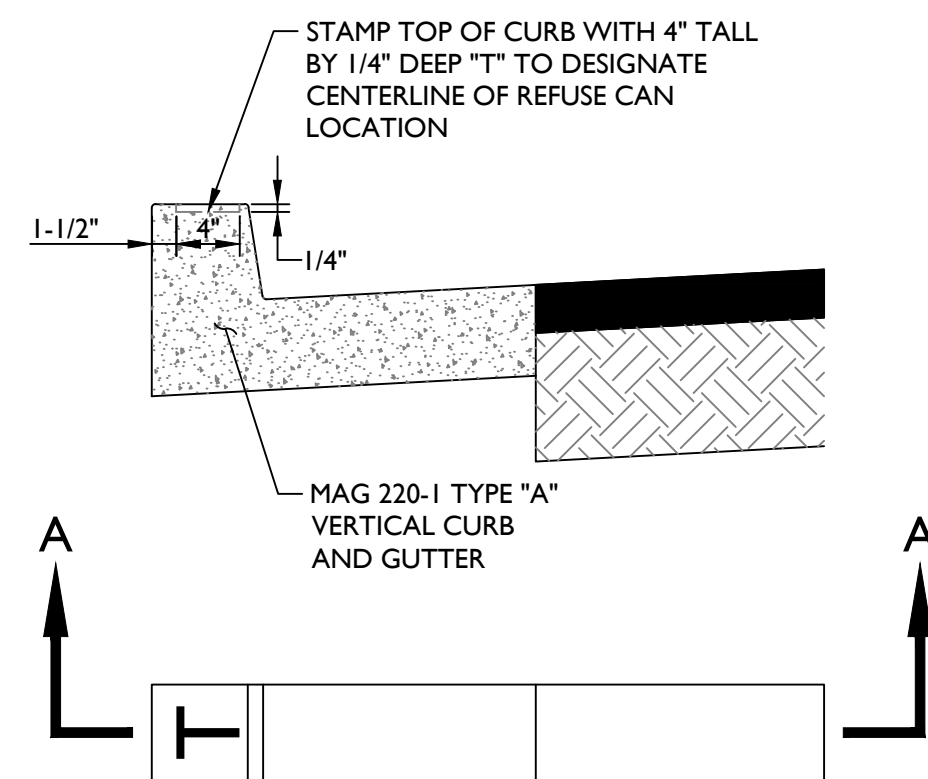
R8-3 OR R7-1 (AS REQUIRED BY CITY INSPECTOR)

BEGINS

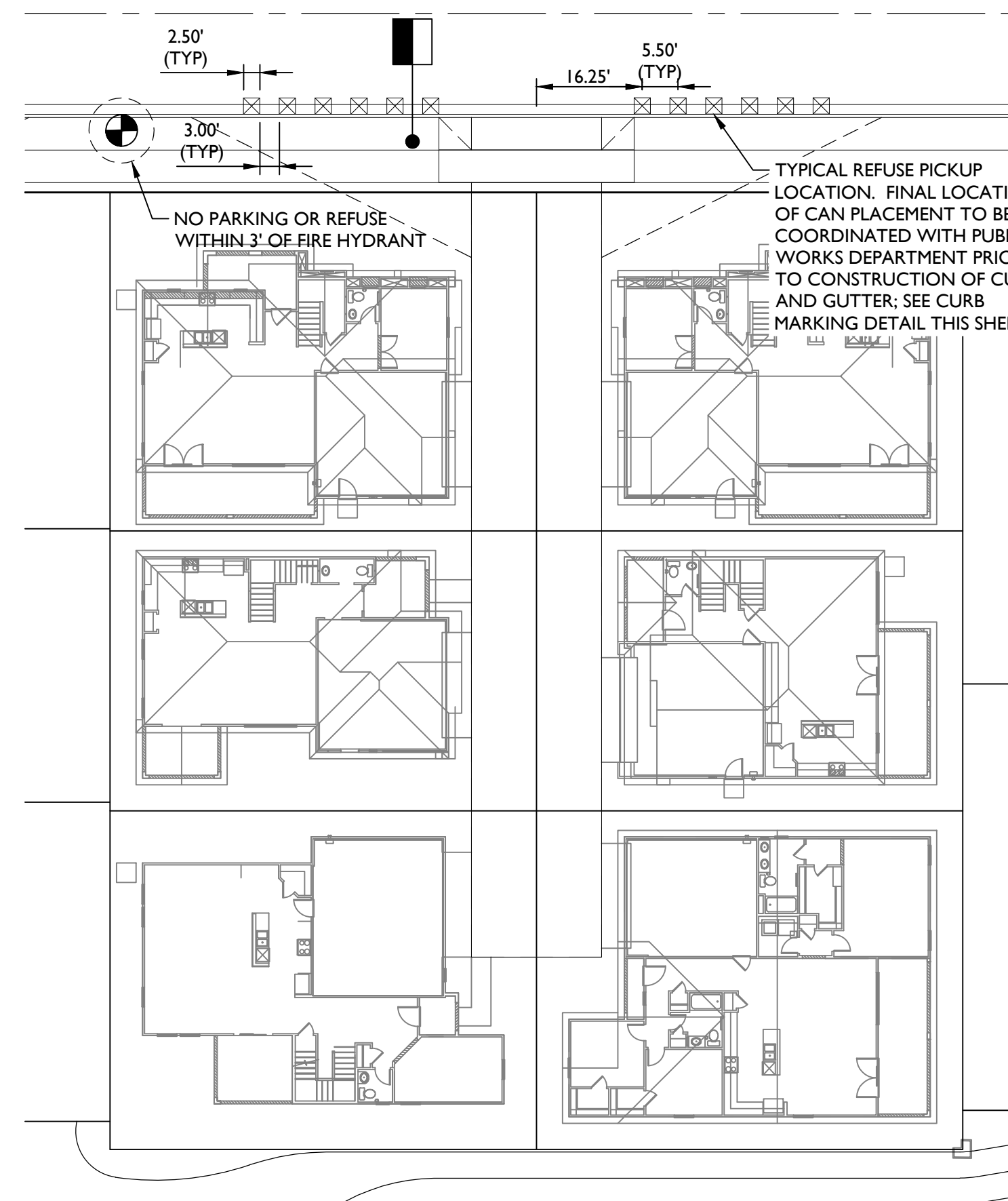
SUPPLEMENTAL "BEGIN" SIGN

ENDS

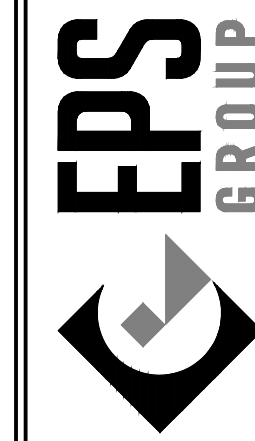
SUPPLEMENTAL "END" SIGN



CURB MARKING DETAIL
SCALE: NTS



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



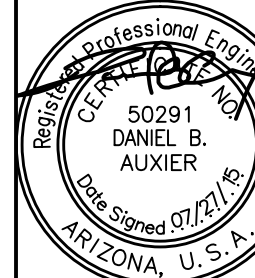
Preliminary Plat for
Sycamore Farms, Parcel 12, Phase I
Surprise, AZ
Parking & Refuse Exhibit

Project:

Revisions:



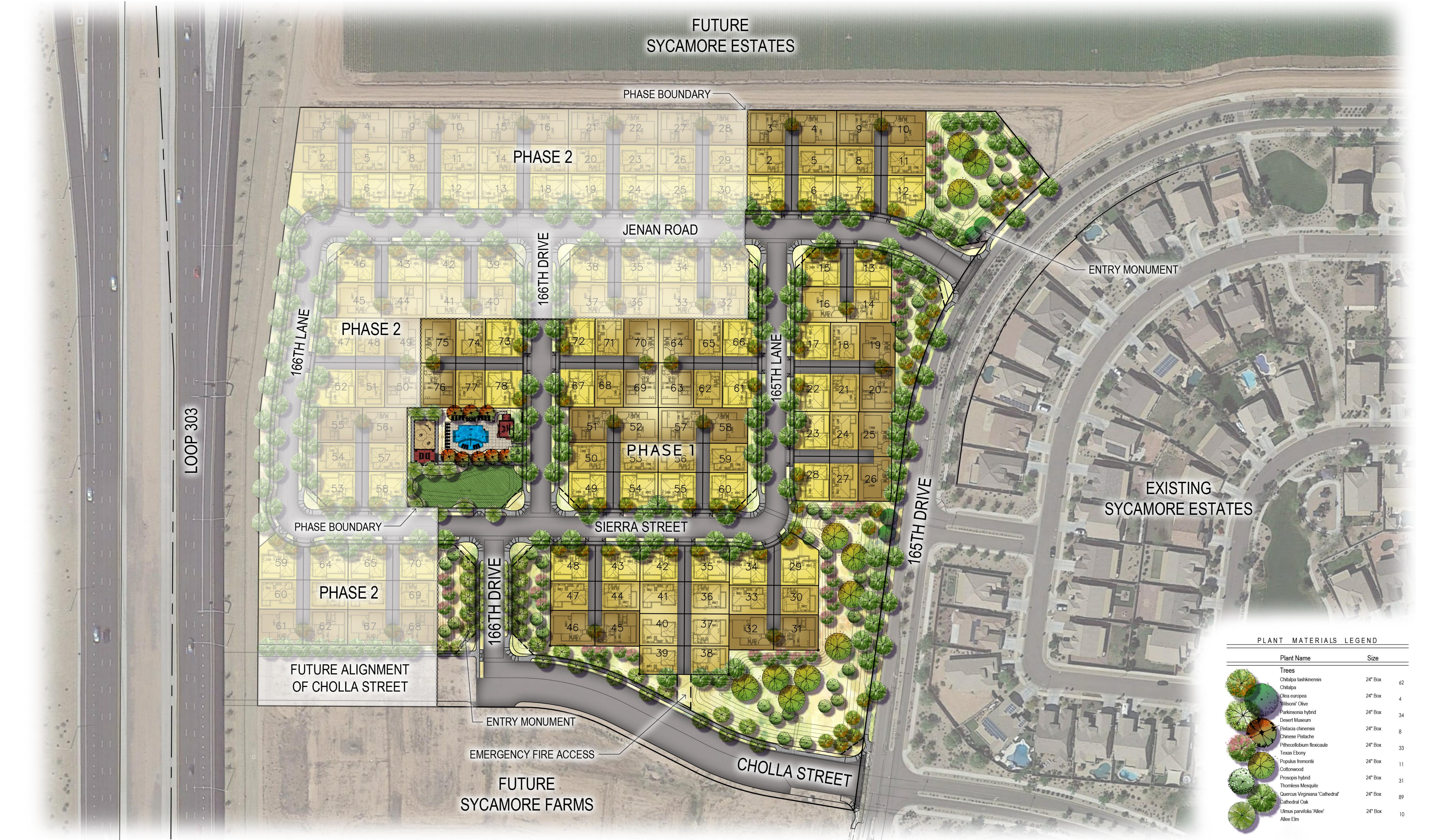
Designer: DMA
Drawn by: MSA



Job No.
12-128

PE01

Sheet No.
3
of 3



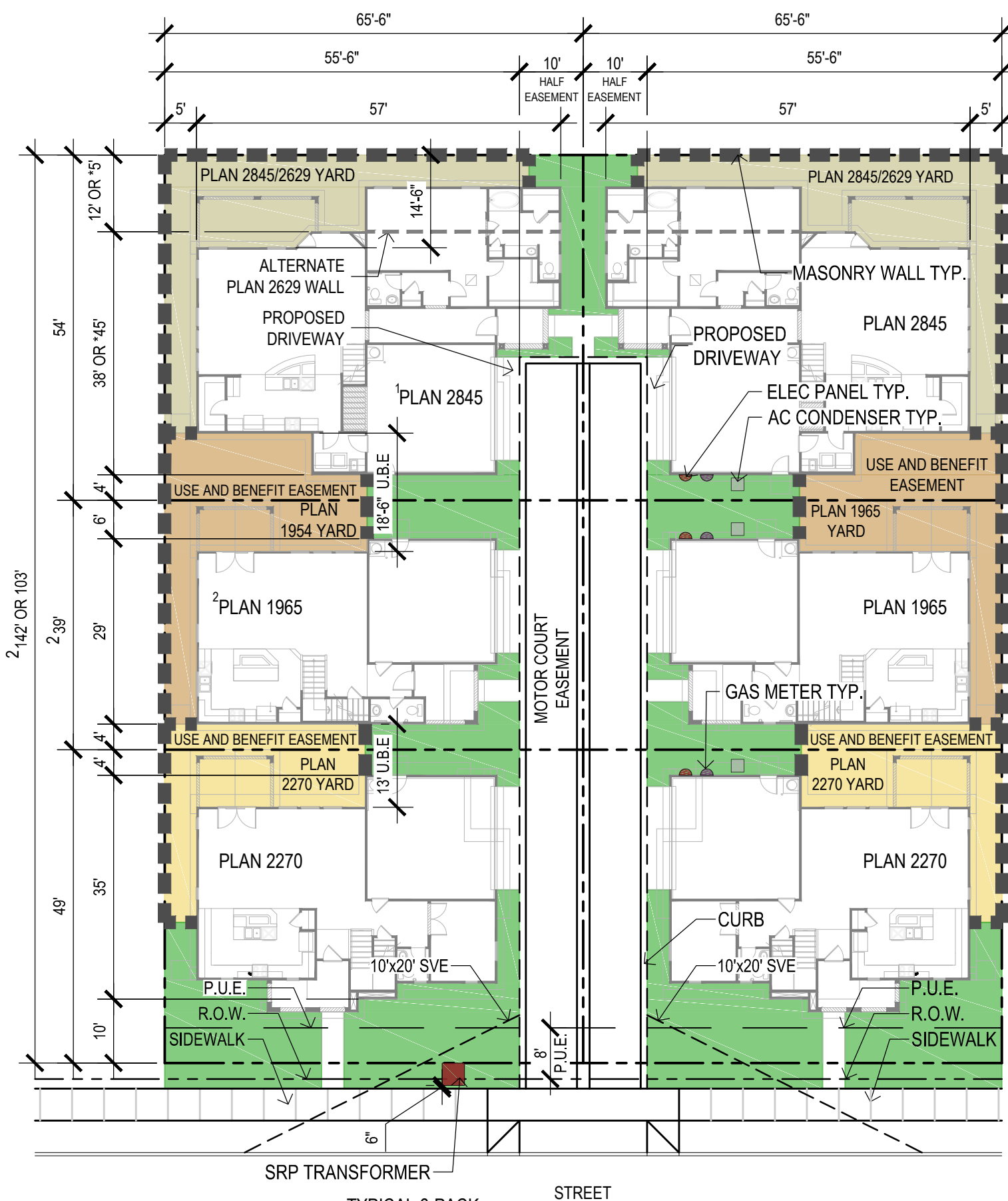
PLANT MATERIALS LEGEND		
Plant Name	Size	
Trees		
Chitalpa tashkinensis	24" Box	62
Chitalpa		
Olea europaea	24" Box	4
Wilsonia Olive		
Parkinsonia hybrid	24" Box	34
Desert Museum		
Pistacia chinensis	24" Box	8
Chinese Pistache		
Pinus ponderosa flexilis	24" Box	33
Texas Ebony		
Populus fremontii	24" Box	11
Cottonwood		
Prosopis hybrid	24" Box	31
Thornless Mesquite		
Quercus virginiana 'Cathedral'	24" Box	89
Cathedral Oak		
Ulmus parvifolia 'Allee'	24" Box	10
Allee Elm		

SYCAMORE FARMS - PHASE 1

LANDSCAPE PLAN

scale 1:60
date: 08.24.15

andersonbaron
plan - design - achieve
50 n. mcclintock drive, ste 1
chandler, arizona 85226
ph. 480.699.7956 f.480.699.7986



- NOTE:
- PLAN 2845 AND PLAN 2629 CONDITION OCCURS ON 6-PACK ENDS
 - PLAN 1965 NOT PART OF 4-PACK CONDITION

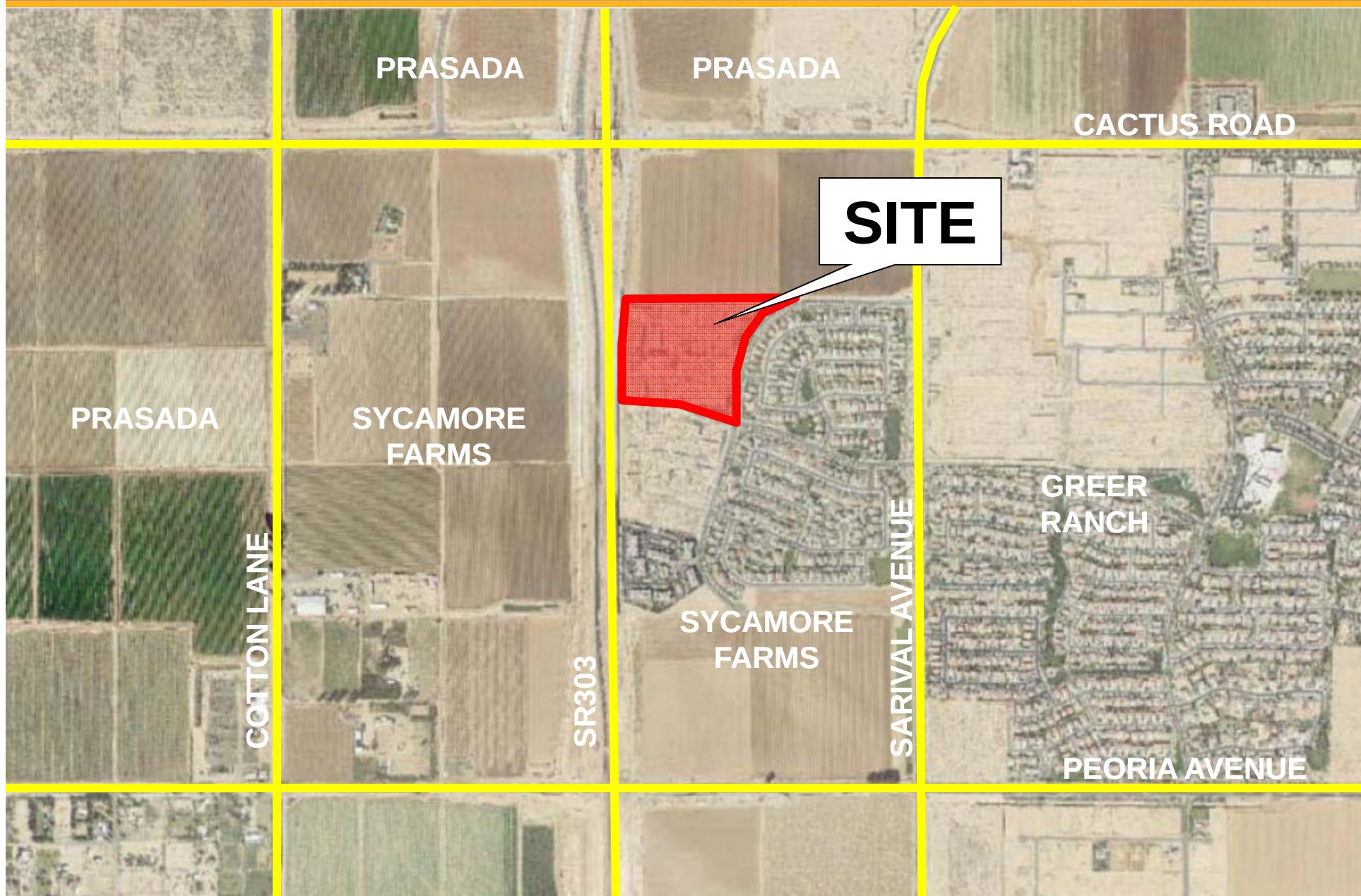
Sycamore Farms Parcel 12 North Preliminary and Final Plats

October 6, 2015

City Council

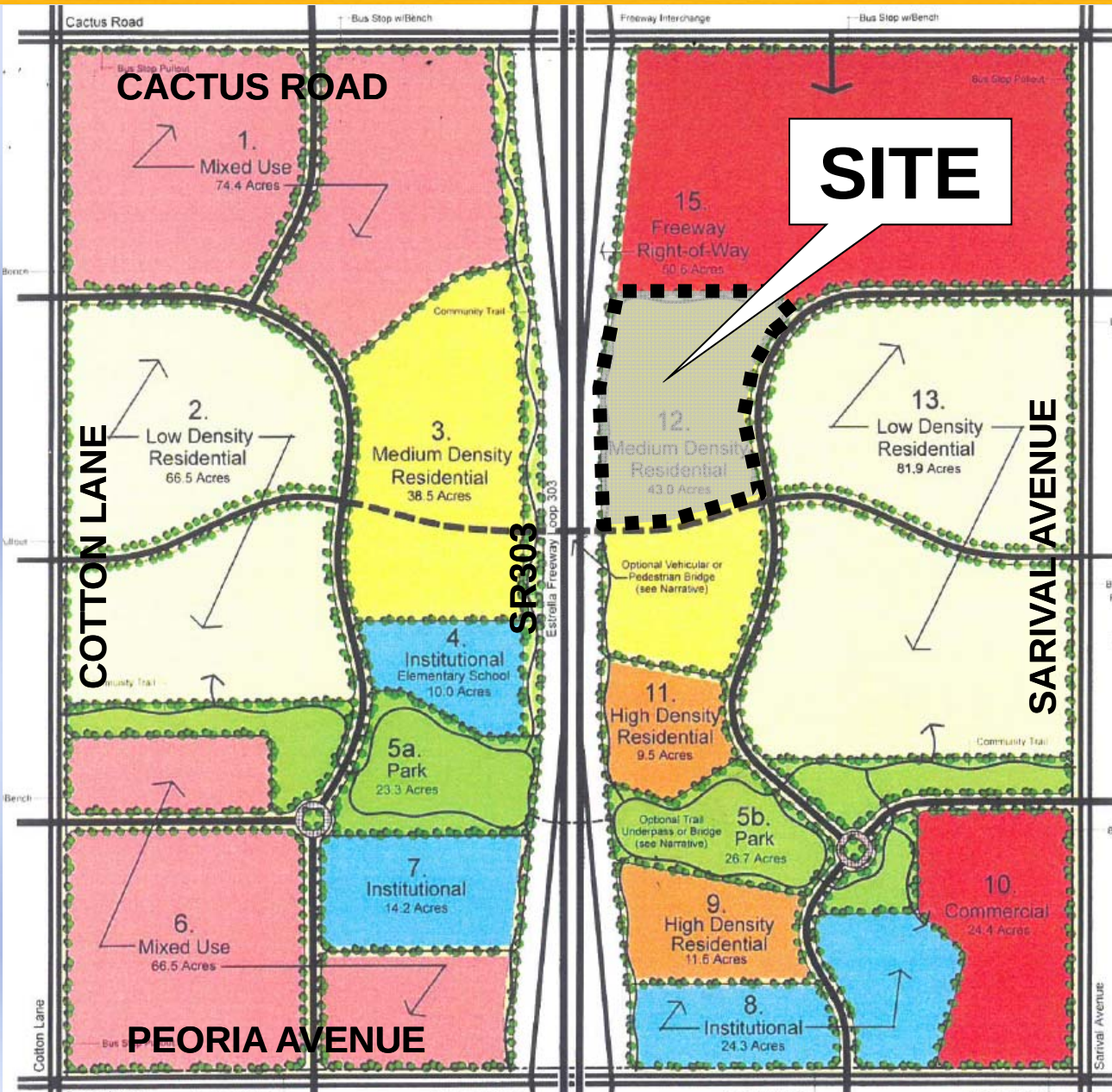


VICINITY MAP



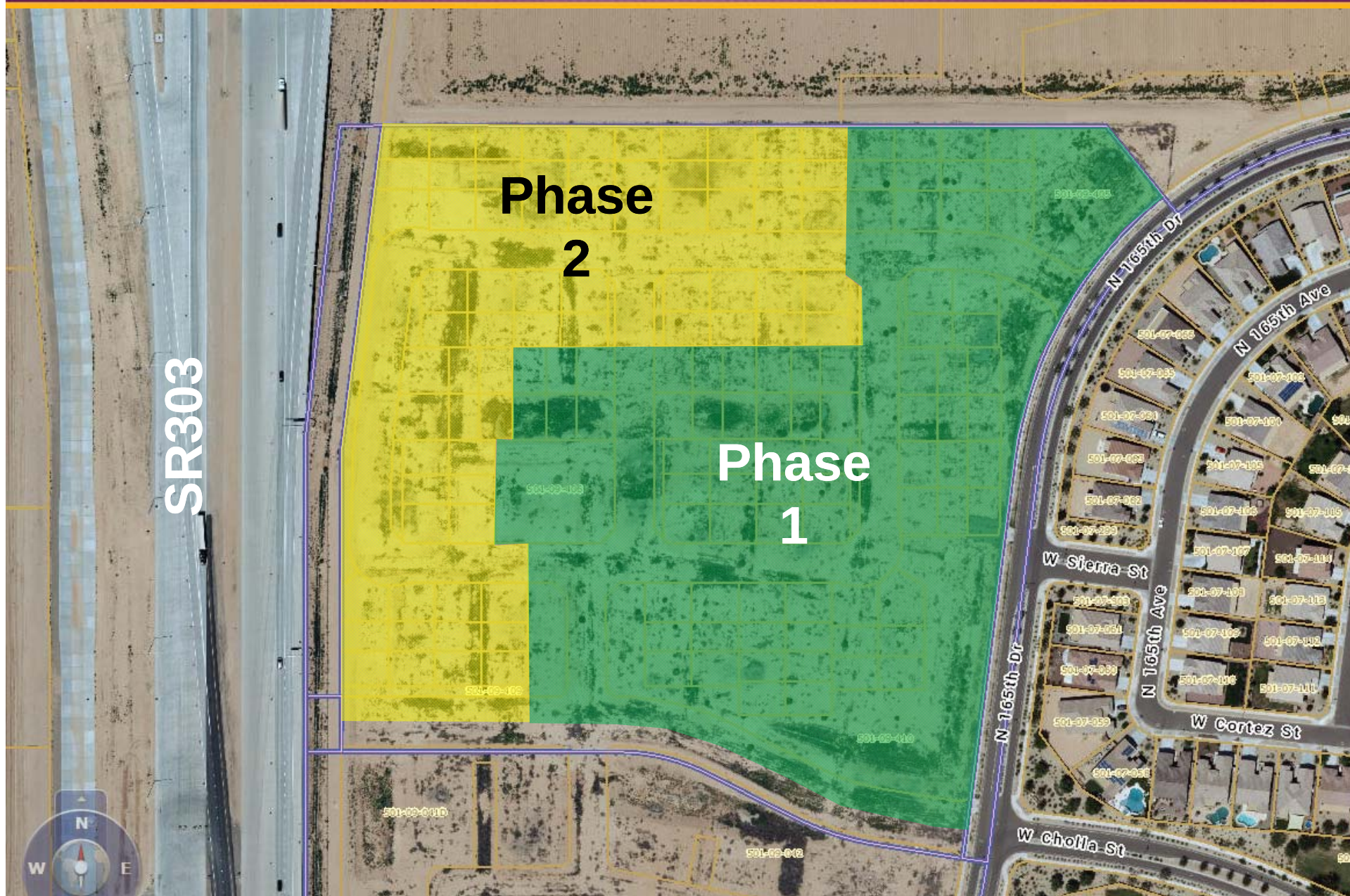
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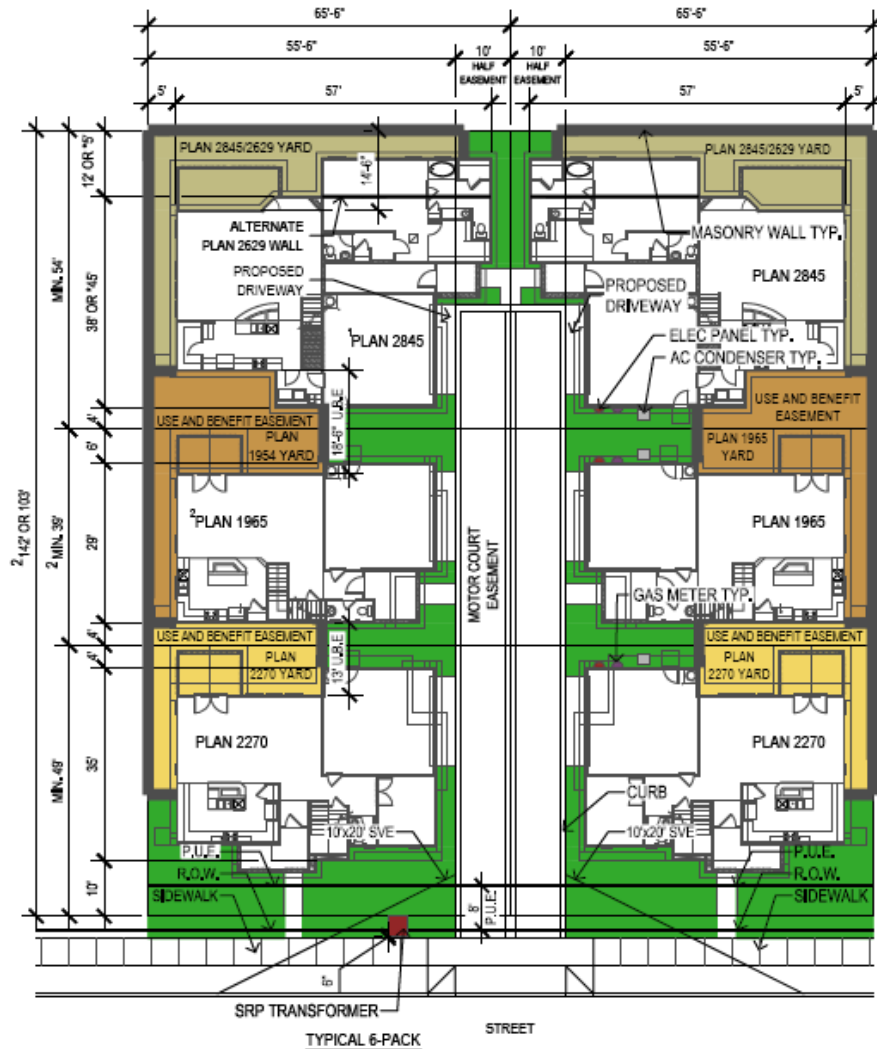


GREER
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VICINITY MAP

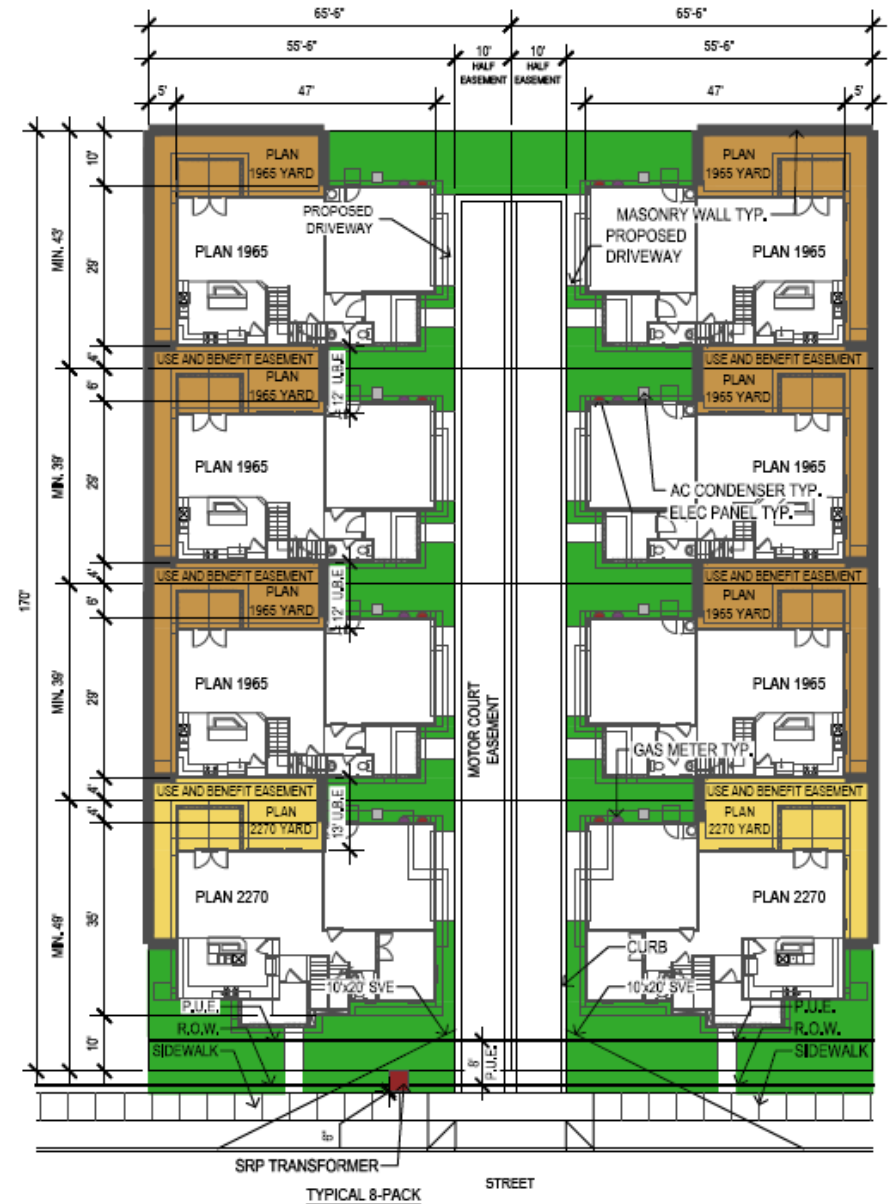


AUTO COURT



NOTE:

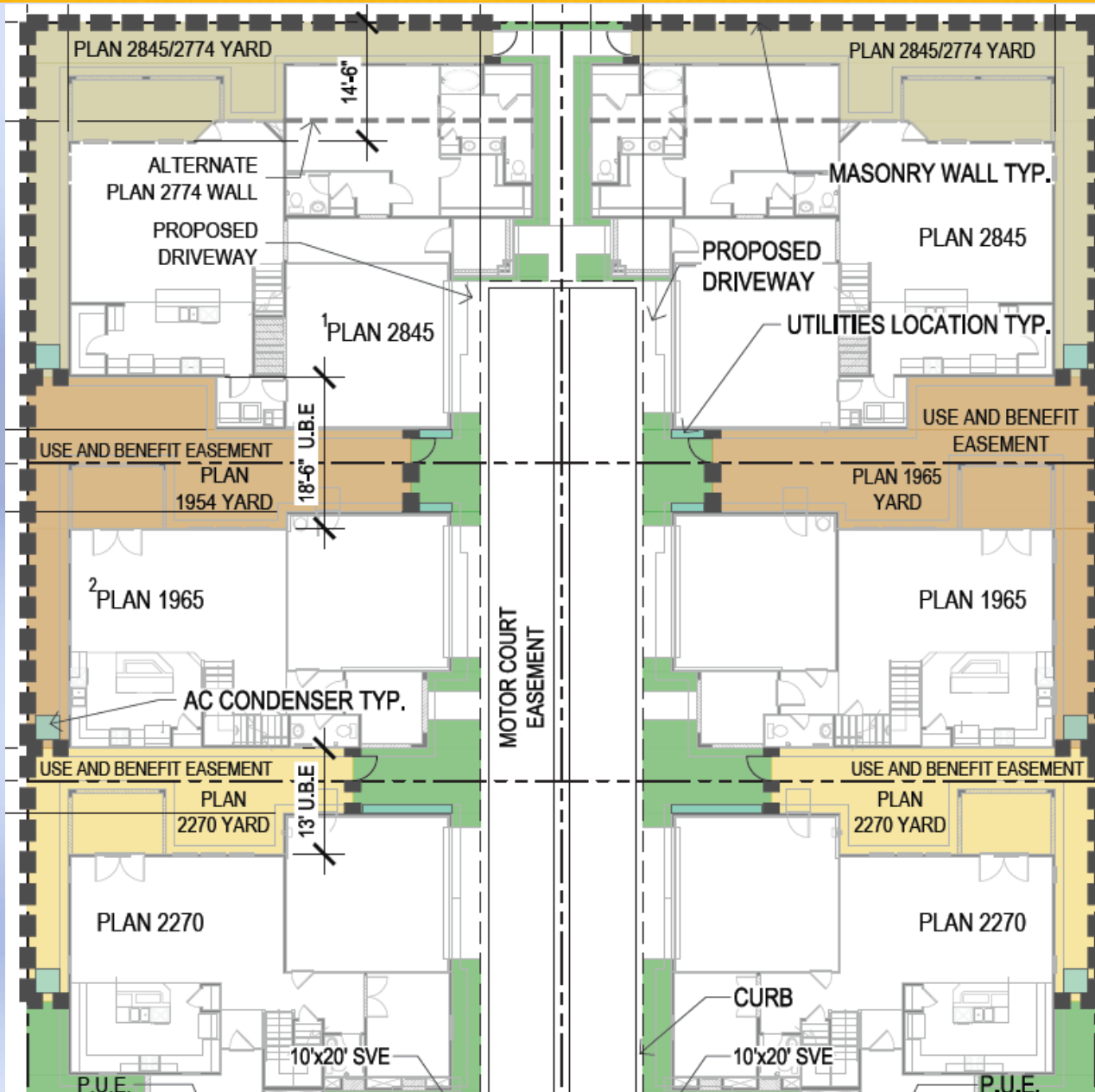
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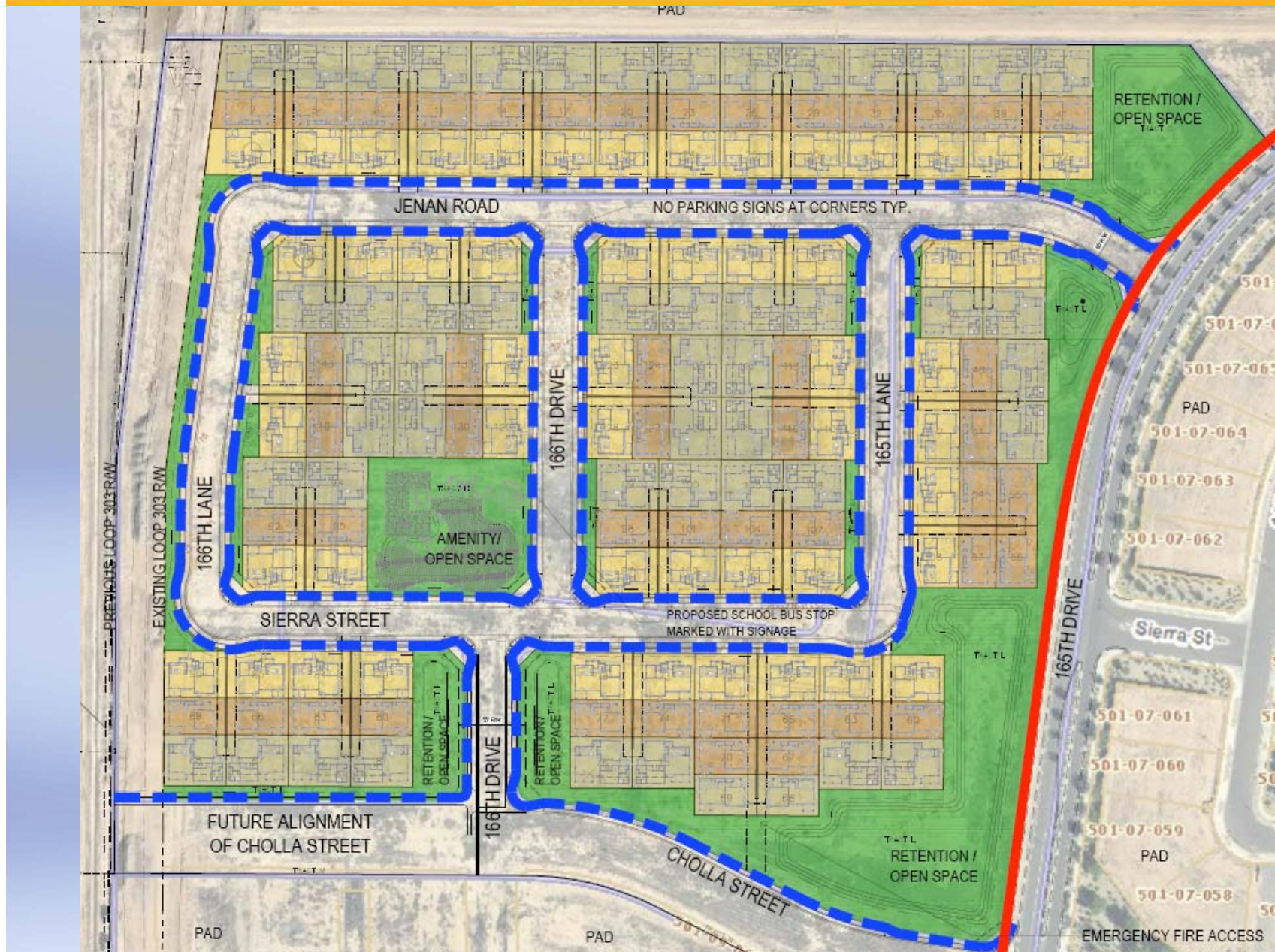
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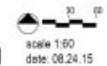
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AUTO COURT

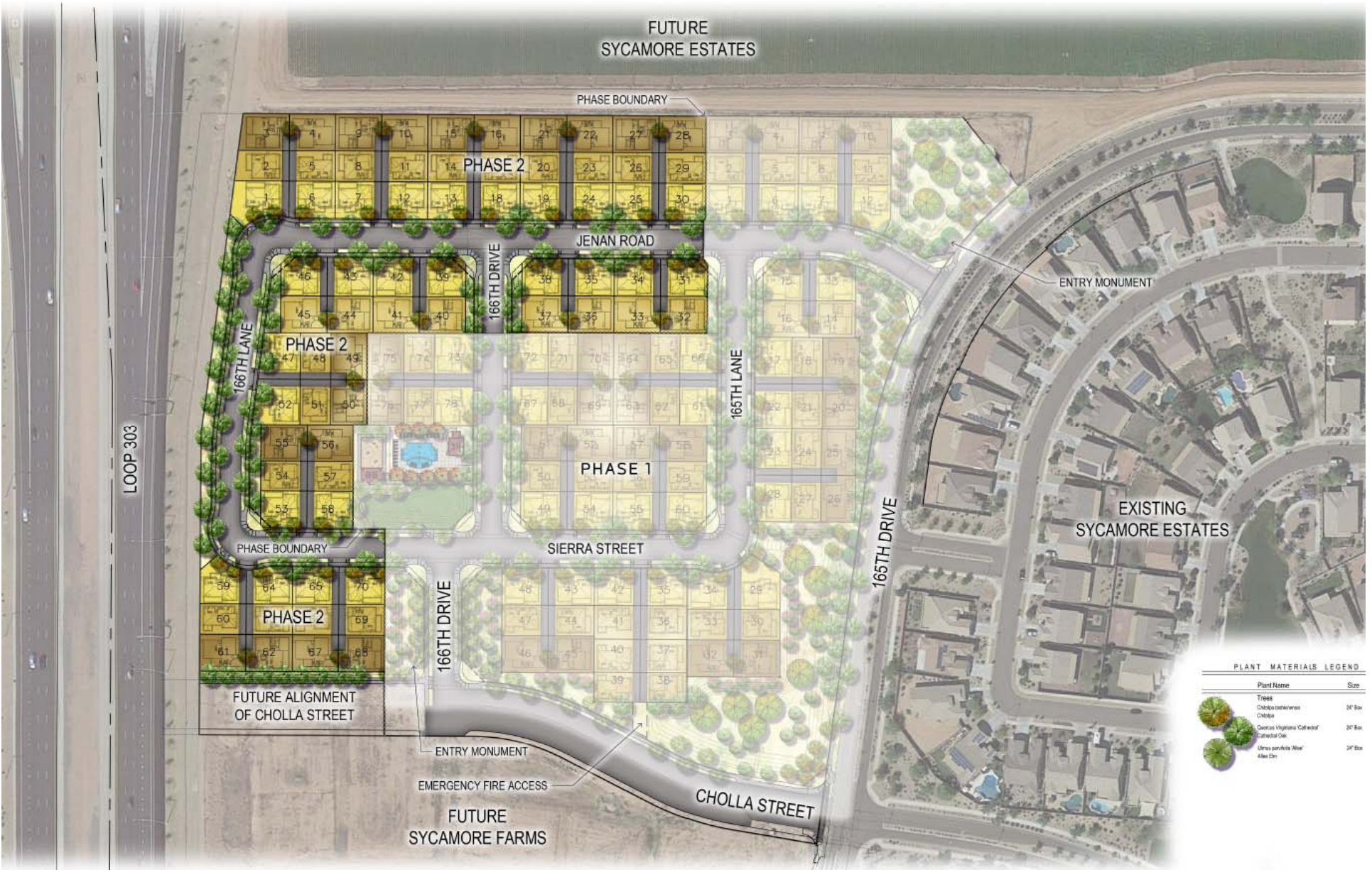


OPEN SPACE

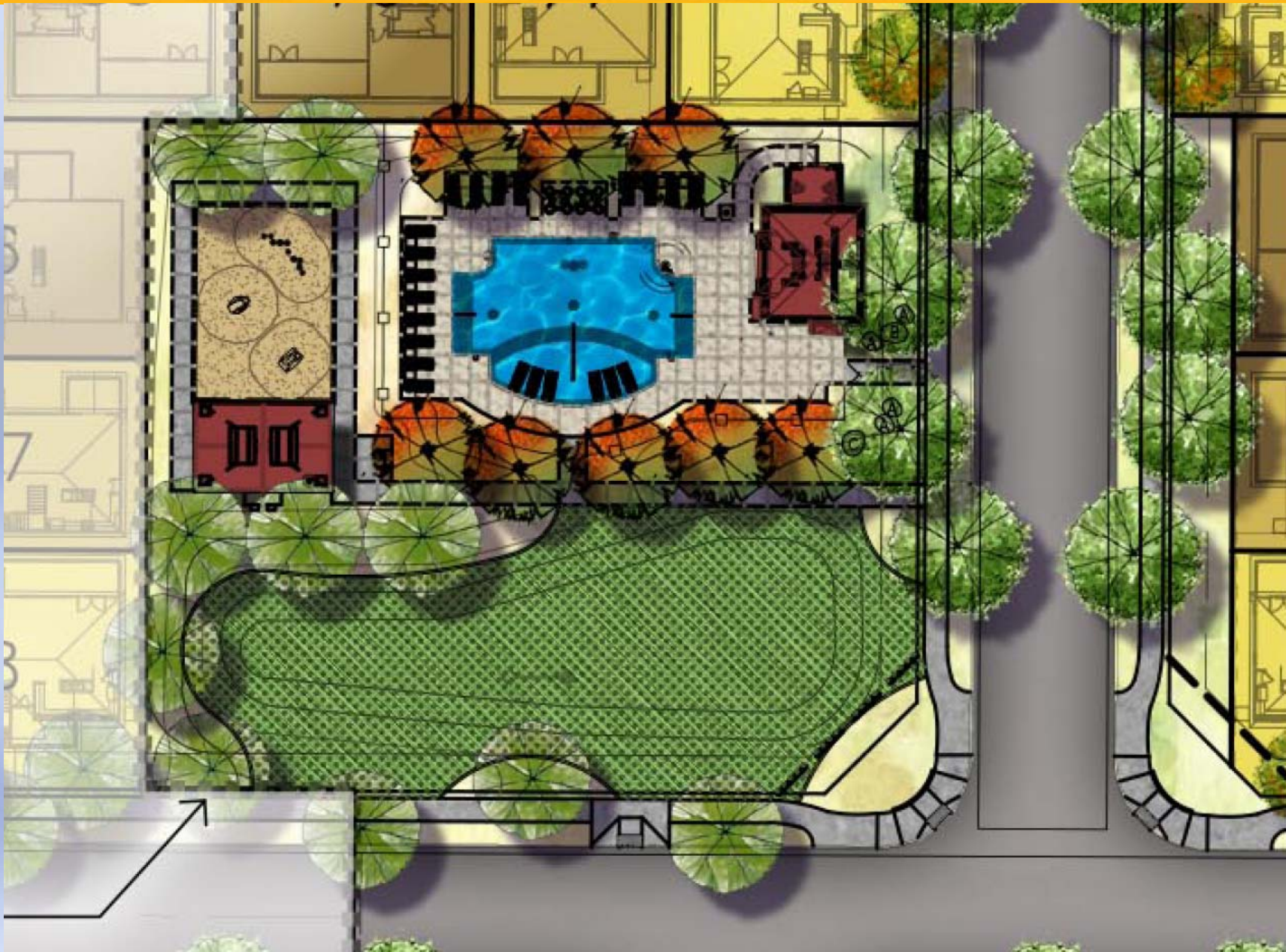


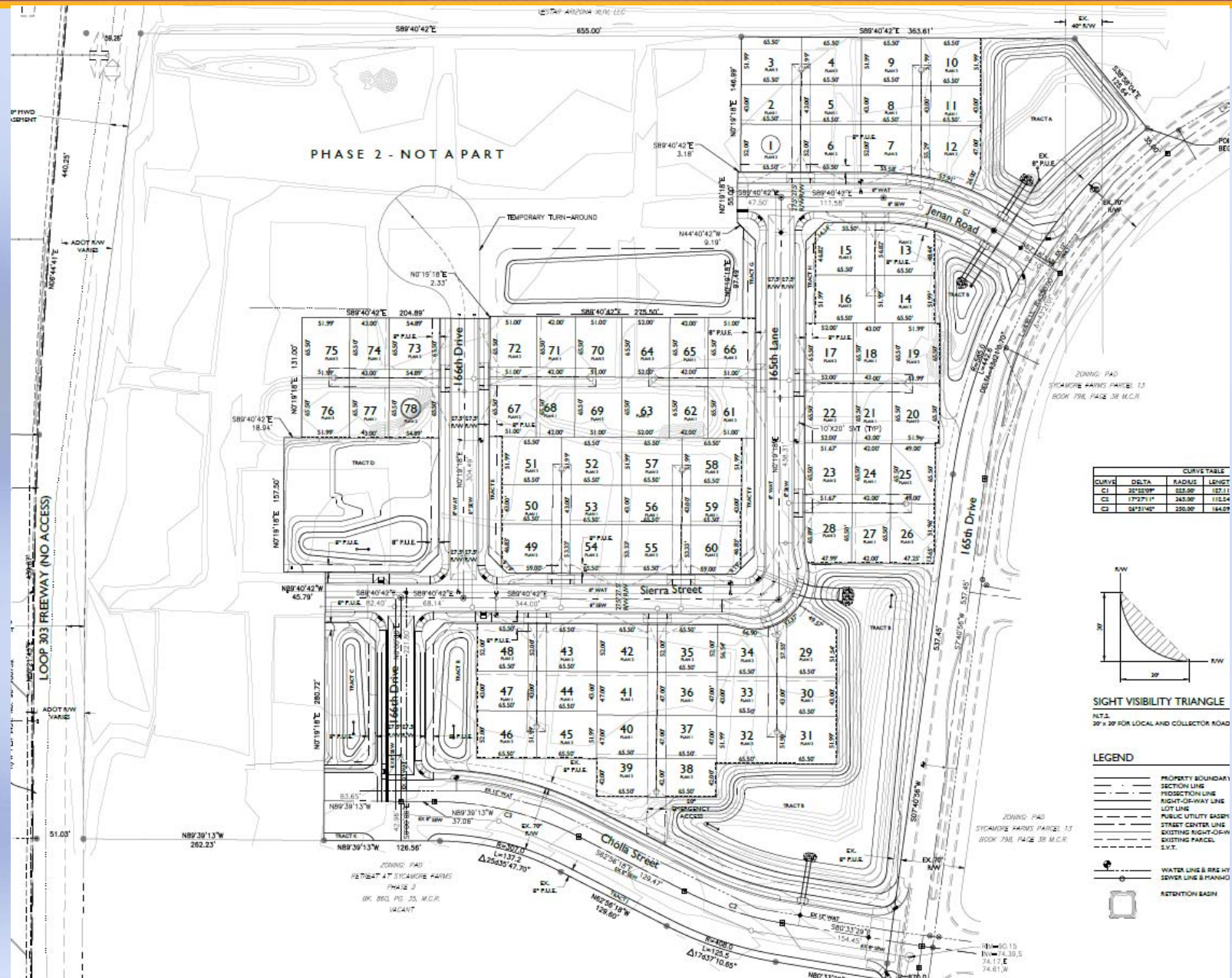


LANDSCAPE

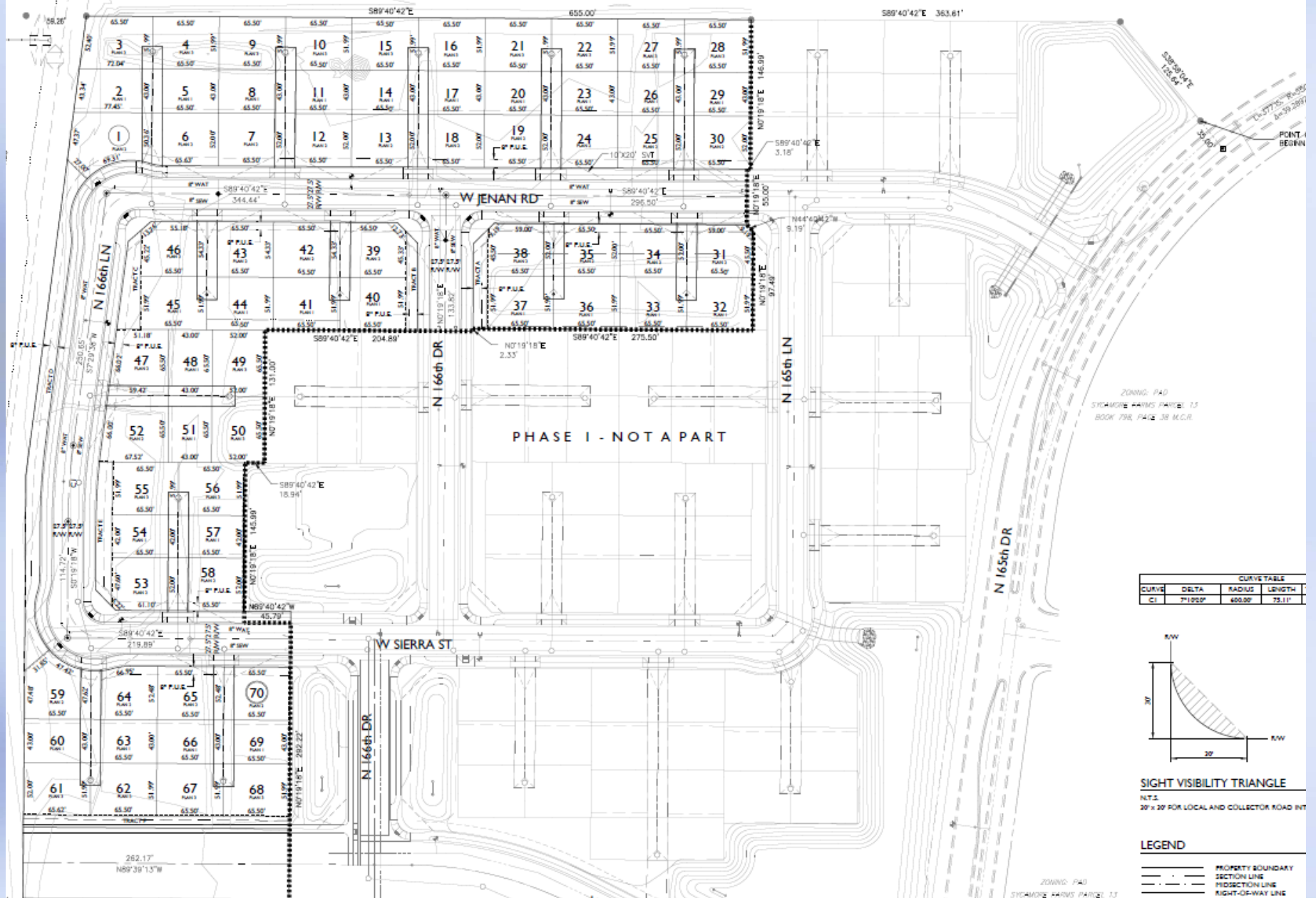


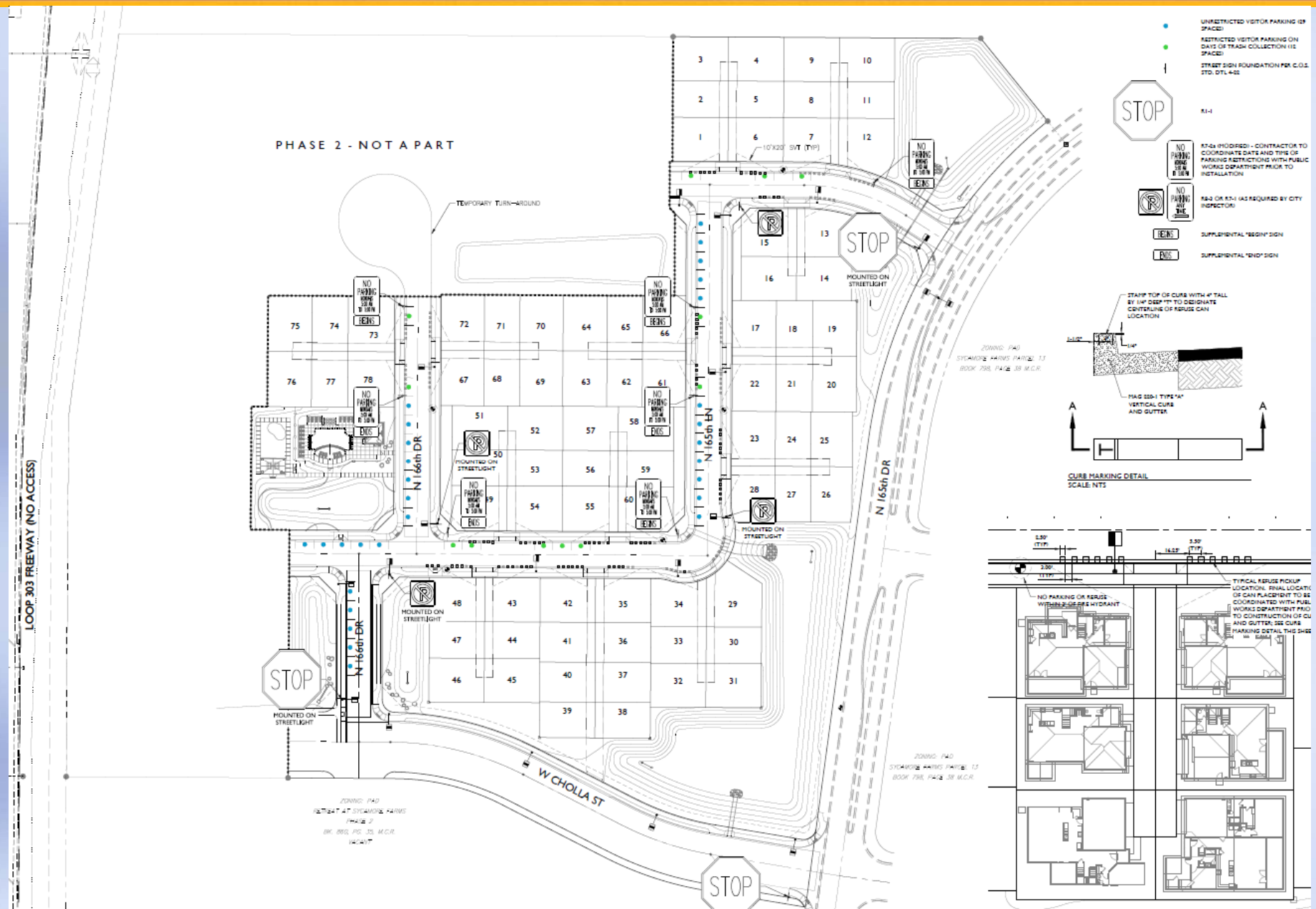
LANDSCAPE

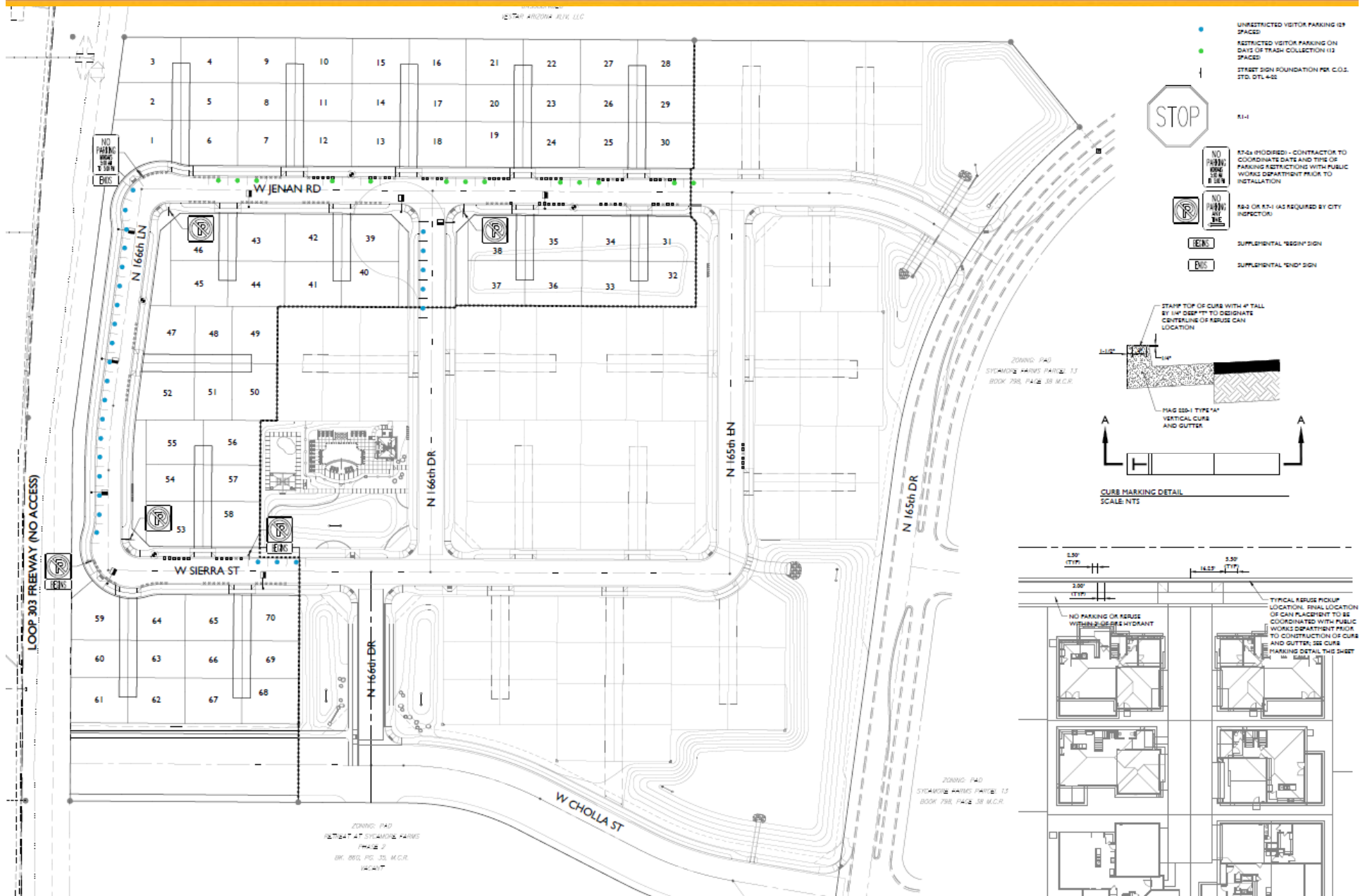




PLAT – PHASE 2







SYCAMORE FARMS PARCEL 12 NORTH



Questions?

RESOLUTION #2015-100

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A PRELIMINARY PLAT ENTITLED "SYCAMORE FARMS PARCEL 12, PHASE 1," GENERALLY LOCATED SOUTH OF CACTUS ROAD BETWEEN 165TH DRIVE AND SR303.

WHEREAS, on July 22, 2004 the Mayor and City Council approved the Sycamore Farms Planned Area Development;

WHEREAS, on September 17, 2015, the Planning and Zoning Commission approved the proposed Preliminary Plat subject to stipulation; and

WHEREAS, the proposed Preliminary Plat is in compliance with the Surprise Municipal Code and Surprise General Plan.

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

Section 1. The Preliminary Plat entitled "Sycamore Farms Parcel 12, Phase 1," dated July 27, 2015 is approved, subject to the following conditions:

The Landscape Plan prepared by Andersonbaron dated June 30, 2015 will be revised and submitted for review to include the following modifications:

- a. Sheet LA2.2, Note 11 will include a note that indicates the design of the pool building will follow the administrative amended site plan process.
- b. Sheets LA3.0 through LA3.4 will provide 24 inch box trees every 50 linear feet of collector streets.
- c. Trees provided in the rights-of-ways will be a species listed in Chapter eight (8) of the Engineering Development Standards.
- d. The wall and sign design illustrated on Sheets LA6.1 and LA6.2 will be reflective of the design provided in the Planned Area Development (PAD) document and the adjacent single family residential neighborhood. The wall will incorporate single 120 scored smooth face block with repeating cultured stone veneer columns.
- f. Sheet LA7.1 will include a note that requires deep root barriers for trees within ten (10) feet of curbs sidewalks, or pavement.

SIGNATURE ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____ 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney



CITY OF SURPRISE
Regular City Council Meeting

October 6, 2015 @ 6:00:00 PM

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

Council Meeting Date:	October 6, 2015	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	3
Staff Recommendations:	Approve		

Consent	Regular	Public Hearing	x	Report/Discussion
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Agenda Wording:

Consideration and action on a Preliminary Plat entitled "Sycamore Farms Parcel 12, Phase 2," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-102.

Motion:

I move to approve Resolution 2015-102.

Background:

This preliminary plat is the first of two items related to the subdivision of property known as Sycamore Farms Parcel 12, Phase 2. The second item is a final plat of the same name. The property is a 7.91-acre vacant parcel located between SR303 and North 165th Drive approximately 1,200 feet south of Cactus Road. The parcel was previously platted in 2013/2014, however the plat expired. Approval of this item is the first step of the subdivision process. Approval of the final plat will result in the subdivision of the property into 70 medium density single-family residential lots for a density of 8.85 dwelling units per acre. This item was heard by the Planning and Zoning Commission on September 17, 2015 with a recommendation for approval with stipulations. The stipulations are included in the Resolution. Additional information can be found in the attached staff report.

Objective Analysis:

Not applicable at this time.

Policy Compliant:

City Code requires that property be subdivided using a two-step process; a preliminary plat that requires a public hearing, and a final plat. The subdivision of this property is combining this two-step process into one agenda, though separate items, to facilitate faster processing time for the applicant. All other code requirements are satisfied.

Financial Impact:

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

Budget Impact:

There are no anticipated budget impacts related to this item.

FTE Impact:

This action will not have any impact on current staff levels.

ATTACHMENTS:**Click to download**

- ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Preliminary Plat - Staff Report](#)
 - ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Preliminary Plat - Vicinity Map](#)
 - ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Preliminary Plat](#)
 - ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Preliminary Plat - Landscape Plans](#)
 - ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Preliminary Plat - Auto Court](#)
 - ☐ [FS15-192 - Sycamore Farms Parcel 12 North - Phase 2 - Preliminary Plat - Presentation](#)
 - ☐ [Resolution 2015-102](#)
-



PRELIMINARY AND FINAL PLATS

REPORT TO THE MAYOR AND CITY COUNCIL

Case: FS15-192

Project Name: Sycamore Farms Parcel 12, Phase 2

Council District: 3 - Mesquite

Meeting Date: October 6, 2015

Planner: Hobart Wingard, Planner II, 623.222.3156

Owner: KB Homes Inc.

Applicant: EPS Group Inc.

Request: Preliminary and Final Plats for a 70 lot, medium density single-family subdivision in the Sycamore Farms Planned Area Development (PAD)

Site Location: Generally south of Cactus Road between North 165th Drive and SR303

Site Size: 7.91 acres

Density: 8.85 DU/Ac

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

Support/Opposition: No communications of support or opposition received

Project Description:

Sycamore Farms Parcel 12 North is approximately 21.24 acres of medium density residential land within the Sycamore Farms PAD. The medium density residential designation within the PAD has a target density of 8 dwelling units per acre. A previous site plan for this parcel contained 171 units with a density of 9.09 dwelling units per acre. These preliminary and final plats, Phase 2, propose 70 units with a density of 8.85 dwelling units per acre. This and the first phase of this project will combine to provide 148 dwelling units with a density of 6.97 dwelling units per acre overall.

PARCEL 12 NORTH	PHASE 1	PHASE 2	TOTALS
UNITS	78	70	148
AREA	13.33 Acres	7.91 Acres	21.24 Acres
DENSITY	5.85 DU/Ac	8.85 DU/Ac	6.97 DU/Ac
OPEN SPACE	3.53 Acres	0.42 Acres	3.95 Acres

The type of housing proposed is auto court layout. This type of housing provides a higher density by providing common driveways for clusters of 4, 6, or 8 dwelling units. The individual units will have back and side yards that utilize use and benefit easements to maximize the usable space in the yard areas. Use and benefit easement is a grant to an adjacent lot for ingress/egress for the purpose of repair, maintenance, drainage, and improvement of any of the lots that are contiguous to the easement area. No structure and/or other permanent improvement of any nature shall be placed, maintained, or permitted to remain on or within the easement area.

Students from this development will be within the Dysart School Districts. Discussions with the district and the developer have resulted in a central bus stop to transport students while providing an efficient way of collecting students for transportation to school.

Surrounding Land Zoning:

ADJACENCY	ZONING DISTRICT	PAD LAND USE
North	PAD	Commercial
East	PAD	Medium Density Residential
South	PAD	Medium Density Residential
West	PAD	Medium Density Residential

Background:

July 22, 2004: The subject project area was annexed into the City of Surprise.

July 22, 2004: The Mayor and City Council approved the Sycamore Farms PAD.

November 1, 2005: The Planning and Zoning Commission approved a site plan for a medium density project for the same location, which has since expired.

July 31, 2013: An amendment to the PAD was administratively approved by the Community Development Director to adjust setbacks for medium density parcels.

September 24, 2013: The Mayor and City Council approved a preliminary plat for the subject project, which has since expired.

April 15, 2014: The Mayor and City Council approved a final plat for the subject project, which has since expired.

May 8, 2015: The applicant filed dual requests for preliminary and final plats for Phases 1 and 2 of Parcel 12 North.

September 17, 2015: The Planning and Zoning Commission recommended approval for a preliminary plat for Phase 2 of Parcel 12 North. There was concern and discussion regarding the density, product, and fire access. All concerns were addressed by staff.

Analysis and Discussion:

The proposed project does meet the density and development standards of the Sycamore Farms PAD with the exception of certain items regarding the landscape plan. Stipulation 'a' provides requirements that, when resubmitted, will meet all applicable criteria.

Development Standards Table:

DEVELOPMENT STANDARDS FOR SYCAMORE FARMS MEDIUM DENSITY RESIDENTIAL	
Minimum Lot Area:	2,500 Square Feet
Minimum Lot Width:	30 Feet
Minimum Lot Depth:	39 Feet
Minimum Front Setback (Auto Court):	13 Feet
Minimum Front Setback (Livable):	5 Feet
Minimum Side Yard Setback:	4 Feet
Minimum Street Adjacent Setback:	10 Feet
Minimum Rear Yard Setback:	5 Feet
Maximum Building Height:	36 Feet
Maximum Lot Coverage:	As Per Setbacks

Utility and Services Table:

Electric:	APS
Water:	EPCOR Water
Wastewater:	City of Surprise
Refuse:	City of Surprise
Natural Gas:	Southwest Gas
Schools:	Dysart

Reviewing Agencies: In addition to the standard internal city reviewing divisions, EPCOR Water, the Arizona Department of Transportation, Maricopa Water District, Luke AFB, USPS, Dysart School District, APS, Cox Communications, and Century Link were included in the routing of this request. None of the reviewing agencies indicated any concerns over the request.

Summary:

These preliminary and final plats for Sycamore Farms Parcel 12, Phase 2 propose 70 medium density lots with a density of 8.85 dwelling units per acre. Overall density of Parcel 12 will be 6.97 dwelling units per acre on 148 lots with 3.95 acres (18.60 percent) of open space provided.

95
96 **Findings:**
97

- 98 • The proposed Preliminary and Final Plats are consistent with the Surprise General Plan
99 2035.
100 • The proposed Preliminary and Final Plats are consistent with the Surprise Municipal Code.
101 • The proposed Preliminary and Final Plats are consistent with the Sycamore Farms PAD.
102

103 **Recommendation:**
104

105 Based on the findings noted above, should the Council first move to recommend approval of the
106 Sycamore Farms Parcel 12, Phase 2 preliminary and final plats, staff then recommends the Council
107 **approve** case **FS15-192**, subject to stipulation 'a' as outlined below:
108

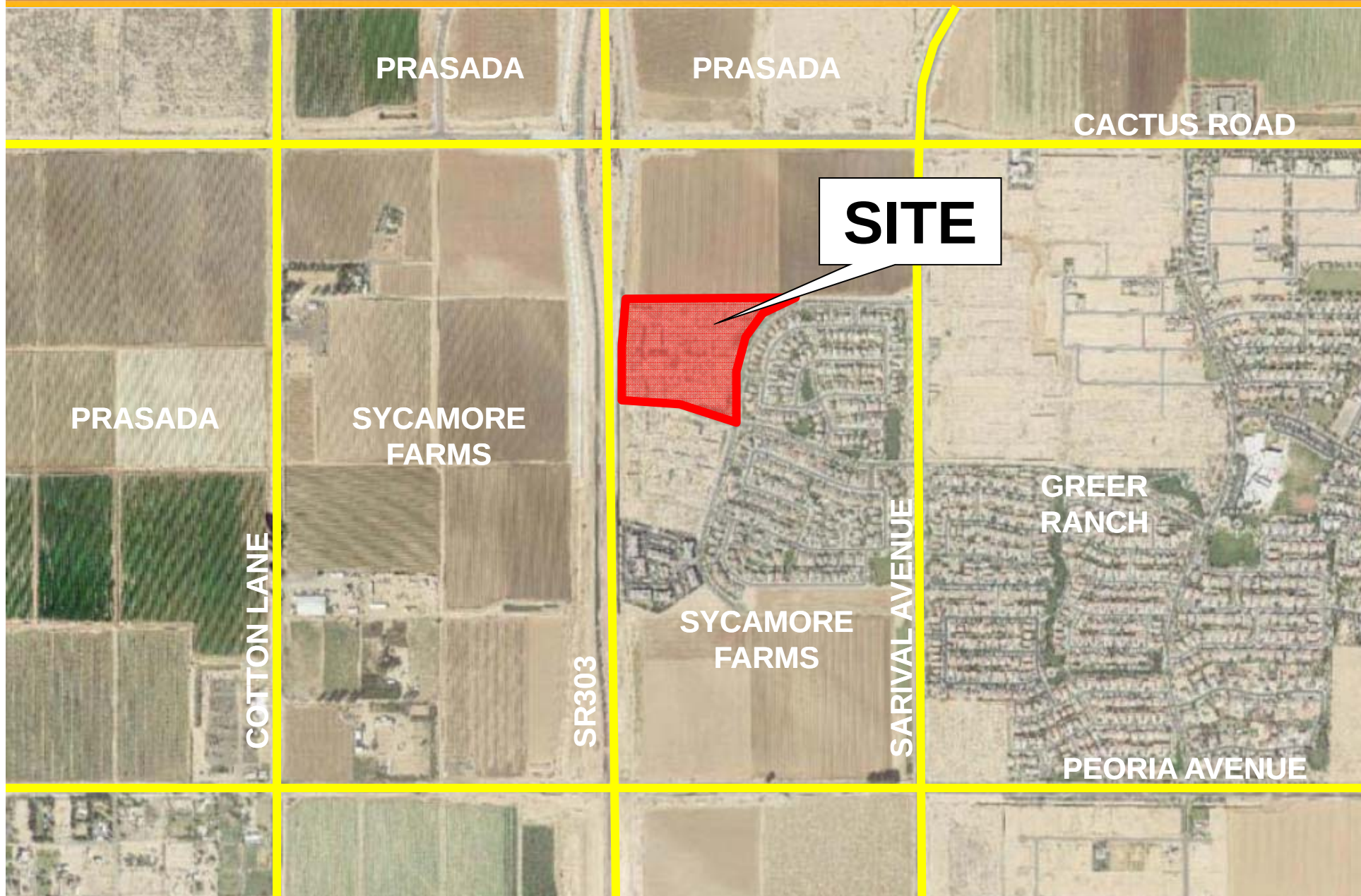
- 109 a. The Landscape Plan prepared by Andersonbaron dated June 30, 2015 will be revised and
110 submitted for review to include the following modifications:
111 1. Sheet LA2.2, Note 11 will include a note that indicates the design of the pool
112 building will follow the administrative amended site plan process.
113 2. Sheets LA3.0 through LA3.4 will provide 24 inch box trees every 50 linear feet of
114 collector streets.
115 3. Trees provided in the rights-of-ways will be a species listed in Chapter eight (8) of
116 the Engineering Development Standards.
117 4. The wall and sign design illustrated on Sheets LA6.1 and LA6.2 will be reflective of
118 the design provided in the Planned Area Development (PAD) document and the
119 adjacent single family residential neighborhood. The wall will incorporate single-
120 scored smooth face block with repeating cultured stone veneer columns.
121 5. Sheet LA7.1 will include a note that requires deep root barriers for trees within ten
122 (10) feet of curbs sidewalks, or pavement.

123 However, should the Council wish to deny the request, the Council should make its own findings
124 and base its decision on those alternative findings.
125

126 **Attachments:**
127

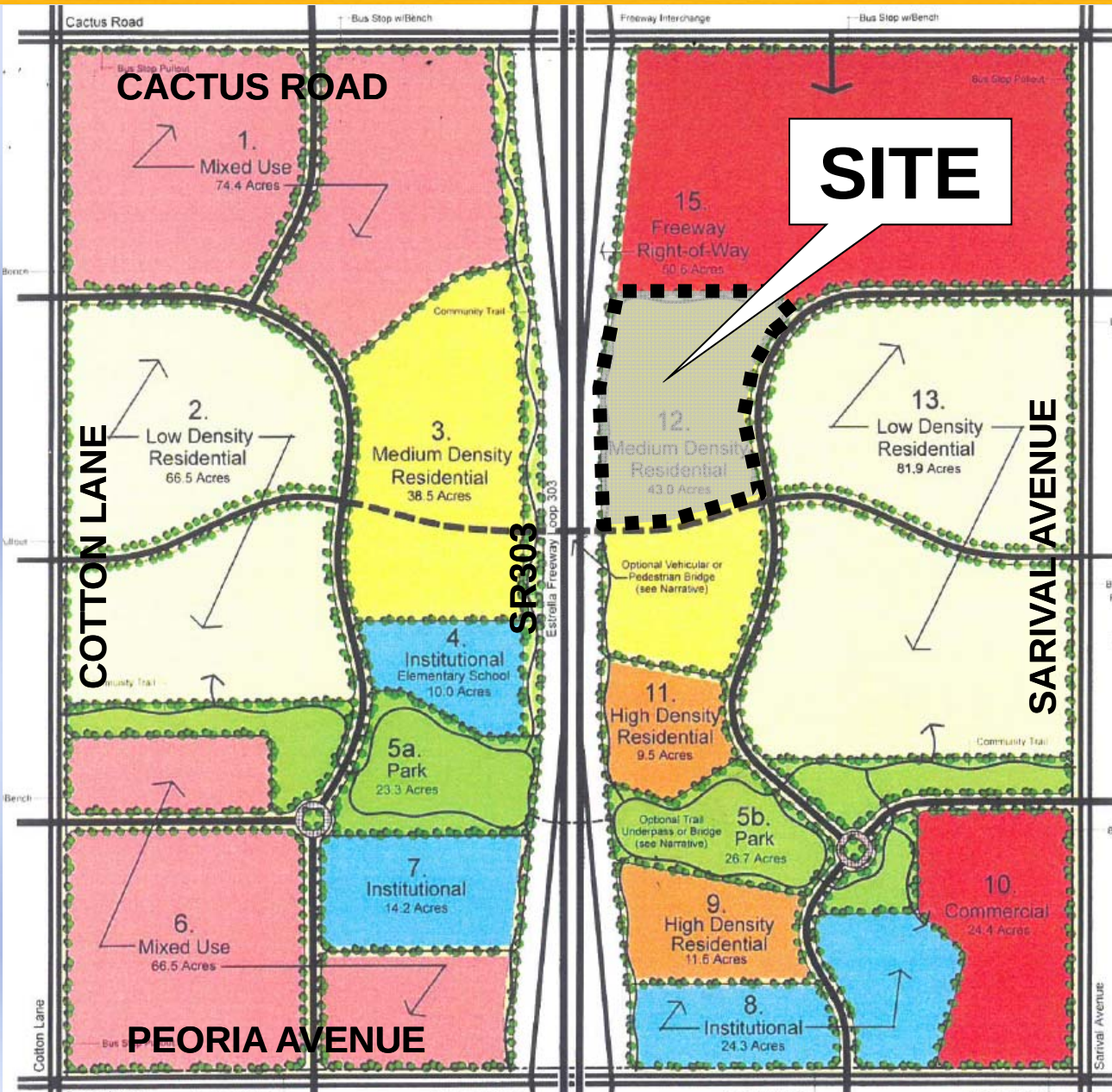
128 Vicinity Maps (3 pages)
129 Preliminary Plat (11 x 17 reductions, 3 sheets)
130 Final Plat (11 x 17 reductions, 3 sheets)
131 Landscape Plans (11 x 17 reductions, 7 sheets)
132 Auto Court Exhibit (1 page)

VICINITY MAP



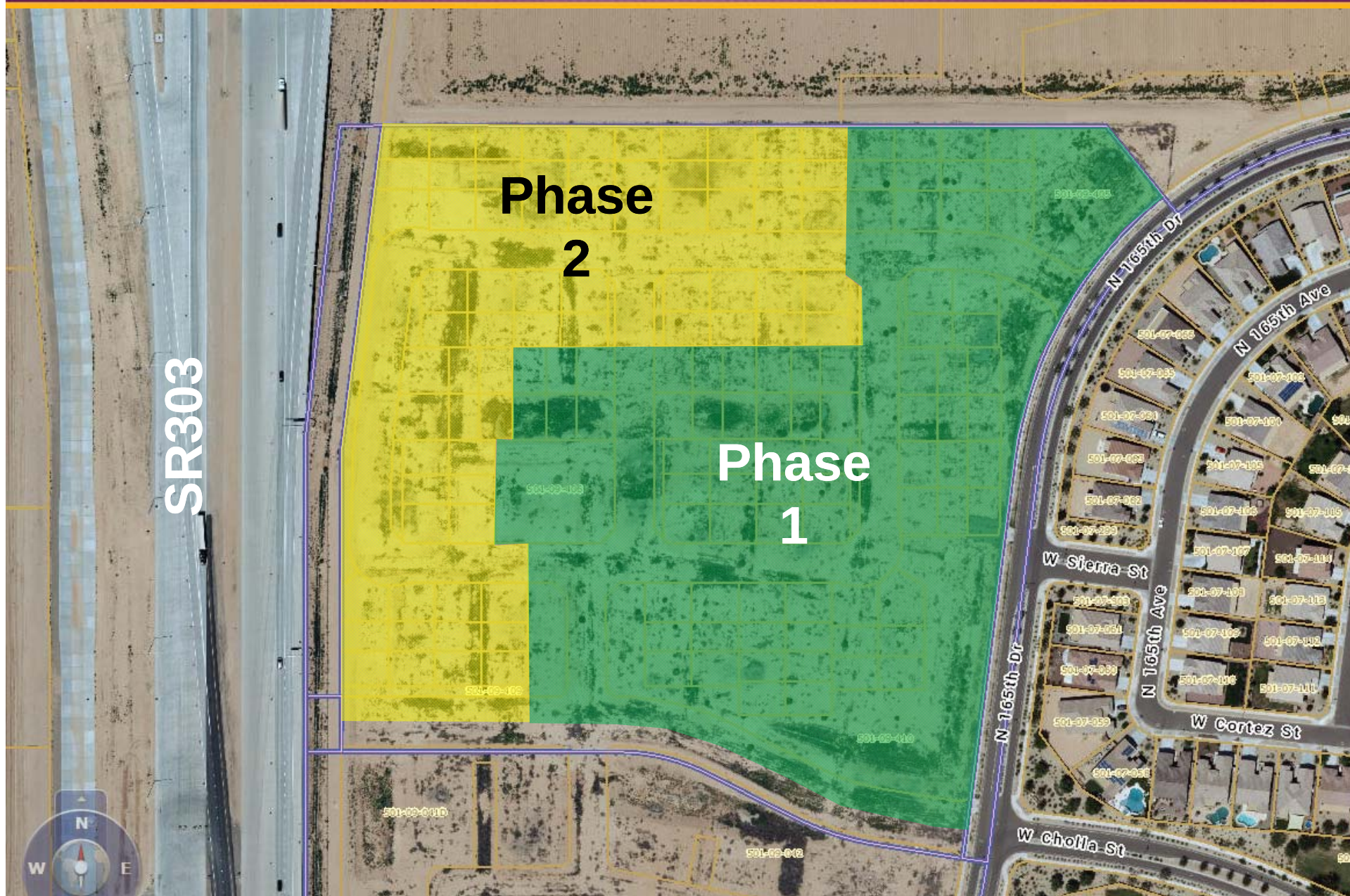
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PRASADA

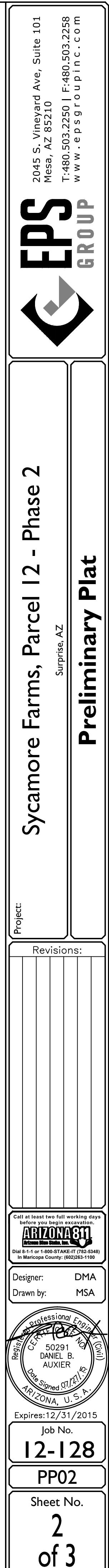


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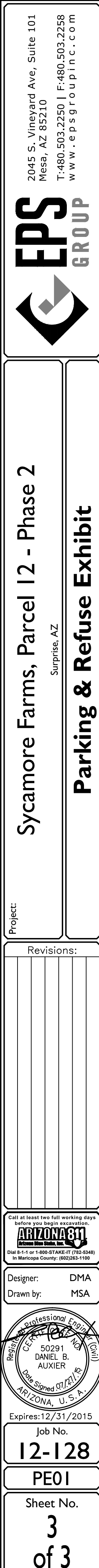
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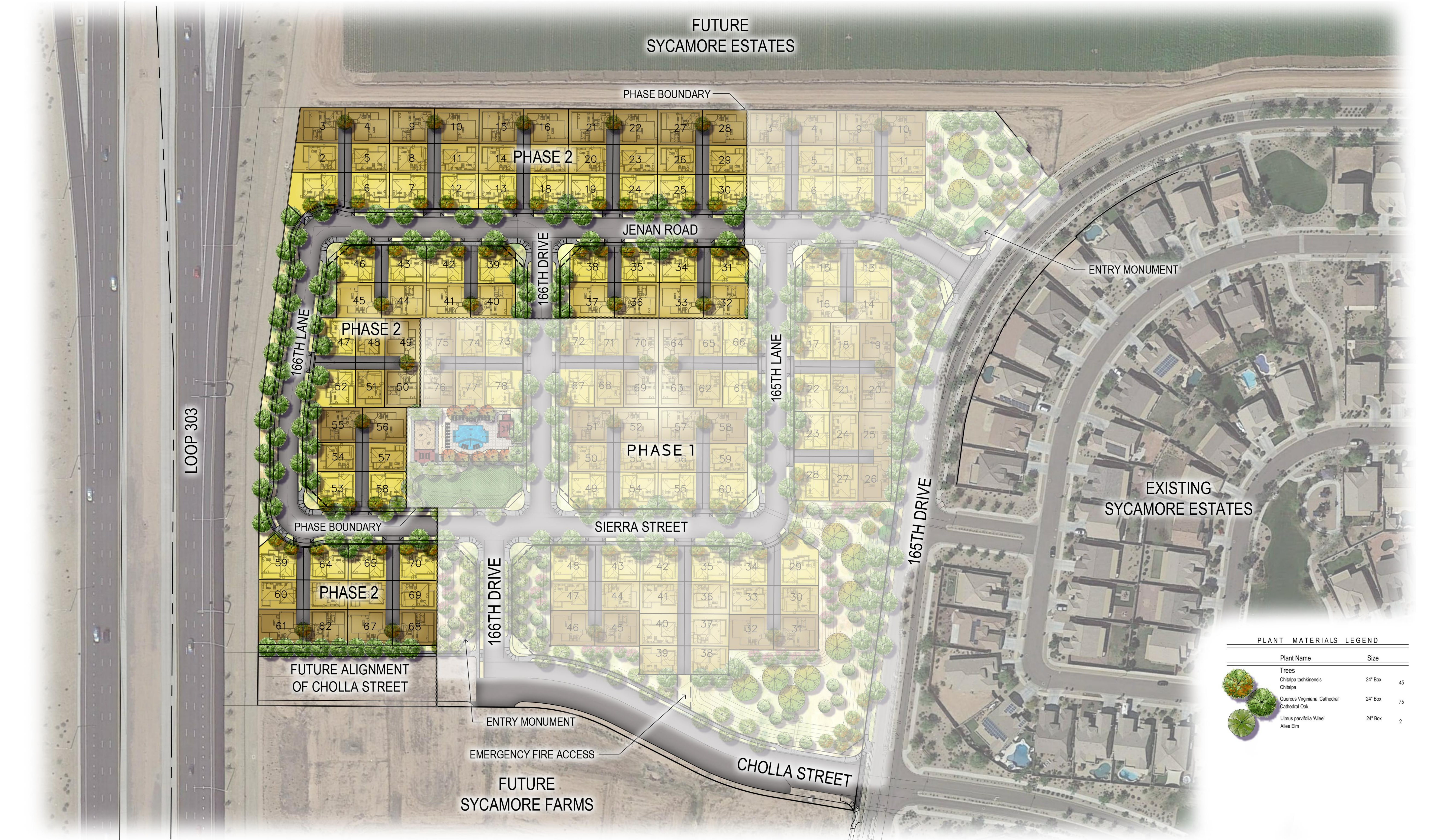


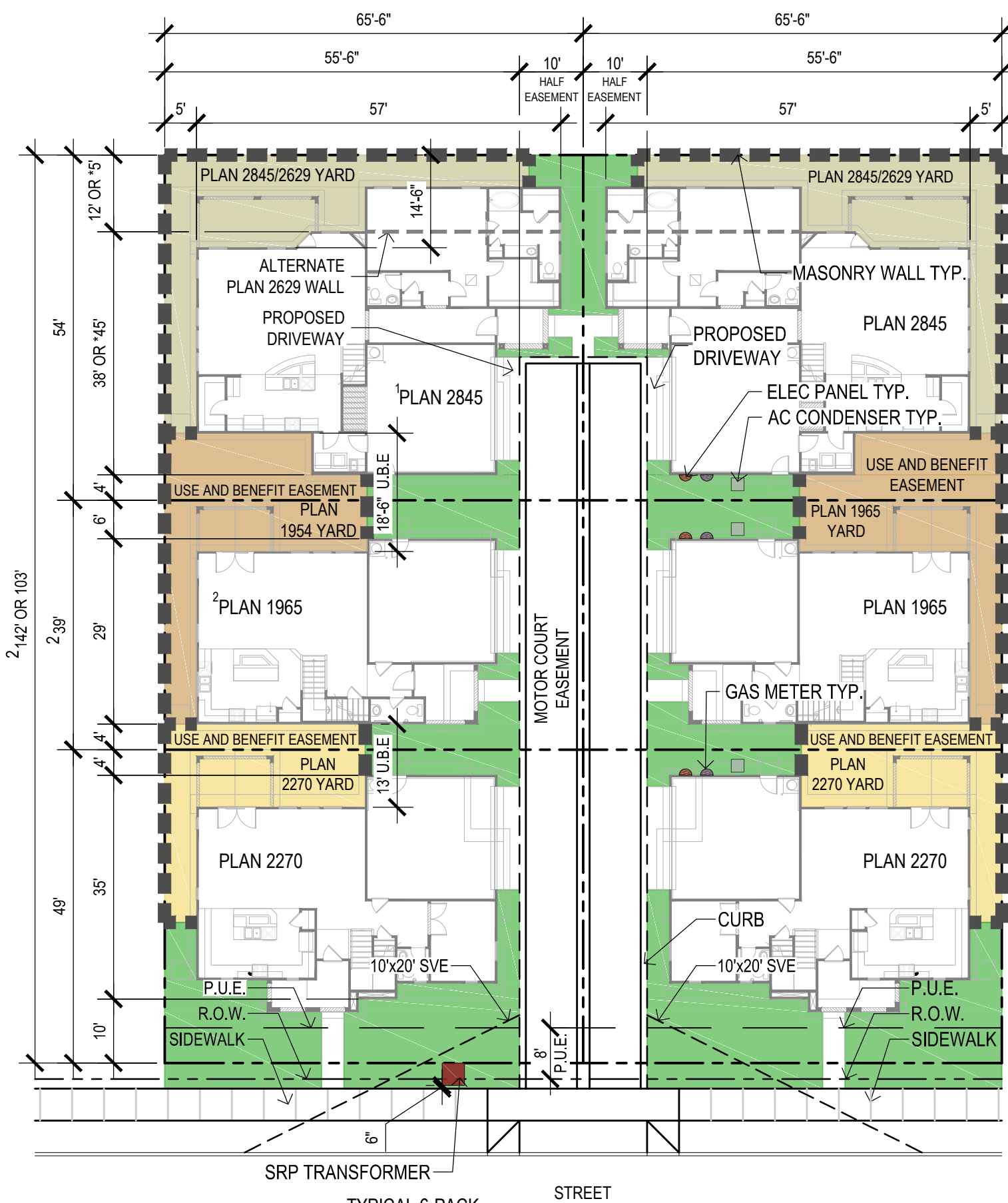
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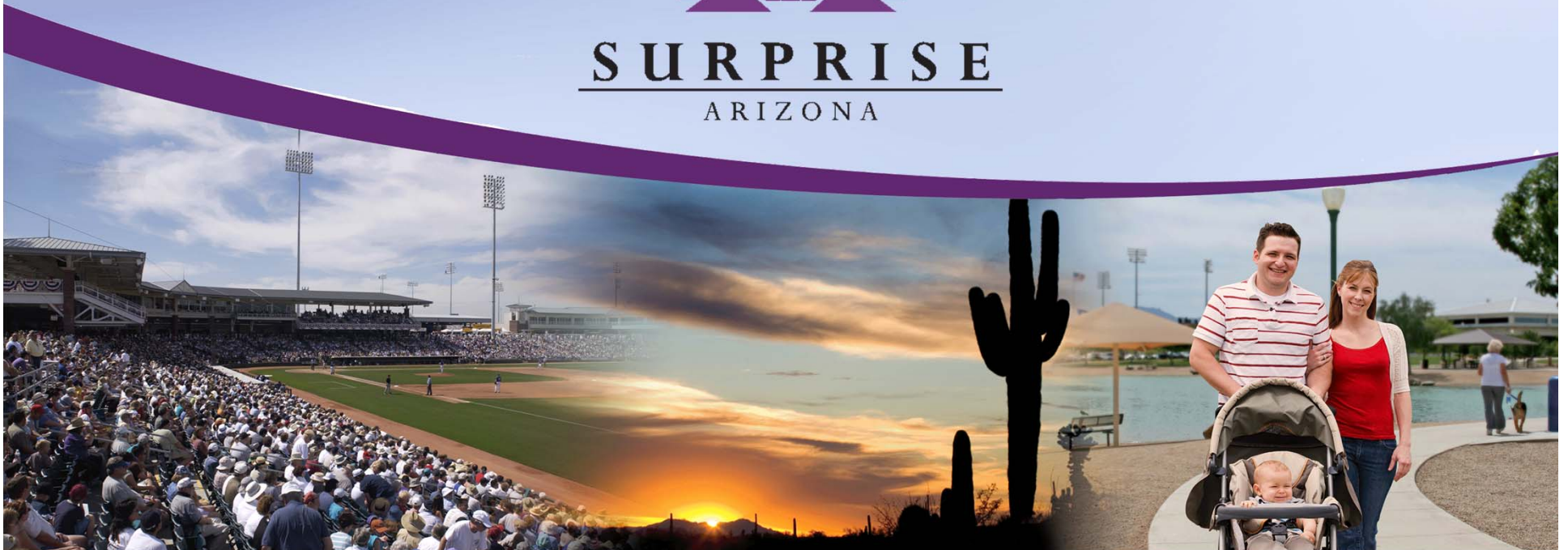
NOTE:

1. PLAN 2845 AND PLAN 2629 CONDITION OCCURS ON 6-PACK ENDS
2. PLAN 1965 NOT PART OF 4-PACK CONDITION

Sycamore Farms Parcel 12 North Preliminary and Final Plats

October 6, 2015

City Council

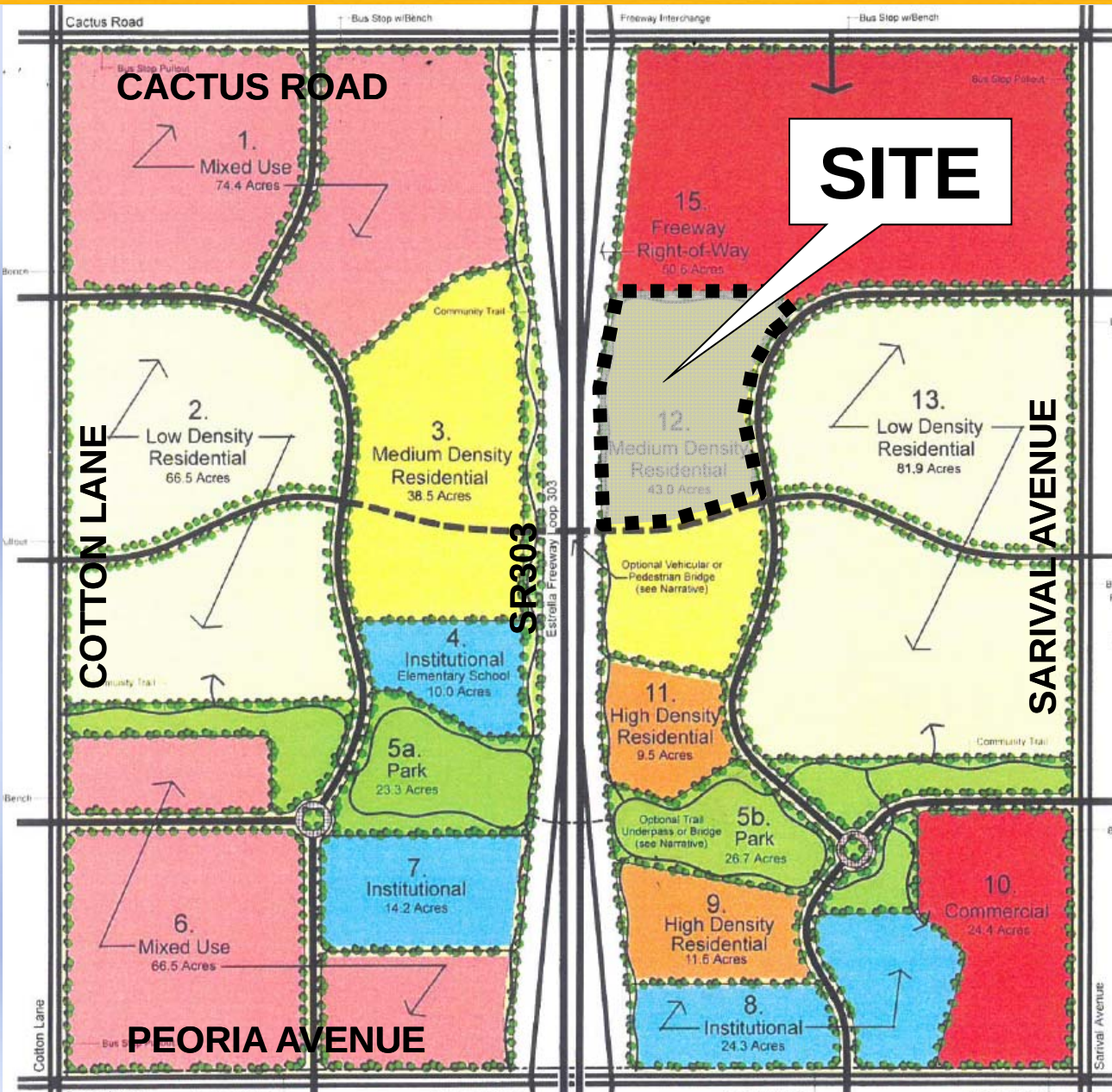


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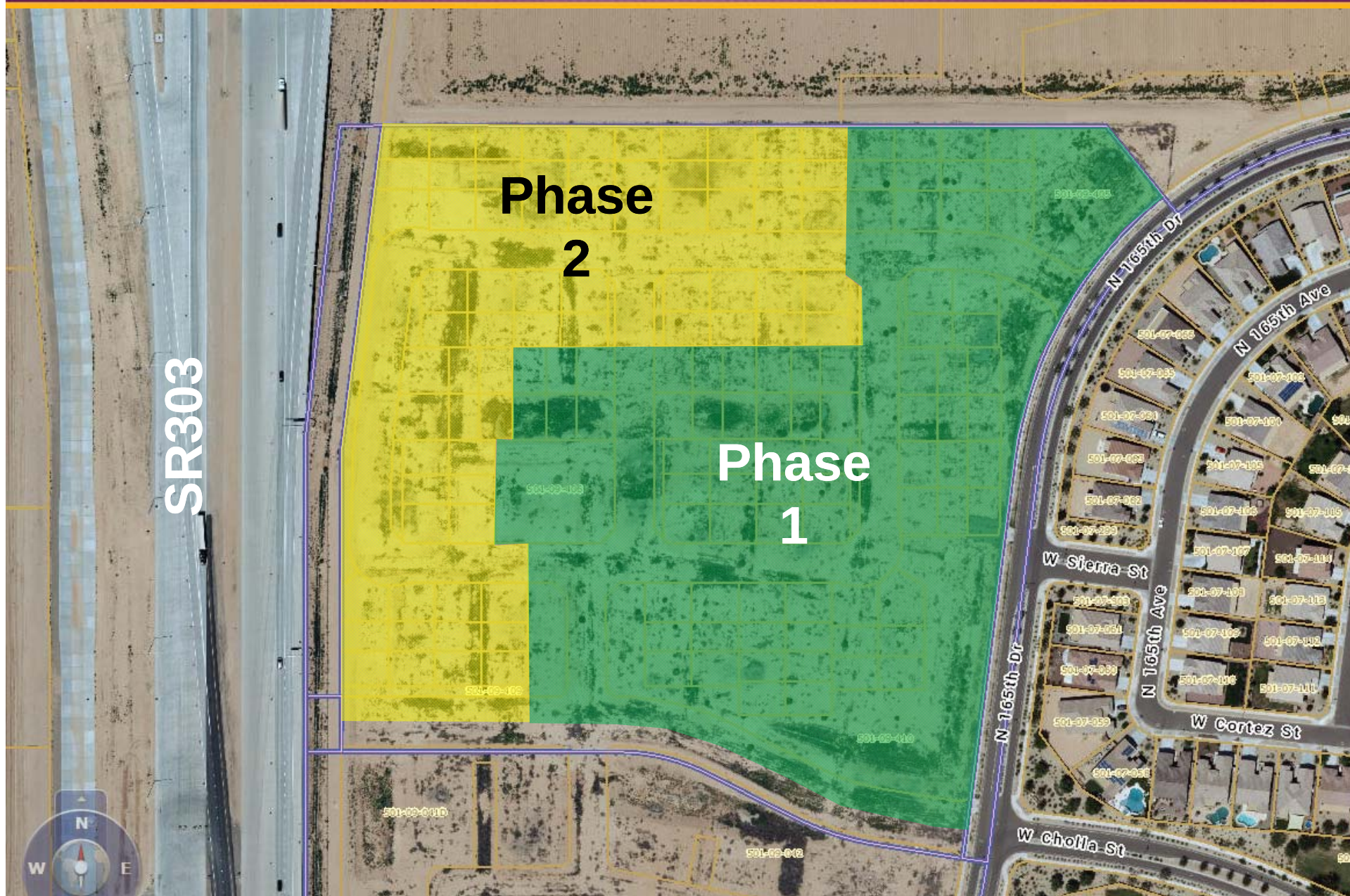
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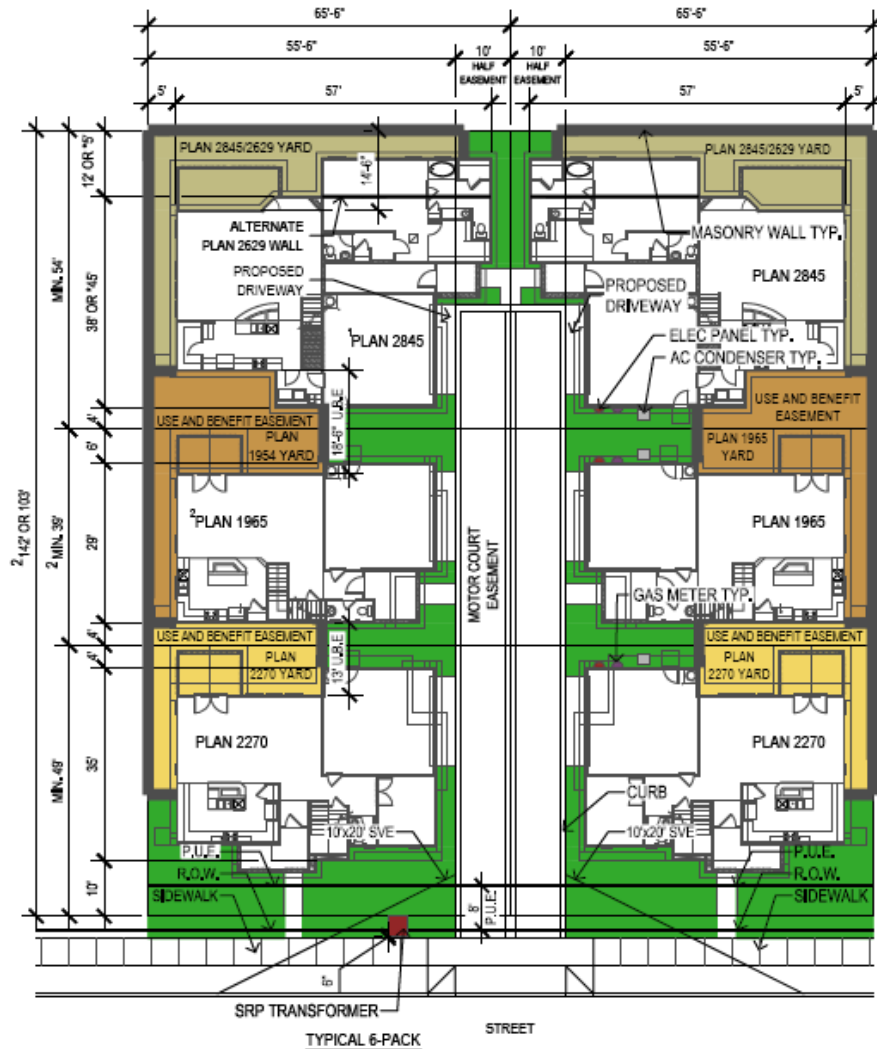


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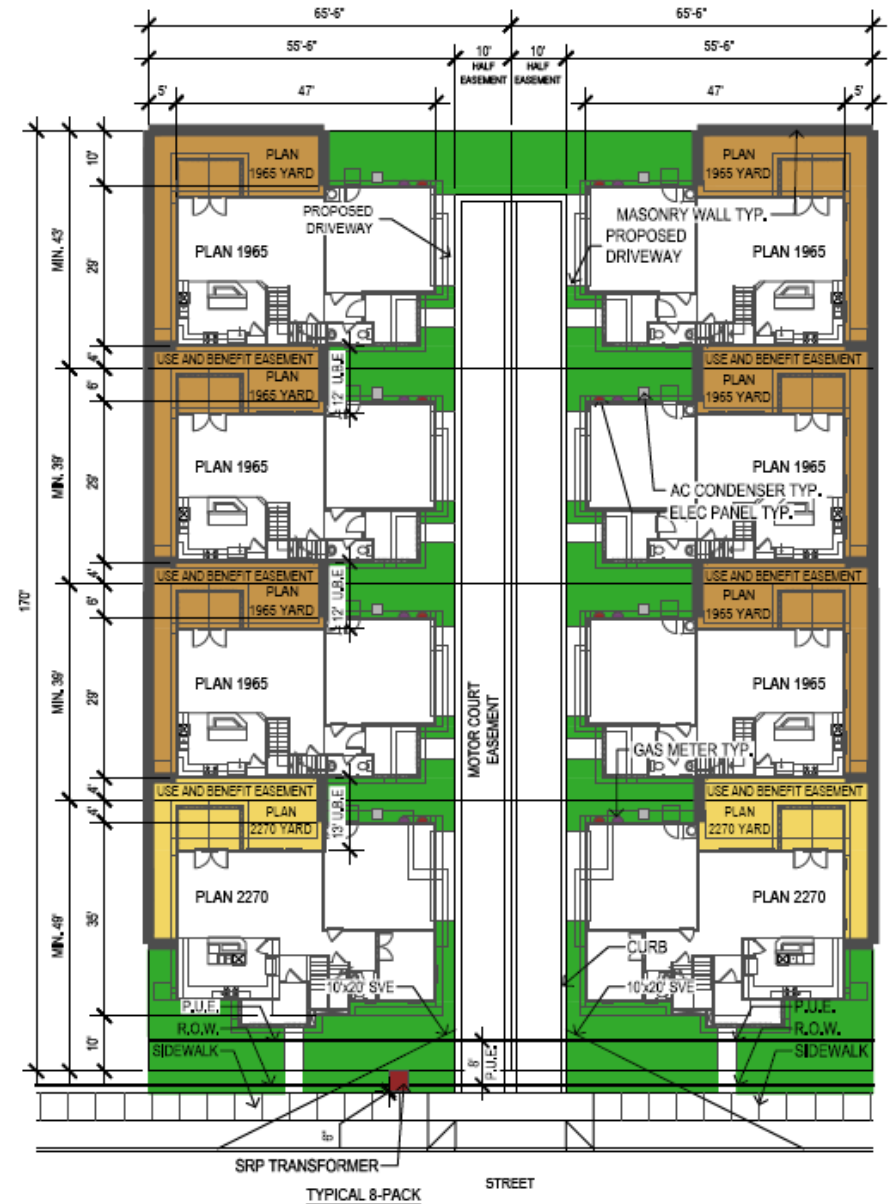


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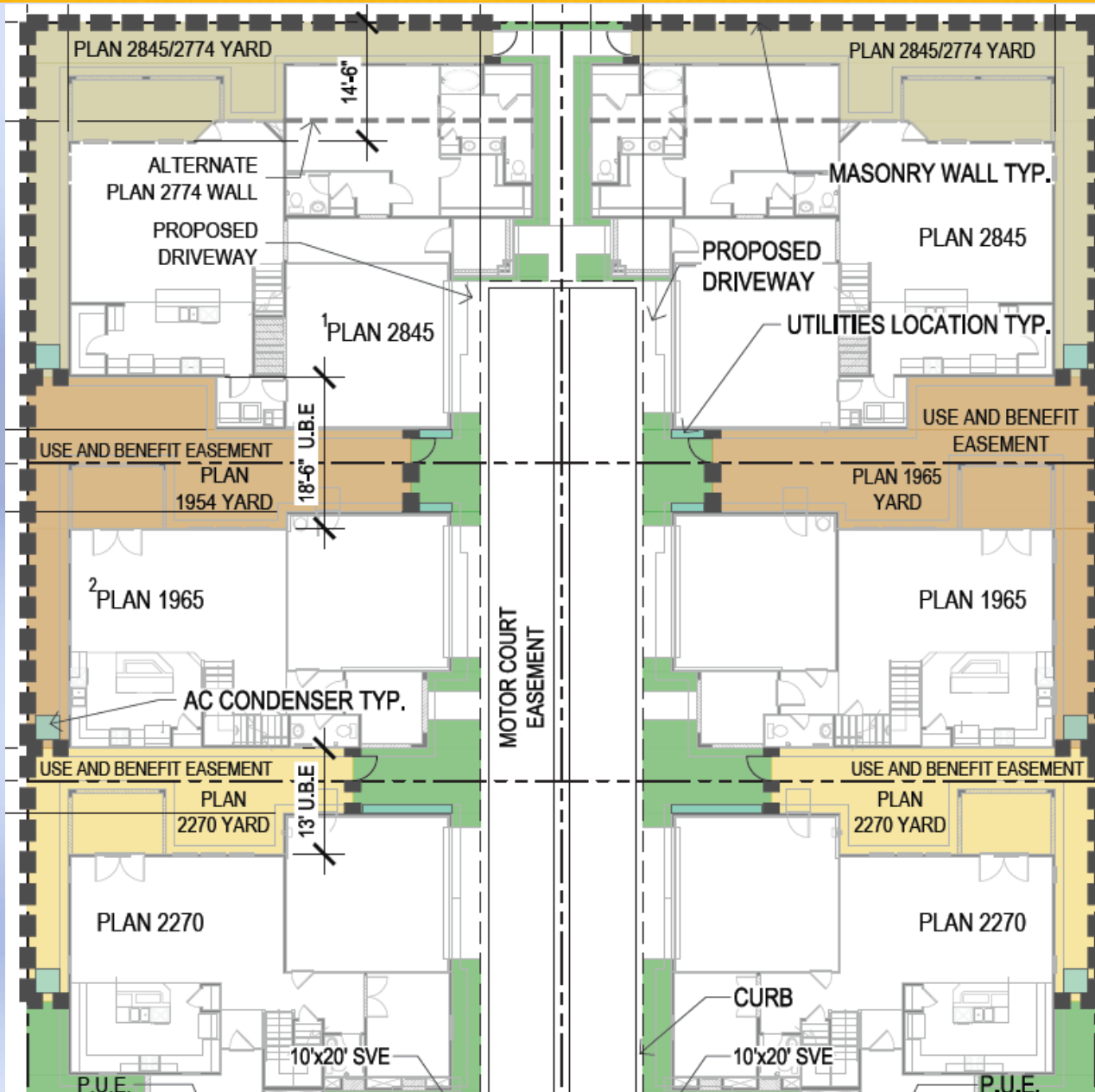
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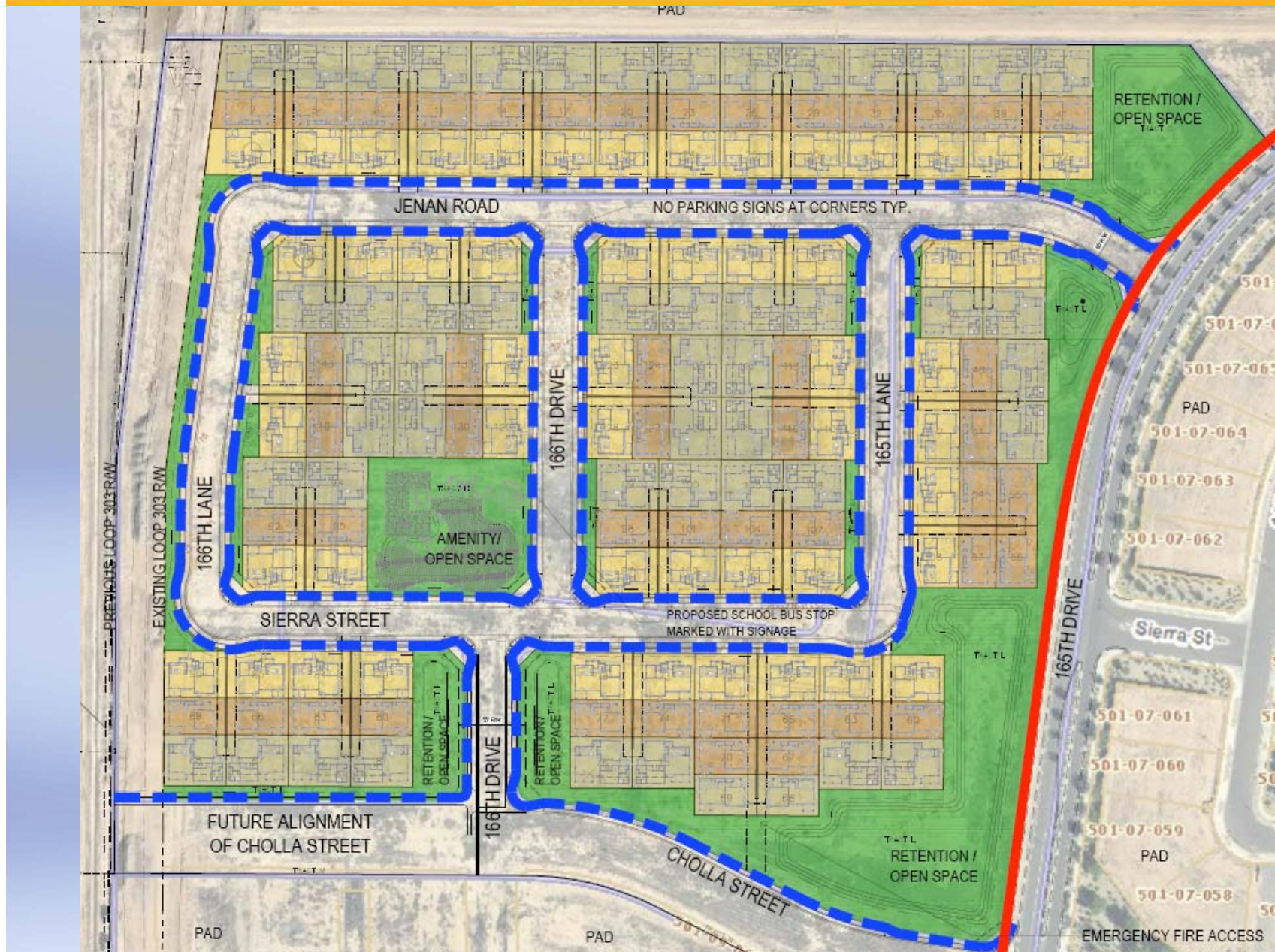
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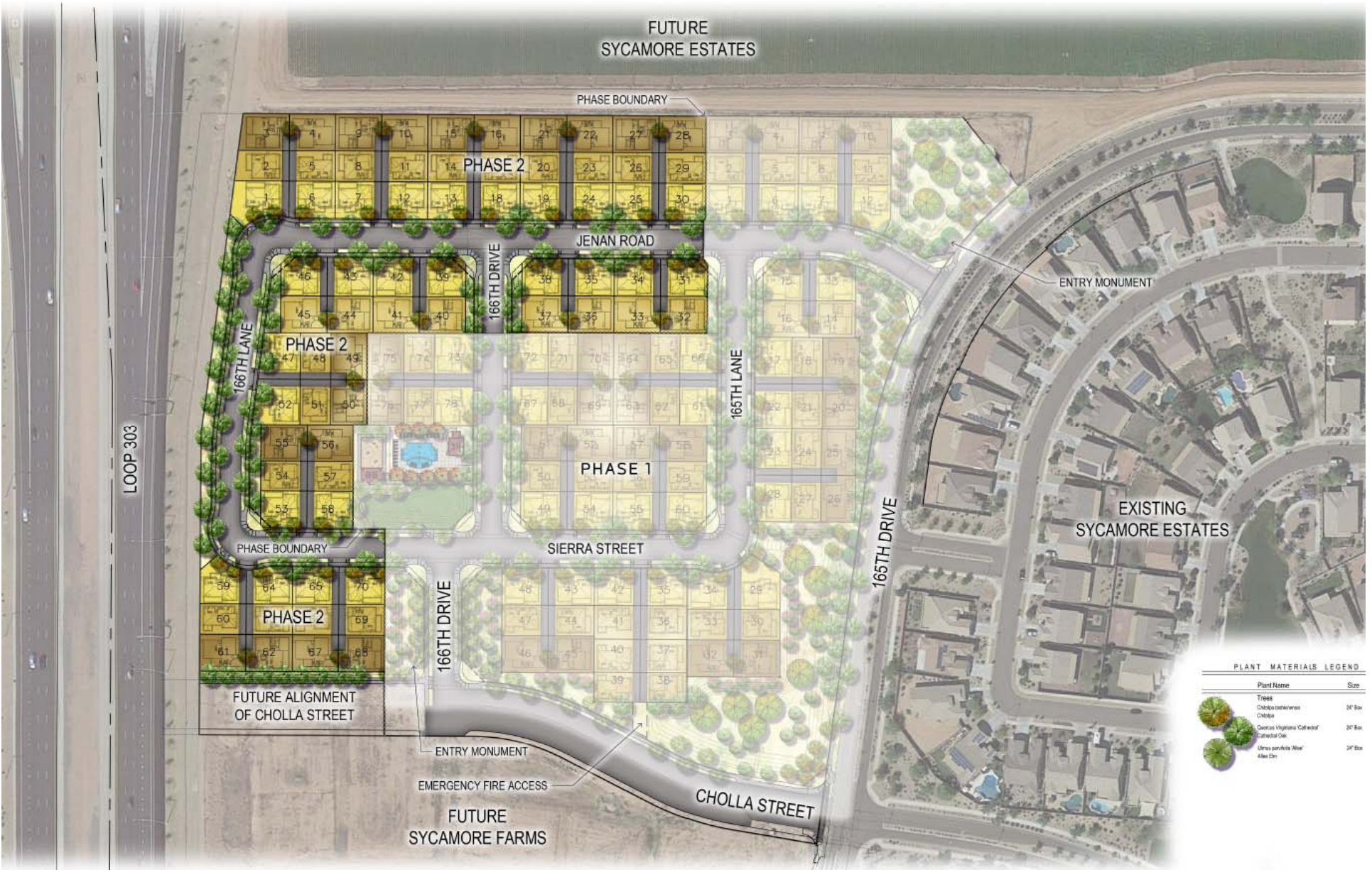
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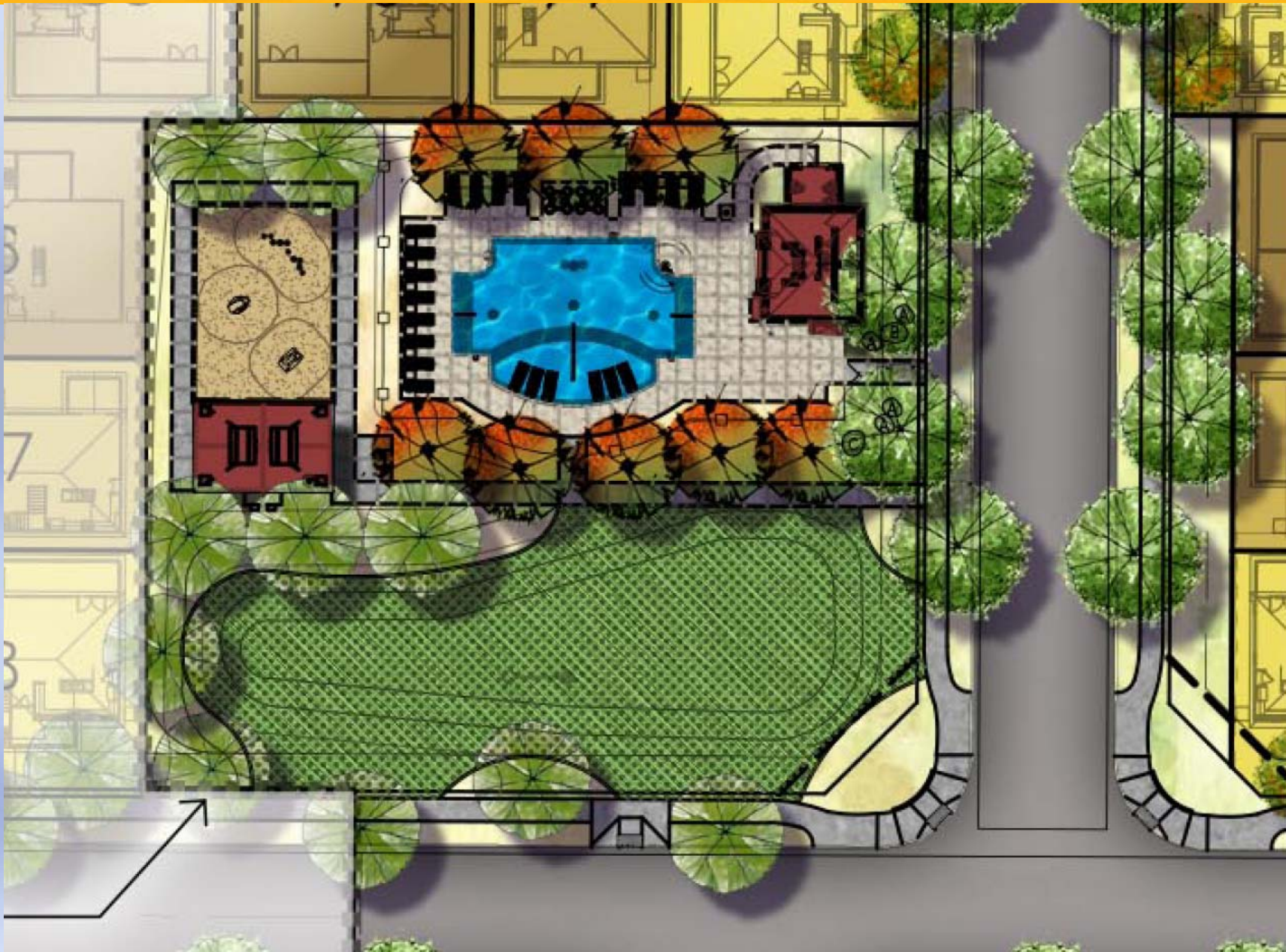
OPEN SPACE

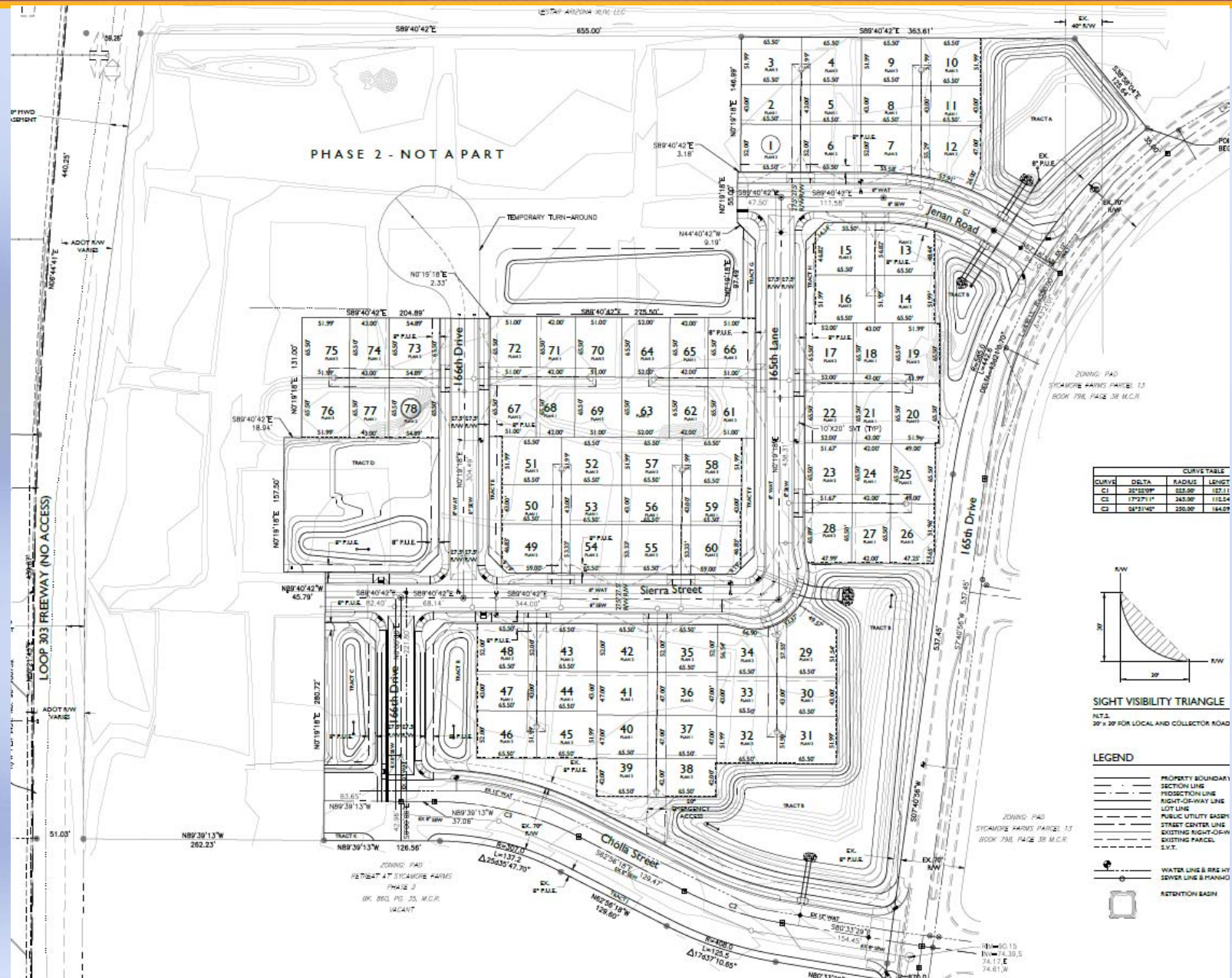


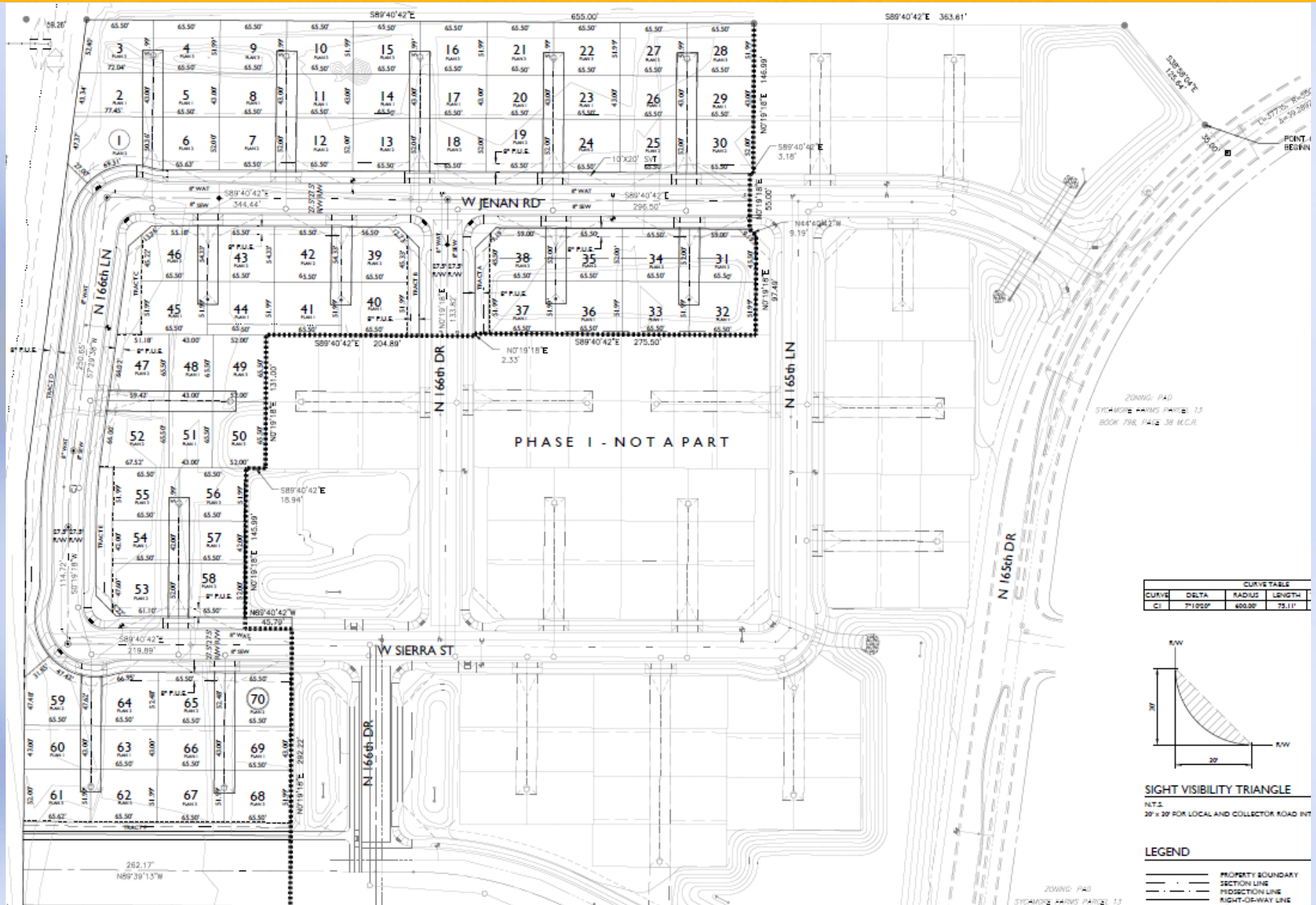
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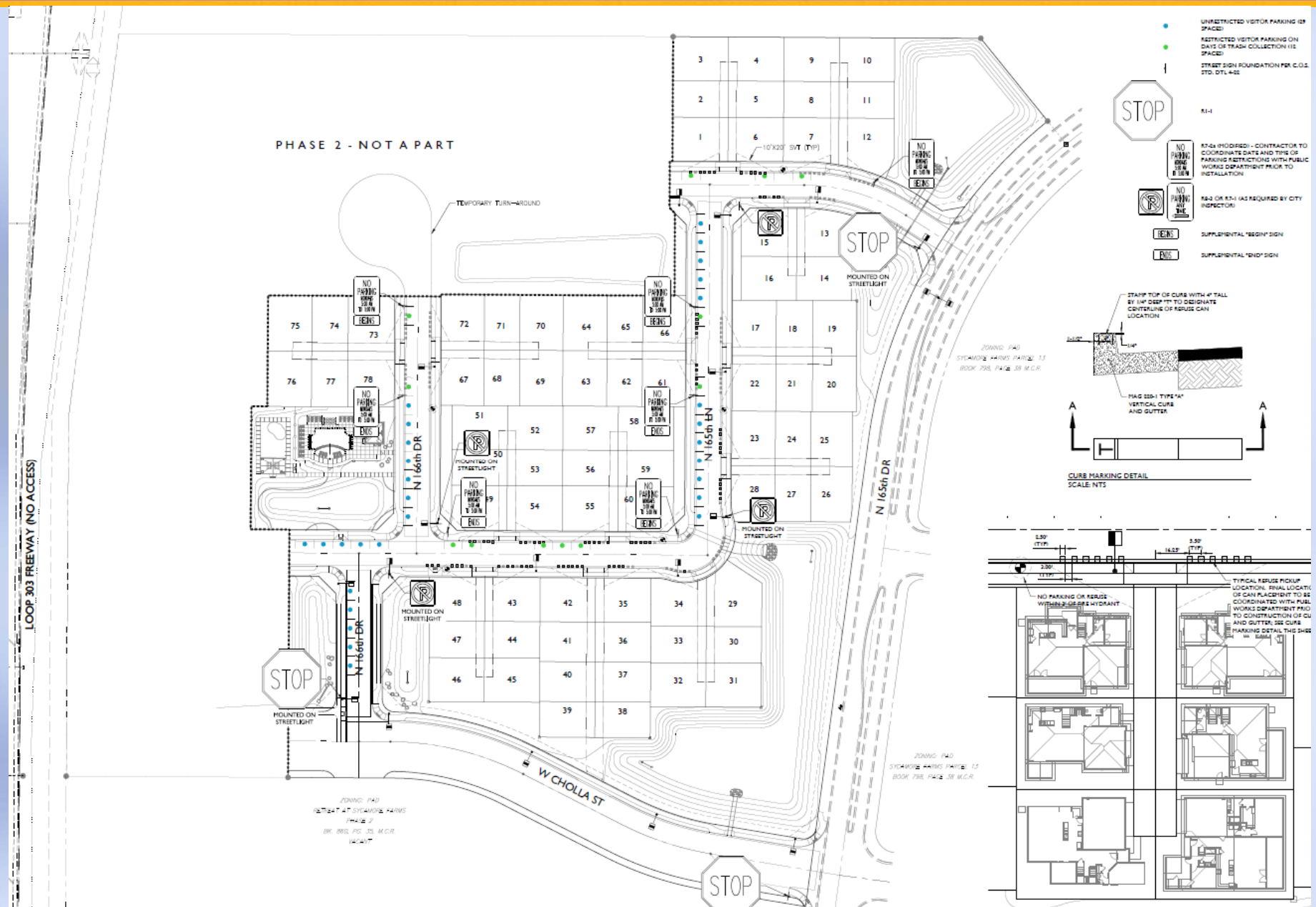


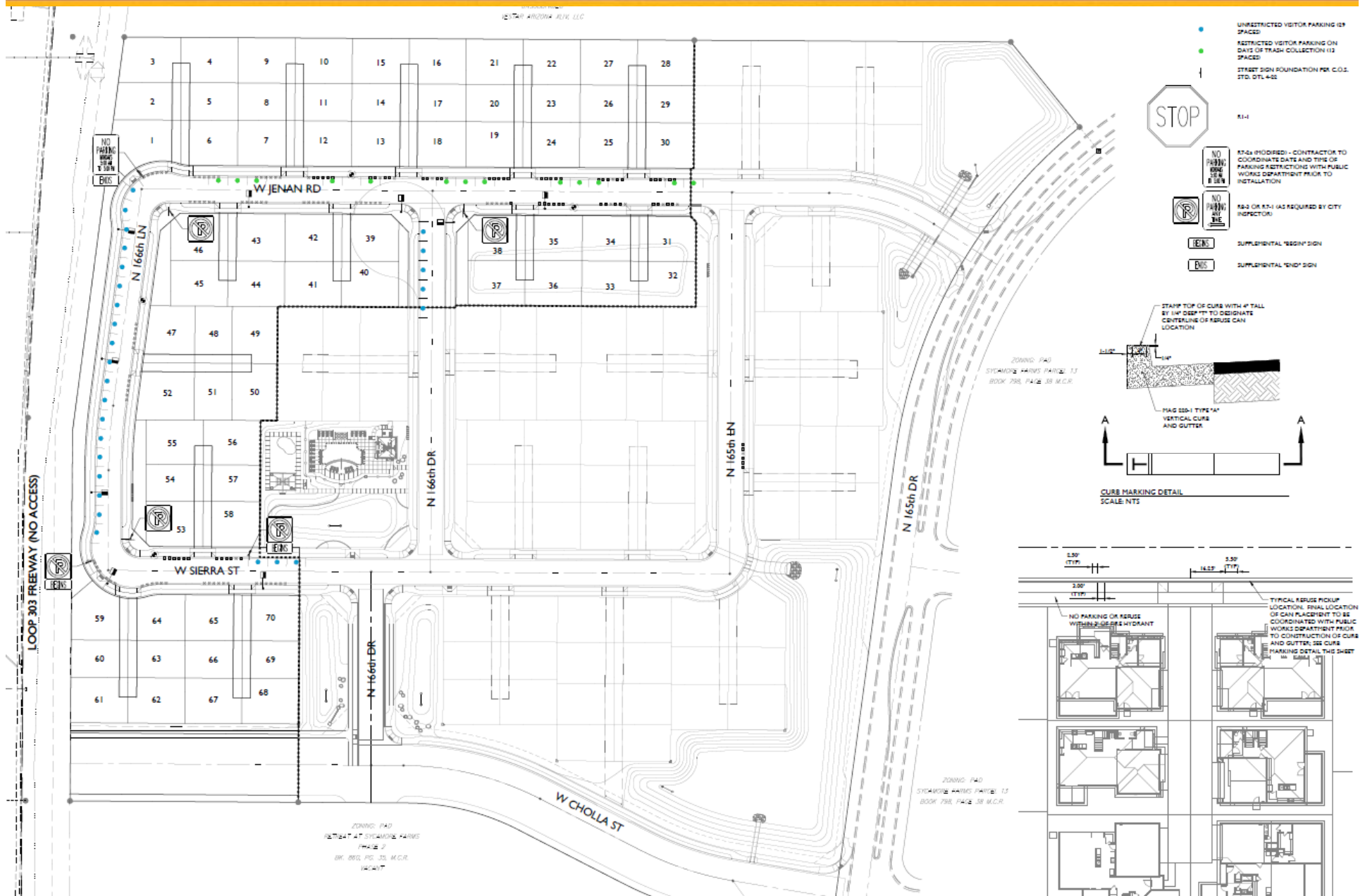
LANDSCAPE











SYCAMORE FARMS PARCEL 12 NORTH



Questions?



RESOLUTION #2015-102

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A PRELIMINARY PLAT ENTITLED "SYCAMORE FARMS PARCEL 12 - PHASE 2," GENERALLY LOCATED SOUTH OF CACTUS ROAD BETWEEN 165TH DRIVE AND SR303.

WHEREAS, on July 22, 2004 the Mayor and City Council approved the Sycamore Farms Planned Area Development;

WHEREAS, on September 17, 2015, the Planning and Zoning Commission approved the proposed Preliminary Plat subject to stipulation; and

WHEREAS, the proposed Preliminary Plat is in compliance with the Surprise Municipal Code and Surprise General Plan.

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

Section 1. The Preliminary Plat entitled "Sycamore Farms, Parcel 12-Phase 2," dated July 27, 2015 is approved, subject to the following conditions:

The Landscape Plan prepared by Andersonbaron dated June 30, 2015 will be revised and submitted for review to include the following modifications:

- a. Sheet LA2.2, Note 11 will include a note that indicates the design of the pool building will follow the administrative amended site plan process.
- b. Sheets LA3.0 through LA3.4 will provide 24 inch box trees every 50 linear feet of collector streets.
- c. Trees provided in the rights-of-ways will be a species listed in Chapter eight (8) of the Engineering Development Standards.
- d. The wall and sign design illustrated on Sheets LA6.1 and LA6.2 will be reflective of the design provided in the Planned Area Development (PAD) document and the adjacent single family residential neighborhood. The wall will incorporate single 120 scored smooth face block with repeating cultured stone veneer columns.
- f. Sheet LA7.1 will include a note that requires deep root barriers for trees within ten (10) feet of curbs sidewalks, or pavement.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____ day of _____ 2015.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney