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

Tuesday, August 2, 2016 @ 6:00 PM
COUNCIL CHAMBERS

Back Print

A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

E. City Manager Report:

District Citywide	Update on the Surprise Youth Employment Program - by Seth Dyson.	No Action City Manager Wingenroth
District Internal	Bell/Grand Update	None Robert Wingenroth, City Manager

F. City Attorney Report:

G. City Clerk Report:

District Citywide	2016 PRIMARY ELECTION UPDATE	No Action 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 Citywide	Consideration and action on the minutes of June 21, 2016 Regular City Council Work Session; Special City Council Meeting and Regular City Council Meeting.	None	Sherry Ann Aguilar, City Clerk
2.	District Citywide	Consideration and action pertaining to amending the Surprise Municipal Code Chapter 54, Article I, Section 54-3, definition of a "truck" relating to the establishment of truck routes; Ordinance # 2016-24.	None	Mike Gent, Public Works Department
3.	District 6	Consideration and action pertaining to approval of a final plat amendment entitled "Re-Plat of Marley Park Square Amended", dated June 6, 2016, a property generally located at the southwestern corner of Waddell and Litchfield Roads.	None	Hobart Wingard - Community Development
4.	District Citywide	Consideration and action pertaining to modification of the Intergovernmental Agreement between the City of Surprise and Arizona Department of Revenue regarding Transaction Privilege Tax Administration; Resolution # 2016-105.	None	Lindsey Duncan, Finance Director

Regular Agenda Item - Non-Public Hearing:

5.	District Citywide	Consideration and action setting forth the FY2017 levy of property tax rates for Street Light Improvement Districts (SLID) within the city; Resolution # 2016-100.	None	Lindsey Duncan, Finance Director
6.	District Citywide	Consideration and action levying a certain sum of money for FY2017 to be assessed against the valuation of property for primary and secondary tax purposes; Resolution # 2016-99.	None	Lindsey Duncan, Finance Director
7.	District Citywide	Consideration and action pertaining to the Comprehensive Financial Management Policies.	None	Lindsey Duncan, Finance Director
8.	District Internal	Consideration and action pertaining to delegation to the City Manager or his or her designee the exemption authority for the marking of City of Surprise vehicles in accordance with A.R.S. Section 38-538.03; Resolution # 2016-97.	None	Robert Wingo, City Attorney

9.	District 4	Consideration and action pertaining to the termination of the Dysart and Bell Development Agreement; Resolution # 2016-101.	None	Greg Seibt, Attorney's Office
10.	District Citywide	Consideration and action pertaining to amending the Surprise Municipal Code with the addition of the Percent and One-Third for Public Art Program which would dedicate 1 1/3% of the total costs of applicable City capital projects to fund public art and setting an effective date of July 1, 2017; Ordinance # 2016-13.	None	Bob Wingenroth, City Manager
11.	District Citywide	Consideration and action amending Surprise Municipal Code Chapter 2, Article VIII, Section 2-299 (d) pertaining to the Arts and Cultural Advisory Commission's powers, duties and responsibilities needing to be supplemented to reflect the additional responsibilities pertaining to the One and One-third Percent for Public Art Program; Ordinance # 2016-15.	None	Bob Wingenroth, City Manager

J. Other Business and Future Agenda Items:

K. Mayor/Council Reports:

L. Executive Session:

12.	District Citywide	Consideration and action to enter into executive session for discussion and consultation for legal advice with the City's attorneys pertaining to litigation in Homebuilders Assoc. of Central Arizona v. City of Surprise pursuant to Arizona Revised Statutes 38-431.03 (A)(3).	None	Robert Wingo, City Attorney
13.	District 1	Consideration and action to recess into executive session for the purpose of discussion or consultation with the city's attorney(s) regarding City Council's position regarding the incentive agreement relating to Surprise Center Development Company, Inc. pursuant to A.R.S. 38-431.03 (A)(4).	None	Robert Wingo, City Attorney
14.	District Internal	Consideration and action to recess into executive session for the purpose of conducting mid-year performance reviews of the City Manager and City Clerk pursuant to A.R.S. 38-431.03 (A)(1).	None	Mark Schott, HR Director

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

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

(A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

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

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

M. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED:

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

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	City Manager Wingenroth
Submitting Department:		District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Update on the Surprise Youth Employment Program - by Seth Dyson.

Motion:

N/A

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

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Robert Wingenroth, City Manager
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Bell/Grand Update

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

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action on the minutes of June 21, 2016 Regular City Council Work Session; Special City Council Meeting and Regular City Council Meeting.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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- ☐ WKS Minutes
- ☐ SPC Meeting
- ☐ REG Meeting

CITY OF SURPRISE

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

Tuesday, June 21, 2016 @ 04:30 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Work Session** to order at 04:30 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, June 21, 2016.** Also in attendance with Mayor Wolcott were Vice Mayor Biundo, Council Member Winters, Council Member Villanueva, Council Member Hall, and Council Member Tande.

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

Pledge of Allegiance

Regular Agenda Item - Non-Public Hearing

1 – Presentation and discussion regarding the potential adoption of a Public Art Program Ordinance which would dedicate 1 1/3% of the total cost of applicable City capital projects to fund public art.

City Manager Wingenroth conducted a powerpoint presentation regarding this item.

Mr. Wingenroth gave a history of the public art funding. Resolution 2002-160, 1% set-a-side funding establishment.

Remaining funds were swept in all set aside account by Resolution 2009-29.

He discussed methods for dedicating 1 1/3% to public art, special account for the public art program.

Council Member Hall - I would really like to hear from the speakers.

Council Member Winters - Glad to see we are discussing this. What is the amount in the fund right now? $32,000.

Public Comments:

Tony Schnell - My concerns are the percentage for art projects when I have heard you are looking at making a 1% cut from all budgets. I am from Anchorage Alaska, they took on a similar program. Other businesses felt they were being slighted, then taxes went up.

Susan deJong - I am so happy after a few years to have this come back, I think it is time that we did this, Surprise is stepping up to the arts in the City. It is time we do things. The 1.3% is excellent, there are issues we need to look at, but as of now all of the explanations are excellent and I support this.

Margaret Lieu - I applaud you for bringing this up for discussion, this has been a long time coming, discussed since I have been on the board since 2009. Sustainability, if you take this into serious consideration, please think about the economic impact of the arts, the economic study for the arts is coming up again, it shows that it improves quality of life.

Jean Dibner - Art is a wonderful way to showcase the City, it's a young city, but need to look at planning of how we will roll this out. We will reap economic benefit with art projects throughout the City. I am very excited about this discussion, it will jumpstart our program.

Mike Woodard - Before I went on Council approximately 6 years ago, the Council took away the funding for Arts and it was devastating. Many art groups still have been able to produce projects throughout the community through donation. Art does have a place in the City and could be beneficial. We are a growing City that has a great opportunity for us. WHAM is endorsing this proposal.

Mayor Wolcott asked for Council comments and discussion.

Council Member Hall - I want to address the first speakers concerns.

Mr. Wingenroth commented that this would not impact operating funds. This would be a set-aside fund.

Council Member Hall - This fund will be a set up to get the art here. Sustainability piece, I think art makes a statement for our City, economic development, shows maturity and quality of life for our residents.

Vice Mayor Biundo - Public art policies for the City; develop siting plan; appropriate places for public art; provide a funding source. This may address some concerns that the first speaker had.

Council Member Villanueva - Will this be an ongoing funding every year? I support the program but would like to see it throughout the City.

Mr. Wingenroth said yes, this would be looked at every year during the budget process.

Council Member Tande - Would you anticipate maintenance out of this funding? Private developers consider funding?

Mr. Wingenroth - We could work this out in the ordinance, or could look at a department to maintain.

Mayor Wolcott - Private sector, the arts are part of our very soul, but the first speaker brought up some valid questions. Maybe we can place in policy, asking for matching funds with private developers. This would make the project viable.

Mayor Wolcott - There is a trade off to accommodate the arts, the other thing is the soft cost of preparation costs need to be considered to make sure we don't spend over the one-third.

Mr. Wingenroth commented that these guidelines can be set in code, I don't see that we would need additional staff for this project. We have a good relationship with the Arts Commission.

Mayor Wolcott - The Gateway Project - could this be funded by this particular fund? I want to make sure this is really clear of what the Council is funding. If you expand it beyond visual, it could grow out of control quickly.

Vice Mayor Biundo - The underlying assumption has always been visual arts as art in public places. I agree this should be made very specific.
There is nothing that precludes at this point, the City engage with the developers. I don't want to forget to thank our City Attorney for guiding us through this process, it is a complicated process. May have some complexities.

Council Member Tande - I view this as a policy decision, we have done this in the past. I am looking at this as budgeting a project, there are many components to consider.

Council Member Villanueva - I remember we were talking about the Gateways, the amount was not brought up at that time, and how are they going to be paid for?

Mr. Wingenroth - We are trying to work this project into Capital Improvement Funding. It would be valuable to have a conversation with the Arts Commission.

Council Member Hall - Suggesting that we look into working with developers, and the safety aspect needs to be built into the policy. I envisioned the gateway project as part of our CIP.

Mayor Wolcott - I agree we should limit to visual arts, that is important.

Tony Schnell - Bond coming up for the new fire stations, 5 buildings, 5 different colors, we can't sell our houses out there. As a taxpayer, I pay the same as Waddell, they have many amenities. I am baffled that 2 weeks ago, you were scrambling to fund public safety. This is my issue.

2 – Presentation and discussion of the current state of the Colorado River System and CAP and the impacts on Arizona and Surprise - NO ACTION

Water Resources Director, Terry Lowe gave an overview of the Colorado River System and CAP and the impacts on Arizona and Surprise.

CAP and the Economy
RECAP - Colorado River Water Supply (Lake Mead)

Mayor Wolcott - It is just a matter of time before the cost is going up.

Council Member Villanueva - I heard a rumor that China had bought some land along the Colorado River in order to store some of the water, is this true?

Mr. Lowe - China has bought some land along the Colorado River for ag-land.

Mr. Lowe discussed chart for Lake Mead end of the month elevations. Arizona has planned for this day, Arizona Banking Authority. Reviewed Arizona's plan and impacts to Surprise.

Mayor Wolcott - Private sector water suppliers, is their mark-up significant?

Consolation/education - We have to get better about this, maybe start in the schools?

Mr. Lowe - we are going to schools now, conservation comes down to how much residents want to spend for water.

Council Member Hall - Long term storage credits - wet water?

Executive Session

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Work Session of June 21, 2016 at 5:54 PM. Council Member Villanueva 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, June 21, 2016.**

_____
Sherry Ann Aguilar, City Clerk

CITY OF SURPRISE

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

Tuesday, June 21, 2016 @ 06:06 PM

Call to Order

Roll Call

Mayor Wolcott called the **Special City Council Meeting** to order at 06:06 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, June 21, 2016.** Also in attendance with Mayor Wolcott were Vice Mayor Biundo, Council Member Winters, Council Member Villanueva, Council Member Hall, and Council Member Tande.

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

Pledge of Allegiance

Proclamation and community acknowledgements

Mayor read aloud the proclamation regarding July and August as Drowning Awareness Month.

Regular Agenda Item - Public Hearing

1 – Conduct a public hearing, which will include, and be combined with, the "truth in taxation" hearing per A.R.S. 42-17104, pertaining to the proposed FY2017 final budget and levy of property taxes.

Consideration and action setting forth the intention to levy primary property taxes in the amount of $0.8059 per one hundred dollars ($100) of assessed valuation and set the property tax levy adoption for August 2, 2016; Resolution # 2016-79 - APPROVED $.7591.

Finance Director, Lindsey Duncan gave an overview of this item.

Council Member Winters - I really have a problem with this property tax for our first responders.

City Manager Wingenroth - When we had the discussion at a previous meeting with choices for Council to select with different options without a tax increase.

Vice Mayor Biundo commented on statements made on our tax options. I have confidence in our City Manager to not put us in a financial situation.

Public Comments:

James Angelopoulos - property tax increase - a lot of our citizens are retired and fixed income and can't afford another increase. I think we are getting into that tax and spend like the mid-west. You have a bond issue coming up, now you are going to ask for more money.

Council Member Tande - I am proud that we are one of the lowest tax Cities but we can do better. We have discussed this issue for several months now, with various options made available to us by our City Manager. If this is not approved, we will be possibly laying off employees, and not able to hire the public safety personnel that we decided on previously.

Council Member Winters - For me personally, this would not be a problem. It's a very small increase, I have to take into account our residents receiving increases from APS, water, etc., this would make a big difference.

Council Member Villanueva - I see the crime that is going on in our communities that is so unnecessary, I see that our police force is trying really hard to cover our City, more homes and developments coming in. What are we going to do, if we don't approve this? Will our police not be able to cover our neighborhoods. We need to hire more officers.

Council Member Tande - There will be impacts to services, and there will be layoffs.

Council Member Villanueva - If more development comes in, will the property tax go down?

Council Member Hall - Economic development incentives being reduced in previous discussions.

Mayor Wolcott - What is happening right now puts the City in a place where we will have to borrow savings, and that is terrible public policy.

Vice Mayor Biundo - There are other options, positions that have been vacant for a year or more. An overall average increase by 10.5% increase instead of 11.5%. There are other options than laying off employees.

Council Member Tande - My opinion this change makes us closer to the edge. This causes me concern.

Council Member Villanueva - I don't want to see employees laid off again, our City is doing well and it would be devastating.

Council Member Hall - This is a small amount and I think some are over reacting about being on the edge. I am for putting out a bond issue for a vote, but I am against this.

First motion: Council Member Tande, Second by Council Member Villanueva.

Roll call vote: Mayor Wolcott - yes; Council Member Villanueva - yes and Council Member Tande - yes. Vice Mayor Biundo - no; Council Member Hall - no and Council Member Winters - no. Motion failed.

Vice Mayor Biundo made the motion to approve Resolution 2016-79 with the stipulation to leave the primary property tax rate at $.7591 per one hundred dollars of assessed valuation. Council Member Hall seconded the motion.

Roll call votes: Mayor Wolcott -yes; Vice Mayor Biundo - yes; Council Member Tande - yes; Council Member Hall - yes; Council Member Villanueva - yes and Council Member Winters - yes. Six yes votes. Motion carried.

2 – Consideration and action pertaining to adoption of the final expenditure limitation budget for FY2017 in the amount of $271,901,700; Resolution # 2016-81 - APPROVED AS AMENDED

Council Member Tande made the motion to approve Resolution 2016-81 as amended. Council Member Hall seconded the motion.
Six yes votes. Motion carried.

3 – Consideration and action declaring the City's intention to adopt Street Light Improvement District (SLID) property tax levies up to the maximum rate of $1.20 for each one hundred dollars ($100) of assessed valuation, pursuant to A.R.S. 48-616; Resolution # 2016-80 - APPROVED

Finance Director, Lindsey Duncan gave an overview for this item.

Council Member Tande made the motion to approve Resolution 2016-80. Council Member Hall seconded the motion.

Roll call vote: Mayor Wolcott -yes; Vice Mayor Biundo - yes; Council Member Tande - yes; Council Member Hall - yes; Council Member Villanueva - yes and Council Member Winters - yes. Six yes votes. Motion carried.

Executive Session

Adjournment

Council Member Tande made the motion to adjourn the Special City Council Meeting of June 21, 2016 at 7:14 PM. Council Member Villanueva 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 Meeting of **Tuesday, June 21, 2016.**

_____
Sherry Ann Aguilar, City Clerk

CITY OF SURPRISE

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

Tuesday, June 21, 2016 @ 07:28 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 07:28 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, June 21, 2016.** Also in attendance with Mayor Wolcott were Vice Mayor Biundo, Council Member Winters, Council Member Villanueva, Council Member Hall, and Council Member Tande.

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

Pledge of Allegiance

Proclamation and Community Acknowledgements

City Manager Report

City Attorney Report

City Clerk Report

City Clerk Aguilar reported on the upcoming election.

Call to the public

Consent Agenda

1 – Consideration and action to reappoint the following Board/Commission Members: David Farago, Arts and Cultural Advisory Commission; Bruce Hertzog, Disability Advisory Commission and Judge Peter Swann, Judicial Selection Advisory Commission all listed members have 4 year term expirations to expire on June 30, 2020 - APPROVED

Council Member Winters removed item 1 from the consent agenda.

Council Member Winters made the motion to approve the appointment of the Board/Commission Members. Council Member Hall seconded the motion. Six yes votes. Motion carried.

City Clerk Aguilar administered the Oath of Office.

2 – Consideration and action to approve a request by Nikollas Arapi for a Series 12 New License/LLC, for Nick's Diner II located at 13765 N. Litchfield Road, Surprise, Arizona 85379 - APPROVED

3 – Consideration and action to approve a request by Cori Infranco for a Series 12 liquor license for Grand Central Eatery, LLC, located at 17300 N. Sun Village Parkway #D, Surprise, AZ. 85374 (Sun Village - New License/LLC) - APPROVED

4 – Consideration and action to approve a Series 12 Liquor license request by Mark Russell for Oregano's Pizza Bistro located at 16914 W. Bell Road, Surprise, AZ. 85374 (New License, Corporation) - APPROVED

5 – Consideration and action on the minutes of June 7, 2016 Regular City Council Work Session and Regular City Council Meeting - APPROVED

6 – Consideration and action pertaining to approval of a replat of a final plat entitled "A Replat of Lot 6 of the 'Replat of Lot 1 of the Final Plat for Sierra Montana Crossing' " dated April 25, 2016, a 5.38 acre parcel generally located at the southwestern corner of North Cotton Lane and West Greenway Road within the Sierra Montana PAD - APPROVED

7 – Consideration and action declaring the City's intent to create the "City of Surprise, Arizona, Sycamore Farms Parcel 12 Phase 2 #138 Lighting Improvement District" pursuant to A.R.S. 48-616; Resolution # 2016-82 - APPROVED

8 – Consideration and action pertaining to approval of the final plat entitled "The Retreat at Sycamore Farms Parcel 12, Phase 2" dated May 9, 2016, a 16.62 acre 69 lot, 8 tract property generally bounded by SR303 to the west, West Cholla Street to the north, and North 165th Drive to the east - APPROVED

9 – Consideration and action pertaining to approval and acceptance of contract and grant funds for fiscal year 2017 in the amount of $50,000 from Area Agency on Aging Region One; Resolution # 2016-91 - APPROVED

10 – Consideration and action pertaining to approval of an Intergovernmental Agreement with Maricopa County to continue providing Community Action Program services for fiscal year 2017 and acceptance of grant funding in the amount of $87,452 to support operations of the Surprise Resource Center; Resolution # 2016-88 - APPROVED

11 – Consideration and action pertaining to approval of an Intergovernmental Agreement with Maricopa County Community College District for water technology education at Surprise-Gateway Training Center; Resolution # 2016-05 - APPROVED

12 – Consideration and action pertaining to approval of an Intergovernmental Agreement with Maricopa County for access to, and participation in, AZLink criminal justice information sharing system; Resolution # 2016-93 - APPROVED

13 – Consideration and action pertaining to approval of an Intergovernmental Agreement with the Arizona State Forestry Division for providing assistance in suppressing wildland fires; Resolution # 2016-94 - APPROVED

14 – Consideration and action pertaining to approval of an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) for the Intelligent Transportation System (ITS) Strategic Plan; Resolution # 2016-83 - APPROVED

15 – Consideration and action pertaining to approval of an Intergovernmental Agreement with the Maricopa County Sheriff's Office to provide access to and participate in the Arizona Automated Fingerprint Identification System Full Access System Terminal Site; Resolution # 2016-96 - APPROVED

Vice Mayor Biundo made the motion to approve the consent agenda, excluding item 1. Council Member Tande seconded the motion. Six yes votes. Motion carried.

Regular Agenda Item - Public Hearing

16 – Consideration and action pertaining to approval of a non-exclusive License Agreement with Cox Communications Arizona, LLC, for the use of public rights-of-ways; Resolution # 2016-78 - APPROVED

Communications Director, Tammie Hollowell reported on the license agreement. Jamie Boyet and Susan Anable of Cox Communications were available for questions.

Council Member Hall - Please tell us why you are doing these boxes.

Council Member Hall - Do you set up a system to call for service?

Vice Mayor Biundo - Is the Dysart Channel 99 under the City Agreement?

Yes correct, we are granting permission on our license.

Mayor Wolcott - What is the average going to cost for a family?

Ms. Boyet - Difficult question to answer, packages, boxes, etc.

Council Member Winters - How do you install these boxes?

Vice Mayor Biundo made the motion to approve Resolution 2016-78. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

17 – Consideration and action pertaining to declaring as a public record the document entitled, "Code of Ordinances, Part II-Land Development Ordinances, Chapter 122-Surprise Unified Development Code, Article 6 - Zoning Districts, Division 9 Flexible Zoning"; Resolution # 2016-95 - APPROVED

City Planner, Joshua Mike gave an overview regarding this item and explained that this item is actually tied to the next four items.

Mayor Wolcott thanked the staff and residents of the OTS, for the hard work on this project. This is a big deal, and not the first time of the City addressing this plan. This is so that we can make change for the betterment of the community.

Council Member Winters - Cottage Industry concept - small number of employees?

Mr. Mike - up to 5 .

Public Comments:

Tim Gonzalez - New to OTS, just bought a property, I think it is important for you to pass this. I can't get an appraisal for the property. So right now my project is on hold. I am hoping with this passing that things will change and I can proceed with the project. I am against HOA's, and there are a lot of people in the community upset with this, but for the future it may affect their children down the road. They have the option to opt out. Thank you Councilmember Villanueva and staff for this project.

Council Member Villanueva made the motion to approve Resolution 2016-95. Council Member Hall seconded the motion. Six yes votes. Motion carried.

18 – Consideration and action pertaining to approval of a zoning text amendment repealing Section 122-67, Original Town Site, of the Surprise Uniform Development Code and adopting Section 122-69.1 establishing the Surprise Heritage District and two corresponding overlay zones; Ordinance # 2016-16 - APPROVED

Council Member Villanueva made the motion to approve Ordinance 2016-16. Vice Mayor Biundo seconded the motion. Six yes votes. Motion carried.

19 – Consideration and action pertaining to approval of a rezoning action to apply the Residential Overlay (SHD-RO) zone to 1135 parcels within the Original Townsite; Ordinance #2016-17 - APPROVED

Council Member Villanueva made the motion to approve Ordinance 2016-17. Council Member Tande seconded the motion. Six yes votes. Motion carried.

20 – Consideration and action pertaining to approval of a rezoning action to apply the Commercial Overlay (SHD-CO) zone to 224 parcels within the Original Townsite; Ordinance # 2016-18 - APPROVED

Council Member Villanueva made the motion to approve Ordinance 2016-18. Council Member Tande seconded the motion. Six yes votes. Motion carried.

21 – Consideration and action pertaining to approval of a text amendment to Surprise Municipal Code Chapter 109, Sections 46 through 53, to update Infill Incentive provisions, definitions, and confirming the Plan for the Infill Incentive District; Ordinance # 2016-14 - APPROVED

Council Member Villanueva made the motion to approve Ordinance 2016-21. Council Member Winters seconded the motion. Six yes votes. Motion carried.

22 – Consideration and action pertaining to ordering and calling a special election for November 8, 2016, to submit to the qualified electors of the City of Surprise one question authorizing the issuance and sale of $63,000,000 principal amount of general obligation bonds; Resolution # 2016-98 - APPROVED

City Manager Wingenroth gave a powerpoint presentation overview for this item.

Council Member Winters - Very good presentation, what a great team you have and your staff did a great job with the community presentations. This is a worthwhile project and I hope that residents will approve this.

Vice Mayor Biundo - Information is great, provided us with good information. The presentation sells itself, another round of public meetings might be really helpful.

Council Member Hall - Thanked staff and the Bond Committee for their hard work in this.

Mayor Wolcott - Thanked staff and our bond committee for their dedicated efforts, and special thanks to DCM, Nicole Lance for putting this package together.

Council Member Hall made the motion to approve Resolution 2016-98. Council Member Winters seconded the motion. Six yes votes. Motion carried.

Regular Agenda Item - Non-Public Hearing

23 – Consideration and action approving an Original Townsite Incentive Program to pay for building permit and building plan review fees for the Dysart Mini Storage Project; Resolution # 2016-76 - APPROVED

City Planner, Hobart Wingard reported on this item.

Vice Mayor Biundo made the motion to approve Resolution 2016-76. Council Member Winters seconded the motion. Six yes votes. Motion carried.

Other Business

Mayor/Council Reports

Council Member Villanueva: thanked Ms. Aguilar for her work on event for Mr. McComb.

Council Member Winters made the motion to recess into executive session at 8:43 PM. Council Member Tande seconded the motion. Six yes votes. Motion carried.

Executive Session

Consideration and action to enter into executive session for discussion or consultation with staff in order to consider the City Council's position and instruct staff regarding negotiations for the lease of real property for a sport related mixed-use facility in the proximate vicinity of Surprise Stadium pursuant to ARS 38-431.03(A)(7).

Adjournment

Council Member Tande made the motion to adjourn the Regular City Council Meeting of June 21, 2016 at 9:05 PM. Vice Mayor Biundo 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 Meeting of **Tuesday, June 21, 2016.**

_____
Sherry Ann Aguilar, City Clerk

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Mike Gent, Public Works Department
Submitting Department:	Public Works	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
x			

Agenda Wording:

Consideration and action pertaining to amending the Surprise Municipal Code Chapter 54, Article I, Section 54-3, definition of a "truck" relating to the establishment of truck routes; Ordinance # 2016-24.

Motion:

I move to approve Ordinance # 2016-24.

Background:

This last spring, changes were made to Surprise Municipal Code Chapter 54 which included a change to the definition of "truck" contained within Section 54-113. What was not discovered during that process was a different definition for "truck" contained within Surprise Municipal Code Section 54-3, relating to truck routes. When comparing the two definitions, the new definition has the support of staff for more universal use, especially in Section 54-3. In addition, conforming the definition in 54-3 to the definition in 54-113 would provide the added benefit of consistency when dealing with the vehicles that would qualify as trucks on the roadway, whether the issue was truck routes or parking.

Objective Analysis:

Adoption of this amendment provides consistency in the definition of "truck" when applying Surprise Municipal Code Chapter 54, the Chapter focused upon vehicles and the roadway. Additionally, city staff believe it more accurately describes the vehicles which should fall within and outside of that definition. There are no known negative impacts for this action.

Policy Compliant:

The adoption of this amendment provides consistency to the definition of "truck" throughout Surprise Municipal Code Chapter 54. Consistency in our actions is a core value of City and Council policy and a desire of our citizens. In addition, the definition more accurately describes the vehicles that should fall within and outside of the definition of truck and thus furthers the City and Council policies of fairness and just application of our ordinances.

Financial Impact:

None at this time; however, topics discussed could lead to future actions which may have a fiscal impact on city operations.

Budget Impact:

None at this time; however, topics discussed could lead to future actions which may have a budget impact on city operations.

FTE Impact:

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

ATTACHMENTS:

Click to download

- ☐ Presentation
- ☐ Ordinance 2016-24 Amending Sec 54.3 of SMC

AMENDING "TRUCK" DEFINITION

Ordinance #2016-24

SURPRISE
ARIZONA

BACKGROUND

- Last Spring, changes were made to SMC, Chapter 54, specifically including a change to the definition of truck contained in Section 54-113
- When the discrepancy was discovered, impacted staff were asked whether the definition should be changed in 54-3 to match the definition in 54-113 and there was universal agreement with that change

RATIONALE FOR CHANGE

SURPRISE
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- Staff expressed two reasons for supporting this change:
  - First, the change more accurately describes the type of vehicles that should fall within and outside of the definition of truck
  - Second, the change provides consistency throughout SMC Chapter 54, the motor vehicle chapter

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ARIZONA

Questions or Comments?

ORDINANCE 2016-24

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING SURPRISE CITY CODE SECTION 54-3(b) RELATING TO THE DEFINITION OF A TRUCK.

WHEREAS, the definition of truck for purposes of truck routes needs additional clarification and to avoid conflict with its definition in other sections.

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

Section 1. Surprise City Code Chapter 54, Article I, Section 54-3 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 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 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.

PASSED AND ADOPTED this _____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Sherry Aguilar, City Clerk

Approved as to form:

Robert Wingo, City Attorney

Ordinance 2016-24

Exhibit A

Section 1. Surprise City Chapter 54, Article I, Section 54-3 is hereby amended to read:

Sec. 54-3. - Restriction on truck travel upon city streets; violation.

(a) *Application.* This section will apply solely to users of those streets within the city boundaries and under the jurisdiction of the city.

b) *Definitions.* The following words, terms and phrases, when used in this section, will have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Truck or vehicle means a vehicle ~~other than a recreational vehicle,~~ weighing ~~in excess of 1½ tons or having a height of seven feet, six inches or more or measuring 36 feet or longer in overall length, including truck and load~~ 18,000 OR MORE POUNDS, OR A COMBINATION OF VEHICLES WEIGHING IN EXCESS OF 26,000 POUNDS, OR A BOX TRUCK OR SEMI-TRAILER CAB.

c) *Prohibition.* Except as provided in subsection (d) of this section, and in addition to the provisions of Arizona Revised Statutes, trucks, as defined in subsection (b) of this section, will only operate on those streets designated as principal truck routes within the city limits. All other roads, streets and highways may be restricted streets. Principal truck routes may be those established in the "Surprise Truck Route Map." The "Surprise Truck Route Map" may be amended from time to time by resolution or through the land development platting process. The map will be available on the city's website, though it may be displayed there using multiple documents, rather than just one document, to allow the reader to more clearly see the information contained therein.

(d) *Exceptions.* The following exceptions may be made to this section:

(1) Fire apparatus, road machinery, garbage trucks, or implements of husbandry, including farm tractors, temporarily moved upon a city street;

(2) Trucks may operate on restricted streets provided the restricted street has not been posted as a "no trucks" route as provided for in subsection (f) of this section, for the delivery of merchandise, materials or equipment going to a specific location on a restricted street. In such cases, the vehicles may use the restricted streets for as short a distance as possible;

(3) Trucks having a base of operations on a restricted street may enter or leave the base of operations at any time by the most direct route to a principal truck route. For

purposes of this subsection (d)(3), the base of operations of a truck may include a place of business where the truck is regularly kept;

(4) Users of streets within the city limits that are within the state highway system and under the jurisdiction of the state may comply with the requirements of state law and upon such compliance are exempt from this section.

(e) *Liability for damages.* Any person driving any truck upon any street under the jurisdiction of the city may be liable for all damage to any street, light or sign of the city as a result of any illegal operation, driving or moving of any vehicle in violation of this section. When the driver is not the owner of the truck or other commercial vehicle but is so operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver may be jointly and severally liable for any damage. Such damage may be recovered in a civil action brought by the city.

(f) *"No trucks" routes.* The city council may from time to time designate by resolution that certain restricted streets within the city are "no trucks" routes, subject to the prior review and recommendation of the city engineer. "No trucks" routes may be clearly posted with signage and it may be a violation of this section for any person to operate a truck on a street posted as a "no trucks" route.

(g) *Criminal violations.* Any violation of or failure or refusal to do or perform any act required by the provisions of this section or of this Code as amended by this section may constitute a class 1 misdemeanor.

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	6
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
x			

Agenda Wording:

Consideration and action pertaining to approval of a final plat amendment entitled "Re-Plat of Marley Park Square Amended", dated June 6, 2016, a property generally located at the southwestern corner of Waddell and Litchfield Roads.

Motion:

I move to approve the final plat entitled "Re-Plat of Marley Park Square Amended", dated June 6, 2016.

Background:

Patrick Lowry of the Slater Hanifan Group, on behalf of MP Park Square II LLLP, seeks approval of a Final Plat Amendment to change the arrangement of the properties to provide a more pedestrian friendly commercial center.

Objective Analysis:

The proposed Final Plat Amendment will provide the mechanism needed to allow the owner of Marley Park Square to market and construct a commercial center with improved pedestrian interaction while providing for reciprocal cross-access, 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 project is consistent with City and Council Policy.

Financial Impact:

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

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

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

ATTACHMENTS:

Click to download

- 00- FS15-443 - Marley Park Square - Final Plat - Staff Report
- 01- FS15-443 - Marley Park Square - Final Plat - Vicinity Map
- 02- FS15-443 - Marley Park Square - Final Plat - Conceptual Master Site Plan
- 03- FS15-443 - Marley Park Square - Final Plat - Amended Final Plat
- 04- FS15-443 - Marley Park Square - Final Plat - Luke Letter
- 05- FS15-443 - Marley Park Square - Final Plat - Presentation

SURPRISE
ARIZONA

AMENDED FINAL PLAT

REPORT TO THE MAYOR AND CITY COUNCIL

Case:	**FS15-443**
Project Name:	Marley Park Square Amended Final Plat
Council District:	6 – Palo Verde
Meeting Date:	**August 2, 2016**
Planner:	Hobart Wingard, 623-222-3156, hobart.wingard@surpriseaz.gov

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Owner:	MP Park Square II LLLP
Applicant:	Patrick Lowry of the Slater Hanifan Group
Request:	Replat a portion of Marley Park Square Commercial Center
Site Location:	Generally on the Southwest Corner of Waddell and Litchfield Roads within the Marley Park Planned Area Development (PAD)
Site Size:	Approximately 26.24 acres
General Plan Conformance:	The proposal is consistent with the Surprise General Plan 2035
Support/Opposition:	No support or opposition was encountered

Project Description:

Patrick Lowry of the Slater Hanifan Group, on behalf of MP Park Square II LLLP, seeks approval of a Final Plat Amendment to change the arrangement of the properties to provide a more pedestrian friendly commercial center.

Background:

November 9, 2000: The subject parcel was annexed into the City of Surprise.

October 25, 2000: The Mayor and City Council approved a PAD for the Marley Park PAD under Case PAD00-091.

February 14, 2008: The Mayor and City Council approved a Commercial Subdivision for Marley Park Square under Case CS07-140.

August 5, 2008: The Planning and Zoning Commission approved a Site Plan for Marley Park Square under Case SP08-081.

December 6, 2009: The Mayor and City Council approved a Final Plat Amendment for Marley Park Square under Case FS09-225.

June 8, 2015: Staff met with the applicant to discuss the subject project during a regularly scheduled Concept Review meeting under Case CR15-228.

November 6, 2015: The applicant filed a request for a Final Plat Amendment for Marley Park Square under Case FS15-228, the subject case.

Analysis and Discussion:

The existing commercial parcels had previously been subdivided and portions of the infrastructure have been constructed, including improvements along Waddell and Dysart Roads. Existing Lots five (5) and eight (8) have been constructed and are currently occupied by Freddy's Frozen Custard and Steakburgers and Native Grill restaurants. A Dunkin Donuts is planning to occupy Lot seven (7). This proposed Final Plat Amendment will exclude those lots as well as Lots four (4) and (6).

The first goal of the Final Plat Amendment is to alter the existing lots provide for frontage lots, providing a higher level of visibility and draw patrons to the commercial center. The most notable change from the previous site development plan will be to the interior of the property. The proposed layout will provide a "Main Street" feel with on-street parking areas and strong pedestrian connectivity to all areas of the project.

Civil improvement plans along with a Master Site Plan, and other documents have been submitted to the City of Surprise in support of the Final Plat Amendment process. The improvement plans will be phased with the intent to construct those improvements as market conditions allow. The initial phase which improves internal vehicular circulation will be constructed in conjunction with the proposed development on Lot seven (7).

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Employment Character Area, which supports commercial development that is planned to occur after the anticipated approval of this Final Plat Amendment.

Reviewing Agencies:

In addition to the standard City reviewing departments, Luke Air force Base, Maricopa Water District, Dysart School District, and ADOT were included in the routing of this case and indicated no objections to the request.

Summary:

Staff believes the proposed Final Plat Amendment will provide the mechanism needed to allow the owner of Marley Park Square to market and construct a commercial center with improved pedestrian interaction while providing for reciprocal cross-access, which will in turn allow it to be developed in a manner that is consistent with the goals and policies of the General Plan.

Findings:

- The proposed Final Plat Amendment is consistent with the Surprise General Plan 2035.
- The proposed Final Plat Amendment is consistent with the Marley Park PAD.
- The reviewing agencies have indicated no objections to the request.

Attachments:

01 – Vicinity Map
02 – Conceptual Master Site Plan
03 – Amended Final Plat
04 – Luke AFB comments
05 - PowerPoint

VICINITY MAP – MARLEY PARK SQUARE

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VICINITY MAP

SURPRISE
ARIZONA

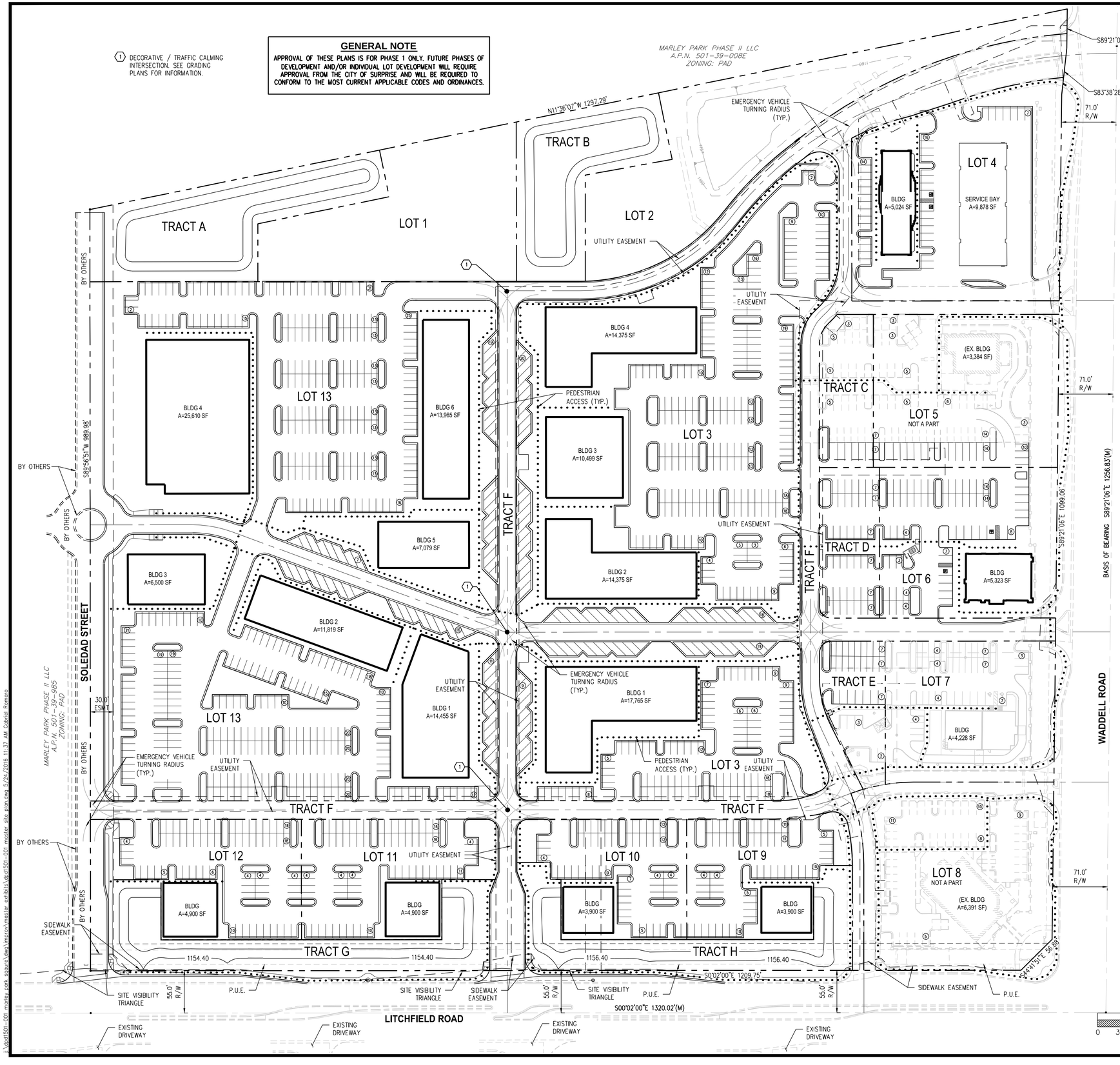
MASTER SITE PLAN FOR
MARLEY PARK SQUARE

A PORTION OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

GENERAL NOTE

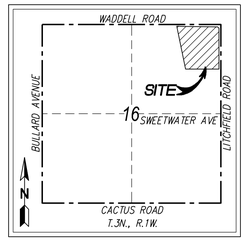
APPROVAL OF THESE PLANS IS FOR PHASE 1 ONLY. FUTURE PHASES OF DEVELOPMENT AND/OR INDIVIDUAL LOT DEVELOPMENT WILL REQUIRE APPROVAL FROM THE CITY OF SURPRISE AND WILL BE REQUIRED TO CONFORM TO THE MOST CURRENT APPLICABLE CODES AND ORDINANCES.

① DECORATIVE / TRAFFIC CALMING INTERSECTION. SEE GRADING PLANS FOR INFORMATION.



VICINITY MAP

NOT TO SCALE



CIVIL ENGINEER
SLATER HANIFAN GROUP
11201 N. TATUM BLVD. STE 250
PHOENIX, AZ 85028
PHONE: (602) 687-9664
CONTACT: ROGER THEIS, P.E.

OWNER/DEVELOPER
DROPTINE PROPERTY DEVELOPERS
34406 N. 27TH DR. STE 150
PHOENIX, AZ 85085
PHONE: (602) 524-1870
CONTACT: BUZZ GOSNELL

LAND SURVEYOR
SURVEY INNOVATION GROUP, INC
7301 E. EVANS RD.
SCOTTSDALE, AZ 85260
PHONE: (480) 922-0780
CONTACT:

BASIS OF BEARING
THE CENTERLINE OF WADDELL ROAD BETWEEN LITCHFIELD ROAD AND 140TH DRIVE.
SAID LINE BEARS SOUTH 89°21'06" EAST.

LEGAL DESCRIPTION
"MARLEY PARK SQUARE AMENDED" PER BOOK 1067, PAGE 35, RECORDS OF MARICOPA COUNTY, ARIZONA.

BENCHMARK
CITY OF SURPRISE BENCHMARK #70 (CHISELED SQUARE ON S.E. SIDE OF HEADWALL, APPROXIMATELY 70' WEST OF EDGE OF PAVEMENT OF LITCHFIELD ROAD ON THE N.W. CORNER OF THE INTERSECTION OF LITCHFIELD ROAD AND WADDELL ROAD. ELEVATION = 1160.52

FLOOD ZONE
ACCORDING TO THE FLOOD INSURANCE RATE MAP #04013C1680L, DATED OCTOBER 16, 2013, THIS PROPERTY IS LOCATED IN FLOOD ZONE "X".

UTILITIES
WATER, SEWER AND FIRE: CITY OF SURPRISE
TELEPHONE: COX COMMUNICATIONS
ELECTRIC: ARIZONA PUBLIC SERVICES
CABLE T.V.: COX COMMUNICATIONS
GAS: SOUTHWEST GAS

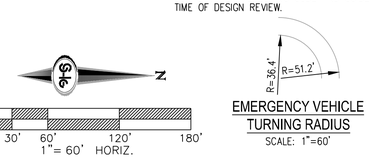
LEGEND

EXISTING	PROPOSED
	CENTER LINE
	EASEMENT
	RIGHT OF WAY
	PROPERTY LINE
	SURVEY MONUMENT
	CURB AND GUTTER
	RETAINING WALL
	CHAIN LINK FENCE
	PEDESTRIAN ACCESS

NOTES:

1. PARKING RATIOS ARE DERIVED FROM THE CITY OF SURPRISE CODE OF ORDINANCES CHAPTER 122 – ARTICLE IX – PARKING AND LOADING SEC. 122-133 PARKING TABLE 9-1.
2. ACCESSIBLE PARKING RATIOS ARE DERIVED FROM 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN. THE NUMBER OF ACCESSIBLE PARKING SPACES WILL BE DETERMINED USING TABLE 208.2 OF THE ADA STANDARDS FOR ACCESSIBLE DESIGN AND BE IN COMPLIANCE WITH THE REQUIREMENTS OF 2012 IBC SECTION 1106.1.
3. THE SPECIFIC LOCATIONS OF ACCESSIBLE PARKING SPACES WILL BE DETERMINED WITH THE SITE PLAN FOR EACH BUILDING.
4. PARKING DIMENSIONS:
   90 DEG: 9'x18'
   45 DEG: 9'x18 (MEASURED PERPENDICULAR TO F/C)
   ACCESSIBLE: 11'X18'
5. DRIVEWAY AND DRIVEWAY ISLES ARE 24' MIN. WIDE.
6. EACH PARCEL, WHETHER SITE PLAN OR CONDITIONAL USE PERMIT, WILL REQUIRE A DESIGN REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.
7. ALL STANDARDS NOT REGULATED BY THE MARLEY PARK PAD WILL CONFORM TO THE ZONING CODE AND GUIDELINES IN EFFECT AT THE TIME OF DESIGN REVIEW.

0 30' 60' 120' 180'
1" = 60' HORIZ.



EMERGENCY VEHICLE TURNING RADIUS
SCALE: 1"=60'

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

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
11201 N. TATUM BOULEVARD #250, PHOENIX, AZ 85028
PHONE (602) 687-9664

NO.	DESCRIPTION	DATE	BY	APP. DATE	APP.

SURPRISE, AZ

DROPTINE

MARLEY PARK SQUARE
MASTER SITE PLAN

SECTION 16
TOWNSHIP 3N
RANGE 1W

DATE: 05/16/2016
DRAFTER: GGR
DESIGNER: JSI
CHECKED: PEL

PROJECT NO.
DPD1501-001

Registered Professional Engineer
CERTIFICATE NO.
38805
Roger D. Theis
5-24-16
ARIZONA U.S.A.
EXPIRES 3/31/2018

MSP-1

J:\dpd1501-001 marley park square\dwg\improv\master exhibits\dpd1501-001 master site plan.dwg 5/24/2016 11:37 AM Gabriel Romero

NOTE:
THE SPECIFIC LOCATIONS OF ACCESSIBLE PARKING SPACES WILL BE DETERMINED WITH THE SITE PLAN FOR EACH BUILDING.

SITE INFORMATION:

LOT 1: RETENTION BASIN
AREA: 47,740 SF OR 1.10 Ac.

LOT 2: RETENTION BASIN
AREA: 59,908.5 SF OR 1.38 Ac.

LOT 3: PROPOSED COMMERCIAL
AREA: 270,934.6 SF OR 6.22 Ac.

BLDG AREA:
BLDG 1 17,765 SF
BLDG 2 14,375 SF
BLDG 3 10,499 SF
BLDG 4 14,375 SF
TOTAL BLDG: 57,014 SF

PARKING REQUIRED: 1/300 OF BLDG AREA = 143
PARKING REQUIRED: 1/75 OF BLDG AREA = 190
TOTAL REQUIRED: = 333

PARKING PROVIDED:
PARKING STALL 340
45 DEG STALL 66
HANDICAP STALL
TOTAL 406

LOT 4: GAS STATION
AREA: 70,026.2 SF OR 1.61 Ac.

BLDG AREA: 5,024 SF
SERVICE BAY: 9,878 SF
TOTAL BLDG: 14,902 SF

PARKING REQUIRED: 1/500 OF BLDG AREA = 29

PARKING PROVIDED:
PARKING STALL 35
HANDICAP STALL 2
TOTAL 37

LOT 5: EXISTING COMMERCIAL (RESTAURANT)
AREA: 47,829.5 SF OR 1.10 Ac.

BLDG AREA: 3,384 SF

PARKING REQUIRED: 1/75 OF BLDG AREA = 45

PARKING PROVIDED:
EX. PARKING STALL 40
EX HANDICAP STALL 2
PROP PARKING STALL 18
TOTAL 60

LOT 6: PROPOSED COMMERCIAL (RESTAURANT)
AREA: 45,152.9 SF OR 1.04 Ac.

BLDG AREA: 5,323 SF

PARKING REQUIRED: 1/75 OF BLDG AREA = 71

PARKING PROVIDED:
PARKING STALL 62
HANDICAP STALL 2
TOTAL 64*

LOT 7: PROPOSED COMMERCIAL (RESTAURANT)
AREA: 40,413.2 SF OR 0.93 Ac.

BLDG AREA: 4,228 SF

PARKING REQUIRED: 1/75 OF BLDG AREA = 57

PARKING PROVIDED:
PARKING STALL 43
HANDICAP STALL 2
TOTAL 45

LOT 8: EXISTING COMMERCIAL (RESTAURANT)
AREA: 59,705.3 SF OR 1.37 Ac.

BLDG AREA: 6,391 SF

PARKING REQUIRED: 1/75 OF BLDG AREA = 85

PARKING PROVIDED:
EX. PARKING STALL 43
EX. HANDICAP STALL 2
TOTAL 45

LOT 9: PROPOSED COMMERCIAL (RESTAURANT)
AREA: 29,294.0 SF OR 0.67 Ac.

BLDG AREA: 3,900 SF

PARKING REQUIRED: 1/75 OF BLDG AREA = 52

PARKING PROVIDED:
PARKING STALL 58
HANDICAP STALL
TOTAL 58

LOT 10: PROPOSED COMMERCIAL (RESTAURANT)
AREA: 29,125.4 SF OR 0.67 Ac.

BLDG AREA: 3,900 SF

PARKING REQUIRED: 1/75 OF BLDG AREA = 52

PARKING PROVIDED:
PARKING STALL 59
HANDICAP STALL
TOTAL 59

LOT 11: PROPOSED COMMERCIAL
AREA: 34,284.0 SF OR 0.79 Ac.

BLDG AREA: 4,900 SF

PARKING REQUIRED: 1/75 OF BLDG AREA = 66

PARKING PROVIDED:
PARKING STALL 69
HANDICAP STALL
TOTAL 69

LOT 12: PROPOSED COMMERCIAL
AREA: 33,452.4 SF OR 0.77 Ac.

BLDG AREA: 4,900 SF

PARKING REQUIRED: 1/75 OF BLDG AREA = 66

PARKING PROVIDED:
PARKING STALL 73
HANDICAP STALL
TOTAL 73

LOT 13: PROPOSED COMMERCIAL
AREA: 337,812.6 SF OR 7.76 Ac.

BLDG AREA:
BLDG 1 14,455 SF
BLDG 2 11,819 SF
BLDG 3 6,500 SF
BLDG 4 25,610 SF
BLDG 5 7,079 SF
BLDG 6 13,965 SF
TOTAL BLDG: 79,428 SF

PARKING REQUIRED: 1/300 OF BLDG AREA = 226
PARKING REQUIRED: 1/75 OF BLDG AREA = 237
TOTAL REQUIRED: = 463

PARKING PROVIDED:
PARKING STALL 410
45 DEG STALL 53
HANDICAP STALL
TOTAL 463

TRACT A: RETENTION BASIN
AREA: 43,914 SF OR 1.00 Ac.

TRACT B: RETENTION BASIN
AREA: 28,653 SF OR 0.66 Ac.

TRACT C: PARKING
AREA: 13,655.0 SF OR 0.31 Ac.

PARKING:
EX. PARKING STALL 24
PROP. STALL 6
TOTAL 30

TRACT D: PARKING
AREA: 15,231.9 SF OR 0.35 Ac.
PARKING:
PARKING STALL 42
TOTAL 42

TRACT E: PARKING
AREA: 13,064.9 SF OR 0.30 Ac.
PARKING:
PARKING STALL 25
TOTAL 25

TRACT F: PUBLIC ACCESS/DRIVE AISLE
AREA: 113,503 SF OR 2.60 Ac.

TRACT G: RETENTION BASIN
AREA: 29,418.7 SF OR 0.68 Ac.

TRACT H: RETENTION BASIN
AREA: 26,428.8 SF OR 0.61 Ac.

PROPERTY SUMMARY:

AREA:
NET: 1,378,549 SF OR 31.92 Ac.
GROSS: 1,406,228.6 SF OR 32.28 Ac.

BUILDING AREA: 178,392 SF

PARKING REQUIRED: 1335
ACCESSIBLE PARKING RATIO: 2%
ACCESSIBLE PARKING REQUIRED: 23

PARKING PROVIDED:
EXISTING PARKING: (130)
PROPOSED PARKING: 1,205
PROPOSED 45 DEG PARKING: 119
ACCESSIBLE PARKING
EXISTING: (4)
PROPOSED: 19

TOTAL PARKING PROVIDED: 1,476

PARKING DIMENSIONS:
90 DEG.: 9'x18'
45 DEG: 9'x18' (MEASURED PERPENDICULAR TO F/C)
ACCESSIBLE 11'x18'

DRIVEWAY AND DRIVEWAY ISLES: 24' (MIN.)

PARKING TABLE:

LOT	BUILDING AREA	USE/ACTIVITY	PARKING REQUIRED			PARKING PROVIDED	
			RATIO	ACCESSIBLE	PARKING	ACCESSIBLE	PARKING
1	–	RETENTION/LS	–	–	–	–	–
2	–	RETENTION/LS	–	–	–	–	–
3	57,014	STORE BLDG	1/300	3	138	0	406
		RESTAURANT	1/75	4	70		
4	14,902	GAS STATION	1/500	1	30	2	37
5	(3,384)	RESTAURANT	(1/75)	(1)	(45)	(2)	(60)
6	5,323	RESTAURANT	1/75	2	71	2	64 *
7	4,228	RESTAURANT	1/75	2	57	2	45
8	(6,391)	RESTAURANT	(1/75)	(2)	(85)	(2)	(45)
9	3,900	RESTAURANT	1/75	2	52	0	58
10	3,900	RESTAURANT	1/75	2	52	0	59
11	4,900	RESTAURANT	1/75	2	66	0	69
12	4,900	RESTAURANT	1/75	2	66	0	73
13	79,428	STORE BLDG	1/300	5	226	0	463
		RESTAURANT	1/75	5	237		

TRACT	BUILDING AREA	USE/ACTIVITY	PARKING REQUIRED			PARKING PROVIDED	
			RATIO	ACCESSIBLE	PARKING	ACCESSIBLE	PARKING
A	–	RETENTION/LS	–	–	–	–	–
B	–	RETENTION/LS	–	–	–	–	–
C	–	PARKING	–	–	–	–	30
D	–	PARKING	–	–	–	–	42
E	–	PARKING	–	–	–	–	25
F	–	ROADWAY	–	–	–	–	–
G	–	RETENTION/LS	–	–	–	–	–
H	–	RETENTION/LS	–	–	–	–	–

* ADDITIONAL PARKING FOR LOT 6 PROVIDED WITH TRACT D.

AREA TABLE

LOT	AREA	
	S.F.	ACRE
1	47,740	1.10
2	59,909	1.38
3	270,935	6.22
4	70,026	1.61
5	47,830	1.10
6	45,153	1.04
7	40,413	0.93
8	59,705	1.37
9	29,294	0.67
10	29,125	0.67
11	34,284	0.79
12	33,452	0.77
13	337,813	7.76

TRACT	AREA	
	S.F.	ACRE
A	43,914	1.00
B	28,653	0.66
C	13,655	0.31
D	15,232	0.35
E	13,065	0.30
F	113,503	2.60
G	29,419	0.68
H	26,429	0.61
NET AREA	1,389,549	31.92

NOTE:
RECEPRICAOL PARKING AND ACCESS IS PROVIDED BY CURRENT AND PROPOSED CC&R'S.

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
11201 N. TATUM BOULEVARD #250, PHOENIX, AZ 85028
PHONE (602) 687-9664

NO.	DESCRIPTION	DATE	BY	APP. DATE	APP.

SURPRISE, AZ

DROPTINE

SECTION 16
TOWNSHIP 3N
RANGE 1W

MARLEY PARK SQUARE
MASTER SITE PLAN

DATE: 05/16/2016
DRAFTER: GGR
DESIGNER: JSI
CHECKED: PEL

PROJECT NO.
DPD1501-001

REGISTERED PROFESSIONAL ENGINEER
CERTIFICATE NO.
38805
Roger D. Theis
3/31/2016
ARIZONA U.S.A.
EXPIRES 3/31/2018

MSP-2

Call at least two full working days before you begin excavation.
ARIZONA811
Arizona Blue Stake, Inc.
Dial 8-1-1 or 1-800-STAKE-IT (782-5348)
In Maricopa County: (602) 263-1100

J:\Dpd1501-001 marley park square\Data\Vmprov\master exhibits\dpd1501-001 master site plan.dwg 5/24/2016 11:37 AM Gabriel Romero

RE-PLAT
of MARLEY PARK SQUARE AMENDED

A RE-PLAT OF LOTS 1, 2, 3, 9 AND 10 OF "MARLEY PARK SQUARE AMENDED", RECORDED IN BOOK 1067, PAGE 35, M.C.R., A SUBDIVISION LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 16, 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 } SS

KNOW ALL PERSONS BY THESE PRESENTS:

THAT MP PARK SQUARE II, LLLP, AN ARIZONA LIMITED LIABILITY LIMITED PARTNERSHIP, AS OWNER, HAVE SUBDIVIDED UNDER THE NAME "RE-PLAT OF MARLEY PARK SQUARE AMENDED", A RE-PLAT OF LOTS 1, 2, 3, 9 & 10 OF MARLEY PARK SQUARE AMENDED AS RECORDED IN BOOK 1067, PAGE 35, RECORDS OF MARICOPA COUNTY, LOCATED IN THE NORTHEAST QUARTER OF SECTION 16, 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 WHICH SETS FORTH THE LOCATION AND GIVES DIMENSIONS OF EACH LOT, TRACT, STREET AND EASEMENT CONSTITUTING SAME, WHICH SHALL BE KNOWN BY THE NUMBER AND 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, MANHOLES, FIRE HYDRANTS AND WATER METERS AS SHOWN ON THE PLAT FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING, REPAIRING, REPLACING AND UTILIZING THE WATER/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 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 CITY OF SURPRISE A PERPETUAL NON-EXCLUSIVE PEDESTRIAN ACCESS AND SIDEWALK CONSTRUCTION AND MAINTENANCE EASEMENT OVER, UPON AND ACROSS THE AREAS DESIGNATED AS SIDEWALK EASEMENT AS SHOWN ON THE PLAT.

OWNER HEREBY GRANTS TO THE UNITED STATES OF AMERICA DEPARTMENT OF THE AIR FORCE (USAF) AN AVIGATION EASEMENT OVER AND ACROSS 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.

MP PARK SQUARE II, LLLP, AN ARIZONA LIMITED LIABILITY LIMITED PARTNERSHIP, AS 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 BOUNDERS OF SAID PLAT UNTIL SUCH TIME THAT THE AREA WITHIN THE RIGHT-OF-WAY IS IMPROVED TO CITY STANDARD AND ACCEPTED BY THE CITY OF SURPRISE.

OWNER HEREBY GRANTS TO THE 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.

OWNER HEREBY AGREES THAT:
1. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER OR THE PROPERTY ASSOCIATION FORMED BY THE OWNER.
2. 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.
3. 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, STREETS AND PUBLIC UTILITIES OWNED AND OPERATED BY THE CITY OF SURPRISE, INSTALLED OR CONSTRUCTED BY SAID OWNERS 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 SAID OWNERS 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 FORMAL COUNCIL ACTION.

THE EASEMENTS GRANTED WITHIN THIS DEDICATION ARE PERMANENT AND PERPETUAL AND SHALL RUN WITH THE LAND AND BE BINDING UPON THE OWNERS AND THEIR HEIRS, ASSIGNS, AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF.
THIS EASEMENT IS GRANTED SUBJECT TO THE CONDITION THAT GRANTEES SHALL HOLD GRANTOR AND GRANTOR'S SUCCESSORS AND ASSIGNS HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, LIABILITIES OR EXPENSES WHICH MAY RESULT FROM GRANTEE'S USE OF THE EASEMENT. BY ACCEPTING THE EASEMENT, THE GRANTEE AGREES TO EXERCISE REASONABLE CARE TO AVOID DAMAGE TO THE PREMISES AND ALL PROPERTY THAT MAY AT ANY TIME BE THEREON.

IN WITNESS WHEREOF, MP PARK SQUARE II, LLLP, AN ARIZONA LIMITED LIABILITY LIMITED PARTNERSHIP, HAS HEREUNTO CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED TO BY THE UNDERSIGNED, DULY AUTHORIZED

ON THIS _____ DAY OF _____, 2016

BY: _____, TITLE: _____,

ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2016, NAME(S), IN THEIR AFOREMENTIONED CAPACITIES ON BEHALF OF MP PARK SQUARE II, LLLP, AN ARIZONA LIMITED LIABILITY LIMITED PARTNERSHIP

_____ MY COMMISSION EXPIRES: _____, 2016
NOTARY PUBLIC 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. ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE CITY OF SURPRISE COMMUNITY DEVELOPMENT DEPARTMENT.

RELEASE OF LIABILITY

THAT MP PARK SQUARE II, LLLP, AN ARIZONA LIMITED LIABILITY LIMITED PARTNERSHIP AS OWNER DOES HEREBY (1) RELEASE AND DISCHARGE THE USAF AND THE CITY OF SURPRISE;
AND (2) AGREE TO 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 WITHIN THIS PLAT 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, TAKING OFF FROM OR OPERATING AT OR ON LUKE AIR FORCE BASE. THIS INSTRUMENT SHALL RUN WITH THE LAND AND BE BINDING UPON SAID OWNERS AND THEIR 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 THE 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.

NOTES

1. 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.

2. THE PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ON FLOOD INSURANCE RATE MAP NO. 04013C1680L, 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.

3. 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.

LIEN HOLDER RATIFICATION

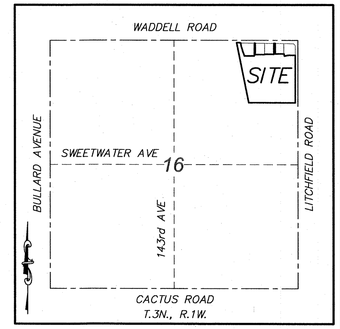
KNOW ALL MEN BY THESE PRESENTS:

THAT THE UNDERSIGNED, _____ FOR BANKERS TRUST COMPANY, AN IOWA STATE CHARTERED BANK, RECORDED IN DOCUMENT NUMBER 2015-0274024, M.C.R., HEREBY RATIFIES, AFFIRMS AND APPROVES THIS RE-PLAT, AND EACH AND EVERY DEDICATION CONTAINED HEREIN.

IN WITNESS WHEREOF, THE UNDERSIGNED HAS SIGNED HIS NAME

THIS _____ DAY OF _____, 2016.

BY: _____
NAME



VICINITY MAP
N.T.S.

PARENT DESCRIPTION

LOTS 1, 2, 3, 9 & 10, "MARLEY PARK SQUARE AMENDED" PER BOOK 1067, PAGE 35, RECORDS OF MARICOPA COUNTY, ARIZONA.

BASIS OF BEARING

THE CENTERLINE OF WADDELL ROAD BETWEEN LITCHFIELD ROAD AND 140TH DRIVE.
SAID LINE BEARS SOUTH 89°21'06" EAST AS SHOWN IN THE FINAL PLAT FOR "MARLEY PARK SQUARE", BOOK 1016, PAGE 17, M.C.R.

AREA

LOT 1	47,740 SF	1.096 AC
LOT 2	57,867 SF	1.328 AC
LOT 3	270,936 SF	6.220 AC
LOT 9	29,294 SF	0.672 AC
LOT 10	29,125 SF	0.669 AC
LOT 11	34,284 SF	0.787 AC
LOT 12	35,807 SF	0.768 AC
LOT 13	358,020 SF	8.220 AC
TRACT A	35,795 SF	0.755 AC
TRACT B	28,653 SF	0.658 AC
TRACT C	13,655 SF	0.313 AC
TRACT D	15,232 SF	0.350 AC
TRACT E	13,064 SF	0.300 AC
TRACT F	114,249 SF	2.623 AC
TRACT G	32,969 SF	0.757 AC
TRACT H	26,410 SF	0.606 AC
TOTAL:	1,143,101 SF	26.242 AC

CITY OF SURPRISE COUNCIL APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF SURPRISE, ARIZONA.

THIS _____ DAY OF _____, 2016.

_____
MAYOR DATE

ATTEST:

_____
CITY CLERK DATE

CITY OF SURPRISE ENGINEER APPROVAL

DATA ON THIS PLAT REVIEWED AND APPROVED THIS _____ DAY OF _____, 2016 BY THE CITY ENGINEER OF THE CITY OF SURPRISE, ARIZONA.

APPROVED: _____
CITY ENGINEER DATE

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND PLAT SHOWN HEREON WAS COMPLETED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF FEBRUARY, 2016, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THE MONUMENTS SHOWN ACTUALLY EXIST.

BY: _____ 6/6/2016
ERIC SOSTROM, R.L.S. 41894 DATE
SURVEY INNOVATION GROUP, INC.
7301 EAST EVANS DRIVE
SCOTTSDALE, ARIZONA 85260

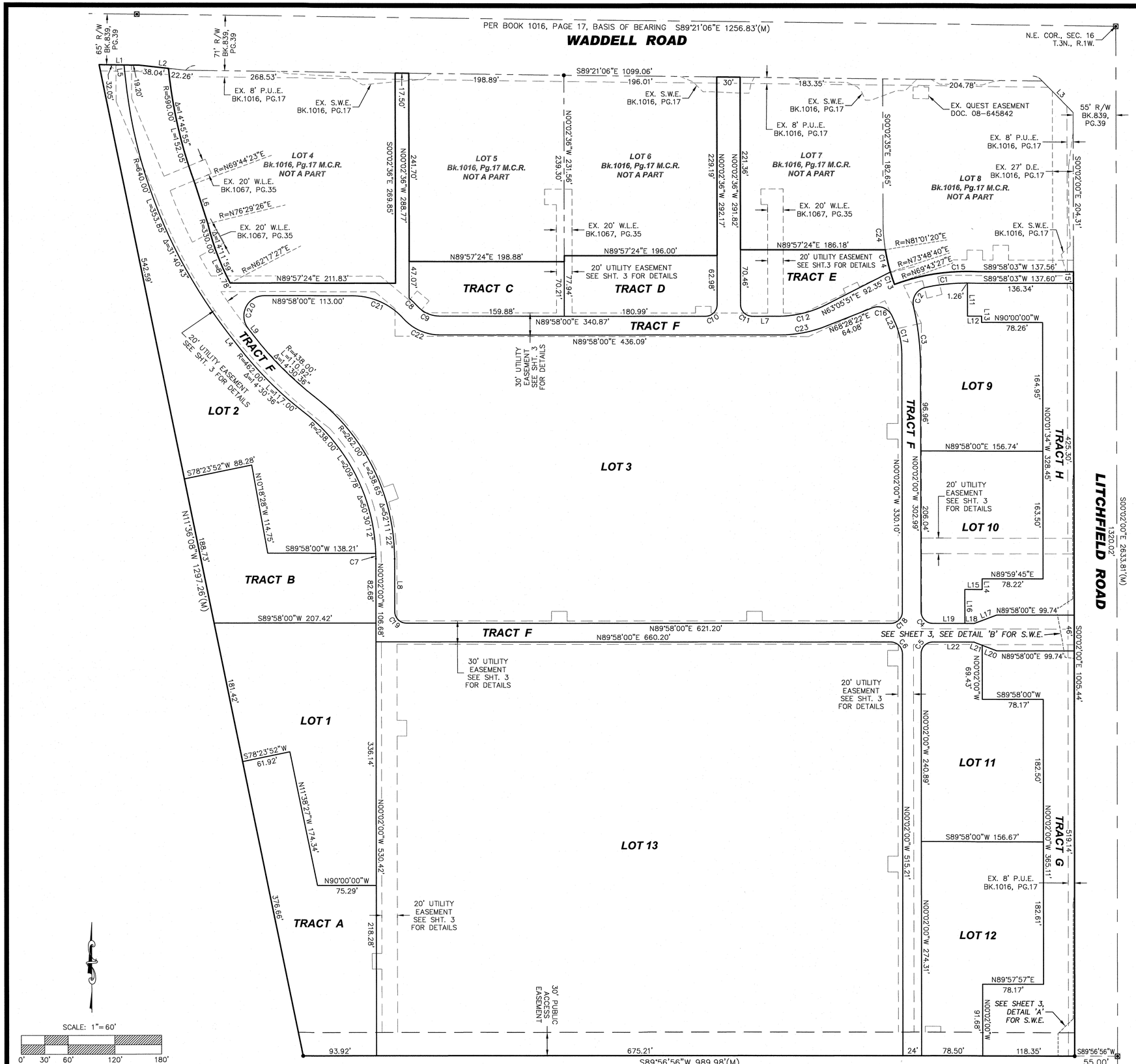
SIG
SURVEY INNOVATION GROUP, INC
Land Surveying Services
7301 EAST EVANS ROAD
SCOTTSDALE, ARIZONA 85260
PHONE (480) 922-0780
FAX (480) 922-0781

RE-PLAT
MARLEY PARK SQUARE
SURPRISE, ARIZONA

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
41894
ERIC L.
SOSTROM
Date Signed 6/6/16
ARIZONA U.S.A.
EXPIRES 3/31/2017

REVISIONS:
1
2
3

DRAWING NAME: 15007PLAT.DWG
JOB NO. 2015-007
DRAWN: ELS
CHECKED: RMH
DATE: 6/6/2016
SCALE: 1" = 60'
SHEET: 1 OF 4



LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°21'06"E	51.25
L2	S83°38'28"E	60.30
L3	S44°41'51"E	56.88
L4	S37°42'46"E	25.59
L5	S06°02'03"E	18.32
L6	S17°49'01"E	53.93
L7	N89°58'00"E	32.85
L8	S00°02'00"E	67.68
L9	S37°42'46"E	12.57
L10	N11°36'08"W	30.62
L11	S00°00'05"E	42.26
L12	N89°58'00"E	18.01
L13	S00°02'00"E	8.01
L14	S00°02'00"E	13.94
L15	S89°58'00"W	22.16
L16	S00°02'00"E	43.63
L17	N69°14'52"E	31.09
L18	N89°58'00"E	11.70
L19	N89°58'00"E	41.34
L20	S69°18'51"E	19.91
L21	S69°18'51"E	11.19
L22	N89°58'00"E	53.04
L23	S24°07'47"E	9.02

CURVE TABLE				
CURVE	DELTA	RADIUS	ARC	CHORD
C1	12°14'03"	250.00	53.38	S83°51'01"W 53.28
C2	90°42'42"	20.00	31.66	S32°22'39"W 28.46
C3	14°19'16"	357.24	89.29	N05°49'05"W 89.06
C4	90°00'00"	15.00	23.56	S45°02'00"E 21.21
C5	90°00'00"	15.00	23.56	S44°58'00"W 21.21
C6	90°00'00"	15.00	23.56	N45°02'00"W 21.21
C7	1°41'10"	238.00	7.00	N00°52'35"W 7.00
C8	7°38'54"	112.00	14.95	N45°41'07"W 14.94
C9	48°10'19"	38.00	31.95	S65°56'50"E 31.02
C10	90°00'36"	15.00	23.56	N44°57'42"E 21.22
C11	89°59'24"	15.00	23.56	S45°02'18"E 21.21
C12	26°52'10"	138.00	64.72	N76°31'56"E 64.12
C13	4°05'13"	235.00	16.76	S18°13'57"E 16.76
C14	7°12'43"	235.00	29.58	S12°34'59"E 29.56
C15	20°27'53"	265.00	94.65	S79°44'06"W 94.15
C16	87°23'51"	20.00	30.51	N67°49'42"W 27.63
C17	24°05'47"	100.00	42.06	N12°04'53"W 41.75
C18	90°00'00"	15.00	23.56	N44°58'00"E 21.21
C19	90°00'00"	15.00	23.56	S45°02'00"E 21.21
C20	127°40'46"	26.00	57.94	S26°07'37"W 46.67
C21	48°10'19"	88.00	73.99	N65°56'50"W 71.83
C22	48°10'19"	62.00	52.13	S65°56'50"E 50.61
C23	21°29'38"	162.00	60.77	N79°13'11"E 60.42
C24	8°56'03"	235.00	36.64	S04°30'36"E 36.61

LEGEND

- ▣ BRASS CAP IN HANDHOLE
- ◉ BRASS CAP FLUSH
- ● FOUND 1/2" REBAR, RLS#45835
- R/W RIGHT OF WAY
- BK., PG. BOOK, PAGE
- DOC. DOCUMENT
- EX. EXISTING
- P.U.E. PUBLIC UTILITY EASEMENT
- S.W.E. SIDEWALK EASEMENT
- W.L.E. WATERLINE EASEMENT
- S.L.E. SEWERLINE EASEMENT
- (M) MEASURED DIMENSIONS
- (R) RECORD DIMENSIONS

SIG
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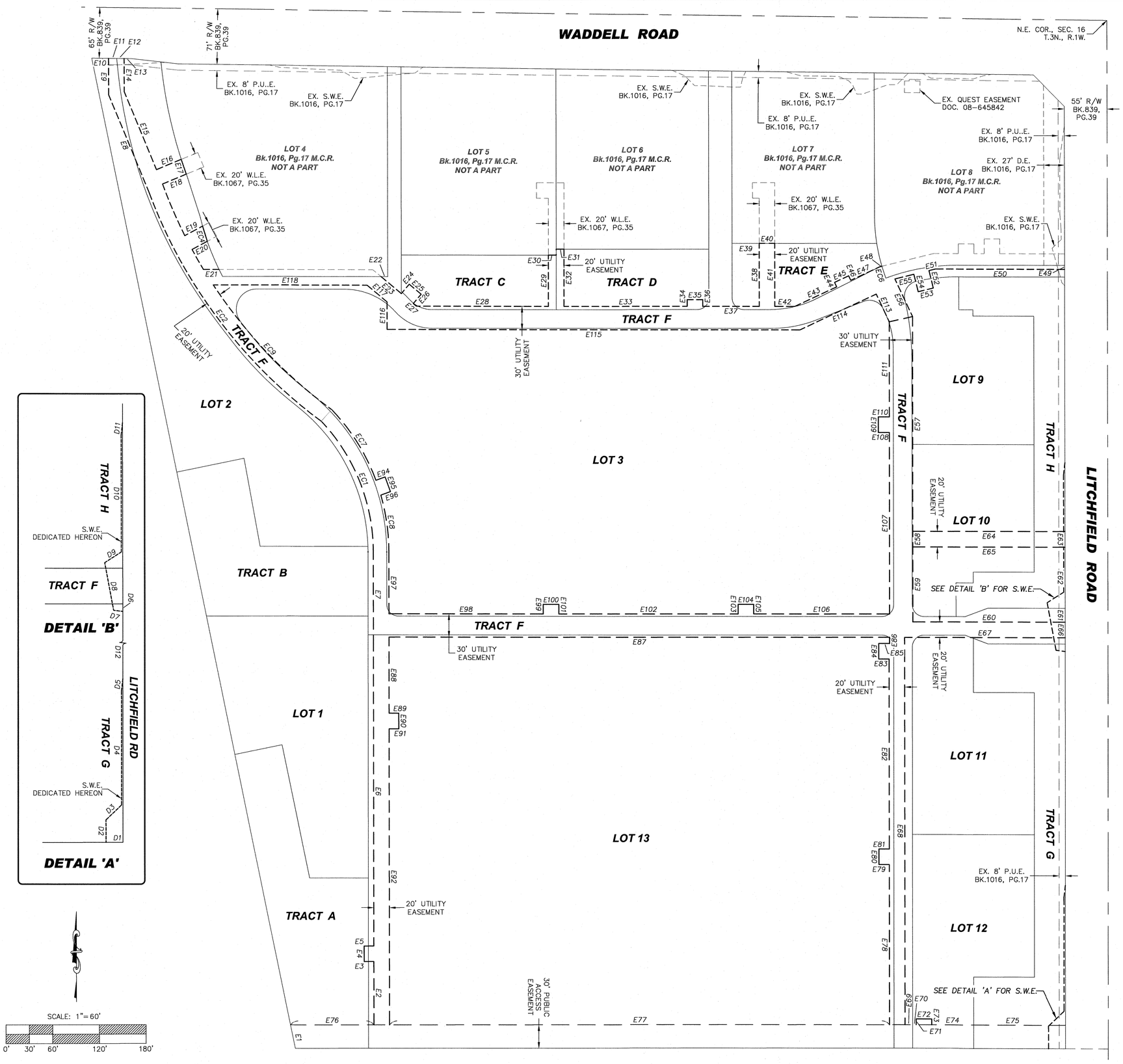
RE-PLAT
MARLEY PARK SQUARE
SURPRISE, ARIZONA

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
41894
ERIC L. SOSTROM
Date Signed 6/7/16
ARIZONA U.S.A.
EXPIRES 3/31/2017

REVISIONS:
1
2
3

DRAWING NAME: 15007PLAT.DWG
JOB NO. 2015-007
DRAWN: ELS
CHECKED: RMH
DATE: 6/6/2016
SCALE: 1" = 60'
SHEET: 2 OF 4



EASEMENT LINE TABLE			EASEMENT LINE TABLE		
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
E1	N11°36'08"W	30.62	E61	N00°02'00"W	18.00
E2	N00°03'04"W	81.18	E62	N00°02'00"W	78.60
E3	S89°51'49"W	12.36	E63	N00°02'00"W	20.00
E4	N00°08'11"W	20.00	E64	S89°57'14"W	196.06
E5	N89°51'49"E	12.39	E65	S89°57'14"W	196.07
E6	N00°03'04"W	396.23	E66	S00°02'00"E	20.00
E7	N00°01'55"W	109.69	E67	S89°58'00"W	206.76
E8	N22°29'18"W	135.31	E68	S00°03'04"E	497.20
E9	N00°12'07"W	46.83	E69	N89°56'56"E	9.75
E10	S89°21'06"E	21.63	E70	N89°56'56"E	4.68
E11	S89°21'06"E	10.42	E71	N00°03'04"W	7.50
E12	S89°21'06"E	9.58	E72	N89°56'56"E	20.00
E13	S89°21'06"E	9.62	E73	S00°03'04"E	7.50
E14	S00°12'07"E	42.59	E74	N89°56'56"E	53.82
E15	S22°29'18"E	108.27	E75	N89°56'56"E	118.35
E16	N67°30'42"E	34.43	E76	N89°56'56"E	107.05
E17	S18°54'11"E	20.04	E77	N89°56'56"E	642.47
E18	S67°30'42"W	33.03	E78	N00°03'04"W	205.55
E19	N61°47'51"E	25.95	E79	S89°56'56"W	13.27
E20	S61°47'51"W	22.23	E80	N00°03'04"W	20.00
E21	N89°57'24"E	20.00	E81	N89°56'56"E	13.27
E22	S89°57'24"W	8.41	E82	N00°03'04"W	243.84
E23	S50°02'48"E	33.87	E83	S89°56'56"W	13.27
E24	N39°57'12"E	15.73	E84	N00°03'04"W	20.00
E25	S50°02'48"E	20.00	E85	N89°56'56"E	13.87
E26	S39°57'12"W	15.73	E86	N00°00'00"E	8.03
E27	S50°02'48"E	5.09	E87	S89°56'56"W	643.08
E28	N90°00'00"E	169.56	E88	S00°03'04"E	97.71
E29	N00°00'00"E	65.96	E89	N89°53'48"E	12.36
E30	N89°57'24"E	10.01	E90	S00°06'12"E	20.00
E31	N89°57'24"E	9.99	E91	S89°53'48"W	12.38
E32	S00°00'00"E	73.72	E92	S00°03'04"E	379.70
E33	N90°00'00"E	158.22	E93	N41°26'58"E	20.08
E34	N00°00'00"E	8.60	E94	N69°55'57"E	12.51
E35	N90°00'00"E	20.00	E95	S20°04'03"E	20.00
E36	S00°00'00"E	8.60	E96	S69°55'57"W	13.18
E37	N90°00'00"E	72.76	E97	S00°02'00"E	79.68
E38	N00°00'00"E	81.39	E98	N89°56'56"E	198.09
E39	S89°57'24"W	34.98	E99	N00°03'08"W	12.37
E40	N89°57'24"E	20.00	E100	N89°56'52"E	20.00
E41	S00°00'00"E	81.41	E101	S00°03'08"E	12.37
E42	N90°00'00"E	25.55	E102	N89°56'56"E	230.22
E43	N64°55'13"E	59.73	E103	N00°03'08"W	12.35
E44	N25°04'47"W	6.41	E104	N89°56'52"E	20.00
E45	N64°55'13"E	20.00	E105	S00°03'08"E	12.35
E46	S25°04'47"E	6.41	E106	N89°56'56"E	174.79
E47	N64°55'13"E	41.50	E107	N00°00'00"E	233.19
E48	N76°03'02"E	2.55	E108	S89°56'56"W	14.11
E49	S00°02'00"E	5.19	E109	N00°03'04"W	20.00
E50	N89°57'18"W	166.28	E110	N89°56'56"E	14.13
E51	S76°03'02"W	8.65	E111	N00°00'00"E	121.85
E52	S13°56'58"E	23.20	E112	S77°27'36"W	30.73
E53	S76°03'02"W	20.00	E113	N25°04'47"W	39.33
E54	N13°56'58"W	23.20	E114	S64°55'13"W	108.56
E55	S76°03'02"W	25.21	E115	N90°00'00"W	530.22
E56	S25°04'47"E	53.52	E116	N00°00'00"E	35.29
E57	S00°00'00"E	275.34	E117	N50°02'48"W	33.54
E58	S00°00'00"E	20.00	E118	S89°57'24"W	197.36
E59	S00°00'00"E	96.56			
E60	N89°58'00"E	196.13			

EASEMENT CURVE TABLE				
CURVE	DELTA	RADIUS	ARC	CHORD
EC1	43°07'15"	244.84	184.27	N21°35'37"W 179.95
EC2	33°21'03"	641.64	373.49	S36°58'54"E 368.24
EC3	6°39'23"	621.64	72.22	S23°16'42"E 72.18
EC4	3°32'10"	330.00	20.37	S17°21'37"E 20.36
EC5	3°37'56"	468.80	29.72	S29°34'41"E 29.71
EC6	3°55'21"	235.00	16.09	S18°18'52"E 16.09
EC7	23°14'17"	264.84	107.41	N31°56'37"W 106.68
EC8	15°57'40"	264.84	73.78	N08°00'50"W 73.54
EC9	20°27'11"	621.64	221.91	S43°35'43"E 220.73

S.W.E. LINE TABLE		
LINE	BEARING	LENGTH
D1	N89°53'55"W	21.74
D2	N00°03'04"W	28.97
D3	N46°22'42"E	27.61
D4	N00°02'00"W	145.92
D5	N06°18'29"E	15.85
D6	S00°02'00"E	9.64
D7	N82°58'29"W	11.84
D8	N10°31'10"W	62.42
D9	N57°16'14"E	25.37
D10	N00°02'00"W	150.02
D11	N06°15'56"E	16.02
D12	N00°02'00"W	299.84

SIIG
SURVEY INNOVATION GROUP, INC
Land Surveying Services
7301 EAST EVANS ROAD
SCOTTSDALE, ARIZONA 85260
PHONE (480) 922-0780
FAX (480) 922-0781

RE-PLAT
MARLEY PARK SQUARE
SURPRISE, ARIZONA

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
41894
ERIC L. SOSTROM
State Signed
ARIZONA U.S.A.
EXPIRES 3/31/2017

REVISIONS:
1
2
3

DRAWING NAME: 15007PLAT.DWG
JOB NO. 2015-007
DRAWN: ELS
CHECKED: RMH
DATE: 6/6/2016
SCALE: 1" = 60'
SHEET: 3 OF 4

LEGEND

EXISTING EASEMENTS TO BE RELEASED HEREON

SIG
SURVEY INNOVATION GROUP, INC
Land Surveying Services
7301 EAST EVANS ROAD
SCOTTSDALE, ARIZONA 85260
PHONE (480) 922-0780
FAX (480) 922-0781

RE-PLAT
MARLEY PARK SQUARE
SURPRISE, ARIZONA

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
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Date Signed
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DRAWING NAME: 15007PLAT.DWG
JOB NO. 2015-007
DRAWN: ELS
CHECKED: RMH
DATE: 6/6/2016
SCALE: 1" = 60'
SHEET: 4 OF 4

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

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

13 November 2015

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

Re: FS15-443; Marley Park Square

Dear Ms. Sullivan

Thank you for the opportunity to provide comments on the Re-plat/Redesign Application for the Marley Park Square. The site is located on 32.28 net acres at the southwest corner of Litchfield and Waddell Roads. This area is located inside the 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and is located within the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described, the redesign of this commercial development will not negatively impact the flying operations at Luke AFB. Since the Marley Park Square will be located within the "territory in the vicinity of a military airport," it will be subjected to approximately 165 over flights a day, with some as low as 1,000 feet above ground level. We recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant is essential to inform potential tenants 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

for Barbara S. Plante

JAMES R. MITCHELL

cc:
Colonel David G. Shoemaker, Vice Commander, 56th Fighter Wing
Ms. Cindy L. Calderon, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

FS15-443
Final Plat Amendment for Marley Park Square
City Council

August 2, 2016

SURPRISE
ARIZONA

VICINITY MAP – MARLEY PARK SQUARE

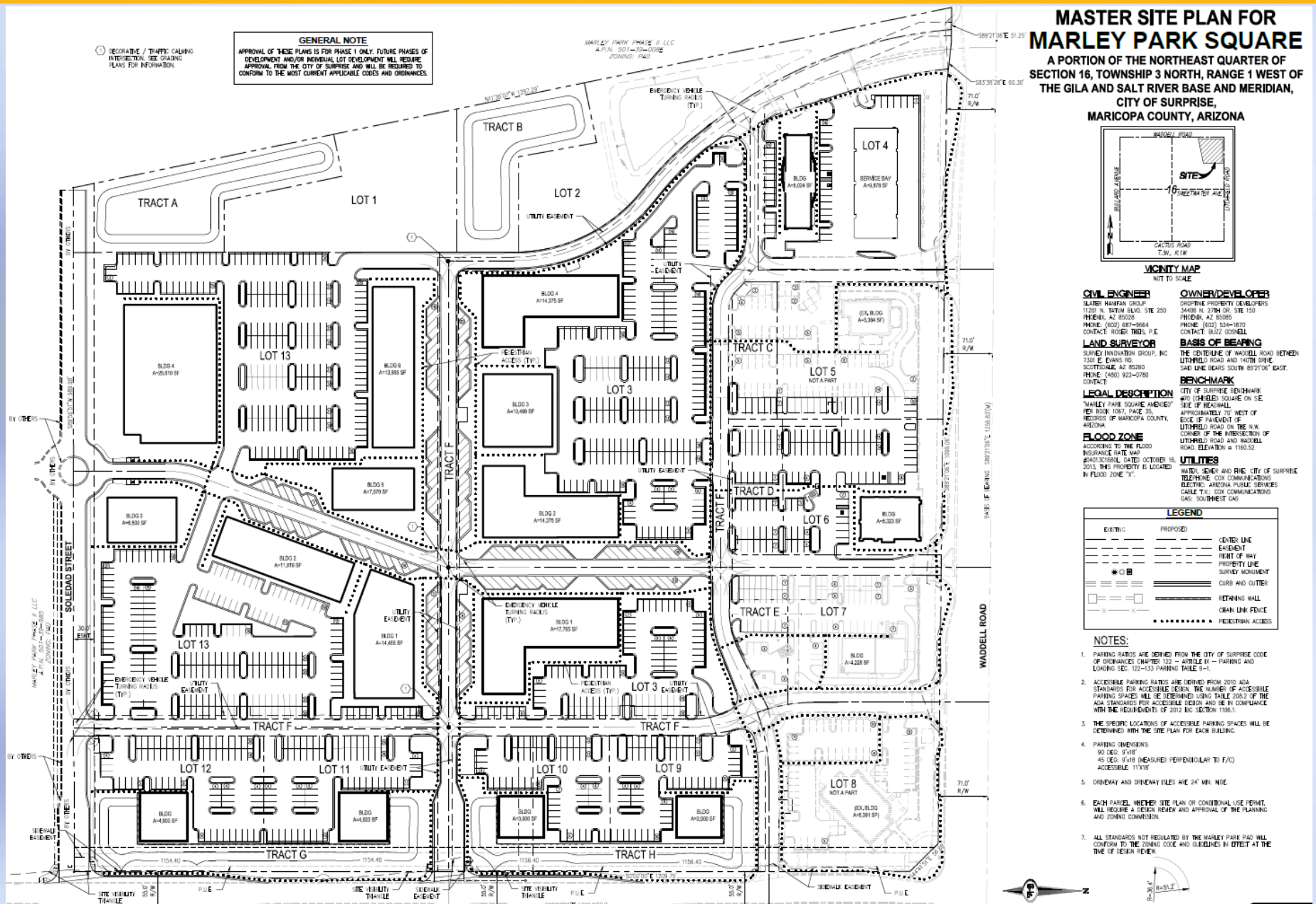
SURPRISE
ARIZONA

VICINITY MAP

SURPRISE
ARIZONA

CONCEPTUAL MASTER SITE PLAN

SURPRISE
ARIZONA



MASTER SITE PLAN FOR
MARLEY PARK SQUARE

A PORTION OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF SURPRISE, MARICOPA COUNTY, ARIZONA

VICINITY MAP
NOT TO SCALE

CIVIL ENGINEER
SLATER HANFAN GROUP
11201 N. TATUM BLVD. STE 250
PHOENIX, AZ 85028
PHONE: (602) 687-3664
CONTACT: ROGER THOS, P.E.

OWNER/DEVELOPER
DROFTINE PROPERTY DEVELOPERS
34406 N. 27TH DR. STE 150
PHOENIX, AZ 85085
PHONE: (602) 524-1870
CONTACT: BUZZ GOSNELL

LAND SURVEYOR
SURVEY INNOVATION GROUP, INC
7301 E. EVANS RD.
SCOTTSDALE, AZ 85260
PHONE: (480) 922-0780
CONTACT:

BASIS OF BEARING
THE CENTERLINE OF WADDELL ROAD BETWEEN LITHFIELD ROAD AND 140TH DRIVE. SAID LINE BEARS SOUTH 89°21'06" EAST.

LEGAL DESCRIPTION
"MARLEY PARK SQUARE AMENDED" PER BOOK 1067, PAGE 35, RECORDS OF MARICOPA COUNTY, ARIZONA.

BENCHMARK
CITY OF SURPRISE BENCHMARK #10 (CHISLED) SQUARE ON S.E. SIDE OF HEADWALL, APPROXIMATELY 70' WEST OF EDGE OF PAVEMENT OF LITCHFIELD ROAD ON THE N.W. CORNER OF THE INTERSECTION OF LITCHFIELD ROAD AND WADDELL ROAD. ELEVATION = 1160.52

FLOOD ZONE
ACCORDING TO THE FLOOD INSURANCE RATE MAP #04013C0580L, DATED OCTOBER 16, 2013, THIS PROPERTY IS LOCATED IN FLOOD ZONE "X".

UTILITIES
WATER, SEWER AND FIRE: CITY OF SURPRISE
TELEPHONE: COX COMMUNICATIONS
ELECTRIC: ARIZONA PUBLIC SERVICES
CABLE T.V.: COX COMMUNICATIONS
GAS: SOUTHWEST GAS

LEGEND

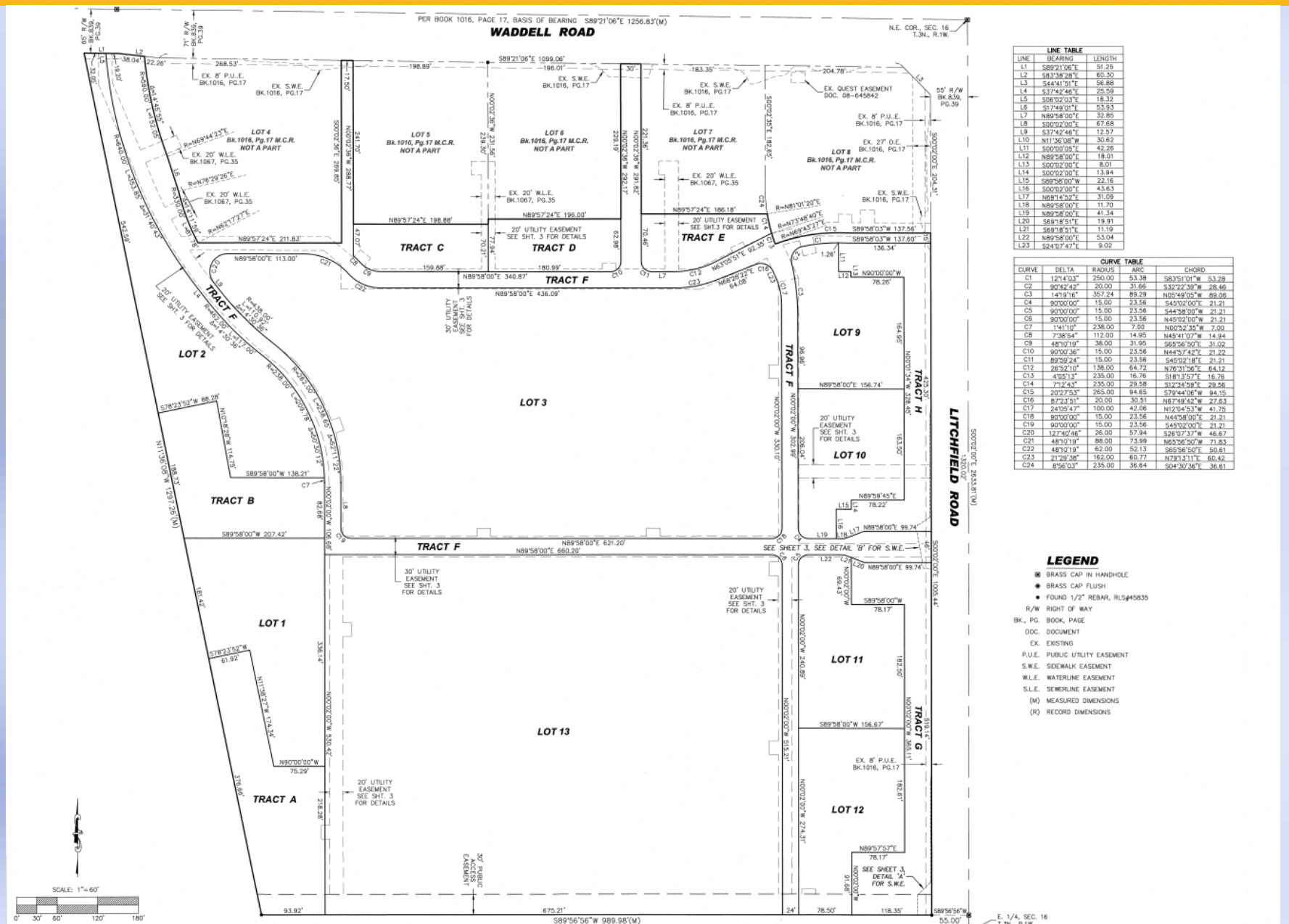
EXISTING	PROPOSED	
		CENTER LINE
		EASEMENT
		RIGHT OF WAY
		PROPERTY LINE
●	○ ⊞	SURVEY MONUMENT
		CURB AND GUTTER
		RETAINING WALL
		CHAIN LINK FENCE
		PEDESTRIAN ACCESS

NOTES:

1. PARKING RATIOS ARE DERIVED FROM THE CITY OF SURPRISE CODE OF ORDINANCES CHAPTER 122 – ARTICLE IX – PARKING AND LOADING SEC. 122-133 PARKING TABLE 9-1.
2. ACCESSIBLE PARKING RATIOS ARE DERIVED FROM 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN. THE NUMBER OF ACCESSIBLE PARKING SPACES WILL BE DETERMINED USING TABLE 208.2 OF THE ADA STANDARDS FOR ACCESSIBLE DESIGN AND BE IN COMPLIANCE WITH THE REQUIREMENTS OF 2012 IBC SECTION 1106.1.
3. THE SPECIFIC LOCATIONS OF ACCESSIBLE PARKING SPACES WILL BE DETERMINED WITH THE SITE PLAN FOR EACH BUILDING.
4. PARKING DIMENSIONS:
   90 DEG: 9'x18'
   45 DEG: 9'x18 (MEASURED PERPENDICULAR TO F/C)
   ACCESSIBLE: 11'x18'
5. DRIVEWAY AND DRIVEWAY ISLES ARE 24' MIN. WIDE.
6. EACH PARCEL WHETHER SITE PLAN OR CONDITIONAL USE PERMIT, WILL REQUIRE A DESIGN REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.
7. ALL STANDARDS NOT REGULATED BY THE MARLEY PARK PAD WILL CONFORM TO THE ZONING CODE AND GUIDELINES IN EFFECT AT THE TIME OF DESIGN REVIEW.

FINAL PLAT AMENDMENT

SURPRISE
ARIZONA



LINE TABLE		
LINE	BEARING	LENGTH
L1	S89°21'06"E	51.25
L2	S83°38'28"E	60.30
L3	S44°41'51"E	56.88
L4	S37°42'46"E	25.59
L5	S06°02'03"E	18.32
L6	S17°49'01"E	53.93
L7	N89°58'00"E	32.85
L8	S00°02'00"E	67.68
L9	S37°42'46"E	12.57
L10	N11°36'08"W	30.62
L11	S00°00'05"E	42.26
L12	N89°58'00"E	18.01
L13	S00°02'00"E	8.01
L14	S00°02'00"E	13.94
L15	S89°58'00"W	22.16
L16	S00°02'00"E	43.63
L17	N68°14'52"E	31.09
L18	N89°58'00"E	11.70
L19	N89°58'00"E	41.34
L20	S69°18'51"E	19.91
L21	S69°18'51"E	11.19
L22	N89°58'00"E	53.04
L23	S24°07'47"E	9.02

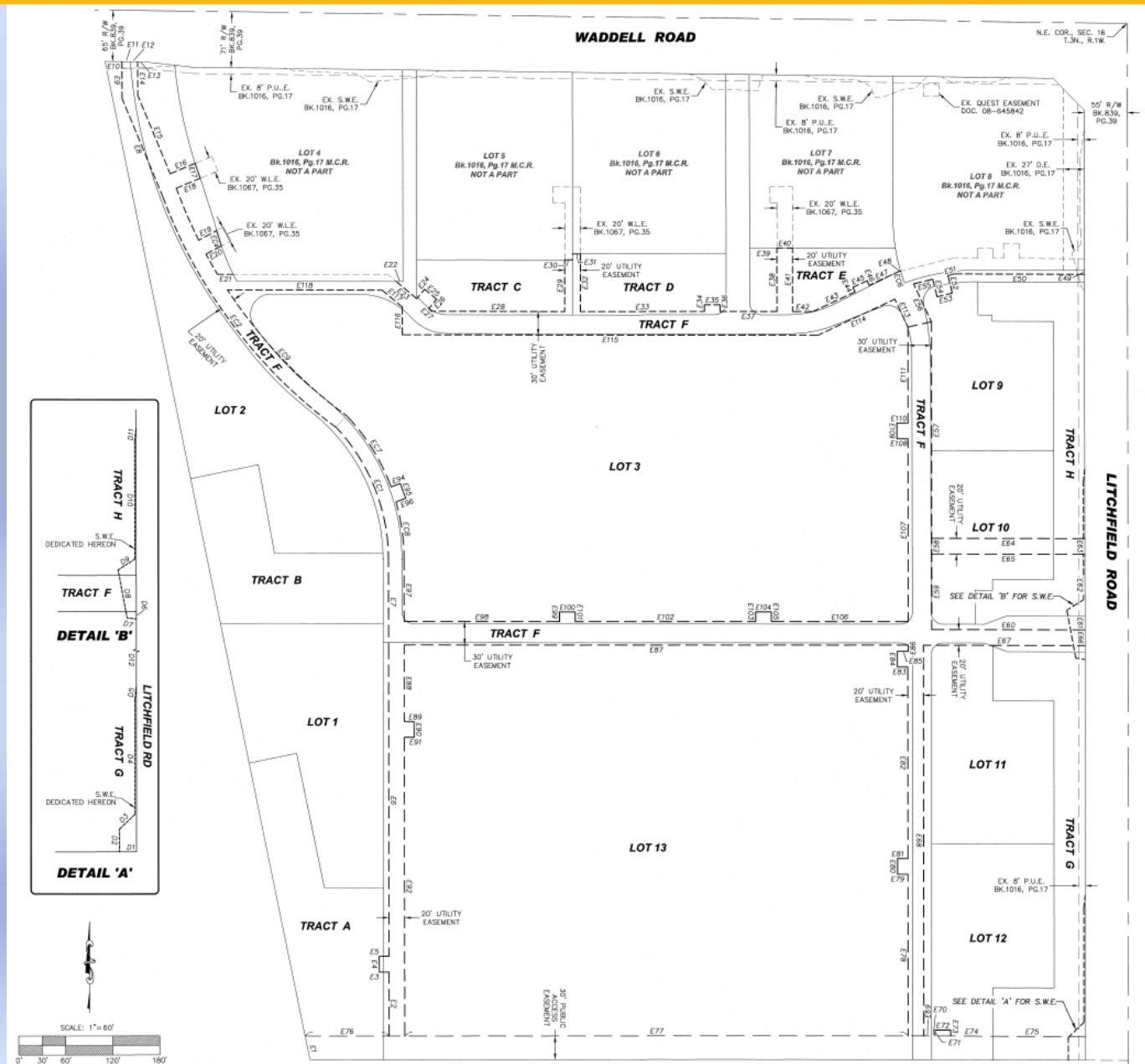
CURVE TABLE				
CURVE	DELTA	RADIUS	ARC	CHORD
C1	12°14'03"	250.00	53.38	S83°51'01"W 53.28
C2	90°42'42"	20.00	31.66	S32°22'39"W 28.46
C3	14°19'16"	357.24	89.29	N05°49'05"W 89.05
C4	90°00'00"	15.00	23.56	S45°02'00"E 21.21
C5	90°00'00"	15.00	23.56	S44°58'00"W 21.21
C6	90°00'00"	15.00	23.56	N45°02'00"W 21.21
C7	1°41'10"	238.00	7.00	N00°52'35"W 7.00
C8	7°38'54"	112.00	14.95	N45°41'07"W 14.94
C9	48°10'19"	38.00	31.95	S65°56'50"E 31.02
C10	90°00'36"	15.00	23.56	N44°57'42"E 21.22
C11	89°59'24"	15.00	23.56	S45°02'18"E 21.21
C12	26°52'10"	138.00	64.72	N76°31'56"E 64.12
C13	4°05'13"	235.00	16.76	S18°13'57"E 16.76
C14	7°12'43"	235.00	29.58	S12°24'58"E 29.56
C15	20°27'53"	265.00	94.65	S79°44'06"W 94.15
C16	87°23'51"	20.00	30.51	N67°49'42"W 27.63
C17	24°05'47"	100.00	42.06	N12°04'53"W 41.75
C18	90°00'00"	15.00	23.56	N44°58'00"E 21.21
C19	90°00'00"	15.00	23.56	S45°02'00"E 21.21
C20	127°40'46"	26.00	57.94	S26°07'37"W 46.67
C21	48°10'19"	88.00	73.99	N65°56'50"W 71.83
C22	48°10'19"	62.00	52.13	S65°56'50"E 50.61
C23	21°28'38"	162.00	60.77	N79°13'11"E 60.42
C24	8°56'03"	235.00	36.64	S04°30'36"E 36.61

LEGEND

- ▣ BRASS CAP IN HANDHOLE
- ◉ BRASS CAP FLUSH
- ● FOUND 1/2" REBAR, RLS#45835
- R/W RIGHT OF WAY
- BK., PG. BOOK, PAGE
- DOC. DOCUMENT
- EX. EXISTING
- P.U.E. PUBLIC UTILITY EASEMENT
- S.W.E. SIDEWALK EASEMENT
- W.L.E. WATERLINE EASEMENT
- S.L.E. SEWERLINE EASEMENT
- (M) MEASURED DIMENSIONS
- (R) RECORD DIMENSIONS

FINAL PLAT AMENDMENT

SURPRISE
ARIZONA



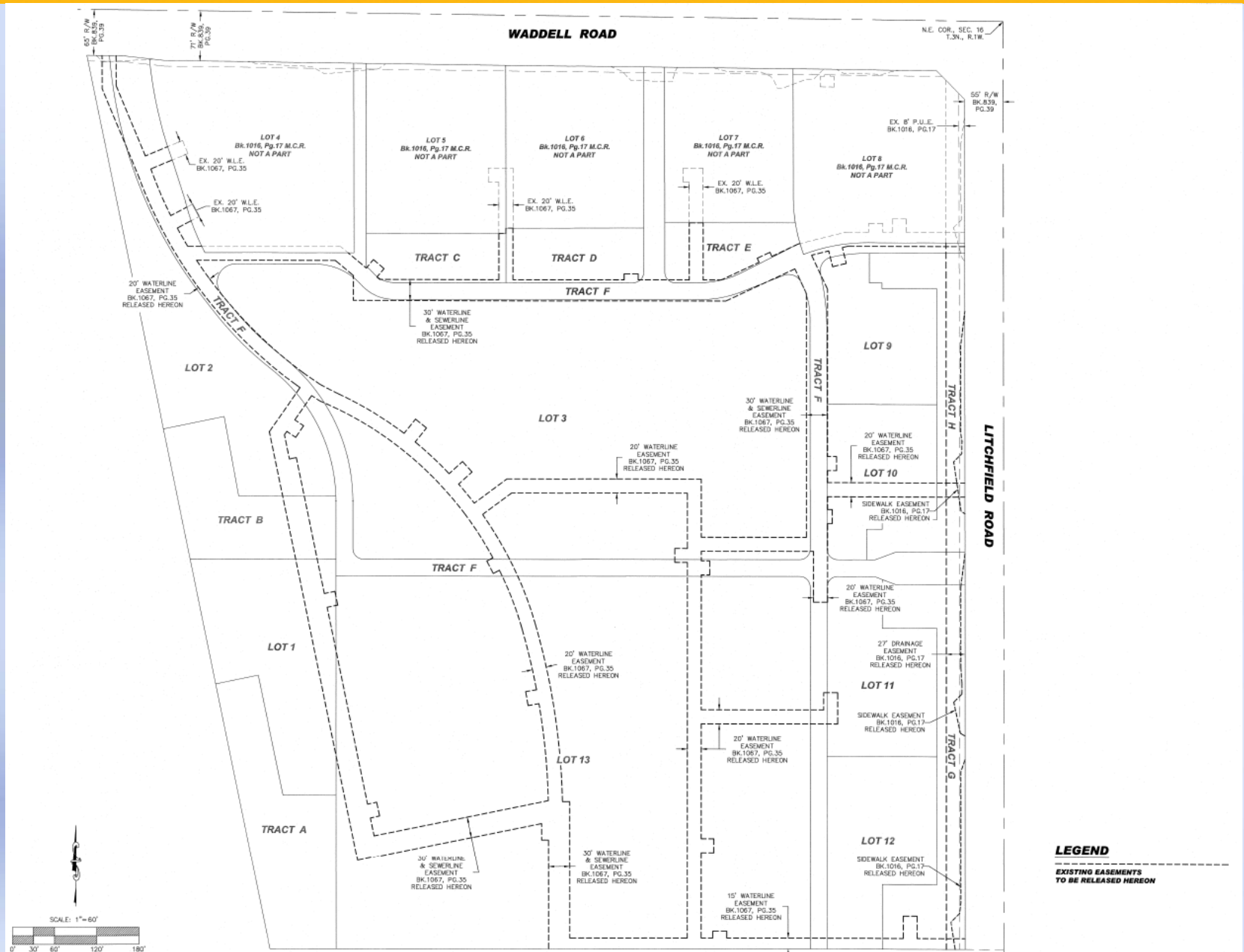
EASEMENT LINE TABLE			EASEMENT LINE TABLE		
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
E1	N11°36'06"W	30.62	E61	N00°02'00"W	18.00
E2	N00°03'04"W	81.18	E62	N00°02'00"W	78.60
E3	S89°51'49"W	12.36	E63	N00°02'00"W	20.00
E4	N00°08'11"W	20.00	E64	S89°57'14"W	196.08
E5	N89°51'49"E	12.39	E65	S89°57'14"W	196.07
E6	N00°03'04"W	396.23	E66	S00°02'00"E	20.00
E7	N00°01'55"W	109.69	E67	S89°58'00"W	206.76
E8	N22°29'18"W	135.31	E68	S00°03'04"E	497.20
E9	N00°12'02"W	46.83	E69	N89°56'56"E	9.75
E10	S89°21'06"E	21.63	E70	N89°56'56"E	4.68
E11	S89°21'06"E	10.42	E71	N00°03'04"W	7.50
E12	S89°21'06"E	9.58	E72	N89°56'56"E	20.00
E13	S89°21'06"E	9.62	E73	S00°03'04"E	7.50
E14	S00°12'02"E	42.59	E74	N89°56'56"E	53.82
E15	S22°29'18"E	108.27	E75	N89°56'56"E	118.35
E16	N67°30'42"E	34.43	E76	N89°56'56"E	107.05
E17	S18°54'11"E	20.04	E77	N89°56'56"E	642.47
E18	S67°30'42"W	33.03	E78	N00°03'04"W	205.55
E19	N61°47'51"E	25.95	E79	S89°56'56"W	13.27
E20	S61°47'51"W	22.23	E80	N00°03'04"W	20.00
E21	N89°57'24"E	20.00	E81	N89°56'56"E	13.27
E22	S89°57'24"W	8.41	E82	N00°03'04"W	243.84
E23	S50°02'48"E	33.87	E83	S89°56'56"W	13.27
E24	N39°57'12"E	15.73	E84	N00°03'04"W	20.00
E25	S50°02'48"E	20.00	E85	N89°56'56"E	13.87
E26	S39°57'12"W	15.73	E86	N00°00'00"E	8.03
E27	S50°02'48"E	5.09	E87	S89°56'56"W	643.08
E28	N90°00'00"E	189.56	E88	S00°03'04"E	97.71
E29	N00°00'00"E	65.96	E89	N89°53'48"E	12.36
E30	N89°57'24"E	10.01	E90	S00°06'12"E	20.00
E31	N89°57'24"E	9.99	E91	S89°53'48"W	12.38
E32	S00°00'00"E	73.72	E92	S00°03'04"E	379.70
E33	N90°00'00"E	158.22	E93	N41°26'58"E	20.08
E34	N00°00'00"E	8.60	E94	N69°55'57"E	12.51
E35	N90°00'00"E	20.00	E95	S20°04'03"E	20.00
E36	S00°00'00"E	8.60	E96	S69°55'57"W	13.18
E37	N90°00'00"E	72.76	E97	S00°02'00"E	79.68
E38	N00°00'00"E	81.39	E98	N89°56'56"E	198.09
E39	S89°57'24"W	34.98	E99	N00°03'08"W	12.37
E40	N89°57'24"E	20.00	E100	N89°56'52"E	20.00
E41	S00°00'00"E	81.41	E101	S00°03'08"E	12.37
E42	N90°00'00"E	25.55	E102	N89°56'56"E	230.22
E43	N64°55'13"E	59.73	E103	N00°03'08"W	12.35
E44	N25°04'47"W	6.41	E104	N89°56'52"E	20.00
E45	N64°55'13"E	20.00	E105	S00°03'08"E	12.35
E46	S25°04'47"E	6.41	E106	N89°56'56"E	174.79
E47	N64°55'13"E	41.50	E107	N00°00'00"E	233.19
E48	N76°03'02"E	2.55	E108	S89°56'56"W	14.11
E49	S00°02'00"E	5.19	E109	N00°03'04"W	20.00
E50	N89°57'18"W	166.28	E110	N89°56'56"E	14.13
E51	S76°03'02"W	8.65	E111	N00°00'00"E	121.85
E52	S13°56'58"E	23.20	E112	S77°27'36"W	30.73
E53	S76°03'02"W	20.00	E113	N25°04'47"W	39.33
E54	N13°56'58"W	23.20	E114	S64°55'13"W	108.56
E55	S76°03'02"W	25.21	E115	N90°00'00"W	530.22
E56	S25°04'47"E	53.52	E116	N00°00'00"E	35.29
E57	S00°00'00"E	275.34	E117	N50°02'48"W	33.54
E58	S00°00'00"E	20.00	E118	S89°57'24"W	197.36
E59	S00°00'00"E	96.56			
E60	N89°58'00"E	196.13			

EASEMENT CURVE TABLE				
CURVE	DELTA	RADIUS	ARC	CHORD
EC1	43°07'15"	244.84	184.27	N21°35'37"W 179.95
EC2	33°21'03"	641.64	373.49	S36°58'54"E 368.24
EC3	6°39'23"	621.64	72.22	S23°16'42"E 72.18
EC4	3°32'10"	330.00	20.37	S17°21'37"E 20.36
EC5	3°37'56"	468.80	29.72	S28°34'41"E 29.71
EC6	3°56'21"	235.00	16.09	S18°18'52"E 16.09
EC7	23°14'17"	264.84	107.41	N31°56'37"W 106.68
EC8	15°57'40"	264.84	73.76	N08°00'56"W 73.54
EC9	20°27'11"	621.64	221.91	S43°35'43"E 220.73

S.W.E. LINE TABLE		
LINE	BEARING	LENGTH
D1	N89°53'55"W	21.74
D2	N00°03'04"W	28.97
D3	N46°22'42"E	27.61
D4	N00°02'00"W	145.92
D5	N06°18'29"E	15.85
D6	S00°02'00"E	9.64
D7	N82°58'29"W	11.84
D8	N10°31'10"W	62.42
D9	N57°16'14"E	25.37
D10	N00°02'00"W	150.02
D11	N06°15'56"E	16.02
D12	N00°02'00"W	299.84

FINAL PLAT AMENDMENT

SURPRISE
ARIZONA



MARLEY PARK SQUARE RE-PLAT

SURPRISE
ARIZONA

Questions or Comments?

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Lindsey Duncan, Finance Director
Submitting Department:	Finance	District:	Citywide
Staff Recommendations:	None		

Consent x	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to modification of the Intergovernmental Agreement between the City of Surprise and Arizona Department of Revenue regarding Transaction Privilege Tax Administration; Resolution # 2016-105.

Motion:

I move to approve Resolution # 2016-105.

Background:

Pursuant to A.R.S. section 42-6001, the City of Surprise entered into an Intergovernmental Agreement (IGA) with the Arizona Department of Revenue (ADOR) for the administration of Transaction Privilege Tax in June 2015 (Resolution 2015-63). The IGA allows for the parties to modify the agreement if necessary by mutual assent. Several matters arose over the course of the past year and are addressed by this amendment. A review process was initiated by ADOR working with the League of Cities and Towns, and key city and town representatives. The attached document is the result of the review and amends the IGA.

This "Modification to Intergovernmental Agreement between the State of Arizona and the City of Surprise" constitutes an extension of the existing agreement with the noted changes, effective from and after July 1, 2016.

Objective Analysis:

Approving the modification to the Intergovernmental Agreement between the State of Arizona and the City of Surprise will allow ADOR to continue providing a uniform method of administration, collection, audit and licensing of transaction privilege and affiliated excise taxes imposed by the City. There are no known negative impacts for approving this resolution.

Policy Compliant:

The City entered into this agreement with the Arizona Department of Revenue in compliance with A.R.S. 42-6001.

Financial Impact:

None at this time. This modification does not impact the $256,900 administration fee payable to the Arizona Department of Revenue in FY2017.

Budget Impact:

None at this time. An administration fee payable to the Arizona Department of Revenue in the amount of $256,900 has been included as a part of the FY2017 budget.

FTE Impact:

This item does not impact the overall full-time equivalent count.

ATTACHMENTS:

Click to download

- ☐ Summary of Changes to the IGA for TPT Collection
- ☐ CIty IGA 2016 Modifications to Agreement
- ☐ Resolution 2016-105

SUMMARY OF CHANGES TO THE IGA FOR TRANSACTION PRIVILEGE TAX COLLECTION BY THE ARIZONA DEPARTMENT OF REVENUE

The attached "Modification to Intergovernmental Agreement Between the State of Arizona And City/Town" incorporates five agreed upon changes into the existing intergovernmental agreement between the city/town and the Department related to the collection of the city/town transaction privilege tax. Below is a summary of the intent and impact of each change by section.

1) 9.6 Adjustments to Reported Taxes

The addition of this new section addresses an issue that came up during the past year. In some cases, the Department knew there was an error by the taxpayer in identifying which city or town was supposed to receive the tax, but there was no mechanism allowing them to hold the distribution while the error was being corrected. As a result there were instances when the DOR had to send funds to a city or town knowing it was incorrect, only to pull those funds back in a subsequent distribution after the error had been resolved. This change allows the Department to avoid these incorrect distributions and recoveries when they are aware of a problem from the outset.

2) 9.7 Taxpayer Rulings and Uniformity

The addition of this new section provides for municipal input in the drafting of rulings and interpretations that impact the Model City Tax Code, including interpretations of State statute that flow through to the MCTC because the Model language matches the State language. Under current statute, the DOR is responsible for addressing all taxpayer written requests for rulings, even when the question is based on the Model City Tax Code. This section allows the cities to have some influence over issues raised by taxpayers that have a direct impact on local tax imposition and interpretation, without disrupting the normal course of business within the Department on routine matters.

3) 10. Financing Collection of Taxes

This section is being amended by adding the second sentence. This addition recognizes that the cities and towns have agreed to a statutory financial obligation to contribute to the State for the operation of the DOR, and this obligation is not in conflict with the Department's TPT collection and administration efforts being financed through the State general fund appropriation.

4) 28.1 (relating to automatic annual renewal of the agreement)

This section has been changed to remove the specific years in the original document, so this section will not need to be changed annually. Also, this section added a provision stating any agreed upon changes that arise from the annual review in Section 28.5 are retroactive to July 1st of each year. The agreement automatically renews without any action unless there are modifications agreed upon in any given year, and if so, you only need to adopt the modifications.

5) 28.5 (relating to annual review of the IGA)

This section has been changed to state the review period begins on June 1st, rather than requiring the review being completed by March 1st. The March 1st deadline was simply unrealistic given the legislative session responsibilities of many of the typical reviewers.

MODIFICATION TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND CITY/TOWN

WHEREAS, The Arizona Department of Revenue, hereinafter referred to as Department of Revenue and City/Town of Surprise, hereinafter referred to as City/Town, have entered into an Intergovernmental Agreement regarding the administration of taxes imposed by the State or City/Town dated June 16, 2015, hereinafter referred to as the IGA, and

WHEREAS, the Department of Revenue and the City/Town intend to continue with the IGA for an additional one year term in order to determine whether the general terms of the IGA meet the parties' needs, with the exception of the modifications set forth below.

The parties agree to modify the IGA as follows effective July 1, 2016:

1. Add the following new subsection to Section 9, Collection of Municipal Taxes:

   9.6 Adjustments to Reported Taxes: If the Department of Revenue determines that a payment remitted by a taxpayer incorrectly identifies the city or town to which the payment should be made, the Department of Revenue may temporarily hold the payment until the distribution of the payment is corrected so that the appropriate city or town receives the payment.

2. Add the following new subsection to Section 9, Collection of Municipal Taxes:

   9.7 Taxpayer Rulings and Uniformity: Recognizing taxpayer written requests for interpretation of the statutes and/or the Model City Tax Code, as well as guidance regarding uniform application and interpretation of the statutes and the Model City Tax Code impact all taxing jurisdictions, and further recognizing responsibility for such rulings and interpretation of the Model City Tax Code had previously been the sole domain of the municipalities, the Department shall include at least two representatives of the municipalities as regular members of any group established to respond to such taxpayer ruling requests and to issue such uniform interpretations and guidance promulgated by the Department. Participation by the two representatives of the municipalities on any such group is limited to instances when there is an issue raised that solely involves the Model City Tax Code and/or presents an issue of first impression, including requests for private taxpayer rulings. The municipal representatives may also be consulted by the Department on information letters, or when issuing statements of general guidance. Written requests involving common questions or issues that have previously been addressed, whether unique to the Model City Tax Code or not, may be handled in the regular course of Department processes without consulting the representatives of the municipalities.

3. Amend Section 10, Financing Collection of Taxes as follows:

10. Financing Collection of Taxes.

The costs incurred by the Department in administering this Agreement shall be financed through the State general fund appropriation to the Department. This provision does not relieve City/Town of any financial obligation imposed by statute.

4. Amend subsection 28.1 of Section 28, Duration, relating to automatic renewal of the agreement as follows:

28.1 The term of this Agreement shall be from July 1 through June 30 of each year. This Agreement shall automatically be renewed for successive one year terms thereafter unless either party shall terminate this Agreement by notice, in writing, no later than sixty calendar days prior to the expiration of the term then in effect. Any agreed upon modifications to the terms and conditions of this agreement shall be incorporated to be effective during the term identified by the review committee provided for in section 28.5.

5. Amend subsection 28.5 of Section 28, Duration, relating to annual review of the agreement as follows:

28.5 During the term of this Agreement, the terms and conditions of this Agreement will undergo an annual review to be initiated no later than June 1st of each year. The review will be performed by a committee made up of equal parts representatives of the Department and representatives of the municipal taxing jurisdictions entering into an IGA with the Department for the administration and collection of Municipal Taxes.

SIGNATURES ON THE FOLLOWING PAGE

Signature Authority.

By signing below, the signer certifies that he or she has the authority to enter into this Agreement and has read the foregoing and agrees to accept the provisions herein. This modification may be executed in counterparts.

Signature Date	Signature Date Bob Wingenroth, City Manager
Typed Name and Title	Typed Name and Title City of Surprise
RESERVED FOR THE ATTORNEY GENERAL:	**RESERVED FOR CITY/TOWN ATTORNEY:**
Attorney General no. _____, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the Arizona Department of Revenue represented by the Attorney General. **MARK BRNOVICH** The Attorney General _____ Signature Assistant Attorney General Date: _____	APPROVED AS TO FORM AND AUTHORITY: BY:_____ CITY/TOWN ATTORNEY Date: _____

RESOLUTION 2016-105

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A MODIFICATION TO THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF REVENUE FOR PROVIDING TRANSACTION PRIVILEGE TAX ADMINISTRATION.

WHEREAS, A.R.S. §42-6001 et seq. was amended effective January 1, 2015 to provide that the Arizona Department of Revenue (the Department) shall collect and administer any transaction privilege and affiliated excise taxes imposed by any city or town in Arizona; and

WHEREAS, the Department and the City of Surprise (the City) have entered into an Intergovernmental Agreement (IGA) dated June 16, 2015 regarding the administration of taxes imposed by the State or the City; and

WHEREAS, the Department and the City intend to continue with the IGA for an additional one year term in order to determine whether the general terms of the IGA meet the parties' needs with the exceptions of the modifications.

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

Section 1. The City of Surprise hereby agrees to the modifications to the Intergovernmental Agreement between the City of Surprise and the Arizona Department of Revenue for providing transaction privilege tax administration.

Section 2. Bob Wingenroth, City Manager, or his designees, are authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with said agreement.

APPROVED AND ADOPTED this _____day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Sherry Aguilar, City Clerk

Approved as to form:

Robert Wingo, City Attorney

EXHIBIT “A”

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Lindsey Duncan, Finance Director
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action setting forth the FY2017 levy of property tax rates for Street Light Improvement Districts (SLID) within the city; Resolution # 2016-100.

Motion:

I move to approve Resolution # 2016-100 (In accordance with A.R.S. Section 42-17107(A)(4), this motion must be by roll call vote).

Background:

On June 21, 2016, the Mayor and City Council held a public hearing on the proposed FY2017 SLID tax levy. Per Arizona Revised Statute 42-17107, a public hearing was held to receive public comment on the proposed SLID tax levies for fiscal year 2017. This hearing was published and advertised in accordance with State law. Adoption of Resolution # 2016-100 will set said SLID property tax levies.

Objective Analysis:

The Street Light Improvement Districts are established to levy a property tax within specific geographic areas to pay for costs of providing street lighting. These costs would otherwise be paid for through other operating sources.

Policy Compliant:

This item is consistent with City and Council policy as well as Arizona Revised Statutes.

Financial Impact:

For FY2017, a property tax will be levied upon the assessed valuation of property for Street Light Improvement Districts (SLID) at an amount up to the maximum rate of $1.20 per $100 of assessed value for each SLID. The levies will generate $2,504,000 of revenue in total. The funds will be used to pay for electricity, maintenance, and administration fees associated with each SLID.

Budget Impact:

The proposed SLID tax levies are included as a part of the FY2017 Final Budget which was approved by Council on June 21, 2016.

FTE Impact:

No FTE impact will occur with this item.

ATTACHMENTS:

Click to download

- Resolution 2016-100
- SLID Property Tax Presentation

RESOLUTION 2016-100

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, SETTING FORTH THE LEVY OF PROPERTY TAX RATES FOR STREET LIGHTING IMPROVEMENT DISTRICTS

WHEREAS, the provisions of Arizona Revised Statutes Section 48-616 require the governing body to levy taxes upon all property in municipal street lighting improvement districts necessary to pay the annual expenses of said districts;

WHEREAS, the City Council is required by Arizona Revised Statutes Section 42-17103 et seq. to hold a public hearing on or before the fourteenth day before the day on which it levies taxes, and the City council held such hearing on June 21, 2016; and

WHEREAS, the City has computed tax rates for Street Lighting Improvement Districts up to the maximum rate of $1.20 for each One Hundred Dollars ($100.00) of assessed valuation, as set forth on *Exhibit A* attached hereto.

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

Section 1. For each Street Lighting Improvement District as set forth in *Exhibit A*, attached and incorporated herein, there is hereby levied an amount not to exceed the maximum rate of $1.20 on each One Hundred Dollars ($100.00) of assessed valuation, to be collected as provided by law and for the purpose provided by law.

APPROVED AND ADOPTED this _____day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Sherry Aguilar, City Clerk

Approved as to form:

Robert Wingo, City Attorney

EXHIBIT “A”

Street Light Improvement Districts

Expense Estimates and Levy Rates

Fiscal Year 2017

SURPRISE
ARIZONA

Street Light Improvement Districts
Expense Estimates and Levy Rates
Fiscal Year 2017

County Number / City District Name by Assessment Type		Net Assessed Value [1]	Estimated Expenses	Levy Amount	Levy Rate[2]
Ad Valorem					
23667	Asante Parcel 1.16	36,945	1,100	400	1.0827
23641	Asante Phase 1	2,476,107	46,300	29,700	1.1995
23183	Ashton Ranch I	2,445,114	12,500	12,200	0.4990
23238	Ashton Ranch II	2,830,719	14,000	13,700	0.4840
23355	Ashton Ranch III	2,573,399	15,600	15,200	0.5907
23358	Ashton Ranch IV	2,568,514	11,400	11,200	0.4360
23698	Autoshow East 1 #126 (Coulter Nissan)	765,902	0	0	0.0000
23682	Autoshow NW #114 SLID	2,654,682	500	0	0.0000
23468	Bell Pointe I	4,225,353	21,500	21,000	0.4970
23193	Bell West Ranch	1,755,003	7,400	7,200	0.4103
23323	Bell West Ranch 1A	2,338,090	10,300	10,000	0.4277
23351	Bell West Ranch 1B	1,444,413	7,000	6,800	0.4708
23424	Bell West Ranch II	2,546,575	9,600	9,500	0.3731
23461	Bell West Ranch III	2,355,076	9,700	9,500	0.4034
23660	Cactus Ward LDS NONTAX	0	0	0	0.0000
23194	Canyon Ridge West	8,480,709	12,100	11,800	0.1391
23537	City @ Surprise Ph 1	2,199,076	7,600	7,500	0.3411
23125	Continental at Kingswood Parke	3,899,913	11,600	11,300	0.2898
23456	Cotton Gin	2,841,068	14,500	14,100	0.4963
23330	Countryside	7,472,251	30,700	29,900	0.4001
23590	Desert Oasis Lancer 5 A5B14A	2,742,052	27,800	27,100	0.9883
23450	Desert Oasis No. 1	5,006,473	19,000	18,400	0.3675
23700	Desert Oasis Pcl 13A	303,895	7,000	3,600	1.1846
23706	Desert Oasis Pcl 14C	726,333	8,800	8,700	1.1978
23258	Greenway Parc #1	3,020,886	18,100	17,800	0.5892
23329	Greenway Parc #2	2,631,201	15,200	14,800	0.5625
23268	Greenway Parc #3	698,096	5,700	5,500	0.7879
23525	Greer Ranch North Ph1	5,936,919	33,300	50,200	0.8456
23555	Greer Ranch North PH2	3,193,405	11,700	22,800	0.7140
23460	Greer Ranch South	10,439,935	41,400	40,700	0.3898
23644	Johnson Townhomes	432,706	1,200	1,200	0.2773
23469	Kenly Farms	3,088,344	11,200	11,000	0.3562
13980	Kingswood Parke	9,269,043	34,600	33,700	0.3636
23319	Legacy Parc	5,595,999	23,600	22,800	0.4074
23356	Legacy Parc G,H,I	2,387,620	14,100	13,700	0.5738
23419	Legacy Parc Parcels e, f, & j	2,820,049	9,900	9,500	0.3269
23449	Litchfield Manor	12,765,451	50,300	49,000	0.3838
23457	Marley Park I, p 1-4	5,953,046	26,800	26,300	0.4418
23521	Marley Park Ph 1, P 5, 6	3,664,370	16,400	16,000	0.4366
23512	Marley Park Ph 1, P 7, 8	2,770,417	10,400	10,100	0.3646
23566	Marley Park Ph 2, 9,11,12	2,900,533	13,700	13,500	0.4654
23135	Mountain Vista	6,830,144	18,300	17,900	0.2621
23191	Mountain Vista II	6,482,684	11,300	11,000	0.1697
23239	Mountain Vista III	4,716,094	17,000	16,600	0.3520
23267	Northwest Ranch #1	3,727,077	8,300	8,100	0.2173

SURPRISE
ARIZONA

Street Light Improvement Districts
Expense Estimates and Levy Rates
Fiscal Year 2017

County Number / City District Name by Assessment Type		Net Assessed Value [1]	Estimated Expenses	Levy Amount	Levy Rate[2]
Ad Valorem					
23335	Northwest Ranch II	4,802,294	23,200	23,200	0.4831
23409	Orchards 1,2,3,4,5	7,070,412	28,000	27,500	0.3889
23686	Paradise #117 NONTAX	288	0	0	0.0000
23417	Parke Row	711,446	2,900	2,800	0.3936
23661	Quick Trip # 410	285,448	800	0	0.0000
23390	Rancho Gabriella - Phase I	8,110,587	27,100	26,500	0.3267
23401	Rancho Gabriella 2,3,4A-B	17,625,464	56,500	54,900	0.3115
23487	Rancho Gabriella Ph 2 pcl 11	1,016,540	3,500	3,400	0.3345
23536	Rancho Gabriella PH 3 pcl 17	1,132,371	3,500	3,400	0.3003
23336	Roseview Units 1-6	7,678,088	34,900	33,900	0.4415
23333	Roseview Units 5, 5a, 7, 8	4,748,477	18,600	17,900	0.3770
23542	Royal Ranch Unit 2, P7	1,807,079	6,400	2,100	0.1162
23524	Royal Ranch Unit 2, pcl 8	1,183,214	5,400	1,700	0.1437
23506	Royal Ranch Unit II, pcl 5,6,9	5,864,382	19,000	25,600	0.4365
23673	Santa Fe Ave #111	656,775	1,300	1,200	0.1827
23591	Sarah Ann Ranch	13,971,056	57,000	55,700	0.3987
23455	Sierra Montana Parcel 12	1,238,891	8,000	7,700	0.6215
23668	Sierra Montana Parcel 14	2,025,649	9,900	9,600	0.4739
23581	Sierra Montana Parcel 7	933,235	3,500	3,500	0.3750
23811	Sierra Montana Phase 1 Parcel G #141	65,394	0	0	0.0000
23448	Sierra Montana Phase II	11,568,382	37,200	36,100	0.3121
23510	Sierra Verde Parcel 4	1,273,975	3,300	3,200	0.2512
23467	Sierra Verde Ph I	7,615,987	35,900	35,000	0.4596
23458	Summerfield @ Litchfields	1,162,068	4,900	4,700	0.4045
23110	Sun City Grand (DW)	39,172,697	268,200	262,700	0.6706
23174	Sun City Grand II	107,579,297	463,400	454,600	0.4226
23184	Sun City Grand III	5,367,875	30,800	30,100	0.5607
23338	Sun City Grand IV	75,948,482	152,900	149,300	0.1966
23414	Surprise Farms 1A	11,241,830	39,200	38,100	0.3389
23444	Surprise Farms 1B	12,590,982	57,700	56,100	0.4456
23498	Surprise Farms Ph 2	10,113,543	42,500	41,400	0.4094
23517	Surprise Farms Ph 3	7,158,837	35,500	34,500	0.4819
23582	Surprise Farms PH 4, Par 1-6	9,107,709	30,400	29,800	0.3272
23654	Surprise Farms Phase 5	4,918,631	13,800	13,300	0.2704
23683	Surprise Medical Plaza SLID	640,733	3,200	3,300	0.5150
23645	Surprise Pointe Comml Subdivision	9,491,214	12,200	12,800	0.1349
23653	Surprise Valley Station (Trader Joe's)	717,162	1,100	1,000	0.1394
23563	Sycamore Estates Par 13	3,653,395	23,900	23,100	0.6323
23405	Tash/Western Meadows	2,973,364	13,500	13,000	0.4372
23470	Veramonte	4,503,799	24,200	23,400	0.5196
23663	Westfield Commons	1,677,826	500	0	0.0000
23124	WestPoint Towne Center	15,245,596	67,100	65,000	0.4264
Total Ad Valorem			**2,369,400**	**2,322,100**	

Street Light Improvement Districts
Expense Estimates and Levy Rates
Fiscal Year 2017

County Number / City District Name by Assessment Type		# of Taxable Parcels[1]	Estimated Expenses	Levy Amount	Levy Rate[2]
Equal Apportionment					
23708	Autoshow East 2 #127 (L Miller Dodge)	1	0	0	0.00
23670	Commerce Park East #109 SLID	59	3,800	2,100	35.59
23671	Coyote Lakes #95 SLID	761	34,000	33,300	43.70
23662	Crescent Crown #82	2	2,100	2,000	1,000.00
23819	Desert Oasis Parcel 11	71	0	0	0.00
23676	Kingswood Parke #105 SLID	47	1,700	1,700	36.17
23809	Mariposa Acres #135	2	0	0	0.00
23666	Marley Park Parcel 12	156	12,300	23,500	150.64
23810	Marley Park Ph 4, #140	2	3,000	5,800	2,900.00
23790	Marley Park Phase 3	572	0	0	0.00
23665	Marley Park Plaza #91	9	1,300	1,200	133.32
23702	OTS Commercial B #123	4	2,100	2,000	500.00
23693	OTS Market Street #121	0	0	0	0.00
23674	Parkview Place #112	8	2,200	2,200	275.00
23434	Royal Ranch Unit I	545	19,800	19,500	35.77
23418	Sierra Montana Phase 1a	1,453	62,400	60,600	41.70
23692	Skyway Business Park #92	68	15,800	15,800	232.35
23669	Stadium Village Small A #107	8	7,100	7,100	887.50
23672	Stonebrook #103	164	4,600	4,500	27.43
23659	Surprse Farm Chrch 84 NONTAX	0	0	0	0.00
23808	Sycamore Farms Parcel 12 North #146	163	0	0	0.00
23694	Westgate #122	1	700	600	600.00
23807	Zanjero Trails PH 2 #133	3	0	0	0.00
Total Equal Apportionment			**172,900**	**181,900**	
Grand Total			**2,542,300**	**2,504,000**	

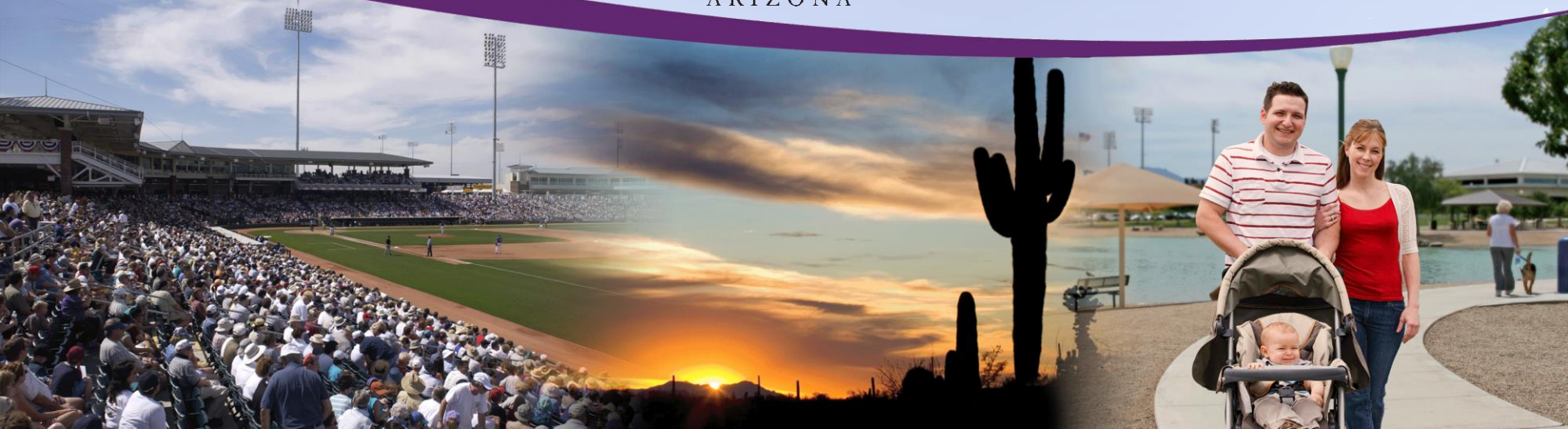
[1] Net Assessed Value based on Maricopa County Assessor's Office 2016 February State Abstract report.

[2] Levy rate per $100 of assessed value for Ad Valorem assessments. Dollar levy per parcel for Equal Apportionment assessments.

FY2017 Adopt Street Light Improvement District Property Tax Levies

City Council Meeting
August 2, 2016

SURPRISE
ARIZONA



FY2017 SLID Property Tax

- **Adopt SLID property tax levies**

Adopted tentative budget	May 4
Held property tax/budget public hearing	June 21
Adopted final budget	June 21
Adopted primary property tax levy	Tonight

FY2017 SLID Property Tax

- Special districts that levy property tax to pay for costs associated with street lighting within the district
- Total levy amount of $2,504,000
- 110 districts throughout the City
  - 98 active with expenses
  - 95 with levy amount for FY2017

FY2017 SLID Property Tax

SURPRISE
ARIZONA

Questions or Comments?

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Lindsey Duncan, Finance Director
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action levying a certain sum of money for FY2017 to be assessed against the valuation of property for primary and secondary tax purposes; Resolution # 2016-99.

Motion:

I move to approve Resolution # 2016-99 (In accordance with A.R.S. Section 42-17107(A)(4), this motion must be by roll call vote).

Background:

On June 21, 2016, the Mayor and City Council held a public hearing on the proposed property taxes, and a roll call vote was held concerning the intention of passage of the primary property tax levy. At that time, the City Council $0.7591 per $100 of assessed valuation This hearing was published and advertised in accordance with state law. Adoption of Resolution 2016-99 will set primary tax levies.

Objective Analysis:

This is the final step in the adoption process.

Policy Compliant:

This item is consistent with City and Council policies.

Financial Impact:

For FY2017, a primary property tax rate of $0.7591 per $100 of assessed value will be levied upon property, both real and personal, within the City and will generate a total of $7,051,300.

Budget Impact:

Adoption of primary property tax levies will allow for the collection of these revenues, which are an integral part of the adopted fiscal year 2017 budget. The proposed primary property tax rate is $0.7591 per $100 of assessed value and will generate approximately $7,051,300.

FTE Impact:

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

ATTACHMENTS:

Click to download

- 16.07.06 Res No 2016-99 Property Tax Levy-final
- Primary Property Tax Levy Presentation

RESOLUTION # 2016-99

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA LEVYING UPON THE ASSESSED VALUATION OF PROPERTY WITHIN THE CITY A CERTAIN SUM OF MONEY FOR FISCAL YEAR 2017 TO BE ASSESSED AGAINST THE VALUATION OF REAL AND PERSONAL PROPERTY FOR PRIMARY AND SECONDARY TAX PURPOSES

WHEREAS, the City Council is required by Arizona Revised Statutes § 42-17253 to adopt an annual tax levy based upon the rate to be assessed per each One Hundred Dollars ($100.00) of assessed valuation of property within the City;

WHEREAS, the primary and secondary tax levy for Fiscal Year 2017 beginning July 1, 2016 must be adopted by resolution prior to the third Monday in August, and not less than fourteen days after adoption of the municipal budget;

WHEREAS, the municipal budget of the City of Surprise was adopted at a special meeting of the City Council held on June 21, 2016, at least fourteen days prior to the adoption of this Resolution; and

WHEREAS, the City has computed tax rates at $0.7591 per One Hundred Dollars ($100.00) of assessed valuation to be levied and collected as primary taxes.

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

Section 1. That there is hereby levied, as a primary property tax, $0.7591 per each One Hundred Dollars ($100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City, except such property as may be by law exempt from taxation, a primary property tax rate sufficient to raise the sum of seven million, fifty-one thousand, and three hundred dollars ($7,051,300.00) for the fiscal year ending on June 30, 2017.

Section 2. Any failure by the Maricopa County officials to properly return the delinquent tax list, irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings nor invalidate any title conveyed by any tax deed, any sale or proceeding pursuant thereto, the validity of the assessment or levy of taxes, nor the judgment of sale by which the collection of taxes may be enforced. All actions by officers de facto shall be valid as if performed by officers de jure.

APPROVED AND ADOPTED this _____day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Sherry Aguilar, City Clerk

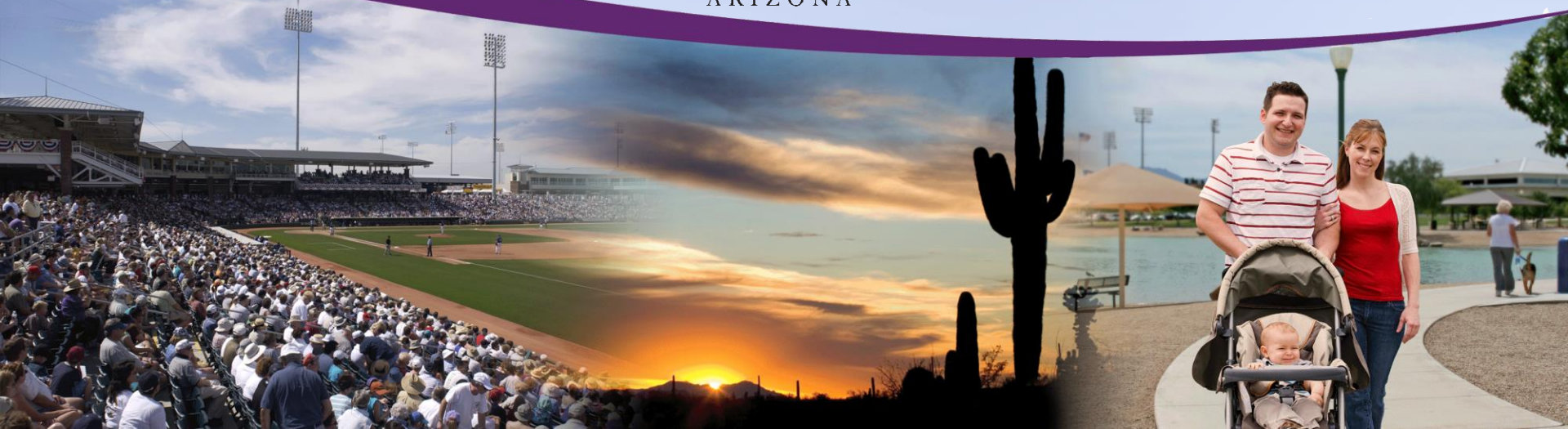
Approved as to form:

Robert Wingo, City Attorney

FY2017 Primary Property Tax Levy Adoption

City Council Meeting
August 2, 2016

SURPRISE
ARIZONA



FY2017 Primary Property Tax

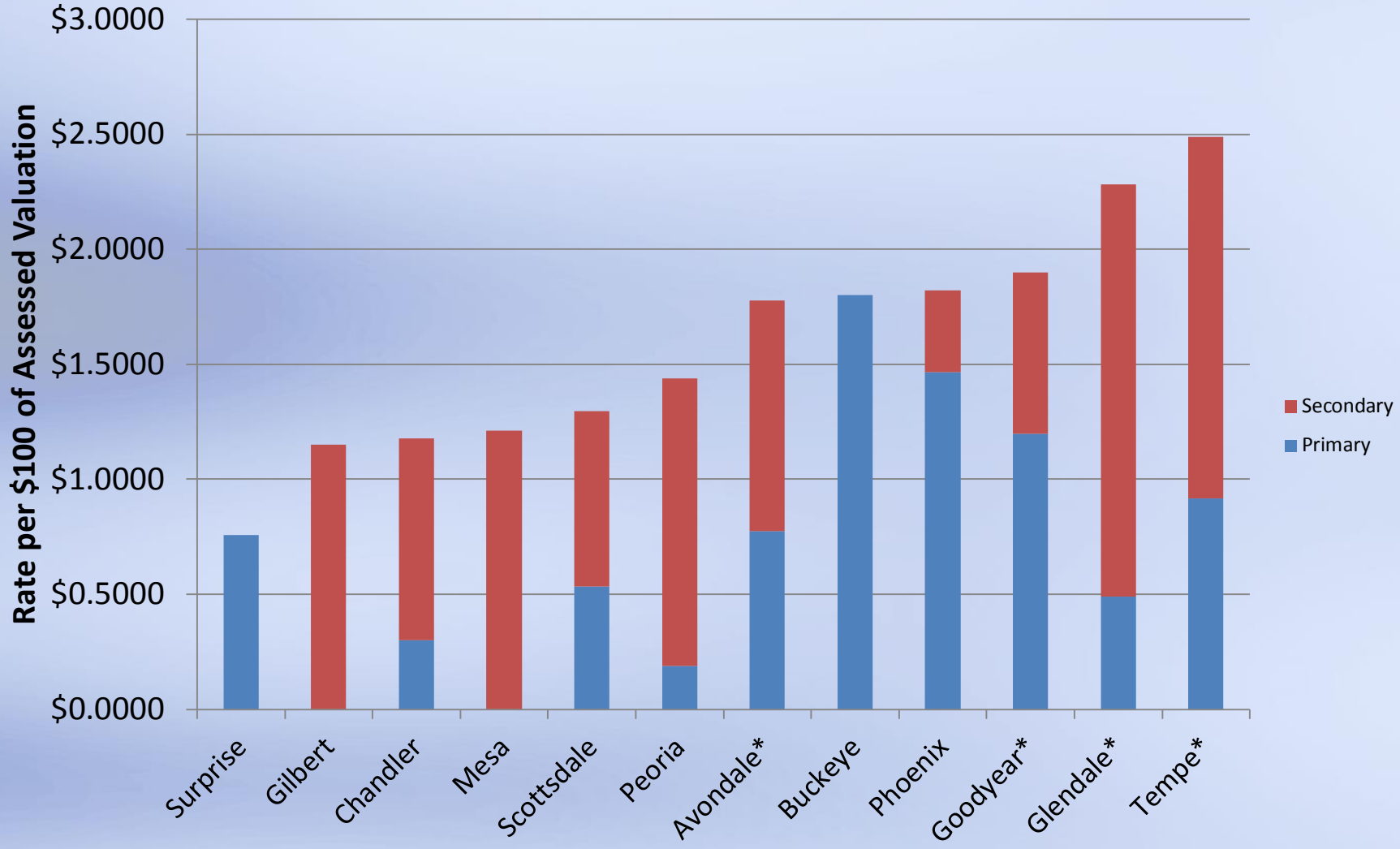
- **Adopt primary property tax levy**

Adopted tentative budget	May 4
Held property tax/budget public hearing	June 21
Adopted final budget	June 21

FY2017 Primary Property Tax

- **Rate held constant at $0.7591**
- **Levy Amount of $7,051,300**

Property Tax Rate Comparison



*City is at the maximum primary rate

FY2017 Primary Property Tax

SURPRISE
ARIZONA

Questions or Comments?

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Lindsey Duncan, Finance Director
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to the Comprehensive Financial Management Policies.

Motion:

I move to approve the Comprehensive Financial Management Policies as recommended by staff.

Background:

Comprehensive financial policies are an important element of a solid financial structure and long-term financial planning. These polices are reviewed and updated annually. The policies cover the following five areas:

1. Operating Management
2. Capital Management
3. Debt Management
4. Minimum Fund Balance
5. Financial Reporting

For FY2017, finance staff is recommending the following edits to the financial policies:

1. Revise Operating Management Policy 12 and Financial Reporting Policy 48 (4) (c) to change all references to the transient lodging tax rate to reflect the 2% increase approved by the Mayor and Council in August of 2015.

2. Revise Minimum Fund Balance Policy 45 (f) to remove debt service reference.

3. Revise Minimum Fund Balance Policy 46 (d) to increase the Healthcare Self-Insurance Trust Fund reserve to target 25% percent of expected annual claims instead of 10%.

Objective Analysis:

The City's comprehensive financial policies provide the roadmap for financial operations and demonstrate the City's commitment to sound financial management practices.

Policy Compliant:

This item is compliant with City and Council policies.

Financial Impact:

None at this time.

Budget Impact:

Budgetary impacts resulting from revisions to the Comprehensive Financial Management Policies have been incorporated as part of the FY2017 budget.

FTE Impact:

This item does not impact the overall full-time equivalent count.

ATTACHMENTS:

Click to download

- Policy Update Presentation
- Comprehensive Financial Management Policies with updates

Comprehensive Financial Management Policies

City Council Meeting

August 2, 2016

SURPRISE
ARIZONA

FY2017 Recommended Policy Changes

- Operating Management
  - Update transient lodging tax rate
    - From 2.52% to 4.52% (August 4, 2015)
    - Tourism restricted from 1.52% to 3.52%
    - Policy #12

- Financial Reporting
  - Update transient lodging tax rate
    - Policy #48 (4) (c)

FY2017 Recommended Policy Changes

- Minimum Fund Balance
  - Remove specific reference to debt service
    - Policy #45 (f)
  - Increase Healthcare Benefits Trust target
    - From 10% to 25%
    - Policy #46 (d)

FY2017 Recommended Policy Changes

SURPRISE
ARIZONA

Questions or Comments?

CITY OF SURPRISE, ARIZONA
COMPREHENSIVE FINANCIAL MANAGEMENT POLICIES
EFFECTIVE JULY 1, ~~2015~~2016

Introduction

The City Council's Strategic Plan Framework, goals and objectives provide the foundation for the comprehensive financial management policies. The City's comprehensive financial policies provide the roadmap to achieve financial resiliency and demonstrate the City's commitment to sound financial management practices. As defined by the Government Finance Officers Association (GFOA), the City Council strives to build a financially resilient government through financial policies and long-term financial planning. The GFOA has identified eight characteristics of a financially resilient government:

1. Diversity: Avoid reliance on a single solution.
2. Redundancy: Avoid having only one path of rescue.
3. Decentralization: Centralized systems look strong, but failure is catastrophic.
4. Transparency: Make it easier to figure out where a problem may lie. Share plans and listen when people point out flaws.
5. Collaboration: Working together to become stronger.
6. Fail Gracefully: Failure happens. Make sure failure won't make things worse.
7. Flexibility: Be ready to change when plans aren't working. Don't expect stability.
8. Foresight. Think and prepare.

Financial policies contribute to increased public confidence and trust as well as provide clear direction to City staff concerning the diligence and stewardship with which public monies are to be managed. Adopted financial policies show our citizens, the credit rating industry, and prospective investors (bond buyers) the City's commitment to financial resiliency. These policies are presented in the following five areas:

1. Operating Management
2. Capital Management
3. Debt Management
4. Minimum Fund Balance
5. Financial Reporting

Operating Management Policies

1. All departments will participate in the responsibility of meeting policy goals and ensuring long-term financial resiliency.

2. The budget shall be considered balanced if revenues plus use of fund balance are equal to or exceed total expenses, by fund. The budget process is intended to weigh all competing requests for City resources, within expected fiscal constraints.

3. The City Budget is adopted by department within the General Fund, by project in the capital funds, and by fund in total for all other funds.

4. The full time equivalent (FTE) position count is adopted by department within the General Fund and by fund in total for all other funds.

5. Long-range financial plans will be prepared to guide the City and ensure the delivery of needed services due to changes in the economy, service demands, and capital improvements.

6. Regional considerations and intergovernmental relationships will be evaluated to fund both operating services and capital projects.

7. The City Council will consider citizen input and review the operating and capital budget recommendations from an outcome and goals perspective.

8. A diversified revenue system will be developed to protect City services.

9. The City Council will set the amount to be received from primary property taxes annually. The amount is limited to 102% of the prior fiscal year's maximum allowable levy plus new construction and reimbursement for the prior calendar year's tort liability payments.

10. To ensure that the City does not become overly reliant on "one-time" revenues for operating needs, the first $1.25 million received in revenues from the 2.2% transaction privilege tax on construction will be retained in the General Fund. Any additional amount will be recorded in General Capital Fund and will be used to fund the Capital Improvement Plan.

11. The City currently imposes an additional 1.5% transaction privilege tax on construction dedicated to the construction of new roadways and to refurbishing existing transportation corridors. The revenue is recorded in the Transportation Improvement Fund and will be used to fund transportation projects in the Capital Improvement Plan.

12. The City currently imposes a ~~2~~4.52% transaction privilege tax on transient lodging. The ~~2~~4.52% tax rate is then split, with ~~1~~3.52% recorded in the Tourism Fund to be used for promoting tourism and 1.0% recorded in the General Fund. ~~Of t~~The ~~1~~3.52% recorded in the Tourism Fund~~, 01.52% is restricted by A.R.S. §9-500.06 and 13.0%~~ has been committed by City Council to be used for promoting tourism. This percentage exceeds the 2.52% required by A.R.S §9-500.06. Of the amount recorded in the Tourism Fund, the Tourism Advisory Board has designated that 75% is spent for sports tourism facility development and improvement and 25% on marketing, studies, and special events.

13. Water, Wastewater, and Solid Waste user fees and charges will be examined annually to ensure they recover all direct and indirect costs of service and will be approved by the City Council.

14. All user fees (excluding water, wastewater, and solid waste) will be examined periodically to determine the direct and indirect cost of service recovery rate. The acceptable recovery rate and any associated changes to user fees and charges will be approved by the City Council.

15. Grant funding will be considered to leverage City funds and requires City Council approval prior to acceptance. In situations where the timing does not permit City Council approval prior to acceptance, the grant funding will be approved by the City Manager.

16. Cash and investment programs will be maintained in accordance with the State law and the adopted investment policy and will ensure that proper controls and safeguards are maintained. City funds will be managed with an emphasis on safety of principal, liquidity, and financial return on principal, in that order.

17. Employee compensation and benefits will be administered in accordance with the policy given by the City Council. Healthcare costs will be shared between the City and employees and this allocation will be evaluated annually.

18. The Healthcare Self-Insurance Trust Fund was created under the authority of Arizona Revised Statute Section 11-981. The Board of Trustees is charged to administer the trust fund and "make recommendations to the City Council regarding trust fund programs, including amount of appropriations to assure stability and security of the trust fund."

19. An actuarial evaluation will be performed annually to determine the Incurred but Not Reported (IBNR) claim liability. This amount is required by accounting practices and represents the cost of unpaid claims (claims run-out), assuming the City stops being self-insured.

20. The City will optimize the efficiency and effectiveness of its services to reduce costs and improve service quality.

21. The City will maintain a methodology for allocating the City's indirect costs to service departments. A consultant will be hired to update the plan periodically.

22. All cash transfers between funds must be approved by City Council. Transfers to record capital assets within operating funds are not presented to the City Council as these are administrative in nature.

23. All initial inter-fund loans must be approved by City Council.

24. All use of budgetary contingency accounts must be approved by City Council prior to being expended.

Capital Management Policies

25. The City shall use an integrated approach to capital planning and financing in preparing a five-year Capital Improvement Plan. Only the first year of the plan will be adopted by the City Council.

26. The Capital Improvement Plan will include funding to support repair and replacement of capital equipment and infrastructure. A high priority should be placed on those items where deferring maintenance will result in greater cost to restore or replace.

27. Proposed capital projects will be prioritized based on the City Council's goals and objectives, the General Plan, and master plans.

28. Future operating, maintenance and replacement costs associated with new capital improvements will be included as a schedule within the annual budget document. Capital project will include a fiscal impact statement disclosing the expected operating impact of the project and when such cost is expected to occur.

29. The first $1.25 million received in revenues from the 2.2% transaction privilege tax on construction will be retained in the General Fund. Any additional amount will be recorded in General Capital Fund and will be used to fund the Capital Improvement Plan.

30. The City currently imposes an additional 1.5% transaction privilege tax on construction dedicated to the construction of new roadways and to refurbishing existing transportation corridors. The revenue is recorded in the Transportation Improvement Fund and will be used to fund transportation projects in the Capital Improvement Plan.

31. As permitted by State law, the City shall maintain a financial structure to ensure future development pays for itself and is not a burden on existing residents (i.e. "growth pays for growth"). Elements of this financial structure include impact fees, development agreements, Improvement Districts (IDs) and Community Facility Districts (CFDs).

32. Impact fees for infrastructure attributable to new development will be reviewed at least every other year to ensure that fees recover all direct and indirect development-related expenses, as permitted by state law and will be approved by the City Council.

Debt Management Policies

33. The City shall periodically report measurable steps taken in striving towards achieving and maintaining the highest possible bond ratings. This will minimize borrowing costs, optimize access to credit, and demonstrate excellent financial stewardship on behalf of our residents.

34. An analysis showing how a new debt issue combined with current outstanding debt impacts the City's debt capacity and conformance with City debt policies will accompany every proposal.

35. General Obligation debt, which is supported by property tax revenues, will be utilized as authorized by voters. Other types of voter-approved debt (e.g. water and wastewater) may also be utilized when they are supported by dedicated revenue sources (e.g. fees and user charges).

36. Municipal Property Corporation, trust agreements and contractual debt, all of which are non-voter approved, will be utilized only when approved by City Council.

37. Improvement District (ID) and Community Facility District (CFD) bonds shall be permitted only when there is a general City benefit as defined and approved by the City Council.

38. Utility rates will be established to ensure the ratio of revenue to debt service meets bond indenture requirements.

39. The Arizona Constitution provides that the general obligation bonded indebtedness for a city may not exceed twenty percent of the net secondary assessed valuation of the taxable property of the city for projects for purposes of water, wastewater, artificial light, open space preserves, parks and recreational facilities, public safety, law enforcement, fire and emergency services facilities, streets, and transportation facilities. Outstanding general obligation bonded indebtedness for all other purposes may not exceed six percent of the City's net secondary assessed valuation

40. The City will follow appropriate procedures with regard to obligations under continuing disclosure undertakings as identified by the Securities and Exchange Commission under the Securities Exchange Act of 1934.

41. The City will follow appropriate procedures with regard to tax exempt obligations as identified by the Internal Revenue Code of 1986.

Minimum Fund Balance Policies

42. Minimum fund balances are not intended to be spent. The purpose of the minimum fund balance is to ensure the City has adequate resources to meet its needs. If the necessity arises to draw down a fund balance below the minimum requirements that have been set, a plan to replenish the minimum fund balance will be presented to the Council for approval.

43. Minimum fund balance requirements will be evaluated annually for long-term adequacy and use requirements.

44. There is no effect on the presentation of fund balance on the face of the financial statements within the Comprehensive Annual Financial Report (CAFR). The minimum fund balance policy will be disclosed within the notes of the CAFR.

45. The City has formally adopted a minimum fund balance policy for the following governmental funds:

    a. The minimum spendable fund balance in the General Fund is updated annually by calculating an average of budgeted personnel, supplies and services expenses over a two month period for that year's Council Adopted Budget for the General Fund and the Highway User's Revenue Fund.

    b. General Capital Fund of $1.0M
    c. Transportation Improvement Fund of $0.5M

    d. Street Light Improvement Districts (SLIDs). SLIDs have a maximum levy limit of $1.20 per $100 of assessed valuation in accordance with A.R.S. 48-616. To the extent that the levy limit has not been exceeded, taxes will be levied at a rate that will approach an individual ending fund balance reserve of 5% of its budgeted annual expenses.

    e. Tourism Fund of $5,000.

f. The Spring Training Ticket Surcharge Fund will have a minimum fund balance of $600,000. Any excess fund balance remaining as of June 30 shall be ~~used for debt service in lieu of~~remitted to the General Fund ~~contribution~~.

46. Minimum spendable net asset balances for the proprietary funds:

    a. Within the Water, Waste water, and Solid Waste Funds, spendable net assets are to be maintained at an amount equal to the average budgeted personnel, supplies and services expenses over a two month period for that year's Council Adopted Budget.

    b. Within the Water, Waste water, and Solid Waste Funds, an amount will be maintained for repair and replacement at a minimum of 2% of all tangible capital assets of the system.

    c. The Risk Management Fund will maintain spendable net assets at an amount that, together with purchased insurance policies, will adequately indemnify the City. An actuarial evaluation will be performed periodically to recommend appropriate funding levels, which will be approved by the City Council.

    d. The Healthcare Self-Insurance Trust Fund will maintain net assets at a level which, together with purchased insurance policies (individual and aggregate stop loss), will adequately indemnify the City. The City has established an Adverse Times Reserve. The purpose of this reserve is to address cash flow needs caused by periods in which claim payments exceed projections. The target amount of this reserve is at least ~~ten~~ twenty-five percent of expected annual claims.

Financial Reporting Policies

47. The City's accounting and financial reporting systems will be maintained in conformance with all state and federal laws, generally accepted accounting principles (GAAP) and the standards of the Governmental Accounting Standards Board (GASB).

48. An annual audit will be performed by an independent public accounting firm. The City will prepare a Comprehensive Annual Financial Report (CAFR) with the objective of receiving an unqualified ("clean") audit opinion. The independent auditor will present and discuss audit findings regarding internal controls and operational issues at a public meeting.

CAFR Fund Balance Reporting

1. The hierarchy from least spendable to most spendable fund balance for governmental funds of the City shall be: non-spendable, restricted, committed, assigned and unassigned. When funds are available from multiple classifications of fund balance to meet the City's obligations, it is the City's policy to charge the least spendable fund balance available.

2. Non-spendable and restricted fund balances are determined solely by the nature of the fund balance itself.
3. Committed fund balance represents amounts that have been constrained to a specific use by the formal action of the City's highest level of decision-making authority, the City Council. A majority vote of the City Council is necessary to establish, modify or rescind a fund balance commitment.

4. The City has elected the following commitments of fund balance to be standardized from year to year.

    a. A commitment for repair and replacement of general government vehicles and other rolling stock will be maintained based upon lifecycle replacement plans prepared annually. This commitment shall be maintained in the Vehicle Replacement Fund.

b. A commitment of a 1.5% construction sales tax to be used solely for the purposes of paying costs related to new roadways and to refurbish existing transportation corridors, to be maintained in the Transportation Improvement Fund (Ordinance No. 05-13).

c. In addition to the ~~0~~1~~1~~2.52% transient lodging tax restricted by state statute, a commitment of an additional 1.0% transient lodging tax for a total of 3.52% will be used to promote tourism and be maintained in the Tourism Fund (Ordinance No. 2010-04).

5. In order to be reported as committed fund balance in the CAFR the City Council must approve the commitments prior to June 30th. However, the amount of the commitment may be determined after June 30th.

6. Amounts that have been constrained by the City's intent to be used for a specific purpose and are neither restricted nor committed are reported as assigned fund balance. The City Council has designated the authority to assign amounts to be used for specific purposes to the Chief Financial Officer (CFO).

49. The City's CAFR will be submitted to the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting program.

50. The City's Budget will be submitted to the Government Finance Officers Association (GFOA) Distinguished Budget Presentation program.

51. A monthly financial report will be presented to the City Council.

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Robert Wingo, City Attorney
Submitting Department:	Attorney's Office	District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to delegation to the City Manager or his or her designee the exemption authority for the marking of City of Surprise vehicles in accordance with A.R.S. Section 38-538.03; Resolution # 2016-97.

Motion:

I move to approve Resolution # 2016-97.

Background:

State law provides that State, County and City owned vehicles should generally be marked to identify them as vehicles belonging to state and local government. While these laws are somewhat general in terms of where the markings should appear, key to the statutes is the identification of the City owning the vehicle and that there should appear somewhere the words "for official use only". However, by necessity, A.R.S. Section 38-538.03 provides that some vehicles do not require official markings as they are exempted. Vehicles used by a person to conduct "felony investigations or activities of a confidential nature" may be exempted; for example, undercover police vehicles need not be marked for obvious reasons.

Responsibility for identifying these vehicles is granted to the City Council by state law. Nevertheless, because this task is purely administrative, and not legislative, in nature City Council may legally delegate this task to the City Manager.

Resolution # 2016-97 will expressly delegate this exemption authority, which is limited by state law, to the City Manager or his designees as part of the City Manager's general City operation duties. Because consideration of whether a vehicle can be exempted from these requirements involves discussions about confidential operations, this delegation of authority is the most efficient manner in which to identify vehicles which qualify for the exemption without jeopardizing the confidential nature of certain public safety operations in public meetings.

Historically, the City Manager has exercised this administrative authority as implied under his duties to conduct daily city operations pursuant to City Code. However best practice dictates that City Council expressly delegate this administrative authority to the City Manager by resolution. As with any

delegation of City Council's authority, this delegation may be revoked or limited if the Council deems it necessary at any time in the future.

Objective Analysis:

The positive impacts arising out of this delegation of authority to the City Manager are twofold. It increases efficiency by utilizing staff time, instead of City Council time to exercise action which is purely administrative in nature. Furthermore, since the nature of the exemptions relate to sensitive confidential operations of public safety departments of the City, City Council would by necessity need to rely heavily on staff recommendations anyway; so it is more efficient for staff to directly exercise the authority in accordance with Arizona state law.

Second, because open meeting laws require that City Council must take action only on the record in public meetings, the very nature of the topic to be discussed, i.e. identifying vehicles used in felony and sensitive confidential investigations, cannot be disclosed publicly without jeopardizing public safety. Summarily, this topic is not one that is easily made compatible with the City Council's open meeting law obligations. Delegating the authority to the City Manager creates a process which allows complete compliance with open meeting laws and at the same time protects the identity of vehicles used in felony investigations and other similarly situated confidentially sensitive city operations.

No negative impacts from this delegation of authority have been identified.

Policy Compliant:

City Council has, time and time again, made a commitment to policies promoting public safety. This practice will further public safety by ensuring that vehicles in the service of felony and confidential investigations are not identified and that the operations of the Surprise police department are not hindered or jeopardized. Similarly, this action will ensure compliance with the City's obligations under state law with the utmost efficiency.

Financial Impact:

There are no additional costs or other financial considerations arising out of this delegation of authority.

Budget Impact:

There is no impact to the current budget or any future budget arising out of this delegation of authority.

FTE Impact:

There is no change to the number of FTE arising out of this delegation of authority.

ATTACHMENTS:

Click to download

- Resolution 2016-97
- Presentation

RESOLUTION # 2016-97

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, DELEGATING TO THE CITY MANAGER THE AUTHORITY TO EXERCISE THE CITY VEHICLE MARKING EXEMPTIONS PURSUANT TO ARIZONA REVISED STATUTES, SECTION 38-538.03.

WHEREAS, A.R.S. §§ 38-538 et al. mandates the marking of certain City owned vehicles;

WHEREAS, A.R.S. § 38-538.03 provides that City Council, on an annual basis, may grant exemptions to the general marking requirements when the marking of a vehicle would be contrary to, or jeopardize, felony investigations or activities of a confidential nature, for example, police undercover vehicles;

WHEREAS, this exercise of authority granted to City Council pursuant to A.R.S. § 38-538.03 is an administrative power and therefore may be delegated to the City Manager pursuant to Arizona state law; and

WHEREAS, because the very purpose of the exemption, which is maintaining confidentiality of vehicles in the service of felony investigations or similarly situated vehicles, conflicts with City Council's open meeting law obligations, it is desirable and efficient for the City Council to delegate this authority to the City Manager or his or her designee;

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

Section 1. The City Council hereby delegates the authority granted to it by A.R.S. §§38-538 et al., relative to the marking of City vehicles, to the City Manager or his or her designee, to be exercised in accordance with those statutes.

APPROVED AND ADOPTED this _____day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Sherry Aguilar, City Clerk

Approved as to form:

Robert Wingo, City Attorney

MARKING OF CITY VEHICLES

Delegation of Authority

SURPRISE
ARIZONA

STATE LAW ARS 38-538 AND 38-538.03

- State law requires that most city vehicles must display both:
  - The name of the political subdivision (e.g., “City of Surprise”); and,
  - The words “For Official Use Only”

  There are some exemptions such as when conducting felony investigations or activities of a confidential nature

WHO IS THE GOVERNING BODY

- State law authorizes the “governing body” to implement these provisions
- It is the opinion of the City Attorney’s Office that the “governing authority” for these purposes is, in fact, the City Manager by virtue of how the City conducts day-to-day operations
- The adoption of the recommended resolution will confirm the City Manager has this authority

SURPRISE
ARIZONA

Questions or Comments?

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Greg Seibt, Attorney's Office
Submitting Department:	Attorney's Office	District:	4
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to the termination of the Dysart and Bell Development Agreement; Resolution # 2016-101.

Motion:

I move to approve Resolution # 2016-101.

Background:

The original Dysart and Bell Development Agreement from December 2006 called for a new auto dealership to be constructed in the Dysart and Bell Commerce Center property, east of Grand Ave. and north of Bell Road, in return for reimbursement of infrastructure costs. The terms of the Agreement required certain actions to be taken by the then developer/owner within strict timelines. Those actions never occurred, but the Agreement was never terminated, the property's ownership has since changed, and it has been developed for purposes other than for operation of a new car dealership. Therefore to remove the cloud on title for this particular successor owner, the City is terminating this Agreement. The City staff will return to council at a later date to terminate this Agreement as may be necessary to remove cloud on title for other subsequent parcel owners on the property subject to the Agreement.

Objective Analysis:

Terminating this Agreement will help to facilitate the sale and development of the property within the Dysart and Bell Commerce Center by removing cloud on title.

Policy Compliant:

It is City practice to terminate development agreements in which the original developer has never completed the obligations of the agreement, ownership has since changed, and the property has been developed for other purposes.

Financial Impact:

There is not a financial impact associated with terminating this agreement.

Budget Impact:

There is no budgetary impact.

FTE Impact:

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

ATTACHMENTS:

Click to download

- ☐ Resolution 2016-101 Termination Agreement
- ☐ Presentation

RESOLUTION # 2016-101

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA TO APPROVE THE TERMINATION OF THE DYSART AND BELL DEVELOPMENT AGREEMENT FOR LOTS 4A AND 4C OF THE BELL AND DYSART COMMERCE CENTER PROPERTY.

WHEREAS, the City of Surprise, Grand Avenue & Bell Road Property LP, and DT Moore Family LP, entered into the Dysart and Bell Development Agreement, recorded on December 5, 2006, MCR No. 2006-1591063;

WHEREAS, the developers failed to abide by the terms of the Agreement, specifically to construct new car dealerships on one or more of the parcels;

WHEREAS, many of the parcels have since been sold to other owners and have been developed for purposes other than operating new car dealerships, thereby obviating the need for enforcement of the Agreement in accordance with that requirement;

WHEREAS, one of the successors-in-interest to the original owners/developers, Grant Tower, LLC, owner of Lots 4A and 4C within the development agreement boundaries, respectfully requests to be released from any and all terms of this Agreement; and

WHEREAS, pursuant to Section 21 of the Agreement, the City and Owner/Developer can mutually agree to terminate the Agreement.

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

Section 1. The City of Surprise hereby agrees to terminate the Dysart and Bell Development Agreement for Lots 4A and 4C of the Bell and Dysart Commerce Center Property.

Section 2. The Mayor is hereby directed to sign the termination of the Dysart and Bell Development Agreement, attached hereto as Exhibit A.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this _____day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Sherry Aguilar, City Clerk

Approved as to form:

Robert Wingo, City Attorney

EXHIBIT A

Termination Agreement

TERMINATION OF DYSART AND BELL DEVELOPMENT AGREEMENT

THIS TERMINATION OF DYSART AND BELL DEVELOPMENT AGREEMENT is made this ____ day of _____, 2016, by and between the City of Surprise, an Arizona municipal corporation ("City") Grant Tower, L.L.C., a Utah limited liability company, ("Owner").

WHEREAS, on or about December 5, 2006, City and Owner's predecessors-in-interest, Grand Avenue & Bell Road Property Limited Partnership and DT Moore Family Limited Partnership (collectively, "Developer") entered into the Dysart and Bell Development Agreement recorded in the Office of the Maricopa County Recorder on December 5, 2006, No. 2006-1591063 (the "Agreement");

WHEREAS, the Agreement, binds City and Developer, as well as their respective successors-in-interest and assigns to, among other things, develop real property commonly referred to as Bell & Dysart Road Commerce Center, and as legally described on Exhibit A to the Agreement (the "Property") for use as one or more new motor vehicle dealerships, unless and until the Agreement is mutually rescinded, terminated or cancelled in writing by City, Developer, or their successor(s)-in-interest;

WHEREAS, Developer failed to construct the new motor vehicle dealerships, and instead subsequently caused the Property to be subdivided and sold to various purchasers that have constructed improvements on the Property for uses other than as new motor vehicle dealerships; and

WHEREAS, Owner desires to sell Lots 4A and 4C of Bell & Dysart Commerce Center Minor Land Division, book 975, page 42 of the Maricopa County Recorder, for an intended use other than as a new motor vehicle dealer.

NOW, THEREFORE, pursuant to Section 21 of the Agreement, City and Owner, by their signatures below, hereby rescind, cancel and terminate the Agreement effective as of the date first above written.

IN WITNESS WHEREOF, the undersigned hereby executes this Termination of Dysart and Bell Development Agreement.

[Signatures appear on the following pages]

CITY:

City of Surprise, an Arizona municipal corporation

By:_____
Sharon Wolcott, Mayor

Date:_____

ATTEST:

_____
Sherry Ann Aguilar, Town Clerk

APPROVED AS TO FORM:

_____
Robert Wingo, City Attorney

STATE OF ARIZONA
County of Maricopa

On this _____ day of _____, 2016, before me personally appeared Sharon Wolcott, the Mayor of the CITY OF SURPRISE, ARIZONA, an Arizona municipal corporation, for and on behalf thereof, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above/attached document.

[Affix notary seal here]

_____
Notary Public

OWNER:

Grant Tower LLC, a Utah limited liability company

By: _____
Gordon S. Crofts II

Date: 6, 13, 2016

STATE OF ~~ARIZONA~~ Utah (UT)
County of ~~Maricopa~~ Summit

On this 13 day of June, 2016, before me personally appeared Gordon S. Crofts II, Owner, of Grant Tower LLC an ~~Arizona~~ Utah limited liability company, for and on behalf thereof, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed the above/attached document.

[Affix notary seal here]

_____
Notary Public

NOTARY PUBLIC
LAURA PATINO
663993
COMMISSION EXPIRES
JUNE 11, 2017
STATE OF UTAH

City Council

Dysart and Bell Development Agreement Termination

August 2, 2016

SURPRISE
ARIZONA

Dysart and Bell Development Agreement

Background

- Executed on December 5th, 2006
- Parties
  - City of Surprise
  - Grand Avenue and Bell Rd Property LP
  - DT Moore Family LP
- Purpose
  - Development of one or more car dealerships on the site
  - Construction of Public Improvements
    - Public rights-of-way, landscape, hardscape, regional drainage and infrastructure improvements
  - List of Qualifying Dealerships: BMW, Infiniti , Cadillac, Hummer, Saab, Mercedes Benz, Suzuki, Volvo, Jaguar, Land Rover, GMC Medium and Heavy Duty Trucks, Lincoln Mercury
- City obligation
  - Reimburse owner for design and construction of public improvements ($775,000.00 limit)

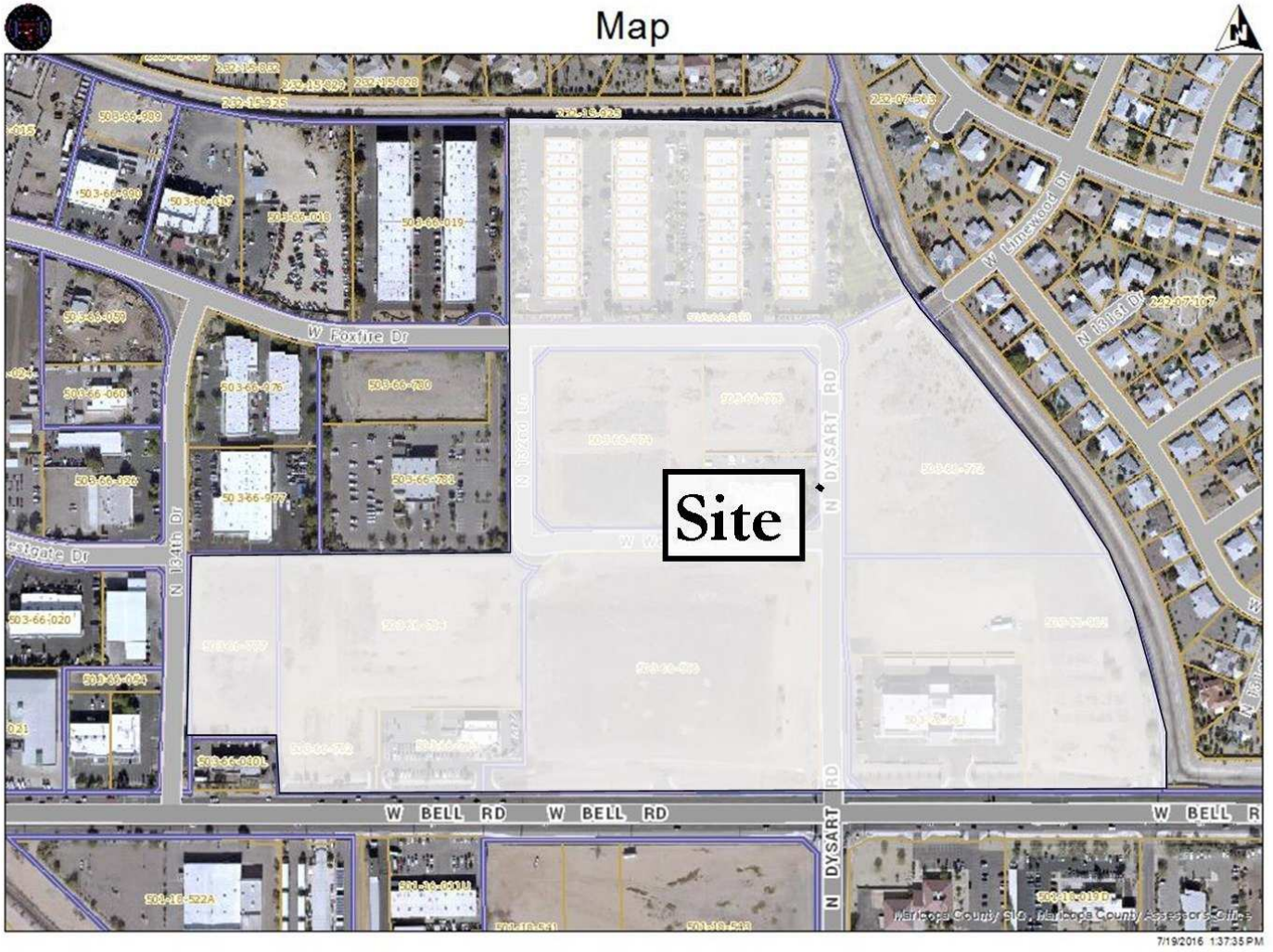
Dysart and Bell Development Agreement

SURPRISE
ARIZONA

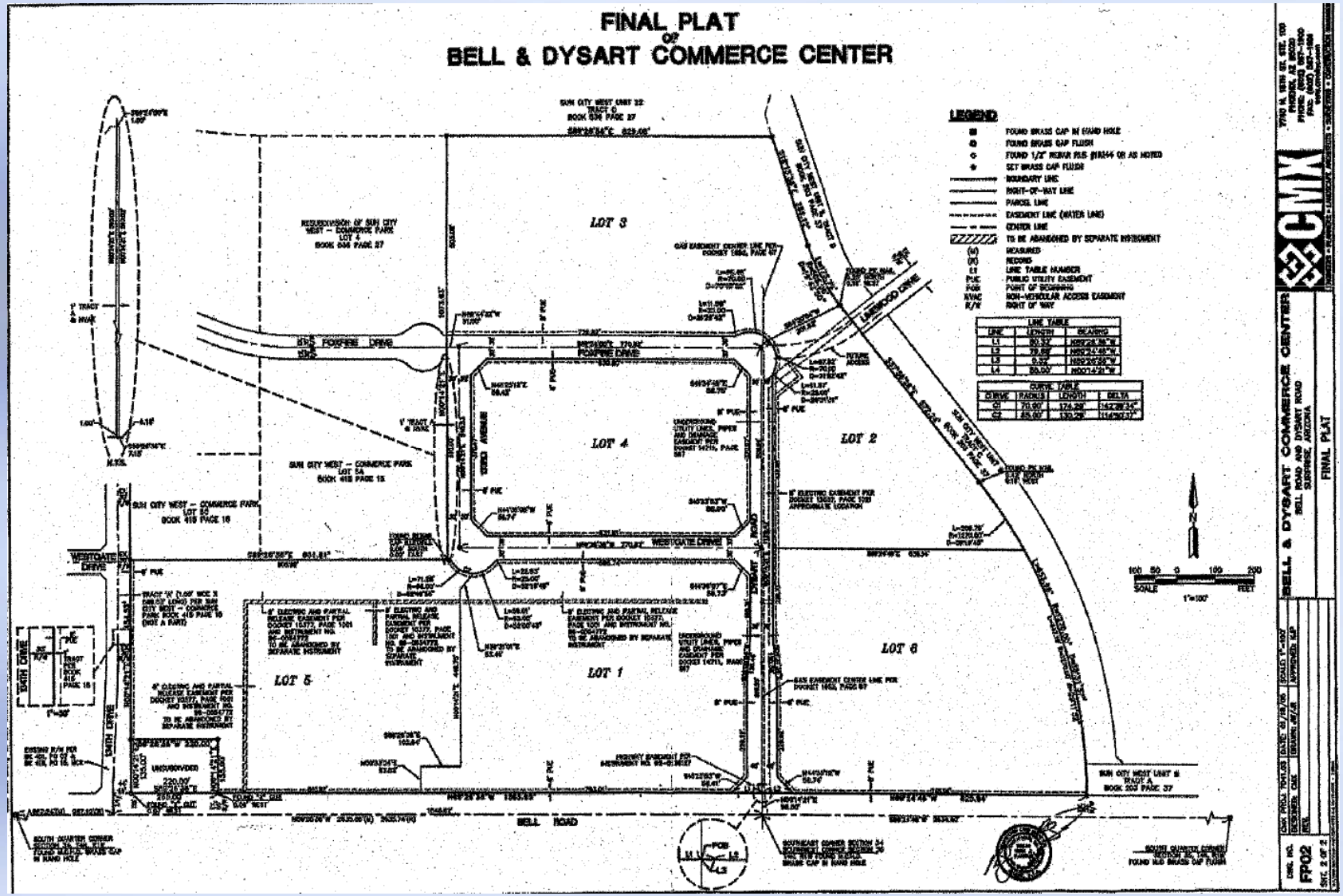
Background Continued

- Prerequisites to reimbursement
  - Commencement of construction of Dealership(s) within twenty-four (24) months of receiving approvals
  - Completion of construction within twelve (12) months of commencement of construction
  - Construction of said improvements and acceptance by the City
  - Written documentation to the city for reimbursable costs and support documentation that said improvements were built in compliance with city standards
- Reimbursement Schedule
  - Installments over a ten (10) year period form the year of dealership opening with forty-five percent (45%) of City Transaction Privilege Tax (TPT)
- Term of Agreement ten (10) years expiring on December 5, 2016

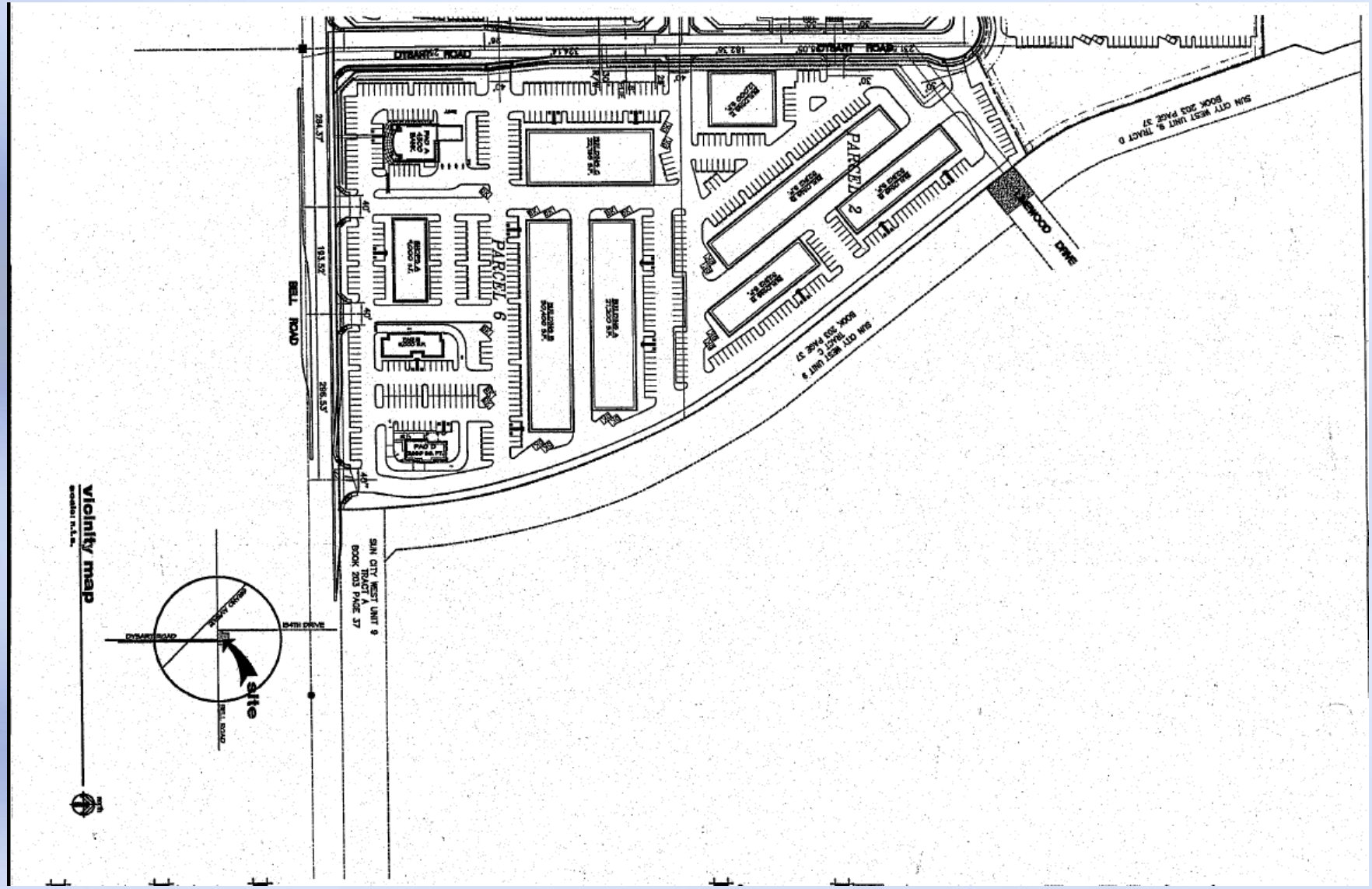
Dysart and Bell Development Agreement



Dysart and Bell Development Agreement



Dysart and Bell Development Agreement



Dysart and Bell Development Agreement

SURPRISE
ARIZONA

Questions & Comments

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Bob Wingenroth, City Manager
Submitting Department:	City Mgr	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action pertaining to amending the Surprise Municipal Code with the addition of the Percent and One-Third for Public Art Program which would dedicate 1 1/3% of the total costs of applicable City capital projects to fund public art and setting an effective date of July 1, 2017; Ordinance # 2016-13**.**

Motion:

I move to approve Ordinance # 2016-13.

Background:

On June 27, 2002, the City of Surprise Mayor and City Council established the Surprise Arts and Cultural Advisory Commission to advise on appropriate selections of public art for city buildings, parks and other public spaces. The Commission was also provided with a budget comprised of a one percent set aside from capital improvement program funds for public buildings, improvements to public buildings, open spaces and street construction (excluding utility projects).

During budget preparation for FY2010, a need was recognized to increase available operating revenues in the General Fund. On February 26, 2009, the Mayor and City Council were presented with a recommendation to suspend the arts set aside and reallocate the remaining funds. The Mayor and City Council formalized this action with Resolution # 2009-29.

Recently, City Council has expressed a desire to revisit the potential of restoring funding for the city's public art program. In response to City Council's request, this item will include a presentation by staff and a facilitated discussion regarding the potential of adopting the Percent and One Third for Art Ordinance.

Objective Analysis:

Adopting the Percent and One Third for Art Ordinance will allow 1 1/3% of applicable City capital project funds to go to a dedicated Municipal Art Fund for commissioning and maintaining the City's public art program.

Policy Compliant:

The proposed Ordinance is consistent with City and Council policies.

Financial Impact:

None at this time; however, approval of this ordinance would dedicate 1 1/3% of eligible capital project funds for the acquisition of public art and administration of the Public Art Program starting in FY2018. The ordinance does not establish a new revenue source for this purpose.

Budget Impact:

As presented, the development of the FY2018 budget will incorporate this 1 1/3% dedication. As no new revenue source has been identified, funds for this purpose will be reallocated from other potential uses.

FTE Impact:

This item does not change the full time equivalent counts.

ATTACHMENTS:

Click to download

- Public Art Presentation
- Public Art Funding Program

Public Art Funding Program

City Council Meeting

August 2, 2016
Office of the City Manager

SURPRISE
ARIZONA

PERCENT FOR ART PROGRAM

- **Purpose**
  - Allow a percentage of applicable City capital project funds to go to a dedicated Municipal Art Fund for commissioning and maintaining the City's public art program, effective July 1, 2017
- **Opportunity to adopt the ordinance**

PUBLIC ART FUNDING PROGRAM

SURPRISE
ARIZONA

- Eligible Funds
- Eligible City Projects
- Dedication of 1 1/3% to Public Art
- Municipal Art Fund
- Administration of Program
- Siting of Art
- Program Guidelines

PUBLIC ART FUNDING PROGRAM

SURPRISE
ARIZONA

Definitions

- **Public Art**
- **Public Art Program**

Municipal Art Fund

- **Fund Purpose**

Soliciting Private Sector Participation

- **Public/Private Partnerships**
- **Include art in the incentive package**

Questions | Comments

ORDINANCE # 2016-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 2 OF THE SURPRISE MUNICIPAL CODE BY ADDING ARTICLE X, PUBLIC ARTS PROGRAM, TO PROVIDE FOR DEDICATION OF ONE AND ONE-THIRD OF A PERCENT OF CERTAIN UNRESTRICTED CAPITAL PROJECT FUNDS FOR ACQUISITION OF PUBLIC ART AND ADMINISTRATION OF A PUBLIC ART PROGRAM; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2017; AND REPEALING CONFLICTING ORDINANCES

WHEREAS, Public art may directly contribute to the quality of life in the City of Surprise when citizens have the opportunity to view and interact with it daily in public spaces;

WHEREAS, Public art instills concern for beauty and good design in the public sector by setting high aesthetic standard, and reflects and communicates the history, character and values of the community and thereby creates a sense of place;

WHEREAS, the enhancement and stability of the City's arts and cultural amenities will contribute to its social and economic welfare and vitality and benefits both the private and public sectors; and

WHEREAS, the City of Surprise desires to expand the experience of its citizenry through public art of the highest quality in concept and execution by establishing a funding mechanism for the acquisition of public art and administration of a public art program.

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

Section 1. Chapter 2 of the Surprise Municipal Code is hereby amended by the addition of Article X., One and One-third Percent for Public Art Program.

Section 2. Chapter 2, Article X. of the Surprise Municipal Code shall read as set forth in *Exhibit A*, attached hereto, and which by reference is adopted and made a part hereof as if fully set out in this ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of

competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

Section 4. This ordinance is effective as of the 1st day of July, 2017. The appropriation of funds imposed pursuant to this ordinance shall not apply to capital projects on which construction has begun prior to July 1, 2017.

Section 5. All ordinances, resolutions or codes in conflict with the provisions of this ordinance or the code adopted herein are repealed.

PASSED AND ADOPTED this _____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Sherry Aguilar, City Clerk

Approved as to form:

Robert Wingo, City Attorney

EXHIBIT A

CHAPTER 2- ADMINISTRATION

ARTICLE X. – ONE AND ONE-THIRD PERCENT FOR PUBLIC ART PROGRAM

Sec. 2-363. -Title

This article shall be known as the “City of Surprise One and One-third Percent for Public Art Program”.

Sec. 2-364. - Purpose.

The City of Surprise desires to expand the experience of its citizenry through public art of the highest quality in concept and execution. Public art contributes directly to the quality of life in the City of Surprise because citizens view and interact with it daily in public spaces. Public art instills concern for beauty and good design in the public sector by setting high aesthetic standards. Public Art reflects and communicates the history, character and values of the community and thereby creates a sense of place. The City therefore declares its policy to include works of art in capital projects of the City and establishing a mechanism to fund the acquisition of Public Art and administration of a public art program.

Sec. 2-365 -Definitions.

The following definitions shall apply when used within this article:

(a) *Capital Improvement Plan* means the City's program for advance planning of capital improvements.

(b) *City Project* means any Capital Improvement Plan project exceeding budget of $500,000 paid for wholly or in part by the City of Surprise, including but not limited to, any building, roads, infrastructure, structure, park, parking facility, or any portion thereof within the limits of the City of Surprise. "City Project" does not include emergency work, minor alterations, ordinary repair or maintenance necessary to preserve a facility or infrastructure, software system development or vehicle replacement.

(c) *Eligible Funds* means funds which are not restricted or precluded by law or contract as a source of funds for acquisition of Public Art or administration of a public art program as provided for by this article.

(d) *Eligible Capital Project Funds* means that portion of a Participating Department's City Projects funded with Eligible Funds.

(e) *Participating Department* means the department of the city that is subject to the requirements of this Article by its sponsorship of a city Project.

(f) *Public Art* means all forms of non-ephemeral original works of art accessible to the public and/or public employees and which may, or may not, be sited in, on, or about any City Project.

(g) *Public Art Program* means one or more city funded initiatives to promote and achieve the proliferation of Public Art within the corporate boundaries of the city of Surprise through non-profit entities, public-private partnerships, and local artists via grants, sponsorships, endowments, fund matching, or any other legally available mechanisms.

(h) *Municipal Art Fund* means a city fund or account into which Eligible Funds allocated pursuant to this article shall be deposited. Funds within the Municipal Art Fund shall be solely utilized for the purposes outlined in this article.

Sec. 38-366. -Required Appropriation.

(a) *Appropriation of 1 1/3% to Public Art. Municipal Art Fund*. Each fiscal year, based on the most recently adopted Capital Improvement Plan, every Participating Department shall appropriate, for Public Art, an amount equal to 1 1/3% of its budgeted Eligible Capital Project Funds as determined by the Finance Department.

(b) *Restricted funds*. If funding for a particular City Project is subject to legal or contractual restrictions that preclude Public Art as an object for expenditure, the portion of the City Project that is funded with the restricted funds shall be exempt from the requirements of this Chapter.

(c) *Phased projects*. When a City Project is constructed in phases, the 1 1/3% appropriation shall be applied to the estimated total cost of each phase of the project at the time that funds for the phase are appropriated and encumbered. However, this subsection does not prevent reservation of all or part of the appropriation of a particular phase if deemed appropriate to avoid a piecemeal approach to implementing an overall Public Art plan.

Sec. 38-367. -Establishment of Municipal Art Fund.

(a) *Municipal Art Fund*. There is hereby created a separate City fund or account, called the Municipal Art Fund to which 1 1/3% of Eligible Capital Project Funds

shall be appropriated. The Municipal Art Fund shall be separate and apart from the Arts and cultural commissions' operating budget.

(b) *Fund Purpose*. The Municipal Art Fund shall be used for the limited purpose of acquisition and administration of Public Art or to establish a Public Art Program. Acquisition shall include, but not limited to, costs associated with the procurement, design and siting of Public Art. Administration shall include, but not be limited to, costs associated with implementing the requirements of this article and relevant community outreach and education.

(c) *Expenditure Approval*. Expenditures from the Municipal Art Fund shall require City Council approval, and shall be made in accordance with a Public Art Program policy and any rules adopted in accordance therewith.

(d) *Unexpended Funds*. Appropriations to the Municipal Art Fund shall be carried over automatically for a period of three years, and upon request of the City Manager, an additional two years. Appropriations carried over for three years, or upon City Manager request for five years, and still unexpended at the expiration of such period shall be reported to the City Council and reallocated per resolution of City Council.

Sec. 38-368. -No Nexus Requirement to City Projects.

The Participating Department shall consider the siting of Public Art as part of the design and engineering phase of any City Project. Nevertheless, nothing in this Article shall be deemed to require that expenditure of the appropriated 1 1/3% funds from any particular City Project be limited to acquisition or administration of Public Art for that respective City Project. Funds appropriated pursuant to this article may be used for the siting of Public Art city-wide and expenditure does not require any nexus between the Public Art and the City Project which funded the Public Art.

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Bob Wingenroth, City Manager
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action amending Surprise Municipal Code Chapter 2, Article VIII, Section 2-299 (d) pertaining to the Arts and Cultural Advisory Commission's powers, duties and responsibilities needing to be supplemented to reflect the additional responsibilities pertaining to the One and One-third Percent for Public Art Program; Ordinance # 2016-15.

Motion:

I move to adopt Ordinance # 2016-15.

Background:

On June 27, 2002, the City of Surprise Mayor and City Council established the Surprise Arts and Cultural Advisory Commission to advise on appropriate selections of public art for city buildings, parks and other public spaces. The Commission was also provided with a budget comprised of a one percent set aside from capital improvement program funds for public buildings, improvements to public buildings, open spaces and street construction (excluding utility projects).

During budget preparation for FY2010, a need was recognized to increase available operating revenues in the General Fund. On February 26, 2009, the Mayor and City Council were presented with a recommendation to suspend the arts set aside and reallocate the remaining funds. The Mayor and City Council formalized this action with Resolution # 09-29.

Recently, City Council has expressed a desire to revisit the potential of restoring funding for the city's public art program. In response to City Council's request, the Percent and One Third for Art Ordinance (#2016-13) was created to dedicate 1 1/3% of the total costs of applicable City capital projects to fund public art and set an effective date of July 1, 2017.

Adoption of Ordinance # 2016-13 would result in the creation of a new program that would add additional powers, duties and responsibilities for the Arts and Cultural Advisory Commission beyond what has already been established. This item will explain those additional responsibilities and the importance of amending Ordinance # 2016-15 in order to execute the One and One-third Percent for Public Art Program Ordinance (# 2016-13).

Objective Analysis:

Amending the Surprise Municipal Code Section 2-299 (d) would allow for the Arts and Cultural Advisory Commission's powers, duties and responsibilities to reflect the additional responsibilities pertaining to the One and One-third Percent for Public Art Program Ordinance (# 2016-13).

Policy Compliant:

The proposed Ordinance is consistent with City and Council policies.

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:

Click to download

- ☐ Amended Ordinance #2016-15

ORDINANCE # 2016-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 2, ARTICLE VIII., SECTION 2-299, ARTS AND CULTURAL ADVISORY COMMISSION, SUBSECTION (D), POWERS, DUTIES AND RESPONSIBILITIES, PROVIDING FOR ADDITIONAL DUTIES PERTAINING TO THE ONE AND ONE-THIRD PERCENT PUBLIC ART PROGRAM; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, City Council, by Ordinance # 2016-13, adopted the City of Surprise One and One-third Percent for Public Art Program;

WHEREAS, it is beneficial for the Arts and Cultural Advisory Commission to provide assistance and recommendations to City Council pertaining to the One and One-third Percent for Public Art Program; and

WHEREAS, the Arts and Cultural Advisory Commission's powers, duties, and responsibilities are set forth in Sec. 2-299 (d) of the Surprise Municipal Code and needs to be supplemented to reflect the additional responsibilities pertaining to the One and One-third Percent for Public Art Program.

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

Section 1. Chapter 2, Article VIII., Section 2-299, Subsection (d) of the Surprise Municipal Code is hereby amended to read as follows:

(d) Powers, duties and responsibilities. The commission will:

(1) Develop and present to city council an Art Master Plan that will identify suitable art projects for city buildings or property, including location, and size.
(2) Assist and advise the City Council, through the City Manager, on establishing policies, rules, and methods pertaining to the siting, presentation, acquisition, maintenance, and promotion of public art as part of the City of Surprise One and One-third Percent Public Art Program.
(3) Identify and make recommendations to the City Council, through the City Manager, relating to public art in specific city capital projects. The commission may provide consultation, through the City Manager, to departments pertaining to whether and when to site public art in, or

whether to include an artist in the design of, specific city capital projects.

(4) Recommend to City Council, through the City Manager, appropriate public art projects for expenditure of One and One-third Percent Public Art Program funds.

(5) Recommend an Art in Private Development program, outlining requirements for inclusion of public art in development projects.

(6) Serve as arts advocates through art awareness activities.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

Section 3. This ordinance shall be effective at the time and in the manner prescribed by law.

Section 4. All ordinances, resolutions or codes in conflict with the provisions of this ordinance or the code adopted herein are repealed.

PASSED AND ADOPTED this _____ day of _____, 2016.

_____
Sharon R. Wolcott, Mayor

Attest:

_____
Sherry Aguilar, City Clerk

Approved as to form:

_____
Robert Wingo, City Attorney

CITY OF SURPRISE
Regular City Council Meeting

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Robert Wingo, City Attorney
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action to enter into executive session for discussion and consultation for legal advice with the City's attorneys pertaining to litigation in Homebuilders Assoc. of Central Arizona v. City of Surprise pursuant to Arizona Revised Statutes 38-431.03 (A)(3).

Motion:

I move to recess into executive session for the purposes noticed.

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

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Robert Wingo, City Attorney
Submitting Department:		District:	1
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action to recess into executive session for the purpose of discussion or consultation with the city's attorney(s) regarding City Council's position regarding the incentive agreement relating to Surprise Center Development Company, Inc. pursuant to A.R.S. 38-431.03 (A)(4).

Motion:

I move to recess into executive session for the purpose noticed.

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

August 2, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	August 2, 2016	Contact Person:	Mark Schott, HR Director
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion

Agenda Wording:

Consideration and action to recess into executive session for the purpose of conducting mid-year performance reviews of the City Manager and City Clerk pursuant to A.R.S. 38-431.03 (A)(1).

Motion:

I move to recess into executive session for the purpose noticed.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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No Attachments Available