



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

Tuesday, March 21, 2017 @ 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	Presentation recognizing the student winners of the Friends of the Surprise Libraries annual spring bookmark contest.	None Edith Baltierrez, Executive Management Analyst
-------------------	---	--

F. City Attorney Report:

G. City Clerk Report:

H. Call To The Public:

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

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

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

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

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

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

I. Regular City Council Meeting Agenda:

Consent Agenda:

- | | | | |
|----|-------------------|--|---|
| 1. | District Citywide | <u>Consideration and action on the meeting minutes of March 7, 2017 Regular City Council Work Session and Regular City Council Meeting and February 6, 2017 Special Council Meeting Retreat.</u> | None
Sherry Ann Aguilar,
City Clerk |
| 2. | District 6 | <u>Consideration and action a FY2017 budget amendment by reallocating appropriations and an actual transfer of funds associated with the Dewatering Centrifuge Project in the amount of \$1,288,600; Resolution # 2017-30.</u> | None
Terry Lowe,
Water Resource Management Director |
| 3. | District Citywide | <u>Consideration and action pertaining to the Arts & Cultural Advisory Commission's recommendation for the City to adopt the Public Art Policies and Procedures Guide.</u> | None
Edith Baltierrez,
Executive Management Analyst |

Regular Agenda Item - Public Hearing:

- | | | | |
|----|-------------------|--|---|
| 4. | District Citywide | <u>Public Hearing on the results of the Biennial Audit Engagement required by Section 106-61 of the City of Surprise Municipal Code and A.R.S. 9-463.05 (G)(2).</u> | None
Lindsey Duncan,
Finance Director |
| 5. | District 4 | <u>Consideration and action item regarding a Minor General Plan Amendment to the General Plan 2035 land use map from Office and Commerce to an Employment designation for the area generally located at the northeast corner of Bell Road and Grand Avenue .</u> | None
Hobart Wingard -
Community Development |
| 6. | District 4 | <u>Consideration and action on an Ordinance rezoning property generally located on the northeast corner of Bell Road and Grand Avenue, from Regional Commercial (CR/C3) to Industrial General (IG/I2); Ordinance # 2017-09.</u> | None
Hobart Wingard -
Community Development |

J. Other Business and Future Agenda Items:

K. Mayor/Council Reports:

L. Executive Session:

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

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));

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

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

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

M. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED:

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



CITY OF SURPRISE
Regular City Council Meeting

March 21, 2017 @ 6:00:00 PM

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

Council Meeting Date:	March 21, 2017	Contact Person:	Edith Baltierrez, Executive Management Analyst
Submitting Department:	City Manager Two	District:	Citywide
Staff Recommendations:	None		

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

Agenda Wording:

Presentation recognizing the student winners of the Friends of the Surprise Libraries annual spring bookmark contest.

Motion:

N/A

Background:

The Arts and Cultural Advisory Commission has partnered with the Friends of the Surprise Libraries on their annual “Spring Bookmark Contest”.

Friends of the Surprise Libraries supports local public and school libraries in addition to supporting literacy. For several years, the Friends have used their annual Bookmark Contest to encourage local 6th, 7th and 8th graders to create bookmarks with a theme of reading and literacy. The Friends award the top finalists a plaque with their winning bookmark in addition to a monetary award. The bookmarks are professionally printed and offered to patrons of Friends' Place, the used book store inside the Northwest Regional Surprise Library.

This item will recognize the student winners of the annual Spring Bookmark Contest.

Objective Analysis:

No action. Positive effort to recognize the student winners of the Friends of the Libraries annual Spring Bookmark Contest.

Policy Compliant:

This recognition is compliant with City and Council Policy

Financial Impact:

No financial impact to the city.

Budget Impact:

No budget impact.

FTE Impact:

No FTE impact.

ATTACHMENTS:

Click to download

No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

March 21, 2017 @ 6:00:00 PM

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

Council Meeting Date: March 21, 2017
Submitting Department:
Staff Recommendations: None

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

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

Agenda Wording:

Consideration and action on the meeting minutes of March 7, 2017 Regular City Council Work Session and Regular City Council Meeting and February 6, 2017 Special Council Meeting Retreat.

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- ☐ [Special Council Retreat 02062017](#)
 - ☐ [Work Session](#)
 - ☐ [Reg Mtg](#)
-

Special City Council Retreat – Monday, February 6, 2017

Call to Order: Mayor Wolcott called the Special City Council Retreat to order at 8:00 a.m. at the Marley Park Heritage Club located at 15210 W. Sweetwater Avenue, Surprise 85379.

Roll Call: Also in attendance with Mayor Wolcott were Vice-Mayor, Todd Tande; Councilmembers Skip Hall, Roland Winters, Ken Remley, Jim Hayden and John Williams.

Consultant: Eric Bailey, Bailey Strategic Innovation Group.

City Staff in Attendance: City Manager, Bob Wingenroth; ACM, Michael Frazier; DCM, Nicole Lance; City Attorney, Robert Wingo; Finance Director, Lindsey Duncan; CD Director, Eric Fitzer and Sherry Ann Aguilar, City Clerk.

Agenda Topics for this session included:

- Breakfast
- Welcome by City Manager, Bob Wingenroth
- Welcome Exercise – Pen to Paper
- Rules of the Day and Agenda (Polarities and Facilitation) by Consultant Bailey
- Session 1: Building a City (The What)
- Lesson: Principles of Human Understand 1
- Session 2: Building a City (The Why)
- Lesson: Principles of Human Understanding 2
- Workshop: Myers Briggs Type Indicator
- Lesson: Physiology of Courageous Conversations
- Session 3: Building a City (The How) Strategic Conversation Part 1
- Working Lunch
- Session 3: Building a City (The How) Strategic Conversation Part 2
- Exercise – Competition
- Exercise – Team Challenge

Adjournment: The Special Meeting was adjourned at 3:45 p.m.

I, Sherry Ann Aguilar do hereby verify that these are the true and correct minutes of the Special Council Retreat held on Monday, February 6, 2017.

Mayor, Sharon Wolcott

ATTEST:

Sherry Ann Aguilar, City Clerk

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

Tuesday, March 7, 2017 @ 04:00 PM

Call to Order

Roll Call

Vice Mayor Tande called the **Regular City Council Work Session** to order at 04:00 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, March 7, 2017**. Also in attendance with Vice Mayor Tande were Council Member Winters, Council Member Hayden, Council Member Williams, Council Member Remley, Council Member Hall, and Mayor Wolcott (excused).

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

Pledge of Allegiance

Call to the Public

Regular Agenda Item - Non-Public Hearing

1 – Discussion and presentation pertaining to the fiscal year 2018 budget - NO ACTION

Finance Director, Lindsey Duncan and Assistant Finance Director, Jared Askelson gave an overview on this item with a powerpoint presentation.

Topics included:

Capital Projects
Stormwater - Service Fees & Operations Fund
Wastewater Fund - Interfund Loans
Water Fund Sources - Services, Uses and Collection Fees

Next Work Session - March 21st - Capital Improvements, asset replacement

Regular City Council Work Session Minutes – March 7, 2017 – Page 2

Budget Adoption - 1st Meeting in May

2 – Presentation and discussion pertaining to adoption of a Surprise Public Art Policies and Procedures Guide - NO ACTION

Edith Baltierrez, Sr. Management Analyst introduced the Arts & Cultural Advisory Commission Chair, Susan deJong; and Vice-Chair, Margaret Lieu to conduct a powerpoint presentation on this item.

Topics included:

Project background
Project Process
Next Steps

Council Member Hall - Establishing a budget for the proposed projects, how will this process work?

Ms. deJong commented that the Commission decides how much money we have available before doing a Call for Artist, asking for a specific type of art piece.

Council Member Hall - You talked about the Art Master Plan at your meeting last night, can you tell us when to expect this?

Ms. deJong - Special Meeting this month, March 22nd, this will determine where art will be displayed throughout the City.

Council Member Hall - Can you describe how the Selection Panel works?

Ms. deJong - The Chair will be a person currently on the Arts Commission, plus other artists to serve as well.

Council Member Hall - Installation responsibilities? Will an engineer be required?

Ms. deJong - The artists will work with us on this.

Council Member Hall - Do we have a maintenance plan for our existing art?

Lee Whitehead - No plan in place for the maintenance plan, but an annual maintenance and inspections are part of the policies.

Council Member Hall - Documentation portfolio for the Art?

Regular City Council Work Session Minutes – March 7, 2017 – Page 3

Council Member Hall - What is sacrificial wax that's highlighted in the report?

Ms. Lieu - Looked at various types of available maintenance.

Vice Mayor Tande - A lot of effort involved in managing the art, is this something that the commission is doing voluntary?

Yes, the Commission through the City Manager's Office.

Vice Mayor Tande - What is the next process? Will this be a guide for future projects?

Executive Session

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Work Session of March 7, 2017 at 4:45 PM. Council Member Hall seconded the motion. Six yes votes, one excused (Wolcott), 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, March 7, 2017.**

Sherry Ann Aguilar, City Clerk

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

Tuesday, March 7, 2017 @ 06:00 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:00 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, March 7, 2017**. Also in attendance with Mayor Wolcott were Vice Mayor Tande, Council Member Winters, Council Member Hayden, Council Member Williams, Council Member Remley, and Council Member Hall.

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

Mike Cassidy - Special guests - Sonoran Heights Elementary School Students that are involved in the Tinker Crew and Robotics Crew, after school programs. Introduced and acknowledged staff.

City Attorney Report

City Clerk Report

Call to the Public

Charles Childress - Ashton Ranch resident - suggestion or request concerning the use of our City tennis courts, that is not free to the public. Would like to see the City consider a plan to offer some of the courts free of charge during certain times of the day when they are not being used. Wouldn't cost the City anything to use during off-peak hours.

Regular City Council Meeting Minutes – March 7, 2017 – Page 2

Ed Hanzel - Litchfield Manor - Thanked the City and the Kansas City Royals for the beautiful adaptive recreation program. Every child received a jersey with their names on the back, players stayed afterwards and autographed the shirts for everyone. One participant was in a wheelchair and she was able to participate in every single event.

Consent Agenda

1 – Consideration and action pertaining to an Intergovernmental Agreement between Arizona Department of Public Safety and the City of Surprise for law enforcement services at the University of Phoenix Stadium; Resolution # 2017-18 - APPROVED

2 – Consideration and action reallocating appropriations of \$76,000 within the SPD Towing Fund for the purchase of equipment and marketing materials to launch the Drive Wise Surprise campaign; Resolution # 2017-23 - APPROVED

3 – Consideration and action pertaining to conditional acceptance of maintenance of the streets and public utility improvements for the north half of Peoria Avenue, from Sarival Avenue to Reems Road; Resolution # 2017-31 - APPROVED

4 – Consideration and action pertaining to approval of the First Amendment to the Intergovernmental Agreement (IGA) with Maricopa County Flood Control District (MCFlood) for Union Hills Drive Drainage Improvement Project P61060; Resolution # 2017-19 - APPROVED

5 – Consideration and action pertaining on the Final Plat entitled "Cottages on Greenway" dated October 25, 2016, a property generally on the Southwest Corner of Greenway and Litchfield Roads within the Sierra Verde Planned Area Development (PAD) - APPROVED

6 – Consideration and action on the minutes of February 21, 2017 Regular City Council Work Session and Regular City Council Meeting - APPROVED

7 – Consideration and action on a Series 7 (location/person transfer) Liquor License application for Luv 2 Play AZ LLC, located at 15495 W. Bell Road, Suite 104 - APPROVED

Council Member Hall made the motion to approve the consent agenda. Council Member Winters seconded the motion. Seven yes votes, motion carried.

Regular Agenda Item - Non-Public Hearing

8 – Consideration and action to appoint Dustin Grady to fill the remainder of a vacancy on the Arts & Cultural Advisory Commission with a term expiration of June 30, 2019 and direct City Clerk Aguilar to administer the Oath of Office - APPROVED

Council Member Remley commented on the applicants that the committee is recommending tonight.

Council Member Remley made the motion to approve appointing Dustin Grady to fill the vacancy on the Arts and Cultural Advisory Commission, with a term expiration of June 30, 2019. Council Member Winters seconded the motion. Seven yes votes, motion carried.

9 – Consideration and action to appoint Robert Monahan to fill the remainder of a vacancy on the Disability Advisory Commission with a term expiration of June 30, 2017 and direct City Clerk Aguilar to administer the Oath of Office - APPROVED

Council Member Remley made the motion to approve appointing Robert Monahan to fill the vacancy on the Disability Advisory Commission, with a term expiration of June 30, 2017. Council Member Williams seconded the motion. Seven yes votes, motion carried.

10 – Consideration and action to reappoint Ken Wright to the Municipal Property Corporation Board with a term expiration of June 30, 2021 and direct City Clerk Aguilar to administer the Oath of Office - APPROVED

Council Member Remley made the motion to approve re-appointing Ken Wright to the Municipal Property Corporation Board, with a term expiration of June 30, 2021. Council Member Williams seconded the motion. Seven yes votes, motion carried.

City Clerk Aguilar administered the Oath of Office for Mr. Grady, Mr. Wright and Mr. Monahan.

11 – Consideration and action pertaining to a Fiscal Year 2017 budget amendment by reallocating appropriations and an actual transfer of \$300,000 within the General Fund to the General Capital Projects Fund to facilitate the construction of fencing around 8-acre park; Resolution # 2017-29 - APPROVED

City Manager Wingenroth gave an overview of the item, then introduced Assistant CRS Director, Donna Miller to give a more detailed explanation.

Regular City Council Meeting Minutes – March 7, 2017 – Page 4

Council Member Winters - This is long overdue, so far lucky that we have had no incidents. One thing I would not like to see is that gates locked, this way our residents can use them daily.

Council Member Williams - The cons for me is the aesthetics of the project, I am going to vote for this tonight, but expressed reservations. I understand the safety concerns but glad to hear that this area will remain open. There is merit to this, but would like to have a broader conversation with the Council to prioritize projects, we haven't had this after our November bond issue.

Vice Mayor Tande - Questioned the logistics of the project. Likes the type of material being proposed for this area.

Council Member Remley - This is the most expensive fence I have ever heard of, \$300,000. I concur with my colleagues that we need the safety precautions there with so many children playing sports. The fence is 8 feet tall, is there some reason it has to be 8 feet instead of 6 foot? Do we really need this, and will it make a difference in cost? Are the gates automatic? if not, then why electric costs?

Mr. Wingenroth - The reason we are at 8 feet is to match the ballpark fencing that is identical.

Council Member Winters - I am trying to get the Vietnam wall in Surprise for this year, I thought this might be a good place for this wall, can we keep this in mind?

Council Member Hall - Thank you to staff for the presentation, in my opinion, this is long over-due. I also think we need to revisit priorities again, but I believe we are waiting for the results of the survey to come in. This will give us additional resources for Council and staff discussions. Is the fence powder coated? Yes! I think we have had to pass on a few events because we didn't have an enclosed area big enough. I think this will be the solution and I thank my colleagues for considering this item.

Makelah Barrera - How often will the fields be open and will everyone have access?

Ms. Miller - It will be open more than closed, especially on the weekends.

Mayor Wolcott - I have resisted this project for a while because I have enjoyed seeing the wide open space since almost all facilities are fenced in, but I understand the safety issue and more opportunities for events. I would have opted for a 6-foot fence too, but I am in favor of the project and can see the value in this.

Regular City Council Meeting Minutes – March 7, 2017 – Page 5

Public comments:

Mike Planeta - Near and dear to the hearts of the CRS Commission, my biggest issue is the safety issue. It is just a matter of time before something happens, we need to be proactive. There are events we can do that will benefit our City. I appreciate what everyone has to say about this, we are all on board.

Council Member Hall made the motion to approve Resolution 2017-29. Vice Mayor Tande seconded the motion. Seven yes votes, motion carried.

12 – Presentation and discussion pertaining to a proposed Text Amendment to Chapter 113 of the Surprise Municipal Code regarding signs - NO ACTION

City Planner, Robert Kuhfuss conducted a power point presentation regarding the City sign code - Chapter 113.

Mayor Wolcott - Concerned about sign clutter along busy roadways.

Council Member Remley - multiple purposes, advertising several at the same time.

Next steps - Starting tomorrow night at the library, we will hold 4 public outreach sessions on the proposed City sign code changes. After public outreach and Planning & Zoning Commission review, come back in June for work session and possible action in August 2017.

Vice Mayor Tande - 3D projection mapping, see possible use for big events.

Council Member Hall - Such a complex document, a lot of work was put into this and he thanked Robert for putting this together.

Council Member Remley - Echo Hall's comments, this is a very complex issue signs.

Mayor Wolcott - The sign business is a complicated business. Looking forward to the public input for this item.

Other Business

Council Member Williams: Capital projects discussion, prioritization for recreation projects that were part of the bond package presented to the voters in November 2016. Discuss possible partnerships.

Regular City Council Meeting Minutes – March 7, 2017 – Page 6

Mayor/Council Report

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

Council Member Hayden: Luke AFB, National Guard and Military platform.

Council Member Williams - Canyon Ridge had a tour of the facility; mock meeting.

Council Member Hall - 2nd Grade Class; judges on a bookmark competition; AFCU Ribbon Cutting and MV Ranch Party.

Council Member Remley - thanked Mike Gent for turning on lights in OTS; book reading; monthly meeting on the 4th Wednesday of each month.

Vice Mayor Tande - ED related meetings.

Mayor Wolcott - Shout out to Council; appreciate your effort in helping me out and taking the extra time to have a presence there.

Executive Session

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Meeting of March 7, 2017 at 8:06 PM. Council Member Williams seconded the motion. Seven yes votes, motion carried.

Sharon R. Wolcott, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk

Regular City Council Meeting Minutes – March 7, 2017 – Page 7

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, March 7, 2017**.

Sherry Ann Aguilar, City Clerk



CITY OF SURPRISE
Regular City Council Meeting

March 21, 2017 @ 6:00:00 PM

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

Council Meeting Date:	March 21, 2017	Contact Person:	Terry Lowe, Water Resource Management Director
Submitting Department:	Water Resource	District:	6
Staff Recommendations:	None		

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

Agenda Wording:

Consideration and action a FY2017 budget amendment by reallocating appropriations and an actual transfer of funds associated with the Dewatering Centrifuge Project in the amount of \$1,288,600; Resolution # 2017-30.

Motion:

I move to approve Resolution # 2017-30.

Background:

The City hired Heinfeld Meech to perform an attestation standards review as established by the American Institute of Certified Public Accountants; on the City's 2014 development projects that were established as a result of the study. This review is required according to Revised Statutes (A.R.S.) 9-463.05, and the review covered the periods from August 1, 2014 through June 30, 2016.

The City ask Heinfeld Meech to review three areas:

- The progress of the infrastructure improvements plan.
- The collection and expenditures of development impact fees for each project in the plan.
- Evaluate any inequities in implementing the plan or imposing the development impact fee.

As a result of that study it was determined that the Dewatering Centrifuge project was being budgeted to the incorrect development fee fund. This resolution will adjust the project budget to the previous development fee fund where the project had been identified.

Objective Analysis:

This item, reflects the recommendation change as identified by the study Finding 2 and corrects the inequity of funds being expended according to (A.R.S.) 9-463.05.

Policy Compliant:

This item is policy compliant.

Financial Impact:

The approval of this item will allow for expenditures related to the Dewatering Centrifuge project to be recorded in the proper development impact fee fund in accordance with A.R.S. 9-463.05. This actions will also allow the Sewer SPA 1 Development Fee 2014 fund to be reimburse for prior year expenditures associated with this project.

Budget Impact:

This action will allocate a total of \$1,288,600 to contingency within the Sewer SPA 1 Development Fee 2014 fund and \$1,288,600 from Sewer Operations Fund contingency to the Sewer SPA 1 Development Fee Fund (Grandfathered) to establish a budget for this project under the proper development fee fund without exceeding the approved total annual budget for FY2017. This action will also result in an actual transfer of funds of \$1,505,100 from the Sewer Operations Fund to the Sewer SPA 1 Development Fee Fund (Grandfathered) to support the reallocation of appropriations. Additionally, this action will also authorize an actual transfer of funds of \$216,500 from the Sewer SPA 1 Development Fee Fund (Grandfathered) to the Sewer SPA 1 Development Fee 2014 fund to allow for reimbursement of prior year expenditures associated with this project.

FTE Impact:

There is no FTE impact with this item.

ATTACHMENTS:

Click to download

☐ [Resolution 2017-30](#)

RESOLUTION # 2017-30

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2017 BUDGET BY REALLOCATING APPROPRIATIONS OF \$1,288,600 TO CONTINGENCY WITHIN THE SEWER SPA 1 DEVELOPMENT FEE 2014 LAW FUND; \$1,288,600 FROM SEWER OPERATIONS FUND CONTINGENCY TO THE SEWER SPA 1 DEVELOPMENT FEE FUND (GRANDFATHERED); AND AUTHORIZING A TRANSFER OF ACTUAL FUNDS OF \$1,505,100 AND \$216,500 TO PROPERLY ACCOUNT FOR EXPENDITURES RELATED TO THE DEWATERING CENTRIFUGE PROJECT.

WHEREAS, Arizona Revised Statutes (A.R.S.) 9-463.05 provides a framework for cities and towns to assess, collect and administer development fees;

WHEREAS, per A.R.S. 9-463.05, in order for municipal governments to use impact fee funds collected in 2014 and thereafter, the project must be an approved project in the current Infrastructure Improvement Plan (IIP);

WHEREAS, findings from the Heinfeld, Meech Independent Accountant's Report dated February 2, 2017 concluded that the Dewatering Centrifuge project was included in a prior IIP and the Sewer SPA 1 Development Fee Fund (Grandfathered) is the proper fund to account for expenditures related to this project;

WHEREAS, for FY2016, expenditures for the Dewatering Centrifuge project totaled \$216,500 within the Sewer SPA 1 Development Fee 2014 Law Fund;

WHEREAS, the FY2017 adopted budget includes funding in the amount of \$1,288,600 within the Sewer SPA 1 Development Fee 2014 Law Fund for the Dewatering Centrifuge project;

WHEREAS, it is necessary to amend the FY2017 budget to establish appropriation for the Dewatering Centrifuge in the proper development fee fund;

WHEREAS, a transfer actual funds is necessary to support the reallocation of appropriations and to reimburse the Sewer SPA 1 Development Fee 2014 Law Fund for prior year expenditures related to the aforementioned project;

WHEREAS, the FY2017 budget was adopted by Council Resolution #2016-81 on June 21, 2016;

WHEREAS, this action will necessitate a budget amendment; and

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

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

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2016 through June 30, 2017.

APPROVED AND ADOPTED this ____ day of _____, 2017.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2017-30
Exhibit A

The FY2017 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

- 1. Expenditures** – The allocations below represent a reallocation of appropriations in the amount of \$1,288,600 from contingency within the Sewer Operations Fund to the Sewer SPA 1 Development Fee Fund (Grandfathered) and a reallocation of \$1,288,600 to contingency within the Sewer SPA 1 Development Fee 2014 Law Fund to establish budget for the Dewatering Centrifuge project in the proper development fee fund.

Fund / Project or Dept. / Category	Current Appropriation	Increase (Decrease)	Amended Appropriation
Sewer SPA 1 Dev Fee 2014 Law / Dewatering Centrifuge #P71090	\$1,288,600	(\$1,288,600)	\$0
Sewer SPA 1 Dev Fee 2014 Law / General Operations, Contingency	0	1,288,600	1,288,600
Sewer Operations Fund, General Operations, Contingency	2,044,300	(1,288,600)	755,700
Sewer SPA 1 Dev Fee (Grandfathered) / Dewatering Centrifuge #P71090	0	1,288,600	1,288,600
	<u>\$3,332,900</u>	<u>\$0</u>	<u>\$3,332,900</u>

- 2. Transfers** – The allocations below represent an actual transfer of funds in the amount of \$1,505,100 from the Sewer Operations Fund to the Sewer SPA 1 Dev Fee Fund (Grandfathered) and a transfer of actuals funds of \$216,500 from the Sewer SPA 1 Dev Fee Fund (Grandfathered) to the Sewer SPA 1 Development Fee 2014 Law Fund to support the reallocation of appropriations and to reimburse the Sewer SPA 1 Development Fee 2014 Law Fund for prior year expenditures related to the project.

Fund / Category	Current Appropriation	Increase (Decrease)	Amended Appropriation
Sewer Operations / Transfer Out	\$15,384,200	\$1,505,100	\$16,889,300
Sewer SPA 1 Development Fee Fund (Grandfathered) / Transfer In	0	(1,505,100)	(1,505,100)

(Continued)

Fund / Category	Current Appropriation	Increase (Decrease)	Amended Appropriation
Sewer SPA 1 Development Fee Fund (Grandfathered) / Transfer Out	0	216,500	216,500
Sewer SPA 1 Development Fee 2014 Law Fund / Transfer In	(4,111,500)	(216,500)	(4,328,000)
	\$11,272,700	\$0	\$11,272,700



CITY OF SURPRISE
Regular City Council Meeting

March 21, 2017 @ 6:00:00 PM

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

Council Meeting Date:	March 21, 2017	Contact Person:	Edith Baltierrez, Executive Management Analyst
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

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

Agenda Wording:

Consideration and action pertaining to the Arts & Cultural Advisory Commission's recommendation for the City to adopt the Public Art Policies and Procedures Guide.

Motion:

I move to approve the adoption of the Public Art Policies and Procedures Guide.

Background:

The Surprise Arts and Cultural Advisory Commission has contracted with Drake and Associates for the establishment of policies and procedures relative to public art in Surprise. Several Commission members held a series of meetings with consultant Betty Drake to review and provide initial feedback. Ms. Drake, along with city staff, had the opportunity to present the draft, with the City of Surprise Legal Department's feedback, to the entire Commission. At the January 9, 2017 meeting, the Commission approved to move forward and recommend adoption by the Surprise City Council of the draft Surprise Public Art Policy and Procedures Guide. At the February 6, 2017 meeting, city staff reviewed the technical revisions suggested by internal departments to ensure this document is in compliance with the City's Municipal Code, Budget and Procurement guidelines.

Objective Analysis:

This would directly support the City's goal and policy of the ratified General Plan 2035's Art and Culture Element to incorporate arts programs and projects as well as support the powers, duties, and responsibilities of the Surprise Arts and Cultural Advisory Commission as outlined in the municipal code, Section 2-299.

Policy Compliant:

The City Manager's Office, the City Attorney's Office, the Finance Department, the Public Works Department and Community Development Department are working together with the Commission and the consultant to ensure the Surprise Public Art Policies and Procedures Guide is consistent with City policy.

Financial Impact:

None at this time; however, topics covered in this presentation could lead to future actions which may have a financial impact on the Surprise Arts & Cultural Advisory Commission budget.

Budget Impact:

None at this time; however, topics covered in this presentation could lead to future actions which may have a financial impact on the Surprise Arts & Cultural Advisory Commission budget.

FTE Impact:

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

ATTACHMENTS:

Click to download

- ☐ [P&P Guide Presentation](#)
 - ☐ [Public Art Policies and Procedures Guide](#)
-

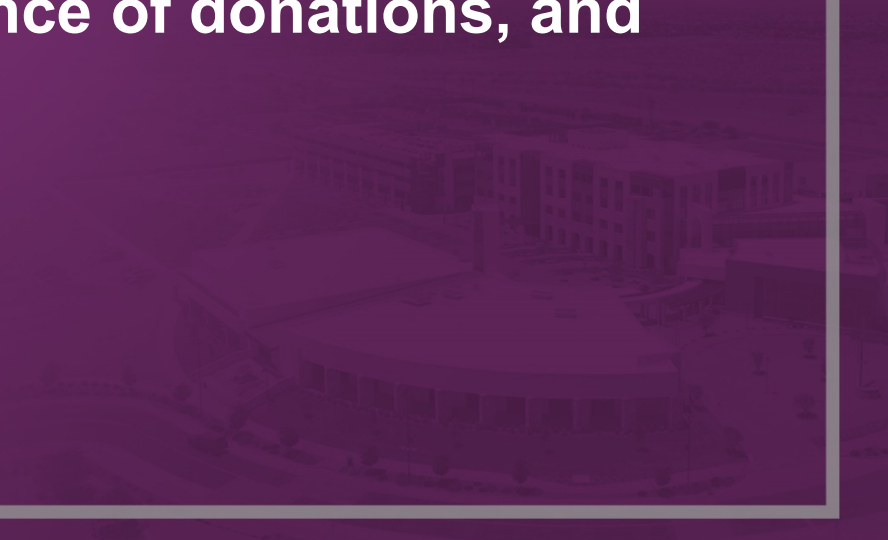


Public Art Policies & Procedures Guide

Office of the City Manager and the Surprise Arts and Cultural Advisory Commission
March 21, 2017

PURPOSE

- Establish a process for the selection, acquisition, placement, and maintenance of works of public art, including policies for public art management, acceptance of donations, and deaccession procedures



PUBLIC ART GUIDE

- **Goals**
- **Selection Procedures and Policy**
- **Public Art Contracts and Management**
- **Public Art Maintenance, Conservation and Deaccessioning**

Opportunity to adopt guide



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

Public Art Policies & Procedures Guide

City of Surprise, Arizona
Arts and Cultural Advisory Commission



prepared by
Drake & Associates

March 15, 2017

TABLE OF CONTENTS

I. INTRODUCTION

- A. Purpose and Goals of the Surprise Public Art Policies and Procedures Guide (SPAPPG). 1
- B. Role of the Arts and Cultural Advisory Commission (SACAC)..... 1

II. SELECTION PROCEDURES AND POLICY

- A. Initial Project Definition. 2
- B. Site Selection..... 4
- C. Selection Panel. 4
- D. Selection Process Options..... 6
- E. Developing and Distributing a Call for Artists..... 6
- F. Public Art Application Review. 10
- G. Other Types of Art Acquisition: Review and Evaluation Procedures..... 13
 - 1. Gifts of Art..... 13
 - 2. Unsolicited Proposals. 16
 - 3. Direct Purchase of an Existing Work of Art. 17
 - 4. Temporary Art Installations..... 17
 - 5. Loan or Rental of Artworks..... 19
- H. Art in Private Development..... 20
- I. Public Involvement..... 20

III. PUBLIC ART CONTRACTS AND MANAGEMENT

- A. General Contract Structure. 22
- B. Visual Artists Rights Act of 1990 (VARA)..... 23
- C. Contract Terms. 24
- D. Project Management and Administration..... 26

IV. PUBLIC ART MAINTENANCE, CONSERVATION AND DEACCESSIONING

- A. Maintenance and Conservation..... 29
- B. Deaccession Policy and Procedures..... 33

APPENDIX A. Glossary

APPENDIX B. Maintenance and Conservation Guidelines



I. Introduction



Reflections of Surprise - by Niki Glen - Northwest Regional Library, 16089 N Bullard Ave



Public Art Policies & Procedures Guide
City of Surprise, Arizona - 2017

I. INTRODUCTION

The Introduction to the Surprise Public Art Policies and Procedures Guide (SPAPPG) describes its purpose, goals and the role played by the Surprise Arts and Cultural Advisory Commission (SACAC) in guiding the City's public art program.

A. Purpose and Goals of the Surprise Public Art Policies and Procedures Guide

1. Purpose

The purpose of the SPAPPG is to establish for the Surprise Arts and Cultural Advisory Commission (SACAC) a process for the selection, acquisition, placement, and maintenance of works of public art. The SPAPPG includes policies for art project management, acceptance of donations, deaccession procedures and related aspects of the public art program.

2. Goals

- a. Define policy and procedures for public art selection, siting and program management.
- b. Provide policy and procedures that expand the scope of the City's public art collection to include works of art that represent excellence while varying in style, scale, medium, form, and Intent.
- c. Strive for a broad distribution of commissions among artists.
- d. Encourage emerging and regionally based artists.
- e. Encourage collaborative efforts between artists and architects, engineers, and landscape architects as members of design teams.
- f. Provide policy and procedures for documentation, conservation, maintenance, accession and deaccession of artwork acquired for the public art collection.
- g. Encourage the future development of an art in private development policy by establishing policies and procedures that form the foundation for private development contribution.

B. Role of the Surprise Arts and Cultural Advisory Commission (SACAC)

SACAC plays an active role in all aspects of Surprise's public art program. SACAC is responsible for defining purpose, budgets, and parameters of public art projects. SACAC reviews proposed donations of artwork, unsolicited art project proposals, temporary art installations and proposals for community-initiated art. Working with City staff, SACAC approves the selection process to be used and develops the call for artists. SACAC members shall chair and serve on selection panels that recommend public art proposals for City Council approval. SACAC is responsible for working with City staff to oversee execution, planning, and preservation of the City's public art collection.

II. Selection Procedures & Policy



Always There, Always Ready - by Joe Tyler - Fire Station #301, 16750 N. Village Dr.



SELECTION PROCEDURES AND POLICY

This chapter of the SPAPPG is intended to guide SACAC's review and selection of public art projects. The public art selection process is shown in Figure A, page 3. Included in this chapter are sections discussing:

- A. Initial Project Definition
 - B. Site Selection
 - C. Selection Panel
 - D. Selection Process Options
 - E. Developing and Distributing the Call for Artists
 - F. Public Art Application Review
 - G. Other Types of Art Acquisition: Review and Evaluation Procedures
 - 1. Gifts
 - 2. Unsolicited proposals
 - 3. Direct purchase of art
 - 4. Temporary art installations
 - 5. Loan or rental of artwork
 - H. Art in Private Development
 - I. Public Involvement
-

A. Initial Project Definition

When a public art project is proposed, the first step is to prepare a statement of its purpose and general parameters.

1. Project Purpose

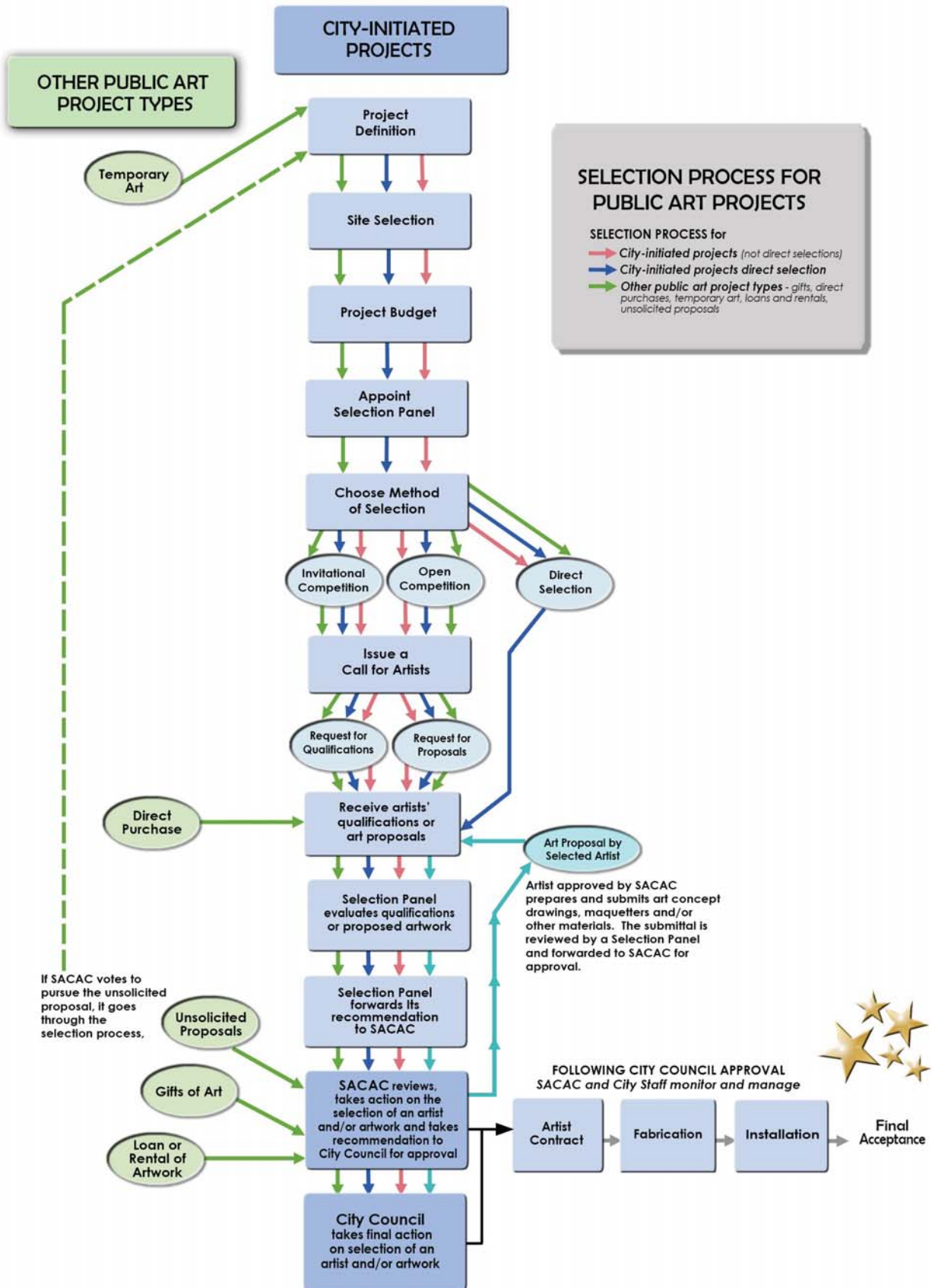
A written statement will be prepared by SACAC and staff defining the art project's purpose. The purpose, for example, could be to

- activate a public space,
- engage children,
- commemorate or memorialize an idea or moment in history,
- serve as a gateway,
- celebrate the city's character, or
- express community aspirations.

2. Project Parameters

A statement describing the key parameters of the proposed project will be provided to and discussed by SACAC. The statement may include:

- project scale,
- type of artwork (sculpture, mural, kinetic, etc.),
- whether the work is to be permanent, temporary or portable,
- whether the project will involve working directly with citizens, community or other stakeholder groups,
- suggested areas for art placement,
- project boundaries,
- environmental or contextual factors to be addressed,
- expectations about users of the place where the art will be located, and
- whether the project should be open to all artists or limited to, for example, emerging artists or Arizona/local artists.



3. Project Budget

During initial project definition, a project budget is established. The budget for a public art project must be based on available funds, estimate of project costs and project parameters.

SACAC will determine whether the funds available will be sufficient to achieve the project's purpose, using stated parameters. To enable artists to design a work that is financially feasible, budget guidelines will be provided to artists during the selection phase.

Artists must provide acknowledgment of the budget on their proposals and their ability to execute the project within the budgeted amount.

B. Site Selection

Locations for the public artwork may be based on recommendations of SACAC, the public art master plan, unique project characteristics or other criteria. The site may be either a specific location or a larger area within which the artist can choose a site for the artwork. The SACAC should, in coordination with the appropriate City staff adhere to existing site placement and plan procedures when siting public art.

1. Criteria for site selection

- a. The artworks shall be clearly visible and easily accessible to the public at all times.
- b. The artworks shall be responsive to their immediate surroundings in terms of scale, material, form, and content.
- c. The artworks shall be located on public property or on property where the owner of the site is a partner in the project.
- d. The art should ideally be located in areas with high levels of pedestrian traffic so it will enhance and activate gathering places, the streetscape and the pedestrian experience.
- e. The artworks may be sited to help identify a district or neighborhood, establishing landmarks and gateways.
- f. Public art shall be dispersed throughout the city, as opposed to being concentrated only in a few areas.
- g. For sites on City property, approval by facilities management staff within the Public Works Department.

C. Selection Panel

1. Panel Responsibilities

A selection panel will be assembled by City staff in coordination with the SACAC for each project.

Duties include but are not limited to the following:

- a. Reviewing and narrowing the artist application pool based on the project's goals and siting criteria;
- b. Reviewing and narrowing the list of finalists through proposals or interviews;

- c. Recommending a selected artist and/or art proposal to SACAC for review and recommendation, to be forwarded to City Council;
- d. Consulting with individuals who represent varying viewpoints and expertise that may contribute to the selection; and
- e. Reserving the option to make no selection from submitted applications and to reopen the competition or propose other methods of selection.

2. Panel Composition

Each selection panel will be comprised of no more than seven members, not counting City staff, who represent varying viewpoints and expertise that can contribute to performance of the panel's duties. The panel will receive oversight from City staff to ensure compliance with policy and procedures.

The selection panel may include:

a. City and Community Representatives

Stakeholders involved with the community or facility where the artwork will be sited, community leaders, private sector partners, representatives of neighborhood or business associations, business owners, City officials, project design professionals, site agency representatives, technical experts, SACAC members and others. These individuals need not have any formal training in the visual arts.

b. Artists

A person who is generally recognized by critics and peers as a professional visual artist, as judged by the quality of the artist's body of work, educational background, experience, exhibition record, past public commissions or other appropriate criteria. An artist does not need to earn an income solely from his or her artwork to be considered a professional to serve on a project selection panel.

c. Arts Professionals

Individuals who have expertise in or are employed in an arts-related field who can offer insight into the process and outcome of public art installations. These individuals can be involved in arts administration, arts education, advocacy, promotion, documentation or similar fields of work.

3. Voting and Project Approval

The selection panel will make a recommendation by majority vote or scoring system when applicable. The panel has the option to make no recommendation and to reopen the competition or propose other methods of selection if no acceptable proposal is received.

4. Conflict of Interest

All members of the panel will strictly comply with state and City conflict of interest laws and rules, which will be acknowledged in writing by each member at the inception of a panel.

D. Selection Process Options

The public art selection process may be conducted through open competition, invitational competition or direct selection. SACAC may also be asked to consider unsolicited proposals, acquisition of an existing work of art, temporary artworks or installations, gifts of art, community-initiated public art projects and rental or loan of art (see Section II.H).

1. Open Competition

All qualified artists may participate in an open competition with possible limitations based upon geographical or other eligibility criteria. No fees will be charged to artists submitting qualifications and application materials for consideration. Upon review of submittals, the panel may select either a single artist or a limited number of finalists. The finalist(s) may be paid a fee to prepare an art concept proposal and be reimbursed for travel expenses to interview with the selection panel.

2. Invitational Competition

A selected group of artists is invited to submit conceptual design proposals. This method is generally used when project-specific qualifications and experience are required. Artists are considered by invitation only. Names of artists invited to apply are generated by SACAC, staff, members of the selection panel and other sources. The invited artists may be asked to submit their proposals in the form of drawings or maquettes, to tour the site and attend an interview with the selection panel. Invited artists are typically paid a fee and reimbursed for travel expenses.

3. Direct Selection

A specific artist or artwork is selected outright for a direct commission or purchase. Directly selecting an artist is rarely done by public agencies that are required to vet candidates in a competitive process.

E. Developing and Distributing a Call for Artists

A call for artists is an opportunity notice that invites artists to submit qualifications or proposals for a public art project and provides them with information about project parameters. A call for artists includes site description, budget, general types of artwork desired (e.g., sculpture, mural, temporary installation), purpose of the project, and other information to help them formulate their responses.

The SACAC should, in coordination with City staff, review and approve the call for artists and distribution of the call.

1. Types of Calls for Artists

There are two traditional types of calls for artists: requests for qualifications (RFQ) and requests for proposals (RFP).

a. Requests for Qualifications (RFQ)

This type of call for requires submittal of examples of an artist's previous work, a vita, selected references, statement of interest in the project and other information (see Sec.II.F.2).

After the applications are received and evaluated, the selection panel generally invites a short-list of qualified artists to interviews and/or to develop project design proposals.

The RFQ process does not anticipate that artists prepare or present specific ideas based on the limited information provided in the call;

rather, conceptual artistic proposals for the project are developed by short-listed artists only after learning more about the project through site visits and interactions with project personnel and constituent interests. It is expected that short-listed artists be compensated for travel and other expenses when invited to interview.

b. Request for Proposals (RFP)

The request for proposals (RFP) is a competitive process in which artists submit written and graphic descriptions of proposed artwork for consideration. The RFP process includes a site visit, interviews, and development of concept drawings or maquettes. An RFP includes payment to the artist for development of an art concept and reimbursement of travel expenses.

The selection panel should recognize that the art proposals are conceptual approaches only and not final designs. All proposal materials must be returned to those artists not selected for the project, and the City should assume that all ideas presented for the project, including copyrights, belong to the artists.

It should be noted that many talented and successful artists are reluctant to respond to RFPs. Creating ideas is the "currency" of artists and many are concerned with the idea of "giving away" or sharing their ideas with others for a token fee.

2. Information to be Provided in the Call for Artists

As much information as possible should be provided about the project and site so applying artists and members of the selection panel understand the goals, purpose, and parameters of the project. RFPs and RFQs typically include the following information:

- a. Goals and purpose for the project
- b. Project background and context
- c. Proposed site and site boundaries
- d. Project budget and budget parameters
- e. List of eligible and ineligible project expenditures (see II.F.3)
- f. Requirement that artworks be original, creations of the submitting artist and not:
 - (1) standardized mass-produced items
 - (2) reproductions, by mechanical or other means, of original works of art, except in cases of limited-edition castings, film, video photography, printmaking or other media arts created by an artist
- g. Project issues to be addressed
- h. Artist selection criteria and process
- i. Project limitations (if any) e.g., application restricted to emerging artists students, local or Arizona artists
- j. Process for selection and project approval

- k. Application guidelines and materials to be submitted
- l. Preferred media and scale (if appropriate)
- m. Artist fees and reimbursable expenses (if applicable)
- n. Estimated timelines and project schedule

3. **Eligible and ineligible project expenditures**

The proposing artist must have a clear understanding of which project costs are eligible for funding under the City's public art program and which are not. Expenditures eligible and ineligible for public funding are listed below.

a. **Eligible expenditures**

- (1) Professional artist fees
- (2) Fees for assistants, professional and contracted services required for design, engineering, fabrication, and installation of the artwork
- (3) Space and equipment rental
- (4) Fabrication and materials costs
- (5) Packing/crating of the artwork
- (6) Shipping and transportation of the artwork to the site
- (7) Installation
- (8) Insurance, permits, taxes, business and legal expenses
- (9) City-required permits
- (10) Dealer, gallery, or consultant fees not to exceed 10% of the artist fee
- (11) Models, maquettes, construction drawings prepared by the artist
- (12) Travel expenses of the artist for site visitation, research, and presentations
- (13) Preparation of the site to receive artwork beyond that which would normally be required
- (14) Structural improvements necessary for display of the artwork
- (15) Documentation of the artwork
- (16) Contingency fees

b. **Ineligible expenditures**

- (1) Directional, wayfinding or other functional elements, such as signing, super-graphics, maps, etc. not designed by an artist selected through SACAC approval process
- (2) Landscape architecture, landscape gardening, architectural elements and engineering except where these elements are designed by the artist to be integral parts of the artwork
- (3) Architecture, landscape architecture and engineering fees and land costs on a project that incorporates public art
- (4) Site improvements not designed by the artist as integral to the artwork. Elements generally considered to be components of architectural or landscape architectural design (landscaping, pool, paths, benches, receptacles, fixtures, planters, etc.) which are designed by a design professional rather than by the artist are not eligible public art expenditures.
- (5) Ongoing operating expenses and maintenance of architectural and landscape elements not part of the artwork

- (6) Purchase of existing artworks outside the normal SACAC selection process, except as specified in this SPAPPG
- (7) Marketing materials, publications and media costs
- (8) Commercial expression including logos, mascots or commercial displays

4. Information to Be Provided by Artists

The call for artists should be very specific about the information artists must include with their applications. If there is a project-related issue the artist should address in the submittal, it should be added to the application information. Additional materials will be required of finalists or artists responding to requests for proposals that require design of conceptual art concepts.

a. Minimum application requirements for all applications:

- (1) Complete contact information - name, mailing address, cell phone or other best contact phone number, email address
- (2) Website URL
- (3) Signed and dated application form
- (4) Statement of interest (may restrict number of words or pages)
The statement of interest allows artists to introduce themselves and describe their specific interest in the project, approach to creation of public art, and past experience with similar artworks
- (5) Resume of principal artist and, if applicable, key assistants or subcontractors, including qualifications and previous experience
- (6) Examples of work and visual support materials
 - (a) A CD or electronic file of up to ten pictures of relevant work completed within the last seven years, numbered and titled with artist's last name. All submittals must be digital and in jpg format with a minimum resolution of 300 dpi.
 - (b) Other visual support materials may be requested, such as additional digital images, videos, PowerPoint slides or prints. Submission requirements should list the maximum number of images or PowerPoint slides artists may submit and how they should be labeled. If video is submitted, indicate length of time and acceptable file format'
- (7) References, preferably from comparable public art projects
- (8) Signature certifying that the artist agrees to the requirements specified in the referenced call for artists
- (9) Self-addressed stamped envelope (SASE) for the return of hard-copy materials if submittal is delivered by mail
- (10) If artist teams may apply, clearly state whether visual support materials, resumes, and references are required for all team members.

b. Additional application requirements for art concept proposals

If artists are invited and paid to develop art concept proposals, clearly list the types of materials artists should submit to present their work to the selection panel. Typical proposal submission materials include project description, drawings, renderings, maquette, photographs, materials list, budget, timeline, references, fabrication, installation, and maintenance information.

B. Public Art Application Review

Review and evaluation of artists' submittals use criteria related to both the artist's qualifications and the proposed art concept. If an RFQ approach is used, evaluation involves two steps: one to evaluate the artist's experience and, in most cases, another step to review conceptual art proposals submitted by a group of finalist artists.

Following are criteria that may be used by selection panel members for evaluation of artist experience and review of art project proposals. This is not an exhaustive list, but rather is a starting point for discussion during the review process.

1. Criteria for Assessing Artist Qualifications

Can the artist:

a. Demonstrate experience in the following areas:

- (1) Working successfully with City staff, design and engineering professionals, fabricators, stakeholders, contractors and the public
- (2) Completion of projects on time and within budget
- (3) Demonstrate responsible contract negotiation, management and project execution
- (4) Effective communication and organizational skills
- (5) Creation of artwork that can be maintained within standard City maintenance procedures and cycles
- (6) Ability to conceptualize, design, fabricate, and install artwork similar in scope and scale to the project being proposed
- (7) Ability to translate artistic concepts into a completed work of art using materials that are appropriate for public spaces, taking into consideration maintenance, long-term durability and safety
- (8) Previous projects or proposed ideas that are free of safety and liability issues.
- (9) Creation of site-specific art responsive to site characteristics and surrounding
 - (a) Architecture, topography, landscape and existing site features
 - (b) Future uses and users of the site where the artwork will be located
 - (c) Social, environmental, historical, and/or other relevant contextual features

- (10) Experience with integrating artwork into public spaces, public buildings, and landscaped areas so the artwork does not restrict circulation, function or operational activity
- (11) Completion of public art projects with purpose and parameters similar to those of the proposed project
- (12) A demonstrated ability to address ADA regulations and guidelines as they apply to public art

b. Demonstrate artistic excellence

- (1) Completion of previous public artworks of a quality comparable to or exceeding that of other artworks in the City's public art collection
- (2) Evidence of a significant and engaging body of work
- (3) Ability to respond to place and community in creative, memorable and authentic ways

c. Enhance community identity and vitality

- (1) Familiarity with the community and its characteristics such as history, identity, environment, community goals, geography and diverse cultures
- (2) Previous work and successful collaborations that respond creatively to celebrate communities and the characteristics mentioned above [Section c(1)]
- (3) Previous works that attract visitors and residents and activate public spaces, becoming iconic and memorable destinations and gathering places
- (4) Previous projects that have built capacity and cooperation among members of the public sector, business interests, artists, arts organizations and the public
- (5) Previous work or proposed artistic process that can encourage dialogue and reflection

d. Value artists and artistic processes

- (1) Potential to expand the range of artists and forms of artistic expression represented in the City's collection
- (2) Potential for the artist and public art project to support and enrich the arts community in Surprise, the West Valley and Arizona

2. Art Proposal Evaluation

The criteria listed below are suggested for use in evaluating conceptual design of works of public art, typically based on concept drawings, maquettes, videos, computer graphics and other descriptive materials.

a. Aesthetic quality and artistic merit

- (1) Outstanding artistic quality, a strong concept, vision and craftsmanship

- (2) Potential to engage, inspire and express Surprise's unique values, character, image, identity and to contribute to a strong sense of place, neighborhood pride and social interaction
- (3) Potential to expand the reach of the public art collection in terms of style, scale, concept and media represented

b. Placement and site

- (1) Relationship of the work to the site in terms of scale, materials and conceptual appropriateness
- (2) Responsiveness and relevance to site context (architecture, uses, function, history, development, landscaping, and sociocultural context)
- (3) Potential to anchor and activate the site so the art becomes a point of pride for tourists and residents
- (4) Provision of convenient public access to the artwork
- (5) Unrestricted visibility of the artwork for the public
- (6) Requirements for parking or ADA access accommodation
- (7) Utility requirements for installation of artwork

c. Fabrication, handling, and installation

- (1) Conformance with City zoning and design guidelines
- (2) Determination that projected costs are accurate and realistic
- (3) Written estimates from technical support and fabrication contractors
- (4) Definition of any special challenges for installation,
- (5) Site preparation required for installation of the artwork
- (6) (Temporary works only) Process and costs for restoring the site to its original condition when the artwork is removed
- (7) Required City reviews and approvals (in addition to those by SACAC)
- (8) Estimate of the equipment, vehicles and workers needed to hang, transport, install and move the artwork

d. Maintenance and conservation requirements

- (1) Suitability of the artwork for outdoor display or for the proposed indoor environment
- (2) Potential long-term effects of weather and the environment on the artwork
- (3) Expected lifespan of the artwork in a public setting, assuming

regular maintenance

- (4) Costs and level of effort needed for maintenance of the artwork
- (5) Recommended maintenance requirements and schedule
- (6) Quality of workmanship and materials
- (7) Methods to be employed to protect the work from graffiti and defacement
- (8) Projected ongoing and periodic conservation costs
- (9) Responsibility for conservation work - will it be done by the artist or by a qualified conservator

e. Liability and safety

- (1) Assessment of whether the artwork, parts of it or its operation may represent a potential public safety risk
- (2) Conformance with building, electrical, fire code and other safety codes
- (3) Requirements for fencing or other security measures

C. Other Types of Art Acquisition: Review and Evaluation Procedures

From time to time, SACAC may be asked to consider acquisition of existing works of art, gifts of art, unsolicited proposals, temporary art installations and rental or loan of artworks. In these cases, SACAC must evaluate the potential acquisition and recommend appropriate action, per SPAPPG policy and procedures.

1. Gifts of Art

Through the generosity of individual, group and corporate donations, the City may be able to increase its public art collection and install artwork in areas where artworks might not be sited, given the limitations of available City public art funds.

When the City is approached by a donor with a work of public art he or she would like to present to the City as a gift, SACAC will undertake an evaluation and make a recommendation to the City Council for acceptance or rejection of the proposed gift.

Because there are usually very limited funds to acquire, protect, maintain, preserve, and conserve public artworks, and there are a finite number of suitable public sites for these works, a thorough review must be carried out by staff and SACAC.

Criteria used for the selection of other public art projects will be applied. Gifts are considered on artistic merit, the qualifications of the artist and factors such as compatibility with the City's art collection, site availability and appropriateness, oversight responsibility, maintenance requirements and City liability.

a. Application for review for gifts of public art

SACAC shall use SPAPPG review criteria to evaluate the proposed work of art, artist, and proposed location. All artwork donors must submit an

application to SACAC for review, recommendation and final approval by City Council. Applications for gift acceptance may require more detailed information than applications for work commissioned by the City. The information is necessary to guide future maintenance, documentation and conservation.

The application should include as much of the following information as possible, recognizing that all of the items listed may not be available, especially for older works:

- (1) Donor Information and Donation Background
 - (a) Name, address, telephone, e-mail, of donor or donating organization
 - (b) Name, address, telephone, email, fax of contact person
 - (c) Donor's reason(s) for offering this gift to the City of Surprise
 - (d) Provenance
 - (e) Statement addressing the value of the work as an addition to the City's public art collection
- (2) Work of Art Information (as available)
 - (a) Identification
 - i) Title of work
 - ii) Artist's name and contact information (if living)
 - iii) Year of completion
 - (b) Specifications - gifts of sculpture
 - i) Dimensions (height, width, depth with and without pedestal/base)
 - ii) Weight
 - (c) Specifications - two-dimensional/other artwork
 - i) Dimensions (framed and unframed)
 - (d) Photographs of the artwork to be donated
 - (e) Appraised value of the work being donated, source and date of appraisal
 - (f) Material(s) and finishes used
 - i) If available, list materials and finishes with any available details as to brand names and specifications. This information can assist the City if conservation work is needed in the future.
 - (g) Fabrication information if available (for sculpture)
 - i) Contact information for fabricator(s)
 - ii) Welding or joining material(s used), methods, types, brand names
 - iii) Fabrication/construction drawings and details
 - iv) Construction techniques used
- (3) Placement of the Art
 - (a) If a site is proposed, discuss how the proposed site will be improved or enhanced by installation of the work of art
 - (b) If a site is proposed, provide ownership information for the site, owner consent and reasons why the proposed site was selected
 - (c) Site plans, aerials and other graphics as needed to show the site and its characteristics
- (4) Maintenance
 - (a) Description of how materials and other aspects of the work

take into consideration the weathering process as part of overall visual impact. Describe the type of environment for which the work is best suited.

- (b) Description of foundation specifications - the method and materials used in securing the work of art at the proposed site.
- (c) Description of maintenance methods, materials and procedures recommended for maintenance of the artwork.
- (d) Acknowledgment of the City's requirement to fund future maintenance of the artwork
- (e) Estimated annual cost of maintenance, and the type and frequency of routine maintenance needed

(5) Additional Information

- (a) If an editioned work, indicate the edition number
- (b) Location and description of signature and edition marking.
- (c) A letter of guarantee of indemnification for maintenance, preservation, and conservation of the artwork in perpetuity from the donor, unless otherwise agreed to by the City.
- (d) Other relevant information about the work that the donor feels should be presented during review.

b. Site selection

At the outset of the review process, if the donor has a site in mind, SACAC should identify it and/or alternative sites for the artwork at the outset of the review process. When a person, group or corporation seeks to donate one or more works of art to the City, understandably, the donor often wants his/her generosity to be acknowledged by a public display of the donated work(s). Appropriate sites are limited and the gift cannot always be located on the donor's preferred site.

The task of identifying suitable locations falls to SACAC and City staff. Consideration must be given to durability of materials used, the nature, size and configuration of the work(s), and the sizes, configurations, existing site uses and risk factors associated with available sites.

- (1) If the donor has identified an intended site for the gift, the application will be sent to both SACAC and to the City department which controls the property or building for which the gift is intended. A member of the department will serve on the selection panel.
- (2) If the work of art has no designated site, SACAC will review site options and characteristics. In cooperation with staff, SACAC will recommend one or more suitable locations, pending further approval(s) by the donor, affected departments and City officials.

c. Review of the proposed gift

SACAC will review the proposed gift using SPAPPG art selection criteria to determine whether it will be a valuable addition to the public art collection. SACAC will forward its recommendation to City Council for final action.

d. Rights and ownership

The City assumes ownership of the artwork. It retains full rights to the gift,

including rights for reproduction, removal, relocation, and deaccession.

e. Responsibility for maintenance and conservation costs

Responsible ownership of art requires a commitment of resources to conserve and protect it. Because SACAC is not involved in initiating gift donations and must deal realistically with limited resources, it is SACAC's policy to recommend acceptance of donations of art only if the donor has agreed to pay for costs of installation and long-term conservation of the donated work(s) either in perpetuity or for a specified period of time.

f. Gift of memorials

Memorials are proposed to honor a person or event important to the city's history. If a work of art is proposed as a memorial, it must be reviewed following SPAPPG policies and procedures and accepted by SACAC as part of the City's public art collection. In addition to the SPAPPG review criteria, donations of memorials should also consider:

- (1) How the artwork represents community culture and values
- (2) Significance of the person(s) or event being memorialized
- (3) Long-term value of the art - a timeless quality that makes a statement to future generations
- (4) Justification for the memorial being placed at the proposed location, if a specific location is proposed

2. Unsolicited Proposals

From time to time artists or individuals may propose public art outside of the City's process for identifying public art projects. These unsolicited proposals may be accepted for consideration at the discretion of SACAC, based on artistic merit and availability of funds. Anyone who seeks to submit an unsolicited proposal, must provide an application for SACAC review including information required in this section of the SPAPPG.

a. Unsolicited proposal review

When an unsolicited public art proposal is received, City staff will forward it to SACAC for discussion and possible further action.

- (1) SACAC review to determine
 - (a) Whether the proposal enhances the City's public art collection
 - (b) Whether the proposal has substantial artistic merit
 - (c) Whether funds for the proposed project are available
 - (d) Whether the proposer will pay for maintenance and conservation
 - (e) Whether a site for the proposed project has been identified and is feasible
- (2) SACAC will vote to move ahead with the proposal or to take no action.
- (3) If SACAC decides the project should be pursued, it will request that City staff convene a selection panel (see Section C. Selection Panel, page 4) and require that the proposer provide all information normally required as part of public art program-initiated projects. A selection panel will be convened and the proposal will be evaluated using review criteria and procedures outlined in the SPAPPG.

3. Direct Purchase of an Existing Work of Art

SACAC may consider a recommendation to purchase an existing work or commissioning a new work from a specific artist when:

- A work by a desired artist that meets a program need is offered for sale to the City
- The City wishes to acquire works by a specific artist to fulfill program objectives
- The City wishes to develop a collection of portable works such as paintings, drawings, original prints, photography, small sculptures, or other art objects for display in City facilities or other public areas.

a. Direct purchase review process

- (1) Convene a selection panel (see Sec. C. Selection Panel, page 4)
- (2) Determine budget, media, subject matter, and scope of work
- (3) Contact artists, galleries and individual artists and invite submittal of slides and information about available works including:
 - (a) Name of the artist, title, size, medium, year of completion available artwork(s);
 - (b) If the artwork is part of a limited edition, information about the edition;
 - (c) Images, from one or more angles, of the specific artwork(s) with close-ups to demonstrate craftsmanship technique;
 - (d) Biographical information for the artist;
 - (e) Documentation of similar previous works sold, with prices; and
 - (f) A statement regarding how the proposal meets the SPAPPG review criteria (Sections F.1 and F.1).
- (4) Conduct studio visits or request that the artworks be brought to the selection panel for evaluation.
- (5) Review the artwork under consideration for purchase using SPAPPG review criteria and determine whether or not purchase is recommended.
- (6) The selection panel presents works recommended for purchase to for SACAC review and action.
- (7) SACAC forwards its recommendation to City Council for final action.

4. Temporary Art Installations

The process of soliciting and evaluating temporary public art proposals is similar to that outlined for other types of art. Artists will be commissioned through the SPAPPG process of sending out a call for artists and using a selection process managed by staff and SACAC.

Temporary art is subject to evaluation using the same criteria as other public art projects but additional criteria specific to the temporary nature of the work should be included.

a. Additional review criteria for temporary art installation proposals

(1) Placement

Artwork must be placed on publicly-owned property or public rights of way. Examples may include, but are not limited to, libraries, community centers, parks, bus stops, schools or university campuses and open spaces. Location of the artwork must be approved by SACAC and any affected departments or agencies. Installation may not take place without written site approval from the installation site manager.

(a) Site/placement criteria

- i) Availability of an appropriate public site for the artwork
- ii) Potential to enhance the civic environment in a dynamic way
- iii) Potential to enhance tourist appeal or the economic value of the space
- iv) Ability to maintain normal vehicular and pedestrian traffic circulation and activities when the artwork is installed
- v) Placement of the artwork where it does not result in disturbance of or damage to the site and natural environment

(2) Artistic Intent

Temporary art installations become events in and of themselves. People want to see the temporary works, knowing the art may not be there long. There's an opportunity to surprise, experiment and delight with artworks that move, change or that can be changed as part of the artist's intent. Knowing that the installation is temporary, artists can try out new ideas and create works that might not be feasible as permanent artworks.

(a) Artistic Intent Review Criteria

- i) Potential of the proposed artwork to enhance or expand the spectrum of artistic themes expressed in the city's permanent public art collection
- ii) Contribution of the temporary nature of the work to its artistic value
- iii) Potential for the temporary work to draw people to it and to enliven the space in which it is located
- iv) Potential of the proposed artwork to be provocative, surprising, exciting, intriguing and to generate dialogue
- v) Potential of the proposed artwork to evoke an emotional response, a sense of awe or a memory
- vi) Potential of the proposed artwork to stimulate discovery or ongoing contemplation
- vii) Appropriateness of the temporary artwork to season and place
- viii) Ability of the public to interact with the artwork
- ix) Potential to involve new artists, such as emerging, local or renowned artists who are of value to the public art program and the West Valley arts community

(3) Art Media

The media used in temporary installations need not have the durability required in permanent artworks, but the works must be structurally sound and well-constructed. If the public is expected to interact with the artwork, it should be safe and sturdy enough to hold up to the expected types of interactions. It is important that when the artwork is removed, no lasting damage is done to the site.

(a) Criteria for Evaluation of Art Media

- i) Artwork that goes beyond the media and styles present in the City's permanent public art collection
- ii) Materials and media that are safe and resistant to damage from public contact
- iii) Evaluation of whether the artwork can be removed completely, without deleterious impacts to its site or surroundings

(4) Funding

Budgets for temporary artworks are generally less than for permanent installations. Funds may be raised or donated to support the proposed artwork or drawn from public art program funds. The project budget must take into account costs for installing, maintaining and removing the temporary art.

(a) Funding criteria

- i) Availability of project funds, internally, externally or by donation
- ii) Value of the proposed artwork to the public art program, considering preparatory, installation and short-term maintenance costs.

b. Artist responsibilities

- (1) Responsibility for the artwork, including fabrication, installation, loss or damage of the artwork due to vandalism, and the clean-up/de-installation, is assumed by the artist. Artist must sign a loan agreement which acknowledges these responsibilities.
- (2) Publicity - The public art program must be notified of any artist-initiated media or news releases prior to distribution. All publicity must acknowledge that the project is funded by the City of Surprise Public Art Program.
- (3) Project Documentation - Artists are required to submit archival photographs of the temporary work as installed, a financial report and a completed project description to SACAC within 30 days of removal of the artwork upon project completion. The description must include a written narrative and photographic documentation of the completed project.

5. Loan or Rental of Artworks

Art may be rented or loaned to the City for use in temporary installations or to create an ongoing, changing public art exhibition program. Loaned works can provide temporary installations of sculptural or two-dimensional works of art and may be used in educational programs.

a. Loaned artworks or installations

- (1) SACAC and staff will determine whether the artworks are most appropriate for display in an outdoor setting or in indoor public spaces
- (2) Determine budget, exhibition duration, media, and scope of project
- (3) Develop installation concept, identify potential sites, artists and artworks
- (4) Review of concept, artist, proposed artwork, budget and site by appropriate City Departments and SACAC
- (5) City Council approval

b. Traveling exhibitions

Traveling exhibitions may include public art works or projects advanced by organizations, institutions, museums or individuals, organized as traveling exhibitions.

- (1) Review Process
 - (a) SACAC, with input from City staff, reviews scope of the exhibition, artistic merit, appropriateness to community and site, costs, liability and maintenance issues, budget and installation requirements.
 - (b) SACAC will recommend approval or denial of the request to fund the traveling exhibition and will forward its recommendation to City Council.

H. Art in Private Development

1. Adoption of AIPD policy recommended

Preparing an Art in Private Development policy is recommended as a future phase of work. Substantial input from the development community, City Council and other stakeholders will be necessary before an AIPD program is established. The voluntary program can provide a sustaining supplemental funding mechanism for the public art program.

I. Public Involvement

Community involvement can be an asset to public art projects. Projects initiated by or directly involving neighborhoods or other groups of community members educate about the value of public art and the public art program. The result is often a sense of ownership by community members and a point of pride for the neighborhood or district where the artwork is located.

All City of Surprise public art projects created after adoption of the SPAPPG shall include an outreach program to inform and educate citizens about public art and the proposed artwork.

A word of caution: If you ask for one opinion you will be sure to get many. Public opinion does not always ensure good art. Use of social media to poll or solicit opinions from the public may produce unrealistic results from respondents who may not know anything about Surprise and may live in another country or continent.

Any use of surveys or of seeking online input must be designed to limit respondents to those within the city or who have a legitimate interest in the project. In addition, the City should make clear that surveys and other online input are for informational purposes only and do not bind the City in any way.

That being said, creating public support for an art project strengthens the overall public art program. The public should be kept informed and given the opportunity for comment. SACAC meetings are open to the public and notice should be given when public art projects are under consideration.

III. Public Art Contracts & Management



The Learning Tree - by Joe Tyler - Northwest Regional Library, 16089 N Bullard Ave.



III. PUBLIC ART PROJECT CONTRACTS AND MANAGEMENT

This section of the SPAPPG provides recommended procedures and information related to:

- A. General Contract Structure
 - B. Visual Artists Rights Act 1990 (VARA)
 - C. Contract Terms
 - D. Contracts for Collaborative Projects
 - E. Project Management and Administration
-

A. General Contract Structure

A contract is the formal agreement between the City and the artist that outlines what is required and expected of each party. Contracts may include two separate phases: the design phase and the fabrication phase. The phased contract structure allows for assessment upon completion of the design phase for control of project costs and assurance that the artist's design is consistent with public art program goals.

1. Design Phase

In the design phase, the artist is contracted to design the art project and is paid approximately 20% of the total project budget as a design fee. The design fee covers the following items:

- a. Models and working drawings, maquettes, sketches, site plans, photographs of the model, artwork-in-progress,
- b. An independent structural engineer to sign off on artist's drawings if necessary.

A detailed budget is required as part of the contract terms and must be reviewed and adjusted if necessary before the fabrication/installation phase begins. The artist's budget may equal, but not exceed, the available public art project funds.

The design fee may be reduced if the construction and fabrication costs of the design are anticipated to exceed the remaining 80% of the art project budget. Work performed during the design phase must be reviewed and approved by staff and SACAC prior to moving ahead to the fabrication phase.

2. Fabrication Phase

After review and approval of the design, the artist enters into the second phase of the contract. The remaining 80% of the budget covers all areas of execution of the artwork:

- a. Space and Equipment Rental
- b. Materials
- c. Fabrication (subcontracted/foundry, etc.)
- d. Storage
- e. Packing/crating
- f. Shipping
- g. Installation
- h. Insurance (liability, etc.)
- i. Other fees (incidental expenses, project administration, etc.).

A detailed budget is required as part of the contract terms and must be reviewed and adjusted if necessary before the fabrication/installation phase begins. The artist's budget may equal, but not exceed, the available art budget.

B. Visual Artists Rights Act of 1990 (VARA)¹

The Visual Artists Rights Act of 1990 (VARA) creates a uniform, national standard for protecting visual artists' rights. It provides a mechanism for the visual artist to claim authorship of a work he or she created, as well as to prevent the use of his or her name on a work he or she did not create. The rights contained in the law extend for the life of the artist.

VARA makes clear that this right includes the right to publish a work anonymously or under a pseudonym. The artist also has a right to demand that his or her name be removed from a work in the event of a distortion, mutilation, or other modification of the work to which the artist has not consented, and is prejudicial to his or her honor or reputation.

In addition, the Act provides for a legal course of action to allow an artist under specified circumstances to prevent the destruction, distortion, mutilation, or modification of a work of visual art. In any such action, the artist has the burden of establishing that the alteration of the work is harmful to his or her professional honor or reputation.

1. Works Covered

VARA is limited only to "work of visual art," defined as a painting, drawing, print, or sculpture existing in a single copy or in a limited edition of 200 copies or fewer. The copies of a limited edition must be signed and consecutively numbered by the artist. In the case of multiple casts, carved or fabricated sculpture, the work must be a limited edition of 200 or fewer, be consecutively numbered by the artist, and bear the signature or "other identifying mark" of the artist.

The destruction of a work of recognized stature by an intentional act or an act of gross negligence is a violation of the artist's right and would subject the person destroying the work to suit for damages by the artist.

a. Exceptions

VARA states several exceptions to the artist's rights.

- (1) A modification of a work that is a result of the passage of time or the inherent nature of the materials is not actionable.
- (2) The modification of a work that is the result of conservation or the public presentation of the work including lighting and placement is not actionable unless the modification of the work is caused by gross negligence.

If a work was created prior to June 1, 1991, the effective date of the Act, the rights under the statute apply only if title to the work is transferred after the effective date.

2. Transfer and Waiver

Only the artist has the rights created by VARA. No rights may be transferred under this Act. Rights may be waived if the artist agrees to waive his/her rights in writing. In the case of a joint work, a waiver made by one artist waives the rights for all artists of the joint work. The transfer of ownership of a copy of a work of visual art does not constitute a waiver of rights.

¹ SOURCE: Public Art Network Best Practice Goals and Guidelines February 27, 2009

C. Contract Terms

The City will create and utilize a standard contract modified to take into consideration the unique aspects of procuring art, including but not limited to the following terms. All terms enumerated herein are subject to negotiation and nothing herein shall be interpreted to limit the City's contracting authority.

1. Project Budget

A project budget shall be included in the contract, itemizing the artist's design commission and eligible expenses to be paid during the contract's design and fabrication phases.

a. Contingency fee

Ten percent (10%) of the total art project budget should be set aside as a contingency fee to cover unforeseen and unavoidable expenses associated with the artist's completion of the project. If the contingency fee is not adequate to cover such costs, a renegotiation of the budget terms of the contract and/or an option to terminate the contract can be considered. If the contingency fee is not used, it can be either added to the artist's design fee, set aside for emergency conservation of the artwork, or used in whatever manner the artist and City agree upon.

b. Final project acceptance

Prior to full payment, a final acceptance meeting will be held, involving the artist and City representatives. Other stakeholders, SACAC and staff may be included. The work will be inspected for full completion and correction of any defects or deficiencies. All requirements of the contract are to be met prior to final payment. See also *Section III.B.8.c*.

2. Payments

Milestones should be established for artist payments, per the project schedule. Contract terms should specify the amounts or fee percentages of initial, progress and final payments and the procedure for invoicing and payment. If the project is cancelled, payment of work done to date will be made. See *Section III.C.10*.

3. Project Schedule

A projected schedule for design, fabrication, transportation, and installation of the artwork is required.

a. Project delays

If the artwork is ready on time, but the construction project is late, the commissioning City agency should pay all maintenance and storage costs for the artwork until it can be safely installed. When an artist completes a work before the completion date agreed upon in the contract, the artist will be responsible for storage charges. Should the construction project be completed on schedule, but, due to conditions beyond reasonable control, the artist is late producing the finished artwork, it will not be considered a breach of contract, and the City will grant a reasonable extension of time to the artist. If the City incurs costs by such a delay, the incidental expenses (see *III.C.1.a*) will be used to cover these charges.

4. Title and Ownership

The City shall own all public art acquired through the public art program. The artist retains all rights and interest in the artwork except for rights of ownership and possession, which are passed to the City upon final acceptance. The artist warrants

that the artwork is his/her sole and original creation, does not infringe upon any copyright or trademark, and has not been offered elsewhere. If the commissioned artwork is one of a multiple edition, the warranty will be modified to state this.

5. Reproduction Rights/Copyright

Artist retains all rights under the Copyright Act of 1976 and VARA. However, the artist agrees not to make an exact duplicate or permit others to do so, except by written permission of the City; the artist also grants the City the irrevocable license to make two-dimensional reproductions for promotional purposes. In turn, the City agrees to give the artist the appropriate credit on all such promotional pieces. The credit should include name of artist, title, year of completion, and other information as appropriate.

6. Fabrication and Installation

Because no two public art projects are exactly alike, the fabrication and installation stipulations required of artists in their contracts will be fairly general in nature. In terms of fabrication, the contract will stipulate reasonable durability and protection of materials, such as the use of anti-graffiti coatings on all works. Though the City's public art program may outline certain material preferences for maintenance, it is too restrictive for both the artist and for the City's public art program to present those preferences as contractual specifications. Artists will supervise fabrication to assure quality control warranties of the contract.

a. brication requirements

Requirements will include, at minimum, that:

- (1) Artworks be free from defect,
- (2) Artworks be made of high quality materials,
- (3) Craftsmanship be of high quality,
- (4) The artist, the City, and SACAC review the fabrication of the work while in progress.

b. Installation responsibilities

Allocation of responsibilities between the artist and the City will be detailed in the artist contracts. For installation, the artist's methods will be approved by the commissioning City agency and, if necessary, a licensed engineer. Specific requirements may be imposed, such as the use of safety hardware for hanging a suspended artwork. In addition, the following points will be considered:

- (1) Artist will approve site preparation before installation begins;
- (2) Artwork is to be installed when it is in no danger of being damaged by on-site construction work;
- (3) Standards and requirements set forth by the commissioning City agency for installation should be adhered to; and
- (4) The artist is responsible for loss or damage to artwork prior to its installation on City property.

7. Maintenance

The artist will submit a maintenance plan specifying maintenance requirements and guidelines for artwork as part of the contract, to be developed in cooperation with the City (see Section IV.A.). The plan must be approved by public art program staff and relevant City departments.

The City will maintain the artwork and make decisions regarding repairs and conservation based on the maintenance guidelines submitted and in consultation

with the artist when necessary (as per VARA). The City agrees that it will not intentionally destroy, damage, alter, or modify artwork, and that the artist will be informed of any proposed actions related to the artwork. See *Section IV.A.2,3*.

8. Documentation

The artist must transmit detailed documentation of the project with approved designs and drawings upon completion of the work. The City may stipulate that the artist is responsible for providing photo documentation and/or that the City will assume responsibility for photo documentation consistent with its archival and public affairs purposes. (See also *Section III.E.4*)

9. Deaccession

Deaccessioning may be addressed by referring to the approved deaccession policy (see *Section IV*) or by specifically addressing the issue in the artist contract. Deaccessioning public art must also consider Federal regulations set forth in VARA. In the event of deaccessioning, the contract should specify how the transfer of title of the artwork will occur, defining the rights and responsibilities of all concerned parties.

10. Artist-Community Collaborations

Contracts for artist-community collaborations are similar to artist-design professional contracts. However, the following additional considerations will be specified:

- a. The role the community will play in the project (such as involvement in concept design, execution of the art, assistance with installation);
- b. Determining which community groups and individuals will be involved;
- c. The responsibility of the artist to solicit information from and work with the designated groups;
- d. A plan for general community outreach; and
- e. A procedure for resolution of disputes related to the artwork or process.

D. Project Management and Administration

Successful implementation of the public art program requires support from staff members with a range of skills in administration, public art, project management, education, and public outreach. The number of projects Surprise can complete will directly relate to available staff resources and project schedules. Among the administration and management tasks to be performed are:

1. Administration

Administration of the public art program includes responsibility for and development of an annual public art work plan in collaboration with SACAC. Preparation of this plan includes negotiating the scope and budget for upcoming public art and art maintenance projects with each City department and scheduling maintenance, conservation and art projects to be initiated.

For each public art project and project participant, the staff member(s) will review project expectations, and serve as the public art program's representative to SACAC, on inter-departmental working groups and planning teams, including any capital budget working groups.

2. Project Management

A City staff member should be responsible for providing administrative support to SACAC on public art projects, including the artist selection process, project management; contract negotiation and administration, monitoring all projects through final installation and acceptance. He or she, in collaboration with SACAC, will be responsible for day-to-day management and maintenance of the existing collection, and for overseeing community-initiated projects, artist residencies, temporary projects, and other art projects on an as-needed basis.

3. Outreach and Education Coordination

Staff will work with SACAC, the artist and the project manager to develop and implement an outreach strategy for each art project. This can include:

- a. overseeing outreach to artists and the public,
- b. involving the community in art project planning,
- c. cultivating an understanding and appreciation of public art context within the business community,
- d. holding educational forums for artists, particularly local and underserved,
- e. gaining requisite expertise to work in the public art venue and
- f. developing educational tools to inform the public about the completed project (such as brochures, web materials and walking tours).

4. Documentation

Visual and written documentation of the artwork as installed and intended by the artist is a necessary element of public education, conservation work and the public art collection record.

There should be a documentation portfolio for each project. To facilitate future conservation, documentation should be standardized for all projects and controlled by the public art program. Public art staff will establish the specific information required for each public artwork and the minimum level of detail in that information. Typical entries may include:

- a. Artist's statement of intent
- b. Location and source of blueprints, working drawings, shop drawings, and construction drawings
- c. Location and fabricator of maquettes, sketches, and photographs
- d. Artwork dimensions
- e. Materials
- f. Construction details such as joining materials and methods (such as hardware, types of welds)
- g. Surface treatment

- h. Name of fabricator and installer
- i. Original cost
- j. Updated valuation

Because materials differ greatly from project to project, the staff will determine what additional information will best help a conservator (e.g., a Pantone color sample might be added to the documentation). Staff will evaluate the artist's statement of intent for clarity. City staff will be responsible for acquiring photographs of the artwork and for making sure that the photos serve the program's publicity and conservation needs. By assigning documentation to one staff member or department, the archival quality of the material submitted will be consistent.

5. Evaluation of Completed Artworks

A systematic evaluation process is an important link in an affective conservation program. SACAC, will work with City staff, to perform an annual inspection of works in the public art collection and report on each work of art as to the present location of the artwork, present condition of the artwork, and recommendations regarding needed maintenance or repairs to be incorporated into the annual public artwork plan. The public art program should develop a standardized checklist to be accompanied by photographs for each public artwork. (See IV.A.2 and 3.)

IV. Public Art Maintenance, Conservation & Deaccession



Give Your Community a Hand - by WHAM Staff and Community - Surprise Recreation Campus, 15960 N. Bullard Ave.



IV. PUBLIC ART MAINTENANCE, CONSERVATION AND DEACCESSION

This section addresses policies and procedures related to:

- A. Maintenance and Conservation
 - B. Deaccession of Artwork
-

A. Maintenance and Conservation

The City of Surprise takes pride in its collection of publically owned and displayed works of art and recognizes the importance of this artwork to the cultural and economic well-being of the community. The City is committed to the documentation, conservation, and maintenance of this collection.

Care of a municipal public art collection is an ongoing City responsibility with the purpose of preserving individual works of art as well as the public art collection in its entirety. Some artworks are installed outdoors; others are placed in semi-enclosed settings and others in indoor public spaces. Artwork can be affected by exposure to light (natural and artificial), wind, air-borne dust, temperature and humidity changes, vibration, precipitation and other conditions. On occasion, an artwork may also suffer physical damage as a result of accident or vandalism. Without long-term maintenance, the artworks risk serious degradation. See APPENDIX B for maintenance and conservation guidelines. Note that these are not all-inclusive and may be updated. On a case-by-case basis, the guidelines may be expanded based on research into appropriate treatments for different materials and types of damage

1. Policies

- a. Maintain the City's publically owned artwork collection to ensure long-term public awareness, access and enjoyment of the collection.
- b. Maintain and conserve the City's public art collection in the best possible condition consistent with the artist's intention, as understood by the City and specified in the artist's contract.
- c. Develop a sustainable artwork collection that can be realistically maintained to SPAPPG standards by the City, using City resources.
- d. Develop and maintain documentation of conservation and maintenance actions, costs and projected costs for the lifespan each public art project.

2. Procedures: Maintenance Planning

a. Annual maintenance plan

Prepare an annual maintenance plan. The maintenance plan shall include all existing artworks in the Surprise public art collection. Artwork shall be inventoried and inspected once a year or more frequently if required by reports of damage or deterioration.

The plan shall include condition assessments and maintenance or conservation recommendations for all artworks. The plan should include recommendations for long- and short-term maintenance actions, funding requirements, conservation treatments if needed and specifications for restoration or deaccession of specific artworks.

The plan should include recommendations for preventive maintenance strategies such as applying graffiti coatings as part of initial fabrication or providing wood chip borders near mowed areas that can reduce maintenance and conservation costs.

The annual maintenance plan and results of the condition assessments (Section IV.A.3) shall be presented to SACAC. SACAC shall be consulted pertaining to potential treatment and maintenance projects and priorities.

b. Maintenance specifications

To facilitate maintenance planning, maintenance specifications should be included in all artist contracts. As part of their contractual requirements, commissioned artists shall provide fabrication and maintenance information as required in Section III.C.9 and 10, in consultation with SACAC and City staff member responsible for the public art program. Maintenance plans for new works shall be reviewed and updated, if needed, prior to final project acceptance.

3. Procedures: Public Art Collection Evaluation and Priorities

Funds for conservation and maintenance are usually limited, so the condition of artworks should be evaluated regularly, per SPAPPG procedures, to identify damaged, degraded or at-risk artworks. Based on this evaluation, City staff should assess the artworks to determine extent of damage, degradation or risk; effective measures needed to repair, restore or protect the work; cost of such measures; and the possible effect of delaying those measures. The staff should review available resources to see how to address the most serious problems first and then recommend appropriate action to SACAC within the framework of the annual maintenance plan. If urgent action is needed, outside the normal evaluation cycle, SACAC and City staff should be notified so the problems can be addressed in a timely manner.

a. Establish criteria for determining treatment and maintenance priority:

- (1) Maintenance and fabrication issues - Excessive maintenance or repair needs, artwork with faults of design or workmanship. An assessment should be made of whether repair of the artwork is practical and feasible.
- (2) Urgency - Urgency of treating or maintaining the artwork to stabilize its condition and minimize long-term treatment costs.
- (3) Deferred or phased maintenance - Assess whether it is more cost-effective within the overall maintenance plan to repair or treat the artwork at this time or to carry out the work in phases.
- (4) Skills needed - The feasibility of training City maintenance workers to maintain the artwork within standard City maintenance procedures and cycles. If not feasible, consider bringing in a professional conservator.
- (5) Safety - Repairs or other actions needed to make the artwork safe.
- (6) Artist/artwork integrity - Ability to carry out or defer treatment or maintenance without undermining the artist's intention and reputation.

- (7) Supplemental funding potential - Opportunities to secure grants, private partnership or donations to support conservation of the artwork.

b. Set priorities for conservation and maintenance

The overall policy recommendation is to preserve the public art collection artworks in their current locations, in the best possible condition. Barring extreme cases, this means repairing and restoring as many works as available resources allow.

The City should work with artists to maintain artistic integrity of their artworks. Note that VARA states, *"the significant or substantial distortion, mutilation, or other alteration to a pictorial, graphic, or sculptural work, which is publicly displayed, caused by an intentional act or by gross negligence, is a violation of the exclusive rights of the copyright owner where the author of the work is the copyright owner."* (See Section III.B.)

Based on the collection evaluation (see Section IV.A.3), the general order of priorities of works receiving repair or restoration is as follows:

- | | |
|-------------|--|
| Priority 1. | Works that have suffered serious damage |
| Priority 2. | Works that have suffered serious degradation |
| Priority 3. | Works that have suffered minor damage |
| Priority 4. | Works that have suffered minor degradation |
| Priority 5. | Works at risk of degradation |

(1) Exceptions

These priorities cannot be followed in every instance. Some repair and conservation treatments may exceed the then-available budget. In some cases, treatments may require a highly specialized conservator or technician. Some works may be beyond repair. Some works, because of their condition, may constitute a danger to public use of the public facility or space. In these instances, City reserves the right to remove, relocate or deaccession the artwork unless or until it can be restored properly and reinstalled. (see Section IV.B.)

5. Procedures: Establish Responsibility, Authority and Partners

a. Public art program coordination

Staff will be responsible for oversight of condition assessment, treatment and maintenance, working in collaboration with the following:

(1) Experts

Arts professionals, professional arts conservators, City staff, and other individuals familiar with art materials, fabrication methods, and the artistic intent will inspect and evaluate artwork in the City collection.

(2) Artists

Artists shall develop artwork with maintenance requirements that can be realistically maintained by the City. The artists' contract-specified maintenance plan should be taken into account in maintaining artwork along with applicable conservation standards. Artists or their heirs should be notified of and may be involved in major repairs and conservation work.

(3) SACAC, City Departments, Other Governmental Agencies and Private Sector Partners

The City's public art program staff will work with SACAC, all City departments, agencies and private-sector partners actively participating in the City's public art program.

As part of this effort, public employees should be educated about public art and its important role in public infrastructure and planning. Leverage private and volunteer support for maintenance of public art, whenever possible.

Agreements and/or plans for conservation and maintenance shall be developed for artwork on City property, public art in private development. These agreements and/or plans shall seek to insure the integrity of the artwork, be consistent with City policies and procedures and stipulate the roles of each respective party in staffing and funding treatment and maintenance for the lifespan of the artwork. The City or other property owner shall be responsible for keeping the area surrounding the artwork clean and groomed and be responsible for protecting the artwork from grounds maintenance lawn equipment, such as mowers.

b. Responsibility for repairs

When treatment or maintenance is approved, the public art program, will oversee repairs, in consultation with City maintenance staff and, if needed, the artist, a qualified art conservator or specialized professional contractor.

The City will contractually reserve the right to hire professionals other than the artist to restore a given artwork. If an artist disagrees with the condition assessment and does not think the suggested treatments are in keeping with the integrity of the artwork, he or she may request changes to the maintenance plan in writing to SACAC and the City's public art program staff

c. Repair by City departments, site owners and managers

To ensure proper maintenance and conservation, SACAC should be consulted before beginning any cleaning procedures, repairs, treatment or emergency maintenance activities on artwork in the public art collection. Owners and managers of privately owned public art sites shall be responsible for reporting vandalism, damage, requests for cleaning, or concerns to SACAC and staff. SACAC should receive regular updates on maintenance and conservation activities.

d. Emergency repairs:

The City may approve emergency treatment or temporary relocation as necessary to prevent damage to the artwork, to enable emergency repairs of City infrastructure or to insure public safety. This includes removal of graffiti. The SACAC Chair should be notified of all emergency repair actions.

B. Deaccession of Artwork

Deaccession plans and policies must consider Federal regulations set forth in VARA. Clearly defined deaccession policies help ensure the integrity and quality of the public art collection. To reduce the need for deaccession of public art, artworks must be of the highest quality and be acquired initially without any legal or ethical restrictions as to future use and disposition, with the exception of restrictions of copyright and certain residual rights that are part of the artist's contract.

Works of art that meet the deaccession criteria but that came into existence prior to the adoption of the SPAPPG will be subject to the deaccession procedure specified herein.

Deaccession decisions must be made with great thoughtfulness, care, and prudence. Expressions of artist and/or donor intent should be respected in deaccession decisions. The public, for whose benefit collections are maintained, must be considered in making deaccession decisions.

1. Criteria for Deaccession

The following reasons may be cause for deaccessioning a work of art from the City's collection.

- a. The condition or security of the artwork cannot be reasonably guaranteed.
- b. The artwork requires excessive maintenance or conservation work or has faults of design or workmanship to the extent that the repair or remedy is impractical or infeasible.
- c. The artwork has been damaged or has deteriorated beyond the point where repair is practical or feasible.
- d. The artwork endangers public safety.
- e. The site for the artwork has become inappropriate (it is no longer accessible to the public, unsafe, or due to be demolished).
- f. Significant changes in the use, character or design of the site have occurred, which affect the integrity or conceptual relevance of the work.
- g. There has been sustained and overwhelming public objection to the artwork over a five-year period.
- h. The City wishes to replace the artwork with a work of more significance by the same artist.
- i. The artwork is found to be fraudulent or not authentic.
- j. The artwork is significantly incompatible or inferior because of new developments in the direction of the collection.
- k. The artwork is rarely or never displayed.

2. Deaccession Procedure

The SACAC will be responsible for recommending artworks for deaccession.

a. Request for deaccession

A written request for deaccession review will be submitted by public art program staff to the SACAC. The request for review should include:

- (1) the reason for proposing deaccession;
- (2) the estimated current value of the work;
- (3) the initial acquisition method and cost;
- (4) written evaluation, using the specified criteria for deaccession;
- (5) photographs indicating the status of the work;
- (6) contract with the artist or other relevant agreement;
- (7) applicable Federal legislation (VARA);
- (8) documentation of related discussions with the artist of the circumstances prompting the review;
- (9) written recommendations of other concerned parties including City departments, the artist, conservators or other qualified independent professionals and
- (10) additional information to be provided when available includes:
 - (a) any media/articles regarding the work;
 - (b) evidence of public debate; and
 - (c) written correspondence concerning the work.

b. Deaccession panel review

City staff may convene, with coordination of the SACAC, a deaccession panel which will determine whether an artwork meets the specified criteria. Based on information submitted in the request for deaccession, the panel reviews the request and forwards its report and recommendations to SACAC for final action. The panel may recommend an alternative to deaccession, such as relocation of the artwork to another site. The opinion of the City Attorney on any restrictions which may apply to this specific work should be included in the report.

c. Surprise Arts and Cultural Advisory Commission action

The SACAC reviews the deaccession panel report and votes on its recommendation, to be forwarded to City Council for final action.

3. Deaccession Actions

If deaccession is approved, the following actions can be considered:

a. Sale or trade

- (1) Artist may be given the right of first refusal to purchase the artwork. In the case of a work of art by a living artist, consideration may be given to an exchange with the artist.

- (2) If the artwork was a gift, the original donor or his/her heirs may be given the opportunity to acquire the artwork.
- (3) The work may be sold through auction, gallery resale or direct bidding by individuals, in compliance with City law and policies governing surplus property.
- (4) A trade may be made through the artist, a gallery, museum or other institution for one or more artwork(s) of comparable value.
- (5) Independent professional appraisals of the fair market value of the work shall be received prior to sale, exchange or trade.

b. Donation

The artwork may be donated to another City's public art program, to a museum or a non-profit organization.

c. Destruction of work

Destruction of the work may be warranted if the artwork has deteriorated or been damaged beyond repair and deemed of negligible value.

d. Removal costs

The costs for removing or relocating artwork deaccessioned by sale, loan, trade, or gift will be borne by the new owner or recipient of the artwork. Destruction of deaccessioned works will be at City expense.

4. Use of Net Proceeds from Deaccessioning

Proceeds from sale of the work are to be deposited into a public art fund account to be used only for future public art projects. Funds received from the disposal of a deaccessioned work shall not be used for operations or capital expenses.

APPENDICES

A. Glossary

B. Maintenance and Conservation Guidelines



***Memorial Bench - by Connie Whitlock and Quilt of Life - by Connie Whitlock & Citizens of Surprise
Surprise Senior Center, 15832 N. Hollyhock St.***



Public Art Policies & Procedures Guide
City of Surprise, Arizona - 2017

APPENDIX A. GLOSSARY

1. **Accessioning**

Accessioning is the process of receiving right, title or custody of an art object, assigning a unique control number to said art object and creating a permanent record.

2. **Acquisition**

The inclusion of an artwork in a permanent art collection acquired through a commission, purchase, gift or other means.

3. **Art Maintenance, Conservation and Restoration**

Art Maintenance: Maintenance is the regular, routine inspection and care of artwork, such as cleaning and applying protective surface coatings. A trained City employee usually carries out maintenance.

Art Conservation: This level of art treatment refers to museum quality professional cleaning and repair work that does not alter the original fabric of the artwork. Conservation is defined as cleaning that can be undone if needed.

(See also item 24. Treatment or Conservation Treatment)

Art Restoration: Restoration is invasive and involves rebuilding, repainting, or refurbishing an artwork to bring it back to the original intent of the artist. In this process the original fabric of the artwork may require alteration in the process of repair. This type of work is additive or subtractive and therefore irreversible.

4. **Artist**

A person who is generally recognized by critics and peers as a professional visual artist, as judged by the quality of the artist's body of work, educational background, experience, exhibition record, past public commissions or other appropriate criteria.

5. **Artist Fees**

The portion of the project budget reserved for payment to the artist for his/her creative services for design, fabrication and project management services.

6. **Artist in Residence**

A method of engagement in which artists spend time with students (in schools) or residents (in communities) developing projects or producing artistic activities or events.

7. **Arts Professional**

An artist, arts educator, art critic, arts administrator, arts dealer, designer, art historian, curator or fine art collector, who is well respected in his/her field, knowledgeable with regards to visual art, and willing to participate effectively in a panel process without conflict of interest.

8. **Artwork**

In general, all forms of artistic expression created by professional artists are eligible for inclusion in the public art collection. The collection may include, but is not limited to, art that may be free-standing or integrated into a public site, infrastructure or building. Artwork may include light, video, sound, performance or a mix of media. A work of public art may be permanent or temporary, fixed or portable. It may be in any style, expression, genre or media, provided that the Artwork is designed by an artist as defined herein.

9. **Capital Improvement Program (CIP)**

The City's program for advance planning and construction of capital projects.

- 10. Commissioned Artwork**
A commissioned work of art usually refers to any artwork created at the request of a public agency, corporation or individual in which the funds to design and produce the art are provided by that entity (or an affiliated agency). Most permanent public artworks in the US have been commissioned.
- 11. Condition Assessment**
Inspections of artwork provide information on present location, current condition and treatment or maintenance needed. Routine inspections are carried out by City staff, but thorough assessments should occasionally be conducted by public arts program staff or a professional conservator.
- 12. Deaccession**
The process of removing an object permanently from a collection, usually through sale or exchange or any other transactions by which title of outgoing artworks are transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.
- 13. Loaned Artwork**
Artwork given for use over a period of time, to be returned to the owner at the end of the use period.
- 14. Maquette**
A scale model of a proposed sculptural, environmental or other three-dimensional art project.
- 15. Plaque**
Identification signage affixed on or near an artwork to identify the title, artist, media, etc.
- 16. Public Art**
Public art is publicly accessible and visible original art that enriches the city and evokes meaning. Public art, generally located in public spaces, responds to its site, context and the people who view it and inhabit the space around it. Public art may possess functional as well as aesthetic qualities. Public art can be a way to activate civic dialogue and provide a vehicle for communities to express their unique identity. Although public art is generally sited in public places, it may also be located on private property subject to review and provision of public access.
- 17. Public Art Collection**
The Public Art Collection is comprised of all artworks owned by the City that have been commissioned or otherwise acquired on behalf of the City.
- 18. Public Art Ordinance**
A public art ordinance is the legislation establishing a public art program within a unit of government. Generally, a public art ordinance establishes the financial mechanism that funds the public art program, identifies the unit of government or private contractor that will manage the public art program, and establishes a basis for the development of public art policies and/or guidelines.
- 19. Public Art Program**
The program that administers the purchase and/or commissioning of artworks acquired as part of the City's public art collection. Public art programs are charged with administering the development and management of public art. In addition to creating new work, public art programs often are charged with maintaining the public art collection, developing educational programming, creating public art resources including printed materials and websites, seeking out partnerships and opportunities with public and private organizations, and acting as a source for public art information.

20. Public Art Project Types

Public art projects come in many forms - from a simple commission to more intricate projects involving artists collaborating with the community, architects, landscape architects or engineers. Following are definitions of public art project types.

1. Art Purchase

The direct purchase of a completed work of art.

2. Collaborative

The studio art tradition is full of creative individuals producing works in solitude. To a great extent, public art relies on the joint efforts of two or more individuals to fulfill a creative vision. Collaboration also refers to the give and take process that any combination of artists, administrators, community members, public agencies, funders, and others engage in to achieve consensus to meet the needs of a public art project.

3. Community Art

A wide variety of activities are covered by this term, including community-initiated public art projects, artists-in-residence, arts in the schools, and process-oriented art engaging the community at large.

4. Commissioned Work of Public Art

A commissioned work of public art refers to any artwork created at the request of a public agency, in which the funds to design and produce the art are provided by that agency. Most permanent public artworks have been commissioned.

5. Design Team

Design teams are formed where artists and architects, landscape architects, planners or engineers collaborate on public improvement projects in which public art is an integral component. Brought in early in the design process, artists can help incorporate artwork directly into the architecture, site, infrastructure and/or landscape of a public place.

6. Donations, Gifts of Art

Art that is offered as a gift to the City, subject to review and acceptance.

7. Unsolicited Proposal

A proposed public art project submitted by artists or others that is not initiated by the City or included in its public art programming.

21. Public Places

Public places are properties accessible and visible to the public and over which the City has or may exercise control, whether or not the City owns the property in fee. Such places may include, without limitation, public buildings, public streets, parks, trails, recreation areas, community centers, libraries, fire stations, police facilities, senior centers, government buildings, alleys, sidewalks, rights-of-way and improved or unimproved land of any kind and all property appurtenant to it.

22. Site Specific

This term refers to works of art or projects that take into account, interface with, or are otherwise informed by the specific environment in which they are located. This includes site topography, existing landscaping, streets, paths and buildings, weather conditions, history, audience culture, demographics and usage, lighting and many other aspects

23. Treatment or Conservation Treatment

Repairs are done as needed to return artwork to its original condition and integrity, which may be the result of flaws, neglect, aging, damage or vandalism. A professional conservator or trained art maintenance technician usually carries out treatments, often in collaboration with artists and other experts.

APPENDIX B.

MAINTENANCE AND CONSERVATION GUIDELINES

Following are suggested guidelines for maintenance and conservation of public artwork, by type of material. These guidelines should be reviewed periodically by a professional conservator and updated as new or modified treatments and conservation methods become available.

1. **Bronze**

Careful consideration should be given to determining whether a professional consultant such as an art conservator is needed prior to taking action. In general, maintenance activity consists of washing and waxing the bronzes. Stickers, paint, and marker graffiti can be removed with acetone or xylene based solvents on a cotton rag. Blot the surface with clean and dry cotton rags to absorb the solvent and pigments and do not use great pressure or push the pigments back into the pores of the metallic surface. Once the surface is clean, wash the location and surrounding area with one teaspoon of Orvus detergent and clean water. Dry thoroughly, and apply appropriate wax. Do not do anything that changes or removes the original patina. If patina is damaged or it is desired to re-apply, a qualified foundry should be called for an assessment.

2. **Stone:**

Requires specialized research after determining the composition and type of stone and existing and grade of finish, e.g. . polish. Consideration should be given to use of sacrificial (anti-graffiti) wax coatings to protect stone and marble from future graffiti attacks. This sacrificial coating allows graffiti to be removed with hot water or solvents after an occurrence. The anti graffiti wax maker is "Prosoco" and the alternative brand is "Graffiti Melt". The coating should be re-applied annually to be sure it is stable and offers substantial protection. See Sec. III.A.6.i. for additional information on graffiti removal.

Environmental contamination should be removed using water from a hose or pressure washer and Orvus soap - note that high pressures (PSI) can permanently damage stone and pointing and is not advised.

Once clean, wax can be applied. Losses in the stone due to collisions, vandalism, carving, aged pointing, and or incising should be dealt with under the guidance of an art conservator or other professional. Using a poultice compound of specialty clay and solvents is the traditional stain removal method for stone and it usually applied by a professional conservator. For mold and lichen, treat stone with a biocide such as D2 by Cathedral Stone and a stiff nylon scrub brush.

3. **Concrete**

Bare concrete can be treated with a paint stripper such as the Peel Away 7 system by manufacturer Dumond. The process is slow, safe, and may require several applications. General cleaning can be accomplished with a pressure washer. Depending on the location, a biocide such as D2 by Cathedral Stone can remove and prevent lichen and mold. Use biocide and paint stripper per directions.

4. **Painted Surfaces Such as Murals, Metal, Concrete, and Wood**

These must be assessed on an individual basis. Graffiti removal is possible with the right choice of solvent after testing a small area. Care must be given not remove original paint while removing the contaminant paint. If both paints are the same type and composition, one alternative is to mechanically remove the graffiti paint and repaint (restore) the surface to match the original. If the artwork is highly valuable it should not be restored without consulting with an expert. To retain the historical and monetary value a conservator should advise as to whether there is an alternative treatment to remove the graffiti while keeping the original fabric of the artwork intact. It is recommended in certain cases to apply an authorized wax based anti- graffiti coating. This coating must not detract aesthetically from the artwork so the finish should be tested in an inconspicuous area first. See Sec. III.A.6.i. for additional information on graffiti removal.

5. Corten Steel

Solvents and or the Peel Away Seven paint stripper system are used to address graffiti removal on Corten steel. It is extremely difficult to remove all residual paint from a porous surface such as this. Therefore, it can be anticipated that some "ghost" imaging may remain after treatment. See Sec. III.A.6.i. for additional information on graffiti removal.

6. Stainless Steel

Solvents can be used to remove marks and graffiti without causing damage. Some abrasives such as Scotch Brite pads can be used to remove residue but will change the polished look on some finishes. Therefore test prior to using any abrasive. If a wire brush is used to clean, make sure it is 100% stainless steel to avoid contamination and rust. See Sec. III.A.6.i. for additional information on graffiti removal.

7. Tree and Foliage Obscuring View of the Artwork:

Should trees, plantings, foliage surrounding a public artwork block the view, lighting, signage, or base of a given artwork, problems should be identified in artwork evaluations or reported to the Public Art staff, who will forward requests or concerns to the appropriate City departments for mitigation. The services requested may involve tree trimming, or removal of invasive or inappropriate plant species. Public safety issues such as a fallen tree or dead overhanging branches that could damage artwork shall be reported to Public Art staff immediately for emergency action.

8. Graffiti Removal Standards

Graffiti removal begins with an evaluation. As best as possible attempt to determine what was used to apply the graffiti and what surface is the graffiti on (painted, brick, stone, etc.). Testing chemicals that will be used to remove graffiti is important because applications may damage paint, discolor surface or leave a ghost image of the graffiti once the removal is complete.

It is best to use mineral spirits as a first chemical usage in graffiti removal testing. On a small area approximately two square inches test the tenacity of the graffiti using mineral spirit applied to a rag, preferably lint free cotton rags (T-shirt material works best). The wet rag is then used to wipe away the graffiti in areas one to two square inches at a time. The rag should not be saturated with chemical and secondary rags are always used to catch any chemical drips. The dirty section of the rag should not be reused; always use a clean section of the rag. Using the dirty section of the rag in a second removal attempt will transfer the graffiti material back to the surface it was removed from often causing more damage to the surface.

Chemical solvents used to remove graffiti from a painted surface will soften the paint and often remove the paint along with the graffiti. The objective is to minimize the amount of paint removed and avoid working the graffiti into the paint once it softens. Removing the luster from the paint is an important consideration. The harsher the chemicals the higher chances are the luster/gloss of the paint will be removed. Chemical solvents each have a different evaporation rate. The faster the chemical evaporates from the surface the less time one has to remove the graffiti. If the graffiti is not removed from the surface before the chemical evaporates the remaining graffiti will blend with the paint, making its removal virtually impossible without damaging the paint or the surface of the brick, stone or concrete. Scotch Brite pads are periodically used in the removal process where abrasives are needed. Scotch Brite pads are abrasives and should only be used in the removal process once a test has been performed to assure the pads will cause minimal to no damage to the surface material.

The following chemicals are used primarily in the graffiti removal processes and are listed from the least to the most aggressive and slowest to the fastest evaporation rate based on experience.

- **Mineral spirits:** works well on most permanent marker, sticker adhesives, ink pen, crayon and some flat paints. Slow evaporation

- **Lacquer Thinner:** works well on paint pen, sticker adhesives, gloss paints, enamel spray paints
- **Acetone:** Evaporates relatively fast requiring removal small areas relatively fast. Great on marker and artist paint pens, removes most paints, does not work as well on adhesives.
- **Denatured Alcohol:** Evaporates relatively fast requiring removal of small areas relatively fast. Great on marker, removes most paints, does not work as well on adhesives.
- **Xylene:** Very aggressive. Evaporates relatively fast requiring removal of small areas relatively fast. Great on marker, paints and adhesives.
- **Methyl Ethyl Ketone (M.E.K)** Rapid evaporation, Very aggressive and only used as a last option.



CITY OF SURPRISE
Regular City Council Meeting

March 21, 2017 @ 6:00:00 PM

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

Council Meeting Date:	March 21, 2017	Contact Person:	Lindsey Duncan, Finance Director
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	None		

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

Agenda Wording:

Public Hearing on the results of the Biennial Audit Engagement required by Section 106-61 of the City of Surprise Municipal Code and A.R.S. 9-463.05 (G)(2).

Motion:

To open the public hearing.

Background:

On June 17, 2014, the City Council approved Ordinance 2014-09 in accordance with A.R.S. 9-463.05 related to the assessment and collection of development impact fees. The ordinance required that a biennial audit be performed that reviewed the assessment, collection, and use of the development impact fees authorized by the ordinance. The ordinance became effective August 1, 2014 and this audit engagement is the first one completed under the code and the holding of the public hearing is an additional requirement of code and statute.

Objective Analysis:

The engagement report presents the results of the audit engagement of the City's development impact fees assessed under Ordinance 2014-09.

Policy Compliant:

The agenda item is compliant with City policy, Municipal Code and Arizona Revised Statutes.

Financial Impact:

Presently, biennial audits will need to be conducted every two years to evaluate the City's compliance with Municipal Code and A.R.S. 9-463.05. The cost for the audits will be dependent on quotes received from independent accounting firms, but the general estimate is between \$10,000 and \$30,000 which is paid from the collection of the development impact fees assessed under the ordinance in accordance with Municipal Code and state statute. Total cost for the current engagement is \$11,000.

Budget Impact:

Funding for the biennial audit is included in the FY2017 annual budget. The cost for the current engagement will be allocated to various 2014 Development Impact Fee funds. In future years, the budget will be established in the year the engagement is required to be conducted.

FTE Impact:

There is no FTE impact as a result of this public hearing or the engagement.

ATTACHMENTS:

Click to download

- ☐ [2014-2016 Biennial Audit Engagement Report](#)
 - ☐ [2014-2016 Biennial Audit Presentation](#)
-

City of Surprise, Arizona
Report on Applying Agreed-Upon Procedures
Biennial Certification of Land Use
Assumptions, Infrastructure Improvement Plan
and Development Impact Fees
For the Period August 1, 2014 through June 30, 2016

**CITY OF SURPRISE, ARIZONA
TABLE OF CONTENTS**

<u>CONTENTS</u>	<u>PAGE</u>
Independent Accountant's Report on Applying Agreed-Upon Procedures	1
Summary of Findings	3
Appendix A – Progress of Infrastructure Improvement Plan Projects	4

INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES

Honorable Mayor and Members of the City Council
City of Surprise, Arizona

We have performed the procedures identified below, which were agreed to by the management of City of Surprise, Arizona, solely to assist the management of City of Surprise, Arizona, in evaluating the City of Surprise, Arizona's compliance with the requirements set forth in Arizona Revised Statutes (A.R.S.) 9-463.05 for the period from August 1, 2014 through June 30, 2016. Management is responsible for City of Surprise, Arizona's compliance with those requirements. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purposes.

We have applied the following procedures:

The progress of the infrastructure improvements plan.

- a. Compared growth projections for 2015 and 2016 related to population, housing units and nonresidential square footage as reported in the Land Use Assumptions to actual results. A list of all variances are reported in the Summary of Findings.
- b. Obtained City-prepared report (see Appendix A) documenting the progress of each project identified in the Infrastructure Improvement Plan (IIP) and performed the following procedures:
 - i. Agreed expenditures as of June 30, 2016 to the underlying accounting records.
 - ii. Agreed amounts reported as estimated cost to complete to underlying accounting records.

The collection and expenditures of development impact fees for each project in the plan.

- c. Selected a sample of 40 building permits issued and determined fees were charged in accordance with authorized fee schedules and that each permit holder is charged the same rate as another equivalent permit holder.
- d. Selected a sample of 27 expenditures and determined that the expenditure was associated with an approved project in the City's IIP.

Evaluating any inequities in implementing the plan or imposing the development impact fee.

- e. Determined each developer/unit is charged the same rate as another equivalent developer/unit by recalculating impact fees at the transaction level for the sample mentioned in step c. above.
- f. Determined that there were no instances in which the City waived development impact fees, except as allowed for under A.R.S. §9-499.10(B) and A.R.S. §9-500.18.

The accompanying Summary of Findings describes the findings we noted.

We were not engaged to, and did not conduct an audit, the objective of which would be the expression of an opinion on compliance. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the management of City of Surprise, Arizona, and is not intended to be and should not be used by anyone other than these specified parties.

Heinfeld, Meech & Co., P.C.

Heinfeld, Meech & Co., P.C.
Phoenix, Arizona
February 2, 2017

CITY OF SURPRISE, ARIZONA

SUMMARY OF FINDINGS

FINDING NO. 1

Variances were noted for growth projections related to population, housing units and nonresidential square footage as reported in the Land Use Assumptions when compared to actual results. All variances are reported below.

	2015			
	Projected	Actual	Variance	Variance %
Population	125,526	126,275	749	1%
Residential Housing Units	47,746	45,854	(1,892)	-4%
Nonresidential Square Footage				
Retail	4,079,586	3,954,190	(125,396)	-3%
Office	1,061,948	972,062	(89,886)	-8%
Public	952,625	986,790	34,165	4%
Industrial	1,443,504	1,206,040	(237,464)	-16%
Total Nonresidential Square Footage	7,537,663	7,119,082	(418,581)	-6%

	2016			
	Projected	Actual	Variance	Variance %
Population	130,837	128,422	(2,415)	-2%
Residential Housing Units	50,288	46,348	(3,940)	-8%
Nonresidential Square Footage				
Retail	4,330,707	4,152,234	(178,473)	-4%
Office	1,182,767	1,126,353	(56,414)	-5%
Public	1,024,250	1,074,213	49,963	5%
Industrial	1,578,302	1,601,735	23,433	1%
Total Nonresidential Square Footage	8,116,026	7,954,535	(161,491)	-2%

FINDING NO. 2

For two of 27 expenditures reviewed, the expenditures were recorded in the incorrect Impact Fee fund. The expenditures were related to projects included in a prior Infrastructure Improvement Plan (IIP), but were recorded in the fund restricted for expenditures associated with projects in the 2014 IIP.

APPENDIX A

PROGRESS OF INFRASTRUCTURE IMPROVEMENT PLAN PROJECTS

Project Description	IIP Fund	Estimated Cost ^a	Expenditures as of 6/30/16 ^b	Estimated Cost to Complete	FY Budget Plan
Fire Station 308	Fire & EMS Impact Fee Fund	\$ 6,135,001	\$ -	\$ 6,135,001	FY2018
Fire Station 309	Fire & EMS Impact Fee Fund	8,822,500	-	8,822,500	FY2020
163rd Ave Phase 1	163rd Ave Roadway Fee	11,275,000	-	11,275,000	FY2021
163rd Ave Phase 2	163rd Ave Roadway Fee	13,500,000	-	13,500,000	FY2021
Desert Oasis WSF - Arsenic Treatment Phase 2	Water Sys Dev Fee Fund SPA2	2,200,000	-	2,200,000	FY17-19
Mountain Vista Well #2	Water Resources Sys Dev Fee SPA1	2,073,500	2,776,244	-	FY12-15
Cactus Rd Sewer Line - Sarival to Reems (GAP Study)	Wastewater Sys Dev Fee SPA1	1,400,000	-	1,400,000	FY2026
(18") 21" Sewer Line Cotton Rd (W Cactus Rd to W Peoria Ave)	Wastewater Sys Dev Fee SPA1	1,400,000	-	1,400,000	FY2026

a) The source of the information in the City of Surprise 2014 Infrastructure Improvements Plan.

b) The source of the information is the City's financial records for the period July 1, 2012 through June 30, 2016.



Biennial Development Impact Fee Audit

Regular City Council Meeting
March 21, 2017

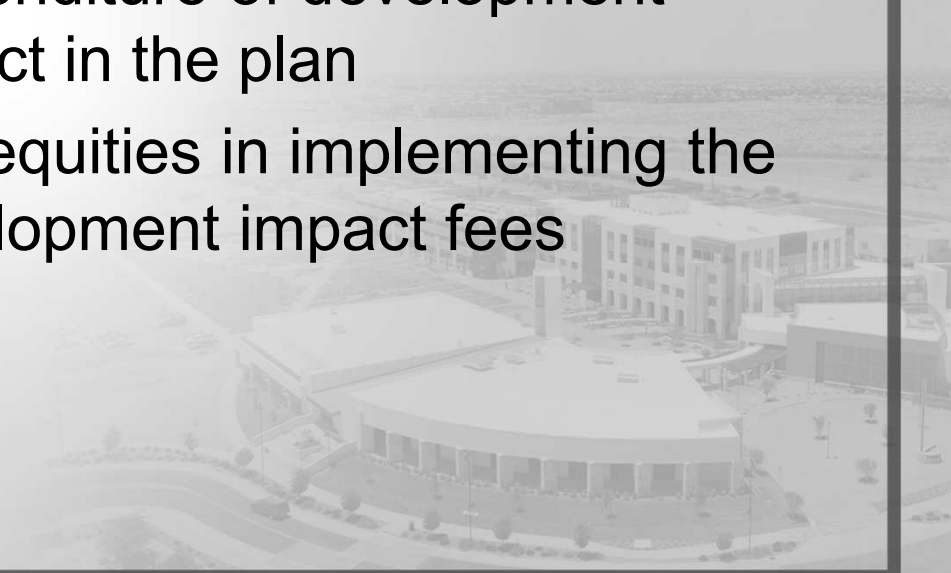
DEVELOPMENT IMPACT FEE AUDIT

- Arizona Revised Statutes (A.R.S.) 9-463.05
- Review and test compliance with the requirements set forth in the development impact fee law
- August 1, 2014 through June 30, 2016.





Procedures performed

- Reviewed progress of infrastructure improvement plan
 - Tested collection and expenditure of development impact fees for each project in the plan
 - Evaluated if there were inequities in implementing the plan or imposing the development impact fees
- 

Summary of Findings

Finding #1- Variances between growth projections and actual results.

	2015			
	Projected	Actual	Variance	Variance %
Population	125,526	126,275	749	1%
Residential Housing Units	47,746	45,854	(1,892)	-4%

	2016			
	Projected	Actual	Variance	Variance %
Population	130,837	128,422	(2,415)	-2%
Residential Housing Units	50,288	46,348	(3,940)	-8%



Summary of Findings

Finding #2- Expenditures recorded in Sewer SPA1 2014 Fund should have been in Sewer SPA1 2012





SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Regular City Council Meeting

March 21, 2017 @ 6:00:00 PM

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

Council Meeting Date:	March 21, 2017	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	4
Staff Recommendations:	None		

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

Agenda Wording:

Consideration and action item regarding a Minor General Plan Amendment to the General Plan 2035 land use map from Office and Commerce to an Employment designation for the area generally located at the northeast corner of Bell Road and Grand Avenue .

Motion:

I move to approve Resolution #2017-26.

Background:

The City of Surprise seeks approval of a Minor General Plan Map Amendment of approximately 75.95 acres of land from Office and Commerce to Employment as defined in the City of Surprise General Plan 2035. The amendment will provide consistency in the uses located in the area currently and the General Plan 2035 Land Use map.

Objective Analysis:

The proposed Minor General Plan Amendment should have a positive effect on the included parcels as they would be able to rezone to a designation most appropriate and gain the ability to expand their existing uses while eliminating their legal nonconforming status.

Policy Compliant:

The action 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 - FS16-345 - Sun City West Commerce Park General Plan Map Amendment, Resolution #2017-26 - Staff Report](#)
 - ☐ [01 - FS16-345 - Sun City West Commerce Park General Plan Map Amendment, Resolution #2017-26 - Location Maps](#)
 - ☐ [02 - FS16-345 - Sun City West Commerce Park General Plan Map Amendment, Resolution #2017-26 - GPA Document](#)
 - ☐ [02 - FS16-345 - Sun City West Commerce Park General Plan Map Amendment, Resolution #2017-26 - GPA Legal Description](#)
 - ☐ [03 - FS16-345 - Sun City West Commerce Park General Plan Map Amendment, Resolution #2017-26 - Public Engagement Report](#)
 - ☐ [04 - FS16-345 - Sun City West Commerce Park General Plan Map Amendment, Resolution #2017-26 - Public Participation Report](#)
 - ☐ [05 - FS16-345 - Sun City West Commerce Park General Plan Map Amendment, Resolution #2017-26 - Resolution](#)
 - ☐ [06 - FS16-345 - Sun City West Commerce Park General Plan Map Amendment, Resolution #2017-26 - Presentation](#)
-

MINOR GENERAL PLAN MAP AMENDMENT

REPORT TO THE MAYOR AND CITY COUNCIL

Case: FS16-345

Project Name: Sun City West Commerce Park General Plan Map Amendment

Council District: 4 - Mulberry

Meeting Date: March 21, 2017

Planner: Hobart Wingard, 623-222-3156, hobart.wingard@surpriseaz.gov

Owner: 17 various properties, City Initiated

Applicant: City of Surprise

Request: Amend approximately 75.95 acres of the City of Surprise General Plan 2035 Land Use Designation Map from Office and Commerce to Employment.

Site Location: Generally north of the northeast corner of Grand Avenue and Bell Road.

Site Size: Approximately 75.95 acres

General Plan Conformance: Not applicable as this case proposes to modify the General Plan 2035 Land Use Map.

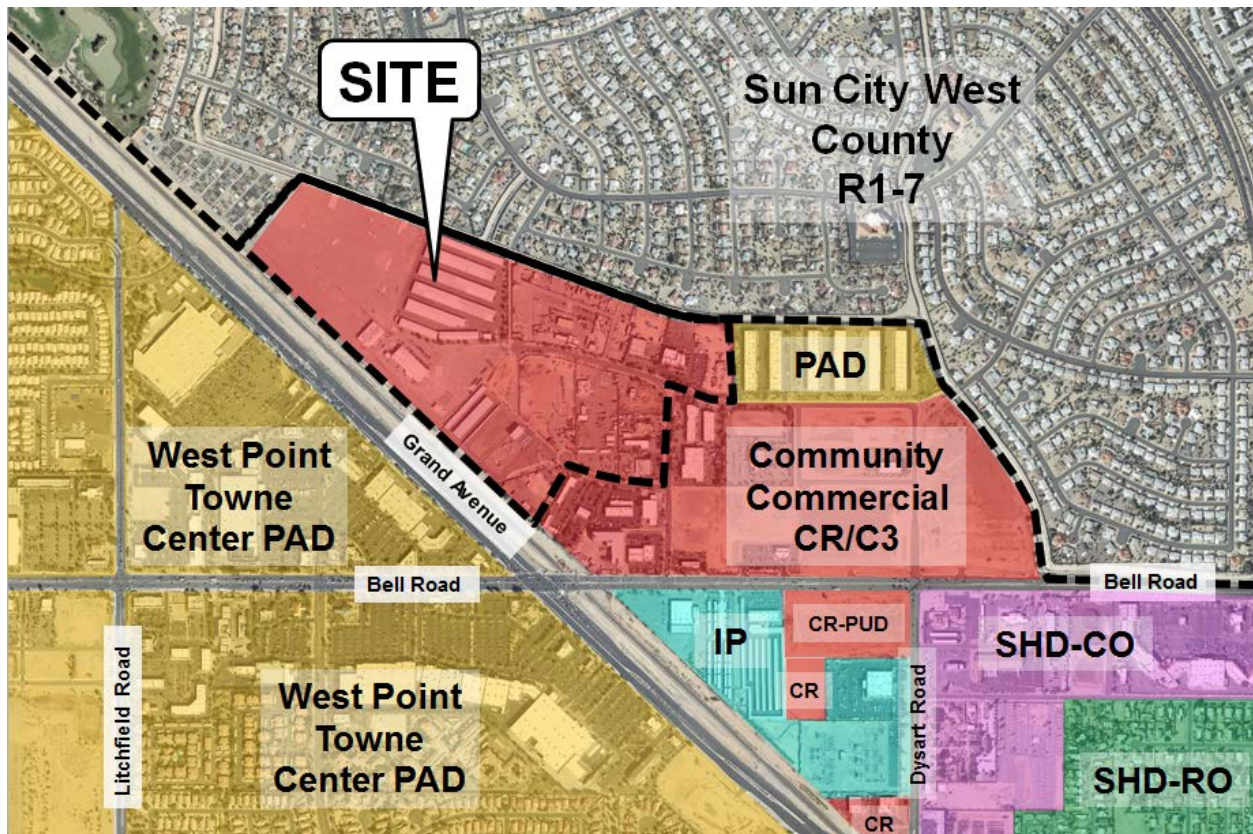
Support/Opposition: The city received no indication of opposition, but support was received as described in the attached Citizen Participation Report.

Project Description:

The City of Surprise seeks approval of a Minor General Plan Map Amendment of approximately 75.95 acres of land from Office and Commerce to Employment as defined in the City of Surprise General Plan 2035. The amendment will provide consistency in the uses located in the area currently and the General Plan 2035 Land Use map and provide opportunity of business expansion.

Existing Zoning:

The following chart and associated map depict the existing zoning of the subject parcels and their surroundings.



Sun City Grand R1-7 Single Family Zoning District Community Garden	Sun City Grand R1-7 Single Family Zoning District	Sun City Grand R1-7 Single Family Zoning District
West Point Towne Center PAD with a Commercial Land Use	Regional Commercial (CR/C3) Parcels	Regional Commercial (CR/C3) and PAD C-3 parcels
West Point Towne Center PAD with a Commercial Land Use	West Point Towne Center PAD with a Commercial Land Use	Regional Commercial (CR/C3) Parcels

Background:

May 23, 1996: The subject parcel was annexed into the City of Surprise.

January 9, 2017: The City and the applicant for the accompanying Rezone request held a neighborhood outreach meeting to discuss the proposed projects.

March 2, 2017: The Planning and Zoning Commission recommended approval of the Minor General Plan Amendment to the Mayor and City Council.

55 **Citizen Review:**

56 The Citizen Review Meeting was held on January 9, 2017. The site was posted and advertised for a
57 Citizen Review meeting in accordance with the SUDC. The City and the applicant for the
58 accompanying Rezone held the meeting at the CampCorp site. Two (2) members of City Council and
59 a single resident attended the meeting. The applicant, as well as City staff answered several
60 questions regarding the proposed General Plan Map Amendment. There appeared to be general
61 support of the proposed projects.

62
63 **Analysis and Discussion:**

64 Existing when annexed in 1996, the industrial oriented uses in this area were operating. Since the
65 annexation of the property in 1996, the use on the property has been considered legal
66 nonconforming and, because expansion of a nonconforming use is not allowed under the City of
67 Surprise Municipal Code, expansion can be denied. The subject case provides an opportunity for
68 these parcels to Rezone and become legal conforming.



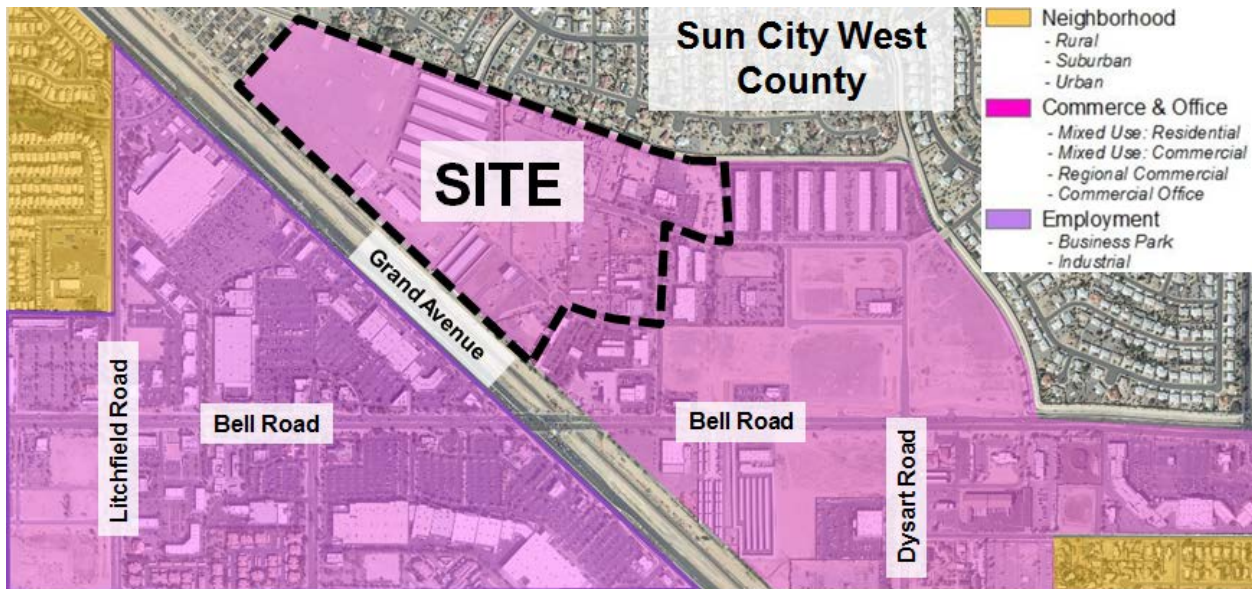
69
70 The City is seeking to modify the City of Surprise General Plan Land Use Map. The map modification
71 of this approximately 75.95 acre area will allow businesses, such as the accompanying CampCorp
72 Rezone, to expand as several of the properties are currently legal nonconforming.

73
74 **Conformance with Adopted Plans:**

75 **Surprise General Plan 2035:** The Surprise General Plan 2035 shows the subject properties as lying
76 within the Commerce and Office Character Area. Accompanying this application is an application of
77 a Rezone of a portion of the subject site known as CampCorp from Regional Commercial (CR/C-3) to
78 General Industrial (IG/I-2). This General Plan Map Amendment to change this parcel and others in
79 the proposed Employment Character Area. This will allow the existing business to rezone and move
80 from a nonconforming status to conforming for continued growth. This change is in compliance
81 with the goals and policies of the existing General Plan 2035.

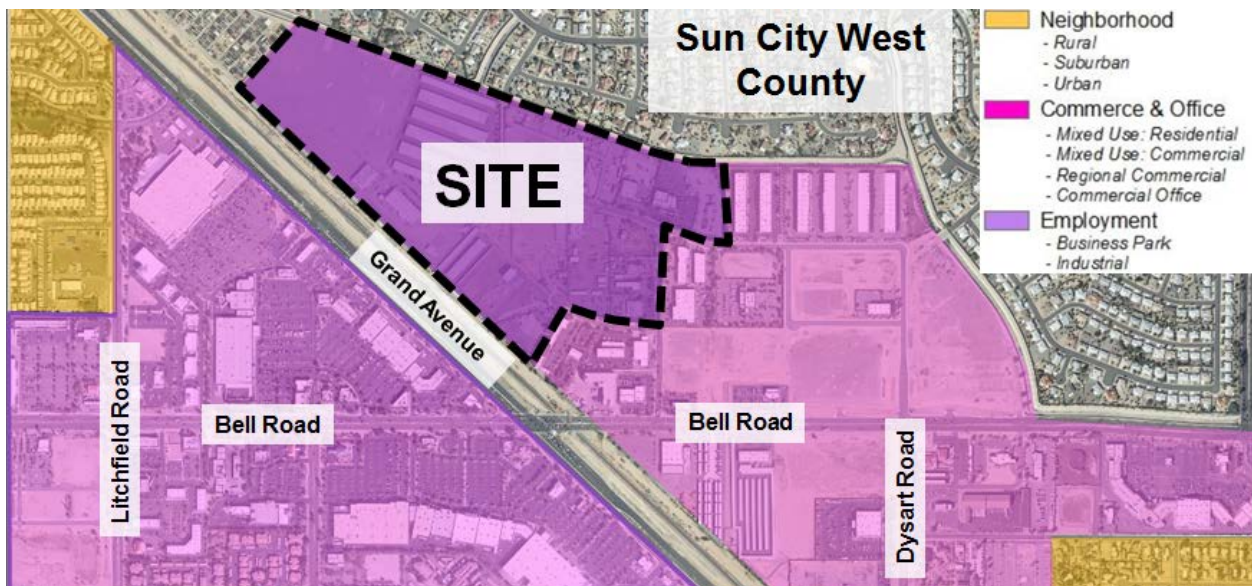
Existing General Plan Designations:

The following chart and associated map depict the existing General Plan designations of the subject parcels and their surroundings.



Proposed General Plan Designations:

The following chart and associated map depict the proposed General Plan designations of the subject parcels and their surroundings.



Reviewing Agencies:

In addition to the standard city reviewing agencies, who indicate no objections to the request, Luke Air force Base, Maricopa Water District, EPCOR Water, ADOT, and Maricopa Association of Governments (MAG) were included in the routing of this case.

Summary:

The City of Surprise seeks approval of a Minor General Plan Map Amendment of approximately 75.95 acres of land from Office and Commerce to Employment as defined in the City of Surprise General Plan 2035. This will provide consistency in the uses located in the area currently while providing opportunities for businesses in this area to expand providing improved employment prospects to residents.

Findings:

General Plan Map Amendment:

- The proposed Rezone will be consistent with the Goals and Policies of the Surprise General Plan 2035.
- The reviewing agencies have indicated no objections to the request.
- The public at large has indicated no objections to the request.

Recommendation:

Based on the findings noted above, should the Mayor and City Council move to approve case **FS16-345**, they should do so subject to stipulations 'A.' through 'C.' as outlined below:

- A. Development and use of the subject General Plan Map Amendment shall be in conformance with the project narrative entitled "Sun City West Amendment from Commerce and Office to Employment", prepared by the City of Surprise, consisting of 17 pages dated Revised: February 9, 2017.
- B. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.
- C. The Property owners and successors waive claim for diminution in value if the City takes action to rescind approval of this General Plan Map Amendment request due to non-compliance with the stipulations of approval.

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

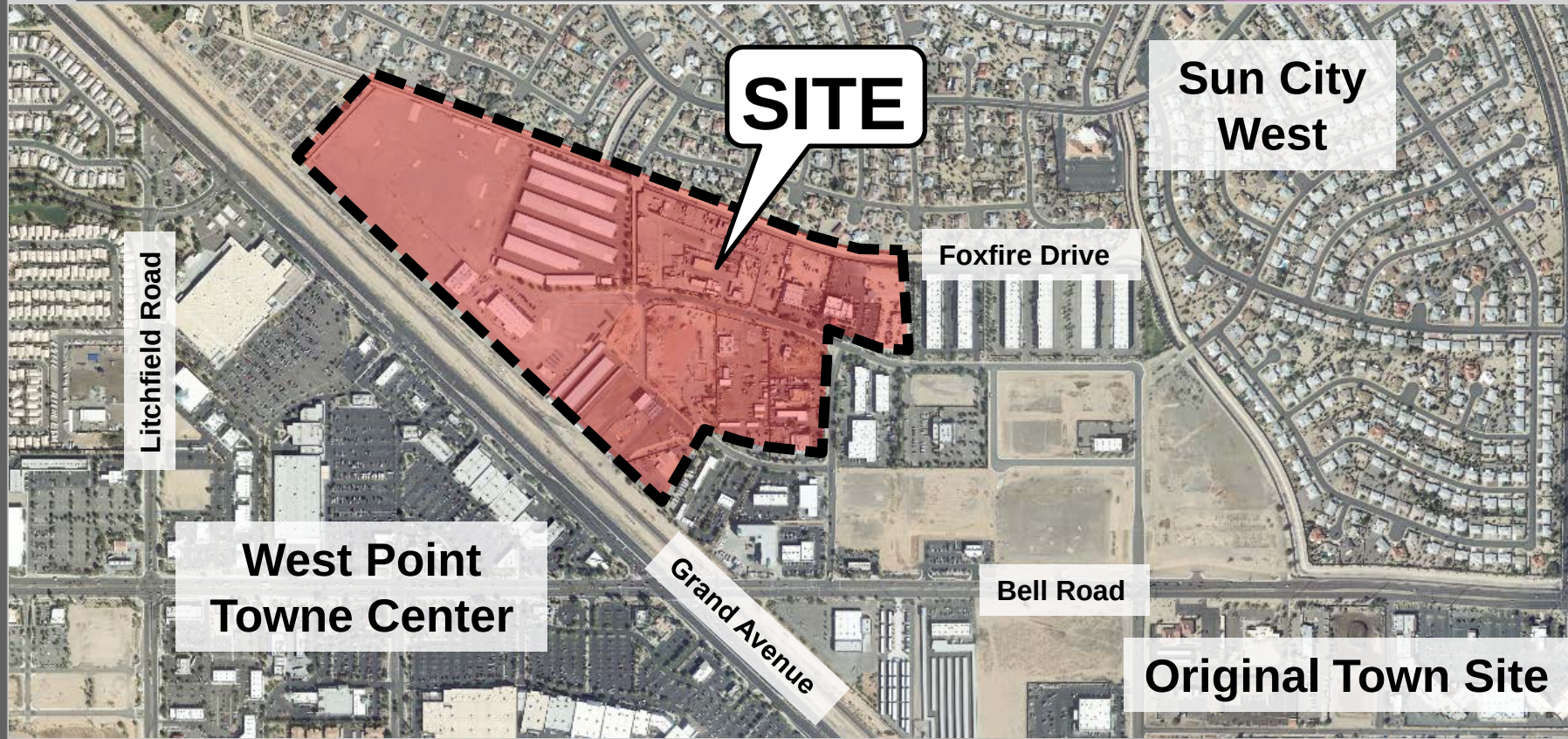
Attachments:

- 01 - Vicinity Maps
- 02 - General Plan Amendment Document
- 03 - Public Engagement Form
- 04 - Public Participation Report
- 05 - Resolution

VICINITY MAP



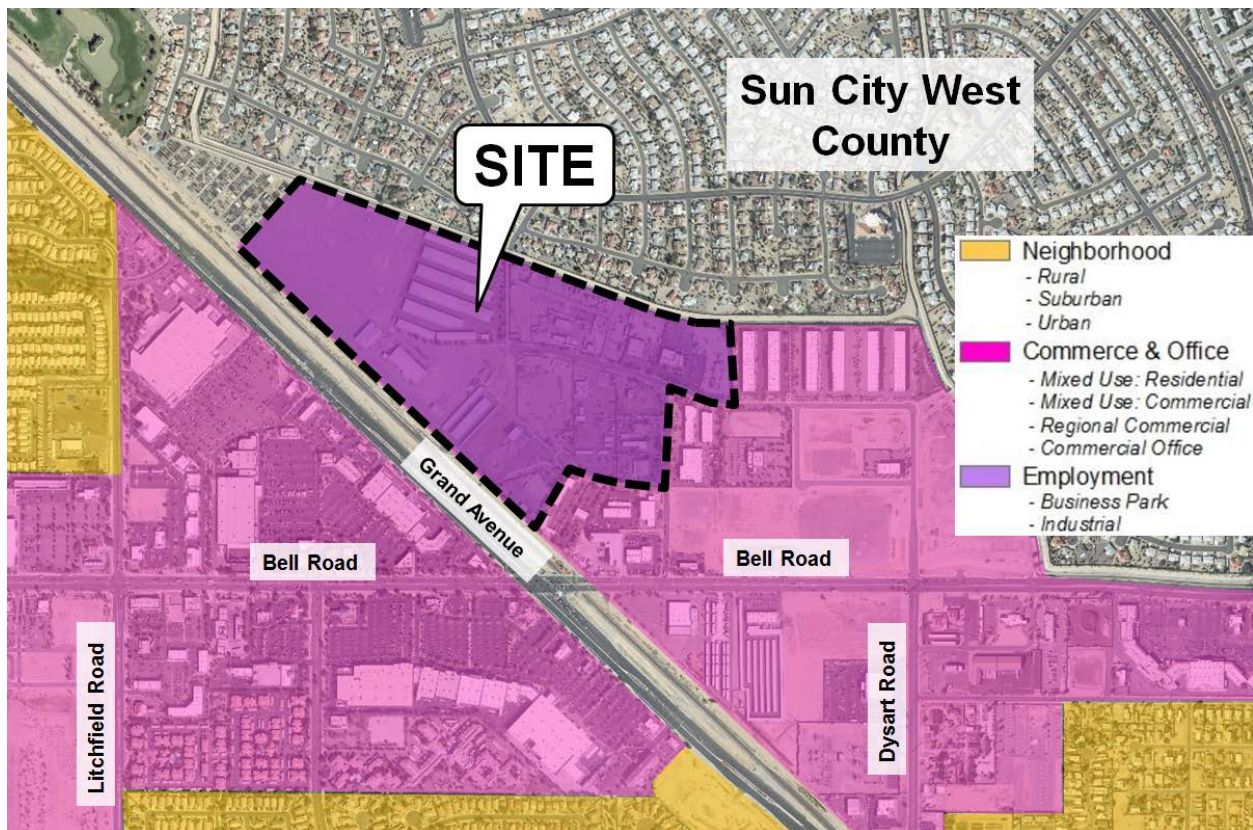
LOCATION MAP



FS16-345

Sun City West Commence Park

Minor General Plan Amendment from Commerce and Office to Employment



Prepared By:

City of Surprise

16000 North Civic Center Plaza

Surprise, Arizona 85374-7470

623-222-3000

Revised February 9, 2017

Table of Contents

Narrative.....	Page 2
3 Mile Vicinity Map.....	3
Vicinity Map	4
Existing General Plan 2035.....	5
Proposed General Plan 2035.....	6
Impact Analysis Form.....	7 and 8
Appendix.....	9
Enhanced Notification.....	10
Legal Description.....	11 and 13
Property Owners.....	14 thru 17

Narrative

The subject parcels were annexed into the City of Surprise in 1996. Prior to and after annexation, a large part of the Sun City Wes Commerce Park served as an assembly site for components of home construction in the various Sun City Communities. Once the communities it served built out, the parcels were sold, platted, and served as business locations for a variety of uses. While the Commerce Center is zoned Regional Commercial, many of the used in the northwest section of the area are defined as industrial in nature.

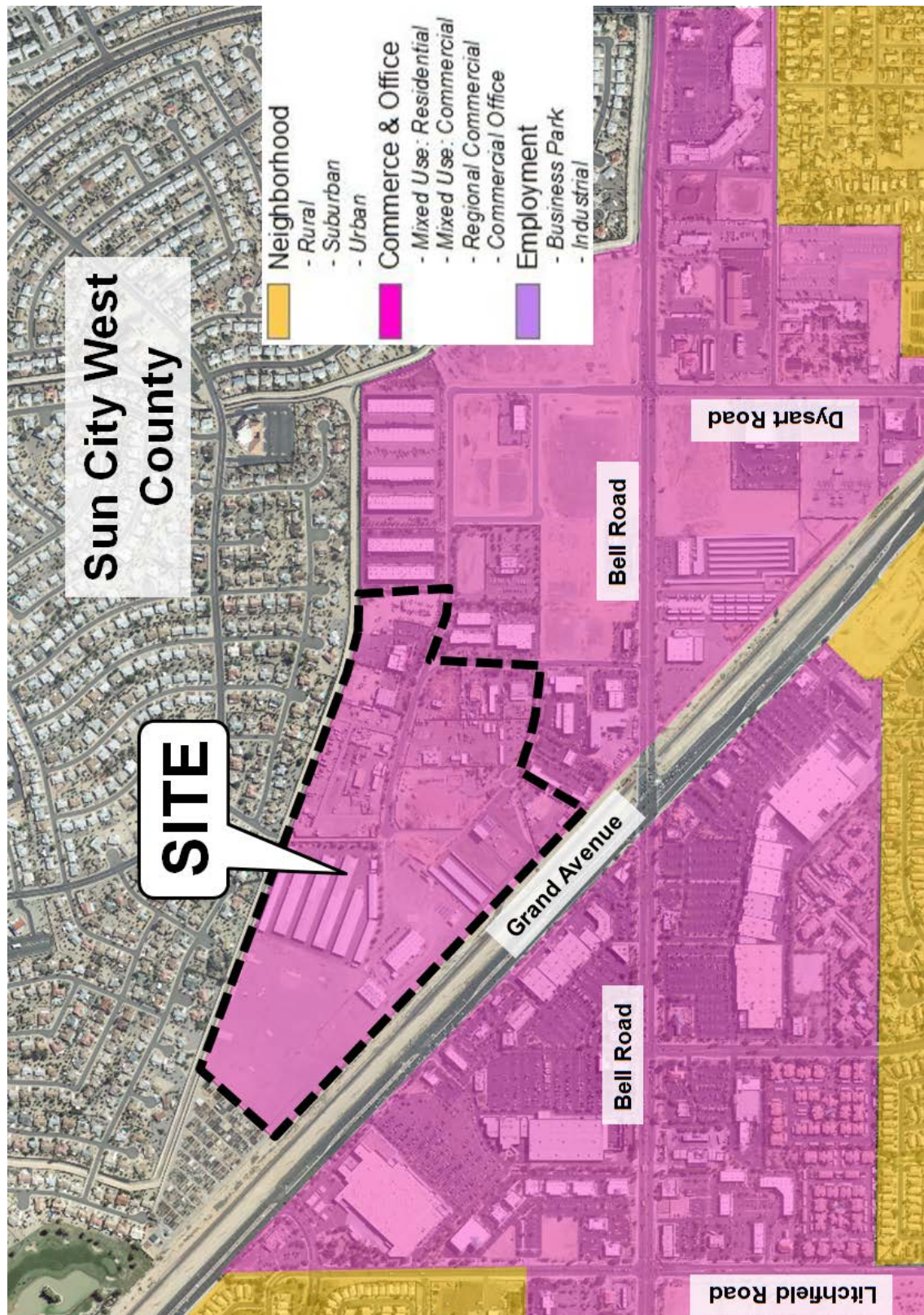


In 2015 the Surprise General Plan (GP) 2035 was adopted. This document labeled the area as 'Commerce and Office.' While much of the area is suited for that General Plan designation, it is the northwestern corner that contains vacant lands that could be considered appropriate for Industrial use. This proposed amendment will provide a mechanism to allow existing businesses to intensify while allowing new industrial uses to be located in this area. Constricted by physical boundaries and located away from arterial roads, the capacity of this area is expected to increase the tax base and provide jobs for the City.

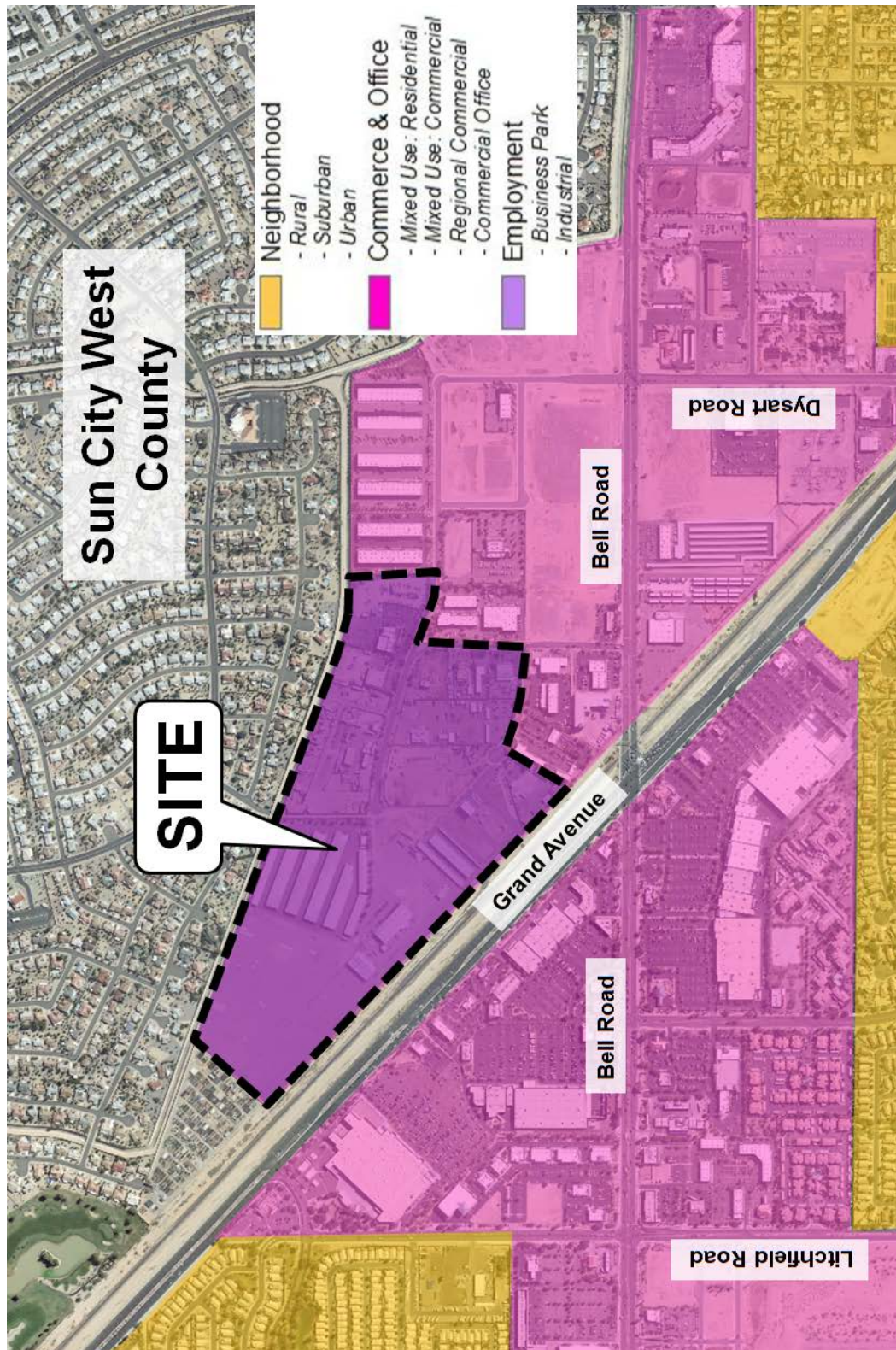
3 Mile Vicinity Map



Existing General Plan Land Use Map



Proposed General Plan Land Use Map



Impact Analysis Questionnaire

1. **Site Location:** North of the northeast corner of Bell Road and Grand Avenue at the west end of Foxfire Road.
2. **Acres:** 75.95 Acres
3. **Existing Zoning:** Regional Commercial (CR/C3)
4. **Existing Land Use(s):** Commerce and Office
5. **Requested Map Change(s):** Change 75.95 acres of property identified as 'Commerce and Office' to 'Employment' to allow the existing nonconforming uses to expand with a rezone.
6. **Is this request related to a rezoning application?** Yes. CampCorp USA currently manufactures modular buildings on their 25.23 acre parcel. To expand their manufacturing operations and to offer some of their land to other industrial operations, the parcel would have to change the zoning to General Industrial (IG/I2). This zoning district is permitted in the Employment General Plan Land Use as opposed to the current designation of Commerce and office.
7. **Does the proposed amendment encourage concentration of development intensity in cores?** The opportunity to expand in this physically constricted area will concentrate manufacturing uses to an area of the City that because of physical barriers and an existing railroad spur, is appropriate for manufacturing use. Improved aesthetics and buffers will protect the view shed of the City from Grand Avenue.
8. **How will this amendment affect the tax base and opportunities for economic development and employment?** Expanding and new business opportunities will contribute to the creation of jobs and increase the tax base.
9. **How many potential housing units would be created or lost by approving and implementing the proposed amendment?** Not applicable
10. **Is there a need for the proposed use in the requested location? Explain:** Yes. These are existing manufacturing facilities wanting to expand the use that a rezone and minor general plan amendment would provide for them.
11. **What impact would the proposed amendment have on adjacent or nearby land?** This amendment would give landowners greater utility of land that is not suitable for residential or commercial activity.
12. **Impact on developed land?** Because many of the uses are existing, little impact is anticipated on developed land.
13. **Impact on vacant land?** Vacant land will be given broader opportunities to be utilized in an area not suited for commercial activities.
14. **How will the proposed amendment affect traffic generation and transportation system(s)?** It is not anticipated that the proposed amendment would create significant traffic generation.

- 15. How will this amendment affect the existing infrastructure of the area, specifically the water, wastewater and street systems?** As this area has operated as a manufacturing facility for some time, infrastructure systems will remain as is. Any new expansion or growth will require review by the City to ensure infrastructure systems are not overwhelmed.
- 16. Will the proposed amendment create additional need for recreational and open space facilities?** No
- 17. How will the proposed amendment affect the character and image of the adjacent neighborhood?** Because this property is located in an area of defined limited boundaries that include a railroad track to the west and a 60 foot concrete channel physically separating this area from the Sun City West neighborhood to the north, effects to the neighborhood are unlikely.
- 18. How will this amendment promote the creation of compatible neighborhood patterns?** Because this property is located in an area of limited growth, neighborhood patterns are unlikely to be created.
- 19. Will this amendment affect any cultural or historical property?** No
- 20. Will this amendment pose a threat of impact to wildlife or endangered species?** No
- 21. How will this amendment impact the school district's ability to accommodate children?** This will have no effect on the school district.
- 22. How will this amendment constitute an overall improvement to the Plan?** This amendment would take into account existing manufacturing activities and identify the land use more accurately.
- 23. How will this amendment promote the use of alternative modes of transportation?** Employees that live in other parts of the valley will have the opportunity to utilize a Park and Ride facility that is located a short walking distance from the area. Citizens of Surprise may find job opportunities closer to home while limiting vehicular commutes.

Appendix

Enhanced Notification

ENHANCED NOTIFICATION PROCEDURE REQUEST FOR COMMENTS FORM

Applicant Responsible For Completing the Following:

COMMENTING JURISDICTION: In accordance with the Enhanced Notification Procedure adopted by our community, we are informing you of a project that is being considered in our jurisdiction that may affect your community.

Please review the data provided on this project. If you feel this project may impact your jurisdiction and you would like to submit comments, please be specific in addressing potential impacts and submit your comments by the First Hearing Date noted above. Please keep comments to a maximum of three (3) pages.

All comments will be reviewed as "advisory" only. The host jurisdiction maintains authority to proceed with their hearing schedule as noted. If you have any questions or would like additional information, please call the contact person indicated above.

1. Submitting host jurisdiction: City of Surprise
2. Address or location of project: Northeast of the intersection of Bell Road and Grand Avenue. Towards the western end of Firefox.
3. Nature of action requested (general plan amendment, master plan, rezoning, etc.): Minor General Plan amendment - 75.95 Acres from Commerce and Office to Employment.
4. Description of project:
Projected additional A.M. / P.M. peak hour vehicle trips: N/A

Number of dwelling units: 0 Non-residential sq. footage: N/A Acreage of Project: 75.95
Present and proposed land uses: Presently Commerce and Office. Proposed Employment.
Phasing plan for overall project: N/A
5. Distance from perimeter of the project to the nearest existing or proposed:
Freeway: 3.75 Miles Road of regional significance: N/A
6. Measures that will be employed to mitigate any traffic impacts caused by the project: N/A
7. Any other comments on the project (may use reverse side or separate sheet): Minor GPA to accommodate a proposed rezone of an existing industrial facility along Foxfire Drive. Other properties included within this GPA will be able to apply for rezoning to conform to the zoning district.

Legal Description

EXHIBIT "A"

DESCRIPTION

A portion of the south half of Section 34, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the South Quarter Corner of said Section 34 from which the Southeast corner of said Section 34 lies South 89°50'47" East 2635.74 feet;

Thence along the south line of the southeast quarter of said Section 34 South 89°50'47" East 987.12 feet;

Thence North 00°09'39" West 79.60 feet;

Thence North 02°42'05" East 230.38 feet to the beginning of a tangent curve, concave westerly, having a radius of 2000.00 feet;

Thence northerly along the arc of said curve through a central angle of 02°51'45" a distance of 99.92 feet;

Thence North 00°09'39" West 275.16 feet;

Thence South 89°50'21" West 30.00 feet to the POINT OF BEGINNING;

Thence South 44°55'10" West 21.18 feet;

Thence North 90°00'00" West 165.63 feet to the beginning of a tangent curve, concave northerly, having a radius of 650.00 feet;

Thence northwesterly along the arc of said curve through a central angle of 36°34'26" a distance of 414.92 feet to the beginning of a compound curve, concave northeasterly having a radius of 60.00 feet;

Thence northerly along the arc of said curve through a central angle of 45°07'46" a distance of 47.26 feet to the beginning of a reverse curve the center of which lies North 81°42'11" East 60.00 feet;

Thence northerly, westerly, southerly and easterly along the arc of said curve through a central angle of 262°35'46" a distance of 274.99 feet to the beginning of a reverse curve, concave southerly having a radius of 60.00 feet;

(description continued on page 2 of 2)

Page 1 of 2

DESCRIPTION (continued from page 1 of 2)

Thence easterly along the arc of said curve through a central angle of 38°21'48"
A distance of 40.17 feet;

Thence South 28°55'35" West 452.03 feet;

Thence North 46°37'29" West 2727.28 feet;

Thence North 43°22'22" East 600.06 feet;

Thence South 69°30'46" East 2432.82 feet to the beginning of a tangent curve, concave
northeasterly having a radius of 1600.00 feet;

Thence easterly along the arc of said curve through a central angle of 20°20'01" a
distance of 567.82 feet;

Thence South 89°50'47" East 40.18 feet;

Thence South 00°09'39" East 503.65 feet;

Thence North 89°50'47" West 0.30 feet to the beginning of a tangent curve, concave
northeasterly having a radius of 520.00 feet;

Thence northwesterly through a central angle of 33°22'16" a distance of 193.33 feet;

Thence North 68°32'40" West 222.37 feet;

Thence South 21°27'20" West 85.96 feet to the beginning of a tangent curve, concave
easterly having a radius of 695.00 feet;

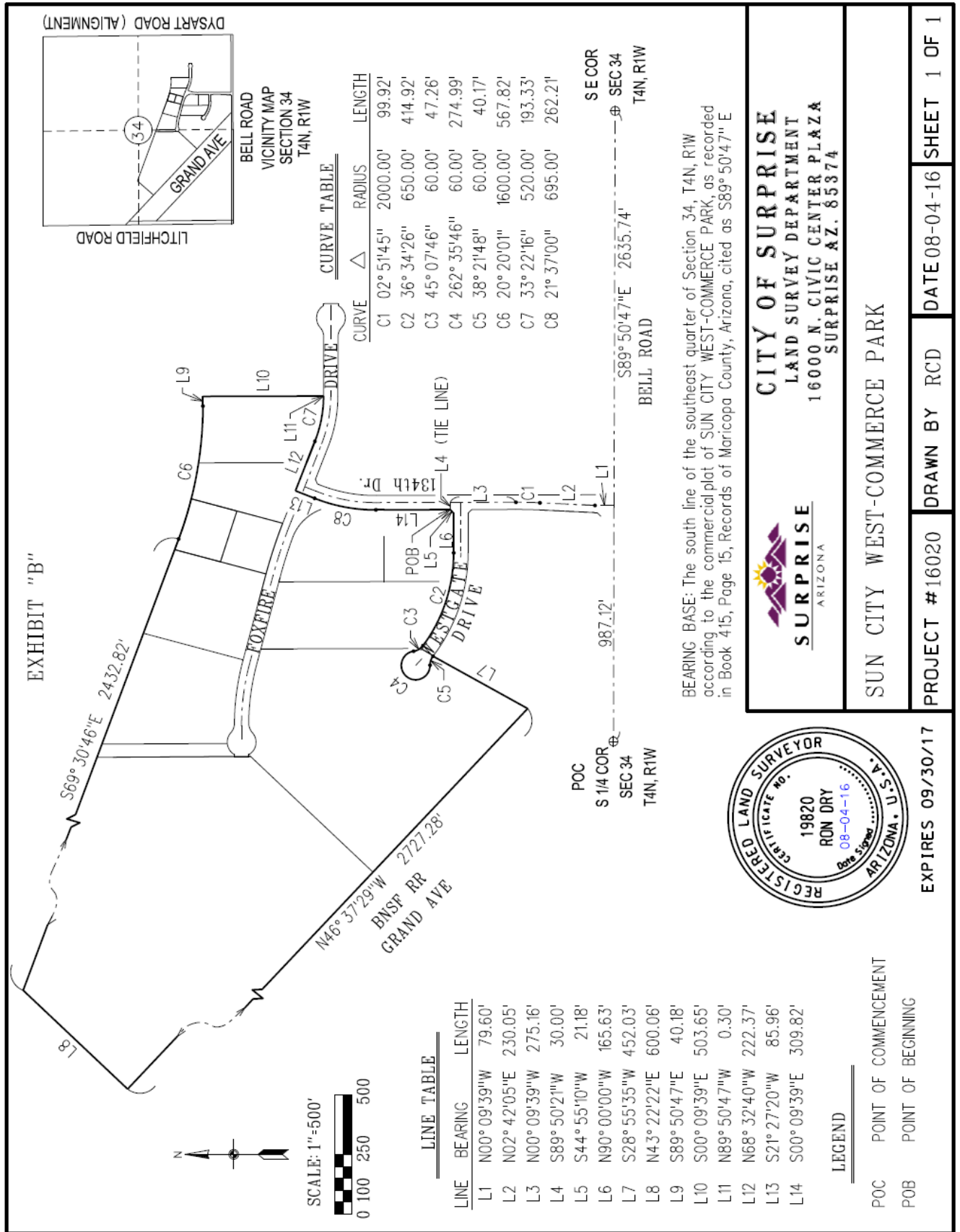
Thence southerly along the arc of said curve through a central angle of 21°37'00" a
distance of 262.21 feet;

Thence South 00°09'39" East 309.82 feet to the POINT OF BEGINNING.

Attached is Exhibit "B" and by this reference is made a part hereof.

End of description





Property Owners

CampCorp USA Inc.
13550 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-058 – 25.23 Acres
Zoned Regional Commercial (CR/C3)

RV Harbor LLC
13516 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-057 – 10.42 Acres
Zoned Regional Commercial (CR/C3)

Dickson Leasing Company LLC
13470 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-971 – 5.24 Acres
Zoned Regional Commercial (CR/C3)

Dickson Leasing Company LLC
13420 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-015 – 3.52 Acres
Zoned Regional Commercial (CR/C3)

American Granite LLC
13410 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-989 – 0.72 Acre
Zoned Regional Commercial (CR/C3)

American Granite LLC
13410 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-990 – 1.28 Acres
Zoned Regional Commercial (CR/C3)

Foxfire Professional & Warehouse Building LLC
13570 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-017 – 2.00 Acres
Zoned Regional Commercial (CR/C3)

Foxfire Holdings LLC
13340 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-918 – 3.09 Acres
Zoned Regional Commercial (CR/C3)

Michael C Sommers
17138 N 134th Drive
Surprise, AZ 85378
APN 503-66-026 – 2.00 Acres
Zoned Regional Commercial (CR/C3)

A Car & Truck Rental of Surprise
17150 N 134th Drive
Surprise, AZ 85378
APN 503-66-060 – 1.09 Acres
Zoned Regional Commercial (CR/C3)

New Idaho LLC
13403 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-059 – 1.59 Acres
Zoned Regional Commercial (CR/C3)

City of Surprise
13430 W Westgate Drive
Surprise, AZ 85378
APN 503-66-024 – 4.54 Acres
Zoned Regional Commercial (CR/C3)

13460 Westgate Drive LLC
13460 W Westgate Drive
Surprise, AZ 85378
APN 503-66-030 – 1.38 Acres
Zoned Regional Commercial (CR/C3)

13460 Westgate Drive LLC
No Property Address
Surprise, AZ 85378
APN 503-66-027 – 3.50 Acres
Zoned Regional Commercial (CR/C3)

Max Automotive 2 Inc.
13431 W Westgate Drive
Surprise, AZ 85378
APN 503-66-028 – 1.27 Acres
Zoned Regional Commercial (CR/C3)

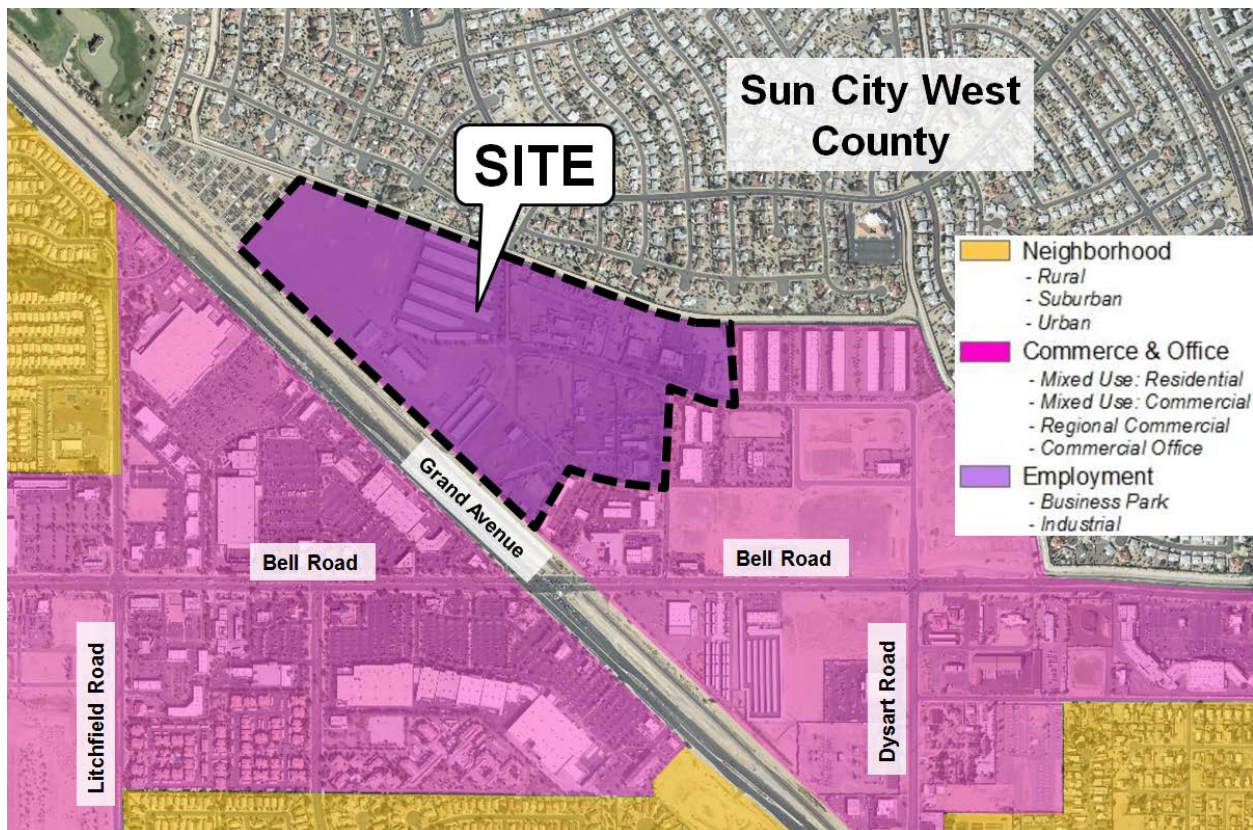
Edlebeck Enterprises Inc.
13437 W Westgate Drive
Surprise, AZ 85378
APN 503-66-771 – 2.39 Acres
Zoned Regional Commercial (CR/C3)

Amerco Real Estate Company
13511 W Westgate Drive
Surprise, AZ 85378
APN 503-66-770 – 6.69 Acres
Zoned Regional Commercial (CR/C3)

FS16-345

Sun City West Commence Park

Minor General Plan Amendment from Commerce and Office to Employment



Prepared By:

City of Surprise

16000 North Civic Center Plaza

Surprise, Arizona 85374-7470

623-222-3000

Revised February 9, 2017

Table of Contents

Narrative.....	Page 2
3 Mile Vicinity Map.....	3
Vicinity Map	4
Existing General Plan 2035.....	5
Proposed General Plan 2035.....	6
Impact Analysis Form.....	7 and 8
Appendix.....	9
Enhanced Notification.....	10
Legal Description.....	11 and 13
Property Owners.....	14 thru 17

Narrative

The subject parcels were annexed into the City of Surprise in 1996. Prior to and after annexation, a large part of the Sun City Wes Commerce Park served as an assembly site for components of home construction in the various Sun City Communities. Once the communities it served built out, the parcels were sold, platted, and served as business locations for a variety of uses. While the Commerce Center is zoned Regional Commercial, many of the used in the northwest section of the area are defined as industrial in nature.

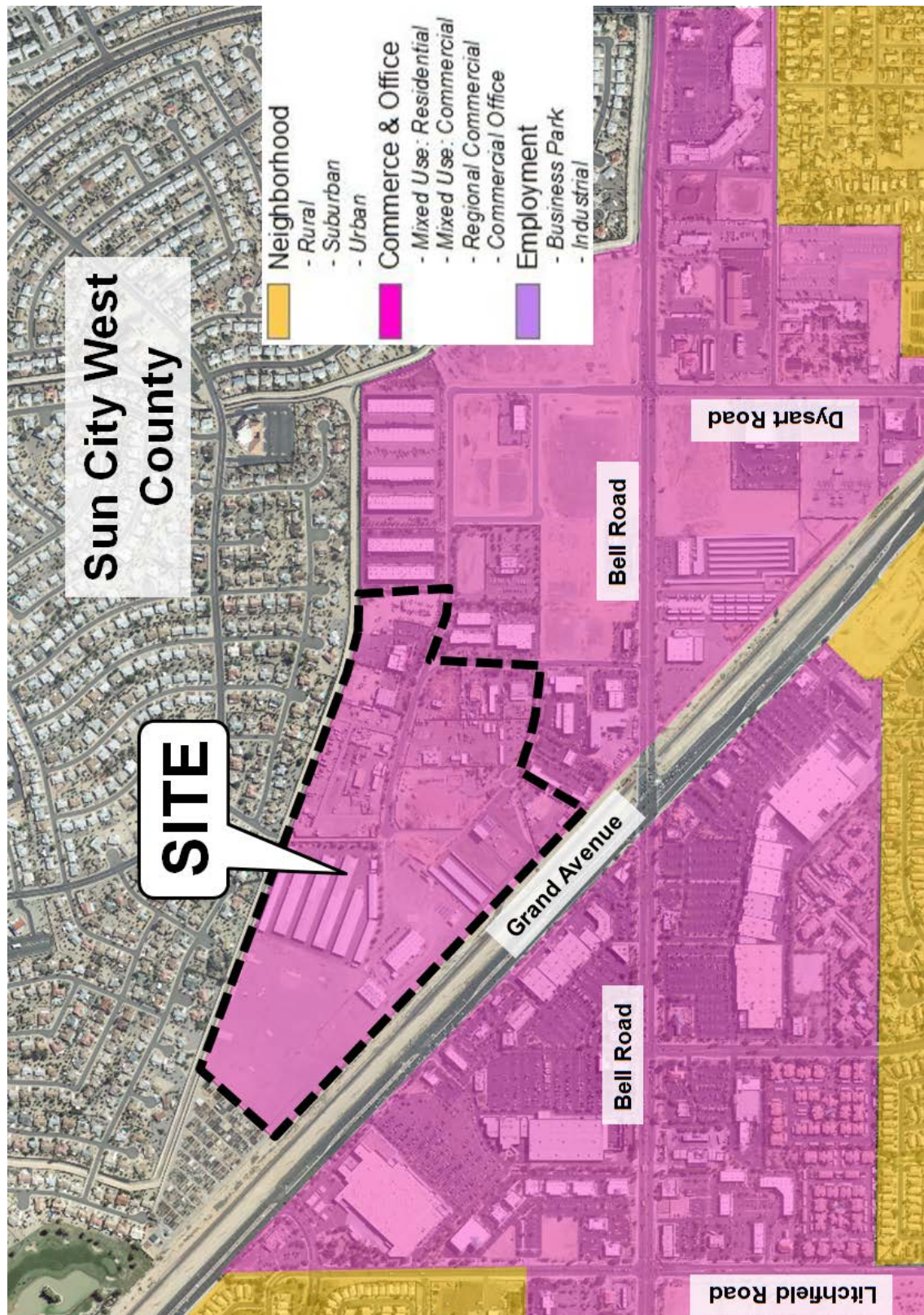


In 2015 the Surprise General Plan (GP) 2035 was adopted. This document labeled the area as 'Commerce and Office.' While much of the area is suited for that General Plan designation, it is the northwestern corner that contains vacant lands that could be considered appropriate for Industrial use. This proposed amendment will provide a mechanism to allow existing businesses to intensify while allowing new industrial uses to be located in this area. Constricted by physical boundaries and located away from arterial roads, the capacity of this area is expected to increase the tax base and provide jobs for the City.

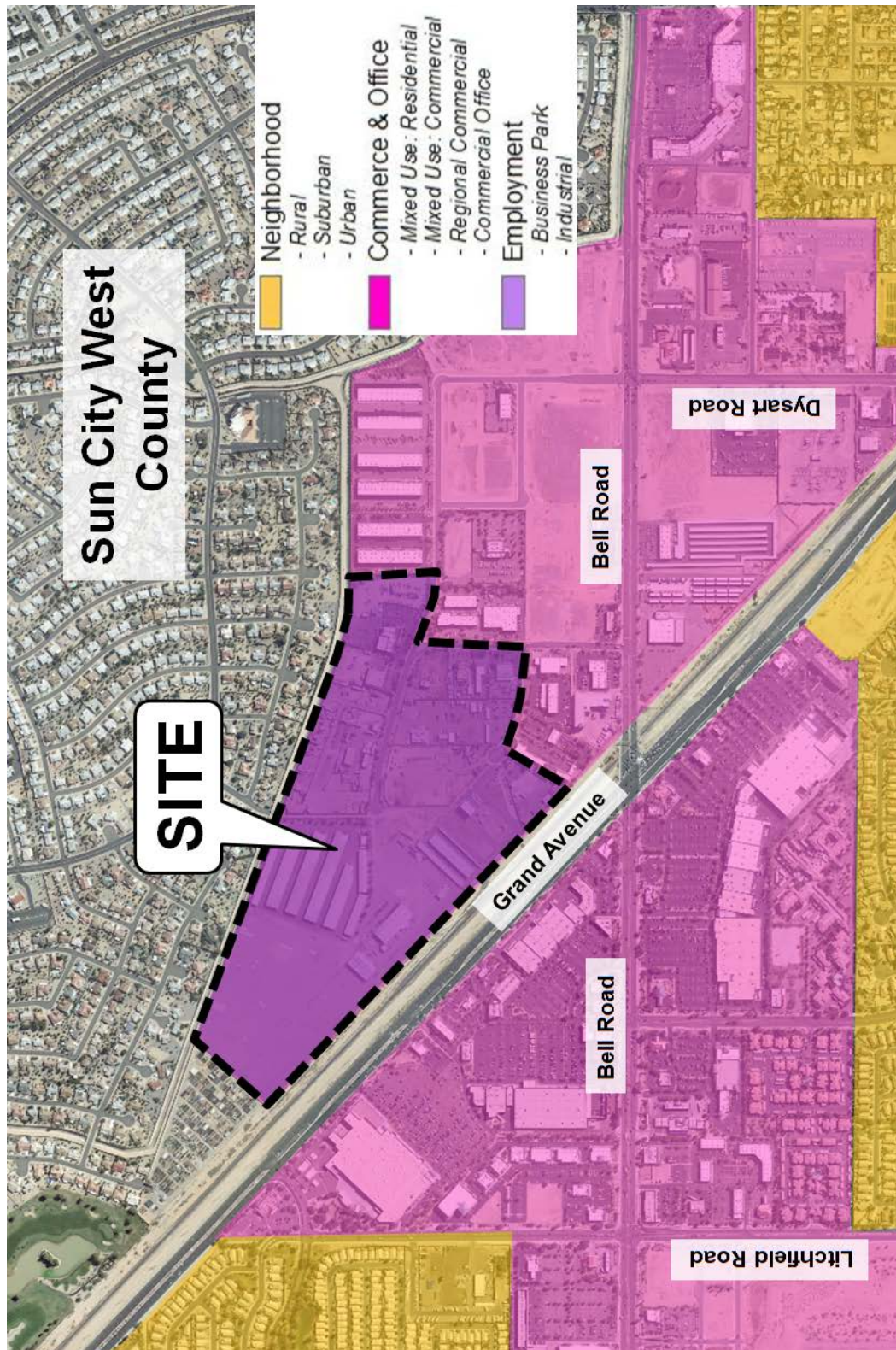
3 Mile Vicinity Map



Existing General Plan Land Use Map



Proposed General Plan Land Use Map



Impact Analysis Questionnaire

1. **Site Location:** North of the northeast corner of Bell Road and Grand Avenue at the west end of Foxfire Road.
2. **Acres:** 75.95 Acres
3. **Existing Zoning:** Regional Commercial (CR/C3)
4. **Existing Land Use(s):** Commerce and Office
5. **Requested Map Change(s):** Change 75.95 acres of property identified as 'Commerce and Office' to 'Employment' to allow the existing nonconforming uses to expand with a rezone.
6. **Is this request related to a rezoning application?** Yes. CampCorp USA currently manufactures modular buildings on their 25.23 acre parcel. To expand their manufacturing operations and to offer some of their land to other industrial operations, the parcel would have to change the zoning to General Industrial (IG/I2). This zoning district is permitted in the Employment General Plan Land Use as opposed to the current designation of Commerce and office.
7. **Does the proposed amendment encourage concentration of development intensity in cores?** The opportunity to expand in this physically constricted area will concentrate manufacturing uses to an area of the City that because of physical barriers and an existing railroad spur, is appropriate for manufacturing use. Improved aesthetics and buffers will protect the view shed of the City from Grand Avenue.
8. **How will this amendment affect the tax base and opportunities for economic development and employment?** Expanding and new business opportunities will contribute to the creation of jobs and increase the tax base.
9. **How many potential housing units would be created or lost by approving and implementing the proposed amendment?** Not applicable
10. **Is there a need for the proposed use in the requested location? Explain:** Yes. These are existing manufacturing facilities wanting to expand the use that a rezone and minor general plan amendment would provide for them.
11. **What impact would the proposed amendment have on adjacent or nearby land?** This amendment would give landowners greater utility of land that is not suitable for residential or commercial activity.
12. **Impact on developed land?** Because many of the uses are existing, little impact is anticipated on developed land.
13. **Impact on vacant land?** Vacant land will be given broader opportunities to be utilized in an area not suited for commercial activities.
14. **How will the proposed amendment affect traffic generation and transportation system(s)?** It is not anticipated that the proposed amendment would create significant traffic generation.

- 15. How will this amendment affect the existing infrastructure of the area, specifically the water, wastewater and street systems?** As this area has operated as a manufacturing facility for some time, infrastructure systems will remain as is. Any new expansion or growth will require review by the City to ensure infrastructure systems are not overwhelmed.
- 16. Will the proposed amendment create additional need for recreational and open space facilities?** No
- 17. How will the proposed amendment affect the character and image of the adjacent neighborhood?** Because this property is located in an area of defined limited boundaries that include a railroad track to the west and a 60 foot concrete channel physically separating this area from the Sun City West neighborhood to the north, effects to the neighborhood are unlikely.
- 18. How will this amendment promote the creation of compatible neighborhood patterns?** Because this property is located in an area of limited growth, neighborhood patterns are unlikely to be created.
- 19. Will this amendment affect any cultural or historical property?** No
- 20. Will this amendment pose a threat of impact to wildlife or endangered species?** No
- 21. How will this amendment impact the school district's ability to accommodate children?** This will have no effect on the school district.
- 22. How will this amendment constitute an overall improvement to the Plan?** This amendment would take into account existing manufacturing activities and identify the land use more accurately.
- 23. How will this amendment promote the use of alternative modes of transportation?** Employees that live in other parts of the valley will have the opportunity to utilize a Park and Ride facility that is located a short walking distance from the area. Citizens of Surprise may find job opportunities closer to home while limiting vehicular commutes.

Appendix

Enhanced Notification

ENHANCED NOTIFICATION PROCEDURE REQUEST FOR COMMENTS FORM

Applicant Responsible For Completing the Following:

COMMENTING JURISDICTION: In accordance with the Enhanced Notification Procedure adopted by our community, we are informing you of a project that is being considered in our jurisdiction that may affect your community.

Please review the data provided on this project. If you feel this project may impact your jurisdiction and you would like to submit comments, please be specific in addressing potential impacts and submit your comments by the First Hearing Date noted above. Please keep comments to a maximum of three (3) pages.

All comments will be reviewed as "advisory" only. The host jurisdiction maintains authority to proceed with their hearing schedule as noted. If you have any questions or would like additional information, please call the contact person indicated above.

1. Submitting host jurisdiction: City of Surprise
2. Address or location of project: Northeast of the intersection of Bell Road and Grand Avenue. Towards the western end of Firefox.
3. Nature of action requested (general plan amendment, master plan, rezoning, etc.): Minor General Plan amendment - 75.95 Acres from Commerce and Office to Employment.
4. Description of project:
Projected additional A.M. / P.M. peak hour vehicle trips: N/A

Number of dwelling units: 0 Non-residential sq. footage: N/A Acreage of Project: 75.95
Present and proposed land uses: Presently Commerce and Office. Proposed Employment.
Phasing plan for overall project: N/A
5. Distance from perimeter of the project to the nearest existing or proposed:
Freeway: 3.75 Miles Road of regional significance: N/A
6. Measures that will be employed to mitigate any traffic impacts caused by the project: N/A
7. Any other comments on the project (may use reverse side or separate sheet): Minor GPA to accommodate a proposed rezone of an existing industrial facility along Foxfire Drive. Other properties included within this GPA will be able to apply for rezoning to conform to the zoning district.

Legal Description

EXHIBIT "A"

DESCRIPTION

A portion of the south half of Section 34, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the South Quarter Corner of said Section 34 from which the Southeast corner of said Section 34 lies South 89°50'47" East 2635.74 feet;

Thence along the south line of the southeast quarter of said Section 34 South 89°50'47" East 987.12 feet;

Thence North 00°09'39" West 79.60 feet;

Thence North 02°42'05" East 230.38 feet to the beginning of a tangent curve, concave westerly, having a radius of 2000.00 feet;

Thence northerly along the arc of said curve through a central angle of 02°51'45" a distance of 99.92 feet;

Thence North 00°09'39" West 275.16 feet;

Thence South 89°50'21" West 30.00 feet to the POINT OF BEGINNING;

Thence South 44°55'10" West 21.18 feet;

Thence North 90°00'00" West 165.63 feet to the beginning of a tangent curve, concave northerly, having a radius of 650.00 feet;

Thence northwesterly along the arc of said curve through a central angle of 36°34'26" a distance of 414.92 feet to the beginning of a compound curve, concave northeasterly having a radius of 60.00 feet;

Thence northerly along the arc of said curve through a central angle of 45°07'46" a distance of 47.26 feet to the beginning of a reverse curve the center of which lies North 81°42'11" East 60.00 feet;

Thence northerly, westerly, southerly and easterly along the arc of said curve through a central angle of 262°35'46" a distance of 274.99 feet to the beginning of a reverse curve, concave southerly having a radius of 60.00 feet;

(description continued on page 2 of 2)

Page 1 of 2

DESCRIPTION (continued from page 1 of 2)

Thence easterly along the arc of said curve through a central angle of 38°21'48"
A distance of 40.17 feet;

Thence South 28°55'35" West 452.03 feet;

Thence North 46°37'29" West 2727.28 feet;

Thence North 43°22'22" East 600.06 feet;

Thence South 69°30'46" East 2432.82 feet to the beginning of a tangent curve, concave
northeasterly having a radius of 1600.00 feet;

Thence easterly along the arc of said curve through a central angle of 20°20'01" a
distance of 567.82 feet;

Thence South 89°50'47" East 40.18 feet;

Thence South 00°09'39" East 503.65 feet;

Thence North 89°50'47" West 0.30 feet to the beginning of a tangent curve, concave
northeasterly having a radius of 520.00 feet;

Thence northwesterly through a central angle of 33°22'16" a distance of 193.33 feet;

Thence North 68°32'40" West 222.37 feet;

Thence South 21°27'20" West 85.96 feet to the beginning of a tangent curve, concave
easterly having a radius of 695.00 feet;

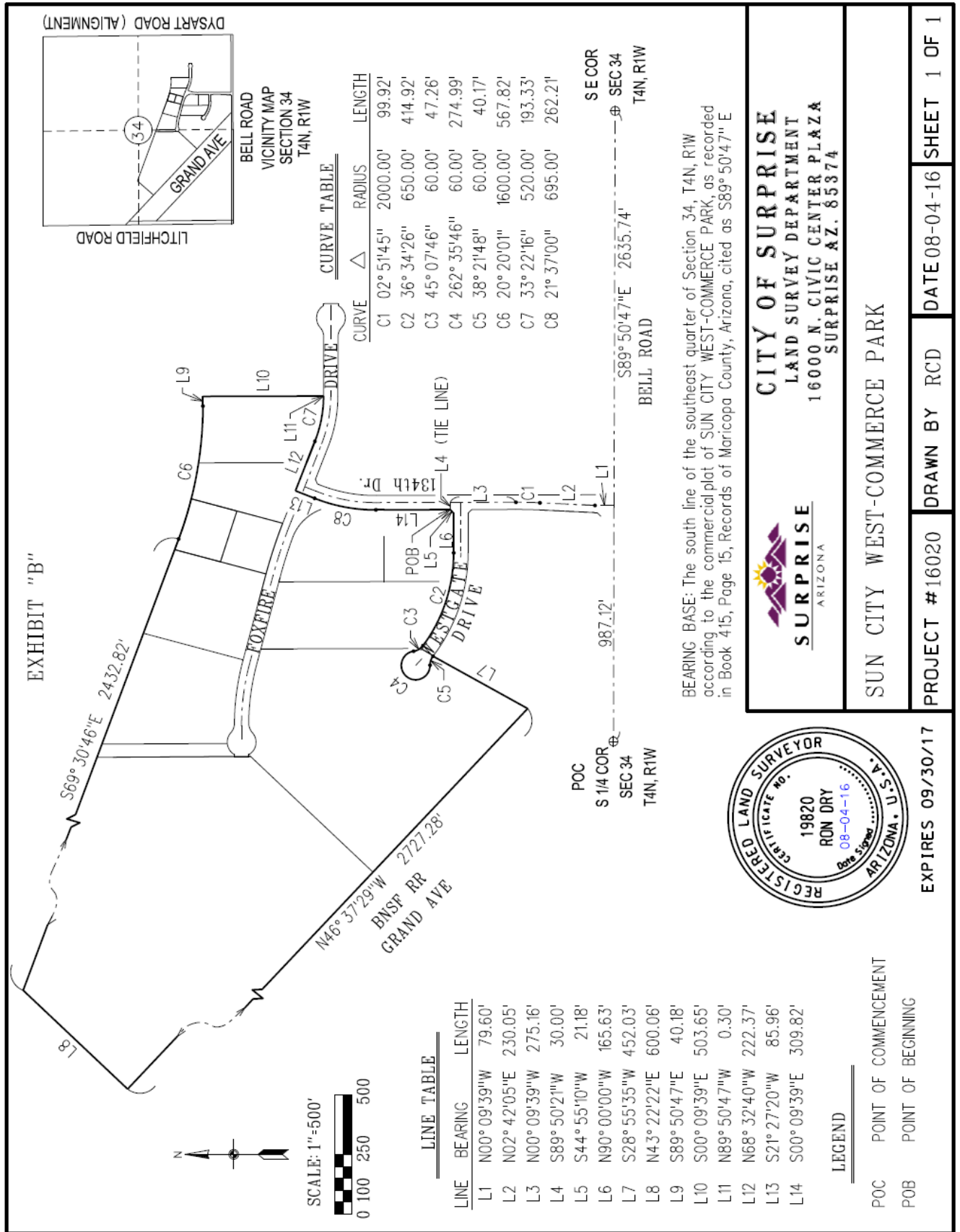
Thence southerly along the arc of said curve through a central angle of 21°37'00" a
distance of 262.21 feet;

Thence South 00°09'39" East 309.82 feet to the POINT OF BEGINNING.

Attached is Exhibit "B" and by this reference is made a part hereof.

End of description





Property Owners

CampCorp USA Inc.
13550 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-058 – 25.23 Acres
Zoned Regional Commercial (CR/C3)

RV Harbor LLC
13516 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-057 – 10.42 Acres
Zoned Regional Commercial (CR/C3)

Dickson Leasing Company LLC
13470 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-971 – 5.24 Acres
Zoned Regional Commercial (CR/C3)

Dickson Leasing Company LLC
13420 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-015 – 3.52 Acres
Zoned Regional Commercial (CR/C3)

American Granite LLC
13410 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-989 – 0.72 Acre
Zoned Regional Commercial (CR/C3)

American Granite LLC
13410 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-990 – 1.28 Acres
Zoned Regional Commercial (CR/C3)

Foxfire Professional & Warehouse Building LLC
13570 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-017 – 2.00 Acres
Zoned Regional Commercial (CR/C3)

Foxfire Holdings LLC
13340 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-918 – 3.09 Acres
Zoned Regional Commercial (CR/C3)

Michael C Sommers
17138 N 134th Drive
Surprise, AZ 85378
APN 503-66-026 – 2.00 Acres
Zoned Regional Commercial (CR/C3)

A Car & Truck Rental of Surprise
17150 N 134th Drive
Surprise, AZ 85378
APN 503-66-060 – 1.09 Acres
Zoned Regional Commercial (CR/C3)

New Idaho LLC
13403 W Foxfire Drive
Surprise, AZ 85378
APN 503-66-059 – 1.59 Acres
Zoned Regional Commercial (CR/C3)

City of Surprise
13430 W Westgate Drive
Surprise, AZ 85378
APN 503-66-024 – 4.54 Acres
Zoned Regional Commercial (CR/C3)

13460 Westgate Drive LLC
13460 W Westgate Drive
Surprise, AZ 85378
APN 503-66-030 – 1.38 Acres
Zoned Regional Commercial (CR/C3)

13460 Westgate Drive LLC
No Property Address
Surprise, AZ 85378
APN 503-66-027 – 3.50 Acres
Zoned Regional Commercial (CR/C3)

Max Automotive 2 Inc.
13431 W Westgate Drive
Surprise, AZ 85378
APN 503-66-028 – 1.27 Acres
Zoned Regional Commercial (CR/C3)

Edlebeck Enterprises Inc.
13437 W Westgate Drive
Surprise, AZ 85378
APN 503-66-771 – 2.39 Acres
Zoned Regional Commercial (CR/C3)

Amerco Real Estate Company
13511 W Westgate Drive
Surprise, AZ 85378
APN 503-66-770 – 6.69 Acres
Zoned Regional Commercial (CR/C3)

PUBLIC ENGAGEMENT FORM

PROJECT TITLE: Foxfire General Plan Map Amendment, FS16-345

OVERALL PUBLIC INVOLVEMENT LEVEL:

Citizen Review. Allows residents to input their opinions on the proposed rezone. The Public Hearing will allow another chance for the public to express their views on the proposal.

IDENTIFY STAKEHOLDERS:

The public at-large and adjacent property owners.

OBJECTIVES:

The City of Surprise seeks approval of a Minor General Plan Map Amendment of approximately 75.95 acres of land from Office and Commerce to Employment as described in the City of Surprise General Plan 2035. The amendment will provide consistency in the uses in the General Plan.

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:

Public outreach time frame (when to when) - January 9, 2017 at the CampCorp Facility

Future Council Work Session/Meetings target dates - March 21, 2017

Election dates (if applicable) - Not applicable

Project start/completion dates - To be determined

Communication Tools and Technique options: (which do you plan to use?)

- ☐ Press releases
- ☒ Public meetings (video/photos, poster boards, fact sheet(s) *do you need Spanish version?)
- ☒ Presentations to boards and commissions, other interested community partners/stakeholders
- ☐ Third-party consultant/moderator (pending budget)
- ☐ Survey (online/paper/both?)
- ☐ Social media
- ☒ Surprise 11
- ☐ Notify Me email/ Council newsletters (opt-in audience)
- ☒ Paid advertising (pending budget)
- ☐ Surprise Progress (mailed quarterly and tied to print deadlines)
- ☐ Booth at city events
- ☒ Paid mailings (pending budget)
- ☐ Creation of a subcommittee/task force
- ☐ Youth/adult activities, registration, or orientation (HOA Academy)
- ☒ Website updates

CITY OF SURPRISE
CITIZEN REVIEW MEETING

Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

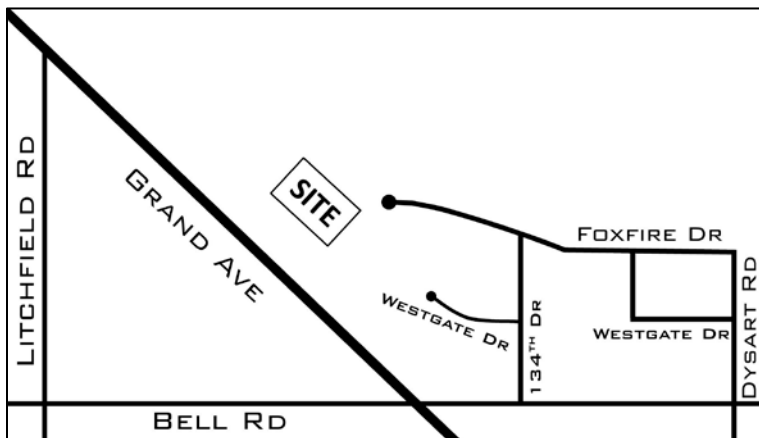
City of Surprise Planner: Hobart Wingard
623-222-3156

CITIZEN REVIEW MEETING DETAILS

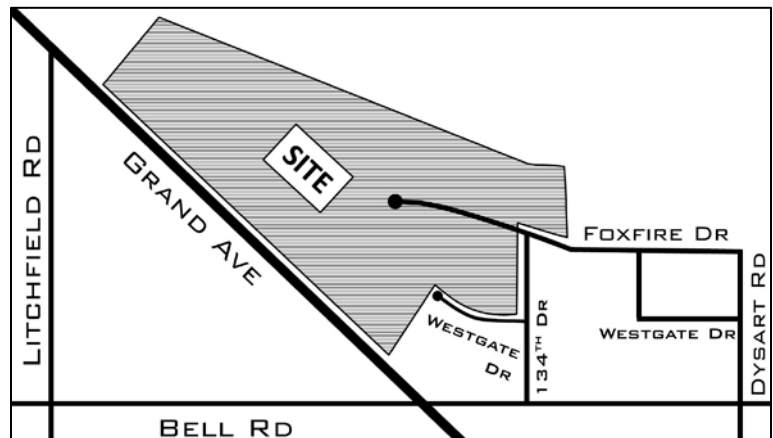
*****Take Note of the Change of Date*****

DATE: Monday, January 9, 2017
TIME: 6:00 PM to 7:00 PM
LOCATION: 13550 W. Foxfire Dr.
Surprise, Arizona 85378

Meeting Location Map



Project Location Map



PROJECT DESCRIPTION: The applicant is requesting approval for a Minor General Plan Amendment (Case FS16-345) to change the land use designation from Commerce and Office to Employment on approximately 75.95 acres of land.

Re-Zoning Sign In Sheet

Phone #:

[illegible]

Thank You !

Public Re-Zoning Meeting

January 9th 2017

Re-Zoning Meeting

13550 W/ Foxfire Dr.

Phoenix, AZ 85378

The Citizen Review Meeting began at approximately 1800 hours. Attendees from Custom Complex Solutions (CCS) were Richard Charles - COO, Fred Ramirez - Sales Manager, and Steve Colla, Special Projects Manager. Attendees from The City of Surprise Community Development Department were, Hobart Wingard and Josh Mike. City Councilmen Skip Hall and Ken Remley were also in attendance. From the public sector, attending were Mr. Andy Cepen and Mrs. Skip Hall.

The meeting started at 7:00 pm with introductions and general concept discussion. Councilmen Remley started by asking Rick what CCS was all about. Richard explained the history of CCS and that CCS started building Modular products here in the valley for shipment to Canada to support the oil and gas business of the parent company. It was explained that it was favorable to build and ship modules from Surprise, rather than to have them built in Canada. As the oil and gas industry entered into the prolonged downturn it is currently experiencing, the CCS business plan was modified to provide modular solutions for the commercial and residential markets in Arizona and surrounding states. Staff reductions were required as the company restructured the business model and were reduced from 150 people to the current 50 employees. Demand for products in the new market segments being served by CCS has been strong and it was explained that in the next two years, CCS could possibly be over 200 employees. Richard explained what the need for the re-zoning was for in the use of the rail line switch that we have on property. The company will be bringing in raw materials from the rail system directly to our property, keeping cost lower and allow us to continue to grow and meet our business and employment targets. CCS is currently working with the City of Surprise and other private entities on projects within the boundaries of Surprise that will also continue to increase the workload for the company.

Mr. Andy Cepen had posed the question of how many employees we have that live in Surprise or the surrounding area. He was also wanted the details on how we built the units. Richard explained to Mr. Cepen that probably 60% of our employees lived in the surrounding area. Richard further explained the types of buildings that we manufacture and the way we transport to the property for final delivery.

Mr. Hall asked the question about what our future plans were with the property and future building. Rick explained to him that we wanted to re-zone from CR/C3 to IG/I2 for General Industrial so that we could utilize the Rail Switch for delivery of raw goods for our projects and manufacture the buildings in the right capacity. As far as any future building of more buildings. We do not have any plans at the immediate time, but we will have to see how the future unfolds.

We completed the meeting at approximated 1920 hours.

RESOLUTION #2017-26

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING FS16-345, A MINOR GENERAL PLAN AMENDMENT ENTITLED SUN CITY WEST COMMERCE PARK, CHANGING THE LAND USE DESIGNATION FROM OFFICE AND COMMERCE TO EMPLOYMENT FOR 76 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF GRAND AVE AND BELL ROAD.

WHEREAS, the voters approved the Surprise General Plan 2035 on November 5, 2013;

WHEREAS, the City Council approved the Annexation of Sun City West Commerce Park on May 23, 1996;

WHEREAS, the applicant seeks to change to land use from Office and Commerce to Employment;

WHEREAS, a public hearing was held before Planning Commission on March 2, 2017; and

WHEREAS, the Planning and Zoning Commission recommended to Council that it approve the minor general plan amendment.

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

Section 1. The Minor General Plan Amendment entitled Sun City West Commerce Park changing the land use designation from Office and Commerce to Employment on approximately 76 acres of land depicted on attached Exhibit A is hereby approved.

APPROVED AND ADOPTED this ____ day of March, 2017.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT "A"

DESCRIPTION

A portion of the south half of Section 34, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

COMMENCING at the South Quarter Corner of said Section 34 from which the Southeast corner of said Section 34 lies South $89^{\circ}50'47''$ East 2635.74 feet;

Thence along the south line of the southeast quarter of said Section 34 South $89^{\circ}50'47''$ East 987.12 feet;

Thence North $00^{\circ}09'39''$ West 79.60 feet;

Thence North $02^{\circ}42'05''$ East 230.38 feet to the beginning of a tangent curve, concave westerly, having a radius of 2000.00 feet;

Thence northerly along the arc of said curve through a central angle of $02^{\circ}51'45''$ a distance of 99.92 feet;

Thence North $00^{\circ}09'39''$ West 275.16 feet;

Thence South $89^{\circ}50'21''$ West 30.00 feet to the POINT OF BEGINNING;

Thence South $44^{\circ}55'10''$ West 21.18 feet;

Thence North $90^{\circ}00'00''$ West 165.63 feet to the beginning of a tangent curve, concave northerly, having a radius of 650.00 feet;

Thence northwesterly along the arc of said curve through a central angle of $36^{\circ}34'26''$ a distance of 414.92 feet to the beginning of a compound curve, concave northeasterly having a radius of 60.00 feet;

Thence northerly along the arc of said curve through a central angle of $45^{\circ}07'46''$ a distance of 47.26 feet to the beginning of a reverse curve the center of which lies North $81^{\circ}42'11''$ East 60.00 feet;

Thence northerly, westerly, southerly and easterly along the arc of said curve through a central angle of $262^{\circ}35'46''$ a distance of 274.99 feet to the beginning of a reverse curve, concave southerly having a radius of 60.00 feet;

(description continued on page 2 of 2)

DESCRIPTION (continued from page 1 of 2)

Thence easterly along the arc of said curve through a central angle of 38°21'48"
A distance of 40.17 feet;

Thence South 28°55'35" West 452.03 feet;

Thence North 46°37'29" West 2727.28 feet;

Thence North 43°22'22" East 600.06 feet;

Thence South 69°30'46" East 2432.82 feet to the beginning of a tangent curve, concave
northeasterly having a radius of 1600.00 feet;

Thence easterly along the arc of said curve through a central angle of 20°20'01" a
distance of 567.82 feet;

Thence South 89°50'47" East 40.18 feet;

Thence South 00°09'39" East 503.65 feet;

Thence North 89°50'47" West 0.30 feet to the beginning of a tangent curve, concave
northeasterly having a radius of 520.00 feet;

Thence northwesterly through a central angle of 33°22'16" a distance of 193.33 feet;

Thence North 68°32'40" West 222.37 feet;

Thence South 21°27'20" West 85.96 feet to the beginning of a tangent curve, concave
easterly having a radius of 695.00 feet;

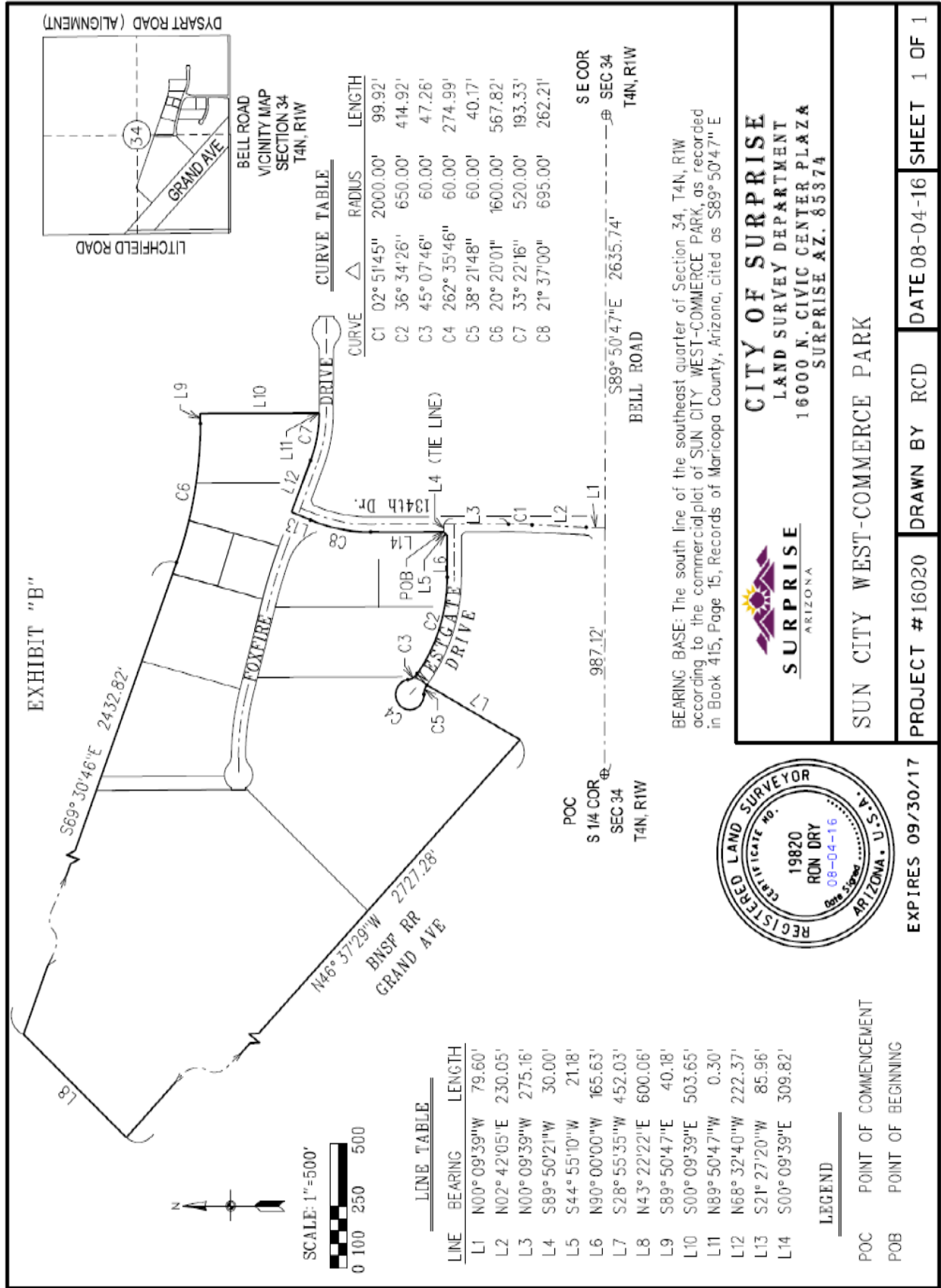
Thence southerly along the arc of said curve through a central angle of 21°37'00" a
distance of 262.21 feet;

Thence South 00°09'39" East 309.82 feet to the POINT OF BEGINNING.

Attached is Exhibit "B" and by this reference is made a part hereof.

End of description







SURPRISE
ARIZONA

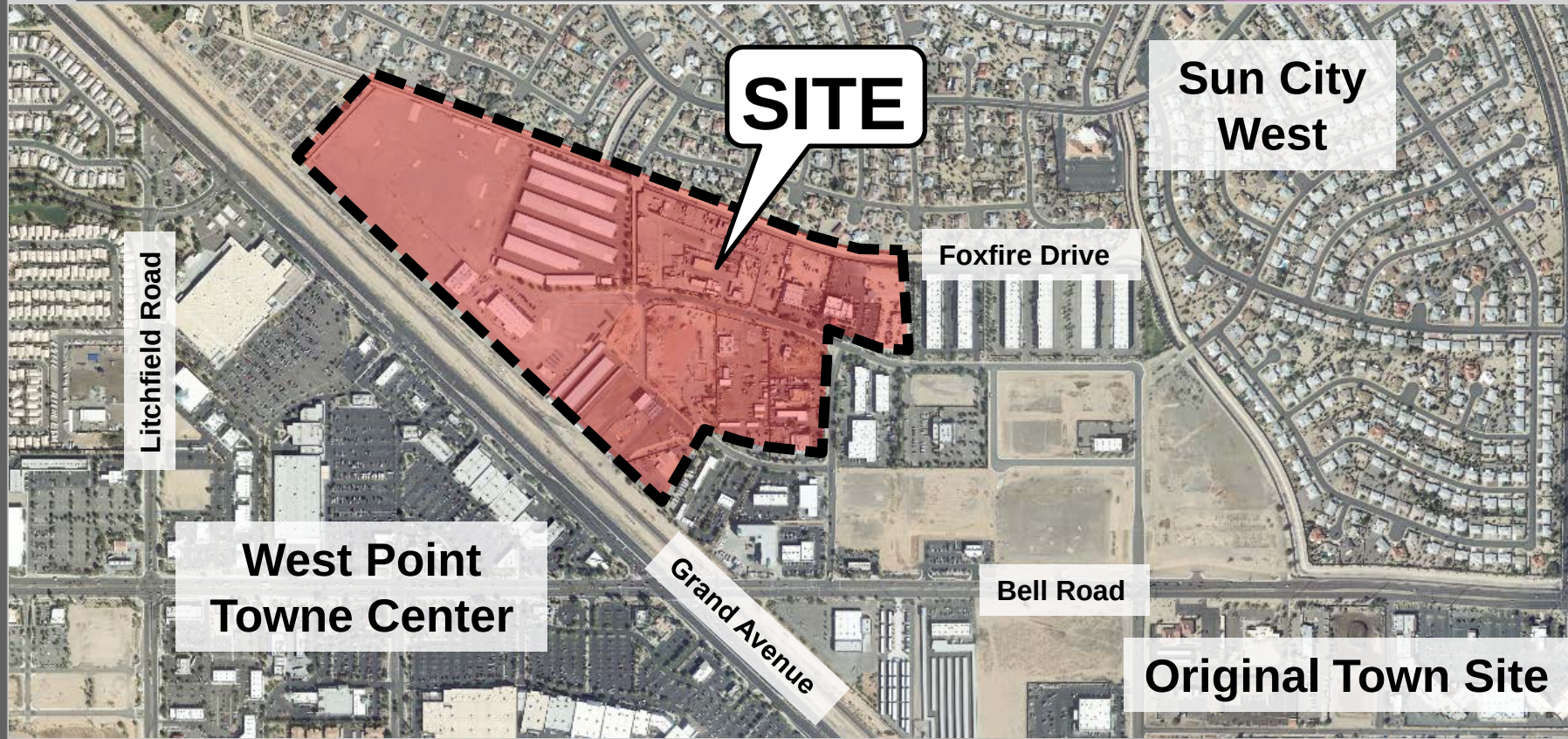
SUN CITY WEST MINOR GENERAL PLAN MAP AMENDMENT

Minor General Plan Map Amendment – March 21,
2017

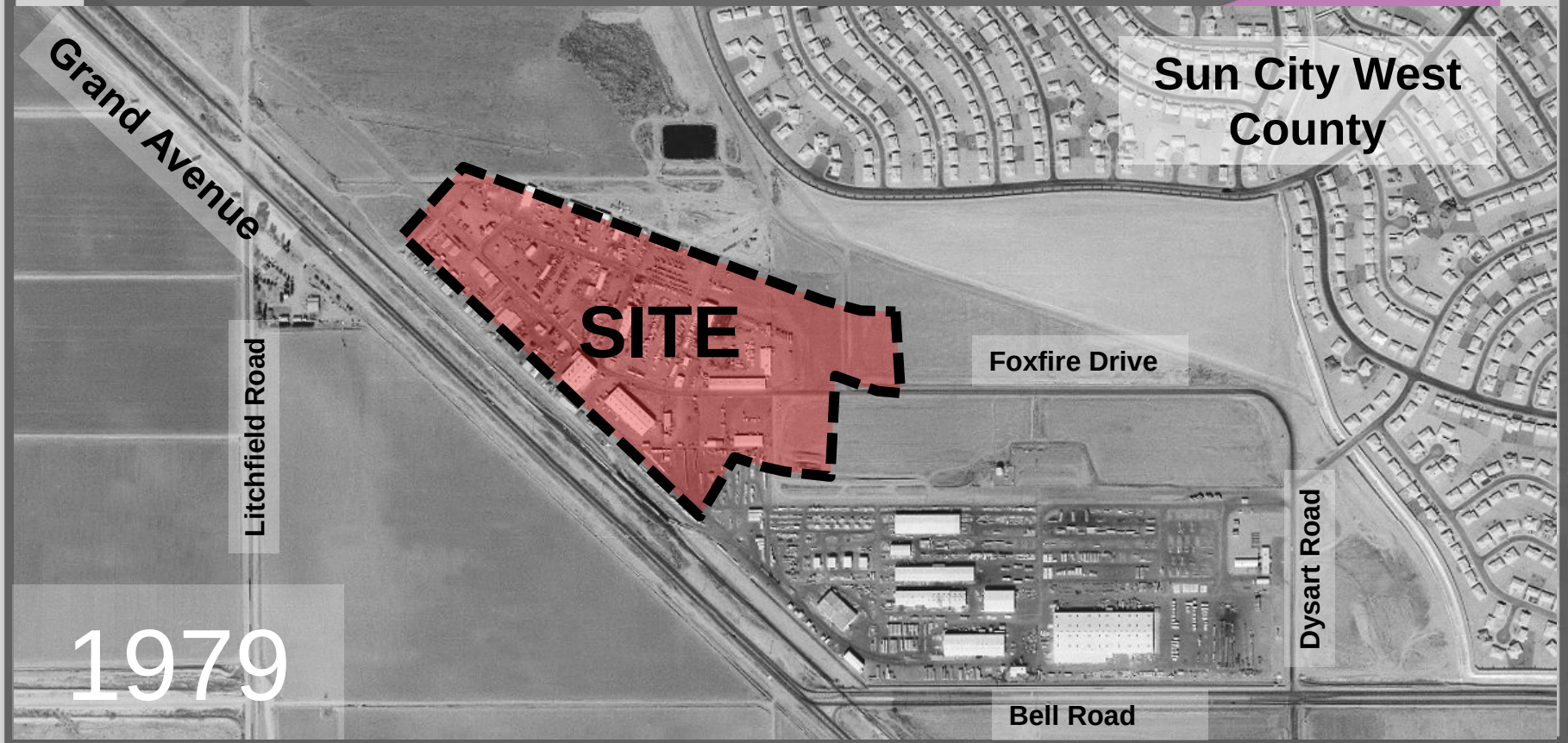
VICINITY MAP



LOCATION MAP



ORIGINAL USE



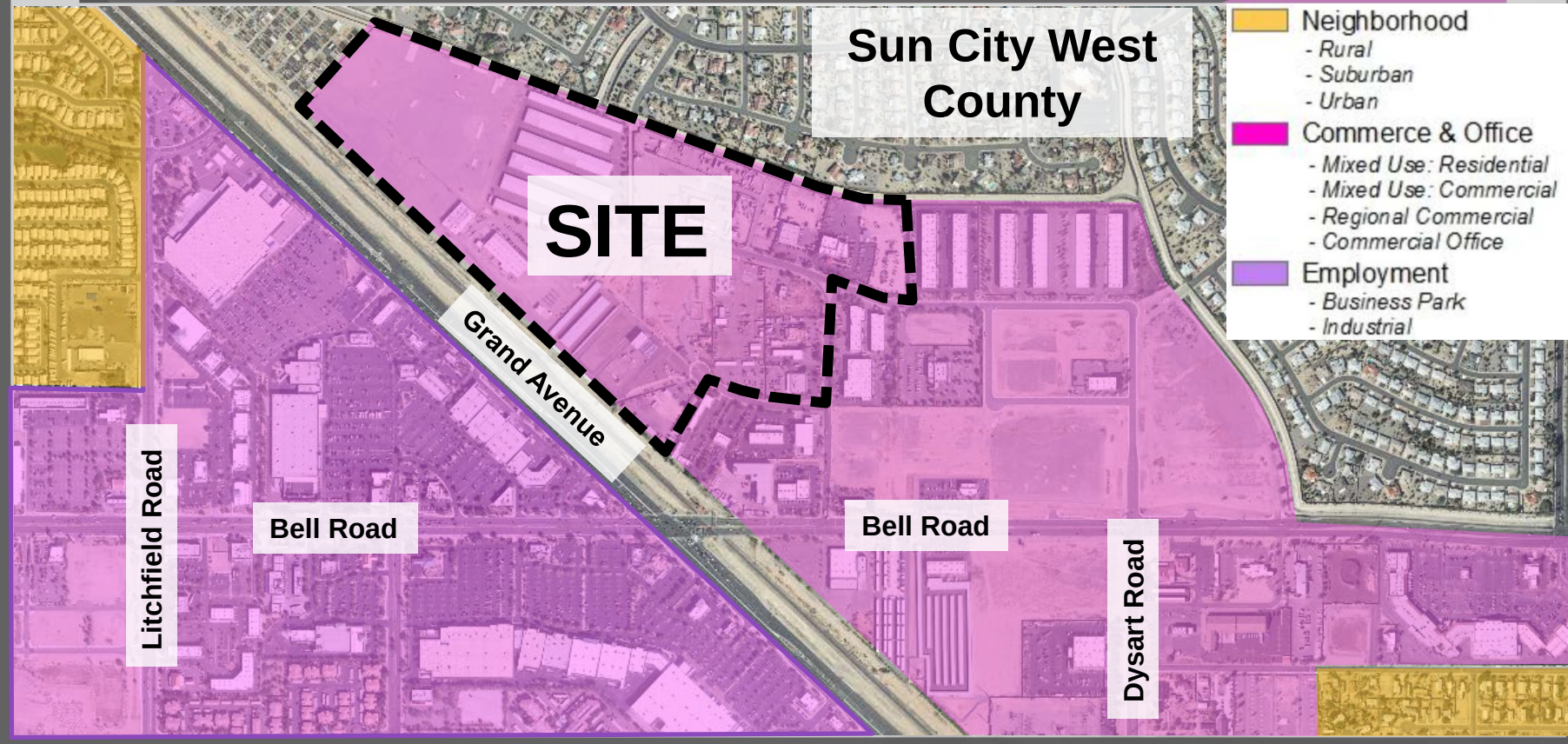
USE AT TIME OF ANNEXATION



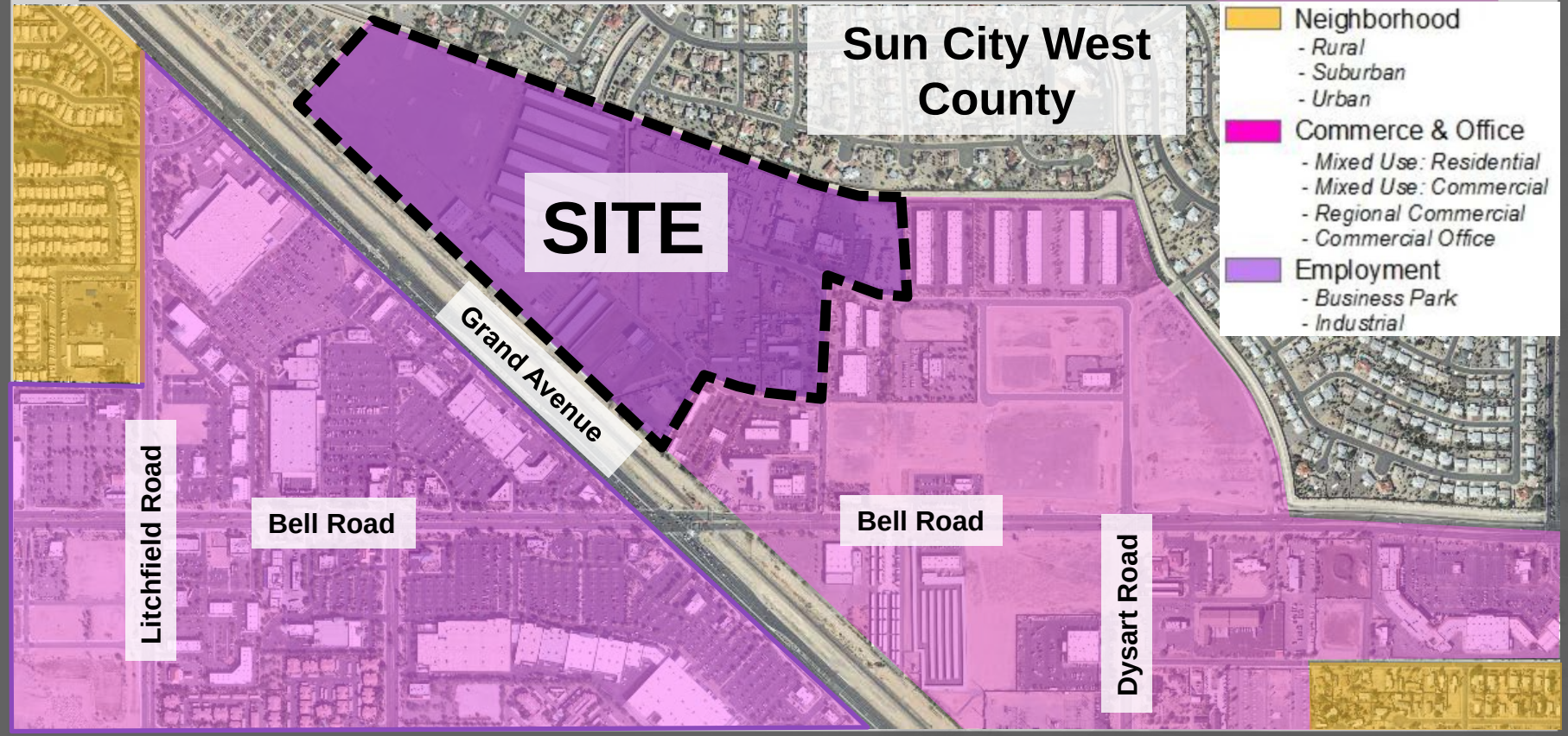
CURRENT



CURRENT GENERAL PLAN



PROPOSED GENERAL PLAN





SUMMARY

- May 23, 1996 Area Annexed into the City with active Industrial Use (Zoned C-3/CR)





SUMMARY

- May 23, 1996 Area Annexed into the City with active Industrial Use (Zoned C-3/CR)
- January 9, 2017 Citizen Review Meeting at Site (CampCorp)





SUMMARY

- May 23, 1996 Area Annexed into the City with active Industrial Use (Zoned C-3/CR)
 - January 9, 2017 Citizen Review Meeting at Site (CampCorp)
 - Approximately 75.95 Acres Proposes to Change the General Plan Designation from Commerce and Office to Employment
- 



SUMMARY

- May 23, 1996 Area Annexed into the City with active Industrial Use (Zoned C-3/CR)
 - January 9, 2017 Citizen Review Meeting at Site (CampCorp)
 - Approximately 75.95 Acres Proposes to Change the General Plan Designation from Commerce and Office to Employment
 - Planning and Zoning Commission Recommended Approval on March 2, 2017
- 



SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Regular City Council Meeting

March 21, 2017 @ 6:00:00 PM

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

Council Meeting Date:	March 21, 2017	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	4
Staff Recommendations:	None		

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

Agenda Wording:

Consideration and action on an Ordinance rezoning property generally located on the northeast corner of Bell Road and Grand Avenue, from Regional Commercial (CR/C3) to Industrial General (IG/I2); Ordinance # 2017-09.

Motion:

I move to approve Ordinance # 2017-09.

Background:

Custom Complex Structures seeks approval of a rezone to the zoning of the CampCorp parcel (APN 503-66-058) from Regional Commercial (CR/C3) to Industrial General (IG/I2). The rezone will correct the company's legal nonconforming status to conforming allowing the expansion of use on the largely vacant parcel.

Objective Analysis:

The proposed Rezone should have a positive effect on the CampCorp parcel as it would be able to gain the ability to expand its existing uses while eliminating its legal nonconforming status.

Policy Compliant:

The action 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:

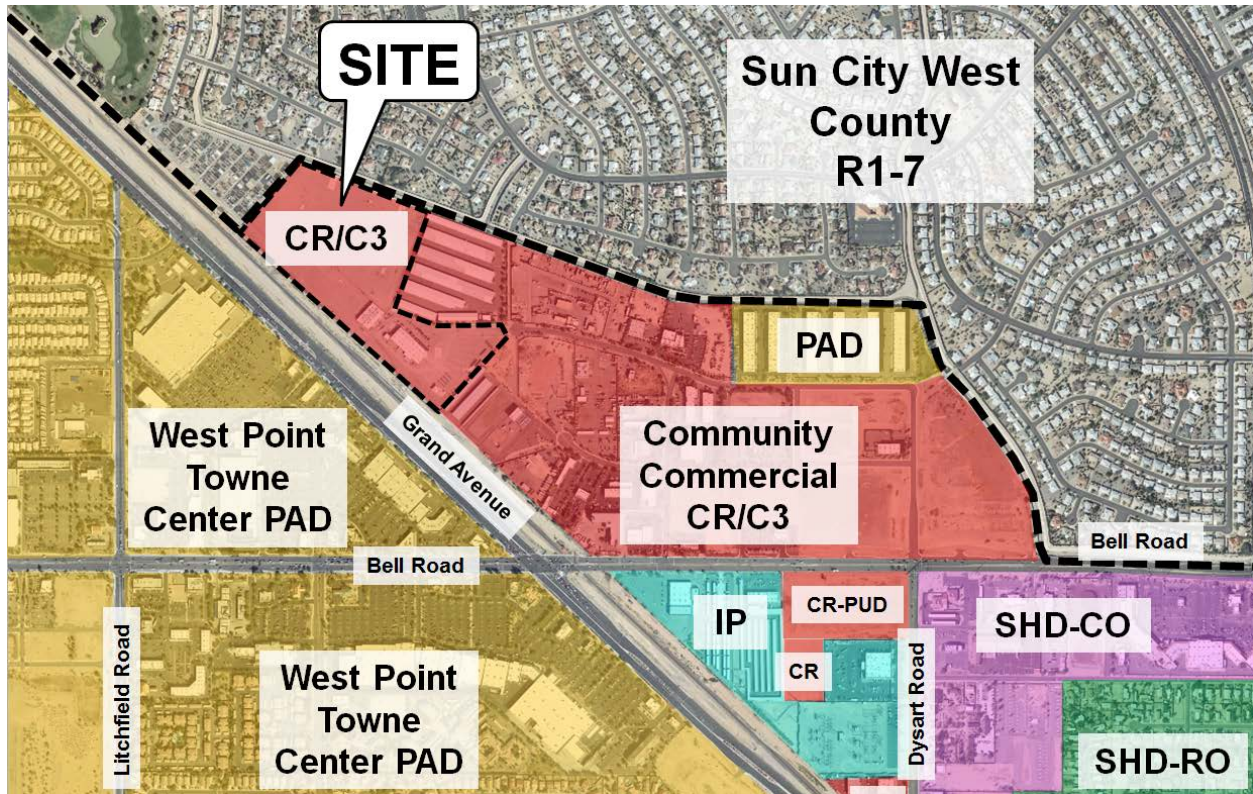
Click to download

- ☐ [00 - FS16-271 - CampCorp Rezone, Ordinance 2017-09 - Staff Report](#)
 - ☐ [01 - FS16-271 - CampCorp Rezone, Ordinance 2017-09 - Vicinity Maps](#)
 - ☐ [02 - FS16-271 - CampCorp Rezone, Ordinance 2017-09 - Rezone Document](#)
 - ☐ [03 - FS16-271 - CampCorp Rezone, Ordinance 2017-09 - Public Engagement Report](#)
 - ☐ [04 - FS16-271 - CampCorp Rezone, Ordinance 2017-09 - Public Participation Report](#)
 - ☐ [05-FS16-271 CampCorp Rezone, Ordinance 2017-09](#)
 - ☐ [06 - FS16-271 - CampCorp Rezone, Ordinance 2017-09 - Presentation](#)
-

1 **Case:** **FS16-271**
2
3 **Project Name:** CampCorp Rezone
4
5 **Council District:** **4 - Mulberry**
6
7 **Meeting Date:** **March 21, 2017**
8
9 **Planner:** Hobart Wingard, 623-222-3156, hobart.wingard@surpriseaz.gov
10
11
12 **Owner:** Richard Charles of Custom Complex Structures
13
14 **Applicant:** Custom Complex Structures, aka CampCorp
15
16 **Request:** Amend the zoning of the subject CampCorp parcel (APN 503-66-058)
17 from Regional Commercial (CR/C3) to Industrial General (IG/I2).
18
19 **Site Location:** Generally on the east side of Grand Avenue approximately ¼ mile
20 northwest of the Bell Road and Grand Avenue intersection at 13550
21 West Foxfire Drive.
22
23 **Site Size:** Approximately 25.23 acres
24
25 **General Plan Conformance:** The proposal will be consistent with the Surprise General Plan 2035
26 if the accompanying General Plan Amendment, FS16-345 is
27 approved.
28
29 **Support/Opposition:** The city received no indication of opposition, but support was
30 received as described in the attached Citizen Participation Report.
31
32
33
34 **Project Description:**
35 Custom Complex Structures seeks approval of a rezone to the zoning of the CampCorp parcel (APN
36 503-66-058) from Regional Commercial (CR/C3) to Industrial General (IG/I2). The rezone will correct
37 the company's legal nonconforming status to conforming allowing the expansion of use on the
38 largely vacant parcel.
39
40
41
42

Existing Zoning:

The following chart and associated map depict the existing zoning of the subject parcel and its surroundings.



Sun City Grand R1-7 Single Family Zoning District Community Garden	Sun City Grand R1-7 Single Family Zoning District	RV Harbor Regional Commercial (CR/C3) Parcel
West Point Towne Center PAD with a Commercial Land Use	CampCorp Regional Commercial (CR/C3) Parcel	Regional Commercial (CR/C3) Parcels
West Point Towne Center PAD with a Commercial Land Use	West Point Towne Center PAD with a Commercial Land Use	Regional Commercial (CR/C3) Parcels

Background:

May 23, 1996: The subject parcel was annexed into the City of Surprise.

May 5, 2016: Staff met with the applicant to discuss the subject project during a regularly scheduled Concept Review meeting under CR16-180.

June 9, 2016: The applicant filed a request for a Rezone for the CampCorp site under case FS16-271, the subject case.

January 9, 2017: The applicant held a neighborhood outreach meeting to discuss the proposed project.

March 2, 2017: The Planning and Zoning Commission recommended approval of the Rezone to the Mayor and City Council.

Citizen Review:

The Citizen Review Meeting was scheduled for January 9, 2017. The site was posted and advertised for a Citizen Review meeting in accordance with the SUDC. The applicant held a meeting for the proposed Rezone at the CampCorp site. Two (2) members of City Council and a small amount of residents attended the meeting. The applicant, as well as City staff answered several questions regarding the proposed rezone. Their appeared to be general support of the proposed rezone.

Analysis and Discussion:

Existing when annexed in 1996, the facilities and the uses on this parcel were operating. The manufacturer was Foxworth Galbraith Lumber Company which later changed to the existing owner, CampCorp USA, Inc. Since the annexation of the property in 1996, the use on the property was legal nonconforming and, because expansion of a nonconforming use is not allowed under the City of Surprise Municipal Code, expansion was denied.



The applicant is seeking to rezone the approximately 25.23 acre parcel that serves as the CampCorp facility. CampCorp designs and builds custom built modular structures and plans to expand the business into the residential industry. The proposed rezone from Regional Commercial (CR/C3) to Industrial General (IG/I2) will make the facility conforming in regards to the Surprised Municipal Code, and will allow an expansion of facilities to meet their goals.

The rezone will also allow CampCorp to utilize an existing railroad spur located along the southwest border of the site, a remnant from past manufacturers operations. CampCorp plans on using the spur to more efficiently bring construction material to the site.

The two (2) existing buildings on the site will remain. The buildings do not meet present setbacks, but will considered conforming as the alternative would be removal. All future construction will meet all Surprise Municipal code regulations including setbacks.

Conformance with Adopted Plans:

Surprise General Plan 2035: The Surprise General Plan 2035 shows the subject property as lying within the Commerce and Office Character area under the Transit Oriented Development District Sub Area. Accompanying this application is a City initiated General Plan Amendment to change this parcel and others to an Employment Character area under the Transit Oriented Development District Sub Area. The General Plan Amendment will allow for the rezone and will correct the company's legal nonconforming status to conforming allowing the expansion of use on the largely vacant parcel.

Reviewing Agencies:

In addition to the standard city reviewing agencies, who indicate no objections to the requests, Luke Air force Base, Maricopa Water District, EPCOR Water, ADOT, and Maricopa Association of Governments (MAG) were included in the routing of this case.

Summary:

Staff believes the proposed Rezone will allow an expansion of development to take place on the CampCorp Structures largely vacant parcel. The project is designed to correct the existing zoning to align with the actual activities taking place on this parcel presently while providing opportunity for industrial development to cultivate in a way that would be consistent with the proposed vision of the City's General Plan under a concurrent request.

Findings:

Rezone PAD Amendment:

- The proposed Rezone will be consistent with the Surprise General Plan 2035 if the accompanying General Plan Amendment, FS16-345 is approved.
- The reviewing agencies have indicated no objections to the request.
- The public at large has indicated no objections to the request.

Recommendation:

Based on the findings noted above, should the Mayor and City Council move to approve case **FS16-271**, they should do so subject to stipulations 'A.' through 'D.' as outlined below:

- A. Development and use of the Rezone shall be in conformance with the project narrative entitled "CampCorp Structures Re-zoning application of the CampCorp USA property", prepared by CampCorp, consisting of 12 pages dated Revised: January 13, 2017.
- B. Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.
- C. The Property owner and successors waive claim for diminution in value if the City takes action to rescind approval of this zone change request due to non-compliance with the stipulations of approval.
- D. The Rezone will be considered not approved until which time the accompanying General Plan Amendment, FS16-345, is approved.

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

Attachments:

- 01 - Vicinity Maps
- 02 - Rezone Document
- 03 - Public Engagement Form
- 04 - Public Participation Report
- 05 - Ordinance

VICINITY MAP



LOCATION MAP





Re-zoning application of the CampCorp USA property.

January 13th, 2017

The owner of the Property is: CampCorp USA, Inc.

The president of CampCorp USA, Inc. is: Paul McCracken

The applicant is: Richard Charles on behalf of CampCorp USA, Inc.

The documents were prepared by: CampCorp USA, Inc. employees.

Table of Contents

Description of Request.....	Page 4
Property Location.....	4
Vicinity Map.....	4
Historical Uses.....	4
Historical Zoning.....	5
Adjacent Uses.....	5
Adjacent Zoning.....	6
General Plan Use.....	6
General Plan Map.....	6
Operational Aspects of Use.....	7
Infrastructure.....	7
Phasing.....	7
Conclusion.....	7
Appendix.....	8
Exhibit A – Existing Zoning.....	9
Exhibit B – Proposed Zoning.....	10
Exhibit C – Site Plan.....	11
Exhibit D – Legal Description.....	12

Rezoning application of the CampCorp USA property

Description of Request:

CampCorp USA Inc. (CCUS) is requesting that the City of Surprise grant re-zoning of the CCUS property to from Regional Commercial (CR/C3) to General Industrial (IG/I2).

Project Location:

The property is approximately 25.2 acres of land that is at the west end of Foxfire Dr. The address is 13550 W. Foxfire Dr., Surprise, AZ 85378. The property is on the west side of Grand Ave, approximately 1,430 feet northwest of Bell Rd. The Maricopa County Assessor's Parcel Number is 503-66-058 and it is recorded as Parcel 2 of a Minor Land Division Map for Foxworth-Galbraith Lumber Company in book 606 of maps, page 9, recording # 2002-0956836.



Historical Uses:

The CCUS property has been the home of industrial operations since the 1960's when it served as an assembly site for the Sun City/Sun City West communities. Currently there

are two (2) steel buildings on the property that total about 40,000 square feet. There are various other shade structures, concrete pads, power lines, and fire hydrants throughout the property. There is an approximate 1,300 foot long rail spur on the property that connects to the BNSF railroad that parallels Grand Ave. CCUS manufactures modular buildings within the steel buildings and adjacent property that totals about 2.75 acres of the 25.2 acres. The property is generally flat and covered with gravel with asphalt in various locations. Epcor is the water and sewer provider for the property.

Historical Zoning:

When the CCUS property was annexed into the City of Surprise in 1996, the zoning was determined to be Regional Commercial (CR/C3). The property is currently being utilized as an industrial/employment use. To make any expansion upon the property, the City of Surprise requires that the property conform to the current City of Surprise Municipal Code and operate under the Regional Commercial (CR/C3) standards and uses. This rezone proposes to change the zoning designation to General Industrial (IG/I2) so that current activities can continue while allowing industrial uses on the vacant portions of the property. CCUS has received interest from other entities to lease portions of the vacant land and construct buildings for their operations. Furthermore, CCUS may plan to expand its operations onto the vacant property in the future. Therefore, CCUS is requesting that the City of Surprise grant the rezoning of the CCUS property to General Industrial (IG/I2). We would also request that since existing buildings, shade structures, etc. occupy the site, that they be made legal-conforming and not subject to any additional zoning standards that a rezoning might impose on the property. Building safety issues will follow current regulations.

Adjacent Uses:

The property is bounded on the west by the BNSF railroad that runs parallel with Grand Avenue. A chain link fence lines the property line that abuts BNSF property with a gate where our rail spur enters the property.

A Sun City West community garden abuts the northwest edge of the property. There's a block wall on our property line with the garden.

The eastern boundary borders a 60' right-of-way, a storage facility, and a 60-foot wide drainage channel. There is a chain link fence along the storage facility boundary and the parcels. The drainage channel is a tract within the Sun City West residential parcel called Sun City West Unit 22. The drainage ditch also includes an access road which together total approximately 60 feet in width between our property line and the property line of 7 single-family residences in Sun City West Unit 22. The residential properties have a block wall on their property lines and there is a chain link fence on the subject property line.

To the south are a vacant triangular lot and another storage facility. The storage facility has a landscaped setback area adjacent to our property. There is a chain link fence on our southern property line.

Adjacent Zoning:

The zoning districts to the east and southeast are Regional Commercial (CR/C3). The zoning to the north and northwest is single family residential, (County R1-7). The BNSF Railroad, which is zoned Rural Residential (RR/R1-43), abuts the southwestern border of the site. Zoning to the southwest is commercial (on the west side of Grand Avenue) is the West Point Towne Center residential and commercial PAD. The BNSF property and Grand Avenue right-of-way is about 280 feet wide.

The existing zoning is illustrated on Exhibit A. Proposed zoning is illustrated on Exhibit B.

General Plan Land Use:

The 2035 City of Surprise General Plan identifies the CCUS property and the neighboring properties to the east and southeast and the properties to the west and southwest as Commerce & Office. As the existing land uses are more aligned to the Employment Character area with a Transit Oriented Development District Overlay, the City of Surprise is concurrently processing a Minor General Plan Amendment for this parcel and others adjacent to change the designation to the Employment Character Area which allows the more industrial uses.



Operational Aspect of Use:

CCUS manufactures modular buildings within the steel building and area around the buildings and utilities about 2.75 acres of the 25.2 acres. The property is generally flat and covered with gravel and various areas of asphalt. CCUS brings material in to production and haul finished modular buildings from the property. With the proposed rezone, it is anticipated that the rail spur would be reactivated to bring construction materials to the site.

Infrastructure:

There is an existing cul-de-sac at the western end of Foxfire Dr. with a paved section of road extending west from there about 120'. The entrance to the CCUS site is at the western end of the paved section of road. There are Epcor sewer and water lines under the paved section of road. There are private water lines and sewer lines that extend onto the CCUS property from the paved section of road that serve the buildings on the site and also a fire line with approximately 5 fire hydrants on the CCUS property. An overhead powerline bisects the property from the paved section of the road to the northwest boundary of the property.

No new infrastructure improvements are contemplated with the re-zone, however in the future when site plans or building improvement plans are submitted infrastructure improvements may be necessary.

Phasing:

No phasing is necessary for the re-zoning application. Future development of the property would most likely be done in phases. Any new construction would follow the City of Surprise Municipal Code and Site Plan Amendments or Conditional Use Permit applications would have to be heard by the Planning and Zoning Commission.

Conclusion:

It is anticipated that the proposed rezone from Regional Commercial (CR/C3) to General Industrial (IG/I2) would provide an ability to grow the site and provide additional employment opportunities for residents.

Appendix

Exhibit A - Existing Zoning

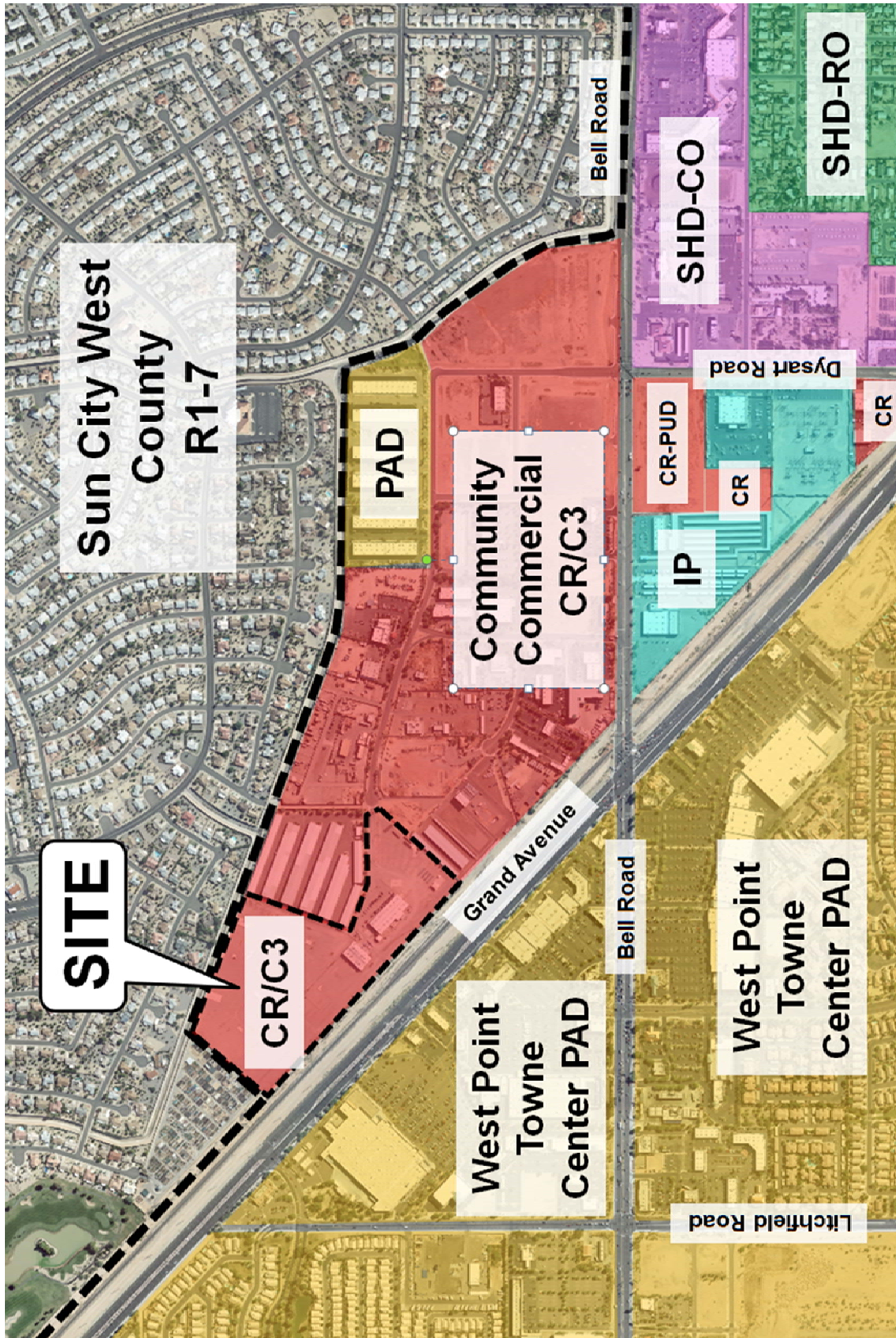


Exhibit B - Proposed Zoning



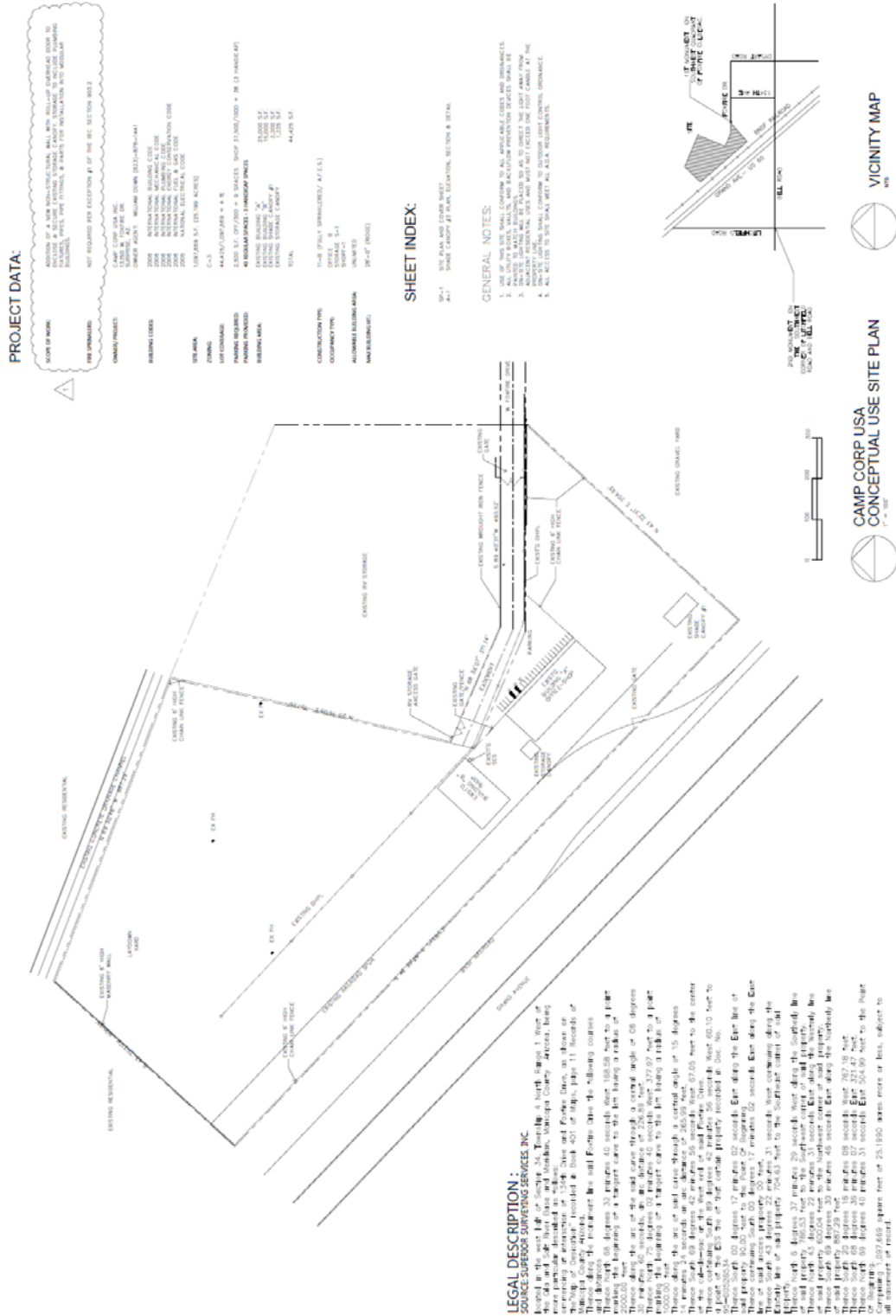


Exhibit D – Legal Description

LEGAL DESCRIPTION :

SOURCE: SUPERIOR SURVEYING SERVICES, INC.

located in the west half of Section 34, Township 4 North Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County Arizona, being more particular described as follows:

commencing at intersection of 134th Drive and Foxfire Drive, as shown on the "Map of Desication" recorded in Book 401 of Maps, page 11 Records of Maricopa County Arizona,

Thence along the monument line said Foxfire Drive the following courses and distances

Thence North 68 degrees 32 minutes 40 seconds West 168.58 feet to a point marking the beginning of a tangent curve to the left having a radius of 2000.00 feet

Thence along the arc of the said curve through a central angle of 06 degrees 30 minutes 60 seconds, an arc distance of 226.89 feet.

Thence North 75 degrees 02 minutes 40 seconds West 377.97 feet to a point marking the beginning of a tangent curve to the left having a radius of 1000.00 feet

Thence along the arc of said curve through a central angle of 15 degrees 14 minutes 24 seconds an arc distance of 265.99 feet,

Thence South 69 degrees 42 minutes 56 seconds West 67.05 feet to the center of the cul-de-sac at the West end of said Foxfire Drive.

Thence continuing South 89 degrees 42 minutes 56 seconds West 60.10 feet to a point of the ESS the of that certain property recorded in Doc. No. 95-00526534

Thence South 00 degrees 17 minutes 02 seconds East along the East line of said property 90.00 feet to the Point Of Beginning

Thence continuing South 00 degrees 17 minutes 02 seconds East along the East line of said axcces propoerty 00 feet,

Thence South 43 degrees 22 minutes 31 seconds West continuing along the Easterly line of said property 704.63 feet to the Southeast corner of said property.

Thence North 6 degrees 37 minutes 29 seconds West along the Southerly line of said property 786.53 feet to the Southwest corner of said property.

Thence North 43 degrees 22 minutes 31 seconds East along the Westerly line of said property 600.04 feet to the Northwest corner of said property.

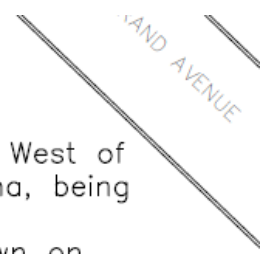
Thence South 69 degrees 30 minutes 46 seconds East along the Northerly line of said property 887.29 feet

Thence South 20 degrees 16 minutes 08 seconds West 767.18 feet.

Thence South 68 degrees 36 minutes 07 seconds East 321.47 feet.

Thence North 69 degrees 40 minutes 31 seconds East 504.99 feet to the Point Of Beginning.

Comprising 1,097,669 square feet of 25.1990 acres more or less, subject to all easement of record.



PUBLIC ENGAGEMENT FORM

PROJECT TITLE: Rezoning of the CampCorp parcel (APN 503-66-058) from C3 to IG, FS16-271

OVERALL PUBLIC INVOLVEMENT LEVEL:

Citizen Review. Allows residents to input their opinions on the proposed rezone. The Public Hearing will allow another chance for the public to express their views on the proposal.

IDENTIFY STAKEHOLDERS:

The public at-large and adjacent property owners.

OBJECTIVES:

CampCorp seeks approval of a rezone to the zoning of Parcel APN 503-66-058 from Regional Commercial (CR/C3) to Industrial General (IG/I2). The rezone will correct the company's legal nonconforming status to conforming allowing the expansion of use on the largely vacant parcel.

PUBLIC ENGAGEMENT STRATEGIES & TOOLS:

Public Engagement & Project timeline:

Public outreach time frame (when to when) - January 9, 2017 at the subject site, CampCorp

Future Council Work Session/Meetings target dates - March 21, 2017

Election dates (if applicable) - Not applicable

Project start/completion dates - Not applicable

Communication Tools and Technique options: (which do you plan to use?)

- ☐ Press releases
- ☒ Public meetings (video/photos, poster boards, fact sheet(s) *do you need Spanish version?)
- ☒ Presentations to boards and commissions, other interested community partners/stakeholders
- ☐ Third-party consultant/moderator (pending budget)
- ☐ Survey (online/paper/both?)
- ☐ Social media
- ☒ Surprise 11
- ☐ Notify Me email/ Council newsletters (opt-in audience)
- ☒ Paid advertising (pending budget)
- ☐ Surprise Progress (mailed quarterly and tied to print deadlines)
- ☐ Booth at city events
- ☒ Paid mailings (pending budget)
- ☐ Creation of a subcommittee/task force
- ☐ Youth/adult activities, registration, or orientation (HOA Academy)
- ☒ Website updates

CITY OF SURPRISE
CITIZEN REVIEW MEETING

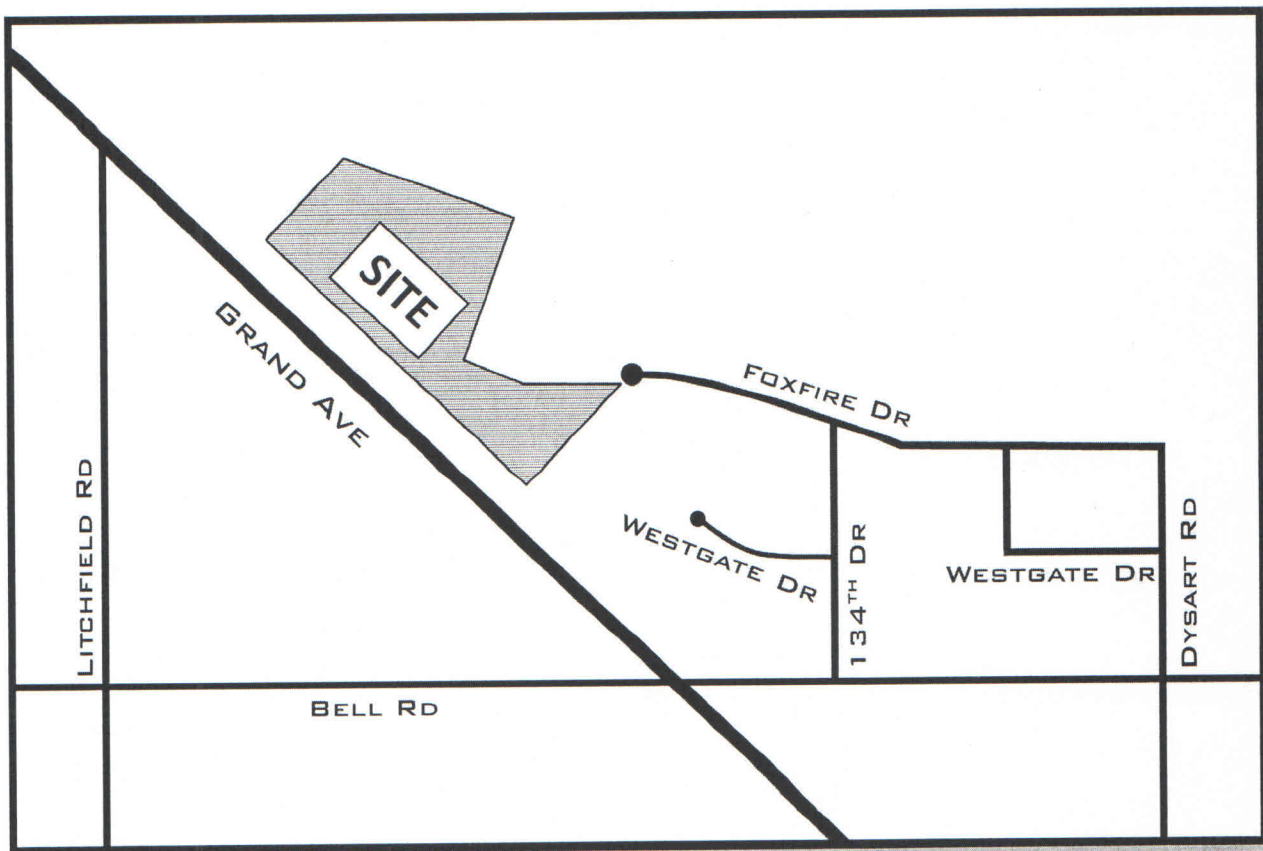
Take notice that at the date, time, and place listed below, there will be a Citizen Review meeting to discuss the below-referenced project. At this meeting, any of the public may appear and be heard relative to this project. The City of Surprise Community Development Department may be contacted prior to the scheduled meeting for additional information.

City of Surprise Planner: Hobart Wingard
623-222-3156

CITIZEN REVIEW MEETING DETAILS

DATE: Monday, January 9, 2017
TIME: 6:00 PM to 7:00 PM
LOCATION: 13550 W. Foxfire Dr.
Surprise, Arizona 85378

Meeting Location Map & Project Location Map



PROJECT DESCRIPTION: The applicant is requesting approval of a rezone (Case FS16-271) of approximately 25.23 acres of land zoned Regional Commercial (CR) to Industrial Performance (IP) to allow more industrial land uses.

Re-Zoning Sign In Sheet

Phone #:

[illegible]

Thank You !

Public Re-Zoning Meeting

January 9th 2017

Re-Zoning Meeting

13550 W/ Foxfire Dr.

Phoenix, AZ 85378

The Citizen Review Meeting began at approximately 1800 hours. Attendees from Custom Complex Solutions (CCS) were Richard Charles - COO, Fred Ramirez - Sales Manager, and Steve Colla, Special Projects Manager. Attendees from The City of Surprise Community Development Department were, Hobart Wingard and Josh Mike. City Councilmen Skip Hall and Ken Remley were also in attendance. From the public sector, attending were Mr. Andy Cepen and Mrs. Skip Hall.

The meeting started at 7:00 pm with introductions and general concept discussion. Councilmen Remley started by asking Rick what CCS was all about. Richard explained the history of CCS and that CCS started building Modular products here in the valley for shipment to Canada to support the oil and gas business of the parent company. It was explained that it was favorable to build and ship modules from Surprise, rather than to have them built in Canada. As the oil and gas industry entered into the prolonged downturn it is currently experiencing, the CCS business plan was modified to provide modular solutions for the commercial and residential markets in Arizona and surrounding states. Staff reductions were required as the company restructured the business model and were reduced from 150 people to the current 50 employees. Demand for products in the new market segments being served by CCS has been strong and it was explained that in the next two years, CCS could possibly be over 200 employees. Richard explained what the need for the re-zoning was for in the use of the rail line switch that we have on property. The company will be bringing in raw materials from the rail system directly to our property, keeping cost lower and allow us to continue to grow and meet our business and employment targets. CCS is currently working with the City of Surprise and other private entities on projects within the boundaries of Surprise that will also continue to increase the workload for the company.

Mr. Andy Cepen had posed the question of how many employees we have that live in Surprise or the surrounding area. He was also wanted the details on how we built the units. Richard explained to Mr. Cepen that probably 60% of our employees lived in the surrounding area. Richard further explained the types of buildings that we manufacture and the way we transport to the property for final delivery.

Mr. Hall asked the question about what our future plans were with the property and future building. Rick explained to him that we wanted to re-zone from CR/C3 to IG/I2 for General Industrial so that we could utilize the Rail Switch for delivery of raw goods for our projects and manufacture the buildings in the right capacity. As far as any future building of more buildings. We do not have any plans at the immediate time, but we will have to see how the future unfolds.

We completed the meeting at approximated 1920 hours.

ORDINANCE 2017-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A REZONE FROM REGIONAL COMMERCIAL (CR/C3) TO INDUSTRIAL GENERAL (IG/I2) FOR CAMPCORP USA, GENERALLY LOCATED ON THE NORTHEAST CORNER OF BELL ROAD AND GRAND AVENUE.

WHEREAS, this Ordinance was properly noticed for public hearing and the necessary hearings and opportunity for public input were completed;

WHEREAS, the subject site is located in the Sun City West Commerce Park area on the northeast corner of Bell Road and Grand Avenue;

WHEREAS, the subject site is zoned regional commercial (CR/C3);

WHEREAS, the proposed use of the subject site requires modification of the applicable zoning regulations;

WHEREAS, the proposed rezone to industrial general (IG/I2), satisfies the requirements set forth in Chapter 122 of the Surprise Municipal Code;

WHEREAS, this Rezone is in harmony with the purposes and intent of the zoning ordinance and the Surprise General Plan; and

WHEREAS, on March 2, 2017, the Planning and Zoning Commission recommended approval of the CampCorp USA rezone;

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

Section 1. *Rezoning.* The parcel legally described on Exhibit A and depicted on Exhibit B, known as "CampCorp USA" is rezoned from regional commercial (CR/C3) to industrial general (IG/I2) subject to the following stipulations:

- A. *Development and use of the Rezone shall be in conformance with the project narrative entitled "CampCorp Structures Re-zoning application of the CampCorp USA property", prepared by CampCorp, consisting of 12 pages dated Revised: January 13, 2017.*
- B. *Non-compliance with the stipulations of approval of this case will be treated as a violation in accordance with the provisions of Article XIV of the Surprise Unified Development Code.*

- C. *The Property owner and successors waive claim for diminution in value if the City takes action to rescind approval of this zone change request due to non-compliance with the stipulations of approval.*
- D. *The Rezone will be considered not approved until which time the accompanying General Plan Amendment, FS16-345, is approved.*

Section 2. *Amendment of Zoning Map.* The City of Surprise zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

Section 3. *Codification.* This Ordinance is not of a general nature and shall not be codified.

Section 4. *Repeal of Conflicting Ordinances.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed, upon the effective date of this Ordinance.

Section 5. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. *Effective Date.* This ordinance shall become effective at the time and in the manner prescribed by law.

APPROVED AND ADOPTED this _____ day of _____ 2017.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A – LEGAL DESCRIPTION FOR PROPERTY

LEGAL DESCRIPTION :

SOURCE: SUPERIOR SURVEYING SERVICES, INC.

located in the west half of Section 34, Township 4 North Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County Arizona, being more particular described as follows:

commencing at intersection of 134th Drive and Foxfire Drive, as shown on the "Map of Desication" recorded in Book 401 of Maps, page 11 Records of Maricopa County Arizona,

Thence along the monument line said Foxfire Drive the following courses and distances

Thence North 68 degrees 32 minutes 40 seconds West 168.58 feet to a point marking the beginning of a tangent curve to the left having a radius of 2000.00 feet

Thence along the arc of the said curve through a central angle of 06 degrees 30 minutes 60 seconds, an arc distance of 226.89 feet.

Thence North 75 degrees 02 minutes 40 seconds West 377.97 feet to a point marking the beginning of a tangent curve to the left having a radius of 1000.00 feet

Thence along the arc of said curve through a central angle of 15 degrees 14 minutes 24 seconds an arc distance of 265.99 feet,

Thence South 69 degrees 42 minutes 56 seconds West 67.05 feet to the center of the cul-de-sac at the West end of said Foxfire Drive.

Thence continuing South 89 degrees 42 minutes 56 seconds West 60.10 feet to a point of the ESS the of that certain property recorded in Doc. No. 95-00526534

Thence South 00 degrees 17 minutes 02 seconds East along the East line of said property 90.00 feet to the Point Of Beginning

Thence continuing South 00 degrees 17 minutes 02 seconds East along the East line of said axcces propoerty 00 feet,

Thence South 43 degrees 22 minutes 31 seconds West continuing along the Easterly line of said property 704.63 feet to the Southeast corner of said property.

Thence North 6 degrees 37 minutes 29 seconds West along the Southerly line of said property 786.53 feet to the Southwest corner of said property.

Thence North 43 degrees 22 minutes 31 seconds East along the Westerly line of said property 600.04 feet to the Northwest corner of said property.

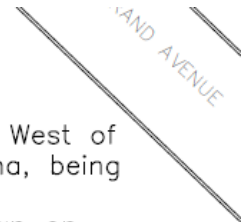
Thence South 69 degrees 30 minutes 46 seconds East along the Northerly line of said property 887.29 feet

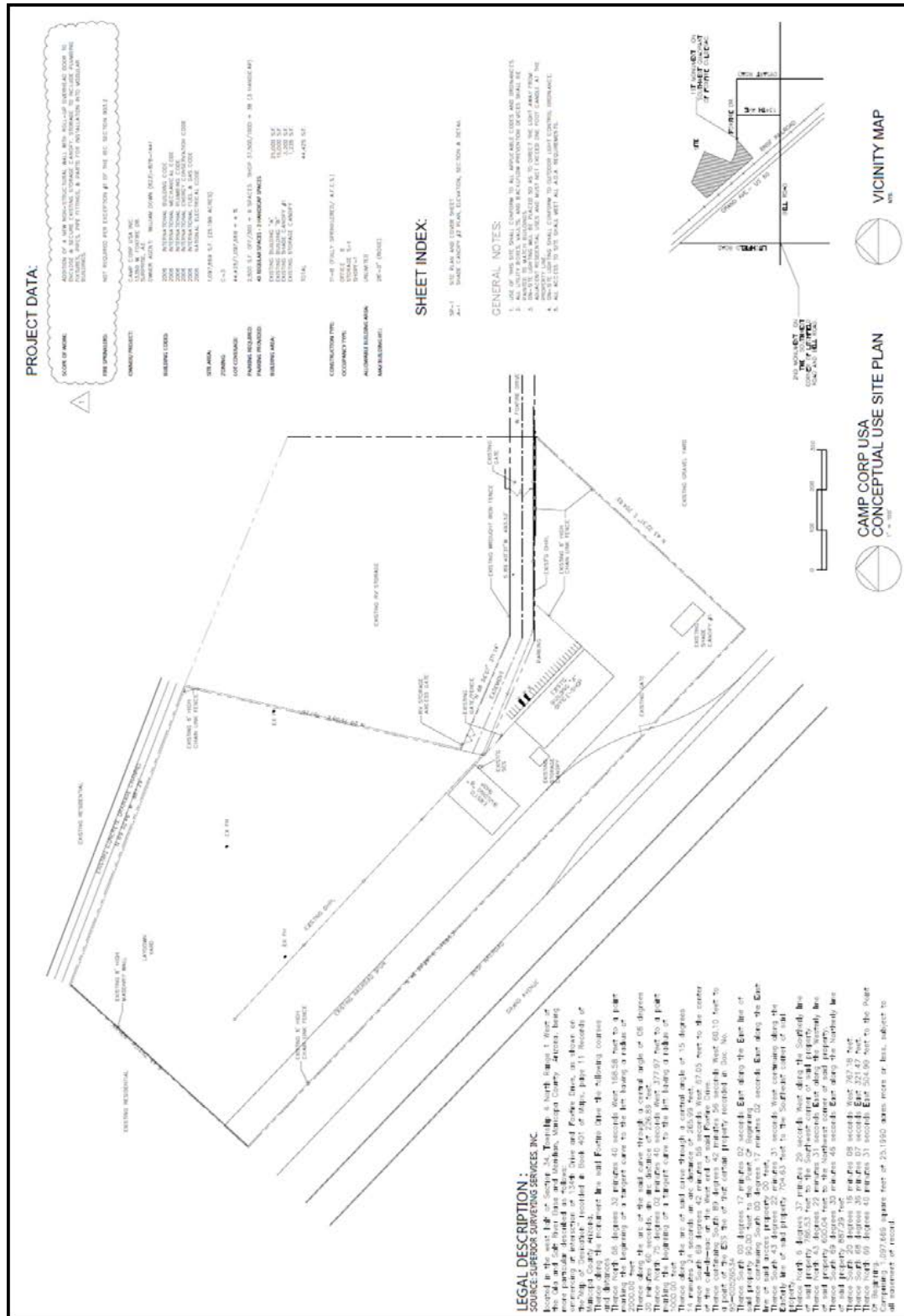
Thence South 20 degrees 16 minutes 08 seconds West 767.18 feet.

Thence South 68 degrees 36 minutes 07 seconds East 321.47 feet.

Thence North 69 degrees 40 minutes 31 seconds East 504.99 feet to the Point Of Beginning.

Comprising 1,097,669 square feet of 25.1990 acres more or less, subject to all easement of record.







CAMPCORP REZONE

Rezone – March 21, 2017

VICINITY MAP



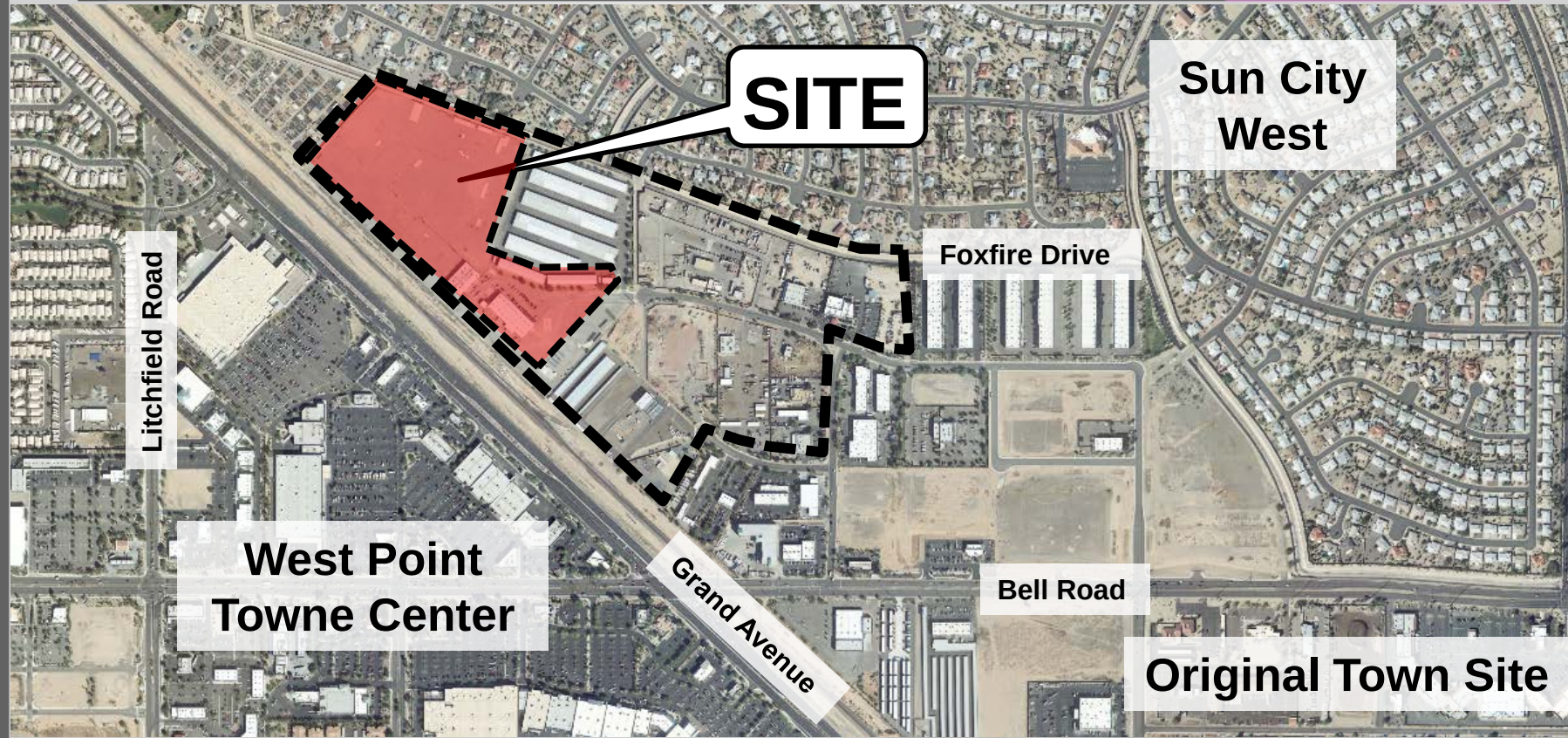
VICINITY MAP



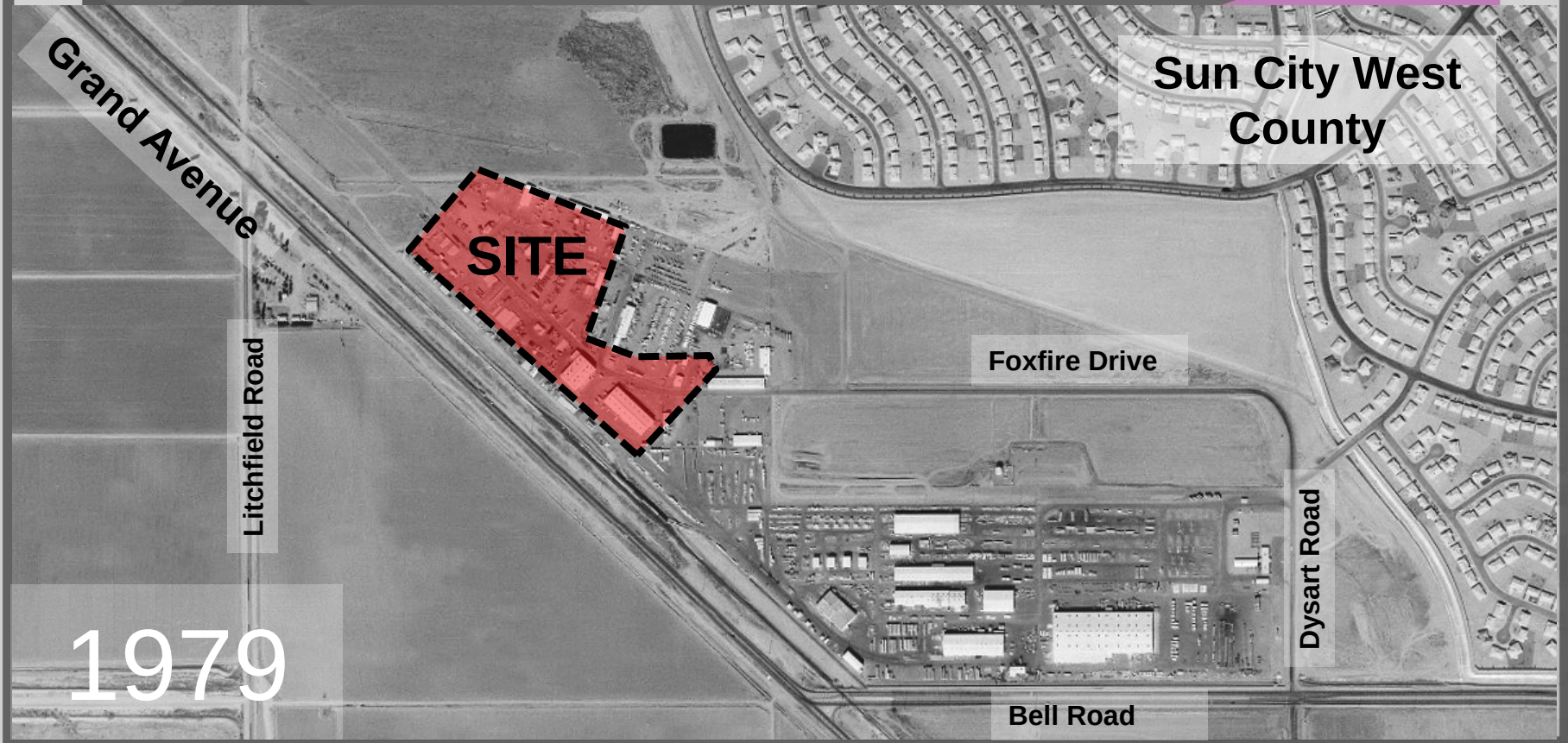
LOCATION MAP



LOCATION MAP



ORIGINAL USE



USE AT TIME OF ANNEXATION



CURRENT FACILITIES



COMMERCIAL



RESIDENTIAL



RESIDENTIAL



CURRENT



CURRENT ZONING



PROPOSED ZONING





SUMMARY

- May 23, 1996 Area Annexed into the City with active Industrial Use (Zoned C-3/CR)





SUMMARY

- May 23, 1996 Area Annexed into the City with active Industrial Use (Zoned C-3/CR)
- January 9, 2017 Citizen Review Meeting at Site (CampCorp)





SUMMARY

- May 23, 1996 Area Annexed into the City with active Industrial Use (Zoned C-3/CR)
 - January 9, 2017 Citizen Review Meeting at Site (CampCorp)
 - Approximately 25.23 Acres Proposes to Change the Zoning Designation from Regional Commercial (CR/C-3) To General Industrial (IG/I-2)
- 



SUMMARY

- May 23, 1996 Area Annexed into the City with active Industrial Use (Zoned C-3/CR)
 - January 9, 2017 Citizen Review Meeting at Site (CampCorp)
 - Approximately 25.23 Acres Proposes to Change the Zoning Designation from Regional Commercial (CR/C-3) To General Industrial (IG/I-2)
 - The Planning and Zoning Commission Recommended Approval of the Rezone on March 2, 2017
- 



SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You