

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers, 88 E. Chicago Street, on Thursday, March 10, 2011, at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

Jay Tibshraeny	Mayor
Trinity Donovan	Vice-Mayor
Kevin Hartke	Councilmember
Rick Heumann	Councilmember
Matt Orlando	Councilmember
Jack Sellers	Councilmember
Jeff Weninger	Councilmember

Also in attendance:

Rich Dlugas	Acting City Manager
Pat McDermott	Assistant City Manager
Mary Wade	City Attorney
Marla Paddock	City Clerk

INVOCATION: Pastor Larry Lee – Greater Phoenix Chinese Christian Church

PLEDGE OF ALLEGIANCE: Girl Scouts – Cholla Neighborhood

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

MAYOR TIBSHRAENY noted that Item No. 8 (Agreement with Wesco Distribution dba Brown Wholesale Electric) was being withdrawn.

MOVED BY VICE-MAYOR DONOVAN, SECONDED BY COUNCILMEMBER HARTKE, TO APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED, as presented, Minutes of the City Council Special and Regular meetings of February 24, 2011.

2. REZONING: Pecos & Gilbert Ord. #4287

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4287, DVR10-0021, Pecos & Gilbert, rezoning from AG-1 to PAD for commercial uses, with conceptual development plan for a future commercial development on approximately 3.7 acres located at the NWC of Pecos and Gilbert roads. (Applicant: Mike Withey, Withey Morris P.L.C.)

The property is bordered by the 132-acre Chandler-Gilbert Community College on the north and west property lines. The current College Master Plan shows parking and recreational fields directly adjacent to the subject site. Gilbert Road and the Town of Gilbert jurisdiction border the subject site to the east. A partially developed 5-acre site, zoned Neighborhood Commercial in the Town of Gilbert, is located at the northeast corner of Pecos and Gilbert roads. The residential neighborhood Allen Ranch is located directly north and east of the 5-acre commercial corner. Pecos Road abuts the property on the south with the 98-acre Chandler 202 Auto Park located on the west side of Gilbert Road between the Santan Freeway and Pecos Road.

The General Plan identifies the subject site as Low Density Residential. By policies defined within the General Plan, commercial uses may be considered at the corners of arterial street intersections. The request is consistent with the General Plan. Additionally, the subject site falls within the designated College Area Plan. This plan identifies the subject site for commercial uses as well. The Maricopa Community College District expressed an interest in purchasing the majority of the 16-acre parcel for future college facility expansion. This acquisition took place in 2010. The 3.7-acre subject site is what remains.

The request is to rezone the subject site from AG-1 to PAD for conceptual commercial uses as permitted within the Community Commercial (C-2) zoning District in the Table of Permitted Uses for Non-Residential Districts. Additionally, the request seeks approval for the consideration of any use or similar use identified by a 'UP' under the C-2 District to be permitted under a separate Use Permit. The request includes Conceptual Development Plan approval as found in the Development Booklet. Three conceptual site plans are included intended to establish a set of flexible development options for the small commercial center. Once the future users are identified, a more specific site plan, landscape plan and architectural character will be established through the Preliminary Development Plan (PDP) process.

Vehicular access will occur through a full-movement driveway along Gilbert Road at the site's northern end. Three additional right-in right-out driveway access points will be provided, two along Gilbert Road and one along Pecos Road. A future pedestrian connection is planned to occur along the western property line to provide student pedestrian access to and from the commercial corner. The final location of this connection will be established through the future PDP. While the final landscape plans and specific building elevations will be approved through a future PDP process, the request establishes the requirement to conform with the included building setbacks and the City's Commercial Design Guidelines in terms of landscaping requirements and design objectives.

Staff supports the request finding the proposed land uses consistent with the General Plan and the College Area Plan. The site has always been slated for commercial uses intended to serve the surrounding community and adjacent college. While the list of permitted uses in C-2 is quite extensive, Staff is comfortable with the request finding the site's location, physical size and college adjacency will naturally encourage the most appropriate uses to develop.

Historically, zoning requests are accompanied by a specific PDP request. While it is unusual to process a PAD zoning request with only conceptual plan approval, Staff supports the request finding the included setbacks, design expectations attached conceptual site plans establish a solid foundation to guide future Preliminary Development Plans. Additionally, during this current economic climate, financial lending institutions are more often requiring developers to provide zoning (land-use) approval up front. This request would help to provide the subject site with a greater level of developmental viability.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on January 6, 2011. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval subject to the conditions listed in the ordinance.

3. WITHDREW ZONING: UDM Industrial Park

WITHDREW, as requested by the applicant, Zoning DVR09-0024, UDM Industrial Park, rezoning from PAD for a Business Park to PAD Amended to allow for an impound yard located at 850 S. Bogle Avenue, north of the NEC of Pecos Road and Hamilton Street within the Bogle Business Park, as they are no longer pursuing the additional use on the site.

4. ZONING EXTENSION: Rancho Bernardo

APPROVED a three-year zoning extension on the existing PAD zoning for a retail building on approximately one acre at the SWC of 56th Street and Chandler Boulevard. (Applicant: Burch & Cracchiolo, P.A., Brennan Ray.)

In 2002, the City Council approved rezoning this site from AG-1 (Agricultural) to Planned Area Development (PAD) for a retail building with a two (2) year construction time limit condition. There have been a couple of time extensions approved since the original rezoning case expired on June 22, 2004. A time extension request was approved by Council for an additional three (3) years in October 2004, with the PAD zoning expiring on June 22, 2007. Another time extension was approved for an additional three (3) years in January 2008 with the PAD zoning expiring on June 22, 2010. Time limits are calculated from the previous zoning approval's expiration date not the Council meeting date.

In May 2002, this 0.7 net acre parcel received Planned Area Development (PAD) zoning with approval of a Preliminary Development Plan (PDP) for the construction of an employment supported retail building. The retail use was intended to support future development of the I-1 zoned (Planned Industrial District) parcel surrounding the site.

The building was conditioned for retail use only; restaurant, office and all high-turnover commercial uses are prohibited. To maintain compatibility with the future industrial uses, the building is designed with a high-tech industrial theme. The building is placed in a landscaped setting at the intersection. The site layout includes cross access to adjoining property.

The application does not seek to modify the previously approved land use, site or building design, but seeks to extend the timing condition for an additional three (3) years. Bashas', Inc., purchased the subject parcel in 2003 along with owning the surrounding vacant parcels. Bashas' is exploring their development options in the creation of an overall master plan, which would include the 0.7-acre corner parcel. There are no development plans at this time.

If any other alternative design or use is proposed, an amendment to the PAD zoning and/or PDP will be required. If the City should approve the timing condition extension, all other conditions in the original approval would remain in effect. The Planning Commission and Planning Staff have no concerns with the conditions in the original approval.

The Planning Commission and Planning Staff are in support of the zoning time extension request for an additional three years which extends the PAD zoning until June 22, 2013. The Planning Commission and Planning Staff are of the opinion the retail land use as a support use to a larger industrial development is still appropriate for this site.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on January 13, 2011. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan, the Planning Commission and Planning Staff recommend approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

5. RATIFY CONTRACT: Miller and Kramer, PLLC

RATIFIED the contract for legal services between the City of Chandler and the law firm of Miller and Kramer, PLLC, to provide legal services related to eminent domain, litigation and advice on related issues for the period October 23, 2009, through October 22, 2011.

6. AGREEMENT AMENDMENT: Plante and Moran

APPROVED Agreement Amendment No. 1 with Plante and Moran to include a non-disclosure agreement.

In February 2011, Council awarded an agreement to Plante and Moran to provide project management and consulting services to assist the City in upgrading the Oracle eBusiness Suite. One exhibit is being added relating to non-disclosure that was not originally included in the agreement.

7. AGREEMENT AMENDMENT: CedarCrestone

APPROVED Agreement Amendment No. 1 with CedarCrestone to include a non-disclosure agreement.

In February 2011, Council awarded an agreement to CedarCrestone to provide integration and consulting services to assist the City in upgrading the Oracle eBusiness Suite. One exhibit is being added relating to non-disclosure that was not originally included in the agreement.

8. WITHDRAWN AGREEMENT: Brown Wholesale Electric

WITHDRAWN Agreement #CS1-285-2950 for building lighting retrofitting with Wesco Distribution dba Brown Wholesale Electric in an amount not to exceed \$410,474.94.

9. AGREEMENT: Sands Motor Company

APPROVED Agreement #PD1-998-2948 with Sands Motor Company for the purchase of Police K-9 vehicles in an amount not to exceed \$81,068.13.

10. PURCHASE: Water Treatment and Pool Chemicals

APPROVED the Purchase of water treatment, wastewater treatment and swimming pool chemicals from General Chemical, Basic Chemical, Brenntag Pacific, Cal-Pacific, F2 Industries, DPC Enterprises, Polydyne, Thatcher Company, Hill Brothers, Commercial Pool Repair, A&M Corsons, Applied Products Group and Chemical Specialists, in an amount not to exceed \$4,010,322.00.

Chandler cooperatively advertised for public agencies that use water treatment chemicals allowing the City to take advantage of combined quantity discounts. The participating agencies include Chandler, Tempe, Glendale, Queen Creek, Superstition Mountains Community Facilities District, Gilbert, Mesa, Tolleson Union High School District, El Mirage, Yuma and Oro Valley. Chandler uses 26 of the 48 items that were bid. The remaining items will be used by the other participating agencies.

11. AGREEMENT AMENDMENT: Cutler Repaving, Inc.

APPROVED Agreement #ST0-745-2817, Amendment No. 1, with Cutler Repaving, Inc., for hot-in-place asphalt recycling in a total contract amount not to exceed \$2,549,000.00. Cutler Repaving is requesting an increase in payment for uniformed police officers from \$45.00 to \$60.70 per hour due to a City-imposed increase. Cutler is also requesting an increase in non-rubberized asphalt prices from \$57.50 to \$70.25 per ton or 22%, and rubberized asphalt from \$85.25 to \$94.99 per ton or 11.5%. They are prepared to hold all other unit pricing from last year's contract.

12. AGREEMENT AMENDMENT: Dibble Engineering

APPROVED Agreement #ST0717-201, Amendment No. 1, with Dibble Engineering for design of the Commonwealth Avenue Road Improvements, in the amount of \$32,590.00, for a revised contract amount of \$207,620.00. This amendment is to provide additional engineering design services due to changes that have been made to the plan over the last three years and to accommodate new laws and requirements.

13. USE PERMIT EXTENSION: Nighthawk Equipment & Leasing

APPROVED a Use Permit Extension, ZUP10-0048 Nighthawk Equipment & Leasing, to allow an outdoor storage use on property zoned Regional Commercial (C-3) located at 299 S. Washington Street, east of the NEC of Arizona Avenue and Frye Road. (Applicant: Jim Yeaman, Owner.)

The property is located in a Regional Commercial (C-3) zoning district. Outdoor storage in the C-3 zoning district is allowed only with a Use Permit. The 15,000 square foot lot has a small building located on the southwest corner and is encompassed by a six-foot high block wall, with most of the interior of the lot used for outdoor storage. The application requests to continue this use of the property.

To the west is the Mobil gas station adjacent to Arizona Avenue. To the north is another parcel associated with the subject business as well as several auto-related uses. East of the subject site is the Maricopa County Courthouse, and south, across Frye Road, are a steel yard and auto-related uses.

The South Arizona Avenue Corridor Area Plan identifies the subject site for office land uses. Though the current outdoor storage use does not fall under the "office" designation, the Area Plan does not call for any phasing out of non-conforming uses except through the free market or strategic City land acquisition. The applicant states that the 5-year business plan is to continue operating in the subject location.

A Use Permit was originally granted for outdoor storage in 1995 and reissued in 2000, 2003, 2006 and 2007. The Use Permit lapsed from 1998 to 2000. Conditions regarding storage height and landscaping were found not to be fully complied with in 2000 and 2006.

The Planning Commission and Staff recommend approval for an additional five (5) years. Though not supported as a long-term use, the use fits in with the current surroundings and could easily be redeveloped in the short- to medium-term as private market forces warrant. The site is currently in compliance with the condition of its previous Use Permit approval and has been in compliance, to Staff's knowledge, for the duration of the previous four (4) years.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on February 2, 2011. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
3. Perimeter landscape area is to be maintained in a neat, weed-free condition. Plant material that is removed shall be replaced.
4. Storage shall be contained within the six-foot (6') block wall fence and below the top of the wall.

14. WITHDREW USE PERMIT: La Parrilla Garden Restaurant

WITHDREW, for the purpose of re-advertising, Use Permit LUP10-0041 La Parrilla Garden Restaurant, Series 12, for the sale of liquor for on-premise consumption only with an expanded restaurant that includes and outdoor patio at 474 W. Ray Road.

15. CONTINUED LIQUOR LICENSE: La Parrilla Garden Restaurant

CONTINUED TO APRIL 14, 2011, Liquor License, Series 12, for Irene Ramos, Agent, La Parrilla Garden Restaurant located at 474 W. Ray Road, to allow the applicant time to complete the zoning requirements for their Use Permit.

16. SPECIAL EVENT LIQUOR LICENSE: American Legion Post 35

APPROVED a Special Event Liquor License for the American Legion Post 35 for the Kickstands Up for K9 Charity Event on April 9, 2011, at the American Legion Post 35, 2240 W. Chandler Boulevard. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic

beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

17. SPECIAL EVENT LIQUOR LICENSE: Boys and Girls Club of the East Valley

APPROVED a Special Event Liquor License for the Boys and Girls Club of the East Valley for their St. Patrick's Day and March Madness Celebration on March 17 & 18, 2011, at Majerle's Sports Grill, 3095 W. Chandler Boulevard. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

18. CONDOMINIUM PLAT: Dobson Pecos Village

APPROVED a Condominium Plat, CPT10-0002 Dobson Pecos Village, for two medical/general office buildings and the associated parking spaces on approximately 2.8 acres located at the SWC of Pecos and Dobson roads. (Applicant: Glen Adams, GWGD, LLC.) The plat creates the units and tracts, and establishes the necessary easements.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor Tibshraeny announced that a job fair would be held at the Chandler Center for the Arts on March 29th, from 4-9:00 p.m. He stated that companies could go to the City's website to find a link to the job fair website. He explained that the event was an initiative to hook residents up with employment opportunities that might be available as well as career and resume writing goals and skills.

Mayor Tibshraeny announced that the next HOA Academy would begin on March 23, 2011 through April 13, 2011. Participants learn about the structure of community associations and what boards should do to ensure that the association's business is conducted in an efficient and professional manner. He added that the classes were free but pre-registration was required.

Mayor Tibshraeny announced that volunteers were needed to be part of the Childhood Drowning Prevention Campaign. He explained that volunteers were needed to join Firefighters in going door to door in their neighborhoods with educational information to stop the high rate of drownings.

Mayor Tibshraeny noted that former Councilmember Lowell Huggins' son had passed away. He stated that the thoughts and prayers of the Council and the City were with former Councilmember and former Vice-Mayor Huggins.

B. Councilmembers' Announcements

Councilmember Heumann noted that Spring Break would begin for many children in the City. He believed that the City pools would be open for special hours. He believed there would be good activities for the Youth. He added that the Ostrich Festival would be held in the upcoming weekend at Tumbleweed Park.

Vice-Mayor Donovan announced that she had the opportunity to attend an event held from Ecotality, which she explained was a company that puts in recharge stations into people's garages after they get electric cars. She noted that she had received an email about going in a Chandler resident's home and that she had also received an email from another Chandler resident who was also getting a recharge station in their home.

Councilmember Hartke expressed condolences to former Councilmember Lowell Huggins. He further announced that the City of Chandler ranked 4th in the State in terms of population. He stated that the Census results showed Chandler being 10,000 higher than Glendale and other surrounding Cities.

Mayor Tibshraeny thanked Councilmember Hartke for his efforts in the Census count.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 7:10 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: March 24, 2011

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 10th day of March 2011. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of March 2011.

City Clerk