

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, May 12, 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 (telephone)
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: Reverend Ozetta Kirby – Holy Trinity Community A.M.E. Church

PLEDGE OF ALLEGIANCE: Councilmember Weninger

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

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

COUNCILMEMBER HEUMANN noted he would be voting nay on Item No. 21 (Agreement with Ritoch-Powell & Associates for Alma School Road and Ray Road Improvements).

COUNCILMEMBER WENINGER noted he would be voting nay on Item No. 17 (Agreement with Tennant Sales and Service, Inc., for sweeper-scrubber).

MOTION CARRIED UNANIMOUSLY (7-0) WITH THE EXCEPTIONS NOTED.

1. MINUTES:

APPROVED, as presented, Minutes of the Council Special Meeting of April 27, 2011, Council Special Meeting (Interviews) of April 28, 2011, Council Special Meeting (Zoning) of April 28, 2011 and the Council Regular Meeting of April 28, 2011.

2. CITY CODE AMENDMENT: Chapter 51 Ord. #4238

ADOPTED Ordinance No. 4238 amending Chapter 51, Section 51-24 of the Chandler City Code by adopting the 2011 Wastewater Pretreatment Program.

3. AGREEMENT AMENDMENT: Zayo Group, LLC Ord. # 4295

ADOPTED Ordinance No. 4295 authorizing an amendment to the agreement with Zayo Group, LLC, for the use of facilities in the City's rights-of-way and public places to authorize Zayo Group, LLC, to be the successor to AGL Networks, LLC, in this agreement, to establish a Class 5 Communications System as applicable and to establish new fees.

4. ANNEXATION: SEC of Cooper and Ocotillo Roads Ord. #4296

ADOPTED Ordinance No. 4296 annexing approximately 1.62 acres located south of the SEC of Cooper and Ocotillo roads.

5. REZONING: ICAN Youth Facility Ord. # 4298

ADOPTED Ordinance No. 4298, DVR11-0003, ICAN Youth Facility, rezoning from PAD to PAD Amended to expand the list of permitted uses, with PDP, for the construction of a youth facility that includes recreational, educational, social programs and other youth services on approximately 2.77 acres located at the NEC of Hamilton and Morelos streets (approximately one-quarter mile north of the NEC of Pecos Road and Hamilton Street).

6. PAD ZONING OVERLAY: Site 8 Parking Ord. #4299

CONTINUED TO MAY 26, 2011, Ordinance No. 4299, DVR11-0002, Site 8 Parking, City initiated PAD zoning overlay concerning parking requirements for land bounded by Chicago Street, Arizona Avenue, Frye Road and Oregon Street.

An error was discovered in the legal description attached to Ordinance No. 4299, which was introduced and tentatively adopted by City Council on April 28, 2011 and scheduled for final adoption on May 12. The legal description described a different area than intended. Therefore, the final adoption of the ordinance must be continued to a later date for further action. A re-introduction of ordinance will follow according to appropriate legal procedure.

7. CITY CODE AMENDMENT: Chapter 31 Ord. #4300

ADOPTED Ordinance No. 4300 amending the Chandler City Code by deleting Chapter 31 in its entirety and adopting a new Chapter 31 relating to Community Services, the Parks and Recreation Board, the Arts Commission and the Municipal Art Funds, the Museums Advisory Board, the Mayor's Committee for People with Disabilities, the Mayor's Committee for the Aging and the Mayor's Youth Commission.

8. REZONING: Faith Community Church Education Building Ord. 4301

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4301, DVR11-0005 Faith Community Church Education Building, rezoning from PAD to PAD amended to allow a private

school use in addition to the existing church use located at 1125 N. Dobson Road. (Applicant: Gary King.)

The subject site is located at the SEC of Dobson Road and Ironwood Drive just north of Ray Road. The property abuts single-family residential to the east and south. North of Ironwood Drive is Andersen Junior High School and east of Dobson Road is Seton Catholic High School. The property was initially zoned PAD for a church use in 1986. In 1988, the church developed the first building, a multi-purpose building. Recently, the church developed a new education building on the site's north side parallel with Ironwood Drive. The education building provides for 12 classrooms, 2 adult classrooms and restrooms. The education building was intended to accommodate additional Sunday school classrooms for the church; however, it was also designed to accommodate a school. The building is mostly completed at this time.

The application requests rezoning to allow a private school use in addition to a church use currently allowed by the site's PAD zoning. The private school use was not a use represented in the original PAD zoning case, thus this application requests to add a private school use. Typically, a church that owns and operates a school is permitted as part of the church's zoning. However, a private school that is not related to the church requires separate zoning approval.

The proposed school is Crossroads Community School, a non-profit K-8 private Christian school. A pre-school use may be added in the future pending demand. The school has been operating the past 11 years at Crossroads Nazarene Church near Ray and Price roads. The past three years, the school has averaged 80 students per school year with the highest being 130 students. Currently, the school has 63 students enrolled. The school does not have a proposed maximum number of students and is basing the maximum enrollment on occupant load of each room which is estimated at approximately 14 to 23 persons per room. School days and hours are Tuesday, Thursday and Friday 8:15 a.m. to 3:15 p.m. There is a one week break in October, a 2 ½ week break in December and a 1 week break in March.

On a typical school day, the school expects to have on average 12 to 16 vehicles parked on-site for staff and volunteers and approximately 45 vehicles on the site before and after school for student drop-off- and pick-up. The intersection of Dobson Road and Ironwood is an existing signalized intersection. Currently, the church site's entrance and exit is off of Dobson Road, south of the signalized intersection. The entrance leads into a parking area that is designed as a loop to allow traffic to exit back out onto Dobson Road. With the development of the new education building, another driveway has been constructed providing access off of Ironwood Drive. Inbound traffic for the school is going to come into the site off of Ironwood Drive and traffic will exit to Dobson Road or Ironwood Drive.

The on-site parking lot has 141 parking spaces. The school use itself would be required to have 8 parking spaces based on 1 space per classroom. There is ample parking available for staff, volunteers and parents during school hours.

There is no building or freestanding monument signage proposed. Any signage would be required to comply with Sign Code requirements.

The Planning Commission and Planning Staff find the use to be compatible with the existing church and surrounding area. The site is self-sufficient for access and parking for both the church and private school use. The school is open only three days during the week which does not coincide with church services on the weekends.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 2, 2011. There were no neighbors in attendance. A second neighborhood meeting was held on March 23, 2011, which notified the City's Registered Neighborhood Organizations (RNOs). There was one person in attendance asking if there were any plans in the future to expand on this site. The applicant responded that if the school were to expand, another building would be located on the site; the current building would not be expanded. There was another question relating to the ownership of the school site. The church does not intend to sell this building and land to the school.

Planning Staff received a call asking about traffic and access. The applicant and Staff explained a second driveway is built and traffic will come in off of Ironwood Drive. The site is long enough and has a loop drive to provide for on-site parent drop-off and pick-up which mitigates any concern for vehicles backing up on to Dobson Road.

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

9. BUILDING CODES

Ord. #4303

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4303 adopting the 2009 International Building Code, the 2008 National Electrical Code, the 2009 International Plumbing Code, the 2009 International Mechanical Code, the 2009 International Residential Code, the 2009 International Fuel Gas Code, the 2009 International Energy Conservation Code and the 2009 International Existing Building Code.

The 2009 editions of the International Code Council series of codes are being adopted in lieu of the current 2006 editions. Specifically, the 2009 International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code and International Fuel Gas Code are replacing the older editions. In addition, this ordinance adopts the 2008 National Electrical Code and for the first time, the challenges associated with the renovation or remodeling of existing buildings are specifically addressed through the proposed adoption of the 2009 edition of the International Existing Building Code. A housekeeping revision is also being made to Chapter 51 of the City Code which deals with Wastewater.

As with past code adoptions, these codes were sent to the Board of Appeals for review and comment at various public meetings. Board meetings were attended by stakeholders including the Home Builders Association of Central Arizona (HBACA) as well as builders who do not belong to HBACA. Commercial developers have been informed of the impending changes through the pre-development review and permit application time-extension processes. The Board approved the adoption of these codes with amendments. This code is updated to the 2009 edition.

Chapter 29 of the City Code contains the Building Safety provisions. This chapter is being restructured and renumbered in addition to adopting the current 2009 codes.

- Article II, International Building Code. Sections were renumbered due to formatting changes in the standard code and, in addition, an existing amendment regarding plain concrete was deleted in order to conform to the national standards.
- Article IV, International Plumbing Code. Amendment was made to refer to the City of Chandler Fee Schedule.

- Article V, International Mechanical Code. Amendment was made to refer to the City of Chandler Fee Schedule.
- Article VI, International Residential Code. Arizona House Bill 2153, signed by Governor Brewer on March 9, 2011, does not allow municipalities to adopt ordinances mandating residential fire sprinklers in new single-family residences. Therefore, Section R313.2 of the 2009 International Residential Code requiring mandatory residential sprinklers is shown in the proposed ordinance language to be deleted in its entirety. Also, an amendment was made to refer to the City of Chandler Fee Schedule.
- Article VII, International Fuel Gas Code. Amendment was made to refer to the City of Chandler Fee Schedule.
- Article VIII, International Energy Conservation Code. Amendment was made to refer to the City of Chandler Fee Schedule.
- Article IX, International Existing Building Code. This is the first time this code has been adopted. Previous building codes have addressed existing buildings and the remodeling and renovation of such buildings. This code is expected to provide more clarity and well-defined paths to compliance for older buildings where building to new construction standards have proven to be infeasible, while still ensuring a reasonable level of life safety. The adoption of the International Existing Building Code has necessitated the renumbering and rearrangement of several sections and has required the addition of several administrative provisions.

Chapter 51 of the City Code is being revised by removing an obsolete reference to the Uniform Plumbing Code for the purposes of regulating grease and oil separators. Through this proposed code amendment, it now properly references the current International Plumbing Code for this purpose.

10. IGA AMENDMENT: RPTA

Res. #4433

ADOPTED Resolution No. 4433 authorizing an amendment to the Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) for fixed route bus service for FY 2010/11.

In July, Staff needed to make reductions to fixed route service due to the elimination of Local Transportation Assistance Funds (LTAF). These changes were approved at the June 24, 2010, City Council meeting. They became effective on July 26, 2010; however, the final cost of these changes was not finalized until recently.

This contract was delayed due to the process needed for RPTA to modify and finalize the Transit Life Cycle Program funding and cost and to revise the City's operating contract schedules. In the past, Chandler used LTAF funding for a portion of their fixed route bus service. The region funded the remainder of fixed route service in Chandler using Proposition 400 funding. However, for FY 10/11, the funding for regionally funded routes was redistributed to Chandler routes that were funded with LTAF.

In 2008, Council approved a five-year agreement with the provision for annual funding agreements with the RPTA (Valley Metro) for fixed route and express bus service through June 30, 2013. This is the second of four annual amendments to adjust for changes in operating costs and service levels.

Revenue forecasts have significantly declined and in order to balance TLCP revenue and expenses, the region must cut nearly \$300 million to existing and planned transit service through 2026. Chandler's share of this cut is nearly \$24 million or just over \$1.5 million per year. Chandler has some future service programmed in the TLCP, but the City cannot achieve a \$24 million reduction in transit service without also cutting existing service. Staff is currently reviewing a variety of options and needs to coordinate proposed changes with adjacent communities and hold public meetings to get citizen input. Staff will bring further information back to the Council at a later date.

This agreement was reviewed at the April 21, 2011, meeting of the Transportation Commission and unanimously recommended for approval.

11. IGA AMENDMENT: RPTA Res. #4434

ADOPTED Resolution No. 4434 authorizing an amendment to the Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) for Dial-A-Ride services for senior citizens and persons with disabilities for FY 2010/11 in an amount of \$272,860.00.

The East Valley Dial-A-Ride (EVDAR) provides door-to-door, shared-ride public transportation services for senior citizens and persons with disabilities. Council approved an Intergovernmental Agreement (IGA) with the RPTA (Valley Metro) in 2004 to provide Dial-A-Ride service for eight years to the City of Chandler in partnership with the Cities of Mesa, Tempe, Scottsdale and the Town of Gilbert. This is the sixth of seven annual amendments to adjust costs for changes in service levels, procurement of capital equipment and inflation.

This agreement will provide 21,084 hours of Dial-A-Ride service at a total net cost of \$1,451,859.00. As part of Proposition 400, RPTA will fund the cost of service for persons with disabilities in accordance with the Americans with Disabilities Act (ADA) in the amount of \$1,178,998.00 which is 76% of the total contract. Non-ADA service will be funded by the City at an amount of \$272,860.00.

This contract is retroactive to July 1, 2010, and was delayed as Staff desired to bring all three transit service agreements forward at one time and there was a delay at the RPTA in completing the contract for fixed route bus service.

This agreement was reviewed at the April 21, 2011, meeting of the Transportation Commission and unanimously recommended for approval.

12. IGA AMENDMENT: RPTA Res. #4435

ADOPTED Resolution No. 4435 authorizing Amendment No. 3 to the Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) for Alternative Transportation Services (Cab Coupon Program) for senior citizens and persons with disabilities for FY 2010/11 in an amount of \$76,000.00.

The City of Chandler initiated a subsidized taxicab coupon program with the Regional Public Transportation Authority (RPTA) in FY 2006/07 on a trial basis and continued in FY 2007/08, FY 2008/09 and FY 2009/10. Staff recommends continuing the Cab Coupon Program through FY 2010/11.

This program provides subsidized taxicab coupons for Chandler residents that are eligible for Dial-A-Ride services. The program is intended to provide additional transportation options for senior citizens and persons with disabilities at a lower cost than traditional Dial-A-Ride service. Under this program, participants purchase coupon booklets valued at \$10.00 for a nominal co-pay of \$2.50 for one book. The coupons can then be applied toward the fares of participating cab companies. Coupons are purchased by calling Valley Metro. In FY 09/10, participants utilized 2,715 cab trips providing an estimated savings to the City of about \$96,000.00 in the Dial-A-Ride program.

Chandler's seniors and disabled are becoming more aware of the cab program in the area and realize this might be a better option for them than the traditional Dial-A-Ride. Also, based on citizen needs, transportation options were added with the Dialysis Voucher Program and the Recurring Medical Trips Program. These additional programs provide seniors and persons with disabilities transportation to and from life-sustaining medical appointments such as dialysis and chemotherapy treatments.

This year, a utilization increase is anticipated from 2,715 trips to 4,415 trips and Staff is requesting an additional \$26,000.00 for a total of \$76,000.00. These services will continue to provide the individual with a more direct and convenient trip at a lower cost for the City compared to utilizing a trip via Dial-A-Ride.

The New Freedom Grant provides additional funds of \$67,259.00 for a total of \$143,259.00 for this program.

This contract is retroactive to July 1, 2010, and was delayed as Staff desired to bring all three transit service agreements forward at one time and there was a delay at the RPTA in completing the contract for fixed route bus service.

This agreement was reviewed at the April 21, 2011, meeting of the Transportation Commission and unanimously recommended for approval.

13. COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN

Res. #4498

ADOPTED Resolution No. 4498 authorizing the City Manager or his designee to execute and submit the Community Development Block Grant (CDBG) 2011-20112 Annual Action Plan to the United States Department of Housing and Urban Development (HUD) and execute all documents and sub-recipient contracts.

The Department of Housing and Urban Development (HUD) requires that all local governments receiving Community Development Block Grant (CDBG) funding submit an Annual Action Plan that will guide HUD-funded housing, homeless and community development activities in the City of Chandler for the period beginning July 1, 2011, through June 30, 2012. To comply with the City of Chandler's Public Participation Plan, the City held a public comment period that began Monday, April 4, 2011, and ended on Friday, May 6, 2011. In addition, a Public Hearing on the Annual Plan was held Wednesday, April 6, 2011, at the Housing and Human Services Commission meeting and at the April 28, 2011, City Council meeting to ensure opportunities for input from the community.

The City's FY 2011-12 Annual Action Plan serves as the formal application for the use of entitlement funds that are received by the City of Chandler. The Action Plan defines the one-year activities in relationship to the five-year goals and objectives of the Consolidated Plan covering

Fiscal Years 2010-2014. It provides a description of the programs and projects of the City of Chandler in FY 2011-12, as well as funding decisions for the City's CDBG program.

In January 2011, non-profit organizations applying for FY 2011-12 CDBG funds submitted applications. A total of 17 applications were received, requesting a total of \$1,597,404.00. The Housing and Human Services Commission (HHSC) reviewed and evaluated the applications and made initial CDBG funding recommendations to the City Council for approval. Initial CDBG funding recommendations were discussed at the Public Hearing of the HHSC on April 6, 2011.

Staff anticipated a ten percent (10%) reduction in FY 2011-12 CDBG entitlement funds compared to the amount received in FY 2010-11 and instructed the HHSC to make initial CDBG funding recommendations to include a 10% reduction. On April 25, 2011, the City was informed that the reduction in CDBG funding would be approximately 16.5% instead of 10% with an estimated entitlement amount of \$1,269,847.00. Due to the fact that HUD's draft funding amount was announced after the HHSC made their funding recommendations, Staff developed a revised funding recommendation that was presented to the City Council at the CDBG Public Hearing held on April 28th. The recommendation was based on an equitable distribution of the required reduction among all non-profits. Staff is also requesting authorization to make minor adjustments to the allocation amounts proportional to the final allocation amount received from HUD. HUD requires submittal of the Plan by May 13, 2011.

14. 2011-2012 HOME PROGRAM APPLICATION

Res. #4501

ADOPTED Resolution No. 4501 authorizing an application for and use of 2011-2012 HOME Program funds from the Cranston-Gonzalez National Affordable Housing Act through the Maricopa County Consortium.

The City of Chandler receives Federal HOME Investment Partnership funds annually through the Maricopa HOME Consortium. Chandler will receive an estimated \$385,159.00 for FY 2011-2012. This amount is approximately a 12%, or \$52,294.00, reduction in funding compared to Chandler's 2010-11 funding allocation. HOME Investment Partnership funds are administered by the U.S. Department of Housing And Urban Development (HUD). Eligible activities utilizing HOME funds include: homeowner rehabilitation, homebuyer activities, rental housing and tenant-based rental assistance.

Staff announced the availability of HOME funding to area housing non-profit organizations. The City of Chandler Housing Rehabilitation Program was the only applicant for these funds. The Housing and Human Services Commission has reviewed and recommended Council approval of the Staff request to utilize 2011-2012 HOME funds for the City's Housing Rehabilitation Program.

Since 1982, the City of Chandler has operated a Housing Rehabilitation Program. The City provides up to \$50,000.00 in deferred loan assistance to income qualified homeowners under the Housing Rehabilitation Program. The City secures its investment with a lien (Deed of Trust) equal to the value of the loan, which is repaid in monthly installments by the homeowner over the period of approved loan terms, or paid in full upon sale, transfer or alienation of the property. The loan may be partially or entirely forgiven based on the applicant's income eligibility. Eligible work items under the Housing Rehabilitation Program include, but are not limited to, replacement and/or repair of: windows, doors, plumbing, electrical, HVAC systems, roofs, structural repair, mitigation/abatement of lead-based paint hazards and removal and/or repair of any code violations.

15. PRELIMINARY DEVELOPMENT PLAN: Chandler Freeway Crossing

APPROVED Preliminary Development Plan PDP10-0016 Chandler Freeway Crossing, for a freestanding freeway monument sign as part of an office and light industrial business park on approximately 40 acres located at the NWC of Pecos Road and Ellis Street, just north of the Loop 202 Santan Freeway. (Applicant: Pat Jones, Mark IV Capital.)

This request is for Preliminary Development Plan (PDP) approval for a freestanding freeway monument sign as part of the Chandler Freeway Crossing office and light industrial business park. The property received PAD zoning in 1989 as part of the larger 156-acre Gateway Park master plan. The PAD zoning, most recently revised in 2001 and extended in June of 2005, identified the approximately 40-acre subject site for a Business Park development. Permitted uses include all standard industrial and employment uses including, but not limited to, general office, wholesaling, light manufacturing, assembly, distribution and/or warehousing and packaging.

The subject site is located on the northeast side of the Santan and Price freeways interchange in west Chandler. The property is surrounded to the north by an industrial (business park) area that includes vacant land as well as existing industrial buildings. West of the Price Freeway is the southern end of the Chandler Fashion Center. East of the site is a mixed-use area that includes a concentration of multi-family residential, industrial and commercial uses. South of the Loop 202 Santan Freeway is the balance of the Gateway Park development.

The site received PDP approval in October 2005 for building architecture, site design and landscape design. The PDP identified a multi-staged development that included two 42,000 square-foot buildings as part of Phase I with a master plan that included a total of 9 individual buildings. Currently, Phase I is complete with the two office buildings, fully developed industrial collector street and associated landscaped improvements as part of Phase I. The buildings have remained vacant since construction due to the economic recession.

The approved PDP included a comprehensive sign package in terms of building mounted signage, freestanding monument signage, as well as a proposed 49-foot tall 5-tenant panel freeway monument sign. At the time of approval, it was identified that tenants typical to a business park of this nature did not require the type of visibility afforded by a freeway monument sign. As such, a condition was added requiring the applicant to work with Staff to redesign the sign to remove the tenant panels. The applicant has submitted the current PDP request citing the types of businesses typically locating in business parks of this nature are evolving and although these business park tenants continue to generate minimal customer traffic, their identification requirements have evolved as well. The majority of corporate tenants seeking space along a freeway locate within business parks that provide freeway monument signage. The lack of monument signage at Chandler Freeway Crossing has discouraged numerous tenants from pursuing leases.

The subject request includes a single 60-foot tall 7-tenant panel freeway monument sign. While the previously proposed 5-tenant panel sign was only 49 feet in height, the applicant requests the current 60-foot height explaining that further study of the site revealed a visibility issue due to the fact that the Loop 202 Santan Freeway was depressed at the Loop 101 Price Freeway interchange, as well as the elevated interchange ramps from this freeway intersection. The proposed sign is located along the 202 Santan Freeway at the site's south eastern side. The sign's design reflects elements and materials found on the buildings' architectural style. The sign includes a unique triangular shape that is intended to provide not only increased freeway visibility,

but a striking visual appeal as well. Simple yet effective plan changes break down the signs massing with simulated aluminum divisions used to separate the tenant panels. The center identification name at the sign's top is proposed as individual mounted pan-channel lettering that includes the black perforated vinyl that appears white at night. The tenant panels will include internal illumination with routed push-through lettering. Consistent with the building mounted signage, corporate colors and logs are permitted.

Staff supports the proposed freeway monument sign finding the sign's unique design compliments the building architecture. Since the business park's construction, numerous business parks within Chandler have been approved with multi-tenant freeway monument signs such as Chandler Freeway Business Park, Chandler Airport Center and Lincoln 10. Staff continues to promote higher levels of integrated design and finds this sign to achieve that goal. The proposed 60-foot height is right in line with previously approved heights along the 202 as well as the proposed 7-tenant panels. Additionally, Staff acknowledges that Chandler Freeway Crossing's anticipated higher concentration of office users versus light industrial users warrant the visibility provided by the proposed freeway monument sign.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on March 1, 2011. There were no neighbors in attendance. Staff has received no correspondence in opposition to the request.

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

1. Development shall be in substantial conformance with exhibits entitled "Chandler Freeway Crossing" kept on file in the City of Chandler Planning Services Division, in File No. PDP10-0016, except as modified by condition herein.
2. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
3. All future signage shall be consistent with the signage contained within the exhibits with regards to sign type and quality. Any deviations shall require separate Preliminary Development Plan approval.

16. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following Board/Commission appointments:

Citizens' Panel for Review of Police Complaints and Use of Force:

Leslie Pitts (Reappointment)

Mayor's Committee for the Aging:

George Pace

Anne More

Merit System Board

Tammy Clow-Kennedy (Alternate Member)

Neighborhood Advisory Committee:

Nora Ellen

Planning and Zoning Commission:
Bill Donaldson

17. AGREEMENT: Tennant Sales and Service, Inc.

APPROVED (6-1) Agreement #CS1-765-2955 with Tennant Sales and Service, Inc., for a combination sweeper-scrubber in an amount of \$55,871.66.

Councilmember Weninger voted nay on this item.

Discussion:

At the request of COUNCILMEMBER HEUMANN, Park Development & Operations Manager MICKEY OHLAND explained that the sweeper would be used for the hardscape sidewalk cleaning for Arizona Avenue and the City Hall Complex. He told the Council that staff was able to absorb labor costs for proving maintenance due to the economy, effects to the General Fund Budget and efficiencies found in other parks. He indicated that one-time funding in the amount of \$57,000.00 was received in this year's budget; however, there was not any on-going budget for the maintenance of the area. He noted that staff did look into contracting the work out but clarified that they had not done a formal bid. He added that staff did contact a vendor that currently is used for restroom cleaning; however, he explained that their costs were significantly higher. Mr. Ohland told the Council that currently staff spends about 8 hours per cleaning and they conduct 10 cleanings a month. He indicated that 4-5 hours would be saved by using the sweeper and noted that the staff member could then be used in parks for other maintenance.

In response to a question from COUNCILMEMBER WENINGER, Mr. Ohland indicated that it would take 30 hours a month to clean the area with the scrubber.

COUNCILMEMBER SELLERS stated the price given to staff by the vendor was for them doing the working manually rather than someone using a machine to clean the area.

MR. OHLAND concurred. The vendor indicated that they would use a similar machine that the City has. He indicated that another reason that the sweeper was needed was due to meet County dust regulations in efforts to control dust.

18. AGREEMENT AMENDMENT: Traffic Signs

APPROVED Agreement Amendment No. 1 with Safeway Sign Company, Zumar of Arizona and Zumar Industries, Inc., for the purchase of traffic signs and related items in a combined total amount not to exceed \$180,000.00. This is the first of four optional one-year extensions.

19. AGREEMENT: Water/Wastewater Equipment

APPROVED Agreement #WA0-936-2649 for water/wastewater equipment repair and maintenance with Phoenix Pumps, Inc., Foster Electric Motor Service, Inc., Arizona Pneumatic Systems, Inc., Gilbert Pump and Equipment Company, Weber Group L.C., Precision Electric Co., Inc., Keller Electrical Industries, Inc., Layne Christensen Company and Hennesy Mechanical Sales in a combined amount not to exceed \$1,363,000.00.

20. AGREEMENT AMENDMENT: Ritoch-Powell & Associates

APPROVED Agreement #EN1002-101, Amendment No. 1, with Ritoch-Powell & Associates for annual civil design and platting services increasing the annual limit by \$55,000.00 for a revised annual limit not to exceed \$155,000.00. The owner/user department shall provide funding for each individual project requiring annual civil design and platting services.

21. AGREEMENT: Ritoch-Powell & Associates

APPROVED (6-1) Agreement #ST0704-202 with Ritoch-Powell & Associates for Alma School Road and Ray Road intersection improvements, pursuant to annual contract #EN1002-101, in an amount not to exceed \$96,671.00.

This contract is to design plan modifications for the proposed Museum of Tolerance and in accordance with Resolution No. 4356 between the City of Chandler and the Jewish Community Center on the SWC of Alma School and Ray roads. It also includes updates to comply with new upcoming Americans with Disabilities Act (ADA) requirements as identified in the draft version of the Public Right of Way Accessibility Guidelines (PROWAG). Additional Quality Assurance and Quality Control (QA/QC) of the plans will also be performed to ensure consistency between the changes and the existing construction documents.

Councilmember Heumann voted nay on this item.

22. CONTRACT: Standard Construction Company, Inc.

APPROVED Contract #WW0820-401 with Standard Construction Company, Inc. for collection system facility improvements in an amount not to exceed \$767,060.00.

23. PURCHASE: Blauer

APPROVED the sole source Purchase of multi-threat chemical/biological ensembles from Blauer in the amount of \$58,968.00.

The Police Department received a 2010 Urban Areas Security Initiative (UASI) award from the State Homeland Security Grant Program. This award provides funding to ensure the Special Assignment Unit (SAU) is prepared and equipped to respond to large-scale emergencies, terrorist events, and natural or man-made disasters as part of the Phoenix area Rapid Response Team. The 2010 grant award authorizes the Police Department to purchase 34 Blauer multi-threat chemical/biological ensembles to enable the Special Assignment Unit to function in hazardous environments related to CBRNE, terrorist incidents, or natural/man-made disasters. The suits will be ordered within 30 days of Council approval and must be received by the end of the grant performance cycle, September 30, 2011.

Blauer's HZ9420 Multi-Threat suit is the only NFPA 1994 Class 2 certified Chemical/Biological suit available on the market for Law Enforcement CBRN response that protects against chemical warfare agents (CWAs) and toxic industrial chemicals (TICs) at concentration at or above IDLH when worn with approved SCBA systems and tactical footwear. The HZ9420 Multi-Threat suit is also the only suit available that offers a front zip design that is coupled with sewn on gloves so the wearer has a full range of movement without the use of the rubber band or taping technology. The HZ9420 Multi-Threat suit also comes with a Gear Backpack that allows for Donning and Doffing on a pop out mat for storage, transportation and decontamination. The suit's certification

to NFPA 1994 Class 2 significantly differentiates the ensemble from other HAZMAT suits, which are typically OSHA certified.

The NFPA 1994 standard specifies design requirements and performance requirements for resistance to TICs (Toxic Industrial Chemicals), TIMs (Toxic Industrial Materials), chemical warfare agents, and biological warfare agents. This makes it feasible for incident response teams to purchase a single suit for their "warm zone" and "hot zone" operations. In contrast, OSHA-rated suits are only required to meet specified design elements with no requirements for performance on resistance to any hazardous substances. In this regard, makers of OSHA suits typically market numerous suits made of different protective fabrics for very specific chemical threats. This forces most incident response teams to purchase multiple suits to be prepared for the multiple chemical threats in their area.

In early 2010, Chandler SAU evaluated several multi-threat ensembles. The Blauer ensemble exceeded the team's expectations. Since these items are purchased as part of the Phoenix UASI grant, they are considered a regional asset and can be requested and utilized by other Phoenix area Rapid Response Teams (RRT). Several teams have expressed interest in the Blauer multi-threat ensembles; some have purchased the ensembles. Having a standardized platform allows for seamless transition between teams and improves overall interoperability.

Only equipment listed in the UASI workbook is authorized for purchase through the grant. No substitutions are allowed.

24. PURCHASE: Applied Research Associates, Inc.

APPROVE the sole source Purchase of Pointman Tactical Robots from Applied Research Associates, Inc., in the amount of \$79,282.00.

The Police Department received a 2010 Urban Areas Security Initiative (UASI) award from the State Homeland Security Grant Program. This award provides funding to ensure the Special Assignment Unit (SAU) is prepared and equipped to respond to the large-scale emergencies, terrorist events and natural or man-made disasters as part of the Phoenix area Rapid Response Team. The 2010 grant award authorizes the Police Department to purchase two Applied Research Associates, Inc., Pointman Tactical Robots. This equipment will support SAU's ability to provide tactical response to large scale disasters, chemical, biological, radiological and nuclear (CBRNE) events and terrorist incidents. SAU will store and maintain the robots within the SAU armory/tactical response vehicles. The robots will be ordered within 30 days of Council approval and must be received by the end of the grant performance cycle, September 30, 2011.

Prior to submitting the 2010 UASI grant application workbook, Chandler SAU sought input from other UASI RRT participants regarding the make and model of tactical reconnaissance and explosive detection robots. During the process, an onsite evaluation was performed of Applied Research Associates', Inc., Pointman Robot. The robot has several unique features that distinguish it from other tactical/EOD robots.

The Pointman has a patented polymorphic locomotion (the ability to traverse quickly across relatively flat surfaces) in a wheeled mode and the ability to use its end-over-end clamshell motion to negotiate a host of challenging terrains such as rocks, curbs and stairs. The Pointman does not have a top or bottom and therefore cannot get stuck on its back like other robots. The ability to move through a series of flipping motions also ensures the Pointman will not get stuck ascending or descending stairs. The National Institute of Standards and Technology's recently

rated the Pointman as best overall in mobility tests. In addition, the Pointman does not have any external antennas or arms that may become damaged from rough terrain or a fall. The Pointman's simplicity of design enables the robot to be deployed in less than a minute. The robot's height is less than seven inches because of the unique camera boom operating system, allowing deployment in confined spaces such as under beds, inside culverts, or through debris and rubble piles.

Since these items are purchased as part of the Phoenix UASI grant, they are considered a regional asset and can be requested and utilized by other Phoenix area Rapid Response Teams (RRT). Having a standardized platform for reconnaissance or EOD applications allows for seamless transition between teams and improves overall interoperability. Both the Phoenix and Tempe Police Department RRTs currently utilize Pointman Robots.

Only equipment listed in the UASI workbook is authorized for purchase through the grant. No substitutions are allowed.

25. USE PERMIT: The Living Room

APPROVED Use Permit LUP11-0004 The Living Room, Series 12, for an extension of premises to sell alcohol as permitted for a new outdoor patio at an existing restaurant located at 2475 W. Queen Creek Road, Suite #1. (Applicant: Mike Perry, Whitneybell Perry, Architect.)

The subject site is located west of the SWC of Queen Creek and Dobson roads within the Downtown Ocotillo commercial shopping center. The site is located in a suite within an inline shops space. Queen Creek Road is directly north of the site. Parking fields are located east and south of the site. West, adjacent to the restaurant, are shop spaces.

The subject site is an approximate 2,180 square foot suite occupying the eastern half of an approximately 7,000 square foot inline shops building. The dining and bar areas total approximately 1,420 square feet and can accommodate 104 patrons. The kitchen area is approximately 307 square feet. Two separate outdoor patios are provided; one patio is located west of the main entrance on the south side of the building, and the second patio is located east of the main entrance on the south side of the building and wraps around the eastern face of the building. The patios combined as they exist, are approximately 729 square feet and can accommodate approximately 40 patrons.

The request is to extend the patio area that is on the south side of the restaurant that is currently occupied by the garden area. On the west side of the restaurant entrance, the patio will be expanded to the south by 7'-8" and will increase the patio area by 160 sq. ft. The area on the east side of the entrance will also be expanded, but will remain a garden area. Both areas to the east and west of the main entrance will be enclosed by a short masonry wall consistent with the building architecture; the masonry wall was approved administratively.

The extension of the patio does not affect pedestrian walkways, nor does it raise parking concerns. The site, when initially designed, required 27 parking stalls, 71 were provided. With the expanded patio area, an additional four parking spaces are required. The site has an abundance of 40 extra parking spaces.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 7, 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, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other store locations.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site shall be maintained in a clean and orderly manner.
5. The Use Permit is granted for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.

26. CONTINUED USE PERMIT: San Marcos Golf Resort

CONTINUED TO JUNE 9, 2011, Use Permit ZUP10-0032 San Marcos Golf Resort, to continue a golf cart storage and maintenance yard use on San Marcos Golf Course property near the SWC of Chandler Boulevard and Dakota Street to coordinate with the Planning Commission schedule. The Planning Commission continued the item to their May 18, 2011, agenda to allow for further work with the neighbors regarding aesthetic considerations.

27. USE PERMIT: Win Beauty House

APPROVED Use Permit ZUP10-0043 Win Beauty House, to allow an existing single-family residence in the SF-8.5 zoning district to be converted to a commercial beauty salon located at 284 S. Dobson Road. (Applicant: Chen Architects, Ming Chen.)

The subject site is located at the NWC of Dobson and Frye roads fronting Dobson Road. The property is adjacent to single-family residences to the north and west as part of the Green Valley Estates subdivision. The intersection of Dobson and Frye roads includes a medical office complex on the NEC, a hospital and associated medical office on the SEC, and a commercial retail and office development on the SWC. Surrounding uses include a multi-family apartment development and additional medical offices.

The property has been used as a single-family residence since 1980. The property is approximately 9,335 square feet with an existing 1,786 square foot home. There is City public right-of-way that bounds the property; approximately 10-feet deep on the south and 15-feet deep on the east. The home sat vacant for some time as a bank owned property. The current owner purchased the home in August 2010. This property is not being reviewed under the Residential Conversion Policy because the proposed use is not a considerable use under the Policy. The Policy can consider general offices with or without also residing in the home and other uses such as a day-care, private school, studios for dance, music and drama where the site can provide for appropriate ingress/egress, parking and any required outdoor activity areas. These other uses are considered more intense and may generate additional traffic and on-site parking.

The request proposes to convert the home to a commercial retail type hair salon which offers hair styling/haircut services and facial care services. The salon owners currently lease a space elsewhere in the Phoenix area and plan to move the salon to this new location. The salon owners are a husband and wife who are the two employees along with an assistant. The

application requests not more than three (3) total employees. The salon's business hours are from 10 a.m. to 6 p.m. daily, except Thursday which is by appointment only.

The home will convert the livable space to maintain one bedroom, provide an administrative office, a reception area, a facial room, a shampoo area and hair studio. One bedroom will be maintained as an employee break area. The business is designed to accommodate a maximum of two clients at a time for hair services. The facial room accommodates one client at a time. There would be clients coming in for an appointment as others are finishing thus the site's parking is provided to accommodate the overlap.

Parking is based on a parking ratio for personal service uses as 1 space per each 150 square feet of floor area. This is the same parking ratio for retail sales uses. Based on the home's 1,446 net square feet for the salon use, required parking is 10 parking spaces. The property is able to provide for 9 parking spaces which include the existing two carport/garage spaces and an uncovered space adjacent to the garage. New parking spaces will be added including two in front of the home and four in the rear of the lot as part of a new concrete paved parking area. The rear yard will be redeveloped to accommodate a paved parking area. The Planning Commission and Planning Staff find 9 parking spaces sufficient to accommodate this low traffic generating hair salon including maximum number of employees and clients.

The exterior of the home will be renovated to provide for a covered main entrance tower with a new front door. The entrance tower has a gable roof designed with concrete roof tiles. The home's main roof shingles will be replaced with new concrete roof tile. The home's paint and stucco exterior will be upgraded as well with a sand finish along with drystack stone veneer wainscot to replace the existing block. The west and north elevations will be upgraded with new paint only and will not be retextured with sand finished stucco as these elevations are not visible from street frontages. Existing windows and the garage will remain. The garage door intends to be removed providing a carport appearance instead. The carport columns will be accented with stone veneer.

The two existing Mexican Fan Palm trees will remain and all other landscaping will be new including Sissoo Trees and shrubs along Frye Road, a front yard grass area with concrete borders and shrubs along Dobson Road and within the site. The landscaping can be in the right-of-way, which is part of the site's yard, until the City determines if further widening of the roads would occur in the future. The existing perimeter wall is being removed as it is within the City's public right-of-way and cannot remain. This wall will also be removed along the north property line. A new 3-foot high masonry screen wall facing Frye Road will be located within the property to screen the rear yard parking area. The existing 6-foot high block wall along the site's rear yard adjacent to the alley will be removed to allow for a 14-foot wide driveway to the parking area. A new 3-foot high wall will be located adjacent to the alley to screen parking spaces.

There is no freestanding monument sign proposed for the site. Business signage is provided only on the building's covered entry tower. The sign is represented as a 3-foot by 3-foot, non-illuminated wall sign with the business name incorporated into the logo, WIN Beauty House. The sign's materials and colors are not determined at this time. A separate sign permit is required for the sign.

The Planning Commission and Planning Staff find the proposed reuse of this property from single-family residential to commercial for a hair studio is a transitional use from the commercially developed intersection of Dobson and Frye roads to the existing single-family residential properties in Green Valley Estates. Converting this property to a commercial use is compatible

with the existing commercial developments at this intersection. The hair studio's low number of employees and salon chairs further keeps this a low traffic generating business. This site is constrained primarily by access off of Dobson Road. Due to road widening and improvement projects over the years, this property has difficult ingress/egress off of Dobson Road especially during peak traffic times which is no longer conducive for single-family use. The site has been designed to provide the main parking at the rear of the property which helps maintain a residential look along Dobson and Frye roads while adding a commercial appearance with a covered front entrance. Building materials to upgrade the home's exterior are different from adjacent residential homes but offer a unique look to the site that seems to fit well with the surroundings.

A two-year time limit approval is recommended for this Use Permit to allow the property owner time to complete site and building improvements and allow the City to re-evaluate the conversion.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 7, 2011. There were three area neighbors in attendance supporting the request. Staff has received no correspondence in opposition to the request.

The Planning Commission asked if the City was requiring the site to provide landscaping in accordance with commercial design standards since this property is at a street intersection. Planning Staff advised that residential properties converting to commercial are typically not required to provide the amount of landscaping a retail shopping center would need to provide given the property is still a part of a larger single-family neighborhood. The amount of landscaping provided enhances the property while keeping it compatible with the adjacent residences. The Commission recommended two zoning conditions requiring the proposed trees be 24-inch box size at the time of planting and that one tree be planted along Dobson Road since none are proposed there.

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

1. The Use Permit shall be effective for two (2) years from the date of Council approval. Use Permit extensions, for similar or greater time periods, shall be subject to re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, Building Elevations, and Narrative) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other property.
4. Increase in on-site employment over that represented which is three (3), shall require new Use Permit application and approval by the City of Chandler.
5. The property shall be maintained in a clean and orderly manner.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
7. Use Permit approval does not constitute Final Development Plan approval such as building plan review and permits for the residential conversion; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
8. A freestanding monument sign shall require a new Use Permit application and approval by the City of Chandler. Building wall signage is limited to that represented. The materials and color to be reviewed by Planning Staff at the time of sign permit application.

9. Any site improvement must occur within the property and not within the City's public right-of-way. Any existing walls and plantings with the City's public right-of-way shall be removed.
10. Trees shall be 24-inch box size at time of planting.
11. Provide one (1) tree along Dobson Road frontage.

28. USE PERMIT: Arizona Race Company

APPROVED Use Permit ZUP10-0044 Arizona Race Company, to allow a motor vehicle customization repair business within a Planned Industrial District (I-1) zoning located at 501 E. Chicago Circle, Suite C, north of Frye Road and west of Hamilton Street. (Applicant: Doug Driggers, Owner.)

The subject site is zoned I-1 (Planned Industrial District) as part of an existing industrial area east of downtown Chandler. The property is located within a cul-de-sac with several other light industrial type buildings and uses. The proposed motor vehicle customization repair business has been operating at this location for approximately 8 months without a Use Permit approval.

Adjacent businesses on the Chicago Circle cul-de-sac are industrial in nature including a masonry company, soil company and a mining equipment company. Adjacent tenants in the same building are industrial in nature, manufacturing and warehousing type uses including a cabinet company in Suite B, and a roof flashing company in Suite A.

Staff was made aware that the business was operating without a Use Permit upon filing for a Certificate of Occupancy (C of O). The City denied the C of O and advised a Use Permit approval was required.

Arizona Race Company is a business that specializes in the aftermarket automobile industry; a high performance racing auto parts and service center. This is not a retail automotive repair shop. The business focuses on complete engine builds, custom exhaust, aftermarket performance installation and complete chassis wiring. The business leases Suite C, which is the most southern suite in the industrial building. Adjacent to the suite is a fenced storage yard for Suite C. A chain link fence bounds the south end of this property which directly abuts the Chandler Unified School District bus yard, in which buses maneuver to and from parking spaces next to the automotive warehouse space.

The warehouse space is set up with two vehicle lifts/bays, a fabrication area, engine room, bathrooms and an office. There is no engine dynamometer (dyno) which is a device used to determine torque and power. There is one roll-up door to the warehouse and a door to the front office. Most of the space is open which allows for vehicle maneuvering. The property has 23 parking spaces 8 of which are for Arizona Race Company. Vehicles are kept inside the building. The business is open from 8 a.m. to 5 p.m. Monday through Friday. Currently, only the business owner works daily and up to three assistants come when needed. The application does not require any building signage as they do not advertise for "walk-in" customers. If a sign is desired in the future, signage will require a Sign Permit and compliance with the Sign Code.

The proposed use and location is compatible with the adjacent properties and surrounding area. Any noise generated from the business is no louder than existing noise created by the adjacent bus yard and noise from the other suites when the warehouse doors are open. The Planning Commission and Planning Staff recommend a one (1) year approval for the automotive business.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on March 28, 2011. There were no neighbors in attendance. Staff received an email of support but with a concern for engine noise, stating there are racing engines that can be very loud. The applicant responded that they do not test engines. The engines, which do have mufflers, will be started to break in the engine which lasts for about 5 minutes and may be heard outside of the property, but it is no louder than the very loud school buses starting up in the morning to leave the bus yard and backing into the parking spaces next to the business in the afternoon during the school year. Staff did experience the loud school buses upon visiting the site. With the buses backing into the spaces, it was very difficult to hear and carry-on a conversation outside.

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

1. The Use Permit is effective for a period of one (1) year from the date of City Council approval. Operation of the business beyond the one-year time period shall require reapplication to and approval by the City of a new Use Permit.
2. All vehicle work including repair, servicing, upgrades, engine testing and the like shall occur only within the building. Any overnight storage of vehicles shall occur inside the building. No work or storage of vehicles shall be performed outside of the building.
3. The Use Permit is non-transferable to any other property or other suites/tenant spaces on the subject property.
4. Any substantial change in the floor plan, including but not limited to expansion, addition of uses and the like, shall require reapplication and approval of a Use Permit.
5. The site shall be maintained in a clean and orderly manner.
6. All building signage or freestanding signage shall be in conformance with the Chandler Sign Code and be issued a City Sign Permit.

29. USE PERMIT: Cedar Sanctuary Assisted Living

APPROVED Use Permit ZUP11-0002 Cedar Sanctuary Assisted Living, extension to operate an assisted living home for up to seven (7) residents within an existing single-family home located at 607 N. Bullmoose Drive, west of Dobson Road and north of Galveston Street. (Applicant: Barbara Gjonbalaj, Manager.)

The subject site is located approximately ½ mile west of Dobson Road just north of Galveston Street within the Indian Ridge Estates single-family residential subdivision. It is zoned SF-33 and is surrounded by residential homes on all sides; an alley is adjacent to the rear property boundary.

Assisted living homes are required to obtain a Use Permit when there are more than five residents living together in a single dwelling unit, excluding staff. The maximum potential amount of residents allowed with a Use Permit is 10, excluding staff. Additionally, the amount of residents allowed is based upon requirements provided by the State Health Department. The State Health Department requires that a single user bedroom shall be 80 sq. ft., and two residents may share a room if it is 120 sq. ft or more. On no occasion can a bedroom exceed more than two residents. The rooms for this application conform to these requirements.

The subject site has operated as an assisted living home for the past five years; the first four years were with five or fewer residents, thus not requiring a Use Permit. In 2009, a Use Permit was granted to allow up to seven residents. The current request is to allow the extension of the

previously approved Use Permit for an additional three years. Additional residents are not being requested.

The operating team of the facility has a long history of running assisted living homes throughout the valley and currently operates seven homes within Chandler; all homes have five or fewer residents. The home is approximately 3,560 square feet and sits on a 39,000 square foot lot. The assisted living home has five bedrooms and 2 ½ bathrooms, a living room, dining room and two family rooms. The master bedroom and bedroom 5 have the ability to house two residents. The rooms meet the City and State requirements for space. The home provides a long driveway along the southern property boundary that can accommodate eight to ten vehicles and a circular drive than can accommodate an additional ten vehicles.

Staff continues to support the request citing that the home has operated successfully as an assisted living home for the past five years and that due to the size and location of the home, typical concerns such as parking and proximity to other homes are addressed.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 24, 2011. There were no neighbors in attendance.

Staff has received two telephone calls regarding the request. The first caller had concerns with the upkeep of the property and parking illegally in landscaped areas. Staff has informed the owner of the concerns and has added conditions addressing the concerns. The second caller was in support of the request, but also expressed concerns regarding upkeep of the site. Staff has visited the site and did not find any outstanding issues pertaining to maintenance.

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

1. The assisted living home shall have no more than seven (7) residents at any time.
2. Should the applicant sell the property, this Use Permit to operate an assisted living home shall be null and void.
3. This Use Permit shall remain in effect for three (3) 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.
4. The site shall be maintained in a clean and orderly manner.
5. Parking shall be restricted to designated improved surfaces.

30. CONTINUED LIQUOR LICENSE: Sandbar Mexican Grill

CONTINUED TO MAY 26, 2011, as requested by the Applicant, Liquor License, Series 6, for Randy D. Nations, Agent, South Sand LLC, dba Sandbar Mexican Grill located at 7200 W. Ray Road to allow the applicant time to complete the zoning requirements for a new Use Permit through Transportation and Development.

31. CONTINUED LIQUOR LICENSE: Cyprus Grill

CONTINUED TO JUNE 23, 2011, as requested by the Applicant, Liquor License, Series 12, for Lauren Kay Merrett, Agent, Ano LLC, dba Cyprus Grill located at 1065 W. Queen Creek Road to allow the applicant time to complete the zoning requirements for their Use Permit through Transportation and Development.

32. SPECIAL EVENT LIQUOR LICENSE: Ear Candy Productions, Inc.

APPROVED a Special Event Liquor License for Ear Candy Productions, Inc., for the American Canned Craft Beer Festival on May 21, 2011, at Dr. A. J. Chandler Park, 3 S. Arizona Avenue. 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.

33. TEMPORARY EXTENSION OF PREMISES: Bistro @ Kokopelli Winery

APPROVED a Temporary Extension of Premises for a Series 7 Liquor License (Chandler #118476 L07) held by KWB Chandler LLC, dba Bistro @ Kokopelli Winery located at 35 W. Boston Street for a wedding reception event on May 30, 2011. A recommendation for approval of a temporary extension of premises for State Liquor License #07070623 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this extension and the applicant has applied for a Special Event Permit through the Special Events Committee.

35. CONTRACT: City Manager

APPROVED the appointment of Rich Dlugas as City Manager and approved a contract in the amount of \$185,000.00 salary.

ACTION:

34. USE PERMIT: Regal Beagle

Use Permit LUP11-0001 Regal Beagle, Series 6, to continue to sell all spirituous liquor in an existing restaurant located at 6045 W. Chandler Boulevard, Suite #7, within the Kyrene Village Shopping Center. (Applicant: Gregory James Stanfield.)

MAYOR TIBSHRAENY noted that the applicant's attorney had requested that the Use Permit be continued to the first meeting in June.

MOVED BY COUNCILMEMBER SELLERS, SECONDED BY COUNCILMEMBER WENINGER TO CONTINUE USE PERMIT, LUP11-0001 REGAL BEAGLE, SERIES 6 TO JUNE 9, 2011.

COUNCILMEMBER HEUMANN stated he would reluctantly agree to continue the item. He noted that the case had been going on for a long time. He believed that the case should be resolved on June 9th, as the case had been continued various times. He also noted that he felt the applicant had not been responsive to the neighborhood.

VICE-MAYOR DONOVAN thanked the neighbors in the area that were present and were willing to return before the Council at the June meeting.

MAYOR TIBSHRAENY also thanked the neighbors in the area. He indicated that he had been following the case, even when he was not Mayor. He hoped the item would be resolved in June.

COUNCILMEMBER ORLANDO DECLARED A CONFLICT OF INTEREST ON THIS ITEM.

WHEN THE VOTE WAS CALLED, THE MOTION CARRIED unanimously (6-0).

36. DEVELOPMENT & LEASE AGREEMENT: 1440 Cable Factory, LLC Res. #4506

APPROVED Resolution No. 4506 authorizing the development and lease agreements with 1440 Cable Factory, LLC (1440) at Tumbleweed Park, located at the southwest corner of Germann and McQueen roads.

Background:

The agreements will allow 1440 to lease land at Tumbleweed Park and develop a cable wakeboarding facility, providing a significant recreational opportunity for both the residents of Chandler and those throughout the region. The facility will also enable the City to host major regional and national events that will bring visitors to Chandler.

A wakeboarding facility in Chandler would be one of only 11 in the country, and one of only 5 west of the Mississippi River, with the closest existing facility located over 800 miles from Chandler. The facility is expected to bring positive exposure for the City during the marketing and media coverage of major tournament events. Wakeboarding is among the top 10 most popular extreme sports with approximately 3.5 million participants annually.

The terms of the lease include a 25-year lease term and an option to extend the lease term for an additional 25 years. The lease payments to be made by 1440 represent a fair market rate for the land based on an independent appraisal commissioned by the City, and provide funds to assist with future developments of Hamilton Road within the park from Pioneer Parkway to Ryan Road.

Some of the important deal points included in the development agreement with 1440 Cable Factory include:

- The City will not provide any incentives for the project, and will collect \$180,000 annually in lease payments for the first 10-years of the 25-year lease. After 10 years, lease payments will increase by 14% during the next 5-year interval, with 3% increases built in over the additional 5-year intervals.
- The development will include construction of an approximately 30,000 square foot clubhouse, which will substantially match the architecture of the Tumbleweed Recreation Center. The building will accommodate space for ticket and equipment sales, a restaurant/sports bar, office space and storage. It is envisioned that 1440 will, at a later date, seek the required zoning approval to display and sell boats in the clubhouse space.
- Two lakes will be constructed - approximately 10 and 6 acres in size - allowing for participation at both the competitive/advanced and beginner/training levels.
- The developer will be required to deposit with City the sum of \$180,000 as security for performance of the terms and conditions of the lease.
- 1440 will be solely responsible for securing the necessary water from Salt River Project (SRP) and/or Central Arizona Project (CAP), and operation of the park will not affect the City's water supplies or allocations in any way.
- Appropriate levels of parking to cover the daily operations of the facility will be provided by 1440. However, this lot will be considered shared, making spaces open and available to

other users of Tumbleweed Park. The operator will be responsible for presenting a parking/transportation plan to the City for accommodating significant events.

- 1440 has agreed to provide up to 200 pre-paid admissions or to conduct two events annually at no charge for non-profits that are focused on providing assistance and/or opportunities for our City's youth.
- Tumbleweed's Master Plan Architect has determined that the anticipated softball fields planned for Tumbleweed Park can still be accommodated adjacent to the wakeboarding facility, and will be built at a later date.
- 1440 as part of their marketing plans will seek to partner with local colleges and universities – including Arizona State University's Wake Devils - to host practices and events as well as elective courses to be offered through the schools.

The City commissioned an independent economic analysis of the impacts of the development of the proposed 1440 wakeboarding facility. The estimates are based on the facility hosting two major events annually, and highlights of the study include:

- An estimated total of over 4,000 room nights in Year 1, increasing to nearly 6,600 room nights in Year 5
- An estimated total of \$4.96 million in direct spending and a total of \$9.6 million in total output, supporting 170 jobs in Year 1. With estimated Year 5 totals of \$7.86 million in direct spending, \$15.2 million in total output and support of 270 jobs.
- The above activity is estimated to create \$78,000 in City taxes in Year 1, increasing to \$124,000 in Year 5.

There are no additional costs to the City as a result of entering into the agreements. The City will collect \$180,000.00 annually in lease payments from 1440 during the first 10 years of the lease agreement.

Discussion:

Economic Development Specialist JAMES SMITH indicated that the project was a unique recreation and entertainment opportunity that would benefit the community. He told the Council that the City had issued an RFP in May 2010 and received 4 responses, 2 of which were wake boarding facilities. He highlighted the different response that were received including 2 wake boarding facilities, a multi-purpose facility that would house sports activities and serve as an amphitheater and a rock climbing facility. He stated that the proposal for the multi-purpose facility asked for City incentives, but noted that one of the factors that led to 1440 being selected was due to them not seeking City incentives. He also noted that the panel felt that a rock climbing facility could be incorporated with 1440 should the City be open to it. Mr. Smith explained that staff specifically looked for unique opportunities that would bring people from the Phoenix-Metro region as well as outside the region. He also stressed that there was no bank financing necessary as they were privately financed. He told the Council that the location was considered due to the proximity to ASU due to the demographic.

Mr. Smith indicated that there were only 140 wake board parks in the world, with the Chandler location being one of eleven in the U.S. He added that there were only 5 parks west of the Mississippi and the closest one being over 800 miles from Chandler. He explained to the Council that there were 109 wake boarding national and regional events that were sanctioned. He believed that Chandler would have a good opportunity to attract those events due to Metropolitan

Phoenix having the 3rd highest population of the existing Cities that currently have wake board parks, as well as having the 2nd largest projected population growth, and having the 3rd youngest population amongst the existing Cities.

He noted that there was language in the contract which stated that the City would have to be paid an additional \$20,000.00 as part of the lease payment if 1440 owned or operated another cable park in the Valley and had the City lost out on an event to that other park. He informed the Council of the third party economic impact analysis that was done and noted that the analysis found that in year one, the development would demand for 4,000 hotel rooms, would contribute \$4.96 million in direct spending into the economy and the City would receive City taxes of about \$78,000.00.

Mr. Smith acknowledged to the Council that the project was not without its risks, but he believed that staff had done everything it could to mitigate those risks. He credited Assistant City Attorney GLENN BROCKMAN for negotiating the deal and making sure that the City was covered. He added that the developer had agreed to put a deposit of \$180,000.00 into an account that the City would be able to collect, should the water park go out of business. Mr. Smith stated that the money could then be used to market the area to another user to restart the project or the money could be used to return the site to its original state. He further stated that the City's Risk Management Division had looked in the contract and made sure that the contract built in coverage's that mitigate any liability by the City.

MR. TODD ARNOLD, Co-Founder and CEO of 1440 and MR. MATTHEW SHANNON, Co-Founder and General Manager of 1440 Cable Factory, PHOENIX, AZ spoke to the Council on behalf of 1440.

Mr. Arnold introduced staff members from 1440 that were present at the meeting.

Mr. Shannon told the Council that 1440's mission was to construct quality wake board, wake skate parks that contribute to community development and provide people of all ages a positive, uplifting and fun environment.

Mr. Arnold told the Council that 1440 was committed to progressing water sports in Chandler. He indicated that 1440's first class beach front resort style cable park would be recognized as in the top 5 wake board facilities in the world and number one in the U.S. He stated that there would be two cable lakes, beach volleyball, boat show room, full service restaurant, rock climbing, cabanas, retail pro shop and more. He stated that they saw Tumbleweed Park as a prime destination for family and sports enthusiasts. He then listed the different partners that they have in place for the project. He indicated that multiple tournaments would be held at the park once the park was finished. He added that they would work with youth groups and educational institutions to introduce them to the Cable Factory.

Mr. Arnold then played a video to the Council showcasing what the park would look like.

COUNCILMEMBER WENINGER questioned if ASU had a wake board team.

MR. SHANNON stated that the ASU teamed up with the team at NAU that are snowboarders. He indicated that 1440 would be offering the facility for training and to host tour stops at the facility.

COUNCILMEMBER WENINGER asked whether the group had financing to build the park. He questioned if they already had financing or if the group was awaiting approval.

MR. ARNOLD indicated that the group had investors who backed the development. He stated that the group had been waiting for the development agreement and lease to show the investors that the project could happen. He indicated that in the interim the group had already met with architecture, engineering, met with SRP and had water contracts in place. He added that the group had been working concurrently at the risk of 1440, hoping that the Council would approve the project.

In response to a question from COUNCILMEMBER WENINGER, Mr. Arnold stated that the group was pushing to open in the Spring of 2012. He was hopeful the group would get their certificate of occupancy in March.

COUNCILMEMBER HEUMANN thanked staff for their work. He noted how the project would be a private and public partnership. He further noted how many residents would state in surveys that they were looking for new and other recreational activities. He wished the group the best of luck.

VICE-MAYOR DONOVAN questioned what the differences were between what was being proposed and the park that was in Gilbert that was doing something similar.

MR. ARNOLD stated that the Gilbert cable lake was long and skinny. He stated that the riders would get to the turns but due to them being so sharp, the riders would fall. He added that the property owner of the lake sold his property to a residential developer due to the valuation of the property around the lake going up. MR. SHANNON added that wake boarding was in its infancy stages at that time.

VICE-MAYOR DONOVAN commended 1440 for not affecting the City's water supply. She further commended 1440 and City staff for ensuring that the City was covered if the project failed. She thanked the group for working to mitigate the City's risks while bringing a good opportunity to Chandler residents.

COUNCILMEMBER HARTKE commended the group for their work and expressed excitement over the project.

MS. LAURA ENGLER told the Council she was representing the Courtyard and Fairfield Inn Suites by Marriot and representing the hotel industry in general. She stated that 1440 would have an economic impact in the hotel industry and looked forward to having a partnership with the group.

MOVED BY VICE-MAYOR DONOVAN, SECONDED BY COUNCILMEMBER HEUMANN TO ADOPT RESOLUTION NO. 4506 AUTHORIZING THE DEVELOPMENT AND LEASE AGREEMENTS WITH 1440 CABLE FACTORY, LLC (1440).

MAYOR TIBSHRAENY noted that the project had been in the works for some time. He believed it was a good concept and would add to the recreational capacity of the community. He felt that the City was covered in case the project did not work. He believed that the project could be a good thing for the community, Chandler and the region.

COUNCILMEMBER WENINGER questioned what would happen during the Ostrich Festival due to the area being used previously as parking for the event.

Economic Development Director CHRIS MACKAY stated that significant events would be

identified with 1440, so that the City could compensate and accommodate the parking and opportunities for different events. She told the Council that staff would be working with the Chamber of Commerce, the City's Community Services Department, and 1440 to ensure that that could go on as long as it could in the location.

COUNCILMEMBER WENINGER commended staff for their work on the agreement.

WHEN THE VOTE WAS CALLED, THE MOTION CARRIED UNANIMOUSLY (7-0).

37. LEASE: 1440 Cable Factory, LLC

Ord. #4307

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4307, authorizing a lease with 1440 Cable Factory, LLC, for a portion of Tumbleweed Park located west of the intersection of Hamilton Street and Pioneer Parkway, for a cable wakeboard park.

Background:

The Ordinance is required to satisfy technical requirements of the City Charter. The development agreement provides that the City will lease the proposed wakeboard site to 1440 Cable Factory, LLC, for up to 50 years, but any lease of city land for three or more years is required by Charter to be approved through an ordinance.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER HARTKE TO INTRODUCE AND TENTATIVELY APPROVE ORDINANCE NO. 4307, AUTHORIZING A LEASE WITH 1440 CABLE FACTORY, LLC, FOR A PORTION OF TUMBLEWEED PARK LOCATED WEST OF THE INTERSECTION OF HAMILTON STREET AND PIONEER PARKWAY, FOR A CABLE WAKEBOARD PARK.

MOTION CARRIED UNANIMOUSLY (7-0).

CURRENT EVENTS:

A. Mayor's Announcements

Mayor Tibshraeny announced the appointment of Rich Dlugas as the new Chandler City Manager.

Mayor Tibshraeny announced that the State of the City Address would take place on May 24, 2011 with a reception with City Council held at the Vision Gallery, prior to the Address.

Mayor Tibshraeny reminded everyone of the Food Challenge against the Town of Gilbert. He stated the community food drive would be taking place through May, with donation boxes being located City offices.

Mayor Tibshraeny congratulated the Chandler Police Department Forensic Services Section for receiving international accreditation in the field of forensic science testing. He stated that the Department was the first municipal agency in the State to receive the accreditation.

Mayor Tibshraeny also announced that the Chandler Small Business Development Workshop would be held on June 9th in the City Council Chambers.

