

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, August 18, 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	City Manager
Pat McDermott	Assistant City Manager
Mary Wade	City Attorney
Marla Paddock	City Clerk

INVOCATION: Councilmember Hartke

PLEDGE OF ALLEGIANCE: Councilmember Heumann

UNSCHEDULED PUBLIC APPEARANCES:

CONSENT:

MAYOR TIBSHRAENY announced that Item No. 31 (Use Permit, ZUP10-0032 San Marcos Golf Resort) would need to be continued to January 12, 2012 at the request of the applicant because of the receivership associated with the San Marcos Resort.

COUNCILMEMBER HEUMANN stated he did not want the item to be brought back to the Council for another continuance in December or January. He stated that this had been done for many years. He expressed concern and stated he would be asking staff to expedite the timetable on the case when it returns to the Council.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER HARTKE, TO APPROVE THE CONSENT AGENDA WITH ITEM NO. 31 (USE PERMIT ZUP10-0032 SAN MARCOS GOLF RESORT) BEING CONTINUED TO JANUARY 12, 2012.

VICE-MAYOR DONOVAN and COUNCILMEMBER ORLANDO noted they would each be voting nay on Item No. 35 (Use Permit, ZUP11-0005 Bear Creek Wireless Facility).

COUNCILMEMBER HEUMANN noted he would be voting nay on Item No. 25 (Agreement #ST0704-111 with Kristin Darr & Associates, LLC dba KDA Creative).

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

1. REZONING: AUTUMN PARK

Ord. #4318

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4318, DVR11-0010 Autumn Park, rezoning from PAD to PAD amended, along with PDP and Preliminary Plat for a 99 lot, single-family residential subdivision located at the SWC of 116<sup>th</sup> Street and Riggs Road. (Applicant: Brennan Ray; Burch & Cracchiolo, P.A.)

Background:

The subject site is located at the southwest corner of 116th Street and Riggs Road. The subject site is triangular with the base of the site fronting Riggs Road, and the length of the site along the western boundary. North, across Riggs Road is the Bear Creek Municipal Golf Course. The Consolidated Canal abuts the eastern and southern property lines. East of the Consolidated Canal is the Lagos Vistoso single-family residential neighborhood, the Santan Vista single-family residential neighborhood located in the County, and an automotive repair shop located at the northeast portion of the site, also within the jurisdiction of the County. South of the subject site, and beyond the Consolidated Canal is the Santan Vista single-family residential neighborhood. West of the subject site is the Southern Pacific Railroad. Beyond the railroad tracks is PAD zoned property for industrial uses, Planned Industrial (I-1), and Industrial zoned property in the County. Located at the northwest corner of the site is a Salt River Project substation.

Based on the General Plan the subject site is located within the Southeast Chandler Area Plan (SECAP), and designated as supporting Traditional Suburban Character type neighborhoods. The SECAP allows for residential density to be 2.5 dwelling units per acre, and provides provision for up to 3.5 dwelling units per acre, based upon amenities provided to the subdivision. The subdivision provides a density of 2.87 dwelling units per acre based on the net acreage of the subdivision. The subdivision provides the required number of amenities to achieve the proposed density; some of the design amenities will be provided during the housing product review.

The subject site received PAD zoning in late 2007 for a 38-lot custom home subdivision. Due to a change in the market, the owner of the property is requesting the condition no. 11 for custom home lots be removed and a new subdivision layout design be approved. All other conditions of the initial approval will remain.

Due to the location, the subject site provides one of the final portions for The Paseo Master Plan. The Paseo Master Plan was adopted by City Council in 1998, and serves as a guiding document for development along the Consolidated Canal. The intent of the The Paseo Master Plan was to provide residents of Chandler a usable trail system linking community parks and nearby neighborhoods from southern Chandler. As part of the Paseo, there is to be a 15-foot clearance zone on each side of the canal. In addition to the 15-foot clearance zone, builders generally provide a minimum ten-foot easement for the canal. The developer is providing a range from 15-20 feet for a majority of the east side, with a small tapering section of ten feet along a portion of lot 53.

Due to a reduced amount of street frontage, and the site restrictions caused by the canal and railroad tracks, a single point of access is provided along Riggs Road. Similar to the previous layout and subsequent approval, the developer is requiring all homes have fire sprinklers. The recent signing of SB2153 by the Governor prohibits any city from requiring residential fire sprinklers by ordinance or code. By doing this, it has taken away one of the Planning and Fire departments design tools. One of the design tools that were consistently used was a design

technique which allowed for a single point of access in exchange for requiring all homes to have fire sprinklers. This technique served best those sites that were unique or restricted in design and area. The subject site is one of the sites that were designed with a single point of access. Although the bill restricts the adoption of ordinances restricting residential fire sprinklers a retroactive clause was included in the bill extending the restriction back to December 31, 2009; however, ordinances adopted prior to December 31, 2009 were not affected with the restriction. The subject site received final adoption of the ordinance on December 13, 2007. The subdivision will provide fire sprinklers in each home. The entry into the subdivision provides a tree-lined boulevard entry that terminates at one of the subdivision amenity areas, and is highlighted through the use of pavement treatments and ash trees.

The subdivision is designed as a series of cul-de-sacs. Along the west boundary, adjacent to the railroad tracks, a majority of the landscaping and retention is provided. Two amenity areas are provided; one central to the subdivision, the second on the southern portion. Additionally, two pedestrian paths provide access to the canal. The centralized park area design provides an "eyes-on-the-street" presence as a majority of the homes surrounding the recreation area face the recreation area.

The subdivision design meets a number of the Residential Development Standard requirements as provided in Appendices 'A' and 'EV' of the attached development booklet, and includes: sense of neighborhood arrival, curvilinear street system, irregular shaped retention basins, staggering in the perimeter walls, and provides cul-de-sac features (either views to or direct links to amenity areas). Additionally, once submittal for housing products is reviewed the developer has insured (incorporating the requirements in the development booklet) that the product will meet design requirements. The housing product will be submitted and reviewed under a separate Preliminary Development Plan.

There is a request is to remove condition no. 11 of Ordinance No. 3995 that stated:

11. The development's housing product will be custom homes built by individual builders.

Based on the current market, the developer has had a difficult time with the requirements of the subdivision and seeks to have the condition removed. Staff supports the removal of the condition finding that the current layout presents a quality design in what could be deemed a difficult site. The design team strongly highlights many of the features of the community by accentuating and highlighting the entry and main amenity areas, provides a useable network of open space, and provides an attractive addition to the area.

Another request is for PDP approval for subdivision layout. Although the development team has done a good job with overall layout and design as mentioned above, Staff had concerns with the locations of lots 61 and 62, and the close proximity to the railroad tracks. To address these concerns, the developer contracted a sound engineer to review the impact that railroad operations may have on the surrounding properties; the engineer found the current design to be satisfactory in mitigating noise. A condition has been added requiring the homebuilder to disclose the existence of the railroad.

However, Staff still had concerns with the design and to address these concerns the perimeter wall adjacent to the railroad tracks will be six feet tall on an additional two foot berm. Additionally, both lots will have perimeter fencing (as will all lots) and a substantial amount of trees adjacent to the west boundaries to further mitigate noise. Staff also recommends that the west property

boundaries of both lots provide a ten foot side setback to allow for an additional buffer if need be; a condition has been added.

During the previous review for subdivision layout, a concern was raised regarding the design of the perimeter wall, and its lack of detail. A condition was added requiring that the applicant continue to work with Staff for an enhanced design. The wall as currently shown is a typical perimeter wall design. The applicant is aware that the original condition is still in place and will work with Staff for future design.

Additionally, as part of the previous zoning case, some questions regarding site remediation due to the prior user of the site were raised. During the review of the prior subdivision, details were provided by the development team that there was a small, localized area that was contaminated. The contaminated area underwent extensive remediation, and both a Phase I and Phase II Environmental Assessment Report were completed. As a follow-up to the Phase II remediation efforts a second Phase I report was generated in 2007 signifying the remediation of the site, and that no additional remediation efforts were necessary. As an additional measure, the development team designated the affected area as a no-build zone, and is being developed as an open space area.

This case was noticed in accordance with the requirements of the Chandler Zoning Code and a neighborhood meeting was held on May 9, 2011. There were no citizens in attendance. Staff has not received any telephone calls or letters opposing the application.

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

2. REZONING: Villas at Ocotillo

Ord. #4319

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4319, DVR11-0015, Villas at Ocotillo, to amend the PAD zoning to eliminate a zoning condition requiring copper supply plumbing for undeveloped lots within a residential single-family subdivision located east of the SEC of Dobson Road and Ocotillo Road. (Applicant: Woodside Homes of Arizona, Paul Kroff)

The Villas at Ocotillo received PAD zoning with a Preliminary Development Plan for subdivision layout and housing products in August 2000. The Villas at Ocotillo is a gated, custom home single-family residential subdivision in which the homes are units platted as condos. There are several lots that have yet to be developed with homes.

The application requests a zoning amendment to eliminate zoning condition No. 14 of Ordinance No. 3170 which requires copper plumbing for those lines under water pressure. In lieu of copper plumbing, the development requests allowing the use of an alternative plumbing material called cross-linked polyethylene (pex) piping for the remaining 29 units of a 49-lot subdivision. Only 20 units have been built using copper plumbing which include units 1, 2, 6, 7, 13, 15 through 23, 24 through 30, and 49. The request is to allow pex piping for the remaining 29 undeveloped units which include 3 through 5, 8 through 12, 14, 24 through 29, and 35 through 48.

On January 27, 2005 Council adopted the 2003 International Code (I-Code). Pex piping is specifically addressed in the I-Code and is a permitted material. Currently the use of any other material, other than copper, for lines under water pressure is prohibited through a zoning condition. Even though pex piping is an approved material, it may not be used in a subdivision where copper plumbing has already been conditioned without the developer returning to Council

to have the zoning condition removed. Every national plumbing code now permits the installation of pex as an approved hot and cold-water distribution system. Pex may be used in future subdivisions if the copper stipulation is not in place.

There are many positives that arise from the use of pex plumbing over copper plumbing. Pex plumbing is more flexible allowing for easier maneuverability and installation. Pex plumbing is freeze resistant and can withstand temperatures up to 180 degrees for plumbing uses. Pex plumbing is corrosive resistant and non-toxic.

The request was noticed in accordance with the requirements to the Chandler Zoning Code and a neighborhood meeting was held on June 15, 2011. Two people attended the meeting from the Villas at Ocotillo. Both attendees were concerned with a proposed plastic-type pipe due to prior problems they experienced in the 80's and 90's with the old polybutylene piping. Planning Staff received phone calls from residents in the Balboa Way subdivision across the waterway to the south opposed to pex piping, as they are concerned with a home being built with any type of plastic piping.

Upon finding consistency with the General Plan, Planning Commission and Planning Staff recommend approval to eliminate the zoning condition, Condition No. 14 requiring copper plumbing for lines under water pressure.

Upon finding consistency with the General Plan and Southeast Chandler Area Plan, the Planning Commission and Staff recommend approval.

3. REZONING: Chandler Center Commons Res. #4527

ADOPTED Resolution No. 4527 approving the Fifth Amendment to the Intergovernmental Agreement (IGA) for the reciprocal borrowing program (C-65-02-013-2) with the Maricopa County Library District.

On June 28, 2001, Council approved the renewal of the IGA between Maricopa County Library District and the City of Chandler for participation in the Reciprocal Borrowing Program for fiscal years 2001- 2006. Since that time, Council has approved four amendments to the renewal of the IGA. The Fourth Amendment, approved on August 18, 2010 with a reimbursable rate of \$28.50, extended the Agreement through June 30, 2011.

Under provisions of the agreement, residents of Chandler may obtain library cards free of charge from any other library in Maricopa County. In return, the Chandler Library also issues cards free of charge to all Maricopa County residents.

The County Library administers the program and reimburses all libraries that are "net lenders" (i.e. have more nonresident users using the library than resident users using other libraries) at the per-person rate specified in the current agreement. Reciprocal revenue for fiscal year 2009-2010 was \$184,810.00.

4. EASEMENT RELEASE: WIJOMI Res. #4530

The original Offsite Improvement and Construction Easement between the City of Chandler and WIJOMI Development were never paid for by WIJOMI. WIJOMI went out of business and filed bankruptcy. Subsequently, a new company, Southeast Financial, LLC entered into a new Offsite Improvement and Construction Easement Agreement with the City. The new easement was

recorded by the City. The old easement with WIJOMI still shows on the title to the property. Southeast Financial, LLC needs to have the old WIJOMI easement removed from their title and has asked the City to sign a release.

5. BOARD AND COMMISSION APPOINTMENTS:

APPROVED the appointment of Janet Langley to the Chandler Cultural Foundation Management Board and the appointment of Steve Sheldon to the Domestic Violence Commission.

6. MEMBERSHIP DUES: League of Arizona Cities and Towns

AUTHORIZED the payment of fiscal year 2011-12 annual dues to the League of Arizona Cities and Towns in the amount of \$88,000.00.

The City of Chandler is an active member of the League of Arizona Cities and Towns. Each year the City is assessed annual dues that are based on a per capita formula and minimum base fee. For Cities with populations over 200,000, the dues for 2011-12 are capped at \$88,000.00.

The League works closely with the City's Intergovernmental Affairs Coordinator (IG) in providing legislative and lobbyist assistance to its member cities. When the issue is of statewide concern, the League will take the lead position, freeing up the time for the City's IG to focus on issues of concern to our citizenry. The assistance is critical during the legislative session and allows for cities to work together on issues of regional and municipal interest.

The assessment has been reduced for the past few years; however, this year's assessment reverts back to the original assessment level which is capped at \$88,000.00 for cities with populations over 200,000.

7. MEMBERSHIP DUES: Arizona Municipal Water Users Association

AUTHORIZED the payment of membership dues to the Arizona Municipal Water Users Association (AMWUA) in the amount of \$77,004.00.

The Arizona Municipal Water Users Association (AMWUA) is a voluntary non-profit corporation established in 1969 to develop and advocate regional water resource management policies in the interest of its members, their citizens, and ratepayers. AMWUA's current members include the Cities of Avondale, Glendale, Goodyear, Mesa, Peoria, Phoenix, Tempe, Scottsdale, and the Town of Gilbert.

AMWUA provides a forum for its member cities to meet and discuss water resource planning, legislation, conversation, and management issues. Member are able to work together on regional projects such as drought response, groundwater management, groundwater recharge, augmentation, conservation, legislation and environmental issues affecting the members' water supply.

Each City's membership dues are a prorated share (based on population) of AMWUA's water operating budget. AMWUA's fiscal year 2010-11 water operating budget decreased 0.15% from fiscal year 2010-11. Chandler's membership dues for fiscal year 2010-11 were \$77,121.00. The City of Chandler's membership dues for fiscal year 2011-12 are \$77,004.00.

8. MEMBERSHIP DUES: Regional Wireless Cooperative

AUTHORIZED the payment of membership dues to the Regional Wireless Cooperative (RWC) in an amount not to exceed \$400,000.00 for operations and maintenance charges relating to the City of Chandler's radio system.

The City of Chandler joined the RWC in February 2009 and began radio operations on the system in May 2011. The RWC provides operations and maintenance for the City's two-way radio system including municipal utilities, fire and police radios. The agreement with the RWC provides for a monthly subscriber fee per radio on the system of \$39.30 per month. There are currently 846 radio subscriptions for an estimated annual cost of \$368,517.60. Additional special assessments for members of the RWC are projected to be received during the course of the year and are projected to be less than \$30,000.00.

9. AGREEMENT: Recycling Services

APPROVED Agreement #SW1-926-3007 with Liberty Iron and Metal Southwest LLC for recycling services.

In 1995, prior to the City's landfill closing, Solid Waste Services implemented a recycling program for scrap metal items self-hauled by residents for landfill disposal. Over time, the City has implemented other programs for waste with recycling or reuse value such as cardboard, electronics and small appliances, foam padding, tires, wooden pallets, corrugated plastic signs, and reusable goods.

With established recycling and reuse programs at the Recycling-Solid Waste Collection Center (RSWCC), and through curbside bulk collection, residents are required to separate these materials for diversion. By recycling these materials, the City reduces the costs associated with landfill disposal.

Scrap metal and electronics are two of the largest quantities of recycling materials received at the RSWCC and through curbside bulk collection. Due to tonnage and revenue generated from these materials, the City maintains separate agreements for collection and marketing.

The American Metal Market is the commodity index used to determine the price per ton for scrap metal revenue in this contract. Revenue and tonnage for scrap metal fluctuates based on what residents self-haul to the RSWCC, what is collected through curbside bulk collection, and current market value.

The current agreement for scrap metal expires August 31, 2011. Staff expanded the request for proposals to include other recycling materials such as Styrofoam products but received no proposals.

On May 5, 2011, staff issued an RFP for recycling services and received two proposals from firms for scrap metal. An evaluation committee evaluated proposals and is recommending award to Liberty Iron and Metal Southwest LLC for scrap metal. The requested agreement will have a two-year term with provisions to extend up to four additional years.

10. AGREEMENT: Recycling Services

APPROVED Agreement #SW1-926-3007 with Westech Recyclers, Inc., for recycling services.

In 1995, prior to the City's landfill closing, Solid Waste Services implemented a recycling program for scrap metal items self-hauled by residents for landfill disposal. Over time, the City has implemented other programs for waste with recycling or reuse value such as cardboard, electronics and small appliances, foam padding, tires, wooden pallets, corrugated plastic signs, and reusable goods.

With established recycling and reuse programs at the Recycling-Solid Waste Collection Center (RSWCC), and through curbside bulk collection, residents are required to separate these materials for diversion. By recycling these materials, the City reduces the costs associated with landfill disposal.

Electronics and scrap metal are two of the largest quantities of recycling materials received at the RSWCC and through curbside bulk collection. Due to tonnage and revenue generated from these materials, the City maintains separate agreements for collection and marketing.

Revenue generated from electronics and small appliances is an established price per ton in the contract. Tonnage for the materials fluctuates based on what residents self-haul to the RSWCC, and what is collected through curbside bulk collection.

The current agreement expires August 31, 2011. Staff expanded the request for proposals to include recycling materials such as Styrofoam products but received no proposals.

On May 5, 2011, staff issued an RFP for recycling services and received one proposal from one firm for electronics and small appliances. An evaluation committee evaluated proposals and is recommending award to Westech Recyclers, Inc., for electronics and small appliances. The requested agreement will have a two-year term with provisions to extend up to four additional years.

11. AGREEMENT: Citywide Landscape Maintenance

APPROVED Agreement #CS1-988-2989 with Pacheco Brothers Gardening Inc., for landscape maintenance for two years with an option to renew for one two-year period, in a total amount not to exceed \$60,000.00 per year.

The agreement includes weekly trash pickup, weed control, irrigation repair, mowing and pruning/trimming as required. The landscaped area covered under the agreement is the Airport Water Reclamation Facility. The agreement includes additional fees for unanticipated needs.

In April 2011, staff issued an RFP for landscaping maintenance at various locations citywide. The RFP was advertised and all registered vendors were notified. Nine responses were received. After review by an evaluation committee, staff recommends an award to Pacheco Brothers Gardening Inc., for having the most advantageous offer to the City in accordance based on the evaluation criteria. The term of the agreement is September 1, 2011 through August 31, 2013 with the option to renew for one two-year period.

12. AGREEMENT: Citywide Landscape Maintenance

APPROVED Agreement #CS1-988-2989 with Gothic Grounds Management Inc., for landscape maintenance for two years with an option to renew for one two-year period, in a total amount not to exceed \$27,000.00 per year.

The agreement includes weekly trash pickup, weed control, irrigation repair, mowing and pruning/trimming as required. The landscaped area covered under the agreement is Solid Waste Services. The agreement includes additional fees for unanticipated needs.

In April 2011, staff issued an RFP for landscaping maintenance at various locations citywide. The RFP was advertised and all registered vendors were notified. Nine responses were received. After review by an evaluation committee, staff recommends an award to Gothic Grounds Management Inc., for having the most advantageous offer to the City in accordance based on the evaluation criteria. The term of the agreement is September 1, 2011 through August 31, 2013 with the option to renew for one two-year period.

13. AGREEMENT: Citywide Landscape Maintenance

APPROVED Agreement #CS1-988-2989 with Artistic Land Management Inc., for landscape maintenance for two years with an option to renew for one two-year period, in a total amount not to exceed \$50,000.00 per year.

The agreement includes weekly trash pickup, weed control, irrigation repair, mowing and pruning/trimming as required. The landscaped areas covered under the agreement are the Surface Water Treatment Plant, Wastewater Collection facilities and Environmental Resources xeriscaped areas. The agreement includes additional fees for unanticipated needs.

In April 2011, staff issued an RFP for landscaping maintenance at various locations citywide. The RFP was advertised and all registered vendors were notified. Nine responses were received. After review by an evaluation committee, staff recommends an award to Artistic Land Management Inc., for having the most advantageous offer to the City in accordance based on the evaluation criteria. The term of the agreement is September 1, 2011 through August 31, 2013 with the option to renew for one two-year period.

14. AGREEMENT AMENDMENTS: Laboratory Testing Services

APPROVED Agreement Amendments #MU9-962-2626 with Transwest dba Xenco Analytical Services, Legend Technical Services of Arizona, Inc., MWH Laboratories, a division of MWH Americas, Inc., and TestAmerica Laboratories, Inc., for laboratory testing services in a combined total amount not to exceed \$352,600.00.

The Environmental Protection Agency (EPA) and the Arizona Department of Environmental Quality (ADEQ) mandate tests for drinking water and wastewater. Water and Wastewater Quality, Environmental Management and Solid Waste Services use the agreements for testing requirements.

In September 2008, the City Council awarded one-year agreements for laboratory testing services. The agreement has provisions to extend for four additional one-year periods. The City is satisfied with past performance of the contractors and the contractors have agreed to extend the agreements for the third extension with no price adjustments.

15. PROJECT AGREEMENT: Dobson South Water Production Facility Rehabilitation

APPROVED a Project Agreement #WA1108-201 with CH2 M Hill, Inc., for Dobson South Water Production Facility (WPF) rehabilitation, pursuant to annual contract #EN1003-104, in an amount not to exceed \$240,041.00.

The project is a continuation of the Municipal Utilities Department's ongoing efforts to rehabilitate and modernize the City's older water production facilities. The Dobson South WPF was originally constructed to support water distribution system needs in the southwest portion of the City. The facility consists of a two-million gallon above ground steel reservoir and associated six-million gallons per day (mgd) capacity pumping station. The station is not in operation and is in need of rehabilitation to accommodate anticipated future operational needs within its service area. Work will include rehabilitation and painting of the steel storage reservoir and replacement of pump and electrical equipment with more efficient variable speed pumps and motors. The completed facility will play an important future role in maintain water supply and pressure levels for the surrounding service area, particularly during peak demand hours. The project includes condition assessment, rehabilitation design and related improvements for the Dobson South WPF.

On May 26, 2011, the City Council approved Annual Contract #EN1003-104 to CH2 Mhill, Inc., for permitting, assessment, and design for water and wastewater facilities. Staff reviewed the scope of work, billing rates, and total fee for the project, compared them to historical costs, and determined they were reasonable.

16. AGREEMENT: Police Uniforms

APPROVED Agreement #PD1-200-2954 with West Valley Uniforms, Inc., dba East Valley Uniforms for police uniforms in an amount not to exceed \$130,000.00.

The contract supplies the Police Department's annual needs for uniforms for all patrol officers (including reserves), motor officers, park rangers, explorers, motor assist volunteers, detention officers, as well as some uniform related accessories such as baseball caps and campaign hats. The contract also allows for replacement of worn or damaged uniforms, alterations, etc.

On May 13, 2011, staff issued an RFP for the purchase of Police uniforms. The City received three offers from East Valley Uniforms, Ace Uniforms and Skaggs Companies. An evaluation committee made up of representatives from the Police Department and the Purchasing Division evaluated the offers received and recommends an award to East Valley Uniforms based on criteria set forth in the RFP, which included company experience/references; total cost; customer service plan/team members/location of facility; and responsiveness to RFP requirements.

17. AGREEMENT: Citywide landscaping

APPROVED Agreement #CS1-988-2989 with Agave Environmental Contracting Inc., for citywide landscaping maintenance for two years with the option to renew for one two-year period, in a total amount not to exceed \$162,000.00 per year.

The agreement includes weekly trash pickup, weed control, irrigation repair, mowing and pruning/trimming as required. The landscaped areas covered under the agreement are Water Production Facilities and Community Services Parks and Facilities located Citywide. The agreement includes additional fees for unanticipated needs.

In April 2011, staff issued an RFP for landscaping maintenance at various locations citywide. The RFP was advertised and all registered vendors were notified. Nine responses were received. After review by an evaluation committee, staff recommends an award to Agave Environmental Contracting Inc., for having the most advantageous offer to the City in accordance based on the evaluation criteria. The term of the agreement is September 1, 2011 through August 31, 2013 with the option to renew for one two-year period.

18. No item.

19. AGREEMENT: Barricade Rental/Purchase

APPROVED Agreement #TE1-550-3006, with Traffcade Service Inc., and Action Barricade Company LLC, for Barricade Rental/Purchase for two years in a total amount not to exceed \$90,000.00 per year.

This barricade rental agreement provides the City with the needed barricades and setup as required for various traffic control situations and special events. There are a number of City divisions that utilize this Agreement, including Streets, Municipal Utilities, Traffic Engineering, Parks & Facilities and the Police Department. In some situations, expediency is required to secure the area and both vendors we are recommending have proven to be conscientious of this fact. By using this Agreement, the City reduces the need to keep a large inventory of new materials and spare parts on inventory as well as saving on labor on the set-up, takedown and repair of the various traffic control devices.

On June 8, 2011, City staff issued a Request for Proposals (RFP) for Barricade Rental & Purchase. A notice was issued to all registered vendors and seven (7) responses were received and evaluated. After being reviewed by an evaluation committee, staff is recommending award to Traffcade Service Inc. and Action Barricade Company LLC, who were determined to have provided the best quality service under previous contracts and were deemed to have submitted the most advantageous offers to the City in accordance with the evaluation.

Due to response time issues we have had with past vendors, staff is recommending award to two vendors for this Agreement. The term of this Agreement will be September 1, 2011 – August 31, 2013 with options to renew for up to three (3) additional one-year periods

20. AGREEMENT AMENDMENT: Towing Services

APPROVED Agreement Amendment No. 5 with ACT Towing LLC dba All City Towing for police towing services, extending the contract through September 30, 2011, and authorizing the City Manager to execute monthly extension for up to six months.

The current contract for police towing is set to expire on August 31, 2011. Staff issued an Invitation for Bid for police towing service, several months ago; however, the award of the Invitation for Bid has been delayed by circumstances beyond staff control. Staff recommends that the contract be extended to allow time to complete the procurement process.

21. AGREEMENT AMENDMENT: SDB, Inc.

APPROVED Agreement Amendment No. 1 with SDB, Inc., to increase the annual limit of Job Order Contract #JOC07-04 from \$1,500,000.00 to \$2,500,000.00.

SDB Inc. was selected for award of a Job Order Contract for general construction services, including major and minor construction projects, renovations and repairs, additions, demolitions, reconstructions, and alterations to City facilities, in accordance with established City policies and procedures. Thus far in 2011 the City performed downtown repairs, structural repairs to the Police garage, installation of flow meters, tenant improvements to the Snedigar Sportsplex and Tumbleweed Recreation Center, improvements to the facilities at Armstrong Yard, and upgrades

to the Ocotillo Water Reclamation Facility. Project Agreement award amounts have exceeded the approved annual limit with the award of site upgrades to the Surface Water Treatment Plant and the Airport Water Reclamation Facility gate upgrades, both of which were brought forward for Council approval. Historically, annual limit increases have been brought forward for Council approval on the same memo as the project resulting in the need for a limit increase. Resultant of advice from City Law staff, limit increases are now being brought forward as separate items for Council approval.

On January 27, 2011 Council approved a fourth one-year extension to SDB, Inc., Job Order Contract J0007-04, for general construction services in an amount not to exceed \$1,500,000.

Based on projected needs, staff anticipates that as much as \$2,500,000 will be used. Projects utilizing the Job Order Contract are those that recognize a savings from significant reductions in design costs or shortened project durations. Those project agreements exceeding \$50,000 will be brought forward to Council for approval.

22. AGREEMENT EXTENSION: Stantec Consulting

APPROVED Agreement Extension #EN0721-101 with Stantec Consulting, extending the annual survey contract for one year in an amount not to exceed \$100,000.00.

The City contracts with a consultant to provide land title surveys, right-of-way easement surveys for acquisition and documentation boundary surveys, topographic and mapping surveys, satellite-based control surveys, miscellaneous property line location surveys, and the preparation of legal descriptions and exhibits. Typically, the survey fees range from \$600 up to \$10,000 a project. The relatively small size of the projects and fees do not warrant the expense of a consultant selection for each project, therefore City staff selects a consultant for an annual on-call contract. The City has utilized the efficiency of an on-call survey contract for the past eleven years.

The current consultant was selected for a one-year contract with an option to renew for four additional years. This contract extension will be the fourth and final option year of the annual survey contract EN0721-101. The contract rates are unchanged from the previous year's contract rates. The last annual contract extension with Stantec Consulting was approved in an amount not to exceed \$100,000 by Council at the September 16, 2010 Council meeting. This contract extension will be for \$100,000 based on last year's expenditures.

23. AGREEMENT: Dibble Engineering

APPROVED Agreement #EN1005-101 with Dibble Engineering for Annual Airport Facilities and Infrastructure Design for one year in an amount not to exceed \$325,000.00, with the option of four one-year extensions.

Transportation & Development requested that a consultant be retained under an annual agreement to provide design services for municipal airport facilities and infrastructure, including access roads, taxiway improvements, aircraft and automobile parking areas, electrical renovations, signage, access control, and other miscellaneous improvements. With a consultant under contract for these services and approved by the FAA, the City can take greater advantage of grant money made available by the Federal Aviation Administration (FAA) for airport improvements.

The consultant selection process was conducted in accordance with Arizona State law and established City policies and procedures. On May 27, 2011, staff received statements of qualifications from six firms to provide airport facility and infrastructure design services. The evaluation committee recommends an award to Dibble Engineering. The hourly rates for this project agreement were compared to standard industry rates and approved rates already in use between the City of Chandler and Dibble Engineering, and found to be acceptable.

Based on projected needs, staff anticipates that as much as \$325,000 per year will be expended on annual design and FAA/ADOT study contracts. The owner/user department or the FAA/ADOT grants shall provide funding for each individual project requiring job order contracting services. Those project agreements exceeding \$50,000 will be brought forward to Council for approval.

24. AGREEMENT: Achen-Gardner Construction, LLC

APPROVED Agreement #WA1104-251 with Achen-Gardner Construction, LLC for pre-construction services Construction Manager at Risk contract for a wastewater lift station, junction structure, and 42" sewer line, in an amount not to exceed \$250,000.00, contingent upon written notification from Intel and appropriate funding.

Staff identified the need for new wastewater infrastructure to accommodate Intel's plant expansion on South Dobson Road. Facilities to be constructed include a lift station to transfer increasing volumes of wastewater from Ocotillo Water Reclamation Facility (OWRF) to Airport Water Reclamation Facility (AWRF). Additional work includes a 42" sewer line from Intel's property line north to a junction structure, connecting to a 66" diameter sewer line upstream of the proposed lift station. A new receiving structure will incorporate the new force main flows at the headworks of AWRF. The new lift station will also add system backup to the City's smaller existing lift station and force main system. The new force main connecting the lift station at OWRF to AWRF is not included in this project and will be awarded through separate solicitation and contract.

The pre-construction services Construction Manager at Risk contract award is the first step in the process. During this phase, the contractor will develop a construction schedule, conduct field inspections of existing facilities, provide reviews, value-engineering suggestions, and prepare guaranteed maximum price (GMP) proposals.

The selection process was followed in accordance with State law for design services. Twelve (12) Statements of Qualifications were received from qualified firms with Achen-Gardner Construction, LLC being selected based on qualifications, construction capability, current workload, and experience. Staff recommends their approval for this contract

25. AGREEMENT: Kristin Darr & Associates, LLC dba KDA Creative

APPROVED (6-1 Heumann) Agreement #ST0704-111 with Kristin Darr & Associates, LLC dba KDA Creative for professional services for the Alma School Road and Ray Road Intersection Improvements Public Relations in an amount not to exceed \$74,760.00.

The Alma School Road and Ray Road intersection will be improved by the addition of dual left turn lanes, a third auxiliary through lane, and right turn lanes for all directions of travel, paved concrete medians on north, west, and south legs of intersection, street lighting, storm drainage, waterlines, sewer manhole rehabilitation, irrigation and landscaping.

Utility relocations of Qwest, Cox, and Southwest Gas are in progress now and scheduled to be completed by the end of the year. Salt River Project (SRP) power trench and conduit relocation is anticipated to start the beginning of September and also to be completed by the end of the year. Roadway construction will be brought forward for Council approval under a separate contract. Roadway construction is anticipated to start early next year and to be completed before the holiday season of 2012.

This contract for professional services will include development and maintenance of a project website, 24-hour hotline, comprehensive coordination and meetings with businesses, public meetings, and regular news releases and updates through appropriate media types such as fliers, newsletters, and emails. This public relations contract includes work during the utility relocation and roadway construction work.

COUNCILMEMBER HEUMANN voted nay on this item.

26. CONTRACT: Tierra Contracting

APPROVED Contract #WA0819-401 to Tierra Contracting for construction for Hamilton Street Water Main Replacement in an amount not to exceed \$1,117,598.80.

This project is a continuation of Municipal Utilities Main Replacement Program targeting aging water distribution lines. The main replacement area selected continues to experience a high number of repairs resulting in interrupted water service, property damage, and numerous citizen complaints. This project includes replacement of approximately one mile of existing cast iron water lines. These lines range in diameter from 6 to 12 inches.

27. PURCHASE: Sprint Solutions, Inc.

APPROVED the purchase of data airtime for Police mobile data computers from Sprint Solutions, Inc., utilizing the State of Arizona and Western States Contracting Alliance (WSCA) contract EPS070070 in an amount not to exceed \$112,639.00.

28. PURCHASE: Motorola Solutions

APPROVED the purchase of sixteen APX6500 7/800 MHZ Mid Power Mobile Radios from Motorola Solutions, utilizing the State of Arizona Contract in an amount not to exceed \$84,212.94.

29. PURCHASE INCREASE: Continental Flooring Company

APPROVED the purchase increase of \$25,000.00 for the removal of worn flooring and the purchase and installation of new floor covering, with Continental Flooring Company, in an amount not to exceed \$110,000.00.

30. PURCHASE: Western Waterworks Consulting Inc.

APPROVED the purchase of emergency pipeline repair services from Western Waterworks Consulting Inc., utilizing the City of Scottsdale contract, in an amount not to exceed \$75,000.00.

31. USE PERMIT: San Marcos Golf Resort

CONTINUED to January 12, 2012 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, approximately one-quarter mile west of Arizona Avenue. (Applicant: Earl, Curley & Lagarde)

32. CONTINUED USE PERMIT: United Methodist Church Wireless Facility

CONTINUED TO SEPTEMBER 22, 2011, ZUP10-0037 United Methodist Church Wireless Facility, to install a wireless communication facility on the campus of United Methodist Church at 450 E. Chandler Heights Road, the NEC of Chandler Heights Road and the Union Pacific Railroad. The continuance is requested to allow the applicant to further pursue locating on the Bear Creek Golf Course site, south of Chandler Heights Road.

33. USE PERMIT: Cornerstone Christian Fellowship

APPROVED Use Permit ZUP10-0054 Cornerstone Christian Fellowship, for the continued use of a temporary unpaved parking lot on approximately 8.5 acres located east of the SEC of Alma School and Willis roads. (Applicant: Ed Bull; Burch & Cracchiolo, P.A.)

The subject site is located east of the southeast corner of Alma School and Willis roads. The entire church campus extends from the southeast corner of Alma School and Willis roads east approximately 1/4 mile. The proposed area is located on the east end of the church campus, and is approximately 8.5-acres. Directly north, across Willis Road is vacant land zoned for apartments. East, adjacent to the subject site are five parcels with homes on them. The church owns two of the homes fronting Willis Road. South, across Maplewood Street is the Eden Estates custom single-family home subdivision, and vacant land zoned for single-family residential. West of the parking lot are the church campus buildings.

The initial 7.6 acre church site was zoned in 2000, and was further expanded with another rezoning in 2004, creating the existing campus of 17.15 acres. As part of the 2004 zoning, site layout was approved that indicated the subject site as a future parking area; however, Zoning Code requires that any unimproved surface receive Use Permit approval to be used as a parking lot. The site received Use Permit approval for a temporary parking lot in 2009 for two years; the current request is to extend the Use Permit.

Although the parking lot area is unimproved it will need to maintain consistency with Maricopa County standards to ensure that dust particulate levels remain at an appropriate level. A condition was added with the previous approval addressing this; the condition remains.

At the May 4th Planning Commission hearing a number of concerns were expressed by Commission and the surrounding property owners, of the concerns, dust was the predominant concern. The applicant relayed to the Commission that they had recently placed a layer of milled asphalt on the southern portion of the temporary lot where dust generation seemed to be the worst. Additional concerns were raised regarding the continued use of Maplewood Drive as a means to get to and from the church. Since the Commission meeting, the City has placed a layer of milled asphalt along Maplewood Drive to address any dust issues. A concern was expressed from the property owner to the east of the church, requesting a fence be built on their property that is consistent with their existing fence; the fence is a six-foot vinyl wall. The church has installed the fence; however at the time of development of the permanent parking lot the church

will be required to install a six-foot masonry wall on the church property, as the vinyl fence does not meet current design standards.

Additionally, at the Commission meeting it was recommended that the church hold another neighborhood meeting. A third neighborhood meeting was held on Tuesday, June 14th; one family (three people) attended the meeting. The primary concern expressed by the neighbors was the look of the parking lot and how the current flags and posts used for traffic control makes the site look like a "junk yard." The church is looking into some additional treatments to the southern portion of the site to address the appearance of the parking lot. Concerns regarding dust and traffic flow were not expressed at the neighborhood meeting. Additionally, at the neighborhood meeting the applicant presented a future development plan of the church campus in stages with the temporary parking lot being in place for years one and two, a permanent parking lot being developed during year two, and starting construction in year three that would significantly reduce the number of unpaved parking stalls. Final campus development is intended to occur between years five and ten. During the development and after completion of the permanent parking lot, it is anticipated that a Use Permit for a temporary parking lot will still need to be in place, but on a much smaller scale. Future development plans for a permanent parking lot will require Rezoning and Preliminary Development Plan approval.

The request was noticed in compliance with the Chandler Zoning Code with three neighborhood meetings being held. The first neighborhood meeting was held on Tuesday, February 8, 2011. Four neighbors were in attendance; two were from Eden Estates, the other two were adjacent property owners to the east. Concerns expressed at the meeting included dust generation, traffic along Maplewood Street, and maintenance of weeds adjacent to Maplewood Street. A second neighborhood meeting was held on Wednesday, March 9, 2011 as a follow-up to the first meeting and to discuss mitigation procedures the church put in place based on concerns expressed at the first meeting. No neighbors attended the second neighborhood meeting. The third neighborhood meeting, as mentioned above, was held on June 14th, and was a follow-up to the Planning Commission hearing. Three people attended. Staff is unaware of any new concerns beyond what had been conveyed to the Commission.

Staff received phone calls from neighbors that live in the subdivision directly south of the church property. The callers had concerns regarding dust, traffic, and landscaping maintenance issues. In addition, a caller felt there were enough congregants that there should be enough money to pave the parking lot.

The church has tried to ensure that all traffic coming into the site first park in the paved parking lots on the west side of the campus, and then park on the north side of the temporary parking lot, and if need be, then the southern portion of the temporary parking lot. The church has also maintained the weeds along the irrigation canal that was of concern; the canal is under separate ownership. Staff has tried to contact the property owner of the canal to inform them of the ongoing maintenance issues to no avail (all letters have been returned). Additionally, the church has staff direct traffic exiting the site to not head east on Maplewood Drive, and sweeps up any debris at the points of ingress/egress.

The Maricopa County Department of Air Quality (MCDAQ) was notified of ongoing dust concerns. The MCDAQ visited the site on four occasions (with some of the visits when services were happening) and did not issue any violations. The MCDAQ contacted staff regarding the calls and explained that they could not find any violations and that the church was maintaining the parking lot in compliance with County requirements through the watering of the parking areas and the laying down of additional milled asphalt. Ongoing mitigation efforts include regularly watering the

parking lots (before services on Sunday), church personnel directing traffic on Sundays, adding asphalt millings as necessary, and have the site roped off during non-service hours.

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

1. The Use Permit shall remain in effect for two (2) years from the effective date of City Council approval. Continuation of the use of such parking lot beyond the expiration date shall require re-application to and approval by the City of Chandler.
  2. The temporary parking lot shall be surfaced with gravel or other suitable material and type of dust palliative in accordance with current Maricopa County regulations. The parking lot shall be maintained at all times in a dust-free and weed-free manner.
34. On action.
35. USE PERMIT: Bear Creek Wireless Facility

APPROVED (5-2 Donovan/Orlando) Use Permit ZUP11-0005 Bear Creek Wireless Facility, to install a wireless communication facility on the Bear Creek Golf Course property at 500 E. Riggs Road, east of the Union Pacific Railroad between Riggs and Chandler Heights roads. (Applicant: FM Group Inc. (for AT&T Mobility))

The application requests a new 58' monopine (top of antennas) wireless communications facility to be located east of the Union Pacific Railroad and south of Chandler Heights Road on the Bear Creek Golf Course property. There is a lumber yard west of the proposed site that buffers it from the railroad tracks. A monopine is a cell tower disguised as a pine tree. The Zoning Code requires a Use Permit for wireless communication facilities in non-industrial zoning districts that do not utilize existing poles or towers.

The proposed monopine and associated equipment would be located in the northwestern portion of the golf course property. The monopine is set back approximately 750' from the Chandler Heights ROW. The nearest existing residential properties are approximately 1,200' to the northeast and 2,400' to the east. The property at the southeast corner of Chandler Heights Road and Arizona Avenue, located approximately 360' to the northwest of the monopine and across the railroad tracks, is zoned for mixed use including potential future multi-family uses. The west side of the railroad tracks is lined with approximately 60'-high power poles. There are also shorter power poles along the western edge of the golf course property. There are no live trees in the immediate vicinity of the proposed facility, though there are numerous pine trees north of Chandler Heights Road. Elevations of the proposed facility are among the memo attachments.

Within the immediate area, there are no other suitable alternatives for co-location of the wireless communication facilities on existing poles or towers. According to information provided by the applicant as required by code, there are six (6) verticalities of a height similar to or greater than the proposed monopine within one (1) mile. The applicant has analyzed these co-location possibilities and found them implausible for a variety of reasons, including unwilling landlords, inadequate height, and technical problems with "canister" types of facilities. The applicant also pursued other nearby sites without verticalities, such as the partially completed shopping center at the northeast corner of Chandler Heights Road and Arizona Avenue, the lumberyard to the west, and the United Methodist Church across Chandler Heights Road to the north, but also

found those sites implausible. The United Methodist Church site was deemed less desirable after neighborhood opposition arose during a separate Use Permit hearing process.

Planning Commission and Staff find the proposed location to be appropriate for a wireless facility in the form of a 58'-high monopine. The location approximately 1,200' from the nearest existing residential uses and 360' from the nearest planned residential is positive. Its deep 750' setback from Chandler Heights Road is also positive. On other sites, a reduction to 55' in height has been deemed appropriate when the facility is near residential uses or there are few tall structures in the area. However, neither issue is present in this case, so a somewhat taller monopine of 58' is appropriate here.

The monopine design is appropriate, rather than a monopalm or other design, because of the presence of live pines across Chandler Heights Road to the north and the ability to co-locate other users on the pole, thus reducing the potential need for future towers nearby and lessening the associated aesthetic impact.

Though Planning Commission and Staff find a 58'-high monopine to be appropriate at this location, the submitted elevations show a sub-standard design that does not sufficiently resemble a live pine tree typical to the area. As such, Planning Commission and Staff recommend conditions that require the design to more closely match what was submitted for the United Methodist site, which was a much more realistic design.

The request was noticed according to the provisions of the City of Chandler Zoning Code and neighborhood meeting on June 14, 2011 at the Basha Branch Chandler Library. There were no citizens in attendance. Members of the United United Methodist Church have provided a letter and petition in support of approving the facility on their site (ZUP10-0037 UNITED METHODIST CHURCH WIRELESS FACILITY) rather than the subject site. In addition, a neighbor in the subdivision east of the golf course called with concerns about the facility's effect on their sunset views.

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

1. Development shall be in substantial conformance with approved exhibits except as modified by condition herein. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The height to top of antennas shall not exceed 58'.
3. The facility's antennas shall be covered in pine needle "socks" that serve to better camouflage the antennas.
4. Besides the modifications in Conditions No. 2 and 3 (above), the monopine design shall reflect the elevations in "Exhibit A" rather than the submitted elevations.

VICE-MAYOR DONOVAN and COUNCILMEMBER ORLANDO voted nay on this item.

36. WITHDRAWAL USE PERMIT: Eva's Mi Amore

WITHDRAWAL of Use Permit ZUP11-0009 Eva's Mi Amore, to operate a wedding planning and bridal service office in a converted residence at 598 W. Chandler Boulevard. Staff recommends withdrawing the application for the purpose of re-advertisement at some future date to allow for further communications between the applicant and neighborhood.

37. USE PERMIT: Leading Edge Auto Finishes

APPROVED Use Permit ZUP11-0011 Leading Edge Auto Finishes to operate an auto body repair business in the Planned Industrial (I-1) Zoning District located at 7021 W. Oakland Street, north and west of Chandler Boulevard and 56<sup>th</sup> Street. (Applicant: Pew & Lake, PLC)

The request is for Use Permit approval to operate an auto body repair business on an existing industrial property within the Planned Industrial (I-1) Zoning District. The business will occupy the entire building and property at 7021 W. Oakland Street, west of 56th Street. Northeast of the site is a multi-tenant industrial building that has received numerous Use Permits for nonindustrial uses such as a swim school and a theater. Southeast of the site is an industrial building that received Use Permit approval for a volleyball center. In all other directions the site is surrounded by light industrial uses allowed by right in the zoning district.

The existing 13,136 square foot building includes 2,740 square feet of offices and 10,396 square feet of warehouse space. The subject business will leave the office area intact and convert much of the warehouse area to vehicle repair bays and a painting booth. There are two overhead doors leading to the gated parking area in the back portion of the property. There is sufficient parking for the use, with 13 spaces outside the gated area and 30 spaces behind the gate, plus the potential for a few more spaces to be striped if demand warrants.

The business will generally be open 8 a.m. to 5:30 p.m. Mondays through Fridays and 9 a.m. to 1 p.m. on Saturdays. They will employ approximately 13 to 14 employees.

Planning Commission and Staff find the business compatible with the surrounding land uses given that all work is conducted indoors and vehicles are always stored in the gated area behind the block fence. The site provides sufficient parking. No negative land use impacts are anticipated.

The request was noticed according to the provisions of the City of Chandler Zoning Code and a neighborhood meeting was held on July 12, 2011 at the Hampton Inn at 7333 W. Detroit Street. The neighboring business owner to the east attended to ask about the painting portion of the business and request that it be conducted indoors, which it will be. Staff has not been made aware of any opposition.

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

1. Expansion or modification beyond the approved exhibits and representations shall void the Use Permit and require new Use Permit application and approval.
2. The subject business will abide by all building, fire, and other applicable city regulations including those that pertain to auto repair as a condition of occupancy.
3. The site shall be maintained in a clean and orderly manner.
4. All vehicle storage shall occur inside the gated area.

5. All vehicle work shall occur inside the building.

38. CONTINUED LIQUOR LICENSE: The Living Room Wine Café and Lounge

CONTINUED TO SEPTEMBER 8, 2011 a Series 6 Bar Liquor License for Thomas Robert Aguilera, Living Room Wine Café # 1 LLC, dba The Living Room Wine Café and Lounge located at 2475 W. Queen Creek Road, to allow the applicant time to complete the zoning requirements for their Use Permit.

39. CONTINUED LIQUOR LICENSE: Ninja Sushi

CONTINUED TO SEPTEMBER 22, 2011 a Series 12 Restaurant Liquor License for Hong Sik Moon, Agent, Ninja Sushi Inc., dba Ninja Sushi located at 2040 S. Alma School Road, to allow the applicant time to complete the zoning requirements for their Use Permit.

40. CONTINUED LIQUOR LICENSE: EZ SmokeShop

CONTINUED TO SEPTEMBER 8, 2011 a Series 10, Beer and Wine Store Liquor License for Majeda Jamil Abdallah, Agent, EZ Smokeshop LLC, dba EZ SmokeShop located at 777 N. Arizona Avenue, Suite 8, to allow the applicant time to complete the zoning requirements for their Use Permit.

41. TEMPORARY EXTENSION OF PREMISES: Grimaldi's Pizzeria

APPROVED a Temporary Extension of Premises for a Series 12 Restaurant Liquor License (Chandler #133599 L12) held by Casa Paloma Pizzeria Inc., dba Grimaldi's Pizzeria located at 7131 W. Ray Road, Suite 23 to extend the alcohol serving area. The period of extension is from their start of business Friday, August 19, 2011 through Monday, September 26, 2011 close of business. As recommended by the State, the applicant is requesting the extension for Grimaldi's Pizzeria until the Series 12, Restaurant Liquor License Application and Liquor Use Permit application for Coal Burger, in the adjoining Suite 25 is approved.

The Police Department has no objections to the extension. All fees have been paid and the business is in compliance with the City's Sales and Use Tax Code.

42. FINAL PLAT: Continuum at Price Corridor

APPROVED Final Plat FPT11-0003 Continuum at Price Corridor for a high-tech, multi-phased development at 2501 S. Price Road, south of the southeast corner of Price and Germann roads. (Applicant: Hubbard Engineering) The plat creates the lots, establishes the necessary easements, and dedicates the required rights-of-way.

ACTION:

34. USE PERMIT: Mid Mountain Excavation

Use Permit ZUP11-0003 Mid Mountain Excavation to operate an excavation business at 930 E. Germann Road, west of the NWC of Germann and McQueen roads. (Applicant: Mid Mountain Excavation)

Background:

The application requests Use Permit approval to allow an excavation business to be operated on land zoned PAD for a mixed-use project with fuel station, RV storage, and retail elements. The excavation business has reportedly been operated on a portion of the 9-acre site (in violation of the zoning) since 2004. West of the excavation business on the same site is a legal nonconforming auto repair business that includes a metal building and a paved parking lot. Besides the two businesses and a cell tower at the northern end, the rest of the site is vacant.

The General Plan refers to the Airpark Area Plan for detailing the goals, objectives, and policies that apply to the 9-square-mile area surrounding the Chandler Municipal Airport that includes the subject site. The Airpark Area Plan designates approximately the eastern 3/4 of the subject parcel for Neighborhood Commercial uses and the western 1/4 of the parcel for Light Industrial uses. The Neighborhood Commercial designation generally calls for uses like grocery stores, clustered retail, personal services, and restaurants on developments of 10 to 20 acres in size that attract patrons primarily from a 1- to 2-mile radius.

The site received PAD zoning and Preliminary Development Plan (PDP) approval in 2008 for a fuel station, RV storage, and retail project that was to take up the entire site (DVR08-0005 EXECUTIVE TOY STORAGE). The project has not been developed and is not anticipated to be developed in the next couple years. The subject business is currently located in an area that straddles the fuel station and RV storage areas, effectively precluding any part of the approved plans from being developed unless the subject business is removed or relocated elsewhere on the site.

The subject business is primarily a swimming pool excavation business, with ancillary contractor and municipal construction services. It uses an existing house on the property for its main office that is set back approximately 90' from the Germann Road ROW. Surrounding the office building is a 36,000 square foot vehicle and equipment storage yard enclosed by a chain-link fence that is set back 35' from the Germann Road ROW. Vehicles and equipment stored in the yard include dump trucks, backhoes, smaller trailers, and employee vehicles. The yard surface is unimproved. An unimproved driveway connects the gate on the eastern portion of the fencing to the existing Germann Road curb cut. Hours of operation will vary seasonally within the window of approximately 5 a.m. to 5 p.m. The applicant would like to continue operating the business in largely the same manner as it is currently. Staff recommends relocating the storage yard farther back on the site in order to lessen the aesthetic impact, and notes that a number of site development standards must be applied that will somewhat change the overall effect.

The business will be subject to administrative review of conformance to site development standards. Due to the use's temporary nature, Staff does not anticipate that all such standards will be strictly applied. However, it is anticipated that the following improvements would be among those required:

- Pave drive aisles inside and outside of the storage yard
- Move fences at least 50' from planned right-of-way (the minimum setback)
- Replace chain-link fence with solid block fence and solid gates

- Install landscaping (trees and shrubs) along south and east sides of storage yard in the amounts and sizes required by the Zoning Code
- Remove piles of material located outside of the fenced area

Planning Commission and Staff find the requested use to be compatible as a temporary use if modified by condition. The primary negative effects of the use in its current form are its poor aesthetics and its moderate hindrance to a permanent development solution. The poor aesthetics will be mitigated by application of the above-noted site development standards, including solid walls and landscaping. Staff also recommends partially relocating the storage yard so that no part of it is closer to Germann Road than the office building, thereby moving it somewhat farther from public view and reducing the aesthetic impact. It is noted that a construction-oriented excavation business will be somewhat easier to relocate than many other types of businesses when the time comes for permanent development. Planning Commission and Staff recommend a one (1) year time limit to allow evaluation of conformance with the recommended conditions

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on June 30, 2011 at the Chandler Municipal Airport. There were no citizens in attendance and staff is unaware of any opposition.

The applicant stated that the site development standards noted would be very expensive for him to implement. He asked the Commission for any assistance or suggestions in reducing the cost of these requirements. Staff advised that the only legal avenues for relief from City Code standards would be either a rezoning to PAD or a variance application to the Board of Adjustment, rather than relief through the Use Permit. Commission reiterated that these Code-required items he referred to are part of an administrative review process that is outside of their purview, and so the Commission voted to approve per Staff recommendation.

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

1. Substantial conformance with application materials (Site Plan, Narrative) kept on file in the City of Chandler Planning Division, in File No. ZUP11-0003, except as modified by condition herein.
2. Site improvements required to comply with the Zoning Code's site development standards shall be completed within six (6) months of City Council approval
3. No materials may be located outside of the storage yard. Existing materials piles outside the storage yard must be removed within one (1) week of City Council approval.
4. Landscaping planted in and adjacent to the storage yard shall be maintained at a level consistent with or better than at the time of planting.
5. The storage yard shall be relocated so that no part of it is closer to Germann Road than the existing office building. Also, no part of the yard may be moved closer to McQueen Road than currently exists.
6. The Use Permit shall remain in effect for one (1) year 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.

7. In order for the Use Permit to be valid, a signed and completed Agreement For Waiver of Claim form under A.R.S. §12-1134 shall be provided to Transportation & Development Department's Planning Division Staff within three (3) weeks of City Council approval.

Discussion:

Senior City Planner BILL DERMODY gave an overview of the case. He indicated the site was near the northwest corner of McQueen and Germann roads. He stated the site was mostly vacant with a cell tower and a car repair shop near the site. He stated that the business had existed since in 2004 with activity ramping up within the last year. He explained that there had been a sublease on site, which created more traffic in the area. He told the Council that sublease has now gone and the site has reverted to operating as they previously had. Mr. Dermody noted that the use on the site was still not a legal use and required Use Permit approval.

Mr. Dermody told the Council that the applicant wished to continue with the same hours of operation and layout. He told the Council the applicant would not be subleasing again. He indicated that both Planning Commission and Staff recommended approval of the Use Permit with the condition that the Use Permit be for one-year. He added that if the item were approved, it would go through the typical review process to come up to site development standards. He indicated that there would be a number of costly changes that would need to be done to the property. He clarified that that staff had not yet determined how the site development standards would be enforced, however he stated that landscaping, a paved drive-way in and out of the facility and a block wall around the property would be needed. He stated the applicant believed the estimated cost would be around \$30,000.00; however, he stated that the costs did not include costs for water or other building charges.

In response to a question from COUNCILMEMBER ORLANDO, Mr. Dermody explained that the Site Development Standards called for up to 8 feet solid screening for the particular operation.

COUNCILMEMBER ORLANDO questioned if using a tarp or slap to hide the visibility of vehicles would be acceptable.

MR. DERMODY responded that a tarp would not be acceptable. He stated other options might be possible but that he would have not discussed things with the reviewers.

COUNCILMEMBER ORLANDO stated that intent was to try to mitigate the unsightliness as much as possible.

COUNCILMEMBER WENINGER stated the purpose of the property was for a different use and that the request was temporary.

MR. DERMODY concurred. He stated that a PAD had been approved on the site for mix-use with an RV Storage, gas station and possibly some auto. He indicated that the property owner would like to keep the tenant on the site until the permanent development.

In response to a question from COUNCILMEMBER WENINGER, Mr. Dermody explained that there were higher standards for storage than for screening for open parking, which he stated was the reason something above and beyond was being requested.

The applicant of the Use Permit, MR. ED JOHNSON, PHOENIX, showed the Council the area of the site that would be PAD. He believed some of the staff stipulations were inappropriate. He

stated that the 8-foot block fence would cost \$18,000-\$20,000.00. He noted that the fence would have to be torn down later due to it not being appropriate for a storage yard. Mr. Johnson stated he had asked to remain on the site until the land develops. Mr. Johnson told the Council that there had been break-ins at his property. He stated that Officers that responded indicated to him that they liked the chain-linked fence because they could see through it. They would be able to see someone through the gate. He reiterated that he would like to stay on the property until the site develops.

MAYOR TIBSHRAENY questioned if Mr. Johnson was on a month-to-month lease with the owner.

MR. JOHNSON concurred. He stated that his company dug up swimming pools, basements, and leases trucks out to contractors when they are in need of extra trucks.

COUNCILMEMBER ORLANDO questioned what Mr. Johnson's long-term thoughts were. MR. JOHNSON replied that the City was in need of more storage yards close to the Airport and Freeway. He stated that the City currently did not have anything for equipment yards near the Freeway.

In response to a series of questions from COUNCILMEMBER ORLANDO, Mr. Johnson stated that he had been in business for 22 years. His business was previously located in Queen Creek and Higley/Gilbert, prior to being located at the discussed site in Chandler.

COUNCILMEMBER ORLANDO expressed difficulty with the argument Mr. Johnson presented over the block wall. He stated there were block walls everywhere in the City. MR. JOHNSON stated he would not have a problem with a block wall if he owned the property. He believed that the chain-link fence would be appropriate as temporary thing.

MR. JOHNSON questioned why there had not been an 8-foot block wall in place at the Airport.

COUNCILMEMBER ORLANDO stated he did not fully believe an 8-foot block wall was necessary. However, he stated that he was trying to find a compromise to allow him to achieve the aesthetics that are needed. He stated he wanted to look at something more economical and to allow him to mitigate the dust and blowing in the area.

MR. JOHNSON stated that he had told staff that he did not have a problem placing some granite, boulders or cactus to bring aesthetics of the property up. He stated he never heard back from staff regarding his proposal.

COUNCILMEMBER HEUMANN believed there was a dilemma that needed to be looked at as no one knows when the development of the PAD would take place. He believed something aesthetically needed to be done on the site. He did not believe all options had been looked at. He believed having an 8-foot block wall would be a high expense to have for something that could only be on the site for 6 months. He stated he wanted to the applicant and staff to go back and discuss other alternatives and to find out what the development opportunities are. He recommended delaying the case for 6 months to allow the applicant to work with staff. He stated that the extension would also allow the developer to identify a realistic timetable for the development. He stated that the changes that staff asked for would not be much of a concern if the applicant would be on the site for another 3 years. He stated that he did not want to put a business owner through the expense of the block wall if he was only going to be on the site for 6-9 months.

MOVED BY COUNCILMEMBER HEUMANN, SECONDED by Councilmember Orlando, to continue Use Permit, ZUP11-0003 Mid Mountain Excavation to the 2<sup>nd</sup> meeting in February to allow time for staff to work with the applicant to further review

COUNCILMEMBER ORLANDO questioned if 6-months was too long of an application.

COUNCILMEMBER HEUMANN questioned if the case could come back in 3-months. CITY ATTORNEY WADE replied that the case could come back earlier to the Council.

COUNCILMEMBER ORLANDO asked the applicant to work with staff to mitigate the problem a lot sooner.

MR. JOHNSON stated he did not have a problem with that.

MAYOR TIBSHRAENY questioned what the expectation was for when the case returns to Council in February.

COUNCILMEMBER HEUMANN believed that a decision had to be made regarding the development of the site. He stated that something would need to be done if the applicant was going to remain on the site if the developer would not be developing the site for many years.

COUNCILMEMBER HARTKE expressed concern over the fact that the developer might know in 6 months or in a 1 year when development could take place unless financing had already been secured.

COUNCILMEMBER HEUMANN concurred with Councilmember Hartke's statements. He stated that applicant would be responsible to raise the standards of the site if the owner of the property decided not to develop anything in 3-4 years.

MR. JOHNSON stated that he was unaware if the developer had money to develop. He noted that the developer had tried unsuccessfully to obtain financing. He believed it would take 6-8 months to obtain financing if the developer started the process.

COUNCILMEMBER ORLANDO noted that staff was trying to implement policies that the Council had approved. He stated that there perhaps could be sentiments by the Council to modify policies to give staff and the applicant time to mitigate concerns.

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

#### CURRENT EVENTS:

##### A. Mayor's Announcements

Mayor Tibshraeny announced that the Arizona Section of the American Public Works Association named the South Arizona Avenue Corridor Improvement Project as the "Project of the Year." He stated the project had been completed last November, creating a pedestrian-friendly feel to the City's core. He added that 12 new businesses have moved into Downtown Chandler, bringing 400 new jobs to the community.

Mayor also announced that the next Neighborhood HOA Academy would take place Thursday, September 8 to September 29, 2011 at the Chandler Police Department Community Room. He added that Traditional Neighborhood Academy at the Chandler City Hall Training Rooms A & B, beginning Wednesday, September 7 to October 12. He asked those interested in the programs to contact the Neighborhood Programs Office for more information.

Lastly, Mayor Tibshraeny announced that global aerospace Triumph Group would be moving to West Chandler next year. The company will take close to 80,000 square feet in west Chandler, bringing 110 jobs with potential to grow to 200. He stated that the relocation of the company was due to them being dislocated because of freeway improvements in Phoenix. He welcomed them to the City.

B. Councilmembers' Announcements

Councilmember Orlando wished his brother Patsy a Happy 50<sup>th</sup> Birthday.

Councilmember Weninger wished his son, Christian a Happy 11<sup>th</sup> Birthday.

Councilmember Hartke announced that he and his wife were celebrating their 30th Wedding Anniversary.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 7:37 p.m.

ATTEST: \_\_\_\_\_  
City Clerk Mayor

Approved: September 8, 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 18<sup>th</sup> day of August 2011. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_\_ day of September, 2011.

\_\_\_\_\_  
City Clerk