

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, November 17, 2011, at 7:07 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: Pastor Mike Wilson – Crossroads Nazarene Church

PLEDGE OF ALLEGIANCE: Boy Scout Sam Reynolds

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

\*Mr. Galiia addressed the Council regarding Item No. 13 (Agreement #CM2-285-3038) and Item No. 14 (Agreement #CM2-285-3037) concurrently.

MR. ALEX GALIIA, 15550 N. 84<sup>TH</sup> ST., SCOTTSDALE, addressed the Council regarding Items 13 and 14. He told the Council that he was the GE Lighting sale representative for the State of Arizona. He spoke against the bids that were awarded Wesco Distribution as he believed that an element of the bid not meet the City's specification.

MAYOR TIBSHRAENY questioned whether the items should be continued due to the concerns that Mr. Galiia brought up.

Assistant City Manager PAT MCDERMOTT told the Council that the items could be continued. He told the Council that staff was comfortable with what was being presented; however, he indicated that the two staff members who were familiar with the items were not present at the meeting.

MAYOR TISHRAENY stated that the items would be continued to allow Mr. Galiia to meet with staff to go over the concerns he raised.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER HEUMANN, TO APPROVE THE CONSENT AGENDA AS AMENDED WITH ITEMS 13 & 14 CONTINUED TO THE DECEMBER 15TH CITY COUNCIL MEETING.

VICE-MAYOR DONOVAN noted she would be voting no on Item No. 28.

MOTION CARRIED UNANIMOUSLY with the exceptions noted (7-0).

1. POWER DISTRIBUTION EASEMENTS: SRP Ord. #4320

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4320 granting two no-cost power distribution easements to Salt River Project (SRP) for the Airport Boulevard Realignment Project.

As part of the improvements for the Airport Boulevard Realignment Project at Chandler Municipal Airport, Salt River Project will be required to relocate two sections of power line that currently runs north-south along the existing Airport Boulevard and east-west along Ryan Road. These facilities will be moved to new locations and as a result, SRP requires two new power distribution easements for the relocated power lines.

After the facilities are relocated to the new Airport Boulevard and the north side of Ryan Road, the City will request SRP extinguish the easements that are no longer necessary along the existing Airport Boulevard and Ryan Road.

2. POWER DISTRIBUTION EASEMENT: SRP Ord. #4321

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4321 granting a no-cost power distribution easement to Salt River Project (SRP) for the Airport Boulevard Realignment Project.

As part of the improvements for the Airport Boulevard Realignment Project at Chandler Municipal Airport, streetlights will be installed along the south side of the proposed Airport Boulevard and along Curtis Way. In order to provide power to these facilities, Salt River Project will install a transformer on the south side of Airport Boulevard west of Cooper Road requiring an easement.

3. PUBLIC UTILITIES EASEMENT DEDICATION: Airport Boulevard Ord. #4328

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4328 dedicating a Public Utilities Easement for the Airport Boulevard Realignment Project.

Improvements for the Airport Boulevard Realignment Project at Chandler Municipal Airport include construction of a new entrance, new roads, and streetlights as well as a future corridor for utilities along the south side of the proposed Airport Boulevard and along Curtis Way. Staff recommends that a Public Utilities Easement be dedicated in order to provide a corridor for installation of these facilities and utilities along these new roads.

4. RIGHT-OF-WAY ANNEXATION: Gilbert and Pecos Roads Ord. #4329

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4329, Right-of-Way Annexation of certain County Rights-of-Way of approximately 0.05 acres on Gilbert Road north of Pecos Road.

The 1987 Intergovernmental Agreement between the City of Chandler and Town of Gilbert defined an ultimate jurisdictional boundary line. This line was based on build-out right-of-way widths with the intent to have full roadway control (and intersections) under one jurisdiction or the other. It was agreed that Chandler would have control of Gilbert Road rights-of-way from Pecos Road to ¼ mile south of Germann Road including the full intersections at Pecos Road and Germann Road.

Currently, along Gilbert Road north of Pecos Road, there are strips of right-of-way (ROW) under the jurisdiction of Maricopa County. A.R.S. §9-471.02 allows for County Right-of-Way with no taxable real property to be annexed to an adjacent City by mutual consent of the City's governing body and the County's Board of Supervisors.

The annexation process per A.R.S. §9-471.02 requires that the City adopt an "ordinance of intent" to annex the right-of-way. If approved by the City, a request for annexation, together with a copy of the ordinance, will appear as a published agenda item at a regular meeting of the Maricopa County Board of Supervisors. If the County approves the annexation, the ROW parcels will be annexed into the City.

5. RIGHT-OF-WAY ANNEXATION: NEC Gilbert and Pecos Roads Ord. #4330  
INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4330 Right-of-Way Annexation of certain Gilbert Road Rights-of-Way, approximately 0.09 acre, at the NEC of Gilbert and Pecos roads contingent upon de-annexation by the Town of Gilbert.

The 1987 Intergovernmental Agreement between the City of Chandler and Town of Gilbert defined an ultimate jurisdictional boundary line. This line was based on build-out right-of-way widths with the intent to have full roadway control (and intersections) under one jurisdiction or the other. It was agreed that Chandler would have control of Gilbert Road rights-of-way from Pecos Road to ¼ mile south of Germann Road including the full intersections at Pecos Road and Germann Road.

Currently, the northeast corner of Gilbert Road and Pecos Road rights-of-way (ROW) is in the jurisdiction of the Town of Gilbert.

The annexation process per A.R.S. §9-471.02 requires that the City adopt an "ordinance of intent" to annex the right-of-way. If approved by the City, a request for annexation, together with a copy of the ordinance, will appear as a published agenda item at a regular meeting of the Maricopa County Board of Supervisors. If the County approves the annexation, the ROW parcels will be annexed into the City.

6. SIGNIFICANT DEAL TERMS: RS-101 LLC Development Agreement Ord. #4553

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4553 authorizing the Significant Deal Terms for the Development Agreement with RG-101 LLC, on approximately 24 acres at the SEC of Chandler Boulevard and Loop 101 for the development known as Chandler 101.

In September 2009, Chandler City Council approved a PAD and PDP for a project known as Rockefeller Group Chandler 101. This zoning case allowed for the construction of two different options. Option 1 included 725,000 square feet of office space that would include a hotel/conference center and Option 2 included 820,000 square feet of office space; both options include a parking structure, incidental retail and public infrastructure improvements in an extension of Coronado Street. Prior to the 2009 zoning case, this site was the former location of Gould Electronics from 1977 to 2007, a 68,480 square foot industrial facility that has since been closed and demolished.

As part of the demolition of the existing structures, Gould selected to “crush” the existing building and place it back into the base hole left by the former tenant. This action, along with a number of other items put in place by the previous owner, has made this site incredibly challenging to develop in accordance with the approved PAD and PDP that exist on the site today. These items include removal of the former building and its infrastructure, removal of underground components such as a previous waste treatment facility and concrete pylons and completion of a roadway that was never finished.

Due to the challenges faced on this site for future development, the developer has initiated and finalized a third party independent site analysis of the existing site conditions and their effect on future development of the site. This study was conducted on this site by LVA Urban Design Studio, which finds cause to declare this site as a redevelopment area. This would be a single owner redevelopment area and would only include the subject property.

During the process to close the Gould facility, Staff met with the City of Chandler Traffic Engineer. He advised that the intersection of Chandler Boulevard and Price Road was close to the limits it could handle on a daily traffic count so any development on this site in excess of the amount over what existed with Gould would cause additional challenges to this intersection. Chandler’s Traffic Engineer and Economic Development Staff proposed an extension of Coronado Road from its current location, ending southbound at Chandler Boulevard to create a ring-road terminating on Price Road. The extension of Coronado Street from Chandler Boulevard to Price Road will provide a relief for northbound traffic on Price Road which can now turn right on Coronado and access eastbound Chandler Boulevard without adding to the congestion at Price Road and Chandler Boulevard. This new extension of Coronado Road also provides access to a small parcel that is land-locked south of the mini-storage, an additional outlet for Nikko Materials and realigns the entry into the City maintenance facility to allow for easier drive-through access. This Transportation Plan was approved by both the Transportation Commission and Chandler City Council in 2007. As part of this Development Agreement, the Rockefeller Group will construct future Coronado Street as part of the first phase of this development.

Furthermore, through the design and planning process, a number of additional items have come up that are now commemorated and attached as part of these Significant Deal Terms, which shall be used to create the Development Agreement to provide for clarification as this project develops in the future.

7. PRELIMINARY DEVELOPMENT PLAN: Amberwood Heights

APPROVED Preliminary Development Plan PDP11-0009/PPT11-0004 Amberwood Heights, PDP and Preliminary Plat for an 83-lot, single-family residential subdivision on approximately 27.4 acres located south and east of the SEC of Chandler Heights and Gilbert roads. (Applicant: Todd Skoro, Atwell LLC.)

Amberwood Heights (The Residences at Belmonte) is located south and east of the southeast corner of Chandler Heights and Gilbert roads. The subject site was originally zoned in 2004 with the Reid's Ranch and The Landing at Reid's Ranch single-family residential subdivisions as part of the Reid's Ranch master-planned community; both existing subdivisions are located north of Chandler Heights Road. The immediate northeast and southeast corners of the intersection were not included with the request. East of the subject site is the Valencia II master-planned single-family community; south is the Mesquite Groves single-family residential subdivision. As originally approved, the subject site had the ability to be developed with production or custom homes.

As designated in the General Plan, the subject site falls within the Southeast Chandler Area Plan (SECAP) 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. Based on the net acreage of the site, the subdivision provides a density of 3.0 dwelling units per acre.

When the subdivision was initially approved in 2004, all lots were 10,000 square feet or greater and were not required to meet the Residential Development Standards. Due to the request to modify the subdivision layout increasing the number of lots from 63 (at a lot size of 10,000 square feet or greater) to 83 (within a minimum lot size of 6,985 square feet), the subdivision is required to provide various elements as outlined in the Residential Development Standards, and various requirements in the SECAP for the increased density; a table is included in the development booklet outlining the standards met.

In spite of the increase in the number of lots, the subdivision layout maintains the original design as approved in 2004 with minor modifications. The main entry into the subdivision is along Chandler Heights Road and is in alignment with the Reid's Ranch subdivision to the north. A second point of access is provided off of Wood Drive located at the southern end of the subdivision; the subdivision is a gated subdivision. A large landscaped area is provided along the entrance consistent to Reid's Ranch design. The main spine is curvilinear in design and bi-sects the main outdoors amenity area. The main layout of the subdivision provides a number of curvilinear streets, naturally creating a staggering of homes.

The subdivision provides the required number of amenities to achieve the proposed density increase according to the SECAP (three required, four provided), and includes providing 20% open space, a community sensory garden and grove, and various areas of terraced landscaping. The applicant is working with Staff to incorporate some additional terraced landscaping areas along the Chandler Heights Road frontage.

While the option to provide community orchards/gardens/farm plots is not typically exercised, the development team has done a good job in providing the element. A small grove of Pistachio trees (both fruiting and non-fruiting) along with a sensory garden (landscaping with various sensory elements ranging from sight to smell to touch) is provided. In addition to this main garden area, the inclusion of non-fruiting Pistachio trees is also provided in the main open space area and access points into the subdivision creating a strong theme throughout the subdivision.

#### HOUSING PRODUCT

In addition to the PDP for subdivision layout, the request also includes proposed housing product. As part of the housing product review, the homes need to meet a number of elements required in the Residential Development Standards. As proposed, the homebuilder is providing four floor plans with the option of three elevations per floor plan for a total of twelve main options with the

option for three car garages, storage garages and courtyards; all homes proposed are single-story. Additionally, there is a wide color palette to choose from creating additional diversity. While Staff generally likes to see more diversity in the housing product, the current plans provide a number of options for future homeowners that should provide a diverse street scene.

Required architectural elements as outlined in the Residential Development Standards include providing at least three different architectural-style differences, prohibiting the same elevation adjacent to and across the street from each other and providing four-sided architecture. Architectural styles include French Nouveau, Prairie and an International elevation. Stacked stone is provided on two of the three elevations. Additional treatments to the garage doors will be provided in an effort to provide stronger architectural theming; details will be worked out with Staff.

Of the four plans, two plans offer a garage forward facing design (plans one and three), and two offer a recessed garage design (plans two and four). Floor plans two and four offer a side-loaded storage garage as standard with an option to extend the side-load garage to make it full-size. It is requested that a two-foot encroachment into the side setback of plans two and four be allowed to provide the full-size garage option. Staff is comfortable with the request for the encroachment citing other architectural elements are allowed by Code to encroach into setbacks such as entertainment nooks, bay windows and fireplaces. Plan one provides an option to change the forward facing garage into a side-loaded three car garage. Additional interest is provided to the elevations by way of recessed windows on both front and rear elevations.

The Planning Commission and Staff support the request citing that the design of the subdivision creates a unique addition to southeast Chandler. The providing of a grove, sensory garden and terraced landscaping are elements of the SECAP that are not generally exercised; however, by the use of these elements, it further enhances the uniqueness of the subdivision. Additionally, with the various options and standard elements, Staff believes that the housing product provides an attractive addition to southeast Chandler and that a diverse streetscape will be achieved through the inclusion of a curvilinear street system and various garage elements.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 6, 2011. There were four neighbors in attendance expressing support of the project. Staff has received no correspondence in opposition. The applicant has received one phone call from a neighbor adjacent to the site with general support for the request, specifically the single-story design of the homes.

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

1. Development shall be in substantial conformance with the Development Booklet entitled "The Residences at Belmonte", and kept on file in the City of Chandler Planning Division, in File No. PDP11-0009, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3601 in case DVR04-0009 REID'S RANCH, LANDING AT REID'S RANCH, AND AMBERWOOD HEIGHTS, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
4. Approval by the Director of Transportation & Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Transportation & Development for arterial street median landscaping.

5. The covenants, conditions and restrictions (CC&Rs) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
6. No more than two identical side-by-side roof slopes should be constructed along arterial or collector streets or public open space.
7. The same elevation shall not be built side-by-side or directly across the street from one another.
8. The applicant shall work with Staff to provide additional terracing along the Chandler Heights Road frontage.
9. The applicant shall provide trees consistent to development standards along the landscape tract adjacent to Gilbert Road.
10. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development so as to provide notice to any future owners. The Public Report, Purchase Contracts and Final Plats shall include a disclosure statement outlining that the Amberwood Heights development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. Prior to the time of making any lot reservations or subsequent sales agreements, the home builder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts" CC&Rs, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the home builder/lot developer and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

The Planning Commission and Staff recommend approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Transportation & Development with regard to the details of all submittals required by code or condition.

8. ZONING TIMING EXTENSION: TCF Bank

APPROVED a three-year zoning extension for DVR11-0009 TCF Bank for a bank and commercial building on approximately 2 acres located at the SWC of Arizona Avenue and Willis Road. (Applicant: Delia Conrad, Kevin Fawcett with TCF Bank.)

In February 2008, City Council approved rezoning from Planned Area Development (PAD) zoning MF-3 (High-Density Residential District) and C-3 (Regional Commercial District) to PAD zoning for a freestanding bank and an in-line shops building for retail/restaurant/office uses with Preliminary Development Plan (PDP) approval. The zoning was approved with a three (3) year construction time limit condition. The PAD zoning expired on March 29, 2011. Time limits are calculated from the previous zoning approval's effective date and time limit extensions are calculated from the expiration date.

The property is located at the SWC of Arizona Avenue and Willis Road. The property is at the intersection of an arterial and collector street. The intersection's northwest and northeast corners are developed with commercial retail and the southeast corner has a mix of County and City property with industrial and commercial zoning. Businesses on the southeast corner include Pioneer Landscape Center and Arizona Cactus Sales. Abutting the subject site's south and west property lines is an existing residential mobile home park, Hometown Sunshine Valley.

The approved development includes a 4,500 square foot TCF Bank branch with drive-up lanes and a 7,200 square foot in-line shops building on approximately 2.3 net acres. The in-line shops provide space for retailers, restaurants and office users. The bank and in-line shops building are designed with matching architectural elements and materials.

This application does not seek to modify the previously approved land use, site or building design, but seeks to extend the timing condition for an additional three (3) years. There are no development plans at this time.

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

Planning Staff is in support of the zoning time extension request for an additional three years, which extends the PAD zoning until March 29, 2014. Planning Staff is of the opinion that the freestanding bank and an in-line shops building for retail/restaurant/office uses is still appropriate for this site.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 12, 2011. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

9. BOARD AND COMMISSION APPOINTMENT

APPROVED the following Board/Commission appointment:

Board of Adjustment:  
Linda Cortright

10. AGREEMENT EXTENSION: Original Equipment Manufacturer Parts and Service

APPROVED Agreement #FS0-060-2752 extensions with Balar Equipment, Berge Ford, Earnhardt Ford Sales Company, Earnhardt Chrysler Jeep Dodge, Earnhardt Toyota Scion, PSS/First In, H and E Equipment, RWC International and Norwood Equipment for original equipment manufacturer (OEM) parts and service in an amount not to exceed \$200,000.00.

The City's Fire Department has an ongoing requirement to repair all City of Chandler vehicles and service equipment. These contracts will provide OEM parts and service. The primary use of the contracts will be to purchase repair parts. Staff may use the service component of the contracts on a very limited basis.

11. No Item.

12. AGREEMENT: ECOtality North America – ITEM WITHDRAWN

13. AGREEMENT: Wesco Distribution dba Brown Wholesale

CONTINUED to the December 15<sup>th</sup> City Council meeting. Agreement #CM2-285-3038 with Wesco Distribution dba Brown Wholesale for LED Roadway Lighting Luminaries, utilizing DOE funding, in the amount not to exceed \$285,900.53.

The City of Chandler was awarded an Energy Efficiency and Conservation Block Grant (EECBG) from the Department of Energy (DOE) as a part of the American Recovery and Reinvestment Act (ARRA). The DOE approved a number of the City's energy efficiency projects, including upgrading a portion of Chandler's streetlights to LED fixtures which will improve the quality of lighting in downtown neighborhoods as well as save on future energy costs. This agreement will be supplementing the Community Development Block Grant (CDBG) funding also being requested at this Council meeting. The four square miles of residential and collector streets in the APS territory were selected to receive LED streetlight upgrades as a part of these projects. Installation of the fixtures will be done by in-house staff.

14. AGREEMENT: Wesco Distribution dba Brown Wholesale

CONTINUED to the December 15<sup>th</sup> City Council Meeting. Agreement #CM2-285-3037 with Wesco Distribution dba Brown Wholesale for LED Roadway lighting luminaries, utilizing CDBG funding, in an amount not to exceed \$175,000.00.

As part of the application for 2011-2012 Community Development Block Grant (CDBG) funds, the City's Transportation and Development Department applied for funding to upgrade residential and collector street lights in a two square mile area of central Chandler. This application was in part a response to a resident survey conducted in early 2011 by Community Development Staff to determine the infrastructure and program needs of residents living in the City's low to moderate income neighborhoods. Under the infrastructure category, this was ranked as the highest need.

In the summer of 2011, the opportunity to leverage additional funds for the project to include the four square miles of the Arizona Public Service area in central Chandler was realized when Staff from the City Manager's Office made funding available from the Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) funds. Based on the funding available, CDBG funds will provide for the purchase of approximately 685 LED street light luminaries to be installed in the CDBG eligible areas. The balance of luminaries for this project will be purchased with EECBG funds. This agreement is for the purchase of the LED luminaries only. Installation of the energy efficient fixtures will be done by in-house staff.

15. AGREEMENT: Wilson Engineers

APPROVED Agreement #WW1104-451 with Wilson Engineers for Ocotillo Water Reclamation Facility – Airport Water Reclamation Facility lift station and deep sewer, in an amount not to exceed \$1,379,810.00, contingent upon written notification from Intel and appropriate funding, and AUTHORIZED an increase to annual contract EN1003-101 with Wilson Engineers from \$1,500,000.00 to \$3,000,000.00.

16. AGREEMENT: Carbon Activated Corporation

APPROVED Agreement #MU2-8853042 with Carbon Activated Corporation for the purchase of filter media removal and installation services in an amount not to exceed \$536,407.00.

During the recent expansion of the Chandler Surface Water Treatment Plant, the filters were outfitted with Granular Activated Carbon (GAC). After a short time, GAC loses its effectiveness and must be replaced. An assessment of the plant found the removal of total organic carbon declines rapidly and its replacement is cost [prohibitive]. Installing anthracite is a better choice because it's a more cost effective filter media.

17. AGREEMENT: Somerset Landscape & Maintenance, Inc.

APPROVED Agreement #ST2-988-3050 with Somerset Landscape & Maintenance, Inc. for landscape maintenance Areas 1-2-3 for one year with the option to extend for one additional one-year period in a total amount not to exceed \$904,908.00.

18. CONTRACT: Achen-Gardner Engineering, LLC

APPROVED Contract #ST0809-401 to Achen-Gardner Engineering, LLC for roadway improvements on Gilbert Road (Queen Creek Road to Ocotillo Road) in an amount not to exceed \$12,506,816.92.

19. AGREEMENT AMENDMENT: Dennis L. Lopez & Associates, LLC

APPROVED Agreement CIP #ST0809, Amendment No. 1, with Dennis L. Lopez & Associates, LLC to provide professional appraisal services for the Gilbert Road Improvements – Phase 2 from

Queen Creek Road to Hunt Highway in the amount of \$20,000.00 for a revised contract total of \$57,500.00.

On March 25, 2010, Council approved a contract with Dennis L. Lopez & Associates, LLC for the Gilbert Road Improvement Project from Queen Creek Road to Hunt Highway. The contract awarded to Lopez provided enough funding for 30 appraisal reports. Additional funding for appraisal services is needed in order to cover the unanticipated costs associated with performing appraisal updates as the second phase of the project was placed on hold due to budget constraints.

20. AGREEMENT AMENDMENT: Carollo Engineers

APPROVED Agreement #WA1004-201, Amendment No. 1, with Carollo Engineers for the Pecos Surface Water Treatment Plan flocculator system assessment and rehabilitation design in an amount not to exceed \$299,820.00 for a revised total contract amount not to exceed \$623,970.00.

The Pecos SWTP was built in 1989 with a production capacity of 30 million gallons per day (mgd). The plant expanded to 45 mgd in 1997 and again in 2008 with production capacity of 60 mgd. Prior to the 2008 plant expansion, an extensive evaluation of the plant's facilities identified the aging paddle wheel flocculation and chemical feed system, built as part of the original plant, as a weak link in the treatment process. The evaluation recommended the flocculation system be updated when funds became available. This system is critical to the water treatment process because flocculation causes solids in raw water to coagulate and drop out of the water prior to the plant's finishing filters. Rehabilitation will improve water quality, reduce chemical costs and sludge volume generated during the treatment process.

21. CONTRACT: Hunter Contracting Company

APPROVED Contract #WA1004-402 to Hunter Contracting Company for Construction Manager at Risk for Phase 1 Chandler Water Treatment Plant flocculation system rehabilitation in an amount not to exceed \$1,863,047.00.

The Pecos SWTP was built in 1989 with a production capacity of 30 million gallons per day (mgd). The plant expanded to 45 mgd in 1997 and again in 2008 with production capacity of 60 mgd. Prior to the 2008 plant expansion, an extensive evaluation of the plant's facilities identified the aging paddle wheel flocculation and chemical feed system, built as part of the original plant, as a weak link in the treatment process. The evaluation recommended the flocculation system be updated when funds became available. This system is critical to the water treatment process because flocculation causes solids in raw water to coagulate and drop out of the water prior to the plant's finishing filters. Rehabilitation will improve water quality, reduce chemical costs and sludge volume generated during the treatment process.

22. CONSTRUCTION CONTRACT: Central Valley Specialties, Inc.

APPROVED Construction Contract #CS1201-403 to Central Valley Specialties, Inc., for aquatic deck repairs in an amount not to exceed \$68,306.00.

23. PURCHASE: Goodman's Interior Structures

APPROVED the Purchase of furnishings from Goodman's Interior Structures for the Sunset Library, utilizing the State of Arizona contract, in an amount not to exceed \$75,000.00.

The Sunset Library is located on the northeast corner of Ray and Rural roads. The library is over ten years old and averages more than 1,000 visitors daily. The condition of the interior space of the building is reflective of the high intensity use by the community. Many of the furnishings date back to the opening of the branch and their replacement will improve the overall maintenance of the facility and result in an enhanced and positive experience for the community. For the first time, Sunset customers will have access to a computer lab for quiet work and computer classes. The Early Learning Center will include furnishings and educational toys designed to increase pre-literacy skills and create a fun and welcoming space that children will enjoy. A dedicated space for teens and pre-teens is designed to engage them in information and computer literacy activities.

In 2010, Durkin + Durkin Architects, LLC was contracted for design services for the Sunset Library renovations. As part of this contract, Durkin + Durkin developed the furniture layouts and specifications for furniture that would need to be procured. All library furniture will be replaced with new furniture to include cubicles for the staffing area, storage areas, discharge stations and furniture for public spaces, including tables, chairs, built-in modular furniture and lap top counters.

24. PURCHASE: Corporate Interior Systems

APPROVED the Purchase of furnishings from Corporate Interior Systems for the Sunset Library, utilizing the State of Arizona contract, in an amount not to exceed \$115,000.00.

The Sunset Library is located on the northeast corner of Ray and Rural roads. The library is over ten years old and averages more than 1,000 visitors daily. The condition of the interior space of the building is reflective of the high intensity use by the community. Many of the furnishings date back to the opening of the branch and their replacement will improve the overall maintenance of the facility and result in an enhanced and positive experience for the community. For the first time, Sunset customers will have access to a computer lab for quiet work and computer classes. The Early Learning Center will include furnishings and educational toys designed to increase pre-literacy skills and create a fun and welcoming space that children will enjoy. A dedicated space for teens and pre-teens is designed to engage them in information and computer literacy activities.

In 2010, Durkin + Durkin Architects, LLC was contracted for design services for the Sunset Library renovations. As part of this contract, Durkin + Durkin developed the furniture layouts and specifications for furniture that would need to be procured. All library furniture will be replaced with new furniture to include cubicles for the staffing area, storage areas, discharge stations and furniture for public spaces, including tables, chairs, built-in modular furniture and lap top counters.

25. PURCHASE: Vision Business Products

APPROVED the Purchase of laser printer cartridges, OEM/Remanufactured, from Vision Business Products, utilizing the State of Arizona contract, in an amount not to exceed \$90,000.00.

Vision Business Products offers laser printer cartridges in addition to facsimile supplies and copier supplies, allowing the City to purchase numerous items from one vendor. During the past 12 months, the City has spent approximately \$85,000.00 for laser printer cartridges, facsimile

supplies and copier supplies, both OEM and remanufactured. Vision offers online ordering for next day desk top delivery. Whenever possible, remanufactured cartridges are purchased at a deeply discounted price over original manufacturer cartridge prices. Because of increased discounts and environmental and sustainability concerns, the City is increasing the quantity of remanufactured supplies purchased, educating users on equal quality and price savings achieved. All supplies from Vision Business Products are used in printers and copiers throughout the City.

26. PURCHASE: Waxie Sanitary Supply

APPROVED the Purchase of janitorial and sanitation supplies from Waxie Sanitary Supply, using the City of Tucson contract, in an amount not to exceed \$225,000.00.

27. PURCHASE/TRADE-IN: Taser International

APPROVED the Purchase/Trade-in of tasers and related equipment from Taser International, sole source, in the amount of \$471,028.31.

In 1998, Chandler Police Department began limited testing of the first generation M26 taser. In 2001, we began full deployment of tasers to all sworn officers. In 2003, we initiated the transition from the less technologically sophisticated M26 to the next generation X26. The X26 system was a smaller, more technologically advanced version of the M26 taser with an advertised use expectancy of five (5) years with the extended warranty. We are now entering the eighth year of deployment for some of these taser systems and began evaluation to determine cost of replacement vs. refurbishment.

In 2001, Chandler Police Department was one of 200 departments nationwide to fully deploy tasers. Today, tasers are used by more than 15,000 law enforcement and military agencies as well as by every major municipality in Arizona to include the Arizona Department of Public Safety. According to studies done by the U.S. Department of Justice, the deployment of Conducted Energy Devices (CED) such as tasers has significantly reduced the number of injuries to police officers and suspects.

The taser X26s currently utilized by CPD are out of warranty, have been operational beyond their expected service life, and are now experiencing breakdowns at a predictable rate. The expected cost to refurbish or replace each taser X26 was researched and led Staff to examine other considerations, e.g. structure failures, deployment failures, and utilization of older technology in the existing units. The only viable options were refurbishment of the existing taser X26 units or their replacement with the taser X2s. The X2 is the latest version of taser and was designed by law enforcement to overcome the common failures experienced across the country. The X2's dual lasers allow officers to easily confirm the location of both probes and also provide the ability to engage additional probes in the event of a miss or malfunction.

The department has evaluated the X2 taser and, because of its increased effectiveness and improvements over the X26, recommends transitioning to this new model.

28. WITHDREW USE PERMIT: United Methodist Church Wireless Facility

WITHDREW (6-1) Use Permit 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 at the NEC of Chandler Heights Road and the Union Pacific Railroad. (Applicant:

FM Group, Inc., (for AT&T Mobility); Owner: Chandler United Methodist Church.) The applicant would like to withdraw the application in order to pursue another site nearby.

VICE-MAYOR DONOVAN VOTED NAY ON THIS ITEM.

29. USE PERMIT: Eva's Mi Amore

APPROVED 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. (Applicant: Eva Paez; Owner: Chandler 1954, LLC.)

The proposed business is a wedding planning and bridal service office. Hours of operation are 8 a.m. to 5 p.m. Monday through Friday. Customers are by appointment only as referred from a related retail business, Hi Mommy, formerly located in downtown Chandler and has since relocated to Mesa. The subject business involves primarily wedding planning and wedding dress/tuxedo alterations. The business has a total of three (3) employees. Only the business manager will be present every day. Two other persons associated with the Hi Mommy business will be present occasionally.

The site is located at the northeast corner of the intersection of Chandler Boulevard and Hartford Street. There is a brick marquee in the front yard where previous businesses had signage approved; however, the subject application does not request any signage. The main 4-space parking lot is accessed via the paved alley off of Hartford Street. There is space for about two vehicles in the driveway accessed directly from Chandler Boulevard.

In 1993, this single-family residence, located across Hartford Street from the White House residential conversion, was granted a Use Permit for one year to establish and operate an administrative office center for World of Travel. The travel agency made site improvements that included a paved parking lot area behind the house (with access to the alley), additional landscaping and the construction of a masonry wall along the eastern property line. The Use Permit expired in 1994 and was not renewed by the travel agency.

A Use Permit was approved in 1997 to operate a tax and accounting office, was renewed in 1999 for one additional year and was renewed again in 2004 for three additional years. The tax and accounting office was limited by Use Permit conditions to three employees, except during tax season when it was allowed seven employees. During this office's tenure, an unapproved brick parking surface was laid in the front yard that has since been removed.

In 2003, a Use Permit request for an insurance and real estate office at this location was withdrawn after a recommendation of denial by the Planning Commission. That request was for a business with five full-time employees, one part-time employee and 10 to 12 client visits per day, in contrast to the previously existing business that had only three employees and minimal client visits outside of tax season.

In 2006, a Use Permit was approved for one year to operate a real estate business with up to three employees. In 2008, a Use Permit was approved for one year for a different real estate business with up to five employees, but a maximum of three employee vehicles at any give time. In 2010, a Use Permit was granted for a 5-employee manufacturing company's corporate/sales office. The businesses approved in 2008 and 2010 never occupied the property and it has now been vacant for 5+ years.

The Residential Conversion Policy allows for the conversion of residences with frontage on arterial streets to business uses. It is the opinion of the Planning Commission and Staff that the business will have a negligible effect on the neighborhood if operated as represented. The subject site has not operated as a single-family residence since 1993 and previous businesses have included both employee and customer traffic. A one-year time limit is appropriate to allow re-evaluation once the business is in operation.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 6, 2011. There were four neighbors in attendance expressing concern with site maintenance and an illegal car repair business that appeared to be operating from the residence. Around the same time, Staff observed evidence of the car repair business and a proliferation of materials/garbage placed outside behind the house.

A second follow-up neighborhood meeting was held in September 13, 2011. By this time, the outside materials and car repair issues had been remedied. Issues discussed at this meeting included the nature of the business, the need to improve the front windows' appearance and the need to improve the front yard landscaping. No opposition was expressed. Staff has received no correspondence in opposition to the request.

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

1. The Use Permit shall be granted for a period of one (1) year, at which time re-application shall be required. The one-year time period shall begin from the date of City Council approval.
2. Substantial expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require a new Use Permit application and approval.
3. There shall be no tandem parking in the designated parking spaces at the rear of the property.
4. Parking along Hartford Street is not permitted for either employees or clients.
5. Parking shall not be permitted in the front yard other than on the existing concrete driveway.
6. The site shall be maintained in a clean and orderly manner.
7. The site shall be fully landscaped, including removal of weeds and installation of gravel to cover bare dirt, prior to occupancy by the subject business.

30. USE PERMIT: Nate's Third Base

APPROVED Use Permit LUP1-0019 Nate's Third Base, Series 6 Bar License, to sell liquor as permitted for on-premise consumption indoors and within an outdoor patio area and request for live music indoors at an existing restaurant located at 1949 W. Ray Road, Suite 11, within the Boardwalk at Andersen Springs. (Applicant: Nate and Destiny Myres.)

This center is zoned PAD and is surrounded by a man-made lake and condominiums to the south and east, a shopping center to the north across Ray Road and single-family homes to the west across Dobson Road.

In 2009, Nate's Third Base Restaurant opened for business with a Series 12 Restaurant License. Recently, the business could not meet the food sales requirements under a Series 12 and the

State required the business to obtain a Series 6 Bar License. This property has had other businesses operate with a Series 6 prior to Nate's Third Base occupancy. This current application requests approval of a Series 6 Bar License for a family-style American cuisine restaurant. The restaurant intends to be open 10 a.m. to 2 a.m. seven days a week. The restaurant offers breakfast, lunch and dinner menus as well as a kid's menu. In addition, the restaurant would like to include live music indoors.

Since 1997, the Groovy Mundo Grill (formerly Waterfront Grill) and Boardwalk Grill restaurants have occupied the restaurant tenant space. The original Use Permit for a Series 12 Restaurant License was issued to Waterfront Grill, LLC, which then went to a Series 6 Bar License as Groovy Mundo Grill with a 1-year time limit in September of 2000. The Series 6 License was issued with the understanding that the applicant acquires a Series 6 license for its catering business and for the operation of a full service restaurant and bar. The Use Permit excluded uses such as cocktail lounges and nightclubs. In October 2001, the restaurant was sold to a second owner who chose to emphasize the restaurant's menu and food service. The new owner, keeping the restaurant's name Groovy Mundo Grill, applied for and received a Series 12 Restaurant License without expiration.

Ownership changed hands again in the years to follow with the third owner changing the restaurant's name back to Waterfront Grill and offering a smaller bar menu, choosing later operating hours and bringing in live entertainment. These changes altered the character of the business and the restaurant was no longer able to operate under the Series 12 License. Under a new (fourth) owner, the site received Use Permit approval for a Series 6 Bar License Use Permit for one year in May 2006. The last liquor Use Permit was approved in 2007 as a Series 6 Bar License for Waterfront Grill with a one-year time limit, which expired.

The proposal for live entertainment includes a one or two person acoustical group. The group would perform two to three times a month. The music would be amplified indoors and the indoor area would be closed off from the outdoor patio by shutting the patio doors. The group will setup by the pool table area. The business currently does not have live music; only three arcade games, a pool table and televisions. There is karaoke from 9 p.m. until 2 a.m. The previous Liquor Use Permit in 2009 did allow live music with conditions; however, music never commenced prior to the Use Permit expiration. The prior approval included conditions that there shall be no live entertainment outdoors including acoustic groups, bands and the like; indoor music is limited to an acoustic group and karaoke no more than once a week for each. Any change in entertainment including pool tables, arcade games, live music, and the like shall require reapplication and new Use Permit approval; and noise shall be controlled so as to not cause a nuisance for nearby residences.

The restaurant will be adding one additional pool table indoors for a total of two pool tables. The restaurant is approximately 4,200 square feet with an outdoor patio along the lakefront of approximately 1,280 square feet. The indoor dining area has approximately 88 seats; the indoor bar area has approximately 42 seats, and the outdoor dining area has approximately 60 seats.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 5, 2011. Planning Staff will follow up with a report. The Police Department has been informed of the application and has responded with no issues or concerns. Staff has not received any correspondence in opposition to the request.

The Planning Commission modified Condition No. 7 removing the language regarding music and karaoke to occur no more than once a week for each. The Commission did not want to set a limit

on how often music and karaoke could occur. The Commission also amended Condition No. 8 adding businesses to the condition to ensure both adjacent residences and businesses would not be disturbed by music.

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

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit reapplication and approval.
2. The Use Permit is granted for a Series 6 Bar License only and any change of licenses shall require reapplication and new Use Permit approval.
3. The Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.
5. The patio shall be maintained in a clean and orderly manner.
6. There shall be no live entertainment outdoors including acoustic groups, bands and the like.
7. Indoor music is limited to an acoustic group and karaoke. Any change in entertainment including pool tables, arcade games, live music and the like shall require reapplication and new Use Permit approval.
8. Noise shall be controlled so as to not cause a nuisance for nearby residences and businesses.

31. LIQUOR LICENSE: Nate's Third Base

APPROVED a Series 6 Bar Liquor License (Chandler #125138 L06) for Destiny Yvonne Myres, Agent, Straight No Chaser LLC, dba Nate's Third Base, located at 1949 W. Ray Road, Suites 11-13. A recommendation for approval of State Liquor License #06070246 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

32. USE PERMIT: Sage Bar & Vietnamese Cuisine

APPROVED Use Permit LUP11-0020 Sage Bar & Vietnamese Cuisine, Series 6 Bar License, to sell and serve all spirituous liquor within a restaurant and bar with a new outdoor patio located at 4929 W. Chandler Boulevard, Suite 12, within the Twelve Oaks Plaza shopping center. (Applicant: Trevor & Anny Narron.)

The business occupies the eastern suite in a multi-tenant building located in the middle of the shopping center. Besides the multi-tenant building, the shopping center also has a Walgreen's on the west and a Baker Bros. carpet/flooring business on the east. Other tenants include three restaurants (two with Series 12 Restaurant Licenses), a dry cleaner and a hair stylist. One of the restaurants has a small outdoor patio on the building's north side that does not have any televisions or speakers. Directly south and east of the shopping center is the Twelve Oaks single-family subdivision.

The subject suite held a Series 12 Restaurant License for a barbeque restaurant, the original tenant from 1998 to 2001. In 2001, a Use Permit was approved in conjunction with a Series 6 Bar License for All Starz Sports Bar & Grill. Ownership of All Starz changed in late 2006. The suite is currently vacant. The applicants were the original owners of All Starz.

The adjacent single-family neighborhood is located approximately 75' from the subject suite and 190' from its proposed main front entrance. Mature trees line the commercial site's south property line. There is a trash dumpster located immediately south of the subject suite.

The application requests several changes to the existing Use Permit in an attempt to create a different atmosphere for the facility. The major changes are a new outdoor patio, two (2) roll up garage doors and a larger bar. The approximately 870-square foot patio will be located north of the subject suite. The patio will be enclosed by a 36"-high steel rail fence, the details of which will be worked out administratively. Patio seating will be under an existing colonnade and in an area north of the suite that will displace four (4) parking spaces and a portion of the sidewalk. In coordination with the applicant, Staff has determined that the site still meets shopping center parking requirements with the four (4) spaces removed and the additional serving area installed. The business will also install three (3) new Mesquite trees in the patio area to account for displaced Oleander shrubs and provide shade to pedestrians and customers. There will be up to three (3) televisions outdoors facing the patio.

Staff has worked administratively with the applicants' architect to determine the property sidewalk width for pedestrians outside the new patio enclosure. Noting that the existing walkway under the colonnade is a minimum width of 4', the sidewalk around the new patio will be required to emulate that minimum width around all sides of the enclosure.

The application requests approval for two (2) new roll-up garage doors along the north façade that will help to open up the facility in the direction of the new patio. All the garage doors replace an existing window element of approximately the same size. The garage doors' design details will be worked out administratively, but will include a substantial amount of windows (rather than solid doors).

The application presents a modified building interior layout with an expanded bar, new seating, and a pool table. The southern part of the facility is envisioned as a Vietnamese restaurant with the focus on quality lunch and dinner, as opposed to the sports bar element that occupies the suite's northern portion. The interior provides seating for approximately 120 persons and the outdoor patio provides seating for approximately 44 persons. Hours of operation will be 11 a.m. to 2 a.m. daily.

The application also requests the ability to have karaoke as was allowed through the 2001 Use Permit, most likely on Friday and Saturday evenings. The karaoke would occur indoors only. No live entertainment is requested to occur outdoors.

The Planning Commission and Staff recommend approval of the request finding it to be compatible with the surrounding land uses if modified by conditions. The willingness to limit the overhead doors and main entrance to the north side (and not the east side) will help protect the adjacent neighborhood from unwanted noise. Karaoke could produce a substantially higher noise volume that must be fully contained indoors at this location. The proposed outdoor patio will serve to enhance the shopping center by adding vitality and shade without significantly inconveniencing pedestrians.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 3, 2011. There were no neighbors in attendance. The Police Department has been informed of the application and has no issues or concerns. One neighbor has contacted Staff in opposition to the request stating that several years ago, she

experienced problems with loud music emanating from the bar, loud clanging from bottles being emptied into the trash at closing time, workers smoking and swearing out back near the residential property lines and various misbehavior in the retention area behind the building (e.g. urination, drugs, sex).

The applicants believe that all of these problems date to the era (post-2006) when they did not own the business, though they have pledged to take several steps to prevent these problems from occurring as the business goes forward. First, their house policy is to dispose of trash only in the morning and early afternoon. Second, their employees are prohibited from smoking or gathering in the back of the premises – these activities will occur near the building's northeastern corner. Third, the managers and bouncers are trained to continually observe the premises (both indoor and outdoor) for any suspicious behavior.

The application has been modified since the Planning Commission hearing in order to incorporate their direction. The application, as heard by the Commission, included an overhead garage door and a new main entrance along the building's east side that were the subject of much discussion. Concurring with Staff's recommendation, the Planning Commission ultimately recommended Conditions 9 & 10 that would eliminate those new doors as originally proposed in order to better protect the adjacent neighborhood from noise effects. The Commission also added Condition No. 12 in order to create a proper main entrance and further protect the neighborhood from patio noise.

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

1. The Use Permit granted is for a Series 6 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. 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.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
5. 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.
6. The outdoor patio shall be maintained in a clean and orderly manner.
7. Music shall be controlled so as to not unreasonably disturb area residences.
8. The establishment shall provide contact information for a responsible person (bar owner and/or manager) to interested neighbors that allow music complaints to be resolved quickly and directly.
9. There shall be no entry door along the building's eastern wall.
10. There shall be no new garage door along the building's eastern wall.
11. Karaoke shall not occur when the garage doors are open or when any other door is propped open.
12. The applicant shall work with Staff to provide a main entrance in the northwestern portion of the suite and to locate the patio so that it is no farther east than the building edge.

APPROVED a Series 6 Bar Liquor License (Chandler #137473 L06) for Anny Dinh Narron, Agent Cole Curtis, Inc., dba Sage Bar & Vietnamese Cuisine, located at 4929 W. Chandler Boulevard, Suite 12. A recommendation for approval of State Liquor License #06070018 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

34. LIQUOR LICENSE: 7-Eleven 13011

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #137684 L10) for Vaneet Sapra, Agent, 7-Eleven 13011, located at 774 N. Arizona Avenue. A recommendation for approval of State Liquor License #10076200 will be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership. Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as a 7-Eleven Store. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

35. LIQUOR LICENSE: Water & Ice Convenience Store

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #137687 L10) for Nicholas Robert Minard, Agent, Store Works LLC, dba Water & Ice Convenience Store, located at 995 W. Ray Road. A recommendation for approval of State Liquor License #10076198 will be forwarded to the State Department of Liquor Licenses and Control. This application reflects a change in ownership. Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as Water & Ice. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

36. CONTINUED LIQUOR LICENSE: Rudy's "Country Store" & Bar-B-Q

CONTINUED TO DECEMBER 15, 2011, Liquor License, Series 7, for Randy D. Nations, Agent, Rudy's West Bar-B-Que LLC, dba Rudy's "Country Store" & Bar-B-Q located at 7300 W. Chandler Boulevard to allow the applicant time to complete the requirements for a new Use Permit.

37. CONTINUED LIQUOR LICENSE: Rudy's "Country Store" & Bar-B-Q

CONTINUED TO DECEMBER 15, 2011, Liquor License, Series 10, for Randy D. Nations, Agent, Rudy's West Bar-B-Que LLC, dba Rudy's "Country Store" & Bar-B-Q located at 7300 W. Chandler Boulevard to allow the applicant time to complete the requirements for a new Use Permit.

38. FINAL PLAT: Reserve At Fulton Ranch (Fulton Ranch II)

APPROVED Final Plat FPT11-0004 Reserve At Fulton Ranch (Fulton Ranch II) for a single-family residential subdivision on approximately 43 acres located one-half mile south of the SEC of

Ocotillo Road and Arizona Avenue. (Applicant: Vantage Resources, LLC.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

PUBLIC HEARING:

PH1. Declaration of Slum Area at the SEC of Chandler Boulevard and Price Road.

MAYOR TIBSHRAENY OPENED THE PUBLIC HEARING AT 7:07 P.M.

Background:

The site at issue was once the site of Gould's manufacturing facility. The site is now owned by RG-101, LLC, and has been rezoned PAD for a significant office-retail development. It has been discovered that, despite several of Gould's above-ground facilities having been removed, there still remains in place several other underground and above-ground structures and improvements that significantly inhibit development of the site to its highest and best use. The report prepared by Alan Beaudoin indicates that not only are the existing improvements degrading, their continued presence are a threat to health and public safety.

Staff has had the opportunity to review the report. While the report opines that conditions justify the site being found to be either a slum or blighted area, Staff believes it best supports a finding that the site qualifies as a slum area. This is because the definitions of "slum area" and "blighted area", which are found in A.R.S. §36-1471, defines a blighted area as an area, *other than a slum area*, where sound municipal growth *and* the provision of housing accommodations is retarded. Regardless of how the site is characterized, however, Staff believes the nature of the detrimental site conditions is such that the incentives provided through redevelopment are necessary to cure such conditions.

The adoption of Resolution No. 4552 is a prerequisite to any redevelopment assistance provided by the municipality. The decision to adopt Resolution No. 4552 is within Council's discretion provided that there is evidence in the record to support the decision. Adoption requires a two-thirds vote of Council. The findings required to be made by Council is set out in the resolution, as are the specific factors that justify a finding that the site is a slum area. The specific factors needed to find the site is a slum area is set out in the report.

Finally, a public hearing is being held prior to action on the resolution. The law requires written notice of the hearing be provided to the owner by first class mail to the address stated on the most recent records of the County Assessor. This has been done and the landowner has provided written notice that the owner consents to the adoption of the resolution.

Discussion:

Assistant City Attorney GLENN BROCKMAN explained to the Council that the legal description that related to this item and the Resolution that will follow it had been inadvertently been left out. He read the following legal description into the record:

"Lot 1 of minor land division for "Gould" in subdivision is set forth in book 902 of maps, page 20, records of Maricopa County, Arizona, except for the south 8 acres thereof."

Mr. Brockman told the Council that the public hearing was required due to the Council being asked to designate an area to a development area. He added that Council would have to determine the basis for declaring an area a redevelopment area by either declaring the area a slum area or a blighted area. He indicated that a consultant had done a report declaring the site both a slum and blighted area. He explained that staff was recommending that it only determine the area a slum area. He stated that the blight area would impact residential development. He stated that the area in question was not anticipated to be redeveloped to residential, so he did not believe the blight designation would be appropriate.

In response to a question from COUNCILMEMBER ORLANDO, Economic Development Director CHRIS MACKAY gave an overview of the report study that was conducted regarding the site. She told the Council that the engineering firm was contracted by the developer to look at the site, but they were also responsible for the remediation and demolition of the site.

MS. MACKAY gave a history overview of the site which was previously occupied by Gould Manufacturing.

COUNCILMEMBER ORLANDO stated that the site would need to be remediated due to the potential high rise at the site.

MS. MACKAY concurred. She stated that a structure 8-10 high had been approved for the site in 2009. She explained that the structure could not be built right over the top of the ground because of the sheer weight and mass.

In response to a question from COUNCILMEMBER ORLANDO, Ms. Mackay stated that the first 16 acres along Chandler Boulevard and Price Road were currently contemplated. She added that a future development had been identified at the southern portion of the site for a 100,000 square foot/2-3 story building. She stated that that building could be built on top of that area and on top of the existing infrastructure.

MR. VICTOR PETERSON, spoke to the Council regarding this item. He understood the problem area and how there was need for remediation and stated he would support the project.

MR. JOEL WIRTH thanked the City of Chandler for including the school district.

MAYOR TIBSHRAENY thanked Mr. Wirth for being present.

MAYOR TIBSHRAENY CLOSED THE PUBLIC HEARING AT 7:26 P.M.

39.     DECLARATION OF SLUM AREA: SEC Chandler Blvd. & Price Road                     Ord. #4552

Resolution No. 4552 declaring a 16-acre parcel of real property at the SEC of Chandler Boulevard and Price Road a slum area and finding that the redevelopment of such slum area is necessary in the interest of public health, safety, morals or welfare of the residents of the City of Chandler.

MOVED BY VICE-MAYOR DONOVAN, SECONDED BY COUNCILMEMBER ORLANDO to approve Resolution No. 4552, declaring a 16-acre parcel of real property at the SEC of Chandler Blvd. And Price Road a slum area and finding that the redevelopment of such slum area is

necessary in the interest of public health, safety, morals or welfare of the residents of the City of Chandler.

COUNCILMEMBER HEUMANN expressed excitement over the project. He stated that the Chandler School District and Arizona State University would locate at the site.

MAYOR TIBSHRAENY also expressed excitement over the project. He thanked Councilmember Sellers for reaching out to the school district and for facilitating meetings.

COUNCILMEMBER ORLANDO thanked staff and Mayor Tibshraeny for their work. He thanked the Mayor for his suggestion to meet with ASU.

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

#### CURRENT EVENTS:

##### A. Mayor's Announcements

Mayor Tibshraeny announced that Tuesday, November 15, was America Recycles Day. He mentioned how he had visited the facilities of United Fibers, the City's recycling contractor.

Mayor Tibshraeny announced that Woofstock event would take place November 19, 2011 at Tumbleweed Park.

Mayor Tibshraeny also announced that the Rock the Block Event would take place on Saturday, November 19, 2011 in Downtown Chandler.

Mayor Tibshraeny reminded everyone that November is Pancreatic Cancer Awareness Month. He mentioned how he met with a Chandler resident and Pancreatic Cancer survivor Stan Vitikas to present him a proclamation on behalf of the City Council.

Mayor Tibshraeny also wished everyone a Happy Thanksgiving.

##### B. Councilmembers' Announcements

Councilmember Heumann stated that the proceeds from the "Dunk Tank" station at the Rock the Block Event would benefit the Desert Cancer Foundation. He encouraged everyone to remember to "Shop Local". He also wished everyone a Happy Thanksgiving.

Councilmember Sellers stated that the Rock the Block Event was featured on Channel 12 news.

Vice-Mayor Donovan invited everyone to attend the Tumbleweed Tree Lighting in Downtown Chandler on December 3<sup>rd</sup>.

Councilmember Orlando stated that he represented the City of Chandler at the Operation Freedom Bird Welcome Home Ceremony which takes 50 veterans a year to Washington DC.

Councilmember Weninger commended Z'Tejas for providing troops meals at their restaurant for

