

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, April 26, 2012, at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

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

*Councilmember Orlando participated in the meeting via telephone.

Also in attendance:

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

INVOCATION: Rabbi Mendy Deitsch – Chabad of the East Valley

PLEDGE OF ALLEGIANCE: Mayor Tibshraeny

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

COUNCILMEMBER HEUMANN asked staff for an update on item no. 17.

ASSISTANT CITY MANAGER, PAT MCDERMOTT, said there was discussion on Monday about the payment schedule for the photovoltaic system. He said that the contract stated that the City would pay 60% of the contract amount prior to SolarCity ordering the system. The City has since modified the proposal and now the contract indicates that 20% of the contract price will be paid prior to SolarCity ordering and 40% will be paid at the time of 50% completion of the construction. Mr. McDermott said that since all materials will be onsite, staff was comfortable that the construction of the facility is secured.

VICE-MAYOR WENINGER thanked Pat McDermott and staff for looking more closely at Item no. 17. He said he had some concerns about the payment schedule. VICE-MAYOR WENINGER said that he feels that staff did the best job they could do to protect the citizens, but he has some apprehensions about the cost of the project.

MOVED BY COUNCILMEMBER HARTKE, seconded by COUNCILMEMBER HEUMANN, to approve the Consent Agenda as presented. VICE-MAYOR WENINGER stated he would vote no on Item no. 17. Motion carried unanimously (7-0) with the exception noted.

1. MINUTES:

APPROVED the following minutes:

- 1a. Chandler City Council Special Meeting of April 9, 2012.
- 1b. Chandler City Council Regular Meeting of April 12, 2012.
- 1c. Chandler City Council Special Meeting of April 16, 2012.

2. R-O-W VACATION: 55 W. Chicago Street Ord. #4353

WITHDRAWN Ordinance No. 4353 authorizing the vacation of a 5-foot strip of right-of-way and extinguishment of an easement at 55 W. Chicago Street.

3. CITY CODE AMENDMENT: Chapter 29 Ord. #4360

ADOPTED Ordinance No. 4360 amending Chapter 29, Subsection 29-2.4 of the Chandler City Code expanding the types of work exempted from building permit requirements.

4. LEASE AGREEMENT: University of Arizona Ord. #4366

ADOPTED Ordinance No. 4366 authorizing a new lease agreement with the University of Arizona, 125 E. Commonwealth Avenue.

5. ANNEXATION: NEC Queen Creek and Gilbert Roads Ord. #4363

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4363, annexation of approximately 2.3 acres located east of the NEC of Queen Creek and Gilbert roads. (Applicant: Palmer Chinchén; The Grove Church.)

The subject site is currently zoned R-43 within the County. The Chandler Land Use Element of the General Plan designates the area for Low Density (single-family) Residential, but allows for the consideration of various uses including institutional type uses.

Directly north is the remainder of the 20-acre church campus. East is the Paseo Trail single-family residential neighborhood. South is vacant land planned for commercial development as part of the Layton Lakes master-planned community. West, adjacent to the site, is land zoned R-43 in the county and currently being used for residential purposes. Council held a public hearing on this item at the March 22, 2012, City Council meeting. The request has been processed in compliance with State Statutes governing annexations. Staff has received the signed petition from the property owner and recommends approval of this request.

6. REZONING: Archstone Village Crossing At Chandler Ord. #4367

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4367, DVR11-0040 Archstone Village Crossing At Chandler, rezoning from AG-1 and C-3 (Regional Commercial District) to PAD zoning for multi-family residential and Conceptual PAD for commercial/office/business park with PDP for the multi-family residential project on 35.55 net acres located at the NEC of Arizona Avenue and Queen Creek Road. (Applicant: Mike Curley with Earle, Curley & Lagarde, P.C.)

The 35.55 acre subject site is located at the NEC of Arizona Avenue and Queen Creek Road. West of the site is Arizona Avenue and across the street is the Carino Villas commercial parcel,

yet to develop, the Carino Villas Condominiums multi-family project And Carino Estates single-family subdivision. North of the property is vacant, undeveloped land zoned AG-1 (Agricultural). Adjacent to the site on the east are the Union Pacific Railroad tracks, vacant undeveloped land zoned PAD for an industrial park and a church on a County island. South, across Queen Creek Road, is vacant undeveloped land in the County. The SEC of the intersection is Chandler Center at Dobson Crossing with a new multi-family apartment development under construction.

This application request includes rezoning from AG-1 (Agricultural District) and C-3 (Regional Commercial District) to Planned Area Development (PAD) zoning for multi-family residential and Conceptual PAD for commercial/office/business park with Preliminary Development Plan (PDP) for the multi-family residential project. The conceptual PAD parcel located at the intersection corner is for future commercial/office/business park as defined in the Airpark Area Plan allowing commercial uses permitted in the C-2 (Community Commercial) zoning district, office uses including general and medical/dental, and business park uses permitted in the I-1 (Planned Industrial) zoning district. The commercial/office/business park parcel requires a separate PDP application for review and approval by City Council.

The Archstone Village Crossing at Chandler, referred to herein as Archstone, multi-family residential development is the first development request for this site. The property has been farmed for many years. The multi-family proposal includes a 21.71-net acre gated multi-family residential apartment development with 380 multi-family units at 17.5 dwelling units per net acre and an approximately 13.84 net acre future commercial/office/business park parcel.

Archstone is a creative, urban living multi-family residential project unique to Chandler. Building designs and site layout create an urban living environment with multiple types of residences, themed open spaces and unique internal street scene and external streetscape. A lush tree-lined boulevard entrance with decorative pavement, a tree-lined landscape median, decorative crosswalk, raised planters and seating areas with decorative theme lighting, benches and walls at Arizona Avenue creates a prominent sense-of-arrival. The landscape median extends up to the entrance/exit gates enhanced by Date Palms and exposed aggregate concrete patterned horizontally across the boulevard which leads to an urban/main street that loops through the development to Queen Creek Road. A second gated entry/exist is located off of Queen Creek Road. Both access points are right-in/right-out only turning movements. There is one full-movement access point provided off Arizona Avenue to be shared with the future commercial/office/business park parcel. This full movement access will be constructed in its entirety with the multi-family residential development.

ARCHITECTURE AND SITE DESIGN

Archstone is designed as a unique, urban living high-density, multi-family residential community offering distinctive building forms and amenities. The community designates planned pedestrian and vehicular access to and from the commercial/office/business park parcel, which will provide a live/work/shop environment. There are three different types of residential buildings offering a variety of living styles. One building type is a two-story townhome building with three-bedroom units and attached two-car garages. The second type is a two-story carriage building with ten one-car garages on the ground floor and two carriage units above the garages. The third product type is a three-story building with ground floor garages and two floors of units above providing one-and two-bedroom floor plans with one-car garages. The unit sizes range from approximately 856 to 1,487 livable square feet. A two-story clubhouse building frames the Arizona Avenue entrance with floor-to-ceiling glass and commercial grade finishes.

The overall architectural style is represented as Contemporary Arizonian, a specific style for this project with an urban/modern emphasis. Buildings include a mix of flat and pitched roofs, varied massing, accents and elements, undulating wall planes, decorative designed metal railings and roof brackets, slate-type stones, flat concrete roof tiles, and cool-toned paint color palette. Garage doors are designed with two columns of individual horizontal rectangular panels with a top row of two or four panels mimicking window areas. Garage doors will be colored to manufacturer's spec colors to match building's paint color theme. The choice and placement of paint colors, stone, vertical and horizontal plane changes, cantilevered shade awnings, rooflines, and wall plane variations in addition to building form provides an urban-themed character. Building façades are designed to appear like multiple attached homes.

The residential buildings are separated with themed courtyard open spaces. Each courtyard is named as it relates to specific accent landscaping and materials within each space. Each courtyard is designed with a shade structure, seating furniture, a spa and BBQ grill. Courtyards vary with elements such as raised planters, arbors with vines, potted plants, water feature and a cobblestone creek bed. The largest open space area, referred to as Central Park, is centrally located offering a community park area. Central Park includes a fireplace gathering area with a ramada and furniture. A dog park area is also provided.

The clubhouse provides many amenities including offices, a great room, game room, fitness gym, kitchen, business center, outdoor lounge and restrooms. Adjacent to the clubhouse is a community swimming pool, spa, ramada and water feature with seating. A second swimming pool and spa with a recreation building including bathrooms and showers is centrally located near the two-story townhome plans along the community's east side. The recreation building design is not included in the Development Booklet and will be required to match the project's building architecture.

The development meets required parking providing appropriate parking for each unit and guests. A small portion of the overall parking spaces are parallel which by Zoning Code cannot be counted toward required parking. Due to the character, site design and urban design of this community, Planning Staff recommends allowing parallel parking spaces be counted towards required parking. The parallel spaces are provided along the main street that loops through the development. The majority of parking spaces are provided via garages for each unit.

There are three freestanding monument signs for the multi-family residential development. Two signs are located along Arizona Avenue and one sign along Queen Creek Road. Lettering is represented as pan channel backlit (reverse pan channel). The applicant confirmed the lettering is reverse pan channel to appear halo-illuminated. The monument signs match the development's paint colors and materials, incorporating slate tile and stucco finish.

GENERAL PLAN CONFORMANCE / AREA PLAN BACKGROUND

The General Plan Land Use Plan designates this property as Employment and a Commercial Node, within the Chandler Airpark Area Plan, and as a Large Growth Tract Area. The General Plan's Employment designation includes light industrial parks, corporate offices, manufacturing, knowledge-intensive employers and a compatible mix of industrial support uses and residential densities as an integral component of a planned mixed-use development. Commercial Nodes category denotes intersections appropriate for neighborhood or community commercial retail, office, commercial services and institutional uses, as well as residential or employment where appropriate when allowed by the underlying land use, in this case Employment. The large Tract Growth Area constitutes the City's prime inventory of economic development acreage.

The Airpark Area Plan denotes a majority of the parcel as Commercial Office Business/Park for major, campus-like employment centers including retail services, research and development, or office/showroom development-type uses. The Airpark Area Plan also identifies Neighborhood Commercial at the intersection corner for neighborhood-based commercial uses such as retail, personal services, restaurants, and the like. In addition, the entire parcel is within the Light Rail Corridor Overlay which allows for this parcel to be developed with mixed-use residential and commercial developments with residential densities of 12.1 to 18.0 dwelling units per acre.

Chandler has adopted transit plans along Arizona Avenue in relation with high density residential development. The April 2010 Transportation Master Plan Update Final Report refers to the City's High Capacity Transit/Major Investment Study from July 2003 maintaining goals and transit locations on Arizona Avenue south to Queen Creek Road. The study implements the goals of the General Plan and Airpark Area Plan by designating a light rail corridor and Bus Rapid Transit extended to the Chandler Airpark Area. The light rail overlay extends on parcels along Arizona Avenue from Willis Road south to ¼ mile south of Queen Creek Road. High-density residential is planned along the light rail corridor and multi-family residential has historically been considered an appropriate land use in conjunction with employment areas, business and industrial parks.

The proposed higher density residential multi-family land use implements the City's goals of providing higher densities along Arizona Avenue's commercial/office/business park corridor, in relation to the City's plans for Light Rail Transit and as a part of an employment area related to the Airpark Area Plan.

AIRPORT RECOMMENDATION

The Airport Commission reviewed the zoning amendment request in accordance with the Airport Conflicts Evaluation Process. The Airport's Economic Development Specialist/Airport Administrator has issued a conflicts evaluation report indicating that the Airport Commission determined that even though the proposed change to allow multi-family residential use within the Chandler Airpark Area could constitute a conflict with the existing or planned airport uses, corrective actions could be made to effectively address their concerns related to rental housing. The Commission noted that the conflict is related to the Airpark Area Plan being designed to preserve the land surrounding the airport for non-noise sensitive employment uses. Not only was the concern about rental residents complaining about aviation noise and low flying aircraft, but that this action may be viewed unfavorably by granting agencies who may consider this encroachment on the Airport. The Commission forwarded a list of recommended actions to potentially resolve the conflicts. Where applicable, Staff has added conditions in regards to the recommended actions. The Airport Commission action included restricting apartments to rental units only and not converting to condominiums. It is important to note this type of action through possible zoning condition is not enforceable; State Statutes prohibit a municipality from imposing restrictions differentiating apartment development from condominium developments.

Planning Staff is of the opinion that the multi-family residential development furthers the City's goal to promote higher density residential to serve employment areas including the Chandler Airpark Area, which is a key growth area, and future Light Rail Transit. The Arizona Avenue and Queen Creek Road site is a great location with proximity to the Loop 202 Santan Freeway, the Airpark Area, South Chandler, and downtown Chandler. There are no multi-family residential developments in the Airpark Area to serve the continued growth and development of businesses. The proposed development will serve a need for the Airpark Area providing corporate housing, employee housing and commuter housing.

The development's urban design represented in the buildings and site layout is unique to Chandler and provides a significant sense of place. The project's sense of arrival, entry features and urban/modern architectural design of the clubhouse building off of Arizona Avenue make this an inviting project to support the build-out of the Airpark Area.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting behind held on February 2, 2012. There were four neighbors in attendance. Comments from attendees included support for the request as additional apartments will address the airport's needs related to flight training, students and businesses. There is a lack of multi-family residential in the airport area and it is needed. Ensure that tenants in the apartments are noticed of the proximity to the airport, its operations and noise impacts. Staff has received no correspondence in opposition to this request. An email was received from an area property owner that received the hearing notice and wanted information regarding the timing of zoning case reports and exhibits being posted on the City's website.

RECOMMENDED ACTION

Rezoning

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

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the Development Booklet entitled "Archstone Village Crossing at Chandler", kept on file in the City of Chandler Planning Division in File No. DVR11-0040, except as modified by condition herein.
2. The future commercial/office/business park component shall be reviewed and approved by a separate Preliminary Development Plan zoning case.
3. The future commercial/office/business park development shall be designed with an urban form using architectural materials, forms, colors and character elements as represented for the multi-family residential project.
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 landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or association.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
8. Lettering for the multi-family residential project's monument signs shall be reverse pan channel or individual mounted with halo-illumination.
9. The applicant shall work with Staff to provide additional trees along the main boulevard entrance drive off of Arizona Avenue.
10. Landscaping throughout the multi-family project to be in conformance with Zoning Code.

7. GRANT SUBMISSION: Arizona Highways Safety Plan Res. #4590

ADOPTED Resolution No. 4590 authorizing the submission of the Arizona Highways Safety Plan Grants and authorized the Fire Chief to conduct all negotiations and execute and submit all documents in connection with the Governor's Office of Highway Safety Grants.

BACKGROUND/DISCUSSION

The Fire Department has applied for two Governor's Office of Highway Safety Grants totaling \$141,171.00. The Occupant Protection grant requests funding to continue the Fire Department's Child Safety Seat Clinics program in the amount of \$31,660.00. The Emergency Medical Services Response grant requests \$109,511.00 to fund a portion of the cost of an all hazard response vehicle. A requirement of this grant process is to have the City Council approve a resolution. Grant awards will be made before September 30, 2012. These reimbursable grants do not require matching funds.

8. JOINT PROJECT AGREEMENT: Arizona Department of Transportation Res. #4594

ADOPTED Resolution No. 4594 authorizing a Joint Project Agreement with the Arizona Department of Transportation (ADOT) for its Pavement Preservation Program and authorizing the City Manager to sign the agreement and related documents.

BACKGROUND/DISCUSSION

ADOT's Multimodal Planning Division evaluated and rated the pavement conditions of all of the State's public airports in 2010. Based upon their findings, maintenance options such as crack seals, slurry seals, overlays and joint repairs were scheduled for runways, taxiways and aprons at individual airports over a five-year period. These projects were based on pavement condition index (PCI) priorities and the program's funding. Findings determined Chandler Municipal Airport would benefit from the program and recommended crack seal, overlay and pavement markings on its south runway, 4R-22L. Under this program, ADOT's Program Manager coordinates designs, manages the bidding and administers the construction of the maintenance projects. The State will pay all costs during the project and the airport sponsor (City of Chandler) pays a 10% match of the construction costs only.

AIRPORT COMMISSION

During a special meeting held on April 18, 2012, the Airport Commission voted unanimously to forward a recommendation to the City Council for approval.

FINANCIAL IMPLICATIONS

The estimated total cost of completion of the pavement preservation project is \$428,250.00, of which the City of Chandler will contribute 10% of the estimated cost (\$42,825.00) from the Airport Capital Improvement account, with ADOT funding the balance.

9. ZONING EXTENSION: Pecos Village Center

APPROVED a three-year timing extension for PAD zoning, Zoning, DVR11-0044 Pecos Village Center, for an office and retail development on approximately 14 acres located at the NWC of Pecos and Cooper roads. (Applicant/Owner: Cr Dayton I, LLC, Manny Rafidia.)

The subject property was originally zoned Planned Area Development (PAD) in 1986 for a neighborhood shopping center and medium density residential. The zoning was extended in 1988 and 1990, then expiring in 1992 due to no development. In 1996, Council approved a PAD

zoning that re-established the intent for development on the property with a neighborhood shopping center and a City park site to the west. The zoning expired in 2000. The 1996 PAD zoning was granted a time extension in 2001 for a period of 4 years, expiring in December 2005.

In May 2006, a 3-year time extension was approved to continue the commercial land use. This time extension expired in December 2008. During this time extension, the property owner was working on development options for the site and meeting with area property owners. Following the time extension, a PDP case was approved in December 2007 for a 100,000 square foot 3-story office building and 55,000 square feet of retail/restaurant shops. Following PDP approval, the property owner pursued construction plan submittal. The developer worked with Planning Staff to adjust building and site design for LEED certification. However, due to economic hardships, the project did not commence. A 3-year time extension was granted on February 11, 2010, expiring in December 2011. This new 3-year extension will be in effect until December 11, 2014, being calculated from the previous time extensions' expiration.

BACKGROUND

The General Plan designates this property as Residential, which allows for residential, commercial, mixed-use development, offices and institutional uses in accordance with goals and objectives of the General Plan. The PAD zoning is consistent with the General Plan Land Use designation. The Planning Commission and Planning Staff are of the opinion the PAD zoning for office and retail/restaurant is consistent with the General Plan and an appropriate land use for this arterial street intersection. The uses are compatible with the surrounding neighborhood and serves as a land use transition between the City park site and existing single-family residential developments.

This time extension application does not seek to modify the previously approved land use, site or building design, but seeks to extend the PAD zoning timing condition. The property owner does not intend to develop the site at this time. The property is for sale and there is a prospective buyer interested in developing multi-family residential.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held February 15, 2012. There was one resident in attendance in support of the request. Staff has received no correspondence in opposition. The site was recently cleaned of weeds and debris.

RECOMMENDED ACTION

Upon finding consistency with the General Plan, the Planning Commission and Planning Staff recommend approval with all of the conditions in the original approval remaining in effect.

10. ZONING EXTENSION: Palms Resort Retirement Community

APPROVED a three-year timing extension for PAD zoning, Zoning DVR12-0004 Palms Resort Retirement Community, for assisted living/retirement uses on approximately 6.4 acres at the NWC of Pecos Road and Pennington Drive, east of Dobson Road. (Applicant: Michael P. Leary, Ltd.)

The Planned Area Development (PAD) zoning approval was granted for a period of three years which expired on October 11, 2011. The 3-year extension will be calculated from the previous approval's expiration date resulting in an extension to October 2014.

BACKGROUND

The subject site is currently vacant. To the north and east, along Pennington Drive, are two existing assisted living developments unaffiliated with the subject development (Pennington Gardens and Merrill Gardens). To the northwest is a nursing home facility (Archstone). Farther east and northeast, as well as south across Pecos Road, are single-family homes. The Chandler Regional Hospital is located about ¼ mile to the north and office uses surround the hospital in several directions, including the SEVG medical office development along Dobson Road. West of the site are two vacant parcels at the Dobson Road/Pecos Road intersection that are designated for medical office and commercial uses.

No changes are requested by this zoning action to the development plans that were approved by Council in 2008. The development's approved Preliminary Development Plan (PDP) calls for two retirement residential buildings to be constructed in two phases with each building originally envisioned to be four stories. The applicant is currently working through an administrative review of a downsized Phase One including a single-story building along Pennington Drive that Staff has determined to be in substantial conformance with the existing PDP. Construction is expected to commence in mid-2012.

PUBLIC/NEIGHBORHOOD NOTIFICATION

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held March 8, 2012. There were no neighbors in attendance. Staff has received no correspondence in opposition to the extension.

RECOMMENDED ACTION

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval with all of the conditions in the original approval remaining in effect.

11. CLAIMS REPORT

APPROVED the Claims Report for the quarter ended March 31, 2012.

12. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following Board and Commission appointments:

Airport Commission

Gary Dehoff (reappointment)
Kelly McMullen (reappointment)

Architectural Excellence Award Committee

Matthew Pridemore (reappointment)
Steve Kovach (reappointment)
Phil Ryan

Architectural Review Committee

Kim Clark (reappointment)
Patti Bruno (reappointment)
Scott Clapp (reappointment)

Arts Commission

Michael Holland (reappointment)
Laurie Fagen (reappointment)

Board of Adjustment

Linda Cortright (reappointment)
Eli Sunshine (reappointment)

Board of Appeals

Jalil Ahmad (reappointment)

Citizen's Panel for Review of Police Complaints and Use of Force

Scott Kooiman (reappointment)

Julie Krause (reappointment)
Greg Pitlock (reappointment)
Sandra Woods (reappointment)

Cultural Foundation

Janet Langley (reappointment)
Ana Maria Regalado (reappointment)
Alexandra Crayton (replacing L.Gonzalez)
Sergio Sanchez (replacing J. Meskill)
Stacy Culotta (replacing T. Carr)

Domestic Violence Commission

Kathy DiNolfi (reappointment)
Susan Stevens-Clark (reappointment)
Sophia Campbell (replacing S. Sheldon)

Economic Development Advisory Board

Farrell Quinlan (reappointment)
Lloyd Harrell
Ed Hines
Mitzi Montoya
Scott Friedman

Health Benefits Trust Board

Scott Wall (reappointment)
Lon Miller (reappointment)

Housing and Human Services Commission

Timothy Lewis (reappointment)
Louise Moskowitz (reappointment)
Raleigh Grady (reappointment)

Human Relations Commission

Jimmy Li (reappointment)
Ruben Baldenegro (reappointment)
Bradley Singer (reappointment)
Kelly Vickrey (replacing K. McDonald)

Industrial Development Authority

Lori Tapia (reappointment)

Library Board

Timothy Johnson (reappointment)
Judith McMullen (reappointment)

Mayor's Committee for the Aging

Larrestine Trimm (reappointment)
Ann Moore (reappointment)

Mayor's Committee for People with Disabilities

Marguerite Smith (reappointment)
Ted Maish (reappointment)
Janet Rosen (reappointment)

Mayor's Youth Commission

Arjun Karpur (reappointment)
Jonathan Chien (reappointment)
Rushi Sha (reappointment)
Shruti Dharmaraj*
Tejas Dharmaraj*
Wu Hoaxuan*
Cassie Langenharst*
Isheen Mehta*
Abhishek Patel*
Connie Zhu*

*Term will commence at the beginning of the new school year.

Merit Board

Janet Langley (reappointment-primary)
Ruben Baldenegro (alt – repl W. Hollis)

Museum Advisory Board

Corley Haggerton (reappointment)
Cecilia Boggs (reappointment)
Scott Clapp (reappointment)

Neighborhood Advisory Committee

Nora Ellen (reappointment)
Robert Kampfe (reappointment)
Juniper Dery-Chaffin (reappointment)

Parks and Recreation Board

Damon Testa (reappointment)
Dean Visser (reappointment)
Paul Rose (replacing L. Harrell)

Planning and Zoning Commission

Andres Baron (reappointment)
Kathleen Cunningham (reappointment)
Phil Ryan (replacing M. Cason)

Public Housing Authority Commission

Timothy Lewis (reappointment)

Transportation Commission

Alex Gernert (reappointment)
David F. White (reappointment)

13. **AGREEMENT AMENDMENT**: AmeriNational Community Services, Inc.

APPROVED Agreement #HO6-946-2323, Amendment No. 5, with AmeriNational Community Services, Inc., for loan processing for one year for the Housing Rehabilitation Loan Program. This is the 5th of 8 optional one-year extensions.

The City of Chandler has operated the Housing Rehabilitation Loan Program since 1994. This program offers loan assistance, based on income, to eligible homeowners to complete rehabilitation of their single-family homes. AmeriNational Community Services, Inc. has serviced these loans on behalf of the City since 2006.

In July 2010, the City of Chandler amended the agreement with AmeriNational to provide additional services including home insurance monitoring, correspondence with the homeowner regarding delinquent payments, default letters, credit reporting and confirmation of continued ownership. These additional services assist the City in insuring that Housing Rehabilitation Loan Program participants maintain compliance with program guidelines and that their required payments are being remitted to the City.

14. **PROFESSIONAL SERVICES AGREEMENT**: Phoenix Design One

APPROVED a Professional Services Agreement with Phoenix Design One for interior architectural designs and construction documents for the ASU Downtown Campus, 249 E. Chicago Street, in the amount of \$79,820.00 and authorized the Economic Development Director to sign the agreement and related documents.

In order to determine the costs associated with the occupancy of Arizona State University in Downtown, Staff worked with the independent architectural firm Phoenix Design One to create drawings based on ASU's requested layout. Further, to prepare for the hard-bid process that will be released for bid in early May, designs and permit-ready construction documents need to be completed.

Phoenix Design One (PDO) has met regularly with ASU and toured their existing labs to ensure that the building meets all of their objectives of occupancy for both the classrooms and engineering labs that will be housed within the space. Based on ASU's internal design criteria, PDO has created a set of permit-ready documents and will also provide construction administrative services to ensure that the hard-bid process is handled efficiently. In addition, PDO has worked effectively to ensure that the hard-bid documents are cost sensitive and aesthetically pleasing.

15. PROFESSIONAL SERVICES AGREEMENT: Grant Olds Architecture

APPROVED a Professional Services Agreement with Grant Olds Architecture for structural architectural designs, site development and landscape designs, civil engineering and geotechnical work and construction documents for the ASU Downtown Campus, 249 E. Chicago Street, in the amount of \$108,906.00 and authorized the Economic Development Director to sign the agreement and related documents.

In order to determine the costs associated with the occupancy of Arizona State University in Downtown, Staff worked with the independent architectural firm Grant Olds Architecture to create design drawings based on ASU's requested exterior and site designs. Further, to prepare for the hard-bid process that will be released for bid in early May, designs and permit-ready construction documents need to be completed.

Grant Olds Architecture (GLO) worked on the exterior architectural components in conjunction with Phoenix Design One (PDO) who is handling the interior designs. Based on ASU's internal design criteria for building elevations and landscaping, GLO has created a set of permit-ready documents and will also provide construction administrative services to ensure that the hard-bid process is handled efficiently. In addition, GLO has worked in conjunction with PDO to ensure that the hard-bid documents are cost sensitive and aesthetically pleasing.

FINANCIAL IMPLICATIONS:

\$108,906.00 from the \$2.9 million previously approved by Council for the ASU Downtown project.

16. PROFESSIONAL SERVICES AGREEMENT: Kraemer Consulting Engineers

APPROVED a Professional Services Agreement with Kraemer Consulting Engineers for mechanical and electrical engineering designs and construction documents for the ASU Downtown Campus, 249 E. Chicago Street, in the amount of \$59,400.00 and authorized the Economic Development Director to sign the agreement and related documents.

BACKGROUND:

In order to determine the costs associated with the occupancy of Arizona State University in Downtown, Staff worked with the independent engineering consulting firm Kraemer Consulting Engineers to create design drawings based on ASU's mechanical and electrical requirements for the engineering labs and classrooms. Further, to prepare for the hard-bid process that will be released for bid in early May, designs and permit-ready construction documents need to be completed.

Kraemer worked on the mechanical and electrical engineering designs in conjunction with Phoenix Design One (PDO), who is handling the interior designs. Based on ASU's requirements, Kraemer has created a set of permit-ready documents, but will also provide construction administrative services to ensure that the hard-bid process is handled efficiently. In addition,

Kraemer has worked in conjunction with PDO to ensure that the hard-bid documents are cost sensitive.

FINANCIAL IMPLICATIONS

\$59,400.00 from the \$2.9 million previously approved by Council for the ASU Downtown project.

17. PERFORMANCE GUARANTEE AGREEMENT / GENERAL FUND CONTINGENCY APPROPRIATION TRANSFER: Solar City

VICE-MAYOR WENINGER voted nay on this item.

APPROVED (6-1) a Performance Guarantee Agreement and Agreement #CM2-290-3024 with SolarCity for solar power purchase, which will provide solar arrays to the parking lot at Tumbleweed Recreation Center for twenty years, in a pre-paid amount of \$717,254.00 and applicable taxes of \$72,084.00 for a total amount of \$789,338.00.

APPROVED a General Fund Contingency Appropriation Transfer of \$789,338.00 to the General Government Capital Projects Fund to spend excess Vehicle Replacement Funds balance for this project.

The City has been pursuing opportunities for solar arrays on various City structures and parking lots. As part of the Request for Proposal process, the City highlighted various locations. One of those locations was the Tumbleweed Recreation Center. The purpose of the solar array is to offset the kWh (kilowatt hour) cost of electricity to the Tumbleweed Recreation Center. The RFP required the solar supplier to provide a savings to the City for the duration of the solar services agreement. The agreement with SolarCity is to purchase the solar power up front for a specified cost per kWh. By purchasing the solar power up front, the City is locking in the cost per kWh today.

The City, with assistance from SolarCity, will seek SRP Renewable Energy Credits for this project. This agreement is based on a rebate from SRP of \$0.06 per kWh. The agreement calls for these Renewable Energy Credits to be passed on to SolarCity for the duration.

18. AGREEMENT: MDI Rock and Pioneer Landscaping Materials, Inc.

APPROVED Agreement #CS2-595-3101 with Material Delivery, Inc., dba MDI Rock and Pioneer Landscaping Materials, Inc., for rock, granite and miscellaneous supplies in a total amount not to exceed \$200,000.00 per year for two years.

19. AGREEMENT: Black and Veatch Corporation

APPROVED Agreement #WW1105-451 with Black and Veatch Corporation for construction management services for the Ocotillo Water Transmission Main and Wastewater Force Main in an amount not to exceed \$926,024.00, contingent upon written notification from Intel and appropriate funding, and authorized an increase to annual contract EN1003-103 to Black and Veatch Corporation from \$750,000.00 to \$2,000,000.00.

20. AGREEMENT: SDB, Inc.

APPROVED Agreement #WW1207-401 with SDB, Inc., for the Ocotillo Water Reclamation Facility (OWRF) Belt Press Rehabilitation, pursuant to JOC1201-401, in an amount not to exceed \$955,288.00.

21. AGREEMENT: Proprietary Electrical Supplies

APPROVED Agreement #MU2-220-3089 with Arizona Electric Supply, Axiom Southwest, Border States Industries, Brown Wholesale, HD Supply Electrical and Summit Electric Supply for the purchase of proprietary electrical supplies for one year in an amount not to exceed \$375,000.00.

22. AGREEMENT AMENDMENT: Waste Management of Arizona

APPROVED Agreement #SW9-910-2760, Amendment No. 2, with Waste Management of Arizona for City facilities refuse collection in an amount not to exceed \$95,000.00. This is the second of three optional extensions.

23. AGREEMENT AMENDMENT: Shannon S. Martin Co.

APPROVED Agreement #MU0-910-2850, Amendment No. 1, with Shannon S. Martin Co., for janitorial services for the Municipal Utilities Department buildings and facilities in an amount not to exceed \$56,580.00.

24. PURCHASE: James, Cooke and Hobson, Inc.

APPROVED the Purchase of Flyght pumps, Flyght replacement parts and Flyght pump service from James, Cooke and Hobson, Inc., sole source, in an amount not to exceed \$442,978.00.

Municipal Utilities Water and Wastewater Divisions require an ongoing contract for the purchase and repair of Flyght brand pumps for special pumping applications at various facilities. These pumps are submersible and used in extreme conditions in wastewater lift station and water treatment plant applications. The Flyght pump is used extensively throughout City facilities based on longevity of operation, ability to repair and excellent customer service by the distributor.

James, Cooke and Hobson, Inc. is the only authorized distributor for Flyght pumps replacement parts and pump service for industrial and municipal markets in Arizona. Staff attempted to enter into contracts for Flyght products and service through a Request for Proposal (RFP) for water and wastewater equipment repair. The City did not receive any offers from authorized Flyght pump dealers.

25. AGREEMENT: CorVel

APPROVED Agreement #RM2-953-3045 with CorVel for third party claims administrator of workers' compensation for a three-year period in an amount not to exceed \$255,000.00.

In 2008, the decision was made to move workers' compensation from the State Compensation Fund to a self-insured model. Since that time, the City has engaged the services of a 3rd party administrator to manage all claims associated with work-related injuries. On October 24, 2011, the City issued a Request for Proposal (RFP) for the service of a 3rd party administrator as the current contract exhausted all extensions. The RFP was advertised and all registered vendors were notified. Five responses were received and evaluated. The selection process was conducted in accordance with established City policies and procedures. An evaluation committee consisting of staff from Human Resources, Risk Management, Fire, Police, Law and Purchasing met four times to review the RFP's. Buck Consultants, the City's Employee Benefits Consultant, assisted in compiling data and provided guidance, subject expertise and coordination of the

evaluation process. Best and final pricing was provided to committee members prior to the last evaluation meeting on March 21, 2012.

The Evaluation Committee recommends award to CorVel Enterprise Comp, Inc. due to their experience, ability to meet the scope of work, qualifications, references and lowest offered pricing. CorVel will replace the City's existing administrator effective July 1, 2012. The contract term is for a three-year period, July 1, 2012, through June 30, 2015, with options to renew for two additional two-year periods.

26. CONTRACT: Salt River Project

APPROVED Contract #ST0808-302 with Salt River Project (SRP) for design and construction for the irrigation relocation for the Ocotillo Road Improvements from Arizona Avenue to McQueen Road in an amount not to exceed \$283,794.00.

27. CONTRACT: Salt River Project

APPROVED Contract #ST0809-301 with Salt River Project (SRP) for design and construction for electrical relocations to accommodate Gilbert Road (Queen Creek Road to Ocotillo Road) in an amount not to exceed \$215,157.00.

28. CONTRACT: C.T. Price Contracting, Inc.

APPROVED Contract #ST0611-401 with C.T. Price Contracting, Inc., for the installation of new bus pull outs at Arizona Avenue and Palomino Drive; and Arizona Avenue and Knox Road in an amount not to exceed \$158,843.55.

In March 2009, it was recommended that the original project, which included six bus bays, be shelved due to budgetary constraints. The original project was partially funded by a Federal Transit Authority (FTA) grant of \$188,000.00 (20% local match required). The engineer's estimate was approximately \$532,000.00 for the original six bus bays and over time it was determined that it would be difficult for the City's Transit Department to fund the difference before the grant money was rescinded. City Staff evaluated the importance of the original bus bay locations and decided the two chosen are the most needed. These two locations will improve traffic flow on Arizona Avenue and will help enhance the operation of local bus route 112 on Arizona Avenue. Additionally, these two locations can be built without exceeding the \$188,000.00 FTA grant. The 20% local match on this project will be recovered through reimbursable staff time.

29. PURCHASE / CONTINGENCY TRANSFER: Vehicles

APPROVED the purchase of a vehicle from Sands Chevrolet, utilizing the State of Arizona contract, in an amount of \$18,445.28.

APPROVED a Contingency Transfer of \$18,446.00 from Vehicle Replacement Fund, Non-Departmental, Contingency Account to Vehicle Replacement Fund, Meter Services, Vehicle Account.

30. PURCHASE / CONTINGENCY TRANSFER: Vehicles

APPROVED the Purchase of vehicles from Sanderson Ford, utilizing the State of Arizona contract, in an amount of \$118,837.90.

APPROVED a Contingency Transfer of \$29,060.89 from Vehicle Replacement Fund, Non-Departmental, Contingency Account to Vehicle Replacement Fund, Wastewater Collection, Vehicle Account.

31. PURCHASE: Vehicle

APPROVED the Purchase of a vehicle from Chapman Ford, utilizing the State of Arizona contract, in an amount of \$17,190.77.

32. USE PERMIT: Tonic

APPROVED Use Permit LUP11-0025 Tonic, Series 6 Bar License, a time extension allowing the sale of liquor for on-premise consumption indoors and within an outdoor patio, and live music indoors at an existing lounge/bar located at 3400 W. Chandler Blvd, Suite 5, west of the Loop 101 Price Freeway and north of Chandler Boulevard. (Applicant: Adam Dahlberg with TMAC Ventures, Inc.)

BACKGROUND

The lounge bar is located within the Chandler Gateway retail center in an in-line shops building north of the Bank of America building off of Metro Boulevard. West of the building are additional retailers and restaurants including Baja Fresh and Stone Creek Furniture. Tonic received Liquor Use Permit approval for a Series 6 Bar License in December 2009 and approval for live music indoors only in December 2010 with a one-year time limit due to area homeowner concerns. A Series 6 Bar License allows a bar retailer to sell and serve spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. Under a Series 6 Bar License, the establishment does not have a requirement for a percentage of food versus alcohol sales.

The previous Liquor Use Permit included a zoning condition that restricted noise. The condition reads, "No noise shall exceed the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas". This condition was added to mitigate any noise that may emanate from the outdoor patio, indoor/outdoor bar area and indoor live music. The lounge bar has indoor and outdoor speakers to provide background music as well as televisions viewable internally and from outside bar seating.

The requested live music/entertainment was previously approved with a limit of three (3) musicians with amplification via amplified instruments speakers and microphones. The request is to allow more than 3 musicians as on occasion they have 4 persons. The live music, limited to indoors only, typically occurs between 6 p.m. and 12 p.m. seven days a week. The lounge bar is open from 4 p.m. to 2 a.m. every day.

The previous approval included sports games such as a bean bag toss and table pong on the patio. These games are not occurring currently but will remain as an allowed use. Pool tables, video gaming machines, or the like is not represented. During the sports games, a maximum of three tables and twelve chairs will be temporarily moved to accommodate the games.

The business is approximately 2,905 square feet in size. Interior seating is designed to accommodate approximately 89 seats, including bar seats. The outside patio accommodates approximately 53 seats.

The Planning Commission and Planning Staff do not have a concern with the number of musicians playing and is not limiting the number by condition. The applicant has proven to control the impacts of live music indoors and there have been no complaints. Zoning conditions will remain to mitigate noise disruptions associated with amplified live music/entertainment and sports games given there are surrounding residential subdivisions and prior noise complaints. The Planning Commission and Planning Staff are not recommending a time limit maintaining consistency with other Series 6 Liquor Use Permit requests.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held March 22, 2012. There were no neighbors in attendance. 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. One homeowner called and left a message, Staff returned the call and left a message and has not heard back.

RECOMMENDED ACTION

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

1. The Use Permit is granted for a Series 6 Bar License only and any change of license shall require reapplication and new Use Permit approval.
2. Expansion, modification or relocation beyond the approved exhibits (Site Plan, Floor Plan, Narrative and Neighborhood Meeting Notification Letter) shall void the Use Permit and require new Use Permit reapplication and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment or sporting game related uses shall require reapplication and approval of the Use Permit.
4. The Use Permit is non-transferable to other restaurant locations.
5. The site shall be maintained in a clean and orderly manner.
6. The patio shall be maintained in a clean and orderly manner.
7. The rear door to this business shall remain closed and not propped open during business hours and shall not be used as a customer entrance or exit.
8. Noise shall not exceed the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
9. Amplified or non-amplified live music is prohibited on the outdoor patio and shall only occur indoors.

33. USE PERMIT: Can't Stop Smokin' BBQ

APPROVED Use Permit LUP12-0003 Can't Stop Smokin' BBQ, Series 12 Restaurant License, to allow liquor sales as permitted for a new restaurant located at 7250 W. Chandler Boulevard, at the NEC of 54th Street and Chandler Boulevard. (Applicant: Theresa Morse for Carsten Heyer, Valley Smokers LLC.)

BACKGROUND

The pad is part of a planned commercial center within the Chandler Technology Center Industrial Park. The building has been a restaurant over many years with the last business being Village Inn. The request is for a Series 12 restaurant license which allows the on-site sale of beer, wine and spirits for on-site consumption. Under a Series 12 license, the establishment must derive at least forty percent (40%) of its gross revenue from the sale of food and non-alcoholic beverages.

The restaurant is approximately 5,100 square feet which includes a 2,100 square foot kitchen area. Seating capacity is estimated at 160 persons. There is no outdoor seating or patio area. Business operation hours are approximately 10 a.m. to 10 p.m. seven days a week. Interior and some exterior tenant improvements are occurring at this time. The business intends to open in April 2012.

PUBLIC/NEIGHBORHOOD NOTIFICATION

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held April 3, 2012. There are no residential properties within the notification area; only surrounding commercial and industrial businesses. The Police Department has been informed of the application and responded with no concerns. Planning Staff has received no correspondence in opposition to the request.

RECOMMENDED ACTION

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and Planning 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 liquor Use Permit reapplication and approval.
2. The Liquor Use Permit is granted for a Series 12 (Restaurant License) only and any change of licenses shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other restaurant locations.
4. The site shall be maintained in a clean and orderly manner.

34. USE PERMIT: Borns Offices

APPROVED Use Permit ZUP12-0001 Borns Offices, for a time extension on the residential conversion for office use located at 348 W. Chandler Boulevard, north side of Chandler Boulevard and west of Chandler High School. (Applicant: Fred and Margaret Borns.)

The property is adjacent to Chandler High School's parking lot and athletic fields to the east. The property is surrounded by single-family residential homes to the north and west. South, across Chandler Boulevard, is the San Marcos Golf Course. The house immediately west, across Nebraska Street, has Use Permit approval for an administrative insurance and financial services office. In addition, along Chandler Boulevard, there are several other residential homes that were converted to commercial businesses with Use Permits.

The property has been used as a single-family residence since 1944. The property was a rental home between 1989 and 2007. The double-sized lot is approximately 20,551 square feet in size. The 1,946 square foot single-family residence is located on the southern lot fronting Chandler Boulevard. There is a two-car carport east of the home. The northern portion of the property was not improved.

This request is to extend the existing Use Permit for general office uses. A Use Permit for the residential conversion to office use was granted by City Council in February 2009; however, the use never commenced within a one-year period thus the Use Permit expired. This property received re-approval of the Use Permit in 2010 to convert the home into two general offices with a two-year condition of approval and a maximum of seven employees. There are two general office spaces at this time and only one tenant space is occupied. There is a potential audio visual

editing conversion company which functions like a general office interested in leasing the other office space.

The Residential Conversion Policy allows for one tenant/company for each 1,000 square feet of floor area with a maximum of three users. Based on the size of the home, only one tenant is permitted. The prior Use Permit approval granted a maximum of two tenants given the home exceeds 1,000 square feet of floor area requirement. Suite One is approximately 826 square feet in size. Suite Two is approximately 989 square feet in size. The entry vestibule is approximately 131 square feet in size. A single tenant can occupy the entire 1,900 square feet of usable floor area. Suite One accommodates a maximum of 4 full-time employees and Suite Two accommodates a maximum of 3 full-time employees. The office hours are 8 a.m. to 6 p.m. Monday through Friday, closed on weekends except by appointment.

Suite One includes three office spaces, one break room and one restroom. Suite Two includes one large office space and a break room. There is a second restroom in the entry vestibule available to both office suites. The most western Suite No. 2 is occupied by Pacific Biomedical, a wholesale physicians/surgeons equipment and supplies business. The potential AVE audio video editor company would locate into Suite 1.

The Residential Conversion Policy requires one parking space for each employee plus one parking space for each 500 square feet of floor area. Seven employees and a 1,964 square foot home (4 parking spaces) require a total of 11 parking spaces. The development provides 18 parking spaces including the two-car carport. The Michaels & Associates office immediately west of the site has approval through their Use Permit to utilize parking spaces on the Borns' property for an additional four parking spaces. Dedicating four of the 18 parking spaces for the adjacent residential conversion property does not affect the required parking provided on the Borns' property for the existing offices.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on February 21, 2012. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

RECOMMENDED ACTION

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

1. The Use Permit shall be effective for three (3) years from the date of Council approval. Use Permit extensions for similar or greater time periods shall be subject to re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, and Building Elevations) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other property.
4. Increases in on-site employment over that represented (7), or the expansion of the home to provide additional office space, shall require a new Use Permit application and approval by the City of Chandler.
5. The property shall be maintained in a clean and orderly manner.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting in accordance with the City approved construction plans.

35. USE PERMIT: Hamilton High Wireless Facility - Verizon

APPROVED Use Permit ZUP11-0038 Hamilton High Wireless Facility – Verizon, to install a wireless communication facility on a football field light pole at Hamilton High School located at the NWC of Ocotillo Road and Arizona Avenue. (Applicant: Reliant Land Services (for Verizon Wireless; Owner: Chandler Unified School District.)

This facility would be the third service provider on campus and all are located on the football field's light poles south of the school buildings. A Use Permit is required because it would be the third of the football field's light poles to have a wireless communication facility (each pole has one provider), whereas the Zoning Code – encouraging co-location – allows only two light poles on a single field to be used for that purpose without a Use Permit. A Use Permit is also required because the facility would not be on the farthest available light pole from residential neighbors.

The subject facility would be located on the northernmost pole of the three poles along the western side of Hamilton High School's football field, approximately 430' from the nearest residential property (to the west). The 36-acre school site is surrounded to the west and north by single-family residential subdivisions. Commercially-zoned properties are located to the east and south across Arizona Avenue and Ocotillo Road. The football field is in the south-central part of the site. Two other wireless communication facilities currently exist on the football field's ballfield lights, one on the west side and one on the east side of the field, each at about midfield.

The subject request involves replacing an existing ballfield light pole with a similarly sized light pole equipped to handle the wireless communication facility's antennas and associated ground wiring. A new ground equipment compound will be constructed nearby with a solid 12'-high block wall exterior and a chain link roof cover. The 8-high panel antennas will be placed at a height of approximately 59' above grade and will be flush-mounted to the extent possible with 1'-long arm mounts.

The applicant has evaluated the possibility of co-locating on one of the other ballfield light poles already used for a wireless communication facility, but has found this option impractical even though it would not require a Use Permit. According to the application materials, adding a second provider on one of these poles would require a new, extra wide pole to accommodate the mixed 3G/4G infrastructure that Verizon seeks. The applicant states that such a pole would look very unnatural and pose structural difficulties.

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 five (5) sets of verticalities of a height similar to or greater than the proposed facility within one (1) mile. The applicant has analyzed these co-location possibilities and found them implausible. One set of verticalities, the football field light poles already used for wireless communication facilities, is discussed above. Two of the verticalities, the SRP substation 1/3 mile to the southeast and the SRP power poles ¼ mile to the east, are too far from the targeted service area (i.e. the neighborhoods located northwest of the subject site). The bell tower at the Desert Palms Church to the southeast is both too far south of the targeted service area and too short. The 85'-high Crown Castle monopole located approximately ½ mile to the northeast is too far north and east of the targeted service area.

The Planning Commission and Staff find the proposed location to be appropriate for a wireless communication facility attached to ballfield lights. The location, approximately 430' from the

nearest residential use, is positive, Though the Zoning Code encourages co-location on one of the other light poles already used for a wireless facility, the Planning Commission and Staff concur with the applicant's belief that an extra-wide pole would not be aesthetically desirable and that the use of a third pole is preferable.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on March 8, 2012. One neighbor, representing the First Baptist Church, attended to receive general information about the application. Staff has received no correspondence in opposition to the request.

RECOMMENDED ACTION

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

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.

36. WITHDREW USE PERMIT: Crown Castle Wireless Facility

WITHDREW FOR PURPOSES OF RE-ADVERTISING, Use Permit ZUP12-0006 Crown Castle Wireless Facility, to install a second wireless communication facility on an existing tower located at the SEC of Chandler Heights Road and Arizona Avenue.

37. SPECIAL EVENT LIQUOR LICENSE: Valley Unitarian Universalist Church

APPROVED a Special Event Liquor License for the Valley Unitarian Universalist Church for a Heart and Hand Charity Auction on May 12, 2012, at the Valley Unitarian Universalist Church, 6400 W. Del Rio Street. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

38. CONTINUED LIQUOR LICENSE: Seksun Sushi Goaround

CONTINUED TO MAY 24, 2012, Liquor License, Series 12, for Tai Zhou Zhao, Agent, CRI Groups, LLC, dba Seksun Sushi Goaround, located at 1175 W. Ray Road, Suite 2, to allow the applicant time to complete the requirements for a new Use Permit.

39. LIQUOR LICENSE: China King

APPROVED a Series 12 Restaurant Liquor License (Chandler #138457 L12) for Tai Zhou Zhao, Agent, CRI Groups LLC, dba China King, 1050 W. Ray Road. A recommendation for approval of State Liquor License #12079053 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 China King. 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.

40. LIQUOR LICENSE: D'Vine Wine Bar & Bistro

APPROVED a Series 12 Restaurant Liquor License (Chandler #140185 L12) for Randy Nations, Agent, Arizona for Better Business Association LLC, dba D'Vine Wine Bar & Bistro, 3990 S. Alma School Road. A recommendation for approval of State Liquor License #12079067 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 D'Vine Wine Bar & Bistro. 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.

41. TEMPORARY EXTENSION OF PREMISES LIQUOR LICENSE: Sandbar Mexican Grill

APPROVED a Temporary Extension of Premises for a Series 6 Bar Liquor License (Chandler #125366 L06) held by South Sand LLC, dba Sandbar Mexican Grill, 720 W. Ray Road for a Cinco De Mayo Celebration on May 5, 2012. A recommendation for approval of a temporary extension of premises for State Liquor License #06070188 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this extension and the applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Resources.

42. FINAL PLAT: Parcland Crossing

APPROVED Final Plat FPT12-0006 Parcland Crossing, for an amendment to the approved Final Plat for Parcland Crossing, which included three lots and is changing to two lots. Lot 1 is the apartments under construction and Lot 2 is a proposed office development located east of the NEC of Alma School and Willis roads. The amended Final Plat also corrects the location of a PUE and SPR U.S.B.R. easement along Willis Road for Lots 1 and 2.

PUBLIC HEARINGS:

PH1. COMMUNITY DEVELOPMENT BLOCK GRANT FISCAL YEAR 2012-2013 ANNUAL ACTION PLAN

The Mayor opened the public hearing at 7:07 p.m.

BACKGROUND:

The Department of Housing and Urban Development (HUD) requires that all local governments receiving Community Development Block Grant (CDBG) funding submit an Annual Action Plan that will guide HUD-funded housing, homeless and community development activities in the City of Chandler for the period beginning July 1, 2012, through June 30, 2013. To comply with the City of Chandler's Public Participation Plan, the City is holding a public comment period that began Friday, March 30, 2012, and will remain open for 30 days. In addition, a Public Hearing on the Annual Plan was held Wednesday, April 4, 2012, at the Housing and Human Services Commission meeting and is requested to be held at the April 26, 2012, City Council meeting to ensure opportunities for input from the community.

Non-profit organizations applying for FY 2012-2013 CDBG funding submitted applications in November 2011. A total of 21 applications were received, requesting a total of \$2,023,742.00. The Housing and Human Services Commission (HHSC) reviewed and evaluated the applications and made initial CDBG funding recommendations to City Council for approval. Initial CDBG funding recommendations were finalized by the HHSC on April 4, 2012, and are summarized on page 14 of the Plan.

Staff anticipates a three percent (3%) reduction in FY 2012-2013 CDBG entitlement funds compared to 2011-2012. HHSC initial CDBG funding recommendations included this 3% reduction. After the close of the 30-day public comment period, the FY 2012-2013 Annual Action Plan, including CDBG funding allocation, recommendations will be brought back to the Mayor and Council for approval on May 10, 2012. HUD requires submittal of the Plan by May 15, 2012.

DISCUSSION:

BARBARA BELLAMY, CDBG PROGRAM SUPERVISOR, explained the public hearing is a U.S. Housing and Urban Development (HUD) requirement which is necessary for the City of Chandler to receive continued funding.

MS. BELLAMY advised that the City typically receives about \$1.5 million in CDBG funds annually. She said that this year the CDBG program nationwide was cut about 11%. Because of these cuts and new census data, many entitlement grantees across the nation saw drastic decreases in their formula funding. MS. BELLAMY explained that the CDBG allocations are based on a formula that takes into account poverty rates, population, and the age of the housing stock in the community. The City of Chandler will only see a 3% cut in funding.

MS. BELLAMY displayed a side-by-side comparison of CDBG funding from last year and funding staff anticipates for fiscal year 2012-13. She said that last year there was a significant decrease at 16.5%, while this year only a 3% decrease in funding is expected. MS. BELLAMY said that the public comment period is part of the Annual Action Plan that outlines the proposed uses of CDBG funds activities and the implementation plan for the coming year. She said that early in the year 2,000 flyers were sent out to solicit public comment through a community needs survey. She said that flyers were also sent to neighborhood associations and business associations to seek additional input.

The Housing and Human Services Commission (HHSC) hosted a public hearing on April 6 and a second opportunity for public input is available during tonight's public hearing. MS. BELLAMY said that public feedback will continue during the 30 day comment period and will be gathered until April 30. Residents can comment online or call her office. MS. BELLAMY explained that City staff will return to the City Council for final action on the plan at the May 10 City Council meeting.

MS. BELLAMY explained that the slide presentation shows last year's funding amounts and this year's Housing and Human Services Commission's funding recommendations for the new fiscal year. She said that the first slide displays the CDBG public services, which is operational support for non-profits.

MS. BELLAMY said that in an effort to streamline the proposal review process, the Commission established four subcommittees to review all the proposals that were seeking funding from the City. She said that the subcommittees met over four evaluation sessions to evaluate each proposal. They scored every proposal and developed the funding recommendation as noted in the Council's packet and outlined on the slides. MS. BELLAMY explained that the second slide

shows CDBG public facility housing capital improvements. The Commission's funding recommendations direct the City's limited Federal funds toward programs and projects that will best serve Chandler's low to moderate income neighborhoods and residents. She noted a couple of key funding recommendation features, which include a continuation of funding for homeless services to Chandler homeless families and individuals and devote significant funding recommendations to projects that are located here in Chandler. She said that the Commission is also recommending funding to Habitat to Humanity to carry out the City's emergency home repair program.

COUNCILMEMBER SELLERS asked for clarification on what is included in the City of Chandler Administrative Costs.

MS. BELLAMY said that those administrative costs are CDBG funds set aside to pay for staff's salaries, staff working in the Neighborhood Resources office. She indicated that these staff members administer the program dollars. MS. BELLAMY said that every non-profit that receives funding is a sub-recipient of the City. There are contractual obligations with them on a reimbursement basis. Staff is managing those contracts and programs.

MAYOR TIBSHRAENY asked if Ms. Bellamy could address the blight elimination item.

MS. BELLAMY said that the blight elimination program is carried out through the Neighborhood Resources Office. The recommended amount of \$55,167 pays for a code enforcement inspector to board up abandoned/vacant properties, unsecured structures, and voluntary demolition in dilapidated residential units, primarily in low to moderate income areas or other isolated pockets within the city.

VICE-MAYOR WENINGER asked about the streetlight improvements in a neighborhood in the Downtown area. He noted that he has received positive comments about how much better people could see on the streets that were previously dim. VICE-MAYOR WENINGER asked for clarification on the new funding allocation and asked if it would include streetlight improvements.

MS. BELLAMY said that particular funding request is for phase one of improvements of curbs, ramps, driveways, and sidewalks to bring them into standards with ADA compliance. She said it is an infrastructure improvement activity, but it does not include streetlights.

MS. BELLAMY further explained that when speaking with Transportation and Development Department that there are actually streets in the City that don't have sidewalks and those areas would also be addressed.

Council had no additional questions for Ms. Bellamy.

The Mayor closed the public hearing at 7:15 p.m.

PH2. FISCAL YEAR 2012-2013 HOME ALLOCATIONS

The Mayor opened the public hearing at 7:15 p.m.

BACKGROUND:

The City of Chandler receives Federal HOME Investment partnership (HOME) funds annually through the Maricopa HOME Consortium. Chandler will receive an estimated \$285,443.00 for FY

2012-2013. HOME funds are administered by the U.S. Department of Housing and Urban Development (HUD). Eligible activities utilizing HOME funds include homeowner rehabilitation, homebuyer activities, rental housing and tenant-based rental assistance.

As a part of the FY 2012-2013 social service allocations process, Staff announced the availability of HOME funding to area nonprofit housing organizations. Two specific Requests for Proposals were issued seeking a rental assistance program for homeless individuals and families and a housing reconstruction program for single family homeowners.

Three applications for HOME funding were received totaling \$637,095.00. The Housing and Human Services Commission (HHSC) reviewed and evaluated the applications and have made funding recommendations. These funding recommendations were made by the HHSC at their meeting on April 4, 2012. In addition, the proposed funding amounts for Chandler's FY 2012-2013 HOME program have been incorporated as a part of the City's FY 2012-2013 Annual Action Plan.

The City's allocation of HOME funds for FY 2012-2013 was reduced by twenty-seven percent (27%) from FY 2011-2012 funding levels. This funding reduction has been included in the HHSC's HOME program funding recommendations.

Federal regulations and Chandler policy requires the City Council to hold a public hearing to collect input regarding Chandler's proposed allocation of FY 2012-2013 HOME funds. The final recommendations will be made as an action item at the May 10, 2012 City Council meeting.

DISCUSSION:

JENNIFER MORRISON, DIRECTOR OF NEIGHBORHOOD RESOURCES, explained that the HOME funding is derived from the Department of Housing and Urban Development (HUD) and these funds are allocated to Chandler through a consortium of Maricopa County cities. MS. MORRISON noted that nationwide HOME funds were reduced approximately one-third from last year. Chandler's funding cut is projected to be about 26%.

MS. MORRISON said that HOME dollars can be utilized for a number of housing related activities including home purchase or rehabilitation financing to eligible first-time homebuyers, the building or rehabilitation of housing for rent or ownership, and to provide tenant-based rental assistance contracts of up to two years if such an activity is consistent with the City's Annual Plan. MS. MORRISON said that traditionally, the City of Chandler has utilized its allocation of HOME funding for owner occupied housing rehabilitation. Because the City has had substantial prior funding for this program, this year the City recommended seeking providers for two new HOME funded programs through the annual allocation process.

MS. MORRISON noted that some of the Council attended the Neighborhood Resources Economic Subcommittee last September, where these ideas were discussed. The two new programs included a rental assistance program for homeless individuals and families and a housing reconstruction program for owner occupants who need significant rehabilitation on their housing units that exceed the City's current limits of funding. She said there are two very good non-profit providers that have applied for this type of funding. MS. MORRISON referenced the allocation of funding of \$384,159, went toward the City's moderate rehabilitation program. For FY2012-13 the City is looking to allocate these two new programs predominantly, one is to Community Bridges, a non-profit that will offer a tenant based rental assistance program for homeless persons. They will provide a case manager who will work with homeless advocates in

the community to identify up to five households to provide rental assistance for over a two-year period. This two-year period secures housing for them so that the case manager can provide intensive treatment, advocacy, and support to facilitate to mainstream living. MS. MORRISON advised that this program is being proposed and supported by the Housing and Human Services Commission (HHSC).

MS. MORRISON said that the second program is \$150,000 for Habitat for Humanity. This is a reconstruction program for individuals who live in their home and need more than \$50,000 worth of rehabilitation. This program will allow Habitat for Humanity to assist up to three homeowners. They will utilize \$50,000 in HOME funds with those families. MS. MORRISON advised that they will also help families to secure a 0% interest mortgage for the additional funding needed to rehabilitate their home. HHSC is recommending both programs.

MS. MORRISON said that a portion of money will be applied for the mod rehab program, which staff can easily include with other activities within Neighborhood Programs and some limited funds will go toward program administration.

MS. MORRISON said she would be happy to answer any questions.

There were no questions.

The Mayor closed the public hearing at 7:19 p.m.

CURRENT EVENTS:

A. Mayor's Announcements

MAYOR TIBSHRAENY announced that there is a Budget Hearing being held in the Council Chambers on Friday, May 4 at 8:00 a.m. He took a moment to thank City staff for their hard work and accomplishments during the past year to help accomplish great things in Chandler.

MAYOR TIBSHRAENY announced that the American Institute of Architects recognized Chandler City Hall with an award for being one of the Top Ten Green Projects of the Year.

MAYOR TIBSHRAENY announced the 28th Annual Pioneer Luncheon scheduled for Saturday, April 28 at 11:45 a.m. at the Crowne Plaza San Marcos Resort Pavilion.

MAYOR TIBSHRAENY also announced the Chandler Fire Department Open House from 9:00 a.m. to 1:00 p.m. on Saturday, May 12th at Fire Station No. 9, located at 211 N. Desert Breeze Boulevard West, near Desert Breeze Park.

MAYOR TIBSHRAENY announced the Cinco de Mayo Festival and Chihuahua Races on May 5 from 10:00 a.m. to 6:00 p.m. in the Downtown Library Courtyard, 22 S. Delaware Street. The event is presented by the Si Se Puede Foundation. Admission is free.

MAYOR TIBSHRAENY announced that the Chandler Police Department will hold a memorial service on Monday, May 7 at 9:00 a.m. to honor the department's fallen officers. The service will be held at the Chandler Public Safety Memorial, located off of Boston Street.

MAYOR TIBSHRAENY announced the groundbreaking event at the Chandler Christian Community Center that took place earlier in the day.

MAYOR TIBSHRAENY said that he had the privilege of interviewing Colonel Shames from the Holocaust Remembrance Event for Channel 11.

B. Councilmembers' Announcements

COUNCILMEMBER HEUMANN announced that the Chandler Chamber of Commerce is celebrating its 100th Anniversary on Friday, April 27, 2012 at Bondurant.

COUNCILMEMBER HEUMANN thanked the Housing and Human Services Commission (HHSC) for reviewing the various applications and determining where the money could best be used.

COUNCILMEMBER HEUMANN said that he and Councilmember Hartke attended the science fair at ASU recently to get a better idea as to what is coming to Downtown Chandler next Spring.

COUNCILMEMBER HEUMANN also announced three Chandler schools were just named by the Arizona Education Foundation as A+ schools: Anderson Jr. High, CTA-Goodman, and Kyrene de las Brisas. He congratulated the school districts and the principals for this award.

VICE-MAYOR WENINGER announced that he attended the Holocaust Remembrance Event. He said it was really well done and wanted to give kudos to staff from Communications and Public Affairs (CAPA) and the Police Department for their efforts in putting the event together.

VICE-MAYOR WENINGER announced that he attended the Volunteers In Policing Banquet last week. He said the Volunteer of the Year, David Riggall, was recognized for his great work. VICE-MAYOR WENINGER expressed his appreciation for the work that the volunteers do.

COUNCILMEMBER DONOVAN thanked everyone who was able to attend the groundbreaking event at the Chandler Christian Community Center. She said a lot of the funding for the project came from CDBG funds from years past that were approved. COUNCILMEMBER DONOVAN said about 2,300 square feet will be added to the facility. She said it will be exciting to see the new programs that will result from the extra space.

COUNCILMEMBER DONOVAN announced that Chandler Gilbert Community College conducts Hunger Banquets for their students about twice a semester. COUNCILMEMBER DONOVAN said that she had an opportunity to help and participate in a community-wide Hunger Banquet for teens a couple of weeks ago. She said there were representatives from the Mayor's Youth Commission, Boys and Girls Club, ICAN, Si Se Puede, and other youth groups. All of them came together to learn about food, equality in the world, and food distribution. COUNCILMEMBER DONOVAN said that she worked with awesome individuals for this project. She said that the teens came up with some great action plans to help address hunger and she wanted to recognize their efforts. She further stated that it is not often that the various groups come together and this was a great opportunity for them to do so.

COUNCILMEMBER DONOVAN also announced the Ribbon-cutting for ICAN's new building scheduled for May 10 from 4:00 to 7:00 p.m. She said that the new building is located on Hamilton between Pecos and Frye.

