

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, June 28, 2012 at 7:02 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: COUNCILMEMBER HARTKE

PLEDGE OF ALLEGIANCE: MAYOR TIBSHRAENY led the Pledge of Allegiance.

UNSCHEDULED PUBLIC APPEARANCES:

JOE PAPAY, 1651 E. Elgin St., Chandler, AZ, came forward to request that the Mayor and Council consider adopting an urban chicken law. Mr. Papay said that he has researched this issue and said there is nothing in Chandler law that neither allows nor prohibits chickens. He said that every city in the surrounding Metro-Phoenix area, except Chandler, has an urban chicken law.

Mr. Papay said that urban chickens are a growing trend, especially from an organic aspect. Additionally, individuals are looking for ways to save money. Mr. Papay said he thinks the City should look into adopting such a law. He said there are large plots of land that could accommodate them. Mr. Papay said that he has learned that the appropriate zoning would be AG-1, but based on the laws for other cities other types of zoning could be appropriate.

Mr. Papay said that the laws that he has reviewed address the upkeep, odor, cleanliness, etc. and he believes that Chandler could draw from the laws from surrounding municipalities. Mr. Papay said that has spoken to several residents of Chandler who would also like to see a law created for this issue.

MR. PAPAY brought examples of laws from Mesa, Tempe, and Gilbert and submitted them to the City Clerk.

MAYOR TIBSHRAENY asked staff to provide a recap to Council as to how Chandler handles this issue in comparison with the other surrounding cities.

CONSENT:

MOVED BY COUNCILMEMBER HEUMANN, seconded by COUNCILMEMBER DONOVAN, to approve the Consent Agenda as presented with exceptions noted.

COUNCILMEMBERS HARTKE, HEUMANN, and DONOVAN voted nay on Item no. 29.

COUNCILMEMBER ORLANDO voted nay on Item no. 14.

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED the following minutes:

- 1a. Chandler City Council Regular Meeting of June 14, 2012.
- 1b. Chandler City Council Special Meeting of June 14, 2012.
- 1c. Chandler City Council Budget Briefing of May 4, 2012.

2. INITIAL CITY ZONING: East of the NEC of Queen Creek & Gilbert Roads Ord. #4364

ADOPTED Ordinance No. 4364, DVR12-0012 East of the NEC of Queen Creek & Gilbert roads, the establishment of initial City zoning of Agricultural (AG-1) on 2.3 acres located east of the NEC of Queen Creek and Gilbert roads.

3. REZONING: Epicenter Church – Westech Ord. #4373

ADOPTED Ordinance No. 4373, DVR12-0011 Epicenter Church – Westech, rezoning from PAD to PAD amending the permitted land uses within Westech Corporate Center to allow a place of worship/church use in Building 9 only and eliminate church use in Building 10. The property is located at the SEC of Arizona Avenue and Palomino Drive, north of Warner Road.

4. RIGHT-OF-WAY ANNEXATION: Ocotillo Road Ord. #4374

ADOPTED Ordinance No. 4374, Right-of-Way Annexation of 5.51 acres of certain Ocotillo Rights-of-Way between Lindsay Road and 148th Street, contingent upon de-annexation by the Town of Gilbert.

5. 2012-13 PROPERTY TAX LEVY Ord. #4368

ADOPTED Ordinance No. 4368 adopting the 2012-2013 Property Tax Levy.

BACKGROUND

State law requires that the tax levy necessary for funding the adopted budget be established by ordinance and be adopted fourteen (14) days following the public hearing and the final adoption of the budget not later than the third Monday in August (8/20/12). As this tax levy ordinance is an administrative method of setting apart funds necessary for use and maintenance, it does not

require an extraordinary (3/4) vote to make it effective immediately. This determination is based on a Supreme Court decision and is fully explained in the Municipal Budget and Financial Manual provided by the Arizona League of Cities and Towns.

Ordinance No. 4368 follows the prescribed form recommended for adoption and establishes a tax levy of an estimated \$28,643,800 set forth in the 2012-2013 Budget. In this ordinance, the Chandler City Council directs the County of Maricopa to levy the amount allowed by law. The total tax rate will be \$1.2714 per \$100 of assessed valuation. Property value estimates have been received from the County Assessor's office and are available for public inspection in the City of Chandler office of the City Clerk and the Management Services Department.

6. FEE INTEREST: United States of America Ord. #4369

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4369 granting a fee interest, at no cost, to the United States of America to a parcel of land for existing underground irrigation facilities approximately 20 feet wide running along the south side of Frye Road from Elis Street to Arrowhead Drive in Chandler, Arizona.

BACKGROUND/DISCUSSION

Salt River Project (SRP), on behalf of the United States of America (USA), has asked the City to grant a parcel of land, at no cost, to the USA for existing irrigation facilities running within the Frye Road right-of-way. These irrigation facilities were piped underground a number of years ago outside of the paved area. Granting this request will perfect the property rights the USA is seeking. In exchange, the USA will deed a similar parcel to the City of Chandler for the area in which the irrigation facilities were previously located.

Staff has reviewed and confirms that SRP has prior rights at this location. Staff has also reviewed and approved the legal descriptions for the requested easements.

7. REZONING: Chandler Plaza Ord. #4377

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4377, DVR11-0028 Chandler Plaza, rezoning from C-2 to C-2/PAD to allow additional freestanding monument signage on property located at the NWC of Chandler Boulevard and Alma School Road. (Applicant: Luis Alcantara, Just in Time Sign for owner Aldy Damian.)

BACKGROUND

The subject site is an existing commercial center platted in 1960 as part of the Arrowhead Meadows Unit II residential subdivision to the west and north. The commercial parcel extended further north with the northern portion developing with multi-family and offices. The commercial center fronting Chandler Boulevard and Alma School Road includes five separately owned lots. There are two banks, a retail building, a retail/restaurant building and a main commercial inline shops center. The overall center size is approximately 7.48 acres with 77,000 square feet in building area. The main center has approximately 49,000 square feet of building area.

The request is to rezone the main commercial center's parcel from C-2 to C-2/PAD (Community Commercial zoning with a Planned Area Development overlay) to request additional freestanding monument signage specifically additional tenant panels and increased height. The PAD overlay would allow a deviation from Sign Code for additional tenant panels. The proposed sign heights are allowed by Sign Code.

There are three existing monument signs for the main center; one located along Chippewa Place 6-foot high with 1 tenant panel, one along Chandler Boulevard 10-foot high with 2 tenant panels, and one along Alma School Road 9-foot high with two tenant panels. Sign Code regulations for property zoned C-2 permit a maximum of two tenant panels per sign. With the property at the intersection of two arterials streets and an arterial and collector street intersection, Sign Code allows one 6-foot high sign and one 14-foot high sign for the Alma School Road and Chandler Boulevard intersection and one 10-foot high sign and one 6-foot high sign along the Chippewa Place and Chandler Boulevard intersection.

The request is to keep the existing 6-foot high sign with one tenant panel along Chippewa Place as is. Along Chandler Boulevard, the existing 10-foot high sign with two tenant panels would increase in height to 14-feet with three tenant panels. Along Alma School Road, the existing 9-foot high sign with two tenant panels would increase in height to 10-feet with three tenant panels. Due to limited visibility of tenants in the main center's inline shops located at the property's northern end, which is blocked by the bank buildings and two retail buildings, the property owner is requesting additional signage to provide business name exposure for tenants.

The two bank pads, Chase and Wells Fargo Bank, have their own freestanding monument sign approximately 6-feet and 8-feet high with one tenant panel respectively. The newest retail/restaurant building with Sweeties Candies and Rally's Burgers is part of the main center's ownership and has an existing 10-foot high sign with two tenant panels.

The architectural design of the signs is proposed to match the existing newer building for the Sweetie's Candies and Rally's Burgers. The design is more modern and incorporates design materials and colors matching the Sweetie's building. While the main center's building materials and colors are different, the upgraded signs will enhance the streetscape and add visibility to the center. The monument sign's center identification name is internally illuminated with routed-out push-through lettering. The tenant panels names and logos are represented as acrylic lettering. Planning Staff is recommending a condition requiring internally illuminated, routed-out push-through lettering for tenant name panels and logs. This will provide dimension to sign panels versus a flat panel appearance. This is consistent with recently approved signage lettering for other commercial centers.

The main inline shops buildings are occupied primarily by medical office users including imaging, physical therapy, hearing aid, pain center and a medical doctor. There are two restaurants, a cake shop, hair salon and a pool table store. The newest building has a candy store and fast-food restaurant with a drive-through. A fitness gym intends to occupy the vacant retail building along Chandler Boulevard.

DISCUSSION

The proposed increase in sign height from existing heights is minor and commensurate with other retail shopping centers. An increase in sign panels to a maximum of three per sign with center identification name is appropriate for a center this size and similar to other centers.

PUBLIC/NEIGHBORHOOD NOTIFICATION

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 17, 2012. There were no neighbors in attendance. Staff has received no correspondence in opposition to the request.

RECOMMENDATIONS

Rezoning

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

Preliminary Development Plan

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

1. Tenant panel names and logos in addition to the center identification name shall be push-through routed-out lettering.

8. PURCHASE / EASEMENT: Future Domestic Well Site Res. #4599

ADOPTED Resolution No. 4599 authorizing the purchase of a parcel of land and a temporary construction easement for a future domestic well site located south of Ocotillo Road, east of Arizona Avenue, in the amount of \$62,500.00; and authorizing the Real Estate Coordinator to sign, on behalf of the City, the purchase agreement and any other documents necessary to facilitate this transaction, Project WA 1008, including Phase I Environmental, survey and associated costs.

BACKGROUND/DISCUSSION

On February 9, 2012, City Council approved Resolution No. 4556 which authorized acquisition of two parcels of land for a domestic well site, including Phase I environmental, survey and associated costs.

The City currently has one of the parcels in escrow. This parcel is an active agricultural well the City will re-drill as a replacement domestic well for the City. Since it is a replacement well, the regulatory and permitting process will be streamlined.

The other parcel, the subject of the resolution, lies to the south of the existing well site. Although acquisition of an L-shaped parcel was originally approved by Resolution No. 4556, the parcel configuration has changed as well as the proposed expenditure. Staff is now requesting Council authorize actuation of a 50' x 50' parcel, which lies just south of the existing agricultural well site as well as a temporary construction easement over the remainder of the property for the purposes of drilling the well. The property owner is willing to sell this portion of his property and the temporary construction easement to the City for \$52,556.53. With the survey, updated environmental, and closing costs, the total cost is estimated at \$62,500.00.

The combination of the two parcels will create a usable well site with dimensions of 50' x 100' and allow the well site to be re-drilled, equipped and utilized as a City domestic well site.

Acquisition of the two parcels, and subsequent drilling and equipping the site as a domestic well, will maintain system capacity and redundancy as recommended by the 2008 Water, Wastewater, Reclaimed Water Master Plan Update.

9. STREET RENAMING: Chippewa Res. #4616

ADOPTED Resolution No. 4616 authorizing the renaming of a street located within the City limits of the City of Chandler from Chippewa Street to Chippewa Place.

BACKGROUND/DISCUSSION

Although the 700-800 N. Block cul-de-sac in Karen Manor subdivision was platted in 1972 as Chippewa Street, it has been known to the residents as Place. This most likely occurred because the street name sign has been Place and set the precedence. Staff received signatures from all 8 residents affirming their desire to keep Place. Staff checked with the United States Postal Service and they have historically delivered mail to addresses that predominately use Place.

There are inconsistencies with other external entities such as the County Assessor and County Elections Department where confusion with street suffixes leads to occasional inquiries. Staff plans to resolve this issue as follows:

1. Let the residents know that they can keep Place. This information will be kept in the City addressing files for future inquiries.
2. Record Resolution No. 4616 that authorizes the street name change from Street to Place.
3. Update our internal systems from Street to Place.
4. Notify external entities of the official change.

10. AGREEMENT: American Healthways Services, LLC Res. #4617

ADOPTED Resolution No. 4617 authorizing the Healthways Provider Agreement with American Healthways Services, LLC.

BACKGROUND/DISCUSSION

American Healthways Services, LLC, is a company that partners with health plan providers and other sponsoring organizations to provide fitness services, benefits and programs to eligible members within an established network of fitness centers. The Healthways Provider Agreement provides an opportunity for the City of Chandler to participate in the Healthways fitness provider network, which subsidizes basic fitness memberships and services.

The agreement will allow members of the Healthways program to use Tumbleweed Recreation Center with the cost of use being paid for by the members' insurance provider. In accordance with the agreement, the Healthways members will be allowed to use the facility at no cost and the City will provide certain exercise classes. Under the agreement, the City will be reimbursed for the members' use by Healthways.

FINANCIAL IMPLICATIONS

All usage will be reimbursed to the City on a monthly basis by Healthways. Additionally, this program has the potential to promote the use of the Tumbleweed Recreation Center and increase clientele resulting in greater revenues.

11. AGREEMENT: Enhanced Municipal Services Res. #4618

ADOPTED Resolution No. 4618 authorizing the Enhanced Municipal Services Agreement for Fiscal Year 2012-2013 with the Downtown Chandler Community Partnership in the amount of \$118,804.00.

BACKGROUND

At the City Council meetings on April 12 and May 24, 2012, the Mayor and City Council took all actions necessary to renew the Downtown Chandler Enhanced Municipal Services District (EMSD). Currently, Staff is requesting approval of an Enhanced Municipal Services Agreement with the Downtown Chandler Community Partnership (DCCP). Through this action, the DCCP is designated as the entity that will manage and operate programs in the District.

Based on negotiations with the DCCP, no major changes were made from the FY 2011-2012 agreement. The primary functions of representing District rate payers, developing the annual District budget and work plan, and monitoring the performance and provision of District services, have been retained. The working committees continue and the agreement outlines the general responsibilities of each committee. Two improvements were made to Exhibit B in the Operating Plan for FY 2012-2013. First, a description of planned activities was added in each area of responsibility to indicate how the DCCP will implement. Additionally, Exhibit B now outlines a specific plan for spending down reserves carried forward from prior years in excess of the amount called out in the agreement. Insurance coverage the DCCP needs to carry related to District activities, is delineated in Exhibit D.

This agreement also details the City's participation in the District. From a financial perspective, the \$118,804.00 represents the amount the City would pay in to the District as a property owner during the fiscal year less a budget reduction necessitated by current economic constraints. The contract also identifies how payments will be made from the City to the DCCP, both for City funds and for funds obtained through the assessment of private property owners through the Maricopa County Assessor's Office. Finally, the agreement outlines the baseline of City-provided services that will be delivered during the term of the agreement.

The DCCP participated in the development of the agreement including providing a budget and developing a work plan for the coming year. The DCCP Executive Board has officially approved the content of this agreement and wishes to continue as the administrator of the District.

DISCUSSION

Upon approval by the Mayor and Council, Staff will proceed to process a check to the DCCP in order to provide them with the first \$59,402.00 payment prior to July 15, 2012, as specified by the contract.

FINANCIAL IMPLICATIONS

Assessments for privately owned property in the District total \$137,596.00. Staff will forward the assessment roll to Maricopa County for inclusion in the fall property tax bills. The City's voluntary contribution of \$118,804.00 has been included in the Downtown Redevelopment budget for FY 2012-2013. The total amount of the District budget for FY 2011-2012 is \$256,400.00, a decrease of 0.8% from the prior fiscal year which is driven by falling assessed valuations.

12. No item.

13. No item.

14. CHARTER AMENDMENT

Res. #4621

ADOPTED (6-1) Resolution No. 4621 authorizing the submission to the voters at the November 6, 2012, General Election, proposed amendment to the charter regarding term of Mayor. If approved, the amendment would change the term of Mayor from a 2 year term, to a 4 year term.

Councilmember Sellers submitted this item for the Council's consideration.

COUNCILMEMBER ORLANDO voted nay on this item.

15. PRELIMINARY DEVELOPMENT PLAN: Oasis at Autumn Park

APPROVED Preliminary Development Plan PDP12-0006, Oasis at Autumn Park, for a housing product for an 87-lot single-family residential subdivision located at the SWC of Riggs Road and 116th Street. (Applicant: Bonnie Williams; Fulton Homes.)

BACKGROUND

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

Late last year, the subject site went through a zoning extension, a rezoning to eliminate a condition requiring homes to be custom built, and PDP approval for modifications to the previously approved subdivision layout. The approved subdivision layout was for a 99-lot single-family residential subdivision. At the time of approval, housing plans were not included requiring future PDP submittal and approval.

Following last year's Rezoning and PDP approvals, Fulton Homes purchased the site and requested minor modifications to the site layout. Fulton Homes reduced the number of lots from 99 to 87, eliminated a substantial amount of decomposed granite in the enlarged open space area and replaced it with turf, increased the amount of outdoor amenities and modified the wall details. Staff reviewed the requests and found that the proposed modifications were in substantial conformance or better than what was previously approved and administratively approved the modifications.

Based on the General Plan, the subject site is located within the Southeast Chandler Area Plan (SECAP), and designated as supporting Traditional Suburban Character type neighborhoods. The SECAP allows for residential density to be 2.5 dwelling units per acre and provides provision for up to 3.5 dwelling units per acre, based upon amenities provided to the subdivision. Due to the reduction in lots, the density was reduced from 2.87 to 2.5 dwelling units per acre.

HOUSING PRODUCT

The subdivision consists of 87 lots with a minimum lot dimension of 60' x 120'. The previous approval was for 55' wide lots with a depth of 120'. Building setbacks were established with the previous PDP approval and are consistent with the surrounding area. In addition to meeting elements in the RDS for subdivision diversity, the housing product also needs to meet a number of elements required in the RDS. Required architectural elements as outlined in the RDS 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 architectural elements among other requirements.

Architectural styles include Cottage, Ranch and Farmhouse. The Farmhouse style architecture is new to Fulton Homes' product line-up. Architectural elements include corbels, stacked stone, arched windows, shutter details, wing walls, concrete lap siding, and board and batten elements.

Additionally, window mullions are provided throughout all elevations and each architectural style will provide enhanced garage door designs consistent with the prescribed architectural style. Options are offered for front door designs. Of the eight plans provided, two are side-entry garage, one is a two-car side entry with a single front load garage and five provide forward facing garages. All of the forward facing garages provide side-by-side parking stalls with a tandem space.

As proposed, the homebuilder is providing eight floor plans; four single-story plans and four two-story plans. The homes will range in size from 1,997 square feet up to 3,801 square feet. The design team has done an excellent job in providing diversity throughout the housing product. Box-on-box concerns with two-story homes have been prevented through the use of single-story wrap-around elements, providing shadowboxes and by providing break-ups in the roof ridgelines. Additionally, Fulton Homes predetermines where certain floor plans can locate throughout the subdivision, thus preventing concerns about same elevations being located side-by-side. Furthermore, due to the recent approvals of the subdivision, a number of the typical conditions of approval for subdivision layout and lot restrictions were approved with the prior approvals. These conditions included the restriction of two-story homes on corner lots and limiting the number of two story homes adjacent to Riggs Road.

DISCUSSION

The Planning Commission and Staff support the request citing the design team has done an excellent job in providing additional diversity to the housing stock in southeast Chandler. Furthermore, by providing such a wide array of floor plans and elevation options for so few lots, diversity within the subdivision will be natural.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on June 4, 2012. There were two neighbors in attendance in support of the request. Staff has received no correspondence in opposition to the request.

RECOMMENDATION

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

1. Development shall be in substantial conformance with Attachment No. 8, Development Booklet, entitled 'OASIS AT AUTUMN PARK", kept on file in the City of Chandler Transportation & Development Services Department, Planning Division, in File No. PDP12-0006 OASIS AT AUTUMN PARK, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3995 in case DVR07-0032 GALILEO PIAZZA, except as modified by condition.
3. Compliance with original conditions adopted by City Council as Ordinance No. 4318 in case DVR11-0010 AUTUMN PARK, except as modified by condition.

16. MEMBERSHIP DUES: Arizona League of Cities and Towns

AUTHORIZED payment of FY 2012-2013 membership dues to the Arizona League of Cities and Towns in the amount of \$88,250.00.

BACKGROUND

The City of Chandler is an active member of the Arizona League of Cities and Towns. Each year, cities are assessed annual dues that are based on a per capita formula and minimum base fee. For cities with populations over 200,000, the dues for 2012-2013 are capped at \$88,250.00.

DISCUSSION

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

17. PAYMENT OF FUNDS: Chandler Lions Club

AUTHORIZED payment of FY 2012-2013 ongoing funds in the amount of \$35,000.00 and one-time funds in the amount of \$15,000.00 to the Chandler Lions Club for the 4th of July Celebration.

DISCUSSION

The Chandler Lions Club, in partnership with the City of Chandler, has been organizing and producing the 4th of July Celebration over the past ten years. Initially, the event was held downtown and it is estimated that over 40,000 attendees came to see this event. Since moving to Tumbleweed Park, over 100,000 attendees now enjoy this free event. The funds needed to organize and implement a large event such as this are collected from a number of various organizations. The City's contribution to this effort will once again allow the Chandler Lions Club to put on the celebration for the community. To mirror the Chandler Lions Club's efforts in organizing such a large-scale event, it would cost the City over \$90,000.00 without sponsorship.

As part of the FY 2007-2008 budget amendment process, Council awarded ongoing funding in the amount of \$35,000.00 for the Chandler Lions Club 4th of July Celebration. As part of the FY 2012-2013 budget process, Council awarded one-time funding in the amount of \$15,000.00 for the event.

18. AGREEMENT: Ritoch Powell & Associates

APPROVED Agreement #CS1201-201 with Ritoch Powell & Associates for design and construction management services for Aquatic ADA Improvement, pursuant to annual contract #EN1002-01, in an amount not to exceed \$87,035.80.

Title II of the Americans with Disabilities Act (ADA) prohibits local governments from discrimination on the basis of disability in the delivery of programs and services. On September 14, 2010, the Department of Justice (DOJ) amended the ADA to include public swimming pools under the new standards, which required facilities to be in compliance by March 15, 2012. In May 2012, the DOJ announced an extension with a new deadline of January 31, 2013.

In February 2011, the Aquatics Division completed the required audit of the City's six pools for compatibility with the revised (ADA) regulations. The City desires to make specific improvements to the aquatic facilities.

To bring facilities into compliance and adhere to the recommendations of the audit, the following improvements will be required: Minor enhancements shall consist of correcting the push/pull of doors, upgrading signage to primary facility elements and correcting parking lot cross slopes in

handicap spaces and access routes to facility entrances. Major improvements will include adjusting admission window counter heights, door widths and heights, removing wall protrusions in access routes through bathrooms and locker spaces, spatial issues in handicap shower stalls, and correcting toilet and urinal heights. Other modifications will include handicap access to all aquatic play structures and installing permanent lifts on all bodies of water.

19. AGREEMENT: Invensys Systems, Inc.

APPROVED an Agreement with Invensys Systems, Inc., for five-year service and maintenance for water and wastewater instrumentation/control systems, sole source, in an amount not to exceed \$603,736.00.

This agreement amount reflects a \$208,000.00 reduction from the previous contract based on analysis of equipment repairs and replacement over the past five years. This agreement provides 24-hour coverage, remote support services, parts exchange program, on-site corrective service and software support. Invensys Systems, Inc. is the sole manufacturer and distributor of the software and equipment and is the only firm able to perform the required maintenance.

20. AGREEMENT: Otto Logistics LC

APPROVED Agreement #MU2-962-2991 with Otto Logistics LLC, for operation of the Recycling-Solid Waste Collection Center and transportation of bulk waste in an estimated amount of \$837,257.00 per year with the option to renew for one additional five-year period.

On February 7, 2012, Staff issued a Request for Proposal (RFP) for operation of the Recycling-Solid Waste Collection Center and Transportation of Bulk Waste. The RFP was advertised and 831 registered vendors for the requested service were notified. Only one offer was received. Staff believes the price offered is reasonable based on comparison to previous contract. The total value of the recommended contract is \$39,869.00 less than previous agreements for the requested services.

The services were performed under two separate agreements prior to issuing one combined RFP for all services. The services were combined into one RFP because Staff believed there were cost savings and efficiencies that could be obtained if the services were combined into one agreement. The RFP allowed proposers to bid on individual or groups of waste streams as well as provide a separate "all or nothing" price based on receiving award for the entire contract. Although the City only received one proposal for the service, Staff believes combining the contracts created savings based on comparing the "all or nothing" price to the individual price. The "all or nothing" price was \$66,536.00 less than the individual price.

The contract rates will be adjusted annually to reflect changes in the consumer price index (CPI) and quarterly to reflect changes in the cost of fuel. The requested amount is for twelve months of service.

21. CHANGE ORDER: McCarthy Building Companies, Inc.

APPROVED Change Order #WW1013-401 Phase II, to McCarthy Building Companies, Inc., for the Airport Water Reclamation Facility (AWRF) expansion to 22 MGD in an amount not to exceed \$23,237,877.00 for a revised total contract amount not to exceed \$35,557,731.00 contingent upon written notification from Intel and appropriate funding.

The Airport Water Reclamation Facility is located on Queen Creek Road west of McQueen Road. Design and construction of new wastewater treatment capacity will accommodate Intel's plant expansion on Dobson Road. A public information meeting was held with residents neighboring the facility to discuss the expansion project and the measures taken to mitigate impact to the surrounding community. The expansion project will begin in June 2012 and be completed in the summer of 2014. The overall project will be released for construction in phases with each phase of the project requiring Council approval.

22. AGREEMENT: Fire Protection Services

APPROVED an Agreement with Signal One Fire & Communication, LLC, and AERO Automatic Sprinkler Company for fire protection services, repair and maintenance in a combined amount not to exceed \$200,000.00 per year for two years with the option to renew for one additional two-year period.

23. PUBLIC DEFENDER AGREEMENT: Maria Gonzalez

APPROVED a Public Defender Agreement with Maria Gonzalez for FY 2012-2013.

24. USE PERMIT: Stadium Club

APPROVED Use Permit LUP12-0005 Stadium Club, Series 6 Bar License, extension to sell liquor as permitted for on-premise consumption indoors and within an outdoor patio area at an existing restaurant located at 940 N. Alma School Road, Suite 109. (Applicant: Keri Kruse, Owner.)

BACKGROUND

The subject site is located at the SWC of Alma School and Ray roads. It is located in a suite within an inline shops space sharing the immediate vicinity with a locksmith, Water & Ice facility and cell phone store. On the northwest and southeast corners of the intersection are additional commercial centers.

From 1995 up to 2009, the subject site operated as Famous Sam's. Stadium Club purchased the business in 2009. The bar originally operated under a Series 12 Restaurant License until 2004 when a new Use Permit was filed and approved for a Series 6 Bar License for two years. The Use Permit was extended for an additional five years in early 2007. The request seeks an extension without a timing condition.

As part of the 2007 approval, the owners requested the ability to eliminate seven parking stalls on the north side of the site in order to provide an outdoor patio area for patrons. During the 2007 request, the owners also requested the ability to provide outdoor music through the use of speakers and to allow for televisions on the patio. At that point, neighbors expressed concern with both outdoor music and audible televisions. Conditions were added by the Commission prohibiting outdoor music, but allowing for televisions to be audible so long as the televisions were turned off by 10:30 p.m. The current owner has operated with the conditions, but would like the opportunity to provide speakers on the patio to play music.

The business has two primary entrances, one on the north side and the other on the east side. The patio is accessed from the bar's north entrance. The north entrance is restricted for use by smoking customers only in conformance with the Smoke Free Arizona Act. All other customers will enter/exit through the eastern entrance, which is more than 20 feet from the fenced patio area.

DISCUSSION

The Planning Commission and Staff support the request for both eliminating the timing condition as well as allowing for speakers on the patio. The Planning Commission and Staff believes that the bar has proven its ability to operate successfully and without neighborhood disturbance and therefore is recommending the elimination of the timing condition and the condition prohibiting noise past 10:30 p.m.; however, the Planning Commission and Staff are recommending condition no. 5 which allows for noise, but so long as it does not unreasonably disturb area residents. As in all instances when Use Permits are granted, if for some reason noise or other operations of the business become an issue, the Zoning Administrator has the authority to revoke the Use Permit.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 30, 2012. One neighbor attended in support of allowing outdoor music. Staff has received no correspondence in opposition to this request. The Police Department has been notified of the request and responded with no concerns.

RECOMMENDATION

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

1. Expansion or modification beyond the approved exhibits (Site and Floor plans) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other store locations.
3. The site and outdoor patio shall be maintained in a clean and orderly manner.
4. The Use Permit is granted for a Series 6 license only; any change of license shall require reapplication and new Use Permit approval.
5. Music shall be controlled so as to not unreasonably disturb area residents.
6. Live music shall be prohibited on the outdoor patio.

25. TELE-TRACK WAGERING LICENSE: Turf Paradise / Gallagher's Food & Fun

APPROVED a Tele-Track Wagering Facility Site License for TP Racing LLLP, dba Turf Paradise, within Gallagher's Food & Fun at 2050 N. Alma School Road, Suite 23.

TP Racing LLP currently holds two active Tele-Track Wagering Facility Site licenses within the City of Chandler. One was issued in 2010 and the other in 2012.

No objections to the issuance of this license have been received from the Police, Fire or Transportation and Development departments. The applicant has met all of the requirements of City Code Section 58-2.1-3 and all fees have been paid.

26. LIQUOR LICENSE: Hawkins Chevron

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #140819 L10) for Jeffrey William Hawkins, Agent, Bill's Oak Grove Gas & Food Mart, Inc., dba Hawkins Chevron, 7000 W. Chandler Boulevard. A recommendation for approval of State Liquor License No. 10076274 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 Chevron. 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.

27. CONTINUED LIQUOR LICENSE: Ocotillo Grill

CONTINUED TO JULY 26, 2012, a Series 12 Liquor License for Thomas Robert Aguilera, Agent, Ocotillo Grill LLC, dba Ocotillo Grill at 2625 W. Queen Creek Road, Suite 1, to allow the applicant time to complete the requirements for a new Use Permit.

28. CONTINUED LIQUOR LICENSE: Yogis Grill #7

CONTINUED TO JULY 26, 2012, Series 12 Liquor License for Byeong Joo Kwak, Agent, P & K Mot LLC, dba Yogis Grill #7 at 6050 W. Chandler Boulevard, Suite 3, to allow the applicant time to complete the zoning requirements for their Use Permit.

29. PRELIMINARY PLAT: Chandler Airpark Professional Village

APPROVED (4 - 3) COUNCILMEMBERS DONOVAN, HARTKE, and HEUMANN voted nay on this item.

Preliminary Plat PPT11-0003 Chandler Airpark Professional Village for the multi-family component of a mixed-use development on 18 acres located at the SWC of Germann Road and the Consolidated Canal, one-quarter mile east of McQueen Road. (Applicant: Ralph Pew, Pew & Lake, P.L.C.)

BACKGROUND

The site received zoning approval in 2008 as part of a mixed-use development consisting of retail, medical/general office, and multi-family residential uses. A zoning time extension was approved in February 2012. The site is currently vacant. The plat creates the lots, establishes the necessary easements and dedicates the required rights-of-way.

RECOMMENDATION

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

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

30. PRELIMINARY PLAT: Archstone Village Crossing at Chandler

APPROVED Preliminary Plat, PPT12-0006 Archstone Village Crossing at Chandler, for two lots; Lot 1 for the multi-family residential development and Lot 2 for the future commercial/office/business park on a 35.55-acre parcel located at the NEC of Arizona Avenue and Queen Creek Road. (Applicant: Abe Abraham, Clouse Engineering.) The plat establishes the necessary easements and dedicates the required rights-of-way.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and Planning Staff recommend approval 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.

31. FINAL PLAT: Autumn Park

APPROVED Final Plat FPT12-0005 Autumn Park, for 87 single-family lots on approximately 36 acres located at the SWC of Riggs Road and 116th Street. (Applicant: Troy Peterson, Bowman Consulting.)

The Final Plat is proposed in conjunction with an approved single-family development on approximately 36 acres. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

32. SPECIAL EVENT LIQUOR LICENSE: Catholic Charities Community Services

APPROVED a Special Event Liquor License for the Catholic Charities Community Services / My Sister's Place for a Summer Groove Benefit Concert Series on Friday, June 29, 2012, and Friday, July 27, 2012 from 4 p.m. to 2 a.m. at Inspirador, 63 E. Boston 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.

PUBLIC HEARING:

PH 1. ANNEXATION: SWC Appleby and Gilbert Roads

The MAYOR opened the public hearing at 7:10 p.m.

ANNEXATION of an approximately 33.8-acre site located northwest and west of the SWC of Appleby and Gilbert roads. (Applicant: Jeremy Ramsdell, Ashton Woods Homes.)

CITY PLANNER ERIK SWANSON came forward to provide a staff presentation.

BACKGROUND

The subject site is located at the NWC and west of the SWC of Appleby and Gilbert roads and is currently zoned RU-43 in the county. The Chandler Land Use Element of the General Plan designates the area for Low Density (single-family) Residential and further locates the area within the Chandler Airpark Area Plan and is similarly designated as Low-Density Residential.

The site is surrounded by residential development. North are the Santana Ridge Condominiums and the Abralee Meadows single-family residential subdivision; west are the Markwood North and South single-family residential subdivisions; south is the Whitewing at Krueger custom home subdivision; east is Gilbert road. A Roosevelt Water Conservation District irrigation line bisects the property from east to west.

Staff circulated this request among City Departments and received no negative comments.

Per Arizona Revised Statutes, the City Council must hold a public hearing to gather input regarding a proposed annexation prior to taking action on the request. No action is required of Council at this time.

DISCUSSION

MR. SWANSON advised that following the annexation and the receiving of the signed petition staff will bring forward a City initial zoning for Agriculture and then a follow-up to rezone to PAD, specifically for a single-family residential subdivision.

MR. SWANSON advised that the request has been circulated among staff members and there appears to be no significant issues.

MR. SWANSON said he would be happy to answer any questions.

MAYOR TIBSHRAENY asked if the entire site will be for single-family housing.

MR. SWANSON said that currently all that is included in the annexation will be developed as single-family residential. He noted that staff is working with various property owners and it has not been the City's practice to force annexation.

MAYOR TIBSHRAENY asked if the land is currently occupied.

MR. SWANSON said there are a couple of homes on the sites. The northern portion of the site was an old dairy farm with a house adjacent to Gilbert Road. The home is currently occupied. He further stated on the southwest end of the property there is another home that is currently occupied. Ultimately, once the annexation goes through and the process of development is started the occupants will move out.

MAYOR TIBSHRAENY asked if there will be any housing in the area that will remain.

MR. SWANSON advised that there would be homes that remain and noted the areas on the aerial map. He said that the applicant tried to work with the property owners to come to some agreement, but unfortunately, they were not able to as a result of price points. Therefore, those homes will remain in the County.

VICE-MAYOR WENINGER asked about the homes that are planning to be removed. He asked how the situation is handled when County standards don't match Chandler's in terms of setbacks, etc. VICE-MAYOR WENINGER further asked if the City works with the property owner or requires them to be in conformance.

MR. SWANSON said that the two existing homes in the two areas will ultimately be removed; therefore, it is not necessary for them to apply to our standards. The homes will be rebuilt with a new subdivision. The other existing homes will remain in the County. Therefore, County will regulate those standards. MR. SWANSON explained that if the properties were to be annexed and the property owner wanted to keep their home, then there would be a legal non-conforming issue. He further stated that if additional construction is done at a later time, the buildings would need to meet the City's requirements.

VICE-MAYOR WENINGER asked if there is any payback to the improvements to Gilbert Road.

MR. SWANSON said that there will be some buy backs. He doesn't recall what the total amount will be, but said there would be some investment return.

COUNCILMEMBER HEUMANN asked if the arterial street improvement fees are part of the impact fees.

RJ ZEDER, Transportation and Development Director, advised that is correct. He said that the developers are either required to do the abutting arterial improvement in this case so that the impact fees would go toward the construction that is currently underway.

COUNCILMEMBER HEUMANN asked if the two parcels that were not able to be purchased by the homebuilder are agrarian in nature with livestock, cows, chickens, etc.

MR. SWANSON advised that there are four homes that are not going to be annexed. He stated that one home is a large residence with a large garage. MR. SWANSON said he did see a cow on the property. MR. SWANSON said that the property does have the ability to have agrarian activities, but it is small enough that there won't be large scale activity like a dairy-type operation. He noted that the parcel behind that property is similar in nature. There is also a third property with some agrarian uses.

COUNCILMEMBER HEUMANN said that he wants to make sure that when this parcel goes through the rest of the process in terms of the annexation and zoning change that there is an easement in terms of agrarian in place to avoid a situation several years from now.

MR. SWANSON advised that is one of the standard stipulations that the City includes.

MAYOR TIBSHRAENY asked what the timeline is for the annexation and the subsequent zoning.

MR. SWANSON advised that following this public hearing he will receive a signed petition within a few days and would like to make the July meeting for the introduction of the annexation. The next meeting would include the final adoption. Shortly thereafter would be the City initial zoning to rezone from the County RU-43 to the City AG-1. Following that would be a rezoning to PAD for the subdivision. MR. SWANSON said that he is currently in the process of reviewing the subdivision.

MAYOR TIBSHRAENY closed the public hearing at 7:18 p.m.

CURRENT EVENTS:

A. Mayor's Announcements

MAYOR TIBSHRAENY announced the Desert Breeze Park Rededication on Saturday, June 30 at 9:00 a.m. He noted that the park is located in Councilmember Heumann's neighborhood and acknowledged that Councilmember Heumann has provided input on issues regarding the park.

MAYOR TIBSHRAENY said that new amenities to the park include upgraded landscaping, irrigation and lighting, new park furniture and shade structures.

MAYOR TIBSHRAENY reminded residents that trash and recycling collection that normally takes place on Wednesday, July 4, place your container at the curb by 6 a.m. on Thursday. Thursday collection rolls to Friday. Friday collection rolls to Saturday. For more details visit the City's Website at www.chandleraz.gov.

MAYOR TIBSHRAENY also announced the 4th of July Celebration scheduled to take place Wednesday, July 4 from 4:00 p.m. to 10:00 p.m. at Tumbleweed Park. He said that fireworks will begin at approximately 9:30 p.m. Admission is free and onsite parking is \$5. He said there will be plenty of activities for the whole family, including two live bands. He thanked the Chandler Lions Club for again hosting this event and all the work that they do to put this event together.

MAYOR TIBSHRAENY reminded residents that most fireworks are illegal for personal use in the City. He encouraged residents to visit the City's Website www.chandleraz.gov for more information.

He wished everyone a fun and safe July 4th.

MAYOR TIBSHRAENY congratulated City Clerk Marla Paddock for celebrating her 10th Anniversary as City Clerk and providing great service to the citizens of Chandler.

MAYOR TIBSHRAENY said that he had lunch with former Supreme Court Justice Sandra Day O'Connor today at the O'Connor House, which is located in Tempe. MAYOR TIBSHRAENY said they discussed civil discourse in Arizona and nationwide and ways to speak in a civil manner and not in a way that is confrontational or agitating to others.

MAYOR TIBSHRAENY noted that Justice O'Connor has been a big advocate of civil discourse and she continues to talk about this issue. MAYOR TIBSHRAENY said that City Councils are good examples of civil discourse that are often not seen at other levels of government, where problems must be solved and items voted on, as the Council continues to move forward and work together in a civil manner. He said he enjoyed seeing Justice O'Connor.

MAYOR TIBSHRAENY said that Justice O'Connor was the first female Supreme Court Justice. He said that he interviewed Justice O'Connor several months ago on his program and she has an interesting history. He mentioned that those who are interested in viewing the interview it is available in the video archives on the City's Website.

B. Councilmembers' Announcements

COUNCILMEMBER HEUMANN said that Mayor's comments were apropos as we enter July 4th celebration and the freedom of this country. He said that civil discourse is part of it, noting that it is civil.

COUNCILMEMBER HEUMANN said that he wishes everyone a Happy 4th of July, noting that it is also his wife's birthday and wished her a Happy Birthday.

VICE-MAYOR WENINGER said that he would like to dove-tail on civil discourse and said that the Mayor is correct. He said that the City Council is also very transparent, which is lacking in other areas of government. VICE-MAYOR WENINGER said that residents always know what is being voted on beforehand and he gave kudos to all City Councils around the Valley for their transparency.

VICE-MAYOR WENINGER also wished everyone a Happy 4th of July.

