



## CITY OF CHANDLER COUNCIL MEETING

The City Council of the City of Chandler welcomes you to its **Regular Meeting of Thursday, September 13, 2012, at 7:00 p.m.**, at the Chandler City Council Chambers, 88 E. Chicago St., Chandler, Arizona.

NOTE: Consent items have either been discussed in the Study Session or previously reviewed by the City Council. Individual items may be pulled off by the Councilmembers or citizens prior to the time the final vote is taken. Individuals who want an item pulled for further discussion should so state when the Mayor addresses the public concerning the CONSENT agenda.



### CALL TO ORDER:

ROLL CALL:

INVOCATION:

Pastor Susan Stevens-Clarke – Chandler Baha'i Faith

PLEDGE OF ALLEGIANCE:

UNSCHEDULED PUBLIC APPEARANCES:

Members of the audience may address any item not on the agenda. State Statute prohibits the City Council from discussing an item that is not on the agenda, but the City Council does listen to your concerns and has staff follow up on any questions you raise.

**CONSENT:**

- 1a. **MINUTES** of the Chandler City Council Regular Meeting of August 13, 2012.
- 1b. **MINUTES** of the Chandler City Council Special Meeting of August 16, 2012.
- 1c. **MINUTES** of the Chandler City Council Regular Meeting of August 16, 2012.
  
2. **FINAL ADOPTION OF ORDINANCE NO. 4386, DVR12-0003 THE ENCLAVE**, rezoning from PAD for commercial with a transit-oriented, multi-family residential overlay to PAD (Multi-Family Residential) for an apartment development located at the SEC of Arizona Avenue and Chandler Heights Road.
  
3. **FINAL ADOPTION OF ORDINANCE NO. 4387** authorizing a decrease in the setback area established in the Arizona Department of Environmental Quality (ADEQ) Rule R18-9-B201(I) for the Chandler Airport Water Reclamation Facility located on Queen Creek Road, west of McQueen Road.
  
4. **FINAL ADOPTION OF ORDINANCE NO. 4383, DVR12-0008 BANNER HEALTH CENTER – CHANDLER**, rezoning from PAD (Commercial/Retail/Office and Live/Work) to PAD (Medical Office and Commercial) with a Mid-Rise Overlay for medical office use located at the NEC of Alma School and Willis roads, immediately south of the Loop 202 Santan Freeway.
  
5. **INTRODUCTION OF ORDINANCE NO. 4372**, Amendment No. 2, to the agreement with Verizon Wireless (VAW) LLC, dba Verizon Wireless for wireless telecommunications facilities at the Snedigar Sportsplex.
  
6. **INTRODUCTION OF ORDINANCE NO. 4384, RIGHT-OF-WAY DE-ANNEXATION** for certain Gilbert Road rights-of-way between Chandler Boulevard and Pecos Road contingent upon annexation by the Town of Gilbert.
  
7. **INTRODUCTION OF ORDINANCE NO. 4385**, Amendment No. 2, to the encroachment permit and agreement for the use of public property executed November 9, 2007 with Sprint Communications Company L.P.
  
8. **INTRODUCTION OF ORDINANCE NO. 4390, RIGHT-OF-WAY ANNEXATION** of certain Gilbert Road rights-of-way of approximately 0.03 acres at the SEC of Pecos Road contingent upon de-annexation by the Town of Gilbert.
  
9. **RESOLUTION NO. 4541** authorizing an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for the City to perform minor maintenance of roads, sound walls, sweeping, and graffiti removal/painting located within the ADOT right-of-way.
  
10. **RESOLUTION NO. 4542** authorizing an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for the City to operate and maintain electrical facilities within the ADOT right-of-way.

11. **RESOLUTION NO. 4630** amending FY 2012-2013 Annual Action Plan and authorizing the City Manager to execute and submit Substantial Amendment No. 1 to the U.S. Department of Housing and Urban Development for its consideration in order to reallocate HOME Investment Partnership Program funds and amend Target Areas for the City's Neighborhood Stabilization Program 3.
12. **RESOLUTION NO. 4639** authorizing an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for the construction administration and maintenance of the proposed Galveston Street Pedestrian Bridge over the Price Freeway.
13. **RESOLUTION NO. 4640** authorizing an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for the transfer of jurisdiction and operation and maintenance responsibilities to the City for Arizona Avenue (State Route 87) from Ocotillo Road to approximately 1,325 feet south of Riggs Road.
14. **RESOLUTION NO. 4641** authorizing a procedural pre-annexation agreement with Ashton Woods Homes, and Carter M. Green and Glenna J. Green for 10.04 acres located west of the SWC of Appleby and Gilbert roads.
15. **AUTHORIZE** payment of fiscal year 2012-13 membership dues to Valley Metro Rail, Inc., (METRO) in the amount of \$50,000.00.
16. **AUTHORIZE** payment of fiscal year 2012-13 membership dues to the Arizona Municipal Water Users Association in the amount of \$76,511.00.
17. **BOARD AND COMMISSION APPOINTMENTS.**
18. **CANVASS** the results of the City of Chandler Primary Election of August 28, 2012.
19. **AGREEMENT #ST3-914-3126** with TSG Constructors, LLC, for wall repairs at various locations in an amount not to exceed \$77,700.00.
20. **INTERGOVERNMENTAL AGREEMENT #101746**, Amendment No. 1, with the City of Phoenix for the sharing of telecommunication communication facilities.
21. **AGREEMENT** with the Law Firm of Holm Wright Hyde and Hays, PLC, for legal services for the purposes of collecting unpaid privilege tax from online travel companies.
22. **AGREEMENT #FD3-340-3133** for Fire Protective Clothing and Uniforms to Municipal Emergency Services Inc., in an amount not to exceed \$201,975.00.
23. **AGREEMENT** with The Omega Group for the purchase of FireView software and implementation services, sole source, in the amount of \$59,520.00.
24. **CONTRACT #ST0704-401**, Change Order No. 1, to Standard Construction Company, Inc., for Alma School Road and Ray Road Intersection Improvements in the amount of \$172,000.00, for a revised contract price of \$7,262,112.50.

25. **REPORT** to Council of the emergency City Manager approval of Change Order No. 2 to Achen-Gardner Engineering, LLC for the Gilbert Road Improvements, Project #ST0809-401, in an amount not to exceed \$250,000.00, for a revised contract total of \$12,807,569.48.
26. **PURCHASE** of Cisco network equipment and professional services from Nippon Electric Corporation (NEC) for the Police Department Refresh Project, utilizing the City of Tempe contract #IT11-048-01, in an amount not to exceed \$439,480.00.
27. **USE PERMIT, LUP12-0014 SANTAN BREWING COMPANY**, Series 3 Domestic Microbrewery License, to use several suites dedicated to alcohol production and packaging adjacent to an existing restaurant at 8 South San Marcos Place.
28. **USE PERMIT, ZUP12-0009 CROOKS CHIROPRACTIC**, extension for the continued operation of a chiropractic office within a single-family residential home located at 100 S. Cooper Road, south of the SWC of Chandler Boulevard and Cooper Road.
29. **USE PERMIT, ZUP12-0013 CHAMBERLAIN DEVELOPMENT**, to allow automobile sales in a PAD zoning district located at 6948 W. Chandler Boulevard, north of the NEC of Chandler Boulevard and 56<sup>th</sup> Street. **(STAFF REQUESTS CONTINUANCE TO THE OCTOBER 25, 2012, CITY COUNCIL MEETING.)**
30. **USE PERMIT, ZUP12-0014 VISTA STAR VACANT LOT**, to allow storage in a Medium-Density (MF-1) zoning district on a vacant lot located west of (in the rear of) the duplex at 516 N. Washington Street, south and east of Galveston Street and Arizona Avenue.
31. **USE PERMIT, ZUP12-0021 ALLRED CAC II**, for an athletic training facility within a PAD zoned district located at 2150 E. Germann Road, east of the NEC of Cooper and Germann roads.
32. **LIQUOR LICENSE**, Series 7, for Elisa Marie Acosta, Agent, El Zacatecano Restaurant, located at 474 W. Ray Road. **(APPLICANT REQUESTS WITHDRAWAL.)**
33. **LIQUOR LICENSE**, Series 9, for Clare Hollie Abel, Agent, Wal-Mart Stores Inc., dba Wal-Mart Market #4324, located at 1900 E. Chandler Blvd. **(APPLICANT REQUESTS CONTINUANCE TO THE OCTOBER 25, 2012, CITY COUNCIL MEETING.)**
34. **LIQUOR LICENSE**, Series 10, for Randy D. Nations, Agent, SF Markets LLC, dba Sprouts Farmers Market #15, located at 2855 S. Alma School Road.
35. **LIQUOR LICENSE**, Series 10, for Randy D. Nations, Agent, SF Markets LLC, dba Sprouts Farmers Market #1, located at 1959 W. Ray Road.
36. **LIQUOR LICENSE**, Series 12, for Jonathan Morgan Shuck, Agent, YNJ Restaurant LLC, dba I Sushi, located at 4939 W. Ray Road, Suites 1 and 2.
37. **TEMPORARY EXTENSION OF PREMISES, LIQUOR LICENSE**, Series 7, for KWB Chandler LLC, dba Kokopelli Winery and Bistro, for a Soccer Saturday Silent Auction on Friday, September 28, 2012, located at 35 W. Boston Street.

38. **SPECIAL EVENT LIQUOR LICENSE**, for Xico Inc., for a Mexican Independence Day Festival on Saturday, September 15, 2012, at the El Palacio Restaurant & Cantina, located at 2950 E. Germann Road.
39. **SPECIAL EVENT LIQUOR LICENSE**, for the Praise and Worship Center for an Oktoberfest Fundraiser on Saturday, October 6, 2012, at the Praise and Worship Center, located at 2551 N. Arizona Avenue.

**PUBLIC HEARING:** (Thursday)

PH1. Air Products License Agreement related to the granting of a nonexclusive license for transportation of nitrogen gas through pipelines in Chandler, Arizona.

1. Open Public Hearing
2. Staff Presentation
3. Council Discussion
4. Discussion from the Audience
5. Close Public Hearing

40. **INTRODUCTION OF ORDINANCE NO. 4362** repealing Ordinance Nos. 2651 and 2800, and granting to Air Products and Chemicals, Inc., its successors and assigns, a nonexclusive license for transportation of nitrogen gas through pipelines under, along and across public streets, roads and alleys in Chandler, Arizona, as the same may now or hereafter exist, and prescribing certain rights, duties, terms and conditions in respect to said license.

**INFORMATION:**

1. **MINUTES** of the August 15, 2012, Planning and Zoning Commission Meeting.

**CURRENT EVENTS:**

- A. Mayor's Announcements
- B. Councilmembers' Announcements
- C. City Manager's Announcements

**ADJOURN**