

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, September, 27, 2012 at 7:06 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

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

Also in attendance:

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

INVOCATION: Pastor Larry Lee – Greater Phoenix Chinese Christian Church

PLEDGE OF ALLEGIANCE: Councilmember Matt Orlando led the Pledge of Allegiance.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

MAYOR ANNOUNCED THAT HE WOULD LIKE TO MOVE ITEM 55 FROM THE ACTION AGENDA TO THE CONSENT AGENDA AND ASKED THAT BE PART OF THE MOTION.

MAYOR NOTED A SPEAKER CARD ON ITEM 19.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR WENINGER, TO APPROVE THE CONSENT AGENDA AS PRESENTED AND MOVE ACTION ITEM NO. 55 TO THE CONSENT AGENDA.

MAYOR TIBSHRAENY declared a conflict of interest on Items no. 16 and 17.

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

1. MINUTES:

APPROVED the minutes of the Chandler City Council Regular Meeting of September 13, 2012.

2. REPEAL OF ORDINANCE NOS. 2651 & 2800/LICENSING: Air Products and Chemicals
Ord. #4362

ADOPTED 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.

3. AGREEMENT AMENDMENT: Verizon Wireless Ord. #4372

ADOPTED 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.

4. RIGHT-OF-WAY DE-ANNEXATION: Chandler Blvd. and Pecos Road Ord. #4384

ADOPTED 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.

5. ENCROACHMENT PERMIT AMENDMENT: Sprint Ord. #4385

ADOPTED 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.

6. RIGHT-OF-WAY ANNEXATION: SEC Pecos Road Ord. #4390

ADOPTED 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.

7. REZONING/PRELIMINARY PLAT: Layton Lakes Parcels 24, 26 & 27 Ord. #4391

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4391, DVR12-0015/PPT12-0008 Layton Lakes Parcels 24, 26 & 27, rezoning from PAD for Single-Family and High-Density Residential to PAD amended for Single-Family Residential, with Preliminary Development Plan and Preliminary Plat, for subdivision layout and housing product on approximately 95 acres located south and east of the SEC of Gilbert and Queen Creek roads. (Applicant: Jeff Gunderson, Lennar Layton, LLC.)

BACKGROUND

The approximate 832-acre Layton Lakes Master Planned development received PAD zoning in March 2001. Of the 832 acres, approximately 373 acres are within the City of Chandler with the majority of Phase I occurring in the Town of Gilbert. In December 2003, a PDP was approved for the 21.6-acre Community Recreation Center as the part of Phase I within the City of Chandler. In February 2004, Council approved a Preliminary Development Plan (PDP) and Preliminary Plat involving the subdivision layout and landscape plans for Phases 2, 3 and 4 of the master planned community. Each of the 7 residential subdivisions within the Chandler portion of Layton Lakes would be required to process future PDPs for the housing product. In March 2007, Parcel 16 was rezoned to include a 5-acre church parcel, and in April 2011, the housing product and amended

lot layout was approved for Parcel 16. The subject parcels, originally totaling 105-acres, were part of the original PDP approval and included 23 acres designated for High-Density Residential with the balance identified for Single-Family Residential. Most recently, the Athlos Charter School purchased 10 acres of the former Parcel 26 for the construction of a charter school. The school was completed in 2011.

The subject parcels are bordered to the north by a future Commercial Town Center and Queen Creek Road. Adjacent, to the west, is Gilbert Road and the recently constructed Athlos Charter School. The Eastern Canal abuts the parcels' eastern side with the balance of Layton Lakes and existing rural residential properties within Maricopa County located east of the canal.

The request is for approval of an amendment to the PAD zoning, rezoning the 23 acres designated for High-Density Residential to Single-Family Residential, as well as PDP and Preliminary Plat (PPT) approval amending the subdivision layout and standard lot sizes for parcels 24, 26 & 27. The request proposes two standard lot sizes, 50' x 110' and 60' x 110', with a total of 321 lots. Parcel 24 includes 145 50'-wide lots, while Parcels 26 & 27 include 176 60'-wide lots. Working in reverse, the Parcel 27 layout remains very similar to the original layout. No lots back onto Gilbert Road and a significant number of cul-de-sacs are utilized. The revised layouts for Parcels 24 & 26 have been re-configured in response to the recent development of the Athlos Charter School. The street layout is intentionally more circuitous to discourage potential cut-through traffic as well as decrease vehicular speed within the neighborhood. Although homes now back up to Queen Creek Road, the majority of lots are set-back from the right-of-way approximately 100 feet providing a significant landscape buffer. A significant landscape buffer is provided along the future commercial parcel and Athlos Charter School. Finally, all landscaped open spaces include substantial pedestrian connectivity within themselves as well as providing access to the extensive lake/open space system within Layton Lakes.

The lot setbacks are front yard minimum of 18 feet (15 feet to livable/side loaded garage), side yard minimum of 5 feet and 10 feet, rear yard minimum of 20 feet for a single-story home (25 feet along arterial) and 30 feet for a two-story home (35 feet along an arterial). The request includes provision for architectural projections, fireplaces, entertainment centers and such to project 3 feet into the setback for a maximum of 15 feet in width for a single-story element and 6 feet in width for a two-story element. However, in all cases, the projection must maintain a minimum of 3 feet to the property line. Overall, the subdivision layout complies with the 8 required and 12 optional elements as found within the Residential Development Standards.

Additionally, the request includes PDP approval for the housing product. Two separate housing product series are proposed, one for the 50-foot wide lots (35-foot wide product for Parcel 24) and another for the 60-foot wide lots (45-foot wide product for Parcels 26 & 27). Parcel 24 will provide a total of 5 floor plans consisting of two single-story and three two-story plans ranging in size from 1,400 square feet to 2,903 square-feet. Elevations for Parcel 24 include Western Cottage, Spanish Colonial and Ranch Hacienda. Parcels 26 & 27 will provide a total of 7 floor plans consisting of three one-story homes and four two-story homes ranging in size from 1,794 square feet to 3,203 square feet. Elevations for parcels 26 & 27 include Spanish Colonial, California Ranch and Mediterranean. Plan 2, a 2,100 square foot single-story plan within the Parcels 26 & 27 series, remains in development. Staff will ensure the final design will remain consistent with the level of quality established by the accompanying plans within the Development Booklet.

The housing product is in conformance with the Architectural Diversity Element of the Residential Development Standards (RDS). Covered entries are provided on all plans with stone accent

material provided on at least two elevations for each plan. Various two-story plans include extended width covered entry ways and certain single-story plans include front walled-in courtyards that extend past the face of the garage, as well as stone accent material on certain plan elevations. Both housing product series provide varied roof ridgelines, decorative windows, accent window shutters, wrought iron accents and decorative pipe vents, as well as decorative columns that provide a high level of quality and distinguish the various elevations from one another. Building massing has been broken up through the use of single-story elements, window pop-outs, extended roof overhangs and varied roof ridgelines. The exhibits within the Development Booklet contain an error as homes with window mullion patterns found on the front elevations, are not carried around the other sides. Staff has added a condition requiring window mullion patterns shall remain consistent on all sides of the homes. This is to ensure the requirement of four-sided architecture found within the RDS is met.

Included within each housing product series is a new housing product for Lennar known as NEXT GEN. These homes can be found under Exhibits 9 and 10 within the Development Booklet and are identifiable by the blue border and blue highlighted floor plans. The homes have been designed as a traditional single-family home that can accommodate multi-generational living. The homes have what can be referred to as a 'mother-in-law' suite that comes complete with a second kitchen and secondary exterior entrance yet remains completely connected with the balance of the home. Typically, secondary entrances and kitchens raise concerns for the potential that the 'suite' could be rented out creating a multi-family situation. This concern is mitigated since the entire home remains under one roof, maintains a single street address, has one electric meter and a single water meter. This new housing product series has been developed to meet the needs of many families throughout the country that now have children returning from college to live with their parents or families that now care for elderly family members at home in lieu of traditional retirement communities. From the exterior, the homes look the same as a traditional home, yet provide the interior flexibility to accommodate the evolving needs of today's family.

Staff supports the request to rezone approximately 23 acres from High-Density Residential to Single-Family Residential finding the acquisition of property by the charter school created a separation between the remaining single-family parcels. The amendment now provides a consistent land use pattern necessary to create a neighborhood. Staff supports the PDP and PPT requests for subdivision layout and housing product finding the amended layout more effectively mitigates vehicular traffic and creates a better sense of community. Additionally, the open space connectivity and relationship to the canal and balance of Layton Lakes remains a keystone to the Layton Lakes master plan. Finally, the housing product continues to deliver upon the concept theme of Layton Lakes and furthers the diversity of housing product offerings with the addition of the NEXT GEN multi-generational floor plans.

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 June 6, 2012. There were six neighboring property owners in attendance with general questions. Staff has received no correspondence in opposition to the request.

PLANNING COMMISSION VOTE

The Commission voted unanimously for approval.

RECOMMENDED ACTIONS

Rezoning

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

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the Development Booklet entitled "Layton Lakes Parcel 24, 26 & 27 PAD & PDP Amendment" and kept on file in the City of Chandler Planning Division, in File No. DVR12-0015, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Case PDP03-0038 LAYTON LAKES, except as modified by condition herein.
3. The same elevation shall not be built side-by-side or directly across the street from one another.
4. All homes built on corner lots within the residential subdivision shall be single-story.
5. Window mullion patterns shall remain consistent on all sides of the homes.
6. For lots backing onto an arterial street, two-story homes are limited to every third lot.

Preliminary Plat

The Planning Commission and 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.

8. REZONING: San Hacienda II

Ord. #4393

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4393, DVR12-0017/PPT12-0014 San Hacienda II, rezoning from AG-1 and C-3 (Regional Commercial District) to PAD to allow multi-family residential with PDP and Preliminary Plat for multi-family residential on approximately 3.5 acres located south of the SWC of Warner Road and Arizona Avenue adjacent to the existing San Hacienda apartment community. (Applicant: Ed Bull with Burch & Cracchiolo, P.A.)

BACKGROUND

The 2.75-net acre subject site is located approximately 810 feet south of the SWC of Arizona Avenue and Warner Road, The property is the former Casa Arizona restaurant site that has sat vacant for many years and immediately north is a remnant agricultural vacant commercial parcel. These properties are surrounded by the existing San Hacienda multi-family apartment development on the west and south. North of the properties is the former Tempe Marine site which is now occupied by Ferguson Enterprises, a plumbing contracting and supply company.

This application request includes rezoning from AG-1 (Agricultural) and C-3 (Regional Commercial District) to Planned Area Development (PAD) for multi-family residential with Preliminary Development Plan (PDP) for an apartment development and Preliminary Plat approval. This site has not been previously rezoned, but there have been liquor use permit requests associated with the former restaurant for new restaurants/bars which never opened.

The proposed multi-family development is an expansion of the existing San Hacienda apartments which received zoning approval as San Ventana in May 2002 and received a zoning time extension in 2004. San Hacienda is approximately 13 acres with 220 apartment units. This

request includes an expansion of 60 units on 2.75 acres, which yields a total unit count of 280 with an overall density of 18.3 du/ac. There are 6 new buildings all of which are two-story with the exception of one three-story building on the site's interior.

Building designs and site layout create a seamless transition to the existing apartment development. The building elevations have been updated with materials, textures, style and colors compatible with existing buildings including matching roof tiles, stucco and balcony designs. Site design incorporates a pedestrian-friendly environment with linkages to the main complex's open space and amenities. Buildings are separated by landscape and pedestrian corridors. Street scape landscaping will be an extension of the existing landscaping along Arizona Avenue.

A new second exit only, full movement drive is located off of Arizona Avenue at the property's northern end. The primary entrance/exit is located off of Arizona Avenue further south. The development provides parking as required by code for the additional 60 units.

GENERAL PLAN CONFORMANCE

The General Plan's Land Use Plan designates this property as Residential and within the Revitalization/Infill Growth Area. Both land use categories allow consideration of residential densities including apartment development. The Residential land use allows for Urban Residential densities greater than 18.0 du/ac within the Residential/Infill Growth Area. Redevelopment of the subject side provides additional multi-family rental housing and a more attractive streetscape at this location.

DISCUSSION

The project's streetscape and architectural design make this an inviting project compatible and consistent with the existing apartment community. The expansion serves to develop infill property and remove an abandoned building and vacant parcel along the North Arizona Avenue Corridor. Planning Staff supports the expansion of an additional 60 apartment units. The overall density is 18.3 du/ac and meets the General Plan.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 8, 2012. There were no residents in attendance.

PLANNING COMMISSION VOTE

This request was unanimously approved by the Commission.

RECOMMENDATIONS

Rezoning

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

Preliminary Development Plan

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

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "San Hacienda Expansion", kept on file in the City of Chandler Planning Services Division, in File No. DVR12-0017, except as modified by condition herein.

2. 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.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or association.
5. 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.
6. The parking space canopies shall be consistent in design with existing parking space canopies throughout the development.

Preliminary Plat

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.

9. REZONING: Comstock Office Warehouse

Ord. #4394

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4394, DVR12-0024 Comstock Office Warehouse, rezoning from Planned Industrial District (I-1) with a PAD overlay, I-1/PAD zoning to I-1/PAD amending the ordinance and allowed uses for property located at 305 E. Comstock Drive, east of Arizona Avenue and south of Elliot Road. (Applicant: Kristilyn Baldwin/Baldwin Automotive in Suite 7 for property owner John Sherbeck.)

BACKGROUND

The property includes one industrial warehouse building with ancillary office at approximately 10,000 square feet. The parcel is approximately 39,150 square feet located within the Arizona Corporate Park, formerly known as Elliot Commerce Plaza, at the SEC of Arizona Avenue and Elliot Road. Arizona Corporate Park includes industrial uses and a limited amount of commercial uses. The building has nine suites and tenants occupying all of them including a general contractor, a residential skylights manufacturing/contracting company, a metal parts manufacturer for various items including gun barrels and other firearms, a bakery and an accessories and customization business specializing in building and repairing UTV (Utility Terrain Vehicle) motors for quads, motorcycles, and other vehicles that require fuel. Across Comstock Drive from the site are several parcels that allow office uses in addition to industrial uses. The subject site is surrounded by the rest of Arizona Corporate Park all of which is designated as Employment in the General Plan.

In January 2008, the site was rezoned from Planned Industrial District with Planned Area Development overlay (I-1/PAD) zoning to I-1/PAD amended in order to allow additional uses including motorcycle and similar recreational vehicles (ATV, Jet Ski, etc.) repair and accessory sales and installation; motor vehicle aftermarket customization; sale, repair and fabrication of signs and sign equipment; small scale machine tool and plastics manufacturing; and repair and manufacturing of small scale equipment or goods such as computer hardware and software, office equipment, furniture, appliances, small lawn care equipment and stereo equipment.

The approved zoning includes conditions prohibiting uses that would detract from the overall industrial business park including no engine repair, all work to occur indoors only, no outside storage of parts, no overnight outdoor storage of vehicles, no testing of vehicles on streets, no auto body repair, no oil changes, and no motor vehicle sales or rental. The larger industrial park already includes a few auto uses related to accessories and customization and commercial parcels along Arizona Avenue providing sales and repair.

A Use Permit case was recently advertised for City Council in June 2012; however, it was withdrawn for the purpose of coming back with a rezoning request. This rezoning request addresses the property owner's concerns with ordinance conditions that he would like removed or modified.

The application requests rezoning to amend Ordinance No. 3984 in case DVR07-0043, which approved the additional land uses as stated above. There are several zoning conditions in this ordinance which the property owner feels affect the building's long term marketability and leasing. The ordinance includes eight zoning conditions. The proposed modifications are as follows:

Retain Condition Nos. 1, 3 and 4.

1. Development shall be insubstantial conformance with existing zoning and PDP approvals except as modified by the application materials of this request (Narrative and Site Plan) and associated conditions of approval.
3. All work shall be conducted indoors.
4. There shall be no outdoor storage of parts.

Modify Condition No. 5 with new language to read:

5. Any overnight storage of vehicles will be stored in the gated area.

Remove Condition Nos. 2, 6, 7 and 8.

2. Engine repair shall be prohibited.
6. There shall be no testing of the vehicles on streets.
7. There shall be no auto body repair or oil changes.
8. There shall be no motor vehicle sales or rental.

At the time of the 2007 zoning case, there was a desire to lease to automotive accessory-type businesses which were gaining popularity in industrial buildings. While there was no intent to lease to large, intense automotive mechanic, repair and body shop-type businesses in this building, the City felt conditions should be added to prevent these as they are not a good fit for this small site. The property owner would like the ability to lease to small businesses that would fit well on this property including automotive repair, body and fender repair shop and car sales and car rental. Currently there is an automotive repair business, Baldwin Brothers Automotive, in Suite 7 which was previously going through the Use Permit process for this site.

Removing conditions 2, 6, 7 and 8 would allow businesses like an automotive repair shop, a body and fender shop, auto sales and car rental. These are uses and activities that occur in several industrial zoned business parks in Chandler, already with large and small automotive repair, customization, body and fender, and detailing businesses. Through use permits and rezoning cases for those other businesses, Planning Staff finds these uses to be compatible in multi-tenant

light industrial buildings as well as on a single building parcel with its own gated yard area to secure vehicles.

The auto repair business currently on-site includes engine repair and oil changes, which are currently prohibited by zoning conditions. Baldwin Brothers' long term business plan is to operate as an automotive customization and fabrication business, which is currently allowed; however, the business needs to initially operate as a general automotive repair shop generating income. The automotive repair includes transmission fluid changes, oil changes, brakes, rotors, brake fluid changes, engine parts such as hoses, batteries, filters, power steering systems, suspension systems, belts, water pump, timing belts, air conditioning, and the like. The allowed automotive customization business includes the fabrication of vehicle frames, exhaust, suspension, after-market body kits installation only, no paint or body repair, and some custom electronic installation (audio, visual, remote starters and the like).

The tenant space includes one automotive lift inside the bay area, which can accommodate up to 3 vehicles. The bay area also includes 2-3 toolboxes with hand tools and small diagnostic tools, an engine lift (mobile), an A/C recovery and recharge machine, an air compressor and a welder. Fluids will be maintained in containers in accordance with building codes. The business operates Monday through Friday 8 a.m. to 5 p.m., Saturday by appointment and closed Sunday. There are two full-time employees (the owners), an average of 2 to 3 customers per day and uses 3-4 parking spaces per day. The site provides 6 guest parking spaces off of Comstock Drive outside of the gated building and yard area. Within the gates area there are approximately 27 parking spaces. The five existing tenants use a total of approximately 14 parking spaces. While the automotive repair business would by code require 11 parking spaces, the business only uses 3-4 parking spaces each day. The other businesses generate little traffic and existing parking accommodates all tenants and future tenants.

This automotive type use has been operating in a compatible manner with no complaints from adjacent tenants or surrounding properties. This is the type of business the property owner would like to lease to as well as other automotive type businesses if there is interest. Any additional auto related businesses, as proposed with this zoning case, would be compatible with existing businesses and there is on-site parking shared by all tenants that meet code.

The request to amend the ordinance through the adoption of a new ordinance cleaning up the conditions allows for additional automotive related business to lease space in the future as described above. Automotive repair, including engine repair and oil changes, can be compatible with existing tenants. The use is represented to be no more intense than the existing tenants ranging from customization of utility terrain vehicles such as quads and motorcycles to a metal parts manufacturer and a bakery.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 15, 2012. There were no neighbors in attendance. Staff has received two phone calls from area property owners with one in support and the other wanting to ensure that vehicles would not be parked along Comstock Drive.

PLANNING COMMISSION VOTE

The Commission voted unanimously to approve the request.

RECOMMENDED ACTION

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

10. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT Res. #4631

ADOPTED Resolution No. 4631 authorizing the Consolidated Annual Performance and Evaluation Report (CAPER) for the Fiscal Year 2011-2012 and authorizing the City Manager or his designee to execute and submit the CAPER to the United States Department of Housing and Urban Development (HUD).

BACKGROUND

Each year, the City of Chandler is required to evaluate the programs funded by the United States Department of Housing and Urban Development (HUD) and publish the results in a CAPER. The CAPER describes federally-funded activities occurring during the most recent fiscal year and reports on Chandler's success meeting the priority needs, goals and strategies described in the City's 2010-2014 Five-Year Consolidated Plan.

As part of the process of creating the CAPER, the City is required to conduct a 15-day public comment period and a public hearing at a Chandler City Council meeting. The public hearing for the fiscal year 2011-2012 CAPER was held at the Chandler City Council meeting on August 16, 2012.

The fiscal year 2011-2012 CAPER has been prepared to meet HUD's requirements for an annual performance evaluation. This report summarizes the City's accomplishments for the Community Development Block Grant (CDBG), HOME Investment Partnership funds, the American Dream Downpayment Initiative, Neighborhood Stabilization Programs, Homeless Prevention and Rapid Re-Housing Program and Community Development Block Grant Recovery Program.

In addition to the federally-funded programs, the City also reports on those social service programs funded annually with the City's General Fund dollars. The funding of programs by the General Fund serves to significantly leverage the City's federally-funded programs to expand the services provided to Chandler residents.

FINANCIAL IMPLICATIONS

All costs associated with the programs reported in the CAPER are funded by HUD, with the exception of the social service programs funded by the City's General Fund.

11. GRANT AGREEMENT: ADOT Res. #4642

ADOPTED Resolution No. 4642 authorizing a Grant Agreement with the Arizona Department of Transportation (ADOT) accepting Grant Number E3S1Z in the amount of \$928,800.00 as the State's share to design and construct the runway/taxiway erosion control project.

BACKGROUND

The project will stabilize the edges of the runways and taxiways, areas that are subject to erosion. For the purpose of maintaining high safety levels in the runway environment, the edge along runways and taxiways should be smooth and debris-free to allow pilots of aircraft that may leave the main surface to maintain adequate control of the aircraft.

FINANCIAL IMPLICATIONS

The total project cost is \$1,030,800.00. The grant represents the State's share of 90% of the total project value. The remaining balance of \$102,000.00 is through a local match (10% total project value) paid through Airport funds.

At the September 12, 2012 regular meeting, The Airport Commission voted unanimously to recommend acceptance of the grant.

12. GRANT AGREEMENT: ADOT

Res. #4643

ADOPTED Resolution No. 4643 authorizing a Grant Agreement with the Arizona Department of Transportation (ADOT) accepting Grant Number E32SA in the amount of \$27,450.00 as the State's share of a project to install security locks on 12 pedestrian gates at the Airport.

BACKGROUND/DISCUSSION

This project will install 12 electronic combination locks (cypher-locks) at all pedestrian gates to improve security at the airport. This project was recommended by the Federal Aviation Administration Runway Safety Action Team.

FINANCIAL IMPLICATIONS

The grant represents the State's share of 90% of the total project value of this project. The remaining balance of \$3,050.00 is through a local match (10% total project value) through Airport funds.

At the September 12, 2012 regular meeting, the Airport Commission voted 5 to 1 to recommend acceptance of the grant.

13. AGREEMENT EXTENSION: ICMA-RC

Res. #4644

ADOPTED Resolution No. 4644 authorizing a three-year agreement extension with ICMA-RC for benefit plan years 2013, 2014 and 2015 effective January 1, 2013.

BACKGROUND

On April 24, 2012, Staff issued a Request for Proposal (RFP) for a Deferred Compensation 457 Plan and Retirement Health Savings Plan administration, investment and trust services. The RFP was advertised and all registered vendors were notified. Four responses were received and evaluated. The selection process was conducted in accordance with established City policies and procedures. Over a period of four months, an evaluation committee consisting of employees from each of the union groups as well as representation from the Employee Council and mid-managers was formed to evaluate the proposal received using the following evaluation criteria: participant education and support services; investments; administration, record keeping and trust/custodial services; fees; and organizational history and references (vendor qualifications).

The City's employee benefits consulting firm, Buck Consultants, provided guidance, subject expertise and coordination of the evaluation process in partnership with Human Resources. The evaluation committee recommended award to ICMA-RC due to their expertise, ability to meet scope of work, qualification and lowest offered pricing/rates. ICMA-RC is the current provider for Deferred Compensation 457 Plan and Retirement Health Savings Plan administration, investment and trust services.

As part of the recommended agreement, a self-directed brokerage account option will be offered. The self-directed brokerage account option will allow participants the option to select advisory

services from any manager registered on the TD Ameritrade platform. In addition to the new account option, a member of Buck Consultant's Investment Division assisted the committee in selecting a new investment line-up designed to capitalize on the return on investment for all participants, while maintaining a solid and familiar foundation.

14. PRELIMINARY DEVELOPMENT PLAN: Bank of America ATM

APPROVED Preliminary Development Plan PDP12-0010 Bank of America ATM, for a drive-up ATM in the shopping center parking lot at the NEC of Ray and Rural roads. (Applicant: Bank of America.)

BACKGROUND

The application requests PDP approval for a new drive-up ATM in the parking lot of the Chandler Sunset shopping center at the NEC of Ray and Rural roads. The ATM represents the center's fourth pad, one more than previously approved, thereby requiring an amendment to the PDP.

The proposed drive-up ATM is approximately 3' x 6' in size and will displace five (5) parking spaces, including three (3) spaces lined out with paint to provide a buffer for vehicles using the ATM. The ATM itself will be located in an existing landscaped island, but will not displace the island's tree. The pre-fabricated ATM is standard metal construction with a metal canopy. The body of the ATM will be finished with beige stucco painted to match the shopping center buildings. Adjacent to the ATM will be two (2) light poles for customer convenience and security.

The site continues to provide sufficient parking with 754 spaces provided compared to the Zoning Code requirement of 688 spaces.

A 1'-4" high red, plastic sign band will wrap around the ATM. No additional signage is requested.

DISCUSSION

The Planning Commission and Planning Staff find the proposed ATM to be a positive addition to the shopping center with no negative impact. Additional shopping center pad buildings can sometimes obstruct views to the primary buildings or cause traffic flow problems. However, in this case, the visual obstruction is negligible (the ATM is small and there is already a tree at this location) and there is no significant effect on traffic flow.

PUBLIC/NEIGHBORHOOD NOTIFICATION

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

PLANNING COMMISSION VOTE

The Commission voted unanimously to approve the request.

RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with application materials (Site Plan, Elevations, and Narrative), except as modified by condition herein.
2. Compliance with previous site approvals, except as modified by condition herein.
3. The adjacent existing tree shall be maintained and trimmed in a natural manner.

15. PRELIMINARY DEVELOPMENT PLAN: Avian Meadows

APPROVED Preliminary Plan PDP12-0017 Avian Meadows, for housing product for a single-family residential subdivision located north of the NWC of Chandler Heights and Lindsay roads. (Applicant: Jeff King; Ashton Woods Homes.)

BACKGROUND

The subject site is located north of the NWC of Chandler Heights and Lindsay roads. Directly north and west of the site is the Old Stone Ranch single-family residential subdivision. East, across Lindsay Road, is the Veteran's Oasis Park. South, adjacent to the site, is an undeveloped property zoned PAD for commercial development at the intersection corner, and two properties with agricultural rights within the County.

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 (du/ac), and provides provision for up to 3.5 du/ac based upon amenities provided to the subdivision. The approved subdivision provides an overall density of 3.22 du/ac. In late 2009, the site was rezoned and approved with PDP approval for subdivision layout only. At the time of approval, housing product was not included and the development was stipulated that housing product would require future submittal and approval.

The subdivision is rectangular in design and provides two access points. The main entry into the site is provided along Lindsay Road with a secondary access point along Brooks Farm Road located at the north end of the subdivision. Both entry points terminate at large open space areas. A number of visibility corridors into the subdivision are provided along Lindsay Road. An attractive entry monument sign off the Lindsay Road entrance is provided that combines CMU columns, trellis elements and green screens, set within a landscaped planter. Unique wall designs are provided ranging from the historic rural character of rail fencing, to the primary and secondary perimeter wall designs. The perimeter wall design includes a combination of three-foot CMU columns with planters on top and green screen elements. This wall design is carried into the subdivision where the wall is adjacent to landscape tracts, however on a more modest scale.

The subdivision will be developed in two phases with 60' x 120' lots as Phase 1 and 70' x 120' lots as Phase 2. Ashton Woods will be developing all of Phase 1. All site improvements (perimeter wall, landscaping, streets and utilities) will be done by the developer of the subdivision prior to the development of lots. The 60' x 120' lots are located along the east and south perimeter with the larger lots being internal to the site. There are approximately 119 60' x 120' lots and 81 70' x 120' lots, for a total of 200 lots. Ashton Woods Homes is proposing to develop all of the lots within Phase 1; options are being explored for the development of Phase 2.

HOUSING PRODUCT

Similar to the requirement of meeting 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. Three one-story and three two-story homes are provided, all of the housing product is 45' wide. A mix of recessed, forward and side-entry and two-car with tandem space garages are provided; square footage ranges from 1,992 to 3,883.

Architectural styles include Spanish Colonial, Spanish Monterey, Spanish Mission, Ranch, Craftsman, Prairie and French Country; not all elevation types are provided for each home. Various architectural elements highlighting the prescribed style include window pop-outs, garage and front door detailing, window mullions, shutters, stone detailing, wing walls and siding elements. The RDS require that at least one elevation provide stone elements; the home builder is providing stone on four of the elevations: Craftsman, French Country, Prairie and Ranch.

Setbacks for the housing product were incorporated in the Rezoning and PDP request for subdivision layout. Setbacks are typical of other subdivisions in the area; however, rear setbacks for homes along Lindsay Road have been increased to 30-feet for a single-story and 40-feet for a two story. The increased setbacks are required in the SECAP.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 16, 2012. There were 7 neighbors in attendance in support of the request. Staff has received no correspondence in opposition to the request.

PLANNING COMMISSION VOTE

The Commission voted unanimously for approval.

RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with Attachment No. 7, Development Booklet, entitled "AVIAN MEADOWS", kept on file in the City of Chandler Transportation & Development Services Department, Planning Division, in File No. PDP12-0017 AVIAN MEADOWS, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 4202 in case DVR09-0002 AVIAN MEADOWS, except as modified by condition.

16. CONTINUED ZONING: NW & W of the SWC Appleby & Gilbert Roads

CONTINUED (6-0) TO OCTOBER 25, 2012, Zoning DVR12-0020 North west & west of the SWC Appleby & Gilbert Roads, to allow the Rezoning and Preliminary Development Plan request to be reviewed by the Airport Commission at their September 12, 2012 meeting.

MAYOR TIBSHRAENY DECLARED A CONFLICT OF INTEREST ON THIS ITEM.

17. CONTINUED REZONING: Belmont Estates

CONTINUED (6-0) TO OCTOBER 25, 2012, Zoning DVR12-0016/PPT12-009 Belmont Estates, rezoning from AG-1 to PAD along with PDP and PPT for a single-family residential subdivision on approximately 33.8 acres located at the NWC and west of the SWC of Appleby and Gilbert roads to allow the application to be reviewed by the Airport Commission and by the Planning Commission.

MAYOR TIBSHRAENY DECLARED A CONFLICT OF INTEREST ON THIS ITEM.

18. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following Board and Commission appointments:

Board of Adjustment
Dean Ouellette

Arts Commission
Jose Benavides

19. L_TAF II: Dial-A-Ride

APPROVED the use of Local Transportation Assistance Funds (L_TAF II) revenue in the amount of \$56,000.00 annually to fund non-ADA Dial-A-Ride and bus service enhancements on routes 96 (Dobson), 104 (alma School), 112 (Arizona) and 542 (Express) and extending route 112 south to Pecos Road as recommended by Staff.

DISCUSSION

Ms. Pam Cox, 19422 E. Camina Plata, Queen Creek, Arizona, introduced herself as the manager of the Chandler Family Health Center, 811 S. Hamilton St. She said the clinic is part of Maricopa Integrated Health System.

MS. COX said that the clinic serves individuals living in Maricopa County and noted that an average of 1800 patients are seen each month. During the fiscal year 2012, nearly 21,000 individuals received care at the facility. The clinic includes a pharmacy, providers with family practice, internal medicine, OB/GYN, and pediatrics.

MS. COX said that the clinic is a very important part of the Chandler community. She said that the clinic opened in 1992 after many years of being located in Downtown Chandler.

MS. COX said she appreciates the opportunity to speak in favor of the proposed bus route that will come down Hamilton and pass right in front of the clinic. She said that the bus is a very important mode of transportation for patients and families. MS. COX said that many of the families the clinic cares for are without transportation and cannot afford the cost of a cab, they rely heavily on public transportation.

MS. COX said that the proposed plan to have the bus travel down Hamilton and turn onto Morelos Street will allow patients from Mesa, Gilbert, Queen Creek, and Phoenix to seek the care of the providers with the opportunity to be dropped off right in front of the facility. MS. COX said that the clinic is open Monday through Friday from 7:00 a.m. – 4:30 p.m. She said that the clinic recently expanded the hours to include Saturday mornings. One of the goals of the clinic is for the patients to have easy access to the facility. MS. COX said she would greatly appreciate the support of the proposed plan and in doing so will greatly impact the health of the members of our community.

COUNCILMEMBER DONOVAN thanked staff for their work in incorporating feedback from our residents regarding bus service.

MAYOR TIBSHRAENY thanked Dan Cook, Jason Crampton, and Ann Marie Riley for their work on this issue.

BACKGROUND

In January 2012, the State restored LTAF II funding, which can only be used for transit related operations or capital projects. As a result, Chandler will receive \$692,821.00 for Fiscal Year 2012-2013.

Although the amount of funding will be \$692,821.00 in the upcoming fiscal year, future LTAF II amounts may not necessarily be as high. LTAF II funds are based on Powerball revenue and can vary from year to year. Since 1998, LTAF II funds have averaged approximately \$400,000.00 annually, from a low of \$0 in FY 02/03 to a high of \$682,000.00 in FY 06/07. Moving forward, it is anticipated by the State and Valley Metro that LTAF II funds distributed to cities will be less variable. Consequently, approximately \$550,000.00 of this year's LTAF II funding could be seen as ongoing funding that can be applied to operation costs. The remainder should be treated as one-time funds for capital projects and planning studies. If in future years LTAF II revenue appears stable at approximately \$690,000.00, additional service enhancements can be made at that time.

Staff has put together a proposal for the use of LTAF II funds. Under this proposal, the newly restored LTAF II revenue would fund the non-ADA Dial-A-Ride program (for senior citizens) as well as approximately \$300,000.00 annually for new fixed-route bus service.

A majority of the new bus service can be implemented in January 2013 (the next Valley Metro scheduled service modification period). Some of the proposed service (Route 104 evening and Saturday service and Route 112 evening service), however, can only be implemented if the City of Mesa agrees to fund an extension of their bus service to the City of Chandler border. If Mesa decides to fund this service, the new service will be implemented in July 2013 or later. It is important to note that all of the service additions proposed for local bus routes (96, 104 and 112) will connect to light rail in Mesa after the completion of the three-mile extension currently under construction.

The Staff proposal is as follows:

January 2013 Implementation

Route 96 (Dobson) – Extend 1 additional AM trip and 2 additional PM trips in each direction to Snedigar Sports Complex in south Chandler (Currently only 12 trips in each direction serve south Chandler).

542 (Express) – Add one trip in each direction.

112 (Arizona) – Extend route south by ½ mile to Pecos Road. Turnaround at Hamilton Street. Service extension would serve the Wal-Mart Shopping Center, ICAN, and Chandler Family Health Center.

July 2013 or Later Implementation (Pending Mesa Decision)

Route 104 (Alma School) – Extend evening service until 9 p.m. (add 2 northbound and 1 southbound trips). Add hourly Saturday service (13 trips in each direction).

Route 112 (Arizona) – Improve weekday evening service to 30-minute frequencies through 9:30 p.m. (add 2 northbound trips and 3 southbound trips). Expand Saturday evening service through 9 p.m. (add 1 northbound and 2 southbound trips). Expand Sunday evening service through 9 p.m. (add 1 northbound and 1 southbound trip).

Staff presented this proposal and received feedback at a public meeting held on August 21, 2012. Five citizens attended. Citizen feedback received at this meeting and via email/telephone has generally been supportive.

TRANSPORTATION COMMISSION VOTE

At the June 21, 2012 Transportation Commission meeting, the Commission recommended approval of bus service enhancements. Since that time, the Staff recommendation has been modified to add the Route 112 Extension to Pecos Road.

20. AGREEMENT EXTENSION: Anthem Life Insurance Company

APPROVED an agreement extension for one year with Anthem Life Insurance Company for benefit plan year 2013, effective January 1, 2013.

BACKGROUND

City Staff reviews the employee benefits package each year with the assistance of an employee benefits consulting firm. The long-term disability insurance is designed to assist public safety personnel to help replace income enabling the employee to focus on getting better. The current rate of .30 cents per \$100 monthly covered payroll has been guaranteed for plan year 2013; therefore, no rate increase will occur. This benefit is paid by the City.

21. AGREEMENT EXTENSION: APS Healthcare Bethesda, Inc.

APPROVED an agreement extension for one year with APS Healthcare Bethesda, Inc., for benefit plan year 2013, effective January 1, 2013.

BACKGROUND

City Staff reviews the employee benefits package each year with the assistance of an employee benefits consulting firm. APS Healthcare Bethesda, Inc. provides confidential and professional employee counseling assistance dealing with issues ranging from grief to managing stress. Each of the counselors holds either a master or doctoral degree and are certified or licensed by the appropriate State agency. The City of Chandler employee utilization rate continues to be strong and is above the company's average book of business thus they have requested a \$0.04 cent increase in rates going from \$3.29 to \$3.33 per employee per month, effective January 1, 2013. This benefit is paid by the City.

22. AGREEMENT EXTENSION: Blue Cross Blue Shield of Arizona

APPROVED an agreement extension for one year with Blue Cross Blue Shield of Arizona for benefit plan year 2013, effective January 1, 2013.

BACKGROUND

The City's healthcare benefit is reviewed throughout the year by Staff and in collaboration and with input from the City-wide Healthcare Task Force with assistance from a benefits consulting firm. The Healthcare Task Force recommended no change in benefit design for plan year 2013.

Blue Cross Blue Shield of Arizona has been providing the City's group medical and pharmacy program to include administration services, network contracts, clinical programs, pharmacy benefit management service and stop-loss coverage since 2011.

On August 9, 2012, after review and consideration of the financial attestation provided by the City’s healthcare actuary and in accordance with the City of Chandler Health Care Benefits Trust Agreement, the City’s Health Benefits Trust Board approved benefit plan year 2013 healthcare benefit premiums and requested that said premiums be presented to City Council for review and approval.

As previously noted in the City’s budget proceedings and subsequently approved by the Mayor and Council, the contribution strategy consisting of an 80/20 split of subsidized premium provided by the City has been provided in the following chart. Plan year 2013 will be the final year of the three-year cost share transition and subsidy.

2013 Monthly Premiums

| EPO TIER | Full Rate Monthly Premium | EPO Subsidized Premium | City 80% | Employee 20% |
|-------------------|----------------------------------|-------------------------------|-----------------|---------------------|
| Employee | \$624.87 | \$606.12 | \$484.90 | \$121.22 |
| Employee + Spouse | \$1,043.47 | \$1,012.18 | \$809.74 | \$202.44 |
| Employee + Child | \$924.71 | \$896.98 | \$717.58 | \$179.40 |
| Employee + Family | \$1,518.32 | \$1,472.78 | \$1,178.22 | \$294.56 |
| PPO TIER | Full Rate Monthly Premium | PPO Subsidized Premium | City 80% | Employee 20% |
| Employee | \$837.86 | \$812.72 | \$650.18 | \$162.54 |
| Employee + Spouse | \$1,399.17 | \$1,357.20 | \$1,085.76 | \$271.44 |
| Employee + Child | \$1,239.91 | \$1,202.72 | \$962.18 | \$240.54 |
| Employee + Family | \$2,035.81 | \$1,974.76 | \$1,579.80 | \$394.96 |

* EPO – Exclusive Provider Plan; PPO – Preferred Provider Organization Plan¹

23. **AGREEMENT EXTENSION:** Delta Dental Plan of Arizona, Inc.

APPROVED an agreement extension of one year with Delta Dental Plan of Arizona, Inc., for benefit plan year 2013, effective January 1, 2013.

BACKGROUND

City Staff reviews the employee benefits package each year with the assistance of an employee benefits consulting firm. Delta Dental Plan of Arizona, Inc. has provided premier dental services to employees since 2002. The City continues to look for ways to improve the overall wellbeing of City employees and their dependents to include dental plan services ranging from general teeth cleanings to orthodontia. The City’s seven benchmark cities were recently surveyed and it was

¹ Due to the City subsidizing the premiums, the employee’s contribution of the premium continues to be mitigated.

determined that Chandler's orthodontia allowance is lower than the majority of the benchmark cities. As a result, the maximum lifetime coverage for orthodontic services will increase from \$1,500 to \$2,000 and children and adults of any age will receive orthodontic services effective January 1, 2013. The changes noted will not affect the premiums of which both the City and employee pay. The following schedule provides the current premium and cost share for the City and the employee and will continue to be in effect for plan year 2013:

| Dental | | Full Rate Monthly Premium | City Pays | Employee Pays |
|--------------|----------------------|---------------------------|-----------|---------------|
| Delta Dental | Employee only | \$51.00 | \$51.00 | \$00.00 |
| | Employee + 1 | \$83.00 | \$58.00 | \$25.00 |
| | Employee + 2 or more | \$135.00 | \$67.50 | \$67.50 |

24. AGREEMENT EXTENSION: Liberty Mutual Insurance Company

APPROVED an agreement extension for one year with Liberty Mutual Insurance Company for benefit plan year 2013, effective January 1, 2013.

BACKGROUND

City Staff reviews the employee benefits package each year with the assistance of an employee benefits consulting firm. Liberty Mutual Insurance Company offers employees and their dependents discounted group coverage for home and auto insurance to include an on-site representative on a quarterly basis and 24-hour claims service. This is a voluntary benefit; therefore, there is no cost to the City.

25. AGREEMENT EXTENSION: PayFlex Systems USA, Inc.

APPROVED an agreement extension for one year with PayFlex Systems USA, Inc., for benefit plan year 2013, effective January 1, 2013.

BACKGROUND

City Staff reviews the employee benefits package each year with the assistance of an employee benefits consulting firm. PayFlex Systems USA, Inc. provides healthcare flexible spending account and dependent care flexible spending account administration services. Flexible Spending Accounts (FSA) enables employees to put aside a portion of their gross income on a pre-tax basis in an FSA in order to pay qualified health care and/or dependent care expenses. The current rate of \$4.75 per employee per month has been guaranteed for plan year 2013; therefore, no rate increase will occur. This benefit is paid by the City.

26. AGREEMENT EXTENSION: Vision Services Plan Insurance Company

APPROVED an agreement extension for two years with Vision Services Plan Insurance Company for benefit plan years 2013 and 2014 effective January 1, 2013.

BACKGROUND

City Staff reviews the employee benefits package each year with the assistance of an employee benefits consulting firm. Vision Services Plan Insurance Company provides affordable vision

services to include eye exams, frames, lenses and contact lenses. The following schedule provides the current premiums and cost share and will continue to be in effect for plan year 2013:

| Vision | | Full Rate Monthly Premium | City Pays | Employee Pays |
|--------|---------------|---------------------------|-----------|---------------|
| VSP | Employee only | \$7.88 | \$00.00 | \$7.88 |
| | Family | \$16.86 | \$00.00 | \$16.86 |

27. AGREEMENT: Summit Law Group

APPROVED an agreement with the Summit Law Group for professional services in an amount not to exceed \$50,000.00.

BACKGROUND/DISCUSSION

In FY 13/14, the contracts for Police Officers, Police Sergeants and SEIU will be open for negotiations. Fire is in the second year of a two-year contract with a wage reopener for FY 13/14.

The City has engaged the services of Attorney Bruce Schroeder from the Summit Law Group to provide guidance in matters involving labor relations over the past year. In addition to providing legal services, he also assists public sector organizations with negotiations of labor contracts. Given that the City will be negotiating three full contracts and one wage reopener in FY 13/14, Staff recommends that the City engage the services of Bruce Schroeder to assist with the contract negotiations.

28. AGREEMENT: Simpleview

APPROVED an agreement with Simpleview, utilizing PROP 302 Maricopa County Grant funding, for web site consulting and hosting agreement for enhancements to the tourism website, www.VisitChandler.com, as approved by the Arizona Office of Tourism, in an amount of \$54,970.00.

BACKGROUND: Proposition 302 Maricopa County Grant is available to destination marketing organizations (DMO) within Maricopa County and is administered by the Arizona Office of Tourism. Proposition 302 was passed in November of 2000. The purpose of this grant program is to provide funding for new and expanded tourism marketing activities such as advertising, public relations and travel industry marketing where the primary function of the project must be tourism promotion. Tourism promotion is defined as the intent to drive overnight visitation to a respective community.

The City of Chandler currently operates the tourism related website, www.VisitChandler.com. The website features essential Chandler tourism information including, but not limit to, hotel accommodations, attractions, a calendar of events and a dining guide. In an effort to maximize the efficiency of the site and meet the ever changing technological demands of visitors, it is necessary to enhance the website on a continual basis in order to keep up with the demands of the visitor and provide them with quick and accurate destination information. The website is featured on all promotional materials and advertisements and is the most important technological tool in the promotion of Chandler as a tourism destination.

The current website has been utilized for approximately six years; the design and functionality have remained constant, but more importantly, the existing programs and database management tool supporting the website have remained stagnant.

The City of Chandler is upgrading the back-end functionality and elevating the design of the tourism website to further develop Chandler's brand with current web technology. Currently existing website applications such as the event calendar and general content will be upgraded along with the integration of Google Maps and the inclusion of mobile and social media tools.

Approval for funding of this particular tourism marketing activity meets the requirements of the Proposition 302 Maricopa County grant and has been approved by the Arizona Office of Tourism for completion in the current fiscal year.

29. AGREEMENT: Library Materials

APPROVED Agreement #CS3-525-3145 with Baker & Taylor, Inc., and Midwest Tape, LLC, for library materials and related services in a combined total amount not to exceed \$1,450,000.00 for the initial two-year period, with the option to renew for two additional two-year periods. The items purchased from these vendors are discounted up to 46.5% and come preprocessed so that they can quickly be made available to library customers.

30. AGREEMENT: Wilson Engineers

APPROVED Agreement #WA1005-451 with Wilson Engineers for construction management services for Water Production Facilities Improvements in an amount not to exceed \$306,006.00.

31. AGREEMENT: Clean-up and Restoration Services

APPROVED Agreement #BF3-926-3082 with Treadstone Restoration LLC, East Valley Disaster Services, Inc., Kowalski Construction, Inc., and Titan Restoration of Arizona, for mold, water and fire mitigation/remediation/restoration services for a total amount not to exceed \$250,000.00 for two years with the option to renew for one additional two-year term.

32. CONTRACT: AJ Roberts Industrial, Inc.

APPROVED Contract #WA1005-401 to AJ Roberts Industrial, Inc., for Water Production Facilities Improvements in an amount not to exceed \$2,842,729.84.

33. CONTRACT: AWOS CHANDLER AIRPORT

WITHDRAWN

STAFF recommended the contract for construction of a new airport Automated Weather Observation System (AWOS) be withdrawn to resolve a protest.

34. CONSTRUCTION CONTRACT: Nickle Contracting LLC

APPROVED Construction Contract #PR1201-401 to Nickle Contracting LLC for Stonegate Park Improvements in an amount not to exceed \$423,863.75. Stonegate Park is an 8.32-acre neighborhood park which serves the residents of the square mile bordered by Ray and Warner roads and Arizona Avenue and McQueen Road. Stonegate Park was originally constructed in

1984 with the primary function being to provide a water retention basin for the surrounding development. In 1996, the property and maintenance responsibilities were transferred from the Streets Division to the Parks Division. In 1997, park amenities were added.

35. PURCHASE: Playground Shade Structures

APPROVED the purchase and installation of playground shade structures from Shade 'N Net at Gazelle Meadows, Harter, Nozomi, Price and Provinces parks, utilizing the Mohave Contract #10M-SHADE-0104, in an amount not to exceed \$89,285.00.

36. PURCHASE: Digital Book Technology

APPROVED the purchase of digital book technology and services as part of the Greater Phoenix Digital Library Consortium from Overdrive, Inc., utilizing the City of Phoenix Contract #126962, in an amount not to exceed \$200,000.00 for a two-year period.

The Greater Phoenix Digital Library (GPDL) is a partnership of eleven libraries that cooperate in purchasing e-format materials for library customers. Currently, all materials are purchased through OverDrive, Inc. The GPDL was launched in the fall of 2006 with the City of Chandler being a founding member. Other members include the City of Apache Junction, the Arizona State Library, City of Glendale, City of Mesa, City of Phoenix, City of Scottsdale, City of Tempe, City of Casa Grande, City of Peoria and Maricopa County. The consortium was established because OverDrive was the only vendor to supply materials that could be circulated on a customer's device using a library model of placing holds and other circulation functions. Additionally, the cost for each library to establish their own OverDrive website was prohibitive, particularly for smaller library systems. By sharing a website, members could maximize their materials budget, provide access to a wider range of materials, and share the cost of yearly maintenance of the website.

The directors of participating libraries set and approve an annual materials budget for the GPDL. Each member has been asked to contribute their share of the approved budget. The City of Chandler, along with the other member libraries, all contribute money to the GPDL based on each local library customers usage of this digital library. Shares are based on the amount of use for each system for the prior twelve months. The budget for GPDL for FY 2012/13 is \$75,000.00 and the City's contribution is \$78,000.00. The annual budget is set by the consortium directors in late spring for the following fiscal year. Recommended approval amount includes \$78,000.00 for year one and \$122,000.00 for year two, as readership of ebooks is increasing.

37. PURCHASE: Intrado Systems Corp.

APPROVED the purchase of two 911/phone positions including support hardware and software through Intrado Systems Corp., utilizing the State of Arizona Contract #EPS08045-1, in the amount of \$55,887.95.

Two additional dispatch positions were included as part of the scope of the Police Department's Dispatch Center renovation awarded to SDB, Inc. in June 2012. Because of the nature of the equipment being public safety/911 equipment, and SDB's inability to purchase under the State of Arizona Contract, funding will come from the original project funds and the equipment purchased separately by the Police Department.

38. PURCHASE: Motorola Solutions

APPROVED the purchase of two MCC7500 dispatch radio consoles from Motorola Solutions, utilizing the City of Phoenix/Motorola Master Communications System Agreement #124391, in the amount of \$131,096.74.

Two additional radio dispatch positions were included as part of the scope of the Police Department's Dispatch Center renovation awarded to SDB, Inc. in June 2012. Because of the nature of the equipment being public safety radio equipment, and SDB's inability to purchase under the City of Phoenix/Motorola Master Communications System Agreement as a general contractor, funding will come from the original project funds and the equipment purchased separately by the Police Department.

39. AGREEMENT: Balar Equipment

APPROVED an agreement with Balar Equipment for the purchase of a street sweeper in the amount of \$240,944.20. On February 22, 2012, the Maricopa Association of Governments (MAG) Regional Council approved the prioritized list of proposed PM-10 certified street sweeper purchases for fiscal year 2012/13. The City of Chandler was informed that its sweeper was authorized for grant funding. This sweeper meets all current MAG environmental PM-10 requirements. The grant amount is a maximum of \$246,602.00.

40. PURCHASE: Portable Wireless Column Lifts

APPROVED the purchase of portable wireless column lifts from RWC International in an amount of \$54,202.31.

There are 41 vehicles in the City of Chandler fleet that do not fit or are too heavy for the current vehicle lift equipment at the fleet maintenance facility. Fleet mechanics work on these vehicles while they are on their backs and crawling under the vehicles to perform repairs or maintenance. The inability to lift vehicles limits the mechanic's efficiency when performing maintenance under the vehicle, resulting in lower productivity, reduced capability and longer vehicle down time. Portable wireless column lifts will lift any of these vehicles, allowing mechanics to work from a standing position. There is no installation cost or additional power sources associated with utilizing this lift equipment. The lifts are portable and can be operated in any of the shop's maintenance bays or outdoors.

41. PURCHASE: Fleet Fuel Cards

APPROVED the purchase of fleet fuel cards from US Bank/Voyager Fleet Card Services, utilizing the State of Arizona Contract, in an amount not to exceed \$220,000.00.

The primary use of the Voyager Fleet Fuel Card is to fuel Police Department motorcycles, Police Detective and Motor Pool vehicles. Police motorcycles require premium grade fuel, which is not provided by other contracted vendors. The Voyager Card allows City motorcycles to be fueled at most retail fuel vendors who accept credit cards. Police Detectives and Motor Pool vehicle operators utilize the Voyager Card Program as these vehicle operators frequently require fueling outside of Chandler city limits. Voyager forwards a consolidated monthly invoice, which identifies the City Staff who authorized the respective fuel purchase along with the purchase date, time, location, gallons and purchase amount. Voyager Fuel Cards are fully integrated within the City's fleet fuel management software and financial reporting system. The primary advantage of the Voyager Fleet Fuel Card is that the respective purchase amounts are forwarded net of the

Federal Excise Tax, from which the City is exempt, thereby eliminating the requirement to file a quarterly tax return to recover Federal Excise Tax paid at a retail fuel vendor. The Voyager contract is valid through October 18, 2013.

42. USE PERMIT: Apex Tint LLC

APPROVED Use Permit ZUP12-0019 Apex Tint LLC, to allow automotive detailing, windshield/window repair and replacement and automotive window tinting within the I-1 (Planned Industrial District) zoning located at 500 N. 56th Street, Suites 8 and 19, north of Chandler Boulevard. (Applicant: Ron Ruddick, owner.)

BACKGROUND

In January 2012, a Use Permit was approved for Suite 8 located at 500 N. 56th Street to operate a window tinting business with on-site automotive tinting within the I-1 (Planned Industrial District) zoning. Since this approval, the business owner has expanded his business uses and leased a second tenant space. This application requests a new Use Permit approval to allow the window tinting business with on-site automotive tinting to occur in Suites 8 and 19 as well as paint protection film application, automotive glass repair and replacement and automotive detailing for vehicles only in Suites 8 and 19. Pending appointments and space, services may occur in both suites. The industrial development consists of two, multi-tenant one-story light industrial warehouse buildings which include an ancillary office space and warehouse area for each tenant space.

The I-1 zoning district allows a variety of storage, wholesale, warehousing, manufacturing, assembly type uses and accessory/incidental office and retail sales. Since the late 1980s, there have been several Use Permits granted for commercial uses within this industrial development including a wholesale auto dealership, an auto detail shop, an equipment rental store, a lawnmower sales and repair store, a swim school and an auto sales broker.

Apex Tint is a window tinting company specializing in commercial and industrial buildings with tinting performed off-site and automotive tinting performed on-site. The business has been at this location since June 2011. The business includes a front lobby, an installation area and an administrative office. In addition to window tinting, the business has expanded services to include vehicle glass repair and in the future will do glass replacement. Most glass repair occurs at the same appointment when completing auto window tinting. Apex now offers an automotive detailing service, Apex Detail, not including boats and recreational vehicles which are done off-site only. The detailing includes interior and exterior cleaning of vehicles.

Both the window tinting and auto detailing need to occur inside the building only, no outside washing or working on vehicles. Water usage for both window tinting and auto detailing is provided by a 5-gallon pressurized container with soapy water and a mister nozzle. In some circumstances, a pressure washer for additional power is used, but there is no continuous running water on the property indoors or outdoors.

The automotive tinting, glass repair, and detailing businesses are open by appointment only and closed on Mondays; Tuesday through Thursday 8 a.m. to 5 p.m., Friday and Saturday 8 a.m. to 3 p.m. (and on occasion open until 5 p.m.) and closed Sunday. There are two main business operators and two installation technicians on-site. The business primarily serves the general public, not corporate accounts at this time. The business will occupy approximately 8 parking spaces.

Apex Tint is allocated eight parking spaces by the landlord. Two spaces are for employee parking and two spaces are for customer parking. There are approximately 92 parking spaces throughout the development. Automotive window tinting appointments are staggered throughout the day to avoid overlap. Each installation process takes approximately 2 hours. There is always a parking space or two available. The business also works with dealerships and will bring vehicles from the dealership to the site one at a time for tinting service. Vehicles are brought to the rear of the tenant space where the warehouse area is located.

The proposed automotive uses are compatible with the existing businesses in the development. The applicant represents a business with limited hours of operation and a need for only 8 parking spaces. The Planning Commission and Planning Staff recommend a one-year approval with conditions.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 20, 2012. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

PLANNING COMMISSION VOTE

The Commission voted unanimously for approval.

RECOMMENDED ACTION

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

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan, Narrative, and Parking Plan) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
3. The use shall be in substantial conformance with exhibits and representations.
4. The property shall be maintained in a clean and orderly manner.
5. All vehicle work shall occur indoors only.
6. There shall be no washing of vehicles outside or indoors creating running water on the property.

43. USE PERMIT: Leading Edge Auto Finishes

APPROVED Use Permit ZUP12-0023 Leading Edge Auto Finishes, extension of Use Permit to operate an auto body repair business in the Planned Industrial (I-1) Zoning District located at 7021 W. Oakland Street, north and west of Chandler Boulevard and 56th Street. (Applicant: Pew Lake, PLC; Owner: West Dublin Resources, LLC.)

BACKGROUND

The request is for extension of Use Permit approval to operate an auto body repair business on an existing industrial property within the Planned Industrial (I-1) Zoning District. A Use Permit was approved in August 2011 for the subject use, with a one (1) year time limit to allow evaluation of compliance and ongoing compatibility. The business occupies the entire building and property at 7021 W. Oakland Street, west of 56th Street. Northeast of the site is a multi-tenant industrial building that has received numerous Use Permits for non-industrial uses such as a swim school

and a theater. Southeast of the site is an industrial building that received Use Permit approval for a volleyball center. In all other directions, the site is surrounded by light industrial uses allowed by right in the zoning district.

The 13,136 square foot building includes 2,740 square feet of offices and 10,396 square feet of warehouse/repair space. There are two overhead doors leading to the gated parking area in the back portion of the property. There is sufficient parking for the use, with 13 spaces outside the gated area and 30 spaces behind the gate, plus the potential for a few more spaces to be striped if demand warrants.

The business is open 8 a.m. to 5:30 p.m. Monday through Friday and 9 a.m. to 1 p.m. on Saturday. They employ approximately 15 employees.

Staff finds the business compatible with the surrounding land uses given that all work is conducted indoors and vehicles are always stored in the gated area behind the block fence. The site provides sufficient parking. The business has demonstrated compatibility over the past year, especially with regard to noise, traffic and aesthetics.

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 August 20, 2012. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

PLANNING COMMISSION VOTE

The Commission voted unanimously to approve the request.

RECOMMENDED ACTION

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 and representations shall void the Use Permit and require new Use Permit application and approval.
2. The subject business will abide by all building, fire and other applicable City regulations including those that pertain to auto repair as a condition of occupancy.
3. The site shall be maintained in a clean and orderly manner.
4. All vehicle storage shall occur inside the gated area.
5. All vehicle work shall occur inside the building.
6. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

44. USE PERMIT: Arizona Natural Medical Center

APPROVED Use Permit ZUP12-0026 Arizona Natural Medical Center, to operate a medical office in a converted residence at 821 W. Warner Road, east of the SEC of Warner and Alma School roads. (Applicant Joy Summers, Arizona Natural Medical Center LLC; Owner: Broughton Properties LLC.)

BACKGROUND

The request is to allow a residentially zoned property with an existing 4,200 square foot house located on Warner Road to be used for a medical office business. The site has been approved

through a series of Use Permits for uses other than single-family residential since 1990. The subject site fronts Warner Road and backs to an established single-family subdivision that wraps around the subject site and its neighbor to the west, which is a converted house used for an insurance office. The site is elevated above Warner Road, with the building and parking lot obscured from street view by a parking lot screen wall and landscaping. Directly across Warner Road is a shopping center anchored by Walmart and Fry's. The subject site and its western neighbor are the only residences that front on this stretch of Warner Road.

The proposed use is a naturopathic medical practice with a total of five (5) doctors, though it is anticipated that not all of the doctors will be present at all times. Appointments will typically be 8 a.m. to 5 p.m. Monday through Friday. There will also be one (1) or two (2) administrative staff on site.

The subject site was originally converted from a residence to a dormitory through a Use Permit approval in 1990 that was subsequently renewed in 1993, 1996, 1999 and 2005. The dormitory relocated in 2007. An engineering office received Use Permit approval in 2008 to operate from the home for one (1) year. In 2009, it received a Use Permit without time limit. The engineering firm, who has the same ownership as the subject property, will relocate upon approval of this Use Permit.

The parking lot currently provides nine (9) spaces. The parking lot will be expanded to 20 spaces by adding additional paving (approximately two feet) on the south side of existing parking, if the Use Permit is approved, in order to accommodate Zoning Code and RCP requirements for the medical office use. Staff will administratively review the parking expansion and it is anticipated that the parking expansion will be approved based on the representations provided to date. The lot will be re-stripped after it is expanded toward the building, which will reduce the size of the existing landscaped area adjacent to the building. The parking lot will not be expanded toward Warner Road. The resulting lot will meet City of Chandler standards.

The application requests approval for a new monument sign to be located adjacent to the driveway entrance from Warner Road. The sign is proposed to be approximately 4' tall, constructed of block, finished with stucco painted to match the building, and affixed with simple acrylic lettering that identifies the business. No sign lighting is proposed.

The RCP allows for the conversion of residences with frontage on arterial streets to business uses such as offices. The RCP also calls for parking lots to be designed consistent with a residential scale, designed to preserve the home's streetscape setting, take up less than 25% of gross lot area and be located at least 6' from the building. All of these RCP standards are met by the request.

The subject site has proven to function well as an office use at this location. The parking lot will not expand toward Warner Road and the building exterior will be unchanged – factors that indicate the existing residential nature will be preserved. Staff recommends a one (1) year time limit in order to allow re-evaluation of the new medical office use's land use capability once it has been in operation.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 16, 2012. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

PLANNING COMMISSION VOTE

The Commission voted unanimously to approve the request.

RECOMMENDED ACTION

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

1. Expansion or modification beyond the approved exhibits and representations shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The site shall be maintained in a clean and orderly manner.

45. USE PERMIT: Nando's Mexican Café

APPROVED Use Permit LUP12-0017 Nando's Mexican Café, Series 12 Restaurant License to sell liquor as permitted for on-premise consumption indoors and within an outdoor patio at a new restaurant within The Shops at Pecos Ranch development located at the NEC of Dobson and Germann roads. (Applicant: Tim Shaughnessy.)

BACKGROUND

The application requests liquor Use Permit approval to sell liquor as permitted by a Series 12 Restaurant License within a new restaurant and outdoor patio area. A Series 12 Restaurant License 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.

This new restaurant is located within The Shops at Pecos Ranch and occupies portion of the building formerly occupied by Rancho de Tia Rosa. Nando's is a full-service Mexican restaurant that is approximately 5,700 square feet. The restaurant is open seven days a week from 11 a.m. to 10 p.m. There are approximately 192 seats inside and 50 seats on the patio.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 13, 2012. There were no neighbors in attendance. 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.

PLANNING COMMISSION VOTE

The Commission voted unanimously for approval.

RECOMMENDED ACTION

Upon finding consistency with the General Plan, 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 re-application and approval.
2. The liquor Use Permit is granted for a Series 12 Restaurant License only and any change of licenses shall require re-application 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.

46. LIQUOR LICENSE: Nando's Mexican Café

APPROVED a Series 12 Restaurant Liquor License (Chandler #142988L12) for Timothy Michael Shaughnessy, Agent, Nando's of Chandler LLC, dba Nando's Mexican Café, 1890 W. Germann Road, Suite 2. Recommendation for approval of State Liquor License #12079220 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

47. USE PERMIT: Bay Leaf Café

APPROVED Use Permit LUP12-0020 Bay Leaf Café, Series 12 Restaurant License, to sell and serve liquor for on-site consumption indoors and on an outside patio at an existing restaurant at 955 W. Chandler Heights Road, Suite 1. (Applicant: Satyendra Singh.)

BACKGROUND

The application requests liquor Use Permit approval to sell liquor as permitted by a Series 12 Restaurant License within an existing restaurant and outdoor patio area. A Series 12 Restaurant License 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.

This new restaurant is located within The Summit at Chandler Heights commercial center and occupies a tenant space in an inline shops building. Adjacent businesses include Freshyo Yogurt and a Summit Salon & Spa. Bay Leaf Café is approximately 1,450 square feet. The restaurant is closed on Mondays and open Tuesday through Saturday 11 a.m. to 9:30 p.m. and Sundays 11 a.m. to 8:30 p.m. There are approximately 40 seats inside. Currently, there are about 20 seats outside for dining. The business does request liquor service and consumption outside the dining area which needs to be cordoned-off per State requirements. This liquor Use Permit does include a request for approval for liquor on an outdoor dining area. Staff is working with the applicant on the location of the cordoned-off area; a general location is shown on the floor plan. There is no live entertainment proposed.

PUBLIC/NEIGHBORHOOD NOTIFICATION

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 3, 2012. There were no neighbors in attendance. The Police Department has been informed of the application and responded with no concerns. Planning Staff has received no correspondence in opposition to this request.

PLANNING COMMISSION VOTE

The Commission voted unanimously for approval.

RECOMMENDED ACTION

Upon finding consistency with the General Plan, 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 re-application and approval.
2. The liquor Use Permit is granted for a Series 12 Restaurant License only and any change of licenses shall require re-application and new liquor Use Permit approval.
3. The liquor Use Permit is non-transferable to other restaurant location.
4. The site shall be maintained in a clean and orderly manner.

48. LIQUOR LICENSE: Bay Leaf Café India Cuisine

APPROVED a Series 12 Restaurant Liquor License (Chandler #139167L12) for Rambha Singh, Agent, Bay Leaf LLC, dba Bay Leaf Café India Cuisine, 955 W. Chandler Heights Road, Suite 1. Recommendation for approval of State Liquor License #12079191 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

49. LIQUOR LICENSE: Yogis Grill

APPROVED a Series 12 Restaurant Liquor License (Chandler #137938L12) for Jung M. Choi, Agent, AZ Cubs LLC, dba Yogis Grill, 4015 S. Arizona Avenue, Suite 5. Recommendation for approval of State Liquor License #12079236 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Kokopelli Fresh Mexican Grill.

50. CONTINUED LIQUOR LICENSE: Mama's House

CONTINUED TO OCTOBER 25, 2012, Liquor License, Series 6, for Michael D. Vachon, Agent, Sun Valley Bistros LLC, dba Mama's House, located at 2394 N. Alma School Road to allow the applicant time to complete the requirements for a new Use Permit.

51. SPECIAL EVENT LIQUOR LICENSE: Gangplank Collective

APPROVED a Special Event Liquor License for Gangplank Collective for the Pressnomics Conference Happy Hour on November 8, 2012 at 250 S. Arizona Avenue. 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. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

52. SPECIAL EVENT LIQUOR LICENSE: Arizona Border Collie Rescue

APPROVED a Special Event Liquor License for the Arizona Border Collie Rescue for the ASBCR Wine Tasting on October 13, 2012, at Chandler Harley Davidson, 6895 W. Chandler Boulevard. 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. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

53. SPECIAL EVENT LIQUOR LICENSE: Catholic Charities Community – My Sisters Place

APPROVED a Special Event Liquor License for Catholic Charities Community – My Sisters Place for their Inspirador Live event on October 19, 2012, at Inspirador, 63 E. Boston Street. 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. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

54. FINAL PLAT: Waters at Ocotillo – Parcels 1 & 4

APPROVED Final Plat FPT12-0008 Waters at Ocotillo – Parcels 1 & 4, for a 65-lot single-family residential subdivision located at the intersection of Market Place and Jacaranda Parkway, northeast of the intersection of Dobson and Price roads. The final plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

55. REZONING: Price Road Commerce Center Ord. #4392

APPROVED referral of DVR12-0006 Price Road Commerce Center (Ordinance #4392), rezoning from AG-1 to PAD along with PDP for a business park on approximately 38 acres located south of the SWC of Germann and Price roads (Applicant: Mike Withey; Withey Morris, PLC.). Staff recommends the case be referred back to the Planning and Zoning Commission for the October 17, 2012 hearing to allow discussion regarding a change in the requested uses for the subject site, specifically striking data centers from the list of permitted uses.

ACTION:

55. REZONING: Price Road Commerce Center Ord. #4392

This Item was moved to the Consent Agenda.

CURRENT EVENTS:

A. Mayor's Announcements

MAYOR TIBSHRAENY highlighted Items 34 and 35 as approved on the agenda, park improvements to several of the parks in Chandler.

MAYOR TIBSHRAENY invited residents to attend the 13th annual Mariachi Festival at 7 p.m. on Saturday, October 6, at the Chandler Center for the Arts. The event is sponsored by the Arizona Republic and produced by the Chandler Coalition for Civil and Human Rights. Tickets are available by calling 480-782-2680.

MAYOR TIBSHRAENY also announced the 4th Annual Indian Art Market October 12-14 in downtown Chandler. This free event will include both traditional and contemporary works of art, including jewelry, ceramics, native food and tribal arts and crafts. The popular Native American band *Clan/destine* is the featured performance on Friday at 7 p.m.

MAYOR TIBSHRAENY also announced TASTE, Chandler's Culinary Festival that features the East Valley's finest restaurants. There will be more than 40 food samplings and a variety of fine wines, craft beers and spirits. Taste is on October 6 from 5-10 p.m. in downtown Chandler. For more information and to purchase tickets visit: www.tastechandler.com.

MAYOR TIBSHRAENY closed his remarks by noting a significant conservation milestone for the City. This week, Chandler's Reverse Osmosis Facility pumped its five billionth gallon of recycled water back into the ground. Intel and the City have been innovators in the water treatment industry by using the latest technology in Reverse Osmosis to treat Intel's industrial process water to drinking quality standards. This water is then recharged back into the ground providing a renewable resource for the community.

B. Councilmembers' Announcements

COUNCILMEMBER HEUMANN noted that a new restaurant, Nando's Mexican Café, will be opening on the northeast corner of Germann and Dobson roads. He also invited residents to make plans to participate in G.A.I.N. (Getting Arizona Involved in Neighborhoods) events on October 20. Details are online at www.chandlerpd.com. The 15th Annual "Learning, Loving & Living with Cancer" Luncheon presented by the Desert Cancer Foundation of Arizona will be held at the Crowne Plaza San Marcos Resort on Thursday, October 25. Details are at www.desertcanceraz.org. In closing, he reminded residents to register to vote by October 9.

COUNCILMEMBER SELLERS thanked Maricopa Association of Governments and the Arizona Commerce Authority for hosting a roundtable event this week to promote trade with Mexico.

VICE-MAYOR WENINGER said that Chandler schools will be on intersession for the next two weeks, he asked residents to be careful while driving and to watch out for children. He also noted that Roger Clyne and the Peacemakers are playing at the Oktoberfest in Downtown Chandler on Saturday, September 29.

COUNCILMEMBER DONOVAN promoted the Valley of the Sun United Way's "Unite to End Hunger" campaign and asked residents to make pledges of support at www.vsuw.org. The Chandler Service Club is holding Tequila Night on November 3, featuring opportunities to taste a variety of food, beer and spirits. Details are at www.chandler-serviceclub.org.

COUNCILMEMBER HARTKE announced the Hamilton High vs. Chandler High football game, which is scheduled to take place at Hamilton High School on Friday evening.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 7:23 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: October 22, 2012

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 27th day of September 2012. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of October, 2012.

City Clerk