



CITY OF CHANDLER COUNCIL MEETING

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

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

CALL TO ORDER:



ROLL CALL:

INVOCATION:

Pastor Mike Sproul – Tri-City Baptist Church

PLEDGE OF ALLEGIANCE:

UNSCHEDULED PUBLIC APPEARANCES:

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

CONSENT:

1. **FINAL ADOPTION OF ORDINANCE NO. 4415** of the City amending Chapter 2, Code of the City of Chandler, by adding Section 16; creating the City of Chandler Workers' Compensation and Employer Liability Trust fund, and creating the City of Chandler Workers' Compensation and Employer Liability Trust Board to administer the fund.
2. **FINAL ADOPTION OF ORDINANCE NO. 4419**, amending Chapter 8 of the Chandler City Code to clarify administrative responsibility with respect to airport operations and to amend provisions of the "Chandler Municipal Airport Rules and Regulations, 2006," previously adopted and made part of Chapter 8 by reference.
3. **INTRODUCTION OF ORDINANCE NO. 4376**, amending Chapter 62 of the Chandler City Code, Sections 62-410, 62-422 and 62-445 and Regulation 62-415.3, and establishing the effective dates thereof, relating to conforming changes to the Chandler Tax Code.
4. **INTRODUCTION OF ORDINANCE NO. 4398** authorizing the dedication in fee of a portion of City owned property for road right-of-way purposes located at the NEC of Alma School and Ray roads and at the intersection of Alma School Road and Shannon Street.
5. **INTRODUCTION OF ORDINANCE NO. 4409** granting a no-cost power distribution easement to Salt River Project for the Appleby Well Site at the northeast corner of Pinaleno Drive and the Appleby Road alignment.
6. **INTRODUCTION OF ORDINANCE NO. 4410** authorizing the dedication of a Public Utility Easement to the City of Chandler, in trust for the public, on a portion of City owned property located at the NEC of Alma School and Ray roads and at the intersection of Alma School Road.
7. **INTRODUCTION OF ORDINANCE NO. 4411, ZONING CODE AMENDMENT, ZCA12-0003 MONUMENT SIGN TENANT PANELS**, amending Chapter 39, Section 9.16 of the Chandler City Code relating to shopping center monument sign tenant panels.
8. **INTRODUCTION OF ORDINANCE NO. 4412, DVR12-0030 AERIE AT ALMA & PECOS WEST**, rezoning from Planned Area Development (PAD) Commercial to PAD (Multi-Family Residential).
PRELIMINARY DEVELOPMENT PLAN, AERIE AT ALMA & PECOS WEST, for a multi-family resident development located at the NWC of Alma School and Pecos roads.
PRELIMINARY PLAT, PPT12-0015 AERIE AT ALMA & PECOS WEST, for a multi-family residential development located at the NWC of Alma School and Pecos Roads.
9. **INTRODUCTION OF ORDINANCE NO. 4413, DVR12-0031 AERIE AT ALMA & PECOS EAST**, rezoning from Planned Area Development (PAD) Commercial to PAD (Multi-Family Residential).
PRELIMINARY DEVELOPMENT PLAN, AERIE AT ALMA & PECOS EAST, for a multi-family residential development located at the NEC of Alma School and Pecos roads.
PRELIMINARY PLAT, PPT12-0016 AERIE AT ALMA & PECOS EAST for a multi-family residential development located at the NEC of Alma School and Pecos roads.

10. **INTRODUCTION OF ORDINANCE NO. 4414 RIGHT OF WAY ANNEXATION** of certain County Rights-of-Way of approximately 2.22 acres on Ocotillo Road between McQueen Road and Arizona Avenue.
11. **INTRODUCTION OF ORDINANCE NO. 4416**, amending Chapter 3 of the Chandler City Code, adding Section 3-17 relating to debarment and suspension of City contracts.
12. **INTRODUCTION OF ORDINANCE NO. 4417, DVR12-0039 WEST OF THE SWC CHANDLER HEIGHTS & GILBERT ROADS**, the establishment of initial City zoning of Agricultural on an approximately 25 acres located west of the SWC of Chandler Heights and Gilbert roads.
13. **INTRODUCTION OF ORDINANCE NO. 4418, DVR12-0032 THE PLAZA**, rezoning from Planned Area Development (PAD) for a residential condominium development to PAD. **PRELIMINARY DEVELOPMENT PLAN, THE PLAZA**, for a 65-lot single-family attached residential subdivision located west of the NWC of 56th and Harrison streets. **PRELIMINARY PLAT, PPT12-0017 THE PLAZA** for a 65-lot single-family attached residential subdivision located west of the NWC of 56th and Harrison streets.
14. **RESOLUTION NO. 4598** authorizing condemnation needed to acquire property for the purpose of expanding and re-drilling an existing water well site located south and east of the intersection of Alma School Road and Pecos Road and to obtain immediate possession thereof.
15. **RESOLUTION NO. 4651, GENERAL PLAN AMENDMENT, GPA12-0002 ALLRED BOARDWALK GENERAL PLAN AMENDMENT**, Minor General Plan text amendment by modifying the language of the South Price Road Employment Corridor for approximately 64.5-acres located at the SW and SEC of Price and Willis roads. **(APPLICANT REQUESTS WITHDRAWAL.)**
16. **RESOLUTION NO. 4661** amending Personnel Rule 12, Sections 1B and 1D – Period of Probation.
17. **PRELIMINARY DEVELOPMENT PLAN, PDP12-0013 AZ 202**, for site layout and building architecture for a retail, office, and hotel development on approximately 45 acres located at the SWC of Arizona Avenue and Pecos Road.
18. **ZONING, DVR12-0002 FRY'S FUELING CENTER**, rezoning from Planned Area Development (PAD) to PAD Amended to eliminate conditions prohibiting a fuel station and 24-hour uses. **PRELIMINARY DEVELOPMENT PLAN** for site layout and building architecture located at the SWC of Alma School and Germann roads. **(APPLICANT REQUESTS WITHDRAWAL.)**
19. **ZONING, DVR12-0009 ALLRED BOARDWALK**, Request rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) for a business park on approximately 65 acres located at the SW and SEC of Price and Willis roads. **(REQUEST CONTINUANCE TO THE JANUARY 24, 2013, CITY COUNCIL MEETING.)**

20. **ZONING, DVR12-0022 CHANDLER HEIGHTS**, rezoning from Agricultural to Planned Area Development (PAD).
PRELIMINARY DEVELOPMENT PLAN, CHANDLER HEIGHTS, for a 68-lot single-family residential subdivision located west of the SWC of Chandler Heights and Gilbert roads.
PRELIMINARY PLAT, PPT12-0011 CHANDLER HEIGHTS, for a 68-lot single-family residential subdivision located west of the SWC of Chandler Heights and Gilbert roads.
(STAFF REQUESTS CONTINUANCE TO THE FEBRUARY 14, 2013, CITY COUNCIL MEETING.)
21. **ZONING, DVR12-0035 POLLACK BUSINESS PARK NORTH PHASE 2**, action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of I-1/PAD. The existing PAD zoning designation is for commercial retail/office/showroom and light industrial uses on approximately 10 acres located at the NEC of Arizona Avenue and Elliot Road. **(STAFF RECOMMENDS A THREE-YEAR TIMING EXTENSION.)**
22. **ZONING, DVR12-0036 POLLACK BUSINESS PARK SOUTH**, action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former zoning district of I-1/PAD. The existing PAD zoning designation is for commercial retail/office/showroom and light industrial uses on approximately 16 acres located at the SEC of Arizona Avenue and Elliot Road. **(STAFF RECOMMENDS A THREE-YEAR TIMING EXTENSION.)**
23. **BOARD AND COMMISSION APPOINTMENTS.**
24. **SETTLEMENT** in *City of Chandler v. Greater Phoenix Chinese Christian Church* in the amount of \$203,250.00 plus statutory interest.
25. **AUTHORIZE** the payment of operations and maintenance costs for FY12/13 to the City of Phoenix as part of the Regional Wireless Cooperative in the amount of \$547,863.19.
26. **AGREEMENT #AI1301-201** with Dibble Engineering for the design and construction administration services for Airport Terminal Area Parking Lot, pursuant to annual contract #EN1005-101, in an amount not to exceed \$71,946.00.
27. **AGREEMENT #ST2-745-3067**, Amendment No. 1 with Regional Pavement Maintenance of AZ, Inc., for the purchase of Recycled Tire Rubber Modified Surface Seal (TRMSS) in an amount not to exceed \$380,000.00.
28. **AGREEMENT #ST3-914-3175** with Sand Dollar Construction Inc., for Wall Repair & Replacement – Commonwealth Avenue and Alma School Road in an amount not to exceed \$266,309.00.
29. **AGREEMENT #ST3-745-3186** with Cemex Construction Materials South, LLC (Cemex) for Hot Mix Asphalt Materials in an amount not to exceed \$231,693.00 for one year with options to renew for two additional one-year periods.

30. **AGREEMENT #FI1302-401** with SDB, Inc., for Fire Station Fuel Tank Dispensing Systems, pursuant to #JOC1201-401, in an amount not to exceed \$66,801.00.
31. **AGREEMENT #FI1301-201** with Ritoch-Powell & Associates for Fire Pump Test Facility Design in an amount not to exceed \$43,204.00.
32. **AGREEMENT #FS0-060-2752**, Amendment No. 2 with Balar Equipment, Earnhardt Ford Sales Company, Earnhardt Chrysler Jeep Dodge, Earnhardt Toyota Scion, PSS/First In, H and E Equipment, RWC International and Norwood Equipment for Original Equipment Manufacturer (OEM) parts and service in an amount not to exceed \$250,000.00.
33. **AGREEMENT** with Phillips Healthcare for cardiac monitor maintenance services, sole source, in a total amount not to exceed \$83,528.00, for five years.
34. **AGREEMENT #CM3-745-3183** with ABC Asphalt, LLC for Fire Station No. 2 concrete and asphalt repairs in amount not to exceed \$93,428.06.
35. **AGREEMENT #BF3-745-3115** with Ace Asphalt of Arizona, Inc., Cactus Asphalt, Regional Pavement Maintenance of Arizona, Inc., and W.L. Emshoff for asphalt and concrete repairs in an amount not to exceed \$425,000.00 for one year.
36. **AGREEMENT AMENDMENT NO. 2** to the Performance Guarantee Agreement and Agreement No. CM2-290-3024 with SolarCity to provide solar arrays to the City Hall parking garage for twenty years in a pre-paid amount of \$296,101.00 and applicable taxes of \$29,758.00 for a total amount of \$325,859.00.
37. **AGREEMENT #CM2-290-3024** Amendment No. 2 to the Performance Guarantee Agreement with SolarCity to provide solar arrays to the parking lot at the Police/Courts building for twenty years in a pre-paid amount of \$279,213.00 and applicable taxes of \$28,061.00 for a total amount of \$307,274.00.
38. **AGREEMENT #CM2-290-3024** Phase 2 Performance Guarantee Agreement and Solar Services Agreement with SolarCity to provide solar arrays to the parking lot at the Courts building as well as the roof of the Police building for twenty years in a pre-paid amount of \$302,704.00 and applicable taxes of \$30,422.00 for a total amount of \$333,126.00.
39. **AGREEMENT** with Salt River Project for design and construction for the Ocotillo Brine Reduction Facility enhanced electrical service in the amount of \$2,219,214.00.
40. **AGREEMENT** with Salt River Project design and construction award for the Airport Water Reclamation Facility enhanced electrical service in the amount of \$2,339,557.00.
41. **AGREEMENT #WA1303-201** with Dibble and Associates Consulting Engineers, Inc., for water valve replacement design services in an amount not to exceed \$36,810.00.
42. **AGREEMENT #WW1307-101** with Southwest Ground-water Consultants for the Recharge Well Testing Program, pursuant to contract #EN1203-101, in an amount not to exceed \$51,373. 00.

43. **CONTRACT #PR1203-401** to Redpoint Contracting for Tumbleweed Ranch Irrigation Pipe Installation in an amount not to exceed \$111,438.00.
44. **AGREEMENT #EN1002-101** amendment with Ritoch-Powell & Associates for increase in the annual limit for Annual Civil Design and Platting Services by \$50,000.00, for a revised annual limit not to exceed \$150,000.00.
45. **PURCHASE** of mobile communication services and equipment from Sprint/Nextel, utilizing the State of Arizona and Western States Contracting Alliance (WSCA) contract #EPS070070, in an amount not to exceed \$84,000.00.
46. **PURCHASE** of office supplies from Office Max, utilizing the City of Flagstaff contract and from Wist Office Products, utilizing the City of Mesa contract, in a combined total amount not to exceed \$225,000.00.
47. **USE PERMIT, LUP12-0024 ZIPPS SPORTS GRILL**, Series 12 Restaurant License, to allow liquor sales as permitted for a new restaurant located at 4060 S. Arizona Ave.
48. **LIQUOR LICENSE**, Series 12, for Harry Goldman, Agent, Goldman Group XII, LLC, dba Zipps Sports Grill, located at 4060 S. Arizona Avenue.
49. **USE PERMIT, LUP12-0025 ZAMMI'S GRILL**, Series 6 Bar License, to allow liquor sales as permitted for on-premise consumption indoors at an existing restaurant located at 4040 S. Arizona Ave, Suite 7, within Fulton Ranch Towne Center.
50. **LIQUOR LICENSE**, Series 6, for Danette Jo St. Vincent, Agent, Zammi II LLC, dba Zammi's Grill, located at 4040 S. Arizona Avenue, Suite 7.
51. **USE PERMIT, LUP12-0026 U.S. EGG RESTAURANT**, Series 12 Restaurant License, to allow liquor sales as permitted for a new restaurant located at 5840 W. Chandler Blvd.
52. **LIQUOR LICENSE**, Series 12, for Theresa June Morse, Agent, U.S. Egg-Chandler, LLC, dba U.S. Egg Restaurant, located at 5840 W. Chandler Boulevard.
53. **USE PERMIT, LUP12-0027 NOSH**, Series 13 Domestic Farm Winery License, to allow wine production and liquor sales as permitted for the production, selling and serving of wine for on or off-premise consumption at a new restaurant within the Copper Point shopping center located at 4080 W. Ray Road, Suite 26.
54. **LIQUOR LICENSE**, Series 13, for Stacey Diane Carson, Agent, Hugo Vino Inc., dba NOSH, located at 4080 W. Ray Road, Suite 26.
55. **USE PERMIT, LUP12-0030 SANTAN BREWING COMPANY INC.**, Series 1 (In-State Production) liquor license, to allow for the manufacturing and production of beer, and Series 7 (Beer and Wine Bar) liquor license, to allow for incidental retail sales and tastings of beer for both on-and off-premise consumption located at 495 E. Warner Road.

56. **LIQUOR LICENSE**, Series 1, for Anthony Canecchia, Agent, San Tan Brewing Company Inc., dba San Tan Brewing Company, located at 495 E. Warner Road.
57. **USE PERMIT, LUP12-0021 I SUSHI**, Series 12 Restaurant license, to allow liquor sales for on-premise consumption indoors and within an outdoor patio located at 4939 W. Ray Road, Suites 1 and 2.
58. **USE PERMIT, LUP12-0031 VINTAGE 95**, Series 12 Restaurant License, to allow liquor sales for on-premise consumption indoors and within an outdoor patio and existing restaurant within Historic Downtown Chandler located at 95 W. Boston Street.
59. **USE PERMIT, ZUP11-0016 CENTRO DE ALABANZA JUDA**, to allow a temporary storage trailer to be located on-site located at 450 S. Hamilton Street. **(REQUEST CONTINUANCE TO THE JANUARY 24, 2013, CITY COUNCIL MEETING.)**
60. **USE PERMIT, ZUP12-0027 HARVEST FOR HUMANITY**, to operate a community garden on a vacant lot located at the NWC of Chicago and Dakota streets.
61. **USE PERMIT, ZUP12-0028 PRESIDIO WIRELESS**, to allow a monopalm wireless communication facility in the Presidio Executive Center, located at 1120 S. Dobson Road at the SWC of Pecos and Dobson roads. **(STAFF RECOMMENDS A 65-FOOT MONOPALM.)**
62. **LIQUOR LICENSE**, Series 12, for Anis Ben Harzallah Jr., Agent, Zorba's Restaurant, located at 1964 N. Alma School Road, Suite 10.
63. **LIQUOR LICENSE**, Series 12, for Dragana Cosic, Agent, Ocotillo East LLC, dba Table 49 Restaurant and Wine Bar, located at 4949 S. Alma School Road.
64. **LIQUOR LICENSE**, Series 1, for John Michael Knapp, Agent, Rare Hospitality Management Inc., dba LongHorn Steakhouse #5455, located at 980 N. 54th Street.
65. **LIQUOR LICENSE**, Series 12, for Theodore Edwin Henn, Agent, Hennsco LLC, dba Bourbon Street Bar & BBQ, located at 4920 S. Gilbert Road, Suite 3.
66. **LIQUOR LICENSE**, Series 12, for James Chaebung Chung, Agent, Silbo LLC, dba Eastwind, located at 58 W. Buffalo Street, Suite 110.
67. **LIQUOR LICENSE**, Series 12, for Michael Lawrence Schall, Agent, Pho Van LLC, dba Pho Van, located at 2095 N. Dobson Road, Suite 3. **(APPLICANT REQUESTS CONTINUANCE TO THE JANUARY 24, 2013, CITY COUNCIL MEETING.)**
68. **LIQUOR LICENSE**, Series 7, for Noelia Ortiz, Restaurant El Zacatecano, located at 474 W. Ray Road. **(APPLICANT REQUESTS CONTINUANCE TO THE JANUARY 24, 2013, CITY COUNCIL MEETING.)**
69. **PRELIMINARY PLAT, PPT12-0013 JACKSON PLACE**, for a new 28-lot single-family residential subdivision located at the SEC of Ray Road and Jackson Street.

- 70. **FINAL PLAT, FPT12-0021 JACKSON PLACE**, for a new 28-lot single-family residential subdivision located at the SEC of Ray Road and Jackson Street.
- 71. **AGREEMENT #WW1105-402**, Change Order No. 2, with Achen-Gardner Construction, LLC for Construction Manager at Risk for Phase II of the Ocotillo Water Transmission Main and Wastewater Forcemain in the amount of \$587,300.48 for a revised contract price of \$13,786,565.85.
- 72. **RESOLUTION NO. 4662** authorizing a development agreement with AZGL, LLC for property located south of the SWC of Germann and Price roads.

ACTION:

- 73. **INTRODUCTION OF ORDINANCE NO. 4392, DVR12-0006 PRICE ROAD COMMERCE CENTER**, rezoning from Agricultural (AG-1) to Planned Area Development (PAD). **PRELIMINARY DEVELOPMENT PLAN (PDP)** for a business park on approximately 38 acres located south of the SWC of Germann and Price roads.

PUBLIC HEARINGS:

- PH1. **ANNEXATION** of approximately 12.25 acres located west of the NWC of Lindsay and Riggs roads.
 - 1. Open Public Hearing
 - 2. Staff Presentation
 - 3. Council Discussion
 - 4. Discussion from the Audience
 - 5. Close Public Hearing

- PH2. **ANNEXATION** of approximately 1.6 acres located east of the SEC of McQueen and Willis roads.
 - 1. Open Public Hearing
 - 2. Staff Presentation
 - 3. Council Discussion
 - 4. Discussion from the Audience
 - 5. Close Public Hearing

- PH3. **ANNEXATION** of approximately 2.1 acres located at the SEC of Arizona Avenue and Riggs Road.
 - 1. Open Public Hearing
 - 2. Staff Presentation
 - 3. Council Discussion
 - 4. Discussion from the Audience
 - 5. Close Public Hearing

CURRENT EVENTS:

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

ADJOURN