

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, January 10, 2013 at 7:02 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

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

*Councilmember Heumann participated telephonically.

Also in attendance:

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

INVOCATION: Councilmember Kevin Hartke

SPECIAL MUSIC: Chandler Fire Department Pipe and Drums

POSTING OF COLORS: Chandler Police Department

PLEDGE OF ALLEGIANCE: Councilmember Matt Orlando

SONG: *America the Beautiful* – sung by Victor Hardy

SCHEDULED/UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

MOVED BY COUNCILMEMBER SELLERS, SECONDED BY COUNCILMEMBER ORLANDO, to approve the Consent Agenda as presented.

MAYOR TIBSHRAENY DECLARED A CONFLICT OF INTEREST ON ITEM A11.

MOTION CARRIED UNANIMOUSLY (7-0) ON A ROLL CALL VOTE.

A1. MINUTES:

APPROVED the following Chandler City Council Meeting minutes:

- A1a. Regular Meeting of December 10, 2012
- A1b. Special Meeting of December 10, 2012
- A1c. Regular Meeting of December 13, 2012

A2. CITY CODE AMENDMENT: Chapter 62 Ord. #4376

ADOPTED 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.

A3. DEDICATION IN FEE: NEC of Alma School and Ray Roads Ord. #4398

ADOPTED 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.

A4. POWER DISTRIBUTION EASEMENT: SRP Ord. #4409

ADOPTED Ordinance No. 4409 granting a no-cost power distribution easement to Salt River Project (SRP) for the Appleby Well Site at the northeast corner of the Pinaleno Drive and the Appleby Road alignment.

A5. DEDICATION OF PUBLIC UTILITY EASEMENT: City of Chandler Ord. #4410

ADOPTED 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.

A6. CITY CODE AMENDMENT: Chapter 39, Zoning Code Ord. #4411

ADOPTED 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.

A7. REZONING: Aerie At Alma & Pecos West Ord. #4412

ADOPTED Ordinance No. 4412, DVR12-0030 Aerie At Alma & Pecos West, rezoning from Planned Area Development (PAD) Commercial to PAD (Multi-Family Residential).

A8. REZONING: Aerie At Alma & Pecos East Ord. #4413

ADOPTED Ordinance No. 4413, DVR12-0031 Aerie at Alma & Pecos East, rezoning from Planned Area Development (PAD) Commercial to PAD (Multi-Family Residential).

A9. RIGHT-OF-WAY ANNEXATION: Ocotillo Road Ord. #4414

ADOPTED 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.

A10. CITY CODE AMENDMENT: Chapter 3 Ord. #4416

ADOPTED Ordinance No. 4416 amending Chapter 3 of the Chandler City Code, adding Section 3-17 relating to debarment and suspension of City contracts.

A11. INITIAL CITY ZONING: West of the SWC of Chandler Heights & Gilbert Roads
Ord. #4417

Mayor Tibshraeny declared a Conflict of Interest and did not vote on this item.

ADOPTED (6-0) Ordinance No. 4417, DVR12-0039 West of the SWC of Chandler Heights & Gilbert Roads, establishing initial City zoning of Agricultural on approximately 25 acres located west of the SWC of Chandler Heights and Gilbert roads.

A12. REZONING: The Plaza Ord. #4418

ADOPTED Ordinance No. 4418, DVR12-0032 The Plaza, rezoning from Planned Area Development (PAD) for a residential condominium development to PAD.

A13. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Cesar Millan, Dog Whisperer Fundraiser Concert, January 26, 2013, at 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

A14. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the SNL Alumni Show Fundraiser Concert, March 1, 2013, at 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

A15. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Classic Albums Live The Beatles "Abbey Road" Fundraiser Concert, March 9, 2013, at 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

A16. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Roots and Boots Fundraiser Concert, March 16, 2013, at 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

A17. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Hotel California "Salute to the Eagles" Fundraiser Concert, April 5, 2013, at 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

A18. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Dance Studio III Fundraiser Concert, May 31, 2013, at 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

A19. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Dance Studio III Fundraiser Concert, June 1, 2013, at 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

A20. SPECIAL EVENT LIQUOR LICENSE: Kyrene Community Schools

APPROVED a Special Event Liquor License for the Taste of Kyrene Silent Auction and Dinner Fundraiser, February 28, 2013, at The Castle At Ashley Manor, 1300 S. Price Road. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

A21. SPECIAL EVENT LIQUOR LICENSE: Downtown Chandler Community Foundation

APPROVED a Special Event Liquor License for the Downtown Chandler Community Foundation for the Great American BBQ and Beer Festival, March 23, 2013, at Dr. A.J. Chandler Park, 3 S. Arizona Place. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

A22. SPECIAL EVENT LIQUOR LICENSE: Southwest Youth Ballet Theatre

APPROVED a Special Event Liquor License for the Southwest Youth Ballet Theatre for the Dance and Romance Fundraiser, February 8, 2013, at 63 E. Boston Street. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

A23. SAMPLING PRIVILEGES LIQUOR LICENSE: Sprouts Farmers Market #1

APPROVED the addition of sampling privileges to the City of Chandler Series 10, Beer and Wine Store Liquor License (Chandler #134951 L10) for Randy D. Nations, Agent, SF Markets LLC (FN), dba Sprouts Farmers Market #1, 1959 W. Ray Road. A recommendation for the addition of sampling privileges to existing State Liquor License #10076308s will be forwarded to the State Department of Liquor Licenses and Control.

SF markets LLC (FN), dba Sprouts Farmers Market #1, has been in business at this location since September 13, 2012, at which time Council approved a Series 10 Beer and Wine Store Liquor License. The applicant has submitted an application to add sampling privileges to their Series 10 State Liquor License. The Arizona State Legislature amended A.R.S. §4-206.01(J) effective July 29, 2010, allowing an applicant or licensee of a Liquor Store License or a Beer and Wine Store License to apply for sampling privileges. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

A24. LIQUOR LICENSE: Spurs

APPROVED a Series 6 Bar Liquor License (Chandler #144728L6) for Guy Edward Vale, Agent, Eats LLC dba Spurs, 2394 N. Alma School Road. A recommendation for approval of State Liquor License #06070392 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 Mama's House.

A25. EMPLOYMENT AGREEMENT: Presiding City Magistrate

APPROVED an employment agreement with R. Michael Traynor for an annual base salary of \$174,680.00 during fiscal years 2012-13 and 2013-14.

A26. EMPLOYMENT AGREEMENT: City Magistrate

APPROVED an employment agreement with Gary J. LaFleur for an annual base salary of \$142,661.00 from October 17, 2012 to October 16, 2013, and \$142,661.00 from October 17, 2013 to October 16, 2014.

A27. EMPLOYMENT AGREEMENT: City Magistrate

APPROVED an employment agreement with Michael Morales for an annual base salary of \$142,661.00 from October 17, 2012 to October 16, 2013, and \$142,661.00 from October 17, 2013 to October 16, 2014.

PRESENTATION OF RESOLUTION TO COUNCILMEMBER MATT ORLANDO AND GIFTS:

The Mayor recognized Councilmember Orlando for serving on the City Council from 1990-1998 and again from 2004 – 2013. He recognized Councilmember Orlando's wealth of institutional knowledge of the city, his negotiating skills, and his leadership skills.

The Mayor read an Honorary Resolution and presented it to Councilmember Orlando along with a bocce ball set.

COUNCILMEMBER ORLANDO said he had an 8th grade teacher who introduced him to one of his favorite poems that is by Robert Frost entitled 'Stopping by the Woods on a Snowy Evening'. Councilmember Orlando said that has been his mantra for a long time – to make the future of Chandler better. He gave each Councilmember a gift with the poem inscribed.

Councilmember Orlando said he has been asked many times what he is most proud of during his tenure. He said while he doesn't have a particular structure or achievement in mind, he believes what he is most proud of is that he always considered how his decision would positively affect the future of the community. The foresight to implement sound fiscal policies lead to a future of not laying off one employee in Chandler during the down turn. He noted the higher educational institutions that are now located here. The stated the need to ask what needed to be done today to ensure the Price Road Corridor and the Airpark is successful for future employment opportunities. How do we keep the Chandler Mall viable and remarked on the history of Fiesta Mall.

Councilmember Orlando said it had been a privilege to work alongside some of the most dedicated elected officials, staff and residents. He leaves office with a great satisfaction of working together to find solutions.

Councilmember Orlando acknowledged the support of his wife, Pat, and their three children, Matt, Anthony and Leah and future daughter in law, April.

COUNCILMEMBER HARTKE said it had been an honor and pleasure in being a friend and serving with him. He thanked him for his wisdom and institutional knowledge. He commends him for his years of service and challenge to the future.

COUNCILMEMBER DONOVAN said prior to the Council service, she had the opportunity to work with him in the community. She expressed appreciation for his commitment to the community and the importance placed on volunteerism. She expressed her joy in volunteering with him and

his ability to be a voice for many of the non-profits in the community. She appreciated his work on fundraising for the Veterans Memorial Project.

VICE MAYOR WENINGER also commented on Councilmember Orlando's stellar negotiating skills, and echoed the sentiments of being able to disagree and the ability to leave any differences at the dais. Vice Mayor commended his incredible job with veterans and the memorial, and noted that long before that, Councilmember Orlando had been the champion for veterans and the region and state should cherish that.

COUNCILMEMBER SELLERS added that he and Councilmember Orlando ran a campaign against each other and have remained friends, which Councilmember Sellers noted is very meaningful. Councilmember Sellers presented Councilmember Orlando with a Jeff Foxworthy calendar as he will be keeping his own appointments now.

COUNCILMEMBER HEUMANN noted that he and Councilmember Orlando were travel soul mates as they often called in for meetings. He said they had been friends for many years and he will miss Councilmember Orlando's leadership. He knows he will remain involved and wished him the best.

Mayor Tibshraeny extended his appreciation to Matt's family for sharing him for 17 years.

ADJOURNMENT: Mayor Tibshraeny adjourned the meeting at approximately 7:30 p.m.

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 10th day of January 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of January, 2013.

City Clerk