

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, August 15, 2013 at 7:06 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

Jay Tibshraeny	Mayor
Jack Sellers	Vice-Mayor
Trinity Donovan	Councilmember
Nora Ellen	Councilmember
Kevin Hartke	Councilmember
Rick Heumann	Councilmember
Jeff Weninger	Councilmember

Also in attendance:

Rich Dlugas	City Manager
Pat McDermott	Assistant City Manager
Marsha Reed	Assistant City Manager
Kay Bigelow	Acting City Attorney
Marla Paddock	City Clerk

INVOCATION: Pastor Jose Doñan, Trinity Christian Fellowship

PLEDGE OF ALLEGIANCE: Girl Scout Troop 1242 led the Pledge of Allegiance.

CONSENT:

MOVED BY COUNCILMEMBER DONOVAN, SECONDED BY COUNCILMEMBER HARTKE, TO APPROVE THE CONSENT AGENDA AS PRESENTED.

Councilmember Heumann stated he would vote nay on Items 3, 8 and 16.

Mayor noted one comment card had been received in opposition to Item 8.

MOTION CARRIED UNANIMOUSLY (7-0).

1. CITY CODE AMENDMENT: Chapter 50 Ord. #4465

ADOPTED Ordinance No. 4465 amending Sections 50-2, 50-3, 50-5, 50-6, 50-8, 50-9, 50-10, 50-11.1, 50-12, 50-13 ad 50-19 of the Chandler City Code to change certain water, reclaimed water and wastewater fees.

2. CITY CODE AMENDMENT: Chapter 31 Ord. #4470

ADOPTED Ordinance No. 4470 amending Chapter 31, Section 21, of the Chandler City Code relating to fees for Community Services' registration-based classes, programs and activities.

3. CITY CODE AMENDMENT: Chapter 10 Ord. #4478

Councilmember Heumann voted nay on this item.

ADOPTED (6-1) Ordinance No. 4478 authorizing the City of Chandler to amend Chapter 10, Section 10-12, relating to property and firearms obtained by the Police Department.

4. REDEVELOPMENT AGREEMENT: ROM Properties Ord. #4479

ADOPTED Ordinance No. 4479 authorizing the assignment to CS Chandler Real Estate LLC of the Redevelopment Agreement and Special Warranty Deeds with ROM properties; authorizing the Mayor to sign the Assignment Agreement and declaring an emergency.

BACKGROUND

In January 2002, the City entered in to a Redevelopment Agreement with ROM Properties LLC, the property owner of 35 W. Boston Street, the prior home of Kokopelli Winery and Bistro. In July 2002, Council approved Ordinance No. 3387 which authorized the conveyance of real property to ROM Properties LLC (aka "Kokopelli") for the purpose of enabling outdoor dining. This real property included the patio space directly in front of 35 W. Boston Street under the City Colonnade as well as a portion of the City Breezeway at 45 W. Boston Street. A Special Warranty Deed was recorded for each of the two spaces.

Kokopelli (Seller) is currently in escrow to sell the building to CS Chandler Real Estate LLC (Buyer). As part of this transaction, Kokopelli desires to transfer the rights of use for these outdoor patio spaces to the new owner. The original Special Warranty Deeds anticipated that there would be successors and like uses during the duration of the Deeds. However, City Council must approve the successor and the City Attorney has determined that an Assignment Agreement needs to be created between the buyer and seller to which the City would consent. This Assignment Agreement will outline those elements in the Redevelopment Agreement that are complete, as well as spell out any remaining responsibilities. It would also enable the assignment of the Special Warranty Deeds by the seller to the buyer. The City Attorney will work with the parties to develop the Assignment Agreement in accordance with the ordinance specifications.

The new property owner intends to operate a new restaurant in the space that would be a similar use to Kokopelli and may even retain a small portion of Kokopelli's operations in the rear of the building. Having visited their sister locations, Staff believes this will be a complimentary use to the Downtown and will bring a new demographic to the area. Staff believes it is important to retain the reversionary clause that should the space cease to be used for outdoor dining, it would revert to the City. The Assignment Agreement will detail the maintenance and insurance obligations that remain in effect for both the patio space as well as the archways.

Given that close of escrow is August 16, 2013, and that closing cannot be delayed, Staff is requesting that this ordinance be adopted with an Emergency clause.

5. CITY CODE AMENDMENT: Chapter 2 Ord. #4439

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4439 amending Chapter 2 of the Chandler City Code by adding a new section, 2-17, relating to the establishment and modification of fees and rates.

BACKGROUND/DISCUSSION

The City establishes and modifies fees and rates for a wide variety of services, licenses, permits, programs and activities. The processes for establishing and modifying fees and rates vary by the areas that are authorized to set fees; i.e. Chandler City Code, state or federal government, Council agreement. Councilmember Weninger requested Staff develop procedures for adding or changing fees and rates in the City to ensure appropriate opportunity for citizen input and provide greater accessibility of fees and rates to the public. Ordinance No. 4439 was previously introduced March 14, 2013, but sent back to Staff by Council to more clearly review the process for each fee type and clarify the bodies authorized to set fees.

An extensive review was performed by Staff and a Council Subcommittee meeting took place April 16, 2013 to discuss the current process for each fee and rate type, unveil process enhancements, and discuss additional posting requirements in detail. The updated Ordinance No. 4439 adds Section 2-17 to the City Code establishing the vetted procedures for the new process and posting notifications of Council's intention to consider fees and rates.

The Ordinance provides that all proposed new or modified fees and rates be posted to the City's website no less than sixty (60) days prior to the date scheduled for Council consideration. The website will include a schedule of the proposed fees and rates and their amounts and/or a written report or data supporting the proposed new and/or modified fees and rates. Fifteen (15) days prior to the Council meeting, a Notice of Intent to Modify Fees and Rates will be posted on the City's website and official posting board, published in a newspaper of general circulation, and distributed through social media and other standard electronic communication tools (that which is generally used and accepted by the City). The resolution or ordinance to establish or modify fees and rates will be placed on the City Council meeting agenda as an Action item, allowing the opportunity for citizen comments.

The procedures shall not apply to certain fees or rates that are subject to procedural requirements imposed by state or federal law or exempted in City Code (i.e. water/wastewater rates, development fees, court fees, public housing or federally funded assistance programs, other fees set by state/federal law and registration based classes, program and activities provided by the City); however, notice shall be posted on the City's website and through social media when information is made available. In addition, all City of Chandler boards authorized to establish and change fees shall follow the posting requirements set forth in the Ordinance and the Library Board is currently the only board with that authority.

6. PROPERTY ACQUISITION: Community Services of Arizona (CSA) Ord. #4467

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4467 authorizing the acquisition of certain real properties within the City of Chandler to be leased to qualified families at an affordable rent and authorizing the Housing and Redevelopment Manager to execute all documents necessary to complete each acquisition and to implement the subsequent leasing program.

BACKGROUND

The Housing and Redevelopment Division (the Public Housing Authority), desires to expand its portfolio of affordable housing programs. Housing Staff is proposing the acquisition of five (5) properties that will increase the number of affordable rental housing units in the City's inventory.

Recently, Community Services of Arizona (CSA) defaulted on an obligation to the City and the U.S. Department of Housing and Urban Development (HUD) to provide a specific term of affordability for seven federally funded units they owned in Chandler. Neighborhood Resources and Housing Staff are looking at an opportunity to fulfill CSA's commitment through increasing the number of non-federally funded affordable housing units owned and operated by the Public Housing Authority. Housing and Redevelopment Staff, with the assistance of the City Attorney's office, is requesting authorization to acquire five (5) housing units based on the following key criteria:

- Up to 5 housing units may be acquired, made lease-ready and leased to families at affordable rents. Lessor must comply with HOA/PHA regulations/rules/governance, whichever are more restrictive.
- Housing units will contain a minimum of two bedrooms and at least one unit will contain three bedrooms.
- Housing units will only be acquired from willing sellers. Housing units must be either vacant or owner occupied units at the time of sale. Units with tenants or boarders will not be considered for acquisition.
- Housing units will only be leased to income-qualified families and income qualification will occur annually. Income qualified is defined as income between 50% - 80% of area median income. Currently a three-person household would qualify if their income were between \$28,400 and \$45,450.
- Rent will be an affordable rent that will be less than market rent. Rent will be affordable for tenants with an income near, but less than the 80%, of median income range.
- Qualifying families must be able to supply information to prove eligibility for the program and show an acceptable background and rental history. Selected applicants must demonstrate they can maintain the housing units.
- The Housing and Redevelopment Manager will be authorized to acquire, make required modifications to, develop guidelines and lease these properties based on additional criteria attached to Exhibit A (Program Acquisition Guidelines for CSA Replacement Affordable Housing Properties) in conjunction with and approval by the City Attorney's office.
- Sales proceeds from previous Public Housing 5(h) program sales and development proceeds will be used to finance and support the acquisition program.

Upon approval, the Housing and Redevelopment Manager will be able to individually purchase, make modification to, develop guidelines, make lease ready and lease properties as described above and in accordance with the program as outlined in Ordinance No. 4467. Each acquisition shall be undertaken through a fully executed written purchase agreement in a form acceptable to the City Attorney's office, which sets forth the terms and conditions of the acquisition and provides for opening and closing of escrow.

Depending on market conditions, Staff expects to identify prospective properties in late summer and fall of 2013. Staff hopes to close escrow on all the properties by fall of 2013.

The Housing and Human Services Commission discussed this item at their June 12, 2013 meeting and recommended approval of the acquisition of the five housing units to the Mayor and City Council.

FINANCIAL IMPLICATIONS

The costs to implement this project are derived from Public Housing 5(h) Program proceeds and other available resources. The funding invested in this proposed project will fulfill the obligations that Community Services of Arizona defaulted on with regard to the affordability period that they committed to when they utilized the federally funded HOME program dollars. This investment also furthers the Housing and Redevelopment Division's core mission to develop affordable housing.

This action will also authorize the reallocation of up to \$850,000 in funding within the Housing and Redevelopment Division's budgets for FY 2013/14 to acquire the properties and facilitate the related costs associated with implementing and operating the program.

7. REZONING/PRELIMINARY DEVELOPMENT PLAN: Habitat for Humanity Ord. #4472

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4472, DVR13-0015 Habitat for Humanity, rezoning from Multiple Family Residential District (MF-2) to Planned Area Development (PAD).

APPROVED a Preliminary Development Plan (PDP) for a single-family residence with a reduced front yard setback located at 489 S. Delaware Street, NEC of Delaware and Fairview streets. (Applicant: Tana Nichols, Habitat for Humanity.)

BACKGROUND

The applicant, Habitat for Humanity Central Arizona, is an affiliate of Habitat for Humanity International whose goal is to eliminate substandard housing. The organization plans to construct a single-family home on a vacant lot. Council previously approved several other Habitat for Humanity single-family homes in the surrounding residential area.

The subject site is located at 489 S. Delaware Street, within the Dobson Addition Block B subdivision. The lot is located on the east side of Delaware Street and is bordered to the east by a narrow strip of land owned by Bogle Farms and further east is the Union Pacific Railroad. Existing single-family homes surround the subject site. Delaware Street has an atypical 80-foot wide right-of-way for a local residential street which normally has a 50-foot right-of-way.

The property is within the boundary of the South Arizona Avenue Corridor Area Plan and designated for Low Density Residential. This land use category encourages new single-family infill with a target density of 0.0 to 5.9 dwelling units per acre. The Area Plan recommends that areas designated for Low Density Residential south of Frye Road be rezoned where necessary to allow a single-family home as a permitted use in order to encourage the development of vacant single-family lots.

The request is for rezoning from Multiple Family Residential District (MF-2) to Planned Area Development (PAD) with Preliminary Development Plan (PDP) approval for a single-family residence with a reduced front yard setback. The PAD will allow the use of a single-family home on the lot and modify the MF-2 standards. The requested deviation is to reduce the required minimum front yard setback.

The MF-2 front yard setback is determined by the approved right-of-way of the abutting street. As mentioned earlier, Delaware Street has an 80-foot wide right-of-way; therefore, the required front yard is 30 feet. The side yards require 5-feet in width and 10-feet for the rear yard. The subject lot is about 70-feet in depth and 50-feet wide. The request to reduce the front yard from 30 feet to 10 feet provides adequate buildable area for the residence.

Planning Staff notes there is approximately 20 feet of unpaved right-of-way from the back of the sidewalk to the property line of this lot which contains landscape and driveways. The lots on the west side of Delaware Street are around 150 feet in depth and the lots on the east area around 70 feet in depth. The reduced front yard to 10 feet maintains a visual street front setback of nearly 30 feet, given the 20 feet of undeveloped right-of-way plus the 10 foot front yard setback. Planning Staff supports the reduced front yard setback.

Habitat requests approval prior to the lot being purchased by a qualified homeowner. At the time a homeowner is designated, the selection of a front elevation and a color scheme will be finalized. With that in mind, the Development Booklet illustrates a wide range of compatible color schemes and the two front elevation options. The new home will have a stucco exterior with an asphalt shingle roof. The single-family residence is Model MM1583 of the Habitat series which is a two-story home with 1,583 livable square feet and 2,194 square feet under the roof. The home will include a two-car garage, entry porch and a 6-foot high concrete block wall around the rear yard. An optional covered patio is available for the new homeowner. The front yard landscape includes decomposed granite, shrubs and a tree.

Planning Staff supports the request finding the proposed single-family home is compatible with the existing neighborhood and is a viable solution to a small infill site. The South Arizona Avenue Corridor Area Plan promotes this type of infill project that not only maximizes a property's viability, but maintains compatibility with the existing adjacent uses. The home will be setback around 30 feet from the paved street which would create a slightly staggered alignment with existing homes to create a more visually appealing street face.

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 26, 2013. There were no neighbors in attendance. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 6 – 0 with Commissioner Baron absent.

RECOMMENDED ACTIONS

Rezoning

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

Preliminary Development Plan

Upon finding consistency with the General Plan and the South Arizona Avenue Corridor Area Plan, the Planning Commission and Planning Staff recommend approval subject to the following condition:

1. Development shall be in substantial conformance with the Development Booklet entitled "Habitat for Humanity Central Arizona", kept on file in the City of Chandler Planning Division, in File No. DVR13, 0015, except as modified by condition herein.

8. **REZONING/PRELIMINARY DEVELOPMENT PLAN:** Noria at Chandler Airpark
Ord. #4475

Councilmember Heumann voted nay on this item.

INTRODUCED AND TENTATIVELY APPROVED (6-1) Ordinance No. 4475, DVR13-0005 Noria at Chandler Airpark, rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a mixed-use development including commercial and multi-family residential uses.

APPROVED a Preliminary Development Plan (PDP) for site layout and building architecture on approximately 39 acres located at the SEC of Germann and McQueen roads. (Applicant: Mike Withey; Withey Morris, PLC.)

BACKGROUND

The subject site is located at the southeast corner of McQueen and Germann roads. East of the site is vacant land zoned for multi-family residential and garden office development. South, is the Los Arboles Park. North and west, adjacent to the site, are McQueen and Germann roads.

GENERAL PLAN/AREA PLAN CONFORMANCE

The General Plan designates the site as Employment, of which higher density residential uses are considerable, supporting the larger employment area. Additionally, the General Plan designates the site as being within the Chandler Airpark Area Plan (CAAP). The nine-square-mile area plan is bounded by Pecos Road, Gilbert Road, Ocotillo Road and Arizona Avenue. The site's Special Use Commercial designation denotes where the most intense high density residential and commercial uses may take place. The CAAP delineates this parcel as part of a larger "Urban Village" area providing a mix of medium and high-density housing and commercial development to complement the Paseo Canal system and nearby Tumbleweed Park. The proposed high density residential and commercial proposal is consistent with the Area Plan.

SITE LAYOUT

The site encompasses roughly 39 acres at the southeast corner of the intersection and includes a 6.7-acre commercial component located at the immediate intersection corner surrounded by 28 acres of multi-family residential. The main entry drive arches through the development connection McQueen and Germann roads. The entry drive bisects the commercial component from the residential component. Through the inclusion of uniform hardscape elements and pedestrian connections, the commercial component maintains cohesiveness through the two sites.

Thirty-seven residential buildings are provided with six different building types ranging from single up to four-story heights. One, two and three-bedroom configurations are provided for a total of 483 units, with an overall density of 17 dwelling units per acre; square footage of the units ranges from 830 up to 1,540 square feet. Placement of the residential buildings are perpendicular and angled where adjacent to the arterials. The residential component is divided in a northwest southeast fashion and is split by a linear open space area. Various pocket parks and open space areas with amenities are located throughout the site. A clubhouse with amenities, two pools, two tot lots and a number of outdoor fountains, gathering areas and barbecues are scattered throughout the site. Additionally, two pedestrian connections are provided to Los Arboles Park.

The site will be developed in three phases with the first phase including the street frontages and southwest portion of the apartment development that includes the main loop road. The second phase will include the remaining portions of the multi-family and the final phase will include the commercial component. It is anticipated that phase two will start development as phase one is finalized. Improvements along Los Arboles Park will be done as part of phase one.

The commercial component is designed to encourage pedestrian interaction through the clustering of the buildings, with the intention of creating a “farmer’s market square”. A pedestrian gathering area is provided at the southeastern portion of the commercial development that provides visual and hardscape connections to the residential component. While it appears that a round-about is provided, the element is strictly to visually connect the developments.

BUILDING ARCHITECTURE

Both the commercial and residential components receive architectural design influence from historical agricultural elements. Flat, concrete shingle and corrugated metal roofs relate to the southwest and agricultural design motif, as well as provides a variety of roofing elements. River rock, corrugated and decorative metals and stucco are the predominant materials. Building massing throughout the site is diminished by way of stepping of various elements, entryways, and patio layout, contributing to the visual interest of the site. A rich southwest color palette further enhances the visual interest of the development. Architecture of the commercial component carries the same level of design and materials that the residential development provides, furthering the community cohesiveness.

As has been the case with recent multi-family development approvals, some minor deviations are requested. Deviations are listed within the development booklet’s narrative. The deviations are relatively minor and request relief from outdoor patio diameters and perimeter wall setback. Relief is also sought from walls encroaching into the required building setback. The perimeter walls are staggered and arched and provide combination solid and view fencing elements. The Planning Commission and Planning Staff support the deviations, as they are relatively minor.

AIRPORT COMMISSION CONFLICTS EVALUATION

The Airport Commission found that there are no anticipated conflicts between airport operations and the proposed development, but wanted to ensure that disclosure statements would be provided to future residents that there may be aircraft noise. Staff has added the standard conditions addressing disclosure of airport operations in the vicinity.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was notice in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 23, 2013. There were two neighbors in attendance with general questions. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioner Ryan abstaining and Commissioner Baron absent.

RECOMMENDED ACTIONS

Rezoning

Upon finding consistency with the General Plan and Chandler Airpark Area Plan, the Planning Commission and Planning Staff recommend approval subject to conditions 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 the Development Booklet entitled "NORIA AT CHANDLER AIRPARK", kept on file in the City of Chandler Planning Services Division, in File No. DVR13-0005, 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.
9. REZONING/PRELIMINARY DEVELOPMENT PLAN: Cornerstone Christian Fellowship
Ord. #4476

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4476 DVR13-0014 Cornerstone Christian Fellowship, rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for a church campus.

APPROVED a Preliminary Development Plan (PDP) for a parking lot located east of the SEC of Alma School and Willis roads. (Applicant: David Moran; Larson Engineering, Inc.)

BACKGROUND

The subject site is located east of the southeast corner of Alma School and Willis roads. The entire church campus extends from the southeast corner of Alma School and Willis roads east just beyond ¼ mile. The request is two-fold and includes different acreage amounts. The proposed Rezoning area is located on the east end of the church campus, includes four parcels with existing homes on them, and is approximately 6.5 acres. The proposed PDP area for the parking lot includes the areas east of the main church building that have had Use Permits for temporary parking lots, as well as the recently acquired properties east of the temporary parking lot and is roughly 12.5 acres in size.

Directly north, across Willis Road, is land developed as a medical complex and apartments. East, adjacent to the subject site, are five parcels with homes on them; the church owns four of the parcels. The fifth parcel is in the Rezoning process for future residential development. South, across Maplewood Street, are the Eden Estates custom, single-family home subdivision and the Maplewood Court single-family residential subdivision.

The initial 7.6-acre church site was zoned in 2000, and was further expanded in 2004 creating the existing campus of 17.15 acres. Since 2004, the campus has expanded; however, the parcels were left zoned AG-1. As part of the 2004 zoning, site layout was approved that indicated future parking areas. The site received Use Permit approval for a temporary parking lot in 2009 for two years and again in 2011 for an additional two years. A second Use Permit extension has been submitted for an additional two years.

The request is to rezone the remaining AG-1 parcels to PAD and for PDP approval of the parking lot. Improvements will include both the Willis Road and Maplewood Street frontages, all landscaping, and the parking lot. Per Code requirements, one stall is required per four seats. Based on the worship center providing 1,385 seats, 347 spaces are required; 504 are provided.

An additional 852 temporary parking stalls are currently provided in the unpaved parking lots. With all improvements done, 1,712 parking spaces will be provided. While the parking total substantially exceeds what code requires, the church conducted their own parking demand study and found that between the number of congregants, those that rode together, the various church related activities and the volunteer group, that roughly 1,300 stalls are required (this includes parking the classrooms, café area and play area in addition to the worship area). Additionally, the church took into consideration the concerns of the surrounding neighbors and determined that it would be best to fully develop the areas with surface parking rather than leave areas unimproved. This also allows the church to have substantial parking for future needs, as the campus grows. Upon completion of the Rezoning, the campus will be roughly 230 acres. It is anticipated that upon approval of the Rezoning and PDP, construction of the parking lot will begin by the end of the year.

Three access points along Willis Road and four along Maplewood Street will be provided as part of the final development; the eastern access points along both frontages will be gated and only opened in cases of special events.

The Planning Commission and Planning Staff support the Rezoning and PDP request. While the subject area is a large expanse of parking, the church and design team have incorporated the existing landscape palette and perimeter wall to maintain continuity with the existing improved church campus. Additionally, both the Planning Commission and Planning Staff support the excess of parking for the site, as the construction of the parking lot will not only meet current needs that exceed typical parking requirements, but also allows for the parking lot to meet future demands as the campus expands. Pedestrian pathways are not shown as part of the new parking lot. The applicant is requesting that the pedestrian connections be examined as part of the permit submittal process as the church is reviewing conceptual layouts of future buildings and would like the sidewalks to provide connections with the buildings in mind. Planning Staff has added a condition addressing the pedestrian connections. The typical three-year timing condition for development to occur is not included based on the request to rezone the property to be consistent with the remainder of the church campus; however, as required by code, Condition No. 3 is included stating that there is no specified timing condition.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 2, 2013. There were 12 neighbors in attendance with general questions. The applicant discussed both application requests (Use Permit extension and Rezoning/PDP) at the meeting to show the future plans of the church and the reason for the extension and zoning. Planning Staff has received two emails from neighbors that live in the subdivision directly south of the church property. They were interested in what was being proposed and the timeline of the process.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 6 – 0 with Commissioner Baron absent.

One Commissioner raised a concern wanting to ensure that adequate shading for congregants waiting to be picked up by the tram be provided. The applicant has agreed to provide shading, which will be reviewed during the construction document review process.

RECOMMENDED ACTION

Rezoning

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

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the attached exhibits (Site Plan and Narrative) kept on file in the City of Chandler Planning Division, in File No. DVR13-0014, except as modified by condition herein.
2. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler shall apply.
3. The applicant shall work with Planning Staff to provide safe and convenient pedestrian walkways within the parking lot.

10. INITIAL CITY ZONING: East of the SEC of Chandler Heights and Cooper Roads
Ord. #4477

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4477, DVR13-0022 East of the SEC of Chandler Heights and Cooper roads, the establishment of initial City zoning of Agricultural (AG-1) on approximately 25 acres. (Applicant: City of Chandler)

BACKGROUND

The request is to establish the initial City zoning of AG-1 on an approximate 24.98-acre site located east of the southeast corner of Chandler Heights and Cooper roads. The Chandler Land Use Element of the General Plan and the Southeast Chandler Area Plan designate the area for Low Density Residential (single-family).

The subject site is surrounded by residential development. Acreage and farmed land within the jurisdiction of the County are adjacent to the site's west side. South and east of the site is the Circle G at Riggs Ranch custom, single-family residential subdivision.

This request, initiated by Planning Staff, serves to establish the site with a zoning designation of AG-1. Consistent with State Statutes, when a property is annexed into a municipality's jurisdiction, the municipality must grant a zoning designation equivalent to the zoning designation in the County; the AG-1 zoning designation meets this requirement. The approval of this zoning action ensures that any future development on the site shall occur in conformance with City standards. A rezoning and Preliminary Development Plan application for a single-family residential subdivision has been submitted and is currently in review.

The subject site went through the annexation process and City initial zoning process late last year; however, there was a mistake in the processing of the applications, thus requiring going through the approval process for a second time.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 6 – 0 with Commissioner Baron absent.

RECOMMENDED ACTION

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

11. CHANDLER FIRE DEPARTMENT STANDARD DETAILS: 2013 Res. #4697

ADOPTED Resolution No. 4697 adopting the Chandler Fire Department Standard Details, 2013 edition.

The City of Chandler has adopted the International Fire Code, 2012 edition. The Fire Department has updated the Standard Details document that is used as a guide for the plan review requirements of the fire code. This document assists those going through the plan review process to better understand the requirements of the Fire Code.

12. REPAYMENT OF FUNDS: HUD Res. #4699

ADOPTED Resolution No. 4699 authorizing the repayment of funds to the U.S. Department of Housing and Urban Development (HUD) for funds awarded to Community Services of Arizona, Inc., (CSA) who failed to meet the requirements of the Home Investment Partnership Program in the amount of \$98,800.00.

BACKGROUND

The City of Chandler receives U.S. Department of Housing and Urban Development HOME funds annually through the Maricopa HOME Consortium. Community Services of Arizona, Inc., (CSA), a local non-profit, has in the past been awarded City HOME funds for the acquisition and rehabilitation of multi-family properties in Chandler to provide affordable rental housing for low to moderate income persons. Until recently, CSA owned 23 housing units in Chandler for which the City held Deeds of Trust and promissory notes on the properties. Each Deed of Trust and promissory note required CSA to maintain and provide affordable lease rates for the housing units according to the rules and regulations of the HOME program, including leasing the units as affordable for a specific period of time. CSA's period of affordability was 10 years for all 23 housing units.

CSA received HOME funding to purchase and rehabilitate 23 units of multi-family housing through four separate allocations beginning in 1998. Sixteen of those housing units met HUD's affordability requirements, while seven did not. Over the past several years, CSA has encountered significant financial difficulty and as a result, was not able to meet the HOME requirements for seven housing units. As a result of CSA's failure to maintain its units as affordable housing, the City initiated a Trustee Sale against the seven CSA properties in November 2012. The Trustee Sale occurred in early May and the City received proceeds from three companies who acquired the seven units of housing in the amount of \$167,897.40.

While CSA no longer owns the seven properties, HUD's requirement for the operation of seven units of housing for the ten-year term of affordability has not been met. Therefore, the City must develop a plan to reimburse HUD for the HOME dollars awarded to CSA for these units, or develop units of housing to be operated under the HOME rules as a replacement for the units that CSA failed to maintain, or a combination thereof.

Staff is recommending Council approval of Resolution No. 4699 which will authorize and approve the repayment to HUD of \$98,800.00 from the proceeds of the Trustee Sale. This is the amount

of HOME funds awarded to CSA for the purchase and rehabilitation of the duplex housing unit located at 831 W. Ray Road. The Housing and Human Services Commission discussed this item at their June 12, 2013 meeting and recommended approval of the repayment to the Mayor and City Council. Once these funds are repaid to HUD, five housing units will still remain to be developed and leased under the HOME program rules to replace the units that CSA failed to maintain as affordable for the required period.

FINANCIAL IMPLICATIONS

The funds to be repaid to HUD are derived from the proceeds of the Trustee Sale held on May 2, 2013. No City of Chandler General funds or federal funds will be utilized in this repayment.

13. EASEMENT: Roosevelt Water Conservation District Res. #4704

ADOPTED Resolution No. 4704 accepting a no-cost Roadway and Utility Easement from the Roosevelt Water Conservation District (RWCD) for various roads within the Belmont Estates Development located at the NWC of Gilbert and Appleby roads.

BACKGROUND/DISCUSSION

City Council approved the Final Plat for Belmont Estates at its March 14, 2013 meeting. The plat dedicated the roads within the development to the City of Chandler. RWCD owns a strip of land used for an irrigation facility that runs east to west through the Belmont Estates development. RWCD is granting a Roadway and Utility Easement to the City, at no cost, for the areas where these roadways cross the RWCD property.

Staff has determined the legal descriptions on the Roadway and Utility Easement are correct and recommends City Council accept the Easement.

14. AFFILIATION AGREEMENT AMENDMENT: Arizona Board of Regents Res. #4705

ADOPTED Resolution No. 4705 authorizing Amendment No. 2 to the Affiliation Agreement with the Arizona Board of Regents for and on behalf of Arizona State University and authorizing and directing the various City officers and employees to perform all acts necessary to give effect to this resolution.

BACKGROUND/DISCUSSION

On August 27, 2009, the City Council passed Resolution No. 4322 approving the Affiliation Agreement between Arizona State University and the City of Chandler. Exhibit A of the initial agreement lists university programs eligible to take part in the program. The term of the initial agreement was three years, renewable on a year-to-year basis. The initial term ended September 4, 2012. Resolution No. 4622, amendment number 1, extended the term through September 2, 2013.

Several City departments provide an educational experience for students and interns enrolled in various programs of study at Arizona State University. The experience is relevant to their field of study in a work environment at the City. Exhibit A mentioned above did not include the College of Health Solutions and the College of Public Programs-Criminal Justice Program. These programs are applicable to City positions and should be included in Exhibit A. As an example, the Chandler Fire Department Crisis Response unit has been asked to accept an intern from the Criminal Justice program. Expansion of Exhibit A makes this possible and allows for other departments to utilize students from those programs as well.

15. FLOODPLAIN MANAGEMENT: Maricopa County Flood Control District Res. #4706

ADOPTED Resolution No. 4706 adopting by reference revised flood insurance study, flood insurance maps, and floodplain management regulations consistent with and pursuant to Section 43-5, Code of the City of Chandler, as part of the delegation for responsibility for floodplain management to the Maricopa County Flood Control District.

BACKGROUND/DISCUSSION

The National Flood Insurance Program (NFIP) is developing a countywide digital Flood Insurance Rate Map for Maricopa County and all of the incorporated cities and towns within the county. The Federal Emergency Management Agency (FEMA), which is now part of the U.S. Department of Homeland Security, has determined the City of Chandler is in need of a floodplain management resolution that adopts the new revised Flood Insurance Rate Maps. The revised Flood Insurance Study and Flood Insurance Rate Maps must be formally adopted by the City of Chandler in a floodplain management resolution in order to continue its participation in the NFIP.

Resolution No. 4706 will allow continued participation in the NFIP by this adoption of floodplain management regulations consistent with federal criteria.

In the next few months, the Maricopa County Flood Control District, in conjunction with FEMA, will be conducting regional public informational meetings regarding the National Flood Insurance Program and the new digital Flood Insurance Rate Map for Maricopa County. When these meetings are scheduled, Staff will publish this information in various City resources. The digital Flood Insurance Rate Map for Maricopa County is available for viewing on the Flood Control District's web site at <http://www.fcd.maricopa.gov/gis/maps.aspx>.

16. GRANT AGREEMENT: Federal Aviation Administration Res. #4711

Councilmember Heumann voted nay on this item.

ADOPTED (6-1) Resolution No. 4711 authorizing a grant agreement with the Federal Aviation Administration (FAA) to accept an Airport Improvement Program (AIP) grant for the rehabilitation of the Airport SanTan Apron and the rewiring of the Taxiway "A" lighting circuit in an amount not to exceed \$425,000.00.

BACKGROUND/DISCUSSION

The Airport anticipates receiving a Federal Airport Improvement Program (AIP) grant for two projects. The first project repairs significant cracks in the aircraft parking area known as the "SanTan Apron". The second replaces wiring in the Taxiway "A" lighting system.

The designs for both projects have been approved and are currently being advertised for public bid; however, the FAA is requiring the grant offer be signed before another City Council meeting is held. Once the apparent Low Bidder is identified through the public bid process, the formal contract and final amount will be brought back before Council for its approval. The anticipated grant amount is based on estimates of probable costs from the City's Engineer and represents the Federal share of the project.

FINANCIAL IMPLICATIONS

These projects are in the current 5-year Capital Improvement Program (CIP). Federal grants represent 91.06% of total project costs. An Arizona Department of Transportation (ADOT) grant

is anticipated for 4.47% of the project costs. Staff has identified the remaining 4.47% local matching share in the Airport Operating Fund.

17. PRELIMINARY DEVELOPMENT PLAN: Krispy Kreme Doughnuts

APPROVED Preliminary Development Plan PDP13-0005 Krispy Kreme Doughnuts, amendment of site layout for a new retail bakery with a drive-through lane located at 1055 W. Chandler Boulevard, SWC of Chandler Boulevard and Alma School Road. (Applicant: Kevin Kerpan, Kerpan Planning & Design, LLC.)

BACKGROUND

The subject site is within the "Park at Chandler" shopping center located at the southwest corner of Chandler Boulevard and Alma School Road. Several of the businesses in the development include Home Depot, Safeway, Staples, Wendy's and Bank of America. The subject site was formerly the Washington Mutual Bank until Chase Bank took over the bank and the building was no longer needed. A larger Chase Bank exists across Chandler Boulevard. The new business will be a Krispy Kreme Doughnuts.

A condition of approval for the Washington Mutual Bank Preliminary Development Plan (PDP) approved by Council in June 2003, stated that the drive-thru lanes and windows shall be used for financial institution purposes only and any other purpose requires a new PDP reapplication and approval. The proposed use of the drive-thru lanes and the drive-up windows will change to accommodate the retail bakery; thus the requested PDP amendment.

The request is for approval of the site plan and sign package for Krispy Kreme Doughnuts. The parcel is irregularly shaped, almost triangular. Given this unique shaped parcel, there are limitations to what can be modified to the site. The applicant re-designed the site in a more 'conventional' layout to accommodate the driver's side direct access to the menu board and the pick-up window.

The modifications to the site plan include reversing the direction of the drive-thru lane from south to north, reconfiguring the parking, increasing the height of select screen walls and reducing the width of the entry driveway from 40 feet to 30 feet. The queuing length of the drive-thru is extended and a menu board will be installed to coordinate with the building materials and color. Landscape is modified to accommodate the drive-thru lane by removing several shrubs and trees and adding shrubs to screen the drive-thru lane.

The building elevations remain essentially the same with several minor changes that include refreshing the paint to match the approved colors and adding a green accent color to complement the color palette, adding a roll up door for deliveries and removing one window.

The proposed comprehensive sign package identifies building mounted signage as reverse halo illuminated channel signs with interior exposed neon signs. The applicant requests approval to increase the total allowed sign area from 100 square feet to 115.7 square feet. Two exterior building mounted signs and two interior neon signs are proposed. The minimal increase of 15.7 square feet to the allowable total sign area is appropriate because the signs are proportional to the building elevations and meet the quality standards required for signs within shopping centers. Directional signs and a menu board are also included in the sign package.

Planning Staff supports the request to modify the site layout, building architecture and sign package finding the revisions to be compatible with the 'Park at Chandler' shopping center while providing the new retail bakery a functional and well-designed site and building. The reversed direction of the drive-thru lane provides adequate vehicular and pedestrian separation through use of curbing, landscape, signage and pavement striping. Parking maintains Code requirements. Screen wall height is modified from three to four feet in select locations to further conceal the drive-thru lane and parked vehicles.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed according to the provisions of the City of Chandler Zoning Code. A neighborhood notification letter was sent on June 7, 2013. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 6 – 0 with Commissioner Baron absent.

The Planning Commission requested minor site plan revisions to address on-site vehicular circulation. The pavement striping is extended and directional signage is added to further emphasize the one-way drive as it meets the two-way drive. The applicant promptly made these recommended changes which are shown on the site plan.

RECOMMENDED ACTION

Upon finding consistency with the General Plan and the Planned Area Development (PAD) zoning, the Planning Commission and Planning Staff recommend approval subject to the following conditions:

1. Compliance with original conditions adopted by the City Council as Ordinance No. 2629 in case PL96-001 SOUTHWEST CORNER OF ALMA SCHOOL AND CHANDLER BOULEVARD, except as modified by condition herein.
2. Development shall be in substantial conformance with the Development Booklet entitled "Krispy Kreme Doughnuts", kept on file in the City of Chandler Planning Division in File No. PDP13-0005, except as modified by condition herein.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

18. CLAIMS REPORT

APPROVED the Claims Report for the quarter ended June 30, 2013.

19. BOARD AND COMMISSION APPOINTMENTS

APPROVED the appointment of Kelly Tincher to the Chandler Health Care Benefits Trust Board, and the Workers Compensation and Employer Liability Trust Board.

20. SUBORDINATION: 1614 W. Curry Drive

Approved subordination of the Housing Rehabilitation Program lien for Project RH07-0039 located at 1614 W. Curry Drive in the amount of \$9,414.47. (McGlone)

BACKGROUND/DISCUSSION

In 2007, the owner of a single-family, owner-occupied home at 1614 W. Curry Drive received a \$9,414.47 loan through the City's Housing Rehabilitation Program. The City's lien against the property is for \$9,414.47. The City loan is a 7-year forgivable loan, secured by a Deed of Trust recorded as a lien against the home with the balance to be forgiven in 2014.

The owner is requesting a refinance of the home to lower the interest rate. The new loan of \$59,540.00 reduces the interest rate, lowers the mortgage payment and the owner will receive no cash out as required by the City's refinancing policy. In order to obtain the loan, a subordination of the City's lien is required by the lending institution.

FINANCIAL IMPLICATIONS

The City will not be prejudiced by the refinancing or the subordination. The City's lien is currently in second position and will remain in second position after the refinancing is complete. The City's lien will not be released until the loan term expires in 2014.

21. SUBORDINATION: 703 W. Stottler Drive

APPROVED subordination of the Moderate Rehabilitation Program lien for Project RH07-0008 located at 703 W. Stottler Drive in the amount of \$25,364.00. (Gramzinski)

BACKGROUND/DISCUSSION

In 2007, the owner of a single-family, owner occupied home at 703 W. Stottler Drive received a \$25,364.00 loan through the City's Moderate Rehabilitation Program. The City's lien against the property is for \$25,364.00. The City loan is a 10-year forgivable loan secured by a Deed of Trust recorded as a lien against the home with the balance to be forgiven in 2017.

The owner is requesting a refinance of the home to lower the interest rate. The new loan of \$102,496.00 reduces the interest rate, lowers the mortgage payment and the owner will receive no cash out as required by the City's refinancing policy. In order to obtain the loan, a subordination of the City's lien is required by the lending institution.

FINANCIAL IMPLICATIONS

The City will not be prejudiced by the refinancing or the subordination. The City's lien is currently in second position and will remain in second position after the refinancing is complete. The City's lien will not be released until the loan term expires in 2017.

22. MEMBERSHIP DUES: Arizona Municipal Water Users Association

AUTHORIZED payment of fiscal year 2013-14 membership dues to the Arizona Municipal Water Users Association (AMWUA) in the amount of \$79,233.00.

BACKGROUND/DISCUSSION

The Arizona Municipal Water Users Association (AMWUA) is a voluntary, non-profit corporation established in 1969 to develop and advocate regional water resource management policies in the interest of its members, their citizens and ratepayers. AMWUA's current members include the cities of Avondale, Chandler, Glendale, Goodyear, Mesa, Peoria, Phoenix, Tempe, Scottsdale and the Town of Gilbert.

AMWUA provides a forum for its member cities to meet and discuss water resource planning, legislation, conservation and management issues. This allows member cities to work together on

regional projects such as drought response, groundwater management, groundwater recharge, augmentation, conservation and environmental issues affecting the members' water supply.

Each city's membership dues are a prorated share, based on population, of AMWUA's water operating budget. AMWUA's fiscal year 2013-14 water operating budget increased 3.56% from fiscal year 2012-13. Chandler's membership dues for fiscal year 2012-13 were \$76,511.00 and the dues for fiscal year 2013-14 are \$79,233.00

23. APPROPRIATION: Fire and Emergency Medical Dispatch Services

AUTHORIZED the appropriation for Fire and Emergency Medical Dispatch Services in accordance with the current Intergovernmental Agreement (IGA) with the City of Phoenix in an amount not to exceed \$1,061,230.00.

BACKGROUND/DISCUSSION

The current IGA with the Phoenix Fire Department has been in effect since 2003. This IGA provides dispatch services, technical services and equipment maintenance. In fiscal year 2008-09, a full cost recovery approach was instituted by the Regional Dispatch Consortium. This full cost recovery is based on recovery of operating budget which includes personnel, equipment and upgrades to current equipment.

The contract that the Fire Department has with PMT Ambulance provides for dispatch services for ambulance through the Fire Department's IGA with the Phoenix Fire Department. PMT pays \$238,075.00 of the total Chandler cost to Phoenix. In accordance with the contract, this money is collected and deposited on a monthly basis into the City's Ambulance Revenue Account.

FINANCIAL IMPLICATIONS

PMT Ambulance will reimburse the City \$238,075.005 toward the FY 2013-14 appropriated budget amount of \$1,061,230.00.

24. APPROPRIATION: Firefighter Physical Examinations

AUTHORIZED the appropriation for Firefighter Physical Examinations in accordance with the current Intergovernmental Agreement (IGA) with the City of Phoenix in an amount not to exceed \$165,000.00.

BACKGROUND/DISCUSSION

Annual medical exams are required by OSHA for Firefighters who wear breathing apparatus in order to enter hazardous atmospheres. The City of Chandler entered into an IGA with the Phoenix Fire Department Health Center in 2002 to perform these exams. This IGA provides Chandler Fire Department personnel with annual medical and physical fitness examinations. These exams are performed by Occupational Physicians whose primary focus is firefighter health and wellness. The annual exam cost is staying the same as last year. All exams are done in accordance with the recognized national standard, NFPA 1582.

25. SERVICE AGREEMENT: Motorola Solutions, Inc.

AUTHORIZED the annual service agreement payment to support the City of Chandler radio system infrastructure for FY 2013/14 to Motorola Solutions, Inc., in the amount of \$87,523.50.

On October 22, 2009, Council approved the agreement for participation in the Regional Wireless Cooperative Governance (RWC) with the City of Phoenix and Motorola Solutions, Inc. Part of this governance outlines that participating agencies are responsible for maintenance of their own system infrastructure to include dispatch console support, network security monitoring, audio recording equipment support and 24/7 technical and on-site service support. This service agreement is designed to help mitigate the risk of radio system downtime and allow for an immediate technical response to any issues that occur.

26. AGREEMENT: Secova, Inc.

APPROVED Agreement No. HR3-918-3240 with Secova, Inc., for professional services to perform a dependent eligibility verification audit for the City of Chandler healthcare plan.

The City offers comprehensive healthcare benefits to all regular benefit-eligible employees and their eligible dependents through its current administrative services agreement with Blue Cross Blue Shield of Arizona. The City's self-insured medical plan will begin its fourth year in 2014. A dependent audit is one important facet of ensuring that the plan remains fiscally healthy through the accurate reporting of eligible dependents for the medical plan.

Staff will work closely with Secova, Inc. to establish a comprehensive communication plan for employees. In addition, Secova provides a customer service call center designed to assist employees with questions and to assist the employee in gathering the necessary documentation required of the audit. Following the approval of this contract, the project will begin in August 2013 and will be completed no later than April 2014. Employees will be given ample time to comply with the requirements of the audit.

27. AGREEMENT: Zoll Data Systems, Inc.

APPROVED Agreement No. FD3-208-3217 with Zoll Data Systems, Inc., for a hosted Electronic Patient Care Reporting (ePCR) System in an amount not to exceed \$84,900.00.

The Fire Department creates patient care reports during patient encounters on emergency medical calls. ePCR is a complete system for preparing, transmitting, storing, analyzing and reviewing patient medical care reports in a digital format. Fire departments and ambulance companies throughout the Valley are either using ePCR or are in the purchasing or implementation processes of ePCR currently, including Mesa, Tempe, Apache Junction, Queen Creek, Peoria, Scottsdale, Glendale, Sun Lakes and PMT.

Chandler Fire applied and received a FEMA – Assistance to Firefighters Grant for implementing electronic medical reporting in an amount of \$241,248.00. The federal share of the grant is \$192,999.00 and the City's matching share of 20% is \$48,249.00. This grant will allow Chandler Fire to again utilize electronic reporting of patient medical records. This grant provides for a system that consists of hardware and software for medical records. Tablets will be carried on all Fire Department units and paramedics will be able to utilize the technology to quickly and accurately record the medical history of the patient, the care provided and the condition of the patient at the arrival to the hospital.

This agreement is for a period of five years for a hosted system that includes a pre-paid per chart fee, data storage, upgrades and technical assistance.

28. AGREEMENT: Maricopa County

APPROVED an agreement with Maricopa County for the purpose of dispensing medications and other medical materials to employees in the event of a public emergency.

BACKGROUND/DISCUSSION

Maricopa County has previously had a verbal agreement with the City of Chandler through the Maricopa County Department of Public Health (MCDPH) to provide medications and medical supplies for employees during a public emergency. In the event of a public emergency where there is an occurrence or imminent threat of illness or health condition that threatens public health, the employees of the City of Chandler will be called upon to continue to provide vital services. It is important that employees receive the proper medications and medical supplies to protect them so they can continue to provide these services. During a public emergency, the MCDPH will have access to the Strategic National Stockpile of assets and will provide them to the City of Chandler to dispense to their employees.

29. **AGREEMENT:** Olsson Associates, Inc.

APPROVED Agreement No. PR0810-202 with Olsson Associates, Inc., for park design services for Centennial Park, pursuant to Annual Contract No. EN1304-101, in an amount not to exceed \$88,361.00.

This park site is 11.01 acres in size and is located in the square mile bordered by Queen Creek, Gilbert, Ocotillo and Cooper roads. Amenities included in this neighborhood park are lighted pathways, playgrounds with shade, sand volleyball and basketball courts, ramadas, open space and landscaping.

Centennial Park was originally designed in 2008 by Olsson Associates, Inc. following a series of public meetings with residents of the square mile the park is intended to serve. Due to the economic downturn, construction of the park was delayed and the construction documents were "shelved".

At its February 28, 2013 meeting, the City Council approved Resolution 4653 authorizing the acquisition of an additional 3.01 acres of land to expand Centennial Park to 11.01 acres.

This contract will focus on a review update of the original design plans and incorporate the additional 3.01 acres into those plans, particularly in the area of drainage, utilities and better distribution of site amenities.

Staff met with the HOA surrounding the park site on June 26, 2013 to review the current design plan and to discuss the revisions to be made as part of this contract. The HOA Board expressed satisfaction with the design.

30. **PROJECT AGREEMENT:** Gavan & Barker, Inc.

APPROVED Project Agreement No. PR1401-201 with Gavan & Barker, Inc., for design services for Valencia Park, pursuant to Annual Contract No. EN1305-101, in an amount not to exceed \$134,210.00.

This park site is 9.35 acres in size and is located in the square mile bordered by Chandler Heights, Gilbert, Riggs and Lindsay roads. Typical amenities included in neighborhood parks are

lighted pathways, playgrounds with shade, sand volleyball and basketball courts, ramadas, open space and landscaping.

Public meetings will be held to gather input from residents of this square mile regarding amenities in the park and adopting an official name for this park.

31. AGREEMENT: ISS Grounds Control, Inc.

APPROVED Agreement No. MU4-988-3258 with ISS Grounds Control, Inc., for landscaping maintenance citywide in an amount not to exceed \$444,762.00 annually for two years with the option to renew for two additional two-year periods.

32. AGREEMENT AMENDMENT: Trafficade Services, Inc.

APPROVED Agreement No. TD1-550-3006, Amendment No. 1, with Trafficade Services, Inc., for Barricade Rental/Purchase for one year in a total amount not to exceed \$90,000.00.

33. AGREEMENT: Goldstein & Luera

APPROVED Agreement No. ST3-914-3255 with Goldstein & Luera for Wall Removal & Replacements at Jordan Basin and a section along Rural Road in the amount of \$83,334.79.

This contract is to remove and replace two existing walls that are in poor condition. The first wall is 400 feet in length and runs along a City alley adjacent to Rural Road. It also includes the side wall of a residential home at the corner of Rural Road and Gail Drive. The second wall runs along the rear of four residential homes on Chilton Road from Carriage Lane west approximately 275 feet. This wall is along the City-owned stormwater basin on Carriage Lane south of Jordan Elementary School. Both walls will be constructed of reinforced grout-filled masonry block set on a concrete footing.

34. No item.

35. PROJECT AGREEMENT: Corolla Engineers, Inc.

APPROVED Project Agreement No. WW1402-101 with Carollo Engineers, Inc., pursuant to Annual Contract EN1309-101, for sewer assessment evaluation in an amount not to exceed \$371,597.00.

The 2008 Wastewater Master Plan identified an on-going need to evaluate, prioritize and repair sewer lines and manholes within the City's collection system. This project will identify the structural condition of the sewer collection system. The result will be a prioritized program to rehabilitate, repair or replace wastewater collection sewer lines and manholes. Inspections will be conducted through closed circuit television (CCTV) inspection of sewer pipelines and manned entry inspections for sewer manholes. The project will also assess wastewater collection system odors.

36. PROJECT AGREEMENT: Wilson Engineers, LLC

APPROVED Project Agreement No. WW1405-101 with Wilson Engineers, LLC, pursuant to Annual Contract EN1306-101, for Tumbleweed Aquifer Storage and Recovery and Monitor Wells As-Built Services in an amount not to exceed \$55,608.00.

37. PROJECT AGREEMENT: Atkins North America, Inc.

APPROVED Project Agreement No. WW1402-201 with Atkins North America, Inc., pursuant to Annual Contract EN1313-101, for Surface Water Treatment Plant improvement design services in an amount not to exceed \$39,880.00.

The 2013 Capital Improvement program established a small on-going program to evaluate, prioritize and rehabilitate aging infrastructure at the Surface Water Treatment Plant located on Pecos Road. The project scope will provide a preliminary evaluation of plant repair and rehabilitation needs and provide cost estimates and priorities for immediate and future infrastructure maintenance projects.

38. PROJECT AGREEMENT: Aztec Engineering Group, Inc.

APPROVED project Agreement No. WW1401-201 with Aztec Engineering Group, Inc., pursuant to Annual Contract EN1312-101, for Erie Well, Hamilton Well and Price South Well Abandonments in an amount not to exceed \$65,537.00.

There are three well sites no longer in service that need to be abandoned. They are the Erie Well located at the southeast corner of Erie Street and Nebraska Street; the Hamilton Well located at the southeast corner of Erie Street and Hamilton Street; and the Price South Well located north of Continuum Street east of Price Road. All equipment will be fully removed at each well site. Newer equipment within the well sites will be salvaged and re-used at other well sites throughout the City. The Erie and Hamilton well sites will be landscaped and incorporated into the adjacent City parks.

39. PROJECT AGREEMENT: Dibble Engineers, Inc.

APPROVED Project Agreement No. WW1315-201 with Dibble Engineers, Inc., pursuant to Annual Contract EN1307-101, for the Lone Butte Wastewater Treatment Plant Chemical Distribution Systems Improvements Design in an amount not to exceed \$65,907.00.

40. CONTRACT EXTENSION: Dibble Engineering

APPROVED Contract Extension, Project No. EN1005-101, with Dibble Engineering for one year for Airport Planning Services, Design Services and Construction Management in an amount not to exceed \$325,000.00, with the option for up to two one-year extensions.

Transportation & Development requested that a consultant be retained under an annual agreement to provide design services for municipal airport facilities and infrastructure. With a consultant under contract and approved by the Federal Aviation Administration (FAA), the City can take greater advantage of grant money made available by the FAA for airport improvements.

41. CONSTRUCTION CONTRACT: SDB, Inc.

APPROVED Construction Contract No. WA1303-401 with SDB, Inc. for the Water Valve Replacement Project in an amount not to exceed \$282,125.00.

42. ANNUAL CONTRACT: Olsson Associates, Inc.

APPROVED an Annual Contract with Olsson Associates, Inc., for park design services for existing parks and approved new parks in an amount not to exceed \$110,000.00 with the option to extend for four additional one-year periods.

43. ANNUAL CONTRACT: Gavan & Barker, Inc.

APPROVED an Annual Contract with Gavan & Barker, Inc., for park design services for existing parks and approved new parks in an amount not to exceed \$200,000.00 with the option to extend for four additional one-year periods.

44. ANNUAL CONTRACT: Wilson Engineers, LLC

APPROVED Annual Contract No. EN1306-101 with Wilson Engineers, LLC, for Permitting, Study, Design and Post-Design Services for Water and Wastewater Facilities in an amount not to exceed \$750,000.00 with the option to extend for four additional one-year periods.

45. ANNUAL CONTRACT: Dibble Engineers, Inc.

APPROVED Annual Contract No. EN1307-101 with Dibble Engineers, Inc., for Permitting, Study, Design and Post-Design Services for Water and Wastewater Facilities in an amount not to exceed \$250,000.00 with the option to extend for four additional one-year periods.

46. ANNUAL CONTRACT: CH2M Hill Engineers, Inc.

APPROVED Annual Contract No. EN1308-101 with CH2M Hill Engineers, Inc., for Permitting, Study, Design and Post-Design Services for Water and Wastewater Facilities in an amount not to exceed \$750,000.00 with the option to extend for four additional one-year periods.

47. ANNUAL CONTRACT: Carollo Engineers, Inc.

APPROVED Annual Contract No. EN1309-101 with Carollo Engineers, Inc., for Permitting, Study, Design and Post-Design Services for Water and Wastewater Facilities in an amount not to exceed \$750,000.00 with the option to extend for four additional one-year periods.

48. ANNUAL CONTRACT: Sunrise Engineering, Inc.

APPROVED Annual Contract No. EN1310-101 with Sunrise Engineering, Inc., for Permitting, Study, Design and Post-Design Services for Water and Wastewater Facilities in an amount not to exceed \$250,000.00 with the option to extend for four additional one-year periods.

49. ANNUAL CONTRACT: Stantec Consulting, Inc.

APPROVED Annual Contract No. EN1311-101 with Stantec Consulting, Inc., for Permitting, Study, Design and Post-Design Services for Water and Wastewater Facilities in an amount not to exceed \$250,000.00 with the option to extend for four additional one-year periods.

50. ANNUAL CONTRACT: Atkins North America, Inc.

APPROVED Annual Contract No. EN1313-101 with Atkins North America, Inc., for Permitting, Study, Design and Post-Design Services for Water and Wastewater Facilities in an amount not to exceed \$250,000.00 with the option to extend for four additional one-year periods.

51. ANNUAL CONTRACT: Aztec Engineering Group, Inc.

APPROVED Annual Contract No. EN1312-101 with Aztec Engineering Group, Inc., for Permitting, Study, Design and Post-Design Services for Water and Wastewater Facilities in an amount not to exceed \$250,000.00 with the option to extend for four additional one-year periods.

52. PURCHASE: Auction Services

APPROVED the purchase of auction services from Sierra Auction, utilizing the City of Mesa contract.

The City uses the contract to sell vehicles and surplus property. Beginning October 1, 2013, Staff will also use the requested contract to sell firearms in accordance with state law and Chandler City Code. Sierra Auction is a licensed firearms business which has a nationally established market presence. Multiple other public entities in the state use this contract, The City benefits from competitive bidding, lower labor costs, established sales process, faster turnaround of property and less space occupied by surplus property.

53. PURCHASE: Public Safety Communication Equipment

APPROVED the purchase of public safety communication equipment from Motorola Solutions, utilizing State of Arizona Contract No. ADPSO13-036880, in an amount not to exceed \$869,355.08.

The Federal Communication Commission (FCC) has ruled that by the year 2017, all radios must be capable of narrow band reception/transmission. The Police Department currently utilizes Motorola two-way radios for police, fire and municipal departments. The City is a member agency of the Regional Wireless Cooperative wireless network in cooperation with Motorola. In order to maintain the compatibility and security of the system, it is not recommended that an additional radio vendor be introduced into the radio system. The Police Department needs to replace approximately 165 portable and mobile vehicle radios that have exceeded their recommended lifespan. This is the second phase of purchases to replace the current radios in order to be compliant with the 2017 FCC mandate. Other agencies within the Regional Wireless Cooperative have purchased radios from the State of Arizona contract.

54. PURCHASE: Dry Fire Suppression System

APPROVED the purchase of a dry fire suppression system from Signal One Fire and Communications, LLC, utilizing City of Chandler Contract No. BF2-936-3118, for Fire Protection Services, Repairs & Maintenance in an amount not to exceed \$75,527.34.

The computer room located at the Police Department has been upgraded over the last three years and the final piece that needs to be addressed is the fire suppression system. The current system is the traditional water sprinkler system. These systems, while rare, do occasionally fail causing flooding which would be catastrophic in and of itself. A more likely scenario happens when a single server or electrical device fire causes the sprinkler to go off, flooding the area and causing catastrophic loss of the rest of the equipment present. Request for a dry fire suppression system was submitted based on an informal risk assessment done of critical systems in the department from a technology standpoint. A dry fire suppression system works by depleting oxygen and shutting down environmental systems in the room to put out the fire. The benefit here is that damage is minimized by only having a single server or component that has failed and all other devices can be verified and powered back on one at a time resuming functionality of most systems except the original failing device.

The City's contracted vendor for fire suppression systems proposed several different options and the system that best fits Police's needs and situation is a product called Pro-Inert. This system utilizes an environmentally friendly product which is released in the room at the detection of a fire at a low enough pressure to not cause its own destruction but high enough to put out a fire within the industry standards. This Pro-Inert gas displaces the oxygen in the room so that the fire goes out without removing all oxygen to a point that can be detrimental to human health within the affected areas. The IT room and server room will be protected with Pro-Inert fire suppression system with detection and controls and installation of low leakage dampers in existing duct work. Project pricing includes all materials, labor, service and tax.

55. PURCHASE: Computers

APPROVED the purchase of desktop and laptop computers from Dell Marketing L.P., utilizing the Western States Contract Alliance (WSCA) Contract No. B27160, in an amount not to exceed \$1,965,233.00.

Over the past seven years, the City has moved from a three-year desktop computer replacement life cycle to a seven year cycle. The last replacement of general desktop computers was in FY 2007/08 with some units purchased in FY 2004/05 now approaching nine years of use. Laptop and ruggedized laptop computers have continued to be replaced on a five-year life cycle.

The City is moving forward to replace the majority of the City's desktop computers as well as the normal replacement cycle of laptops. These units have reached end of usable life and are no longer serviceable. This will allow each area to continue to perform their duties to the public in an expedient manner. Departments are already experiencing outages and slowdowns due to equipment limitations/failures.

Dell Computers have been the standard desktop and laptop for the City since 2007 when they were selected after comparing their offerings to other competitors. Using a single provider for these devices allows for better support and management in several ways: a single software image can be applied to all devices; technicians only need to become experts at a limited number of different devices; fewer different replacement parts need to be stocked; and devices can easily be swapped or moved as required.

IT provided a computer workstation refresh briefing to the Council subcommittee in April 2013. City Staff, with the assistance of temporary employees, will replace 1,375 desktop computers with monitors at \$1,233.00 each, 126 laptop computers at \$1,608.00 each and 25 rugged laptop computers at \$2,690.00 in a six to eight-month rollout schedule beginning in September 2013. Since the City is purchasing such a large number of computers at one time, the City was able to negotiate a much larger discount than would normally be provided.

56. PURCHASE: Cisco Equipment and Services

APPROVED the purchase of Cisco network equipment and professional services for the Core and Data Center Switch Refresh Project and Library Switch Refresh Project from NEC, utilizing City of Tempe Contract No. IT11-048-01, in an amount not to exceed \$968,796.00.

The current City Core Infrastructure and Library Infrastructure for data networking are scheduled for replacement based on a five-year expected operational lifespan. The current networking equipment in both locations is nearing end of useful life and needs to be replaced to protect against unscheduled outages. Advances in technology allow the City to expand to higher bandwidth speeds that will provide better data services to the City's downtown campus and the Library network. This replacement will also add increased capability for interconnecting the City's computer centers to provide better business continuity and system availability.

The new systems will have a greater number of data ports utilizing both copper and fiber connections for desktops, servers and downtown City buildings which includes Police, Fire, Courts, City Hall and the various remote locations that need access to data resources. The systems will have improved security features that will help in keeping the City's data secure while still providing the services to its users and citizens. A trade-in credit for the end-of-life equipment being replaced will be used to help reduce the overall cost of purchasing the newer core equipment.

NEC has been a network design, maintenance and support partner with the City for over ten years with deep knowledge of the network that allows for fast response and assistance with extra network staff on call.

57. PURCHASE: Mail Inserter

APPROVED the purchase of a mail inserter from Neopost USA, Inc., utilizing Western States Contracting Alliance (WSCA) Contract No. ADSPO11-00000411-4, for mailing equipment, supplies and maintenance in an amount not to exceed \$59,553.09.

The Print, Mail and Graphics (PMG) Division prints and inserts all of the City's utility bills, sales tax statements and business license renewals. In all, totaling nearly 1.2 million pieces printed and inserted annually. The existing letter inserter was purchased in 2006. It has a life expectancy of 5 million and is currently well over the 6.5 million mark. As a result, PMG has to call for maintenance service on the existing letter inserter on a weekly and/or bi-weekly basis. During the Utility Billing software upgrade that is currently taking place, added functionality is being added to the bills via Optical Mark Reader (OMR) and barcode markings.

The new inserting equipment being requested is the only machine with scanning software that has the functionality to read the embedded information in the bills and provide more control over the mailing such as provide an indication whether the bill needs a return envelope, a special

insert, has multiple pages, etc. This software has already been tested and approved by the City's Information Technology Division. This purchase is critical to accommodate sufficient testing for the new functionality as well as to test the new utility bills adequately prior to their implementation. Neopost USA, Inc. is the only manufacturer of the DS-200.

First year annual service is included as part of the WSCA contract which reflects a savings of \$8,472.00. The only cost for the first year is the equipment.

58. PURCHASE: Replacement Police Vehicles

APPROVED the purchase of forty-three (43) replacement Police vehicles from Midway Chevrolet, utilizing the State of Arizona Contract, in an amount not to exceed \$1,929,443.00.

During the FY 2013/14 budget process, the Police Department submitted vehicles to be evaluated in FY 2013/14 for replacement. The City's Fleet Advisory Committee (FAC) reviews all vehicles requested to be replaced with regards to mileage, years of service, reliability, repair history and forecasted ability to meet service requirements. The FAC reviewed the FY 2013/14 vehicles submitted by the Police Department for replacement and the committee recommends proceeding with the replacement of 43 vehicles for the Police Department. All 43 of the FAC approved vehicles, which include existing Tahoes as well as Ford Crown Victorias, will be replaced with Chevrolet Tahoe PPV SUVs with up-fitting. The Chevrolet Tahoes were chosen because the Tahoe service life is 50,000 miles longer than police patrol sedans, its ergonomic evaluation is the highest in the police patrol class, and the crashworthiness of the vehicle is the highest level available. The vehicles will be used as follows: 38 equipped for patrol, 4 equipped for supervisors and 1 equipped for Special Assignment Unit.

59. USE PERMIT: Sage Bar

APPROVED Use Permit LUP13-0002 Sage Bar, Series 6 Bar License, to sell and serve liquor as permitted for on-premise consumption within a restaurant, bar and an outdoor patio located at 4929 W. Chandler Boulevard, Suite 12, SEC of Chandler Boulevard and Rural Road, to have live music indoors. (Applicant: Anny Narron, Owner.)

BACKGROUND

The subject business is in the Twelve Oaks Plaza commercial center located at the southeast corner of Rural Road and Chandler Boulevard. Sage Bar occupies the eastern suite in a multi-tenant building located in the commercial center. The commercial center also has a Walgreens, a Baker Brothers carpet/flooring business and other inline suite tenants. The Twelve Oaks single-family subdivision is located south and east of the commercial center.

The request is to approve a Liquor Use Permit time extension to sell and serve all spirituous liquor within a restaurant, bar and outdoor patio under a Series 6 Liquor License and have live music. Sage Bar received Liquor Use Permit approval in 2011 under a Series 6 bar license with a time condition of one year.

The business is open seven days a week from 12 p.m. until 2 a.m. The suite is approximately 4,000 square feet with an approximate 850 square-foot outdoor patio. Employees include two servers, three cooks, three bartenders and one manager. The current bar and restaurant entertainment operation includes pool tables, Karaoke, a disc jockey (DJ), darts, video games, corn holes and live jenga.

The request to add live music to the entertainment venue would provide a benefit to their business and further appeal to their customers. Live music would be scheduled during Thursday, Friday and Saturday nights. Thursday nights from 6 p.m. to 10 p.m, small acoustic bands may perform. Friday nights from 9 p.m. to 1 a.m., Karaoke or a DJ would take place. Saturday night performances would be from two to five-member bands. Saturday night hours are proposed to change from the summer hours of 9 p.m. to 1 a.m. to the spring, fall and winter hours of 8 p.m. until midnight. A portable stage would be built during live music events and be located in the northeast section of the suite. Tables would be moved to accommodate the stage area.

Due to the proximity to the single-family subdivision, a condition of the 2011 Use Permit was placed on the business to keep the doors closed during Karaoke events in order to better protect the adjacent neighborhood from noise. Planning Staff has modified the language of the previous condition related to the closure of exterior doors to address all entertainment and has added conditions to address any potential noise concerns. Planning Staff recommends a one-year time limit to allow evaluation of compatibility of the live music with the surrounding residential and business developments.

Planning Staff supports the request with conditions, finding that the bar with live music indoors is appropriate at this location if the live music and all entertainment are controlled so as to not unreasonably disturb the surrounding businesses and residents. Staff received one complaint during the public notification process concerning loud music. Staff notified the applicant/owner to be made aware of this issue and address the noise. The owner indicated she would tell her employees and the DJ to keep the volume reduced.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 29, 2013. There were no neighbors in attendance. The Police Department has been informed of the application and has no issues or concerns. Staff received a phone call followed by an email from a neighbor who states that music is played loudly and can be heard across Chandler Boulevard into their single-family home.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 6 – 0 with Commissioner Baron absent.

RECOMMENDED ACTION

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

1. The Use Permit granted is for a Series 6 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. 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.
5. The outdoor patio shall be maintained in a clean and orderly manner.
6. Live music and speakers shall be prohibited within the outdoor patio.

7. Music shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
8. No noise shall be emitted from the live entertainment occurring indoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
9. The site shall be maintained in a clean and orderly manner.
10. The establishment shall provide a contact phone number of a responsible person (bar owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.
11. All exterior doors shall remain closed and shall not be propped open when live acoustical music, bands, karaoke, or a disc jockey occurs.

60. USE PERMIT: Stadium Club

APPROVED Use Permit LUP13-0006 Stadium Club, for floor area expansion to an existing sports bar and restaurant under a Series 6 Bar License located at 940 N. Alma School Road, Suite 109, SWC of Alma School and Ray roads. (Applicant: Keri Kruse, Owner.)

BACKGROUND

The subject site is located at the southwest corner of Alma School and Ray roads. The existing sports bar and restaurant is located in a corner suite of the Alma Ray Plaza. The shopping center includes Goodwill, the East Valley JCC, Meineke and other inline shops. The northwest and southeast corners of the intersection are other commercial shopping centers.

Stadium Club is a sport bar and restaurant with an outdoor patio. The business opened in June 2009 and has been operating with a Series 6 liquor license. The business is open seven days a week from 11 a.m. until 2 a.m. and has 15 employees.

The request is for Liquor Use Permit approval to accommodate the proposed 1,100 square foot floor area expansion into the adjacent suite. The existing floor area is approximately 4,700 square feet and will total 5,800 square feet with the expansion. The additional tenant space is separated from the main dining area to provide a 630 square foot private banquet and party room with 10 tables and 50 seats. The remaining 470 square feet of floor area will accommodate a storage area and office.

The current Liquor Use Permit includes a condition stating that any expansion or modification beyond the approved site plan and floor plan voids the Use Permit and requires a new application and approval.

There was no time condition placed on the 2012 Liquor Use Permit due to the bar's successful ongoing operation without resident or business disturbance. With that in mind, Staff does not recommend any time condition on this Use Permit as the additional use of a banquet/party room to the business's operation is indoors and inherently would not create a disturbance.

Planning Staff supports the request, finding that the expanded floor area to the sports bar for a banquet/party room, an office and storage area are appropriate uses to the business's operational venue. There have been no complaints filed with the Police Department or opposition during the neighborhood notification and public notification processes.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on June 24, 2013. There were no neighbors in attendance. The Police Department has been informed of the application and has no issues or concerns. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 6 – 0 with Commissioner Baron absent.

RECOMMENDED ACTION

Upon finding consistency with the General Plan and the Community Commercial (C-2) zoning, the Planning Commission and Planning Staff recommend approval subject to the following conditions:

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

61. USE PERMIT: Cornerstone Christian Fellowship

APPROVED Use Permit ZUP13-0005 Cornerstone Christian Fellowship, extension for the continued use of a temporary unpaved parking lot located east of the SEC of Alma School and Willis roads. (Applicant: David Moran; Larson Engineering, Inc.)

BACKGROUND

The subject site is located east of the southeast corner of Alma School and Willis roads. The entire church campus extends from the southeast corner of Alma School and Willis roads east just beyond ¼ mile. The proposed area is located on the east end of the church campus and is approximately 12.5 acres. Directly north, across Willis Road, is land developed as a medical complex and apartments. East, adjacent to the subject site, are five parcels with homes on them. The church owns four of the parcels. The fifth parcel is in the Rezoning process for future residential development. South, across Maplewood Street, are the Eden Estates custom single-family home subdivision and the Maplewood Court single-family residential subdivision. West of the parking lot are the church campus buildings.

The initial 7.6-acre church site was zoned in 2000 and was further expanded in 2004 creating the existing campus of 17.15 acres. As part of the 2004 zoning, site layout was approved that indicated the subject site as a future parking area; however, Zoning Code requires that any unimproved surface receive Use Permit approval to be used as a parking lot. The site received Use Permit approval for a temporary parking lot in 2009 for two years and again in 2011 for an additional two years. The current request is to extend the Use Permit for an additional two years while the permanent parking lot is constructed.

A Rezoning/Preliminary Development Plan (PDP) application is currently in review that will rezone additional areas as part of the church campus to PAD. Upon completion of the Rezoning, the campus will be approximately 23 acres. It is anticipated that upon approval of the Rezoning and PDP, construction of the parking lot will begin by the end of the year.

Although the parking lot area is unimproved, it will continue to meet current Maricopa County standards to ensure that dust particulate levels remain at an appropriate level. With the previous Use Permit, concerns were raised by surrounding neighbors about the generation of dust and the ability to prevent dust issues. The County Air Quality Department visited the site a number of times without issuing any citations. In an effort to prevent dust issues, the church routinely waters the parking lot prior to services. Planning Staff is unaware of any outstanding dust issues for the site. A condition was added with the previous approvals addressing dust concerns; the condition remains.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 2, 2013. There were 12 neighbors in attendance with general questions. The applicant discussed both application requests (Use Permit extension and Rezoning/PDP) at the meeting to show the future plans of the church and the reason for the extension and zoning. Planning Staff has received two emails from neighbors that live in the subdivision directly south of the church property expressing interest in what is being proposed and the timeline of the process.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 6 – 0 with Commissioner Baron absent.

RECOMMENDED ACTION

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

1. The Use Permit shall remain in effect for two (2) years from the effective date of City Council approval. Continuation of the use of such parking lot beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. The temporary parking lot shall be surfaced with gravel or other suitable material and type of dust palliative in accordance with current Maricopa County regulations. The parking lot shall be maintained at all times in a dust-free and weed-free manner.

62. SPECIAL EVENT LIQUOR LICENSE: Arizona Border Collie Rescue

APPROVED a Special Event Liquor License for Arizona Border Collie Rescue for the Beer Tasting for Arizona Border Collie Rescue, October 19, 2013 at Chandler Harley Davidson, 6895 W. Chandler Boulevard. 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.

63. SPECIAL EVENT LIQUOR LICENSE: St. Joseph the Worker

APPROVED a Special Event Liquor License for St. Joseph the Worker for the San Tan Brewing Oktoberfest Awareness Fundraiser, October 5, 2013, in Downtown AJ Chandler Park, 3 S. 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.

64. LIQUOR LICENSE: Nasha Indian Cuisine

APPROVED a Series 12 Restaurant Liquor License (Chandler #148381 L12) for Serineni S. Reddy, Agent, VT2 LLC, dba Nasha Indian Cuisine, 2051 W. Warner Road, Suite 7. A recommendation for approval of State Liquor License #12079567 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 Curry House.

65. CONTINUED LIQUOR LICENSE: America's Taco Shop

CONTINUED TO SEPTEMBER 12, 2013, a Series 12 Liquor License for Michael Moore, Agent, JMI Enterprises LLC, dba America's Taco Shop, located at 3235 W. Ray Road, Suite 1, to allow the applicant time to complete the requirements for a new Use Permit.

66. CONTINUED LIQUOR LICENSE: Chao

CONTINUED TO SEPTEMBER 12, 2013, a Series 12 Liquor License for Lauren Kay Merrett, Agent, MKM Restaurant Holdings LLC, dba Chao, located at 1890 W. Germann Road, Suite 1, to allow the applicant time to complete the requirements for a new Use Permit.

67. CONTINUED LIQUOR LICENSE: 99 Cents Only Store #167

CONTINUED TO SEPTEMBER 12, 2013, a Series 10 Liquor License for Randy Nations, Agent, 99 Cents Only Store #167, located at 1996 N. Alma School Road, to allow the applicant time to complete the requirements for a new Use Permit.

68. FINAL PLAT: Jacaranda Place

APPROVED Final Plat FPT13-0004 Jacaranda Place for 57 single-family residential lots for the Jacaranda Place residential subdivision located west of the NWC of Lindsay and Riggs roads. (Applicant: Sherrie Koshiol; Bowman Consulting Group.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

69. ACTING CITY ATTORNEY APPOINTMENT:

APPROVED appointment of Kay Bigelow as Acting City Attorney, effective July 15, 2013, at an annual salary of \$143,918.65, prorated during the period served as Acting City Attorney.

PUBLIC HEARINGS:

PH 1. CHANDLER CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR FISCAL YEAR 2012-2013.

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

MS. BARBRA BELLAMY, CDBG Supervisor reviewed the background provided in the memo to the Council.

Background:

Each year, the City of Chandler is required to publish the Chandler Consolidated Annual Performance and Evaluation Report (CAPER) and submit the document to the U.S. Department of Housing and Urban Development (HUD). The report is a required performance report that meets three basic purposes:

- Provides HUD with necessary information for the Department to meet its statutory requirements to carry out Community Planning and Development programs;
- Provides information necessary for HUD's Annual Report to Congress; and
- Provides the City of Chandler an opportunity to describe to its citizens the successes in meeting objectives stipulated in the 2010-2014 Consolidated Plan for its community development programs.

The fiscal year 2012-2013 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 (HOME) and Neighborhood Stabilization Programs (NSP).

In addition, the CAPER describes accomplishments of social service programs provided in the City utilizing non-federal funds including activities funded with Acts of Kindness, Social Services Funding, Youth Enhancement Program (YEP) and Veteran's Transportation funds.

Providing comprehensive programs for neighborhood revitalization in Chandler's low to moderate-income areas was a focus of Chandler's federally funded programs in fiscal year 2012-2013. The CDBG-funded Blight Elimination Program provided enhanced, proactive code enforcement efforts in the City's CDBG-eligible Census Tracts and continued marketing the Voluntary Demolition Program to homeowners who are faced with code violations. While CDBG funded one Voluntary Demolition, it should be noted that as a result of enhanced code enforcement, five additional properties were demolished by property owners utilizing their own funds.

CDBG-funded capital projects resulted in improvements to City infrastructure and neighborhood facilities as well. CDBG funded the installation of 13 new street light poles which improved lighting quality and safety in CDBG-eligible areas. The completion of the CDBG-funded capital improvements at the Chandler Christian Community Center occurred in 2012-2013 resulting in expanded space for food storage and program operations.

Housing programs were also an area of emphasis for fiscal year 2012-2013. Programs focused on creating first-time homebuyers, assisting existing homeowners with housing rehabilitation and emergency repairs. Newtown's Community Land Trust Program created first-time

homeownership opportunities for six new homeowners utilizing NSP and HOME funds and provided one client with down payment assistance as well. Seventy-one existing low and moderate income homeowners were assisted through housing rehabilitation programs which range from emergency home repair to more substantial housing rehabilitation. The provision of this assistance served to improve the living conditions of these residents, while stabilizing the housing stock in their neighborhoods.

Chandler funding, through a combination of local and federal sources, supported Chandler's homeless and near-homeless populations. Individuals and families were assisted to prevent their eviction and provided emergency shelter and transitional housing through programs funded by the City of Chandler. In addition, over 100,000 food boxes were provided through local food banks to aid in the fight to prevent hunger in Chandler.

During fiscal year 2012-2013, Chandler focused on maximizing resources to impact homelessness in the community. These resources are a result of the partnerships developed through the For Our City-Chandler program. I-HELP (Interfaith Homeless Emergency Lodging Program) is a program based upon faith organizations opening their facilities one night a week/or month to provide a safe place to sleep for homeless individuals or those temporarily without shelter. The idea to begin the I-HELP program in Chandler came through the For Our City subcommittee CHAT - Chandler Homeless Advocacy Team. In January 2013, Chandler launched its three-night per week I-HELP program. Chandler Christian Community Center is coordinating the program and serves as an intake location for I-HELP.

Also in 2012-2013, the City began a Tenant Based Rental Assistance (TBRA) program where homeless individuals and families receive rental assistance and intensive case management for up to 24 months. The housing assistance is funded with HOME dollars and to date, Chandler has housed 14 homeless individuals and families through the TBRA program and has plans to house one more. The community has provided donated furniture and other household items to assist the homeless in setting up their homes. The collaboration among non-profits, the faith community and the City continues to produce tangible results in the lives of Chandler's homeless population.

In many areas, the City far exceeded its Five-Year Plan goals to meet the needs of Chandler's low and moderate-income residents. The investment of general fund resources leveraged federal funds to significantly address additional needs such as programs for foster children, domestic violence victims, daycare assistance and utility assistance. During 2012-2013, the City allocated \$421,896.00 of Social Services funds to 15 programs that served 15,437 low-and-moderate-income residents.

Chandler continues to be a leader in support for youth services and youth activities. The purpose of the YEP is to provide a catalyst for the development and operation of programs for Chandler youth ages 0-18. The Mayor and City Council are aware of the problems facing today's youth and are committed to funding a variety of programs that provide positive activities. YEP funding is granted to a diverse group of non-profit organizations located through the community. During 2012-2013, the City allocated \$642,006.00 to 27 programs that served 12,211 youth and their families.

As part of the process for creating the CAPER, the City is required to conduct a 15-day public comment period and conduct a public hearing at a Chandler City Council meeting. The public comment period for the fiscal year 2012-2013 CAPER runs from August 7, 2013 through August 22, 2013. The draft report will be available for review online at www.chandleraz.gov/commuitydev during the comment period. In addition, the public is invited to

review the draft document at the City of Chandler's Neighborhood Resources Division office or at the Chandler Main Library. The final report will be reviewed by the City Council on September 26, 2013 for approval.

There were no public comments.

MAYOR TIBSHRAENY closed the public hearing at 7:13 p.m.

PH2 ANNEXATION of approximately 0.25 acres located north of the NWC of Sunrise Place and Gilbert Road. (Applicant: Jeremy Ramdsell; Ashton Woods Homes.)

MAYOR TIBSHRAENY opened the public hearing at 7:14 p.m.

MR. DAVID De la Torre, Planner, provided an overview of the information provided in the memo.

The subject site is a narrow 17-foot wide strip of land that is part of Belmont Estates subdivision which received Planned Area Development (PAD) zoning and Preliminary Development Plan (PDP) approval by Council on November 5, 2012. At the time, when the property for Belmont Estates was annexed, the subject parcel was thought to have been previously annexed into the City in 2003 when the Santana Ridge condominiums property to the north was annexed. However, after consulting with Maricopa County and thoroughly reviewing the legal description, Staff found that the 2003 annexation did not include the subject site and thus left the narrow strip of land in the County's jurisdiction.

The requested annexation can be considered 'housekeeping' as it is needed to complete the Belmont Estates development and will not modify nor add anything new to the previous approvals. The subject parcel is located at the northeastern corner of the future subdivision and abuts the Santana Ridge condominium property to the north. It is vacant and has no structures.

Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

Per Arizona revised Statues, the City Council must hold a Public Hearing to gather input regarding a proposed annexation prior to taking action on the request. No action is required of Council at this time.

MAYOR TIBSHRAENY asked if this piece was part of the Gilbert Road improvements. Mr. De la Torre said most of it is private property, however it does have part of the ROW.

There were no comments from the public.

MAYOR TIBSHRAENY closed the public hearing at 7:16 p.m.

PH3 ANNEXATION of six parcels totaling approximately 14.3 acres located south of the SWC of McQueen and Ocotillo roads. (Applicant: Greg David, Iplan Consulting, and the City of Chandler.)

MAYOR TIBSHRAENY opened the public hearing at 7:16 p.m.

Mr. De la Torre said parcels 1-4 are part of a larger 20 acre site that will be coming before Council in the near future as a rezoning request to allow development of a single family subdivision. He stated parcels 5 & 6 are closer to Ocotillo Road and consist of city row and storm water retention.

The request is to annex six parcels generally located south of the southwest corner of McQueen and Ocotillo roads. Parcels 1-4, comprised of approximately 12.4 acres, are located approximately ½ mile south of Ocotillo Road and are part of a large site including adjacent right-of-way that will be the subject of a proposed single-family development. Parcels 5 and 6, approximately 1.9 acres, consist of right-of-way and a City-owned parcel located closer to Ocotillo Road that will be utilized as a storm water retention basin.

All of the subject parcels, except for those in the right-of-way, are currently zoned RU-43, which allows one dwelling unit per acre in the county. Parcels 2 and 3 currently contain one single family home on each parcel and are planned to be demolished to make way for the new subdivision. The parcels are surrounded by existing rural residential and/or traditional single-family subdivisions. The Chandler Land Use Element of the General Plan and the Southeast Chandler Area Plan designate the area for low density residential development.

Existing municipal water service, sewer service and reclaimed water mains are located within McQueen Road.

Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

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

MAYOR TIBSHRAENY asked if the parcels were all contiguous. Mr. De la Torre said they were contiguous to existing city limits. He explained there were two groups of parcels. Parcels 1-4 will be part of a larger zoning request. Parcels 1 and 2 are contiguous to each other.

There were no comments from the public.

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

PH4 ANNEXATION of approximately 2.5 acres located north of the NWC of Cooper and Chandler Heights roads. (Applicant: Kevin and Wendy Wise.)

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

Mr. De la Torre reviewed the information contained in the memo.

The subject site consists of two undeveloped parcels that are zoned RU-43. The property owners, Mr. & Mrs. Kevin Wise, intend to build their home on the western parcel and leave the remaining parcel for agriculture purposes or for future single family homes. This would be consistent with the Chandler Land Use Element of the General Plan and the Southeast Chandler Area Plan, which designate the area for low density residential development.

Existing municipal water service and reclaimed water are located in Cooper Road. Currently, the nearest sewer line connection is located about 240 feet south of the site, but will soon be extended along Tower Avenue on the west side of the site as part of the Calabria development immediately north of the site. There are currently no structures on the site.

Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

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

MAYOR asked about the jurisdiction of the parcel to the south. Mr. De la Torre replied that parcel is in the county and there are two homes to the parcels to the south.

COUNCILMEMBER HEUMANN asked if the owner would be responsible for impact fees upon building. Mr. De la Torre replied they would.

There were no comments from the public.

MAYOR TIBSHRAENY closed the public hearing at 7:21 p.m.

PH5 ANNEXATION of approximately 4.8 acres located at the NEC of Gilbert and Queen Creek roads. (Applicant: Troy DeVos, QuickTrip Corporation.)

MAYOR TIBSHRAENY opened the public hearing at 7:22 p.m.

Mr. De la Torre reviewed the information contained in the memo.

The subject site is currently undeveloped and is zoned RU-43 within the county. The site is bordered by a church to the north and existing rural residential homes to the east. The Chandler Land Use Element of the General Plan designates the site as residential. However, being located at the corner of two arterial streets, the General Plan also allows other uses such as commercial and office. As such, the property owner intends to submit a rezoning application following annexation to allow the development of a convenience store and gas station.

Existing municipal water service, reclaimed water and sewer service are available in Gilbert Road.

Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

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

There were no comments from the public.

MAYOR TIBSHRAENY closed the public hearing at 7:22 p.m.

UNSCHEDULED PUBLIC APPEARANCES:

MR. JOHN REPAR, 1433 E. Jade Drive said he purchased his home about one year ago near the area of McQueen and Queen Creek Roads and there is regularly a very obnoxious odor that comes out of the treatment facility on that corner. He asked that it be addressed.

CURRENT EVENTS:

A. Mayor's Announcements

The Mayor announced that Chandler residents have saved nearly \$133,000 in the last year due to the prescription drug card savings as part of the Mayor's Health Connect Program.

The Traditional Neighborhood Academy is accepting applications and will begin September 5th.

Mayor expressed his condolences on the passing of CAPA Director Nachie Marquez's father-in-law.

He wished everyone a safe and happy Labor Day Holiday.

B. Councilmembers' Announcements

Councilmember Heumann reminded drivers to slow down in school zones.

Councilmember Weninger gave his son Christian birthday wishes on his upcoming 13th birthday.

Councilmember Donovan recognized Belen Doñan, the Food Bank Director for Chandler Christian Community Center and noted she is a participant in Chandler Leadership and attending tonight's Council meeting as part of that program.

Councilmember Hartke thanked Belen and Jose Doñan for their service to the Chandler community. Councilmember Hartke noted his upcoming 32nd anniversary with his wife Lynne.

Councilmember Hartke announced the For Our City breakfast on September 5th.

C. City Manager's Announcements: None

Adjournment: The meeting was adjourned at approximately 7:30 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: September 12, 2013

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 15th day of August 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of September, 2013.

City Clerk