

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, December 12, 2013 at 7:00 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 Roger Storms of Chandler Christian Church

PLEDGE OF ALLEGIANCE: Vice Mayor Jack Sellers led the Pledge of Allegiance.

CONSENT:

MAYOR TIBSHRAENY noted that Item 2 now has a request for continuance to the January 23, 2013 meeting. He asked that be included in the motion.

MOVED BY VICE MAYOR SELLERS, SECONDED BY COUNCILMEMBER WENINGER, TO APPROVE THE CONSENT AGENDA AS PRESENTED WITH THE EXCEPTION OF THE CONTINUANCE OF ITEM 2 TO THE NEXT COUNCIL MEETING.

MAYOR TIBSHRAENY noted there was a speaker on Item 14. (Comments are contained under that item).

MOTION CARRIED UNANIMOUSLY (7-0).

1. CABLE TELEVISION LICENSE AGREEMENT: Western Broadband, L.L.C. Ord. #4514

ADOPTED Ordinance No. 4514 authorizing a Cable Television License Agreement with Western Broadband, L.L.C.

2. CONTINUED CITY CODE AMENDMENT: Chapter 15 Ord. #4473

CONTINUED TO THE NEXT CITY COUNCIL MEETING, INTRODUCTION of Ordinance No. 4473 amending Chandler City Code, Chapter 15, Section 1, to exclude certain transactions of cellular phone companies from the definition of Secondhand Dealers.

BACKGROUND

Chapter 15 of the City Code defines a Secondhand Dealer as any person engaged in conducting, managing, or carrying on an ongoing business of buying, selling, trading, exchanging and consigning or otherwise dealing in secondhand goods and antiques. Those that meet this definition are required to obtain finger print clearance of every manager and assistant manager at the establishment, apply and pay for the additional licensing, report all defined transactions to the police department daily and hold items received for a period no less than 10 days. While the provisions of the code are created to remove valid concerns of citizens and the pawnbroker/secondhand dealer business community, the current business practice of many of the cell phone providers to allow for a credit or discount on the purchase of a new cellular phone with the trade-in of an existing phone is outside of the intent of this code provision, but these transactions meet the technical definition of the code.

The purpose of the requested change is to exclude certain transactions of cellular phone companies from the provisions of the special regulatory license, specifically exempting transactions involving the trade-in of a customer's old cellular phone for an account credit or discount on the purchase of a new phone from meeting the definition of secondhand dealer. These transactions deal with customers that already have, or are creating, a business relationship with the vendor. The risk of stolen or ill-gotten goods being used in traceable transactions such as these is significantly reduced due to the relationship created. The practice of trading in one's old cellular phone for a credit or discount on a new phone is becoming the everyday business process for the majority of cell phone providers, and the extra requirements under this code section adds little benefit or security to these specific types of transactions. This change will make it easier for cellular phone providers to operate in the City of Chandler while not increasing the type of behavior meant to be curtailed by the code.

3. CITY CODE AMENDMENT: Chapter 43 Ord. #4515

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4515 amending Chandler City Code, Chapter 43, Section 43-4.5, Subsections 43-4.5.A, 43-4.5.B, 43-4.5.D, 43-4.5.E, 43-4.5.F and 43-4.5.I adopting updated versions of existing design and construction standards.

BACKGROUND/DISCUSSION

The City maintains and publishes Standard Details and Specifications and Technical Design Manuals which have been developed to guide developers and City Staff on the design and construction of the City's infrastructure. These documents are adopted by the City Council.

The Engineering Design Standards Committee, with cross-departmental representation, reviews proposed changes to the design standards and makes recommendations for yearly updates. This process also involves reviewing the Maricopa Association of Governments (MAG) Specifications and Standards and their yearly proposed revisions and removing City standards in favor of MAG standards when possible.

This ordinance would amend the following editions of the design standards:

- March 2013 Standard Details and Specifications Manual
- March 2013 Technical Design Manuals #1 and #2, Water & Wastewater System Design

- January 2011 Technical Design Manual #4, Street Access and Design Control.
- March 2013 Technical Design Manual #5, Traffic Signal Design
- March 2012 Technical Design Manual #6, Streetlight Design

In addition, this ordinance would adopt the 2014 revisions to the MAG Uniform Standard Specifications and details with certain modifications.

The recommended revisions have been reviewed and approved by the Engineering Design Standards Committee consisting of Engineering, Offsite Inspection, Transportation, Water/Wastewater and Planning divisions. The revisions were provided to members of the industry including the Homebuilders Association, Multihousing Association, utility providers, and engineering design consultants. Comments received were incorporated into these revisions where appropriate.

The complete set of revised Standard Details and Specifications are on file with the City Clerk and available for review.

4. CONTINUED REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT:
Maplewood Court II Ord. #4516

CONTINUED TO JANUARY 23, 2014, Introduction and Tentative Approval of Ordinance No. 4526, Maplewood Court II, rezoning from Agricultural (AG-1) to Planned Area Development (PAD) for single-family residential.

CONTINUED TO JANUARY 23, 2014, Preliminary Development Plan (PDP) for housing product and subdivision layout.

CONTINUED TO JANUARY 23, 2014, Preliminary Plat PPT13-0002, for a 14-lot single-family residential subdivision located at the SWC of Willis Road and Vine Street.

The applicant requests a continuance in order to finalize design details and to be reviewed by the Planning Commission. Accordingly, the Planning Commission and Planning Staff recommend a continuance.

5. PROJECT AGREEMENT: Maricopa Association of Governments Res. #4692

ADOPTED Resolution No. 4692 authorizing a project agreement with the Maricopa Association of Governments (MAG) for Proposition 400 reimbursement in the amount of \$5,294,855.64 in Fiscal Year 2014 (\$4,356,330.81) and Fiscal Year 2018 (\$938,524.83) for design, right-of-way and construction of Ocotillo Road (Arizona Avenue to McQueen Road).

BACKGROUND/DISCUSSION

This project involves street widening improvements to Ocotillo Road (Arizona Avenue to McQueen Road). The segment will be widened from two through lanes to four through lanes. Salt River Project's Consolidated Canal bridge crossing will need to be widened to incorporate the additional through lanes. Five-foot wide bicycle lanes will be included throughout the project. Additional improvements will include six-foot wide sidewalks, curb and gutter, 16-foot wide raised medians, Union Pacific Railroad crossing surface widening and new railroad signals, streetlights, new traffic signals at the Paseo Trail (Consolidated Canal), storm drainage pipe and retention basins, wet utilities, dry utilities, and landscaping. Traffic signal fiber interconnect is also included in this project to link signals at Arizona Avenue, Paseo Trail and McQueen Road to the City's Traffic Management Center. Sidewalks and ramps will be compliant with the Americans with Disabilities Act.

These proposed improvements are based on the City's Transportation Master Plan Update (April 2010) for a 20-year design life.

TRANSPORTATION COMMISSION RECOMMENDATION

The Commission reviewed the project agreement on October 17, 2013, and recommended approval.

FINANCIAL IMPLICATIONS

This agreement will provide regional reimbursement for design, right-of-way, and construction to the City of Chandler. Reimbursement is programmed in Fiscal Year 2014 and Fiscal Year 2018 and will be adjusted annually for inflation in accordance with MAG policies.

6. PROJECT AGREEMENT: Maricopa Association of Governments Res. #4708

ADOPTED Resolution No. 4708 authorizing a project agreement with the Maricopa Association of Governments (MAG) for Proposition 400 reimbursement in the amount of \$3,528,111.00 in Fiscal Year 2013 (\$2,048,488.00) and Fiscal Year 2020 (\$1,479,623.00) for construction of Gilbert Road (Chandler Heights Road to Hunt Highway).

BACKGROUND/DISCUSSION

This project involves street widening improvements to Gilbert Road (Chandler Heights Road to Hunt Highway). The segment will be widened from two through lanes to four through lanes. Five-foot wide bicycle lanes will be included throughout the project. Additional improvements will include six-foot wide sidewalks, curb and gutter, 16-foot wide raised medians, streetlights, traffic signals, storm drainage, wet utilities, dry utilities and landscaping. Traffic signal fiber interconnect is also included in this project to link into the existing interconnect north of Chandler Heights Road to connect this section with the City's Traffic Management Center. Sidewalks and ramps will be compliant with the Americans with Disabilities Act.

These proposed improvements are based on the City's Transportation Master Plan Update (April 2010) for a 20-year design life.

TRANSPORTATION COMMISSION RECOMMENDATION

The Commission reviewed the project agreement on October 17, 2013, and recommended approval.

FINANCIAL IMPLICATIONS

This agreement will provide regional reimbursement for construction to the City of Chandler. Reimbursement is programmed in Fiscal Year 2013 and Fiscal Year 2020 and will be adjusted annually for inflation in accordance with MAG policies.

7. PROJECT AGREEMENT: Maricopa Association of Governments Res. #4709

ADOPTED Resolution No. 4709 authorizing a project agreement with the Maricopa Association of Governments (MAG) for Proposition 400 reimbursement in the amount of \$6,160,000.00 in Fiscal Year 2018 (\$3,160,000.00) and Fiscal Year 2019 (\$3,000,000.00) for construction of Gilbert Road (Ocotillo Road to Chandler Heights Road).

BACKGROUND/DISCUSSION

The segment will be widened from two through lanes to four through lanes. Five-foot wide bicycle lanes will be included throughout the project. Additional improvements will include six-foot wide sidewalks, curb and gutter, 16-foot wide raised medians, streetlights, traffic signals, storm drainage, wet utilities, dry utilities and landscaping. Traffic signal fiber interconnect is also included in this project to link signals at Ocotillo Road and Chandler Heights Road to the City's Traffic management Center. Sidewalks and ramps will be compliant with the Americans with Disabilities Act.

These proposed improvements are based on the City's Transportation Master Plan Update (April 2010) for a 20-year design life.

TRANSPORTATION COMMISSION RECOMMENDATION

The Commission reviewed the project agreement on October 17, 2013, and recommended approval.

FINANCIAL IMPLICATIONS

This agreement will provide regional reimbursement for construction to the City of Chandler. Reimbursement is programmed in Fiscal Year 2018 and Fiscal Year 2019 and will be adjusted annually for inflation in accordance with MAG policies.

8. AGREEMENT AMENDMENT: PFM Asset Management, L.L.C. Res. #4725

ADOPTED Resolution No. 4715 authorizing Amendment No. 2 of the agreement with PFM Asset Management, L.L.C. for investment services relating to the City's Workers Compensation and Employer Liability Trust.

DISCUSSION

The City appointed Trustees for the Chandler Workers Compensation and Employers Liability Trust (Workers Compensation Trust) and the Workers Compensation Trust Board has authorized the Management Services Director and the Director of Human Resources to oversee the management and administration of the Trust. Additionally, the Workers Compensation Trust Board authorized the Management Services Director to invest Workers Compensation Trust funds through the use of services by one of the City's investment management firms, following the City's investment policy.

PFM Asset Management, L.L.C. has been providing investment management services to the Trust since the Board's inception earlier this year. This Addendum No. 2 to the investment management agreement between the City and PFM Asset Management, L.L.C. authorizes the provision of investment management services to the Workers Compensation Trust.

9. AGREEMENT: Maricopa County Library District Res. #4730

ADOPTED Resolution No. 4730 authorizing an agreement with the Maricopa County Library District (MCLD) for the Polaris Integrated Library System.

BACKGROUND/DISCUSSION

The Chandler Public Library has contracted with SirsiDynix since 1985 to provide an Integrated Library System (ILS) software package. The ILS software has many functions, including acquisition and cataloging modules, item checkout and return modules, patron account and billing modules, and discovery tools for searching the Library's inventory.

Through this agreement with the Maricopa County Library District (MCLD), the Library seeks to migrate from SirsiDynix to the Polaris ILS. Polaris has been in business for 15 years and is a well-established and successful ILS vendor. Their customer-base is exclusively public libraries. There are several advantages to be gained from this agreement and migration. Five of the eight largest Phoenix-area public library systems are current Polaris Customers: MCLD, Phoenix Public Library, Mesa Public Library, Peoria Public Library and Glendale Public Library. Scottsdale Public Library and Tempe Public Library plan to migrate this year, as well. Having so many neighbors using the same system will provide an excellent local support structure.

To purchase the Polaris ILS independently would cost \$218,440 in one-time funds, with an on-going annual maintenance fee of \$82,251 (1st year). Under this agreement, MCLD will fund the one-time purchase of the Polaris software and associated subscription services. MCLD will also fund the annual support fees for up to eight years under this agreement. The Library will be responsible for additional services such as telephone notification, text messaging and data base integration. The Library will maintain control of all data stored in the Polaris software. The software will be hosted on Polaris servers, saving the Library hardware support and administrative costs. The Library will work with Polaris technical support directly for all support issues and trouble tickets.

10. PROJECT AGREEMENT AMENDMENT: Maricopa Association of Governments
Res. #4731

ADOPTED Resolution No. 4731 authorizing Amendment No. 1 to the project agreement with the Maricopa Association of Governments (MAG) for the advancement of regional reimbursement to Fiscal Years 2012 and 2013, for design, right-of-way acquisitions and construction of the McQueen Road (Ocotillo Road to Riggs Road) Arterial Capacity Improvement Project, in the amount of \$6,482,227.05.

BACKGROUND/DISCUSSION

This amendment to this project agreement is for reimbursement of Proposition 400 funds to the City of Chandler for design, right-of-way acquisitions, and construction for McQueen Road (Ocotillo Road to Riggs Road). This project involves street widening improvements to McQueen Road (Ocotillo Road to Riggs Road).

FINANCIAL IMPLICATIONS

Reimbursement was originally programmed in 2017, 2018, 2019 and 2020. This amendment will advance reimbursement to Fiscal Years 2012 and 2013 and may be adjusted annually for inflation in accordance with MAG policies.

11. FOREIGN TRADE ZONE: Isola Group Campus Res. #4732

ADOPTED Resolution No. 4732 authorizing support for a new Foreign Trade Zone in the Isola Group Campus located at 165 S. Price Road.

BACKGROUND/DISCUSSION

Isola Group located in Chandler in 2003, bringing their global corporate headquarters to Chandler. The company is located in two locations currently with their corporate offices at the NWC of Loop 101 and Ray Road, and their manufacturing facilities at 165 S. Price Road. Isola is a global material sciences company focused on designing, developing, manufacturing and marketing copper-clad laminates used to fabricate advanced multilayer printed circuit boards. Their products are used in a diverse range of electronic end-markets including applications in

computers, networking and communications equipment, high-end consumer electronics, as well as products designed for use in the advanced automotive, aerospace, military and medical markets.

In an effort to maintain global competitiveness, Isola contacted the Economic Development Staff requesting support for a Foreign Trade Zone (FTZ) at their 165 S. Price Road campus. The FTZ status would allow Isola to take advantage of the import/export duty reduction for those manufacturing companies located in an active FTZ. Currently, Isola would save more than 7% in tariff reduction if their building were in a declared FTZ.

As part of the additional benefits allowed in only a few states by State Legislation, Arizona FTZ sites also allow for a reduction in property tax to Class 6 which drops the assessed valuation from 19.5% to 5%. However, not only does State law not allow for the automatic removal of existing facilities out of full Ad Valorem property tax rolls, Isola has agreed not to pursue the reduction of property tax for their existing buildings and this is identified in the resolution.

Upon approval by Chandler City Council, the approval will then move on to the Phoenix City Council who will then need to approve Isola's application for a permanent Foreign Trade Zone. This is due to the fact that the City of Phoenix holds the formal FTZ designation for our area. The application will then move on to the Federal Foreign Trade Zone Board in Washington DC for their review and approval.

There are currently two FTZ's in the City of Chandler; the active FTZ with Intel and an inactive FTZ with Microchip Technology.

12. DEVELOPMENT AGREEMENT AMENDMENT: RG-101, LLC Res. #4733

ADOPTED Resolution No. 4733 authorizing the first amendment to the Development Agreement with RG-101, LLC.

BACKGROUND/DISCUSSION

On November 17, 2011, the Chandler City Council approved a Development Agreement for a project known as Chandler 101 which supported two development options. One is approximately 820,000 square feet of office space and the second includes 725,000 square feet of office space that would include a hotel/conference center. Other options include a parking structure, incidental retail and public infrastructure improvements in an extension of Coronado Street. Prior to the 2009 zoning case, this site was the former location of Gould Electronics from 1977 to 2007, a 68,640 square foot industrial facility that has since been closed and demolished.

As part of the demolition of the existing structures, Gould selected to "crush" the existing building and place it back into the base hole left by the former tenant. This action, along with a number of other items put in place by the previous owner, has made this site incredibly challenging to develop in accordance with the approved Planned Area Development and Preliminary Development Plan that exist on the site today. These items include removal of the former building and its infrastructure, removal of underground components such as a previous waste treatment facility and concrete pylons, and completion of a roadway that was never finished.

Due to the challenges faced on this site for future development as identified by a third party, independent analysis, City Council approved a Redevelopment Area on this site in 2011 which was approved for three years.

Traffic counts at the Loop 101 Freeway and Chandler Boulevard are high based upon the existing infrastructure. Staff concluded that additional traffic from the new proposed development would require additional improvements. The extension and completion of Coronado Street will assist in the maintaining acceptable service levels of traffic in the area. This plan was approved by both the Transportation Commission and Chandler City Council in 2007. As part of this Development Agreement, RG-101, LLC, will construct future Coronado Street as part of the first phase of this development.

The City of Chandler and RG-101, LLC, continue to work on acquisition of the permits and property needed to complete the Coronado Street ring road. RG-101 has requested a three-year extension to the Redevelopment Area in order to allow for completion of the acquisition and construction of Coronado Street. As part of this construction, RG-101 has agreed to commence construction of Coronado Street within 6 months of the effective date of this agreement or 30 days after approval of final requirements (permits, property acquisition, etc.) of all items necessary to build Coronado Street.

13. PRELIMINARY DEVELOPMENT PLAN: Winco Foods Store

APPROVED Preliminary Development Plan PDP13-0010 Winco Foods Store, for a new grocery store development on an approximately 9-acre commercial parcel located at the NWC of Arizona Avenue and Willis Road, on the west end of the San Tan Plaza commercial retail center. (Applicant: Gordon Keig, Kornwasser Shopping Center Properties.)

BACKGROUND

The proposal includes an 85,000 square-foot WinCo Foods grocery store building located west of the existing Kohl's store. The subject parcel is on the far west end of the development. The Loop 202 Santan Freeway abuts the northern boundary, the Alma School Place residential subdivision abuts the west property line, existing retail buildings are to the east, and south of the property is Willis Road and a mobile home development.

The San Tan Plaza development was zoned Planned Area Development (PAD) with a Preliminary Development Plan (PDP) in 2002 for a retail shopping center on approximately 27 acres with 210,000 square feet of building area. The first phase of development included a Kohl's department store and M&I Bank pad. Additional inline retail shops along Arizona Avenue were developed later. The subject site was also planned with two 31,000 square-foot retail buildings; however, in 2006, a different PDP was approved with four retail buildings totaling 66,000 square feet. The subject 9 acres have remained undeveloped.

The approved development plan for San Tan Plaza created the overall site layout, landscape theme and architecture. The WinCo Foods site is designed similarly to the original 2002 PDP. The project meets the intent of the Commercial Design Standards; however, due to prior approved design concepts, more current design standards are not applied. The building's position is in alignment with existing buildings along with drive aisle locations, pedestrian walkways, landscaping, retention basins, and parking lot design. As part of the Kohl's development, an 8-foot high wall along the west property line and landscaping on the west and north property lines was installed. The 8-foot wall is in addition to the residential subdivision's perimeter wall. This development will provide additional landscaping and walls. A new 8-foot perimeter screen wall is proposed on the site's north side. This will screen the servicing and loading dock area of the store from the Loop 202 Santan Freeway. Parking screen walls will occur along Willis Road. The site's primary retention basin is located on the north side. Delivery and emergency truck access is on the parcel's east side in between the Kohl's property.

A pedestrian colonnade, bench seating, planters, trellis accents cantilevered metal shade awnings, and covered cart storage are located along the building's front. The store's main entrance is aligned with the centralized pedestrian connection from Willis Road. This is designed similarly to the one in Kohl's parking area with trees and shrubs creating a sense of arrival to the store. In addition to a central cart storage area near the store's entrance, individual cart corrals are provided throughout the parking lot. The landscape palette includes a variety of low-water-use desert species matching existing landscaping in the retail center. Additionally, plant species are provided which complement the retail center's landscape theme. Parking lot landscape planter islands are provided; however, some do not meet code requirements. A zoning condition is included requiring all parking planter islands to remain consistent with the islands within the adjacent Kohl's center.

The grocery building is approximately 30 feet in height including architectural features. The building is setback from the residential property line approximately 57 feet, greater than the required 51 feet. A landscape area approximately 40 feet in width occurs between the existing residential perimeter walls and the new parking lot. Parking lot light poles will match the existing center's light poles. In addition, the development proposes a flag pole for use with only an American flag. The flag pole is located within the handicap accessible parking space area. There are several feet on either side of the flag pole to allow for pedestrian access. The pole will be up-lit with flush mounted ground lighting fixtures. The flag pole is proposed at a maximum height of 30 feet.

Building architecture includes four-sided design elements providing a mix of building materials and paint colors similar to existing buildings in the center. Building materials are limited to a maximum of 65 percent of the total area of each building façade. Façades are broken up by incorporating pilasters, vertical relief elements such as columns at various heights, a shed roof element, awning and trellis elements and the application of paint colors, stucco and both split face and smooth CMU. Parapet roof lines are varied in height and include a decorative cornice cap element. The rear elevation includes screen walls for loading dock areas and the trash compactor that are integrated with the building's design.

The development requires 340 parking spaces; 371 are provided. A full movement access is located off of Willis Road in addition to shared access points in the retail center. A Traffic Impact Study was submitted and reviewed by City Staff to ensure proper location of ingress/egress and any impacts to Willis Road. Deceleration turn lanes are required along Willis Road to access the site.

Building mounted signage is proposed on two sides of the building. A "WinCo Foods" sign is located on the front and rear building elevations along with a "24 Hour Savings" sign on the front elevation. A comprehensive sign package was approved in 2002 for the retail center. The proposed pan channel internal illuminated lettering and sign band area are consistent with existing sign standards and sign code. However, the sign standards limit one wall sign per street frontage. WinCo is requesting a second sign on the front elevation. WinCo will occupy tenant panels on existing freestanding monument signs.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with neighborhood meetings being held on October 8 & 9, 2013. There were no neighbors in attendance at either meeting. Planning Staff has not received any correspondence in opposition.

Planning Staff contacted the HOA's property management company who advised that property owners and the Board were notified of this project.

Planning Staff was first made aware of project concerns a day before the Commission hearing. A resident of Alma School Place, the subdivision immediately west of the site, called and met with Planning Staff to discuss concerns. The resident and his neighbors back up to the project. Concerns included adding more trees to screen the building from homes, building height, potential traffic, 24-hour operation causing noise and security concerns, and property devaluation were discussed. The meeting concluded with the resident wanting additional trees.

At the Commission hearing, Planning Staff spoke with the applicant and resident agreeing to add Condition No. 6 requiring additional trees along five homes that back up to the west building elevation. The applicant and resident verbally agreed that the developer will replace any missing trees.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "WINCO FOODS STORE" kept on file in the City of Chandler Planning Division, in File No. PDP13-0010, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Ordinance No. 3396 in case DVR02-0017 KOHL'S CENTER, except as modified by condition herein.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
4. Raceway signage shall be prohibited within the development.
5. All parking planter islands to remain consistent with the islands within the adjacent Kohl's center.
6. In the landscape tract west of the building adjacent to the five single family lots, install a second row of trees staggered with existing row of trees. The trees shall be placed every 20 feet on center with a minimum of 12 feet in height at time of planting. Trees shall match existing Mondell/Elderica Pine and Sissoo Tree.

14. PRELIMINARY DEVELOPMENT PLAN: Chandler Corporate Center II

MS. LORI PECK, 2555 E. Camelback Road, Phoenix, on behalf of Held Properties, owner of the Chandler Corporate Center II located at 585 N. Juniper Drive in Chandler, relayed concern in regards to the amended conceptual site layout and maximum building height proposed by the Rockefeller Group in the neighboring lots. She stated the concern was the placement of the larger buildings and how they will mask and visually affect their property. She stated they request that Building A move 60' east.

COUNCILMEMBER HEUMANN announced his abstention on this item as he has a Conflict of Interest. He was the leader of the Coalition in the late 90's that helped work through the process for this business park. He commended the Rockefeller Group on the project. He noted the homeowners association next to this project is in support.

APPROVED (6-0) Preliminary Development Plan PDP13-0017 Chandler Corporate Center II, amending the conceptual site layout and maximum building height on approximately 17.25 acres located at the NWC of McClintock Drive and Galveston Street, within the Chandler Corporate Center business park. (Applicant: Michael Edwards – Davis.)

BACKGROUND

The subject site is located at the northeastern end of Chandler Corporate Center at the immediate NWC of McClintock Drive and Galveston Street. The site is bordered to the north by a 50-foot deep landscaped tract owned by the City of Chandler, with Desert Breeze Boulevard located north of the tract. The Park Promenade single-family residential neighborhood abuts Desert Breeze Boulevard to the north. An existing office building within Chandler Corporate Center abuts the site's western side, with Juniper Drive and Galveston Street adjacent along the south. McClintock Drive is located to the east.

Chandler Corporate Center's zoning approvals began in 1981 with time extensions occurring in 1983, 1984 and finally in 1988. Most recently, City Council approved a PDP in 2005 encompassing the 75-acre business park anticipating a total of 1,280,000 square feet of building area. The subject site consists of Parcels B and C of the Chandler Corporate Center master plan. The master plan identified the site for industrial/office/warehouse (limited) uses with a maximum of 195,000 square feet permitted distributed within at least 5 buildings. The conceptual site plans indicated approximately 11 buildings. All buildings were limited to a maximum of 30 feet in height and single-story.

The request includes amendment to the Preliminary Development Plan to increase the maximum single-building size and increase the maximum building height to accommodate second-floor office space on Phase Two (eastern half of subject site). Phase One would now permit a maximum single building size of 85,000 square feet while maintaining the 30-foot single-story limitation. Phase Two would now permit a maximum single building size of 110,00 square feet as well as increase the maximum height an additional 5-feet to 35-feet high, to accommodate a potential for second floor office space. As represented, any 2-story building would consist of 100% office space and be located at the site's southeastern most corner. The exhibits show different development solutions including a single-story building centrally located on Phase Two, as well as a 2-story building located at the southeast corner of Phase Two along Galveston Street. As currently permitted under the approved PDP, all final development plans will be reviewed and approved administratively. The request will provide the property owner additional flexibility to respond to the changing market demands. No other changes are requested as part of this PDP.

DISCUSSION

Staff supports the request finding the proposed minor amendments to continue the high quality business park image already established by Chandler Corporate Center. The originally approved limitations to Parcels B and C (the subject site), were in direct response to neighborhood input received during the 2005 approval. The request continues to maintain the 30-foot maximum building height along the site's western half, while only increasing the maximum building height of Phase Two an additional 5 feet. In the event a 2-story building is constructed on Phase Two, that building will be located south along Galveston Street moving the building further away from the existing homes remaining responsive to the neighborhood concerns of building massing and visibility. Finally, the existing 50-foot deep landscaped tract along the south side of Desert

Breeze Boulevard provides a significant visual buffer mitigating any concerns generated by the increase in single-building size.

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 November 14, 2013. There were approximately nine neighboring property owners in attendance with questions regarding construction timing. No one offered any opposition to the request. Staff has received a couple of phone calls from neighboring property owners as well as a representative from Stellar Airpark regarding the request, but offering no opposition.

The applicant has been in contact with an existing building owner adjacent to the west within the Chandler Corporate Center regarding visibility of the building owner's site from McClintock Drive. The applicant has conducted site-line studies demonstrating the approved and proposed building massing along the site. Those studies have been forwarded to the adjacent building owner who has expressed no opposition.

PLANNING COMMISSION VOTE REPORT

Planning Commission approved unanimously.

A representative for the existing building owner to the west attended the Planning Commission hearing; however, arrived after the hearing concluded. Planning Staff talked with the representative who again requested consideration for the proposed buildings to be relocated north along the northern property line to provide clear line-of-sight from McClintock Drive to their client's building. Planning Staff indicated that request would not be supported as it would move the buildings significantly closer to the existing residential homes than the approved plan or the proposed plan identifies. Additionally, Planning Staff indicated that even with the buildings moved north, the greater than 1,500-foot distance and layers of parking lot landscaping with trees would block any potential arterial views.

RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with exhibits and representations entitled "CHANDLER CORPORATE CENTER II" kept on file in the City of Chandler Planning Services Division in File No. PDP13-0017, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 1968, case Z88-018 CHANDLER CORPORATE CENTER, except as modified by condition herein.
3. Compliance with the original stipulations approved by the City Council as case PDP05-0009 CHANDLER CORPORATE CENTER, except as modified by condition herein.
4. Building heights in Phase One shall be limited to 30-feet in height. Building heights in Phase Two shall be limited to 35-feet in height.

15. ZONING EXTENSION: Valley Christian High School

APPROVED a three-year Zoning extension for DVR13-0027 Valley Christian High School, on the existing Planned Area Development (PAD) zoning for a Campus Master Plan on approximately 18 acres, including recreation fields, classroom and maintenance buildings, performing arts

center and parking, at both the SEC and NEC of Galveston and 56th streets. (Applicant: LVA Urban Design Studio LLC, Keith Nichter.)

EXTENSION OF THE TIMING CONDITION:

City Council approved rezoning the 15.3-acre parcel from AG-1 (Agricultural) to Planned Area Development (PAD) zoning in 1993. The approximate 3-acre parcel at the southeast corner of 56th and Galveston streets was zoned PAD in 2006 for a forklift sales and service development that never developed. City Council approved both parcels under one PAD zoning district for the entire high school campus planning area of 18.3 acres in 2010.

The PAD zoning approval was granted for a period of three (3) years, which expired on July 26, 2013. This application requests a time extension approval to maintain the PAD zoning for an additional 3 years, resulting in an extension to July 26, 2016. Time limits are calculated from the previous zoning approval's expiration date, not the Council meeting date.

BACKGROUND

The Valley Christian High School Campus Master Plan, in addition to the existing school and recreation fields, includes three development phases for the construction of recreation fields, classroom and maintenance buildings, a performing arts center and parking lots. The expanded campus is located along Galveston Street, which is a one-block cul-de-sac between 56th Street and the Union Pacific Railroad. The school received Use Permit approval in 2000 to allow a modular classroom building. Several Use Permit time extensions were approved for the modular building including an additional five years in 2009. The modular classroom building will be removed as part of Phase One. The proposed uses by phase are outlined below:

- Phase One: Temporary softball field south of Galveston Street, a 19,392 square-foot 2-story classroom building between the existing classroom building and the gym, and a new fire lane north of the buildings.
- Phase Two: New 70-space parking lot on the southern parcel, a small maintenance building on the southern parcel, a new 19,030 square-foot performing arts center south of the new classroom building, occupancy of the new classroom building's second floor, and a right-turn deceleration lane on northbound 56th Street south of Galveston Street.
- Phase Three: A 3,380 square-foot addition to the gym's southern end and reconstruction of the softball field with a durable sub-grade to allow for overflow parking during special events at the performing arts center or other athletic fields.

This application does not seek to modify the previously approved land uses, site or building design, but only to extend the timing condition for an additional 3 years. If any other alternative designs or uses are proposed, an amendment to the PAD zoning and/or PDP will be required. Planning Staff has no concerns with the approved conditions.

DISCUSSION

Planning Staff is in support of the requested time extension for an additional three years, which extends the PAD zoning until July 26, 2016. Planning Staff is of the opinion that the school related land uses for the Valley Christian High School Campus Master Plan remain appropriate for this site.

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 October 28, 2013. There were no neighbors in attendance.

Planning Staff has received no correspondence in opposition; however, one phone call was received inquiring about the proposed land uses.

PLANNING COMMISSION VOTE REPORT

The motion to approved passed 6 – 0 with Commissioner Ryan absent.

RECOMMENDED ACTION

Upon finding consistency with the General Plan, the Planning Commission and Planning Staff recommend approval of a three-year timing extension with all of the conditions in the original approval remaining in effect.

16. PARK SITE NAME: Valencia Park

AUTHORIZED Valencia Park as the official name for the park site at 3701 E. Desert Jewel Boulevard.

BACKGROUND/DISCUSSION

The Valencia Park site is 9.35 acres in size and is located in the square mile bordered by Chandler Heights, Gilbert, Riggs and Lindsay roads. Public meetings were held on September 5, 2013, and October 22, 2013, to receive input and/or concerns regarding the conceptual master plan for the park and to accept recommendations for the official name of the park.

In 2004, the Parks and Recreation Board and City Council adopted a set of guidelines for the naming of parks. Since then, these guidelines have been used to name and/or re-name parks within Chandler. During the public input/meeting process, several requests were made to name the park. Suggested park names included Valencia Park, Desert Jewel Park, Santan Vista Park, Desert Fox or Fox Park, T W Lewis Park and Carlson Park. The majority of the residents responding favored the Valencia Park name.

At the November 5, 2013, regular meeting of the Parks and Recreation Board, the Board recommended approval of Valencia Park as the official name for the park site.

17. SETTLEMENT WITH LANDOWNER: SWVP Ocotillo Land, LLC

APPROVED settlement with the landowner only in *City of Chandler V. SWVP Ocotillo Land, LLC, et al., CV2013-010481*, in the amount of \$8,400,000.00.

BACKGROUND/DISCUSSION

This condemnation action was filed to acquire approximately 37 acres of vacant land located adjacent to the southwest corner of Price and Queen Creek roads, for the expansion of the existing Ocotillo Water Reclamation Facility. The City submitted its original offer in February 2013, in the amount of \$6,440,000 (\$4.00 per square foot), which was rejected by the property owner. Further negotiations failed to reach an agreement and the City filed a condemnation action to acquire the property. Since the date of the City's original appraisal, market conditions in the Price Road Corridor have continued to improve and new comparable sales information became available. During the pendency of the condemnation action, the property owner provided an appraisal valuing the property at \$9,500,000 (\$5.90 per square foot). Negotiations have continued in an effort to reach a settlement.

Upon further review of the property owner's appraisal, discussions with the City's appraiser who provided an appraisal update letter stating that a price range from \$5.00 to \$5.50 per square foot

is representative of the current market value, a settlement was reached with SWVP in the amount of \$8,400,000 (\$5.21 per square foot), subject to Council approval. The settlement amount will be allocated as follows: \$8,375,000 payable to SWVP; \$10,000 payable to Maricopa County for back taxes owed by SWVP on the property; and \$15,000 to be held back by the City as an estimate of the association dues that SWVP would have paid over time prior to it actually developing the site.

This is a settlement with the landowner only and will allow a partial judgment to be reached with all parties except the Ocotillo Community Association (OCA). The OCA claims for the loss of anticipated income it would have received from SWVP, or a future owner, based on an annual assessment of approximately \$9,000 per year. While settlement negotiations continue with OCA, a settlement has not been currently reached. The benefit of settling with SWVP now is that it allows the City access to the property and stops the running of interest on the judgment amount otherwise owed to SWVP.

FINANCIAL IMPLICATIONS

Funding for this land acquisition was not part of the adopted FY 2013-14 Capital Improvement Program (CIP) budget. Savings of \$8,500,000 from the 6WW196-Collection System Facility Improvements project were transferred to this new project, 6WW651-Wastewater Land Acquisition to fund the purchase. The transfer included \$5,780,000 in System Development Fee appropriation and \$2,720,000 in Wastewater Bond appropriation for this land acquisition and other associated costs.

18. AGREEMENT EXTENSION: PFM Asset Management, L.L.C.

APPROVED Agreement Extension No. 3 with PFM Asset Management, L.L.C., for investment management services for two years.

The City engages two investment management firms to invest City funds that are not immediately expended. Each firm manages approximately half of the City's portfolio. The firms invest according to the City's investment policies to ensure safety, liquidity and yield objectives and maintain conformance with Arizona Revised Statutes. City Staff meets quarterly with investment managers to review performance of the portfolios, discuss short- and long-term investment strategies and review cashflow projections.

In addition to the City's general portfolio, PFM manages investments for the City's Industrial Development Authority and Health Care Benefits Trust. Also on this agenda, is Addendum #2 to this agreement for the purpose of adding investment management of the City's Worker's Compensation and Employer Liability Trust. PFM Asset Management has been one of the City's investment managers since 2005. The current agreement is due to expire on December 31, 2013.

19. AGREEMENT EXTENSION: Wells Capital Management Services, Inc.

APPROVED Agreement Extension No. 1 with Wells Capital Management Services, Inc., for investment management services for two years, with the option to extend for up to two additional two-year periods.

The City engages two investment management firms to invest City funds that are not immediately expended. Each firm manages approximately half of the City's portfolio. The firms invest according to the City's investment policies to ensure safety, liquidity and yield objectives and

maintain conformance with Arizona Revised Statutes. City Staff meets quarterly with investment managers to review performance of the portfolios, discuss short- and long-term investment strategies and review cashflow projections.

Wells Capital Management, Inc. has been one of the City's investment managers since 2003. The current agreement is due to expire on December 31, 2013.

20. AGREEMENT EXTENSION: Law Offices of Diane M. Miller, PLLC

APPROVED a 2-year Agreement Extension of an annual contract with the Law Offices of Diane M. Miller, PLLC, for all condemnation legal services. The legal services would be charged at the same rates (\$265.00 for partner, \$225.00 for associate attorney, \$135.00 for paralegal) as the last two contract years.

BACKGROUND/DISCUSSION

The City of Chandler has retained Ms. Miller for its condemnation work for several years. In the last four years, the City has paid an aggregate amount of \$330,038 with the high for any one year at \$169,000 and a low of \$25,036 for one year depending on the number of projects and the complexity of the condemnations. While it is not completely foreseeable as to how much will be billed in the aggregate over the next contract year, Ms. Miller is freezing her rates and that of her paralegal at the same as the last contract.

According to the Engineering Department, the following is a list of additional projects that **may** need Ms. Miller's services if the property cannot be obtained voluntarily:

- McQueen Road Improvements, Chandler Heights Road to Riggs Road
- Alma School Road/Chandler Boulevard Intersection Improvements
- Rockefeller/101 Development, SEC Chandler Boulevard/Price Road
- Hartford Street Waterline Improvements
- Fire Station #11
- Water Reclamation Facility at SEC Old Price Road/Queen Creek Road

One public works project for Ocotillo Road is funded by a federal grant which will require a separate procurement process for legal services. Such a process may result in the selection of Ms. Miller which would likely be billed under the instant extended agreement. If the procurement process results in the choice of another attorney, another contract may be presented later to the City Council for approval for that particular project.

21. AGREEMENT: COMSENSE, Inc.

Approved an Agreement with COMSENSE, Inc., for professional services to conduct environmental reviews on projects funded by the U.S. Department of Housing and Urban Development (HUD) in an amount not to exceed \$41,000.00 with the option to extend for three additional one-year periods.

City Staff in the Community Development section is charged with implementing programs and projects funded by HUD. HUD requires an environmental review for all projects funded with their dollars. An environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state and local environmental

standards. The amount requested is based on a 12-month contract period beginning January 1, 2014, with provisions to extend for three additional one-year periods.

22. PROJECT AGREEMENT: J2 Engineering and Environmental Design

APPROVED Project Agreement No. PR1404-201 with J2 Engineering and Environmental Design for park design services for Tumbleweed Tennis Courts Replacement in an amount not to exceed \$83,798.59.

23. AGREEMENT AMENDMENT: Southwest Slurry Seal, Inc.

APPROVED Agreement No. ST2-745-3068, Amendment No. 2, with Southwest Slurry Seal, Inc., for slurry seal and micro seal materials, in an amount not to exceed \$2,069,200.00, for one year.

24. AGREEMENT AMENDMENT: Regional Pavement Maintenance of AZ, Inc.

APPROVED Agreement No. ST2-745-3067, Amendment No. 2, with Regional Pavement Maintenance of AZ, Inc., for the purchase of recycled Tire Rubber Modified Surface Seal (TRMSS), in an amount not to exceed \$550,000.00.

25. AGREEMENT AMENDMENT: Cemex Construction Materials South, LLC

APPROVED Agreement No. ST3-7454-3186, Amendment No. 1, with Cemex Construction Materials South, LLC, for hot mix asphalt materials, in an amount not to exceed \$221,000.00, for one year.

26. CONTRACT: Salt River Project

APPROVED Contract, Project No. ST0808-301, with Salt River Project (SRP), for design and construction to accommodate the Ocotillo Road Improvements for removal of overhead facilities, installation of streetlight conductor, overhead conversion and installation of primary conductor and equipment, in an amount not to exceed \$905,117.00.

27. CONSTRUCTION CONTRACT:

APPROVED Contract, Project No. PR109-401 to Shasta Industries for Nozomi Aquatic Center Competition Pool Replastering in an amount not to exceed \$137,097.79

28. CONSTRUCTION CONTRACT: Uni-Tech

APPROVED Construction Contract No. BF1203-401 with Uni-Tech for Transportation and Development HVAC Improvements in an amount not to exceed \$823,138.00.

This project is to improve efficiency of the HVAC equipment that has reached the end of its life cycle and to improve air quality in the Transportation and Development building. The building was constructed in the early 1970's as two separate buildings. In 2000, the old Public Works Administration building and the Police Station were joined together. The original HVAC equipment was not replaced during this reconstruction. The ability to keep the building properly air conditioned has been compromised due to the age of the units that distribute the air to the various work areas.

29. AGREEMENT: Vehicles

APPROVED an Agreement with Berge Ford in the amount of \$26,740.89 and PFVT Motors in the amount of \$468,386.86 for the purchase of 20 vehicles for a total amount of \$495,127.75.

30. PURCHASE: City of Phoenix

APPROVED the purchase of operations and maintenance, system upgrade agreement and narrow banding for FY 13/14 from the City of Phoenix as part of the Regional Wireless Cooperative in the amount of \$989,570.30.

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. This regional based radio network provides seamless interoperable radio communications for multiple public safety and government agencies operating within the greater Phoenix Metropolitan area. There is an annual operations and maintenance (O&M) fee as part of the cooperative membership which includes maintenance of approximately 1,000 City of Chandler portable and vehicle radios, to include police, fire and municipal departments. Payments will be made quarterly to the City of Phoenix in the amount of \$109,113.75 for the first quarter and \$99,865.25 for the subsequent three quarters for a total of \$408,709.50. There is also an annual system upgrade assessment (SUA) of \$140,770.80 to provide ongoing software updates to ensure system compatibility. The total for O&M and SUA is \$549,480.30.

In addition, the Federal Communications Commission (FCC) has mandated a reduction in the amount of spectrum "space" utilized by public safety radio communications by December 31, 2016. This narrow banding mandate requires a change in communications technology that includes radios and infrastructure by the RWC. The expense of converting the RWC system to meet this requirement is spread out over a four-year plan. This is the first year of payments, with Chandler's assessed portion of \$440,090.00.

31. PURCHASE: Guidesoft, Inc. dba Knowledge Services

APPROVED the purchase of Information Technology consulting and staffing services from Guidesoft, Inc., dba Knowledge Services, utilizing the State of Arizona Contract #ADSPO12-031581, in an amount not to exceed \$226,960.00.

Information Technology (IT) has historically hired temporary employees to assist in special projects or backfill vacant positions by utilizing competitively bid temporary staffing agreements. These temporary employees have specialized skills in specific technical areas which complement IT Staff and are intended to work on a temporary basis for a specific assignment. The IT field is becoming increasingly more competitive for specialized resources; assistance is needed to find qualified resources in a timely manner.

The state has contracted with Knowledge Services to provide contract technical support resources. Knowledge Services is a "consolidator" of contract resource providers. They represent a wide range of contract staffing firms. The City provides the requirements, Knowledge Services poll their providers for resources, and the City interviews the resources and makes a selection. The City then enters into an agreement with Knowledge Services to provide the necessary resource from the most qualified resource provider.

The IT Division brought forward a request last fiscal year to procure temporary staffing services from this vendor and is now looking to expand these services for the remainder of the current fiscal year. These resources will continue to provide the services on the Utility Billing and Electronic Payment Processing Portal projects. This extension is due to multiple factors including a more complete understanding of the work required for the projects, a committed go-live date for the Utility Billing project and a loss of key City technical resources.

IT is seeking an extension of two key resources through the remainder of FY 13/14:

- (1) Enterprise Service Bus Interface Developer: This resource will develop new technology system interfaces for the new Utility Billing and Electronic Payment Processing Portal systems that are currently being implemented. Total cost is \$126,960 for 1,104 hours at \$125/hour.
- (2) ITOC Project Manager: This resource will provide assistance managing multiple ITOC prioritized projects. There are numerous major ITOC projects being worked on simultaneously. This resource will help ensure these projects will continue to be delivered on time and on schedule. Total cost is \$100,000 for 1,250 hours at \$80/hour.

32. USE PERMIT: Verizon Pho – Lee Lee

APPROVED Use Permit ZUP13-0017 Verizon Pho – Lee Lee, to install a 55-foot monopalm wireless communication facility at 2055 N. Dobson Road, north of the NEC of Dobson and Warner roads. (Applicant: Coal Creek Consulting, Steve Ciolek.)

BACKGROUND

The request is for Use Permit approval to install a monopalm wireless communications facility at 2055 N. Dobson Road, north of the northeast corner of Dobson and Warner roads in the Dobson Park Plaza shopping center. The initial request was for a 65-foot monopalm as measured to the top of fronds (60 ft. to top of antennas). The Planning Commission and Planning Staff recommend that the height be reduced to 55 feet to the top of antennas and approximately 60 feet to the top of the fronds, which the applicant has indicated is acceptable.

Lee Lee Oriental Supermarket, CVS Pharmacy, McDonald's, several restaurants and other tenants are established businesses within the commercial center. The nearest residential developments are the Pulte Villas Chandler subdivision to the north and east and Orange Tree subdivision to the northwest, across Dobson Road.

Pulte Villas Chandler residential properties are approximately 168 feet to the north and approximately 312 feet to the east. The new monopalm is separated from the residential properties to the north by several existing site elements including parking, a trash enclosure, a service driveway and then a landscape buffer of trees.

The monopalm would be located in the northeast section of the shopping center, adjacent to the north retail building. The monopalm replaces an existing parking lot light pole and relocates the light at the same height on the new monopalm. The associated equipment would utilize three parking spaces and be adjacent to an existing trash enclosure. The parking requirements for the center would remain above that required by the Zoning Code following the use of the three spaces. The equipment enclosure would be 8-feet high and constructed of concrete masonry units painted to match the trash enclosure. A sliding opaque metal gate would provide access to the equipment for routine maintenance. No existing vegetation is proposed to be removed.

A monopalm is a cell tower disguised as a palm tree. The monopalm would be a Date Palm design, having a minimum of 65 fronds. The antennas would be painted to match the fronds. The presence of Date and Fan Palm trees in the general vicinity precludes the need for additional live trees adjacent to the monopalm.

An inventory of existing facilities, vertical towers, and structures located within an approximate one-mile radius was prepared by the applicant to assess alternative locations. Nine locations were analyzed to determine their feasibility for collocation on utility poles, ball field lights, monopoles and other verticalities. None of the locations met the frequency requirements and locational service needs.

Photographic simulations of the wireless communication facility illustrating existing views and proposed views were provided by the applicant. The simulations depict the equipment enclosure and a 65-foot monopalm when viewed from eye level within the center.

DISCUSSION

Planning Staff finds the proposed location to be appropriate for a wireless facility in the form of a 55-foot monopalm, measured to the top of antennas. The separation from the residential properties to the north is not ideal, but is sufficient given the lack of reasonable alternatives in the immediate area. The monopalm design is appropriate at this location given the presence of fan and date palms in the adjacent neighborhood.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 29, 2013. There were no neighbors in attendance. The applicant and Planning Staff received several phone call inquiries. One of the property owners stated their opposition to the request, but did not indicate the specific reason. Planning Staff returned the call to obtain further information on why they were opposed; however, there was no response from the caller. The other inquiries related to the following issues: the monopalm design, interference with over-the-air reception and pacemakers, and specifics on the location. Planning Staff and the applicant contacted each of these property owners to address their concerns. No additional opposition resulted from the conversations.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with approved exhibits except as modified by condition herein. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The monopalm height shall be a maximum of 55 feet to the top of antennas.

33. USE PERMIT: Circle K Store

APPROVED Use Permit LUP13-0003 Circle K Store, Series 10 Beer & Wine Store License, to sell beer and wine for off-premise consumption as permitted, located at 6015 S. Arizona Avenue, SEC of Riggs Road and Arizona Avenue. (Applicant: Law office of David Cisiewski, PLLC, representing Circle K.)

BACKGROUND

The planned new convenience store is located at 6015 S. Arizona Avenue. The surrounding businesses include a McDonald's fast food restaurant at the southwest corner, a Diamond Shamrock fuel station at the northwest corner, a vacant parcel to the south and a vacant business to the east. These businesses are all under the jurisdiction of Maricopa County. Undeveloped industrial zoned land to the north is currently used for agricultural purposes and is in the City of Chandler.

The planned 4,450 square foot convenience store will sell beer and wine seven days a week during the hours permitted by the State of Arizona. Alcohol will be stored and sold in several areas of the store, which include a limited storage area behind the cashier, store displays and cooler areas. The public may enter the 'beer cave' from the sales floor which is under security camera surveillance. The business will employ six to eight staff members, both full-time and part-time. The proposed Circle K store was approved in 2011 for PAD zoning with a Preliminary Development Plan. Building permits are currently under review.

DISCUSSION

Planning Staff supports the request finding that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use compatibility analysis is a typical retail transaction in commercial districts throughout the City.

Planning Staff recommends approval with no time limit to maintain consistency with other Series 10 Liquor Use permits approved for other similar type retailers with no time limit condition given the establishments had no outstanding concerns, opposition or violations.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood notification letter was mailed out on October 1, 2013. 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 6 – 0 with Commissioner Ryan absent.

RECOMMENDED ACTION

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

1. The Use Permit granted is for a Series 10 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 a new Liquor Use Permit application and approval.
 4. The site shall be maintained in a clean and orderly manner.
34. USE PERMIT: GOGI

APPROVED Use Permit LUP13-0014 GOGI, Series 12 Restaurant License, to sell liquor as permitted for on-premise consumption in a new restaurant, within a new outdoor patio, and live acoustic music indoors only located at 2095 N. Dobson Road, Suite 8, NEC of Dobson and Warner roads. (Applicant: Eujong Chung.)

BACKGROUND

The new restaurant is locating at 2095 N. Dobson Road, Suite 8. The restaurant will be in the north suite of the west building in the Dobson Park Plaza. Lee Lee Oriental Supermarket, CVS Pharmacy, McDonald's, several restaurants, and other tenants are established businesses within the commercial center. The nearest residential developments are the Pulte Villas Chandler subdivision to the north and Orange Tree subdivision to the northwest, across Dobson Road.

The restaurant will be open seven days a week from 11 a.m. until 9 p.m. The restaurant is approximately 2,600 square feet in area with an approximate 250 square-foot outdoor patio. The outdoor patio will be surrounded by a three-foot high metal railing and accessed through the restaurant. The restaurant will employ approximately seven full and/or part-time employees. Restaurant seating will provide approximately 50 to 60 seats indoors and 8 to 12 seats on the outdoor patio.

The request includes providing live acoustic music indoors only. The anticipated hours of live acoustic music would occur from 7 p.m. until 9 p.m. on Fridays, Saturdays and Sundays. A small movable stage would be used for music performances. Three televisions for viewing and a house speaker system for background music will be located indoors. The speakers will not be used to amplify live music. Planning Staff has added conditions to address any potential noise concerns due to the proximity to the single-family subdivision. Planning Staff recommends a one-year time limit to allow for evaluation of the compatibility of the proposed live acoustic music with the surrounding residential and business developments.

DISCUSSION

Planning Staff supports the request with conditions, finding that the restaurant with occasional live acoustic music, occurring indoors only, can be appropriate at this location if it is controlled so as to not unreasonably disturb the surrounding businesses and residents. The one-year approval time condition allows of evaluation of the compatibility of the live music.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 1, 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 6 – 0 with Commissioner Ryan absent.

RECOMMENDED ACTION

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

1. The Use Permit granted is for a Series 12 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 reapplication to and approval by the City of Chandler.
5. 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.
6. Live music and speakers shall be prohibited within the outdoor patio.
7. No noise shall be emitted from the live music 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.
8. The site shall be maintained in a clean and orderly manner.
9. The patio shall be maintained in a clean and orderly manner.

35. LIQUOR LICENSE: GOGI

APPROVED a Series 12 Restaurant Liquor License (Chandler #148241L12) for Eui Jong Chung, Agent, Gogi Inc., dba GOGI, 2095 N. Dobson Road, Suite C-8. A recommendation for approval of State Liquor License #12079654 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.

36. USE PERMIT: Hot Pot Caribbean Cuisine

APPROVED Use Permit LUP13-0016 Hot Pot Caribbean Cuisine, Series 12 Restaurant License, to sell liquor as permitted for on-premise consumption in a restaurant located at 2081 N. Arizona Avenue, Suite 132, NEC of Arizona Avenue and Warner Road. (Applicant: Karen Francis.)

BACKGROUND

The subject site is located at 2081 N. Arizona Avenue, Suite 132 in the Chandler Mercado shopping center. Dunkin Donuts, Golf Academy, PGA Tour Superstore, and other businesses are located in the center. The developments surrounding the Arizona Avenue and Warner Road intersection contain commercial and industrial related uses. Thorobred Chevrolet auto dealership is to the north.

Hot Pot Caribbean Cuisines is located in the middle suite of the western building, facing Arizona Avenue. The suite floor area is approximately 1,400 square feet and provides 19 customer seats. The business employs four staff members. Hours of operation are from 11 a.m. until 9 p.m., Monday through Thursday, and from 11 a.m. until 10 p.m. on Friday and Saturday. Background music is provided through house speakers. One television is in the dining area. No live entertainment is proposed.

DISCUSSION

Planning Staff supports the request finding that the restaurant is compatible with the existing retail and restaurant establishments in the Chandler Mercado shopping center. 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 October 10, 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 6 – 0 with Commissioner Ryan absent.

RECOMMENDED ACTION

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

1. The Use Permit granted is for a Series 12 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 a new Liquor Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.

37. **LIQUOR LICENSE:** Hot Pot Caribbean Cuisine

APPROVED a Series 12 Restaurant Liquor License (Chandler #120450L12) for Karen Dawn Marie Franus, Agent, Hot Pot Caribbean Cuisine LLC, dba Hot Pot Caribbean Cuisine, 2081 N. Arizona Avenue, Suite 132. A recommendation for approval of State Liquor License #12079688 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.

38. **USE PERMIT:** Fired Pie

APPROVED Use Permit LUP13-0017 Fired Pie, Series 12 Restaurant License, to sell liquor as permitted for on-premise consumption both indoors and within an outdoor patio at an existing restaurant located at 1855 W. Ray Road, Suite 5, at the SWC of Ray Road and Coronado Street. (Applicant: Enrico Cuomo; Owner.)

BACKGROUND

The subject site is located west of the southwest corner of Ray Road and Coronado Street within the Raintree Ranch commercial center. The subject suite is located at the immediate intersection corner of Ray Road and Coronado Street. East of Coronado Street is the Raintree Ranch East single-family residential subdivision. North of Ray Road is an assisted living facility. Commercial suites are west and south of the suite.

The restaurant specializes in customized pizzas and salads. The subject suite is 1,850 square feet and seats approximately 65 patrons. An outdoor patio is proposed on the north side of the restaurant within an existing outdoor plaza. The outdoor plaza is approximately 6,500 square feet. Seating is currently provided in the plaza area; however, it is requested that the patio area be enclosed in order that patrons have the option to purchase alcohol with their meal. The proposed patio is approximately 8' x 28' (224 square feet) and will allow for an additional 20

patrons. Paradise Bakery is adjacent to the outdoor plaza and is northwest of the subject suite and also provides outdoor seating; however, in a loose seating arrangement.

The restaurant operates Sunday through Thursday from 11 a.m. to 9 p.m. and Friday and Saturday from 11 a.m. to 10 p.m. Outdoor entertainment is not proposed. Piped music will be played both indoors and on the outdoor patio. Planning Staff has added a condition ensuring that the music does not unreasonably disturb area residents.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 18, 2013. Planning Staff will update the Planning Commission with the results of the neighborhood meeting at the Planning Commission study session. The Police Department has been notified of the application and has responded with no concerns. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

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 granted is for a Series 12 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 a new Liquor Use Permit application and approval.
4. The site and outdoor patio shall be maintained in a clean and orderly manner.
5. Music shall be controlled so as to not unreasonably disturb area residents.

39. LIQUOR LICENSE: Fired Pie

APPROVED a Series 12 Restaurant Liquor License (Chandler #149448L12) for Lori Ann Cuomo, Agent, FPRT LLC, dba Fired Pie, 2855 W. Ray Road, Suite 5. A recommendation for approval of State Liquor License #12079649 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.

40. LIQUOR LICENSE: GND Market/Water & Ice

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #150388L10) for Jaspal Ryat, Agent, Ryat LLC, dba GND Market/Water & Ice, 995 W. Ray Road. A recommendation for approval of State Liquor License #10076447 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 Water and Ice Convenience Store.

41. LIQUOR LICENSE: Thailicious

APPROVED a Series 12 Restaurant Liquor License (Chandler #150649L12) for Tayiga Bumoh, Agent, Lucky Maruay LLC, dba Thailicious, 5865 W. Ray Road, Suite 6. A recommendation for approval of State Liquor License #12079697 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 Ha Noi Pho.

42. LIQUOR LICENSE: Duke's Tavern

APPROVED a Series 12 Restaurant Liquor License (Chandler #150674L12) for Justin Thomas Azelton, Agent, JJ'S Restaurant Group LLC, dba Duke's Tavern, 4910 W. Ray Road, Suite 3. A recommendation for approval of State Liquor License #12079696 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 McCools.

43. PRELIMINARY PLAT: McQueen Commons

APPROVED Preliminary Plat PPT13-0015 McQueen Commons, for a 20-unit residential townhouse development on 1.46 acres located approximately one-quarter mile south of the SEC of Ray and McQueen roads. (Applicant: Ricky Holston, Sunrise Engineering.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

RECOMMENDED ACTION

The Planning Commission and Planning Staff recommend approval subject to the following condition:

1. Approval by the City Engineer and Director of Transportation & Development with regard to the details of all submittals required by code or condition.

44. PRELIMINARY PLAT: Ocotillo Village Health Club

APPROVED Preliminary Plat PPT13-0025 Ocotillo Village Health Club, for a 5-lot commercial development that includes a health club located on approximately 14.7 acres at the SWC of Alma School and Ocotillo roads. (Applicant: Mike Burke, DMB Associates, Inc.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

RECOMMENDED ACTION

The Planning Commission and Planning Staff recommend approval subject to the following condition:

1. Approval by the City Engineer and Director of Transportation & Development with regard to the details of all submittals required by code or condition.

45. AGREEMENT AMENDMENT: Bowman Consulting Group, Ltd.

APPROVED Agreement No. TD2-925-3071, Amendment No. 3, with Bowman Consulting Group, Ltd., For Civil Plan Review and City Planning Services to provide temporary professional staffing services in an amount not to exceed \$20,000.00 for a revised total contract amount of \$50,000.00.

The Department has budget authority to employ professional services as a workload response tool for extremes outside of expected staffing levels. A contract was entered into, by City Manager authorization, with Bowman Consulting Group, Ltd., for Civil Plan Review and City Planning Services at an amount not to exceed \$30,000. Due to increased workloads in the Planning Division and the need to maintain service levels, a contract Planner was provided by Bowman and has been assisting in the Division's workload. The contract revision and additional expenditure authorization will allow continuation of the contractual services now that Staff expects to exceed the previously allowed \$30,000. The contract amount is currently at \$30,000 and those funds have been expended. This request is to establish the contract amount at \$50,000 for an increase of \$20,000 to continue the staffing within the Planning Division into January, 2014.

ACTION

46. CITY CODE AMENDMENT: Chapter 2 Council Salary Ord. #4517

BACKGROUND:

Councilmember Donovan is recommending increasing the Mayor's compensation to \$49,500 and the Councilmembers' compensation to \$29,000.

Each year, the Chandler Chamber of Commerce develops a policy agenda on local, state and federal issues. These policy positions are adopted by their Board of Directors and incorporated into their *How We Stand* document. Recently, a Chamber representative came before the Council to explain their agenda as it relates to the City and to advocate for their positions.

Last year, the Chamber included a recommendation related to the remuneration the Mayor and Council receive for their service. It reads: "Support increasing city elected officials' compensation to reflect the time commitment necessary to address the complexity of the policy issues they are responsible for and to encourage people to serve".

In her memo, Councilmember Donovan explained it is important to ensure that there will be quality candidates who choose to run for local elected office. It takes a significant time commitment in order to represent the citizens of Chandler well and it is critical that the members of the Council be fairly compensated for their time, efforts and the work they do on behalf of the residents of this community.

The Chandler City Charter clearly states that the Mayor and Council have the responsibility for setting the Council's salaries. Even with the increase, the Chandler City Councilmembers will still be in the fourth position in relation to peer communities.

If approved by the majority of Council, these changes would become effective when the newly-elected Council takes office in January 2015.

DISCUSSION:

COUNCILMEMBER DONOVAN expressed her appreciation to the Chandler Chamber of Commerce Public Policy Committee with developing the *How We Stand* document. She said the document included support for increasing the compensation for city elected officials. Councilmember Donovan said she brought this proposal forward in looking to fairly compensate those who choose to run and are elected to City Council. She noted this is in line with the Charter in that the City Council is required to vote on this.

MOVED BY COUNCILMEMBER DONOVAN TO INTRODUCE AND TENTATIVELY APPROVE ORDINANCE NO. 4517 AMENDING CHANDLER CITY CODE, CHAPTER 2, SECTION 2-2, RELATING TO COMPENSATION OF MAYOR, VICE MAYOR AND COUNCIL MEMBERS. THE MOTION WAS SECONDED BY VICE MAYOR SELLERS.

MR. VICTOR PETERSON, 124 W. Morelos, Chandler, stated that a 37% pay raise seemed a steep increase. He commented that if it was lower, he might not say anything. He asked if the voters should vote on the pay raise in place of the Council.

MS. ANGELA CREEDON, 4620 W. Flint Street, representing the Chandler Chamber of Commerce Public Policy Committee spoke. She stated both the Chamber Board of Directors and Policy Committee understood the increasing complexity of the city's responsibilities including developing and overseeing the management of an over \$800 million budget. The time commitment it takes to understand the issues and explore the best options to address these issues is considerable. She commented that fair compensation will also serve to attract good candidates for office and said this small salary increase may encourage someone to serve and will actually put Chandler in line with peer cities.

COUNCILMEMBER HEUMANN asked for clarification from the City Attorney on why the Council is required to vote on this and not the public. MS. BIGELOW replied that it is a Charter provision requiring the Council vote and this would not be effective until a new council is seated.

THE MOTION WAS APPROVED BY MAJORITY (6-1) WITH COUNCILMEMBER HARTKE VOTING NAY.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor noted the recent groundbreaking on the Wells Fargo expansion in the Price Road Corridor.

Mayor asked that residents "Shop Chandler" this holiday season. He noted the many

accomplishments of 2013 in the city and wished everyone a happy and prosperous New Year.

B. Councilmembers' Announcements

Councilmember Heumann reminded residents that the Working Poor Tax Credit and School Tax Credit are two ways to support local non-profits and the school systems. He wished all Happy Holidays.

Councilmember Weninger thanked council and city staff for their work. He encouraged residents to watch out for kids that are out on break.

Vice Mayor Sellers commented he is involved in many functions statewide and if reminded often of the great job the council and staff do. He wished all a Happy Holidays.

Councilmember Donovan stated she is fortunate to work with this council as a team along with City staff and wished all a Merry Christmas and Happy New Year.

Councilmember Hartke said while with visiting with some government officials in Sonoita Mexico, they expressed how they loved to visit Chandler Fashion Mall! He wished all a Merry Christmas and Happy Holidays and thanked those who assist with volunteer efforts especially this time of year.

Councilmember Ellen expressed her appreciation to city staff during her first year in office. She wished all a Merry Christmas and Happy New Year.

C. City Manager's Announcements

None.

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

ATTEST: _____
City Clerk

Mayor

Approved: JANUARY 9, 2014

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 12th day of December 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DATED: January _____ 2014.

City Clerk