

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, February 27, 2014.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY AT 7:03 P.M.

The following members answered roll call:

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

Also in attendance:

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

INVOCATION: Pastor Larry Lee – Greater Phoenix Chinese Church

PLEDGE OF ALLEGIANCE: Councilmember Weninger led the Pledge of Allegiance.

CONSENT:

Mayor Tibshraeny noted he had received Request to Speak cards for Item 6. Discussion is noted under that item.

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

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED the following Chandler City Council Minutes:

- 1a. Special Meeting of February 13, 2014
- 1b. Regular Meeting of February 13, 2014.

2. REZONING: Centre Point Business Park Ord. #4524

ADOPTED Ordinance No. 4524, rezoning from Planned Area Development (PAD) for light industrial, general/medical/dental office, and self-storage mini-warehousing to PAD for retail/restaurant, light industrial, general/medical/dental office, and self-storage mini-warehousing.

3. REZONING: Layton Lakes Parcel 17

Ord. #4525

ADOPTED Ordinance No. 4525, DVR13-0031 Layton Lakes Parcel 17, rezoning from Planned Area Development (PAD) for commercial uses to PAD Single-Family Residential.

4. RIGHT-OF-WAY VACATION: NWC Gilbert Road and Chandler Blvd.

Ord. #4469

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4469 repealing Ordinance No. 3996 and authorizing the vacation of a portion of road right-of-way at the NWC of Gilbert Road and Chandler Boulevard of approximately 14,563 sq. ft., conditioned upon receipt of \$78,566.00 plus closing expenses, if any, and reserving an easement of 1,500 sq. ft. for a future City monument sign.

BACKGROUND/DISCUSSION

In 2002, the City acquired property located at the northwest corner of Gilbert Road and Chandler Boulevard (Norton’s Corner) for the East Chandler Boulevard Road Improvement Project. The parcel was improved with a building and business and contained approximately 43,560 square feet. The acquisition cost the City approximately \$430,332.00 or \$9.88 per square foot. The intersection improvement project was completed. However, approximately 14,563 square feet of land remained as a remnant. In 2008, Starpointe Communities requested that the City vacate the remaining 14,563 square feet of right-of-way so that it could be incorporated into their project. Council adopted Ordinance No. 3996 authorizing the vacation in consideration for payment of \$148,498.00 and reserving a sign easement. However, Starpointe Communities was not able to obtain the funds necessary to develop their property and did not complete the proposed transaction with the City. As a result, Ordinance No. 3996 was never recorded and the vacation never occurred.

Starpointe Communities recently sold the property to KB Home Phoenix, Inc. KB Home Phoenix has indicated an interest in acquiring the parcel with the sign easement reserved from the City for a price of \$78,566.00 plus closing costs, if any. This represents KB Home Phoenix’ cost basis for the adjacent property of approximately \$5.39 per square foot.

In accordance with the previous Intergovernmental Agreement, the City of Chandler and the Town of Gilbert shared costs for developing the Gilbert Road and Chandler Boulevard Improvement Project. Under that agreement, the Town of Gilbert is entitled to receive reimbursement of its contribution to the acquisition of the Norton’s Corner parcel at a rate of forty-four percent (44%) of the proceeds upon sale of the parcel.

Staff recommends vacating the City’s remnant parcel at its cost basis plus closing expenses.

FINANCIAL IMPLICATIONS

Cost:	Closing costs
Long Term Savings:	\$78,566 (plus closing costs in cash)
	\$34,569 (reimbursement to Town of Gilbert)
	\$43,997 (net compensation to City of Chandler)
Long Term Costs:	Maintenance of sign easement area

5. ANNEXATION: NWC Riggs and Lindsay Roads

Ord. #4526

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4526 annexing approximately 19 acres located west of the NWC of Riggs and Lindsay roads. (Applicant: Lowell G. Peterson, LGP Enterprises, Inc.)

BACKGROUND

The subject site consists of two parcels that are currently zoned RU-43 within the County. The site is bordered by unincorporated rural residential properties to the north, Bela Flor custom home subdivision to the west, Jacaranda Place subdivision (currently under construction) to the east and Riggs Road on the south. The Chandler Land Use Element of the General Plan designates the site as Residential and the southeast Chandler Area Plan designates a more specific land use category of Rural/Agrarian Character.

The property owner has submitted a rezoning application to allow the development of a low-density residential subdivision on the subject site.

UTILITY SERVICES

Existing municipal water service, waste water service, and reclaimed water are available in Riggs Road.

STAFF COMMENTS

A public hearing for this annexation was held at the January 23, 2014, City Council meeting. Staff has not received any comments from residents or other members of the public regarding this annexation. Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

6. PROPERTY SALE: SWC Gilbert and Ocotillo Roads

Ord. #4527

MR. PAUL GILBERT, 701 N. 44TH Street, said he is appearing on behalf of the Brown Company who was the second runner-up bidder. He said it was well known that it was the desire of the staff to have an anchor tenant and felt it was referenced with sufficient clarity in the RFP. He added it was made very public and was very well known that the most obvious anchor tenant to go at this location was Fry's grocery store. He commented that Fry's had announced in public and to many people that they had a desire to go at this location. They did not have a desire to buy the entire piece of property, but intended to purchase the property in conjunction with who was awarded the RFP.

He said the individuals that won this proposal are proposing a much higher price than Fry's is willing to buy. Mr. Gilbert said the concern is that under the proposal, the winning bidder gets 11 months to determine whether it's feasible and the only forfeit ability is \$100. He added his concern is given the fact Fry's has announced where it stands, there has been no progress made in bringing Fry's to the table. He stated the City Council runs a real risk of losing what could be a good tenant and maybe the only grocery store tenant that can locate at this location if they have to wait 11 months. He felt there should be a shorter time period than 11 months to make this decision as Fry's may not wait 11 months and the developer may not be able to find another anchor tenant. He said his client has a long relationship with Fry's and indicated on their RFP that they have met and negotiated with them.

He asked the Council not to allow the applicant 11 months to secure an anchor tenant. He suggested 3 months or a shorter period of time.

MR. ADAM BAUGH, WitheyMorris, 2525 E. Arizona Biltmore Circle, representing DeRito Partners said they have been successful in developing in the city and are very qualified to respond to this RFP. Mr. Baugh noted he didn't believe Mr. Gilbert represented Fry's. He said his client met all requirements, was the highest bidder, best qualified and are a known entity.

He commented his client has had discussions with a variety of tenants, including Fry's, and will continue to do that. He said a 3 month timeline is too short as negotiations take time. He urged the Council to approve the recommendation as made by staff.

VICE MAYOR HEUMANN asked about the process and timeline. MR. JAMES SMITH, Economic Development Specialist, replied the reason to use the RFP process was to ensure the City Council and neighborhoods had a project they were comfortable with. He explained there were seven responses with three remaining finalists. He noted DeRito was the only one to state they would be willing to close in the July/August aggressive time frame. The discussion of December 31st is a "no later than" date. They have agreed to close as soon as their zoning is in place. The other respondent didn't want to close until 2016 upon the receipt of their building permits; and the Brown Group contemplated closing on the residential in October 1, 2014 and the commercial on February 1, 2015. He addressed Mr. Gilbert's comment of "losing \$100", and stated the DeRito Group has offered \$100,000 in non-refundable earnest money within 5 days of Council's approval of an executed purchase contract. The Brown Group suggested \$50,000 and doesn't contemplate whether that is refundable. He also noted that the developer agreed to make changes to the site plan to accommodate the city's expectation, as well as the neighbors and the anchor tenant.

VICE MAYOR HEUMANN asked regarding the Brown proposal if that was at market value. Mr. Smith said that was significantly below the appraisal that staff received.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4527 authorizing the sale of approximately 31.22 acres of City-owned property at the SWC of Gilbert and Ocotillo roads to DeRito Partners Development, Inc., for \$8,647,334.00; authorizing the Recapture Agreement; and authorizing the City Manager or his designee to execute all relevant documents.

BACKGROUND/DISCUSSION

The City opened a Request For Proposal (RFP) to determine the feasibility of selling the 31.22 acre, City-owned parcel at the SWC of Gilbert and Ocotillo roads. The RFP was open from August 30, 2013, until the submittal deadline of October 29, 2013. Conducting this RFP process helped to ensure an open and competitive method for selling the subject site, while also requiring that the proposer's development concepts were consistent with the City's vision for the area.

The subject parcel was originally intended to be a wastewater treatment plant; however, it has been determined that there are properties that are more suitable to accommodate this function. As a result, City Staff determined that this parcel could be considered surplus and available for sale to accommodate a mix of commercial and residential uses.

The City had been contacted several times over the past few years regarding the potential sale and development of this parcel, but it was not considered feasible until mid-2013 when it was determined that the property would no longer be needed for a wastewater facility. In addition, several retail users have expressed interest in being located in this general area of the City. Therefore, it is believed that commercial development on this parcel is viable and that the

development will help ensure that retail users interested in this area will locate in the City of Chandler, rather than outside our border, ensuring tax revenues for the City.

RFP DETAILS

City Staff determined that an RFP process would be the desired course of action instead of simply selling the land to the highest bidder. This process allowed the City to include stipulations determined to be important when selling this land for development. Among the stipulations outlined in the RFP were the City's desire that proposals contemplate:

- 1) Purchase of the entire parcel, not just a portion of the site,
- 2) The development of a significant, anchored commercial center,
- 3) The development of a quality project that is consistent and compatible with existing and other planned projects in the immediate area,
- 4) An aggressive timeline for developing at least the commercial component of the development.

In addition, the RFP expressed the City's intention to attach restrictive covenants and/or enter into a development agreement with the successful proposer in order to ensure that the development is completed in a timely manner, as contemplated in the proposer's submittal materials, and as approved by City Council. These restrictions are intended to discourage a "buy and hold" strategy and allow for the City to reacquire the property if the development is not completed within approved timelines.

RESPONSES TO THE RFP

Overall, the RFP received seven (7) responses. Four of the submittals were eliminated from consideration because their sales price offer was far below the three highest bidders. The offers of these four proposers ranged between \$2.2M and \$5.2M below the highest offer of approximately \$8.65M.

The top three proposals were considered; however, one was subsequently eliminated due to the fact that their proposal contemplated only commercial uses. This proposed development represented over 270,000 square feet of new commercial space. Staff did not believe that this could be supported, particularly due to its proximity to Chandler Heights Marketplace (one mile south) and the Crossroads Town Center/Mill Crossing area (two miles north), which represent over 100,000 and 1.5M square feet, respectively

Thus, the first (DeRito Partners) and third highest (Brown Group) sales price proposers were interviewed by a committee of City Staff. Both projects were deemed responsive to the RFP and consistent with the City's goals. In addition, both groups expressed a willingness to work with the City to make improvements that are likely to be requested to conform to the City's development standards.

Ultimately, DeRito Partners is recommended as the winning proposer for several reasons. It was determined that their proposal provided the best combination of short-term (sales price of the land) and long-term (supportable level of commercial development, which provides increases in sales and property tax revenues in future years) financial benefit to the City. The company has a long-standing reputation of developing, redeveloping and managing quality retail projects, including a significant level of experience in the City of Chandler. The company has demonstrated the financial wherewithal to complete projects of similar size and scope. DeRito Partners' response to the RFP was deemed to be consistent with the City's vision and goals, and their offer price was \$500,000.00 and \$2.1M higher than the next two proposers. Other

considerations in the decision to recommend DeRito Partners were their willingness to deposit \$100,000.00 into an escrow account within five (5) days of City Council approval of a purchase agreement and their aggressive timeline, including plans to seek entitlements in a timely manner and to close on the property no later than December 31, 2014.

It is important to note that this parcel will need to go through a full rezoning process requiring both neighborhood input and, ultimately, City Council approval. Final sale of the property is contingent upon DeRito Partners receiving approval for their proposed project prior to closing on the site.

FINANCIAL IMPLICATIONS

Revenue from the sale of this property, \$8,647,334.00, will be credited to the water and wastewater operating funds.

7. MEMORANDUM OF AGREEMENT: University of Southern California Res. #4735

ADOPTED Resolution No. 4735 authorizing the memorandum of Agreement with the University of Southern California School of Social Work.

BACKGROUND/DISCUSSION

The USC School of Social Work has launched the "Virtual Academic Center", nationally offering an accredited Master of Social Work (MSW) degree online. The Chandler Fire Department's Crisis Response Unit has been researched and contacted by USC to provide internship experience to MSW students enrolled in the USC program. Students will complete 550 hours over a 30-week time frame for the academic year. The Department's full-time Crisis Response personnel meet all the requirements set by the University to serve as Field Instructors. The Department's Crisis Response Unit currently provides similar internship opportunities for Arizona State University School of Social Work students. Volunteers and interns serve as the "backbone" of staffing for the Crisis Response Unit on a 24/7 basis and the Department welcomes the opportunity to have additional interns serve on the Unit.

8. PRELIMINARY DEVELOPMENT PLAN: Calabria

APPROVED Preliminary Development Plan PDP12-0014, Calabria, housing product for a single-family residential subdivision located at the SWC of Brooks Farm and Cooper roads. (Applicant: BMI Builder LLC/Blandford Homes, Christa Walker.)

BACKGROUND

The approximate 30-acre single-family subdivision for 97 lots is located at the southwest corner of Brooks Farm and Cooper roads. North Barrington and Symphony Estates II single-family subdivisions are located north and west of the site. The south boundary borders a recently approved rezoning for a custom single-family home and further south is a farm house and field and then Creekwood Ranch single-family subdivision.

The PDP for site layout, landscape and site amenities was approved in 2012. The Final Plat was also approved in 2012. The gated subdivision includes private streets with primary ingress and egress via Brooks Farm Road and exit-only/emergency access to Tower Avenue.

Lot sizes range from 7,590 to 14,785 square feet in size. Minimum setbacks are 20 ft. front yard, 20 ft. rear yard for one-story, 30 ft. rear yard for two stories, and 5 ft. and 10 ft. (total 15 ft.) side yards. Side-entry garages and forward-set livable areas have a reduced minimum front yard

setback of 15 feet. Porches can extend up to 10 ft. into the rear yard setback and 5 ft. into the front yard setback.

HOUSING PRODUCT

Two single-story plans and one two-story plan with three elevations per floor plan are proposed. Architectural styles include Spanish, Country French and Bungalow for each plan. Each home provides three-car garages, front porches and rear patios. The housing product is 45 ft. wide on 60 ft. wide lots. Floor area ranges from 2,454 sq. ft. up to 3,538 sq. feet.

The Residential Development Standards (RDS) for architectural diversity apply to the project and the housing product is in conformance. The homebuilder has addressed the nine required elements and optional elements including, but not limited to, four-sided architecture, garages setback behind the front livable space, gated courtyards on two styles of Plans 1 and 2, and nine color schemes with various stone types and roof tiles. The two-story plan provides a single-story element on the front and rear sides. Window shapes, stone types, wrought iron details, garage door styles and window grids are detailed to complement each architectural style.

Varied roof ridgelines, decorative windows, wrought iron accents, and decorative pipe vents and decorative columns provide quality and distinguish the various elevations from one another. Building massing is modulated through the use of single-story elements, window pop-outs, extended roof overhangs, and varied roof forms.

DISCUSSION

Planning Staff supports the requested housing product for Calabria. The architectural styles and design elements complement the neighborhood with a quality designed housing product.

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 January 9, 2014. There were five neighbors in attendance with questions regarding restrictions on two-story homes, lot sizes, traffic on Tower Avenue and drainage. Planning Staff has received several phone calls inquiring about existing speeding traffic, additional traffic generated by this new subdivision, sidewalks, and lot sizes. One resident called and followed up with an email stating opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Pridemore and Ryan absent.

RECOMMENDED ACTION

Upon finding consistency with the Planned Area Development (PAD) zoning, 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 "Calabria by Blandford Homes" kept on file in the City of Chandler Planning Services Division, in File No. PDP13-0014, except as modified by condition herein.
2. Development shall be in substantial conformance with the Development Booklet entitled "Calabria", kept on file in the City of Chandler Planning Services Division, in File No. PDP10-0019, except as modified by condition herein.
3. Compliance with original conditions adopted by the City Council as Ordinance No. 3401 in case DVR02-0028 CALABRIA, except as modified by condition herein.
4. The same elevation shall not be built side-by-side or directly across the street from one another.

5. All homes built on corner lots within the residential subdivision shall be single-story.

9. SUBORDINATION: 994 E Monterey Street

APPROVED the subordination of the Exterior Improvement Loan Program lien for project EIL13-0001 located at 994 E. Monterey Street in the amount of \$15,695.00. (Morgan)

BACKGROUND/DISCUSSION

In 2013, the owner of a single-family, owner-occupied home at 994 E. Monterey Street received a \$15,695.00 loan through the City's Exterior Improvement Loan Program. The City's lien against the property is for \$15,695.00. The City's loan is a 5-year forgivable loan, secured by a Deed of Trust recorded as a lien against the home, with the balance to be forgiven in 2018.

The owner is requesting a refinance of the home to lower the interest rate. The new loan of \$147,800.00 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 and the City lien will remain in the same position.

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 2018.

10. AGREEMENT: Cutler Repaving, Inc.

APPROVED Agreement No. ST4-745-3339 with Cutler Repaving, Inc., for hot-in-place asphalt recycling in an amount not to exceed \$2,400,000.00 with the option of three one-year extensions.

11. AGREEMENT/CONTINGENCY TRANSFER: Cole Design Group, Inc.

APPROVED Agreement No. CM3-918-3199 with Cole & Associates, Inc., dba Cole Design Group, Inc., for consulting services related to an Americans with Disability Act (ADA) Transition Plan in an amount not to exceed \$257,656.00.

APPROVED a contingency transfer in the amount of \$257,656.00 from General Fund Non-Departmental Contingency to General Fund Non-Departmental Other Professional Services.

The City of Chandler sought a consultant to create a comprehensive Transition Plan, as required by Federal Law, including a Self-Evaluation that complies with current ADA standards. The purpose of the Transition Plan is to identify and recommend corrections to programmatic, building, and infrastructure obstacles that present full access to City programs and services.

The consultant will analyze City-wide and departmental policies pertaining to ADA accessibility and accommodations, and evaluate City buildings, parks and public rights-of-way with regard to access and barrier removal. As deficiencies are identified, the consultant shall include a tentative solution with cost estimates for corrective actions, including those that could place an undue administrative or financial burden on the City. In addition, the consultant will educate City Staff on the requirements of ADA throughout the evaluation. Staff and the consultant will insure the public is notified of this process and enlist feedback from the community during the process.

12. AGREEMENT AMENDMENT: American Telephone

APPROVED Agreement No. CS8-915-2526, Amendment No. 6, with American Telephone for NEC telephone system maintenance and support, equipment and services for one year, for a total contract amount not to exceed \$194,225.00.

The City is in its sixth extension year with American Telephone. Service will be provided seven days a week, twenty-four hours a day, with a maximum two-hour response time for emergency and twenty-four hour response time for non-emergency outages. The agreement also includes a purchasing provision that enables the City to acquire equipment for upgrades and additions. As part of the 13/14 budget process, Phase II of the project to migrate the City's legacy desktop phones to Voice Over Internet Protocol (VoIP) phones was approved.

13. AGREEMENT: Crop Production Services & Helena Chemical Company

APPROVED Agreement No. PM4-967-3313 with Crop Production Services, Inc., and Helena Chemical Company for fertilizer, herbicides and pesticides in a combined total amount of \$215,000.00 for one year with options to renew for four additional one-year terms.

14. PURCHASE: James, Cooke & Hobson, Inc.

APPROVED the purchase of Flygt pumps, Flygt replacement parts and Flygt pump service from James, Cooke & Hobson, Inc., sole source, in an amount not to exceed \$395,000.00.

Municipal Utilities Water and Wastewater Divisions require an ongoing contract for the purchase and repair of Flygt brand pumps for special pumping applications at various City facilities. These pumps are submersible and used in extreme conditions in wastewater lift station and water treatment plant applications. The Flygt pump is used extensively throughout City Facilities based on longevity of operation, ability to repair, and excellent customer service provided by the distributor. The Flygt pumps are the only pumps that can be used without making major modifications to facilities. Furthermore, consistency with make and model in all facilities assures the ability to reduce parts inventory.

James, Cooke & Hobson, Inc. (JCH) is the only factory authorized distributor of Flygt pumps, replacement parts and pump service for municipal, commercial and industrial markets in the State of Arizona. Staff attempted to enter into contracts for Flygt products and service through a Request for Proposal (RFP) for water and wastewater equipment repair without success. The City has the ability to purchase Flygt pumps through the water and wastewater equipment repair contract; however, these vendors purchase the product from JCH and add a markup. This sole source allows the City to avoid the additional markup.

15. PURCHASE: Ti Training

APPROVED the purchase of a Training Lab Use of Force Simulator from Ti Training, sole source, in an amount not to exceed \$60,950.00.

The City of Chandler Police Department is required to conduct Discretionary Use of Force and Use of Force Judgment Shooting scenario training and certification for each officer every year. The current system is 11 years old, requires expensive annual rehabilitation and is beyond its useful lifespan. The Training Lab Use of Force Simulator is a proven platform that incorporates all of the most current technology to provide the most realistic training possible for the price. This system allows officers to develop and train their use of force strategies based on video and force

feedback stimulation. All of the use of force tools can be simulated in this training environment to include pepper spray, baton, flashlight, X-2 Taser, pistol, rifle, less lethal shotgun, Pepperball launcher, and 40mm Sage gun. The Training Lab Use of Force Simulator has over 450 fully branching scenarios that respond based on instructor input and student responses. In addition, as a part of their support, they are committed to developing an additional 20-25 scenarios per quarter, which are provided to the users free for as long as the machine is in service.

Ti Training is the only vendor, at this time, to provide the ability to use the X-2 Taser, 20-25 new scenarios free every quarter for the life of the machine and Picture-in-Picture recording and feedback of officer actions. The X-2 Taser is the current equipment Chandler Police officers are issued and trained on.

16. PURCHASE: Creative Bus Sales

APPROVED the purchase of a 14-passenger wheelchair accessible bus from Creative Bus Sales, utilizing Mohave Contract No. 13N-0723, in the amount of \$58,786.35.

In October 2013, the City of Chandler received \$65,400.00 in grant money from the Gila River Indian Community for the purchase of a wheelchair accessible bus. The bus is being purchased to offer critically needed accessible transportation to disabled youth and adults and to senior citizens who wish to attend recreation programs that require transportation. These programs are instrumental in helping individuals in these population groups to have access to much needed opportunities for getting out of the house, socializing with peers, being physically active and participating in community events. Each year, the Therapeutic Recreation and Senior Center programs serve over 450 participants through such activities. The availability of an accessible vehicle will allow the City of Chandler the ability to offer equal access to recreation programs to participants who typically have limited opportunities for inclusion in such activities. In addition to a wheelchair lift, the bus will have hand railings and minor steps providing physical assistance and security to those who may have poor balance, weak knees, or other impairments that make it difficult and unsafe for them to utilize conventional vehicles.

17. PURCHASE: NEC

APPROVED the purchase of Cisco network equipment and professional services for the Redundant Internet Connectivity Project from NEC, utilizing the City of Tempe Contract No. IT11-048-01, in an amount not to exceed \$156,120.00.

City services are becoming increasingly dependent on 24/7/365 connectivity to the Internet to provide expected citizen service results. Several applications are already totally hosted over the Internet with several more planned in the near future. Currently, the City has a single Internet connection through one provider, creating a risk for loss of service. During the FY 2013/14 budget process, a decision package was approved and funded to install a second Internet connection into City Hall which will provide a second entry into the City via a third party carrier for Internet connectivity. This connection will increase the Internet connectivity bandwidth available for providing City services and will allow for continued service in the event of failure of either of the City's two Internet connections.

18. USE PERMIT: Fierce Hair By Sacha

APPROVED Use Permit ZUP13-0031 Fierce Hair By Sacha, to operate a hair salon business in the Plaza Del Rey development zoned High Density Residential (MF-3), located at 497 W. Ray Road, Suite 2, SEC of Ray Road and Iowa Street. (Applicant: Larry Allen.)

BACKGROUND

The property is adjacent to multi-family developments on the south and east. The intersection of Ray Road and Iowa Street is developed with retail and office uses including a mini-mart, barber shop, restaurant, and a Sonic. Plaza Del Rey tenants are tax, accounting and insurance businesses.

The property is zoned High Density Residential (MF-3) which permits uses permitted by Use Permit that are compatible with other uses in the area and is consistent with the General Plan. Plaza Del Rey is accessed via driveways from Ray Road and Iowa Street. The site is approximately 0.41 acres with 3,612 sq. ft. of building area in five suites and was built in 1976.

Parking ratios for the tax and insurance offices follow the General Office category which requires one (1) parking space per 250 sq. ft. of floor area. The proposed hair salon is considered a Personal Service use with 1 parking space per 150 sq. ft. of floor area. Suites 1, 3, 4 and 5 are office uses comprising 2,805 sq. ft. and require 12 parking spaces. Suite 2 is the proposed hair salon of 807 sq. ft. and requires 5 parking spaces. There are 20 existing parking spaces which exceed the required total of 17.

The hair salon business will submit tenant improvements to accommodate a color and cutting room, waiting room and a washing station. The proposed business operator and one or two assistants would provide hair cutting, coloring, extensions and waxing to a maximum of two clients at a time. The hours of operation are 9 a.m. to 5 p.m. on Tuesdays and Wednesdays, 9 a.m. to 6 p.m. on Thursdays and 8 a.m. to 6 p.m. on Fridays and Saturdays. All clients are by appointment only.

DISCUSSION

Planning Staff supports the request finding the proposed use is a compatible addition to the existing office development. This type of use typically parks at a lower rate than office uses and operates with a minimal number of clients during normal business hours. The personal service business is consistent with the intent of the General Plan in that the business is compatible with the surrounding businesses and is a low traffic generator. Planning Staff is not recommending a time condition with this request.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on January 13, 2014. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Pridemore and Ryan absent.

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 the exhibits and representations.

2. 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.
3. The landscaping in all open-spaces and rights-of-way shall be maintained by the property owner.
4. The site shall be maintained in a clean and orderly manner.
5. The Use Permit is non-transferable to any other property.

19. LIQUOR LICENSE: Cheddar's Casual Café

APPROVED a Series 12 Restaurant Liquor License (Chandler #151430 L12) for Thomas Robert Aguilera, Agent, Cheddar's Casual Café, Inc., dba Cheddar's Casual Café, 2530 W. Chandler Boulevard. A recommendation for approval of State Liquor License #12079789 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 Royal Buffet.

20. LIQUOR LICENSE: WinCo Foods

APPROVED a Series 9 Liquor Store Liquor License (Chandler #151523 L9) for Jason Morris Agent, WinCo Food LLC, dba WinCo Foods, located at the NWC of Arizona Avenue and Willis Road. A recommendation for approval of State Liquor License #09070006 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. The applicant's Use Permit through Transportation and Development was approved at the February 13, 2014, Council meeting.

21. TEMPORARY EXTENSION OF PREMISES: Fibber Magees

APPROVED a Temporary Extension of Premises for a Series 6 Bar Liquor License (Chandler #45077 L06) held by T. W. Steves LLC, dba Fibber Magees, 1989 W. Elliot Road, Suite 19. A recommendation for approval of a temporary extension of premises for State Liquor License #06070661 will be forwarded to the State Department of Liquor Licenses and Control. The extension is requested for a St. Patrick's Day Festival on March 17, 2014. The Police Department has no objections to this extension and the applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Resources.

22. FINAL PLAT: Ocotillo Landing

APPROVED Final Plat FPT13-0011 Ocotillo Landing, for a 62-lot single-family home residential subdivision located south of the SWC of McQueen and Ocotillo roads at the Brooks Farm alignment. (Applicant: Dan Auxier; EPS Group.)

BACKGROUND

This subdivision was approved by Council on January 23, 2014. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

PROPOSED MOTION

Upon finding consistency with the General Plan and Planned Area Development zoning, Planning Staff recommends approval.

UNSCHEDULED PUBLIC APPEARANCES:

MR. RICHARD TRACY, 2238 S. Cottonwood Street, Mesa, cited his concern about the economy and lack of transit (light rail) in this area. Mr. Tracy submitted informational material to the Council.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor Tibshraeny thanked staff for their support in promoting Budget Connect. He recognized his wedding anniversary on February 28th, and noted Vice Mayor Heumann's anniversary is tonight.

The Mayor announced the Mayor's Fun Run will occur Saturday in conjunction with the parade to kickoff the Ostrich Festival.

The Fire Department and Police Department will each host an open house to the public.

The Mayor announced National Train Day and the Arizona Railway Museum will be hosting an event at Tumbleweed Park.

B. Councilmembers' Announcements

Councilmember Weninger asked support for Randy Walters, local business owner of Pittsburgh Willy's and Wimpy's Paradise who recently had surgery.

Councilmember Sellers thanked those involved for their assistance and support in his selection to the State Transportation Board.

Vice Mayor Heumann thanked the sponsors for their support and staff for their work on the Sci-Tech Festival. He wished his wife, Julie, a Happy 31st wedding anniversary.

Councilmember Hartke said as the weather changes, the weeds are prodigious and predominant and the 5th annual "Let's Pull Together" campaign has begun. Volunteers are being sought to help assist residents in need to keep compliant with code enforcement.

He announced the upcoming 3rd annual East Valley Mayors' Prayer Breakfast.

Councilmember Ellen encouraged participation in the Annual Life Walk for the Pregnancy Care Center.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 7:32 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: March 13, 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 27th day of February 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of March, 2014.

City Clerk