

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, June 26, 2014.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY AT 7:04 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
Nachie Marquez	Assistant City Manager
Marsha Reed	Assistant City Manager
Kay Bigelow	City Attorney
Marla Paddock	City Clerk

INVOCATION: Councilmember Hartke

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

CONSENT:

MAYOR TIBSHRAENY announced that Item 30 (Employment Agreement - Traynor) needs additional work and the item is withdrawn. He noted the legal protest for Item No. 5 had been removed. The Mayor stated 17 cards were filed in support of Item No. 5 (Foothills Community Church rezoning). He received two speaker cards in support of Item No. 12 and one opposed related to the Ocotillo Area Plan Amendment. Discussion is noted under that item.

MOVED BY COUNCILMEMBER HARTKE, SECONDED BY COUNCILMEMBER ELLEN, TO APPROVE THE CONSENT AGENDA, NOTING ITEM 30 HAD BEEN WITHDRAWN.

VICE MAYOR HEUMANN stated he would be voting no on Item No. 7. The ordinance is due to state legislation imposed on municipalities. He commented that the state legislature does not favor rules imposed on them by the federal government, yet that is exactly what they have done to Arizona municipalities.

MOTION CARRIED UNANIMOUSLY (7-0), with the exception noted.

1. MINUTES:

APPROVED the following Chandler City Council Meeting Minutes:

- 1a. Study Session of June 9, 2014.
- 1b. Regular Meeting of June 12, 2014.

1c. Special Meeting (Budget) of June 12, 2014.

2. REZONING: Ray Road Apartment Homes Ord. #4533

ADOPTED Ordinance No. 4533, DVR13-0050, Ray Road Apartment Homes, rezoning from Planned Industrial District with a Planned Area Development (PAD) overlay to PAD for multi-family residential for a 192-unit multi-family residential development on approximately 7 acres located east of the NEC of Arizona Avenue and Ray Road.

3. DEDICATION IN FEE: NEC of McQueen Road and Via De Palmas Road Ord. #4543

ADOPTED Ordinance No. 4543 authorizing the dedication in fee of a portion of City-owned property located at the NEC of McQueen Road and Via De Palmas Road for public roadway purposes.

4. CITY CODE AMENDMENT: Chapter 27 Ord. #4544

ADOPTED Ordinance No. 4544 amending Chapter 27, Sections 27-1 through 27-8 of the Chandler City Code relating to the name of the Chandler Fire Department and the Department Responsibilities.

5. REZONING/PRELIMINARY DEVELOPMENT PLAN: Foothills Community Church Ord. #4546

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4546, DVR13-0044 Foothills Community Church, rezoning from Planned Area Development (PAD) for Industrial uses to PAD for a church located north of the NWC of Hamilton Street and Pecos Road.

APPROVED a Preliminary Development Plan for building architecture and site layout on 1.9 acres located north of the NWC of Hamilton Street and Pecos Road. (Applicant: S.A. Everly; Phoenix Valley Design/Build, LLC.)

#### BACKGROUND

The subject site is located north of the northwest corner of Hamilton Street and Pecos Road, within the Bogle Business Park. Directly north is the existing Centro de Alabanza Church; west is the Old Castle concrete vault manufacturer; south is a grading company and east is a portion of Folley Park with the ICAN (Improving Chandler Area Neighborhoods) facility east of the park.

The subject site received conceptual PAD zoning for business park uses in October 1987 as part of the approximately 52-acre Bogle Business Park. The majority of parcels within the park are planned for industrial business park uses with the potential for compatible commercial uses located along the Pecos Road and Hamilton Street intersection. A number of parcels along the business park's perimeter are currently vacant.

#### SITE LAYOUT/BUILDING ARCHITECTURE

Two buildings are proposed with the first building, Building A, as Phase I encompassing 9,454 square feet. Phase II, Building B, is proposed at 5,220 square feet. Upon construction of Phase II, the sanctuary will be relocated from Phase I to Phase II and the sanctuary in Phase I will be repurposed to a fellowship hall. It is anticipated that a daycare will be provided upon completion of Phase II, separate from church functions (Sunday school), which has given rise to the concerns expressed by the property owner to the south. It is anticipated that Phase II will be constructed approximately two years after Phase I is completed.

Architectural details are provided for the first building; the second building will be architecturally compatible with the first building and will be administratively reviewed for approval. The architectural design incorporates elements not typically found on churches and includes angled roof elements, various horizontal windows framed with shadow boxes, rusted steel elements, and two CMU block sizes used to create horizontal lines.

The Planning Commission and Planning Staff support the request finding the use is consistent with the zoning and that the overall design presents a very attractive addition to the area.

The request was continued from the May 22, 2014, Council meeting to allow the applicant time to determine if the buildings could be shifted to the northern property line in an effort to address dust, material off-gassing and separation requirements from the church due to the grading company employing persons with particular prior criminal behaviors that require separation from children. While the dust and material concerns are addressed through the Maricopa County Dust Control Department and the Occupational Health and Safety Administration (OSHA), the applicant understands that there may be dust in the area and is not concerned. With the current layout of the building, the southern wall plane largely blocks dust from the south, whereas if the building were flipped, the open courtyard design would trap the dust exacerbating the dust concerns.

Addressing the concern with employees of prior criminal activity, the applicant reviewed State statutes and found that persons with prior criminal convictions have restrictions on who they work for and where they reside, but there are no restrictions on adjacent businesses or their operations. Lastly, addressing the shifting of the building to the north, the developer reviewed whether or not it could be done and for the following reasons, has concerns with shifting the building: 1) the current orientation of the building allows for shading of the common areas throughout the day and was specifically designed for this purpose; 2) a study of the property showed that the soil make-up varied on the site which would require some excavation and compaction resulting in potential cost increases for the development of the site; and 3) the natural drainage of the site flows to the north and locating the building to the north would require redesign of the drainage system.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Due to there being only a few property owners within the notification list, a neighborhood meeting was not held; however, the applicant contacted each property owner within the notification area individually to discuss the project and followed up with a letter explaining the request. The applicant then submitted letters of support or opposition to Planning Staff. One neighbor opposes the request based on a difference in religious perspective; however, they did not contact Staff, but rather informed the applicant. The property owner to the south, while not initially opposed, had the item pulled at the Planning Commission hearing to state his opposition. The applicant tried contacting the property owner following the Planning Commission hearing, but the owner was unresponsive.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 - 0 with Commissioner Foley absent.

#### RECOMMENDED ACTIONS

##### **Rezoning**

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

**Preliminary Development Plan**

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

1. Development shall be in substantial conformance with the attached exhibits and kept on file in the City of Chandler Planning Division, in File No. DVR13-0044, except as modified by condition herein.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. The site shall be maintained in a clean and orderly manner.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.

6. 2014-15 PROPERTY TAX LEVY Ord. #4537

ADOPTED Ordinance No. 4537 adopting the 2014-15 Property Tax Levy.

BACKGROUND

State law requires that the tax levy necessary for funding the adopted budget be established by ordinance and be adopted fourteen (14) days following the public hearing and the final adoption of the budget and not later than the third Monday in August (August 18, 2014). As this tax levy ordinance is an administrative method of setting apart funds necessary for use and maintenance, it does not require an extraordinary (3/4) vote to make it effective immediately. This determination is based on a Supreme Court decision and is fully explained in the Municipal Budget and Financial Manual provided by the Arizona League of Cities and Towns.

Ordinance No. 4537 follows the prescribed form recommended for adoption and establishes a tax levy of an estimated \$27,771,900.00 as set forth in the 2014-15 Budget. In this ordinance, the Chandler City Council directs the County of Maricopa to levy the amount allowed by law. The total tax rate will be \$1.1792 per \$100.00 of assessed valuation. Property value estimates have been received from the County Assessor's office and are available for public inspection in the City of Chandler office of the City Clerk and the Management Services Department.

7. CITY CODE AMENDMENT: Chapter 28 Ord. #4548

VICE MAYOR HEUMANN VOTED NO ON THIS ITEM.

ADOPTED (6-1) Ordinance No. 4548 amending sections 28-22 of Chapter 28 of the Code of the City of Chandler to modify the title of the Section; add Subsection 28-22.1 for existing provisions on preemption and make minor revisions thereto; and add new Subsection 28-22.2 relating to the sale and use of consumer fireworks; and declaring an emergency.

BACKGROUND

On April 22, 2014, Governor Brewer signed Senate Bill 1158 which amended State law regulating the use and sale of consumer fireworks in Arizona. The amended law allows both the sale and use of consumer fireworks in Maricopa County (and Pima County), subject to local regulation, during the following time periods each year:

Sale permitted: May 20 through July 6  
December 10 through January 3

Use permitted: June 24 through July 6  
December 24 through January 3

The state legislation was passed as an emergency measure and took immediate effect upon approval of the Governor.

The ordinance amends Chapter 28 to add language that allows the use of “permissible consumer fireworks” in the City of Chandler, consistent with State law, during authorized time periods on private property with permission of the property owner or the owner’s authorized agent. The amendment will also prohibit the use of fireworks on any public property including City-owned or managed facilities, public parks, public school facilities, public retention basins, and public roads and streets. It will also require fireworks vendors to display signs at each cash register that clearly state which dates are acceptable for fireworks use. This amendment is necessary to the protection of life, health, property and the public peace and is consistent with a regional approach to fireworks use within City limits. It is adopted as an emergency measure because the amendments to the City Code are necessary to address the sale and use of permissible consumer fireworks within the City of Chandler which are now permitted under recently enacted State law.

8. INTERGOVERNMENTAL AGREEMENT: Town of Gilbert Res. #4710

ADOPTED Resolution No. 4710 authorizing the execution of an Intergovernmental Agreement (IGA) with the Town of Gilbert for the creation of a joint holding facility to house their respective detainees, and authorizing the Mayor of the City of Chandler to execute such agreement and authorizing the Chief of Police to administer, execute and submit all documents and other necessary instruments in connection with such IGA.

BACKGROUND

Currently, neither the City of Chandler Police Department nor the Town of Gilbert Police Department has a 24-hour holding facility. Both agencies must process arrestees and then transport them to downtown Phoenix for booking at the Maricopa County Sheriff’s Office (MCSO) detention facility. MCSO charges a booking fee for each prisoner booked into the facility. Within 24 hours of booking, all prisoners are returned to their respective cities for an initial appearance before a judge. If the judge does not release a prisoner after the initial appearance, the prisoner is then transported back to the same MCSO facility, processed back into the facility and MCSO charges another booking fee.

The Chandler Police Department’s temporary holding facility was not designed or equipped with the infrastructure necessary to hold prisoners for 24 hours. The existing Gilbert facility, with some modifications, is capable of handling both agencies’ needs to hold prisoners until their initial appearance. The cooperative agreement will allow Chandler to partner with the Town of Gilbert using shared resources, expenditures and investment to utilize their facility, which will eliminate the multiple trips to Phoenix, reduce booking costs, decrease overall expenses and allow the facility to be self-governed and manage costs in a more efficient and predictable manner.

FINANCIAL IMPLICATIONS

The proposed budget for one-time and ongoing costs was originally presented as \$336,523.00 with an indication that costs were still being identified and developed.

Technology network costs have been updated and have increased the amount of the initial estimate to \$460,530.00 (\$100,574.00 ongoing and \$359,956.00 one-time) in the first year. This reflects Chandler’s contribution for the modifications to the Gilbert facility plus Chandler’s share or

the ongoing facility costs. Subsequent annual costs are projected to be approximately \$141,106.00 with a small inflationary factor for future years.

With the reduction of booking prisoners into the MCSO facility, approximately \$251,162.00 in costs will be avoided annually. It is projected that by the fourth year of operation, the net effect will be that the City of Chandler will save approximately \$100,000.00 annually.

Funding in the amount of approximately \$460,530.00 for this proposal will come from the cost savings from the existing prisoner care budget and will be shifted to the appropriate accounts for personnel, supplies and equipment.

9. SETTLEMENT: State Farm

APPROVED a settlement in the matter of State Farm Insurance v. City of Chandler, et al., by payment from the City of Chandler of the sum of \$57,000 in full and final satisfaction of all claims asserted against the City of Chandler without admitting liability or admissions from either party and further authorize the City Attorney to sign any necessary documents in such form as are approved by the City Attorney to effectuate the terms of settlement and this motion.

10. INTERGOVERNMENTAL AGREEMENT: Arizona Game and Fish Res. #4776

ADOPTED Resolution No. 4776 authorizing the Intergovernmental Agreement (IGA) with the Arizona Game and Fish Department to provide a Community Fishing Program at Desert Breeze Park Lake and Veterans Oasis Park Lake; and authorizing the City Manager to sign the agreement.

BACKGROUND

The City and the Arizona Game and Fish Department have worked together to provide community fishing opportunities at the Desert Breeze Park Lake since 1990 and at Veterans Oasis Park since 2007. Under the terms of this four-year agreement, the Arizona Game and Fish Department will stock the lakes, assist with lake management by monitoring basic water quality and providing periodic lake assessment reports, assist with lake and fishery management and work with the City to provide free fishing clinics to the public. Chandler, along with 14 other cities, participates in the program that includes a total of 36 designated urban lakes and ponds.

Under the IGA, the Arizona Game and Fish Department conducts 42 fish stockings each year with an estimated 17,800 fish delivered. It's been estimated by Arizona Game and Fish that over 3,350 Chandler residents fish at the two lakes. Overall, the Community Fishing Program provides a fun, safe and affordable way for Chandler residents of all ages and abilities to relax outdoors and have fun catching quality fish that can be eaten.

FINANCIAL IMPLICATIONS

The current four-year IGA will expire at the end of this fiscal year. The new IGA is similar to the current one with two notable changes being an increase in the annual fee amounts and new language regarding the collaborative aspects of the agreement, which has been reviewed and approved by the Law Department. The current fee of \$8,910.00 will increase to \$9,135.00 and stay the same for fiscal years 2014-15 and 2015-16, and then increase to \$9,270.00 for fiscal years 2016-17 and 2017-18. The combined costs over the terms of the four-year agreement are \$36,810.00.

11. IGA AMENDMENT: Maricopa County HOME Consortium Res. #4780

ADOPTED Resolution No. 4780 authorizing Amendment #1 to the Intergovernmental Agreement (IGA) between the City of Chandler and the Maricopa County HOME Consortium to increase the amount of Home Investment Partnership Program (HOME) funds allocated to Chandler to \$461,041.00 for the Agreement beginning July 1, 2013; authorizing the Mayor to execute the IGA and authorizing the City Manager or designee to execute appropriate certifications and other documents and to take other actions as necessary to carry out the intent of the resolution.

#### BACKGROUND

The City of Chandler receives federal HOME Investment Partnership funds annually through the Maricopa HOME Consortium which is comprised of the cities/town of Avondale, Chandler, Gilbert, Glendale, Peoria, Scottsdale, Surprise and Tempe. For the fiscal year beginning July 1, 2013, the City was authorized to receive \$276,790.00 through its IGA with the Maricopa County HOME Consortium.

On March 20, 2014, the Consortium voted to reallocate \$184,251.00 in HOME funds from Gilbert to Chandler, specifically for the funding of Tenant Based Rental Assistance activities. On May 8, 2014, the Mayor and City Council voted to approve the reallocation of these funds through an Intergovernmental Agreement between the Town of Gilbert and the City of Chandler. To increase the City's allocation of HOME funds to \$461,041.00 and to finalize this reallocation, the City of Chandler's IGA with the Maricopa County HOME Consortium must be amended in order for the County to provide the increased funds to Chandler.

12. AREA PLAN AMENDMENT / REZONING / PRELIMINARY DEVELOPMENT PLAN /  
PRELIMINARY PLAT: Echelon @ Ocotillo Res. #4781 & Ord. #4547

ADOPTED Resolution No. 4781, APL14-0006 Ocotillo Area Plan Amendment/DVR13-0045/PPT13-0029, Echelon @ Ocotillo, amendment to the Ocotillo Area Plan from Compadre Stadium, Employment and Junior High School, to Single-Family Residential and Townhouse.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4547, DVR13-0045 Echelon @ Ocotillo, rezoning from Planned Area Development (PAD) for Compadre Stadium and Agricultural District (AG-1), to Planned Area Development (PAD) for single-family residential and townhouse. (Applicant: Chris Clonts, Standard Pacific of Arizona.)

APPROVED Preliminary Development Plan (PDP) for subdivision layout and housing product on property totaling approximately 6 acres located at the SEC of Alma School and Ocotillo roads.

APPROVED Preliminary Plat (PPT) PPT13-0029 for property totaling approximately 64 acres located at the SEC of Alma School and Ocotillo roads.

#### BACKGROUND

The subject site is comprised of a series of parcels totaling approximately 64 acres located at the southeast corner of Alma School and Ocotillo roads. The site is bordered on the west by Alma School Road with an under-construction commercial development, including a fitness facility, located west of the arterial. Ocotillo Road abuts the north side with an assisted living facility and a single-family residential neighborhood located north of Ocotillo Road. Adjacent on the south, is an existing Basha's distribution facility and the City of Chandler Snedigar Sportsplex that includes a dog park. Basha Road is located along the site's eastern side, with Fulton Ranch and rural residential lots located further east. A portion of the subject site included the former Compadre Stadium site, the spring training home for the Milwaukee Brewers. The stadium, constructed in 1985, served until the club moved their spring training activities to West Phoenix.

Although a series of minor league practice fields were incorporated in the City's Sportsplex, the Compadre Stadium site remains deserted.

### GENERAL PLAN/AREA PLAN

The General Plan designates the subject site as Residential allowing for a range of residential densities based upon location and other criteria. The proposed residential overall density of approximately 4.60 dwelling units per acre is consistent with the General Plan. Additionally, the site falls within the 2,700-acre Ocotillo Area Plan. The Ocotillo Area Plan designates the subject site for the Compadre Stadium site, a Junior High School and future Employment along the southern side.

The request is for amendment the Ocotillo Area Plan from Compadre Stadium, Employment and Junior High School, to Single-family residential and Townhouse. Based upon the developmental evolution surrounding the subject site, the proposed area plan amendment provides a more appropriate development solution consistent with and more compatible with the surrounding area. Due to the site's proximity and level of quality, Echelon has been annexed into the Ocotillo Master Plan and will be included in the Ocotillo Community Association.

### SUBDIVISION

The proposed Echelon at Ocotillo represents a resort style residential gated community that includes a series of three housing product types integrated around a central lake system. The request includes two detached single-family product types on approximately 54 acres and an attached townhouse product on approximately 15.75 acres. The large single-family 'Estate' product includes 84 72'x80' lots, while the 'Villa' product includes 97 52'x105' traditional single-family lots. Finally, the townhouse product includes 137 units.

The central lake system provides a visual terminus for the two primary gated boulevard entries, as well as a natural separation and organization for the three housing product types. The subdivision includes an extensive curvilinear street system further enhanced by the resort style highly amenitized open space system. Echelon provides approximately 26% open space that includes the lake system, an extensive pedestrian pathway network and three internal community parks featuring ramadas, a play pool, lap pool and spa, as well as outdoor fireplaces and play equipment. A direct pedestrian connection is provided to Snedigar Park along the southern edge. The resort style theme draws from the Spanish Mission vernacular so prevalent in the Ocotillo community. The theme is carried throughout Echelon from the landscape material and design, to the highly stylized walls and monumentation, all the way through to the building architecture.

### ARCHITECTURE

The 'Estate' housing product features three floor plans with four separate architectural styles per plan in 15 color schemes. The all two-story housing product includes significant use of architectural treatments and single-story elements to break up the massing. Building square footages range from 3,500 to 3,700 square feet.

The 'Villas' housing product features three floor plans with three architectural styles per plan in 9 color schemes. The two-story housing product also includes significant use of single-story elements as well as highly developed architectural theming to provide an attractive and diverse housing product. Building square footages range from 2,600 to 3,000 square feet.

The 'Townhouse' housing product features attached housing units arranged in 3, 4, 5 and 6 unit buildings. All units feature 2-car garages and private entry courtyards. Unit square footages range from 1,539 to 1,875 square feet.

The Townhouse product provides two architectural styles. The building architecture provides the same level of stylized diversity found in the Estate and Villas product. Additional details for all three housing product types can be found in the Development Booklet.

Planning Staff supports the request. A review of the Development Booklet evokes a sense of detail overload. The highly stylized resort-style residential community brings a level of quality evident from the deep boulevard detailed gated entrances, to the articulate subdivision layout and lake system, to the diverse community amenity package, through to the highly stylized building architecture. The proposal remains responsive to the existing adjacencies such as the lack of homes backing onto the Basha's facility or the Snedigar Park dog park, as well as the continuation of the lush meandering landscape edge along Alma School and Ocotillo roads. While the acknowledgement of the now decade-old Compadre Stadium spring training departure reminds us of a time gone by, the proposed Echelon at Ocotillo residential subdivision represents a superb redevelopment that pushes the 'bar' universally expected within Ocotillo.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed according to the provisions of the City of Chandler Zoning Code with neighborhood meetings being held on December 12, 2013, with 23 neighbors in attendance, April 1, 2014 with 15 neighbors in attendance and May 5, 2014 with 5 neighbors in attendance. The collective consensus was supportive of the request. A question was raised regarding a potential for a traffic signal at Balboa Way.

Following the neighborhood meeting, the applicant conducted a traffic impact analysis for the subject site including a warrant analysis for Balboa Way. A nearby home owner was concerned that with the additional traffic from the currently under construction fitness facility west of Alma School Road, coupled with traffic from the proposed Echelon community, that the Balboa Way intersection would become dangerous. The study was completed and submitted to the Transportation and Development Department for review. The study concluded that the intersection does not approach the warrants necessary for signalization both today, nor after the inclusion of traffic from the fitness facility or the Echelon development. Even when studied in the A.M. and P.M. peak hours alone, the traffic volumes through the intersection do not and are not projected to come close to necessitating a signal. City Staff met with the concerned neighbor to discuss the concerns as well as the study's findings. Staff did agree to conduct follow up studies to ensure the impact analysis findings remain accurate following construction.

Following the neighborhood meetings, Planning Staff has received a series of phone calls from nearby residential property owners. Many calls were in support, several simply sought housing product information and two conveyed concerns with future traffic along both Alma School and Ocotillo roads. Planning Staff has received an email in support from the Ocotillo Community Association as well as an email in opposition from a nearby resident.

Planning Staff is not aware of any formal opposition to this request.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5-0 with Commissioner Baron abstaining.

A nearby resident spoke in opposition to the request. The resident characterized the property as a 'jewel' and offered alternative development solutions for the site such as private/public partnership, recreational opportunities or a youth tech park. The resident also submitted an email.

#### RECOMMENDED ACTIONS

##### **Area Plan**

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

##### **Rezoning**

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

### **Preliminary Development Plan**

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

1. Development shall be in substantial conformance with the Development Booklet entitled "ECHELON AT OCOTILLO" kept on file in the City of Chandler Planning Division in File No. DVR13-0045, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) perimeter walls and the Director of Transportation & Development for arterial street median landscaping.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

### **Preliminary Plat**

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

1. Approval by the City Engineer and Planning Administrator with regard to the details of all submittals required by code or condition.

MR. PAUL HODGES, 4580 S. Fresno, Chandler, stated he is in opposition of the rezoning of the property known as Echelon. He had three points to address his opposition of the rezoning they are:

- This area is a jewel of the property and community – it brings both the retirement community of sun lakes together with the active community of Fulton Ranch and Ocotillo, and the youth in the area. It unites a wide range of demographics in the surrounding area.
- It pays homage to the Council's predecessors – the vision that was originally sought for this area and he would like to see it kept.
- Sustainability – The city plan talks about innovative land uses. This area is a prime example of that idea. It has the potential of keeping that uniqueness. He stated a residential community will never ask to be converted into agriculture use, this area should be kept as unique as possible.

### 13. MEMORANDUM OF UNDERSTANDING: Tempe Tourism Office

APPROVED a Memorandum of Understanding (MOU) with the Tempe Tourism Office (TTO) for a joint marketing agreement to continue the Sunny Arizona marketing campaign to promote the City of Chandler and the City of Tempe as a single destination and to be largely funded by the Proposition 302 Maricopa County Grant and authorized the City Manager, or his designee, to sign the MOU and related documents as approved by the City Attorney.

## BACKGROUND

For the past ten years, Staff has collaborated with the TTO on the development of a regional, multi-layered marketing campaign referred to as Sunny Arizona. This campaign promotes the two communities as a preferred destination to American Automobile Association (AAA) and Canadian Automobile Association (CAA) members and travel agents in key feeder markets. The joint partnership with the TTO has provided an opportunity to leverage limited marketing dollars and focus promotional activities to individuals who are more likely to visit the metro-Phoenix area and looking for warm climate vacation destinations.

City Staff and the TTO have finalized their FY 2015 program of work to include 12 print advertisements in AAA member publications, an updated Sunny Arizona Family Guide, participation in three trade shows, four dedicated sales missions, postage for bulk mailings, a joint website presence and media support for hosting journalists on assignment to cover Sunny Arizona. The anticipated total for the FY 2015 campaign is \$130,000.00 and would be split equally between the two communities, for a total of \$65,000.00, per city, not including travel expenses for the sales missions, trade shows and costs associated with hosting media for familiarization visits to Sunny Arizona.

The TTO manages a checking account, separate from TTO accounts, in the name of Sunny Arizona from which all payments are issued for the joint marketing campaign. This account was opened when Sunny Arizona was initially launched by the participating communities in 2003 and found to be an efficient way of managing the program. All partners pay their share and expenses are monitored by all partners, while invoices and payments are facilitated by the TTO upon mutual agreement. The account is audited by the TTO.

For the bulk of this campaign, the City of Chandler would utilize Maricopa County Prop 302 Grants for all the expenses identified on the attached spreadsheet for a sum of \$65,000.00. Travel expenses, and expenses not identified on this sheet, would be covered by Chandler's Tourism's Operating budget, solely for Chandler's portion.

Proposition 302 Maricopa County Grant is available to destination marketing organizations within Maricopa County and is administered by the Arizona Office of Tourism. Proposition 302 was passed in November of 2000. The purpose of this grant program is to provide funding for new and expanded tourism marketing activities such as advertising, public relations and travel industry marketing, where the primary function of the project must be tourism promotion. Tourism promotion is defined as the intent to drive overnight visitation to a respective community.

### 14. DISBURSEMENT: Chandler Lions Club

AUTHORIZED the disbursement of FY 2014-15 ongoing funds in the amount of \$35,000.00 and one-time funds in the amount of \$15,000.00 to the Chandler Lions Club for the 4<sup>th</sup> of July Celebration.

## BACKGROUND

The Chandler Lions Club, in partnership with the City of Chandler, has been organizing and producing the 4<sup>th</sup> of July Celebration over the past ten years. Initially, the event was held downtown and it is estimated that over 40,000 attendees came to see this event. Since moving the event to Tumbleweed Park, over 100,000 attendees now enjoy this free event. The funds needed to organize and implement a large event such as this are collected from a number of various organizations. The City's contribution to this effort will once again allow the Chandler Lions Club to put on an amazing 4<sup>th</sup> of July Celebration for the community. To mirror the

Chandler Lions Club's efforts in organizing such a large-scale event for the community, it would cost the City over \$90,000.00 without sponsorship.

In 2013, the Chandler Lions Club declined sponsoring the event due to financial struggles. For 2014, they have recommitted themselves to producing the event and restoring it to the level it was in 2012.

As part of the FY 2007-08 budget amendment process, Council awarded ongoing funding in the amount of \$35,000.00 for the Chandler Lions Club 4<sup>th</sup> of July Celebration. As part of the FY 2014-15 budget process, Council awarded one-time funding in the amount of \$15,000.00 for the Chandler Lions Club 4<sup>th</sup> of July Celebration.

15. LEAGUE OF ARIZONA CITIES AND TOWNS MEMBERSHIP DUES

AUTHORIZED the payment of FY 2014-15 membership dues to the League of Arizona Cities and Towns in the amount of \$88,250.00.

BACKGROUND

The City of Chandler is an active member of the League of Arizona Cities and Towns. Each year, cities are assessed annual dues based on a per capita formula and minimum base fee. For cities with populations over 200,000, the dues for FY 2014-15 are capped at \$88,250.00. This is the third consecutive year dues have been capped at this amount.

The League works closely with the City's Intergovernmental Affairs Coordinator in providing legislative and lobbyist assistance to its member cities. When the issue is of statewide concern, the League will take the lead position freeing up the time for the City's Intergovernmental Affairs Coordinator to focus on issues of concern to citizenry. As has been evidenced, this assistance is critical during the legislative session and allows for cities to work together on issues of regional and municipal interest.

16. WORKERS' COMPENSATION EXCESS COVERAGE INSURANCE

AUTHORIZED the renewal of workers' compensation excess coverage insurance in the amount of \$188,556.00.

Excess Workers' Compensation insurance is carried through Safety National. The City, through the Chandler Workers' Compensation & Employer Liability Trust, is self-insured for the first \$600,000.00 of loss for workers' compensation claims. The City purchases coverage to protect against catastrophic loss above \$600,000.00.

The premium for fiscal year 2012-13 was \$131,776.00 and the premium for fiscal year 2013-14 was \$150,125.00.

The increases in premiums over the years are reflective of the rising medical costs coupled with the City's worker's compensation claims experience and the desire to maintain the threshold of \$600,000.00 in order to mitigate the impact of catastrophic claims to the Workers Compensation Employer Liability Trust.

17. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following Board and Commission appointments:

Industrial Development Advisory Board

Victor Napolitano

Municipal Property Corporation  
Victor Napolitano

18. AGREEMENT: Chandler Regional Medical Center

APPROVED an emergency base hospital agreement with Dignity Health dba Chandler Regional Medical center for paramedic on-line medical supervision and administrative medical control.

BACKGROUND/DISCUSSION

Per Arizona law and rule, all Certified Emergency Paramedics must work under the license of a physician for on-line medical supervision. Administrative medical control must also be provided by a physician for the Department's emergency medical program. Acceptance of this agreement satisfies the requirement for oversight and direction with regards to on-line medical supervision and administrative medical control.

19. AGREEMENT AMENDMENT: The Artisan Group, LLC

APPROVED Agreement No. ST3-988-3141, Amendment No. 1, with The Artisan Group, LLC, for Revegetation – Storm Damage – Maintenance of City Streets, for a two-year period, in an amount not to exceed \$350,000.00 per year.

20. AGREEMENT: Central Construction Co.

APPROVED Agreement No. ST4-914-3365 with Central Construction Co., for Crestview Wall Repairs, in an amount not to exceed \$129,964.66.

The City maintains a turf green space within the Crestview subdivision from South Oak Street to just beyond South Elm Street, south of West Cindy Lane. Over the years, the City's sprinklers have, in part, been a cause of the wall deterioration. The City has plans to relocate the existing sprinkler heads away from the wall and to add a 6-foot wide decomposed granite buffer, plus a header curb to serve as separation. This will provide a buffer between the wall and irrigated turf. The City plans to repair the 2,700 linear feet of wall, paint both the inside and outside of the wall and graffiti-coat the City side of the wall. As part of this project, the City plans to add decomposed granite to the adjacent El Paso Easement (53,000 square feet) which is west of Oak Street.

21. AGREEMENT: Purchase of Water Chemicals

APPROVED Agreement No. MU4-885-3350 to Hill Brothers Chemical, Brenntag Pacific, Inc., Univar USA, Thatcher Company of Arizona, Charlie Pepper, Inc., Polydyne, Inc., Kemira Water Solutions, Inc., Environmental Compliance Resources, LLC, Waternuts Aquatic Ent, Inc., dba Commercial Pool Repair, Chemtrade Chemicals US, LLC, Cal-Pacific Carbon, LLC, and BASF Corporation, for the purchase of water treatment, wastewater treatment and swimming pool chemicals, for one-year, in a total combined amount not to exceed \$7,164,000.00.

22. AGREEMENT AMENDMENT: Valleywide Generator Service

APPROVED Agreement No. MU3-936-3112, Amendment No. 1, with Valleywide Generator Service for generator maintenance, for a two-year period, in a total amount not to exceed \$335,210.00.

23. PURCHASE: T-Mobile

APPROVED the purchase of mobile communication services and equipment from T-Mobile, utilizing the State of Arizona/Western States Contracting Alliance (WSCA) contract #ADSP013-034339, in an amount not to exceed \$72,545.00.

The City has been purchasing shared minute cellular services from Sprint/Nextel from October 2009 through April 2013. Beginning in May 2013, the City switched to T-Mobile for these services. Since the migration to T-Mobile, the City has reduced annual mobile communication expenditures by 51.2% for a total annual savings of \$76,020.00.

24. PURCHASE: CDW-G

APPROVED the purchase of Motion Computing Tablet Computers from CDW-G, utilizing the National Joint Powers Alliance (NJPA) contract #111309-CDW, in an amount not to exceed \$128,901.00.

The City has made great efforts in standardizing computer equipment purchases to ensure compatibility and supportability which reduces maintenance and repair costs. The City brought in ruggedized tablet computers from various manufacturers and City Staff in multiple departments tested these devices in the field. The result of this field testing was the selection of Motion tablet PCs as the City standard for ruggedized tablets. With this selection, the Municipal Utilities, Management Services and Transportation and Development departments have a need to purchase these devices for their departmental operations. Field testing of the ruggedized tablets has proven that they are a better fit for field operations than traditional ruggedized laptops in several instances.

The following is a list of Department/Divisions and the number of tablets to be utilized:

- Municipal Utilities/Distribution 13 tablets
- Municipal Utilities and Information Technology 4 tablets
- Municipal Utilities/Solid Waste Services 7 tablets
- Management Services/Tax & License 1 tablet
- Transportation & Development/Capital Projects Div 8 tablets

25. PURCHASE: Braun Northwest, Inc.

APPROVED the purchase of a fire rescue vehicle from Braun Northwest, Inc., utilizing the Houston-Galveston Area Council Contract, in an amount not to exceed \$168,824.83.

The Fire Department recently created and adopted a new deployment model as part of the Department's Community Health Service Delivery Model. The new model establishes two-person rescue units that will respond to low acuity medical calls. The vehicle that is being purchased from Braun Northwest will be part of this deployment model as an "all hazard" rescue vehicle. The vehicle will have primarily medical response capabilities and some minimal firefighting/rescue response capabilities.

26. PURCHASE: Traffic Paint

APPROVED the purchase of waterborne fast dry traffic paint from Ennis Paint Inc., utilizing State Contract No. ADSPO13-026307, and from Sherwin-Williams Corporation, utilizing State Contract No. ADSPO13-026308, in a combined total amount not to exceed \$125,000.00.

27. PURCHASE: Trafficade Work Zone Services

APPROVED the purchase of 2,174 street name signs from Trafficade Work Zone Services, utilizing State Contract No. 14-061415, in a total amount not to exceed \$105,526.11.

The City of Chandler is revising the standard for street name signs to be in compliance with federal standards. The new street name signs are required to be two inches taller than the current standard and will use a Clearview font with upper and lower case letters for improved legibility.

Traffic Engineering applied for and received a 100% federally funded Highway Safety Improvement Program (HSIP) grant in 2012 for the manufacture of 2,174 new signs. Following the grant award, these signs will be manufactured by Trafficade Work Zone Services. They will be installed in south Chandler by City Staff and replace all existing street name signs, many of which are faded and in need of replacement. The street name signs in the north half of the City (from Pecos Road north) were replaced several years ago by City Staff as part of an on-going ten-year sign replacement program and will not need replacement for several more years. All future street name sign installations and repairs will use the new federal standards.

28. SPECIAL EVENT LIQUOR LICENSE: Arizona Border Collie Rescue

APPROVED a Special Event Liquor License for Arizona Border Collie Rescue for their fundraising event, Beer Tasting for Arizona Border Collie Rescue, September 20, 2014, at Chandler Harley Davidson, 6895 W. Chandler Boulevard. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

30. EMPLOYMENT AGREEMENT: Presiding City Magistrate R. Michael Traynor.

This item was withdrawn.

**ACTION:**

29. CITY CHARTER AMENDMENT: Council Terms

Res. #4782

Resolution No. 4782 ordering the submission of a proposed City Charter amendment to the voters at the November 4, 2014, General Election, regarding the number of consecutive terms allowed for the office of Councilmember and the commencement dates for the office of Mayor and Councilmember.

The amendment proposes a change to Section 2.01 by changing the amount of consecutive terms a councilmember can serve from two to three. It also amends language that changes the month the mayor and council term commence to align with the current election dates.

Councilmember Sellers stated the proposed Resolution would align the term limits of Councilmembers to similar cities. Council is not voting to adopt the change, they are voting to allow the issue to be on the ballot so the voters could choose whether to change the term limits.

Mayor Tibshraeny asked Councilmember Sellers to address what is being asked with the Resolution.

Councilmember Sellers stated if the Resolution is passed by Council tonight, the issue of changing the term limits for a Councilmember would be on the November 4<sup>th</sup> General Ballot. The change to the City Charter would be in the number of consecutive terms someone could serve on Council. It would change from 2 consecutive 4-year terms to 3 consecutive 4-year terms and changes the commencement date for the seat due to changes in the election process recently adopted by the State legislature.

COUNCILMEMBER WENINGER stated Chandler has an incredible Council. If there had been the ability to serve 3 consecutive 4-year terms, this Council may not exist today. There could have been a time when the Council was not so cohesive. He stated he would be voting no on this item.

COUNCILMEMBER ELLEN stated she had the same sentiments as Councilmember Weninger. There are a lot of people who would like to serve the City and 8 years is long enough to serve. She provided a brief history of proposed changes to the Council terms in which the terms for Councilmembers specifically, were always voted down. She did not believe in taking this issue back to the voters who have already expressed their decisions several times. She stated her intent to vote no.

COUNCILMEMBER HARTKE stated Chandler and the surrounding community has grown significantly, and is part of a larger picture. In order to ascend to a leadership position within larger organizations that impact the City can take 6+ years. Chandler is in competition and coordination with the surrounding cities. He believes the community should have the opportunity to review the proposed change and vote on it.

MOVED BY Councilmember sellers, seconded by councilmember Heumann, TO APPROVE THE RESOLUTION.

MOTION CARRIED (5-2), with Councilmembers Weninger and Ellen voting no.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

A. Mayor's Announcements

The Mayor announced the utility billing system is offline and the department at City Hall is closed until Monday, June 30<sup>th</sup> for an upgrade and enhanced billing and payment system.

He announced Chandler's 4<sup>th</sup> of July Fireworks celebration will be held on Friday, July 4<sup>th</sup> at Tumbleweed Park.

B. Councilmembers' Announcements

Council extended wishes for a Happy 4<sup>th</sup> of July, and congratulations to Councilmember Donovan on the birth of her daughter.

COUNCILMEMBER SELLERS announced he welcomed 850 delegates to the General Federation of Women's Club held in Chandler on June 21<sup>st</sup>.

Mr. Sellers added that at the June 25<sup>th</sup> Maricopa Association of Governments (MAG) meeting, he was chosen to be chair of the Transportation Policy Committee and that night at the Desert Peaks Award ceremony, he and the Mayor accepted three awards for the City.

VICE MAYOR HEUMANN announced the City is still holding its water drive for the summer. Water is on sale at many grocery stores and donations can be dropped off at the City. He wished his wife a happy birthday on July 4<sup>th</sup>.

COUNCILMEMBER DONOVAN welcomed her new daughter, husband, and mother in the audience tonight.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 7:39 p.m.

ATTEST: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved: July 7, 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 26<sup>th</sup> day of June 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_\_ day of July, 2014.

\_\_\_\_\_  
City Clerk