

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, November 20, 2014 at 7:00 p.m.

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

* Councilmember Ellen participated by phone.

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: Pastor Terry Lamberth – Cornerstone Christina Fellowship.

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

Mayor noted he had two requests to speak on agenda item #50: Use Permit for Makutu's Island

VIRGINIA THOMPSON, 6821 W. Megan St, Chandler. She expressed her opposition as there are many children in the plaza area because there is also a swim school just down from Makutu's Island. She felt there is a safety concern with so many children coming and going and by allowing the consumption of liquor to Makutu's Island only increases the risk of harming the children that frequent those places. There is a Circle K in the same complex with a license to sell alcohol for off-site consumption. She asked Council to consider voting no for this Use Permit.

MIKE WALKER, 6822 W. Shannon St, Chandler, stated his home borders the shopping center and he is the owner of Gold Medal Swim School in the plaza. He has been there for 9 years and has over 2,000 children coming and going throughout the week. He stated there are many children between his business and Makutu's; they are about 100 feet apart, and share the same parking. He expressed concern with the thought of issuing a liquor license to a business for children, and then have their parents drive them home after a few hours of playing.

KIRAN VENKATA VEDANTAM, 6919 W. Ray Road, Chandler, owner of Makutu's Island, stated he has 2 children of his own, ages 6 and 8. He understands the stresses and responsibility of parenting. Makutu's is an amusement park, open all day. Part of their monitoring procedures would be stamping the band for type and time of alcohol purchases. When the parents leave, they will be checking the wrist bands to make sure they have the correct number of and children, and to monitor when the last drink was purchases.

He stated he understood professional rivalry, but felt it was not right to bring that to this hearing when they are trying to bring fun to the families. There are 12 locations in the immediate area

that serve/sale alcohol. Serving alcohol at Makutu's would not increase the risk that already exists in the community. He listed other businesses that are children's play areas: Flipside, Chucky Cheese, Peter Piper Pizza, Main Event, Game Works and Phoenix Zoo all serve beer.

VICE MAYOR HEUMANN stated he had been out to Makutu's Island and visited with the applicant when they first opened up. It is a nice facility, but in the end, it is each person's responsibility to monitor their consumption.

CONSENT:

MOVED BY VICE MAYOR HEUMANN, SECONDED BY COUNCILMEMBER HARTKE, TO APPROVE THE CONSENT AGENDA AS PRESENTED.

COUNCILMEMBERS ELLEN, DONOVAN AND HARTKE VOTED NO ON ITEM NUMBER 56. COUNCILMEMBER WENINGER NOTED A CONFLICT OF INTEREST ON ITEMS 13 AND 24.

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

1. VACATION: Old Germann Road Right-of-Way Ord. #4565

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4565 authorizing the vacation of a portion of old Germann Road right-of-way, east of Stearman Drive.

BACKGROUND/DISCUSSION

Germann Road was re-aligned to the north from McQueen Road to Gilbert Road leaving an 80-foot strip of land as right-of-way that is no longer needed by the City. Crown Castle, which is in the process of developing the property located at the southeast corner of Germann Road and Stearman Drive, has requested the City vacate this 80-foot section of right-of-way that bisects their parcel. If the City were to vacate this strip of right-of-way, a small triangular parcel owned by Crown Castle, the 80-foot strip and the larger Crown Castle parcel will be assembled eliminating a maintenance issue for the City.

Crown Castle has agreed to pay the City \$54,192.00 for the vacated strip of land which equates to \$3.00 per square foot.

2. REAL PROPERTY EXCHANGE: Alta Steelyard Lofts Ord. #4566

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4566 declaring certain real property as no longer necessary for use as public roadway (a portion of Frye Road, west of Delaware Street, for the development of Alta Steelyard Lofts); authorizing the exchange of said real property to an abutting property owner for new public roadway; and authorizing the execution of all documents necessary to complete the roadway exchange.

BACKGROUND/DISCUSSION

Wood Partners is developing the Alta Steelyard Lofts located in the southwest corner of Frye Road and Delaware Street. The development will extend to the north property line of the parcel. In order to make the property line consistent and work for the development, a 7-foot wide strip, containing 1,333 square feet, is proposed to be exchanged for a 40-foot wide strip of Washington Street right-of-way. This action will create a straight north property line along Frye Road which will allow for a more aesthetic boundary for the development and for the widened sidewalk along the south side of Frye Road. In exchange for this 7-foot wide strip, Wood Partners proposes to

dedicate the 40-foot wide strip, containing 6,612 square feet of Washington Street, which lies at the west boundary of the development.

3. EASEMENT: Roosevelt Water Conservation District Ord. #4574

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4574 granting a no-cost easement for an irrigation facility to the Roosevelt Water Conservation District (RWCD) at Stearman Drive south of Germann Road.

BACKGROUND/DISCUSSION

As part of the Bellman Development, located at Stearman Drive south of Germann Road, RWCD has requested the property owner relocate an RWCD irrigation facility to the north property line of the development. In order to relocate this facility, RWCD will require a new easement to cross Stearman Drive. After the facility is constructed in the new location, RWCD will extinguish the existing easement located just south of the new one at Stearman Drive.

4. EASEMENT: Salt River Project Ord. #4575

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4575 granting a no-cost power distribution easement to Salt River Project on a portion of Valencia Park.

BACKGROUND/DISCUSSION

It is necessary to provide electrical power for improvements to Valencia Park. In order to do so, Salt River Project (SRP) requires a power distribution easement. The easement will be at no cost to SRP as the work is for City facilities and benefits the public.

Staff has reviewed and approved the legal descriptions for the requested easement.

5. EASEMENTS: Salt River Project Ord. #4581

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4581 granting two no-cost power distribution easements to Salt River Project (SRP) to provide electricity to Fire Station 281 and an emergency traffic signal on the south side of Pecos Road.

BACKGROUND/DISCUSSION

In order to provide electricity to new Fire Station 281 (City of Chandler Fire Station 1) and a traffic signal on Pecos Road, it is necessary to grant two power distribution easements to Salt River Project. One easement is for an emergency traffic signal and one easement is for the fire station. The easements will be at no cost to SRP as the work is for City facilities and benefits the public.

Staff has reviewed and approved the legal descriptions for the requested easements.

6. EASEMENT ASSIGNMENTS: Salt River Project Ord. #4582

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4582 authorizing the assignment to Salt River Project (SRP) of a ground easement and an aerial easement acquired by the City of Chandler for the Dobson Road and Chandler Boulevard Intersection Improvement Project; and authorizing the City Manager to execute the assignments;

BACKGROUND/DISCUSSION

The Housing and Redevelopment Division has leased two coin-operated washers and dryers from Mac-Gray Services, LLC, since 1983. The current and proposed lease agreement stipulates that the Housing Division provide the space and utilities for the laundry equipment. Mac-Gray supplies and services the washer and dryer units. The revenue generated by the washers and dryers is split between Mac-Gray and the Housing Division. Forty-five percent of the revenue goes to Mac-Gray and the Housing Division receives fifty-five percent. The total monthly revenue generated by the laundry equipment is approximately \$300.00.

DISCUSSION

For the new lease term, Mac-Gray has proposed to supply two new high-efficiency, front-load, coin-operated commercial Maytag washers and dryers. The terms and conditions of the new five-year lease remain unchanged. The Housing Division will continue to receive fifty-five percent of the revenue generated from the laundry equipment, less applicable fees and/or taxes. The fee to do a load of laundry will remain unchanged. Use of the washers will cost \$1.50 per load and dryers will cost \$1.00 per load.

FINANCIAL IMPLICATIONS

The anticipated revenue from this lease agreement is estimated to be approximately \$150.00 per month, before deducting the utility costs associated with operating the laundry equipment and room. While this lease generates revenue for the Housing Division, the principle benefit is to provide the senior residents with an option for convenient access to coin-operated laundry services.

9. RENEWAL AGREEMENT: Teleport Communications of America, LLC Ord. #4586

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4586 authorizing a renewal agreement with Teleport Communications of America, LLC, for use of City rights-of-way and public places to establish a Class 4 and 5 Communication System.

BACKGROUND

Teleport Communications of America, LLC (formerly operating as TCG Phoenix, a subsidiary of AT&T, Inc.) has applied with the City to install, operate and maintain a communication system that will provide both telecommunications and possibly non-telecommunications services. This agreement provides terms and fees for both service deliveries. The company holds similar agreements in other Valley cities to provide such services. This is a five-year renewable, nonexclusive agreement.

FINANCIAL IMPLICATIONS

The City has received a \$3,000.00 application fee, which should cover the City's cost for processing this application, and 2.75% privilege tax will be paid on any non-interstate telecommunication services. As dictated by federal and state law, there will be no right-of-way use fee for the defined telecommunications portions of the System and its operation, but there is a fee structure established in Section 3.2 of the agreement for any services that are not exempted by federal or state law. The company will also pay permit inspection and pavement damage fees.

10. REZONING: Warner Business Center Office Condominiums

Ord. #4587

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4587, DVR14-0030 Warner Business Center Office Condominiums, rezoning from Planned Area Development (PAD) for office/industrial/warehouse uses to PAD Amended to expand the list of permitted uses on approximately 7 acres located east of the NEC of Arizona Avenue and Warner Road and encompassing the entire Warner Business Center development. (Applicant: Paul Massey, PHM Ltd.)

BACKGROUND

The subject site is located at the northeast corner of Warner Road and Nevada Street, within the Warner Business Center. Directly north of the site is a City of Chandler water tank and industrial buildings. West, across Nevada Street, is the Biscayne Bay apartment complex. East is the Union Pacific Railroad with the single-family San Vicente residential subdivision east of the track; south is Warner Road. The site is approximately ½ mile east of Arizona Avenue and just west of the Union Pacific Railroad.

Warner Business Center, which is part of the Westech Cooperate Center, has been zoned PAD for employment uses since 1985. In 2005, the business center received PDP approval for an office/warehouse development with six multi-suite buildings arranged in three rows. In 2012, the permitted uses were expanded to add additional “light retail” uses that would increase the area for retail sales beyond the practice of 10% for showroom uses allowing for available parking to control maximum floor area dedicated to retail uses. As part of the 2012 request, modifications were also proposed to the parking lot layout eliminating the designated loading spaces and replacing with standard parking stalls on a needed basis. Recently, two Use Permits were approved by the Planning Commission allowing for motor vehicle sales, customization and accessory installations.

The request is for rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) Amended to further expand the list of permitted uses. The proposed uses would be analogous to commercial and retail uses that could operate in a compatible nature within an industrial business park and could include: office supply and reproduction company (copy shop), supply companies, florists and interior decorators, motor vehicle customization and accessory installations, recreational and instructional uses (karate), as well as other business support uses.

Parking availability will control the ultimate land use split when the subject site’s suites are built out. Currently, there are two users that occupy suites, with a third recently being approved through the Use Permit process. The users include a large scale (vehicle wraps) printing company, a vehicle accessory installation company and a motorcycle customization and accessory installation company.

DISCUSSION

The Planning Commission and Planning Staff find the requested uses to be compatible with the existing zoning and surrounding uses. Unlike many other classes of retail, these uses are unlikely to compete with struggling area shopping centers for tenants. Rather, the proposed uses are more uniquely suited to the quasi-industrial setting of the subject site. Additionally, Planning Staff recognizes that the subject site is unlikely to attract large warehouse users due to the relatively small truck courtyard and overhead doors. Similarly, the site does not have sufficient parking to support a more pure-office environment. The requested uses present a reasonable solution for what has become an outdated property in the modern local real estate market.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 30, 2014. There were no neighbors in attendance. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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

11. REZONING: California and Whitten

Ord. #4588

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4588, DVR14-0027 California and Whitten, rezoning from Medium Density Residential District (MF-1) to Planned Area Development (PAD) Multi-family and to PAD Single-family to allow one lot containing a duplex and a single-family home to be subdivided into two lots and modify building setback at 464 S. California Street, and 221 and 241 W. Whitten Street, SWC of California and Whitten streets. (Applicant: Paul Braunstein, BasePlans USA.)

BACKGROUND

The property is located at the southwest corner of California and Whitten streets and contains two buildings. The single-family home is addressed at 464 S. California Street and the duplex is addressed as 221 and 241 W. Whitten Street. The single-family home was built in approximately 1950. The duplex fronts Whitten Street and was built in 1968. The property was previously zoned Two-Family Residential District (R-2) which permitted single-family dwellings and two-family dwellings. The current zoning is Medium Density Residential District (MF-1).

GENERAL PLAN/AREA PLAN

The General Plan designates the subject site as located within the South Arizona Avenue Corridor Area Plan (SAZACAP). The SAZACAP designates this site as Low Density Residential, 0 – 5.9 units/acre. The plan recommends land with this designation; south of Frye Road is rezoned where necessary to allow a single-family home as a permitted use to encourage development of vacant lots. Although the lot is developed with a single-family home, the intent of the Low Density Residential land use is met.

REZONING/PRELIMINARY DEVELOPMENT PLAN

The request is for rezoning from Medium Density Residential District (MF-1) to Planned Area Development (PAD) Multi-family and to PAD Single-family with Preliminary Development (PDP) approval to allow one lot containing a duplex and a single-family home to be subdivided into two lots and modify building setbacks. The property is concurrently under an administrative review process for a Minor Land Division (MLD). The MLD approval is contingent on the final decision of this request.

The single-family structure had an addition built in approximately 1998 without building permits and without verification of setbacks. The addition further reduced the interior side yard setback. As part of bringing the site into compliance, the applicant worked with City Staff to address the building addition to meet building code.

The existing property does not comply with the MF-1 zoning regulations. Accordingly, the request is to reconcile existing nonconformities related to building setbacks and code requirements. Rezoning to PAD single-family and PAD multi-family zoning districts addresses the nonconformities. No changes are proposed to either building as part of this request.

The lot is approximately 6,018 square feet. The MLD process would create two lots with areas of 3,440 sq. ft. and 3,578 sq. ft., Lots 1 and 2 respectively. Lot 1 is the single-family home with requested building setbacks of a 12-ft. front yard, 8-ft. street side yard, 0 ft. interior side yard and 10 ft. rear yard. Lot 2 is the duplex with requested building setbacks of a 14-ft. front yard, 9 ft.-side yards and 3-ft. rear yard.

DISCUSSION

Planning Staff supports the request finding the existing single-family home and duplex are compatible with the character of the neighborhood. Many properties in this MF-1-zoned area contain single-family homes. The request is consistent with the SAZACAP land use designation and maintains compatibility and adjacent uses.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed according to provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on October 2, 2014. There were two neighbors in attendance seeking more information on the request. Planning Staff is not aware of any opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

RECOMMENDED ACTIONS

Rezoning

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

Preliminary Development Plan

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

1. Lot 1 building setbacks shall be a minimum of 12 ft. front yard, 8 ft. side yard, 0 ft. interior side yard and 10 ft. rear yard.
2. Lot 2 building setbacks shall be a minimum of 14 ft. front yard, 9 ft. side yards and 3 ft. rear yard.

12. **ANNEXATION:** SWC Queen Creek Road and Union Pacific Railroad Ord. #4590

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4590, annexation of approximately 18.75 acres located at the SWC of Queen Creek Road and the Union Pacific Railroad. (Applicant: Adam Baugh, Withey Morris PLC.)

BACKGROUND

The subject site is an undeveloped parcel that is zoned RU-43 within the County. The site is currently used for agricultural purposes and is bordered by an unincorporated rural residential

property to the west, Queen Creek Road to the north, the Union Pacific Railroad to the east and undeveloped property owned by First Baptist Church to the south.

A public hearing for this annexation was held at the October 23, 2014, 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.

The Chandler Land Use Element of the General Plan designates the site as Employment and refers to the Chandler Airpark Area Plan (CAAP) for more specific land uses. The CAAP designates the subject site as Commercial/Office/Business Park with a Light Rail Corridor Overlay. An area plan amendment application, rezoning and preliminary development plan application has been submitted for a small lot single-family development on the subject site.

Planning Staff does not support the land use that is requested with the pending development applications, but does not oppose the annexation of the subject property to allow the pending applications to be reviewed by the Planning Commission and City Council.

RECOMMENDED ACTION

Planning Staff recommends approval.

13. REAL PROPERTY ACQUISITION: Alma School Road/Chandler Boulevard Res. #4753

Councilmember Weninger declared a conflict of interest on this item.

ADOPTED (6-0) Resolution No. 4753 determining that acquisition of real property needed for and in connection with the improvement of the Alma School Road and Chandler Boulevard Intersection Improvement Project is a matter of public necessity; authorizing the purchase of such real property; authorizing condemnation proceedings as needed to acquire the real property and to obtain immediate possession thereof; and authorizing relocation assistance as may be required by law.

BACKGROUND/DISCUSSION

The alignment for the Alma School Road and Chandler Boulevard Intersection Improvement Project requires acquisition of real property (road right-of-way and easements) from public and private property owners adjacent to, near or related to the roadway being improved.

Upon City Council approval of the alignment for the Alma School Road and Chandler Boulevard Intersection Improvement Project, also on the November 20, 2014 agenda, this resolution authorizes acquisition of the real property at fair market value either by purchase or condemnation. A reasonable negotiation period will be allowed for property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession. Relocation assistance is authorized where required by law.

FINANCIAL IMPLICATIONS

Right-of-way and any necessary easements will be acquired from approximately 20 property owners. This project is receiving federal funding to pay for the acquisition of the required right-of-way and any relocation that may be required by law.

14. AGREEMENT TERMINATION: Severn Trent Environmental Services, Inc. Res. #4806

ADOPTED Resolution No. 4806 authorizing the City to terminate for convenience the agreement for the Operation and Maintenance of the City of Chandler Ocotillo Water Reclamation Facility by and with Severn Trent Environmental Services, Inc., in the amount of \$270,524.00.

BACKGROUND

The City of Chandler is in the thirteenth year of a fifteen-year contract with Severn Trent Environmental Services, Inc., for the operation and maintenance of the Ocotillo Water Reclamation Facility. The contract ends June 30, 2017. The City has the option to terminate the contract for convenience with six months' notice.

The Ocotillo Water Reclamation Facility is critical to the treatment and conveyance of reclaimed water. With Capital Improvement Projects beginning in 2015, it is critical that Staff coordinate all activities associated with the existing facility improvements and the five-million gallon per day (MGD) expansion currently being designed.

The City will provide a Notice to Terminate the Agreement to Severn Trent Environmental Services, Inc., no later than December 31, 2014. Staff will commence operations on July 1, 2015. The cost to terminate the agreement two years early is \$270,524.00.

Contractual funding is appropriated annually for operations and maintenance of this facility. No additional funding is required. Funding will include on-going salaries and benefits and on-going operations and maintenance.

15. EASEMENT: Roosevelt Water Conservation District Res. #4811

ADOPTED Resolution No. 4811 authorizing the acceptance of a no-cost roadway and utility easement from the Roosevelt Water Conservation District (RWCD) over portions of Appleby Road and Adobe Drive within Layton Lakes Parcel 26.

BACKGROUND/DISCUSSION

City Council approved the zoning for Layton Lakes at its March 5, 2001, meeting. Various portions of Layton Lakes have been developed over time and now parcel 26 is being developed. RWCD owns a strip of land used for an irrigation facility that runs through the Layton Lakes development. RWCD is granting a Roadway and Utility Easement to the City, at no cost, for the areas where Appleby Road and Adobe Drive cross the RWCD property.

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

16. ARIZONA MUTUAL AID COMPACT AGREEMENT Res. #4812

ADOPTED Resolution No. 4812 authorizing the Arizona Mutual Aid Compact Agreement between the State of Arizona and various counties, tribes and local municipalities for dispatching mutual aid assistance during an emergency or disaster.

BACKGROUND/DISCUSSION

The Arizona Mutual Aid Compact defines the emergency management terms and procedures which will be used among participating political jurisdictions within the State of Arizona for dispatching mutual aid assistance to any affected area in accordance with local ordinances, resolution, emergency plans or agreement. Contracting authority for political subdivisions of Arizona for this compact is based upon A.R.S. § 26-308.

All political jurisdictions within the State of Arizona must prepare for the possibility of an emergency or disaster that would necessitate the utilization of internal resources in response to the emergency and may require the assistance of other jurisdictions. It is during these events that emergency resources of political subdivisions, municipal corporations, tribes and other public agencies should be made mutually available to respond to such emergencies. Each of the jurisdictions should assist one another when such emergencies occur by providing resources that are available and needed including, but not limited to, fire, police, medical and health, environmental communication, and transportation services to cope with the incident. A compact was executed for the interchange of such mutual aid and the manner of financing of such cooperative undertakings in advance of an emergency in 2010. This Mutual Aid Compact is a revision and enhancement of the current compact which establishes the procedures to notify the parties of the need of emergency assistance, identifies available resources for emergency responses and provides a mechanism for compensation to the providing party.

FINANCIAL IMPLICATIONS

The Arizona Mutual Aid Compact provides a mechanism for reimbursement, if reimbursement is requested, by the providing jurisdiction and agreed upon by the receiving jurisdiction.

17. PROJECT AGREEMENT: Maricopa Association of Governments Res. #4813

ADOPTED Resolution No. 4813 authorizing a project agreement with the Maricopa Association of Governments (MAG) for regional reimbursement to the City for design, right-of-way acquisitions and construction for the Old Price Road at Queen Creek Road Intersection Improvement project in the amount of \$5,221,528.00.

BACKGROUND/DISCUSSION

This project involves realignment and widening of the Old Price Road at the Queen Creek Road intersection to accommodate the expansion of the Wells Fargo Campus at the northeast corner and Intel to the south. The existing south leg of the intersection contains a private roadway for Intel and the City of Chandler's Ocotillo Water Reclamation Facility and a driveway for Gila River Indian Community (GRIC) access.

The current estimate for the Old Price Road at Queen Creek Road Intersection Improvement project is \$3,012,000.00. This estimate is significantly less than the Proposition 400 funds that are available for reimbursement. The general reimbursement will be 70% Proposition 400 funds and 30% local funds. The City will move any remaining savings to another project for future use. 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 Transportation Commission reviewed the project agreement on November 6, 2014, and recommended approval.

FINANCIAL IMPLICATIONS

This agreement will provide regional reimbursement for design, right-of-way acquisitions and construction to the City of Chandler for the Old Price Road at the Queen Creek Road intersection in the amount of \$5,221,528.00. Reimbursement is programmed in 2015 (\$517,650.00), 2018 (\$1,141,000.00), 2019 (\$1,363,915.69) and 2021 (\$2,198,962.31) and will be adjusted annually for inflation, in accordance with the Maricopa Association of Governments' policies.

18. PROJECT AGREEMENT: Maricopa Association of Governments Res. #4814

ADOPTED Resolution No. 4814 authorizing a project agreement with the Maricopa Association of Governments (MAG) for regional reimbursement to the City for design, right-of-way acquisitions and construction for the Chandler Heights Road (Arizona Avenue to McQueen Road) Arterial Capacity Improvement project in the amount of \$7,325,121.35.

BACKGROUND/DISCUSSION

This project involves street widening improvements to Chandler Heights Road from ¼ mile west of Arizona Avenue to McQueen Road. The segment will be widened from two (2) thru lanes to four (4) thru lanes with 5-foot-wide bicycle lanes and a 16-foot-wide graded median. Salt River Project's (SRP) Consolidated Canal bridge crossing and the Union Pacific Railroad's crossing need to be widened to incorporate the additional thru lanes.

Additional improvements will include a 6-foot-wide sidewalk, curb and gutter, a concrete railroad crossing surface and new railroad signals, streetlights, traffic signal interconnect, storm drainage facilities, water and sewer improvements, private utilities and landscaping. Traffic signal fiber interconnect is included to link traffic signals at Arizona Avenue, Crossbow Way and McQueen Road. Sidewalks and ramps will be American's With Disabilities Act (ADA) compliant.

The estimate for the project is \$11,185,825.00. The City will fund the project and subsequently submit for Proposition 400 reimbursement. The City has appropriation to pay for any cost difference that is above the Proposition 400 reimbursement amount.

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 Transportation Commission reviewed the project agreement on November 6, 2014, and recommended approval.

FINANCIAL IMPLICATIONS

This agreement will provide regional reimbursement for design, right-of-way acquisitions and construction to the City of Chandler for the Chandler Heights Road (Arizona Avenue to McQueen Road) Arterial Capacity Improvement project in the amount of \$7,325,121.35 in fiscal years 2018 (\$1,287,825.00), 2021 (\$3,245,985.65), and 2024 (\$2,791,310.70) and will be adjusted annually for inflation, in accordance with MAG's policies.

19. PROJECT AGREEMENT: Maricopa Association of Governments Res. #4815

ADOPTED Resolution No. 4815 authorizing a project agreement with the Maricopa Association of Governments (MAG) for regional reimbursement to the City for design and construction of an eastbound right turn lane at the Ray Road at Dobson Road intersection in the amount of \$266,000.00.

BACKGROUND/DISCUSSION

This Project Agreement is for reimbursement to the City of \$266,000.00 in Fiscal Year 2015 of Proposition 400 funds for design and construction of an eastbound right turn lane at the Ray Road and Dobson Road intersection.

TRANSPORTATION COMMISSION RECOMMENDATION

The Transportation Commission reviewed the project agreement on November 6, 2014, and recommends approval.

FINANCIAL IMPLICATIONS

This agreement will provide regional reimbursement to the City for design and construction of an eastbound right turn lane at the Ray Road and Dobson Road intersection in the amount of \$266,000.00. Reimbursement is programmed in Fiscal Year 2015 and will be adjusted annually for inflation, in accordance with the MAG's policies.

20. SERVICES AGREEMENT: Arizona Department of Revenue Res. #4822

ADOPTED Resolution No. 4822 authorizing a services agreement with the Arizona Department of Revenue to perform municipal privilege tax licensing services on behalf of the Arizona Department of Revenue for Calendar Year 2015 and authorize the City Manager to sign any documents, agreement amendments, or requests required to implement said agreement.

BACKGROUND

On April 23, 2014, House Bill (HB) 2389 passed the Arizona House and Senate and was signed into law by the Governor. The intent of this bill was to provide legislative guidance and authorization to assist in the transition of Transaction Privilege Tax collection activity from the City of Chandler to the Arizona Department of Revenue (ADOR) beginning January 2015 to comply with HB 2111. One of the provisions of this bill required ADOR to perform the Transaction Privilege Tax license renewal and new licensing for all cities, including Chandler, during calendar year 2015.

The transition of collecting tax revenues to ADOR has since been delayed until 2016 as the Department does not have the necessary technological improvements ready for the transition. However, the legal requirement remains that requires ADOR to license and renew licenses for all cities in 2015. This service agreement allows Chandler to perform the Transaction Privilege Tax license renewal and new licensing for ADOR to meet the requirements of HB 2389, while allowing for no interruption in licensing services as the City is ready and able to perform this service for businesses that remain in our jurisdiction during the calendar year.

21. PRELIMINARY DEVELOPMENT PLAN: Layton Lakes – Parcel 22 Taylor Morrison

APPROVED Preliminary Development Plan PDP14-0012 Layton Lakes – Parcel 22 (Taylor Morrison), for housing product on a portion of approximately 44.5 acres located south and east of the SEC of Gilbert and Queen Creek roads. (Applicant: Michelle Golfin, M. Architectural Consulting, Inc.)

BACKGROUND

The approximate 832-acre Layton Lakes Master Planned development received PAD zoning in March 2001. Of the 832 acres, approximately 373 acres are within the City of Chandler with the majority of Phase I occurring in the Town of Gilbert. In December 2003, a PDP was approved for the 21.6-acre Community Recreation Center as part of Phase I within the City of Chandler. In February 2004, Council approved a Preliminary Development Plan (PDP) and Preliminary Plat involving the subdivision layout and landscape plans for Phases 2, 3 and 4 of the master planned community. The subject Parcel 22 was part of this PDP approval and included 95 residential units. Most recently, Parcel 22 was amended from the original 95 lots with a standard lot size of 90' x 120' (10,800 sq. ft.), to 96 lots with a standard lot size of 90' x 140' (12,600 sq. ft.). Each of the 7 residential subdivisions within the Chandler portion of Layton Lakes would be required to process future PDP's for the housing product.

The subject Parcel 22 is bordered to the north by a portion of the Layton Lakes lake system and open space with Parcel 21 located north of the lake and stream. Layton Lakes Boulevard abuts the site's east side with additional Layton Lakes open space and the Eastern Canal abutting the site's western side. The Appleby Road alignment borders the site's southern side with existing rural residential properties within Maricopa County located south of the Appleby Road alignment.

The request is for PDP approval of housing product for the remaining 49 lots within the 96-lot Parcel 22; Maracay Homes recently received PDP approval for the other 47 lots. The proposed housing product by Taylor Morrison Homes includes 4 single-story plans ranging in size from 2,811 sq. ft. to 3,862 sq. ft. as well as 3 two-story plans ranging in size from 3,916 sq. ft. to 4,676 sq. ft. Due to the standard lot width of 90 feet, multiple housing product widths are offered; six 60-foot wide plans and one 70-foot wide plan. Three distinct architectural styles are offered. Finally, a 490 sq. ft. single-story casita/guest house is provided. This optional casita will be located within the rear yard only and comply with the applicable side and rear yard building setbacks and lot coverage. Additional product details can be found in the Development Booklet.

DISCUSSION

Planning Staff supports the request finding the proposed housing product to represent a quality addition to the Layton Lakes community, while adding additional diversity to Parcel 22. The homes meet the intent of the Residential Development Standards by not only providing strong architectural design diversity, but through the optional detached casita as well.

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 10, 2014. One rural residential neighboring property owner was in attendance. Questions were asked and discussed regarding the proposed housing product mostly in regards to two-story homes along the southern property line. It was conveyed that those lots along the southern property line had a deeper 45-foot rear yard setback to mitigate the adjacent rural condition. No formal opposition was offered. 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. Development shall be in substantial conformance with Exhibit A, Development Booklet entitled “LAYTON LAKES – PARCEL 22 (TAYLOR MORRISON)” kept on file in the City of Chandler Planning Services Division, in File No. PDP14-0012, except as modified by condition herein.
2. Compliance with the original stipulations adopted by the City Council as Ordinance 3250, case DVR00-0025 LAYTON LAKES, except as modified by condition herein.
3. Compliance with the original stipulations adopted by the City Council as case PDP03-0038 LAYTON LAKES, 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. Window mullion/muntin patterns shall remain consistent on all sides of the homes.
6. Corner lots shall be limited to single-story homes only.

22. CANVASS: General Election Results

CANVASSED the results of the City of Chandler General Election results of November 4, 2014.

Tabulation has concluded on the November 4, 2014, General Election. Proposition 479 (City Council term limit extension) failed on a vote of 19,094 “yes” votes to 32,926 “no” votes.

The County Board of Supervisors met to canvass the results on November 19th and these are the final precinct reports.

23. AMENDMENTS: Chandler Airport Commission Bylaws

AUTHORIZED amendments to the Chandler Airport Commission bylaws.

BACKGROUND/DISCUSSION

Ordinance No. 685 established the Chandler Airport Commission with several amendments culminating with Ordinance No. 4419 amending the Chandler City Code referencing the Commission. Pursuant to City Code, the Commission may establish bylaws related to its operating procedures. The Mayor and Council retain the authority to review and approve bylaws for the Commission.

This summer, a Commission subcommittee and City Staff worked together with the City Attorney’s office to revise the bylaws, which were last amended in 2010. The proposed revisions were presented to the entire Commission at their regular meeting on October 8, 2014. At that time, the Commission voted unanimously to forward a recommendation to City Council to adopt the revised Airport Commission Bylaws. Key revisions include:

1. Modifications to reflect departmental changes;
2. Reducing the number of subcommittees from five to four by eliminating the Airport and Airspace Subcommittee;

3. Providing the Chair the flexibility to cancel a meeting if there are no action items on the agenda. In no case shall more than two consecutive meetings be cancelled.

24. ALIGNMENT: Alma School Road and Chandler Boulevard Intersection Improvements

Councilmember Weninger declared a conflict of interest on this item.

APPROVED (6-0) the alignment for the Alma School Road and Chandler Boulevard Intersection Improvements.

BACKGROUND/DISCUSSION

The purpose of this project is to improve safety by adding protected left turn movements with double left turn bays and right turn lanes in all four directions through the Chandler Boulevard and Alma School Road intersection. Also, additional capacity will be added with the construction of a third travel lane on northbound and southbound Alma School Road through the intersection along with queue jumper bus lanes on eastbound and westbound Chandler Boulevard.

The intersection handles approximately 61,000 vehicles per day and had the fourth highest collision rate in the City in 2012. A before and after crash analysis of similar intersection improvement projects in Chandler showed accidents decreased an average of 43 percent.

The project limits will extend along Chandler Boulevard from approximately 900 feet west and 1,200 feet east of Alma School Road. Along Alma School Road, the limits extend from 1,300 feet south to 1,000 feet north of Chandler Boulevard.

The map of the recommended alignment shows that only partial right-of-way acquisitions are required for this project. There is no impact to parking at the commercial development. Adjacent land ownership within the project limits are privately owned and consist of developed commercial and residential properties. Alignment approval is requested to acquire partial right-of-way and any necessary easements from approximately 20 property owners.

Public and business meetings were held on July 15, 2014. City Staff presented the proposed project and solicited public input. Staff presented project information, responded to questions, and received additional input from business owners and residents. Meeting attendees showed overall support for the project. However, concern about the impact the project will have on businesses during construction was raised at the meetings. The project will provide as much access to the adjacent businesses as possible and will have the shortest construction time that is reasonable for the project. Staff directed the property owner to view traffic accounts and accident reports posted on the City's website for the past three years and will provide more traffic information as requested. Attendees were invited to attend future stakeholder meetings for additional project information and input.

FINANCIAL IMPLICATIONS

The total estimated cost for this project is \$9,552,622.00. This cost will be offset by a federal Highway Safety Improvement Program (HSIP) grant in the amount of \$5.4 million. Additionally, the City is programmed to receive a maximum total of \$1.25 million in Regional Area Road Fund (RARF) reimbursement and \$2.1 million in federal Surface Transportation Program (STP) funds. Grants revenues are subject to City cost sharing in the amount of 5.7% for both the HSIP and STP funds and 30% for the RARF funds committed to the project.

25. EMPLOYMENT CONTRACT: City Magistrate Michael Morales

APPROVED the employment contract for City Magistrate Michael Morales from October 17, 2014, through June 30, 2017, with an annual base salary of \$148,000.00.

26. EMPLOYMENT CONTRACT: City Magistrate Gary LaFleur

APPROVED the employment contract for City Magistrate Gary LaFleur from October 17, 2014, through June 30, 2017, with an annual base salary of \$148,000.00.

27. EMPLOYMENT CONTRACT AMENDMENT: City Magistrate Alicia Skupin

APPROVED an amendment to the employment contract for City Magistrate Alicia Skupin from October 6, 2014, through June 30, 2017, with an annual base salary of \$148,000.0-0.

28. AGREEMENT AMENDMENT: Fire Protection Services

APPROVED Agreement No. BF2-9363118, Amendment No. 1, with Signal One Fire & Communication, LLC, and Aero Automatic Sprinkler Company for fire protection services, repair & maintenance in a combined amount not to exceed \$200,000.00. This is the first of 3 one-year optional extensions.

29. AGREEMENT: Raftelis Financial Consultants, Inc.

APPROVED Agreement No. MS5-918-3467 with Raftelis Financial Consultants, Inc., for a water, wastewater and reclaimed water utility rate study in an amount not to exceed \$93,085.00.

City Financial Policies state that a Utility Rate Study be performed a minimum of every four years with internal rate analyses completed every year. Since the major restructuring of City water and wastewater rates in 2007, the City has used consultants to modify the original rate structure (Red Oak Consulting – 2009) and to establish a cost recovery rate plan for reclaimed water (Raftelis Financial Consultants – 2013). Annual internal staff analyses of all utility rate models continue to be conducted every year to develop 10-year projections for operating and capital revenues, expenses and rate changes.

This study will evaluate the cost of delivery for water and reclaimed water and the cost of wastewater services provided to all customer categories. The study will also provide data on projected growth, operating and capital costs, using the Water and Wastewater Master Plans to validate assumptions in the City's current water and wastewater rate models. No changes to existing usage tiers are being evaluated, but the study will examine the impact of possibly converting to a single water user rate structure from the existing summer/winter rate structure. The study will also continue the work from the 2013 study regarding reclaimed water to develop the true cost of delivery for reclaimed water, including operating and capital costs and the capacity each class receives.

30. AGREEMENT: Segal Consulting

APPROVED Agreement No. HR5-918-3461 with Segal Consulting for employee benefits and actuary services in an amount not to exceed \$120,000.00, effective January 1, 2015, through December 31, 2015, with the option to renew for four additional one-year periods.

Historically, the City has employed the services of a benefits consultant to assist with administrative vendor management of all group and voluntary insurance plans including Health, Dental, Vision, Life, Flexible Spending and Employee Assistance Program offered to employees and their dependents for both self-funded and fully insured plans to include renewal negotiations.

The consultant's management process enables the City to define and continuously validate long-term benefit strategies that align its needs and those of the participants as demonstrated by the City's current health plan design and wellness initiative. The consultant is involved in claims/utilization analysis as well as plan performance reviews and compliance adherence. They also advise staff of legislation that impacts City benefits programs and work with the healthcare taskforce to review plan design strategies to reduce healthcare costs.

Segal has extensive public sector benefits consulting experience with a focus on customized expertise based on the City of Chandler's goals and objectives. Segal focuses on a team approach to consulting with extensive peer review and quality control measures within their work product. Segal's consultants have broad experience and extensive knowledge of the employee benefits field and are frequent speakers at various national conferences and meetings.

31. PROJECT AGREEMENT: Perlman Architects

APPROVED Project Agreement No. HO1403.201 with Perlman Architects for engineering professional services for the design of the Kingston Duplex, pursuant to On-Call Architectural Services Contract No. EN1504.101, in an amount not to exceed \$35,775.00.

The Kingston property is located on the west side of Kingston Street between Chandler Boulevard and Buffalo Street. This property was previously used as a potable well site facility by the Municipal Utilities Department (MUD) from 1961 to 2013, when the well was abandoned. At the Council meeting of August 14, 2014, Council approved the transfer of the property from MUD to the Housing Division as well as a \$300,000.00 budget to develop and construct a duplex on the property.

The project scope is to provide architectural, structural engineering, mechanical plumbing, electrical engineering and civil engineering professional services for the design of the Kingston Duplex for permit approval and construction bidding. The housing to be developed is a single-story, "ranch style" duplex with stucco finish. Each unit will include two bedrooms and one bathroom. Units will include single car garages.

32. PROJECT AGREEMENT: Dibble Engineering

APPROVED Project Agreement No. WA1504.201 with Dibble Engineering for design services for Large Valve Replacement, pursuant to On-Call Water and Wastewater Services Contract No. EN1520.101, in an amount not to exceed \$95,290.00.

33. PROJECT AGREEMENT: Stantec Consulting Services, Inc.,

APPROVED Project Agreement No. WW1503.201 with Stantec Consulting Services, Inc., for design services for Old Pecos Lift Station Force Main, pursuant to On-Call Water and Wastewater Services Contract No. EN1521.101, in an amount not to exceed \$183,517.00.

34. PROJECT AGREEMENT: Carollo Engineers, Inc.

APPROVED Project Agreement No. WA1503.201 with Carollo Engineers, Inc., for design services for the Surface Water Treatment Plant Rehabilitation, pursuant to On-Call Water and Wastewater Services Contract No. EN1518.101 in an amount not to exceed \$240,572.00.

35. PROJECT AGREEMENT: Wilson Engineers, LLC,

APPROVED Project Agreement No. WA1506.201 with Wilson Engineers, LLC, for design services for Riggs Road Well Equipping, pursuant to On-Call Water and Wastewater Services Contract No. EN1517.101 in an amount not to exceed \$161,940.00.

36. PROJECT AGREEMENT: AZTEC Engineering Group, Inc.

APPROVED Project Agreement No. SW1501.201 with AZTEC Engineering Group, Inc., for design services for Solid Waste Facility Improvements, pursuant to On-Call Water and Wastewater Services Contract No. EN1523.101 in an amount not to exceed \$81,670.00.

37. PROFESSIONAL SERVICES AGREEMENT/FUND TRANSFER: Gangplank, LLC

APPROVED a Professional Services Agreement with Gangplank, LLC, for a collaborative co-working space, web and technology development, technology recruitment, and educational related services in the amount not to exceed \$550,000.00 over a period of three years.

APPROVED a General Fund Appropriation Transfer in the amount of \$200,000.00 from General Fund Non-Departmental Capital Strategic Economic Development Reserve to the Gangplank Project account.

BACKGROUND/DISCUSSION

Gangplank, LLC, located in Downtown Chandler, is a 12,000 square foot open, collaborative co-working space for entrepreneurs, web professionals, designers, developers, consultants and other professionals.

Gangplank, LLC, averages approximately 2,400 visits per month including entrepreneurs, client meetings, creative Mondays, Hacknights, Usergroups, Academy Sessions and scheduled events. In addition, Gangplank has been instrumental in bringing events into Chandler including WordCamp, Desert Code Camp, Scrum Alliance Coaches Gathering, and Start Up Weekends, which accounts for an additional 2,000 visits yearly. Gangplank's networking and consulting with technology based companies assisted in several spin-outs including Hiring Solved, Drawbackwards, Authority Labs, Clairvoyant, and Sirius Integrated.

Gangplank, LLC, purchased the building next to their original location and will double their capacity by adding an additional 10,000 square feet to be used primarily as venue space for technology related events.

The new Professional Services Contract is a three-year contract with a yearly fee schedule as follows: Year 1 - \$200,000.00; Year 2 - \$180,000.00; Year 3 - \$170,000.00. Services to be performed include: providing an open collaborative co-working space, providing weekly education series, hosting a minimum of one conference a year, creating a web page representing a One-Stop Shop where Chandler companies can post job openings, creating a video(s) to focus on recruitment of entrepreneurial companies and creating various databases and applications to assist the City of Chandler Economic Development Department and the business community.

A complete list of services to be performed can be found in the Professional Services Contract.

FINANCIAL IMPLICATIONS

Funding is available within the General Fund Strategic Economic Development Reserve for transfer to the Gangplank project to cover the first year (\$200,000) of the three-year contract. The second (\$180,000) and third (\$170,000) years will be incorporated into the General Fund one-time forecast for appropriation with the appropriate fiscal year budget.

38. AGREEMENT AMENDMENT: Cemex Construction Materials South, LLC

APPROVED Agreement No. ST3-745-3186, Amendment No. 2, with Cemex Construction Materials South, LLC, for hot mix asphalt materials in an amount not to exceed \$200,000.00 for one year. This is the final optional one-year renewal.

39. PROJECT AGREEMENT: Aztec Engineering Group, Inc.

APPROVED Project Agreement No. IT088.201 with Aztec Engineering Group, Inc., for civil engineering professional design services to provide enhanced communications high-speed fiber optic service to various remote City facility locations, pursuant to On-Call Civil Engineering Services Contract No. EN1505.101, in an amount not to exceed \$128,220.00.

40. PROJECT AGREEMENT: Ritoch-Powell & Associates

APPROVED Project Agreement No. ST1405.201 with Ritoch-Powell & Associates for design services for bike lane safety improvement, pursuant to Annual Civil Design and Platting Services Contract EN1506.101, in an amount not to exceed \$106,719.00.

41. No item.

42. CONTRACT: Salt River Project

APPROVED Contract No. ST1305 to Salt River Project (SRP) for Old Price Road and Queen Creek Road Intersection Improvements in an amount not to exceed \$232,382.96.

43. CONSTRUCTION CONTRACT: FMI Heating and Cooling

APPROVED Construction Contract No. BF1401.401 with FMI Heating and Cooling for Tumbleweed Recreation Center HVAC Repairs in an amount not to exceed \$387,000.00.

44. PURCHASE: Nexus IS, Inc.

APPROVED the purchase of Cisco network equipment from Nexus IS, Inc., utilizing State of Arizona Contract No. ADSPO12-024622, in an amount not to exceed \$352,031.00.

Most City of Chandler information technology infrastructure equipment is evaluated after 5 years of operation to determine reliability and viability for continued use. Network infrastructure at remote City sites has been evaluated this fiscal year under this methodology. It has been determined that this equipment has reached end of useful life and needs to be replaced to reduce the risk of unplanned outages. All equipment has been in use for over 5 years and is being replaced as part of the technology replacement cycle.

The networking infrastructure equipment being replaced is installed in various remote City facilities that allow those locations to connect to critical City technology services that are provided on centralized systems. This connectivity is crucial to processes that require connectivity to City technology services and systems.

Nexus IS, Inc., is an authorized reseller of Cisco hardware, has a participating Western States Contracting Alliance contract and was able to work with the City and Cisco to authorize additional savings outside of standard negotiated discounts.

45. CONTINUED USE PERMIT: Verizon Wireless – McClintock and Ray

CONTINUED TO JANUARY 22, 2015, Use Permit ZUP14-0011 Verizon Wireless-McClintock and Ray, to install a monopalm wireless communication facility at 3875 W. Ray Road, SEC of McClintock Drive and Ray Road. The Planning Commission continued this item to their November 19, 2014, meeting. The applicant requests continuance in order to provide additional information to the Planning Commission.

46. USE PERMIT: Verizon – Paseo Del Oro

APPROVED Use Permit ZUP14-0018 Verizon – Paseo Del Oro, to install a 55-foot monopalm wireless communication facility at 3150 N. Alma School Road, NWC of Alma School and Elliot roads. (Applicant: Steve Ciolek, Coal Creek Consulting.)

BACKGROUND

The request is for Use Permit approval to install a monopalm wireless communication facility at 3150 N. Alma School Road, northwest corner of Alma School and Elliot roads. The proposed monopalm is 55-feet tall, measured to the top of antennas. The monopalm would be placed adjacent to a fenced retention area in the service area. The nearest residential development is the Elliot Place condominiums, approximately 100 feet to the west of the monopalm. Commercial, office, retail and a preschool are surrounding land uses.

The Zoning Code requires a Use Permit for wireless communication facilities in non-industrial zoning districts that do not utilize existing poles or towers.

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, and the antennas would be painted to match the fronds. The equipment enclosure would be eight-feet high and constructed of concrete masonry units painted to match the color of the adjacent building. A state approved pre-fabricated equipment shelter would be contained within the enclosure. A solid metal gate allows access for routine maintenance.

Within the immediate area, there are no other suitable alternatives for co-location of the wireless communication facility on existing poles or towers. 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, street and parking lot 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 monopalm as viewed from several locations.

DISCUSSION

Planning Staff finds the proposed location to be appropriate for a wireless communication facility in the form of a 55-ft. monopalm, measured to the top of antennas. The monopalm design is appropriate at this location given the presence of palms in the adjacent neighborhood. The separation from the condominiums to the west is less than the 160 ft. distance of recently approved wireless facilities; however, a 55-ft. tall stealth monopole exists within the same center, about 80 ft. northeast of this monopalm, and approximately 55 ft. from the condos. No public input or known opposition has been received during the public notification process.

Given no public opposition to the location and the presence of another wireless facility in the same center, Planning Staff is of the opinion that permitting the monopalm at this specific location is consistent with the review factors examined as part of the Use Permit process.

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 28, 2014. There were no neighbors in attendance. 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 condition:

1. Development shall be in substantial conformance with approved exhibits. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.

47. USE PERMIT: Circle K Store

APPROVED Use Permit ZUP14-0024 Circle K Store, for a fuel station within a Community Commercial (C-2) zoned district located north of the NEC of Dobson and Elliot roads. (Applicant: David Cisiewski; Law Office of David Cisiewski, PLLC.)

BACKGROUND

The subject site is located north of the northeast corner of Dobson and Elliot roads. Adjacent, to the south of the subject site, is a recently constructed TruWest Bank and Dunkin Donuts. North and east of the site is vacant land zoned for C-2 uses, with the Woodglen Unit Five single-family residential subdivision north of the vacant property.

In 1980, Mobil Oil received Use Permit approval for a fuel station at the immediate intersection corner. In order for the corner to be redeveloped, the fuel station was demolished in late 2013 to allow for the construction of the TruWest Bank.

The site includes a 4,700 sq. ft. convenience store and eight double-sided fuel pumps. The site, convenience store, and fuel canopy have been designed to architecturally integrate with the adjacent TruWest Bank and Dunkin Donuts through the use of similar building materials, color palette, landscape materials and signage. The development of the commercial corner meets the requirements as outlined in the Zoning Code.

DISCUSSION

The Planning Commission and Planning Staff support the request finding that the fuel station meets the requirements outlined in the General Plan and the C-2 zoning district. Discussions regarding the design of fuel stations and appropriate application of design standards have been a recent topic of discussion. These conversations occurring over the years have led to a positive relationship with Circle K resulting in fuel stations designed like that at Arizona Avenue and Elliot Road which exceed City standards. With this request, due to the nature of the site being located within a hard-zoned C-2 designation, the applicant and Planning Staff worked with the development teams of the TruWest Bank and Dunkin Donuts that share the sight to ensure that building materials, color palette, landscape materials and signage create a cohesive and integrated development.

Due to the fact that the site is hard-zoned, a number of typical conditions of approval do not apply as the development will be required to meet all applicable codes.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 28, 2014. There were three neighbors in attendance in support of the request. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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

1. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler shall apply.
2. The site shall be maintained in a clean and orderly manner.

48. USE PERMIT: Circle K Store

APPROVED Use Permit LUP14-0016 Circle K Store, Series 10 Beer and Wine Store Liquor License, to sell and serve liquor as permitted for off-premise consumption within a new fuel station convenience store located north of the NEC of Dobson and Elliot roads. (Applicant: David Cisiewski, Law Office of David Cisiewski, PLLC.)

BACKGROUND

The subject site is located north of the northeast corner of Dobson and Elliot roads. Adjacent to the site is a recently constructed TruWest Bank and a Dunkin Donuts. North and east is vacant land zoned for C-2 uses with the Woodglen Unit Five single-family residential subdivision north of the vacant property.

The request is for Liquor Use Permit approval to sell beer and wine for off-premise consumption only as permitted under a Series 10 Beer & Wine Store License. The 4,700 sq. ft. convenience store will sell beer and wine seven days a week during the hours allowed by state law.

Alcohol will be stored and sold in a few areas of the store which includes a limited storage area behind the cashier, store displays and cooler areas. The liquor storage and sales area will be under security camera surveillance for the safety of customers and employees.

A Use Permit is currently under review requesting fuel sales on the subject site. Upon approval of the Use Permit for the fuel station, construction is anticipated to start shortly thereafter.

DISCUSSION

The Planning Commission and Planning Staff support 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.

The Planning Commission and Planning Staff recommend approval with no time limit to maintain consistency with other Series 10 Liquor Use Permits approved for similar type retailers.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 28, 2014. Three neighbors were in attendance in support of the request. Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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

1. The Use Permit 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.

49. LIQUOR LICENSE: Circle K Store #3452

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #155019 L10) for Kim Kenneth Kwiatkowski, Agent, Circle K Stores, Inc., dba Circle K Store #3452, 3033 N. Dobson Road. Recommendation for approval of State Liquor License #10076589 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.

50. USE PERMIT: Makutu's Island

APPROVED Use Permit LUP14-0019 Makutu's Island, Series 12 Restaurant License to sell and serve liquor as permitted for on-premise consumption within an indoor family entertainment center, 6919 W. Ray Road, SEC of 56th Street and Ray Road. (Applicant: Kiran Vedantam.)

BACKGROUND

Makutu's Island is an existing indoor family entertainment center located at the southeast corner of Ray Road and 56th Street in the Chandler Crossing retail center. A swim club, Circle K, Liberty Mutual and other commercial businesses are located in the center. Chandler Crossing single-family subdivision is east of the site.

The indoor family entertainment center hosts birthday parties, team building events for corporations, and business meetings. Hours of operation are from noon until 8 p.m. Monday through Thursday, noon until 9 p.m. on Friday and from 10 a.m. until 9 p.m. on Saturday and Sunday with varied hours on holidays and school breaks. There are three full time and 40 part time employees. Liquor would be served in the Café, dining and lounge areas and in the party rooms. Liquor would not be permitted beyond these areas with signs posted to indicate this restriction.

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 22, 2014. There were several residents in attendance with concerns including risks associated with serving alcohol in a child-oriented business, adjacency to the swim school and parents should not be given the option to drink and drive. Planning Staff received several phone calls and written correspondence in opposition with similar concerns.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 6 – 1.

Three neighbors attended the meeting in opposition, two of which spoke. One resident, whose home backs up to the commercial center, spoke with concerns about serving liquor within a child-themed venue and the image/perception it sets with drinking and driving. A second resident spoke in opposition. However, this resident not only owns a home immediately to the southeast, but also owns the swim school located in the same center. This resident's concerns involved the similar peak-child activity times for both his business and Makutu's Island and that the parking lot is already a dangerous place. Speed bumps, caution signs, and such have already been installed throughout. His concern is the addition of liquor (parents driving) will negatively add to the situation. The third resident did not speak but indicated their opposition.

RECOMMENDED ACTION

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

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
2. The Liquor Use Permit is granted for a Series 12 license only and any change of license shall require reapplication and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to any other location.
4. The site shall be maintained in a clean and orderly manner.

51. LIQUOR LICENSE: Makutu's Island

APPROVED a Series 12 Restaurant Liquor License (Chandler #153156 L12) for Kiran Venkata Vedantam, Agent, Happy Zone LLC, da Makutu's Island, 6919 W. Ray Road. Recommendation for approval of State Liquor License #1207A032 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.

52. LIQUOR LICENSE: Homewood Suites

APPROVED a Series 7 Beer and Wine Bar Liquor License (Chandler #155084 L7) for Andrea Dahlman Lewkowitz, Agent, OCI Chandler of Delaware I, LLC, dba Homewood Suites 1221 S. Spectrum Boulevard. Recommendation for approval of State Liquor License #07070855 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. This application reflects a change in ownership. Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as North Central Management, Inc., dba Homewood Suites.

53. LIQUOR LICENSE: Hampton Inn & Suites Chandler

APPROVED a series 10 Beer and Wine Store Liquor License (Chandler #155184 L10) for Andrea Dahlman Lewkowitz, Agent, OCI Chandler of Delaware I, LLC, dba Hampton Inn & Suites Chandler, 1231 S. Spectrum Boulevard. Recommendation for approval of State Liquor License #10076591 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 North Central Management, Inc., dba Hampton Inn & Suites Chandler.

54. PERMANENT EXTENSION OF PREMISES: GOGI

APPROVED permanent extension of premises for a Series 12 Restaurant Liquor License (Chandler #148241 L12) held by Gogi, Inc., dba GOGI, 2095 N. Dobson Road, Suite C-8. Recommendation for approval of permanent extension of premises for State Liquor License #12079654 will be forwarded to the State Department of Liquor Licenses and Control. Gogi, Inc., dba GOGI, 2095 N. Dobson Road, Suite C-8 has requested a permanent extension of their alcohol serving area to include outside seating. This business was approved for a Series 12 Restaurant Liquor License on December 12, 2013. The Police Department reports no objections to the permanent extension of premises. All fees have been paid and the business is in compliance with the City's Tax Code.

55. PRELIMINARY PLAT: Continuum at Dobson Road

APPROVED Preliminary Plat PPT14-0009 Continuum at Dobson Road, for a business park campus development located on the NWC of Dobson and Queen Creek roads. (Applicant: Hunter Engineering.)

BACKGROUND

This Preliminary Plat is for a business park campus development that was approved by Council in August 2014. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

RECOMMENDED ACTION

Upon finding the request to be consistent with the General Plan and PAD zoning, 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.

56. FINAL PLAT: Arizona Avenue and Queen Creek Road

Councilmembers Ellen, Donovan and Hartke voted nay on this item.

APPROVED (4-3) Final Plat FPT14-0007 Arizona Avenue and Queen Creek Road, for a single-family residential subdivision located at the NEC of Arizona Avenue and Queen Creek Road. (Applicant: EPS Group.)

BACKGROUND

This final Plat is for a single-family residential development that was approved by Council in May 2014. The plat creates the lots and tracts, establishes the necessary easements and dedicates required rights-of-way.

RECOMMENDED ACTION

Upon finding the request to be consistent with the General Plan and PAD zoning, Planning Staff recommends approval.

57. FINAL PLAT: Canopy Lane

APPROVED Final Plat FPT14-0013 Canopy Lane, for a single-family residential subdivision located north of the NWC of Dobson and Germann roads. (Applicant: Troy Peterson; Bowman Consulting.)

BACKGROUND

This Final Plat is for a single-family residential subdivision located north of the northwest corner of Dobson and Germann roads that was approved by Council in September 2014. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

RECOMMENDED ACTION

Upon finding the request to be consistent with the General Plan and Planned Area Development zoning, Planning Staff recommends approval.

58. FINAL PLAT: Wildhorse

APPROVED Final Plat FPT14-0015 Wildhorse, for a 15-lot single-family residential subdivision located north of the NWC of Willis Road and El Dorado Drive. (Applicant: Troy Peterson; Bowman Consulting.)

BACKGROUND

This Final Plat is for a 15-lot single-family residential subdivision that was approved by Council in October 2014. The Final Plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

RECOMMENDED ACTION

Upon finding the request to be consistent with the General Plan and Planned Area Development zoning, Planning Staff recommends approval.

59. FINAL PLAT: Echelon at Ocotillo

APPROVED Final Plat FPT14-0009 Echelon at Ocotillo for a single-family residential subdivision on property totaling approximately 64 acres located at the SEC of Alma School and Ocotillo roads. (Applicant: Michael Banta, Hoskin Ryan Consultants, Inc.)

BACKGROUND

This Final Plat is for a single-family residential subdivision located at the southeast corner of Alma School and Ocotillo roads that was approved by Council in June 2014. The plat creates the lots and tracts, establishes the necessary easements, and dedicates the required rights-of-way.

RECOMMENDED ACTION

Upon finding the request to be consistent with the General Plan and Planned Area Development zoning, Planning Staff recommends approval.

60. MINUTES: City Council Regular Meeting

APPROVED the minutes of the Chandler City Council Regular Meeting of October 23, 2014.

61. SPECIAL EVENT LIQUOR LICENSE: Blue Thunder Law Enforcement Club

APPROVED A Special Event Liquor License for the Band of Brothers Rally Fundraiser on Saturday, December 6, 2014, located at Fibber Magees, 1989 W. Elliot Road, Suite 19. 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 has no objections to their event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Resources.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

A. Mayor's Announcements

- Elevation Chandler – the half built structure near the Chandler mall was demolished today, and construction will start in 2015. He thanked the Hines Group for developing the new project, and working so quickly to take down Chandler's largest eyesore.
- Celebration Plaza - This Saturday, former Mayor Coy Payne and the Chandler Lions Club will be inducted into celebration Plaza. Celebration Plaza is located at Tumbleweed Park and honors those with a long-time commitment to service in the community. The event begins at 9 a.m., and the Plaza is located west of the Tennis Center in the main turf area of the park. He congratulated former Mayor Coy Payne and the members of the Lions Club.
- Tumbleweed Tree Lighting and Parade of Lights
This year's event is on Saturday, December 6th in downtown Chandler
The free event begins at 4:30 p.m., the Parade beginning at 7 p.m., and the lighting of the Tumbleweed Tree following the parade.

B. Councilmembers' Announcements

COUNCILMEMBER WENINGER announced he attended the one year anniversary event of the TechShop on November 15th. ASU students can participate at no cost. He noted the agreement Council just approved with GangPlank, which helps entrepreneurs and small business people collaborate on business solutions and other aspects related to running a business.

COUNCILMEMBER SELLERS commented on his trip to Hermosillo Mexico last week with Maricopa Association of Governments. They met with Presidents of the Chambers of Commerce for that region and Arizona State Representatives. They toured the Ford assembly plant and discussed the improvements of Highway 15 that have been made to improve commerce between the US and Mexico.

VICE MAYOR HEUMANN announced Small Business Saturday on November 29th. He congratulated Councilmember Weninger on being elected to the Arizona Legislature.

COUNCILMEMBER DONOVAN encouraged giving to community organizations. She provided the following link <http://www.forourcity.org> to learn more about 2014 Thanksgiving drives and Holiday drives.

COUNCILMEMBER HARTKE said this TechShop was the most aggressive startup on the nation. He announced Friday the 21st is the Chandler Art Walk. On Wednesday, November 26th at the Boys and Girls Club at 300 East Chandler Blvd., there will be a free community meal starting around 6 p.m. and the Salvation Army is sponsoring Thanksgiving lunch at the Chandler Community Center.

C. City Manager's Announcements

None.

