

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 11, 2015.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY AT 7:01 p.m.

The following members answered roll call:

Jay Tibshraeny	Mayor
Kevin Hartke	Vice-Mayor
Nora Ellen	Councilmember
Rick Heumann	Councilmember
René Lopez	Councilmember
Terry Roe	Councilmember
Jack Sellers	Councilmember

Also in attendance:

Marsha Reed	Acting City Manager
Nachie Marquez	Assistant City Manager
Kay Bigelow	City Attorney
Marla Paddock	City Clerk

INVOCATION: Reverend Denise Burns – First Church of the Nazarene

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

CONSENT:

COUNCILMEMBER HEUMANN commented on Item No. 12 Preliminary Development Plan for Allred Park Place. He stated the addition of this amenity is exciting as it is a private sector development that will bring 264 rooms and about 50,000 s.f. of conference space.

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

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED the following Chandler City Council Meeting Minutes:

- 1a. Study Session of May 11, 2015.
- 1b. Regular Meeting of May 24, 2015.
- 1c. Budget Briefing of May 1, 2015.
- 1d. Special Budget Amendments Meeting of May 14, 2015.

2. CITY CODE AMENDMENT: Chapter 10

Ord. #4630

ADOPTED Ordinance No. 4630 amending Chapter 10, Sections 10-12 of the City Code relating to property and firearms obtained by the Police Department.

3. CITY CODE AMENDMENT: Chapter 11 Ord. #4642

ADOPTED Ordinance No. 4642 amending Chapter 11 of the City Code, adding Section 16 relating to providing a location for an Unlawful Minor Party/Gathering, aka the Social Host Ordinance.

4. CITY CODE AMENDMENT: Chapter 28 Ord. #4639

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4639 amending Chapter 28, Sections 28-22.2 of the City Code relating to sign requirements during the sale of consumer fireworks.

#### BACKGROUND/DISCUSSION

On April 13, 2015, Arizona Governor Doug Ducey signed House Bill 2008 into law. This law will go into effect on July 3, 2015. The law made amendments to Title 36 "Public Safety and Health"; Chapter 13 "Safety"; Article 1 "Fireworks"; Section 36-1601 "Definitions" and Section 36-1606 "Consumer fireworks regulation; state preemption; further regulation of fireworks by local jurisdiction". The changes prohibit local jurisdictions from requiring additional signage for the sale or use of permissible consumer fireworks other than stipulated in NFPA 1124 and this law.

Adoption of Ordinance No. 4639 changes the Code of the City of Chandler to conform in all respects to Sections 36-1601 and 36-1606 (B) of Arizona Revised Statutes §36-1601 and 1606 (B).

5. CITY CODE AMENDMENT: Chapter 43 Ord. #4644

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4644 amending Chapter 43, Section 43-5, Subsections 43-4.5.A, 43-4.5.B, 43-4.5.D, 43-4.5.F and 43-4.5.I, of the City Code and adopting updated Fire Department Standard Details and Public Works design and construction standards.

#### BACKGROUND/DISCUSSION

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

In addition to general revisions, this mid-year package incorporates further refinements to the existing directional curb ramp standards and new installation/upgrade standards for curb ramps and sidewalks for private development projects, Capital Improvement Projects and mill and overlay programs to further meet the Americans with Disabilities Act requirements. Also included, are new standards for on-street parking with bulb-outs expected to be used largely in the downtown area.

The Engineering Design Standards Committee, with cross-departmental representation, reviews proposed changes to the design standards and makes recommendations for annual updates. This process also involves reviewing the Maricopa Association of Governments (MAG)

Specifications and Standards and their annually-proposed revisions to determine if City standards could be removed in favor of MAG standards.

This ordinance would amend the following design standards:

- 2013 Edition, Fire Department Standard Details
- January 2014 Standard Details and Specifications Manual
- January 2014 Technical Design Manuals #1 & 2, Water & Wastewater System Design
- March 2013 Technical Design Manual #3, Drainage Policies and Standards
- January 2014 Technical Design Manual #4, Street Access and Design Control
- January 2014 Technical Design Manual #6, Streetlight Design
- In addition, this ordinance would adopt the 2015 revisions to the MAG Uniform Standard Specifications and Details with certain modifications.

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

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

6. ALLOCATION OF FY 2015-2016 GENERAL FUNDS Res. #4860

ADOPTED Resolution No. 4860 authorizing the allocation of FY 2015-2016 General Fund dollars in the amount of \$1,120,392.00 in accordance with the recommendations of the Chandler Housing and Human Services Commission (HHSC) and Staff; and authorizing the Acting City Manager or designee to enter into agreements and suspend or terminate, as needed pursuant to the resolution.

BACKGROUND

The City of Chandler annually allocates General Fund dollars from the Social Services Fund (SSF) and the Youth Enhancement Program (YEP). In addition, funds from the utility bill donations are allocated from the Acts of Kindness (A-OK) program. These and Veterans Transportation Services funds are granted to qualifying non-profit agencies and programs for the purpose of providing human services to Chandler residents.

The following funds are available for allocation in FY 2015-2016:

PROGRAM	TOTAL FUNDS AVAILABLE	ADMIN FEE	AVAILABLE FOR ALLOCATION
SSF	\$ 432,201	3.0%	\$ 419,235
YEP	648,960	3.0%	629,491
Carryforward	5,000	N/A	5,000
A-OK	56,666	N/A	56,666
Veterans Trans	10,000	N/A	10,000
TOTAL	\$1,152,827		\$ 1,120,392

Included in the FY 2015-2016 available funding is \$5,000 of carryforward savings from the Administrative Fee for FY 2014-2015. These dollars were made available to keep the FY 2015-2016 funding at the same level as the FY 2014-2015 funding.

For FY 2015-2016, allocations are divided into four funding population groups. Funding from the General Fund is used for three of these groups: Families in Crisis, Special Populations and Youth. The fourth group is comprised of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) requests, which have already been approved.

### DISCUSSION

The City received 61 applications totaling \$1,789,084 for the FY 2015-2016 General Fund Allocations. Each application received through the Human Services Funding Allocations Process was assigned to a subcommittee review team of the HHSC. Each team met at least twice to review and discuss the applications. Comments were captured during these review sessions that will be sent at a later date to the agencies along with the application scores.

There were discussions by the HHSC in their regular meeting and by each of the funding panels regarding the stability and capacity of new agencies and programs. Due to the competition for funds, the HHSC has recommended that in the next funding cycle, new criteria regarding the length of time agencies and programs are established be implemented. In order to be eligible for funding, new agencies would be required to be established for three years and new programs would be required to be established for one year.

Based on the stated funding amounts for FY 2015-2016 Human Services General Funding, initial allocations were made for each funding population and source. On May 1, the initial funding recommendations from HHSC were sent to the non-profit organizations that applied for funding. These recommendations were then finalized by the HHSC on May 6, 2015, following a public hearing.

### 7. COUNTY RIGHTS-OF-WAY TRANSFER: Germann/Arizona/Hamilton Res. #4865

ADOPTED Resolution No. 4865 authorizing the transfer of certain County rights-of-way on Germann Road between Arizona Avenue and Hamilton Street contingent upon the approval of the Maricopa County Board of Supervisors.

### BACKGROUND/DISCUSSION

Council previously approved Resolution No. 4826, an Intergovernmental Agreement (IGA) with the Maricopa County Department of Transportation, for cost sharing for improvements to Germann Road from Arizona Avenue to Hamilton Street. In conformance with the IGA approval, the City is required to annex (transfer) the portion of Germann Road that is currently under the jurisdiction of Maricopa County. The City is also required to complete this annexation by September 1, 2015, in order to retain the awarded Special Project Fund amount of \$350,000.

The Annexation Map attached to the resolution, depicts the entire area to be annexed; approximately 4.59 acres of rights-of-way. A.R.S. §9-471(N) allows for an alternative annexation procedure where a county right-of-way or roadway may be transferred to an adjacent city by mutual consent of the governing bodies of the county and city if the property transferred is adjacent to the receiving city, and if the city and county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies.

### FINANCIAL IMPLICATIONS

There is no direct cost for annexation; however, the City will be responsible for ongoing maintenance of annexed roadways.

8. COUNTY RIGHTS-OF-WAY TRANSFER: Willis/McQueen Res. #4866

ADOPTED Resolution No. 4866 authorizing the transfer of certain County rights-of-way on Willis Road between McQueen Road and one-quarter mile east of McQueen Road contingent upon the approval of the Maricopa County Board of Supervisors.

### BACKGROUND/DISCUSSION

Council previously approved the Willis Gated Community located east of the SEC of McQueen and Willis roads and more recently approved Resolution No. 4821 authorizing the execution of an Intergovernmental Agreement (IGA) with Maricopa County for abandonment and annexation of portions of Willis Road and McQueen Road. The area proposed for annexation directly correlates with the approved development.

The Arizona Department of Transportation (ADOT) has now abandoned the portion of the intersection needed to construct a median break and expedite westbound left turns from Willis Road. In conformance with the IGA, the City must annex the intersection and the portions of Willis Road that are currently under Maricopa County jurisdiction.

The Annexation Map attached to the resolution, depicts the entire area to be annexed; approximately 1.53 acres of right-of-way. A.R.S. §9-471(N) allows for an alternative annexation procedure where a county right-of-way or roadway may be transferred to an adjacent city by mutual consent of the governing bodies of the county and city if the property transferred is adjacent to the receiving city, and if the city and county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies.

### FINANCIAL IMPLICATIONS

There is no direct cost for annexation; however, the City will be responsible for ongoing maintenance of annexed roadways.

9. ENHANCED MUNICIPAL SERVICES DISTRICT AGREEMENT Res. #4871

ADOPTED Resolution No. 4871 authorizing the Enhanced Municipal Services District Agreement (EMSD) for FY 2015-2016 with the Downtown Chandler Community Partnership, and the City's voluntary contribution to the EMSD in the amount of \$97,804 (\$118,804 less \$21,000 as described in the first amendment of the stage cost sharing agreement).

### BACKGROUND

At the City Council meetings on March 26, 2015, and April 30, 2015, the Mayor and City Council took all actions necessary to renew the Downtown Chandler Enhanced Municipal Services District (District). Staff is requesting approval of an Enhanced Municipal Services District Agreement with the Downtown Chandler Community Partnership (DCCP). Through this action, the DCCP is designated as the entity that will manage and operate programs in the District.

The primary functions of representing District rate payers, developing the annual District budget and work plan and items outlined in Exhibit B of the contract, have remained the same.

The agreement also details the City's participation in the District. From a financial perspective, the \$118,804 represents the amount the City voluntarily contributes to the District. The contract also identifies how payments will be made from the City to the DCCP, both for City funds and for funds obtained through the assessment of private property owners through the Maricopa County Assessor's Office. Finally, the agreement outlines the baseline of City provided services that will be delivered during the term of the agreement.

The DCCP participated in the development of the agreement, including providing a budget and developing a work plan for the coming year. The DCCP Executive Board has officially approved the content of this agreement and looks forward to continuing as the administrator of the district.

### DISCUSSION

Upon adoption of Resolution No. 4871, Staff will proceed to process a check to the DCCP in order to provide them with the first City voluntary payment prior to July 15, 2015, as specified by the contract.

### FINANCIAL IMPLICATIONS

Assessments for privately owned property in the District total \$145,163. Staff has forwarded the Assessment Roll to Maricopa County for inclusion in the fall property tax bills. The City's voluntary contribution of \$118,804, less \$21,000 for the amendment to the stage cost sharing agreement, have been included in the Downtown Redevelopment budget for FY 2015-2016. The total amount of the district budget for FY 2015-2016 is \$263,967.

#### 10. ZONING EXTENSION: Greywood Professional Offices

APPROVED a three-year zoning extension for DVR14-0042, an existing Planned Area Development (PAD) zoning for an office building on approximately 2 acres located south of the SWC of Frye Road and Gilbert Road, north of Pecos Road. (Applicant: Scott Fey, Greywood Professional Offices LLC.)

### EXTENSION OF TIMING CONDITION

In July 2008, City Council approved rezoning the subject site from AG-1 (Agricultural) to Planned Area Development (PAD) for one, single-story, 15,000 square-foot office building for general, medical and dental uses with Preliminary Development Plan (PDP). The office development is designed to allow 50% general office and 50% medical/dental office.

The PAD zoning was approved with a three-year development timing condition. Time limits are calculated from the previous zoning approval's expiration date, which is calculated from the ordinance's effective date and not the Council meeting date. The PAD zoning for this project expired September 13, 2011. A three-year time extension was approved in January 2012, expiring on September 13, 2014. The requested time extension would maintain the PAD zoning for office use for an additional three years in which the zoning would expire September 13, 2017. Upon approval, all other conditions in the original approval will remain in effect.

### BACKGROUND

The property is undeveloped and adjacent to existing single-family residential subdivisions Country Cove and Country Cove 2 to the west and north. South of the site is vacant, undeveloped property owned by the Maricopa Community College District. Gilbert Road abuts the site's eastern side, which is the city limit line for Chandler and the Town of Gilbert.

Planning Staff supports the zoning time extension request for an additional three years, which extends the PAD zoning until September 13, 2017. Staff is of the opinion the office land use is still appropriate for this site.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 4, 2015. There were no neighbors in attendance. Planning Staff has received no communication in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Cunningham and Foley absent.

#### RECOMMENDED ACTION

Upon finding consistency with the General Plan, the Planning Commission and Planning Staff recommend approval with all of the conditions in the original approval remaining in effect.

#### 11. ZONING EXTENSION: The Gates

APPROVED a three-year zoning extension for DVR15-0011 The Gates, on the existing Planned Area Development (PAD) for a retail commercial development on approximately 18 acres located at the SEC of Gilbert and Ocotillo roads. (Applicant: Garry D. Hays; Law Offices of Garry D. Hays.)

#### EXTENSION OF THE TIMING CONDITION

In 2008, the site was rezoned from AG-1 to PAD for a commercial retail development. The PAD zoning was conditioned to start construction above foundation walls within three (3) years of the ordinance effective date. In 2011, a timing extension was granted extending the schedule for development to occur prior to December 2014. The current application requests a three-year time extension; the timing condition expired on December 17, 2014. The proposed three-year time extension would be in effect until December 17, 2017, as the time limit is calculated from the previous zoning approval's expiration. Upon approval, all other conditions in the original approval would remain in effect.

#### BACKGROUND

The subject site is located at the southeast corner of Gilbert and Ocotillo roads. North, across Ocotillo Road, is the Layton Lakes residential development that is currently under development. Bordering the east and south property boundaries is an RWCD (Roosevelt Water Conservation District) canal. East, beyond the canal, is the Quail Springs single-family residential neighborhood. South, beyond the canal, is a county island currently being utilized as farmland. West, across Gilbert Road, is vacant land that was recently rezoned to allow for commercial development. The subject site lies within the SECAP (Southeast Chandler Area Plan) and is designated as a major entry gateway and commercial node. The request is consistent with the SECAP. A current application for site design and layout for the northern portion of the development is under review.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 4, 2015. Approximately 30 neighbors from the adjacent Quail Springs neighborhood attended and shared comments. The comments were based on the proposed Preliminary Development Plan.

PLANNING COMMISSION VOTE REPORT

The motion to approved passed 5 – 0 with Commissioners Cunningham and Foley absent. Two neighbors submitted comment cards opposing the extension citing they preferred the previous AG-1 zoning.

RECOMMENDED ACTION

Upon finding consistency with the General Plan and SECAP, the Planning Commission and Planning Staff recommend approval with all of the conditions in the original approval remaining in effect.

12. PRELIMINARY DEVELOPMENT PLAN: Allred Park Place

APPROVED Preliminary Development Plan PDP15-0004 Allred Park Place, to amend Preliminary Development Plan (PDP) Stipulation No. 8 reducing the number of rooms in the Conference Center hotel on approximately 30 acres located at the SWC of Price and Willis roads. (Applicant: Michael Curley; Earl, Curley & Lagarde P.C.)

BACKGROUND

The subject 30-acre site is part of the larger 73-acre Allred Park Place mixed use master planned business park located at the northeast and southwest corners of Price and Willis roads, south of the Santan Loop 202 and Price 101 freeway interchange. The subject site, originally identified as Area 3, is located west of Price Road between Willis Road and Armstrong Place. The Allred Park Place master plan received zoning approval in May 2014, to PAD for business park, hotel, conference center and service retail uses, including a Mid-Rise Overlay for buildings up to 150 feet in height, with Preliminary Development Plan (PDP) approval for site design and building architecture. Although a single PAD zoning designation was established for purposes of land-use entitlement, the PAD maintained a delineation of Areas 1, 2 and 3 and the permitted uses within. The subject Area 3 currently includes a conference center hotel land use in addition to the business park uses as identified within the South Price Road Employment Corridor language accommodating a wide range of uses including corporate office headquarters, high-tech manufacturing and knowledge intensive employers.

During the public hearing process for the original zoning approval, discussions occurred seeking clarity as to the difference between a hotel and the proposed conference center in Area 3. Ultimately, Preliminary Development Plan Stipulation No. 8 was added which memorialized the applicant's representation that the conference center would encompass approximately 300 rooms and 50,000 square feet of meeting space. At the time of zoning approval, the conference center operator, Marriott Hotels, intended to construct according to the room and space representation. Shortly after, an updated full market study was conducted by Marriott which concluded the appropriate number of rooms to be 264 versus the original 300.

The request is to amend Preliminary Development Plan (PDP) Stipulation No. 8 in Case No. DVR13-0032 ALLRED PARK PLACE, to reduce the number of rooms in the conference center hotel from 300 rooms to 264 rooms. No other changes to the approved zoning and PDP are requested.

Planning Staff supports the requested stipulation modification finding the minor reduction in rooms does not change the intent or nature of the original master plan and continues to maintain a difference between the approved hotel component in Area 1 and the conference center in the subject Area 3. The reduced room count will most likely result in the reduction in final building height by 1 floor; however, at the time of this writing, neither a final site plan nor building

elevations have been submitted for approval. As outlined within the original zoning approval, final building layout and design will be reviewed and approved administratively.

#### 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 May 6, 2015. There was one neighboring property owner adjacent on the north in attendance who expressed no opposition.

The applicant contacted the Ebay/Paypal building owner as well as their legal representative to discuss the request. The applicant conveyed to Planning Staff that there was no opposition offered to the request. Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5-0 with Commissioners Cunningham and Foley absent.

#### RECOMMENDED ACTION

##### **Preliminary Development Plan**

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

1. Compliance with original conditions adopted by the City Council as Ordinance No. 4541 in case DVR13-0032 ALLRED PARK PLACE, except as modified by condition herein.
2. Compliance with original conditions adopted by the City Council as Preliminary Development Plan case DVR13-0032 ALLRED PARK PLACE, except as modified by condition herein.
3. Preliminary Development Plan (PDP) Stipulation No. 8 in case no. DVR13-0032 ALLRED PARK PLACE is amended to reduce the number of rooms in the Conference Center hotel from 300 rooms to 264 rooms.

#### 13. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following Board and Commission appointments:

##### Cultural Foundation Management Board

Robb Lipsey

##### Economic Development Advisory Board

Judy Bernas

##### Mayor's Youth Commission

Swaneyya Babu

#### 14. SUBORDINATION: 2910 N. Nebraska Street

APPROVED subordination of the Exterior Improvement Program Lien on Project Number EIL 10-0017 located at 2910 N. Nebraska Street in the amount of \$19,975.02. (Stokes)

#### BACKGROUND/DISCUSSION

In 2012, the owner of a single-family, owner occupied home located at 2910 N. Nebraska Street received a \$19,975.02 loan through the City's EIL Program. The City's lien against the property

is for \$19,975.02. The City's loan is a five-year forgivable loan secured by a Deed of Trust with the balance to be forgiven in 2017.

The owner is requesting to refinance the home to lower the interest rate. The new loan of \$86,975.00 reduces the interest rate, lowers the mortgage payment and the owner will receive no cash out as required by the City's refinancing policy. In order to obtain the loan, a subordination of the City's lien is required by the lending institution and the City lien will remain in the same position.

FINANCIAL IMPLICATIONS:

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

15. NEIGHBORHOOD GRANT: Twelve Oaks Neighborhood

APPROVED the Neighborhood Grant Request to the Twelve Oaks Neighborhood for the purchase of paint in an amount not to exceed \$5,000.00.

BACKGROUND

The Twelve Oaks Neighborhood is a 20-year old traditional neighborhood that is located south of Chandler Boulevard, north of Earhart Way, west of Stellar Parkway and south of Del Pueblo Street. The community is applying for grant funds to purchase paint for the exterior of two neighborhood walls that front Twelve Oaks Boulevard and Rural Road. The property owners individually own each section of the two continuous walls. As a result, residents are permitted to paint the wall any color, as there are no City codes or Covenants, Conditions or Restrictions (CC&Rs) that prohibit the owners from choosing their own paint color. Therefore, in order to maintain consistency in the appearance of the neighborhood wall, residents whose homes back up to Twelve Oaks Boulevard have come together to request grant funds that will assist them with the purchase of paint.

The original builder of this phase of Twelve Oaks, maintained the two neighborhood walls along Twelve Oaks Boulevard and Rural Road for the first ten years. Subsequently, the responsibility of maintaining the two continuous walls fell upon each resident. Due to the uniqueness of the individual ownership of each segment of the wall, developing a solution to the uniform painting of the wall has presented challenges.

The perimeter wall has been declining for some time. Staff from Code Enforcement and Neighborhood Programs has worked with the neighborhood toward the goal of restoring the wall condition. Several of the residents in the area attended the Spring Traditional Neighborhood Academy and through the Academy, became aware that City grant funds are available to improve and maintain Traditional Neighborhoods. As a result, these residents worked together with other neighbors to develop and submit this grant request. This grant will provide paint for the painting of the wall of seventeen of the properties.

STANDARD CONDITIONS

Applicants of the Traditional Neighborhood Grant must meet four required standard conditions of the grant. The conditions include developing a neighborhood safety program, performing outreach in the neighborhood, becoming educated about various neighborhood programs and City services and making a final presentation to the Neighborhood Advisory Committee (NAC).

The Twelve Oaks residents have agreed to implement several activities to meet the conditions of the grant and engage all members of their community.

1. *Neighborhood Safety:* To address neighborhood safety, the neighborhood is expanding their participation on Nextdoor.com, a social media platform for neighborhoods. Nextdoor is unique as only residents that live within the neighborhood boundaries can join. Twelve Oaks residents are using Nextdoor to communicate with neighbors and to encourage safety awareness. Many residents also attended meetings arranged by the Chandler Police Department to discuss safety concerns.
2. *Neighborhood Outreach:* The community is using Nextdoor.com as their main source of outreach between neighbors. They have also conducted a neighborhood survey and plan to hold a neighborhood meeting to discuss and review the results of their survey. They will also be conducting a secondary neighborhood survey to select a neighborhood sign topper in order to promote neighborhood identity within their community.
3. *Neighborhood Education:* Ten Twelve Oaks Neighborhood residents were enrolled in the Mayor's Traditional Neighborhood Academy. The residents attended four two-hour workshops held once a week where they learned about City resources and how to work with City staff to address neighborhood challenges.
4. *Final Presentation to the NAC:* The Twelve Oaks Neighborhood residents are committed to providing the NAC with a final presentation upon completion of the grant and its requirements.

#### FINANCIAL IMPLICATIONS

No financial match is required per the Traditional Neighborhood Grant Program guidelines. Owners are required to make all needed wall repairs prior to receiving the exterior paint. The Code Enforcement Officer will verify completion of the work. Traditional Neighborhood Grant Funds have been budgeted in the Neighborhood Programs Fiscal Year 2014-2015 operating budget and are available to fund the Twelve Oaks Traditional Neighborhood request.

#### NEIGHBORHOOD ADVISORY COMMITTEE VOTE

The motion to approve the grant request passed 5 – 0 with two Commissioners absent.

16. MEMORANDUM OF UNDERSTANDING: Service Employees International Union

APPROVED the Memorandum of Understanding (MOU) with the Service Employees International Union Local 48 (SEIU) for FY 2015/2016.

#### BACKGROUND/DISCUSSION

The City and the SEIU engaged in negotiations beginning late March of 2015. After four negotiation meetings, the City and the SEIU were able to reach agreement on a one (1) year contract.

The SEIU and the City negotiated the terms of up to a 3.50% merit for all merit-eligible represented employees, as well as a 1.50% across-the-board wage and salary range adjustment for all SEIU represented employees for FY 2015-2016. No other financial terms were negotiated. The final MOU will include incorporation of the FY 2014-2015 amendment language for a full agreement.

17. MEMORANDUM OF UNDERSTANDING: Association of Chandler Employees

APPROVED the Memorandum of Understanding (MOU) with the Association of Chandler Employees (ACE) for FY 2015-2016 through FY 2016-2017.

BACKGROUND/DISCUSSION

The City and ACE engaged in negotiations beginning in late March of 2015. Through a collaborative effort, an agreement has been reached on a two (2) year contract that will be in effect from July 1, 2015, through June 30, 2017, with no re-opener during the term.

Substantive changes to the MOU include:

- FY 2015-2016, the City will fund a merit increase of up to 3.50% for all eligible unit members. In addition, a 1% across-the-board wage and salary range adjustment for all ACE represented employees.
- FY 2016-2017, The City will fund a merit increase of up to 3% for all eligible unit members. In addition, a 1.50% across-the-board wage and salary range adjustment for all ACE represented employees.
- The City offered, and ACE agreed, to the removal of a 10-year service requirement for those employees participating in the deferred compensation program who are contributing \$15.00 or more per pay period. The removal of the language allows any ACE represented employee making this contribution to receive a match of \$15.00 by the City.
- ACE members that make a court appearance as a requirement of their job outside of their normal work schedule, will be compensated for three (3) hours or the actual number of hours worked, whichever is greater beginning July 1, 2015. This provision is in both the CLEA and CLASA MOU.
- Increase vacation cash out from 20 hours to 25 hours in FY 2015-2016

There was a significant amount of housekeeping done as well as a couple of administrative process changes agreed upon.

18. GRANT AGREEMENT: High Intensity Drug Trafficking Area

APPROVED a Grant Agreement for a High Intensity Drug Trafficking Area with the City of Tucson for the provision of investigative services and AUTHORIZED the Mayor to sign the Agreement and the Police Chief to administer, execute and submit all documents and other necessary instruments in connection with such Agreement.

BACKGROUND/DISCUSSION

The Chandler Police Department has been awarded a grant from the City of Tucson for overtime funds to participate in the US Marshals Service (USMS) Warrant Apprehension Network and Tactical Enforcement Detail (WANTED) using Federal HIDTA and HIDTA Investigative Narcotics Technical Support grant funds. These are one-time funds for the Gang Research, Intelligence and Targeting Enforcement Operation currently being conducted. Chandler's participation started in February and is anticipated to run through August. The City of Tucson provides the financial oversight for this project and will reimburse the Chandler Police Department up to \$10,000 for approved overtime (no benefits) expenses through December 31, 2015. The Gang and Criminal Apprehension Units are participating in this detail.

FINANCIAL IMPLICATIONS

This grant covers overtime only for participating officers up to a total of \$10,000.00. The Department would cover the overtime benefits.

19. AGREEMENT: Water/Wastewater Equipment Repair and Maintenance

APPROVED Agreement No. WA5-936-3480 with DXP Enterprises, Foster Electric Motor Service, Inc., Hennesy Mechanical Sales LLC, Keller Electrical Industries, Inc., Phoenix Pumps, Inc., Precision Electric Company, Inc., and Weber Water Resources, LLC, for water/wastewater equipment repair and maintenance, for a two-year term, in an amount not to exceed \$2,675,000.00 per year, with the option to extend for up to two additional two-year terms.

20. AGREEMENT AMENDMENT: JC Printing

APPROVED Agreement No. CP1-966-2986, Amendment No. 4, with JC Printing for Overflow Photo Copying and Printing Services in an amount not to exceed \$95,000.00 for the term July 1, 2015, through June 30, 2016. This is the fourth and final optional extension.

21. AGREEMENT: EnergyCAP, Inc.

APPROVED Agreement No. CM5-208-3416 with EnergyCAP, Inc., for a utility tracking system in the amount of \$134,323.75 (\$130,143.44 plus applicable State Use Tax in the amount of \$4,180.31).

Building and Facilities, along with several other City divisions, are responsible for the utility management of City buildings. Currently, the Accounting Division manually enters the data and reconciles the utility accounts through an Access database. Hard copy reports are sent to each division with utility accounts. Each division then enters the information into their own database. This utility tracing software will provide one central database that will provide accurate and timely utility information on utility accounts. This new software will allow for electronic billing from the utility companies to be automatically downloaded into the system thus eliminating manual entry by City Staff. The software will also integrate into the Oracle Financial System and perform audits on utility accounts and red-flag any abnormalities. Reports can be generated for division managers with the latest utility cost and consumption information that is currently not available with the existing system.

Once the system is fully implemented, the term of the ongoing maintenance agreement will commence in the amount of \$11,943.75, for a one-year period with the option of four one-year extensions.

22. PROJECT AGREEMENT & CONTINGENCY TRANSFER: Chasse Building Team, Inc.

APPROVED Project Agreement No. BF1503.401 With Chasse Building Team, Inc., for Facility Storm Damage Repair Services, pursuant to Job Order Contract No. JOC1202.401, in an amount not to exceed \$403,895.00.

APPROVED a Contingency Transfer in the amount of \$311,512.00 from the General Fund Non-Departmental Contingency to the Buildings and Facilities Cost Center.

This project will facilitate repairs for eleven (11) City buildings and facilities that were either damaged in the September 8, 2014, record storm or identified as measures that should be taken to prevent damage from future rain events. A majority of the damage occurred from ground and roof water penetration entering through windows, doors, utility conduits, HVAC equipment and

roofs. Some of the repairs are covered by insurance payments, but others are considered to be the City's responsibility as normal maintenance.

An insurance claim for citywide storm repairs has been filed and an initial payment of \$315,970.99 has been received with an additional amount of \$6,127.00 due. Of this total, \$184,598.54 is reimbursement for building repair and maintenance expenses already incurred (\$92,215.54) and an additional amount of \$93,383.00 towards building repairs to be made under this project agreement. These expenses are being paid by the insurance proceeds. In addition, the review of damages identified several areas considered as normal maintenance that the insurance will not cover. These additional repairs are outside the limits of the normal Buildings and Facilities operating budget and Staff recommends a General Fund Non-Departmental Contingency Transfer in the amount of \$311,512.00 to provide funding to allow immediate repair of these items.

23. AGREEMENT AMENDMENTS: Water Treatment and Pool Chemicals

APPROVED Agreement No. MU4-885-3350, Amendments with Hill Brothers Chemical, Brenntag Pacific, Inc., Univar USA, Inc., Charlie Pepper, Inc., Polydyne, Inc., Kemira Water Solutions, Inc., Waternuts Aquatic Ent, Inc. dba Commercial Pool Repair, Chemtrade Chemicals US, LLC, and BASF Corporation, for the purchase of water treatment, wastewater treatment and swimming pool chemicals, for a one-year term, in a total amount not to exceed \$8,080,000.00.

24. CONTRACT: Water Treatment and Pool Chemicals

APPROVED Contract No. MU5-885-3526 with Chemrite, Inc., Evoqua Water Technologies, LLC, Hill Brothers Chemical Company, Polydyne, Inc. and Thatcher Company of Arizona, for water treatment, wastewater treatment and pool chemicals, for a one-year term, in an amount not to exceed \$1,368,750.00.

25. CONTRACT AMENDMENT: GE Betz, Inc.

APPROVED Contract No. MU5-885-3431, Amendment No. 1, with GE Betz, Inc., for GE Chemicals for the lime softening process and Brine Concentrator at the Ocotillo Brine Reduction Facility, 3737 S. Price Road, in an amount not to exceed \$120,000.00 for a one-year term.

26. JOB ORDER CONTRACT AMENDMENT: Chasse Building Team, Inc.

APPROVED Job Order Contract No. JOC1202.401, Amendment No. 1, with Chasse Building Team, Inc., for Construction Services, Major Renovations, Repairs, Demolition and Re-Construction Services increasing the annual limit by \$550,000.00 for a revised annual limit amount not to exceed \$800,000.00.

27. PURCHASE: Bucket Truck

APPROVED the purchase of a bucket truck from Sanderson Ford, utilizing Arizona State contract No. ADSPO14-063240, in the amount of \$125,819.43.

28. PURCHASE: Thermal Imaging Cameras

APPROVED the purchase of Thermal Imaging Cameras from Municipal Emergency Services, Inc., (MES), sole source, in an amount not to exceed \$132,529.

All Chandler Fire, Health & Medical (CFHM) front line suppression units, Battalion Chief units and the Training Division have Thermal Imaging Cameras (TICs). The current TICs have been in use for almost eight years and do not contain the latest technology. In an attempt to upgrade the TICs to the new technology, the CFHM applied for and received a grant from the Gila River Indian Community Grant program for the purchase of new TICs. The original grant request was for \$176,564; the grant awarded was for \$102,690. CFHM has reduced the scope and is only purchasing TICs for the front line suppression units and adding line item savings from multiple lines to purchase TICs for the two Battalion Chief units. This means that the current TICs will remain in service as back-up units and for training purposes.

The City currently uses Infrared Systems Group (ISG) Thermal Imaging Cameras and some of these cameras will remain in service as back-up units and for training purposes. Therefore, CFHM needs to maintain compatibility with existing equipment. While the technology of the new cameras will be upgraded, the operation and hands-on feel for the firefighters will remain the same. MES is the only authorized ISG distributor in the State of Arizona; therefore, they are the only source to provide the new ISG Thermal Imaging Cameras.

29. USE PERMIT: San Marcos Golf Resort

APPROVED Use Permit ZUP15-0001 San Marcos Golf Resort, extension for the continued operation of a maintenance/cart storage facility in conjunction with the San Marcos Golf Resort located south of the SWC of Chandler Boulevard and Dakota Street. (Applicant: Michael Rus; San Marcos Golf Resort.)

BACKGROUND

The San Marcos Golf Resort facility is located south of the SWC of Chandler Boulevard and Dakota Street, approximately ¼ mile west of Arizona Avenue. The maintenance and golf cart storage facility is located near the property's northeastern end, adjacent to Chandler Boulevard (about 150 feet south of the Chandler Boulevard right-of-way). To the east is the San Marcos Commons residential/retail/office development; to the south and west are the golf course facilities and to the north, across Chandler Boulevard, are the Chandler High School athletic fields and an existing single-family neighborhood. Farther west, along Chandler Boulevard, is an office development that is surrounded by the golf course. The adjacent townhomes are 3-story and have outdoor patios on the 2<sup>nd</sup> floor that overlook the storage facility.

In 2000, the site received its original Use Permit approval for the maintenance/storage facility with a 5-year time limit. The Use Permit was renewed in November 2006, for one year, August 2009 for an additional year and in January of 2012 for an additional three (3) years.

During the 2012 approval process, concerns were expressed by the adjacent neighbors and property management group with the overall maintenance and aesthetics of the storage facility along the Dakota Street frontage. Due to the concerns, as part of the previous approval, conditions were added addressing the appearance and upkeep of the fencing and adjacent landscaping; the conditions of approval have been met and the adjacent landscaping is in good upkeep.

Depending on the location around the storage area, the existing maintenance and cart storage yard is enclosed by a 6' to 12' high chain link fence. In addition, mature trees exist along the street frontages. As part of the conditions of the previous approval, the applicant replaced the previous fence with the current 12'-tall chain link fence along the Dakota Street frontage,

incorporated durable plastic inserts rather than the woven wire material that was previously used, and have maintained the mature landscaping along Dakota Street. Upkeep of the facility has been ongoing and consistent with the previous conditions of approval.

#### DISCUSSION

Planning Staff supports the continued use and operation of the maintenance/cart storage facility. While the Resort continues to explore options for a more permanent solution to the maintenance area with the improvements that are in place, the Planning Commission and Planning Staff find that appropriate measures have been taken to address the aesthetics of the facility and that due to the upkeep of the site, a five-year extension to the Use Permit is warranted.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 5, 2015. Three neighbors from the adjacent San Marcos Commons residential development were in attendance and were supportive of the current condition of the area. Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Cunningham and Foley absent.

#### 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 Use Permit and require a new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner. Use Permit approval does not constitute Final Development Plan approval. The site must conform to all applicable City regulations.
3. The Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
5. Storage shall be contained within the confines of the existing chain link fence. Non-compliance with this condition shall void Use Permit approval.
6. Building permits shall be obtained for any structure or assembled object used to shelter material from the elements that is placed upon the property.
7. There shall be no maintenance-related deliveries between the hours of 10:00 p.m. and 6:00 a.m.

#### 30. CONTINUED LIQUOR LICENSE: The Yard cigar Bar

CONTINUED TO JUNE 25, 2015, a Series 7 Liquor License for Randy D. Nations, Agent, Gen 2 LLC, dba The Yard Cigar Bar, located at 1981 W. Elliot Road to allow the applicant time to complete the requirements for a new Use Permit

#### 31. CONTINUED LIQUOR LICENSE: The Wild Vine Uncorked

CONTINUED TO JULY 9, 2015, a Series 7 Liquor License for Kimberly Rae Rubens, Agent, K&R Rubens Enterprises LLC, dba The Wild Vine Uncorked, located at 4920 S. Gilbert Road to allow the applicant time to complete the requirements for a new Use Permit.

32. CONTINUED LIQUOR LICENSE: The Wild Vine Uncorked

CONTINUED TO JULY 9, 2015, a Series 12 Liquor License for Kimberly Rae Rubens, Agent, K&R Rubens Enterprises LLC, dba The Wild Vine Uncorked, located at 4920 S. Gilbert Road to allow the applicant time to complete the requirements for a new Use Permit.

33. FINAL PLAT: Staybridge Suites Hotel Lot 2

APPROVED Final Plat FPT15-0001 Staybridge Suites Hotel Lot 2, for approximately 10.4 acres located at the NEC of Chandler Boulevard and McClintock Drive. (Applicant: Mitchell Ragsdale; Terrascape Consulting, LLC.)

BACKGROUND

This final Plat is for Lot 2 of a parcel located at the northeast corner of Chandler Boulevard and McClintock Drive. Lot 1 is the existing Staybridge Suites Hoel; Lot 2 was rezoned for multi-family residential in April 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.

36. FINAL PLAT : Chandler Viridian

APPROVED Final Plat, FPT15-0008 Chandler Viridian for an approximate 12 acre commercial development at the southwest corner of the Loop 101 Freeway and Frye Road. (Applicant: Survey Innovation Group, Inc.)

The final plat is for the commercial portion of Viridian development. Upon finding the request to be consistent with the General Plan and Planned Area Development zoning, Planning Staff recommends approval.

ACTION

34. PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: The Plant

APPROVED Preliminary Development Plan (PDP) PDP15-0003 The Plant, for site layout, building architecture and a comprehensive sign package for a commercial shopping center located at the SEC of Gilbert and Ocotillo roads.

APPROVED Preliminary Plat PPT15-0008, for a commercial shopping center on approximately 8 acres. (Applicant: Garry D. Hays; Law Offices of Garry D. Hays.)

DISCUSSION:

Mr. Erik Swanson, Planner reviewed the case. He noted on the Consent Agenda, there was a timing extension for a zoning that also covers this site. The extension was for commercial development, however, that extension was for the entire commercial site. This PDP only covers the northern portion of those 18 acres, and is about 8 acres. There are certain design elements related to agrarian designs that are followed as the project resides in the SECAP (Southeast Chandler Area Plan). He reviewed the discussions of the neighborhood meeting held with approximately 30 residents attending. Following that meeting, Mr. Swanson said he and the applicant met with HOA representatives to discuss those concerns. The four primary concerns are outlined in the staff memo. Three of the issues have been resolved. The fourth concern is the landscape buffer along the east side of the site. There is a 10' landscape buffer adjacent to the canal. Within that buffer, trees are planted every 20' on center with a minimum planting height of 12' as a direct response to the City's Commercial Design Standards.

The neighborhood requested the developer look at increasing the landscaping and buffering to make it more dense as to not see as much "back of house" looking west. He reported there was full discussion at the Planning Commission meeting and a few additional conditions (13 & 14) were added as a result. There is now a landscape buffer of 14' that runs the length of the major building. Just south of the major building it increases to 20'.

MAYOR TIBSHRAENY asked what year the original zoning designation occur. Mr. Swanson replied in 2008. The Mayor asked what the scale of the 2008 zoning was in comparison to the project proposed now. Mr. Swanson replied the original development there was about 120,000 s.f. of commercial development. There is just under 60,000 on the north half which is where this development is. The current proposal is just over 56,000 s.f. Mr. Swanson reviewed the site plan.

In response to a question from Vice Mayor Hartke, Mr. Swanson said the landscaping will include Evergreen Elm. The development team is open to exploring that further and will provide as much landscaping as possible to create a visual barrier.

In response to a question from Councilmember Heumann on the setback on the back wall in the 2008 plan, Mr. Swanson said it is the standard 10' buffer. He noted some of the neighbors have seen a plan that showed the width of the RWCD in addition to the landscaping. He said if the plan came in with the original proposal, it would have been a 10' buffer, a 30' drive aisle. He said there is some staggering width with the proposed plan.

MR. GARRY HAYS, 1702 E. Highland, Phoenix, AZ representing the applicant. Mr. Hays noted he also resides in Chandler. He noted 3 additional members from the development team. Mr. Hays said in place of a wall, they are proposing a wall of oleanders.

Mr. Samuel Smith, 3450 E. Yellowstone Place, Chandler, representing the Quail Springs Home Owners Association. He agreed there are some divided opinions on what the residents find favorable or unfavorable. He stated his opinion is the primary concern is the buffer/screening method with the 10' setback. He said there has not been any other discussion since then so that is why they recommended the wall. He said the desire is to make the buffer deeper and denser. He noted there is a park behind the proposed shopping center and it doesn't feel this projects integrates well with the path and the park. He stated another concern is the increased traffic that will be generated. He displayed photos showing the intersection at Ocotillo and Gilbert with the lane narrowing and stated his concern with the amount of traffic from two lanes to one lane going east across Gilbert Road. He stated that going southbound on Gilbert Road, the road reduces from 3 lanes to 2 lanes with a large median and it is unknown to him how the traffic would

circulate into this center from Gilbert Road. Additionally, Mr. Smith cited concerns with the traffic congestion that occurs with Athlos School and the potential congestion that could occur with the addition of another school – Great Hearts – just north of there. He stated that addition to traffic and safety, the number of grocery stores (12) and commercial development concerns him.

In response to a question from the Mayor, R.J. Zeder, Transportation Director, stated the section of Ocotillo between Cooper and Gilbert Road on the south side there is a one lane “drop section”. He stated there are design dollars in the FY2015-16 budget. The remaining portion east of Gilbert Road, he believes was a few years out. In response to access to the project, there is a full access proposed on Gilbert towards the south end of the site and on Ocotillo Road going west, there is a left-in to the site and a right out. Staff is comfortable that traffic circulation can work.

Municipal Utilities Director Dave Siegel replied to a question from the Mayor stating the property at the southwest corner of Gilbert and Ocotillo Roads used to be owned by the city for a joint water treatment plant, however the property was no longer needed due to a joint plant built with the Town of Gilbert.

Discussion ensued regarding future road improvements and access points for the project. Mr. Swanson said a light probably would not be warranted due to the traffic counts on Gilbert and Ocotillo Roads.

Mr. Swanson noted the addition of the two schools and the FedEx facility in the area actually reduced the commercial use in the area.

In response to a question from Councilmember Heumann, Mr. Swanson said from the wall to the first property line the distance is 480’. Councilmember Lopez asked if the park is depressed. Mr. Swanson said there is a berm that is approximately 3’ in height.

#### BACKGROUND

The request is for PDP approval for site layout, building architecture and a comprehensive sign package for an approximately 8-acre commercial shopping center located at the SEC of Gilbert and Ocotillo roads. Gilbert and Ocotillo roads are adjacent to the site’s western and northern boundaries with vacant land planned for commercial west of Gilbert Road and the Layton Lakes single-family residential development north of Ocotillo Road. The Roosevelt Water Conservation District (RWCD) canal runs the length of the eastern boundary, with the Quail Springs gated, single-family residential subdivision east of the canal. South of the subject site is vacant land currently planned for commercial development.

The site was rezoned from Agricultural to Planned Area Development for a commercial shopping center in 2008 was extended for an additional three years in 2011, and is requesting an additional extension under a separate application. It is important to note that while the entire 18-acre site is requesting an extension for the commercial zoning, the current PDP application only applies to the northern 8 acres of the site. Planning Staff and the developer have worked to ensure that a conceptual plan for the southern half is provided, easing concerns on how commercial development could occur in the future. The southern half will require future PDP approval.

Four access points are provided; two along each street frontage. The southern drive will be a shared drive with the development to the south. Theming will be incorporated into the future development. Landscape theming is drawn from the agricultural heritage in the area with specific

concentration on the intersection corner and at the entrances to the site drawing on the influence of row planting.

Building architecture uses a modern approach to Rural Agrarian architecture as required in the Southeast Chandler Area Plan (SECAP). Building elements include metal roofing, steel elements, brick veneer and colored masonry block. The angled roof forms along the pedestrian arcade are reminiscent of greenhouses and stables, with the entry of the Major building designed like a large farmhouse or hayloft. Further discussion on the design theming can be found in the Development Booklet. The Major, Shops A, Shops B and all offsite improvements, will be constructed as the first phase with an anticipated construction start date by the fall of this year. Administrative review is requested for the pads, with exhibits provided for Pad B to set the level of design expectation. The Planning Commission and Planning Staff support the request for administrative review of the pads.

Two monument signs are proposed; one along each frontage. The monument sign design takes cues from standing seam metal roofing, incorporating an agrarian type of material. Both signs are requesting a 14-foot height with five panels. The request is made in lieu of providing an additional monument sign located closer to the eastern property line. Building mounted signage will be consistent with code requirements.

Planning Staff supports the request, finding that the development represents a quality commercial addition at one of the few commercial nodes within the SECAP. Additionally, with the conceptual plan in place for the southern half of the original commercial development, Planning Staff will ensure that any future commercial PDP submittal is consistent with the theming and architectural design of the proposed development.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 4, 2015. Approximately 30 neighbors from the adjacent Quail Springs neighborhood attended and shared comments. Planning Staff and the developer met with two HOA representatives separately to discuss design concerns that are outlined below. During the writing of the memo, Planning Staff received an email requesting many of the same items as outlined below. Planning Staff received a phone call from one resident supporting the request and was pleased with the additional items that were included as part of the dialog with the developer. Following the Planning Commission hearing, Planning Staff has received approximately two dozen emails in support of the proposal.

Concerns expressed by the adjacent HOA include the following:

1. Providing light shields on the eastern parking lot lights.
2. Changing the pitched roof color on the rear of the Sprouts from white to a color that would better blend.
3. Incorporating pavement treatments (pavers or stamped concrete) at the entry point to the site.
4. Increase landscaping along the eastern property line by use of trees, berming, green screens or other measures to provide additional screening of the building from the adjacent canal walkway and Quail Springs neighborhood.

The developer has addressed the first three items of concern; Planning Staff has added conditions no. 12 and 13 addressing the lighting and pavement treatments.

The developer has explored options to address the screening concerns without impacting the current site configuration. Per code, the developer will be providing 12' trees planted every 20' on center, utilizing sage shrubs in an effort to create more of a hedge design. Initially, the developer looked at increasing the tract; however, due to limitations in the drive-aisle width, could not increase the landscaping with the current site plan configuration. The development team also explored providing an elevated tract adjacent to the RWCD, allowing for a higher planted tree height; however, this would require backfilling dirt into the RWCD and posed potential drainage concerns. Green screens were considered on the rear of the building but caused concern based on the long term viability of plant growth.

The HOA representatives have requested that due to the hindrances to increasing landscaping on the eastern property line, a solution would be to add 50-70 trees within the community open space area, as this would provide additional screening for the length of the development.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Cunningham and Foley absent.

The item was placed on the Action Agenda resulting in a full discussion. Neighbors raised concerns as outlined above; however, also added that they preferred to have no development and therefore two neighbors were opposed to the timing extension. As a result of the full discussion, the Planning Commission added conditions no. 14 and 15 addressing landscaping and screening.

#### RECOMMENDED ACTION

##### **Preliminary Development Plan**

Upon finding consistency with the General Plan and SECAP, 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 "The Plant", kept on file in the City of Chandler Planning Division, in File No. PDP15-0003 The Plant, except as modified by condition herein.
2. The commercial development standards shall be in accordance with the requirements of the Southeast Chandler Area Plan.
3. The Monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
4. Landscaping shall be in compliance with current Commercial Design Standards.
5. Raceway signage shall be prohibited within the development.
6. The site shall be maintained in a clean and orderly manner.
7. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
8. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
9. The freestanding pads shall carry an architectural level of detail similar to the front façade of the main building.
10. 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.
11. Approval by the Planning Administrator of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Transportation & Development Director for arterial street median landscaping.

12. The applicant shall work with Planning Staff to provide enhanced pavement treatments (pavers or stamped concrete) at all site entrances.
13. Light shields shall be installed on all light poles located in the rear (east side) of the shopping center.
14. The applicant shall work with Staff to provide additional screening, whether a wall, landscaping, or combination thereof, commensurate with the agrarian architectural design presented, along the eastern property line for the area and length adjacent to the Major space.

**Preliminary Plat**

Upon finding consistency with the General Plan, 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.

MOVED BY COUNCILMEMBER HEUMANN, SECONDED BY COUNCILMEMBER LOPEZ TO APPROVE THE PRELIMINARY DEVELOPMENT PLAN, PDP15-0003, THE PLANT; AND THE PRELIMINARY PLAT PPT15-0008 FOR THE COMMERCIAL SHOPPING CENTER AS PRESENTED WITH ALL THE STIPULATIONS PROVIDED BY STAFF AND THE PLANNING COMMISSION.

MOTION CARRIED UNANIMOUSLY (7-0).

35. USE PERMIT: The Plant (Sprouts)

MOVED BY COUNCILMEMBER HEUMANN, SECONDED BY VICE MAYOR HARTKE TO APPROVE THE USE PERMIT FOR A SERIES 10 BEER AND WINE STORE LICENSE FOR THE PLANT.

MOTION CARRIED UNANIMOUSLY (7-0).

APPROVED Use Permit LUP15-0009 The Plant (Sprouts), Series 10 Beer and Wine Store License, to allow liquor sales as permitted in conjunction with a new grocery store and to allow for limited sampling within the grocery store located at the SEC of Gilbert and Ocotillo roads. (Applicant: Garry D. Hays; Law offices of Garry D. Hays.)

BACKGROUND

The subject site is located at the southeast corner of Gilbert and Ocotillo roads, within the proposed "The Plant" commercial development. In-line shop spaces are north and south of the Sprouts space. Sprouts is the major user of the site and will occupy approximately 28,800 square feet. The site is currently undeveloped with an anticipated start of construction of later this year.

In conjunction with the grocery store, the grocer offers patrons select beer and wine choices along with occasional tastings. The series 10 license allows for the sale of beer and wine only. A total of 84 linear feet of shelving is provided, with 64 linear feet of wine, 4 linear feet of cold wine and 16 linear feet of cold beer. Sprouts will employ approximately 100 people and will be open from 7 a.m. to 10 p.m. daily. The liquor license is consistent with other Sprouts operations.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 4, 2015. There were approximately 30 neighbors from the adjacent Quail Springs neighborhood in attendance sharing comments. The comments were based on the proposed Preliminary Development Plan. Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Cunningham and Foley 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 Liquor 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 Liquor 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 Liquor Use Permit and require a new Liquor Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.

#### PUBLIC HEARING:

PH1. 2015-16 FINAL BUDGET, 2016-2025 CAPITAL IMPROVEMENT PROGRAM AND 2015-16 PROPERTY TAX LEVY

#### OPEN PUBLIC HEARING

The Mayor opened the public hearing at 7:48 p.m.

MR. GREG WESTRUM, Budget Manager reviewed the overview of the budget as outlined in the memo. He stated there are three Public Hearings rolled into one for the evening. The 2015-16 Budget and the 2016-25 Capital Improvement Program which were tentatively adopted on May 28<sup>th</sup> and then the 2015-16 Property Tax Levy which will be on the agenda for action on June 25<sup>th</sup>. The City has a balanced budget of just over \$910,000,000. This year the City is expected to sell bonds for water and wastewater projects, along with streets, parks and a museum project.

With regards to the Capital Improvement Program, Mr. Westrum stated only the first year of the 10 year CIP is appropriated into this year's budget. This includes new money, new projects and previously approved projects with a small amount of funds in the reserve and contingency accounts. There is a plan for future years where the Council and public can see what projects may be forthcoming, these are reviewed each year, but no funds are specifically allocated for them.

Mr. Westrum highlighted key projects for 2015-16 which include construction for the Fire Training Center, the Ocotillo Water Reclamation Facility, and downtown street improvements.

Property Tax Levy:

MR. WESTRUM stated Council is not increasing the property tax rates. It will remain at \$0.2992 for primary and \$0.88 for secondary. The state is changing the calculation method for property tax levy. Under this new system, everything will be based on limited property value. The full

market value will still be reflected, but it has no meaning on determining your tax. Conducting a random selection of residential properties in Chandler the overall tax to the City seems to be decreased by approximately 5-15%.

VICE MAYOR HARTKE inquired how the public will be notified of this change. Mr. Westrum stated other agencies will be publishing any notices regarding changes.

### STAFF PRESENTATION

On May 28, 2015, Council adopted Resolution No. 4863 which approved the 2015-16 Tentative Budget in the amount of \$910,614,017 and set June 11, 2015, as the date for a public hearing to allow taxpayers to comment and provide input on the budget, capital improvement program and tax levy. A Notice of Public Hearing for "Adoption of the 2015-16 Annual Budget and 2016-2025 Capital Improvement Program and Setting of Property Tax Levies" has been posted on the official City website since June 2, 2015, and published in the Arizona Republic on June 3 and 10, 2015, as required by State Statute. The notice includes a summary of the Tentative Budget, with State Auditor General forms (Budget forms) attached and provides a general description of the ten-year capital improvement program. Council action on the budget and capital improvement program is scheduled immediately following tonight's public hearing on the Budget, CIP and Tax Levy. Action on the tax levy is scheduled for June 25, 2015.

Arizona Revised Statutes provide that the total amounts proposed to be spent in the final budget shall not exceed the total amounts that were proposed for expenditure in the published tentative estimates. The Tentative Budget of \$910,614,017 includes funding for departmental operating budgets of \$343,362,881; funding for debt service of \$71,430,443; budget for equipment, technology, and vehicle replacement purchases of \$8,826,220; and contingencies and reserves in the amount of \$114,528,428 in various funds. The capital budget includes \$187,355,031 in new appropriations; \$183,561,014 in capital carryforward and contingency and reserve funding of \$1,550,000.

Included in the projected operating revenues of \$431,163,527 is a property tax levy of \$27,589,866 based on a rate of \$1.1792 per \$100 of assessed property value plus \$480,134 for Salt River Project's payment to the City in lieu of property tax for a total of \$28,070,000. Arizona Revised Statutes Truth in Taxation requirements do not apply for FY 2015-16 as the Primary Property Tax Rate is being maintained at \$0.2992 per \$100 of assessed value, which is less than the Truth in Taxation maximum rate of \$0.2996 per \$100 of assessed value as determined by the Property Tax Oversight Commission.

City Charter requires the City Manager to present a minimum 5-Year CIP for the City of Chandler to the City Council before June 15 of the current fiscal year. The proposed CIP is a 10-Year Program. Information regarding the various capital projects, cost estimates, methods of financing, recommended time schedules and estimated annual operating cost were distributed in the proposed budget which is posted on-line and discussed at the Budget Briefing on May 1, 2015. The 201-2016 CIP totals \$1,128,395,076.

Following the close of the public hearing, Council is asked to make a motion to adopt the Final 2015-16 Budget and 2016-2015 Capital Improvement Program.

There were no comments from the audience.

The Mayor closed the public hearing at 8:01p.m.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor announced workers were needed for 2015 Special Census. He stated an accurate Census count is critical for the community and the funding in which Chandler receives through state-shared revenue sources. Workers can earn \$16.25 an hour plus mileage and they receive paid training.

He thanked the VITA volunteers, which is Chandler's Volunteer Income Tax Assistance Program. The VITA Program helped 1,841 low to moderate income families, including elderly and disabled individuals, claim more than \$1.96 million in tax refunds for the 2014 tax year. In addition, the program saved participating families an estimated \$400,000 in tax preparation fees.

He wished all the Chandler Dad's a Happy Father's Day (June 21).

B. Councilmembers' Announcements

Mayor and Councilmembers wished Dad's a Happy Father's Day and Councilmember Councilmember Heumann a Happy Birthday.

Councilmember Sellers announced he participated in a MAG trade mission last week. There was an East Valley Partnership luncheon earlier in the week discussing Arizona's water supply.

Vice Mayor Hartke announced Chandler is in full force for the Back To School Operation, gathering backpacks and supplies.

He announced the City has launched the Annual Water Drive and reminded everyone to donate either water or cash to support local charities, although cash would be much more appreciated as it is easier to carry around than cases of water. Contact Nan Kahl in the City Clerk's office for more information.

Councilmember Heumann announced the Chandler Viridian project will begin grading of the property. This was the Chandler Elevation project that was near the Chandler mall that was never completed.

He announced Flag Day on June 14<sup>th</sup>.

C. Acting City Manager's Announcements

None.

