

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, September 24, 2015.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY at 7:00 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: Pastor Shea Ferguson – Freedom Life Church

PLEDGE OF ALLEGIANCE: Boy Scout Troop # 885 led the Pledge of Allegiance.

CONSENT:

Mayor Tibshraeny noted Item No. 2 would be continued to Oct 22nd.

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

Mayor noted a request to speak on item No. 6. Comments are listed under that item.

COUNCILMEMBER HEUMANN stated he would be voting no on item #59.

COUNCILMEMBER ROE stated he would be voting no on item #6 (Avalon).

COUNCILMEMBER ELLEN commented on Item 6 (Avalon) stated she sits on the Airport Commission and the Commission asked the developer to make changes that would alert the public the subdivision was located next to the airport. She stated one of those changes was to have a sign stating “low flying aircraft” posted at the only entrance to the subdivision and to include the words “Airpark” in the subdivision name. The developer made all the changes the Commission requested, and stated she will be voting yes for this project.

MOTION CARRIED UNANIMOUSLY (7-0) WITH THE EXCEPTIONS NOTED.

1. OFFICE LEASE AMENDMENT: Arizona Public Service Company Ord. #4656

ADOPTED Ordinance No. 4656 authorizing the First Amendment to the existing office lease with Arizona Public Service Company for use of Suite A in the Chandler City Hall located at 175 S. Arizona Avenue.

2. REZONING/PRELIMINARY DEVELOPMENT PLAN: RMB Business Park Ord. #4653

CONTINUED to the October 22, 2015 Council Meeting. Ordinance No. 4653, DVR15-0010 RMB Business Park, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Light Industrial and commercial. (Applicant: Lyle S. Richardson.) APPROVED a Preliminary Development Plan (PDP) for site layout and building architecture located north of the NEC of Ryan Road and Arizona Avenue.

3. REZONING/PRELIMINARY DEVELOPMENT PLAN: Gila Springs Ord. #4654

INTRODUCED AND TENTATIVELY ADOPTED Ordinance No. 4654, DVR15-0021 Gila Springs, rezoning from Planned Area Development (PAD) for mini-storage to PAD for light industrial and office. (Applicant: Michael Withey, Withey Morris, PLC.) APPROVED a Preliminary Development Plan (PDP) for site layout and building architecture on 4 acres located west of the intersection of Kyrene Road and Gila Springs Place.

BACKGROUND

The approximately 4-acre site is located west of the intersection of Kyrene Road and Gila Springs Place, within the Paloma Kyrene Business Community. The Gila Ditch is west of the site with additional industrial uses further west. Retention for the Paloma Kyrene development is north, existing Paloma Kyrene businesses are east, and the Kyrene 202 Business Park is south.

The site was originally zoned in 2005 to Planned Area Development (PAD) for mini-storage, as part of the larger Paloma Kyrene Business Community rezoning, but was not included in the original Preliminary Development Plan (PDP) or subsequent PDPs. In 2009 and 2011, the PAD was amended to allow additional land uses within other buildings, but not the subject site.

The proposed site layout and building architecture is conceptual. Planning Staff will review future development administratively for substantial conformance with the PDP. The site plan depicts a single building surrounded by parking on the north, east and south. Access is via a single driveway from Gila Springs Place. Two gated secured areas are located to the south and north where truck wells and loading docks are proposed. A fire access gate is provided at the northeast corner of the site. The total gross building area is approximately 82,854 sq. ft. Parking will comply with Code.

Building architecture is modern industrial, creating a functional form with a forward-looking theme. A series of angled wall planes creates visual interest on the east and west elevations. The building's southeast corner is oriented to the site entrance. An inviting ground-to-ceiling glass and metal paneled storefront with exposed metal beams highlights the entry. Design elements and materials incorporate concrete tilt-up panels, metal panel accents and modulated rooflines. The color palette utilizes muted tones with a red color accent to complement the landscape palette and provide some contrast. All signage will comply with the City of Chandler Sign Code. Additional details can be found in the Development Booklet.

DISCUSSION

Planning Staff finds the proposed development is a quality office and warehouse development which further sustains existing businesses in the area and creates additional employment opportunities. The proposal is compatible with the adjacent Paloma Kyrene Business Community.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood notification letter was mailed on July 28, 2015, in lieu of a meeting. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTIONS

Rezoning

The Planning Commission and Planning Staff recommend approval subject to conditions listed in the ordinance.

Preliminary Development Plan

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "GILA SPRINGS", kept on file in the City of Chandler Planning Division, in File No. DVR15-0020, except as modified by condition herein. The Development Booklet provides that building layout, architecture and design for future development and related onsite layout related to such future development, will be reviewed and approved administratively.
2. The site shall be maintained in a clean and orderly manner.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. Raceway signage shall be prohibited within the development.
6. Signage shall comply with the City of Chandler Sign Code.
7. All buildings shall be designed to be consistent with the level of quality, detail, building material, paint colors, architectural articulation and the like as established in the Development Booklet.
8. Building architecture shall promote consistent architectural character and detail on all sides of the structure.
9. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

4. REZONING/PRELIMINARY DEVELOPMENT PLAN: Habitat for Humanity Ord. #4655

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4655, DVR15-0021 Habitat for Humanity, rezoning from Medium Density Residential (MF-1) to Planned Area Development (PAD) for single-family residential. (Applicant: Tana Nichols, Habitat for Humanity.)

APPROVED a Preliminary Development Plan (PDP) for a single-family residence with modified setbacks located at 334 South Dakota Street.

BACKGROUND

Habitat for Humanity Central Arizona is an affiliate of Habitat for Humanity International whose goal is to eliminate substandard housing. The organization plans to construct a single-family home on a vacant lot. Council approved several other Habitat for Humanity single-family homes in the surrounding residential area in 2008 and 2009.

The property is located at 334 South Dakota Street. The approximately 5,663 sq. ft. lot is located on the west side of Dakota Street, south of Frye Road. This block of Dakota Street is mainly characterized by single-family homes with several duplexes on the west side of Dakota Street.

Dakota Street is one-way southbound, with a right-of-way of 20 ft., which functions more similar to an alley rather than a local residential street.

GENERAL PLAN / AREA PLAN

The property is located with the South Arizona Avenue Corridor Area Plan boundaries with a land use category of Low Density Residential. This land use category encourages new single-family infill with a target density of 0 to 5.9 dwelling units per acre.

The Area Plan recommends that areas designated for Low Density Residential and located south of Frye Road, be rezoned where necessary to allow a single-family home as a permitted use in order to encourage the development of vacant single-family lots.

REZONING / PRELIMINARY DEVELOPMENT PLAN

The request is to rezone from Medium Density Residential District (MF-1) to Planned Area Development (PAD) for single-family residential with Preliminary Development Plan (PDP) approval. The PAD will allow the use of a single-family home on the lot and modify the MF-1 minimum front and rear yard setbacks to provide adequate buildable area for the single-family residence. The proposed setbacks include a 10-ft. front yard, a 5-ft. rear yard and 20-ft. side yards.

A two-story home with 1,610 sq. ft. of livable area is proposed. Due to the orientation of the lot, a side-entry floor plan is offered to be similar in design with the front elevation of existing homes. This 'alternate' layout of the MM1610 model provides a porch and concrete patio area fronting Dakota Street and a two-car side-entry garage. A photograph representing a completed MM1610 model is included in the Development Booklet.

A variety of paint palettes are provided for the future homeowner selection. Six ft. tall concrete block walls would be constructed at the rear and north side yards. Front yard walls are typically permitted up to 3 ft. tall; a request is to increase the wall height to 6 ft. The 6 ft. wall would extend from the concrete patio, north to the north property line. A 3 ft. wall along the south property line would remain. Front yard landscape includes decomposed granite, shrubs and a tree. Additional details can be found in the Development Booklet.

DISCUSSION

Planning Staff finds the request for a single-family home is compatible with the character of the neighborhood and is a viable solution to a small infill site. Many properties in this MF-1 zoned area contain single-family homes. The request is consistent with the South Arizona Avenue Corridor Area Plan land use designation and maintains compatibility with adjacent uses. The Area Plan promotes this type of infill project that maximizes a property's viability and maintains compatibility with adjacent uses.

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 21, 2015. There were two residents of the same household in attendance to obtain more information on the request and voice concerns related to crime in the neighborhood including burglary and dog poisoning. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 4 – 0 with Commissioners Cunningham, Foley and Ryan absent.

RECOMMENDED ACTIONS

Rezoning

The Planning Commission and Planning Staff recommend approval subject to conditions listed in the ordinance.

Preliminary Development 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 "HABITAT FOR HUMANITY CENTRAL ARIZONA, 334 SOUTH DAKOTA STREET" kept on file in the City of Chandler Planning Division, in File No. DVR15-0021, except as modified by conditions herein.
2. Building setbacks shall be a minimum of 10 ft. front yard, 20 ft. side yards and 5 ft. rear yard.
3. A 6 ft. tall concrete masonry wall is permitted along the front yard, extending from the concrete patio to the north property line.
5. RIGHT-OF-WAY VACATION: SEC Cooper and Germann Roads Ord. #4658

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4658 authorizing the vacation of a portion of road right-of-way located south of the SEC of Cooper and Germann roads.

BACKGROUND/DISCUSSION

On April 26, 2006, the City acquired road right-of-way for Germann Road and a portion of Cooper Road through an eminent domain proceeding. A portion of the right-of-way, located south of the southeast corner of the intersection, was planned by the Chandler Airport Commission for use as a display area for the vintage United States Air Force jet currently located at the southeast corner of Chandler Boulevard and Delaware Street. This plan was subsequently abandoned.

Tiberon Chandler Airport, LLC, is developing the Puerto Del Viaje project at the southeast corner of Cooper and Germann roads. Tiberon has request that the City vacate a portion of right-of-way containing approximately 2,354 square feet adjacent to their parcel to accommodate development of the Puerto Del Viaje project. In consideration, Tiberon has agreed to pay the City \$3.00 per square foot for this property for a total consideration of \$7,062.00. Staff has determined that this is a fair value for the parcel to be vacated. The Real Estate Office has contacted the appropriate outside utilities. There were no objections to vacating the parcel.

6. REZONING/PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Avalon
Ord. #4659

MR. FERRELL CATMULL, 12030 E. Bluebird Drive, Chandler, stated he would like to see the City offer connections to City services for developments like his that are actually a county island. His development currently has city water rights, but he would like to see the city offer sewer rights when a development within the city limits is built next to a residential development that is not within the city limits.

COUNCILMEMBER ROE VOTED NAY ON THIS ITEM. He cited it was in conflict with the development of the airport.

INTRODUCED AND TENTATIVELY APPROVED (6-1 Roe) Ordinance N. 4659, DVR15-0013 Avalon, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a 14-lot custom single-family residential subdivision. (Applicant: Garry Hays, Law Offices of Garry D. Hays PC.)

APPROVED a Preliminary Development Plan (PDP) for subdivision layout and development standards.

APPROVED Preliminary Plat (PPT) PPT15-0006, for approximately 12.23 acres located one-quarter mile south of the SEC of McQueen and Germann roads.

BACKGROUND

The subject site is located approximately ¼ mile south of the southeast corner of McQueen and Germann roads, just west of the Chandler Municipal Airport. McQueen Road abuts the property's west side, with the Chandler Tumbleweed Park located west of McQueen Road.

North of the subject site is the City of Chandler Los Arboles Equestrian Park connecting McQueen Road and the Paseo Canal along the property's east side. East of the Paseo Canal is the Chandler Municipal Airport. South of the subject site are existing rural residential homes zoned Rural-43 in the County.

GENERAL PLAN/CHANDLER AIRPARK AREA PLAN

The General Plan designates the subject site as Rural (Very Low Density) Residential uses with an average density range of 0 to 2.5 du/ac. The General Plan further designates this property as within the Chandler Airpark Area Plan (CAAP). The CAAP designates the site for Rural Residential (RR) with a density range from 0 to 1.5 du/ac. The Rural Residential designation is located in areas where low-density single-family residential exists and/or is preferred based upon a desire to retain the rural character of a given location.

The Chandler Airpark Area Plan also designates the subject site as within a Transitional Overlay Zone. The Transitional Overlay Zone occurs in areas that have potential for a variety of commercial land uses based upon compatibility with surrounding land uses. The Transitional Overlay Zone allows the transition from residential to commercial land uses as the economics become favorable for the transition to occur. The Transitional Overlay Zone includes specific guidelines when transitioning from rural residential to a compatible commercial land use. The transition guidelines include the following:

- Industrial uses will only be permitted if all the property owners in the contiguous transitional area request rezoning to that zoning district.
- Property owners in any transitional area request a rezoning of a minimum of 40 contiguous acres made up of whole subdivision lots.

- All requests for rezoning are for a specific proposed commercial project with committed funding.
- The development site where the new zoning occurs is adequately buffered so as not to create a hazard or a nuisance to the adjacent rural residential land use.
- Adequate infrastructure either exists or is planned as part of the development design to support the proposed use and traffic impacts on residential uses are minimal.
- All properties proposed for rezoning are adjacent to and border an arterial roadway, or border a commercial property that is adjacent to or borders an arterial roadway. This guideline is intended to prevent fragmented commercial development.
- Include the use of noise attenuation as provided for in Appendix A of the Airpark Area Plan.

Planning Staff finds the subject site is not appropriate to consider for a transition to a commercial land use based on the existing established rural-residential single-family homes located adjacent to the south, as well as the City of Chandler Equestrian Park located directly north. Additionally, the subject sites approximate 12.23-acre size and narrow irregular shape impacts its development potential for any type of land use other than residential.

REZONING REQUEST

The request is for rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a 14-lot custom single-family residential subdivision with Preliminary Development Plan (PDP) and Preliminary Plat (PPT) approval for subdivision layout and development standards. The gated subdivision takes vehicular access from McQueen Road. All lots orient to the north backing to the existing rural ranchette homes along the south.

The proposed Kingbird Place, a landscape tract, view fencing and two gated pedestrian access points provide a compatible interface with the Los Arboles Park.

All lots are proposed to be over 20,000 square feet in size, at least 115-feet wide and 139-feet deep. Because all of the lots are larger than 12,000 square feet, the Residential Development Standards, both for subdivision diversity and architectural diversity, do not apply. The developer, however, has planned approximately 2.05-acres of open space as part of the subdivision. The planned open space is primarily passive including turf and numerous pedestrian connections to the adjacent Paseo Canal, Los Arboles Equestrian Park and Tumbleweed Park. Building setbacks are a minimum 25-foot rear yard and a minimum of 10-foot and 10-foot side yards for each lot. Architectural elements such as, but not limited to, fireplaces, entertainment centers and bay windows may encroach a maximum of 2 feet into the side yard setback. Lot coverage will be limited to 45% of the total lot area.

The housing product will be custom homes. Homes must have a minimum of 2,800 square feet of livable area, with or without a basement. No more than two, two-story homes may be built side-by-side within the development. All homes are required to utilize flat, mission, or terra cotta tile roofs. Asphalt shingle or wood product roofs are prohibited. Finally, Lot 1 along McQueen Road is restricted to a single-story home only. A Homeowners Association architectural review committee will review home and landscape design and materials. Additional project details, descriptions and developer representations are contained in the Development Booklet.

AIRPORT COMMISSION

The Airport Commission reviewed the zoning request in accordance with the Airport Conflicts Evaluation Process at their August 12, 2015, meeting. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found that the proposed

subdivision does constitute a conflict with existing or planned airport uses, as well as existing businesses within the site's vicinity. While a non-residential use is preferred, various physical and administrative corrective actions were recommended for mitigation.

Physical corrective actions included noise attenuation construction within the homes, a roadway style sign indicating the presence of aircraft, incorporation of "Chandler Airpark" into the Avalon name and the construction of an engineered 8-foot tall sound wall along the eastern property line of Lot 14.

Administrative corrective actions included the requirement of significant disclosure statements to be signed by prospective home buyers indicating the proximity to the airport, heliport, aircraft engine repair and testing facility and the potential impact from aviation noise and vibrations. Additionally, an aviation easement shall be dedicated to the City of Chandler. Finally, a large map shall be displayed within the sales office identifying the proximity of the subdivision to the airport including the noise contours and over flight patterns.

As discussed at the meeting, the goal was to create a physical and administrative 'net' to catch prospective home buyers that may not want to necessarily live near an active airport, acknowledging that certain home buyers do enjoy living in that environment.

DISCUSSION

Planning Staff supports the request finding the proposed land use is consistent with General Plan and the Chandler Airpark Area Plan. The large lot, single-family land use is consistent with the Rural Residential designation and compatible with the existing large-lot rural residential single-family in the area.

The proposed density of 1.14 du/ac is within the range of 0 to 1.5 du/ac as defined in the CAAP. Based upon the site's long narrow irregular size as well as existing adjacent residential land uses and City Park, the site is not eligible to consider for transition to a non-residential land use as prescribed in the CAAP.

The property is located within the Airport Impact Overlay District, which establishes airport noise overlays. The intent of the noise overlay district is to regulate land uses within designated existing or projected airport noise impact areas by specifying acoustical performance standards. The noise overlay zones are in addition to Zoning Districts. The noise overlay creates characteristics and limitations of the overlying Zoning District; however, in any situation where a conflict arises, the more strict regulation(s) apply. The site is impacted by the 55-dnl Noise Contour and Airport Noise Overlay-One (ANO-1) zone. Language within the Zoning Code permits residential within the ANO-1 provided sound attenuation measures are utilized in the homes' construction.

The physical and administrative corrective actions forwarded by the Airport Commission have either been included as stipulations or included with the exhibits found in the Development Booklet.

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 July 16, 2015. There were approximately 20 people in attendance comprised of adjacent County residential property owners, representatives from the Airport Commission, and various business owners within the Airport and nearby industrial uses. Comments gathered from the adjacent residential owners included compliments of the site plan and a desire for tan colored block to be used on the proposed site wall. Airport representatives

commented that the future home owners would, at some point, voice concerns about the noise. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

A nearby residential property owner spoke at the hearing. His property is located south of Bluebird Drive in the County. Concerns voiced included a deed notation indicating a full 2-acre size yet his is only 1.87 acres, as well as a concern over maintenance requirements for Bluebird Drive. As the subject site's cumulative parcels are already annexed into the City of Chandler, the Bluebird Drive maintenance issue, and any issues related to his parcel, resides with the County for resolution.

RECOMMENDED ACTIONS

Rezoning

The Planning Commission and Planning Staff recommend approval subject to conditions listed in the ordinance.

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the Development Booklet entitled "Avalon at Chandler Airpark" and kept on file in the City of Chandler Planning Division, in File No. DVR15-0013, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. No more than two, two-story homes may be built side-by-side within the development.
3. Lot 1 along McQueen Road is restricted to a single-story home only.
4. An 8-foot tall engineered sound wall shall be constructed along the eastern property line of Lot 14.
5. A roadway-style sign shall be placed near the entrance along Kingbird Place identifying the presence of aircraft.
6. Future custom homes will be reviewed and approved administratively.
7. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
8. 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.

Preliminary Plat

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

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

7. REZONING/PRELIMINARY DEVELOPMENT PLAN: Wells Fargo Chandler Campus
Ord. #4660

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4660, DVR15-0015 Wells Fargo Chandler Campus, rezoning from Planned Area Development (PAD) for office, retail and data center uses, to Planned Commercial Office (PCO) with a PAD Overlay on approximately 15.5 acres of the approximately 68-acre Wells Fargo Chandler campus. In addition, request PAD Mid-Rise Overlay amendment for buildings up to 200 feet in height. (Applicant: Francis J. Slavin, P.C.)

APPROVED a Preliminary Development Plan (PDP) for the site layout, building architecture and comprehensive sign package for the future phases of the Wells Fargo Chandler campus on approximately 68 acres located at the NWC of Price and Queen Creek roads.

BACKGROUND

The subject site is comprised of 3 parcels totaling approximately 68 acres located at the northwest corner of Price and Queen Creek roads. The site is bordered to the north by a vacant 15-acre parcel zoned in 2005 for the TSYS data operations center. Adjacent to the west is the Gila River Indian Community. Price Road abuts the site's east side, with the Continuum business park development and vacant land planned for employment uses located east of Price Road. Queen Creek Road abuts the site's southern side, with an existing fuel station and vacant land planned for the waste water treatment facility expansion located south of the arterial.

The 68-acre Wells Fargo Ocotillo Corporate Center received zoning approval in 2002 designating the approximate northern two-thirds to Planned Commercial Office (PCO) with a Planned Area Development (PAD) overlay and the approximate southwestern one-third to PAD. The PCO district provided the commercial office and related uses entitlements while the PAD overlay provided design flexibility yet an assured predictable level of campus quality. The companion PAD zoning allowed for additional office space, a data processing service center as well as 50,000 square feet of retail uses. The 2002 approvals included Preliminary Development Plan (PDP) approval for Phase I of the campus master plan including Buildings A and B, associated surface parking and landscape improvements for Phase I and along the Price Road frontage. Construction of Phase I began shortly after.

A Public Transportation Plan was approved through a PDP in 2003 that provides guidance through policy direction for the pedestrian and vehicular transportation needs to support the public transportation service to the corporate campus. The subject site received PDP approval in 2008 amending the campus master plan to include an approximate 432,000 square foot data processing service center building. This building was to be located along the site's southern side north of Queen Creek Road. Wells Fargo ultimately never constructed this facility and no longer intends to pursue this component of the campus.

Most recently in 2013, the site received PDP approval for Phase II of the Wells Fargo Ocotillo Corporate Center campus that included the site design, landscaping, surface and structured parking associated with Buildings D & E. The site design was a continuation and progression of the conceptual master plan developed in 2002 with Buildings D & E remaining in roughly the same location as originally proposed; however, the associated building footprints and more importantly the campus pedestrian experience had undergone further evolutionary refinement. Buildings D & E continue the provision of the dynamic north-south axis oriented pedestrian mall established by geometric forms complemented by curvilinear pedestrian walkways that provide a wide range of pedestrian circulation and seating opportunities. Most significantly was the outdoor

dining area adjacent to the cafeteria located at the northern end of Building D's first floor. Phase II is nearing completion.

REZONING REQUEST

The request includes multiple components. First, the request includes rezoning approximately 15.5 acres located at the southwestern portion of the site from Planned Area Development (PAD) for office, retail and data center uses, to Planned Commercial Office (PCO) with a PAD overlay. Following the 2002 initial approval, Wells Fargo determined that the 50,000 square feet of retail space was no longer warranted due to the retail development in the area as well as their regional office demands. Additionally, the approved 432,000 square-foot data processing service center was no longer a desired use for the subject site. As such, the request to rezone the 15.5 acres to PCO with a PAD Overlay will bring this parcel into alignment with the balance of the campus.

The second component includes amendment to the PAD Mid-Rise Overlay for the entire campus increasing the maximum building height from 65 feet to 200 feet. The increased height will accommodate buildings up to approximately 13 stories. The request is consistent with the General Plan and the South Price Road Employment Corridor, as well as the recommendations set forth in the October 2013 Corridor Study known as the Maguire Report.

Finally, the request includes PDP approval for the site layout, building architecture and comprehensive sign package for the future phases of the Wells Fargo Chandler campus. The conceptual master plan included within the Development Booklet depicts Wells Fargo's vision for the ultimate development of the campus. At build out, it is anticipated the future phases to include an additional 940,000 square feet of office space for an overall campus size of approximately 1,745,000 square feet. Future Buildings C, F and G, as well as the additional parking structures and single-level branch building, are shown at a conceptual level. Final design will be reviewed and approved administratively. The included PDP documents, as well as the existing first two phases, establish the expected level of quality for the campus.

The future phases will further the high level of quality established through Phase I and II. The landscape design will continue to promote a seamless extension through the material palette and form. Additional attention has been paid ensuring a complimentary relationship between the building design and landscape interface that softens the buildings' pedestrian experience transitioning to a human scale. Architecturally, the future buildings will remain compatible and consistent with the existing campus through use of similar architectural elements and materials, utilized in proportions and scale more appropriate for taller buildings. Presently, it is anticipated the future Building C to be 5 stories and Buildings F and G to be 9 stories. Finally, the comprehensive sign package memorializes previous signage approval as well as sets forth the sign criteria for the future phases.

DISCUSSION

Planning Staff supports the request finding the proposed future campus phases to represent a high-quality addition to the Wells Fargo Chandler campus. Wells Fargo's commitment to the Price Corridor is furthered by this 940,000 square-foot future addition to their 68-acre campus. The design team again has provided a natural evolution for this existing campus that remains one of the premier examples on the South Price Road Employment Corridor. The increased building height not only furthers the goals and objectives of the General Plan, it also aligns perfectly with the recommendations within the Maguire Report.

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 11 and 13, 2015. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTIONS

Rezoning

The Planning Commission and Planning Staff recommend approval subject to conditions listed in the ordinance.

Preliminary Development Plan

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

1. Development shall be in substantial conformance with the Development Booklet entitled "Wells Fargo Chandler Campus" and kept on file in the City of Chandler Planning Division, in File No. DVR15-0015, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by the Chandler City Council.
2. Compliance with the original stipulations adopted by the City Council as Ordinance No. 3389, case DVR02-0021 WELLS FARGO OCOTILLO CORPORATE CAMPUS, except as modified by condition herein.
3. Compliance with the original stipulations adopted by City Council in case PDP02-0025 WELLS FARGO OCOTILLO CENTER, except as modified by condition herein.
4. Compliance with the original stipulations adopted by City Council in case PDP13—0015 WELLS FARGO CHANDLER CAMPUS PHASE II, except as modified by condition herein.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. 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.
7. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
8. Future buildings will be reviewed and approved administratively.

8. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT Res. #4873

ADOPTED Resolution No. 4873 authorizing the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2014-2015; and authorizing the Acting City Manager or her designee to execute and submit the CAPER to the United States Department of Housing and Urban Development (HUD).

BACKGROUND

Each year, the City of Chandler is required to evaluate the programs funded by the U.S. Department of Housing and Urban Development (HUD) and publish the results in a CAPER. The performance report describes federally-funded activities occurring during the most recent fiscal

year. The purpose of this report is to measure Chandler's success meeting the priority needs, goals and strategies described in the City's 2010-2014 Five-Year Consolidated Plan.

As part of the process of creating the CAPER, the City is required to conduct a 15-day public comment period and a public hearing at a Chandler City Council meeting. The public comment period began August 12, 2015, and concluded August 26, 2015. The CAPER public hearing was held at the City Council meeting on August 13, 2015. No public comments were received during the public hearing or during the public comment period.

DISCUSSION

The Fiscal Year 2014-2015 CAPER has been prepared to meet HUD's requirements for an annual performance evaluation. This report summarizes the City's accomplishments for the Community Development Block Grant, HOME Investment Partnership and Neighborhood Stabilization Program funds.

In addition to the federally-funded programs, the City also reports on those social service programs funded annually with the City's General Fund dollars. The funding of programs by the General Fund serves to significantly leverage the City's federally-funded programs to expand the services provided to Chandler residents.

FINANCIAL IMPLICATIONS

All costs associated with the programs reported in the CAPER are funded by the U.S. Department of Housing and Urban Development, with the exception of the social service programs funded by the City's General Fund.

9. DEVELOPMENT AGREEMENT: DC Land, LLC

Res. #4892

ADOPTED Resolution No. 4892 adopting the provisions of a development agreement with DC Land, LLC, providing for the possible use of the Government Property Lease Excise Tax (GPLET) and abatements.

BACKGROUND/DISCUSSION

DC Land, LLC, purchased 18 parcels in Downtown Chandler comprising 5.5 acres to develop 200 high-density residential units known as DC Heights. The City of Chandler Planning and Zoning Commission approved rezoning on November 19, 2014, with City Council approving rezoning on December 11, 2014.

On July 6, 2015, Council adopted Resolution No. 4884 approving a Development Agreement between the City of Chandler and DC Land, LLC, relating to the real property located between Commonwealth Avenue to Boston Street, and Essex to California streets.

As part of their development requirements, DC Land requested the City provide for a 25-year GPLET rate, which is a provision in Arizona's Tax Code that allows for a specific dollar value per square foot assessment, as opposed to the traditional assessment that is based on the value of the property. The current rate for high-density residential projects is \$2.00 per square foot and is divided among all taxing jurisdictions as dictated by a formula outlined in the State Statute. Further, because the site is located in both the City's existing Central Business District and the City's Redevelopment Area, the site will also be able to take advantage of an 8-year abatement on all property tax as part of the requested 25-year GPLET.

Per State Statute, the City of Chandler must notify other governmental entities about the possible use of GPLET and GPLET abatement at least 60 days before adoption. Letters of notification were sent to the Chandler Unified School District, Chandler-Gilbert Community College and Maricopa County over 60 days ago. No objections were expressed.

10. 2016 CITY COUNCIL REGULAR MEETING SCHEDULE Res. #4893

ADOPTED Resolution No. 4893 setting the dates for the 2016 City Council regular meeting schedule.

BACKGROUND

Section 2.12 of the City Charter and Section 2-1 of the City Code require the Chandler City Council to meet regularly at least twice each month. Resolution No. 4893 sets the City Council regular meeting schedule for the 2016 calendar year. An effort has been made to set meeting dates in order to avoid conflicts with holidays, observations and conferences. Special meetings may be called as needed. All meetings are scheduled to begin at 7:00 p.m.

11. REPEALED RESOLUTION NO. 4865 Res. #4894

ADOPTED Resolution No. 4894 repealing Resolution No. 4865, the transfer of certain County right-of-way on Germann Road between Arizona Avenue and Hamilton Street.

BACKGROUND/DISCUSSION

Council previously adopted Resolution No. 4865 transferring certain County right-of-way on Germann Road between Arizona Avenue and Hamilton Street. However, an error in the legal description was discovered resulting in a gap in the jurisdictional boundaries that needs to be corrected. Since adopted by both Council and the Maricopa County Board of Supervisors, the original resolution must be rescinded and a new resolution adopted.

12. RIGHT-OF-WAY TRANSFER: Germann Road Res. #4895

ADOPTED Resolution No. 4895 authorizing and consenting to the transfer of certain County right-of-way on Germann Road between Arizona Avenue and Hamilton Street contingent upon approval by the Maricopa County Board of Supervisors.

BACKGROUND/DISCUSSION

Council previously adopted Resolution No. 4826, an Intergovernmental Agreement (IGA) with the Maricopa County Department of Transportation (ADOT) 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 required to complete this annexation in order to retain the awarded Special Project Fund amount of \$350,000.00.

The Annexation Map attached to the resolution depicts the entire area to be annexed; approximately 4.51 acres of right-of-way. A.R.S. §9-471 (N) allows for an alternate 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

No direct cost for annexation; however, the City will be responsible for ongoing maintenance of annexed roadways. In exchange for the City annexing this section of Germann Road, the Maricopa County Department of Transportation awarded the City a grant in the amount of \$350,000.00 for ADA upgrades and repaving of the road surface.

13. DEVELOPMENT AND OPTION AGREEMENT: VPK Chandler, LLC Res. #4897

ADOPTED Resolution No. 4897 authorizing a development and option agreement with VPK Chandler, LLC, for redevelopment of Site 3 and option to purchase Sites 1 and 2 for redevelopment.

14. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following Board and Commission appointments:

Citizens' Panel for Review of Police Complaints and Use of Force

Shadow Asgari
Brandy Wynette

Mayor's Youth Commission

Farin Shiehzadegan
Justin Zhu

15. AUTHORIZED USE: Maricopa County's Detention Services

AUTHORIZED use of Maricopa County's detention services for the booking and housing of inmates, and approved the payment in the per-detainee and night unit costs as set forth in the Maricopa County Jail Per Diem Billing Rates sheet in an amount not to exceed an aggregate of \$1,705,573.00 for payment of the June 2015 invoice and services for Fiscal Year 2015-2016.

The Maricopa County Sheriff's Office (MCSO) is tasked with the housing and booking of inmates, Pre- and Post-IA (Initial Appearance) as well as post-conviction in accordance with A.R.S. §11-441 governing the housing of inmates by law enforcement jurisdictions within each county.

The MCSO is the sole source for detention services for individuals detained by the Chandler Police Department. Therefore, Staff requests approval from the City Council to pay the June 2015 invoice as well as approval to expend funds on a monthly basis in Fiscal Year 2015-2016 to MCSO for the actual costs for detention services for inmate housing and prisoner care.

Per notification from MCSO, an increased rate of 4.4% for housing and 7.3% for booking will be effective for FY 2015-2016.

16. 2016 STATUTORILY REQUIRED AND SELF-ADMINISTERED EMPLOYEE BENEFITS

AUTHORIZED the administration of statutorily and self-administered City benefit programs to include cancer insurance, retirement for civilian, public safety and elected officials, and long-term disability for benefit plan year 2016, effective January 1, 2016.

BACKGROUND

City Staff reviews the employee benefit package each year with the assistance of an employee benefits consulting firm. The following employee benefits are required statutorily or are a designated self-administered City benefit:

<u>Coverage</u>	<u>Provider</u>	<u>Paid By</u>
• Cancer Insurance – Fire Fighters and Police Officers	Public Safety Retirement Sys	City
• Retirement Plan – Civilian	AZ State Retirement Sys	City/Employee
• Retirement Plan – Public Safety	Public Safety Retirement Sys	City/Employee
• Retirement Plan – Elected Officials	Elected Officials Retirement Plan	City/Employee
• Long Term Disability – Civilian	AZ State Retirement Sys	City/Employee

17. **AGREEMENT AMENDMENT:** Liberty Mutual Insurance Company, Inc.

APPROVED an Agreement Amendment with Liberty Mutual Insurance Company, Inc., for discounted group coverage for home and auto insurance for one year.

City Staff reviews the employee benefits package each year with the assistance of an employee benefits consulting firm. Liberty Mutual Insurance Company offers employees and their dependents discounted group coverage for home and auto insurance to include an on-site representative on a quarterly basis and 24-hour claims service.

18. **AGREEMENT AMENDMENT:** Vision Service Plan Insurance Company

APPROVED an Agreement Amendment with Vision Service Plan Insurance Company for the vision insurance benefit in an amount not to exceed \$410,000.00 for one year.

City Staff reviews the employee benefits package each year with the assistance of an employee benefits consulting firm. Vision Services Plan Insurance Company provides affordable vision services to include eye exams, frames, lenses and contact lenses.

The 2016 rates represent a monthly increase of \$1.68 (\$9.80) for employee only coverage and \$3.89 (\$21.26) for family coverage. City Staff was able to negotiate an increase in the allowance for contact lenses and/or eyeglass frames from \$150 to \$160 per year.

19. **AGREEMENT AMENDMENT:** Matrix Absence Management, Inc.

APPROVED an Agreement Amendment with Matrix Absence Management, Inc., for administration of the short-term disability income benefit plan and Family Medical Leave Act (FMLA) administration services in an amount not to exceed \$75,000.00 for one year.

The City provides a short-term disability income benefit as a piece of the employee benefits package. The plan is self-funded and administered by a contracted third party service provider. The City also utilizes Matrix for the administration of services as required under the Family Medical Leave Act.

20. AGREEMENT AMENDMENT: Anthem Life Insurance Company

APPROVED an Agreement Amendment with Anthem Life Insurance Company for the City-paid long-term disability insurance benefit for Public Safety personnel in an amount not to exceed \$145,000.00 for one year. This is the 12th extension of this agreement.

21. AGREEMENT AMENDMENT: Voya Financial

APPROVED an Agreement Amendment with Voya Financial for life insurance in an amount not to exceed \$775,000.00 for one year. This is the second extension of the agreement.

The City provides a life insurance benefit as a piece of the employee benefits package. The basic life and accidental death and dismemberment (ADD) insurance is funded by the City and all optional coverage is funded by the employee based on the benefit selected.

22. AGREEMENT AMENDMENT: Delta Dental Plan of Arizona, Inc.

APPROVED an Agreement Amendment with Delta Dental Plan of Arizona, Inc., for the dental insurance benefit in an amount not to exceed \$105,000.00 for one year.

23. AGREEMENT/GENERAL FUND TRANSFER: Northern Arizona Center for Entrepreneurship and Technology

APPROVED Agreement No. CM5-918-3561 with the Northern Arizona Center for Entrepreneurship and Technology (NACET) for Innovations Incubator Management services, in the amount of \$150,000.00 for one year with the option of up to four one-year extensions.

AUTHORIZED the transfer of Strategic Economic Development Opportunity (SEDO) appropriation from the General Fund Non-Departmental Capital Cost Center designated reserve to the Innovations Cost Center for Innovations Incubator Management in the amount of \$125,000.00.

In 2009, the City approved a lease for the establishment of the Innovations Incubator with the goal to support and accelerate the creation of high-wage technology jobs through the delivery of value-added services, equipment and physical space that entrepreneurs normally would not have access to.

While Innovations is a desirable real estate option for entrepreneurial companies, it lacks the value-added services needed to satisfy "Best Practice" standards. Beyond common sense, these best practices are supported by empirical research. For example, a statistically valid survey of U.S. business incubators found that "Top-performing incubation programs often share common management practices. Practices most represented among high-achieving programs are having a written mission statement, selecting clients based on cultural fit, selecting clients based on potential for success, reviewing client needs at entry, showcasing clients to the community and potential funders, and having a robust payment plan for rents and service fees. All of these practices are highly correlated with client success" (Lewis et al., 2011).

In an effort to provide a top of class business incubation program which truly supports the needs of the small business community, not just housed at Innovations, Staff issued a Request for Proposal (RFP) seeking a qualified incubator operator. NACET, a Flagstaff, AZ, based 501(c)3, that provides business incubation management consulting services was identified as the most advantageous submittal. NACET maintains multiple operations around Arizona and has a track

record of connecting with community stakeholders by aligning incubation activities with other business development activities already residing within the community. This unique approach of integrating stakeholders is especially relevant in Chandler as unique resources such as Gangplank and TechShop reside in the community and can benefit from a strong incubation partner, programing and services.

As part of the agreement, a Scope of Work has been established to ensure compliance with industry best practices and timely delivery of service. Major aspects of this planned Scope of Work include:

- Reporting
- Stakeholder introductions
- Mentor recruitment to develop a local mentor network of 25+ individuals
- Advisory Board development to build an 8-person local advisory board
- New client outreach and recruitment for both resident and non-resident clients
- Client counseling for existing clients transitioning to regular counseling and program requirements
- Outreach events, lunch seminars and training events
- Marketing and communications plan launch

The Fiscal Year (FY) 2015-2016 budget includes a designated reserve of \$1,000,000 for SEDO, primarily intended to provide funding for economic development agreements or other opportunities which were not known at the time the budget was adopted. The \$1,000,000 is appropriated in the Non-Departmental Capital cost center and requires Council approval to move the appropriation to the cost center in which it will be spent on a particular project or agreement. The Economic Development Division would like to utilize \$125,000 of this appropriation to fund a portion of the Innovations Incubator management services.

A budget of \$125,000 currently exists in the Innovations cost center and the remaining budget funding requires a Strategic Economic Development Opportunities reserve (SEDO) transfer of \$125,000 to the Innovations cost center.

24. On Action.

25. AGREEMENT: Gust Rosenfeld, P.L.C.

APPROVED Agreement No. MS5-961-3507 with Gust Rosenfeld, P.L.C., for bond counsel services for a term of three years, October 1, 2015, through September 30, 2018.

Gust Rosenfeld, P.L.C. has a proven record of providing excellent professional bond counsel services to the City for over 25 years. Bond counsel services are necessary when issuing bonds, holding a bond election and keeping the City informed of numerous State and Federal regulatory requirements.

Over the last 5 years, the regulation of the municipal securities industry has increased dramatically on both the State and Federal levels. State law is increasingly sensitive to debt, use of public funds and the election process; this sensitivity is manifested in annual changes to the statutes and new court rulings which make bond counsel services vitally important to protect the City.

On the Federal level in the last 5 years, new laws and regulations have permeated the municipal market. New tax-exempt products are continually entering the market. The IRS has stepped up enforcement efforts to insure issuers and their bond counsel were complying with all the requirements of the tax code through, among other things, post-insurance compliance procedures. The Securities and Exchange Commission (SEC) has also ramped-up their enforcement of the municipal industry, which adds a significant amount of additional time and effort by all members of the City's finance team.

Bond counsel fees associated with the issuance of debt and incidental expenses related to each bond issue will be paid from individual bond proceeds and are priced based on the type of issue. Counsel fees for bond elections are billed at a flat rate. Special projects such as audits, investigations or litigations are charged at a competitive hourly fee based on the team member providing the services and will be paid from the appropriate related fund.

26. AGREEMENT: Flexible Benefit Administrators, Inc.

APPROVED Agreement No. HR5-953-3517 with Flexible Benefit Administrators, Inc., for flexible spending account administration in an amount not to exceed \$12,000.00 for one year, January 1, 2016, through December 31, 2016, with the option of up to four one-year extensions.

A Flexible Spending Account (FSA) enables employees to put aside a portion of their gross income on a pre-tax basis in an FSA in order to pay qualified health care and/or dependent care expenses. The proposal from Flexible Benefit Administrators includes a rate of \$2.98 per employee per month and has been guaranteed for a five year contract period. This represents a significant savings of \$1.77 per employee per month as compared to the current provider. This benefit is paid by the City.

27. AGREEMENT: Blue Cross Blue Shield of Arizona

APPROVED Agreement No. HR5-948-3502 with Blue Cross Blue Shield of Arizona (BCBS) for group medical and pharmacy benefits, in an amount not to exceed \$900,000.00 for one year, January 1, 2016, through December 31, 2016, with the option of up to six additional one-year extensions.

The City's medical benefit is reviewed throughout the year by Staff and in collaboration and input from the City-wide Healthcare Task Force with assistance from a benefits consulting firm. Staff recommends the City continue to contract with BCBS of Arizona to provide the administration of the City's group medical and pharmacy program, to include customer service support, administrative services, network contracts, clinical programs, pharmacy benefit management service and stop-loss coverage. There are no plan design changes for the Red and Blue plans. There is one plan change that is mandated by the Affordable Care Act in 2016 that impacts the White Plan only. The mandate requires an imbedded individual out-of-pocket maximum that will now allow an individual to meet a \$3,000.00 out-of-pocket maximum for in-network services instead of the current maximum of \$5,000.00 in order to maintain parity among all of the medical plans, the family out-of-pocket maximum for the White Plan will be changed from \$5,000 to \$6,000.00. Out-of-network, out-of-pocket maximums will change from \$7,500.00 to \$8,000.00 for an individual and from \$15,000.00 to \$16,000.00 for a family.

The 2016 premiums represent a 4.5% increase above 2015 largely as a result of national increases in medical services and pharmacy. The Health Care Trust Board recommended the 2016 rates by a majority vote.

28. AGREEMENT: E4 Health, Inc.

APPROVED Agreement No. HR5-948-3528 with E4 Health, Inc., for the employee assistance program (EAP) in an amount not to exceed \$38,000.00, for one year, with the option of up to four one-year extensions.

The Employee Assistance Program provides employees a no-cost, confidential counseling and referral service that is available 24 hours a day, 365 days a year. The EAP provides numerous resources and can help employees and their dependents with a wide range of personal challenges and issues. This benefit is paid by the City.

29. SERVICES AGREEMENT: BLINK N.A. II

APPROVED a services agreement with BLINK N.A. II allowing for the operation and maintenance of four Electric Vehicle charging stations at various City facilities for five years with an additional five-year renewal.

BACKGROUND/DISCUSSION

In 2012, the City of Chandler entered into an agreement with ECotality NA to host Electric Charging Stations at various City facilities. ECotality received funding from the U.S. Department of Energy to deploy vehicle charging infrastructure to promote the use of electric vehicles. ECotality worked with the Maricopa Association of Governments (MAG) to establish standards for siting and permitting. The original agreement called for a 50/50 sharing of revenues generated. The term of the agreement was to December 2012 and was extended to December 2013.

ECotality went out of business in 2013. At that time, BLINK acquired ECotality's network of assets. BLINK has been working with individual communities to develop new agreements for the operations of the existing car charging stations. The City has been working with BLINK to develop a new agreement that establishes new revenue sharing provisions as well as guaranteeing the City recovers our costs associated with the utilization of electricity by the charging stations.

There are currently four (4) charging station locations in Downtown Chandler with the ability of charging six vehicles. There are two stations at the San Marcos Hotel, two stations at Chandler Office Center, one station at the downtown Chandler Public Library and one station in the City Hall Parking Garage.

Most of the provisions of the original agreement with ECotality are the same with the BLINK agreement. The equipment is owned and maintained by BLINK. All operations and maintenance costs, as well as replacement costs, are paid for by BLINK. The major change to the agreement is the revenue provision. The agreement with BLINK provides for a new revenue sharing arrangement. The City will receive 5% of net profits and BLINK will pay the City \$0.15 per kilowatt hour (kWh) of electricity utilized at each charging station. With this new revenue agreement, the City will not incur any out of pocket costs for the stations. In addition, with increased success of the stations, the City will share in the net profits.

FINANCIAL IMPLICATIONS

The City will receive 5% of the total net profits generated by the vehicle charging stations. The City will also be paid \$0.15 per kilowatt hour utilized by the charging stations. There is no out of

pocket expense for the City. Since 2012, the City has received \$310.00 from the six existing charging stations.

30. AGREEMENT: Vehicle Purchase

APPROVED Agreement No. FD6-070-3592 for the purchase of vehicles with Peoria Ford in an amount of \$24,239.94, Thorobred Chevrolet in an amount of \$98,337.96, Courtesy Chevrolet in an amount of \$214,797.41 and Sanderson Ford in an amount of \$99,728.25, for a total amount of \$437,103.56.

The City's Fleet Advisory Committee (FAC) evaluates all vehicle replacement requests with regards to mileage, years of service, reliability, repair history and forecasted ability to meet service requirements. During the FY 2014/2015 budget process, the Municipal Utilities, Transportation and Development, Fire, Health & Medical, and Community & Neighborhood Services Departments submitted vehicles to be considered for replacement in FY 2015/2016. The FAC recommends replacing 15 light duty trucks utilizing Bid No. FD6-070-3592.

31. AGREEMENT: Emergency Vehicle Purchase

APPROVED Agreement No. FD6-070-3588 with Midway Chevrolet in an amount of \$144,950.18, and San Tan Auto Partners in an amount of \$90,877.46, for the purchase of emergency vehicles in a total amount of \$235,827.64.

The City's Fleet Advisory Committee (FAC) evaluates all vehicle replacement requests with regards to mileage, years of service, reliability, repair history and forecasted ability to meet service requirements.

During the FY 2014/2015 budget process, the Police and Fire, Health & Medical Departments submitted vehicles to be considered for replacement in FY 2015/2016. The FAC recommends replacing seven emergency vehicles.

Ford Interceptors will be purchased from San Tan Auto Partners Ford and Chevrolet Police Tahoes will be purchased from Midway Chevrolet.

32. AGREEMENT AMENDMENT: Municipal Emergency Services, Inc.

APPROVED Agreement No. FD3-340-3133. Amendment No. 3, with Municipal Emergency Services, Inc., (MES), for the purchase of fire protective clothing and uniforms, for the term September 15, 2015, through September 14, 2016, in an amount not to exceed \$300,000.00. This is the third of four optional one-year extensions.

The Chandler Fire, Health & Medical Department (CFHMD) contracts with a vendor to provide Department approved uniforms and protective clothing to the members of the Department. The members use an annual uniform allowance to purchase their individual uniforms. The Department provides firefighters with protective clothing that includes turnout coats, turnout pants, firefighting boots and a firefighting helmet. The Department has an inspection program which ensures firefighting protective clothing is safe and is in compliance with the National Fire Protection Association (NFPA) guidelines. In FY 2015/2016, the Department has \$175,000.00 budgeted for uniforms and \$125,000.00 budgeted for protective clothing.

33. AGREEMENT AMENDMENT: Utility Construction Company, Inc.

APPROVED Agreement No. TD4-968-3404, Amendment No. 2, with Utility Construction Company, Inc., for streetlight pole replacement to extend the agreement for one year and approve Staff purchasing under the extended contract in an amount not to exceed \$225,000.00. This is the first of 4 optional on-year optional renewals.

34. PROJECT AGREEMENT: Dibble & Associates Consulting Engineers, Inc.

APPROVED Project Agreement No. WA1504.451 With Dibble & Associates Consulting Engineers, Inc., dba Dibble Engineering, Inc., for construction management services for Large Valve Replacement, pursuant to Annual Water and Wastewater Services Contract No. EN1520.101, in an amount not to exceed \$67,495.00.

35. PROJECT AGREEMENT: Carollo Engineers, Inc.

APPROVED Project Agreement No. WW1506.452 with Carollo Engineers, Inc., for construction management services, for the Downtown Sites 4, 5 and 6 Water-Wastewater Infrastructure, pursuant to Annual Water and Wastewater Services Contract No. EN1518.101, in an amount not to exceed \$94,609.00.

36. PROJECT AGREEMENT: Wilson Engineers LLC

APPROVED Project Agreement No. WW1407.452 with Wilson Engineers, LLC, for construction management services for Ocotillo Recharge Facility Aquifer Storage and Recovery Wells 7, 8, 9 and 10, pursuant to Annual Water and Wastewater Services Contract No. EN1517.101, in an amount not to exceed \$753,275.00, contingent upon written notification from Intel and appropriate funding.

37. PROJECT AGREEMENT: CH2M HILL Engineers, Inc.

APPROVED Project Agreement No. WA1302.452 with CH2M HILL Engineers, Inc., for construction management services, for the McDermott and Iris Wells Equipping, pursuant to Annual Water and Wastewater Services Contract No. EN1519.101, in an amount not to exceed \$318,740.00.

38. JOB ORDER CONTRACT: Felix Construction Company

APPROVED Job Order Contract No. JOC1501.401 to Felix Construction Company for two years, in an amount not to exceed \$1,000,000.00 per year with the option of one additional two-year extension.

39. JOB ORDER CONTRACT: Sundt Construction, Inc.

APPROVED Job Order Contract No. JOC1502.401 to Sundt Construction, Inc., for two years, in an amount not to exceed \$1,000,000.00 per year, with the option of one additional two-year extension.

40. PROFESSIONAL SERVICES CONTRACT: Carollo Engineers, Inc.

APPROVED Professional Services Contract No. WW1301.451 to Carollo Engineers, Inc. for construction management services, for Phase II of the Ocotillo Water Reclamation Facility Expansion and Related Facilities, in an amount not to exceed \$11,586,440.00.

41. CONSTRUCTION MANAGER AT RISK CONTRACT: Sundt-McCarthy

APPROVED Construction Manager at Risk Contract No. WW1301.402 to Sundt-McCarthy, an Arizona Joint Venture, for Phase II of the Ocotillo Water Reclamation Facility Expansion and Related Facilities, in an amount not to exceed \$122,645,250.00.

This contract is for the construction and commissioning of a new treatment system and supporting facilities to expand the Ocotillo Water Reclamation Facility (OWRF). The expansion of the OWRF will be located immediately north and west of the existing OWRF located at 333 S. Old Price Road. Currently, the OWRF has a ten million gallon per day (MGD) capacity. This phase of construction will add five MGD capacity. In future years, additional expansions to this facility will accommodate the Lone Butte Wastewater Treatment Facility replacement and the City's wastewater treatment build-out capacity.

42. CONSTRUCTION MANAGER AT RISK CONTRACT: CSW Contractors, Inc.

APPROVED Construction Manager at Risk Contract No. WA1504.401 to CSW Contractors, Inc., for large valve replace in an amount not to exceed \$1,154,604.20.

43. CONSTRUCTION MANAGE AT RISK CONTRACT: Achen-Gardner Construction, LLC

APPROVED Construction Manager at Risk Contract No. WW1506.402 to Achen-Gardner Construction, LLC, for the Downtown Sites 4, 5 and 6 Water-Wastewater Infrastructure in an amount not to exceed \$3,937,819.26.

The City is currently negotiating development agreements for Downtown Sites 1 through 7 with private developers. Previous assessments of the water and wastewater system in the Downtown area recommend improvements that are necessary to provide adequate levels of service for the proposed developments. This project scope of work consists of the replacement and upsizing of aged water lines and sanitary sewer infrastructure to support the development of downtown sites 4 and 5 and Phase I of Site 6.

44. CONSTRUCTION CONTRACT: PCL Construction, Inc.

APPROVED Construction Contract No. WW1407.402 to PCL Construction, Inc., for the Ocotillo Recharge Facility Aquifer Storage and Recovery Wells 7, 8, 9 and 10 in an amount not to exceed \$4,621,243.00, contingent upon written notification from Intel and appropriate funding.

45. CONSTRUCTION CONTRACT: Weber Water Resources, LLC

APPROVED Construction Contract No. WA1302.402 to Weber Water Resources, LLC, for the McDermott and Iris Wells Equipping in an amount not to exceed \$2,301,957.00.

46. CONSTRUCTION CONTRACT: DNG Construction, LLC

APPROVED Construction Contract No. WA1418.401 to DNG Construction, LLC, for the Airport Water Production Facility Landscape Site Improvements in an amount not to exceed \$133,708.06.

47. PURCHASE: Upfitting Emergency Vehicle Services

APPROVED the purchase of upfitting emergency vehicle services, utilizing City of Phoenix Contract No. 14-022 with Creative Communications, in the amount of \$122,079.81.

Public safety depends on specialized automobiles and trucks to provide service delivery. Upfitting modifies vehicles to provide emergency response warning devices, communication systems and equipment/personnel carrying capabilities. The vehicles must provide safe, dependable, effective and comfortable transportation for personnel as well as required equipment. The design engineers and installation technicians involved in upfitting must be highly skilled and experienced in order to design and build efficient, long lasting public safety vehicles. In FY 2015/2016, the City of Chandler is purchasing twenty (20) public safety vehicles that require upfitting; four (4) Fire Health and Medical and sixteen (16) Police vehicles.

48. CONSTRUCTION CONTRACT: Lejas Corporation

APPROVED Construction Contract No. PD1503.401 to Lejas Corporation for Police Interview Rooms Renovation in an amount not to exceed \$154,001.00.

This project is to provide sound mitigation between the four existing interview rooms and improved operations of the audio/visual observation room for the investigations area located on the second floor in the Police Building at 250 E. Chicago Street.

49. CONSTRUCTION CONTRACT: Woodruff Construction

APPROVED Construction Contract No. PD1501.401 to Woodruff Construction for the Chandler Police Department Indoor Firing Range in an amount not to exceed \$201,208.15.

The existing ventilation system does not adequately remove bullet fragments and smoke created while firing weapons at the police shooting range located on the first floor of the Police Building at 250 E. Chicago Street. This project is to remove the existing ventilation system and replace it with one that meets safety standards established by the United States Environmental Protection Agency, the National Institute for Occupational Safety and Health, and Occupational Safety and Health Administration.

50. PURCHASE: Freightliner of Arizona

APPROVED the purchase of a cab and chassis with asphalt patch body from Freightliner of Arizona, utilizing State of Arizona Contract No. ADSPO14-063242, in an amount of \$198,804.00

51. PURCHASE: Super Products, LLC

APPROVED the purchase of a combination sewer cleaner from Super Products, LLC, utilizing Houston Galveston Area Cooperative (HGAC) Contract No. SC01-15, in a total amount not to exceed \$392,244.00.

52. SOLE SOURCE PURCHASE: Flygt Pumps

APPROVED the sole source purchase of Flygt pumps, Flygt replacement parts and Flygt pump service from James, Cooke & Hobson, Inc., in an amount not to exceed \$510,000.00. James, Cooke & Hobson, Inc., is the sole authorized distributor for Flygt pumps, replacement parts and pump service for industrial and municipal markets in Arizona.

53. SOLE SOURCE PURCHASE: Allen-Bradley Electrical Equipment

APPROVED the sole source purchase of Allen-Bradley electrical equipment and service from Border States Electric Supply in an amount not to exceed \$540,000.00. Border States Electric Supply is the sole authorized distributor for Allen-Bradley electrical equipment and service for industrial and municipal markets in Arizona. The City receives a 13% discount off of the supplier's list price for Allen-Bradley electrical equipment.

54. SOLE SOURCE PURCHASE: Cardiac Monitor Refurbishment Services

APPROVED the sole source purchase of cardiac monitor refurbishment services with Philips Healthcare in the amount of \$67,650.00.

The Chandler Fire, Health & Medical Department (CFHMD) utilizes advanced cardiac monitor/defibrillators for cardiac monitoring, 12-lead ECG acquisition and transmittal, electrical therapy, oxygen saturation measuring, capnography measuring, blood pressure assessment and CPR quality feedback. All CFHMD front line response units maintain this advanced cardiac life support capability.

In FY 2012/2013, the department entered into a five-year service agreement to extend the anticipated life cycle of the monitors to ten years. With seven years of use, these monitors are showing excessive wear. While functionality is maintained under the service agreement, the unprofessional appearance of the monitors, along with wearing of identifiers from buttons, are becoming concerns to the providers.

This will provide for complete refurbishment of 15 CFHMD advanced cardiac monitor defibrillators to extend their life cycle to the end of the existing service agreement. These monitors are proprietary to Philips Healthcare; there are no other sources to provide the cardiac monitor services needed.

55. PURCHASE/CONTINGENCY TRANSFER: Smeal Fire Apparatus

APPROVED the purchase of three replacement fire engines from Smeal Fire Apparatus, utilizing the Houston-Galveston Area Council (HGAC) contract in the amount of \$1,563,040.83. AUTHORIZED the transfer of \$60,778.00 from the Vehicle Replacement Fund Non-Departmental Contingency Account to the Vehicle Replacement Fund Fire Capital Program.

Over the last few years, the Chandler Fire, Health & Medical Department (CFHMD) has been submitting fire engines that are 15 years old to be evaluated for replacement by the City's Fleet Advisory Committee (FAC). The FAC reviews all vehicles requested to be replaced with regards to mileage, years of service, reliability, repair history and forecasted ability to meet service requirements. The FAC has deferred each of these engines on their first evaluation and two of the engines have been deferred for more than one year. The FAC has recommended the replacement of all three previously deferred engines in FY 2015/2016.

HGAC has been used by the City in the past to purchase various items. HGAC is a regional council of governments that operates as a cooperative authority for the purchase of various equipment and vehicles that are common to local, state and certain non-profit corporations. HGAC competitively solicited and awarded Contract FS12-13 for fire apparatus. The City has a current intergovernmental agreement with HGAC allowing for the cooperative use of HGAC's contracts.

In 2013, Staff issued a Request for Proposal (RFP) for the purchase of a fire apparatus. The City received offers from five firms. The proposal from Red Sky Fire apparatus was accepted. CFHMD is very satisfied with the engine now that it has been in service for a period of time. The possibility of purchasing similar fire engines has been explored and can be achieved through the use of the HGAC. CFHMD has worked with HGAC and the supplier to achieve a purchase price that is only 4% higher than the proposal price for the purchase in 2013. This price is well within what is acceptable for additional purchases reflecting a 2% inflation factor per year.

56. PURCHASE/CONTINGENCY TRANSFER: Vehicles

APPROVED the purchase of heavy duty trucks, undercover vehicles and administrative vehicles, utilizing the State of Arizona Contract, from Courtesy Chevrolet in an amount of \$172,673.86; Avondale Dodge in an amount of \$24,337.62; Peoria Ford in an amount of \$412,936.11 and Sanderson Ford in an amount of \$719,483.35, for a total amount of \$1,329,430.93.

AUTHORIZED the transfer of \$21,880.00 from the Vehicle Replacement Fund Non-Departmental Contingency Account to the Vehicle Replacement Fund Information Technology Infrastructure and Client Support Vehicle Account and the transfer of \$21,880.00 from the Vehicle Replacement Fund Transportation & Development Development Services Vehicle Account to the Vehicle Replacement Fund City Manager Planning Vehicle Account.

57. PURCHASE: Creative Bus Sales, Inc.

APPROVED the purchase of three 14-passenger wheelchair accessible buses, utilizing Mohave Contract No. 13N-CRBSI-0925 with Creative Bus Sales, Inc., in the amount of \$191,088.22.

58. USE PERMIT: Verizon wireless – NWC Arizona and Warner

APPROVED use Permit ZUP15-0008, Verizon Wireless – NWC Arizona and Warner, to install a 49-foot monopalm wireless communication facility located at 70 W. Warner Road. (Applicant: Garrett Jonilonis, Pinnacle Consulting.)

BACKGROUND

The request is for Use Permit approval to install a monopalm wireless communication facility located at 70 W. Warner Road within the East Valley Town Center. The proposed monopalm is 49 ft. tall, measured to the top of antennas. The nearest residential is the recently approved Avilla multi-family development located over 400 ft. west. The AZ Compass Prep school is approximately 300 ft. north and the Arborlane single-family residential subdivision is approximately 1,200 ft. northwest.

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, with the antennas painted to match the fronds. An 8-ft.

tall equipment enclosure, utilizing concrete masonry units painted to match the color of the adjacent building, will be constructed. A solid metal gate allows access for routine maintenance of the equipment within the new enclosure. Existing landscape would be relocated or replaced in-kind to accommodate the new wireless communication facility.

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 wireless facilities, vertical towers and structures located within an approximately one mile radius, was prepared by the applicant to assess alternative locations. Each location was analyzed to determine 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 illustrating existing views and proposed views of the wireless communication facility 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 49-foot monopalm, measured to the top of antennas. The monopalm design is suitable at this location given the presence of palm trees within the shopping center. The separations from single-family and multi-family residential developments and the prep school are positives as the distance is greater than the approximately 160-ft. separation of recently approved wireless communication facilities.

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 July 2, 2015. There was one resident in attendance seeking general information. Planning Staff has not received any correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 4 – 0 with Commissioners Cunningham Foley and Ryan absent.

RECOMMENDED ACTION

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

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.
2. Landscape shall be maintained at a level consistent with or better than at the time of planting.
3. All trees and shrubs removed shall be relocated or replaced with similar plant species.

59. USE PERMIT: Chandler Commons

COUNCILMEMBER HEUMANN VOTED NAY ON THIS ITEM. He stated he did not feel this was the best use at this time.

Approved (6-1 Heumann) Use Permit ZUP15-0010 Chandler Commons, to allow an indoor self-storage facility to locate within a Planned Area Development (PAD) district located at 1010 E. Ray Road, SWC of Cooper and Ray roads. (Applicant: Michael Withey, Withey Morris PLC.)

BACKGROUND

The site is located at 1919 E. Ray Road, at the southwest corner of Cooper and Ray roads, within the Chandler Commons shopping center. The subject building is the former Basha's grocery store. Ashley Park single-family residential subdivision is south and west, commercial and office developments are at the three corners and tenants within the shopping center include Brennan Dental, Jack-in-the-Box, Subway and Chevron. Retail shops located to the east remain within a new lot created through the Minor Land Division (MLD) process. The MLD approval is contingent on the final decision of this request.

The request is for Use Permit approval to allow an indoor self-storage facility to locate within a Planned Area Development (PAD) district. Storage uses are not permitted by-right within the PAD for Community Commercial (C-2) uses, however, are considerable under a Use Permit.

Tenant improvements to the approximately 57,200 sq. ft. building include a business center, a moving supply sales office and a packing and shipping retail center. Two floors totaling approximately 114,000 sq. ft. will be constructed within the existing building shell to accommodate 1,044 climate controlled storage units, support uses and the retail component. No changes to the footprint or to building height are proposed. Outdoor storage of any kind is not part of the request. Small moving trucks, limited to two trucks, will be available for client use and parked in the north or west parking lot.

Self-storage facilities require less parking than a shopping center. Existing parking totals 309 spaces; 155 parking spaces are required for the storage and office uses. Cross access and ingress/egress easements are in place for the shopping center.

Self-storage units are accessible from 6 a.m. to 10 p.m. seven days a week. Office and service hours are 9 a.m. to 6 p.m. from Monday to Friday, 8:30 a.m. to 5 p.m. on Saturday and 11 a.m. to 3 p.m. on Sunday.

DISCUSSION

Planning Staff finds the proposed indoor self-storage facility to be a compatible use with the existing commercial development. The former Basha's building has been vacant approximately 8 years.

The Mayor's 4-Corner Retail report identified this location as one of seven key intersections for reuse and/or redevelopment. Self-storage is included on the list of potential reuses of vacant commercial retail space. Reuse with a self-storage business coupled with a retail component, aligns with the report recommendations and reduces the amount of vacant commercial space.

Planning Staff is not recommending at time condition with this request.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 6, 2015. There were two residents of the same household in attendance inquiring about hours of operation, loading/unloading and type of storage facility. Planning Staff received a phone call from an adjacent business owner who

voiced concerns on the request for a self-storage facility to locate within the retail shopping center indicating that it does not generate enough traffic. Planning Staff followed up with the business owner to verify if their concerns were addressed. The owner's response is in the attached letter. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 1 with Commissioner Wastchak dissenting and Commissioner Cunningham absent.

The Planning Commission asked Planning Staff to modify Condition No. 5 to include language that the two moving trucks are parked in the west parking lot when not in use. The moving trucks can temporarily park in the north parking lot when customers are loading and unloading.

The dissenting Planning Commissioner stated that a mini-storage use would not help other retail tenants in the shopping center.

RECOMMENDED ACTION

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

1. Expansion or modification of the self-storage use and building beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
5. Moving trucks shall be limited to two trucks and parked in the west parking lot when not in use for loading and unloading by customers.
6. Outdoor storage of recreational vehicles, trailers and personal automobiles shall not be permitted.

60. USE PERMIT: Sidelines Grill and Tavern

APPROVED Use Permit LUP15-0015 Sidelines Grill and Tavern, Series 12 Restaurant License, extension to allow liquor sales as permitted for on-premise consumption indoors and on an outdoor patio at an existing restaurant located at 2980 S. Alma School Road, Suite 2. (Applicant: Amy Nations; AZLIC.)

BACKGROUND

The subject restaurant is located west of the northwest corner of Alma School and Queen Creek roads, within the Ocotillo Plaza shopping center. The restaurant occupies the southern end of a pad building along Queen Creek Road. A vacant suite that previously housed a Washington Mutual Bank shares the building with the restaurant.

The restaurant first received a Use Permit for alcohol service under a Series 12 Restaurant License in 2002. It received a new Use Permit in 2009 to accommodate a patio expansion. In April 2011, it received a Use Permit, limited to one (1) year, to allow the addition of live music on the outdoor patio and received an extension 2012 for an additional three years. The request is to

extend the Use Permit indefinitely as the owners have decided to eliminate the live music component that historically generated complaints.

The restaurant has an estimated seating of 202 patrons including the outdoor patio. The restaurant is approximately 2,652 square feet; the patio provides an additional 800 square feet. The patio is enclosed with 36-inch tall decorative railing and includes a fireplace and six televisions. The restaurant has been in operation since 2002 (always under a Series 12 Restaurant License) and is open Sunday and Monday, 11 a.m. to 11 p.m., Tuesday through Thursday 11 a.m. to 12 a.m. and 11 a.m. to 1 a.m. on Fridays and Saturdays.

DISCUSSION

Planning Staff recommends approval of the request without a time limit. The restaurant has hosted live music many times over the past years, which has raised concerns; however, with the current application, the live music component is being eliminated allowing the restaurant to operate like any other restaurant with a Series 12 liquor license.

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 27, 2015. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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

1. The Use Permit granted is for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication of the Use Permit.
4. The Use Permit is non-transferable to any other store location.
5. The patio and area adjacent to the restaurant entrance shall be maintained in a clean and orderly manner.

61. USE PERMIT: The Perch

APPROVED Use Permit LUP14-0021 The Perch, Series 6 Bar License and Series 3 domestic Microbrewery License to sell and serve all types of spirituous liquors as permitted, operate the microbrewery and have live entertainment indoors and outdoors for the expansion of the premise area to include a new roof-top area, the Hair Salon and Covo, located a 232 S. Wall Street, north and west of the NWC of Arizona Avenue and Frye Road. (Applicant: Jared Repinski, AATF Agent.)

BACKGROUND

The Perch is an existing restaurant and bar with outdoor courtyards, patios and roof-top areas located at 232 S. Wall Street. The previous Liquor Use Permit was approved by Council on

September 11, 2014. A new Liquor Use Permit is prompted due to the proposed expansion of the premise area.

The premise area expansion adds approximately 6,530 sq. ft. to the existing 30,200 sq. ft. for a total premise area of 36,730 sq. ft. The northeast expansion includes the rebuilding of the former 'Covo' building. The Hair Salon is an existing building and the new roof-top area was recently constructed above a storage building. Live entertainment concludes at 10 p.m. on Sunday through Thursday and 11 p.m. on Friday and Saturday. A time condition was not placed on the previous Liquor Use Permit and Planning Staff does not recommend a time condition on the current request.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 6, 2015. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

One speaker, representing the owner of Yoli's Café, commented on several items which are not related to the Liquor Use Permit and include The Perch's business sign facing Oregon Street, pedestrian access through The Perch site to their business and fencing constructed on a common property line. The speaker indicated that loud music came from The Perch and disturbed his patrons. Planning Staff or the Police were not contacted concerning the loud music/noise issue. The time of day and days of the week when loud music occurred cannot be verified since there is no record or correspondence of the incident(s).

RECOMMENDED ACTION

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

1. The Liquor Use Permit granted is for a Series 6 Bar License and a Series 3 Domestic Microbrewery License and any change of license shall require reapplication and new Liquor 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. Music and entertainment shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
5. No noise shall be emitted from the live music and entertainment occurring outdoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
6. No live entertainment shall occur after 11 p.m. on Friday and Saturday.
7. The establishment shall provide a contact phone number of a responsible person (bar owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.
8. The site shall be maintained in a clean and orderly manner.

62. PERMANENT EXTENSION OF PREMISES: The Perch

APPROVED the permanent extension of premises for a Series 6 Bar Liquor License and a Series 3 Domestic Microbrewery Liquor License (Chandler #145511 L6 & L3) held by The Perch LLC, dba The Perch located at 232 S. Wall Street. A recommendation for approval of a permanent extension of premises for State Liquor License Nos. 06070316 and 03073070 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has 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.

63. USE PERMIT: Vintage 95

APPROVED Use Permit LUP15-0010 Vintage 95, Series 12 Restaurant License and Series 7 Beer and Wine Bar Liquor License to allow liquor sales as permitted for on-premise consumption indoors and outdoor consumption on an enlarged outdoor patio at an existing restaurant located at 94 W. Boston Street. (Applicant: Jared Repinski, Agent.)

BACKGROUND

The subject site is located at the southeast corner of Oregon and Boston streets within the City's City Center District (CCD). The CCD is a unique district that promotes specialty retail, cultural, dining, entertainment and other storefront businesses traditional to a downtown setting. A vacant suite shares the eastern wall of the subject site; plans for a restaurant are currently under review for the vacant suite.

The site first received Use Permit approval in 2010 for a Series 12 Restaurant license under the operation of a different restaurant. Vintage 95 first received Use Permit approval for a Series 12 Restaurant License in 2011 with a one-year time limit due to live music being added to the 2010 approval. An extension of the Use Permit was granted in 2012, indefinitely. The current request is to add an outdoor patio along the site's western side and to add a Series 7 Beer and Wine Bar License. The restaurant will continue to maintain the Series 12 Restaurant License.

Ratios of food to alcohol sales will be maintained under the Series 12 License, but with the stacked Series 7 License, the restaurant will be able to provide beer growlers and bottles of wine for sale for off-premise consumption.

The subject site includes an approximately 2,800 sq. ft. building interior with restaurant seating and a bar, a small front patio along Boston Street and a larger rear patio backing to the alley. The rear patio has restaurant seating, a bar and three raised "square" features (a fire pit, a water feature and a tree) that serve as gathering points. Seating is provided for approximately 174 patrons, including 100 in the interior, 16 on the front patio and 58 on the rear patio. The proposed western patio will connect the northern and southern patios, is 822 sq. ft. and will provide seating for approximately 20 patrons. With the addition of the patio, the restaurant and patios will provide a total square footage of 5,869. The colonnade, in which the proposed patio is located, is approximately 22 feet wide. With the addition of the seven-foot wide patio, the colonnade will maintain a clear width of 15 feet. Where columns are located adjacent to the patio, a clear area of just under six feet will be provided.

The site provides live music, both indoors and outdoors on the rear patio. The music may include amplified acoustic guitar and vocals (daily), or a small 3-piece jazz band (Thursday through Saturday only). Only the jazz bands will include a bass guitar. No drums or DJs are requested. The music schedule is 5 p.m. to 10 p.m. Monday through Wednesday, 11 a.m. to 1 a.m. Thursday through Saturday and 12 p.m. to 10 p.m. on Sunday. Conditions have been placed on

the Use Permit since 2011 to address noise concerns. Planning Staff is unaware of any noise complaints generated by noise stemming from the live music.

DISCUSSION

Planning Staff supports the request finding that the addition of the patio takes advantage of a large colonnade that has been unutilized and will offer an opportunity to provide more activity along a street frontage in the CCD. Additionally, with the stacked licenses, Planning Staff finds that while more opportunities for customers will be provided, the additional offering does not generate operational concerns nor negatively impact the underlying land use.

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 3, 2015. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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

1. The Use Permit is granted for a Series 12 Restaurant and Series 7 Beer and Wine Bar license only and any change of licenses shall require reapplication and new Liquor Use Permit approval.
2. The Liquor Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit application and approval.
4. Liquor 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 and this Liquor Use Permit shall apply.
5. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation (i.e. persons with disabilities shall have direct access to all indoor and outdoor pedestrian spaces).
6. The outdoor patio shall be maintained in a clean and orderly manner.
7. Music shall be controlled so as to not unreasonably disturb area residents.
8. The restaurant shall provide contact information for a responsible person (restaurant owner and/or manager) to interested neighbors that will allow music complaints to be resolved quickly and directly.

64. PERMANENT EXTENSION OF PREMISES: Vintage 95

APPROVED a permanent extension of premises for a Series 12 Restaurant Liquor License (Chandler #136364 L12) held by Vintage 95 LLC, dba Vintage 95 located at 95 W. Boston Street. A recommendation for approval of a permanent extension of premises for State Liquor License #12078843 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has 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.

65. LIQUOR LICENSE: Vintage 95

APPROVED a Series 7 Beer and Wine Bar Liquor License (Chandler #136364 L7) for Jared Repinski, Agent, Vintage 95 LLC, dba Vintage 95, located at 95 W. Boston Street. A recommendation for approval of State Liquor License #07070573 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.

66. USE PERMIT: Mod Super Fast Pizza

APPROVED Use Permit LUP15-0014 Mod Super Fast Pizza, Series 12 Restaurant License, to sell and serve liquor for on-site consumption indoors and within an outdoor patio for a new restaurant in the Paseo Lindo development located at 3977 S. Arizona Avenue, Suite 4. (Applicant: Andrea Lewkowicz.)

BACKGROUND

The application requests Liquor Use Permit approval to sell liquor as permitted by a Series 12 Restaurant License within a new restaurant and outdoor patio. The building is currently under construction within the Paseo Lindo commercial center and will occupy one of three tenant spaces.

The restaurant will have approximately 70 seats indoors and 30 seats outside on a patio. Hours will be from 10:30 a.m. until 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday nights. There is no live entertainment.

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 3, 2015. There were no neighbors in attendance. Planning Staff has received no correspondence in 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, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Liquor Use Permit and require new Liquor Use Permit re-application and approval.
2. The Liquor Use Permit is granted for a Series 12 (Restaurant License) only and any change of licenses shall require re-application and new Liquor Use Permit approval.
3. The Liquor Use Permit is non-transferable to other store locations.
4. The site and patio shall be maintained in a clean and orderly manner.

67. LIQUOR LICENSE: MOD Pizza

APPROVED a Series 12 Restaurant Liquor License (Chandler #159104L12) for Andrea Lewkowicz, Agent, MOD Super Fast Pizza LLC, dba MOD Pizza, located at 3977 S. Arizona Avenue, Suite 4. A recommendation for approval of State Liquor License #207A273 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.

68. LIQUOR LICENSE: Keegan's Grill

APPROVED a Series 12 Restaurant Liquor License (Chandler #160036 L12) for Amy S. Nations, Agent, White Stone Kitchens LLC, dba Keegan's Grill, located at 1095 W. Queen Creek Road. A recommendation for approval of State Liquor License #1207A352 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. The Planning Division advises a new Use Permit is not required since this will be a continuation of the location's previous use as Keegan's at Ocotillo LLC, dba Keegan's Grill.

69. LIQUOR LICENSE: Rick's Pub & Grub

APPROVED a Series 12 Restaurant Liquor License (Chandler #159939 L12) for Richard B. Stover, Agent, RS & RM Investments LLC, dba Rick's Pub & Grub, located at 4910 W. Ray Road, Suite 3. A recommendation for approval of State Liquor License #1207A336 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. The Planning Division advises a new Use Permit is not required since this will be a continuation of the location's previous use as JJ's Restaurant Group LLC, dba Duke's Tavern.

70. LIQUOR LICENSE: Singing Pandas Asian Restaurant & Bar

APPROVED a Series 12 Restaurant Liquor License (Chandler #159666 L12) for Xing Ling Chen, Agent, Singing Pandas LLC, dba Singing Pandas Asian Restaurant & Bar, located at 757 E. Chandler Boulevard. A recommendation for approval of State Liquor License #1207A341 will be forwarded to the State Department of Liquor Licenses and Control.

The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. The Planning Division advises a new Use Permit is not required since this will be a continuation of the location's previous use as Byliel, Inc., dba Rancho Mexican Grill 2.

71. SAMPLING PRIVILEGES LIQUOR LICENSE: Wal-Mart Supercenter #3360

APPROVED the addition of sampling privileges for a Series 9 Liquor Store Liquor License (Chandler #101751 L9) for Clare Hollie Abel, Agent, Wal-Mart Supercenter #3360, located at 2750 E. Germann Road. A recommendation for approval to add sampling privileges to existing State Liquor License #09070686s will be forwarded to the State Department of Liquor Licenses and Control.

Wal-Mart Supercenter #3360 has been in business at this location since August 29, 2005, at which time Council approved a Series 9 Liquor Store Liquor License. The applicant has submitted an application to add sampling privileges to their current Series 9 Liquor License. The Arizona State Legislature amended A.R.S. §4-206.01(J), effective July 29, 2010, allowing an applicant or licensee of a Liquor Store License or a Beer and Wine Store License to apply for sampling privileges.

All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

72. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Celebrate Arts event on September 30, 2015, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

73. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Mariachi Festival on October 3, 2015, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

74. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Center State Dinner on October 24, 2015, at the Chandler Center for the Art, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

75. SPECIAL EVENT LIQUOR LICENSE: Downtown Chandler Community Foundation

APPROVED a Special Event Liquor License for the Downtown Chandler Concert Series Concert #1 on October 31, 2015, at the Library Plaza, 125 E. Commonwealth Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

76. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Tower of Power concert on November 7, 2015, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic

beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

77. SPECIAL EVENT LIQUOR LICENSE: Downtown Chandler Community Foundation

APPROVED a Special Event Liquor License for the Downtown Chandler Community Foundation for the 6th Annual Rock the Block Party on November 14, 2015, at the Library Plaza, 125 E. Commonwealth Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

78. SPECIAL EVENT LIQUOR LICENSE: Chandler Chamber of Commerce

APPROVED a Special Event Liquor License for the Chandler Chamber of Commerce for the Holiday Enchantment Gala on November 20, 2015, at Big Two Toyota Scion of Chandler, 1250 S. Gilbert Road. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

79. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License of the Chandler Cultural Foundation for the Gaelic Storm Fundraiser event on November 20, 2015, at the Chandler Center for the Arts, 250 N. Arizona Avenue.

A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

80. SPECIAL EVENT LIQUOR LICENSE: Downtown Chandler Community Foundation

APPROVED a Special Event Liquor License for the Downtown Chandler Community Foundation for the Downtown Chandler Concert Series Concert #2 on November 21, 2015, at the Library Plaza, 125 E. Commonwealth Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

81. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Texas Tenors event on December 18, 2015, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

82. SPECIAL EVENT LIQUOR LICENSE: Downtown Chandler Community Foundation

APPROVED a Special Event Liquor License for the Downtown Chandler Community Foundation for the Downtown Chandler New Year's Eve Concert, December 31, 2015, at the Library Plaza, 125 E. Commonwealth Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

83. SPECIAL EVENT LIQUOR LICENSE: World Class Urban Foundation

APPROVED a Special Event Liquor License for the World Class Urban Foundation for the 2nd Annual Halloween Party, October 16, 2015, at the Tech Shop, 249 E. Chicago Street. . A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. The special event liquor fee has been paid; however, as this applicant is a non-profit organization, no sales tax license is required.

84. PRELIMINARY PLAT: Ray Road Apartment Homes (Brio Apartments)

APPROVED Preliminary Plat PPT15-0011 Ray Road Apartment Homes (Brio Apartments), for a multi-family residential development located east of the NEC of Arizona Avenue and Ray Road. (Applicant: Jeff McIntosh, Terrascope Consulting.)

BACKGROUND

This Preliminary Plat is for a multi-family residential development that was approved by Council on June 12, 2014. The plat creates the lot and tracts, establishes the necessary easements and dedicates the required rights-of-way.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioner Cunningham absent and Commissioner Ryan abstaining.

RECOMMENDED ACTION

Upon finding the request to be consistent with the General Plan and Planned Area Development 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.

85. FINAL PLAT: Chandler Heights

APPROVED Final Plat FPT15-0013 Chandler Heights, for an 84-lot single-family residential subdivision located east of the SEC of Cooper and Chandler Heights roads. (Applicant: Michael Cronin, TerraWest Communities.)

The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way. Planning Staff recommends approval.

86. FINAL PLAT: Maderas

APPROVED Final Plat FPT-15-0022 Maderas, for a 22-lot single-family residential subdivision located south of the SWC of Cooper and Queen Creek roads. (Applicant: Bowman Consulting.)

BACKGROUND

This Final Plat is a re-plat for the single-family subdivision Maderas originally approved by Council in 2006. In July 2015, Council approved zoning conditions which modified development standards related to the location of one- and two-story homes. Due to these changes, the originally approved Final Plat's typical lot setback details and notes were no longer applicable. The proposed re-plat removes this information and maintains the subdivision design previously established. 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.

ACTION AGENDA

24. AGREEMENT: American Traffic Solutions, Inc.

Agreement No. PD-961-3521 with American Traffic Solutions, Inc., for photo enforcement in an estimated amount of \$2,500,000.00 for the initial five-year contract term, April 1, 2016, through March 31, 2021, with the option of one five-year extension.

Background:

The City entered into an agreement for the photo enforcement program in February 2007 and has exercised the final extension option through March 31, 2016. The recommended agreement will allow the City to continue providing the photo enforcement program.

On July 22, 2015, the Public Safety Subcommittee met and was briefed on the history of the photo enforcement program, the proposed new locations and the potential new vendor.

The Police Department's goal is to reduce accidents overall and further reduce the severity of the accidents that do occur. Studies conducted in Chandler show that there is a statistically significant reduction in accidents at intersections that are photo enforced. The Police

Department's experience with photo enforcement as a tool to reduce accidents and increase traffic safety has been positive.

A review of the crash data and traffic flow revealed that some of the current enforcement cameras should be relocated to different intersections to have the greatest impact on the safety of the motoring public. This contract will not increase the number of photo enforcement locations or approaches, which will remain at 12 intersections and 7 approaches. Intersections recommended to be monitored by photo enforcement were selected based on three criteria: volume of accidents, increase in accidents and severity of the accidents occurring at the intersection. Approaches will be monitored with a combination of speed and red light enforcement based on the accident data.

In the event this program generates a positive cash flow, all funds will be used by the Police Department and Traffic Engineering for traffic safety enhancements including signage, roadway improvements and other items that increase traffic safety in Chandler.

Before the new locations go live, there will be a 60-day public information campaign to make drivers aware of the location changes. Speed reader boards will be installed at all four approaches at each intersection advising drivers of their speeds. Additionally, for the first 30 days of the program, warnings will be issued instead of citations.

If the contract is terminated for convenience, the contractor will be compensated for unamortized costs incurred for installation. Staff and the contractor will collaborate for a seamless transition.

DISCUSSION:

COUNCILMEMBER ROE stated there are efforts on behalf of the state to eliminate photo radar throughout the state, and inquired if the State succeeds will Chandler be responsible for the entire funding of the contract.

KAY BIGELOW, City Attorney, stated if the State of Arizona passes a law banning the use of photo radar, any contracts in existence would still be enforceable. State law cannot impair an existing contract.

COUNCILMEMBER ROE said he is opposed to continuing with photo enforcement in Chandler due to the cost of the program, and low numbers of accidents in those intersections identified as the highest traffic intersections. He said from 2012-2014 in each of the top ten accident locations in Chandler, there were fewer than 3 accidents per month at each intersection. He said this occurs in intersections where close to 2 million vehicles safely past each month without incident. He said points to consider would be street engineering which lead to be one of the primary reasons our roads are as safe as they are.

He recommended the expansion of digital speed signs. He reported the digital speed signs are effective according to the City's Transportation Engineer. Councilmember Roe said he would like to experiment with larger digital countdown signs, similar to the ones at pedestrian crossings as a study has discovered many drivers use these to slow down before the traffic light even turns yellow. He suggested keeping the extended time on the yellow traffic light as it gives drivers a longer period to slow down. He encouraged the research to identify how many red light violations have occurred, peak months, days of the week or time of the day where extra measures can make a difference. Research and educated which groups are having more accidents and what is causing them.

Councilmember Roe stated photo enforcement was adopted in 2006 and he purported to date, the city has collected more than \$6 million. More than \$3 million went to a private contractor. He stated there are those who do not support photo enforcement in our community including, Representative LD-17 J.D. Mesnard, State Representative LD-17 Jeff Weninger, State Representative LD-18 Bob Robson. He noted State Senator Kelly Ward introduced legislation banning photo radar use statewide. He stated the Town of Gilbert has adopted a no photo enforcement policy.

He encouraged the Council to adopt solutions that do not include photo enforcement.

MAYOR TIBSHRAENY asked Chief Duggan to address the cost vs. expense of the program.

POLICE CHIEF DUGGAN stated Chandler's intention was to be a cost neutral program, however the cost versus revenue generated varies every year. Since 2006, when the program started, the city has received \$300,000 in revenue, although that number fluctuates. It is designed to complement the technology, education, and prevention efforts. It does not replace officers, but enhances the enforcement component.

COUNCILMEMBER HEUMANN stated he and former Councilmember Weninger sat on a subcommittee that discussed photo radar and stated that any money generated from photo radar is used for reader boards and other safety and traffic calming enhancements. Chief Duggan replied when there is an overage, that funding is earmarked specifically for those enhancements such as reader boards.

COUNCILMEMBER SELLERS asked Chief Duggan to comment on the enhanced safety the previously mentioned measures have provided and whether the speed indicator boards truly impact the driver and their speed.

CHIEF DUGGAN responded that it is one of many tools they utilize to reduce the number and severity of accidents. Photo Radar is just one of those many tools used to achieve this goal, and he supports the continued use of the program.

In response to a question from Vice Mayor Hartke, CHIEF DUGGAN stated he believes it has a significant impact on decreasing accidents and as a result, most likely saves lives. Chandler uses a wide variety of tools, technology and educational measures and it all makes a difference.

COUNCILMEMBER LOPEZ stated that while he is not a big fan of Photo Radar, he believes that by having a variety and available resources to increase the safety of citizens is what is important.

COUNCILMEMBER HEUMANN MOVED, SECONDED BY COUNCILMEMBER LOPEZ TO APPROVE THE AGREEMENT NO. PD5-961-3521 FOR PHOTO ENFORCEMENT AS RECOMMENDED BY STAFF.

COUNCILMEMBER ELLEN thanked the Chief for the department's efforts to keep the citizens safe. She believes photo radar is a punitive tool towards the residents and does not feel it is Chandler's job to use cameras on the residents. She commented when the camera's flash at night, it blinds drivers. She believes there are other measures that could be used for safety and she will be voting no.

MAYOR TIBSHRANEY stated he had received a letter and read it into the record. The letter was from Dennis and Jeanie Wells and encouraged the installation of photo radar at Chandler's major intersections. They have observed approximately 15% of their neighborhood residents no longer stop at the stop sign when leaving the neighborhood, and have frequently observed several cars running red lights, and some of them up to 3-5 cars in succession at one red light.

The Mayor stated photo radar is just another tool in the tool box to increase the safety at intersections. There are several tragic stories about red light running.

THE MOTION CARRIED BY MAJORITY (5-2) WITH COUNCILMEMBER ELLEN AND ROE VOTING NAY.

PUBLIC HEARINGS

PH1. **ANNEXATION** of a parcel of approximately 7.83 acres located at the SEC of Arizona Avenue and Queen Creek Road. (Applicant: Ralph Pew, Pew & Lake, PLC.)

Open Public Hearing

The Mayor opened the public hearing at 7:28 p.m.

Staff Presentation

Ms. Lauren Schumann, City Planner, provided an overview of the annexation request.

Background:

The property is located at the southeast corner of Arizona Avenue and Queen Creek Road. The subject site is zoned General Commercial (C-3) within the County, but is currently being used for agricultural uses and contains a single-family home with ancillary structures. The site is bordered by Arizona Avenue to the west and Queen Creek Road to the north. The land adjacent to the east is zoned Agricultural and the land adjacent to the south is vacant zoned as Planned Area Development (PAD) for professional offices.

The Chandler Land Use Element of the General Plan designates the site as Employment, a Commercial Node and located within a Large Tract Growth Area. The Chandler Airpark Area Plan designates a more specific land use category of Neighborhood Commercial and within the Light Rail Corridor Overlay Planning Area. A rezoning and preliminary development plan application will be submitted for the subject site for a medical facility which will be forthcoming following approval of the requested annexation.

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

Planning Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

Per Arizona Revised Statutes, the City Council must hold a Public Hearing to gather input regarding a proposed annexation prior to taking action on the request. No action is required of Council at this time.

Council discussion: None.

Discussion from the Audience: None.

The Mayor closed the public hearing at 7:30 p.m.

PH2. **ANNEXATION** of two parcels totaling approximately 20 acres located at the NEC of 138th Street and Ocotillo Road. (Applicant: Scott W. Morrison.)

Open Public Hearing

The Mayor opened the public hearing at 7:30 p.m.

Staff Presentation

Ms. Lauren Schumann, City Planner, gave an overview of the annexation request.

Background:

The property is located at the northeast corner of 138th Street and Ocotillo Road. The subject site is undeveloped and used for horses to graze. The property is currently zoned Rural-43 (RU-43) within the County. The site is bordered by unincorporated rural residential properties zoned RU-43 to the north and east. Ocotillo Road is adjacent to the south and Layton Lakes Parcel 28, which is under development, is located west of 138th Street. The Chandler Land Use Element of the General Plan designates the site as Residential. The property owner has no immediate plans to subdivide the property.

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

Planning Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

Per Arizona Revised Statutes, the City Council must hold a Public Hearing to gather input regarding a proposed annexation prior to taking action on the request. No action is required of Council at this time.

Council Discussion

None.

Discussion from the Audience

A member from the audience inquired how residents would be able to keep up to date with the request.

CITY PLANNER SUSAN FIALA stated the request is for annexation into the City. Once land is annexed into the city, the city is required to zone it comparable to the existing county zoning. If the property owners want to change the zoning they would have to apply to the city and residents within 600 feet would have to be notified.

The Mayor closed the public hearing at 7:33 p.m.

PH3. **ANNEXATION** of three parcels totaling approximately 11.56 acres located south of the SEC of Arizona Avenue and Chandler Heights Road. (Applicant: James H. Kean.)

Open Public Hearing

The Mayor opened the public hearing at 7:33 p.m.

Staff Presentation

The property is located south of the southeast corner of Arizona Avenue and Chandler Heights Road. The subject site is undeveloped land currently zoned Light Industrial (Ind-2) within the County. The property borders Arizona Avenue to the west and the Union Pacific Railroad is adjacent to the east. North of the property is zoned for multi-family residential and a manufacturing business within the County zoned Heavy Industrial (Ind-3) is adjacent to the south.

The Chandler Land Use Element of the General Plan designates the site as employment, within a Commercial Node, and Large Tract Growth Area. The Southeast Chandler Area Plan designates a more specific land use category of Mixed Use/Employment. This annexation was scheduled for a previous public hearing on May 14, 2015, but was withdrawn to allow more time to evaluate a conceptual site plan. The property owner plans to build a self-storage facility after annexation.

Existing municipal water service is available from Arizona Avenue and sewer will be extended from Chandler Heights Road.

Planning Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

Per Arizona Revised Statutes, the City Council must hold a Public Hearing to gather input regarding a proposed annexation prior to taking action on the request. No action is required of Council at this time.

Council Discussion

COUNCILMEMBER LOPEZ requested a clarification of the zoning once the land is annexed into the city. He asked if the zoning of this property will be different because of the location.

CITY PLANNER SUSAN FIALA stated once property has been annexed from the county, the city zoning must reflect comparable zoning as it was in the county. It can be less, but never more than what the county zoning was. The property is currently zoned High Industrial within the county, it will be zoned Light Commercial within the City.

Discussion from the Audience

None.

The Mayor closed the public hearing at 7:35 p.m.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

A. Mayor's Announcements

- In partnership with the DCCP, the permanent, covered stage was dedicated tonight and will attract high-profile entertainment and its placement in the Downtown Library plaza will allow up to 17,000 visitors.
- The City of Chandler and the Human Relations Commission, in partnership with the Miss Indian Arizona Scholarship Program, will host the Chandler Indian Art Market, October 10 and 11, at Dr. A.J. Chandler Park. This free, two-day event is a unique way to experience Native American culture and a way of life. Also, contestants in the 2015 Miss Indian Arizona Scholarship Program will compete for the title of Miss Indian Arizona at 6:30 p.m., Saturday, Oct. 10, at the Chandler Center for the Arts. The event provides scholarships to young American Indian women, encouraging them to pursue their educational goals
- The Mariachi Festival will take place Oct 3rd starting at 7 p.m. at the Chandler Center for the Arts.
- Census will kick off starting October 1st, through end of November. Chandler is one of seven cities in the State conducting the mid-census.
- The Mayor addressed the increase of violence against police or public safety officers, and asked residents to be cognoscente and report anything suspicious.

B. Councilmembers' Announcements

COUNCILMEMBER SELLERS announce he attended the inauguration of “Kiko” Munro, the new Mayor of Puerto Penasco. He then drove to Tombstone for the Arizona Department of Transportation meeting. Councilmember Sellers stated he toured the new Wells Fargo buildings and noted they were Gold Leed certified although designed to Platinum standards. He said soon will be traveling with the Chandler National Little League All-Stars to Taiwan for the tournament.

VICE MAYOR HARTKE echoed the Mayor's comments regarding the safety of Chandler's police. On October 24th there are several events: Community Clean up, the Mayor's Day of Play, and then Chandler will hold its G.A.I.N. event.

COUNCILMEMBER HEUMANN commented on the new Wells Fargo campus and the approval for two future buildings. He announced the Desert Cancer Foundation will hold its annual luncheon at the San Marcos Hotel on October 29th.

COUNCILMEMBER ELLEN announced September is the National Emergency Month.

COUNCILMEMBER ROE attended a Junior Achievement open house in Tempe, and asked everyone to support youth programs when they can.

