

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, October 22, 2015 at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

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: Susan Stevens Clarke – Chandler Bahai Faith

PLEDGE OF ALLEGIANCE: Vice Mayor Hartke led the Pledge of Allegiance.

CONSENT:

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

COUNCILMEMBER HEUMANN COMMENTED ON ITEM #73, discussion is listed under that item.

A Request to Speak card was received for item No. 22 by Jim West. Discussion is under that item.

MOTION CARRIED UNANIMOUSLY (7-0).

1. SITE LEASE AND WIRELESS LICENSE: Verizon Ord. #4580

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4580 authorizing a Telecommunication Site Lease and Wireless License with Verizon Wireless LLC, dba Verizon Wireless (Verizon) for a parcel of land that is a portion of Pima Park and authorizing the Mayor to execute the lease and authorizing the City Manager or designee to execute other implementing documents as needed.

BACKGROUND

At the October 23, 2014, Council meeting, City Council approved a Use Permit for Case #ZUP14-0015, Verizon and Pima Park, to install wireless communication facilities on a ball field light pole within the City of Chandler Pima Park at 625 N. McQueen Road. Ordinance #4580 authorizes

the terms of a five-year Site Lease to Verizon which is renewable for up to four (4) successive five-year periods. It also grants a "Construction Access Easement", a "Driveway Easement", a "Path Easement" and a "Maintenance Access Easement" as detailed in Section 3B and Exhibit C. The base lease payment will be \$1,899.00 per month with a provision for a 12% increase at the start of each new lease period.

The Police and the Fire, Health and Medical Departments have determined that the installation of this wireless facility will not cause any interference with the City's public safety communication systems. The Community and Neighborhood Services Department Staff have also approved the location of the wireless facilities and does not have any issues regarding its impact on the City's operations of the property. Staff has concluded that the lease would be in the best interests of the City of Chandler and its citizens and would satisfy the license provisions of Chapter 46 of the City Code.

#### FINANCIAL IMPLICATIONS

The Company will pay permit, inspection and pavement damage fees, if applicable. Verizon will also pay \$1,899.00 per month rent for the site with provisions for rent increases of 12% as detailed in the Agreement. Verizon will also pay any applicable transaction privilege, sales, excise, rental and other taxes.

2. ANNEXATION: SEC Arizona Avenue and Chandler Heights Road Ord. #4632

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4632 annexing approximately 11.56 acres located south of the SEC of Arizona Avenue and Chandler Heights Road. (Applicant: James H. Kean.)

#### BACKGROUND

The property is located south of the southeast corner of Arizona Avenue and Chandler Heights Road. The site is undeveloped land currently zoned Light Industrial (Ind-2) and Heavy Industrial (Ind-3) 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. The property owner plans to build an RV and self-storage facility after annexation and initial City zoning.

#### UTILITY SERVICES

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

#### STAFF COMMENTS

A public hearing for this annexation was held at the September 24, 2015, City Council meeting. As of this writing, Planning Staff is unaware of any opposition. Planning Staff circulated the request among City Departments and received no negative comments relative to the property's annexation.

#### RECOMMENDED ACTION

Planning Staff recommends approval.

3. INITIAL CITY ZONING: SEC Arizona Ave & Chandler Heights Road Ord. #4633

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4633, DVR15-0017 south of the Southeast Corner of Arizona Avenue and Chandler Heights Road, establishing initial City zoning of Industrial on approximately 11.56 acres located south of the SEC of Arizona Avenue and Chandler Heights Road. (Applicant: City of Chandler.)

BACKGROUND

The property is located south of the southeast corner of Arizona Avenue and Chandler Heights Road. The site is undeveloped land currently zoned Light Industrial (Ind-2) and Heavy Industrial (Ind-3) 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. The property owner plans to build an RV and self-storage facility after annexation and initial City zoning.

In accordance with State Statute, Planning Staff is proposing an initial City zoning of Planned Industrial (I-1) and Planned Area Development (PAD), which is consistent with the previous Light (Ind-2) and Heavy (Ind-3) Industrial zoning in the County. Arizona Revised Statute §9-471 states that "a city or town annexing an area shall adopt zoning classifications that permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made according to existing procedures established by the city or town for the rezoning of land".

The request includes a PAD overlay to reduce the north building setback from fifty (50) feet to thirty (30) feet.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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

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

CONTINUED TO JANUARY 14, 2016, Introduction of 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.)

CONTINUED Preliminary Development Plan (PDP) for site layout and building architecture located north of the NEC of Ryan Road and Arizona Avenue.

This case was continued from the September 24, 2015, Council meeting to the October 22, 2015, Council meeting. The applicant requests further continuance to the January 14, 2016, Council meeting due to their need for additional time to address certain project issues.

5. REZONING/PRELIMINARY DEVELOPMENT PLAN: Arizona Eye Center Ord. #4657

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4657, DVR15-0014 Arizona Eye Center, rezoning from Planned Area Development (PAD) for general office to PAD for medical and general office. (Applicant: Larry Talbott, Hunter Engineering.)

APPROVED a Preliminary Development Plan (PDP) for site layout and building architecture on approximately 1.55 acres located at the NWC of Ray Road and Arrowhead Drive.

BACKGROUND

The property is located at the intersection of an arterial and collector street that provides access to the adjacent neighborhoods. The property is surrounded on all sides by the residential subdivisions Andersen Springs and Festival which developed in the earlier 1980's and 1990's. The site was a remaining out-parcel held by the Andersen family at the time the property was sold and the adjacent subdivisions developed. The site was previously zoned PAD for general office in 2004.

SITE LAYOUT AND ARCHITECTURE

The site will consist of a new 9,000 square foot, single-story office used for an ophthalmology facility. In order to integrate with the surrounding residential, the proposed exterior architectural design represents a west coast Mediterranean theme and will use a combination of stucco, stone, and clay roof tiles similar to the adjacent homes. Flat walls have been minimized with façade bump-outs, trellis features and private patio areas. A canopy has been provided on the west façade, which will service as the main entrance. The highest point of the building will measure 27'-4" above finished floor. The proposed location of the building footprint at the southeast corner of the lot creates the greatest distance possible from the adjacent residential properties, while maintaining adequate setbacks from both street rights-of-way and, in addition to the ten-foot landscape buffer surrounding the north and west property lines. A minor setback encroachment is requested along Ray Road.

Arizona Eye Center hours of operation will be 8 a.m. to 5 p.m., Monday through Friday and will have seven employees. The facility will provide procedures such as medical eye exams, cataract surgery, laser vision correction, corneal surgery and eye lid rejuvenation. The site provides sixty parking spaces with a covered parking structure along the north property line.

Signage will include a freestanding monument sign along Ray Road as well as building mounted signage along Ray Road and Arrowhead Drive. The building mounted signage, for both text and logo, will be individually cut reverse pan channel brushed aluminum. All signage will be externally illuminated. Building mounted signage will be lit by goose-neck exterior building lighting. Ground mounted, directional up lighting will be used to illuminate the monument sign.

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 20, 2015. There were five residents in attendance. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed 5 – 0 with Commissioners Baron and Foley 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 “Arizona Eye Center” and kept on file in the City of Chandler Planning Division in File No. DVR15-0014, 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. Landscaping shall be in compliance with current commercial Design Standards.
3. The landscaping shall be maintained at a level consistent with or better that at the time of planting.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. 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 shall apply.
6. WITHDREW ANNEXATION: SEC Arizona Avenue and Queen Creek Road Ord. #4661

WITHDREW INTRODUCTION AND TENTATIVE APPROVAL of Ordinance No. 4661, annexation of approximately 7.83 acres located at the SEC of Arizona Avenue and Queen Creek Road for the purpose of re-advertising.

7. WITHDREW INITIAL CITY ZONING: SEC Arizona Ave and Queen Creek Rd Ord #4662

WITHDREW INTRODUCTION AND TENTATIVE APPROVAL of Ordinance No. 4662, DVR15-0029 Southeast Corner of Arizona Avenue and Queen Creek Road, establishing initial City zoning for Regional Commercial (C-3) on approximately 7.83 acres located at the SEC of Arizona Avenue and Queen Creek Road for the purpose of re-advertising.

8. ANNEXATION: NEC 138<sup>th</sup> Street and Ocotillo Road Ord. #4663

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4663 annexing approximately 19 acres located at the NEC of 138<sup>th</sup> Street and Ocotillo Road. (Applicants: Scott Morrison & Karen Panietz, Property Owners.)

### BACKGROUND

The 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 138<sup>th</sup> 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.

#### UTILITY SERVICES

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

#### STAFF COMMENTS

A public hearing for this annexation was held at the September 24, 2015, City Council meeting. Planning Staff is unaware of any opposition. Planning Staff circulated this request among City Departments and received no negative comments relative to the property's annexation.

#### RECOMMENDED ACTION

Planning Staff recommends approval.

9. INITIAL CITY ZONING: NEC 138<sup>th</sup> Street and Ocotillo Road Ord. #4664

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4664, DVR15-0030 Northeast Corner of 138<sup>th</sup> Street and Ocotillo Road, establishing initial City zoning of Agricultural (AG-1) on approximately 19 acres located at the NEC of 138<sup>th</sup> Street and Ocotillo Road. (Applicant: City of Chandler.)

#### BACKGROUND

The 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 138<sup>th</sup> 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.

In accordance with State Statute, Planning Staff is proposing the initial City zoning of AG-1, which is consistent with the previous RU-43 zoning in the County. Arizona Revised Statutes § 9-471 states that "a city or town annexing an area shall adopt zoning classifications that permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made according to existing procedures established by the city or town for the rezoning of land".

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

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

#### RECOMMENDED ACTION

The Planning Commission and Planning Staff recommend approval.

10. CITY CODE AMENDMENT: Chapter 15 Ord. #4667

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4667 amending Chandler City Code, Part III – Public Safety, Chapter 15 – Auctioneers and Pawnbrokers, Sections 15-1, 15-2, 15-3, 15-4 and 15-6.

#### BACKGROUND

As of April 2014, Firebird, the old pawn data entry system used by the Chandler Police Department, no longer functioned with the City of Chandler upgraded computer system. As a result, the Chandler Police Department's pawn specialist began manually entering tickets directly in the Maricopa County Jail Management System. Data entry of pawn slips by hand is insufficient. The timely entry of these tickets is of the utmost importance for several reasons. The pawn data is a critical component to locating and recovering stolen property as well as identifying those involved in trafficking of stolen property. Having quicker access to this information is essential to the investigative process and simplifies the recovery of a victim's property.

The Chandler Police Department recently purchased a new pawn data system, Leads Online, after demonstrating its capabilities to Councilmembers at a Public Safety Subcommittee meeting on January 29, 2015. It is currently utilized by several cities including Mesa, Scottsdale, Tempe, Gilbert and several west valley agencies. The system allows the pawn shops and secondhand dealers to electronically send their transactions to Leads Online. The information is then transferred to the County system, which eliminates the need for manual data entry at the department level.

The main revision to Chapter 15 of the City Code requires businesses covered by the ordinance to transmit transactions electronically by the method approved by the Chandler Police Department. All pawn shop and secondhand dealers in the City of Chandler were contacted and notified of the electronic transaction requirement. Training will be provided to dealers by the Chandler Police Department and Leads Online to assist with the transition. Additional changes to this chapter include updating exempt transactions; establishing a uniform holding period for pawn shops and second hand dealers; and, for businesses holding items outside the City of Chandler, authorizing other designated law enforcement agencies having jurisdiction over the business premises to inspect the premises.

11. DEVELOPMENT AND OPTION AGREEMENT: VPK The Row, LLC Ord. #4668

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4668 authorizing the City of Chandler to adopt the provisions of a development and option agreement with VPK The Row, LLC, for redevelopment of Site 3 and option to purchase Sites 1 and 2 for redevelopment.

#### BACKGROUND/DISCUSSION

On July 21, 2014, the City of Chandler opened a Request for Proposal (RFP) for a mixed-use development project on the 4.6-acre City-owned property located on the southwest corner of Chandler Boulevard and Arizona Avenue, commonly known as Sites 1-2-3. This property acts as the northern gateway to Chandler's vibrant Downtown and is expected to be a catalyst for future development.

On December 11, 2014, the City Council adopted Resolution No. 4829 authorizing the award of the RFP to Vintage Partners for Sites 1-2-3, and authorizing Staff to begin Development Agreement deal terms with Vintage Partners.

The Development Agreement addresses Phase 1 (Site 3), with the option for Vintage Partners to purchase Sites 1 and 2 within 36 months of the completion of Phase 1 with approved site plans.

Phase 1 will consist of a two-story retail/entertainment development, including an approximately 30,000 square foot, 6-screen, Red's Draffhouse Cinema on the second level, and approximately 25,000 sq. ft. of retail/restaurants on the street level. The development will also include approximately 6,000 sq. ft. of open space at the northwest corner of Arizona Avenue and Buffalo Street.

As part of the development requirements, the City of Chandler will provide adequate water and sewer infrastructure to the site, which was completed as part of the Downtown Infrastructure Project; the undergrounding of a power line in the alley; and on-street parking on Sites 1 and 2 until a parking garage is warranted. The City of Chandler will also pay the impact fees; lease Site 3 for \$10 per year for a period of 10 years; and allow for digital display boards on Chandler Boulevard and Arizona Avenue.

In addition to the approximately 55,000 sq. ft. of retail/entertainment development and public gathering space, Vintage Partners will maintain day-to-day cleanup of the paved parking on Sites 1 and 2, specifically bringing Red's Draffhouse Cinema to the Downtown market; pay into the Enhanced Municipal Services District; will commence construction by December 31, 2016; and receive their Certificate of Occupancy by June 30, 2017.

#### FINANCIAL IMPLICATIONS

The financial implications to the City of the proposed development agreement for Site 3 with Vintage Partners includes the estimated costs of providing surface parking on Sites 1 and 2 of \$360,000.00; undergrounding an overhead Arizona Public Service (APS) line for \$130,000.00; payment of impact fees on the development of \$420,500.00; and the waiving of \$32,250.00 in building, civil and site development review fees, for a total of \$942,750.00.

Additionally, Vintage Partners will lease Site 3 for a period of 10 years at \$10 per year, with an option to purchase during such time at \$1,132,710.00 (89,152 sq. ft. at \$13/square foot). Should Vintage Partners continue to lease between years 10-25, the property will be revalued prior to their purchase. Compaction costs of on-site material will be assessed and agreement will be made between both parties as to the construction method for the re-compaction of the site and with the final cost to be taken off of the purchase price.

The FY 2015-16 budget includes carry-forward funding for parking and development on the southwest corner of Arizona Avenue and Chandler Boulevard. This capital project is budgeted in the Capital Improvement Program Fund, Non-Department Capital Cost Center and would be used to fund this project.

12. REZONING/PRELIMINARY DEVELOPMENT PLAN: Spectrum Assisted Living  
Community Ord. #4669

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4669, DVR15-0018 Spectrum Assisted Living Community, rezoning from Planned Area Development (PAD) for commercial uses to PAD for an assisted living facility. (Applicant: Brennan Ray; Burch & Cracchiolo, P.A.) APPROVED a Preliminary Development Plan (PDP) for site layout and building architecture located at the NEC of Rural Road and Chandler Boulevard.

#### BACKGROUND

The subject parcel is located at the northeast corner of Rural Road and Chandler Boulevard and is part of the Village at Wild Tree mixed-use development. Arterial streets are west and south of the site, with the Biagio at The Village at Wild Tree condominium development north and northeast of the site. East of the site is a bank with undeveloped commercially zoned land east of the bank.

With the initial approval in 2001, the subject site included a drugstore at the intersection corner, a drive-thru pad on the eastern portion and mixed ground floor retail and apartments above along the north side of the subject site. The request is to rezone the site for an assisted living facility that provides independent living, assisted living and memory care options. An existing facility developed by the same ownership group is located at the southeast corner of Pennington Drive and Queen Creek Road.

The 6.3-acre site is unique as street frontages are adjacent on all sides, with arterial streets west and south and a private drive that loops around the north and east. The main entry will be provided off of Chandler Boulevard with a secondary access point off of the shared drive.

The building is designed in an 'H' pattern with an approximate area of 175,074 sq. ft. providing 160 residential units. Massing of the building is broken up through the use of incorporating residential wings with one, two and three-story elements and is further articulated through the combination of flat-roof and gable roof elements. A fitness center, theater, library, beauty salon, two dining rooms, two outdoor patios, green house and outdoor gardening areas, memory garden and swimming pool are provided. The three-story elements are located adjacent to Rural Road. Design elements are taken from the Biagio development incorporating arched patio openings, flat roof elements and architectural treatment, color palette and stacked stone.

Three monument signs are provided; one along each entrance and one at the intersection corner. The signs are similar in design with the exception that the lettering of the intersection sign is backlit, whereas the two monument signs are ground lit. Design elements incorporate color and materials from the development; however, Planning Staff is recommending Condition No. 5 of the Preliminary Development Plan recommendation of approval to ensure that the design is more commensurate with the Village at Wild Tree signage.

#### DISCUSSION

Planning Staff recommends approval of the request citing that the proposal makes good use of a site that has historically been a challenge to develop. Furthermore, the higher density residential element provides a transition from residential densities from the single-family Wild Tree, to the Biagio condominium development, to the subject site.

#### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 21, 2015. There were nine neighbors in attendance with general questions. Planning Staff has received no correspondence in opposition.

#### PLANNING COMMISSION VOTE REPORT

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

#### RECOMMENDED ACTIONS

##### **Rezoning**

The Planning Commission and Planning Staff recommend approval subject to the 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 No. 4, Development Booklet, entitled "SPECTRUM ASSISTED LIVING COMMUNITY" kept on file in the City of Chandler Planning Division in File No. DVR15-0018, except as modified by condition herein.
  2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
  3. The site shall be maintained in a clean and orderly manner.
  4. The applicant shall work with Planning Staff to ensure that all parking along the site's south and west are screened from street view.
  5. The applicant shall work with Planning Staff to ensure that the monument signs are commensurate with the Village at Wild Tree signage.
  6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
  7. 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.
13. CITY CODE AMENDMENT: Chapter 12 Ord. #4671

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4671 adding Section 12-6, relating to Pedestrian Regulations to the Chandler City Code; and amending Section 1-8.5 relating to General Penalty; Continuing Violations of the Chandler City Code.

### BACKGROUND

As part of the effort to look at the increased activities of pedestrians in the roadway and welfare concerns regarding the safety of individuals standing or stopping on medians, the Chandler Police Department reviewed the issue and current considerations concerning these types of calls. Upon review, it was found that individuals were often standing in the median, stepping into the roadway and were unilaterally approaching cars in lanes of traffic. These individuals were often on medians built in the middle of the road and designed as traffic barriers. Medians varied in size with some of them in highly congested areas and only several feet in width. The hazard increased when people stepped in the roadway to approach drivers causing a danger to themselves and distracting drivers by the activity, consequently impacting the flow of traffic.

During a recent study from January 2014 until May 5, 2015, the Police Department responded to 115 reports for calls for service relating to this issue. Consistently, officers found it involved individuals standing next to or on the road or in medians on major traffic corridors that were engaged in some type of activity unrelated to crossing the roadway or for any other traffic related reason. The largest concentration of these calls was located along Chandler's major transit corridors and intersecting roadways. Also, absent another violation of law, enforcement options were lacking for those who use the medians and hazardous areas for other than crossing the street or waiting for traffic to clear.

The proposed ordinance clarifies that pedestrians shall cross the street where designated and not contrary to appropriate signs, markings, and devices or by law. Additionally, pedestrians will not

be allowed to stop or remain on the roadway, or traffic median or island not designated for use by pedestrians except to wait to cross the roadway.

The first violation of this section is a civil traffic offense. Subsequent violations for the same offense that are committed within a 24-month period may be subject to a criminal misdemeanor citation or complaint. A first offense would be consistent with state law regarding the obstruction of a roadway or thoroughfare, and increased penalties are intended to deter habitual offenders.

14. AGREEMENT: Overtime Res. #4887

ADOPTED Resolution No. 4887 authorizing the provisions of an agreement with the Federal Government for provision of overtime reimbursements for ongoing investigations.

#### DISCUSSION

The Police Department has been awarded funding for reimbursement of overtime incurred during the department's cooperation with federal programs (organized Crime Drug Enforcement Task Forces Program). These are one-time funds and the amount is currently \$25,000.00.

#### FINANCIAL IMPLICATIONS

This grant covers overtime only for participating officers up to a total of \$25,000.00. The Department will cover the overtime benefits.

15. EXEMPTION CONTINUATION: Industrial Commission Res. #4898

ADOPTED Resolution No. 4898 requesting continuation of exemption from the Industrial Commission of Arizona's (ICA) requirement of posting a security bond for the City of Chandler Self-Insured Workers' Compensation program.

#### BACKGROUND/DISCUSSION

The City of Chandler was approved by the ICA to self-insure workers' compensation benefits on January 1, 2003. A requirement of self-insured programs is to post a security bond with the ICA in order to ensure performance in the event that a self-insured program becomes insolvent.

On April 4, 2005, the ICA implemented new rules governing management of the workers' compensation self-insurance program. The new rule, R20-1114, includes an "Exemption from Requirement to Post Security":

"A public entity applicant or public entity self-insurer is exempt from the requirement under this Article to post or provide security if the public entity:

1. Has a fully funded risk management fund sufficient to cover actuarial liabilities for workers' compensation as determined by the self-insurer in accordance with Government Accounting Standards Board Statement #10; and
2. Provided funding to the risk management fund each year sufficient to cover actuarial Liabilities for workers' compensation as determined by the self-insurer in accordance with Government Accounting Standards Board Statement #10."

#### FINANCIAL IMPLICATIONS

Since the inception of the City's self-insured program in January 2003, a total of \$16,745.00 has been expended to purchase Security Bonds. The City's application for exemption to post security was accepted and it is no longer necessary to incur expenditures for bonds.

16. GRANT ACCEPTANCE: U.S. Department of Homeland Security Res. #4903

ADOPTED Resolution No. 4903 accepting a grant from the U.S. Department of Homeland Security – FY 2014 Assistance to Firefighters Grants – Fire Prevention and Safety Grants, in an amount of \$169,759.00.

BACKGROUND

The Assistance to Firefighters Grant Program – Fire Prevention and Safety Grants (FP&S) awards grants directly to fire departments to enhance their abilities to reach high-risk target groups and mitigate incidences of deaths and injuries caused by fire and related hazards. On August 28, 2015, the Fire, Health & Medical Department (CFHMD) was awarded this \$169,759.00 grant which will allow the Department to hire a temporary research and statistical analyst for a period of 18 months. This temporary employee will be responsible for conducting a community risk assessment and creating a community risk reduction plan for Chandler. The primary goal of this project will be to identify and prioritize fire and life safety and health risks in Chandler and to reduce, mitigate and/or eliminate those risks. The temporary position will not extend beyond the grant.

FINANCIAL IMPLICATIONS

The grant required \$8,487.00 in matching funds. CFHMD has sufficient funds in the FY 2015/16 budget to meet the matching requirement. CFHMD will request reimbursement from USDHS in the amount of \$169,759.00 once the project is completed.

17. SALE AND ISSUANCE OF BONDS: Excise Tax Revenue Obligations Res. #4904

ADOPTED Resolution No. 4904 ordering the sale and issuance of not to exceed \$70,000,000.00 Excise Tax Revenue Obligations, Series 2015 and authorizing the Management Services Director to determine whether it is in the City's best interest to sell the ETROs in a competitive bid or through a negotiated sales.

BACKGROUND

Municipal Utilities performs long range analysis annually updating their capital improvement program based on expanded growth and existing infrastructure improvements and maintenance required. Management Services then performs financial analysis on the water and wastewater systems and determines funding sources and bond needs based on the estimated costs and timing of capital projects. It has been determined that up to \$70,000,000 in ETROs will be needed to support the water and wastewater systems to enhance performance, efficiency and support growth.

FINANCIAL IMPLICATIONS

The ETROs will be backed by the City's excise taxes which include local sales tax, state shared revenues, franchise fees, licenses and permits and fines and forfeitures. Although the ETROs first pledge is excise taxes, the debt service on the ETROs will be paid from water and wastewater operating funds. This is part of the reason for the recent wastewater rate increase that will ensure water and wastewater revenues are sufficient to meet the repayment schedules. The City's Excise Taxes are pledged to ensure payment of the debt in the unlikely situation that the water and wastewater revenues are insufficient to make those payments.

18. 2015 HOMELAND SECURITY GRANT PROGRAM AWARDS

Res. #4906

ADOPTED Resolution No. 4906 authorizing 2015 Homeland Security Grant Program awards between the City of Chandler and the State of Arizona Department of Homeland Security.

DISCUSSION

The Police Department has been awarded two grants under the FFY 2015 Homeland Security Grant Program. These grants provide funds on a reimbursement basis to support training and equipment for the Police Department's Rapid Response Team (RRT) and Terrorism Liaison Officer (TLO) programs. These programs enhance the Police Department's ability to be prepared and equipped to respond to large scale emergencies, terrorist events and natural and/or man-made disasters. The RRT award is for \$100,000.00, and the TLO award is for \$7,705.00. Both programs are awarded for October 1, 2015, through September 30, 2016.

FINANCIAL IMPLICATIONS

Both grants are reimbursements and have no match requirements.

19. SECOND AMENDED DEVELOPMENT AGREEMENT: Wells Fargo Bank Res. #4907

ADOPTED Resolution No. 4907 authorizing a second amended development agreement with Wells Fargo Bank, National Association for property located at the northwest corner of Queen Creek and Price roads.

BACKGROUND/DISCUSSION

In 2002, the City of Chandler approved the rezoning and entered into a Development Agreement with Wells Fargo for development of the Wells Fargo campus. In September of 2008, City Council approved amendments to the Development Agreement as a result of an updated Preliminary Development Plan (PDP) that generally increased the amount of square footage to be developed. The basic amended terms of the 2008 agreement included the following:

- Allowed Wells Fargo to modify the 2002 Development Agreement to construct a Service Center as well as future building
- Provided an assured supply of reclaimed water or other sources in the event reclaimed is not available
- Provided for the coordination of public and private roadway improvements at Old Price and Queen Creek roads
- Sought increased transit service along Price Road

This second Amended Agreement is entered into by and between for the purpose of:

- Amending the Original Agreement and Amended Agreement
- Affirming the Second Development Plan approved in October 2013
- Incorporating the 2015 Rezoning PAD Overlay Amendment and PDP Master Development Plan for the Property approved by the City Council concurrently with the approval of this Second Amended Agreement
- Confirming the respective rights and obligations of the parties, including the City's obligation to complete the installation of a traffic signal at Price Road and Wells Fargo's northernmost driveway when necessary, as well as an extended reimbursement period

### FINANCIAL IMPLICATIONS

At such time the results of a traffic signal warrant study is approved by the City, the City, at no cost or expense to Wells Fargo, will install a signalized intersection where the northernmost driveway of the Wells Fargo campus connects to Price Road.

20. SOUTHEAST CHANDLER AREA PLAN AMENDMENT/REZONING/PRELIMINARY DEVELOPMENT PLAN: Dollar Self Storage Res. #4909 & Ord. #4670

ADOPTED Resolution No. 4909, APL15-0003 Southeast Chandler Area Plan Amendment, from Envisioned Community/Regional Open Space to Traditional Suburban Character.

INTRODUCED AND TENTATIVE APPROVED Ordinance No. 4670, DVR15-0022 Dollar Self Storage, rezoning from Agricultural to Planned Area Development for a mini-storage facility. (Applicant: Stephen Earl; Earl, Curley & Lagarde, P.C.)

APPROVED a Preliminary Development Plan (PDP) for site layout and building architecture located at the NWC of Gilbert Road and the Brooks Farm Road alignment.

### BACKGROUND

The subject site is located at the northwest corner of Gilbert Road and the Brooks Farm Road alignment and is currently zoned AG-1. Gilbert Road is along the site's eastern boundary. North is vacant land and an Olympic training facility, both under County jurisdiction. West is the Roosevelt Water Conservation District (RWCD) canal. South is the unimproved Brooks Farm Road alignment and a retention pond.

### AREA PLAN AMENDMENT

The site is located within the Southeast Chandler Area Plan (SECAP) and designated as Envisioned Community/Regional Open Space. The request is to amend the area plan to Traditional Suburban Character, allowing commercial uses to be considered. The Envisioned Community/Regional Open Space designation was implemented at a time when the City owned property along the canal; however, with the recent sale of the property combined with privately held property, the development of a regional open space area is no longer feasible.

### SITE LAYOUT/BUILDING ARCHITECTURE

The site is unique in its location and layout with the west side being adjacent to the RWCD canal, an unimproved street along the south and vacant property within the County north of the site. Development of the site occurs up to the property lines and is consistent with other exterior loaded mini-storage facilities.

A total of 853 units are provided for the 4.8-acre site. Units range in size from 5'x5' up to 12'x40'. Six buildings are provided, with buildings D and F providing climate controlled unit options. Staggering is provided along Gilbert Road with building setbacks ranging from 50'-77'. Staggering along the southern wall plane occurs every 30-40 feet for a depth of five feet. The building's architecture incorporates concrete block, stacked stone, E.I.F.S., and stucco elements. Varied parapet heights are provided along Gilbert Road with the main entry element reaching 30' and wall planes providing heights of 14', 16', 20' and 26'. Stucco wall plane pop-outs are softened with the inclusion of green screen elements.

Building mounted signage is provided at the north and south end adjacent to Gilbert Road. A single monument sign is provided at the main entrance. The Development Book provides a height of ten feet; however, a maximum height of eight feet to the top of the sign will be provided. Lettering will be push-thru on a routed aluminum face. Signage is consistent with recent similarly designed developments.

## DISCUSSION

Planning Staff recommends approval of the request citing that the site is unique in its location and layout, with the proposal offering a beneficial solution to a difficult site. Commercial development at half-mile intersections is generally discouraged; however, in this case, with the site having concrete confines for development, the low traffic generated by a mini-storage facility creates an opportunity for development with a limited impact on surrounding properties.

## PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with two neighborhood meetings being held; one on August 27, 2015, and the second on September 22, 2015. There were no neighbors in attendance at either meeting. Planning Staff has received no correspondence in opposition.

## PLANNING COMMISSION VOTE REPORT

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

## RECOMMENDED ACTIONS

### **Area Plan Amendment**

The Planning Commission and Planning Staff recommend approval.

### **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 "DOLLAR SELF STORAGE" and kept on file in the City of Chandler Planning Division in File No. DVR15-0022, 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. The commercial development standards shall be in accordance with the requirements of the Southeast Chandler Area Plan.
3. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
4. Landscaping shall be in compliance with current Commercial Design Standards.
5. Raceway signage shall be prohibited within the development.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
7. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
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.

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.

21. AGREEMENT: Arizona Department of Transportation Res. #4910

ADOPTED Resolution No. 4910 authorizing the Data Access/Exchange Agreement with the Arizona Department of Transportation (ADOT) for the exchange of electronic crash data between the Chandler Police Department and ADOT.

BACKGROUND/DISCUSSION

The Chandler Police Department wishes to exchange mandated vehicular crash data with ADOT via electronic means. The Chandler Police Department currently reports this data by submitting hardcopy reports to ADOT. ADOT houses this data on servers using the TraCS software system. ADOT will supply a TraCS licensing agreement free of charge. This software will provide the Chandler Police Department the means to electronically complete accident reports and automate the transfer of crash data to ADOT. The Data Access/Exchange Agreement outlines the terms of the data exchange. Once implemented, this system will improve accuracy and efficiencies within the Chandler Police Department while also meeting mandated reporting requirements.

The Agreement is for a five-year term commencing on the approval and execution by both parties.

22. PRELIMINARY DEVELOPMENT PLAN: Layton Lakes Parcel 28

Jim West, 21445 S. 138<sup>th</sup> St, Chandler, stated that new home buyers don't read the disclosure documents when they purchase their home. It is later they discover a dairy is in operation nearby, or there is an airport nearby and they are bothered with too much air traffic, or the smell from the cows. It is not uncommon for residents to ban together and complain about a condition they do not like, even though the existence of that condition has been there for years and years. One of the most notable of neighborhood unity is the stalemate on the completion of the major freeway around South Mountain. There was plenty of notification that the freeway was going to be built yet somehow the developer was able to build where it should not have. He said it would be greatly appreciated if the Chandler City Council would require the developer of this new neighborhood to pave the dirt road that he and his neighbors drive on. He stated it would not be too long before the complaints start adding up regarding the dust caused by this dirt road. He is not asking for curb, gutters or street lights, just to have the developer pave the dirt road.

ERIC SWANSON, Sr. Planner stated the request tonight is just for the housing product. Initially when Layton lakes was proposed, there was proximity to agricultural and ranchette type uses, and there is a clause in the documents that address this use. Whether the home buyer reads their documentation is out of Chandler's control. With regards to 138<sup>th</sup> street, the dirt road, this is on a "County Island" and is not within the City limits. The City cannot require the developer to pave the road. It would have to be a requirement of the County.

Vice Mayor Hartke inquired if the County has a process in place where residents could ask for millings to decrease dust on county dirt roads. Mr. Swanson said he has worked with the Department of Environmental Quality in the past. He offered to work with Mr. West on this.

APPROVED Preliminary Development Plan (PDP), PDP15-0007 Layton Lakes Parcel 28, for housing product for a 17-lot single-family residential subdivision located east of the NEC of Gilbert and Ocotillo roads. (Applicant: Brennan Ray; Burch & Cracchiolo, P.A.)

### BACKGROUND

The subject parcel is located east of the northeast corner of Gilbert and Ocotillo roads and is the most southern parcel in the Layton Lakes community. The Layton Lakes community encompasses 832 acres within the City of Chandler and the Town of Gilbert. Within Chandler, Layton Lakes is bound by Queen Creek, Gilbert, Ocotillo and Lindsay roads. Thirteen parcels are within Chandler's jurisdiction; eight parcels are residential. The subject parcel, Parcel 28, provides the largest lots within the Layton Lakes community.

Parcel 28 is bordered by the RWCD canal to the west, Ocotillo Road to the south, 138<sup>th</sup> Street with a County island to the east that is currently in the annexation process and the Appleby Road alignment to the north which will function as an equestrian and pedestrian access point to the canal.

Parcel 28 is gated with a single access point off of Ocotillo Road and a secondary access point through Parcel 22 connecting to Layton Lakes Boulevard. Lot sizes within the 17-lot parcel range from a minimum of 32,000 sq. ft. up to 33,958 sq. ft. Two single-story plans are provided with four elevations for each plan.

Plan 8511 is approximately 7,640 sq. ft. and provides two, two-car garages, four bedrooms with varying options and the NextGen suite. The NextGen suite provides standard living amenities (bedroom, kitchen, living room, bathroom and outdoor patio) along with a separate garage. The NextGen suite has an internal connection to the main portion of the home and maintains architectural integration so that the home is viewed as a single structure. The NextGen suite provides multigenerational families with an option of living together while maintaining private living quarters. An option is provided for a large game room in lieu of the NextGen kitchen and living room. Plan 8590 is approximately 6,440 sq. ft. and provides a three-bay garage and a two-bay tandem garage for RV or boat storage and five bedrooms and four and one-half bathrooms.

Due to all lots exceeding 10,000 sq. ft., the Residential Development Standards for housing product to not apply; however, a number of architectural elements required for the standards are provided. Four elevations are provided for each floor plan. Each elevation style provides a design that distinctly separates it from the other architectural styles. Elements include window muntins per architectural style, window framing and wrought iron detailing and garage and front door designs.

### DISCUSSION

Planning Staff recommends approval of the request citing that the housing product continues to complement the Layton Lakes community and provide additional housing opportunities for Chandler residents. Based on the small number of lots for this particular parcel and the limited housing product, concerns with maintaining diversity within the subdivision are warranted. In working with the development team, two additional conditions are provided that are comparable to standard conditions of approval for residential development, however, are a little more detailed to ensure diversity. Planning Staff finds that with the four elevations per plan, along with the additional conditions, diversity is ensured.

### PUBLIC/NEIGHBORHOOD NOTIFICATION

This request as noticed in accordance with the requirements of the Chandler Zoning code with a neighborhood meeting being held on August 11, 2015. There were six neighbors in attendance with general questions. Planning Staff has received no correspondence in opposition.

### PLANNING COMMISSION VOTE REPORT

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

### RECOMMENDED ACTION

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

1. Compliance with original conditions adopted by the City Council in Ordinance Nos. 3250 and 3987 in cases DVR00-0025 LAYTON LAKES and DVR07-0012 LAYTON LAKES.
2. Development shall be in substantial conformance with the Development Booklet entitled "Layton Lakes Parcel 28" and kept on file in the City of Chandler Planning Division in File No. PDP15-0007, 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.
3. 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. For lots 1-12, the same floor plan and elevation shall not be built side-by-side or across the street from each other.
5. For lots 1-12, the same color scheme shall not be used side-by-side or across the street from each other.
6. For lots 13-17, no more than two of the same floor plan shall be built side-by-side.
7. For lots 13-17, the same elevation and color scheme shall not be built side-by-side.

### 23. ARCHITECTURAL EXCELLENCE AWARD COMMITTEE RECOMMENDATIONS

APPROVED the following recommendations of the Architectural Excellence Award Committee (AEAC) for 2013 and 2014 projects to receive awards in 2015:

Alliance Bank  
Chandler Regional Hospital Expansion  
Ironwood Cancer and Research Center  
Ocotillo Village Health Club  
Premier Cardiovascular Center

### BACKGROUND

The AEAC was created in 2003 through Ordinance No. 3428 to recognize projects that add to Chandler's reputation as a community that appreciates quality in the built environment. This awards program is an opportunity to highlight those projects that have exceeded the City's high quality development standards. This is the ninth year for the awards program. There were no awards events in 2009 or 2011. The last awards event was in 2012 recommending projects developed in 2009, 2010 and 2011. Four projects received recognition. The AEAC did not make any recommendations in 2012, 2013 and 2014. The AEAC continued their work in 2015 by meeting and reviewing 18 projects which were narrowed from a list of over 45 eligible projects from 2012, 2013 and 2014, and then toured 12 projects. The AEAC recommends City Council recognize five projects in 2015.

The 2010 Revised Bylaws establish seven possible categories for projects and five award levels. The possible categories include Commercial Retail, Commercial Office, Industrial, Redevelopment, Public/Semi-Public, Neighborhood Maintenance and Infill. The award levels include the Hank Pluster Award, the Mark Irby Award and the Benchmark, Excellence and Merit Awards. The Bylaws also allow the AEAC to choose up to the three other additional awards categories. This year, the AEAC did not choose to add any additional categories.

The awards event intends to be scheduled for December 2015. The AEAC wishes to reserve the announcement of the awards level and project categories which will be presented at the event.

24. RENT ABATEMENT: Chandler Innovations Incubator

AUTHORIZED a three-month rent abatement or refund relating to ARM's occupancy at the Chandler Innovations Incubator and authorized the Acting City Manager to take all steps necessary to effectuate said approval.

BACKGROUND/DISCUSSION

ARM is the world's leading semiconductor/intellectual property supplier and desires to establish a presence in Arizona. After discussions with ARM representatives, Staff learned ARM was in urgent need of office space to locate 33 current ARM employees on an interim and immediate basis while ARM representatives attempted to locate a permanent location suitable for its operations in Arizona. ARM further indicated their expectation that their Arizona workforce could swell to as many as 55 employees as soon as one year from the date of this memorandum.

In light of ARM's emerging need for interim office space, Staff advised ARM representatives that the City of Chandler had office space available at the Chandler Innovations Incubator building that had been vacant for approximately 12 months and immediately began preliminary discussions to determine if the Chandler Innovations space might be a suitable interim office location for ARM's 33 employees. ARM representatives expressed their willingness to temporarily locate their employees to the Chandler Innovations Incubator building and have the City and ARM enter into a short-term Chandler Innovations Sublease Agreement. The ARM lease for Suite 48 at the Chandler Innovations building has been executed as the company needed immediate access of office space. The sublease runs through April 30, 2016.

As part of Staff's conversations with ARM representatives regarding their future operations in Arizona, Staff discussed the benefits of permanently locating their Arizona operations in Chandler. In an effort to further encourage ARM to permanently locate their Arizona operations to Chandler, Staff proposed a modest rent abatement or refund of ARM's monthly rent payment for Suite 48 leased at the Chandler Innovations Incubator. Specifically, Staff proposed, subject to Council approval, to abate or refund ARM's monthly lease rent payments for the months of October, November and December 2015, on the condition that ARM locates its Arizona operations within the City limits of the City of Chandler. In the event ARM does not locate its Arizona operations in Chandler, no rent abatement or refund would occur.

FINANCIAL IMPLICATIONS

The gross lease revenue is approximately \$41,685 (\$5,955 monthly rent x 7 months = \$41,685) with an abated or refunded rent, if applicable, valued at approximately \$15,560.00. This abated or refunded rent is contingent on ARM ultimately signing a permanent lease in Chandler; otherwise, no rent abatement will be provided.

25. ACCOUNTS PAYABLE CLAIMS REPORT

APPROVED the Accounts Payable Claims Report for the quarter ended September 30, 2015.

26. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following Board and Commission appointments:

Architectural Review Committee

Matt Eberle

Board of Appeals

David Love

General Plan Update Committee

Lloyd Harrell (Appointing to Vice Chair)

Housing and Human Services Commission

Irene Artigas

Mayor's Committee for People with Disabilities

James Michael Miller

Museums Advisory Board

Brenda Abney

27. AGREEMENT AMENDMENT: Plumbing and Irrigation Supplies

APPROVED Agreement No. WH4-670-3284, Amendment No. 2, with Central Arizona Supply, Horizon Distributors, Inc., Sprinkler World of Arizona, Inc., and Ryan Herco Flow Solutions, for the purchase of plumbing and irrigation supplies, in a total combined amount not to exceed \$160,000.00 for one year. This is the second of four one-year extensions.

28. AGREEMENT AMENDMENT: MR Tanner Development & Construction, Inc.

APPROVED Agreement No. ST5-745-3434, Amendment No. 1, with MR Tanner Development & Construction, Inc., for asphalt patch maintenance and repair, in an amount not to exceed \$250,000.00 for one year. This is the first of four one-year extensions.

29. AGREEMENT AMENDMENT: Vincon Engineering Construction, LLC

APPROVED Agreement No. ST5-745-3435, Amendment No. 1, with Vincon Engineering Construction, LLC, for concrete repair and maintenance, increasing the exiting annual spending limit amount by \$350,000.00 for a revised not-to-exceed amount of \$3,850,000.00 for the current term ending November 30, 2015.

The City has an existing agreement with Vincon Engineering Construction, LLC, for concrete repair and maintenance. This agreement is necessary to cover essential concrete work performed prior to any required street rehabilitation projects within the City of Chandler. Street rehabilitation projects are selected based on a pavement rating system and are typically a

minimum of 20 years old. Necessary concrete work includes standard maintenance and repair of damaged existing concrete sidewalks, curb and gutters, valley gutters, and the upgrading of existing handicap ramps and driveways to satisfy the Americans with Disability Act (ADA) Accessibility Guidelines. This short term increase will allow City contractors to remain working on necessary ADA concrete work and enable upcoming repaving projects to stay on schedule.

On October 23, 2014, City Council approved an agreement for concrete repair and maintenance with Vincon Engineering Construction, LLC, for a one-year period with the option of up to four (4) one-year extensions. The current term of this agreement is still in effect, however, Staff is requesting an increase to the annual spending limit that was previously approved by Council for a significant amount of ADA concrete work to complete prior to the spring 2016 mill and inlay project. The increase in the limit of the current contract will allow the City to stay on schedule. All terms of the original agreement remain unchanged.

30. INTERGOVERNMENTAL AGREEMENT: Gila River Indian Community

APPROVED an Intergovernmental Agreement (IGA) with the Gila River Indian Community for the period October 1, 2015, to September 30, 2017, for Fire and Emergency Medical Training.

BACKGROUND/DISCUSSION

The Gila River Fire Department (GRFD) is a mutual aid partner with the City of Chandler. Under the mutual aid process, Chandler Fire, Health & Medical Department (CFHMD) responds into the Gila River Community and Gila River Fire responds into the City of Chandler for emergency calls. Training together helps each department work safe and efficiently with each other. Members of the GRFD travel to Chandler's Fire Training Facility to participate in fire and emergency medical drills and classroom training with the members of CFHMD. GRFD has been training with CFHMD since 2001. This renewal agreement provides direct payment for the training provided. CFHMD also has training agreements with Sun Lakes Fire District and the Town of Maricopa.

FINANCIAL IMPLICATIONS

GRFD agrees to pay \$300 per firefighter trained, up to an amount not to exceed \$27,000 per year (or 90 GRFD firefighters). For Fiscal Year 2015/16, GRFD will pay the City of Chandler \$24,600 for 82 firefighters. The funds will be used to support fire and emergency medical training programs conducted at the Fire Training Facility.

31. GRANT AGREEMENTS: Arizona Department of Homeland Security

APPROVED Grant Agreements with the Arizona Department of Homeland Security for the period October 1, 2015, to September 30, 2016, for emergency preparedness in the total amount of \$169,468.00.

BACKGROUND/DISCUSSION

The City of Chandler established a Fire/Police Rapid Response Team and Fire/Police Terrorism Liaison Officer program in 2003 with federal funding from the State Homeland Security Grant program. Each of these programs ensure that Fire and Police personnel are prepared and equipped to respond to large scale emergencies, terrorist events, and natural and/or man-made disasters. The awards listed below are being made under the 2015 State Homeland Security Grant Program to Chandler Fire, Health & Medical Department (CFHMD). The purpose of the awards is to provide equipment and training to sustain these emergency preparedness programs:

- Chandler Emergency Response Team Training \$ 13,500
- Emergency Operations Center Radios 38,968

- Enhance Rapid Response Teams – Fire, Health & Medical 100,000
  - Urban Area Security Initiative Assessment Teams -  
Terrorism Liaison Officers (Chandler Fire) 17,000
- \$169,468

#### FINANCIAL IMPLICATIONS

These grants have no match requirements. CFHMD has the appropriation allocation for these grants in the FY 2015/16 Budget.

#### 32. CONSTRUCTION CONTRACT: Tri-Com Corporation

APPROVED Construction Contract No. CS1601.401 to Tri-Com Corporation for the Aquatic Facility ADA Improvements – Desert Oasis Aquatic Center in an amount not to exceed \$129,372.00.

Desert Oasis Aquatic Center is located at 1400 W. Summit Place and sits on the campus of the Mesa Unified School District Summit Academy. The project includes upgrades throughout the facility necessary to meet Americans with Disabilities Act 2010 (ADA) requirements. Upon completion of this work, five of the six City aquatic centers will be ADA compliant.

#### 33. SOLE SOURCE AGREEMENT: Stantec Consulting Services, Inc.

APPROVED a sole source agreement for data collection and analysis services for the City's Stantec RoadMatrix pavement management system from Stantec Consulting Services, Inc., in an amount not to exceed \$142,250.00. The term of this agreement will be 165 calendar days from the issuance of the notice to proceed.

The City uses Stantec RoadMatrix, a computerized pavement management system that tracks, programs and stores data for the City's street pavement infrastructure. The software has helped to manage the City street maintenance program by utilizing the stored roadway condition data for assessing, tracking and scheduling street maintenance in the most efficient manner.

The City needs to collect this data approximately every three years to make sure we are accurately representing the current status of pavements and to make timely and accurate roadway maintenance budget projections. Staff will receive training on pavement performances analysis and interpreting pavement maintenance and rehabilitation reports generated by Stantec RoadMatrix. Additionally, the software will receive configuration updates to ensure pavement analysis reflects true pavement conditions.

Stantec RoadMatrix, a Stantec Consulting Services, Inc., product is protected under a copyright patent. The product is proprietary and Stantec Consulting Services, Inc., is the only vendor able to provide training, software upgrades and technical support. If problems occur in the collection and upload of the data to City servers, Stantec Consulting Services, Inc. will assume all responsibility for problems incurred in the data collection and make the necessary corrections.

#### 34. PURCHASE: Home Depot and HD Supply Facilities Maintenance

APPROVED the purchase of miscellaneous supplies, building materials and related services from Home Depot and HD Supply Facilities Maintenance utilizing the U.S. Communities Government Purchasing Alliance Contract No. 11019-RFP in an amount not to exceed \$250,000.00. The current contract with U.S. Communities Government Purchasing Alliance is expiring November

30<sup>th</sup>, but provides for the option to renew for two additional one-year periods. This request is to utilize the existing Contract for an additional one-year period beginning December 1, 2015.

35. 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 #3 on November 28, 2015, at the Library Plaza, 125 E. Commonwealth Avenue. A recommendation of approval will be forwarded to the 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 nonprofit organization, no sales tax license is required.

36. SPECIAL EVENT LIQUOR LICENSE: Si Se Puede Foundation

APPROVED a Special Event Liquor License for Si Se Puede Foundation for the College Shoot-Out 2016 event on February 6, 2016, 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 nonprofit organization, no sales tax license is required.

37. USE PERMIT: The Brickyard Downtown

APPROVED Use Permit LUP15-0016 The Brickyard Downtown, Series 12 Restaurant License, to sell and serve liquor as permitted for on-site consumption indoors and within outside patios along with an extension of premises for an outdoor patio along Boston Street and live entertainment indoors and outdoors at a new bar/restaurant in downtown Chandler. (Applicant: Jared Repinski.)

BACKGROUND

The bar/restaurant will have approximately 68 seats inside and 35 seats outside. Hours of operation will be 3 p.m. to 11 p.m. Sunday through Wednesday and 3 p.m. to 2 a.m. Thursday through Saturday. Live entertainment is proposed seven days a week during business hours which may include acoustic guitar, bass, vocals and small jazz bands. Music will occur both indoors and on the rear outside patio. A one-year time limit condition is recommended for the live music/entertainment.

In September 2013, Planning Staff managed an Architectural Review Committee (ARC) application for façade renovations. The ARC request was approved and the building is currently undergoing renovations. There is a patio in the rear of the property and one along Boston Street. The front patio is designed to meet the CCD zoning standards including location, distance from public infrastructure, passing space and fence height as required for an extension of premises with liquor in the City's right-of-way.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held September 29, 2015. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

Upon finding consistency with the General Plan and CCD zoning, 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 reapplication and approval.
2. The Liquor Use Permit is granted for a Series 12 Restaurant License only and any change of licenses shall require reapplication and new Liquor Use Permit approval.
3. Liquor Use Permit is non-transferable to other store locations.
4. The site shall be maintained in a clean and orderly manner.
5. Music 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.
6. The Liquor Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Liquor Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

38. LIQUOR LICENSE: The Brickyard

APPROVED a Series 12 Restaurant Liquor License (Chandler #160329L12) for Jared Michael Repinski, Agent, The Brickyard LLC, dba The Brickyard, 85 W. Boston Street. A recommendation for approval of State Liquor License #1207A386 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.

39. LIQUOR LICENSE: GND Market/Water and Ice

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #160286L10) for Sanjay Khatri, Agent, Khatri LLC, dba GND Market/Water and Ice, 995 W. Ray Road. A recommendation for approval of State Liquor License #10076702 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 Rayat LLC, dba GND Market/Water and Ice.

40. CONTINUED LIQUOR LICENSE: Eklectic Pie

CONTINUED TO NOVEMBER 19, 2015, a Series 12 Restaurant Liquor License for Jay Lawrence Johnson, Agent, FX4Success LLC, dba Eklectic Pie, 2990 E. Germann Road, Suite 1, to allow the applicant time to complete the requirements for a new Use Permit.

41. CONTINUED LIQUOR LICENSE: Hot Wok Feng

CONTINUED TO DECEMBER 10, 2015, a Series 12 Restaurant Liquor License for Hin Tian Feng, Agent, Feng's Enterprises LLC, dba Hot Wok Feng, 1050 E. Ray Road, Suite 6, to allow the applicant time to complete the requirements for a new Use Permit.

42. SAMPLING PRIVILEGES: Wal-Mart Market #2657

APPROVED the addition of Sampling Privileges to a Series 9 Liquor Store Liquor License (Chandler #145128L9) held by Clare Hollie Abel, Agent, Wal-Mart Market #2657, 6085 W. Chandler Boulevard. A recommendation for approval of the addition of Sampling Privileges to State Liquor License #09070252s will be forwarded to the State Department of Liquor Licenses and Control.

Wal-Mart Market #2657 has been in business at this location since April 18, 2013, at which time Council approved a Series 9 Liquor Store Liquor License. The applicant has submitted an application to add sampling privileges to their Series 9 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.

43. SAMPLING PRIVILEGES: Wal-Mart Neighborhood Market #4324

APPROVED the addition of Sampling Privileges to a Series 9 Liquor Store Liquor License (Chandler #119730L9) held by Clare Hollie Abel, Agent, Wal-Mart Neighborhood Market #4324, 1900 E. Chandler Boulevard. A recommendation for approval of the addition of Sampling Privileges to State Liquor License #09070050s will be forwarded to the State Department of Liquor Licenses and Control.

Wal-Mart Neighborhood Market #4324 has been in business at this location since November 19, 2012, at which time Council approved a Series 9 Liquor Store Liquor License. The applicant has submitted an application to add sampling privileges to their Series 9 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.

44. TEMPORARY EXTENSION OF PREMISES: Jolie's Place

APPROVED a Temporary Extension of Premises for a Series 6 Bar Liquor License (Chandler #139148L15) held by JoJotender LLC, dba Jolie's Place, 140 W. Warner Road for the 3<sup>rd</sup> Annual Prostate Cancer Corn Hole Tournament, November 21 & 22, 2015. A recommendation for approval of a temporary extension of premises for State Liquor License #06070566 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this extension and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

45. TEMPORARY EXTENSION OF PREMISES: Murphy's Law Irish Pub and Ale House

APPROVED a Temporary Extension of Premises for a Series 6 Bar Liquor License (Chandler #120887L6) held by Murphy's Law 58 LLC, dba Murphy's Law Irish Pub and Ale House, 58 S. San Marcos Place for a St. Patrick's Day event on March 17 & 18, 2016.

A recommendation for approval of a temporary extension of premises for State Liquor License #06070685 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this extension and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

46. WINE FESTIVAL/WINE FAIR LICENSE: Hannah's Hill Vineyard

APPROVED a Wine Festival/Wine Fair License for Ann Gardner, Agent, Hannah's Hill Enterprises LLC, dba Hannah's Hill Vineyard, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13123012 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

47. WINE FESTIVAL/WINE FAIR LICENSE: Lightning Ridge Cellars

APPROVED a Wine Festival/Wine Fair License for Ann Roncone, Agent, Lightning Ridge Cellars, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13123011 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

48. WINE FESTIVAL/WINE FAIR LICENSE: Passion Cellars

APPROVED a Wine Festival/Wine Fair License for Arlene Domanico, Agent, Passion Cellars LLC, dba Passion Cellars, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13023033 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for

consumption on the premises and sell their products in original containers for consumption off the premises.

49. WINE FESTIVAL/WINE FAIR LICENSE: Four Tails vineyard

APPROVED a Wine Festival/Wine Fair License for Barbara Coons, Agent, Four Tails LLC, dba Four Tails Vineyard, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13023037 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

50. WINE FESTIVAL/WINE FAIR LICENSE: Pierce Wines Arizona

APPROVED a Wine Festival/Wine Fair License for Barbara J. Pierce, Agent, Pierce Wines Arizona LLC, dba Pierce Wines Arizona, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13023027 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

51. WINE FESTIVAL/WINE FAIR LICENSE: Alcantara Vineyards and Winery

APPROVED a Wine Festival/Wine Fair License for Brian Predmore, Agent, Alcantara Winery LLC, dba Alcantara Vineyards and Winery, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13133010 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

52. WINE FESTIVAL/WINE FAIR LICENSE: Kief Joshua Vineyards

APPROVED a Wine Festival/Wine Fair License for Charlene Manning, Agent, Manning and Manning, Inc., dba Kief Joshua Vineyards, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place.

A recommendation for approval of State Wine Festival/Wine Fair License #13123006 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

53. WINE FESTIVAL/WINE FAIR LICENSE: SU Vino Winery

APPROVED a Wine Festival/Wine Fair License for Cory Whalin, Agent, Su Vino Winery Scottsdale, Inc., dba Su Vino Winery, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13073002 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

54. WINE FESTIVAL/WINE FAIR LICENSE: Oak Creek Vineyards and Winery

APPROVED a Wine Festival/Wine Fair License for Dubravka Wahl, Agent, Oak Creek Vineyards Winery, Inc., dba Oak Creek Vineyards and Winery, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13133006 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

55. WINE FESTIVAL/WINE FAIR LICENSE: Page Springs Cellars and Vineyards

APPROVED a Wine Festival/Wine Fair License for Eric Glomski, Agent, Page Springs Cellars and Vineyards, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13133004 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant

has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

56. WINE FESTIVAL/WINE FAIR LICENSE: Winery 101

APPROVED a Wine Festival/Wine Fair License for Gavin R. Gallifant, Agent, Gallifant Cellars LLC, dba Winery 101, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13073018 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

57. WINE FESTIVAL/WINE FAIR LICENSE: Sierra Bonita Vineyards

APPROVED a Wine Festival/Wine Fair License for Gerald K. Smith, Agent, Sierra Bonita Vineyards, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13023013 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

58. WINE FESTIVAL/WINE FAIR LICENSE: Coronado Vineyards

APPROVED a Wine Festival/Wine Fair License for Jacquelyn Cook, Agent, Coronado Vineyards, Inc., dba Coronado Vineyards, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13023009 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for

consumption on the premises and sell their products in original containers for consumption off the premises.

59. WINE FESTIVAL/WINE FAIR LICENSE: Chateau Tumbleweed

APPROVED a Wine Festival/Wine Fair License for Joseph Michael Bechard, Agent, Cottontucky LLC, dba Chateau Tumbleweed, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13133049 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

60. WINE FESTIVAL/WINE FAIR LICENSE: Wilhelm Family Vineyards

APPROVED a Wine Festival/Wine Fair License for Karyl L. Wilhelm, Agent, Wilhelm Family Vineyards LLC, dba Wilhelm Family Vineyards, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13123010 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

61. WINE FESTIVAL/WINE FAIR LICENSE: Deep Sky Vineyard

APPROVED a Wine Festival/Wine Fair License for Kimberly Asmundson, Agent, Asmundson Family Vineyard LLC, dba Deep Sky Vineyard, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13023031 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

62. WINE FESTIVAL/WINE FAIR LICENSE: Sonoita Vineyards

APPROVED a Wine Festival/Wine Fair License for Lori Marie Reynolds, Agent, Sonoita Vineyards Ltd., dba Sonoita Vineyards, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place.

A recommendation for approval of State Wine Festival/Wine Fair License #13120002 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

63. WINE FESTIVAL/WINE FAIR LICENSE: Flying Leap Vineyards

APPROVED a Wine Festival/Wine Fair License for Mark Beres, Agent, Flying Leap Vineyards, Inc., dba Flying Leap Vineyards, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13123014 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

64. WINE FESTIVAL/WINE FAIR LICENSE: Burning Tree Cellars

APPROVED a Wine Festival/Wine Fair License for Michelle D Levy Agent, Burning Tree Cellars LLC, dba Burning Tree Cellars, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13133032 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

65. WINE FESTIVAL/WINE FAIR LICENSE: Freitas Vineyard

APPROVED a Wine Festival/Wine Fair License for Ray Freitas, Agent, Freitas Vineyard, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13133002 will be forwarded to the State Department of Liquor Licenses and Control.

The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

66. WINE FESTIVAL/WINE FAIR LICENSE: Zarpara Vineyard

APPROVED a Wine Festival/Wine Fair License for Rhona MacMillan, Agent, Jorve Macmillan Vineyards LLC, dba Zarpara Vineyard, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13023026 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

67. WINE FESTIVAL/WINE FAIR LICENSE: Carlson Creek Vineyard

APPROVED a Wine Festival/Wine Fair License for Robert Carlson, Agent, Carlson Creek Vineyard LLC, dba Carlson Creek Vineyard, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13023018 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

68. WINE FESTIVAL/WINE FAIR LICENSE: Javelina Leap Estate Vineyard

APPROVED a Wine Festival/Wine Fair License for Rodney Fletcher Snapp, Agent, Javelina Leap Estate Vineyard, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13133009 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for

consumption on the premises and sell their products in original containers for consumption off the premises.

69. WINE FESTIVAL/WINE FAIR LICENSE: Keeling Schaefer Vineyards

APPROVED a Wine Festival/Wine Fair License for Rodney Keeling, Agent, Keeling Schaefer Vineyards LLC, dba Keeling Schaefer Vineyards, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13023006 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

70. WINE FESTIVAL/WINE FAIR LICENSE: Arizona Stronghold Vineyards

APPROVED a Wine Festival/Wine Fair License for Rodney Young, Agent, Arizona Stronghold Vineyards LLC, dba Arizona Stronghold Vineyards, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13133015 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

71. WINE FESTIVAL/WINE FAIR LICENSE: Golden Rule Vineyards

APPROVED a Wine Festival/Wine Fair License for Ruth E. Graham, Agent, Cochise Groves Investments LLC, dba Golden Rule Vineyards, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place. A recommendation for approval of State Wine Festival/Wine Fair License #13023032 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

72. WINE FESTIVAL/WINE FAIR LICENSE: Pillsbury Wine Company

APPROVED a Wine Festival/Wine Fair License for Sam Pillsbury, Agent, Pillsbury Wine Company, for The Grand Wine Festival on November 21 & 22, 2015, at the Crowne Plaza San Marcos Golf Resort, 1 N. San Marcos Place.

A recommendation for approval of State Wine Festival/Wine Fair License #13023010 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department has no objections to this event and the applicant has applied for a Temporary Sales and Promotional Event Permit through Community and Neighborhood Services.

With a Wine Festival License, a licensed domestic farm winery, within the confines of the event during the designated event periods, can serve samples of its products, sell such products for consumption on the premises and sell their products in original containers for consumption off the premises.

73. ZONING EXTENSION: T-SYS Western Operations Center Ord. #4641

Staff requests continuance of the public hearing to DECEMBER 10, 2015.

COUCLMEMBER HEUMANN said while a continuance is requested on this item, he wanted the applicant to understand that Council has asked staff to work together to come up with a solution for a site on which the zoning has expired. The project needs to fit to the Price Road Corridor philosophy is for that Corridor. He urged the applicant to work toward a resolution before December 10 as he would most likely vote to rescind if a resolution could not happen.

Ordinance No. 4641, DVR05-0036 T-SYS Western Operations Center, to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former classification.

BACKGROUND

The subject 15.6-acre site located on the west side of Price Road, one-half mile north of Queen Creek Road, received zoning approval from Agricultural District (AG-1) to Planned Area Development (PAD) in November 2005 under Ordinance No. 3740. The current PAD zoning and subsequent Preliminary Development Plan (PDP) permits a single-user campus that includes an approximately 102,000 sq. ft. data center and an approximately 60,000 sq. ft. two-story office building.

Ordinance No. 3740 included the three-year time limit Condition No. 6 which expired on January 12, 2009. Council approved a three-year time extension in 2009 which expired in January 2012, and again in 2013, which expired in January 2015.

On July 9, 2015, City Council approved a continuance of this matter to the October 22, 2015, City Council meeting in order to allow Staff and the property owner time to consider alternatives to the current zoning approvals for the property.

From the initial zoning approval in 2005 through the present, there have not been any applications requesting the City approve any building plans, site design plans or any other submittal evidencing an intent to comply with the Conditions of Approval contained in Ordinance No. 3740.

Notice of the time, place and date of the public hearing has been sent by certified mail to the owners and applicants of the property in accordance with Arizona Revised Statutes §9-462.01(E) and Article XXVI of the Chandler Zoning Code.

#### STAFF COMMENTS

Following the most recent time extension approval, the City of Chandler commissioned The Maguire Company to study the South Price Road Employment Corridor. A final report was issued in October 2013 which outlined the historical development policies, identified a basic inventory of available land for development within the Corridor and provided a series of recommendations to guide future policy decisions.

A key theme found within the recommendations was the 'high value employment' reputation and employment density within the Corridor should be actively preserved and enhanced. As an example, data centers were identified as not generating the desired employment density or high value employment environment envisioned for the Corridor and that the inclusion of future data centers should be limited within the Corridor.

The City has the following options when a zoning district's timing condition expires. The City could, by administrative action, extend the timing condition for another period of time, eliminate or determine compliance with the schedule for development, or by legislative action revert the zoning to its former zoning classification. If an additional time extension is granted, all other conditions in the original approval would remain in effect.

Since the July 9, 2015, City Council continuance of this matter, Staff and the property owner met to discuss development alternatives for the site. Following the initial meeting with the property owner, the property owner has submitted a zoning amendment pre-application to the Planning Department and a pre-application meeting with Staff and the property owner was held on October 6, 2015. Staff and the property owner desire to continue discussing development alternatives for the site with the goal of identifying options for site development acceptable to the owner that can be brought forward to Council for consideration.

#### RECOMMENDATION

Per Arizona Revised Statutes, the City Council must hold a public hearing to address Condition No. 6 or Ordinance No. 3740. Upon finding the PAD zoning to no longer be consistent with the strategic growth policies for the South Price Road Employment Corridor, and therefore not consistent with the General Plan, Planning Staff recommends the property revert to its former zoning classification of AG-1.

#### PUBLIC HEARINGS

PH1. PUBLIC HEARING TO TAKE ADMINISTRATIVE ACTION ON DVR05-0036, T-SYS WESTERN OPERATIONS CENTER TO EXTEND, REMOVE OR DETERMINE COMPLIANCE WITH THE SCHEDULE FOR DEVELOPMENT OR TAKE LEGISLATIVE ACTION TO CAUSE THE PROPERTY TO REVERT TO ITS FORMER ZONING CLASSIFICATION.

Mayor Tibshraeny stated the public hearing was continued as part of the consent agenda.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor Tibshraeny announced the following events:

The annual Mayor's Day of Play is Saturday, October 24<sup>th</sup> from 9 a.m. to 1 p.m. at Tumbleweed Park. There will be close to 100 vendors and dozens of activities for the whole family.

- Veterans Health Care and Benefits Expo. The free expo runs from 9 a.m. to noon at the Chandler Center for the Arts. This year Chandler is partnering with the Department of Veterans Services and the Phoenix VA Health Care System.
- Halloween Spooktacular takes place on Friday, October 30, in the plaza in front of the downtown Community Center from 5:30-8:30 p.m.
- Celebration Plaza - This year's Celebration Plaza ceremony will honor the late Chandler Police officer David Payne and the Chandler Kiwanis Club. The ceremony will take place November 14, 9 a.m., at Celebration Plaza, located at Tumbleweed Park.
- Rock the Block - Rock the Block returns to Downtown Chandler November 14.
- Woofstock - Tumbleweed Park on November 21<sup>st</sup>.

The Mayor noted details on all of these events can be found at the City's website. Chandleraz.gov.

B. Councilmembers' Announcements

Councilmember Lopez announced the Chandler Symphony Orchestra will perform on November 8<sup>th</sup> at the Center for the Arts. The concert is entitled "Gypsy Life". He also noted the holiday performances occurring at the Center. He announced the Streetlight USA fundraiser would be held on November 6.

Councilmember Sellers noted that several of the Council attended the Education Forum recently. Google's chief education evangelist was a featured speaker. Mr. Sellers reported that the Chandler National Little League Team recently went to Taiwan to participate in a tournament. The Team will be honored at the November 16 Council meeting.

Vice Mayor Hartke announced asked for assistance with the For Our City – Chandler Day where many volunteers are in the community to assist with many identified projects in the Chandler community.

Vice Mayor announced the next Downtown Concert series will feature "Sugar Ray".

Councilmember Heumann reminded voters of the bond elections for school districts. He reminded voters that it is an all-mail ballot election and ballots need to be received by 7 p.m. on November 3.

Councilmember Heumann highlighted one of the projects approved is a Harkins Theatre at the corner of Chandler Boulevard and Arizona Avenue.

