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MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library, 22 S. Delaware, on Thursday, August 27, 2009, at 7:15 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR BOYD W. DUNN.

The following members answered roll call:	Boyd W. Dunn	Mayor
	Bob Caccamo	Vice-Mayor
	Trinity Donovan	Councilmember
	Rick Heumann	Councilmember
	Jack Sellers	Councilmember
	Jeff Weninger	Councilmember

Absent & Excused: Councilmember Matt Orlando

Also in attendance:

Rich Dlugas	Assistant City Manager
Pat McDermott	Assistant City Manager (Acting)
Mary Wade	City Attorney
Marla Paddock	City Clerk

INVOCATION: Pastor Kevin Hartke – Trinity Christian Fellowship

PLEDGE OF ALLEGIANCE: Councilmember Trinity Donovan

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions

LAUREL KLIMACK, GIS Database Analyst was recognized by Chief Information Officer Steven Philbrick for her 10 years of service.

LEANN JOHNSON, Construction Project Coordinator was recognized for her 10 years of service by Public Works Director R.J. Zeder.

LEE GRAFSTROM, Tax Audit Supervisor was recognized for his 10 years of service by Asst. Management Services Director Dawn Lang.

2. Hispanic Heritage Month Proclamation

MAYOR DUNN proclaimed September 2009 as Hispanic Heritage Month and presented copies of the proclamation to Donna Valdez and Hannah Humphrey of Chico Inc., Eileen Brill Wagner (DCCP) and Jim Meryl (Arizona Republic) . Mayor Dunn announced the Celebration is scheduled for September 19 in downtown Chandler.

Ms. Hanna Humphrey said Chico Inc. is one of the oldest ethnic arts organizations in the United States and has been serving the valley for 34 years. She stated they have moved to the City of

Chandler over a year ago and have been overwhelmed by the amazing support shown in the community.

3. Recognition – Fonte Al Sole Pond Project

Mayor Dunn said this is an example of how a group of citizens and neighbors can make a difference by working cooperatively together with the city and other entities to solve a challenging issue with mitigation of serious odor issues. Mayor Dunn thanked the staff of the Municipal Utilities Department, Intel Corporation, City Council, particularly Councilmember Orlando, and the neighbors of Fonte Al Sole.

MR. BILL BERRYMAN reported the odor issue has been resolved and thanked all of those involved. He said an analysis was performed to help install a permanent odor elimination solution. Mr. Berryman presented appreciation plaques to each group involved: Chandler City Council, Municipal Utilities employees (Eddie Baldenegro, Josh Burn, Jermaine Swinton, Scott Pearson, Jim Grube, Tom Ulrich, Ron Feathers), and Intel representatives (Matt Brandy, Jim Larsen, Jeanne Forbis).

4. Tom Lambke – The Down Syndrome World Conference/Water Conservation

Mr. Lambke said that during this summer, while working with individuals with disabilities, they visited the various splash pads in Chandler. One visit was to the splash pad in Espee Park. Later in the summer, visits were made to Desert Breeze Park and Espee Park where they encountered notice of the splash pad water being turned off between noon and 4 p.m. due to water conservation. He stated the opinion that many children do like to use the pads during those hours. He noted that there is watering of landscaping being done in the parks during those same hours, and urged that it be consistent.

Mr. Lambke relayed the experiences of he and his son Bryan with Special Olympics and their trip a few years ago to Ireland where they brought home gold medals in bowling. Mr. Lambke reported on their recent trip to Ireland for the Down Syndrome World Congress where Mr. Lambke was one of the guest speakers. Mr. Lambke thanked all those who helped with donations to make their trip to Ireland possible.

Mayor Dunn thanked Tom and Bryan for representing Chandler so well.

5. Christy McClendon – ICAN National Accreditation

Ms. McClendon, CEO of ICAN, announced the receipt of their recent accreditation as one of 16 organizations in the State of Arizona to be nationally accredited by the Council on Accreditation. She reported being the only Chandler based organization to have this approval and the only youth center to have this distinction.

Ms. McClendon reported the average daily attendance has grown by 280% with an average of 130 youth per day. This growth along with the municipal development in the area has caused them to look at the long-term future and the relocation of their facility in the redevelopment area. She stated that each year ICAN invests over a million dollars in non city funding into the redevelopment area and almost 5,000 community and partner hours and thanked Council and the City for the continued support.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

COUNCILMEMBER HEUMANN noted the changes to the stipulations on Item 45 (Culver's) and thanked City staff and the Culver's representatives for their work on resolving this. He read the stipulations into the record. (See Item 45).

COUNCILMEMBER HEUMANN commented on Item 29 and said this is another element in the bond money that was approved several years ago to continue the scope of work and design for the museum.

COUNCILMEMBER HEUMANN stated he would be voting no on Item 31 (Alma School and Ray Intersection Improvements) and hoped that if it was approved that staff would work to mitigate disruption and work only during non-peak hours to lessen the impact on businesses.

MOVED BY VICE MAYOR CACCAMO, SECONDED BY COUNCILMEMBER SELLERS, TO APPROVE THE CONSENT AGENDA AS PRESENTED WITH THE STAFF RECOMMENDATIONS THAT WERE READ INTO THE RECORD ON ITEM 45.

COUNCILMEMBER WENINGER abstained from voting on Item 1 (minutes), as he was not present at that meeting. Councilmember Weninger stated he would vote nay on Item 31 (Alma School and Ray Intersection Improvements). In regards to Item 43, he noted that San Tan Brewery would be holding an Oktoberfest in downtown Chandler.

MOTION CARRIED UNANIMOUSLY (6-0) with the exceptions noted.

1. MINUTES:

APPROVED, as presented, Minutes of the City Council Regular Meeting of August 13, 2009.

COUNCILMEMBER WENINGER ABSTAINED FROM VOTING AS HE WAS NOT IN ATTENDANCE AT THE AUGUST 13, 2009 COUNCIL MEETING.

2. RIGHT-OF-WAY VACATION: Appleby Road Ord. #4169

ADOPTED Ordinance No. 4169 authorizing the vacation of a portion of right-of-way on Appleby Road, west of Arizona Avenue near Hamilton High School.

3. POWER DISTRIBUTION EASEMENT: SRP Ord. #4170

ADOPTED Ordinance No. 4170 granting a no-cost power distribution easement to Salt River Project (SRP) to provide power for pathway lighting on a portion of the Paseo Trail at 1857 E. Frye Road.

4. ANNEXATION: SEC Loop 202 and Consolidated Canal Ord. #4173

ADOPTED Ordinance No. 4173 annexation of approximately 1.19 acres at the Southeast Corner (SEC) of the Loop 202 and the Consolidated Canal.

5. POWER DISTRIBUTION EASEMENT: SRP Ord. #4171

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4171 granting a 358-square foot power distribution easement on City-owned property located at San Tan Park near the SWC of Frye Road and 132nd Street to Salt Rive Project (SRP) in exchange for \$1,950.00 in consideration.

Because existing SRP electric facilities that provide service to the area of Frye Road and Cottonwood Street were installed direct buried (not in conduit), power failures have been experienced in the area. As a result, SRP is replacing some of the direct buried cable with new conduit-encased cable. This will eliminate faults that are caused by the old deteriorating wire to minimize future power disturbances and prevent outages. SRP is "looping" the entire system, which will allow the ability to serve electricity from more than one direction in case of a future failure.

6. INITIAL CITY ZONING: Chandler Airport Center Ord. #4177

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4177 DVR09-0022, Chandler Airport Center, establishing initial City zoning of AG-1 on approximately 1.19 acres at the SEC of the Loop 202 Freeway and the Consolidated Canal. (Applicant: City of Chandler; Owner: Chandler Airport Center CAC, Inc.

This request was noticed according to the provisions of the City of Chandler Zoning Code. Staff has received no correspondence in opposition to this request.

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

7. POWER DISTRIBUTION EASEMENT: SRP Ord. #4178

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4178 granting a no-cost 12kV power distribution easement to Salt River Project (SRP) to provide electric service to upgrade City water production facilities located at the Chandler Municipal Airport.

8. ZONING AMENDMENT: Paloma Kyrene Business Community Ord. #4179

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4179 DVR09-0008 Paloma Kyrene Business Community, to amend the PAD zoning to allow additional uses within Building M of the business park located south of Chandler Boulevard on the west side of Kyrene Road at Gila Springs Boulevard. (Applicant: Pew & Lake PLC/Archicon; Owners: Dove Holdings LLC, BDC Palomino Investments LLC, Arizona Enterprises LLC, 411 McKemy LLC and OC Brianita LLC.)

The subject property is a developed 21-acre industrial business park. In November 2005, the property was rezoned from Agriculture (AG-1) to Planned Area Development (PAD) with Preliminary Development Plan for a mixed-use development to include light industrial, general

and medical office, support retail and a self-storage mini-warehouse. The project includes 14 buildings allocated with general office, medical office, support retail, light industrial warehouse with ancillary office and a conceptual self-storage mini-warehouse component. The storage site is a conceptual use that requires separate application and approval of a Preliminary Development Plan.

This application requests to amend the allowed uses in Building M from PAD (light industrial warehouse/office) to PAD (light industrial warehouse/office, instructional sports and athletic training facilities). Buildings M and N are zoned for light industrial (I-1) uses with ancillary office space, light industrial warehouse use and support office. Through the initial zoning case, Buildings M and N are conditioned to allow I-1 uses as permitted by right in the Zoning Code with the exclusion of any hazardous or "H" occupancies as described by the City of Chandler adopted Building Codes. The two industrial buildings permit uses such as building contractors, distribution facilities and research and development companies. These buildings back up to each other to allow loading and truck traffic to be separated from the less intense uses and further separate the office use from the proposed self-storage mini-warehouse property at the site's west end. Buildings M and N have been platted as condos and include individually parceled and owned units.

The proposed amendment to allow instructional sports and athletic training facilities is triggered by a fencing school that intends to locate in a portion of Building M. In order to be in compliance with parking ratios for Building M and the entire business park, instructional sports and athletic training facilities are limited to a maximum occupiable area of 14,500 square feet. The fencing school intends to occupy the entire 14,500 square feet allotted for the instructional sports and athletic training facilities use. Building M includes 14 individual units.

The application's definition of "instructional sports and athletic training facilities" is facilities that focus on the instruction, training and related activities of a particular sport or field of sports. Examples include, but are not limited to, baseball, softball, fencing, martial arts, swimming, gymnastics, cheerleading and dance. Uses such as dog training, child-oriented party places such as inflatable bounce facilities, gaming and the like are not permitted as these are not deemed sports and athletic-related uses. The facilities are anticipated to host competitive events, which are limited to weekday evenings after 5:30 p.m. and anytime during weekends and national holidays. Events will be planned so as not to interfere with other businesses in the business park. There will be no outdoor training permitted in conjunction with these uses.

The fencing school will include an assembly area, practice floor, exercise gym, locker room, administrative offices and an ancillary retail store for fencing-related merchandise. The fencing school intends to host international competitions in addition to daily instruction and training classes. The activities, functions, operations, etc. of the fencing school will set the standard for all other instructional sports and athletic training facilities that may occupy this space in the future. If the use, activities, functions, operations, etc. do not comply with what is represented in this application, a new rezoning case to amend the uses will be required.

As a part of the parking analysis review, Staff determined that the 14,500 square foot space for an instructional sports and athletic training facilities use is short parking spaces based on parking ratio requirements at 1 space per 200 square feet of total building area. In order for the added uses to be compliant with parking space requirements, the property owners have agreed to prohibit occupancy of at least two tenant spaces in Building M. By prohibiting the occupancy of two tenant spaces, parking spaces that would be needed for those tenants can then be used for the instruction sports and athletic training facilities use. The applicant and owners have provided

the City with a letter that ensures self-imposed restrictions will occur on at least two tenant spaces whereby the spaces will not be built-out and the City will not issue any Certificates of Occupancy until parking for the entire site is addressed through a separate zoning case.

For the long term use of the two tenant spaces, there will need to be a separate zoning case amendment processed in which the property owners will propose a parking waiver to the development as it relates to the allowance of instructional sports and athletic training facilities. The property owners feel the parking ratio required for instruction sports and athletic training facilities and the like is too high and that the uses generate less parking than the City requires. Staff will review the separate zoning application and determine a recommendation based upon additional parking analysis information.

This request was noticed in accordance with the requirements of the City of Chandler Zoning Code with a neighborhood meeting being held on June 9, 2009. There were two neighbors in attendance in support of the project. Staff has not received any correspondence in opposition to the application.

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

9. ON ACTION AGENDA - Arizona Avenue Bus Stations Res. #4319

10. AFFILIATION AGREEMENT: Arizona Board of Regents Res. #4322

ADOPTED Resolution No. 4322 authorizing an affiliation agreement with the Arizona Board of Regents between the City of Chandler and Arizona State University.

Several City Departments offer internships to students from Arizona State University on both a paid and unpaid basis. Historically, Departments worked directly with the school resulting in separate agreements with the University each time an intern was hired. The City's Law Department suggested developing one agreement with the University and the University agreed.

This agreement will simplify the sponsorship of interns by various Departments and ensure that both the City and the University have an understanding of its responsibilities regarding this affiliation.

11. INTERGOVERNMENTAL AGREEMENT: RPTA Res. #4324

ADOPTED Resolution No. 4324 authorizing an Intergovernmental Agreement (IGA) with the Regional Transportation Authority (RPTA) for the Arizona Avenue/Country Club Bus Rapid Transit Project and to accept reimbursement of approximately \$937,500.00 for project right-of-way costs.

As part of the Regional Transportation Plan (RTP) for the area, which consists of alternative approaches to meeting the region's transportation needs, RPTA and the Cities of Mesa and Chandler and Town of Gilbert desire to jointly design and construct a Bus Rapid Transit (BRT) route. The purpose of this Intergovernmental Agreement is to disburse Public Transportation Funds (PTF) and American Recovery and Reinvestment Act of 2009 (ARRA) funds to Cities and Towns as approved in the Transit Life Cycle Plan and in the RPTA annual budget. The federal

ARRA funds will not exceed \$15 million. The overall project estimate is \$22.5 million with no cost participation from the City of Chandler.

The Arizona Avenue/Country Club Drive BRT route is approximately 12 miles long with termini at the Tumbleweed Park and Ride in Chandler and the Sycamore Transit Station in west Mesa. The BRT will operate on Arizona Avenue, Country Club Drive and Main Street between these termini. Service is currently scheduled to begin on this route in July 2010. There are 12 stations in the City of Chandler at approximately one-mile intervals located at major activity nodes and connectivity locations along the route.

RPTA cannot purchase right-of-way utilizing eminent domain. Each city is requested to purchase the needed right-of-way for the project within their jurisdiction. A total of \$937,500.00 for the project budget is allocated for Right-of-Way Acquisition for the City.

The project includes a budget provision for functional artwork. The City of Chandler Arts Commission has selected an artist to develop artistic enhancements for the two BRT stations located at Chandler Boulevard. In addition, lighted panels will be provided for display of selected artwork at all of the BRT stations in Chandler. The project budget currently allocated for artwork in Chandler is \$98,477.00.

The Transportation Commission approved this item at their June 18, 2009, meeting.

Under the terms of this agreement, RPTA will be responsible for the design and construction of the project. The City of Chandler will acquire the ROW and be reimbursed by RPTA for all acquisition costs. After project completion, the City of Chandler will be responsible for:

- The regular cleaning and maintenance of the BRT stations. This will be accomplished in accordance with the current maintenance contracts for the transit shelters. Advertising panels will be included at the station locations.
- The maintenance and functionality of the Transit System Priority (TSP) system located within the City of Chandler that will be installed by RPTA along the Arizona Avenue BRT corridor.

12. INTERGOVERNMENTAL AGREEMENT: RPTA

Res. #4326

ADOPTED Resolution No. 4326 authorizing an Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) to accept reimbursement of Public Transportation Funds for bus stop improvements at 91 designated bus stops in the amount of \$1,023,050.00.

This bus stop improvement program consists of utilizing Public Transportation Funds under the Regional Transportation Plan as approved by RPTA to assist in paying for improvements at bus stop locations region-wide. City Staff have submitted an application for funding improvements at bus stops in the City's jurisdiction. Each location submitted is prioritized and a level of improvements is identified based on the RPTA Bus Stop Program and Standards – Final Report: Findings and Recommendations which was accepted and adopted by the RPTA Board of Directors on March 20, 2008. The RPTA Board of Directors then awarded defined funding reimbursement amounts for specific locations in relation to the amount of funds available.

Bus stops constructed any time after November 2003 are eligible for reimbursement. Approximately 40% of the eligible bus stop locations have had improvements made to date. Reimbursement shall be used for City-funded capital improvements only, to include amenities

such as concrete shelter pad, signage, shelter and associated furniture. Reimbursement will not include shelters purchased and installed by the City's bus shelter installation and maintenance contractor. Ongoing maintenance and operation of bus stops are not included and remain a local responsibility.

There are five levels of amenity investments designed to provide a basis for setting funding levels, but are not meant to create requirements that cities must provide. While cities are encouraged to provide the amenities associated with the funding level for which their stop qualifies, it is understood requirements will be tailored to each site's unique needs. The City will be reimbursed for actual expenses incurred up to the level awarded for a particular site. After amenities have been installed at a bus stop, the City may request any savings remaining from the awarded funding for that location to improve another bus stop, subject to approval by RPTA.

13. GRANT AMENDMENTS: ADOT Res. #4329

ADOPTED Resolution No. 4329 authorizing the execution of grant amendments to extend the expiration date to June 30, 2011, for grants #E6F54 and #E6F79, with the Arizona Department of Transportation (ADOT), Aeronautics Division.

The grants were originally received in 2006 for the Airfield Signs Project. ADOT has agreed to extend the expiration date to allow adequate time to complete the remaining administrative work related to the grant reimbursements.

There are no new financial responsibilities associated with accepting the grant amendment. The total reimbursement related to these grants was identified at the time the grants were accepted and are anticipated to be: Grant No. E6F54 - \$5,641.47; and E6F79 - \$3,947.26.

At it's August 12, 2009, special meeting, the Airport Commission voted unanimously to recommend approval.

14. CONTINUED PRELIMINARY DEVELOPMENT PLAN: Noah's

CONTINUED TO SEPTEMBER 24, 2009, as requested by Staff, Preliminary Development Plan PDP08-0004 Noah's, for a commercial multi-purpose building on approximately 2.8 acres located east of the NEC of Cooper Road and Yeager Drive to allow the request to be heard before the Design Review Committee.

15. PRELIMINARY DEVELOPMENT PLAN: Candlewood Suites

APPROVED Preliminary Development Plan PDP08-0027 Candlewood Suites, for a four-story hotel on approximately 1.1 acres located south and west of the SWC of Chandler Boulevard and 54th Street. (Applicant: Harvey J. Lawrence; Harvey J. Lawrence & Associates.)

The site is located within the Southgate Business Center. Directly north of the site is a drive-thru restaurant. Northeast, east and south are a fuel station and office building. Directly west across Southgate Drive, is a Motel 6 owned by the same property owner of the current request.

The site, along with the surrounding area, received Light Industrial (I-1) zoning in 1980. The same area was rezoned to PAD for C-2 uses in 1986, eliminating the I-1 zoning. As part of the zoning approval, an overall master plan was required to be submitted and approved at a later date. In 1990, a master plan was submitted and approved which included a request for allowing

the original I-1 uses along with C-2 uses; however, the permitted C-2 uses did not include hotels and motels. In 1995, a rezoning specifically allowing for hotels and motels along with a PDP for a hotel on the subject site and the existing Motel 6 to the west was approved. The current request is substantially different than the previously approved hotel, therefore requiring a new PDP. The current request is consistent with the zoning.

In relation to site constraints, the applicant is requesting a waiver from the number of required parking stalls located on-site. Current Code requires 1.3 parking stalls per sleeping room. However, it has been the policy to administratively allow a reduction from the Code to provide a ratio of one parking stall per sleeping room when a conference room is not provided as part of the hotel design. The required amount of parking is 85 spaces; the plan provides 81 spaces. Since the property owner also owns the hotel directly west of this location, a parking agreement for the additional spaces will be provided. One of the adjustments made to the landscape plan, as a result of the Design Review Committee meeting, was the elimination of four parking stalls in front of the hotel entry. These four parking spaces were eliminated and replaced with a prominent access point.

As part of the design of the hotel, the property owner will be integrating roof-mounted solar panels mounted on two individual beams spanning the length of the roof in an east/west fashion. The applicant has indicated that with the solar panels, the hotel will have a return on investment within seven years. Additionally, the solar panels will create 70% of the energy consumed on-site. The applicant and Staff will have the ability to showcase the hotel as a model of how solar panels design and cost can be successfully integrated. The design team has discussed the use of Insulating Concrete Forms (ICFs) as the predominate building material. The use of ICFs provides higher insulation, fire and wind ratings. The applicant is also considering pursuing LEED credits.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Due to the location of the site, a neighborhood meeting was not held. A letter explaining the request was sent to all property owners within a 600-foot radius. Staff has received no correspondence in opposition to this request.

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

1. Development shall be in substantial conformance with the Development Booklet entitled "Candlewood Suites", kept on file in the City of Chandler Planning Services Division, in File No. PDP08-0027, except as modified by condition herein.
 2. Landscaping shall be in compliance with current Commercial Design standards.
 3. The site shall be maintained in a clean and orderly manner.
 4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
 5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
 6. Compliance with original conditions adopted by the City Council as Ordinance No. 2543 in Case Z94-129, except as modified by condition herein.
16. PRELIMINARY DEVELOPMENT PLAN: Orbital Launch Systems Signage

APPROVED Preliminary Development Plan PDP09-0020 Orbital Launch Systems Signage, for modified signage at 3380 S. Price Road. (Applicant: Young Electric Sign Company; Owner: Corporate Property Associates 8 LP et al.)

The request is for Preliminary Development Plan (PDP) approval for two new 8'-high monument signs along the Orbital Launch Systems property frontage on the SWC of Price and Dobson roads. To the west is the Ocotillo reclaimed water facility; to the south is the City of Chandler fire training facility; to the north, across Price Road, is Orbital's new office expansion within the Waters at Ocotillo development; and to the southeast, across Dobson Road is the Corona Del Mar residential subdivision.

The property received its Planned Area Development (PAD) zoning for manufacturing/test facility uses in 1989, as guided by the Ocotillo Master Plan that previously designated the site for employment uses. The PAD zoning was accompanied by a PDP that left monument signage to be in conformance with the Zoning Code. The sign locations and designs conform to the Zoning Code except that they exceed 6' in height.

The requested signage includes two 8'-high, single-tenant monument signs with directional signage incorporated upon them. The monument sign designs reflect the approved designs for 8'-high monument signs across Price Road at Orbital's new Waters at Ocotillo facility. The signs include a column feature, a landscaped planter base and decorative cornices. The only difference with the subject site's signage is that The Waters at Ocotillo logo is replaced by directional language and arrows.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 23, 2009. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

1. Compliance with previous zoning and Preliminary Development Plan approvals, except as modified herein.
2. Development shall be in substantial conformance with submitted application materials (site plan, elevations) kept on file in the City of Chandler Planning Services Division in File No. PDP09-0020, except as modified by conditions herein.
3. 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 equipment, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

17. PRELIMINARY DEVELOPMENT PLAN: Orbital Waters at Ocotillo Signage

APPROVED Preliminary Development Plan PDP09-0021 Orbital Waters at Ocotillo Signage for modified signage at 3377 S. Price Road. (Applicant: Young Electric Sign Company; Owner: GP Chandler, LLC.)

This request is to change the style of building signage and to add a third building sign on Orbital's new office building at The Waters at Ocotillo development. The site is located at the NWC of Price and Dobson roads. To the south, across Price Road, is the existing Orbital Launch Systems property. To the north are planned multi-family and across a man-made pond, the

Downtown Ocotillo commercial development. Between the subject building and the multi-family to the north, is a 2-story parking ramp. To the east, across Dobson Road, is more planned multi-family. To the southeast, across Dobson and Price roads, are planned office/retail uses.

One part of the request is to allow regular pan-channel letters in place of halo-illuminated reverse pan-channel letters for the building signage. The application asks for the change because the glass/steel building is not physically suited to provide the requisite opaque background for effective halo illumination.

The second part of the request is to allow a third building sign to be located on the north façade. The approved sign locations are on the east and south façades. Signage on the north façade allows the office a visual presence from the Downtown Ocotillo project to the north.

The Planning Commission and Staff support the request finding it to be commensurate with The Waters at Ocotillo signage quality. The change from reverse pan-channel to regular pan-channel letters is appropriate given the particular architectural qualities of this building. A third sign is reasonable at this location and does not cause a cluttered look or undue visual impact on the residential neighbors.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 23, 2009. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

1. Compliance with previous zoning and Preliminary Development Plan approvals, except as modified herein.
2. Development shall be in substantial conformance with submitted application materials (site plan, elevations) kept on file in the City of Chandler Planning Services Division in File No. PDP09-0020, except as modified by condition herein.
3. 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 equipment, so as not to create problems with sign visibility or prompt the removal of required landscape materials.

18. AGREEMENT AMENDMENT: 3M

APPROVED Agreement Amendment No. 3 for one year with 3M for security detection systems, self-check units, discharge workstations and software at the Downtown, Hamilton, Sunset and Basha Library branches in an amount of \$61,647.00. This is the 3rd of 4 one-year optional extensions.

3M produces and maintains exclusive maintenance and service for all security detection, materials flow management, and radio frequency identification (RFID) systems used in the Chandler libraries. Security detection devices include gates at each library that detect the presence of security markers in books and audiovisual materials, thereby preventing theft. Material flow management devices include self-check stations at each library that allow patrons to efficiently check-out materials through self-service; staff-managed check-in stations at each library that help staff efficiently process returned materials; and staff-managed check-out stations at each library that facilitate staff-customer transactions. RFID systems are built into all of the

above equipment providing more rapid and efficient workflow. The radio frequency detectors operate over a larger volume of space and more quickly than optical scanning (barcode) technology. In addition, each library has hand-held RFID readers that assist with inventory control and allow staff to scan items on the shelves without physically handling the items.

19. AGREEMENT: Mechanical Products BAS, Inc.

APPROVED an Agreement with Mechanical Products BAS, Inc. for an Energy Management System in an amount not to exceed \$1,262,473.00 including a 20% contingency to cover test and balance requirements and unforeseen equipment replacements.

The existing proprietary Energy Management System (EMS) used at 12 City facilities for the past 20 years for the control of heating, venting, air conditioning and lighting has come to the end of its useful life due to technological advancements and the inability to purchase replacement components. City Staff has seen an increase of time required in resolving programming issues of equipment coupled with the lack of manufacturers' support. The proposed EMS system utilizes an open protocol form of communication. This will allow the City to avoid a single source for future expansion requirements and maintenance. The City would be able to have access to non-proprietary parts in an acceptable period of time, make citywide changes in an expedient manner, predict system-wide energy usage and cost, improve indoor environmental quality and track energy-related costs.

20. AGREEMENT AMENDMENT: JP Morgan Chase and First Data

APPROVED Agreement Amendment No. 3 for one year with JP Morgan Chase and First Data for banking services related to Select Merchant Payment Card processing. This is the second of two optional one-year extensions.

21. AGREEMENT: Brooks Bros. Utility Contractors, Inc.

APPROVED an Agreement with Brooks Bros. Utility Contractors, Inc., for streetlight upgrades and replacement in an amount not to exceed \$120,000.00. The term of the agreement is for one year with options to renew for up to 4 additional one-year periods.

This agreement is for the replacement of damaged streetlights as a result of traffic accidents or corrosion and for miscellaneous streetlight installations to increase lighting levels in older developed areas. This agreement is used on an as-needed basis; therefore, the quantities are estimated based on the previous years' history. Staff has estimated that approximately 70 streetlights may be replaced and/or upgraded during the term of this agreement. Risk Management recovers approximately 80% of the cost for damaged poles through insurance companies and/or persons involved. The remainder will be funded from the City's self-insurance. Rusted streetlight poles and replacements and the miscellaneous new installations are funded from the Capital Improvement Program as needed.

22. AGREEMENT: Desert Glen Commercial Landscape Group, Inc.

APPROVED an Agreement with Desert Glen Commercial Landscape Group, Inc., for replacement of landscape materials and service for two years with options to renew for three additional one-year periods, in an amount not to exceed \$157,884.00 per year.

23. AGREEMENT: ELS Construction, Inc.

APPROVED an Agreement with ELS Construction, Inc., for dust mitigation granite on the three miles of the Western Canal from Arizona Avenue to Price Freeway to meet the PM10 dust requirements, in an amount not to exceed \$413,673.09.

24. AGREEMENT: Power Plus

APPROVED an Agreement with Power Plus for generator maintenance in an amount not to exceed \$314,140.00 for a two-year term with provisions to extend for three additional one-year periods. The requested amount is the estimated expense for the two-year term. Also included in the contract amount is an additional \$61,870.00 per year for unforeseen repairs.

25. AGREEMENT: UniFirst Corporation

APPROVED an Agreement with UniFirst Corporation for uniform/clothing rental and laundry service for two years with options to renew for three additional one-year periods, in an amount not to exceed \$100,000.00 per year.

26. PARK RENAMING: West-Mini Park

AUTHORIZED the renaming of West-Mini Park to Park Manors Park.

West Mini Park is .37 of an acre located within the square mile bounded by Arizona Avenue, Chandler Boulevard and Ray and Alma School roads. This site was acquired as a well site in 1947 and has since served as a dual-purpose park and well site. This park has never been officially named and has been referred to as West Mini Park for many years. Several months ago, work began on the renovation of the park. The improvements were completed in June and include a new picnic ramada, playground shade, drinking fountain, sidewalks and lighting.

In 2004, the Parks and Recreation Board and City Council adopted a set of guidelines for the naming of parks. Since then, these guidelines have been used to name or re-name parks within Chandler. During the public input/meeting process, several requests were made to change the name of the park. Suggested names included Park Manors Park and Cleveland Park. The majority of the residents that attended the public meetings requested that the park be re-named Park Manors Park in recognition of the historical origin of the neighborhood and geographic location in the Park Manors subdivision.

This project was completed in cooperation with the Municipal Utilities Department, the City's Public History Program and the Neighborhood Programs Division – Neighbors in Action program.

The Parks and Recreation Board recommended that Council approve the re-naming of West Mini Park to Park Manors Park at their August 4, 2009, meeting.

27. PAYMENT: Chandler Symphony Orchestra

AUTHORIZED Payment to the Chandler Symphony Orchestra in the amount of \$42,000.00 allocated as one-time funds in the FY 2009/10 budget.

The mission of the Chandler Symphony Orchestra is to enhance the quality of life for the citizens of Chandler. The Chandler Symphony Orchestra does this by providing free performances of classical and other fine music to a large number of audiences from Chandler and the surrounding

communities. The Orchestra's professional quality performances continue to generate high levels of audience satisfaction.

As part of the FY 2009/10 budget process, Council awarded one-time funding in the amount of \$42,000.00 to the Chandler Symphony Orchestra. The funding will support the salaries of the Music Director and Associate Conductor, maintain the safety standard at concerts and fund a small stipend for musicians to perform at various events.

28. DISPATCH SERVICES: Fire and Emergency Medical

AUTHORIZED the appropriation for fire and emergency medical dispatch services in accordance with the current intergovernmental agreement (IGA) with the City of Phoenix in an amount not to exceed \$1,230,544.06.

The current IGA with the Phoenix Fire Department has been in effect since 2003. The IGA permits the Phoenix Fire Department to provide dispatch services, technical services and equipment maintenance for all of Chandler Fire's dispatch needs.

In addition, the contract between the Fire Department, Southwest Ambulance and PMT Ambulance provides dispatch services to the ambulances through the Fire Department's IGA. By contract, the ambulance companies reimburse the City for dispatch services on a monthly basis for a total reimbursement of \$441,542.00.

29. CONTRACT: SmithGroup, Inc.

APPROVED Contract #GG00803-202 with SmithGroup, Inc., for the conceptual design of the Chandler Museum and downtown parking garage in an amount not to exceed \$83,300.00.

The Chandler Museum project is planned to commence construction in FY 2011/12. To meet that timeframe, it is important to begin the facility's design process this fiscal year. There has been much discussion regarding what the Museum should look like, what its content and focus should be and what the total scope of its public purpose will be. To address and clarify those issues, it is prudent to begin the overall design process with a conceptual design element based on stakeholder input. In that way, the final design can be accomplished with a guarantee of meeting community needs.

In July 2008, SmithGroup, Inc. was selected as the architect for the Museum project through a standard consultant selection process. The overall design contract has not been negotiated nor approved as of this date. However, as the selected architect, SmithGroup was asked to submit a proposal that would include:

- Coordination of a visioning process that addressed the public and stakeholder groups in a Museum building.
- Development of space relationship diagrams that address needs determined from previous strategic plans dealing with the Museum.
- Creation of up to three concepts to depict the exterior appearance and shape of the Museum.
- Presentation of those concepts to the City and Museum Staff with a final presentation to City Council.

In addition, the proposal would include design concepts for a parking garage capable of holding approximately 240 cars and housing 7,500 square feet of artist/commercial space. That structure would be located on the SEC of Boston and Washington streets.

Work on the conceptual design of the Museum and parking garage would begin during the month of September. Focus groups and stakeholder meetings would take place toward the end of September. Presentation of the conceptual designs would occur in January 2010.

30. CONTRACT: Deutsch Architecture Group

APPROVED Contract #FI0902-201 to Deutsch Architecture Group for architectural design and construction administration services for Fire Station No. 1 to be located at 1475 E. Pecos Road, in an amount not to exceed \$464,555.00.

The recently adopted Capital Improvement Program (FY 09/10) includes the design of a new fire station. This new station is the result of relocating the existing Fire Station No. 1 to address response needs of a growing area and to meet the need for an additional southeast fire station. The Fire Station No. 1 relocation project was the result of recommendations from a new Fire Department Standards of Response Coverage study completed during the Fire Department's Accreditation process and the Department Director's committee evaluating overall CIP projects for the City during the budget process.

In the 2009 Standard of Response Coverage study, the Department has expanded the scope of planning to include National Fire Protection Association's Standard 1710. This standard has changed the response parameters for the Department resulting in a change of fire station locations. This proposal relocates the current Fire Station No. 1 and eliminates one of the planned growth fire stations that were projected for the southeast portion of the City. The Department Director's CIP budget committee also came to the conclusion that if Fire Station No. 1 was relocated, the existing station could be used for other City purposes thus benefiting several City departments. The Fire Department has applied for a stimulus grant under the American Recovery and Reinvestment Act for the construction of this station in an amount of \$4.8 million.

The fire station will be achieving a silver certification level within the Leadership in Energy and Environmental Design, LEED, Version 3 2009 Green Building Rating System. Designing to LEED standards creates an environmentally friendly building and also reduces future operating costs for the facility. Fire Station No. 1 will be the first fire station certified LEED in the City.

31. CONTRACT AMENDMENT: Tristar Engineering and Management, Inc.

APPROVED Amendment No. 3 to Contract #ST0704-201 with Tristar Engineering and Management, Inc., for design services for the Alma School and Ray roads intersection improvements project in the amount of \$112,891.00 for a revised contract total of \$673,313.00.

This amendment will allow for the supplementary engineering design costs associated with the additional scope of work for a design revision of the storm drain system due to SRP irrigation pipe realignments, additional potholes required by private utility companies to finalize design and relocation efforts, additional legals and exhibits required for land acquisition activities, a Phase 1 Environmental Site Assessment update and the incorporation of landscape up-lighting within the intersection improvement design.

COUNCILMEMBERS HEUMANN AND WENINGER VOTED NAY ON THIS ITEM.

32. CONTRACT EXTENSIONS: Morrison-Maierle, Inc. and Dibble Engineering

APPROVED one-year Extensions for Contracts with Morrison-Maierle, Inc. (#EN0711-101), and Dibble Engineering (#EN0725-101) for pipeline design in an amount not to exceed \$500,000.00 each.

33. PURCHASE: Maintenance Services

APPROVED the Purchase of servers, network equipment, software and maintenance services in an amount not to exceed \$1,400,000.00. The servers will be purchased from IBM utilizing the Western States Contracting Alliance (WSCA); network equipment will be purchased from NEC utilizing the City of Tempe contract; and maintenance services will be purchased from Hewlett-Packards utilizing the WSCA.

The City utilizes proprietary Hewlett Packard (HP) Unix servers to run major applications and databases that support City services and functions. These servers are 5 years old and do not meet the City's current needs. The manufacturers of several of these applications no longer support HP Unix in their current versions, putting the City at risk of extended outages due to the lack of support. The recommended replacement servers will utilize industry standard commodity hardware and a non-proprietary Linux operating system that is supported by all of the application manufacturers. Moving to non-proprietary hardware and operating systems will reduce future upgrade and replacement costs.

The City uses an EMC Storage Area Network (SAN) to centrally store data used by applications and databases to support City services and functions. This equipment is 7 years old and cannot be economically expanded to meet current City requirements. This system is a single point of failure as there is no other on-line copy of the data. The system has gone down in the past, hindering Staff from providing city services in a timely manner. Due to the competitive economy and the large decrease in costs, the City can purchase 2 new systems with increased capacity and expandability for the budgeted replacement cost of the current single system. This will allow critical data to be stored redundantly in 2 separate locations, increasing up-time and service levels to citizens.

34. PURCHASE: Calgon Carbon Corporation

APPROVED the Purchase of granular activated carbon (GAC), utilizing the City of Glendale contract, from Calgon Carbon Corporation in an amount not to exceed \$302,076.00.

GAC is a vital component in the water treatment process. It is placed in the filter beds as the material the drinking water will pass through to filter out impurities and remain in compliance with certain Federal drinking water regulations. In addition, GAC will also reduce taste and odor components in the drinking water.

35. USE PERMIT: Red White and Brew

APPROVED a time extension for Use Permit UP09-0024 Red White and Brew, Series 12, to sell liquor as permitted for on-premise consumption indoors and within an outdoor patio at an existing restaurant within the Chandler Heights Marketplace commercial center located at 4850 S. Gilbert Road, Building D. (Applicant: Arizona Liquor Industry Consultants.)

The restaurant is located at the NEC of the Chandler Heights Marketplace shopping center, which is anchored by a Bashas' grocery. The restaurant was granted a liquor Use Permit, Series 12 license, in February 2007 with no time limit. In June 2008, a separate liquor Use Permit was approved to allow for live entertainment indoors and/or on the outside patio in conjunction with a Series 12 liquor license. This Use Permit included a one-year time limit condition.

This application requests approval of a liquor Use Permit with live entertainment without a time limit. The live entertainment is not changing from the previous approval which includes live jazz and blues music approximately 2 to 3 times per month indoors and/or on the outside patio. Music starts at approximately 6 p.m. during the week and possibly weekends. There will be no dancing, stages, DJ or other live entertainment. The hours of operation are 11 a.m. to 10 p.m. seven days a week.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 30, 2009. There were no neighbors in attendance. The Police Department has been informed of the application and has responded with no issues or concerns. Staff has received no correspondence in opposition to the request.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and 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 Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment related uses shall require re-application and approval of the Use Permit.
3. The Use Permit is non-transferable to other restaurant locations.
4. No noise shall be emitted so that it exceeds the general level of noise emitted by uses outside the premises of the business and as not to disturb adjacent businesses and residential areas.
5. No live entertainment/music on the outdoor dining patio area after 10 p.m.
6. The site and outdoor patio shall be maintained in a clean and orderly manner.

36. USE PERMIT: Homewood Suites

APPROVED Use Permit UP09-0031 Homewood Suites, Series 7, to sell and serve beer & wine within a new hotel located east of the SEC of the Loop 202 Santan Freeway and Price Road. (Applicant: Kari Kruchten, The North Central Group.)

Adjacent to the site to the south and west is the balance of the Gateway Park master planned development, most recently known as Spectrum. The Loop 202 Santan Freeway abuts the property's north side. Adjacent to the east are rural residential properties zoned Agricultural District (AG-1) located north of the Vintage Villas residential subdivision.

The property received PAD zoning in 1989 as part of the larger 156-acre Gateway Park master plan. The PAD zoning, most recently revised in 2001 and extended in June of 2005, identifies this 4-acre site for hotel development. A Preliminary Development Plan (PDP) was approved in December 2007 for the construction of the two Hilton hotels, the Hampton Inn & Suites and Homewood Suites. This application pertains only to the Homewood Suites hotel.

A Series 7 Beer and Wine Bar Liquor License, allows the hotel to sell beer and wine (no other spirituous liquors) only for on-site consumption within areas including the hotel's public areas, outdoor pool area and private rooms. The Series 7 license is necessary at this location to accommodate the hosting of a "Manager's Reception" Monday through Thursday evenings.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held July 29, 2009. There were no citizens in attendance. The Police Department has been informed of the application and has responded with no issues or concerns. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and 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 Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 7 license only and any change of license shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.

37. USE PERMIT: Hampton Inn & Suites

APPROVED Use Permit UP09-0030 Hampton Inn & Suites, Series 10, to sell beer & wine within a new hotel located east of the SEC of the Loop 202 Santan Freeway and Price Road. (Applicant: Kari Kruchten, The North Central Group.)

Adjacent to the site, to the south and west, is the balance of the Gateway Park master planned development, most recently known as Spectrum. The Loop 202 Santan Freeway abuts the property's north side. Adjacent to the east are rural residential properties zoned Agricultural District (AG-1) located north of the Vintage Villas residential subdivision.

The property received PAD zoning in 1989 as part of the larger 156-acre Gateway Park master plan. The PAD zoning, most recently revised in 2001 and extended in June of 2005, identifies this 4-acre site for hotel development. A Preliminary Development Plan (PDP) was approved in December 2007 for the construction of the two Hilton hotels, the Hampton Inn & Suites and Homewood Suites. This application pertains only to the Hampton Inn & Suites hotel.

A Series 10 Beer and Wine only Liquor License allows the hotel to sell beer and wine (no other spirituous liquors) only for on-site consumption within areas including the hotel's public areas, outdoor pool area and private rooms.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held July 29, 2009. There were no citizens in attendance. The Police Department has been informed of the application and has responded with no issues or concerns. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and 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 Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 10 license only and any change of license shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other locations.
4. The site shall be maintained in a clean and orderly manner.

38. LIQUOR LICENSE: Hampton Inn & Suites

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #125725 L10) for Scott Roger Biggar, Agent, North Central Management, Inc., dba Hampton Inn & Suites Chandler, 1231 S. Spectrum Boulevard. Recommendation for approval of State Liquor License #10075838 will be forwarded to the State Liquor Department. 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. USE PERMIT: Lucky Lou's American Grill

APPROVED Use Permit UP09-0039 Lucky Lou's American Grill, Series 12, to sell liquor as permitted for on-premise consumption indoors and within an outdoor patio at a new restaurant within the Park at SanTan development at 3245 W. Ray Road, Suite 7. (Applicant: Arizona Liquor Industry Consultants.)

The restaurant is locating in a retail shops space within the Park at SanTan across from the existing Spicy Pickle restaurant. Lucky Lou's American Grill will be in operation 10 a.m. to 2 a.m. Monday through Friday and 8 a.m. to 2 a.m. Saturday and Sunday.

The application proposes speakers indoors and outdoors with amplified music. There are two speakers proposes outdoors. There is no live entertainment, pool tables or the like represented. The Planning Commission and Staff are of the opinion that the addition of speakers for amplified music in conjunction with a Series 12 Restaurant License is compatible with the area. There are no residences abutting the site. There is a single-family residential subdivision to the west and northwest of the site.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held August 3, 2009. There were no neighbors in attendance. The Police Department has been informed of the application and has responded with no issues or concerns. Staff has not received any correspondence in opposition to the request.

Upon finding consistency with the General Plan and PAD zoning, the Planning Commission and 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 Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment related uses shall require re-application and approval of the Use Permit.
3. The Use Permit is non-transferable to other restaurant locations.

4. No noise shall be emitted so that it exceeds the general level of noise emitted by uses outside the premises of the business and as not to disturb adjacent businesses and residential areas.
5. Speakers for amplified music on the outdoor dining patio area not to occur after 10 p.m.
6. No live entertainment.
7. The site and outdoor patio shall be maintained in a clean and orderly manner.

40. LIQUOR LICENSE: Lucky Lou's American Grill

APPROVED a Series 12 Restaurant Liquor License (Chandler #125637 L12) for Amy S. Nations, Agent, CLT II, Inc., dba Lucky Lou's American Grill, 3245 W. Ray Road, Suite #7. Recommendation for approval of State Liquor License #12078069 will be forwarded to the State Liquor Department. 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.

41. CONTINUED LIQUOR LICENSE: Zammi's Grill

CONTINUED TO SEPTEMBER 24, 2009, as recommended by Staff, Liquor License, Series 12, for Danette Jo St. Vincent, Agent, Zammi II LLC, dba Zammi's Grill located at 4040 S. Arizona Avenue, Suite #7, to allow the applicant time to complete the requirements for a new Use Permit.

42. SPECIAL EVENT LIQUOR LICENSE: ICAN (Improving Chandler Area Neighborhoods)

APPROVED a Special Event Liquor License for ICAN (Improving Chandler Area Neighborhoods) for their ICAN Charity Concert featuring Michael Sicol, on September 19, 2009, at the Chandler Center for the Arts, 250 N. Arizona Avenue. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

43. TEMPORARY EXTENSION OF PREMISES: San Tan Brewing Company, LLC

APPROVED a Temporary Extension of Premises for a Series 12 Restaurant Liquor License (Chandler #111265 L12), held by San Tan Brewing Company LLC, dba San Tan Brewing Company, 8 S. San Marcos Place for the Octoberfest Downtown Chandler to be held on September 26, 2009. Recommendation for approval of a Temporary Extension of Premises for State Liquor License #12076999 will be forwarded to the State Liquor Department. The Police Department has no objections to this extension. All fees have been paid and the applicant has applied for a Special Event Permit through the Special Event Committee.

44. PERMANENT EXTENSION OF PREMISES: Wal-Mart Supercenter #1512

APPROVED a Permanent Extension of Premises for a Series 9 Liquor Store Liquor License (Chandler #15510 L09) held by Wal-Mart Stores, Inc., Wal-Mart Supercenter #1512, 800 W. Warner Road. Recommendation for approval of a Permanent Extension of Premises for State Liquor License #09070486 will be forwarded to the State Liquor Department. The Police Department has no objections to the permanent extension of premises. All fees have been paid and the business is in compliance with the City's Sales and Use Tax Code.

Wal-Mart Stores, Inc., dba Wal-Mart Supercenter #1512 has been in business in this location since July 1990 and was approved for a Series 9 Liquor License in May 2008. The store has

recently undergone extensive remodeling that includes an addition to the building. At this time, the applicant has requested a permanent extension of their licensed premises to include the area of expansion.

Planning and Development advises that a new Sue Permit is not required since the extension of the licensed premises conforms with the existing use permit approved at the November 8, 2007, Council meeting.

45. On Action.

46. On Action.

47. CONTRACT: Pulice Construction Incorporated

APPROVED Contract #ST0810-401 to Pulice Construction Incorporated for construction services for improvement to McQueen Road from Queen Creek Road to Riggs Road Phase I in an amount not to exceed \$13,557,504.00.

This agreement awards construction services for Phase I of the McQueen Road improvement project which will allow McQueen Road to be improved to six traffic lanes from Queen Creek Road to Ocotillo Road. Portions of this roadway segment have been constructed to the half-street section by private developments along McQueen Road. This project will complete the half-street areas to full width major or minor arterial sections and construct the full street section in the areas that are currently two lanes only. This project will also include improvements to Queen Creek Road from McQueen Road to just east of Airport Boulevard along with other improvements. Also included will be reclaimed water line extensions outside the new roadway and intersection improvements and provide water and sewer laterals to all undeveloped parcels. Phase I construction is expected to begin in September 2009 and will be completed in approximately 9 months.

As part of the contract, the City is allowing the contractor to close McQueen Road between Queen Creek and Appleby roads for 5 weeks starting in November 2009 for the McQueen Road bridge construction work. The closure will allow the contractor to work more efficiently providing not only a cost savings of approximately \$300,000.00, but will also reduce the overall length of the bridge construction duration in that area from 5 months to 1 month. The road closure will require that the entrance to the solid waste drop-off facility on McQueen Road be closed during this period and vehicles detoured to the Queen Creek Road entrance. Prior to the road closure, Staff will mail and hand out information flyers, advertise the change in the newspapers and set up variable message boards to notify the public.

ACTION:

45. PRELIMINARY DEVELOPMENT PLAN: Culver's Restaurant

APPROVED Preliminary Development Plan PDP09-0011 Culver's Restaurant, for a restaurant on a 1.3-acre vacant pad site within the Park at San Tan development located west of the Loop 101 Price Freeway along Ray Road. (Applicant: RCC Design Group, Stuart Rayburn; Owner: Park at San Tan LLC.)

This request was continued from the August 13, 2009, City Council meeting to allow the applicant and Staff to work toward a mutually agreeable resolution regarding signage. Staff, upon finding

consistency with the General Plan and PAD zoning, recommends approval of PDP09-0011 Culver's Restaurant subject to revised conditions. Councilmember Heumann read the following conditions in to the record:

1. Compliance with the original stipulations adopted by the City Council as Ordinance No. 3622, case DVR04-0048 Santan Mixed Use Amended, except as modified by condition herein.
2. Development shall be in substantial conformance with Exhibit A, Development booklet entitled "Culver's Restaurant" kept on file in the City of Chandler Planning Services Division in File No. PDP 09-0011 except as modified by condition herein.
3. 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 equipment, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
4. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
5. Raceway signage is prohibited.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
7. The building and site lighting shall reflect the wall-pack and light pole designs already established in the Park at San Tan development. The Development Booklet's representation of a curved wall light design shall not be used.
8. A signed and notarized Consent to Conditions waiver shall be provided to Planning staff within three weeks of City Council approval of the PDP in order for the approval to be valid.
9. The applicant shall work with staff to create a pedestrian connection to the retail to the west.
10. The Culver's script on the building signs shall be dual halo lit. The back halo lighting shall produce a blue glow around the word Culver's that shall reflect off of the blue "unlit" oval backboard. The front halo lighting on the word "Culver's" shall be achieved by having the outer 1" perimeter of the letters be a translucent white while the remaining center portion of each letter shall be an opaque white to create the shadow or halo effect.

46. USE PERMIT: Hill Academy Wireless Facility

COUNCILMEMBER DONOVAN stated she would not be voting on the item due to a conflict of interest and left the dais.

Background:

Use Permit UP08-0073 Hill Academy Wireless Facility to install a 52-foot wireless communication facility on the campus of the new Hill Learning Academy, 290 S. Cooper Road. (Applicant: Quinn United for Cricket Wireless; Owner: Chandler Unified School District.)

The proposed cell tower resembles the typical combination light pole/wireless facility that exists elsewhere in Chandler, including on the church property immediately north of the subject site. However, in this case, there is not an existing light pole and the final product is not intended to provide lighting. Rather, the request is simply for a wireless facility hidden in a vertical metal canister. The Zoning Code requires a Use Permit for wireless communication facilities in non-industrial zoning districts that do not utilize existing poles or towers.

To the north is an existing church; to the west is the Consolidated Canal; to the south are power lines and a planned City of Chandler park; and to the east, across Cooper Road, are single-family homes. The nearest residential properties to the proposed cell tower are approximately 305 feet to the northwest, 335 feet to the southwest and 450 feet to the east across Cooper Road. There is an approximately 40-foot high cell tower disguised as a light pole on the church property to the north. There is also an approximately 65-foot high wireless facility on top of the power lines immediately southwest of the subject site.

The 52-foot tall wireless facility will be located west of the school building. The associated mechanical equipment will occupy 450 square feet either on the roof (preferred) or adjacent to the proposed pole behind the building, depending on the ability to provide screening in a manner required by code. Any mechanical equipment will have to meet the Zoning Code requirements, including that screening be of a height equal to or greater than the top of the equipment and that the screening be architecturally integrated with the building. The applicant may pursue relocating the equipment to the ground if proper rooftop screening cannot be attained.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on March 8, 2009. There were no citizens in attendance. Staff has received no correspondence in opposition to the request.

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

1. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The site shall be maintained in a clean and orderly manner.
3. The pole shall be painted to match the building behind it.

Discussion:

MR. BILL DERMODY, City Planner, stated this case was continued from the last Council meeting. Additional materials were provided to Council regarding the coverage areas for Cricket Wireless, the Wireless ordinance, and the applicant provided new photos. Mr. Dermody displayed a photo depicting the tower design.

VICE MAYOR CACCAMO asked if the residents were notified. MR. DERMODY stated that all neighbors within 600 ft. were noticed. There was no one present at the neighborhood meeting.

COUNCILMEMBER HEUMANN clarified that the new coverage maps show coverage at 48 feet and at 65 feet. MR. DERMODY said the applicant usually requests a 65-foot, but 52 is a compromise. He believed the 48 feet would show the RAD center.

MR. SCOTT QUINN, 4050 E. Cotton Center Blvd, Phoenix AZ. Representing Cricket Wireless, clarified the height of the structure would be 52 ft and the centerline of the antenna's would be 48 ft. The preferred height of the pole was 65 feet. He stated the substation was their first choice, but SRP has an existing carrier on the site. Co-location is always their first preference. He said there would be some gaps in coverage along the 202 and they are in the process of identifying some co-locations in that area. Mr. Quinn added that the question came up at the last meeting regarding the reason for not pursuing the location up the street. He explained that in order to get the same coverage objectives, a 70' foot monopalm would have been required and there would still have been gaps in coverage along the 202.

VICE MAYOR CACCAMO asked if a representative from the School District was present. He asked if the parents of the students attending the school were notified of the cell tower. MR. QUINN said the property itself is posted with the required 4x8' sign but he is unsure what other efforts the School did. A representative of the School District was not present.

MR. DERMODY stated he spoke to the School District in between meetings. He explained the standard is that it is posted in front of the door for people to see when they are picking up or dropping off students. If there is some feedback from that, there will be a special meeting held, but it depends on the level of interest. He couldn't report on what happened with this case. Vice Mayor Caccamo stated that hoped when they present in the future, they do that.

COUNCILMEMBER HEUMANN asked the applicant if they feel comfortable they would be able to find co-locations on the areas needed to the south. MR. QUINN said that is the information being received from their real estate department. Councilmember Heumann confirmed that this pole was being painted to match the school.

THE MAYOR asked if there was anyone in the audience wanting to speak on this item. There was no response.

COUNCILMEMBER HEUMANN urged staff to ask the school to ensure there is some type of notification being made to the parents in the future.

MOVED BY COUNCILMEMBER HEUMANN TO APPROVE USE PERMIT UP08-0073 HILL ACADEMY WIRELESS FACILITY TO INSTALL A 52-FOOT WIRELESS COMMUNICATION FACILITY ON THE CAMPUS OF THE NEW HILL LEARNING ACADEMY, 290 S. COOPER ROAD WITH THE STIPULATIONS PROPOSED BY STAFF. SECONDED BY COUNCILMEMBER WENINGER.

COUNCILMEMBER WENINGER said he did think it would be important to have a representative of the school present in the future. He stated his concern if the suggestion is to notice everyone in the school, not just those living in the area, as he felt the concerns would primarily be health reasons and as he understood the federal guidelines, the Council is not allowed to consider that.

VICE MAYOR CACCAMO said he had recently spoken to the School Superintendent and the School Board members of the importance of a representative being present at the Council meetings and noted they were not present. He stated his concern for notifying parents is not about the health issue but that something may be on the campus that parents may assume is a health issue and having a public meeting by the School District would gather support for the project unlike the previous Shumway case. He again expressed his desire for the School District to communicate with the parents.

MOTION TO APPROVE CARRIED UNANIMOUSLY (5-0).

48. TEMPORARY SIGNAGE:

MAYOR DUNN stated he has heard from a number of businesses in town that due to tough economic times there is a desire to have some leniency or additional opportunity to do temporary signage. The Mayor said while he is a strong supporter of the sign code in terms of quality on a permanent ongoing basis, this might provide opportunity in these tough economic times. He said this wouldn't affect the larger signs along freeways and streets. He realizes there are retail

businesses that do abuse the signage, but others are just trying to provide a means to attract customers to survive.

Mayor Dunn referred to information he provided on what the City of Tempe has adopted. Mayor Dunn said he realized this needs to be reviewed by Planning and Zoning Commission and is a revision of the sign code. He suggested that staff draft an ordinance similar to Tempe's ordinance and return to Council.

COUNCILMEMBER WENINGER asked if a moratorium on certain enforcement could occur while the process was developing. CITY ATTORNEY WADE said she believed a moratorium would need to go through zoning as well. Councilmember Weninger said that while Code Enforcement does a good job, there has been "non enforcement" on some of these issues and many don't know about the regulations on banners. He asked that a moratorium be placed on enforcement between now and the end of the year to allow creation of new policies on banners and A-frames.

MAYOR DUNN said his concern with a moratorium is there may not be regulations during that time.

COUNCILMEMBER DONOVAN asked how long the process could take. ASST. PLANNING DIRECTOR JEFF KURTZ said that staff believes there could be an ordinance presented for final adoption at Council's October meeting. Permits could be issued for activities, similar to Tempe's ordinance, by the end of October.

COUNCILMEMBER HEUMANN said that while signage is important for businesses, he would be concerned with a moratorium. He urged the process to be moved along as quickly as possible, perhaps with the assistance of a Council subcommittee, and proceed properly. He said the zoning administrators have been liberal in the enforcement of signage.

MAYOR DUNN said he does want the input of the Neighborhood Resources.

COUNCILMEMBER SELLERS asked what the timeframe was. MR. KURTZ added it was staff expectation to be able to return with an introduction of an ordinance at a September Council meeting. MR. KURTZ added that Tempe's ordinance is in effect to May of 2010.

COUNCILMEMBER HEUMANN suggested a one year time period.

MAYOR DUNN asked about the role of a Council subcommittee in the process. CITY ATTORNEY WADE clarified that staff had done some work on this and it is ready to proceed.

COUNCILMEMBER HEUMANN clarified that signs are currently allowed for a set amount of days and asked if a moratorium could be placed on the ones that have already been approved until the ordinance could be approved. MR. KURTZ clarified that the banners visible in the community are not there legally. The only legal type of banner would be a grand opening banner. It is a matter of proactive enforcement. The enforcement group works towards the life safety issues. The balance is based upon complaints.

MAYOR DUNN said there would be some sort of parameters with the expectation that when the time period is over, enforcement will resume.

COUNCILMEMBER WENINGER said Tempe has always allowed the placement of banners at certain times each year. MR. KURTZ explained that Tempe allows for "significant events" and

allows for a 14-day display every six months. They have expanded that to 21 days to lengthen the amount of time allowed for a significant event.

COUNCILMEMBER HEUMANN asked if Tempe has restrictions in it's code on what is advertised on it. MR. Kurtz replied that there is a great reluctance to regulate content of the sign.

MOVED BY MAYOR DUNN TO DIRECT STAFF TO FASHION A PROPOSED ORDINANCE REFLECTING THE PROVISIONS OF THE RECENTLY ADOPTED TEMPE ORDINANCE FOR TEMPORARY SIGNAGE FOR CONSIDERATION FOR PLANNING AND ZONING AND FOR FINAL ADOPTION AT COUNCIL NO LATER THAN OCTOBER 22, 2009. MOTION WAS SECONDED BY VICE MAYOR CACCAMO.

COUNCILMEMBER HEUMANN said his hope was that this would be communicated to the Economic Council or others affected to prevent a situation occurring at the second reading where the business community has concerns and suggested additionally contacting the Chamber of Commerce.

MOTION CARRIED UNANIMOUSLY (6-0).

9. PROPERTY ACQUISITION: Arizona Avenue Bus Stations

Res. #4319

Background:

On June 18, 2009, the Transportation Commission reviewed the Arizona Avenue Bus Rapid Transit Stations Project and recommended that the City enter into an Intergovernmental Agreement (IGA) with the Regional Public Transit Authority (RPTA) to build the project which is required to improve transit services for Chandler residents by providing additional, larger and improved stations for citizens using bus rapid transit services to connect with the light rail system.

All of the funding for the project will be paid by RPTA to the City of Chandler from Federal Stimulus Funds.

The project requires the partial acquisition of real property rights (road right-of-way and easements) from approximately 15 commercial properties including the full acquisition of 1 multi-family residential property containing 3 units.

This resolution authorizes acquisition of the real property at fair market value either by purchase or by condemnation. A reasonable negotiation period will be allowed for property purchases, after which condemnation proceedings will be initiated as needed to acquire the real property and to obtain immediate possession.

Discussion:

MAYOR DUNN said there are two actions before Council. A concern was expressed that we should proceed with acquisition before authorization for condemnation was given. He explained if Item 9 were approved, Item 50 would be mute.

COUNCILMEMBER HEUMANN said he would like to support Item 50. He stated that we need to fastrack this, but that proceeding through condemnation right away sends a bad message to the community that we aren't willing to work with them.

MAYOR DUNN asked what the act of authorizing condemnation proceedings entails. CITY ATTORNEY WADE replied that gives authority for condemnation but prior to that there is negotiation occurring with parties in an attempt to reach an agreement on the amount before any court action is taken on immediate possession. Mayor Dunn said he didn't feel that there was a right or wrong on this, but stated his concern that with the funding available, there are definitive dates associated with this. PUBLIC WORKS DIRECTOR RJ ZEDER stated that the bus rapid transit itself is scheduled to be in operation on July 1, 2010. As important is the desire of Valley Metro to begin construction this fall. He expressed his concern that if staff must return to Council to receive separate authority to condemn, that it could delay the start of construction, as there are 12 bus locations along Arizona Avenue. Mr. Zeder reiterated that it was not the intent to file condemnation action. Staff supports Resolution 4319, but staff did prepare Res. 4335 upon the request of Council.

In response to a question from the Mayor, MR. ZEDER clarified that if either item were approved, staff would not return to Council to authorize the individual voluntary acquisitions so long as they are based on the appraisal. Mayor Dunn said he believed that the City has an exemplary history of treating property owners very fairly. Mr. Zeder said that if authorization were sought above the appraised amount, then Council action would be necessary.

COUNCILMEMBER WENINGER clarified this has been the standing practice. MR. ZEDER replied that the condemnation authority has been sought concurrently but has only exercised the authority if negotiations failed. Councilmember Weninger stated he felt it was a great project as there has been a stated need for bus service especially in this economy. Councilmember Weninger clarified that with the exception of one property, these should be "partial takes". Mr. Zeder said that on one business a driveway would need to be rearranged, but there still would be access.

COUNCILMEMBER DONOVAN said she did want to see this project move forward as she did represent the City at RPTA. She asked if Item 9 did not pass and Item 50 did if Council could be updated on the proceedings. MR. ZEDER said updates to the Council could be provided and if staff feels that negotiations are not successful or not proceeding that way, an item would be placed on Council as soon as possible. CITY ATTORNEY WADE said one of the situations is timing, as if there were more time it would allow for greater time to negotiate; and, in condemnation action, it depends on timing as to what can be used as part of the discussions in condemnation. Ms. Wade said condemnation would be very rare.

MAYOR DUNN stated if Item 9 was approved, Council could request an update on the acquisitions.

VICE MAYOR CACCAMO asked when negotiating with owners, if they know the Council has granted authority for condemnation, does that provide leverage. MR. ZEDER said it probably is more of an unstated leverage. Staff is not allowed in the initial negotiations to say condemnation will be used if agreement can't be made, but it is public information and it indicates the determination to move forward with the acquisition.

COUNCILMEMBER SELLERS said the issue to him is it is known this property needs to be acquired. The hope is to be able to resolve that through negotiations, but if not condemnation will need to be used. If the confidence is placed with staff, he questioned why Item 9 would not be approved.

MOVED BY VICE MAYOR CACCAMO TO APPROVE RESOLUTION NO. 4319 AUTHORIZING THE ACQUISITION OF REAL PROPERTY NEEDED FOR ARIZONA AVENUE BUS RAPID TRANSIT PROJECT NO. ST0668; AUTHORIZING CONDEMNATION PROCEEDINGS AS NEEDED TO ACQUIRE SAID REAL PROPERTY AND OBTAIN IMMEDIATE POSSESSION THEREOF; AND AUTHORIZING SUCH RELOCATION ASSISTANCE AS MAY BE REQUIRED BY LAW. SECONDED BY COUNCILMEMBER SELLERS.

MOTION CARRIED BY MAJORITY (4-2) with Councilmembers Donovan and Heumann voting nay.

CURRENT EVENTS:

A. Mayor's Announcements:

The Chandler Community Services Department is now accepting nominees for induction to Celebration Plaza through September 30. Forms and information are available on the City's website.

The 3rd Annual Day of Play will be held October 17 at Tumbleweed Park. Vendor opportunities are available for local businesses.

It was recently announced that the Police Department would receive \$433,610 in economic stimulus funds to purchase investigative and training equipment to implement a new records management system.

Mayor Dunn said the Vice Mayor would be attending the Memorial Plaza located between the Police Building and the new Fire Administration Building. He noted the new Fire Building is LEED certified and is part museum, administrative offices and emergency management center.

Mayor Dunn said he had read a positive article on the economic development that is occurring in Chandler.

B. Councilmembers' Announcements:

Councilmember Heumann said there would be an HOA Academy beginning on September 10.

Councilmember Heumann congratulated staff on winning the Water Drive Competition between the neighboring cities.

C. City Manager's Announcement:

None.

Adjournment: The meeting was adjourned at approximately 8:50 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: September 10, 2009

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 27th day of August 2009. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of September 2009.

City Clerk