

Meeting Minutes

City Council Regular Meeting

March 24, 2022 | 6:00 p.m.
Chandler City Council Chambers
88 E. Chicago St., Chandler, AZ



Call to Order

The meeting was called to order by Mayor Kevin Hartke at 6:01 p.m.

Roll Call

Council Attendance

Mayor Kevin Hartke
Vice Mayor Terry Roe
Councilmember OD Harris
Councilmember Mark Stewart
*Councilmember René Lopez
Councilmember Christine Ellis
Councilmember Matt Orlando

Appointee Attendance

Joshua Wright, City Manager
Kelly Schwab, City Attorney
Dana DeLong, City Clerk

*Councilmember Lopez attended telephonically.

Invocation

The invocation was given by Rabbi Herschel “Brodie” Aberson, Temple Beth Sholom of the East Valley.

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Stewart.

Consent Agenda and Discussion

Mayor Hartke moved Consent Agenda Item No. 21 to Action and discussion was held on Consent Agenda Item No. 26.

Airport

1. Construction Contract No. AI2103.401 with Martell Electric, LLC, for Heliport Lighting Replacement
Move City Council Award Contract No. AI2103.401 to Martell Electric, LLC, for Heliport Lighting Replacement, in an amount not to exceed \$277,771.75.
2. Professional Services Agreement No. AI2203.201 with Dibble Engineering for Wildlife Exclusion Perimeter Fence Design Services
Move City Council Award Professional Services Agreement No. AI2203.201 to Dibble Engineering, for Wildlife Exclusion Perimeter Fence Design Services, in an amount not to exceed \$107,830.
3. Agreement No. CM2-035-4452, with Frequentis USA, Inc., for Air Traffic Control Tower Equipment Phase 2
Move City Council approve Agreement No. CM2-035-4452, with Frequentis USA, Inc., for the purchase of Air Traffic Control Tower Equipment Phase 2, in the amount of \$303,397.93.
4. Agreement No. CM2-035-4451, with Diversified Communications Group, for Air Traffic Control Tower Equipment at the Chandler Airport
Move City Council approve Agreement No. CM2-035-4451, with Diversified Communications Group, for the purchase of Air Traffic Control Tower Equipment in the amount of \$65,630.

City Clerk

5. February 2022 City Council Minutes
Move City Council approve the Council Meeting minutes of the Regular Meeting of February 24, 2022.
6. Boards and Commission Appointments
Move City Council approve the Board and Commission appointments as recommended.
7. Resolution No. 5569, Providing Notice of the Primary and General Elections to be held on August 2, 2022, and November 8, 2022, Respectively
Move City Council adopt Resolution No. 5569 designating and providing notice of the 2022 Primary and General Elections to be held on August 2, 2022, and November 8, 2022, respectively; and authorizing the City Clerk to enter into agreements, as required, to provide election services for the 2022 Primary and General Elections.

City Manager

8. League of Arizona Cities and Towns Annual Dues

Move City Council authorize the payment of FY 2022-2023 membership dues to the League of Arizona Cities and Towns in the amount of \$100,800.

Community Services

9. Professional Services Agreement No. PR2106.201 for Design Services with Gavan & Barker, Inc., for Tumbleweed Park, Diamond Sports Field Complex
Move City Council award Professional Services Agreement No. PR2106.201 for Design Services, to Gavan & Barker Inc, for Tumbleweed Park, Diamond Sports Field Complex, in an amount not to exceed \$588,441.01.
10. Professional Services Agreement No. PR2106.202 for Design Services with Gavan & Barker, Inc., for Ryan Road at Union Pacific Railroad (UPRR) Crossing Improvements.
Move City Council award Professional Services Agreement No. PR2106.202 for Design Services, to Gavan & Barker, Inc., for Ryan Road at UPRR Crossing Improvements, in an amount not to exceed \$47,757.44.
11. Construction Contract No. PR2111.401 with Simpson Walker Contracting, for Chandler Tennis Center Renovations at Tumbleweed Park
Move City Council Award Contract No. PR2111.401 to Simpson Walker Contracting, for Chandler Tennis Center Renovations at Tumbleweed Park, in an amount not to exceed \$245,000.

Cultural Development

12. Resolution No. 5565 Authorizing Modification of the Assessment Diagram for the Downtown Chandler Enhanced Municipal Services District
Move Council adopt Resolution No. 5565 authorizing Modification of the Assessment Diagram; making a Statement and Estimate of Expenses for the Downtown Chandler Enhanced Municipal Services District; completing the Assessment; setting the Date for the Hearing On The Assessment; and ordering the Giving of Notice of Such Hearing.
13. Resolution No. 5571 authorizing a License and Services Agreement with Powerhouse Innovative Strategies Corp. and the City of Chandler for the purpose of holding the 2023 End Zone Experience
Move City Council approve Resolution No. 5571 authorizing a License and Services Agreement with Powerhouse Innovative Strategies Corp. and the City of Chandler for the purpose of holding the 2023 End Zone Experience.
14. Renaming of the Mainstage at Chandler Center for the Arts to Steena Murray Mainstage
Approve renaming the Chandler Center for the Arts Mainstage to Steena Murray Mainstage, as recommended by the Chandler Cultural Foundation.

Development Services

15. Introduction of Ordinance No. 5005, Annexation and Initial City Zoning, ANX21-0001 East of the Northeast corner of Riggs and Cooper roads of approximately 36.3 acres
Move City Council introduce and tentatively adopt Ordinance No. 5005 approving the annexation of approximately 36.3 acres and initial city zoning for case ANX21-0001 East of the Northeast corner Riggs and Cooper roads, as recommended by Planning staff.
16. Introduction of Ordinance No. 5006, PLH21-0050/PLT2121-0033 Magnolia, Located East of the Northeast Corner of Riggs and Cooper Roads
Rezoning
Move City Council introduce and tentatively adopt Ordinance No. 5006 approving PLH21-0050 Magnolia, Rezoning from AG-1 to PAD for single-family residential, subject to the conditions as recommended by Planning and Zoning Commission.

Preliminary Development Plan
Move City Council approve Preliminary Development Plan PLH21-0050 Magnolia for subdivision layout, subject to the conditions as recommended by Planning and Zoning Commission.

Preliminary Plat
Move City Council approve Preliminary Plat PLT21-0033 Magnolia, subject to the conditions recommended by Planning and Zoning Commission.
17. Introduction of Ordinance No. 5010, ANX22-0001 De-Annexation of Val Vista Road Right-Of-Way between Cloud and Riggs Roads of Approximately 4 acres to the Town of Gilbert
Move City Council introduce and tentatively adopt Ordinance No. 5010 approving ANX22-0001 De-Annexation of Val Vista Road Right-of-Way between Cloud and Riggs Roads, as recommended by Planning staff.
18. Resolution No. 5567, authorizing an application to the State Historic Preservation Office for the City of Chandler to become a Certified Local Government (CLG)
Move City Council adopt Resolution No. 5567 authorizing staff to make application to the State Historic Preservation Office for Chandler to become a Certified Local Government (CLG), as recommended by Historic Preservation Commission.
19. Use Permit, PLH21-0096 I10 Premier Auto Sales
Move City Council approve Use Permit PLH21-0096 I10 Premier Auto Sales, authorizing the sale of motor vehicles at 850 S. Bogle Avenue, generally located north of the northeast corner of Pecos Road & Hamilton Street, subject to the conditions recommended by Planning and Zoning Commission.

20. Preliminary Development Plan, PLH21-0052 Bank of America, Wind Project
Move City Council approve Preliminary Development Plan PLH21-0052 Bank of America – Wind Project to allow the installation of compact wind turbines on a parking garage, located at 595 W. Chandler Boulevard, generally located ½ mile east of the southeast corner of Chandler Boulevard and the Loop 101 Price Freeway subject to the conditions as recommended by Planning and Zoning Commission.
21. Preliminary Development Plan, PLH21-0071 Kerry's Car Care
Move City Council approve Preliminary development Plan PLH21-0071 Kerry's Car Care for site layout and building architecture, located south of the southeast corner of Cooper and Pecos roads, subject to the conditions as recommended by Planning and Zoning Commission.

MAYOR HARTKE stated Consent Agenda Item No. 21 was moved to the Action Agenda, and would be voted on separately.

22. Final Plat PLT21-0047 Old Stone Ranch Phase 4
Move City Council approve Final Plat PLT21-0047 Old Stone Ranch Phase 4, located at the north side of Chandler Heights Road west of Lindsay Road, as recommended by staff.
23. Final Plat PLT21-0062 Scheels All Sports
Move City Council approve Final Plat PLT21-0062 Scheels All Sports, located at the southwest corner of Price Road and Chandler Boulevard, as recommended by staff.
24. Replat PLT21-0060 Soleil Apartments
Move City Council approve Replat PLT21-0060 Soleil Apartments re-platting property consisting of approximately 9.5 acres located at 725 S. Dobson Road, as recommended by staff.

Economic Development

25. Resolution No. 5555, Authorizing a Visit Arizona Initiative Marketing Grant Agreement with the State of Arizona Office of Tourism
Move City Council approve Resolution No. 5555, authorizing a Visit Arizona Initiative Marketing Grant Agreement with the State of Arizona Office of Tourism, on behalf of the Chandler Economic Development Division, in an amount of \$248,824.00.
26. Resolution No. 5563 approving an Intergovernmental Agreement with the Arizona Board of Regents on behalf of the University of Arizona
Move City Council approve Resolution No. 5563 authorizing an Intergovernmental Agreement between the City of Chandler and the Arizona Board of Regents on behalf of the University of Arizona for up to \$1 million in tenant improvement costs, relocation, and rent

expenditures associated with the leasing and buildout of office space located at 55 N. Arizona Place.

COUNCILMEMBER ORLANDO thanked the organization and said there has been a lot of discussion around this item. Councilmember Orlando hoped over the next few months that Council is briefed on what the improvements will be to the office space.

JOSHUA WRIGHT, City Manager, said yes.

COUNCILMEMBER HARRIS declared a conflict of interest on Consent Agenda Item No. 26 as his daughter attends this school.

KELLY SCHWAB, City Attorney, said this is a remote interest since there are more than 10 students attending the University of Arizona so Councilmember Harris could vote on the item.

Facilities and Fleet

27. Project Agreement No. BF2201.401 with SDB, Inc., Pursuant to Job Order Contract No. JOC1912.401, for Fire Station No. 8 Bay Doors
Move City Council approve Project Agreement No. BF2201.401 to SDB, Inc., Pursuant to Job Order Contract No. JOC192.401, for Fire Station No. 8 Bay Doors, in an amount not to exceed \$309,680.32.
28. Agreement No. FS0-060-4131, Amendment No. 2, for OEM Auto Parts and Service
Move City Council approve Agreement No. FS0-060-4131, Amendment No. 2, with Tex Chevrolet, dba Earnhardt Chevrolet; Earnhardt Enterprises, dba Earnhardt Toyota Scion; Earnhardt Gilbert Dodge, Inc., dba Earnhardt Chrysler Dodge Jeep Ram; Earnhardt Chandler Cadillac, Inc.; Earnhardt Ford Sales Company; and Courtesy Auto of Mesa, dba Courtesy Dodge, for OEM Auto Parts and Service, for a period of one year, April 1, 2022, through March 31, 2023, in a combined total amount not to exceed \$350,000.
29. Electrical Maintenance, Repair, and Installation Services
Move City Council approve Agreement No. BF2-910-4446 with Corbins Service Electric; DECA Southwest; Hampton Tedder Technical Services; Hawkeye Electric, Inc.; K2 Electric, LLC; and Swain Electric, Inc., for electrical maintenance, repair, and installation services, in an amount not to exceed \$1,550,000, for the period of one year, beginning April 1, 2022, through March 31, 2023, with the option of up to four additional one-year extensions.
30. Purchase of Two Hydraulic Elevators for Downtown Library
Move City Council approve the purchase of two hydraulic elevators, from Arizona Elevator Solutions, Inc., utilizing the State of Arizona Contract No. CTR051579, in the amount of \$165,921.29.

Fire Department

31. Agreement No. FD9-345-4024, Amendment No. 3, for Fire Emergency Medical Supplies
Move City Council approve Agreement No. FD9-345-4024, Amendment No. 3, with Bound Tree Medical, LLC, for fire emergency medical supplies, in the amount not to exceed \$180,000, for the period of April 1, 2022, through March 31, 2023.

Information Technology

32. Agreement No. 4458, with Payscale, Inc., for Compensation Management Solution
Move City Council approve Agreement No. 4458 with Payscale, Inc., for the compensation management solution, in an amount not to exceed \$162,000 for the period of five years, beginning April 1, 2022, through March 31, 2027.
33. Purchase of Information Technology Temporary Contract Staffing Services
Move City Council approve the purchase of Information Technology temporary contract staffing services from Computer Aid, Inc., utilizing Sourcewell Contract No. 071321-CAI, in the amount of \$1,537,518, and authorize the City Manager or designee to sign a linking agreement with Computer Aid.
34. Purchase of Proofpoint Network Security Software
Move City Council approve the purchase of Proofpoint network security software, from SHI International, Inc., utilizing the Omnia Partners Contract No. 2018011-02, in the amount of \$214,726, for the term of April 11, 2022, through April 10, 2023.

Management Services

35. Purchase of Armored Car Services
Move City Council approve the purchase of armored car services, from Brinks, Inc., utilizing City of Phoenix Contract No. 154573-0, the amount of \$74,444, for the period of April 1, 2022, through March 31, 2023, and authorize the City Manager or designee to sign a linking agreement with Brinks, Inc.
36. Agreement No. MS3-920-3131, Amendment No. 3, for Electronic Payment Portal Services
Move City Council approve Agreement No. MS3-920-3131, Amendment No. 3, with Invoice Cloud, Inc., for electronic payment portal services, at the agreed upon transactions fees, for the period of June 1, 2022, through May 31, 2024.
37. New License Series 12, Restaurant Liquor License Application for Venezia's NY Style Pizza Chandler No. 2, LLC, DBA Venezia's NY Style Pizza
Move for recommendation to the state Department of Liquor Licenses and Control for approval of the State Liquor Job No. 167798, a Series 12, Restaurant Liquor License, for Domenick Montanile, Agent, Venezia's NY Style Pizza Chandler No. 2, LLC, DBA Venezia's NY

Style Pizza, located at 1245 S. Price Road Suite 3, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 303008.

38. New License Series 12, Restaurant Liquor License Application for Kind Macayo, LLC, DBA Macayo Restaurant
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 182514, a Series 12, Restaurant Liquor License, for Navayogasingam Thuraisingam, Agent, Kind Macayo, LLC, DBA Macayo Restaurant, located at 2885 S. Alma School Road, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 302897.
39. New License Series 12, Restaurant Liquor License for Mountain Mike's AZ 2, LLC, DBA Mountain Mike's Pizza
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 175979, a Series 12, Restaurant Liquor License, for Kevin Arnold Kramber, Agent, Mountain Mike's AZ 2, LLC, DBA Mountain Mike's Pizza, located at 800 N. 54th Street, Suite 5, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 302911.
40. New License Series 10, Beer and Wine Store Liquor License application for Agent, MDH Hotels, LLC, DBA Quality Inn
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 174894, a Series 10, Beer and Wine Store Liquor License, for Jigarkumar D. Patel, Agent, MDH Hotels, LLC, DBA Quality Inn, located at 255 N. Kyrene Road, and approval of the City of Chandler, Series 10, Beer and Wine Store Liquor License No. 202072.
41. New License Series 12, Restaurant Liquor License application for Band C 2 Chandler, LLC, DBA Bap and Chicken
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 183997, a Series 12, Restaurant Liquor License, for Amy S. Nations, Agent, Band C 2 Chandler, LLC, DBA Bap and Chicken, located at 960 No. 54th Street, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 302482.
42. New License Series 12, Restaurant Liquor License application Yuan Ji Corporation, DBA Uncle Lee's Kitchen
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 183682, a Series 12, Restaurant Liquor License, for Yuenong Li, Agent, Yuan Ji Corporation, DBA Uncle Lee's Kitchen, located at 1924 W.

Chandler Boulevard, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 302974.

43. New License Series 9, Liquor Store Liquor License application Bill's Oak Grove Gas and Food Mart, Inc., DBA Hawkins Chevron Station
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 183979, a Series 9, Liquor Store Liquor License, for Renee Joann Shampine Hawkins, Agent, Bill's Oak Grove Gas and Food Mart, Inc., DBA Hawkins Chevron Station, located at 7000 W. Chandler Boulevard, and approval of the City of Chandler, Series 9, Liquor Store Liquor License No. 140819.
44. New Tele-Track Wagering Site Facility License for TP Racing, LLLP, DBA Turf Paradise
Move for recommendation for approval of the application for a Tele-Track Wagering Facility Site license within Third Base, located at 4910 W. Ray Road, Suite 3, for TP Racing, LLLP, DBA Turf Paradise.

Police Department

45. Resolution No. 5562 Pertaining to Submission of Projects for Consideration in Arizona's 2023 Highway Safety Plan
Move City Council approve Resolution No. 5562, authorizing the Chandler Police Department to submit projects for consideration in Arizona's 2023 Highway Safety Plan; and authorizing the Chief of Police to conduct all negotiations and to execute and submit all documents necessary with such Grant.

Public Works and Utilities

46. Professional Services Agreement No. ST1614.271, with Kimley-Horn and Associates, Inc., for the Chandler Heights Road Improvements, McQueen Road to Gilbert Road, Post-Design Services
Move City Council award Professional Services Agreement No. ST1614.271, to Kimley-Horn and Associates, Inc., for the Chandler Heights Road Improvements (McQueen Road to Gilbert Road) Post-Design Services, in an amount not to exceed \$92,340.
47. Construction Contract No. ST1614.401, with Granite Construction Company, for the Chandler Heights Road Improvements, McQueen Road to Gilbert Road
Move City Council award Construction Contract No. ST1614.410 to Granite Construction Company, for the Chandler Heights Road Improvements, McQueen Road to Gilbert Road, in an amount not to exceed \$19,797,739.
48. Professional Services Agreement No. ST1614.451, with Ritoch-Powell & Associates Consulting Engineers, Inc., for the Chandler Heights Road Improvements, McQueen Road to Gilbert Road, Construction Management Services

Move City Council award Professional Services Agreement No. ST1614.451, to Ritoch-Powell & Associates Consulting Engineers, Inc., for the Chandler Heights Road Improvements (McQueen Road to Gilbert Road) Construction Management Services, in an amount not to exceed \$2,351,150.56.

49. Purchase of Facility Arc Flash Study

Move City Council approve the purchase of a facility arc flash study from WESCO Distribution, Inc., utilizing Omnia Partners Contract No. R192008, in an amount not to exceed \$450,000, and authorize the City Manager or designee to sign a linking agreement with WESCO Distribution, Inc.

50. Purchase of Pole Painting Services

Move City Council approve the purchase of pole painting services, from OLS Restoration, Inc., utilizing City of Mesa Contract No. 2019012, in an amount not to exceed \$129,000, for the period of May 1, 2022, through April 30, 2023.

51. Sole Source Purchase of Supervisory Control and Data Acquisition (SCADA) System Upgrade

Move City Council approve the sole source purchase of SCADA system upgrade, from Schneider Electric Systems USA, Inc., in an amount not to exceed \$126,052.

Consent Agenda Motion and Vote

Councilmember Orlando moved to approve the Consent Agenda of the March 24, 2022, Regular City Council Meeting; Seconded by Councilmember Ellis.

Motion carried unanimously (7-0).

Action Agenda Item No. 21 and Discussion

21. Preliminary Development Plan, PLH21-0071 Kerry's Car Care

Move City Council approve Preliminary development Plan PLH21-0071 Kerry's Car Care for site layout and building architecture, located south of the southeast corner of Cooper and Pecos roads, subject to the conditions as recommended by Planning and Zoning Commission.

MAYOR HARTKE introduced the item and asked staff to present.

KRISTINE GAY, Senior Planner, presented the following presentation.

- PLH21-0071 Kerry's Car Care
- Request Preliminary Development Plan
 - Site and Building Design
- Background

- Rezoned in 2016 for C-2 Community Commercial
 - Auto repair permitted
 - PDP showed inline shops
- Proposed PDP Changes:
 - Setbacks
 - Building Size
 - Building Fenestration
- Building Setbacks
 - Existing PDP
 - Proposed
- Building Size / Height
 - Existing PDP
 - 14,000 sq. ft
 - 23'10" – 32'8"
 - Proposed
 - 8,400 sq. ft
 - 20'4" – 30'
- Building Fenestration
 - Existing PDP
 - Proposed
- Neighborhood Notification
 - Oct. 18, 2021 Neighborhood Meeting 1
 - Noise Concerns from Residents
 - Applicant Prepares Sound Study
 - Feb. 2, 2022 Neighborhood Meeting 2
 - Today
 - Noise Concerns Remain
- Neighborhood Opposition
 - Petition of 110 Neighbors in Opposition
 - Noise of pneumatic tools, additional vehicles
 - Testing cars in nearby neighborhoods
 - Existing PDP offers a "buffer building" with a walk-up non-automotive building – more passive
 - Location chose for less-intense surrounding development
- Sound Study Summary
 - Determined no noise impact
 - Proposed noise control measures
 - Applicant agreed to noise control measures
 - Letter of Commitment
 - Stipulations 6 & 9-16
- 16 Proposed PDP Stipulations

- Common Stipulations 1-5, 7 & 8
- 6. Air Compressor Screening Continuous barrier design Prevent sound transmission
- 9. Limit 1 auto. Door North façade, Only open only for operational need
- 10. Confirms landscape buffer on south property line
- 11. Protection of existing trees on south PL. Replace in kind, 36" box & 12' height
- 12. Additional row of trees on south PL
- 13. Enhanced trees on Cooper Rd, 36" box, 12' height
- 14. Auto repair areas limited to inside of building
- 15. Enhanced south & east elevations
- 16. Enhanced trees near south & east PL – 33% to be 48" box.
- Staff Findings:
 - Consistent with General Plan
 - Planning and Zoning Commission recommend approval with stipulations

COUNCILMEMBER ORLANDO asked for clarification regarding the height of the building.

MS. GAY said the 30-foot height will be at the top of the parapet.

COUNCILMEMBER ORLANDO asked why the height of the building was so high and if it could be shorter.

MS. GAY said the design for the building could potentially be lower. The applicant proposed this design because it is similar to the existing PDP that was approved and would be consistent with the Circle K.

COUNCILMEMBER ORLANDO asked about the need for an air compressor if electric tools would be used.

MS. GAY deferred the question to the applicant.

COUNCILMEMBER ORLANDO asked about the landscaping on the existing PDP.

MS. GAY said that along Cooper Road there is existing landscaping in place now. When construction begins, the developer would enhance it to current day standards. Any new trees that are required along the road would be at least a 36" box and 12' tall.

VICE MAYOR ROE clarified that construction based on the original approved PDP could begin without any further approval from Council.

MS. GAY said yes, the existing PDP could be built today.

VICE MAYOR ROE asked if the proposed PDP was rejected, the applicant could go back and build what was originally designed.

MS. GAY said yes.

VICE MAYOR ROE asked if there was any south access for vehicles for deliveries on the proposed plan.

MS. GAY said on both the proposed and the existing PDP, there was no south access for vehicles.

COUNCILMEMBER ELLIS said the problem does not seem to be the height of the building, but rather the potential for noise. Councilmember Ellis said that it seems like the applicant has done everything to reduce the impact of the noise.

MS. GAY said the applicant has made several changes to further lessen the noise of the permitted use through site design and building design changes.

COUNCILMEMBER ELLIS said she has seen those efforts.

COUNCILMEMBER HARRIS said it seems like the noise level anticipated would not be high from a shop that is enclosed and asked if that was accurate.

MS. GAY deferred to the applicant.

ADAM BAUGH, 2525 E. Arizona Biltmore Circle, Phoenix, presented the following presentation.

- Kerry's Car Care Case No. PLH21-0071 south of the SEC Cooper Rd. & Pecos Rd. Chandler, Arizona
- Request
 - 1. Preliminary Development Plan (PDP) (Case No. PLH21-0071): Request PDP approval for site layout and building architecture only
- Approved 2016 PDP Site Plan
- Site Plan Comparison
- Elevation Comparison
- Noise Study
- Site Plan and Aerial Overlay
- Conceptual Landscape Plan
 - Quality buffering is provided, including wide landscape tracts and enhanced landscaping
 - The south portion of the site will be reserved as landscaping, providing a generous setback and buffer ranging from 89' to 109.5', where only a 20' side yard setback is otherwise required
- Noise Study

- Operational noise sources were modeled for peak hour activity where all the service bays are all operating simultaneously
- Typical noise sources from the project include the compressor, brake rotor lathe, loudspeaker public address, tire balance machine, releasing air from tires, impact wrench, tire dismount and remount, lifts, air ratchet, lift air valve, alignment rack, hammering, cars starting and car door slam.
- Noise Study Summary
 - AGI concluded that:
 - Noise from future equipment operations would be... 46.2 dBA at the residential boundary to the south (NM2) and 36 dBA at the residential boundary to the west (NM3).
 - When combined with the ambient background noise, the increase in noise level above the ambient baseline will be 0.1 dB at NM2 and 0.0 dB at NM3, respectively.
 - The increase in noise level attributed to the future operational noise levels will be less than significant and will not result insignificant noise impacts at any of the nearby boundary.
- Noise Control Measures
 - As part of its analysis, AGI has identified mitigation measures including:
 - Low noise power tools such as electric or low noise equivalent, should be used.
 - Rotary electric lifts should be used in lieu of pneumatic lifts.
 - Noisy equipment such as the brake lathe should be located within the service area and shielded from line of site to the nearest homes to the north.
 - The air compressor should be shielded with a minimum 6-ft high concrete masonry unit (CMU) walled enclosure with a solid rooftop constructed from minimum 5/8" thick tongue and groove plywood with built-up roofing. The access door should be a solid core wood or metal panel door to form a continuous barrier to prevent sound transmission.
 - The metal roll up door should be kept closed during the early morning and evening hours to the extent feasible.
- Kerry's Letter of Commitment
- Recommendation Summary
 - Staff recommends approval, subject to stipulations
 - Planning and Zoning Commission voted unanimously (7-0) to recommend support, subject to stipulations
 - Three additional stipulations added by P&Z:
 - 14. As shown in the site exhibit, the location of auto repair areas shall be limited to the interior of the proposed building.
 - 15. The applicant shall work with staff to enhance the south and east elevations.
 - 16. At the time of planting, 33% of the trees planted to the south and east of the facility shall be a minimum 48-inch box. The remaining 2/3 of trees to be planted shall be a minimum 36-inch box and a minimum 12 feet in height. All trees shall

be maintained such that they block view of the proposed building from surrounding residential properties.

COUNCILMEMBER STEWART asked what the hours of operation would be for the business.

MR. BAUGH said the hours are Monday through Friday from 7:00 a.m. to 7:00 p.m., Saturday 7:00 a.m. to 5:00 p.m., and closed on Sundays.

COUNCILMEMBER ORLANDO asked about the need to use compressors if there is a commitment to use electric tools.

MR. BAUGH answered that not all tools are possible to be only electric, some pneumatic tools would still have to be used so they could not commit to all tools being electric.

COUNCILMEMBER ORLANDO asked how legally binding the list of commitments from the developer is.

KELLY SCHWAB, City Attorney, said that if the commitments are attached to the approval, it is an enforceable part of the PDP.

COUNCILMEMBER ORLANDO said that residents indicated there was an offer made to extend the height of the south wall which adjacently abuts the homeowner association and asked if there was any further discussion on that.

MR. BAUGH responded that it had not been refined but the developer is open to the idea subject to approval by planning staff.

COUNCILMEMBER ORLANDO asked if they would have to make that a condition as well.

MR. BAUGH said yes, pending approval by Planning staff to ensure the consistency of architecture.

MAYOR HARTKE asked for further clarification on the request.

COUNCILMEMBER ORLANDO clarified that he had heard from residents that there had been an offer by the developer to raise the south wall to at least eight feet.

MR. BAUGH confirmed that is possible. Mr. Baugh said that if it is an existing wall, it may not be engineered to be an eight-foot wall. It would either be added onto or torn down and rebuilt and they would need to see what is possible to pursue.

MAYOR HARTKE called for residents to speak regarding the item and to state their proximity to the proposed building.

PAUL UPHILL, 1980 E. Springfield Place, Chandler, said his backyard faces the Circle K and the proposed auto shop location. Mr. Uphill said there is currently too much noise and to solve this noise issue the developer should go somewhere else. Mr. Uphill said the noise is sometimes intolerable with all of the traffic and motorcycles on the street. Mr. Uphill said does not want an auto mechanic shop across the street and he does not get any peace and quiet from his backyard the way it is now. The residents do not want the business here. Mr. Uphill asked how they have done a noise study when the shop is not even there yet and the residents do not want the business there.

TIM MERRITT, 1950 E. Springfield Place, Chandler, said he is a couple houses in, directly across from the proposed business. Mr. Merritt agreed with Mr. Uphill that it is not the right type of business to go in the neighborhood. The noise analysis was conducted due to concerns from the first meeting in the public meeting process. The study was performed Friday, November 19, 2021, between 4:42 and 5:37 p.m. for not longer than 15 minutes at any one location. The study points out that the ambient noise would not be much louder than what would be emitted from the car repair shop. The issue is that the study was performed at the loudest busiest time of the day. He questioned what happens when residents are in their backyards on Saturday mornings and Kerry's opens at 7:00 a.m. The residents enjoy their backyards when there is less traffic on the roads. The noise study said that the noise from the tools is distinctive, and the future noise would be audible, but when there are lulls in the background traffic noise, that the Kerry's automotive shop has the potential to impact nearby properties. It will add additional noise and it is still a car repair shop. With 500 homes surround this location, it is a nightmare scenario for the residents. Mr. Merritt asked if this is approved, who would monitor the business to make sure that they follow through with the noise control measures. Mr. Merritt said if this company were to go out of business would the next business follow the same commitment. The representative of the project has been misleading with the details of this project. There was a discrepancy in the noise study as the consultant listed two study dates, even though the study was completed in one day.

COUNCILMEMBER STEWART asked if any of the residents could defer time to another resident as it sounded like Mr. Merritt had more information that he would like to hear.

COUNCILMEMBER ORLANDO said he would like to hear as well.

MAYOR HARKE said yes, if a resident would like to defer their time he would allow it.

FRANK FARIA, 2056 E. Browning Place, Chandler, said he lives directly south of the proposed shop. Mr. Faria said they purchased the home a few years ago thinking they had a nice

investment and that an auto repair shop does not match the high value of the homes. Mr. Faria said he still works 40-50 hours a week at Intel at 72 years old. Mr. Faria said he has been in construction all his life and is experienced with auto repair and knows how loud they can be with the tools not to mention the dust and hazardous materials. All of the hazardous material pickup is done at night and the residents would hear the trucks coming in to get it. This business should not be put in a residential area and should be in an industrial area.

MARIE-FRANCE DOYLE, 2140 E. Flintlock Way, Chandler, said she lives southeast of the development. Ms. Doyle said it was not expected to have an auto repair business put into the neighborhood when she bought the home. Ms. Doyle said her brother is a contractor and engineer by trade and asked his opinion of the development. Ms. Doyle said they anticipated little shops and restaurants not a noisy car shop. Ms. Doyle said the only way to lessen the noise was higher walls, abatement walls, sound dampening and sound absorption materials. Ms. Doyle said If this development is going through, there should be enforcement in how it is built to ensure that there would be sound reducing efforts.

JOSEPH RUSSO, 2090 E. Flintlock Way, Chandler, said he is south of the proposed garage. Mr. Russo said misrepresenting the project to the public gives no sense of confidence in what the public is being told. An 8,400 square foot, 30-foot-tall garage within 88 feet of homes is not a neighborhood garage as claimed by the developer. This facility is a major automobile service center and is not appropriate for the neighborhood. Mr. Russo compared the proposed garage to other examples provided by the developer, and shared their differences, noting that they are in commercial areas. Discount Tire is in a highly commercial area and Big O' Tire is across from a golf course. The two garages presented by the applicant failed to state the garages in question were decades old and the residents were aware of their existence when they purchased the home. Tom's Garage in Chandler has been at the location for 31 years, has 3 bays, 20 feet tall, and approximately 300 feet from the closest homes. The homes east of the area were separated by an open green area and a canal and the homes to the west are separated by a road and open green area. If a neighborhood garage is to be built it should be built similar to this garage. Tom's is the only example provided by the developer that could possibly be considered a neighborhood garage in a residential area. Mr. Russo presented a list of 63 auto service garages in Chandler and there are none with neighborhoods surrounding the garages. All of the misrepresentations could be seen in the recorded meetings.

COUNCILMEMBER ORLANDO asked if Mr. Russo was on the HOA board.

MR. RUSSO said he is but was not when this started.

COUNCILMEMBER ORLANDO asked Mr. Russo's thoughts on extending the height of the wall on the southside of the residential area.

MR. RUSSO said extending the wall would be of benefit. Mr. Russo said his concern was at one of the meetings the developer brought examples from residents who lived near other car care locations but they knew the business was there when they bought the homes. The garages in both cases were significantly smaller in height and number of bays.

COUNCILMEMBER ORLANDO asked if the residents would be okay with extending the wall.

MR. RUSSO said his concern was the size of the garage including the height of the building that would tower over the neighbors. Anything to mitigate the sound would be better.

MAYOR HARTKE asked if the height was also an issue.

MR. RUSSO said yes, the height of the building as well as the number of bays is of concern.

MARTHA RUSSO, 2090 E. Flintlock Way, Chandler said she attended both public meetings and the Planning and Zoning Commission meeting. Ms. Russo said this was proposed as a neighborhood garage and that is a misnomer because of its size. Mr. Russo said the Circle K is bad enough in the neighborhood and that was approved even though there is a Circle K one mile away. Ms. Russo said the main door is supposed to be shut unless cars are moving in and out but the facility is open 12 hours and with 8 bays so it will likely be opened a lot or will stay open. Ms. Russo shared examples of other service centers but they are not comparable to the proposed project. Ms. Russo said a three bay or five bay would be much more consistent with a neighborhood garage.

MARK OSTRAND, 2147 E. Browning Place, Chandler, is southeast of the proposed garage. Mr. Ostrand said that the issues of concern to the residents are: reduce the number of bays, reduce the height of the building, noise mitigation enforcement and accountability, and raise the height of the wall that they are responsible for constructing.

MR. MERRITT said the representatives for this project have been misleading and at the Planning and Zoning Commission meeting, Mr. Merritt pointed out a discrepancy with the sounds study. The developer listed two study dates and said at the Commission meeting that it was done. Mr. Merritt contacted the noise study consultant and the consultant confirmed that he had only been out there once. When doing a sound study during the busiest time of the day for a short period of time, that is only a snapshot of the area. There are other times when it is not that loud and this would impact the neighbors throughout the day. Mr. Merritt said words mean something and providing accurate information is important as it influences decision making.

MR. BAUGH said that the noise study was in fact conducted on one day, on a Friday afternoon for a two-hour period. The gas station is 32 feet tall and this proposed building is 30 feet but understood the desire for the height to potentially be reduced. Mr. Baugh said the developer

would be agreeable to bring it down to 28 feet. Mr. Baugh said that raising the height of the wall is possible. If the wall would need to be reconstructed, as long as the neighbors were also willing on those lots, the wall could be done and there is commitment from the developer. Mr. Baugh said that noise could be monitored by City code enforcement and that would be a mechanism for the noise level to be enforced. Mr. Baugh said the idea of noise absorption panels on the inside of the building hasn't been done before but thought it could be possible. Mr. Baugh suggested a stipulation be added that the applicant shall install noise absorption panels on the inside of the building prior to certificate of occupancy. This would be an additional measure. This project is a neighborhood service and will provide that service to the people in the immediate area and the ability to get this project to be acceptable will create long term success.

MAYOR HARTKE said there are other car repair shops in the area that all seem to have individual bay doors, but this design has a single bay door. Mayor Hartke asked if there was any study done on the comparison between one bay door and several bay doors in terms of noise reduction.

ROBERT WU, Principal Consultant of the Acoustics Group, was the author of the noise study and has prepared noise studies for 35 years. Mr. Wu said the single-door design would be much quieter than multiple doors. The height of the building also contributes to sound reduction. For the homes located south of the project, the height of the building goes a long way in reducing noise and the ceiling of the internal service bay contains and absorbs sound. If there is a shorter ceiling the sound, more sound will reflect off the ceiling and out the door. By having a higher ceiling and adding sound absorption material would reduce the noise made.

COUNCILMEMBER ORLANDO asked about the effectiveness of the sound absorption material and asked for more details.

MR. WU said that they are softer material absorbs sound and it would reduce the noise.

COUNCILMEMBER ORLANDO asked what Mr. Wu would propose to do that.

MR. WU said there are many products available and he would recommend a minimum square footage to be effective to absorb sound on the ceiling.

COUNCILMEMBER ORLANDO asked about the walls as well and if that was suitable.

MR. WU said it could be done as long as it doesn't effect maintenance. Sometimes the area in a car shop would need to be hosed down and the water would splash and it has to meet fire code as well. To function it would have to be on the ceiling and then a certain height down from the ceiling but still meet all the other requirements.

COUNCILMEMBER ORLANDO said there is a process for enforcing noise and asked for the City Manager's opinion.

JOSH WRIGHT, City Manager, said that regulation starts on a complaint basis. If conditions or stipulations are adopted by Council, staff would enforce those during construction. Beyond final inspection, a complaint would be investigated to see if they are still in compliance with the PDP, and if not in compliance, staff would follow the existing enforcement process until the issue is mitigated or final disposition through the legal system.

MAYOR HARTKE said a lot of concern was the use of this and confirmed the consideration tonight was not use.

MS. SCHWAB said that land use is governed by zoning code, the code allows certain uses by right in certain districts. This property has the right to have this type of use but how it is designed is part of the PDP. The decision on the use was approved many years ago with the zoning on the property. In Arizona, there are strong property interest laws and protects what someone can do on their property. If the City were to not allow a use that is already allowed, the City could be subject to liability for that decision.

MAYOR HARTKE said since this was approved and the City does not have the authority to change the use once it is approved, this is only about design and other elements in question.

MS. SCHWAB said yes.

JEANNINE DINGES, 1960 E Springfield Place, Chandler, and lives west of the proposed property. Ms. Dinges said this corner already has a significant issue that isn't being address by the City. Since the rezoning and construction of Circle K, the neighborhood has absorbed the burden that would only increase with this development. Mr. Dinges said she did not feel the sound study was sufficient and the residents have said there is increased traffic in the area and drag racing on Cooper Road. The sound for the neighborhood is already high and more cars are anticipated to be on the roads with the development. Ms. Dinges said the look of the development does not fit. Ms. Dinges is a small business owner in Chandler and did not want to diminish the company's desire to increase their customer base, but this is wrong for the residents and area. The City Code specifically prohibits noise that disturbs the peace and quiet of any neighborhood and causes annoyance. A more passive type of business would be in line with the expectations of the residents. If granted, Ms. Dinges requested more mitigation that has been brought up such as a smaller footprint, less bays, reduced operating hours, more trees towards the west.

COUNCILMEMBER ELLIS said that code enforcement is the avenue for dealing with problems, and that the City cannot deny this project based on land use. Councilmember Ellis said they

could work with the developer to ensure the quality of life is the best possible for those around the business.

MS. SCHWAB said the purpose of the PDP was to design the business in a way that fits in the area.

COUNCILMEMBER ELLIS said she has heard some residents say they want the business to go somewhere else and asked if that was something in the City's power.

MS. SCHWAB said this is a use by right in the zoning put on the property and to deny this use could subject the City to liability.

COUNCILMEMBER HARRIS asked when the previous zoning was approved.

MS. SCHWAB said the zoning was approved in 2016.

COUNCILMEMBER HARRIS asked for clarification on liability concerns.

MS. SCHWAB said that the property owner could file a lawsuit against the City for damages.

COUNCILMEMBER HARRIS said some of the resident's concerns were rapid car movement, loud vehicle noise, and traffic and asked if there was a traffic study going to be done to ensure the residents feel safe moving through the area.

MR. WRIGHT said staff could look at the general traffic patterns in the area. These are two major arterial streets and so traffic calming would be atypical. If it was in the neighborhood, it would be a bit different. Mr. Wright said in terms of enforcement, that would need to be considered separate from the use question and the PDP before Council. If there are future traffic issues, that could be collaborated on with the Police Department.

COUNCILMEMBER HARRIS said if they wanted 8 feet and have sound attenuation and if that could be required of the developer.

MR. WRIGHT said yes.

COUNCILMEMBER ORLANDO asked once a vehicle has been repaired where it would be driven.

MR. BAUGH said that there are no test drives conducted by technicians, it is parked in the parking lot until the owner picks it up.

COUNCILMEMBER ORLANDO asked if there a specific types of repairs would they not verify that it is working.

MR. BAUGH said if there was a need to test drive it would be done on the arterial streets not through a neighborhood. The mechanics do their jobs in a very specific optimized way so there is not a need to do that.

COUNCILMEMBER ORLANDO asked if that was a Kerry's Car Care commitment.

MR. BAUGH said yes.

Action Agenda Item No. 21 Motion and Vote

Councilmember Orlando moved to approve Action Agenda Item No. 21 of the March 24, 2022 Regular Meeting with conditions that Kerry's Car Care commitment letter be enforceable, work with the HOA and property owners to construct an 8 foot wall on the southside abutting the facility, work on a 28 foot maximum building height, work with dampening the inside of the building with absorption panels as much as possible without interfering with fire or safety issues, provide a phone number to call during construction and operational to express concerns, add more foliage on the west side of the property; Seconded by Councilmember Ellis.

MAYOR HARTKE asked if the applicant was agreeable to the additional stipulations.

MR. BAUGH said yes.

COUNCILMEMBER STEWART asked if there could also be a one year study.

MAYOR HARTKE asked for additional clarification on the request.

COUNCILMEMBER ELLIS said they were asking for a year to try it out and see how it goes.

MS. SCHWAB said that would be difficult to enforce because a study could be done but they have a right to operate the business. There are a lot of stipulations to mitigate the sound and a clear path for enforcement. If a noise study was done in a year, the question would be what is done with that information at that point. That does not preclude enforcement action if the business is not compliant with the City ordinances. If there are disturbances that are excessive there is already enforcement avenues for that.

COUNCILMEMBER STEWART said if the phone number for the business and City code enforcement would be the mechanism to address noise complaints.

MS. SCHWAB said yes.

Motion carried unanimously (7-0).

Public Hearing

52. Proposed Local Alternative Expenditure Limitation – Home Rule Option Election, Second Public Hearing

Open Public Hearing

MAYOR HARTKE opened the public hearing.

Staff Presentation

DAWN LANG, Deputy City Manager / CFO, presented the following presentation.

- Home Rule Option Public Hearing 2022 Proposed Local Alternative Expenditure Limitation
- Home Rule Origin
 - State Law effective June 3, 1980
 - Limits municipal spending for Cities and Towns
 - Maximum spending limit formula
 - Based on FY 1979-80 expenditures
 - Allows for annual population increase
 - Allows for GDP inflation increase
 - Allows for exclusions of some expenditures
- Alternatives to Formula
 - 1. One-Time Override
 - 2. Local Alternative Expenditure Limitation (Home Rule)
 - 3. Permanent Adjustment of Base Limit
- 2022 Home Rule Option
 - Allows City to override State-imposed Expenditure Limitation
 - Provides flexibility to establish budget based on anticipated revenues, programs, and services
 - Authority re-established every 4 years. Requires a majority vote of the public at Primary or General election
 - Requires 2 Public Hearings prior to Council action. Special Meeting held immediately following the 2nd Public Hearing. Requires 2/3 majority
 - Chandler Voters Have Approved the Home Rule Option 10 consecutive times since 1982—most recently in August 2018.
- 2022 Home Rule Option Financial Implications (preliminary)
 - State Computed
 - Base Amount (spending limit): \$267,617,150
 - Plus, Allowable Exclusions: \$240,958,786
 - Spending of interest income, bond proceeds, debt service costs, grants, etc.
 - Allowable Spend – Total: \$538,575,936

- City FY2023-24 Anticipated Spend
 - Base Amount (spending limit): \$513,435,973
 - Plus, Allowable Exclusions: \$240,958,786
 - Spending of interest income, bond proceeds, debt service costs, grants, etc.
 - Anticipated Spend – Total: \$754,394,759
 - Amount Over State Limit: \$215,818,823
 - Budgeted Expenses that would need to be eliminated without approval of Home Rule
- 2022 Home Rule Option Financial Implications
 - Potential impacts if Home Rule fails
 - Reductions in street maintenance funding
 - Reductions in public safety funding
 - Deferral or cancellation of capital projects (arterial street improvements, construction of new parks, etc.)
 - Reductions to recreation, aquatics, and library programs
 - Approval of Home Rule does not increase taxes
 - If Home Rule fails-revenue will continue to be received but it cannot be spent
- 2022 Home Rule Election Schedule
 - March 24 – Special Meeting: Council Action on Resolution to Place Home Rule on the August 2, 2022, Primary Election Ballot
 - March 25 – Publish Record of Vote, Amount Over Limit and Purpose
 - April 1 – EST – Finalize FY 2023-24 Home Rule Limit (based on FY2022-23 proposed budget)
 - April 4 – Submit Financial Worksheets to Auditor General
 - April 4 – Public Notice of Argument Filing Period
 - April 4 – May 4 – Argument Filing Period
 - May 13 – Public Voting Pamphlet Sent to Auditor General
 - June 28 – Distribute Pamphlets to Public
 - August 2 – Election Day: Public Vote at Primary Election
 - August 18 – Canvass Election – City Clerk Submits Results to Auditor General

Council Discussion

MAYOR HARTKE asked if there was any discussion from the Council. There was none.

Discussion from the Audience

MAYOR HARTKE asked if there was any discussion from the audience. There was none.

Close Public Hearing

MAYOR HARTKE closed the public hearing.

Informational

53. Special Event Liquor Licenses and Temporary and Permanent Extensions of Liquor License Premises Administratively Approved
54. Study Session & Regular Minutes of January 19, 2022, Planning and Zoning Commission

Unscheduled Public Appearances

GREG SHAFFER, 780 N. Bradley Drive, Chandler, said he is grateful for the new street signs. Mr. Shaffer also mentioned the new neighborhood West Chandler identity signs. Mr. Schaffer shared concerns with the appearance of streetlight poles on Rural Road and Chandler Boulevard. The neighborhood is about 30 years old. When walking around his neighborhood a stop sign had been knocked over by wind due to the age and rust of the pole. The neighborhood needs time and money to make look at all of the street poles in the area and either have them painted or replaced.

MAYOR HARTKE asked for staff to follow up.

ANKIT SURA, 850 N. Oriole Way, Chandler, said he was representing himself as a resident of the City and in no way representing his employer. Mr. Sura said in the past there was a goal to have Health for All and in 2009 there was some movement with the Health Innovation Zone Act but was not approved. Mr. Sura said in 2011, America presented a National Prevention Strategy document. In 2022, CVS would have a Health Zone Initiative in Phoenix and asked how that could be brought to Chandler. Mr. Sura talked about doughnut economics and how the community could work with the market to be innovative in healthcare.

COUNCILMEMBER HARRIS asked for City Manager to follow up on this.

Adjourn

The meeting was adjourned at 7:39 p.m.

ATTEST: _____
City Clerk Mayor

Approval Date of Minutes: April 14, 2022

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of Regular Meeting of the City Council of Chandler, Arizona, held on the 24th day of March 2022. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of April, 2022.

City Clerk