

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers, 88 E. Chicago Street, on Thursday, January 27, 2011, at 7:00 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

Jay Tibshraeny	Mayor
Trinity Donovan	Vice-Mayor
Kevin Hartke	Councilmember
Rick Heumann	Councilmember*
Matt Orlando	Councilmember
Jack Sellers	Councilmember
Jeff Weninger	Councilmember

Councilmember Heumann participated via telephone

Also in attendance:

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

INVOCATION: Pastor Bill May – Mission Point Baptist Fellowship of Chandler

PLEDGE OF ALLEGIANCE: Cub Scout Pack 524

SCHEDULED PUBLIC APPEARANCES:

1. Creative Expression Competition Winners

MAYOR TIBSHRAENY and COUNCILMEMBER SELLERS were joined by MARY POINDEXTER, Co-Chair of the Celebration of Unity Committee and Human Relations Commission member, to recognize the Creative Expression Winners. During the month of January, the City of Chandler in conjunction with the City's Human Relations Commission and the Celebration of Unity Committee presented several events to the community to honor diversity, including: Fundraiser for the Holocaust and Tolerance Museum, 16th Annual Multicultural Festival, Dedication of Service Awards, Creative Expression Competition and Jr. High and High School Assembly and the Langston Hughes Project Concert at the Center for the Arts. Mayor Tibshraeny thanked the Intel Corporation for their continuing support of the event throughout the years. Mayor Tibshraeny also announced there were over 800 entries this year expressing this year's theme, which was All America, All Together.

Ms. Poindexter thanked the Creative Expression sponsors: Friends of the Chandler Library, Golden Spoon Frozen Yogurt, Rubios, Dunkin Donuts and McDonalds. She stated that due to the generosity of the sponsors, each student that enters the Creative Expression competition receives some type of gift certificate for participating. In addition, each of the winning students and their schools receive a gift card.

The following individuals were recognized for their participation:

Patrick Gaughan	Anderson Jr. High	5 to 8 Grade Winner - Video
Noah Gallego	Hamilton Prep	9 to 12 Grade Winner - Video
Elise Suhre	Hamilton Prep	9 to 12 Grade Winner - Video
Paula Beatty	Hamilton Prep	9 to 12 Grade Winner - Video
Aria Matthew	Jacobson Elementary	5 to 8 Grade Winner - Performance
Cecily Denham	Hamilton High	9 to 12 Grade Winner – Performance
Kelsey Muscrave	Hamilton High	9 to 12 Grade Winner – Performance
Madison Esteves	Hamilton High	9 to 12 Grade Winner – Performance
Laura Davis	Hamilton High	9 to 12 Grade Winner – Performance
Sara Eppley	Hamilton High	9 to 12 Grade Winner – Performance
Allysan Winburn	Hamilton High	9 to 12 Grade Winner – Performance
Amanda Wade	Hamilton High	9 to 12 Grade Winner – Performance
Karlin McLeod	Hamilton High	9 to 12 Grade Winner – Performance
Lauren Mosher	Hamilton High	9 to 12 Grade Winner – Performance
Shelley Lewis	Hamilton High	9 to 12 Grade Winner – Performance
Brielle Jones	Hamilton High	9 to 12 Grade Winner – Performance
Erika Clasby	Hamilton High	9 to 12 Grade Winner – Performance
Chole Dana	Hamilton High	9 to 12 Grade Winner – Performance
Kelsey Bartholomew	Hamilton High	9 to 12 Grade Winner – Performance
Madeline Lynch	Hamilton High	9 to 12 Grade Winner – Performance
Ella Smith	Santan Elementary	K to 4 th Winner – Visual
Heather Maranville	Anderson Jr. High	5 to 8 Grade Winner – Visual
Jackie Moreno	Anderson Jr. High	5 to 8 Grade Winner – Visual
Samanatha Park	Desert Vista High School	9 to 12 Grade Winner - Visual
Ashley Nguyen	Anderson Jr. High	5 to 8 Grade Winner – Writing
Natalie Daven port	Hamilton	9 to 12 Grade Winner - Writing

2. VITA Recognition and Earned Income tax Credit Awareness Proclamation

MAYOR TIBSHRAENY, joined by COUNCILMEMBER SELLERS, announced that beginning February 7-April 9; the City will provide free tax preparation services at three Volunteer Income Tax Assistance sites in Chandler. The effort is done by the City to help low and moderate income residents claim their refunds and up to \$5,600.00 in earned income tax credits. Mayor Tibshraeny announced that last year Chandler's VITA Program assisted nearly 800 families with their tax returns, helping those families claim \$1.3 million in refunds. The following individuals and organizations were recognized for providing the sights for the program:

- Karen Owens and Dustin Drudge, First Credit Union
- Susan Horan, Chandler Care Center
- Christine Weatherington and Noah Schwartz, Community Services of Arizona

Mr. Schwartz thanked their partners in the community and the City of Chandler for their assistance in providing the program to the community. He stated that his organization alone helped 479 families bring \$831,000.00 back to the community.

MAYOR TIBSHRAENY announced that a training session would take place for volunteers at the Boys and Girls Club and thanked those who were volunteering.

3. Tony Di Bonito – Use of Daylight at Night in Buildings and Homes

Mr. Di Bonito was not present at the meeting.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER ORLANDO, TO APPROVE THE CONSENT AGENDA AS PRESENTED.

COUNCILMEMBER HARTKE and MAYOR TIBSHRAENY noted they would be abstaining from voting on Item 1a (Minutes of the Former Council's Regular meeting of January 13, 2011) as they were not members of the Council.

WHEN THE VOTE WAS CALLED, THE MOTION CARRIED UNANIMOUSLY (7-0) WITH THE EXCEPTIONS NOTED.

1. MINUTES:

APPROVED (5-0), as presented, Minutes of the Regular Council Meetings of January 13, 2011.

COUNCILMEMBER HARTKE and MAYOR TIBSHRAENY abstaining from voting on Item 1a (Minutes of the Former Council's Regular meeting of January 13, 2011) as they were not members of the Council.

2. CITY CODE AMENDMENT: Chapters 43 and 45 Ord. #4267

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4267 adopting updated versions of existing construction standards and amending Chapter 43, Section 43-5, Subsections 43-5.1, 43-5.2, 43-5.3, 43-5.4, 43-5.5, 43-5.7, 43-5.10 and 43-5.12, and Chapter 45, Sections 45-1 and 45-2 of the Chandler City Code.

The City maintains and publishes Standard Details and Specifications and Technical Design Manuals which have been developed to guide developers and City Staff on the design and construction of the City's infrastructure. These documents are adopted by the City Council. In addition, the City has adopted drainage policies and standards referenced in the Drainage

Policies and Standards (manual) for Maricopa County, subject to certain modifications per Chapter 45, Storm Drainage Requirements.

The Engineering Design Standards Committee, with cross-departmental representation, reviews proposed changes to the City's design standards and makes recommendations for yearly updates. The process also involves reviewing the Maricopa Association of Governments (MAG) Specifications and Standards and their yearly-proposed revisions and when possible, removing City standards in favor of MAG standards.

This ordinance will amend the following editions of the design standards:

- January 2010 Standard Details and Specifications Manual,
- January 2002 Technical Design Manual #1, Water System Design,
- January 2002 Technical Design Manual #2, Wastewater and Reclaimed Water System Design,
- January 2002 Technical Design Manual #3, Storm Drainage System Design,
- January 2007 Technical Design Manual #4, Street Design and Access Control,
- January 2010 Technical Design Manual #6, Streetlight Design,
- adopt the 2011 MAG Uniform Standard Specifications and Details with certain modifications,
- adopt the 2004 Policy on Geometric Design of Highways and Streets,
- adopt the January 2007 Drainage Policies and Standards for Maricopa County, Arizona.

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

3. PROPERTY VACATION: Alleyway Ord. #4269

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4269 vacating a portion of the north-south alleyway east of Arizona Avenue, south of Boston Street, north of Frye Road and west of Washington Street, consisting of approximately 0.2310 acres.

On May 25, 2006, City Council selected a site for the new City Hall, located generally south of Boston Street, north of Frye Road, east of Arizona Avenue and west of Washington Street. This site contains approximately 23 parcels and alleyways created by the original subdivision plat in 1913 and known as CHANDLER, recorded on page 5 of Maps, page 34, records of Maricopa County, Arizona. Because of the City Hall project, a portion of the north-south alleyway needs to be vacated north and south of Chicago Street.

4. CABLE TELEVISION SERVICES REQUIREMENTS AMENDMENT Ord. #4276

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4276, Amendment No. 2 to the Cable Television Services Requirements, and accepting I-Net Services Concessions in lieu of Liquidated Damage Fees related to Ordinance No. 2890 – Cable Television License Agreement between the City of Chandler and Qwest Broadband Services, Inc.

Council approved Ordinance 2890 granting US West Communications, Inc., subsequently acquired by Qwest Broadband Services, Inc. (Qwest), a non-exclusive 15-year cable television License Agreement effective November 7, 1998. One condition of the License was that it would provide universal coverage to the City with a construction schedule build-out to be completed within 5 years of granting the License. This construction deadline was to be reached November 6, 2003, but economic and internal and competitive conditions delayed this construction.

Council approved Ordinance 3507 on December 19, 2003, which amended Qwest's original agreement. This amendment relieved Qwest from the construction schedule and related timeline requirements in consideration for the flexibility to continue their operation and construction under market conditions they were experiencing. In exchange for postponing the construction schedule outlined in the original license, and in lieu of having the liquidated damages applied, Qwest offered the City concessions, which the City accepted. This included an increase to the City's current Internet connection from T1 circuit with a 1.54 MB bandwidth to a SD-3 circuit with a 44.376 MB bandwidth with service to the Internet, as well as the provision of the auxiliary equipment needed to expand the Internet services. This service and equipment was provided free of charge to the City for five years with possible extensions based on the amendment's conditions. These extensions have been given annually.

Market conditions have altered Qwest's delivery services for video services to satellite system. However, Qwest would like to extend the cable license under the arrangement given in Amendment One, but substitute the I-Net Service infrastructure for updated and improved technology of a Gigabit Loop with 200 MBPS Port. This bandwidth increase will give the City expanded Internet capacity which is required due to the City's increased Internet presence. This will also allow for better service to its citizens. This change is in Qwest's best interest as this moves the City's connection to newer technology that is easier to support and maintain. In view of the anticipated integration of Qwest and Century Link, the City and Qwest have obtained written authorization from Century Link approving this change.

The value to the City of this expanded Internet capacity is approximately \$80,000 per year which will amount to approximately \$240,000 for the life of the license.

5. REZONING: Medinah Plaza

Ord. #4283

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4283, DVR10-0016 Medinah Plaza, rezoning from Single-Family Residential (SF-8.5) to PAD along with PDP for a commercial building located north of the NEC of Alma School Road and Erie Street. (Applicant: Lonny Braithwaite, Developer, RLH Associates.)

The subject site is located north of the NEC of Alma School Road and Erie Street. Directly north are two religious institutions; east, a single-family home and a vacant lot; south, a commercial building and apartments; and west, Alma School Road. The subject site is currently vacant.

The request is for rezoning and PDP approval in order to develop a commercial building. Proposed uses will include both general and medical office, and retail and restaurant uses. The overall mix of uses will be dictated by provided parking totals. The site is rectangular and directly fronts Alma School Road. The site is approximately 160 feet wide and spans a depth of 440 feet, creating a difficult site to develop. An access easement is provided along the north end of the property to allow for vehicular access to the Mosque located northeast of the site. Two access points are provided along Alma School Road; one, where the current access easement is and the second on the southern end of the frontage along Alma School Road.

The building is located close to the Alma School Road frontage with a minimum number of parking stalls located on the west side of the building in order to keep the building as far removed from the residential homes to the east as possible. Two outdoor plaza areas are provided; one along the western portion of the building and one along the eastern portion of the building. Both outdoor areas provide an artistic water feature. The eastern outdoor area also provides seating and an enclosed outdoor restroom area.

The request includes a comprehensive sign package. A single four-tenant monument sign is proposed along the southern entrance off of Alma School Road. Modifications were made to the sign package after the development booklet had been submitted and the exhibits in the booklet are for representation purposes only. The monument sign will maintain the four tenant panels, halo-illumination and general design; however, it will be reduced in scale. The overall width of the sign will be reduced from 21'-4" to 15 feet; additionally, the height will be reduced from 8'-1" to 6 feet. A tenant directional sign is also proposed on the eastern portion of the building. Likewise, with the monument sign, the directional sign will be reduced from 8'-6" to 7'-6". Illuminated building mounted signage will only occur on the ground floor and consist of reverse pan channel, halo-illuminated lettering. Signage will be restricted to 80% of the storefront width, maintaining consistency with the Sign Code. Second floor signage will be limited to vinyl lettering on the suite doors, similar to what would be found on a doctor's office door.

Similar to the comprehensive sign package, minor modifications were made to the square footage and uses allocated to the building. The Site Plan (sheet A1) in the development booklet provides a square footage breakdown of the uses. The square footages have been modified to better accommodate parking. The square footage designated for medical uses and the restaurant uses were reduced; the general office square footages were increased and the retail component remained the same. The intent of the uses was to provide a retail/restaurant component on the ground floor and office uses on the second. Parking meets code requirements.

Overall, the Planning Commission and Staff find that the building design and site layout provides an attractive addition to an area that is well developed. Additionally, the design took advantage of what could be deemed a difficult site to develop and created a unique building that stands on its own design merit. The Planning Commission and Staff, also support the sign package citing that materials used are consistent with those found on the building.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood meeting was held on October 19, 2010. The adjacent property owners to the south were in attendance. They were in general support of the request; however, they expressed concerns with some of the parking issues regarding the Mosque to the north. Staff is currently working with the Mosque on the parking issue. Staff has received no correspondence in opposition to this request.

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

6. AMENDED EASEMENT: Santan Technology Park Ord. #4284

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4284 granting an amended easement for ingress and egress and parking purposes on City land located immediately east of the Santan Technology Park for the purpose of allowing the construction of covered parking improvements.

In June 2001, Council approved Ordinance No. 3239 which authorized the grant of an easement for ingress, egress and parking lot purposes over a portion of an approximately 56-acre, undeveloped tract held by the City as a site for a future water reclamation facility. The easement was executed and recorded at the end of 2002. The easement was expressly intended to benefit abutting land owned by a developer, who thereafter subdivided and developed the benefited property as Santan Technology Park.

The original easement expressly allowed the grantee (developer) to install and maintain improved surface parking, but prohibited the construction of any building or structure. This has become a problem since tenants or owners of units within the subdivision have requested that the surface parking be covered. A subdivision tenant, with the consent of the current owner of the subdivision, has requested that the City allow the surface parking stalls to be covered.

Staff finds the request to be reasonable as it will help make the commercial development more attractive to current and future tenants and unit owners. Staff has proposed that the current easement be amended to allow for this limited type of structure.

7. No Item.

8. INTERGOVERNMENTAL AGREEMENT: McQueen Road Improvements Res. #4482

ADOPTED Resolution No. 4482 authorizing an intergovernmental agreement (IGA) with Maricopa County for improvements to McQueen Road from Ocotillo Road to Riggs Road in the amount of \$275,000.00.

Each year the Maricopa County Transportation Advisory Board allocates \$1,500,000 as a Special Projects Fund for local road construction projects. All cities in the county can submit projects for possible funding from the Special Projects Fund.

This year, Staff submitted the following project for consideration by the Board:

- \$275,000 for County share of acquisition of necessary right-of-way and share of construction costs for McQueen Road from Ocotillo Road to Riggs Road.

The application was approved. In order to utilize this funding, an intergovernmental agreement (IGA) between the City and County is necessary. At this time, the design is 100% complete and Staff is acquiring right-of-way for the project. Construction is scheduled for the 2nd five years of the Capital Improvement Program.

The intergovernmental agreement outlines the provisions for obtaining the funds and also establishes the City and County responsibilities for the acquisition of right-of-way in the County islands and annexing the property into the City when the road construction is completed.

9. FUNDS APPLICATION: HOME funds Res. #4487

ADOPTED Resolution No. 4487 certifying compliance with the Consolidated Plan and administrative commitment by the City Council of the City of Chandler supporting an application for federal HOME funds, by the Affordable Rental Movement (ARM) of Save the Family, an Arizona non-profit corporation, to the Maricopa County HOME Consortium.

The City of Chandler, along with seven other local municipalities and Maricopa County, formed the Maricopa HOME consortium for purposes of administering the federal HOME Investment Partnerships Program (HOME). Of the total funds allocated to each jurisdiction under the HOME Program, 15% must be reserved for specific types of nonprofit organizations known as Community Housing Development Organizations (CHDO's). CHDO funds may be used to develop and support affordable rental or owner occupied housing through activities such as acquisition, construction, reconstruction or rehabilitations.

ARM of Save the Family is a non-profit that provides affordable rental housing for low and moderate income families in Chandler, Gilbert, Mesa, Scottsdale and Tempe. ARM has applied to the Maricopa HOME Consortium for federal HOME program funding to acquire and rehabilitate four to five units in Chandler. These units would then be offered at below fair-market rent to participants in the Save the Family program and other low-income families to help them achieve self-sufficiency. Families in ARM units also have access to Save the Family's supportive and educational services to further their transition to self-reliance. ARM staff also regularly monitors their properties for appropriate maintenance.

As part of their application, ARM of Save the Family must submit a resolution of support from the governmental jurisdiction where the project is to be located. Adoption of this resolution meets that requirement and certifies compliance with the City of Chandler's Consolidated Plan. The City of Chandler is willing to administer the contract in support of ARM of Save the Family's application for federal HOME funds to the Maricopa County Consortium, if their CHDO application is funded.

The Housing and Human Services Commission held a public hearing on the ARM of Save the Family request during their January 12, 2011, regular meeting. The Commission unanimously recommended approval.

All costs associated with the HOME Program will be paid by the federal government and do not require repayment on the part of the City of Chandler.

10. EXEMPTION CONTINUATION: Industrial Commission of Arizona Res. #4488

ADOPTED Resolution No. 4488 requesting continuation of exemption from the Industrial Commission of Arizona's requirement to post security for the Self-Insured Workers' Compensation Program.

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

On April 4, 2005, the ICA implemented new rules governing management of the workers' compensation self-insurance program. The new rule, R20-5-1114, includes an Exemption from Requirements to Post Security. "A public entity applicant or public entity self-insurer is exempt from the requirement under this Article to post or provide security if the public entity:

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

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

11. 2010 ONE YEAR ACTION PLAN AMENDMENT

Res. #4489

ADOPTED Resolution No. 4489 amending the 2010 One Year Action Plan and authorizing submission of a Substantial Amendment to the U.S. Department of Housing and Urban Development for its consideration in order to receive funding under the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 to accept Neighborhood Stabilization Program funds (NSP3) and authorizing the City Manager or his designee to submit the required documents.

In September 2010, the City of Chandler was notified of an allocation from the U.S. Department of Housing and Urban Development's (HUD) Neighborhood Stabilization Program 3 (NSP 3) of \$1,332,011. The goal of the NSP program is to assist states and localities with funding to reverse the effects of foreclosures in their communities. This allocation is the second time the City has received NSP funding. Chandler was one of only 8 Arizona cities selected to receive NSP 3 funding.

The City funded 3 nonprofit programs with the NSP 1 dollars received from HUD in 2009:

- ARM of Safe the Family – Create affordable rental housing;
- Newtown Community Development Corporation – Develop Chandler Community Land Trust to help moderate income households become homeowners;
- Newtown Community Development Corporation – Down payment assistance for qualified first time homebuyers.

Staff reviewed the progress and success of Chandler's NSP 1 program and assessed residential redevelopment needs in Chandler to develop a recommendation for Chandler's NSP 3 program. In addition to partnering with nonprofits, Staff is recommending that \$150,000 be allocated for acquiring foreclosed, blighted properties and demolishing these structures. Administrative funds are also needed to implement the proposed programs and to appropriately administer the new grant.

Three applications for NSP 3 funds from nonprofits were received and analyzed. The analysis included several issues that are NSP 3 program requirements including:

- Income Targeting: At least 25% of Chandler's NSP 3 allocation must be awarded to activities that assist residents at or below 50% AMI, or \$33,300/yr. for a family of four. Special recognition was given to NSP 1 funded programs that exceeded the 25% minimum requirement.
- Target Areas: NSP 3 funds must be used in target areas, as identified by the U.S. Department of Housing and Urban Development (HUD). HUD developed this scoring system using a number of factors including:
 - Number of residential addresses vacant 90 days or more
 - Percent of housing units with a high cost mortgage
 - Number of foreclosure starts in the past year
 - Number of REO, or lender owned housing units July 2009 to June 2010.

Neighborhood Impact: HUD guidance states that NSP 3 projects will need to concentrate funding in an area small enough to make a noticeable impact. HUD has identified the minimum number of units to be purchased with NSP 3 funds in each target area Census Tract to be considered a noticeable impact. Non-profits were required to identify the target area and their potential impact in that area as part of the application process.

Based on the analysis of the applications received, redevelopment goals and staffing capacity, Staff has recommended the following activities as part of Chandler's NSP 3 Substantial Amendment:

Permanent Affordable Rental Housing: \$419,643 will be allocated to ARM of Save the Family to purchase and rehabilitate three vacant, foreclosed single family properties and rent them to income-qualified families. The families will be selected, evaluated and monitored by ARM for their suitability for the program. ARM will assume responsibility for the on-going maintenance of the properties after acquisition. These homes will be rented out to families at or below 50% AMI, or \$33,300 a year for a family of four. This activity will occur in the 422990 Census Tract.

Homebuyer Programs: \$692,447 will be allocated to Newtown Community Development Corporation for two programs that are projected to assist a total of 27 households.

Home-Ownership Assistance: \$200,000 will be used to provide down payment assistance for up to 20 first-time homebuyers who purchase foreclosed properties. Homebuyers may also be able to receive up to \$15,000 in State of Arizona Individual Development Account matching funds for down payment assistance provided with their own funds.

Chandler Community Land Trust: \$492,447 will be used to purchase up to 7 formerly vacant, foreclosed single-family homes and sell them to income qualified homeowners through the Community Land Trust. Buyers of a Land Trust home lease the land which is owned by the Land Trust and purchase only the structure that is on the land. With this program, the costs of the purchase are reduced for the homebuyer. The owner shares the equity in the home with the Land Trust. Because the home stays in the Land Trust when the current owner sells, the Land Trust provides an ongoing affordable homeownership opportunity for future homebuyers.

Families participating in these programs will be between 40% and 120% of area median income (AMI), or approximately \$26,640 to \$79,900 annually for a family of four. These programs will primarily occur in the 523002 Census Tract with four homebuyers located in the 422909 Census Tract.

Chandler Land Bank Program: \$150,000 will be allocated to the City's Land Bank Program. The program's goal is to acquire vacant, blighted, foreclosed property for future redevelopment. The program will use \$100,000 to acquire and maintain property in the land bank. An additional \$50,000 will be allocated to demolish blighted structures on the land. Once a sufficient amount of vacant land is assembled, the City will pursue redevelopment of the land for affordable housing opportunities. The program will be located in the 523002 Census Tract.

NSP 3 Administration: \$69,921 or approximately 5% on the NSP allocation will be allocated for City Staff support and administrative activities required for the NSP 3 program.

All costs associated with the federal Neighborhood Stabilization Program grant funds will be paid by the federal government and do not require repayment on the part of the City of Chandler.

The Housing and Human Services Commission held a public hearing on NSP 3 during their January 12, 2011, regular meeting. The Commission unanimously recommended approval.

12. REAL PROPERTY ACQUISITION: Shawnee Park Improvement Res. #4490

ADOPTED Resolution No. 4490 authorizing acquisition of real property needed for and in connection with the Shawnee Park Improvement Project; authorizing condemnation proceedings as needed to acquire said real property and to obtain immediate possession thereof.

The Chandler City Council authorized the Shawnee Park Improvement Construction Contract on December 9, 2010. Research into the ownership of Shawnee Park has determined that a portion of the property used for retention purposes and maintained by the City is owned by a trust company that is no longer in business. Additionally, taxes have not been paid on the property since 2004 resulting in a potential tax foreclosure sale. The parcel in question is approximately .44 acres and is identified as Tract "A" on a Plat for College Park 12 recorded in February of 1976 as "Permanent Storm Water Retention Basin". In April of 1976, title to Tract "A" and other parcels was transferred to Sutter Trust Company. Efforts by Staff to contact the trust company have been unsuccessful. Delinquent taxes total approximately \$5,400 plus interest accruing monthly.

Upon City Council approval, this Resolution authorizes acquisition of the real property at fair market value either by purchase or 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. Relocation assistance is authorized where required by law.

13. AREA PLAN AMENDMENT / REZONING: Falcon Pointe At Pinelake Res. #4492 & Ord. #4279

ADOPTED Resolution No. 4492, Area Plan Amendment, APL10-0001, Falcon Pointe At Pinelake, amendment from Business Park to Multi-Family Residential on property located at the SEC of Ocotillo Road and Pinelake Way.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4279, DVR10-0004, Falcon Pointe At Pinelake, rezoning from PAD for Business Park and Planned Industrial District (I-1) to PAD (Multi-Family Residential) with PDP to allow a multi-family residential development located at the SEC of Pinelake Way and Ocotillo Road, approximately one-half mile east of Arizona Avenue on the south side of Ocotillo Road. (Applicant: Withey Morris PLC, Jason Morris.)

The application requests an Area Plan amendment, Rezoning and Preliminary Development Plan approval on approximately 13.60 net acres. The first request includes an amendment to the Southshore Area Plan changing the land use from Business Park to Multi-Family Residential. Secondly, the property is currently zoned Planned Area Development (PAD) for Business Park and Planned Industrial District (I-1). The rezoning request included changing the zoning from PAD (Business Park) and I-1 to PAD (Multi-Family Residential) to allow a residential townhouse

development. Additionally, a Preliminary Development Plan (PDP) for site layout and building architecture is included.

The subject site is bounded by Ocotillo Road to the north (an arterial street), Pinelake Way to the west (a collector street), and on the south side by the Salt River Project Schrader Receiving Station and Substation. The Paseo Consolidated Canal abuts the site's eastern side. West of Pinelake Way is property designated and zoned for Business Park use. North of Ocotillo Road is the Centre Pointe Business Park currently zoned PAD for industrial I-1 uses including light industrial, self-storage warehouse and office uses. The Appleby Road Property industrial park is north of Centre Pointe. West of Centre Pointe is JKM Self-Storage for self-storage warehouse uses and next to that is South Chandler Business Center, a planned industrial park for small industrial businesses in the start-up stages such as building contractors, equipment repair, machine shops and other I-1 uses.

General Plan Conformance / Area Plan:

The General Plan Land Use Map identifies the subject site as a part of the Southeast Chandler Area Plan. The Southeast Chandler Area Plan (SECAP) designates the property for Traditional Suburban Character in which multi-family residential development as proposed can be considered. Additionally, the SECAP prescribes development within this character area should convey a rural/agrarian theme and be developed with transitions and compatibility in mind.

Furthermore, in 1988, Council approved the specific sub-area plan, the Southshore Area Plan, for the area bounded by Ocotillo Road, Arizona Avenue, Chandler Heights Road and the Consolidated Canal. The Southshore Area Plan includes a land use arrangement, which provided for multi-family residential on a few parcels while other parcels were specifically designated for office, retail, business park, and industrial use. The majority of this Area Plan has evolved over the years as there are no more multi-family residential parcels. The proposed multi-family residential development of townhouses would reintroduce a multi-family component to this area.

The Southshore Area Plan has mostly developed with single-family residential detached housing east of the railroad tracks. A commercial shopping center exists at the intersection of Arizona Avenue and Ocotillo Road with self-storage and condominium storage facilities adjacent to the commercial center. A church is located south of the commercial center along Arizona Avenue and there is a commercial center at the corner of Arizona Avenue and Chandler Heights Road which ceased development. Including the subject site, there are three vacant parcels within the area plan including a business park site directly west of the proposed townhouses and an approximately 40-acre site along Arizona Avenue currently zoned for a mixed-use development including retail, office park, restaurant and multi-family apartment style units above retail shops, live/work townhouses and a gated townhouse component.

The subject parcel is located at an intersection planned and zoned for business park and light industrial development. The Southsore Area Plan specifically defined Business Park as "Business park uses are proposed for 44.3 acres generally located east of the Southern Pacific Railroad right-of-way and south of Ocotillo Road. This use includes the development of high-tech, two-story scale office and research/development facilities with high quality design standards. Figure 9, 'Development Image', illustrates the business park image for Southshore." The image includes a partial building elevation.

The Southshore Area Plan vision was to create an area that would develop similar to other business park areas in Chandler. The General Plan amendment and Area Plan amendment approval to allow the single-family residential subdivision Pinelake Estates triggered a cycle of land use changes within the Southshore Area Plan. The Falcon Pointe Development Booklet includes the initial and existing Southshore Area Plan, as well as the proposed area plan amendment, to represent the area's changes. The area plan initially designated approximately 52 acres of multi-family residential with 21 acres along Arizona Avenue and 31 acres along a portion of the Chandler Heights Road frontage. The property along Chandler Heights Road developed as single-family residential detached housing, and the parcels along a portion of the Arizona Avenue frontage are currently zoned for single-family residential also but have yet to develop.

Planning Staff supports the proposed Area Plan amendment for a multi-family residential townhouse development as a supporting land use to the surrounding planned and existing industrial/employment development within the immediate area. Additionally, the proposed land use serves as a transitional land use to the existing SRP electrical power facility and single-family residential homes to the south. Staff finds the proposal restores the intent of the original Southshore Area Plan.

Rezoning / PDP:

The proposed development is for townhouses which include 4 to 6 unit buildings with four building types. Each building type offers six different types of units; four unit types are two-bedrooms and two unit types are three-bedrooms. The townhouse units range in size from approximately 1,250 to 1,935 livable square feet. All units have two-car garages. The garages are either side-by-side parking spaces or tandem parking spaces (one in front of the other). Buildings are two- and three-stories in height.

The development is a private, gated townhouse subdivision. The site layout provides for units facing toward the Paseo Consolidate Canal, open space along the canal's frontage, solid and view fencing, pedestrian gates to the canal, a concrete pedestrian pathway, and a minimum 10-foot landscape easement along the Paseo Canal. Access to the canal's pedestrian and/or equestrian paths is from Ocotillo Road or along the project's east side.

As part of the PDP request, the Development Booklet narrative and site plan represent several waivers from Zoning Code. The waivers relate to building and perimeter wall setbacks from property lines and signage. There are some waivers that are not required and another that cannot be waived through the zoning process. Those waivers are as follows:

1. Zoning Code requires a minimum 50-foot building setback from the ultimate right-of-way line along arterial streets (Ocotillo Road). The application requests encroachments into the 50-foot building setback for Buildings 31 and 32 along Ocotillo Road to allow first floor patios within the building setback up to approximately 8 feet. The right-of-way alignment for Ocotillo Road is skewed due to the former landfill, now Paseo Vista Recreation area property, which requires an offset roadway centerline. The roads alignment then moves southward requiring additional right-of-way dedication from the subject site. Due to the right-of-way and right-turn deceleration lane location, Buildings 31 and 32 have limited space to provide the private open space (patio) without encroaching into the building setback. Planning Staff finds this minor encroachment supportable given the unique alignment of Ocotillo Road and only two patios are affected.

2. The development's building setbacks for residential buildings is requested to be generally based off of MF-2 zoning development standards, as noted on the Site Plan. The Zoning Code requires a minimum 15-foot building setback from the property line for the side yard of a building. In the case of Buildings 20, 21 and 22 along the south property line, each building's side is required to be 15-feet from the south property line. The waiver requests to allow encroachments up to approximately 5 feet. Planning Staff finds this waiver supportable due to the adjacency of these three patios to the Salt River Project Schrader Receiving Station and Substation electrical power facility, the proposed tree-lined landscape buffer and existing 12-foot high masonry block wall along the SRP facility.
3. Units B1 and C1 in building types 2 and 4 are designed with two tandem parking spaces per unit. The application requests a waiver from requirements to allow tandem parking spaces to be calculated as required parking. Planning Staff supports this waiver finding the tandem parking to be a unique proven alternative to required parking while reducing the amount of surface pavement to provide separate covered parking areas for these units. The development meets required parking for each unit land guests at 428 parking spaces; 352 covered and 76 uncovered. Each unit has an attached 2-car garage.
4. The development's building heights for residential buildings is requested to be generally based off of MG-2 zoning development standards, as noted on the Site Plan. MF-2 permits a maximum building height of 25 feet at the building setback line; however, height may go up to 35 feet provided that at no point the building projects above a line sloping inward and upward at a 45-degree angle at the required building set back line. The application requests to waive this requirement to allow four buildings along the south property line to be approximately 40 feet in maximum height. Note that the Site Plan notates this waiver but does not reflect which buildings it applies to; Staff confirmed it includes Buildings 1, 20, 21 and 22 which have the 3-story portions with a height up to a maximum of 40-feet. Planning Staff supports this waiver for these four buildings only in that three building side-up and one is parallel to the SRP electrical facility. The increased height is at the rear of this development next to the electrical facility which includes power lines and poles at a much greater height.
5. Zoning Code regulates that no more than a 3-foot high wall is permitted within the front building setbacks along Ocotillo Road and Pinelake Way. The decorative perimeter fence wall is designed up to 6-feet in height. The walls along both street frontages are located within the building setbacks and greater than 3-feet in height thus requiring a waiver. Planning Staff supports this waiver finding the fence wall design, alternating sections and landscaping design all together create an attractive streetscape and presence for this development. The Development Booklet's building elevations section includes exhibits reflecting the appearance of the fence walls.
6. Zoning Code requires a landscape intersection setback of 50' x 100' along Ocotillo Road and 30' x 100' along Pinelake Way in which wall height is restricted to a maximum of 2'6". The development includes a freestanding monument sign within the landscape intersection setback with portions 6- to 8-feet in height based on perspectives and elevation representations. This wall is designed in a circle surrounded by annual flowers and Date Palms. The wall materials include stone veneer with columns and the development name lettering with reverse pan channel halo-illuminated. Planning Staff supports this waiver finding that the wall's design and location create a sense of arrival at the intersection, enhancing the corner. The wall heights are not typical within the landscape intersection setbacks where only landscaping exists; however, the wall is set within a larger turf landscape area at this intersection and serves as a site feature.
7. Lastly, the development includes a waiver regarding the City's engineering standard detail for the gated entrance/exit off of Ocotillo Road; however, the zoning process cannot waive

engineering standard details. The development would need to request in writing to the City Engineer a deviation from City standards.

Planning Staff is of the opinion that the proposed land use is consistent with the goals and objectives of the existing land plans for the area. While Planning Staff recommended denial of a previous land use request on this parcel in 2007 for multi-family residential, the development expectations for this specific area within the Southeast Chandler Area Plan have changed. Following a thorough evaluation with City Staff, there is no longer a need to maintain this subject site with business park, office, high-tech type land uses, as these land uses are planned for and/or existing just north of the subject site as part of a larger industrial/employment area. Planning Staff supports the proposed Area Plan amendment for a multi-family residential townhouse development finding the proposal restores the intent of the original Southshore Area Plan which originally included multi-family residential uses.

The subject is situated in an area that has seen new development and rezoning for commercial, light industrial and residential uses. The subject site can offer an opportunity for an alternative form of housing on the east side of Arizona Avenue. The Southeast Chandler Area Plan only includes consideration for multi-family residential land use and densities west of the railroad tracks; however, the Southshore Area Plan had initially designated multi-family east of the railroad tracks and the General Plan allows for consideration of higher density residential as an integral component of a planned mixed-use development. The Southshore Area Plan itself initially contained a balanced mix of uses. While this plan has substantially changed, Planning Staff is of the opinion that the larger surrounding area includes a mix of uses including single-family to the south and east, industrial north of Ocotillo Road, planned business park to the west and existing industrial storage facilities and commercial retail to the west, as well as other land uses existing and zoned for along Arizona Avenue within the Southshore area.

The PDP implements the City's design expectations and is consistent with design guidelines established in the City's Multi-Family Residential Development Standards, Southeast Chandler Area Plan and The Paseo Master Plan. Staff supports the requested development waivers as detailed.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood meeting was held September 13, 2009. There were six people in attendance, all in support of the project. Staff has received no correspondence in opposition to this request. Salt River Project (SRP) has been notified and is not opposed.

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

14. CONTINUED REZONING: UDM Industrial Park

CONTINUED TO MARCH 10, 2011, Zoning, DVR09-0024, UDM Industrial Park, rezoning from PAD for a Business Park to PAD Amended to allow for an impound yard located at 850 E. Bogle Avenue, north of the NEC of Pecos Road and Hamilton Street within the Bogle Business Park to have additional time to work on detailed submittals for the site and to be heard by the Planning Commission at their February 16, 2011, hearing.

15. CLAIMS REPORT

APPROVED the Claims Report for accounts payable checks for the quarter ended December 31, 2010.

16. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following Board/Commission appointments:

Arts Commission:
Kathleen Escobedo

Housing and Human Services Commission:
Brigita Fody-Landstrom

Human Relations Commission:
Ruben Baldenegro

Industrial Development Authority:
Lori Tapia

Planning and Zoning Commission:
Kathleen Cunningham

Museum Advisory Board:
Bob Caccamo

17. SETTLEMENT: City of Chandler v. Safeway, Inc.

APPROVED the Settlement in *City of Chandler v. Safeway, Inc., a Delaware Corporation*, in the sum of \$85,000.00, plus statutory interest.

This condemnation action was filed to acquire a temporary drainage easement that is required for the McQueen Road Improvement Project between Queen Creek Road and Riggs Road, ST-0810. This drainage easement is needed to hold water runoff from both sides of McQueen Road due to the City landfill project on the west side of McQueen at this location. The City's original offer was rejected. Safeway felt that they would have to redesign a proposed site plan due to the additional retention requirement and the redesign would require use of underground storage. The City acquired immediate possession and has continued to negotiate a settlement with Safeway. Both sides have supported their respective positions with appraisals and engineering reports from reputable and experienced appraisers and engineers. The City was able to provide a suggested alternative grading plan that eliminated a need for underground storage thus lowering Safeway's counter-proposal from \$350,000 to \$165,000. This amount was rejected by the City and after further negotiations, a settlement amount was reached.

A settlement has been reached for the sum of \$85,000, plus accrued statutory interest. The settlement amount is based upon a rate of \$5.00 per square foot for the vacant land which is less than the mid-point between the two competing appraiser's opinions of value; plus the estimated cost of additional grading required. Staff feels the settlement is a fair and reasonable compromise.

18. AGREEMENT AMENDMENT: Ammunition

APPROVED Agreement #PD0-680-2807, Amendment No. 1, with Adamson Police Products, San Diego Police Equipment Co., Inc., International Cartridge Corporation, Lawmen's & Shooter's Supply, Inc. and Proforce Law Enforcement for the purchase of ammunition in a combined amount not to exceed \$129,699.00. This is the first of four optional one-year renewals.

19. AGREEMENT EXTENSION: Southwest Ground-Water Consultants, Inc.

APPROVED a one-year extension to Agreement #EN0709-101 with Southwest Ground-Water Consultants, Inc., for hydrogeologic services in an amount not to exceed \$250,000.00. This is the third of four optional one-year renewals.

20. AGREEMENT AMENDMENT: Wilson Engineers

APPROVED Agreement #WA0824-451, Amendment No. 1, with Wilson Engineers for the Remote Site Programmable Logic Controller (PLC) Replacements CM Services, pursuant to annual contract EN0712-101, in an amount not to exceed \$43,900.00.

A programmable logic controller (PLC) is a device that automatically operates remote facilities such as booster stations, wells, and wastewater lift stations without operator input. This project includes construction management services to program new PLC's and replace obsolete PLC's at 65 facilities. The contract amendment adds construction administration and inspection services for replacement of existing PLC components at the Old Pecos and Pecos-McQueen Lift Stations. This amendment also includes design of a new enclosure to house new PLC's and two new Variable Frequency Drives (VFD) at the Old Pecos Lift Station.

21. AGREEMENT: Wilson Engineers

APPROVED Agreement #WW1014-201 with Wilson Engineers for professional services for the Queen Creek force main monitoring system and flow meters, pursuant to annual contract EN0712-101, in an amount not to exceed \$29,300.00.

22. AGREEMENT AMENDMENT: Jeff Martin

APPROVED Agreement Amendment No. 2 with Jeff Martin for transportation consulting services in an amount not to exceed \$35,000.00. The term of this amendment is March 1, 2011, through February 29, 2012.

The City entered into an agreement with the consultant on June 23, 2009, for the purpose of representing the City of Chandler in various regional transportation issues. These issues include the Valley Metro Transit Life Cycle Program (TLCP), reviewing and coordinating the City's 5 Year Transit Operating and Capital Budget with the TLCP, representing the City on various transit committees, intergovernmental coordination on transit issues, and other transit functions as assigned by the Transportation and Development Director. Due to recent staff reductions, the need for consultant services continues. A supplement was added to the original agreement in November 2009 for \$11,500 and an amendment for \$30,500 in February 2010.

23. CONTRACT: Roadway Electric

APPROVED Contract #ST0813-401 with Roadway Electric for construction of the Western Canal Pedestrian Path Traffic Signals and Intersection Improvements in an amount not to exceed \$298,502.00.

24. CONTRACT: Central Valley Specialties

APPROVED Contract #CS1001-403 with Central Valley Specialties for aquatic deck repairs at Hamilton Aquatic Center, Arrowhead Pool and West Chandler Aquatic Center in an amount not to exceed \$59,339.75.

25. CONTRACT EXTENSION: Jokake Construction

APPROVED a one-year Contract Extension with Jokake Construction, JOC07-08, for general construction services in an amount not to exceed \$500,000.00. This is the fourth and final one-year optional extension.

26. CONTRACT EXTENSION: SDB, Inc.

APPROVED a one-year Contract Extension with SDB, Inc., JOC07-04, for general construction services in an amount not to exceed \$1,500,000.00. This is the fourth and final one-year optional extension.

27. CONTRACT EXTENSION: Brycon Construction

APPROVED a one-year Contract Extension with Brycon Construction, JOC07-06, for general construction services in an amount not to exceed \$500,000.00. This is the fourth and final one-year optional extension.

28. CONTRACT EXTENSION: Environmental Resolutions, Inc.

APPROVED a one-year Contract Extension with Environmental Resolutions, Inc., JOC07-01, for environmental remediation services in an amount not to exceed \$500,000.00. This is the fourth and final one-year optional extension.

29. CONTRACT EXTENSION: Spray Systems Environmental

APPROVED a one-year Contract Extension with Spray Systems Environmental, JOC07-09, for environmental remediation services in an amount not to exceed \$500,000.00. This is the fourth and final one-year optional extension.

30. CONTRACT EXTENSION: Phoenix Demolition Company and Salvage, Inc.

APPROVED a one-year Contract Extension with Phoenix Demolition Company and Salvage, Inc., JOC07-02, for demolition and site clearing services in an amount not to exceed \$200,000.00. This is the fourth and final one-year optional extension.

31. CONTRACT EXTENSION: Complete Decon, Inc.

APPROVED a one-year Contract Extension with Complete Decon, Inc., JOC07-10, for demolition and site clearing services in an amount not to exceed \$200,000.00. This is the fourth and final one-year optional extension.

32. CONTRACT: Ritoch-Powell & Associates

APPROVED Contract #EN1002-101 with Ritoch-Powell & Associates for annual civil design and platting services in an amount not to exceed \$100,000.00, for one year with four optional one-year renewals.

City Staff anticipates needing a number of sites currently held by the City to be converted to plat subdivisions for HUD. The City also has at least three additional lot areas that have been purchased and would like to ultimately subdivide, plat and sell in order to establish future

subdivisions. The City anticipates some other minor land divisions and general civil engineering services on an as-needed basis.

33. CONTRACT: Sunrise Engineering

APPROVED Contract #EN1004-101 with Sunrise Engineering for annual civil design and platting services in an amount not to exceed \$100,000.00 for a period of one year with an option for four additional one-year renewals.

City Staff anticipates needing a number of sites currently held by the City to be converted to plat subdivisions for HUD. The City also has at least three additional lot areas that have been purchased and would like to ultimately subdivide, plat and sell in order to establish future subdivisions. The City anticipates some other minor land divisions and general civil engineering services on an as-needed basis.

34. PURCHASE: Phoenix Highway Products

APPROVED the Purchase and repair of traffic signal control equipment from Phoenix Highway Products, sole source, in an amount of \$200,000.00, for one year. A sole source purchase is recommended due to Phoenix Highway Products being the exclusive vendor of certain traffic signal control equipment used by the Traffic Engineering Division. Phoenix Highway Products also completes repairs for the same equipment. This equipment is the only type compatible with the City's central traffic computer equipment and software.

35. PURCHASE: Motorola, Inc.

APPROVED the Purchase of communication equipment from Motorola, Inc., utilizing the City of Phoenix contract, in an amount not to exceed \$167,794.57.

The City's mobile radio system is obsolete and is planned to be decommissioned in February 2011. The Police and Fire Departments have already migrated to the new P25 system. This purchase will provide replacement radios and related equipment for the Transportation and Development and Municipal Utilities Department Staff. The request is for 98 portable radios for Traffic Engineering, Streets and Solid Waste Division Staff. All radios are compatible with Project 25 standards and with jurisdictions using Project 25 radio systems. Chandler Transportation and Development Staff will use these radios on the Regional Wireless Cooperative radio system. This contract includes a five-year extended service warranty.

36. PURCHASE: Econolite, Inc.

APPROVED the Purchase of Autoscope traffic signal detection cameras from Econolite, Inc., sole source, for a total amount not to exceed \$50,000.00. The City has a networked system of video detection which also allows for signal monitoring. Due to compatibility, the same type of cameras must be used at each intersection to feed data back to the Traffic Management Center. The City has been using Autoscope detection cameras and has had excellent results with this detection method and equipment.

37. PURCHASE: NEC

APPROVED the Purchase of Cisco network equipment for the Library Network Refresh Project from NEC, utilizing the City of Tempe contract, in an amount not to exceed \$198,856.00.

The City has delayed the replacement of Chandler Public Library network equipment for several years as it met City needs and was less expensive to purchase extended maintenance rather than replacement. Due to increased bandwidth needs for library patrons, the new higher bandwidth connection to the Internet for WiFi access, increased failure rates on equipment and vendor de-support issues, it is now time to replace this equipment. This replacement adds modular switching flexibility, increased data throughput speed, better switch operating system compatibility with modernized networking features and increased main memory capacity.

This upgrade will also allow the branch libraries to utilize fiber cabling as it is deployed in the City. The first location to be able to take advantage will be Hamilton as fiber is being installed. The other branches will follow once fiber is installed to each location.

This will also allow additional security features that can be used when providing internet access to users and citizens. A trade-in credit for the end-of-life equipment being replaced will be used to help reduce the overall cost of purchasing the newer equipment.

38. PURCHASE: Toter Incorporated

APPROVED the Purchase of refuse and recycling containers from Toter Incorporated, utilizing the National Intergovernmental Purchasing Alliance (IPA) contract, in an amount not to exceed \$200,000.00.

39. USE PERMIT EXTENSION: Chen Architects/Arisia Construction Mgmt.

APPROVED a five-year time extension for Use Permit ZUP10-0033, Chen Architects/Arisia Construction Mgmt. to operate a professional office within a Single-Family (SF-8.5) zoning district for property located at 877 N. Alma School Road. (Applicant: Ming Chen of Chen Architects/Arisia Construction Management.)

The subject site is located south of the SEC of Ray and Alma School roads. The property is zoned SF-8.5 (Single Family) district. In 2005, a Use Permit was approved to allow the residential conversion of this property for a professional office. The Use Permit was approved for a one (1) year period with conditions. In July 2007, the Use Permit was granted a time extension for an additional three (3) years which expired in July 2010.

The property fronts and is accessed directly from Alma School Road. There is a single-family residence south of this property, which also fronts and is accessed from Alma School Road. North of the property is a single-family residence which backs up to this site. Although the property is directly adjacent to the alley located in the rear, the property does not include any vehicular access which minimizes any impact upon residential properties to the east. The home's carport was enclosed on the side; no other changes were made to the home's exterior thus maintaining compatibility with the surrounding residential character.

The application requests re-approval of the Use Permit for a 5-year time period to continue operating a professional architect's studio with related administration and construction management services. The professional office's services include architectural design drawings, construction engineering plans and interior design drawings, as well as provide land-planning consulting, real estate services and construction management. The office is open 9 a.m. to 5:30 p.m. Monday through Friday and closed on the weekends.

The applicant anticipates conducting approximately three meetings at the office per week with clients or staff. Additionally, the applicant is a registered real estate broker and provides real estate advisory services. The majority of real estate activity occurs through phone, email, fax and standard mail. The Use Permit has previously been approved for a maximum of one full-time and two part-time employees. The application narrative indicates up to three (3) part-time staff; however, the applicant does not have three employees at this time but would like approval for up to three. Planning Staff is not opposed to a maximum of three employees.

The home's interior was re-configured to include a reception/lobby area, an open work area, a private office, a meeting room and a break room. In 2005, the property's front yard was proposed to remain essentially as-is with the exception of the replacement and addition of concrete drive surfaces to access the proposed additional parking spaces to be located at the property's rear yard. The Planning Commission added condition no. 6, which reads, "Parking shall occur at the rear of the site and additional pavement shall be added to the front to only facilitate safe vehicular movement". The site plan indicated there would be several parking spaces in the front yard area for loading and delivery use.

Since the previous Use Permit approval, the property's front yard was paved with asphalt to provide access to the carport area and for occasional loading and unloading space for delivery trucks, print shops and associate engineers. The applicant conveyed that without the additional asphalt paved areas, delivery trucks such as UPS and FedEx had difficulty backing up and turning around on the site to exit to Alma School Road. The additional pavement allows for less difficult on-site turning movements and prevents backing into the traffic lanes on Alma School Road.

A condition of the 2007 Use Permit was the requirement to meet A.D.A. requirements for parking spaces and pedestrian access to the building. The A.D.A. parking space is defined and the accessible ramp is provided at the front entrance door.

The original application included approval for one, three-foot high monument sign. In lieu of the monument sign, the applicant worked with Staff to provide a wall-mounted building sign.

The site provides six parking spaces within the rear yard area and three parking spaces in the front yard area. In addition, the front yard provides two tandem parking spaces. On either side of the front yard paved area, there are landscaped areas with shrubs, trees and groundcover. Shrubs, landscaping and rock were added to the front yard to enhance the street appearance. The previous Use Permit included a condition which reads, "Screen trees shall be planted at the rear of the site along the east property line". Three Ficus trees have been installed along the eastern property line. A condition from the original one-year approval required the removal of parking canopies in the rear yard. The canopies have been removed.

The Residential Conversion Policy (RCP) is intended to allow residential properties fronting onto arterial roads the opportunity to convert to commercial land uses in response to safety and noise problems resulting from increased arterial road traffic volumes. The Policy outlines the eligibility criteria used to evaluate potential properties for consideration.

Planning Staff supports the proposed request finding compliance with the RCP eligibility criteria. The request represents a compatible land use with the surrounding neighborhood. The proposed office use does not create, store or exchange goods of any type. The use generates very little on-site traffic and the site provides adequate parking.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on December 7, 2010. There was one resident in attendance in support of the renewal.

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

1. Any expansion or modification beyond the approved Site Plan and Floor Plan shall void the Use Permit and require a new Use Permit application.
2. The number of employees occupying the residential conversion shall not exceed one full-time and three part-time employees.
3. The Use Permit is effective for a period of five (5) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
4. Parking shall occur at the rear of the site. Parking in the front yard is for delivery drop-off and pick-up only.
5. 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.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.

40. USE PERMIT: Oriental Jade

APPROVED Use Permit LUP10-0040, Oriental Jade, Series 12, for the sale of liquor as permitted for on-premise consumption indoors for a new restaurant located at 2950 S. Alma School Road, Suite 2. (Applicant: Lu Dan Hong.)

This new restaurant is located within Ocotillo Plaza, at the NWC of Alma School and Queen Creek roads. Oriental Jade is a new Chinese restaurant in this shopping center that is approximately 2,130 square feet in size. The restaurant is buffet style and is open Monday through Sunday 11 a.m. to 9:30 p.m. There is no representation of live music, pool tables, dancing, gaming, or the like. There is no outdoor patio.

Staff is of the opinion that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use compatibility analysis is a typical retail transaction in commercial districts throughout the City.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 18, 2010. There were no neighbors in attendance. The Police Department has been informed of the application and has not responded with any concerns. Staff has received no correspondence in opposition to this request.

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

1. The Use Permit is granted for a Series 12 Restaurant license only and any change of license shall require reapplication and new Liquor Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area, outdoor patio area, or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
 4. The site shall be maintained in a clean and orderly manner.
41. LIQUOR LICENSE: Oriental Jade

APPROVED a Series 12 Restaurant Liquor License (Chandler #130827 L12) for Dan Lu, Agent, Oriental Jade, Inc., dba Oriental Jade, 2950 S. Alma School Road, Suite 2. A recommendation for approval of State Liquor License #12078508 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

42. USE PERMIT: B-L-D Breakfast Lunch Dinner

APPROVED Use Permit LUP10-0044 B-L-D Breakfast Lunch Dinner, Series 12, for the sale of liquor as permitted for on-premise consumption indoors and within an outdoor patio at a new restaurant within The Shops at Pecos Ranch development located at the NEC of Dobson and Germann roads. (Applicant: Robert Morris, Business Owner.)

This new restaurant is located within The Shops at Pecos Ranch and is one of a few restaurants that will be opening in this center. At this time, Rancho de Tia Rosa and Oregano's will be opening soon. Uncle Bear's has already opened. B-L-D intends to open by March.

B-L-D is a casual restaurant open for breakfast, lunch and dinner daily with the emphasis on breakfast with an espresso bar and lunch. The restaurant is approximately 4,711 square feet with a 697 square foot outdoor patio. The restaurant will have approximately 227 total seats with 180 inside and 47 on the outdoor patio. The restaurant's hours of operation are Monday through Sunday 6 a.m. to 10 p.m. There is no representation of live music, pool tables, dancing, gaming or the like. There are televisions indoors and background music in the restaurant.

Staff is of the opinion that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use compatibility analysis is a typical retail transaction in commercial districts throughout the City.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on January 3, 2011. There were no neighbors in attendance. The Police Department has been informed of the application and has not responded with any concerns. Staff has received no correspondence in opposition to this request.

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

1. The Use Permit is granted for a Series 12 Restaurant license only and any change of license shall require reapplication and new Liquor Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
4. The site and patio shall be maintained in a clean and orderly manner.
43. LIQUOR LICENSE: B-L-D Breakfast Lunch Dinner

APPROVED a Series 12 Restaurant Liquor License (Chandler #132586 L12) for Lauren K. Merrett, Agent, Jack Peterson LLC, dba B L D Breakfast Lunch Dinner, 1920 W. Germann Road. A recommendation for approval of State Liquor License #12078597 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

44. CONTINUED LIQUOR LICENSE: La Parilla Garden Restaurant

CONTINUED TO FEBRUARY 24, 2011, Liquor License, Series 12, for Irene Ramos, Agent, La Parilla Garden Restaurant located at 474 W. Ray Road to allow the applicant time to complete the zoning requirements for their Use Permit. .

45. LIQUOR LICENSE: Outback Steakhouse #0322

APPROVED a Series 12 Restaurant Liquor License (Chandler #132556 L12) for Randy D. Nations, Agent, Outback Steakhouse of Florida LLC, dba Outback Steakhouse #0322, 2520 W. Chandler Boulevard. A recommendation for approval of State Liquor License #12078591 will be forwarded to the State Department of Liquor Licenses and Control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Outback Phoenix II Limited Partnership #0322, dba Outback Steakhouse #0322.

46. LIQUOR LICENSE: Outback Steakhouse #0316

APPROVED a Series 12 Restaurant Liquor License (Chandler #132587 L12) for Randy D. Nations, Agent, Outback Steakhouse of Florida LLC, dba Outback Steakhouse #0316, 1080 N. 54th Street. A recommendation for approval of State Liquor License #12078587 will be forwarded to the State Department of Liquor Licenses and control. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code. Transportation and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Outback Phoenix II limited Partnership, dba Outback Steakhouse #0316.

47. CONTINUED LIQUOR LICENSE: Iguana Mack's

CONTINUED TO FEBRUARY 24, 2011, Liquor License, Series 12, for Michael Thomas Conrad, Agent, 3 Echo, Inc., dba Iguana Mack's located at 1271 N. Alma School Road, to allow the applicant time to complete the requirements for a new Use Permit.

48. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for a Dancing on Ice Fundraising Event on February 12, 2011, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

49. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for a fundraising event featuring Rita Coolidge on February 19, 2011, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

50. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for a fundraising event featuring Frank Sinatra, Jr. on March 19, 2011, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

51. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for a fundraising event featuring Ricky Skaggs on March 26, 2011, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

52. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for a fundraising event featuring Steve Wariner on April 2, 2011, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this

license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

53. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for a fundraising event featuring "Hotel California", A Salute to the Eagles, on April 16, 2011, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

54. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for a fundraising event featuring Sierre Leone's Refugee All Starts on April 30, 2011, at the Chandler Center for the Arts, 250 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

55. SPECIAL EVENT LIQUOR LICENSE: All Sports Foundation, Inc.

APPROVED a Special Event Liquor License for the All Sports Foundation, Inc., dba Prostate On-Site Project for a St. Patrick's Day 2011 event on March 17, 2011, at Kiley's Grill, 2394 N. Alma School Road. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

56. SPECIAL EVENT LIQUOR LICENSE: Praise and Worship Group

APPROVED a Special Event Liquor License for the Praise and Worship Center for their PWC Casino Night fundraising event on February 26, 2011, at 2551 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

57. SPECIAL EVENT LIQUOR LICENSE: Downtown Chandler Community Foundation

APPROVED a Special Event Liquor License for the Downtown Chandler Community Foundation for a Great American BBQ & Beer Festival on March 26, 2011, at Arizona Place and Commonwealth Avenue. A recommendation for approval will be forwarded to the State

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

58. SPECIAL EVENT LIQUOR LICENSE: Downtown Chandler Community Foundation

APPROVED a Special Event Liquor License for the Downtown Chandler Community Foundation for the 8th Annual Classic Car & Hot Rod Show on February 26, 2011, at Dr. AJ Chandler Park, 3 S. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

59. SPECIAL EVENT LIQUOR LICENSE: Chandler Chamber of Commerce

APPROVED a Special Event Liquor License for the Chandler Chamber of Commerce for a Chamber Mixer Ostrich Festival Event Kickoff on March 10, 2011, at Thorobred Chevrolet, 2121 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

60. SPECIAL EVENT LIQUOR LICENSE: Chandler Chamber of Commerce

APPROVED a Special Event Liquor License for the Chandler Chamber of Commerce for the Ostrich Festival to be held March 11-13, 2011, at Tumbleweed Park, 2250 S McQueen Road. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

61. SPECIAL EVENT LIQUOR LICENSE: American Legion Post 35

APPROVED a Special Event Liquor License for the American Legion Post 35 for their 4th Annual Car and Bike Show fundraiser on March 5, 2011, at 2240 W. Chandler Boulevard. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license and the applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Resources.

62. SPECIAL EVENT LIQUOR LICENSE: Anytown America, Inc.

APPROVED a Special Event Liquor License for Anytown America, Inc. for their Valentine Fundraising Event on February 12, 2011, at Leonardo's, 2020 N. Arizona Avenue. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

63. SPECIAL EVENT LIQUOR LICENSE: Southwest Youth Ballet Theatre

APPROVED a Special Event Liquor License for the Southwest Youth Ballet Theatre for the Dance and Romance Fundraiser on February 4, 2011, at Inspirador, 63 E. Boston Street.. A recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control. With a Special Event Liquor License, the organization can sell all alcoholic beverages within the confines of the event during the designated event periods. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

ACTION:

64. 2010 ONE YEAR ACTION PLAN AMENDMENT

Res. #4491

ADOPTED Resolution 4491 amending the 2010 One Year Action Plan and authorizing submission of a Substantial Amendment to the U.S. Department of Housing and Urban Development amending funding and activities under the Community Development Block Grant Program (CDBG) to include Voluntary Demolition.

Staff has identified a number of vacant residential structures that are clearly no longer habitable. Demolition of structures that contribute to slum and blight is an eligible Community Development Block Grant Program activity.

The City has identified and been working with 12 residential properties that are a blighting influence on their surrounding neighborhood. Six properties may be good candidates to participate in a voluntary demolition program.

Guidelines for the Voluntary Demolition Program include:

- The program is available to owners of residential properties in Chandler that have been vacant for at least 90 days and are current on all taxes.
- An Evaluation Team consisting of Code Enforcement, Community Development and other staff will review and approve applications for the Voluntary Demolition Program.
- An Environmental review will be completed prior to approval of any demolition work.
- All lien holders will be required to sign the program application form authorizing their approval to demolish the structure(s) on the property.
- The owner(s) will provide 25% matching funds for the demolition of their property.
- The owner will be responsible for maintaining the property after the demolition is complete.

The Substantial Amendment describes the new demolition program and reallocates \$140,000 from the current Housing Rehabilitation Program to the new Voluntary Demolition Program. Staff

has evaluated the rate of expenditure of funds for the Housing Rehabilitation Program and is confident the reallocation of funds for the Demolition Program will have minimal effect on Housing Rehabilitation Program delivery.

All costs associated with the Voluntary Demolition Program will be paid by the federal government and do not require repayment on the part of the City of Chandler.

The Housing and Human Services Commission held a public hearing on the Voluntary Demolition Program during their January 12, 2011, regular meeting. The Commission unanimously recommended Mayor and Council approval of the program as presented.

Discussion:

MAYOR TIBSHRAENY stated he had asked for the item to be brought forward as another tool to work in neighborhoods. He stated that the program would help destroy substandard structures. He indicated that staff had identified a number of vacant residential structures that are no longer inhabitable. He believed that the voluntary program could be a positive influence on the City's ability to better sustain neighborhoods.

Neighborhood Resources Director JENNIFER MORRISON explained to the Council the proposed Voluntary Demolition Program. She stated that the action on the agenda related to the substantial amendment to the City's Community Development Block Grant (CDBG) Program. She explained that a substantial amendment was done anytime the addition of a program or any type of change in the annual plan of Community Development occurred. She stated that the major objectives for the expenditures of CDBG funds was to benefit low to moderate income persons, elimination of slum and blight and to meet an urgent community development need such as a major disaster such as a hurricane or flood.

Ms. Morrison explained that the voluntary program that the City was proposing would be a voluntary partnership to collaborate with owners of residential properties. She noted that CDBG funds had been used in the past for acquisition and demolition of properties that were grouped together for the purposes of a redevelopment site. She told the Council it was the first time that the program was being offered through CDBG to owners of residential properties. She stated that among the key points of the program was that the property has to be vacant for 90 days as forced relocation would not be something that would be done. The property must be current on all taxes and a lien check will be done on the property with all lien holders agreeing to the application of the use of the funds. She stated that City team comprised of Code Enforcement staff, Community Development staff and other staff deemed applicable to evaluate applications due to the limited amount of funding. She added that there would be priority given to projects that were very blighting in neighborhoods, burned out, present a crime or other more particular urgent needs. Ms. Morrison further stated that the owner would have to provide a payment for 20% of the total cost or agree to have the property lien. She stated that the owner would either have to agree to give a payment at the close of the demolition or the property will be lien. She noted that the property owner must maintain the property post clearance. She then showed the Council and the audience examples of the types of properties that were anticipated to be demolished.

COUNCILMEMBER ORLANDO thanked Mayor Tibshraeny for bringing the item forward. He asked if asbestos remediation would preclude the City from demolition.

MS. MORRISON noted that the City and the Federal government had protocols when properties are demolished. She stated that asbestos testing and in some cases testing for lead based paint

was required. She stated that if there was presence of that in a property then the property must be remediated. She explained that the City has to follow the same testing protocol when the City acquires properties along the right of way and has to demolish a house. She noted that demolish costs included the title search, environmental testing, abatement, and demolition. She stated that the City would need to do abatement of any asbestos that is found but she noted that it was a typical thing to do pre-demolition.

In a response to a question from Councilmember Orlando, Ms. Morrison stated the property would be remediated and then demolition would proceed.

COUNCILMEMBER ORLANDO questioned if the property owner would be responsible for all of the remediation or just a percentage.

MS. MORRISON responded that staff would do a walkthrough, scope of work and get bids for the demolition from contractors. An environmental consultant would then be brought out to do some preliminary testing and do an estimate. She stated that an estimate would then be provided to the property owner and would include all of the costs. The property owner would then commit to the 25% of the total.

COUNCILMEMBER HEUMANN questioned whether staff would evaluate whether a project would take a large amount of money to remediate. He stated that there could be other properties that could be worked on.

MS. MORRISON concurred.

VICE-MAYOR DONOVAN noted that there were homes near the Downtown area that were in need of work.

MOVED BY VICE-MAYOR DONOVAN, SECONDED BY COUNCILMEMBER HEUMANN TO ADOPT RESOLUTION NO. 4491 AMENDING THE 2010 ONE YEAR ACTION PLAN AND AUTHORIZING SUBMISSION OF A SUBSTANTIAL AMENDMENT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AMENDING FUNDING AND ACTIVITIES UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) TO INCLUDE VOLUNTARY DEMOLITION.

MOTION CARRIED UNANIMOUSLY (7-0)

CURRENT EVENTS:

A. Mayor's Announcements

Mayor Tibshraeny announced Community Budget Meetings taking place February 1 at the Basha Library, February 9 at the Sunset Library and February 16 at the Downtown Chandler Library. He encouraged Chandler residents to attend.

Mayor Tibshraeny announced there were still openings to attend the Non-Traditional Homeowners Academy.

Mayor Tibshraeny noted that the Bus Rapid Transit Line dedication had taken place. He thanked those had attended and thanked Vice-Mayor Donovan for her regional efforts on the board in

keeping the project in Chandler.

Mayor Tibshraeny also announced that the Legislature was in session. He stated that legislation that could impact the City's budget would be closely looked at.

B. Councilmembers' Announcements

COUNCILMEMBER SELLERS noted that he and Economic Development Specialist LORI QUAN attended a groundbreaking for a company on Price road called Digital Realty Trust. He stated that the company was the largest supplier for wholesale data center space. He stated that the company was constructing an additional 225,000 square feet that would bring 136 more jobs into Chandler and bring in \$30 million dollars for local suppliers.

COUNCILMEMBER HARTKE commended Neighborhood Resources Director Jennifer Morrison and Community Resources & Diversity Manager LEAH POWELL for their work on providing numbers for the City's homeless count that the City was required to provide.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 7:40 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: February 10, 2011

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 January 2011. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of February 2011.

City Clerk