

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, June 27, 2013 at 7:10 p.m.

THE MEETING WAS CALLED TO ORDER BY MAYOR JAY TIBSHRAENY.

The following members answered roll call:

Jay Tibshraeny	Mayor
Jack Sellers	Vice-Mayor
Trinity Donovan	Councilmember
Nora Ellen	Councilmember
Kevin Hartke	Councilmember
Rick Heumann	Councilmember
Jeff Weninger	Councilmember

Also in attendance:

Rich Dlugas	City Manager
Pat McDermott	Assistant City Manager
Marsha Reed	Assistant City Manager
Glenn Brockman	Asst. City Attorney
Marla Paddock	City Clerk

INVOCATION: Pastor Tyronne Stowe – Gospel 4 Life Church

PLEDGE OF ALLEGIANCE: Marsha Reed, Assistant City Manager led the Pledge.

CONSENT:

MOVED BY COUNCILMEMBER DONOVAN, SECONDED BY COUNCILMEMBER HARTKE, TO APPROVE THE CONSENT AGENDA AS PRESENTED.

COUNCILMEMBER WENINGER STATED HE WOULD VOTE NO ON ITEM 7. He stated he would like to see further negotiations before proceeding to imminent domain.

COUNCILMEMBER ELLEN DECLARED A CONFLICT OF INTEREST ON ITEM 12.

MOTION CARRIED UNANIMOUSLY (7-0) with the exceptions noted.

1. MINUTES:

APPROVED the following Chandler City Council Meeting Minutes:

- 1a. Special Meeting of June 10, 2013.
- 1b. Regular Meeting of June 13, 2013.
- 1c. Special Meeting of June 13, 2013.

2. CITY CODE AMENDMENT: Chapter 29 Ord. #4452

ADOPTED Ordinance No. 4452 amending Chapter 28, Building Regulations, of the Code of the City of Chandler, adopting the 2012 editions of the International Code Council series of codes and the 2011 National Electrical Code.

3. CITY CODE AMENDMENT: Chapter 28 Ord. #4466

ADOPTED Ordinance No. 4466 amending Chapter 28, Fire Prevention, of the Code of the City of Chandler, adopting the 2012 International Fire Code, as amended.

4. 2013-2014 PROPERTY TAX LEVY Ord. #4456

ADOPTED Ordinance No. 4456 approving the 2013-2014 Property Tax Levy to become effective immediately.

BACKGROUND

State law requires that the tax levy necessary for funding the adopted budget be established by ordinance and be adopted fourteen (14) days following the public hearing and the final adoption of the budget, not later than the third Monday in August (8/19/13). As this tax levy ordinance is an administrative method of setting apart funds necessary for use and maintenance, it does not require an extraordinary (3/4) vote to make it effective immediately. This determination is based on a Supreme Court decision and is fully explained in the Municipal Budget and Financial Manual provided by the Arizona League of Cities and Towns.

Ordinance No. 4456 follows the prescribed form recommended for adoption and establishes a tax levy of an estimated \$27,596,000 set forth in the 2013/14 Budget. In this ordinance, the Chandler City Council directs the County of Maricopa to levy the amount allowed by law. The total tax rate will be \$1.2714 per \$100 of assess valuation. Property value estimates have been received from the County Assessor's office and are available for public inspection in the City of Chandler office of the City Clerk and the Management Services Department.

5. CITY CODE AMENDMENT: Chapter 38 Ord. #4459

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4459 rescinding and replacing Chapter 38 of the City Code, System Development Ordinance.

BACKGROUND/DISCUSSION

In fiscal year 2010-11, Senate Bill (SB) 1525 (50th Legislature – First Regular Session) redefined a municipality's ability to assess system development fees (a.k.a. impact fees) effective December 31, 2011, essentially rewriting Arizona's Impact Fee Enabling Act for Municipalities. This legislation required several actions by cities and towns.

The primary intent of the new legislation was to increase standardization of the development fee process across cities and towns. The previous legislative language was vague in some areas and silent in others, which led to differing interpretations from city to city. Among other things, the new legislation redefined some of the "types" of system development fees. Key among those changes are: Park Development Fees are limited for use on parks less than 30 acres, Library Development Fees are limited to libraries under 10,000 square feet, Fire and Police Development Fees are no longer eligible for training facilities or administrative buildings, and Public Building Development Fees have been eliminated. The legislation also required cities and towns to

modify existing system development fees by January 1, 2012, to adjust for the newly defined limitations. The City of Chandler incorporated these changes in Resolution No. 4544 adopted on October 12, 2011.

In addition to changes to the types of fees to be charged, the legislation also required that each city and town amend local policies and procedures to comply with the State legislation by August 1, 2014. To help standardize the process, the Arizona League of Cities and Towns drafted a model ordinance to provide a starting point for cities to use to incorporate the new legislation, while allowing them to personalize local definitions and policies. The model ordinance was crafted with the assistance of legal advisors, consultants (including Duncan & Associates, the City of Chandler's System Development Fee consultant) and representatives from various cities and towns (including the City Engineer from the City of Chandler).

Representatives from the Management Services Department, Transportation & Development Department, City Attorney's Office and Duncan & Associates have reviewed the model ordinance and updated and renamed Chapter 38 of the City Code as "System Development Fees," to be known as the "System Development Fee Ordinance of the City of Chandler". Staff has analyzed the variations between the Arizona League of Cities and Towns' model ordinance and ordinance No. 4459 and characterizes those variations as clarifications to incorporate existing practices into the ordinance, clearly define the public hearing and approval process, the conditions for issuing credits, the conditions for issuing refunds and allowing for correction of errors.

This ordinance sets forth standards and procedures for creating and assessing system development fees consistent with the requirement of Arizona Revised Statutes, but does not revise the amount of Chandler's system development fees. Development fees, established in January 2012 as a result of the new legislation, remain in effect until the City completes an Infrastructure Improvement Plan (IIP) and adopts a new fee structure, which must be completed by August 1, 2014. The update of Chandler's IIP is currently in process and will be followed by discussions on land use assumptions, service areas, etc. Recommendations to a new fee structure will be proposed to Council and vetted through a series of public meetings well in advance of the August 1, 2014 deadline.

6. EASEMENT: Roadrunner Park

Ord. #4462

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4462 granting an easement for ingress and egress to the Roosevelt Water Conservation District (RWCD) on Roadrunner Park property to provide access to the RWCD's adjacent canal right-of-way and well site.

BACKGROUND/DISCUSSION

RWCD has a well site that is located at the east side of Roadrunner Park adjacent to the RWCD canal. The City is in the process of developing Roadrunner Park. Previously, RWCD gained access to their well site over a non-exclusive irrigation pipe easement that runs through the park. However, with the development of the park, RWCD must now gain access to their canal right-of-way over a strip of land approximately 40 feet long at the northeast corner of the park at the intersection of Lark Drive and Huachuca Way. RWCD is requesting that the City grant them a no cost easement for ingress and egress over this parcel to provide access. Allowing RWCD to continue using this strip of land will also be safer for citizens using the park once development has been completed. The proposed easement contains approximately 722 square feet.

Staff has reviewed and approved the legal description for the proposed easement and recommends the easement be granted at no cost as it benefits the development of the park property and protects the safety of the public using the park property.

7. LAND ACQUISITION: Price and Queen Creek Roads Res. #4680

COUNCILMEMBER WENINGER VOTED NAY.

ADOPTED (6-1) Resolution No. 4680 authorizing the acquisition of approximately 37 acres of vacant land located adjacent to the SWC of Price and Queen Creek roads at its appraised value plus closing and escrow fees; and authorize the Real Estate Coordinator to sign, on behalf of the City, the purchase agreement and any other documents necessary to facilitate this transaction; and authorize eminent domain proceedings as needed to acquire said real property and to obtain immediate possession thereof.

BACKGROUND/DISCUSSION

The City of Chandler needs to acquire approximately 37 acres of vacant land adjacent to the Ocotillo Water Reclamation Facility located near the southwest corner of Price and Queen Creek roads. The acquisition is needed for construction of a water reclamation facility. Discussions with the property owner have been conducted over the past 12 months. The City submitted a formal written offer to purchase the property in February 2013 at the appraised value of \$6,440,000 (\$4.00 per square foot). This offer was rejected and further negotiations have not been successful.

Resolution No. 4680 authorizes acquisition of real property either by purchase or by eminent domain (condemnation) proceedings. Staff will continue to negotiate with the property owner for a reasonable period, after which eminent domain proceedings will be initiated as needed to acquire the real property and to obtain immediate possession.

8. PROJECT AGREEMENT: Maricopa Association of Governments Res. #4684

ADOPTED Resolution No. 4684 authorizing a project agreement with the Maricopa Association of Governments (MAG) for regional reimbursement for design, right-of-way acquisitions, and construction for the McQueen Road (Ocotillo to Riggs) Arterial Capacity Improvement Project in the amount of \$6,482,227.05. The reimbursements are programmed to occur in fiscal year 2017, 2018, 2019 and 2020 and may be adjusted annually for inflation in accordance with MAG policies. These improvements are based upon the City's Transportation Master Plan Update (April 2010) for a 20-year design life.

TRANSPORTATION COMMISSION RECOMMENDATION

The Transportation Commission reviewed the Project Agreement on June 20, 2013, and recommended approval.

9. INTERGOVERNMENTAL AGREEMENT: AZ Department of Public Safety Res. #4696

ADOPTED Resolution No. 4696 authorizing an Intergovernmental Agreement (IGA) with the State of Arizona through the Department of Public Safety (DPS) for the Chandler Police Department to participate in the State Gang Task Force, and authorizing the Police Chief to administer, execute and submit all documents and other necessary instruments in connection with such IGA.

The DPS will pay Chandler 75% of the salary and 100% of pre-authorized Task Force-related overtime of the assigned officer. DPS will assign and maintain a vehicle to the assigned officer. The work of the State Gang Task Force is to combat criminal gang activity in Arizona.

FINANCIAL IMPLICATIONS

The Police Department will pay 25% of the officer's salary and benefits. Prior to participation, the Police Department was paying 100% of the officer's salary.

10. PRELIMINARY DEVELOPMENT PLAN: Finisterra

APPROVED Preliminary Development Plan, PDP13-003 Finisterra, for housing product for a single-family residential subdivision located east of the SEC of Lindsay and Ocotillo roads. (Applicant: Lara Shaffer; Ryland Homes.)

BACKGROUND

The subject site is located east of the southeast corner of Lindsay and Ocotillo roads. North and east of the site are properties within the jurisdiction of the Town of Gilbert. West is the recently approved and under construction Pastorino Dairy (now called Vaquero Ranch), single-family subdivision. South is agricultural land within the jurisdiction of Maricopa County.

The subject site was approved in early 2012 for a 133-lot single-family subdivision for layout only, with a condition implying that a future PDP would be required for housing product approval.

As presented, three single-story and four two-story homes are provided. Of the single-story homes, two have second story dormer options. Square footages range in size from 2,059 up to 4,600. Various options are provided ranging from second-story options to three-car garages.

As part of the 2012 approval for subdivision layout, the development had to meet design criteria as outlined in the Residential Development Standards and housing product. Since all of the lots are not greater than 10,000 square feet, all nine required points and seven optional points are required. The development meets the required nine diversity standards. Seven elevation styles are provided including Craftsman, French Country, Hacienda, Italian, Ranch Territorial, Spanish and Tuscan; three for each floor plan. Various architectural embellishments include window mullions, arched windows, shutters, iron detailing, board and batten, stone elements and prescribed garage doors per architectural style. Concerns with box-on-box designs for two-story homes are remedied through the use of a variety of roof lines and pitches. The option of the second story dormer only occupying a portion of the building footprint ensures variety as well.

The Planning Commission and Planning Staff support the request citing that the housing product represents another quality addition to Chandler's housing stock and with the incorporation of a number of different elevations, diversity throughout the subdivision will be ensured. Additionally, with the option of providing second story living options on both the 208 and 210.1 plans, 25 different housing options are available for the subdivision.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 16, 2013. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

RECOMMENDED ACTION

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

1. Development shall be in substantial conformance with the Development Booklet entitled "FINISTERRA", kept on file in the City of Chandler Planning Division, in File Nos. DVR11-0038 and PDP13-0003, except as modified by condition herein.
2. Compliance with original stipulation adopted by the City Council in Ordinance No. 4352, in case DVR11-0038 FINESTERRA, except as modified by condition herein.
3. All homes built on corner lots within the residential subdivision shall be single-story, or the second-story component shall be a maximum of 75% of the building footprint and oriented to the inside lot line.
4. The same floor plan and elevation shall not be built side-by-side or directly across the street from one another.
5. For lots adjacent to an arterial street, two-story homes are limited to every third lot, with no more than two, two-story homes built side-by-side.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

11. MEMBERSHIP DUES: League of Arizona Cities and Towns

AUTHORIZED payment of FY 2013/14 membership dues to the League of Arizona Cities and Towns in the amount of \$88,250.00.

BACKGROUND

The City of Chandler is an active member of the League of Arizona Cities and Towns. Each year cities are assessed annual dues based on a per capita formula and minimum base fee. For cities with populations over 200,000, the dues for FY 2013/14 are capped at \$88,250.00.

The League works closely with the City's Intergovernmental Affairs Coordinator in providing legislative and lobbyist assistance to its member cities. When the issue is of statewide concern, the League will take the lead position, freeing up the time for the City's Intergovernmental Affairs Coordinator to focus on issues of concern to the city. As has been evidenced, this assistance is critical during the legislative session and allows for cities to work together on issues of regional and municipal interest.

12. MATCHING GRANT: D'Arcy Ranch Homeowner's Association

COUNCILMEMBER ELLEN DECLARED A CONFLICT OF INTEREST.

APPROVED (6-0) a matching grant to the D'Arcy Ranch Homeowners Association for the installation of gravel along major arterial and collector streets in the amount of \$5,000.00.

BACKGROUND

D'Arcy Ranch is located south of Ray Road, west of Federal Street and east of Country Club Way. The community is applying for grant funds to replace and install gravel along Ray Road and a portion of the retention basin at the southeast corner of Ray Road and Country Club Way to enhance the appearance of their community.

D'Arcy Ranch is an approximately 20-year old community that is beginning to show signs of age. The residents were asked to provide input on an improvement project through the HOA newsletter, the annual HOA meeting and the HOA Project Committee. The residents determined that there was a need to enhance the image of the neighborhood by installing and replenishing gravel along major arterial and collector streets that are visible to the public.

STANDARD CONDITIONS

Applicants of the HOA Matching Grant must meet four required standard conditions to be eligible for a grant award. The conditions include neighborhood safety, neighborhood outreach, neighborhood education and a final presentation to the Neighborhood Advisory Committee (NAC) upon completion of the project. The D'Arcy Ranch residents have agreed to implement several community activities to address the grant requirements.

1. Neighborhood Safety: To address neighborhood safety, D'Arcy Ranch HOA held a neighborhood Block Watch presentation prior to a board meeting in October. Since then, three neighborhood volunteers have enlisted to be Block Watch Captains. Their goal is to bring more volunteers forward within the next year to grow Block Watch within their community.
2. Neighborhood Outreach: D'Arcy Ranch HOA plans to continue their efforts to offer outreach services to their members. The community will continue to provide information on their community web site and their quarterly newsletter. Additionally, the community has held neighborhood block parties and will continue to explore and support this activity designed to bring neighbors together.
3. Neighborhood Education: D'Arcy Ranch HOA board members believe that the more informed their neighbors are the more effective their neighborhood can be. They plan to take their educational efforts to another level by offering a presentation to the community titled "Why does my neighborhood have an HOA and what does it do for me?" The Board plans to conduct this presentation at their next Annual HOA Membership meeting, which will be held in January 2014. In addition, four Board members of D'Arcy Ranch HOA have attended the City of Chandler's HOA Academies.
4. Final Presentation to the NAC: D'Arcy Ranch HOA residents fully intend to provide the NAC with a final presentation upon completion of the grant and its requirements.

NEIGHBORHOOD ADVISORY COMMITTEE VOTE

The motion to approve passed unanimously 5 – 0 with one committee member absent.

FINANCIAL IMPLICATIONS

The overall goal of the D'Arcy Ranch HOA is to replenish gravel throughout the entire community. The Board members calculated that this goal would cost close to \$50,000.00, which would bring their reserve account to dangerously low levels. Therefore, the community decided to break the project into five stages. Stages one and two were completed last year. This year, the HOA estimated that they could spend approximately \$10,000.00 to complete stage three and a portion of stage four. If the HOA is not approved for grant funds, they will be forced to reassess their overall beautification project goal and scale back their project for this year.

D'Arcy Ranch HOA has provided three bids and estimated the total project cost to be approximately \$15,285.00. The HOA is requesting City of Chandler grant funds in the amount of \$5,000.00 and the HOA will be contributing \$10,285.00 to complete the project. The HOA provided two-year financial information for the Grant Committee to review and to establish the need for the grant.

13. PUBLIC DEFENDER AGREEMENT

APPROVED the public defender agreement with Scott C. Silva for a period of one year with the option to renew for up to three, one-year extensions with the same terms and conditions.

14. AGREEMENT EXTENSION: Brooks Bros. Utility Contractors, LLC

APPROVED Agreement No. TE9-968-2756, extension, with Brooks Bros. Utility Contractors, LLC, for streetlight upgrades and replacements in an amount not to exceed \$150,000.00. This is the final of four optional one-year renewals.

15. PROJECT AGREEMENT AMENDMENT: Dibble Engineering

APPROVED Project Agreement No. AI1204-201, Amendment No. 1, with Dibble Engineering for the Airport Automated Weather Observation System (AWOS), pursuant to Annual Contract #EN1005-101, in an amount not to exceed \$18,440.00 for a revised total contract price of \$41,208.00.

City Staff, Dibble Engineering and its subcontractors have had an unexpected, significant increase in involvement due to contractor's poor performance on this project. The contractor's inexperience with the project requirements, specifications and contract documents, has caused extreme delay of project completion. The contract has also had excessive submittals to be reviewed and requests for information to be answered by Dibble and their subcontractors. Included in the amendment is a not-to-exceed allowance to cover Dibble's support services to the City for contractor's claims. City Staff will be assessing liquidated damages on the construction contract due to the contractor not being substantially complete by the contract date.

16. AGREEMENT: VIP Roofing Services, LLC

APPROVED Agreement No. BF3-910-3249 with VIP Roofing Services, LLC, for roofing repair and maintenance not to exceed \$127,633.72 for a two-year period with provisions to extend for three additional one-year periods.

17. AGREEMENT: C&I Show hardware & Security Systems, Inc.

APPROVED Agreement No. BF3-910-3257 with C&I Show Hardware & Security Systems, Inc., for re-keying of City facilities in an amount not to exceed \$127,633.72.

The City's current key system has been in place for more than ten years. The patent on the keyway has expired and key blanks can be procured and keys duplicated by any locksmith/key shop. The industry standard is that hard key systems should be replaced approximately every ten years due to lost keys, remodels and reorganizations, all of which require modifications to the existing key system.

The new key system that the City has specified is covered by a patent until the year 2029. The key system utilizes a multiple keyway hierarchy and is the most advanced non-electronic hard key system available today. The system was chosen by a committee consisting of Buildings and Facilities personnel and representatives from every department in the City. After a yearlong review, the committee agreed that this was the best choice for all City facilities.

The re-key will occur in increments and will be achieved utilizing current City staff. The cores and keys will be cut and assembled at the manufacturer and shipped to the distributor. The City will obtain the cores and keys as needed to install in the various facilities.

Included in this agreement is the procurement of two key cutting machines and three core pinning kits to allow City staff to cut new keys and create new cores as needed after the initial installation. Also included is a new Key Control Database. This will be programmed with all doors and keys prior to initial installation.

18. AGREEMENT: HVAC Repair, Maintenance and Service

APPROVED Agreement No. CS3-910-3208 with Frontier Mechanical AZ, Inc., dba FMI Heating & Cooling, TD Industries, and United Technologies, Inc., dba Uni-Tech, for HVAC repair, maintenance and service in an amount not to exceed \$450,000.00 for a two-year period with provisions to extend for three additional one-year periods.

19. AGREEMENT AMENDMENT: The Groundskeeper

APPROVED Agreement No. PM1-988-2974, Amendment No. 1, with Environmental Earthscapes, dba The Groundskeeper, for City Parks Mowing Services in an amount not to exceed \$191,024.22 per year for two years for a total amount not to exceed \$382,048.44.

20. AGREEMENT AMENDMENT: The Shannon S. Martin Company, Inc.

APPROVED Agreement No. CS1-910-3003, Amendment No. 1, with The Shannon S. Martin Company, Inc., for cleaning of City Park Restroom Facilities in an amount not to exceed \$115,000.00 per year for two years; for a total amount not to exceed \$230,000.00.

21. PROJECT AGREEMENT: Ritoch-Powell & Associates

APPROVED Project Agreement No. WA1306-201 with Ritoch-Powell & Associates for design services of a joint Municipal Utilities Maintenance and Police Storage Facility, pursuant to Annual Contract #EN1002-101, in an amount not to exceed \$131,591.00.

The Municipal Utilities and Police Departments are in need of maintenance and storage facilities. Space is available at the Surface Water Treatment Plant located on Pecos Road. When completed, a new 12,300 square-foot storage/maintenance building for Water Production will provide working space for welding, equipment and instrumentation maintenance. The facility will also provide storage for small parts inventory. The Police Department's area will provide 3,500 square feet of storage space for large police vehicles.

22. AGREEMENT AMENDMENT: Water/Wastewater Equipment Repair and Maintenance

APPROVED Agreement No. WA0-936-2649, Amendment No. 3, with Phoenix Pumps, Inc., Foster Electric Motor Service, Inc., Arizona Pneumatic Systems, Inc., Gilbert Pump and Equipment Company, Weber Group L.C., Precision Electric Co., Inc., Keller Electrical, Inc., Layne Christensen Company, and Hennesy Mechanical Sales for water/wastewater equipment repair and maintenance in an amount not to exceed \$1,630,000.00.

23. AGREEMENT AMENDMENT: Liberty Iron and Metal Southwest LLC

APPROVED Agreement No. SW1-926-3007, Amendment No. 1, with Liberty Iron and Metal Southwest LLC for metal recycling services. This is the first of two optional two-year renewals.

In 1995, Solid Waste Services implemented a recycling program for scrap metal items self-hauled by residents to the landfill for disposal. Over time, the City implemented other waste reduction programs for cardboard, electronics, small appliances, carpet, foam padding, tires, wooden pallets, corrugated plastic signs and reusable goods.

Scrap metal generates the greatest quantity of recyclable material and revenue. Due to tonnage and revenue generated from scrap metal, the City maintains a separate agreement for collection and marketing of scrap metal materials.

The American Metal market is the commodity index used to determine the price per ton for scrap metal revenue in this contract. Revenue and tonnage for scrap metal fluctuates based on what residents self-haul to the Recycling Solid Waste Collection Center, collected through curbside bulk collection and the current market value.

During the current two-year contract term, \$324,226.00 in revenue was generated as a result of recycling scrap metal.

24. AGREEMENT EXTENSION: Consultant Engineering, Inc.

APPROVED an Agreement Extension with Consultant Engineering, Inc. for development on-call inspection services, pursuant to Project No. EN1202-101, in an amount not to exceed \$110,000.00.

Recently, private development and utility permit issuance has increased to the point that warrants additional City inspection services. There is a 12% year-to-date increase in encroachment permits issued when compared to this time last year. Some of these permits involve large projects that require extra attention and inspection. This contract will provide a part-time inspector only for no more than twenty hours per week. The consultant inspector will focus on utility issues to keep current on permits and other related issues.

25. CONTRACT AMENDMENTS: Entellus Inc.

APPROVED Contract No. ST0809-201, Amendments No. 4 and 5, with Entellus, Inc., for design consultant services for Gilbert Road (Queen Creek to Hunt Highway) in the amounts of \$24,236.00 and \$110,000.00, respectively, for a revised contract total of \$3,277,273.00.

On September 13, 2012, the City entered into an Intergovernmental Agreement (IGA), Resolution No. 4640, with the Arizona Department of Transportation (ADOT) for transfer of jurisdiction and operations and maintenance responsibilities to the City for Arizona Avenue from Ocotillo Road to approximately 1,325 feet south of Riggs Road. In this IGA, in return for the City accepting jurisdiction of this section of Arizona Avenue, ADOT committed to transfer \$4.5 million in federal funds to the City to be used on either the Gilbert Road project or the McQueen Road project.

Contact Amendment No. 4 was to accommodate design changes for new development on the corridor. Contract Amendment No. 5 is for an alternate drainage design at the Roosevelt Water Conservation District (RWCD) north pond and an alternate roadway alignment at the RWCD south pond to resolve right-of-way certification need for federal obligation. This amendment also

includes modifications to the Phase 3 project plans, specifications, and estimate for federal low bid construction compliance.

26. PURCHASE: Asphalt Rubber Crack Sealant Material

APPROVED the purchase of asphalt rubber crack sealant material from Crafcoc, Inc., utilizing the Arizona Department of Transportation Contract No. ADOT12-024885, in an amount not to exceed \$200,000.00.

27. PURCHASE: Waterborne Fast Dry Traffic Paint

APPROVED the purchase of waterborne fast dry traffic paint from Sherwin-Williams, utilizing the State of Arizona Contract #ADSP013-026307, and from Ennis Paint, Inc., utilizing the State of Arizona Contract #ADSP013-026308, for a combined total amount not to exceed \$125,000.00.

28. SOLE SOURCE PURCHASE: Leopold Underdrain Material

APPROVED the sole source purchase of Leopold underdrain material from Coombs-Hopkins for Chandler Surface Water Treatment Plant filter repair, in an amount not to exceed \$56,388.00. Coombs-Hopkins is the exclusive regional distributor for the Leopold underdrain material. The manufacturer provided a 5% discount off the list price for the underdrain material.

29. SOLE SOURCE PURCHASE: Large Meters and Meter Parts

APPROVED the sole source purchase of large meters and meter parts from HD Supply Waterworks, in an amount not to exceed \$350,000.00. HD Supply Waterworks is the exclusive distributor of the requested meters and meter parts.

30. PURCHASE: Audio and Video Equipment and Services

APPROVED the purchase of audio and video equipment and services from EAR Professional Audio Video, utilizing the State of Arizona Contract #ADSP012-032706, in an amount not to exceed \$192,527.74.

The Panasonic cameras currently being used in the Channel 11 studio are more than 17 years old and are in need of replacement. In addition, the edit systems are also very old and outdated equipment that was being used in the video studio in the Library and need to also be replaced. These edit systems are no longer being manufactured or supported by the manufacturer. The Video Production Division will be purchasing a three complete studio camera package to include all the camera and accessories for the studio as well as the camera cables and control panels, which are used in the Control Room. The new cameras will be of digital quality and are capable of producing HD video. Also being purchased are three turnkey edit systems. These edit systems will be interconnected with shared memory and external disc drives that will allow for archival storage. The new edit system will also have HD capacity and provide for a much higher edit function than the current edit systems allow. The fact that these three edit stations will talk to each other ensures much more flexibility in edit decisions. Staff will also be able to digitally archive the huge videotape library that is currently aging and deteriorating at a rapid rate. The two systems will be purchased for CAPA's Video Production Division in July 2013. The video edit system and studio cameras will be delivered and installed in the Video Production Studio and Control Room as well as the Edit Suites and Headend room. This purchase is necessary because the studio cameras and the edit systems are considered legacy equipment that is no

longer being manufactured or supported by the companies that originally built them. They are also in analog format which can no longer be purchased or supported. The normal life expectancy for video equipment is typically around 5 to 7 years. As previously stated, the current studio cameras are more than 17 years old and the edit systems are over 10 years old. Technology and formats have changed so much over the past decade that the existing camera and edit systems are considered obsolete.

31. USE PERMIT: Eva's Mi Amore

APPROVED Use Permit ZUP12-0035, Eva's Mi Amore, extension to operate a wedding planning and bridal service office in a converted residence in the SF-8.5 Single-Family Residence zoning district located at 598 W. Chandler Boulevard. (Applicant: Eva Paez.)

The request was continued from the April 25, 2013, City Council meeting to allow the applicant additional time to address landscaping concerns identified by the Planning Commission such as weeds and a lack of landscape materials. Planning Staff met with the applicant and property owners on-site to discuss options and ongoing maintenance. The site's flood-irrigation was removed some time ago and no irrigation system exists. All weeds have been removed and a heavy pre-emergent was applied. Six oleander bushes were planted along Hartford that, once mature, will act as a 'green' parking screen wall. A single oleander tree was planted along Chandler Boulevard with a second oleander tree to be planted along Hartford Street at a later date once the City moves forward with the Hartford Street sidewalk project. Finally, annual flowers were planted in the building's two front planter boxes.

BACKGROUND

The request is for Use Permit approval to continue the operation of a wedding planning and bridal service office in a converted residence in the SF-8.5 Single Family Residence zoning district on Chandler Boulevard for commercial use. Hours of operation are 8 a.m. to 5 p.m. Monday through Friday. Customers are by appointment only as referrals from a related retail business. The subject business involves primarily wedding planning and wedding dress/tuxedo alterations. The business has a total of three (3) employees. Only the business manager may be present every day.

The site is located at the northeast corner of Chandler Boulevard and Hartford Street. There is a brick marquee in the front yard where previous businesses had signage approved. The main 4-space parking lot is accessed via the paved alley off of Hartford Street. There is space for about two vehicles in the driveway accessed directly from Chandler Boulevard.

Previous Use Permits for the site were issued in 1993 to operate an administrative office center, in 1997, 1999 and 2004 to operate a tax and accounting office, in 2006 and 2008 to operate a real estate business and in 2010 for a manufacturing company's corporate/sales office.

Most recently in October 2011, a Use Permit was approved for one year to operate Eva's Mi Amore with conditions specific to parking and site upkeep. This request is for an extension of that Use Permit for the continued operation of the business. Eva's Mi Amore has been in business since the 2011 approval at this location. Eva's operates the site by appointment only to meet with clients for bridal consulting, dress appointments and wedding planning, as well as conduct administrative duties for the business.

The Residential Conversion Policy allows for the conversion of residences with frontage on arterial streets to business uses. Planning Staff finds the business to have a negligible effect on

the neighborhood if continued to be operated as represented. The subject site has not operated as a single-family residence since 1993 and previous businesses have included both employee and customer traffic.

Planning Staff finds the retail/office and personal services business to be compatible with the surrounding neighborhood and serves as a land use transition from the arterial street to the existing residential development. Given that the site is located along Chandler Boulevard and in close proximity to Alma School and Arizona Avenue, this site is suitable for consideration of a Residential Conversion Policy Use Permit so long as it is compatible with the surrounding neighborhood, has minimal traffic, and remains low-intensity. Eva's Mi Amore has minimal traffic and is a quiet use. Eva's has been in business since 2011 and has demonstrated neighborhood compliance through limited hours, low traffic, and maintaining the site as residentially compatible to match the surrounding properties. During the process, Planning Staff has also received no opposition to the application.

Eva's Mi Amore has operated under the previous Use Permit for 1 year and is seeking an extension to continue the operation of the business at this site. Planning Staff recommends the Use Permit include a three (3) year timing condition to allow for continued monitoring and ensure proper management of the site.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 25, 2013. There were no neighbors in attendance. Staff received a call from the northern neighbor, Patti Serrano, who expressed concerns over the upkeep of the property landscaping.

PLANNING COMMISSION VOTE REPORT

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

RECOMMENDED ACTION

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

1. Substantial expansion or modification beyond the approved exhibits (Floor Plan and Narrative) shall void the Use Permit and require a new Use Permit application and approval.
 2. There shall be no tandem parking in the designated parking spaces at the rear of the property.
 3. Parking along Hartford Street is not permitted for either employees or clients.
 4. Parking shall not be permitted in the front yard other than on the existing concrete driveway.
 5. The site shall be maintained in a clean and orderly manner.
 6. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
 7. The Use Permit shall remain in effect for three (3) years from the effective 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.
32. WITHDREW USE PERMIT: Tremaine Ranch Venue

WITHDREW, as requested by the applicant, Use Permit ZUP12-0037 Tremaine Ranch Venue, to operate an outdoor event venue area within an Agricultural zoned district located at 253 E. Tremaine Drive, east of the SEC of Arizona Avenue and Tremaine Drive. Withdrawal is requested due to concerns expressed by the surrounding neighborhood.

33. USE PERMIT: Win Beauty Salon

APPROVED Use Permit ZUP13-0008, Win Beauty Salon, extension for continued operation of a commercial beauty salon in a converted single-family residence in the SF-8.5 zoning district located at 284 S. Dobson Road, at the NWC of Frye and Dobson roads. (Applicant: Ming Chen, Chen Architects.)

BACKGROUND

A Use Permit was approved in 2011 to allow the conversion of a single-family residence into a commercial beauty salon. The original Use Permit was approved with a two-year time condition. This request is to approve a Use Permit time extension for an additional three years, allowing continued monitoring of use compatibility with the adjacent residential neighborhood. There are no changes proposed to the business's operation, site plan or floor plan.

The subject site is located at the immediate northwest corner of Dobson and Frye roads. The property is adjacent to single-family residences to the north and west, within the Green Valley Estates subdivision. The uses located at the intersection of Dobson and Frye roads include a medical office complex on the northeast corner, a hospital and associated medical offices on the southeast corner and a commercial retail and office development on the southwest corner.

The property is approximately 9,335 square feet. The floor area is approximately 1,446 square feet. The property is zoned Single-Family residential (SF 8.5). The current owners purchased the property in 2010 and made improvements to the site and the building to function as a beauty salon. The converted home has been operating as a professional commercial beauty salon since 2011. The business offers hair styling services and facial care services.

The salon owners are a husband and wife who are two full time employees with two part-time assistants. The original Use Permit identified one full-time assistant and this request is for two part-time assistants. The two part-time employees are determined to be equivalent to one full-time employee which remains in compliance with the original condition related to on-site employment represented as three. The language of condition number four has been modified to more clearly define employee equivalencies as three full-time employees.

The salon's business hours are from 10 a.m. to 6 p.m. daily, except Thursdays, which is by appointment only. The business operation includes an administrative office, a reception area, a facial room, and a shampoo area and hair studio. One bedroom is maintained as an employee break area. The business is designed to accommodate a maximum of two clients at a time for hair services. The facial room accommodates one client at a time. There would be clients coming in for an appointment as others are finishing, thus the parking provided accommodates the overlap.

Parking is based on a parking ratio for personal service uses at 1 space per each 150 square feet of floor area. Based on the home's 1,446 square feet for the salon use, required parking is ten parking spaces. The property provides nine parking spaces including five spaces in the front, access to Dobson Road and four spaces in the rear of the lot, access to Frye Road. Planning Staff continues to find that nine parking spaces are sufficient to accommodate this low traffic

generating hair salon including the maximum number of employees and clients. The timing overlap of client appointments and employee schedules is negligible.

Planning Staff finds the continued operation of the beauty salon within a converted single-family residence is an appropriate use to transition from the commercial and medical office developments located at the corner of Dobson and Frye roads to the adjacent single-family subdivision. The professional beauty salon has demonstrated compatibility, especially with regard to noise, traffic and aesthetics.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 6, 2013. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

RECOMMENDED ACTION

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

1. The Use Permit shall be extended for a period of three (3) years, at which time re-application shall be required. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (site plan, floor plan, building elevations, narrative) shall void the Use Permit and require a new Use Permit application and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other property.
4. Increases in on-site employment over that represented as equivalent to three (3) full time employees, shall require new Use Permit application and approval by the City of Chandler.
5. The property shall be maintained in a clean and orderly manner.

34. USE PERMIT: Happy Tails Pet Resort

APPROVED Use Permit ZUP13-0009, Happy Tails Pet Resort, extension for continued operation of overnight dog boarding and an outdoor area together with a doggy daycare and pet grooming business located at 6125 W. Chandler Boulevard, Suite 1, SWC of Chandler Boulevard and Kyrene Road. (Applicant: Stephen Biles for Happy Tails Pet Resort LLC.)

BACKGROUND

A Use Permit was approved in 2010 for the subject tenant suite to allow overnight dog boarding and an outdoor area to occur in conjunction with a doggy daycare and pet grooming business. The initial Use Permit was approved with a two-year time condition. The business has been operating since 2011 within the Kyrene Village shopping center. The request is to approve the Use Permit with no time limit. There are no changes proposed to the business's operation, uses, or to the floor plan.

The subject business is located in an interior suite of the inline shops of Kyrene Village, zoned Community Commercial (C-2). The C-2 zoning district outright permits a doggy daycare; however, overnight boarding of animals requires a Use Permit.

The approximate 3,755 square foot tenant space is located immediately west of the former Bashas' grocery store. To the rear of the tenant space is the commercial center's service drive aisle, truck dock/loading, and some parking. The Paloma Kyrene Business Park is located south of the commercial center and includes general and medical offices and light industrial warehouse buildings.

The business continues to operate as primarily a doggy daycare. The facility accommodates approximately 25 to 30 dogs. The business also offers dog grooming and overnight dog boarding. The dog boarding component occurs on an as-needed basis and occurs indoors only. A staff member stays overnight at the business to care for any overnight animals. The doggy daycare business includes a reception area, three playrooms, dog runs, groom room, office and a backyard area. All animals are supervised 24 hours a day, seven days a week. Clients can pick up and drop off their dog between the hours of 6 a.m. and 8 p.m. The business has two full-time employees and four part-time employees.

The freestanding outdoor dog area is located outside of the tenant space, south of the building. This area is a dog restroom area as well as an area for exercise and fresh air. Animal waste is managed by removing any solids first and then spraying the surface which drains to a new French drainage system. The outdoor dog area is covered by an 11-foot high fabric shade structure with support posts. The shade structure is located within a fenced area constructed with concrete columns and low walls with wrought-iron fencing. The outdoor dog area and fabric awning matches the building's paint colors and stucco.

Planning Staff finds that the continuation of overnight dog boarding and an outdoor dog area with the doggy daycare are well-suited uses within the commercial center. The outdoor dog area structure is located and designed in a manner to not interfere with existing exits, service utilities, trash containment areas or parking.

Planning Staff recommends approval with no time limit given this doggy day care business has been operating since May 2011, the business is surrounded by commercial uses, and there have been no complaints from area property owners during this time. Staff is of the opinion that the continued operation of the doggy daycare with the associated outdoor dog area and overnight boarding, are compatible uses at this location and does not impact the surrounding developments.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 1, 2013. There were no neighbors in attendance. Planning Staff has received no correspondence in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve passed unanimously 7 – 0.

RECOMMENDED ACTION

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 non-transferable to any other property or other suites/tenant spaces on the subject property.

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. The site shall be maintained in a clean and orderly manner.

35. LIQUOR LICENSE: My Big Fat Greek Restaurant

APPROVED a Series 12 Restaurant Liquor License (Chandler #147604 L12) for Lauren Kay Merrett, Agent, Nostima Dining LLC, dba My Big Fat Greek Restaurant, 3305 W. Chandler Boulevard, Suite 8. A recommendation for approval of State Liquor License #12079497 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. This application reflects a change in ownership. Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as My Big Fat Greek Restaurant.

36. LIQUOR LICENSE: Mimi's Café

APPROVED a Series 121 Restaurant Liquor License (Chandler #147795 L12) for Andrea Lewkowitz, Agent, SWH Mimi's Café LLC, dba Mimi's Café, 2800 W. Chandler Boulevard. A recommendation for approval of State Liquor License #12079513 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. This application reflects a change in ownership. Transportation and Development advises that a new Use Permit is not required since this will be a continuation of the location's previous use as Mimi's Café.

37. CONTINUED LIQUOR LICENSE: Max and Ted's 480

CONTINUED TO JULY 11, 2013, a Series 6 Bar Liquor License for Ted Weston Smith, Agent, TWS, Inc., dba Max and Ted's 480, 480 N. Arizona Avenue, to allow the applicant time to complete the requirements for a new Use Permit.

38. FINAL PLAT: The Residences at Belmonte

APPROVED Final Plat FPT12-0011, The Residences at Belmonte, for 83 single-family residential lots on approximately 30.25 acres located east of the SEC of Chandler Heights and Gilbert roads. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

39. FINAL PLAT: Calabria

APPROVED Final Plat FPT12-0014, Calabria, for 97 single-family residential lots on approximately 30 acres located at the SWC of Brooks Farm and Cooper roads. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

40. FINAL PLAT: Replat of "Gould" Lot 1

APPROVED Final Plat FPT13-0003, Replat of "Gould" Lot 1, vacant property planned for a multi-story commercial office development at the SEC of Chandler Boulevard and the Loop 101 Price Freeway. The plat creates the lot and tracts, establishes the necessary easements and dedicates the required rights-of-way.

ACTION:

41. USE PERMIT: Better Horizons Behavioral Health LLC

Use Permit ZUP13-0007 Better Horizons Behavioral Health LLC, for a behavioral health group home for up to ten residents located at 2184 E. Firestone Drive, within the Cooper Commons single-family residential subdivision. (Applicant; Clarisse Kamgaing; Owner/Operator.)

BACKGROUND

The request is for Use Permit approval to operate a behavioral health group home for up to ten residents within a single-family residential home. The subject site is located north and east of the northeast corner of Cooper and Riggs roads, within the Cooper Commons single-family residential subdivision. Single-family homes surround the subject site.

Behavioral health group homes, along with other residential care homes, are allowed by right within single-family residential subdivisions when the number of residents of the home does not exceed five. Once the number of residents exceeds five (the number includes live-in caregivers), a Use Permit is required. In no instances can a residential care home exceed ten residents. Better Horizons Behavioral Health LLC received zoning clearance in late 2010 to provide care for up to five residents. Due to licensing requirements of the State and the process for locating residents in the home, the first resident was located in the home June 2012. The home did not become fully operational with five residents until March of this year. The current request is to expand the number of residents up to ten.

Per State requirements, group homes are allowed to have up to four residents per bedroom provided sixty (60) square feet is provided per resident and three (3) feet is provided between beds. Based on the floor plan, the home has the capacity for up to ten residents. As the floor plan shows, bedrooms 1 and 2 can accommodate up to four residents each; bedrooms 3 and 4 can accommodate two residents each. The home meets the requirements established for room size.

The behavioral health group home clientele ranges in age, but are all adults; no minors will receive care at the site. Additionally, in conformance with State allowances, residents can be either male or female; residents of the same sex reside in the same room. Residents are placed in the home by regional behavioral health authorities such as Magellan of Arizona, The Gila River Regional Behavioral Health Authority and the White Mountain Apache Regional Behavioral Health Authority, among others. The home has an adult staff member at the site at all times, with two to three staff members present during peak hours and for scheduled appointments. The home provides a side-entry garage which typically allows for at least three vehicles to park in the driveway; the garage can also be utilized for parking. Additionally, street frontage allows for two additional cars adjacent to the site.

When Use Permits for group homes are requested, the homes have to meet a number of criteria as outlined in the Zoning Code. The criterion includes items such as staffing, uses within the home being consistent with the group home, transportation of the residents, exterior upkeep, and calls for service. Planning Staff has reviewed the criterion and finds the home consistent with

code requirements. As Planning Staff reviews and visits group homes, they try to ensure that exterior upkeep of the home is consistent with the surrounding neighborhood. In this particular case, minor maintenance was needed (adding additional rock where layering had worn thin), which was done promptly. One exterior window shows moisture penetration, but is a manufacturer effect rather than a maintenance issue; the applicant is working on receiving service quotes. Planning Staff has no significant concerns with the exterior appearance.

Historically, calls for service tend to be a significant concern of adjacent residents. Planning Staff has been working with the Police Department to review the calls for service. The calls for service have been deemed to be consistent with the number of calls for service to other behavioral health group homes, thus not raising any red flags from a call for service standpoint. Calls for service can be for a wide range of reasons including a resident that has left or is late returning to the house, ill residents needing to be taken to a hospital, suicide attempts whether stated, implied or attempted, etc. It is important to note that all calls for service were made from the group home, consistent with operational requirements and not from the surrounding neighborhood.

Planning Staff, the Planning Commission and City Council have received a number of phone calls, emails and letters opposed to the request. Concerns expressed include exterior upkeep of the premises, privacy concerns, calls for service, business operations in a residential setting, the number of care homes in the vicinity, safety of the neighborhood and others.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 22, 2013. More than 25 neighbors attended the meeting. Following the neighborhood meeting, Planning Staff has received a number of emails in opposition.

PLANNING COMMISSION VOTE REPORT

The motion to approve failed unanimously 0 – 7.

Over 40 neighbors attended and submitted comment cards opposing the request at the Planning Commission hearing. The neighborhood elected to have five residents speak and address specific concerns. The concerns included general overview of the request, personal encounters with the group home residents, security and calls for service, land use allowances and the intent of the zoning code and the law. Additionally, concerns were expressed over the fact that there is an assisted living home (five or fewer residents) three doors to the east of the site and a recently approved assisted living home (five or fewer residents) located two doors to the west of the site. Ultimately, the Planning Commission recommended denial based on concerns that having three homes that provide residential services within such close proximity on one street creates too much of an impact that normal residential activity does not create.

PLANNING COMMISSION RECOMMENDED ACTION

Upon finding inconsistency with the General Plan, the Planning Commission recommends denial.

RECOMMENDED ACTION

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

1. 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.
2. The Use Permit is non-transferable to any other location.

3. The group home shall have no more than ten (10) residents at any time.
4. The Use Permit to operate a behavioral health group home is specific to the existing property owner and if the property should be sold in the future, the Use Permit shall be null and void.
5. This Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
6. The site shall be maintained in a clean and orderly manner.

DISCUSSION:

MR. ERIK SWANSON commented that earlier today the applicant notified him she would be willing to consider a reduction in the number of residents from ten to seven. He noted the split recommendation from Planning Commission and Staff and reviewed the background information provided in the staff memo.

VICE MAYOR SELLERS noted the home had only been operational since March 2013. He asked if that was enough of a history to establish calls for service. Mr. Swanson said they review the information with the criteria outlined in the zoning code. This application met that checklist.

In response to a question from Councilmember Heumann, Mr. Swanson said they received their first patient in June 2012 and as of March 2013, there are five residents. He did not know the exact time when each resident arrived. He said if a caretaker lives there and receives mail there and that's their primary residence, then they would be considered as part of the five residential group.

In response to a question on calls for service, POLICE COMMANDER EDDIE UPSHAW responded the report they ran was from January 2012 to April 21, 2013, which is the date of the request. There are 12 calls for service at this location. He said from January 2013, there have been 5.

COUNCILMEMBER WENINGER asked if the caretakers are living there. Mr. Swanson said they are not. He noted that two doors down, the applicant lives there. Councilmember Weninger noted that during the day, however there could be up to 13 people in the house if there are additional staff people there and counseling sessions are occurring.

The Mayor noted the applicant, Clarisse Kamgaing, had distributed written comments to the Council.

The Mayor called upon the following speakers:

MR. BRIAN SAVERY said he is a behavioral health technician at GoodWorks Counseling and provide educational services to group home clients. He gave his opinion that this group home is one of the best in the state and spoke of the progress made by each of its clients.

JONATHAN HUGHES, stated he was the facility manager of Better Horizons and said safety is the number one priority of the facility and cited examples of the procedures they follow.

MS. TRACY JOHNSON, stated her son was a resident of Better Horizons and spoke in support of the applicant.

COUNCILMEMBER HEUMANN noted this facility has not been operating for that long. He stated his track record has been to review the performance of the facility over time in order to justify the increase.

MOTION MADE BY COUNCILMEMBER HEUMANN TO DENY ZUP13-007 BETTER HORIZONS BEHAVIORAL HEALTH, LLC. REQUEST TO INCREASE THE HOME UP TO 10 RESIDENTS. THE MOTION WAS SECONDED BY COUNCILMEMBER ELLEN.

DR. RYAN SOUTHWORTH, stated spoke against the request to increase the residents. He said as a doctor who sees patients like these, it does pose a safety risk to him and his family as they live in the area. He cited concerns with doubling the number of residents and maintaining the level of care needed.

PHILLIP CARPENTER, said he is the Executive Director of Arizonans Concerned About Smoking. He said he is not sure if there is smoking allowed outside of this particular facility, but spoke of an issue with a facility in Mesa, where smoking is an issue.

PHILIP PARKER, stated he moved into the Cooper Commons subdivision last year. It is zoned residential and is concerned about a for profit business being in a residential community.

LORI PETITE, said her concerns with an increase in residents. She cited concerns with the residents and in particular one that had followed her in a grocery store. She asked the Council to oppose the permit.

The Mayor said the next group has a 30 minute total limit as they are representing a neighborhood.

MR. LARRY HOFFMAN, spoke in opposition to the increase. He cited concerns with screening and buffering, calls for service in comparable time periods to other facilities, the severity of calls, and maintenance of the facility. He noted that 9 homes in Cooper Commons are behavioral group homes or assisted living homes.

MS. AMY OCEAN, spoke in opposition to the increase. She stated that her home backs up to the back of this property. She stated her concerns with privacy as a resident from the facility has peered over her block fence. She also stated concerns with the amount of calls to the facility. She also relayed a concern from another neighbor who lives next door to the facility and the numerous times residents have appeared over the fence asking for cigarettes. She questioned if that was due to a lack of supervision.

MR. WES FARLEY, said he lives 7 houses down from the facility and moved into the neighborhood on May 23, 2013. He said if he had known there were 3 types of facilities on the same street, he would have not purchased his house. He said his son is a heroin addict and he understands the need of these facilities. There are safety concerns associated with these types of facilities.

MS. CAROLEE DUNLAP SANDROLINI, said she lives directly across the street from this facility. She stated her opposition to the expansion. She cited the Chandler Land Use Plan and stated the goal "to preserve existing neighborhoods". She cited concerns with parking issues in front of the facility. She said the condition of the house was not cared for until the request for expansion was submitted. She questioned the affect this has on property values.

MR. JOHN HARRY, called for new and modified zoning regulations to enact limits on the density of group homes in neighborhoods. He said the number of group homes in their neighborhood is beyond what is acceptable. He said it has only been recently the home has had maintenance addressed and questioned what future maintenance would be. He asked the Council to deny the request.

Comment cards in opposition were submitted by:

William Winchell, Lisa Trujillo, Joseph Trujillo, Fran & Joni Wetzel, John Martin, Robert Kampke/Nancy Kruse, Dave Suhlau, Jody Bearden, Steve Lachance, Cindy Bakeman, Joan Weter, Sherri Dunlap, James Dunlap, Mark Gildersleeve, Allison Gildersleeve, Michael Toliver, Rebecca Martin, Karen Mahoney, Janet Hoffmann, Mary Ellen Coe, Kirk Geary, Tina Land, Leo Mahoney, Steve Sandrolini, Michael Spiher, Dolores Winchell, Marcia Judnick, Carole Farley, Scott Bauman, R. Lopez, Jan Ocean, Dr. Ryan Southworth, Lore Petite.

MAYOR TIBSHRAENY asked about the approval process for a group home with up to 5 residents. MR. SWANSON explained it is a one page zoning clearance form. It contains general information on the type of home and contact information. He stated the State also requires a form. There is no vote before a public body.

COUNCILMEMBER HARTKE asked if the definition of family was similar among the municipalities. MR. SWANSON replied there is a broad range among the municipalities and he will continue to research.

COUNCILMEMBER DONOVAN asked what other cities do on requests to expand facilities like this. MR. SWANSON responded that he is still seeking information although his recollection was that in most cities it was done through an administrative process.

VICE MAYOR SELLERS asked if there are any restrictions in the amount of homes of these types in neighborhoods. ASST. CITY ATTORNEY GLENN BROCKMAN stated the only State requirement relates to developmentally disabled individuals. He said the State's definition of family is 6 and under; Chandler's is 5 and under unrelated persons. The number is not arbitrary, but formulated long ago based on case law at the time. He explained we are responding to the Fair Housing Act requirements that were amended in 1988. There is no distance requirement between different group homes that have 5 or less as they constitute "family" under the definition. VICE MAYOR SELLERS asked if the Council could limit the amount of facilities. MR. SWANSON said without receiving policy direction, there is nothing currently written in the Code. He commented that he did not believe there were any others that had 3 on a single street.

COUNCILMEMBER WENINGER asked if legally it would be an issue limiting them. MR. BROCKMAN said what he thinks could be done is to have a distance requirement between certain types of commercial operations. Councilmember Weninger said he would like to look at that.

COUNCILMEMBER DONOVAN clarified that there could be the ability to have requirements between the variety of homes. MR. BROCKMAN said the distance requirement would apply to a group home which would be more than 5 residents. He commented it would be very difficult to justify separating operations that consist under 5.

MAYOR TIBSRAENY recapped the information to research includes what other cities are doing for group homes more than 5, and less than 5, and if is the benchmark number. In addition, to how this relates to federal Fair Housing laws.

MS. CLARISSE KAMGAING said everyone agrees this type of service is needed and a solution is needed. Ms. Kamgaing reiterated the comments she submitted in her written statement to Council.

COUNCILMEMBER HEUMANN stated that until an applicant can prove to him the facility is well run, no issues and blends with the neighborhood, he cannot support it. He noted the use permit was for an expansion of a facility that he felt had no track record.

COUNCILMEMBER HARTKE echoed Councilmember Heumann's comments.

THE VOTE TO DENY THE USE PERMIT FOR AN INCREASE IN RESIDENTS WAS APPROVED UNANIMOUSLY (7-0).

42. CITY ATTORNEY'S EMPLOYMENT CONTRACT

MAYOR TIBSHRAENY stated this item is for the renewal or non-renewal of the City Attorney's contract. The City Attorney's contract is expiring July 1. Her legal counsel has been in contact. MAYOR MOVED TO INSTRUCT THE CITY'S OUTSIDE ATTORNEY TO WORK WITH HER ATTORNEY TO WORK OUT A NEW AGREEMENT TO BE BROUGHT BEFORE COUNCIL AT THE JULY 11, 2013 MEETING. SECONDED BY COUNCILMEMBER HEUMANN.

MOTION CARRIED UNANIMOUSLY (7-0).

UNSCHEDULED PUBLIC APPEARANCES:

None.

CURRENT EVENTS:

A. Mayor's Announcements

Mayor noted there is no increase in the city's portion of the property tax bill.

Mayor announced Ontrack is moving its corporate headquarters to the Continuum site on Price Road with a \$5 million investment.

Mayor invited everyone to Chandler's July 4 Celebration at Tumbleweed Park. He stated a list of fireworks that are allowed in the City is posted on the city's webpage.

Mayor gave thanks to retiring Police Chief Sherry Kiyler on her service.

B. Councilmembers' Announcements

COUNCILMEMBER HEUMANN gave a reminder of the water drive to assist those in need. He gave birthday wishes to his wife who will celebrate her birthday on July 4th.

COUNCILMEMBER WENINGER wished everyone a Happy 4th.

COUNCILMEMBER DONOVAN wished everyone a Happy 4th of July.

COUNCILMEMBER HARTKE also wished everyone a Happy 4th of July. He gave a reminder that school will start the end of July and a Back to School Supply drive is occurring now and is soliciting donations and volunteers.

COUNCILMEMBER ELLEN wished everyone a Happy July 4th and gave a reminder to watch children around pools.

C. City Manager's Announcements

None.

Adjournment: The meeting was adjourned at approximately 8:54 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: July 8, 2013

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 June 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of July 2013.

City Clerk