

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 Monday, August 12, 2013 at 7:00 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
Kay Bigelow	Acting City Attorney
Marla Paddock	City Clerk

INVOCATION: Pastor Michael Collier – Calvary Chapel of Chandler

PLEDGE OF ALLEGIANCE: Councilmember Ellen led the Pledge of Allegiance.

CONSENT:

COUNCILMEMBER HEUMANN commented that Item 4 is a response to a legislative edict and stated he would be voting no on this item.

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

COUNCILMEMBER HEUMANN DECLARED HIS NO VOTE ON ITEM 4.

THE MOTION CARRIED UNANIMOUSLY (7-0) WITH THE EXCEPTION NOTED.

1. MINUTES

APPROVED the following Chandler City Council Meeting Minutes:

- 1a. Special Meeting of July 8, 2013.
- 1b. Regular Meeting of July 8, 2013.
- 1c. Special Meeting of July 11, 2013.
- 1d. Regular Meeting of July 11, 2013.

2. REZONING: SWC Norman Way & Pecos Road Ord. #4468

ADOPTED Ordinance No. 4468, DVR13-0006 SWC Norman Way & Pecos Road, rezoning from AG-1/PAD (Agricultural District with a Planned Area Development Overlay) to allow a solar PV system to PAD (single-family residential) for the development of one single-family residence for site layout and building design located at the SWC of Pecos Road and Norman Way, west of Gilbert Road.

3. CITY CODE AMENDMENT: Chapter 31 Ord. #4470

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4470 amending Chapter 31, Section 21 of the Code of the City of Chandler relating to fees for Community Services' registration-based classes, programs and activities.

BACKGROUND/DISCUSSION

Over the last few months, a citywide review of all fees was completed. The goal was to review the process for adding or changing rates, fees or charges in the City and provide greater accessibility to the public. Through this process, it was determined that additional clarification was needed for certain Community Services fees. Community Services manages multiple divisions including the Library, Center for the Arts and Parks and Recreation. The various fees in these areas relate to the use of department facilities and those for registration-based classes, programs and activities listed in the quarterly Break Time publication. Both of these types of fees follow different processes, but the process distinction was not made in the existing City Code.

The only board authorized to set fees by the City Code is the Library Board. The Chandler Cultural Foundation is given the authority to set Center for the Arts fees through a separately adopted agreement, and Chapter 31, Section 21, gives Council the authority to set and approve fees charged for the use of department facilities or the issuance of permits or licenses. Ordinance #4470 is adding language to allow the Community Services Director the authority to establish and approve fees for registration-based classes, programs and activities using formulas in accordance with Community Services' approved fee policy and adopted by Council resolution. By adding this language, the Community Services Director can ensure the quarterly Break Time is published in a timely manner using the formulas to calculate charges for classes, programs and activities that were approved by Council in the citywide fee schedule. In addition, Community Services is working on an update to their approved fee policy to come forward to Council at a later date.

4. CITY CODE AMENDMENT: Chapter 10 Res. #4478

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4478 authorizing the City of Chandler to amend Chapter 10, Section 10-12 of the City Code relating to property and firearms obtained by the Police Department.

BACKGROUND/DISCUSSION

The Arizona Legislature has adopted House Bill 2455 (to take effect on September 13, 2013), which amends ARS §12-940 through 12-945 relating to unclaimed property in the possession of governmental agencies. In 2012, Senate Bill 1241 amended ARS §12-945, Sales of Property and ARS §13-3105, Forfeiture of Weapons and Explosives, to provide for the sale of firearms. The most recent amendments to the statute require the City to sell all firearms forfeited after a criminal conviction, abandoned, or otherwise left in the possession of the Police Department and further prohibits the destruction of a firearm unless the weapon is otherwise prohibited from being

sold under federal and state law, in which case it shall be destroyed or properly disposed. Examples of firearms prohibited by state statute and/or federal code include fully automatic firearms, modified short barrel rifles or shotguns, firearms with serial numbers removed and firearms or major components that are not detectable by metal detectors or x-ray machines. While these amendments are intended to conform to requirements regarding the sale of firearms, they also address release and final disposition of property in police custody.

5. CITY FEE SCHEDULE AMENDMENT

Res. #4703

ADOPTED Resolution No. 4703 amending the City Fee Schedule relating to Administration, Management Services – Tax and License, Chandler Municipal Airport, Fire Department, Municipal Utilities, Parks and Recreation, Transportation and Development – Development Services and Operations, Police Department and Neighborhood Resources.

BACKGROUND/DISCUSSION

As is the annual practice, Departments reviewed rates, fees and charges to determine if any changes to existing fees or new fees were required to more accurately reflect cost recovery or changes impacted by State or Federal law. Department proposed new and changed fees were analyzed with supporting documentation, verified that City Code authority existed, reviewed with the City Manager, discussed at the Budget Briefing and ultimately posted to the City's website for no less than 60 days prior to bringing the amended Citywide Fee Schedule to Council for approval.

Additionally, in an effort to provide greater accessibility of all fees to the public, the entire City Code was reviewed to ensure fees charged by departments were incorporated into the Citywide Fee Schedule, excluding those that follow a separate State or Federal process (i.e. water/wastewater rates, development fees, court fees, public housing or federally funded assistance programs or other fees set by State/Federal law).

The following fees have been in effect and authorized by City Code, but previously not reflected in the Citywide Fee Schedule. They are being added for easier accessibility by citizens:

- Administrative Fees (copies, DVDs, CDs, reports, NSF fee, etc.), p. 1
- Tax and License Fees and Rates (City tax rates and license fees, etc.), p. 2-4
- Park and Recreation Fees (use of facilities, permits and licenses, and formulas for setting registration-based classes, programs and activities) p. 16-25

The proposed new or changed fees were included in the FY 2013-14 budget revenue projections, but follow this separate approval process. The following proposed new and changed fees have been incorporated into this amendment of the Citywide Fee Schedule and posted on the City's website since May 31, 2013:

- Chandler Municipal Airport (monthly T-hanger, storage unit, T-shade, and tie down space fees, transient or overnight parking fee, Airport hourly staff fees and terminal administration conference room use fee), p. 5 & 10
- Fire (temporary membrane structures/tents, open burn permit, arson restitution and investigation fees, and Fire user fees) p. 11-12
- Municipal Utilities Solid Waste (additional/replaced curbside refuse or recycling container, reschedule container repair/replacement fee, monthly curbside refuse collection fees, bulk material and recycling solid waste collection center Freon recovery fee, recycling solid

waste collection center fees per ton for concrete, construction debris, dirt, gravel, rock and manure, and multi-family disposal fee per load) p. 14 & 15

- Park and Recreation (basketball and volleyball court field fees, athletic rentals field use, ball field reservation, lighting, regular and after-hour field preparation, and site supervisor, body composition analyzer fees, corporate sponsorship fee, special event fees and deposits and Red Cross learn to swim) p. 16-25
- Transportation and Development – Development Services (building permit fees, expedited building plan review fees and deferred or separate fire sprinkler systems, and inspection fees for residential solar photovoltaic and water heating system permits) p. 27-30
- Police (removed alarm business permits due to legislative change) p. 31
- Transportation and Development – Transportation Operations (encroachment permit right-of-way use fees and fire hydrant meter deposit) p. 32 & 34
- Neighborhood Resources (abatement administrative fee) p. 37

The resolution approving the Citywide Fee Schedule makes all new or changed fees effective September 2, 2013. In an effort to provide greater transparency to the public, the updated Citywide Fee Schedule will be posted permanently on the City's website homepage.

UNSCHEDULED PUBLIC APPEARANCES:

Mr. Imran stated on October 3, 2010 he was unlawfully arrested by Chandler Police at the Sunset Library. As a result of that arrest, he has filed a federal lawsuit against the City and the arresting officers. One of the officers involved in the arrest, Michael Shippitka, has since left the employment of the City and is an officer in Gahanna, Ohio. He asked that the city not spend funds and time representing him now.

CURRENT EVENTS:

The Mayor said announcements would be given on Thursday night.

Adjournment: The meeting was adjourned at approximately 7:12 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: September 12, 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 12th day of August 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of September, 2013.

City Clerk