

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library, 22 S. Delaware, on Thursday, April 26, 2007 at 7:18 p.m.

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

The following members answered roll call:

Boyd W. Dunn	Mayor
Lowell Huggins	Vice-Mayor
Bob Caccamo	Councilmember
Trinity Donovan	Councilmember
Matt Orlando	Councilmember
Martin Sepulveda	Councilmember
Jeff Weninger	Councilmember

Also in attendance:

W. Mark Pentz	City Manager
Rich Dlugas	Assistant City Manager
Pat McDermott	Assistant City Manager
Michael D. House	City Attorney
Marla Paddock	City Clerk

INVOCATION: The invocation was given by Minister Greg Rodman – Cathedral of Praise Christian Church.

PLEDGE OF ALLEGIANCE: Mayor Dunn led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognition

MAYOR DUNN was joined by Fire Chief Roxburgh and Asst. Chief Jeff Clark in recognizing Captain Nate Wallace for 15 years of service. Captain Wallace was recognized for establishing the bike helmet safety reward program and participating in the child immunization program. He also is the Director of the Chandler Fire Cadet program while establishing Chandler Fire as a regional training center for advanced cardiac life support as well as basic life support. Nate also received the Medal of Merit in 1994 from the Chandler Fire Department for his off-duty actions in which he provided basic life support care of a citizen in full cardiac arrest saving their life.

Fire Engineer Rich Poncedeleon was recognized for his 15 years of service. In addition to his Engineer duties, Rich also serves as a wildland team member, car set technician and personal fitness instructor. He worked at the Rodeo Chediski fire in 2002 and received the prestigious Medal of Valor for this service.

2. Retirement Recognitions

MAYOR DUNN was joined by Police Chief Sherry Kiyler in recognizing Larry Roberts on his retirement after 39 years with the Police Department. Larry has held positions as a dispatcher, jailer and general office worker. He worked at the old Chandler Police building at the NEC of Arizona Avenue and Chicago Street and is the last remaining City employee who worked in that building. On his 21st birthday, Larry was promoted to Police Officer where one of his duties was parking enforcement for the downtown parking meters on a 3-wheeled Harley-Davidson

motorcycle. Larry also had the honor of driving the department's first radar-equipped car. He was promoted to Lieutenant in 1987 and held assignment unit positions of tactical commander, support commander and mobile field force commander. After his nearly 40 years of service, Larry is the longest employed person of the City and the Department with an employee number of 0102.

MAYOR DUNN was joined by Fire Chief Roxburgh and Asst. Chief Jeff Clark Kent Snide on his retirement after 21 years with the Fire Department. Kent was one of 12 firefighters hired to staff the new fire station 4 in 1986. He is a trained paramedic and has been serving the residents of Ocotillo and south Chandler for the last 5 years. He was promoted to the rank of engineer whose core responsibilities include ensuring a safe and timely response to all emergencies, the safety of the crew, the public and the apparatus.

3. Exceptional Merit Awards

MAYOR DUNN was joined by City Clerk Marla Paddock in recognizing the employees of the City Clerk's office consisting of Erica Barba, Karen Brittingham, Nanette Kahl, Sherri Krouse, and Clarissa Martinez (Christina Spears was not present) with Exceptional Merit Awards. These employees were recognized for their proactive approach in handling the recent changes to travel requirements that have caused a substantial increase in workload.

4. Recognition: Officer Mark Jordan

This item was removed from the agenda.

5. Presentation: Distinguished Budget Award FY 2006/07

MAYOR DUNN presented the Distinguished Budget Award for FY 2006/07 to Acting Management Services Director O. D. Burr. This honor is given by the Governmental Finance Officers Association for those budgets that are of the highest quality in terms of their presentation and ability to present information clearly. Mr. Burr introduced Budget Manager Dennis Strachota and Budget & U Research Analyst Janet Northrup recognizing them for the work they did on the budget. Mr. Burr also recognized former employees Kim Prendergast and Karen DeMember for their assistance.

6. Presentation of NLC City Diversity Award

MAYOR DUNN was joined by members of the Chandler Human Relations Commission, the Celebration of Unity Planning Committee and the City's Diversity office staff. Mayor Dunn reported that the National Black Caucus of Local Elected Officials believes that diversity should be reflected in the activities of America's cities and towns. As a result, they have established the City Cultural Diversity Awards as a means of demonstrating quality and innovation in relation to the many aspects of cultural diversity. The awards are given to honor community leadership in developing creative and effective programs to improve cultural diversity. Mayor Dunn announced that Chandler was chosen as the top city in the country in its population category for our Celebration of Unity events.

Joel Munter, member of the Human Relations Commission, accepted the award on behalf of the Commission and thanked everyone involved in the celebration.

7. City Services Academy

MAYOR DUNN was assisted by Kysa Meyerer in presenting City Services Academy graduation certificates to the following citizens:

Yvonne Bade	Tracy Buelna	Michaele Camp	Howard Campbell
Ruthe Campbell	Peter Cwik	Janice Dell	Ben Dranetz
Linda Erwin	Steve Greenhalgh	Lynn Gustke	Shirley Jackson
Robert Kriz	Nate Meyers	Timothy Quinlan	Don Shoner
Karen Wright	Thomas Gleason	Jan Shoner	

COUNCILMEMBER WENINGER commended the citizens for their commitment in attending the academy.

8. Proclamation for Dia de los Ninos

MAYOR DUNN was joined by Naomi Bond, Arizona Physicians IPA and Diedre Mears, Chandler Public Library as he read a proclamation proclaiming April 28, 2007, as Dia de los Ninos Day.

UNSCHEDULED PUBLIC APPEARANCES:

PAULINE SUTTON, P.O. Box 6536, Chandler, called for the immediate formation of a bioscience land use task force in Chandler to identify acceptable uses and locations of any potential bioscience zoning sites. She commented that Chandler should put its citizens and homeowners interests first and not allow "out of towners" to dictate its land uses. She stated that Chandler government is allowing GPEC (Greater Phoenix Economic Council) to predetermine potential land uses in wide land swaths in Chandler and they are pushing the biotech / bioscience corridor idea and the community technology incubator/accelerator facility implementation plan. She stated their group was waiting on results of an FOI (Freedom of Information) request concerning the incubator plan. Even though the Mayor is a member of GPEC, there are no minutes from GPEC meetings on the City's website and felt this is unacceptable.

COUNCILMEMBER ORLANDO directed Staff to research methods of providing access through links to minutes to citizens of various committees councilmembers serve on.

KRISTA COLLINS, 4960 S. Gilbert Rd., Suite 1, Chandler, said that Chandler needs a category of industrial zoning to address where biotech and wet lab uses would be allowed. Homeowners near Ryan and Gilbert roads had the right to rely on the land use map in the Airpark Area Plan as a legally binding document and the map describes land use across the Peterson Farms area as being reserved for commercial/office business park uses. She stated that Page 30 of the General Plan also describes commercial office zoning use as a transitional or buffer use and that Covance and wet labs are not low intensity uses. She commented that the Airpark Area Plan, page 2-12, allows for commercial/office /business & I-1 zoning to be interchangeable, but allows them on a case by case basis and that is why a user should have been known before the zoning was allowed to occur.

Ms. Collins stated that Chandler residents are unprotected. The reason for the lack of some trust of the Mayor and Council is because of the wetlab zoning being managed by the incubator plan that either sidesteps or excludes residents. She urged the development of a land use committee.

COUNCILMEMBER ORLANDO directed Staff to contact Ms. Collins and discuss the updates coming to the land use document.

HOLLY HALL, 3260 W. Shannon Place, Chandler, said that Chandler needs to amend its land use documents to create a new class of industrial zoning including a site map to identify the sites. Such a new designation has been done before by Chandler such as the big box ordinance. She called for an immediate moratorium on building permits for any bioscience users in Chandler and asked for formation of a land use task force to research, formulate, identify and draft the bioscience classification. The process must be open to all stakeholders including parents, homeowners and residents from the surrounding neighborhoods. She said these recommendations were necessary because many valid concerns of residents have not been addressed and feels the bioscience industry is taking advantage of Chandler's lack of regulations in this area.

ROB HOOD, 3090 E. Runaway Bay Place, Chandler, spoke about the relocation of the Gila River Casino. Traffic in the area around Gilbert and Hunt Highway has started causing dust concerns for residents in the area and asked about mitigation of the problem. He questioned where the water and power would come from. He said many residents in the area have asked insurance agents to determine if there will be an impact on homeowners and auto insurance and their response has been that there is a potential for an increase in rates as traffic in the area increases. He said they are actively working to inform the 17 communities that are in the area of the proposed casino location. He asked Council to direct City Staff to assemble a proposal of advantages for all parties involved in moving the casino to a different location.

COUNCILMEMBER SEPULVEDA said that through Supervisor Brock's efforts, the County has begun communicating with the Indian River Community and asked the Mayor to direct Staff to participate in the same way and provide the information to the residents.

MAYOR DUNN directed the City Manager to address the dust issue mentioned by Mr. Hood.

LORRAINE WALTERS, 6543 S. Teresa Drive, thanked the Mayor for contacting the Gila River Indian Community on behalf of the homeowners in southeast Chandler. She lives in the Sun River community at the corner of Gilbert and Hunt Highway. The current Lone Butte Casino is 2.5 miles from the nearest residential community and 2.54 miles from the closest grade school. The 202 freeway serves as a barrier because those going to the casino do not travel the same roads. The new location will be approximately ½ mile from the closest residential community and 2 miles of 8,000 households and .07 of a mile from an elementary school. The proximity of this casino to schoolchildren is unacceptable. She asked that Staff present alternative sites for the casino.

BEVERLY PARRIS, 15152 E. Bluebird Dr., Chandler, spoke regarding the upcoming bond election. The airport runway extension item was placed last on the ballot. Citizens who are concerned with public safety, increased noise and air pollution, property values and quality of life will want to keep the number 10 in mind at the polls. A "no" vote on question 10 will limit large numbers of aircraft/corporate jets loaded with fuel flying over homes, schools and businesses.

JUDITH GARNER, 662 W. Nolan Way, Chandler, said that the City Council approved a contract to pay Facilities Solution Group \$81,400.00 to develop a community technology incubator/accelerator plant. Chandler's economic development team, working with the Greater Phoenix Economic Council, see Covance as a key cornerstone that will draw bio-science industry

to Chandler. She asked about the legality of a city government proceeding with bioscience industry development without first making amendments to the city zoning code to include use classifications for bioscience. Residents have been told that Covance's land in the Chandler Airpark is already approved for an industrial facility. City officials have stated Chandler cannot legally stop any company from building in a district that is properly zoned. Under current zoning, there is not a use classification that primarily defines Covance's facility.

She stated that Covance says they will conduct pre-clinical animal testing in the first stage of building. They will need to dispose of volumes of animal carcasses and this is considered a biosafety level 1. Nowhere in Chandler's zoning code do descriptions of these types of uses even appear. Covance plans a second stage building to conduct phase 1 clinical studies for the purpose of pharmaceutical testing on healthy humans. Covance says medical waste will be handled similar to a hospital and this is considered a biosafety level 2.

Ms. Garner said that Planning and Development Director Doug Ballard explained that Chandler zones in categories of uses and cannot zone for business-types. He referred to the First Industrial rezoning case of the now-Covance land and said that individual users who come in have to comply with that usage. She questioned how the second stage of Covance's facility could be built in the future in I-1 zoning.

Ms. Garner quoted Economic Development Specialist Christine Mackay in saying that Covance's arrival in the airpark "changes the face of how we thought the airport area would develop and will set a whole new tone". Originally planned as a magnet for general industry, offices and warehouses, Mackay said the airpark area will now "go more toward life-sciences and emergency technologies". Ms. Garner questioned that with apparent changes to goals, policies and objectives, when would a moratorium be placed on all biotech development until the zoning code in Chandler is updated and either an existing area plan is amended.

CONSENT:

MAYOR DUNN said that Agenda Item #24 (IntelliTime Systems) would be continued to the May 10th meeting. Staff is also recommending continuation of Item #32 (Pulice Construction) for two weeks (May 10th) to review other portions of the project.

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER ORLANDO, to approve the Consent Agenda as amended with items #24 & 32 continued to May 10th. COUNCILMEMBER ORLANDO abstained from voting on Item #1b (minutes of April 12, 2007, Regular Council meeting) as he was attending services for Judge Gaylord and was not present at the meeting.

COUNCILMEMBER CACCAMO abstained from voting on Item #17 (Salvation Army CDBG funds) due to a possible conflict of interest.

COUNCILMEMBER CACCAMO said he would be voting nay on Item #10 (Montage By Charlevoix). When this item came before the Planning and Zoning Commission, there was discussion of putting pressure regulators on houses to assure that pressure spikes from water delivery would not break any pipes in homes. It could not be done because it would have to be an amendment to the Building Code. He will be bringing forward a possible amendment to the building code for Council's consideration to include pressure regulators on new houses.

COUNCILMEMBER SEPULVEDA abstained from voting on Item #1b (minutes of April 12, 2007, Regular Council meeting) as he was attending services for Judge Gaylord and was not present at the meeting.

COUNCILMEMBER SEPULVEDA also declared a conflict of interest on Item #4, Circle K At Carmel Village Place, and abstained from voting.

Motion carried unanimously 7-0 with the exceptions noted.

THE MEETING RECESSED AT 8:12 P.M. AND RECONVENED AT 8:23 P.M.

1. MINUTES:

APPROVED, as presented, minutes of the City Council Regular and Special Meetings of April 12, 2007.

COUNCILMEMBERS ORLANDO AND SEPULVEDA abstained from voting on the minutes of the Regular Meeting of April 12, 2007.

2. POWER DISTRIBUTION EASEMENT: SRP Ord. #3878

ADOPTED Ordinance No. 3878 granting a no-cost power distribution easement to Salt River Project (SRP) to replace an existing deteriorating underground facility located on City-owned property south of the Consolidated (Western) Canal and north of Summit Place in Parkwood Estates.

3. CITY CODE AMENDMENT: Chapter 35 Ord. #3905

ADOPTED Ordinance No. 3905, ZCA07-0001, Extension of Liquor Premises in the City Center Zoning District, amending the City Code Chapter 35, Section 35-3203/D pertaining to extension of liquor premises in the City Center Zoning District.

4. REZONING: Circle K At Carmel Village Plaza Ord. #3906

ADOPTED Ordinance No. 3906, DVR06-0049, Circle K At Carmel Village Plaza, rezoning from PAD to PAD Amended to allow the sale of gasoline for the construction of a gasoline station on approximately 2 acres of a 12.48-acre site located at the SWC of Gilbert and Queen Creek roads.

COUNCILMEMBER SEPULVEDA declared a conflict of interest on this item and abstained from voting.

5. CITY CODE AMENDMENT: Chapter 46 Ord. #3908

ADOPTED Ordinance No. 3908 amending City Code Chapter 46, Sections 46-4.2/A and 46-4.2/B pertaining to sidewalk furniture and consumption of alcoholic beverages in the public right-of-way.

6. AGREEMENT: AGL Networks, LLC Ord. #3786

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3786 authorizing an Agreement with AGL for the use of public property for the establishment of a Class 5 (fiber optic cable,

interstate services and other communication facilities excluded from the definition of "Telecommunications") Communication System.

AGL Networks has filed for an application with the City to install, operate and maintain a technically advanced underground optical fiber-based communications network in the City in, upon, along and across approved areas of the public right-of-way. AGL Networks is not in the business of providing transmission services such as telecommunications services. It intends to provide the use of its network to other providers, which may include telecommunication carriers and both facilities-based and resold telecommunications facilities, but not cable television providers. The company also holds agreements in the cities of Phoenix and Tempe to provide a similar system. This is a nonexclusive agreement for a renewable five-year term.

The City has received a \$2,000.00 application fee which should cover the City's cost for processing this application; 2.75% privilege tax will be paid on any non-interstate telecommunication services and there will be an annual footage fee of \$1.74 per linear foot of public property occupied with a CPI escalator clause applied each year. It is estimated that there will be approximately 135,150 linear feet constructed in the project, which would amount to a fee of \$235,161.00 the first year. In addition, there will be a freeway access charge of \$18,000.00 annually for access of one four-inch conduit for their system within the City-owned duct bank underneath the freeway crossings at Dobson/Santan Freeway and Alma School. The company will also pay permit, inspection and pavement damage fees, as well as pay for additional plan review/inspection staff to accommodate this project.

Through the negotiation process, AGL Networks has agreed to partner with the City by installing 18 miles of conduit and fiber for the City's traffic engineering system as an offset toward the linear foot and freeway access fees up to the estimated build amount of \$862,310.00. This new fiber will allow the City to bring full motion video from 29 additional traffic signals back to our Traffic Management Center. Most of these intersections were not included in the City's five-year plan, so this joint project allows for expansion of the City's fiber network at a much earlier date.

Once the waived accrued fees reach \$862,310.00, the City will begin to collect the annual footage fee and freeway access fee from AGL Networks for the remainder of the five-year term. Depending on the level of the CPI adjustments over time, the remaining amount should be more than \$404,000.00 by the end of the term.

7. PROPERTY VACATION: Germann / Gilbert Ord. #3827

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3827 authorizing and approving the vacation of a portion of the Germann Road right-of-way located at the intersection of Germann Road and the new Germann Road alignment near the SWC of Gilbert Road and abutting tax parcel 303-31-011B for a fee of \$6,621.00.

Germann Road from Airport Boulevard to Gilbert Road was realigned as a part of a recently completed road project. The City of Chandler has received a request from Southwest Gateway, Inc. that a 6,621 square foot area be vacated for a fee of \$6,621.00 as just compensation to the City. The old roadway area is no longer needed as public roadway because of the new road alignment. The vacation of this roadway will allow the adjacent property owner to assemble the vacated parcel to accommodate the development of Mill Crossing on Tax Parcel 303-31-011B.

Upon approval, Southwest Gateway, Inc. will compensate the City \$6,621.00, an amount which reflects Southwest Gateway, Inc.'s agreement to bear the cost of any future liability and

maintenance costs including the relocation, removal and disposal of existing improvements within the vacated area. The City's Real Estate Services has contacted the appropriate City Departments and outside utilities. Each has reviewed this request and there are no objections. The vacation reserves an easement for access and maintenance of an irrigation ditch and existing utilities. The published, separate fee for processing a vacation request was previously paid.

8. CITY CODE AMENDMENT: Chapter 44 Ord. #3886

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3886 amending City Code Chapter 44, Sections 44-1, 44-2 through 44-10 and Chapter 50, Sections 50-15 and 50-16 relating to Solid Waste Services and amending the fee schedule.

At the June 9, 2005, Council meeting, Ordinance No. 3689 was approved amending Chapter 44 and Chapter 50, Sections 50-15 and 50-16 and Resolution No. 3175 pertaining to solid waste rates and fees. These amendments were the result of recommendations provided by the Solid Waste Advisory Committee and Staff. Staff advised at that time that an additional ordinance revising Chapter 44 of the City Code would be brought forward to include all changes related to the closure of the landfill and miscellaneous amendments.

Ordinance No. 3886 amends Sections 44-1, 44-2 through 44-10 of Chapter 44 and Sections 50-15 and 50-16 of Chapter 50 to provide a clear definition of the Code's terminology and amending the City's Fee Schedule to include solid waste services and associated fees.

When the Code changes took affect last year, the City's free curbside bulk pick-up program was amended. The original program provided residents with one free bulk pick-up every six weeks.

Residents are currently eligible for two free curbside bulk pick-ups within a 12-month period. Additional curbside bulk pick-ups are \$25. In FY 05/06, there were 10,235 free bulk pick-ups, a decrease of 1,291 from the previous year. This decrease is attributed to two factors, (1) increase in recycling curbside bulk collection and (2) cost of additional bulk pick-ups. The two free bulk pick-ups are mainly for materials such as landscape, furniture and other non-recyclable materials. Recyclable material bulk pick-ups are encouraged and residents are not charged for the service.

In FY 05/06, there were 505 paid bulks, an increase of 254 over the previous fiscal year. The City's contract with the residential collection contractor provides for free curbside bulk pick-ups every six weeks. In the current program, when residents request additional paid bulk pick-up for a \$25 fee, the City's cost for service is \$28.40. In addition, if a resident schedules their second free bulk pick-up within six weeks of their first free bulk pick-up, the City is responsible to pay the contractor the full cost of \$28.40.

Based on Staff's review of the program, taking into consideration cost factors, and an increase of resident complaints, Staff would like to amend the Code allow for free curbside bulk pick-up every six weeks as allowed in the current Waste Management contract. The annual savings to the City for bulk pick-up amendment is minimal, approximately \$5,000, and will provide improved customer service to residents.

9. IRRIGATION EASEMENT: SRP Ord. #3907

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3907 granting a no-cost irrigation easement to Salt River Project (SRP) to accommodate the underground construction of

relocated irrigation facilities due to road improvements for the Cooper Road and Pecos Road Project. Because the City directly benefits from granting this easement, it is being granted at no cost.

10. REZONING: Montage By Charlevoix

Ord. #3914

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3914, DVR06-0061, Montage By Charlevoix, rezoning from PAD to PAD amended to allow increased lot coverage, eliminate certain two-story restrictions and eliminate the requirement for copper plumbing on an approximately 35-acre site north of the NEC of Chandler Heights and Lindsay roads. (Applicant: Pew & Lake, PLC; Owner: Lindsay and Chandler Heights, LLC.)

The site received zoning approval and Preliminary Development Plan (PDP) approval for site layout in September 2004. The subdivision received PDP approval for its housing product in February 2007.

The subject site is bordered on the north by several single-family ranchettes that are unincorporated and are adjacent to Brooks Farm Road. To the east is a parcel zoned AG-1 that is currently used for farming and west across Lindsay Road, is a dairy in unincorporated Maricopa County that is proposed for annexation and eventual development of Phase II of the subject development, Montage by Charlevoix Homes. South of the site, at the NEC of Chandler Heights and Lindsay roads, is planned for a City water recharge facility.

The application requests to eliminate two approved zoning conditions that address Subdivision Diversity Standards and one approved zoning condition that requires copper plumbing. The Subdivision Diversity Standards of concern limit the lot coverage throughout the subdivision and limit the number of two-story homes on lots located along the subdivision's northern boundary. The applicant no longer wishes to pursue the request regarding two-story homes, instead deciding to abide by existing zoning conditions at this point.

The application also requests that the maximum lot coverage be changed from what was represented in the Development Booklet at the time of zoning approval. The approved Development Booklet indicates that half of the lots will not exceed 38% lot coverage, ¼ of the lots will not exceed 42% lot coverage, and ¼ of the lots will not exceed 45% lot coverage. In place of these requirements, the application proposes that all single-story homes be limited to 50% lot coverage and two-story homes be limited to 45% lot coverage. The existing lot coverage restrictions would not have precluded the approved housing product from fitting on the lots with careful site planning or predetermined floor plans on particular lots. However, the requested relief allows much greater flexibility in the placement of various floor plans throughout the subdivision. To compensate for the requested lot coverage relief, the development provides an additional Subdivision Diversity Standard in the form of family-themed, copper artwork.

Secondly, the application requests elimination of the copper plumbing zoning requirement. A zoning stipulation (Condition No. 12) was included for the residential development requiring homes to have copper plumbing for those lines under water pressure. The application is requesting to eliminate the stipulation to allow an alternative plumbing material: cross-link polyethylene (pex) piping. Pex or Aquapex is now an approved plumbing material as part of the recently adopted 2003 International Code (I-Code). Since the copper plumbing requirement was a specific stipulation for this site prior to the I-Code adoption, a zoning amendment is required to eliminate it.

Every national plumbing code now permits the installation of pex as an approved hot and cold water distribution system. The use of any material other than copper is prohibited through zoning stipulation. Therefore, even though pex is an approved material, it may not be used in a subdivision where copper has already been stipulated without the developer returning to Council to have the stipulation removed. Pex may be used in future subdivisions within the City if the copper stipulation is not in place.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on February 26, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition.

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

COUNCILMEMBER CACCAMO voted nay on this item.

11. TELECOM USE AGREEMENT AMENDMENT: Verizon Ord. #3917

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3917 amending a Wireless Telecommunications Use Agreement between Verizon Wireless (VAW) LLC, dba Verizon Wireless and the City of Chandler for a site at Snedigar Sportsplex.

On July 26, 2002, the City Council approved Ordinance No. 3353 authorizing a Wireless Telecommunications Use Agreement and Encroachment Permit for Verizon Wireless to install communication facilities at Snedigar Sportsplex. The agreement allowed for a 5-year extension of the agreement upon the mutual agreement of parties, which both the City and Verizon would like to exercise at this time.

Ordinance 3917 amends Ordinance 3353 by extending the agreement an additional 5 years and raises the new base rate to \$1,626.00 per month. The parties will also enter into a letter agreement which authorizes modifications to existing facilities, primarily related to the width of the top portion of the pole and length of the flat mounted antenna. The Police and Fire Department have determined that the modifications will not cause any interference to the City's public safety communication systems and the City's Planning Staff has found the modification to be within City zoning standards. The Community Services Park Staff has also agreed that the modifications will not inhibit City operations or property.

The Company will pay permit, inspection and pavement damage fees if applicable. Verizon will also pay \$1,626.00 per month rent for the Snedigar site with provisions for rent increases detailed in the Agreement. There will also be 2.75% privilege taxes applied on any non-interstate telecommunication services.

12. ASSESSMENT MODIFICATIONS: Downtown Chandler Enhanced Municipal Services District Res. #4054

ADOPTED Resolution No. 4054 authorizing modification of the assessment diagram; making a statement and estimate of expenses for the Downtown Chandler Enhanced Municipal Services District; completing the assessment; setting the date for the hearing on the assessment; and ordering the giving of notice of such hearing.

On May 25, 2006, the Mayor and Council approved Resolution No. 3971 approving the 2006-07 annual assessment for the Downtown Chandler Enhanced Municipal Services District, with the mission to provide marketing, promotion, enhanced security and district management. The City subsequently executed a contract with the Downtown Chandler Community Partnership (DCCP) to perform such services.

As part of the annual assessment procedures, each year the Assessment Diagram and Assessment Roll need to be updated due to changes in ownership, plats and land uses. Additionally, a public hearing must be held along with the opportunity for district property owners to file objections.

As a result of Resolution No. 4054, the hearing for the setting of the assessments will be held May 24, 2007, at 7:00 p.m. in the City Council Chambers. The District Staff will appropriately notify all property owners within the District boundary and will also publish the Notice of the Hearing in a daily newspaper for five days as required by State Statute.

Assessments in the District will be based on three weighted factors including assessed value, building square footage and land square footage. All properties will be assessed at the same rate with the exception of buildings along the Historic Square, which will be assessed double the building square footage rate.

In May, Staff will return with a resolution to approve the annual assessment roll, which will detail the amount assessed each parcel and property owner. In June, Staff will present the Chandler Enhanced Municipal Services Agreement with the DCCP for fiscal year 2007/08, which includes an Operating Plan and District Budget.

The assessments calculated by the DCCP total \$259,201.00 which is also the estimate for the operating budget for the District for 2007/08. Of this amount, the City will pay 45% of the total budget, or \$117,200.00 in lieu of what would have been the amount assessed if the City were required to pay property taxes. Funds to provide for the assessment are already provided for in the Downtown Redevelopment's budget request for FY 2007/08.

13. FAIR HOUSING POLICY

Res. #4057

ADOPTED Resolution No. 4057 adopting a Fair Housing Policy and expressing commitment to the principle of fair housing.

The United States Department of Housing and Urban Development annually requires that recipients of Community Development Block Grant Funds locally resolve to support the principle of fair housing. Also, the grantee must describe the actions it shall undertake to affirmatively further fair housing. The City of Chandler has participated in the nationally organized Fair Housing Month since 1994. Traditionally held during April, Chandler's Fair Housing Month activities have included a resolution adopted by the Mayor and Council, mailing the resolution to interested individuals and organizations and announcing availability of fair housing materials.

Resolution No. 4057 provides additional publicity of the City's commitment to affirmatively further fair housing. In addition to regular publication of the Fair Housing Hotline in the City Scope newsletter and on-going public availability of fair housing materials in English and Spanish, this resolution will be mailed to Chandler landlords, rental companies, management companies, realtors, banks and media outlets. Additionally, Staff of the Community Development Division will

continue to handle any citizen complaint pertaining to discrimination in the acquisition or disposition of housing.

All costs associated with this fair housing activity will be paid by the U. S. Department of Housing and Urban Development.

14. FEE SCHEDULE AMENDMENT: Solid Waste Services Res. #4059

ADOPTED Resolution No. 4059 amending the City Fee Schedule relating to Solid Waste Services. At the June 9, 2005 Council Meeting, Ordinance No. 3689 and Resolution No. 3175 were approved amending Chapter 44 and Sections 50-15 and 50-16 of Chapter 50 of the City Code. These amendments were the result of recommendations provided by the Solid Waste Advisory Committee. Staff advised at that time additional revisions to Chapter 44 and Chapter 50 would be necessary and brought forward at a later date to include all changes related to the landfill closure and miscellaneous amendments.

15. INTERGOVERNMENTAL AGREEMENT: CAWCD vs. U.S. Res. #4064

ADOPTED Resolution No. 4064 authorizing an intergovernmental agreement among the cities of Chandler, Glendale, Goodyear, Mesa and Scottsdale relating to their joint representation in CAWCD vs. U. S. and authorized the City Attorney to execute the contract for Legal Services with Engelman Berger, P.C.

This lawsuit, Central Arizona Water Conservation District v. United States, arose from a dispute as to the amount of CAWCD's capital repayment obligation to the United States for the construction of the Central Arizona Project ("CAP"). The federal government's obligation to pay CAWCD for costs associated with delivery of CAP water for federal purposes also was at issue. The parties disagreed by hundreds of millions of dollars.

In November 1995, the City Council authorized a contract for joint representation of Chandler in this litigation with the cities of Glendale, Goodyear, Mesa, Scottsdale and Peoria by the law firm of Ulrich, Kessler & Anger, P.C., and subsequently, Engelman Berger, P.C. The contract has been extended several times, with the last extension occurring in December 2005.

The cities of Chandler, Glendale, Goodyear, Mesa and Scottsdale want to continue to jointly retain the law firm of Engelman Berger, P.C. Mr. William Anger will continue to serve as primary counsel under this contract. The City of Peoria has determined that it will not participate in this contract but will instead be represented by the Peoria City Attorney in this matter.

Over the last several years, extensive settlement negotiations have been undertaken to resolve the CAP litigation. On May 3, 2000, CAWCD and the United States submitted a stipulation for a stay of litigation and for ultimate judgment upon the satisfaction of stipulated conditions to U. S. District Court. One of those stated conditions was resolution of the water rights claims of the Gila River Indian Community.

Under the terms of that stipulation (amended April 28, 2003), the United States and CAWCD agreed upon a reduced payment ceiling of \$1.65 billion for the Central Arizona Project system and certain reallocations of CAP water. This amount was \$700 million less than the United States had originally asserted. As a result of the stipulation, CAWCD lowered the capital charges for CAP M&I water. The City of Chandler pays roughly \$73,000 less for these capital charges per year. We expect that even greater savings may be achieved in the capital repayment charges

when all of the conditions required for final settlement are completed and final judgment in the CAP litigation is entered by the Court.

The Arizona Water Settlements Act, Public Law 108-451, authorizes the CAP water reallocations and certain financial obligations required under the stipulation. It also authorizes the Gila River Indian Community Water Rights Settlement Agreement (the "Settlement Agreement"). The Act, which became law on December 10, 2004, requires that numerous actions be completed before the Gila River Indian Community settlement becomes enforceable. The Arizona Water Settlements Act requires that all of these actions be completed so that the "Enforceability Date" for the Gila River Indian Community settlement occurs no later than December 31, 2007.

The parties to the Settlement Agreement have made significant progress in completing the actions required for that Enforceability Date as follows:

1. The Settlement Agreement has been amended to eliminate any conflicts with the Act and the Secretary of Interior and Arizona's Governor have both signed that Agreement.
2. The Settlement Agreement has been submitted to both the Maricopa County Superior Court (the adjudication court) and the U. S. District Court for their approval and the settlement parties who are involved in those respective pleadings are defending the Settlement Agreement against objections filed by other entities.
3. Several of the required reallocations of agricultural and CAP Municipal and Industrial (M&I) water have been completed by Federal Register Notice dated August 25, 2006.
4. Amended CAP M&I subcontracts have been offered addressing all required terms, including an initial delivery term of 100 years, new shortage sharing provisions and certain other terms.
5. The Gila River Indian Community's contract for CAP water has been amended as required by the Act.
6. State legislation required by the Settlement Agreement has been enacted.
7. Certain required funding and dismissal of lawsuits are pending and will take place either shortly before or concurrently with the Enforceability Date. Some other activities (requiring action by parties other than Chandler) are moving toward completion.

On March 17, 2007, the City of Chandler approved its amended CAP M&I Water Service Subcontract which contained the new terms and delivery of an additional 4,986 acre-feet of CAP M&I water, as required by the Act.

Staffs of the cities of Chandler, Glendale, Goodyear, Mesa and Scottsdale have recommended a contract for Mr. Anger to continue the settlement-related work be approved with a budget of \$100,000.00. This contract will expire upon the completion of the CAP litigation or when there are no further activities that are a condition for the cities to receive water in the Settlement Agreement, whichever event occurs last. The contract may be terminated earlier or extended pursuant to the Cities' direction.

The total cost of this contract is not more than \$100,000.00 to be divided equally among the five cities, with each city's percentage of cost at 20%. This will result in costs to Chandler of no more than \$20,000.00 for the term of the contract.

16. CONTINUED PRELIMINARY DEVELOPMENT PLAN: Holiday Inn/T-Mobile

CONTINUED TO MAY 24, 2007, Preliminary Development Plan, PDP06-0061, Holiday Inn/T-Mobile, for a wireless communications facility located on top of an existing hotel at 1200 W. Ocotillo Road to correspond with a continuance granted by the Planning Commission to allow provision of additional information regarding design for the proposed wireless communication facility. (Applicant: Steve Ciolek, T-Mobile; Owner: North Face Investments, LLC.)

17. CDBG FUNDS: Salvation Army Center

ALLOCATED \$56,000.00 in FY 2006/07 CDBG funds to the Salvation Army Center for the renovation of their facility at 85 E. Saragosa Street.

In January 2007, the Mayor and Council set aside approximately \$220,240.00 in CDBG (Community Development Block Grant) funds to be placed in a "flexible" pool to be used by local non-profit agencies to fix and/or upgrade their facilities. Staff met with local agencies and compiled a list of needs. Staff then worked with the agencies to prepare specifications and solicit bids from licensed contractors. Contractors were asked to bid each facility renovation keeping in mind the varied schedules the agencies had and when construction work could take place. Once bids were received, Staff and the agencies reviewed and determined whether a single contractor should be used or multiple contractors. By dividing the work per project, the lowest total cost can be achieved.

The Salvation Army provides emergency financial assistance, daycare, meal programs and a food pantry to Chandler moderate-income residents in need. Their facility, originally built in the 1920's, is in need of renovations due to age and a necessity to increase capacity, particularly their meal services.

Improvements to the facility will include a kitchen remodel, installation of cooling, exterior stucco repair and painting of both buildings located on the property, and replacement of existing electrical service.

Plans have been approved and permits are ready to be issued to the contractor selected.

COUNCILMEMBER CACCAMO abstained from voting on this item due to a possible conflict of interest.

18. CDBG FUNDS: Chandler Christian Community Center

ALLOCATED \$10,000,000 in FY 2006/07 CDBG funds to the Chandler Christian Community Center for the renovation of their facility at 345 S. California Street.

In January 2007, the Mayor and Council set aside approximately \$220,240.00 in CDBG (Community Development Block Grant) funds to be placed in a "flexible" pool to be used by local non-profit agencies to fix and/or upgrade their facilities. Staff met with local agencies and compiled a list of needs. Staff then worked with the agencies to prepare specifications and solicit bids from licensed contractors. Contractors were asked to bid each facility renovation, keeping in mind the varied schedules, the agencies had and when construction work could take place. Once bids were received, Staff and the agencies reviewed and determined whether a single contractor should be used or multiple contractors. By dividing the work per project, the lowest total cost can be achieved.

The Chandler Christian Community Center provides a food and clothing bank and community classes in parenting and substance abuse prevention. Their facility is in need of work to create classroom space in an area of the facility currently used as storage. This space will be used to expand their educational programs, particularly related to substance abuse.

Improvements will include installation of an interior wall, extension of existing sidewalks on the facility grounds, and installation new rain gutters and insulation at a portion of the facility.

Plans for the project have been approved and permits are ready to be issued to the contractor selected.

19. CDBG FUNDS: Improving Chandler Area Neighborhoods (ICAN)

ALLOCATED \$35,500.00 in FY 2006/07 CDBG funds to Improve Chandler Area Neighborhood (ICAN) for the renovation of their facility at 201 S. Washington Street.

In January 2007, the Mayor and Council set aside approximately \$220,240.00 in CDBG (Community Development Block Grant) funds to be placed in a "flexible" pool to be used by local non-profit agencies to fix and/or upgrade their facilities. Staff met with local agencies and compiled a list of needs. Staff then worked with the agencies to prepare specifications and solicit bids from licensed contractors. Contractors were asked to bid each facility renovation, keeping in mind the varied schedules, the agencies had and when construction work could take place. Once bids were received, Staff and the agencies reviewed and determined whether a single contractor should be used or multiple contractors. By dividing the work per project, the lowest total cost can be achieved.

The ICAN facility provides education and prevention programs for youth, primarily those living in the area of Downtown Chandler. ICAN's facility is in need of roofing and interior ceiling repairs due to water damage. Additionally, the facility needs their kitchen area remodeled to provide lunch and snacks to children participating in their programs.

Improvements to the facility will include remodeling of the existing kitchen area, ceiling repair, installation of shelving in library, and re-roofing of the south building

Plans for the project have been approved and permits are ready to be issued to the contractor selected.

20. CDBG FUNDS: South Chandler Self Help Foundation

ALLOCATED \$9,500.00 in FY 2006/07 CDBG funds to the South Chandler Self Help Foundation for the renovation of their facility at 472 S. Colorado Street.

In January 2007, the Mayor and Council set aside approximately \$220,240.00 in CDBG (Community Development Block Grant) funds to be placed in a "flexible" pool to be used by local non-profit agencies to fix and/or upgrade their facilities. Staff met with local agencies and compiled a list of needs. Staff then worked with the agencies to prepare specifications and solicit bids from licensed contractors. Contractors were asked to bid each facility renovation, keeping in mind the varied schedules, the agencies had and when construction work could take place. Once bids were received, Staff and the agencies reviewed and determined whether a single contractor should be used or multiple contractors. By dividing the work per project, the lowest total cost can be achieved.

South Chandler Self Help Foundation provides education and prevention programs for all ages as after school education assistance, primarily in the Harris Park Neighborhood. South Chandler Self Help would benefit from some upgrades to their facility. A recent remodel was completed; however, due to funding, some items could not be included.

Improvements to the facility will include new shelving, security lighting in the parking area, and expansion of their parking area entry way and added fencing.

Plans for the project have been approved and permits are ready to be issued to the contractor selected.

21. No Item.

22. AGREEMENT: National Institute of Government Purchasing

APPROVED an Agreement with the National Institute of Government Purchasing (NIGP) for professional services for an operational assessment of the Purchasing Division in an amount not to exceed \$46,650.00.

The NIGP will assess the operating efficiency and effectiveness of the Purchasing Division, examine a variety of topics, recommend best practices and changes where needed. The Purchasing Division's last operational assessment was conducted in 1995 and led to a number of improvements in operating procedures resulting in increased efficiency and effectiveness in providing support to internal customers. Since the 1995 assessment, the Purchasing Division has experienced a number of significant changes to include technology, legislation, City Code updates and legal opinions that impact the organization. Additionally, growth and changes affecting other City departments and divisions since 1995 impact the operations of the Purchasing Division. To ensure best practices and to remain abreast of legislation and trends in public purchasing, a new operational assessment is needed.

23. AGREEMENT INCREASE: Electrical Supplies

APPROVED an Agreement increase of \$105,000.00 for electrical supplies from Brown Wholesale Electric, Electric Supply, Inc. and Graybar for a total amount not to exceed \$250,000.00.

In June 2004, Council awarded a one-year contract to Brown Wholesale Electric, Electric Supply, Inc. and Graybar with provisions for four one-year extensions upon mutual agreement between the City and the contractors. All pricing is based on a discount from manufacturer's list pricing. This increase is being requested due to Traffic Staff being able to repair more streetlights and traffic signals, which has increased usage of these repair items. In addition, Building & Facilities is requesting additional funds to cover vandalism of copper wiring at several parks.

24. AGREEMENT: IntelliTime Systems Corporation

CONTINUED TO MAY 10, 2007 an Agreement with IntelliTime Systems Corporation for a timekeeping and absence management solution, implementation services and necessary hardware in an amount not to exceed \$250,000.00.

25. AGREEMENT: Action Barricade Company, LLC

APPROVED an Agreement with Action Barricade Company, LLC for traffic sign posts in an amount not to exceed \$45,618.00 for one year with options to renew for four one-year periods.

Annually, Traffic Engineering's Preventive Maintenance Program replaces approximately 1000 traffic signs and posts. These posts and signs are replaced due to damage and age, along with new requirements. A term contract is necessary to compensate for the long lead times by carrying an inventory and to establish firm pricing for the historically high use items for the required traffic signs and related hardware.

26. AGREEMENT: Lin Cum, Inc.

APPROVED an Agreement with Lin Cum, Inc. for microfilming and electronic imaging of building and engineering plans in an amount not to exceed \$88,000.00. The City sends the plans to the vendor for microfilming. The vendor creates aperture cards and an archival-quality backup roll. The vendor then sends the aperture cards and the original plans to the City and stores the microfilm roll per State of Arizona standards.

27. AGREEMENT: Community Sciences Corporation

APPROVED an Agreement with Community Sciences Corporation to conduct a General plan update in an amount not to exceed \$267,000.00.

The Chandler General Plan is a strategic document guiding City growth and development as required by State Statutes, and relies heavily upon area plans, development policies, Planned Area Development (PAD) zoning and other techniques for implementation. The General Plan currently in effect was adopted by Council on November 2, 2001, and was ratified by voters on March 12, 2002. In response to Council direction at the time of adoption, Staff committed to an update sooner than the ten years otherwise allowed by Statutes, due to the City's rapid growth. While the plan has served the City well in its growth-related decisions, several elements are now out of date (i.e. Housing, Redevelopment), others have already been ear-marked for update by other City departments (Transportation Element and Water/Wastewater Master Plan), and the implications of City build-out have now been studied. In addition to technical advice by City Staff representing all City Departments, and an oversight committee to be comprised of City residents, the General Plan update process anticipates extensive public participation over the next 12-18 months, all as required by Statutes. The updated Plan will outline the City's vision for build-out and beyond for all 15 elements as required for cities our size with additional emphasis on neighborhood planning and key economic development.

28. AGREEMENT EXTENSION: Heinfeld, Meech and Co., P.C.

APPROVED a one-year Agreement extension with Heinfeld, Meech and Co., P.C. for professional audit services in an amount not to exceed \$80,881.00.

The City is required by City Charter and State Statute to issue an annual, audited financial report. In addition, federal law requires the City to undergo an annual single audit of federal financial assistance. Consistent with the city's practice to competitively procure a contract for auditing services every five years, a request for proposals for auditing services was issued upon the expiration of the previous contract. The current contract is a one-year contract with the option to renew for up to four additional one-year periods. This extension is the fifth of a possible five years.

Also, the scope of services includes the City and affiliated organizations, i.e. the City of Chandler Industrial Development Authority and the Chandler Cultural Foundation. At their pleasure, the respective boards of these entities may have audit work performed under this contract at their cost.

29. AGREEMENT EXTENSION: National Meter and Automation

APPROVED a one-year Agreement extension (#WD6-890-2275) with National Meter and Automation for the purchase of water meter box lids in an amount not to exceed \$161,190.00.

The City is currently installing radio-read water meters, which require the use of polymer concrete meter box lids to allow for radio transmission. Approximately one-half of the lids will be used for retrofitting steel lids in areas where radio-read meters are already installed. The remainder of the polymer concrete lids will be used to replace steel lids when older or malfunctioning meters are replaced.

30. CONTRACT EXTENSION: Arizona Beeman Drilling

APPROVED a one-year Contract extension (JOC #05-01) to Arizona Beeman Drilling for well drilling and rehabilitation services in an amount not to exceed \$1,500,000.00.

The development of new water production well sites and the rehabilitation of existing well sites is required to provide water to meet the City's future demand. In addition, the development of aquifer storage and recovery (ASR) wells is required to support the reclaimed water distribution system. This job order contract provides for drilling and rehabilitation services for diagnostic, monitoring, ASR, and water production wells. Under this contract, individual project agreements will be prepared for executing and approval for each specific project.

31. CONTRACT: Entellus Construction Services, LLC

APPROVED Contract #WW0506-451 with Entellus Construction Services, LLC for construction management services for the Germann Sewer and Lift Station in an amount not to exceed \$216,017.00.

The City's Wastewater Master Plan identifies the need for a lift station and sewer to accommodate projected flows from Tumbleweed Park and the north side of Germann Road to Willis Road, east of Union Pacific Railroad right-of-way and west of McQueen Road. This project completes the sewer in Germann Road, which will flow to the lift station at the intersection with Hamilton Street and constructs the lift station and force main to McQueen Road. The construction is scheduled to be complete by the fourth quarter of 2007 in anticipation of completion of the Tumbleweed Recreation Center.

32. CONTINUED CONTRACT: Pulice Construction, Inc.

CONTINUED TO MAY 10, 2007, Contract #ST0623-251 to Pulice Construction, Inc. for pre-construction services for roadway widening, reclaimed water main installation and associated improvement for Queen Creek Road (Price to McQueen) in an amount not to exceed \$165,507.00 to clarify which portions of the project Staff is recommending to move forward and which portions need further discussion and decision making.

33. CONTRACT EXTENSION: The Groundskeeper

APPROVED a one-year Contract extension (#ST5-988-2148) with The Groundskeeper for landscape maintenance along the Price Freeway frontage road and at various City facilities in an amount not to exceed \$86,208.00.

The landscaped areas to be maintained under this contract are Price Freeway frontage roads, downtown areas, airport terminal area, City yards at Chicago Street and McQueen Road and the Police impound facility. This contract includes weekly trash pickup, weed control, irrigation repair, mowing and pruning/trimming as required.

34. CONTRACT EXTENSION: JC Printing and Di-Mar Business Forms

APPROVED a one-year Contract extension with JC Printing for overflow photo copying, printing and bindery services in an amount not to exceed \$100,000.00 and Di-Mar Business Forms for printing the CityScope in an amount not to exceed \$40,000.00 for a combined total not to exceed \$140,000.00.

These services are needed to ensure that printing and copying will be provided in a timely manner to meet schedules requested by City staff. The contract includes the pick up and delivery of documents at Administrative Services. The CityScope is a monthly newsletter for Chandler citizens and is inserted and mailed along with water bills. CityScope is printed on recycled paper. This contract also includes the printing and folding of the City of Chandler Quick Look Phone Directory and Six Month Calendar.

35. PURCHASE: Rehrig Pacific Company

APPROVED the Purchase of in-house plastic recycling containers from Rehrig Pacific Company in an amount not to exceed \$24,000.00.

The City of Chandler has an ongoing need for approximately 5,000 in-house baskets on a yearly basis. When Chandler implemented recycling, it was determined a container would be provided for residents to use in the home to collect and store recyclables, similar to a trash basket. The style and size was determined based on the ease in carrying and storing the basket in the home. It was also decided the containers would have holes to ensure liquids were not placed in the recycling can. Solid Waste Services Staff delivers in-house baskets to new homes, existing homes and city employees in the work place to collect recycling material.

36. PURCHASE: Hill Brothers Chemical Company

APPROVED the Purchase of sodium hypochlorite (bleach) from Hill Brothers Chemical Company in an amount not to exceed \$123,000.00.

The contract will be utilized by the Wastewater Collection Division for treatment of sewer odors within the collection system. It will allow Wastewater Collection to continue applying 12.5% bleach to several sewer mains throughout the City. The bleach applications significantly reduce sewer odor and related citizen complaints.

The unique delivery of this bleach has prompted a separate bid than that of water treatment. To treat the sewers, bleach must be in 55-gallon drums, 300-gallon totes and 700-gallon mini-bulk containers, which the current chemical vendor is unable to provide.

37. USE PERMIT: Seton Catholic High School

APPROVED Use Permit, UP06-0065, Seton Catholic High School, extension for a modular building for classroom uses at 1150 N. Dobson Road. (Applicant: Bob Esposito.)

The subject site is located north of the NWC of Dobson and Ray roads. Directly north of the site are the Sandstone Place and the Silvergate III single-family residential neighborhoods. East, across Dobson Road is the Faith Community Church. South, adjacent to the site is the Dobson Commons shopping center. Directly west of the site is the Dobson Terrace single-family residential neighborhood.

The modular building currently serves as two temporary classrooms. The high school is currently in the process of submitting plans to the City of Chandler for a new building of classrooms, but in the process has run out to time for their use permit, thus requiring a use permit extension.

The existing Use Permit was approved in 2001 to permit the installation of a portable building that added two classrooms to the campus. In 2001, the school anticipated the need for the temporary building only for two years. The Use Permit was extended again in 2003 for an additional three years.

In addition to the portable building, the Seton Catholic High School campus includes six classroom buildings, a gymnasium, cafeteria, administration building and a media center. The portable building is located west of the gymnasium between two classroom buildings and is not visible from any road or adjacent property.

The building includes fire sprinklers to meet City Code requirements and an ADA accessible ramp.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 26, 2007. There were no neighbors in attendance. 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 following conditions:

1. 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 and approval by the City of Chandler.
2. Substantial expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.

38. USE PERMIT: Centro De Alabanza Juda

APPROVED Use Permit, UP06-0081, Centro De Alabanza Juda, extension to locate and operate a church in a single-family zoned district at 450 S. Hamilton Street. (Applicant: Jesus Garza, Jr., Senior Pastor.)

The site is located south of the SWC of Frye Road and Hamilton Street. Directly north of the site is the Door Church. East, across Hamilton Street is Folley Park and Frye Elementary School. South, is the Planned Area Development (PAD) zoned Bogle Business Park. West, adjacent to the site is the Hidalgo single-family residential neighborhood.

The site received Use Permit approval in 2004 to locate a church in a single-family residential zoning district. As part of the approval, there was a two-year timing condition. The current request is to allow Use Permit approval for the church indefinitely. Any change in site layout or an expansion would require a new use permit.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 26, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan and SF-8.5 zoning, the Planning Commission and Staff recommend approval subject to the following condition:

1. Substantial expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.

39. CONTINUED USE PERMIT: Famous Sam's

CONTINUED TO MAY 24, 2007, Use Permit, UP07-0017 Famous Sam's, Series 6, for an extension of premises to sell liquor for on-premise consumption only within an outdoor patio area at 940 N. Alma School Road to allow additional time to work with the applicant on their outdoor patio request.

40. USE PERMIT: Tom Ryan's Lounge

APPROVED Use Permit, UP07-0018 Tom Ryan's Lounge, Series 6, for an extension of premises to sell liquor for on-premise consumption only within an outdoor patio area at 70 W. Warner Road, Suite #105. (Applicant: MAKK, Ken Seal.)

The bar is located within the East Valley Mall at the NWC of Warner Road and Arizona Avenue and shares a pad building with DJ's Smoke Shop and Cousins Subs along Warner Road. The bar has been selling alcohol under an existing Use Permit in conjunction with a Series 6 Bar License since 1992. The application requests that the alcohol service area be extended to include an outdoor patio in addition to the previously approved indoor service area requiring a Use Permit.

The facility currently contains a bar, small tables and two pool tables. An existing patio area north of the suite is proposed to be fenced with wrought iron in order to allow provision of alcohol under the existing Series 6 Bar License. The hours of operation are 6:00 a.m. to 2:00 a.m. Monday through Saturday and 10:00 a.m. to 2:00 a.m. Sunday. There is live entertainment indoors on Friday and Saturday nights but no live entertainment on the patio. The patio door will remain closed and indoor live music will not be broadcast on the outdoor speakers.

The request for alcohol service on the patio is driven by the new statewide smoking law, effective May 1, that generally prohibits indoor smoking in bars and restaurants. The applicant indicates that a large proportion of their clientele smokes and so the ability to provide an outdoor smoking area is important to the business' success.

There are numerous other active and inactive liquor Use Permits in the area. In the East Valley Mall, China Star possesses a Series 7 (Wine & Beer) Use Permit and a soon-to-be-opened bar about 300 feet west of the subject site possesses a Series 6 (Bar) Use Permit, plus five other locations in the center hold inactive liquor Use Permits. There is also a Series 6 (Bar) license active across Warner Road (First Round Draft) and a Series 12 (Restaurant) license across Arizona Avenue in the Chandler Mercado (Portrero).

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 12, 2007. There were no citizens in attendance. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan and Regional Commercial (C-3) zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. The Use Permit granted is for a Series 6 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. 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.
4. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or an increase in entertainment related uses shall require reapplication and approval of the Use Permit.
5. A 48"-box shade tree and a bench shall be installed nearby to account for the tree and bench removed through the patio enclosure process.
6. Only the concrete patio area shall be enclosed. The adjacent grassy area shall remain unfenced.
7. The perimeter fence shall be a maximum height of 48".

41. USE PERMIT: Red White and Brew

APPROVED Use Permit, UP07-0021 Red White and Brew, Series 12, for the sale of liquor for on-premise consumption only within a new restaurant in the Chandler Heights Marketplace commercial center at 4850 S. Gilbert Road, Building D, Suite 4. (Applicant: Amy Nations, Arizona Liquor Industry Consultants.)

The restaurant is located within the Chandler Heights Marketplace shopping center anchored by Bashas'. The application requests Use Permit approval to allow liquor indoors and within an outdoor dining area. The restaurant's hours of operation are Monday through Saturday 11:00 a.m. to 10:00 p.m. and Sunday 12:00 p.m. to 10:00 p.m. The restaurant has another valley location in east Mesa.

There is no representation of live entertainment, game rooms, pool tables, dance floor, stage and the like. The exhibits do not represent any televisions, heaters, and shade canopies on the outdoor patio.

The proposed patio is located on the suite's northeast side adjacent to a covered common pedestrian seating area. The outdoor dining area utilizes half of the existing outdoor patio area, which was intended for outdoor dining use. The patio is accessed from the restaurant's dining area. The patio is cordoned off with rail fencing that matches the existing site's fencing. The

patio does not affect the use of the common pedestrian area and provides appropriate passing space for pedestrians adjacent to the patio. The rest of the common pedestrian area remains unoccupied at this time.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 10, 2007. There were no neighbors in attendance.

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

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, a bar serving area or the addition of entertainment related uses shall require new Use Permit reapplication and approval.
3. The Use Permit is granted for a Series 12 license only and any change of licenses shall require re-application and new Use Permit approval.
4. The Use Permit is non-transferable to other restaurant locations.

42. LIQUOR LICENSE: Red White & Brew

APPROVED a Series 12 Restaurant Liquor License (Chandler #113139 L12) for Randy Nations, Agent, RWB II LLC, dba Red White & Brew, 4850 S. Gilbert Rd., Building D, Suite 4. A recommendation for approval of State Liquor License #12077039 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

43. LIQUOR LICENSE: Logan's Roadhouse Inc.

APPROVED a Series 12 Restaurant Liquor License (Chandler #113340 L12) for Deborah Lynne Canez, Agent, Logan's Roadhouse, Inc., dba Logan's Roadhouse, 3481 W. Frye Road. A recommendation for approval of State Liquor License #12077051 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

44. LIQUOR LICENSE: Iguana Mack's

APPROVED a Series 6, temporary extension of premises for Chandler Liquor License No. 13393L06 held by Destination Restaurant Inc., dba Iguana Mack's, 1371 N. Alma School Road for a Cinco de Mayo Celebration on May 5, 2007. A recommendation for approval for temporary extension of premises for State Liquor License No. 06070034 will be forwarded to the State Liquor Department. The Police Department has no objections to this extension and the applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Services.

45. PRELIMINARY PLAT: Pollack Business Park South Lots 1 thru 9

APPROVED Preliminary Plat PPT07-0002 Pollack Business Park South Lots 1 thru 9, for a commercial retail, office, showroom and light industrial development on 15.93 acres at the SEC of Arizona Avenue and Elliot Road. (Applicant: Pollack Investments.) The plat creates the lots and tracts, construction phasing lines, establishes the necessary easements and dedicates the required right-of-way.

46. FINAL CONDOMINIUM PLAT: Airpark South Professional Village

APPROVED Final Condominium Plat FPT07-0015 Airpark South Professional Village, for an office development on a 10.2-acre site near the Chandler Municipal Airport at the SWC of Cooper and Queen Creek roads. (Applicant: UTAZ Development Corp.) The plat establishes the individual office condominiums that will be sold or leased. The subdivision creates the common areas, necessary easements and dedicates the required right-of-way.

47. On Action.

48. See Public Hearing #2.

49. See Public Hearing #3.

50. On Action.

51. On Action.

ACTION:

47. REZONING/PRELIMINARY PLAT: Vina Escondida Ord. #3850

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3850 DVR06-0010 Vina Escondida, rezoning from AG-1 to PAD with PDP on approximately 12.23 acres for a 16-lot custom single-family residential subdivision.

APPROVED Preliminary Plat, PPT06-0016 Vina Escondida for subdivision layout and development standards on approximately 12.23 acres approximately ¼ mile south of the SEC of McQueen and Germann roads. (Applicant: Jeff Wimmer, CMA, L.L.C.)

PLANNER KEVIN MAYO said that the site is located approximately ¼ mile south of the SEC of McQueen and Germann roads, just west of the Chandler Airport. McQueen Road abuts the property's west side, with the Chandler Tumbleweed Park located west of McQueen Road. North of the subject site is a new City Equestrian Park connecting McQueen Road and the Paseo Canal along the property's east side. East of the Paseo Canal is the Chandler Municipal Airport. South of the subject site are existing rural residential homes zoned Rural-43 in the County.

The General Plan designates the subject site as Rural (Very Low Density) Residential uses with an average density range of 0 to 2.5 du/ac. The General Plan further designates this property as within the Airpark Area Plan. The Airpark Area Plan, which is bounded by Pecos Road, Arizona Avenue, Gilbert Road and Ocotillo Road, further defines land uses and densities permitted in this area. The development conforms to the Airpark Area Plan, which designates the site for Rural Residential (RR) density ranges from 0 to 1.5 du/ac with one and two-story single-family detached homes on large lots. The Rural Residential designation is located in areas where low-density single-family residential exists and/or is preferred based upon a desire to retain the rural character of a given location.

The Airpark Area Plan also designates the subject site as within a Transitional Overlay Zone. The Transitional Overlay Zone occurs in areas that have potential for a variety of commercial land uses based upon compatibility with surrounding land uses. This Transitional Overlay Zone allows the transition from residential to commercial land uses as the economics become favorable for the transition to occur. The Transitional Overlay Zone includes specific guidelines when transitioning from Rural Residential to a compatible commercial land use. The transition guidelines include the following:

- ❑ Industrial uses will only be permitted if all the property owners in the contiguous transitional area request rezoning to that zoning district.
- ❑ Property owners in any transitional area request a rezoning of a minimum of 40 contiguous acres made up of whole subdivision lots.
- ❑ All requests for rezoning are for a specific proposed commercial project with committed funding.
- ❑ The development site where the new zoning occurs is adequately buffered so as not to create a hazard or a nuisance to the adjacent rural residential land use.
- ❑ Adequate infrastructure either exists or is planned as part of the development design to support the proposed use and traffic impacts on residential uses are minimal.
- ❑ All properties proposed for rezoning are adjacent to and border an arterial roadway, or border a commercial property that is adjacent to or borders an arterial roadway. This guideline is intended to prevent fragmented commercial development.
- ❑ Include the use of noise attenuation as provided for in Appendix A of the Airpark Area Plan.

Staff finds the subject site is not appropriate to consider for a transition to a commercial land use based on the existing established rural-residential single-family homes located adjacent to the south, as well as the City of Chandler Equestrian Park located directly north. Additionally, the subject site's approximate 13-acre size and irregular shape impacts its development potential for any type of land use other than residential.

Vina Escondida is proposed as a gated community. The single gated access point is located along McQueen Road. Due to the site's irregular shape and existing adjacent land uses, secondary emergency access points can not be provided. In response, the applicant has agreed to install sprinkler systems within all homes. The developer has secured a water-line easement from the County property owner at the site's southeast corner to provide a looped water line. Two cul-de-sacs and textured paving are included to provide traffic calming for the residential street.

The Airport Commission reviewed the zoning request in accordance with the Airport Conflicts Evaluation Process. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found that the proposed Vina Escondida subdivision does constitute a conflict with existing or planned airport uses, as well as existing businesses within the site's vicinity. The Commission does not recommend the approval of any type of residential development at this location, suggesting options for commercial development such as a mini-storage facility.

Overall, Staff supports the proposed rezoning. Based on the site's long-narrow size and small exposure along McQueen Road, Staff feels that a residential land use is appropriate for this location. Other non-residential land uses would be seen as incompatible with the existing rural-residential single-family homes adjacent to the south, as well as the City of Chandler Equestrian Park adjacent on the north. Staff is of the opinion the proposed land use is consistent with

General Plan and Airpark Area Plan. The proposed density, 1.32 du/ac, is within the range of 0 to 1.5 du/ac as defined in the Airpark Area Plan. The large lot, detached single-family land use is consistent with the Rural Residential designation and compatible with existing large lot rural residential single-family in the area.

The property is located within the Airport Impact Overlay District, which establishes airport noise overlays. The intent of the noise overlay district is to regulate land uses within designated existing or projected airport noise impact areas by specifying acoustical performance standards. The noise overlay zones are in addition to Zoning Districts. The noise overlay creates characteristics and limitations of the overlying Zoning District; however, in any situation where a conflict arises, the more strict regulation(s) apply.

A portion of the proposed development's east side is within the 55-dnl Noise Contour and Airport Noise Overlay-One (ANO-1) zone, as shown on the current City of Chandler Zoning Map Grid. The ANO-1 zone is the area between the 55-dnl and 60-dnl noise contour lines. The noise contours indicated on the Zoning Map Grid are based upon an anticipated future runway length of 6,800 feet (current length is 4,850 feet); however, does not reflect the previous existence of the heliport. The 6,800-foot runway length is no longer achievable based upon recently constructed roadway alignments of Germann and Queen Creek Roads. It is acknowledged that the approved noise contour lines as part of the current Zoning Map Grid no longer represent the actual or future noise impacts surrounding the Chandler Municipal Airport.

On January 11, 2007, the City Council approved Resolution No. 4036 approving the 2007 Airport Master Plan Update for the Chandler Municipal Airport. Included within the update were two exhibits representing the 2005 and 2025 noise contour lines. The 2005 noise contour exhibit is based on the existing 4,850-foot runway length and does reflect the noise impacts of the previous heliport location adjacent to the subject site's east side. This exhibit indicated the subject site to be impacted by the 55-dnl and 60-dnl noise contour lines for 2005. The 2025 noise contour exhibit is based upon the maximum anticipated future runway length of 5,700 feet and accurately indicates the current heliport location at the airport's northeast side. This exhibit indicates that the subject site is no longer impacted by the 55-dnl or 60-dnl noise contour lines. While the noise contours indicated on the 2025 noise contour exhibit have not been approved through the pending Part 150 study and formally adopted as Code, staff makes the reasonable assumption that the subject site is no longer impacted by any noise contour lines. Regardless of noise contour lines, Staff has included a condition requiring the homes to be constructed to achieve a noise level of 45-decibels for a single event from an aircraft. Additionally, Staff has included a zoning condition regarding airport disclosure to prospective homebuyers and noise attenuation construction requirements.

This request was noticed in accordance to the provisions of the Chandler Zoning Code with neighborhood meetings held on June 28, 2006 and January 31, 2007. No neighboring property owners offered any opposition to the proposed subdivision. The business owners cited concerns regarding the incompatibility of homes with the adjacent airport uses. Staff has received no correspondence from residents in opposition and one letter in support.

The motion for approval of the rezoning failed at the Planning Commission 3-4. Commissioners in support cited the site's irregular shape, existing adjacent rural-residential and parkland uses and the inappropriateness of other non-residential land uses as reasons for support. Discussion occurred regarding the potential to provide additional buffering for the airport and adjacent uses through a 150-foot landscaped buffer along the property's east side. Commissioners in opposition cited the proposed homes incompatibility with the existing airport and non-airport

related uses adjacent to the east as representing potential future conflicts. Additionally, Commissioners opposing the request stated that an approval would potentially hinder this property's, as well as the existing properties to the south, ability to "transition" from the rural residential land use to a commercial land use as described in the Airpark Area Plan's Transitional Overlay Zone.

Upon finding the request to be inconsistent with the Airpark Area Plan, as well as represent a potential conflict with existing and planned airport uses, the Planning Commission recommends denial of the rezoning request.

Upon finding consistency with the General Plan and Airpark Area Plan, Staff recommends approval subject to conditions listed in the ordinance.

Staff recommends approval of the Preliminary Plat subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

COUNCILMEMBER WENINGER asked if this property could be developed as AG-1 if this request is denied. MR. MAYO responded that it could. Being developed as AG-1 does not require gated entry and landscaping improvements along McQueen.

RALPH PEW, 1930 E. Brown Road, Mesa, representing the applicant, said that the property has been annexed into the City of Chandler. The owners decided to have the property annexed into Chandler and build according to the General Plan as is normally asked of developers. He asked Council to support the General Plan. There should be no debate in terms of residential versus non-residential. The real issue is, is the proposed project with 16 lots better for the City of Chandler with open space, amenities, landscaping, decorative walls, design characteristics that Staff has insisted on. Or, should the request be denied and the owner told to do what he can with acre lots.

Mr. Pew continued that the opposition from the airport is important for the development of the airport area, but this is not the case to be complaining about. It was previously decided that this property is appropriate for residential development with densities up to 1.5 du/ac. They are proposing 1.3. This plan follows the General Plan and should be approved. A non-residential use cannot be approved because of the General Plan designation. Because of the shape of the parcel, it would be difficult to develop the site for anything other than residential uses.

He reported that the applicant has worked diligently with Staff and complied with everything they have been asked to do with regards to the design of the subdivision. When the new airport plans were adopted, the noise contours moved off of this property. The Commission asked that they create a 150' buffer on the east end of the property. If Council wishes, they will compromise by doing a 130' buffer on the eastern end and lose one lot.

COUNCILMEMBER SEPULVEDA asked what the density would be if a 130' buffer were added. Mr. Pew responded that the density would go down.

BEVERLY PARRIS, 1215 E. Bluebird Dr., Chandler, expressed support of the project. Their land is adjacent to this property. They purchased their land to remain in a rural setting and were upset when it was brought to her attention that commercial was being considered. She encouraged Council to approve the project.

GEORGE VARGA, 2350 S. Airport Blvd., Chandler, expressed opposition to the project. He owns businesses at the Chandler Airport. His business located 150' from the proposed development overhauls aircraft engines. They overhaul approximately 15 – 20 monthly and test them on their property. They have spent money on noise mitigation because of complaints from the county island residents approximately 600' away. With the additional buffer being proposed, it would be 300'. He does not see how those residents would be relieved of the noise. They employ approximately 50 people and have been of tremendous economic value to the community.

COUNCILMEMBER ORLANDO asked about the noise mitigation. Mr. Varga said that they have only received one complaint since the mitigation and that has been corrected. They are planning to put up a wall, but do not know what affect it will have on the noise.

VICE-MAYOR HUGGINS asked the City Attorney if buyers of homes in this proposed development could be required to sign a release that they are aware of the surrounding businesses and possible noise and if they sell, the new owners would also have to sign. MR. HOUSE responded that it could be a stipulation. MR. MAYO said that there is a disclaimer buyers are required to sign that stays with the deed and is passed on to each homeowner which identifies the airport businesses and other businesses in the area.

COUNCILMEMBER DONOVAN commented that she understands the airport noise, but asked if the noise from engine testing is clearly stated in the stipulation. MR. MAYO replied that individual users are not specifically mentioned because businesses can change. Aircraft engine testing is considered an aircraft noise. MR. BALLARD asked if language could be added listing examples of airport noises including engine testing. MR. HOUSE commented that the public report required for this subdivision should also reveal that information.

COUNCILMEMBER WENINGER asked if there is a wall on the east end of the applicant's property. MR. MAYO said there is a 6' solid block wall that runs down the south side wrapping around the east side.

COUNCILMEMBER ORLANDO asked if anything different should be done to the wall to mitigate the noise. MR. VARGA said that propellers generate noise and they are above 6'. They are proposing to build an 8' wall.

COUNCILMEMBER SEPULVEDA asked Mr. Pew what is stipulated for noise mitigation within the homes. MR. PEW said that there are required decibel levels within the houses as addressed in the stipulations.

GUY PEPOY, 3115 S. Diamond Drive, Chandler, spoke in support of the project citing an excellent use of the land and compatibility with the residential neighborhood. He said that one of the points used to justify the proposed location of the transfer station is the low number of homes in close proximity to the transfer station. These proposed homes are incompatible with the transfer station and he supports the neighbors argument against it.

JOHN WALKUP, 551 S. Evergreen St., Chandler, owner of Chandler Air Service, said that more homes at the airport would only generate more noise complaints to the airport. Commercial uses could be located on this property.

JEFF DEEVER, 12046 E. Bluebird Dr., Chandler, spoke in support of the project. Before they purchased their land and built their home near the airport, they went to the airport listening to the

planes and studying the Airport Master Plan. After their research, they were compelled to buy in the area and do not regret it. He is interested in airport development because he lives close to it and is not bothered by aircraft noise.

JIM FORDEMWALT, 613 W. Summit Place, Chandler, Chair of the Airport Commission, spoke in opposition to the proposed development because of encroachment issues. He referred to a letter to the editor submitted by Councilmember Caccamo on March 28th regarding Allied Waste.

RANDY RANSON, 12217 E. Bluebird, Chandler, stated that he owns the land surrounding the area. He and Mr. Varga met regarding noise from testing the engines. According to Planning & Development, engines can be tested as long as they are inside. He appreciates the effort Mr. Varga has taken to mitigate the noise, but it should have been done sooner.

LEIGH RIVERS, 3737 W. Geronimo, Chandler, said that he appeared before Council several months ago speaking against this project, but has since changed his mind. He spoke of his support of the project and a noise disclaimer.

COUNCILMEMBER ORLANDO said that he has served on the airport commission and is familiar with airport operations and has always supported the 55 dnl line. He supported homes outside of that line as well as not supporting homes inside the line. He expressed concern with the wall on the canal side. He suggested an 8' wall or some type of structure be installed to help mitigate the noise. Mr. Pew concurred and confirmed that it will be on the canal side.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER SEPULVEDA, TO INTRODUCE AND TENTATIVELY ADOPT ORDINANCE NO. 3850 APPROVING DVR06-0010 VINA ESCONDIDA, REZONING AS RECOMMENDED BY STAFF WITH THE FOLLOWING RECOMMENDATIONS:

- Stipulation #12 – Add language that would require purchasers to sign a statement that discloses that there may be engine testing in addition to what is currently included in the stipulation.
- Add Stipulation #18 – Remove lot 16, create 130' buffer from the canal westward as discussed.
- Add Stipulation #19 – Add 8', or equivalent of a berm and 6' wall, on the canal side of the development.

COUNCILMEMBER SEPULVEDA commented that several years ago, a similar development was approved in the Stellar Airpark and asked if there have been any complaints regarding noise. Mr. Ballard responded that he is not aware of any. He is also not aware of any complaints from the existing residential development at the airport.

MOTION CARRIED BY MAJORITY (6-1) WITH MAYOR DUNN VOTING NAY.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER SEPULVEDA TO APPROVED PRELIMINARY PLAT, PPT06-0016, VINA ESCONDIDA, AS PER STAFF RECOMMENDATIONS WITH AMENDMENTS AND THE FOLLOWING CONDITION:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

MOTION CARRIED UNANIMOUSLY (7-0).

50. DISCUSSION AND POSSIBLE ACTION Vehicle Weight Restrictions

DISCUSSION AND POSSIBLE ACTION to direct Staff to study and make recommendations regarding possible vehicular weight restrictions on Germann Road between McQueen Road and the Hamilton Street alignment.

COUNCILMEMBER CACCAMO stated he brought this item before Council due to his concerns with traffic patterns on Germann Road. He has noticed an increase in the amount of construction traffic, construction trucks, landscaping trucks and trucks going to businesses in the county island. With the completion of Tumbleweed Park, there will also be a significant increase in car traffic. He is concerned with the mix of car and truck traffic. He is also concerned that if a transfer station is built, there will be a problem with accidents. COUNCILMEMBER CACCAMO proposed researching weight limits on Germann to take large trucks from the front of Tumbleweed Park and the multi-generational center, not limit truck traffic from accessing the county island, but from the Hamilton Street alignment, consider a weight limit from Hamilton Street on Germann to McQueen. It would still allow access to businesses in the county island to go west on Germann to Arizona Avenue to exit while still having access to its property. He has looked at weight limits, truck limits and weights from various manufacturers where states have a 40-ton weight limit, but will limit the weight below that on particular roads. Chandler has limited weight on Hunt Highway to 9600 lbs. Manufacturers claim that pickup trucks that would ordinarily be driven by citizens would be from 4500 to 8500 lbs. loaded and passenger vans would be approximately 8500 as well as cargo vans and sport utility vehicles. If we enact a limit of approximately 10,000 lbs., we would be safe.

MIKE MAH, City Transportation Engineer, responded that the Title 28 of the Arizona Revised State Statutes, gives the authority to the municipality to regulate traffic on City streets. The City Code assigns the responsibility to the City Traffic Engineer. A resolution would not be necessary to implement a truck restriction within the City. The only area in the City with truck restrictions currently is on Hunt Highway where it is restricted to 10,000 lbs resulting in elimination of approximately 90% of the truck traffic on the road. There is an exception for school buses and public service vehicles.

The Allied Waste facility has asked to process 2200 tons of garbage, which equates to 700 trips per day or 260 garbage trucks and 87 tractor-trailer units. The tractor-trailer units typically weigh 80,000 lbs. The fully-loaded garbage trucks typically weigh 45000-55000 lbs.

Mr. Mah said that truck restrictions could be implemented on Germann between Hamilton and McQueen. The Code allows for restriction of any vehicle weighing more than 9600 lbs. There is a storage facility unit on the north side of Germann that has motor homes and other vehicles stored in the back. Staff feels it is important that if a weight restriction is imposed, that access not be eliminated to those businesses within that mile.

COUNCILMEMBER CACCAMO asked if a weight limit could only be imposed on commercial vehicles and not private. Mr. Mah responded that the restrictions could be based on vehicle classes such as an exemption for school buses. COUNCILMEMBER CACCAMO said that an RV may only be taken out once a month and not daily and could be exempted. Vehicles moving daily, could impact safety and traffic. Mr. Mah said there is a permit process whereby single-trip uses could be granted. It will need to be studied further in terms of dealing with it on a daily basis.

MAYOR DUNN said it might be necessary considering the events held at Tumbleweed Park requiring large trucks to bring in amusement rides. Mr. Mah said that vehicles would also be able to enter the park from the west of Germann from Hamilton to Germann. The trucks would still be able to go east on Germann and turn right on Hamilton to enter the park.

Mr. Mah identified weights of some typical vehicles. A Class A motor home (40 ft.) typically weighs as much as 35,000 lb. A Class B motor homes or van conversions, can weigh as little as 8,000 lbs. One way to achieve the objective of limiting garbage trucks and tractor-trailers and not limit school buses and motor homes, may be to set a weight of approximately 40,000 lbs. COUNCILMEMBER CACCAMO said that he does not want to "target" a specific kind of truck, but to stop anything big and hazardous. There needs to be a "special occasion" exception for such things a RV storage.

COUNCILMEMBER SEPULVEDA asked what the City's "legal exposure" would be and how would such a limitation be enforced. MR. HOUSE said that he sent a confidential memo discussing the legal implications and could not discuss it publicly. Enforcement would be handled by the Police Department. COUNCILMEMBER SEPULVEDA asked about agricultural uses such as tractors, cattle trucks or hauling horses. Mr. Mah said they would also be precluded from using the restricted road. COUNCILMEMBER SEPULVEDA asked how long it would take to address the restrictions. Mr. Mah said there could be a large tab with a list of exemptions or adopt an ordinance identifying the vehicle types and restrictions. COUNCILMEMBER SEPULVEDA asked what the notification requirements would be to those businesses that may be impacted. MR. HOUSE recommended that Staff contact all businesses in the area to let them know what is being proposed and get their input before a final decision is made. There is no statutory requirement other than posting signs on the sections that are being restricted.

COUNCILMEMBER CACCAMO commented that his intention for brining this forward was to "make statements" and not develop a recommendation. He wants Staff to make a recommendation back to Council to limit traffic by using weight limits on trucks.

COUNCILMEMBER WENINGER asked about the mentioned permit for exception. Mr. Mah said it could be handled in various ways. Some cities allow an application to be submitted on-line with an e-mail notification.

FULTON BROCK, Chairman of the Maricopa County Board of Supervisors, 301 W. Jefferson, Phoenix, introduced County Traffic Engineer Dick Wallace. Mr. Brock said that as a resident of Chandler resident, he is worried about the proposed Allied Waste transfer station on the north side of Germann Road between McQueen and Arizona. There is a good possibility that the County would work with the City if the City chooses to annex. It would be simple to make special provisions for residents with equipment to be exempted from the weight standards. They have not been able to find records that any of the businesses along the corridor are operating under. They have not concluded that the businesses are operating illegally or don't have permits, the records just cannot be found. They have officially put them on notice. Along Germann, the recycling facility disposes of waste such as large quantities of concrete and grind it up. The county is questioning whether or not they have a permit and it has been dictated by the Environmental Protection Agency to clean up dust in the environment in any way possible. The entire County may be put under constraints by the end of the year if measures are not taken to clean up the air.

COUNCILMEMBER ORLANDO clarified that the County will support the City if the City chooses to enact weight restrictions. COUNCILMEMBER ORLANDO asked if the companies in the area

are being asked to resubmit their applications. Mr. Brock said that they do not know if permits were ever issued and if they weren't, the businesses are to explain why they are operating without a permit.

COUNCILMEMBER CACCAMO asked Supervisor Brock if the City could annex that portion of Germann Road from Hamilton Street west to Arizona Avenue. City maps show that Germann Road east of Hamilton Street is currently under City jurisdiction. Mr. Wallace said that according to the County's records, the City owns and manages all of Germann east of Hamilton and has most of Germann west of Hamilton and to the north 33 feet. All of Germann east of Hamilton is under City jurisdiction.

MAYOR DUNN thanked Supervisor Brock for his support. He announced the Maricopa Board of Supervisors is planning to hear the matter on Wednesday, May 16th, at 9:00 a.m. MAYOR DUNN asked Supervisor Brock if there is anything the City could do to emphasize the importance of this vote. Supervisor Brock said to keep doing what is being done.

MICHELLE DALY, 1720 E. Redwood Place, said the neighbors are anxiously waiting for the Tumbleweed Rec. center to be built. She noted how much traffic would increase with the completion of Tumbleweed Center. She recommended the weight restriction also include the weight of an empty garbage truck.

JAY RAFTERY, with Gammage and Burnham, 2 N. Central Avenue, Phoenix, representing Allied Waste, said that Allied is opposed to a weight restriction. There was a meeting on Tuesday evening and Supervisor Brock and Councilmember Caccamo were "misaligned" in what sections of the road should be restricted. They are waiting for Supervisor Brock and Councilmember Caccamo to meet for further discussion on this project. Mr. Raftery clarified that the zoning is in place and they do have a building permit. What is on the agenda for May 16th is the site plan approval.

COUNCILMEMBER SEPULVEDA said that at the meeting on Tuesday hosted by Supervisor Brock, there was a claim made that this use would generate 3 trucks a minute. Mr. Raftery said he could not comment on that statement at this time. He said he could only discuss the property access, but the property usage was not noticed and is not currently before Council.

MR. RAFTERY said that they have stipulated to build roads from their property to the north and access their property to the north. They only intend to build the roads to the edge of their property and it will be up to the County or another entity to put in the finished roads. COUNCILMEMBER SEPULVEDA asked if it would be possible for Allied Waste or a representative to meet with the Council before the matter goes before the Board of Supervisors on the 16th. Mr. Raftery said he would confer with his client and get back with Council.

MOVED BY COUNCILMEMBER CACCAMO, SECONDED BY VICE-MAYOR HUGGINS, TO DIRECT STAFF TO STUDY AND MAKE RECOMMENDATIONS REGARDING POSSIBLE VEHICULAR WEIGHT RESTRICTIONS ON GERMANN ROAD BETWEEN MCQUEEN AND THE HAMILTON ALIGNMENT AT THE MAY 10TH COUNCIL MEETING.

MOTION CARRIED BY MAJORITY (6-1) WITH COUNCILMEMBER SEPULVEDA VOTING NAY.

51. DISCUSSION AND POSSIBLE ACTION – Germann Road ROW Annexation

COUNCILMEMBER CACCAMO said that in looking at a map of the area, there is a thin strip of land between City and County land from Hamilton Street going west on the north side that he felt could be annexed so the City would have control of the road for road improvements as the park and ride will be located across the street.

CITY ATTORNEY HOUSE said that by state law, the only way the City could annex roadway from the County is if it were adjacent to the City for the entire length. We can only annex the portions of Germann that abut the City which would be the 33' strip from the Hamilton alignment west. On the west end of Germann, at Arizona Avenue, the City has the north half with the south half being in the County. The south half could also be annexed into the City.

COUNCILMEMBER CACCAMO said that in looking at the strip on the north side from Hamilton Street approximately 200' so that if there were improvements to be made, the City could make them. That is what he would like recommendations from Staff on. MR. HOUSE said that he suggested including the south half of Germann east of Arizona Avenue as if weight restrictions are to be imposed east of Hamilton, we will have to have signage.

MR. MAH said that with the County's cooperation, signs have been installed giving drivers advanced warning within County right of way. On Hunt Highway, the City was able to install a City sign on County right-of-way warning people that there is a weight restriction in ½ mile. Mr. Mah said there would be no harm in annexing both small pieces just east of Arizona Avenue and west of Hamilton. Street.

MR. HOUSE said that under state law, all that is required to annex the roadway is to put it on the Council's and Board of Supervisors' agenda. An item could be brought forth at the next meeting.

MAYOR DUNN clarified that the proposed annexation would not have to go through the public hearing/comment process and would just be an action item on the next agenda. Mr. House concurred.

COUNCILMEMBER SEPULVEDA asked that financial implications and other impacts on the City by annexing these parcels be included in the report.

MICHELLE DALY, 1710 E. Redwood Place, clarified that the statistic of one truck every three minutes does not sound like a lot, but according to Allied, the density of their truck traffic will be from 5:00 a.m. to 4:00 p.m. which are major hours for Tumbleweed park. She reported meeting with Allied and asking them not to use Germann but to use Hamilton and Armstrong. She said Allied's response was that they don't have to and will when someone else builds the roads.

COUNCILMEMBER SEPULVEDA asked Ms. Daly that if there were an alternative ingress/egress taking the trucks off of Germann, how she would feel about safety. Ms. Daly said it would be safer, but not safest because there would still be a higher density of vehicles going to the 202 and McQueen interchange.

MR. RAFTERY said that Allied Waste is not committed to a 1 truck every 3 minutes number. On average, that is not the level of traffic on the property. His client would prefer meeting with Council on a one-on-one basis.

COUNCILMEMBER SEPULVEDA asked Mr. Raftery if Allied Waste would be willing to make a presentation at the next Council meeting prior to the vote by the Maricopa County Board of Supervisors. Mr. Raftery said it is his understanding that they would not.

COUNCILMEMBER CACCAMO clarified that this item is only addressing protection of the park and ride. The extra annexation is for the signage, but the one directly in front of the Allied Waste's property would improve it for the park and ride across the street.

COUNCILMEMBER ORLANDO said that he is confused as to why Allied will not present a briefing at the May 10th Council meeting when they have been going out into the community making presentations. MR. RAFTERY responded that Allied has previously made a presentation to Council and do not feel another is necessary. COUNCILMEMBER ORLANDO asked when that presentation was made. MR. RAFTERY said that he misspoke. The Council adopted a resolution and his client was not given the opportunity to make a presentation at that time. Mr. Raftery responded that Allied chooses only speak privately with Council members.

MAYOR DUNN clarified that there currently is not an item on the May 10th agenda regarding Allied. He asked COUNCILMEMBER ORLANDO if he is requesting an item be placed on the agenda for Allied to make a presentation. COUNCILMEMBER ORLANDO said he would put an item on the agenda if necessary. Mr. Raftery said he was not prepared to respond as to whether or not Allied would be willing to appear.

COUNCILMEMBER WENINGER concurred with COUNCILMEMBER ORLANDO as he has been frustrated with the lack of information provided by Allied and also requested that a presentation be made on May 10th.

MOVED BY COUNCILMEMBER CACCAMO, SECONDED BY COUNCILMEMBER WENINGER, TO DIRECT STAFF TO COME BACK TO COUNCIL ON MAY 10TH WITH A MOTION TO ANNEX THE TWO SECTIONS OF GERMANN ROAD, ONE JUST WEST OF THE HAMILTON ALIGNMENT AND THE ONE JUST EAST OF ARIZONA AVENUE ON THE SOUTH SIDE OF GERMANN ROAD.

MOTION CARRIED UNANIMOUSLY (7-0).

THE MEETING RECESSED AT 10:15 PM AND RECONVENED AT 10:25 PM.

PUBLIC HEARINGS:

PH 1. ANNEXATION: SEC Ocotillo and Lindsay

The Mayor opened the public hearing at 10:25 p.m.

ANNEXATION of approximately 63 acres of land located east of the SEC of Ocotillo and Lindsay roads. (Applicant: Londo Pastorino and Finisterra Development Co., Inc.)

PLANNING DIRECTOR BALLARD said that the property is zoned R-43 Rural Residential within the county. The Southeast Chandler Area Plan, a land use element plan of the Chandler General Plan, designates the area as a "Traditional Suburban Character" area. Residential development densities within the range of 2.5 and 3.5 dwelling units per acre are proposed as a major element within this Character Area. Both of the landowners joining in this annexation request propose to develop their respective properties for this purpose.

The property is vacant and undeveloped. Existing and/or pending land uses adjacent to the site include: North and East – vacant undeveloped, Town of Gilbert; south – rural agricultural, Maricopa County and west – planned single-family residential, City of Chandler.

The Mayor closed the public hearing at 10:26 p.m.

PH 2. FY 2007/08 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

The Mayor opened the public hearing at 10:27 p.m.

Public hearing authorizing receipt of FY 2007-08 Community Development Block Grant funds and allocating those funds in accordance with the recommendations of the Housing & Human Services Commission (HHSC) and City Staff.

PAT TYRELL said that the City of Chandler expects to be awarded \$1,454,600.00 in FY 2007/08 Community Development Block Grant (CDBG) Entitlement and Program Income from the U. S. Department of Housing and Urban Development. Over the past two months, HHSC has met to discuss recommendations to Council for the allocation of these funds.

Per City Code and Federal Regulations, the City Council must hold a Public Hearing to gather input regarding the allocation of CDBG funds. Final recommendations will be made following the public hearing.

The Mayor closed the public hearing at 10:29 p.m.

48. FY 2007/08 CDBG FUNDS Res. #4056

ADOPTED Resolution No. 4056 authorizing receipt and allocation of \$1,454,600.00 in FY 2007/08 Community Development Block Grant funds in accordance with the recommendations of the Housing & Human Services Commission (HHSC) and City Staff.

The purpose of the CDBG Program is to benefit low and moderate-income residents and alleviate conditions of slum and blight. Over the past two months, HHSC has met to discuss recommendations to the Council for the allocation of these funds.

During the application process, HHSC also reviewed applications for other Chandler funding previously awarded through Valley of the Sun United Way. The other programs are the Youth Enhancement, Social Service Fund and Acts of Kindness and are locally funded totaling \$914,366.00 for FY 07/08. For FY 2007/08, the Housing and Human Services Commission was charged with the allocation process and final award of these funds and is charged with making recommendations to Mayor and Council regarding the allocation of federal CDBG dollars. HHSC made final allocations and awarded \$185,818.00 in Chandler Social Service Funds, \$60,168.00 in Acts of Kindness Funds and \$668,420.00 in Youth Enhancement Program funds.

During the months of February, March and April 2007, the HHSC met to discussion applications by various public and private agencies for program/project funding during the coming fiscal year. Although all of the program/projects considered were beneficial to the citizens, requests for all funding sources, including CDBG funding, exceeded available funds by \$895,964.00. As a result, HHSC was forced to recommend no funding in some cases and less than requested funding for many public service programs/projects. The requests for Social Service, Non-Capital Programs were particularly competitive at \$1,789,970.00. A total allocation of \$914,406.00 was approved

by HHSC using Social Service Funds, Acts of Kindness Funds and Youth Enhancement Program funds to fund programs/projects in this category. CDBG funding for this category is recommended at \$203,600.00 leaving \$671,964.00 in requested funds. Federal statutes governing the spending of CDBG funds restrict the amount of CDBG funds used for these activities.

Priority was given during the recommendation process to programs/projects that demonstrated a community need and whose services addressed those needs in an effective manner showing the benefits to Chandler residents. In the past, the City has used CDBG funds to assist in the operation of several social service programs including the Chandler Christian Community Center, ICAN, San Marcos Family Resource Center and certain Community Action Program initiatives.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER CACCAMO to ADOPT RESOLUTION NO. 4056 AUTHORIZING RECEIPT AND ALLOCATION OF FY 2007-08 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE HOUSING & HUMAN SERVICES COMMISSION AND CITY STAFF.

MOTION CARRIED UNANIMOUSLY (7-0).

PH 3. FY 2007/08 HOME AND AMERIDREAM PROGRAM

Mayor Dunn opened the public hearing at 10:30 p.m.

Public hearing authorizing receipt and allocation of FY 2007/08 HOME and Ameridream Program funds in accordance with the recommendations of City Staff.

PAT TYRELL said that the City of Chandler expects to be awarded \$425,071.00 in FY 2007/08 HOME Program funds and \$11,286.00 in Ameridream Down Payment Initiative funds from the U. S. Department of Housing and Urban Development. These funds can be used exclusively for housing activities, ie. housing rehabilitation and down payment assistance.

The Mayor closed the public hearing at 10:32 p.m.

49. FY 2007/08 HOME AND AMERIDREAM PROGRAM

APPROVED the allocation of \$425,071.00 in FY 2007/08 HOME funds and \$11,286.00 in Ameridream funds for the purpose of providing Housing and Rehabilitation loans and homebuyer assistance to moderate income Chandler families with the recommendations of City Staff.

The City of Chandler, through its participation in the Maricopa HOME Consortium, expects to receive \$425,071.00 in FY 2007/08 HOME funds and \$11,286.00 in FY 2007-08 Ameridream Down payment Initiative funds. The HOME and Ameridream Programs are federal grants intended to expand homeownership opportunities and improve the quality of existing housing. This funding is exclusively available to provide for affordable housing activities such as housing rehabilitation and down payment assistance.

The City of Chandler has operated a Housing Rehabilitation Loan Program since 1982. Staff recommends that a total of \$436,357.00 be allocated to this program to provide rehabilitation loans to low and moderate-income families as well as down payment assistance. All costs associated with the HOME Program and Ameridream Down Payment Initiative will be paid by the

U. S. Department of Housing and Urban Development and do not require repayment on the part of the City.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR HUGGINS, to APPROVED FY 1007-08 HOME AND AMERIDREAM PROGRAM ALLOCATION OF FY 2007-07 FUNDS FOR THE PURPOSE OF PROVIDING HOUSING REHABILITATION LOANS AND HOMEBUYER ASSISTANCE TO MODERATE INCOME CHANDLER FAMILIES WITH THE RECOMMENDATION OF CITY STAFF.

MOTION CARRIED UNANIMOUSLY (7-0).

BRIEFINGS:

1. DOWNTOWN REDEVELOPMENT UPDATE

ECONOMIC DEVELOPMENT DIRECTOR DICK MULLIGAN said that the establishment of the Enhanced Municipal Services District has allowed those in the downtown area to help them. A lot of time and effort went into the formation as a public/private partnership.

Chandler High School did \$30 million of improvements including a technology and industry building, enhanced parking and athletic facilities. A new sign was also installed on the NEC of Arizona Avenue and Chandler Boulevard which dramatically changed the corner. Mr. Mulligan also noted that there is a bond question on the ballot on May 15th for an additional \$4.5 million for further improvements to the art center.

Six million dollars in improvements have nearly been completed at the intersection of Chandler Boulevard and Arizona Avenue providing a new entry into the downtown area.

COUNCILMEMBER SEPULVEDA asked how this project compares to other projects similar in scope. MR. PENTZ said that this intersection was landscaped more intense than Alma School and Warner or Pecos and McQueen.

MAYOR DUNN commented on the positive comments that have been received regarding the design of this intersection. The redevelopment of Chandler High was a very significant partnership with the City and school district working together.

MR. MULLIGAN continued that Phase I of the San Marcos Commons project is currently under construction and Staff is working on negotiations for Phase II. He presented a slide show depicting what the completed project will look like. Phase II will include a parking garage containing approximately 500 spaces. Phase III is proposed to have another 60 condos.

COUNCILMEMBER ORLANDO asked about time lines for Phases II and III. Mr. Mulligan said that negotiations are in progress now for Phase II and will anticipate coming to Council in the next few weeks. Preliminary plans for Phase III will be dictated by progress of Phases I and II.

COUNCILMEMBER SEPULVEDA asked for some "capitalization" of City and private funds.

The Crowne Plaza San Marcos Golf Resort had completed \$7.5 million of improvements on their property with another \$2.8 million planned. Mr. Mulligan said that he has not received any specific information on the nature of the additional improvements.

The former Bank One building is being renovated to include San Tan Brewing Company, which will be the major tenant and Images Day Spa and Salon. The Brewing Company is anticipating opening in late summer and Images will be opening within the month.

T'z Marketplace has been granted a Downtown Improvement Matching Grant to install a sprinkler system, improve the deli area and include a wine tasting area for special downtown events. The improvements are currently being done and they have one year to complete them.

Desert Viking is in the process of acquiring parcels in Sites 4 and 5. The land designation is residential on Site 4 and commercial on Site 5, but no specific plans have been submitted.

The religious store on Boston Street has submitted plans for future façade renovations and it is currently under discussion. COUNCILMEMBER SEPULVEDA asked if a structural analysis of a building requesting a façade grant is performed before discussions begin. Mr. Mulligan said that a formal analysis is not conducted, but various City Staff with knowledge of the condition of the building are included in the discussion for recommendation of funds. They assume that the applicant has had an engineer certify that the building can be renovated. COUNCILMEMBER SEPULVEDA added that that information is critical in approving these grants.

The property on the corner of Boston and Oregon has a tenant and Peter Sciacca is working with the City for a possible façade renovation. A boutique will be moving into the space.

The Arrow Pharmacy building has all five tenant spaces filled. Three tenants have received Downtown Improvement Fund grants with the remaining two coming forward in the near future.

Site 6 is out for Request for Proposals with the deadline for submission being May 4th. Council has officially designated this site for the Chandler museum although the RPF asks for dual proposals of what development would look like on the site both with and without the museum. COUNCILMEMBER SEPULVEDA asked how many responses we have received for the RFP. Mr. Mulligan said there have been no submittals. Based on conversations he has had, he anticipates 2 or 3 proposals.

Property acquisition continues for the new City Hall across the street from Site 6 and the architect selection phase is in progress.

The San Tan Regional Courts Center opened in March.

The former DayMart building on Boston Street is expanding from 12,000 square feet to 14,000 and will hold special events and possibly have a small art gallery. They are contemplating opening this summer.

Serrano's is coming forward with plans for a new corporate headquarters and was recently approved by the Planning and Zoning Commission. There will be retail space on the first floor and possibly a small restaurant.

The City's fire administration building is in the design phase with a targeted move-in date of October 2009.

Benton Robb is nearing completion on 123 Washington with residents moving into the first two buildings shortly. They are in discussion with Jack-In-The-Box for relocation. MAYOR DUNN asked if there is timing for construction of the commercial site. Mr. Mulligan responded that

Benton Robb has development rights to the site, but it is tied to the City's agreement with Jack-In-The-Box. There is no deadline. Jack-In-The-Box has examined alternate sites, but has expressed their desire to either remain where they are or move further south.

The Boys and Girls Club is adjacent to the revitalization area and there is a bond question on the ballot for funds for improvements to the facility.

There is also a bond question for \$60 million for improvements to the South Arizona Avenue entry corridor area for future redevelopment.

Some of the downtown activities drawing citizens to the area include the art walk, the Saturday marketplace, the jazz festival and the classic car show.

In addition to the downtown revitalization, the money that has been going into the downtown area has been a catalyst for small and/or minority-owned businesses in the downtown area.

The City has spent \$372,000 this fiscal year which is approximately 2/3's of the total for the five years the program has been active. We have a 1 to 4 public to private investment ratio in the program.

The façade conservation program has been used extensively over the last two years. A lot of private investment has been leveraged through this program with an investment ratio of 1 to 9.

The third incentive program is the colonnade signage program. The City contributes \$650.00 per sign to hang underneath the colonnade.

Public resources are on the rise to encourage downtown redevelopment. Couple with the amount of private sector investment, there was a total of \$30 million that has leveraged \$90 million in private investment. The land donated for the justice center is not included in the \$30 million cost.

MAYOR DUNN asked if there have been any major problems with parking, or lack of, at the new justice facility. Mr. Mulligan said that the perceived lack of parking is actually the distribution of parking. More parking garages will be needed as major redevelopment projects proceed.

COUNCILMEMBER ORLANDO asked about the status of the convention center study. MR. MULLIGAN said that Staff is currently finalizing the Phase I report with the consultant and plan to present it to the Economic Advisory Board, the DCCP and other key stakeholders. Those comments will be packaged and presented to Council.

2. GANG SUPPRESSION UPDATE

CHIEF SHERRY KIYLER commended Police personnel for their commitment in achieving their goals as presented to Council and the community. Chief Kiyler focused on five areas: 1) infrastructure, 2) intelligence gathering, 3) enforcement, 4) education and 5) partnerships.

Prior to the December 3rd homicide, she reported the Police Department had documented 21 incidents of interest involving gang activity. As of tonight, there have not been any gang-involved incidents of the past several months.

As far as infrastructure, a permanent Gang Sergeant has been selected. Sgt. Greg Howarth is now in charge of the gang unit and there are also two full-time gang detectives. With support of

Council, three GLO officers were moved to the gang unit full-time. New policies and procedures have been written in terms of how gang efforts are enforced and how the department is moving forward. There is information on their website for parents such as what to look for if you think your child may be involved with a gang.

From enforcement and suppression area, the department has continued to focus on high visibility, suspicious activity and a zero-tolerance in the target area of Pecos to Ray and Alma School to McQueen. Officers have performed 426 field interrogations and have documented 20 additional gang members in addition to those the department is aware of. Five gang members and 30 non-gang members have been arrested during this effort.

They have received positive feedback on the education and gang awareness programs. Eighteen have been conducted over the past several months at high schools, charter schools, junior highs and various other locations.

Partnerships with various organizations such as ICAN and the Boys and Girls Club are very critical. They have had ride-alongs so people can get out into the community to re-engage the children. The department also has a partnership with both the U.S. Marshall's office and the Alcohol, Tobacco and Firearms; participate with the state gang task force. Gang officers meet regularly with all of the east valley gang investigators.

All of the valley chiefs have been meeting over the last few months trying to come up with mutually determined definitions for various gang activities and developing regional training. They are hopeful the east valley focus will become a part of the state task force, but dedicated to the east valley.

COUNCILMEMBER ORLANDO asked if they are looking for computers and equipment for the east valley task force. Chief Kiyler said they are. They have identified a location and would like to develop a fusion center.

COUNCILMEMBER SEPULVEDA referenced an article he had read about an information system in California that could be accessed by various law enforcement departments. Chief Kiyler said they are participating in Gangnet, which is a similar system. Coplink is another information sharing program which requires a financial investment by departments.

Chief Kiyler added that as part of their long-term plans, they have budgeted positions that have been requested in order to sustain their efforts.

COUNCILMEMBER SEPULVEDA asked about training officers for gang enforcement. Chief Kiyler said that there are advantages to keeping officers in place and to rotation. There is not a mandatory amount of time an officer has to be in a position before they can rotate out.

COUNCILMEMBER ORLANDO commented on the results of the citizen survey and the perception that there is a large amount of crime in the downtown area. Chief Kiyler said that there has been an overall increase in crime in Chandler as has been the trend. There has been a decrease in crime over the last four years. There was an overall increase of 3% for this fiscal year. There was a lot of concern on the survey regarding crime downtown. By developing a specific grid system focusing on specific areas, they were able to determine that crime in the downtown area is down 39 – 49% depending on which areas are compared. The only crime that has increased is theft.

COUNCILMEMBER WENINGER asked about zero tolerance. Chief Kiyler said that it is zero tolerance for any crime. COUNCILMEMBER WENINGER asked if an increase in the number of volunteers and cars would help free up some of the officers. Chief Kiyler said that volunteers are restricted as to what they can do. They can respond to traffic accidents, but only for traffic control and not investigations. One of their budget packages includes civilians to serve as accident investigators who are not sworn personnel freeing up more sworn personnel.

COUNCILMEMBER WENINGER asked how officers try to determine if someone is has legal residency status if they do not have ID. Chief Kiyler responded that forms have been created to answer those types of questions because they have to determine if the person is "bailable". It is up to the arresting officer's discretion as to whether or not to contact ICE if there is some question of alien status. Chandler's policy does allow for such action.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that Chandler's annual birthday celebration would begin at 10:00 a.m. on Saturday at the San Marcos Resort as a count down to Chandler's Centennial anniversary in 2012.

MAYOR DUNN announced the Bike Park Grand Opening at Espee Park on Saturday, May 5th, at 10:00 a.m. at Knox Road east of Arizona Avenue.

THE MAYOR also announced the 10th annual Cinco de Mayo Celebration and Chihuahua Races at the downtown library courtyard beginning at noon.

THE MAYOR invited citizens to attend the first community budget meeting on Monday, April 30th, at 6:30 p.m. in the Council Chambers.

B. Councilmembers' Announcements:

COUNCILMEMBER DONOVAN reminded everyone of the walk for domestic violence on Saturday, April 28th.

COUNCILMEMBER CACCAMO said the Desert Cancer Foundation of Arizona would be holding a wine tasting fundraiser on Sunday, May 6th, at Patsy Grimaldi's.

COUNCILMEMBER CACCAMO commended City Staff for their involvement in various community activities.

MAYOR DUNN added that Hartford Elementary's 50th anniversary would be celebrated on Saturday. ICAN is also having a dinner to honor their volunteers on Saturday.

COUNCILMEMBER SEPULVEDA thanked the MAYOR for having a moment of silence for John Gaylord.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

