

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, September 6, 2007 at 7:00 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
(arrived after roll call) 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 Pastor Tom Rakoczy – First Assembly of God

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

SCHEDULED PUBLIC APPEARANCES:

1. Proclamation: Native American Recognition Day

MAYOR DUNN was joined by Ana Regalado, Chair of the Chandler Human Relations Commission, and Commissioner Wanda Manuel who also represented the Gila River Indian Community, as he read a proclamation proclaiming September 19, 2007, as Native American Recognition Day and October 13, 2007, as Miss Indian Arizona Day.

Ms. Manuel expressed her honor in accepting the proclamation on behalf of William R. Rhodes, Governor of the Gila River Indian Community, and Jennifer Allison Ray, Lt. Governor, the Community Council and community members.

MAYOR DUNN added that the Gila River Indian Community is a good neighbor that we work closely with.

2. Proclamation: Hispanic Heritage Month

MAYOR DUNN was joined by Eddie Encinas, Chandler Coalition for Civil and Human Rights, and Ana Regalado, Chair of the Chandler Human Relations Commission, as he read a proclamation proclaiming September 2007 as Hispanic Heritage Month. The MAYOR also announced the 9th Annual Chandler Mariachi Festival presented by the Chandler Republic, on Saturday, September 8th, at 6:30 p.m. at the Center for the Arts and invited all to attend. APS is the title sponsor for all monthly events. Thanks were also given to the Human Relations Commission for coordinating the event.

Mr. Encinas congratulated the Chandler National Little League team for their accomplishments. He also invited everyone to attend the Mariachi Festival.

3. Recognition: Hispanic Heritage Poster Contest Winners

MAYOR DUNN was joined by Ana Regalado, Chair of the Human Relations Commission who assisted in presenting awards to this year's Hispanic Heritage Poster Contest winners. He thanked all of the students who participated, the teachers and youth leaders for their encouragement, Eric Faulhaber and Vision Gallery Staff, Phyllis Saunders and the Library Staff for their assistance.

Ms. Regalado said that the contest was very competitive and the students worked hard.

Honorable Mention:

Amy Cappuccio, Tanner Samuel Carr and Veronica Davalos, Chandler Housing Program, teacher -Deborah Burkett

Charissa Gonzalez, Basha High School, teacher - Ms. Toni McGraw

Eduardo Mancillas, Jr., Perry High School, teacher – Mrs. Biemond

Ellie Anna McDonald, Santan Elementary, teacher – Ms. Lori Krahn

Adrienne Trevino, Basha High School, teacher – Mr. Garcia

Mieasha Wheeler, Chandler Housing Program, teacher – Deborah Burkett

Mikeala Young, Basha High School, teacher – Ms. Toni McGraw

Judge's Choice Winner:

Mier Luo, Chandler High School, teacher – Ms. Alison Loof

Grand Prize Winner:

Charvel Vallone, Basha High School, teacher – Ms. Toni McGraw

4. Recognition: Chandler National Little League

MAYOR DUNN recognized the members of Chandler National Little League Minor and Major All Star teams and congratulated them on becoming the Regional, State and Western Regional Champions who advanced to the 2007 Little League World Series. There was a celebration on Saturday, September 1st, with a parade and proclamation from the Governor. The team members introduced themselves and what position they played. The MAYOR read a proclamation proclaiming September 2007 as Little League Baseball Month.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

COUNCILMEMBER ORLANDO mentioned the five HOA and traditional neighborhood grants on tonight's agenda. He also mentioned the communication equipment and fitness equipment being purchased for the Tumbleweed Recreation Center, which is anticipated to open in February 2008.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER SEPULVEDA, TO APPROVE THE CONSENT AGENDA AS AMENDED WITH ITEM #52 MOVED TO ACTION. MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED, as presented, minutes of the Chandler City Council Special and Regular meetings of August 23, 2007.

2. REZONING: San Tan Marketplace Ord. #3916

ADOPTED Ordinance No. 3916, DVR07-0020 San Tan Marketplace, rezoning from AG-1 to PAD with PDP for a new retail/office center that may include late-hour businesses on approximately 5.4 acres at the NWC of Lindsay and Chandler Heights roads.

3. POWER EASEMENT: SRP Ord. #3942

ADOPTED Ordinance No. 3042 granting a no-cost power easement to Salt River Project (SRP) on the north side of Warner Road, east of the NEC of Alma School and Warner roads.

4. PAD AMENDMENT: Stevens Off Road Ord. #3950

ADOPTED Ordinance No. 3950, DVR06-0045 Stevens Off Road, amending existing Planned Industrial District with Planned Area Development Overlay (I-/PAD) zoning to allow certain auto service and customization, including sand rails, at 3210 N. Delaware Street.

5. REZONING: AZ 202 Ord. #3951

ADOPTED Ordinance No. 3951, DVR07-0009 AZ 202, rezoning from PAD to PAD Amended with a mid-rise overlay for additional building height, as well as PDP for an office, retail and hotel development with late-hour businesses on approximately 45 acres at the NWC of Arizona Avenue and the Loop 202 Santan Freeway.

6. GROUND LEASE: Arizona Pacific Aviation, LLC Ord. #3846

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3846 authorizing the City to enter into two, 30-year ground leases with two, 10-year options with Arizona Pacific Aviation, LLC for the purpose of constructing and managing hangar storage facilities at the Chandler Municipal Airport for an amount of \$29,265.00 for the first year.

City Staff has negotiated two lease agreements with Arizona Pacific Aviation, LLC to develop hangar facilities for lease. The two leases combined represent five contiguous parcels on the south side of the airport. The first lease resulted from a City Request for Proposal in 2005 for the development of airport property. Arizona Pacific Aviation, LLC, (Arizona Pacific) responded by proposing for parcels 2b, 6c and 6d. The second lease is the result of the new Direct Lease Process for parcels 2a and 6e. The Direct Lease process was needed for parcels 2a and 6e, as they were not originally included in the RFP.

This project will be constructed in two phases. Phase 1 will consist of parcels 2a, 2b and 6e. Phase 2 will consist of parcels 6c and 6d and will start after the completion of Phase 1. Arizona Pacific will pay an option on the Phase 2 parcels of 50% of the lease amount until a building permit is issued on this phase or the 48th month after the lease effective date, whichever occurs first. All rates will be adjusted annually according to the Consumer Price Index.

The property currently has no direct road access along its southern limits. Ordinarily, the City would need to fund and construct this road for development of the airport. The roadway along all parcels in this lease is estimated to cost approximately \$620,000.00. These leases provide for the developer to design and install the road at their initial cost. As the City would ordinarily fund this road construction, it will compensate the developer for the up-front costs of these improvements through partial rent abatements. The rent abatement amount will not exceed 50% of the normal lease payments. It will continue until the full cost of the road is repaid to the developer, which is estimated to be about 20 years.

The City has no direct financial outlay requirements resulting from this agreement. Indirect costs will be through the partial rent abatements to reimburse the developer for constructing the access roadway. The abatement will not exceed 50% until the cost of the roadway is repaid. The first year rent payments total approximately \$58,530.00 without the rent abatement for the roadwork. With the rent abatement, the rent payments will be approximately \$29,265.00 in the first year. The abatement is anticipated to continue for approximately 20 years. The developer will carry the full costs associated with the road construction during the rent abatement period.

The Airport Commission voted unanimously to recommend acceptance of the lease agreement.

COUNCILMEMBER CACCAMO asked if it is typical for an airport to have a 50-year lease. He also asked about the RFP process and whether or not the ground-lease rental fees increase with the cost of living. AIRPORT MANAGER GREG CHENOWETH responded that the lease terms are standard for an airport. Regarding the RFP process, the property was included in an RFP in 2005. The second lease is for property set aside for hangars. When this developer expressed interest in developing the property, Staff deferred to private development rather than the City building the hangars. Regarding the lease terms, there is an annual escalator based on the Consumer Price Index.

COUNCILMEMBER WENINGER clarified that no helicopters would be taking off or landing in this area; that they would be towed to the heliport. Mr. Chenoweth confirmed that the lessee is agreeable. This will be effective for the direct lease and RFP lease.

Mr. House explained that a new page #6 to the lease was distributed to Council prior to the meeting, which includes the stipulation prohibiting helicopters taking off, or landing on this site and would be approved with the consent agenda.

7. POWER DISTRIBUTION EASEMENTS: SRP

Ord. #3884

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3884 granting two no-cost 69kV power distribution easements to Salt River Project (SRP) to relocate electrical facilities along the east side of Dobson Road north and south of Warner Road.

In 2006, Council approved the alignment for the Dobson Road and Warner Road Intersection Improvement Project No. ST-0401 and granted the authority to acquire property rights from private owners for this project. Construction is scheduled to begin in the spring of 2008 with

construction duration of approximately 9 months. The project's design requires that SRP relocate its 69kV electric facilities at this intersection. The easements will be granted at no cost because SRP has prior rights to this area.

8. POWER EASEMENT: SRP Ord. #3921

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3921 granting a no-cost power easement to Salt River Project (SRP) on the north side of Warner Road, west from the northwest corner of Alma School Road and Warner Road to Comanche Drive in connection with the Alma School Road-Warner Road Intersection Improvement project.

9. GROUND EASEMENT: SRP Ord. #3922

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3922 granting a no-cost, non-exclusive ground easement to Salt River Project (SRP) to relocate electric facilities along Germann Road between Dobson Road and Arrowhead Drive in connection with the Germann Road Improvement Project.

10. TELECOMMUNICATIONS AGREEMENT AMENDMENT: Verizon Ord. #3937

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3937 amending a wireless telecommunications use agreement between Verizon Wireless LLC, dba Verizon Wireless and the City of Chandler at Fire Station No. 2, 1911 N. Alma School Road.

This ordinance amends Ordinance #3427 by extending the agreement an additional five years with provisions for extensions. It also raises the new base rate to \$1,626.00 per month with provisions for annual increases. The Police and Fire Departments have not had any issues with interference to the City's public safety communication systems during the first five years of Verizon Wireless's operation at this location. Staff has concluded that the proposed amendment would be in the best interest of the City of Chandler and its citizens and would satisfy the license provisions.

The company will pay permit, inspection and pavement damage fees if applicable. Verizon will also pay \$1,626.00 per month rent for the Fire Station #2 site with provisions for rent increases detailed in the amendment. There will also be 2.75% privilege taxes applied on any non-interstate telecommunication services.

11. REZONING/AREA PLAN AMENDMENT/PRELIMINARY PLAT: Villa Del Lago
Res. #4118; Ord. #3956

ADOPTED Resolution No. 4118, Area Plan Amendment AP07-0001 Villa Del Lago, from Specialty Commercial to Medium Density Residential on approximately 14.6 acres at the SEC of Ocotillo and Dobson roads.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3956, DVR07-0003 Villa Del Lago, rezoning from PAD Specialty Commercial to PAD Multi-family Residential along with PDP and Preliminary Plat approval for a multi-family residential development located on approximately 14.6 acres at the SEC of Ocotillo and Dobson roads. (Architect: Whitneybell Perry, Inc.; Developer: Arizona Village Communities.)

APPROVED Preliminary Plat PPT07-0010 Villa Del Lago, for a multi-family residential development at the SEC of Ocotillo and Dobson roads.

Villa Del Lago is a 100-unit residential development that promotes a “village community” atmosphere. The Area Plan amendment proposes to change the land use designation of a particular parcel from Specialty Commercial to Medium Density Residential land use. The rezoning amends the existing Planned Area Development (PAD) zoning from Specialty Commercial to PAD Multi-Family Residential. The PDP is comprehensive and includes the site layout, landscaping, grading and drainage, and building architecture.

The site is bordered by the Watermark at Ocotillo, a single-family residential development to the south, The Villas at Ocotillo residential development across the lake to the east, Cornerstone Apartments is across Ocotillo road to the north and the Intel campus further west across Dobson Road.

This property is part of the Ocotillo master planned community. An Ocotillo-wide Area Plan was established in 1983 throughout 2,700 acres of South Chandler. A mix of land uses were distributed in a balanced approach that included commercial, employment and residential uses, an open space system of lakes and 27-hole golf course. Ocotillo Phase Two Area Plan, in which the subject site is located and originally developed in 1985, encompasses approximately 248 areas in the Ocotillo area south of Ocotillo Road.

The Ocotillo Phase Two Area Plan was amended in 2000 to include a variety of land uses such as single-family, multi-family, and specialty commercial. There have been subsequent Area Plan amendments that have changed multi-family and townhouse parcels to a single-family designation.

The 14.6-acre site was designated in the Area Plan and zoned as specialty commercial. Specialty commercial permits a limited range of commercial uses such as offices, specialty retail, restaurants, day care and personal services, but not in the context of a neighborhood grocery store-anchored shopping center.

This request was noticed according to the provisions of the City of Chandler Zoning Code with two neighborhood meetings being held. An open house was held on June 5, 2007, with approximately 12 neighbors in support of the project in attendance. The Ocotillo Design Review Board has reviewed the proposed development and is in support of the application. Staff has received phone calls inquiring about the application and one call in opposition.

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

12. GRANT APPLICATION: AlertRecall

Res. #4114

ADOPTED Resolution No. 4114 authorizing AlertRecall to submit a grant application to the Gila River Indian Community's State-Shared Revenue Program for program costs and education materials to promote its website.

At the August 9, 2007 Council meeting, a Gila River Indian Community State-Shared Revenue Grant request in the amount of \$396,065.00 was continued to allow Staff to meet with Cecil Jackson, the co-founder of AlertRecall, the requesting agency.

AlertRecall is a program that utilizes a Web site to anonymously report potential threats and violence at schools and in the workplace.

The initial grant request was for a two-year period. However, after discussions with Mr. Jackson, Staff feels it would be prudent to approve his operational costs and limited staffing costs for one year in the amount of \$118,635.00. Mr. Jackson has agreed to this funding amount and will update his grant application accordingly.

13. LEASE ASSIGNMENT: 55 N. Arizona Place, Suite 310 Res. #4117

ADOPTED Resolution No. 4117 accepting the assignment of the remaining balance lease for office space located at 55 N. Arizona Place, Suite 310.

Trend Consulting Services currently leases 3,570 square feet of office space at 55 N. Arizona Place, Suite 310. Trend is consolidating their operations and approached the City with a proposal to assume Trend's current lease by an assignment of the lease to the City. The lease expires on December 31, 2010, which is the same expiration date as the leases for other space occupied by the City in the building.

The lease rates, plus taxes and common area maintenance expenses, for the remaining term of the lease are:

- 9/15/07 to 12/31/07 - \$15.00 per square foot or \$15,618.75
- 1/1/08 to 12/31/08 - \$15.50 per square foot or \$55,335.00
- 1/1/09 to 12/31/09 - \$16.00 per square foot or \$57,120.00
- 1/1/10 to 12/31/10 - \$16.50 per square foot or \$58,905.00

The lease also provides for nineteen (19) non-exclusive parking spaces in the parking structure adjacent to the building at no additional cost.

14. PRELIMINARY DEVELOPMENT PLAN: 84 Lumber Company

APPROVED Preliminary Development Plan PDP07-0024 84 Lumber, amendment for 1,000-gallon fuel storage tank on a 20-acre industrial site at 275 E. Willis Road. (Applicant: 84 Lumber Company.)

The site is surrounded by existing and planned industrial and commercial properties, most of which are not currently developed. Adjacent to the north and east is a 12.5-acre vacant parcel that is conceptually zoned Planned Area Development (PAD) for light industrial uses. Further east and to the south are unincorporated properties designated for light industrial uses by the Airpark Area Plan. North, across Willis Road, are three properties conceptually zoned PAD for light industrial uses. West, across the railroad tracks, is the existing Santan Gateway retail center (north of Willis Road) and undeveloped land designated for Commercial/Office/Business Park by the Airpark Area Plan (south of Willis Road).

The site contains five main buildings, two small storage sheds and several open areas designated for outdoor storage of lumber. The request is to allow a 1,000-gallon fuel storage tank to be located on the southern end of the property, immediately south of a 7,000 square foot saw shed, in order to service 84 Lumber's own vehicles. A driveway passes between the fuel tank and the southern property line wall. The tank was not approved through the 2003 zoning and PDP approval of the property. The tank currently exists on the property illegally and will be moved a few feet farther from the saw shed in order to abide by state regulations.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Staff has received no correspondence in opposition to the request.

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

1. Development shall be in substantial conformance with existing zoning and PDP approvals except as modified by the application materials of this request (narrative and site plan) and associated conditions of approval.
2. Fuel containment shall be in accordance with all State and Federal laws.
3. The tank shall be constructed to comply with all City of Chandler/Building and Fire Codes.
4. A Spill Prevention plan shall be kept on file with the Fire Marshall.

In response from questions from COUNCILMEMBER CACCAMO, PLANNER BILL DERMODY stated the storage tank is typical of a tank for an industrial business with their own vehicles. He explained this tank will be storing diesel fuel and there are State and City safety requirements, which include the width of the tanks and size of the walls and staff is comfortable with these requirements.

15. GRANT: Silk Stocking Traditional Neighborhood

APPROVED a Grant for exterior painting/landscaping improvements for low-income homeowners of the Silk Stocking Traditional Neighborhood in an amount not to exceed \$10,000.00.

The Silk Stocking Neighborhood boundaries are from Chandler Boulevard to Erie Street and from Arizona Avenue to Delaware Street. Homes in this area are over 90 years old with many needing basic home maintenance and care. As a continued effort to increase neighborhood livability and sustain a sense of community, residents of the Silk Stocking neighborhood applied for grant funds to assist low-income homeowners with exterior paint and rock for front yard landscape improvements. Homeowners will be responsible for painting the homes and installing the rock themselves.

Residents have contributed well over the 250-service hour requirement and the application meets all requirements of the Traditional Neighborhood Grand Program guidelines. Members of the Grant Review Committee and Neighborhood Advisory Committee have reviewed the grant application and recommend approval.

16. GRANT: Traditions East/Chandler Boulevard Neighborhood

APPROVED a Grant to improve the landscaping in two common areas at a traditional neighborhood at the Traditions East/Chandler Boulevard Neighborhood in an amount not to exceed \$10,000.00.

The Traditions East/Chandler Boulevard Traditional Neighborhood boundaries are from Chandler Boulevard to Erie Street and from Adams Avenue to Lakeview Boulevard. Traditions East/Chandler Boulevard has applied for grant funds to landscape two common areas along Lakeview Boulevard and Adams Avenue. These two areas are visible from the street and are in need of general enhancements. The grant funds will help in the installation of decorative rock

along the two common areas. Residents will also use the grant funds to make their own neighborhood signage through their Artist Club by using tile, metal and other materials.

Although Traditional East/Chandler Boulevard is a newly organized neighborhood, they have already established a fitness group, artists club and have committed service hours toward this project. Residents have already contributed 200 hours towards the 250-service hour requirement and the application meets all requirements of the Traditional Neighborhood Grant Program guidelines. Members of the Grant Review Committee and Neighborhood Advisory Committee have reviewed the grant application and recommend approval.

17. GRANT: Corona Village South Traditional Neighborhood

APPROVED a Grant for improvement of an alley wall at Corona Village South Traditional neighborhood in an amount not to exceed \$10,000.00.

The Corona Village South Traditional Neighborhood boundary is from Ray Road to Orchid Lane and from Lakeshore Drive to Terrace Road in west Chandler. They are a very active community and have developed their own neighborhood logo and distribute a monthly newsletter. One of their concerns is the traffic noise along Ray Road. The block wall currently in place is 6 feet and is owned and maintained by the City of Chandler. In an effort to help mitigate this noise, as well as increase security and privacy, Corona Village South has applied for grant funds to raise the block wall to 7 feet. Residents will then paint the wall, which will also beautify the neighborhood. Planning and Zoning and Public Works have approved their request.

Residents have contributed over the 250-service hour requirement and the application meets all requirements of the Traditional Neighborhood Grant Program guidelines. Members of the Grant Review Committee and Neighborhood Advisory Committee have reviewed the grant application and recommend approval.

18. GRANT: Sun Groves Homeowners Association

APPROVED a Grant to the Sun Groves Homeowner's Association for Leadership Centre HOA classes and a neighborhood celebration in an amount not to exceed \$2,500.00.

The Sun Groves HOA has applied for grant funds for homeowner association educational classes sponsored through The Leadership Centre. The classes would be made available to current and future board members. In addition, Sun Groves HOA is applying for grant funds to host their second annual Spring Festival and G.A.I.N. Event. The neighborhood has applied for grant funds in the past for both education and neighborhood events. The residents plan to complete the required 250 hours through educational hours and by gathering neighborhood volunteers to assist with the planning and preparation of the two neighborhood events.

The total budget for the educational classes and events is \$5,877.00. The HOA will pay the remaining \$3,377.00. The application has met all the requirements of the HOA Grant Program guidelines and members of the Grant Review Committee and Neighborhood Advisory Committee have reviewed the grant application and recommend approval.

19. GRANT: Montefino Village Homeowner's Association

APPROVED a Grant to the Montefino Village Homeowner's Association for repair of a waterfall neighborhood entrance feature in an amount not to exceed \$2,500.00.

Montefino Village HOA has applied for grant funds to repair their entry feature waterfalls. The association is approximately seven years old and has 135 homes. The waterfalls are the main entry feature and are currently in disrepair. The tiles are falling off and the water pump needs to be replaced. Montefino Village has already spent approximately \$6,000.00 on repair and maintenance of the entry features. After several meetings with contractors, it was determined that the original materials used for the features were faulty and needed to be completely replaced.

The total budget for the repair is \$7,035.00. The homeowners association will pay the remaining \$4,535.00 to complete the project. Neighbors have already donated over 100 hours towards the 250-service hour requirement and the application meets all requirements of the HOA Matching Grant Program guidelines. This is the first grant application for the Montefino Village HOA.

Members of the Grant Review Committee and Neighborhood Advisory Committee have reviewed the grant application and recommend approval.

20. FY 2007/08 CONTRIBUTION: Chandler Unified School District (CUSD)

AUTHORIZED FY 2007/08 contribution to Chandler Unified School District (CUSD) in an amount not to exceed \$35,000.00.

The Chandler Unified School District provides summer and intersession programs to academically at-risk students at five Chandler elementary schools. For the past 16 years, the City of Chandler has contributed to the funding of these programs in joint partnership with CUSD and the Chandler Education Foundation. As a result, over 9,000 students have participated in this program since its inception. Students who participate in these programs show improved academics and attitudes about school and begin to take positive control of their lives. These changes in behavior and attitude benefit not only the student participants, but also the community at large.

COUNCILMEMBER WENINGER asked how much the Chandler Educational Foundation and the Chandler Unified School District would be contributing. MR. PENTZ responded that the City is contributing \$35,000.00 and the Chandler Educational Foundation is raising \$40,000.00 for a total of \$75,000.00. There are 5 schools that will receive \$15,000.00 each. His information does not show any monetary contribution from the school district, but assumes there would be in-kind contributions on their part.

COUNCILMEMBER CACCAMO requested that when data is provided by the recipient that "hard data" be included such as what percentage of kids are staying in school longer, the dropout rate, AIMS scores, etc. and what is directly attributed to the program. Mr. Pentz said Staff would make that request.

COUNCILMEMBER WENINGER asked if there were any representatives from the Chandler Educational Foundation of the Chandler Unified School District present. As there were none, Councilmember Weninger stated that as discussed during the budget process, Staff is not able to answer questions on behalf of these organizations, and requested that representatives be present to answer questions when distribution of tax-payer money is involved.

21. SUBORDINATE: 599 N. Comanche Drive

APPROVED Subordination of the Housing Rehabilitation Lien on Project #RH07-0006 located at 599 N. Comanche Drive (Owner: Hughes) in the amount of \$74,510.55.

The single-family, owner-occupied home was rehabilitated under the City of Chandler's Housing Rehabilitation Program in 2007. The City has placed a lien against the property for \$74,510.00. This lien is in the form of a 15-year forgivable loan, whereby the balance is forgiven at the end of the term of the loan. The balance of \$74,510.55 will be forgiven in 2022 per the original loan agreement.

The owner is now requesting a refinance in order to lower her interest rate and is not receiving any cash out. The new loan is for \$107,000.00. In order to obtain the loan, a subordination of the City's lien is required by the lending institution.

The City's lien is currently in second position and would remain in second position after the new loan. The City's lien will not be released until the term of affordability expires in 2022. The property is currently valued at approximately \$206,000.00, which is more than the combined encumbrances of the City's lien and the new first mortgage.

22. AGREEMENT AMENDMENT: Kimley-Horn and Associates

APPROVED Agreement #AIO402-201, Amendment No. 1, with Kimley-Horn and Associates for the Airport North Apron in the amount of \$225,211.00 for a revised contract total of \$374,429.00.

The North Aircraft Apron project will develop aircraft parking on the north side of the airport to provide additional tie-down areas. Existing tie-down occupancy on the airport during the cooler months is around 98-100% and is consistently near 90% the rest of the year. This project will provide 90 additional tie-down spaces for 75 small, 12 mid-sized and 3 corporate-type aircraft. These spaces will furnish additional sources of revenue generation for the airport.

23. AGREEMENT AMENDMENT: Engineering and Environmental Consultants, Inc.

APPROVED Agreement #ST0503-201, Amendment No. 2, with Engineering and Environmental Consultants, Inc. for the Dobson Road/Chandler Boulevard Intersection Improvements in the amount of \$179,810.00, for a revised contract total of \$794,841.00.

24. AGREEMENT EXTENSION: Cholla Pavement Maintenance, Inc.

APPROVED a one-year Agreement Extension with Cholla Pavement Maintenance, Inc. for crack sealing in an amount not to exceed \$200,000.00. The City provides the crack sealing material to save on material costs. This is the fourth of four one-year extensions.

25. AGREEMENT EXTENSION: Artistic Land Management, Inc.

APPROVED a one-year Agreement Extension with Artistic Land Management, Inc. for the purchase of landscape material and installation service in an amount not to exceed \$50,000.00.

Existing landscaped medians and City-owned rights-of-way are constantly in the need of plant replacements. These are generally small quantities of plants that have died or have been damaged. The timely replacement of these plants is an integral part of keeping the City-owned

landscape areas properly maintained. This contract has provided the City with the means to replace these plants in a timely manner regardless of the quantities. This is the fourth of four one-year extensions and the contractor has requested a 3% increase due to fuel, administrative costs, vehicle insurance and general liability.

26. AGREEMENT EXTENSION: Wilbur Smith Associates

APPROVED a one-year Agreement Extension #EN0506-101 to the existing Annual Airport Planning Services contract with Wilbur Smith Associates in an amount not to exceed \$100,000.00. This is the final renewal option on this contract.

COUNCILMEMBER CACCAMO asked how long the city had contracted with this company. MR. CHENOWETH said the first contract was awarded in 2005 for the master plan. Through annual contract services, it must be renewed annually. He explained that when there is an aviation planning need such as a noise study, that contract would be brought forward to Council. This item serves as a type of retainer and the contract would be established on an as-needed basis.

27. AGREEMENT: Carollo Engineers

APPROVED Agreement #EN0718-101 for permitting, study and design services for water and wastewater facilities with Carollo Engineers in an amount not to exceed \$1,500,000.00 for the first year with options of four one-year extensions.

Council approved the next two years of the Capital Improvement Program totaling \$59 million for work related to permitting, study and design for water and wastewater facilities. Design of the projects within this CIP will require a wide range of expertise and experience. The City has greatly improved project delivery time and efficiency through the use of annual contracts with established design firms. These annual contracts will provide consulting services for a broad range of projects.

COUNCILMEMBER SEPULVEDA asked Staff to explain the background on items 27, 28, 29 35. MUNICIPAL UTILITIES DIRECTOR DAVE SIEGEL replied there were 22 respondents. A project was brought forward previously for a rush project. Staff is requesting Council approval of the remaining four contracts of approximately \$1.5 million each. There is approximately \$59 million in CIP work to be completed that does not include O & M dollars. Three of the four contractors have projects assigned to them. Even though \$1.5 million is approved, each individual project is brought forward separately.

He said staff was pleased with the number of respondents as it speeds up the process throughout the year and it allows them to use smaller firms they have not used such as Rothberg, Tamburini and Winsor (item #28) to evaluate their performance.

28. AGREEMENT: Rothberg, Tamburini and Winsor

APPROVED Agreement #EN0720-101 for permitting, study and design services for water and wastewater facilities with Rothberg, Tamburini and Winsor in an amount not to exceed \$1,500,000.00 for the first year with options of four one-year extensions, and AWARDED Agreement #WA0802-201 for Rural Water Production Facilities Modification Design in an amount not to exceed \$184,5613.00.

Council approved the next two years of the Capital Improvement Program totaling \$59 million for work related to permitting, study and design for water and wastewater facilities. Design of the projects within this CIP will require a wide range of expertise and experience. The City has greatly improved project delivery time and efficiency through the use of annual contracts with established design firms. These annual contracts will provide consulting services for a broad range of projects.

29. AGREEMENT: Wilson Engineers

APPROVED Agreement #EN0712-101 for permitting, study and design services for water and wastewater facilities with Wilson Engineers in an amount not to exceed \$1,500,000.00 for the first year with the option of four one-year extensions and AWARDED Agreement #WA0803-201 for Colt Water Production Facilities Modifications Design in an amount not to exceed \$174,338.00.

Council approved the next two years of the Capital Improvement Program totaling \$59 million for work related to permitting, study and design for water and wastewater facilities. Design of the projects within this CIP will require a wide range of expertise and experience. The City has greatly improved project delivery time and efficiency through the use of annual contracts with established design firms. These annual contracts will provide consulting services for a broad range of projects.

30. CONTRACT: Vortex Doors

APPROVED a Contract increase of \$80,000.00 for maintenance and repair of overhead doors with Vortex Doors, utilizing the City of Phoenix contract, for a total amount not to exceed \$160,000.00.

Council originally approved use of this contract on January 25, 2007, in an amount not to exceed \$80,000.00. The City currently has 60 large overhead vehicle doors and 20 automatic gates. These doors and gates are located at all of the fire stations, Fleet Maintenance, Central Supply, Traffic and the Police Department. These doors and gates are of different styles and manufacturers. There are overhead sectional doors, roll-up doors and high-speed roll-up doors. Additionally, there are 5 roll-up fire curtains. Most of the fire stations have overhead sectional doors and three of them currently have automatic gates.

The functionality of these doors and gates affects the response time of the Fire Department. The Building and Facilities Division requires the assistance of a company skilled in the repair and maintenance of all of these door and gate types to supplement City Staff in the repair, maintenance and replacement of these doors and gates.

Within the last six months, various doors have needed to be repaired at City buildings. Fire Station #2 required a new roll-up door and upgrades to the other door due to the Alma School Road construction project, which realigned the driveway entrance. Due to this unexpected replacement, the contract limit needs to be increased.

31. CONTRACTS: ITS Engineers & Constructors

APPROVED Contracts #ST0619-401 and #ST0620-401 for traffic signals at Pecos Road/Emmett Drive, Ocotillo Road/Basha Road and Riggs Road/Emmett Drive with ITS Engineers & Constructors in an amount not to exceed \$467,570.00.

These intersections require new signals to handle the increase in traffic volume created by new commercial and residential developments. The three signal installations were designed by two separate consultants, but were bid together to maximize economies of scale.

Traffic Engineering Staff has determined that the City can typically obtain traffic signal poles and mast arms at a lower price when purchasing directly from the manufacturer. Therefore, this project will utilize City-supplied poles and arms instead of paying the contractor to provide these components.

32. CONTRACT: C.S. & W. Contractors, Inc.

APPROVED Contract #AI0401-401 for the Airport North Apron with C. S.&W. Contractors, Inc. in an amount of \$2,592,578.08.

The North Aircraft Apron project will develop aircraft parking on the north side of the airport to provide additional tie-down areas. Existing tie-down occupancy on the airport during the cooler months is around 98-100% and is consistently near 90% the rest of the year. This project will provide 90 additional tie-down spaces for 75 small, 12 mid-sized and 3 corporate-type aircraft. These spaces will furnish additional sources of revenue generation for the airport.

33. CONTRACT: Peoria Pest Control

APPROVED a Contract for treatment of manholes with Peoria Pest Control, utilizing the Pima County contract, in an amount not to exceed \$100,000.00.

The City has 16,200 sewer manholes. Historically, Wastewater Collection exterminated roaches in the manholes with a boron dust. The boron has a life of approximately two months per application. The insecticide paint used in manholes is warranted for two years. Municipalities, which were once exempt from the state laws governing pesticide licensing and application, are now required to obtain these licenses to apply pesticides. Municipal Utilities determined the most cost effective solution for controlling roaches in City-owned manholes is to engage the services of a licensed exterminator to apply insecticide paint to the manholes.

COUNCILMEMBER ORLANDO clarified that this item is strictly for the manholes. Mr. Mulvey confirmed that it is. COUNCILMEMBER ORLANDO asked what is being done for the sewers. Mr. Mulvey said that the sewers are cleaned with hydraulic equipment. COUNCILMEMBER ORLANDO asked if painting the sewer grates has been considered. He said they would investigate and report to Council.

34. CONTRACT CHANGE ORDER: Hunter Contracting Company

APPROVED Contract #WA0320-402 Change Order No. 4 for the Surface Water Treatment Plant Expansion with Hunter Contracting Company in an amount not to exceed \$579,094.00.

In November 2005, Council awarded the Surface Water Treatment Plant Expansion to Hunter Contracting Company to expand the plant's capacity from 45 million gallons per day (MGD) to 60 MGD. The project is approximately 80 percent complete and scheduled for completion in March 2008. During construction, an existing 54" valve, vital for reservoir maintenance, was found to be inoperable. This valve will be replaced under this change order. This project also includes

remodeling of the existing Administration Building. During this work, the existing fire alarm system was found to be inadequate to handle the new building upgrades. The added fire alarm system upgrades included in this change order will bring the entire water plant current to 2007 fire code standards. Allowances will also be added for tile, paint, cement coatings and other items needed to better match the remodeled portion of the Administration Building and plant to the existing structures.

COUNCILMEMBER SEPULVEDA asked what the original contract amount was and what will it be including the four change orders. WENDY CHAMBERS, Utility Systems Manager, said that the original contract is over \$43 million. This change order is approximately 1.3% of the total contract. The four change orders total under 5% of the total contract and it is approximately 80% complete. She added the anticipated completion date is March 2008 and there will possibly be another change order coming forward

COUNCILMEMBER SEPULVEDA suggested that future change order items include the total amount of the original contract and the percentage of the change order.

35. CONTRACT: Engineering and Environmental Consultants, Inc.

APPROVED Contract #EN0719-101 for permitting, study and design services for water and wastewater facilities with Engineering and Environmental Consultants, Inc. in an amount not to exceed \$1,500,000.00 for the first year with options of four one-year extensions, and AWARDED Agreement #WA0804-201 for the design of Airport Water Projection Facility Modifications and Pressure Reducing Stations, in an amount not to exceed \$225,028.00.

Council approved the next two years of the Capital Improvement Program totaling \$59 million for work related to permitting, study and design for water and wastewater facilities. Design of the projects within this CIP will require a wide range of expertise and experience. The City has greatly improved project delivery time and efficiency through the use of annual contracts with established design firms. These annual contracts will provide consulting services for a broad range of projects.

The City's water distribution system is currently divided into two pressure zones. Interim Zone 2 was separated along Gilbert Road south of Ocotillo Road in 2005 to boost pressures in this growing area and reduce pressures in the remaining parts of the City. In accordance with a recommendation made in the 2004 Water Master Plan, Municipal Utilities needs to expand the Zone 2 pressure area to further stabilize water pressures in Zone 1 in west Chandler. The new Zone 1 and Zone 2 delineation will occur roughly along the Consolidated Canal alignment from Hunt Highway to the south to the San Tan Freeway to the north. Implementation of this expanded Zone 2 requires upgrading the airport WPF to Zone 2 operating pressures and installing Pressure Reducing Valves (PRV) at key locations along the western zone boundary.

36. PURCHASE: CCS Presentation Systems Company

APPROVED the Purchase of audio and visual equipment from CCS Presentation Systems Company, utilizing the State of Arizona contract, in an amount not to exceed \$163,924.53.

The Tumbleweed Recreation Center (TRC) is approximately a 62,000 square foot facility dedicated to recreational and educational activities. Within the TRC, audio and visual equipment will be used for educational and entertainment purposes in various locations. Along with the daily

visitors, the TRC will have facility rentals for presentations and meetings and guests will request the use of the audio and visual equipment.

37. PURCHASE: American Telephone

APPROVED the Purchase of a telephone system and related equipment for the Tumbleweed Recreation Center from American Telephone in an amount of \$37,313.91.

The City has a contract with American Telephone that provides the necessary service to support the City's telephone system and includes a provision to purchase additional equipment required for upgrades and additions. As part of the readiness of the soon to be completed Tumbleweed Recreation Center, this is a need to add telephone equipment, which includes phone connection equipment, power and battery systems, license, software, cable, telephones, labor and installation.

38. PURCHASE: Advanced Exercise Equipment Company

APPROVED the Purchase of fitness equipment from Advanced Exercise Equipment Company, utilizing the City of Phoenix contract, in an amount not to exceed \$320,720.81.

The Tumbleweed Recreation Center (TRC) fitness center is a key component of the new facility. Approximately 6,200 square feet is dedicated to cardiovascular and strength equipment. The Chandler Community Services Department has researched and designed a fitness center that will provide fitness opportunities for youth, teens, adults and seniors of all fitness levels from the beginner to the advanced fitness enthusiast.

39. PURCHASE: NEC

APPROVED the Purchase of Cisco Computer Network Equipment for the Tumbleweed Recreation Center from NEC, utilizing the City of Tempe contract, in an amount not to exceed \$84,818.50. The City of Chandler Information Technology department will design, install and activate the system to provide City of Chandler intranet, Internet and data service for the Tumbleweed Recreation Center.

40. PURCHASE: Triple M Recreation

APPROVED the Purchase and Installation of playground equipment from Triple M Recreation for Maggio Ranch Park, utilizing the City of Tucson contract, in an amount not to exceed \$35,627.58.

Maggio Ranch Park is a 5-acre neighborhood park originally constructed in 1991. The playground equipment at the park is the originally installed equipment. Over the past year, Community Services Staff has received requests to upgrade the playground equipment at this park. Because of the age and limited playability of the playground, it has been determined that the existing playground equipment needs to be completely removed and replaced.

41. PURCHASE: Motorola, Inc.

APPROVED the Purchase of communication equipment from Motorola, Inc., utilizing the City of Phoenix contract, in an amount not to exceed \$132,867.89.

The Police Department is purchasing new radios and other related equipment in order to supply police vehicles and personnel with required radio equipment approved in the FY 2007/08 Budget process. The request is for 18 mobile radios for police patrol vehicles, a park ranger vehicle and an ID specialist vehicle and 10 portable radios for nine sworn police personnel and one park ranger. These radios are compatible with Project 25 standards and with jurisdictions using Project 25 radio systems (e.g. Phoenix, Mesa and Gilbert Police). This contract includes a "Super Bowl XLII Promotion" discount offered by Motorola on the XTS5000 radios of \$400.00 per unit.

42. PURCHASE: Northrop Grumman Information Technology, Inc.

APPROVED the Purchase of 57 PC Message Support Software (PCMSS) licenses from Northrop Grumman Information Technology, Inc., sole source, in an amount not to exceed \$17,100.00.

The Police Department utilizes Northrop Grumman Information Technology, Inc. computer aided dispatch software to dispatch Police-related calls for service and to communicate data between dispatchers and police units. The PC Message Support Software is a Northrop Grumman developed software program that will provide this communication link. This software allows mobile and stationary stations to run inquiries on warrants and registration checks, send police vehicle location to dispatch, display incident and officer locations to electronic maps and to transmit police reports directly from their vehicles. These licenses are needed to provide communications between the Police Department's dispatch center and mobile police units, desktop units and police employees stationed at the new Chandler Heights sub-station.

43. USE PERMIT: Waterfront Grill

APPROVED Use Permit, UP07-0043 Waterfront Grill, Series 6, for the sale of alcohol in an existing establishment at 1949 W. Ray Road, Suites 11-13, within the Boardwalk of Andersen Springs. (Applicant: Arizona Liquor Industry Consultants – Amy Nations.)

Andersen Springs is zoned Planned Area Development (PAD) and is surrounded by a man-made lake and condominiums to the south and east, a shopping center to the north across Ray Road and single-family homes to the west across Dobson Road.

A restaurant has occupied these suites since 1997 when the original Use Permit for a Series 12 Restaurant License was issued to Waterfront Grill, LLC. The original restaurant owner, with the name changed to Groovy Mundo Grill, was issued a Series 6 Bar License with a 1-year time limit in September of 2000. The Series 6 license was issued with the understanding that the applicant required a Series 6 license for its catering business and for the operation of a full service restaurant and bar. The Use Permit excluded uses such as cocktail lounges and nightclubs. In October 2001, the restaurant was sold to the second owner who chose to emphasize the restaurant's menu and food service. The new owner, keeping the restaurant's name Groovy Mundo Grill, applied for and received a Series 12 Restaurant License without expiration. Ownership changed hands again in the years to follow with the third owner changing the restaurant's name back to the Waterfront Grill and offering a smaller bar menu, choosing later operating hours and bringing in live entertainment. These changes altered the character of the business and the restaurant was no longer able to operate under the Series 12 license. Under a new (fourth) owner, the site received Use Permit approval for a Series 6 Bar License Use Permit for one year in May 2006. The facility changed hands again on August 9, 2007.

The business has been operating for the past year as a restaurant and bar that offers catering much as it had under the earlier Series 6 Bar License. The Series 6 license is required for off-premise consumption in conjunction with the catering business. Upon receiving the May 2006 approval, the owner at the time made several interior improvements and business changes to cause the facility to function more as a restaurant and less like a bar, including a reduction in pool tables (to only one), removal of a stage to be used for seating, fresh paint, new furniture, revamping of the menu, elimination of live entertainment and addition of lunch service. Over the next year, the owner retained many of these changes, but brought back live entertainment and eliminated lunch service. The current hours are 4:00 p.m. to 12:00 a.m. Sunday through Thursday and 4:00 p.m. to 2:00 a.m. Friday and Saturday. According to the applicant, 50% of the facility's total sales are in food and non-alcoholic beverages, compared to a range of 58-68% in early 2006. The new owner, as of August 9, 2007, has temporarily eliminated live entertainment pending this Use Permit approval in order to be compliant with the previously adopted conditions. After approval, the new owner plans to bring back live entertainment on a more limited scale including use of the stage for bands. The new owner is undertaking marketing efforts to expand the catering service as well.

In 2006, there was substantial neighborhood opposition to a Series 6 license at this location because of fears of excessive noise and other problems. This opposition led to a condition that any addition of entertainment uses requires new Use Permit approval. The business had recently, under previous ownership, been in violation of this condition due to their addition of live music and other entertainment.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 7, 2007. There were no citizens in attendance. The Police Department has been informed of the application and has not responded with any issues or concerns. Staff has received no correspondence in opposition to this request.

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

1. The Use Permit is granted for a Series 6 license only and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the existing floor plan, including additional bar serving area, shall void the Use Permit and require new Use Permit application and approval.
3. Use Permit approval allowing the sale of alcohol under a Series 6 liquor license is subject to the operation of the establishment as a full-service restaurant and bar that also offers catering services. Conversion to a cocktail lounge, bar without dining accommodations, nightclub, or other like uses shall require a new Use Permit application and approval by the City Council.
4. The Use Permit is non-transferable to any other bar or restaurant location.
5. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
6. The sale of liquor for off-site consumption is permitted only in conjunction with the operation of the catering service. Alcohol sale that is to be taken from the establishment for off-site consumption by an individual is prohibited.
7. There shall be no outdoor live entertainment.
8. Noise shall be controlled so as to not cause a nuisance for nearby residences.

COUNCILMEMBER WENINGER asked about the number of police calls for service at this location. CMDR. GAYLORD responded that there have been 70 calls for service for the strip mall with only one for this establishment.

44. USE PERMIT: Bravi

APPROVED Use Permit, UP07-0060 Bravi, Series 12, for the sale of alcohol within a new restaurant at 2990 E. Germann Road, Suite #7, within the Crossroads Towne Center. (Applicant: Jim Nagy, Owner.)

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 6, 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 PAD zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit Application and approval.
3. The Use Permit is non-transferable to other store locations.
4. The outdoor patio and adjacent areas shall be kept in a clean and orderly manner.

45. LIQUOR LICENSE: Bravi

APPROVED a Series 12 Restaurant Liquor License (Chandler #114689 L12) for James Patrick Nagy, Agent, Bravi LLC, dba Bravi, 2990 E. Germann Road, Suite 7. A recommendation for approval of State Liquor License #12077183 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.

46. USE PERMIT: The Dirty Drummer

APPROVED Use Permit UP07-0050 The Dirty Drummer, Series 6, to sell liquor within an extension of premises for two outdoor patios for an existing bar at 3002 N. Arizona Avenue, Suites 1-4, within the Chandler Business Plaza. (Applicant: Dennis Ortiz, Owner.)

The Dirty Drummer is located at the southwestern end of the center on the end cap of a section of inline shops. Directly east of the subject site within the inline shops, is a vacant tenant space, and beyond that a small convenience market. East of the inline shops is a freestanding Circle K convenience store. North of the plaza is the Palm Plaza Commerce Center. East of the subject site across Arizona Avenue is the Pollack Business Park North. South, across Elliot Road, is a vacant parcel. West of the subject site, across San Marcos Place within the Chandler Business Plaza, is a truck parts center, specialty automotive shop and a cabinetry shop.

Within the Pollack Plaza commercial center there are a variety of commercial uses including convenience markets, hair salon, furniture stores, fitness center, Korean BBQ restaurant and a childcare day care center.

The site was rezoned in 1977 as part of a 1,500-acre rezoning. It has been in operation with a Series 6 liquor license since 1986. In 1992, the subject site expanded its operation into an additional two suites, requiring a new Use Permit. The current request is to allow for an extension of premises for two outdoor patios. The applicant is proposing to construct a temporary patio on the south side of the restaurant facing Elliot road. The patio would extend five feet into the covered walkway. The width of the covered walkway is 10' to the support columns and extends an additional five feet beyond. The patio would be approximately 21' long and would be utilized for smokers. Since The Dirty Drummer extended its premises in 1992, the proposed temporary patio will be utilizing a door that is currently not in use. The patio door is 20' from the main entrance. The temporary patio would be used until the end of the first of the year in which the applicant hopes to have plans completed for the permanent patio.

The second proposed patio is on the west side of the establishment and is approximately 128 sq. ft. It would extend eight feet from the restaurant and would be approximately 16' wide. The patio would be a permanent patio. The applicant is requesting the temporary patio to provide time to determine if a patio is necessary and if so, time to submit plans. The proposed permanent patio would require engineering since it extends into a current retention basin. Both patios will utilize a metal railing 32" in height.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 25, 2007. There were no neighbors in attendance. The Police Department has been notified and has not responded with any concerns.

Staff has received two phone calls regarding this request. The first call was from a resident that lives south of the subject site across Elliot Road with concerns with noise levels. Staff explained that there would not be live entertainment outside, but that a condition would be added to address outdoor noise levels. The second caller had general questions.

Upon finding consistency with the General Plan and the C-2 zoning district, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other store location.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. All pedestrian walkways shall be ADA accessible and shall not be interrupted by any obstacles preventing circulation (i.e. handicap shall have direct access to all indoor and outdoor pedestrian spaces).
5. Noise shall be controlled so as to not cause a nuisance for nearby residences.
6. The outdoor patio and adjacent area shall be kept in a clean and orderly manner.

COUNCILMEMBER CACCAMO asked if the pre-school in the center, that opened after The Dirty Drummer did, falls under the 200-foot limit. PLANNER ERIK SWANSON responded that it does not apply. COUNCILMEMBER CACCAMO asked if the preschool gets a license to operate as a kindergarten, if the 200-foot limit would apply. Mr. Swanson said that since the bar was existing, he did not feel the school would fall within the 200-foot limit.

COUNCILMEMBER WENINGER asked about the number of calls for service at this location. CMDR. GAYLORD responded that at the strip mall itself, there have been 39 calls for service with six being possibly alcohol-related over a year. The majority have been alarm calls.

47. LIQUOR LICENSE PERMANENT EXTENSION OF PREMISES: The Dirty Drummer

APPROVED a Series 6 permanent extension of premises for Chandler Liquor License #9589 L06 held by DD Chand, Inc. dba Dirty Drummer, 3002 N. Arizona Avenue, Suites 1-4. A recommendation for approval of a permanent extension of premises for State Liquor License No. 06070021 will be forwarded to the State Liquor Department.

DD Chand, Inc., dba Dirty Drummer has been at this location since August 1989 when they obtained a Series 6 Bar Liquor License. To comply with the new smoking law, they are requesting a permanent extension of their alcohol serving area to include outside seating. They are currently requesting two patio extensions. The first patio will be a temporary extension located on the south end of the establishment. The temporary patio will be utilized during the construction of the second patio and will be removed upon completion. The second patio will be a permanent extension located on the west side of the establishment.

The Police Department has no objections. All fees have been paid and the business is in compliance with the City's Sales and Use Tax Code.

48. CONTINUED LIQUOR LICENSE: Sushi Eye

CONTINUED TO SEPTEMBER 20, 2007, Liquor License, Series 12, for Pu Yon Cho, Agent, Supaul, Inc., dba Sushi Eye located at 58 W. Buffalo Street, Suite 110, to allow the applicant time to complete the requirements for a new Use Permit.

49. CONTINUED LIQUOR LICENSE: Fresh & Easy Neighborhood Market

CONTINUED TO OCTOBER 25, 2007, Liquor License, Series 10, for Randy D. Nations, Agent, Fresh & Easy Neighborhood Market, Inc., dba Fresh & Easy Neighborhood Market located at 4920 S. Arizona Avenue to allow the applicant time to complete the requirements for a new Use Permit.

50. CONTINUED LIQUOR LICENSE: Regal Beagle Sports Lounge

CONTINUED TO OCTOBER 25, 2007, Liquor License, Series 6, for Gregory James Stanfield, Agent, Mirage Group Unlimited, Inc., dba Regal Beagle Sports Lounge located at 6045 W. Chandler Boulevard, Suite 7, to allow the applicant time to complete the requirements for a new Use Permit.

51. FINAL PLAT: Pecan Trace

APPROVED Final Plat, FPT07-0016 Pecan Trace, for a 38 lot, single-family residential neighborhood on approximately 16 acres located at the SEC of Lindsay and Ocotillo roads. (Applicant: Atwell-Hicks Development Consultants.) This plat creates the lots and tracts, construction phasing lines, establishes the necessary easement and dedicates the required right-of-way.

ACTION:

52. CITY CODE AMENDMENT: Chapter 50

Ord. #3959

Ordinance No. 3959 amending Chapter 50 of the Chandler City Code by amending Section 50-1 to add new definitions of "inside City rates" and "outside City rates"; and by adding a new Section 50-20 relating to review of Water, Wastewater and Reclaimed Water rates.

COUNCILMEMBER CACCAMO questioned the need for an ordinance when the original ordinance stipulated that the rates would be reviewed within a year. He claimed this ordinance would tie the hands of future Councils that should be able to ask for a review at any time and not be limited to a specific timeframe. He noted that it had not gone through the Municipal Utilities subcommittee.

COUNCILMEMBER SEPULVEDA said that there was good discussion and a comprehensive process involving numerous stakeholders. After the discussion, it was clear there were unintended consequences that have not been identified. Council agreed to direct Staff to review the numbers in the 12-month timeframe and come back before the end of the year with the results. From that point, the decision would be made to make an adjustment or make no changes.

In looking back over the increases since 1991, there were increases annually through 1994. However, it has been 14 years since another increase was implemented. Councilmember Sepulveda said it is his intention to compel this Council and future Councils to work with Staff and review the impact the increasing number of citizens has on services.

ACTING MANAGEMENT SERVICES DIRECTOR O. D. BURR reviewed statistics assembled by his Staff regarding what previous increases were based on. COUNCILMEMBER SEPULVEDA noted the population has increased 109% over the last 10 years and operations and maintenance have increased 295%. An ordinance compels Council to determine if a study is needed.

COUNCILMEMBER CACCAMO said that what came up during the discussion was whether or not the structure for the increase is appropriate. By creating an ordinance, it politicizes the process. He would not want to tie future Council's hands by saying the fees cannot be reviewed for three years.

COUNCILMEMBER SEPULVEDA commented that the structure works now, but when moving forward with different water zones and different needs in the community, that structure may not be valid.

MAYOR DUNN commented that an ordinance is final and it directs future Councils. He stated that they would not go another 14 years without changing the rates. If Council continues to review the rates annually, that sets a policy. He felt a commitment as a Council could be made to review revenue sources including water/wastewater rates.

COUNCILMEMBER ORLANDO asked how many rate studies were performed over the last 14 years. MR. BURR responded that two have been completed within the last seven years. Rate studies have been completed, but whether or not action is taken to increase or decrease the rates is a different matter. He is in favor of reviewing water rates during the budget process. MR. PENTZ responded that it makes sense to review the rates during the budget process. The Management Services Staff does review the rates and how the revenues will impact the budget.

COUNCILMEMBER ORLANDO said that a rate study is not the same as looking at the rates and they are looking at the revenue generated by those rates versus the cost of operating the system. MR. PENTZ clarified that there is a cost of service study and a rate study. The cost of service study looks at the rate burden. As explained by the consultant, different classes of customers put different demands on the system. The rate study determines the amount of revenue being created by the rates and is a simpler process. The rate study looks at the CIP, projected O & M expenses and whether or not an increase is needed.

COUNCILMEMBER SEPULVEDA said that studies have been conducted, but not this comprehensive. He felt this was important than a policy, as there may be a need to radically shift as the infrastructure continues to age.

COUNCILMEMBER ORLANDO asked Mr. Burr what triggers a consultant study. MR. BURR responded that it is an on-going process with the budget. In this instance, the most compelling reason was the amount of time that lapsed since the last increase. Elements such as growth, infrastructure growth, population growth, demand on the system and the last increase was implemented are reviewed. A consultant is not used every year. Mr. Burr added that Management Services Staff would be attending seminars to better understand how the rates should be calculated.

MAYOR DUNN reiterated that he does not feel it is beneficial to adopt ordinances dictating when something should be reviewed, as it is too restrictive.

MOVED BY COUNCILMEMBER SEPULVEDA TO INTRODUCE ORDINANCE NO. 3959 AMENDING THE CHANDLER CITY CODE, SECTION 50-1 AND ADDING A NEW Section 50-20 RELATING TO REVIEW OF WATER, WASTEWATER AND RECLAIMED WATER RATES.

THE MOTION DIED DUE TO LACK OF A SECOND.

BRIEFING:

1. Citywide Emergency Operation Plan

FIRE CHIEF JIM ROXBURGH said that it has been quite some time since Council was briefed on the state of emergency affairs in the City and what progress has been made. The timing is appropriate with 9/11 fast approaching and the nationwide exercise involving emergency operation centers across the nation.

Assistant Chief Jeff Clark and Battalion Chief Lance Trella presented an overview of emergency management and NIMS (National Incident Management System); reviewed regional homeland security structure; continuity of operations planning and the TOPOFF exercise.

The five phases of emergency management include:

- Prevention
- Preparedness
 - Response
 - Recovery
- Mitigation

- Emergency Management can also be viewed as:
 - Pre-incident
 - Incident
 - Post Incident

Battalion Chief Lance Trella reviewed Prevention that includes the ACTIC – Arizona Counter Terrorism Intelligence Center, TLO Program, Hazardous Materials Management Plan and Pre-emergency Collaboration.

Asst. Chief Clark reviewed Preparedness by speaking of the community training including Disaster Preparedness Classes, CERT Program, VIP Programs and Citizen Corps. The City internally has the Emergency Management Group (EMG).

COUNCILMEMBER ORLANDO asked if communications have been tested not only in the City, but statewide. Asst. Chief Clark said it has not. There is no one system in place, but a patchwork of systems. It is being handled by the Communications Division for the State and DPS is the lead agency.

In response to additional questions, Asst. Chief Clark said that Chandler's CERT team does a full scale every year and will participate in the statewide event. Councilmember Orlando asked if the events included multiple event occurrences. Asst. Chief Clark said that nationwide they are; however, he could not recall the state holding an event of that nature.

There was discussion regarding the makeup of members in the CERT Program as compared to other valley cities. Battalion Chief Trella noted that with the exception of maybe Phoenix, Chandler has the largest and most participatory CERT program.

Asst. Chief Clark announced that on October 27th, the City and Catholic Healthcare West would be participating in a Pandemic Dispensing Drill. The week of October 15th, will be the TOPOFF drill and the city will be preparing for that exercise over the upcoming month. He added that the CERT group would be collaborating with County Health for a drug dispensing drill.

They stated preparedness also includes response and highlighted the Emergency Operations Plan, Staff Capability and Proficiency, Emergency Operations Center, Rapid Response Teams, Standard Operating Guidelines, and the Automatic and Mutual Aid Agreements.

Asst. Chief Clark stated that recovery is often an overlooked phase of any disaster. Recovery is often the phase where the local groups provide support and would include partnerships with Volunteer Organizations After Disasters (VOADs) and the implementation of the Continuity of Operations Plans (COOP).

Asst. Chief Clark reviewed the recommended National Incident Management System (NIMS) training that helps standardize the communication language. In response to a question from Councilmember Weninger, Asst. Chief Clark briefly explained the duties of the elected body and the City Manager and city staff. The Mayor commented that during the last exercise the most challenging and educational part was working with the media especially when there may be an absence of information to report.

Battalion Chief Trella said that TOPOFF 4 will occur the week of October 16 and will provide the ability to test the functionality of the Emergency Operations Center and the interaction with the other communities. A Virtual News Network will be setup at the San Marcos Hotel.

MAYOR DUNN thanked the Fire Department for their work on this important issue.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that September is National Preparedness Month and Chandler will participate with a special event on Saturday at Target Greatland from 9:00 a.m. to noon.

MAYOR DUNN announced that as part of the 100 Best Communities for Young People designation, the City and San Marcos Family Resource Center have teamed up to help Chandler families with no prescription drug coverage by offering free Family Wise prescription drug cards. For more information, visit the San Marcos Resource Center at 451 W. Frye Road.

B. Councilmembers' Announcements:

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 9:00 p.m.

ATTEST: _____
City Clerk

MAYOR

Approved: September 20, 2007

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 6th day of September 2007. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2007.

City Clerk