

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, December 13, 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
Jeff Weninger	Councilmember

Absent and Excused: Martin Sepulveda 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 Sr. Pastor Kevin Hartke, Trinity Christian Fellowship

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

MOVED BY MAYOR DUNN, SECONDED BY COUNCILMEMBER ORLANDO, TO SUSPEND THE RULES FOR THE ORDER OF BUSINESS AND ACT ON THE CONSENT AGENDA BEFORE THE SCHEDULED PUBLIC APPEARANCES, UNSCHEDULED PUBLIC APPEARANCES AND THE BRIEFING.

MOTION CARRIED UNANIMOUSLY (6-0).

CONSENT:

MAYOR DUNN explained that for Item #14 (Resolution No. 4122) authorizing Industrial Revenue Bonds for Tri City Baptist Church, technically, a public hearing must be held with comments made by the Bond Counsel and then allowing for public comment. This item will remain on the Consent agenda unless any of the public or Council wish to move it to action.

MAYOR DUNN complimented the design of the Hilton Hotels At Spectrum (Item #23) and Pecos Village (Item #25).

MAYOR DUNN stated he would abstain from voting on Item #27 (Appleby Road Property) due to a potential conflict of interest.

COUNCILMEMBER DONOVAN stated she would abstain from voting on Item #25 (Pecos Village) due to a potential conflict of interest.

COUNCILMEMBER ORLANDO stated he would be voting nay on Item #17 (Restatement of Adoption Plan Agreements).

MOVED BY COUNCILMEMBER CACCAMO, SECONDED BY VICE-MAYOR HUGGINS, TO APPROVE THE CONSENT AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY (6-0).

RECESS: The meeting recessed at 7:28 p.m. and reconvened at 7:35 p.m.

1. ANNEXATION: SEC Riggs Road and Arizona Avenue Ord. #3964

ADOPTED Ordinance No. 3964, annexation of approximately 34.6 acres east of the SEC of Riggs Road and Arizona Avenue.

2. INITIAL CITY ZONING: Southwest Corner of 116th Street & Riggs Road Ord. #3965

ADOPTED Ordinance No. 3965, DVR07-0050 Southwest Corner of 116th Street & Riggs Road, establishing initial City zoning of AG-1 on approximately 34.6 acres west of the SWC of 116th Street and Riggs Road.

3. REZONING: Galileo Piazza Ord. #3995

ADOPTED Ordinance No. 3995, DVR07-0032 Galileo Piazza, rezoning from AG-1 to PAD for a 38 custom lot single-family residential neighborhood on approximately 34 acres at the SWC of 116th Street and Riggs Road.

4. POWER DISTRIBUTION EASEMENT: Salt River Project Ord. #3977

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3977 granting a no-cost power distribution easement to Salt River Project (SRP) for electrical power service to the Bear Creek Golf Course Clubhouse at the NEC of Arizona Avenue and Riggs Road.

The Community Services Department is requesting this easement in order to provide electrical power to the new Bear Creek Golf Course Clubhouse. The new clubhouse building will replace the temporary clubhouse that is now located in a modular building to the southwest of the new building. This easement will extend a currently existing easement to accommodate the location of the new building. A Letter of Intent was sent to SRP on October 11, 2007, indicating that Chandler Staff would be making a positive recommendation to approve this easement request.

5. CITY CODE AMENDMENT: Chapters 1, 36, 45 & 46 Ord. #3976

ADOPTED Ordinance No. 3976 amending City Code Chapter 1, Section 1-8.7; Chapter 43 adding Section 43-5.13; Chapter 45 adding Section 45-8; Chapter 46 deleting the last sentence of Section 46-2.D relating to the City of Chandler Stormwater Quality Protection requirements in accordance with the Federal National Pollutant Discharge Elimination System (NPDES) requirements administered by the Arizona Department of Environmental Quality and declaring an emergency.

The City of Chandler is currently working under the Arizona Pollution Discharge Elimination System (AZPDES) General Permit administered by the Arizona Department of Environmental Quality (ADEQ), which is valid through December 19, 2007. ADEQ reviewed this permit and the City's Stormwater Management program (SWMP) during the permit term and ADEQ has required improvements to the program. One remaining requirement is to implement a stormwater quality protection ordinance to address and comply with the requirement of ADEQ's General Permit. This ordinance addresses the required changes outlined by ADEQ and is consistent with the requirements of the Clean Water Act Amendments of 1987. The ordinance covers those areas of the City of Chandler that directly or indirectly discharged to the ADOT stormwater drainage system, a few locations that discharge to the Gila Drain and all areas of the City of Chandler that incorporate on-site retention. The ordinance will be applicable to citizens, businesses and developers to improve the quality of stormwater runoff.

Adoption and implementation of this ordinance is required by December 19, 2007, to fully meet the requirements outlined in the AZPDES General Permit and City of Chandler Stormwater Management Program.

Staff will work with the development community and the general public toward education and voluntary compliance. All efforts will be made to achieve voluntary compliance; however, if this is not possible, a violation could result in the usual issuance of a civil citation. Civil citations have a maximum penalty of \$500. In the rare case where non-compliance is habitual, the City may opt to issue a criminal citation, which may result in a Class 1 misdemeanor and a maximum penalty of \$20,000 and/or six months in jail.

A number of Arizona municipalities have already adopted ordinances to address stormwater quality protection for their respective communities including Phoenix, Tucson, Mesa, Tempe, Scottsdale, Gilbert and Avondale. This Code change has been modeled after what other municipalities have successfully developed and implemented.

Many developers are already implementing best management practices associated with the requirements outlined in the AZPDES General Permit for Discharge from Construction Activities to waters of the United States. Such requirements have been in place and enforced by ADEQ since the permit's inception on February 25, 2003.

6. POWER DISTRIBUTION EASEMENT: Salt River Project Ord. #3981

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3981 granting a no-cost power easement to Salt River Project (SRP) to run south approximately 1,036 feet from the NEC of the Alma School – Warner Road intersection for relocation of a 12kV powerline in conjunction with the intersection improvements.

7. ZONING AMENDMENT: 305 E. Comstock Drive Ord. #3984

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3984 DVR07-0043, amending the existing Planned Industrial District zoning with Planned Area Development overlay (I-1/PAD) to allow certain vehicle repair, customization and accessory sales; installation of retail products, sign sales, repair and fabrication; repair and manufacturing of certain small-scale equipment or goods; small-scale machine tool and plastics manufacturing; and certain vehicle sales located south and east of Elliot Road and Arizona Avenue in the Arizona Corporate Park formerly known as Elliot Commerce Plaza. (Applicant: Jon Sherbeck; Owner: Laura Lindberg & Jon Sherbeck.)

Existing uses within the larger corporate park include two motorcycle dealerships (Town & Country Motorsports and AZ Superbike) with service and repair along Arizona Avenue, two limited auto-related uses in the center of the corporate park (Inyati Bedliners and Stevens Off Road), retail showroom uses along Arizona Avenue, light industrial businesses with warehousing, a wholesale Italian bakery, the Arizona Department of Revenue and various office uses. Across Comstock Drive from the subject site are several parcels that allow strictly office uses in addition to industrial uses. The subject site is surrounded by the rest of the Arizona Corporate Park, all of which is designated as Employment in the General Plan.

In 1981, the subject properties were rezoned from AG-1 to I-1/PAD to allow a mix of industrial, office and commercial uses throughout the corporate park. The PAD overlay designated uses by area within the corporate park, including I-1 uses for the subject property. In 1990, the corporate park received rezoning in order to refine use definitions and adjust the boundaries of the various use designations. From 1993 to 2007, several rezonings were granted to allow narrowly defined auto-related uses and along Arizona Avenue, including the motorcycle businesses plus motor vehicle after-market customization, repairs and accessory sales that do not involve engine repair, outdoor work, or outdoor storage.

The application requests approval for motor vehicle sales; however, the Planning Commission and Staff recommend a condition prohibiting this use. The permitted use definitions, as refined by conditions, explicitly prohibit certain activities that would detract from the business park as designed, including outside storage, automobiles or truck engine repair or outdoor installation work.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held October 27, 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 current I-1/PAD zoning, the Planning Commission and Staff recommend approval subject to conditions listed in the ordinance.

8. POWER DISTRIBUTION EASEMENT: Salt River Project Ord. #3988

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3988 granting a no-cost power distribution easement to Salt River Project (SRP) for electrical power service to the Price South Well #2 at the SWC of Germann and Dobson roads. SRP currently has an easement that runs inside the property line that was granted by the City. The new easement will begin inside the north boundary of the current easement and run south.

9. POWER DISTRIBUTION EASEMENT: Salt River Project Ord. #3989

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3989 granting a no-cost power distribution easement to Salt River Project (SRP) through Parks-owned property Tract "A" at the SWC of Desert Breeze Boulevard East and McClintock Road to provide backup or redundant service to the Arizona Commerce Center Project.

The Arizona Commerce Center, located at the NWC of McClintock and Chandler Boulevard, south of Desert Breeze Boulevard East is developing their site. A Special Warranty Deed dedicating a portion of their property identified as Tract "A" was accepted by the City through the Administrative Acceptance process and was recorded on June 22, 2007.

SRP is now requesting a no-cost easement through a portion of Tract "A" to complete a power hook-up to an existing SRP facility currently within Tract "A". The developer was not aware of the need for the easement at the time Tract "A" was deeded to the City. SRP intends to install a second switch facility within the requested easement. Normally, the City would require the developer to pay for the easement. In this instance, however, since the developer recently deeded the property to the City, the Real Estate division suggests that the easement be granted at no cost.

10. LAND ACQUISITION: Senior Housing

Ord. #3992

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3992 authorizing the acquisition of real property within the City of Chandler to be leased to qualified senior families and authorizing the Housing and Redevelopment Manager to execute all documents necessary to complete each acquisition.

The Housing and Redevelopment Division wishes to diversify and maintain affordable housing programs. In conjunction with the previously approved 2007/08 Housing Annual Plan, Housing Staff is proposing the acquisition of single-family senior (62 years of age or older) rental properties that will increase the number of affordable rental housing units in the current inventory.

With the recent escalation in land costs, building costs and housing prices, Staff is looking at alternative affordable housing resources and wishes to test the feasibility of this acquisition program. Housing and Redevelopment Staff, with the assistance of the City Attorney's Office, is requesting authorization to acquire three to four scattered site homes based on the following key criteria:

- Up to four homes may be acquired, made lease-ready and leased to senior families at affordable rents. (The lessor must be at least 62 years of age or older. No children under the age of 21 may live in the home or lessor must be in compliance with HOA regulations/rules/governance, whichever are more restrictive.)
- Homes will contain a minimum of 2 bedrooms and may be located in senior designated communities.
- Homes will only be acquired from willing sellers. Homes must be either vacant or owner-occupied homes. Homes with tenants or boarders will not be considered for acquisition.
- Homes will only be leased to senior income-qualified families. Senior is defined at 62 years of age or older and income qualified is an income between 50% - 80% of area median income. (Currently, a two-person household would qualify if their income were between \$24,050 and \$38,500.)
- Rent will be an affordable rent that will be less than market rent. Rent will be affordable for tenants with an income near, but less than the 80% of median income range.
- Qualifying families must be able to manage in an independent living environment and demonstrate that they can maintain the home.
- The Housing and Redevelopment Manager will be authorized to acquire, make required modifications to and lease these properties based on additional criteria in the Program Acquisition Guidelines for Senior Family Properties and in conjunction with approval by the City Attorney's Office.
- Sales proceeds from previous Public Housing sales and development proceeds will be used to finance and support the senior single-family housing acquisition program.

The Housing and Redevelopment Manager will be able to individually purchase, make modification to, make lease-ready and lease properties in accordance with the program as outlined in the resolution. Each acquisition shall be undertaken through a fully executed written purchase agreement in a form acceptable to the City Attorney, which sets forth the terms and conditions of the acquisition and provides for opening and closing of escrow.

Depending on market conditions, Staff expects to identify the prospective properties in the winter and spring of 2008 and anticipates close of escrow in late spring and summer of 2008.

The costs to implement this project are derived from Public Housing proceeds and other available resources. The funding invested in this proposed project will help protect reserve funding from HUD recapture and has the potential to increase if real estate values inflate in the future. This investment also furthers our core mission to develop affordable housing while preserving the liquidity of the reserve funds.

11. LEASE: Mac-Gray Services, Inc.

Ord. #3994

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3994 authorizing a lease with Mac-Gray Services, Inc., (WEB Intelligent Laundry Systems), for laundry equipment and use of a 120-square foot portion of the Community Building at 127 N. Kinston Street for a laundry room.

Washers and dryers, or washer and dryer hook-ups are not available in the 37 individual apartments at the Kingston Arms Apartments. Instead, there is a small 120-square foot, coin-operated laundry facility on the site located in the senior community building.

The Housing and Redevelopment Division has leased two coin-operated washers and dryers from Mac-Gray Services, doing business as Web Intelligent Laundry Systems, since 1983. The current lease agreement stipulates that the Housing Authority supply the space and utilities for the laundry equipment. WEB supplies and services the washer and dryer units. The revenue generated by the washers and dryers is split fifty-fifty.

Senior residents requested that Staff look into getting new, larger washers and dryers for the site. Staff was also interested in getting new, more energy efficient models to minimize the utility costs associated with operating the units and aid in becoming more energy conscious in this area.

WEB has proposed to supply two new high efficiency, front-load, coin-operated, commercial Maytag washers and dryers. Under the terms of the new seven-year lease, the conditions of the lease remain largely unchanged and very similar to the last lease executed with WEB. The most significant difference in the new lease is the Housing Authority will now receive fifty-five percent of the revenue generated from the laundry equipment, less applicable fees, and/or taxes instead of the fifty percent share of the prior lease.

The new cost to do a load of laundry will be \$1.25 for the wash and \$.75 for the dry. This is a 50-cent increase over the current cost. While Staff understands that this is a significant increase in laundry cost for a senior living on a limited income, the cost is still approximately 50 cents less than doing a load of laundry at most commercial laundry facilities. In addition, the new laundry equipment will do larger loads, is gentler on clothing and a load will dry more quickly than the previous models.

The anticipated revenue from this lease agreement is estimated to be approximately \$300 per month, before deducting the utility costs associated with operating the laundry equipment and room. While this lease venture generates revenue for the Housing Authority, the principle benefit is to provide the senior residents with an option for convenient accessibility to coin operated laundry services

12. CONTINUED CITY CODE AMENDMENT: Chapter 35 (Zoning Code) Ord. #3997

CONTINUED TO JANUARY 17, 2008, Introduction of Ordinance No. 3997 ZCA07-0002, City of Chandler/Artwork in Commercial Developments, City initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code, Section 35-1902.8E and Section 1902.8G pertaining to artwork in commercial developments to further refine the language of the ordinance.

13. REZONING AMENDMENT: Portico Place Ord. #3998

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3998 DVR07-0033 Portico Place Amendment, rezoning from PAD to Planned Area Development with a Mid-Rise Overlay to allow additional building height along with PDP approval for a commercial hotel and retail development on approximately 5.3 acres at the SWC of Chandler Boulevard and Dobson Road. (Applicant: Withey, Anderson & Morris, P.L.C.; Owner: Armstrong Development.)

The subject site was rezoning in March 2007 from Light Industrial (I-1) uses to Planned Area Development (PAD) mixed use for a 14-acre commercial retail and office development. The site is bordered by existing commercial developments to the north, northeast and east. The existing Microchip, Durel and Rogers Corporation industrial manufacturing facilities border the site's west and south property. The original industrial buildings on the subject site have been demolished and the site cleared in preparation for the commercial development.

A Mid-Rise Overlay is requested on approximately 3.35 acres of the hotel portion of the site's south end. A Mid-Rise Overlay is required for buildings greater than 45-feet in height. The five-story hotel will be approximately 54' to the top of the main roof parapet and 66' to the top of the entry tower. The maximum building heights exclude architectural ornamentation or mechanical equipment that may encroach above the project roof heights.

The proposed amendment consists of a hotel with retail development which replaces an approved bank pad along Chandler Boulevard, a drive through restaurant pad near Dobson Road and a retail shops building along the site's south end. The office buildings at the site's west end and the pharmacy pad building at the arterial intersection remain as originally approved and is not part of this application amendment.

Staff supports the proposed Mid-Rise Overlay finding the site's location to be appropriate for taller structures. As outlined in the Mid-Rise Development Policy, this site location has been eligible for consideration for mid-rise development because it is located within the boundaries of the Gateway Area Plan and in close proximity to the Chandler Fashion Mall. Additionally, the site is surrounded by commercial retail and industrial development. The nearest existing residential development is located at least 750' to the south. The proposed five-story hotel has been designed with the tallest roof portion on the building's north end, which is furthest away from the residential homes.

This request was noticed according to the provisions of the Chandler Zoning Code with neighborhood meetings being held on October 1 & 2, 2007. There were neighboring business and property owners 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 conditions as listed in the ordinance.

14. REVENUE BONDS

Res. #4122

ADOPTED Resolution No. 4122 authorizing the Chandler Industrial Development Authority to sell Industrial Revenue Bonds for Tri City Baptist Church.

Brian Ritschel, Chandler Accounting Manager, said that on November 13, 2007, the Chandler Industrial Development Authority approved Resolution No. 2007-01 granting final approval of its adjustable rate demand revenue bonds, series 2007, in an aggregate principal amount not to exceed \$5,200,000 for the Tri-City Baptist Church Project. Tri-City proposes to refinance an existing bank loan, provide additional funds for a storage (maintenance) building and to complete the infrastructure for the site (primarily a fire line, storm drainage and utilities) in preparation for building a 95,000 sq. ft. building to consolidate all ministry operations.

Tri-City was incorporated under the laws of the State of Arizona on February 15, 1970, and is a 501(c)(3) nonprofit organization. Under the Arizona Public Finance law concerning industrial development financing, a corporation organized as an industrial development authority may issue limited obligation revenue bonds to finance projects that may involve any educational institution that is operated by a nonprofit educational organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. This type of project is listed as an eligible project under Exhibit A of the Authority's Procedural Pamphlet.

Tri-City has paid a \$3,000 non-refundable application fee and will pay all costs and expenses incurred by the Authority related to the bonds, including, but not limited to, the fees and expenses of the Authority's Legal Advisor whether incurred before or after the sale of the proposed bonds. Additionally, they have obtained separate bond counsel to represent them in this transaction.

Issuance of these bonds will not impact the City's ability to issue bonds in the future, as revenue bonds for a 501(c)(3) are not subject to the State's volume cap. The City and IDA are a conduit for the issuance of the bonds and have no responsibility or liability with regards to the repayment. The transaction and agreement are between Tri-City and the bond trustee.

No citizens commented on the sale of these bonds.

15. PROPERTY PURCHASE: Layton Lakes

Res. #4138

ADOPTED Resolution No. 4138 authorizing and approving the purchase of a 7.1-acre vacant property for a future planned park site in the Layton Lakes area, south of Queen Creek Road west of Lindsay Road, at a code of \$697,384.59, plus one-half of the closing costs.

The owner-developer of Layton Lakes, Lennar Communities Development, Inc., and Touse Homes, Inc., has agreed to sell this property to the City of Chandler for compensation that includes the developer's acquisition basis with a reduction for a 0.40-acre slope easement area, for an adjusted total cost of \$697,384.59 plus one half of the closing costs. The acquisition of this

parcel is necessary for the planned, future city park facilities intended to serve citizens in a one square mile area. Acquiring this property now will enable the City to avoid future price increases and a diminishing availability.

16. PROPERTY PURCHASE: 298 ½ S. Oregon Street Res. #4139

ADOPTED Resolution No. 4139 authorizing and approving the purchase of a parcel of vacant land located at 298 ½ S. Oregon Street for the South Arizona Avenue Corridor Project at a cost not to exceed \$40,200.00, including closing and associated costs.

Alberto Renteria, Jr., the owner of a vacant parcel of land totaling approximately 3,600 square feet is marketing his property for sale through Mark McKenzie Real Estate. Because the property is available for sale and because it is likely to be impacted by future road improvements proposed by the South Arizona Avenue Corridor Project, City Staff elected to proceed with the purchase of the property for the amount of \$38,200.00. Additional costs will include closing and associated costs in the approximate amount of \$2,000.00.

17. RESTATEMENT: Adoption Plan Agreements Res. #4141

ADOPTED Resolution No. 4141 authorizing the execution of restatement of three Adoption Plan Agreements, City of Chandler Retiree Healthcare Distribution Plan and the Declaration of Trust of the City of Chandler Integral Part Trust.

On February 23, 2006, the City Council authorized the Mayor to execute three Administrative Services Agreements between the City of Chandler and ICMA National Retirement Corporation. These agreements provided for administrative and investments services for the City's Retirement Health Savings Plans for current employees, City Council Members and a group of individuals in the formerly named Medical Expense Reimbursement Plan (MERP)

In late 2006 and early 2007, the Internal Revenue Service issued certain requirements that affected Retire Health Savings plans. In order to comply with these requirements, the City is required to approve, adopt and execute: 1) three Plan Adoption Agreements applicable to each of the three Administrative Services Agreements to conform to requirements of the Internal Revenue Code that such plans be mandatory for all employees, provide only for employer contributions, and conform to requirements for beneficiary designations by participants as outlined within Internal Revenue Code pertaining to health reimbursement accounts; 2) the Declaration of Trust of the City of Chandler Integral Part Trust in the form of the model trust made available by the ICMA-Retirement Corporation; and 3) a Healthcare Expense Reimbursement Plan applicable to establish the benefit plan that is subject to the Trust, as well as its general administrative provisions. The documents have been reviewed by the City Attorney's Office and are approved as to form. The three Administrative Services Agreements approved and executed when the Plan was adopted in March of 2006 do not require amendment.

The City met with the Retirement Health Taskforce on several occasions to discuss the changes that would be required to the City's plan in order to comply with the requirements of the Internal Revenue Service. Ultimately, the Taskforce recommended that the City continue with the RHSP and develop a plan to bring the plan into compliance by January 1, 2008. A series of communication meetings were conducted jointly by ICMA and Human Resources with City employees in order to explain the reason for the changes and allow a forum for questions and answers. The meetings were well attended by employees and union representatives.

Effective January 1, 2008, the City Council plan will be modified so that the City contribution of \$800.00 for each year of service will be paid upon separation from the City Council providing the Councilmember served a minimum of five years on the Council.

COUNCILMEMBER ORLANDO voted nay on this item.

18. PROPERTY PURCHASE: 290 ½ S. Oregon Street Res. #4144

ADOPTED Resolution No. 4144 authorizing the purchase of property located at 290 ½ S. Oregon Street at a cost not to exceed \$39,500.00.

Meredith Rodriguez, owner of a property that consists of functionally obsolescent residential improvements situated on approximately 3,600 square feet, contacted the City to determine its interest in purchasing her property. Because the property is available for sale and because of its proximity to future developments in the downtown area, City Staff elected to proceed with the purchase of the property for the amount of \$37,500.00. Additional costs will include closing and associated costs in the approximate amount of \$2,000.00.

19. PROPERTY PURCHASE: 98 E. Kesler Lane Res. #4146

ADOPTED Resolution No. 4146 authorizing and approving the purchase of property at 98 E. Kesler Lane for the South Arizona Avenue Corridor Project at a cost, including survey, closing and associated costs, not to exceed \$591,250.00, and authorizing relocation assistance as may be required by law.

City Staff has determined that this property will be significantly impacted by the Washington Street re-alignment and connection to Pecos Road that is being proposed for construction in the initial stages of the South Arizona Avenue Road Improvement Project. City Staff presented the owner of the property, Chandler Worship Center, with a purchase offer for the appraised value of \$550,000.00. The owner is willing to move forward immediately with the sale of its property to the City for the amount of \$580,000.00 or approximately 5.5 percent above the appraised value. City Staff recommends moving forward with the acquisition of this property at the amount of \$580,000.00 due to its location relative to the proposed project improvements and project phasing and because the acquisition represents a voluntary transaction between the City and the owner. Further, the owner is willing to vacate the premises at closing, which will allow the City immediate access, allowing the first phase of the project to proceed on schedule. Additional costs will include the survey, title and associated costs in the approximate amount of \$11,250.00.

20. PRE-ANNEXATION AGREEMENT: Sabc Innovative Plastics Res. #4148

ADOPTED Resolution No. 4148 authorizing a Procedural Pre-Annexation Agreement between the City of Chandler, Ward Real Estate & Development, LLC, and Sabc Innovative Plastics US LLC on 34.37 acres at the SWC of Riggs Road and 116th Street.

The owner and prospective developer of approximately 34.37 net acres of real property at the SWC of Riggs Road and 116th Street wish to enter into an agreement with the City of Chandler in order to facilitate annexation of the property for future development within the City's municipal boundaries. The developer's interest in the property is contingent on the developer receiving its desired zoning for the property. The owner of the property does not want the annexation to become effective if the zoning desired by the developer does not occur. This resolution

authorizes a Procedural Pre-Annexation Agreement whereby the parties agree that if the desired zoning is not approved, the landowner may request a reconsideration of the annexation ordinance at a Council meeting to be held within thirty (30) days after the adoption of the annexation ordinance, at which meeting the City would repeal the annexation ordinance.

21. PRELIMINARY DEVELOPMENT PLAN: 595 E. Elliot Road

APPROVED Preliminary Development Plan PDP07-0004 595 E. Elliot Road, for site layout, landscaping and building architecture for a multi-tenant warehouse/office building on 1.9 acres at 595 E. Elliot Road. (Applicant: Grant L. Olds Architects)

The subject site is part of a larger 240-acre business park (Arizona Corporate Park, formerly known as Elliot Commerce Plaza) encompassing both sides of Elliot Road that includes industrial uses and a limited amount of commercial and office uses. The request includes a single building that is designated to house I-1 uses such as warehousing with up to 20% office. Parcels in the corporate park and its PAD overlay that are adjacent to Elliot Road must receive PDP approval.

The application also requests approval for a center identification monument sign located at the NWC of the site angled toward the Elliot Road driveway so as to mirror an existing sign across the driveway to the west.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 26, 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 I-1/PAD zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with the development booklet entitled "595 E. Elliot Road" kept on file in the City of Chandler Current Planning Division, in file No. PDP07-0004, except as modified by condition herein.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
5. Any building signage will utilize reverse pan-channel letters.
6. The eastern property wall shall be constructed of decorative block drawn from the building architecture.

22. PRELIMINARY DEVELOPMENT PLAN: Stellar Office Condos

APPROVED Preliminary Development Plan PDP07-0019 Stellar Office Condos for site layout, landscaping and building architecture for an office development on 3.14 acres at the NWC of Chandler Boulevard and Juniper Drive. (Applicant: Sun State Builders, Mike Forst.)

The subject site is part of a larger 30-acre Stellar Business Park located north of Stellar Airport. The property is zoned PAD for a variety of industrial, office and commercial uses identified by stipulation within the PAD zoning. The proposed office use is a use permitted by the PAD zoning.

This development is on two lots (2 & 3) within Stellar Business Center that have access to the north onto Enterprise Place and south via a shared driveway to Chandler Boulevard. To the north and west are other lots within Stellar Business Center. To the east is Chandler Corporate Center, which is also an industrial and office business park.

The two buildings are angled in orientation to Chandler Boulevard in a manner that aligns parallel to an avigation easement that disallows structures on the eastern half of the subject site. The FAA determined that the proposed buildings are not hazards to aerial navigation. Besides that finding, the FAA also found that 3' to 4' of the buildings were located within an angular trapezoid known as the "Runway Protection Zone", but the buildings have since been modified through engineering to be shorter and completely out of the Runway Protection Zone.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 29, 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 PAD zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with the development entitled "Stellar Office Condos" kept on file in the City of Chandler Current Planning Division, in file No. PDP07-0019 except as modified by condition herein.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
4. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
5. The landscape plan shall be amended so that only tree species that mature at a maximum of 15' in height are provided in the avigation easement area along the Chandler Boulevard frontage. Tree species in the rest of the avigation easement area shall not exceed 20' in height. The applicant shall work with Staff to select suitable species.
6. No use or site feature that attracts birds, generates smoke or glare, or creates visual or electronic interference with air navigation shall be allowed.
7. The building shall be supplied with the FAA recommended obstruction lights contained in DNH Study #ASN2007-AWP-5175 and 5176-OE.
8. Buyers, lessees, renters or any other end user shall be made aware of the proximity of the Stellar Airpark and that airport traffic and noise is likely to increase in the future.

23. PRELIMINARY DEVELOPMENT PLAN: Hilton Hotels At Spectrum

APPROVED Preliminary Development Plan PDP07-0023 and Preliminary Plat PPT07-0038 Hilton Hotels At Spectrum for site layout and building architecture for a hotel development on approximately 8 acres east of the SEC of the Loop 202 Santan Freeway and Price Road. (Applicant: Jennifer E. Grombacker, Withey Morris, PLC.)

The subject property received PAD zoning in 1989 as part of the larger 156-acre Gateway Park master plan. The PAD zoning, most recently revised in 2001 and extended in June of 2005, identifies this site for hotel development. The proposed hotel development is consistent with the site's approved PAD zoning.

The site is located on the southeast side of the Loop 202 Santan Freeway and Price Road interchange in West Chandler. Adjacent to the south and west is the balance of the Gateway Park master planned development, most recently known as Spectrum. The Loop 202 Santan Freeway abuts the property's north side. Adjacent to the east are rural residential properties zoned Agricultural District (AG-1), located north of the Vintage Villas residential subdivision.

The two four-story buildings are centrally located on the site. Though accessed through separate entrances and porte-cocheres, the two buildings function as one development. Vehicular and pedestrian access is provided not only to the interior loop road, Spectrum Boulevard, but to the adjacent office parcels to the south and west as well. These cross-access points have been coordinated with the adjacent property owners. Vehicular access is provided from Spectrum Boulevard through a shared drive that straddles the western property line, adjacent to a future office development.

This request was noticed according to the provisions of the Chandler Zoning Code with a neighborhood meeting being held on October 15, 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 PAD zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with the development booklet entitled "Hilton Hotels at Spectrum" kept on file in the City of Chandler Current Planning Division, in file number PDP07-0023, except as modified by condition herein.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City Codes, Standard Details and Design manuals.
6. Undergrounding of all overhead electric (less than 69kv), communication and television lines and any open irrigation ditches or canals located on the site or within adjacent rights-of-way and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within specific utility easements.
7. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.

8. All raceway signage shall be prohibited within the development.
9. The comprehensive sign package contained within the development booklet shall include approval of only the building mounted signage criteria. Freestanding monument signage criteria shall comply with the approved criteria contained with the Spectrum Master Preliminary Development Plan PDP06-0003.

The Planning Commission and Staff recommend 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.

24. PRELIMINARY DEVELOPMENT PLAN: Park Place II

APPROVED Preliminary Development Plan PDP07-0025 & Final Plat FPT07-0045 Park Place II for site layout and building architecture for a business park development on approximately 38 acres east of the NEC of Price and Willis roads. (Applicant: Wes Balmer, Balmer Architectural Group, Inc.)

The subject property received PAD zoning in 1989 as part of the larger 156-acre Gateway Park master plan. The PAD zoning, most recently revised in 2001 and extended in June of 2005, identifies this 38-acre site for Business Park development, permitting such land uses as employment, office and industrial uses. The proposed business park development is consistent with the site's approved PAD zoning.

The subject site is located on the southeast side of the Loop 202 Santan Freeway and Price Road interchange in West Chandler. Adjacent to the north and west is the balance of the Gateway Park master planned development, previously known as Spectrum. Willis Road abuts the property's south side, with vacant land planned for high-tech campus employment uses as part of the South Price Road Campus Employment corridor, located south of Willis Road. Adjacent to the east is the residential subdivision Vintage Villas, currently under construction. Rural residential properties zoned Agricultural District (AG-1) are located north of Vintage Villas.

The 38-acre site is proposed as a multi-phased development. Phase I will include the two-story flex office/industrial buildings 1-3. Phase I property is located east of the loop road Spectrum Boulevard. Phase II, located west of Phase I and Spectrum Boulevard, will include the two-story flex office/industrial buildings 4-6.

This request was noticed according to the provisions of the Chandler Zoning Code with a neighborhood meeting being held on October 4, 2007. There were three property owners in attendance with none expressing opposition. 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. Development shall be in substantial conformance with the development booklet entitled "Park Place II" kept on file in the City of Chandler Current Planning Division, in file number PDP07-0025, except as modified by condition herein.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.

3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City Codes, Standard Details and Design manuals.
6. Undergrounding of all overhead electric (less than 69kv), communication and television lines and any open irrigation ditches or canals located on the site or within adjacent rights-of-way and/or easements. Any 69kv or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
7. The future covered parking canopies shall utilize architectural materials and elements found upon the buildings, such as the decorative steel trellis elements.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
9. All raceway signage shall be prohibited within the development.
10. The comprehensive sign package contained within the development booklet shall include approval of only the building mounted signage criteria. Freestanding monument signage criteria shall comply with the approved criteria contained with the Spectrum Master Preliminary Development Plan PDP06-0003.
11. The applicant shall work with Staff to incorporate art features within the development.

Upon finding consistency with the General Plan and PAD zoning, Staff recommends approval of the Final Plat.

25. PRELIMINARY DEVELOPMENT PLAN: Pecos Village

APPROVED Preliminary Development Plan PDP07-0026 Pecos Village for an office and commercial retail development on approximately 14 acres at the NWC of Pecos and Cooper roads. (Applicant: Sean Lake, Pew & Lake, PLC)

The subject property was originally zoned Planned Area Development (PAD) in 1986 for neighborhood shopping center and medium density residential uses. The zoning was extended in 1988 and 1990, then expiring in 1992 due to the lack of development. In 1996, Council approved a proposal for a neighborhood shopping center development in conjunction with a City park site to the east. This zoning was granted a time extension in 2001 for a period of 4 years. The zoning expires in December 2005.

In May 2006, Council approved a 3-year time extension maintaining the site's commercial zoning. The time extension request represented that through a Preliminary Development Plan (PDP) application, the development would address its interface with the adjacent future City park site. The original concept plan from the 1996 zoning case provided for pedestrian and vehicular linkages and access to the park area through shared driveways with cross-access agreements for the driveways and parking areas. The City has acquired the park property, which connects with the canal as part of the Consolidated Paseo Canal project.

Pecos Village is an integrated office and retail/restaurant development at the arterial street intersection of Pecos and Cooper roads. The development includes an office building for general office tenants and shops for retail and restaurant tenants. The project applies design concepts from earlier zoning cases including shared access to and from the City park and commercial development, orienting buildings with views of the park area, providing services for both area residents and park visitors, and pedestrian amenities throughout the project.

The 3-story office has a maximum height of 45 feet. There are 8 one-story retail/restaurant buildings.

The City is in the process of hiring a designer for the adjacent City park. A park design will be determined after the first of the year with construction estimated to occur in late fall 2008 or early 2009.

This request was noticed in accordance with the requirements of the City Zoning Code with a neighborhood meeting being held in February 2006, which presented a mixed-use retail and high-density residential project. The project changed to include an office building instead of residential use, thus another neighborhood meeting was held on June 27, 2007, to present the revised development plan for office and retail/restaurant uses. There were two neighbors in attendance who were supportive of the project. 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. Development shall be in substantial conformance with the development booklet entitled "Pecos Village", kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0026, except as modified by condition herein.
2. Compliance with original stipulations adopted by the City Council as Ordinances 2694 in case PL96-081 Pecos and Cooper and 3292 in case DVR01-0013 Pecos and Cooper, except as modified by condition herein.
3. A comprehensive sign package is required to be reviewed and approved through a separate Preliminary Development Plan request.
4. Landscaping shall be in compliance with current Commercial Design Standards.
5. The site shall be maintained in a clean and orderly manner.
6. The parking space canopies shall incorporate building materials, forms and colors to match the development.
7. The applicant shall work with Staff to vary the building footprints for buildings along the arterial streets, except for the two intersection corner buildings.
8. The paint color "milk mustache" shall be replaced with the paint color "cream wave" as submitted to staff.

COUNCILMEMBER DONOVAN abstained from voting on this item due to a potential conflict of interest.

26. CONTINUED REZONING: The K Estate Subdivision

CONTINUED TO JANUARY 17, 2008, Zoning DVR07-0047 The K Estate Subdivision, rezoning from Mobile Home District (MH-1) to Planned Area Development (PAD) zoning with Preliminary Development Plan (PDP) approval for single-family attached housing product on 12 lots within a

new single-family residential subdivision located at 390 E. Commonwealth Avenue, to correspond with the Planning Commission schedule.

27. CONTINUED REZONING: Appleby Road Property

CONTINUED TO JANUARY 17, 2008, Zoning DVR07-0013 Appleby Road Property rezoning from AG-1 to PAD to allow a light industrial business park on approximately 35 acres at the SWC of Appleby Road and the Consolidated Canal west of McQueen Road, to allow the applicant additional time to prepare the development booklet.

MAYOR DUNN abstained from voting on this item due to a potential conflict of interest.

28. SUBORDINATION: 809 W. Monterey Street

APPROVED Subordination of the Down Payment Assistance Lien on the project located at 809 W. Monterey Street in the amount of \$5,245.00. (Lopez/Sanchez)

The single-family, owner-occupied home was rehabilitated under the City of Chandler's Housing Down Payment Assistance Program in 2000. The City has placed a lien against the property for \$5,245.00. This lien is in the form of a 10-year forgivable loan to be forgiven in 2010 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 \$95,231.00. 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 2010. The property is currently valued at approximately \$189,000.00 which is more than the combined encumbrances of the City's lien and the new first mortgage.

29. SUBORDINATION: 1339 W. Rockwell Drive

APPROVED Subordination of the Housing Rehabilitation Lien on Project #RH07-0021 at 1339 W. Rockwell Drive in the amount of \$47,905.33. (Nechanicky)

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 \$47,905.33. This lien is in the form of a 15-year forgivable loan to 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 \$137,500.00. 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 \$207,000.00, which is more than the combined encumbrances of the City's lien and the new first mortgage.

30. GRANT AGREEMENTS: Homeland Security

APPROVED Grant Agreements with the U.S. Department of Homeland Security for emergency preparedness in the total amount of \$288,280.00.

The City of Chandler has established a Fire/Police Response Team, Fire/Police Terrorism Liaison Officers and a Community Emergency Response Team (CERT) program with federal funding from the State Homeland Security Grant program. Each of these programs ensures that Fire and Police personnel are prepared and equipped to respond to large-scale emergencies, terrorist events and natural and/or man-made disasters.

These grants have no match requirements and the Fire Department has the appropriation allocation in the FY 2007/08 budget.

31. CONTINUED COOPERATIVE PURCHASING AGREEMENT: National Intergovernmental Purchasing Alliance

CONTINUED TO JANUARY 17, 2008, a Cooperative Purchasing Agreement with the National Intergovernmental Purchasing Alliance to allow additional time for internal review.

32. AGREEMENT: Carollo Engineers

APPROVED Agreement #WW0805-201 to Carollo Engineers for sewer rehabilitation design services in an amount not to exceed \$261,103.00.

The Wastewater Master Plan identified an on-going need to evaluate, prioritize, and repair sewer lines and manholes within the City's collection system. A Sewer Evaluation Study was conducted in November 2005 as part of the Master Plan project, which resulted in a multi-year sewer management program.

This project provides design services for the rehabilitation of major sewer interceptor pipelines and numerous manholes found to be in need of repair at various locations throughout the City of Chandler.

33. AGREEMENT: Carollo Engineers

APPROVED Agreement #WW0808-101 with Carollo Engineers for the Sewer Assessment Study – Phase 3, in an amount not to exceed \$461,941.00.

The Wastewater Master Plan identified an on-going need to evaluate, prioritize, and repair sewer lines and manholes within the City's collection system. A Sewer Evaluation Study was conducted in November 2005 as part of the Master Plan project, which resulted in a multi-year sewer management program. This is the third project to be completed under this on-going program.

This project provides for the continuation of the sewer system assessment, which will identify the structural condition of the sewer collection system at various locations throughout the City of Chandler so that a prioritized program of rehabilitation, repair and replacement can be enacted and structural failures can be prevented.

34. AGREEMENT: Wilbur Smith Associates

APPROVED Agreement #AI0702-201 with Wilbur Smith Associates for the Chandler Municipal Airport FAR Part 150 Noise Compatibility Study in an amount not to exceed \$326,476.00.

The FAR Part 150 Noise Compatibility Study (Noise Study) is a mechanism allowed by federal law to assess aviation noise issues and provide recommendations for mitigating those noise impacts. The Chandler Municipal Airport completed a Noise Study in 1999. Continued growth of air traffic operations at the Chandler Municipal Airport and development near the airport since the 1999 study warrants an update to that prior study. The Federal Aviation Administration (FAA) and the Arizona Department of Transportation (ADOT) provided matching grants for this update. This project will have a planning advisory committee with industry representatives and nearby residents, and will conduct three public meetings beginning in January 2008.

On September 6, 2007, Council approved a one-year extension to the annual agreement with Wilbur Smith Associates. This contract extension is the final option year of the annual airport planning contract EN0506-101.

35. AGREEMENTS: Gilbertson Associates

APPROVED Agreement #EN0707-101 with Gilbertson Associates for Annual Airport Facilities and Infrastructure Design for one year with the option of two one-year extensions and award a project agreement for Airport Electrical and Light Vault Reconstruction in an amount not to exceed \$88,506.00.

Public Works requested a consultant be retained under an annual agreement to provide design services for municipal airport facilities and infrastructure, including access roads, taxiway improvements, new aircraft and automobile parking areas, electrical renovations, signage, access control and other miscellaneous improvements. With a consultant under contract for these services, the City can take greater advantage of grant money made available by the Federal Aviation Administration (FAA) for airport improvements.

The first project agreement under this annual contract is the Airport Electrical and Light Vault Reconstruction. Under this agreement, Gilbertson Associates will extensively analyze the existing lighting and electrical loads at the airport and evaluate the condition of the existing electrical equipment. The consultant will then provide a recommendation for renovation of this equipment and proceed with the design at the City's direction. The FAA has provided grant funding for the project.

36. AGREEMENT: Gilbertson Associates

APPROVED Agreement #AI0703-201 with Gilbertson Associates for design of perimeter access road at the Chandler Municipal Airport in an amount not to exceed \$49,330.00.

Service and maintenance vehicles at the Chandler Municipal Airport frequently cross taxiways and runways in order to travel from the northwest side of the airport to the southeast side. The Federal Aviation Administration (FAA) has recommended that the City construct a simple perimeter access road around the northern end of the runways. This would allow ground vehicles to avoid potential conflicts with aircraft operations and would improve overall safety. The FAA has provided grant funding for the project.

37. No Item.

38. AGREEMENTS: Accela

APPROVED Agreements, license, professional services and maintenance, with Accela for an upgrade on the Permits Plus System, sole source, in an amount not to exceed \$874,638.00.

In FY 99-00, the City purchased the Accela Permits Plus program to support the land development process. Over 100 employees throughout the City use this system to track and manage all aspects of the land development process including zoning conditions to properties, building and civil permits, plan review and inspection results, and calculate and collect all development-related fees.

The Permit Plus system has several deficiencies in reporting and links to other core software programs such as GIS and the Oracle financial system, and is simply becoming obsolete. The vendor no longer provides functional enhancements and is phasing out this product and its support.

Accela Automation is an up-to-date web-based application, which will allow citizens and developer clientele access to permitting information 24/7. Customers will be able to apply for permits, schedule inspections, research permit and inspection activities, and make online payments over the Internet. Additionally, there is a fully integrated inspections module using wireless technology that can be used by Building Inspection, Public Works Inspection and Code Enforcement.

39. AGREEMENT: G & G Construction Company

APPROVED an Agreement with G & G Construction Company for alley and road shoulder rehabilitation/dust control in the amount of \$545,740.00 for one year with the option to renew for two (2) additional one-year periods and APPROVED a contingency reserve account transfer (101.1290.0000.5911) of \$545,740.00 to Street Division Asphaltic Pavement Fund (101.3300.0000.6513).

The City will be performing alley and road shoulder dust suppression and rehabilitation throughout the City as part of the County's regional particulate materials 10 micron and larger (PM-10) 5% reduction plan required by the Environmental Protection Agency through the State of Arizona. The process will significantly reduce dust emissions in the alleys and on the road shoulders.

The MAG Regional Council added suggested measures to reduce PM-10 Particulate Matter on May 23, 2007. Currently, there are 55 suggested measures available for air quality improvement efforts. The City's contribution includes implementation of nine (9) of the recommended MAG measures, including two of the reduction measures in this annual project.

Maricopa County's commitment to the reduction plan effort include:

- 91 new positions added to the Maricopa County Air Quality Department, 51 of which will be dust inspectors (bringing the total to 81)
- Implementation of 38 of the PM-10 Five Percent Reduction Plan Measures combined within 24 individual implementation groups.

The total cost of the Maricopa County commitment is currently estimated at approximately \$11 million for this year and \$13 million for next year.

40. AGREEMENT EXTENSIONS: Water Chemicals

APPROVED Agreement Extensions with Thatcher Company of Arizona, Hill Brothers Chemical Company, DPC Enterprises, Commercial Pool Repair, Brenntag Chemical Company, Hasa, Inc., Basic Chemical Solutions, LLC, Siemens Corporation, Calgon Carbon Corporation, Polydyne, Inc., Salt Works, General Chemical, Kemira Water Solutions and Occidental Chemical Corporation for various water treatment, wastewater treatment and swimming pool chemicals in an amount not to exceed \$3,369,054.00.

41. AGREEMENT EXTENSION: Banner Occupational Health Services

APPROVED a one-year Agreement Extension with Banner Occupational Health Services for occupational health care services for City employees and volunteers in an amount not to exceed \$70,000.00.

42. AGREEMENT: Jewels Enterprises LLC

APPROVED an Agreement with Jewels Enterprise LLC for janitorial services for the Municipal Utilities Department in an amount not to exceed \$49,488.00.

43. AGREEMENT: Compuware

APPROVED an Agreement with Compuware for consultant services for the Solid Waste Residential Tracking program, utilizing the State of Arizona contract, in an amount not to exceed \$25,010.00.

The Solid Waste Services Division utilizes the Refuse Management System software program that processes, stores and files all of the customer service requests, contacts and visits to the Recycling-Solid Waste Collection Center (RSWCC). This upgrade will automate certain service requests to improve accuracy and efficiency. The project also includes upgrading the operating software of the system and refines the data entry services of the Personnel Data Assistant utilized by Staff checking in customers at the RSWCC. This project will take approximately 90 days to complete.

44. AGREEMENT AMENDMENT: Pierce Manufacturing, Inc.

APPROVED Agreement Amendment No. 1 for the purchase of two (2) fire apparatuses (engines) from Pierce Manufacturing, Inc., in the amount of \$1,162,574.00.

In the Fire Department's CIP, there are plans for two additional fire stations in southeast Chandler over the next five years. In anticipation of the construction of the SanTan/Airport Fire Station, Staff is ordering the engine for this station. This engine will be purchased using Impact Fees associated with this station. The Department is also requesting to replace a 15-year old engine, which is scheduled in the Fleet Management Replacement Program.

45. AGREEMENT: First In, Inc.

APPROVED an Agreement with First In, Inc. for thermal imaging cameras (TIC) in an amount not to exceed \$131,431.44.

Thermal Imaging Cameras (TIC) are hand-held devices that can “see through smoke”. They allow firefighters to locate trapped victims by providing a real time picture of what is inside a smoke-filled room on its monitor screen. The Chandler Fire Department has used TIC’s for the past eight years. The unit currently used is no longer in production and replacement parts are no longer available. Reliability has become an issue as the older units are failing.

46. AGREEMENT: SDB, Inc.

APPROVED Agreement #CS0801-401 with SDB, Inc. for Aquatic Facility Renovations, pursuant to Job Order Contract 07-04, in an amount not to exceed \$579,041.00.

The improvements recommended for Folley Pool, West Chandler Aquatic Center and Arrowhead Pool are required in order to bring these facilities into compliance with the Maricopa County Health Department Swimming Pool Rules and Regulations. The deck at Arrowhead Pool has deteriorated to the point the Health Department noted it as a violation in their 2007 inspection reports. It is not possible for Staff to make the necessary repairs to the deck because the concrete will no longer accept proper adhesion with any product. All of the concrete around the competition pool must be removed and replaced and a new deck grate system installed. Other improvements included as part of this contract, but not related to Health Department regulations, include a new public address system at Desert Oasis and the installation of two 20’ Funbrellas at the Hamilton Aquatic Center. The P.A. system at Desert Oasis Aquatic Center is the original equipment installed in 1992 and is no longer working. The Funbrellas will provide additional shade at the Hamilton Aquatic Center.

47. AGREEMENT: Smithgroup, Inc.

APPROVED Agreement #GG0502-201 with Smithgroup, Inc., for design services for the City Hall Complex in an amount not to exceed \$5,232,150.00.

The City moved into the Chandler Office Center in the fall of 1998 and is leasing approximately 38,000 square feet for twelve years, which will expire in 2010. The City Municipal Complex will total approximately 120,000 square feet and is planned to be available by the time the City moves out of the Chandler Office Center.

In 2006, RNL Design completed the programming and site selection to determine the departments to be located at the complex, their working relationships, space requirements, parking needs and an analysis of the proposed sites. The departments planned to move into the new City Hall include Mayor and Council, City Manager, City Clerk, City Attorney, CAPA (Administrative Services, Public Affairs, Video) Community Services, Council Chambers, Economic Development, Human Resources, Management Services and Neighborhood Resources. As part of their scope of work, Smithgroup will review and update the programming document that was prepared by RNL Design.

The City has also determined the City Hall should be an environmentally friendly building design. Smithgroup will provide design services and standards required to achieve a gold certification level within the Leadership in Energy and Environmental Design (LEED)-NC Version 2.2 Green Building Rating System. Some of the elements that could be included in the new City Hall are sustainability issues such as construction activity pollution prevention, bicycle storage and

changing rooms for employees, parking preferences for fuel efficient vehicles, shading, stormwater design, water efficiency plans, energy efficient HVAC systems, and use of materials that reduce indoor air contaminants.

Due to the importance of this project, a number of stakeholder groups have been identified, including the Downtown Chandler Community Partnership, Chandler Arts Commission and the Downtown Merchants Group. The consultant's scope of work includes meeting with the stakeholder groups to receive their input as well as holding two public meetings for citizens in order to insure there will be adequate public input into this project.

The architects anticipate completing design in approximately 12 months. It is anticipated that construction will start in early 2009. This should allow for the construction to be complete prior to the end of the City's lease at the Chandler Office Center in December 2010.

48. AGREEMENT EXTENSION: Devau Human Resources

APPROVED an Agreement Extension with Devau Human Resources for temporary contract employment services in an amount not to exceed \$1,600,000.00.

Contract employees are utilized by the Community Services Department to fill various temporary positions. Other City departments that require specialty positions not available through temporary agencies under state contract also utilize contract employees. The contract was originally established when the IRS determined in December 1992 that a number of contract employees used by City departments should, in fact, be appointed temporary employees. It was determined that it would be in the best interest of the City to contract with a temporary employment agency for the provision of those employee services.

The City is charged a cost per hour per employee plus a markup for each employee used under the agreement. The percentage is added to the cost per hour for the total number of hours the employee works. The markup percentage (17.9%) covers liabilities, check distribution, application process and federal tax reporting for the temporary employees. The City determines if the hourly wage is reasonable prior to any employee being used under the contract.

49. CONTRACT: Sunland Asphalt

APPROVED a Contract with Sunland Asphalt, utilizing the Dysart Unified School District contract, to reconstruct the basketball courts at Amberwood Park, Mountain View Park, Price Park and Pecos Ranch Park in the amount of \$202,302.83.

Amberwood Park, Mountain View Park, Price Park and Pecos Ranch Park are all neighborhood parks that have existing asphalt basketball courts. All of the basketball courts are at least 13 years old and have extensive damage. Each year, the Community Services Department has received several requests to repair the basketball courts. After several unsuccessful attempts to repair the courts, it has been determined that they must be replaced. The new courts will be post tension concrete slabs, which provide an excellent, durable playing surface.

50. CONTRACT: Layton Construction

APPROVED Contract #FI0606-401 to Layton Construction for the construction manager at risk for Fire Station No. 10 in an amount not to exceed \$3,334,255.00.

The Fire Department has completed a comprehensive self-assessment as part of its on-going accreditation process. The most important element of the self-assessment process was the completion of the Standard Response Coverage study. The results of this study concluded that a growth station should be built in the area of McQueen Road and Chandler Heights Boulevard. This location will bring the department closer to achieving response time goals. The proposed location of Fire Station No. 10 is 5211 S. McQueen Road in the area of the Santan Jr. High School.

Using the construction manager at risk process allows the design team to incorporate the experience of the contractor, design consultant and City Staff from the start of the project to its completion. Throughout the design phase of Fire Station No. 10, the project team has been receiving input from all parties, including Fire Department Staff, to incorporate all needs to make the station feel like a second home. The station is approximately 10,500 square feet with three (3) double-long apparatus bays and includes critical living areas such as kitchen, dining, exercise rooms and individualized shower/bathrooms that all meet ADA requirements. The project team has integrated masonry construction to maximize building life costs and durability. Layton Construction is anticipating starting construction in early 2008.

51. CONTRACT: Nesbitt Contracting Co., Inc.

APPROVED Contract #ST0805-401 to Nesbitt contracting Co., Inc. for asphalt mill and inlay in an amount not to exceed \$1,644,207.60.

The Streets Division Staff has field-evaluated over seven centerline miles of streets that were identified for rehabilitation by the City's pavement management system. The rehabilitation of these streets will use the mill and inlay process. The mill and inlay of a street becomes necessary when the existing pavement condition is such that the street can no longer be properly maintained with slurry seal or micro seal applications.

52. CONTRACT CHANGE ORDER: Haydon Building Corporation, Inc.

APPROVED Contract #ST0504-402, Change Order No. 2, to Haydon Building Corporation, Inc., for the Price Road Improvements (Germann to Santan) in the amount of \$378,296.80 for a revised contract price of \$6,763,291.80.

The Price Road Improvement project consists of roadway and waterline improvements of Price Road from Germann Road to the Santan Freeway.

Change Order No. 2 includes: 1) installation of a new traffic signal at Price/Spectrum, streetlights, sidewalk improvements and landscaping/irrigation on behalf of the Spectrum development. The City shall be reimbursed \$367,538.80 by the Spectrum development for this work. 2) installation of a new sidewalk on the east and west sides of Price Road within the ADOT control area to provide pedestrian access to the freeway interchange. The City is responsible for the \$10,758.00. The project was scheduled for completion in July 2008; the addition of the work items for the Spectrum development will add approximately one month to the schedule for a revised completion in August 2008.

53. MATCHING GRANT: Windrose East HOA

APPROVED a Matching Grant for the Windrose East Homeowners Association (HOA) to host a block party in conjunction with its annual meeting in January in the amount of \$500.00.

Windrose East HOA is located north of Ray Road and west of Arizona Avenue. The 12-year old association has applied for grant funds to host a block party in conjunction with its annual meeting in January. The block party will consist of food, drinks and activities for the kids.

Windrose East HOA is a small subdivision with 66 homes. Over time, many of the original owners have sold their homes to investors who now use the properties as rentals. One of the goals of the block party is to encourage renters and homeowners to meet each other and work together.

The total budget for the block party is \$1,000.00. The residents plan to complete the required 250 commitment hours by gathering neighborhood volunteers to assist with the planning and preparation of the neighborhood event.

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

54. PURCHASE: Right-of-way and Easements

APPROVED the Purchase of right-of-way and easements located south of Germann Road, west of Hartford Street, for the Germann Road Improvement Project from Dobson Road to Arizona Avenue, not to exceed \$60,000.00 plus closing costs.

On February 23, 2006, the City Council approved Resolution No. 3936 authorizing the purchase of certain real property as rights-of-way in fee and/or easements from private property owners as needed to construct the Germann Road Improvement Project from Dobson Road to Arizona Avenue, Project No. ST0605.

The owner, Christopher J. Scoggin, has agreed to sell the property to the City for \$60,000.00. The market value, based upon an independent appraisal of the property rights being acquired, is \$41,650.00. The balance of \$18,350.00 represents the estimated cost for relocating the existing driveway to provide new access to and from Germann Road and an Administrative Settlement to avoid delays in the project, associated costs and potential legal expenses. The City Attorney's office has reviewed this matter and supports this administrative settlement.

55. PURCHASE: Econolite Control Products, Inc.

APPROVED the Purchase of Autoscope signal detection cameras and related hardware, from Econolite Control Products, Inc. in the amount of \$293,679.59.

This is an ongoing program to replace traditional vehicle loop detection with state-of-the-art video detection cameras at all signalized intersections. The video detection system allows Staff to monitor traffic operations from the Traffic Management Center (TMC). This purchase includes 53 cameras that will be used at more than 14 signalized intersections to replace in-ground loop detectors. The use of video detection versus loop detection will result in a savings of approximately \$10,000.00 per year in potential loop replacement.

The City currently uses Autoscope cameras successfully and is pleased with their performance. Keeping with Autoscope cameras provides uniformity in the operation and maintenance of the

video detection equipment. A small contract will be used for installation by a contractor, with final adjustments being made by City Staff. All installations are expected to be completed by May 2008. All cameras will be maintained by City Staff.

56. PURCHASE: Office Max

APPROVED the Purchase of office supplies from Office Max, utilizing the State of Arizona's contract, in an amount not to exceed \$300,000.00.

57. PURCHASE: ASAP Software

APPROVED the Purchase of various software licenses from ASAP Software, utilizing the Arizona State contract, in an amount not to exceed \$122,000.00.

The City owns approximately 80 servers that function with the MS Windows operating system. These servers control citywide application software. Approximately 1750 computer workstations used by City Staff access these servers. Recently, MS announced that Windows Client Access Licenses (CALs) are required when accessing or using the MS Windows servers. Prior to this announcement, the MS Windows servers did not require the CALs to access these servers.

As new computer workstations are added to the City through GAP and non-GAP request (department funded), the City is required to purchase the software licenses that are installed on the workstations. During FY 06/07, the City added 30 computer workstations through the non-GAP process (department cost center funded). Through the 07/08 GAP process, the City added 67 computer workstations (General and Enterprise Funded). The appropriation for these funded computers is placed in Fund 713 for both GAP and Non-GAP computer workstations. The funding amount allocated for each workstation is sufficient to cover the one-time and on-going cost of the City imaged licenses.

58. PURCHASE AND INSTALLATION: Shade 'N Net of Arizona, Inc.

APPROVED the Purchase and Installation of four shade structures at Desert Breeze Park from Shade 'N Net of Arizona, Inc., utilizing the Mohave Educational Services Cooperative contract, in an amount not to exceed \$44,096.83.

Each year, citizens make requests to the Community Services Department for improvements in many of the City's existing parks. Because of the Arizona climate, as well as the increasing awareness of skin cancer caused by harmful ultra-violet rays from sunlight, one of the most popular requests that Staff receives is for shaded playgrounds. This request also coincides with Council's goal of encouraging designs that include community-gathering places and pedestrian activity by using shade or other techniques.

59. PURCHASE: McQuay Service

APPROVED the Purchase of HVAC units from McQuay Service, sole source, in an amount not to exceed \$75,000.00.

The City currently uses McQuay dual chiller HVAC systems at the Chandler Main Library and Center for the Arts. McQuay is the manufacturer of the equipment and does not authorize any other HVAC service provider in the Phoenix area to perform maintenance service to their

equipment. When City Staff cannot perform repair of equipment, this contract will provide for authorized trained factory repair staff to maintain, test and repair the equipment. This agreement will give the City-preferred service in case of failure and provide discounted labor and parts.

60. CONTRACT: Johnson Controls & Trane Co.

APPROVED a Contract with Johnson Controls and Trane Co., utilizing the Maricopa County contract, for HVAC service and repair in an amount not to exceed \$125,000.00. Annual inspection of the HVAC equipment will also be included in this contract that will reduce the premature failure of equipment during peak demand and provide optimum energy efficiency.

61. USE PERMIT: 201 E. Saragosa Street

APPROVED Use Permit UP07-0054 201 E. Saragosa Street, to locate a single-family home within a multi-family zoning district at 201 E. Saragosa Street. (Applicant: Ruben Arzola, Owner.)

The subject site is located northeast of the northeast corner of Pecos Road and Arizona Avenue, within the Winn Addition neighborhood and is zoned MF-2 for multi-family dwelling units. Under the MF-2 zoning district, single-family homes are allowed subject to Use Permit approval. The site is surrounded by single-family homes, even though zoning for the area is MF-2. Some of the surrounding homes are dilapidated and in ill repair. The subject site is approximately 7,000 square feet and the proposed home is approximately 1,838 square feet, providing 1,403 square feet of livable area. The home will provide 3 bedrooms and 2 bathrooms.

The home will provide a side setback of 15 feet and 5 feet, a 30-foot front setback, and a ten-foot rear setback, with a rear yard depth of 48 feet. The proposed home meets the Zoning Code setback requirements. The proposed home will provide a carport for two vehicles and will be wood-frame construction and utilize stucco as the main building material utilized.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 1, 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. Development shall be in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.
3. Stucco shall be utilized as the exterior building material.

62. USE PERMIT: St. Mary's Catholic Church

APPROVED Use Permit UP07-0068 St. Mary's Catholic Church, to allow the addition of three new buildings within the existing church property at 230 W. Galveston Street. (Applicant: David Arambula, Phoenix Design Group, LLC.)

This case was continued by the Planning Commission and scheduled for a meeting by the Design Review Committee on October 23, 2007, to address building design. The meeting did not occur

due to lack of a quorum. Staff and the applicant followed up with members individually regarding design concerns. The main concern raised was consistency and conformity with existing building designs. The new buildings and existing buildings should be similar in materials and colors. The applicant has responded to suggestions to design the new buildings more like the existing buildings.

In 1986, a Use Permit was approved for additional buildings including a multi-purpose building and a meeting room building north of the sanctuary, and a classroom building adjacent to existing classroom buildings.

The request includes the proposed development of three new buildings, which will occur in two phases. The first phase includes the removal and relocation of the maintenance/shop building with a new 720 square foot building, as well as an approximate 6,450 square-foot new office building to house existing office functions currently located within the rectory building. The second phase will include an approximate 9,500 square-foot new multi-purpose/assembly hall replacing the existing assembly hall building.

Approximately 8 parking spaces will be displaced with the new office building. Additional landscaping and parking will occur in conjunction with the new development. Existing parking is provided at one space for each four seats based on the sanctuary's seating area. The sanctuary building accommodates approximately 600 to 650 people. Required parking is approximately 163 spaces. The site provides approximately 200 parking spaces throughout the church campus.

Construction of the multi-purpose/assembly hall building as identified as Phase II will occur at a later date. The building elevations and floor plan have not been determined for the proposed multi-purpose assembly hall; however, Staff will ensure the design will be consistent with the existing assembly hall and office buildings with regards to materials and architectural details.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 15, 2007. There was one resident in attendance in support of the project. Staff has not received any correspondence in opposition to the request.

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

1. Development shall be in substantial conformance with the exhibits including Site Plan, Narrative, Floor Plan, Building Elevations, Materials and Color Board, and Landscape Plan. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. 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.
3. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
4. The site shall be maintained in a clean and orderly manner.

63. USE PERMIT: Delaware Duplex I

APPROVED Use Permit UP07-0079 Delaware Duplex I to construct a duplex within a Multi-Family (MF-2) zoning district at 405 S. Delaware Street. (Applicant: Mario Alphonso Gates.)

The subject site is located at the southeast corner of Elgin and Delaware streets. Directly south of the site is a recently approved single-family home. West, across Delaware Street are single-family homes. North of the site is a vacant lot requesting Use Permit approval to locate a duplex. Directly east is the Pacific Railroad, with industrial zoned property beyond that. The area is seeing some redevelopment with Habitat for Humanity developing a number of single-family homes in the area.

The site's Medium Density Residential district (MF-2) zoning permits multi-family developments that provide three or more dwelling units, with a maximum density of 18 dwelling units per acre. Within the MF-2 zoning district, the construction of duplexes is permitted with Use Permit approval. The request is consistent with another recently approved duplex located on Dakota Street.

The northern unit will have a 15' side yard and ten-foot rear yard, and the southern unit will have a five-foot side yard setback and a ten-foot rear yard. The side yard setback for the northern unit exceeds the Zoning Code requirement, while the other setbacks meet the requirements. In addition, a large front yard is being provided which allows for generous landscaping and a long driveway. The duplex will be providing two covered carports for each unit, which meets current standards. A six-foot CMU wall will surround the sides and rear yards of the site.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 5, 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 MF-2 zoning district, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.
3. The landscaping shall include at least 11 15-gallon Mesquite trees, 7 15-gallon Chinese Elm trees and 7 15-gallon Ficus Nitida trees, as provided on the site plan.
4. The applicant shall work with Staff to provide additional window treatments and other architectural embellishments to include, but not limited to, a split-face wainscot, covered porch area, and/or an enhanced color palette.
5. In the instance that the existing perimeter fence wall is replaced, the new wall shall include decorative enhancements along the railroad tracks.
6. The applicant shall utilize CMU block for the support columns of the carport.

64. USE PERMIT: Delaware Duplex II

APPROVED Use Permit UP07-0080 Delaware Duplex II to construct a duplex within a Multi-Family (MF-2) zoning district at 425 S. Delaware Street. (Applicant: Mario Alphonso Gates.)

The subject site is located at the southeast corner of Elgin and Delaware streets. Directly south of the site is a recently approved single-family home. West, across Delaware Street are single-family homes. North of the site is a vacant lot requesting Use Permit approval to locate a duplex. Directly east is the Pacific Railroad, with industrial zoned property beyond that. The area is

seeing some redevelopment with Habitat for Humanity developing a number of single-family homes in the area.

The site's Medium Density Residential district (MF-2) zoning permits multi-family developments that provide three or more dwelling units, with a maximum density of 18 dwelling units per acre. Within the MF-2 zoning district, the construction of duplexes is permitted with Use Permit approval. The request is consistent with another recently approved duplex located on Dakota Street.

The northern unit will have a five-foot side yard and ten-foot rear yard, and the southern unit will have a 15' side yard setback and a ten-foot rear yard. The side yard setback for the southern unit exceeds the Zoning Code requirement, while the other setbacks meet the requirements. In addition, a large front yard is being provided which allows for generous landscaping and a long driveway. The duplex will be providing two covered carports for each unit, which meets current standards. A six-foot CMU wall will surround the sides and rear yards of the site.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 5, 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 MF-2 zoning district, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Development shall be in substantial conformance with the exhibits and representations.
2. Approval by the Zoning Administrator of all project details required by Code or condition.
3. The landscaping shall include at least 11 15-gallon Mesquite trees, 7 15-gallon Chinese Elm trees and 7 15-gallon Ficus Nitida trees, as provided on the site plan.
4. The applicant shall work with Staff to provide additional window treatments and other architectural embellishments to include, but not limited to, a split-face wainscot, covered porch area, and/or an enhanced color palette.
5. In the instance that the existing perimeter fence wall is replaced, the new wall shall include decorative enhancements along the railroad tracks.
6. The applicant shall utilize CMU block for the support columns of the carport.

65. USE PERMIT: The Learning Lagoon

APPROVED Use Permit UP07-0085 The Learning Lagoon to allow residential childcare for up to five children in a single-family residential home at 4121 E. Colonial Drive. (Applicant: Lisa Eskina, Owner.)

The subject site is located south of the southeast corner of Riggs and Lindsay roads, within the Sun Groves single-family residential neighborhood. There are single-family homes to the east, south and west of the subject site. North, across Colonial Drive are the side yards of additional single-family homes.

The request is to allow for the care of five children in a single-family home. The Zoning Code requires that any residential childcare home providing for care for five to ten children for compensation is required to obtain a Use Permit from City Council. The total number of children

that someone can provide care for is fifteen, ten for compensation. The additional five children allow for families to care for their own children.

The residential home is a single-story 1,766 square foot home. The hours of operation are Monday thru Friday from 7 a.m. to 6 p.m. and will not be open Saturday or Sunday. Parking for dropping-off and picking-up of children will be allowed for on the driveway, as well as across the street. Colonial Drive is situated so that across the street from the residence are homes that side up to Colonial Drive, which allows for temporary parking along Colonial Drive.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 8, 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 residential childcare home shall have no more than five (5) children at any time.
2. Should the applicant sell the property, this Use Permit to operate a childcare home shall be null and void.
3. This Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.

66. USE PERMIT: Nighthawk Equipment & Leasing

APPROVED Use Permit UP07-0093 Nighthawk Equipment & Leasing to allow outdoor storage use on property zoned Regional Commercial (C-3) at 299 S. Washington Street. (Applicant: Nighthawk Equipment, James R. Yeaman.)

The property is located at the NEC of Frye Road and Washington Street, east of Arizona Avenue in a Regional Commercial (C-3) zoning district. Outdoor storage in the C-3 zoning district is allowed only with a Use Permit. The lot has a small building located on the SWC and is encompassed by a six-foot high block wall, with most of the interior of the lot used for outdoor storage. The application requests to continue this use of the property.

To the west is the Mobil gas station adjacent to Arizona Avenue. To the north is another parcel associated with the subject business as well as several auto-related uses. East of the site is the new Maricopa County Courthouse and south, across Frye Road are a steel yard and auto-related uses.

The Chandler Redevelopment Element of the General Plan identifies the subject site as Business Park/Light Industrial, which prescribes clean, light industry in a campus-like setting, as well as the avoidance of proliferation of junkyards, outdoor storage and recycling centers. The South Arizona Avenue Area Plan, which is expected to be formally adopted in 2008, identifies this site as part of a potential civic campus. The office use designated for this site on the Area Plan would be ultimately linked with the courts buildings and the future City Hall.

A Use Permit was originally granted for outdoor storage in 1995 and reissued in 2000, 2003 and 2006. The 1995 Use Permit for outdoor storage was granted for a three-year period and expired in 1998. In February 2000, Neighborhood Services issued a citation for storing materials outdoors without a valid Use Permit. At that time, it was also discovered that the site was not

compliant with the original Use Permit due to a lack of perimeter landscaping. Later in 2000, perimeter landscaping was installed and a Use Permit was granted for another three-year period. In 2003, the Use Permit was extended again for three (3) years and the Use Permit was noted to be in compliance with required conditions regarding landscaping. In 2006, the Use Permit was extended for only one (1) year because the landscaping and storage height were found to be non-compliant with existing Use Permit conditions.

The Planning Commission and Staff recommend approval for an additional three (3) years. Though not supported as a long-term use, the use fits in with the current surroundings and could easily be redeveloped in the short- to medium-term as private market forces warrant. The site is currently in compliance with the conditions of its previous Use Permit approval. Conditions approved in 2006 include that "storage shall be contained within the six-foot block wall fence and below the top of the wall" and the "perimeter landscape area...plant material that is removed shall be replaced". Those particular conditions have been compliance issues in the past and a three-year time limit on the Use Permit would allow evaluation of their compliance in the future.

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

1. Expansion or modification beyond the approved exhibits (Site Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. 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 reapplication to and approval by the City of Chandler.
3. Perimeter landscape area is to be maintained in a neat, weed-free condition. Plant material that is removed shall be replaced.
4. Storage shall be contained within the six-foot (6') block wall fence and below the top of the wall.

67. CONTINUED USE PERMIT: Latitude 8

CONTINUED TO JANUARY 17, 2008, Use Permit UP07-0058 Latitude 8, Series 12, to sell alcohol for on-site consumption in a new restaurant at 11 W. Boston Street, Suite #4. The Planning Commission continued the request to their December 19, 2007, hearing to allow the applicant to conduct a neighborhood meeting. This continuation will correspond with the Planning Commission schedule.

68. USE PERMIT: Barrio Fiesta Of Manila

APPROVED Use Permit UP07-0087 Barrio Fiesta Of Manila, Series 12, to sell alcohol in an establishment at 941 W. Elliot Road, Suites #11-14. (Applicant: Barrio Fiesta of Manila, Nelson Reyes.)

The subject business is located in the northeast portion of the Alma Elliot Square shopping center at the SEC of Alma School and Elliot roads. The restaurant recently expanded by acquiring #11 and is now approximately 4580 square feet. The new suite includes a bar and dance floor, with recorded music to accompany the dancing on weekend evenings. The restaurant is open Tuesday through Sunday from 11 a.m. to 9 p.m. and will expand their hours to 2 a.m. on Friday

and Saturday upon receiving the requested alcohol sales approval. The three northernmost suites will continue functioning as a full-service restaurant.

The shopping center includes two active liquor Use Permits: a Series 9 Liquor Store for Fry's Grocery Store and a Series 10 Beer & Wine Store for the Blue Diamond Fuel Station.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 22, 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 been contacted by one neighbor who is opposed to more liquor uses in the area.

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

1. The Use Permit granted is for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.
2. Music volume levels shall be controlled so as to not present a nuisance to area residences.
3. The Use Permit is non-transferable to any other location.
4. 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.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
6. The area adjacent to the establishment shall be maintained in a clean and orderly manner.
7. 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.

69. LIQUOR LICENSE: Barrio Fiesta of Manila

APPROVED a Series 12 Restaurant Liquor License (Chandler #108103 L12) for Nelson L. Reyes, Agent, Barrio Fiesta of Manila Restaurant LLC, dba Barrio Fiesta of Manila, 941 W. Elliot Road, Suites 11, 12, 13 and 14. A recommendation for approval of State Liquor License #12077265 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.

70. USE PERMIT: Hollywood Billiards

APPROVED Use Permit UP07-0090 Hollywood Billiards, Series 7, to sell and serve beer and wine within an establishment at 3029 N. Alma School Road, Suite #114. (Applicant: Duck Y. Hong.)

Hollywood Billiards is an existing facility that features pool tables and an Internet café and is located at the NEC of Elliot and Alma School Roads within the Paseo Del Oro shopping center anchored by Pure Fitness. The tenant space, formerly occupied by Peter Piper's Pizza, has been

occupied by the subject business since early 2007 without alcohol service. The business received City approvals for a Series 12 Restaurant License in July 2007, but the State did not process the license due to the entertainment-oriented floor plan rather than one more typical of a restaurant. There is no live entertainment proposed with this application.

The shopping center is zoned to allow Community Commercial (C-2) uses, including restaurants and pool halls. The center has two active Use Permits for alcohol sales: a Series 9 Liquor Store for Liquor Square and a Series 6 Bar Use Permit for Priceless Too. Both of the existing liquor uses are located at the center's southeastern end. The subject suite's previous occupants, Peter Piper's Pizza and Pistol Pete's, sold alcohol under a Series 7 Wine & Beer License.

A facility with a Series 7 Wine & Beer License must be located at least 300' from schools with K-12 programs and churches; the subject suite meets this requirement. A children's dance academy is located upstairs from and adjacent to the subject suite; a charter high school is located on the second floor on the center's northern end, and a day care is located within the Pure Fitness facility. A church was located upstairs and adjacent to the subject suite, but it has moved to the center's northern end, more than 300' from Hollywood Billiards.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held October 22, 2007. There were no citizens in attendance. The Police Department has been informed of the application and has responded with no issues or concerns. The owner of the Priceless Too bar, located in the same shopping center, has expressed concern with the application. He is not in opposition as long as the applicant follows all State laws, including those relating to distance from churches and avoiding alcohol service to minors.

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

1. The Use Permit granted is for a Series 12 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. No alcohol shall be carried outside of the building into the parking lot or off-premises. Also, the sale of "To Go" packaged liquor is prohibited.
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. There shall be no customer access through the rear of the building.
7. The applicant shall install software on the computers to prevent access to adult-oriented sites, Internet gambling sites and other inappropriate sites for children.
8. The area adjacent to the establishment shall be maintained in a clean and orderly manner.

71. LIQUOR LICENSE: Hollywood Billiards

APPROVED a Series 7 Beer and Wine Bar Liquor License (Chandler #112555 L07) for Duck Hong, Agent, Hollywood Billiards, 3029 N. Alma School Road, Suite 114. A recommendation for approval of State Liquor License #07070785 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.

72. USE PERMIT: Uno Stop Market & Restaurant

APPROVED Use Permit UP07-0094 Uno Stop Market & Restaurant, Series 12, for the sale of all spirituous liquors for on-premise consumption only within a new restaurant and outdoor patio area at 30 W. Galveston Street. (Applicant: Theresa Morse.)

Uno Stop Market & Restaurant is a new business occupying a newly constructed inline shops building within Plaza Del Arco located west of the existing Checker Auto Parts store at the NWC of Arizona Avenue and Galveston Street. North of the site is an office building occupied by CSA (Community Services of Arizona), which provides assistance to economically disadvantaged Arizonans. Northwest of the site is an existing building occupied by New Vistas Academy elementary school. South of the site, across Galveston Street, are single-family residential homes. State law requires a minimum separation of 300' from schools for certain liquor licenses such as convenience stores, bars and liquor stores; however, the Series 12 Restaurant License is exempt from this separation requirement.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 5, 2007. There were no neighbors in attendance. The Police Department has been informed of the application and has responded with no issues or concerns. Staff has received one phone call in opposition due to the close proximity to a school.

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

1. The Use Permit is for a Series 12 liquor license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan, Site Plan, and Narrative shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.
4. The site shall be maintained in a clean and orderly manner.
5. The patio shall be maintained in a clean and orderly manner.
6. Three additional Sissoo trees shall be planted adjacent to the patio's screen wall to provide shade; two on the south side and one on the west side. Install seven additional trees along Galveston Street to be in conformance with the approved construction landscape plans for Checker Auto Parts and Lee Laundry (subject site). There shall be six (6) 24-inch box Willow Acacia trees and two (2) 48-inch box Swan Hill Olive trees.
7. Wrought-iron fencing for the patio area shall be painted to match the low screen wall's paint color.

73. LIQUOR LICENSE: Uno Stop Market

APPROVED a Series 12 Restaurant Liquor License (Chandler #115871 L12) for Jesus Manuel Altamirano, Agent, Uno Stop Market LLC, dba Uno Stop Market & Restaurant, 30 W. Galveston Street, Suite 2. A recommendation for approval of State Liquor License #12077368 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.

74. On Action.

75. On Action.

76. CONTINUED LIQUOR LICENSE: Ha Noi Pho

CONTINUED TO JANUARY 17, 2008, Liquor License, Series 12, for Dylan Huynh, Agent, Ha Noi, Inc., dba Ha Noi Pho at 5865 W. Ray Road, #6, to allow the applicant time to complete the zoning requirements for their Use Permit.

77. LIQUOR LICENSE: Anise Vietnamese Restaurant

APPROVED a Series 12 Restaurant Liquor License (Chandler #107267 L12) for Thanh Nguyen, Agent, Ann Nga Nguyen Partnership, dba Anise Vietnamese Restaurant, 2090 N. Dobson Rd., Suite #4. A recommendation for approval of State Liquor License #12077369 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.

78. CONTINUED LIQUOR LICENSE: Thai Basil

CONTINUED TO JANUARY 17, 2008, Liquor License, Series 12, for Saowanee Kosaiyasaith, Agent, Peer 202 LLC, dba Thai Basil at 4929 W. Chandler Blvd., Suite #8, to allow the applicant time to complete the requirements for a new Use Permit.

79. CONTINUED LIQUOR LICENSE: Curry House

CONTINUED TO JANUARY 31, 2008, Liquor License, Series 12, for Randy D. Nations, House of Curries, LLC, dba Curry House located at 2051 W. Warner Road, Suite #7, to allow the applicant time to complete the requirements for a new Use Permit.

80. LIQUOR LICENSE: Hob Nob Sports Grill

APPROVED a Series 12 Restaurant Liquor License (Chandler #117070 L12) for Andreas Spentzos, Agent, Sozneps LLC, dba Hob Nob Sports Grill, 7200 W. Chandler Blvd. #14. A recommendation for approval of State Liquor License #12077389 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. As this is a continuation of the location's previous use as Even Par Sports Bar, a new Use Permit is not required.

81. LIQUOR LICENSE: ZPizza

APPROVED a Series 12 Restaurant Liquor License (Chandler #116935 L12) for John Michael Von Der Ahe, Agent, ZP-III LLC, dba ZPizza, 2855 W. Ray Rd., Suite #7. A recommendation for approval of State Liquor License #12077391 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.

82. CONTINUED LIQUOR LICENSE: Fresh & Easy Neighborhood Market

CONTINUED TO JANUARY 17, 2008, Liquor License, Series 12, for Randy Nations, Fresh & Easy Neighborhood Market, Inc., dba Fresh & Easy Neighborhood Market at 3050 S. Dobson Road to allow the applicant time to complete the requirements for a new Use Permit.

83. LIQUOR LICENSE: The Grille at Lone Tree Golf Club

APPROVED a Series 7 Beer and Wine Bar Liquor License Person-to-Person Transfer (Chandler #100233 L07) for Aaron William Kunkle, Agent, TG Golf, Inc., dba The Grille At Lone Tree Golf Club, 6262 S. Mountain Blvd. A recommendation for approval of State Liquor License #07070044 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. As this application reflects a change in ownership, a new Use Permit is not required since this will be a continuation of the location's previous use as Coach & Willie's @ Lone Tree.

84. LIQUOR LICENSE: Hensley & Company

APPROVED a Series 4 In-State Wholesalers Liquor License (Chandler #117033 L04) for Robert N. Delgado, Agent, Hensley & Company, 2555 N. Nevada Street. A recommendation for approval of State Liquor License #04073186 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. A new Use Permit is not required as distribution only is an allowed use in a PAD zoned district.

85. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Dionne Warwick Concert Fundraising Event on January 19, 2008, from 7:00 p.m. until 10:00 p.m. at the Chandler Center for the Arts, 250 N. Arizona Avenue. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

86. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Monterey Jazz Festival Fundraising Event on January 25, 2008, from 7:00 p.m. to 10:00 p.m. at the Chandler Center for the Arts, 250 N. Arizona Avenue. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

87. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Leahy Concert Fundraising Event on February 9, 2008, from 7:00 p.m. until 10:00 p.m. at the Chandler

Center for the Arts, 250 N. Arizona Avenue. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

88. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Mickey Rooney Concert Fundraising Event on February 23, 2008, from 7:00 p.m. until 10:00 p.m. at the Chandler Center for the Arts, 250 N. Arizona Avenue. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

89. PRELIMINARY CONDOMINIUM: Chandler Center Commons, A Condominium

APPROVED a Preliminary Condominium Plat, PPT07-0043, Chandler Center Commons, A Condominium, for a 12-acre office and industrial development at Chandler Boulevard east of Gila Springs Boulevard. (Applicant: Griffin Jacobs Engineering, Inc.) The plat divides the ownership of the individual buildings into separate units. It also creates the lots and tracts, construction-phasing lines, establishes the necessary easements, and dedicates the required rights-of-way.

90. FINAL PLAT: Lot 13 of Chandler Airport Center – Phase 2

APPROVED Final Plat, FPT07-0041 Lot 13 of Chandler Airport Center – Phase 2, for a re-plat of Lot 13 within the 14.1-acre Chandler Airport Center – Phase 2 located northwest of the NWC of Cooper and Germann roads. The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

91. FINAL PLAT: Walgreen's

APPROVED Final Plat, FPT07-0047 Walgreen's, for a parcel within the existing Laguna Village shopping center at the SEC of Ray and Kyrene roads. (Applicant: Kimley Horn.) The plat would allow for the construction of a new building at the intersection corner and creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

92. MATCHING GRANT: Monte Vista HOA

APPROVED a Matching Grant for the Monte Vista HOA to renovate its public walkway in the amount of \$1,050.00.

The Monte Vista Homeowners Association is located south of Chandler Boulevard and west of Rural Road. The 13-year old association has applied for grant funds to renovate their public walkway that caters to students, parents and neighboring HOA communities. The walkway has experienced erosion, which creates an eyesore and unsafe walking conditions. Funds will be used to install crushed granite and low water-use plants with concrete curbing for visual appeal and a more defined walkway.

The total budget for the repair of \$2,100.00. The homeowners association will pay the remaining 50% match portion of \$1,050.00 to complete the project. Neighbors have already donated over 50 hours towards the 250-service hour requirement and the application meets all requirements of the HOA Matching Grant Program guidelines.

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

93. MATCHING GRANT: Lakeside Shores II HOA

APPROVED a Matching Grant for the Lakeside Shores II HOA to trim, thin and remove more than 35 trees and shrubs in the amount of \$5,000.00.

The Lakeside Shores Homeowners Association is located south of Ray Road and east of Kyrene Road. The 21-year old association has applied for grant funds to trim, thin and remove over 35 different trees and shrubs that surround the community's public rights-of-way. Many of the trees are causing structural damage to the property and pose a liability to residents.

Lakeside Shores II HOA is a small association with 52 homes. Due to the association size, the monthly dues collected cover the basic needs such as insurance, management fees and utilities. The total cost for the project is over \$10,000.00. The association does not have a reserve fund to complete the necessary work.

Neighbors have been very active in the community and already donated over 200 hours towards the 500-service hour requirement. The application meets all requirements of the HOA Matching Grant Program guidelines.

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

94. WAIVER: Notification Requirement

AUTHORIZED the Waiver of the November 1, 2007, notification requirement in Article 6.6A of the current Police Sergeant and Chandler Law Enforcement Association Memorandum of Understanding (MOU).

The current MOU's with the Sergeant and Chandler Law Enforcement Association Bargaining Units contain a provision requiring notification by November 1, 2007, if the parties desire to modify or terminate the current MOU. Both bargaining units missed the MOU, Article 6.6A November 1, 2007, deadline.

The City Council has the authority to waive the requirement. If the City Council does not approve the waiver, both current MOU's will rollover and continue in effect until June 30, 2009. City Staff believes that this was an oversight and recommends that Council waive this requirement so that both parties will be able to negotiate a new contract.

95. On Action.

96. On Action.

97. CONTRACT: M. A. Mortensen Company

APPROVED Contract #WW0401-403 to M. A. Mortenson Company for the Chandler Heights Community Facilities Phase III – Offsite Improvements in an amount not to exceed \$1,951,206.00.

The Chandler Heights Community facilities project is a 113-acre site located on the NEC of Lindsay and Chandler Heights roads. The project will consist of the construction of three integrated components including: Recharge – 78 acres for groundwater recharge and wetlands, Chandler Heights Police Substation – 4 acres with secured parking and Veterans Oasis Park - a 31-acre outdoor environmental education park facility.

Phase I of this project is complete and Phase II is 95% complete. The Phase I Guaranteed Maximum Price included onsite earthwork/mass grading, wet utilities (which included reclaim water, potable water, sanitary sewer and fire lines) and site survey. The Phase II Guaranteed Maximum Price includes construction of four buildings, park landscaping and equipment, paving of pathways, driveways and parking areas, installation of sidewalks and concrete paths, seat walls, screen walls, urban fishing lake maintenance system and all plants and ground cover in the landscape design.

98. CONTRACT: City Clerk

APPROVED the City Clerk's contract for FY 2007/08 in the amount of \$111,400.00.

99. On Action.

100. On Action.

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions:

MAYOR DUNN was joined by Community Services Director Mark Eynatten in recognizing Robert Arends for 10 years of service in the Community Services Department. Rob began his career as a park maintenance worker responsible for the repair and maintenance of the park sprinkler systems. Because of his remarkable eye for detail, he immediately was given the responsibility of managing and maintaining the backflow protection program in the Parks Division. Rob passed the backflow certification test on his first try and has spent countless hours repairing backflows and documenting the repairs to insure the City drinking water is safe. Mr. Eynatten noted that Rob was responsible for the conversion of the shrub spray irrigation to drip at A. J. Chandler Park which saved thousands of gallons of water.

MAYOR DUNN was joined by Police Chief Sherry Kiyler in recognizing Cindy Cottrell for 15 years of service in the Police Department. Cindy began as a records clerk and was promoted to dispatcher. She has displayed outstanding skills in handling emergencies and has received numerous commendations from citizens and co-workers. Cindy was also selected as Communications Employee of the Year for 2004 for her continued demonstration of outstanding customer service skills and superior professional abilities. In 2006, she was a recipient of the Unit Citation Award when the Communications section was recognized for continued excellence in performance and accomplishments in attaining departmental goals and objectives.

MAYOR DUNN was joined by Police Chief Sherry Kiyler in recognizing Randall Greeley for 15 years of service with the City. He began working in the Economic Development and then moved to the City's Budget Office. He graduated from Chandler's first Citizen's Police Academy and joined the Police Department as a Planning Analyst and received the Department's Meritorious Service Award. He now serves as the Department's Planning and Research Manager Administering and administers the Department's budget, Strategic Plan, Capital Improvement Program, Crime analysis and research. Randall is also the 208 President of the International Association of Law Enforcement Planners and is a guest lecturer for The Southern Police Institute with the University of Louisville.

2. Proclamation - Chandler Chamber of Commerce's "When Work Works" Program:

MAYOR DUNN was joined by Chamber of Commerce President and CEO Becky Jackson, and Charlotte Hodel, Chamber Vice President for Business Development and Public Affairs as he read a proclamation proclaiming January 2008 as Flexibility In the workplace Month. He thanked the Chamber for taking a national leadership role in working to create more productive work environments.

Ms. Jackson thanked the City for their support and added that Ms. Hodel is also the Arizona Manager for When Work Works. The Chandler Chamber of Commerce represents the entire state of Arizona with the U. S. Chamber of Commerce. Because of new technology, employees no longer need to sit in an office from 8-5 to get their jobs done. The City works with the Chamber to try to help businesses understand there is a different way to do business. Companies need to become current with all of the new technologies.

3. Recognition – El Dorado High School State Football Champions:

MAYOR DUNN called up members of the El Dorado High School Football team and Head Coach Andrew Hess and his staff and COUNCILMEMBER CACCAMO. El Dorado High School is a charter high school in Chandler. COUNCILMEMBER CACCAMO was the founding principal. Mayor Dunn acknowledged the Wolverines' record of 11-1 this year in winning the state 8-man football championships. This is the first year the school has had a football program.

Assistant Coach Fred Nolan said that some of the players had never played football before. Some had played with Coach Hess and Coach Gray in a different league. He thanked the boys for doing a great job and the coaches for being supportive of the team and giving them the direction to win a state championship. Mr. Nolan introduced Head Coach Andrew Hess, Assistant Head Coach Mark Gray, Lineman Coach Derrick Gottie and Lineman Coach Bill Gonzales. Coach Hess thanked the team for their hard work and dedication.

COUNCILMEMBER CACCAMO said that as one of the founders of El Dorado High School, they chose the name El Dorado because is signified a quest to continue to achieve goals. The first team at El Dorado was a basketball team coached by Tony Garcia. They presented to the administration an autographed jersey signifying the first team. COUNCILMEMBER CACCAMO presented the jersey to the football team as being the first championship team.

4. Presentation – Gila River Community Grant Presentation

MAYOR DUNN thanked the Gila community for the generous work they have done through the State Shared Gaming Revenue program, particularly when it comes to Chandler. Since 2004, the City has received project funding totaling \$616,900.00 used for such projects as smoke detectors

for public housing sites, a Fire Department air/lighting support vehicle and social worker, a Police Department command van and water conservation education materials. He acknowledged Mr. Mendoza from the Gila River Community who will present the City with two checks to help with the development of the 202 Park and Ride Lot and toward the purchase of two Public Housing youth vans. He asked Doug Ballard, Planning and Development Director; Kurt Knutson, Housing Manager; and R. J. Zeder, Public Works Director to join him for the presentation of the checks by Greg Mendoza, Chief of Staff with the Gila River Indian Community, in the amount of \$50,000 for the Loop 202 park and ride and \$114,000 for the Public Housing youth van.

COUNCILMEMBER CACCAMO, who was principal when Mr. Mendoza was in school, said that Greg was involved in the student council and community activities. He remembered when Mr. Mendoza applied for a scholarship through the Key Club, he said that if he received the money to begin his college career, he would come back and serve the community and his people. He certainly has.

UNSCHEDULED PUBLIC APPEARANCES:

RAMONA GONZALEZ, Principal at El Dorado High School, thanked the Mayor and Council for recognizing their students for their accomplishments.

RICHARD SWEENEY, thanked the Council for the installation of a walkway he addressed concerns about at a previous meeting.

BRIEFING:

1. General Plan Update

SENATOR JAY TIBSHRAENY, Chair of the General Plan Citizens Update Committee, expressed appreciation to City Staff and the consulting team that has been working on this project. This General Plan update will be critical to creating a sustainable City. He reported by 2012, City Staff projects reaching approximately 95% of residential build out. The updated General Plan will be the guide to the development of the remaining land. He noted is important to plan carefully and maximize the use of the land. As the valley grows out, Chandler becomes closer to the urban core. While protecting the existing lower density residential areas, it may still be appropriate in some locations to have higher densities, which include the downtown area and regional commercial developments. This is only one example of the issues the commission is discussing. Since August, the committee has held eight public forums and stakeholder meetings at various locations throughout the City to solicit input from the community on the General Plan. The committee itself has been meeting monthly since August and has been guiding Staff and the consultant through the process and discussing critical issues to Chandler's future including economic development, neighborhood planning, redevelopment and transportation. They are also discussing a new element related to energy and green building programs.

The Committee will begin reviewing draft elements of the General Plan next month. The draft plan will be available for the public to review. They anticipate bringing a final draft to Council for their review by late spring or early summer. That will allow time to place the General Plan on the fall ballot for voter ratification.

In addition to providing Council with this status report, Senator Tibshraeny also informed the citizens that it is not too late to provide ideas. Comments can be entered on the City's website, made directly to the committee or City Staff or written to the Mayor and Council.

SENIOR PLANNER DAVID DE LA TORRE added that there has been extensive public participation throughout the process. There have been 8 public forums and three community meetings in August in various locations throughout the City. There have been two community meetings where neighborhood planning and redevelopment needs of the City were discussed. There was a stakeholders forum inviting developers, architects, zoning attorneys and organizations such as the Homebuilders Association. There was a table at the Congress of Neighbors to solicit input from those attendees and hosted an energy and green building forum. The committee has also made presentations to various City boards and commissions. Mr. De la Torre said through the input from these various forums, Staff has noted several consistent themes such as protection of the character of existing neighborhoods. The City should be a leader when it comes to energy efficiency and sustainable developments, not only by setting an example with City facilities, but by encouraging private developers to be sustainable. There have also been comments regarding extending light rail into Chandler and extending bus service to south-Chandler residents. Comments have been submitted with respect to protecting key economic development properties and diversifying the employment base. He reported Staff is drafting General Plan elements that will be available for review in the next month and will be posted on the website. There will be public hearings as required by State Law with the Planning and Zoning Commission.

MAYOR DUNN stated that he has been to some of the public hearings and was impressed with the turnout and citizen participation.

COUNCILMEMBER ORLANDO thanked Senator Tibshraeny for what he is doing for Chandler at the legislature. The Senator said that the required energy element that is part of the General Plan is now statutory after being "bogged down" in the legislature.

ACTION:

74. **USE PERMIT:** Ibiza Blue Restaurante

APPROVED Use Permit UP07-0098 Ibiza Blue Restaurante, Series 12, for on-premise consumption only within a restaurant at 1964 N. Alma School Road, within the Pollack Warner Plaza.

PLANNER BILL DERMODY said that the applicant has approval for a Series 7 through April 2008 which allows wine and beer sales and the Series 12 would allow the service of hard alcoholic drinks. The hours of operation for the business are 11 a.m. to 1 a.m. on Monday and 11 a.m. to 10 p.m. Tuesday through Thursday, 11 a.m. to 2 a.m. Fridays and Saturdays and closed on Sundays. There is no outdoor seating. The restaurant has a bar area, dance floor and three pool tables with live entertainment on Friday and Saturday nights after 9 p.m.

The site was previously occupied by Mariscos Mi Lindo Mazatlan #2, El Diamante Dining and Dancing, Boomers Dining and Dancing, Native New Yorker, Hitts Bar & Grill, End Zone and Casa Diego Restaurant. There has been liquor served at this location since 1982 when Casa Diego Restaurant opened. Previous liquor Use Permits have been approved for Series 12 (Restaurant), Series 6 (Bar) and Series 7 (Wine & Bar).

The current business owner received a two-month Use Permit approval in February 2007 for a Series 7 license that was extended for one year in April 2007. The time limits were imposed in

order to monitor a noise problem that had intensified in early 2007. Prior to the April extension, the business owners installed several noise abatement treatments to the suite's interior that reduced the noise concerns.

There has been a reduction in the number of Police calls for service to the site since the noise abatement treatments were completed in April 2007. The Police Department reports that there were 70 calls for service to the entire shopping center, including the subject suite, for the past full year (October 22, 2006, through October 22, 2007). Of the 70 calls for service over this time period, 11 were for noise-related calls. Concentrating on the past six months from April 13, 2007, through October 22, 2007, there were 28 calls for service to the shopping center, including only two (2) for noise-related calls.

The Planning Commission and Staff support the request finding that the proposed alcohol service is compatible with the shopping center and adjacent neighborhood as long as music and other externalities are kept under control. The Planning Commission and Staff were in support of a three (3) year time limit; however, due to recent stipulation violations, a 5-month extension is being requested. Though most Use Permits to serve alcohol under a Series 12 license in shopping centers do not have time limits, a time limit is appropriate at this location due to past noise problems and proximity to the neighborhood.

Some of the recent noise issues could be attributed to renovations at the center, which has removed roof layers, which had previously contributed to the restaurant's sound attenuation. Until this time, the music volume had not been adjusted and caused no disturbances. A neighbor also tried to reach the owner via cell phone and through the restaurant to report noise issues, but was unable to do so which is a violation of the previous Use Permit stipulations.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and the Police Department has no issues or concerns. Staff has received correspondence in opposition due to noise and litter.

COUNCILMEMBER CACCAMO asked if the other items stipulated in the extension in April are being addressed. Mr. Dermody replied that there has been a dramatic drop in the noise level in this area because of the soundproofing installed by the owner.

COUNCILMEMBER CACCAMO asked about the problem the neighbor had with contacting the owner when the cell phone number provided had been disconnected and the restaurant phone not being answered. Mr. Dermody said that has been mitigated. The owner did not inform the neighbor that she had changed the cell phone number.

COUNCILMEMBER CACCAMO commented that his vote was based on promises made and promises kept. He asked if Staff feels that the new promises made will be kept. Mr. Dermody responded that they do, but also that it should be verified that the promises are kept. The Zoning Administrator has the authority to revoke the Use Permit at any time if the stipulations are not being met.

LORI TAPIA, 1964 N. Alma School Road, Applicant, clarified that the roof-issue was not expected and she did make contact with the neighbor and apologized for not answering the phone. Their record for the past ten months demonstrates that they have adhered to the stipulations imposed. She does not have an issue with the time restraints; however, there is a financial issue with five months. Having to stock a bar for five months not knowing what the outcome of the request may

be could be economically damaging. If there is to be a time restraint imposed, she asked for a year.

COUNCILMEMBER CACCAMO commented that if the owner is confident with "promises kept" there should be no problem. Ms. Tapia said that when they went through this process the first time, there was a short period provided for their Series 7 license. When it was approved, they had to come back, pay another \$300 to go through the process again. This is the same situation.

COUNCILMEMBER CACCAMO explained that the City wants them to succeed as a business, but they also need to be sensitive to the neighbors.

COUNCILMEMBER ORLANDO asked if the \$300 fee could be waived. Mr. Ballard said that it could be done if Council's desire.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER CACCAMO, TO APPROVE UP07-0098 IBIZA BLUE RESTAURANTE, USE PERMIT FOR LIQUOR SALES SUBJECT TO THE FOLLOWING CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION AND STAFF:

Mr. Dermody clarified that the Planning Commission had recommended a three-year time limit and Staff has updated their recommendation to April 12, 2008. Which time frame is being recommended?

Mr. House stated that Staff is recommending that condition number 2 be amended to read as set forth in their memo.

COUNCILMEMBER ORLANDO AMENDED THE MOTION, SECONDED BY COUNCILMEMBER CACCAMO, TO CONDITION #2 – THE USE PERMIT SHALL REMAIN EFFECTIVE UNTIL APRIL 12, 2008. CONTINUATION OF THE USE PERMIT BEYOND THE EXPIRATION DATE SHALL REQUIRE RE-APPLICATION TO AND APPROVAL BY THE CITY OF CHANDLER.

1. The Use Permit granted is for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect until April 12, 2008. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other location.
4. No alcohol shall be carried outside of the building into the parking lot or off-premises.
5. 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.
6. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of the Use Permit.
7. No noise shall be emitted so that it exceeds the general level of noise emitted by uses outside the premises of the business. Such comparison shall be made at the western property line.
8. Customer access into the restaurant from the rear (alley side), or south (Stottler Street side) shall be prohibited.
9. Security shall be provided when there is live entertainment.

10. A system will be set up with a responsible party for the neighbors to have access to for any concerns.
11. The area adjacent to the establishment shall be maintained in a clean and orderly manner.

COUNCILMEMBER WENINGER asked if there were updated numbers on requests for services at this business since the last meeting. Chief Kiyler said that there were a total of 64 calls to that entire shopping center, but they cannot determine the exact location for the calls. Of the 64 calls, nearly 60% were either false alarms or 911 hang-up calls. Since May 2007, there has only been one loud noise complaint. There have been a couple of disorderly and no assaults.

COUNCILMEMBER WENINGER commented that he could support the request with the amended stipulation, but cautioned not to be "bogged down in one anomaly" because it appears that the applicant has done a good job with the exception of the past weekend due to construction approved by the City through the commercial reinvestment program.

MAYOR DUNN concurred.

MOTION CARRIED UNANIMOUSLY (6-0).

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER CACCAMO, TO WAIVE THE \$300 FEE WHEN THE APPLICANT COMES BACK IN APRIL.

COUNCILMEMBER CACCAMO added that he would like to motion to stipulate that the \$300 waiver is not automatic, but contingent on no complaints. COUNCILMEMBER ORLANDO said that he wants to separate the two issues the applicant has with one being an undue hardship because of the short time frame.

MOTION CARRIED UNANIMOUSLY (6-0).

75. LIQUOR LICENSE: Ibiza Blue Restaurant

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY VICE-MAYOR HUGGINS TO APPROVE LIQUOR LICENSE, SERIES 12, RESTAURANT (CHANDLER #1107321 L12) FOR LORI A. TAPIA, AGENT, ALAS DE ORO LLC, DBA IBIZA BLUE RESTAURANTE, 1964 N. ALMA SCHOOL ROAD, SUITES 1-4. A RECOMMENDATION FOR APPROVAL OF STATE LIQUOR LICENSE #12077356 WILL BE FORWARDED TO THE STATE LIQUOR BOARD. 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.

THE MOTION CARRIED UNANIMOUSLY (6-0).

95. USE PERMIT: Beverly Ann Carpenter

Use Permit UP07-0008 Beverly Ann Carpenter, to allow horses to be kept on two lots zoned AG-1 that are less than 35,000 square feet in size located at the SEC of El Alba Way and the Loop 101 Price Freeway. (Beverly Ann Carpenter/Sandra Carpenter.)

PLANNER BILL DERMODY said that the subject parcels are two of several freeway remnants located adjacent to the eastern sound wall along Price Road (Loop 101 Freeway) that were sold by ADOT after freeway construction to neighboring property owners in the unincorporated Caballos Ranchitos subdivision. The surrounding Caballos Ranchitos rural residential subdivision includes several lots with horses or other animals such as chickens.

The parcels, which were annexed in 1974, are a combined 25,201 square feet and are adjacent to an approximate 78,277 square foot unincorporated parcel at 2819 W. El Alba Way that includes a single-family house. The owner of the adjacent property at 2819 W. El Alba Way bought the subject parcels from ADOT. In turn, she sold the properties to a relative, but continues to lease them for her use. There are generally two (2) and up to six (6) horses on the subject parcels, as well as several shade structures and corral fencing. Upon approval, variances will be required for several of the structures due to their proximity to property lines. City Code allows two (2) horses to be kept on every 35,000 square feet of land zoned AG-1; any amount of land under 35,000 square feet does not allow horses without a Use Permit.

The shade structures and corral fencing are considered to be "accessory structures" as defined by code. One accessory structure is allowed in the AG-1 district only if there is a primary residence on the property. In this case, there is no primary residence on the property. Therefore, Use Permit approval is required for the structures to remain.

Access will be provided to the site from El Alba Way via a small ADOT parcel to the north that blocks direct connection to the street. ADOT has provided permission for their parcel to be crossed in order to access to the remnant parcels.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held September 20, 2007. There were no citizens in attendance. Staff has received phone calls from three neighbors in opposition. Their complaint is that a large horse boarding operation was previously being run illegally from the subject site and the adjacent residence with negative traffic impacts on the neighborhood. The neighbors are concerned that any approval will lead to the previous horse boarding being resumed.

Mr. Dermody said that the property is well maintained at this time. There was a minor issue in October, which was addressed by the applicant. There was a variance approved for the structures on the site to encroach within the minimum setbacks, which was approved by the Board of Adjustment.

Applicant BEVERLY CARPENTER stated that the use is consistent in the area.

TANYA RATHJEN, 2822 W. Colt Rd., directly east of the property, said that it has been determined that the needs of the neighbors have not been taken into consideration. Ms. Carpenter is and has been in violation of the law and granting her a permit is not right.

COUNCILMEMBER ORLANDO asked Staff how the stipulation prohibiting riding lessons or a business would be enforced. Mr. Dermody responded that Staff will rely on the neighbors and it will be difficult to distinguish between friends riding and people paying.

COUNCILMEMBER ORLANDO asked the applicant why she needs six horses. Ms. Carpenter responded she and her husband own 12 horses. Some are kept on City property and some on the county property. COUNCILMEMBER ORLANDO asked if the horses would be ridden

back and forth from the City property to the county property and vice versa causing a disruption to Ms. Rathjen's life style? Ms. Carpenter said it would not.

MAYOR DUNN asked about dust control on private property. Mr. Dermody responded that City regulations stipulate that the dust cannot create a nuisance. Any parking area where cars and/or trailers enter and exit, must be completely dust-free. Ms. Carpenter said that when there is grass, it mitigates the dust and she tries to keep the grass growing. Her main riding space is a round pen designated for riding and is on county property. It is covered with cinders as specified by the county for dust control.

COUNCILMEMBER DONOVAN asked if the one-year stipulation is being imposed to ensure that all stipulations are being followed and, if not, the use permit could be rescinded. Mr. Dermody concurred. Mr. Dermody reviewed the site area and ownership of properties adjacent to the site.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR HUGGINS TO APPROVE USE PERMIT UP07-0008 BEVERLY ANN CARPENTER TO ALLOW HORSES TO BE KEPT ON TWO LOTS ZONED AG-1 THAT ARE LESS THAN 35,000 SQUARE FEET IN SIZE LOCATED AT THE SEC OF EL ALBA WAY AND THE LOOP 101 PRICE FREEWAY SUBJECT TO THE FOLLOWING CONDITIONS:

1. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The number of horses kept on the subject properties shall be limited to six (6).
3. There shall be no horse boarding nor riding lessons unless and until first receiving separate Use Permit approval from the City of Chandler.
4. 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 re-application to and approval by the City of Chandler.
5. The site shall be maintained in a clean and orderly manner.
6. Structures on the site shall meet applicable City codes and acquire any necessary permits.
7. If the requested variance for minimum setback deviation is denied by the Board of Adjustment, the structures on the site shall be modified to meet applicable City Codes as verified by City Staff prior to the Use Permit going into effect.

MOTION CARRIED UNANIMOUSLY (6-0)

The meeting recessed at 8:58 p.m. and reconvened at 9:07 p.m.

96. USE PERMIT: San Tan Junior High/T-Mobile

Use Permit UP07-0064 San Tan Junior High/T-Mobile, to install a 65-foot monopalm wireless communication facility on San Tan Junior High School property located at 1550 E. Chandler Heights Road. (Applicant: T-Mobile, Rulon Anderson; Owner: Chandler Unified School District 80.)

PLANNER BILL DERMODY said that the application requests a new monopalm wireless cell tower located between athletic fields at San Tan Junior High School. A monopalm is a wireless cell tower designed to look like a palm tree. The Zoning Code requires a Use Permit for wireless communication facilities in non-industrial zoning district that do not utilize existing poles or towers.

The subject site, the San Tan Junior High School campus, includes several classroom buildings and athletic fields and is located between Cooper and McQueen Roads on the north side of Chandler Heights Road. The campus is surrounded by a combination of single-family homes and park/open space. It is bordered on the northwest by a park and on the southwest by a 3-acre parcel used for horse grazing. Across Chandler Heights Road to the south are large-lot single-family parcels in unincorporated Maricopa County. The entire eastern boundary of the school site and parts of the northern and western boundaries are bordered by single-family residential subdivisions.

Within the immediate area, there are no suitable alternatives for co-location of the wireless communication facilities on existing poles or towers. According to information provided by the applicant as required by code, there are three verticalities of a height equal to or greater than the proposed monopalm within one mile. The applicant has analyzed these three co-location possibilities and found them implausible. One option is located too far away to provide coverage to the target area. Another option is located too close to an existing T-Mobile antenna. A third option, co-location on SRP 69 KV power poles is impractical because of the lack of leaseable ground space. The applicant also pursued a light pole replacement or monopalm in the park located north of the school, however the City Parks Department opposes such a facility at that location.

The 60' tall monopalm and associated mechanical equipment will occupy two areas totaling 744 square feet located between the running track and one of the baseball diamonds, close to the middle of the school campus. The nearest house is located approximately 290 feet east of the proposed equipment area. The equipment will be completely screened from view by an 8' CMU wall. Any displaced landscaping will be replaced.

The applicant will also install two live palm trees adjacent to the monopalm in order to provide a more natural "grove-like" appearance.

Staff finds the proposed location to be appropriate for a wireless facility in the form of a monopalm in conjunction with live palm trees. The monopalm and associated equipment will be located well over 200 feet from residential properties in an area where light poles and other verticalities of similar heights could be placed by-right and would be expected in this schoolyard setting. The location presents no significant negative impact on the surrounding properties.

Typically, Staff may recommend that the monopalm height be limited to 50' in order to more realistically replicate a typical Date Palm tree height and to fit in better with the two live palm trees of shorter heights. However, in this case, the applicant has represented that the requested 60' monopalm height would eliminate the need for two other wireless facilities to provide adequate coverage in the area as the previously requested 65' height would have. Staff supports the 60' height because of the alleviation of need to add additional facilities in the area and because of the monopalm's location where such height would be reasonable expected.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on August 8, 2007. Four families attended to express concern over the previously proposed ball field light pole design at this location. When informed that the design was changed to a monopalm and that no ball field lights would be installed as part of this project, the neighbors expressed support. Staff has received calls and a letter in opposition. A neighbor to the east opposes the request because she believes wireless facilities should be in commercial or industrial areas. Another neighbor objects to the height of the facility with few

structures of similar height in the area. Other neighbors also raise health concerns related to radiation. Both Planning Commission hearings featured several neighbors speaking in opposition with similar concerns.

The Planning Commission recommends denial based on the following:

- A commercial facility is not appropriate on educational land;
- The applicant has not tried hard enough to find a more suitable location;
- There is no comparable structure height anywhere nearby
- The monopalm is too close to residential properties and this site is too tight to allow the flexibility to move elsewhere on the site.

VICE-MAYOR HUGGINS asked if there was evidence of a health risk in the area from the tower. Mr. Dermody stated that the City could not address health concerns, as the FCC is the regulating department. CITY ATTORNEY HOUSE confirmed that the Federal Telecommunications Act prohibits the City Council from taking the effects of electromagnetic radiation into account in considering this Use Permit.

COUNCILMEMBER CACCAMO asked why Staff is recommending approval to something less than the length of a football field. Mr. Dermody said that analysis has not been done on how far away from houses other cell towers are. It is a policy issue that Council needs to decide.

COUNCILMEMBER WENINGER asked if this has been through the Chandler Unified School District for approval. Mr. Dermody said that the school district does not make a recommendation to Council. They operate separately and with make a decision on whether they will allow the monopalm or not. The district has signed off on the application.

RULON ANDERSON, 3523 E. Presidio Circle, Mesa, representing T-Mobile, said he is a licensed realtor who has done in excess of 400 cell-sites in Arizona and 400 in Texas. There is a significant lack of cell coverage in this area which has created a problem in a residential community. He stated that T-Mobile wishes to meet customer demands and keep them connected, which is problematic when there are too few radios and/or facilities. There are public and personal safety issues relative to cell phone usage. Personal issues include the removal of land-lines from homes; 40% of 12-14 year olds have cell phones; 70% of college students have cell phones and coverage needs to be connected. Pay phones are being phased out making personal safety an issue.

Mr. Anderson said that at the Planning Commission meeting, an engineer suggested that 65' is needed which would guarantee that there would be no need for two additional towers in close proximity. They wanted it dropped to 50', which would mean adding two additional towers. T-Mobile is attempting to limit the number of towers they install.

Mr. Anderson continued that the Planning Commission also said that it was an inappropriate use to have commercial on a school site. He presented pictures of various schools (Valley Christian High School, Hamilton High School, Bogle Junior High, Anderson Junior High, Erie Elementary) which all have cell towers on their property with some being monopalms and some on light poles. COUNCILMEMBER CACCAMO said that each site Mr. Anderson is showing has the tower located on an athletic field and is farther away from houses than the proposed location.

The applicant has met the ordinance requirements and setbacks and has explained why they need the height. They would be willing to drop the height to 50', which would reduce the visual impact, but they would need to add another pole to address coverage issues. This is becoming a necessity with the changing times, but the industry needs to do what they can to minimize visual impact.

COUNCILMEMBER CACCAMO asked how high the monopalm is at Erie School. Mr. Anderson responded that it is 65'.

COUNCILMEMBER ORLANDO asked about the service coverage area depicted on the map Mr. Anderson showed earlier. Mr. Anderson said it was T-Mobile's coverage area only. There are other providers in the area and he explained how the cell phone signals are routed.

MARCUS ANDERSON, 1669 E. Lynx, stated he is a T-Mobile customer and has never had any coverage issues. He lives in the area and is in opposition to this application. It will be an eyesore and could decrease home values. Even though Council cannot consider health risks, he feels there could be a risk.

JACKIE MERRITT, 1950 E. Springfield, stated that she objects because of a potential health risk and school property should not be used for commercial uses.

MAYOR DUNN explained that the policy was designed to put the antennas on existing towers so they are not noticed and the ball fields at schools are the most logical.

Ms. Merritt continued that the school board is not listening to the parents and what they want for the neighborhood and children. The proposed monopalm will be located on a playground. She questioned how many cell towers are needed in Chandler, as there are already 78 within an 8-mile radius of the school and 328 antennas. It would be in the best interest of the City to regulate tower installation so it has the least impact on neighborhoods and schools.

RICHARD SWEENEY, 1789 E. Lynx Place, said that an elementary school is not the proper location for a cell tower. It was originally presented as the school receiving a free light pole in the field.

ALLEN PEDERSON GILES, 1650 E. Lynx Place, directly bordering the school on the east, said that this proposal has been to the Planning Commission twice and denied both times. T-Mobile is one of several carriers in the valley, so it isn't something new. T-Mobile claims that cell coverage along this area is weak and the additional tower would make it stronger. He referenced Section 229 of the Zoning Code which states "evidence and justification must be provided by the applicant to demonstrate that sufficient efforts were made to locate the antenna on all such towers and structures within a one-mile radius". The default rule is "no new towers shall be permitted unless the applicant demonstrates the reasonable satisfaction of the governing body that no existing tower or structure can accommodate the antenna". All T-Mobile has provided is a one-mile inventory list and there is no evidence showing that they attempted to install their antenna.

DIANA FERRE, 1649 E. Lynx Place, whose property touches the school property, said she has children who attend the school, and is in opposition to the request due to aesthetics and it does not belong on school property. There is a running club at the school and the students would be running in the area where the tower is proposed. There isn't enough room for this tower.

MR. ANDERSON stated that GSM technology is compatible, but is not interchangeable. The I-40 corridor up north is an AT&T corridor and T-Mobile has a roaming agreement with them. There is no real estate requirement for disclosure of a cell phone tower. It was originally proposed as a light pole at a community meeting; however, those neighbors in attendance (4) were opposed and asked for an alternative.

MAYOR DUNN asked Mr. Anderson if other sites within that radius were considered. Mr. Anderson responded that Staff has indicated that he has looked for alternate locations and was unsuccessful. There is a tower just to the east of this site, but there is no ground space because there are already three carriers on it. They did try to locate on it.

MAYOR DUNN commented that the towers are popular with schools because they are an additional revenue source for the schools. This particular area of town was designed with minimal commercial space. Mr. Anderson stated that there are many City parks with many light poles that could be used, but the City prohibits it. They do have a lease at the Police Evidence building and have located a monopalm there.

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER ORLANDO, TO DENY UP07-0064 SAN TAN JUNIOR HIGH/T-MOBILE DUE TO INCONSISTENCY WITH THE GENERAL PLAN.

CITY ATTORNEY HOUSE pointed out that per the Federal Communications Law, if the Council denies a wireless communications facility such as a cell tower, the reasons for doing so must be in a written record separate from the Council minutes. He recommended that if there is a motion to deny, that it be based on the reasons set forth in the Planning Commission's vote report portion of the Staff memo.

COUNCILMEMBER WENINGER AMENDED THE MOTION TO INCLUDE THE REASONS AS LISTED IN THE STAFF REPORT WITH THE EXCEPTION OF A COMMERCIAL FACILITY NOT BEING APPROPRIATE ON EDUCATIONAL LAND. COUNCILMEMBER ORLANDO AGREED TO THE AMENDMENT.

THE MOTION CARRIED UNANIMOUSLY (6-0).

99. CITY CODE AMENDMENT: Chapter 2

Ord. #4001

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4001 amending Chapter 2, Section 2-2 of the Chandler City Code, relating to salaries of the Mayor, Vice-Mayor and Council.

MAYOR DUNN said that the Council's salaries have not been modified since 1998 and are now the lowest of all eight of the cities used to benchmark employees' salaries. Under the Charter, salary increases must be adopted by ordinance, but will not take effect before the seating of the next Council in January 2009. Proposed salaries are \$36,000 for the Mayor, and \$20,000 for the Vice-Mayor and Councilmembers. He noted that with these increases, Chandler would still be in sixth position in relation to other municipalities.

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER DONOVAN, TO INTRODUCE ORDINANCE NO. 4001 AMENDING CHAPTER 2, SECTION 2-2, CODE OF THE CITY OF CHANDLER, ARIZONA, RELATING TO SALARIES OF MAYOR, VICE-MAYOR AND COUNCIL.

MOTION CARRIED BY MAJORITY (4-2) WITH COUNCILMEMBER'S ORLANDO AND CACCAMO VOTING NAY.

100. PROCESS AND APPLICATION: Temporary City Council Vacancy

MAYOR DUNN said that with the recent deployment of Councilmember Sepulveda to Iraq, it is necessary for a process to fill that vacancy be adopted. He met with Councilmember Sepulveda and reviewed the process with him. Councilmember Sepulveda expressed support of the proposed process. The process is identical to that adopted in July 2005 for the same reason. No action will be taken to proceed until Councilmember Sepulveda receives his orders.

COUNCILMEMBER ORLANDO commented that when this was done in 2005, there was a difference of opinion on how the process should be handled. He would like to include something in the process that would alleviate the possibility of a tie vote.

MAYOR DUNN said something could be added, but not at tonight's meeting. It could be discussed at the next Council meeting in January. MAYOR DUNN said that a paragraph dealing with what action is taken if there were a tie vote could be added at a later meeting. It is important at this point that process be approved.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR HUGGINS, TO APPROVE THE PROCESS FOR FILLING THE TEMPORARY COUNCIL VACANCY AS PRESENTED.

There was discussion on the relevance of Applicant Questionnaire question #5 regarding the applicant's desire to run for Council in the upcoming election. COUNCILMEMBER WENINGER said that it might deter qualified applicants because they may want to run at some point. COUNCILMEMBER ORLANDO said that it would not cause a negative vote by Council for that reason. COUNCILMEMBER CACCAMO added that the question does not affect the qualifications of the candidate. VICE-MAYOR HUGGINS said that he would like to have someone who would be interested in being on Council to fill the position rather than having someone just "fill the gap". MAYOR DUNN said that if Council has questions during the interview, they are free to pose those questions. His tonight is to approve the process, including the format of the application,

MOTION AMENDED BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER CACCAMO TO ELIMINATE QUESTION #5 ON THE APPLICANT QUESTIONNAIRE.

MOTION ON THE AMENDMENT CARRIED BY MAJORITY (6-1) WITH COUNCILMEMBER ORLANDO VOTING NAY.

MOTION ON THE MAIN MOTION AS AMENDED, CARRIED UNANIMOUSLY (6-0).

PUBLIC HEARING:

P.H. #1 ANNEXATION: NEC of Riggs and McQueen Roads

MAYOR DUNN opened the public hearing at 10:23 p.m.

PLANNING DIRECTOR DOUG BALLARD stated that the subject 2-acre parcel, under the ownership of the applicant (Advance Surety, Inc.), is located east of the NEC of Riggs and

McQueen roads. The property is a vacant parcel bordered on the east by additional vacant property that has been annexed into the City and a developed parcel on the west that is also within the corporate limits of the City and is zoned PAD (Planned Area Development) for a car wash facility.

The property is zoned RURAL – 43 within the County. The Southeast Chandler Area Plan, a land use element plan of the Chandler General Plan, designates the area for low-density residential of a rural agrarian character. The owners' preliminary thoughts regarding the future use of the property include assisted living for senior adults or possibly storage for residential and commercial customers. The owner has not met with City Staff or submitted an application for rezoning.

There being no further comments, THE MAYOR closed the public hearing at 10:24 p.m.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN thanked Community Services Staff for their efforts in putting on the Tumbleweed Tree Lighting and Parade of Lights. Despite the inclement weather, it was a successful event.

MAYOR DUNN announced that Santa is visiting Dr. A.J. Chandler Park from noon to 5 p.m. to visit with children and take pictures and enjoy the shops and restaurants downtown.

THE MAYOR wished everyone happy holidays and encouraged everyone to remember the less fortunate in our community by donating through Chandler's many social service agencies.

B. Councilmembers' Announcements:

COUNCILMEMBER CACCAMO reminded everyone that Saturday is Chandler's induction for the Sports Hall of Fame at Hamilton High School at 11:00 a.m. Our World Series Little League team will be inducted along with other outstanding athletes.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 10:27 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: January 17, 2008

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 13th day of December 2007. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of _____, 2008.

City Clerk