

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library, 22 S. Delaware, on Thursday, April 24, 2008 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
(telephonically)	Trinity Donovan	Councilmember
	Matt Orlando	Councilmember
	Kevin Hartke	Councilmember
	Jeff Weninger	Councilmember

Also in attendance:

W. Mark Pentz	City Manager
Rich Dlugas	Assistant City Manager
Pat McDermott	Assistant City Manager
Mary Wade	City Attorney
Marla Paddock	City Clerk

INVOCATION: The invocation was given by Pastor Terry Anderson – Chandler Christian Church

POSTING OF COLORS:

Hamilton High School Air Force Jr. ROTC

PLEDGE OF ALLEGIANCE: Boy Scout Troop 376 led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. Exceptional Merit Awards

MAYOR DUNN was joined by Management Services Director Dennis Strachota and Purchasing and Materials Manager Robert Combs in presenting an Exceptional Merit Award to Ginny Mertens. Ginny transferred to Purchasing in June of 2007. She undertook the task of auditing the quarterly cell phone statements. In her research, Ginny discovered discrepancies in the stipend and City-issued phone reports. She took the initiative to set up meetings with the Human Resources Staff and developed measures to correct the discrepancies. Ginny's efforts in performing her first quarter cell phone audit identified a \$2,600 annual savings for the City. Ginny's commitment, innovation and dedication exemplify her Team Chandler spirit and the finest of public service.

2. Proclamation – Children's Mental Health Awareness Day

MAYOR DUNN was joined by the Chair of the Mayor's Committee for People With Disabilities Michael Williams as he read a proclamation proclaiming May 8, 2008, as Children's Mental Health Awareness Day.

Mr. Williams thanked the Mayor and Council and the City of Chandler for being a leader and advocate for people with disabilities and children's mental health issues.

3. Tony DiBonito – United States Bankruptcy

Mr. DiBonito was not present.

UNSCHEDULED PUBLIC APPEARANCES:

HANNAH MCCAWLEY, 4180 W. Victoria Lane, student at Corona Del Sol High School, spoke about air quality issues at the school. She and two other students developed an idea to start the Adopt-A-Room campaign to raise \$340,000.00 by May 9th to help the school remove the carpet and replace it with new flooring in the entire E building. They are asking neighbors, the community, businesses, churches, etc. to donate money to achieve their goal. They asked the Council to assist by raising \$40,000.00, which would adopt one classroom and have Councilmembers' names on the plaque. She announced there will also be a benefit concert on Wednesday, April 30th, 6 – 9 p.m. at the school gym and invited the Council to attend.

BEN MCCAWLEY, 4180 W. Victoria Lane, spoke about the air quality at Corona Del Sol. He stated his daughter has been having health problems for the last two years. Tempe Union High School District notified parents that the HVAC system needed to be repaired and the district had no money. The PTO formed a group to review the problem, The Corona Clean Air Coalition, whose mission is to insure all students and staff have a safe and healthy educational environment. They asked the District to allow them to bring in a third party, at the Coalition's cost, to perform a comprehensive assessment of all of the buildings to establish the safety of the rooms. As of this date, no response has been received from the District. He asked if Council would write a letter to the Superintendent requesting the allowance of independent testing.

CONSENT:

MAYOR DUNN said that Item #18 (DIF Program Revisions) has been continued to May 8, 2008.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR HUGGINS, to approve the Consent Agenda as presented.

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED, as presented, Minutes of the Chandler City Council Regular Meeting of April 10, 2008.

2. VACATION: NWC Gilbert Road and Chandler Boulevard Ord. #3996

ADOPTED Ordinance No. 3996 authorizing the vacation of a portion of road right-of-way at the NWC of Gilbert Road and Chandler Boulevard, conditioned upon receipt of \$148,498.00 plus closing expenses, and accepting an easement of 1,500 square feet for a future City monument sign.

3. ANNEXATION: SEC of Arizona Avenue and Willis Road Ord. #4037

ADOPTED Ordinance No. 4037 annexing approximately 11 acres located east of the SEC of Arizona Avenue and Willis Road.

4. POWER DISTRIBUTION EASEMENT: SRP Ord. #4046

ADOPTED Ordinance No. 4046 authorizing the assignment of certain power distribution easements acquired by the City of Chandler to Salt River Project (SRP) for the Arizona Avenue and Ray Road Intersection Improvement Project.

5. REZONING: NEC of Price and Willis Roads Ord. #4051

ADOPTED Ordinance No. 4051, DVR07-0055 PARK PLACE, rezoning from PAD to PAD Amended for a service retail and office development on approximately 22 acres located at the NEC of Price and Willis roads.

6. INITIAL CITY ZONING: SWC Willis Road and Union Pacific Railroad Ord. #4038

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4038, DVR08-0011, SOUTHWEST CORNER OF WILLIS ROAD AND THE UNION PACIFIC RAILROAD, establishing initial City zoning of AG-1 on approximately 11 acres at the SWC of Willis Road and the Union Pacific Railroad. (Applicant: City of Chandler; Owner: Siebe & Eileen Hamstra.)

Adoption of an annexation ordinance authorizes the City to initiate a zoning action as required by State Statute to adopt and establish an initial City zoning classification upon the newly annexed property. This request, initiated by Staff, serves to establish the site with a zoning designation comparable to the site's previous County zoning designation of Rural Zoning District (RU-43). The approval of this zoning insures that any future development on the site shall occur in conformance with City standards.

The owner's intention, as presented in his application for rezoning, is to develop the property as a business park. The owner's request for rezoning, including his proposed Preliminary Development Plan, will be submitted to the Planning and Zoning Commission and City Council upon completion of Staff review and recommendation.

This request was noticed according to the provisions of the City of Chandler Zoning Code. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval.

7. ANNEXATION: NEC of Arizona Avenue and Riggs Road Ord. #4039

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4039, Annexation of the NEC of Arizona Avenue and Riggs Road, annexing approximately 35 acres at the at the NEC of Arizona Avenue and Riggs Road. (Owner: CTW-Riggs Gateway, LLC.)

The property is presently vacant with the exception of a small portion occupied by several vacated industrial buildings that will be removed to make way for the owner's proposed development. The owner has submitted a companion application for the rezoning of the property to permit the development of retail commercial center. The owner's application, along with his

proposed site and building development representations, are under current review by the Planning and Development Staff.

The property is zoned IND-2 Industrial within the County. Surrounding and/or adjacent parcel status is as follows: North – vacant and undeveloped within the County; East – City of Chandler Municipal Golf Course; South – County and City of Chandler I-1 and I-2 Industrial (County portion developed); West – County large lot single-family residential. The Chandler Land Use Element of the General Plan designates the area at this arterial street intersection as a Commercial Node.

8. INITIAL CITY ZONING: NEC Arizona Avenue & Riggs Road Ord. #4040

CONTINUED TO MAY 8, 2008, Introduction of Ordinance No. 4040, DVR08-0010 NEC of Arizona Avenue and Riggs Road, establishing initial City zoning of General Industrial District (I-2) on approximately 35 acres at the NEC of Arizona Avenue and Riggs Road. (Applicant: City of Chandler; Owner: CTW-Riggs Gateway, LLC.)

9. EASEMENTS: SRP Ord. #4041

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4041 granting a no-cost power easement and two aerial easements to Salt River Project (SRP) at the NEC of Riggs Road and Hillcrest Drive as part of the Riggs Road – Gilbert Road to Val Vista Road Improvement Project for the relocation of its existing 69 kilovolt (kV) power line facilities to accommodate the road improvements.

10. INITIAL CITY ZONING: SEC of Cooper and Chandler Heights Roads Ord. #4043

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4043, DVR08-0007 SEC of Cooper and Chandler Heights Roads, establishing initial City zoning of AG-1 on approximately 10 acres at the SEC of Cooper and Chandler Heights roads. (Applicant: City of Chandler; Owner: Tom Inman, Joshua and Monique Amerine.)

Adoption of an annexation ordinance authorizes the City to initiate a zoning action as required by State Statutes to adopt and establish an initial City zoning classification upon the newly annexed property. This request, initiated by Staff, serves to establish the site with a zoning designation of Agricultural District (AG-1). The approval of this zoning action insures that any future development on the site shall occur in conformance with City standards. This property is anticipated for a garden office development.

This request was noticed according to the provisions of the City of Chandler Zoning Code. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval.

11. REZONING: AAMCO Plaza Ord. #4054

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4054, DVR08-0006 AAMCO Plaza, rezoning from Planned Industrial District (I-1) to PAD zoning with PDP for new monument signage on approximately 3 acres consisting of two parcels wrapping around an existing fuel station at the NEC of Chandler Boulevard and 56th Street. (Applicant: Sign A Rama, Ed Sabin; Owner: Sunstate Builders.)

The development received Use Permit approval in 2007 to have auto uses in an I-1 district. The request is to place one 13'-high monument sign along Chandler Boulevard and one 7'-high monument sign along 56th Street, each displaying three tenant names (two panels plus the plaza named after a tenant). The taller sign along Chandler Boulevard is proposed to be located approximately 40' east of an existing driveway on the fuel station property that is to remain. The shorter sign along 56th Street will be located immediately north of a newly created driveway on the subject property that will replace an existing driveway farther south. Rezoning and PDP approval is necessary because both requested signs exceed the maximum number of tenants allowed by code (two) and are taller than 6' (only one sign is allowed to exceed 6' in height).

In the opinion of the Planning Commission and Staff, the monument signs' excess of code limits is justified by superior design that incorporates stone columns and an orange aluminum I-beam feature drawn from the building architecture. Sign panels are internally illuminated, routed-out aluminum with push-through acrylic letters, which exceed the minimum quality level required by the Sign Code.

This request addresses the development's monument signage and is not intended to affect the land uses. Building signage is not part of this request.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 20, 2008. There were no citizens 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 conditions listed in the ordinance.

12. AGREEMENT: Tower Cloud, Ind.

Ord. #4055

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4055 authorizing an agreement between Tower Cloud, Inc., and the City of Chandler for the Use Of Right-of-Way and Public Property for the Establishment of a Communications System for a period of five years.

Tower Cloud, Inc., has filed for an application with the City to install, operate and maintain a technologically advanced fiber optic communication system in order to provide communication services, including but not limited to, the transport of telecommunication, broadband and related services via fiber optic cables on a wholesale basis to other providers that may offer both facilities-based, and resold telecommunications facilities and services directly to end users. The company also holds an agreement in the City of Phoenix to provide a similar system. The license includes requirements for insurance, a performance bond, a security fund, installation and operation of facilities, abandonment of facilities and for transferability and revocation of the license. This is a nonexclusive agreement for a renewable five-year term.

The City has received a \$2,000.00 application fee which should cover the City's cost for processing of this application; 2.75% privilege tax will be paid on any non-interstate telecommunication services, and there will be an annual footage fee of \$1.80 per linear foot of public property occupied, with a CPI escalator clause applied each year for those fiber lines that meet the State Statutes allowance for fees. The company will also pay permit, inspection and pavement damage fees.

13. DEVELOPMENT AGREEMENT: Chandler Airpark Business Center, LLC

Ord. #4056

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4056 authorizing the Development Agreement with Chandler Airpark Business Center, LLC, for Through the Fence Access to the Chandler Municipal Airport.

Surrounding the Chandler Municipal Airport there is a few hundred acres of the industrial and commercial land that is owned by private developers. Some of this land is adjacent to the airport with potential direct access to the airport and the airport's taxiway system. The parcel of land at the NWC of Queen Creek Road and Cooper Road owned by Chandler Airpark Business Center, LLC, (CABC) approximately 21 acres, is one of these parcels with direct access to the airport.

The CABC plans to develop their parcel for industrial and office uses with aviation-related features. The project will consist of several individual lots serviced by one or more taxilanes that will have access through the airport perimeter fence and connect into the airport's taxilane/taxiway system. It is estimated that there will be approximately 100 based aircraft in the project and that the project will construct 22 hangars of varying size with a total of approximately 150,000 square feet of hangar space.

This Development Agreement establishes the following key provisions between the City and CABC:

- CABC and the City will enter into the Access Agreement for through the fence access to the airport. This agreement will establish the terms of the access including the payment of fees, allowed and prohibited aeronautical activity outside the fence, compliance with Airport Rules, Regulations and Minimum Operating Standards, compliance with Grant Assurances, taxilane construction and other conditions for access.
- CABC and the City will enter into a Lease Agreement for a long-term lease at the current lease rate when the lease is signed for approximately 2.8 acres. This agreement provides for a market rate adjustment at the end of the lease term and each extension of the term, and a Consumer Price Index adjustment on an annual basis.
- The term of the Access Agreement and Lease Agreement will be a base term of 40 years with four extension terms of 10 years each.
- CABC will obtain the necessary City PAD zoning for the property for industrial/office use with aviation-related uses, but not including any commercial aviation activity, will obtain final development plan and final plat approval, and will incorporate a Users Association and execute and record Airpark CC&R's.
- The project and Association will develop and operate the aviation-related activities in compliance with the Airport Rules and Regulations, and Minimum Operating Standards.
- CABC will construct the necessary taxilane improvement for the project.

Through the fence access to Chandler Municipal Airport will require that the owner/users of the Chandler Airpark Business Center pay several fees. These fees include: the lease fee for the ground lease; a fuel flowage fee for all self-fueling in the project area (commercial sale of aviation fuel is not allowed); an airport access fee that is a per square foot charge for each hanger in the project; and an airport user fee that is one-half of the aircraft tie-down rate for each aircraft based in the project. Council approves these fees in the annual rates and fees adjustment.

It is estimated that at build-out, the Chandler Airpark Business Center will pay approximately \$75,000.00 per year in fees to the airport. The project will start paying these fees when the project is constructed and aircraft are accessing the airport.

The Airport Commission voted unanimously to recommend approval of this agreement.

14. CITY CODE AMENDMENT: Chapter 44 Ord. #4060

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4060 amending City Code Chapter 44, Sections 44-4 and 44-5 relating to solid waste services.

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

Ordinance No. 4060 amends Chapter 44 by providing a clear definition of the code's terminology and will provide Chandler residents with the ability to request a second 300-gallon alley container.

Currently, Sections 44-4 and 44-5 only address covered residences with 95-gallon container curbside collection. Solid Waste Services has begun the third and final phase for converting 3-yard metal containers to 300-gallon plastic containers. The conversion rate is one 300-gallon plastic container for two homes. Other valley city residents share one 300-gallon plastic container between three to five homes. The City of Chandler wishes to provide a mechanism for residents to request additional 300-gallon plastic alley refuse containers for a prescribed fee.

Not all alleys can accommodate additional 300-gallon plastic containers; therefore, each request will be individually reviewed and a final determination will be authorized and approved by the Administrator. Furthermore, residents will have the opportunity to request a 95-gallon curbside collection container if the 300-gallon alley container request is not feasible.

In a separate action, Resolution No. 4178 is being brought forward amending the City's Fee Schedule in support of the revisions in Chapter 44.

The requesting resident will be responsible for a non-refundable fee of \$235.00 which covers container cost and delivery and an additional monthly fee of \$7.50 over and above the \$15.07 monthly base rate. The additional monthly fee for the alley container is based on the cost of the additional curbside container monthly fee of \$2.50. A 300-gallon container is approximately three 95-gallon curbside containers. With container placement in an open city right-of-way alley, the City cannot guarantee sole use of this container by the resident. Therefore, the resident shall be informed of this requirement before additional containers are placed in the alley.

15. AREA PLAN AMENDMENT/REZONING: Chandler Center Res. #4180 & Ord. #4061

ADOPTED Resolution No. 4180 authorizing an Area Plan Amendment to the Section 16 Area Plan as land use guideline for future zoning and land development within the area bounded by Basha Road, Ocotillo Road, Arizona Avenue and Queen Creek Road.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4061, DVR07-0054 Chandler Center, rezoning from PAD Commercial to PAD Amended for Multi-Family Residential uses on approximately 30 acres of a 50-acre site.

APPROVED Preliminary Development Plan PDP07-0034 Chandler Center, for the 30-acre residential component and 20-acre commercial component of a 50-acre site at the SWC of Arizona Avenue and Queen Creek Road.

APPROVED Preliminary Plat PPT07-0046/PPT07-0047 Chandler Center, for a 30-acre residential component and 20-acre commercial component of a 50-acre site at the SWC of Arizona Avenue and Queen Creek Road.
(Applicant: Jason Morris, Withey Morris PLC.)

The existing Section 16 Area Plan that addresses this 50-acre parcel designates the subject site as Commercial. The application requests amendment to the Section 16 Area Plan to re-designate approximately 30 acres for Multiple-Family Residential uses, maintaining the approximate 20 acres at the immediate southwest corner of Arizona Avenue and Queen Creek Road for commercial uses.

Previous Area Plans, including the original Section 16 Area Plan, identified the intersection of Arizona Avenue and Queen Creek Road (originally 135+ acres) as having Regional Commercial significance. Over the years, through General Plan updates, Area Plan amendments and the subsequent development of Regional Commercial land uses throughout the City, the appropriateness of Regional Commercial at this particular intersection is no longer founded. An amendment to the Section 16 Area Plan was approved in April 2004 re-designating the 135-acre site from commercial uses to Single-Family and Medium-Density Single-Family uses in addition to a 50-acre commercial parcel at the immediate corner. Through the developmental evolution of Arizona Avenue, the "big box" and regional commercial shopping centers, typically occupying 50-acre commercial developments, have located two miles to the north along the Loop 202 Santan Freeway and one mile to the south at the Fulton Ranch development.

The Area Plan amendment continues to provide for a commercial development consistent with the General Plan, however, the intensity has been reduced to a Community commercial level. In addition, the Multiple-Family residential components provide that natural land use transition from the existing Medium-Density residential development to the commercial component. Staff supports the Area Plan amendment finding the land uses to be more compatible with the existing area uses.

The subject site is bordered to the south and west by the existing residential subdivisions Avalon at Dobson Crossing and the Village at Dobson Crossing. Arizona Avenue abuts the property's east side, with vacant agricultural fields as well as an animal clinic and Baptist church located east of Arizona Avenue. Queen Creek Road abuts the property's north side. North of Queen Creek Road is the Carino Villas residential development with the commercial component of Carino Commons remaining undeveloped.

The development is proposed to construct in multiple phases. Phase I of the commercial component will include all off-site improvements along Arizona Avenue and Queen Creek Road, as well as retail buildings A and B, the gas station, and the daycare. The other commercial uses will develop as market demands warrant. Phase I of the residential component will include all off-site improvements as well as the apartment component. The condominium component will develop as Phase II.

The approximate 30-acre multi-family component of Chandler Center consists of both rental apartment homes and owner-occupied condominium homes. The 124 owner-occupied homes constitute the northwestern 11 acres of the 30-acre residential component. The apartment homes represent the remaining 19 acres at the south and southeast portions of the residential component.

The approximate 20-acre commercial component of Chandler consists of a mix of commercial retail, office and hotel land uses. As was approved with the current Dobson Crossing zoning, the proposal includes a fuel station with convenience store, as well as a daycare, bank, retail shops, hotel and office uses. The commercial buildings are arranged on the site with varied building orientations and setbacks providing an attractive diverse street scene. The fuel station and convenience store are located off-corner allowing buildings retail A and B to provide the project's front door.

Staff supports the requested Area Plan Amendment finding the existing 50-acre commercial designation to no longer remain viable based upon the surrounding area's developmental evolution. Including the multi-family residential components provides for a natural land use transition while still maintaining an adequately sized mixed-use commercial development.

Staff supports the proposed rezoning and Preliminary Development Plat requests finding the Chandler Center master plan to represent a quality mixed-use development.

An outstanding design issue that has not been resolved involves the fuel station. The fuel station parcel is bordered to the south and north by a primary and secondary drive aisle. The paved access openings to those drive aisles are approximately 110-feet wide. This extensive expanse of paved surface has the potential to lead to traffic movement conflicts since no clear traffic pattern is established. The applicant has indicated that, based upon the fuel storage tank locations, this large amount of paved area is needed for truck turning movements as the trucks enter and exit the site; however, an exhibit demonstrating the truck turning-template needs has not been provided. In response to Staff's concern, the applicant has removed the parking spaces located north of the fuel station along the secondary drive aisle, as well as provided a raised landscaped planter within the primary drive aisle adjacent to the south.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held February 5, 2008. There were approximately 15 neighboring property owners in attendance. Overall, the meeting was positive with one neighbor expressing concerns about the potential for the apartment resident's children playing in their subdivision's tot-lots and open spaces. The applicant responded by identifying the numerous recreational amenities provided for both residential components. Staff has received two phone calls from residents opposed to the multi-family residential apartment component.

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

16. ASSESSMENT DIAGRAM: Downtown Chandler Enhanced Municipal Services District Res. #4170

ADOPTED Resolution No. 4170 authorizing modification of the Assessment Diagram, making a statement and estimate of expenses for the Downtown Chandler Enhanced Municipal Services District; completing the assessment; setting the date for the hearing on the assessment; and ordering the giving of notice of such hearing.

On May 25, 2006, the Mayor and Council approved Resolution No. 3971 approving the 2006-2007 annual assessment for the Downtown Chandler Enhanced Municipal Services District, with the mission to provide marketing, promotion, enhanced security and district management. The City subsequently executed a contract with the Downtown Chandler Community Partnership (DCCP) to perform such services.

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

This resolution is to set the public hearing for May 22, 2008, at 7:00 p.m. in the City Council Chambers, 22 S. Delaware Street, to notify property owners of the intent to modify the assessments for property in the District, a required formal step. It also authorizes the Mayor and City Council to make an estimate of the expenses for the District for 2008-2009. The District Staff will appropriately notify all property owners within the District boundary and will also publish the notice of hearing in a daily newspaper for five days as required by State Statute.

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

In May, Staff will return with a resolution to approve the annual assessment roll, which will detail the amount assessed each parcel and property owner. In June, Staff will present the Chandler Enhanced Municipal Services Agreement with the DCCP for FY 2008-2009, which includes an Operating Plan and District Budget.

The assessments calculated by the DCCP total \$265,962.00, which is also the estimate for the operating budget for the District for 2008-2009. Of this amount, the City will pay 40 percent of the total budget, or \$132,916.00 in lieu of what would have been the amount assessed if the City were required to pay property taxes. Funds to provide for the assessment are already provided for in the Downtown Redevelopment's budget request for FY 2008-2009.

17. GRANT AGREEMENT: ADOT Res. #4173

ADOPTED Resolution No. 4173 authorizing the City to enter into a grant agreement with the Arizona Department of Transportation (ADOT) accepting a grant in the amount of \$71,298.00 as the State's matching share to construct Phase I of the North Apron Project.

The City received notification of a State grant offer (ADOT Grant Number E8F1C) in the amount of \$71,298.00 to assist in funding to construct Phase I of the North apron Project which is just finishing construction. This grant was anticipated with the approval of a Federal Aviation Administration (FAA) grant presented to City Council earlier this fiscal year. That federal grant amount was based upon construction bids already received by the City. To retain that construction bid price, the construction began in November 2007 before this ADOT grant was received. It was known at the time, the State's matching share to the federal grant would follow after construction was already begun. This ADOT grant represents the State's local matching share for that project.

The grant represents the State share of 2.5% of the total project value of the Phase I North apron Project. The remaining balance of \$2,780,542.00 is in the form of the FAA grant (95%) and local funds (2.5%) through prior voter approved airport bonds.

The Airport Commission voted unanimously to recommend acceptance of the grant.

18. DOWNTOWN IMPROVEMENT GRANT FUND PROGRAM: Res. #4174

CONTINUED TO MAY 8, 2008, Resolution No. 4174 authorizing revisions to the Downtown Improvement Grant Fund Program (DIF).

19. FAIR HOUSING: Policy and Principle

Res. #4177

ADOPTED Resolution No. 4177 authorizing a fair housing policy and expressing commitment to the principle of fair housing.

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

This resolution provides additional publicity of the City's commitment to affirmatively further fair housing. In addition to regular publication of the Fair Housing Hotline in the City Scope newsletter and ongoing public availability of fair housing materials in English and Spanish, this resolution will be mailed to Chandler landlords, rental companies, management companies, realtors, banks and media outlets. Additionally, Staff of the Neighborhood Resources Division will continue to handle any citizen complaints pertaining to discrimination in the acquisition or disposition of housing. Neighborhood Resources has also coordinated a Fair Housing Seminar to take place May 17, 2008, from 8:00 a.m. to 12:00 p.m. at the Tumbleweed Park Recreation Center, 2250 S. McQueen Road, Chandler, AZ.

20. FEE SCHEDULE AMENDMENT: Section 4

Res. #4178

ADOPTED Resolution No. 4178 amending the City Fee Schedule, Section 4 – Solid Waste Fees and Services.

Solid Waste Services has begun the third and final phase for converting 3-yard metal containers to 300-gallon plastic containers. To date, 1,856 alley containers have been successfully converted. The conversion is a result of the Solid Waste Advisory Committee recommendation in 2005. The conversion rate is one 300-gallon plastic container for two homes. Other Valley City residents share one 300-gallon plastic container between three to five homes.

Staff anticipates resident requests for additional 300-gallon containers to be placed in the alley due to larger lot acreage of their home as well as surrounding homes. Not all alleys can accommodate additional 300-gallon plastic containers. Therefore, each request will be individually reviewed and a final determination shall be authorized and approved by the Administrator.

The requesting resident will be responsible for a non-refundable fee of \$235.00 which covers container cost and delivery and an additional monthly fee of \$7.50 over and above the \$15.07 monthly base rate. The additional monthly fee for the alley container is based on the cost of the additional curbside container monthly fee of \$2.50. A 300-gallon container is approximately three 95-gallon curbside containers. With container placement in an open City right-of-way alley, the

City cannot guarantee sole use of this container by the resident. Therefore, the resident shall be informed of this requirement before additional containers are placed in the alley.

21. INTERGOVERNMENTAL AGREEMENT: Legal Services Res. #4179

ADOPTED Resolution No. 4179 authorizing an Intergovernmental Agreement and Contract for legal services with the law firm of Engelman Berger, P.C., for joint representation in settlement efforts in the Water Rights Claims of the White Mountain Apache Tribe.

The Cities of Avondale, Chandler, Glendale and Scottsdale have asserted water rights claims for their use of water from the Gila River Adjudication. The United States, on behalf of the White Mountain Apache Tribe, has asserted water rights claims in the Gila River Adjudication, which are in conflict with the water rights claims of the Cities in the Gila River Adjudication. The Cities would like to be jointly represented in settlement activities, which have been undertaken in an attempt to resolve and settle the water rights claims of the Tribe.

The effective date of this contract will be March 17, 2008, and it will expire upon the latest of the date at which: (1) a settlement agreement as to the quantification of the water rights of the White Mountain Apache Tribe and the Cities of Avondale, Chandler, Glendale and Scottsdale becomes enforceable; and (2) the effective date of any other agreements that are exhibits to that Settlement Agreement and to which any or all of the Cities of Avondale, Chandler, Glendale or Scottsdale are parties. Should any appeal(s) be filed challenging the adjudication court's or courts' order(s), decree or decrees approving the Settlement, this Contract shall be extended until the final determination of any and all such appeals.

The total cost of this contract for legal services is no more than \$120,000.00, which is divided equally among the four Cities. The cost to Chandler is no more than \$30,000.00.

22. PRELIMINARY DEVELOPMENT PLAN: Montage Villas

APPROVED Preliminary Development Plan, PDP07-0031 Montage Villas, for a 60-unit multi-family residential development on approximately 5.3 acres at the NWC of Pecos and Canal Drive. (Applicant: Rob Graham, Graham Development.)

The site is approximately ½ mile east of the NEC of Pecos and McQueen roads. West, adjacent to the site, is the Willis Ranch single-family residential neighborhood. North, across Valero Street, is the Chandler Ranch single-family residential neighborhood. East, across Canal Drive, is a vacant property that was zoned as part of the Chandler Ranch development for commercial uses.

The subject site received zoning approval in 1983 for a 99-unit apartment complex as part of the larger 92.5-acre proposal that included the entire Chandler Ranch area. The 1983 rezoning request extended from the subject site's west boundary, north to Frye Road and east to the Consolidated Canal. A conceptual plan was approved for the subject site at the time, with Preliminary Development Plans to be reviewed upon later submittal.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 12, 2007. There was one neighbor in attendance. Staff has received four calls regarding this application. One had concerns with the maintenance of the site and vacant lot across Canal Drive, but was in support of the request; the second was opposed to the request to allow a multi-family development; the third and fourth callers were

concerned with the ability of the condominium residents to look into the backyards of the neighborhood to the west as well as grade elevations of the site in comparison with the residential neighborhoods. Conditions have been added to address some of these concerns.

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

1. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
2. Completion of the construction 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.
3. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.
4. Development shall be in substantial conformance with the Development Booklet entitled "Montage Villas", kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0031, except as modified by condition herein.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
6. The site shall be maintained in a clean and orderly manner.
7. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
8. The parking space canopies shall incorporate building materials, forms and colors to match the development.
9. 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.
10. The applicant shall work with Staff to provide ample trash receptacles.
11. The applicant shall work with Staff to relocate trash receptacles off of the property boundaries adjacent to the single-family residential neighborhoods.
12. The applicant shall work with Staff to finalize a modified landscape plan on the west side of the site.
13. The applicant shall work with Staff to modify window locations on the west building elevations for buildings 6, 8 and 9 to address privacy concerns with adjacent homes.
14. The applicant shall work with Staff to review and develop a residential exterior building lighting plan.
15. The applicant shall work with the area property owners at the time of construction to address pest control.
16. The applicant shall install and maintain landscaping in the Canal Drive landscape island.

23. REZONING: Coppertree Village

WITHDREW, FOR THE PURPOSE OF RE-ADVERTISING, Zoning, DVR07-0053 Coppertree Village, rezoning from C-3 and AG-1 to PAD with PDP for commercial retail, general/medical office and flex warehousing on approximately 11.48 acres north of the NEC of Germann Road and Arizona Avenue.

24. REZONING: Red Rock Business Plaza

CONTINUED TO MAY 22, 2008, Zoning, DVR07-0058 Red Rock Business Plaza, rezoning from PAD to PAD amended to expand the list of permitted uses within a 14-acre business park at the NEC of Wright Drive and Germann Road to allow the applicant additional time to address parking issues.

25. CONDEMNATION SETTLEMENT: City of Chandler v. Doms, et. al.

AUTHORIZED the condemnation settlement in *City of Chandler v. Doms, et al.*, Cause No. 2007-090538, in the amount of \$225,000.00.

This concerns a condemnation action filed on April 4, 2007, in connection with the Dobson/Warner Intersection improvement project. The City is acquiring roadway in fee and a temporary construction easement, together with incidental site improvements from a retail center located around the southwest corner of Dobson Road and Warner Road. The City acquired immediate possession of the needed property on May 11, 2007.

The City's appraisal had valued the property being acquired at \$124,105.00, which was based on a rate of \$10.00/sq. ft., plus an amount for certain improvement relocations and minor cost-to-cure items, but no severance damages. The landowner provided an appraisal valuing the acquisition of \$262,424.00, which was based on a rate of \$16.00/sq. ft. plus certain cost-to-cure items, plus severance damages.

The City's appraisal had valued the subject property at a date almost seven months earlier than the date suit was filed. At that time, the owners had not yet begun construction on a separate commercial building pad at the north end of the retail center, but were in for building permit review. The owner's appraisal valued the site as of the date suit was filed. At that time, permits had been issued and construction had begun on the building pad. The City engaged a third, independent appraiser as a consulting expert to review the two appraisals and provide advice. He indicated that the just compensation or damages resulting from the acquisition would be at or near \$200,000.00.

26. CLAIMS REPORT

APPROVED the Claims Report for the Accounts Payable checks for the quarter ending March 31, 2008.

27. MEMORANDUM OF UNDERSTANDING: SEIU

APPROVED Reopening the Memorandum of Understanding (M.O.U.) dated July 1, 2007 – June 30, 2009, and authorized a 2.9% wage increase and vacation accrual increase with Service Employees International Union (S.E.I.U.) to be effective July 6, 2008.

The two reopened issues are wage increase and an increase in vacation accruals.

Effective July 6, 2008:

- Two and nine tenths percent (2.9%) wage increase
- New vacation language, effective July 6, 2008:

Every full-time S.E.I.U. bargaining unit member who works a full-time schedule 52 weeks a year, shall be credited vacation leave as follows for every completed pay period:

- 4.0 hours per pay period for the first 5 years of service
- 4.9 hours per pay period for employees with 5 or more years of service but less than 10 years of service
- 5.7 hours per pay period for employees with 10 or more years of service but less than 15 years of service
- 6.6 hours per pay period for employees with 15 or more years of service but less than 20 years of service
- 7.4 hours per pay period for employees with 20 or more years of service

Regular employees who work less than full time but 1040 hours or more a year in a budgetary approved position, shall be credited vacation leave on a prorated basis. The prorated basis shall be established by dividing the number of hours scheduled per week by 40 and multiplying by the accrual rate for a full-time employee with the same length of service.

Total compensation increased costs are 3.1%. This does not include retirement or merit increase costs. Each employee organization designed their economic package based on their organization's needs within the overall total compensation parameters.

28. AGREEMENT: Habitat for Humanity

APPROVED an Agreement with Habitat for Humanity for a Housing Development Project Loan in the amount of \$235,000.00.

During the budget process, the Council approved funds to assist Habitat for Humanity (HfH) to acquire property in a specific portion of the Redevelopment Area. Habitat for Humanity's goal is to construct five, single-family homes in the area that will be affordable for low-income families. Besides assistance from the City, HfH utilizes other donations, 0% interest mortgages, volunteer labor and the sweat equity of the partner families to achieve the goal.

Unfortunately, acquisition of property by HfH has been slowed due to rising costs involved in land acquisition and diminished financial resources they have had access to in the past. As an example, prices for some lots have recently come with prices of up to \$80,000.00. Under the current program, the City will reimburse only \$30,000.00 for a vacant lot and \$72,500.00 for a lot requiring the demolition of a structure. Increasing the amount available and making it more flexible (supplement construction costs) will allow HfH to more successfully negotiate with property owners. Additionally, Staff recommends that these funds be made more flexible to allow for reimbursement of construction costs for new homes and costs associated with the reconstruction of homes owned by low-income Chandler families.

29. AGREEMENT EXTENSION: West Coast Equipment

APPROVED a one-year Agreement Extension with West Coast Equipment for street sweeper brooms, utilizing the City of Tempe contract, in an amount not to exceed \$50,000.00.

30. AGREEMENT EXTENSION: Action Barricade Company

APPROVED a one-year Agreement extension with Action Barricade Company for traffic signposts in an amount not to exceed \$70,000.00.

31. AGREEMENT EXTENSION: Temporary Employees

APPROVED a one-year Agreement extension with Ensynch, Inc., *Judge Technical Staffing, *Ablest Technology Services, MSS Technologies, At-Tech, Yoh Services LLC, ClieSolV Technologies, and Three Dimensional Resource Planning for temporary employees for Information Technology in a combined total amount not to exceed \$500,000.00.

The Information Technology Division has historically hired temporary employees to assist in special projects or who have specialized skills in a specific technical area. These employees complement the current Information Technology Staff and are intended to work on a temporary basis for a specific assignment. City Staff believes it is in the best interest of the City to contract with vendors that would assist the Information Technology Division. These vendors will identify temporary employees with specific technical skills that would work in this capacity. The Information Technology division worked closely with the Human Resources division in establishing an agreement with these vendors that was consistent with the City's hiring policies and practices for temporary employees. (*Note – two vendors Ablest and Judge Technical Staffing were incorrectly listed on the agenda. Refer to the May 8th Council meeting minutes for corrective action).

32. AGREEMENT EXTENSION: East Valley Uniforms

APPROVED a one-year Agreement extension #PD7-200-2460 with West Valley Uniforms, Inc., dba East Valley Uniforms, for police uniforms in an amount not to exceed \$130,000.00.

33. AGREEMENT: Rosendin Electric

APPROVED Agreement #PD0803-401 with Rosendin Electric for 9-1-1 system replacement in an amount not to exceed \$91,348.00.

Maricopa Region 9-1-1 had planned to replace the Chandler Police Department's current 9-1-1 system with a new more reliable system in late 2007. The current system, originally installed in 2002, has experienced many equipment issues during the past year including loss of statistical data and position down time. Maricopa Region 9-1-1 provides maintenance and support 24 hours a day, seven days a week, but has experienced increased difficulty in obtaining replacement parts to maintain the system due to lack of availability and the fact that the manufacturer no longer supports the system's existing hardware. As planning began for the new system, it became apparent in December 2007 that there was insufficient electrical power and insufficient UPS power available in the City's 9-1-1 Dispatch Center to support the new system and that the City's Building and Facilities Department did not have the resources to complete the required work. It was suggested by the Building and Facilities Department that an electrical engineer be consulted to meet the requirements. This was done and it was determined that additional power for the 9-1-1 System could be brought from the main power source at the main Police Department building to the existing Police Dispatch Center. Maricopa Region 9-1-1 has purchased and received the required equipment to install the new 9-1-1 system in the City of Chandler and has already begun installation of cables and mounting racks to support the new system in the Police Department's Dispatch Center. They are ready to begin installation of the 9-1-1 hardware once the required electrical power is available. Maricopa Region 9-1-1 will fund,

install and support the new 9-1-1 system once in place. This project includes the installation of equipment necessary for additional power and UPS power to support the 9-1-1 system.

34. AGREEMENT AMENDMENT: Arizona Generator Technology

APPROVED an Agreement Amendment with Arizona Generator Technology for generator maintenance in an amount not to exceed \$79,000.00.

35. AGREEMENT: Dick & Fritsche Design Group

APPROVED Agreement #LI0801-201 with Dick & Fritsche Design Group for professional services for interior library improvements to the Basha and Hamilton libraries in an amount not to exceed \$69,155.00.

This project will create dedicated children's early literacy and teen spaces at the Basha and Hamilton libraries in response to the increasing use of the facilities by new families in the community. The goal is to incorporate Early Learning Centers into those libraries to provide parents and preschoolers with interactive modules and educational amenities that will increase the pre-literacy skills and school readiness of children. The dedicated teen spaces will create special areas designed to provide a positive experience for teens, engaging them in information and computer literacy activities during the years of their lives when libraries traditionally lose the patronage of this age group.

36. AGREEMENT: Aquatic Environmental Systems, Inc.

APPROVED an Agreement with Aquatic Environmental Systems, Inc., for the purchase of insulated pool covers in the amount of \$54,901.55.

37. AGREEMENT: gbaMS, Inc.

APPROVED an Agreement with gbaMS, Inc., for an enterprise asset management system in an amount not to exceed \$687,289.00.

In December 2006, Council awarded an agreement to Red Oak Consulting to assist the City in determining the feasibility of an enterprise asset management system after the Information Technology Oversight Committee (ITOC) had received several similar asset management/work order project requests from various City departments. A core team of members from each department was formed and Red Oak held a series of workshops and meetings with the core team and determined that an enterprise asset management system would be the best option for the City. Red Oak also assisted in the development of the specifications and critical factors for use in the evaluation process.

38. AGREEMENT: Perlman Architects of Arizona, Inc.

APPROVED Agreement #FIO803-201 with Perlman Architects of Arizona, Inc., for design services for the fire training center expansion in an amount not to exceed \$521,658.00.

In June 2005, Intel donated an additional five acres of land directly adjacent to the current Fire Training Center to be used for the expansion of this facility. The expansion to the new five acres will occur in two phases over the next 4 years.

Phase I will be the design and construction of an approximately 8,000 sq. ft. "strip mall" burn prop and 10,000 sq. ft. utility building as strip mall incidents are becoming more frequent for the Fire Department. As the City continues to add more commercial complexes, and these structures continue to age, it is critical that firefighters have access to training that can mimic real world situations in a controlled training atmosphere. The utility building will serve as an indoor amphitheater, a simulated "big box" structure, and an indoor physical fitness testing facility and to store large amounts of equipment needed to run an effective training program. The building will also provide storage for auxiliary fire department vehicles, reserve fire engines and fire fighting equipment.

In addition to the design of Phase I, the project will include the master planning for both Phase I and Phase II. Phase II will include the design and construction of additional classroom space that will be needed when the Department reaches build-out. Design of Phase I, including master planning and programming, is expected to last 12 months. The estimated construction cost of Phase I is \$3.8 million.

39. AGREEMENT: Environmental Support Solutions, Inc.

APPROVED an Agreement with Environmental Support Solutions, Inc., for license, professional services, and maintenance for the purchase of ESS Crisis software for the Emergency Operations Center (EOC), sole source, in an amount not to exceed \$39,045.00.

The EOC is a critical facility for the security and safety of Chandler. During large-scale emergencies and disasters, the EOC will become the seat of government and will serve as a central location where critical scene support, emergency operations decisions, and emergency declarations can be made. Technology is necessary as it will greatly enhance community and data collection abilities, improve the facilitation, coordination and dissemination of vital information and services.

The EOC lacks the Crisis Management Information Systems software and e-mail capabilities. This project would provide the ability to purchase a commercially available Crisis Management Information Systems software application. This software is currently in use by surrounding cities (Tempe, Mesa and Gilbert), and would allow Chandler to better communicate with the other cities during an emergency event.

Currently, a T1 line is being used to connect the EOC computers with the City network. This connection is slow and will not meet the needs during an actual emergency event. The EOC has fiber available through the City's Traffic Division for use. This project will provide the means for fiber connectivity and hardware required. The hardware required is a high-end switch to allow communications to the City's network.

40. AGREEMENT: Brycon Construction

APPROVED Agreement #FIO802-401 with Brycon Construction for an upgrade exhaust system at Fire Stations No. 1 and 2 and AUTHORIZED design services for Fire Station No. 4, pursuant to JOC07-06, in an amount not to exceed \$238,023.00.

City Staff has identified that the existing diesel exhaust extraction systems at Fire Stations No. 1,2, and 4 are inadequate at removing exhaust emissions from fire trucks from the bay area in a timely and efficient manner. The current exhaust systems have become outdated and are no longer effective in removing diesel exhaust from the apparatus by area and preventing it from

lingering in the bay or entering the living area of the fire stations. One of the upgrades, Fire Station #2, is part of the road improvement project for the Alma School and Warner roads intersection. The construction project changed the ingress and egress of the station. This change has created a relocation and upgrade of the diesel exhaust system at this station. The upgrade for Fire Station #1 is funded in the FY 07-08 budget as a one-time appropriation. The upgrade for Fire Station #4 will be designed in FY 07-08 but the construction portion will depend on future funding. City Staff has requested these improvements to ensure the safety of crews assigned to the three fire stations.

41. AGREEMENT: Aquatic Consulting & Testing, Inc.

APPROVED an Agreement with Aquatic Consulting & Testing, Inc., for pond management midge fly/mosquito and odor control in an amount not to exceed \$170,000.00.

The City of Chandler's Reverse Osmosis Facility maintains a 32-acre brine evaporation pond site near Gilbert and Ocotillo roads. Several housing developments were constructed in close proximity to the site and residents in nearby developments have reported odors and a Midge Fly nuisance associated with the ponds. Since 2003, the City of Chandler has contracted for the treatment of the ponds with insecticide and to monitor Midge Fly and mosquito populations. The treatments have reduced Midge Fly and mosquito activity. In addition, odor control measures have been taken around the ponds resulting in reduced odors. The Airport Water Reclamation Facility will also be using this contractor for Midge Fly and mosquito sampling and control at the Chandler Heights Recharge Facility.

42. AGREEMENT EXTENSION: Hill Brothers Chemical Company

APPROVED an Agreement Extension with Hill Brothers Chemical Company for the purchase of sodium hypochlorite (bleach) used for the treatment of sewer odors in an amount not to exceed \$125,372.00.

43. No Item.

44. AGREEMENT AMENDMENT: Ocotillo Management Group

APPROVED Agreement Amendment No. 1 with Ocotillo Management Group (OMG)/Chandler Reclaimed Water.

In 1983, the City of Chandler and OMG partnered to beneficially reuse the reclaimed water from the Ocotillo Water Reclamation Facility. In 2001, the agreement was re-written to recognize changes to the long-term needs for both parties.

With the initiation of various commercial projects in the Price Road corridor near the Santan Freeway, Staff and OMG met to discuss various reclaimed water delivery scenarios. This area is in the OMG Service Area as depicted in the Reclaimed Water Master Plan. The City currently had reclaimed infrastructure along Price Road to service the Santan Freeway and areas to the north. Staff and OMG agreed it made sense for the City to serve this area of approximately 210 acres and bill OMG for the water and the use of the City infrastructure. Each parcel in this area will be individually billed to OMG as they start using reclaimed water. The City Engineer calculated the cost of the reclaimed water line and determined a fair charge for the use. This

agreement will benefit both sides in that the City will recover some cost on the pipe and will not have a second reclaimed water line installed in Price Road.

The City revenue for the water will not change. The City will recover a small part of the construction cost of the pipe for minimal use by OMG customers.

45. AGREEMENT: Clear Creek Associates

APPROVED Agreement #EN0710-101 with Clear Creek Associates for hydrogeological services for one year with the option of four one-year renewals in an amount not to exceed \$500,000.00.

The development, design and permitting of new well sites are required to provide water to meet the City's future demands. This annual contract will provide for various hydrogeological services such as studies, design and construction management for the testing and drilling of diagnostic and water production wells, permitting assistance and well rehabilitation related to arsenic and nitrate issues. Work will be rotated among the firms based on their availability and expertise.

Individual project agreements will be prepared for execution and approval for each specific project. Project agreements over \$50,000.00 will be submitted for Council approval up to the annual aggregate of \$500,000.00.

46. AGREEMENT: Maracay Stonefield LLC

APPROVED Agreement #OA7-006 with Maracay Stonefield LLC, deferring improvements to Germann Road across the frontage of the Stonefield subdivision and accepting a lump sum payment of \$190,862.00.

A residential subdivision to be known as Stonefield is being constructed on the south side of Germann Road, east of Dobson Road. The developer is Maracay Stonefield LLC. Associated with this development is a requirement to construct certain offsite improvements along Germann Road. The City has a current capital improvement project that includes the improvement of this portion of Germann Road. In order to minimize the need for coordination between two contractors and to prevent having traffic on Germann road disrupted twice, it was concluded that the preferred approach was to obtain a lump sum payment from the developer and incorporate this work into the City project. Accordingly, a lump sum offsite improvement agreement has been prepared to cover this work.

Under this agreement, the developer will make a lump sum payment to cover his obligation for these improvements and in exchange for this lump sum payment, the developer will be relieved of any further responsibility for this work. The funds received by the City will be applied to the cost of constructing the improvements.

47. AGREEMENT: Ritoch-Powell

APPROVED Agreement #ST0810-201 with Ritoch-Powell for design services for McQueen Road Improvements (Queen Creek Road to Riggs Road) in an amount not to exceed \$1,699,891.00.

This project will design improvements to McQueen Road (Queen Creek to Riggs) to meet the increasing traffic volume demands in this area of south Chandler. Per the Transportation Master Plan, McQueen Road will be improved to six traffic lanes from Queen Creek Road to Chandler Heights Road and improved to four traffic lanes from Chandler heights Road to Riggs Road.

Portions of this roadway segment have been constructed to the half-street section by private developments along McQueen Road. This project will complete the half-street areas to full width major or minor arterial sections and construct the full street section in the areas that are currently two lanes. This project will also include reclaimed water line extensions outside the new roadway and intersection improvements and provide water and sewer laterals to all undeveloped parcels.

48. CONTRACT CHANGE ORDER: Haydon Building Corporation

APPROVED Contract #ST0504-402, Change Order No. 3, with Haydon Building Corporation, Inc., for construction for the Price Road Improvements (Germann to Santan) in the amount of \$1,177,378.00, for a revised contract price of \$7,940,669.80.

49. CONTRACT/CONTINGENCY TRANSFER: Haydon Building Corporation

APPROVED Contract #ST0501-401 to Haydon Building Corporation for construction of the Chandler Park and Ride Lot in an amount not to exceed \$6,386,608.46.

APPROVED a Contingency Transfer in the amount of \$100,000.00 from the Local Transportation Assistance Fund Non-Departmental contingency account to the Loop 202 Commuter Park & Ride Project.

In 2001, Maricopa Association of Governments (MAG) began the MAG Park and Ride site selection study to identify a regional system of park and ride lots to support regional express bus system, carpooling and vanpooling. The need for a Park and Ride site in Chandler was determined from the following:

- Recommendations from the 2001 MAG Park and Ride site selection committee
- Projected population growth both north and south of the park and ride target site selection area.
- Projected traffic volumes along the north-south arterials in the southern parts of Chandler.
- Proportion of Valley Metro express ridership in the Chandler area.

Reimbursement from Proposition 400 is \$4,580,226.00.

50. CONTRACT EXTENSION: Nickle Contracting, LLC

APPROVED a one-year Contract extension with Nickle Contracting, LLC, for park development services, pursuant to JOC05-05, in an amount not to exceed \$2,600,000.00. This is the third of four optional one-year extensions and will run thru April 18, 2009.

51. CONTRACT EXTENSION: Valley Rain Construction Corporation

APPROVED a one-year Contract extension with Valley Rain Construction Corporation for park development services, pursuant to JOC05-06, in an amount not to exceed \$2,300,000.00. This is the third of four optional one-year extensions and will run thru June 14, 2009.

52. CONTRACT CHANGE ORDER: Low Mountain Construction, Inc.

APPROVED Contract #CS0502-401 Change Order No. 1 to Low Mountain Construction, Inc., for Construction Manager at Risk for the Mesquite Groves Aquatic Center in an amount not to exceed \$78,418.00, for a revised contract amount of \$8,867,418.00.

On May 10, 2007, Council approved a Construction Manager at Risk Contract (CM@R) to Low Mountain Construction, Inc., for the construction of the Mesquite Groves Aquatic Center, formerly known as the Val Vista – Riggs Aquatic Center at 5901 S. Hillcrest Drive. The project began construction in July 2007 and is currently 74% complete.

Several items relating to the construction of this project are included in this change order. Construction documents specify an integral color concrete deck with a light broom finish. After a mock-up for the concrete deck was created and reviewed, it was determined that the light broom finish would not create the necessary slip-resistant surface required on the pool deck. The solution agreed upon by the contractor and City Staff is to use a “lace” stamped concrete finish. Not only will this solution provide the necessary slip-resistant deck surface, it will retain less heat, create a more unified appearance and requires less maintenance.

During the initial design phase for the Mesquite Groves Park site, it was determined a 12” reclaimed water line would be necessary for the future park development. Installing this line during the pool construction phase will eliminate future street cuts on a newly paved street.

The final item of the change order requires a design modification to the diving well wall. The current design does not comply with AIA diving requirements and also prevents the necessary flexion of the diving boards during normal use. A solution was recommend by the diving board manufacturer and engineer, which requires modifications to the wall at each board location. This modification will allow the boards to meet the 1-meter requirement for completion purposes and allow normal use of the diving boards.

53. PURCHASE: NEC

APPROVED the Purchase of computer network equipment from NEC, utilizing the City of Tempe contract, in an amount not to exceed \$120,000.00.

The Fire Department needs to assure that the electronic maps on the Mobile Data Computers located in all emergency response units are up to date for responses to emergency incidents. Currently, the equipment to update the mobile data computers is only available in Chandler at the fire support services facility. The ability for units to regularly go to this facility to electronically download updates is limited, resulting in units having maps that are not current. This computer network equipment will provide electronic download capabilities for the mobile data computers in all 10 fire stations to assure that the most up to date maps are available to personnel when they respond to emergency incidents.

54. PURCHASE: CLH International, Inc.

APPROVED the Purchase of communication equipment from CLH International, Inc., utilizing the Mohave Educational Services Cooperative contract, in an amount not to exceed \$39,750.00.

On February 24, 2005, Council approved the use of mobile data computers that use Sprint data airtime for transferring data to and from police units working in the field. As part of the infrastructure to transfer data between the mobile clients and the Sprint network, a Padcom TotalRoam solution was installed that provided the networking solutions needed via the Sprint network and also met the encryption security requirements set by the Department of Public Safety for accessing information housed in the Arizona Crime Information Center and the

National Crime Information Center via a mobile client. Data transferred over this network includes information transmitted between police field units and the police dispatcher, in addition to the electronic submittal of police reports. Last year, Netmotion Wireless acquired Padcom, Inc., and provided a time frame through June 2008 for the Padcom customers to migrate to the Netmotion software platform. The Police Department contacted Information Technology and Project Number 031008PDPN was initiated to complete this migration. This request is for approval to update the hardware and software necessary to migrate to the Netmotion platform in order to maintain the required data link between mobile units and the Sprint network currently in place used for transmitting data to and from police mobile data computers.

55. USE PERMIT: Crook's Chiropractic

APPROVED Use Permit UP08-0001 Crook's Chiropractic, to operate a chiropractic office in a single-family home within an AG-1 zoned district at 100 S. Cooper Road. (Applicant: Blaine Randall, property owner.)

Directly north and south of the subject site are single-family homes owned by the applicant. West, adjacent to the subject site, is the Consolidated Canal. Directly east, adjacent to the subject site, is Cooper Road.

The site received Use Permit approval in 1983 to operate a chiropractic office for two years with the potential of the Use Permit being extended by Council. The Use Permit was never extended and remained in operation as a chiropractic office until 1993. In 2006, the property changed ownership to the current property owner and was used as an office. The Use Permit request is to allow the use of the home as a chiropractic office. The chiropractic office will then be sold to the chiropractor.

Currently, the site retains its residential atmosphere and the use is considerable under the Residential Conversion Policy (RCP). The RCP does not require conversions to meet the Commercial Design Standards for landscaping based on the assumption that landscaping is inherently a part of the residential use. Unfortunately, the existing home does not provide any landscaping. In order to provide landscaping, the request will need to meet the Commercial Design Standards for landscaping along the Cooper Road frontage. In order to meet the standards, the chiropractic office will be required to install approximately seven trees plus 41 shrubs within the 20-foot landscape setback along the 184-foot Cooper Road frontage. The site is open on all property lines. A ten-foot landscape buffer would be required on the north and south property lines. Landscaping, solid screening and/or berms are required to screen parking areas from the surrounding residential property boundaries.

A neighborhood meeting was held on Tuesday, February 26, 2008. No neighbors were in attendance. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan, AG-1 zoning, and the residential Conversion Policy, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Landscaping shall be in compliance with current Commercial Design Standards.
2. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
3. The site shall be maintained in a clean and orderly manner.

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. 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. The driveway and parking surfaces shall be asphalt or concrete.
7. The applicant shall work with Staff to provide a parking screen wall.
8. The applicant shall work with Staff to provide enhancements along the Paseo canal to meet the intent of the Paseo Trail Plan.
9. The applicant shall work with Staff to ensure proper ADA requirements for the building and site are applied.

56. USE PERMIT: Buffalo Wings & Rings

APPROVED Use Permit UP08-0011 Buffalo Wings & Rings, Series 12, for the sale of all spirituous liquor for on-premise consumption only within a new restaurant at 1760 W. Chandler Boulevard. (Applicant: Jim Lolli, business owner.)

The restaurant is locating in a new tenant shops building west of the existing Denny's restaurant off of Pennington Drive. The tenant shops building includes three tenant spaces. Driving MBA occupies one space at the west end and the new restaurant will occupy the remaining two suites. Buffalo Wings & Rings is casual, family-friendly dining and will not have any live entertainment, pool tables, outdoor speakers, or the like.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held March 26, 2008. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request. The Police Department has been informed of the application and has responded with no issues or concerns.

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

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan, and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, a bar serving area or the addition of entertainment related uses shall require new Use Permit re-application and approval.
3. The Use Permit is granted for a Series 12 license only, and any change of licenses shall require re-application and new Use Permit approval.
4. The Use Permit is non-transferable to other restaurant locations.
5. The site and outdoor dining area shall be maintained in a clean and orderly manner.
6. Shrubs shall be installed and maintained in the two raised landscape planters within the common pedestrian seating area and install an automatic watering system.

57. LIQUOR LICENSE: Buffalo Wings & Rings

APPROVED a Series 12 Restaurant Liquor License (Chandler #119056 L12) for James Stephen Lolli, Agent, JC Restaurant Company, dba Buffalo Wings & Rings, 1760 W. Chandler Boulevard. A recommendation for approval of State Liquor License #12077521 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.

58. LIQUOR LICENSE: CVS Pharmacy #9283

CONTINUED TO MAY 22, 2008, Liquor License, Series 9, for Jason Barclay Morris, Agent, Chandler Warner CVS, LLC, dba CVS Pharmacy #9283 at 180 N. Dobson Road to allow the completion of Planning and Development Use Permit requirements.

59. LIQUOR LICENSE: Wal-Mart Store #1512

APPROVED a Series 9 Liquor Store Liquor License (Chandler #15510 L09) for Clare Hollie Abel, Agent, Wal-Mart Stores, Inc., dba Wal-Mart Store #1512, 800 W. Warner Road. A recommendation for approval of State Liquor License #09070486 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.

60. LIQUOR LICENSE: Wild Hare

APPROVED a Series 12 Restaurant Liquor License (Chandler #119103 L12) for Randy D. Nations, Agent, Runnin' M Enterprises, LLC, dba Wild Hare, 4910 W. Ray Road, Suite #3. A recommendation for approval of State Liquor License #12077543 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.

61. LIQUOR LICENSE: Wingstop

APPROVED a Series 12 Restaurant Liquor License (Chandler #118832 L12) for Tracy Ann Henry, Agent, JT Wing6 LLC, dba Wingstop, 5905 W. Chandler Boulevard, Suite #1. A recommendation for approval of State Liquor License #12077527 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.

62. SPECIAL EVENT LIQUOR LICENSE: St. Anne's Little Flower Montessori School

APPROVED a Special Event Liquor License for St. Anne Little Flower Montessori School for a Renaissance Ball Dinner and Fundraiser on Friday, May 2, 2008, from 5:00 p.m. until 11:00 p.m. at The Castle at Ashley Manor, 1300 S. Price Road. 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.

63. PRELIMINARY CONDOMINIUM PLAT: Garage Town At Southshore Town Center Phase II

APPROVED Preliminary Condominium Plat PPT07-0039 Garage Town At Southshore Town Center Phase II, for a condo storage unit development consisting of 117 units east of the SEC of Arizona Avenue and Ocotillo Road. (Applicant: United Engineering Group.) The plat creates the lots, tracts, and easements necessary for the property's development.

The Planning Commission and Staff recommend approval 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.

ACTION:

64. REZONING: Norton's Crossing

COUNCILMEMBER ORLANDO DECLARED A CONFLICT OF INTEREST AND EXCUSED HIMSELF FROM THE DAIS.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4053, DVR07-0042 Norton's Crossing, rezoning from PAD for commercial uses to PAD amended for an office, retail and multi-family development, with PDP for site layout and building architecture on approximately 23.5 acres at the NWC of Chandler Boulevard and Gilbert Road. (Applicant: Mike Curley, Earl, Curley & Lagarde P.C.)

CITY PLANNER ERIK SWANSON presented this case. The site is currently undeveloped. Directly north and west is the Dobson Place single-family residential neighborhood. East, across Gilbert Road at the intersection corner, is a CVS Pharmacy located within the Town of Gilbert. South, across Chandler Boulevard is a Circle K Fuel station, vacant land and an automotive shop, all located in a county island. In addition, there is a small trailer park and the Colonia Coronita single-family residential subdivision, both located within the City of Chandler.

In 1993, a 230-acre master plan was approved; the subject site was part of that approval. As part of the master plan, there were provisions for an approximate 16-acre commercial site located at the intersection corner, and approximate 10-acre multi-family site located west of the intersection corner, located where the current proposal is being requested. The zoning was conditional upon construction commencing within two years. In 1995, a second rezoning and PDP application was made for the Dobson Place single-family neighborhood. The rezoning and PDP was approved and as part of the approval, the multi-family portion of the 1993 approval was removed and the commercial zoning was extended to include what was the multi-family portion. With the development of the Dobson Place single-family residential neighborhood, the zoning was vested for the site. The subject site is currently zoned PAD for commercial development.

The current proposal is requesting approximately 7.67 acres of commercial development and 15.85 net acres of multi-family residential development. The commercial development extends from the intersection corner north along Gilbert Road to the edge of the property boundary and west from the intersection along Chandler Boulevard for approximately 1,000 feet. The depth of the commercial portion of the development is approximately 250-300 feet. The proposal includes two entrances to the site along Gilbert Road, with the northern entrance also serving as

ingress/egress for the residential component and three points of ingress/egress along Chandler Boulevard. The western most drive along Chandler Boulevard serves as egress only for the residential development. The main entrance servicing the development is located along Chandler Boulevard. The entry provides a boulevard drive that terminates at a roundabout that highlights the clubhouse. Gated residential entrances area located on the west and east sides of the roundabout. An architectural tower is provided at the entry of the roundabout.

The residential development proposes approximately 286 residential units, at an overall density of 18 dwelling units per acre. The residential portion of the development will be for-rent apartments, although the developer has implied that apartments have the ability to be for-purchase condominiums. The residential buildings are a mix of two and three-story buildings. The height of the three-story building is 37'-6".

The commercial development proposes 46,670 sq. ft. of commercial retail space including a grocery pad to be divided into seven separate buildings.

Staff finds the proposal to represent a quality development where care has been taken by the developer to provide strong interaction between the commercial and residential components. Staff believes that this development will create a mix of uses where the surrounding residential developments can support the additional commercial uses. Discussion between various City departments ensued over the feasibility of complete commercial development on the corner; but Staff found that with the significant commercial opportunities provided at the Crossroads Towne Center development, a mix of residential and commercial uses was feasible at the subject site. Overall, Staff finds the proposal to represent a quality development that incorporates strong details to enhance the interaction of the commercial and residential developments. In addition, Staff supports the development finding that the development was designed in an attractive manner to accommodate an infill site.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held November 29, 2007. There were approximately 13 neighbors in attendance. The applicant also presented the proposal on March 27, 2008, at an HOA meeting to further address concerns and provide details on various changes that have been made to the site.

Staff has received correspondence in opposition to the rezoning request and there is a legal protest. The legal protest will require a $\frac{3}{4}$ vote by City Council for approval of the request. Staff has also received two phone calls and two emails from residents in support of the proposal.

Many concerns from the residents included the location of buildings and structures within close proximity of the single-family homes, the height of the three-story apartment buildings, the residential product as apartments, the increased lighting and the effects it may have on the single-family homes surrounding the site, the large amount of parking spaces, potential crime increase, and the ability for the school in the neighborhood to handle the additional children.

MAYOR DUNN clarified with the City Attorney that because of the legal protest requiring a $\frac{3}{4}$ vote and there are only 6 Councilmembers participating, it would take a unanimous vote. City Attorney Mary Wade responded that it would take five affirmative votes.

MAYOR DUNN asked for clarification on Staff's recommendation for the mixed-use element. The total site is approximately 23 acres and the request is to development 7.6 acres. The entire site would be considered a medium-large commercial site.

SENIOR ECONOMIC DEVELOPMENT SPECIALIST CHRIS MACKAY said that from an economic development standpoint, the site would be considered a medium sized parcel. It was planned to be neighborhood commercial including a grocery-store anchored, in-line shop neighborhood center. A big-box could have gone there. MAYOR DUNN expressed concern with giving up commercial development through this application. Ms. Mackay responded that Economic Development Staff worked with Planning Staff on that issue and concluded that it is not a "go home corner", but rather a "go to work" corner. There are seven grocery stores within a three mile radius of that area and two have failed and more coming in. The trend appears to be more towards smaller neighborhood markets. Consequently, Staff did not feel it was a viable site for a grocery-store anchored development. They looked at the next level of support retail and found that so much retail has gone from the site to Gilbert and 202 and there is still more to come. They also have to consider what is being built on the Gilbert side of the area. There is too much retail saturation in one area; the success of the existing businesses is jeopardized.

Ms. Mackay continued that they also looked at whether or not the proposed site would be a good use for an office. There is a lot of office planned for Chandler and they did not want to put anything on that corner that could potentially detract from signature, Class A offices along the 202. They then considered medical office/condo; however, the opening of the 202 took more traffic than expected from Chandler Boulevard and Pecos Road. There is also a lot of medical office being built. Staff felt the proposal was the best for the site. The 47,000 sq. ft. retail would be easy to support. Also, by adding the 286 additional residential units, it would help exciting retail in the area. This site is considered infill because the areas surrounding it have been developed and this lot has been "jumped over". It has been vacant for over ten years and could be vacant indefinitely if the right project does not come along.

MIKE CURLEY, 3101 N. Central, Phoenix, applicant, said that the application comes before Council with the support of Staff, the Planning and Zoning Commission and the Economic Development Division. They also submitted petitions from residents in the area in support. Before they began the process, they met with the Economic Development Division and Planning and Development and commissioned a study by Elliot Pollack to analyze the area to see if it was feasible to develop the 23 acres commercially and, if not, how much the area could support. He acknowledged they spent a lot of time working with the neighbors trying to address their concerns, but were not able to address all of them.

When they came to Staff to discuss how the retail and residential would interact, Staff mandated that they design the project with a high-end flare and to work with the neighbors. They feel they have complied with both. Mr. Curley reviewed the site plan and architectural elements through overheads.

In addressing the residential element, Mr. Curley continued that they were aware of the interfacing between their site and the single-families to the north and west. They hired Bob Rykowski to go door to door to explain the proposal and get input from the neighbors so they could make modifications as needed.

The plan originally proposed had carriage units (garages with living units above them). The neighbors to the north asked that they be removed because they felt it was too massive next to their homes and also that the 3 stories be kept at least 100 feet away. They went to the next site plan where they eliminated all of the carriage units along the north property line and re-oriented them along the west line. Then the neighbors to the west also wanted them removed. The height of the buildings along the north property line has been reduced from three to two stories.

Another concern of the neighbors was the fear that this project would result in some negative impacts and a decline in property values. Based on the number of projects they have built, there have been no negative impacts. Mr. Curley showed some Starpointe developments throughout the valley. The proposed project will likely turn to condos once the market turns. Single-family residents in the area of this type of project were surveyed and stated they would rather have this type of project than another type of retail.

MR. CHRIS HARRIS, 2801 E. Tyson Street, whose property borders the northern wall of the proposal, spoke in opposition to the project. In 1993, this site was zoned as commercial and multi-family. In 1995, the site was rezoned as all commercial eliminating the multi-family component. He stated that one would assume that it was done at the request of the developer to better market the homes since buyers may not be interested in purchasing a home with the possibility of 3-story apartments being built behind it. Mr. Harris said they bought their home knowing there would be commercial development behind them and is what they were prepared for. They were not prepared to have the zoning changed after they purchased their home. He cited a concern with privacy and noted that commercial would shut down at night whereas residential does not.

MR. LEE COUNCILOR, 2621 E. Binner Drive, whose property is to the west of the site, spoke in opposition to the project. He moved into his home in 1998 and understood it was zoned commercial and was not bothered by Norton's Corner. He has no doubt that Starpointe builds a quality product. He questioned how this project could be sold as condos in the future without garages. He also stated concern with the possibility of constant noise at night and understood that if it were retail, that delivery times could be regulated by the City. He stated additional concerns of traffic and accidents at the intersection of Chandler Boulevard and Gilbert Road and the burden of additional children on the area schools.

MR. CHRIS LEWANDOWSKI, 213 N. Kimberlee Way, spoke in opposition to the multi-family component. He stated while the applicant mentioned condos in the future, until then they will be apartments. The applicant also stated that a representative went door-to-door, but they did not come to Mr. Lewandowski's and they border the project on the west side. He does not think a 25' setback from the back wall is enough.

IAN YOUNG, 2811 E. Tyson Street, said he also bought his home five years ago and expected something to be built on the corner, but not disturbing the quiet neighborhood. He works from home. He bought his home as an investment and felt it will be hard to sell with apartments behind it. He would rather have a big store with delivery times regulated than a line of cars coming and going and alarms going off.

MAYOR DUNN asked Staff to address the effect this development will have on schools and the difference in traffic if it were developed strictly commercial. Mr. Swanson responded that whenever there is a rezoning development, Staff always requests that the applicant meet with the school district to see if they can handle an increase in enrollment. This applicant has met with the school board and the school has indicated they could accommodate any children moving into the complex.

In addressing the traffic issues, Mr. Swanson said that he was not prepared to provide a comparison on the amount of traffic generated from the proposed project with what it would be for a strictly commercial development. He does understand the neighbor's concerns with residents

coming and going 24/7 which would not happen with commercial. There could potentially be a 24-hour business located on this corner.

COUNCILMEMBER WENINGER asked how far the 15' setback on the north side is from the actual buildings. Mr. Swanson responded that it is approximately 100'. A standard setback for a commercial project is 25' plus 1 foot for every foot of building height.

COUNCILMEMBER HARTKE asked if there is an 8' wall with 12' trees on the north side. Mr. Swanson responded that that is required under code.

IN RESPONSE TO QUESTIONS AND CONCERNS, MR. CURLEY said that a traffic study was submitted and it was projected that with commercial development, 10,000 more trips per day would be generated. They met with the school district and it was indicated by the district that there was ample room for more students. In addressing the issue of marketing the apartments as condos and not having garages, Mr. Curley said that they do not see the lack of garages as interfering with a conversion.

In response to THE MAYOR'S question about the third story, it is 150' from the north property line to the third story, 100' to the second story and on the west it is 100' to the third story. He noted that Chandler also has one of the most aggressive landscape policies in the valley requiring 12' trees to be planted.

COUNCILMEMBER WENINGER asked about the phasing of the project. Mr. Swanson said as the residential is built, all of the commercial would go in except the grocery and bank pad. COUNCILMEMBER WENINGER related that his concern is with projects where multi-family is built and the commercial does not get built. Mr. Swanson confirmed that it is stipulated that multi-family will be built simultaneously with the commercial.

MAYOR DUNN asked for clarification on the phasing from the applicant. Mr. Curley replied that they agreed that the retail would be completed in conjunction with the residential.

COUNCILMEMBER HARTKE asked if Starpointe has done other developments without garages. Mr. Curley responded that approximately 70% of Starpointe's projects do not have garages.

VICE-MAYOR HUGGINS asked if the requested zoning would be for higher or lower use intensity. Mr. Curley responded that intensity can be measured through traffic and if the property were to be developed strictly commercial, it would be far more intense than the proposed project.

MOVED BY COUNCILMEMBER, SECONDED BY VICE-MAYOR HUGGINS, TO INTRODUCE AND TENTATIVELY ADOPT ORDINANCE NO. 4053, APPROVING DVR07-0042, NORTON'S CROSSING, SUBJECT TO THE CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION AND STAFF.

MAYOR DUNN commented that this area has changed from when total commercial was recommended for this site. This is a quality mixed-use development and the applicant has made it very compatible with the area and provides amenities.

MOTION CARRIED UNANIMOUSLY (6-0) WITH COUNCILMEMBER ORLANDO ABSTAINING.

COUNCILMEMBER ORLANDO REJOINED THE COUNCIL ON THE DAIS AFTER THEIR VOTE.

65. USE PERMIT: Alma School Place Assisted Living Facility

APPROVED Use Permit UP07-0004 Alma School Place Assisted Living Facility to operate an assisted living home for up to six residents within an existing single-family home at 451 W. Wildhorse Drive, west of the NWC of Arizona Avenue and Willis Road. (Applicant: Marc Lazovich, owner.)

Erik Swanson presented this case. The site is located within the Alma School Place single-family residential neighborhood west of the NWC of Arizona Avenue and Willis Road. It is surrounded on the west, north and east sides by single-family homes and is adjacent to Willis Road on the south property line.

The applicant's request is to allow for the operation of an assisted living home for up to ten residents within the single-family home. The home was constructed in 2004 and, as part of the construction process, the homebuilder built concrete ramps to comply with ADA accessibility requirements.

The original owner requested the ramps with the intention of opening an assisted living home. The original owner never opened the assisted living home and recently sold the home to the current owner. The applicant has never operated an assisted living home, but the facility manager is a licensed manager and has worked in Arizona for approximately six years with prior experience in Florida. The intention of the applicant is to provide a care facility for his mother. Currently there are no residents in the home.

The home is approximately 3,988 square feet and has six bedrooms and four bathrooms. The home has a basement and provides two of the bedrooms and one of the bathrooms downstairs. Residents receiving care will not be occupying the basement level. On the main floor, there are four bedrooms, two full bathrooms and one half-bathroom. The applicant would like to add an additional two bedrooms where the family room is located. With the additional two rooms, the home would provide six bedrooms upstairs. The intention for the downstairs rooms is to allow for live-in caregivers to have private space. The intent is to hire a husband/wife team as live-in caregivers. If live-in caregivers are employed, they will count towards the total of ten residents. If live-in caregivers were not employed, with the additional two rooms upstairs, the home would be able to provide care for ten residents. The home has an enlarged garage that provides parking for two vehicles, and additional storage space. The driveway has parking for three vehicles.

Staff has received a number of emails from residents concerned with the Use Permit request. The concerns included: increased traffic, allowing a business in a residential neighborhood and the number of residents allowed in the home. Staff has found, based on past assisted living home approval, that the residents of the home do not drive, nor do they have vehicles and visitation hours are generally restricted to certain hours. Although Staff finds that the use has a commercial aspect to it, the use itself is still residential in nature. Addressing the number of residents, Staff has found that based on the square footage of the home and the regulations provide in the Zoning code, along with the requirements of the Arizona Department of Health Services, that ten residents is feasible and considerable.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held February 12, 2008. There were 3 neighbors in attendance and opposed to the project. Their concerns included increased traffic, the number of residents

and the effect on home values. Staff has received 27 emails, one response letter and four telephone calls from residents opposed to this request. There has been one email in support.

MAYOR DUNN asked if Staff is also recommending a reduction to six residents and two caregivers as recommended by the Planning Commission. Mr. Swanson responded that they are. THE MAYOR asked if the opposition expressed by neighbors for the ten residents or is it also for the six. Mr. Swanson said there is still opposition.

COUNCILMEMBER CACCAMO asked about the number of bedrooms in the home. Mr. Swanson responded that there are six bedrooms and four baths. The applicant has indicated that they hope to hire a husband/wife live-in caregiver that would occupy the basement. The downstairs area counts as one of the six bedrooms. The applicant would like to convert the family room into two additional bedrooms.

VICE-MAYOR HUGGINS asked what size family would typically live in a home of this size. Mr. Swanson replied that any size family could live there. VICE-MAYOR HUGGINS asked about the one-year timing of the Use Permit. Mr. Swanson responded that because of the opposition, the Planning Commission and Staff have recommended a one-year condition. If the applicant were to sell the business, the Use Permit would become null and void and any user requesting the same use would have to come back before Council. THE VICE-MAYOR asked if the City could shut the business down if there were too many problems during the year. Mr. Swanson said it would depend on the issues.

CITY ATTORNEY MARY WADE said that it depends on what the problems are as to whether or not the business would be shut down. If there was evidence of significant traffic problems that could be substantiated, that may be an issue. She added that these facilities are licensed by the State and the State sets forth the standards of what takes place inside the home.

COUNCILMEMBER HARTKE asked about an email stating there was another assisted living facility within 1200' of the requested proposal. Mr. Swanson showed an overhead of other assisted living facilities within the area, which meet the City's requirement of one to five residents. The email was referencing one of four in requirement of a 1200' separation. When there is a user requesting six to ten residents, the 1200' distance only applies to other 6-10 assisted living homes. So the home next door would not qualify for the 1200' distance because it is 1-5 resident status.

COUNCILMEMBER WENINGER clarified that 1-5 residents does not require City approval. Mr. Swanson said that 1-5 meets the City's definition of family and no zoning action is necessary. The State and County have an application that must be submitted to the City to sign off on. COUNCILMEMBER WENINGER asked what Staff's recommendation is. Mr. Swanson responded that Staff's recommendation is for approval per the Planning Commission's recommendation, which is for six residents and two live-in caregivers. COUNCILMEMBER WENINGER asked if they could go up to 8 residents not have the caregivers live there. Mr. Swanson concurred unless Council chooses to make that change.

MAYOR DUNN asked for clarification on what the application is for. Mr. Swanson said that the original request was for ten residents with a live-in husband and wife caregiver. The caregivers would count toward the total of ten, as that would be their primary residence. MAYOR DUNN said that there would have to be caregivers present 24 hours a day. The issue is the number of residents in the house over 24 hours, which can only be ten total including eight residents and two caregivers.

COUNCILMEMBER HARTKE asked if there have been traffic issues or complaints regarding other residences of this size. Mr. Swanson said that there has not been an increase in traffic, but it depends on where the house is situated. Generally speaking, traffic is not an issue with these facilities. COUNCILMEMBER HARTKE asked for clarification on how many people will be living in the home if Council approves Staff's request. Mr. Swanson said that the Planning Commission and Staff are recommending six residents receiving care and two live-in caregivers. If they do not have the live-in caregivers, they can still only go up to six. The owner is requesting ten which would be 8 residents receiving care and two live-in caregivers.

COUNCILMEMBER ORLANDO asked about the intensity of assisted living homes in the area. There are 147 homes in the development and four homes that are caregivers. Mr. Swanson said that this is different than normal. In the City, there are approximately 120 1-5 homes and five of the requested 6-10. This number in this small of a neighborhood is unusual.

COUNCILMEMBER CACCAMO asked if the applicant owns any other homes in the neighborhood providing elder care. Mr. Swanson responded they do not.

MAYOR DUNN asked the applicant how many residents he is requesting to have in the home. Mr. Lazovich responded that he is requesting a total of no more than eight.

MARC LAZOVICH, owner, clarified that there are four full baths in the home. Staff's original recommendation was for the requested ten residents. As mentioned by Mr. Swanson, Mr. Lazovich intends to remodel the family room into two more bedrooms making six bedrooms upstairs that would meet State requirements to accommodate ten residents, but his intention is to have no more than eight. He would like to have one room for each person and the master would be shared by two people. He has no intention of putting anyone downstairs. As stated earlier, the State has specific rules for having residents downstairs. He worked with the City before closing on the home to be sure he understood the qualifications.

COUNCILMEMBER CACCAMO asked Mr. Lazovich how long he has been in the assisted care business. Mr. Lazovich responded that this is his first one. His mother is in an assisted living care home currently, which was his motivation for getting into the business. He has been to State seminars and has researched the issue for 7-8 months.

COUNCILMEMBER WENINGER asked about the manager. Mr. Lazovich said he has someone lined up to be the manager. The manager has been a manager in the State for five years and is currently overseeing the house where his mother lives. If the manager quits, they are required to give 30-days notice. There has to be a designated manager anytime the manager is not on the property.

COUNCILMEMBER WENINGER expressed concern with the husband/wife caregivers and their availability. Mr. Lazovich said that there must be 24-hour awake staff. There are typically three caregivers available during the day and two at night. The standard formula is one caregiver for every five residents.

MICHAEL OSTERMEYER, 1361 S. Camellia Court, northwest of the property and outside of the 600' notification area, spoke in opposition to the request. They moved into their house in 2003. The owner indicated concerns that this would be a commercial business. There is also an assisted care facility next door to this residence for 1-5. According to Mr. Swanson, there can be up to five residents in current zoning and one of the five could be a couple. The applicant could

have easily housed five and under without having to come before the Planning Commission or Council. The other concern is traffic from fire trucks and ambulances. There are a lot of children in this area. The application is also in violation of the CC&R's.

COUNCILMEMBER ORLANDO asked Mr. Ostermeyer if he knew before this application process started that there were four other houses in the neighborhood providing assisted living care. Mr. Ostermeyer responded that he was aware of two. COUNCILMEMBER ORLANDO asked if he would be more comfortable if Mr. Lazovich lived in the home. Mr. Ostermeyer responded that Mr. Lazovich bought the home with the intention of operating a business. COUNCILMEMBER ORLANDO asked if Mr. Ostermeyer would be more comfortable with five and two. Mr. Ostermeyer responded that he would be more comfortable with five or less with four residents and a couple could be counted as one resident. He added that if Mr. Lazovich were to make the family room into two bedrooms, it would not meet fire code requirements and he would have to come before the City.

COUNCILMEMBER WENINGER said that with juvenile homes, if the caregivers do not live at the home, they are not considered in the formula regulating the number of people. There could be five residents housed in the facility and the caregivers coming in on shifts could still be in compliance with the regulations. Mr. Swanson concurred.

COUNCILMEMBER HARTKE asked about the CC&R stipulation that there are to be no 24-hour businesses in the neighborhood as mentioned by Mr. Ostermeyer. Mr. Swanson said that it is viewed as a residence first. There could be a home with teenagers coming and going constantly. CITY ATTORNEY WADE said that it would be a private matter between the HOA and the residents. The City is not involved in CC&R compliance.

COUNCILMEMBER WENINGER asked Mr. Ostermeyer if it would be better for him and the neighbors to have five residents and caregivers coming and going every day versus a modification allowing for five residents and a team of caregivers living on the property for a total of seven. Mr. Ostermeyer responded that it would increase traffic, but would not be in violation of the CC&R's. Their concern is with commercial vehicles such as fire trucks and ambulances.

MAYOR DUNN expressed concern with the common space in the home. The residents do not stay in their bedrooms all of the time. If the family room is converted into additional bedrooms, it takes away a large portion of common space for all of the residents, which is critical for their quality of life.

MR. LAZOVICH said that the dining/living area is all one space of approximately 400 sq. ft. The State requires a common area for everyone to be comfortably seated, which this space will. MAYOR DUNN said that having one space for everyone to congregate, including visitors, does not allow for any privacy when family members visit. Mr. Lazovich said that there is also a large common area in the basement for those who can navigate the stairs.

Mr. Lazovich addressed some of the concerns expressed by the neighbors. He commented that there were three neighbors at the neighborhood meeting of which two were very adversarial. MAYOR DUNN interjected that having this type of home in any neighborhood is completely appropriate. We need to allow seniors to live in a residential-type setting.

Mr. Lazovich said that before he closed on the house and received the CC&R's, he called the HOA. The CC&R's state that no more than 25% of the residence can be used as a home

business. After checking with the HOA board, of which one is a realtor, the representative told him that his proposal was protected by the Federal Fair Housing Act and ADA.

He feels he has complied with all of the City requirements including preparing for State licensure, holding a neighborhood meeting, having the house inspected by Staff, attending the Planning Commission meeting and finally, applying for the permit. He included his phone number in the neighborhood notification, but did not receive any calls.

In addressing the neighbors' traffic concerns, Mr. Lazovich said that he has found that there is not a substantial increase in traffic. The residents typically do not drive; however, there may be family visits and deliveries.

He feels the Planning Commission's decision was partially based on one Commissioner's personal belief that the home's square footage is insufficient even though it meets licensing requirements. The Council approved two homes for eight residents in January that are considerably smaller than his. He also feels he is trying to compromise with the neighbors in asking for eight residents and two caregivers. The Code specifies that up to ten residents are permissible excluding caregivers.

COUNCILMEMBER DONOVAN asked the applicant if he would still convert the family room if six residents were approved. Mr. Lazovich stated it would still be his intention to do the conversion because it would give all of the residents the opportunity to have a private room. Mr. Ballard said that the conversion would be handled through a building permit and would not have to come back to Council.

COUNCILMEMBER WENINGER asked if the applicant could come back after a year and request an expanded Use Permit. Mr. Swanson responded that they could after the year. COUNCILMEMBER WENINGER asked if the applicant could open with five residents if this request were to be denied and come back after a year and apply for expanded use. Mr. Swanson responded that he could.

COUNCILMEMBER ORLANDO asked about the adjoining property and the necessity of a Use Permit. Mr. Swanson said the adjoining property would not require a Use Permit because they only have five residents. If they wished to increase the number of residents, it would require Use Permit application. COUNCILMEMBER ORLANDO asked for clarification on the requirements for a 1200-foot separation. Mr. Swanson responded that when there are 6-10 residents, there is a 1200-foot separation requirement from another home that is also 6-10. In this instance where there is 1-5 next door, the separation requirement does not apply.

MOVED BY VICE-MAYOR HUGGINS, SECONDED BY COUNCILMEMBER WENINGER, TO APPROVE UP08-0004 ALMA SCHOOL PLACE ASSISTED LIVING FACILITY USE PERMIT FOR AN ASSISTED LIVING HOME AS RECOMMENDED BY PLANNING AND STAFF SUBJECT TO THE FOLLOWING CONDITIONS:

1. The assisted living home shall have no more than six (6) residents receiving care and two live-in caregivers.
2. Should the applicant sell the property, this Use Permit to operate an assisted living 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.

4. No residents receiving care shall occupy the basement level.

COUNCILMEMBER WENINGER asked if Stipulation #1 regarding live-in caregivers had been previously imposed on other Use Permits. Mr. Swanson said he does not recall having that stipulation in previous cases. The concern came up with the number of residents and live-in caregivers to provide clarification on how many people could live in the home. COUNCILMEMBER WENINGER asked if it was important for the applicant to have live-in caregivers as opposed to shifts. Mr. Swanson responded that it was the applicant's intent to have this be the primary residence of the caregivers.

COUNCILMEMBER CACCAMO clarified the meaning of the motion. Based on the recommendation of Staff and Planning and Zoning, how many residents (those receiving care) are being recommended by P & Z and Staff and caregivers are separate. Mr. Swanson said that six residents receiving care and two live-in caregivers.

COUNCILMEMBER WENINGER said that if VICE-MAYOR HUGGINS agreed to amend his motion, he would support the motion if it did not include the live-in caregivers. He would deny otherwise. It would give the applicant six residents, without the live-ins, and allow Mr. Lazovich to "get his feet underneath him" for a year. He asked Mr. Lazovich if he would be amenable to that. Mr. Lazovich said that he and Mr. Swanson had discussions regarding Code interpretations and that the live-in caregivers count against the total number of residents. COUNCILMEMBER WENINGER said that his scenario suggests that the caregivers are there 24/7, but would be coming in shifts which appears to be what the neighbors want.

VICE-MAYOR HUGGINS AGREED TO AMEND HIS ORIGINAL MOTION TO ALLOW FOR ONLY SIX RESIDENTS AND NO LIVE-IN CAREGIVERS.

COUNCILMEMBER ORLANDO asked how it would be monitored that the caregivers would not be living there and the neighbors would be complaining again. MAYOR DUNN said the applicant would be back before Council anyway in a year. Mr. Ballard responded that there is not enough Staff to perform inspections on these facilities. The State performs inspections, but may not inspect whether or not the caregivers are live-in. If there were complaints, it would be investigated.

COUNCILMEMBER CACCAMO stated that he could not support the amended motion. There are a lot of owner-occupied homes where people are caregivers 24 hours per day, plus additional caregivers coming in. He felt the level of care would diminish by saying we don't want someone there permanently. Owners typically provide the care, but this applicant is hiring someone to be there 24-hours per day. He could support 5 people receiving care from 2 caregivers then he could have 6 residents and rotating shifts for caregivers.

THE AMENDED MOTION CARRIED BY MAJORITY (4-3) WITH MAYOR DUNN AND COUNCILMEMBERS CACCAMO AND ORLANDO VOTING NAY.

THE MEETING RECESSED AT 9:28 P.M. AND RECONVENED AT 9:44 P.M.

MAYOR DUNN stated that there has been a request to move for reconsideration on Item #65.

MOVED BY VICE-MAYOR HUGGINS, SECONDED BY MAYOR DUNN, TO RECONSIDER AGENDA ITEM #65.

COUNCILMEMBER CACCAMO asked if the applicant needed to be present. MAYOR DUNN stated that he has left and does not need to be present.

COUNCILMEMBER DONOVAN asked what the intent of the reconsideration is. VICE-MAYOR HUGGINS stated that he intends to present his first motion without the amendment.

MAYOR DUNN clarified that the original motion is to proceed with the recommendation of the Planning Commission and Staff.

COUNCILMEMBER ORLANDO said that he is concerned that the applicant and neighbors are not present. He asked for the exact ruling on when a motion for reconsideration can be made. City Attorney Mary Wade said the motion for reconsideration could be made now or within 30 days. COUNCILMEMBER ORLANDO said that he would be more comfortable putting the reconsideration on the next agenda as an agenda item.

MAYOR DUNN agreed and requested that it be put on the next agenda and an executive session with the City Attorney held before the meeting. VICE-MAYOR HUGGINS concurred.

PUBLIC HEARINGS:

MAYOR DUNN opened the public hearing at 9:48 p.m.

PH 1. FY 2008/2009 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) authorizing receipt of FY 2008/2009 Community Development Block Grant funds and allocating those funds in accordance with the recommendations of the Chandler Housing and Human Services Commission and Staff.

COMMUNITY DEVELOPMENT COORDINATOR PAT TYRRELL gave a brief background on the purpose of the Community Development Block Grant (CDBG) program, which is to benefit low and moderate-income residents and alleviate conditions of slum and blight.

The Housing and Human Services Commission (HHSC) has met four times to discuss recommendations to the Chandler City Council for the allocation of these funds. During the application process, HHSC also reviewed applications for other Chandler Human Service funding including Youth Enhancement, Social Service Fund and Acts of Kindness and are locally funded (\$914,450.00 for FY 08-09). When established, the Housing and Human Services Commission was charged with the allocation process and final award of these funds and is charged with making recommendations to the Mayor and Council regarding the allocation of federal CDBG dollars. HHSC made final allocations and awarded \$198,650.00 in Chandler Social Service Funds, \$68,000.00 in Acts of Kindness Funds, and \$650,800.00 in Youth Enhancement Program funds.

Additionally, the City of Chandler regularly funds many local service providers outside of this process. Specifically, the City regularly budgets funds to specific program/agencies during the annual budget process including:

Mesa Community Action Network (East Valley Transitional Shelter)	\$ 45,000.00
Chandler Education Foundation (Children of Promise)	35,000.00
Maricopa County Special Transportation Service	125,000.00
Community Services of AZ (Community Action Program)	84,731.00
Community Services of AZ (Senior Meals)	42,706.00

Chandler Symphony	42,000.00
Chandler Historical Museum	105,000.00
Habitat for Humanity	<u>235,000.00</u>
Total	\$714,437.00

The Mayor and Council also awarded \$30,000.00 of one-time money in current fiscal year funding to assist in a study for the Chandler Non Profit Coalition. Instead of undertaking this study, it was included as part of the City's recent Human Services Needs Assessment and, as previously reported to Council, might be used to further fund programs.

During the months of February, March and April 2008, the HHSC met to discuss applications by various public and private agencies for program/project funding during the coming fiscal year. In total, the HHSC discussed these applications at four different meetings, including two public hearings. Although all of the program/projects considered were beneficial to the citizens of Chandler, requests for all funding sources, including CDBG funding, far exceeded available funds. As a result, the HHSC was forced to recommend no funding in some cases and less than requested funding for many public service programs/projects. The requests for social service, non-capital programs were particularly competitive. A total allocation of \$917,450.00 was approved by the HHSC using Social Service Funds, Acts of Kindness Funds and Youth Enhancement Program funds to fund program/projects in this category. CDBG funding for this category is recommended at \$193,500.00. Federal statute governing the spending of CDBG funds restricts the amount of CDBG funds used for these activities.

Priority was given during the recommendation process to programs/projects that demonstrated a community need and whose services addressed those needs in an effective manner showing the benefits to Chandler residents. Earlier in the year, the Chandler Human Services Needs Assessment was completed. The HHSA relied heavily on the findings in this assessment to rank and rate the various requests for funding. In the past, the City has used CDBG funds to assist in the operation of several social service programs including the Chandler Christian Community Center, ICAN, San Marcos Family Resource Center and certain Community Action Program initiatives.

The CDBG program was originally designed to underwrite costs associated with "brick and mortar" projects benefiting moderate-income areas. Examples include the City Housing Rehabilitation Loan Program and improvements to the Child Crisis Center of the East Valley and the Chandler Christian Community Center.

All costs associated with the Federal Community Development Block Grant Program will be paid by the Federal Government and do not require repayment on the part of the City of Chandler.

Mr. Tyrrell thanked the Mayor and Council for their support, the Housing and Human Services Commission for reviewing the applications, and the non-profit partners who implement the programs.

THE MAYOR closed the public hearing at 9:50 p.m.

66. RECEIPT AND ALLOCATION: CDBG Funds Res. #4176

ADOPTED Resolution No. 4176 authorizing receipt and allocation of \$1,384,500.00 in FY 2008/2009 Community Development Block Grant (CDBG) funds in accordance with the recommendations of the Chandler Housing and Human Services Commission and Staff.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR HUGGINS, TO ADOPT RESOLUTION NO. 4176 AUTHORIZING RECEIPT AND ALLOCATION OF \$1,384,500.00 IN FY 2008/09 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE CHANDLER HOUSING AND HUMAN SERVICES COMMISSION AND STAFF.

MAYOR DUNN thanked the Housing and Human Services Commission for their work in recommending the recipients.

THE MOTION CARRIED UNANIMOUSLY (7-0).

PH 2. **FY 2008/2009 HOME AND AMERIDREAM PROGRAM** authorizing receipt of FY 2008/2009 HOME and Ameridream Program funds and allocating those funds in accordance with the recommendations of City Staff.

MAYOR DUNN opened the public hearing at 9:53 p.m.

COMMUNITY DEVELOPMENT COORDINATOR PAT TYRRELL gave a brief background on the HOME and Ameridream Program. The City of Chandler, through its participation in the Maricopa HOME Consortium, expects to receive \$409,056.00 in FY 2008/2009 HOME funds and approximately \$11,000.00 in FY 2008/2009 Ameridream Downpayment Initiative funds. The HOME and Ameridream Programs are federal grants intended to expand homeownership opportunities and improve the quality of existing housing. This funding is exclusively available to provide for affordable housing activities (i.e. housing rehabilitation and down payment assistance).

Since 1982, the City of Chandler has operated a Housing Rehabilitation Loan Program. Currently, the City uses the services of Housing Our Communities, a local nonprofit, to provide homeownership opportunities for Chandler residents.

All costs associated with the HOME Program and Ameridream Down Payment Initiative will be paid by the U. S. Department of Housing and Urban Development and do not require repayment on the part of the City of Chandler.

THE MAYOR closed the public hearing at 9:54 p.m.

67. ALLOCATION: HOME and Ameridream Program

APPROVED Allocation of FY 2008/2009 HOME and Ameridream Program funds in the amount of \$420,056.00 for the purpose of providing Housing Rehabilitation loans and homebuyer assistance to moderate income Chandler families with the recommendations of City Staff.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR HUGGINS, TO APPROVE FY 2008/2009 A HOME AND AMERIDREAM PROGRAM ALLOCATION OF \$420,056.00 IN FY 2008/2009 FUNDS FOR THE PURPOSE OF PROVIDING HOUSING REHABILITATION LOANS AND HOMEBUYER ASSISTANCE TO MODERATE INCOME CHANDLER FAMILIES WITH THE RECOMMENDATIONS OF CITY STAFF.

MOTION CARRIED UNANIMOUSLY (7-0).

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that the dedications of Veteran's Oasis Park and Tumbleweed Recreation Center were a great success.

THE MAYOR announced that City of Chandler's Birthday Party would be held Saturday, April 26, at 9:30 a.m. at the Crowne Plaza San Marcos courtyard. The event celebrates Chandler's 96th birthday and is free to the public.

The 24th Annual Pioneer Luncheon will also be held the same day at the San Marcos Pavilion. The cost is \$25.00 per person.

B. Councilmembers' Announcements:

COUNCILMEMBER CACCAMO announced the Desert Foundation of Arizona is having a fundraiser wine tasting event at Patsy Grimaldi's at the Falls in Ocotillo on Sunday, April 27th. The funds will benefit the Desert Foundation funds earmarked for education, prevention and early detection of breast cancer, prostate cancer and skin cancer.

COUNCILMEMBER CACCAMO also wished farewell to Fire Chief Roxburgh after 33 years of service.

COUNCILMEMBER DONOVAN reminded everyone to join her in participating in the Walk to End Domestic Violence on Saturday, April 26th, at 7:30 a.m.

VICE-MAYOR HUGGINS commented on the retirement of Chief Roxburgh.

C. City Manager's Announcement:

None.

Adjournment: The meeting was adjourned at approximately 10:00 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: May 8, 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 24th day of April 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of May 2008.

City Clerk