

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, May 8, 2008, at 7:06 p.m.

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

The following members answered roll call:

Boyd W. Dunn	Mayor
Lowell Huggins	Vice-Mayor
Bob Caccamo	Councilmember
Trinity Donovan	Councilmember
(telephonically) 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 Forrest Erickson – Rock Church

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

SCHEDULED PUBLIC APPEARANCES:

1. Proclamation – Peace Officer’s Memorial Day

MAYOR DUNN was joined by POLICE CHIEF SHERRY KIYLER as he read a proclamation proclaiming May 11-17, 2008, as National Police Week and May 15, 2008, as Peace Officers’ Memorial Day. THE MAYOR noted the remembrance celebration earlier in the week.

CHIEF KIYLER commented that there was a loss of 187 officers in the line of duty in 2007 and was the most significant loss since 1989, with the exception of 2001. Five of those officers were from Arizona.

2. Proclamation – National Public Works Week

MAYOR DUNN was joined by ASSISTANT PUBLIC WORKS DIRECTOR/CITY ENGINEER SHEINA HUGHES and MUNICIPAL UTILITIES ADMINISTRATIVE SPECIALIST LIBBY STRESSMAN as he read a proclamation proclaiming May 18-24, 2008, as Public Works Week. THE MAYOR added that Ms. Hughes and Ms. Stressman have also been named among the employees of the year.

3. Proclamation – Poppy Days

MAYOR DUNN was joined by the following representatives of the Mathew B. Juan American Legion Auxiliary Unit 35 as he read a proclamation proclaiming May 19-26, 2008, as Poppy Days:

Miss Poppy Jr.:	Michaela Gatti
Miss Poppy:	Kelly Mahon
Kelly's Father:	Dan Mahon
Poppy Chairman:	Shirley Kavis

4. Presentation – Southwest Ambulance Pool Pack Donation 2008

MAYOR DUNN was joined by RONALD BECK AND JAMES GOODSON from Southwest Ambulance, and SHERI PASSEY, CITY OF CHANDLER AQUATICS SUPERINTENDENT, as he recognized the past participation of Southwest Ambulance in donating \$16,000.00 in Pool Pack contributions that have allowed 176 children to take swimming lessons at City pools. James Goodson presented this year's check in the amount of \$3,000.00.

5. Recognition – City Services Academy Graduates

MAYOR DUNN was joined by BRIAN BOSSHARDT in recognizing the following graduates of the City's 12<sup>th</sup> City Services Academy:

Lois Anderson	Rudy Anderson	Robin Becker
Sharon Boyer	Nicole Davis	Jim Dawson
Darrell Guynes	Gretchen Holman	Lesa King
Allen Leibowitz	Greg Lessell	Mel Lindstrom
Rosa McCurdy	Ann Moore	Toni Robinson
Nicole Rocha	Charlie Sobszak	Rick Tonn
Valerie Waldron	Robert Wheelock	

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

GUY PEPOY, 3115 S. Diamond Drive, spoke in opposition to agenda item #9, Ordinance 4056, Chandler Airpark Business Center, LLC, development agreement, due to loss of revenue, security, noise pollution and diminished span of control. He spoke with six residents of the Twin Acres subdivision, near the airport, and they are all opposed to this request.

MR. BRENNAN RAY, 702 W. Osborn, Phoenix, spoke on behalf of the applicant. They have worked very closely with various City departments to ensure there is an economic level playing field in terms of the types of commercial aviation activity that could occur outside of the fence. The bulk of the commercial activity such as dropping off and picking up passengers occurs at the airport.

With respect to security, through these agreements, the City will continue to have control. There will be a fence separating the developer's property from the airport but the applicants will have their own fence surrounding the perimeter. The zoning application has been filed and they are working with Staff.

The amount of planes that will be accessing their site is less than 1% of the air traffic currently at the airport. There is considerable distance and separation for noise mitigation that will be explained in more detail at the zoning hearings.

PUBLIC WORKS DIRECTOR R. J. ZEDER commented that it is specifically stated in the agreement as a method of noise abatement that rotary wing aircraft is prohibited. He is comfortable that security will be maintained. In contrast, there are many small general aviation airports that have no fencing or security. Staff also recognizes that we should not allow an off-airport business to have a competitive advantage against tenants on the airport property and is supported by the fee structure. Those monies will go back into the airport fund to support airport operations.

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER CACCAMO, to approve the Consent Agenda as presented.

COUNCILMEMBER ORLANDO STATED HE WOULD NOT BE VOTING ON ITEM #16 (PARK OCOTILLO BUSINESS CENTER) DUE TO A POTENTIAL CONFLICT OF INTEREST.

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED, as presented, Minutes of the Regular City Council meeting of April 24, 2008.

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

ADOPTED 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.

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

ADOPTED Ordinance No. 4039, annexing approximately 35 acres the Northeast Corner of Arizona Avenue and Riggs Road.

4. POWER & AERIAL EASEMENTS: SRP Ord. #4041

ADOPTED 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.

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

ADOPTED 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.

6. REZONING: Norton's Crossing Ord. #4053

ADOPTED 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 for site layout and building architecture on approximately 23.5 acres at the NWC of Chandler Boulevard and Gilbert Road.

7. REZONING: AAMCO Plaza Ord. #4054  
ADOPTED Ordinance No. 4054 DVR08-0006 AAMCO Plaza, rezoning from Planned Industrial District (I-1) to PAD zoning for new monument signage on approximately 3 acres consisting of two parcels wrapping around the NEC of Chandler Boulevard and 56<sup>th</sup> Street.

8. AGREEMENT: Tower Cloud, Inc. Ord. #4055  
ADOPTED Ordinance No. 4055 authorizing an agreement with Tower Cloud, Inc., for the use of right-of-way and public property for the establishment of a communications system.

9. DEVELOPMENT AGREEMENT: Chandler Airpark Business Center, LLC Ord. #4056  
ADOPTED Ordinance No. 4056 authorizing the development agreement with Chandler Airpark Business Center, LLC, for through the fence access to the Chandler Municipal Airport.

10. CITY CODE AMENDMENT: Chapter 44 Ord. #4060  
ADOPTED Ordinance No. 4060 amending City Code Chapter 44, Sections 44-4 and 44-5, relating to solid waste services.

11. REZONING: Chandler Center Ord. #4061  
ADOPTED 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.

12. No Item.

13. INITIAL CITY ZONING: NEC Arizona Avenue & Riggs Road Ord. #4040  
INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4040, DVR08-0010 Northeast Corner 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.)

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 General Industrial (I-2), which is comparable to the site's previous County zoning designation of Light Industrial (IND-2). The action insures that any future development on the site shall occur in conformance with City standards.

The owner's intention is to develop the property as a retail commercial center. The owner's request for rezoning, including proposed Preliminary Development Plan, will be submitted to the Planning and Zoning Commission and City Council upon the completion of Staff review and recommendations.

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.

14. IRRIGATION EASEMENT: SRP

Ord. #4052

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4052 granting a no-cost, non-exclusive irrigation easement to Salt River Project (SRP) to relocate irrigation facilities on Ocotillo Road, east of Arizona Avenue.

The development by Red Development of Ocotillo LLC Four north of Ocotillo Road, east of Arizona Avenue, requires relocation of certain Salt River Project irrigation facilities. SRP has requested that the City provide a non-exclusive irrigation easement to accommodate the SRP facilities being replaced or relocated due to the project.

15. REZONING: Inman Garden Offices

Ord. #4062

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4062, DVR07-0062 Inman Garden Offices, rezoning from AG-1 to PAD along with PDP for a general and medical office development consisting of seven garden office buildings on approximately 10 acres at the SEC of Cooper and Chandler Heights roads. (Applicant: Brennan Ray, Burch & Cracchiolo, P.A.)

The subject site was recently annexed and subsequently granted initial City zoning of AG-1. North of the site, across Chandler Heights Road, is the Countryside Estates single-family neighborhood. Surrounding the site to the east, south and west are homes within the County. Directly south, along a portion of the site, is a pottery manufacturer also located in the County.

The site is located within the Southeast Chandler Area Plan (SECAP). The SECAP designates the site as Rural/Agrarian. Rural/Agrarian designation is the lowest density designation in the SECAP and promotes the rural/agrarian lifestyle. However, the SECAP does provide provision to allow for non-residential development, but that any non-residential development should occur in a low-intensity manner and be based on input received from the neighborhood residents. Staff believes the request meets the requirements of the SECAP.

The development requests deviation from two site development standards. The first request is for deviation from the required 25-foot plus one foot of building height requirement for the separation of commercial and residential development for three of the seven buildings (E, F and G). The deviation is for approximately 25 feet.

The second request is for deviation of the required 50' x 250' landscape setback along the intersection corner. The deviation is for approximately five feet to allow for a covered entryway. Staff is in support of both requests.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on February 13, 2008. There were approximately ten neighbors in attendance with none expressing opposition. Staff has received no correspondence in opposition to this request.

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

16. REZONING: Park Ocotillo Business Center

Ord. #4065

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4065, DVR07-0038 Park Ocotillo Business Center, rezoning from PAD zoning for light industrial use and/or commercial uses to PAD zoning for office, light industrial and retail uses with PDP for a business/industrial park development at the SWC of Price and Queen Creek roads. (Applicant: Burch & Cracchiolo, P.A. – Ed Bull/Brennan Ray.)

The property is located at the SWC of Price and Queen Creek roads and is a part of the larger Ocotillo Master Plan designated for Employment use. The Gila River Indian Community is west and northwest of the site. Directly north is property zoned PAD and Planned Commercial Office (PCO) for commercial and office use as part of the Wells Fargo Corporate Center development. The City's Ocotillo water reclamation facility abuts the site's south side. East of the site are condo offices and the new Downtown Ocotillo retail/residential project.

In 1989, the property was rezoned from AG-1 (Agricultural) to PAD for an industrial park, which was planned for business and low intensity industrial uses consistent with surrounding uses. The development did not commence and the zoning expired due to the lack of construction activity. The zoning was changed through a separate case, Ocotillo Power Center, in 1996 allowing for an approximate 40-acre industrial development or a mixed-use development with 24.9 net acres of commercial retail and 14.7 net acres of industrial. This zoning expired and was extended in 1998 for an additional two years.

Following the 1996 zoning action, a PDP was approved for the Mobil gas station with a convenience store at the immediate intersection corner of Price and Queen Creek roads. The zoning for Park Ocotillo Business Center vested with the development of the gas station. This application includes offices, which was not a part of the previous zoning, incidental retail versus a large retail center and flex industrial warehouse/office buildings instead of single or multiple user industrial development.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held January 3, 2008. There were approximately 10 residents in attendance with questions regarding truck traffic from industrial users. The applicant said the site has access to Old Price Road, Queen Creek and Price roads, however, most, if not all, truck traffic will utilize Old Price Road. There were also questions regarding construction timing and development of the medical center. Staff has received no correspondence in opposition to this request. Ocotillo representatives and property owners in the area support the proposed development.

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

COUNCILMEMBER ORLANDO DECLARED A POTENTIAL CONFLICT OF INTEREST ON THIS ITEM AND DID NOT VOTE.

17. POWER DISTRIBUTION EASEMENT: SRP Ord. #4057

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4057 granting a no-cost power distribution easement to Salt River Project (SRP) for electrical power service to Fire Station No. 10 at 5211 S. McQueen Road.

18. 2008 ELECTION DATES Res. #4171

ADOPTED Resolution No. 4171 designating September 2, 2008, as the date for the Primary Election and November 4, 2008, as the date for the Regular 2008 election. The Primary election will be held for the purpose of electing a Mayor and three Councilmembers. A candidate may be declared elected at the Primary election if he/she receives a majority of the votes cast. If there are any offices to which no candidate was declared elected, then a Regular election will be held.

19. REVISIONS: Downtown Improvement Fund Program Res. #4174

ADOPTED Resolution No. 4174 authorizing revisions to the Downtown Improvement Fund Program (DIF).

The Community Development, Economic Development and Planning and Development Subcommittee met on November 28, 2007, and February 15, 2008, to review the Downtown Improvement Fund (DIF) Program. Based on comments received from the public and private sector representatives in attendance, the Economic Development Division is proposing revisions to this program, as outlined in the proposed 'Downtown Improvement Fund Information and Guidelines'.

Key modifications to the DIF Program include:

#### Program Requirements

- Applications must be submitted by property owner(s).
- New additions to existing buildings or patio space are considered to be ineligible.
- The property and its owner(s) must not be delinquent on payment of any State, County or City taxes.
- Any work done prior to Council approval is not eligible.
- Eligible improvements must be significant, exceeding \$10,000 (NOT maintenance or repair)
- A property shall be eligible for the program one time only.

#### Eligible Improvements

- Fire sprinkler systems must be installed in all properties receiving DIF monies.
- Examples of ineligible improvements include signage; City, County or State fees for inspections, license, permits, etc.; and furniture, removable shelving, communications equipment, etc.

#### Reimbursement Matching Funds

- Criteria for exceeding the \$50,000.00 matching grant reimbursement limit includes capital investment, improved square footage, number of jobs created or retained, public revenue and other qualitative benefits.

#### Application Process

- Application packages must now include a copy of the proposed tenant's business plan and a copy of the lease between property owner and tenant.
- If a business in a building where a property owner received DIF monies closes or relocates outside of the DIF area within five years of the final reimbursement, the vacated

retail space must be filled by another eligible business within one year. If the space is occupied by an ineligible business, or the building is sold to another owner who fails to locate an eligible tenant in the building, or the property sits vacant for more than one year, the property owner receiving the DIF monies shall reimburse the City for DIF monies received, based on an annualized, pro-rated share over a five-year period.

20. PRELIMINARY DEVELOPMENT PLAN: Light of Christ Lutheran Church

APPROVED Preliminary Development Plan PDP07-0037 Light of Christ Lutheran Church, for a multi-purpose worship and educational facility at 1500 NW Jacaranda Parkway, west of the SWC of Queen Creek and Alma School roads. (Applicant: Randy Gilliam, Dick Fritsche Design Group.)

The site is located approximately ½ mile west of the SWC of Queen Creek and Alma School roads within the Ocotillo Master Planned Community. North, across Queen Creek Road is Bogle Junior High School. West, across Pennington Drive is the City of Chandler Fire Station No. 5. South, across Jacaranda Parkway, are the Jacobson Elementary School and the single-family subdivisions of Cottonwood Springs and The Legends.

In 1985, the Chandler City Council approved PAD zoning for the Ocotillo Master Planned Community with Conceptual Plan approval. The PAD approval designated the subject site for multi-family development with the intention of providing a transition zone between the schools and single-family residences. In 1999, Council approved a zoning amendment for a church with temporary approval of a modular building for office use by the pastor and his staff with a two-year time limit. In 2001, due to lack of construction, City Council approved an extension in zoning and use of the modular building for an additional five years. In 2006, another extension was granted for an additional five years.

The Ocotillo Design Review Board had conditionally approved the development proposal, but has some minor concerns with the screen wall heights and locations and the use of oak trees and oleanders in the landscape palette. The applicant will work with Staff to address these concerns.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on February 13, 2008. There were approximately eleven neighbors in attendance. An open house was also held on March 27, 2008. There were five neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

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. Undergrounding of all overhead electric (less than 69kV), communication and television lines and any open irrigation ditches or canals located on the site or within adjacent rights-of-way and/or easements. Any 69kV or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets, or similar appurtenances shall be located outside of the ultimate right-of-way and within a specific utility easement.
3. 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, standards details and design manuals.
4. 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.
  5. Development shall be in substantial conformance with the Development Booklet entitled "Light of Christ Lutheran Church", kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0037, except as modified by condition herein.
  6. Raceway signage shall be prohibited within the development.
  7. All future signage shall be in compliance with the City of Chandler Sign Code for commercial development.
  8. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
  9. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
  10. The canopy shade structures shall be maintained in a manner similar to that of the time of installation.
  11. The site shall be maintained in a clean and orderly manner.
  12. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
  13. 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.
  14. The source of water that shall be used on the open space, common areas and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts and Final Plats shall include a disclosure statement

outlining that the Light of Christ Lutheran Church development shall use treated effluent to maintain open space, common areas and landscape tracts.

15. Landscaping shall be in compliance with current Commercial Design Standards.
16. Perimeter landscaping shall be installed as part of Phase I.
17. In the event that overflow parking is needed, the overflow parking lot area shall be maintained with a stabilized dust-proof surface.

21. ZONING EXTENSION: Arrowhead Professional Office Building

APPROVED a two-year timing condition for Zoning, DVR07-0030 Arrowhead Professional Office Building for PAD zoning for a general office building on approximately one acre at the NWC of Ray Road and Arrowhead Drive. (Applicant/Owner: Angela Weisner for Triad Development, Don Collier (owner)).

The property was rezoned from AG-1 (Agricultural) to PAD for general office use with Preliminary Development Plan (PDP) approval in May 2004, which included a three-year development timing condition. The zoning became effective in June 2004 and expired in June 2007. The applicant has asked the City to process the requested three-year time extension. It is the intent of Staff to recommend a one-year time extension; however, the site's zoning expired June 27, 2007, and a one-year time extension would expire June 28, 2008. Time extensions are calculated from the previous zoning approval's expiration. Therefore, Staff recommends a two-year time extension in which the zoning would be in effect until June 2009.

The City has the following options when a zoning district's timing condition expires: The City could, through administrative action, extend the timing condition for another period of time, eliminate the timing condition, or by legislative action, revert the zoning to its former zoning classification. If the City should approve the timing condition extension, all other conditions in the original approval would remain in effect.

The property is surrounded on all sides by single-family residential subdivisions developed in the early 1980's and 1990's. The site was a remaining out-parcel held by the Andersen family at the time surrounding property was sold and adjacent properties developed. In May 2004, the property was rezoned to allow general office use only, no medical or dental use, within a 9,400 square foot one-story building. The development met site and architectural standards including building setbacks and landscaping.

There has been no development activity on the site, which has been marketed for office the past three years. The property owner has not maintained the site in a clean, weed-free, and debris-free manner. Staff has advised the applicant to clean the site to be in compliance with the City property maintenance codes and address adjacent property owner concerns. In March 2008, the property owner advised Staff that bids were being obtained for the site cleanup; however, the site was not cleaned up.

The time extension and any other alternative design or use for this site will require amended PAD zoning and/or PDP will also be required.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 4, 2008, however, the applicant/property owner did not attend the meeting. An architect who was involved in the initial rezoning of the site attended but residents were upset that the property owner was not there. Residents stated that the architect could not answer questions about site maintenance, damaged perimeter walls from the

site's trees, returned letters sent to the property owner and development timing. Staff received a sign-in sheet from an area resident, which included seven adjacent homeowners. Adjacent homeowners are upset that the property owner has not addressed their concerns for site maintenance and damage to their perimeter walls.

Area residents have contacted Staff conveying they are not opposed to the site's PAD zoning for general office, but find it unacceptable to be ignored by the property owner who will not meet or speak with them. Residents have conveyed they would not be opposed to the site being reversed to AG-1 zoning since there is no development planned for the site. They want the site cleaned up and the walls repaired. Two residents sent correspondence to the property owner.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval to extend the timing condition for two (2) years, in which the zoning would be in effect until June 2009, with all of the conditions in the original approval remaining in effect.

22. ACCEPTING FUNDING: Fire Department

APPROVED the acceptance of the obligation of \$51,323.00 in 2007 Assistance to Firefighters, Fire Prevention and Safety Program funding from the U. S. Department of Homeland Security and the Federal Emergency Management Agency with a \$12,830.00 required City match.

The Assistance to Firefighters – Fire Prevention and Safety Program (FP&S Program) provides funds to assist state, regional, national or local organizations to address fire prevention and safety. The primary goal is to reach high-risk target groups including children, seniors and firefighters. The emphasis for these grants is the prevention of fire-related injuries to children. On April 18, 2007, the Chandler Fire Department was awarded \$51,323.00 in FY 2007 FP&S Program funds to produce eight episodes of the cable television show Sprinkler's Clubhouse. This program is a joint venture of the Fire Department and the Communications & Public Affairs Division. The grant will fund personnel and equipment.

The Fire Department will request reimbursement from FEMA in the amount of \$51,323.00 once the project is completed.

23. No Item.

24. AGREEMENT: Brycon Construction

APPROVED Agreement #FI0704-401 with Brycon Construction for the Fire Station No. 3 expansion, pursuant to JOC07-06, in an amount not to exceed \$1,028,965.00.

Fire Station #3 requires an expansion of apparatus bay area and storage to accommodate the Fire Department's Special Operations Team. This station houses the Fire Department's special operations personnel, vehicles and equipment. All hazardous materials and technical rescue responses originate at this station. Chandler is one of eight Arizona cities chosen to participate in the Phoenix Urban Areas Security Initiative (UASI). Each UASI partner has received funding to train and equip a rapid response team that can be dispatched quickly anywhere in the State in the event of a large-scale disaster or terrorist event. The equipment for the Rapid Response Team includes a heavy rescue apparatus. This over-sized vehicle must be staged at Station #3 because it is cross-staffed by the special operations personnel assigned to that station. The heavy rescue apparatus is temporarily being kept behind Fire Station #3 in a corrugated metal garage. The Fire Department plans to expand one of the existing permanent apparatus bays to

ensure that this apparatus and its highly specialized equipment are stored securely and the unit has unobstructed access to Frye Road.

Additionally, Fire Station #3 has developed an ingress and egress issue for access to the station. The access drive for the station is situated too close to the intersection of Frye and Ellis. This issue has worsened as traffic has increased at this intersection. Also, visibility has become an issue with El Paso Gas as they have constructed a barrier wall around their facilities located near the corner. The land to the north side of the station was purchased to relocate the access drive from the south to the north side of the fire station and to allow for site expansion.

25. AGREEMENT: Valley Rain Construction Corp.

APPROVED an Agreement with Valley Rain Construction Corporation for construction services for Crossbow Park, pursuant to JOC05-06, in an amount not to exceed \$1,246,227.00.

The FY 2007-08 budget allocates funding for the development of Crossbow Park, formerly Canal Park. Crossbow Park is a 7.94-acre undeveloped neighborhood park site located in the square mile bounded by Ocotillo Road, McQueen Road, Chandler Heights Road and Arizona Avenue. Together with Pinelake Park, this park will serve the neighborhood park needs for the square mile. Public meetings were held to solicit input regarding the design of Crossbow Park.

26. AGREEMENT: Nickle Contracting

APPROVED Agreement #PR0817-401 with Nickle Contracting for park light pole replacement, pursuant to JOC05-05, in an amount not to exceed \$307,614.00.

Amberwood, Brooks Crossing, Dobson, Mountain View and San Marcos are all neighborhood parks that are at least 13 years old and currently have metal light poles. Metal light poles rust over time from weather and irrigation, which affects the structural integrity of the pole and causes a safety hazard to park users. The Park Division requires concrete poles in all new park construction and has a goal to replace all metal poles in older parks over time. Nickle Contracting will remove and dispose of 146 existing metal light poles, provide and replace with new concrete light poles at the same locations.

27. AGREEMENT: MOAB Enterprises LLC

APPROVED an Agreement with MOAB Enterprises LLC dba Fish Window Cleaning, for window washing services in an amount of \$42,896.00 per year for two years with the option to renew for three additional one-year periods.

28. AGREEMENT: HVAC Filter Maintenance, Inc.

APPROVED an Agreement with HVAC Filter Maintenance, Inc., for filter maintenance in the amount of \$33,192.00 per year for two years with the option to renew for three additional one-year periods.

29. AGREEMENT: Engineering and Environmental Consultants, Inc.

APPROVED Agreement #WW0813-201 with Engineering and Environmental Consultants, Inc., (EEC) for design of the Ocotillo Water Reclamation Facility maintenance/operations

improvements, pursuant to annual contract #EN0719-101, in an amount not to exceed \$51,862.00.

30. AGREEMENT EXTENSION: Southwest Slurry Seal

APPROVED a one-year agreement extension with Southwest Slurry Seal for asphalt emulsion slurry seal and micro seal in an amount not to exceed \$1,100,000.00.

31. AGREEMENT EXTENSION: Trafficade Service, Inc.

APPROVED a one-year Agreement extension with Trafficade Service, Inc., for barricade rental and purchase in an amount not to exceed \$85,000.00.

32. AGREEMENT EXTENSION: AVCOM Company

APPROVED a one-year agreement extension with AVCOM Company for airport non-federal equipment maintenance inspection in an amount not to exceed \$35,600.00.

This contract provides for inspection and maintenance for the air traffic control tower at the Chandler Municipal Airport. The equipment covered includes all equipment required to perform these services that are owned by the City. This does not include the radar display equipment, which is owned and maintained by the Federal Aviation Administration (FAA). Scheduled services are performed a total of four times per year. The contract also allows for the purchase of upgrades and new equipment as required.

33. AGREEMENT: Consultant Engineering, Inc.

APPROVED Agreement #ST0401-451 with Consultant Engineering, Inc., for construction management services for the Dobson/Warner Intersection Improvement Project in an amount not to exceed \$550,000.00, and AUTHORIZED an increase to annual contract #EN0602-101 from \$1,500,000.00 to \$2,050,000.00.

The Dobson/Warner Intersection Improvement project is partially funded with federal money received through grants monitored by the Arizona Department of Transportation (ADOT). As in the past, the City's Construction Management Staff oversees the administration and inspection of these projects. Due to federal requirements, Staff must supplement with outside support. Consultant Engineering, Inc., has experience administering federal projects and has provided excellent service on recent projects. This project is important in the fact that it is the first project that will be administered under the Chandler Certification Acceptance Plan approved by the Federal Highway Administration and the Arizona Department of Transportation.

34. CONTRACT: Kimley-Horn and Associates

APPROVED Contract #ST0807-201 to Kimley-Horn and Associates for design services for Alma School and Chandler Boulevard Intersection Improvements in an amount not to exceed \$678,492.00.

35. CONTRACT: TranSystems

APPROVED Contract #ST0627-101 to TranSystems for professional services for site selection, preliminary engineering, environmental documentation and potential design for construction of two transit centers in an amount not to exceed \$349,693.00.

The 2002 Chandler Transit Plan Update recommended expansion of bus service into south Chandler and construction of two new transit centers, one in south Chandler and one in the Historic Downtown area. The purpose of this project is to complete site selection, preliminary engineering, and environmental review for these facilities in conformance with federal funding requirements. This will include an analysis of land use, socioeconomic, environmental and engineering data; developing site selection criteria, identifying and evaluating potential sites, preparing technical reports and 30% schematic designs; and preparing final recommendations to present to the Chandler Transportation Commission and City Council. The work will also include soliciting public comments and coordinating with various City Departments, Valley Metro, Maricopa Association of Governments (MAG) and the Federal Transit Administration (FTA).

Funding for transit center construction and bus service expansion is provided in the Regional Transportation Plan (Proposition 400), approved by Maricopa County voters in 2004. Bus service will be extended to south Chandler along Dobson Road this summer, Arizona Avenue in 2012 and Alma School Road in 2014. Three neighborhood circulator routes are also planned for future implementation in the south Chandler area. Increased transit service and new neighborhood circulator routes are also planned for Downtown Chandler including new Bus Rapid Transit service on Arizona Avenue beginning in 2011.

36. CONTRACT: Nesbitt Contracting Co.

APPROVED Contract #ST0613-401 to Nesbitt Contracting Co., Inc., for roadway improvements for Riggs Road (Gilbert to Val Vista Drive) Phase I Guaranteed Maximum Price (GMP) in an amount not to exceed \$527,386.00.

37. CONTRACT: Tri-Core Engineering

APPROVED Contract #WA0401-453 to Tri-core Engineering for construction management services for water main replacements, Phase III, in an amount not to exceed \$119,898.00.

38. CONTRACT: Hunter Contracting Company

APPROVED Contract #WW0710-401 to Hunter Contracting Company for the Ocotillo Water Reclamation Facility rotary drum screen area repair in an amount not to exceed \$186,331.40.

39. PURCHASE: Plumbing Services

APPROVED the Purchase of plumbing services from Roto-Rooter, Arizona Plumbing Services and Hernandez Companies, utilizing the Maricopa County contract, in an amount not to exceed \$200,000.00.

40. PURCHASE: Painting Services

APPROVED the Purchase of painting services from Fabiani Painting & Decorating, Work of Art Painting and Larkin Painting Contractors, utilizing the City of Mesa contract, in an amount not to exceed \$40,000.00.

41. PURCHASE: Vortex Doors

APPROVED the Purchase of services for building door maintenance, repair and replacement from Vortex Doors, utilizing Maricopa County's contract, in an amount not to exceed \$100,000.00.

The City currently has 64 large overhead vehicle doors and 20 automatic gates. These doors and gates are of various styles and manufacturers. There are overhead sectional doors, roll-up and high-speed roll-up doors. Additionally, there are five roll-up fire curtains. Most of the fire stations have overhead sectional doors and three of them currently have automatic gates.

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

42. PURCHASE: Motorola, Inc.

APPROVED the Purchase of communication equipment from Motorola, Inc., utilizing the City of Phoenix contract, in the amount of \$31,700.71.

The Police Department is purchasing new radios and other related equipment in order to supply six replacement police motorcycles with required radio equipment approved in the FY 2007/08 budget process. These radios are compatible with Project 25 standards and with jurisdictions using Project 25 radio systems (Phoenix, Mesa and Gilbert Police).

43. PURCHASE: Perkin Elmer

APPROVED the Purchase of a gas chromatograph from Perkin Elmer, sole source, in the amount of \$64,000.00.

The Chandler Police Department's (CPD) Forensic Services Section analyzes blood specimens for the presence of alcohol utilizing a gas chromatograph purchased several years ago. Other Arizona crime labs have replaced their instrumentation with the Perkin Elmer gas chromatograph. The CPD Crime Lab was successful in receiving a grant through the Arizona Governor's Office of Highway Safety to purchase a Perkin Elmer gas chromatograph.

44. PURCHASE: Crafc0, Inc.

APPROVED the Purchase of asphalt rubber crack sealant material from Crafc0, Inc., utilizing the Arizona Department of Transportation (ADOT) contract, in an amount not to exceed \$200,000.00.

45. USE PERMIT: The Detour Restaurant

CONTINUED TO THE JUNE 12, 2008 COUNCIL MEETING. Use Permit, UP07-111 The Detour Restaurant, Series 12, for the sale of liquor for on-premise consumption only within a restaurant that includes a new patio at 6403 W. Chandler Boulevard. (Applicant: AFAB Bar & Restaurant Design, Inc.; Owner: Earl Geller.)

46. LIQUOR LICENSE: Fresh & Easy Market

CONTINUED TO JUNE 26, 2008, Liquor License, Series 10, for Randy D. Nations, Agent, dba Fresh & Easy Neighborhood Market, 215 N. McQueen Road to allow the applicant time to complete the requirements for a new Use Permit.

47. LIQUOR LICENSE: Four Fourteen Bistro & Bar

APPROVED a Series 12 Restaurant Liquor License (Chandler #117891 L12) for Lynette Rene Fleming, Agent, Four Fourteen Bistro & Bar, 1445 S. Arizona Avenue, Suite 6. A recommendation for approval of State Liquor License #12077571 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. Planning and Development advises a new Use Permit is not required since this will be a continuation of the location's previous use as Remington Grill.

48. SPECIAL EVENT LIQUOR LICENSE: Valley Unitarian Universalist Church

APPROVED a Special Event Liquor License for Valley Unitarian Universalist Church for their 29<sup>th</sup> Annual Heart's Desire Auction, Saturday, May 10, 2008, 5:30 p.m. until 10:00 p.m. at 6400 W. Del Rio Street. 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.

49. FINAL PLAT: Misty Mate

APPROVED Final Plat FPT08-0004 Misty Mate, for a replat of Lot 24 in the Arizona Corporate Park North, east of the NEC of Arizona Avenue and Elliot Road, for Misty Mate, The plat creates the lots and tracts, construction phasing lines, establishes the necessary easement and dedicates the required right-of-way.

ACTION:

50. RECONSIDERATION – USE PERMIT: Alma School Place Assisted Living Facility

USE PERMIT NO. UP08-0004 ALMA SCHOOL PLACE ASSISTED LIVING FACILITY, motion for reconsideration to operate an assisted living home located at 451 W. Wildhorse Drive, west of the NWC of Arizona Avenue and Willis Road.

MAYOR DUNN explained that this item is only for reconsideration and anyone speaking should only address the reconsideration and not the proposal. If a motion is passed, the proposal will be scheduled for the May 22, 2008, for full discussion.

MOVED BY VICE-MAYOR HUGGINS, SECONDED BY COUNCILMEMBER HARTKE, FOR RECONSIDERATION OF USE PERMIT #UP08-0004, ALMA SCHOOL PLACE ASSISTED LIVING FACILITY, TO OPERATE AN ASSISTED LIVING HOME LOCATED AT 451 W. WILDHORSE DRIVE, WEST OF THE NWC OF ARIZONA AVENUE AND WILLIS ROAD.

MAYOR DUNN clarified with the City Attorney that any Councilmember could second the motion regardless of their original vote. Ms. Wade concurred.

MR. J. J. RICO, 7942 E. Presidio Road, Tucson, Managing Attorney for the Arizona Center for Disability Law, explained that the Center is the federally mandated protection and advocacy system for Arizonan's with disabilities with a mission of ensuring that individual disabilities are free from neglect, abuse and discrimination. He sent a letter to the City Attorney addressing some of the issues behind the Use Permit requirement. Mr. Rico urged Council to approve the motion for reconsideration. After the applicant contacted the Center, they reviewed the Chandler City Code as it pertains to adult care and group homes. They determined that there could be potential violations of the Fair Housing Act and the Arizona Fair Housing Act. The three main concerns are neighborhood notification, requirement of a conditional Use Permit and annual renewal and the spatial limitation requirement that there be 1200 feet between adult care and/or group homes.

He commented that neighborhood notification only encourages neighbors to voice their opinion, which in itself is not an issue, but there is a tendency to stereotype and have misconceptions about these homes that may influence Planning and Zoning and/or the City Council.

The conditional Use Permit has been found to be problematic in certain cases.

In addressing the spatial limitation is also problematic. Mr. Rico stated at the last meeting, COUNCILMEMBER ORLANDO requested a map be presented depicting all of the group homes in the neighbor and commented that there may be too many group homes in a particular area. Using his Mexican National origin as an example, Mr. Rico questioned if the same map was displayed, if the statement would be made that there are too many Mexican Nationals in the area. Those with disabilities should also be considered in such a light.

Mr. Rico urged the passing of the motion for reconsideration so the request could come back to Council on May 22<sup>nd</sup> allowing ten residents to reside in this facility.

COUNCILMEMBER ORLANDO clarified that his intentions in asking for locations of other care facilities in the neighborhood was because he views them as for-profit businesses and did not discriminate against anyone. His concern would be the same regardless of what the proposed business was.

MAYOR DUNN called for the vote.

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

#### SPECIAL ORDERS OF THE DAY

##### A. Mayor's Announcements:

MAYOR DUNN announced that the City's FY 2008-09 Tentative Budget would be on the May 22<sup>nd</sup> Council agenda with final approval on June 12<sup>th</sup>. There have been positive discussions concluding that the City needs to keep watch on revenue sources and expenditures while getting through a difficult period. The budget is available for review on the City's website.

