

unofficial

#16

JUN 12 2008

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 22, 2008, at 7:00 p.m.

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

The following members answered roll call:

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|-----------------|---------------|
| Boyd W. Dunn | Mayor |
| Lowell Huggins | Vice-Mayor |
| Bob Caccamo | Councilmember |
| 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 Susan Steven-Clarke, Chandler Bahai Faith

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

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions

MAYOR DUNN was joined by CITY MANAGER MARK PENTZ in recognizing Christine Mackay for ten years of service with the City. Christine began with the City as an Economic Development Research Assistant and was quickly promoted to Economic Development Specialist in 2002. Since that time, over \$3.5 billion of capital investment and over 6.1 million square feet of office and industrial space have been added in the City of Chandler. With her "can do" attitude, Chris has assisted clients through the planning, zoning and permitting processes insuring satisfaction between the client's needs and City requirements. Some of the major companies she has assisted in locating in Chandler include Wells Fargo, Countrywide Financial and Cardinal Health. In recognition of her outstanding contributions, The Arizona Association of Economic Development, Chris was awarded the Economic Developer of the Year for a Large Community in 2007. She was also a recipient of an Exceptional Performance Award from the City of Chandler. Mr. Pentz announced that Chris has been appointed as Acting Economic Development Director.

MAYOR DUNN was joined by POLICE CHIEF SHERRY KIYLER in recognizing Michael West for 10 years of service in the Police Department. Mike is currently a Senior Investigator in the Criminal Investigations section where he is responsible for investigating crimes such as burglary, theft, shoplifting and narcotic offenses. He is also one of two arson investigators within the unit and works closely with Chandler Fire and other state and local agencies. Mike's goal is to become a State of Arizona Certified Fire Investigator. Mike was recently the lead investigator in the recover of \$1.2 million of stolen computer products from a local Chandler business involving

an organized crime group that was stealing products from a warehouse. He has received several commendations for his work in property crimes including an Exceptional Merit Award.

2. Retirement Recognitions

MAYOR DUNN was joined by CITY MANAGER MARK PENTZ in recognizing the retirement of FIRE CHIEF JIM ROXBURGH after 33 years of service in the Fire Department. Chief Roxburgh moved to Arizona in 1974 from Morton Grove, IL. At that time, the department was one station with a total of 18 paid personnel and various volunteers, one engine company and no paramedics. The one fire station at that time was located at 98 N. Delaware Street which responded to emergencies as far west as the I-10 or south to the Sacaton area. Over 1000 calls were answered to per year. Jim became Chief in 1993. The Chandler Fire Department has since grown to ten stations, 220 personnel who respond to over 17,000 emergencies annually. The Department has become one of the most respected departments nationwide. The Department has also been nationally recognized as a leader in fire suppression, emergency medical response, fire prevention methods, hazardous material tracking and reporting system, seniors volunteer program and many others. Jim also served his country both on active duty in San Francisco and Vietnam and in the Arizona Air National Guard. Mr. Pentz acknowledged that the Chandler Fire Department would not be where it is today without Chief Roxburgh's influence and guiding hand.

MAYOR DUNN expressed appreciation to Chief Roxburgh for his leadership and what has been accomplished in the Fire Department.

VICE-MAYOR HUGGINS commented that he was on Chief Roxburgh's oral board when he applied to be a fire fighter. He impressed everyone on the board and has continued to do so.

COUNCILMEMBER ORLANDO added that he admires Chief Roxburgh for always taking care of the troops.

COUNCILMEMBER CACCAMO thanked Chief Roxburgh for his service.

CHIEF ROXBURGH thanked the Mayor, Council and City Manager's office for their support of the Fire Department by providing new stations, trucks and equipment to ensure the fire fighters are safe and can provide the best service to the community. He thanked Pat McDermott, Rich Dlugas and Mark Pentz for their support. Chief Roxburgh thanked Assistant Chiefs Tom Carlson, Marc Walker and Jeff Walker and officers and support staff of the department for their professionalism. The Chief thanked his family for standing behind him in his 41-year career.

MAYOR DUNN was joined by POLICE CHIEF SHERRY KIYLER in recognizing the retirement of Sergeant Gregory Lair. During his first year as a patrol officer, Greg displayed many of the same traits that would follow him through a successful career of almost 25 years. During his career, Sgt. Lair received 82 commendations. Greg served in the Property Unit as an officer and investigator and also mentored many new road officers with advice about auto theft investigations. He was the Department's first full-time auto theft investigator and was named Arizona's Auto Theft Investigator of the Year in 1992 and 1994. After leaving CIS, Greg began working with the Neighborhood Response Team where he showed his true desire to help the citizens of Chandler. Sgt. Lair often helped the elderly with an overgrown yard rather than just issuing a citation and moving on to the next call. In 2001, Greg was promoted to Sergeant where he proved to be one of the most dependable, professional and caring supervisors in the Department. His honesty and willingness to "do the right thing" has always allowed him to both

serve the men and women he supervised and respectfully serve the citizens of Chandler with both distinction and honor.

UNSCHEDULED PUBLIC APPEARANCES:

JOHN WALKUP, 551 S. Evergreen Street, owner of Chandler Air Service at the Chandler Municipal Airport, announced the formation of an organization called the Chandler Airport Alliance to represent businesses in the airpark area. He read from the charter and mission statement of the alliance.

CONSENT:

MAYOR DUNN announced that item #15, IGA with the Town of Gilbert, would be continued to June 12, 2008, as requested by Staff.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR HUGGINS, TO APPROVE THE CONSENT AGENDA AS AMENDED WITH ITEM #15 BEING CONTINUED TO JUNE 12, 2008.

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED, as presented, Minutes of the Council Special Meeting and Special Budget Meeting of May 5, 2008, and Council Special Meeting and Regular Meeting of May 8, 2008.

2. INITIAL CITY ZONING: Northeast Corner of Arizona Ave. & Riggs Road Ord. #4040

ADOPTED Ordinance No. 4040, DVR08-0010 Northeast Corner of Arizona Avenue & 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.

3. IRRIGATION EASEMENT: Salt River Project (SRP) Ord. #4052

ADOPTED 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.

4. REZONING: Inman Garden Offices Ord. #4062

ADOPTED 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.

5. REZONING: Park Ocotillo Business Center Ord. #4065

ADOPTED 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.

6. POWER DISTRIBUTION EASEMENT: Salt River Project (SRP) Ord. #4057

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

7. CITY CODE AMENDMENT: Chapter 43 Ord. #3932

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3932 amending Chapter 43, Section 43-5.1, of the Chandler City Code relating to the City of Chandler Standard Specifications and Details.

Public Works, Traffic Engineering recommends the following updates:

- Detail C-210 – Revise cross section dimension from 21' back of curb (B/C) to 22.5' B/C
- Detail C-223 (Pg 2) – revise median bullnose radius dimension from 2' B/C to 1' B/C
- Detail C-226 – revise median bullnose radius dimension of 1' B/C to 0.5' B/C

Municipal Utilities, Water Distribution recommends the following updates:

- Detail C-301 – graphical revisions for clarification, corrections to notes, updates for a new polymer meter box and cover and new signal antenna used by Utility Services to read meter usage.
- Detail C-316 – graphical revisions for clarification, corrections to notes, updates for new vault requirements and notes to allow Water Distribution to supply and install all large meters (3" and larger). The City currently installs 2" meters and smaller.
- Detail C-404 (Pg 1-12) – revisions and additional standard details needed for reclaimed water services to accommodate various meter sizes and flow requirements.
- Detail C-416 – New detail for 3" and 4" reclaimed water meter vault. Water Distribution to supply and install similar to C-316.

8. POWER DISTRIBUTION EASEMENT: Salt River Project (SRP) Ord. #4063

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4063 granting a no-cost power distribution easement to Salt River Project (SRP) for electrical power service to Price South Well #2 at the SEC of Germann and Price roads.

On January 17, 2008, Ordinance No. 3988 was adopted by the City Council granting a no-cost power distribution easement to Salt River Project (SRP) for electrical power service to Price South Well #2 located at the SEC of Germann and Price roads.

Before the easement document was recorded, SRP discovered that the alignment of the easement needed to be changed slightly due to City facilities that are in direct conflict with the approved easement alignment. The new alignment is approximately 8 feet wide by 329 feet long and includes one equipment pad. It is approximately 7 feet longer than the previously approved easement due to the realignment.

This ordinance supercedes Ordinance No. 3988.

9. ANNEXATION: Arizona Avenue, South of Germann Road Right of Way Ord. #4069

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4069, Annexation – Arizona Avenue, South of Germann Road Right of Way, of approximately 0.7 acres south of the SEC of Arizona Avenue and Germann Road. (Applicant: City of Chandler.)

A.R.S. § 9-47(N) allows county right-of-way with no taxable real property to be annexed to an adjacent city by mutual consent of the city's governing body and the county's board of supervisors.

Arizona Avenue running south from Germann Road is partly within Chandler's City limits and partly within a county island under the jurisdiction of Maricopa County. The subject property consists of a single parcel of land that is within the county island area and constitutes the east half (more or less) of the Arizona Avenue right-of-way. The parcel is adjacent to the City of Chandler along its entire length. The annexation of this parcel will place the full width of the Arizona Avenue right-of-way within Chandler's control and responsibility.

The annexation process available under A.R.S § 9-471(N) requires that the City adopt an "ordinance of intent" to annex the right-of-way. If approved by the City, a request for annexation, together with a copy of the ordinance, will appear as a published agenda item at a regular meeting of the Maricopa County Board of Supervisors. If the County approves the annexation, the right-of-way parcel will be annexed into the City.

10. REZONING: Coppertree Village

Ord. #4070

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4070, DVR07-0053 Coppertree Village, rezoning from C-3 and AG-1 to PAD along with PDP approval for commercial retail, general/medical office and flex warehousing on approximately 11.48 acres north of the NEC of Germann Road and Arizona Avenue. (Applicant: Tom Bottomley, Dreamcatchers Planning and Design, LLC.)

The subject site is located north of the NWC of Germann and Arizona Avenue, and is a collective of five separate parcels. Directly north of the subject site is a mini-storage facility. East, adjacent to the subject site is the Union Pacific Railroad. South, is a vacant single-family home. West, adjacent to the subject site is Arizona Avenue. The site is on the western boundary of the Chandler Airport Area Plan and is designated as Commercial/Office/Business Park. The request is consistent with the Airport Area Plan.

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 no neighbors in attendance. Staff has received one telephone call in support of the project and no correspondence in opposition.

The Airport Commission reviewed the zoning request in accordance with the Airport Conflicts Evaluation Process. The Airport Manager has issued a conflict evaluation report indicating that the Airport Commission found that no airport conflicts exist with this application.

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

11. REZONING: Chandler Airport Center (Ottawa)

Ord. #4071

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4071, DVR08-0013, Chandler Airport Center (Ottawa) rezoning from PAD for office to PAD amended to allow office and an adult educational institution within an existing office development west of the NWC of Cooper Road and Northrop Boulevard. (Earl, Curley & Lagarde, P.C. – Stephen Earl.)

This property is part of a 245-acre master planned employment center near the Chandler Municipal Airport. The Master Plan, Chandler Airport Center, is located at the intersection of Cooper and Germann roads and includes industrial, retail and office land uses. Chandler Airport Center received conceptual Planned Area Development (PAD) zoning in April 2005 and several office and light industrial projects have developed including Panattoni, Hewson and Opus. The subject site is located west of the NWC of Cooper Road and Northrop Boulevard. The site backs up to the Loop 202 Santan Freeway.

The application amends the existing PAD zoning for one of the two office buildings constructed by Opus. The site is zoned PAD to allow general office use. The amendment would allow an adult educational institution use in addition to the allowed office use within one building. Ottawa University proposes to occupy a portion of the most eastern building, which was developed in Phase One. Ottawa University is a non-profit liberal arts university level institution that specializes in education for adult learners and designed for the working adult. The application does not propose any changes to the building or site as previously approved through a PDP.

The office building is two-stories and 90,000 square feet in size. Ottawa University intends to occupy approximately 17,000 square feet on the building's west side. Ottawa University is open for classes from 5 to 10 p.m. with classes starting at 6 or 6:30 p.m. weekdays and 9 a.m. to 5 p.m. on Saturdays, which allows working adults to attend classes. The school's hours compliment the office users in the building and the adjacent office building since the hours of operation occur when offices are closed for the evening.

The Airport Commission reviewed the zoning amendment request in accordance with the Airport Conflicts Evaluation Process at their April 9, 2008, meeting. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found that the development request to allow Ottawa University does not constitute a conflict with the existing or planned airport uses.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held April 24, 2008. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

12. REZONING: Executive Toy Storage Ord. #4073

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4073, DVR08-0005 Executive Toy Storage, rezoning from AG-1 to PAD with PDP approval for a mixed-use project incorporating recreational vehicle storage, a fuel station, and retail on approximately 9 acres at the NWC of Germann and McQueen roads. (Applicant: Pew & Lake, Sean Lake; Owner: Executive Property Development LLC, Mike Clements.)

The property is mostly vacant with the exception of an auto repair business on the southwest portion that will be removed as part of this project and a cell tower along the northern property line that will remain. To the north is a City of Chandler vehicle service yard; to the west is an agricultural parcel designated by the Airpark Area Plan for light industrial uses; to the east, across McQueen Road, is agricultural land designated for high-density residential and to the south, across Germann Road, is Tumbleweed Park.

The proposal is in conformance with the Airpark Area Plan. The site is primarily designated by the Airpark Area Plan for neighborhood commercial uses, with only the western quarter of the property designated for light industrial. Staff finds the recreational vehicle use on the property's western portion to be a logical transitional use from the proposed retail on the eastern portion keeping with the intent of the Area Plan.

The development will be constructed in two phases with the 6,000-square foot retail building being constructed in Phase II, while all other buildings and site improvements will be in Phase I.

The Airport Commission reviewed the zoning request in accordance with the Airport Conflicts Evaluation Process. The Airport Manager has issued a conflicts evaluation report indicating that the airport commission found that no airport conflicts exist with this application.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 25, 2008. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

13. CITY CODE AMENDMENT: Chapter 28

Ord. #4074

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4074 amending Chapter 28 of the Chandler City Code adopting the 2006 International Fire Code.

The International Fire Code has been adopted, or is in the process of being adopted, by the cities of Mesa, Tempe, Scottsdale, Glendale, Peoria, Avondale, Buckeye and Goodyear. The City of Chandler has adopted the 2003 International Fire Code, as amended, pursuant to Chapter 28 of the Code of the City of Chandler and the 2003 International Building Code pursuant to Chapter 29 of the Code of the City of Chandler. The Fire Department is accredited through the Commission on Fire Accreditation International; a key item for maintaining accreditation is to remain current with the nationally recognized Fire Code.

The International Fire and Building Codes have become the standard for design and construction in the valley, the state and across the United States. The Planning and Development Department is planning to adopt the 2006 International Building Code by the fall of 2008. The International Codes are a set of comprehensive, coordinated national models for fire safety and construction. The amendments to the 2006 International Fire Code set forth in Ordinance No. 4074 are consistent with those amendments to the 2003 International Fire Code previously adopted by Council. Ordinance No. 4074 restates those amendments previously adopted with one significant change requiring an automatic fire sprinkler system be installed in condominiums and similar type buildings that contain more than two dwelling units regardless of occupancy classification.

Multi-Family residences (condominiums) can currently, under the interpretation of the Building Code, meet the intent of single-family dwellings by compartmentation utilizing an area separation wall between each unit that goes from the floor to the roof deck. Multi-Family residences (apartments and condominiums) not meeting the intent of single-family dwellings have been required to be fire sprinklered since 1986. Access around these types of structures is not the same for fire crews responding to single-family detached dwelling. Access to the rear of the Multi-Family Structure is limited by not being able to get to the rear through an access gate. Fire

is primarily concerned with "cluster" complexes that are classified as single-family dwellings with inadequate access for fire apparatus. This recommended amendment has been discussed with the Arizona Home Builder's Association and they fully recognize the need and approved fire sprinklers in these types of occupancies.

14. IGA AGREEMENT AMENDMENT: Water Users Res. #4181

ADOPTED Resolution No. 4181, Amendment No. 1 to the intergovernmental agreement between Salt River Valley Water Users' Association, Salt River Project Agricultural Improvement and Power District and the municipal corporations of Avondale, Chandler and Glendale amending the annual administrative fee.

On November 16, 2005, Chandler entered an Intergovernmental Agreement (IGA) among Salt River Valley Water Users' Association, Salt River Project Agricultural Improvement and Power District, and the Municipal Corporations of Avondale, Chandler and Glendale. The IGA allowed Chandler to participate in the construction, operation and maintenance of the New River Agua Fria Recharge Project (NAUSP). The 230-acre recharge project is located ½ mile west of Bethany Home Road and Loop 101. NAUSP commenced operations in October 2006 and approximately 20,000 acre-feet of water was recharged in 2007. Based on Chandler's funding of \$3,471,900.00, Chandler is entitled to 22.8% of the project's recharge capacity.

The NAUSP project has been in operation for approximately 1-½ years and Amendment No. 1 will give more flexibility in the operation and administration of the project. Amendment No. 1 also allows the NAUSP Operating committee to approve decreases or increases in certain cost factors as needed to reflect actual operating experience, adjust the annual administrative costs, formalizes Chandler and Peoria's recharge entitlements (Peoria purchased 20% of the project's recharge entitlement from SRP in December of 2005), and clarifies certain other terms of the IGA.

Chandler's share of the NAUSP annual administration fee will increase \$2,424.00.

15. INTERGOVERNMENTAL AGREEMENT: Town of Gilbert Res. #4183

CONTINUED TO JUNE 12, 2008, Resolution No. 4183 authorizing an Intergovernmental Agreement (IGA) between the Town of Gilbert and the City of Chandler for fuel and related services to allow the department to clarify the financial implications of this agreement.

16. AREA PLAN AMENDMENT: NEC McQueen & Queen Creek Roads Res. #4189

ADOPTED Resolution No. 4189, Area Plan Amendment, AP07-0003 Northeast Corner of McQueen & Queen Creek Roads, amendment to the Chandler Airport Area Plan re-designating approximately 25 acres from Parks and Open Space to Light Industrial at the NEC of McQueen and Queen Creek roads. (Applicant: Sean Lake, Pew & Lake, PLC.)

The subject site is bordered to the north by a residential county island. To the east, the site is bordered by the Paseo Canal with the Chandler Municipal Airport located just east of the canal. Across McQueen Road, to the west of the subject site, is agricultural land that is planned for light industrial with neighborhood commercial on the immediate NWC of McQueen and Queen Creek roads. There is a Solid Waste Transfer Station on the SWC of McQueen and Queen Creek roads. On the SEC of McQueen and Queen Creek, is a vacant piece of land that is planned as a public/semi-public facility.

The General Plan designates the area as Recreation/Open Space, while at the same time refers to the Airpark Area Plan for more specific land use designations. According to State Statutes, private property should not be designated as Recreation/Open Space unless obtaining a written consent from the owner. At the time, when the Airpark Area Plan was adopted, it was the City's intent to purchase the properties located near the ends of the runways. However, the City has since changed its strategy and is now pursuing the acquisition of a runway protection zone easement. The easement being pursued would constitute an area of less than two acres lying in the SEC of the subject site. As part of the General Plan update, Staff will propose that the land use designation in the Future Land Use Map of the General Plan also be changed from Recreation/Open Space to Employment. Light industrial is consistent with the goals in the current General Plan, which calls for the continued development of industrial and commercial/office/business parks.

A light industrial land use designation in the Airpark Area Plan would be most appropriate for this location due to its proximity to the airport. Light industrial is also consistent with the City's economic development strategy for the Airpark Area and would be most compatible with the non-residential land uses planned in the immediate vicinity.

The Airport Commission reviewed AP07-0003 at a regular Commission meeting held on April 9, 2008. The Commission found that the proposal does not constitute a conflict with airport operations as long as any future development complies with Federal Aviation Administration guidelines and regulations.

This request was noticed according to the provisions of the City of Chandler Zoning Code. A neighborhood meeting was held March 25, 2008. There were several neighbors in attendance with questions regarding details of the proposal, development timing and light industrial instead of commercial designation. Staff has received one letter in opposition to the request.

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

17. PROJECT SUBMISSION: High Safety Plan Res. #4190

ADOPTED Resolution No. 4190 pertaining to the submission of projects for consideration in Arizona's 2009 Highway Safety Plan.

The Governor's Office of Highway Safety (GOHS) has notified the department that they are requesting submission of proposals related to all aspects of highway safety for the 2009 Federal Fiscal Year, which commences on October 1, 2008.

In the past, the Police Department has been successful in obtaining awards from GOHS, including three awards under the FY 2008 program for DUI Overtime, Occupant Protection Overtime and a Gas Chromatograph. Staff anticipates submitting applications for consideration in their FY 2009 program; however, a resolution approved by the City Council must become part of the application package.

This year, the Police Department is submitting the following requests to GOHS for consideration in their 2009 budget:

- DUI Enforcement Overtime - \$80,000 (salary and benefits)

- Seatbelt Enforcement Overtime - \$21,491 (salary and benefits)
- Equipment for DUI Vehicles - \$9,478
- Six Laser Radar Units - \$19,008
- Phlebotomy Supplies for DUI Enforcement - \$5,000

18. GRANT: Governor's Office of Highway Safety Res. #4191

ADOPTED Resolution No. 4191 requesting grant funding in the amount of \$33,873.00 from the Governor's Office of Highway Safety and the National Highway Traffic Administration for conducting Child Car Seat Safety Clinics, purchasing and distributing child safety seats and certifying car seat technicians.

19. SETTLEMENT AGREEMENT: G&G Construction v. City of Chandler

AUTHORIZED a Settlement Agreement dismissing G&G Construction Company, Inc., v. City of Chandler, et. al., Maricopa County Superior Court Cause No. CV2005-093894 regarding the contract for the development of Los Arboles Park and AUTHORIZED the Public Works Director to sign any necessary documents.

G&G Construction Co., Inc., filed suit against the City of Chandler and its design engineer seeking to recover additional amounts for development of the Los Arboles Park due to alleged design flaws. The settlement includes only an assignment of the City's contract right to pursue its design engineer for damages incurred by the City due to alleged design flaws and no payment of damages. The City did not intend to pursue any additional claim against its design engineer on this project and the proposed motion has no material financial impact on the City.

20. PRELIMINARY PLAT: Marketplace Commons at Fulton Ranch

APPROVED Preliminary Plat PPT08-0009 Marketplace Commons at Fulton Ranch, for an office condominium development consisting of 8 buildings on approximately 6.71 acres located west of the NWC of Arizona Avenue and Chandler Heights Road. (Applicant: Hunter Engineering.) The plat creates the lots, tracts and easements necessary for the property's development.

21. AGREEMENT: Mammoth Chandler 1, LLC

APPROVED Offsite Improvement and Construction Easement Agreement #OA08-002 with Mammoth Chandler 1, LLC, deferring improvements to Price Road associated with the Mammoth Professional Building development and accepting a lump sum payment of \$249,303.00.

Associated with the Development of the Mammoth Center is a requirement to construct certain offsite improvements. The City is currently constructing a capital improvement project that includes the improvement of this portion of Price Road. In order to minimize the need for coordination between two contractors and to prevent having traffic on Price 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. The funds received by the City will be applied to the cost of constructing the improvements.

22. AGREEMENT: Brooks Bros. Utility Contractors, Inc.

APPROVED an Agreement with Brooks Bros. Utility Contractors, Inc., for streetlight replacements and upgrades in an amount not to exceed \$62,400.00.

This contract is for the replacement of damaged streetlights as a result of traffic accidents or corrosion and miscellaneous streetlight installations to increase lighting levels in older developed areas. Risk Management recovers approximately 80% of the cost for damaged poles through insurance companies and/or persons involved. The remainder will be funded from the City's self-insurance. Rusted streetlight poles and replacements and the miscellaneous new installation are funded from the Capital Improvement Program as needed.

23. AGREEMENT: Dennis L. Lopez & Associates, LLC

APPROVED Agreement #ST0605-101 Amendment with Dennis L. Lopez & Associates, LLC, to provide real estate appraisal services needed in connection with the Dobson Road and Chandler Boulevard Intersection project in the amount of \$10,000.00, for a total contract amount not to exceed \$35,500.00. Additional appraisal services are required to obtain the necessary road right-of-way and easements for the project in order to meet the project schedule.

On February 9, 2006, Council approved the alignment for the Dobson Road and Chandler Boulevard intersection and Dobson Road from Chandler Boulevard to Frye Road improvement project. The alignment required acquisition of road right-of-way and easements for 20 commercial parcels. Dennis L. Lopez & Associates, LLC, had completed the original appraisal services for this project totaling \$25,500.00 as bid. Subsequent SRP requirements added 23 new easements along with 8 revised easements and 3 new parcels added to previously identified acquisitions. These changes require revisions to the original appraisal services by the appraiser. Additional appraisal services needed are approximately \$10,000.00. With this \$10,000.00 additional funding, the \$30,000.00 administrative limit as set by Council will be exceeded. Total appraisal funds required will now total \$35,500.00.

24. AGREEMENT: JC Printing and Di-Mar Business Forms

APPROVED an Agreement with JC Printing for overflow copying, printing and bindery services, in an amount not to exceed \$100,000.00 and Di-Mar Business Forms for printing CityScope in an amount not to exceed \$45,000.00, for a combined total not to exceed \$145,000.00.

25. AGREEMENT EXTENSIONS: Temporary Employees - IT

APPROVED Agreement extensions with The Judge Group, Inc., and REMX IT for one year for temporary employees – Information Technology as part of the not to exceed combined total of \$500,000.00 approved by Council on April 24, 2008, due to a name change.

26. AGREEMENT EXTENSION: Hansen Information Technologies

APPROVED a one-year Agreement extension with Hansen Information Technologies for software maintenance for the City's Utility Billing system in an amount not to exceed \$83,320.00.

27. AGREEMENT EXTENSION: Progress Software Corporation

APPROVED a one-year Agreement extension with Progress Software Corporation, sole source, for maintenance and support of Progress software used by Law and the Police and Courts Departments in an amount not to exceed \$33,325.00.

28. AGREEMENT: Triora Group

APPROVED an Agreement with Triora Group for consulting services for Oracle applications in an amount not to exceed \$75,000.00.

Staff approved a contract with Triora Group in the amount of \$29,000.00, which did not require Council approval, for the Oracle Applications Database Analyst (DBA) consulting services. Staff is requesting an additional \$46,000.00 to continue database analyst services. The City is currently recruiting to fill the DBA position.

29. AGREEMENT: IT Partners

APPROVED an Agreement with IT Partners for Storage Area Network (SAN) Equipment in an amount not to exceed \$55,000.00. The SAN is a critical component of the City's new Intellitime application.

The current SAN is close to running out of space and experiencing performance degradation. The concerns will significantly impact all users who rely on the systems. The hard drives within the SAN are reaching their performance break point and require upgrades and additional drive space to meet the continued growth of the City.

30. AGREEMENT EXTENSION: Southwest Umpire Association

APPROVED an Agreement extension with Southwest Umpire Association for professional softball umpire services in an amount not to exceed \$60,000.00. These services are required to operate the Men's, Men's Senior, Co-Recreational softball programs and invitational tournaments. Games are played three seasons per year, 10-11 weeks per season, which could total as many as 3,000 games per year.

31. AGREEMENT: Spiker Sports, LLC

APPROVED an Agreement with Spiker Sports, LLC, for various sports officials for one year in an amount not to exceed \$45,000.00. These services are required to operate the adult sports programs with the exception of softball programs and invitational tournaments. The contractor provides sports officials for flag football, basketball and volleyball leagues/tournaments. Games are played three seasons per year with the exception of flag football, which is played twice a year, 9-11 weeks per season totaling approximately 757 games per year.

32. AGREEMENT: Heinfeld, Meech and Co., P.C.

APPROVED an Agreement with Heinfeld, Meech and Co., P.C. for auditing services for one year in an amount not to exceed \$81,049.00.

The City is required by City Charter and State Statute to issue an annual audited financial report. In addition, federal law requires the City to undergo an annual single audit of federal financial assistance. Heinfeld, Meech & Co. has been serving as the City's auditor. Their contract for professional auditing services ended with the audit of June 30, 2007, financial statements. Consistent with the City's practice to competitively procure a contract for auditing services at least every five years, a request for proposals for auditing services was issued with the upcoming

expiration of the current agreement. The request for proposals for auditing services requested a full scope of services, professional qualifications and references and the ability to meet the City's timeliness for completion and cost of services. The request sought a one-year contract with the option to renew for up to four additional one-year periods.

The scope of the services also requested that all necessary work included the City and work to be performed on behalf of affiliated organizations, i.e., the Chandler Cultural Foundation. At their pleasure, the respective boards of the entities may have audit work performed per this contract at their cost.

33. AGREEMENT EXTENSION: Artistic Land Management

AGREEMENT Extension with Artistic Land Management for landscape maintenance service for Municipal Utilities facilities for one year in an amount of \$170,278.00.

34. AGREEMENT CHANGE ORDER: APL Access & Security

APPROVED an Agreement Change Order for work completed with APL Access & Security for the Checkpoint access control system and closed circuit TV system for security at the Chandler Heights Police Substation in an amount not to exceed \$20,000.00.

35. CONTRACT: Banicki Construction

APPROVED Contract #ST0720-401 with Banicki Construction for construction services for the City Bridge Rehabilitation Project in an amount not to exceed \$200,000.00, pursuant to Job Order Contract JOC07-03.

In November 2005, ADOT Bridge Management conducted an inspection of nine bridges within the City. Six of those bridges are on arterial streets at various canal crossings. Four of these arterial bridges were either found to be compliant at the time of the report or have been part of CIP projects that upgraded the canal crossing and the remaining two arterial crossings are part of future CIP projects. The three additional structures located along Market Place will be repaired as part of this project in accordance with a bridge assessment report prepared March 14, 2008, and structural details and specifications prepared by a structural engineer. The FY 2007-08 budget allocates one time funding for repairs to these City structures.

36. CONTRACT: Carollo Engineers

APPROVED a Contract with Carollo Engineers for construction management of Alamosa Wells No. 2 & 3 equipping in an amount not to exceed \$359,796.00.

New wells are needed to meet potable water demands during peak periods and to provide a backup source in times of a surface water shortage. Alamosa Well No. 2, located ¼ mile east of Gilbert Road and ¼ mile south of Chandler Heights Road, was drilled in 2006. Alamosa Well No. 3, located approximately 1/3 mile west of Lindsay Road and ½ mile north of Chandler Heights Road, was drilled in 2007. This contract will complete the well sites with the installation of the well pumps, chlorination equipment and discharge piping required to connect the well to the potable water system.

37. CONTRACT: Felix Construction

AWARDED Contracts #WA0451-402 and WA0707-402 to Felix Construction Company for Alamosa Wells No. 2 and 3 equipping in an amount not to exceed \$1,899,334.00.

New wells are needed to meet potable water demands during peak periods and to provide a backup source in times of a surface water shortage. Alamosa Well No. 2, located ¼ mile east of Gilbert Road and ¼ mile south of Chandler Heights Road, was drilled in 2006. Alamosa Well No. 3, located approximately 1/3 mile west of Lindsay Road and ½ mile north of Chandler Heights Road, was drilled in 2007. This contract will complete the well sites with the installation of the well pumps, chlorination equipment and discharge piping required to connect the well to the potable water system.

38. CONTRACT: Wilson Engineers

APPROVED Contract #WA0711-451 with Wilson Engineers for McQueen Well equipping construction management services in an amount not to exceed \$252,500.00.

New wells are needed to meet increasing potable water demand. The proposed well site is within the existing McQueen Reservoir facility located west of McQueen Road and ¼ mile north of Chandler Boulevard.

This agreement provides construction management and engineering services related to the construction, start-up and post construction warranty phases for the installation of a new potable well. Construction management and engineering services will be provided for improvements to the existing water production facility (WPF). This project will also include extensive landscape upgrades surrounding the water production facility.

39. CONTRACT: Garney Construction

APPROVED Contract #WA0711-402 with Garney Construction for McQueen Well equipping in an amount not to exceed \$1,925,658.00.

New wells are needed to meet increasing potable water demand. The proposed well site is within the existing McQueen Reservoir facility located east of McQueen Road and ¼ mile north of Chandler Boulevard. This project will provide for the equipping of a new potable well and upgrades to the existing McQueen Water Production Facility (WPF). This project will also include extensive landscape upgrades surrounding the water production facility.

40. CONTRACT: Layne Christensen Company

APPROVED Contract #WA0808-401 with Layne Christensen Company for Layton Lakes well drilling in an amount not to exceed \$920,865.00. The development of new water production wells is required to provide water to meet the City's future demand. This proposed well site is located near the NWC of Lindsay and Appleby roads. This agreement provides for the drilling of a new water production well at this site.

41. CONTRACT: Brown and Caldwell

APPROVED Contract #WA0808-451 with Brown and Caldwell for hydrology and construction management services related to Layton Lakes well drilling in an amount not to exceed

\$86,105.00. The development of new water production wells is required to provide water to meet the City's future demand. This proposed well site is located near the NWC of Lindsay and Appleby roads. This agreement provides for hydrology and construction management services related to the drilling of a new well at this site.

42. CONTRACT AMENDMENT: Carollo Engineers

APPROVED Contract #WW0808-101, Amendment No. 1, with Carollo Engineers for the sewer assessment study – Phase 3, in an amount not to exceed \$393,056.00.

The Wastewater Master Plan, completed in 2004, identified an on-going need to evaluate, prioritize and repair sewer lines and manholes within the City's collection system. As a result of this recommendation, a Sewer Evaluation Study was conducted in November 2005, which resulted in a multi-year sewer management program to inspect and rehabilitate the City's 16,200 sewer collection system manholes and 826 miles of sewer pipe.

This amendment will allow for inspection services to examine the structural condition of an additional 800 sewer collection system manholes at various locations throughout the City of Chandler. The inspection results will be used to prioritize a program of rehabilitation, repair and replacement of sewer manholes to prevent structural failures. Inspections are accomplished utilizing the manned entry inspection criteria established by the City's Wastewater Collections Division.

43. CONTRACT AMENDMENT: Engineering and Environmental Consultants, Inc.

APPROVED Contract #ST0503-201, Amendment No. 3, with Engineering and Environmental Consultants, Inc., for supplementary engineering design services for the Dobson Road/Chandler Boulevard Intersection Improvements in the amount of \$144,298.00, for a revised contract total of \$939,139.00.

44. PURCHASE: NEC Unified Solutions, Inc.

APPROVED the Purchase of NEC Secure Services for support and maintenance on the City's Cisco networking software and equipment from NEC Unified Solutions, Inc., utilizing the State of Arizona contract, in an amount not to exceed \$118,490.00. These are annual recurring costs that cover hardware technical support, repair or replacement in the event of failure. Software upgrades and updates are included.

45. PURCHASE: Dell/ASAP Software

APPROVED the Purchase of various software support and maintenance renewals from Dell/ASAP Software, utilizing the State of Arizona contract, in an amount not to exceed \$187,000.00.

46. PURCHASE: Oracle Corporation

APPROVED the Purchase of Oracle maintenance and support from Oracle Corporation, utilizing the State of Arizona contract, in an amount not to exceed \$184,425.00. Oracle maintenance and support provides technical support issues, software fixes and system and application upgrades necessary to operate and keep systems current.

47. PURCHASE: NEC Unified Solutions, Inc.

APPROVED the Purchase of Cisco network equipment, utilizing the City of Tempe contract, from NEC Unified Solutions, Inc., in an amount not to exceed \$371,100.00.

IT will replace routers, firewalls and switches that have reached their end of useful life and are no longer supported by Cisco. These units put the City infrastructure at risk when there is a software upgrade or hardware, as they are no longer covered under a maintenance agreement. Replacement of these devices allows IT to support a stable and secure network that provides data access to the various City Departments/Divisions, its users and access by citizens.

48. PURCHASE: John Deere Company

APPROVED the Purchase of a tractor and related equipment from John Deere Company, utilizing the State of Arizona contract, in an amount not to exceed \$157,199.13.

The Chandler Heights Community Facilities project consists of three integrated components. The operation and maintenance for the site and particularly the groundwater recharge area will require equipment that is not currently in the City inventory. The equipment identified as part of the operation and maintenance procedures established by the consultant includes a tractor with a disk harrow, ripper and rotary cutter. This piece of equipment will allow City Staff to maintain the percolation rates of the basins, as well as meet dust and weed control requirements.

49. USE PERMIT: Pitta Souvli

APPROVED Use Permit UP8-0007 Pitta Souvli, Series 12, for on-premise consumption only within an existing restaurant at 1940 S. Alma School Road, Suite 5. (Applicant: George Charalambois, owner.)

The site is located at the NWC of Germann and Alma School roads within the Alma School Town Center. This will be the third restaurant at this location since the development of the site in 2003 with both prior restaurants utilizing a Use Permit to operate a Series 12 liquor license. The site is surrounded on the west, north and east sides by commercial businesses within the shopping center. South, across Germann Road, is a Fry's grocery store.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 21, 2008. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

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

50. USE PERMIT: CVS Pharmacy (Portico Place)

APPROVED Use Permit UP08-0014 CVS Pharmacy (Portico Place), Series 9, for the sale of all spirituous liquor for off-premise consumption at the SWC of Dobson Road and Chandler Boulevard. (Applicant: Withey Morris, PLC / Adam Baugh.)

A new freestanding CVS convenience market/pharmacy will be locating within the Portico Place development. Portico Place includes two office buildings, a retail in-line shops building, a hotel, and CVS Pharmacy. CVS is locating off of the intersection corner of Dobson Road and Chandler Boulevard.

Beer and wine products will be stored in walk-in coolers located at the NWC of the store. Other spirituous liquor products will be in an aisle shelf and behind the cash register area. The final location of products will be determined during interior store setup.

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 neighbors in attendance. 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 shall require new Use Permit re-application and approval.
3. The Liquor Use Permit is granted for a Series 9 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 store locations.
5. The site shall be maintained in a clean and orderly manner.

51. LIQUOR LICENSE: CVS Pharmacy #9283

APPROVED a Series 9 Liquor Store Liquor License (Chandler #118485 L09) for Jason Barclay Morris, Agent, Chandler Warner CVS LLC, dba CVS/Pharmacy #9283, 180 N. Dobson Road. A recommendation for approval of State Liquor License #09070685 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.

52. USE PERMIT: El Rancho Market

APPROVED Use Permit UP08-0017 El Rancho Market, to continue outdoor grilling adjacent to an existing grocery store at 1076 N. Arizona Avenue within the Pollack North Park Plaza. (Applicant: El Rancho Market, Phillip Vigil)

The site is adjacent to the El Rancho Market grocery store within the Pollack North Plaza at the NWC of Ray Road and Arizona Avenue. A Use Permit for outdoor grilling was approved in 2007 with a one-year time limit to allow assessment of the parking situation. This request is to continue the outdoor grilling without a time limit.

The grilling takes place within two fenced-off parking spaces south of the main grocery store entrance, occupying approximately 400 square feet. The fences are portable metal fences that are removed when grilling does not occur, thereby leaving the spaces to function for parking. The grilling follows all state and local regulations, including provisions for distance from the building and presence of fire extinguishers and a hand-washing sink. Within the fenced grilling area, there is also a temporary canopy provided above a preparation table for the workers' benefit. The grilling area does not encroach upon the sidewalk under the colonnade. All food sales occur inside the grocery store; grilled items are not sold or picked up outdoors. Grilling occurs Friday, Saturday and Sunday.

The shopping center, including all pads, requires approximately 389 parking spaces by code while 281 are provided. On days when the grilling occurs, the parking provision is reduced to 279. There are currently no tenant vacancies in the center.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on April 28, 2008. There was one neighbor in attendance in support of the request as long as there is no music or other noise associated with it. Staff confirmed that there is not.

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

1. Substantial conformance with approved exhibits (Site Plan and Narrative) except as modified by condition herein. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other location.
3. Food may not be paid for nor picked up outdoors. All transactions must occur inside the store.

53. LIQUOR LICENSE: Heart Attack Grill

CONTINUED TO JUNE 12, 2008, Liquor License, Series 1, for Jesus Manuel Altamirano, Agent, HAG, LLC, dba Heart Attack Grill, 6185 W. Chandler Boulevard to allow the applicant time to complete the requirements for a new Use Permit.

54. LIQUOR LICENSE: Espinoza's Food Center

CONTINUED TO JUNE 12, 2008, Liquor License, Series 10, for Larry Lara Espinoza, Agent, dba Espinoza's Food Center, 3863 W. Chandler Boulevard to allow the applicant time to complete the requirements for a new Use Permit.

55. LIQUOR LICENSE: Arroyo Bros. Meats

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #119136 L10) for Gabriel Arroyo, Agent, Arroyo Bros. Meats, 961 W. Ray Road, Suites 1 & 2. A recommendation

for approval of State Liquor License #10075599 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.

56. LIQUOR LICENSE – TEMP EXTENSION OF PREMISES: The American Legion

APPROVED a Temporary Extension of Premises for a Series 14 Private Club Liquor License (Chandler #6973 L14) held by The American Legion Post 35, 2240 W. Chandler Boulevard, for a wedding reception on June 6, 2008. A recommendation for approval of a temporary extension of premises for State Liquor License #14070023 will be forwarded to the State Liquor Department. This approval also extends the City of Chandler Liquor License No. 6973 L14. The Police Department has no objections to this extension and the applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Services.

57. CONDOMINIUM PLAT: Marketplace Commons at Fulton Ranch

APPROVED Condominium Plat CPT08-0005 Marketplace Commons at Fulton Ranch, for an office condominium development consisting of 8 buildings on approximately 6.71 acres west of the NWC of Arizona Avenue and Chandler Heights Road. (Applicant: Hunter Engineering.) The plat creates the lots, tracts and easements necessary for the property's development.

58. FINAL PLAT: Marketplace Plaza at Fulton Ranch Amended

APPROVED Final Plat FPT08-0009 Marketplace Plaza at Fulton Ranch Amended, for an office condominium and retail development consisting of 6 lots on approximately 11.93 acres at the NWC of Arizona Avenue and Chandler Heights Road. (Applicant: Hunter Engineering.) The plat creates the lots, tracts and easements necessary for the property's development.

59. FINAL PLAT: Replat of Spectrum Chandler Lot 2

APPROVED Final Plat FPT08-0007 Replat of Spectrum Chandler Lot 2 for a 2-lot hotel development on approximately 8 acres north and east of the NEC of Price and Willis roads. (Applicant: Jason Segneri, Survey Innovation Group, Inc.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

60. CONDOMINIUM PLAT: Dobson Village Building 'A'

APPROVED Condominium Plat CPT08-0004 Dobson Village Building 'A', Units 1, 3, 4 and 5 within an office development consisting of medical and general office uses at the NEC of Dobson and Frye roads. (Applicant: Jason Segneri, Survey Innovation Group, Inc.) The plat creates the units and tracts and establishes the necessary easements.

61. FINAL PLAT: Springfield Marketplace

APPROVED Final Plat FPT08-0008 Springfield Marketplace for a 14-acre commercial property divided into 3 lots at the SEC of Riggs and Gilbert roads. (Applicant: Landform.) The plat creates the lots, tracts and easements necessary for the property's development.

62. FINAL PLAT: Cottman Transmission

APPROVED Final Plat FPT08-0005 Cottman Transmission for a 3-acre industrial parcel to be consolidated into 2 lots north and west of the NWC of Chandler Boulevard and 56th Street. (Applicant: Cottrell Engineering.) The plat creates the lots, tracts and easements necessary for the property's development. The lots received Use Permit approval in 2007 to allow auto-related uses.

63. REAL PROPERTY PURCHASE: Alma School and Ray Res. #4135

ADOPTED Resolution No. 4135 authorizing the purchase of real property needed for the Alma School Road and Ray Road intersection improvements; AUTHORIZED relocation assistance as may be required by law and directing further action.

Council approved the alignment for the Alma School Road and Ray Road Intersection Improvements on February 28, 2008, to relieve congestion along this major arterial corridor. The proposed roadway improvements will include the construction of three through lanes, dual left turn lanes, right turn lanes, bus pullouts and bike lanes in each direction.

The Alma School Road and Ray Road Intersection Improvement Project requires the acquisition of real property (road right-of-way and easements) from private property. Road right-of-way and/or easement acquisitions for the proposed improvements will be required from an estimated nine residential properties, one church and 23 commercial/retail parcels. This includes full acquisition of two of the residential properties at the SEC of the intersection and three commercial/retail properties at the NEC of the intersection. City Staff have discussed the possible full acquisition of these five parcels with the property owners. Relocation assistance will be required for the owners and tenants of the five full acquisition properties.

ACTION:

64. REZONING: Red Rock Business Plaza Ord. #4072

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4072, 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 located at the NEC of Wright Drive and Germann Road. (Applicant: Pat Jones, Mark IV Capital.)

SENIOR PLANNER BILL DERMODY gave a brief background on this item. This request is for rezoning from Planned Area Development (PAD) to Planned Area Development (PAD) Amended to expand the list of permitted uses within the zoning district for a 14-acre multi-tenant office/industrial development at the NEC of Wright Drive and Germann Road. The additional uses include specified Public Assembly uses, which the applicant refers to as "family recreational" uses: bounce facilities, gymnastics, rock climbing, cheerleading, toddler gyms and similar uses.

The site is part of the 245-acre Chandler Airport Center master planned employment center that flanks both sides of Cooper Road south of the Santan Freeway (Loop 202). The Chandler Airport Center received conceptual zoning approval in 2005. The master plan established the subject site for office, showroom and light industrial uses. Adjacent to the north and northwest are vacant sites with the same zoning designation. To the east and west are recently constructed projects similarly designated for office/industrial/showroom uses. South, across Germann Road, is vacant land designated for office, light industrial and hangar uses.

A Preliminary Development Plan (PDP) was approved in April 2007 for the subject 14-acre site. The PDP identified three single-story flex office/industrial buildings totaling approximately 133,000 square feet. Sufficient parking is provided to accommodate a 50% office, 50% Industrial build out, taken on a building-to-building basis. Based on parking, a minimum of 50% of each building will be utilized for warehouse and light manufacturing uses. The site is currently nearing the final stages of construction.

The approved zoning permits general office and service retail uses, showroom and warehouse uses, light manufacturing and industrial uses, or any combination thereof, pending compliance with the above mentioned parking restrictions. The site's zoning does allow the storage of hazardous materials by right, with the Fire and Building Codes governing their storage and use. The approved zoning does not permit any type of family/children's recreational, instructional or training Public Assembly uses. The requested zoning amendment seeks to permit said uses within all three buildings, while not altering the retail/office/showroom versus warehouse/manufacturing percentage limitations. The proposed Public Assembly uses would count as part of the allowed retail/office/showroom space. Examples of the proposed amended Public Assembly uses include, but are not limited, to martial arts and gymnastics training facilities, musical instrument training studios, dance studios and family/children's recreational facilities.

A specific user identified as a proposed tenant is Bounce Jungle, a jungle-themed entertainment facility that will include two arenas equipped with large inflatable play equipment to bounce, climb and slide upon, as well as two private party rooms for food, cake, beverages and other party activities. Additional entertainment activities will include clowns, magicians, balloon character artists and minimal arcade games. Families reserve the Bounce Jungle facilities and services for events such as children's birthday parties. All parties are by invitation from the hosting family only. Bounce Jungle would occupy approximately 10,000 square-feet within one of the three buildings, with up to 15 employees on-site at any given time. Each party will allow up to 35 participants (parents and children) in each of the two arenas and two private party rooms.

The applicant commissioned a parking demand study that provides vehicle counts for five different types of family recreational assembly uses such as gymnastics, rock climbing, cheerleading, toddler gym and bounce facility similar to Bounce Jungle, an identified potential user for the subject site. Vehicle counts were conducted on a weekday and a weekend for each use, all in April except the bounce facility that was previously studied in March. The highest peak parking demand observed was for the rock climbing use, at 4.8 spaces per 1,000 square feet of floor area. Other uses' parking demands ranged from 1.2 to 3.8 spaces per 1,000 square feet, not counting any drive-by drop-offs that did not use a parking space. Notably, the bounce facility is the only use type studied that had a higher peak on weekends than weekdays. Also, the rock climbing gym, oriented more toward adults, is the only use that had a weekday peak after 5 p.m. Since the peak parking demand for these uses, even accounting for some amount of drive-by drop-offs, appears to be under the 5 spaces per 1,000 square feet ratio of the office use it is replacing in the use mix of the buildings, the existing parking should be able to accommodate the uses' total demand.

Drive-by drop-offs, where the cars never enter a parking space, are believed to be common only for uses oriented toward 10 to 16 year olds, such as gymnastics or dance. The lack of defined pick-up/drop-off areas continues to be a concern for the gymnastics and dance-types of uses that cater to this age group.

The Airport Commission reviewed the zoning request in accordance with the Airport Conflicts Evaluation Process. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found that no airport conflicts exist with this application.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held February 28, 2008. There were no citizens in attendance. Staff has received no correspondence in opposition to this request.

Staff recommends denial of the rezoning request finding the proposed uses incompatible with the Chandler Airport Center's existing business park zoning. Recreational uses such as martial arts and gymnastics training facilities, musical instrument training studios, dance studios and family/children's recreational facilities are typically located in commercial zoning districts such as Community Commercial (C-2) and Planned Area Development (PAD) for retail where they are allowed by right. Staff finds that children's activities are not compatible with uses such as warehousing and light manufacturing typically found in business parks such as the subject site. The traffic generated by parents dropping off children is not compatible with business park truck traffic. While all parents have the best intentions, children can get loose and run out into the drive aisles that are intended for the light manufacturing and warehouse truck traffic.

Staff understands that various public assembly uses, as identified within this rezoning request, require higher ceiling heights and/or larger clear open space than typically found in traditional commercial retail developments, thus the attraction to industrial/office business parks. However, in the case of this subject site, as constructed, no more than 50% of each building could be utilized for commercial purposes. The remaining 50% is slated for light manufacturing and warehousing uses, of which Staff finds the proposed public assembly uses incompatible. Business park uses can generate noise and odor as well as include the storage of hazardous materials, of which Staff finds incompatible with the identified public assembly uses, some of which may include children.

Additionally, Staff finds that many of the proposed public assembly uses, especially those oriented toward 10 to 16 year olds, will generate drive-by-drop-off traffic that cannot be safely accommodated in the established parking lot layout. A likely result for these types of uses, if not managed well, is long lines of vehicles at peak hours extending from the suite entrances out onto the collector streets or Germann Road. The anticipated vehicle backup would conflict with office and truck traffic generated by the center's other uses.

Upon finding consistency with the General Plan, the Planning Commission recommends approval with stipulations listed in the ordinance.

COUNCILMEMBER WENINGER asked Staff to clarify stipulation #4 added by the Planning Commission. MR. DERMODY responded that the three buildings have their parking spread around the outside and there is no large common parking lot on the site. These buildings are designed and parked at about 50% industrial. If those types of recreational uses are not limited per building, they have the same types of parking characteristic and the same types of peak hours, citizens would not be able to park in front of the door. There is a desire not to have anyone walking across the truck aisles.

COUNCILMEMBER WENINGER said that stipulation #4 requires that no more than 25% of each building shall be family recreational. If a recreational business needed 30% of the building space, it would not be able to locate there. Mr. Dermody concurred. Bounce Jungle takes up

approximately 20% of their building. It would allow two similar or slightly larger businesses to locate in each of the other two buildings on the site.

COUNCILMEMBER DONOVAN said that according to the minutes of the Planning Commission meeting, there was discussion regarding two different parking requirements. Once the requirement for office, which is larger than that for industrial warehouse, is met, no other uses with that parking requirement are able to locate at this center. She asked if this occurred on a per-building basis or for the entire site. Mr. Dermody responded that it is on a per-building basis.

COUNCILMEMBER DONOVAN commented that the office parking structure for the family recreational uses is five per thousand square feet. Mr. Dermody said that recreational uses are parked by code at five per thousand square feet, which is the same ratio as office. Councilmember Donovan clarified that we would be replacing office and the remaining 30% could be office and 50% could be warehouse. She explained that when looking at a site map, just to the right of the proposed Bounce Jungle on building three, if something was placed there, it seems that that would create a greater parking problem than if a similar entity went to the other side of building one and did the same thing making it 40% of building one but further away and having more ability to park than building 3. Mr. Dermody stated that COUNCILMEMBER DONOVAN'S comments are valid. The difficulty faced by the Planning Commission was coming up with a condition that addressed their concern without making it overly complicated.

STEVE EARL, Earl Curley & LaGarde, spoke on behalf of the owners and first tenant, Bounce Jungle. He said they agree with the Planning Commission's stipulations; however, they do not agree with stipulation #4 because they feel parking can control the uses rather than arbitrarily choosing a percentage. They also appreciate that the Airport Commission found no conflict of the use. The Economic Development Division feels this will be an important amenity in this area. While Staff feels these uses will operate well in retail spaces, Mr. Earl stated that they rarely locate in retail for two reasons. First of all, they need a clear height of 18' or more and most retail centers do not have that kind of clear height inside of the tenant space. The second reason is that the rent for retail is higher than these businesses can afford.

Mr. Earl continued that because these types of businesses are relatively new, they looked at other surrounding cities to see how they dealt with these issues. They noticed that in Phoenix, near the Deer Valley airport area, near the Scottsdale Airpark, Falcon Field in Mesa and in the auto park, the businesses were all in business park environments. The third reason for locating in industrial is because there are a lot of distractions in a retail environment. One of the things about these businesses is that they check people in, come as a destination use, and come out. A thorough parking study was conducted by sending out traffic engineers to sites with these uses in other cities and having them stand on the property and watch the parking activity both during the week, weekend and during a holiday period. They found that these uses have very low parking demand at or below 2 per thousand. Occasionally, it went up to 4 per thousand, but that was on a weekend when there is no business activity. That is one of the reasons these uses like to be in business parks because of shared parking. High utilization occurs when there is no one in the business park.

In addressing the issue of trucks being present at the facility, Mr. Earl said that this development is a top-quality business park and not heavy industrial. There is no dock-high loading, but normal roll-up doors in the back. After their study, they determined that there was no conflict with truck traffic because trucks tend to come in the morning. They are normal delivery trucks and not 18-wheelers and children do not wander around a business park. They come as a destination use and with the bounce facility, they are checked in and out by their parents.

There was also a concern with traffic lining up to drop off children causing a disturbance for other businesses. Parents do not drop off children; they park and take their children in and then leave. Ultimately, it was determined that there was not a significant compatibility issue.

The applicant agrees with other stipulations including reserving drop-off spaces; limitation of the scope; no recreational use entrance endcaps; and no competitions Monday through Friday.

COUNCILMEMBER HARTKE commented that he agrees with the proposed uses; however, from the information provided by the applicant, these uses in other cities appear to be located in stand-alone buildings and not congregationally. He questioned whether these recreational uses are located too close together. MR. EARL said that the Planning Commission was concerned with the number of these types of businesses in the park; however, Acting Economic Development Director Chris Mackay said that it would be beneficial for these uses in a high-end quality park. Some Commission members may have had concerns with locating them close together, but the parking utilization is so low for these uses and presents no conflict.

COUNCILMEMBER HARTKE clarified that the maximum use in any of the buildings as prescribed if only dictated by parking for the use, would be 50% as opposed to 25%. Mr. Earl concurred and added that according to the code, they could not be more than 50%.

COUNCILMEMBER WENINGER asked if there was a sidewalk along the buildings. Mr. Earl replied that there is a sidewalk in front of all of the buildings. COUNCILMEMBER WENINGER commented that he has taken his son to these types of recreational facilities, and none have been in Chandler. He typically goes on Saturday when the businesses are closed. Mr. Earl said that during the summer months when the children are out of school, parents are still working and continue to take their children to the facilities on the weekends or in the evenings.

MOVED BY COUNCILMEMBER CACCAMO, SECONDED BY COUNCILMEMBER ORLANDO, TO INTRODUCE ORDINANCE NO. 4072, 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 LOCATED AT THE NEC OF WRIGHT DRIVE AND GERMANN ROAD AS RECOMMENDED BY PLANNING & ZONING WITH THE DELETION OF STIPULATION #4.

MAYOR DUNN asked how the stipulations are conveyed to businesses that may come into the facility in the future. MR. DERMODY said that it is the responsibility to convey them to the tenants and the landlord is expected to know what the stipulations are. The City will ensure the stipulations are complied with before issuing any building permits or certificate of occupancy. MAYOR DUNN suggested developing a process whereby we ensure the landlords are familiar with the stipulations and convey them to any tenants.

COUNCILMEMBER DONOVAN thanked the Sunshine's (owners of Bounce Jungle) for their work in bringing this forward.

MAYOR DUNN commented that this is a unique opportunity based on the design of this business park. This will enhance the employment area and encourage the location of businesses in this area. He appreciates Staff's concerns with the mix of uses, but feels the design creates natural barriers.

MOTION CARRIED UNANIMOUSLY (7-0).

65. TENTATIVE BUDGET

Res. #4187

ADOPTED Resolution No. 4187 adopting the 2008-09 Tentative Budget.

MANAGEMENT SERVICES DIRECTOR DENNIS STRACHOTA said that as required by Arizona Revised Statutes, budget forms will be published as well as a notice that the City Council will meet for the purpose of public hearing and for final adoption of the 2008-09 Budget at 7:00 p.m., June 12, 2008, and will further meet for the purpose of making tax levies at 7:00 p.m. on June 26, 2008.

The 2008-09 recommended budget totals \$1,202,701,420.00 and includes an operating budget of \$279,457,729.00, capital expenses (non-grant) of \$613,211,915.00, funding for Debt Service of \$50,959,223.00, cost center interfund payments for capital replacement of \$5,313,052.00, grant expenses of \$54,880,419.00, plus a contingency and reserve in the amount of \$199,842,664.00. Included in the projected operating revenues of \$373,064,055.00 is a property tax levy of \$38,606,234.00 based on a rate of \$1.1814 per \$100 assessed property value.

This resolution also incorporates the three amendments approved at the May 8, 2008, Council meeting and includes one-time transfers from Council Contingency in the amount of \$20,706.00 for the Senior Nutrition Program; \$84,731.00 to the Chandler Community Action Program and \$42,000.00 to the Chandler Symphony Orchestra.

Council had asked the City Manager to come forward with recommendations if there were any additional cuts amounting to \$500,000.00. Mr. Pentz has included in a memo detailing what those cuts would be. They would require an additional amendment to have them reflected in the tentative budget.

MAYOR DUNN clarified that if there is a desire to reduce on-going operating costs as recommended by COUNCILMAN WENINGER and input from the City Manager would have to be a separate motion before the tentative budget is approved. Mr. Strachota concurred.

COUNCILMEMBER ORLANDO said that only \$20,000.00 was approved for the Community Center food service and asked if they ever came back with more justification for additional funding. Mr. Eynatten responded that his Staff has been in contact with Community Services of Arizona and, as of the beginning of the week, has received some funding from the Area Agency on Aging, but it is a bulk amount and does not state what percentage will be attributable directly to Chandler. They have advised Staff that they will be able to provide that information.

MAYOR DUNN asked the City Manager for an explanation on the intent of Section 3 of the proposed Tentative Budget dealing with the Expenditure Control Budget System and what it will allow the Manager's office to do in terms of the on-going revenue and expenditure issues that may occur during the year. MR. PENTZ said that the resolution gives the City Manager the flexibility to make further reductions or hold back on expenditures. There was discussion at the last meeting regarding making additional cuts and \$500,000.00 has been identified. The resolution gives the City Manager the authority to monitor expenditures and revenues on a monthly basis and take the action necessary to ensure expenditures stay within the available revenue.

MAYOR DUNN said that he was impressed with the number of paragraphs that give the City Manager and designated department administrators to provide the flexibility to look at

expenditures, prior appropriations and whether there is sufficient revenue. He confirmed that any significant adjustments would be reported to Council. MR. PENTZ said a report would be provided to Council and each year in the budget documents those changes are identified.

MAYOR DUNN asked about the remaining amount of on-going contingency for Council? Mr. Strachota responded that the transfers were made from one-time contingencies so there was no impact to on-going. Council has \$200,000.00 in on-going contingency.

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER DONOVAN, TO ADD AN AMENDMENT TO THE 2008-09 BUDGET TO INCLUDE THE FULL LIST OF THE CITY MANAGER'S RECOMMENDATIONS TO REDUCE THE ON-GOING OPERATING COST. THOSE REDUCTIONS READ, COUNCIL ON-GOING CONTINGENCY, \$82,000.00; FLEET REPLACEMENTS \$125,000.00; SOFTWARE MAINTENANCE \$25,000.00; POLICE OVERTIME REDUCTION EXTRA DUTY PAY, \$175,000.00; REDUCE SUBSIDY TO AIRPORT, \$73,000.00; REDUCE TECHNOLOGY REPLACEMENT FUND CONTRIBUTION, \$20,000.00 FOR TOTAL ON-GOING REDUCTIONS OF \$500,000.00.

COUNCILMEMBER ORLANDO asked what the Police overtime reduction entails. MR. PENTZ responded that it is related to extra duty pay. The current ordinance states that the City will have a police officer on construction sites within 300 feet of an arterial street intersection in the early morning and evening rush hours. We have allowed that to extend throughout the entire day. Based upon a recommendations from the Police Chief and Public Works Director, he will be reducing the extra duty assignment to the hours specified in the ordinance which takes no further action from the Council. It is not a bargaining issue.

COUNCILMEMBER HARTKE asked if the motion could be amended to reduce the budget by \$500,000.00, but not limit it to those specific reductions. He is concerned that the funds will not be available if it becomes necessary to increase police overtime.

COUNCILMEMBER WENINGER said that it is his understanding that the City Manager can reduce the police overtime without Council's approval. Mr. Pentz said that if we adhere to the ordinance, the Police Department has estimated an annual savings of \$175,000.00. Approving the motion assures that these reductions will be made, but he has the authority to make the reductions himself through the directors. COUNCILMEMBER WENINGER added that Mr. Pentz could also make more reductions without Council's approval. Mr. Pentz concurred. As an example, there are vacant positions that are authorized, but being left vacant. Because the positions are authorized does not mean they will be filled. Because something is budgeted does not mean it will be spent.

COUNCILMEMBER CACCAMO said that he understands COUNCILMEMBER HARTKE'S concern. He asked if the funds for the overtime budget are specified for construction sites. The Police Department may need additional overtime for a massive investigation. MR. PENTZ responded that there is one overtime account. In other areas, we may go over in overtime and he can authorize it. He stated that if changes were made to the handling of extra duty traffic control by scheduling them in the mornings and evenings, as proposed in the amendment, we would save this amount of money.

COUNCILMEMBER DONOVAN clarified that there is still the ability to approve overtime based on need, but it will save \$175,000.00 to not expand the ordinance as is currently being done. If there is a major investigation taking place, and an increase in overtime, there would still be that increase in overtime. She does not feel it will hinder overtime in a major investigation.

COUNCILMEMBER DONOVAN asked for clarification in the motion, which refers to a decrease in expenses. She questioned the need to add a decrease in revenues to the motion. Mr. Strachota said that a reduction in general fund revenues of an equal amount should be included in the motion. Indicating that the general fund revenue should be reduced by \$500,000.00 would be sufficient and Staff will make the reduction.

COUNCILMEMBER WENINGER, as the motion maker, and COUNCILMEMBER DONOVAN, as the second, concurred.

MOTION ON THE AMENDMENT CARRIED BY MAJORITY WITH VICE-MAYOR HUGGINS VOTING NAY. (6-1)

MOVED BY COUNCILMEMBER CACCAMO, SECONDED BY COUNCILMEMBER ORLANDO, TO APPROVE RESOLUTION NO. 4187 ADOPTING THE 2008-09 TENTATIVE BUDGET.

MAYOR DUNN thanked the Budget Staff for their work on the budget and the City Manager for being responsive to the concerns of the Council. Mr. Strachota suggested adding, "as amended" to the motion.

COUNCILMEMBER CACCAMO, as the motion maker, and COUNCILMEMBER ORLANDO, as the second agreed.

COUNCILMEMBER ORLANDO noted that we have also reduced the budget by \$3.1 million. Council asked the City to do the best they could including look at all departments and they came up with 8.5 vacancies that were never filled for a savings of \$541,000.00; cover costs of position reclassification, \$264,000.00; \$2.3 million on-going revenues programmed for one-time costs only.

MAYOR DUNN pointed out that part of the savings is \$1.2 million in operations and maintenance cost savings as a result of delaying some capital projects. The City continues to make transportation improvements and major parks projects.

MOTION CARRIED UNANIMOUSLY (7-0).

66. USE PERMIT: Alma School Place Assisted Living Facility

APPROVED Use Permit UP08-0004 Alma School Place Assisted Living Facility to operate an assisted living home for up to ten residents within an existing single-family home located at 451 W. Wildhorse Drive, west of the NWC of Arizona Avenue and Willis Road. (Applicant: Marc Lazovich, owner.)

CITY PLANNER 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 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; however it was never opened and it was recently sold 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 explained that this request is back before Council due to a motion for reconsideration approved by Council at the last meeting.

MARC LAZOVICH, 4422 E. Earl Drive, Phoenix, applicant, asked that his original request of ten residents total including a potential for live-in care giving staff. It should be noted that this is a compromise because Chandler's code allows for ten people total could reside in the home. If Council votes to grant less than ten, it must be based purely on fact and he would like to know the facts so he can understand the reasoning. He stated the house meets or exceeds all state requirements for ten residents or more. There were also a number of factors considered both by Council and Planning and Zoning that are not appropriate to be considered or reviewed and at least one violated Chandler's own code. He commented that Americans with disabilities have a right to live anywhere they want and are afforded protection under the Fair Housing Act. If the home meets the state requirements for ten residents and they are told they can only have eight, it is the same as the City of Chandler deciding two people with disabilities were not allowed to live where they wanted.

COUNCILMEMBER CACCAMO said that Council's concern is more for the quality of life of potential residents living in the home. The square footage is there, but there are only two and a half bathrooms. To have 8-10 disabled adults sharing these bathrooms, did not seem to be a good quality of life care. He explained the Council was not being arbitrary. When the Planning & Zoning Commission said to approve it with six residents and two caregivers, they also had that in mind. He agreed with Mr. Lazovich in having caregivers living there and counting them as part of the number. If there were more bathrooms, he would be amenable to approval. There is a dignity that the elderly should have and not have to use a bedpan or wait in line to use the restroom.

Mr. Lazovich said that there are four full baths including the one downstairs. COUNCILMEMBER CACCAMO said that the inspection report Council was given depicted two full baths and one half bath. Mr. Swanson said that when he initially visited the site, he noted that there were two and a half full baths upstairs and a full bath downstairs. He added that the half bath is now actually a full bath. In the original floor plan, there was an option to make it a full bath. He did not notice the tub tucked behind the wall when he made his inspection.

In response to Mayor Dunn, Mr. Swanson said that Staff is recommending six residents receiving care plus two live-in caregivers with the conditions as stated in the memo.

Mr. Lazovich addressed the MAYOR'S concern at the previous meeting regarding having one common living area for all of the residents. He is investigating how that can be modified to still maintain two living areas.

JAN OSTERMEYER, 1361 S. Camellia Ct., said that she is disappointed this issue is back before Council. She is against the proposal for ten residents. After the April 24th meeting, she felt a good compromise had been achieved when Council granted the Use Permit for more than five residents, but less than ten. The applicant won by getting more than five and the neighborhood won by getting less than ten. She said Mr. Lazovich is not being denied the ability to run an assisted living facility. His purpose is to provide care for his mother which he currently can do. It is not an issue of what he wants to do, but of the magnitude. She noted that Mr. Lazovich admits he has never run an assisted living facility and has no healthcare experience. It would be better to start on a small scale due to his inexperience. She referenced the testimony of Mr. Rico (Arizona Center for Disability Law) at the last Council meeting and stated that elder care is not being discriminated against or denied. There are guidelines established. She opined that neighborhoods should be protected from business ventures, Use Permits should have to be issued and neighbors should be notified.

MICHAEL OSTERMEYER, 1361 S. Camellia Ct., stated that he was not notified of tonight's meeting because they are outside of the 600 ft. area. He urged Council to deny the request. He stated the applicant could still have 5 under the current ordinance. Under single-family residence zoning, he could have 4 residents with one caregiver. If Council denies the application, they are only indicating that he cannot operate a facility with 6-10 residents and must comply with the current zoning laws. He viewed this as a business venture for Mr. Lazovich. He stated the applicant currently lives in Phoenix and while the applicant states he is starting this facility for his mother, Mr. Ostermeyer questioned why he was not setting up a facility in closer proximity to his home.

J.C. HUCKFELDT, 1350 S. Illinois Court, spoke in opposition to the request due to increased traffic, proximity to a school bus stop and a park, and an increase in emergency vehicles. He would be in support of no more than five residents with one caregiver.

MOVED BY COUNCILMEMBER CACCAMO, SECONDED BY VICE-MAYOR HUGGINS, TO APPROVE USE PERMIT, UP08-0004, ALMA SCHOOL PLACE ASSISTED LIVING FACILITY, TO OPERATE AN ASSISTED LIVING HOME FOR UP TO 8 RESIDENTS, 6 CLIENTS AND 2 LIVE-INS, WITHIN AN EXISTING SINGLE-FAMILY HOME LOCATED AT 451 W. WILDHORSE DRIVE, WEST OF THE NWC OF ARIZONA AVENUE AND WILLIS INCLUDING 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 Permits 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.

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

PUBLIC HEARINGS:

PH #1 DOWNTOWN CHANDLER ENHANCED MUNICIPAL SERVICES DISTRICT

The Mayor opened the public hearing at 8:43 p.m.

DOWNTOWN REDEVELOPMENT MANAGER TERI KILLGORE said that on April 24, 2008, City Council approved 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 and setting the date for the Public Hearing on the assessments for the May 22, 2008, City Council meeting.

Subsequent to the April 24, 2008, meeting, Staff published notice of the date of the Public Hearing for five consecutive days in the Arizona Republic as required by Arizona Revised Statute. District Staff also sent a notice of the Public Hearing to all property owners in the District advising that they could file an objection with the City Clerk. To date, no objections have been received in the City Clerk's office.

Upon completion of the Public Hearing and approval of this item, Staff will forward the calculated Assessment Roll to the Maricopa County Assessor's Office. The first assessments for the district will be mailed to property owners with their tax bill in the fall of this year.

Assessments in the District will be based on three factors including assessed value (one-third of the assessment), building square footage (one-third of the assessment) and land square footage (one-third of the assessment). 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.

Assessments for privately owned property in the District total \$133,047.00. In addition, the assessment for City-owned property totals \$132,916.00. Funds to provide for the City's

contribution to the District have been requested in the Downtown Redevelopment's operating budget for 2008-2009.

COUNCILMEMBER ORLANDO asked if it is necessary to list the residents in the area. MS. KILLGORE stated that residential is exempt from assessment under the district guidelines. Properties are shown as being part of the assessment district to comply with assessor standards, but it is assessed at a zero rate.

The Mayor closed the public hearing at 8:45 p.m.

67. ANNUAL ASSESSMENT: Downtown Enhanced Municipal Services Dist. Res. #4192

ADOPTED Resolution No. 4192 approving the FY 2008-09 Annual Assessment for the City of Chandler, Downtown Chandler Enhanced Municipal Services District.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER CACCAMO, TO APPROVE RESOLUTION NO. 4192 APPROVING THE FY 2008-09 ANNUAL ASSESSMENT FOR THE CITY OF CHANDLER ENHANCED MUNICIPAL SERVICES DISTRICT.

MOTION CARRIED UNANIMOUSLY (7-0).

PH #2 SYSTEM DEVELOPMENT FEE UPDATE

The Mayor opened the public hearing at 8:46 p.m.

SENIOR FINANCIAL ANALYST JULIE BUELT said that according to the provisions of the Chandler City Code, System Development Fees are to be updated annually. It has been the City's practice to have consultants review the fees every other year and have City Staff make an inflationary adjustment in the interim years. Red Oak Consulting prepared the System Development Fee Report for the 2008 modified utility system development fees.

In order to adequately notify interested parties of the 2008 update, emails were sent on March 7, 2008, to the Associated General Contractors of America, Capitol Consulting (representing the Arizona Multihousing Association), Chandler Chamber of Commerce, Fulton Homes Corporation, Home Builders Association of Central Arizona (HBACA) and Valley Partnership informing them of the proposed update to the System Development Fees and the planned date of the Public Hearing. Staff hosted a public meeting on April 29, 2008, attended by representatives from Capitol Consulting, Fulton Homes Corporation, HBACA and Valley Partnership. To date, no issues have been communicated to City Staff regarding the modified utility system development fees. However, there are outstanding concerns regarding the new and modified non-utility system development fees so Staff is not including those fees in this Public Hearing.

The Advance Notice of Intent was published in the Arizona Republic on March 17, 2008, showing the date, time and place of the public hearing scheduled for May 22, 2008. In compliance with State Statutes, the Utility System Development Fees report was filed with the City Clerk for public review beginning March 14, 2008, and is available on-line as agenda item number 39 on the March 13, 2008, Chandler City Council Regular Meeting Agenda. The ordinance to adopt the modified utility system development fees is scheduled for introduction at the June 12, 2008, Council meeting, with final adoption scheduled for the June 26, 2008, Council meeting. The modified utility system development fees will be effective October 1, 2008.

System development fees are charges designed to provide funding to a community for the cost of expanding infrastructure or building capital facilities required to support new development. If these fees are not maintained at the proper level, the city may have to provide additional General Fund support for growth related projects.

Ms. Buelt explained there are five fee categories for single-family, two in water and three in wastewater. Staff proposes no fee over-all increase in water. There is just a shift between the two categories. On the wastewater fees, there is an over-all increase, but two of the three categories are decreasing. There will be an over-all increase of 26% for a single-family unit on utilities.

The multi-family fee is calculated as a percentage of the single-family fee based on average consumption data. Those fees will be decreasing for water and increasing for wastewater for a slight decrease over-all.

Most of the City meters in the non-residential category are at 2" or less. Those will be increasing by 18%.

COUNCILMEMBER DONOVAN asked what would happen with other fees. Ms. Buelt responded that we would have to re-notice the fees. There have been discussions with the City Attorney's office and stakeholder groups and propose to present it at the June 12th Council meeting when they introduce the ordinance for utility fees. The fees will be re-noticed, we will have wait another 60 days which brings the public hearing for those fees into August with an effective date of December 29th.

The Mayor closed the public hearing at 8:49 p.m.

PH #3 INFRASTRUCTURE IMPROVEMENTS PLAN

The Mayor opened the public hearing at 8:50 p.m.

SENIOR FINANCIAL ANALYST JULIE BUELT said that Arizona Revised Statute § 9-463.05.D requires the City to adopt an infrastructure improvements plan prior to assessing a new or modified system development fee. Red Oak Consulting prepared the utility Infrastructure Improvements Plan in conjunction with the preparation of 2008 modified utility system development fees.

The Advance Notice of Intent was published in the Arizona Republic on March 17, 2008, showing the date, time and place of the Public Hearing scheduled for May 22, 2008. In compliance with the State Statutes, the Utility Infrastructure Improvements Plan was filed with the City Clerk for public review beginning March 14, 2008, and is available on-line as agenda item number 39 on the March 13, 2008, City Council Regular Meeting agenda. The adoption of the Utility Infrastructure Improvements Plan is scheduled for the June 26, 2008, Council meeting.

COUNCILMEMBER ORLANDO asked if the Infrastructure Improvement Plan has been distributed to the stakeholders. Ms. Buelt confirmed it had.

The Mayor closed the public hearing at 8:51 p.m.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that Summer Recreational Class and Camp registration is underway. Registration can be done at chandleraz.gov.

MAYOR DUNN announced that COUNCILMEMBER ORLANDO was honored with the State Diversity Champion Leadership Award for his work with the Arizona National Guard in achieving the Excellence in Diversity Award from the National Guard Bureau for the past two years.

B. Councilmembers' Announcements:

COUNCILMEMBER ORLANDO said that he would be retiring from the National Guard on June 1st after 30 years of service.

C. City Manager's Announcement:

None.

Adjournment: The meeting was adjourned at approximately 8:54 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: June 12, 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 22nd day of May 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of June 2008.

City Clerk