

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, June 12, 2008 at 7:06 p.m.

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

The following members answered roll call:

Boyd W. Dunn	Mayor
Lowell Huggins	Vice-Mayor
Bob Caccamo	Councilmember
Trinity Donovan	Councilmember
(telephonically) Matt Orlando	Councilmember
Kevin Hartke	Councilmember
Jeff Weninger	Councilmember

Also in attendance:

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

INVOCATION: The invocation was given by Councilmember Hartke.

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

SCHEDULED PUBLIC APPEARANCES:

1. Presentation: A Community With No Violence Essay Contest Winners

MAYOR DUNN was joined by members of the Domestic Violence Commission in recognizing "A Community With No Violence" essay contest winners:

Ms. Clow-Kennedy, Chair of the Commission, said that in 2007 the Domestic Violence Commission sponsored an essay-writing contest focusing on "A Community Without Violence". It was piloted at Hendricks Jr. High School. Over 50 students in the 7<sup>th</sup> and 8<sup>th</sup> grades participated.

Winners were: Ian Powers, 7<sup>th</sup> grade, and Carolyn Malone, 8<sup>th</sup> grade, Bryan Barney, 8<sup>th</sup> grade and Kelie Garrett, 8<sup>th</sup> grade. The Choice Award went to Margo Blatz.

2. Jennifer White – Construction Noise

Ms. White was not present.

3. Judge Keith Frankel – San Marcos Justice Court / San Tan Regional Court

Judge Frankel provided an update on the programs available at the facility. They are a limited jurisdiction court, which does over 90% of all of the case filings and work in the judicial system. In Maricopa County there have been over 357,000 cases filed in this fiscal year. Of those cases, 346,000 have been terminated and assessed revenue of over \$2 million and brought in revenue

of over \$1 million. The County is projected to reach approximately \$30 million from justice courts. They have brought back and expanded the teen court program, which is being coordinated by the YMCA. They had the largest number of evictions in May than any other court in Maricopa County. Out of 23 justice courts, they had 451 evictions. They have tried to make citizens aware of their rights and obligations under the Arizona Residential Landlord Tenant Act, and with the assistance of Community and Legal Services, they are the first justice court to bring in Community Legal Services who on the second and third week of the month have a tenant and landlord clinic. It is a neutral presentation attempting to educate citizens on their rights and obligations with the goal of reducing the number of evictions.

Judge Frankel continued that he was able to get a grant from the court system and they instituted a responsibility program. Currently, 19 citizens are participating in a program facilitated by New Arizona Family Behavioral Health Professionals. The program is designed to teach citizens about responsibility because it was not feasible to continue issuing warrants to those not paying fines or following through on responsibility. The participants must sign a contract stating they will follow through on their responsibilities, but if not, a warrant for their arrest would be issued.

As of July 1, all courts are being charged with getting their DUI cases to trial in less than 180 days with a target goal of 150 days. His court was one of the first courts in Maricopa County to volunteer for the program and tried to implement proactive measures such as giving everyone a firm date at their first pre-trial. In April, in the San Marcos Justice Court there were 48 DUI cases filed and 39 were adjudicated.

MAYOR DUNN commented that the addition of the regional and justice courts is great for Chandler. He added that he would like to explore the possibilities of sharing services with the courts.

COUNCILMEMBER WENINGER asked Judge Frankel about night court. Judge Frankel responded that a night court pilot program would begin June 24<sup>th</sup>. They will start with small claims and pre-trials and expand if the need/demand is there. COUNCILMEMBER WENINGER commended Judge Frankel for being proactive.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

MAYOR DUNN noted that Item #59 (City Manager's Annual Contract) has been added to the agenda since the Study Session. He commended City Manager Mark Pentz for his hard work.

COUNCILMEMBER WENINGER added that Mr. Pentz is doing a great job.

COUNCILMEMBER WENINGER declared a conflict of interest on Item #32 (Matching Grant – Sunbird HOA) as his mother is a resident of Sunbird.

COUNCILMEMBER ORLANDO, referring to Item #37 (Contract with Brignall Construction, Tumbleweed Service Center) asked what would happen to the existing facility once the new facility is built. Community Services Manager Mark Eynatten responded that the parks maintenance and building and facilities Staff would no longer be housed in the Chicago Yard. He

is not aware of any other plans for the facility. Mr. Pentz said that in the long range, Staff sees the site as redeveloping. There are other operations currently in the facility other than Community Services. No specific plans have been discussed.

VICE-MAYOR HUGGINS commended Mr. Pentz on his personnel selection process. Those hired have been good and easy to work for which is an important quality.

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

COUNCILMEMBER CACCAMO stated he would not be voting on Item #25 (plumbing supply contract) due to a possible conflict of interest.

COUNCILMEMBER ORLANDO stated he would be voting “nay” on Item #34 (towing contract). He is concerned that audits are not error-free. There needs to be more accountability on the part of the vendor on towing pricing.

JOE SEVERS, 1184 N. Star Road, Apache Junction, asked for clarification on Item #46 (Use Permit – The Detour Restaurant) and what is being approved. Mr. Ballard responded that the request is for a Use Permit approval to sell liquor as permitted in a Series 12 Restaurant License for on-premise consumption only within an existing restaurant that includes a patio located at 6403 W. Chandler Boulevard. Planning Commission and Staff, finding consistency with the General Plan, in Community Commercial C-2 zoning, recommend approval. He read the stipulations as listed in the memo.

Mr. Severs asked if this action would be sending approval to the State Liquor Board. Mr. Ballard said it would.

COUNCILMEMBER WENINGER said he would be voting in favor of renewal of the towing contract (Item #34) because the Police Department said that the errors are not systematic. However, he requested that, in addition to the random audits, that the Police Department contact other Police Departments to see how dual contracts are working. Chandler may be one of the last cities with a single towing contract, which is working for now. He explained that having more than one contract could be an incentive for the vendors to perform because if they don't another vendor can be called in.

MAYOR DUNN asked how many renewal options are available on this contract. Chief Kiyler responded that this is the second of four renewals.

COUNCILMEMBER DONOVAN concurred with COUNCILMEMBER WENINGER'S comments to poll other cities. From conversations with the Chandler Police Department, there have been multiple contracts, which lead to some decreases in service. Chief Kiyler responded that the Department would provide an informational report on Chandler's towing contract and how other cities handle towing.

MOTION CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED, as presented, Minutes of the City Council Special Meetings of May 19 and June 2, 2008, and the City Council Regular Meeting of May 22, 2008.

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

ADOPTED 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.

3. POWER DISTRIBUTION EASEMENT: SRP Ord. #4063

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

4. ANNEXATION: Arizona Avenue / Germann Road Ord. #4069

ADOPTED Ordinance No. 4069, Annexation – Arizona Avenue, South of Germann Road Right of Way, annexing approximately 0.7 acres south of the SEC of Arizona Avenue and Germann Road.

5. REZONING: Coppertree Village Ord. #4070

ADOPTED Ordinance No. 4070, DVR07-0053 Coppertree Village, rezoning from C-3 and AG-1 to PAD for commercial retail, general/medical office and flex warehousing on approximately 11.48 acres north of the NEC of Germann Road and Arizona Avenue.

6. REZONING: Chandler Airport Center (Ottawa) Ord. #4071

ADOPTED 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.

7. REZONING: Executive Toy Storage Ord. #4073

ADOPTED Ordinance No. 4073, DVR08-0005 Executive Toy Storage, rezoning from AG-1 to PAD 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.

8. CITY CODE AMENDMENT: Chapter 28 Ord. #4074

ADOPTED Ordinance No. 4074 amending Chapter 28 of the Chandler City Code and adopting the 2006 International Fire Code.

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

ADOPTED 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 at the NEC of Wright Drive and Germann Road.

10. PROPERTY ACQUISITION: Stellar Airpark Ord. #4034

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4034 declaring certain real property as no longer necessary for use as public roadway; authorizing and providing the exchange of said real property to an abutting property owner for new public roadway; authorizing a related easement to be extinguished and authorizing the execution of all documents necessary to complete the roadway exchange and the extinguishment of the easement.

In January 2008, Council approved the rezoning and preliminary plat for a residential subdivision known as "Stellar Airpark Estates II" that will result in the reconfiguration of public roadway within the subdivision. As a result, a portion of the existing public roadway known as "North Stellar Parkway" will no longer be necessary for public use as a roadway. Additionally, the existing water and drainage easement held by the City of Chandler will no longer be needed for public use by the City.

In exchange, the developer will dedicate right-of-way on Chandler Boulevard adjacent to the development and a new right-of-way (Buffalo Street) to the City of Chandler (approximately 21,000 square feet).

76<sup>th</sup> Place/Stellar Parkway has become a preferred cut-through route to and from Chandler Boulevard for many 12 Oaks and Glenview Estates residents even though the intersection at Galaxy Drive and Chandler Boulevard has a traffic signal and was constructed to handle greater traffic flow. This ordinance will allow for the re-alignment of Stellar Parkway and Galaxy Drive and the existing traffic circulation problems will be resolved in a safe and efficient manner without negatively impacting the neighborhoods affected.

11. CITY CODE AMENDMENT: Chapter 38

Ord. #4080

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4080 amending City Code Chapter 38, Sections 38-4, 38-5 and 38-13 by modifying utility system development fees.

According to 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, Capital 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. In order to expand outreach to the development community, Staff investigated whether other organizations should be added to the outreach efforts and information was emailed on April 1, 2008, to a local contact of the National Association of Industrial and Office Properties. Additionally, handouts have been available at the Planning & Development counter since March 14, 2007, with details of the relevant dates in this year's implementation schedule.

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.

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 that occurred on 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 13 on the March 13, 2008, City Council Regular Meeting agenda. The modified utility system development fees will be effective October 1, 2008.

12. ANNUAL IGA AMENDMENT: RPTA Res. #4154

ADOPTED Resolution No. 4154 approving an annual amendment to the Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) to provide regional Dial-A-Ride services for senior citizens and persons with disabilities for FY 2008/09 in the amount of \$153,140.00.

The East Valley Dial-A-Ride (EVDAR) provides door-to-door, shared-ride public transportation services for senior citizens and persons with disabilities. Council approved an Intergovernmental Agreement with the RPTA (Valley Metro) in 2004 to provide Dial-A-Ride service for eight years to the City of Chandler in partnership with the Cities of Mesa, Tempe, Scottsdale and the Town of Gilbert. This is the fourth of eight annual amendments to adjust costs for changes in service levels, procurement of capital equipment and inflation.

This agreement provides 15,102 hours of Dial-A-Ride service at a total net cost of \$1,074,374.00. As part of Proposition 400, RPTA will fund the cost of service for persons with disabilities in accordance with the Americans with Disabilities Act (ADA) in the amount of \$926,528.00. Non-ADA service will be paid by the City at a cost of \$147,846.00. This year's agreement also includes \$5,294.00 in local match funds for a federal grant to purchase an Interactive Voice Response System (IVR) for the East Valley Dial-A-Ride. The IVR will improve dial-a-ride customer service and efficiency by providing customers access to the reservation system 24 hours a day, seven days a week. The total contract amount, including the local match funds, is \$153,140.00.

The Transportation Commission recommended approval.

13. INTERGOVERNMENTAL AGREEMENT: Maricopa County Res. #4167

ADOPTED Resolution No. 4167 approving an Intergovernmental Agreement (IGA) with Maricopa County utilizing special project funding for the design of McQueen Road from Riggs Road to Queen Creek Road in an amount of \$100,000.00.

The City of Chandler received notification on November 20, 2007, from Maricopa County Department of Transportation that the City of Chandler was awarded \$100,000.00 from the Transportation Advisory Board Special Project Fund. This Special Project Fund contribution will help with the design of McQueen Road from Riggs Road to Queen Creek Road to meet traffic demands in this area of South Chandler.

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

ADOPTED Resolution No. 4183 authorizing and approving an Intergovernmental Agreement (IGA) between the Town of Gilbert and the City of Chandler for fuel and related services.

This IGA will allow Chandler Police Department (CPD) vehicles located at the Chandler Heights substation to refuel at the Town of Gilbert's South Area Service Center. The Town of Gilbert recently opened their first substation at Greenfield and Queen Creek roads, which includes a fueling service center. Gilbert will allow CPD to refuel vehicles at Gilbert's facility on a reimbursement basis. Other services, such as a car wash, may be added at a later date. The Chandler Heights substation is currently using a City-contracted fueling facility at Germann Road and Arizona Avenue. Use of Gilbert's facility will benefit the City by keeping vehicles in closer proximity to the Chandler Heights substation, will save approximately three miles travel time and associated wear and tear on the vehicles, and will help build rapport with Gilbert's Police Department.

CPD would reimburse fuel expenses to Gilbert monthly following invoicing of actual costs based on the number of gallons used. The price per gallon is seven cents more than at the City-contracted facility. It is estimated that CPD would use 109,000 gallons of fuel per year based on the vehicles currently assigned to the Chandler Heights substation. Using an estimated fuel price for the next year of \$4.00/gallon, the Department would spend an additional \$7,630.00 annually for this gas. The savings created by reducing the round trip distance to go to the City-contracted facility by six miles would offset the additional cost. This can only be an estimate due to the volatile nature of fuel prices.

15. INTERGOVERNMENTAL AGREEMENT: RPTA Res. #4185

ADOPTED Resolution No. 4185 approving an Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) for alternative transportation services (Cab Coupon Program) for senior citizens and persons with disabilities for FY 2008/09 in an amount not to exceed \$50,000.00.

The City of Chandler initiated a subsidized taxicab coupon program with the Regional Public Transportation Authority (RPTA) in FY 2006/07 on a trial basis and continued in FY 2007/08. Staff recommends continuing the Cab Coupon Program through FY 2008/09 in an amount not to exceed \$50,000.00.

This program, modeled after successful cab subsidy programs in Mesa and Scottsdale, provides subsidized taxicab coupons for Chandler residents that are eligible for dial-a-ride services. The program is intended to provide additional transportation options for senior citizens and persons with disabilities at a lower cost than traditional dial-a-ride service. Under this program, participants purchase coupon booklets at a nominal co-pay of \$2.50 for one book, valued at \$10.00. The coupons can then be applied toward the fares of participating cab companies. Participants have utilized 827 cab trips through March 2008, providing an estimated savings to the City of \$29,242.00 over the cost of traditional Dial-A-Ride.

16. AGREEMENT: Fixed Route Bus Service Res. #4186

ADOPTED Resolution No. 4186 approving a five-year agreement for fixed route bus service with the Regional Public Transportation Authority (RPTA) for FY 2008/09 through FY 2012/13 to be amended annually, and approved transit services for FY 2008/09 in an amount not to exceed \$650,000.00.

This agreement is for a five-year term with RPTA for the provision of transit service through June 30, 2013, and will be amended annually to adjust for operating costs and service levels. It covers Chandler's cost for fixed route bus service, and Proposition 400 funded bus services contracted by RPTA. Council approved the current Transit Service Agreement with RPTA for the five-year period ending June 30, 2008.

The new agreement includes the extension and service frequency of Route 96 on Dobson Road from Mesa south to the Snedigar Recreation Center and implementation of the East Loop 101 Connector (Route 511). Route 96 will serve the Chandler Regional Hospital at Dobson and Frye roads, and the Intel facility at Dobson and Ocotillo roads. Route 511 will provide bi-directional commuter service between downtown Chandler and the Scottsdale Airpark with service to the ASU Research Park, Chandler Regional Hospital and the Light Rail Station at Apache Boulevard and the Loop-101. Both routes will begin operating in July and will be funded by Proposition 400. Route 511 will originate from the Tumbleweed Park & Ride when it opens in December.

With extension of Route 96 on Dobson Road, Staff recommends moving Route 81 (currently operating on Dobson Road between Warner Road and Frye Road) to McClintock Drive with service to Chandler Fashion Center. Staff also recommends eliminating the route deviation of Route 156 to Chandler Regional Hospital to improve operation efficiency on Route 156. These route modifications would be implemented July 28, 2008.

Staff recommends extending Route 65 from Tempe south on Kyrene Road to the West Chandler Aquatic Center. Both route modifications would be implemented in July and would be funded with Proposition 400 savings (LATF Transit Funds).

17. PROPERTY PURCHASE: 200 N. Monte Vista Street Res. #4194

ADOPTED Resolution No. 4194 authorizing and approving the purchase of a single-family residence at 200 N. Monte Vista Street (Carrillo) for the future construction of the Chandler Boulevard improvements, Colorado Street to McQueen Road, at a cost of \$160,000.00, plus closing costs of approximately \$2,000.00 and authorized relocation assistance as may be required by law.

18. PROPERTY DEDICATION: Arizona Avenue / Chandler Boulevard Res. #4196

ADOPTED Resolution No. 4196 dedicating and declaring certain City-owned property located along the west side of Arizona Avenue north of Chandler Boulevard for use as a public roadway.

In 2004, the Chandler Unified School District began undertaking the westward expansion of the campus of Chandler High School and the City of Chandler proceeded with plans for the widening and improvement of roadway at and near the intersection of Arizona Avenue and Chandler Boulevard. Both public entities approved a roadway exchange by which the streets and alleys within the expansion area would transfer to the School District in exchange for certain property needed for the City's road project. As part of the exchange, the School District also agreed to quit claim any interest it held in portions of several City-owned lots along Arizona Avenue needed for the City road project provided that the City declared and dedicated these portions of the lots as the public roadway. The School District may have an interest in the lots because of the IGA entered in 1988 in connection with the Chandler Center for the Arts.

The transaction has not been completed because of a lawsuit in which private persons (Chandler Improvement Company) claimed an interest in the streets and alleys in the expansion area. However, the trial court in the lawsuit has held that the Company has no such property interest and the judgment entered in the suit requires the City and the School District to complete the exchange transaction.

This resolution, when recorded, will satisfy one of the conditions of the exchange transaction. Furthermore, since the road project has been completed, it will allow the public record to reflect the reality on the ground. That is, a portion of several original Chandler Townsite lots now function as part of the Arizona Avenue roadway.

19. PRELIMINARY DEVELOPMENT PLAN: Aloft/Downtown Ocotillo

CONTINUED TO JUNE 26, 2008, Preliminary Development Plan PDP08-0008 Aloft/Downtown Ocotillo, for a five-story, 144-unit hotel on approximately 4.2 acres south and west of the SWC of Dobson and Queen Creek roads. This case was heard at the May 21, 2008, Planning Commission meeting and forwarded to the Design Review Committee. The Commission has concerns with the building architecture, stating that the building needs to incorporate Santa Barbara-style architecture.

20. AGREEMENT EXTENSION: Arizona Behavioral Counseling

APPROVED a one-year Agreement Extension with Arizona Behavioral Counseling (ABC) for the operation of Alcohol/Substance Abuse and Domestic Violence Screening Facilities.

Pursuant to A.R.S. § 28-1381 et. seq., a defendant convicted of an offense of that section shall be required to attend an alcohol abuse screening session at the defendant's expense. Defendants convicted of violations of other statutes may be ordered to be screened for substance abuse, domestic violence, and/or behavioral issues at their expense. ABC has been selected to provide this service for the Chandler Municipal Court.

The agreement has a renewable option for one-year increments at the discretion of the Presiding City Magistrate.

21. AGREEMENT EXTENSION: Snider Sports & Apparel, LLC

APPROVED an Agreement Extension with Snider Sports & Apparel, LLC, for the purchase of recreation program shirts in an amount not to exceed \$56,000.00, which reflects a 5% increase due to manufacturers' price increases. This is the third of four one-year renewal options.

22. AGREEMENT: TNT Cement Contractors

APPROVED an Agreement with TNT Cement Contractors for the Colonnade sidewalk staining in an amount of \$30,572.08.

23. AGREEMENT: City of Maricopa

APPROVED an Agreement authorizing an Intergovernmental Agreement (IGA) with the City of Maricopa to provide joint training of fire personnel at the Chandler Fire Training Center.

The Chandler, Gilbert, Gila River and Sun Lakes Fire Departments have been training together since 2001. This agreement with the City of Maricopa Fire Department is identical to the agreements currently in place with those fire departments. The City of Maricopa Fire Department is located to the southwest of Chandler. The Chandler Fire Training Center is the closest training center to the City of Maricopa. During the recent boom experienced by the City of Maricopa, their Fire Department has experienced rapid expansion as well. This agreement allows the Maricopa Fire Department access to a quality fire-training program and provides Chandler an opportunity to train and interact with another regional partner.

The Maricopa Fire Department is committed to paying up to \$300.00 per firefighter for consumable items used during joint training. Maricopa Fire Department's total financial contribution shall not exceed \$300.00 per sworn firefighter per calendar year.

24. AGREEMENT: Legal Services

APPROVED an Agreement with the law firm of Mariscal, Weeks, McIntyre & Friedlander for legal services in connection with a Quiet Title Action against the Chandler Improvement Company (CIC) relating to streets and alleys in Downtown Chandler.

Since 2004, CIC, for itself and/or for the persons it purports to represent or on whose behalf it purports to be acting, being the CIC shareholders and their spouses at the time of CIC's corporate dissolution in 1944 or the heirs, devisees, or beneficiaries thereof, has claimed a property interest in and to the street and alleys in Downtown Chandler. In connection with west expansion of Chandler High School, the Chandler Unified School District was forced to file a legal action (in which the City was a party) challenging CIC's claim. The developer of 123 Washington felt it necessary to "settle out" with CIC in order to be able to effectively market its townhouse units. CIC filed a quiet title action against the developer, the City and others associated with the development of Downtown sites 1,2 and 3, and alleged it held title to the streets and alleys that were vacated as part of that development.

The trial courts in both the School District action and the suit involving sites 1, 2 and 3 have ruled against CIC and held that CIC holds no property interest in the streets and alleys involved in the two suits. CIC has appealed in both cases. An action by the City to clear any claim of CIC to any other portions of the streets and alleys in the downtown area is needed in order to avoid a continuing impediment to future development of the downtown area.

Mariscal Weeks has effectively represented the defendants in the action concerning sites 1,2 and 3, and is familiar with the issues that have been raised by CIC. These types of actions can be time consuming and involve development of substantial documentation, but, because of the prior suits, it is believed that litigation expenses can be minimized. It is also possible that the City can recover some of its expenses and attorneys' fees if the action is successful. A successful outcome in a quiet title action against CIC does seem likely given the result in the other two actions.

The City will be responsible for its own litigation expenses and attorneys' fees. Based on the prior suit, the cost to the City could be as high as \$50,000.00. However, because of the prior suits, it is believed the expenses may be less. There is also a possibility that the City may be able to recoup some portion of its expenses and fees if the outcome of the action is successful. The converse may be true if the action is unsuccessful, but the prior two actions suggest a successful outcome.

25. AGREEMENT EXTENSION: Plumbing and Irrigation Supplies

APPROVED a one-year Agreement Extension with Ryan Herco Flow Solutions, Brown's Partsmaster, Inc., Harrington Industrial Plastics and HD Supply Waterworks for the purchase of plumbing and irrigation supplies in a combined amount not to exceed \$90,000.00. This is the final of four one-year extensions.

COUNCILMEMBER CACCAMO stated he would not be voting on this item due to a possible conflict of interest.

26. AGREEMENT EXTENSION: Traffic Signs

APPROVED a one-year Agreement Extension with Safeway Signs Co. and Zumar Industries, Inc. of Arizona for the purchase of traffic signs and related hardware material in a combined amount not to exceed \$85,000.00. This is the second of four one-year extensions.

27. AGREEMENT EXTENSION: Electrical Supplies

APPROVED a one-year Agreement Extension with Brown Wholesale Electric, Electric Supply, Inc., and Graybar for the purchase of electrical supplies in a combined amount not to exceed \$320,000.00. This is the final of four one-year extensions.

28. AGREEMENT EXTENSION: Safety Footwear

APPROVED a one-year Agreement Extension with Red Wing Shoe Store, JR's Shoes & Boots, Lehigh Safety Shoes, Industrial Shoes of Arizona and American Safety Shoe Company for the purchase of safety footwear in a combined amount not to exceed \$35,000.00.

City employees in several departments are required to wear safety footwear for their positions within the City. Since implementing a Safety Footwear program several years ago, City employees have had minimal foot injuries. In reviewing annual usage estimates, it was determined that it was in the best interest of the City to establish a term contract for the purchase of safety footwear.

29. AGREEMENT EXTENSION: AmeriNational Community Services, Inc.

APPROVED a one-year Agreement Extension with AmeriNational Community Services, Inc, for the Lender for Housing Rehabilitation Loan Program.

The City of Chandler has operated the Housing Rehabilitation Loan Program for over eight years. AmeriNational Community Services, Inc., services the loans on behalf of the City. AmeriNational will continue to service Housing Rehabilitation Loans through collection of monthly payments, remittance of payments to the City, loan document preparation for closings and other duties typical of a lending institution and not normally within the scope of duties for staff of the Neighborhood Resources Division.

30. MATCHING GRANT: Pecos Ranch Estates

APPROVED a Matching Grant for the Pecos Ranch Estates HOA for a neighborhood beautification project and community social event in an amount of \$2,500.00.

Pecos Ranch Home Owners Association (HOA) has applied for grant funds to perform a neighborhood beautification project as well as a community social event. In three specific areas of the community, many of the trees and shrubs have been lost due to drought conditions and vandalism from utility vehicles utilized to complete construction of a neighboring development. Now that the development is complete, Pecos Ranch HOA would like to replace the destroyed trees and shrubs to increase the aesthetics of their community. In addition, Pecos Ranch HOA would like to celebrate their successful landscape project with a community event.

The total budget for the project is \$5,825.00. The HOA will pay the remaining \$3,325.00 to complete the project. The application has met all of the requirements of the HOA Grant Program guidelines and members of the Grant Review Committee and Neighborhood Advisory Committee have reviewed the grant application and recommend approval.

31. MATCHING GRANT: Fonte Al Sole Village

APPROVED a Matching Grant for the Fonte Al Sole Village HOA for a neighborhood family festival in an amount of \$1,250.00.

Fonte Al Sole HOA is a newer association that understands the importance of building community and pride. The majority of the neighborhood residents have small children and are constantly striving for new ways in which families can meet, play and communicate. The community believes that if people know and respect each other, residents will be safer, more aware of suspicious activities and continue working together to solve HOA related issues.

The total budget for the large family festival is \$2,500.00. Neighbors have already donated over 100 hours in planning the two events. The HOA will pay the remaining \$1,250.00 to complete the project. This is the first grant application for Fonte Al Sole HOA.

The application has met all the requirements of the HOA Grant Program guidelines. Members of the Grant Review Committee and Neighborhood Advisory Committee have reviewed the grant application and recommend approval.

32. MATCHING GRANT: Sunbird

APPROVED a Matching Grant for the Sunbird HOA to enhance the perimeter of their subdivision along Riggs Road in an amount of \$5,000.00.

Sunbird HOA has applied for grant funds to enhance the perimeter of their subdivision along Riggs Road by painting their perimeter wall and enhancing the Riggs Road entrance signage. Sunbird HOA is over 20 years old and refurbishing the exterior walls and signage has been approved as the HOA Board goal. The residents will be painting the wall themselves thus securing 250 hours of neighborhood involvement. They have also approached all seven Sunbird resident-driven community clubs to participate by donating money for water and food for residents or sweat equity.

The total budget for the project is \$11,203.00. The HOA will pay the remaining \$6,203.00 to complete the project. The application has met all of the requirements of the HOA Grant Program guidelines and members of the Grant Review Committee and Neighborhood Advisory Committee have reviewed the application and recommend approval.

COUNCILMEMBER WENINGER declared a conflict of interest on this item, as his mother is a resident of Sunbird.

33. AGREEMENT: Housing Our Communities

APPROVED an Agreement / Memorandum of Understanding with Housing Our Communities for the use of federal Ameridream Downpayment Assistance Program Funds.

Housing Our Communities (HOC) is an east valley-based non-profit agency with over 15 years in housing counseling and homebuyer assistance. Because of their experience and established relationships with lenders, HOC has a waiting list of qualified, moderate-income Chandler residents. HOC proposes to use the ADDI funds to provide up to \$10,000.00 in assistance per family. HOC will provide required homebuyer counseling and handle all necessary administrative tasks. Any funds provided for a homeowner will be secured as a second lien and in the City's name.

The City executed a MOU that covered funding through FY 2005/06. This MOU will encumber FY's 2006/07, 2007/08 and 2008/09 ADDI funding. Staff recommends a total of \$27,081.00 be allocated to HOC.

34. AGREEMENT AMENDMENT: All City Towing

APPROVED Agreement Amendment No. 2, a one-year extension through August 31, 2009, to ACT Towing LLC dba All City Towing. This is the second of four one-year extensions with no price increase.

In December of 1995, the City began utilizing a contract for towing service. Contract towing service has proven to be a successful alternative to the previous rotation program. Some of the benefits provided by contract service include lower cost to the citizens, fewer customer complaints and a streamlined workload for the Police Department.

COUNCILMEMBER ORLANDO stated he would be voting "nay" on this item as he feels there needs to be more accountability on the part of the vendor regarding towing pricing.

35. CONTRACT CHANGE ORDER: M. A. Mortenson Company

APPROVED Contract #WW0401-403, Change Order No. 1, with M. A. Mortenson Company for the Chandler Heights Community Facilities, Phase III – Offsite Improvements in an amount of \$245,614.59.

The Chandler Heights Community Facilities project is a 113-acre site located on the NEC of Lindsay and Chandler Heights roads. The project consists of three construction phases. Phase I consisted of on-site earthwork/mass grading, wet utilities (which included reclaimed water, potable water, sanitary sewer and fire lines), and site survey. The work started in September

2006 and Phase II began in March 2007. A grand opening and dedication of the new Chandler Heights Community Facilities was held on April 19, 2008. The new facilities include groundwater recharge and wetlands, Chandler Heights Police Substation and Veterans Oasis Park.

At the time that Phase II GMP was awarded to M. A. Mortenson in December 2007, it was anticipated that work would be completed by February 2008. Thus, the City was able to carry over the cost of General Conditions from Phase II to Phase III. However, due to delays caused by the RWCD, M.A. Mortenson was not able to start construction until after March 11, 2008. This change order is for additional General Condition Costs associated with the delay and additional work associated with unforeseen conditions.

36. CONTRACT AMENDMENT: Aztec Engineering

APPROVED Contract #ST0505-201, Amendment No. 1, with Aztec Engineering for preliminary design services for Chandler Boulevard (Colorado Street to McQueen Road) in an amount not to exceed \$17,860.00. This amendment adds preparation of a Feasibility Report and preparation of graphics and handouts to the first phase, as requested by City Staff. This phase is approximately 90% complete and recommendations from this phase will be presented to Council for approval of a roadway cross-section and alignment. The second phase, which includes final design and construction documents is planned to start in FY 2009/10 with construction starting in FY 2011/12.

37. CONTRACT: Brignall Construction Co., Inc.

APPROVED Contract #PR070-401, construction manager at risk, with Brignall Construction Co., Inc., for the Tumbleweed Parks & Facilities Service Center in an amount not to exceed \$5,933,289.00.

This contract is for the construction of a 17,000 square foot centralized service center at Tumbleweed Park. The facility will house approximately 80 Parks and Building and Facilities administrative and maintenance staff and equipment, which provide support citywide to 57 parks and 49 public buildings. The majority of the staff is currently housed in the City yard at 249 E. Chicago Street. With the planned relocation of Purchasing and Administrative Services to the new City Hall, this site has a higher economic benefit in the downtown development area than a maintenance facility.

This project has been designed to meet the growing needs of the City of Chandler Parks and Building & Facilities administrative and maintenance staffs. This central service center will consolidate the administrative resources of the two divisions, which will reduce the redundancy of work processes. Being centralized, this facility will allow maintenance staff to more efficiently meet the needs of the City. The operational and maintenance cost of this facility will be transferred from the existing structure at 249 E. Chicago Street. There will be no additional O&M cost associated with this new facility.

38. PURCHASE: Ace Surface Maintenance, Inc.

APPROVED the Purchase of parking lot sweeping services from Ace Surface Maintenance, Inc., utilizing the City of Mesa contract, in an amount of \$56,300.00.

39. CONTRACT: Complete Decon, Inc.

APPROVED Contract #DT0805-402 with Complete Decon, Inc., for demolition and site cleaning of the Chandler United Methodist Church, pursuant to job Order Contract JOC 07-10, in an amount not to exceed \$88,900.00.

The Chandler United Methodist Church is located on the site at the eastern end of the San Marcos Commons Phase III. The planned development was part of the original San Marcos Commons master plan and will be the final section of their development.

As part of the development agreement with Desert Viking, the City has agreed to provide a clear site to the developer. Environmental remediation will be performed prior to demolition of the building. Staff recommends proceeding the demolition and site clearing to reduce chances of vandalism.

40. CONTRACT CHANGE ORDER: Layton Construction

APPROVED Contract #FI0606-401, Change Order No. 1, for the construction manager at risk project with Layton Construction for Fire Station No. 10, 5211 S. McQueen Road in an amount not to exceed \$65,378.00.

Fire Station No. 10 is an integrated masonry constructed facility of approximately 10,500 square feet with three double-long apparatus bays and includes living areas such as kitchen, dining, exercise rooms and individualized shower/bathrooms that all meet ADA requirements. It is approximately 50% complete with an anticipated substantial completion date of July 25, 2008, and anticipated final completion date of October 23, 2008.

This change order will add a 2% owner's contingency of \$65,378.00 into the construction contract with Layton Construction, which will allow the City to use and pay for current and potential future changes in scope. This amount was previously approved by Council, but not included within the construction contract.

41. PURCHASE: Mobile Communication Equipment

APPROVED the Purchase of mobile communication equipment and airtime from Verizon Wireless, Alltel and Sprint/Nextel, utilizing the State of Arizona and Western States Contracting Alliance contract, in an amount not to exceed \$350,000.00.

42. PURCHASE: Temporary Services

APPROVED the Purchase of temporary services from Staffmark Pacific LLC, Randstad NA, Corporate Job Bank and Kelly Services and Accountants, Inc., utilizing the State of Arizona contract, in an amount not to exceed \$175,000.00.

Temporary services are used throughout the year primarily for short periods of time for vacancies, sick leave, vacations, special projects, etc. On an annual basis, departments do a cost/benefit analysis to determine if utilization of a full-time or regular part-time employee would be most beneficial. Review and analysis is done during the budget process by each department when considering personnel needs for the next fiscal year. Where applicable, volunteers, Cooperative

Office Education (COE) students and grants are used to defray some of the costs for temporary services.

43. PURCHASE: Insurance Policies, Bonds and Services

APPROVED the Purchase of insurance policies, bonds and services from various firms in an amount not to exceed \$852,401.00 effective July 1, 2008. Insurance premiums are net of commission, except for Airport Owners and Operators Liability Insurance.

The City continues to benefit from a sluggish insurance market. Using our insurance broker, Willis of Arizona, we are able to negotiate favorable terms and conditions with incumbent insurers. Although rates did not increase, and in many cases actually decreased, the insured values used during the renewal increased. Despite the increase in insured values, the overall insurance expense decreased from the previous year by \$24,133.00.

Although we have seen rate reductions during the past three years, we do not anticipate this trend to continue indefinitely. Factors influencing the insurance market include, but are not limited to:

- Number of insurers with underwriting capacity willing to insure large entities
- Pressure brought on Underwriters by Risk Managers
- Fewer insured catastrophic losses
- Cyclic nature of insurance

Property:

For the City of Chandler, total property values increased because of new construction such as the Tumbleweed Recreation Center and the Chandler Heights Police substation. In addition, the cost of construction continues to push up the replacement value of City-owned buildings. Offsetting the increase in total insured values was the reduction in rates, keeping the total premium in check.

The property insurance policy provides rather broad coverage for buildings, contents, certain vehicles valued in excess of \$50,000 and equipment as well as boiler and machinery coverage. As in previous years, there is a \$50,000 deductible for all perils, not including earth movement and flood with a \$100,000 deductible. High value vehicles have a \$25,000 deductible.

Liability:

The City is extremely active in defending claims and lawsuits made against the City. During the past 12 months, our excess insurers made no payments on behalf of the City; all settlements made with claimants were part of our \$2 million self-insured retention (SIR) for liability losses.

Workers' Compensation:

The City is self-insured for the first \$500,000 of loss for workers' compensation. Premium is based on total payroll times a rate. Staff was able to negotiate the rate, tempering any premium increase based on payroll. Excess of our retention, there is a policy to protect the City against catastrophic loss.

For FY 2008-09, the City elected to negotiate with incumbent insurers on terms and conditions. Although our broker discussed our placement with other insurers, none would commit to lower rates than incumbent insurers offered. Based on our broker's recommendation and the fact we had a complete marketing survey the prior year, we elected to focus on improving policy terms and conditions.

Staff recommends obtaining property insurance coverage from Allianz with a premium of \$253,662.00, including terrorism risk insurance. Allianz continues to provide very broad coverage. They reduced several deductibles and reduced the premium rate, resulting in a premium reduction of \$3,800.00. The property rate decreased from .0677 to .0626 per \$100 of value for a 7.5% reduction from the previous fiscal year. Terms and conditions on average were also improved. This is the third year with the Allianz program.

A review of the financial implication associated with adjusting the deductible level does not warrant a change in the retained risk for property coverage at this time.

For FY 2008-09, Staff recommends no change in limits or structure of the liability program. Even though the limits remain the same, premiums will decrease from \$476,052.00 to \$454,345.00. Staff recommends the following insurers:

- Insurance Co. of the state of PA, \$10 million excess of \$2 million
- St. Paul Surplus Lines, \$20 million excess of \$12 million

A review of the financial implication associated with adjusting the SIR level does not merit a change in the attachment point of excess insurance.

Staff recommends placing the Crime policy with Fidelity & Deposit of Maryland (Zurich) with an A.M. Best rating of Axv for \$5,965.00, with no change in premium, terms or conditions. Coverage included state required bonds for Management Services Director and Accounting Manager.

Staff recommends renewing the Underground Storage Tank Liability policy with Illinois Union Insurance Company (a subsidiary of ACE) for \$25,522.00, including terrorism coverage. Although the City continues to remove tanks, the premium increased. Underwriters feel as our tanks age, the risk increases. The premium increased 5% from the previous year. Policy limits are \$1 million per tank, with a \$25,000.00 per incident deductible. Coverage complies with the financial responsibility mandates of the Environmental Protection Agency. The coverage includes Airport fueling facilities and various water production facilities.

Staff recommends maintaining \$50 million coverage limit under the Airport Owners and Operators liability insurance for \$30,811.00 with ACE, USA. The premium decreased 19% or \$7,400.00 over the previous year with identical terms and conditions. Premium funding is through the Airport budget. Airport staff is aware of the coverage and anticipated premium.

Staff recommends renewing the Excess Workers Compensation insurance coverage with Midwest employers Casualty (A.M. Best rating A) with a deposit premium of \$82,096.00, including Terrorism Coverage. The rate for this program decreased 7% over the previous year. Offsetting the rate decrease was an increase in payroll, resulting in a premium increase of \$7,921.00. Coverage is excess over our \$500,000.00 SIR with statutory limits for works' compensation and a \$2 million limit for employers' liability.

44. USE PERMIT: Latitude 8

APPROVED Use Permit UP07-0058 Latitude 8, Series 12, to sell liquor for on-premise consumption only within a restaurant at 11 W. Boston Street, Suite #5. (Applicant: DDM Concepts LLC, David Fliger.) No outdoor patios or live entertainment are proposed.

The subject business, a Thai/Asian restaurant that opened in early May 2008, occupies a suite in the recently renovated Arrow Pharmacy Building at 11 W. Boston Street in Historic Downtown Chandler. The suite fronts on Arizona Avenue and is located between Uptown Bridal & Boutique and Rain Images Photography.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 15, 2008. There were no citizens in attendance. The Police Department has been informed of the application and has not responded with any issues or concerns. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan and City Center District (CCD) zoning, the Planning Commission and Staff recommend approval subject to the following conditions:

1. Substantial conformance with approved exhibits (Site Plan, Floor Plan, 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. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area, an outdoor patio, or the addition of entertainment related uses shall require reapplication and approval of a new Use Permit.

45. LIQUOR LICENSE: Latitude 8

APPROVED a Series 12 Restaurant License (Chandler #119033 L12) for Lauren Kay Merrett, Agent, DDM Concepts LLC, dba Latitude 8, 11 W. Boston Street, Suite 5. A recommendation for approval of State Liquor License #12077596 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's tax code.

46. USE PERMIT: The Detour Restaurant

APPROVED Use Permit UP07-0111 The Detour Restaurant, Series 12, to sell liquor for on-premise consumption only within a restaurant that includes a new patio at 6403 W. Chandler Boulevard. (Applicant: AFAB Bar & Restaurant Design, Inc., Joseph Severs; Owner: Earl Geller.)

The subject facility is a stand-alone building located on a half-acre parcel on the south side of Chandler Boulevard approximately ¼ mile west of Kyrene Road. Two buildings located immediately east and south of the subject site are in the same zoning district C-2 (Community Commercial) and have parking lots interconnected with the subject site. A building immediately

west is also in the same zoning district, but has a completely separate parking lot fenced off from the subject site. Farther south and west is a large industrial park that extends south to Frye Road.

The building has been a restaurant and bar since 1978 under the names Sticks & Steaks, Coach's Corner and Sports 4em until becoming The Detour Restaurant in late 2007. The previous occupants operated under Series 12 Restaurant Licenses that predated the need for liquor Use Permits. The requested Use Permit is necessary because of a planned patio addition.

The subject site provides exactly enough code-required parking (41 spaces) for its current arrangement. The requested expansion requires an additional 35 parking spaces that must be accounted for before the Use Permit becomes valid. The applicant intends to secure a shared parking agreement with the property to the east to account for the 35 spaces. The property to the east houses a breakfast-oriented restaurant, an archery club and administrative offices for a swimming club. The restaurant and offices are closed at night when The Detour's parking peaks, while the archery club generates little traffic and closes early on Fridays and Saturdays. The C-2 zoning on the building to the east could allow other restaurants or retail businesses to exist that might have later peak hours, but the current tenants would allow for an abundance of evening parking spaced that could be dedicated to the subject business.

As part of the expansion, the applicant will also stripe seven new motorcycle parking spaces along the subject building's east side. Motorcycle spaces do not count toward parking requirements.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 16, 2008. There were no citizens in attendance. The Police Department has been informed of the application and has not responded with any issues or concerns. Staff has received no correspondence in opposition to this request.

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

1. The Use Permit granted is for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. Outdoor music or live entertainment shall be prohibited.
5. No alcohol shall be carried outside of the building into the parking lot or off-premises.
6. The patio and area adjacent to the establishment shall be maintained in a clean and orderly manner.
7. The Use Permit shall not be valid unless additional parking is provided on a permanent basis or through a shared parking agreement with the parcel to the east to account for additional serving area. Additional parking shall be safely walkable for patrons and shall be provided at a ratio of one space per 50 square feet of serving area.
8. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

47. LIQUOR LICENSE: The Detour Restaurant

APPROVED a Permanent Extension of Premises for a Series 12 Restaurant Liquor License (Chandler #115949 L12) held by Gold Mine Entertainment LLC dba The Detour Restaurant, 6403 W. Chandler Boulevard. Recommendation for approval of a Permanent Extension of Premises for State Liquor License #12077281 will be forwarded to the State Liquor Department. The Police Department has no objections to the permanent extension of premises. All fees have been paid and the business is in compliance with the City's Sales and Use Tax Code.

48. LIQUOR LICENSE: Crosswoods Indoor Golf Center

CONTINUED TO JUNE 26, 2008, Liquor License, Series 7, for Michael Lon Rus, Crosswoods Indoor Golf LLC, dba Crosswoods Indoor Golf Center, 6170 W. Chandler Boulevard, to allow the applicant time to complete the requirements for a new Use Permit.

49. LIQUOR LICENSE: Wal-Mart Neighborhood Market #4324

CONTINUED TO JUNE 26, 2008, Liquor License, Series 10, for Clare Hollie Abel, Wal-Mart Stores, Inc., dba Wal-Mart Neighborhood Market #4324, 1900 E. Chandler Boulevard, to allow the applicant time to complete the requirements for a new Use Permit.

50. LIQUOR LICENSE: Heart Attack Grill

CONTINUED TO JULY 31, 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.

51. LIQUOR LICENSE: Espinoza's Food Center

CONTINUED TO JULY 31, 2008, Liquor License, Series 10, for Larry Lara Espinoza, dba Espinoza's Food Center, 3863 W. Chandler Boulevard, to allow the applicant time to complete the zoning requirements for their Use Permit.

52. LIQUOR LICENSE: Pho Van

APPROVED a Series 12 Restaurant Liquor License (Chandler #120020 L12) for Van Quoc Bui, Agent, Pho Van Partners, dba Pho Van at 2095 N. Dobson Road, Suite #3. A recommendation for approval of State Liquor License #12077595 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.

53. SPECIAL EVENT LIQUOR LICENSE: Chandler Lion's Club

APPROVED a Special Event Liquor License for the Chandler Lions Club for the 4<sup>th</sup> of July Festival on July 4, 2008, at Tumbleweed Park, 2250 S. McQueen Road. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

54. FINAL PLAT: Santan Technology Park First Amended

APPROVED Final Plat, FPT07-0050 Santan Technology Park First Amended, for an industrial business park subdividing originally platted lots 6 through 13 into 13 new lots, which are lots 6 through 22, at the SEC of Frye Road and 56<sup>th</sup> Street. (Applicant: O'Neill Engineering.) The plat creates the lots, tracts and easements necessary for the property's development.

55. FINAL PLAT: Pecos Parcel

APPROVED Final Plat, FPT07-0062 Pecos Parcel, for a replat of three single-family residential parcels located north of the Santan Freeway and west of Chandler Village Drive. (Applicant: Stanley Consultants.) The parcels are remnants from the Hearthstone single-family residential neighborhood as a result of the ADOT acquisition for the Santan Freeway. The plat establishes property boundaries, necessary easements and dedicates the required rights-of-way.

56. MODIFY PROCESS: System Development Fees

APPROVED the process to consider and adopt new and modified Non-Utility System Development Fees and proposed Non-Utility Infrastructure Improvements Plan and set the date for the Public Hearings for August 14, 2008.

According to provisions of the Chandler City Code, system development fees are to be reviewed annually. It has been the City's practice to have consultants review the fees every other year, and make an inflationary adjustment in the interim years. This year's update is based upon a report prepared by Duncan & Associates for non-utility fees and the related Infrastructure Improvements Plan. This report has been revised from the one issued in March 2008 to reflect the omission of \$10,800,000.00 in arterial street costs, resulting in a 3% increase in arterial street fees. The report was also revised to properly account for the acreage of the proposed City Hall, resulting in a 31% decrease in the public building fees. Additionally, the consultant has modified the report and the related Infrastructure Improvements Plan to address concerns raised by external stakeholders.

In order to adequately notify interested parties of the 2008 update, e-mails were sent on June 6, 2008, to the Associated General Contractors of America, Capital Consulting, LLC (representing the Arizona Multihousing Association), Chandler Chamber of Commerce, Fulton Homes Corporation, Home Builders Association of Central Arizona, National Association of Industrial and Office Properties and Valley Partnership informing them of the proposed new and modified non-utility system development fees, the proposed non-utility Infrastructure Improvements Plan and the planned date of the public hearings.

Staff hosted a public meeting on April 29, 2008, which was attended by representatives from Capitol Consulting, Fulton Homes Corporation, HBACA and Valley Partnership. Staff has met on several occasions since this meeting with representatives from Capitol Consulting, HBACA and Valley Partnership to address their concerns with the non-utility report and related Infrastructure Improvements Plan.

As required by law, an Advance Notice of Intent will be published in the Arizona Republic newspaper showing the date, time and place of the public hearings on August 14, 2008. In compliance with the State Statutes, a copy of the new and modified non-utility system

development fees and the proposed non-utility Infrastructure Improvements Plan will be filed with the City Clerk for public review.

57. PURCHASE: A-Professional Lock (APL) Access & Security

APPROVED the Purchase of maintenance and repair of security equipment and access controls systems from A-Professional Lock (APL) Access & Security, utilizing the City of Tempe contract, in an amount of \$100,000.00.

The Sielox access control system is used Citywide to provide controlled ingress/egress into City facilities. A-Professional Lock (APL) Access & Security is an authorized service provider and distributor for the Sielox access control system. Sielox will only warrant products installed by certified distributors. APL was the original designer and integrator of the City's access system and has the technical and institutional knowledge to keep the system operating correctly with minimal down time.

58. BOARD AND COMMISSION APPOINTMENTS

APPROVED the following board and commission appointments:

**Airport Commission:**

David Church  
Frank Nechtavel  
Richard Parker

**Architectural Excellence Award Committee:**

Michael Flanders  
Maria Cadavid

**Architectural Review Committee:**

Michael Flanders

**Arts Commission:**

Pam Tarpy  
Mary Lasure  
Ethel Ross

**Board of Adjustment:**

Damon Testa  
James Ugalde

**Board of Appeals:**

George Bressler  
Kevin Jones

**Citizen's Panel for Review of Police Complaints and Use of Force:**

Randy Hansen  
Frank Keough  
Julie Krause  
Manuel Torres

Mark Healy  
Scott Kooiman  
Jan Shepardson

**Cultural Foundation Management Board:**

Jennifer Daake  
Steve Hasse  
Steen Murray  
Ann DeRose  
Barbara Meyerson  
Linda Yarbrough

**Domestic Violence Commission:**

Kathy DiNolfi  
Briana Fields  
Tammy Clow-Kennedy

Yvonne Taylor

**Economic Development Advisory Board:**

David Basha	Dan Kush
Garry Hays	David Covert
Mike Tibshraeny	

**Educational Access Governing Board:**

Lee McIlroy

**Housing and Human Services Commission:**

Rob Barney	Clara Johnson
Joe Diaz	Natalie Krebs
Francisco Heredia	

**Human Relations Commission:**

Ed Clavell  
Gina Hill  
Julio Revilla

**Industrial Development Authority:**

Darrell Fox  
Ed Salanga

**Library Board:**

Lisa Blyler  
Theresa Niemeyer

**Mayor's Committee for People with Disabilities:**

Joan Barron	Lysa Fitzhugh
Raquel Leyva	Michael Williams

**Mayor's Committee for the Aging:**

Bert Johanson  
LaVerne Johanson  
E. Cameron Pickett

**Mayor's Youth Commission:**

Elizabeth Braun Thresher	Kathy Nguyen
Jina Kim	Aditya Paliwal
Niraj Patel	Teja Peela
Vicki Peng	Jenny Tang

**Merit System Board:**

David Burks	Alternates: Bill Dahlberg
Clessene Heil	Darrel Guynes
Daniel Pote	

**Museums Advisory Board:**

Dr. Noel Stowe  
Andrew Szabo

**Neighborhood Advisory Committee:**

Ben Schwatken  
Frank Torres

**Parks and Recreation Board:**

Steven Bjornstad

**Planning and Zoning Commission:**

Michael Flanders  
Stephen Veitch

**Transportation Commission:**

Melissa Boyles  
Terry Nash  
Burrell Price

59. CONTRACT: City Manager

APPROVED the Annual Contract for the City Manager in the amount of \$190,000.00.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that the City of Chandler is updating its Transportation Plan and asking citizens to take an active role. There will be a community meeting for public comment on Wednesday, June 25, 6-8 p.m. at the City Council Chambers.

THE MAYOR announced the first annual Fair Housing Seminar will be hold Saturday, June 14, 8 a.m. – 1 p.m. to educate landlords and tenants on Equal Housing Opportunity regulations.

THE MAYOR announced the opening of the ZAP! Vintage Video Games interactive display Saturday, June 14<sup>th</sup>, at the McCullough-Price House near the Chandler Fashion Center from 10 a.m. to 3 p.m. Opening day, visitors will be able to play modern video games in The Game Truck, a mobile game arcade.

B. Councilmembers' Announcements:

None.

C. City Manager's Announcement:

None.

Adjournment: The meeting was adjourned at approximately 7:41 p.m.

ATTEST: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved: June 26, 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 12<sup>th</sup> day of June 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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City Clerk