

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 26, 2008 at 7:08 p.m.

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

The following members answered roll call:

Boyd W. Dunn	Mayor
Lowell Huggins	Vice-Mayor
Bob Caccamo	Councilmember
Trinity Donovan	Councilmember
Matt Orlando	Councilmember
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 Dr. John Mosley – The Windows of Heaven Advent Fellowship

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

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions:

MAYOR DUNN was joined by ASSISTANT FIRE CHIEF JEFF CLARK in recognizing the following Recruit Class 93-01 “Second to None” for 15 years of service:

Firefighter Cary Palmer is currently a member of the special operations team that is responsible for hazardous materials response and all aspects of technical rescue. Cary has also been a medic since 1997. He also possesses the Gold Arm for the Department’s Gold Medal winning flag football team.

Captain Randy Mandt was promoted to the rank of Engineer in 1998 and to Captain in January 2002. As an Engine Company Captain, Randy and his crew have direct contract with citizens on a daily basis. Randy has continued his training and education throughout the years including attending paramedic school in 1998. Randy is also active in many community service projects.

Captain Kent Keller (K2) is currently assigned as the Captain on Engine 2282, C-shift, the busiest fire station in the City. Kent served several years as a Sun Lakes firefighter before joining the Chandler Fire Department as a seasoned paramedic in 1993 and was promoted to Fire Captain in 1998. He has been a champion and trainer for several technical projects including the 24/7 records management and electronic patient care reporting systems. Kent has been an integral member of the department’s SAU tactical medic team currently serving as the team leader. Kent is also very active in the community.

Captain Mark Boulanger is currently the Captain on Engine 2282, B-shift. Mark and his crew handle the majority of coverage for the apparatus that are unavailable for training or other duties. Mark served for several years as a Sun Lakes firefighter before joining the Chandler Fire Department in 1993, promoted to Fire Engineer in 1998 and was promoted to Fire Captain in 2002. Mark is an integral member of the Department's SAU Tactical Medic Team currently serving as the team leader. This team directly supports the Police Department's Special Assignment Unit. Mark has been a member of the Department's Wildland Fire response team for his entire career, where he currently fulfills the role of crew boss. Mark is also very active in the community.

Captain Darrell Gibbons began his career with the Chandler Fire Department in 1993. He was promoted to Engineer in 1998 and Captain in 2002. As an Engine Company Captain, Darrell and his crew have direct contact with the citizens on a daily basis. Darrell has continued his training and education throughout the years including attending paramedic school in the 1996. He is one of six firefighters currently acting as a paramedic with the Police Department's special assignment unit. Captain Gibbons and his team play a critical role in the safety and treatment of injured Police Officers or citizens at high-risk police incidents.

Captain Paul Waz began his career with the Chandler Fire Department in 1993 and was promoted to Engineer in 2002 and Captain in 2006. As a Rover Captain, Paul works with a different fire crew nearly every day. Some of his co-workers recently stated that Paul handles this responsibility professionally and with confidence; has a great attitude and always makes himself available to step into any position needed. Paul is heavily involved in community programs such as conducting CPR training and serving as Urban Survival and Fire Safety House instructor.

Captain Jeff Brennan served as a firefighter for 5 years before being promoted to engineer, then to the rank of captain. He has worked at fire station 284 on the west side of Chandler for the past eight years. Jeff is a certified paramedic utilizing these skills as he responds to medical calls with his crew as an engine company officer. Captain Brennan is also an SAU paramedic for the Department's special assignment unit and is a past member of the special operations team.

Captain Ralph Barr set the work ethic standard for all future firefighters by bringing an unbelievable amount of energy and commitment to the Department. He trained to become a paramedic and was promoted to fire captain in 2003. Ralph is also a great teacher and teaches vehicle extrication to firefighters statewide. He was a paramedic instructor and was involved in the implementation and training of personnel for the electronic medical documentation program. Like his peers, Ralph is also involved in numerous community service projects.

Battalion Chief Brad Miller has worked his way up through the ranks from fire engineer to captain and his current position of battalion chief. Brad has served as an elected union trustee, was a member of the Department's steering committee and currently sits on the operations committee and promotional committee. He has also been a leader on a number of community projects including Habitat for Humanity, MDA Fill-The-Boot and any project that requires any form of construction expertise. Brad was instrumental in the development of the Department Honor Guard and ensures that all Department member needs are handled with dignity and honor.

THE MAYOR was joined by PUBLIC WORKS DIRECTOR R.J. ZEDER in recognizing Donald Dong for 15 years of service. Don began his career in the Streets Division as an equipment operator I in the concrete crew. He excelled on the concrete and asphalt crew and was promoted to equipment operator II in street sweeping where Don has distinguished himself as a leader. He

became the crew leader for street sweeping in 2003 where he oversees a crew of 9 sweepers with two shifts. He is knowledgeable in the care, maintenance and adjustment for the City's PM-10 sweepers and trains each new employee in the proper operation, maintenance and care of these special machines. He has received an Exceptional Merit Award for modifications that make the equipment easier and safer to operate. The manufacturer of the equipment recognized Don's contribution of this improvement by writing a letter to the City.

MAYOR DUNN was joined by MANAGEMENT SERVICES DIRECTOR DENNIS STRACHOTA in recognizing Jerry Zientara for 20 years of service with the City. Jerry, aka "Mr. Chicago", has serviced as a mentor and teacher for most of the city's meter readers. It is not unusual to hear him say, "Listen up, students" as he imparts his extensive knowledge of the location of meters for nearly any property within Chandler. He is well respected by Staff and Management for his dedication to Chandler and willingness to help all new Staff learn the ropes of meter routing and reading. Jerry always comes to work with a smile and through his skills and dedication to accuracy was promoted to senior utility meter technician. He has experienced many changes in meter reading from carrying books and handwriting meter reads, to today's method of reading via radio signals.

2. Retirement Recognitions:

MAYOR DUNN was joined by ASSISTANT FIRE CHIEF JEFF CLARK in recognizing the retirement of Fire Engineer Howard Clark. Howard joined the City of Chandler Fire Department as a firefighter in 1985 after serving 14 years with the Glenview, Illinois, Fire Department. He was promoted to Fire Engineer in 1999. Because of his years of experience, Firefighter Clark stepped up and brought forward many new ideas and training methods to the Department. Needless to say, in the last 23 years, Howard has had a tremendous impact within the Department and community. It was 18 years ago that Fire Engineer Clark and other Chandler firefighters took part in one of Arizona's largest wildland fires, The Dude Fire, which left six firefighters dead. During a fire storm, as some firefighters were deploying their safety shelters and others were running for safety, Howard and another Chandler firefighter assisted in the rescue of a burned firefighter by getting him into a safe black area where he was treated and flown to Maricopa Burn Center. For his heroic actions that day, Howard was awarded the prestigious Medal of Valor. Howard is also involved in community projects such as three Habitat for Humanity Houses, The San Marcos School Amphitheater, Salvation Army remodels, Christmas Adopt a Family, and the Muscular Dystrophy Fill the Boot Drive.

Fire Engineer Clark thanked his wife for her support over the years. He also thanked the members of the Fire Department for their gift.

MAYOR DUNN was joined by POLICE CHIEF SHERRY KIYLER in recognizing the retirement of Assistant Police Chief Rick Brzuchalski. As an officer, Rick was assigned to patrol, CID and the SAU negotiations team. In one of his earliest interviews, his supervisor predicted he would someday be a department leader. He was promoted to sergeant and 13 months later received his lieutenant's bars. Recognizing his attention to detail, Rick's supervisors frequently assigned him major projects. A review of his body of work reveals that, with few exceptions, Assistant Chief Brzuchalski has had an impact on every policy and procedure of the Department at one time or another. Rick attended the FBI Academy in 1992, was promoted to the rank of Captain (renamed Commander) in 1998. He was named Assistant Chief in 2007. In addition to his rigorous work schedule, Rick obtained a Master's Degree in 1999; volunteers for Special Olympics, Boys & Girls Clubs, and the Salvation Army.

Assistant Chief Brzuchalski said that it has been an honor to work for the City. He has had the privilege of seeing the City grow from small town to what it is today. He also thanked all of those he has worked with and who have supported him. Chief Brzuchalski also thanked his wife and family for their support over the years.

VICE-MAYOR HUGGINS thanked Chief Brzuchalski for his service.

3. Employee of the Year Awards:

CITY MANAGER MARK PENTZ announced the 2008 City Employees of the Year. These employees were nominated by their peers and have earned the honor through their actions and commitment to the City.

Greg Karolchick, IT/ General Services: Greg is an excellent team member. He makes sure the customer comes first and is always ready to help and does so with a smile. No matter what he is doing, he makes time to listen and produces an answer to every question.

Kristy Garcia – Purchasing/Management Services: Kristi lead the change in revamping the credit card program. She has spent 18 months and countless hours diligently and tirelessly debugging and testing the vendor on-line registration system. This demonstrates her commitment to excellence.

Rob Boddy – Fire Support Services: Rob has displayed all of the qualities and traits that we strive for in Chandler. He is a mechanic for the Department and has continued to do his job working hard every day while being positive despite a recent medical challenge.

Tara Anglin – Library/Community Services: Tara developed a volunteer program that is the envy of libraries and other organizations across the state. She is intuitive and sensitive to the needs of volunteers, library staff and community partners. She wears multiple hats when communicating with volunteers and, at times, our most vulnerable customers. Her no-nonsense approach in keeping the mission of the library in the forefront adds to this skill.

Tim Howland – Building and Plan Review/Planning and Development: Tim initiated a bi-weekly meeting with the purpose of communicating information on the latest code and policy changes so that everyone's reviews are consistent and the reason for review comments is easily to the citizens of Chandler. He recently volunteered to fill a vacancy on the Planning and Development Fiesta team whose purpose is to raise funds to sponsor morale-enhancing activities for employees.

Luis Gamez – Street Sweeping/Public Works: Luis takes a positive outlook when handling supervisory issues and problems. He possesses strong leadership skills and has developed a great rapport with his crews. He is a very conscientious employee who works well with everyone. Luis and his alley crew work together to come up with a new idea on how to handle trash container removal for alley upgrades. He promotes and demonstrates both innovation and team work.

Not in attendance, Luis Provencio – Wastewater Quality/Municipal Utilities: Lou sets an excellent example of professionalism and integrity and has been very active in S.E.I.U. as a member of the negotiating team. Lou is thorough in his research, volunteers his personal time to work and communicate with the rest of the team, looks for innovative solutions and explores every alternative in the pursuit of satisfying members' suggestions.

Not in attendance, Officer Gary Minor – Criminal Investigations/Police: Gary exemplifies cooperation and teamwork. He is a skilled police investigator who has the respect of peers and supervisors and is always happy to provide assistance and guidance to officers interested in improving their investigative skills. He consistently outperforms his peers in regards to attention to detail and commitment. He was influential in the serial rapist investigation and is responsible for spotting the suspect during surveillance.

4. Proclamation –Recreation and Parks Month and Therapeutic Recreation Week

MAYOR DUNN was joined by former City Manager Lloyd Harrell, currently serving on the Parks and Recreation Board, as he read a proclamation proclaiming July 2008 as Recreation and Parks Month and July 13-19, 2008, as Therapeutic Recreation Week.

Mr. Harrell thanked the Mayor and Council for their support.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

MAYOR DUNN said that he has had a request to continue Item #20 (Ocotillo Village) to work out details between the developer and citizen concerns.

Kevin Mayo said the applicant and two neighbors with traffic concerns on Ocotillo and the applicant is requesting a 30-day continuance to try to come to resolution. MAYOR DUNN asked that the applicant indicate that they are aware that it will be 30 days before this item comes back to Council. Shelly McTee, Gallagher & Kennedy, P.A., applicant, responded that they are aware of the timeframe and are in agreement with the continuance.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER HARTKE, to approve the Consent Agenda as presented.

COUNCILMEMBER ORLANDO commended the applicant on Item #20 (Ocotillo Village) for working with the City. There is an open process in the City of Chandler that, at times, involves making last minute decisions.

MAYOR DUNN thanked Staff for their diligent work on the Green Building Program (agenda Item #15), as it will allow us to proceed in building a sustainable community. It is an incentive plan involving outreach and education and also a plan to encourage infill development in a way that will be environmentally sensitive.

MAYOR DUNN also commented on Item #18 (Sister City Program). We will be participating in the program without an initial cost to the City.

THE MAYOR noted that it is good to see pre-construction and construction projects going forward given today's economy. One item is a City Hall site plan (Item #50), which includes moving forward with the historical museum. Some may have felt that the project was "stuck in the mud", but because of citizen and Staff support, it is moving forward. It is an excellent location and will be a special addition to the downtown.

Also on tonight's agenda is an \$8 million contract to improve Gilbert Road (Item #41) which is a welcome improvement by southeast Chandler.

THE MAYOR also commented on Item #48, a pre-construction contract for the new Boys and Girls Club to be built in the downtown area and \$10.6 million for the Paseo Recreation Area Phase II (Item #49).

COUNCILMEMBER WENINGER asked that Item #40 (Landscape Analysis) be moved to the Action agenda. It was agreed to by the motion maker.

COUNCILMEMBER WENINGER stated he would be voting "nay" on Item #15 (Green Building Program). He supports conservation and green technologies and feels they need to make economic sense. The City taking the lead in being LEED certified in the new City Hall is good and demonstrates that this will save money in the long run. However, he does not see a reason to pay incentives to developers for certifications. He does not feel it would actually be an incentive to developers and that the money could be used somewhere else.

COUNCILMEMBER WENINGER continued that he is also concerned with it becoming mandatory. Paying for the money helps make the transition from being "encouraged" to "mandatory". He stated it was good to be "green", but once developers are forced to be green, the cost will be passed on to citizens and some larger projects will move to other municipalities.

COUNCILMEMBER WENINGER also stated that he would be voting "nay" on Item #70 (Rodriguez Settlement).

MOTION TO APPROVED THE CONSENT AGENDA AS AMENDED (ITEM #40 MOVED TO ACTION) CARRIED UNANIMOUSLY (7-0).

1. MINUTES:

APPROVED, as presented, Minutes of the City Council Special Meetings of June 9 & 12, 2008, and Regular Meeting of June 12, 2008.

2. PROPERTY ACQUISITION: Stellar Airpark Ord. #4034

ADOPTED 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 extinguishment of the easement.

3. CITY CODE AMENDMENT: Chapter 38 Ord. #4080

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

4. PROPERTY CONVEYANCE: Sun State Builders Ord. #4014

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4014 authorizing the conveyance of a City-owned parcel of real property to an adjacent property owner in exchange for

the dedication of new public roadway and related easements and other valuable consideration; and authorizing the execution of all documents necessary to complete the conveyance.

Sun State Builders has submitted a request for the City to convey fee-owned property, at no cost, that is currently being used for drainage. In exchange, the developer will retain their half-street runoff via a new retention area, dedicate an 8-foot public utility easement and dedicate additional right-of-way along Chandler Boulevard adjacent to their property. Civil Engineering Staff has confirmed that the volume of water to be retained in the new retention area is adequate for on-site and roadway drainage. There have been no objections from outside utilities.

5. REZONING: Dobson Office Condominiums Ord. #4036

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4036, DVR08-0008, Dobson Office Condominiums, rezoning from AG-1 to PAD for an office development with PDP on approximately 2 acres north of the NWC of Dobson and Germann roads, immediately south of an existing church. (Applicant: Brad Graham, Palmer Architects.)

The subject site is one of two remaining properties zoned AG-1 (Agricultural District) following the development of the Germann Country Estates single-family residential subdivision to the west and south, and the Hope Covenant Church to the north. The property fronts Dobson Road and is between the church property and the remaining agricultural site to the south. The property to the south has been owned by the Becker family since 1984. Staff is not aware of any development plans for this parcel.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 6, 2008. There were no residents in attendance. Staff has received no correspondence in opposition to this request.

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

6. PROPERTY TAX RATE Ord. #4067

ADOPTED Ordinance No. 4067 establishing a tax rate of \$1.1814 be adopted for FY 2008-09.

State law requires that the tax levy necessary for funding the adopted budget be established by ordinance and be adopted 14 days following the public hearing and final adoption of the budget but before the third Monday in August (8/18/08). As this tax levy ordinance is an administrative method of setting apart funds necessary for use and maintenance, it does not require an extraordinary (3/4) vote to make it effective immediately. This determination is based on a Supreme Court decision and is fully explained in the Municipal Budget and Financial Manual provided by the Arizona League of Cities and Towns.

Ordinance No. 4067 follows the prescribed form recommended for adoption and establishes a tax levy of an estimated \$38,606,234.00 set forth in the 2008-09 budget. In this ordinance, the City Council directs the County of Maricopa to levy the amount allowed by law. The total tax rate will be \$1.1814 per \$100.00 of assessed valuation. Property value estimates have been received from the County Assessor's office and are available for public inspection in the offices of the City Clerk and Management Services.

7. IRRIGATION EASEMENT: SRP Ord. #4068

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4068 granting a no-cost irrigation easement to the United States of America (USA) and Salt River Project (SRP) in exchange for United States of America easement property located along the north side of Germann Road between Ellis Street and Dobson Road.

As a requirement for approval of the Final Plat for the Brittany Heights subdivision, an irrigation easement was to have been granted to SRP in order to relocate an irrigation ditch and facilities from the north side of Germann Road between Ellis Street and Dobson Road, to right-of-way dedicated by the developer of the Brittany Heights subdivision to the City of Chandler.

SRP completed the relocation of the irrigation facilities, but discovered that the exchange of the irrigation easements did not occur. In order to correct this problem, the United States of America has agreed to convey to the City of Chandler its interest in the existing easement area containing approximately 14,976 square feet via a Quit Claim Deed in exchange for the City granting a no-cost irrigation easement containing approximately 15,727 square feet to the USA and SRP from an existing USA easement along the north side of Germann Road, east of Ellis Street where the facilities are currently located. The exchange is being done at no cost to correct an oversight by the developer of the Brittany Heights subdivision when the original plat was recorded granting the right-of-way to the City.

8. AGREEMENT: TCG Phoenix Ord. #4081

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4081 authorizing an Agreement between TCG Phoenix and the City of Chandler for use of City right-of-way and public places to establish a communications system.

TCG Phoenix, a subsidiary of AT&T, Inc., has filed for an application with the City to install, operate and maintain a communications system that will provide both telecommunications and possibly non-telecommunications services. This agreement provides terms and fees for both service deliveries. The company holds similar agreements in other valley cities to provide such services. This is a five-year, nonexclusive agreement.

The City has received a \$2,000.00 application fee, which should cover the City's cost for processing of this application and a 2.75% privilege tax will be paid on any non-interstate telecommunication services. As dictated by federal and state law, there will be no right-of-way use fee for the defined telecommunications portions of the system and its operation, but there is a fee structure established in Section 4.2.2 of the Agreement for any services that are not exempted by federal or state law. The company will also pay permit, inspection and pavement damage fees.

9. PROPERTY ACQUISITION: Ray/McClintock Improvement Res. #4159

ADOPTED Resolution No. 4159 authorizing the acquisition of real property needed for the improvement of Ray Road and McClintock Drive; authorizing relocation assistance as may be required by law; and directing further action.

On February 28, 2008, Council approved the alignment for the Ray Road-McClintock Drive Improvements (CIP Project ST0624). It allows for three through lanes, dual left turn lanes, right turn lanes, bus pullouts and bike lanes in each direction. This project will allow for additional improvements to traffic movement and public safety.

The project will require the acquisition of real property (road right-of-way and easements) from private property adjacent to, near or related to the roadway being improved. Approximately 17 parcels have been identified of which 12 are partial acquisitions of commercial/retail parcels, four tracts are owned by homeowner associations, and one parcel will be a full acquisition of a single-family residence. Staff has discussed the possibility of these acquisitions with the property owners. Public meetings were held on December 12, 2006, and September 18, 2007, by City Staff to present the proposed project and solicit public input for the project. Staff presented project information, responded to questions and comments, and received additional input from business owners and residents.

This resolution authorizes acquisition of the real property at fair market value either by purchase or by further action. A reasonable negotiation period will be allowed for property purchases, after which further action will be initiated as needed to acquire the real property and to obtain immediate possession.

10. AGREEMENT: Maricopa Association of Governments (MAG) Res. #4172

ADOPTED Resolution No. 4172 authorizing a project Agreement with Maricopa Association of Governments (MAG) and the City of Chandler for regional reimbursement for improvements to the Alma School Road and Chandler Boulevard intersection in the amount of \$3,582,000.00 to be adjusted annually for inflation.

The Transportation Commission reviewed the project and unanimously recommended approval.

11. DRAINAGE EASEMENT RELEASES: 56th Street / Chandler Boulevard Res. #4175

ADOPTED Resolution No. 4175 authorizing the release of two drainage easements that are no longer needed near the NEC of 56th Street and Chandler Boulevard.

The developer for Cottman Transmission development has requested that the City of Chandler extinguish the following: (1) one drainage easement located within APN #301-68-006V, having a gross surface area of approximately 2,420 square feet for its portion of 56th Street runoff; and (2) one drainage easement located within APN #301-68-006Y, having a gross surface area of approximately 1,681 square feet for its portion of Chandler Boulevard runoff. This site is currently being developed and these drainage easements are no longer required because the approved plans for this development provide for adequate retention and drainage on site. The planned onsite improvements provide for the half street runoff from 56th Street and Chandler Boulevard and will direct storm water to new retention areas. Both drainage easements were obtained by the City of Chandler through condemnation actions as the result of the 56th Street and Chandler Boulevard Stormwater Drainage project – CIP #ST0016.

In exchange for the City extinguishing the two drainage easements at no cost, the developer will dedicate two public utility easements and two additional rights-of-way adjacent to their property along Chandler Boulevard, APN #301-68-006V and along 56th Street, APN #301-68-006Y.

Civil Engineering Staff have confirmed that the volume of water to be retained in the new retention area is adequate for on-site and roadway drainage. Staff and outside utilities have been notified and have reviewed this request; there are no objections.

12. INTERGOVERNMENTAL AGREEMENT: Maricopa County Human Services Dept. Res. #4184

ADOPTED Resolution No. 4184 authorizing an Intergovernmental Agreement with the Maricopa County Human Services Department to provide Special Needs Transportation Services for senior citizens, persons with disabilities, and low income veterans for FY 2008/09 in an amount not to exceed \$125,000.00.

The Maricopa County Human Services Department Special Transportation Services (STS) program provides assisted, door-to-door transportation for persons with disabilities, the elderly, and low-income Maricopa County residents. This is a shared-ride service and advance reservations are required.

In fiscal year 2007-08, it is projected that STS will provide approximately 5,200 special needs and Americans With Disabilities Act (ADA) certified trips. The City is reimbursed with Proposition 400 funds for ADA certified trips. Approximately 20% of the dial-a-ride trips provided by Maricopa County Special Transportation Services are for ADA certified passengers.

In 2006, City Council approved funding to support veterans' assistance programs including transportation to veterans' service centers for low-income veterans residing in Chandler. Maricopa County Special Transportation Services administers the program that includes an application process to verify eligibility and makes arrangements for transportation. This will be the third year that transportation to the veteran's service centers has been included in the Maricopa County service agreement. Service hours provided through this agreement will also be used to support the veterans' assistance program.

This agreement will supplement dial-a-ride services currently provided through East Valley Dial-A-Ride and will increase the availability of dial-a-ride service to senior citizens, persons with disabilities, and low income veterans residing in the City of Chandler. In some cases, the Maricopa County service will be more convenient for people traveling to medical appointments in Phoenix, as no transfer between service providers is required.

This agreement was reviewed by the Transportation Commission and unanimously recommended for approval.

Costs for ADA certified trips estimated at \$5,000 - \$10,000 are eligible for reimbursement with Proposition 400 funds.

13. DEVELOPMENT AGREEMENT AMENDMENT: San Marcos Commons Res. #4197

ADOPTED Resolution No. 4197 authorizing the Second Amendment of the First Amended and Restated Development Agreement for San Marcos Commons approving a City contribution in the amount of \$393,765.00.

In August 2004, Council approved a Phase I Development Agreement with Desert Viking for the development of San Marcos Commons. At that time, Phase I included 60 townhomes with the City contributing \$1.6 million towards infrastructure improvements. In August 2006, the Phase I Development agreement was amended and restates there would now be 79 townhomes. At this time, the City also agreed to increase its contribution to the infrastructure improvements to \$2.1 million due to higher construction costs than originally anticipated by the developer.

Over the last several months, Desert Viking has indicated they are again encountering significant cost overruns on the infrastructure portion of the project due to unexpected utilities and unusual

weather during paving. Staff directed them to compile a list of costs related to the offsites. In early May, Desert Viking presented Staff with the final summary list of cost overruns, as well as supporting documentation. The City Engineer has reviewed the costs and Staff has determined that \$840,801.00 of the costs submitted were appropriate for the City to share in financially. A 50/50 split of costs was negotiated with Desert Viking. Additionally, the City had paid one of the invoices for joint trenching work for the project totaling \$53,272.00, so half that amount (\$26,636.00) was netted out of the amount to be paid to Desert Viking.

It is Staff's expectation that this represents the final amount of offsite contributions for this project with the exception of a possible participation agreement for the City-requested upsizing of a water line across the property.

14. GRANT APPLICATION: Municipal Utilities

Res. #4198

ADOPTED Resolution No. 4198 authorizing the Municipal Utilities Department to submit a grant application for the Gila River Indian Community's State-Shared Revenue Program for an educational program promoting waste reduction and recycling.

Solid Waste Services is working with Chandler schools to promote recycling education and participation as a result of district collection contracts with Waste Management. Currently, Staff provides presentations to classrooms, attends assemblies, and work with clubs, student councils, and faculty to ensure success with the community recycling programs.

To enhance this program, Solid Waste Services is proposing the addition of Solid Waste Recycling Education Kits for elementary classrooms. The Solid Waste Recycling Education Kits will contain hands-on activities, a CD containing curriculum materials, a landfill model for demonstration, and audio/video materials focused on waste management issues and recycling. Twenty-five kits will be available to all 4th grade Chandler schools via a check-out process. The kits will provide teachers tools and materials for meeting numerous academic standards.

The total cost for producing twenty-five Solid Waste Recycling Education Kits for use at Chandler schools is estimated at \$14,469.00. All costs associated with this project, with the exception of City Staff time and current stock of promotional and educational materials, will be covered by grant funds from the Gila River Indian Community State-Shared Revenue Program.

15. GREEN BUILDING PROGRAM

Res. #4199

ADOPTED Resolution No. 4199 adopting a Green Building Program setting forth green building incentives and the criteria for projects wishing to receive incentives; establishing City commitments to green building, and providing green building education and outreach; and authorize a reallocation of \$75,000.00 from the Residential In-Fill Program to the Green Building Program.

As energy prices rise and natural resources become scarcer, sustainability concerns are becoming increasingly important. Green building addresses sustainability by encouraging energy efficiency, renewable energy use, water conservation, use of environmentally sensitive materials, alternative modes of transportation, urban heat island mitigation and healthier indoor living and working environments.

The Draft Green Building program contains (1) an incentive program to encourage voluntary green building in private development, (2) City commitments to green building, and (3) green

building education and outreach. Staff presented the Draft Green Building Program to the Mayor and Council on May 19, 2008. Staff modified that version based on feedback from the meeting. The following paragraphs discuss the Draft Green Building Program and highlight the changes to the program since it was last reviewed by the Mayor and Council:

(1) The draft program establishes incentives to encourage voluntary green building in the private sector which include:

- Expedited Plan Review – Projects that pursue LEED Silver or higher and incorporate adequate water conservation, urban heat island mitigation and energy conservation strategies will be eligible for expedited plan review.
- Green Building Recognition – Projects earning Green Building Certification will be eligible for awards and recognition such as:
 - City of Chandler Green Building Recognition Sign,
 - Inclusion on the Chandler Green Building Program Participant List,
 - Architectural Excellence Aware (Preferential Consideration),
 - City of Chandler Green Building Seal of Approval that can be placed on construction site signs.
- Certification Fee Reimbursement – LEED projects earning specified water and urban heat island reduction points would be eligible for LEED Certification fee reimbursements. LEED Certified and Silver projects will be eligible for a partial fee reimbursement, while LEED Gold and Platinum will be eligible for a complete fee reimbursement. LEED Certification fees vary based on building size, ranging from \$1,750.00 for a 50,000 square-foot project to a maximum fee of \$17,500.00 for projects larger than 500,000 square feet. With adoption of this resolution, \$50,000.00 out of the Green Building Program's \$75,000.00 budget would be reserved for certification fee reimbursements for the 2008/09 Fiscal Year. Council action would be required to continue funding this program in subsequent years.

(2) The draft creates a City commitment to build all new occupied City buildings larger than 5,000 square feet to LEED Silver standards or higher. The commitment permits exemptions when it would not be economically feasible to construct to LEED Silver standards. Additionally, the Mayor and Council can make exceptions to this commitment when deemed appropriate. Over one hundred communities nationwide have committed to LEED standards, including five municipalities in Arizona. Phoenix and Queen Creek have committed to the LEED Certified level. Flagstaff and Tucson have committed to the LEED Silver level, while Scottsdale has committed new City construction to meet LEED Gold standards.

The Green Building Program encourages, but does not require, the City to pursue energy improvements to existing City facilities. To accomplish this, the draft suggests conducting energy audits (partially paid for by APS), making energy upgrades where cost efficient, and pursuing LEED for Existing Buildings when feasible.

(3) Finally, the City would provide green building education and outreach to developers and homeowners interested in retrofitting their homes. At pre-application meetings, planners will provide developers with suggested strategies to create more environmentally friendly site designs. The strategies will be completely voluntary and will not weigh into zoning decisions or development approvals. The list of suggested strategies will be updated as new technologies and research provide improved green building strategies.

Staff will also be able to provide assistance to developers that may be inexperienced in green building or the LEED Green Building Rating System. Staff will provide basic information to

developers and direct them to more specific resources that can provide more detailed green building information.

In response to the Mayor and Council's desire to address residential retrofits, Staff has expanded the program's focus on education for homeowners. The program now emphasizes an educational program that will make homeowners aware of known opportunities (including solar rebates and tax credits) that exist to assist them in undergoing green retrofits to their homes. Education will also include information on methods to make existing homes greener and products that can be used to enhance energy efficiency, water conservation and/or indoor environmental quality.

"Forming Partnerships" is another section that has been added to the program since the last Mayor and Council review. The City will explore partnerships with utility providers, home improvement stores and other organizations. These partnerships would strive to increase resident awareness of green opportunities and products that exist and could potentially improve these green opportunities for Chandler residents.

Due to the reliance on third party verification through the LEED Green Building Rating System, the funding and staffing requirements to operate this program should be minimal. With the reallocation of \$75,000.00 from the Residential In-Fill Program to the Green Building Program, \$50,000.00 will be used to fund certification fee reimbursements, and the remaining \$25,000.00 will be used to administer the education program, pursue and establish partnerships, create green building recognition signs, and contribute to events such as the Green Building Expo. The funding reallocation applies only to FY 2008/09. Green Building Program funding for subsequent fiscal years would have to be approved by the Mayor and Council.

The Residential In-Fill Program has an annual budget of \$250,000.00. Participation in the Program has been decreasing over the years. The City has not received any Residential In-Fill development applications in 2008. In 2007, the City approved three new homes and one demolition for a total of \$20,000.00 in Residential In-fill awards. In 2006, the City issued \$40,000.00 in Residential In-fill awards (seven new home construction and one substandard building removed). From 2001 to 2005, the City issued \$212,500.00 in awards (85 new dwelling units at \$2,500.00 each). Upon Council approval of the reallocation, the Residential In-Fill Program will be left with \$175,000.00 for FY 2008/09. Staff will be proposing amendments to the Program within the next year to encourage participation with the remaining funds.

The Draft Green Building Program has been developed through various means of public outreach, including a green building survey distributed to Planning and Development clientele, an Energy and Green Building Forum, three Green Building Task Force meetings and a Planning and Zoning Commission briefing.

Through this public outreach, Staff has received overwhelming support of the creation of a Green Building Program that offers incentives to encourage green building as well as support for the City to lead by example through a City commitment to make all new City buildings green.

COUNCILMEMBER WENINGER voted "nay" on this item.

16. GRANT APPLICATIONS: Chandler Regional Medical Center Res. #4200

ADOPTED Resolution No. 4200 authorizing the City to execute grant application documents to be submitted to the Gila River Indian Community's State-Shared Revenue Program in the amount of

\$1,500,000.00 on behalf of the CHW Foundation – East Valley for funding to increase access to healthcare facilities and services in East Valley communities.

17. AGREEMENT: Enhanced Municipal Services

Res. #4202

ADOPTED Resolution No. 4202 authorizing the Enhanced Municipal Services Agreement for FY 2008/09 between the City and the Downtown Municipal Services District in the amount of \$132,916.00.

At the City Council meetings of April 24, 2008, and May 22, 2008, the Mayor and City Council took all actions necessary to renew the Downtown Chandler Enhanced Municipal services District (EMSD). Approval of an Enhanced Municipal Services Agreement with the Downtown Chandler Community Partnership (DCCP) will allow the DCCP to will manage and operate programs in the District.

Based on discussions with the DCCP, the Agreement has been modified from prior years to describe the revised organizational structure for the management of the EMSD. The District Advisory Committee has been eliminated, though its function of representing district rate payers, developing the annual District budget and work plan, and monitoring the performance and provision of District services have been retained. A new Vice President of District Relations position has been created to make sure rate payers' interests are represented. Additionally, the working committees of the District Advisory Committee have been retained and the agreement modified to more clearly align contract responsibilities to each of the existing committees. The DCCP Executive Board has approved the content of this agreement.

The other contract change agreed upon with the DCCP are changes to the baseline service levels of the City. The primary driver of these changes are environmental policy changes that no longer allow the use of blowers to clean sidewalks and common areas. This increases workload on City Staff and adjustments have been made to cleaning schedules. A new cleaning machine has been purchased to allow the cleaning of sidewalks through a more environmentally friendly method.

The Agreement also describes a clear work program to be performed by the District for the period beginning July 1, 2008, and ending July 30, 2009. It pledges the City's commitment to paying a contribution to the District during the aforementioned fiscal year and identifies how payments will be made from the City to the DCCP, both for City funds and for funds obtained through the assessment of private property owners through the Maricopa County Assessor's Office. Finally, the Agreement delineates the insurance coverage the City has specified to be carried by the DCCP.

Assessments for privately owned property in the District total \$133,046.00. Staff has forwarded these amounts to Maricopa County for inclusion in the fall property tax bills. The City's voluntary contribution of \$132,916.00 has been approved in the Downtown Redevelopment budget request for FY 2008/09. The total amount of the District budget for FY 2008/09 is \$265,962.00.

18. APPLICATION: Sister Cities International

Res. #4204

ADOPTED Resolution No. 4204 supporting an application to the Sister Cities International Program requesting an exchange with Tullamore, Ireland.

Sister Cities International is a nonprofit network that strives to build global cooperation at the municipal level, promote cultural understanding and stimulate economic development through partnerships between U.S. Cities and communities across the globe.

The City of Chandler requires that residents interested in creating a Sister Cities program from an independent citizen group under which to create such a partnership. These groups must be responsible for fulfilling all financial and managerial requirements of such a program, and are not guaranteed financial support from the City beyond the first year's membership fee in Sister Cities International and the state chapter. However, an official Sister Cities partnership requires a signed memorandum of understanding from the governing bodies showing ideological support for the program, and relies upon the willingness of elected officials to meet with international delegations to share experiences and ideas.

In recent months, an active citizen group has formed to begin the process of forming a Sister Cities Partnership between Chandler and the City of Tullamore, Ireland. This group presented Council with their progress to date at the June 9, 2008, City Council Study Session. In addition, a delegate from Tullamore met with Councilmembers and Staff on June 13 and confirmed that the Tullamore Town Council had voted to move forward in the Sister Cities process.

The next step in the process will be for Chandler and Tullamore to apply for membership in the Sister Cities International program. This resolution serves as an official acknowledgement of the City's desire to further pursue the partnership and a copy will be sent to the Tullamore Town Council.

For cities in the United States, Sister Cities International membership fees are based on population. The 2008 membership fee for Chandler will be \$880.00. In addition, the City will become a member of the Arizona Sister Cities organization at a fee of \$50.00.

19. PERSONNEL RULE AMENDMENT: Rules 3, 15 and 16 Res. #4203

ADOPTED Resolution No. 4203 amending Personnel Rule 15, Section 4; Personnel Rule 16, Sections 5, 9 and 10; Personnel Rule 3, Sections 1, 3 and 5.

All Personnel Rule changes require the approval of City Council through the adoption of a resolution. The majority of changes include updates to the Rules for clarification purposes and/or to reflect current practice. The substantive changes are:

Rule 15, Section 4; Vacation Accrual: An increase in the vacation accrual leave was negotiated between the City and S.E.I.U., which will go into effect on July 6, 2008. This new vacation accrual applies only to the nonexempt positions that are covered by S.E.I.U. The remaining 76 nonexempt positions in the City that are not otherwise covered under a Meet and Confer agreement are confidential employees and nonexempt supervisors. Staff believes that these employees should be granted the same accrual schedule as negotiated by S.E.I.U in order to maintain equity and employee morale. In addition, this will bring the City's nonexempt vacation accrual close to the average of other cities.

Rule 16, Section 9A and Section 10G: Compensatory Time and Holiday Pay: Additional verbiage was added to Section 9A, Compensatory Time, in order to clarify that nonexempt employees cannot bank more than 55 hours of compensatory time *unless otherwise negotiated as part of a Memorandum of Understanding*. Section 10G adds language to clarify that the Personal Holiday

must be used during the *tax* calendar year which is consistent with the City's procedure. Other changes are minor housekeeping changes.

Rule 3, Section 5: Temporary Detail: S.E.I.U. negotiated a change in when an employee would become eligible for temporary detail pay in their 2002/03 contract. This change provided that an employee assigned to temporary detail would be eligible for temporary detail pay after *one* pay period as opposed to two pay periods. This provision was adopted Citywide and this rule change is to reflect the current practice.

The balance of the changes is minor housekeeping changes.

These changes have been reviewed with the City Manager, Presidents of the Meet and Confer Groups, the Employee Council, the Directors and the City Attorney.

20. PRELIMINARY DEVELOPMENT PLAN/PRELIMINARY PLAT: Ocotillo Village

CONTINUED TO JULY 31, 2008 - Preliminary Development Plan, Preliminary Plat, PDP07-0039/PPT08-0004, Ocotillo Village, for site layout and building architecture for a specialty retail development including a health club on approximately 12.3 acres at the SWC of Alma School and Ocotillo roads. (Applicant: Shelly McTee, Gallagher & Kennedy, P.A.)

The site is located in South Chandler as part of the Ocotillo Phase I master plan. It is bound by the two arterial streets on the north and east sides, as well as the collector street Balboa Way adjacent to the south. One of the existing Ocotillo lakes borders the property's west side, with residential homes located west of the lake.

21. PRELIMINARY DEVELOPMENT PLAN: The Village At Bogle Park

APPROVED Preliminary Development Plan PDP07-0041, The Village At Bogle Park, for site layout and building architecture for two office/industrial buildings on approximately 4 acres north of the NWC of Pecos Road and Hamilton Street, within the Bogle Business Park. (Applicant: Gus Schultz, Aloha Development.)

The subject site is bordered to the south by a recently approved industrial equipment rental facility, with Pecos Road located further south. Existing residential subdivisions are located south of Pecos Road. To the north, east and west are vacant and developed properties zoned for business park uses as part of the Bogle Business Park. The site is bordered to the south by a recently approved industrial equipment rental facility, with Pecos Road located further south. Existing residential subdivisions are located south of Pecos Road. To the north, east and west are vacant and developed properties zoned for business park uses as part of the Bogle Business Park.

The site received conceptual PAD zoning for business park uses in October 1987 as part of the 52-acre Bogle Business Park. Various parcels within the business park have developed including the Old Castle pre-cast concrete vault manufacturer located west of the subject site. The majority of parcels within the Bogle Business Park are planned for industrial business park uses with the potential for compatible commercial uses located along the Pecos Road and Hamilton Street intersection. A number of parcels along the business park's perimeter are currently vacant.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on April 22, 2008. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

1. Development shall be in substantial conformance with exhibits submitted as part of this application and shall be kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0041 The Village At Bogle Park.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. Equipment storage shall be fully screened by the 8-foot high screen walls and street landscaping.
6. All equipment servicing shall occur within the enclosed building.
7. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
8. The landscaping shall comply with the Commercial Design Standards.
9. The stabilized granite storage yard surfaces shall comply with all applicable PM-10 dust control requirements.

22. PRELIMINARY DEVELOPMENT PLAN: Mill Crossing

APPROVED a Preliminary Development Plan, PDP07-0042 Mill Crossing, a comprehensive sign package for a retail development on approximately 20 acres at the SWC of Gilbert and Germann roads. (Applicant: Sean Lake, Pew & Lake, P.L.C.)

The subject 20-acre site is located at the SWC of Gilbert and Germann roads as part of the larger 108-acre Chandler Airport Business Park (CABP) Master Plan, receiving PAD zoning approval in 1999. The site is bordered to the north by Germann Road, with the Crossroads Towne Center commercial development located north of Germann Road. Gilbert Road abuts the property's east side with additional commercial development within the Town of Gilbert located east of the arterial street. To the south is the recently approved Watermark at Chandler Airpark commercial development, currently under construction.

With City Council's approval of the first Preliminary Development Plan within CABP, the design guidelines were established for the balance of the master plan. Development plans for the remaining parcels within CABP have and will be reviewed administratively by staff. The 20-acre Mill Crossing commercial development is no exception. Staff has administratively approved the site plan, building elevation and landscape plans for the subject site. The conditional approval for CABP however did not request any deviation from Code with regards to signage, specifically freestanding monument signage. The current Preliminary Development Plan request seeks to approve a comprehensive sign package with minor variations from Code, which Staff supports finding it to maintain the quality image established for the Mill Crossing development.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on May 12, 2008. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

1. Development shall be in substantial conformance with the Development Booklet entitled "Mill Crossing" kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0042, except as modified by condition herein.
2. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
3. All raceway signage shall be prohibited within the development.

23. CONTINUED PRELIMINARY DEVELOPMENT PLAN: Aloft/Downtown Ocotillo

CONTINUED TO JULY 31, 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 to allow for review by the Design Review Committee. (Applicant: Rudy Dabdoub, North Face Investments, LLC.)

24. INFRASTRUCTURE IMPROVEMENT PLAN

ADOPTED the Infrastructure Improvements Plan.

Arizona Revised Statutes §9-463.05 now requires the governing body of a municipality to adopt or amend an infrastructure improvements plan before the assessment of a new or modified development fee. An infrastructure improvements plan is defined as "one or more written plans that individually or collectively identify each public service that is proposed to be the subject of a development fee". Red Oak Consulting prepared the Infrastructure Improvements Plan.

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 Infrastructure Improvements Plan was filed with the City Clerk for public review beginning March 14, 2008. To date, no issues have been communicated to City Staff regarding the Plan.

25. DISBURSEMENT: Chandler Lions Club

AUTHORIZED the disbursement of FY 2008/09 ongoing funds in the amount of \$35,000.00 to the Chandler Lions Club for the 4th of July celebration upon commencement of FY 2008/09, which is July 1, 2008.

The Chandler Lions Club saw a significant increase in expenses associated with organizing the 4th of July Celebration at Tumbleweed Park. Additional fencing, security, restrooms, parking attendants, trash and dust control are all elements that increased the events total cost since moving from the downtown area. Although various nonprofit groups such as the Boy Scouts, the Jaycees and Hamilton High School Marching Band assist with vending sales and grounds set up, expenses are still incurred for their services.

The Chandler Lions Club, in partnership with the City of Chandler, has been organizing and producing the 4th of July Celebration over the past six years. Initially, the event was held downtown and it is estimated that over 40,000 attendees came to see this event. Since moving the event to Tumbleweed Park, over 100,000 attendees now enjoy this spectacular event.

The goal of the Chandler Lions Club is to keep this a free event for the citizens of Chandler. The funds collected to organize and implement a large event such as this are collected from a number of various organizations. The City contribution to this effort will once again allow the Chandler Lions Club to put on an amazing 4th of July Celebration for the community. To mirror the Chandler Lions Club efforts in organizing such a large-scale event for the community, it would cost the City over \$80,000.00 without sponsorship.

As part of the FY 2007/08 budget amendment process, Council awarded ongoing funding in the amount of \$35,000.00 for the Chandler Lions Club 4th of July Celebration.

26. SITE LAYOUT: "Urban Edge"

APPROVED the site layout entitled "Urban Edge" which incorporates the Chandler Museum on the City Hall site.

In June of 2005, RNL Design was contracted to provide programming and site selection services for the new City Hall and Museum. In May 2006, City Council approved the east side of Arizona Avenue and Chicago Street as the site for the new City Hall and Site 6 as part of a mixed-use development as the location for the Museum.

The City entered into an agreement with SmithGroup, Inc., in December 2007 to provide architectural and design services for the new proposed City Hall. Since that time, City Staff and SmithGroup have been working diligently on the programming and site layout for the City Hall, which will include parking, Council Chambers and administrative office.

In April 2008, the developer of Site 6 contacted the City to say he was unable to develop Site 6 to also include the Museum. At that time, the City requested SmithGroup to develop site strategies that could include the Museum.

During this time, there has been further discussion as to a preferred site for the Museum. The Museums Advisory Board has been deliberating as to whether the Museum should retain a downtown presence or be built at Tumbleweed Park.

In May 2008, the Museums Advisory Board held a special meeting to further discuss the Tumbleweed Park site and the Downtown site. SmithGroup presented their site layout to the Board for their review and comment. Staff also presented their site ideas for the Tumbleweed Park location. On June 4, Planning and Zoning hosted a meeting on the site strategy SmithGroup had developed for the City Hall and Museum site in downtown. Invitations were extended to the Chamber of Commerce, Historical Society, Downtown Chandler Community Partnership, City employees, and interested parties to attend. Over 100 people attended and were given the opportunity to present their comments. As a whole, the discussion comments were positive and insightful.

The site layout entitled "Urban Edge" is the proposed layout for the City Hall and Museum. The site incorporates a series of one-story buildings, a large office tower, parking garage and open

plaza space. This site plan supports a strong synergy between the site and pedestrians. It encourages walking activity along Arizona Avenue, stimulating the streetscape with activity and pedestrians.

The one-story buildings frame the edge of the site along Arizona Avenue and in front of the parking garage. These buildings will provide easy and close access to those City departments that have a high volume of citizen traffic, such as the City Clerk, Neighborhood Resources and Utility billing. These buildings will also serve as a screen around the parking garage. The Council Chambers and video studio will be situated on the public plaza area at Chicago and Washington Streets, with easy access to the parking garage.

The majority of City Staff will be housed in the office tower, including Mayor and Council, City Manager, Human Resources, CAPA, Management Services, Community Services, Economic Development, Downtown Real Estate and City Attorney. With the office tower on the northern edge of the site, there will be convenient access from this building with the existing civic campus. It is estimated that pedestrians can reach any location on the Historic Square, as well as the Library and Public Works buildings in a five-minute walk.

The Museum is located on Washington Street, adjacent to the proposed Serrano's office and retail building. This provides a perfect link with the existing retail establishments on the Historic Square, as well as access to the proposed parking garage across the street. This parking garage is proposed to incorporate art gallery space on Washington Street across the street from the Museum.

Museum Staff Recommendations: The "Urban Edge" design offers several advantages for the Museum over the Tumbleweed Park site.

- Placing the Museum close to the downtown in conjunction with artist spaces, the Vision Gallery, the Center for the Arts and Historic Downtown Chandler's restaurant and retail core creates the right "mix" of uses that has proven to make cities vibrant and attractive destinations.
- The timing of Museum construction would be tied to the City Hall construction, thus completing and opening a new Museum for the residents of Chandler sooner than any other site.
- The Museum has historically and intellectually tied with downtown Chandler. The "Urban Edge" design keeps the Museum near the core of the historic, closer than any design explored to date.
- The "Urban Edge" design creates an art and cultural district by placing artist studios and/or art businesses, the Vision Gallery, and the Museum in close proximity. This district then becomes a destination for residents, tourists and visitors valley wide.
- Being located in a potential arts and cultural district produces the opportunity for the Museum to serve broad and diverse audience segments by offering sophisticated traveling exhibits on arts and culture in addition to exhibits and programs geared towards traditional family audiences.
- The close location to Serrano's restaurant and the other restaurants on the square offers museum visitors several places for museum visitors to eat following a visit. Likewise, the restaurants and shops provide foot traffic that the Museum could serve with extended evening hours and programming.
- The planned parking garage across Washington will ensure ample parking for Museum users.

- The potential of displaying banners or utilizing an electronic billboard on the core service tower for the main City Hall building allows the museum to have an Arizona Avenue face.
- The “Urban Edge” design activates foot traffic both north and south as well as east and west. This “walkable” design offers improved opportunity for drop-in visits to the Museum by both people doing business at City Hall, as well as shoppers visiting Historic Downtown Chandler.
- The Museum along Washington Street should expand the public’s view of Historic Downtown Chandler beyond the downtown square. It also could serve as an important part in the revitalization of Washington Street.
- The Museum would become an important bridge between the restaurants and retail spaces of downtown and the civic uses of the City Hall.
- Locating the museum at the City Hall site would ensure that the Downtown Chandler Community Partnership and the Chamber would be enthusiastic supporters of the Museum.
- The outdoor green space to the south of the City Hall, in conjunction with the green space to the west of the planned Museum building, could lead to some compelling programming opportunities for both the Museum as well as the City.

At the June 11 Museums Advisory Board meeting, the Board voted to recommend to Council the downtown site location for the Chandler Museum, with the following suggestions: (1) utilize a professional museum planner; (2) coordinate the bus drop-off and parking; (3) look at the best use of Washington Street; (4) the Museum should have a distinct architecture; (5) use of banners and signage to advertise the Museum; (6) City should pursue the N/S access to the square through a breezeway; (7) look at expansion possibilities; (8) understand that the operating hours for the Museum will be different from the civic hours of use; and (9) focus on visitor and Staff safety for evening event.

27. AGREEMENT EXTENSION: Building Plan Review

APPROVED a one-year Agreement extension with Stantec Consulting, Inc., Willdan, Brown Certified Inspection Services, Inc., Bureau Veratis North America (formerly Linhart Petersen Powers Associates), and MADARA Engineering, Inc., for building plan review services in an amount not to exceed \$300,000.00.

Previously, these services were funded from the fees collected to defray the cost of the services provided. For the last several years, the funding of these services has been from approved line items in the annual budget.

28. AGREEMENT EXTENSION: Building Inspection Services

APPROVED a one-year Agreement extension with Stantec Consulting, Inc., Willdan and Brown Certified Inspection Services, Inc., for building inspection services in an amount not to exceed \$300,000.00.

Previously, these services were funded from the fees collected to defray the cost of the services provided. For the last several years, the funding of these services has been from approved line items in the annual budget.

29. AGREEMENT: COPLINK System

APPROVED an agreement with Knowledge Computing Corporation for implementation services for the COPLINK system, sole source, in an amount not to exceed \$61,010.00.

An Intergovernmental Agreement with the host node of the City of Mesa for participation in the COPLINK system has been previously approved. COPLINK is a regional system being implemented throughout the southwest that will allow law enforcement agencies to share crucial information related to crime and criminal activities. The implementation of this project requires services from Knowledge Computing Corporation that will provide data migration, analysis, and maps that will connect Chandler data into the Mesa COPLINK node as well as the related training for Chandler Police Department personnel on how to use the software.

Because the City of Mesa is the hosting "node" of the COPLINK system, allowing Chandler to share crucial law enforcement information, Knowledge Computing Corporation is the sole source to provide the implementation services for their proprietary COPLINK system.

30. AGREEMENT EXTENSION: Motorola, Inc.

APPROVED a one-year Agreement extension with Motorola, Inc., sole source, for communication equipment maintenance in an amount not to exceed \$87,273.00. This is the first of four one-year renewals.

In December 1987, Council approved Motorola, Inc., as a sole source vendor of radio equipment to replace the existing radio system at that time. Because of the proprietary of the software infrastructure, Motorola, Inc., is the only authorized service center to provide service and maintenance on the equipment and software. It is essential that Motorola, Inc., provide maintenance to ensure the equipment is maintained at the highest level possible because of the critical nature of public safety.

Service is provided seven days a week, twenty-four hours a day. Equipment may be added or deleted as necessary during the contract term. This renewal term has dropped in price due to new equipment still being under warranty and some other equipment no longer being serviceable.

31. AGREEMENT: WBI, Inc.

APPROVED an Agreement with WBI, Inc., for sludge press rental in an amount not to exceed \$94,080.00.

Due to high solids in the raw water received at the Chandler Water Treatment Plant from the Salt River Project canal system, there is an excessive amount of sludge production within the plant's treatment process. Mobile sludge dewatering equipment is required to meet the demand as the plant begins to increase in production for the larger demand of the summer months. Staff estimates that 144 days of rental will be required. However, the requested amount is based on 180 days of rental. The additional amount is requested in case there are more solids than expected. A study will be conducted in FY 2008/09 to determine long-term solutions.

32. AGREEMENT EXTENSION: Allied Waste Transportation, Inc.

APPROVED a one-year Agreement extension with Allied Waste Transportation, Inc., for City facilities refuse collection in an amount not to exceed \$99,000.00. This second year extension includes a five percent increase for fuel. These facilities include but are not limited to City Parks, Fire Stations and City office buildings.

33. AGREEMENT EXTENSION: Praxair, Inc.

APPROVED a one-year Agreement extension with Praxair, Inc. for the purchase of liquid carbon dioxide in an amount not to exceed \$38,400.00. This is the second of four one-year renewal options. The price for the term July 1, 2008, through June 30, 2009, will increase to \$0.064 per pound from \$0.061 per pound.

34. AGREEMENT: SDB, Inc.

APPROVED Agreement #WW0818-401 with SDB, Inc., for the Airport Water Reclamation Facility Vapex odor control units, pursuant to Job Order Contract JOC07-04, in an amount not to exceed \$333,865.00.

Due to the anticipated increase in flow associated with the current Airport Water Reclamation Facility expansion, City Staff has identified the need to install three new Vapex odor control units to ensure that all odor concerns related to the increase in flow are addressed and meet the odor control regulatory requirements. Construction will also include the necessary piping and electrical work associated with the installation of the three units. One unit will be placed at the Headworks area and two units will be placed at the Solids Storage site. These units have been used in wastewater facilities over the past several years and have been found to be efficient and effective in controlling odor.

35. AGREEMENT EXTENSION: Arizona Generator Technology

APPROVED a one-year Agreement extension with Arizona Generator Technology for generator maintenance in an amount not to exceed \$168,275.72. This is the second of four one-year renewals and includes a 4% increase due to fuel, oil, coolant and labor.

36. AGREEMENT: Consultant Engineering, Inc.

APPROVED Agreement #EN0726-101 to Consultant Engineering, Inc., for additional offsite development construction inspection and management services, pursuant to the annual contract #EN0602-101, in an amount not to exceed \$550,000.00.

The City's Offsite Development Construction Management Staff has been utilizing temporary construction inspection services since November 2004. These temporary services have provided for the inspection and management of private development projects in the City of Chandler. The number of projects requiring inspection and management has increased from 110 to 240 projects, which has created issues with maintaining timely project inspections. These project agreements will allow for temporary inspection support to City Staff during peak workloads when vacancies and inspection workloads require. The consultant will continue to provide inspection, testing data review and oversight for the City and operate under the supervision of the City's Offsite Development Management Staff. Historically this temporary staff has been assigned a project load of 20 projects per inspector. The time and complex nature of the inspections required for the City's commercial construction projects has increased over the past year and now remains constant. Temporary inspection workloads will be reviewed quarterly to determine if temporary staff levels require adjustment.

37. WITHDREW AGREEMENT: Brycon Construction

WITHDREW Agreement #ST0815-401 to Brycon Construction for South Basha Road Bus Pullout in an amount not to exceed \$111,508.00. Staff has determined that this work can be completed at a significantly lower cost utilizing an existing contract with G&G Construction.

38. CONTRACT AMENDMENT: Jeffers and Associates, PLLC

APPROVED Contract Amendment No. 2 with Jeffers and Associates, PLLC for Standard Details and Specifications Revisions and to increase the expenditure limit by \$65,000.00 from \$515,000.00 to \$580,000.00.

For more than 15 years, Development Services has contracted with various providers for civil engineering plan review to supplement staff. Jeffers and Associates, PLLC, is one of the current providers of plan review services. Due to the consultant's expertise and familiarity with the City's Standard Engineering Details and Specifications, Public Works requested that Jeffers and Associates, PLLC, assist with the incorporation of user feedback into the Standard Details. Council approved the first amendment to the original contract in October 2007.

Due to the unanticipated volume of feedback and the time involved in reviewing and incorporating these comments into the details, City Staff recommends the contract amount be increased again to accommodate the additional effort.

39. CONTRACT AMENDMENT: Jacobs, Edwards and Kelcey

APPROVED Contract #ST0603-201, Amendment No. 1, with Jacobs, Edwards and Kelcey for the 56th Street (Frye Rd. to Fairview St.) improvements in the amount of \$21,600.00 for a revised contract total of \$153,569.00.

On August 31, 2006, Council approved the engineering design services contract with Edwards and Kelcey (currently Jacobs, Edwards and Kelcey) to perform the 56th Street (Frye Rd. to Fairview St.) improvements. The original contract for engineering services included the design of a storm drainage system for run-off from the portion of 56th Street to be improved.

The consultant completed 60% design of the project in February 2008. Subsequently, the relocation of an Arizona Department of Transportation (ADOT) Field Office to the northwest corner of 56th Street and Fairview Street became known.

This amendment is necessary to accommodate design services to include storm drainage for the additional run-off from the ADOT Field Office site, as well as to revise the previous design to convey 56th Street storm run-off to the existing ADOT storm drain system for the San Tan Freeway. The design change will eliminate the need for a surface retention basin that would need to be purchased and maintained by the City.

40. Moved to Action.

41. CONTRACT: Achen-Gardner Engineering

APPROVED Contract #ST0625-401 to Achen-Gardner Engineering for Gilbert Road Improvements (Germann Rd. to Queen Creek Rd.) in an amount not to exceed \$8,831,745.00.

42. CONTRACT: Nesbitt Contracting Co., Inc.

APPROVED Contract #ST0613-402 to Nesbitt Contracting Co., Inc., for roadway improvements for Riggs Road (Gilbert Rd. to Val Vista Dr.) – Phase II Guaranteed Maximum Price (GMP), in an amount not to exceed \$1,180,425.11.

43. CONTRACT CHANGE ORDERS: Pierson Construction Corporation

APPROVED Contract #ST0401-401, Change Orders No. 1 and 2, to Pierson Construction Corporation for the Dobson and Warner Roads Improvements in an amount not to exceed \$564,643.73 for a revised contract price of \$8,077,427.63.

Change Order No. 1 is a Staff-approved no-cost change order that amended the contract to include certain documents that were referenced by name, but not physically included in the original bid documents. An incorrect Davis-Bacon wage decision was used and a hard copy of federal contract provisions was not included. Chandler Order No. 2 amends the contract to include the installation of electrical conduit needed for the conversion of existing overhead power to underground. The cost of the work was not known at the time of bidding. This work is within the original scope of the project; however, it was not included in the original bid documents submitted by the contractor(s). The contractor has estimated this work will take approximately 75 days to complete. The current schedule has this additional work being completed concurrently with the other improvements; however, the completion of this work relies on the completion of work being performed by private utilities not under the control of the contractor or the City. Included in Change Order No. 2 is money, which will allow sidewalk ramps to be changed out if necessary.

44. CONTRACT CHANGE ORDER: Achen-Gardner Engineering

APPROVED Contract #ST0602-402, Change Order No. 1, to the Construction Manager at Risk contract with Achen-Gardner Engineering for the Pecos and Cooper Roads Improvements in an amount not to exceed \$1,600,000.00 for a revised contract price of \$21,953,913.00.

Roadway improvements included in this project are nearly complete. New traffic signals at the main intersection and a pedestrian signal at Pecos Road and the Consolidated Canal are complete as well as new landscaped medians, decorative masonry walls and streetlights. The last major component of construction of this project is the final paving with rubberized asphalt. However, two sections of deteriorating sanitary sewer have been discovered within the project limits that require immediate attention. The final paving has been postponed due to the possibility of pavement cuts and excavation to repair the sewer or manholes. A trenchless method of repair will be used to reline the sewers. The relining process will require that we bury sections of the temporary system used to carry sewer flows. In addition to the relining of the deteriorating sanitary sewer, 43 manholes will be relined to complete the project in its entirety. Achen-Gardner solicited bids for these specialized repairs with the bids being awarded to the lowest bidder. This repair work is scheduled to start in early July and be completed in approximately 90 days.

45. LAND ACQUISITION OPTION: NWC Kyrene and Loop 202

APPROVED a Contract with ICP D100, LLC, that includes a 90-day option on approximately 31.5 acres located north of the NWC of Kyrene and the Loop 202 in an amount not to exceed \$12,006,225.00.

Economic Development Staff has identified some key vacant parcels that remain around the City, which can encourage future job growth. The City owns the adjacent parcel to the west, which

had been planned for a wastewater treatment facility. This adjacent available land allows for the City to combine the two sites into a larger economic development opportunity. After the 90-day option period expires, the \$12,006,225 will be due to the seller. If the City chooses not to proceed forward then there would be no financial implication.

46. CONTRACT: Westlake, Reed, Leskosky, LLC

APPROVED a Professional Services Contract with Westlake, Reed, Leskosky, LLC, for the design of the Chandler Center for the Arts Renovation, Phase 1, in an amount not to exceed \$308,571.00.

The City and Chandler Cultural Foundation commissioned a study in 2007 to review the current conditions of the Chandler Center for the Arts. The study examined the existing conditions of the facility's performance systems and resulted in a list of recommendations to maintain operability of the facility, bring existing conditions up to current codes, and other architectural improvements. The recommendations were prioritized by the team and include upgrades to HVAC, fire sprinkler and ADA accessibility. Also included is the replacement of stage rigging, fire alarm, security, and lobby floor repair. The team consisted of representative from the Chandler Cultural Foundation, City personnel, school personnel, architectural and theater specialists. The project was separated into two phases for budgeting purposes. Phase 1 takes the design from conception to Design Development. Phase 2 takes the design to construction documents and construction administration.

47. CONTRACT: Brignall Construction

APPROVED a Pre-Construction Services Contract to Brignall Construction, Inc., for the Chandler Center for the Arts Renovation in an amount not to exceed \$137,331.00.

The pre-construction services contract award is the first step in the Construction Manager at Risk process for construction. During the pre-construction services phase, the Contractor will develop and manage the schedule, provide value analysis, constructability reviews, subcontractor coordination and prepare the guaranteed maximum price.

The City and Chandler Cultural Foundation commissioned a study in 2007 to review the current conditions of the Chandler Center for the Arts. The study examined the existing conditions of the facility's performance systems and resulted in a list of recommendations to maintain operability of the facility, bring existing conditions up to current codes, and other architectural improvements. The recommendations were prioritized by the team and include upgrades to HVAC, fire sprinkler and ADA accessibility. Also included is the replacement of stage rigging, fire alarm, security, and lobby floor repair. The team consisted of representative from the Chandler Cultural Foundation, City personnel, school personnel, architectural and theater specialists.

48. CONTRACT: Chasse Building Team, Inc.

APPROVED a Pre-Construction Services Contract to Chasse Building Team, Inc., for the Boys and Girls Club in an amount not to exceed \$106,005.00.

In 1990, the City of Chandler purchased the old Seton High School property at 300 E. Chandler Boulevard from the Jackson Living Trust. Since then, the East Valley Boys and Girls Club has leased the facility from the City and offers many community-based, character building youth development programs for the residents of Chandler. The FY 2007/08 budget currently allocates

funding for the design and construction of a new Boys and Girls Club facility. This contract is for pre-construction services as part of the design process resulting in a new facility that will include a gymnasium, meeting rooms, multi-purpose rooms, computer lab, office space and shared space for other non-profit groups. Public meetings will be held during the initial programming and design phase of this project.

49. CONTRACT: Valley Rain Construction

APPROVED a Construction Manager at Risk Contract #PR0605-402 with Valley Rain Construction for Paseo Vista Recreation Area Phase II in an amount not to exceed \$10,600,000.00.

In 2006, the City of Chandler officially closed the landfill at the NWC of Ocotillo and McQueen roads in accordance with the Landfill Closure Plan submitted and accepted by the Arizona Department of Environmental Quality (ADEQ). This site consists of 64 acres currently being designed to be a multi-purpose recreation facility. Staff from the Community Services, Municipal Utilities and Public Works Departments have worked together to identify and coordinate other City projects to provide cost savings by utilization of excess material from projects and to minimize costs of handling material. In addition to the earthwork being excavated from the Queen Creek Basin, it was determined during design and preconstruction activities that approximately 100,000 cubic yards of excess material being generated from the Queen Creek Road project is suitable for the Paseo Vista Recreation Area Project.

50. CONTRACT: Sundt Construction, Inc.

APPROVED Contract #GG0502-251 with Sundt Construction, Inc., for pre-construction services for City Hall in an amount not to exceed \$521,779.00.

The City moved into the Chandler Office Center in the fall of 1998 and is leasing approximately 38,000 square feet in the building for 12 years, which will expire in 2010. The new City Hall will total approximately 120,000 square feet and is planned to be available by the time the City moves out of the Chandler Office Center.

The City has also determined that the City Hall should be an environmentally friendly building design with design standards to achieve a gold certification level within the Leadership in Energy and Environmental Design (LEED)-NC Version 2.2 Green Building Rating System. Some of the elements that could be included in the new City Hall are sustainability issues such as construction activity pollution prevention, bicycle storage and changing rooms for employees, parking preferences for fuel efficient vehicles, shading, stormwater design, water efficiency plans, energy efficient HVAC systems, and use of materials that reduce indoor air contaminants.

The architects anticipate completing design in approximately 10 months. It is anticipated that construction will start in early 2009 to allow for the construction to be complete prior to the end of the City's lease at the Chandler Office Center in December 2010. During the pre-construction services phase, the contractor will develop a conceptual estimate for the City Hall which will be used as a guideline for the design; develop and manage the schedule; provide value analysis, constructability reviews, and 3D modeling to identify potential design conflicts; facilitate subcontractor coordination; provide community outreach; and prepare the guaranteed maximum price.

51. PURCHASE: Toter Incorporated

APPROVED the Purchase of refuse and recycling containers from Toter Incorporated, utilizing the National IPA contract, in an amount not to exceed \$406,676.00.

52. PURCHASE: Fleet Fuel Cards

APPROVED the Purchase of fleet fuel cards, utilizing the State of Arizona Contract, from US Bank/Voyager Fleet Card Services, in an amount not to exceed \$120,000.00.

The primary use of the Voyager Fleet Fuel card is to fuel Police Department motorcycles and a limited number of motor pool vehicles which travel outside City limits. Police motorcycles require premium grade fuel, which is not provided by other contracted vendors. The voyager Card allows City motorcycles to be fueled at virtually all retail fuel vendors. Voyager forwards a consolidated monthly invoice, which identifies the City Staff who authorized the fuel purchase along with purchase metrics, such as date and time, location, gallons and purchase amount. The primary advantage of the Voyager Fleet Fuel card is the respective purchase amounts are forwarded net of the Federal Excise tax, from which the City is exempt, thereby eliminating the requirement to retain individual purchase receipts necessary to file a quarterly tax return to recover the federal excise tax paid at a retail fuel vendor.

53. PURCHASE: ASAP Software

APPROVED the Purchase of Commvault Tape Backup Software from ASAP Software, utilizing the Arizona State contract, in an amount not to exceed \$180,450.00.

The City's current tape backup environment is comprised of various decentralized solutions. Each solution uses different tape sizes and creates incompatibility, thus creating problems in supporting and maintaining the system.

One system is outdated, obsolete, and no longer supported by the vendor. The other system does not function properly and is incapable of backing up all of the data in a timely manner due to the explosive growth in the amount of data being backed up. Each solution has its own unique user interface, which requires Staff to be trained in two different systems.

54. USE PERMIT: Wal-Mart Neighborhood Market

APPROVED Use Permit UP07-0073 Wal-Mart Neighborhood Market, Series 10, to sell beer & wine for off-premise consumption only within a planned grocery store at the NWC of Chandler Boulevard and Cooper Road. (Applicant: Pew & Lake PLC, Sean Lake.)

The business is located within the Cooper Park Marketplace, a planned 19-acre retail and office development at the NWC of Chandler Boulevard and Cooper Road. The development received Preliminary Development Plan (PDP) approval in 2006 and zoning approval in 1987.

The store will initially be open daily from 5 to 12 a.m., with the potential of later expanding to a 24-hour operation. Alcohol products will occupy a single aisle within the store, which will begin construction in early 2009.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with neighborhood meetings being held on October 23, 2007, and May 13, 2008. There were no citizens in attendance at either meeting. Staff has received no correspondence in opposition to

this request. The Police Department has been informed of the application and has not responded with any issues or concerns.

Upon finding consistency with the General Plan and Planned Area Development (PAD) 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.
2. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other location.

55. USE PERMIT: Swaddee Thai Cuisine

APPROVED Use Permit UP08-0012 Swaddee Thai Cuisine, Series 12, for the sale of all spirituous liquor for on-premise consumption only within an existing restaurant at 5055 W. Ray Road, Suite 8. (Applicant: Arin Pouenmuang.)

Swaddee Thai Cuisine received liquor Use Permit approval in March 2004 with a one-year time limit condition and in March 2005 with a three-year time limit. The restaurant is located within a commercial retail shopping center. Swaddee Thai Cuisine's restaurant remains unchanged since the previous liquor Use Permit approvals. Seating is indoors only and there is no outdoor dining area. There is no entertainment or music.

There was no neighborhood opposition or concerns by the hearing boards with the previous liquor Use Permit. Staff recommends no time limit for this application request as the business has not changed and there have been no complaints or problems associated with this business. Staff is of the opinion the restaurant is compatible with the commercial retail center and adjacent apartment complex.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 13, 2008. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request. The Police Department has been informed of the application and has responded with no issues or concerns.

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

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

56. USE PERMIT: Villalpando's Mexican Restaurant

APPROVED Use Permit UP08-0021 Villalpando's Mexican Restaurant, Series 12, to allow music and dancing within an existing restaurant at 7450 W. Chandler Boulevard. (Applicant: Mario Villalpando, restaurant owner; Owner: National Retail Properties, Inc., Mark Opferman, Senior Property Manager.)

A liquor Use Permit was approved for a Series 12 license in February 2007. A Series 12 is considered a "restaurant license" which allows the on-site sale of beer, wine and spirits for on-site consumption.

The restaurant is located within the Chandler Technology Center industrial business park. In 1989, the building was constructed for a Sizzler restaurant. The building was then occupied by another restaurant named Damon's A Place for Ribs. JMX Clubhouse Grill, a planned tenant a few years ago, installed a building-mounted business sign but did not open for business. The proposed restaurant is located by a Denny's restaurant, Homewood Suites by Hilton, Hampton Inn hotel and an industrial/office building.

The initial Use Permit represented that there is no live entertainment, outdoor dining areas/patios, game rooms, pool tables, dance floor, or stage and a zoning condition was approved to prohibit these uses. This application requests indoor dancing and music. A DJ provides music and tables will be moved aside to allow for a dance floor from the main dining area.

Dancing and music occur after dinner hours at 10:00 p.m. until 2:00 a.m. The restaurant's hours of operation are Sunday 12:00 p.m. to 9:00 p.m., Monday through Thursday 11:00 a.m. to 10:00 p.m., Friday 11:00 a.m. to 10:30 p.m., and Saturday 12:00 p.m. Dinner service is not available during music and dance hours although the restaurant may service appetizers.

The restaurant will hire security staff for identification checks at the front door, which is the main entrance, and have security indoors. All patrons must enter through the main front entrance; there is no rear entrance access as the kitchen is located at the back of the building.

Staff is of the opinion that the addition of music and dancing in conjunction with an existing Series 12 Restaurant License for liquor sales is compatible with the area. This area is developed with commercial and industrial businesses including hotels as part of a larger employment center. It is not unusual to have restaurant and entertainment uses within an employment area.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 27, 2008. There were no area property owners in attendance. The Police Department has been informed of the application and has responded with no issues or concerns. Staff has received no correspondence in opposition to this request.

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

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment related uses shall require re-application and approval of the Use Permit.
3. The Use Permit is non-transferable to any other location.
4. No alcohol shall be carried outside of the building into the parking lot or off-remises.

5. No noise shall be emitted so that it exceeds the general level of noise emitted by uses outside the premises of the business and as not to disturb adjacent businesses.
6. Customer access into the restaurant other than from the main front entrance (east side) shall be prohibited.
7. Security staff shall be provided as represented.
8. The site shall be maintained in a clean and orderly manner.

57. USE PERMIT: Robinson Family Child Care

APPROVED Use Permit UP08-0022 Robinson Family Child Care to provide residential childcare for up to 10 children in a single-family home at 731 E. Los Arboles Court, north and west of Warner and McQueen roads. (Applicant: Lisa Marie Robinson.)

The application requests Use Permit approval for the operation of residential childcare within a single-family residence located within the Crystal Cove single-family residential subdivision zoned Planned Area Development (PAD). The business will accommodate up to a maximum of 10 children ages 0 to 12 years old and operate Monday through Friday from approximately 6:30 a.m. to 6:30 p.m. The applicant has been operating a childcare business for up to 4 children at this location for approximately 10 years.

The subject lot is approximately 6,055 square feet in size and contains a 2,100 square foot house built in 1994 (and added to in 2006). There is ample play space in the rear yard and the facility will abide by all State of Arizona regulations regarding licensing and operations. Pick-up/drop-off times will be staggered so that no more than 2 cars are parked in front of the house during any 10-minute window.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 29, 2008. One resident attended in support of the application. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan and Planned Area Development (PAD), the Planning Commission and Staff recommend approval subject to the following conditions:

1. Use Permit approval for operating Residential Childcare shall be applicable only to the applicant and location identified with this application and shall not be transferable to any other person or location.
2. 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.
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.

58. USE PERMIT: Red White and Brew

APPROVED Use Permit UP08-0023 Red White and Brew, Series 12, to allow live music indoors and/or on an outside patio at an existing restaurant at 4850 S. Gilbert Road at the NWC of Chandler Heights and Gilbert roads. (Applicant: Arizona Liquor Industry Consultants.)

The restaurant is located within the Chandler Heights Marketplace shopping center anchored by Bashas'. Live jazz and blues music will occur approximately 2 to 3 times per month. Music starts

at approximately 6:00 p.m. typically during the week and possibly weekends. There will be no dancing, stages, DJ, or other live entertainment.

The patio is located on the suite's northeast side adjacent to a covered common pedestrian seating area. The outdoor dining area utilizes half of the existing outdoor patio area, which was intended for outdoor dining use. The patio is accessed from the restaurant's dining area. The patio is cordoned off with rail fencing that matches the existing site's fencing. The patio does not affect the use of the common pedestrian area and provides appropriate passing space for pedestrians adjacent to the patio. The rest of the common pedestrian area remains unoccupied at this time.

Staff is of the opinion that the addition of live music in conjunction with the existing Series 12 Restaurant License for liquor sales and service is compatible with the area. The music is proposed a few times a month. There are no residences abutting the site. There is a single-family residential subdivision directly east of the restaurant and the patio across Gilbert Road.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 27, 2008. There were no residents in attendance. Staff received one phone call from a resident in support of the application. The Police Department has been informed of the application and has responded with no issues or concerns.

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

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or additional entertainment related uses shall require re-application and approval of the Use Permit.
3. The Use Permit is non-transferable to other restaurant locations.
4. No noise shall be emitted so that it exceeds the general level of noise emitted by uses outside the premises of the business and as not to disturb adjacent businesses and residential areas.
5. No live entertainment/music on the outdoor dining patio area after 10:00 p.m.
6. 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.
7. The site and outdoor patio shall be maintained in a clean and orderly manner.

59. USE PERMIT: Fredrik's Auto

APPROVED Use Permit UP08-0025 Fredrik's Auto, to install a modular office building in conjunction with a planned auto dealership at 880 E. Chandler Boulevard. (Applicant: Fredrik Darbrodi.)

The subject site is currently vacant and has a 6'-high block fence (with gate) surrounding the back two-thirds of the property, starting approximately 125' behind the sidewalk. The for-sale autos will generally be parked behind the fence, while a sales office and customer parking will be located in front of the fence. An auto dealership is an allowed use in the Regional Commercial (C-3) zoning district. Modular buildings require Use Permit approval in commercial zoning districts.

To the west is a vacant parcel that is used to park moving trucks. Immediately east is an auto body shop and beyond that a landscaping business. Farther east are a strip of single-family homes and a multi-family complex. Farther west, along Chandler Boulevard, is a mix of small commercial parcels, multi-family housing, and mobile home parks. North of the subject site are several single-family homes.

The requested modular office building is approximately 672 square feet with two doors and 10 windows that is treated with beige paneling and white stucco to create an upgraded appearance over a basic modular building. The applicant plans to orient the building parallel to the street outside of the fence. Separate from this Use Permit application, a Variance is being pursued to allow relief from certain landscaping requirements. If the Variance were not approved, the building would likely have to be re-oriented perpendicular to the street.

Building signage is required to be in conformance with the Sign Code for C-3 zoned property and reviewed through the sign permit process.

The Chandler Redevelopment Element supports elimination of substandard property conditions and the enhancement of streetscape appearances in this stretch of Chandler Boulevard. Granting of the requested Use Permit would further both objectives by allowing a relatively attractive building (compared to many buildings in the area) and facilitating the occupancy and site development upgrades of a currently vacant parcel. The Planning Commission and Staff note that the Redevelopment Element also discourages the establishment of new auto-related businesses in the area, but the zoning to allow such uses is already in place on this property.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 29, 2008. There were no citizens in attendance. Staff has received no correspondence in opposition to this request.

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

1. Expansion or modification beyond the approved exhibits (Site Plan, Elevations and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. All site development standards, including landscaping standards, shall be met unless the site is explicitly granted a Variance for any deviations from such standards.
3. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

60. CONTINUED LIQUOR LICENSE: Fresh & Easy Neighborhood Market

CONTINUED TO JULY 31, 2008, Liquor License, Series 10, for Randy D. Nations, Agent, Fresh & Easy Neighborhood Market, Inc., dba Fresh & Easy Neighborhood Market, 215 N. McQueen Road to allow the applicant additional time to complete the requirements for a new Use Permit.

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

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #119730 L10) for Clare Hollie Abel, Agent, Wal-Mart Stores, Inc., dba Wal-Mart Neighborhood Market #4324, 1900 E. Chandler Boulevard. Recommendation for approval of State Liquor License #10075612 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

62. CONTINUED LIQUOR LICENSE: Crosswoods Indoor Golf Center

CONTINUED TO JULY 31, 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.

63. CONTINUED LIQUOR LICENSE: Fresh & Easy Neighborhood Market

CONTINUED TO JULY 31, 2008, Liquor License, Series 10, for Randy D. Nations, Agent, Fresh & Easy Neighborhood Market, Inc., dba Fresh & Easy Neighborhood Market at the NWC of Gilbert Road and Chandler Boulevard to allow the applicant time to complete the requirements for a new Use Permit.

64. CONTINUED LIQUOR LICENSE: Sauce Pizza & Wine

CONTINUED TO JULY 31, 2008, Liquor License, Series 12, for Randy D. Nations, Sauce Ocotillo LLC, dba Sauce Pizza & Wine, 2551 W. Queen Creek Road, Suite #4, to allow the applicant time to complete the requirements for a new Use Permit.

65. LIQUOR LICENSE: Red White & Brew

APPROVED a Temporary Extension of Premises, Liquor License, Series 12, (Chandler #113139 L12) held by RWB II LLC, dba Red White & Brew, 4850 S. Gilbert Road, Suite 4, for a Fourth of July Celebration on July 4, 2008. Recommendation for a temporary extension of premises for State Liquor License #12077039 will be forwarded to the State Liquor Department. 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.

66. SPECIAL EVENT LIQUOR LICENSE: Choir Boys Law Enforcement Motorcycle Club

APPROVED a Special Event Liquor License for the Choir Boys Law Enforcement Motorcycle Club for a 4th of July Celebration on July 4, 2008, at the Chandler Heights Marketplace, 4850 S. Gilbert 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.

67. PRELIMINARY PLAT: Chandler Airport Business Center Condominium Plat Phase I within Airport Business Center of Chandler

APPROVED Preliminary Plat PPT08-0007 Chandler Airport Business Center Condominium Plat Phase I within the Airport Business Center of Chandler, for the subdivision of one lot into two lots on 3.15 acres within the Airport Business Center of Chandler plat northwest of the airport at the SWC of Ryan Road and Airport Boulevard. (Applicant: Ridian Construction Services, LLC.) The plat creates the lots, tracts and easements necessary for the property's development.

68. ANNUAL CONTRACT: City Clerk

APPROVED the Annual Contract for the City Clerk in the amount of \$114,853.00.

70. SETTLEMENT: City of Chandler v. Rodriguez

APPROVED a condemnation settlement in City of Chandler v. Rodriguez in the sum of \$355,000.00, plus statutory interest.

On October 5, 2007, after a lengthy effort to negotiate an escrowed purchase, the City initiated this condemnation action to acquire for the new City Hall complex certain unused, commercial property at the SWC of Washington Street and Chicago Street owned by George Rodriguez. Thereafter, upon stipulation of the parties, an Order of Immediate Possession was entered by the Court on February 6, 2008, and recorded with the County Recorder on February 7, 2008.

The property at issue consists of two lots, which total 15,600 square feet, and which formerly had been leased by Roy Dossey Plumbing as its contractor's yard. The City appraised the property as of the date of the suit at \$245,000.00. The landowner appraised the property as of the date of suit at \$450,000.00.

The City will acquire title to the property upon making payment of condemnation proceeds in a total aggregate sum of \$355,000.00, plus statutory interest. This amount represents a reasonable compromise of the difference between the parties. The settlement will be through a stipulated judgment entered in the suit. Any accrued real property taxes will first be paid and the balance of the judgment proceeds will be paid over to the landowner through his legal counsel. The City previously paid over to the landowner the sum of \$325,000.00 in lieu of posting a bond otherwise required to obtain the Order of Immediate Possession. Therefore, assuming all real property taxes have been cleared, the actual amount remaining to be paid to the landowner is \$30,000.00, plus statutory interest.

COUNCILMEMBER WENINGER voted "nay" on this item.

ACTION:

40. CONTRACT: Stantec

CONTINUED TO THE JULY 31, 2008 COUNCIL MEETING Contract #ST0707-101 to Stantec for engineering services for Landscape Analysis and Reclaimed Water System Analysis in an amount not to exceed \$127,741.00.

DEPUTY PUBLIC WORKS DIRECTOR DAN COOK said that the Streets Landscape Department is currently responsible for approximately 325 acres of landscaped areas. These areas are composed of improved medians, rights-of-way and retention basins. Some of these areas are turf areas and some are decomposed granite, but a majority of the areas are being considered for improvement due to the poor health of vegetation caused by intense heat, water issues and trimming from passing vehicles. Additionally, the City has set a goal to provide reclaimed water to supply its landscape needs. As a result, City Staff have determined the need for the development of an implementation and rejuvenation plan for landscape areas and evaluation of the associated reclaimed irrigation system.

The project includes the development to two tasks: Landscape Analysis and Reclaimed Water System Analysis. The landscape analysis will provide a recommended list of acceptable vegetation for median and rights-of-way and provide recommendations for better planting, fertilization and maintenance techniques. This plan will also prioritize and provide cost estimates for upgrading landscape areas with a microanalysis on date palms, while taking into account existing standards. Similarly, the Reclaimed Water System Analysis will provide an inventory, prioritization and implementation plan of the reclaimed water transmission system south of Pecos Road and east of the Price 101 freeway.

The City currently has one City Landscape Architect responsible for landscaping and feels he needs help to keep the landscaping up to City standards. Bringing an outside expert in with additional experience can give a different point of view and make suggestions on things that could be done differently or approved upon.

There is a lot of landscape development done by developers that is not always represented on as-builts and does not appear in the GIS system.

Another aspect of the landscape analysis is guidelines for the proper care of date palms. The City has been installing a lot of date palms in the roadways and we need to ensure we are keeping them healthy and viable. Staff has expertise in working with all plants in the right-of-way, but not with date palms, which are relatively new to the City.

Mr. Cook continued that this project also includes evaluating the City's irrigation system for the landscaping. In southeast Chandler, reclaimed water is used for this purpose. We need to ensure the system is operating properly. There have been some areas identified as not receiving enough water during the summer and booster pumps need to be installed. This analysis is to look at the system and how it interacts with the Municipal Utilities reclaimed water system and make sure a good recommendation is being made on the number of pumps. The individual pumps are not costly, but it is costly for 100-200 pumps along with maintenance and power costs. The ultimate goal is to minimize or eliminate the booster pump systems.

COUNCILMEMBER WENINGER asked about the cost of the date palms. Mr. Cook responded that we have been purchasing some in the \$10,000.00 range depending on the height. There are 53 date palms at Arizona Avenue and Chandler Boulevard. Another 50 are being installed on Price Road. COUNCILMEMBER WENINGER commented that since we are giving these companies so much business through the purchase of date palms, the vendors would provide expertise on care for the trees free of charge. Mr. Cook responded that most of the date palms come from California where the climate and soil conditions are different. Staff wants to ensure that because of that difference, we are providing the proper care. There are warranties from the installer for replacement within a certain time after installation.

COUNCILMEMBER WENINGER asked what is entailed in the review of the City's existing water distribution system? Mr. Cook responded that the consultant would be physically checking the system as well as reviewing it on paper. In the southeast area, the review will be made from where we connect into the municipal utility system and end with the drippers at the pipe. The field analysis of the landscaping material will be conducted by driving every street and rating the landscaping. COUNCILMEMBER WENINGER asked if the City has a map or inventory available on what plants are located where? Mr. Cook responded that we do have an inventory; however, Staff does not feel it is complete or accurate. COUNCILMEMBER WENINGER said that we have landscape companies to provide maintenance on landscaping in the medians. Mr. Cook

concluded. The companies report to City Staff if something is not working and there are two Staff members dedicated to repairing the irrigation system.

COUNCILMEMBER WENINGER asked if any thought had been given to the possibility of forming a volunteer committee to review the option? Mr. Cook said it could be done. There are a lot of expertise on staff and on boards and commissions. PUBLIC WORKS DIRECTOR R. J. ZEDER added that it is not critical that this item be approved at this meeting. Staff would be comfortable in taking a month and determining if the contract could be separated. There are two distinct pieces to the proposal with one being the analysis of the infrastructure in terms of irrigation and the other is the landscape analysis.

MAYOR DUNN said that with the investment in the date palms, he is not shocked by the cost, but it is good to see if we can use in-house expertise. We should also ensure that any landscape maintenance hired by the City is capable of maintaining date palms.

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER ORLANDO, TO CONTINUE CONTRACT #ST0707-101 WITH STANTEC FOR ENGINEERING SERVICES FOR LANDSCAPE ANALYSIS AND RECLAIMED WATER SYSTEM ANALYSIS IN AN AMOUNT NOT TO EXCEED \$127,741.00 TO JULY 31, 2008.

MOTION CARRIED UNANIMOUSLY (7-0).

PUBLIC HEARINGS:

P.H. #1 General Plan Update

The Mayor opened the public hearing at 8:03 p.m.

PRINCIPAL PLANNER DAVID DE LA TORRE said that this public hearing is for public input and discussion regarding the update of Chandler's General Plan GPA07-0002.

The current General Plan was adopted by Council in 2001 and ratified by voters in 2002. At that time, the General Plan was updated to comply with Growing Smarter and Growing Smarter Plus legislation that required fifteen (15) elements to comprehensively address growth-related issues. The legislation, which is still in effect, requires that the General Plan be updated at least once every ten years. However, due to the fast growing pace of the City in 2001, it was stated that the General Plan would be updated in five years, rather than ten. The need to update the General Plan sooner rather than later also became more apparent within the last few years when it became evident that the City was approaching various stages of build-out.

Public Involvement Process:

In accordance with State Statutes, on June 14, 2007, Council approved a Public Participation Plan establishing written procedures for encouraging public involvement during the General Plan update process (Resolution No. 4084). Accordingly, the update process has utilized a multi-media approach and has been heavily based on citizen participation. A variety of notification techniques were used to advertise public forums and briefings.

Since the public participation process began in August 2007, forty (40) public forums, briefings and other events were held and presented many opportunities for Chandler's citizens to learn about the update and provide input. Meetings were held in different locations throughout the City

to promote citizen participation. Some events such as the first three kick-off meetings and the Energy and Green Building Forum were especially well attended. Other events included presentations to stakeholder groups such as the Intel Community Advisory Panel, the Chandler Chamber of Commerce, Chandler Neighborhood Link and Valley Partnership.

A Citizen Oversight Committee consisting of 22 residents representing Chandler's diverse population met regularly to guide Staff and the consultants through the update process. All of the Committee meetings were open to the public and were advertised on the Web site as well as with the City Clerk's Office. Mr. De la Torre recognized the members of the Committee that were present.

Comments received from the public forums, Oversight Committee meetings and the Web site were compiled by the consultants and utilized to draft the General Plan elements. Subsequently, the drafts from the consultants were extensively reviewed by City Staff, including representatives from all departments, to ensure that they are thorough, accurate and properly integrated statements of City growth policies. The revised drafts were then presented to the Citizen Oversight Committee for review and further editing. Surveys that were distributed at the public forums and an on-line survey were utilized to develop the Vision Statement that is located in the Introduction of the draft General Plan.

Also in accordance with State Statutes, the draft General Plan was distributed to adjoining jurisdictions, State and County Planning Departments and submitted to the City Council, Planning Commission, and others at least 60 days prior to the notification of this public hearing. Staff has received only one written response from the agencies on the distribution list, which was the Maricopa Association of Governments.

General Plan Hierarchy and Relationship to Zoning:

The General Plan is a strategic plan consisting of broad policies that address the many implications of City build-out and sustainability needs. Area plans, facility plans and other adopted studies supply more detail that is consistent with the broad direction in the General Plan. Zoning, the Capital Improvement Program and the City's budget are tools that implement the more specific plans.

The broad and strategic nature of the General Plan is evident in the Future Land Use Map, which contains four general land use categories: Residential, Commercial, Employment and Recreation/Open Space. Policies in the text of the Land Use Element provide criteria for evaluating where various intensities of the broader categories may be considered. Per State Statute A.R.S. §9-462.01.F, all zoning ordinances and zoning actions are required to be consistent with the adopted General Plan. Thus, the broad policies in the General Plan are implemented directly by zoning actions, which require extensive neighborhood notice and opportunities for public participation.

It is important to note that adoption of the draft General Plan will not amend or supercede any previously adopted area plans or zoning actions. Staff does not foresee any major conflicts; however, when more detailed area plans are found to be in conflict with the policies in the General Plan, the more specific planning document will be followed. Subsequent area plan amendments or updates may be programmed to resolve any identified conflicts.

Transportation and Water/Waste Water Master Plan Updates:

Concurrently with the General Plan update, the City is in the process of updating the Transportation Master Plan and the Water and Waste Water Master Plan. In the hierarchy of

adopted City plans, these two master plans are in the tier below the General Plan consisting of more detailed facility plans. City Staff and consultants have coordinated with each other throughout the General Plan update process. The Transportation Master Plan update will also address bicycle user plans in more detail. The two master plans are expected to be taken to Council for their approval sometime after the new General Plan has been adopted.

The following identifies the major differences from the 2001 General Plan:

1. Land Use (Sustainability and Economic Development):

While the current General Plan includes goals and statements addressing sustainability and economic development, the proposed General Plan emphasizes selectivity regarding the land use decisions that still remain, with particular consideration given to sustainable development, achieving a balance of land uses and the fiscal impact upon the City (service costs vs. the revenues achieved). The case for protecting economic development areas and sustainability is made in several of the elements in the draft General Plan, but is most prevalent in the Cost of Development, Land Use, Growth Areas and Housing elements.

- Importance is placed upon revenue-generating land use, recognizing that the land resource that remains for economic development is limited and strategic and should not be sacrificed for new residential development. The Cost of Development Element in the draft General Plan identifies the comparative ratios of City revenues to expenditures by land use category, illustrating the greater costs incurred by the City to serve residential uses, and hence the importance of achieving balance between residential and employment development.
- The Land Use Element of the draft General Plan includes specific goals and objectives targeting economic development.

2. Density and Intensity:

References from the 2001 General Plan for maintaining the City's low overall density and low profile building form have been replaced by opportunities for greater development intensity in appropriate locations such as downtown, regional commercial areas and high capacity transit corridors.

- A new residential category has been added, Urban Residential Density (exceeding 18 dwelling units per acre).
- Reference is made to the City updated (2006) Mid-Rise Development Policy, which describes eligible locations for such development and the various considerations to be made.

3. Transportation:

The Circulation Element of the draft General Plan emphasizes the importance of placing high intensity land uses in transit corridors within walking distance of alternative modes of transportation such as bus rapid transit and light rail.

4. South Price Road Employment Corridor:

Both the 2001 and draft General Plan maintain the vision for large single users on campus-like settings on parcels that are generally not less than 15 acres. The draft General Plan goes on to say that parcels less than 15 acres may be considered when they are part of a larger innovation zone as described in the Growth Areas Element.

5. Growth Areas:

Unlike the 2001 General Plan, the draft General Plan categorizes three different types of growth areas: Large Tract, Growth Expansion Nodes, and Revitalization/Infill Growth Areas. Distinguishing different types of growth areas signifies the shift from rapid growth on large tracts of land to a greater focus on redevelopment and infill development. Acknowledgement is also given that Southeast Chandler is now well established with low-density residential and is no longer considered as a major growth area.

6. Redevelopment:

As amended by the City Council earlier this year, the Conservation, Rehabilitation and Redevelopment Element no longer incorporates the Redevelopment Area Plan, which was amended and renamed the "Downtown – South Arizona Avenue Corridor Area Plan" (Downtown Area Plan). The draft General Plan reaffirms the status of the Downtown Area Plan as a separate planning document that is utilized to further delineate the policies of the General Plan. The draft also contains updated goals and objectives, together with criteria (rather than a map) for evaluating a redevelopment project located anywhere in the City for consistency with the General Plan. Previously, when the Redevelopment Area Plan was a part of the General Plan, the policies in the Redevelopment Element were limited to the central area of the City.

7. Housing:

The updated Housing Element recognizes the widening gap between household incomes and housing costs, particularly for those households earning below the median. New strategies recommended to improve affordability include incentives to enhance the City's existing supply of affordable homes, greater diversity of housing types in new construction, urban densities in appropriate locations and affordable dwellings as a component of mixed-use and re-use projects.

8. Neighborhood Planning:

A new element, not currently required by State Statutes, is included in the draft General Plan to emphasize preservation and revitalization of older neighborhoods with grassroots citizen involvement and assistance through City resources.

9. Energy:

In 2007, the state passed a new law requiring an Energy Element in the General Plan to identify policies that encourage and provide incentives for efficient use of energy and that provide for greater use of renewable energy.

10. Criteria for determining "major amendment":

State Statutes require each City to establish their own criteria for determining what constitutes a major amendment to the General Plan. The current General Plan establishes four criteria for determining major amendments. The draft General Plan changes two of the criteria as follows:

- Any change in a non-residential classification of 40 or more acres (formerly 160 acres) to a residential classification.
- Any modification or elimination of one or more stated goals contained in the Land Use Element that changes any policy regarding the overall densities, intensities or major roadway locations that would have citywide implications (formerly "affecting 640 acres or more").

Enumerated below are some of the more substantial changes, with corresponding numbers on the addenda, incorporated into the Final Draft:

29. Consistent with a Mayor and Council goal, Staff is proposing to add a new objective under the goal of planning for sustainable development (Land Use Element) – “Encourage the use of shade and environmentally sensitive design”.

40-42. These proposed changes are intended to clarify where the various land use intensities can be considered. The consideration of Revitalization/Infill and Growth Expansion Node Growth Areas and were added to be consistent with other text in the Land Use Element and the policies in the Growth Areas Element.

45, 54

& 56. The draft General Plan strongly emphasizes the importance of resisting pressure to convert non-residential land to residential development. While this is a key message, there are instances where conversions to residential may be in the City’s interest, such as when additional residential is needed to balance existing commercial land uses or when a property’s potential for commercial development is limited by the size, shape, orientation, accessibility or visibility. For this reason, Staff is proposing to add such a statement after each time the case is made to resist conversions. This will ensure that both the rule and the exception are presented equally.

52, 122

& 128. These addenda create a new type of office development; “Large Office Development” which consists of large corporate offices and multi-story offices with multi-tenants. This new type of office was created to distinguish from “Commercial Office” which consist of the smaller office developments, usually characterized as garden office. The distinction is necessary to direct the larger office developments to downtown, employment areas, growth areas, and regional commercial areas.

53. This item identifies the uses that do not fit in the South Price Road Employment Category. Such a statement is made in the Glossary of the 2001 General Plan.

62. The City’s Planned Area Development and Preliminary Development Plan process currently includes a compatibility analysis with developers and neighbors. This item clarifies that such an analysis is currently being done and the General Plan calls for a continuation of the analysis.

67. A new objective is proposed to “Plan an interconnected bicycle system containing continuous east-west and north-south bicycle routes”. This objective will complement another objective that is already in the draft to plan for bicycle route connections among adjoining communities.

102

& 105. These addenda update the draft with the latest information regarding Tumbleweed Recreation Center and Veteran’s Oasis Park.

116. This addendum adds a list of national accreditations received by various City departments to the Public Services and Facilities Element.

MAYOR DUNN asked Mr. De la Torre to explain how the General Plan is addressing the issue of affordable housing. MR. DE LA TORRE explained that there are two strategies identified in the housing element of the General Plan. One identifies that there is some affordable housing currently in Chandler, even though it may not be new housing. One of the strategies is to improve those homes, develop programs and re-enforce existing programs to help neighbors improve their homes and quality of life.

The other strategy is to provide diversity in types of housing. Traditionally, Chandler has been a low-density City. This calls for mixed-use developments with various densities which would create more affordable housing opportunities.

COUNCILMEMBER ORLANDO asked if in-fill incentives would be addressed. MR. DE LA TORRE said that it would. In-fill is one way of obtaining affordable housing and is encouraged in the General Plan. COUNCILMEMBER ORLANDO asked if various part of the City would be considered for revitalization in the future. Mr. De la Torre responded that it would. A budgeted item for FY 2008/09 is the east Chandler Boulevard study to review that area for revitalization, in-fill. Staff will be returning to Council with recommendations for redevelopment. The plan is for Staff to go through the same process for North Arizona Avenue.

COUNCILMEMBER ORLANDO asked what the next step would be if this update is approved. Mr. De la Torre responded that the General Plan is at the top of the hierarchy of plans approved by the City with broad direction. There is a second tier with more specific policies and plans such as the Airport Area Plan or the Southeast Chandler Area Plan. Other plans such as the Transportation Master Plan Updates that will provide further details to be incorporated into the CIP and the budget.

COUNCILMEMBER WENINGER commended the Committee and Staff on the work they have done on this proposal. He added that he would like to see a continuation of sidewalks on such streets as Alma School where the sidewalk ends. He referenced the need to find a way to work with developers to proactively connect the sidewalks on some of the main thoroughfares. COUNCILMEMBER WENINGER asked if a specific policy had been established in relation to demolishing buildings in in-fill areas. Mr. De la Torre said there is a Residential In-Fill Program approved by the Mayor and Council originally in 2002 and amended in 2004. It states that if, upon inspection by a building official, an existing home is considered to be substandard, the City will grant toward the demolition of that home only if it is replaced with a new home that meets specific design requirements. An additional \$5,000.00 would be granted for a total of \$10,000.00.

COUNCILMEMBER WENINGER noted that approximately a year ago Council directed Staff to draft a policy for demolition of commercial for higher density in-fill. PLANNING AND DEVELOPMENT DIRECTOR DOUG BALLARD responded that it is an evolution of the Commercial Reinvestment Program which Economic Development has been working on which is different that the program Mr. De la Torre was referring to. He is not familiar with the specifics, but does know that one concern is that in certain areas growth has happened and we may find some areas with too much commercial space and the quality of commercial is lower and the vacancy rates are higher. The best thing to do would be to remove some of the inventory and replace it with demand such as a higher-density residential project.

CITY MANAGER MARK PENTZ added that the Economic Development Staff did a report on a number of intersections north of Chandler Boulevard and reviewed the amount of tax revenue generated. He reported there has been a focus on the intersection of Ray and Alma School roads and there is a carry forward in funds in this year's budget to work with property owners at

that intersection in conjunction with the rebuilding of the intersection to revitalize the area, which could include removing outdated commercial structures and rebuilding. Staff is also looking at the intersection of Arizona Avenue and Warner Road where there are some major redevelopment possibilities. This is contrary to the program of working with a commercial center owner to renovate, which will still be done. We have targeted intersections in north Chandler with the idea of demolition and reconstruction, which may or not include retail.

COUNCILMEMBER DONOVAN thanked Staff and the Committee for their work and for incorporating her suggestions from the draft and being able to see how it changed the second time. This is an important part in how Chandler moves forward. Approaching build out, it is an important statement of to protect the remaining land. While it is a state requirement, the attention to including details unique to Chandler such as the importance on neighborhoods, is a great addition.

MAYOR DUNN commented that what makes the General Plan so exciting is where we are today. This plan shows a commitment by the City to create jobs, and the innovation-zone concept for the old Motorola site, which makes for a sustainable community.

GARRY HAYS, 1845 E. Locust Place, said that he served on the General Plan Update Committee. He commended the Mayor and Council for their choice in the diversity of the committee members. Mr. Hays also commended staff members Kim Gehrke, Jason Crampton, Dave De la Torre, Hank Pluster, Doug Ballard, Patrice Kraus and Chris MacKay for the time they devoted to these meetings. Many times the meetings were held weekly and Staff had to produce documents during that time. Staff also had to provide some history of Chandler and that knowledge helped produce a good document.

The Mayor closed the Public Hearing at 8:24 p.m.

68. GENERAL PLAN ADOPTION: Res. #4195

ADOPTED Resolution No. 4195 adopting the final draft of the Chandler General Plan dated June 26, 2008, and submit to the voters for ratification at the November 4, 2008, election.

MOVED BY COUNCILMEMBER CACCAMO, SECONDED BY VICE-MAYOR HUGGINS, TO ADOPT RESOLUTION NO. 4195 ADOPTING THE FINAL DRAFT OF THE CHANDLER GENERAL PLAN DATED JUNE 26, 2008, AND SUBMIT TO THE VOTERS FOR RATIFICATION AT THE NOVEMBER 4, 2008, ELECTION.

MAYOR DUNN asked the Committee who would be presenting the General Plan for the election process and if Council can discuss it publicly. Mr. De la Torre stated that Staff is prohibited from promoting the General Plan before the election, but will make information available on the website. MAYOR DUNN asked if the Citizen's Committee could be involved in the election. Mr. De la Torre said it could. THE MAYOR asked if Staff would ask the Committee to give some thoughts regarding the election and see what needs to be done. CITY ATTORNEY MARY WADE stated that the Citizen's Committee would generally form a political committee to promote the election. Mr. Hays stated that he would speak with the committee chair, Senator Tibshraeny, and will probably form a political to promote passage of the General Plan.

MOTION CARRIED UNANIMOUSLY (7-0).

P.H. #2 2008 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

The Mayor opened the Public Hearing at 8:26 p.m.

POLICE PLANNING & RESEARCH MANAGER RANDALL GREELEY said that the City of Chandler, through the Police Department, was determined eligible to apply for a \$30,295.00 award under the subject grant program from the Federal Bureau of Justice Assistance. In order to proceed with the application, which must be submitted by July 8, 2008, the application information must be made available to the Mayor and Council as a governing body. This was accomplished through Council packets on June 6, 2008. The application process also requires that it be made public and that an opportunity to comment be provided to citizens and to neighborhood or community organizations to the extent applicable law or established procedure makes such an opportunity available. This public hearing is being held to fulfill that requirement. This is not a matching grant and funds are proposed to be used by the Criminal Investigations Bureau, specifically to purchase equipment to help track and catch criminals, especially repeat offenders. Equipment for the bait car program and computer equipment for the Criminal Investigations section to share information between valley agencies in a more timely and effective manner.

COUNCILMEMBER HARTKE commended the Police Department for pursuing this grant.

The Mayor closed the Public Hearing at 8:29 p.m.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced a Water Donation Challenge issued by Tempe's S.E.I.U. and City Council challenging Chandler's S.E.I.U. and Council to collect bottled water to go to local charities for distribution by July 8, 2008. COUNCILMEMBER ORLANDO challenged Council to raise at least 50 cases and committed to donating the first 8 cases.

MAYOR DUNN spoke about the Chandler Police Youth Academy for ages 12 to 16 to get hands-on experience in the Police Department. The academies are one week long and coincide with the Chandler Unified School District intersessions. Specific dates can be found at www.chandleraz.gov.

THE MAYOR announced the 4th of July Celebration to be at Tumbleweed Park presented by the Chandler Lions Club and the City of Chandler. He encouraged everyone to attend. The event is free, but on-site parking is \$5.00 per vehicle.

B. Councilmembers' Announcements:

None.

C. City Manager's Announcement:

None.

Adjournment: The meeting was adjourned at approximately 8:33 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: July 28, 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 26th 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.

City Clerk