

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, August 28, 2008 at 7:00 p.m.

MAYOR BOYD W. DUNN Called THE MEETING TO ORDER.

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
(Telephonically) 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: Pastor Larry Ambrose – First Assembly of God, gave the invocation

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

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions

MAYOR DUNN was joined by Acting Planning and Development Director Jeff Kurtz in recognizing Lilia Gonzalez for 10 years of service with the City in the Housing Division. Mr. Kurtz recognized Lilia for her unique customer service-driven quality. She listens, and then focuses on the customer's needs and goes out of her way to help them achieve their goals. She exhibits a genuine enthusiasm in her work. She has the fortitude to provide the absolute best customer service she can. Because of these qualities, Lilia provides a positive influence for all around her and is an igniter in the lives of others. Her fellow employees admire Lilia because she exhibits a positive "can do" attitude and makes the best of any situation. She helps bring a cohesiveness, hope and motivation to our residents and Staff.

MAYOR DUNN was joined by Police Chief Sherry Kiyler in recognizing Officer Brian Morgenthaler for 10 years of service in the Police Department. Officer Morgenthaler has garnered a number of commendations for his hard work and dedication to the Department. He has also made a significant contribution to the future of the Department by becoming a field-training officer and guiding new officers as they learn policies, procedures and the subtleties of customer service in the law enforcement arena.

MAYOR DUNN was joined by Police Chief Sherry Kiyler in recognizing Karen Walsh for 10 years of service in the Police Department. Karen has worked in all functions of the records section and is currently a copy and file specialist providing a wide variety of information as requested by citizens and other agencies and assisted in developing the document-imaging program. Chief

Kiyler recognized Karen's work as a volunteer ESS scribe for the City Emergency Operations Center and her service on the City Awards Committee and assistance with the annual regional Police Explorer competition.

2. Proclamation – Hispanic Heritage Month

MAYOR DUNN was joined by Diane Rutherford with the Chandler Republic, and Eddie Encinas from the Chandler Coalition of Civil and Human Rights as he read a proclamation proclaiming September 2008 as Chandler Hispanic Heritage Month. THE MAYOR thanked sponsors of the event including the Chandler Republic and specifically Diane Rutherford for her dedication. Maguel Bravo from APS has also been a major sponsor. APS is the main sponsor of Spanish Heritage Month.

Mr. Encinas reminded everyone that the next event, The Mariachi Festival, is September 13th and invited everyone to attend. Funds are used for youth scholarships.

Ms. Rutherford added that it has been an honor and pleasure for the Chandler Republic to be involved in this event. She expressed appreciation to the volunteers.

3. Recognition – ICAN Peer Leaders

MAYOR DUNN was joined by Christy McClendon, CEO of Improving Chandler Area Neighborhoods (ICAN), and members of the ICAN Peer Leader Team. This team was honored by the National Association of Social Workers as Citizens of the Year at the Chandler Center for the Arts. The Team is challenging the idea that underage drinking in Chandler is unacceptable. Their work in educating the community of the ravages of underage drinking is having a very positive impact on their peers. Violence has decreased significantly, their projects are creating greater economic stability, and there is a savings to the community from the reduced demand for future health and social services related to alcohol abuse. Through ICAN, these teens and the Chandler Coalition on Youth Substance Abuse, we have seen tangible results.

Ms. McClendon stated that the teens have worked tirelessly over the last two years to take on the issue of underage drinking and have made it clear that underage drinking is not a right of passage in the community, but rather a community health issue. She commended them for their work and bravery and also thanked the Mayor, Council and the City for their support.

UNSCHEDULED PUBLIC APPEARANCES:

ANN CHRISTENSEN, 2809 N. Comanche Drive, said that the landscaping people are dumping their trash in the alley behind the neighbors' houses, which the neighbors have to clean up. It is very hard for her because she is a widow and senior citizen. She reported the last time it was dumped in the alley, the pile was over 5 feet high and it was heavy because of the rain. The residents haven't been able to catch the trucks as they are dumping. In addition, Ms. Christensen complained of a bad smell from the King Buffet in the Mervyn's shopping center. The residents in the area cannot be out in their yards after noon. She has tried to talk to the King Buffet, but they don't seem to understand what she is talking about. Ms. Christensen said another concern was the trees in the back of the Mervyn's shopping center that seem to serve no purpose. They are not pretty and the leaves and branches fall into her pool if there is any wind.

MAYOR DUNN directed Staff to speak with her tonight to ensure she gets the contact information she needs.

CONSENT:

MAYOR DUNN announced that Item #22 (Artistic Land Management) would be continued to September 25, 2008, as requested by Staff.

COUNCILMEMBER HARTKE commended Staff for removing this item to further review the vendor's availability to fulfill the contract.

COUNCILMEMBER ORLANDO asked if there are statements included in the procurement process outlining penalties if the winning bidder is found to be in violation of any local, federal or state laws pertaining to a working environment. CITY ATTORNEY MARY WADE responded that it is stated in contracts, RFP's and bids that they must comply with federal and state law. Local law could be added if it is not currently included. Penalties depend on the law. In some instances, we would notify the proper authority if we had that right; we could terminate depending on what law was violated and what the City's obligations were.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR HUGGINS, to approve the Consent Agenda as amended with Item #22 being continued to September 25, 2008.

COUNCILMEMBER CACCAMO stated that he would be voting nay on item #2 (New Building Code), but only for the section pertaining to the Plumbing Code.

MOTION CARRIED UNANIMOUSLY (7-0) with the exceptions noted.

1. MINUTES:

APPROVED, as presented, Minutes of the City Council Regular and Special Meetings of August 14, 2008.

2. CITY CODE AMENDMENTS: New Building Code Series (Ch. 29) Ord. #4082

ADOPTED Ordinance No. 4082 Adopting new Building Code Series by amending the Chandler City Code Chapter 29, adopting the 2006 edition of the International Building Code, 2005 edition of the National Electrical Code, 2006 edition of the Plumbing Code, 2006 edition of the International Mechanical Code, 2006 edition of the International Residential Code, 2006 edition of the International Fuel Gas Code, adding the 2006 edition of the International Energy Conservation Code and Code of Federal Regulation Chapter 40, Part 60, Subpart AAA as in effect on July 1, 1990.

COUNCILMEMBER CACCAMO voted nay on the Plumbing Code portion of this ordinance.

3. REZONING: Western State Bank Ord. #4088

ADOPTED Ordinance No. 4088, DVR08-0020 Western State Bank, rezoning from PAD to PAD Amended zoning for a new bank on 1.8 acres at the NEC of Chandler Boulevard and Alma School Road.

4. AREA PLAN AMENDMENT/ REZONING: Palms Resort Res. #4222 & Ord. #4095

ADOPTED Resolution No. 4222, Area Plan Amendment AP08-0002, Palms Resort Retirement Community, amendment of the Gateway Area Plan to change from medical office to assisted living land uses.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4095, DVR08-0009, Palms Resort Retirement Community, rezoning from AG-1 and PAD Medical Office to PAD Assisted Living with PDP for a new retirement housing development on approximately 6.4 acres at the NWC of Pecos Road and Pennington Drive. (Applicant: Earl, Curley & Lagarde P.C.; Owner: Palms Senior Living LLLP.)

The application requests an amendment to the Gateway Area Plan plus rezoning and PDP approval in order to construct a two-building, 300-unit retirement housing development. The site is currently vacant. To the north and east along Pennington Drive are two existing assisted living developments unaffiliated with the subject development (Pennington Gardens and Merrill Gardens). To the northwest is a nursing home facility (Archstone). Farther east and northeast, as well as south across Pecos Road, are single-family homes. The Chandler Regional Hospital is located about ¼ mile to the north and office uses surround the hospital in several directions, including the recently constructed SEVG medical office development along Dobson Road. West of the site are two vacant parcels at the Dobson/Pecos intersection that are designated for medical office and commercial uses.

The development includes two, four-story buildings with one along Pennington Drive and one in a landscaped setting along Pecos Road. Site access is provided by an existing shared driveway west of the property from Pecos Road and a new driveway from Pennington Drive on the east that splits the two buildings. Nearly all parking is provided in underground garages accessed from behind the buildings. Each building includes a circular driveway with limited short-term parking in front of the main entrance.

The General Plan allows for consideration of densities greater than 18 units per acre for projects with elderly care and assisted living components such as the subject development. According to the General Plan, project quality and infrastructure capability are to be the primary determinants of density for these project. The subject application is a high-quality project that presents no unreasonable demands on streets, sewers, or other local infrastructure. The requested density is appropriate to its location on a major arterial street near the Chandler Regional Hospital and the Chandler Fashion Center, less than one mile north of the Loop 202 Santan Freeway. The project does conform to the General Plan.

The applicant requests amendment of the Gateway Area Plan in order to designate the subject site for Assisted Living in place of the existing Medical Office designation. The Gateway Area Plan was enacted in 1999 in conjunction with approval of the Gateway Apartments rezoning at the northeast corner of Pecos Road and Ellis Street. The Area Plan includes all of the land from Ellis Street east, across Dobson, to Pennington Drive, and south from Frye Road to Pecos Road. The subject site is one of several that were designated for Medical Office. Medical office uses have tended to develop immediately along Frye and Dobson roads, closer to the Chandler Regional Hospital itself. Much of that medical office development has occurred outside the boundaries of the Gateway Area Plan.

Currently, the site has a limited market for medical office uses and would be more appropriately developed for adult living uses such as proposed. As noted, medical office uses have migrated toward higher visibility locations nearer to the hospital. Additionally, given that it is surrounded by a single-family neighborhood and other adult living uses, the site would be more logically developed as a quasi-residential use with lower traffic generation than typical medical office. The

change to an Assisted Living designation is appropriate due to the surrounding uses and the evolution of the local office market.

The application requests relief from the Zoning Code in order to provide 302 parking spaces compared to the code requirement of 492 spaces. The Zoning Code requires 492 parking spaces for this development with the assisted living units classified at "elderly care" and the independent living units classified as "multi-family housing" for the purpose of parking calculations. However, the applicant commissioned a parking study that shows parking need to be no more than 181 spaces for the requested mix of housing. Staff has reviewed the parking study and found it acceptable. The parking study uses data from the Institute of Transportation Engineers (ITE), data from the American Senior Housing Association (ASHA), a parking needs assessment conducted in British Columbia, and field-collected data from six other independent living facilities to reach its conclusions. Ratios recently approved for The Cays at Ocotillo independent living project would result in a provision of 298 spaces for the subject development.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with three neighborhood meetings being held on August 30, 2007, May 7, 2008 and June 25, 2008. There were a total of 4 neighbors attending the 3 meetings who were in support of the project. Staff has received no correspondence in opposition to this request.

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

5. REZONING: The Goddard School at San Marcos Square Ord. #4093

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4093, DVR08-0021, The Goddard School at San Marcos Square, rezoning from PAD for a restaurant to PAD for a childcare/pre-school use with PDP for a 1.44-acre parcel within San Marcos Square located east and south of the SEC of Dobson Road and Chandler Boulevard. (Applicant: Level 4 Studio.)

San Marcos Square is a commercial subdivision approved PAD zoning in 1987. The development's approval included a master plan designating uses for each lot and design guidelines including project theme and building design elements. San Marcos Square is developed with a Mobil gas station/convenience store at the intersection corner, Walgreen's and attached retail/restaurant shops, Brake Masters and automotive repair businesses, Chino Bandido restaurant, a credit union bank branch, and an office building. Most of the lots in this commercial subdivision have developed with the planned uses. There are three vacant lots including the subject site. The adjacent lot to the south was planned for office use and received approval to amend the use to restaurant/retail in 2003. One lot west and across the private drive from the subject site is planned for a pre-school/daycare use but has never developed. The subject property backs to Pennington Drive and a medical office to the east, and multi-family residential to the south.

The childcare/pre-school is a new The Goddard School for Early Childhood Development which is a childcare facility caring for infants to children up to 6 years old. The school intends to care for a maximum of 140 children and will operate Monday through Friday, 7 a.m. to 6 p.m. year-round except holidays. The school also has a part-time program that ends at 1 p.m. There are two exterior playgrounds that include various play structures and turf areas.

The development meets the Commercial Design Standards and design guidelines for San Marcos Square.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on June 23, 2008. Members of the nearby Elks Lodge expressed concern that the childcare/pre-school use would affect having liquor on their site. The liquor license for the Elks Lodge is an existing license that is not affected by new development of a childcare/pre-school use. State Statute exempts the separation requirement from schools for existing validly issued liquor licenses.

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

6. GRANT AGREEMENT: ADOT Res. #4211

ADOPTED Resolution No. 4211 authorizing the City to enter into a grant agreement with the Arizona Department of Transportation (ADOT) accepting grant number E8F1G in the amount of \$3,948.00 as the state's matching share to a federal grant to design a paved perimeter road from the north tie-down ramp to the heliport facility on the south side of the airport.

The grant represents the state's share of 2.5% of the total project value of the design of a paved perimeter road. The remaining balance of \$153,948.00 is in the form of the FAA grant (95%) and local funds (2.5%) through prior voter approved airport bonds.

On August 6, 2008, the Airport Commission voted unanimously to recommend acceptance of the grant.

7. INTERGOVERNMENTAL AGREEMENT: Dept. of Public Safety Res. #4223

ADOPTED Resolution No. 4223 authorizing an Intergovernmental Agreement (IGA) with the State of Arizona through the Department of Public Safety (DPS) for the Chandler Police Department to participate in the Arizona Vehicle Theft Task Force program.

Participation consists of one officer being assigned to DPS to the Task Force. Chandler has participated in this program for the past year through an IGA that recently expired. This is an opportunity for the City to continue its collaborative partnership with DPS to combat vehicle theft.

The DPS will pay Chandler 75% of the salary and 100% of re-authorized Task Force-related overtime of the assigned officer. DPS will assign and maintain a vehicle to the assigned officer.

8. CONTINUED PRELIMINARY DEVELOPMENT PLAN: Aloft/Downtown Ocotillo

CONTINUED TO OCTOBER 30, 2008, Preliminary Development Plan, PDP08-0008 Aloft/Downtown Ocotillo, for a five-story, 144-unit hotel on approximately 4.2 acres located south and west of the SWC of Dobson and Queen Creek roads to allow the applicant more time to further develop design alternatives.

9. CONTINUED ZONING: Chandler Airpark Village

CONTINUED TO SEPTEMBER 25, 2008, Zoning DVR06-0022 Chandler Airpark Village, rezoning from AG-1 to PAD with PDP for a mixed-use development consisting of retail, medical/general office and multi-family residential uses on approximately 30 acres at the SWC of

Germann Road and the Consolidated Canal to allow the applicant additional time to hold a follow-up neighborhood meeting.

10. MEMBERSHIP DUES: Valley Metro Rail, Inc.

AUTHORIZED payment of the Fiscal Year 2008/09 annual membership fee for Valley Metro Rail, Inc., (METRO) in the amount of \$50,000.00.

In 2002, the cities of Phoenix, Glendale, Mesa and Tempe executed a Joint Powers Agreement to establish Valley Metro Rail (Metro) as an Arizona non-profit corporation for the purpose of planning, designing, constructing and operating a light rail transit system. Chandler joined the Valley Metro Rail Board on May 1, 2007. The 20-mile initial operating segment of the light rail system is currently under construction and scheduled to begin revenue operations in December 2008. Additional high-capacity transit corridors and light rail extensions are identified and funded in the Maricopa Association of Governments Regional Transportation Plan approved by Maricopa County voters in 2004 (Proposition 400). The funded light rail extensions are located in the cities of Phoenix, Tempe and Glendale.

Regional, high-capacity transportation systems such as light rail require years of advance planning and coordination with participating communities, as well as regional, state and federal agencies. In 2003, the City of Chandler completed a High Capacity Transit Major Investment Study, which designated the Rural Road, Chandler Boulevard and Arizona Avenue/Union Pacific Railroad Chandler Branch Line corridors for future development of high capacity transit systems. By joining Valley Metro Rail, the City will have the opportunity to participate in the planning and design of the regional light rail system and future light rail extensions that could serve Chandler.

11. MEMBERSHIP DUES: Arizona Municipal Water Users Association

AUTHORIZED payment of membership dues to the Arizona Municipal Water Users Association (AMWUA) in the amount of \$86,831.00 for Fiscal Year 2008/09.

The Arizona Municipal Water Users Association (AMWUA) is a voluntary non-profit corporation established in 1969 to develop and advocate regional water resource management policies in the interest of its members, their citizens and ratepayers. The current members of AMWUA are the cities of Avondale, Chandler, Glendale, Goodyear, Mesa, Peoria, Phoenix, Tempe, Scottsdale and the Town of Gilbert. Chandler has been a member since 1984. The AMWUA Management Board is comprised of the City Managers of each of its member cities. The AMWUA Board of Directors is comprised of its members' Mayors.

AMWUA provides a forum for its member cities to meet and discuss water resource planning, legislation, conservation and management issues. This allows member cities to work together on regional projects such as drought response, groundwater management, groundwater recharge, augmentation, conservation, legislation, and environmental issues affecting the members' water supply.

Member cities also work together to reach consensus and present a united response on issues affecting them. For example, AMWUA has assisted the cities in coordinating municipal response to the recent Assured Water Supply Rules and the Well Spacing Rules revisions. AMWUA also represents the cities in the on-going rural Arizona water supply discussion.

Each AMWUA city membership dues are a prorated share, based on population, of AMWUA's water operating budget. AMWUA's fiscal year 2008-09 water operating budget has increased 1.36% from fiscal year 2007-08. Chandler's membership dues for fiscal year 2007-08 were \$85,662.00.

12. LIBRARY SERVICES: Online Computer Library Center

APPROVED Payment to Amigos Library Services for membership, access to Online Computer Library Center (OCLC) database, Atlas hosted server and Illian Software renewal license, sole source, in an amount not to exceed \$46,000.00.

Amigos Library Services is a regional network and consortium that provides access of OCLC, an international bibliographic database that supplies cataloging copy and interlibrary loan services to libraries. The library pays an annual membership fee to Amigos plus subscription fees to access the OCLC database. The OCLC database is a unique entity, and OCLC brokers its services to libraries in the southwestern United States through the Amigos consortium. Amigos Library Services is the sole source provider for this service.

The Chandler Public Library is a member of AzNET, a library consortium sponsored by the State of Arizona Library, Archives and Public Records Department to facilitate interlibrary loans among libraries in Arizona. The electronic routing and transfer of the AzNET interlibrary loan transactions are provided through the Amigos network. In addition to the interlibrary loan services, Amigos provides OCLC copy cataloging data, which significantly streamlines the process and reduces the cost of creating catalog records for new items added to the library's collection. Original, manual cataloging would cost an average of \$17.00 per item, primarily in staff time, while electronic copy cataloging through Amigos averages only \$1.10 per item.

13. 2008 ARCHITECTURAL EXCELLENCE AWARDS

APPROVED the following 2008 Architectural Excellence Awards:

McCullough-Price House
Sau'tee Urban Bistro
Reliable Hardware/Arrow Pharmacy Building
SanTan Brewing Company
Raintree Ranch Center
AJ's Fine Foods
Harkins at Crossroads Towne Center
The Pak at San Tan
Ocotillo Professional Office B
The Promenade at Fulton Ranch
Benihana
Sunrise Assisted Living of Chandler
TGI Friday's

Ordinance No. 3428 was adopted to create the Architectural Excellence Award Committee, which became effective on February 13, 2003. This is the sixth year for the award program. Last year, 13 projects received recognition. The Committee has continued their work in 2008 by meeting five times, reviewing over 41 projects and touring 24 of the sites. For 2008, there are 13 projects that will receive recognition.

The Revised By-Laws establish seven possible categories of projects and four levels of awards, the Hank Pluster Award, and the Benchmark, Excellence and Merit Awards. The By-Laws also allow the Committee to choose up to three other categories of awards. This year, the Committee has added the categories of Multi-family and Restaurants. The other categories of projects the Committee is recommending awards for include Commercial Retail, Commercial Office, Industrial and Public/Semi-Public. Announcement of the level and categories of awards will be made at the October event.

14. ALIGNMENT: Ocotillo Road

APPROVED Alignment for improvements to Ocotillo Road from Arizona Avenue to McQueen Road.

The Ocotillo Road Improvements from Arizona Avenue to McQueen Road consists of widening the roadway to include two thru lanes in each direction, turn lanes, bike lanes, and a raised landscape median. Widening of the Union Pacific Railroad and Consolidated Canal bridge crossings are included in these improvements. The improvements meet the requirements of the 2001 Chandler Transportation Plan as a phased major arterial roadway. The improvements require the purchase of additional right-of-way, drainage easements, utility easements, and temporary construction easements.

At the McQueen Road intersection, the roadway centerline is shifted approximately 17 feet south of the monument line to avoid impacting the City's landfill facilities. This roadway centerline alignment transitions back to the monument line west of the Consolidated Canal. Alignment approval is requested to establish the right-of-way and easement needs for an estimated 16 parcels.

A public meeting was held on Wednesday, July 16, 2008, 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. Residents showed overall support for the project. Attendees were invited to attend future stakeholder meetings for additional project information and input.

15. AGREEMENT EXTENSION: Wave Imaging

APPROVED a one-year Agreement extension with Wave Imaging for Legato (EDMS) Software Support and Maintenance Services in an amount not to exceed \$34,700.00. This is the first of four one-year renewal options.

The City of Chandler piloted an Electronic Document Management System (EDMS) solution in the summer of 2001 with the City Clerk and Environmental Management. To date, the project has implemented solutions to quickly store, locate, view and edit documents by: check-in/check-out functionality; restrict access to sensitive documents; retention and disposition of documents; and established rules in determining how long certain documents should stay within the EDMS and when to dispose of them.

This is an annual recurring cost to cover upgrades, maintenance and technical support for this application. EDMS now has more than 500 users in 12 departments.

16. AGREEMENT AMENDMENT: Agilysys, Inc.

APPROVED Agreement Amendment No. 2 with Agilysys, Inc., for SAN/NAS EMC hardware and software maintenance in an amount not to exceed \$35,480.00. This is the second of four one-year renewals.

The City of Chandler Storage Area network (SAN) and Network Attached Storage (NAS) require support for the hardware and software. These systems store production databases and other City data that is accessed on a daily basis by users and citizens. Renewing the maintenance support allows the vendor to continue to replace parts and make repairs on the hardware. The maintenance also allows the City to obtain software updates to the system. The SAN/NAS need support in case a hardware failure occurs or the software needs to be updated for performance.

17. AGREEMENT EXTENSION: 3M

APPROVED a one-year Agreement extension with 3M for security detection systems, self-check units, discharge workstations and software at the Downtown, Hamilton, Sunset and Basha Library branches in an amount of \$59,922.00. This is the second of four one-year renewal options.

3M produces and maintains exclusive maintenance and service for all the security detection, materials flow management, and radio frequency identification (RFID) systems used in the Chandler libraries. Security detection devices include gates at each library that detect the presence of security markers in books and audiovisual materials, preventing theft. Material flow management devices include self-check stations at each library that allow patrons to efficiently check-out materials through self-service; staff-managed check-in stations at each library that facilitate staff-customer transactions. RFID systems are built into all of the above equipment, providing more rapid and efficient workflow. The radio frequency detectors operate over a larger volume of space and more quickly than optical scanning (barcode) technology. In addition, each library has handheld RFID readers that assist with inventory control and allows Staff to scan items on the shelves without physically handling the items.

18. AGREEMENT EXTENSION: SirsiDynix

APPROVED a one-year Agreement extension with SirsiDynix for software support for library catalog software including circulation, cataloging, web interface and other modules in an amount of \$35,500.00. This is the second of four one-year renewal options.

SirsiDynix is the vendor of Unicorn, the Library catalog software. The software provides inventory control of the Library's book and audiovisual collections and maintains the Library's customer account and checkout information.

19. AGREEMENT EXTENSION: Sierra Auction

APPROVED a two-year Agreement extension with Sierra Auction for auction services using the City of Mesa's contract.

In November 2005, City Council approved use of the City of Mesa contract with Sierra Action for the sale of surplus property. This contract will expire August 31, 2008. The Mesa contract has been extended through August 31, 2010. Sierra Auction conducts an off-site public auction every month and has the capability to sell vehicles and other miscellaneous surplus property. By using the offsite auction, the City benefits from faster turnaround of property and less space occupied by surplus property. In FY 07/08, the City utilized Sierra Auction to sell approximately

\$245,000.00 of surplus property. Auction expenses of \$16,000.00 were deducted from those proceeds.

20. AGREEMENT EXTENSION: JP Morgan Chase

APPROVED a one-year Agreement extension with JP Morgan Chase for banking services. This is the first of two optional one-year extensions.

21. AGREEMENT EXTENSION: Mariposa Horticultural Enterprises, Inc.

APPROVED a one-year Agreement extension with Mariposa Horticultural Enterprises, Inc., for landscape maintenance in an amount not to exceed \$190,000.00. This is the first of three optional one-year extensions and reflects an increase of 3.8% for labor, fuel and administrative costs. The landscaped areas to be maintained under this contact are the Water Treatment Plant (Section 1) and Water Production Facilities, including 36 well and reservoir sites within the City (Section 2).

22. CONTINUED AGREEMENT: Artistic Land Management, Inc.

CONTINUED TO SEPTEMBER 25, 2008, an Agreement with Artistic Land Management, Inc., for landscape materials and service for one year in an amount not to exceed \$75,000.00 for a period of one year with four optional one-year renewals.

23. AGREEMENT: Carollo Engineers

APPROVED Agreement #WA0821-201 with Carollo Engineers for the Surface Water Treatment Plant Asset Management Program in an amount not to exceed \$194,104.00.

An expansion of Chandler's Surface Water Treatment Plant (SWTP) was completed in April 2008. The SWTP capacity was increased from 45 million gallons per day (MGD) to 60 MGD. Much of the existing plant infrastructure was not modified during the expansion and is over twenty years old. This program will provide an assessment of the condition of SWTP assets, determination of equipment/process critically and replacement cost estimates, and development of a multi-year SWTP Capital Improvement Plan (CIP).

24. AGREEMENT: Dibble and Associates Consulting Engineers, Inc.

APPROVED Agreement #WA0819-201 with Dibble and Associates Consulting Engineers, Inc., for replacement of water mains on Hamilton Street from Frye Road to Galveston Street in an amount not to exceed \$131,010.00.

This project is a continuation of Municipal Utilities Department's Main Replacement Program targeting aging water distribution pipe in the downtown area. The area chosen by Staff for main replacement has experienced a high number of repairs, which resulted in interrupted water service, property damage and numerous citizen complaints.

This project provides for the design of the replacement of approximately one mile of existing cast iron water lines, ranging from 6 inches to 10 inches in diameter, which were installed as long ago as 1954.

25. AGREEMENT: Rothberg, Tamburini and Winsor

APPROVED Agreement #WA0822-101 with Rothberg, Tamburini and Winsor for a solids management study at the Surface Water Treatment Plant in an amount not to exceed \$40,425.00.

In 2004, the quality of raw water entering Chandler's Surface Water Treatment Plan (SWTP) changed, a direct result of heavy rains and runoff from fire-impacted land within the Salt River Watershed. The raw water contains a large amount of suspended solids that must be removed during the treatment process. As designed, all solids produced at the Plant are gravity thickened and then dewatered using solar drying beds. Because of the substantial increase in solids production, the drying beds are not adequate to handle the sludge volume. A belt filter press is being leased to provide dewatering of additional sludge as a short-term solution. The goal of this study is to recommend a plan to help the SWTP minimize solids production in the short-term, and to develop a cost effective solution for handling solids in the future.

26. AGREEMENT: Recycling Services

APPROVED an Agreement with American Metals Company and Westech Recyclers, Inc., for recycling services.

In 1995, prior to the City's landfill closing, Solid Waste Services implemented a recycling program for scrap metal items brought to the landfill for disposal. Since that time, other recycling programs for materials with market value were implemented, as local businesses offered recycling for cardboard, electronics and foam padding.

The City's Recycling-Solid Waste Collection Center (RSWCC) continues to accept these materials and requires customers to recycle these materials. Diverting these materials through recycling helps to offset costs associated with landfill disposal.

Due to the high tonnage generated and a desire to have the material compacted and bailed onsite for transporting to market, the RSWCC has maintained a formal agreement for scrap metal recycling. The City currently sells other recyclables based on local spot market value. Revenues generated for recycling tons diverted through these programs in fiscal year 07-08 was approximately \$120,000.00. Projected revenue for the same tons would be approximately \$25,000.00 based on proposals received.

The current agreement expires August 31, 2008. Staff expanded the request for proposals to include other recyclables currently accepted. As a result of Chandler's Waste Characterization Study and Staff's commitment to continue to seek ways to divert waste through recycling and reuse, proposals were requested for green waste, and construction and demolition debris.

The City received two proposals for processing green waste. Staff is currently reviewing options for proposing a program for green waste collected at the Recycling-Solid Waste Collection Center.

27. AGREEMENT: Design Services – Chandler Center for the Arts Renovation

APPROVED an Agreement with Westlake, Reed, Leskosky, LLC, for design of the Chandler Center for the Arts Renovation, Phase 2, in an amount not to exceed \$420,476.00.

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 are the replacements of stage riggings, fire alarm, security, and lobby floor repair. The team consisted of representatives from the Chandler Cultural Foundation, City personnel, school personnel, and architect and theatre specialists. The project was separated into two phases for budgeting purposes and the need to begin design work to coordinate the project schedule. On June 26, 2008, the City Council awarded a contract to Westlake, Reed, Leskosky, LLC, for Phase I of this project in the amount of \$308,571.00 that took the design from conception to design development. Phase 2 will take the design through construction documents and construction administration and closeout.

28. AGREEMENT AMENDMENT: Engineering and Environmental Consultants, Inc.

APPROVED Agreement Amendment No. 1 with Engineering and Environmental Consultants, Inc., (EEC) for design of the Ocotillo Water Reclamation Facility Maintenance/Operations Improvements in an amount not to exceed \$45,281.00 and a revised contract total of \$97,143.00.

In May 2008, Council approved an annual services contract with Engineering and Environmental Consultants, Inc. (EEC) to identify operational areas at the Ocotillo Water Reclamation Facility (OWRF) that are in need of repair, upgrades, or rehabilitation. The City has identified additional improvements to these areas that will enhance the operations of the OWRF.

This contract amendment will allow for the supplementary engineering design costs associated with the additional scope of work for modifications to the electrical and mechanical systems at the OWRF. This work will include integration of the proposed new electrical and mechanical equipment with the system that is currently being utilized to monitor and control the plant's operation; provide recommendations and design details to resolve a number of electrical issues identified by plant staff; and develop construction sequencing for the replacement of three variable frequency drives.

29. AGREEMENT EXTENSION: Dibble and Associates Consulting Engineers, Inc.

APPROVED a one-year Agreement (EN0725-101) extension with Dibble and Associates Consulting Engineers, Inc., for pipeline design in an amount not to exceed \$1,000,000.00. This is the first of four optional one-year renewals.

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

APPROVED Contract #ST0503-201, Amendment No. 4, with Engineering and Environmental Consultants, Inc., for design services for the Dobson Road/Chandler Boulevard Intersection Improvement in the amount of \$54,995.00 for a revised contract total of \$994,134.00.

This amendment will allow for the supplementary engineering design costs associated with the additional scope of work to reconfigure the retention basin on the west side of Dobson Road, south of the Salt River Project substation to accept all additional storm flow water runoff produced by the intersection widening; redesign the storm drain system alignment and pipe size configuration; revise drainage report to reflect the amended deficit water runoff volumes and peak flow rate calculations; and upgrade retention basin landscaping.

31. CONTRACT CHANGE ORDER: Brycon Construction

APPROVED Contract #FI0802-401, Change Order No. 1, to Brycon Construction for construction of upgrade exhaust systems at Fire Station No. 4 in an amount not to exceed \$90,021.00, pursuant to Job Order contract JOC 07-06, for a revised total not to exceed \$328,224.00.

32. PURCHASE: Agilysys, Inc.

APPROVED the Purchase of tape library equipment from Agilysys, Inc., in an amount not to exceed \$141,826.00.

The current backup library equipment (NEO2000) is outdated and will not perform efficiently with the new enterprise backup software solution, Commvault (Galaxy), recently approved. The NEO2000 consists of six backup libraries that are due for replacement this year. The intent is to consolidate the six backup libraries into one centralized tape backup library. The centralized approach will allow IT to have a larger number of tape drives to backup data along with a greater number of tapes to have available for backup.

33. PURCHASE: Central Arizona Project (CAP)

APPROVED the Purchase of Central Arizona Project (CAP) incentive recharge water in the amount of \$708,210.00.

The 1980 Groundwater Management Act requires that cities demonstrate they have assured water supply (renewable water resource) for any proposed new development. To assist the City in maintaining its designation of assured water supply, the City purchases surface water from the Central Arizona Water Conservation District (CAWCD), when available, on a year-to-year basis. Each year, in the Capital Improvement Program and Water Operating budget, Staff budgets funds to purchase water for new growth and development (system development fees) and to meet future demands during drought (water user fees).

CAWCD has offered to sell CAP incentive recharge water to cities in calendar year 2009 to offset future groundwater pumping. Council approved a Groundwater Savings Facility Agreement with New Magma Irrigation & Drainage District (NMIDD) on February 24, 2004. This agreement allows NMIDD to receive and use CAP incentive recharge water purchased by Chandler. In return, the City receives recharge credits for groundwater not pumped by NMIDD. Recharge credits are essential for Chandler to stay in compliance with the State's 1980 Groundwater Management Act. These credits will be used to 1) support an assured water supply for future growth and development, and 2) offset groundwater pumping required to meet demand during times of drought.

Purchase of CAP incentive recharge water is accomplished through a partnership with NMIDD. Under this partnership arrangement, CAP incentive recharge water is purchased at a reduced rate (\$82.00 per acre-foot) with NMIDD sharing in the cost. Cost sharing is based on what their cost would be to pump groundwater. NMIDD has the ability to cost share with Chandler on the purchase of 11,610 acre-feet of incentive recharge water. NMIDD will pay \$21.00 per acre-foot and Chandler will pay \$61.00 per acre-foot.

If the cost were not shared with NMIDD, the cost to purchase 11,610 acre-feet would be \$1,044,900.00 (\$82.00 per acre-foot and \$8.00 per acre-foot operation and maintenance charge). The savings to Chandler is \$336,690.00.

34. On Action.

35. USE PERMIT: Crosswoods Indoor Golf

APPROVED Use Permit UP08-0036 Crosswoods Indoor Golf, Series 7, for the sale of beer and wine within a new restaurant/golf entertainment center at 6170 W. Chandler Boulevard, Suite 1, in the Chandler Business Center. (Applicant: Crosswoods Indoor Golf LLC, Brant Baker.)

The Chandler Business Center includes a variety of other retail uses along the arterial streets with one building located farther back from Chandler Boulevard that allows light industrial (I-1) and showroom uses. A truck rental business and an industrial park surround the center to the north and west. The nearest residential use is approximately 1,000 feet away across Kyrene Road.

The business, which has another location in Gilbert, combines golf simulation entertainment with a full-service restaurant. The floor layout involves eight booths with a tee box and video simulation screen in each, plus a table for eating located behind each tee box. There is also a small bar located near the check-in area. There is no live music or dancing, and no outdoor patio. The business caters to leagues, business outings, parties and walk-in customers. Hours of operation are 9 a.m. to 10 p.m. Monday through Thursday, 8 a.m. to 11 p.m. on Fridays and Saturdays and 8 a.m. to 8 p.m. on Sundays, with slightly shorter hours during the non-summer season.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 4, 2008. There were no citizens in attendance. The Police Department has been informed of the application and has not responded with any issues or concerns. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan and 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.
4. No alcohol shall be carried outside of the building into the parking lot or off-premises. Also, the sale of "To Go" packaged liquor is prohibited.
5. The areas adjacent to the business entrances shall be maintained in a clean and orderly manner.
6. The Use Permit is granted for a Series 7 liquor license only and any change of license shall require reapplication and new Use Permit approval.

36. LIQUOR LICENSE: Crosswoods Indoor Golf Center

APPROVED a Series 7 Beer and Wine Bar Liquor License (Chandler #120137 L07) for Michael Lon Rus, Agent, Crosswoods Indoor Golf LLC, dba Crosswoods Indoor Golf Center, 6170 W.

Chandler Boulevard. A recommendation for approval of State License #07070181 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.

37. TEMPORARY EXTENSION OF PREMISES: San Tan Brewing Company, Inc.

APPROVED a Temporary Extension of Premises for Chandler Liquor License #111265 L12 held by San Tan Brewing Company, LLC dba San Tan Brewing Company, 8 S. San Marcos Place, for the Octoberfest Downtown Chandler, September 27, 2008. A recommendation for approval of a Temporary Extension of Premises for State Liquor License #12076999 will be forwarded to the State Liquor Department. The Police Department has no objections to this extension. All fees have been paid and the applicant has applied for a Special Event Permit through the Special Events Committee.

38. TEMPORARY EXTENSION OF PREMISES: San Tan Brewing Company, Inc.

APPROVED a Temporary Extension of Premises for Chandler Liquor License #111265 L12 held by San Tan Brewing Company, LLC dba San Tan Brewing Company, 8 S. San Marcos Place, for a Halloween Masquerade Event, October 31, 2008. A recommendation for approval of a Temporary Extension of Premises for State Liquor License #12076999 will be forwarded to the State Liquor Department. The Police Department has no objections to this extension. All fees have been paid and the applicant has applied for a Special Event Permit through the Special Event Committee.

39. TEMPORARY EXTENSION OF PREMISES: San Tan Brewing Company, Inc.

APPROVED a Temporary Extension of Premises for Chandler Liquor License #111265 L12 held by San Tan Brewing Company, LLC dba San Tan Brewing Company, 8 S. San Marcos Place, for a Downtown Chandler Bluesfest Benefit for Muscular Dystrophy on November 8, 2008. A recommendation for approval of a Temporary Extension of Premises for State Liquor License #12076999 will be forwarded to the State Liquor Department. The Police Department has no objections to this extension. All fees have been paid and the applicant has applied for a Special Event Permit through the Special Events Committee.

40. FINAL PLAT: Santa Maria Village

APPROVED Final Plat, FPT08-0017 Santa Maria Village, for a mixed-use development with commercial and residential uses located on 18 acres north and east of the NEC of Chandler Boulevard and McQueen Road. (Applicant: Brennan Ray, Burch & Cracchiolo, P.A.) The plat creates the lots and tracts, construction phasing lines, establishes the necessary easements and dedicates the required rights-of-way.

41. CONDOMINIUM PLAT: Garagetown Chandler Ocotillo

APPROVED Condominium Plat CPT08-0002 Garagetown Chandler Ocotillo, for a condominium storage unit facility consisting of 117 units on approximately 5.20 acres located east of the SEC of Arizona Avenue and Ocotillo Road. (Applicant: Merestone Land Survey.) The plat creates the lots, tracts and easements necessary for the property's development.

ACTION AGENDA:

34. CONTINUED USE PERMIT: Cooper/202 Verizon

Use Permit UP08-0035 Cooper/202 Verizon, to install a 55-foot monopalm wireless communication facility at the NEC of Cooper Road and the Loop 202 Santan Freeway. (Applicant: Verizon Wireless, Steven Sung; Owner: ADOT.) The Zoning Code requires a Use Permit for wireless communication facilities in non-industrial zoning districts that do not utilize existing poles or towers.

MAYOR DUNN stated that there was much discussion on this item at Monday's Study Session. Since that time, there has been a request from the applicant and Staff to continue this item to September 25, 2008, to allow the applicant to explore other locations.

GINGER TRUDGEN, 2085 E. Longhorn Place, thanked the Mayor and Council for listening to citizen's concerns regarding the proposed cell tower. They appreciate the response to e-mails. They are present tonight due to overwhelming support they encountered while gathering petition signatures. They understand that no decision will be made at this meeting, but feel their community must be fully represented throughout the entire process and not just when the final decision is made. Residents object to the placement of a tower near their homes due to property devaluation. The tower is 200' from the nearest home. In researching cell tower locations in this area, there are no others in such close proximity to residences. They are hoping that Verizon will be able to find another site more suitable and farther away from neighborhoods. There is also a growing awareness of the dangers of cell towers. She has been told that health risks cannot be considered when locating a cell tower. But she feels it is the role of government to protect the health and welfare of its citizens. She noted that Tucson Unified School District scraped a plan last week to locate a cell tower at an elementary school. They were scheduled to receive income from the agreement, but decided not to proceed based on concerns of parents. She reported the head of the Pittsburgh Cancer Center warned his faculty and staff on July 23rd, to limit cell phone use because of possible risks of cancer. Countries around the world have begun an international premise for being cautious about cell phone use and the placement of cell phone towers. Studies have shown an increased cancer risk.

MEMO BACKGROUND: The applicant has also investigated placing the wireless facility south of the Loop 202 within the Chandler Airport Center development or to the west across Cooper Road. Chandler Airport Center's zoning specifically prohibits cell towers, thereby eliminating it as a candidate site. The vacant land west of Cooper road is approximately 5' lower than the subject property, thereby requiring a monopalm of approximately 60' high in order to achieve similar coverage. (Due to a misrepresentation by the applicant, the elevation west of Cooper Road was previously believed to be 15' to 20' lower than the subject property and was originally presented to the Planning Commission as such.) A monopalm greater than 55' in height is not desired by the applicant and is considered to be an unrealistic height for a live palm tree. Also, the owner of the vacant land west of Cooper Road is not willing to consider locating a cell tower on the property at this time.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on August 4, 2008. There were three neighbors in attendance opposing the project due to health concerns and requesting more details on health effects. Staff informed them that the Zoning Code prohibits consideration of health effects. Neighbors also stated concerns with the possible negative effect on property values and the aesthetics of the

monopalm as a very visible structure from their neighborhood. The neighbors would prefer a location away from neighborhood, such as south of Loop 202 Santan Freeway.

MOVED BY COUNCILMEMBER CACCAMO, SECONDED BY COUNCILMEMBER ORLANDO, TO CONTINUE TO SEPTEMBER 25, 2008, USE PERMIT UP08-0035 COOPER/202 VERIZON, TO INSTALL A 55-FOOT MONOPALM WIRELESS COMMUNICATION FACILITY AT THE NEC OF COOPER ROAD AND THE LOOP 202 SANTAN FREEWAY PER STAFF'S RECOMMENDATION.

MAYOR DUNN directed Staff to keep the HOA informed of all developments relating to this application and let the citizens know if it does not come back on the 25th. He indicated to Staff that there is a tower on the National Guard site that could be looked at for feasibility for the cell services.

COUNCILMEMBER DONOVAN addressed the statement Ms. Trudgen made regarding health concerns and that Council's decision cannot consider them. CITY ATTORNEY MARY WADE said that the FCC is the only place where concerns with cell towers can be registered. Federal law has pre-empted any action by local governments.

MOTION CARRIED UNANIMOUSLY (7-0).

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that the ground breaking for the new Fire Administration Building is to be held Saturday, September 6th, at 9:00 a.m. at the site on Boston Street between Arizona Avenue and Delaware Street.

THE MAYOR announced that Chandler recently joined the Mayor's Global Alliance on Community Wellness to encourage residents to fight obesity and create healthier lifestyles. Residents are encouraged to participate in a number of activities during the month of September. Prized will be awarded at The Day of Play, presented by the Coyotes Athletic Centers, on Saturday, October 18th, at Tumbleweed Park.

MAYOR DUNN said the City has extended the deadline for the public to submit nominations for Celebration Plaza inductees to September 30 and encouraged citizens to submit their nominations. There is no nomination fee to apply. The plaza, located at the center of Tumbleweed Park, is a monument honoring Chandler residents, living or deceased, who have made significant and enduring contributions to the community.

THE MAYOR reminded registered voters to vote in the Primary Election on Tuesday, September 2nd.

COUNCILMEMBER ORLANDO clarified with the City Clerk that Independents can vote in the Primary by requesting a City only ballot.

B. Councilmembers' Announcements:

