

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, October 30, 2008, at 7:07 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
Trinity Donovan	Councilmember
Matt Orlando	Councilmember
Kevin Hartke	Councilmember
Jeff Weninger	Councilmember

Absent and Excused: Bob Caccamo 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 Mike Sproul – Tri-City Baptist Church

PLEDGE OF ALLEGIANCE: Boy Scout Troops 280 and 384

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions:

MAYOR DUNN was joined by ASSISTANT FIRE CHIEF JEFF CLARK in recognizing Engineer Thomas “Britt” Burns, Captain Chris Estes, Engineer Dan Goldstein and Engineer Trevor Pollard for 10 years of service with the Fire Department.

ENGINEER BURNS was certified as a paramedic in 2001 and worked as a Firefighter Paramedic until 2005 when he was promoted to Fire Engineer. Britt has been a member of several departmental committees and projects. He recently coordinated the Department’s physical evaluation testing for new recruits and participated as an evaluator in the intern recruitment process.

CAPTAIN ESTES was promoted to the rank of Fire Captain in 2006. He has always stepped forward with his competitive spirit and is a person who can motivate and inspire others around him. Captain Estes has been a member of the Chandler Fire Training Committee, Technical Services Committee, board member of the Chandler Emergency Relief Fund and is currently on the Department’s International Accreditation Standards of Coverage Committee.

ENGINEER GOLDSTEIN received paramedic certification in 2000 and worked as a Firefighter paramedic until being promoted to Engineer in 2002. Dan is involved in numerous Department and community programs including being an urban survival, fire safety house and CERT instructor. He was recently awarded Instructed of the Year by the CERT Council. He is also a

child safety seat technician, CPR instructor, immunization medic, and teaches classes in the EMT and paramedic training program. On his off-duty time, Dan spends many hours as a community volunteer assisting with Habitat for Humanity, the Salvation Army, MDA and numerous other charitable events.

ENGINEER POLLARD was promoted to the rank of Fire Engineer in 2005. Trevor recently assisted the Department's candidate's physical ability test (CPAT). As a State Certified CPAT Proctor, his job was to oversee and ensure the new firefighter candidates met the competencies of the test. Also in his role as a CPAT proctor, Engineer Pollard has become a resource for others in the area of physical fitness. He is currently assigned to engine 288 and has become a mentor and leader for many new firefighters. His professionalism, work ethic and commitment to the Department and the community have set an example for all to follow.

MAYOR DUNN was joined by ACTING PLANNING & DEVELOPMENT DIRECTOR JEFF KURTZ in recognizing Structural Engineer Shicheng Tao for 10 years of service with the City of Chandler. Tao is a registered structural engineer and has a PhD in civil engineering. His depth of knowledge allows him to provide high quality structural plan reviews for projects being built in Chandler. He is also a member of the City's High Profile Project Review team, which supports the City's Economic Development Department. This team allows Economic Development the opportunity to offer quick plan reviews as an incentive to developers to locate desirable companies in Chandler. Recently, a delegation of Chinese officials visited the City's Reverse Osmosis Plant as part of their tour of Intel's Chandler facility. Chandler's RO plant is considered a model plant as it recycles the water used for computer chip production from Intel's Ocotillo operations. Tao translated during the tour and developed a brochure in Chinese for the visiting dignitaries. The brochure explained various aspects of the City's water treatment facility including its environmental benefits. Tao's efforts were instrumental in the success of the tour.

2. Exceptional Merit Award:

MAYOR DUNN was joined by CODE ENFORCEMENT MANAGER RICK BRZUCHALSKI in presenting an Exceptional Merit Award to Zoning Inspector Daniel Anderson. Dan has been a Neighborhood Services Specialist II and worked in an area of the City in day-to-day investigation of code violations. In January 2008, the unit faced the sudden departure of their manager making the adjustment of moving out the Police Department as well as moving and getting settled into new office space. Dan accepted a temporary upgrade to the Manager position without having a strong background in supervision and management. Dan's strength was in his knowledge of code enforcement policies and procedures. In a few months, Dan was able to keep the unit moving forward. Dan is to be commended for stepping forward to address these duties during a particularly stressful time for the inspectors.

MAYOR DUNN was joined by MANAGEMENT SERVICES DIRECTOR DENNIS STRACHOTA and ACCOUNTING MANAGER BRIAN RITSCHER in presenting an Exceptional Merit Award to Patricia Horn, Senior Accounting Specialist. The City purchases chemicals from a vendor for wastewater treatment who had been taxing the City on these purchases, which should not have been charged. The City caught the error in August 2007. Pat worked with the Sales Tax Audit Supervisor to provide documentation to the vendor indicating that the City is tax-exempt on these purchases. Once the vendor agreed, Pat made copies of all of the invoices dating back to 2005 for the vendor. After countless communications with the vendor, the City received a check for over \$50,000.00 from the vendor in September 2008.

MAYOR DUNN was joined by MUNICIPAL UTILITIES DIRECTOR DAVE SIEGEL in presenting a Group Exceptional Merit Award to Eddie Baldenegro, Josh Burn and Jermaine Swinton, Utility System Operators for the Wastewater Collection Division. Since 2007, these gentlemen have spent countless hours during and after regular shifts environmentally treating brine evaporation ponds to control odors and other nuisances. Their yearlong dedication working unusual hours and weekends alongside the neighborhood, consultant, industry and reverse osmosis staff, to address odor issues and meet the needs of the impacted residents is commendable.

MAYOR DUNN was joined by POLICE CHIEF SHERRY KIYLER in presenting an Exceptional Merit Award to Senior Executive Assistant Susan Martin. Susan was commended by Chief Kiyler for her ability to be a master at multi-tasking, her exceptional customer service skills and managing ever-changing priorities with ease. Department staff relies on her to ensure that department-authored documents are accurate, grammatically correct and represent the professionalism of the Department. Susan is the first point of contact for the community, City departments and other law enforcement agencies that have a need to communicate with the Department. She has the ability to determine those situations that she can handle and those that require referral to others in the Department. The Department has received many positive comments regarding Susan's helpfulness and genuine interest in addressing the caller's needs. She has also continued to look for ways to make the office more efficient, developed new processes and participated in numerous City/Departmental-sponsored trainings events including, HPO training, Citizen's Police Academy, coordinated 2007 and 2008 Department awards ceremonies and recommendations to increase the efficiency of the Chief's office.

3. Adopt-A-Park Awards Recognition:

MAYOR DUNN said that this is the 18<sup>th</sup> year of the Adopt-A-Park Program in Chandler. To recognize the contributions, the following organizations are being honored and presented with award certificates.

- |   |                 |            |
|---|-----------------|------------|
| • Knights of Columbus (Paul Fordtner)         | Navarrete Park  | 113 hours  |
| • Chandler North Rotary Club (Albert Mallard) | Tumbleweed Park | 71 hours   |
| • 79ers Soccer Team (Vic Ghougassian)         | Pima Park       | 55 hours   |
| • Chandler Kiwanis Club (Charles Smith)       | Chuparosa Park  | 49 hours   |
| • Ray 3 <sup>rd</sup> Ward (Anita Collins)    | Pima Park       | 23.5 hours |

The Group of the Year for 2007 is the Knights of Columbus. Their name will be engraved on a floating plaque, which is displayed in the lobby of the Chandler Community Center.

4. Alexandro Diaz – Posting 9-11 messages on government employee bulletin boards

ALEXANDRO DIAZ, 1050 S. Surfside Drive, Gilbert, spoke regarding posting comments regarding 9/11 on a public bulletin board.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

COUNCILMEMBER WENINGER questioned the origination of funds for the grants for agenda items 20-30 (neighborhood grants). Code Enforcement Manager RICK BRZUCHALSKI responded that the grants are provided by the City. COUNCILMEMBER WENINGER asked Management Services Director Dennis Strachota which account these funds were coming from. Mr. Strachota deferred to Mr. Pentz who said that the funds are coming from the General Fund.

COUNCILMEMBER WENINGER asked what the criteria is for determining the number of hours of community service. MR. BRZUCHALSKI responded that it is broken down in two different ways. On the HOA's, it is matching funds whereas the traditional neighborhoods could be matching hours based on the age of the neighborhood. COUNCILMEMBER WENINGER said that it appeared that each application required some type of community service hours. Neighborhood Programs Administrator JUDY RAMOS explained that the HOA and traditional grants require community involvement. That is the premise behind the grants. Each neighborhood is required to perform a certain amount of hours based on the amount of grant funds they have requested. For an HOA between 0-5 years, grants can be up to \$1000.00 and those grants require a minimal amount of hours. The next tier would be 6-10 years for \$2,500.00 up to \$5,000.00 which would require up to 500 hours of community involvement within their community or as a neighborhood group where needed outside of their neighborhood. COUNCILMEMBER WENINGER asked if there are any guidelines for what the community involvement can be. Ms. Ramos responded that the goal is to promote communication within the community including newsletters, which could include any programs going on within the City such as water conservation, recycling, etc. The neighborhood leaders are disseminating that information in some form.

COUNCILMEMBER HARTKE commended Fire and Police for partnering with other cities for equipment and saving some money for Chandler.

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

VICE-MAYOR HUGGINS declared a conflict of interest on item #28 (Silk Stocking Neighborhood Grant) and abstained from voting.

COUNCILMEMBER WENINGER voted "nay" on items #21,22,23,24,25,27,28,29,&30, neighborhood grants. He stated he did not feel it is appropriate given the condition of the current economy.

MOTION CARRIED UNANIMOUSLY (6-0).

1. CITY CODE AMENDMENT: Chapter 47 Ord. #4104

ADOPTED Ordinance No. 4104 amending Chapter 47 of the Chandler City Code by repealing Subsection 47-7.3 of Section 47-7 relating to the street cleanup fee; repealing Subsections 47-15.1 and 47-15.2 of Section 47-15 relating to the traffic signal system development fee and renumbering Subsection 47-15.3 of Section 47-15, relating to traffic signal and streetlight reimbursement agreements.

2. EASEMENTS: Salt River Project (SRP) Ord. #4075

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4075 granting two ground easements to Salt River Project (SRP), at no cost, along the north side of Germann Road

between Alma School Road and Arizona Avenue in order to relocate 69kV power facilities for the Germann Road – Dobson Road to Arizona Avenue Improvement Project.

3. EASEMENTS: Salt River Project Ord. #4098

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4098 granting two ground easements and three aerial easements to Salt River Project (SRP), at no cost, to relocate 69kV power facilities along the north side of Riggs Road between Gilbert Road and the South Hillcrest Drive to accommodate construction of the Riggs Road – Gilbert Road to Val Vista Drive Improvement Project.

4. CONTINUED PAD ZONING AMENDMENT: Fulton Ranch Parcels 1&7 Ord. #4101

CONTINUED TO JANUARY 22, 2009, INTRODUCTION of Ordinance #4101, DVR08-0031 Fulton Ranch Parcels 1 & 7 to amend the PAD zoning regarding two-story home separations and quantity within Parcel 1, located on the south side of Ocotillo Road west of Arizona Avenue, and Parcel 7, located on the north side of Chandler Heights Road, west of Arizona Avenue.

5. IRRIGATION EASEMENT: Salt River Project Ord. #4105

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4105 granting an additional 4-foot irrigation easement, at no cost, to Salt River Project (SRP) located along the north side of Germann Road between Ellis Street and Dobson Road to allow additional time for the applicant to consider alternatives for these parcels. (Applicant: Brennan Ray, Burch & Cracchiolo.)

6. REZONING: Chandler Municipal Airport Ord. #4106

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4106, DVR07-0030 Chandler Municipal Airport, rezoning from AG-1 to Airport District (AP-1) for three separate parcels for a total of approximately 70.43 acres located north of the NEC of Queen Creek and Cooper roads, the NWC of Heliport Way and Ryan Road and south of the SEC of Germann and Cooper roads. (Applicant: City of Chandler.)

The application requests that three properties be rezoned from Agricultural District (AG-1) to Airport District (AP-1) to allow airport-related uses on properties adjacent to the Chandler Municipal Airport. The rezoning request includes three separate parcels for a total of 70.43 acres owned by the City of Chandler. Parcels 'A' and 'B' are bordered by the airport to the north and west, to the south and east is vacant property zoned PAD for an office/industrial/warehouse development and AG-1. Parcel 'C' is bordered by the airport to the west, south and east, directly north is vacant land zoned PAD for an office and light industrial development.

The AP-1 zoning district provides for aircraft operations, air services and related commercial uses for all portions of land comprising the Chandler Municipal Airport as owned or leased by the City of Chandler. The zoning district boundaries are intended to coincide exactly with the property lines of those parcels owned by the City for airport operations and is not intended as a rezoning classification to be sought by or to be applicable to private interests for off-airport parcels or uses.

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

This request was noticed according to the provisions of the Chandler Zoning Code with two neighborhood meetings being held. Two neighbors in support of the request attended the second meeting. Staff has received no correspondence in opposition to this request.

Upon finding consistency with the General Plan and Chandler Airpark Area Plan, the Planning Commission and Staff recommend approval.

7. REZONING: The Gates Ord. #4107

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4107, DVR08-0029 The Gates rezoning from AG-1 to PAD along with PDP for a commercial retail development on approximately 18 acres at the SEC of Gilbert and Ocotillo roads. (Applicant: Brennan Ray, Burch & Cracchiolo.)

The site is located at the SEC of Gilbert and Ocotillo roads. North, across Ocotillo Road is the Layton Lakes residential development. Bordering the east and south boundaries is the RWCD (Roosevelt Water Conservation District) canal. East, beyond the canal is the Quail Springs single-family residential neighborhood. South, beyond the canal, is a county island currently being utilized as farmland. West, across Gilbert Road, is vacant land. The subject site lies within the Southeast Chandler Area Plan (SECAP) and is designated as a major entry gateway and commercial note. The request is consistent with the SECAP.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 27, 2008. There were three neighbors in attendance in support of the project. Staff has received no correspondence in opposition to this request.

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

8. PROPERTY ACQUISITION: Germann Road and Hamilton Street Res. #4217

ADOPTED Resolution 4217 determining that acquisition of certain real property needed as public roadway for the installation and operation of a traffic signal at the intersection of Germann Road and Hamilton Street to serve the Loop 202 Park and Ride Project is a matter of public necessity; AUTHORIZED the purchase of such real property; and AUTHORIZED condemnation proceedings as needed to acquire the real property to obtain immediate possession thereof.

On June 9, 2005, the City Council approved the purchase of a site for the Loop 202 Park & Ride by Resolution No. 3868. This purchase is for three parcels of vacant land containing approximately .0083 acres located on the north side of Germann Road and Hamilton Street; this right-of-way is needed for the Loop 202 Park & Ride, which will allow the installation of a new traffic signal.

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

9. AREA PLAN & ZONING AMENDMENT: Parcland Crossing Res. #4227 & Ord. #4100

ADOPTED Resolution No. 4227, Area Plan Amendment, AP08-0005 Parland Crossing, amending the land use from medium density residential to high density residential located approximately one-quarter mile east of Alma School Road on the north side of Willis Road.  
INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4100 DVR08-0016 Parland Crossing amending the PAD zoning for a high density residential development with PDP located approximately one-quarter mile east of Alma School Road on the north side of Willis Road. (Applicant: Whitneybell Perry, Inc. and Whitney Morris PLC.)

This case was initially scheduled for the September 3, 2008, Planning Commission meeting but was continued to September 17, 2008, at the request of the applicant to allow for additional time to work with neighbors regarding traffic concerns.

The subject site is located approximately one-quarter mile east of Alma School Road on the north side of Willis Road. West of the site is the commercial office/retail component of ParLand Crossing. North of the site is the Loop 202 Santan Freeway; east of the site is an existing single-family residential subdivision, Alma School Place; and south of the development are Willis Road, the Cornerstone Christian Church site and rural residential lots.

In November 2006, an Area Plan amendment, rezoning and PDP were granted by City Council allowing for a mixed-use office, retail and residential condominium/townhome/live-work unit development on approximately 40 acres. The zoning approval included Condition No. 33 that reads, "At the time of development, the residential portion shall be limited to "for-sale" condominiums only." The application requests to eliminate this condition to allow for an apartment development.

This application requests to amend a condition from the original zoning approval, Condition No. 23 (c), to add apartments onto the list of permitted residential product allowing for apartments to be built with potential conversion to condominiums at a later time. Condition No. 23 (c) reads, "The permitted uses section of the PAD shall be revised as follows: C. Residential Permitted Uses: Multiple-family residential: Townhouses and condominiums."

This application includes an amendment only to the residential portion of the ParLand Crossing to allow for a high-density residential apartment development. The commercial component as described below for reference is not a part of this application request. The application request includes and Area Plan amendment, Rezoning and Preliminary Development Plan as follows:

- First, the request includes an amendment to the Alma School Place Area Plan changing approximately 23 acres of residential condominiums at 13.1 du/ac to high-density multi-family residential apartments and live/work units at 17.99 du/ac.
- Secondly, the request includes rezoning approximately 23 acres from Planned Area Development (PAD) medium-density residential condominiums to PAD for high-density multi-family residential including live/work units.
- Thirdly, the request includes Preliminary Development Plan (PDP) approval for the 23-acre high-density multi-family residential and live/work development. The application requests the modification of one zoning condition and the elimination of one zoning condition as approved by Ordinance No. 3858 through zoning case approval DVR05-0063 ParLand Crossing.

A zoning condition amendment was approved by City Council in September 2007 requesting to defer the greenbelt improvements for the residential portion from Phase One to Phase Two

development. Given the residential development was not occurring as part of Phase One, the condition was amended. The greenbelt and pedestrian trail will connect into the commercial development as part of the proposed apartment development.

The development is part of the larger Alma School Place Area Plan bounded by Pecos Road, Alma School Road, Arizona Avenue and Willis Road. The Area Plan and PAD zoning was approved in January 1999. The Alma School Place Area Plan established land uses for the proposed ParcLand Crossing property in conjunction with several other parcels along Willis Road and north of the freeway.

At the time, an approximate 21-acre parcel at the northeast corner of Alma School and Willis roads was designated for office, accommodating professional office space. The office parcel included the potential for multi-story office buildings given the proximity to the freeway. Three residential components were planned along Willis Road east of the office parcel.

The two most eastern residential parcels are developed as the Alma School Place single-family residential subdivision. The most western residential parcel remains undeveloped and is a part of the larger ParcLand Crossing development proposed for a multi-family residential development.

The November 2006, area plan amendment approval replaced the remaining approximate 12 acres of single-family residential property with a higher density residential condominium development that was consistent with the General Plan. The General Plan promotes higher density residential uses adjacent to freeways, commercial and employment areas and as a transitional use between lower density residential and commercial properties. The proposed residential multi-family apartment development is consistent with the Area Plan in terms of transitioning residential densities between commercial properties.

The amendment to allow for a higher density multi-family residential development maintains consistency with adopted Area Plans and the General Plan. The property abuts the Santan Freeway and an arterial street, which further emphasizes that commercial retail with office and multi-family residential are appropriate land uses. This applicant implements the adopted Area Plans and the General Plan by providing a transition with appropriate buffers including landscaping, setbacks and height gradations to existing single-family residential.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 30, 2008. There were approximately 16 property owners in attendance with general questions. The applicant had various neighborhood outreach meetings and neighborhood outreach continued beyond the formal neighborhood meeting. Letters and petitions of support for this request have been submitted.

Staff and the applicant are aware of concerns raised by residents regarding apartments near their homes such as crime, traffic and home values. During the case's two-week continuance, the applicant's neighborhood outreach consultant has been contacting residents to address their particular concerns. Neighbors concerned with traffic have conveyed that the traffic generated by the church across the street, especially on Sundays, is causing congestion in the area. Staff feels the apartment development will exacerbate the problem.

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

ADOPTED Resolution No. 4231 authorizing an Intergovernmental Agreement (IGA) with the City of Tempe to receive radiological equipment for Chandler Fire's Rapid Response Team (RRT).

The cities of Phoenix, Glendale, Chandler, Mesa and Tempe have collaborated to create a RRT program consisting of eight RRT's. The program was developed to assist each City in providing technical and hazardous materials response within the region, as well as statewide. A goal of this collaboration is to update and purchase radiation detection equipment. The equipment was purchased with the use of funds secured from the 2007 State Homeland Security Grant Program (SHSGP) and it was done with the understanding of the Department of Homeland Security and the City of Tempe that a portion of the equipment purchased would be provided to the cities of Mesa, Chandler, Phoenix and Glendale for their respective fire departments to use as part of their Weapons of Mass Destruction (WMD) response program.

11. INTERGOVERNMENTAL AGREEMENT: Legal Services Res. #4233

ADOPTED Resolution No. 4233 authorizing a contract for legal services and an Intergovernmental Agreement among the cities of Avondale, Chandler, Glendale and Scottsdale relating to joint representation in settlement efforts relating to the water rights claims of the White Mountain Apache Tribe and AUTHORIZED the City Attorney to execute the contract for legal services.

The cities of Avondale, Chandler, Glendale and Scottsdale (the "Cities") have asserted water rights claims for their use of water from the Gila River Adjudication. The United States, on behalf of the White Mountain Apache Tribe, has asserted water rights claims in the Gila River Adjudication, which are in conflict with the water rights claims of the Cities in the Gila River Adjudication. The White Mountain Apache Tribe, the Cities, and numerous other parties have drafted a White Mountain Apache Tribe Water Rights Quantification Agreement ("Settlement Agreement"). These parties have also worked on the White Mountain Apache Tribe Water Rights Quantification Agreement Act of 2008, which is now pending before Congress. The parties must ensure that the final Settlement Agreement comports with the Act, and complete several other steps, which are required by the Act, before the Settlement Agreement can become enforceable. The Cities would like to continue to be jointly represented in order to finalize the Settlement Agreement and complete the steps required to make that Settlement Agreement legally enforceable.

The effective date of this Contract will be November 1, 2008, and will expire upon the latest of the date at which: (1) a settlement agreement as to the quantification of the water rights of the White Mountain Apache Tribe and the Cities of Avondale, Chandler, Glendale and Scottsdale ("Settlement Agreement") becomes enforceable; and (2) the effective date of any other agreements that are exhibits to that Settlement Agreement and to which any or all of the Cities of Avondale, Chandler, Glendale or Scottsdale are parties. Should any appeal(s) be filed challenging the adjudication court's or courts' order(s), decree or decrees approving the Settlement, this Contract shall be extended until the final determination of any and all such appeals.

12. EASEMENT RELEASE: 700 W. Germann Road Res. #4234

ADOPTED Resolution No. 4234 authorizing the release of a temporary drainage easement at 700 W. Germann Road.

In August 2007, the City acquired a Temporary Drainage Easement ("TDE") on the property located at 700 W. Germann Road as part of the Germann Road – Dobson to Arizona Avenue improvement project (the "Project"). Subsequently, the property owner requested that the TDE be relocated on his property to accommodate the construction of a new home being planned. After working with Staff, a replacement TDE providing the same storage capacity was granted to the City on October 6, 2008. The retention basin within the new TDE is under construction. Construction of the Project is scheduled to be completed in the Spring of 2009.

13. RIGHT-OF-WAY LICENSE: Arizona Reflection Res. #4237

ADOPTED Resolution No. 4237 accepting a no-cost right-of-way license agreement for landscape and maintenance for a 20-foot strip of United States of America's (USA) property located in an open space area adjacent to Arizona Reflection subdivision at Willis Road and Hamilton Street.

In order to finish the Germann Road Improvements (Dobson Road to Arizona Avenue), it is necessary for the City to accept a Salt River Project (SRP) no-cost right-of-way license for landscape and maintenance for a 20-foot strip of United States of America's (USA) property, located in an open space area adjacent to the Arizona Reflections subdivision. SRP agreed to grant a right-of-way license to the City for this purpose, at no charge, providing the City accepts SRP's license, which includes language that requires the City to indemnify, release and hold harmless SRP and the USA. The City would be responsible for landscape and maintenance of a 20-foot strip of USA fee property should the Arizona Reflection Homeowner's Association (HOA) cease to operate or default on landscape provisions within the right-of-way license. This license covers a 20-foot wide strip of land along the north side of Willis Road running approximately 241 feet west of Hamilton Street and contains approximately 4,820 square feet of property.

14. EXCISE TAX REVENUE OBLIGATIONS Res. #4242

ADOPTED Resolution No. 4242 providing for additional options for sale of Excise Tax Revenue Obligations, Series 2008, in more than one series.

On September 25, 2008, Council adopted Resolution No. 4220 providing for the sale and issuance of not to exceed \$35,000,000.00 Excise Tax Revenue Obligations, Series 2008. This resolution will be a supplement to and not a replacement of the original resolution.

In consideration of the uncertainty of the municipal bond market, it may be in the best interest of the City to issue bonds in multiple series and at different times. In addition, this resolution authorizes the Management Services Director to sell any series of the Bonds, with the advice of the City's financial advisor, through a negotiated sale. The consideration of sales would be dependent on the current market conditions and cash flow needs.

Wastewater system net revenues will pay the debt service on the Obligations. Excise taxes, defined as the City's "unrestricted excise, transaction, franchise, privilege and business taxes, state-shared sales income taxes, fees for licenses and permits, and state revenue-sharing," are pledged to assure payment of the debt should water and sewer revenues be insufficient to make those payments. The additional options afforded through this resolution provide the City more flexibility to respond to current uncertainty in the municipal bond market and manage its borrowing costs.

15. GENERAL OBLIGATIONS BONDS Res. #4243

ADOPTED Resolution No. 4243 providing for additional options for sale of General Obligation Bonds, Series 2008, in more than one series.

On September 25, 2008, Council adopted Resolution No. 4219 providing for the sale and issuance of not to exceed \$260,000,000.00 General Obligation Bonds, Series 2008. This resolution will be a supplement to and not a replacement of the original resolution.

In consideration of the uncertainty of the municipal bond market, it may be in the best interest of the City to issue bonds in multiple series and at different times. In addition, this resolution authorizes the Management Services Director to sell any series of the Bonds, with the advice of the City's financial advisor, through an accelerated bidding process. The consideration of sales would be dependent on the current market conditions and cash flow needs.

The City will utilize carry-forward balances for individual bond funds to offset project costs. The additional options afforded through this resolution provide the City more flexibility to respond to current uncertainty in the municipal bond market and manage its borrowing costs.

16. PRELIMINARY DEVELOPMENT PLAN: Ryan Office Complex

APPROVED Preliminary Development Plan, PDP08-0019, Ryan Office Complex, to amend the allowed signage on the existing monument sign at the NWC of Arizona Avenue and Ryan Road. (Applicant: Bill Ryan.)

The office development is adjacent to the Ryan Estates single-family residential subdivision off of Arizona Avenue and Ryan Road. In October 2005, City Council approved an office building for the subject site. As a part of the rezoning and PDP request, signage for the building and a freestanding monument sign was approved. The approved signage included one monument sign on Arizona Avenue with three business names on each side.

This application requests approval to increase the number of business names on the monument sign from three to five names on each side. Five business names are currently on the monument sign and require a sign permit to be maintained, pending approval of this PDP amendment.

The sign includes ReMax Elite, State Farm Insurance, Arizona Title, Love Development and People's Mortgage business names. The business names, lettering and location are appropriately designed and proportionate on the sign. The letters are approximately 7 to 8 inches in height, non-illuminated and flat cutout dark bronze aluminum. The sign is indirectly illuminated with ground lighting. The monument sign is designed with stone veneer columns that frame the painted block sign face to harmonize with the building design.

The sign includes one main business name at the top with four additional business names below. In the event there are less than five business names on the sign, the lettering size may be increased and two lines of copy considered as long as the sign is compatible and proportionate with existing signs.

The monument sign currently does not permit logos; however, State Farm has a logo adjacent to the business name. Logos can be considered as a part of the business name in meeting the sign area and lettering size as represented.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 19, 2008. There were no citizens in attendance.

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

1. Business name and logos shall be non-illuminated.
2. Logos are permitted as individual, flat cutout letters with vinyl located within the designated sign band area and meet all other separation dimensions as represented.
3. The monument shall have no more than five (5) business names including associated logos at any time on each side of the sign.
4. Business names are limited to a single-line of copy; two-lines of copy is not permitted.
5. Lettering style, height, and location shall be as represented.

17. CONTINUED REZONING: Chandler Airpark Village

CONTINUED TO NOVEMBER 20, 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 evaluate design alternatives resulting from a follow-up neighborhood meeting.

18. CONTINUED REZONING: Riggs Gateway

CONTINUED TO NOVEMBER 20, 2008, Zoning DVR07-0028 Riggs Gateway, rezoning from I-2 to PAD for a commercial retail center with PDP on approximately 30 acres located at the NEC of Arizona Avenue and Riggs Road to allow additional time for the applicant and developer to continue working with area residents regarding the development plan and tenant information.

19. CLAIMS REPORT

APPROVED the Claims Report for the quarter ending September 30, 2008.

20. MATCHING GRANT: Solera/Chandler HOA

APPROVED a Matching Grant to the Solera/Chandler HOA to host two neighborhood Spring Clean-up Events in the amount of \$350.00.

Solera/Chandler HOA is a newer community located west of Lindsay Road and south of Riggs Road. Solera/Chandler has applied for grant funds to host two neighborhood Spring Clean-up Events. The events will take place in March and April of 2009.

The total budget for the neighborhood clean-up events is \$700.00. The HOA will pay the remaining \$350.00 to complete the project. This is the first grant application for Solera/Chandler HOA.

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

21. MATCHING GRANT: Springfield Adult Community HOA

APPROVED a Matching Grant to the Springfield Adult Community HOA to improve landscape in three community entryways in the amount of \$1,231.00.

Springfield Adult Community HOA is located south of Riggs Road, north of Hunt Highway and east of McQueen Road. They have applied for grant funds to improve the landscape in three of their community entryways. They will remove withered seasonal plants and transplant them with natural desert plants that will require low water usage.

The homeowners in the Springfield Adult Community HOA will meet their required 250 community service hours by planning the new landscape, hosting an annual December bake sale, holding a Community Day and Picnic in February, Adopting-a-Block of St. Andrews, Adopting-a-Planted Area in Springfield and including updates in their monthly newsletter on the progress of the grant project.

The total project budget is \$2,462.00 and the HOA will pay the remaining \$1,231.00 to complete the project.

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

COUNCILMEMBER WENINGER voted nay on this item.

22. MATCHING GRANT: Paseo Villas HOA

APPROVED a Matching Grant to the Paseo Villas HOA to improve the landscaping along the community's main entryway in the amount of \$1,711.00.

The residents at Paseo Villas HOA will begin their community enhancement project by improving the landscape area along their community's main entryway by converting the grass areas to rock and low-water usage landscape. Neighbors have already donated over 50 hours towards the 250-hour service requirements. They plan to meet the remaining 200 hours through neighborhood meetings, community yard sales and participation in next year's "Getting Arizona Involved in Neighborhood" (G.A.I.N.) event.

The total budget for the Southwest Landscape Project is \$3,422.00. The HOA will pay the remaining \$1,711.00 to complete the project. This is the first grant application for Paseo Villas HOA.

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

COUNCILMEMBER WENINGER voted nay on this item.

23. MATCHING GRANT: Paseo Trail North HOA

APPROVED a Matching Grant to the Paseo Trail North HOA to enhance the aesthetics of all community entries in the amount of \$1,792.00.

Paseo Trail North HOA is located east of Gilbert Road and south of Ryan Road. They have applied for grant funds to enhance the aesthetics of all of the community's entries.

Paseo Trail North HOA homeowners feel that enhancing the entryways to their community is an extremely important task. Homeowners want their landscape to appear fresh and neatly trimmed in order to increase community pride and create visual curb appeal to the community. The grant funds will help them initiate their community goal by trimming palm trees located at all three of their neighborhood entrances along Ryan Road.

Residents of the neighborhood have already contributed approximately 100 service hours of the 250 hours required. They have garnered neighborhood support by conducting door-to-door surveys of all 243 homes, and discussed possible community projects that would help build community projects that would help build community pride. In addition, residents will acquire the remaining 150 community hours by hosting the Family Fun Day, a community garage sale and hand-delivering the bi-monthly newsletter, which will include updates on the neighborhood grant.

The total budget for the palm tree-trimming project is \$3,584.00. The HOA will pay the remaining \$1,792.00 to complete the project. This is the first grant application for Paseo Trail North HOA.

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

COUNCILMEMBER WENINGER voted nay on this item.

24. MATCHING GRANT: Warner Ranch Phase III HOA

APPROVED a Matching Grant to the Warner Ranch Phase III HOA to upgrade the exterior landscape along Ray Road in the amount of \$2,500.00.

Warner Ranch Phase III HOA is upgrading their landscape by replacing dead plants with complimentary desert plants and fill in areas with granite where it has eroded through time.

The total budget for the landscape upgrades is \$8,500.00. The HOA will pay the remaining \$6,000.00 to complete the project. Neighbors will meet the required 250-service hours by hosting a Plant-a-Thon and community-wide garage sale. This is the first grant application for Warner Ranch Phase III.

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

COUNCILMEMBER WENINGER voted nay on this item.

25. MATCHING GRANT: Colonia Coronita I Townhomes HOA

APPROVED a Matching Grant to the Colonia Coronita I Townhomes HOA to enhance landscaped areas in the amount of \$5,000.00.

Colonia Coronita I Townhomes HOA is located just south of Chandler Boulevard and east of Cottonwood Street. It is a 25-year old association in need of many repairs.

The current Board members and homeowners have come together in an effort to revitalize the look of their community and improve communication within their neighborhood. The homeowners have decided to work collaboratively to enhance the look of the community's entrance by laying granite and converting their old landscaping with low-water usage plants.

The total budget for the large family festival is \$10,000.00. Neighbors will meet their required 500 service hours through sweat equity. The residents will work together to plant the new material and lay rock. Upon completion of their project, they will host their first community social, a barbecue/picnic, to celebrate their success and meet new neighbors. The HOA will pay the remaining \$5,000.00 to complete the project. This is the first grant application for Colonia Coronita I Townhomes HOA.

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

COUNCILMEMBER WENINGER voted nay on this item.

26. GRANT: Action Committee of Central Chandler

APPROVED a Grant to the Action Committee of Central Chandler to provide neighborhood education classes, crime prevention awareness and to help with minor neighborhood enhancement projects and clean-ups in the amount of \$7,100.00.

Action Committee of Central Chandler is a 60-year old plus Chandler neighborhood located north of Pecos Road and east of Arizona Avenue looking to increase community pride through a variety of neighborhood programs. The neighborhood is looking at neighborhood enhancements along the public rights-of-way by providing several neighborhood clean-up days throughout the year and providing paint and rock to owner-occupied homes that meet the federal income guidelines set forth by Housing and Urban Development (HUD). In addition, the residents will provide training programs in their neighborhood on how to acquire employment, computer classes, self-defense training and Spanish for both adults and young adults. The residents will also hold several Block Watch meetings throughout the year to increase family communication on safety and crime prevention awareness. Finally, the neighborhood plans to host the first "Getting Arizona Involved in Neighborhoods" (G.A.I.N.) event next fall to celebrate their neighborhood success. The community believes that if people know and respect each other, residents will be safer, more aware of suspicious activities and continue working together to solve neighborhood issues.

The total budget for the large family festival is \$7,100.00. This is the first grant application for Action Committee of Central Chandler.

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

27. GRANT: Clearview Traditional Neighborhood

APPROVED a Grant to the Clearview Traditional Neighborhood to construct and install three neighborhood entry signs for their community and a neighborhood event in the amount of \$6,500.00.

Residents of Clearview Traditional neighborhood worked with a neighborhood artist to develop the artwork for three neighborhood entry signs. The neighborhood signs will be located at Bullmoose and Warner roads, Rockwell and Dobson roads, and Knox and Dobson roads. All of the neighborhood entry signs have met the City of Chandler Code requirements. In addition to the sign installation, the neighbors will host their third "Getting Arizona Involved in Neighborhoods" (G.A.I.N.) event next fall. This traditional neighborhood has a monthly newsletter and holds quarterly meetings to keep neighbors informed on neighborhood events.

The total budget for the large family festival is \$6,500.00. Neighbors have already donated over 100 hours in developing the sign design, conducting neighborhood surveys and holding meetings regarding the grant. This is the first grant application for Clearview Traditional Neighborhood.

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

COUNCILMEMBER WENINGER voted nay on this item.

28. GRANT: Silk Stocking Traditional Neighborhood

APPROVED a Grant to the Silk Stocking Traditional Neighborhood to hire a consultant to assist them in placing their neighborhood on the National Register of Historic Places in the amount of \$10,000.00.

Residents of the Silk Stocking Traditional Neighborhood have been working together for the last five years on improving the look and feel of their neighborhood. Their greatest challenges have been rebuilding neighborhood pride, neighborhood sustainability, and preserving a part of Chandler's history in their front yards. This is a predominantly low to moderate-income neighborhood. The neighborhood has received grants in the past to help with minor neighborhood improvements, help restore pride and increase communication amongst neighbors.

Through surveys and neighborhood meetings, the residents decided to persevere in the acquisition of historic designation for their neighborhood. The residents outlined their proposal to the Museum Advisory Board (MAB) and it was through the MAB that the Silk Stocking Neighborhood received the support to apply for the neighborhood grant to pursue the nomination for the National Register of Historic Places.

The total budget for the neighborhood project is \$10,000.00. Neighbors have already donated over 150 hours in neighborhood surveys, meetings regarding the grant and interviews with potential historians for this project.

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

COUNCILMEMBER WENINGER voted nay on this item.

VICE-MAYOR HUGGINS declared a conflict of interest on this item and abstained from voting.

29. MATCHING GRANT: Kerby Estates HOA

APPROVED a Matching Grant to the Kerby Estates HOA to host the first Crossbow Neighborhood Park Dedication Festival in the amount of \$2,500.00.

Kerby Estates HOA will celebrate the completion of their newly completed park on January 24, 2009. They have also installed a toy airplane as a memorial to the late John Irvin former Kerby Estates HOA President and community leader. Mr. Irvin will be honored with a small ceremony in recognition of his years of service and dedication to the community. The event coordinators are expecting close to 400 participants that will bring families together to meet one another.

The total budget for the festival is \$5,000.00. Neighbors have already donated over 200 hours in planning the event. The HOA will pay the remaining \$2,500.00 to complete the project. This is the first grant application for Kerby Estates HOA.

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

COUNCILMEMBER WENINGER voted nay on this item.

30. GRANT: Chandler Meadows HOA

APPROVED a Grant to the Chandler Meadows HOA to stucco and paint structures visible along West Palomino Drive and repair 35 wooden staircases throughout the community in the amount of \$5,000.00.

Chandler Meadows is an approximately 28-year-old community located just south of Elliot Road and west of Arizona Avenue that wishes to rebuild community pride. The association has been through several changes in leadership and, as a result, has suffered financially and in areas such as general maintenance and resident pride.

Chandler Meadows will begin to stucco and paint structures visible along West Palomino Drive and repair 35 wooden staircases throughout the community. These improvements will occur in phases since the estimated total project cost is approximately \$555,000.00. The community has also requested an exception on the required fifty percent cash match due to the extent of repairs and the financial hardship it is placing on the association's budget.

The community has garnered resident support to begin the neighborhood improvement projects. The neighbors will show their support and meet their required 500 hours of neighborhood involvement through neighborhood meetings, implementation of Block Watch, HOA Board education and a neighborhood newsletter.

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

COUNCILMEMBER WENINGER voted nay on this item.

31. GRANT: U. S. Department of Homeland Security

ACCEPTED a grant in the amount of \$211,840.00 from the U. S. Department of Homeland Security and the Federal Emergency Management Agency 2007 Assistance to Firefighters – Fire Prevention and Safety Program funding to the Fire Department.

The Assistance to Firefighters Grant Program (AFG) awards one-year grants directly to fire departments to enhance their abilities with respect to fire and fire-related hazards. The primary goal is to provide assistance to meet fire departments' firefighting and emergency response needs. In September 2008, the Chandler Fire Department was awarded \$211,840.00 to purchase a driver training simulator and to conduct a training program using this equipment. A City match of \$52,959.00 is required.

32. QUITCLAIM DEED: Gilbert Road

ACCEPTED a Quitclaim Deed from Qwest for road right-of-way needed for the Gilbert Road – Germann Road to Queen Creek Road Improvement Project that reserves an easement for Qwest's facilities and provides that the City be responsible for any loss or damage to Qwest's facilities on the property resulting from the City's traffic control and street construction, maintenance and repair activities upon the property.

The City is currently under construction with the improvements for the Gilbert Road – Germann to Queen Creek project ST-0625. The authority to acquire the needed land for this project was approved and adopted by Resolution No. 4017. This project includes improvements on Queen Creek Road east of Gilbert Road. Qwest owns an affected parcel on the north side of Queen Creek Road east of Gilbert Road.

After a lengthy negotiation period, Qwest has agreed to sell the City a portion of its property for road right-of-way. However, as part of the transfer of the property, Qwest is requiring that an easement be reserved in the deed form for its existing facilities that will remain in the parcel to be transferred to the City. In addition, the deed form requires the City to "be responsible for any loss or damage to Grantor's (Qwest's) facilities resulting from Grantee's (Chandler's) traffic control and street construction, maintenance and repair activities upon the easement Property".

At this time, there is no way of determining the cost of accepting the responsibility for such loss or damage, or if any such loss or damage would ever occur.

33. SUPPLEMENTAL REQUEST/ CONTINGENCY TRANSFER: Senior Nutrition Program

AUTHORIZED a supplemental request made by Community Services of Arizona for the Senior Nutrition Program in a one-time amount not to exceed \$42,516.00.

APPROVED a Contingency Transfer in the amount of \$42,516.00 from the General Fund Non-Departmental Council Reserve Contingency account to the General Fund, Recreation Cost Center, Other Expenses account.

Community Services of Arizona (CSA) has been operating the Senior Nutrition Program since 1986. This program provides congregate and home delivered meals at a minimal suggested donation cost to eligible seniors. Through FY 2007/08, 15,004 congregate and 25,922 home delivered meals were provided to eligible seniors living in Chandler. In FY 2004/05, Council allocated \$22,000.00 in ongoing funds to the Senior Nutrition Program. As part of the FY 2008/09 budget amendment process, City Council allocated one-time funding in the amount of \$20,706.00 to the Senior Nutrition Program.

On July 1, 2008, CSA took over the meal delivery service involved in the Chandler Senior Nutrition Program that was previously provided by Maricopa Special Transportation Services. Over 100 meals are delivered to homebound seniors Monday through Friday under this program. The number of meals being delivered has doubled over the last two years.

CSA has estimated the cost of that service to be \$92,706.00 annually. Including that in their budget brings the total cost of the Chandler Senior Nutrition Program to \$534,017.00.

Currently, the City of Chandler funds \$90,706.00 of that program with CSA having secured funding from other sources in the amount of \$400,795.00. That results in a shortfall of \$42,516.00 to fund the Senior Nutrition Program at recommended levels. Without additional funds of \$42,516.00, CSA estimates that the current deliveries, which average 108 per day, would need to be reduced by thirteen (13) deliveries per day.

34. ALIGNMENT: McQueen Road

APPROVED the Alignment for improvements to McQueen Road from Queen Creek Road to Riggs Road.

The McQueen Road Improvements consist of widening the roadway to include three thru lanes in each direction from Queen Creek Road to Chandler Heights Road and two lanes in each direction from Chandler Heights Road to Riggs Road. Turn lanes, bike lanes, and a raised landscape median are included. Additionally, widening of the Consolidated Canal bridge crossings south and east of the McQueen Road/Queen Creek Road intersection is a part of the project. The improvements meet the requirements of the 2001 Chandler Transportation Plan. The improvements require the purchase of additional right-of-way, drainage easements, utility easements and temporary construction easements.

Just south of the consolidated Canal, the roadway centerline is shifted approximately 16 feet east of the monument line to avoid impacting the City's landfill facilities. This roadway centerline alignment transitions back to the monument line south of Ocotillo Road. Alignment approval is requested to establish the right-of-way and easement needs for an estimated 25 parcels.

A public meeting was held on October 6, 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. Construction is anticipated to begin in the fall of 2009.

35. GRANT AGREEMENTS: U. S. Department of Homeland Security

APPROVED Grant Agreements with the U. S. Department of Homeland Security to provide equipment and training to sustain emergency preparedness programs in the total amount of \$389,844.00 to be divided as follows:

• Chandler Fire Dept Rapid Response Team Sustainment	\$135,000.00
• UASI Assessment teams-Terrorism Liaison Officers (Chandler fire)	4,000.00
• Chandler CERT Training, Equipment and Community Outreach	37,878.00
• Chandler CERT Volunteer Sheltering and Deployment	7,020.00
• Chandler CERT Volunteer Reception Centers	8,612.00
• Chandler Police Dept Rapid Response Team Sustainment	135,000.00
• UASI Assessment Teams-Terrorism Liaison Officers (Chandler Police)	4,000.00
• Phoenix UASI Tactical Response Teams (Chandler Police)	58,334.00

The City of Chandler has established a Fire/Police Rapid Response Team, Fire/Police Terrorism Liaison Officers, and a Community Emergency Response Team (CERT) program with federal funding from the State Homeland Security Grant program. Each of these programs ensures that Fire and Police personnel are prepared and equipped to respond to large-scale emergencies, terrorist events, and natural and or man-made disasters. These awards are being made under the 2008 State Homeland Security Grant Program. The purpose of the awards is to provide equipment and training to sustain these emergency preparedness programs.

36. AGREEMENT: Community Services of Arizona

APPROVED an agreement and payment authorization to Community Services of Arizona to operate the Senior Nutrition Program and Community Action Program in an amount not to exceed \$22,000.00 in ongoing funds and \$20,706.00 in one-time funds totaling \$42,706.00 for the Senior Nutrition Program and \$84,731.00 in one-time funding for the Community Action Program.

Community Services of Arizona (CSA) has been operating the Senior Nutrition Program since 1986. This program provides congregate and home delivered meals at a minimal suggested donation cost to eligible seniors. Through FY 2007-08, 15,004 congregate and 25,922 home delivered meals were provided to eligible seniors living in Chandler. As part of the FY 2008/09 budget process, the City Council allocated \$20,706.00 one-time funds and \$22,000.00 in ongoing funds to the Senior Nutrition Program.

CSA has also been operating Chandler's Community Action Program (CAP) since 1981. CSA continues to fund this program by obtaining substantial third party funding to assist with the operation of Chandler's CAP office. Funds have been used to provide significant financial assistance to Chandler's low and moderate-incomes population. Chandler CAP provides basic need programs (i.e. eviction prevention, food box referral and utility assistance) to low and moderate-income citizens. As part of the FY 2008/09 budget amendment process, City Council allocated \$84,731.00 in one-time funding for the Chandler CAP office.

37. AGREEMENT: Solera Chandler Homeowners Association, Inc.

APPROVED Agreement #OA09-004 with Solera Chandler Homeowners Association, Inc., deferring installation of an 8" reclaimed water stub from Riggs Road into the Springfield Lakes Unit One subdivision and accepting a lump sum payment of \$13,453.00.

A residential subdivision, originally developed as Springfield Lakes Unit One, and then later renamed as Solera Chandler, is located in the area south of Riggs Road between Gilbert and Lindsay roads. When this subdivision was constructed, reclaimed water was not available in the immediate area, so landscape irrigation was initially established using potable water. The City has a current capital improvement project that will improve Riggs Road across the frontage of this development and will include an extension of the City's reclaimed water distribution system into the area. This will open the opportunity to discontinue the use of potable water for irrigation and to replace it with reclaimed water.

The use of reclaimed water will require installation of an 8" service line from Riggs Road into the subdivision. Installation of this line would be the responsibility of the subdivision's homeowners association. However, in order to avoid the problems associated with coordinating two separate contractors, it was concluded that the preferred approach was to have the service line installation included in the scope of the City's capital project.

Under this agreement, the homeowners association will make a lump sum payment to cover the cost of this improvement, and in exchange for this lump sum payment, they will be relieved of any further responsibility for this work. The funds received by the City will then be applied to the cost of constructing the service line.

The estimated total cost for completing this work is \$13,453.00. Under this agreement, that is the amount of the lump sum payment to be made by the homeowners association.

38. AGREEMENT EXTENSION: Willdan and Jeffers and Associates

APPROVED a one-year Agreement extension with Willdan and Jeffers and Associates for Civil Plan Review Services in an amount not to exceed \$200,000.00. This is the first of three one-year renewal options.

For more than 15 years, Development Services has contracted with various providers for civil engineering plan review to supplement staff. These contracts will allow for the continuation of the availability of these services. Although the pace of development has slowed significantly, extension of these contracts will allow for the use of registered design professionals under contract to assist City Staff in the evaluation of complex infill and redevelopment projects. Contract extensions would also ensure that the City has assets in place in order to respond to any economic development opportunities that will require a rapid response.

39. AGREEMENT: Southwest Slurry Seal, Inc.

APPROVED an Agreement with Southwest Slurry Seal, Inc., for asphalt rubber crack sealing in an amount not to exceed \$216,800.00. This contract includes traffic control, cleaning and filling of roadway cracks. The City provides the crack sealing material to save on crack fill material costs.

40. AGREEMENT: LH-EH Layton Lakes, LLC

APPROVED Agreement #CP09-001 with LH-EH Layton Lakes L.L.C. for installation of a 36" reclaimed water line in Queen Creek Road and a 24" reclaimed water line in Lindsay Road near the Layton Lakes Subdivision in excess of their offsite improvement obligation in an amount not to exceed \$932,404.00.

A residential subdivision, Layton Lakes is being developed in the area bounded by Queen Creek Road on the north, Gilbert Road on the west, Lindsay Road on the east, and a short segment of Ocotillo Road on the south. The developer is LH-EH Layton Lakes LLC. One requirement associated with this development is installation of reclaimed water lines in the major arterial streets surrounding the perimeter of the development.

A developer's obligation for installation of reclaimed water lines in major arterial streets is limited to 12" mains. Anything larger than that is the City's obligation. The design of the reclaimed water system in the area of this development required installation of a 36" main along Queen Creek Road and a 24" main along Lindsay Road. Because installation of the 36" and 24" mains exceed the developer's obligation, a City Participation Agreement has been prepared that will reimburse the developer for the additional costs of upsizing these mains.

The work covered by this Agreement has been completed. The cost for installing the upsized mains along Queen Creek and Lindsay Roads was \$1,450,956.00. If a 12" main had been installed, the estimated cost would have been \$518,552.00, resulting in a difference of \$932,404.00.

41. AGREEMENT: Anderson Security Agency LTD

APPROVED an Agreement with Anderson Security Agency, LTD, for security guard services at the main entrance to the Water Treatment Plant, utilizing the Maricopa County Community College District (MCCCD) contract, in an amount not to exceed \$57,200.00.

42. AGREEMENT: Carbon Solutions

APPROVED an Agreement with Carbon Solutions for one year for granular activated carbon (GAC) in an amount not to exceed \$1,956,424.00.

GAC is a vital component of the water filtration process, since it removes organic components that contribute to taste and odors in the finished water supply. Over time, GAC loses its effectiveness and must be replaced. The Surface Water Treatment Plant will be replacing the GAC in all twelve sets of filters once a year to ensure delivery of a high quality product to the customer. Replacement is required for four filters at three different times of the year – December 2008, March 2008 and again in November 2009.

The Airport Water Reclamation Facility uses GAC for odor control and their carbon must also be replaced periodically.

43. AGREEMENT: SW Services

APPROVED an Agreement with SW Services, Inc., for non-pop valve box lids in an amount not to exceed \$42,000.00.

The City of Chandler has converted to the polymer non-pop valve box lid due to claim submittals directly linked to the cast iron lids coming out of the can and striking vehicles when they drive over them. Water Distribution is replacing all cast iron valve box lids that are currently in use with the polymer non-pop valve box lids during valve maintenance and on all new water line projects, resulting in savings on maintenance and inventory costs.

44. AGREEMENT: Brown and Caldwell

APPROVED Agreement #WW0906-451 with Brown and Caldwell for Ocotillo Water Reclamation Facility Operations and Maintenance (O&M) electrical/mechanical construction management services in an amount not to exceed \$229,898.00.

The Ocotillo Water Reclamation Facility (OWRF) is owned by the City of Chandler but privately operated by Severn Trent Environmental Services. The OWRF was constructed in 1985 with much of the equipment in the facility nearing the end of its projected life and potentially in need of rehabilitation or replacement. In September 2005, Brown and Caldwell performed an asset management evaluation to identify the condition of the equipment and infrastructure and to formulate a capital maintenance and replacement plan. The objective of this evaluation was to identify necessary activities to maintain the reliability and sustainability of the reclamation facility assets in order to continuously achieve the expected treatment performance.

45. AGREEMENT: Wilson Engineers, LLC

APPROVED Agreement #WA0808-201 with Wilson Engineers, LLC, for equipping design services for the Appleby Well in an amount not to exceed \$126,604.00.

New wells are needed to meet potable water demands during peak periods and to provide a backup source in times of a surface water shortage. This well site is located near the NEC of the intersection of Appleby Road and Lindsay Road. This project agreement provides for the design of the well pump, chlorination equipment and other miscellaneous equipment.

46. AGREEMENT: SDB, Inc.

APPROVED Agreement #CS0801-402 with SDB, Inc., for construction services for Aquatic Facility Renovations, pursuant to Job Order Contract #JOC 07-04, in an amount not to exceed \$138,435.00.

The improvements recommended for the Hamilton and West Chandler Aquatic Centers are required in order to bring these facilities into compliance with the Maricopa County Health Department Swimming Pool Rules and Regulations. Violations were noted on the inspection reports for these facilities regarding damage to the decks and noted repairs are required as soon as possible. Other improvements at Hamilton include tile replacement and service gates repairs. At the Desert Oasis Aquatic Center, the original air conditioning units installed in 1992 are no longer efficient and will be replaced as well as deteriorated doorframes.

47. AGREEMENT: Nickle Contracting LLC

APPROVED Agreement #PR0904-401 with Nickle Contracting, LLC, for construction of Tumbleweed Park Improvements 2008, pursuant to Job Order Contract #JOC05-05, in an amount not to exceed \$289,859.00.

Tumbleweed Park is a regional park intended to serve the entire City with comprehensive recreational facility needs. To date, approximately 110 of the 205 acres at the park site have been developed, which includes a 15-court lighted tennis complex, Tumbleweed Recreation

Center and Playtopia playground. The improvements are in response to citizen comments and concerns as well as other specific park needs.

48. AGREEMENT EXTENSION: The Frank Gates Service Company

APPROVED a one-year Agreement Extension with The Frank Gates Service Company for Workers' Compensation Third Party Claims Administration in the amount of \$62,750.00. This is the first of four optional one-year extensions.

The City is self-funded for workers compensation. To take advantage of optimal pricing and receive discounts available from health care providers, the City retains a third party administrator (TPA) to process workers compensation claims. In addition, TPA's are adequately staffed with knowledgeable professionals who work with the City's Risk Management Occupational Health Nurse to administer the workers compensation program.

49. AGREEMENT AMENDMENTS: 2009 Employee Benefits Program

APPROVED Agreement Amendments with providers as needed for implementation of the 2009 Employee Benefits Program and AUTHORIZED the 2009 Employee Benefits Program.

City Staff reviews the employee benefits package each year with the assistance of an employee benefits consulting firm. The City's 2009 employee benefits program will consist of health care, dental care, group life and accidental death & dismemberment insurance, voluntary term life insurance, group travel accident insurance, short and long term disability, cancer insurance for fire fighters and police officers, employee assistance plan, flexible spending accounts, a legal plan, group auto and homeowners insurance, long term care, deferred compensation, retiree health savings plan, retirement, short term disability supplemental insurance and vision care.

The City was successful in holding down medical rates to 5.53% against a national trend above 10% with no reduction in benefits. Dental plan rates will increase only 2% compared to a national trend over 5% with no change in the benefit. The rate with Sun Life Assurance Company only increased one-cent per \$1000 of life insurance. As a result, the growth in rates for these plans is within acceptable levels.

Amendments to the agreements with Aetna Healthcare, Inc., Anthem Life Insurance Company, PayFlex Systems USA, Inc., Sun Life Assurance Company and approval of the agreement with Liberty Mutual Insurance Company are required for extensions and/or rate increases. Agreements with other providers do not require amendments for 2009.

The following benefits carriers/administrators will provide services for 2009:

COVERAGE

- Group Life Insurance and Accidental Death & Dismemberment
- Long Term Disability – Public Safety Personnel
- Flexible Spending Accounts
- Employee Assistance Plan
- Business Travel & Commuter Accident Insurance
- Health Care
- Dental Care Claims Administration

PROVIDER

- Sun Life Assurance
- Anthem Life Insurance
- PayFlex Systems USA, Inc.
- APS Healthcare
- Gerber Life Insurance
- Aetna Health, Inc.
- Delta Dental Plan

- |  |                               |
|--|-------------------------------|
| • Retirement Health Savings Plan               | ICMA – RC                     |
| • Deferred Compensation                        | ICMA – RC                     |
| • Vision Care                                  | Vision Service Plan           |
| • Voluntary Term Life Insurance                | Sun Life Assurance            |
| • Pre-Paid Legal Services                      | Pre-Paid Legal Services, Inc. |
| • Home and Auto Insurance                      | Liberty Mutual                |
| • Long Term Care                               | AFLAC                         |
| • Short Term Disability Supplemental Insurance | Colonial Life                 |

The following employee benefit programs are statutorily required or self-administered by the City:

COVERAGE

- Short Term Disability
- Cancer Insurance – Fire and Police
- Retirement Plan – Civilian
- Retirement Plan – Public Safety
- Retirement Plan – Elected Officials
- Long Term Disability – Civilian

PROVIDER

- Chandler Human Resources
- Public Safety Retirement Sys
- AZ State Retirement Sys
- Public Safety Retirement Sys
- Elected Officials Retirement
- AZ State Retirement Sys

The following amendments were approved:

1. Agreement Amendment with Aetna Healthcare, Inc. to extend the contract from January 1, 2009, through December 31, 2009, and increase the rates for coverage under the retrospective rating arrangement.
2. Agreement Amendment with Anthem Life Insurance Company to extend the contract from January 1, 2009, through December 31, 2009, at the same rate.
3. Agreement Amendment with Sun Life Assurance Company to extend the contract from January 1, 2009, through December 31, 2009, with an increase in the rate for basic life insurance.
4. Agreement Amendment with FlexAmerica, Inc., for flexible spending account administration and assumption of contract rights and obligations by PayFlex Systems USA, Inc., to maintain current rates and services from January 1, 2009, through December 31, 2009, and to authorize an annual renewal fee of \$925.00.
5. Agreement with Liberty Mutual Insurance Company to extend the contract from January 1, 2009, through December 31, 2009,

50. AGREEMENT AMENDMENT: Chasse Building Team

APPROVED Agreement #PR0801-251, Amendment No. 1, with Chasse Building Team for preconstruction services for the Boys and Girls Club in an amount not to exceed \$104,750.00, for a revised contract total amount not to exceed \$210,755.00.

The Boys and Girls Club project is currently in its design phase. This CIP project was approved for design in FY 2007/08. It has been recommended by City Management that the design team achieve a certification level within the Leadership in Energy and Environmental Design (LEED)-NC Version 2.2 Green Building Rating System. Designing to LEED standards creates an environmentally friendly building and it also reduces future operating costs for the facility. The Compadre Branch will be the first Boys and Girls Club certified building in the State of Arizona.

51. CONTRACT: Felix Construction Company

APPROVED Contract #WA0801-402 with Felix Construction Company for Basha Wells 1,2 and 3 equipping in an amount not to exceed \$2,199,200.00.

New wells are needed to meet increasing potable water demands during peak periods and to provide a backup source to the surface water supply. This project will provide for the equipping of three water wells. Basha Well No. 1 is located within the existing Basha Water Reservoir site, located east of Basha Road and south of Ocotillo Road. Basha Well No. 2 is located south of Ocotillo Road and one-quarter mile west of Arizona Avenue. Basha Well No. 3 is located east of Pleasant Drive and one-quarter mile north of Chandler Heights Road.

52. AGREEMENT: Layne Christensen Company

APPROVED a one-year extension of Agreement #JOC07-13 with Layne Christensen Company for well drilling and rehabilitation services in an amount not to exceed \$3,000,000.00. This is the first of four optional one-year extensions.

The development of new water production well sites and the rehabilitation of existing well sites is required to provide water in order to meet the City's future demand. This contract will provide for drilling and rehabilitation services for diagnostic, monitoring, injection and water production wells.

A portion of this amount (\$1,500,000.00) is to cover the expenditures of two projects previously approved by Council on September 25, 2008: Tumbleweed Aquifer Storage and Recovery (ASR) Well #8 Drilling and Ocotillo ASR Wells 5 & 6 Drilling.

53. CONTRACT EXTENSION: Consultant Engineering, Inc.

APPROVED a one-year extension for Contract #EN0602-101 to Consultant Engineering, Inc., for inspection services in an amount not to exceed \$900,000.00. This is the third one-year optional renewal.

The City's construction management staff oversees the construction of the Capital Improvement Program (CIP), supplemented with outside firms as staffing needs require. These consultants allow the City to handle temporary periods of higher workload without hiring additional permanent staff. There are currently two firms, Consultant Engineering, Inc., (CEI) and Vanir, under annual contract to provide inspection, testing and oversight services.

In the last year, Consultant Engineering, Inc. (CEI) reached their contract limit with \$1.5 million of supplemental inspection services provided on various City capital projects and private development. Vanir provided \$1.1 million for construction management of the Queen Creek Road Improvements. In the current budget climate, it is expected that City staff will self-perform many construction oversight responsibilities as a cost-saving measure. However, retaining the services of an on-call construction management firm allows staff the flexibility to procure special inspection services, supplementing staff expertise on complex projects. Based on the anticipated reduction in tasks performed by the third-party firms, the contract with Vanir will not be renewed, and the proposed annual spending limit on CEI's contract has been reduced from last years \$1.5 million to \$900,000.00 this year.

Individual project agreements will be prepared for execution and approval for each specific project. Project agreements over \$50,000.00 will be submitted for Council approval up to the expenditure limit of \$900,000.00.

54. CONTRACT: Pulice Construction, Inc.

APPROVED Contract #ST0810-251 with Pulice Construction, Inc., for pre-construction services for McQueen Road Improvements (Queen Creek Road to Riggs Road) in an amount not to exceed \$220,206.28.

The pre-construction services Construction Manager at Risk 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 design schedule, provide value engineering, perform utility investigations and prepare the guaranteed maximum price.

Per the Transportation Master Plan, McQueen Road will be improved to six traffic lanes from Queen Creek Road to Chandler Heights Road and improved to four traffic lanes from Chandler Heights Road to Riggs Road. Portions of this roadway segment have been constructed to the half-street section by private developments along McQueen Road. This project will complete the half-street areas to full width major or minor arterial sections and construct the full street section in the areas that are currently two lanes only. This project also includes reclaimed water line extensions outside the new roadway and intersection improvements and will provide water and sewer laterals to all undeveloped parcels.

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

APPROVED Contract #WW0401-403, Change Order No. 2 with M.A. Mortenson Company for the Chandler Heights Community Facilities Phase III – Offsite Improvements in an amount not to exceed \$160,439.00.

The Chandler Heights Community Facilities project is a 113-acre site located on the NEC of Lindsay and Chandler Heights Roads. The new facilities include 78 acres for groundwater recharge and wetlands, 4 acres for the Chandler Heights Police Substation with secured parking and 31 acres for the Veterans Oasis Park an outdoor environmental education park facility.

Phase III – Offsite Improvements include adjacent half road improvements of Chandler Heights Road and Lindsay Road. This Change Order is for removal and replacement of additional asphalt pavement in order to correctly install the crown of the road and for escalation of asphalt costs. This also covers costs caused by delays in construction associated with RWCD's implementation of new processes.

56. PURCHASE: NEC Unified Solutions, Inc.

APPROVED the Purchase of Cisco network equipment from NEC Unified Solutions, Inc., utilizing the City of Tempe contract, in an amount not to exceed \$702,000.00.

The current City Core Infrastructure for data networking is in need of replacement. The current networking equipment has reached its peak networking performance. Expandability to higher bandwidth speeds will provide better data services to the City's downtown campus. The upgrade adds newer flexibility that allows for up to a ten-fold speed increase to the network backbone. Staff recommends the increased functionality to meet the City's growing data and speed requirements.

The new system will have a greater number of data ports utilizing both copper and fiber connections for desktops, servers and downtown City buildings which includes Police, Fire and Courts who need access to data resources. The system will also have improved security features that will help in keeping the City's data secure while still providing the services to its users and citizens. A trade in credit for the end-of-life equipment being replaced will be used to help reduce the overall cost of purchasing the newer core equipment.

57. PURCHASE: Phoenix Highway Products

APPROVED the Purchase and repair of traffic signal control equipment from Phoenix Highway Products, sole source, in the amount of \$270,000.00.

Traffic Engineering keeps an inventory of spare traffic signal control equipment. This inventory is used when field equipment has malfunctioned or becomes damaged by lightning or a motor vehicle accident. This purchase will re-stock and maintain equipment to keep pace with the expanding signal system installed through both Capital Improvement Projects and developer-based improvements. Approximately 3 traffic signal cabinets, 15 controllers and miscellaneous components are included within this purchase along with approximately \$20,000.00 in repairs that are shipped back to the factory. The \$270,000.00 represents the maximum amount and purchase orders will only be made on an as-needed basis.

58. PURCHASE: CBRNE Equipment Transport Vehicle

APPROVED the Purchase of a Chemical, Biological, Radiological, Nuclear, and Explosive Agents (CBRNE) Equipment Transport Vehicle w/Mobile Command capabilities, utilizing the Arizona Counter Drug Procurement Program (1122), in an amount of \$236,285.00.

The vehicle will be used by the Police Department's Special Assignment Unit, which responds to critical life threatening incidents involving CBRNE hazardous environments. The Special Assignment Unit is a member of the Statewide Weapons of Mass Destruction (WMD) Rapid Response Team (RRT), which, when called upon, will respond to any WMD event to provide command/tactical/CBRNE compatible assistance statewide. The vehicle is capable of deploying CBRNE response equipment and provides a mobile command and control operations platform while on scene of an emergency operation.

The Police Department Special Assignment Unit currently uses a 1999 thirty-foot BRACO box trailer that was retrofitted to store SAU equipment. Since 9/11/2001 the Special Assignment Unit has expanded their personnel and response capabilities to encompass a CBRNE response, which requires SAU operators to operate in protective outer clothing and a self-contained breathing apparatus. With this additional equipment and personal protective clothing, it has placed our current equipment trailer over the Department of Transportation weight limits for which it was never designed. With the additional CBRNE compliant equipment and the Chandler Police Department's commitment to Statewide Urban Area Security Initiative, WMD Rapid Response Team it is important that this CBRNE Equipment Transport Vehicle be purchased to meet these requirements. The estimated life expectancy for this vehicle will ensure our response capabilities for the next ten plus years.

59. PURCHASE: Playground Equipment

APPROVED the Purchase and installation of playground equipment at Folley Memorial Park from GameTime c/o Triple M Recreation, utilizing the City of Tucson contract, in the amount of \$71,004.40.

Folley Memorial Park is a 23.45-acre community park originally constructed in 1975. The playground equipment at the park is 15 years old. Over the past year, Community Services staff has received requests to upgrade the playground equipment at this park. Because of the equipment's age, limited playability and safety concerns, it has been determined that the existing playground equipment should be completely removed and replaced. The new playground equipment will consist of a play structure for 2-5 year old children and a play structure for 5-12 year olds.

60. PURCHASE: Utility Billing System

APPROVED the Purchase of a Utility Billing System upgrade from Selectron Technologies, Inc., sole source, in an amount not to exceed \$32,800.00.

The Interactive Voice Response (IVR) and Interactive Web Response (IWR) capabilities were added to the billing system after it went live. Outbound calling and A-OK donations were not considered at that time. This upgrade will activate these abilities, increasing donations and cost effectively improving collection activity for overdue utility billings by reducing the number of service disconnects and subsequent reconnects required on a daily basis.

Management Services implemented the utility billing system in 2001. This upgrade is proprietary to Selectron Technologies as they are the original developers of the IVR and the IWR pieces of the utility billing system.

61. PURCHASE: Electrical Services

APPROVED the Purchase of electrical services from Horine Electrical Service, utilizing the Town of Queen Creek contract, in an amount not to exceed \$75,000.00. Services provided include an on-call electrician who can perform scheduled and emergency repairs.

62. AGREEMENT: Centurion Fire Protection

APPROVED an Agreement with Centurion Fire Protection for fire protection systems testing and maintenance service for one year with four one-year optional renewals in an amount not to exceed \$250,000.00 annually.

This agreement covers the maintenance of all citywide wet and dry-type sprinkler systems, fire alarm systems, UL approved fire alarm monitoring, halon systems, ansul kitchen hood systems, the fire curtain/doors at various facilities and fire extinguisher annual inspection and testing. The agreement includes an hourly rate and price for replacement parts for service calls not included in the routine maintenance. The requested funds will also include replacement of several propriety fire alarm control panels that will cost more to repair than replace.

63. CONTINUED USE PERMIT: Cooper/202 Verizon

CONTINUED TO NOVEMBER 20, 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 to allow the applicant to fully investigate and analyze an alternative site south of the Loop 202.

64. USE PERMIT: Tortas El Guero

APPROVED Use Permit UP08-0038 Tortas El Guero, to conduct outdoor cooking adjacent to an existing restaurant at 611 N. Arizona Avenue. (Applicant: Gustavo & Marjorie Lom.)

The site is adjacent to the Tortas El Guero restaurant at 611 N. Arizona Avenue on the east side of Arizona Avenues on one of a strip of developed retail parcels zoned Regional Commercial (C-3), including the KFC restaurant to the north and Moreno's Sonoran Hot Dogs to the south.

The application requests that outdoor cooking be permitted daily from approximately 4 p.m. to 10 p.m. The proposed cooking takes place in front of the restaurant on a new patio that runs north-south between the existing sidewalk and a retention basin. The new patio does not require any changes to the retention basin itself. There will be no associated outdoor dining. All items will be paid for indoors and picked up outdoors. The applicants have worked with Maricopa County to ensure that all food safety regulations will be followed.

The site provides 19 parking spaces compared to a code requirement of approximately 23 spaces. The cooking area would add approximately one space to the parking requirement.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 2, 2008. There were no neighbors in attendance. One neighbor called to express opposition to any outdoor cooking on Arizona Avenue because it will cause people to congregate outdoors. A second neighbor wrote a letter of opposition citing air pollution and sanitary concerns.

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

1. Substantial conformance with approved exhibits 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. 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.
5. The outdoor cooking area shall be maintained in a clean and orderly manner.
6. Any landscaping removed to accommodate the use must be replaced.

65. USE PERMIT: PMJ Autos LLC

APPROVED Use Permit UP08-0039 PMJ Autos LLC, to allow an auto broker/used car wholesaler within Planned Industrial District (I-1) zoning at 128 W. Boxelder Place, Suite 104. (Paul Nielson, Manager / Jay Nielson, Owner.)

The site is located within the Dobson Business Park, a light industrial park that includes a multi-tenant industrial building with four small office spaces along the Boxelder Place street frontage.

PMJ Autos LLC leases one of four office spaces. The adjacent offices include White Dove Studios, The Sharper Edge and MGD Autos, which is another auto broker with a Use Permit case in process. Other tenants in the back warehouse building include The Sharper Edge and Obayda Silk Plants. One tenant space is vacant.

The I-1 zoning district allows a variety of storage, wholesale, warehousing, manufacturing, assembly-type uses and accessory/incidental office and retail sales. The Dobson Business Park was zoned as part of a larger mixed-use master plan named the Dobson-Hoopers Ranch Master Plan in 1977. One parcel was designated for industry, which is where the current industrial business park is today.

In 1987, the Use Permit was approved allowing the four small office spaces along Boxelder Place. There was one Use Permit approved in 1995 to allow a one-on-one music lesson business in one of the four office spaces. There is a history of Use Permit approvals within the larger industrial business park for automotive repair, automotive window tinting, automotive accessories, a children's gymnastic and fitness facility, offices, furniture sales and a photography studio.

The proposed auto broker/used car wholesaler specializes in pre-owned vehicles. The tenant office space is approximately 600 square feet in size. The business functions as a car brokerage firm. Hours of operation are from 8 a.m. to 5 p.m. Monday through Saturday only. Typically customers visit the site by appointment only. The business primarily attends auto auctions during the day purchasing and selling vehicles. Vehicles are advertised for sale on the business website.

Vehicles kept on-site include business owner and employee vehicles, and vehicles purchased by customers that need to be picked up. The Arizona Department of Transportation – Motor Vehicle Division requires two wholesale vehicles to be kept on-site at all times.

This type of auto-related use has little on-site customer contact in that there are no for-sale vehicles stored daily and advertising is done via the internet. There will be no auto mechanical work, auto body, auto detailing, or washing of vehicles outdoors. On occasion, there may be some interior cleaning of vehicles or exterior detailing without water. The business does spray down vehicles to keep them clean for customers; however, Staff has advised that this is not permitted at this location.

The parking lot for all tenants is shared. Off-street parking occurs for many businesses in the business park including a couple of tenants on the subject site's property. There is appropriate parking on-site for all current businesses. The development is maintained and has no parking issues. Staff does not anticipate any parking or outside vehicle storage problems with the proposed auto wholesaler business. The business has a banner without a permit which is required to be removed.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 28, 2008. No residents or business owners were 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. Development shall be in substantial conformance with exhibits and representations.

2. Expansion or modification beyond the approved exhibits (Floor Plan, Site Plan, Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. 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.
4. There shall be no auto mechanical work, auto body, and auto detailing or washing of vehicles.
5. On-site advertising of vehicles for sale is prohibited.
6. Banners on the building are not permitted without a banner permit issued by the City of Chandler.

66. CONTINUED USE PERMIT: Dos Gringos Grille

CONTINUED TO DECEMBER 11, 2008, Use Permit UP08-0044 Dos Gringos Grille, Series 6 Bar license, for the sale of liquor at an existing restaurant at 1361 N. Alma School Road to allow the applicant to address the liquor license with the Arizona Department of Liquor Licenses and control.

67. LIQUOR LICENSE: NYPD LLC

APPROVED a Series 12 Restaurant Liquor License (Chandler #121510 L12) for Richard Fred Stark, Agent, Ziegler's NYPD LLC, dba NYPD Pizza, 2580 W. Chandler Boulevard, Suite #1. A recommendation for approval of State Liquor License #12077761 will be forwarded to the State Liquor Department. As this application reflects a change in ownership, a new Use Permit is not required since this will be a continuation of the location's previous use as NYPD Pizza. 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.

68. LIQUOR LICENSE: Tom's BBQ

APPROVED a Series 12 Restaurant Liquor License (Chandler #121855 L12) for Thomas Alden Ryan, Agent, Tom's BBQ Systems, Inc., dba Tom's BBQ, 4920 S. Gilbert Road, Suite #3. A recommendation for approval of State Liquor License #12077750 will be forwarded to the State Liquor Department. A new Use Permit is not required since this will be a continuation of the location's previous use as Nozzleheads Grille and Pub. 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.

69. SPECIAL EVENT LIQUOR LICENSE: ICAN

APPROVED a Special Event Liquor License for ICAN: Improving Chandler Area Neighborhoods, for an "AJ's Taste of the Holidays" fundraising event on November 14, 2008, at AJ's #168, 4975 S. Alma School 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. The applicant has applied for a Temporary Sales and promotional Event Permit through Neighborhood Services.

70. SPECIAL EVENT LIQUOR LICENSE: Majerle's Sports Grill

APPROVED a Special Event Liquor License for Suns Nite Hoops, Inc., dba Suns Nite Hoops for the "Phoenix Suns Celebrity Waiters" charity event on November 23, 2008, at Majerle's Sports Grill, 3095 W. Chandler Boulevard. 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. The applicant has applied for a Temporary Sales and Promotional Event Permit through Neighborhood Services.

71. PRELIMINARY PLAT: Advantage Business Park

APPROVED Preliminary Plat PPT08-0014 Advantage Business Park for a commercial subdivision for an office and retail development located on 12.7 acres east and south of the SEC of Alma School and Pecos roads. (Applicant: Griffin-Jacobs Engineering, Inc.) The plat creates the lots, establishes the necessary easements, and dedicates the required rights-of-way.

The Planning Commission and Staff recommend approval subject to the following condition:

1. Approval by the City Engineer and Director of Planning and Development with regard to the details of all submittals required by code or condition.

72. FINAL PLAT: Shoppes at Chandler Heights

APPROVED Final Plat FPT08-0018 Shoppes At Chandler Heights, for a commercial retail center at the NEC of Chandler Heights Road and Arizona Avenue. (Applicant: RCC Design Group, LLC.) The plat establishes property boundaries, necessary easements and dedicates the required rights-of-way.

73. CONDOMINIUM PLAT: Ray Ranch Professional Plaza

APPROVED Condominium Plat CPT08-0007 Ray Ranch Professional Plaza, for an office condominium development consisting of 18 buildings located at the NWC of Carriage Lane and Ray Road. (Applicant: SIG, Inc.) The plat redefines the building's interior ownership lines and creates the lots, tracts and easements necessary for the property's development.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN thanked Neighborhood Services for coordinating the Live/Love event. COUNCILMEMBER HARTKE said there were approximately 400 volunteers; distributed groceries to 150 households; cleaned up approximately 45 homes; teams went to a senior living facility; coordinated a fair for children of McQueen Manor.

MAYOR DUNN announced the City's Halloween Spooktacular on October 31<sup>st</sup>, beginning at 5:30 p.m. at the Library plaza in downtown Chandler.

THE MAYOR announced that Chandler's Environmental Education Center is hosting the first Star Party on Friday, November 7, beginning at 6:30 p.m. at Veteran's Oasis Park, 4050 E. Chandler Heights Road. The event will feature members of the East Valley Astronomy Club who will bring their telescopes to the park and help visitors explore Arizona's amazing night sky.

