

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, April 12, 2007 at 7:15 p.m.

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

The following members answered roll call:

Boyd W. Dunn	Mayor
Lowell Huggins	Vice-Mayor
Bob Caccamo	Councilmember
Trinity Donovan	Councilmember
Jeff Weninger	Councilmember

Council Absent and Excused:

Matt Orlando	Councilmember
Martin Sepulveda	Councilmember

Also in attendance:

W. Mark Pentz	City Manager
Rich Dlugas	Assistant City Manager
Pat McDermott	Assistant City Manager
Michael D. House	City Attorney
Marla Paddock	City Clerk

INVOCATION: The invocation was given by Mayor Dunn.

PLEDGE OF ALLEGIANCE: Mayor Dunn led the Pledge of Allegiance.

SCHEDULED PUBLIC APPEARANCES:

1. DCCP Hiring of Off-Duty Officer / Letter to Mayor re: Retirement of Lowell Huggins – José A. Garcia

Mr. Garcia, 23011 S. 132<sup>nd</sup> Street spoke on behalf of the Chandler Coalition for Civil and Human Rights about an article that appeared in the Chandler Republic on March 16, 2007 referring to the hiring of an off-duty police hire by Downtown Chandler Community Partnership (DCCP). He said this appeared to be in response to a perception that downtown Chandler is undesirable. From reading the articles, the day laborers appear to be the problem to the perception. He stated that in 1997, his organization was formed in response to the roundups. They have worked with the city staff to improve the image of Chandler and to promote cultural awareness. He said they have also worked with the City to address the day labor situation. One recommendation is to promote the continuing education process. He gave the opinion that the DCCP wants a scapegoat but doesn't see them as contributing to the problem. Another DCCP member was quoted as saying "it's like herding cats". Mr. Garcia said he took offense to that.

He asked if the DCCP was liable for possible misconduct by an off-duty officer and questioned whether we have reached a point by attempting to correct a perception problem by using an off-duty officer.

Mr. Garcia said that as a result of the action taken by the DCCP, they would be returning their sponsorship funds for the Cinco de Mayo celebration. He expressed his hope in not returning to the events in 1997 and asked the leadership not to tolerate agendas that are mean spirited and discriminatory.

COUNCILMEMBER WENINGER asked Mr. Garcia if he supports the parking restrictions in downtown Chandler.

Mr. Garcia replied that they worked with the committee and worked on putting those signs up in conjunction with an educational process. He states he was not opposed to the enforcement of those because they are aimed at the people that are hiring the laborers. He explained that the way the article reads, that's not what their (DCCP) intentions are.

Councilmember Weninger said his understanding is the hiring (of the officer) was to further the timing of enforcement of the parking restrictions.

Mr. Garcia said when they talked to the DCCP, they said they didn't know what their instructions were going to be.

Councilmember Weninger agreed that no one wants to go back to 1997, but he didn't think that meant that they couldn't address problems.

Mr. Garcia stated they he didn't think a Police officer could address a perception. People have to change their habits. They were not cats to be herded and that type of statement contributes to the perception that downtown is bad.

Councilmember Weninger said he gets flagged down daily in the downtown area. He clarified with Mr. Garcia that his organization did not have a problem with enforcement and education.

Mr. Garcia said the perception was because of looks, not because of any specific incident. He added that he didn't have a problem with the enforcement, but he did not like the use of an off-duty officer by another entity other than the Police Department to address this problem. He questioned if another neighborhood had a perception problem, would they hire an off-duty officer to address their problem. The usual case is to keep the peace or for traffic control.

Mayor Dunn noting that they do hear from citizens regarding their frustrations on this issue.

Mr. Garcia added another concern was that the stores are closed at 6 p.m. yet you want to encourage people down town. This has happened during some of the downtown events.

Mr. Garcia told the Mayor that he had written a letter to him on June 18 about the retirement of Lowell Huggins and never received a reply.

Mayor Dunn said that a decision was made back in 1982 by the Public Safety Retirement Fund Manager. He said he had discussed this issue in an article and this issue occurred before he, or any other of the members served on this Council. The decision was made by a State agency and Mr. Huggins did receive his benefits in October of 2004.

Mayor Dunn said in response to Mr. Garcia's first issue, Congressman Flake and Congressman Mitchell visited Chandler to speak to a group of people and talked about comprehensive immigration reform to address this issue on a bipartisan basis and their efforts in defining the issue to provide help to local and state governments dealing with this issue.

2. Police Records – Eduardo Ramirez

Eduardo Ramirez, 720 W. Mesquite, stated that a drunk driver totaled two vehicles and destroyed his front yard. He has not heard anything from the prosecutor and it has been almost a year. He just recently got records from the Police Department. He has made complaints to the department by using their required procedures, but still has received nothing. He understands that the Police Department has a backlog, but would like some kind of contact from the prosecutor's office.

MAYOR DUNN directed the Police Chief to provide an update to Mr. Ramirez and have the prosecutor also contact him.

3. Gila River Indian Community Casino Concerns – Lorraine Walters & Lisa Peters

ROB HOOD, 3090 E. Runaway Bay Place, spoke on behalf of Ms. Walters and Peters. He listed the following concerns neighbors have with the location of the casino:

- Traffic
- Road infrastructure
- Proximity
- Potential for increased crime activity
- Other locations reviewed
- Why was this location determined to be the best
- Basis for that determination
- Multi-jurisdictional interest and accountability amongst Maricopa and Pinal counties and the City of Chandler
- Lack of discussion with the neighboring communities in close proximity to the proposed building site
- If built, what is the cost to the communities
- Could there be a potential tax increase to cover roads and traffic improvements which may impact all Chandler residents
- Close proximity to a elementary school

MAYOR DUNN responded that street improvements in that area are focused on what Chandler's transportation needs are and not anyone else's. Much of the traffic in that area is pass-through traffic.

ACTING PUBLIC WORKS DIRECTOR DAN COOK explained that there are no current plans for Hunt Highway improvements. It is a major collector street and is built to its ultimate section. Riggs Road from Arizona Avenue to Riggs Road was completed last year. It is about 90% in the design phase for the next section of Riggs Road from Gilbert Road to Val Vista. It should go to construction within a year. Gilbert Road from the freeway to Hunt Highway is prioritized for 2010 construction and does include various levels of pass-through traffic from both Gilbert and the Indian community. The City has not received any information from the Indian community as to their proposal such as the size of the casino and trip generation.

MAYOR DUNN emphasized that Staff and Council were frustrated with the lack of information from the Indian community regarding the casino. He recently sent a letter to Governor Rhodes asking for more definitive information. At this point, a lot of the information is speculative.

UNSCHEDULED PUBLIC APPEARANCES:

JOHN ROSENKRANS, 1518 W. Alamo Drive, stated that they are having problems with pocket motorcycles in their neighborhood. There is a renter with 5 cycles riding up and down the streets. There is a problem in Chandler with what is legal and what isn't. The Chandler police view it as a toy that can be ridden on the streets, but not the sidewalk. ADOT says that if the cycle is under 50 ccs, as these are, they are not allowed on public streets. He has a problem with the noise and how is it regulated.

MR. PENTZ stated that someone would follow-up on Mr. Rosenkrans' request.

Ocie PAYNE, 1519 W. Alamo Drive, said that the cycles Mr. Rosenkrans spoke of could be ridden without insurance or license. He questioned who is liable if they hit someone or cause an accident.

MR. PENTZ stated staff would follow up.

RON ENDERLE, 2341 W. Myrtle Drive, commented on the article in the paper regarding Vice-Mayor Huggins participating in the biker rally. It appears to be an opportunity to create a political issue. He described his surprised that the newspaper would actually print something without knowing all the facts. Mr. Enderle also commented on the "perception" of downtown Chandler and the "illegals and "panhandlers".

CONSENT:

MOVED BY VICE-MAYOR HUGGINS, SECONDED BY COUNCILMEMBER CACCAMO, to approve the Consent Agenda as presented. Motion carried unanimously (5-0).

1. MINUTES:

APPROVED, as presented, Minutes of the City Council Special and Regular meetings of March 22, 2007; City Council Special meetings of March 26 & 27, 2007 and City Council Regular meeting of December 11, 2006.

2. POWER DISTRIBUTION EASEMENTS: SRP Ord. #3808

ADOPTED Ordinance No. 3808 granting two power distribution easements to Salt River Project (SRP). One easement will be at no cost and SRP will reimburse the City \$14,502.43 for the second easement to construct an underground 12 kilovolt (kV) facility, located on the south side of Warner Road from Pennington Drive to Arrowhead Drive.

3. POWER DISTRIBUTION EASEMENT: SRP Ord. #3892

ADOPTED Ordinance No. 3892 granting a no-cost power distribution easement to Salt River Project (SRP) for the purpose of installing and maintaining electrical facilities to a new building containing private hangars constructed on city-owned property as part of the development of Chandler Municipal Airport.

4. IRRIGATION EASEMENT: SRP Ord. #3899

ADOPTED Ordinance No. 3899 granting a no-cost, non-exclusive irrigation easement to Salt River Project (SRP) to relocate irrigation facilities on Germann Road west of Arrowhead Drive.

5. ANNEXATION: SEC McQueen and Pecos Roads Ord. #3900

ADOPTED ORDINANCE NO. 3900 annexing approximately 5.4 acres east of the SEC of McQueen and Pecos roads.

6. REZONING: The Metropolitan Of Chandler Ord. #3904

ADOPTED Ordinance No. 3904, DVR06-0011, The Metropolitan of Chandler, rezoning from I-1 with a PAD Overlay to PAD Amended for a residential and commercial office/retail development on an approximate 12-acre site at the SEC of Chandler Boulevard and Hearthstone Way.

7. POWER DISTRIBUTION EASEMENT: SRP Ord. #3878

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3878 granting a no-cost power distribution easement to Salt River Project (SRP) to replace an existing deteriorating underground facility, located on City-owned property south of the Consolidated (Western) Canal and north of Summit Place in Parkwood Estates.

In 1992, the City of Chandler granted SRP an easement for electrical facilities for the water production facility located on the subject property. Although these electrical facilities are fairly new, the portions of the electrical system that directly feed the site are old, outdated direct buried lines that are on a radial feed system that is now obsolete.

SRP is changing out all the old conductors with new electrical lines laid in conduit and looping the system during this project. Without this upgrade, the electrical system that feeds the water production facility will continue to experience outages as the aging portion that feeds the site continues to deteriorate.

Because a portion of the line is direct buried, SRP will be unable to stay within the existing easement, as this would require cutting power to the site for an extended period of time while the update takes place. The existing switching cabinet, which is approximately 17.50 sq. ft., is going to be removed from the property. Because of the removal of this pad, there is only a small portion of the existing easement that will no longer be needed. The new line will be spliced into the existing line that is needed and that portion of the existing easement will remain. SRP has agreed to quit claim back to the City that portion of the existing easement that will no longer be needed.

8. CITY CODE AMENDMENT: Chapters 35 and 46 Ord. #3905 & #3908

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3905, ZCA07-0001, Extension of Liquor Premises in the City Center Zoning District, amending City Code Chapter 35, Section 35-3203/D pertaining to extension of liquor premises in the City Center Zoning District.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3908 amending City Code Chapter 46, Sections 46-4.2/A and 46-4.2/B pertaining to sidewalk furniture and consumption of alcoholic beverages in the public right-of-way.

The City Center zoning district (CCD) was written and adopted in 2000 to best accommodate uses and development standards unique to a downtown setting, based upon considerations of limited lot sizes/widths, zero building setbacks, parking availability, existing sidewalk colonnades, etc., within downtown Chandler. Since that time, a variety of new commercial uses have opened for business on the downtown square, including some restaurants and other retail uses, all of

which are consistent with the intent of the CCD to feature specialty commercial, cultural, dining, entertainment and other storefront uses.

As is true for all other city zoning districts, liquor sales and service in the CCD are subject to Use Permit approval by the Planning Commission and City Council. Since the desire to extend one's liquor premises onto the sidewalk right-of-way would originate from the business inside the adjoining building on private property, Staff found logic in making the extension of premises subject to Use Permit approval as well. It triggers public notice to adjoining property owners and businesses that a forum to express concerns or support, it provides the customary means of addressing compatibility issues by specifying certain conditions, and it gives the City a formal mechanism through Mayor and Council to authorize a commercial activity in the public right-of-way. The requirement for the applicant to subsequently seek a Class 2 encroachment permit is essentially a follow-up action by staff, i.e. to address the required details of indemnifying the City and posting the proper insurance, approving/inspecting the method of attaching fencing on the sidewalk, restoring the sidewalk to its previous condition when the use ceases, etc.

In addition to City approvals, all liquor uses are subject to licensure by State Liquor Control, who in turn required some sort of "permanent" barrier enclosure to formally identify and separate the outdoor serving area. To meet this requirement of the State while at the same time insuring some degree of visual uniformity along the downtown square, a forty-two inch (42") high wrought iron fence enclosure would be required for the outdoor serving area, with self-latching and self-closing gates provided as necessary. Further, a minimum six foot (6') unobstructed sidewalk width must be maintained at all times, measured from the fence enclosure to the inside face of the nearest column, street light, utility box or other fixture (in cases where the right-of-way is being reconstructed or modified by City approval, that minimum clearance may be reduced to five feet).

With respect to the existing colonnade along San Marcos Place, Buffalo and Boston Streets, the sidewalk widths vary from eleven feet (11') to thirteen feet six inches (13'6"). In most cases, the greatest depth of sidewalk that might be enclosed for an extension of liquor premises, after maintaining the six foot (6') sidewalk clearance, would be seven and a half feet (7 1/2'). However, somewhat greater depths might be proposed for building fronts that do not currently adjoin the colonnade but are still within the CCD zoning district. For any particular case, the enclosed serving area could extend for all or only a portion of the adjoining building front.

As drafted, the proposed code amendment identifies only the basic standards and requirements for extending liquor premises in the CCD. Each case may present details and circumstances that are relatively unique, such as colors, materials, lighting, music, hours of operation outdoors, etc., all of which can best be addressed on a case-by-case basis through the Use Permit process.

Making provisions for extending liquor premises in the CCD necessitates amending other sections of the City Code as well such as Section 46-4 pertaining to issuing encroachment permits for sidewalk furniture.

Prior to posting the legal ad (1/8<sup>th</sup> page display ad presenting the draft text), Staff gave a presentation to a group of downtown Chandler merchants and business owners, outlining the standards and requirements proposed, and later, a briefing to the Downtown Chandler Community partnership (DCCP). Both groups have expressed support for the proposed amendments.

One item of discussion that came up at both presentations was the impact of Prop 201 (Smoke-Free Arizona) that goes into effect statewide on May 1<sup>st</sup>. While all public places must be kept free of smoke indoors and within a specified distance of primary entrances, the new law will enable a business operator to designate an outdoor patio area for smoking as long as outdoor smoke is prevented from entering the building through door, window or vent openings. Consensus of the downtown merchants/business owners group was to have a level playing field with all other restaurants – citywide and beyond – wishing to designate an outdoor area for their patrons to smoke. Staff concurs with the equal application of rules and regulations of the State. Staff had initially considered prohibiting smoking within the outdoor serving area.

Although not required by Code, Staff also sent courtesy notice of the Commission and Council hearings, as well as the draft test, to all owners and tenants of properties located within the CCD.

COUNCILMEMBER WENINGER requested a Staff presentation. Hank Pluster said that the purpose of the proposed Code amendments is to allow liquor premises to extend into the public right of way in the CCD (City Center District) only. That would typically be the colonnade area on Boston, Buffalo or San Marcos Place or any part of the area zoned CCD. Part of the amendment is to create a mechanism in the zoning code to allow existing or proposed liquor uses to extend their premises onto the sidewalk. However, it is not an automatic approval. It would require a Use Permit application and process.

The code amendment would establish two primary items in addition to the Use Permit process. One deals with fence requirements and the other with the remaining horizontal clearance requirement on the sidewalk.

The downtown merchants are in support of the proposed amendments, as it will help create a vibrant downtown area.

COUNCILMEMBER WENINGER thanked Staff for their promptness in bringing this forward.

MAYOR DUNN commented that it creates an entirely different atmosphere in the downtown area by allowing patrons to sit outside. He clarified with Mr. Pluster that the fence requirement by the State Liquor Board is only necessary if liquor is being served and not just food. Mr. Pluster concurred.

9. REZONING: Circle K At Carmel Village Plaza Ord. #3906

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3906, DVR06-0049, Circle K at Carmel Village Plaza, rezoning from PAD to PAD Amended to allow the sale of gasoline with PDP for the construction of a gasoline station on approximately 2 acres of a 12.48-acre site located at the SWC of Gilbert and Queen Creek roads. (Applicant: Philip Schanberger, RHL Design Group.)

The Airpark Area Plan designates this site for Community Commercial. This request is consistent with the Airpark Area Plan.

The subject site received PAD zoning for commercial uses in April 2006 as part of the larger Carmel Village development. The sale of gasoline was not specified as a permitted use at that time, thus requiring the requested zoning amendment. Additionally, the approved zoning and PDP identified the subject site as a future vacant Pad requiring a separate PDP approval as well.

The site is surrounded to the west by the residential subdivision Abralee Meadow, currently under construction. It is bordered to the north by Queen Creek Road. Vacant land zoned AG-1, planned for light industrial and office uses under the Airpark Area Plan, is located north of Queen Creek Road. Gilbert Road is located on the site's east side. East of Gilbert Road is the future Layton Lakes development. Markwood Drive is located on the site's south side, with the Santana Ridge Apartments development, currently under construction, located south of Markwood Drive.

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

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on January 24, 2007. There were four 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, the Planning Commission and Staff recommend approval subject to conditions listed in the ordinance.

10. INTERGOVERNMENTAL AGREEMENT: Maricopa County Res. #4055

ADOPTED Resolution No. 4055 authorizing the City of Chandler to enter into an Intergovernmental Agreement with Maricopa County to provide restoration to competency services for Rule 11 defendants.

In criminal cases, if there is an issue concerning a defendant's mental competency to stand trial, Rule 11 of the Rules of Criminal Procedure outlines procedures for mental evaluation and possible restoration to competency. Rule 11 hearings are held in the Maricopa County Superior Court. In any given year, the City of Chandler sends an estimated 6-12 defendants through the Rule 11 process. Currently, there are two defendants awaiting Rule 11 evaluation in superior court and another two awaiting a Rule 11 pre-screen in City court. There are currently no city defendants being held for restoration to competency.

The Rule 11 process entails the defendant's psychiatric evaluation by at least two court-appointed mental health professionals. This evaluation first focuses on mental competency to stand trial. If a defendant is found competent to stand trial, the case is sent back to city court for trial/disposition. If the defendant is found incompetent to stand trial, the evaluation then determines if the defendant can be restored to competency within a reasonable time frame. For misdemeanors, this is no more than six months. If the evaluation concludes that the defendant cannot be restored within a reasonable time frame, the charges are dismissed. If the court also determines the defendant is a danger to himself or others, he can be involuntarily committed to the state hospital. If this occurs, the county, not the City, would be responsible for the costs arising from involuntary commitment. If, on the other hand, the court determines the defendant can be restored to competency within that time frame, the City would then need to decide whether to pursue restoration to competency (RTC). This determination depends on the nature of the case, the charges (violent offenses) the defendant's criminal history, etc. If the City decides to pursue RTC, the defendant is held and treated in the RTC program. If the City decides not to pursue RTC, the charges are dismissed and the defendant is free to leave.

Currently, RTC is conducted at the Arizona State Hospital. Costs have increased to approximately \$600.00 per day. Chandler recently learned that the City of Phoenix has negotiated an intergovernmental agreement with Maricopa County to provide RTC services at the

county hospital at a greatly reduced cost as compared to those of the state hospital. Under the agreement, the county would charge Phoenix approximately \$135.00 per day per defendant for RTC services. That is 23% of the state hospital charge and is comprised of the approximate \$65.00 per day charge for regular inmate costs, plus an additional approximate \$65.00 per day per defendant for RTC services. The per diem cost of RTC services is reviewed quarterly and is derived by dividing the total cost to the county to provide RTC services to all RTC inmates by the number of inmate days in the program for all inmates in the RTC program.

11. PRELIMINARY DEVELOPMENT PLAN: LMA Mixed-Use

APPROVED Preliminary Development Plan, PDP06-0044 LMA Mixed-Use, for site layout and building architecture for an office development on approximately 19 acres at the SWC of the Loop 202 Santan Freeway and Price Road. (Applicant: Michael J. Curley, Earl, Curley & Lagarde, P.C.)

The property received PAD zoning in 1989 as part of the larger 156-acre Gateway Park master plan. The PAD zoning, most recently revised in 2001 and extended in June of 2005, identifies this approximately 19-acre site for a Commerce/Retail development. Additionally, the Gateway Park master plan identifies the subject site as within a Mid-Rise Overlay District permitting additional building height and intensity approved through a future PDP. The Mid-Rise Overlay indicates a maximum building height of 85 feet. The proposed office development is consistent with the site's PAD zoning.

The subject site is located on the southwest side of the Loop 202 Santan Freeway and Price Road interchange in West Chandler. The Gila River Indian Community abuts the subject site's west side. Adjacent to the east is Price Road, with the balance of the Gateway Park Development, known as Spectrum, located east of Price Road. Vacant land zoned Agricultural District (AG-1) is to the south, planned for Employment uses identified within the General Plan.

The request includes a reduction in the required parking. The City Code requires approximately 1,850 parking spaces for the 370,000 square-foot of office space. The request proposes the inclusion of approximately 1,580 parking spaces as part of Phases I and II. Staff supports the requested approximate 15-percent reduction. A parking study was provided that indicated actual market parking demands for this type of proposed Class-A office development. Additionally, due to the modular nature of the parking garages, the remaining required parking spaces could be added at a later date, as indicated on the site plan, in the event a parking deficiency is observed.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on February 12, 2007. There were three neighboring property owners in attendance expressing no opposition. Staff has received no correspondence in opposition.

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

1. Development shall be in substantial conformance with the Development Booklet entitled "LMA Mixed-Use" kept on file in the City of Chandler Current Planning Division, in file number PDP06-0044, except as modified by condition herein.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.

3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. Completion of the construction, where applicable, of all required off-site street improvements including, but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City Codes, standard details and design manuals.
6. Undergrounding of all overhead electric (less than 69kV), communication and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-way and/or easements. Any 69kV or larger electric lines that must stay overhead shall be located in accordance with the City's adopted design and engineering standards. The aboveground utility poles, boxes, cabinets or similar appurtenance shall be located outside of the ultimate right-of-way and within a specific utility easement.
7. The applicant shall work with Staff to enhance the mechanical screening elements at the building's roof. Details to be worked out with Staff.
8. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
9. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
10. All future signage shall be consistent with the signage contained within the exhibits with regard to sign type and quality. Any deviations shall require separate Preliminary Development Plan approval.
11. All raceway signage shall be prohibited within the development.
12. The applicant shall work with Staff to provide a public art feature at each building's main entrance. Details to be worked out with Staff.

MAYOR DUNN asked about the timing on this project and if it would require mid-rise approval. Kevin Mayo said that the site was previously approved for mid-rise. The applicant is in full construction design and will begin construction soon.

MAYOR DUNN asked about the status of Price Road to the south. Mr. Cook responded that the City is finalizing a contract with Haydon Building Corp. for a guaranteed maximum price. The contract should be before the Council for consideration in May.

12. PRELIMINARY DEVELOPMENT PLAN: Chandler Airport Center – Mark IV

APPROVED Preliminary Development Plan, PDP06-0054 Chandler Airport Center – Mark IV, for site layout, landscaping, and building architecture for a multi-tenant office/industrial development on approximately 14 acres at the NEC of Wright Drive and Germann Road. (Applicant: Wes Balmer, Balmer Architectural Group.)

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

for office, light industrial and hangar uses. To the west is vacant land planned for a similar office/industrial/showroom development.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held March 1, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition.

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

1. Completion of the construction of all required off-site improvements including but not limited to, paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
  2. Development shall be in substantial conformance with the Development Booklet entitled "Chandler Airport Center – Mark IV" kept on file in the City of Chandler Current Planning Division, in file No. PDP06-0054, except as modified by condition herein.
  3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
  4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
  5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
  6. All raceway signage shall be prohibited within the development.
  7. The development shall contribute a proportionate amount to the design plus construction cost for a traffic signal at Germann Road/Wright Drive, as determined by Traffic Engineering Staff. The second development to receive building permit approval at the north intersection corners will be required to design and install the traffic signal.
  8. The development shall provide additional trees adjacent to the buildings.
  9. All potential future parking space canopies shall incorporate building materials, forms and colors to match the development.
  10. The perimeter landscaping shall be installed as part of Phase I.
  11. The applicant shall work with Staff to adjust the retention basin design to be more "natural and pleasing". Details to be worked out with Staff.
  12. The canopy design shall include materials and elements found upon the buildings.
13. PRELIMINARY DEVELOPMENT PLAN: Westech Corporate Center – Lot 15

APPROVED Preliminary Development Plan, PDP06-0059 Westech Corporate Center – Lot 15, for site layout and building architecture for an industrial building at 2352 N. Delaware Court, Lot 15 of the Westech Corporate Center. (Applicant: Bob Winton, Winton Architects.)

Directly north of the site is the Essco Wholesale Electric building. Directly east of the site is the recent, Council approved Erickson Consulting development. South of the site are the Biscayne Bay apartments. Directly west of the site is a vacant lot zoned for industrial-type uses.

The Westech Corporate Center is part of the Westech PAD that received conceptual zoning in 1985. The conceptual zoning included industrial, commercial and multi-family. In 1998, the multi-family portion received PDP approval for the Biscayne Bay apartment development. The subject

property is bordered on the south by the Biscayne Bay apartments and on all other sides by industrially zoned property.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on February 12, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 2858 in case PL98-0020 Westech PAD.
2. Development shall be in substantial conformance with the Development Booklet entitled "Westech Lot 15 PAD/PDP" kept on file in the City of Chandler Current Planning Division, in File No. PDP06-0059, except as modified by condition herein.
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
7. No outside storage or display of any kind will be permitted for any business outside of the fenced yards behind buildings. Such storage shall not be taller than the perimeter fence and shall not reduce the amount of available parking spaces as required by Chandler Zoning Code.
8. Any building signage shall be halo-illuminated or non-illuminated.
9. All raceway signage shall be prohibited within the development.
10. All roof drainage shall be internalized.
11. Landscaping along Delaware Court shall conform to Commercial Design Standards.
12. Outdoor pedestrian seating shall be provided at the building entrance.
13. The landscaping along the southern and western property lines shall adhere to the dissimilar use landscape buffer requirements. The dissimilar use landscape buffer requires evergreen trees to be at 20' on center and 12' in height at the time of planting.
14. The perimeter wall shall be 6' tall and constructed of 8" split-faced CMU.

14. PRELIMINARY DEVELOPMENT PLAN: The Park at Santan

APPROVED Preliminary Development Plan, PDP07-0003 The Park at Santan, amending a comprehensive sign package for a mixed-use office and retail development on approximately 18.23 acres at the SWC of Ray Road and the Loop 101 Price Freeway. (Applicant: Mike Withey, Withey Anderson & Morris, PLC.)

The site is bordered to the north by the San Tan Corporate office development. To the west is the existing single-family residential neighborhood, D'Arcy Ranch. Adjacent on the south is the

Pinnacle Terrace apartment complex, and to the east is the Loop 101 (Price Freeway). The subject site received PAD zoning approval for a commercial office and retail development in October 2004, including Preliminary Development Plan (PDP) approval for a 5-story office building, a 4-level parking garage, 27,000 square feet of single-story office space and 35,000 square-feet of retail space. The development is currently under construction.

The applicant has represented difficulties with tenant occupancy due to the very restrictive approved sign package. Tenants that would otherwise locate at this site have gone elsewhere due to the lack of ability to utilize corporate colors, fonts and logos on the building-mounted signage. The requested Preliminary Development Plan Amendment seeks to amend the building mounted signage component to allow the flexibility to utilize a company's corporate colors, fonts and logos.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on February 26, 2007. There were two neighbors in attendance with none offering opposition. Staff has received one letter of opposition from an adjacent homeowner in D'Arcy Ranch citing the previously approved sign package as a "higher" quality sign package compared with the proposed amendment seeing no warrant in the perceived lowering of quality.

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

1. Compliance with the original stipulations adopted by the City Council as Ordinance 3622, case DVR04-0048, Santan Mixed Use Amended, except as modified by condition herein.
2. Development shall be in substantial conformance with the Development Booklet entitled "The Park at Santan" kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0003, except as modified by condition herein.
3. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
4. All building mounted signage facing Federal Street shall be non-illuminated.
5. All raceway signage shall be prohibited within the development.
6. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
7. All future signage shall be consistent with the signage contained within the exhibits with regards to sign type and quality. Any deviations shall require separate Preliminary Development Plan approval.
8. Building mounted signage shall occur upon the building facades in an orderly manner.

15. PRELIMINARY DEVELOPMENT PLAN: Chandler Audi Monument Sign

APPROVED Preliminary Development Plan, PDP07-0005 Chandler Audi Monument Sign, for new freestanding monument signs as part of an automotive sales and service development on approximately 24.14 acres west of the NWC of 54<sup>th</sup> Street and Orchid Lane. (Applicant: Mike Withey, Withey Anderson & Morris, PLC)

The site currently includes the existing Lexus of Chandler and Mercedes of Chandler automobile dealerships. At the time the site received zoning approval, a third future dealership was conceptually shown. The dealership has now been identified as Chandler Audi, currently under construction. The subject site is bordered by commercial land incorporated within the City of Tempe to the north, Freeway Chevrolet and future Chandler BMW on the south, and Earnhardt Ford on the east. Interstate 10 abuts the property's west side.

The subject site received zoning approval for the multi-dealer automotive sales and service development in December 2004. The Preliminary Development Plan approved the site layout, landscape plans and building architecture for the dealerships, as well as a comprehensive sign package for the entire site. The comprehensive sign package included a single multi-dealer digital reader board freeway monument sign, a freestanding Mercedes Benz monument sign along Orchid Lane, and three-tenant freestanding monument sign at the cul-de-sac end of Orchid Lane. Upon construction completion of Mercedes Benz and Lexus, the approved three-tenant freestanding monument sign was constructed as a single-tenant Lexus sign, due to corporate requirements prohibiting shared signage.

This request was noticed according to the provisions of the City of Chandler Zoning Code. Staff has received no correspondence in opposition to this request.

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

1. Compliance with the original stipulations adopted by the City Council as Ordinance 3642, case DVR04-0056 Mercedes Benz & Lexus of Chandler, except as modified by condition herein.
2. Development shall be in substantial conformance with the Development Booklet entitled "Chandler Audi Monument Sign" kept on file in the City of Chandler Planning Services Division, in file no. PDP07-0005, except as modified by condition herein.
3. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
4. All raceway signage shall be prohibited within the development.
5. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
6. All future signage shall be consistent with the signage contained within the exhibits with regards to sign type and quality. Any deviations shall require separate Preliminary Development Plan approval.

16. CONTINUED AREA PLAN/ZONING: Pinelake Condominiums

CONTINUED TO MAY 10, 2007, Area Plan, AP05-0003 Pinelake Condominiums, amendment from business park to multi-family residential land use at the SEC of Pinelake Way and Ocotillo Road.

CONTINUED TO MAY 10, 2007, Zoning, DVR05-0040 Pinelake Condominiums, rezoning from PAD for business park and AG-1 to PAD for residential condominiums with PDP to allow a residential condominium development for property at the SEC of Pinelake Way and Ocotillo Road. (Applicant: Whitneybell Perry, Inc.; Owner: South Chandler Investment Property L.P.) Continuance is requested to allow more time to work with residents who support the project and ensure their attendance at the next Planning & Zoning Commission meeting.

17. CONTINUED ZONING: Montage By Charlevoix

CONTINUED TO APRIL 26, 2007, Zoning, DVR06-0061 Montage By Charlevoix, rezoning from PAD to PAD amended to allow increased lot coverage, eliminate certain two-story restrictions and eliminate the requirement for copper plumbing on an approximate 35-acre site at the NEC of Chandler Heights and Lindsay roads. (Applicant: Pew & Lake, PLC; Owner: Lindsay and Chandler Heights, LLC.) Continuance is requested to allow for submission of revised application materials.

18. DIF GRANT: Olpin Art Center

APPROVED a Downtown Improvement Fund (DIF) matching grant to Olpin Art Center, 141 W. Boston Street in an amount not to exceed \$23,008.00 to be paid upon completion of the project and receipt of the Certificate of Occupancy and confirmation by Staff of tenant improvement costs to meet the requirements of the DIF program.

The City has created the Downtown Improvement Fund (DIF) for the purpose of encouraging investment by viable retail and restaurant businesses that will generate employment and complement the current business mix in Historic Downtown Chandler. Specifically, the funds are to be used to reimburse the property or business owner for costs associated with the necessary tenant improvements to renovate the space for the specified retail use in the Downtown Improvement Fund target area. The business owner is reimbursed up to \$50,000.00, or half of the costs, whichever is less.

Olpin Art Center is leasing approximately 2,000 square feet of space located at 141 W. Boston Street. The owner of Olpin Art Center will offer an art gallery, art supplies and art classes to make educational opportunities in the visual arts more accessible to the Chandler community.

Olpin Art Center has requested City participation in the construction of tenant improvements using existing DIF matching grant funds. Staff recommends using existing DIF funds to accomplish the renovation of the interior of this building. Total costs for the tenant improvements are estimated at \$46,016.00. Improvements to the space will include the installation of required automatic fire sprinklers, an ADA approved handicapped accessible bathroom, new front and rear exit doors with panic bars, flooring, and painting of the interior.

The goals of the owners of Olpin Art Center is to create a multi-dimensional business that will have a positive impact on historic Downtown Chandler by bringing members of the community to the area for art instruction, art supplies, fine art and for special events related to the visual arts.

19. ANNUAL CONTRACT: City Manager

APPROVED the Annual Contract for the City Manager in an amount of \$184,000.00.

20. CLAIMS REPORT

APPROVED the Claims Reports for the accounts payable checks for the quarter ending March 31, 2007.

21. AGREEMENT: Fire Supplies

APPROVED an Agreement with L. N. Curtis, United Fire Equipment Company, First Line LLC and Arizona Glove and Safety for fire supplies in an amount not to exceed \$50,000.00.

22. AGREEMENT EXTENSION: Envelopes

APPROVED a one-year Agreement Extension with Arizona Envelope Company for envelopes in an amount not to exceed \$45,000.00 with the option to renew for two additional one-year periods for a total amount not to exceed \$180,000.00.

23. AGREEMENT: WesTech Engineering, Inc.

APPROVED a one-year Agreement with WesTech Engineering, Inc. for the purchase of Fuchs aerators for use at the Lone Butte Water Reclamation Facility in an amount not to exceed \$58,120.00.

24. AGREEMENT: Valley Rain Construction Corporation

APPROVED Agreement #PR0706-201 with Valley Rain Construction Corporation for pre-construction services for Canal Park, in an amount not to exceed \$173,432.00 and increase the annual Job Order Contract JOC05-06 from \$3,000,000.00 to \$4,000,000.00 and authorized a one-year extension through June 14, 2008.

The City's system of neighborhood parks is intended to serve Chandler's residential areas with a variety of passive and active recreational facilities. Funding is included in fiscal year 2006-07 for the design and fiscal year 2007-08 for the development of the Canal Park site. This park site is 9.34 acres in size and is located in the square mile bordered by Ocotillo, McQueen, Chandler Heights roads and Arizona Avenue. In addition to the recently completed Pinelake Park, this park will serve the neighborhood park needs for the square mile. During the design process for this park, Staff will facilitate public meetings to receive input on the design of the park.

25. CONTRACT AMENDMENT: Carollo Engineers

APPROVED Contract #WW0606-201, Amendment No. 1, to Carollo Engineers for construction management services for McQueen Road sewer and manhole rehabilitation in an amount not to exceed \$58,485.00 for a revised contract total of \$125,373.00.

26. CONTRACT: Haydon Building Corporation

APPROVED Contract #ST0605-401 to Haydon Building Corporation for the improvements to Germann Road from Dobson to Alma School roads in an amount not to exceed \$4,473,193.00.

The Germann Road Improvements Project (Dobson to Arizona Avenue) was split into two phases for construction to allow more time for real estate acquisition and utility relocations in the second phase. The first phase consists of improvements to Germann Road between Dobson and Alma School roads. The second phase will complete the project by constructing the improvements to Germann Road from Alma School Road to Arizona Avenue.

The first phase will start construction in mid-May and will be completed in approximately 8 months. The contract for the second phase will be brought to Council this summer. There will be one more public meeting before construction begins on the first phase.

COUNCILMEMBER CACCAMO asked about jurisdictional responsibilities along this portion of Germann Road. MR. COOK stated that a portion is controlled by the City and a portion by the County. COUNCILMEMBER CACCAMO asked what would be entailed for the City to annex the County portion. MR. HOUSE responded that the roadway only could not be annexed unless it was adjacent to existing land in the City, which this portion is not. Unless the adjacent land was annexed, we would be precluded from annexing the roadway.

MAYOR DUNN asked about the location and design of the medians. MR. COOK said that there is an on-going meeting with stakeholders on a monthly basis. The next issue to be discussed with this group in the landscaping and design.

27. CONTRACT: Arizona Public Service

APPROVED Contract #ST0148-304 to Arizona Public Service (APS) for the removal and undergrounding of existing overhead 12 kilovolt (kV) power lines and to relocate an existing switching cabinet to accommodate the Arizona Avenue and Ray Road Intersection Improvement Project in an amount not to exceed \$111,319.00. Arizona Public Service has prior rights so the City must reimburse the relocation costs.

28. CONTRACT AMENDMENT: Salt River Project

APPROVED Contract #ST0134-307, Amendment No. 1, to Salt River Project (SRP) for removal of existing overhead 12 kilovolt (kV) power lines and the relocation of electrical equipment for the Alma School Road and Warner Road Intersection Improvements in an amount not to exceed \$12,184.00, for a total contract price of \$104,685.00. Since Salt River Project has prior rights, the City is required to reimburse them for associated costs to relocate their utilities. The original contract was awarded in 2005. This amendment provides for increases in material and labor costs.

29. CONTRACT EXTENSION: Nickel Contracting, L.L.C.

APPROVED a one-year Contract (#JOC05-05) extension to Nickle Contracting, L.L.C. for park development and park improvements for an annual amount not to exceed \$5,000,000.00.

30. PURCHASE: Promotional Items

APPROVED the Purchase of promotional items, utilizing the State of Arizona and City of Tucson contracts, in a combined amount not to exceed \$40,000.00. Promotional items are purchased by various divisions throughout the year and used for such things as City-sponsored events and giveaways for other departments.

31. PURCHASE: Fire-trol Holdings, LLC

APPROVED the Purchase of fire fighting foam from Fire-trol Holdings, LLC, sole source, in an amount not to exceed \$25,000.00.

Chandler Fire provides Compress Air Foams Systems (CAFS) on all front line fire engines. The CAFS injects class A fire fighting foam concentrate and compressed air into the water that travels into the fire hose. This produces an extinguishing agent that far outperforms water. The ingredients in foam concentrates vary from manufacturer to manufacturer. Mixing different types

of foam concentrates may decrease the product's performance or create sludge inside the CAFS. As a factory recommendation as well as standard practice, foam concentrates are not mixed.

32. PURCHASE: 3M Library Systems

APPROVED the Purchase of digital tags from 3M Library Systems, utilizing the Maricopa County contract, in an amount not to exceed \$51,533.00. Radio Frequency Identification (RFID) digital tags are used at all the Chandler libraries for inventory control and to speed up the check in and check out process. These tags transmit the barcode information through radio waves instead of optically scanning with a barcode reader, which allows Staff to read information more quickly and efficiently.

33. PURCHASE: Frontier Emergency Products

APPROVED the Purchase and installation of a compressed air foam system (CAFS) from Frontier Emergency Products, sole source, in an amount of \$26,115.00. Chandler Fire provides Waterous brand Pneumax Compressed Air Foams Systems (CAFS) on all front line fire engines. The CAFS injects fire fighting foam concentrate and compressed air into the water that travels into the fire hose. This produces an extinguishing agent that outperforms water alone. The system will be installed on Brush 284 which is an apparatus deployed to wildland fires. In the wildland fire fighting setting, CAFS provides even more advantages. The foam mixture penetrates fuels to extinguish deep-seated fire quicker and with much less water. It also sticks to the object it's sprayed on making it a valuable tool when protecting unburned structures or creating firebreaks.

34. USE PERMIT: Circle K At Carmel Village Plaza

APPROVED Use Permit UP06-0058 Circle K At Carmel Village Plaza, Series 10, for the sale of beer and wine for off-premise consumption only within a future convenience store to be located on approximately 2 acres at the SWC of Gilbert and Queen Creek roads. (Applicant: Philip Schanberger, RHL Design Group.)

The site received PAD zoning for commercial uses in April 2006 as part of the larger Carmel Village development. The sale of gasoline was not specified as a permitted use at that time, thus requiring the zoning amendment and Preliminary Development Plan for the Circle K development.

The site is surrounded to the west by the residential subdivision Abralee Meadow, currently under construction. The site is bordered to the north by Queen Creek Road. Vacant land zoned AG-1, planned for light industrial and office uses under the Airpark Area Plan, is located north of Queen Creek Road. Gilbert Road is located on the site's east side. East of Gilbert Road is the future Layton Lakes development. Markwood Drive is located on the site's south side, with the Santana Ridge Apartments development currently under construction, located south of Markwood Drive.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 1, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is granted for a Series 10 liquor license only and any change of license shall require reapplication and new Use Permit approval.
3. The Use Permit is non-transferable to another store location.

35. USE PERMIT: Eldercare – Santa Anna

APPROVED Use Permit UP06-0084 Eldercare – Santa Anna, to operate an assisted living facility for 7 residents within an existing residential home at 921 N. Santa Anna Place. (Applicant: Ariel Carlos, Owner/Administrator.) The site is surrounded by single-family residential homes to the north, west and south located near the end of a cul-de-sac and backs up to Dobson Road.

Assisted living homes are required to obtain a Use Permit when there are more than five residents living together in a single dwelling unit. The applicant has been operating this location for the past year, assisting only five residents, thus not requiring a Use Permit until now. The maximum potential amount of residents allowed with a Use Permit is 10, excluding servants. Additionally, the number of residents allowed is based upon requirements provided by the State Health Department. The State Health Department requires that a single user bedroom shall be 80 sq. ft., two residents may share a room if the room is 120 sq. ft. or more, and three residents may share a bedroom if there is 180 sq. ft. or more. On no occasion can a bedroom exceed more than three residents. The rooms for this application conform to these requirements.

The proposal is for a maximum of seven residents due to room size restrictions. This would allow for the applicant to hire a live-in caregiver and accommodate an additional resident. The assisted living home at this location has been licensed for approximately seven years by the State Health Department. The assisted living home has operated without need for a Use Permit due to there only being five residents.

On average, there are weekly visitors for approximately 15-30 minutes per visitation. The residents do not drive requiring no parking. Parking is provided in the garage and on the driveway if necessary. Residents can use dial-a-ride on an as needed basis, but no one is on a regular schedule for its use. Occasionally family members take the residents to run errands and to go shopping.

On average, there are approximately one to two emergency calls per year since most residents sign a do-not-resuscitate (DNR) form. In addition, as residents require more attention for specified needs a hospice agency will often get involved.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held February 20, 2007. There were no neighbors in attendance. Staff has received two phone calls for general information.

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

1. The assisted living home shall have no more than seven (7) residents at any time.
2. Should the applicant sell the property, this Use Permit to operate an assisted living home shall be null and void.

3. This Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to an approval by the City of Chandler.

36. USE PERMIT: 318 S. Oregon Street

APPROVED Use Permit UP07-0016 318 S. Oregon Street, to locate a single-family home within a multi-family zoning district at 318 S. Oregon Street on the SWC of Frye Road and Arizona Avenue. (Applicant: Tresa McDonald, City of Chandler on behalf of the current owners, Pablo & Sofia Rios) To the site's north is the Del Sol Carniceria. East, south and west of the site are single-family residential homes.

Current Zoning Code allows for single-family homes to be located within a multi-family zoning district with a Use Permit. Currently, the site has an existing single-family home that was built in 1936. The condition of the existing home is in disrepair. With the assistance of the Community Development Department, the existing single-family home will be demolished and a new single-family home will be placed on the site. The City of Chandler Community Development Department works with grants in order to assist low to moderate-income residents in getting their homes up to current building code.

The demolition of the current home is due to the structural damage to the home that is beyond repair, requiring complete demolition. Initially, the Community Development Department was assisting the homeowner in making home repairs to bring the house up to code. After investigating the wall structures, it was found that there was extreme termite damage to the house. The damage was determined to be beyond repair and therefore, it was deemed more economical to have the home demolished and a new home placed on the site.

This request was noticed in accordance with the requirements of the Chandler Zoning Code, with a neighborhood meeting being held March 19, 2007. There were two neighbors in attendance with general questions. Staff has received no correspondence in opposition.

Upon finding consistency with the General Plan and MF-1 zoning, the Planning Commission and Staff recommend approval.

37. USE PERMIT: D'Vine Wine & Bar

APPROVED Use Permit UP05-0005 D'Vine Wine & Bar, Series 12, for the sale of liquor for on-premise consumption only within a new restaurant at 3990 S. Alma School Road, on the NWC of Ocotillo and Alma School roads. (Applicant: Amy Nations, AZLIC.) Directly north of the subject site, within the same vicinity, is the Fountains at Ocotillo office development. East, across Alma School Road is the Village at Ocotillo Senior Living Facility. South, across Ocotillo Road is a vacant parcel. Directly west of the subject site is a Holiday Inn.

The restaurant is proposing an outdoor patio. Currently, the outdoor patio does not meet enclosure requirements and therefore alcohol cannot be served on the patio. The patio will need to be enclosed if alcohol is going to be served.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 1, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to other store locations.
4. In order to serve alcohol on the patio, the patio must meet enclosure requirements.

38. USE PERMIT: Whole Foods Market

APPROVED Use Permit UP07-0002 Whole Foods Market, Series 7, for the sale of beer and wine only for on and off-premise consumption within a new grocery store at 2955 W. Ray Road. (Applicant: Andrea Lewkowitz, Lewkowitz Law Office, P.L.C.)

The site is the southern portion of a larger approximate 17-acre site that includes a variety of commercial uses. North, across Ray Road is Crossroads Church of the Nazarene. East of the site is the Raintree Ranch single-family residential neighborhood. Directly south, behind the approved center, is a University of Phoenix. Whole Foods will be the main anchor within the Raintree Ranch commercial center, which is currently under construction.

As part of the Whole Foods operations, they would like to have the opportunity to allow for seasonal and promotional tastings of beer and wine. The Series 7 liquor license allows for the sampling of beer and wine as well as sales of beer and wine only. It is not anticipated that there would be more than four tastings per month and the sampling times would be approximately four hours long. Samples will not exceed one ounce each. Alcoholic purchases shall not be consumed on-premises.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on March 12, 2007. There were no neighbors in attendance.

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

1. The Use Permit is for a Series 7 liquor license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to any other store location.

39. LIQUOR LICENSE: Whole Foods Market

APPROVED a Series 7 Beer and Wine Bar Liquor License (Chandler #112239 L07) for H. J. Lewkowitz, Agent, Mrs. Gooch's Natural Food Markets, Inc., dba Whole Foods Market, 2955 W. Ray Road. A recommendation for approval of State Liquor License #07070610 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license, and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

40. USE PERMIT: Bella Vino Ristorante

APPROVED Use Permit UP07-0015 Bella Vino Ristorante, Series 12, for the sale of all spirituous liquor for on-premise consumption only within a new restaurant at 985 W. Chandler Heights Road, Suites 4-8 within the Summit at Chandler Heights shopping center. (Applicant: Anthony Serrano.)

Surrounding the site within the commercial center are vacant suites. North, across Chandler Heights Road is the Fulton Ranch Promenade shopping center. The Oakwood Lakes single-family residential subdivision is adjacent to the site on the east and south. West, across Alma School Road is a vacant county-zoned parcel.

This request was noticed in accordance with the requirements of the Chandler Zoning code with a neighborhood meeting being held on April 3, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

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

41. LIQUOR LICENSE: Bella Vino Ristorante

APPROVED a Series 12 Restaurant Liquor License (Chandler #112470 L12) for Anthony Gilbert Serrano, Agent, Bella Vino Ristorante, Inc. dba Bella Vino Ristorante, 985 W. Chandler Heights Road, Building B, Suites 4-8. A recommendation for approval of State Liquor License #12077003 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

42. USE PERMIT: Spices Mediterranean Kitchen

APPROVED Use Permit UP07-0020 Spices Mediterranean Kitchen, Series 12, for the sale of liquor for on-premise consumption only within an outdoor dining area for a new restaurant at 4040 W. Ray Road, Suite 12, in the Copper Point commercial center. (Applicant: Etgar Wagner, restaurant owner.)

The restaurant is located within the Copper Point shopping center anchored by Albertson's. The proposed tenant suite was approved a Use Permit for liquor (Series 12) in January 2006 for a sandwich shop named W. G. Grinders. This Use Permit had no time limit and did not include an outdoor dining area with the floor plan. The current application requests Use Permit approval to allow liquor within an outdoor dining area, which requires a new Use Permit. The previous Use Permit remains in effect for the restaurant's interior.

There is no representation of live entertainment, game rooms, pool tables, dance floor, stage and the like. The outdoor dining area does not include televisions, outdoor heaters, table awnings and the like.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held March 29, 2007. There were no neighbors in attendance.

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

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

43. LIQUOR LICENSE: Spices Mediterranean Kitchen

APPROVED a Series 12 Restaurant Liquor License (Chandler #112533 L12) for Etgar E. Wagner, Agent, Wagner Development Group LLC, dba Spices Mediterranean Kitchen, 4040 W. Ray Road, Suite 12. A recommendation for approval of State Liquor License #12077016 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

44. USE PERMIT: Ibiza Blue Restaurant

APPROVED Use Permit UP07-0026 Ibiza Blue Restaurant, Series 7, for the sale of wine and beer by individual portions for on-premise consumption or in the original container for off-premise consumption within an existing restaurant at 1964 N. Alma School Road, Suites #1-4. (Applicant: Alas de Oro, LLC, dba Ibiza Blue; Owner: Santa Clara Enterprises LP – Michael Pollack.)

This restaurant, which took occupancy in late 2006, is located at the southwest corner of Alma School and Warner roads within Pollack Warner Plaza in a space previously occupied by several restaurants and bars. The shopping center includes a variety of retail and personal service uses, as well as two banks, a fast food establishment and a Greek restaurant, Zorba's, that until recently possessed a Series 12 Restaurant Liquor License.

The site was previously occupied by Mariscos Mi Lindo Mazatlan #2, El Diamante Dining and Dancing, Boomers Dining and Dancing, Native New Yorker, Hitts Bar & Grill, End Zone and Casa Diego Restaurant. There has been liquor served at this location since 1982 when Casa Diego Restaurant opened.

The current business owner received a two-month Use Permit approval in February 2007 for a Series 7 license. The unusually short time limit was applied to the approval so that an ongoing noise issue could be monitored. In the past, under previous owners, noise disturbances had

been a problem at this site for neighbors to the west. The noise issue had intensified under current ownership with two citations for noise disturbances being issued in early 2007.

The applicant has taken a number of steps in recent months to address the noise problems including the installation of silicon treatments on windows, double weather stripping on all doors, a new foyer and secondary door just inside the main entrance, and studio`-style sound absorbing material along several walls. Since the February approval, the applicant has also treated the three rear (western) doors with additional sound absorbing material. There have been no citations or noise-related calls for police service since the February approval.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. Staff has not received any correspondence in opposition to this request. The neighbor who lives closest to the business and previously had issues with the noise, stated she is not in opposition and the noise issue has greatly improved since the February approval.

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

1. The Use Permit granted is for a Series 7 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other location.
4. No alcohol shall be carried outside of the building into the parking lot or off-premises. Also the sale of "To Go" packaged liquor is prohibited.
5. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
6. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
7. No noise shall be emitted so that it exceeds the general level of noise emitted by uses outside the premises of the business. Such comparison shall be made at the western property line.
8. Customer access into the restaurant from the rear (alley side) or south (Stottler Street side) shall be prohibited.
9. Security shall be provided when there is live entertainment.
10. A system will be set up with a responsible party for the neighbors to have access to for any concerns.

COUNCILMEMBER CACCAMO noted that there were concerned neighbors when this was previously discussed and hopes they can report that conditions have improved.

LISA LUGAR, 1801 N. Apache Dr., stated that things have been going well. They have not had to call the police and have not been bothered by noise. She reported hearing the music on one night, but called the number provided by Ibiza Blue and the music was lowered. She is still concerned that this will continue and it was just for the trial period. Ms. Lugar thanked the Council and Staff for their help.

COUNCILMEMBER WENINGER commended the owner and neighbor for working together to come to resolution. He cited this situation as an example throughout the City where problems can be resolved without becoming adversarial.

45. LIQUOR LICENSE: Ibiza Blue

APPROVED a Series 7 Beer and Wine Bar Liquor License (Chandler #110732 L07) for Lori a. Tapia, Agent, Alas De Oro LLC, dba Ibiza Blue Restaurante, 1964 N. Alma School Road, Suites 1-4. A recommendation for approval of State Liquor License #07070374 will be forwarded to the State Liquor Department. This is a person-to-person transfer. The Police Department reports no further citations or noise complaints regarding this business since the last Council meeting on February 22, 2007, and has no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

46. LIQUOR LICENSE: Homewood Suites Chandler

APPROVED a Series 7 Beer and Wine Bar Liquor License (Chandler #112670 L07) for John Franklin Griffith, Jr., Agent, W2005 New Century Hotel Portfolio, LP dba Homewood Suites Chandler, 7373 W. Detroit Street. This is a person-to-person transfer. A recommendation for approval of State Liquor License #07070621 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

47. WITHDREW LIQUOR LICENSE: Benihana

WITHDREW, at the request of the applicant, Liquor License, Series 12, for Ajay Kapur, Agent, Benihana Chandler Corp., dba Benihana at 3025 W. Chandler Boulevard.

48. SPECIAL EVENT LIQUOR LICENSE: Valley Unitarian Universalist Church

APPROVED a Special Event Liquor License for Valley Unitarian Universalist Church for the 28<sup>th</sup> Annual The Heart's Desire Auction, Saturday, April 28, 2007, at 6400 W. Del Rio Street. 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. Recommendation for approval will be forwarded to the State Department of Liquor Licenses and Control.

49. LIQUOR LICENSE: Valle Luna Mexican Restaurant

APPROVED a Series 12, temporary extension of premises for Chandler Liquor License #29263 L12 held by Valle Luna, Inc. dba Valle Luna Mexican Restaurant, 1949 W. Ray Road Suite G, for a Cinco de Mayo Celebration to be held on May 4-5, 2007. Recommendation for approval of temporary extension of premises for State Liquor License No. 12073588 will be forwarded to the State Liquor Department. The Police Department has no objections to this extension and the applicant has applied for a Temporary sales and Promotional Event Permit through Neighborhood Services.

50. LIQUOR LICENSE: 98 South

APPROVED a Series 12, temporary extension of premises for Chandler Liquor License #50063 L12 held by 98 South at 98 S. San Marcos Place for the 2007 Jazz Fest to be held April 20-21, 2007. Recommendation for approval of temporary extension of premises for State Liquor License No. 12075795 will be forwarded to the State Liquor Department. The Police Department has no objections to this extension and the applicant has applied for a Temporary sales and Promotional Event Permit through Neighborhood Services.

51. LIQUOR LICENSE: T'z Market Place

APPROVED a Series 7, temporary extension of premises for Chandler Liquor License #104063 L07 held by Devlin W/Grubb LLC dba T'z Market Place at 58 S. San Marcos Place for the 2007 Jazz Fest to be held April 20-21, 2007. Recommendation for approval of temporary extension of premises for State Liquor License No. 07070714 will be forwarded to the State Liquor Department. The Police Department has no objections to this extension and the applicant has applied for a Temporary sales and Promotional Event Permit through Neighborhood Services.

52. CONDOMINIUM PLAT: Santan Dobson Business Park Phase II

APPROVED Condominium Plat CPT06-0020 Santan Dobson Business Park Phase II for a 5.26-acre business park development with 4 buildings of commercial and industrial uses located west of the SWC of Pecos and Dobson roads. (Applicant: Olsson Associates.) The plat creates the lots and tracts, construction phasing lines, establishes the necessary easements and dedicates the required rights-of-way.

53. CONDOMINIUM PRELIMINARY PLAT: Airpark South Professional Village

APPROVED Condominium Preliminary Plat PPT07-0006 Airpark South Professional Village, for a 10.2-acre, 30-unit office development near the Chandler Municipal Airport at the SWC of Cooper and Queen Creek roads. (Applicant: UTAZ Development Corp.) The plat establishes the individual office condominiums that will be sold or leased. The subdivision creates the common areas, necessary easements and dedicates the required right-of-way.

54. FINAL PLAT: The Shops At Pecos Ranch

APPROVED a Final Plat, FPT06-0064 The Shops At Pecos Ranch for a 10.9-acre commercial retail and office development at the NEC of Dobson and Germann roads. (Applicant: CLC Associates.) The plat creates the lots and tracts, construction phasing lines, establishes the necessary easements and dedicates the required right-of-way.

55. FINAL PLAT: Chandler Village

APPROVED a Final Plat, FPT06-0043 Chandler Village, for a 16.3 acre, 80 unit single-family subdivision east of the NEC of McQueen and Ray roads. (Applicant: Woodside Homes.) The property is part of the Provinces master planned neighborhood. The site is immediately adjacent to the Safeway shopping center. This plat creates the lots, establishes the necessary easements and dedicates the required rights-of-way.

ACTION:

56. ASSIGNMENT OF MEDIATOR: Douglas Hammond

The request is for assignment of Douglas Hammond as mediator to the Police Sergeant Meet & Confer process based on the provisions contained in the Meet & Confer Ordinance Section 2-13.8D.5(c).

The City negotiating team and Police Sergeants bargaining unit have been meeting in an attempt to reach a new memorandum of understanding. The parties have been unable to reach a negotiated settlement and there are still specific areas of dispute, all of which involve economic issues.

City Staff recommends Douglas Hammond, a retired mediator with the Federal Mediation Conciliation Service. Mr. Hammond's fee is \$150 per hour with a four (4) hour minimum. The Meet & Confer Ordinance provides that all costs associated with the use of a mediator will be split equally between the City and the employee organization.

MR. GREG FRETZ, Labor Relations Administrator, said that the City is recommending approval of mediation for three reasons: 1) The Meet and Confer process suggests it be used as part of the process; 2) Most parties in a labor/management setting have acknowledged that mediation is helpful with the possibility of reaching a settlement between parties; and 3) Even if an agreement cannot be reached through mediation, it could be helpful in clarifying the parties positions.

In this instance, neither party has put forth a final written offer on the bargaining table. The City feels the process is still open and mediation would be helpful.

MAYOR DUNN clarified that Council could not discuss any of the merits, but only whether to involve mediation to help bring resolution to those issues involved in the merits.

COUNCILMEMBER CACCAMO asked if all available avenues have been exhausted before requesting mediation. MR. FRETZ responded that we have. There were several additional negotiating sessions scheduled, but were cancelled. Mediation is the last resort before coming back to Council.

MAYOR DUNN asked Mr. Fretz how long he felt the mediation process would last. MR. FRETZ responded that it could be completed in a day if that long. MAYOR DUNN asked how a mediator is chosen. MR. FRETZ responded that Staff is recommending Doug Hammond who is a retired Federal Mediation and Conciliation Mediator living in the valley.

COUNCILMEMBER CACCAMO asked if both sides agreed on the mediator. Mr. Fretz replied that Council has the authority to appoint a mediator and Mr. Hammond was suggested.

MAYOR DUNN commented that it is important to keep in mind that mediation happens often in the legal process and does not diminish the Council's role as the final decision making body. The mediator is trained to help parties try to reach a common ground and will not make any decision for either party. They make suggestions and promote discussion, but it will take both parties to reach resolution.

KEITH BENJAMIN, 250 E. Chicago, representing CLASA, said the Mr. Fretz failed to mention that Mr. Hammond is a personal friend of his. They were not told about any particular mediator he was assigning. They spoke with other groups who have gone to mediation and were told it was a waste of time. Neither side wants to budge at this point. The City gave their proposal and CLASA presented their proposal. A final proposal was presented this morning by CLASA that they believed to be fair and equitable and fit in the City guidelines, but it was rejected by Staff.

CLASA requests that Council decline mediation as they feel they will be back before Council and it will cost money and take time. They would rather have Council look at their final proposal and make a decision on whether they deserve what they are asking for or the City deserves what they are offering. They understand and respect the process and have no problem going to mediation if they are forced to, but believe it will be a waste of time.

MR. PENTZ responded that in a meeting held this afternoon including Staff, Mr. Robinson and Mr. Benjamin, he made it very clear that he saw some room for resolving the economic issues through mediation. Mr. Fretz is correct that no official final proposal has been placed on the table.

MR. BENJAMIN responded that CLASA's final proposal has been presented to the City, but the City has not returned a final proposal to CLASA, which may be what Mr. Pentz is referring to. Their final proposal was presented to the City this morning.

COUNCILMEMBER CACCAMO asked Mr. Benjamin why he thinks their final proposal would not be compromised taken during mediation rather than rejection that happened today? Mr. Benjamin replied, that based on information they received, and because they believe they are under the City's internal equity package, they feel what they offered is fair. They have compromised on a lot of issues and gone down on a lot of things. They threw out one of the items they wanted to negotiate to fall under the City's internal equity package. They feel there is nothing else that can be thrown out or adjusted and they are at the percentage the City offered and there is nothing else to negotiate. They do not believe mediation will solve the problem but Council intervention will.

MR. FRETZ clarified that Douglas Hammond is not a close personal friend of his. He serves on the Arizona Industrial Relations Association Board with him. Mr. Fretz was president of that organization several years ago and Mr. Hammond is currently president. Mr. Fretz attends the meetings and has had discussions with him, but has never had him as a mediator. He has always used the federal mediators in Phoenix, Dennis Teel and Ron Collotta. The City strongly disagrees with Mr. Benjamin that mediation will be a waste of time. Staff has a lot of ideas they were not able to explore because CLASA refused to meet and cancelled the meetings. He has as much experience as their negotiator who is an attorney from Texas and has always found the mediation process to be helpful and never harmful. He can not guarantee an agreement will be reached, but he does guarantee that instead of bringing 6 issues before Council, maybe they will bring several and a "fresh set of eyes" will be able to come up with different ideas and explain the process better. It is important to remember that Staff asked the Sergeant's bargaining unit at their last meeting to provide, in the meet and confer process, a final formal written proposal and they refused because they were not prepared to do it at this time and needed to check with their membership and respond back. They never got back to the negotiating team, but sent the response to Council instead. Staff has not been able to put a final offer on the table and they have some ideas for a final offer that will be acceptable. It is worth the time and effort involved in mediation to try to prevent this from coming back to Council as a dispute.

COUNCILMEMBER WENINGER asked Mr. Fretz why not get a different negotiator if that is an issue. Mr. Fretz responded that typically, the bargaining unit and the City mutually agree to go to mediation and to use a free service of the federal government under the Federal Mediation and Conciliation Service. Dennis Teel will be with them tomorrow from 9-5 trying to work out their remaining issues. This was offered to CLASA, but they refused saying it was a waste of time and

money and they did not want to participate. So Staff had no alternative but to come to Council and ask for mediation.

COUNCILMEMBER WENINGER again asked why this particular mediator was chosen. Mr. Fretz responded that one is as good as another. COUNCILMEMBER WENINGER asked that if CLASA had the option of choosing the mediator if Mr. Fretz would be comfortable if a mediator was chosen who had served on a board with Mr. Benjamin. Mr. Fretz responded that he would especially if he was a former Federal Mediation and Conciliation Service retired mediator. CLASA can submit a list of names, which will take longer. Federal mediators are fair and impartial.

MAYOR DUNN said it appears there is an impasse and he appreciates Mr. Benjamin's attitude in wanting to come to conclusion. Being on both sides of the bench as an attorney, he has been in situations where he felt that mediation would not help, but finds out once the process begins that it can help. He agrees that if it will move the process forward, maybe a mediator amenable to both sides can be assigned.

MAYOR DUNN continued that meet and confer is an important step for the City and he supported it. He wants to provide every opportunity to allow the system to work before Council acts as an arbitrator and he will support mediation. It is important to preserve the integrity of the process. He asked that everyone adhere to the meet and confer process and not make any accusations that they intend to work outside of the process.

MR. PENTZ asked Mr. Fretz if it would be possible to use the Federal Mediation and Conciliation Service. Mr. Fretz said if CLASA would mutually agree to either federal mediator in Phoenix, Mr. Teel or Mr. Collotta. Mr. Pentz said they would be happy to do it as long as Mr. Benjamin acknowledges that it may or may not take more time to come to agreement.

MAYOR DUNN added that if there is not a mutual position, they might have to return to Council, present who they want on both sides and Council will make the decision. Both sides could submit names and Council would make the final decision. He reiterated that this is not arbitration or a final decision, but mediation. Mr. Pentz said that it would be helpful to have an acknowledgement from Mr. Benjamin that CLASA will work with Staff in the selection of a mediator.

Mr. Benjamin responded that it is obvious that the City wants to prolong this. They do not want to drag it on which is why they asked for Council to intervene right away. He said they would talk to Mr. Burpo and draw up a list of names as quickly as they can.

VICE-MAYOR HUGGINS said that he feels a federal mediator would be better because CLASA feels they are being dictated to. Mr. Benjamin responded that they proposed a final offer today and felt the City did not want to consider it at all. VICE-MAYOR HUGGINS said that he would also like the process to stay in the system and come to conclusion.

MR. HOUSE clarified that what is being suggested is that the sides get together and attempt to mutually agree on a mediator and if they are unable to mutually agree, they will come back to Council, submit names and Council will select a mediator.

MOTION BY COUNCILMEMBER CACCAMO, SECONDED BY VICE-MAYOR HUGGINS, to direct Staff to find a mutually acceptable mediator for CLASA and the City side and if there is not agreement, names will be submitted to Council and Council will choose the mediator at the next

Council meeting, April 26, 2007, as part of the Meet and Confer process and provisions in the Meet and Confer ordinance Section 2-13.8D.5.C.

COUNCILMEMBER WENINGER asked Mr. House what happens if the motion fails. Mr. House responded that Council would have decided not to require mediation and the issue of the disputed items would come back to Council for resolution.

MOTION CARRIED BY MAJORITY (4-1) WITH COUNCILMEMBER WENINGER VOTING NAY.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that the Chandler Jazz Festival would be held April 20-21 in historic Downtown Chandler with more than 20 bands of local and national talent. Admission is free. For more details, visit the City's web site.

MAYOR DUNN also announced that Chandler turns 95 this year and the history celebration will be held Saturday, April 28<sup>th</sup> with a reception at the San Marcos Resort at 10 a.m. followed by the Pioneer Luncheon at 11:00.

THE MAYOR reminded everyone of the upcoming May 15<sup>th</sup> bond election. Early voting has begun and the last day to request an early ballot is Friday, May 4<sup>th</sup>. He encouraged everyone to review the bonds questions and be sure to vote.

B. Councilmembers' Announcements:

COUNCILMEMBER CACCAMO announced two public meetings regarding Allied Waste's transfer station proposal on April 24<sup>th</sup> and May 3<sup>rd</sup> at 7:00 p.m. at Anna Marie Jacobson School on Queen Creek Road between Dobson and Alma School.

COUNCILMEMBER CACCAMO also said that the Desert Cancer Foundation of Arizona is holding a fundraising wine tasting at Patsy Girmaldi's on Sunday, May 6<sup>th</sup>, for a \$50 donation. Call for reservations, 480-763-6897. Proceeds will go to cancer research.

C. City Manager's Announcement:

There were no City Manager announcements at this time.

Adjournment: The meeting was adjourned at approximately 8:30 p.m.

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

\_\_\_\_\_  
MAYOR

Approved: April 26, 2007

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 12<sup>th</sup> day of April 2007. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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City Clerk