

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the Council Chambers in the Chandler Library, 22 S. Delaware, on Thursday, October 25, 2007 at 7:07 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	
Trinity Donovan	Councilmember	
(telephonically)	Matt Orlando	Councilmember
(arrived after the Pledge Of Allegiance)	Martin Sepulveda	Councilmember
	Jeff Weninger	Councilmember

Members Absent and Excused: Bob Caccamo Councilmember

Also in attendance:

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

INVOCATION: The invocation was given by Pastor Forrest Erickson, Rock Church.

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

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions

MAYOR DUNN was joined by Chief Sherry Kiyler in recognizing Park Ranger Fred Baumack for 15 years of services. After serving in both the Army and Navy, Ranger Baumack went to work as a police officer in the state of New York. During his twenty-one years as an officer, he earned his bachelor's degree in criminal justice. After retiring from police work in 1988, Ranger Baumack moved to Arizona and joined the Chandler Police Department Park Ranger Unit in 1992. As one of the earliest park rangers in Chandler, Ranger Baumack has been instrumental in developing the Park Ranger Vehicle Inventory Form, the first Park Ranger Training Manual and the first Park Ranger Stat sheet, which is still in use today. During his tenure with the City, he has trained numerous other park rangers and worked to establish the current park ranger uniform. Ranger Baumack has also been instrumental in identifying problems and coming up with solutions. Identifying a recurring problem in its earliest stages, he initiated a program requiring all vendors operating in the City parks to meet standardized requirements.

MAYOR DUNN was joined by Chief Sherry Kiyler in recognizing Bryan Cox for 10 years of service in the Police Department. Bryan has worked in many positions within the Police Department including a patrol officer, field-training officer, detective, and patrol. He also served as the supervisor for the newly formed patrol detention officer and civilian teleserve specialist teams. Sgt. Cox is currently in criminal investigations as the financial crimes unit supervisor. Sgt. Cox has received many commendations from the department as well as numerous thank yous from citizens and crime victims.

MAYOR DUNN was joined by Planning and Development Director Doug Ballard in recognizing Julie Symonds for 10 years of service in the Planning Department. During her tenure with the City, Julie has experienced logging in inspections by hand to the current IVR (interactive voice response) system. She is the first point of contact for many builders, contractors and homeowners who need a personal touch and sense of direction. Julie keeps in close contact with the major public utility providers, ensuring that the electricity and gas are turned on as soon as projects pass their final inspection and tracks all certificates of occupancy.

MAYOR DUNN was joined by Community Services Director Mark Eynatten in recognizing Thuan Nguyen for 10 years of service in the library. Thuan interacts with patrons, making them feel important, asking questions and remembering what he has been told or observed. He makes sure he always follows through on transactions and goes the extra mile to call patrons when there are errors with their accounts. This past year, Thuan managed the volunteers at the Sunset Branch and worked with the Volunteer Coordinator to bring in the right people for the right job. He lets the volunteers know how important their job is in making things run smoothly at the library. He also assists at other branches in times of need with little or no notice.

MAYOR DUNN was joined by Community Services Director Mark Eynatten in recognizing Claud Cluff for 20 years of service with the City. Claud has spent the majority of his time in the beautification of A.J. Chandler Park and the surrounding downtown landscaping. Because of his vast knowledge of plants, he became known as the "plant doctor". In 1990, Claud was promoted to horticulturist at Desert Breeze Park and was instrumental in the development of the hummingbird habitat and outdoor demonstration area. A lifelong Boy Scout, Claud works closely with youth ensuring they meet all of the requirements to become an Eagle Scout. He currently is assigned to Tumbleweed Park where he coordinated the landscaping within the park and development of the Tumbleweed Ranch Demonstration farm. He also teaches classes at Mesa Community College.

MAYOR DUNN was joined by Acting Public Works Director Dan Cook in recognizing Luis Gamez for 10 years of service with the City. He began his career as a cement finisher, where under his leadership, his concrete team was the first municipal team to be accredited by the American Concrete Institute. Luis was promoted to supervisor over the alley, sweeping and right-of-way crew and was part of the alley team recognized for developing a better way to handle the new-style garbage cans placed in alleys. Luis also led the concrete team to second place in competition at the Maintenance Superintendents' Association 2005 Rendezvous.

MAYOR DUNN was joined by Acting Public Works Director Dan Cook in recognizing Steven Lindl for 30 years of service with the City. Steve began his career with the City as a police officer from which he retired in 1999. He was immediately hired as a traffic engineering inspector in Public Works where he quickly excelled and has received a number of accolades for his exemplary service. Steve has been seen in the middle of the night in heavy monsoon rainstorm resetting barricades to ensure traffic could continue to move safely through construction areas. In 2002, Steve was nominated by fellow employees and earned the distinction of both Public Works Transportation Employee of the Quarter and Public Works Employee of the Year. Steve was instrumental in implementing and continues to update the City's web site on-line traffic advisory, which shows areas in the City impacted by construction.

## 2. Exceptional Merit Awards

MAYOR DUNN was joined by Acting Public Works Director Dan Cook in presenting an Exceptional Merit Award to alleyway crew Luis Gamez, Mario Rodriguez, Kenneth Stanton and

Timothy Wakefield for their ingenuity and taking the steps on their own to implement an equipment addition that will save crew time, save over \$21,000.00 in originally planned equipment purchase costs, make existing equipment more efficient and improve worker safety.

The Solid Waste Division recently changed alleyway dumpsters from rectangular metal containers to 300 gallon plastic barrels. Before the container change, a front-end loader with extended metal forks was used to move and pick up the metal alley dumpsters prior to grading or improving the alleyways. The change to plastic barrels required a different pick up technique that would not damage the plastic barrels, minimize the possibility of damage to the adjacent alleyway privacy walls and was fast, efficient and safe. This staff process resulted in recommending a modified rubber-tired forklift for a cost of approximately \$30,000 plus ongoing maintenance costs. However, the crew continued to discuss other ideas and concluded that they had a better and less expensive way. The idea included welding two hang points along the bucket on one of our front-end loaders and fabricating a specialty barrel-clamping device that can easily be connected to the loader hydraulic system for automatic control. The device is similar in concept to the mechanical device that commercial trash haulers use to pick up and dump curbside plastic barrels. The hook up only takes a few minutes and cost the City approximately \$9,000 or \$21,000 less than the amount budgeted for the modified rubber-tired forklift. This kind of ingenuity and teamwork is a perfect example of how Staff members in the group are embracing high performing organization (HPO) principles.

MAYOR DUNN was joined by Planning and Development Doug Ballard in presenting an Exceptional Merit Award to Gail Baumiller, Mark Dorman and Garrett Ross who are all members of the special project group assigned to the Intel Corporation's Fab 32 construction project.

Gail joined the team when a vacancy occurred in May 2006. When she assumed the position of construction permit representative, the plan review and permitting process was significantly backlogged due to the vacancy. Without prior experience in this position and no prior knowledge of the accelerated pace of this unusual project, Gail was still able to turn the process around and bring it into line with the expected level of performance in a very short time.

Mark had previously worked at the Intel site, but not in the capacity of lead inspection. After the retirement of two veteran inspectors from the special projects group, he was assigned the lead inspection role for the project and was given a new inspector who had no prior inspection experience in the field of fabrication facility construction. Mark performed exceptionally well in both conducting inspections and keeping the inspection service on track in spite of the very demanding schedule.

Garrett is the newest member of the special projects group and brings with him a very good understanding of hazardous materials gained while in the US Air Force. It was for this reason that he was assigned to the Intel project. Garrett proved to be both a fast learner and very adept at handling complex assignments and adapting quickly to a rapidly changing construction schedule. Above all, he performed well above the expectations for a newly hired inspector.

MAYOR DUNN was joined by Management Services Director Dennis Strachota in presenting an Exceptional Merit Award to Rommel Cordova. Recently programming was completed to allow implementation of electronic document management for operational documents, as well as compliance documents of the environmental management division. Rommel immediately seized the opportunity and began scanning the operation files into the system while ensuring other tasks did not suffer or fall behind. He also identified opportunities for archiving and properly handled these documents. In all, Rommel scanned over 20,000 pages of operational files. This is a major

contribution to the efficiency of the office and will allow timesavings for all staff members through his Team Chandler attitude.

MAYOR DUNN was joined by Police Chief Sherry Kiyler in presenting an Exceptional Merit Award to Sgt. Kenneth Phillips. In August 2006, Sgt Phillips was tasked with putting together a team to move over 100 people into the new Desert Breeze substation. The goal was a seamless move where all supplies, equipment and services located at the main station would be available at the substation. A team of support personnel performed this mission to perfection. Prior to occupying the substation, they transported all of the supplies and equipment, tested the equipment after installation and did everything possible to ensure a smooth transition. During the move, internal customer service was St. Phillips' priority and he was very responsive to every issue brought up by the employees. The build team turned over a quality building with forethought to the needs of the employees, but there were a few issues that needed to be addressed as they were discovered. Sgt. Phillips worked on the warranty issues and quickly became an expert in facility management. He has continued to work on facility and operations issues as they arise, the most significant of which were the cracks in the walls and the subsequent construction necessary to fix them. He continues to display good customer service in his responses to building issues. Sgt. Phillips was instrumental in the construction of a matrix for moving into a new substation, which provides a blueprint for moving from a central location to a substation and is being used internally as well as by other agencies.

MAYOR DUNN was joined by Police Chief Sherry Kiyler in presenting an Exceptional Merit Award to Sgt. Keith Benjamin. On July 18, 2007, the Chandler Police Department, along with numerous members of the community, came together to honor a 9-year old boy, Shevy Wright, whose lifelong wish is to become a Chandler Police Officer. Many members of the Department and community committed personal time, expertise and financial support to making this effort a success for Shevy. However, one person made it all work. Sgt Keith Benjamin was able to bring people together from within and outside the organization to make this event a memorable one. He was the person that took Shevy to his uniform fittings, gave him tours of the building and facilitated each and every piece of the event that occurred on July 18<sup>th</sup>. He continues to provide support for Shevy and his family and finds additional opportunities for Shevy to participate in law enforcement-related activities. Not only have Sgt. Benjamin's efforts made an amazing positive impact in the life of a child, his efforts brought us together as an organization and community make a difference. Shevy Wright Day would not have occurred had it not been for the efforts of Sgt. Benjamin. His selfless actions epitomize one of the strategic goals of the Chandler Police Department.

### 3. Recognition of Contributions to Officer Shevy Wright Family

MAYOR DUNN was joined by Chief Kiyler and Sgt. Benjamin in recognizing Baxter Chapman for contributions to Officer Shevy Wright's family. Accepting on behalf of the Chapman employees was Carson Husner. When Sgt. Keith Benjamin contacted Baxter Chapman, a Chandler High School graduate, about the plight of Officer Shevy Wright #1018, Mr. Chapman graciously agreed to help the Wright family by donating a vehicle. This allowed Shevy's mother, Heather, to more easily transport him to all of his medical appointments, school and day care. Mr. Chapman further solicited donations from Chapman Auto employees to help cover other related automobile expenses. Mr. Chapman's donation of a low-mileage, mint condition 4-door Corolla and his commitment to additional fundraising exemplify the community spirit that has emerged in response to Shevy's story.

4. Recognition – Southwest Ambulance Pool Pack Program

MAYOR DUNN was joined by Martin Nowakowski, Director of Government Relations with Southwest Ambulance, and P. J. Elias representing Firefighters I60. Southwest Ambulance donated \$3,000 in June to the City of Chandler Aquatics Program through their Pool Pack Program which provides funding for free swimming lessons in the community and to help teach as many people as possible to learn how to swim. This is the third year for this donation that has helped 163 citizens participate in swimming program.

Mr. Nowakowski thanked the Aquatics Division for teaching 7,000 how to swim. He also reminded everyone that drownings occur year-round and everyone should be diligent in watching children around water.

5. Proclamation – Disabilities Awareness Month

MAYOR DUNN was read a proclamation proclaiming October as Disabilities Employment Awareness Month and presented it to Michael Williams, Chair of the Mayor's Committee for People with Disabilities.

6. Adopt-A-Park Program Participants

MAYOR DUNN said that the Adopt-A-Park program was originated in 1990 and recognized the following registered groups who have contributed more than 700 volunteer hours cleaning 15 Chandler parks:

- Preslie Hirsch, Community Scouts Club, for Harter Park with a total of 35 volunteer hours.
- Tom Granado, New Horizons Youth Homes, for Espee Park with a total of 40 volunteer hours.
- Thude Park Clean Up Crew of Grande Reserve adopted Thude Park with a total of 42 volunteer hours.
- Heather Bradbeer, Ray 3<sup>rd</sup> Ward, for Pima Park, with a total of 44.5 volunteer hours.
- Lew Bradley, Chandler Kiwanis Club, for Chuparosa Park, with a total of 90.5 volunteer hours.
- Maneet Sing, Corona Del Sol Key Club-Key Club International, for Desert Breeze Park with a total of 108 volunteer hours.

The Group of the Year Award which recognizes and honor the group that accumulates the most volunteer hours in their park and will have their name placed on the floating plaque displayed in the Chandler Community Center was presented to the Knights of Columbus for adopting Navarrete Park with a total of 159.5 volunteer hours.

UNSCHEDULED PUBLIC APPEARANCES:

DAN SWEENEY, 1789 E. Lynx Place, addressed Council regarding a walkway around the San Tan Elementary K-8 school. Mrs. Sweeney said there is a sidewalk on the east side of the road, but not on the west side. Sgt. Carr has been working with her to work with parents coming to the school to pickup children. When the students come out of the school, they step onto a dirt road. The lack of a sidewalk has created a dangerous situation for those students who walk home trying to get through the traffic from parents coming to pick up their children. This was poorly designed and they requested a sidewalk be added.

JOE SIEVERS, 1184 N. Star Road, Apache Junction, said there is a program in Apache Junction called SOAR (Service Over and Above the Rest) similar to Chandler's Values Alerts. He owns a business in Chandler and has been working with Chandler employees. He reported that the service he has received has been amazing. He is a contractor who builds bars and nightclubs all over the valley and has never been treated as well as he has in Chandler. He stated his next business would be here.

CONSENT:

MAYOR DUNN asked if Cactus Towing (Item #7) is currently in compliance. PLANNING DIRECTOR DOUG BALLARD said the (concrete) cracks identified by Public Work's Staff are repaired and the bond has been released. COUNCILMEMBER ORLANDO added that he is satisfied with Staff's follow-up.

MAYOR DUNN requested Item #58 (Carpenter Use Permit) be moved to Action due to the amount of speakers.

MAYOR DUNN asked the City Attorney to explain why a continuance is necessary for Item #82 (San Tan Junior High/T-Mobile). MR. HOUSE said that the continuance is to permit the application to be referred back to the Planning Commission for a recommendation as required by City ordinance. There was a motion to approve at the Commission that failed by a vote of 2-4, which does not constitute a recommendation, which would require an affirmative vote. He stated it is important that the procedures be properly followed in regards to cell tower siting because of the amount of litigation that is occurring nationwide over cell tower siting as a result of Congress passing amendments to the Federal Telecommunications Act. He noted as stated in his confidential memo, it would be prudent to remand this back to the Planning Commission to ensure proper procedures are followed so Council's action will not be subject to legal challenge.

MAYOR DUNN clarified the Mr. House is recommending that Council not take action on this item tonight because of the lack of a definitive recommendation from the Planning Commission. Mr. House concurred.

UMAYOK NOVEL, 1710 E. Lynx Place, said that the Planning Commission had the option of discussing the location of the monopalm at 50' in height, but decided against it. They voted on the 65' tower and voted against it. She is hearing that the City Attorney wants it to go back the Commission because they didn't get it right the first time. She said the neighbors present would like Council to vote on the item tonight because the Commission did what it was supposed to do and voted against the project.

RICHARD SWEENEY, 1789 E. Lynx Place, said that schools are easy prey for companies not affiliated with T-Mobile in terms of liability. He expressed his concerns with undetermined health issues related to the location of cell towers and the possible affect on home values.

COUNCILMEMBER SEPULVEDA asked Staff what is required for cell tower location. PLANNER BILL DERMODY said that it depends on the location. He explained cell towers are allowed by right in I-1 industrial districts as well as residential and commercial under certain conditions such as replacing a light pole or attached to a ball field light pole. A Use Permit is needed for placement in a residential district if they are not replacing a light pole, and there is no restriction on height.

COUNCILMEMBER SEPULVEDA asked Mr. Sweeney if a petition had been delivered to the Planning Commission of those opposed to the tower. Mr. Sweeney stated it has not. COUNCILMEMBER SEPULVEDA suggested that be done to let the Commission know there is neighborhood opposition. He asked that the neighbors be notified when this goes before the Planning Commission again. Mr. Sweeney said that a community meeting was poorly attended due to lack of information and then the time was changed. MR. DERMODY stated that he was not aware of a change in time.

MAYOR DUNN commented that if Council wishes to discuss this item it should be moved to Action; however, the City Attorney has given advise based on a Federal law.

JORDI FERRÉ, 1649 E. Lynx Place, said he has a list of 30 neighbors in opposition to the request. He displayed photos of a cell phone tower that would be similar to the one proposed and how it would look. He noted how it dominates the vertical space of the neighborhood.

MAYOR DUNN said the item is on the agenda for continuance and his recommendation would be to have a definitive recommendation from the Planning Commission based on Federal law.

COUNCILMEMBER WENINGER stated he would be voting no on Item #31 (DIF Grant for Inspirador). He said he feels the DIF grants and façade improvement loans have gotten out of control and need to be revamped. Until that happens, he will not be supporting any such requests.

MAYOR DUNN stated he would not be voting on Item #13 (Santan Crossing Plaza) due to a potential conflict of interest.

COUNCILMEMBER DONOVAN stated she would not be voting on Item #13 (Santan Crossing Plaza) due to a potential conflict of interest.

MOVED BY COUNCILMEMBER SEPULVEDA, SECONDED BY VICE-MAYOR HUGGINS, to approve the Consent Agenda as amended with Item #58 being moved to Action. Motion carried unanimously (6-0).

1. RIGHT-OF-WAY VACATION: SWC Washington and Boston Streets Ord. #3980

ADOPTED Ordinance No. 3980 authorizing and approving the vacation of right-of-way at and near the SWC of Washington and Boston streets subject top easement reservations and compensation for right-of-way.

2. REZONING: Warner Commerce Park Ord. #3970

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3970, DVR07-0025 Warner Commerce Park, rezoning from PAD to PAD Amended to expand the list of permitted uses within the zoning district in an approximately 12-acre business park development with commercial and industrial uses on the SEC of Warner Road and Delaware Street. (Applicant: Brandon Jones, Viawest Properties.) The General Plan designates this parcel as Employment for major employers, industrial/business parks, and industrial support uses. The proposed zoning amendment is consistent with the General Plan.

The property is surrounded to the north by the Biscayne Bay apartment complex and vacant land planned for industrial land uses as part of the Westech Corporate Center. To the west are

existing industrial uses on property zoned General Industrial District (I-2), and to the east, across the railroad tracks, is an existing self-storage facility. Adjacent to the proposed site on the south is property zoned PAD for a modular trailer storage, service and sales facilities.

The subject site received zoning and Preliminary Development Plan approval in February 2005 for the development of a business/industrial park designated for light industrial manufacturing, warehouse, office, commercial and showroom uses with ancillary outdoor storage. Uses permitted within the approved development include Planned Industrial District (I-1) uses, as well as office and showroom uses. Additional permitted uses include building material companies, medical/hospital suppliers, furniture manufacturing/repair, distribution services and office equipment suppliers. General Industrial District (I-2) uses are not permitted within this zoning district. The development's construction is occurring in multiple stages. The 1<sup>st</sup> stage, consisting of buildings 1 through 6 is currently completed. The 2<sup>nd</sup> stage will consist of buildings 7 and 8. The proposed rezoning request applies to both stages.

The approved zoning allows for industrial uses as well as office and showroom retail uses. Businesses such as a tile company or a martial arts equipment manufacturer are permitted by right to include a front product showroom and accompanying warehouse/manufacturing space in the rear. The buildings are categorized based upon the maximum allowed percentage of office and/or showroom space to warehouse/manufacturing space. Buildings 1-3 are 55% max office/showroom, buildings 4-6 are 25% max office/showroom, and buildings 7-8 are max 30% office/showroom.

The approved zoning does not permit any type of recreational, instructional or training uses. The requested zoning amendment seeks to permit said uses only within the buildings fronting onto Warner Road, while not altering the office/showroom versus warehouse/manufacturing percentage limitations. The buildings included in the requested zoning amendment include buildings 1-3, 7 and 8. Examples of the proposed amended uses include athletic and martial arts clinics, home improvement clinics and classes, health centers that focus on health and exercise product sales/distribution and demonstration or weight-loss programs and art schools/studios. Any building area utilized for training, clinics, classes and demonstration will be considered as part of the maximum area for office and/or showroom as outlined above. Staff finds the exclusion of buildings 4-6 appropriate to maintain a natural separation of the traditional industrial business park uses for any potential recreational, instructional, and/or training uses.

The proposal seeks to mitigate any parking issues by requiring a 15-minute separation between the end of the prior training session and the start of the next training session if the training sessions are held between the hours of 8 a.m. and 5 p.m. Monday through Friday. This would prevent any overloading of the provided parking.

Within the site, buildings 1 through 6 are arranged to internalize the loading areas and any enclosed outdoor storage areas. This orientation maintains a separation of the single-passenger and truck traffic. Additionally, views into the loading/storage areas are screened from arterial street views by the building orientation as well as concrete block screen walls and additional landscaping. This request does not propose to alter the maximum allowable area for office/showroom space versus warehouse/manufacturing space.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on July 17, 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 conditions listed in the ordinance.

3. EASEMENTS: SRP Ord. #3972

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3972 authorizing the assignment of certain aerial and ground easements to Salt River Project (SRP) acquired by the City of Chandler for the Germann Road (Dobson to Arizona) Improvement Project.

In connection with a City road project for the widening and improvement of Germann Road from Dobson Road to Arizona Avenue, the City acquired roadway and easements ultimately intended for use by SRP. The easements that were conveyed to the City through a Final Order of Condemnation have been processed through the court system and are now ready to be assigned. The easements are needed to accommodate SRP's facilities to be located as a consequence of the project.

The subject easement is located on private property outside of the City right-of-way. Upon recording the assignment, the City would have no further obligation, responsibility or liability and no further rights, pursuant to or because of the easement.

4. POWER DISTRIBUTION EASEMENT: SRP Ord. #3973

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3973 granting a no-cost power distribution easement to Salt River Project (SRP) for electrical power service to Veterans Oasis Park at the NEC of Lindsay and Chandler Heights roads.

5. POWER DISTRIBUTION EASEMENT: SRP Ord. #3974

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3974 granting a no-cost power distribution easement to Salt River Project (SRP) for electrical power service to the Ocotillo Recharge Facility Expansion Project at the SEC of Old Price and Queen Creek roads.

6. POWER DISTRIBUTION EASEMENT: SRP Ord. #3975

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3975 granting a no-cost power distribution easement to Salt River Project (SRP) for electrical power service to Chuparosa Park near the SWC of Dobson and Germann roads.

7. REZONING: Cactus Towing Parcel 2 Ord. #3978

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3978, DVR07-0029 Cactus Towing Parcel 2, rezoning from PAD for Conceptual Planned Industrial District (I-1) uses to PAD Amended, along with PDP approval for the expansion of an impound yard and towing facility on approximately 3 acres at the SWC of Delaware and Highland streets. (Applicant: John Larowe, Weiss Magness Architects.) The General Plan designates this parcel as Employment for major employers, industrial/business parks and industrial support uses. The proposed zoning amendment is consistent with the General Plan.

The property is surrounded to the north by property zoned General Industrial (I-2) and I-2/PAD with various industrial uses. To the west is property zoned I-1 and to the east is an EZ-GO

Textron Golf Cart company as well as a recently approved door manufacturing company. Adjacent to the proposed site on the south is the existing mobile home subdivision Casas Del Campo. The subject 3-acre site (Parcel 2) received conceptual PAD zoning for I-1 uses in July 2003 as part of the larger 6-acre rezoning that included Preliminary Development Plan approval for the 3-acre Cactus Towing site (Parcel 1) on the southern half. An impound yard and towing facility is not permitted by right within an I-1 zoning district thus prompting the rezoning request on the vacant northern 3-acres.

The southern 3-acres (Parcel 1) have developed out with an office building and associated customer parking lot accessed off of the Delaware Street cul-de-sac. The existing impound yard is screened by an 8-foot high decorative concrete block wall and automatic rolling solid gate. The request is to expand the impound yard and towing facility to include the vacant northern 3-acres (Parcel 2). The decorative 8-foot high screen wall will be extended along Delaware and Highland streets. Access to the subject site (Parcel 2) will be primarily through a cut in the existing northern screen wall of Parcel 1. Customer and tow truck access to Parcel 1 and ultimately Parcel 2 is from the Delaware Street cul-de-sac. A secondary emergency access gate will be provided along Highland Street. No additional buildings are proposed at this time.

Cactus Towing is contracted through the Chandler Police Department, the Department of Public Safety and Maricopa County Sheriff's Department for towing and impound services. The applicant represents that the existing facility on Parcel 1 processes approximately 300-400 cars per month. These vehicles on average are on-site for 2-5 days. As approved through condition, there is no stacking, demolition, salvage, dismantling, sale or long-term storage of impounded vehicles. Once the improvements are completed for Parcel 1, the applicant anticipates a similar level of vehicle processing for Parcel 2.

The applicant has indicated to Staff the need for expansion is already evident. The applicant intends to start construction of the site improvements immediately following council approval.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on September 18, 2007. There were no neighbors in attendance. Staff has received no correspondence from adjacent property owners in opposition to the request; however, one neighboring business expressed concern regarding instances of towed vehicles being left out on the street, which was addressed through an added stipulation.

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

8. AGREEMENT AMENDMENT: Gila River Indian Community Water Rights Res. #4124

ADOPTED Resolution No. 4124 approving Amendment No. 2 to the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement.

On December 15, 2005, the City Council approved the Gila River Indian Community Amended and Restated Water Rights Settlement Agreement and its associated exhibits. The City Council also approved an Amendment No. 1 to the Settlement Agreement on July 27, 2006.

Now, because the final wording of two court orders approving the Settlement Agreement varies from the proposed court orders provided in two exhibits to that agreement, a second amendment is required. Also, the parties to the Settlement Agreement decided to make certain changes to their proposed stipulation, which sets forth the terms of the settlement and which was included as

a separate exhibit to the Settlement Agreement. This exhibit will also be changed by this amendment so that it comports with the parties' final stipulation.

The changes in Amendment No. 2 facilitate the timely completion of the prerequisites for the final enforceability of the Settlement Agreement as required by the Arizona Water Settlements Act. These changes do not substantively alter the City's rights and duties as stated in the Settlement Agreement and approval of this amendment will assist in achieving final court approval and implementation of the Settlement Agreement. There will not be any financial impacts to the City of Chandler.

9. PROPERTY PURCHASE: SEC Arizona Avenue / Chicago Street Res. #4130

ADOPTED Resolution No. 4130 authorizing the purchase of property at the SEC of Arizona Avenue and Chicago Street for the new City Hall complex at a cost not to exceed \$477,500.00, including closing and associated costs.

On July 27, 2006, the City Council approved Resolution No. 3996 authorizing the purchase of approximately 23 parcels of real property located at and near Arizona Avenue and Chicago Street for the future development of the new City Hall complex.

The owner of the property, Maynard Enterprises, Inc., has agreed to sell its property to the City for \$470,000.00. The property currently serves as a tire repair and replacement facility, Bob M's Tires. The property's primary improvements, which are situated on land fronting Arizona Avenue, consist of a building totaling approximately 1,617 square feet. The transaction is expected to close by October 31, 2007.

10. COUNCIL MEETING DATES: 2008 Res. #4134

ADOPTED Resolution No. 4134 setting the Council Meeting dates for the 2008 calendar year.

11. PROPERTY ACQUISITION: SEC Germann and McQueen Roads Res. #4136

ADOPTED Resolution No. 4136 determining that acquisition of a City utility services easement on real property located near the SEC of Germann and McQueen roads is a matter of public necessity; approving an agreement to fund acquisition of the easement; and authorizing condemnation proceedings to acquire the easement and to obtain immediate possession of the easement area.

Finrich, LLC is developing property near the SEC of Germann and McQueen roads. A condition of development is that public water service be extended to the site and other properties in the vicinity. The extension required as a condition of development will complete a looped water line and enhance water pressure in the public water line system. Public Works Staff has determined that a portion of the line necessary to complete the water line loop needs to run through a utility easement located on private land along Blue Bird Drive just east of McQueen Road. The easement will be for the purpose of all of the City-provided public utility services, including water, sewer and reclaimed water. The size of the easement is sufficient to allow for the utility lines and access to the lines.

Finrich, LLC has been unable to obtain the easement by purchase from the owner of the underlying land. The easement is necessary because utility services need to be extended to the property being developed by Finrich, LLC. The easement location is reasonable and does not

appear to have any significant, adverse impact on the remaining property. To meet its development obligations, Finrich, LLC is willing to fund the cost of the City acquiring the easements.

This resolution authorizes the City to proceed with acquisition of the easement through condemnation. However, before condemnation is initiated, Legal Staff will tender a written purchase offer accompanied by an appraisal to the landowner. If accepted, the matter will be placed in escrow and condemnation will not be necessary, except if immediate possession of the site is needed prior to the close of escrow.

This resolution also approves a written agreement with Finrich, LLC for funding the cost of the acquisition. Execution of the agreement is the first step in the City acquiring the easement. Even though Finrich, LLC is providing the funding, the City will be the easement holder and the utility lines will be maintained as public improvements of the City.

12. PRELIMINARY DEVELOPMENT PLAN: Village At The Springs Plaza

APPROVED Preliminary Development Plan PDP07-0002 Village At the Springs Plaza for site layout and building architecture for a commercial retail development on approximately 10 acres west of the SWC of Chandler Boulevard and Cooper Road. (Applicant: Kirt Barr, Ellermann, Schick & Bruno, Architects.)

The subject site is bordered by Chandler Boulevard to the north and Cooper Road to the east. Adjacent to the south is the existing "Springs" residential subdivision. East of Chandler Boulevard is an existing Chevron fuel station. West of the subject site is vacant land zoned for commercial office uses, however an application has been filed for this property requesting a zoning amendment to commercial retail uses. North of Chandler Boulevard is vacant land recently approved for a grocery-anchored shopping center.

The subject site received PAD zoning for conceptual Community Commercial District (C-2) uses as part of the larger commercial corner that included Walgreen's. Subsequently, the Blockbuster shops building was constructed. The existing zoning does permit by-right "late-hour business" as defined in the Chandler Compatibility Policy for Late Hour Businesses, approved by Resolution No. 3801 in December 2004. However, the policy is not applicable to this site due to the site receiving zoning approval prior to the adoption of the Late Hour Business Policy. A final remaining vacant parcel along Cooper Road is not included with the PDP request.

The request includes a comprehensive sign package; however, no additional freestanding monument signs along Chandler Boulevard and Cooper Road are included with this proposal.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on August 16, 2007. There were approximately 5 neighbors in attendance with none offering opposition. Staff has received no correspondence in opposition to this request.

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

1. Development shall be in substantial conformance with exhibits submitted as part of this application and shall be kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0002 Village At The Springs Plaza.

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. 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.
6. The development shall be in conformance with the City's Commercial Design Standards including landscaping.
7. All raceways signage shall be prohibited within the development.
8. The applicant shall work with Staff to ensure 4-sided architecture upon all architectural projections.

13. PRELIMINARY DEVELOPMENT PLAN: Santan Crossing Plaza

APPROVED Preliminary Development Plan PDP07-0009 Santan Crossing Plaza, including building and site design, for a retail development on approximately 5.8 acres at the SEC of Cooper and Pecos roads. (Applicant: Lamb Architects.)

The subject property was zoned Planned Area Development (PAD) for future commercial uses in 2007 as a part of the Rio del Verde residential subdivision. In 2006, the eastern 8 acres were rezoned to PAD to allow medical and general offices, which are currently under construction. The remaining 5.8 acres on the west remained PAD for commercial development as permitted under C-2 (Community Commercial District) zoning district.

Through the rezoning and PDP case for the office development, development of the remaining commercial parcel was expected to be compatible with the office condominium in site design, architecture and landscaping. The proposed development is compatible with the adjacent office project.

The development is in compliance with the Commercial Design Standards and incorporates many architectural elements within the Santan Crossing office development adjacent to the site.

The Development Booklet narrative states there are only two freestanding signs; however, four are shown on the sign plan. There are three multi-tenant freestanding monument signs and one center identification sign. The number of monument signs and the sign height are in compliance with the Sign Code; however, the application requests 4 tenant panels per sign versus 2 tenant panels allowed by Code.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held July 19, 2007. 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 original stipulations adopted by the City Council as Ordinance No. 2701, in case PL98-0118 Rio del Verde, except as modified by condition herein.

2. Development shall be in substantial conformance with the Development Booklet entitled "Santan Crossing Plaza" kept on file in the City of Chandler Current Planning Division, in file number PDP07-0009, except as modified by condition herein.
3. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planning. The site shall be maintained in a clean and orderly manner.
5. The site shall be maintained in a clean and orderly manner.
6. All trees along the southern property line are to be 12' tall at planting, spaced at 20' on center to achieve a dissimilar land use buffer.
7. Signage is not permitted on building elevations facing the office development to the east and residential development to the south.
8. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
9. All monument signs shall include internally illuminated routed-out, push-through acrylic lettering. All building signage shall be halo-illuminated reverse pan-channel letters.
10. 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.
11. All raceway signage shall be prohibited within the development.
12. The applicant shall work with Staff to ensure four-sided architecture upon all architectural projections.
13. The applicant shall work with Staff to provide pedestrian connections to the adjacent office development.
14. The applicant shall work with Staff to further develop the architectural detailing of the bank pad.
15. Decorative lights shall match lighting utilized within the adjacent office development.

MAYOR DUNN and COUNCILMEMBER DONOVAN abstained from voting on this item due to a potential conflict of interest.

14. PRELIMINARY DEVELOPMENT PLAN: Full Circle Autowash

APPROVED Preliminary Development Plan PDP07-0021 Full Circle Autowash for the fuel station canopy at 2755 W. Chandler Boulevard. (Applicant John DeRosa, Full Circle Autowash.)

The subject site is located east of the SEC of the 101 Price Freeway and Chandler Boulevard. North, across Chandler Boulevard, is the Chandler Festival commercial shopping center. East of the site is the Countrywide office complex. South and west is the San Tan Commerce mini-storage facility.

The site was granted zoning and PDP approval in 2000. This request is for a PDP amendment approval for updating the fuel station canopy due to a Chevron Image Refresh program. The carwash facility and canopy will not be affected by this renovation program and is not a part of the request. Chevron is requesting that all fuel stations bring their signage up to date per the refresh program. Depending on the amount of sales that each Chevron fuel station produces, that station is requested to do a certain amount of refresh work that corresponds with the program. This particular station is being requested by Chevron to perform the highest level of the refresh program. In doing so, Chevron will assist in the costs associated with the update. Staff has administratively reviewed and approved other Chevron fuel stations that have contained only minor modifications to the signage.

The refresh program for the subject site would include an updating of the Chevron logos, replacing the existing "Chevron" lettering with larger "Chevron" lettering, replacing the existing north, west and east fascia and including LED down-lighting and up-dating trash receptacles, fuel dispenser skirts and illuminated pump spanners. This PDP only applies to the refreshing of the canopy. The trash receptacles, fuel dispenser skirts and illuminated pump spanners are being administratively reviewed. The proposed overall look of the canopy will remain similar to the existing canopy.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held August 13, 2007. There were no neighbors in attendance. Staff has received no opposition to this request.

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

1. Development shall be in substantial conformance with Exhibit A entitled "Canopy Elevations and Details" kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0021, except as modified by condition herein.
2. All raceway signage shall be prohibited within the development.
3. Any future signage will require separate Preliminary Development Plan approval.
4. The applicant shall work with Staff to monitor the level of intensity for the LED lighting.

15. PRELIMINARY DEVELOPMENT PLAN: Desert Sun Child Development

APPROVED Preliminary Development Plan PDP07-0022 Desert Sun Child Development for site layout and building architecture for two school-related buildings at 1512 W. Elliot Road. (Applicant: Robert Burgheimer, Form 5 Architecture.)

The subject site is located approximately one-half mile east of the NEC of Dobson and Elliot roads. Directly north and west of the site is the Woodglen single-family residential subdivision. East of the site is the Parkwood single-family residential neighborhood. South, across Elliot Road, is the Knoell East single-family residential subdivision.

Desert Sun Child Development is a non-profit educational facility that has been in operation since 1978 and has been located in various areas throughout the Phoenix metropolitan valley. It has been permanently located in Chandler since 2005 when it received PAD zoning on the subject site. The subject site was originally one of the Dobson family ranch homes that was converted to suit the needs of the school facility.

The existing site consists of the main educational building that served as the residence, a garage, and a small brick building connected by a covered canopy. The garage and small brick building are used in classrooms and storage space. Desert Sun is open Monday thru Thursday from 8:30 a.m. to 3:30 p.m. and Fridays 8:30 a.m. to 1:30 p.m. There are approximately 125 students and 15 teachers. West of the main building is a large parking lot with 68 parking spaces and two handicap parking spaces.

The proposal is requesting the approval of three structures, two school-related buildings and one additional storage building. The two school-related buildings will have a main level and a basement. Of the two buildings, one will be utilized as a classroom, and the other as a library. In addition to the two school-related buildings, the request includes an additional 300 square foot

storage facility. Currently, the only building that is scheduled to be constructed is the classroom building located on the northern portion of the site, behind one of the existing classroom buildings. The library and storage building will be built at a future date.

The proposed school buildings will be located on the eastern and northern portion of the subject site. The building located on the eastern portion will be approximately 40 feet from the property line. There is a 16-foot alley that runs the length of the northern and eastern boundary of the site. The building located on the northern portion of the site will also be located 40 feet from the property line. The height of the buildings will be approximately 15 feet.

The request was noticed in accordance with the requirements of the Chandler Zoning code with a neighborhood meeting being held August 22, 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. Development shall be in substantial conformance with the submitted exhibits and kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0022, except as modified by condition herein.
2. The storage shed shall be designed to be architecturally integrated with the exhibits provided for the school-related buildings.
3. The building colors shall match the existing building color palette.
4. The fire lane shall be maintained in a clean and orderly manner.
5. The landscaping for the subject site shall meet the commercial development standards for the street frontage along Elliot Road.

16. PRELIMINARY PLAT: The Metropolitan Of Chandler

APPROVED Preliminary Plat PPT07-0007 The Metropolitan Of Chandler for a 12-acre residential and commercial office/retail mixed-use development at the SEC of Chandler Boulevard and Hearthstone Way. (Applicant: Stacie Romney, PK Kland, Consulting Civil Engineers, L.L.C.) The plat creates the lots and tracts, construction-phasing lines, establishes the necessary easements and dedicates the required rights-of-way.

17. PRELIMINARY PLAT: Dollar Self-Storage (Southshore Town Center Phase II)

APPROVED Preliminary Plat PPT07-0036 Dollar Self-Storage (Southshore Town Center Phase II) for three lots on 12 acres for a rental self-storage business east of the SEC of Arizona Avenue and Ocotillo Road. (Applicant: United Engineering Group.) The plat creates the lots, tracts and easements necessary for the property's development.

18. PRELIMINARY CONDOMINIUM PLAT/FINAL CONDOMINIUM PLAT: Cooper Crossing Condominium

APPROVED Preliminary Condominium Plat PPT07-0025 and Final Condominium Plat CPT07-0010 Cooper Crossing Condominium for Phase II of a 14-acre parcel for office and retail space at the NWC of Ray and Cooper roads. (Applicant: Plumwood Realty Partners/PhoneJockey Land Partners.) The plat creates the lots and tracts, construction-phasing lines, establishes the necessary easements and dedicates the required rights-of-way.

19. FINAL PLAT: Via De Cielo

APPROVED Final Plat FPT06-0067 Via De Cielo for a 14.2-acre, 205-unit condominium residential subdivision on property located west of the NWC of Dobson and Pecos roads. (Applicant: Robert Mitchell, D. R. Horton.) The final plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

20. FINAL PLAT: Cooper Marketplace

APPROVED Final Plat FPT07-0021 Cooper Marketplace for a grocery-anchored shopping center and office development on approximately 19 acres at the NWC of Chandler Boulevard and Cooper Road. (Applicant: Troy A. Ray, Stanley Consultants.) The plat creates the lots and tracts, construction-phasing lines, establishes the necessary easements and dedicates the required rights-of-way.

21. FINAL PLAT: Ryan Office Development

APPROVED Final Plat FPT07-0023 Ryan Office Development for an office development on approximately 2.1 acres at the NWC of Arizona Avenue and Ryan Road. (Applicant: Ryan Rentals LLC.) The plat is a single-lot parcel and development will include one building and associated parking.

22. FINAL PLAT: Chandler Center Commons

APPROVED Final Plat FPT07-0026 Chandler Center Commons for an office and industrial development on approximately 12 acres east of the NEC of Chandler and Gila Springs boulevards. (Applicant: Griffin-Jacobs Engineering, Inc.) The plat establishes property boundaries, necessary easements and dedicates the required rights-of-way.

23. FINAL PLAT: Cachet At Paseo Lindo

APPROVED Final Plat FPT07-0028 Cachet At Paseo Lindo for a residential portion of a 27-acre mixed-use commercial retail, office, business park and residential development north of the NEC of Arizona Avenue and Ocotillo Road. (Applicant: Rick Engineering Company.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

24. FINAL PLAT: Marketplace Plaza At Fulton Ranch

APPROVED Final Plat FPT07-0029 Marketplace Plaza at Fulton Ranch for a 17-acre commercial retail and office development at the NWC of Chandler Heights Road and Arizona Avenue. (Applicant: Hunter Engineering.) The plat creates the lots and tracts, construction phasing lines, establishes the necessary easements and dedicates the required right-of-way.

25. FINAL PLAT: Elliot & 101 Professional Village Amended

APPROVED Final Plat FPT07-0054 Elliot & 101 Professional Village Amended for a condominium re-plat for Units 109 and 110 of a 4.29-acre office development with medical and general office uses at the SEC of Elliot Road and the Loop 101 Price Freeway. (Applicant:

Daniel Auxier, Atwell-Hicks Development Consultants.) The plat re-establishes the two units and establishes the necessary easements.

26. CONDOMINIUM PLAT: Villas At Lone Tree

APPROVED Condominium Plat CPT07-0012 Villas At Lone Tree for a 20-acre residential condominium development at the SWC of Lindsay and Riggs roads. (Applicant: Merestone Land Survey.) The condominium plat creates the lots, establishes the necessary easements, and dedicates the required rights-of-way.

27. CONDOMINIUM PLAT: Regency Park Condominiums

APPROVED Condominium Plat CPT07-0013 Regency Park Condominiums for office condominiums on approximately 7.85 acres at the SEC of Chandler Boulevard and Arrowhead Drive. (Applicant: Griffin Jacobs.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

28. ZONING: Algodon Park

APPROVED Zoning Extension DVR07-0024 Algodon Park, of a timing condition for an additional 3 years. The existing PAD zoning is for a conceptual commercial center with a transit oriented multi-family overlay on approximately 22 acres at the SEC of Arizona Avenue and Chandler Heights Road. (Applicant: Kevin Bushbaker, Omega Vista, LLC.)

The property was annexed and rezoned to conceptual Planned Area Development (PAD) zoning for commercial with a transit-oriented multi-family overlay on approximately 22 acres in 2002. The zoning was approved with a two-year timing condition, which expired in 2004. In October 2004, a request for a time extension of conceptual PAD zoning was granted through zoning case DVR04-0019 Algodon Park. The PAD zoning allows multi-use commercial/retail, transit oriented multi-family residential and high turnover commercial/retail uses. The time extension was approved for three years with all of the original conditions remaining in effect.

This application does not seek to modify the previously approved conceptual land uses, but seeks to extend the timing condition. If the City should approve the timing condition extension, all other conditions in the original approval would remain in effect. The Planning Commission and Staff have no concerns with the conditions in the original approval. Before any development can proceed on this parcel, a Preliminary Development Plan must be approved for the specific proposal. Phasing of the development would be established at the time of the PDP review.

The applicant has conveyed that upon approval of a time extension, a developer intends to file a Preliminary Development Plan on this parcel. A prospective developer has completed a Preliminary Technical Site Plan Review application. The applicant would like to ensure the PAD zoning and conceptual land use approval for this site is approved for an additional three years. This land use is compatible with the current designation as a Commercial Node and Major Entry Gateway as established by the Southeast Chandler Area Plan. All development on this parcel will be in conformance with the Commercial Design Standards. It is estimated that construction would occur at the end of 2008 or early 2009.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held August 15, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

29. APPOINTMENT: Board & Commission Members

APPROVED the following Board & Commission appointments:

Chandler Citizens Panel for Review of Police Complaints & Use of Force:	Jan Shepardson
Domestic Violence Commission:	Mindy Elias (alternate)
Economic Development Advisory Board:	Randy Clawson
Housing & Human Services Commission:	Sharon Sauls
Industrial Development Authority:	Ed Salanga
Mayor's Committee for People With Disabilities:	Ted Maish
Planning & Zoning Commission:	Kristian Kelly
Transportation Commission:	Melissa Boyles
Youth Commission:	Madison Freed
	Amy Umanetiya
	Christopher Veto

30. PARK RENAMING: Canal Park to Crossbow Park

APPROVED the renaming of Canal Park to Crossbow Park. The park site is 9.30 acres located within the square mile bounded by Arizona Avenue, Ocotillo, McQueen and Chandler Heights roads. The development of this park is currently in the design process and will be constructed in the spring of 2008. When complete, it will serve as a neighborhood park and will offer such amenities as a shaded playground with swings, lighted basketball court, picnic ramada, lighted walking paths and open turf space.

In June 2005, a park naming committee with representatives from both the Parks and Recreation Board and the Museums Advisory Board was formed to suggest names for various parks, Canal Park being one of them. On October 10, 2005, Council approved the various park names as recommended by the Parks and Recreation Board.

Since the naming of Canal Park in 2005, Mr. John Irvine has addressed the Parks and Recreation Board requesting the name be changed. Most recently, Staff received a formal request from the Kerby Estates Community Association requesting the park be re-named to Crossbow Park.

The Parks and Recreation Board unanimously recommend approval.

31. MATCHING GRANT: Inspirador, LLC

APPROVED a Matching Downtown Improvement Fund (DIF) grant to Inspirador, LLC, at 63 E. Boston Street in an amount not to exceed \$75,000.00.

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 existing space for the specified retail uses in the Downtown Improvement Fund target area. The business owner is reimbursed up to the grant amount, or half of the approved project costs, whichever is less.

Inspirador, LLC, is comprised of three businesses: Inspirador, a meeting/reception venue, Tryst Art Gallery and the Inspiration Lounge, a retail boutique. The completely renovated building will total 12, 000 square feet.

Inspirador, LLC, has requested City participation in the construction of tenant improvements using existing DIF matching grant funds in an amount exceeding the normal grant amount. Improvements to the space will include the installation of fire sprinklers and alarms, framing, ductwork, electrical, lighting fixtures, flooring and preservation of the tin ceilings and some historic brick.

The goal of the owners of Inspirador is to introduce an urban chic venue for weddings, corporate functions and charity events, an art gallery featuring a collection of contemporary fine art on a national and international level, and a boutique to compliment the existing businesses in the Historic Downtown Square.

The Downtown Improvement Fund Committee recommends making an exception to the limit of \$50,000.00 because this very large space will encompass three new businesses in the downtown square. The applicant has shown that the project will yield ample economic benefit to the City.

Staff recommends that an amount not to exceed \$75,000.00 be granted for reimbursement of tenant improvement costs to the owners. Program guidelines allow one draw upon the successful completion of 50% of the construction project provided the improvements have been inspected, approved and meet the construction plans. Final payment is made 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 total estimated costs for the tenant improvements are \$765,194.00.

COUNCILMEMBER WENINGER voted nay on this item.

32. AGREEMENT: SDB, Inc.

APPROVED Agreement #WW0801-401 to SDB, Inc., under JOC07-04, for construction of odor control upgrades at the Golf Course Lift Station, Pecos Diversion Facility and the Manganaro Lift Station in an amount not to exceed \$296,285.00.

33. AGREEMENT: Brown and Caldwell

APPROVED Agreement #WW0803-101 to Brown and Caldwell for the Ocotillo Water Reclamation Facility Asset Assessment in an amount not to exceed \$167,286.00. The City of Chandler has been operating the Ocotillo Water Reclamation Facility (WRF) for nearly 25 years. City Staff conducted an asset management program (AMP) to evaluate the condition of mechanical and electrical assets. Based on the results of the AMP, City Staff has identified deficiencies that require further evaluation and design. Special attention should be given to the main electrical service entrance, electrical load imbalances in the existing blower building and Turblex blowers.

34. AGREEMENT: Brown and Caldwell

APPROVED Agreement #WW0802-101 to Brown and Caldwell for the Collection System Facilities Asset Assessment in an amount not to exceed \$93,117.00.

The City of Chandler operates and maintains seven wastewater lift stations and a large wastewater diversion structure. In order to improve the reliability, efficiency and to better plan for future replacement and refurbishment activities in the stations, City Staff has determined the need to initiate an asset management program for these facilities. This program will include a comprehensive inventory of facility maintenance history, life cycle analysis and a critical path plan for facility replacement and rehabilitation.

35. AGREEMENT: SDB, Inc.

APPROVED Agreement #WW0704-401 to SDB, Inc., for Pecos/McQueen Lift Station Site Improvements in an amount not to exceed \$86,213.00.

Chandler operates a wastewater lift station at the SWC of Pecos and McQueen roads. During the design of the facility, it was recognized that some of the structures would ultimately sit within public right-of-way once the widening of the adjacent intersection was completed. The design consultant determined that this would not create any issues with the proper operation of the lift station. However, for security reasons, Municipal Utilities requires that the site be enclosed by a perimeter wall. This project agreement will provide a six-foot "view" wall around the facility that will match the style of existing walls along McQueen Road south of Pecos Road.

36. AGREEMENT AMENDMENTS: Perlman Architects

APPROVED Agreement #FI0605-201 Staff-approved Amendment No. 1 in the amount of \$8,580.00 and authorized Amendment No. 2 in the amount of \$150,900.00 with Perlman Architects for architectural design services for the Fire Administration Building at the SEC of Washington and Boston streets for a revised total contract of \$559,380.00.

The Fire Department Administration Building project is currently in its design phase. This CIP project is approved for design and construction in this fiscal year (FY 07/08). It has been recommended by City management that the design team achieve a silver certification level within the Leadership in Energy and Environmental Design (LEED)-NC Version 2.2 Green Building Rating System. Designing to LEED standards creates an environmentally friendly building and it also reduces future operating costs for the facility. The Fire Administration Building will be the City's pilot for development of an environmentally friendly building design.

Contract Amendment No. 1 was for a one-day design charrette to identify and quantify the strategies necessary to achieve a silver certification level.

Amendment No. 2 is for additional design services required to achieve a silver certification level within the Leadership in Energy and Environmental Design (LEED)-NC Version 2.2 Green Building Rating System. The additional architectural fee is \$106,195.00. This amount includes \$92,825.00 specifically for LEED consultant services and the remaining \$13,370.00 is for architectural fees associated with design changes.

In addition, this amendment allows for design work of an off-site IT/Telco duct extension to connect phone and data cabling to future new City Buildings. Currently the City does not have the capacity to add the Fire Administration Building, City Hall and Museum onto the current IT/Telco infrastructure. Design of the extension will require survey, schematic design, construction documents, utility coordination, construction administration and verification of

underground utilities, and will extend beyond the Fire Administration Building to allow for phone and data cabling to the future City Hall and Museum sites (\$44,705.00.)

37. AGREEMENT AMENDMENT: Jeffers and Associates, PLLC

APPROVED Agreement Amendment No. 1 with Jeffers and Associates, PLLC, increasing the expenditure limit by \$65,000.00 for Standard Details and Specifications Revisions from \$450,000.00 to \$515,000.00.

Jeffers and Associates, PLLC, is one of the current providers of plan review services. Due to the consultant's expertise and familiarity with the City's standard engineering details and specifications, Public Works has requested that they provide additional services under this annual agreement. Specifically, Jeffers and Associates, PLLC, will review comments received from user groups and incorporate these changes, where appropriate, into the City's engineering details. Oversight will be performed by City engineering staff.

38. CONTRACT: B&F Contracting

APPROVED Contract #WA0401-402 to B&F Contracting, Inc., for Water Main Replacements Phase II in an amount not to exceed \$2,183,201.00.

Some of the existing water mains in the older sections of the City are undersized and/or deteriorating. The result has been a high number of repairs to broken water mains, interrupted water service, numerous citizen complaints, and property damage. City Staff have prioritized the areas for replacement based on the number of repairs made and complaints received.

This project provides for the replacement of approximately 3 ½ miles of existing water lines in the areas bounded by Arizona Avenue and Jay Street, and by Ray Road and Ivanhoe Street. Construction of this project is scheduled to begin in November 2007 with a contract time of 270 days. A contract for construction management service will be awarded separately.

39. No Item.

40. CONTRACT: Tri-Core Engineering

APPROVED Contract #WA0401-452 to Tri-Core Engineering for construction management of the water main replacements phase II in an amount not to exceed \$136,453.00.

Some of the existing water mains in the older sections of the City are undersized and/or deteriorating. The result has been a high number of repairs to broken water mains, interrupted water service, numerous citizen complaints, and property damage. City Staff has prioritized the areas for replacement based on the number of repairs made and complaints received.

This project provides for the replacement of approximately 3 ½ miles of existing water lines in the areas bounded by Arizona Avenue and Jay Street, and by Ray Road and Ivanhoe Street. Construction of this project is scheduled to begin in November 2007 with a contract time of 270 days. A contract for construction management service will be awarded separately.

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

APPROVED Contract #WW0604-201 Amendment No. 2 in the amount of \$28,535.00 to the engineering and design contract with Engineering Consultants, Inc., for the Queen Creek Reclaimed Water Main in an amount not to exceed \$295,745.00.

On March 6, 2006, Council approved the contract for the design of a 24-inch diameter reclaimed water transmission main on Queen Creek Road from Alma School Road to the Ocotillo Water Reclamation Facility. This project allows the transmission of effluent between the Airport Water Reclamation Facility and the Ocotillo Water Reclamation Facility. The design and construction of this reclaimed water transmission main has been coordinated with the Queen Creek Road widening project.

This contract amendment will allow for the costs associated with scope of work changes requested by the City to include plan revisions to address pipe alignment modifications. This design change of the pipe alignment will result in a construction savings of \$214,000.00. Other minor administrative changes are also included in Amendment No. 2.

42. CONTRACT EXTENSION: Consultant Engineering, Inc.

APPROVED Contract EN0602-101 one-year extension with Consultant Engineering, Inc., for annual inspection in an amount not to exceed \$1,500,000.00.

The City's Construction Management Staff oversees the construction of the Capital Improvement Program (CIP), supplemented with outside firms as staffing needs require. These consultants allow the City to handle temporary periods of higher workload without hiring additional permanent staff.

Under this contract, the consultant will inspect projects and provide testing services for the City and operate under the supervision of the City's Construction Management Staff. In the last year, Consultant Engineering, Inc. (CEI) provided \$1,062,434.00 of supplemental inspection and oversight services for private development and City projects, including the Alma School/Warner Road intersection improvements. In early 2008, City Staff will recommend that Council approve a project agreement with CEI for assistance with the upcoming Dobson Road/Warner Road intersection improvements. Other capital projects budgeted for construction in 2008 will also require inspection and oversight support.

Individual project agreements will be prepared for execution and approval for each specific project. Project agreements over \$50,000.00 will be submitted for Council approval up to the expenditure limit of \$1,500,000.00.

43. CONTRACT: Environmental Planning Group

APPROVED Contract #ST0601-201 to Environmental Planning Group for design services for the Queen Creek Basin in an amount not to exceed \$368,930.00.

In 2003, the City of Chandler and the Flood Control District of Maricopa County (FCDMC) each purchased one-half of approximately 70 acres of land at the SEC of Queen Creek and McQueen roads. The property was purchased as a retention basin that is one part of the recommended regional drainage plan identified in the Higley Area Drainage Master Plan. The parcel purchased is known as the Queen Creek Road Basin and was intended to retain 204 acre-feet of storm water runoff from the 100-year storm. As part of the agreement, the FCDMC agrees to pay 50% of the design and construction costs associated with the basin in an amount not to exceed

\$1,500,000.00. In May 2007, Council approved a land swap of 44.48 acres with the Chandler Airport Property Investors (CAPI) Limited Partnership to shape the parcels to their current configuration.

The contract is for design services to study the required runoff volume for the retention basin, prepare plans for the basin, and the design of Nozomi Park. Nozomi Park will primarily be an open space park with turf and limited park amenities situated within the 70-acre basin.

44. No Item.

45. CONTRACTS: Valley Rain Corporation

APPROVED Contracts #ST0601-251 and #PR0605-251 with Valley Rain Corporation for pre-construction services for the Queen Creek Basin, Nozomi Park and Paseo Vista Park in an amount not to exceed \$163,880.00.

In 2003, the City of Chandler and the Flood Control District of Maricopa County (FCDMC) each purchased one-half of approximately 70 acres of land at the SEC of Queen Creek and McQueen roads. The property was purchased as a retention basin that is one part of the recommended regional drainage plan identified in the Higley Area Drainage Master Plan. The parcel purchased is known as the Queen Creek Road Basin and was intended to retain 204 acre-feet of storm water runoff from the 100-year storm. In May 2007, Council approved a land swap of 44.48 acres with the Chandler Airport Property Investors (CAPI) Limited Partnership to shape the parcels to their current configuration.

In 2006, the City of Chandler officially closed the landfill at the NWC of Ocotillo and McQueen roads in accordance with the Landfill Closure Plan submitted and accepted by the Arizona Department of Environmental Quality (ADEQ). This 64-acre area will soon be converted into a multi-purpose recreation facility. The Paseo Vista Recreational Area is expected to be dawn-to-dusk use facility with limited light fixtures, limited turf areas, and no large ball fields. It is anticipated that the Paseo Vista Recreational Area will receive the majority of the earthwork excavated from the Queen Creek Basin located across McQueen Road.

The contract is for preconstruction services for the Queen Creek Basin, Nozomi Park and Paseo Vista Recreation. Due to their proximity to one another, City Staff believes that by combining the preconstruction services contract, the City will receive greater value in the work being provided. Valley Rain was selected as the contractor for both projects through separate selections based on their strong track record with the City and expertise in such projects.

46. CONTRACT: SRP

APPROVED Contract #ST0605-307 to Salt River Project (SRP) for relocation of 12kV risers and connection of new streetlights for the Germann Road Improvements (Dobson Road to Arizona Avenue) in an amount not to exceed \$114,771.00.

The Germann Road Improvements Project (Dobson Road 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 consisted of improvements to Germann Road between Dobson and Alma School roads and was approved by Council in April 2007. This first phase started construction in July and will be completed in Spring 2008. The second phase will complete the

project by constructing the improvements to Germann Road from Alma School Road to Arizona Avenue. This second phase is scheduled to start in November 2007 and will last about 10 months.

Salt River Project must relocate four underground to overhead risers, and connect sixty-eight streetlights to the new underground power for the Germann Road Improvements (Dobson Road to Arizona Avenue).

47. CONTRACT: Achen-Gardner Engineering, LLC

APPROVED Contract #ST0625-251 to Achen-Gardner Engineering, LLC, for pre-construction services for roadway improvements on Gilbert Road (Germann Road to Queen Creek Road) in an amount not to exceed \$127,173.00.

The pre-construction services Construction Manager at Risk contract award is the first step in the Construction Manager at Risk process for construction. During the pre-construction services phase, the contractor will develop and manage the design schedule, provide value engineering, perform utility investigations and prepare the guaranteed maximum price.

48. CONTRACT: Haydon Building Corp.

APPROVED Contract #ST0501-251 to Haydon Building Corp. for pre-construction services for the Chandler Regional Park and Ride Lot in an amount not to exceed \$82,310.00.

In 2000, the Maricopa Association of Governments (MAG) initiated work on a regional park and ride study. The purpose of the study was to identify sites around the greater Phoenix metropolitan area where park and ride lots could be located to serve both commuter express bus and carpool use. One regional park and ride lot is proposed in the City of Chandler along the Santan Freeway.

Currently, Chandler has two express bus routes into downtown Phoenix, running weekdays, which will be modified to start and terminate at the Park and Ride Lot. Construction of a regional park and ride lot to support additional commuter express service is also proposed in the City's 2002 Transit Plan Update and the MAG Regional Transportation Plan (Proposition 400).

The City recently purchased a 9.9-acre site adjacent to Tumbleweed Park, at the southwest corner of Germann Road and Hamilton Street, for the Chandler park and ride lot. The purpose of this project is to complete the construction for the park and ride lot, as well as the adjacent roadway. A portion of the construction phase will be federally funded. Construction is scheduled to begin in early 2008.

49. CONTRACT: Sunrise Engineering, Inc.

APPROVED Contract #ST0722-201 to Sunrise Engineering, Inc., for design of the McQueen Yard Large Equipment Wash Bay in an amount not to exceed \$49,600.00.

City Staff have identified the need for an additional large equipment wash bay at the McQueen Yard facility in order to meet increasing large equipment cleaning needs for the City and particularly increasing street sweeper fleet cleaning needs. Since it takes approximately 1 hour to properly clean a street sweeper after daily sweeping, the current fleet of ten street sweepers

requires staggering worker shifts to keep up with equipment cleaning needs. An additional wash bay would allow two street sweeping trucks to be cleaned at the same time and would also allow operators to avoid sweeping during rush hour traffic periods. This improvement will allow greater wash bay availability to all, increase operator efficiency and better utilize resources.

50. CONTRACT CHANGE ORDER: Haydon Building Corporation, Inc.

APPROVED Contract #ST0504-401, Change Order No. 1, to Haydon Building Corporation, Inc., for the Price Road Improvements (Germann Road to the Santan Freeway) in the amount of \$123,900.00, for a revised contract price of \$6,384,995.00.

The Price Road Improvement project consists of roadway and waterline improvements of Price Road from Germann Road to the Santan Freeway. Change Order No. 1 includes the installation of two new water stubs for the Mayfield (Echelon) development (\$30,000) and the removal of existing 8" waterline asbestos cement pipe and replace with ductile iron pipe (\$93,900).

51. CONTRACT CHANGE ORDER: Haydon Building Corporation

APPROVED Contract #PR0209-402, Change Order No. 6, to Haydon Building Corporation for the Tumbleweed Recreation Center in an amount of \$152,327.00 for a revised contract total of \$13,557,326.18.

Tumbleweed Park is located south of Germann Road and west of McQueen Road and is currently in the process of a multi-phased development. As part of the 2000 Bond Election, funding was approved for the design and construction of a recreation center at Tumbleweed Regional Park. This recreational facility, which is currently under construction, will become a focal point of the 205-acre park. Change Order No. 6 includes a variety of minor design modifications and addresses the 440-day critical path delay experienced by the contractor related to the 12-inch hollow core flooring specified for the second floor. That delay meets the definition of "unforeseen conditions" as specified in the contract thereby entitling the contractor to request extended days and General Conditions costs up to the maximum MAG schedule of \$1,780.00 per day. The value of each extended day covered by this Change Order has been calculated to be \$1,749.39. As such, the total General Conditions cost associated with this Change order is \$76,793.00. The design modifications will improve the overall functionality of the building and its infrastructure.

52. PURCHASE: Agilysys, Inc.

APPROVED the Purchase of storage area network (SAN) equipment from Agilysys, Inc., in an amount not to exceed \$170,543.00. The current EMC CX600 Storage Area Network (SAN) system is reaching its end of service life. This means that the manufacturers will no longer support the current system. The Storage Area Network is a critical component in our IT infrastructure and the system houses applications such as Oracle Financials, Permits, Utility Billing, Sales Tax and others. A direct replacement of the SAN system would cost about twice as much as the upgrade. The CX3-80 is an upgrade from CX600 and this is EMC's latest product that has no end of life in sight for support at this time.

53. PURCHASE: Perkin Elmer

APPROVED the Purchase of a gas chromatograph, sole source, from Perkin Elmer, in the amount of \$62,782.00.

The Chandler Police Department's (CPD) Forensic Services Section analyzes blood specimens for the presence of alcohol utilizing a gas chromatograph purchased several years ago. Other Arizona crime labs have replaced their instrumentation with the Perkin Elmer gas chromatograph. The CPD Crime Lab was successful in receiving a grant through the 'Oversight Council on driving or Operating Under the Influence Abatement' to purchase a Perkin Elmer gas chromatograph.

54. PURCHASE: Safety Supplies

APPROVED the Purchase of safety supplies for a six month period from Arizona Glove & Safety and Western Glove & Safety, utilizing the City of Tempe contract, in an amount not to exceed \$35,000.00.

55. PURCHASE: Vehicles

APPROVED the Purchase of vehicles, utilizing the State of Arizona contract and other cooperative contracts, in an amount not to exceed \$2,520,596.00.

In previous years, Purchasing and the Fleet Services Division would collect all vehicle requests from departments prior to obtaining Council approval, which delayed Council approval. The result of this delay has resulted in new employees without vehicles. In other cases, delays have caused the City to pay for unnecessary repairs such as rebuilding or replacing transmissions on vehicles scheduled for replacement. Using approved budget information, Purchasing and Fleet Services may proactively acquire vehicles to minimize these types of situations. Through the use of the State of Arizona vehicle contract and other cooperative contracts, the City is assured of excellent prices and availability.

56. PURCHASE OF ARTWORK: Joan Waters

CONTINUED to NOVEMBER 8, 2007, Purchase and Fabrication of a metal sculpture by Chandler artist Joan Waters, to be integrated into the design phase of the Tumbleweed Park – Park and Ride facility, in the amount of \$100,000.00.

57. PURCHASE: Computers

APPROVED the Purchase of personal/laptop computers from Dell Incorporated, utilizing the Western States Contracting Alliance (WSCA) agreement, in an amount not to exceed \$850,000.00.

Since FY 99/00, the City has purchased workstations and laptops from IBM. In FY 05/06, IBM sold their workstation division to Lenovo. Using the Western States Contracting Alliance (WSCA) contract, the City continued to purchase the ThinkCenter and ThinkPad workstations from Lenovo.

As a result of a cost analysis, City changed from a three-year lifecycle replacement to a four-year plan in FY 06/07. The City would save an estimated amount of \$514,000.00 over four years.

For the 07/08-replacement program, IT invited City Staff from various divisions to serve as committee members to evaluate computers from three manufacturers through WSCA. The evaluation took three months to complete. The committee member's scores reflected that Dell PC's and laptops are the best choice for the City.

In FY 07/08, the City will be purchasing approximately 500 PC's and 100 laptops utilizing the SWCA Agreement #A63307 with Dell Corporation. Also covered in the WSCA Agreement is the provision of parts and labor warranty for a four-year term for the computer workstations.

58. Moved to Action.

59. USE PERMIT: Latitude 8

CONTINUED TO DECEMBER 13, 2007, Use Permit UP07-0058 Latitude 8, Series 12, to sell alcohol for on-site consumption in a new restaurant at 11 W. Boston Street, Suite #4, to correspond with the Planning Commission hearing.

60. USE PERMIT: Basha High/T-Mobile

APPROVED Use Permit UP07-0061 Basha High/T-Mobile to install a 50-foot monopalm wireless communication facility on Basha High School property at the NWC of Riggs Road and Val Vista Drive. (Applicant: Reliant Land Services/T-Mobile, Danielle Waechter; Owner: Chandler Unified School District.)

The application requests a new monopalm wireless cell tower located within a maintenance facility west of an existing football field at Basha High School. A monopalm is a wireless cell tower designed to look like a palm tree. The Zoning Code requires a Use Permit for wireless communication facilities in non-industrial zoning districts that do not utilize existing poles or towers.

The subject site, the Basha High School campus, includes several classroom buildings and athletic fields and is located at the NWC of Riggs Road and Val Vista Drive. A planned City Park, Mesquite Groves Park, wraps around the campus to the north and west. The northeast corner of the intersection, in Gilbert, is zoned for a shopping center. All other directions are planned for existing single-family home subdivisions.

The Basha High athletic fields already have four sets of wireless antenna that are co-located on ball field light poles, the maximum amount allowed by code without a Use Permit given that two fields have lights (two sets of antennae per field allowed). The school has no plans to light their other ball fields. The school has requested that the applicant pursue a Use Permit to build a new monopalm in a maintenance yard rather than to do a fifth ball field light co-location because of equipment storage concerns.

Within the immediate area, there are no suitable alternatives for co-location of the wireless communication facilities on existing poles or towers. As previously noted, the school prefers a new monopalm to a fifth ball field light pole co-location. A second option, co-location on 40'-50' high wooden SRP poles, is impractical because of the lack of leaseable ground space. An inventory of these verticalities has been provided by the applicant.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on September 19, 2007. There were no citizens in attendance. Staff has received no correspondence in opposition to this request.

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

1. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. There shall be two live Date Palm trees installed and maintained adjacent to the monopalm. The trees shall be of 25' and 30' heights at the time of planting and shall match the monopalm's appearance.
3. 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.
4. The monopalm shall be limited to 50' in height.

61. USE PERMIT: ZPizza

APPROVED Use Permit UP07-0063 ZPizza, Series 12, to sell alcohol within a new restaurant at 2855 W. Ray Road, Suite #7, within the Raintree Ranch shopping center. (Applicant: John Von Der Ahe.)

The subject site is located at the SEC of Ray Road and the Price Road off-ramp and is part of a larger 17-acre site that includes a variety of commercial uses. It is located on the eastern portion of the site, within a section of in-line shops. 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 building.

ZPizza is a fast-casual pizza parlor that specializes in providing gourmet, health-conscious pizzas, salads, calzones and sandwiches. This site will be the second for Chandler and the fourth for Arizona. ZPizza will be open from 11 a.m. to 9 p.m. seven days a week and will employ approximately 10-15 people, with 5-7 employees and 2 managers being present during each shift. No outdoor dining is being provided.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held September 18, 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 and Floor Plan) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to other store locations.

62. USE PERMIT: St. Mary's Catholic Church

CONTINUED TO DECEMBER 13, 2007, Use Permit UP07-0068 St. Mary's Catholic Church to allow the addition of new buildings within the existing church property at 230 W. Galveston Street

to allow the application to be reviewed by the Design Review Committee to address concerns the Planning Commission has with the building architecture.

63. USE PERMIT: Regal Beagle

APPROVED Use Permit UP07-0069 Regal Beagle, Series 6, to sell alcohol within an existing restaurant at 6045 W. Chandler Boulevard, Suite #7, within the Kyrene Village shopping center. (Applicant: Gregory James Stanfield & Lisa Martinez.)

The subject property is located at the SWC of Kyrene Road and Chandler Boulevard within the Kyrene Village Center anchored by Basha's. The center is surrounded on all sides by mostly commercial and industrial uses, including vacant land to the south that has been approved for the Paloma Kyrene Business Community. The nearest residential neighborhood is south of the southeast corner of the main intersection. The business is a restaurant/sports bar that has operated at this location for over 3 years.

The facility served alcohol under a Series 12 Restaurant License until 2006 when they received Use Permit approval for one year to serve under a Series 6 Bar License. The license change was prompted by a State audit that found food sales to be short of Series 12 requirements which is at least 40% of sales. A three-year extension was granted in June 2007. Per condition, transfer of ownership requires a new Use Permit. Due to the business' recent sale, a new Use Permit is now required to continue serving alcohol.

The new owners, having more than a decade of restaurant ownership experience, are not significantly changing the business operation.

The subject property, previously occupied by Hitts and Howie's Pub & Eatery, originally received Use Permit approval to sell alcohol under a Series 12 license in 1988 and received amended Use Permit approval in 1992 in order to add a patio. Other active liquor Use Permits in the center include Series 10 (Beer & wine Store) for Basha's, Series 6 (Bar) for Kyrene Lanes bowling alley, Series 12 (Restaurant) for Big Star BBQ, and India Gate restaurant. Also, CVS Pharmacy, across the street on the SEC of the arterial intersection, has a Series 10 (Beer & Wine Store) license.

There were five Police calls for service to the subject business from September 24, 2006, to September 24, 2007.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held September 25, 2007. There were no citizens in attendance. Staff has received no correspondence in opposition to this request and the Police Department has been informed of the application and has not responded with any issues or concerns.

Upon finding consistency with the General Plan and 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 6 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. No alcohol shall be carried outside of the building into the parking lot or off-premises.

4. 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.
5. 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.
6. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
7. Any outdoor music shall be non-amplified acoustic. Neither indoor nor outdoor music shall not disturb area residences.
8. Transfer of ownership shall require a new Use Permit.
9. The applicant shall provide security on the weekends, if necessary.
10. The applicant shall maintain a liaison program with the adjacent neighborhood that allows neighbors to directly contact a representative of the establishment with their concerns.
11. The applicant shall work to mitigate litter issues resulting from the use.
12. The patio and surrounding area shall be maintained in a clean and orderly manner.

64. LIQUOR LICENSE: Regal Beagle

APPROVED a Series 6, Bar Liquor License (Chandler #114984 L06) for Gregory James Stanfield, Agent, Mirage Group Unlimited, Inc., dba Regal Beagle Sports Lounge at 6045 W. Chandler Boulevard, Suite 7. A recommendation for approval of State Liquor License #06070064 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.

65. USE PERMIT: Potrero Bar and Grill

APPROVED Use Permit UP07-0071 Potrero Bar and Grill, Series 6, to sell and serve all spirituous liquor within a bar and grill at 2061 N. Arizona Avenue within the Chandler Mercado shopping center. (Applicant: Sung Ho Park/Sam Lee.)

Potrero is a bar and grill scheduled to open in October 2007 that features dining, a sports bar, billiards, live music, an Internet café and arcade games. The business is located in a vacant tenant space within the Chandler Mercado shopping center at the northeast corner of Arizona Avenue and Warner Road. The tenant space is immediately east of the existing Dollar Tree store. A day care facility exists in the center approximately 270 feet from the subject suite and is open Monday through Friday until 6:30 p.m. North of the shopping center is the Thorobred Chevrolet auto dealership; east are the Biscayne Bay Apartments; south across Warner Road are a gas station and industrial uses, and west across Arizona Avenue is the East Valley Mall.

The subject business received Use Permit approval for one (1) year in September 2006 to sell alcohol in conjunction with a Series 12 Restaurant License. However, upon inspection of the business, the Arizona Department of Liquor Licenses and Control directed the applicant to pursue a Series 6 Bar License because the floor layout was not, in their judgment, conducive to a restaurant operation under the requested Series 12 license. Regardless of the timing of expiration, the business requires a new Use Permit because of the change in license type.

The Chandler Mercado shopping center was approved in April 2006 for a major rehabilitation that includes construction of new retail space, dividing of the former Kmart space into multiple tenant spaces, new landscaping, new monument signage and a façade overhaul. The rehabilitation was done with assistance from the City's Commercial Reinvestment Program. The shopping center is zoned to allow Community Commercial (C-2) uses, including restaurants or bars.

The center has one dormant Use Permit for alcohol sales, a Series 12 liquor Use Permit for the former Mi Linda's restaurant in a pad near Arizona Avenue. The East Valley Mall across Arizona Avenue includes several active liquor Use Permits including a Series 6 Bar license for Combos Club, a Series 6 Bar License for Waikiki Bar & Grill, a Series 6 Bar license for Tom Ryan's Lounge, and a Series 7 Wine & Beer License for China Start restaurant. Also, the Quik Trip gas station on the southeast corner of the intersection operates under a Series 10 Liquor Store Use Permit.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 20, 2007. The owner of the nearby day care attended to express opposition, but due to conditions added by the Planning Commission, is no longer in opposition. Staff has received no correspondence in opposition to this request and the Police Department has been informed and has not responded with any issues or concerns.

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 6 license only and any change in type of license shall require reapplication and new Use Permit approval.
2. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
3. 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 of the Use Permit.
4. The Use Permit is non-transferable to any other location.
5. 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.
6. 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.
7. Any "happy hour" drink specials offered by the business shall not take place before 5 p.m. Monday through Friday.
8. The area immediately surrounding the establishment shall be maintained in a neat and orderly manner.
9. Security shall be provided during the hours of live entertainment.

66. LIQUOR LICENSE: Potrero Restaurant & Bar

APPROVED a Series 6 Bar Liquor License (Chandler #109264 L06) for Duck Y. Hong, Agent, Potrero Restaurant & Bar, 2061 N. Arizona Avenue. A recommendation for approval of State Liquor License #06070316 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.

67. USE PERMIT: Budget Rent-A-Car

APPROVED Use Permit UP07-0075 Budget Rent-A-Car to allow a rental car company with rental inventory within an existing commercial retail center at 2950 S. Alma School Road. (Applicant: Lew Kaplan, K/G Architects.)

The application request it to operate a new Budget Rent-A-Car rental company within the Ocotillo Plaza retail center anchored by Target and Bashas' stores. Budget Rent-A-Car will lease a tenant space for the office and maintain up to 10 rental vehicles on site. The office space is currently occupied by a restaurant and is adjacent to a Sprint phone store and Primo Italian Cuisine restaurant. There is a bagel restaurant on the buildings north side.

The majority of the car rental business at off-airport locations is for "insurance or dealership replacement" in which a customer needs temporary transportation while a car is being repaired or replaced. The business will have 10 parking spaces allocated for rental inventory.

South of the building is an area for loading and trash containment as well as a customer parking area. There are approximately 30 parking spaces in this area of which 10 are designated for the car rental company. There is a main customer parking area for all the retail shops northwest of the subject building. There are approximately 76 parking spaces in this area. The rental inventory parking does not impact the parking for other adjacent businesses.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on August 28, 2007. There was one person in attendance with general questions. Staff has received no correspondence in opposition to this request and the Police Department has responded with no issues or concerns.

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

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is non-transferable to other store locations.
3. Rental inventory shall be no more than 10 vehicles with vehicles parked in the parking spaces as represented in the exhibit.
4. The site shall be maintained in a clean and orderly manner.
5. There shall be no business advertising on vehicles and commercial moving trucks and trailers are prohibited.

68. USE PERMIT: Kizake, LLC

APPROVED Use Permit UP07-0076 Kizake, LLC, Series 12, to allow liquor sales and service for on-premise consumption indoors and within outdoor patios at a new restaurant in Historic Downtown Chandler at 91 W. Boston Street. (Applicant: Ron Wojcicki, Owner.)

The new restaurant is located within Historic Downtown Chandler off of Boston Street. Adjacent businesses include Urban Crib to the east, a future retailer to the west, 98 South Wine Bar & Kitchen to the north and to the south is City-owned property. Kizake is a sushi and martini bar that will offer traditional style Japanese/Asian food. The restaurant replaces the former Arizona Mesquite Company furniture store.

Behind the restaurant's building is a vacant area planned to be an outdoor dining area. The outdoor area is planned to wrap around the adjacent building's south side at 95 W. Boston Street extending along Oregon Street. There is a bar counter that extends from the restaurant's interior to the outside dining area. The outdoor patio area accommodates approximately 50-60 customers.

The outdoor patio area is accessed from the main restaurant with exit gates to Oregon Street. A 42 to 48 inch high brick wall will bound the outdoor dining area. The brick wall along Oregon Street is planned in conjunction with the future Oregon Street Arcade project, which includes a new colonnade. Another outdoor patio is proposed along Boston Street adjacent to the building's front entrance. There is no outdoor entertainment on a regular basis except for special events such as a jazz fest.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 6, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request and the Police Department has responded with no issues or concerns.

Upon finding consistency with the General Plan and CCD 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, other than for special events, 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.
5. The patio shall be maintained in a clean and orderly manner.

69. LIQUOR LICENSE: Kizake Sushi & Martini

APPROVED a Series 12 Restaurant Liquor License (Chandler #115851 L12) for Lauren Kay Merrett, Agent, Kizake LLC, dba Kizake Sushi & Martini, 91 W. Boston Street. A recommendation for approval of State Liquor License #12077275 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.

70. USE PERMIT: Fresh & Easy Neighborhood Market (Fulton Ranch)

APPROVED Use Permit UP07-0077 Fresh & Easy Neighborhood Market (Fulton Ranch), Series 10, to allow liquor sales within a new grocery store at 4920 S. Arizona Avenue. (Applicant: Amy Nations, Arizona Liquor Industry Consultants.)

The new freestanding grocery store is located within the Fulton Ranch Marketplace development. This grocery store is smaller than the usual supermarket offering everyday items to gourmet items. The development intends to open for business in March 2008.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 6, 2007. There were no citizens in attendance. Staff has received no correspondence in opposition to this request and the Police Department has responded with no issues or concerns.

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

1. Expansion, modification or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. The Use Permit is granted for a Series 10 license only and any change of licenses shall require re-application and new Use Permit approval.
3. The Use Permit is non-transferable to other store locations.
4. The site shall be maintained in a clean and orderly manner.

71. LIQUOR LICENSE: Fresh & Easy Neighborhood Market

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #115200 L10) for Randy D. Nations, Agent, Fresh & Easy Neighborhood Market, Inc., dba Fresh & Easy Neighborhood Market, 4920 S. Arizona Avenue. A recommendation for approval of State Liquor License #10075447 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.

72. USE PERMIT: Qdoba Mexican Grill

APPROVED Use Permit UP07-0078 Qdoba Mexican Grill, Series 12, to allow liquor sales and service for on-premise consumption indoors and within an outdoor patio at a new restaurant at 2855 W. Ray Road, Suite #1, within the Raintree Ranch Center development. (Applicant: David Kincaid, DJK Consulting/Stine Restaurant Group, LLC.)

The new restaurant is located within the Raintree Ranch Center retail development anchored by Whole Foods. The retail center is under construction and will have various retailers and restaurants. Qdoba Mexican Grill is a quick-serve, fresh ingredient Mexican grill. The business is one of two tenants occupying Shops B, which is located at the intersection of Ray Road and Coronado Street. Paradise Bakery is a new restaurant in the adjacent suite.

The outdoor patio is enclosed with a wrought iron fence and accessed from the restaurant's interior. The outdoor patio is located on the building's west and south sides. A five to six-foot wide sidewalk is maintained adjacent to the patio. The development expects to open for business by October 2007.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held September 6, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition and the Police Department has responded with no issues or concerns.

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

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

73. LIQUOR LICENSE: Qdoba Mexican Grill

APPROVED a Series 12 Restaurant Liquor License (Chandler #115193 L12) for Adam Richard Stine, Agent, Stine Restaurant Group LLC, dba Qdoba Mexican Grill, 2855 W. Ray Road, Suite #1. A recommendation for approval of State Liquor License #12077233 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.

74. USE PERMIT EXTENSION: Bevmo

APPROVED a Use Permit Extension UP07-0081 Bevmo, Series 6, for a liquor store that will have a sampling bar (wine, beer, liquor) at 7230 W. Ray Road, Suite #4, within the Chandler Pavilions shopping center. (Applicant: Amy Nations, AZLIC.)

Beverages and More! (BEVMO!) is a liquor store that specializes in specialty wine, beer, spirits, gourmet foods and accessories. This particular location was the first for Arizona and employs approximately 15 local residents. Corporate policy prohibits the selling of cigarettes, the use of pinball and video games, pool tables, selling of pornographic videos and magazines, lottery tickets, pay telephones, newspaper stands and any other items that could potentially cause loitering.

The subject site was granted Use Permit approval with a one-year timing condition in 2006. BEVMO! is requesting the Use Permit extension to allow for the serving of alcohol samples located in a small serving area between the two store exits. The Use Permit allows for on-site consumption for the purposes of sampling wine, beer and spirits. Patrons will have to pay per sample, and the sampling will be limited to comply with State liquor laws. Patrons will not be allowed to consume from an open beverage container. 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 September 26, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request and the Police Department has responded with no issues or concerns.

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

1. The Use Permit is for a Series 6 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.
4. The site shall be kept in a clean and orderly manner.

75. USE PERMIT EXTENSION: Wingstop

APPROVED a Use Permit Extension UP07-0082 Wingstop, Series 12, to sell alcohol within an existing restaurant at 5905 W. Chandler Boulevard, Suite #1, within the Kyrene Crossing shopping center. (Applicant: Nick Guttilla, Guttilla, Murphy, Anderson, PC.)

The site is located at the eastern portion of the site within a section of inline shops. North, across Chandler Boulevard is the Village at Gila Springs multi-family residential development and the proposed Artisan Village at Gila Springs residential and commercial development. Directly east and south is the Sorrento single-family residential neighborhood. West, across Kyrene Road is the Kyrene Village shopping center. There is an exterior patio that provides seating for approximately 30 patrons. There will be no live music or entertainment.

The outdoor patio was approved to be located on the north side of the restaurant, but was never utilized for dining or alcohol sales. The current request is for a smaller patio on the north side of the restaurant with the patio wrapping around to the western portion of the restaurant. The request for the patio reduction on the north side is to allow access to the mechanical equipment room. The outdoor patio will be a non-smoking patio.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 24, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request and the Police Department has responded with no issues or concerns.

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

1. The Use Permit granted is for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. No alcohol shall be carried outside of the building into the parking lot or off-premises, with the single exception of the patio.
4. 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.
5. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to an approval by the City of Chandler.
6. Televisions, speakers and music are prohibited outside of the restaurant.
7. The patio shall be maintained in a clean and orderly manner.

76. USE PERMIT: 98 South

APPROVED Use Permit UP07-0084 98 South, Series 12, to allow liquor sales and service for on-premise consumption within an outdoor patio at an existing restaurant in Historic Downtown Chandler at 98 S. San Marcos Place. (Applicant: Ron Wojcicki, business owner.)

The existing restaurant was granted Use Permit approval in April 2004 with a one-year time period. The Use Permit was extended in 2005 with no time limit. The outdoor patio is located on the building's east side along the front entrance area. This Use Permit request is to allow an outdoor patio as permitted in the recent City approval of extension of liquor premises in the City Center District (CCD) zoning. The patio's design and railing is in compliance with the downtown patio standards including a 4-foot high "Regal Style" wrought-iron fence in black enamel finish.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 21, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request and the Police Department has responded with no issues or concerns.

Upon finding consistency with the General Plan and City Center District 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, other than for special events, 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.

77. LIQUOR LICENSE: 98 South

APPROVED a Series 12, permanent extension of premises, for Chandler Liquor License #50063 L12 held by 98 South LLC dba 98 South at 98 S. San Marcos Place. A recommendation for approval of a permanent extension of premises for State Liquor License #12075795 will be forwarded to the State Liquor Department. The Police Department has no objections to this extension. All fees have been paid and the business is in compliance with the City's Sales and Use Tax Code.

78. USE PERMIT: Bravi

APPROVED Use Permit UP07-0086 Bravi, Series 12, to sell liquor for on-premise consumption within a new restaurant at 4991 S. Alma School Road, Suite #123, within the Fulton Ranch Promenade shopping center. (Applicant: Jim Nagy, Owner.)

The restaurant is located in the south end cap of the inline shops. North of the shopping center is the Snedigar Sports Complex. West, across Alma School Road, is the Safeway anchored Regency Ocotillo commercial center. South, across Chandler Heights Road is the Summit at

Chandler Heights commercial center. East of the subject site is the Serenity Shores at Fulton Ranch condominium development.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 27, 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.
4. The patio shall be maintained in a clean and orderly manner.

79. LIQUOR LICENSE: Bravi

APPROVED a Series 12 Restaurant Liquor License (Chandler #114774 L12) for James Patrick Nagy, Agent, Bravi 3 LLC, dba Bravi, 4991 S. Alma School Road, Suite #123. A recommendation for approval of State Liquor License #12077302 will be submitted 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.

80. USE PERMIT: Majerle's Sports Grill

APPROVED Use Permit UP07-0088 Majerle's Sports Grill, Series 12, to allow liquor sales and service for on-premise consumption within an expanded patio area at 3095 W. Chandler Boulevard at the Chandler Fashion Center mall. (Applicant: David Sanclemente.)

The new restaurant is replacing the former Rockfish Seafood Grill located within the Chandler Fashion Center mall area. The former restaurant was approved a Use Permit for liquor sales as permitted under a Series 12 Restaurant license in March 2002. The approval included the interior dining area and outdoor patio areas. The new restaurant is expanding the outdoor patio on the building's north side. The expansion requires the approval of a new Use Permit. The patio on the building's north side is being expanded for seating and to accommodate a lawn bowling court (Bocce Ball).

Majerle's Sports Grill is a full-service sports theme restaurant with an upscale environment. The establishment offers viewing of various sports on televisions. There is no live entertainment or dancing. Food service is available until 30 minutes prior to closing on all nights. The development expects to open for business by November 2007.

The request was noticed in accordance with the requirements of the Chandler Zoning Code. Staff has received no correspondence in opposition to this request and the Police Department has responded with no issues or concerns.

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

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

81. LIQUOR LICENSE: Majerle's Sports Grill

APPROVED a Series 12 Restaurant Liquor License (Chandler #116027 L12) for Albert Jason Sulka, Agent, Majerles 9 LLC, dba Majerle's Sports Grill, 3095 W. Chandler Boulevard. A recommendation for approval of State Liquor License #12077269 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.

82. USE PERMIT: San Tan Junior High/T-Mobile

CONTINUED TO DECEMBER 13, 2007, Use Permit UP07-0064 San Tan Junior High/T-Mobile to install a 65-foot monopalm wireless communication facility on San Tan Junior High School property at 1550 E. Chandler Heights Road. The case is being referred back to the Planning Commission for a proper recommendation.

83. LIQUOR LICENSE: La Familia New Market

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #116033 L10) for Ghazala Mushtaz, Agent, PD LLC, dba La Familia New Market, 545 N. Arizona Avenue. A recommendation for approval of State Liquor License #10075474 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. This application reflects a change in ownership and a new Use Permit is not required as this will be a continuation of the location's previous use as La Familia Market.

84. LIQUOR LICENSE: Pitta Souvli

APPROVED a Series 12 Restaurant Liquor License (Chandler #115775 L12) for Georgios Charalambous, Agent, JOG LLC, dba Pitta Souvli, 1940 S. Alma School Road, Suite #5. A recommendation for approval of State Liquor License #12077300 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. A new Use Permit is not required since this will be a continuation of the location's previous use as Bistro 1940.

85. LIQUOR LICENSE: The Olive Garden Italian Restaurant #1747

APPROVED a Series 12 Restaurant Liquor License (Chandler #116185 L12) for Kevin John Kelly, Agent, GMRI Inc., dba The Olive Garden Italian Restaurant #1747, 2930 E. Germann Road. A recommendation for approval of State Liquor License #12077306 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.

86. LIQUOR LICENSE: Michaels Pasta and Steak House

APPROVED a Series 12 Restaurant Liquor License (Chandler #115597 L12) for Howard Weinhaus, Agent, Michaels Pasta and Steak House, Inc., dba Michaels Pasta and Steak House, 4060 S. Arizona Avenue. A recommendation for approval of State Liquor License #12077274 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. A new Use Permit is not required as this will be a continuation of the location's previous use as Johnny Carino's Country Italian.

87. LIQUOR LICENSE: Barrio Fiesta of Manila

CONTINUED TO DECEMBER 13, 2007, Liquor License, Series 12, for Nelson Reyes, Agent, Barrio Fiesta of Manila Restaurant LLC, dba Barrio Fiesta of Manila at 941 W. Elliot Road, Suites 11, 12, 13 and 14 to allow the applicant time to complete the requirements for a new Use Permit.

88. LIQUOR LICENSE: The Detour Restaurant

APPROVED a Series 12 Restaurant Liquor License (Chandler #115949 L12) for Eric Adam Amorossi, Agent, Gold Mine Entertainment LLC, dba The Detour Restaurant, 6403 W. Chandler Boulevard. A recommendation for approval of State Liquor License #12077281 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. This application represents a change in ownership; however, a Use Permit is not required as this will be a continuation of the location's previous use as Sports 4EM.

89. CLAIMS REPORT

APPROVED the Claims Report for the Accounts Payable checks for the quarter ending September 30, 2007.

ACTION:

58. USE PERMIT: Beverly Ann Carpenter

Use Permit UP07-0008 Beverly Ann Carpenter, to allow horses to be kept on two lots zoned Agricultural District (AG-1) that are less than 35,000 square feet in size at the SEC of El Alba Way and the Loop 101 Price Freeway. (Applicant: Beverly Ann Carpenter/Sandra Carpenter.)

PLANNER BILL DERMODY said that the subject parcels are two of several freeway remnants located adjacent to the eastern sound wall along Price Road (Loop 101 Freeway) that were sold by ADOT after freeway construction to neighboring property owners in the unincorporated Caballos Ranchitos subdivision. The surrounding Caballos Ranchitos rural residential subdivision includes several lots with horses or other animals such as chickens.

The parcels, which were annexed in 1974, are a combined 25,201 square feet and are adjacent to an approximate 78,277 square foot unincorporated parcel at 2819 W. El Alba Way that includes a single-family house. The owner of the adjacent property at 2819 W. El Alba Way bought the subject parcels from ADOT. In turn, she sold the properties to a relative, but continues to lease them for her use. There are generally two (2) and up to six (6) horses on the subject parcels, as well as several shade structures and corral fencing. Upon approval, variances will be required for several of the structures due to their proximity to property lines. City Code allows two (2) horses to be kept on every 35,000 square feet of land zoned AG-1; any amount of land under 35,000 square feet does not allow horses without a Use Permit.

The shade structures and corral fencing are considered to be "accessory structures" as defined by code. One accessory structure is allowed in the AG-1 district only if there is a primary residence on the property. In this case, there is no primary residence on the property. Therefore, Use Permit approval is required for the structures to remain.

Access will be provided to the site from El Alba Way via a small ADOT parcel to the north that blocks direct connection to the street. ADOT has provided permission for their parcel to be crossed in order to access to the remnant parcels.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held September 20, 2007. There were no citizens in attendance. Staff has received phone calls from three neighbors in opposition. Their complaint is that a large horse boarding operation was previously being run illegally from the subject site and the adjacent residence with negative traffic impacts on the neighborhood. The neighbors are concerned that any approval will lead to the previous horse boarding being resumed.

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

1. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The number of horses kept on the subject properties shall be limited to six (6).
3. There shall be no horse boarding nor riding lessons unless and until first receiving separate Use Permit approval from the City of Chandler.
4. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
5. The site shall be maintained in a clean and orderly manner.
6. Structures on the site shall meet applicable City codes and acquire any necessary permits.

JAMES LAVANWAY, 2807 W. El Alba Way, commented that because they are in a county island, they are left out of what is happening in the City of Chandler. The subject lots were purposely released from their homeowner's association 10 years ago to allow the homeowners to sell to ADOT and the HOA will not allow the lots to come back into Caballos Ranchitos. He said the

current occupant, Robert Dixon, stated he is involved in divorce proceedings and will be selling the house when it is final. The lots cannot be combined. He said they are concerned how water is to be provided if the lots cannot be connected. When the ownership of 2819 is decided, she could apply if she actually owns the land. The County denied the use. Her husband stated she was collecting boarder income, but she felt it was donations to a ministry. It is a residential lot and horse boarding is not appropriate.

GIL MONTANEZ, 2822 W. El Alba, directly across the street from the subject site, displayed photos of the property. He cited concerns that the property has never been well maintained and they have had boarders and are giving riding lessons. He noted there are no sidewalks, and cars park in front of his house. He asked denial of the request.

MAYOR DUNN said that per the stipulations if this request is approved, is that there will be no horse boarding or riding lessons without a Use Permit. Mr. Montanez said that under the current County policy there are to be no boarders, but there are. The neighborhood has no reason to believe that Ms. Carpenter will abide by the stipulations.

TANYA RATHJEN, 2822 W. Colt Rd., directly behind the subject property, showed pictures of her view of the house. She is opposed to any more structures being built or horses running up and down causing dust. She asked for denial of the request. Ms. Rathjen stated that Ms. Carpenter has been boarding a horse at her house and she has asked her to come pick it up because she doesn't know anything about horses, but it is still there. Ms. Rathjen said Ms. Carpenter does not take care of the horses she has and doesn't need more.

COUNCILMEMBER SEPULVEDA asked who owns the surplus land. MR. DERMODY said that the crosshatched section on the map is in the City and zoned AG-1. Just east of the site is the property that some of the neighbors have been referencing which is in the County. South of the crosshatched area is also City and is owned by an out-of-state owner.

DR. DON NICHOLSON, 2552 W. El Alba, said that there is a mixture of homes in the area with some being well kept and others not. He supports the previous speakers because he is against the further commercialization of the area.

SHARON JOHNSON, 2724 W. Colt Rd., spoke in opposition to this request. She has horses herself, but had concerns with the condition of Ms. Carpenter's property.

SANDRA CARPENTER-DIXON, 2819 W. El Alba Way, applicant, said she and her husband own the property depicted in the photos and the issues being raised by the neighbors are personal and do not pertain to the request. She stated she owns 12 horses on her property. All of her animals would be given a clean bill of health. She is neither asking for nor intending any business use. She is only asking to use the property for what it is zoned for. The horse Ms. Rathjen referred to has been there for a few months to help Ms. Rathjen keep her grass cut. Ms. Carpenter said she has been unable to get to the horse because the gate is chain locked and there is a 6' wrought iron and brick wall.

MAYOR DUNN asked if there was neighborhood opposition expressed during the Planning Commission hearing. MR. DERMODY responded that there was. MAYOR DUNN asked what the property is currently being used for. Mr. Dermody said that it is currently be used for what is being requested which is an illegal situation that Staff is attempting to remedy. He explained that in this zoning district, there must be at least 35,000 square feet to have horses and a primary structure to have shade structures over the horses. MAYOR DUNN asked if there are horse-uses

surrounding this property. MR. DERMODY responded that horses are common in this neighborhood. MAYOR DUNN asked how the stipulation prohibiting boarding or riding lessons be enforced. MR. DERMODY stated that Staff would have to visit the property periodically over the next year to evaluate the situation. MAYOR DUNN asked how Staff arrived at the maximum number of horses to be six. MR. DERMODY said that that is what the applicant requested and Staff felt it was reasonable because if all of the properties were together in the City, under AG-1 zoning they would be permitted to have that many.

COUNCILMEMBER WENINGER asked if stipulation #5 is being met. MR. DERMODY replied that it has not evaluated recently; however, several months ago it was not.

COUNCILMEMBER SEPULVEDA asked Staff how many horses the applicant said she currently owns. MR. DERMODY responded that she has indicated that she has a total of 12 horses between her property and that owned by her mother. The City would allow six total and approached the situation as not having control over what happens in the County and can only control property within the City. COUNCILMEMBER SEPULVEDA commented that with City and County both being involved in the same property, it would be hard to enforce with any consistency. Mr. Dermody concurred.

VICE-MAYOR HUGGINS asked about inspections when a Use Permit is approved. MR. DERMODY said that a business needs a certificate of occupancy, but this is not considered a business and would not be part of the normal process to send an inspector out. However, Staff has planned an inspection for this property because of maintenance concerns. VICE-MAYOR HUGGINS asked if an inspection could be made and if there are 12 horses instead of 6 and the site is not maintained in a clean and orderly manner, the Use Permit would not be issued. MR. DERMODY said that could happen.

COUNCILMEMBER DONOVAN clarified that if the stipulations were not adhered to tomorrow, the Use Permit would not be in effect until they were complied with. MR. DERMODY said that at any point that the stipulations are not being followed, the Use Permit would be voided until they came into compliance. CITY ATTORNEY HOUSE clarified that at any time there is non compliance with the stipulations, the City could either go through enforcement procedures or action could be taken by the Zoning Administrator to revoke the Use Permit. Non-compliance with conditions would not void the Use Permit.

COUNCILMEMBER DONOVAN asked about stipulation #3 prohibiting boarding or riding lessons not stating that the riding lessons would be for a fee and how that reconciles the applicant's narrative regarding community service being done on the site. MR. DERMODY said that Staff has a difficult time regulating friends coming over to ride horses with friends. It can only be regulated if it is a business. COUNCILMEMBER DONOVAN asked how Staff determines whether or not it is a business. Mr. Dermody said it will be difficult to enforce.

COUNCILMEMBER WENINGER asked about 12 horses being on the property now and the Use Permit only allowing 6. MR. DERMODY clarified that the applicant has 12 horses total, but only 6 are kept on the property for this Use Permit. Mr. Dermody said that of the current stipulations, Staff is most concerned with the one referring to the site being kept in a clean and orderly manner. The stipulation was just added by the Planning Commission, but it was not being adhered to a few months ago.

COUNCILMEMBER WENINGER asked if this item could be continued until the stipulations are met. MR. DERMODY said that is an option. MR. HOUSE clarified that horses are being kept in

this property in violation of the code and if the case is continued, Council would allow that to continue without being addressed.

MAYOR DUNN clarified that this site is a remnant of the property in the City and the rest of the property in the area is in the County and owned by individual landowners rather than ADOT. It is a private property owner using the property similar to how other property owners in the area for horses. MR. DERMODY concurred. MAYOR DUNN said that the issue is that we do not like how the property is being used in terms of appearance and condition. MAYOR DUNN asked what that has to do with the Use Permit and questioned whether that is monitored when a permit for animals is granted. MR. DERMODY said that Council could make the determination that the use is compatible with the horses on the property only if it is kept up a certain way.

MAYOR DUNN asked what is currently on the property. MR. DERMODY said there is a shade structure, corral fencing and horses with a 6' fence in the front on a sliver of property that is not part of these parcels. There are also shade structures on other properties in the area. MAYOR DUNN said he is trying to decipher what Council is being asked to approve. MR. DERMODY said that Council could approach in both ways by determining that the Use Permit is only compatible if they follow the stipulations, or it could be approved and Neighborhood Services has the authority to ensure the property is maintained.

MAYOR DUNN asked what would happen to the structures if this request is denied. MR. DERMODY responded that the structures and horses would have to be removed as the ordinance only allows accessory buildings when there is a primary structure on the property, such as a house. Since there is no house on this property, a Use Permit is necessary for the structures. MAYOR DUNN clarified that if the Use Permit is not approved, the property owner is basically being told she can have nothing on her property but trees and grass. Mr. Dermody concurred.

MR. HOUSE said that there has to be a principal use on the property before there could be accessory uses. It is his understanding that the shade structures and corral fencing are in violation of our code currently and would require a variance even if the Use Permit were granted. MR. DERMODY concurred.

VICE-MAYOR HUGGINS asked if these structures were built under County rules when they were first built. Mr. Dermody said they were not.

COUNCILMEMBER WENINGER asked if Neighborhood Services have been to the property and written citations that have not been complied with. MR. DERMODY said there are and those items are being dealt with through the Use Permit and a future variance. Those issues include horses being on the property, structures being on the property and the distance of the structures to the property. Variances must be approved by the Board of Adjustment and if they are not approved, the structures have to be removed.

COUNCILMEMBER SEPULVEDA questioned if there is still a need for a variance through the Board of Adjustment to see if the structures are acceptable, if this action isn't premature on the Use Permit. If the Use Permit was approved and the Board of Adjustment denied the current structures, there would be no need for a Use Permit.

MAYOR DUNN commented that he sees this as separate issues with one being allowing the use of the property for horse privileges, which exists in the area and the other being the structures. It has nothing to do with where the structures are located. MR. DERMODY clarified that if the

Board of Adjustment denies the variance for setbacks, the property owner could still put different size structures in different structures on the property.

COUNCILMEMBER DONOVAN clarified that even a non-profit operations is considered a business and could not be located on this site. MR. DERMODY said that was the intent of the stipulation.

COUNCILMEMBER WENINGER asked about the time frame for scheduling a Board of Adjustment hearing for a variance. MR. DERMODY said the earliest hearing date would be December 12<sup>th</sup>. COUNCILMEMBER WENINGER asked if a motion could be made to continue until the Board of Adjustment has acted on the variance. MR. HOUSE said that administratively, the code is not enforced while a Use Permit is pending.

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER SEPULVEDA, TO CONTINUE THIS ITEM TO JANUARY 17, 2008, TAKING INTO CONSIDERATION THE OUTCOME OF THE BOARD OF ADJUSTMENT HEARING.

Mr. House said there is a Council meeting scheduled for December 13, 2007, the day after the Board of Adjustment meeting.

COUNCILMEMBER WENINGER AMENDED THE MOTION TO CONTINUE THIS ITEM TO DECEMBER 13, 2007.

COUNCILMEMBER DONOVAN asked if the motion needs to include having the applicant in compliance with the current code. MR. HOUSE stated that Council has made clear its position on that issue.

MOTION TO CONTINUE THE CASE TO THE DECEMBER 13, 2007 CITY COUNCIL MEETING CARRIED UNANIMOUSLY (6-0).

THE MEETING WAS RECESSED AT 9:14 P.M. AND RECONVENED AT 9:22 P.M.

The Public Hearing was moved up before the last agenda item, out of sequence from the printed agenda.

PUBLIC HEARING:

PH #1        ANNEXATION : SEC Cooper and Chandler Heights Roads.

Annexation of approximately 10 acres of land located at the SEC of Cooper and Chandler Heights roads. (Applicant: Joshua and Monique Amerine, Tom Inman.)

MAYOR DUNN OPENED THE PUBLIC HEARING AT 9:22 P.M.

MR. BALLARD said that the subject property, created through the combination of three separate existing parcels of record under the ownership of the three applicants, is located at the SEC of Cooper and Chandler Heights roads. One of the three existing parcels contains a single-family

residence that will be removed when the property is developed. The other two parcels are vacant.

The property is zoned Rural-43 within the County. The Southeast Chandler Area Plan, a land use element plan of the Chandler General Plan, designates the area as a "Rural/Agrarian Character" area. The development intention for the property is Garden Office Condominiums.

MAYOR DUNN asked if there was any discussion from the audience. There was none.

MAYOR DUNN closed the public hearing at 9:23 p.m.

90. Discussion and possible action regarding a City Council cell phone policy.

MAYOR DUNN said that this item was added at the request of the City Manager who is requesting Council direction on clarification of the City Council cell phone policy. MR. PENTZ added that survey information was provided from various cities in the valley as to how they handle their cell phone policy with their Councils. He suggested in his memo they could continue with the current policy which is providing a City cell phone to Councilmembers or gives Council the option of having a stipend. If using a City-owned cell phone, the billings would come to the City and would be public records. He noted there is some variation among City attorneys on what constitutes public record if there is a stipend offered.

COUNCILMEMBER ORLANDO commented that he supports the Manager researching a cell phone policy. Councilmembers have different ways of handling cell phones. Some have had separate City phones, some have paid the difference or a combination of both. He suggested whatever policy is implemented, it should be flexible and two options should be offered.

COUNCILMEMBER WENINGER reviewed the scenarios. He asked what the average employee stipend is. MR. PENTZ said the stipend is \$30 monthly. The third option would be to have your own phone and bill the City. MR. HOUSE reiterated that it is unclear if those records would be public. There are no court decisions. An argument can be made that any equipment being used for City-business can be considered public records. There was a recent issue in the City of Phoenix where a Councilmember was using a personal home computer to conduct City business and there was a public records issue that has not been resolved. The City was not paying for the computer in this instance.

Mr. House continued that it is fairly clear that if a phone owned by the City was used for personal calls, they are not public records and the numbers could be redacted from the bills. The question becomes if a Councilmember receives a City-owned cell phone, to what extent can that be used for personal use. There are policies for employees for personal use of computers. He stated Council may want to take into consideration qualifying whether or not City-issued cell phones can be used for personal use.

COUNCILMEMBER WENINGER asked if the stipend option is chosen, if a statement could be included in the policy that the bill is a public document. MR. HOUSE said that that appears to be what Gilbert has adopted. The stipend-option specifically states that the billings for that phone are public records. The Gilbert City Attorney has determined that if there were a public records request for those bills, the Councilmember has the option of redacting their personal calls.

COUNCILMEMBER SEPULVEDA said the policy should somewhat mirror the policy for City employees. He said it is important to clarify the practices that are used. Mr. Pentz said that there are guidelines that CAPA has used. Councilmembers have an account for charging expenses including mobile phone expenses.

COUNCILMEMBER SEPULVEDA said in addition to the stipend and city owned cell phone, there should be a third option where maybe neither option is chosen or a personal cell phone is used. He noted he has called in to meetings from other government installations and questioned how far the need to identify those phone records would go.

VICE-MAYOR HUGGINS said that when he first came on the Council, every call came into the same number and there was a paid staff person to take the call. Then they had to call him on his home phone, he would call the citizen back and then call staff back for any action that needed to be taken. By having cell phones for Councilmembers, numerous monthly staff-time hours are saved. He has a message on his personal home phone that if the call is City business, call him on his cell phone and if not, leave a message. He also feels that if Council is going to be issued a City cell phone, the numbers should be published so people can contact them.

COUNCILMEMBER SEPULVEDA commented that his point is whether or not Councilmembers conduct City business on their home phones or at their business, those records become public record because city business was conducted.

MAYOR DUNN said that if a Councilmember receives city calls on their home phone and asks the City to reimburse them for those calls, then that bill would become public record because it involves taxpayer money. An option of using personal phones has always been available. When the City provides a phone or any taxpayer money is being used to help defray costs, we need to be able to document those charges. If a stipend option is chosen, it should be a requirement for those records to be released.

COUNCILMEMBER ORLANDO said there are federal laws that do add protection on releasing information.

COUNCILMEMBER SEPULVEDA said that at one time, when a Councilmember was elected, the City would pay for having a phone line or fax line or pay for Internet connection. There needs to be some type of policy in place. MR. PENTZ said Staff would come back to Council with language for consideration.

MR. HOUSE asked if is the intent of the Council that the records be public in the case of a stipend and City-issued cell phone. MAYOR DUNN said that it would be for a later discussion. It is his opinion that a City-issued phone should be public record. With a stipend, the Councilmember should agree to make those records available to the public. Mr. House asked if personal use of a City-issued cell phone would be permissible. MAYOR DUNN said personal use would be permissible with reimbursement to the City, as he has done over the years.

VICE-MAYOR HUGGINS commented that there are times when personal calls are necessary and an employee should not have to reimburse the City for those calls.

COUNCILMEMBER ORLANDO concurred with using reasonableness in deciding that.



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City Clerk