

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, November 8, 2007 at 7:18 p.m.

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

The following members answered roll call:

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

Council Absent and Excused: Martin Sepulveda Councilmember

Also in attendance:

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

INVOCATION: The invocation was given by Sr. Pastor Kevin Hartke, Trinity Christian Fellowship

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

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognition

MAYOR DUNN was joined by Management Services Director Dennis Strachota in recognizing James Weiss for 15 years of service with the City. Jim began his career as an environmental program coordinator after having owned his own environmental services company. When the Environmental Management Division was created, Jim became manager to develop practices and procedures that would significantly reduce unexpected environmental complications. He has since been involved in all aspects of environmental compliance and audits of the City's facilities to ensure that they are properly permitted and in compliance with regulations and policies. With his involvement in on-going hazardous waste compliance, the production of hazardous waste has been reduced. Jim has also developed programs and procedures for completion of environmental site assessment investigations before the City acquires any property and that current and up-to-date compliance records are maintained on all properties. In 2005, Jim was instrumental in establishing an electronic document managing system linked to the geographic information system (EDMS/GIS) for the environmental division which represented a major technological breakthrough for the City and for which he received an Exceptional Merit Award. Jim serves as a member of the City's Emergency Preparedness group and assists in emergency planning regarding all facilities with hazardous chemicals.

2. City Services Academy Graduates

MAYOR DUNN was joined by Kysa Meyerer in recognizing the City Services Academy Graduates:

Stephanie Kunert
Tim Budworth
Leticia Rodarte
John Anguiano
Tom Denny

Terrilynn Ebling
Lois Williams
Elaine Brill Wagner
Scott Hollis
Diane Denny

Malcolm Anderson
Mary Schlotterer
Jeff Deaver
Melody Mueller

3. Proclamation – National Nurse Practitioners Week

MAYOR DUNN presented a proclamation to Nurse Practitioners Patricia Park, Laura Working and Sara Noos proclaiming November 11-17, 2007, as National Nurse Practitioners Week.

Patricia Park thanked everyone for their support of Nurse Practitioners. Nurse Practitioners provide health throughout life and help patients to make wise health and lifestyle choices.

Director of Student Health Services for ASU Downtown Phoenix said that they serve individuals so they can live in Chandler as the Council serves the community to make Chandler a better place for people to live.

4. Special Recognition- Certificate of Achievement for Excellence in Financial Reporting

MAYOR DUNN was joined by Management Services Director Dennis Strachota who presented the Certificate of Achievement for Excellence in Financial Reporting to the accounting staff – Brian Ritschel, Accounting Manager; Penny Burczyk, Accounting Supervisor; Derrick Beracy Accountant and Debbie Dulanski-Garcia, Account. This award is presented by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report for fiscal year 2005/06. This is the 25th consecutive year the City has received this award which is the highest award presented for governmental reporting.

UNSCHEDULED PUBLIC APPEARANCES:

RON WOJCICKI, 865 W. Whitten, owner of 98 South, reported that the Art Walk held Wednesday evening in downtown Chandler was very successful. The DCCP made it a great event for downtown. Mr. Wojcicki expressed concern with the allocation of DIF (Downtown Improvement Funds) in the downtown area as it is a good program, but there is no definitive criteria for applying for these funds.

MAYOR DUNN directed the City Manager to follow through on developing a policy.

CONSENT:

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

COUNCILMEMBER CACCAMO stated he would be voting nay on Item #4.

COUNCILMEMBER WENINGER stated he would be voting nay on Item #33.

MOTION CARRIED UNANIMOUSLY (6-0).

1. ALIGNMENT: Coronado Street/ Chandler Boulevard to Price Frontage Road

APPROVED the Alignment for the extension of Coronado Street from Chandler Boulevard to the Price Frontage Road to service proposed and future developments in the vicinity of the SEC of Chandler Boulevard and the Loop 101 Price Freeway.

This new collector road will be an extension of Coronado Street to the south of Chandler Boulevard that will curve westward and tee into the northbound Price Frontage Road. The existing Gould site will be replaced with a large office complex with more than 3,000 employees at full build-out. This collector road will obtain signalized access to Chandler Boulevard at Coronado Street and right-in/right-out access onto the Price Frontage Road. A public roadway is needed to ensure that other future parcels south of the Gould site will also be able to make use of these same access points.

The Transportation Commission unanimously recommends approval.

JEFF LEONARD, with the law firm of Sacks Tierney, 4250 N. Drinkwater, Scottsdale, spoke on behalf of an adjoining property owner, MH Storage Corporation. He said they were told the extension would be done entirely on the LGE (formerly Gould) property and were not concerned. However, a week ago, October 31, there was e-mail from Chandler's Planning Department stating that it was their understanding that the project would take 10 feet of MH Storage's property, which then became a concern. Apparently, the project will now be taking 30 feet of their property, which causes significant problems for MH and Chandler. He explained that the existing buildings would be right against the road. He added it causes problems for the City because it raises the issue of whether or not there is any City right-of-way and/or easement. The City Attorney's office has confirmed that the City is not taking the position that there is an easement, which will raise questions about a negotiated sale or required condemnation. Mr. Leonard requested a continuance until his client has the opportunity to work with City Staff.

ACTING PUBLIC WORKS DIRECTOR Dan Cook clarified that tonight's action is to consider an alignment for the roadway and is not a precise location. MAYOR DUNN added that this intersection would serve the area and is designated as a significant employment area. His concern would be with ingress and egress to the area without the street.

ECONOMIC DEVELOPMENT SPECIALIST Chris Mackay said they began working with redevelopment when Gould notified the City they would be closing their facility. Staff identified an office developer working with an existing office developer on redeveloping the site. When Gould closed the facility, there were 180 employees and 100 at Nikko Materials coming and going from the site daily. Staff expects a PAD to come before Council in the next few months with the first phase of redevelopment being two class A office buildings totaling approximately 480,000 square feet which would be approximately 3000 new jobs at that intersection.

There is also a 4-acre site immediately to the south of the mini-storage that is being actively marketed for sale as a limited service hotel property. She said in the opinion of the Economic Development Division, this intersection is Chandler's "24th Street and Camelback" corner; a signature office corner. While the first phase expects 3000 employees, she said that Staff sees actual build out of that area to approximately 5000 employees.

MAYOR DUNN asked how specific the actual alignment is at this point and confirmed that if it were to take anyone else's' property, it would come back to Council for any condemnation. MS. MACKAY replied that condemnation is not being requested tonight. Staff is asking for approval on the location of the alignment and if it's in the right location. She explained that Traffic Engineering has been working with the LGE Group to re-identify the entire roadway. The greatest challenge is having to align with Coronado on the north side, which currently feeds through the intersection. MAYOR DUNN asked if any of the existing structures are affected. MS. MACKAY said that Staff anticipates no impact to the structures or existing wall. The west side would dedicate 41 feet and the east side would dedicate 30 feet. It would provide for an approximate 7.5-foot landscape setback away from the wall prior to starting the curb for the roadway. The sidewalk meandering through the area providing access to Festival and other areas would be on the west side.

TRANSPORTATION ENGINEER Mike Mah added that this road is critical to the redevelopment of this area. With 3000 employees, the expectation is at least 1000 vehicles per hour coming out of the site. Coronado is the only road available for signalization of the intersection. MAYOR DUNN asked if a street could be put in closer to Price Road. MR. MAH explained that the "closest available opportunity" is Coronado Street. There is an access from this site that is halfway between Price and Coronado but it is right-in/right-out only. If we were to install a signal closer than that, the traffic from one signal would back up into the next signaled intersection. ADOT also has concerns with a traffic signal at that location and may not allow it.

COUNCILMEMBER WENINGER said that he goes to the self-storage and car wash in the area and it is tricky to get in and out now. He questioned how three different areas would be merged coming out at the same place. MR. MAH responded that some signage and striping would be proposed in the area to keep it clear. There is a challenge with some wanting to turn left into the gas station while traffic is queuing to go north to get out onto Chandler Boulevard which is why Staff is proposing two southbound lanes. There will be a right-in/ right-out for the offices on Price Road.

2. REZONING: Chapman BMW Ord. #3985

ADOPTED Ordinance No. 3985, DVR07-0044 Chapman BMW, rezoning from PAD to PAD Amended with a Mid-Rise Overlay for additional building height with PDP Amendment approval for the building architecture of an automotive sales and service development on approximately 6.5 acres west of the SWC of 54th Street and Orchid Lane.

3. REZONING: Layton Lakes Parcel 18 Ord. #3986

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3986, DVR07-0010, Layton Lakes Parcel 18 rezoning from PAD for attached town homes to PAD Amended with PDP approval for a medium-density detached single-family residential subdivision on approximately 12 acres within the Layton Lakes Master Plan at the SWC of Lindsay and Queen Creek roads. APPROVED PRELIMINARY PLAT, PPT07-0005, Layton Lakes Parcel 18, for a medium-density detached single-family residential subdivision on approximately 12 acres at the SWC of Lindsay and Queen Creek roads. (Applicant: Jeff Gunderson, Lennar Communities Development.)

This request was noticed in accordance with the City of Chandler Zoning Code. 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.

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

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

4. REZONING: Layton Lakes

Ord. #3987

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3987, DVR07-0012 Layton Lakes, rezoning from PAD to PAD amended to eliminate a zoning condition requiring copper supply plumbing for a residential Master Plan on approximately 320 acres of Layton Lakes Master Plan at the SWC of Lindsay and Queen Creek roads. (Applicant: Ed Bull, Burch & Cracchiolo, P.A.)

The approximate 820-acre Layton Lakes Master Planned development received PAD zoning in March 2001. Of the 820-acres, approximately 373 acres are within the City of Chandler with the majority of Phase I occurring in the Town of Gilbert. Of the approximate 373 acres within Chandler's City limits, Layton Lakes provides approximately 320 acres of residential development with an overall density of approximately 2.2 dwelling units per acre.

The application requests a zoning amendment to eliminate stipulation No. 16 of Ordinance No. 3250 requiring copper plumbing for those lines under water pressure. The homebuilder is requesting to eliminate the stipulation to allow the use of an alternative plumbing materials, cross-linked polyethylene (pex) piping.

On January 27, 2005, Council adopted the 2003 International Code (I-Code). Pex piping is specifically addressed in the I-Code and is a permitted material. Currently, the use of any other materials, other than copper, for lines under water pressure is prohibited through a zoning stipulation. Even though pex piping is an approval material, it may be used in a subdivision where copper plumbing has already been stipulated without the developer returning to Council to have the stipulation removed.

Every national plumbing code now permits the installation of pex as an approved hot and cold-water distribution system. The use of any material other than copper is prohibited through zoning stipulation. Therefore, even though pex is an approved material, it may not be used in a subdivision where copper has already been stipulated without the developer returning to Council to have the stipulation removed. Pex may be used in future subdivisions if the copper stipulation is not in place.

There are many positives that arise from the use of pex plumbing over copper plumbing. Pex plumbing is more flexible allowing for easier maneuverability and installation. Pex plumbing is freeze resistant and can withstand temperatures up to 180 degrees for plumbing uses. Pex plumbing is corrosive resistant and non-toxic.

The City recently completed a City-wide water pressure study. Based upon information gathered, it was identified that the area west of the Loop 101 Price Freeway experiences fluctuations in water pressure. In response, the Building Official will now be requiring water

pressure regulators to be installed on all new homes constructed starting November of this year, regardless of what type of plumbing is installed. The subject site is located east of the Loop 101 Price Freeway, within the City area identified as maintaining steady water pressures. Water pressure regulators will not be required within the Layton Lakes development.

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

COUNCILMEMBER CACCAMO voted nay on this item.

5. CONTRACT RESTATEMENT: Sprint Ord. #3944

ADOPTED Ordinance No. 3944 approving restatement and amendment of Resolution No. 3502 authorizing a contract between Sprint Communications and the City of Chandler for Use of Public Property and declaring an emergency.

Sprint and its predecessor companies, has had a Use Fee Agreement with the City since 1986 for its long haul, Interstate Telecommunications fiber communication system. There is no new construction planned at this time. Council last approved this agreement in 2002 by Resolution No. 3502, which expired November 7, 2007. Ordinance No. 3944 renews this agreement for an additional five years and sets the new annual footage fee rates for this time period by amending Section 4. It also restates the agreement as an ordinance instead of by resolution, which is a more appropriate action. An emergency clause is required due to the immediate expiration date of the current contract.

It is estimated that there will be 58,799 linear feet in place in public property. The right-of-way use fee will amount to \$104,367.04 owed on November 5, 2007, which will be increased by 2.6 percent each year thereafter for the term of the agreement resulting in fees of \$107,080.58 due on November 5, 2008; \$109,864.67 on November 5, 2009; \$112,721.15 on November 5, 2010, and \$115,651.89 on November 5, 2011.

6. PROJECT AGREEMENT: Maricopa Association of Governments Res. #4123

ADOPTED Resolution No. 4123 authorizing a project agreement with the Maricopa Association of Governments (MAG) for future reimbursement to the City for improvements to Queen Creek Road from Arizona Avenue to McQueen Road in the amount of \$4,164,000.00 in 2007 funds with the City's share estimated to be approximately \$2,300,000.00 in 2007 funds.

The Regional Transportation Plan (RTP) approved by voters in 2004 included numerous arterial street, freeway and transit improvements throughout the valley. The arterial street and intersection projects comprise an Arterial Life Cycle Program (ALCP) managed by the Maricopa Association of Governments (MAG). Each approved project requires a project agreement to establish the amounts and fiscal year of reimbursements to the City. Queen Creek Road from Arizona Avenue to McQueen Road is one of the approved RTP projects.

The improvements to Queen Creek Road from Arizona Avenue to McQueen Road are part of a larger project to improve Queen Creek Road from Price Road to McQueen Road. Council approved this project on September 20, 2007, and the contractor is currently mobilizing to start work. The City is using a combination of impact fees and county grant funds to construct the road improvements. Only the one-mile portion of the roadway from Arizona Avenue to McQueen Road is included in the RTP reimbursement program.

Reimbursement is programmed for fiscal year 2012 in the amount of \$4,164,000.00 in 2007 funds. This amount will be inflated annually by the All Items United States Consumer Price Index, All Urban consumers. The City and the County will split the reimbursement based upon each agency's share of funding for the design, right-of-way, and construction. The City's share of the reimbursement is estimated to be about 55% or \$2,300,000.00. The actual percentage split will be calculated at the completion of the project when all eligible costs have been computed.

The City will file for reimbursement as soon as the project is completed, currently planned for the summer of 2008. If other cities cancel or defer projects, and if cash flow forecasts are favorable, there is a possibility Chandler could be reimbursed for this project earlier than fiscal year 2012. However, MAG has not made any early reimbursements in the first two years of the program.

The Transportation Commission unanimously recommended approval.

7. LICENSE AGREEMENT: Western Canal Multi-Use Path Res. #4131

ADOPTED Resolution No. 4131 accepting a license agreement from the United States of America (USA) for the installation, maintenance and use of a multi-use path along the south side of the Western Canal from the east right-of-way line of the Price Freeway to the west right-of-way line of the Union Pacific Railroad east of Arizona Avenue.

The license will run for a period of twenty-five (25) years and shall provide for four (4) automatic extensions of ten (10) years each. Installation and maintenance are the consideration for the license.

8. LICENSE AGREEMENT: SRP Res. #4132

ADOPTED Resolution No. 4132 accepting a no-cost license agreement for road right-of-way for the west side of Cooper Road north of Pecos Road in conjunction with road widening improvements for the Cooper Road and Pecos Road Improvement project.

In order to finish construction and maintain road widening and associated improvements along the west side of Cooper Road north of Pecos Road, it is necessary for the City to obtain a license from Salt River Project (SRP) to enter upon and use a portion of the USA's property. SRP has agreed to grant a Right-of-Way License to the City for this purpose, at no charge, provided that the City accepts SRP's license, which includes language that requires the City to indemnify, release and hold harmless SRP and the USA. Acceptance of the license will enable the City to complete the project and maintain the roadway. The license covers a 20-foot wide strip of land along the west side of Cooper Road running from Pecos Road to the north approximately 596 feet and contains approximately 12,110 square feet.

9. EXEMPTION: Industrial Commission of Arizona Res. #4133

ADOPTED Resolution No. 4133 requesting continuation of exemption from the Industrial Commission of Arizona requirement of posting a security bond for City of Chandler Self-Insured Workers' Compensation Program.

The City of Chandler was approved to self-insure workers' compensation benefits on January 1, 2003. A requirement of self-insured program is to post a security bond with the ICA in order to ensure performance in the event that a self-insured becomes insolvent.

On April 4, 2005, the ICA implemented new rules governing management of the workers' compensation self-insurance program. The new rule (R20-5-1114) includes an Exemption from Requirement to Post Security. "A public entity applicant or public entity self-insurer is exempt from the requirement under this Article to post or provide security if the public entity:

1. Has a fully funded risk management fund sufficient to cover actuarial liabilities for workers' compensation as determined by the self-insurer in accordance with Government Accounting Standards Board Statement #10;
2. Provided funding to the risk management fund each year sufficient to cover actuarial liabilities for workers' compensation as determined by the self-insurer in accordance with Government Accounting Standards Board Statement #10."

Since the inception of the City's self-insured program in January 2003, a total of \$16,745.00 has been expended to purchase Security Bonds. The City's application for exemption to post security was accepted and it is no longer necessary to incur expenditures for bonds.

10. INTERGOVERNMENTAL AGREEMENT AMENDMENT: Arizona Game and Fish Res. #4140

ADOPTED Resolution No. 4140 amending the Intergovernmental Agreement (IGA) between the Arizona Game and Fish Commission and the City of Chandler to expand the Urban Fishing Program to include Desert Breeze Park Lake and Veterans Oasis Park Lake.

The Arizona Game and Fish Commission and the City of Chandler entered into a four-year agreement in August of 2006 to provide an Urban Fishing Program at Desert Breeze Lake. The City and the Arizona Game and Fish Department have worked together to provide urban fishing opportunities at the Desert Breeze Park Lake since 1990. The purpose of Amendment No. 1 is to add the newly constructed Veterans Oasis Lake to the urban fishing program. This lake will provide a second accessible, affordable fishing opportunity for residents. Under the terms of this agreement and the amendment, the Arizona Game and Fish Department will stock Desert Breeze Lake and Veterans Oasis Lake with trout in winter months and catfish in warm weather. They will provide an initial fish stocking at Veterans Oasis Lake to establish and maintain a resident fish population and healthy lake environment. The Arizona Game and Fish Department will also monitor basic water quality, provide periodic lake assessment reports and assist the City with lake and fish management.

The participation fee paid by each city is based on the size of the lake. Annual costs for Desert Breeze for the 2006-07 fiscal year were \$3,440.00. The annual cost for fiscal years 2008 through 2009-10 for both lakes will be \$8,460.00 per year. The total costs over the four-year term of this agreement will be \$29,970.00.

11. PRELIMINARY DEVELOPMENT PLAN: LMA Mixed-Use Hotel Development

APPROVED Preliminary Development Plan PDP07-0014 LMA Mixed-Use Hotel Development, for site layout and building architecture for a hotel development on approximately 4.3 acres at the SWC of the Loop 202 Santan Freeway and Price Road. (Applicant: Michael J. Curley, Earl, Curley & Lagarde, P.C.)

The property received PAD zoning on 1989 as part of the larger 156-acre Gateway Park master plan. The PAD zoning, most recently revised in 2001 and extended in June of 2005 identifies this

approximately 19-acre site for a Commerce/Retail development. Additionally, the Gateway Park master plan identifies the subject site as within a Mid-Rise Overlay District permitting additional building height and intensity approved through a future PDP. The Mid-Rise Overlay indicates a maximum building height of 85 feet. The proposed hotel development is consistent with the site's PAD zoning.

The subject site is located on the southwest side of Loop 202 Santan Freeway and Price Road interchange in west Chandler. The Gila River Indian Community abuts the subject site's west side. Adjacent to the east is Price Road with the balance of the Gateway Park Development, known as Spectrum Park Place, located east of Price Road. Immediately to the south is vacant land zoned PAD as part of the larger Gateway Park master plan, most recently receiving PDP approval for 2, 4-story office buildings and accompanying parking garages. Vacant land zoned Agricultural District (AG-1) south of the office development, planned for employment uses identified within the General Plan.

The approximate 4.3-acre hotel parcel is located at the north end of an approximate 19-acre site that includes the recently approved office development with accompanying parking garages. While the hotel parcel was not included with this office development's approval, driveway and pedestrian access locations were designed to provide adequate access to the future hotel parcel thereby creating a unified development. The single 6-story hotel building comprises two Marriott hotels, Courtyard and Fairfield Inn & Suites. Vehicular and pedestrian access from Price Road is provided through a shared driveway along the hotel site's southern border. The proposed 261 parking spaces comply with the Code.

The approximate 65-foot high mid-rise building utilizes techniques and elements specified within the Mid-Rise Development Policy warranting the increase building height. Mechanical equipment or architectural embellishments such as the cylindrical screening elements are not counted toward the overall building height. A comprehensive sign package is included with this proposal.

This request was noticed in accordance with the provisions of the Chandler Zoning Code with a neighborhood meeting being held on September 5, 2007. There were no neighboring property owners in attendance. Staff has received no correspondence in opposition.

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

1. Development shall be in substantial conformance with the Development Booklet entitled "LMA Mixed-Use Hotel Development" kept on file in the City of Chandler Current Planning Division, in file number PDP07-0014, except as modified by condition herein.
2. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
3. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls.
4. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
5. Completion of the construction, where applicable, of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and

sidewalks, median improvements and street lighting to achieve conformance with City Codes, standard details, and design manuals.

6. 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.
7. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
8. The applicant shall work with Staff to incorporate materials and forms found upon the building onto the freestanding monument signs.

12. PRELIMINARY DEVELOPMENT PLAN: TGI Friday's (Crossroads Towne Center)

APPROVED Preliminary Development Plan, PDP07-0016 TGI Friday's (Crossroads Towne Center), to amend the PDP at Crossroads Towne Center for an existing restaurant at 2920 E. Germann Road. (Applicant: Briad Restaurant Group, LLC.)

The subject site is located along the west side of Gilbert Road, south of the Loop 202 Santan Freeway within the Crossroads Towne Center development. The TGI Friday's restaurant fronts Gilbert Road, located off of an entrance drive. The site is surrounded by other restaurant pads as part of a larger retail development. In-And-Out Burger is locating north of the entrance drive and the Olive Garden is locating south of the TGI Friday's.

The Crossroads Towne Center development received PAD zoning approval for a regional commercial center in July 2003. In November 2003, a PDP for a comprehensive sign package was approved for the regional commercial center. This application requests a PDP amendment to the approved sign criteria and color palette for the existing TGI Friday's building only.

The application includes two PDP amendment requests. The first is to replace the existing east building elevation's business name sign, which currently reads TGI Friday's, with a new sign that includes the TGI Friday's name placed upon an architectural tumbler design element. The proposed tumbler element is designed in the shape of a drinking glass.

The restaurant currently has the business name sign "TGI Friday's – In Here, It's Always Friday" installed on the north, south and east building elevations. The west building elevation only states TGI Friday's. The total existing building-mounted sign square footage is approximately 150 square feet. The proposed replacement of the existing east elevation sign with the new sign including the new tumbler design element increases the building's total square footage of signs to approximately 217 square feet.

While the proposed sign represents an increase in the maximum allowable sign square footage by approximately 67 square feet, Staff is of the opinion that the sign adds a unique design feature, creates a sense of arrival and emphasizes the front entrance area facing Gilbert Road. Staff supports the proposed additional building signage.

The second request is the addition of corporate color, canvas window awnings featuring red and white stripes. The awnings are proposed on the north, south and east building elevations. The existing PDP has an approved building materials and color palette, which does not include corporate identity colors. The restaurant's franchise, The Briad Group, has a contractual obligation with the corporate owner to have the red and white striped awnings. The canvas awnings are a signature trademark of the TGI Friday's brand. The restaurant opened for business in April 2007 without the awnings and tumbler sign.

Staff has administratively approved awnings with brown and cream colors consistent with the approved color palette, but the awnings were not installed. Staff is also of the opinion that the proposed awnings add appeal to the building, which is located along a major arterial street and at an entrance drive to Crossroads Towne Center.

The request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held September 20, 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. Development shall be in substantial conformance with the Development booklet entitled "TGI Friday's Crossroads Towne Center" kept on file in the City of Chandler Planning Services Division, in File No. PDP07-0016, except as modified by conditions herein.
2. The site shall be maintained in a clean and orderly manner.
3. The patio shall be maintained in a clean and orderly manner.
4. The awnings shall be constructed of a metal similar to the metal awning applied to buildings within the development.
5. The awning stripes shall utilize a 'brick-red' darker red shade consistent with the existing brick material found elsewhere within the Crossroads Towne Center

13. LEASE AGREEMENT AMENDMENT: APS

APPROVED a Lease Agreement Amendment with Arizona Public Service (APS) for office space at 55 N. Arizona Place.

The City of Chandler has been sharing 2,413 square feet of office space with APS since July 1998. The space is used by both organizations in order to provide a convenient location for customers to pay both APS and City of Chandler bills. The shared space allows some level of cost savings associated with the redundancy of operations, including access to a shared lobby, customer conference area, night payment drop, copy machine and fax machine, and storage space.

The City and APS have shared the rent and operating expenses equally, each paying ½ of the total costs. The term of the initial lease was five years, with options to renew for four years and three years. The initial lease expired December 31, 2003. The second amendment to the lease is due to expire on December 31, 2007. The third amendment renewal period would be for three years, through December 31, 2010, with no further option to extend the term. Year one would be at the rate of \$17.73 per square foot; years two and three would be at a rate of \$18.81 per square foot. APS and the City will equally share the lease costs as well as the operating cost, estimated at \$6.00 per square foot.

For the 2,413 square feet of space, the City would incur an annual cost of \$28,631.00 for the first year and \$29,933.00 for the second and third years, for a total of \$88,497.00 plus applicable taxes. These totals include the City's portion of both the rent and operating costs.

14. AGREEMENT: Wilson Engineers

APPROVED Agreement #WA0806-451 with Wilson Engineers for construction management of the Tumbleweed Aquifer Storage and Recovery (ASR) Wells 9 and 10 drilling in an amount not to exceed \$86,210.00.

ASR wells are needed to support the reclaimed water distribution system and to inject reclaimed water in the upper aquifer when irrigation demands are low. When irrigation water demand is high, these wells are pumped to recover the stored effluent water for use in the reclaimed water distribution system. This agreement provides for construction management services during the drilling of two ASR wells in the Tumbleweed Recharge area.

15. AGREEMENT: Gavan and Baker, Inc.

APPROVED Agreement #EN0723-101 with Gavan and Barker, Inc., for park design services in an amount not to exceed \$2,000,000.00 for the first year with the option of four additional one-year terms; and APPROVED Agreement #PR0805-201 for Tumbleweed Park roadway improvements in an amount not to exceed \$270,941.00 under the annual agreement.

The 2007-2012 Capital Improvement Program approved by Council for the development of parks and recreational facilities will require contracts for design services for multiple projects including community parks, neighborhood parks and regional park improvements. The fiscal year 2007-08 budget currently allocates funding for the design and development of roads within and adjacent to Tumbleweed Park. This project will include design and development of construction drawings for Pioneer Parkway from Hamilton Street to Ryan Road and the north half of Ryan Road from McQueen Road to the eastern right-of-way of the Union Pacific Railroad. These roads will provide additional access to Tumbleweed Park and the Arizona Railway Museum. It is in compliance with the Tumbleweed Park Master Plan.

16. AGREEMENT: J2 Engineering and Environmental Design, LLC

APPROVED Agreement #EN0716-101 with J2 Engineering and Environmental Design, LLC for design services for parks and facilities in an amount not to exceed \$2,000,000.00 for the first year with the option of four additional one-year terms; and APPROVED PROJECT AGREEMENT #PRO804-201 for the design of Mesquite Groves Park in an amount not to exceed \$1,211,205.70 under the annual agreement.

The 2007-2012 Capital Improvement Program approved by the City Council for development of parks and recreational facilities will require contracts for design services for multiple projects including community parks, neighborhood parks, and regional park improvements. In 2002, the City of Chandler purchased 100 acres on the northwest corner of Val Vista Drive and Riggs Road for the development of a future community park. With the population and development in southeast Chandler steadily increasing, additional recreational facilities are needed. Funding is included in the current fiscal year for design of approximately 94 acres of the Mesquite Groves Park site. The development of that acreage is scheduled for FY 2008-09. The other six acres of the Mesquite Groves Park site are currently being developed as an aquatic complex.

17. AGREEMENT: Olsson Associates

APPROVED Agreement #EN0722-101 with Olsson Associates for park design services in an amount not to exceed \$2,000,000.00 for the first year with the option of four additional one-year

extensions; and APPROVED PROJECT AGREEMENT #PRO810-201 for design services for Centennial Park in an amount not to exceed \$126,980.00 under the annual agreement.

The 2007-2012 Capital Improvement Program approved by the City Council for development of parks and recreational facilities will require contracts for design services for multiple projects including community parks, neighborhood parks, and regional park improvements.

The City's system of neighborhood parks is intended to serve Chandler's residential areas with a variety of passive and active recreational facilities. As stated in the Parks and Recreation Master Plan, it is the City's goal to provide, where possible, at least one ten-acre neighborhood park per each square mile of residential development. Funding is included in the current fiscal year for the design of the Centennial Park site. Development of the park is scheduled for FY 2008/09. The Centennial Park site is 7.87 acres in size and is located in the square mile bordered by Queen Creek, Ocotillo, Gilbert and Cooper roads. This park will service the needs for that square mile.

18. AGREEMENT: Olsson Associates

APPROVED Agreement #EN0722-101/PRO809-201 with Olsson Associates for design services for Roadrunner Park in an amount not to exceed \$157,731.00 under the annual contract.

The City's system of neighborhood parks is intended to serve Chandler's residential areas with a variety of passive and active recreational facilities. As stated in the Parks and Recreation Master Plan, it is the City's goal to provide, where possible, at least one ten-acre neighborhood park per each square mile of residential development. Funding is included in the current fiscal year for the design of the Roadrunner Park site. Development of the park is scheduled for FY 2008/09.

The Roadrunner Park site is 10.00 acres in size and is located in the square mile bordered by Germann, Queen Creek, Gilbert roads and the Eastern Canal. This park will service the needs for that square mile.

19. BENEFITS PROGRAMS

APPROVED the 2008 Benefits Programs with Aetna for Group Medical; Delta Dental for dental care; Vision Service Plan for vision care; Sun Life Assurance Company for group life insurance and voluntary term life insurance; Anthem Insurance Company for long term disability for Public Safety; Flex America as TPA for flexible spending accounts; APS Healthcare for employee assistance programs; Gerber Life Insurance Company for business travel & commuter accident insurance; ICMA Retirement Corporation for deferred compensation services; Pre-Paid Legal Services, Inc., for legal services; Liberty Mutual for home and auto insurance; and AFLAC for long term care.

City Staff reviews the employee benefits package each year with the assistance of an employee benefits consulting firm. No changes in benefit providers or in benefit plan design for 2008 have been made.

The City was successful in holding down medical plan rates to 6.8%. Dental plan rates will increase 8%. The rise in rates for both the medical and dental plans are within acceptable trends for each respective benefit.

20. CONTRACT CHANGE ORDER: Haydon Building Corporation

APPROVED Contract #PR0209-402 Change Order #7 with Haydon Building Corporation for the Tumbleweed Recreation Center in an amount of \$141,664.00 for a revised contract total of \$13,698,990.18.

Tumbleweed Park is located south of Germann and west of McQueen roads and is currently in the process of 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.

The design modifications in this Change Order will improve the overall functionality of the building and its infrastructure.

21. CONTRACT: Layne Christensen Company

APPROVED a Contract with Layne Christensen Company for well drilling and rehabilitation services in an amount not to exceed \$2,500,000.00 for the first year with the option of four, one-year extensions; and for the Tumbleweed Aquifer Storage and Recovery (ASR) Wells 9 and 10 drilling in an amount not to exceed \$1,313,060.00.

The development of new water production well sites and the rehabilitation of existing well sites is required to provide water to meet the City's future demand. ASR wells are needed to support the reclaimed water distribution system. ASR wells are used to inject reclaimed water in the upper aquifer when irrigation demands are low. When irrigation water demand is high, these wells are pumped to recover the stored effluent water for use in the reclaimed water distribution system.

This contract will be for a one-year period with an option of four one-year renewals. Under this contract, 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 annual aggregate of \$2,500,000.00 for each contract. This action will result in saving the time to bring individual projects forward by eliminating the bid process for each individual project.

22. PURCHASE: Rotonics Manufacturing

APPROVED the Purchase of 300-gallon plastic refuse containers from Rotonics Manufacturing and increased funding in an amount not to exceed \$432,000.00.

In December 2004, a Solid Waste Advisory Committee (SWAC) was established to review services provided by the Solid Waste Services Division. Based on cost and durability of the plastic containers, the SWAC recommended conversion of metal to plastic containers for alley use. The City completed the second phase of conversion of 3-yard metal containers to 300-gallon plastic containers in May 2007. The final phase is scheduled for March 2008, which will complete the City's conversion from metal to plastic alley containers. The conversion rate is one 300-gallon container for two housing units. This request includes the educational mold-in graphics on the containers.

23. PURCHASE: Hughes Supply

APPROVED the Purchase of large water meters from Hughes Supply, utilizing the City of Peoria contract, in an amount not to exceed \$100,000.00.

The City of Chandler maintains more than 170 three to ten-inch water meters. These meters generate approximately 40 to 45 percent of the revenue received from water sales in the City. Through normal use, these meters eventually fail. When a meter fails, the City uses historical data to estimate water usage. Replacing failed meters will ensure accurate accountability of water used by large meter customers for billing purposes. The actual water usage can likewise be compared to water produced annually, which is a requirement of the Arizona Department of Water Resources.

24. AGREEMENT EXTENSION: Spanish Translation Services

APPROVED an Agreement Extension for Spanish Translation Services with Topete/Stonefield, Inc., HispanoAmerican Communications and Spanish Media Services in an amount not to exceed \$30,000.00. Various City materials are translated from English to Spanish which may include, but are not limited to, newsletters, brochures, flyers, announcements, video scripts, web site text, and other official municipal communication items. These translations are in an as-needed basis. The translation of a four-page citizen newsletter (City Scope) is required on a monthly basis.

25. CONTRACT: Haydon Building Corporation

APPROVED Contract #ST0605-402 for a Construction Manager at Risk contract to Haydon Building Corporation for improvements to Germann Road from Alma School Road to Arizona Avenue in an amount not to exceed \$8,506,849.00.

The Germann Road Improvements Project (Dobson Road to Arizona Avenue) was split in 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 Road and Alma School Road and was approved by Council in April 2007. This first phase started construction in July and will be completed in the spring of 2008. The second phase will complete the project by construction 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 12 months.

At the outset, the contractor will stage the construction work around one un-acquired parcel and an existing SRP irrigation canal. The Real Estate Division is negotiating with the owner of the remaining parcel and expects to resolve the purchase by the end of the year. Also, City Staff are working with SRP and the Bureau of Land Management to expedite the USA property exchange that is required to relocate the irrigation canal on the north side of Germann Road. This property exchange is estimated to take another 4 to 5 months.

In addition to the typical costs associated with roadway improvement, the project cost includes over \$1 million for the undergrounding of the SRP irrigation canal and two private irrigation canals.

26. AGREEMENT AMENDMENTS: Artistic Land Management

APPROVED Agreement amendments with Artistic Land Management for one year with provisions for two and three one-year extensions respectively, for City landscape maintenance service Area 1 and City landscape maintenance service Areas 2 and 3, in an amount not to exceed \$215,000.00 and \$430,000.00 respectively.

The landscaped areas to be maintained under this contract are the arterial street rights-of-way, medians and retention basins. The contract includes weekly trash pickup, weed control, irrigation repair, mowing and pruning/trimming as required. Area 1 is the area of the City that is bordered by Ray Road on the south, the Price Frontage Road/101 Freeway on the west and the City limits on the north and east sides of the City. Areas 2 and 3 are bordered by Hunt Highway on the south, western City limits on the west, Ray Road on the north and eastern City limits on the east.

27. CONTRACT: Entellus

APPROVED Contract #ST0022-202 with Entellus for design of 56th Street and Chandler Boulevard right turn lanes in an amount not to exceed \$49,956.00.

28. CONTRACT: Roosevelt Water Conservation District

APPROVED Contract #ST0625-301 with the Roosevelt Water Conservation District (RWCD) for the relocation design of the irrigation system for the Gilbert Road (Germann Road to Queen Creek Road) Improvements in an amount not to exceed \$91,100.00.

The RWCD will incur costs to relocate and pipe an existing irrigation canal to accommodate the improvements. Since it has prior rights, the City is required to reimburse the District for all associated costs to relocate and pipe their irrigation system.

29. AGREEMENT: McLarand Vasquez Emsiek and Partners, Inc., Architects

APPROVED an Agreement with McLarand Vasquez Emsiek and Partners Inc., Architects (MV&E) for design services for Sites 4, 5 and 6 in an amount not to exceed \$112,000.00. The costs will be shared with Desert Viking on a reimbursable basis.

In June 2007, Council awarded the Site 6 RFP to Desert Viking with the caveat that a new design was needed to better address circulation issues as well as the possibility of locating a conference center in this area. The unique element of the RFP award was that Desert Viking and the City agreed to partner in hiring a design firm to explore alternative layouts for Site 6 as well as the properties owned by Desert Viking as part of Sites 4 and 5. The MV&E contract is the first step in this partnership. The goal is to factor as much information into the initial design as possible so as to mitigate surprises and hopefully streamline later review processes. A letter of agreement is being crafted between the City and Desert Viking that outlines decision making processes, cost sharing and other practical considerations of this partnership.

After a lengthy selection process, Desert Viking and the City agreed upon MV&E for their significant experience with redevelopment projects and high-density mixed-use development. MV&E will be providing two primary services: (1) Develop a Master Plan for the area north of Frye Road, south of Commonwealth, west of Arizona Avenue and east of Palm Lane, and (2) develop more specific conceptual site plans and design concepts for Sites 4, 5 and 6. They will develop two final concepts with one showing how a conference center could be accommodated on the site and one with a mix of commercial and residential. Both scenarios will include a site for the Chandler Museum.

A museum expert will be selected and retained by the City to provide technical expertise to MV&E. The goal is to ensure that location of the Museum on the site is appropriate and the

footprint and massing of the building are well integrated into the design of the area. While MV&E will create a general look and feel for the architecture of the entire area, a more detailed design of the museum will still need to be undertaken once the location and footprint are determined.

The timeline for this design process, which will include any needed public meetings, is estimated at four months.

30. PURCHASE: TS Consultants

APPROVED the Purchase of consultant services from TS Consultants to perform a computer workstation operating system and software upgrade readiness assessment, utilizing the State of Arizona contract, in an amount not to exceed \$90,720.00.

The City of Chandler needs to conduct a study to determine the scope and costs to upgrade City Staff computer workstations from Microsoft (MS) Windows 2000 Operation Systems (OS) and MS Office Professional 2000 software to the newest version MS Vista OS and MS Office Professional 2007.

The consultant will review the City Staff's current computer workstation configuration and use, review and identify City applications compatibility or incompatibility, recommend hardware standards, identify license costs and staffing, identify hardware gaps and will provide a comprehensive budgetary estimate to upgrade to MS Vista OS and MS Office Professional 2007 software.

31. PURCHASE: Phoenix Highway Products

APPROVED the Purchase of traffic signal fiber optic communication equipment from Phoenix Highway Products, utilizing the Arizona Department of Transportation (ADOT) Statewide contract, in an amount of \$105,369.39.

As part of a Franchise Agreement with AGL Resources, this company will be installing 18 miles of traffic signal fiber optic cables on behalf of the City. This work will be constructed within a joint trench with separate conduit and fiber that will be owned by the City. To make use of this fiber, communications equipment is needed as 23 traffic signal cabinets to allow it to communicate with the City's Traffic Management Center.

32. PURCHASE: Phillips Medical Systems

APPROVED the Purchase of 15 HeartStart portable monitor defibrillators from Phillips Medical Systems, utilizing the City of Phoenix agreement, in an amount not to exceed \$309,290.00.

Manufacturers of EKG Monitor Defibrillators estimate usable service life of this equipment at 5 to 7 years. Chandler Fire Department EKG Monitor Defibrillators have been in actual service for about seven years. A budget request was approved this year to replace all 15 EKG Monitor Defibrillators, which allows the Fire Department to take advantage of an opportunity to impact public health. Chandler Regional Medical Center's physician group has approached the Chandler Fire Department with a request to start performing 12 lead EKGs in order to facilitate patients rapidly accessing the heart catheterization lab.

Chandler paramedics would alert the hospital to a possible myocardial infarction occurring in a patient in the field. The hospital would read the transmitted 12-lead EKG and make the heart catheterization lab ready to immediately receive the patient.

33. PURCHASE: Joan Waters

APPROVED the Purchase and Fabrication of a metal sculpture by Chandler artist Joan Waters, to be integrated into the design phase of Tumbleweed Park – Park and Ride facility for an expenditure of \$100,000.00.

The Chandler Arts Commission juried local sculptors for inclusion of an artwork design and installation for the new Park and Ride facility to be located at the Tumbleweed Park site. Working with Transit Services and their design team, the Chandler Arts Commission selected Chandler metal sculptor Joan Waters as a finalist for the project. She is a metal sculptor and public artist who is currently completing a public art enhancement for the City of Phoenix and it's Coronado Historic District Enhancement project. The artist will work during the design phase of construction to fabricate and install a metal sculptural element to complement the site and enhance the citizen's experience with their use of the Park and Ride facility.

The Chandler Arts Commission recommended approval.

COUNCILMEMBER WENINGER voted nay on this item stating a concern with the high cost and the belief that funds should be used for a more functional feature.

34. PURCHASE: ESRI

APPROVED the Purchase of ESRI maintenance and support with ESRI, sole source, in an amount not to exceed \$64,000.00.

The City's GIS system is based on ESRI GIS products. Continued support of the GIS system to meet City needs requires the purchase of software product upgrades and support services. There are no other products by other vendors that could be used without significant added costs.

35. USE PERMIT: Wal-Mart (Alma School & Warner Roads)

APPROVED Use Permit UP07-0072 Wal-Mart (Alma School & Warner roads), Series 9, for the sale of all spirituous liquors for off-premise consumption east of the NEC of Alma School and Warner roads. (Applicant: Sean Lake, Pew & Lake.)

The existing store is a 24-hour business, which is allowed by right given the use commenced prior to the city's adoption of the late-hour business policy. The store will provide for the sale of liquor only during the permitted hours of liquor sales in accordance with the Arizona Revised Statutes. This store is a supercenter with a grocery and retail portion. The liquor sales and display area is located within the grocery sales area near the rear of the building. There is no liquor located near the front registers or checkout aisles.

Staff is of the opinion that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use capability analysis is a typical retail transaction in commercial districts throughout the City.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on September 13, 2007. There were no neighbors in attendance. The Police Department has been informed of the application and has responded with no issues or concerns. Staff has received no correspondence in opposition to this request.

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

1. The Use Permit is for a Series 9 liquor 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. The Use Permit is non-transferable to any other store location.
4. The site shall be maintained in a clean and orderly manner.

36. USE PERMIT: Wal-Mart Neighborhood Market

APPROVED Use Permit UP07-0074 Wal-Mart Neighborhood Market, Series 10, for the sale of beer and wine only for off-premise consumption at the SWC of McQueen and Warner roads. (Applicant: Sean Lake, Pew & Lake.)

The grocery store is planned at the southwest corner of Warner and McQueen roads. The property is zoned for commercial development. There is a vacant parcel at the immediate corner owned by Exxon/Mobile Corporation, which is not a part of the planned grocery store's development. The property is adjacent to a residential townhouse development to the south and an office development to the west. All four corners of the Warner and McQueen roads intersection are zoned and planned for commercial development.

A late-hour business is allowed by right given that the site's commercial zoning for commercial uses commenced prior to the City's adoption of the late hour business policy. The store will provide for the sale of liquor only during the permitted hours of liquor sales in accordance with the Arizona Revised Statutes. The liquor sales and display area is located near the rear of the building. There is no liquor located near the front registers or checkout aisles.

Staff is of the opinion that the sale of alcohol as a retail commodity ancillary or incidental to the sale of other retail products occurring in a commercially zoned area does not establish a land use conflict. The sale of alcohol from a land use capability analysis is a typical retail transaction in commercial districts throughout the City.

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. The Police Department has been informed of the application and has responded with no issues or concerns. Staff has received no correspondence in opposition to this request.

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

1. The Use Permit is for a Series 10 liquor 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. The Use Permit is non-transferable to any other store location.
4. The site shall be maintained in a clean and orderly manner.

37. USE PERMIT: Food City Outdoor Grilling

APPROVED Use Permit UP07-0089 Food City Outdoor Grilling, to conduct outdoor grilling Friday through Monday adjacent to an existing grocery store (Food City) at the NEC of Ray Road and Arizona Avenue. (Applicant: Burch & Cracchiolo, P.A.) Outdoor grilling has been conducted occasionally at this location under Special Event permits, but the proposed expansion in the grilling frequency now requires Use Permit approval by City Council.

The proposed grilling takes place within a temporarily fenced-off area south of the main grocery store entrance and north of the patio, occupying approximately 150 square feet. The fences are portable heavy plastic fences that are removed when grilling does not occur, thereby leaving the spaces to function for pedestrian use. The grilling follows all state and local regulations. The grilling area leaves a 5'-wide pedestrian pathway between the fence and the curb and it does not encroach upon the existing vending machines. All food sales occur inside the grocery store or in the patio area; grilled items are not sold or picked up at the grill.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held October 4, 2007. There were no neighbors in attendance. Staff has not received any correspondence in opposition to this request.

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

1. Substantial conformance with approved exhibits (Site Plan, Narrative) except as modified by condition herein. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other location.
3. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
4. The outdoor grilling area shall be maintained in a clean and orderly manner.

38. WITHDREW LIQUOR LICENSE: Watts On Tap

WITHDREW, as requested by the Applicant, Liquor License, Series 12, for Chad Robert Watts, Agent, McK of Tempe LLC, dba Watts on Tap, 7200 W. Chandler Boulevard #14.

39. CONTINUED LIQUOR LICENSE: Ha Noi Pho

CONTINUED TO DECEMBER 13, 2007, Liquor License, Series 12, for Dylan Huynh, Ha Noi, Inc., dba Ha Noi Pho at 5865 W. Ray Road, #6 to allow the applicant time to complete the requirements for a new Use Permit.

40. LIQUOR LICENSE: Wingstop

APPROVED a Permanent Extension of Premises for a Series 12 Liquor License (Chandler #107791 L12) held by Wingstop Beverages III, Inc., dba Wingstop, 5905 W. Chandler Boulevard #1. A recommendation for approval of a permanent extension of premises for State Liquor License No. 12076680 will be forwarded to the State Liquor Department. The Police Department has no objections to the permanent extension of premises. All fees have been paid and the business is in compliance with the City's Sales and Use Tax Code.

41. SPECIAL EVENT LIQUOR LICENSE: ICAN

APPROVED a Special Event Liquor License for Improving Chandler Area Neighborhoods (ICAN) for a fundraising event on Friday, December 7, 2007, at 6:00 p.m. at AJ's Fine Foods, 4975 S. Alma School Road. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

42. SPECIAL EVENT LIQUOR LICENSE: Chandler Compadres

APPROVED a Special Event Liquor License for the Chandler Compadres, Inc. for their 4x4 Autumn Fundraiser on Saturday, November 17, 2007, at 6:00 p.m. at 2600 W. Geronimo Place. The Police Department reports no objections to the issuance of this license. As this applicant is a non-profit organization, no sales tax license is required; however, the special event liquor fee has been paid.

43. PRELIMINARY PLAT: Pecos Parcel

APPROVED Preliminary Plat, PPT07-0035, Pecos Parcel, for three single-family residential parcels north of the Santan freeway and west of Chandler Village Drive. (Applicant: Stanley Consultants.) The parcels are remnants from the Hearthstone single-family residential neighborhood as a result of the ADOT acquisitions for the Santan Freeway. The plat establishes property boundaries, necessary easements and dedicates the required rights-of-way.

44. FINAL PLAT: Ravennia

APPROVED Final Plat FPT07-0034 Ravennia, for a single-family residential subdivision on approximately 2 acres east of North Evergreen Street on the north side of West El Monte Place and north of Warner Road and west of Arizona Avenue. (Applicant: O'Neill Engineering, Inc.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

45. FINAL PLAT: Replat of Lots 13, 14 and 15 of Chandler Airport Business Park

APPROVED Final Plat FPT07-0025 Replat of Lots 13, 14 and 15 of Chandler Airport Business Park for a replat within a light industrial business park development near the Chandler Municipal Airport at the NWC of Stearman and Cessna drives. (Applicant: Whitton Company.) The replat combines three lots into a single lot and creates the lots and tracts, establishes the necessary easements, and dedicates the required rights-of-way.

46. FINAL PLAT: The Village At Bogle Park – Replat Tract "B"

APPROVED Final Plat FPT07-0055 The Village At Bogle Park – Replat Tract “B” for a replat of the existing Bogle Business Park at the NWC of Hamilton Street and Pecos Road. (Applicant: RLF Consulting.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required rights-of-way.

47. On Action.

48. On Action.

49. On Action.

50. APPOINTMENT: Board and Commission Members

APPROVED the appointment of Tracy Buelna to the Human Relations Commission and Christian Mackey to the Municipal Property Corporation.

ACTION:

47. USE PERMIT: Tri-Lite Builders

Use Permit UP07-0025 Tri-Lite Builders to operate a general contractor business in a residential zoning district at 1650 E. Twin Acres Drive, south of Queen Creek Road and west of Cooper Road. (Applicant: Tri-Lite Builders, Inc., Wayne & Linda Minde.)

CITY PLANNER Bill Dermody said that The Twin Acres subdivision is rural in nature (all properties zoned AG-1 or unincorporated) and includes several horse-boarding operations and an electronics business (S5 Electronics) with Use Permit approval as incidental uses on residential properties. The property is located at the NWC of Twin Acres Drive and Eagle Drive near the southern end of the subdivision.

The business has been in operation at this address since a few months prior to the subdivision’s annexation in 1993. Initially, there were no employees commuting to the subject site besides the business owners. Since 2001, five employees have been added who work out of the subject site office. A Use Permit is required due to the expansion since annexation.

Tri-Lite Builders is a general contracting business that specializes in residential remodeling. The site has a 5,000 square foot accessory building dedicated to the business located on the northern portion of the property. The building is primarily used for offices and tool/equipment storage. There are also product displays and a conference room within the building and a business identification sign along Eagle Drive. Construction materials are sent directly to the job site and not kept at this location. The business has five field employees who do not regularly visit the office. The applicants live in a house on the southern end of the subject property. Hours of operation are Monday through Friday 8 a.m. to 5 p.m. The business conducted a custom cabinetry operation on-site for part of 2007 which has since been discontinued.

The applicants have indicated that the subject site is a temporary home for the business. If the business grows, they plan to relocate to a commercially zoned area. The applicants anticipate making such a move within the next five years.

At Staff's request, the applicants submitted documents for a Preliminary Technical Site Plan Review (Pre-Tech) to allow for an analysis of City standards as they apply to the site. The site

was found to be deficient with regard to site development standards and fire protection. As noted in the Pre-Tech, a business use such as proposed would be ordinarily required to be sprinklered, would have two points of access, would provide paved access out to Queen Creek Road, would provide a dissimilar land use buffer consisting of a 6' wall and trees planted 20' on-center and would provide a paved parking surface, among other requirements.

After the Pre-Tech, Staff has worked with the Fire Marshall and the Site Development Division to determine which of the City standards are essential to apply in this unique situation. The Fire Marshall has determined that many of the fire-related standards need not apply in this situation given that the business is a temporary use, that sufficient hydrant water pressure has been confirmed, that no major flammable materials storage occurs on site (like lumber or sawdust), and that the building itself has not expanded since annexation. On the other hand, if the business were to expand in the future, the Fire Marshall would apply most of the City standards noted in the Pre-Tech. Many of the site development standards that would normally apply to a commercial enterprise like the subject business, such as paving Eagle Drive, are not appropriate for a rural residential neighborhood. If Council is inclined to recommend approval, the Planning Commission's recommendation includes a more appropriate, limited set of conditions compared to what would be applied to a commercial enterprise in a commercial zoning district. The applicant agrees with the Planning Commission's recommended conditions.

The Chandler Airpark Area plan designates the subject property as Rural Residential permitting residential densities ranging from 0-1.5 dwelling units per acre. Additionally, the Airpark Area Plan identifies the subject site as within a Transitional Overlay Zone. The Transitional Overlay Zone is not applicable to Use Permits and only supports conversion to commercial or industrial uses through rezoning that are at least 40 acres in size and adjacent to an arterial, among other requirements.

Staff does not support the requested Use Permit. Other businesses in this area are compatible when they are either virtually indistinguishable from a residential use (S5 Electronics) or they were rural in nature (horse boarding). The subject business brings traffic to the neighborhood, but not for a rural-type of use that would be expected for in this area. Staff finds the commercial-natured traffic incompatible with the surrounding low-intensity, rural residential neighborhood.

Once entrenched, businesses in residential areas are difficult to remove or regulate. The business can easily expand without City Code compliance and without Staff noticing the change unless neighbors notify them. The more a business invests in a certain location, the more costly it is to relocate, both in terms of customer recognition and the costs of moving. Businesses are often drawn to residential areas to avoid paying higher rent at commercial locations. The profit leap necessary to move to a more appropriate commercial location is often difficult to achieve and can leave a business trapped in their residential location, even as they expand. Temporary businesses in residential areas can easily become permanent uses, which is a concept contrary to the zoning and General Plan designations for this property.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting be held September 13, 2007. There were 10 neighbors in attendance with none expressing opposition. Staff has received no correspondence in opposition to this request.

The Planning Commission found that the business with its well-maintained property and relatively low traffic count fits in well with the surrounding neighborhood. The Commission noted that the neighbors refer to this property as one of the best-maintained parcels in the neighborhood.

COUNCILMEMBER ORLANDO asked if this property was grandfathered in with horse property a few years ago. Mr. Ballard responded that it is in the same subdivision.

COUNCILMEMBER WENINGER asked for clarification on S5 Electronics that currently operated in the subdivision. Mr. Dermody said that it is a two-person operation in the same subdivision out of a barn. There is no outdoor storage and there are no employees coming to the site. COUNCILMEMBER WENINGER commented that he drove by the property and it was very well maintained.

MAYOR DUNN asked why this item is before Council. Mr. Dermody responded that it was brought to Staff's attention during the processing of another Use Permit that came through, Chandler Hardwoods, which was denied by Council. During that process, Staff realized that this business was located in the same area and had grown. Staff decided it was no longer in its grandfathered state and required a Use Permit.

LINDA MINDE, applicant, said that their business has been at this location for almost 15 years. She stated their long-range plans are to move the business and have met with Ms. Mackay (Economic Development) and looked at other properties. They have 5 employees that come to the office.

LARRY STAFFORD, 1625 E. Twin Acres Drive, S5 Electronics, stated that this area is in the transitional area south of the airport. The master plan indicates 9 square miles around the airport are designated industrial, but in a half mile south are 300 homes and Maderas homes are going in to the east. These homes are within the 9-square mile area. He questioned that if this is an industrial area, why include houses.

COUNCILMEMBER WENINGER asked the applicant if she was in agreement with all of the stipulations. Ms. Minde responded that she is.

VICE-MAYOR HUGGINS said he has known the applicants for many years and the entire neighborhood is in support.

MOTION BY VICE-MAYOR HUGGINS, SECONDED BY COUNCILMEMBER WENINGER, TO APPROVE UP07-0025 TRI-LITE BUILDERS, TO OPERATE A GENERAL CONTRACTOR BUSINESS IN A RESIDENTIAL ZONING DISTRICT AT 1650 E. TWIN ACRES DRIVE 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 Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. The applicants shall pave the driveway and provide nine (9) dust controlled striped parking spaces, including one (1) ADA accessible parking space, set back 20 feet from Eagle Drive.
4. Any outdoor storage of materials and equipment shall be screened with cmu block and/or landscaping.
5. Cabinet manufacturing and woodworking shall be prohibited.

THE MOTION CARRIED UNANIMOUSLY (6-0).

48. USE PERMIT: Compass Fire & Security

Use Permit UP07-0055 Compass Fire & Security to operate an alarm and security system business in a residential zoning district at 635 E. Ironwood Drive, south of Knox Road and west of McQueen Road in The Provinces subdivision.

CITY PLANNER Bill Dermody said that the site is 7,187 square feet and contains a 1,675 square foot house constructed in 1995. It is surrounded in all other directions by single-family homes on similarly sized lots. There is a 30'-wide landscape and drainage tract immediately east of the subject site.

Certain businesses can be conducted in residential zoning districts by-right if they meet the code requirements for a "home business". Requirements for a "home business" include no employees coming to the home and that someone currently living there conducts the business. Any business in a residential zoning district that does not meet the requirements for a "home business" must receive Use Permit approval in order to operate. The subject business requires a Use Permit because of its employees and the proprietors do not live at the residence.

The site serves as both an office and residence. Two ground-floor rooms totaling approximately 432 square feet are dedicated at least partially to office uses. The rest of the house is used for residential uses by someone other than the business owners. The business has two employees, one of whom regularly works out of the house. The two business owners also work out of the house bringing the total number of people who commute to the house to three. The business provides service, installation, and testing of fire alarm and security system parts for commercial construction projects. No commodities are kept on-premises. The parts are sent directly from the manufacturer to the job sites.

The business has operated at the subject site for approximately nine (9) months. For the four previous years, the business was conducted from an office location in Tempe. Originally, before moving to the office location, the proprietors worked for several months out of their Phoenix residence.

Mr. Dermody stated the Planning Commission and Staff do not support the requested Use Permit. Offices with commuting employees are not regularly found in residential neighborhoods and produce traffic and parking issues that have been found to be incompatible with single-family residential neighborhoods. There are certain businesses such as childcare and adult care homes that Staff has found to be compatible in residential areas of similar density due in part to the businesses' quasi-residential natures. That is, childcare and adult care homes involve activities that are normally carried on in residential neighborhoods by-right and produce similar impacts. The proposed use does not represent such an example.

Once entrenched, businesses in residential areas are difficult to remove or regulate. The business can easily expand without City Code compliance and without Staff noticing the change unless notified by neighbors. The more a business invests in a certain location, the more costly it is to relocate, both in terms of customer recognition and the costs of moving. Businesses are often drawn to residential areas to avoid paying higher rent at commercial locations. The profit leap necessary to move to a more appropriate commercial location is often difficult to achieve and can leave a business trapped in their residential location, even as they expand. Temporary businesses in residential areas can easily become permanent uses, which is a concept contrary to the zoning and General Plan designations for this property.

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 citizens in attendance. One neighbor has called in opposition to the request stating general concerns with having an office in the middle of a single-family neighborhood rather than a commercial area.

The Planning Commission found that the business is incompatible with the surrounding neighborhood. In particular, the Commission found the traffic/parking generated to negatively affect the neighbors and took issue with the business owners not living at the house. Some Commissioners also stated general opposition to businesses other than childcare or adult care operating in single-family neighborhoods. One neighbor spoke in opposition to the request, citing parking and material storage concerns, as well as general opposition to businesses operating in residential areas.

MAYOR DUNN asked if Staff has inspected the premises. Mr. Dermody said the outside has been inspected but not the inside. A relative lives in the house, not the owner of the business or the house.

COUNCILMEMBER WENINGER asked if the occupant of the house is an employee of the business. Mr. Dermody responded that they are. Traffic impact could be as many as three cars per day. COUNCILMEMBER WENINGER said he drove by the house and it did not appear to be in disrepair. Mr. Dermody said Staff has found the property to be well-kept on the outside.

COUNCILMEMBER ORLANDO asked if Staff would have the same concerns if the owner lived in the house. Mr. Dermody responded affirmatively because there would still be an employee coming to the site. There is also a potential for the business to grow without Staff noticing.

COUNCILMEMBER ORLANDO asked what the difference is if someone is living in the house and operates a business such as insurance or a travel agency and clients come to the house. Mr. Dermody replied that the home-based business policy was put into place where if employees are brought to the site, it is a business.

CARL SCHWENDLER, 653 E. Ironwood, applicant, said that when he filled out the application, everything was acceptable with the exception of the employee coming to the residence. They sent out over 120 letters to residents in the neighborhood and did not receive any complaints. He has met all of his neighbors and he has respected them and tried to accommodate any issues that may arise. One neighbor across the street is the one who made the complaint. If Council decides against the Use Permit, he would like time to relocate.

COUNCILMEMBER WENINGER asked Mr. Schwendler how many cars per day access the property. Mr. Schwendler responded two or three. He parks in the driveway and the secretary parks in the front. Customers do not come to the office. The house was originally purchased for his daughters to have a place to stay when they go to college.

COUNCILMEMBER ORLANDO asked Mr. Schwendler if he intended to move his daughters into the house and move the business out. Mr. Schwendler indicated his intention to relocate as his business grows.

JENNIFER KRUPA, 642 E. Ironwood Drive, lives directly across from the home, stated that she does not have any problem with the business itself as far as how the property is maintained. However, there is a lot of traffic and no one living in the house at night. She has never seen

anyone there after 6:30 p.m. There are cars, pickup trucks and larger trucks that sit out in the street. She is concerned that if this is allowed to continue and Mr. Schwendler decides to sell the property, what kind of business may locate there.

COUNCILMEMBER WENINGER asked Staff if Use Permit would be needed if this property were sold and another business located there. Mr. Dermody said they would not unless there was a stipulation tied to the business owner.

PLANNING DIRECTOR DOUG BALLARD said that the intent of the home-based business ordinance is to allow certain business activities with no externalities. The primary purpose of this property is for single-family residential and he cited the example of someone living in the house and operating a business without creating traffic, a Use Permit would not be required. He noted that the problem with this application is that the property is zoned for single-family residential but being used for business purposes with employees coming and going which is why Staff is recommending denial.

COUNCILMEMBER WENINGER asked how day care centers differ since parents are dropping off and picking up children daily. Mr. Ballard responded that those are domestic activities that are normally found in residential areas.

COUNCILMEMBER DONOVAN expressed concern with the person who owns the home and business not living there. She asked what other types of businesses the City has approved where the owner is not living in the residence. Mr. Dermody said that typically it is adult care. Mr. Dermody said that with adult care, there is always someone on site. There is always supervision, but one person is not dedicated to being there all the time. MR. BALLARD recalled someone purchasing a single-family home in the silk stocking neighborhood for a landscaping business with employees and Staff was in opposition. Mr. Dermody said there are several houses along Chandler Boulevard that have been converted to businesses through the residential conversion policy which would apply on an arterial street, but not in this application.

MAYOR DUNN said that there is a special policy for the homes along Chandler Boulevard because of their location along a major arterial, they would not be used as residential. He feels this application crosses the line because neighborhoods need to be protected. He commented it would be setting a dangerous precedent if Council were to allow a business such as this to locate in a neighborhood. He asked if there is an HOA in this neighborhood. Mr. Dermody said there is.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY COUNCILMEMBER CACCAMO, TO DENY UP07-0055 COMPASS FIRE & SECURITY USE PERMIT TO OPERATE AN ALARM AND SECURITY SYSTEM BUSINESS IN A RESIDENTIAL ZONING DISTRICT AS RECOMMENDED BY THE PLANNING COMMISSION AND STAFF.

COUNCILMEMBER CACCAMO asked about adding a condition to give the applicant 3 months to move his business if the application is denied. Mr. House said that you cannot deny with condition, but there could be a request to do that.

MOTION CARRIED BY MAJORITY (5-1) WITH COUNCILMEMBER WENINGER VOTING NAY.

49. CITY COUNCIL CELL PHONE POLICY

MAYOR DUNN stated that he had a phone call from COUNCILMEMBER SEPULVEDA to continue this item. COUNCILMEMBER ORLANDO said due to the amount of discussion that has occurred he would make a motion.

MOVED BY COUNCILMEMBER ORLANDO, SECONDED BY VICE-MAYOR HUGGINS, TO APPROVE THE CITY COUNCIL MOBILE DEVICE (CELL PHONE) POLICY AS RECOMMENDED BY STAFF.

COUNCILMEMBER ORLANDO asked Staff if there is a policy for the type of cell phone that can be purchased. MR. PENTZ said that the elected official is allowed to select the phone they feel they need. COUNCILMEMBER ORLANDO said that the policy is whether or not to pay the whole bill, which would normally be the bill for the phone, or the stipend that would cover the phone. Mr. Pentz concurred. COUNCILMEMBER ORLANDO clarified that if he bought a \$400 phone, he would get a \$75 stipend and not \$400. Mr. Pentz concurred.

COUNCILMEMBER DONOVAN asked if the purchase of the phone would come out of the Mayor and Council account and the monthly fee would be what is referred to in this policy. Mr. Pentz said that the City would purchase the phone and pay the monthly fee for the usage. If a Councilmember took the stipend, that Councilmember could have any phone on any plan as it was their personal phone and receive the \$75 per month stipend. They would buy the phone and pay for the plan, which may be entirely different from what the City has.

COUNCILMEMBER ORLANDO clarified that the policy would not be the purchase of a phone in addition to the \$75 stipend to buy any device and have any plan. Mr. Pentz concurred. If the first option were chosen, the City would provide the phone and pay for the plan.

COUNCILMEMBER WENINGER offered some amendments to the motion. Under Option 1, insert between the first and second paragraphs:

The individual Councilmember may also select his or her equipment. However, the City will not be responsible for purchasing a new cell phone or other related equipment, for a minimum of two years from the date of original purchase. The City shall also carry the appropriate insurance on the equipment in the event that the equipment is damaged or must be replaced.

His second amendment for Option 2, the second paragraph after the second sentence:

Any member of the Council requesting a stipend shall sign an agreement agreeing to provide these records as a condition of receiving the stipend.

He stated that the original language seemed vague as far as what is expected from Councilmembers if a Freedom of Information request is received. His intention is that if a Councilmember is going to receive a stipend, they must sign the agreement or they do not get the stipend.

COUNCILMEMBER ORLANDO said he is amenable to the first amendment. He suggested that for the second amendment, the original language be changed by removing the word "expected". COUNCILMEMBER WENINGER asked if there would be any recourse with that language. MR. HOUSE responded that it is not an ordinance with a penalty attached, but rather a policy. Even if a Councilmember signed something that said they would turn it over, it would not be any more

enforceable than the original language reads. It is based upon Councilmembers voluntarily complying with the policy they are adopting.

COUNCILMEMBER ORLANDO commented that he is concerned with disclosing the personal numbers, which is covered in the last sentence.

MAYOR DUNN said there is a motion on the table and COUNCILMEMBER WENINGER has suggested amendments to that motion. MAYOR DUNN suggested the COUNCILMEMBER WENINGER make a motion to amend the original motion to include that specific language.

COUNCILMEMBER ORLANDO agreed to include COUNCILMEMBER WENINGER'S amendment to the motion.

MAYOR DUNN said he would prefer an amended motion be made and voted on.

MOTION BY COUNCILMEMBER WENINGER, SECONDED BY COUNCILMEMBER CACCAMO TO AMEND THE MOTION BY INCLUDING THE FOLLOWING LANGUAGE:

Option 1, insert between the first and second paragraphs:

The individual Councilmember may also select his or her equipment. However, the City will not be responsible for purchasing a new cell phone or other related equipment, for a minimum of two years from the date of original purchase. The City shall also carry the appropriate insurance on the equipment in the event that the equipment is damaged or must be replaced.

Option 2, insert in the second paragraph after the second sentence:

Any member of the Council requesting a stipend shall sign an agreement agreeing to provide these records as a condition of receiving the stipend.

COUNCILMEMBER CACCAMO clarified that if there were a technical problem with the equipment, the amendment to Option 1 would allow no provision for replacement if there were problems. MAYOR DUNN said that if the equipment were in good working order, it would be kept for two years. If there were problems with the phone, it would be addressed on a case-by-case basis.

COUNCILMEMBER DONOVAN added that she did not need the Internet options provided by the City cell phone and traded with another Councilmember to save the City money. COUNCILMEMBER WENINGER said that she could take the Internet access off the plan and not have to pay for it. COUNCILMEMBER DONOVAN said that with the phone she received, it was required. COUNCILMEMBER WENINGER asked what language COUNCILMEMBERS DONOVAN and CACCAMO would suggest. COUNCILMEMBER CACCAMO said that as long as the intent is being discussed they could go forward with COUNCILMEMBER WENINGER'S amendment language.

MR. HOUSE said it would be best to have no confusion regarding provisions of the policy. As this discussion will be reflected in the minutes, if an issue arises, the Manager could refer to the minutes.

COUNCILMEMBER WENINGER amended his amendment to Option 1 to read:

The individual Councilmember may also select his or her equipment; however, the City will not be responsible for purchasing a new cell phone or other related equipment for a minimum of two years from the date of original purchase unless there are serious technical difficulties or other serious extenuating circumstances that necessitate this. The City shall also carry the appropriate insurance on the equipment in the event the equipment is damaged or must be replaced.

COUNCILMEMBER CACCAMO, who seconded the original amendment, concurred.

VICE-MAYOR HUGGINS said that Staff worked diligently to make the policy simple and easy to understand and enforce and it should remain as originally presented.

MOTION ON THE AMENDMENT PASSED BY MAJORITY (4-2) WITH VICE-MAYOR HUGGINS AND COUNCILMEMBER DONOVAN VOTING NAY.

THE MAIN MOTION PASSED UNANIMOUSLY (6-0).

COUNCILMEMBER SEPULVEDA ARRIVED AT THE MEETING AT THIS TIME.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN recognized a Boy Scout in attendance in the audience.

MAYOR DUNN announced that the City of Chandler has been recognized as the official Playful City by the KABOOM organization and will be honored at the League of Arizona Cities. A community must meet criteria that include the design of an annual action plan for play, conducting a play space audit for all publicly accessible play areas and proclaiming and celebrating an annual play day.

MAYOR DUNN announced the Tibshraeny Family Park dedication scheduled for Saturday, at 10:00 a.m.

THE MAYOR announced the Tumbleweed Lighting and Parade of Lights to be held on Saturday, December 1, at A. J. Chandler Park with the parade beginning at 7:00 p.m. followed by the 51st Annual Tree Lighting.

B. Councilmembers' Announcements:

None.

C. City Manager's Announcement:

None.

Adjournment: The meeting was adjourned at approximately 8:47 p.m.

