

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, December 11, 2008, at 7:05 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
Kevin Hartke	Councilmember
Jeff Weninger	Councilmember

Council Absent and Excused: Matt Orlando Councilmember

Also in attendance:

W. Mark Pentz	City Manager
Rich Dlugas	Assistant City Manager
Pat McDermott	Assistant City Manager
Mary Wade	City Attorney
Marla Paddock	City Clerk

INVOCATION: The invocation was given by Pastor Roger Storms – Chandler Christian Church

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

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions:

MAYOR DUNN was joined by COMMUNITY SERVICES MANAGER MARK EYNATTEN in recognizing Cecilia (Cece) Martinez for 35 years of service with the City of Chandler. Before joining the City of Chandler, Cece worked for two years with the Neighborhood Youth Corps for the library and was hired as the first library page. Cece has worked in many areas of the library including circulation, reference, youth, mending, processing and training volunteers. She has also worked in all three of the buildings that have served as the downtown library starting when the library was housed in the current museum building and had no automation. Some of Cece's fondest memories include selecting books in Spanish for customers, dressing up for youth programs as a resident witch, the Easter bunny and a library book. She also ran the bookmobile when Chandler was a rural community. Cece has made a difference to the library and to the City of Chandler by providing the most responsible service to our customers in innovative and creative ways. She is always ready to go the extra mile, doing whatever it takes to satisfy the customers' needs. Over the years, Cece has provided support to the Ease Committee by helping on events such as employee picnics and holiday parties. A major accomplishment that Cece realized was the completion of a Bachelor's degree in business administration in 2007.

MAYOR DUNN was joined by MUNICIPAL UTILITIES DIRECTOR DAVE SIEGEL in recognizing Robert Goff for 10 years of service with the City. Bob began his career with the City as the Water Quality Compliance Specialist where his main responsibility was to ensure safe drinking water was provided to Chandler businesses and residents. Throughout his ten years, Bob has served Chandler's citizens well by assisting with the landfill closure and developing models of the water

distribution, wastewater and reclaimed water system. He recently began providing technical support to Chandler's "Green Team" by evaluating Chandler's carbon footprint and analyzing energy usage in various departments. He received his Bachelor's of Science degree in geology from the University of Wyoming and his Master's Degree from the University of Alaska. Bob attended night school at ASU and was awarded a Master's of Public Administration degree. Teaching evening geology classes at Chandler-Gilbert Community College is one of the many ways Bob gives back to the community. Bob's fellow employees recognized his hard work and dedication by choosing him Municipal Utilities' Employee of the Year in 2003.

MAYOR DUNN was joined by ACTING PLANNING & DEVELOPMENT DIRECTOR JEFF KURTZ in recognizing Anne-Marie Taylor for 15 years of service with the City. Anne-Marie began her career with the City as a Neighborhood Services Inspector in the Planning and Development Services Department. She was moved to the Police Department when Neighborhood Services was transferred but returned to Planning and Development to run a demolition program. Her duties now center on unpermitted construction or work being performed without the benefit of building permits. Her sunny disposition, friendly manners and engaging personality make her a natural addition to Team Chandler.

2. Chandler At Its Best Recognition

MAYOR DUNN asked CITY MANAGER MARK PENTZ to assist in recognizing those employees who have been nominated by their co-workers for going above and beyond their normal duties on the job. Mr. Pentz said that there is an employee team that is always looking out for quality customer service stories and the following employees have been nominated:

Denise Demaray with Community Services: Denise is being recognized for her leadership and willingness to go the extra mile. In cooperation with a few dedicated patrons of the Chandler Senior Center, Denise coordinated the Donations for Soldiers initiative when she became aware of an army unit in a forward position in Iraq which lost all of their personal belongings when a 30-man group tent was hit by enemy rocket fire. The effort led to two cases of personal belongings being shipped to Iraq. In addition, Denise also coordinated Food-Box Thursday, which has resulted in the distribution of over 2000 food boxes for seniors in 2008.

Police Det. Bob Lenz and Sgt. Bryan Cox: Mary Barbero, an 80-year old Chandler resident, was having difficulty completing necessary repairs to her home. She had also received an eviction notice due to her home's condition. Bob and Bryan coordinated a major home renovation effort involving many volunteers from the Police Department. The work included exterior repairs, plumbing, landscape maintenance and more. Due to their efforts, Mary was not only able to remain in her home, but was able to walk up a new set of stairs to an almost completely renovated residence.

3. HOA Academy Graduates

MAYOR DUNN was joined by NEIGHBORHOOD RESOURCES DIVISION DIRECTOR JUDY REGISTER in recognizing those citizens who have completed the HOA Academy. The academy was formed in 2006 by Neighborhood Programs, in conjunction with the Leadership Center at Chandler-Gilbert Community College, began the first HOA Academy. The academy provided Chandler residents with the education and information needed to understand the various aspects of HOA membership and provided individualized learning opportunities to provide maximum benefit to residents and communities. Over 60 residents graduated and are more informed members and leaders of their HOAs.

The following citizens are graduates of the 2008 HOA Academy:

Jean Roppatte, Vincent Roppatte, Diana Lopez, Julie Pearman, Geovina Gonzalez, Sam Giordano, Santa Giordano, Mark Kraych, Pat Palmer, Cliff Palmer and Gypse Kampel.

Jo Kraych also graduated, but was unable to attend the meeting.

4. Neekta Hamidi - Invitation to Fundraiser for Darfur

Ms. Hamidi, representing the Chandler Service Club Flower Girls, which is a group of dedicated high school seniors who spend their year performing charity services at a local and global level. Her organization is sponsoring a dinner event to raise money for refugee camps in Darfur for those who have been displaced by the civil war and encouraged citizens to attend.

UNSCHEDULED PUBLIC APPEARANCES:

None.

CONSENT:

MAYOR DUNN noted that Item #3 (City Code Chapter 3 amendment) is requested for continuance to the January 8, 2009, Council meeting. Item #5 (bus shelter advertising) will also be continued to February 26, 2009. Items #9 (Staybridge), #10 (The Shoppes at Chandler Heights) and #11 (Arco At Chandler Airport Center) are also being continued to February 12, 2009, as well as Items #37 (Cooper/202 Verizon), #39 (Dos Gringos Grille).

MAYOR DUNN also suggested that Item #40 (Regal Beagle) be moved to the Action Agenda as there are citizens who wish to speak.

THE MAYOR asked for a short presentation on Item #6 (Southshore Area Plan Amendment, South Shore).

RALPH PEW, 1930 E. Brown Road, Mesa, introduced Barry Berkus with the Berkus Design Studio, Architect, who explained the concept. Mr. Berkus commended the Planning Staff for their communication and collaboration during the process. The project creates a place that will become a destination in Chandler. The idea came from Europe where there are cafes outside of shops and people live in these pedestrian villages. The concept of having the hotel facing Arizona Avenue and having retail around the water where patrons can eat and be a part of the community was exciting to them. He showed slides depicting how the project will look when completed. There will be a walking corridor on the second level, which becomes a main street. The office buildings are of a European design. The residential component allows for residents to live and work in the same place. The alley behind the homes is actually a lane. The project will also incorporate public art into the community through tiled benches.

The MAYOR thanked the developer and Staff for bringing this project forward.

COUNCILMEMBER WENINGER thanked Staff for their work on the project. He has had many positive comments from citizens. It seems that projects such as this are compared to Kierland, but this project may end the comparison and more developments will be compared to this project.

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY VICE-MAYOR HUGGINS, to approve the Consent Agenda with the noted continuations and moving Item #40 to Action.

COUNCILMEMBER HARTKE declared a conflict of interest on Item #26 (Devau Human Resources) and did not vote on that item.

MOTION CARRIED UNANIMOUSLY (6-0).

1. ANNEXATION: NEC Gilbert and Queen Creek Roads Ord. #4021

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4021, Annexation – North of the Northeast corner of Gilbert and Queen Creek roads, annexation of approximately 20 acres located north of the NEC of Gilbert and Queen Creek roads. (Owner: The Grove Bible Church, Inc.)

The property is currently owned by The Grove Bible Church and is partially developed. Site improvements were built subject to the plan review and building permit approval process of Maricopa County. Municipal water and sewer services are being provided to the site by the City of Chandler subject to formal water and sewer service agreements entered into by and between the owner and City of Chandler in August of 2003. One of the conditions of approval common to the agreements required the property owners' consent to future annexation at such time as an annexation petition encompassing the subject property was presented.

The property is zoned RU-43 within the County. Neighboring parcels to the north and east are within the City of Chandler and are zoned and developed as PAD Single-Family Residential. Property to the south is within the County and is developed for Rural Residential. Undeveloped vacant property to the west, across Gilbert Road, is within the City of Chandler and is currently zoned PAD for commercial and industrial uses.

The Chandler Land Use Element of the City of Chandler General Plan, designates the area for Low Density ("Single Family") Residential. Churches are an allowed land use within single-family residential zoning districts.

2. CITY CODE AMENDMENT: Chapter 43 Ord. #4118

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4118 amending Chapter 43, Sections 43-5.1 and 43-5.10 of the Chandler City Code relating to the City of Chandler Standard Details and Specifications and MAG Uniform Standard Specifications and Details with certain modifications.

The City maintains and publishes Standard Details and Specifications and Technical Design Manuals which have been developed to guide developers and City Staff on the design and construction of the City's infrastructure. These documents are adopted by City Council and the current version is January 2007 with a May 2008 amendment.

This ordinance would amend the January 2007 Standard Details and Specifications Manual for details pertaining to general information, streets, water, wastewater, storm and traffic signage. In addition, this ordinance would adopt the 2008 MAG Uniform Standard Specifications and Details with certain modifications.

The revisions have been reviewed and approved by the Engineering Design Standards Committee. The revisions were also provided to members of the industry including the Homebuilders Association, Multihousing Association and engineering design consultants. Comments received were incorporated into these revisions where appropriate.

3. CONTINUED CITY CODE AMENDMENT: Chapter 3 Ord. #4119

CONTINUED TO JANUARY 8, 2009, Ordinance No. 4119 amending Chapter 3, Sections 3-9 and 3-11 of the Chandler City Code increasing the requirement for a formal competitive solicitation to \$50,000.00 and the contract amount requiring Council authorization to \$50,000.00.

4. REZONING: Panattoni CAC Adult Education Ord. #4121

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4121, DVR08-0039 Panattoni CAC Adult Education, rezoning from PAD to PAD Amended to expand the list of permitted uses for two buildings at 2150 & 2200 E. Germann Road in order to allow adult education. (Applicant: Chandler Airport Center, LLC.)

The subject site is part of a 245-acre master planned employment center, Chandler Airport Center that flanks both sides of Cooper Road south of the Loop 202 Santan Freeway. The master plan established the subject site for office, showroom and light industrial uses. To the east and northeast are other sites with the same zoning designation. South, across Germann Road, is vacant land designated for office, light industrial and hangar uses. To the west, adjacent to Cooper Road, is vacant land designated for hotel, office, service retail and freeway-related retail uses.

The site received Preliminary Development Plan approval in 2007 for a flexible site plan on the 11-acre site that could follow one of two possibilities, depending on demand and the mix of users. The developer constructed two buildings in 2008 in the southern and eastern portions of the site. An option exists for the northwestern portion of the site to be constructed either as a third building or as a parking lot. In order to accommodate the proposed adult education use, the final part of the site will be built out as a parking lot to allow an overall parking provision of over 7 spaces per 1000 square feet, well in excess of the Zoning Code requirement of 5 spaces per 1000 square feet for office or adult education uses. The extra parking provision allows for some of the second-story space to potentially be built-out as office or educational uses in the future.

The application requests approval to allow adult professional education uses in addition to the existing approved uses. Because the target market is continuing education for professionals, parking demand for such uses generally peaks after 5 p.m. when the students are off of work from their day jobs. The application is spurred by an adult education tenant that will occupy the majority of the westernmost building.

A similar rezoning request for adult education was approved in June 2008 for Ottawa University in the Opus development west of Cooper Road and just south of the Loop 202 Santan Freeway.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on November 6, 2008. There were no citizens in attendance. Staff has received no correspondence in opposition to this request.

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

5. BUS SHELTER MAINTENANCE EXTENSION: CBS Outdoor, Inc. Res. #4232

CONTINUED TO FEBRUARY 26, 2009, Resolution No. 4232 authorizing an extension of a bus shelter advertising, installation and maintenance agreement with CBS Outdoor, Inc., through June 2015, to allow time to inventory the condition of existing bus shelters, develop alternatives for replacing aging shelters and renegotiate the terms of the proposed advertising, installation and maintenance agreement with CBS Outdoor.

6. AREA PLAN AMENDMENT/REZONING: South Shore Res. #4249 & Ord. #4120

ADOPTED Resolution No. 4249, Area Plan Amendment, AP08-0004, South Shore Area Plan Amendment, from office showroom and light industrial to a mixed-use project including office, commercial retail/restaurant, hotel, and multi-family residential on approximately 43 acres south of the SEC of Ocotillo Road and Arizona Avenue.

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4120, DVR08-0015 South Shore, rezoning from PAD zoning for office showroom and light industrial to PAD zoning with a mid-rise overlay for a mixed-use project with office, commercial retail/restaurant, hotel and multi-family residential along with PDP for the mixed-use project on approximately 43 acres south of the SEC of Ocotillo Road and Arizona Avenue. (Applicant: Pew & Lake, PLC – Ralph Pew.)

The subject site is approximately 43 acres and located approximately ½ mile south of the SEC of Ocotillo Road and Arizona Avenue. West of the site is Arizona Avenue and the Fulton Ranch master planned community. The Union Pacific Railroad tracks are east of the site. North of the site is an existing church development and a Home Depot-anchored commercial retail development. South of the property is land zoned and planned for Maracay Homes' single-family residential development Southshore Village.

The South Shore project includes a mix of residential and commercial/employment land uses including a mid-rise overlay request for several aspects of the development. The buildings requesting building heights over 45 feet, excluding architectural features, include Building K – Hotel (63 feet), Building A – Office (63 feet), Buildings B and C – Retail with residential lofts (48 feet), Building I – Office (63 feet), and Buildings O and P – Retail with residential lofts (60 feet). The South Shore mixed-use development does comply with the general criteria for consideration of mid-rise development and meets the performance characteristics.

The development meets the Commercial Design Standards with consideration given to building materials and designs prescribed to a specific architectural style and project theme. The design guidelines and exhibits within the Development Booklet direct the architectural character and project theme for both commercial and residential buildings.

The Development booklet also includes a phasing plan that highlights Phase One development. Phase One is planned to include two of the three office buildings, the retail/restaurant/residential loft townhome buildings, hotel, retail, restaurant and freestanding pad buildings. Supported parking and adjacent/perimeter landscaping will also be improved in Phase One.

The South Shore property is part of the Southeast Chandler Area Plan, which designates the property for Employment/Mixed Use development. This land use is based on the General Plan Land Use Element, which defines this property as Employment and as a "large growth tract area". The employment and mixed-use designations provide for a variety of employment center uses including office, retail, residential and light industrial. The Arizona Avenue corridor is identified in

the Southeast Chandler Area Plan as the most intense land use in southeast Chandler. This corridor is intended to accommodate the land uses as defined in the General Plan.

The approximate 43-acre site is part of the larger Southshore Area Plan bounded by Arizona Avenue, Ocotillo Road, Chandler Heights Road and the Consolidated Canal. In March 1988, the Southshore Area Plan was established and defined specific land uses with PAD zoning. There have been several amendments to the Area Plan including a General Plan amendment in 1997. The General Plan amendment allowed for a single-family residential development east of the railroad tracks. Land use amendments and rezoning requests have occurred over the years allowing for the development of Southshore Town Center, Southshore Town Center Phase II, Desert Palms Presbyterian Church and Chandler United Methodist Church. A PDP for commercial development was recently approved on the NEC of Arizona Avenue and Chandler Heights Road.

The development meets the City's Commercial Design Standards and Multi-Family Residential Standards including architecture, site design and landscaping, while incorporating specific features defined by a specific architectural style emulating Old World themes.

The increased height of buildings meets the intent of the Mid-Rise Development Policy being located adjacent to a railroad and a major arterial right-of-way, which is also a State highway.

This request was noticed in accordance with the requirements of the Chandler Zoning Code and the Mid-Rise Development Policy's expanded notice requirements with neighborhood meetings being held July 8, 2008, and August 21, 2008. There were approximately 10 neighbors in attendance at the July 8th meeting and 6 at the August 21st meeting, all with general questions regarding the project. Staff has received no correspondence in opposition to the project.

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

7. GRANT APPLICATION: Gila River Indian Community Res. #4247

ADOPTED Resolution No. 4247 authorizing the City to execute grant application documents to be submitted to the Gila River Indian Community's (GRIC) State-Shared Revenue Program in the amount of \$380,000.00 on behalf of Special Olympics Arizona (SOAZ) to initiate the "Training for Life Continuum".

The 'Training for Life Continuum' is an athletic-centered program that goes from a special needs child's first involvement in sports to a transition of lifelong physical activity. According to the SOAZ, many east valley residents with physical and intellectual disabilities are unable to participate in the many programs they offer for a variety of reasons that include geographic challenges and a lack of coordinated programs. Approximately 20% of the 9,100 registered athletes with SOAZ reside in the east valley.

All Indian gaming grant applications for both government-sponsored projects and nonprofit projects essentially compete for the same pool of funding made available by any particular grant-making tribe. The City Council has the final decision-making authority on whether to support a nonprofit applicant that comes forward, but is under no obligation to do so. By the same token, if a nonprofit applicant does not receive support from a particular local government, it has the prerogative to approach another local government for support.

GRIC approves grants by resolution and does not execute formal grant contracts or agreements requiring the City to assume any responsibility for monitoring the expenditure of funds by non-profits. Typically, non-profit grant recipients are notified during the pass-through process that any responsibility to report on their progress and use of funds is directly to the grant-making tribe.

8. IGA AMENDMENT: Interim Emergency Services – County Islands Res. #4251

ADOPTED Resolution No. 4251 authorizing Amendment No. 2 extending the intergovernmental agreement for an additional 6-month period with Maricopa County for the provision of interim emergency services for county islands within Chandler's corporate limits.

In August 2008, the City and Maricopa County entered into an IGA that provides for interim emergency services coverage of County islands within Chandler's corporate limits by the Chandler Fire Department. This agreement expires on December 31, 2008, or until the noncontiguous County islands can form a fire district and solicit coverage for their district. The County island residents formed an organizing board, solicited and obtained the necessary signatures and at the November 18th meeting of the County Board of Supervisors, the Chandler County Island Fire District was officially formed by action of the County Board. The effective date of the Fire Board is 30 days from the action of the County Board, which is December 18, 2008. It is the intent of the Fire Board to enter into discussions with the City to formalize an agreement for future emergency services coverage. However, it is anticipated that these deliberations will proceed past the expiration date of December 31, 2008. Therefore, the Fire Department wishes to extend the interim coverage IGA for an additional six months.

The IGA provides for the City to bill the owner of the County island parcel for the emergency services provided. If payment is not received from the owner, the City will then forward the bill to the County for payment. Through October 31, 2008, total revenue (received and owed) from this Interim Agreement is \$93,099.00. We have received \$40,281.00 and are awaiting payment of an addition \$13,909.00 and will invoice another \$33,264.00 in the near future. An additional \$5,644.00 has been paid directly to the City by County residents.

9. CONTINUED PRELIMINARY DEV PLAN: Staybridge Suites/Holiday Inn Express

CONTINUED TO FEBRUARY 12, 2009, Preliminary Development Plan, PDP07-0040 Staybridge Suites/Holiday Inn Express, for two four-story hotels on approximately 14.5 acres at the NEC of Chandler Boulevard and McClintock Drive to allow the case to be heard before the Design Review Committee.

10. CONTINUED PRELIMINARY DEV PLAN: The Shoppes at Chandler Heights

CONTINUED TO FEBRUARY 12, 2009, Preliminary Development Plan, PDP08-0016 The Shoppes at Chandler Heights, for a comprehensive sign package for a commercial retail center on approximately 19.5 acres at the NEC of Arizona Avenue and Chandler Heights Road to allow the applicant more time to further develop design alternatives to the Comprehensive Sign Package.

11. CONTINUED PRELIMINARY DEV PLAN: Arco At Chandler Airport Center

CONTINUED TO FEBRUARY 12, 2009, Preliminary Development Plan, PDP08-0029 Arco at Chandler Airport Center, for a gas station/convenience store/car wash development within the

Chandler Airport Center located at the NEC of Cooper Road and Yeager Drive south of the Loop 202 Santan Freeway to allow the case to be heard before the Design Review Committee.

12. ZONING EXTENSION: Southshore Village

APPROVED a three-year PAD zoning extension Zoning, DVR08-0034 Southshore Village, for a medium-density single-family residential on approximately 45 acres north and east of the NEC of Arizona Avenue and Chandler Heights Road.

The Planned Area Development (PAD) zoning approval was granted for a period of 3 years, which expired in October 2008 and a 3-year time extension is requested. Time extensions are calculated from the previous zoning approval's expiration in which the zoning would be in effect, pending City Council approval, until October 2011.

The City has the following options when a zoning district's timing condition expires. The City could, through administrative action, extend the timing condition for another period of time, eliminate the timing condition, or by legislative action, revert the zoning to its former zoning classification. Upon approval of the timing condition extension, all other conditions in the original approval would remain in effect.

In 2005, this 45-acre parcel received PAD zoning with Preliminary Development Plan (PDP) approval for a medium-density single-family residential subdivision. The residential subdivision is gated with private streets and includes 231 lots at approximately 5 dwelling units per acre. The PDP included site layout and housing products.

At the intersection corner abutting the subject site is an approved commercial retail development on approximately 17 acres. East of the site are the railroad tracks, the Pinelake Estates and Pinelake Village single-family residential developments and a church. The site is bordered by Chandler Heights Road to the south and Arizona Avenue to the west. North of the property is land planned for office showroom and light industrial as a part of the Southshore Area Plan; however, the City is reviewing a development request for a mixed-use development.

This application does not seek to modify the previously approved land use, site or building design, but seeks to extend the timing condition for an additional 3 years. Maracay Homes is in the process of finalizing and recording the Final Plat and civil improvement plans. If any other alternative design or use is proposed, an amendment to the PAD zoning and/or PDP will be required.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 8, 2008. There were no neighbors in attendance. Staff has received no correspondence in opposition to the request.

Upon finding consistency with the General Plan, the Planning Commission and Staff recommend approval of a 3-year extension with all of the conditions in the original approval remaining in effect.

13. SYSTEM DEVELOPMENT FEE PROCESS

AUTHORIZED the process to consider and adopt modified System Development Fees and set the date for the public hearing for February 12, 2009.

According to provisions of the Chandler City Code, system development fees are to be reviewed annually. It has been the City's practice to have consultants review the fees every other year and make an inflationary adjustment in the interim years. The 2009 update will be based on an inflationary adjustment using the Los Angeles Construction Cost Index of 7.4% as published on October 13, 2008, by the Engineering News Record. This is the same index that has been used in prior inflationary increases.

In order to adequately notify interested parties of the 2009 update, e-mails were sent on Friday, December 5, 2008, to the Associated General Contractors of America, Capitol Consulting, LLC, (representing the Arizona Multihousing Association), Chandler Chamber of Commerce, Fulton Homes Corporation, Home Builders Association of Central Arizona, National Association of Industrial and Office Properties and Valley partnership informing them of the modified system development fees and the planned date of the public hearing.

As required by law, an Advance Notice of Intent will be published in the Arizona Republic newspaper showing the date, time and place of the public hearing on February 12, 2009. In compliance with State Statutes, a copy of the modified System Development Fees will be filed with the City Clerk for public review.

14. AGREEMENT: Balmer Architectural Group, Inc.,

APPROVED an Agreement with Balmer Architectural Group, Inc., for site design services in an amount not to exceed \$41,200.00.

As City Staff moved forward with the due diligence phase of the potential acquisition of the property north of the northwest corner of Kyrene and Loop 202, Staff engaged Balmer Architectural Group to address potential site designs in combining the existing City-owned site with the adjacent property. Through this process, it was determined that the property could not be combined with the existing property in a cohesive way, and the escrow on the adjacent property was dropped.

15. GRANT: A New Leaf East Valley Men's Shelter

APPROVED a Grant to A New Leaf East Valley Men's Shelter in the amount of \$45,000.00.

A New Leaf (formerly the Mesa Community Action Network, or MesaCAN) provides services for the City of Chandler's homeless men through the East Valley Men's Center (EVMC). The City has been providing financial support for this program since fiscal year 2002-2003.

The East Valley Men's Center is a regional facility serving homeless men. The center provides training, work assistance, counseling, food and shelter to homeless men who have committed to re-entering the economic and social mainstream. The EVMC's goal for each resident is permanent employment at a decent wage, stable housing and increased self-sufficiency skills.

Funds for this contribution have been included in the budget. Next year, these funds will be added to the Social Services Funding amount and will be administered through the City's Housing and Human Services Commission. The Housing and Human Services Commission assesses the human services needs of the community, determines any gaps in service and utilizing this

information, develops the priorities for social service funding, youth enhancement funds and acts of kindness funds.

16. AGREEMENT: M.R. Tanner Development and Construction, Inc.

APPROVED an Agreement with M.R. Tanner Development and Construction, Inc., for street asphaltic concrete maintenance replacement for one year with the option to renew for four additional one-year periods in the amount of \$4,051,000.00.

17. AGREEMENT AMENDMENT: Brooks Bros. Utility Contractors, Inc.

APPROVED Agreement Amendment No. 1 for an increase of \$80,000.00 with Brooks Bros. Utility Contractors, Inc., for streetlight replacements and upgrades for a total not to exceed \$142,400.00.

This agreement is used on an as-needed basis and the quantities are estimated based on the previous years' history. On May 22, 2008, Council awarded a one-year agreement in the amount of \$62,400.00 to Brooks Bros. Utility Contractors, Inc., for streetlight replacements and upgrades at various locations within the City. The quantity of necessary streetlight replacements has been higher than expected and an increase in the agreement amount is needed. Staff has estimated that approximately 44 streetlights would be replaced and/or upgraded during the balance of the term of this agreement; however, to date, this quantity has been exhausted. The new estimate of streetlight replacements is now 100 to finish out the year ending May 30, 2009. The increase is to cover the additional replacements.

Risk Management recovers approximately 80% of the cost for damaged poles through insurance companies and/or persons involved. The remainder will be funded from the City's self-insurance. Rusted streetlight poles and replacement and miscellaneous new installations are funded from the Capital Improvement Program as needed.

18. AGREEMENT: Vulcan Materials and Mesa Materials

APPROVED an Agreement with Vulcan Materials and Mesa Materials for hot mix asphalt material for one year with options to renew up to four additional one-year periods in a combined amount not to exceed \$279,000.00. This expenditure will be from the 2008-09 Streets operating budget until June 2009 and is contingent upon Council approval of the 2009-10 operating budget for July 2009 through December 2009.

19. AGREEMENT EXTENSION: Jewels Enterprise LLC

APPROVED a one-year Agreement Extension with Jewels Enterprise LLC for janitorial services in the amount of \$69,987.50. This is the first of four one-year extensions.

20. AGREEMENT EXTENSION: Proforce Marketing, Inc., dba Proforce Law Enforcement

APPROVED a one-year Agreement Extension with Proforce Marketing, Inc., dba Proforce Law Enforcement, for the purchase of Glock duty weapons in an amount not to exceed \$30,000.00. This is the first of four one-year extensions.

This contract includes the purchase of Glock duty weapons and allows for a \$252.00 trade-in value for each of the older weapons to be appropriated towards the contract purchase price of

\$429.00 per weapon. In 1994, the Police Department began issuing the Glock 17 pistol as the issued duty weapon. The life expectancy for duty weapons is estimated at 7-10 years.

21. AGREEMENT EXTENSIONS: Ammunition

APPROVED one-year Agreement Extensions with Adamson Police Products, San Diego Police Equipment Co., Inc., and International Cartridge Corporation for the purchase of ammunition in a combined total amount not to exceed \$122,000.00. This is the first of two one-year extensions.

22. AGREEMENT EXTENSION: Bank of America

APPROVED a one-year Agreement Extension with Bank of America for procurement card services. This is the final extension of this agreement.

There are approximately 640 cards throughout the City and the annual volume spent through this program is approximately \$2.5 million. Prior to using the current program with Bank of America, the City's average rebate was \$2,500.00 per year based on annual volume. The rebate for 2007 was \$17,362.59.

23. AGREEMENT EXTENSION: Banner Occupational Health Services

APPROVED a one-year Agreement Extension with Banner Occupational Health Services for occupational health care services in an amount not to exceed \$70,000.00. This is the second of four one-year extensions.

24. AGREEMENT AMENDMENT: Pierce Manufacturing, Inc.

APPROVED Agreement Amendment No. 2 with Pierce Manufacturing, Inc., extending the term of the contract for one year for fire apparatus purchases. This is the second of four one-year extensions.

25. INTERGOVERNMENTAL AGREEMENT: Town of Queen Creek

APPROVED an Intergovernmental Agreement (IGA) with the Town of Queen Creek to provide joint fire personnel training.

The Chandler, Gilbert, Gila River, Maricopa and Sun Lakes Fire Departments have been training together since 2001. This agreement with the Town of Queen Creek is identical to the agreements for other departments. The Town of Queen Creek recently formed their own Fire Department, and the Chandler Fire Training Center is the closest training center.

The Town of Queen Creek is committed to paying a not to exceed amount of \$300.00 per sworn firefighter per calendar year for consumable items utilized during joint training.

26. AGREEMENT EXTENSION: Devau Human Resources

APPROVED a one-year Agreement Extension with Devau Human Resources for temporary contract employment services in an amount not to exceed \$1,400,000.00. This is the second of four one-year extensions.

Contract employees are utilized by the Community Services Department to fill temporary positions. Other City Departments that require specialty positions not available through temporary agencies under state contract, also utilize this contract as a means of filling those positions. The contract was originally established when the IRS determined in December 1992 that a number of contract employees used by City Departments should be appointed temporary employees. It was determined that it would be in the best interest of the City to contract with a temporary employment agency for the provision of those employee services.

The City is charged a cost per hour per employee plus a markup for each employee used under the agreement. The percentage is added to the cost per hour for the total number of hours the employee works. The markup percentage (17.9%) covers liabilities, check distribution, application process and federal tax reporting for the temporary employee. The City determines if the hourly wage is reasonable prior to any employee being used under the contract. The anticipated expenditure amount through January 31, 2009, is \$1,202,582.00. Staff provided estimates for the next contract term in the amount of \$1,302,737.00. An amount not to exceed \$1,400,000.00 is being requested to cover any additional requirements other than those listed during the term of the agreement, which is February 1, 2009, through January 31, 2010. The amount of this renewal is \$200,000.00 less than the approved amount for the current contract extension.

COUNCILMEMBER HARTKE declared a conflict of interest on this item and did not vote.

27. AGREEMENT: Nickle Contracting, LLC

APPROVED Agreement #PR0818-401 with Nickle Contracting, LLC, for construction of West Mini Park Improvements, pursuant to Job Order Contract JOC05-05, in an amount not to exceed \$205,942.00.

The West Mini Park and Erie Well site are located north of Chandler Boulevard and west of Arizona Avenue. This project includes well site improvements and improvements to park amenities in cooperation with the Neighborhood Programs Division, Neighbors in Action program. These improvements are in response to citizen comments and requests.

28. AGREEMENT: LanDesk Software, Inc.

APPROVED an Agreement with LanDesk Software, Inc., for implementation services of LanDesk software in an amount not to exceed \$81,500.00.

The City currently uses two different products to manage the PCs connected to the network and provide service request processing. Due to changes in the City's network standards, upgrades required to maintain the current software and new management requirements based on findings in an operational audit, IT undertook a process to review consolidated solutions to provide the required functionality. After completing this review, IT is recommending LANDesk as the integrated solution to replace the current Novell ZENWorks and HEAT management suite applications. LANDesk consultants will install, configure and train staff onsite. They will customize the application with the assistance from IT, allowing for knowledge transfer through training and documentation and enable IT to administer this application in the future.

29. PURCHASE: ASAP Software

APPROVED the Purchase of LanDesk Software from ASAP Software, utilizing the State of Arizona contract, in an amount not to exceed \$145,100.00.

The City currently uses two different products to manage the PCs connected to the network and provide service request processing. Due to changes in the City's network standards, upgrades required to maintain the current software and new management requirements based on findings in an operational audit, IT undertook a process to review consolidated solutions to provide the required functionality. After completing this review, IT is recommending LANDesk as the integrated solution to replace the current Novell ZENWorks and HEAT management suite applications. The ongoing maintenance cost for LANDesk is less than the current applications, so the budget requirement for ongoing maintenance will be reduced once this product is implemented.

30. PURCHASE: Peoria Pest Control

APPROVED the Purchase of pest control service for treatment of manholes from Peoria Pest Control, utilizing the City of Peoria contract, in an amount not to exceed \$100,000.00.

The City has approximately 18,200 sewer manholes. Municipalities, which were once exempt from the state laws governing pesticide licensing and application, are now required to obtain these licenses to apply pesticides. Municipal Utilities determined the most cost effective solution for controlling roaches in City-owned manholes is to engage the services of a licensed exterminator to apply insecticide paint to the manholes. The paint used is warranted for two years. Wastewater Collection expects to paint one-half of the City-owned manholes each year.

31. PURCHASE: Arizona Water Works Supply

APPROVED the Purchase of water works supplies from Arizona Water Works Supply, utilizing the City of Glendale contract, in an amount not to exceed \$60,000.00.

32. PURCHASE: Waxie Sanitary Supply

APPROVED the Purchase of janitorial supplies from Waxie Sanitary Supply, utilizing the State of Arizona contract, in an amount not to exceed \$250,000.00.

In February 2008, Council approved use of the State of Arizona's extended contract with Waxie Sanitary Supply for the purchase of various janitorial supplies used by the City's janitorial staff and other City staff as required. The addition of Tumbleweed Recreation Center and other various City facilities has caused the increased usage of janitorial supplies. During the past nine months, the City has spent almost \$175,000.00 for these various items. It is estimated that an additional \$75,000.00 will be required for the balance of the term contract through February 2009.

33. PURCHASE: Lighting

APPROVED the Purchase of lamps, fluorescent/incandescent and ballasts from Grainger, utilizing the Western State Contracting Alliance (WSCA) contract, in an amount not to exceed \$105,000.00.

34. PURCHASE: A-Professional Lock

APPROVED the Purchase of maintenance and repair services for security equipment and access control systems from A-Professional Lock (APL), utilizing the City of Tempe contract, in an amount not to exceed \$250,000.00. This request also includes additional funds for the new Parks & Facilities building.

The Sielox access control system is used citywide to provide controlled ingress/egress into City facilities. A-Professional Lock (APL) Access & Security is an authorized service provider and distributor for the Sielox access control system. Sielox will only warrant products installed by certified distributors. APL was the original designer and integrator of the City's access system and has the technical and institutional knowledge to keep the system operating correctly with minimal down time.

35. PURCHASE: Shade 'N Net of Arizona, Inc.

APPROVED the Purchase and installation of two fabric shade structures to provide shade over existing playground equipment, one for Hoopes Park and one for Espee Park, from Shade 'N Net of Arizona, Inc., utilizing the Mohave Educational Services Cooperative (MESOC) contract, in the amount of \$53,376.67.

Each year, citizens make requests to the Community Services Department for improvements in many of the City's existing parks. Because of the Arizona climate as well as the increasing awareness of skin cancer caused by harmful ultra-violet rays from the sun, one of the most popular requests that Staff receives is for shaded playgrounds.

36. PURCHASE: McQuay Service

APPROVED the Purchase and repairs of HVAC equipment from McQuay Service, sole source, in an amount not to exceed \$75,000.00.

The City currently uses McQuay dual chiller HVAC systems at the Chandler Main Library and Center for the Arts. McQuay is the manufacturer of the equipment and does not authorize any other HVAC service provider in the Phoenix area to perform maintenance service to their equipment due to warranty considerations. When City Staff cannot perform repair of equipment, this contract will provide for authorized trained factory repair staff to maintain, test and repair the equipment. This agreement will also give the City preferred service in case of failure and provide discounted labor and parts.

37. CONTINUED USE PERMIT: Cooper/202 Verizon

CONTINUED TO FEBRUARY 12, 2009, Use Permit, UP08-0035 Cooper/202 Verizon, to install a 55-foot monopalm wireless communication facility at the NEC of Cooper Road and the Loop 202 Santan Freeway to allow the applicant time to finalize important details before filing a new application and withdrawing the subject request.

38. USE PERMIT: Gallagher's Food and Fun

APPROVED Use Permit, UP08-0046 Gallagher's Food and Fun, Series 12, for an extension of premises to sell alcohol to restaurant patrons within a new patio at 2050 N. Alma School Road, Suite #21, within the Alma Park commercial shopping center. (Applicant: Gallagher's, Inc., Charles Misfeldt.) The suite is located in the northwest portion of the center.

Northwest of the shopping center is the College Park Woods residential condominium development. Directly west, adjacent to the center, is an office building. North, adjacent to the site, is a C-1 zoned shopping center. East, across Alma School Road, is a large PAD zoned commercial shopping center. South, across Warner Road is a C-2 zoned commercial shopping center.

The site received Use Permit approval for a Series 12 liquor license in 1990 and has utilized that permit since then. The current request is to allow for the serving of alcohol on a new outdoor patio.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 22, 2008. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

The Planning Commissioner opposed the recommendation of approval stating that the existing outdoor patio is partially encumbered by the 20-foot minimum separation radius for smoking adjacent to an establishment's front door. Staff responded by stating that the outdoor patio is already constructed and the separation requirement is enforced by the State.

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

39. CONTINUED USE PERMIT: Dos Gringos Grille

CONTINUED TO FEBRUARY 12, 2009, Use Permit, UP08-0044 Dos Gringos Grille, Series 6, for the sale of liquor at an existing restaurant at 1361 N. Alma School Road to allow additional time for processing of the liquor license with the City and State.

40. On Action.

41. CONTINUED LIQUOR LICENSE: Carniceria El Herradero

CONTINUED TO JANUARY 8, 2009, Liquor License, Series 10, for Amanda Adams, Agent, Carniceria El Herradero LLC, dba Carniceria El Herradero, 1368 N. Arizona Avenue, Suite #104, to allow the applicant time to complete the zoning requirements for their Use Permit.

42. CONTINUED LIQUOR LICENSE: Gingerroot

CONTINUED TO JANUARY 8, 2009, Liquor License, Series 12, for Susan Bilas, Agent, Gingerroot Restaurant LLC, dba Gingerroot, 1076 W. Chandler Boulevard, Suite #111, to allow the applicant time to complete the zoning requirements for their Use Permit.

43. CONTINUED LIQUOR LICENSE: Wal-Mart

CONTINUED TO JANUARY 22, 2009, Liquor License, Series 10, for Clare Hollie Abel, Agent, Wal-Mart Stores, Inc., dba Wal-Mart Marketside #5902, 950 N. McQueen Road, to allow the applicant time to complete the requirements for a new Use Permit.

44. CONTINUED LIQUOR LICENSE: Fresh & Easy Neighborhood Market

CONTINUED TO JANUARY 8, 2009, Series 10, for Randy D. Nations, Agent, Fresh & Easy Neighborhood Market, Inc., dba Fresh & Easy Neighborhood Market, 1200 N. Alma School Road, Suite #1, to allow the applicant time to complete the requirements for a new Use Permit.

45. CONTINUED LIQUOR LICENSE: Thai Gold Pots Fine Thai Cuisine

CONTINUED TO JANUARY 8, 2009, Liquor License, Series 12, for Tammi Quigley, Agent, Thai Global Systems, Inc. dba Thai Gold Pots Fine Thai Cuisine, 2820 S. Alma School Road, Suite #15, to allow the applicant time to complete the requirements for a new Use Permit.

46. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for a Chandler Cultural Foundation fundraising event on January 24, 2009, at the Roger Williams Concert, at the Chandler Center for the Arts, 250 N. Arizona Avenue. 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.

47. SPECIAL EVENT LIQUOR LICENSE: Chandler Cultural Foundation

APPROVED a Special Event Liquor License for the Chandler Cultural Foundation for the Maureen McGovern Concert Fundraising Event, January 31, 2009, at the Chandler Center for the Arts, 250 N. Arizona Avenue. 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.

ACTION:

40. USE PERMIT: Regal Beagle

Use Permit, UP08-0049 Regal Beagle, Series 6, for the sale of all spirituous liquor in an existing restaurant at 6045 W. Chandler Boulevard, Suite #7, within the Kyrene Village Shopping Center. (Applicant: Gregory J. Stanfield.)

SENIOR PLANNER BILL DERMODY said that the subject property is located at the SWC of Kyrene Road and Chandler Boulevard within the Kyrene Village Center anchored by Basha's. The center is surrounded on all sides by mostly commercial and industrial uses, including a new office/industrial park to the south. The nearest residential neighborhood is south of the SEC of the main intersection. The business is a restaurant/sports bar that has operated at this location since 2004.

The facility served alcohol under a Series 12 Restaurant License until 2006 when they received Use Permit approval for one year to serve under a Series 6 Bar License. This license change was prompted by a state audit that found food sales to be short of series 12 requirements (at least 40% of sales must be in food and non-alcoholic beverages). A three-year extension was granted in June 2007. Per condition, a transfer of ownership last year required a new Use Permit, which was approved for one year in October 2007.

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

Music has been an issue for neighbors over the past few months. The current owners received approval for acoustic music performed by a single artist on the outdoor patio last year after several years of music being limited to indoors only. However, it has been reported that amplified music has regularly been played on the patio in violation of the existing Use Permit conditions. The applicant would like to amend the previously approved conditions in order to allow amplified music; Planning Commission and Staff support only acoustic music on the patio in order to protect the nearby residential neighborhood.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on October 30, 2008. There was one citizen in attendance in opposition to the request. Staff has heard from three neighbors across Kyrene Road in opposition to amplified outdoor music at this location. All three neighbors report that the current music situation has been a nuisance to them at times over the past year. One of the neighbors compiled a log of the music situation since March 2008.

JAN HOSKOVEC, 5971 W. Commonwealth, expressed opposition to the renewal of this Use Permit. She has a petition signed by residents opposed to any music being played on the patio area of the Regal Beagle. She reported calling the Regal Beagle 13 times over the last 5 months because of loud noise on the patio. She has tried to work with the business to rectify the problem, but the owner has not been cooperative. They indicated that they would not move the music inside and that they want to add speakers above the retaining wall around the patio, which is unacceptable. She has spoken with the owner and managers to no avail. The only way there has been relief since Halloween was through a letter sent by Mr. Dermody. The current permit for the establishment states that any outdoor music shall be non-amplified acoustic and shall not disturb area residents; however, those musicians playing on Thursday and Friday do use amplification and play past the 10:00 stop time.

COUNCILMEMBER CACCAMO asked Ms. Hoskovec if limiting the music to end at 10:00 would help her situation. Ms. Hoskovec responded that the neighbors understood that the music was supposed to stop at 10:00. When she met with the owner at the neighborhood meeting, she was told that they do not have a stopwatch and there is no clock at the establishment and the music sometimes goes past 10:00. She has documented when they have gone to almost 10:30. She has to get up at 5:00 a.m. and 10:00 is too late. COUNCILMEMBER CACCAMO said that is why they included a stipulation that 10:00 is the cut off and asked again if it helps Ms. Hoskovec. Ms. Hoskovec responded that she would like to see the cutoff time be 9:30 as discussed at Planning and Zoning. She feels they will violate whatever time limit is imposed.

COUNCILMEMBER DONOVAN said that it is important for businesses and residents to establish a good relationship and both need to be good neighbors. It is important that residents in the area keep the Planning Department informed of any violations that may be taking place. COUNCILMEMBER DONOVAN asked Ms. Hoskovec how the amplification has been since Mr. Dermody sent the letter. Ms. Hoskovec said she first brought it to the City's attention in August and wanted to file a complaint. Mr. Dermody told her that the establishment was up for Use Permit renewal in October. She tried to follow all of the steps by calling the business and documenting activities. When she spoke with Mr. Dermody, he said there was supposed to be no amplification and he sent a letter stating such to the business. At a neighborhood meeting, the applicant said they would move the music inside until the weather warmed up when they would move it back outside. COUNCILMEMBER DONOVAN said that if the music is moved outside, it will only be acoustic and if it is amplified, they are in violation of the Use Permit, which could result in revocation. It would be in their best interest to abide by the stipulations imposed on the use permit. Ms. Hoskovec added that she understands the owner has applied for a permit to allow amplification. The music is too loud and takes away the residents' right to peace and quiet in their own homes. It has been pleasant since Mr. Dermody sent the letter. There has been music but it cannot be heard in her house.

MATT PIENKA, 5982 W. Mercury Way, said that he is an engineer and understands how sound works. It bounces off of the front houses and not two or three in. He has lived in the area for four years. Since the 202 (freeway) opened, they have seen the traffic on Kyrene quadruple. He said his desire would be for the loud music to end after a certain time.

MAYOR DUNN asked Mr. Pientka what his preference would be for ending the music. Mr. Pientka said he is comfortable with 10:00 p.m.

THE MAYOR asked what use was in the location before the Regal Beagle. Mr. Dermody said that it has been a restaurant or bar for the last 20 years.

COUNCILMEMBER HARTKE asked if the music on the patio is relatively new and not used by past tenants. Mr. Dermody responded that it is new. Music was always limited to indoors only until October 2007.

MAYOR DUNN asked if the applicant would be willing to only have music indoors. Mr. Dermody said they would not.

COUNCILMEMBER WENINGER asked if the non-amplification stipulation also addressed house music. Mr. Dermody replied that house music or ambient music is not addressed by the stipulation. The complaints have only been about the live music.

PAM ROSIC, 5981 W. Commonwealth, said that her house is the closest to Kyrene and she buffers the music before it gets to Ms. Hoskovec's house. She does not want to hear the music at all. When she can hear it with all the doors and windows shut and the air conditioner running, it is too loud. She is amenable with having it inside where she cannot hear it. When they have talked to the manager about the noise, he said they are providing a service to the neighborhood.

ALAN ORTON, 1165 W. Bosel, Gilbert, Regal Beagle manager, said that they had music on the patio Wednesday through Saturday. They had planned to have it six days a week. The performer the neighbors are complaining about is Alonzo who does Caribbean-style music with steel drums. He has nine other bands that play at his establishment that are acoustic and have

had no complaints about. Ms. Hoskovec said that they are applying for an amplification permit. The patio holds 60-70 people. If there is an artist with an acoustic guitar in the corner with no amplification, he cannot be heard 10 feet away. The other bands have speakers the size of those in a living room for a TV. So, the entertainer the neighbors are complaining about has been moved back inside, but once the weather changes, Alonzo will not be moving back outside. They have an affidavit from a neighbor that lives closer than those who have filed complaints which states that they cannot hear the music. They were planning to go talk to each neighbor, but decided not to because they did not want to start a war.

COUNCILMEMBER DONOVAN asked if there has been any music outside since Halloween. Mr. Orton responded that they have moved the music inside. He took over the bar approximately 3 months ago. The previous owner had music and internal staffing issues, so Mr. Orton took over management. He let Mr. Orton know about the amplification too late.

MAYOR DUNN asked about dancing on the patio. Mr. Orton said that the tables and chairs on the patio are moved about 8:00 p.m. because their patrons want to dance. Most of their clientele range from 35 years old to 60. Some of the music Alonzo plays has a dance beat and he also plays the piano. They are trying to determine how to control the bass volume. Ms. Hoskovec mentioned that they wanted to install speakers above the fence line. They are not putting any speakers in above the fence line, but rather trying to determine why Alonzo's music was carrying more for him than the other groups. There is a 4' wall surrounding the patio and they found that the speakers were bouncing off of the wall back toward the neighborhood because he plays in the opposite direction from the neighborhood. MAYOR DUNN asked if they have considered installing sound barriers. Mr. Orton said they would like to have that opportunity. Once he became aware of the stipulation, they have stopped. They want to provide what the neighbors want. They have been lucky so far that their business has been somewhat steady given today's economy; however, since the music has been moved inside, they have lost approximately \$3500 a week in sales which adds up over a year.

MAYOR DUNN commented that this has been an on-going issue. No matter what stipulations are placed on the application, it does not solve the problem. He questioned what confidence should Council have that it will happen now. Mr. Orton responded that since he has been there, there have been no more complaints. He has taken full control of operations of the facility until he feels "he is done with the project". He plans to be there at least another 12 months.

Mr. Orton added that he is only asking for acoustic amplification. Alonzo is not acoustic. The speaker is small and enables the singer's voice to be heard over the guitar. They will drop their request if it becomes a big issue.

MAYOR DUNN asked if they would agree to end outdoor music at a specified time. Mr. Orton agreed. He was under the impression that the City of Chandler has a noise ordinance beginning at 10 p.m., but that is not the case.

VICE-MAYOR HUGGINS clarified with Mr. Orton that he would be willing to work with the neighbors and have an "open door" to their complaints. Mr. Orton concurred. He added that he has given his cell phone number to some of the neighbors. After the neighborhood meeting, he did not receive any phone calls. The neighbors would go through the owner who was not at the location.

THE VICE-MAYOR also clarified with Mr. Orton that he understands that if there are complaints, the Use Permit can be revoked. Mr. Orton concurred. Mr. Orton said that Alonzo has been

informed that if there are any more complaints while he is playing, he will no longer be allowed to play at that establishment.

COUNCILMEMBER HARTKE asked if they are voting on no amplification or modified amplification. MAYOR DUNN responded that a motion has not been made. There are recommendations for conditions with one being non-amplified acoustic music. An additional stipulation has been discussed that would limit the times when music could be played on the patio.

COUNCILMEMBER WENINGER clarified with Mr. Orton whether he is referring to patrons not being able to hear the guitar or the voice over the guitar if there is no amplification. Mr. Orton responded that it is a little of both. Currently, there is no music outside. If Council wishes it to remain that way, it will.

COUNCILMEMBER HARTKE asked if there is someone on site that will have the responsibility and authorization to tell the musician to turn the music down. Mr. Orton said he would be.

MOVED BY COUNCILMEMBER CACCAMO, SECONDED BY COUNCILMEMBER HARTKE, to APPROVE Use Permit UP08-0049, Regal Beagle, Series 6, for the sale of all spirituous liquor in an existing restaurant located at 6045 W. Chandler Boulevard, Suite #7, within the Kyrene Village Shopping Center including the following stipulations:

1. The Use Permit granted is for a Series 6 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. No alcohol shall be carried outside of the building into the parking lot or off-premises. Sales of "to-go" liquor shall be prohibited.
4. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
5. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require reapplication and approval of the Use Permit.
6. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
7. Any outdoor music shall be non-amplified acoustic. Neither indoor nor outdoor music shall disturb area residences. The noise level, as measured at the shopping center property line, shall not exceed the ambient noise level.
8. Transfer of ownership shall require a new Use Permit.
9. The applicant shall provide security on the weekends, if necessary.
10. The applicant shall maintain a liaison program with the adjacent neighborhood that allows neighbors to directly contact a representative of the establishment with their concerns.
11. The applicant shall work to mitigate litter issues resulting from the use.
12. The patio and surrounding area shall be maintained in a clean and orderly manner.
13. There shall be no outdoor music between the hours of 10 p.m. and 8 a.m.

MAYOR DUNN asked the applicant if he would be willing to comply with all of the conditions. Mr. Orton responded that he is.

MOTION CARRIED UNANIMOUSLY (6-0).

48. REZONING: Chandler Airpark Village

Ord. #4122

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 4122, DVR06-0022 Chandler Airpark Village, rezoning from AG-1 to PAD with PDP for a mixed-use development consisting of retail, medical/general office and multi-family residential uses on approximately 30 acres at the SWC of Germann Road and the Consolidated Canal. (Applicant: Ralph Pew, Pew & Lake, PLC.)

PRINCIPAL PLANNER KEVIN MAYO said that this request was continued from the August 28, 2008, City Council meeting to allow the applicant additional time to conduct a follow-up neighborhood meeting. The follow-up meeting was held on August 18, 2008, at the Chandler Municipal Airport. Neighbors from an unincorporated county residential subdivision, as well as the property owners for the Vina Escondida residential subdivision located south of the subject site, attended the meeting voicing opposition to the development's residential apartment component. The neighbors cited concerns with potential increased levels of crime and a decrease in their property values due to the proposals 17.95 dwelling units per acre apartment density. The applicant responded informing the citizens that the multi-family land use and proposed density are both consistent with and considerable based upon the Chandler Airpark Area Plan's designation.

Additionally, follow up meetings and correspondence occurred between the applicant and the Vina Escondida property owners involving suggestions presented to the applicant regarding potential site plan modifications. The majority of the suggestions were not implemented into the current proposal. However, the applicant has agreed to remove the third floor from the three buildings adjacent to the Los Arboles Park, the site's southern border. The third-floor units removed were relocated to the site's center around the recreation area to provide a stronger transition in height and centrally locate the intensity. Overall density remains the same.

The subject property falls within the 9 square-mile Chandler Airpark Area Plan (CAAP). The CAAP identifies the subject 30-acre site, as well as the adjacent 40-acre site to the west, as Special Use Commercial. The Special Use Commercial land use designation denotes areas where the most intense types of commercial and high-density residential development can occur. A variety of uses are encouraged in lieu of singular land uses as a means of maximizing the economic use of remaining limited land resources. Language within the CAAP describes developments that create the impression of an 'Urban Village' promoting a vibrant pedestrian-oriented environment. The proposed mixed-use retail, office and high-density residential development is consistent with the guidelines and expectations within the CAAP. Although under separate ownership, it is anticipated that the vacant 40 acres adjacent to the west will develop with higher intensity mixed-use commercial uses as prescribed within the Special Use commercial designation.

Germann Road borders the site on the north. The existing residential subdivision La Paloma is located north of the arterial street. The Consolidated Canal borders the site's east side. To the east, beyond the canal, is the Chandler Municipal Airport including associated industrial uses. The City of Chandler Los Arboles Park is located along the site's southern side. The recently approved Vina Escondida residential subdivision is located south of the park. To the west is the approximately 40-acre parcel planned for Special Use Commercial uses.

The project is proposed as a multi-phased development. The retail and office component, including all off-site improvements, will be constructed as Phase I. The residential component will

be constructed as the market warrants. The applicant has conveyed to Staff their intention to submit for building permits for Phase I following City Council approval.

The property is located within the Airport Impact Overlay District, which establishes airport noise overlays. The intent of the noise overlay district is to regulate land uses within designated existing or projected airport noise impact areas by specifying acoustical performance standards. The noise overlay zones are in addition to zoning districts. The noise overlay creates characteristics and limitations of the overlying zoning district; however, in any situation where a conflict arises, the more strict regulation(s) apply.

A portion of the proposed development's southeast side is within the 55-dnl Noise Contour and Airport Noise Overlay-One (ANO-1) zone, as depicted on the current City of Chandler Zoning Map Grid. The ANO-1 zone is the area between the 55-dnl and 60-dnl noise contour lines. The noise contours indicated on the Zoning Map Grid are based upon an anticipated future runway length of 6,800 feet (current length is 4,850 feet); however, do not reflect the previous existence of the heliport. The 6,800-foot runway length is no longer feasible based upon recently constructed roadway alignments of Germann and Queen Creek roads. It is acknowledged that the approved noise contour lines as part of the current Zoning Map Grid no longer represent the actual or future noise impacts surrounding the Chandler Municipal Airport.

On January 11, 2007, City Council approved Resolution No. 4036 approving the 2007 Airport Master Plan Update for the Chandler Municipal Airport. Included within the update were two exhibits representing the 2005 and 2025 noise contour lines. The 2005 noise contour exhibit is based upon the existing 4,850-foot runway length and does reflect the noise impacts of the previous heliport location in close proximity to the subject site's southeast corner. This exhibit indicated the subject site to be impacted by the 55-dnl and 60-dnl noise contour lines for 2005.

The 2025 noise contour exhibit is based upon the maximum anticipated future runway length of 5,700 feet and accurately indicates the current heliport location at the airport's northeast side. This exhibit indicates that the subject site is no longer impacted by the 55-dnl or 60-dnl noise contour lines. It is important to note the noise contours indicated on the 2025 noise contour exhibit have not been approved through the pending Part 150 study and formally adopted as Code. This study is currently underway. However, regardless of where the final noise contour lines fall, the noise contour lines, although lines on a map, do not represent an actual loud-on-one-side and quiet-on-the-other type of condition. These lines represent averages. In regards to the subject site, in the event the site continues to be impacted by the 55-dnl lines, the Zoning Code does permit residential developments within the ANO-1 zone.

The Airport Commission reviewed the zoning amendment request in accordance with the Airport Conflicts Evaluation Process. The Airport Manager has issued a conflicts evaluation report indicating that the Airport Commission found that the proposed development does constitute a conflict with existing or planned airport uses. The Commission noted that the conflict is due to the residential component's close proximity to the 55-dnl-noise contour. The Commission forwarded a list of recommended actions to potentially resolve the conflicts. Where applicable, Staff has added conditions in regards to the recommended actions. This Airport Commission did forward a recommended action stating 'the apartments should remain rentals and not be allowed to convert into condominium'. It is important to note that this type of action through possible condition is not enforceable. State Statutes prohibit a municipality from imposing restrictions differentiating apartment development from condominium developments.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on April 2, 2008, and August 18, 2008. At the April 2nd meeting, approximately 6 neighboring property owners attended the meeting. The property owner of the recently approved Vina Escondida subdivision expressed opposition the residential development's overall density. He suggested lowering the apartment density to the lower side of the permitted density range. The high-density land use category within the CAAP permits densities ranging from 12.1 units per acre to 18 units per acre.

Neighbors from an unincorporated County residential subdivision attended the August 18th meeting as well as the property owners for the Vina Escondida residential subdivision located south of the subject site voicing opposition to the development's residential apartment component. Staff has received a petition of opposition signed by various property owners within an unincorporated county subdivision located south of the subject site.

Also, through the neighborhood meetings, Staff heard that with the rural-residential homes to the south of the site and the park, having three-story buildings along the southern side is not appropriate and the applicant has agreed to remove the three-story element of those buildings along the south side and incorporate them into the center of the project.

Mr. Mayo displayed maps depicting the various noise contours in the airport area. The 55-dnl covers this site. The FAA has not approved the project. The noise contour line moves in location and upon approval, wherever it lies, regardless of whether it is on this property or not, this property will be impacted by noise from the adjacent airport.

Mr. Mayo continued that, per the City Code, there are provisions for residential development inside the ANO-1 55 noise contour. Staff has added a condition (#17) to address some of the code requirements for developing residential uses in the noise contour.

There are other land uses that would be suitable; however, Staff feels it is a viable development solution.

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

COUNCILMEMBER CACCAMO asked if any extra noise mitigation measures were being added to the apartments. Mr. Mayo responded that there are. A HUD standard has been an interior noise level of 45 decibels or lower and stipulation #17 addresses that concern. COUNCILMEMBER CACCAMO asked if all apartments are built to that noise standard or is it a special standard for this project. Mr. Mayo responded that standard construction receives approximately 15-20 reductions in noise in standard construction from outside to inside. Stipulation #17 states that if standard construction cannot handle that type of noise drop, additional steps need to be taken. When the applicant applies for building permits, their engineer must certify that the building will comply with that stipulation.

LANCE RICHARDS, 3308 E. Jacaranda Circle, Mesa, one of the owners and developers of Vina Escondida adjacent to the proposed project, spoke in opposition to the application. He is concerned with the density. As their project came forward, they made several concessions including density to allow for more buffering. He is concerned with the number of units as well as staggering and clustering them toward Germann Road so the higher density units would be located closer to Germann providing more buffer from Vina Escondida.

Mr. Richards continued that he is frustrated with the system, process and inconsistencies with regards to densities and buffering and the stipulations placed on his project.

COUNCILMEMBER WENINGER asked if the overall plan for Vina Escondida was initially single-family. Mr. Mayo responded that it was. The Airpark Area Plan's underlying land-use for Vina Escondida and the property directly south, is designated as rural-residential capped at 1.5 units per acre. COUNCILMEMBER WENINGER said that this applicant's proposal is meeting that call for very high densities. Mr. Mayo concurred. It is identified as special use commercial and there is a list of permitted uses with high density residential being one of them. In the Airpark Area Plan, the high-density land use designation permits 12.1 – 18 units per acre. COUNCILMEMBER WENINGER clarified that Vina Escondida and the proposed project both meet the requirements of the Area Plan. Mr. Mayo concurred.

COUNCILMEMBER CACCAMO asked Mr. Mayo if, from an economic development point of view, this is the best use of this land. Mr. Mayo responded that, from a planning perspective, it is a good development, but not the only use. Economic Development Director Chris Mackay added that from an economic development perspective, they feel there is a better use for the land. The proposed development would be a good use, but with the proximity to the parks, this area has been envisioned as recreational/sporting. MAYOR DUNN commented that there is still significant property remaining west of the site for that type of development. One of the reasons for putting the park in and connecting Tumbleweed to the canal was to be able to have the guaranteed access. It is a question of how much land may be needed in the future for the recreational activities.

JOHN WALKUP, 551 S. Evergreen St., owner of Chandler Air Service, stated that business owners and property owners in the Airpark have formed the Chandler Airport Alliance to work with the community to help give the airport a better posture in the community and demonstrate community involvement. When he first reviewed the project, he was again concerned about possibly building residential near the airport. He felt he should meet with the developers, but before he could take the first step, the developer contacted the airport. This is the first time he has known the developer and those businesses at the airport to meet before the project was built to work out concerns to everyone's benefit. After discussing the project, he felt that this would be a benefit for the airport and promote it and its contribution to the community. Within a mile and a half of the airport there are no apartments for employees. It is primarily single-family. North of the airport are condominiums. Those living in the apartments will be complaining more about noise from neighbors rather than the airport. It is an economic advantage for the airport. The two groups worked together and came up with a viable project that will benefit everyone. He is in support of the project.

BEVERLY PARRIS, 12152 E. Bluebird Drive, south of the project, said she has been attending the Airport Commission and Planning & Zoning meetings and listening to the information provided on this project. Mr. Finlinson's Vina Escondida project was approved months ago and this proposed project has some elements that are not completely compatible. At the Planning Commission meeting, they referred to the Los Arboles area as a park and she feels it is more of a walking trail as it does not provide tables or benches where people can stop and loiter. She gave the opinion that many people who utilize that area probably feel safe as they do not have to worry about other people coming through fences or in the area for other reasons. She expressed the concern in being able to view the project along with the high-density nature being a privacy concern for their neighborhood.

GARY FINLINSON, 4010 E. McClellan Road, Mesa, said that the proposed development is not an urban village as required by the zoning. He is confused as to why the airport businesses and tenants are so supportive of this project. There is 16,000 square feet of retail on two acres making one-fifth of the site retail which does not constitute an urban village. The bulk of the high impact space backs up to Vina Escondida or Los Arboles. The airport overlay has not changed from when his project went through. All of the issues they dealt with for Vina Escondida with the airport and Vargas Engine Testing still apply. Vargas has remedied the applicant's situation because the developer has agreed to pay for a wall. He said had he known it was as easy as paying for a wall, he would have. He referred to the additional concessions he made with walls, a park, tree buffers and a reduced elevation in his project. He questioned if he comes back and asks for 18 lots, if the Council would understand that he deserves it. He does not feel the project is consistent with the General Plan. If the project is approved, he asks that a stipulation be added restricting two-story for part of the project.

COUNCILMEMBER WENINGER asked Mr. Finlinson the width of his property. Mr. Finlinson responded 1200'. MR. MAYO said that the park is approximately 232' deep. The Vina Escondida property is approximately ¼ wide east to west and 240' deep north to south. COUNCILMEMBER WENINGER said the road to the property is on the north side of Vina Escondida. He asked if would be fair to say that the park is adding the rest and you are looking at a good football field between the front of the house in Vina Escondida to the property line of the new development. COUNCILMEMBER WENINGER confirmed with Mr. Finlinson that the developer agreed to lower the buildings on the south edge to two stories.

CHELLE DALY, 1719 E. Redwood Place, Vice-Chair of the Airport Commission, said that the Commission was skeptical about residential in the airpark area. They are concerned with what effect housing has on the airport, but also the effect the airport has on the residents. They felt the only appropriate residential in the area would be apartments as they would service itinerate customers and students and provide an amenity not currently available. The airport accounts for approximately 3000 hotel rooms annually. The Commission is also concerned with the location with respect to airport businesses, the 55 dnl and helicopter mid-field crossing pattern. It is understood that the 55 dnl is an average. Outside of the 55 dnl line, you can still hear sound at or above 55 decibels. The Commission recommended that the apartments be attenuated for noise more so than other homes or apartments. She understands concerns of the homeowners in regards to security.

RALPH PEW, 1930 E. Brown Road, Mesa, applicant, said that they concur with the recommendation of Staff. This is the only project to come before Council with support from the user groups, the Airport Commission and Planning & Zoning. He pointed out that this property has been designated for special use commercial for 10 years. Special use commercial includes high-density residential, commercial and office uses and is encouraged to be done in a mix of uses, which is what they are bringing forward.

In addressing the comment made about reducing density, Mr. Pew said that the comment is just a comment made for the sake of making a comment about reducing density; there is no planning reason to say it should be 16.5 instead of 17. The project is designed correctly, meets the open space an amenity requirements and satisfies the multi-family design checklist. Reducing the density makes no sense because it has been planned for the highest density in this area.

Mr. Pew showed a slide depicting the buffering. The distance from their project through the park is approximately 235', 255' and 230' to the south, which is roughly a football field from two-story

apartment structures to the single-family homes to the south. It is approximately 500' from the county residences.

They do not intrude into the neighborhood with traffic or businesses and do not see a security problem. Everyone is entitled to use the park and they are hoping everyone who lives and/or works there will do that.

The possibility was brought up in the Planning Commission meeting of the apartments being converted into condominiums. Mr. Pew responded that it is possible, but not likely. The square footage of the apartment units is slightly under what most condominium projects are. The project would be arranged in building pods and not lineally as it is, so construction can be phased as units are sold. Typically, ceiling heights in condos are approximately a foot higher than what is being proposed. Additionally, condo developments do not generally provide as many amenities and common areas as proposed in this project.

They have read the stipulations and agree to them. To answer COUNCILMEMBER CACCAMO'S question regarding decibels levels, it is just as important that those living in apartments be treated like everyone else. For that reason, the decibel limits inside the apartments are required to be 45 in accordance with stipulation 17. The stipulations added, 23-27, deal with aesthetic issues that the Planning Commission recommended and the applicant concurs with.

There are other uses for this site, but not as viable. Maybe someone will buy both of the parcels and bring in an entertainment use. This project brings approximately 80,000 square feet of office development, a small reasonable commercial element and it infuses into the area, multi-family residential that is necessary to diversity housing in this vicinity.

COUNCILMEMBER WENINGER said that there is not a stipulation requiring perspective tenants to sign a disclosure regarding the airport. It may not be required for renters, but if the apartments were to be converted to condos, there would be permanent residents with no disclosure. MR. PEW responded that they are working on including certain language in the lease on how to handle complaints, disclosure of correct traffic patterns of the planes and the disclosure referred to by COUNCILMEMBER WENINGER. That is being handled separately from a condition on the zoning case. If the project was converted to condominiums and sold, a public report would have to be issued by the Arizona Department of Real Estate for the sale of the units which would include complete disclosure of the property's proximity to the airport.

COUNCILMEMBER WENINGER asked ACTING PLANNING DIRECTOR JEFF KURTZ for his opinion. Mr. Kurtz responded that if it were to convert, there would be the requirement for the public report. Staff has assured that is done through the local zoning process. Mr. Pew may be familiar with the stipulation to require an "up front" disclosure statement of the impacts of being near an airport. It is a requirement that comes forward with any property within a nine-square mile area surrounding the airport. Should Council wish to include that stipulation, it could be included in the final adoption of the ordinance. Mr. Pew said they are amenable to whatever Council wishes.

MAYOR DUNN asked Staff if the multi-family project meets the City's design standards. MR. MAYO responded that it does. Some of the units will have garages. MAYOR DUNN asked about the density and amenities. Mr. Mayo said that the density is just under 18 du and the amenities meet and exceed the City's requirements.

VICE-MAYOR HUGGINS asked about the urban village mentioned by Mr. Finlinson. Mr. Mayo said that Airpark Area Plan did not require an urban village, but urged that projects evoke a sense of urban village, which this project does.

MOVED BY COUNCILMEMBER WENINGER, SECONDED BY VICE-MAYOR HUGGINS, TO INTRODUCE AND TENTATIVELY ADOPT ORDINANCE NO. 4122, APPROVING DVR06-0022, CHANDLER AIRPARK VILLAGE, REZONING FROM AG-1 TO PAD AS RECOMMENDED BY THE PLANNING COMMISSION AND STAFF WITH ALL OF THE ATTACHMENTS AND STIPULATIONS MARKED AND ADDING THAT STAFF WORK WITH THE APPLICANT TO DEVISE ANOTHER STIPULATION THAT WILL INCLUDE A STANDARD DISCLOSURE.

MAYOR DUNN clarified with Mr. Kurtz when the additional stipulation would be added. Mr. Kurtz responded that it would be added to the ordinance when it comes back for final adoption.

COUNCILMEMBER WENINGER said that there has been a lot of discussion and comparison of this project with Vina Escondida and he voted for that project. He voted for it, and the reason he is supporting this request, is that it was the planned for that land. It could have been developed that way in the County. This is the specific use for this plan and it is a good plan. He feels this project could have had more of an urban feel, but we are moving in the right direction.

MOTION CARRIED BY MAJORITY (4-2) WITH COUNCILMEMBER'S DONOVAN AND HARTKE VOTING NAY.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN said that the Annual Tumbleweed Tree Lighting was a great success with one of the largest crowds to date. There are more events in downtown Chandler including guided walking tours.

THE MAYOR announced that the Tumbleweed Recreation Center would host its first Customer Appreciation Health & Wellness Fair on January 12, 2009. The event features a variety of Chandler business vendors in the sports, health and wellness fields. There will be a morning session from 9:00 a.m. to 1:00 p.m. that will be repeated from 4-7 p.m.

MAYOR DUNN wished everyone happy holidays and encouraged everyone to Shop Chandler.

B. Councilmembers' Announcements:

COUNCILMEMBER CACCAMO wished every Happy Holidays.

C. City Manager's Announcement:

None.

Adjournment: The meeting was adjourned at approximately 9:20 p.m.

ATTEST: _____
City Clerk

Mayor

Approved: January 8, 2009

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 11th day of December 2008. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of January 2009.

City Clerk