

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, July 26, 2007 at 7:10 p.m.

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

The following members answered roll call:

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

Also in attendance:

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

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

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

SCHEDULED PUBLIC APPEARANCES:

1. Service Recognitions

MAYOR DUNN was joined by Acting Management Services Director O. D. Burr in recognizing Connie Ochoa-Moreno for 10 years of service with the City. Connie began in the sales tax division and transitioned into sales tax and utility billing. She is bilingual and assists Spanish-speaking citizens citywide. Connie is now in her second term as vice-president of SEIU.

MAYOR DUNN was joined by Assistant Chief Jeff Clark in recognizing the following members of the Chandler Fire Department for 10 years of service. The employees went through the Firefighter Intern Academy together. Chief Clark explained the department has a tradition of asking intern academies to name themselves as a group and this group chose "Triple Threat" as their name and motto. Fourteen members of this team are now celebrating 10 years of service with the Department and another 11 will be celebrating 10 years in March. Triple Threat represents 13% of the Fire Department workforce and 21% of the supervisory workforce.

Steve Lamy has been with the City for 15 years with his first 5 years with the Police Department. He moved to the Fire Department where he completed paramedic school in 1999, promoted to Engineer in 2005 and was recently promoted to Captain.

Val Gale currently holds the position of Captain. He was awarded a Medal of Valor for risking his life to attempt the rescue of a child trapped in a burning apartment. Captain Gale's recent achievements include the coordination of two paramedic training programs, the implementation of

an electronic patient care documentation system and ongoing education for the City's toxicology paramedics.

Thomas Harley has served in various areas of the department including special operations. Tom is also a member of the Ambulance Transport Committee.

Lanna Leonard serves as a firefighter paramedic. She also assisted in establishing the department's peer fitness program. Lanna has served on the Fitness Committee, the Uniform Committee, the C-Pat Committee and as an immunization of medic. Lanna has also written various articles on fitness and nutrition for firefighters.

Mike Pallas completed paramedic school, was promoted to engineer and then to his current rank of Captain in 2003. He is very active in the department, has participated on numerous department committees and held an elected position as a union steward.

James Spengler has been very involved with the recruiting and teaching of paramedic students within the department. He has recently returned to regular shift duty after volunteering as the coordinator for the most recent paramedic class. Jim was recently chosen the Paramedic of the Year within the department.

John Vargo moved through the ranks to his current position as Engineer that carries the responsibility of a safe and timely response of all apparatus responding to incidents and efficient operations during daily activities. John has consistently demonstrated a strong work ethic, appreciation of the importance of customer service and a strong understanding of safe procedures on emergency scenes.

Anthony (Keith) Welch obtained his paramedic certification after a year with the department and was promoted to Captain in 2005. Keith supports the Police Department as an SAU medic and has supported the HPO concept by serving on the EMS and promotional committees.

Ronnie Wetch has served as a paramedic, engineer and captain. He is also a trained technical rescue and HAZ Mat technician. Captain Wetch has just completed an 18-month assignment as a training captain running two academies and other training activities. He received the Medal of Honor for work at the Rodeo Chediski fire in Northern Arizona.

Jason White complete paramedic school in 1999 was promoted to engineer in 2001 and to captain in 2002. He was also recognized as Firefighter of the Year in 2003. Jason has been the coordinator for the Christmas Adopt A Family Program for the last 8 years and serves as the department's Spanish-speaking Public Information Officer.

William (BJ) Winfield serves as a firefighter paramedic. He fulfills a quite leadership role as a respected senior firefighter at one of the busiest engine companies in the City. He is committed to physical fitness and is always willing to assist in challenging department members to train more.

Ken Jackson completed paramedic school in 1998, was promoted to engineer in 2002 and captain in 2005. He has been instrumental in developing the peer fitness program and was very active in the production of the First Due video magazine. He has also participated in numerous department committees.

2. Proclamation: Drowning Impact Awareness Month

MAYOR DUNN was joined by Fire Department Public Education Officer Marty Dangel and Jeannette Stevenson of Phoenix Children's Hospital as he read a proclamation proclaiming August 2007 as Drowning Impact Awareness Month.

Ms. Stevenson stressed the importance of the ABC's of awareness – "A" for adults, "B" for barriers and "C" for classes. It is a very devastating experience for a family to go through.

Officer Dangel emphasized that eye-to-eye supervision is the key to drowning prevention.

3. Shayniy Aero - Covance

SHAYNIY AERO, 221 N. McDonald St., Mesa, compared Covance testing to dog fighting. She relayed incidents of animal mistreatment in Covance facilities.

UNSCHEDULED PUBLIC APPEARANCES:

This item was moved to the end of the consent agenda.

CONSENT:

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

COUNCILMEMBER CACCAMO stated that he would abstain from voting on item #26 and voting nay on items #42 and 43.

COUNCILMEMBER SEPULVEDA stated that he would also be voting nay on items #42 and 43.

COUNCILMEMBER ORLANDO stated that he would be voting nay on items #42 and 43.

MOTION CARRIED UNANIMOUSLY (7-0). ITEMS 42 AND 43 WERE APPROVED BY MAJORITY (4-3).

1. No Item.

2. IRRIGATION EASEMENT: SRP Ord. #3924

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3924 granting a no-cost irrigation easement to Salt River Project (SRP) to accommodate underground construction of relocated irrigation facilities due to vicinity development of Avalon at Dobson Crossing at Arizona Avenue and Appleby Road.

Shea Homes, Inc. is in the process of developing Avalon at Dobson Crossing-Phase II on the NWC of Appleby Road and Arizona Avenue. The improvements required of Shea Homes by the approved final plat, the City-approved deferral agreement and stipulations of the planning approval, initiated multi-phased actions by the City, the developer, SRP and landowner. These

actions involve securing future City right-of-way to be dedicated by the developer, ensuring the required widening of Appleby Road at the corner of Appleby Road and Arizona Avenue.

The relocation and undergrounding of existing irrigation facilities on the west side of Arizona Avenue at Appleby Road are also required. The City must also grant SRP a new irrigation easement in City right-of-way so the relocated pipe can tie into the existing irrigation facilities. Future City right-of-way will be acquired from the developer upon completion of the relocated facilities. The developer must also complete an exchange of USA fee land.

The old USA land will be deeded to the City by the developer for road right-of-way upon completion of the exchange. A new license from SRP to the City will allow for roadway over a portion of SRP's irrigation easement.

3. ANNEXATION: Lindsay / Chandler Heights Roads Ord. #3933

INTRODUCED AND TENTATIVELY APPROVED Ordinance No. 3933 annexation of approximately 5.8 acres of land at the NWC of Lindsay and Chandler Heights roads. (Applicant: Lindsay Heights, LLC.)

The subject land is zoned R-43 Rural Residential within the County. The Southeast Chandler Area Plan, a land-use element of the Chandler General Plan, designates the area for "Traditional Suburban Character" whereby development should convey a rural/agrarian theme. The applicant will be seeking rezoning to allow for the development of retail commercial businesses at this location.

The property is vacant and undeveloped. Existing and pending approved land uses adjacent to the site or within surrounding quadrants of the intersection include, single-family residential and retail commercial within the southwest quadrant, single-family residential within the southeast quadrant, and vacant, undeveloped property zoned AG-1 Agricultural within the northeast quadrant. Properties contiguous to this site on the north and west are currently in zoning review for single-family residential. The property is not within an aircraft noise contour or within a flood plain.

Water and waste water main lines being planned and engineered with the development of the numerous new single-family communities being constructed along Chandler Heights Road, at and beyond its intersection with Lindsay Road, will provide needed water and sewer services to this site.

4. CONTINUED PROPERTY ACQUISITION: New City Hall Complex Res. #4077

CONTINUED to AUGUST 9, 2007, Resolution No. 4077 determining that acquisition of real property located at and near the SWC of E. Chicago Street and S. Washington Street for the construction and development of a new City Hall complex and related off-street parking is a matter of public necessity; authorizing condemnation proceedings to acquire said real property and to obtain immediate possession thereof; and authorizing such relocation assistance as may be required by law to allow Staff more time for negotiations.

5. INTERGOVERNMENTAL AGREEMENT: County Human Services Dept Res. #4081

ADOPTED Resolution No. 4081 authorizing an Intergovernmental Agreement with the Maricopa County Human Services Department to provide Special Transportation Services for senior citizens, persons with disabilities and low income veterans for FY 2007/08 in an amount not to exceed \$125,000.00.

The Maricopa County Human Services Department Special Transportation Services (STS) program provides special needs, door-to-door transportation for persons with disabilities, the senior citizens and low-income Maricopa County residents. This is a shared-ride service and advance reservations are required. STS also provides transportation to the Chandler Senior Center and meal delivery to the homebound elderly and disabled.

In fiscal year 2006/07, STS provided approximately 6,600 special needs trips and in fiscal year 2007/08, STS is projected to carry an estimated 7,600 special needs and Americans with Disabilities Act (ADA) certified trips. Through provisions in Proposition 400, the City can request reimbursement from Valley Metro for ADA certified trips provided by Maricopa County Special Transportation Services.

In May 2006, the City Council approved funding to support veterans' assistance programs including transportation to veterans' service centers for low-income veterans residing in Chandler. Some of the service hours provided through this agreement will be used to support the veterans' assistance program.

This agreement will supplement dial-a-ride services currently provided through East Valley Dial-A-Ride and will increase the availability of dial-a-ride service to senior citizens, persons with disabilities and low income veterans residing in the City of Chandler. In some cases, the Maricopa County service will be more convenient for people traveling to medical appointments in Phoenix as no transfer between service providers is required.

This agreement was reviewed by the Transportation Commission and unanimously recommended for approval.

6. TRANSIT SERVICES GRANT: Gila River State-Shared Revenue Res. #4096

ADOPTED Resolution No. 4096 authorizing a \$500,000.00 Transit Services grant request to the Gila River Indian Community State-Shared Revenue Program and authorizing the Public Works Director to conduct all negotiations and to execute and submit all documents in connection with this grant application.

This grant will be used to help fund the construction of a park and ride facility, to be located on Germann Road near Hamilton Street. The facility will encompass a bus staging area and a parking lot with 430 parking spaces. Elements of this facility will also include a passenger waiting area, security building, security monitoring system, facility lighting, traffic signal modifications, landscaping and irrigation and pavement markings and signing.

7. PROPERTY PURCHASE: 180 S. California Street Res. #4907

ADOPTED Resolution No. 4097 authorizing the purchase of a single-family residence located at 180 S. California Street in an amount not to exceed \$151,000.00 including closing and associated costs.

Graciela Mora, property owner, contacted the City to determine the City's interest in purchasing her property. Because the property is located near Site 6, City Staff elected to proceed with the

purchase of the property at the appraised value of \$149,000.00. Additional costs will include closing and associated costs in the approximate amount of \$2,000.00.

8. FUNDING APPLICATION: Gila River State-Shared Revenue Res. #4098

ADOPTED Resolution No. 4098 authorizing the submission of an application to the Gila River Indian Community's State-Shared Revenue Program in the amount of \$114,000.00 for the purchase of two 12-14 passenger bus/vans for the Housing Youth Program.

Chandler's Public Housing Program offers after school programs for youth ages 6-18 that reside in 163 low-income family apartments. The after school programs operate 3:30 p.m. – 7:30 p.m. Monday through Friday. The hours are expanded and may vary during the summer and school intercession breaks. The Public Housing Youth Program offers homework help, arts & crafts programs and various recreation and special event programs. Through ticket donations from different organizations and businesses, the youth have had the opportunity to see college, professional and semi-professional sports, theater, circuit speakers, camps and clinics. Currently, the Youth Program utilizes 15-passenger (cargo-style) vans to transport the youth to various events. Transportation is typically between the four-family apartment locations around the downtown Chandler area. Weekly travel may include travel within the City of Chandler and adjoining communities. Occasionally, travel is required throughout the greater metropolitan area.

Chandler's Public Housing Program is funded by grants from HUD. The source that provided the vans for the after school program is no longer in existence. To date, no funding source has been identified to replace the vans with new NHTSA approved bus/vans. The two new bus/vans are designed to transport school-aged children and meet Federal Motor Vehicle Safety Standards requirements. One of the vehicles purchased will be handicapped-accessible.

9. AGREEMENT: Commercial Reinvestment Program Res. #4101

ADOPTED Resolution No. 4101 authorizing the Commercial Reinvestment Program Agreement with Double Delta Arizona LLC, to provide assistance to enhance the appearance of The Boulevard Shopping Center at the NWC of Dobson Road and Chandler Boulevard, 2020-2190 W. Chandler Boulevard in an amount not to exceed \$600,000.00.

This commercial center is located approximately one mile from the Chandler Fashion Center and the surrounding power centers that have become magnets for new retail tenants. This has resulted in a rise in vacancy rates at existing shopping centers in older areas of the City due to increased competition, tenant relocations, small business closures and the increase costs associated with upgrading older facilities to meet market standards. To that end, the intent of the Commercial Reinvestment Program is to encourage private reinvestment in older existing retail centers within designated areas of the City that exhibit higher vacancy rates higher than city-wide averages and/or buildings that were constructed at least 15 years ago.

Construction on The Boulevard began in 1986, but it stayed vacant until 1993 when it was completed with landscaping, façade repair and new interiors. The MCI Call Center that was located at the center was vacated earlier this year, making the renovation of this center important in order to attract new high-quality tenants.

The proposed improvements to the property are compatible with the intent of the Commercial Reinvestment Program. The project will improve the appearance of the property with a completely renovated façade, additional landscaping and new signage.

Double Delta Arizona, LLC will invest approximately \$1,700,000.00 in the renovation of the property. The City of Chandler will contribute up to \$60,000.00 to assist with the cost of improvements.

10. PRELIMINARY DEVELOPMENT PLAN: Cooper Gateway Business Center

APPROVED Preliminary Development Plan PDP07-0008 Cooper Gateway Business Center, for site layout, landscaping and building architecture for five office/light industrial buildings on 15.3 acres at the SEC of Cooper and Germann roads. (Applicant: Withey & Morris, PLC.)

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 Santan freeway (Loop 202) and received zoning approval in 2005. The master plan established the site for office and light industrial uses, with airport-related hangar uses optional. To the north, across Germann Road, is land zoned for hotel/retail mid-rise. To the east, along the south side of Germann Road, are other sites with the same zoning designation. To the west is land zoned Agricultural District (AG-1) and designated by the Airpark Area Plan for commercial/office/business park.

The request is one of several PDP's for individual parcels within the master plan. The project features two, two-story office buildings diagonally oriented and flanking the main entrance along Germann Road. In the site's southern half, there are five industrial/office flex buildings. Each flex building is approximately 20,000 square feet in area with outdoor patios between the structures and truck docks screened from street view by the building orientations. The outdoor patios between the flex buildings are lined up with the main Germann Road entrance to provide an attractive terminus. Two other patios flank the main drive in landscaped triangles near the office.

The project provides code required parking with 658 parking spaces. With office buildings that are 100% office and flex buildings that are 25% office and 75% industrial warehouse, the site requires 595 parking spaces. Approximately 60 spaces will be covered by structures that reflect the predominant building architecture.

The Chandler Airport Center was reviewed by the Airport Commission as part of the master development's zoning.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. In lieu of a neighborhood meeting, the applicant provided project information to all new owners in the Chandler Airport Center development as provided by the master developer. Staff has received no correspondence in opposition to this request.

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

1. Completion of the construction of all required off-site improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details and design manuals.
2. Development shall be in substantial conformance with the Development Booklet entitled "Cooper Gateway" kept on file in the City of Chandler Current Planning Division in File No. PDP07-0008, except as modified by condition herein.

3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
6. All raceway signage shall be prohibited within the development.
7. All parking space canopies shall incorporate building materials, forms and colors to match the development.
8. Split-faced CMU block shall be incorporated into the building design where exposed masonry is shown.
9. The applicant shall work with Staff to enhance the outdoor patio areas to include seating walls, artwork and/or water features.
10. The parking screen walls shall be consistent with other screen walls in the Chandler Airport Center development. They shall not be plain CMU.
11. Parking screen walls shall be carried through the southwest portion of the site.

11. PRELIMINARY DEVELOPMENT PLAN: El Pollo Loco

APPROVED Preliminary Development Plan PDP07-0010 El Pollo Loco, for a restaurant to be located on a 1.014-acre parcel at the NEC of Frye Road and Chandler Village Drive South. (Applicant: David Allen, Alianza Development; Owner: WKS Restaurant Corporation.)

This parcel is located within the Chandler Fashion Center regional mall. The property is one of the several parcels that surround the main mall building and is southwest of the Harkins Theater building. The property shares a property line to the east with the regional bus transfer facility and is southeast of and across an access roadway from the Sears Auto repair facility. The property has frontage on Frye Road.

Chandler Fashion Center received Planned Area Development (PAD) zoning approval in 2000. Over the years, the perimeter parcels surrounding the main mall building have received several parcels combined and individual buildings approved at an administrative level based on approved design objectives.

The proposed development is a restaurant with a drive-thru lane. The site proposes two driveways from the interior mall access drive. The western-most driveway allows ingress and egress and aligns with the driveway serving the movie theater. The eastern most driveway functions as a one-way exit serving the drive-thru lane customers. There is no direct access to the parcel from Frye Road or from the mall entrance drive.

The site configuration and building placement creates a longer than usual drive-thru lane stacking space that can accommodate an additional 15 cars. A new screen wall will be constructed parallel to Frye Road to screen the drive-thru lane from view.

This request was noticed according to the provisions of the City of Chandler Zoning Code with a neighborhood meeting being held on May 15, 2007. There were no neighbors in attendance.

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

1. Development shall be in substantial conformance with the development booklet entitled "El Pollo Loco" kept on file in the City of Chandler Planning Services Division in File No. PDP078-0010, except as modified by condition herein.
2. Landscaping shall be in compliance with current Commercial Design Standards.
3. All raceway signage shall be prohibited within the development.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the property owners' association.
6. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
7. The eastern most driveway shall be redesigned to allow for right turn exit only.
8. The menu board, speaker boards, and directional signs shall be modified to delete the black colored base and side panels and replaced with a color complementary to the building colors.

12. PRELIMINARY DEVELOPMENT PLAN: The Boulevard

APPROVED Preliminary Development Plan PDP07-0015 The Boulevard, for a sign package at an existing commercial shopping center at the NWC of Dobson Road and Chandler Boulevard. (Applicant: Garry Hays, The Henderson Law Firm.)

The application requests comprehensive sign package approval for monument signs in order to exceed maximum sign height and to allow for additional tenant panels. Building signage is not a part of the sign package. To the north of the site is the Home Place single-family residential neighborhood. East, across Dobson Road, is the Andersen Fiesta at Andersen Springs shopping center. South, across Chandler Boulevard, is the recently approved Portico Place shopping center. West of the subject site is a Veteran's of Foreign Wars center with the Castille single-family residential neighborhood beyond that.

In 1974, ten acres were rezoned to allow for a commercial shopping center. In 1985, an additional eight acres on the west side of the site were rezoned. A Preliminary Development Plan (PDP) for the entire shopping center was approved along with the rezoning. In 1986, a new PDP was approved for the current site layout. As part of the approved site plan, there was a request to locate a center identification sign at the intersection corner and a monument sign along Chandler Boulevard.

The current proposal is to renovate the center identification sign located at the intersection and the monument sign along Chandler Boulevard. In addition, the current proposal is to add two additional monument signs, one along Chandler Boulevard at the western entrance, and one along Dobson Road at the access point, as well as to allow for additional tenant panels.

Current code requires that the center identification sign not exceed six feet in height and allows for one monument sign at 14 feet in height, and any additional monument signs not to exceed six feet in height. Code allows for up to two tenant panels per monument sign.

The current center identification sign is approximately ten feet tall and the proposed center identification sign will be 11'6" tall. The existing monument sign is approximately 14'6" tall, and has two tenant panels. The proposed monument sign is 18 feet tall and will provide four tenant

panels. The tenant panels will not exceed 14'6" in total height. In addition, there are two new proposed minor monument signs. The minor monument signs will be ten feet tall and also provide four tenant panels each with the tenant panels not exceeding eight feet in total height. Staff supports the additional heights and tenant panels finding the comprehensive sign package to represent a high quality design.

The monument sign design and style will be compatible with the planned building façade improvements as part of the City's Commercial Reinvestment Program.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 24, 2007. There were no neighbors in attendance. Staff has received two calls with general questions regarding the proposal.

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

1. Development shall be in substantial conformance with the Development Booklet entitled "The Boulevard Shopping Center" kept on file in the City of Chandler Planning Services Division in File No. PDP07-0015, except as modified by condition herein.
2. Sign packages, including free-standing signs as well as wall-mounted signs, shall be designed in coordination with landscape plans, planting materials, storm water retention requirements and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
3. All raceway signage shall be prohibited within the development.
4. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.
5. Accent landscaping shall be provided at the center identification and monument sign bases. Details to be worked out with Staff.

13. CONTINUED ZONING: Northwest Corner Lindsay & Chandler Heights

CONTINUED to AUGUST 9, 2007, Zoning DVR07-0026 Northwest Corner of Lindsay and Chandler Heights Roads, for the establishment of initial City zoning of AG-1 on approximately 5.4 acres at the NWC of Lindsay and Chandler Heights roads until annexation has occurred.

14. CLAIMS REPORT

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

15. AGREEMENT: SWC Queen Creek & Gilbert LLC

APPROVED Offsite Improvement and Construction Easement Agreement #OA07-003 with SWC Queen Creek & Gilbert LLC, deferring full medians in Queen Road and Gilbert Road across the frontage of the Carmel Village Plaza development and accepting a lump sum payment of \$125,294.00.

As part of this project, the developer has an obligation for construction of full medians in both Queen Creek and Gilbert roads across the frontage of the property.

On the north side of Queen Creek Road is an irrigation ditch that would interfere with construction of the median in that road. In addition, the lack of sufficient right-of-way in Gilbert Road north of the Queen Creek Road intersection would prevent a smooth traffic flow transition if a median were installed in Gilbert Road south of the intersection. As a result, rather than require completion of the work now, an agreement has been prepared that will allow for deferral of this construction to sometime in the future when conditions are more favorable for completing the installations.

Under the proposed agreement, the developer will make a lump sum payment to cover his obligation for construction of the full median and in exchange for this lump sum payment, the developer will be relieved of any further responsibility for this improvement. The estimated total cost for completing this work is \$125,294.00. Under this agreement, that is the amount of the lump sum payment to be made by the developer.

The lump-sum payment will be received from the developer and held in an interest-bearing account until the time when this improvement is installed. At that time, these funds plus interest will be applied to the cost of the work.

16. AGREEMENT: Consultant Engineering, Inc.

APPROVED Agreement #EN0715-101 with Consultant Engineering, Inc. for additional offsite development construction inspection and management services, in an amount not to exceed \$502,434.00 pursuant to annual contract #EN0602-101.

The City's offsite development construction management Staff has been utilizing temporary construction inspection services since November of 2004. The number of projects requiring inspection has steadily increased from 110 in 2004 to over 240 in 2006. Over the past three years, an average of 600 permits per year have been issued requiring inspection services on development projects. This large number of permits has created issues with maintaining timely project inspections because there is not enough City inspection Staff to maintain the required level of inspections.

Annually, the City collects over \$1 million in permit inspection fees. These fees fund the City's inspection of ongoing development projects citywide. Over the past two years, developers have requested additional full time on-site inspection services to facilitate construction activities on several large residential and commercial development projects in southeast Chandler. Public Works Engineering has worked with the developers to provide this additional service as well as to ensure that funds and Staff were available to support the additional requested inspection requests.

Each request for additional full time inspection services is billed to and paid by the developer requesting the service to offset the additional staffing costs. This fiscal year, over \$250,000.00 has been collected for additional full-time inspection services. This money collected reimburses the City for the additional Staff to complete the developer-requested inspections.

The cost of the project agreement is funded through the collection of permit inspection fees and the full time inspection services fee paid by the developer. This project agreement will allow for continued temporary inspection support to City Staff to meet the required inspections. Engineering Staff has reviewed the upcoming private development projects and estimated that the three additional temporary inspectors will allow us to meet our customer's needs by performing the requested developer inspections.

17. AGREEMENT AMENDMENT: Stantec Consulting

APPROVED Agreement Amendment No. 5 in the amount of \$151,420.00 to the design services contract with Stantec Consulting, Inc. for the Dobson Road/Warner Road intersection improvement for a revised contract total of \$969,893.00.

This contract amendment will allow for the supplementary engineering design costs associated with the additional scope of work requested by the Municipal Utilities Department for replacement of asbestos cement pipe that is exceeding its 20 to 30-year life expectancy located with the Dobson Road – Warner Road intersection improvement project limits.

18. AGREEMENT: Mariposa Horticultural Enterprises, Inc.

APPROVED an Agreement with Mariposa Horticultural Enterprises, Inc. for one year for landscape maintenance service at Municipal Utilities facilities in an amount not to exceed \$176,826.00. The landscaped areas to be maintained under this contract are the Water Treatment Plant (section 1) and Water Production Facilities, including 36 well and reservoir sites within the City (section 2). This is the first of four one-year extensions and the contractor has requested a 3.4% increase due to labor, fuel and administrative costs.

19. No Item.

20. AGREEMENT: Community Services of Arizona

APPROVED an Agreement with Community Services of Arizona to operate the Senior Nutrition Program in an amount not to exceed \$42,706.00 and the City of Chandler Community Action Program in an amount not to exceed \$84,731.00.

Community Services of Arizona (CSA) has been operating the Senior Nutrition Program since 1986. This program provides congregate and home delivered meals at a minimal suggested donation cost to eligible seniors. Through the third quarter of FY 2006/07, 12,460 congregate and 19,308 home delivered meals were provided to eligible seniors living in Chandler. In FY 2004/05, Council allocated \$22,000.00 in ongoing funds to the Senior Nutrition Program. As part of the FY 2007/08 budget amendment process, City Council allocated one-time funding in the amount of \$20,706.00 to the Senior Nutrition Program.

CSA has also been operating Chandler's Community Action Program (CAP) since 1981. CSA continues to fund this program by obtaining substantial third party funding to assist with the operation of Chandler's CAP office. Funds have been used to provide significant financial assistance to Chandler's low and moderate-income population. Chandler CAP provides basic need programs i.e. eviction prevention, food box referral and utility assistance, to low and moderate-income citizens. As part of the FY 2007/08 budget amendment process, City Council allocated \$84,731.00 in one-time funding for the Chandler CAP office.

21. AGREEMENT EXTENSION: Phoenix Newspapers

APPROVED a one-year Agreement Extension with Phoenix Newspapers, dba Arizona Republic, for legal advertising in an amount not to exceed \$60,000.00. This is the second of four one-year extensions. There is no price increase associated with this extension.

22. CONSTRUCTION CONTRACT: Concast Corporation

APPROVED Construction Contract #ST0417-401 to Concast Corporation for the Chandler Boulevard and Elliot Road Bus Pullouts in an amount not to exceed \$318,976.00.

23. PURCHASE: Pervo Paint Co.

APPROVED the Purchase of paint for pavement marking from Pervo Paint Co., utilizing the Arizona Department of Transportation (ADOT) contract, in an amount not to exceed \$50,000.00.

24. PURCHASE: Facilitec, Inc.

APPROVED the Purchase of furniture from Facilitec, Inc., utilizing the State of Arizona contract and the U.S. Communities contract, in an amount not to exceed \$347,156.63 for the Chandler Police substation at the Chandler Heights Community Facilities Project. This purchase also includes modular and free-standing furniture for Veterans Oasis Environmental Education Center (Community Services).

25. PURCHASE: Automotive and Equipment Parts

APPROVED the Purchase of aftermarket and original equipment manufacturer automotive and equipment parts, for one year from Carquest, T and T Napa, Arizona Brake and Clutch, Interstate Batteries, Norwood Equipment, Freightliner Sterling Western Star of Arizona, Frontier Equipment, Thorobred Chevrolet, Earnhardt Dodge, The Light House, United Fire, Earnhardt Ford and RDO Equipment in a combined amount not to exceed \$450,000.00.

26. PURCHASE: Plumbing and Irrigation Supplies

APPROVED the Purchase of plumbing and irrigation supplies for one year from Ryan-Herco, Brown's Partsmaster, Inc., Harrington Industrial Plastics and HD Supply Waterworks, Ltd., in a combined amount not to exceed \$90,000.00. This is the third year of four one-year extensions.

COUNCILMEMBER CACCAMO abstained from voting on this item.

27. CONTRACT EXTENSION: Fire Uniforms

APPROVED a one-year Contract Extension for the purchase of fire uniforms from United Fire in an amount not to exceed \$178,000.00. This is the last of the three additional one-year extensions.

28. CONTRACT EXTENSION: Fire Turnouts

APPROVED a one-year Contract Extension for the Purchase of fire turnouts from United Fire in an amount not to exceed \$56,000.00. This is the last of two additional one-year extensions.

29. PURCHASE: Safari System

APPROVED the Purchase of additional licenses, equipment, installation and training for the Safari System from The Active Network, sole source, in an amount not to exceed \$62,920.00.

The Parks and Recreation Divisions of the Community Services Department are presently using the Active Networks (Safari) computer software at all of their facilities. This software system has been in use by Community Services since 1991. The software program is used to process activity and recreation/aquatics registrations that include the Touch Tone and online software systems. It is also used to reserve parks, pavilions, ballfield lights and other facilities that are the responsibility of the department.

With the opening of two new facilities in 2007, the Tumbleweed Recreation Center and Veterans Oasis Environmental Education Center, an additional 23 licenses, membership modules and a pass printer will be necessary for the facility operations. An additional 7 licenses are included in this purchase to improve customer responsiveness to meet increased demand for services not only at the two new locations, but also at all 6 service sites. Included in these sites are the tennis Center, Snedigar Recreation Center, Senior Center, Community Center, Community Services Administration and Aquatics Administration.

Also included in the request is the purchase of 3 Safari point-of-sale cash modules for use at the Environmental Education Center gift shop and the Tumbleweed Recreation Center guest services counter. The \$62,920.00 includes the purchase, installation and training on the related software and hardware to include cash drawers, receipt printers, membership photo cameras and ID card printers. The point of sale module has been used at the Tumbleweed Tennis Center since 2006.

30. DISBURSEMENT: Chandler Symphony Orchestra

APPROVED the disbursement of one-time funds for FY 2007/08 to the Chandler Symphony Orchestra in the amount of \$42,000.00.

The mission of the Chandler Symphony Orchestra is to enhance the quality of life for the citizens of Chandler. The Chandler Symphony Orchestra (CSO) does this by providing free performances of classical and other fine music to a large number of audiences from Chandler and the surrounding communities. The Chandler Symphony Orchestras' near-professional quality performances continue to generate high levels of audience satisfaction.

As part of the FY 2007/08 budget amendment process, Council awarded one-time funding in the amount of \$42,000.00 to the Chandler Symphony Orchestra. The funding will support the salaries of the Music Director and Associate Conductor, maintain the safety standard at concerts, fund a small stipend for musicians to perform at various events and to promote a musical competition in a subsequent season.

31. DISBURSEMENT: Chandler Historical Society

APPROVED the disbursement of FY 2007/08 funds to the Chandler Historical Society in the amount of \$105,000.00.

The Chandler Historical Society was formed by a group of citizens interested in preserving and interpreting Chandler's history in 1969. Through the years, there have been many accomplishments, one of which was the establishment of a museum on Chandler. Attendance has increased steadily each year. Volunteers, board members and staff have worked hard to keep the museum open and growing. The museum exists to serve the citizens of Chandler and to provide a place to research and learn about Chandler's history.

The FY 2006/07 approved budget for Community Services included an ongoing allocation of \$75,000.00 for the Chandler Historical Society. This monetary support from the City is used for staff salaries, expanding exhibits, public programs and publications at the museum. In addition to the monetary support, the City provides janitorial support, utility costs and maintains the major building systems. The City also provides the museum building to the Chandler Historical Society for a one dollar per year lease.

For FY 2007/08, an additional \$30,000.00 in funding was approved as a one-time Council amendment to the budget. The additional funds will be used to complete a number of tasks prior to opening the new museum. Items that are of highest priority include collections accessioning and processing, grant writing, community outreach programs and improving the interior maintenance of two historic houses. The higher priority items must be completed in order to gain more participation and awareness from the community and to better organize the museum collections.

32. USE PERMIT EXTENSION: Chen Architects/Ming Int'l Real Estate

APPROVED Use Permit UP06-0066 extension for Chen Architects/Ming Int'l Real Estate, to operate a professional office within a Single-Family (SF-8.5) zoning district for property at 877 N. Alma School Road. (Applicant: Ming Chen of Chen Architects.)

The property is zoned SF8.5 (Single Family) district. In 2005, a Use Permit was approved to allow the residential conversion of this property for a professional office. The Use Permit was approved for a one (1) year period with conditions.

The property fronts and is accessed directly from Alma School Road. There is a single-family residence south of this property, which also fronts and is accessed from Alma School Road. North of the property is a single-family residence which backs up to this site. Although the property is directly adjacent to the alley located in the rear, the applicant does not propose any vehicular access, which minimizes any impact upon residential properties to the east. The home's carport was enclosed on the site; no other changes were made to the home's exterior thus maintaining compatibility with the surrounding residential character.

The application requests re-approval of the Use Permit for a 3-year time period to continue operating a professional architect's studio with related administration and real estate services. The professional office's services include architectural design drawings, construction engineering plans and interior design drawings, as well as land-planning consulting and real estate services. The office is open 9 a.m. to 5:30 p.m. Monday through Friday and closed on the weekends.

The applicant anticipates conducting approximately three meetings at the office per week with either a client or engineer. Additionally, the applicant is a registered real estate broker and provides real estate advisory services. The majority of real estate activity occurs via phone, email, fax or standard mail. The number of employees occupying the residential conversion will not exceed one full-time and two part-time employees.

Since the previous Use Permit approval, the property's front yard was paved with asphalt to provide access to the carport area and for occasional loading and unloading space for delivery trucks, print shops and associate engineers. The applicant conveyed that without the additional asphalt paved areas, delivery trucks such as UPS and FedEx had difficulty backing up and turning around on the site to exit to Alma School Road. The additional pavement allows for less

difficult on-site turning movements and prevents backing into the traffic lanes on Alma School Road.

The site provides six parking spaces within the rear yard area and three parking spaces in the front yard area. In addition, the front yard provides two tandem parking spaces. On either side of the front yard paved area exists landscaped areas with shrubs, trees and groundcover. Shrubs, landscaping, and rock were added to the front yard to enhance the street appearance. The previous Use Permit included a condition that reads "Screen trees shall be planted at the rear of the site along the east property line". Three Ficus trees have been installed along the eastern property line. A condition from the original one-year approval required the removal of parking canopies in the rear yard. The canopies have been removed.

The original application also included approval for one, three-foot high monument sign. In lieu of the monument sign, the applicant worked with Staff to provide a wall-mounted building sign.

The Residential Conversion Policy (RCP) is intended to allow residential properties fronting onto arterial roads the opportunity to convert to commercial land uses in response to safety and noise problems resulting from increased arterial road traffic volumes. The Policy outlines the eligibility criteria used to evaluate potential properties for consideration.

Staff supports the proposed request finding compliance with the RCP eligibility criteria. The request represents a compatible land use with the surrounding neighborhood. The proposed office use does not create, store or exchange any goods of any type. The use generates very little on-site traffic and the site provides adequate parking.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 29, 2007. There was one neighbor present in support of the application. Staff has received no correspondence in opposition to the request.

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

1. Any expansion or modification beyond the approved Site Plan and Floor Plan shall void the Use Permit and require a new Use Permit application.
2. The number of employees occupying the residential conversion shall not exceed one full-time and two part-time employees.
3. The Use Permit is effective for a period of three (3) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
4. Parking shall occur at the rear of the site. Parking in the front yard is for delivery drop-off and pick-up only.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
7. The site shall comply with A.D.A. requirements in regards to parking and pedestrian access.

33. USE PERMIT EXTENSION: EVDI Medical Imaging

APPROVED Use Permit UP07-0027 EVDI Medical Imaging, extension to allow a mobile Positron Emission Tomography (P.E.T.) Scanner unit to be parked outside of EVDI Medical Imaging at 1076 W. Chandler Boulevard, Suite #120. (Applicant: Helen Dietz.)

EVDI Medical Imaging is located at the NWC of Alma School Road and Chandler Boulevard within the Arrowhead Meadows retail/office strip center. The site shares the same center as the Buckhorn's Billiards store and the Wells Fargo Bank. The applicant received Use Permit approval in April 2003 for one year in order to park a P.E.T. Scanner in front of their business once a week and in 2005 for two additional years with an additional day of service. As part of the current application, the business plans to expand the service to three times weekly.

The P.E.T. Scanner would continue to be located outside the front door of the business, temporarily parked in six (6) existing parking spaces. The P.E.T. Scanner does not obstruct entrances to the neighboring businesses, nor does it block any handicapped spaces. The unit will be on site from 4 a.m. to 8 p.m. on days of service. The P.E.T. Scanner will not start operations until 6 a.m. The exact three days of service will be negotiated by EVDI with the provider upon Use Permit approval.

The P.E.T. Scanner is state of the art medical technology used to detect cancer, to determine the progression of disease and to evaluate the success of the therapy. The applicant states this is a useful tool for physician cancer specialists and a service they would like to continue to make available to the residents of Chandler. The majority of the patients served would be cancer patients who, due to the nature of the disease, are in a fragile state. The P.E.T. unit can accommodate eight (8) patients per day.

The Use Permit extension granted in 2005 was intended to be a final extension request due to the applicant hoping to have sufficient funds to be able to locate a permanent P.E.T. Scanner internally. The applicant is requesting an extension due to the loss of Federal reimbursements as part of the Deficit Reduction Act of 2005. In addition, the current Use Permit will expire in December of this year. The applicant is requesting the extension early in the instance that the Use Permit is denied, the applicant will have ample time to locate the P.E.T Scanner in another municipality.

The applicant is in compliance with stipulations added to the original Use Permit application that required the installation of additional landscaping in order to better screen the P.E.T. Scanner.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 21, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to the request.

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

1. The Use Permit shall be granted for a period of two (2) years, at which time re-application shall be required. The two-year time period shall begin from the date of City Council approval.
2. Substantial expansion, modification beyond the approved exhibits, or increase in number of days the temporary unit is on site shall void the Use Permit and require a new Use Permit application and approval.

34. USE PERMIT: Firestone Complete Auto Care

APPROVED Use Permit UP07-0031 Firestone Complete Auto Care, to operate a motor vehicle repair business in a Planned Industrial (I-1) zoning district at 6930 W. Chandler Boulevard. (Applicant: Earl, Curley & Lagarde, P.C.)

The site is an auto-oriented development that wraps around an existing fuel station (Circle K) at the northeast corner of Chandler Boulevard and 56<sup>th</sup> Street. It is surrounded to the east and north by existing industrial uses. The intersection's other corners feature commercial zoning and uses. The vacant parcel to the north of the subject site is part of a separate Use Permit application.

The proposed building is oriented with auto service bays in the rear so as to naturally screen them from street view. Street access is provided through existing driveways on the adjacent fuel station parcel.

Forty-one parking spaces are provided compared to a code requirement of 42 spaces. The adjacent parcel to the north, part of the same development and subject to a separate Use Permit request, provides 19 parking spaces more than required by code.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on June 4, 2007. There were no citizens in attendance. Staff has received no correspondence in opposition to this request.

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

1. Completion of the construction of all required off-site improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City Codes, standard details and design manuals.
2. Conformance with the application materials (site plan, narrative, etc.).
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
6. All raceway signage shall be prohibited within the development.
7. Foundation landscaping shall be added along the building's southern wall, including green screens. The sidewalk shall be removed to facilitate the landscaping. Details to be worked out with Staff.

35. USE PERMIT: Sunstate

APPROVED Use Permit UP07-0032 Sunstate, to conduct motor vehicle repairs and auto accessory sales in a Planned Industrial (I-1) zoning district at 6930 W. Chandler Boulevard. (Applicant: Earl, Curley & Lagarde, P.C.)

The site is part of an auto-oriented development that wraps around an existing fuel station (Circle K) at the northeast corner of Chandler Boulevard and 56<sup>th</sup> Street. It is surrounded to the east and north by existing industrial uses. The intersection's other corners feature commercial zoning and

uses. The vacant parcel to the south of the subject site is part of a separate Use Permit application.

The proposed building will have street access through existing driveways on the adjacent fuel station parcel and to the north through Crafcro Way. Service bays are located at the rear of the building, facing north toward the adjacent industrial parcel. The parcel provides 86 parking spaces compared to a code requirement of 67 spaces.

From 1998 through 2006, the subject site was zoned Planned Area Development (PAD) for commercial uses (hotel and restaurant). It reverted to its former I-1 zoning through City Council action in August 2006.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on June 4, 2007. There were no neighbors in attendance. Staff has received no correspondence in opposition to this request.

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

1. Completion of the construction of all required off-site improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City Codes, standard details and design manuals.
2. Conformance with the application materials (site plan, narrative, etc.).
3. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or property owners association.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
5. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.
6. All raceway signage shall be prohibited within the development.
7. The applicant shall work with Staff to better match the colors of the proposed building to the south in place of the gray tones shown in the booklet.
8. The building shall incorporate metal awnings of a similar profile and color to the adjacent proposed building.

36. USE PERMIT: Inspirador

APPROVED Use Permit UP07-0048 Inspirador, Series 7, for the sale of liquor at a facility located at 63 E. Boston Street. (Applicant: Dilia Wood, Inspirador, LLC.)

The property is located at the former Daymart retail building within Chandler's Historic Downtown. Adjacent to the site to the west along Boston Street, is the Blue Peacock and Brunchies restaurant. To the north is AJ Chandler Park and the First Credit Union building and parking garage. To the south and east is Serrano's restaurant parking and the planned Serrano's building.

A complete renovation is being done on the building's exterior and interior spaces with construction completion anticipated by September 2007. Inspirador plans to use the building for private functions such as weddings, corporate events, art exhibits and charity fundraisers. The

space will include a reception and ceremony space for up to 250 guests, art gallery and outdoor courtyard with fireplace, second level garden terrace, reception room, private retreats for the bride and groom and a kitchen for caterers.

Inspirador intends to provide beer and wine for private events, signature events, gallery exhibits and on-going event functions. All alcohol will be stored in a concealed and locked storage area and/or catering prep kitchen. Live entertainment and music is planned for many of the social events.

To mitigate any potential parking impacts in the downtown area, the applicant has secured a parking agreement with First Credit Union to allow Inspirador and its customers use of the parking garage at 100 E. Boston Street, northeast of the subject site.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on July 3, 2007. There were representatives from some neighboring businesses in attendance with no one expressing opposition.

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

1. The Use Permit is granted for a Series 7 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 locations.
4. No noise shall be emitted so that it exceeds the general level of noise emitted by uses outside the premises of the business.

37. LIQUOR LICENSE: Inspirador

APPROVED a Series 7 Beer and Wine Liquor License (Chandler #114359 L07) for Dilia N. Wood, Agent, Inspirador, LLC, dba Inspirador, 63 E. Boston Street. A recommendation for approval of State Liquor License #07074004 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

38. USE PERMIT: San Tan Brewing Company

APPROVED Use Permit UP07-0053 San Tan Brewing Company, Series 12 and Series 3, for an extension of premises to sell liquor within an outdoor patio area for a new restaurant at 8 S. San Marcos Place. (Applicant: Anthony Canecchia.)

The site is located at the southwest corner of San Marcos Place and Commonwealth Avenue within Historic Downtown Chandler. The building is currently undergoing exterior and interior renovations. A two-story building addition to the west along Commonwealth is currently under construction. The restaurant plans to complete construction and open for business by August 2007. The front entrance is covered by a pedestrian colonnade as part of the Downtown square on San Marcos Place. The building is connected to the south with an office building and a series of in-line retail shops and restaurants. Directly to the east is public street parking and AJ

Chandler Park. To the north is the San Marcos Resort Hotel. Images Salon occupies the other space within the building at the site's west end.

There will be an approximate 650 sq. ft. permanent outdoor patio area at the building's north side along Commonwealth Avenue and an approximate 400 sq. ft. temporary and special events patio along San Marcos Place. A 42" high wrought iron fence railing will be installed around both patio perimeters, with the San Marcos Place patio fence railing to be removed when not in use.

A recently adopted City-initiated code amendment allows for the consideration of liquor sales in the Downtown public areas under a Use Permit. As such, this Use Permit request is for an extension of premises to include the patio and allow alcohol sales. The patio improvement will comply with minimum pedestrian circulation clearances and other requirements from the code amendment. A minimum six foot clearance will need to be maintained along the San Marcos Place patio between the fence enclosure required and the inside face of any column, street light, street sign, traffic signal pole, curb line, utility equipment box, or other street fixture, to allow unobstructed pedestrian use of the remaining public sidewalk. Since the right-of-way is being reconstructed at Commonwealth Avenue, the minimum clearance may be reduced to five feet as identified within the code amendment. Compliance with the applicable provisions of the Americans With Disabilities Act (ADA) must be maintained at all times within the adjoining public street right-of-way outside of the fence enclosure.

The permanent outdoor patio along Commonwealth Avenue will provide seating for approximately 50 patrons, including 14 bar stools. A roll-up door provides access from the restaurant to the patio. A trellis will extend over the patio space and along the building's north side. A misting system will cool the patio during the summer months and heat lamps will heat the space during the winter. Background music is proposed to complement a future Downtown colonnade music system. Occasional live music is proposed for the patio that is not intended to disrupt neighboring businesses.

The temporary and special events patio along San Marcos Place will be used during the initial business opening until the other patio and Commonwealth Street improvements are complete and during City-related special events. It is anticipated that the patio may be used on a limited basis up to 12 times per year for City related events such as the Downtown Jazz Festival and Classic Car event. The patio railing will be "indented" approximately two feet from both ends of the building front to allow for at least a six-foot pedestrian clearance along the walkway. The patio fencing railing will be removed when not in use.

San Tan Brewing Company features a restaurant space, bar area, kitchen, brewing tanks, office and storage and outdoor patios. The bar area long the north wall includes windows for future outdoor bar service for a limited number of patrons. Tanks for beer production are displayed behind glass panels.

This request was noticed in accordance with the requirements of the Chandler Zoning Code. A neighborhood meeting, a Downtown Chandler Community Partnership (DCCP) briefing, and a Downtown Merchant's meeting was held earlier in the year during the original Use Permit application that included representations for the outdoor patio. All attendees expressed support of the application. Staff has received no correspondence in opposition to this request.

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

1. The Use Permit is granted for an extension of premises for a Series 3 and 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. Any substantial change in the 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 a Use Permit.
4. The Use Permit is non-transferable to other store locations.
5. All pedestrian walkways shall be A.D.A. accessible and shall not be interrupted by any obstacles preventing circulation with a minimum six-foot clearance maintained along San Marcos Place and minimum five-foot clearance along Commonwealth Avenue.

39. LIQUOR LICENSE: San Tan Brewing Company

APPROVED permanent extension of premises for Series 3, Domestic Microbrewery License and Series 12, Restaurant Liquor License (Chandler #111265 L3 and L12) for The San Tan Brewing Company at 8 San Marcos Place. A recommendation for approval of permanent extension of premises for State Liquor License #03073045 and #12076999 will be forwarded to the State Liquor Department. The area of extension was not included in the original site plan pending City Council's approval of Planning Department changes required to allow sidewalk service of alcohol in the Downtown area.

The Police Department has no objections to the permanent extension of premises. All fees have been paid and the business is in compliance with the City's Sales and Use Tax Code.

40. USE PERMIT: McDuffy's Restaurant

APPROVED Use Permit UP007-0023 McDuffy's Restaurant, Series 12, for the sale of liquor for on-premise consumption indoors and within an outdoor patio at a new restaurant located at 980 E. Pecos Road within the Monterey Vista Village commercial retail center. (Applicant: Scott Hopman for McDuffy's.)

The patio is located on the suite's south side and is accessed from the restaurant's dining area. A 6'6" sidewalk is maintained adjacent to the patio and the adjacent retail building for pedestrian access. The patio provides appropriate passing space for pedestrians to access the commercial center. The patio is cordoned off with decorative black, wrought iron rail fencing on top of a low wall.

The applicant has conveyed the patio will comply with the Smoke Free Arizona Act. Door and windows adjacent to the patio will be equipped with mechanical devices to prevent smoke going into the restaurant's interior, which is also required when the main entrance is less than 20 feet from the patio.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on June 11, 2007. There were no citizens in attendance. One resident has contacted Staff in opposition to the request due to its incompatibility with single-family homes and a school within the area.

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

1. Expansion, modification, or relocation beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit re-application and approval.
2. Any substantial change in the floor plan to include such items as, but not limited to, a bar serving area or the addition of entertainment-related uses shall require new Use Permit re-application and approval.
3. The Use Permit is granted for a Series 12 license only and any change of licenses shall require re-application and new Use Permit approval.
4. The Use Permit is non-transferable to other restaurant locations.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owner's association.
7. 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.

41. LIQUOR LICENSE: McDuffy's

APPROVED a Series 12 Restaurant Liquor License (Chandler #114698 L12) for Roger Thad Egan, Agent, McDuffy's Pecos LLC, dba McDuffy's Grille, 980 E. Pecos Road, Suite #5. A recommendation for approval of State Liquor License #12077178 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

42. USE PERMIT: Hollywood Billiards

APPROVED Use Permit UP07-0024 Hollywood Billiards, Series 12, to sell alcohol in an establishment at 3029 N. Alma School Road, Suite #114. (Applicant: Sung Ho Park.)

Hollywood Billiards is an existing facility that features pool tables and an Internet café located at the northeast corner of Elliot and Alma School roads within the Paseo Del Oro shopping center anchored by Pure Fitness. The tenant space, formerly occupied by Peter Piper's Pizza, has been occupied by the subject business for several months, without alcohol service.

The business is open 10:00 a.m. to 1:00 a.m. Sunday through Thursday and 10:00 a.m. to 3:00 a.m. Fridays and Saturdays. The kitchen remains open until 11:00 p.m. on weekdays and until 12:00 a.m. on weekends. There is no live entertainment.

The shopping center is zoned to allow Community Commercial (C-2) uses, including restaurants and pool halls. The center has two active use permits for alcohol sales, a Series 9 Liquor Store Use Permit for Liquor Square and a Series 6 Bar Use Permit for Priceless Too. Both of the existing liquor uses are located at the center's southeastern end. The subject suite's previous occupants, Peter Piper's Pizza and Pistol Pete's, sold alcohol under a Series 7 Wine & Beer License. A church and a children's dance academy are located upstairs from and adjacent to the

subject suite. Also, a charter high school is located on the second floor on the center's northern end.

This request was noticed in accordance with the requirements of the Chandler Zoning Code with a neighborhood meeting being held on May 29, 2007. There were no citizens in attendance. The Police Department has been informed of the application and has not responded with any issues or concerns. Staff has received no correspondence in opposition to this request.

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

1. The Use Permit granted is for a Series 12 license only and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. 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.
4. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
5. There shall be no customer access through the rear of the building.
6. The applicant shall install software on the computers to prevent access to adult-oriented sites, Internet gambling sites and other inappropriate sites for children.

KARL NIELSON, 3029 N. Alma School Rd., co-owner of Priceless Too, spoke in opposition to the Series 12 license. He said the question is whether the establishment is a bar or restaurant. In his opinion, it is a pool hall. He opposed the use of the word "café" in describing the establishment and said he pointed out to the Planning Commission that 80% of the building for Hollywood Billiards is devoted to pool tables. He referred to the 300' distance from a school in the liquor handbook.

SANDI RODENBECK, Tax & Licensing, clarified that the 300' requirement from schools and churches does not apply to a restaurant license per State Statute.

MARIE LEMOINE, 807 W. McNair, said she resides in the residential neighborhood adjacent to the plaza and spoke in opposition to the Series 12. She stated her concern that this establishment is a pool hall in an area where there is a school.

COUNCILMEMBER SEPULVEDA asked how close the school is to the establishment. PLANNER BILL DERMODY said there is a church right next door and the high school is approximately 350' away on the northern end of the plaza. In response to a question from THE MAYOR, Mr. Dermody said he does not believe there is a day care center in the plaza, but believed it is not a protected business.

MAYOR DUNN asked about the one-year time limit. Mr. Ballard said that it is not unusual to impose a one-year limit for the first time.

MAYOR DUNN asked who monitors the food service requirement. Mr. House said the State Liquor Department monitors that.

SAM LEE, Oxnard, CA, business advisor for the applicant, said that a Series 12 Restaurant license does not apply to churches or schools like a Series 6 (bar) or Series 7 (beer and wine). Under a Series 12, 40% of the revenue has to come from food and non-alcoholic beverage per State law and is audited by the State Liquor Board. He said the question appears to be how can a billiard and Internet café qualify as a restaurant. Mr. Lee explained this business is a new concept in family entertainment. A family can come to play billiards, video games, work on the computer and have a meal together. One of the protests from an existing business in the center was that Hollywood Billiards would not be able to meet the 40% food sales. He said this is a concern of the State Liquor Board and not the City. If the City does not like the way the establishment operates, they can deny the use permit extension at the end of the year.

COUNCILMEMBER ORLANDO asked Mr. Lee if the applicant has previously owned a liquor license. MR. LEE responded that they have had a license in California for 15 years. He had the same type of business and the City of Oxnard was pleased with their operation. COUNCILMEMBER ORLANDO asked the City Attorney about the hours for liquor sales. MR. HOUSE said that a liquor establishment could serve liquor until 2 a.m.

MAYOR DUNN asked what happens if the business does not meet the 40% food sales and they apply for a Series 6 or 7, would the 300' limit apply. MS. RODENBECK said it would, but they would not be eligible to apply for a Series 6 because it would be bringing a new license into the area where the 300' would apply.

COUNCILMEMBER ORLANDO asked if the City also conducts audits. MS. RODENBECK responded no and explained that when the license is up for renewal, the applicant must attest to the amount of food sales they have. The City could request that the State conduct an audit.

COUNCILMEMBER SEPULVEDA asked how often the State audits a business. MS. RODENBECK said that it is her understanding that the State follows up on renewal forms, but does not know how often the audits are conducted. The 40% ratio is on an annual basis rather than a monthly basis. COUNCILMEMBER SEPULVEDA said he would like more information on how the audit is conducted at the state level. Ms. Rodenbeck added that it is incumbent on the applicant to prove to the state before the license is issued that through their menu, seating, kitchen equipment and staffing, that they are capable of operating as a restaurant. The Liquor Control Board does send their investigators to perform a site inspection prior to the approval of any Series 12 license.

COUNCILMEMBERS CACCAMO, ORLANDO AND SEPULVEDA voted nay on this item.

43. LIQUOR LICENSE: Hollywood Billiards

APPROVED a Series 12 Restaurant Liquor License (Chandler #112555 L12) for Duck Y. Hong, Agent, Hollywood Billiards, 3029 N. Alma School Rd., Suite #114. A recommendation for approval of State Liquor License #12077171 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license. One written protest has been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

COUNCILMEMBERS CACCAMO, ORLANDO AND SEPULVEDA voted nay on this item.

44. LIQUOR LICENSE: Benihana

APPROVED a Series 12 Restaurant Liquor License (Chandler #112619 L12) for Ajay Kapur, Agent, Benihana Chandler Corp., dba Benihana, 3025 W. Chandler Boulevard. A recommendation for approval of State Liquor License #12077174 will be forwarded to the State Liquor Department. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

45. LIQUOR LICENSE: Shangri La De Old Cathay

APPROVED a Series 12 Restaurant Liquor License (Chandler #113448 L12) for Chuyun Qian, Agent, Run Chin, Inc., dba Shangri La De Old Cathay, 2992 N. Alma School Road. A recommendation for approval of State Liquor License #12077184 will be forwarded to the State Liquor Department. This application reflects a change in ownership and a new Use Permit is not required as this will be a continuation of the location's previous use as Shangri La De Old Cathay. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

46. LIQUOR LICENSE: Payless Market

APPROVED a Series 10 Beer and Wine Store Liquor License (Chandler #114628 L10) for Jarjis Yousif Hallak, Agent, Hallak Enterprises LLC, dba Payless Market, 398 S. Arizona Avenue. A recommendation for approval of State Liquor License #10075422 will be forwarded to the State Liquor Department. This application reflects a change in ownership and a new Use Permit is not required as this will be a continuation of the location's previous use as Payless Market. The Police Department reports no objections to the issuance of this license and no written protests have been received. All licenses, permits and fees have been paid and the applicant is in compliance with the City's Tax Code.

47. SPECIAL EVENT LIQUOR LICENSE: Chandler Service Club

APPROVED a Special Event Liquor License for the Chandler Service Club for their "In Our Shoes" Fashion Show Fundraiser, October 27, 2007, from 11:00 a.m. until 9:00 p.m. 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.

48. CONTINUED LIQUOR LICENSE: Big Wa Chinese Cafe

CONTINUED TO AUGUST 23, 2007, Liquor License, Series 12, for Hua Guan, Agent, Big Wa Chinese Café, Inc., dba Big Wa Chinese Café located at 990 E. Riggs Road, Suite #9 to allow the applicant time to complete the requirements for a new Use Permit.

49. CONTINUED LIQUOR LICENSE: Picazzo's Gourmet Pizza & Salads

CONTINUED TO AUGUST 23, 2007, Liquor License, Series 12, for Jesus Manual Altamirano, Agent, DRD Express I, LLC, dba Picazzo's Gourmet Pizza & Salads, located at 7225 W. Harrison Street to allow the applicant time to complete the requirements for a new Use Permit.

50. CONTINUED LIQUOR LICENSE: The Urban Tea Loft

CONTINUED TO AUGUST 9, 2007, Series 12, for Glynis LaTrise Legrand, Agent, Velvet Steel LLC, dba The Urban Tea Loft, located at 11 W. Boston Street, Suite #2 to allow the applicant time to complete the zoning requirements for their Use Permit.

51. CONTINUED LIQUOR LICENSE: Longhorn Steakhouse of Chandler

CONTINUED TO AUGUST 23, 2007, Series 12, for H. J. Lewkowitz, Agent, RARE Hospitality Management, Inc., dba Longhorn Steakhouse of Chandler, located at 2950 E. Germann Road to allow the applicant time to complete the requirements for a new Use Permit.

52. PRELIMINARY PLAT: Cooper Park Marketplace

APPROVED Preliminary Plat PPT07-0009 Cooper Park Marketplace, for a grocery-anchored shopping center and office development located on a 19-acre site at the NWC of Chandler Boulevard and Cooper Road. (Owner: Sean Lake, Pew & Lake.) The plat creates the lots and tracts, construction-phasing lines, establishes the necessary easements and dedicates the required rights-of-way.

53. PRELIMINARY / FINAL CONDOMINIUM PLAT: Summit At Chandler Heights Condominium Two

APPROVED Preliminary Condominium Plat PPT07-0008 and Final Condominium Plat CPT07-0003 Summit At Chandler Heights Condominium for a retail and office development on 6.7 acres at the SEC of Chandler Heights and Alma School roads. (Applicant: Kevin South, Summit at Ocotillo, LLC.) The plats create the lots and tracts, construction-phasing lines and establishes the necessary easements.

54. PRELIMINARY / FINAL CONDOMINIUM PLAT: Halsted Medical Office Condominium

APPROVED Preliminary Condominium Plat PPT07-0023 and Final Condominium Plat CPT07-0007 Halsted Medical Office Condominium for a medical office building on 3 acres located at the SEC of Pennington and Frye roads. (Applicant: Evans Kuhn & Associates.) The plat creates the lots and tracts, construction-phasing lines, establishes the necessary easements, and dedicates the required rights-of-way.

55. FINAL PLAT: Chandler Piazza

APPROVED Final Plat FPT07-0008 Chandler Piazza for a 21-acre mixed-use development including hotel, retail, restaurant and office uses at the SEC of Frye Road and Ellis Street. (Applicant: Momentum Development Company.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required right-of-way.

56. FINAL CONDOMINIUM PLAT: Lot 1 of Paloma Kyrene Business Community

APPROVED Final Condominium Plat CPT07-0005 Lot 1 of Paloma Kyrene Business Community for an office and industrial development, which includes medical offices, industrial and retail uses, on 16.27 acres south of the SWC of Kyrene Road and Chandler Boulevard. (Applicant: V3

Companies of Arizona.) The plat creates the lots and tracts, establishes the necessary easements and dedicates the required right-of-way.

ACTION:

None

UNSCHEDULED PUBLIC APPEARANCES:

KYLE RUBY, 1114 E. Redondo Circle, Tempe, spoke in opposition to Covance due to the facility being biologically and economically hazardous. He stated that people should be better informed. Mr. Ruby referred to an incident that occurred at a Covance facility in Virginia.

DIANE LENKOWSKY, 2323 E. Apache Boulevard, Tempe, spoke in opposition to Covance as it is a biohazard animal testing facility and every person will be at risk for disease.

SPECIAL ORDERS OF THE DAY

A. Mayor's Announcements:

MAYOR DUNN announced that the City's Sunset Branch Library would be adding Sunday hours from 1-5 p.m. as a result from citizen's feedback.

MAYOR DUNN announced that Chandler would be joining with Tempe for wi-fi services. The service was launched this week by Kite Networks. The first phase covers 13 miles in north-central Chandler including the downtown area.

THE MAYOR announced that there are still openings for the next City Services Academy that begins Tuesday, August 21<sup>st</sup>, and runs for 10 weeks.

B. Councilmembers' Announcements:

None.

C. City Manager's Announcement:

None.

Adjournment: The meeting was adjourned at approximately 8:00 p.m.

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

\_\_\_\_\_  
Mayor

Approved: August 9, 2007

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Chandler, Arizona, held on the 26<sup>th</sup> day of July 2007. I further certify that the meeting was duly called and held and that a quorum was present.

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

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City Clerk