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FOR CITY COUNCIL PACKET
FEBRUARY 28, 2012

POLICY SESSION AGENDA

1. Council Information and Follow-up Requests/Consent Agenda/Call for an Executive Session/Reports and Budget Updates by the City Manager

2. State Legislative Update

3. General Plan Update

4. Economic Development Strategic Plan

5. Phoenix Sky Harbor International Airport Update

BACKUP INFORMATION FOR THE WEDNESDAY, FEBRUARY 29, 2012, FORMAL AGENDA

Boards
Citywide

Items 9-11
Districts 2, 3, 7

Police Department Recommendation for Three Liquor License Items on the February 29, 2012, Formal Agenda

Item 12
District 4

Appeal of Historic Preservation Commission Decision on a Certificate of Appropriateness - Application HP-402-11-4 for 341 East Pasadena Avenue

GENERAL INFORMATION

• Liquor License Applications Received for the Period of February 15, 2012 through February 21, 2012

• CopLogic Internet Based Reporting

Packet Date: February 23, 2012
Pursuant to A.R.S. §38.431.02, notice is hereby given to the members of the City Council and to the general public that the City Council will hold a meeting open to the public on Tuesday, February 28, 2012, at 2:30 P.M. located in the City Council Chambers, 200 West Jefferson, Phoenix, Arizona.

12:00 P.M. - AN EXECUTIVE SESSION WAS CALLED FOR THIS TIME AT THE POLICY MEETING OF FEBRUARY 14, 2012.

THE TIMES LISTED FOR AGENDA ITEMS ARE ESTIMATED. ITEMS MAY BE DISCUSSED EARLIER OR IN A DIFFERENT SEQUENCE.

ESTIMATED COUNCIL INFORMATION AND FOLLOW-UP REQUESTS.

1. 2:30 P.M. -

This item is scheduled to give City Council members an opportunity to publicly request information or follow-up on issues of interest to the community. If the information is available, staff will immediately provide it to the City Council member. No decisions will be made or action taken.

CONSENT AGENDA.

This item is scheduled to allow the City Council to act on the Mayor’s recommendations on the Consent Agenda. The Consent Agenda has been publicly posted.

CALL FOR AN EXECUTIVE SESSION.

A vote to call an Executive Session may be held.

REPORTS AND BUDGET UPDATES BY THE CITY MANAGER.

This item is scheduled to allow the City Manager to report on changes in the City Council Agenda and provide brief informational reports on urgent issues. The City Council may discuss these reports but no action will be taken.
POLICY SESSION AGENDA -2- TUESDAY, FEBRUARY 28, 2012

ESTIMATED
2. 3:00 P.M.- STATE LEGISLATIVE UPDATE Staff: Peters
   (Presentation 30 min.)

This report seeks approval, guidance, and direction from the Mayor and Council on
state legislation of interest to the City.

This item is for information, discussion, and possible action.
Backup included in Council packet/City Clerk's Office.

ESTIMATED
3. 3:30 P.M.- GENERAL PLAN UPDATE Staff: Krietor, Stark
   (Presentation 20 min.)

This report provides information to the City Council in regards to the General Plan
Update.

This item is for information only. No City Council action is required.
Backup included in Council packet/City Clerk's Office.

ESTIMATED
4. 3:50 P.M.- ECONOMIC DEVELOPMENT STRATEGIC PLAN Staff: Krietor, Chan
   (Presentation 20 min.)

This report requests City Council approval of an Economic Development Strategic Plan
for the City.

This item is for information, discussion, and possible action.
Backup included in Council packet/City Clerk's Office.
ESTIMATED

5.  4:10 P.M.- PHOENIX SKY HARBOR INTERNATIONAL AIRPORT UPDATE

This report updates the Phoenix City Council on recent passenger and airline activity, and the current status of various construction projects at Phoenix Sky Harbor International Airport.

This item is for information only. No City Council action is required.

Backup included in Council packet/City Clerk's Office.

ESTIMATED

4:50 P.M. - ADJOURNMENT

For further information, please call the Management Intern, City Manager's Office, at 602-262-4449.

For reasonable accommodations, call the Management Intern at Voice/602-262-4449 or TTY/602-534-5500 as early as possible to coordinate needed arrangements.

Si necesita traducción en español, por favor llame a la oficina del gerente de la Ciudad de Phoenix, 602-262-4449 tres días antes de la fecha de la junta.

PHOENIX CITY COUNCIL MEMBERS

Councilman DiCiccio
Councilman Gates
Vice Mayor Johnson
Councilman Nowakowski
Councilman Simplot
Councilman Valenzuela
Councilman Waring
Councilwoman Williams
Mayor Stanton
TO: David Cavazos  
City Manager  
AGENDA DATE: February 28, 2012

FROM: Karen Peters  
Government Relations Director  
ITEM: 2

SUBJECT: STATE LEGISLATIVE UPDATE

This report seeks approval, guidance, and direction from the Mayor and Council on state legislation of interest to the City.

February 28 is the 51st day of the Second Regular Session of the 50th Legislature. The information provided in this report regarding status of legislation is current as of mid-day, February 23.

POLICY DIRECTION ON STATE LEGISLATION OF INTEREST TO THE CITY

PUBLIC SAFETY

Bills to Support

A. HB 2396: Theft of Metal; Sentencing (Rep. Tom Forese, R-Gilbert) amends A.R.S. §13-1801 to remove the word “scrap” when referring to metal in the metal theft statutes. The change is meant to clarify that whether the metal is considered scrap or not, the amount of theft is based on the fair market value of the metal. As a result, convictions could lead to stricter sentencing for metal theft. HB 2396 passed the House by a vote of 57-0 on February 21, 2012, and now awaits Senate Committee assignments.

Bills to Oppose

B. SB 1306: Alarm System Installation; Contractors; Municipalities (Sen. Frank Antenori, R-Tucson) preempts the Police Department’s regulation of alarm agents. The penalty for violating this statute is withholding of state shared revenue until a violation is resolved. This bill passed the Senate Government Reform Committee by a vote of 5-2 on February 8, 2012, and now awaits action in the Senate Rules Committee.
C. **SB 1313: Intersection; Definition (Sen. Frank Antenori, R-Tucson)** establishes a definition for intersections that have traffic control devices. When a stop/yield sign is designated, on approach the intersection begins within the crosswalk or beyond the stop sign or both. On departure, the intersection begins to the far side of the sidewalk. Police and Streets staff is concerned that the City’s red light running program would be less effective, as the definition would allow more drivers to run red light intersections. This bill passed the Senate Appropriations Committee by a vote of 9-3 on February 2, 2012, and now awaits a hearing in the Senate Natural Resources and Transportation Committee.

D. **SCR 1029: Photo Radar Prohibition (Sen. Frank Antenori, R-Tucson)** refers to the voters the question of eliminating all photo radar systems in the state. Staff is opposed to this measure since it could impact the City’s photo red light running program and photo speed zones around schools. This bill passed the Senate Judiciary Committee by a vote of 4-1 on February 13, 2012, and now awaits action in the Senate Rules Committee.

E. **HB 2606: Liquor Omnibus (Rep. J.D. Mesnard, R-Chandler)** makes numerous changes to the liquor statutes. One provision changes liquor license hearings so that if a city does not make a finding/recommendation, the business automatically gets its license. Currently, if a city cannot make a determination, the state still has an opportunity to hold a hearing and make the decision. This change shifts the burden entirely to cities to ensure proper licensing. Another concern is the proposed limitation on liquor license application fees, which would impair the City’s current cost recovery policy for these fees, thus shifting the burden of paying for the labor-intensive processing of these licenses to the general public. This bill was approved in the House Rules Committee on February 22, 2012, and now awaits action on the House Floor.

F. **2748: Cities; Alarm Licenses; Reciprocity (Rep. Amanda Reeve, R-Phoenix)** requires reciprocity between cities for a licensed alarm installer. The Phoenix Police Department is concerned that they would have to accept other municipal licenses that may be less stringent than their current standards. The bill passed the House Commerce Committee by a vote of 8-0 on February 15, 2012, and now awaits action in the House Rules Committee.

**REVENUE & TAXES**

**Bills to Oppose**

G. **SCR 1025: Property Tax Assessed Valuation; Limitation (Sen. Steve Yarbrough, R-Chandler)** refers to the voters the question of limiting the annual assessed valuation growth on property to the lesser of full cash value or five percent more than the valuation of the prior year. To illustrate:

- If values drop 10% then the full drop is allowed
- If values increase 10%, only 5% is allowed
- If values increase 2%, 2% growth is allowed
Staff recommends opposing this measure for the following reasons:

- In order to meet fixed debt obligations, taxing jurisdictions would need to raise tax rates in order to meet full faith and credit obligations of General Obligation Bonds
- The funding base for infrastructure and capital projects (i.e. fire and police stations, roads, parks, libraries, water and sewer pipes) will be constrained
- Phoenix would have to indefinitely postpone its bond program ($150 million is currently on hold until a recovery begins)
- Due to the reduction in the funding base, the City’s credit rating could be downgraded

SCR 1025 was approved in the Senate Rules Committee on February 13, 2012, and now awaits Senate Floor action.

H. HB 2815: Employment; Incentives; Regulatory Tax Credit (Rep. J.D. Mesnard, R-Chandler) contains language that establishes a universal regulatory tax credit would allow businesses and individuals to claim that they have suffered expense as a result of an excessive regulation and to claim a tax credit for such expenses. The cost of credits awarded in connection with city regulations would be deducted from shared revenue distributions. Initial impacts in FY 2014 and FY 2015 would be up to $31,250 per individual and $50,000 per corporation. In FY 2016 and forward, the credit would be $62,500 per individual and $100,000 per corporation. HB 2518 was approved in the House Rules Committee on February 20, 2012, and now awaits action on the House Floor.

PLANNING & ZONING

Bills to Oppose

I. SB 1239: Planned Communities; Zoning; Requirements (Sen. Rick Murphy, R-Glendale) establishes that municipalities or counties cannot require, as part of a subdivision regulation or zoning ordinance, any development to have a homeowners association. As a result, the City could be left with the maintenance of a subdivision’s water retention basins and open space. This bill passed the House Government Committee by a vote of 6-2 on February 21, 2012, and now awaits action in the House Rules Committee.

WATER & ENVIRONMENT

Bills to Support

J. HB 2363: Harvested Water; Committee (Rep. Karen Fann, R-Prescott) establishes a committee to review harvesting water. The City has been working with the bill sponsor since the summer on this issue, which could impact water rights, and is supportive of continuing the dialogue via a stakeholder’s process. This bill was approved in the House Rules Committee on February 13, 2012, and now awaits action House Floor action.
**Bills to Oppose**

**K.** SB 1289: Storm Water Discharges; Construction Sites (Sen. Gail Griffin, R-Hereford) amends regulation of stormwater discharges from construction sites where retention or catchment basins are used. The Arizona Department of Environmental Quality (ADEQ) already provides a general permit for construction activities that considers the facility’s best management practices for addressing runoff, including catchment or retention basins. This bill goes further, requiring a prospective waiver for discharges from retention basins except in the case of a 100-year storm event. The impact for the City is that it is precluded from further regulation of these facilities, even though they may discharge to storm sewers the City, which may result in violations of the City’s Multi-sector General Permit issued by ADEQ. SB 1289 passed the Senate by a vote of 19-10 on February 9, 2012, and now awaits a hearing in the House Environment Committee.

**L.** SB 1453: Applying Aquatic Poisons (Sen. Gail Griffin, R-Hereford) bans use of rotenone or antimycin A by the Arizona Department of Game and Fish unless an impact analysis is completed and approved by the Department. Currently, the Department administers rotenone or antimycin A in the water systems operated by the Salt River Project, Central Arizona Project, Central Arizona Water Conservation District, and other entities in order to comply with requirements of the federal Endangered Species Act. Application of these agents helps curb some undesirable fish populations. Staff believes this bill would negatively impact delivery of water needed to meet the City’s water demands. SB 1453 passed the Senate Water, Land Use, and Rural Development Committee by a vote of 4-2 on February 15, 2012, and now awaits action in the Senate Rules Committee.

**M.** HB 2416: Water and Wastewater; Denial Prohibited (Rep. David Stevens, R-Sierra Vista) requires a city with a population of more than 500,000 to provide water services outside of its boundaries upon request in specified circumstances. Staff is concerned with this mandate that could negatively impact the City’s water system. HB 2416 was approved in the House Rules Committee on February 22, 2012, and now awaits House Floor action.

**MISCELLANEOUS**

**Bills to Oppose**

**N.** SB 1470: Rules; Data Quality (Sen. Lori Klein, R-Anthem) contains a number of useful clarifications to last year’s legislation regarding city license and permit timeframes (SB 1598). Unfortunately, the bill was amended to include broad new requirements that all information disseminated by cities must adhere to specified “data quality” criteria such as peer review, reproducibility, and the like. This bill passed the Senate Government Reform Committee by a vote of 5-2 on February 15, 2012, and now awaits action in the Senate Rules Committee.
O. SB 1505: Municipal Governments; Rulemaking (Sen. Judy Burges, R-Skull Valley) is a complex bill that would prescribe detailed procedures for cities to follow when making “rules,” which is broadly defined to include statements of general applicability regarding law, policy, procedure, or practice requirements. The bill preempts existing procedures and in some regard conflicts with last year’s legislation regarding city license and permit timeframes (SB 1598). The bill also would hamper the city’s ability to streamline processes, such as self-certification or one-stop permitting. This bill passed the Senate Border Security, Federalism, and States Sovereignty Committee by a vote of 6-1 on February 16, 2012, and now awaits action in the Senate Rules Committee.

P. HB 2570: Political Subdivisions; Proceedings; Governing Bodies (Rep. Justin Olsen, R-Mesa) stipulates that for any law a city wants to adopt, the municipality must provide related materials and information at least 14 days before a city council vote and that it must provide three separate public meetings on the ordinance or the law is invalid. Committee amendments exempt procurements and emergency measures, but only for a 60-day enactment. Additionally, the bill gives legal standing for a resident to sue the city if they believe this process was compromised. HB 2570 passed the House Government Committee by a vote of 6-2 on February 14, 2012, and now awaits action in the House Rules Committee.

RECOMMENDATION

Staff requests City Council approval, guidance, and direction on the state legislative issues impacting the City described above.
This report provides information to the City Council in regards to the General Plan Update.

THE ISSUE

The Phoenix General Plan was last adopted by the Phoenix City Council and approved by the voters in 2002. Arizona Revised Statutes require the General Plan to be updated and approved by the voters again by 2015.

An update of the General Plan began in 2009. This initial effort was aimed at developing a vision for the updated General Plan and consisted of asking the community two questions – What do you value most about Phoenix and why? And, Imagine Phoenix in 2050 and it’s the best it can be – What do you see? The answers to these questions produced 6,959 individual vision statements that were subsequently organized into 24 vision areas.

Planning and Development staff, in collaboration with Arizona State University, used the vision statements and areas to develop the General Plan Hearing Draft. One of the main components of the Hearing Draft was the articulation of a vision for Phoenix. The Hearing Draft was adopted by the Phoenix City Council on March 23, 2011.

In light of the new makeup of the Phoenix City Council, and the desire to enhance community outreach, the Planning and Development Department would like to partner with the Council and community to update the vision for the General Plan. Work on the next phases of the project would also begin. The goal will be to develop a more robust community engagement strategy that will result in broader public participation and a better end product.

OTHER INFORMATION

In order to achieve the goal of updating the community’s vision and enhancing community outreach for the rest of the project, Planning and Development staff have modified the General Plan Update schedule as follows:
Vision Update: April 2012 – November 2012

Goals and Strategies: December 2012 – October 2013

Mapping: December 2013 – August 2014

Council Vote: February 2015

Election: August 2015

Staff will organize the updated General Plan into three focus areas – Economy, Community, and Environment. Staff proposes that the Mayor and City Council appoint a committee for each of these focus areas. The purpose of the committees will be to assist staff in vetting the vision, goals, strategies, and mapping components of the updated General Plan, and to serve as liaisons to constituencies affiliated with each of the focus areas. Special emphasis should be given to committee representatives that can assist in extending participation to a diversity of people of different ages, sexes, races, ethnicities, and educational and economic backgrounds that may not normally be part of city planning in Phoenix.

The Focus Areas committees will work in conjunction with the Village Planning Committees, Planning Commission, and other boards and commissions to further broaden public outreach and support for the project.

Staff proposes to utilize the month of March to work with the Mayor and Council to organize the Focus Area committees and develop a detailed meeting schedule. Staff will return at the end of the month to present the project schedule and outreach plan.

RECOMMENDATION

This report is for information only. No City Council action is required.
This report requests City Council approval of an Economic Development Strategic Plan for the City.

THE ISSUE

In April of 2011, the Community and Economic Development Department (CEDD) embarked on a major economic development planning effort to help guide future decision-making processes and focus on the City’s core priorities. CEDD retained IO.INC Worldwide to assist with the development of a new strategic plan with an emphasis on creating and retaining high-quality jobs within the City of Phoenix.

This effort began with a strengths, weaknesses, opportunities, and threats (SWOT) analysis and involved significant research and review of various data sources, and other input from Phoenix elected officials, management, and other external stakeholder groups, including economic development partners. Additionally, a comparative analysis of eight, high performing and competing cities and their economic development best practices was evaluated. This resulted in the identification of the highest impact sectors that Phoenix should focus on for its business retention, attraction, entrepreneurship, and other key economic activities.

OTHER INFORMATION

Phoenix has an abundance of core strengths to build on. A fundamental principle of the economic development strategic plan is to capitalize on these assets. The strengths that make Phoenix a world-class city encompass the community, its institutions, businesses, leadership, and amenities. Therefore, Phoenix must build on the following key assets to support sustained economic growth:

- Access and availability of a talented workforce;
- Educational and training resources;
- The city’s business climate;
- Transportation and telecommunications infrastructure;
- Entrepreneurial activity;
• The availability of capital to support business growth and expansion;
• The presence and performance of innovation in the local economy; and
• Proximity to key markets – present and future.

Staff assignments and priorities within CEDD’s organizational structure have been adjusted to reflect a refocus of internal talent, resources, and programs to concentrate on the following targeted industry sectors:

• Bio-Life Science
• Advance Business Services
• Mainstay Manufacturing
• World Business, International Trade, and Foreign Direct Investment
• Clean Technology
• Higher Education
• Established and Emerging Enterprises

The department is modifying its business operations and service delivery with a focus of promoting and selling Phoenix for new business investment. These new approaches will require an increased commitment in staff development, market research, and a greater utilization of technology to effectively implement these efforts.

Business Retention/Expansion/Attraction

The largest amount of new employment is produced by businesses as they expand and grow. Refocusing the department’s business retention efforts will produce stronger industry relationships, increased staff knowledge of the local business and industry climate as well as identify new business opportunities.

Additionally, the department will continue its partnerships and coordination with key economic development organizations. A major component of this effort will be to leverage Phoenix’s existing employment centers and accessible workforce. CEDD’s efforts will include engaging in international trade and investment opportunities and marketing the use of the Foreign Trade Zone Program.

Small Business

Small businesses are an important element of the local economy. The City is committed to assisting small and local businesses, and will continue to develop initiatives and programs to facilitate the long-term viability of this important part of the economy.

Workforce and Community Development

The Phoenix workforce is a vital asset and one that the City is committed to strengthening. The Workforce Development Program provides critical services to both job seekers and employers to meet the needs of local employers. In order to provide greater value to Phoenix employers, the department is pursuing the creation of a Business and Training Center where companies can train and hire employees.
The creation of employment and education opportunities with the City has led to significant economic initiatives such as the development of the Phoenix Biomedical and Arizona State University (ASU) Downtown campuses. Additional community development projects will include light rail corridor development and the creation of a second biomedical campus in northeast Phoenix in collaboration with Mayo Hospital, ASU, and the Arizona State Land Department.

Moving Forward

Achieving the goals of the plan requires a sustained effort by the community and CEDD along with its partners and stakeholders. The following are the 10 priorities the department will immediately focus on to advance Phoenix’s Vision for economic prosperity:

1. Focus on Core Economic Development Programs in Key Industry Sectors
2. Implement a California Economic Development Strategy
3. Initiate Planning and Development of a Second Phoenix Biomedical Campus
4. Open a Phoenix Workforce Business and Training Center
5. Leverage Economic Development Tools to Strengthen Phoenix’s Competitive Position
6. Promote Phoenix for International Business, Trade, and Investment
7. Invest in Market Intelligence and Technology to Drive Priorities and Outcomes
8. Streamline City Regulatory Processes
9. Forge Strong Partnerships with Community and Business Organizations to Enhance Capacity and Service Delivery
10. Develop a Marketing, Outreach, and Communications Plan

RECOMMENDATION

Staff recommends City Council approval of the Economic Development Strategic Plan for Phoenix.
This report updates the Phoenix City Council on recent passenger and airline activity, and the current status of various construction projects at Phoenix Sky Harbor International Airport (Airport).

THE ISSUE

Over the past year passenger activity at Phoenix Sky Harbor has continued to increase ahead of forecasts. For calendar year 2011 passenger activity exceeded 40 million passengers (40,591,948), which is 5.3 percent higher than passenger activity in 2010. Our major airline partners also reported positive financial results and increased business activity in 2011.

The Aviation Department’s Capital Improvement Program is designed to accommodate increasing airport activity and capacity requirements while providing excellent customer service. The Capital Improvement Program includes a variety of large construction projects, including: signage and wayfinding improvements; concessions development; the PHX Sky Train; and airfield maintenance projects.

The Aviation Department recently completed a Signage and Wayfinding Master Plan to improve the passenger experience. Implementation of the Signage and Wayfinding Master Plan is underway beginning with the replacement of new roadway and curbside signs with completion scheduled for April 2012. New interior signage for Terminal 4 is planned for Fiscal Year 2012-2013 and Terminal 3 for Fiscal Year 2013-2014.

In Terminal 4, infrastructure improvements are underway to support the new food and beverage concession program. In January, seven food and beverage units closed as HMS Host began phased construction of 24 new units included in the Terminal 4, Package One contract which was awarded by the City Council on June 15, 2011. Some new food and beverage concepts are expected to open by March and all concepts in Package One will be open by the end of 2012. The Package Two food and beverage contract award recommendation will be presented to the City Council in April 2012.

The North Runway was recently closed for various maintenance projects. Five contractors completed $10 million worth of airfield improvements during the three week closure.
The PHX Sky Train, the airport's largest capital improvement project, will provide frequent, convenient, and reliable ground transportation service between airport facilities for airline passengers, visitors, and employees. Stage One of the PHX Sky Train will connect passengers at the 44th Street and Washington airport ground transportation center and adjacent METRO Light Rail station to the East Economy parking facilities and Terminal 4. Construction of the three Stage One train stations will be complete in March. This summer Bombardier will begin system testing with the 18 Stage One Innovia vehicles. Stage One of the PHX Sky Train is planned to be operational in the first quarter of 2013. The PHX Sky Train will significantly reduce airport bus operations and reduce roadway congestion.

Over the past few years, Aviation has reduced the costs of busing and related ground transportation services in preparation for starting PHX Sky Train operations in early 2013. When Stage One is placed into public service, over 150,000 square feet of new building facilities, 14 acres of landscape, 950 new parking spaces, and over 1,500 feet of new curb space will be commissioned, which will be operated and maintained by the Aviation Department.

Stage 1a will connect passengers to a station at Terminal 3 with a walkway to Terminal 2. Stage 1a construction began in 2011 and is expected to be operational in early 2015.

RECOMMENDATION

This report is for information only. No City Council action is required.
Human Relations Commission

Mayor Greg Stanton recommends the following new appointments:

**Balbir Grewal**
Ms. Grewal is an experienced small business owner, resides in District 2, and is recommended by Mayor Greg Stanton. She is replacing Gary L McPherson who resigned and will be filling a partial term that will expire June 30, 2013.

**Michael Williams**
Mr. Williams is an adjunct faculty member for Gateway Community College, resides in District 6, and is recommended by Mayor Greg Stanton. He is replacing Janey Pearl who resigned and will be filling a partial term that will expire June 30, 2014.

Phoenix Citizens Corps Committee

Mayor Greg Stanton recommends the following new appointment:

**Michael Nowakowski**
Councilman Nowakowski represents City Council District 7. He replaces former Councilman Claude Mattox and will serve a partial term that will expire on December 31, 2012.

Phoenix Employees' Deferred Compensation Board

Mayor Greg Stanton recommends the following new appointment:

**Lori Roediger**
Ms. Roediger previously served as the Vice-Chair for the Public Safety Personnel Retirement System, resides in District 7, and is recommended by Mayor Greg Stanton. She is replacing Mark Besh who resigned and will be filling a partial term that will expire September 30, 2014.
Phoenix Women's Commission

Mayor Greg Stanton recommends the following new appointment:

Kathryn Blades
Ms. Blades is a law clerk with the Goldwater Institute, resides in District 7, and is recommended by Mayor Greg Stanton. She is replacing Julia Mendoza who resigned and will be filling a partial term that will expire June 30, 2014.
The attached memorandum supplements the Request for Council Action report for three liquor license items on the February 29, 2012, formal Council agenda. This memorandum provides the Council with additional information regarding Police Department disapproval recommendations for the following items:

**New Business Items**

- District 2, Filibertos Mexican Food
- District 3, Filibertos Mexican Food
- District 7, Gorda’s Baja Taco

For further information regarding these items, please contact the City Clerk Department, License Services Section, at 602-262-7003.
The Police Department recommends disapproval of this liquor license application for the following reasons:

The applicants, Mr. Sibal and Mr. Patel, are requesting a Series 12 restaurant liquor license for the Filiberto’s Mexican Food at 3202 East Greenway Road.

The Filiberto’s vision began in 1986, when it opened its first restaurant in San Diego, California. In 1993, Filiberto’s expanded its operations into Arizona when it opened its first Mexican fast food restaurant in Mesa. Currently, the Filiberto’s chain consists of 64 locations spanning three states (Arizona - 55, California - 4, and New Mexico - 5).

According to the liquor licensing and control divisions for each of the three States, there is no reported Filiberto’s location with a current or past liquor license of any type. For the past 25 years, the Filiberto’s chain has operated as a fast food restaurant or QSR (Quick Service Restaurant). The industry definition of a QSR includes businesses of limited seating and generally limited menus where the majority of food is packaged for take away. Examples of these types of businesses include McDonald’s, Burger King, Jack-in-the-Box, etc.

The applicants, Mr. Sibal and Mr. Patel, currently own 2 Filiberto’s locations in Phoenix and 1 in Prescott, each with pending liquor license applications. These applications are an individual initiative and not directly backed by the Filiberto’s Corporation. However, if they are successful, the Filiberto’s Corporation fully expects other franchise locations to apply for a liquor license as well.

The Filiberto’s company website identifies the chain as fast-food restaurants who service patrons 24 hours, 7 days a week for carry-out, dine-in, phone in, and drive-thru services. According to the applicants the majority of business is derived from drive-thru services. On average, they typically serve approximately 375 customers a day, 70-80 percent of which is through the drive-thru window. After midnight, drive-thru sales increase to nearly 90 percent. Typically, during the slower hours of operation, the staff consists of 1 counter person and 1 cook. At busier times the maximum staff will consist of 2 counter people and 2 cooks. Amongst the numerous duties of the counter personnel which include sales, stocking, cleaning, etc. we now add liquor control and distribution.

In addition to their normal food sales, the applicants plan to sell $1.99 bottled beer and $1.99 margaritas from 10 a.m. to 2 a.m. Given the low price point of the suggested alcohol this raises concern as to the primary focus of the Filiberto’s
business plan. According to the applications submitted by the applicants/owners, neither person plans to be at any of the proposed locations to oversee their day to day operations – no less the service of alcohol. Furthermore, no manager has been identified to Arizona Department of Liquor Licenses and Control to run the business in their absence. This brings into question as to who will ensure all liquor laws are followed. In addition, given that the fast food industry experiences an average personnel turnover rate, which is 50 percent or more per year, there are concerns if the business can keep trained liquor personnel for any length of time. This is critical for a liquor establishment with a 24-hour operation, a maximum of 4 employees, and a drive-thru window. These are extra hurdles that not even a traditional restaurant may face without a 24-hour operation.

The proposed location is in close proximity to neighborhood schools. Currently it is patronized by minors absent a parent or guardian and it is assumed this activity will continue should a liquor license be granted. This creates a situation that minors will be present during the sales and consumption of alcohol and adds to the concerns of the control of alcohol.

This location also borders a community in transition. Historically, this community has experienced higher than average crime rates, as well as blight issues. In response to the community’s request for assistance, the City of Phoenix has invested heavily in efforts to reduce these negative conditions. For several years, the City has infused additional monies and manpower into the neighborhood to address these concerns through such programs as the “Palomino Rental Renaissance” with noticeable results.

The concept for a fast food restaurant to have a liquor license with minimal staff, no managerial supervision, and a 24/7 hour operation with drive-thru services could be detrimental to the efforts of the community fight back in a fragile neighborhood.

The issuance of a liquor license for this establishment would not be appropriate as it would not be in the best interest of the community and would not serve the public convenience.

This recommendation for disapproval is submitted by: Detective E. Breindl #6135

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<tr>
<th>SIGNATURES</th>
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<tbody>
<tr>
<td>Investigating Detective</td>
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<tr>
<td>Liquor Enforcement Detail Supervisor</td>
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Police Department Liquor License Disapproval Recommendation

Application Information

<table>
<thead>
<tr>
<th>Business Name</th>
<th>FILIBERTO'S MEXICAN FOOD</th>
<th>District</th>
<th>3</th>
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<tr>
<td>Business Location</td>
<td>2010 East Thunderbird Road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant Name</td>
<td>Mr. Sibal and Mr. Patel</td>
<td></td>
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</tbody>
</table>

| Series Type | 12 |

The Police Department recommends disapproval of this liquor license application for the following reasons:

The applicants, Mr. Sibal and Mr. Patel, are requesting a Series 12 restaurant liquor license for the Filiberto’s Mexican Food at 2010 East Thunderbird Road.

The Filiberto’s vision began in 1986, when it opened its first restaurant in San Diego, California. In 1993, Filiberto’s expanded its operations into Arizona when it opened its first Mexican fast food restaurant in Mesa. Currently, the Filiberto’s chain consists of 64 locations spanning three states (Arizona - 55, California - 4, and New Mexico - 5).

According to the liquor licensing and control divisions for each of the three States, there is no reported Filiberto’s location with a current or past liquor license of any type. For the past 25 years, the Filiberto’s chain has operated as a fast food restaurant or QSR (Quick Service Restaurant). The industry definition of a QSR includes businesses of limited seating and generally limited menus where the majority of food is packaged for take away. Examples of these types of businesses include McDonald’s, Burger King, Jack-in-the-Box, etc.

The applicants, Mr. Sibal and Mr. Patel, currently own 2 Filiberto’s locations in Phoenix and 1 in Prescott, each with pending liquor license applications. These applications are an individual initiative and not directly backed by the Filiberto’s Corporation. However, if they are successful, the Filiberto’s Corporation expects other franchise locations to apply for a liquor license as well.

The Filiberto’s company website identifies the chain as fast-food restaurants who service patrons 24 hours, 7 days a week for carry-out, dine-in, phone in, and drive-thru services. According to the applicants the majority of business is derived from drive-thru services. On average they typically serve approximately 375 customers a day, 70-80 percent of which is through the drive-thru window. After midnight, drive-thru sales increase to nearly 90 percent. Typically, during the slower hours of operation, the staff consists of 1 counter person and 1 cook. At busier times the maximum staff will consist of 2 counter people and 2 cooks. Amongst the numerous duties of the counter personnel which include sales, stocking, cleaning, etc. we now add liquor control and distribution.

In addition to their normal food sales, the applicants plan to sell $1.99 bottled beer and $1.99 margaritas from 10 a.m. to 2 a.m. Given the low price point of the suggested alcohol this raises concern as to the primary focus of the Filiberto’s
business plan. According to the applications submitted by the applicants/owners, neither person plans to be at any of the proposed locations to oversee their day to day operations – no less the service of alcohol. Furthermore, no manager has been identified to Arizona Department of Liquor Licenses and Control to run the business in their absence. This brings into question as to who will ensure all liquor laws are followed. In addition, given that the fast food industry experiences an average personnel turnover rate, which is 50 percent or more per year, there are concerns if the business can keep trained liquor personnel for any length of time. This is critical for a liquor establishment with a 24-hour operation, a maximum of 4 employees, and a drive-thru window. These are extra hurdles that not even a traditional restaurant may face without a 24-hour operation.

The proposed location is in close proximity to neighborhood schools. Currently it is patronized by minors absent a parent or guardian and it is assumed this activity will continue should a liquor license be granted. This creates a situation that minors will be present during the sales and consumption of alcohol and adds to the concerns of the control of alcohol.

This location also borders a community in transition. Historically, this community has experienced higher than average crime rates, as well as blight issues. In response to the community’s request for assistance, the City of Phoenix has invested heavily in efforts to reduce these negative conditions. For several years, the City has infused additional monies and manpower into the neighborhood to address these concerns through such programs as the “Starduster Fightback” with noticeable results.

The concept for a fast food restaurant to have a liquor license with minimal staff, no managerial supervision, and a 24/7 hour operation with drive-thru services could be detrimental to the efforts of the community fight back in a fragile neighborhood.

The issuance of a liquor license for this establishment would not be appropriate as it would not be in the best interest of the community and would not serve the public convenience.

This recommendation for disapproval is submitted by: Detective E. Breindl #6135

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<tr>
<td>Investigating Detective</td>
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<td>Liquor Enforcement Detail Supervisor</td>
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The Police Department recommends disapproval of this liquor license application for the following reasons:

The applicant has failed to make full financial disclosure:
Several attempts to interview the applicants have been canceled or disregarded. I made one last attempt to conduct interviews and they responded. The interviews were conducted and financial records were requested. However, the financial documents were not provided in a timely manner to be reviewed by this investigator.

Additional reasons for disapproval include:
The menu contains numerous low cost items that will make it difficult to maintain the 40 percent food requirement. Both applicants have indicated that the menu is going to be revamped to assist in making the state requirement, but I have not been provided with a copy of the menu, and there is no guarantee of when it will be implemented. The prices of the food being served would appear to make it very difficult to meet the 40 percent requirement for food sales.

Applicant Humberto was not truthful on his State application when asked if he had ever been fined by the State Liquor Department in the past. He failed to report several violations he received when he was working for Marisa’s Mexican Food.

Applicant Sara was not truthful on her State application when asked if she had ever been denied a liquor license. In 2007, she was denied a liquor license for a sports bar.

A review of records on file with the Phoenix Police Department reveals two disturbing reports calling into question reliability and capability of applicant, Humberto Contreras.

The first report, DR 2010-01336763, is dated September 21, 2010, and details how after Humberto had been drinking heavily and using cocaine he reported to the police that several Hispanic males had attempted to kidnap him at his house. During the investigation he provided the police with several stories including details about the number of assailants, physical descriptions, and weapons including an AK47, .40 Glock, a .380 automatic, and a .38 revolver. The story he provided changed several times.

Eventually Sara arrived on scene and related that Humberto had been acting “irrational and odd” the previous day, to the point that she hid the guns they owned from Humberto. Numerous officers were required to secure the house including
squads from the Special Assignments Unit. In the end, no suspects were discovered. Humberto’s friend was located in the house and he discounted everything Humberto had stated about the kidnapping attempt. Sara also discounted everything Humberto said saying she trusted Humberto’s friend and not her husband. Eventually, Humberto was transported to a medical facility for an examination. Officers on the scene described Humberto’s behavior as, “very nervous, irrational, hallucinating, seeing things that were not present, and seeing shadows.”

In the second report, DR 2011-1260125, dated July 24, 2011, Humberto had been drinking at a bar with some friends when he broke a pool stick. Management asked him to pay for the stick and leave. When he left the bar he was unable to locate his vehicle so he called the police. When we arrived he claimed it was stolen but a few phone calls revealed that the friends he had arrived with had already left, taking his vehicle with them. Officers offered to call a taxi and Humberto began acting very strangely. He stated there were people after him and that he was scared. He was constantly looking around in a paranoid manner, hiding behind things, and getting on the ground looking under the vehicles in the parking lot. He made irrational statements about needing to go to the police station and complete his “Information Reports.” When asked what that meant he stated, “I cannot disclose that information.” The officers called a taxi for Humberto but he refused to get in, so the officers returned to service. As officers attempted to leave the scene, Humberto ran in front of traffic on Indian School Road at 51st Avenue, causing all three lanes of traffic to stop to avoid hitting him. When ordered to get out of the roadway, he ran over to a patrol car and attempted to get inside. Humberto was eventually cited for Disorderly Conduct and released to his wife Sara. Eventually, Humberto pled guilty, no contest, and paid a $250 fine.

During interview with Humberto and Sara, they both stated these events and actions were related to financial stress and the overuse of alcohol. Another business venture was failing and investment properties were foreclosing. However, the actions described in these reports provide a serious basis for questioning Humberto’s ability to responsibly control a liquor license. In my training and experience as a Phoenix Police Officer, a person who is merely intoxicated may act belligerent, angry, combative, or lethargic; not paranoid, delusional, or have hallucinations. Furthermore, these events occurred recently. The most recent event occurred 7 months ago. The oldest event was only 16 months ago.

For the above mentioned reasons the applicant has failed to demonstrate the reliability, capability, and qualification to responsibly control a liquor license. For this reason, the Phoenix Police Department requests a recommendation of disapproval.

This recommendation for disapproval is submitted by: Detective S. Washburn #7786

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<td>Reviewing Detective</td>
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THE ISSUE

This report provides information on an appeal of the approval by the Historic Preservation Commission (HPC) of a Certificate of Appropriateness application for construction of a new addition to the home at 341 East Pasadena Avenue in the Windsor Square Historic District.

OTHER INFORMATION

On December 11, 2011, the City of Phoenix Historic Preservation Office (HP) received a Certificate of Appropriateness (COA) application for construction of a one-story rear addition and roof deck at 341 East Pasadena Avenue. A 15-year easement on the property for work funded with Historic Preservation Bond funds will expire in 2013.

On December 20, 2011, a public hearing was held by the HP Hearing Officer. The staff report recommended approval of the application, subject to stipulations. The property owners of 335 East Pasadena Avenue were in attendance, and spoke in opposition to the proposed plan.

The staff recommendation for approval of the COA was based upon the proposal’s adherence to the HPC’s General Design Guidelines for Historic Properties. The proposed addition would be distinct yet compatible with the historic home in massing, size, scale, and materials as prescribed in the General Design Guidelines for Historic Properties. The addition would have minimal visibility from the street and would not affect the property’s contributing status to the Windsor Square Historic District.

The HP Hearing Officer approved the COA, subject to modified staff stipulations. Neighbors from the adjacent house objected to the roof deck on the grounds of privacy. Roof decks are not addressed in the General Design Guidelines for Historic Properties and are not a prohibited use. To mitigate the privacy concerns of the adjacent neighbors and reduce the impact to areas of the applicant’s home that were repaired with Historic Preservation Bond funds, the following stipulations were made by the HP Hearing Officer:
1. That a 5-foot tall solid wall be constructed on the west side of the roof deck bringing the roof deck height of 14 feet from ground to brick cap.
2. That a gate be installed at the bottom of the roof deck staircase.
3. That the tiles from the to-be demolished portion of the rear patio roof be retained and utilized in the construction of the addition or retained for future repairs of the historic roof.
4. That the wood casement window that will be removed from the rear of the home be utilized in the construction of the addition.

On December 21, 2011, the HP Hearing Officer’s approval of the COA application with stipulations was appealed by the property owners at 335 East Pasadena Avenue on the grounds of privacy.

On January 23, 2012, the appeal was heard by the HPC. The HP Office received three letters in support of the applicant and one letter in opposition. The HPC upheld the decision of the HP Hearing Officer due to the proposed addition’s adherence to the General Design Guidelines for Historic Properties. The vote of the HPC was 5-0.

ALTERNATIVES

The City Council may uphold, modify, or reverse the decision of the Historic Preservation Commission.

RECOMMENDATION

It is recommended that the City Council uphold the decision of the Historic Preservation Hearing Officer and the Historic Preservation Commission by approving a Certificate of Appropriateness for the proposed construction.

Attachments
PHOENIX HISTORIC PRESERVATION OFFICER

Staff Report
Certificate of Appropriateness
341 E. Pasadena Ave. – Windsor Square Historic District
Case No. HP-402-11-4

Background
This is a Certificate of Appropriateness application scheduled for public hearing on December 20, 2011 to approve a single-story, 870 square foot rear addition with a 160 square foot roof deck. The application has been filed by Randi Bates, the property owner. The property is zoned R1-6 HP (Single-family Residential with the Historic Preservation overlay). A 15-year conservation easement (ER 19-98-8) for exterior rehabilitation funds will expire on July 13, 2013. The City of Phoenix provided funds to repair the roof while reusing the existing tiles, repair all wood windows, repair the front door and replace the rear patio French doors.

Previous Applications
A previous application (HP-96-98-4) for the above mentioned easement work is on file with the City of Phoenix Historic Preservation Office.

Property Description
The subject property consists of a residential lot measuring approximately 149′x67′ with a single family house and a historic detached shed at the rear of the lot. The Transitional Ranch style house was built in 1948 and is a contributor to the Windsor Square Historic District. See the attached Historic Property Inventory Forms for additional information.

Proposed Work
The applicant proposes the following work:

1. Construct an 870 square foot addition at the rear for a third bedroom, master bedroom and master bathroom
2. Addition will be located entirely behind the historic house;
3. Demolition of a roughly 7′ x 8′ portion of the rear patio roof on the historic home and relocation of gas meter and electrical service panel to allow for addition’s connection to the historic home;
4. Conversion of rear window opening to a ceiling-to-floor passageway into addition;
5. Addition to include a roughly 17′ x 9′ patio space with a pergola on the west side;
6. Construct a 160 square foot roof deck with staircase access at the rear of the proposed addition.
7. With the exception of the window removal/passageway conversion and the removal of a portion of the rear patio, there will be no changes to the historic home.

Findings
A conservation easement for an exterior rehabilitation grant is set to expire in 2013. Since the city partially funded repair of this roof in 1998, the demolition of a portion of the rear patio roof should be mitigated by retaining the roof tiles from the patio roof to be removed, and utilizing them for the roof on the proposed addition or for future repairs on the original house. Staff also recommends the removal and reuse of the rear window for one of the window openings on the proposed addition since the city partially funded repairs to this window in 1998. The replaced rear patio French doors and the repaired front door, both funded by the exterior rehabilitation grant, will not be affected by this project.

The overall visible light transmittance rating of 0.5 for the windows in the addition meet the Office’s guidelines. Staff has some concerns about the solar screens on the addition’s window; however, the only
potentially visible screened window will be located roughly 62’ from the front property line, and solar screens are reversible.

The proposed addition would start 60’ from the front property line while the roof deck will be located roughly 100’ from the front property line. Because of this, the new construction may have some visibility from the west side of the house, as seen in the architect’s rendering. The ridge height of the original home is 13’3” while the height of the proposed addition is 14’. According to the perspective line shown on the east elevation of the plans, the likelihood of viewing the addition from the sidewalk on the opposite side of the street is minimal. The addition, with its similar gable pitch, tile roof, side setback, and height, is compatible with the original house. The aluminum windows in the proposed addition will be oriented vertically and be single-hung, which is in keeping with the fenestration and function on the original home. The addition and roof deck, however, will be visible to the neighbors to the west of the subject property. The southern boundary of the property abuts the commercial properties that line Camelback Road. The property immediately to the south is a two-story office building.

The proposed addition will be distinguishable from the original house, yet compatible with the massing, size, scale, and architectural elements of the historic property. It will be constructed of stucco over wood framing and include aluminum windows, thus making it distinct from the original, painted brick house with wood single-hung and casement windows. The proposed new construction will meet the Office’s design guidelines for additions in historic districts.

**Recommendation**

Based on the findings above, staff recommends approval of this application subject to the following stipulations:

1. That a 24” box tree or a hedge that will grow to at least 14’ be planted on the west side of the addition roughly 7’ from its south end to minimize the visual impact of the roof deck; and
2. That the tiles from the to-be demolished portion of the rear patio roof be retained and utilized in the construction of the addition or retained for future repairs of the historic roof; and
3. That the wood casement window that will be removed from the rear of the home be utilized in the construction of the addition.

Subject to this stipulation the application is consistent with the Standards of Consideration for a Certificate of Appropriateness set forth in Section 812.D of the City of Phoenix Zoning Ordinance. A revised set of plans depicting the changes above should be submitted to Historic Preservation staff for review and approval prior to the issuance of the Certificate of Appropriateness.

Jodey Elsner, M.A.
Contract Historian

Attachments: Historic Property Inventory Forms
Photos
Architect’s rendering
HISTORIC PROPERTY INVENTORY FORM

IDENTIFICATION
NEIGHBORHOOD: Windsor Square
SUBDIVISION PLAT NUMBER: BL:8 L:7
ADDRESS: 341 E Pasadena
TAX PARCEL NUMBER: 162-19-124
OWNER: Randi Bates
341 E Pasadena, Phoenix AZ 85012
CONSTRUCTION DATE: 1948
STYLE: Transitional Ranch

DESCRIPTION
STORIES: 1
DIMENSIONS: L-0 W-0
FLOORPLAN/SHAPE: L-Shaped
ROOF TYPE: Low-pitched Gable
ROOF MATERIAL: Red Mission Tile
WINDOWS: Wood Casement
FOUNDATION: Concrete Slab-on-Grade
BUILDING MATERIALS: Brick
WALL SHEATHING: Painted Brick or block
PORCHES: Corner Entry
ORNAMENTATION: Brick Chimney Exposed Rafters
CARPORT/GARAGE: Original porte-cochere, same style

SIGNIFICANCE
ORIGINAL OWNER:
OCCUPATION:
ARCHITECT:
BUILDER:
NEWSPAPER REFERENCE:
CONTEXT:
Influence of Federal funding programs on architectural styles in Phoenix, 1934-1950

STATUS (National Register only)
Contributor

INTEGRITY
Intact
Average condition

PHOTOGRAPH
PHOTOGRAPHER: J. Groff
DATE: 10/01/95
NEGATIVE #: 
STATE OF ARIZONA

HISTORIC PROPERTY INVENTORY FORM

Please type or print clearly. Fill out each applicable space accurately and with as much information as is known about the property. Continuation sheets may be attached if necessary. Send completed form to: State Historic Preservation Office, 1300 W. Washington, Phoenix, AZ 85007.

PROPERTY IDENTIFICATION
For Properties identified through survey: Site No. 244 Survey Area ________________________________

Historic Name(s): WINDSOR SQUARE
(Enter the name(s), if any, that best reflects the property's historic importance.)

Address 341 E. PASADENA

City or Town PHOENIX ________ □ vicinity County MARICOPA Tax Parcel No. 16 - 19 - 124

Township ______ Range ______ Section ________ Quarters __________________________ Acreage ____________

Block ______ Lot(s) ______ Plat (Addition) __________________________ Year of plat (addition) ________

UTM reference: Zone _____ Easting __________ Northing __________

USGS 7.5' quadrangle map: ________________________________

ARCHITECT ____________________________ □ not determined □ known Source ____________________________

BUILDER ______________________________ □ not determined □ known Source ____________________________

CONSTRUCTION DATE 1948 □ known □ estimated Source ____________________________

STRUCTURAL CONDITION
□ Good (well maintained; no serious problems apparent)

✓ Fair (some problems apparent) Describe: ____________________________

□ Poor (major problems; imminent threat) Describe: ____________________________

□ Ruin/Uninhabitable

USES/FUNCTIONS
Describe how the property has been used over time, beginning with the original use.

SINGLE FAMILY ____________________________

Sources ARIZONA REPUBLIC
______________________________

PHOTO INFORMATION
Date of photo ________________________

View Direction (looking towards) ____________________________

Negative No. ________________________
SIGNIFICANCE
To be eligible for the National Register, a property must represent an important part of the history or architecture of an area. The significance of a property is evaluated within its historic context, which are those patterns, themes, or trends in history by which a property occurred or gained importance. Describe the historic and architectural contexts of the property that may make it worthy of preservation. Additional sheets should be attached where necessary.

A. HISTORIC EVENTS/TRENDS. Describe any historic events/trends associated with the property INFLUENCE OF FEDERAL FUNDING PROGRAMS ON ARCHITECTURAL STYLES IN PHOENIX, 1934-1950

B. PERSONS. List and describe persons with an important association with the building

C. ARCHITECTURE. Style TRANSITIONAL RANCH ☐ no style

Stories 1 ☐ Basement Roof form LOW-PITCHED GABLE

Describe other character-defining features of its massing, size, and scale

INTEGRITY
To be eligible for the National Register, a property must have integrity, i.e., it must be able to visually convey its importance. The outline below lists some important aspects of integrity. Fill in the blanks with as detailed a description of the property as possible.

LOCATION. ☑ Original site ☐ Moved: date ________ original site ________

DESIGN. Describe alterations from the original design, including dates L-SHAPED FLOOR PLAN, CORNER ENTRY, ORIGINAL PORCH-COCHERE

MATERIALS. Describe the materials used in the following elements of the property.

Walls (structure) BRICK Walls (sheathing) PAINTED BRICK OR BLOCK

Windows WOOD Describe window structure WOOD CASEMENT

Roof RED MISSION TILE Foundation CONCRETE SLAB ON GRADE

SETTING. Describe the natural and/or built environment around the property SHRUBS, TREES

How has the environment changed since the property was constructed? INTEGRITY INTACT

WORKMANSHIP. Describe the distinctive elements, if any, of craftsmanship or method of construction BRICK CHIMNEY, EXPOSED RAFTERS

NATIONAL REGISTER STATUS. (if listed, check the appropriate box)

☑ Individually Listed; ☐ Contributor ☐ Noncontributor to Historic District

Date Listed ________ ☐ Determined eligible by Keeper of National Register (date ________)

RECOMMENDATIONS ON NATIONAL REGISTER ELIGIBILITY (opinion of SHPO staff or survey consultant)

Property ☐ is ☐ is not eligible individually.

Property ☐ is ☐ is not eligible as a contributor to a listed or potential historic district.

☐ More information needed to evaluate.

If not considered eligible, state reason:

FORM COMPLETED BY

Name and Affiliation: RICK FRICKSON, WINDSOR SQUARE TREASURER Date: 08-25-97

Mailing Address: 30 S. ORANGE DRIVE, PHOENIX, AZ 85012 Phone #: 271-7740
View facing south – front façade

View facing south/southwest – front façade, including a portion of 345 E. Pasadena Ave. at left

View facing south/southeast – front façade, including a portion of 335 E. Pasadena Ave. at right

View facing northeast – rear façade
<table>
<thead>
<tr>
<th>View facing southwest of back yard and original shed</th>
<th>View facing north/northeast from parking lot of 344 (352) E. Camelback Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>View facing north/northeast from Camelback Road in front of 344 (352) E. Camelback Road</td>
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NOTICE OF PUBLIC MEETING
HISTORIC PRESERVATION COMMISSION

Draft Minutes

Date: January 23, 2012
Time: 4:30 p.m.
Location: Adams Street Training Center, 304 W. Adams Street, Phoenix, AZ

Commission Members Present
Margy Parisella, Chair
Tom Chapman, Vice Chair
Tom Jones
Bill Scheel
Michael Wilson

Staff Present
Michelle Dodds
Jodey Elsner
Erika Finbraaten
Mary Montoya
Kevin Weight
Liz Wilson

Commission Members Absent
Mark Briggs
Raleigh Dombek
Mario Romero

APPEAL OF HEARING OFFICER DECISION ON A CERTIFICATE OF APPROPRIATENESS APPLICATION

Application No. HP402-11-4, 341 E. Pasadena Avenue, Windsor Square Historic District.

Action Requested: Action to Uphold, Reverse or Modify the Decision of the Historic Preservation Hearing Officer.

Ms. Dodds explained the procedures for Certificate of Appropriateness (COA) hearings and the appeal process. An appeal form was also made available.

Ms. Elsner presented a PowerPoint presentation on the COA appeal hearing for 341 E. Pasadena which contained the proposed scope of work. Ms. Elsner reported that nothing is stated in the guidelines prohibiting roof decks as long as they meet other principals of the guidelines. Ms. Elsner explained how the proposed project met the design guidelines and reviewed the decision and stipulations from the Historic Preservation Hearing Officer.

Ms. Elsner reported receiving three letters in support and one letter in opposition of the project from neighbors.

Appellant
Ray Martinez, 335 E. Pasadena, stated he is not opposed to the construction of the addition but does oppose of the proposed roof deck. Mr. Martinez stated it will directly impact his
property and privacy since the deck will have direct visibility into his back yard. Mr. Martinez stated he is concerned about the applicant’s dogs having access to the roof deck and also what type of furniture the applicant will purchase for the roof deck. Mr. Martinez stated he feels he has no control if the deck is permitted.

Mr. Martinez reported that neighbors aligned along Camelback whose homes face north, have added gates to view parades and stated that the applicant’s proposed wall would block those views.

Chair Parisella asked Mr. Martinez if he attended the previous COA hearing for this project and if a compromise was reached. Mr. Martinez replied he did attend but a compromise had not been reached.

Joseph Tremaine, 335 E. Pasadena, stated he obtained 52 signatures from neighbors opposing the proposed roof deck. Mr. Tremaine stated if the roof deck is approved, he will no longer have privacy.

Applicant
Randi Bates, 341 E. Pasadena, applicant, stated she has no intention of invading her neighbors’ privacy or harassing them. Ms. Bates stated she has followed all the guidelines and has followed the suggestions of Historic Preservation staff.

Support
James Faith, 345 E. Pasadena, stated that he is neighbors with the applicant and has never had any privacy issues.

Shelly Smith, 324 E. Pasadena, stated if privacy is an issue, neighbors should plant more foliage.

Linda Pollock, 320 E. Pasadena, reported on behalf of the Windsor Square Board of Directors, they respect the role of the HP staff and it’s careful review of all plans for COA’s in terms of their consistency with the design guidelines as well as the public process that is afforded to homeowners and also supports the decision of the staff for this project.

Lee Sanderson, 1110 E. Missouri, explained that he is the architect for this project. Mr. Sanderson stated the applicant has done an incredible job with respecting the historic neighborhood and keeping in scale with the plans. Mr. Sanderson stated that the applicant has no intention of infringing on anyone’s privacy by building a roof deck. It is appropriate according the guidelines and any privacy issues are being addressed.

Rebuttal
Mr. Martinez responded that there is only one other home with a roof deck in the neighborhood. Mr. Martinez stated that most people will not purchase a home with a roof deck next door and the proposed project will only cause devaluation of his property. Mr. Tremaine added that their home will become a fishbowl at night.
Mr. Scheel asked if HP staff reviewed the current aerial maps. Ms. Elsner replied yes.

Vice Chair Chapman said he thought the stipulated five foot wall was the best compromise.

Mr. Scheel asked if the proposed roof deck is addressed in the ordinance. Ms. Dodds replied there is no prohibition against the use.

**MOTION:** Mr. Scheel moved to uphold the decision of the Historic Preservation Hearing Officer, seconded by Vice Chair Chapman.

**VOTE:** 4-0 (Dr. Wilson abstained)

Chair Parisella asked Ms. Margaret Wilson if there is an issue with the vote. Ms. Wilson replied yes since the quorum has been destroyed unless there was a conflict, then Dr. Wilson would have to state the conflict. Dr. Wilson stated he did not have a conflict but had reservations since he disliked the idea of a roof deck and changed his vote.

**MOTION:** Chair Parisella re-introduced the motion to uphold the decision of the Historic Preservation Hearing Officer

**VOTE:** 5-0

Mr. Martinez asked if the signatures obtained were of importance in determining any decisions. Chair Parisella stated the vote has already been made to uphold the decision but anyone has the option to appeal.
CITY OF PHOENIX
PLANNING & DEVELOPMENT DEPARTMENT
HISTORIC PRESERVATION OFFICE

GENERAL DESIGN GUIDELINES FOR HISTORIC PROPERTIES

200 WEST WASHINGTON STREET, 3rd FLOOR
PHOENIX, AZ 85003-1611

602-261-8699
phoenix.gov/HISTORIC
Exterior materials should match or be compatible with the surface materials of the historic building. Compatibility is achieved by maintaining the spectrum of materials historically present, corresponding to the pattern of the unit size of the materials (i.e., bricks, blocks, siding, shingles) of the historic structure or continuing the visual and tactile texture exhibited by the historic materials.

Projecting elements, such as dormers, porches or bays, should be similar in location, size, shape and type to those found on the historic buildings or in its vicinity in a historic district.

**APPROPRIATE ADDITIONS**

*Conversion of attic space to living area with the addition of appropriately scaled dormers.*

*Subordinate rear addition using similar shape, window proportions and roof form.*

*Two-story addition remains subordinate due to location, size and use of similar roof form.*

*Addition of porte cochere or carport using similar roof form, scale and architectural features.*

*Subordinate addition using similar shape, proportions, roof form and architectural features is distinguished from original by construction off-set where the two structures join.*
VIEW LOOKING WEST - SEATED (4'-0" EYELINE)

ORIGINAL PARAPET LOCATION

EXISTING RESIDENCE BEYOND
VIEW LOOKING WEST - STANDING (5'-6" EYELINE)

ORIGINAL PARAPET LOCATION

EXISTING RESIDENCE BEYOND
December 21, 2011

Planning & Development Services
Historic Preservation Office
200 West Washington Street, 3rd Floor
C/o: Jodey Elsner, M.A., Contract Historian

Re: Case #HP402-11-4

Dear Ms. Elsner:

We the home owners Joe Tremaine and Ray Martinez, located at 335 East Pasadena Avenue, Phoenix, AZ 85012 are requesting to appeal the decision on December 20, 2011. As the west next door neighbor to the said property at 341 East Pasadena are opposed to Ms. Randi Bates construction of a “160 square foot roof deck with staircase access at the rear of the proposed addition.”

We feel this is “a direct invasion of our privacy and companionship as an alternative living couple.” While on travel, Ms. Bates allows for certain neighbors, friends and family to watch over her home. If permitted they too will have access to come and go, and without the homeowners assurance and non-control will too invade our privacy. We have pets, which in the past have been taunted and disrupted.

Per the attached aerial site map, the red line (*1), the proposed sun deck would give direct access into our home (*they are clear glass Morgan doors and windows into our family room, a direct view into our existing home structure, yard and swimming pool.) This would also cause a safety concern Ms. Bates foster children who will have access and curiosity, wanting to look into our backyard and swimming pool. Her wanting to see a Parade is of minimal viewing and an excuse to harass us. Also, are obstructions from an existing second story commercial building, oleanders, telephone poles and commercial signage. (Truly, a recommendation for Ms. Bates would be to install a back gate for access onto camelback in order to see a parade, as many other neighbors do who are currently living in single story homes.) An at night she would have clear view of our home surroundings.

We are not opposed to Ms. Bates home addition, just her sun deck. Truly, we feel this is an invasion of our right to privacy, and would depreciate the value of our home and property value.

Should you have any additional questions or concerns, feel free to contact Ray Martinez (602) 540-8703 or Joe Tremaine (602) 540-8701.

Sincerely,

Ray Martinez
335 East Pasadena Avenue
Phoenix, Arizona 85012

Joe Tremaine
335 East Pasadena Avenue
Phoenix, Arizona 85012
View facing southwest of back yard and original shed

View facing north/northeast from parking lot of 344 (352) E. Camelback Road

View facing north/northeast from Camelback Road in front of 344 (352) E. Camelback Road

Second story Commercial Bld.

This is a view of a parade.
# Petition to Prevent Home Addition of Sundeck

**Petition summary and background:**
Windsor Square Resident Randi Bates Certificate of Appropriateness, 341 E. Pasadena Avenue, Phoenix, AZ 85012.
Windsor Square Historic District, Reference Case #HP-402-11-4.

**Action petitioned for:**
We, the undersigned, are concerned residents and neighbors of Windsor Square oppose the home addition of 160 square foot sun deck with staircase access at the rear of property. If permitted, the sun deck would allow for direct view into the residential home and backyard of Ray Martinez and Joe Tremaine of 335 East Pasadena Avenue. We urge the hearing officers to take into account the **RIGHT TO PRIVACY AND DEPRECIATION IN HOME VALUE.**

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature</th>
<th>Address</th>
<th>Comment</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Ray Martinez</td>
<td>Ray Martinez</td>
<td>335 E. Pasadena Ave, Phoenix, AZ</td>
<td>Right to Privacy &amp; Depr. of Home Value</td>
<td>1/11/12</td>
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<tr>
<td>Joe Tremaine</td>
<td>Joe Tremaine</td>
<td>335 E. Pasadena Ave, Phoenix, AZ</td>
<td>Privacy Depreciation of Home Value</td>
<td>1/11/12</td>
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<td>Don Koonce</td>
<td>Don Koonce</td>
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<td>Steve Dall</td>
<td>Steve Dall</td>
<td>5031 N 6th St, Phoenix, AZ</td>
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<tr>
<td>Steve Dall</td>
<td>Steve Dall</td>
<td>516 E Medlock Dr, Phoenix, AZ</td>
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<tr>
<td>Suzanne Dobbs</td>
<td>Suzanne Dobbs</td>
<td>346 E Medlock Dr, Phoenix, AZ</td>
<td>Save the privacy for Mr. &amp; Mrs. Johnson</td>
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<tr>
<td>Jim Butts</td>
<td>Jim Butts</td>
<td>337 E. Medlock Dr, Phoenix, AZ</td>
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<td>Kathleen Butts</td>
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<td>Chris Becker</td>
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<td>Maria Thompson</td>
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<tr>
<td>Anthony Ashton</td>
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<td>3174 E. Profess</td>
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<td>315 E. Molecules</td>
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</table>

Petition to Prevent Home Addition of Sundecks

Petions submitted for Windsor Square and the residential area surrounding the subject property. The supporters are concerned about the negative impact of the proposed additions on the character of the neighborhood. The petitioners request that the Planning Commission deny the permit application submitted by the property owner. The petitioners further request that the Planning Commission deny the permit application submitted by the property owner.
I would like to have my name removed from Joe Teremaine's petition against Randi Bates's project.

I was not told that Randi Bate's plan had gone through the process of review and recommendation and had been approved by the Historic Preservation Office.

I think as a designated historical neighborhood, support of the Historic Preservation's decisions should be recognized and supported.

Sarah Schantz
Windsor Square Resident
February 5, 2012

Re: Proposed Modifications to Residence at 341 E. Pasadena Ave.

To the Honorable Members of the Phoenix City Council:

We have lived at 225 E. Pasadena Ave. in the Windsor Square Historic Preservation District since 1994. Over the years, we have had numerous occasions to work with the City's Historic Preservation Office on matters, ranging from historic status designation to new construction on vacant lots opposite our residence in the neighborhood. We have been well served by the Historic Preservation Office.

We, therefore, would like to express our continued support for the City's Historic Preservation Office, its hearing process, and decisions.

Sincerely,

Bernie Gellner

David Beckner
February 8, 2012

Robert and Shelly Dunlop
324 E. Pasadena Avenue
Phoenix, AZ 85012

To the Historical Preservation Office:

As 14 year residents of Windsor Square, we strongly support the decision of the Historic Preservation Office on the case HP402-11-4.

Historical designation of Windsor Square was a contributing factor in purchasing our home and recognizing the benefit of historical review is important. During our time in Windsor Square, we have witnessed many remodels and upgrades to homes that have benefited from the review and guidance of the office and we greatly trust their process.

As neighbors of Randi Bates, we appreciate the open manner in which she has conducted the pending remodel plans and her commitment to the process of review with the Historical Preservation Office.

Sincerely,

[Signatures]

Robert Dunlop  Shelly Dunlop
9 February 2012

The Honorable Greg Stanton, Mayor of Phoenix and Members of the City Council

Re: Bates HP Appeal, HP402-11-4
   314 E. Pasadena, Phoenix AZ
   Windsor Square Historic District

This letter is written in support of homeowner Ms. Randi Bates and the unanimous decision of the Historic Preservation Commission to uphold the decision of the HP Hearing Officer to grant a Certificate of Appropriateness for Ms. Bates' residential remodel.

I am a former member (1999-2005) of the Phoenix Historic Commission and Ms. Bates' neighbor. I have carefully reviewed the plans submitted by Ms. Bates to the Historic Preservation Office, and concur that the plans are consistent with the City's HP design guidelines. The addition, including the roof deck, is also consistent with the character-defining features of the pre- and post-WWII ranch homes of Windsor Square, and will not be visible from the street.

The roof deck which is the subject of the appeal is modest in scale (allows seating for only four persons). The HP Hearing Officer added a stipulation to increase the height of the roof deck wall to five feet to protect neighbors' privacy. Ms. Bates without hesitation had the plans revised accordingly. With the higher wall, the only view available looking westward will be the skyline.

Thank you for your consideration.

Sincerely,

Linda Pollock
TO: Lisa Takata  
Executive Assistant to the City Manager

FROM: Cris Meyer  
City Clerk


This report provides advance notice of liquor license applications that were received by the City Clerk during the period of Wednesday, February 15, 2012 through Tuesday, February 21, 2012.

INFORMATION

The liquor license application process includes the posting of a public notice of the application at the proposed location for twenty days and the distribution of an application copy or a copy of this report to the following departments for their review: Finance, Planning and Development, Police, Fire, and Street Transportation. Additionally, License Services mails a notice to all registered neighborhood organizations within a one-mile radius of each proposed business location (excluding Special Events).

Additional information on the items listed below is generally not available until the twenty-day posting/review period has expired.

LIQUOR LICENSE APPLICATIONS

<table>
<thead>
<tr>
<th>Application Type Legend</th>
<th>Liquor License Series Definitions</th>
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</thead>
<tbody>
<tr>
<td>O- Ownership</td>
<td>*7 On sale-beer &amp; wine</td>
</tr>
<tr>
<td>L- Location</td>
<td>8 Conveyance license-sale of all liquor on board planes &amp; trains</td>
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<tr>
<td>N- New</td>
<td>9 Off sale liquor</td>
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<tr>
<td>OL- Ownership &amp; Location</td>
<td>9S Sampling Privileges</td>
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<tr>
<td>AOC- Acquisition of Control</td>
<td>10 Off sale-beer &amp; wine</td>
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<tr>
<td>SE- Special Event</td>
<td>10S Sampling Privileges</td>
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<tr>
<td>1 In State Producer</td>
<td>11 Hotel/Motel-all liquor on premises</td>
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<tr>
<td>3 Microbrewery</td>
<td>12 Restaurant-all liquor on premises</td>
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<tr>
<td>4 Wholesaler</td>
<td>14 Clubs-all liquor on premises</td>
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<tr>
<td>5 Government</td>
<td>15 Special Event</td>
</tr>
<tr>
<td>*6 On sale-all liquor</td>
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</tbody>
</table>

*On-sale retailer means any person operating an establishment where spirituous liquors are sold in the original container for consumption on or off the premises and in individual portions for consumption on the premises.
<table>
<thead>
<tr>
<th>App.</th>
<th>Dist. Type</th>
<th>Agent/Owner Name</th>
<th>Business Name/Address</th>
<th>Phone</th>
<th>Lic. Type</th>
<th>Approx. Protest End Date</th>
<th>Within 2,000 Feet of Light Rail</th>
<th>Proposed Agenda Date</th>
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<tbody>
<tr>
<td>1 N</td>
<td></td>
<td>Kamleshkumar Patel, Agent</td>
<td>Madras Chettinaad Palace</td>
<td>602-465-5728</td>
<td>12</td>
<td>3/9/12</td>
<td>No</td>
<td>4/4/12</td>
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<td></td>
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<td>Kevin Kelly, Agent</td>
<td>The Olive Garden Italian Restaurant</td>
<td>407-245-5316</td>
<td>12</td>
<td>3/13/12</td>
<td>No</td>
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<tr>
<td>5 N</td>
<td></td>
<td>Armando Magallon, Agent</td>
<td>Precision Warehouse &amp; Distribution</td>
<td>480-220-9076</td>
<td>4</td>
<td>3/9/12</td>
<td>No</td>
<td>4/4/12</td>
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<tr>
<td></td>
<td></td>
<td>Roger Schwierjohn</td>
<td>Habitat for Humanity Central Arizona</td>
<td>623-979-8299</td>
<td>15</td>
<td>N/A</td>
<td>N/A</td>
<td>*3/24/12</td>
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<tr>
<td>7 SE</td>
<td></td>
<td>Suzanne Fessler</td>
<td>St. Mary's Roman Catholic High School</td>
<td>602-251-2511</td>
<td>15</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>8 SE</td>
<td></td>
<td>Dana Johnson</td>
<td>Alwun House Foundation</td>
<td>602-253-7967</td>
<td>15</td>
<td>N/A</td>
<td>N/A</td>
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<td>8 SE</td>
<td></td>
<td>Sandra Ernst</td>
<td>Delta Dental Plan of Arizona</td>
<td>480-213-0128</td>
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<td>N/A</td>
<td>N/A</td>
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<tr>
<td>8 SE</td>
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<td>Holly Rose</td>
<td>Live and Give Foundation, Inc.</td>
<td>602-354-2930</td>
<td>15</td>
<td>N/A</td>
<td>N/A</td>
<td>4/4/12</td>
</tr>
<tr>
<td>Dist. Type</td>
<td>Agent/Owner Name</td>
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<tr>
<td>8 SE</td>
<td>James Crawford</td>
<td>Phoenix Blues Society</td>
<td></td>
<td>15</td>
<td>N/A</td>
<td>N/A</td>
<td>*3/10/12</td>
<td></td>
</tr>
</tbody>
</table>

(3/10/12)
1202 North 3rd Street
602-516-8870

*Event Date – Application not received in time for Council review.

For further information regarding any of the above applications, please contact the City Clerk Department, License Services Section, at 602-262-6018.

**RECOMMENDATION**

This report is provided for information only. No City Council action is required.
This report provides the City Council an update regarding the automation of Callback and implementation of CopLogic, an online police reporting process. The Public Safety, Veterans, Transparency, and Ethics Subcommittee has been directing the policy changes necessary to implement online reporting.

THE ISSUE

Studies were conducted by the Professional Standards Bureau, and City Innovation and Efficiency Task Force. The recommendation to automate low priority reporting was made. This was adopted by the Public Safety and Veterans Subcommittee on October 5, 2010. It was determined a viable, cost effective solution to automate Callback was present in an internet based reporting program. CopLogic was selected through the competitive bid process.

The Callback function, consisting mainly of part-time employees and full-time sworn supervision, had an annual expense of over $1 million. CopLogic was a $70,000 initial expense with a $25,000 annual expense. Callback was to be phased out once the online system was viable.

CopLogic offers citizens the ability to submit low priority police reports anytime, interface with new and existing records systems, manual record entry, and stand alone records retention. The application also allows agency review prior to report finalization, provides online reports and report numbers, and allows for supplements, including the ability to enter serial numbers for direct cross checks with current databases.

OTHER INFORMATION

During January 2012, the CopLogic system was launched on a limited trial basis. Currently, residents calling Crime Stop with a request to file a low priority police report are provided the option of filing that report through the internet based system. Over 500 reports have been filed “online” in the past four weeks.
Two light duty police officers are assigned to review each call and finalize the reports. The reports are then sent directly into the Department’s records management system. Detectives in various police units are already handling the calls and have commented favorably on the quality of the reports.

Currently, the following types of reports can be made online: credit card fraud, ID theft, loss property, criminal damage, burglary from vehicle, theft (various types), theft of bicycle, and crime supplements. Plans to expand these 11 types of reports currently allowed online are already beginning. Future reporting may include nuisance and harassing phone calls. In addition, this system allows for multiple language applications, and Spanish translation is underway.

On February 27, 2012, the City will launch a media campaign to generate awareness of this new process to file online police reports. The City will add a link to the City of Phoenix web-page E-Services section for anyone to access the online reporting system. Ongoing updates will be given to the Public Safety, Veterans, Transparency, and Ethics Subcommittee.

**RECOMMENDATION**

This report is for information only. No City Council action is required.