

February 5, 2014

The Phoenix City Council convened in formal session on Wednesday, February 5, 2014, at 3:19 p.m. in the Council Chambers.

INVOCATION

The invocation was given by Minister Manny Medrano, Apostolic Assembly of Central Phoenix.

PLEDGE

The Pledge of Allegiance to the Flag was led by Vice Mayor Bill Gates.

ROLL CALL

Present: Council Members Sal DiCiccio, Kate Gallego, *Michael Nowakowski, *Laura Pastor, Daniel Valenzuela, Jim Waring, Vice Mayor Bill Gates, and Mayor Greg Stanton

Absent: Council Member Thelda Williams

Also

Present: Acting City Manager Ed Zuercher, Acting City Attorney Daniel L. Brown, City Clerk Cris Meyer, Acting Planning and Development Director Alan Stephenson, Deputy Finance Director James Scarboro, Deputy Human Resources Director Mary Kyle, Management Assistant II Denise Archibald, and Detective Eric Breindl

*Ms. Pastor joined the voting body following the approval of minutes. Mr. Nowakowski left the meeting during testimony on Item 27.

MINUTES OF MEETINGS

The minutes of this meeting were submitted to Ms. Pastor for review.

Mr. Valenzuela found the minutes of the special meeting of January 2, 2014, to be in order and **MOVED** their approval. This was **SECONDED** by Mr. Gates. **MOTION CARRIED UNANIMOUSLY.**

February 5, 2014

Ms. Pastor joined the voting body.

Mayor Stanton acknowledged the presence of Ms. Judy Holm, a Spanish interpreter. In Spanish, Ms. Holm announced her availability to the audience.

BOARDS AND COMMISSIONS

MOTION was made by Mr. Gates, **SECONDED** by Mr. Nowakowski, to approve the following appointment as submitted by Mayor Stanton:

Human Relations Commission

- appoint Jeffrey Brodin, for a term to expire June 30, 2016

MOTION CARRIED UNANIMOUSLY.

Mayor Stanton administered the oath of office to Mr. Jeffrey Brodin, Human Relations Commission. Mr. Brodin was invited to approach the dais so the Council could extend their appreciation.

An affidavit was presented to the Council by the City Clerk stating that 24 hours prior to the Council meeting, copies of the titles of Ordinances G-5883 through G-5893, S-40555 through S-40567, and Resolution 21196 were available in the office of the City Clerk and therefore, the ordinances and resolutions could be read by title or agenda item only, pursuant to the 1969 Code as amended.

LIQUOR LICENSE APPLICATIONS

MOTION was made by Mr. Gates, **SECONDED** by Mr. DiCiccio, that Items 1 through 17 be recommended for approval. **MOTION CARRIED UNANIMOUSLY.**

The following individuals submitted speaker comment cards in favor and did not wish to speak:

Ms. Kristin Jackson – Applicant, Item 10

Mr. John Coll – Applicant, Item 14

February 5, 2014

ITEM 1

DISTRICT 1

**LIQUOR LICENSE
APPLICATION - APPLEBEE'S
NEIGHBORHOOD GRILL &
BAR**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079748.

Applicant: Andrea Lewkowitz, Agent
Applebee's Neighborhood Grill & Bar
2501 West Happy Valley Road, #48

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and was currently operating with an interim permit. The operation plan filed with the application showed that the restaurant area seated 152 and the bar area seated 17.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- I have the capability, reliability, and qualifications to hold a liquor license because: "Applicant is committed to the responsible sale of alcoholic beverages under Arizona liquor laws. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their guests."

Staff Recommendation

Staff recommended approval of this application.

February 5, 2014

ITEM 2

DISTRICT 1

**LIQUOR LICENSE
APPLICATION - APPLEBEE'S
NEIGHBORHOOD GRILL &
BAR**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079752.

Applicant: Andrea Lewkowitz, Agent
Applebee's Neighborhood Grill & Bar
2720 West Bell Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and was currently operating with an interim permit. The operation plan filed with the application showed that the restaurant area seated 175 and the bar area seated 18.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- I have the capability, reliability, and qualifications to hold a liquor license because: "Applicant is committed to the responsible sale of alcoholic beverages under Arizona liquor laws. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their guests."

Staff Recommendation

Staff recommended approval of this application.

February 5, 2014

ITEM 3

DISTRICT 1

**LIQUOR LICENSE
APPLICATION - DANNY'S
HAPPY VALLEY**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-2. Arizona State Application 10075096.

Applicant: Danielle Jabalera, Agent
Danny's Happy Valley
2501 West Happy Valley Road, #43

The following information was submitted for Council consideration of this application:

Application Description

This request was for an acquisition of control of a Series 10 liquor license for a convenience store that sold gas. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- I have the capability, reliability, and qualifications to hold a liquor license because: "this location has held a liquor license with no compliance actions."

Staff Recommendation

Staff recommended approval of this application.

If denied, the applicant would not continue operations without a liquor license and the previous owner would resume ownership.

February 5, 2014

ITEM 4 **DISTRICT 2** **LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - THE ARIZONA
LODGING & TOURISM
ASSOCIATION**

The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
2	Debbie Johnson The Arizona Lodging & Tourism Association 1240 East Missouri Avenue (Dinner/Silent Auction)	<u>Event Location:</u> 6902 East Greenway Parkway <u>Day/Date/Time:</u> Wednesday, February 12, 2014 5:00 p.m. to 8:30 p.m. <u>Total Expected Attendance:</u> 500

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 5 **DISTRICT 2** **LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - THE LPGA
FOUNDATION, INC.**

The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

February 5, 2014

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
2	Chris Garrett The LPGA Foundation, Inc. 100 International Golf Drive (Professional Golf Event)	<u>Event Location:</u> 5350 East Marriott Drive <u>Day/Date/Time:</u> Tuesday, March 18, 2014 7:00 a.m. to 5:00 p.m. <u>Total Expected Attendance:</u> 6,500 <u>Day/Date/Time:</u> Wednesday, March 19, 2014 7:00 a.m. to 7:00 p.m. <u>Total Expected Attendance:</u> 7,000 <u>Day/Date/Time:</u> Thursday, March 20, 2014 7:00 a.m. to 7:00 p.m. <u>Total Expected Attendance:</u> 16,750 <u>Day/Date/Time:</u> Friday, March 21, 2014 7:00 a.m. to 7:00 p.m. <u>Total Expected Attendance:</u> 23,500 <u>Day/Date/Time:</u> Saturday, March 22, 2014 7:00 a.m. to 7:00 p.m. <u>Total Expected Attendance:</u> 28,000 <u>Day/Date/Time:</u> Sunday, March 23, 2014 7:00 a.m. to 7:00 p.m. <u>Total Expected Attendance:</u> 29,500

February 5, 2014

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 6

DISTRICT 2

**LIQUOR LICENSE
APPLICATION - DANNY'S
GOURMET MARKET**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-2. Arizona State Application 10074321.

Applicant: Danielle Jabalera, Agent
Danny's Gourmet Market
21001 North Tatum Boulevard, Suite 84

The following information was submitted for Council consideration of this application:

Application Description

This request was for an acquisition of control of a Series 10 liquor license for a convenience store that sold gas. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- I have the capability, reliability, and qualifications to hold a liquor license because: "This location has held a liquor license with no compliance actions."

February 5, 2014

Staff Recommendation

Staff recommended approval of this application, noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

If denied, the applicant would not continue operations without a liquor license and the previous owner would resume ownership.

ITEM 7

DISTRICT 3

**LIQUOR LICENSE
APPLICATION - DANNY'S
FAMILY CAROUSEL / TEXACO
STAR MART**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned PCD. Arizona State Application 10073129.

Applicant: Danielle Jabalera, Agent
Danny's Family Carousel / Texaco Star Mart
12020 North Tatum Boulevard

The following information was submitted for Council consideration of this application:

Application Description

This request was for an acquisition of control of a Series 10 liquor license for a convenience store that sold gas. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- I have the capability, reliability, and qualifications to hold a liquor license because: "this location has held a liquor license with no compliance actions."

February 5, 2014

Staff Recommendation

Staff recommended approval of this application.

If denied, the applicant would not continue operations without a liquor license and the previous owner would resume ownership.

ITEM 8 **DISTRICT 4** **LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ARIZONA CRAFT
BREWERS GUILD, INC.**

The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
4	Robert Fullmer Arizona Craft Brewers Guild, Inc. 701 East Alameda Drive (Beer Festival/Live Music)	<u>Event Location:</u> 300 East Indian School Road <u>Day/Date/Time:</u> Saturday, February 15, 2014 12 noon to 5:00 p.m. <u>Total Expected Attendance:</u> 4,000

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 9 **DISTRICT 4** **LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - BOURGADE ROMAN
CATHOLIC HIGH SCHOOL
PHOENIX**

The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

February 5, 2014

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
4	Joann Siebenman Bourgade Roman Catholic High School Phoenix 1009 West Claremont Street (Dance/Auction)	<u>Event Location:</u> 4602 North 31st Avenue <u>Day/Date/Time:</u> Saturday, March 8, 2014 6:00 p.m. to 11:30 p.m. <u>Total Expected Attendance:</u> 250

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 10

DISTRICT 4

**LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - THE JUNIOR LEAGUE
OF PHOENIX, INCORPORATED**

The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
4	Erika Miller The Junior League of Phoenix, Incorporated 2505 North Central Avenue (Dinner/Silent Auction/Raffle)	<u>Event Location:</u> 1826 West McDowell Road <u>Day/Date/Time:</u> Friday, February 21, 2014 5:00 p.m. to 9:00 p.m. <u>Total Expected Attendance:</u> 350

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

February 5, 2014

ITEM 11 **DISTRICT 4** **LIQUOR LICENSE
APPLICATION - SPECIAL
EVENT - ST. MARY'S ROMAN
CATHOLIC HIGH SCHOOL
PHOENIX**

The Council heard request for a Special Event liquor license for temporary sale of all liquors. There were no departmental objections and no protests.

<u>District</u>	<u>Applicant Name and Address</u>	<u>Event Information</u>
4	Suzanne Fessler St. Mary's Roman Catholic High School Phoenix 2525 North 3rd Street (Concert/Food)	<u>Event Location:</u> 2525 North 3rd Street <u>Day/Date/Time:</u> Saturday, March 1, 2014 12 noon to 9:00 p.m. <u>Total Expected Attendance:</u> 1,000

Staff Recommendation

Staff recommended approval of this application.

The above information was submitted for Council consideration of this application.

ITEM 12 **DISTRICT 4** **LIQUOR LICENSE
APPLICATION - APPLEBEE'S
NEIGHBORHOOD GRILL &
BAR**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079745.

Applicant: Andrea Lewkowitz, Agent
Applebee's Neighborhood Grill & Bar
2 East Camelback Road

February 5, 2014

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and was currently operating with an interim permit. The operation plan filed with the application showed that the restaurant area seated 172 and the bar area seated 18. This location was within 2,000 feet of a light rail station.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- I have the capability, reliability, and qualifications to hold a liquor license because: "Applicant is committed to the responsible sale of alcoholic beverages under Arizona liquor laws. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their guests."

Staff Recommendation

Staff recommended approval of this application.

ITEM 13

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - DANNY'S
FAMILY CAROUSEL MEGA
PUMPER**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned PSC. Arizona State Application 10071499.

Applicant: Danielle Jabalera, Agent
 Danny's Family Carousel Mega Pumper
 1954 East Highland Avenue

February 5, 2014

The following information was submitted for Council consideration of this application:

Application Description

This request was for an acquisition of control of a Series 10 liquor license for a convenience store that sold gas. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- I have the capability, reliability, and qualifications to hold a liquor license because: "this location has held a liquor license with no compliance actions."

Staff Recommendation

Staff recommended approval of this application.

If denied, the applicant would not continue operations without a liquor license and the previous owner would resume ownership.

ITEM 14

DISTRICT 7

**LIQUOR LICENSE
APPLICATION - GRAND
AVENUE BREWING COMPANY**

The Council heard request for a Series 3, Domestic Microbrewery, liquor license in an area zoned C-3. Arizona State Application 03073074.

Applicant: John Coll, Agent
Grand Avenue Brewing Company
1205 West Pierce Street

February 5, 2014

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 3 liquor license for a microbrewery. This location was not previously licensed for liquor sales and did not have an interim permit. This business would have outdoor dining and outdoor alcohol consumption. This location required a Use Permit for this type of activity. This business was currently being remodeled with plans to open in January 2015.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I am an attorney who is in good standing with the Arizona State bar; I have no complaints against my "bar" license and I would have no complaints against my microbrewery ("bar") license."

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "A microbrewery/ brew pub that serves craft beer on historic lower grand avenue would provide a social meeting place to an area that is ready for revitalization."

Staff Recommendation

Staff recommended approval of this application, noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances prior to beginning operations.

February 5, 2014

ITEM 15

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - APPLEBEE'S
NEIGHBORHOOD GRILL &
BAR**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079753.

Applicant: Andrea Lewkowitz, Agent
Applebee's Neighborhood Grill & Bar
5210 West Baseline Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and was currently operating with an interim permit. The operation plan filed with the application showed that the restaurant area seated 152 and the bar area seated 18.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- I have the capability, reliability, and qualifications to hold a liquor license because: "Applicant is committed to the responsible sale of alcoholic beverages under Arizona liquor laws. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their guests."

Staff Recommendation

Staff recommended approval of this application.

February 5, 2014

ITEM 16

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - APPLEBEE'S
NEIGHBORHOOD GRILL &
BAR**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079747.

Applicant: Andrea Lewkowitz, Agent
Applebee's Neighborhood Grill & Bar
2547 North 44th Street

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and was currently operating with an interim permit. The operation plan filed with the application showed that the restaurant area seated 178 and the bar area seated 18.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- I have the capability, reliability, and qualifications to hold a liquor license because: "Applicant is committed to the responsible sale of alcoholic beverages under Arizona liquor laws. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their guests."

Staff Recommendation

Staff recommended approval of this application.

February 5, 2014

ITEM 17

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - APPLEBEE'S
NEIGHBORHOOD GRILL &
BAR**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079746.

Applicant: Andrea Lewkowitz, Agent
Applebee's Neighborhood Grill & Bar
2180 East Baseline Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and was currently operating with an interim permit. The operation plan filed with the application showed that the restaurant area seated 146 and the bar area seated 17.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- I have the capability, reliability, and qualifications to hold a liquor license because: "Applicant is committed to the responsible sale of alcoholic beverages under Arizona liquor laws. Managers and staff have been, or will be, trained in the techniques of alcohol sales and service to assure proper sales to their guests."

Staff Recommendation

Staff recommended approval of this application.

February 5, 2014

ITEM 18

DISTRICT 8

**LIQUOR LICENSE
APPLICATION - SNAPPY
CONVENIENCE STORE**

The Council heard request for a Series 10, Off Sale-Beer and Wine, liquor license in an area zoned C-2. Arizona State Application 10074679.

Applicant: Blanca Barrota, Agent
Snappy Convenience Store
702 East Roeser Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for an acquisition of control of a Series 10 liquor license for a convenience store. This location was currently licensed for liquor sales.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- I have the capability, reliability, and qualifications to hold a liquor license because: "I have been in business for more than 25 years, I believe in working alongside the people from the community in a safe and responsible manner."

Staff Recommendation

Staff recommended approval of this application, noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances prior to beginning operations.

If denied, the applicant would not continue operations without a liquor license and the previous owner would resume ownership.

February 5, 2014

Management Assistant II Denise Archibald stated this request was for an acquisition of control of a Series 10 liquor license for a convenience store. She conveyed this location was currently licensed for liquor sales, noting consideration should only be given to the applicant's personal qualifications and not to the location. Staff recommended approval of this application.

Ms. Gallego visited this establishment which was near South Mountain High School. She found it very disconcerting that pornography was visible and drug paraphernalia was being sold so close to the high school. Therefore, she moved this item be disapproved.

MOTION was made by Ms. Gallego, **SECONDED** by Mr. Gates, that Item 18 be recommended for disapproval based on the visibility of pornography and drug paraphernalia sales in close proximity to South Mountain High School.

Mayor Stanton confirmed no one was present to speak on Item 18.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Williams

MOTION CARRIED.

Mayor Stanton commented the City's disapproval recommendation triggered a hearing at the State Liquor Board. He suggested either Ms. Gallego or staff attend the hearing to present the same case made at this meeting.

<u>ITEM 19</u>	DISTRICT 2	LIQUOR LICENSE APPLICATION - GUS'S NEW YORK PIZZA AND BAR
-----------------------	-------------------	--

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079738.

Applicant: Farshad Dehghani, Agent
Gus's New York Pizza and Bar
19401 North Cave Creek Road, #15-16

February 5, 2014

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and did not have an interim permit. The operation plan filed with the application showed that the restaurant area seated 50 and the bar area seated 12.

Public Opinion

No petitions or protests were received.

Applicant's Statement

The applicant chose not to submit a statement supporting this application.

Staff Recommendation

Staff recommended disapproval of this application based on Police Department and Finance Department recommendations for disapproval, and for the applicant's failure to submit the required application paperwork and fees.

The Police Department disapproval was based on concerns with the applicant's capability, reliability, and qualifications to hold a liquor license. The applicant failed to respond to numerous Police inquiries, and failed to answer and submit the required City questionnaire.

The Finance Department disapproval was based on the applicant's failure to pay delinquent taxes, penalties, and fees.

The applicant had not demonstrated the capability, reliability, or qualifications to hold and control a liquor license.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 19 be withdrawn.

Mayor Stanton stated a speaker comment card was submitted in opposition from the Phoenix Police Department. Since the motion was to withdraw he would not take testimony because the item would not move forward.

MOTION CARRIED UNANIMOUSLY.

February 5, 2014

ITEM 20

DISTRICT 6

**LIQUOR LICENSE
APPLICATION - LOLA'S
COFFEE**

The Council heard request for a Series 12, Restaurant-All Liquor on Premises, liquor license in an area zoned C-2. Arizona State Application 12079741.

Applicant: Walter Clarke, Agent
Lola's Coffee
5632 North 7th Street, Suite 101

The following information was submitted for Council consideration of this application:

Application Description

This request was for a new Series 12 liquor license for a restaurant. This location was not previously licensed for liquor sales and did not have an interim permit. The operation plan filed with the application showed that the restaurant area seated 50 and the bar area seated 8.

Public Opinion

A petition with 24 valid signatures protesting the issuance of this license was received and on file in the Office of the City Clerk.

The petition was from local residents. They felt that there were sufficient liquor licenses in the area and believed that the issuance of another license at this location would have a negative impact on the neighborhood. They currently experienced problems related to insufficient parking, noise, and disruptive behavior from intoxicated patrons coming from neighboring businesses at the same location. They felt that approving this liquor license would add to the existing problems.

February 5, 2014

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I ran my own business for more than ten years. The manager-member Greg Cutchall, has more than 40 years experience in the food service industry & has owned & operated dozens of restaurants. He and/or his company currently hold, and or held liquor licenses in Nebraska, Kansas, Iowa, and Arizona."

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Our location is adjacent to The Culinary Dropout & Cleo's at the yard. The yard is a neighborhood dining destination where residents living in the central corridor come to dine without a long commute. All three restaurants of the yard will offer liquor service in a fully enclosed environment in full compliance w/all applicable laws."

Staff Recommendation

Staff recommended disapproval of this application based on a Police Department recommendation for disapproval and neighborhood protests.

The Police Department recommendation was based on concerns with the location. The Police Department had received numerous calls for service related to traffic congestion, parking violations, and noise at the existing location. The Police Department believed that the issuance of another license at this location would negatively impact the neighborhood, add to the existing problems, and continue to increase Police calls for service.

The neighborhood opposition indicated that the applicant had not shown that the public convenience required and the best interest of the community would be substantially served by the issuance of this license.

Staff also noted that the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

February 5, 2014

Mr. DiCiccio did not request staff presentation but wanted to hear citizens concerns.

Mr. Daniel Wayne was the owner and spoke in support. Lola's had been in operation for approximately eight years; however, he had been in this industry in the Phoenix area for more than 20 years. He preferred to address the neighborhood opposition and Police Department recommendation. He empathized with the issues that patrons had with The Yard and had reached out to neighborhood leaders.

First and foremost, Lola's was a coffee bar, bakery and breakfast bar. Since The Yard had valet parking in the evening there would be less customers frequenting Lola's even with a liquor license because people would have to valet park their cars. Nonetheless, he had another popular restaurant several years ago and wanted to bring it back to the community. He asked that Council approve the liquor license application as it would be an asset to the neighborhood. He reiterated his commitment to continue meeting with community leaders to resolve any issues that arose.

Mr. John Rosenfeld was one of the principals with Lola's and spoke in favor. He also met with some of the residents to hear their concerns as well as experiences with The Yard. Their issues were parking problems and congestion in the area which were concerns of Lola's. In fact, the community's vision was a neighborhood restaurant where people could walk from their homes to a relatively quiet location. He conveyed Lola's would provide that environment where people could come in the morning or for lunch.

Mr. Rosenfeld pointed out the one thing that did not work for Lola's business model was being a bar. Besides, liquor sales would be a small part of the business but provided an opportunity for parties or a simple glass of wine with dessert. Further, if Lola's did not have a liquor license they would need to generate a high volume of customers to make up for the lost revenue and he expressed this to the neighborhood.

February 5, 2014

Mr. Jerry Lewkowitz spoke in support. He declared an important aspect was only approximately 12 percent of the revenue would come from liquor sales. The business was open at 6:00 a.m. while other occupants of The Yard opened at 11:00 a.m. He read the detective's report that cited there were 200 calls about parking in the past but more spaces had been added since that time. Moreover, parking at 6:00 a.m. up to 11:00 a.m. would not impede the neighborhood. He met with some of the protestors prior to the meeting and thought they understood the desire of the owners was to have a coffeehouse with liquor as just a complement to their service. He hoped the Council approved this application because he did not want to penalize the new applicant for previous problems in this particular area.

Detective Eric Breindl spoke in opposition on behalf of the Phoenix Police Department Desert Horizon Precinct. The Department shared the same concerns as the neighborhood associations which were increased traffic, parking violations, and noise.

Currently there were two restaurants at this locations but prior to this establishment it was a motorcycle dealership and garage with normal business hours. Detective Breindl stated in 2012 the property was purchased and the owner planned to redevelop the land into a multi-restaurant complex with an outdoor area nicknamed The Yard. Property variances were granted; however, the most notable variance reduced the number of required parking spaces from 129 down to 80 which was an immediate issue for the neighborhood. He commented in early 2013 two restaurants opened with such success that far exceeded their expectations and though that was a positive for the business it turned into a negative impact on the surrounding community. The Certificate of Occupancy called for a combined 382 people for both restaurants but there were only 80 parking spaces available. Consequently, due to the limited parking there had been an overflow of traffic and parked cars in the neighborhood. He remarked even if both restaurants operated below their maximum occupancy there would still be overflow in the community.

February 5, 2014

Detective Breindl mentioned the City attempted to address this issue by placing no parking signs in the area as well as parking permits for residents only but both solutions failed. The residents' frustration continued to the Police Department as there were over 200 calls for service from February to December 2013 which was a huge increase from the prior year. The current proposal was to add Lola's Coffee with a maximum occupancy of 54 people which would further contribute to the problems at hand. Although it would be open earlier the hours of operation during evening peak hours would overlap six days a week with the other two restaurants and not enough parking. Therefore, the best interest of the community would not be substantially served by granting another liquor license.

Mr. Darren Boyce spoke in opposition as a resident whose property bordered The Yard. He had lived at this property for almost 16 years raising his family so he had plenty of experience prior to The Yard entering the picture. There was a lot of focus on the 6:00 to 11:00 a.m. timeframe but liquor was served at night when The Yard was the busiest. The neighborhood was told two years ago this was a neighborhood restaurant; however, at 8:00 p.m. on Friday and Saturday nights parents with children were asked to leave and the business started checking I.D. at the door.

Mr. Boyce had witnessed the overflow of alcohol consumption in the neighborhood, such as individuals passed out on his lawn and people urinating in full view of children as well as throwing up. His kids had also been subject to foul language from patrons while jumping on the family's trampoline. He conveyed there was no place for anyone to park except valet which meant drivers were routed into the neighborhood, noting their exit was the alley. He urged that Council not approve more alcohol for their neighborhood until these issues were resolved.

Mr. DiCiccio was going to recommend approval and wanted to explain his rationale. This was a coffee shop, declaring a retail establishment was allowed per the zoning. As a matter of perspective, he said Lola's was one of the few entities that invested in the downtown vicinity and had proven to be great neighbors in other areas and would do the same at this establishment. He commented staff did a phenomenal job at the beginning of this process as normally this would have drawn a big crowd.

February 5, 2014

When an entity came in there was always a period of time the business became problematic but the applicant had been working with the neighborhood. Mr. DiCiccio pointed out the City put up signs in the neighborhood to prevent parking which he noticed had gone away, noting the applicant now had people patrolling the parking lot. If the City had not done preventative steps in the immediate neighborhood there would be traffic situations. Lola's was a good entity that offered breakfast but wanted to serve alcohol at dinnertime. He added this was an establishment in the neighborhood where people could ride their bikes.

MOTION was made by Mr. DiCiccio, **SECONDED** by Mr. Nowakowski, that Item 20 be recommended for approval.

Mayor Stanton planned to support the Police Department's recommendation, noting this was a very difficult issue with a lot of parking problems mentioned. On the issue of need and convenience he frequented various restaurants on site that already served alcohol; however, he believed the issue pertained to adaptive reuse and whether it was good or negative. The Council had been very supportive of Lola's and acknowledged the applicant had done a good job finding additional parking but he supported the Police Department's recommendation.

MOTION CARRIED, noting Ms. Pastor, Mr. Valenzuela, and Mayor Stanton cast the dissenting votes.

OFF-TRACK PARI-MUTUEL WAGERING APPLICATIONS

ITEM 21

DISTRICT 2

**OFF-TRACK PARI-MUTUEL
WAGERING PERMIT - CASEY
JONES GRILL**

The Council heard request for an Off-track Pari-mutuel Wagering Permit to a business that had a Series 12 liquor license in an area zoned C-2.

February 5, 2014

Applicant: David Johnson, Agent for Turf Paradise
Casey Jones Grill
2848 East Bell Road, Suites 111 and 112

The following information was submitted for Council consideration of this application:

Application Description

State law required City Council approval before a State Off-track Pari-mutuel Wagering Permit could be issued. This request was for a permit for off-track betting on horse races conducted at Turf Paradise. Public notice was posted on Friday, December 20, 2013, and special notice letters were mailed to residents within a 1/8 mile radius of the proposed location. The posting period expired Friday, January 10, 2014.

Public Opinion

Two letters protesting the issuance of this license were received and on file in the Office of the City Clerk.

The letters were from two local residents. They believed that the issuance of the license would have a negative impact on the area by contributing to traffic congestion, parking problems, and trash.

Staff Recommendation

Staff recommended approval of this application. Staff gave careful consideration to the protest letters received; however, after reviewing the application in its entirety staff was recommending approval of this application.

MOTION was made by Mr. Waring, **SECONDED** by Mr. Gates, that Item 21 be recommended for approval.

Mayor Stanton stated a speaker comment card was submitted in favor by the applicant, Mr. David Johnson, who did not wish to speak.

MOTION CARRIED UNANIMOUSLY.

February 5, 2014

MOTION was made by Mr. Gates, **SECONDED** by Mr. Nowakowski, to suspend the rules to take Items 50, 51, and 54 out of order. **MOTION CARRIED UNANIMOUSLY.**

Mayor Stanton remarked Mr. Nowakowski wished to hear these items before leaving to take care of other important public business.

<u>ITEM 50</u>	DISTRICT 7	RESOLUTION 21196 - <u>PUBLIC HEARING -</u> <u>GPA-EST-1-13-7 -</u> 67TH AVENUE AND INTERSTATE 10
-----------------------	-------------------	--

The Council heard request to hold a public hearing on the land use for the following item to consider adopting the Planning Commission's recommendation and the related resolution if approved.

Application:	GPA-EST-1-13-7 - Companion Case Z-20-13-7
Request:	Map Amendment
From:	Residential 5-10, Residential 15+, Commercial, and Residential 3.5-5
To:	Mixed-Use (Commercial and Commerce/Business Park)
Acreage:	84.91
Location:	Southeast corner of 67th Avenue and Interstate 10
Proposal:	To reflect the current Commerce Park zoning and to correspond with an application to rezone to Planned Unit Development (PUD).
Applicant:	Paul Gilbert – Beus Gilbert, PLLC
Staff:	Approved.
VPC Action:	<u>Estrella</u> – December 17, 2013 – No Quorum.
PC Action:	January 14, 2014 – Approved. Vote 6-0

Mayor Stanton declared the public hearing open. He confirmed Mr. Leonard Clark submitted a speaker comment card not indicating whether he was in favor or opposed and did not wish to speak. Noting there was no one else present wishing to speak, Mayor Stanton declared the public hearing closed.

February 5, 2014

The following stipulations were subject to discussion at the meeting and the City Council might add, delete, or amend stipulations.

Stipulations

1. An updated Development Narrative for the Z-20-13-7 PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped December 4, ~~2014~~2013, AS MODIFIED BY THE FOLLOWING STIPULATIONS:
 - a. PAGE 32, I., 1ST PARAGRAPH, LAST SENTENCE: APPLICANT SHALL INSERT "THERE WILL BE A TOTAL OF THREE FREEWAY PYLON SIGNS AND THREE OFF-PREMISE ADVERTISING SIGNS."
 - b. PAGE 32, I.3: APPLICANT SHALL REVISE THE FIRST SENTENCE TO READ "OFF-PREMISE ADVERTISING SIGNS AND PYLON SIGNS SHALL ALLOW A MAXIMUM OF ~~750~~ 450 SQUARE FEET OF SIGN AREA."
 - c. PAGE 32, I.4, LAST SENTENCE: APPLICANT SHALL INSERT "OFF-PREMISE ADVERTISING SHALL BE LIMITED TO THREE SIGNS THAT COMPLY WITH ALL STANDARDS OF THE ZONING ORDINANCE."
 - d. PAGE 33. TABLE I.1: APPLICANT SHALL RE-ALPHABETIZE THE TABLE PER ATTACHMENT A.
 - e. THE APPLICANT SHALL UPDATE ALL EXHIBITS WITHIN THE ESTRELLA VISTA COMMERCE PARK PUD WITH THE UPDATED SIGNAGE REQUIREMENTS.

Mayor Stanton declared the public hearing open.

Mr. Pat Vint expressed support for this item as it would promote business in Phoenix.

Noting there was no one else present wishing to speak, Mayor Stanton declared the public hearing closed.

February 5, 2014

The following language was subject to discussion at the meeting and the City Council might add, delete, or amend the language.

Proposed Language

Amend Chapter 12, Section 1209.B.8 (Business Core) by adding a new Paragraph "o" and renumber remaining section accordingly to read as follows:

- o. FOR MASTER PLANNED DEVELOPMENTS FOR SPORTS, ENTERTAINMENT, OR CONCERT VENUES WITH A MINIMUM OF 4,000 SEATS, SIGNS, INCLUDING THOSE SIGNS, BANNERS, AND FLAGS OTHERWISE PROHIBITED BY SECTION 1209.B.8.j AND 1209.B.8.m, MAY BE ERECTED SUBJECT TO APPROVAL OF A MASTER PLANNED DEVELOPMENT SIGN PLAN. THE CITY MAY APPROVE A MASTER PLANNED DEVELOPMENT SIGN PLAN TO ALLOW SIGNS THAT ARE LARGER AND TALLER THAN ARE OTHERWISE ALLOWED WITHIN THE BUSINESS CORE CHARACTER AREA WITHIN THE DOWNTOWN CODE DISTRICT. ALL SIGNAGE PERMITTED UNDER THIS SECTION SHALL BE REVIEWED AND APPROVED IN ACCORDANCE WITH SECTION 1209.B.8.o WITH THE FOLLOWING:
 - (1) *SIGN TYPES.* IN ADDITION TO OTHER SIGNS PERMITTED IN THE BUSINESS CORE CHARACTER AREA, THE FOLLOWING SIGN TYPES SHALL BE PERMITTED IN A MASTER PLANNED DEVELOPMENT: AERIAL VIEW SIGNS, ANIMATED SIGNS, ARCHITECTURAL LEDGE SIGNS, AWNING SIGNS, ELECTRONIC MESSAGE DISPLAY SIGNS, INFLATABLE SIGNS, KINETIC SIGNS, PROJECTED IMAGE SIGNS, PROJECTING SIGNS, ROOF SIGNS, SUPERGRAPHICS SIGNS, AND WAYFINDING SIGNS.
 - (2) *MASTER PLANNED DEVELOPMENT SIGN PLAN APPLICATION.* AN APPLICATION FOR A MASTER PLANNED DEVELOPMENT SIGN PLAN SHALL BE SUBMITTED TO THE PLANNING AND DEVELOPMENT DIRECTOR, OR DESIGNEE, FOR REVIEW AND APPROVAL. A MASTER PLANNED DEVELOPMENT SIGN PLAN APPLICATION SHALL INCLUDE THE FOLLOWING:

February 5, 2014

- (A) *DESIGN GUIDELINES.* SITE PLANS, BUILDING ELEVATIONS, OR PHOTOGRAPHS, AND DESIGN GUIDELINES FOR EACH TYPE OF SIGN TO BE PERMITTED WITHIN THE BOUNDARIES OF THE MASTER PLANNED DEVELOPMENT. THESE PLANS AND ELEVATIONS/PHOTOGRAPHS SHALL INDICATE ORIENTATION, SIZE, LOCATION, AND METHOD OF INSTALLATION OF THE SIGN. THIS SHALL INCLUDE DELINEATING ON THE SITE PLAN THE LOCATIONS AND ORIENTATION OF GROUND-MOUNTED SIGNS AND DELINEATING ON THE ELEVATIONS/PHOTOGRAPHS THE AREA IN WHICH BUILDING/STRUCTURE MOUNTED SIGNS WILL BE CONTAINED. DESIGN GUIDELINE SHALL ADDRESS, AT A MINIMUM, ARCHITECTURAL COMPATIBILITY WITH PRIMARY STRUCTURES WITHIN THE MASTER PLANNED DEVELOPMENT.

- (B) *CONTEXT PLAN.* THE CONTEXT PLAN SHALL INCLUDE AN AERIAL PHOTOGRAPH OF THE MASTER PLANNED DEVELOPMENT AND THE SURROUNDING AREA WITH NOTATIONS OF THE CURRENT LAND USE OF PARCELS WITHIN THE DEVELOPMENT AND WITHIN 150 FEET OF THE PERIMETER OF THE DEVELOPMENT. THE CONTEXT PLAN SHALL ALSO INCLUDE PHOTOGRAPHS TAKEN LOOKING OUTWARD FROM THE PERIMETER OF THE MASTER PLANNED DEVELOPMENT AT 100-FOOT INTERVALS FOR THE ENTIRE BOUNDARY OF THE DEVELOPMENT.

- (C) *STANDARDS.* THE STANDARDS AND RESTRICTIONS FOR EACH SIGN TYPE SHALL INCLUDE, BUT NOT BE LIMITED TO SIZE, HEIGHT, ILLUMINATION, AND DURABILITY OF MATERIALS. THE STANDARDS SHALL ALSO INCLUDE CALCULATIONS SHOWING THE MAXIMUM SIGN AREA PERMITTED PER BUILDING FACE. IN NO CASE SHALL THE STANDARDS EXCEED THE FOLLOWING LIMITATIONS:

February 5, 2014

- i. *BUILDING MOUNTED SIGNS.* AGGREGATE AREA FOR BUILDING MOUNTED SIGNS SHALL NOT EXCEED ~~50~~ 10—25 PERCENT ON ~~ANY TWO ONE ELEVATIONS FACING AN ARTERIAL STREET AND 10 PERCENT ON ONE THE OTHER ELEVATIONS, AND 5 PERCENT ON THE OTHER ELEVATIONS WITH THE ABILITY TO TRANSFER UP TO 5 PERCENT FROM THE ARTERIAL ELEVATION TO ONE OTHER ELEVATION, AND 20.5 PERCENT ON THE OTHER ELEVATIONS.~~ BUILDING MOUNTED SIGNS SHALL NOT PROJECT MORE THAN 20 FEET ABOVE THE PARAPET OR FROM THE FACE OF THE BUILDING. IF THE SIGN IS PLACED AT AN ANGLE TO THE BUILDING ELEVATION, THE APPLICANT MUST SPECIFY TO WHICH ELEVATION THE SIGN AREA WILL BE COUNTED.
- ii. *SUPERGRAPHICS.* SUPERGRAPHICS SIGNS NOT TO EXCEED 300 SQUARE FEET OR FIVE PERCENT OF BUILDING ELEVATION WHICHEVER IS LESS.
- iii. *ILLUMINATION.* SIGNS FACING OR ORIENTED TO AN EXISTING RESIDENTIAL USE OR STRUCTURE THAT HAS OBTAINED A CERTIFICATE OF OCCUPANCY FOR RESIDENTIAL USE AND LOCATED CLOSER THAN 60 FEET TO SUCH RESIDENTIAL USE OR STRUCTURE SHALL NOT BE ILLUMINATED BETWEEN MIDNIGHT AND SUNRISE.
- iv. *TEMPORARY SIGNS.* TEMPORARY SIGNS MAY BE ALLOWED AT THE SAME SIZES AND HEIGHTS AS PERMANENT SIGNS. TEMPORARY SIGNS OR GRAPHICS SHALL BE ALLOWED TO COVER 100 PERCENT OF CONSTRUCTION FENCING AND BARRICADES.

February 5, 2014

- (D) *NARRATIVE.* A WRITTEN NARRATIVE SHALL DISCUSS THE PURPOSE AND INTENT OF THE MASTER PLANNED DEVELOPMENT SIGN PLAN AND ITS CONSISTENCY WITH THE DOWNTOWN PHOENIX PLAN DATED DECEMBER 14, 2004. THE NARRATIVE SHALL ALSO ADDRESS THE QUANTITY AND DURABILITY OR ANTICIPATED LIFESPAN OF THE PROPOSED SIGN MATERIALS.
 - (E) *ARCHITECTURAL LIGHTING.* A MASTER PLANNED DEVELOPMENT SIGN PLAN MAY INCLUDE PROVISIONS REGARDING ARCHITECTURAL LIGHTING, THAT SHALL BE EXEMPT FROM CALCULATION AS SIGN AREA. ARCHITECTURAL LIGHTING SHALL NOT INCLUDE TEXT, LOGOS, MESSAGES, OR IMAGES OF ANY KIND. ARCHITECTURAL LIGHTING SHALL NOT FLASH, BLINK, SCROLL, MOVE, OR STREAM.
- (3) *APPROVAL OF A MASTER PLANNED DEVELOPMENT SIGN PLAN.* THE PLANNING AND DEVELOPMENT DIRECTOR, OR DESIGNEE, SHALL APPROVE, APPROVE WITH CONDITIONS, OR DENY SUCH APPLICATION. THE PLANNING AND DEVELOPMENT DIRECTOR, OR DESIGNEE, SHALL APPROVE SUCH APPLICATION IN WRITING ONLY IF THE FOLLOWING FINDINGS ARE MADE:
- (A) THE SIGNS, BANNERS, FLAGS, AND ARCHITECTURAL LIGHTING ARE MOUNTED, SECURED, AND OPERATED SO AS TO NOT POSE A NUISANCE.
 - (B) THE SIGNS AND ARCHITECTURAL LIGHTING ARE APPROPRIATE IN SCALE, COMPOSITION, AND MANNER OF DISPLAY WITH SURROUNDING DEVELOPMENT.
 - (C) THE SIGNS AND ARCHITECTURAL LIGHTING ARE CONSISTENT WITH THE VISION, GOALS, AND POLICIES OF THE DOWNTOWN PHOENIX PLAN DATED DECEMBER 14, 2004.

February 5, 2014

- (4) *APPEALS.* AN APPLICANT MAY APPEAL THE DECISION OF THE PLANNING AND DEVELOPMENT DIRECTOR, OR DESIGNEE, REGARDING THE MASTER PLANNED DEVELOPMENT SIGN PLAN WITHIN FIVE WORKING DAYS OF THE DECISION. APPEALS SHALL BE CONSIDERED BY THE ZONING ADJUSTMENT HEARING OFFICER THROUGH THE USE PERMIT PROCESS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 307 ON THE NEXT AVAILABLE AGENDA. IN ADDITION TO THE STANDARDS OF SECTION 307, THE ZONING ADJUSTMENT HEARING OFFICER SHALL REVIEW THE DECISION WITH THE STANDARDS FOR APPROVAL ESTABLISHED IN SECTION 1209.B.8.o.

- (5) *AMENDMENT.* ANY PROPOSAL TO EXCEED THE STANDARDS AND RESTRICTIONS ESTABLISHED IN A MASTER PLANNED DEVELOPMENT SIGN PLAN SHALL REQUIRE AMENDMENT THROUGH THE PROCESS REQUIRED FOR INITIAL APPLICATION AND APPROVAL OF A MASTER PLANNED DEVELOPMENT SIGN PLAN IN SECTION 1209.B.8.o.

Mayor Stanton declared the public hearing open.

Mr. Leonard Clark hoped the City continued to work closely with established neighborhoods that were in close proximity to sports venues. He did not believe residents wanted a huge neon sign next to their house.

Mr. Paul Gilbert spoke in support, noting this case had unanimous support from the Village Planning Committee and staff as well as no opposition. He pointed out there were restrictions as to where the sign ordinance could take place and it would not be adjacent to any residential neighborhoods. In fact, Comerica Theatre was a good example of where signage would be used which was not next to residential communities. Moreover, venues were controlled by the Planning Director who approved the site plan before signage was permitted so that was another essential review of the facility. For these reasons he hoped Council agreed with staff and the Village Planning Committee's support of this item.

Noting there was no one else present wishing to speak, Mayor Stanton declared the public hearing closed.

February 5, 2014

MOTION was made by Mr. Nowakowski, **SECONDED** by Mr. DiCiccio, that Item 54 be approved per Planning Commission's recommendation and to adopt the related ordinance.

Mr. Nowakowski remarked this permitted a limited amount of signs for sports, entertainment, and concert venues with a minimum of 4,000 seats only within the downtown core. He supported this amendment because it was restricted to one location within the downtown area. The entertainment district was the immediate area around Jefferson Street by the ballpark which he believed should be the focus for an intense, high signage area.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Williams

MOTION CARRIED.

PETITIONS, COMMUNICATIONS, AND PUBLIC HEARINGS

ITEM 22 **DISTRICTS 4, 5, AND 8** **MODIFICATION OF
STIPULATION REQUEST FOR
RATIFICATION OF PLANNING
HEARING OFFICER ACTION**

The Council heard request to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Wednesday, January 15, 2014.

DISTRICT 8
35TH AVENUE AND
SOUTHERN AVENUE
APPLICANT: RICHARD
REIGLE – REIGLE &
ASSOCIATES
OWNER: ERNEST
LISENMEYER
REPRESENTATIVE:
RICHARD REIGLE –
REIGLE & ASSOCIATES

A. Application: Z-81-05-7(8)

February 5, 2014

Existing Zoning: C-2
Acreage: .918
Location: Approximately 625 feet south of the southeast corner of 35th Avenue and Southern Avenue
Proposal: 1) Modification of Stipulation 1 regarding general conformance to the site plan date stamped September 23, 2005.
2) Review and approval of commercial building elevations per Stipulation 7.
3) Technical corrections to Stipulations 2, 3, 4, 8, 9, and 16.

The Planning Hearing Officer recommended approval.

The Laveen Village Planning Committee reviewed this request on December 9, 2013, and recommended approval by a 9-0 vote.

Stipulations

General Conformance

1. That development shall be in general conformance to the site plan date stamped ~~September 23, 2005~~, OCTOBER 25, 2013, as modified by the following, and as approved or modified by the PLANNING AND Development Services Department:
 - a. That a shaded walkway shall be incorporated into the parking lot with alternative paving materials where walkways cross drive aisles;
 - b. That the residential portion shall not exceed 59 lots.

Residential

2. That development shall be in general conformance to the residential elevations date stamped May 26, 2005, as modified by the following, and as approved or modified by the PLANNING AND Development Services Department:
 - a. That all homes shall include covered entrances, such as porches, archways, or landscaped courtyards;
 - b. That the elevations shall incorporate four-sided architecture.

February 5, 2014

3. That the common open space area shall provide active recreational elements, such as tot lots and ramadas, as approved by the PLANNING AND Development ~~Services~~ Department.
4. That a minimum 40-foot by 40-foot landscaped entry feature shall be provided on both sides of the main entry into the residential development, as approved by the PLANNING AND Development ~~Services~~ Department.
5. That the side yard setback on Lots 31 and 32 provide a minimum of 20 feet between buildings.
6. That all buildings must have a minimum 12-inch roof overhang.

Commercial

7. That the commercial buildings elevations shall be approved through the Planning Hearing Officer process prior to preliminary site plan approval, with specific regard to the following:
 - a. That the commercial structures shall have pitched roofs or pitched roof elements.
8. That a minimum 40-foot by 40-foot landscaped entry feature shall be provided at the two ingress/egress points furthest from the intersection of 35th Avenue and Southern Avenue, as approved or modified by the PLANNING AND Development ~~Services~~ Department. The enhanced landscape feature shall include a turf area and provide plant types from the following list:
 - a. Trees: pecan, Arizona ash, evergreen elm, heritage live oak, sycamore, or other similar canopied trees;
 - b. Shrubs: myrtle (true, dwarf, and/or twisted), pomegranate, Arizona yellow bells, bush lantana, Mexican honeysuckle, primrose jasmine, or other similar shrubs;
 - c. Accents: deer grass, wild sunflowers, penstemon, golden columbine, or other similar accents;
 - d. Vines: White Lady Banks Rose, common trumpet creeper, coral vine, pink trumpet vine, and primrose jasmine, or other similar vines.

February 5, 2014

9. That the retention area located at the southeast corner of the commercial portion of the site incorporate an offset double row of 3- and 4-inch caliper trees, spaced 20 feet on center, as approved by the PLANNING AND Development Services Department.
10. That a landscape plan and a lighting plan shall be brought back to the Laveen Village Planning Committee (LVPC) for review and comment prior to City approval.
11. That development shall be subject to a comprehensive sign plan in accordance with Section 705. The LVPC shall have the opportunity to review the plan prior to the public hearing.

Street Transportation

12. That right-of-way totaling 55 feet shall be dedicated for the south half of Southern Avenue.
13. That right-of-way totaling 55 feet shall be dedicated for the east half of 35th Avenue.
14. That a 21-foot by 21-foot right-of-way triangle shall be dedicated at the southeast corner of 35th Avenue and Southern Avenue.
15. That sufficient right-of-way shall be dedicated to accommodate a bus bay on Southern Avenue at 35th Avenue.
16. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the PLANNING AND Development Services Department. All improvements shall comply with all Americans with Disabilities Act accessibility standards.
17. That the applicant shall complete and submit the Developer Project Information Form for the Maricopa Association of Governments Transportation Improvement Program to the Street Transportation Department. This form is a requirement of the Environmental Protection Agency to meet clean air quality requirements.

February 5, 2014

Transit

18. That right-of-way shall be dedicated and a transit pad constructed (Detail P1261) along eastbound Southern Avenue, east of 35th Avenue, as approved by the Public Transit Department.
19. That right-of-way shall be dedicated and a transit pad constructed (Detail P1262) along northbound 35th Avenue, north of Alta Vista Road, as approved by the Public Transit Department.
20. That right-of-way shall be dedicated and a bus bay (P1257) constructed along eastbound Southern Avenue, east of 35th Avenue, as approved by the Public Transit Department.

Other

21. That prior to final site plan approval, the property owner shall record documents that disclose to the purchasers of property within the development(s) the existence and operational characteristics of Sky Harbor International Airport. The form and content of such documents shall be reviewed and approved by the City Attorney.
22. That the minimum lot width be 50 feet.
23. That residential elevation be brought back to the Laveen Village Planning Committee for review and comment.
24. That one of the amenities shall be a club house or ramada, with lights and seating for use by the Home Owners Association (HOA) for meetings.
25. That any request to change or modify the stipulations or site plan, be brought back to the Laveen Village Planning Committee for review and comment prior to approval by the City.

February 5, 2014

DISTRICT 4
3RD AVENUE AND INDIAN
SCHOOL ROAD
APPLICANT: DENNIS
NEWCOMBE – BEUS
GILBERT
OWNER: CHARLES THEISEN
REPRESENTATIVE: DENNIS
NEWCOMBE – BEUS
GILBERT

- C. Application: Z-37-04-4
Existing Zoning: C-2
Acreage: 8.96
Location: Southeast corner of 3rd Avenue and Indian School Road
Proposal: 1) Modification of Stipulation 1 regarding site plan and elevations date stamped June 12, 2006.
2) Deletion of Stipulation 2 regarding landscaping on the west lot.
3) Deletion of Stipulation 3 regarding the need to obtain approval for site plan and elevations for the Phase III development.
4) Deletion of Stipulation 4 regarding the notification of preliminary site plan approval meeting and Planning Hearing Officer hearing.
5) Technical correction to Stipulations 2 and 4.

The Planning Hearing Officer recommended approval with additional stipulations.

The Encanto Village Planning Committee reviewed this request on January 6, 2014, and recommended approval with modifications by a 13-0 vote.

Stipulations

1. That development shall be in general conformance to the site plan AND ELEVATION date stamped ~~June 12, 2006~~ JANUARY 10, 2014, as approved or modified by the PLANNING AND Development Services Department.

February 5, 2014

- ~~2. That along the south and west boundary of the west lot the developer shall provide landscaping with minimum four-inch caliper trees spaced 20 feet on center or in appropriate groupings, as approved by the Development Services Department.~~
- ~~3. That the applicant shall obtain approval for site plan and elevations for the Phase III development through a Planning Hearing Officer hearing.~~
- ~~4. That the following individual be notified of any Development Services Department preliminary site plan approval meeting or Planning Hearing Officer hearing:~~

~~Paul Gilbert, Beus Gilbert, PLLC
4800 North Scottsdale Road, Suite 6000
Scottsdale AZ 85251~~

2. PROVIDE 0.25 SECURED BICYCLE PARKING SPACES PER RESIDENTIAL UNIT, WITH A MAXIMUM OF 50 SPACES. SECURED PARKING SHALL INCLUDE BICYCLE LOCKERS, FENCED STORAGE, OR INDIVIDUAL STORAGE LOCKERS.
3. PROVIDE 0.10 UNSECURED BICYCLE PARKING SPACES PER RESIDENTIAL UNIT, PLACED IN PUBLICLY ACCESSIBLE SPACES NEAR BUILDING ENTRANCES.
4. TREES SHALL BE SELECTED FROM THE RECOMMENDED TREE SPECIES MATRIX, OF THE DOWNTOWN CODE, CHAPTER 12 OF THE ZONING ORDINANCE.
5. PARKING GARAGE OPENING AND AREAS WHERE DRIVEWAYS CROSS PEDESTRIAN PATHS/SIDEWALKS SHALL BE ENHANCED WITH SPECIALTY LIGHTING, ARTWORK, OR OTHER TYPES OF MATERIALS TO IDENTIFY TO THE PEDESTRIAN THE POSSIBLE PRESENCE OF AUTOMOBILES.
6. DEDICATE A 10-FOOT SIDEWALK EASEMENT FOR THE SOUTH HALF OF INDIAN SCHOOL ROAD FOR THE LENGTH OF THE PROJECT.
7. THE DEVELOPER SHALL UPDATE ALL EXISTING OFF-SITE STREET IMPROVEMENTS (SIDEWALKS, CURB RAMPS, AND DRIVEWAYS) TO CURRENT AMERICANS WITH DISABILITIES ACT GUIDELINES.

February 5, 2014

8. REMOVE ALL UNUSED DRIVEWAYS AND REPLACE ANY BROKEN OR OUT-OF-GRADE CURB, GUTTER, AND SIDEWALK ON ALL STREETS ENCOMPASSED IN THIS SITE PLAN.
9. PROVIDE UNDERGROUND STREET LIGHT CIRCUITS, POLES, AND FIXTURES ON ALL PUBLIC STREETS IN LOCATION APPROVED BY THE STREET TRANSPORTATION DEPARTMENT. SUBMIT ONE COPY OF THE APPROVED SITE PLAN WITH THREE COPIES OF THE STREET LIGHT PLANS TO THE 2ND FLOOR OF CITY HALL TO BE ROUTED TO STREET LIGHTING SECTION REVIEWER.

DISTRICT 4
3RD AVENUE AND INDIAN
SCHOOL ROAD
APPLICANT: DENNIS
NEWCOMBE – BEUS
GILBERT
OWNER: CHARLES THEISEN
REPRESENTATIVE: DENNIS
NEWCOMBE – BEUS
GILBERT

- D. Application: Z-SP-7-04-4
Existing Zoning: C-2 SP
Acreage: 8.96
Location: Southeast corner of 3rd Avenue and Indian School Road
Proposal:
- 1) Modification of Stipulation 1 regarding site plan and elevations date stamped June 12, 2006.
 - 2) Deletion of Stipulation 2 regarding landscaping on the west lot.
 - 3) Deletion of Stipulation 3 regarding the need to obtain approval for site plan and elevations for the Phase III development.
 - 4) Deletion of Stipulation 4 regarding the notification of preliminary site plan approval meeting and Planning Hearing Officer hearing.
 - 5) Technical correction to Stipulations 2 and 4.

February 5, 2014

The Planning Hearing Officer recommended approval with additional stipulations.

The Encanto Village Planning Committee reviewed this request on January 6, 2014, and recommended approval with modifications by a 13-0 vote.

Stipulations

1. That development shall be in general conformance to the site plan AND ELEVATION date stamped ~~June 12, 2006~~ JANUARY 10, 2014, as approved or modified by the PLANNING AND Development Services Department.
2. ~~That along the south and west boundary of the west lot the developer shall provide landscaping with minimum four inch caliper trees spaced 20 feet on center or in appropriate groupings, as approved by the Development Services Department.~~
3. ~~That the applicant shall obtain approval for site plan and elevations for the Phase III development through a Planning Hearing Officer hearing.~~
4. ~~That the following individual be notified of any Development Services Department preliminary site plan approval meeting or Planning Hearing Officer hearing:~~

~~Paul Gilbert, Beus Gilbert, PLLC
4800 North Scottsdale Road, Suite 6000
Scottsdale AZ 85251~~
2. PROVIDE 0.25 SECURED BICYCLE PARKING SPACES PER RESIDENTIAL UNIT, WITH A MAXIMUM OF 50 SPACES. SECURED PARKING SHALL INCLUDE BICYCLE LOCKERS, FENCED STORAGE, OR INDIVIDUAL STORAGE LOCKERS.
3. PROVIDE 0.10 UNSECURED BICYCLE PARKING SPACES PER RESIDENTIAL UNIT, PLACED IN PUBLICLY ACCESSIBLE SPACES NEAR BUILDING ENTRANCES.
4. TREES SHALL BE SELECTED FROM THE RECOMMENDED TREE SPECIES MATRIX, OF THE DOWNTOWN CODE, CHAPTER 12 OF THE ZONING ORDINANCE.

February 5, 2014

5. PARKING GARAGE OPENING AND AREAS WHERE DRIVEWAYS CROSS PEDESTRIAN PATHS/SIDEWALKS SHALL BE ENHANCED WITH SPECIALTY LIGHTING, ARTWORK, OR OTHER TYPES OF MATERIALS TO IDENTIFY TO THE PEDESTRIAN THE POSSIBLE PRESENCE OF AUTOMOBILES.
6. DEDICATE A 10-FOOT SIDEWALK EASEMENT FOR THE SOUTH HALF OF INDIAN SCHOOL ROAD FOR THE LENGTH OF THE PROJECT.
7. THE DEVELOPER SHALL UPDATE ALL EXISTING OFF-SITE STREET IMPROVEMENTS (SIDEWALKS, CURB RAMPS, AND DRIVEWAYS) TO CURRENT AMERICANS WITH DISABILITIES ACT GUIDELINES.
8. REMOVE ALL UNUSED DRIVEWAYS AND REPLACE ANY BROKEN OR OUT-OF-GRADE CURB, GUTTER, AND SIDEWALK ON ALL STREETS ENCOMPASSED IN THIS SITE PLAN.
9. PROVIDE UNDERGROUND STREET LIGHT CIRCUITS, POLES, AND FIXTURES ON ALL PUBLIC STREETS IN LOCATION APPROVED BY THE STREET TRANSPORTATION DEPARTMENT. SUBMIT ONE COPY OF THE APPROVED SITE PLAN WITH THREE COPIES OF THE STREET LIGHT PLANS TO THE 2ND FLOOR OF CITY HALL TO BE ROUTED TO STREET LIGHTING SECTION REVIEWER.

Noting there was no one present wishing to speak, **MOTION** was made by Mr. Gates, **SECONDED** by Mr. Nowakowski, that Item 22 be granted. **MOTION CARRIED UNANIMOUSLY.**

ITEM 23

DISTRICT 8

PUBLIC HEARING -
PROPOSED 35TH AVENUE
AND BASELINE ROAD
ANNEXATION

The Council heard request to hold a public hearing, as required by Arizona Revised Statutes Section 9-471, on the proposed 35th Avenue and Baseline Road Annexation. This public hearing allowed the City Council to gather community comment regarding this annexation proposal. The City Council would not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation would be considered at a later date.

February 5, 2014

This annexation was requested by the property owner(s) to obtain City services and conformed to current City policies regarding annexation of property prior to extension of City services. The proposed annexation area included 5 acres (0.005 square miles) and the population was estimated to be 3. The general boundaries of the area included Parcel 300-14-002X.

Notification of this public hearing was published in the *Arizona Business Gazette* newspaper in addition to posting in at least three conspicuous places in the territory proposed to be annexed. Notice by first-class mail was also sent to each property owner(s) in the area proposed to be annexed. The Waiver of Claims for Diminution in Value of Property under Proposition 207 had been executed.

Mayor Stanton declared the public hearing open. He stated a speaker comment card was submitted in favor by the applicant, Mr. Randy Raskin, who did not wish to speak. Noting there was no one else present wishing to speak, Mayor Stanton declared the public hearing closed.

OLD BUSINESS

ITEM 24

DISTRICT 4

**LIQUOR LICENSE
APPLICATION - BADA BING
GENTLEMEN'S CLUB**

Continued from January 29, 2014 – The Council heard request for a Series 6, On Sale-All Liquor, liquor license in an area zoned C-2. Arizona State Application 06070721.

Applicant: Greg Casteel, Agent
Bada Bing Gentlemen's Club
1702 East McDowell Road

The following information was submitted for Council consideration of this application:

Application Description

This request was for an ownership and location transfer of a Series 6 liquor license from Chandler for a topless bar. This location was not previously licensed for liquor sales and did not have an interim permit.

Public Opinion

No petitions or protests were received.

February 5, 2014

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar, and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire:

- A. I have the capability, reliability, and qualifications to hold a liquor license because: "I have operated this adult-oriented business for some time and I familiar with its operation. We will have employees trained in the liquor laws and we comply with those laws."

- B. The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "It will raise the age of patrons from 18 to 21 which will be beneficial to the community's best interest."

Staff Recommendation

Staff recommended disapproval of this application based on a Police Department and a Street Transportation Department recommendation for disapproval.

The Police Department disapproval was based on concerns with the applicant's criminal history and failure to fully disclose ownership in other businesses, as required during the liquor license application process. The applicant had not demonstrated the capability, reliability, and qualifications required to hold and control a liquor license.

The Street Transportation Department disapproval was pursuant to Arizona Revised Statutes, Section 4-207, that restricted liquor licensing near churches and schools. The proposed liquor license location was within 300 feet of a church.

MOTION was made by Ms. Pastor, **SECONDED** by Mr. Gates, that Item 24 be continued to the February 19, 2014, formal meeting.

Mayor Stanton stated a speaker comment card was submitted in favor by the applicant, Mr. Fares Faddoul, who did not wish to speak.

MOTION CARRIED UNANIMOUSLY.

February 5, 2014

ORDINANCES AND RESOLUTIONS

ITEM 25

CITYWIDE

**ORDINANCE G-5883 -
AMEND CITY CODE -
AMEND RULES OF COUNCIL
PROCEEDINGS RULE 8
PERTAINING TO CITIZEN
COMMENTS - EMERGENCY
CLAUSE**

The Council heard request to amend Phoenix City Code, Chapter 2, Article II, Rules of Council Proceedings, Rule 8, pertaining to Citizen Comments, to reflect the actions taken by the City Council at its January 15, 2014, and January 29, 2014, formal meetings.

The amendment to Rule 8 would provide that Citizen Comments would be heard beginning 15 minutes prior to the start of the regular formal meeting and immediately after adjournment or recess of the formal meeting. Any member of the public might address the Council to comment on issues of interest or concern to them. Citizen Comments would be televised with the formal meeting. Members of the public would be given a maximum of three minutes each to address the Council. Speakers would be called in the order in which cards requesting to speak at Citizen Comments were received. Members of the public who were not called during the 15 minutes prior to the meeting, would be called to speak following the formal meeting. A quorum of the City Council might or might not be present, but in either event, no decisions would be made and no action on any issue raised would be taken.

An emergency clause was requested in order to have the amendment take effect at the next normally scheduled formal meeting on February 19, 2014.

MOTION was made by Mr. Gates, **SECONDED** by Mr. Nowakowski, that Item 25 be adopted.

Ms. Dianne Barker spoke in opposition since Council was putting the public before the formal meeting and not part of it, whereas other cities surveyed had it with the formal meeting following roll call. The way this item was written also stated Citizen Comments would be televised with the formal meeting which simply meant the meeting would be at the top of the agenda instead of after the meeting. She expressed the habit of Council to not be present during Citizen Comments would continue and was very disappointed with this action.

February 5, 2014

Mayor Stanton indicated the meeting started a little late because Council was in Executive Session that went longer than expected.

Mr. Leonard Clark spoke in opposition but appreciated Council's efforts as there were still differences of opinion. He was concerned with a quorum not being present but mainly the special rules on free speech and was willing to work on that aspect to ensure it was clear and unambiguous. Most formal meetings had Citizen Comments after roll call and he understood there were special occasions but thought it would be nice to have more than one Councilperson present. Phoenix was one of the showcase cities and watched by other entities but he knew the world respected the fact that citizens were allowed to speak.

Mr. John Rusinek read any member of the public could address the Council to comment on issues of interest or concern to them. Further, Citizen Comments would be televised with the formal meeting but he wondered if that was true when there was no quorum. He expressed Citizen Comments should be with the formal meeting where all of Council was present. Also, he understood speakers would get three minutes but if it was not televised and Council was absent then freedom of speech was disregarded.

Mayor Stanton confirmed Citizen Comments would be televised.

Mr. Pat Vint inquired since Council arrived 20 minutes late for this meeting if he could use that time for his comments. Nonetheless, he suggested Citizen Comments follow liquor items so everyone could listen to people's testimony. He urged Council to not accept this item.

Mr. DiCiccio did not want restrictions placed on testimony toward Council since that was a right of citizens as protected by the Constitution but did want speakers to show some respect for audience members. He agreed with Mr. Vint in that meetings should begin on time; in other words, Citizen Comments started at 2:45 p.m. followed by the formal meeting at 3:00 p.m. Also, it would be televised making it part of the formal meeting so the entire city heard citizens concerns.

Further, Mr. DiCiccio did not believe attendees should pay for parking with regard to speaking with elected officials, noting his office provided free parking. He requested the City find a way to make sure citizens were not charged to speak with Council. Moving Citizen Comments to the front was asked for and the majority of Council agreed. He advised it would be evaluated after 60-90 days and if there were concerns it would be addressed at that time.

February 5, 2014

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Williams

MOTION CARRIED.

MOTION was made by Mr. Gates, **SECONDED** by Mr. Nowakowski, that Items 26 through 43 be adopted, except Items 27, 31, 32, 35, 37, 39, and 41 through 43; and noting Item 29 was withdrawn and Item 30 was continued to the September 17, 2014, formal meeting.

Roll Call:	Ayes:	DiCiccio, Gallego, Nowakowski, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Williams

MOTION CARRIED.

Mr. Mike Homeo submitted a speaker comment card in support of Item 26, but did not wish to speak.

ITEM 26

DISTRICT 1

**ORDINANCE G-5884 -
AMEND CITY CODE -
REZONING
APPLICATION Z-SP-9-13-1**

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-9-13-1 for the RE-43 SP (Residential Estate Special Permit) zoning district located approximately 315 feet east of the southeast corner of 37th Avenue and Morrow Drive to allow a horseback riding stable for disabled children and all underlying uses.

February 5, 2014

ITEM 28

DISTRICT 2

**ORDINANCE G-5886 -
AMEND CITY CODE -
REZONING
APPLICATION Z-41-13-2**

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-41-13-2 for the C-2 (Intermediate Commercial) zoning district located at the northeast corner of Tatum Boulevard and Union Hills Drive.

ITEM 29

DISTRICT 2

**ORDINANCE G-5887 -
AMEND CITY CODE -
REZONING
APPLICATION Z-50-13-2**

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-50-13-2 for the R1-18 (Single-Family Residence) zoning district located approximately 620 feet west of the southwest corner of 56th Street and Lone Mountain Road to allow single-family residential.

This item was withdrawn.

ITEM 30

DISTRICT 5

**ORDINANCE G-5888 -
AMEND CITY CODE -
REZONING
APPLICATION Z-55-13-5**

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-55-13-5 for the R-3A (Multiple-Family Residence) zoning district located at the southeast corner of 23rd Avenue and El Caminito Drive to allow senior multifamily housing.

This item was continued to the September 17, 2014, formal meeting.

February 5, 2014

ITEM 33

DISTRICTS 7 AND 8

**ORDINANCE S-40557 -
STATE OF ARIZONA
SOLICITATION ADSP012-
024653 - NETWORK
EQUIPMENT AND SERVICES**

The Council heard request to authorize the City Manager, or his designee, to make purchases against the State of Arizona contract with Enterprise Network Solutions for Dell Compellent storage area network (SAN) system components. Authorization was also requested for the City Controller to disburse funds over the life of the contract in an amount not to exceed \$70,000.

The Dell Compellent SAN was a critical system and contained all network data and resources used to perform daily business operations, including the event management system at the Phoenix Convention Center. The new components were required to replace existing components that reached their life expectancy.

The State of Arizona contract was awarded May 11, 2012, and would end on May 10, 2014, with the option for three, one-year extensions through May 10, 2017. Authorization was also requested for current award period and any optional extensions that the State of Arizona might approve.

Under the Intergovernmental Agreement with the State of Arizona, the City of Phoenix would use its agreement when it was beneficial for the City to do so.

ITEM 34

CITYWIDE

**ORDINANCE S-40558 -
IFB 14-012 - PRE-ENCODED
SMART CARD FARE MEDIA -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Valid USA to provide pre-encoded smart card fare media for use on transit bus fare boxes and light rail fare vending machines. The initial contract term would be for three years beginning on or about February 5, 2014 and ending January 31, 2017. Authorization was also requested for the City Controller to disburse funds over the life of the contract in an amount not to exceed \$700,000.

Award of this contract would result in the outsourcing of smart card fare media encoding, currently performed by City staff, saving approximately \$50,000 annually. These savings would be realized by eliminating the need to purchase stock and supplies, and maintain specialized equipment and software.

February 5, 2014

Solicitation IFB 14-012 Pre-Encoded Smart Card Fare Media was conducted in accordance with Administrative Regulation 3.10. Three offers were opened on August 16, 2013. Offers were evaluated based on price, responsiveness to all specifications, terms and conditions, and their responsibility to provide the required goods and/or services.

Following is a tabulation of the lowest bids received:

<u>Bidder</u>	<u>Total Bid Prices</u>
Valid USA	\$ 517,069
ABNote	\$ 606,600
ESC	\$1,983,163

It was recommended by the Deputy Finance Director that the bid submitted by Valid USA be accepted as the lowest responsive and responsible bidder.

Provisions of the agreement included an option to extend the contract up to two additional years, in one-year increments, which would be exercised by staff if considered in the City's best interest to do so.

The aggregate contract value for all option years would not exceed \$700,000 with an estimated annual expenditure of \$140,000. Most of this cost would be recovered through a per card charge to Platinum Pass Program participants and through charges to regional transit partners to which the City provided support services, such as fare management.

ITEM 36 **CITYWIDE** **ORDINANCE S-40560 -
IFB 14-091 - ALUMINUM SIGN
BRACKETS, ACCESSORIES,
AND BANDING PRODUCTS -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Lightle Enterprises of Ohio, LLC, and Traffic and Parking Control Company (TAPCO). Authorization was also requested for the City Controller to disburse funds over the life of the contracts in an amount not to exceed \$250,000.

February 5, 2014

Solicitation IFB 14-091 was conducted in accordance with Administrative Regulation 3.10. Five bids were received by the Procurement Division on December 13, 2013, for aluminum sign brackets, accessories, and Banding products for the Street Transportation Department on an as-needed basis for a two-year period beginning on or about February 6, 2014 and ending on January 31, 2016.

Following is a tabulation of the lowest bids received:

Bidder	Total Bid Prices
Lightle Enterprises of Ohio, LLC*	\$134,989.25
Traffic and Parking Control Co. (TAPCO)*	\$161,292.25

It was recommended by the Deputy Finance Director that the companies, as asterisked, be accepted as the lowest priced responsive and responsible bidders.

Multiple awards were recommended as the City required the parts and material of two contractors to meet the volume and variety of needs outlined in the contract. City of Phoenix staff would use the most cost effective contract to meet its needs whenever possible.

The aggregate contract value for all option years would not exceed \$250,000 with an estimated annual expenditure of \$50,000.

Provisions of the agreement included an option to extend the contract up to three additional years, in one-year increments, which would be exercised by staff if considered in the City's best interest to do so.

ITEM 38 **DISTRICT 2** **ORDINANCE S-40562 -
AMEND ORDINANCE S-40469 -
ACQUISITION OF AN
INTEREST LESS THAN FEE
TITLE**

The Council heard request to amend Ordinance S-40469 adopted December 18, 2013, which authorized the acquisition of fee title to 3.41 acres of state land in parcels located west of Black Mountain Parkway, to authorize the acquisition of an interest in the parcels that was less than fee title.

The remainder of the ordinance was unchanged.

February 5, 2014

ITEM 40

CITYWIDE

**ORDINANCE S-40564 -
AGREEMENT WITH THE
ARIZONA DEPARTMENT OF
ECONOMIC SECURITY FOR
POLICE SERVICES**

The Council heard request to authorize the City Manager, or his designee, to enter into a Staff Reimbursement Agreement between the City of Phoenix Police Department (PPD) and the Arizona Department of Economic Security (DES) for police services, and other related expenses, not to exceed \$179,000. Authorization was also requested for the City Controller to receive and disburse funds. The funding period was effective from January 1, 2014 through September 30, 2014. The agreement might be extended for a maximum of one year to September 30, 2015, by mutual agreement by all parties.

The purpose of this agreement was to provide the services of Phoenix Police Detective Gregory McKay in an endeavor being taken on by the Arizona Department of Economic Security in the furtherance of the protection of children. Detective McKay would act as the Chief Advisor for the Office of Child Welfare Investigations. Detective McKay would be working on recruiting, hiring, and authoring operational plans to better investigative criminal child abuse reports in the State of Arizona.

DES was willing to reimburse PPD for the actual costs of salaries, fringe benefits, and overtime up to \$179,000. DES would provide the detective with a vehicle and would cover fuel and any travel expenses related to this assignment.

ITEM 27

DISTRICT 2

**ORDINANCE G-5885 -
AMEND CITY CODE -
REZONING
APPLICATION Z-SP-8-13-2**

The Council heard request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-SP-8-13-2 for the C-2 SP (Intermediate Commercial Special Permit) zoning district to allow a storage facility located at the northeast corner of Tatum Boulevard and Union Hills Drive.

MOTION was made by Mr. Gates, **SECONDED** by Mr. Nowakowski, that Item 27 be adopted.

Mr. Nowakowski left the voting body. Ms. Gallego temporarily left the voting body.

February 5, 2014

Mr. Pat Vint expressed support for this item.

Roll Call:	Ayes:	DiCiccio, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Gallego, Nowakowski, and Williams

MOTION CARRIED.

ITEM 31

CITYWIDE

**ORDINANCE S-40555 -
PAYMENT ORDINANCE**

The Council heard request to authorize the City Controller to disburse funds in an aggregate amount not to exceed \$1,142,050.13 for the purpose of paying vendors, contractors, claimants, and others, and providing additional payment authority under certain existing City contracts.

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 31 be adopted.

Mr. Pat Vint was concerned about the amount of money for, and challenged Council's knowledge of, this item.

Roll Call:	Ayes:	DiCiccio, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Gallego, Nowakowski, and Williams

MOTION CARRIED.

ITEM 32

DISTRICT 7

**ORDINANCE S-40556 -
PORTLAND PARK LOFTS
TEMPORARY SALES OFFICE**

The Council heard request to authorize the City Manager, or his designee, to execute a license agreement and/or related contracts with Portland Place Partners, LLC (Developer), or a nominee approved by the City, to permit the non-exclusive use of City property at the northeast corner of 3rd Avenue and Portland Street for a temporary sales office in support of the Portland Park Lofts project. Further requested authorization for the City Controller to accept and deposit revenues into the Downtown Community Reinvestment Fund.

February 5, 2014

On December 19, 2012, City Council approved Ordinance S-39449 authorizing the execution of a Disposition and Development Agreement with the Developer (City Contract 136142). This agreement allowed the Developer to acquire city land on the north side of Portland Street at approximately the 1st and 2nd Avenues alignment to build a mixed-use, transit-oriented development with 137 to 184 residential condo units, structured parking, and ground-floor commercial space.

As the Developer ramped up its sales and marketing efforts in anticipation of construction commencing late this year, they identified a vacant City parcel at the northeast corner of 3rd Avenue and Portland Street, Assessor's Parcel Number 111-34-162, as an ideal location for a temporary sales office. This property was unencumbered and proximate to the project. The agreement would facilitate the Council-approved development while at the same time generating net new revenue to the City.

The license would include the following terms and conditions:

1. Term: Initial term of six months, with possibility of four, six-month extensions.
2. License Fee: \$0.50 per square foot annually, plus applicable taxes, which was within the range of market rents as determined by the Community and Economic Development Department.
3. Insurance and Indemnity: License would contain insurance and indemnity provisions acceptable to the City's Risk Management Division and the City Attorney.
4. Termination: The license might be cancelled pursuant to the provisions of Arizona Revised Statutes 38-511, for cause or upon 60 days written notice from either party.
5. Other: Licensee must comply with all applicable zoning requirements, dust control, neighborhood preservation, environmental, and other legal requirements.

The license might contain such other terms and conditions deemed necessary or appropriate by the City.

February 5, 2014

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 32 be adopted.

Mr. Pat Vint spoke in support of this item.

Roll Call:	Ayes:	DiCiccio, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Gallego, Nowakowski, and Williams

MOTION CARRIED.

ITEM 35

CITYWIDE

**ORDINANCE S-40559 -
IFB 14-030 - RENTAL OF
PORTABLE PUMPS AND
LIQUID CONVEYANCES -
REQUIREMENTS CONTRACT**

The Council heard request to authorize the City Manager, or his designee, to enter into a contract with Water Movers, Inc. on an as-needed basis during a three-year contract period beginning February 1, 2014 and ending January 31, 2017. Authorization was also requested for the City Controller to disburse funds over the life of the contract in an amount not to exceed \$575,000.

Solicitation IFB 14-030 was conducted in accordance with Administrative Regulation 3.10. One bid was received by the Procurement Division on November 15, 2013, to provide the Water Services Department with rental services for various portable pumps and liquid conveyance equipment on an as-needed basis.

Following is a tabulation of the only responsive and responsible offer received. The Procurement Division reviewed the offer and determined the price to be fair and reasonable based on previous contract pricing and current market prices.

February 5, 2014

Water Movers, Inc.	
Description	Price/Discount
Discount Percentage - Weekly	25%
Discount Percentage - Monthly	25%
Discount Percentage - Miscellaneous	25%
Delivery to Site	\$ 50
Pickup at Site	\$ 50
Hourly Rate for Installation or Removal On Site (Per Person)	\$ 50
Emergency Delivery Surcharge	\$100
Emergency Labor Rate for Emergency Work Hours (Per Person)	\$ 75

It was recommended by the Deputy Finance Director that the bid by Water Movers, Inc. be accepted as the only responsive and responsible bidder.

Provisions of the agreement included an option to extend the contract up to two additional years, in one-year increments, which would be exercised by staff if considered in the City's best interest to do so.

The aggregate contract value for all option years would not exceed \$575,000 with an estimated annual expenditure of \$115,000.

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 35 be adopted.

Mr. Pat Vint stated this item dealt with a sizeable amount of money and questioned how many bids were put out for it.

Deputy Finance Director James Scarboro replied this particular solicitation was issued in accordance with Administrative Regulation 3.10. Staff received one timely offer that was evaluated and compared to pricing available in the previous contract. He advised staff determined the bid to be fair and reasonable, and proceeded with the contract award.

Mr. Vint affirmed there was only one responsive bidder which had happened in the past and would again prove to be a disaster.

February 5, 2014

Roll Call:	Ayes:	DiCiccio, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Gallego, Nowakowski, and Williams

MOTION CARRIED.

ITEM 37

CITYWIDE

**ORDINANCE S-40561 -
RFA 14-036 - DANIEL DEFENSE
CARBINES**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with Daniel Defense, Inc. for the purchase of 55 Daniel Defense Carbines for the Police Department. Authorization was also requested for the City Controller to disburse funds for the purchase in an amount not to exceed \$70,000.

The Special Assignment Unit's currently issued carbines had experienced several failures, including breakages. They conducted a multi-phased test and evaluation in the areas of accuracy, ergonomics, and overall cost and features for possible replacements to their currently issued carbines.

The Daniel Defense 11.5-inch Carbine was found to be the best overall rifle throughout the evaluation process for the specific needs of the Special Assignments Unit. Daniel Defense was the only manufacturer of this carbine with many features unique to the firearm.

Ms. Gallego returned to the voting body.

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 37 be adopted.

Mr. Pat Vint submitted a speaker comment card but did not indicate whether he was in favor or opposed. Upon addressing the Council, his testimony was unrelated to this item.

February 5, 2014

Roll Call:	Ayes:	DiCiccio, Gallego, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Nowakowski and Williams

MOTION CARRIED.

ITEM 39

DISTRICT 8

**ORDINANCE S-40563 -
APPLY FOR, ACCEPT, AND
DISBURSE NATIONAL
ENDOWMENT FOR THE ARTS
"OUR TOWN" GRANT**

The Council heard request to authorize the City Manager, or his designee, to retroactively apply for a National Endowment for the Arts (NEA) "Our Town" grant for an amount not to exceed \$100,000 and, if the grant was awarded, accept the proceeds to work in partnership with Arizona State University's (ASU) Herberger Institute for Design and the Arts, Friendly House, and other arts and culture community partners. Authorization was also requested for the City Controller to disburse the funds over the life of the grant, if awarded.

The NEA grant would supplement Phoenix funds and non-federal cost-sharing from ASU's Herberger Institute for Design and the Arts and additional in-kind donations from Friendly House, Phoenix Community Alliance, and the Latino Institute of the City of Phoenix Parks and Recreation and Library Departments, to create *Story Days*. The project would bring diverse communities together with writers and performers to highlight the forces that shaped the meaning of place in their lives and fast-changing city.

The grant application was due January 13, 2014. If not approved, the application would be withdrawn.

The \$100,000 NEA grant required a minimum 50/50 match in City funds. The grant would supplement \$80,000 of the Library and Water Capital Improvement funds, \$20,000 in non-federal cost-sharing from ASU's Herberger Institute for Design and the Arts. An additional \$55,800 would be donated in-kind from Friendly House, Phoenix Community Alliance, and the Latino Institute of the City of Phoenix Parks and Recreation Department.

February 5, 2014

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 39 be adopted.

Mr. Pat Vint suggested the funds for this item be taken from the pockets of those on Council as well as the City Manager, City Attorney, and City Prosecutor.

Mayor Stanton confirmed the money was from the NEA which was federal dollars.

Roll Call:	Ayes:	DiCiccio, Gallego, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Nowakowski and Williams

MOTION CARRIED.

ITEM 41

CITYWIDE

**ORDINANCE S-40565 -
PROFESSIONAL SERVICES
AGREEMENT FOR OBIEE
CONSULTANT**

The Council heard request to authorize the City Manager, or his designee, to enter into an agreement with LCS Technologies, Inc. to provide technical support of the Oracle Business Intelligence Enterprise Edition (OBIEE) System for the Public Works Department. The total cost of this agreement would not exceed \$200,000 annually. Authorization was also requested for the City Controller to disburse funds over the life of the contract. The contract would be for one year, beginning on or about February 10, 2014, with the option to renew for an additional four years, in one-year increments, if it was deemed in the City's best interest to do so.

This contract was the result of a competitive bid process, utilizing the IT Qualified Vendor List. The City received two proposals, and the proposal submitted by LCS Technologies provided the strongest experience and extensive knowledge to meet the qualifications as defined in the solicitation document.

The Consultant would support the Public Works Business Intelligence initiative in relation to the operational and financial dashboards. The Consultant would be responsible for design, creation, and maintenance of these dashboards and would train users in the application of those dashboards. This project supported the Public Works Department goal to achieve higher efficiencies through business intelligence and analytics.

February 5, 2014

The aggressive contract value for all option years would not exceed \$1,000,000 with an estimated annual expenditure of \$200,000.

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 41 be adopted.

Mayor Stanton stated Mr. Leonard Clark submitted a speaker comment card not indicating whether he was in favor or opposed and did not wish to speak

Mr. Pat Vint remarked this item dealt with another large sum of money and wondered if Council was aware of what this item covered.

Mr. DiCiccio requested staff provide more information on these kinds of things, such as a breakdown of cost per hour.

Roll Call:	Ayes:	DiCiccio, Gallego, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Nowakowski and Williams

MOTION CARRIED.

ITEM 42

DISTRICTS 7 AND 8

**ORDINANCE S-40566 -
WS90500269(ID) SERIES -
BROADWAY ROAD: 35TH TO
19TH AVENUES - SEWER ID -
ORDINANCE OF INTENTION -
AMENDMENT 1**

The Council heard request to amend Ordinance S-40131 declaring its intention to improve and adopt preliminary Improvement District plans for WS90500269(ID) for the installation of sanitary sewer in portions of Broadway Road, between 35th and 15th Avenues, to provide sanitary sewer connections and reduce the number of septic systems in the area as passed by Council on July 3, 2013.

This amendment was to add Parcels 105-49-012A and 105-52-014 to the district that would benefit from the improvement project and that would then be assessed to pay the costs and expenses thereof, in proportion to the benefits to be derived therefrom, was described as follows:

February 5, 2014

- A. Maricopa Garden Farms Book 11, Page 38 Maricopa County Recorder (M.C.R.) Lot 2 Parcels 105-48-010C, 105-48-014D, 105-48-014B, and 105-48-011; Lot 3 Parcels 105-50-002A, 105-50-003A, and 105-50-005A; Lot 4 Parcel 105-49-001B; Lot 5 Parcels 105-49-007E, 105-49-013, and 105-49-015; Lot 6 Parcel 105-68-001; and Parcels 105-49-002A and 105-49-005C;
- B. Broadway Industrial Park Book 94, Page 32 M.C.R. Lots 1 and 2 Parcel 105-67-002A; Lots 3, 4, 5, and 6 Parcel 105-67-006A; Lots 7, 8, and 9 Parcel 105-67-009A;
- C. AAA Broadway Auto Parts Book 371, Page 1 M.C.R. Parcel 105-52-013A;
- D. Parcels 105-68-017D, 105-68-017E, 105-51-009A, 105-51-009B, 105-51-010, 105-52-003A, 105-65-940, 105-52-004H, 105-52-008, 105-52-009C, 105-65-001Q, 105-53-023C, 105-65-002W, 105-51-001, 105-51-013, 105-51-014, 105-51-003, 105-53-019, 105-65-516, 105-52-014, and 105-49-012A.

This Request for Council Action (RCA) was to add Parcels 105-49-012A to Segment 15 and 105-52-014 to Segment 12 by property owners Mr. Castaneda and Mr. Mark Forti's request which benefited the segments by reducing the assessment amounts of the other parcels in the same segments by adding an additional participant to share in the total cost of the segment. This project was currently under design, total savings to the original segments was not known at this time but staff estimated a savings of up to 10 percent for each parcel in the segment. Mr. Forti originally voted not to be included in the sewer improvement district, but had since contacted the City of Phoenix now wishing to change his vote to yes and to participate in the cost sharing. Mr. Castaneda was a new participant who was not originally balloted.

Original Ordinance S-40131 was passed by Council on July 3, 2013, RCA 71064, Item 119.

Property owners in Segments 12 and 15 were notified by mail of the amendment to add parcels by mail 20 days prior to the hearing on December 18, 2013, with no objections received.

This was also published in *The Record Reporter* on December 23, and 30, 2013.

February 5, 2014

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 42 be adopted.

Mr. Leonard Clark spoke in support. He thought the reduction of septic tanks or anything else that contributed to the poisoning of the City's water tables was a good thing. Moreover, he believed moving to a central sewage system was a good move in order to ensure water was as clean as possible for citizens.

Mr. Pat Vint spoke in favor of removing septic tanks from the ground as they produced bugs. Further, clean water was a necessity to cool systems at the Palo Verde Power Plant.

Roll Call:	Ayes:	DiCiccio, Gallego, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Nowakowski and Williams

MOTION CARRIED.

ITEM 43

CITYWIDE

**ORDINANCE S-40567 -
WATER TREATMENT PLANTS
AND RECLAMATION FACILITY
JOC ENGINEERING SUPPORT
SERVICES - AMENDMENT 2**

The Council heard request to authorize the City Manager, or his designee, to execute Amendment 2 to Contract 133885 with Wilson Engineers, Phoenix, Arizona, to exercise the second and final option to extend the contract for an additional one-year period through August 17, 2014, and increase the contract value by \$1,000,000 to \$2,100,000. Further requested to authorize the City Controller to disburse funds for the purpose of this ordinance.

The Engineer performed design and construction administration and inspection services on an as-needed basis to support the work of the Job Order Contractor (JOC). Individual projects were identified by City staff under the JOC Program. Projects differed in size, scope, and complexity. At any given time there might be a number of projects in various stages of implementation. The engineer was required to manage all projects in all phases simultaneously, and to coordinate with City staff and the City's JOC contractor.

February 5, 2014

Wilson Engineers was chosen for this project using a qualifications-based selection process authorized by Title 34 of the Arizona Revised Statutes as managed by the City Engineer.

The Engineer's total fee would not exceed \$2,100,000, including all subconsultant and allowable costs.

This contract was approved by City Council on June 13, 2012, for a one-year period with two options to renew the contract for additional one-year periods, and with a contract limit of \$500,000. On March 20, 2013, Council approved the first option to renew the contract for a one-year period and increase the contract limit by \$600,000 to \$1,100,000.

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 43 be adopted.

Mr. Leonard Clark was a hawk when it came to water purity and knew this was a contract extension. He hoped the City held this company to the highest specifications and performed inspections to make sure water was clean.

Mr. Pat Vint agreed with Mr. Clark on this issue.

Roll Call:	Ayes:	DiCiccio, Gallego, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Nowakowski and Williams

MOTION CARRIED.

NEW BUSINESS

ITEM 44

CITYWIDE

**PENSION/LABOR
CONSULTING SERVICES
QUALIFIED VENDOR LIST**

The Council heard request for approval to establish a Qualified Vendor List (QVL) for pension/labor consulting services.

February 5, 2014

The Human Resources Department issued a Request for Qualifications (RFQ) on December 24, 2013, to establish a QVL to allow the City to engage one or more qualified, non-attorney vendors with extensive background in labor negotiations as it related to pension systems for City of Phoenix employees, including the City of Phoenix Employees' Retirement System (COPERS) and the Public Safety Personnel Retirement System (PSPRS). It was anticipated these services might be needed, at a minimum, through May 2014.

Responses to the RFQ were due on January 8, 2014. Responses were received from Buck Consultants, LLC, and Kelly Garfinkle Strategic Restructuring, LLC (KGSR). Each proposal was reviewed based on the following criteria: experience in pension consulting, including any experience with COPERS and/or PSPRS; experience with reviewing and advising on labor negotiations as they related to pensions; other qualifications related to the services required; and cost estimate for services. The Evaluation Committee, consisting of staff from the Human Resources Department, determined that both proposals met the minimum qualifications to be placed on the QVL.

Based on the information provided above, the Human Resources Department was recommending that Buck Consultants, LLC, and KGSR be posted to the QVL. Any request from staff to contract with a firm from the QVL would require City Council approval.

MOTION was made by Mr. Gates, **SECONDED** by Mr. DiCiccio, that Item 44 be approved.

Mr. Leonard Clark was neutral on this item because he had not talked with his brothers and sisters who stood up for the working rights of men and women across the country. Although opposition was good for democracy he wanted to know what his union brothers and sisters thought about this matter given that somebody had to stand up for workers rights.

MOTION CARRIED UNANIMOUSLY.

ITEM 45

CITYWIDE

**CREATE TWO NEW POSITIONS
FOR THE HEALTH CARE
BENEFITS TRUST**

The Council heard request for approval for the City Manager to create two new positions in the Human Resources Department: Benefits Analyst II, who would act as the City's Wellness Coordinator, Pay Grade 033 (\$49,338 - \$73,653) and an Administrative Assistant II, Pay Grade 035 (\$54,392 - \$81,245).

February 5, 2014

Health Care costs were among the top 10 ongoing expenses for the City. The ability to assist employees and retirees in managing health risks prior to becoming catastrophic was paramount to reducing long-term expenses for the City's health plan.

The Wellness Program Coordinator would assist with the design, implementation, and administration of the City's health and wellness strategy for employees, dependents, and retirees. This position would also develop marketing and implement core health management and well-being programs and resources, including but not limited to lifestyle management programs, biometric and preventative or diagnostic screenings, preventative care, education, and disease management programs. Additionally, the incumbent would be responsible for communicating and supporting Citywide and/or department-specific programs and initiatives that engaged and focused employees on healthy living practices and creating a general wellness/medical prevention culture within the City.

The Administrative Assistant II would be responsible for monitoring contract compliance for medical, dental, pharmacy, and life insurance policies; handling the nearly \$12 million per year payables; tracking and monitoring all accounts receivable totaling approximately \$18 million per year; performing Post Employment Health Plan (PEHP) auditing and reconciliation; coordinating Request for Proposal processes; writing contracts; assisting with the Health Care Task Force and Health Care Benefits Trust; and processing all audit requests. Additional responsibilities would include coordination of the Benefits Division budget and working on claim recoveries. The position would also perform high level accounting and auditing functions related to reconciliations with the Public Safety Retirement System and the subsidies the City got from the State. In addition, this position could assist with audits of members covered on the City's plan to ensure that only eligible dependents were covered. Since 2008, this activity had accounted for close to \$500,000 in recoveries.

These positions would account for less than a tenth of the overall health care costs associated with the City's plans. The intent of these positions was to reduce health care expenditures by increasing cost recovery and increasing engagement in health and wellness related activities and programs, and early identification and action on conditions prior to them becoming catastrophic.

No General funds were requested. The Health Care Benefits Trust Board, at its November 19, 2013 meeting, approved the recommendation to fund these two positions from the Health Care Benefits Trust. The total cost to the Trust would include the positions and overhead.

February 5, 2014

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 45 be approved.

Mr. DiCiccio asked where the money came from to fund these two positions.

Deputy Human Resources Director Mary Kyle responded payment for the positions came from the Health Care Benefits Trust which was funded by employees, retirees, and the City.

Mr. Leonard Clark strongly supported this item as it would assist City employees who did a good job and deserved the best health care.

Mr. Pat Vint spoke in favor because employees needed to be taken care of but did not want people taking advantage of the system.

MOTION CARRIED UNANIMOUSLY.

ITEM 46

CITYWIDE

**DONATION OF FENCE
MATERIAL FOR THE
REGIONAL CANINE TRAINING
CENTER**

The Council heard request to authorize the City Manager, or his designee, to accept a donation from Ocotillo Lumber Sales, Inc. for fence material for the Phoenix Police Department's Regional Canine Training Center, located at the Arizona Law Enforcement Academy grounds. The donor estimated the fair market value of the donated property to be \$9,000.

The donation would be used to secure the training area for use by police service dogs. Due to the liability of canine training, as the police service dogs were off lead for a substantial amount of time during training deployments, the need to have a secured site when conducting training was critical. Ocotillo Lumber Sales, Inc. was a family-owned wholesale fencing company located in the City of Phoenix and had no previous ties with the City of Phoenix. Ocotillo Lumber wanted to support the Phoenix Police Canine Unit and agreed to donate the amount of fence necessary to secure the training site.

February 5, 2014

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 46 be approved.

Mr. Leonard Clark thanked Ocotillo Lumber Sales and thought this was representative of everyone working together. He expressed this business was doing a good thing by donating wood for the canine training center to help protect officers and citizens lives.

MOTION CARRIED UNANIMOUSLY.

Due to a possible conflict of interest, Ms. Gallego withdrew from the voting body on Item 47.

ITEM 47

DISTRICT 7

**LICENSE AGREEMENT WITH
SRP FOR PRIVATE
DEVELOPMENT ON
BUCKEYE ROAD BETWEEN
83RD AVENUE AND
87TH AVENUE**

The Council heard request for authorization and acceptance for the City Manager, or his designee, to enter into a license agreement with Salt River Project (SRP) for a private development along Buckeye Road between 83rd Avenue and 87th Avenue. The purpose of this license was to allow for roadways, traffic, and other informational signs, street lights, storm drains, traffic signals, water and sewer utilities, landscaping, bicycle and other recreational pathways, sidewalks, public transit, and other public purposes that were consistent with and would not interfere within USA Fee Property.

This license was necessary to support commercial development that was currently proposed for this site. SRP required that the license agreement be executed with a public entity. Further requested authorization and acceptance for the City Manager, or his designee, to enter into a development agreement with F-Star 67th Avenue, LLC in order to transfer the liability and other obligations associated with the SRP license agreement from the City of Phoenix to the private developer, F-Star 67th Avenue, LLC.

February 5, 2014

The SRP license agreement included the authorization pursuant to Phoenix City Code Section 42-20(B) to indemnify, release, and hold harmless Salt River Project for: (a) acts or omissions of the City, its agents, officers, directors, or employees; (b) the City's use or occupancy of the licensed property for the purposes contemplated by the license, including but not limited to claims by third parties who were invited or permitted onto the licensed property, either expressed or implied, by the City or by the nature of the City's improvement or other use of the licensed property pursuant to this license; and (c) the City's failure to comply with or fulfill its obligations established by the license or by law.

Either party might terminate this license without cause, subject to 360 days written notice.

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 47 be approved.

Roll Call:	Ayes:	DiCiccio, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Nowakowski and Williams

MOTION CARRIED.

Ms. Gallego returned to the voting body.

Items 48 and 49 were heard together.

ITEM 48

DISTRICT 2

**FINAL PLAT - SONORAN
COMMONS PHASE II - 130055**

The following final plat was reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code, and was approved on January 17, 2014:

Plat 130055
Project 06-2123
Name of Plat: Sonoran Commons Phase II
A 110-Lot Residential Plat
Generally located at North Valley Parkway and Rancho Tierra Drive

February 5, 2014

Owner(s): Taylor Morrison/Arizona, Inc.
Engineer(s): Bowman Consulting

It was recommended that the above plat be approved by the City Council and certified by the City Clerk.

ITEM 49 **DISTRICT 8** **FINAL PLAT - AUTOZONE AT
16TH ST. & MCKINLEY ST. -
130089**

The following final plat was reviewed by the Planning and Development Department in accordance with the provisions of Section 32-21 of the Phoenix City Code, and was approved on January 16, 2014:

Plat 130089
Project 13-1819
Name of Plat: AutoZone at 16th St. & McKinley St.
A Two-Lot Commercial Plat
Generally located at 713 North 16th Street

Owner(s): Joseph C. and Betty J. Conroy Trust
Engineer(s): G. Bryan Goetzenberger, R.L.S.

It was recommended that the above plat be approved by the City Council and certified by the City Clerk.

Noting there was no one present wishing to speak, **MOTION** was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Items 48 and 49 be approved. **MOTION CARRIED UNANIMOUSLY.**

PLANNING AND ZONING MATTERS

ITEM 52 **DISTRICT 4** **ORDINANCE G-5890 -
PUBLIC HEARING -
Z-47-13-4 -
3RD AVENUE AND
CAMELBACK ROAD**

The Council heard request to hold a public hearing on the rezoning for the following item to consider adopting the Planning Commission's recommendation and the related ordinance if approved.

February 5, 2014

Application: Z-47-13-4 – Appealed by Opposition
From: C-2 TOD-1 and C-2 SP TOD-1
To: R-5 TOD-1
Acreage: 1.14
Location: Approximately 115 feet east of the northeast corner of
3rd Avenue and Camelback Road
Proposal: Multifamily residential
3/4 Vote Required: Yes
Applicant: Larry Lazarus – Lazarus, Silvyn, and Bangs
Owner: Michael Stringfellow – Chasse Building Team
Representative: Larry Lazarus – Lazarus, Silvyn, and Bangs
Staff: Approved, subject to stipulations.
VPC Action: Alhambra – November 26, 2013 – No recommendation
made. Motion to deny failed. Vote 6-6.
PC Action: January 14, 2014 – Approved per the memo from Tricia
Gomes dated January 14, 2014. Vote 4-2

The following stipulations were subject to discussion at the meeting and the City Council might add, delete, or amend stipulations.

Stipulations

1. The development and elevations shall be in general conformance with the site ~~plan, elevations,~~ and landscape plan date stamped September 6, 2013, AND ELEVATIONS DATE STAMPED JANUARY 14, 2014, as approved by the Planning and Development Department.
2. The applicant shall update all existing off-site street improvements (sidewalks, curb ramps, and driveways) to meet current Americans with Disabilities Act guidelines.
3. A MINIMUM BUILDING SETBACK OF 16 FEET SHALL BE REQUIRED ALONG THE NORTH PROPERTY LINE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. THE BUILDING HEIGHT SHALL NOT EXCEED 3 STORIES AND 38 FEET FROM 16 FEET TO 53 FEET FROM THE NORTH PROPERTY LINE. THE BUILDING HEIGHT SHALL NOT EXCEED 4 STORIES AND 48 FEET BEYOND 53 FEET OF THE NORTH PROPERTY LINE.
5. THE DEVELOPMENT SHALL NOT EXCEED 50 UNITS.

February 5, 2014

MOTION was made by Ms. Pastor, **SECONDED** by Mr. DiCiccio, that Item 52 be continued to the March 19, 2014, formal meeting.

Mayor Stanton confirmed the following individuals that submitted speaker comment cards in support and opposition concurred with the motion for continuance and did not wish to speak:

- Ms. Marci Rosenberg
- Mr. Barry Wong
- Ms. Lorna Woods
- Ms. Carol Kawell
- J B Donaldson
- Ms. Sandra Hunter
- Ms. Tracy Tepper
- Ms. Sophie Tepper
- Mr. Leonard Clark

Mr. Jeffrey Mills lived directly north of this site and wanted to thank Ms. Pastor and the rest of Council. He was hopeful for the possibility of a responsible alternative for this site with the continuance.

MOTION CARRIED UNANIMOUSLY.

ITEM 53

DISTRICT 3

ORDINANCE G-5891 -

PUBLIC HEARING -

Z-24-13-3 -

TATUM BOULEVARD AND

SHEA BOULEVARD

The Council heard request to hold a public hearing on the rezoning for the following item to consider adopting the Planning Commission's recommendation and the related ordinance if approved.

Application: Z-24-13-3 – Appealed by Opposition
 From: CO/GO
 To: C-1
 Acreage: 3.52
 Location: Approximately 750 feet west of the southwest corner of Tatum Boulevard and Shea Boulevard
 Proposal: Day Care Facility
 3/4 Vote Required: Yes

February 5, 2014

Applicant: Robert Brooks Ministries, Inc.
Owner: Robert Brooks Ministries, Inc.
Representative: Robert Brooks Ministries, Inc.
Staff: Approved, subject to stipulations.
VPC Action: Paradise Valley – September 9, 2013 – Denied. Vote 14-0
PC Action: January 14, 2014 – Approved per the staff Addendum A dated January 14, 2014. Vote 4-2

The following stipulations were subject to discussion at the meeting and the City Council might add, delete, or amend stipulations.

Stipulations

1. The development shall be in general conformance with the site plan date stamped ~~July 18, 2013~~ JANUARY 10, 2014, as approved by the Planning and Development Department.
2. A MINIMUM 50% 2-INCH CALIPER TREES AND 50% 3-INCH CALIPER TREES SHALL BE PLANTED 20 FEET ON CENTER WITHIN THE REQUIRED LANDSCAPE SETBACK ALONG THE SOUTH PROPERTY LINE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3. NO DUMPSTER SHALL BE LOCATED WITHIN 100 FEET OF THE SOUTHERN PROPERTY LINE.

MOTION was made by Mr. Gates, **SECONDED** by Ms. Pastor, that Item 53 be continued to the February 19, 2014, formal meeting.

Mayor Stanton confirmed Mr. Leonard Clark, who submitted a speaker comment card not indicating whether he was in favor or opposed, agreed with the motion for continuance.

MOTION CARRIED UNANIMOUSLY.

February 5, 2014

ITEM 54.1

DISTRICT 2

**ORDINANCE G-5893 -
PUBLIC HEARING -
Z-50-13-2 -
56TH STREET AND LONE
MOUNTAIN ROAD**

The Council heard request to hold a public hearing on the rezoning for the following item to consider adopting the Planning Commission's recommendation and the related Ordinance if approved.

Application: Z-50-13-2 – Appealed by Opposition
 From: RE-35
 To: R1-18
 Acreage: 16.84
 Location: Approximately 620 feet west of southwest corner of 56th Street and Lone Mountain Road
 Proposal: Single-family residential
 3/4 Vote Required: No
 Applicant: Ed Bull – Burch &Cracchiolo, P.A.
 Owner: Melcor Developments Arizona, Inc.
 Representative: Ed Bull – Burch &Cracchiolo, P.A.
 Staff: Approved, subject to stipulations.
 VPC Action: Desert View – January 7, 2014 – Approved per staff stipulations with 3 additional stipulations. Vote 9-0
 PC Action: January 14, 2014 – Approved per the Desert View Village Planning Committee recommendation with one additional stipulation. Vote 6-0

The following stipulations were subject to discussion at the meeting and the City Council might add, delete, or amend stipulations.

Stipulations

1. The development shall not exceed 25 lots.
2. A minimum of 30 percent of the gross site area shall be retained as open space, including washes, as approved by the Planning and Development Department.
3. A minimum 50-foot wash corridor, depicted as Tract E on the site plan date stamped December 10, 2013, shall remain undisturbed, as approved by the Planning and Development Department.

February 5, 2014

4. View fencing shall be provided adjacent to wash corridors, as approved by the Planning and Development Department.
5. Right-of-way totaling a minimum of 65 feet shall be dedicated for the south half of Lone Mountain Road with half street improvements including curb, gutter, sidewalk, paving, appropriate drainage structures, and incidentals for the length of the property, as approved by the Planning and Development Department. Provide Phoenix standard pavement transition tapers to all existing improvements.
6. Provide a striping and signing diagram per City of Phoenix Street Transportation Department Standards for Lone Mountain Road and a copy of paving plans for the Street Transportation review. Striping and signing plan must be drawn on separate sheets from paving plans and included as part of the complete set submitted to the Planning and Development Department at Central Log-in on the 2nd Floor of City Hall. Approval of striping and signing plans must be obtained from the Street Transportation Department (Zeke Rios, 602-256-3409).
7. A minimum 40-foot-wide private accessway entrance with 20-foot radius curb returns shall be provided on Lone Mountain Road. If gates or a median island are proposed, comply with Gate Control Access Requirements.
8. The developer shall construct all streets within and adjacent to the development with curb, gutter, sidewalk, paving, appropriate drainage structures to facilitate dry crossings, and incidentals on private accessways under City permit and with City inspection. Minimum five-foot-wide attached sidewalks shall be constructed along all lot frontages adjacent to private streets, as approved by the Planning and Development Department. The curb at every curb return and at every entrance into a new subdivision is to be imprinted with the words "Private Street - No City Maintenance" in two-inch high letters.
9. The following easements shall be dedicated over the private accessways, as approved by the Planning and Development Department:
 - a. Public Water and Sewer;
 - b. Drainage;
 - c. Refuse Collection;
 - d. Emergency and Service Vehicle Access.

February 5, 2014

10. THE MAXIMUM BUILDING HEIGHT ALONG THE WEST PROPERTY LINE AND LOTS 1, 10, AND 11 AS DEPICTED ON THE SITE PLAN DATE STAMPED DECEMBER 10, 2013, SHALL BE ONE-STORY, AND 20 FEET.
11. PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO ALL PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENT, THE PROXIMITY OF PROPERTIES WITH HORSES. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE REVIEWED AND APPROVED BY THE CITY ATTORNEY.
12. A SIX-FOOT SOLID BLOCK WALL SHALL BE CONSTRUCTED ALONG THE SOUTH PROPERTY LINE, UP TO TRACT G AS DEPICTED ON THE SITE PLAN DATE STAMPED DECEMBER 10, 2013, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
13. THAT PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE.

Mayor Stanton declared the public hearing open.

Acting Planning and Development Director Alan Stephenson commented staff recommended approval of this residential request from RE-35 to R1-18, subject to his memo dated February 5, 2014 that incorporated stipulations the neighbors and applicant just agreed upon prior to this meeting. However, there was reference to private Covenants, Conditions, and Restrictions (CC&Rs) within the memo that were accepted by the group but the City was unable to enforce them.

Noting there was no one present wishing to speak, Mayor Stanton declared the public hearing closed.

February 5, 2014

MOTION was made by Mr. Waring, **SECONDED** by Mr. DiCiccio, that Add-on Item 54.1 be approved per the memo dated February 5, 2014, from Alan Stephenson with the following stipulations and to adopt the related ordinance:

1. The development shall not exceed 25 lots.
2. A minimum of 30 percent of the gross site area shall be retained as open space, including washes, as approved by the Planning and Development Department.
3. A minimum 50-foot wash corridor, depicted as Tract E on the site plan date stamped December 10, 2013, shall remain undisturbed, as approved by the Planning and Development Department.
4. View fencing shall be provided adjacent to wash corridors, as approved by the Planning and Development Department.
5. Right-of-way totaling a minimum of 65 feet shall be dedicated for the south half of Lone Mountain Road with half street improvements including curb, gutter, sidewalk, paving, appropriate drainage structures, and incidentals for the length of the property, as approved by the Planning and Development Department. Provide Phoenix standard pavement transition tapers to all existing improvements.
6. Provide a striping and signing diagram per City of Phoenix Street Transportation Department Standards for Lone Mountain Road and a copy of paving plans for the Street Transportation review. Striping and signing plan must be drawn on separate sheets from paving plans and included as part of the complete set submitted to the Planning and Development Department at Central Log-in on the 2nd Floor of City Hall. Approval of striping and signing plans must be obtained from the Street Transportation Department (Zeke Rios, 602-256-3409).
7. A minimum 40-foot-wide private accessway entrance with 20-foot radius curb returns shall be provided on Lone Mountain Road. If gates or a median island are proposed, comply with Gate Control Access Requirements.

February 5, 2014

8. The developer shall construct all streets within and adjacent to the development with curb, gutter, sidewalk, paving, appropriate drainage structures to facilitate dry crossings, and incidentals on private accessways under City permit and with City inspection. Minimum five-foot-wide attached sidewalks shall be constructed along all lot frontages adjacent to private streets, as approved by the Planning and Development Department. The curb at every curb return and at every entrance into a new subdivision is to be imprinted with the words "Private Street - No City Maintenance" in two-inch high letters.
9. The following easements shall be dedicated over the private accessways, as approved by the Planning and Development Department:
 - a. Public Water and Sewer;
 - b. Drainage;
 - c. Refuse Collection;
 - d. Emergency and Service Vehicle Access.
10. THE MAXIMUM BUILDING HEIGHT ALONG THE WEST PROPERTY LINE AND LOTS 1, ~~10, AND 14~~ 10-14 AS DEPICTED ON THE SITE PLAN DATE STAMPED DECEMBER 10, 2013, SHALL BE ONE-STORY, AND 20 FEET.
11. PRIOR TO FINAL SITE PLAN APPROVAL, THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE TO ALL PURCHASERS OF PROPERTY WITHIN THE DEVELOPMENT, THE PROXIMITY OF PROPERTIES WITH HORSES. THE FORM AND CONTENT OF SUCH DOCUMENTS SHALL BE REVIEWED AND APPROVED BY THE CITY ATTORNEY.
12. A SIX-FOOT SOLID BLOCK WALL SHALL BE CONSTRUCTED ALONG THE SOUTH PROPERTY LINE, UP TO TRACT G AS DEPICTED ON THE SITE PLAN DATE STAMPED DECEMBER 10, 2013, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
13. THAT PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE.

February 5, 2014

14. ALONG THE EAST PROPERTY LINE OF THE BUSHWOOD SUBDIVISION (EXCEPT IN THE WASHES), A ROW OF NATIVE SONORAN DESERT TREES, A MINIMUM 3-INCH CALIPER AT PLANTING, SHALL BE PLANTED 30 FEET ON CENTER, OR AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. THE TREES SHALL BE INSTALLED WITHIN A MINIMUM 10-FOOT-WIDE COMMON TRACT, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
15. THE SIDE YARD WALL/FENCE ALONG THE EAST PROPERTY LINE OF LOT 11 SHALL BE A VIEW WALL/FENCE THAT WILL BE A COMBINATION OF MASONRY ON THE BOTTOM AND WROUGHT IRON ON THE TOP WITH MASONRY PILASTERS APPROXIMATELY 16 FEET ON CENTER, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

OTHER CONDITIONS THE APPLICANT HAS AGREED TO THAT WILL NOT BE ENFORCED BY THE CITY:

16. PRIOR TO CITY COUNCIL APPROVAL OF THE FINAL PLAT FOR THE BUSHWOOD SUBDIVISION, THE DEVELOPER SHALL PROVIDE TO THE PLANNING AND DEVELOPMENT DEPARTMENT A COPY OF THE COVENANTS, CONDITIONS, AND RESTRICTIONS ("CC&RS") FOR THE BUSHWOOD SUBDIVISION. THE CC&RS SHALL INCLUDE DESIGN GUIDELINES CALLING FOR A DESERT COMPATIBLE PALETTE OF BUILDING MATERIALS, EARTH TONE COLORS, AND PLANTS FROM THE ARIZONA DEPARTMENT OF WATER RESOURCES LOW WATER CONSUMPTIVE PLANT LIST. THE BUSHWOOD HOMEOWNER'S ASSOCIATION (NOT THE CITY) SHALL BE RESPONSIBLE FOR MONITORING AND ENFORCEMENT OF THE CC&RS.
17. THE ABOVE-REFERENCED CC&RS SHALL REQUIRE THE INSTALLATION OF A GIVEN LOT'S FRONT YARD LANDSCAPING WITHIN 180 DAYS FROM THE OCCUPANCY OF THAT LOT WITH THE BUSHWOOD HOMEOWNER'S ASSOCIATION (NOT THE CITY) BEING RESPONSIBLE FOR MONITORING AND ENFORCEMENT OF THIS REQUIREMENT.

February 5, 2014

Roll Call:	Ayes:	DiCiccio, Gallego, Pastor, Valenzuela, Waring, Vice Mayor Gates, and Mayor Stanton
	Nays:	None
	Absent:	Nowakowski and Williams

MOTION CARRIED.

ADJOURNMENT

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 4:35 p.m.

MAYOR

ATTEST:

CITY CLERK

0205min.doc/SC

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 5th day of February, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of April, 2014.

City Clerk

- 304 -

February 5, 2014