

PHOENIX CITY COUNCIL FORMAL AGENDA



Mayor Greg Stanton

Vice Mayor
District 3
Bill Gates

District 1
Thelda Williams

District 2
Jim Waring

District 4
Laura Pastor

District 5
Daniel Valenzuela

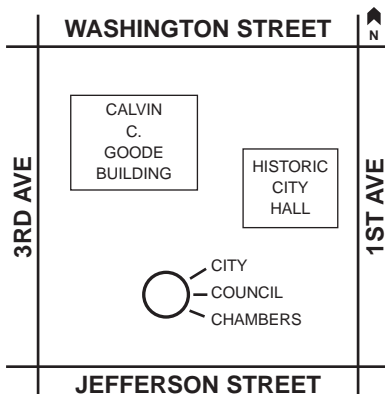
District 6
Sal DiCiccio

District 7
Michael Nowakowski

District 8
Kate Gallego

*Online agendas and
results available at
www.phoenix.gov*

City Council Chambers
200 W. Jefferson St.
Phoenix, AZ 85003



WELCOME!

You are now participating in the process of representative government. We welcome your interest and hope you and your friends will often attend Phoenix City Council meetings. Democracy cannot endure without an informed electorate. Phoenix utilizes a Council-Manager form of local government. Policy is set by the Mayor and Council who are elected by the people, and carried out by the City Manager, who is appointed by the Council. The Council decides what is to be done and the City Manager, operating through the entire City staff, does it. This separation of policy-making and policy administration is considered the most economical and efficient form of city government.

FORMAL CITY COUNCIL MEETINGS

The Council takes official action at "formal" meetings biweekly on Wednesday at 3:00 p.m. Ordinances, Resolutions and Formal Actions are officially enacted or rejected at this time from the agenda. Although this agenda is subject to change from time to time, all changes to the printed agenda will be available 24 hours prior to the meeting.

The "formal" meeting may appear to proceed extremely fast, with important decisions reached after very little discussion. Actually, Council members receive the agenda the Thursday prior to the meeting. They have the opportunity to study every item on the agenda over the weekend and ask questions of City staff members. If no additional facts are presented at the "formal" meeting, they often act on matters, particularly routine ones, without further discussion.

HOW CITIZENS CAN PARTICIPATE

Citizens may appear before the City Council or a Council Subcommittee to express their views on any published agenda item. In addition, a Citizen Comment Session is held on Wednesdays immediately following the formal City Council meetings which begin at 3:00 p.m. The City Council does not meet every Wednesday, so please call the City Clerk Department at 602-262-6811 to confirm the date and time of the next formal meeting.

If you have an individual problem involving the City, you are encouraged to contact your District Council member at 602-262-7029 or the City Manager's Office at 602-262-4449. To reach the Mayor's office, call 602-262-7111. We will do everything possible to be responsive to your individual requests.

REGISTERED LOBBYISTS

Individuals paid to lobby on behalf of persons or organizations other than themselves shall register with the City Clerk prior to lobbying or within five business days thereafter and must re-register annually. If you have any questions about registration or whether or not you must register, please contact the City Clerk's Office at 602-256-3186.

An assistive listening system is available in the Council Chambers for individuals with hearing loss. Headset units are available at the entrance table in the Chambers. In addition, the City Clerk's office will provide sign language interpreting services. Please call (voice) 602-256-3186 or (TTY) 602-534-2737 as early as possible to coordinate needed arrangements.

Si necesita asistencia o traducción en español, favor de llamar lo mas pronto posible a la oficina de la Secretaría Municipal de Phoenix al 602-256-3186.

City of Phoenix Council members and district boundaries



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602-262-7111
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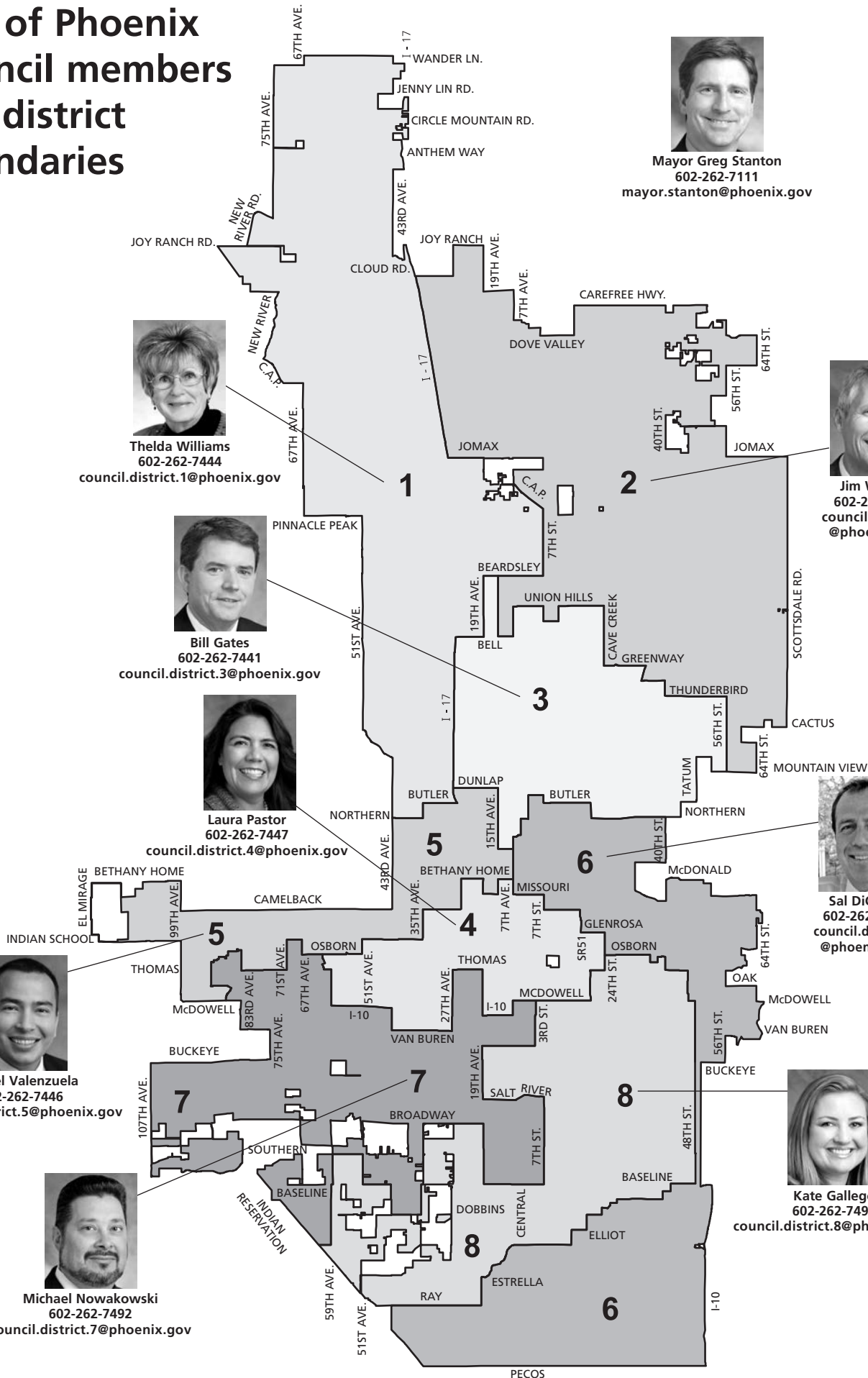
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Kate Gallego
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**WEDNESDAY, FEBRUARY 5, 2014, 3:00 P.M.
COUNCIL CHAMBERS, 200 WEST JEFFERSON
PHOENIX, ARIZONA 85003**

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AGENDA FOR FORMAL MEETING

**PHOENIX CITY COUNCIL
WEDNESDAY, FEBRUARY 5, 2014, 3:00 P.M.
COUNCIL CHAMBERS, 200 WEST JEFFERSON
PHOENIX, ARIZONA 85003**

INVOCATION

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

PLEDGE

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

ROLL CALL

MINUTES OF MEETINGS

For approval or correction, the minutes of the special meeting of January 2, 2014. (Submitted to Mr. Valenzuela)

BOARDS AND COMMISSIONS

Mayor's appointments to Boards and Commissions.

City Council Members' appointments to Boards and Commissions.

The names of persons being recommended for appointment and the Board, Commission, or Committee to which their appointments are being recommended are available in the City Clerk's Office, 15th Floor, Phoenix City Hall, 200 West Washington Street, not less than 24 hours prior to the meeting.

LIQUOR LICENSE APPLICATIONS

ITEM 1

DISTRICT 1

LIQUOR LICENSE APPLICATION - APPLEBEE'S NEIGHBORHOOD GRILL & BAR

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

This request is for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and is currently operating with an interim permit. The operation plan filed with the application shows that the restaurant area seats 152 and the bar area seats 17. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Monday, February 17, 2014.

Consideration should be given only to the applicant's personal qualifications. In regard to the location, pursuant to Arizona Revised Statutes 4-203(A), there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

1. Department of Liquor Licenses and Control Public Access Data - This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.
2. Police Calls for Service - This information is not provided due to the multiple ownership interests of the applicant.
3. Public Opinion - No petitions or protests have been received.
4. 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."

5. Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 2

DISTRICT 1

LIQUOR LICENSE APPLICATION - APPLEBEE'S NEIGHBORHOOD GRILL & BAR

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

This request is for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and is currently operating with an interim permit. The operation plan filed with the application shows that the restaurant area seats 175 and the bar area seats 18. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Monday, February 17, 2014.

Consideration should be given only to the applicant's personal qualifications. In regard to the location, pursuant to Arizona

Revised Statutes 4-203(A), there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

1. Department of Liquor Licenses and Control Public Access Data - This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.
2. Police Calls for Service - This information is not provided due to the multiple ownership interests of the applicant.
3. Public Opinion - No petitions or protests have been received.
4. 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."

5. Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 3

DISTRICT 1

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

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

This request is for an acquisition of control of a Series 10 liquor license for a convenience store that sells gas. This location is currently licensed for liquor sales. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Friday, February 14, 2014.

Consideration may be given only to the applicant's personal qualifications and not to the location.

1. Department of Liquor Licenses and Control Public Access Data - This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.
2. Police Calls for Service - This information is not provided due to the multiple ownership interests of the applicant.
3. Public Opinion - No petitions or protests have been received.
4. 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."

5. Staff Recommendation - Staff recommends approval of this application.

If denied, the applicant will not continue operations without a liquor license and the previous owner

will resume ownership.

This item is submitted by Ms. Takata and the City Clerk Department.

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

The following is an application for a Special Event liquor license for temporary sale of all liquors. There are no departmental objections and no protests.

Series Definition

SE - Special Event License for temporary sale of all liquors

<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 recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

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

The following is an application for a Special Event liquor license for temporary sale of all liquors. There are no departmental objections and no protests.

Series Definition

SE - Special Event License for temporary sale of all liquors

<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.

-
Total Expected Attendance: 16,750

Day/Date/Time:
Friday, March 21, 2014
7:00 a.m. to 7:00 p.m.

-
Total Expected Attendance: 23,500

Day/Date/Time:
Saturday, March 22, 2014
7:00 a.m. to 7:00 p.m.

-
Total Expected Attendance: 28,000

Day/Date/Time:
Sunday, March 23, 2014
7:00 a.m. to 7:00 p.m.

-
Total Expected Attendance: 29,500

Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 6

DISTRICT 2

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

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

This request is for an acquisition of control of a Series 10 liquor license for a convenience store that sells gas. This location is currently licensed for liquor sales. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Friday, February 14, 2014.

Consideration may be given only to the applicant's personal qualifications and not to the location.

1. Department of Liquor Licenses and Control Public Access Data - This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.
2. Police Calls for Service - This information is not provided due to the multiple ownership interests of the applicant.
3. Public Opinion - No petitions or protests have been received.
4. 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."

5. Staff Recommendation - Staff recommends 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 will not continue operations without a liquor license and the previous owner will resume ownership.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 7 **DISTRICT 3** **LIQUOR LICENSE APPLICATION - DANNY'S FAMILY CAROUSEL / TEXACO STAR MART**

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

This request is for an acquisition of control of a Series 10 liquor license for a convenience store that sells gas. This location is currently licensed for liquor sales. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Friday, February 14, 2014.

Consideration may be given only to the applicant's personal qualifications and not to the location.

1. Department of Liquor Licenses and Control Public Access Data - This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.
2. Police Calls for Service - This information is not provided due to the multiple ownership interests of the applicant.
3. Public Opinion - No petitions or protests have been received.
4. 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."

5. Staff Recommendation - Staff recommends approval of this application.

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

This item is submitted by Ms. Takata and the City Clerk Department.

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

The following is an application for a Special Event liquor license for temporary sale of all liquors. There are no departmental objections and no protests.

Series Definition

SE - Special Event License for temporary sale of all liquors

<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	- <u>Event Location:</u> 300 East Indian School Road -

(Beer Festival/Live Music)

Day/Date/Time:
Saturday, February 15, 2014
12 noon to 5:00 p.m.

-
Total Expected Attendance: 4,000

Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

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

The following is an application for a Special Event liquor license for temporary sale of all liquors. There are no departmental objections and no protests.

Series Definition
SE - Special Event License for temporary sale of all liquors

<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 recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 10 **DISTRICT 4** **LIQUOR LICENSE APPLICATION - SPECIAL
EVENT - THE JUNIOR LEAGUE OF PHOENIX,
INCORPORATED**

The following is an application for a Special Event liquor license for temporary sale of all liquors. There are no departmental objections and no protests.

Series Definition
SE - Special Event License for temporary sale of all liquors

<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 recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 11

DISTRICT 4

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

The following is an application for a Special Event liquor license for temporary sale of all liquors. There are no departmental objections and no protests.

Series Definition

SE - Special Event License for temporary sale of all liquors

<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 recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 12

DISTRICT 4

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

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

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

The sixty-day limit for processing this application is Monday, February 17, 2014.

Consideration should be given only to the applicant's personal qualifications. In regard to the location, pursuant to Arizona Revised Statutes 4-203(A), there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

1. Department of Liquor Licenses and Control Public Access Data - This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.
2. Police Calls for Service - This information is not provided due to the multiple ownership interests of the applicant.
3. Public Opinion - No petitions or protests have been received.
4. 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."

5. Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 13 **DISTRICT 6** **LIQUOR LICENSE APPLICATION - DANNY'S
FAMILY CAROUSEL MEGA PUMPER**

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

This request is for an acquisition of control of a Series 10 liquor license for a convenience store that sells gas. This location is currently licensed for liquor sales. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Friday, February 14, 2014.

Consideration may be given only to the applicant's personal qualifications and not to the location.

1. Department of Liquor Licenses and Control Public Access Data - This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.
2. Police Calls for Service - This information is not provided due to the multiple ownership interests of the applicant.
3. Public Opinion - No petitions or protests have been received.
4. 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."

5. Staff Recommendation - Staff recommends approval of this application.

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

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 14 **DISTRICT 7** **LIQUOR LICENSE APPLICATION - GRAND
AVENUE BREWING COMPANY**

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

This request is for a new Series 3 liquor license for a microbrewery. This location was not previously licensed for liquor sales and does not have an interim permit. This business will have outdoor dining and outdoor alcohol consumption. This location requires

a Use Permit for this type of activity. This business is currently being remodeled with plans to open in January 2015. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Monday, February 17, 2014.

Consideration may be given to the applicant's personal qualifications and to the location.

1. Department of Liquor Licenses and Control Public Access Data - This database indicates that the applicant does not hold an interest in any other liquor license in the State of Arizona.
2. Police Calls for Service - Not applicable since the applicant does not hold an interest in any other liquor license in the City of Phoenix.
3. Public Opinion - No petitions or protests have been received.
4. 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."
5. Neighborhood Stability

Liquor License Data		1 Mile	1/2 Mile
Description	Series	#	#
Government	5	3	0
Bar	6	12	1
Beer & Wine Bar	7	4	1
Liquor Store	9	2	1
Beer & Wine Store	10	8	2
Hotel	11	1	0
Restaurant	12	25	2
Club	14	1	1

Crime Data	Avg.	1 Mile	1/2 Mile
Violent Crimes	5.82	14	18.72
Property Crimes	45.04	62.96	61.27

Property Violation Data	Avg.	1/2 Mile
Parcels w/Violations	57	135
Total Violations	105	280

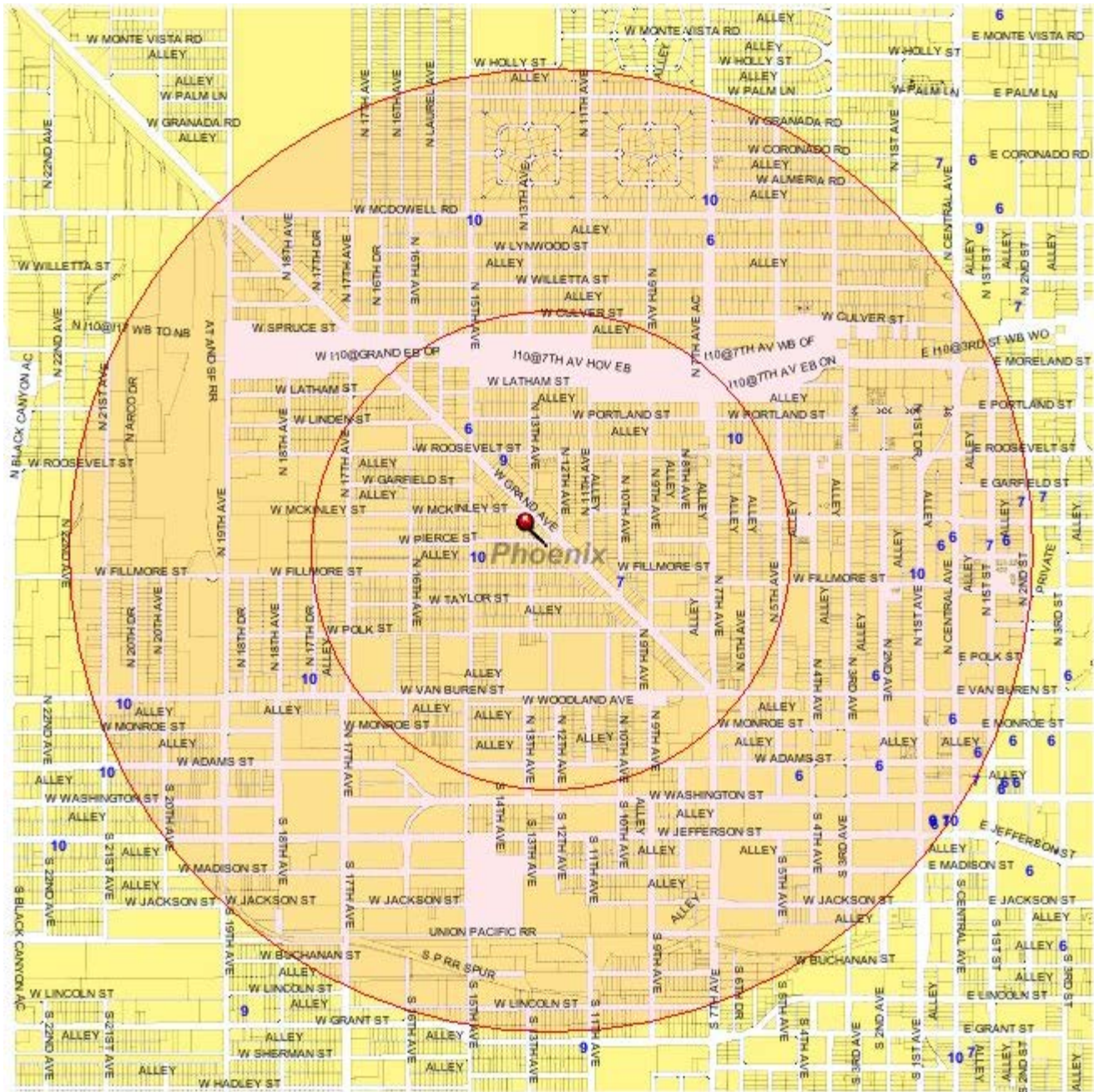
Census 2000 Data 1/2 Mile				
Block Group	2000 Population	Owner Occupied	Residential Vacancy	Persons In Poverty
1129001	1065	59%	11%	12%
1129002	1703	31%	10%	32%
1129003	790	40%	18%	42%
1129004	1363	36%	10%	61%
1129005	1242	19%	11%	52%
1130002	208	29%	36%	3%
1130004	610	35%	16%	10%
1131002	452	0%	25%	33%
1131004	565	16%	10%	50%
1141001	1909	2%	5%	39%
1143011	672	16%	19%	52%
Average		63%	6%	15%

- 6. Staff Recommendation - Staff recommends 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.

A map indicating liquor licenses within a one-mile radius accompanies this item on the following page.

This item is submitted by Ms. Takata and the City Clerk Department.

District 7 John Coll, Agent
 Grand Avenue Brewing Company
 1205 West Pierce Street



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

This request is for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and is currently operating with an interim permit. The operation plan filed with the application shows that the restaurant area seats 152 and the bar area seats 18. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Monday, February 17, 2014.

Consideration should be given only to the applicant's personal qualifications. In regard to the location, pursuant to Arizona Revised Statutes 4-203(A), there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

1. Department of Liquor Licenses and Control Public Access Data - This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.
2. Police Calls for Service - This information is not provided due to the multiple ownership interests of the applicant.
3. Public Opinion - No petitions or protests have been received.
4. 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."

5. Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 16 **DISTRICT 8** **LIQUOR LICENSE APPLICATION - APPLEBEE'S NEIGHBORHOOD GRILL & BAR**

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

This request is for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and is currently operating with an interim permit. The operation plan filed with the application shows that the restaurant area seats 178 and the bar area seats 18. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Monday, February 17, 2014.

Consideration should be given only to the applicant's personal qualifications. In regard to the location, pursuant to Arizona Revised Statutes 4-203(A), there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

1. Department of Liquor Licenses and Control Public Access Data - This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.
2. Police Calls for Service - This information is not provided due to the multiple ownership interests of the applicant.
3. Public Opinion - No petitions or protests have been received.
4. 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."

5. Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 17

DISTRICT 8

LIQUOR LICENSE APPLICATION - APPLEBEE'S NEIGHBORHOOD GRILL & BAR

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

This request is for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and is currently operating with an interim permit. The operation plan filed with the application shows that the restaurant area seats 146 and the bar area seats 17. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Monday, February 17, 2014.

Consideration should be given only to the applicant's personal qualifications. In regard to the location, pursuant to Arizona Revised Statutes 4-203(A), there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

1. Department of Liquor Licenses and Control Public Access Data - This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.
2. Police Calls for Service - This information is not provided due to the multiple ownership interests of the applicant.
3. Public Opinion - No petitions or protests have been received.
4. 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."

5. Staff Recommendation - Staff recommends approval of this application.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 18

DISTRICT 8

**LIQUOR LICENSE APPLICATION - SNAPPY
CONVENIENCE STORE**

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

This request is for an acquisition of control of a Series 10 liquor license for a convenience store. This location is currently licensed for liquor sales. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Monday, February 17, 2014.

Consideration may be given only to the applicant's personal qualifications and not to the location.

1. Department of Liquor Licenses and Control Public Access Data - This database indicates that the applicant does not currently hold an interest in any other liquor license in the State of Arizona.
2. Police Calls for Service - Not applicable since the applicant does not currently hold an interest in any other liquor license in the City of Phoenix.
3. Public Opinion - No petitions or protests have been received.

4. 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."

5. Staff Recommendation - Staff recommends 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 will not continue operations without a liquor license and the previous owner will resume ownership.

This item is submitted by Ms. Takata and the City Clerk Department.

ITEM 19

DISTRICT 2

**LIQUOR LICENSE APPLICATION - GUS'S NEW
YORK PIZZA AND BAR**

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

This request is for a new Series 12 liquor license for a restaurant. This location was previously licensed for liquor sales and does not have an interim permit. The operation plan filed with the application shows that the restaurant area seats 50 and the bar area seats 12. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Saturday, February 8, 2014.

Consideration may be given to the applicant's personal qualifications and to the location.

1. Department of Liquor Licenses and Control Public Access Data - This database indicates that the applicant does not hold an interest in any other liquor license in the State of Arizona.
2. Police Calls for Service - Not applicable since the applicant does not hold an interest in any other liquor license in the City of Phoenix.
3. Public Opinion - No petitions or protests have been received.
4. Applicant's Statement - The applicant chose not to submit a statement supporting this application.
5. Neighborhood Stability - - -

Liquor License Data		1 Mile	1/2 Mile
Description	Series	#	#
Bar	6	2	2
Liquor Store	9	4	1
Beer & Wine Store	10	5	2
Restaurant	12	2	1
Club	14	1	1

Crime Data	Avg.	1 Mile	1/2 Mile
Violent Crimes	5.82	4	4
Property Crimes	45.04	38.35	35.25

Property Violation Data	Avg.	1/2 Mile
Parcels w/Violations	57	50
Total Violations	105	100

Census 2000 Data 1/2 Mile				
Block Group	2000 Population	Owner Occupied	Residential Vacancy	Persons In Poverty
0303551	2197	94%	8%	8%
0303552	2625	83%	5%	8%
0303553	1000	88%	6%	2%
0303591	2565	93%	7%	5%
0303791	3202	91%	4%	2%
Average		63%	6%	15%

6. Staff Recommendation - Staff recommends 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 is 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 is based on the applicant's failure to pay delinquent taxes, penalties, and fees.

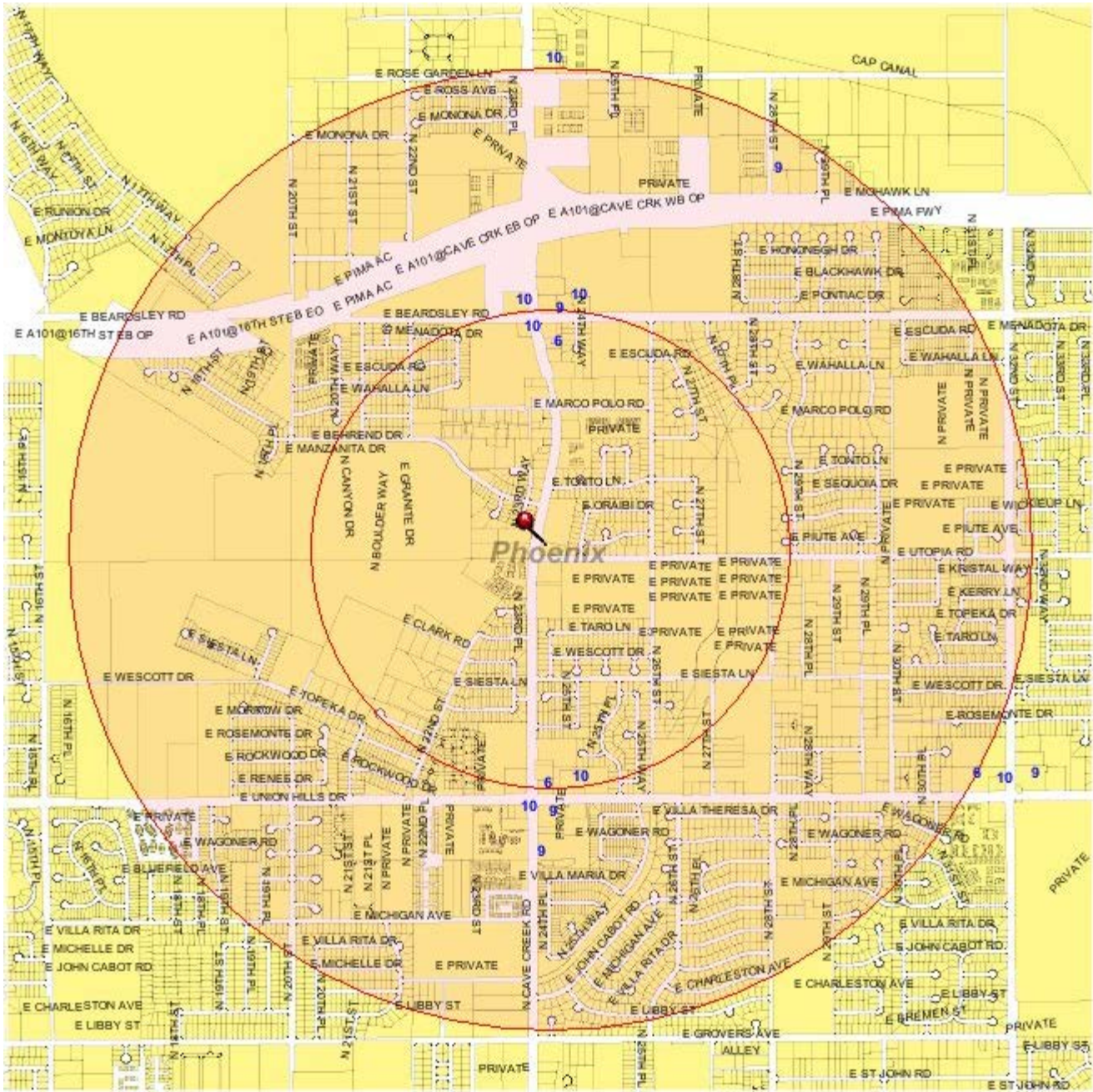
The applicant has not demonstrated the capability, reliability, or qualifications to hold and control a liquor license.

A map indicating liquor licenses within a one-mile radius accompanies this item on the following page.

This item is submitted by Ms. Takata and the City Clerk Department.

District 2

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



ITEM 20

DISTRICT 6

LIQUOR LICENSE APPLICATION - LOLA'S COFFEE

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

This request is for a new Series 12 liquor license for a restaurant. This location was not previously licensed for liquor sales and

does not have an interim permit. The operation plan filed with the application shows that the restaurant area seats 50 and the bar area seats 8. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application is Thursday, February 13, 2014.

Consideration may be given to the applicant's personal qualifications and to the location.

1. Department of Liquor Licenses and Control Public Access Data - This database indicates that the applicant does not hold an interest in any other liquor license in the State of Arizona.
2. Police Calls for Service - Not applicable since the applicant does not hold an interest in any other liquor license in the City of Phoenix.
3. Public Opinion - A petition with 24 valid signatures protesting the issuance of this license has been received and is on file in the Office of the City Clerk.

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

4. 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 coridor come to dine without a long commute. All three restaurants of the yard will offer liquor service in a fully enclosed enviornment in full compliance w/all applicable laws."

5. Neighborhood Stability

Liquor License Data		1 Mile	1/2 Mile
Description	Series	#	#
Bar	6	4	2
Beer & Wine Bar	7	6	0
Liquor Store	9	6	3
Beer & Wine Store	10	8	3
Restaurant	12	18	6

Crime Data	Avg.	1 Mile	1/2 Mile
Violent Crimes	5.82	4.23	3.57
Property Crimes	45.04	61.8	60.28

Property Violation Data	Avg.	1/2 Mile
Parcels w/Violations	57	127
Total Violations	105	156

Census 2000 Data 1/2 Mile				
Block Group	2000 Population	Owner Occupied	Residential Vacancy	Persons In Poverty

1065003	757	67%	0%	5%
1065007	826	29%	8%	10%
1066004	1085	50%	8%	11%
1075001	708	72%	3%	11%
1075003	733	85%	5%	2%
1075004	864	83%	5%	2%
1076003	666	43%	13%	9%
1076004	597	77%	9%	2%
1076006	847	30%	5%	9%
1076007	657	13%	7%	10%
1076008	591	29%	12%	24%
Average		63%	6%	15%

6. Staff Recommendation - Staff recommends disapproval of this application based on a Police Department recommendation for disapproval and neighborhood protests.

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

The neighborhood opposition indicates that the applicant has not shown that the public convenience requires and the best interest of the community will be substantially served by the issuance of this license.

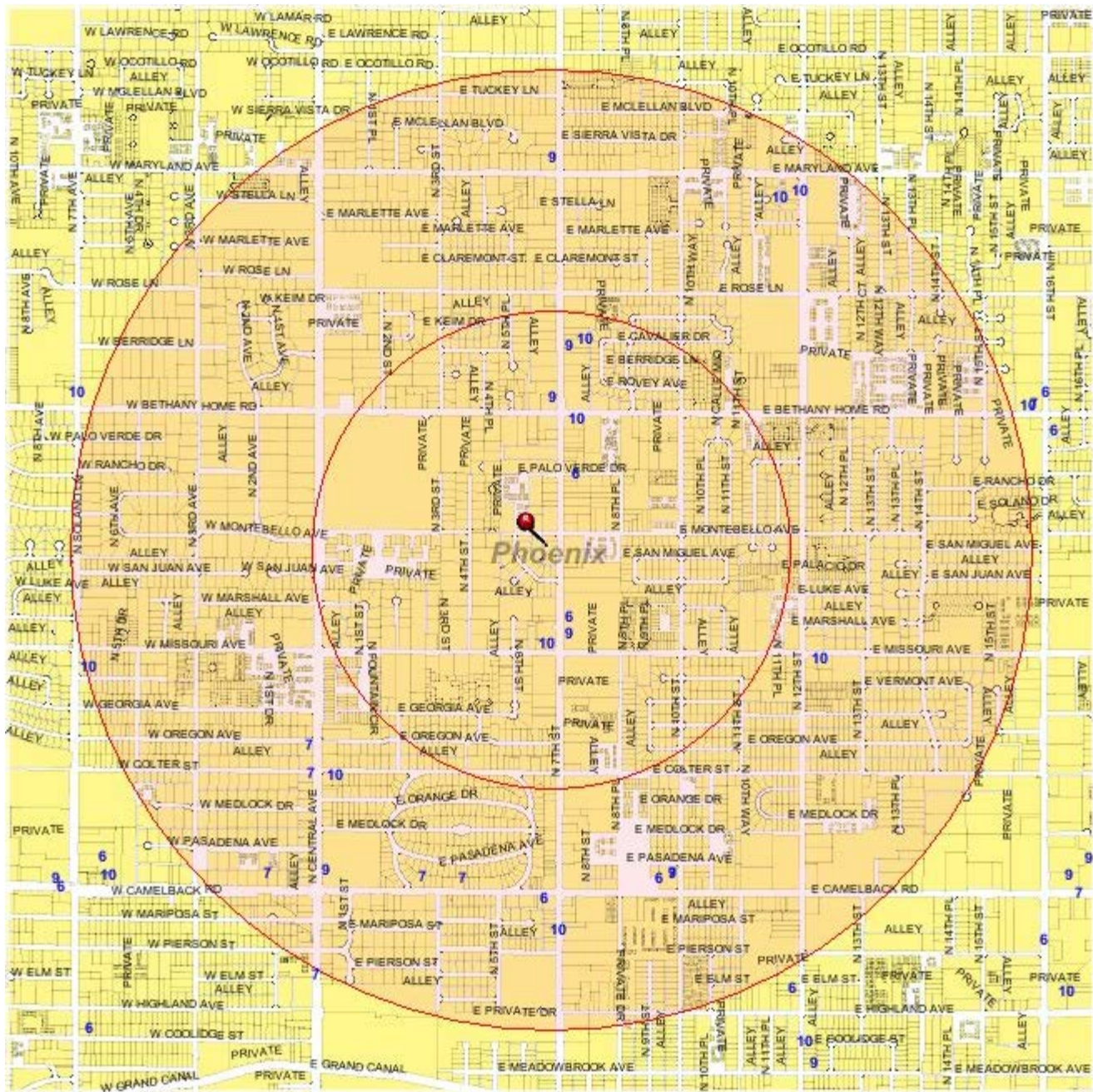
Staff also notes that the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

A map indicating liquor licenses within a one-mile radius accompanies this item on the following page.

This item is submitted by Ms. Takata and the City Clerk Department.

District 6

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



OFF-TRACK PARI-MUTUEL WAGERING APPLICATIONS

ITEM 12

DISTRICT 2

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

Request for an Off-track Pari-mutuel Wagering Permit to a business that has a Series 12 liquor license in an area zoned C-2.

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

State law requires City Council approval before a State Off-track Pari-mutuel Wagering Permit can be issued. This request is 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. This location is not within 2,000 feet of a proposed light rail station.

1. Public Opinion - Two letters protesting the issuance of this license have been received and are on

file in the Office of the City Clerk.

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

2. Neighborhood Stability

Liquor License Data		1 Mile	1/2 Mile
Description	Series	#	#
Bar	6	3	1
Beer & Wine Bar	7	2	0
Liquor Store	9	6	4
Beer & Wine Store	10	7	1
Restaurant	12	9	7
Club	14	1	1

Crime Data	Avg.	1 Mile	1/2 Mile
Violent Crimes	5.82	8.19	8.87
Property Crimes	45.04	64.57	75.37

Property Violation Data	Avg.	1/2 Mile
Parcels w/Violations	57	8
Total Violations	105	22

Census 2000 Data 1/2 Mile				
Block Group	2000 Population	Owner Occupied	Residential Vacancy	Persons In Poverty
0303301	598	81%	6%	10%
0303303	764	47%	7%	16%
0303304	1514	94%	1%	4%
0303311	2047	81%	2%	5%
1033032	1212	79%	7%	10%
1033041	1800	45%	6%	26%
1033042	1500	2%	8%	26%
1033051	1585	23%	10%	25%
1033052	1412	72%	8%	32%
1033053	635	61%	7%	31%
Average		63%	6%	15%

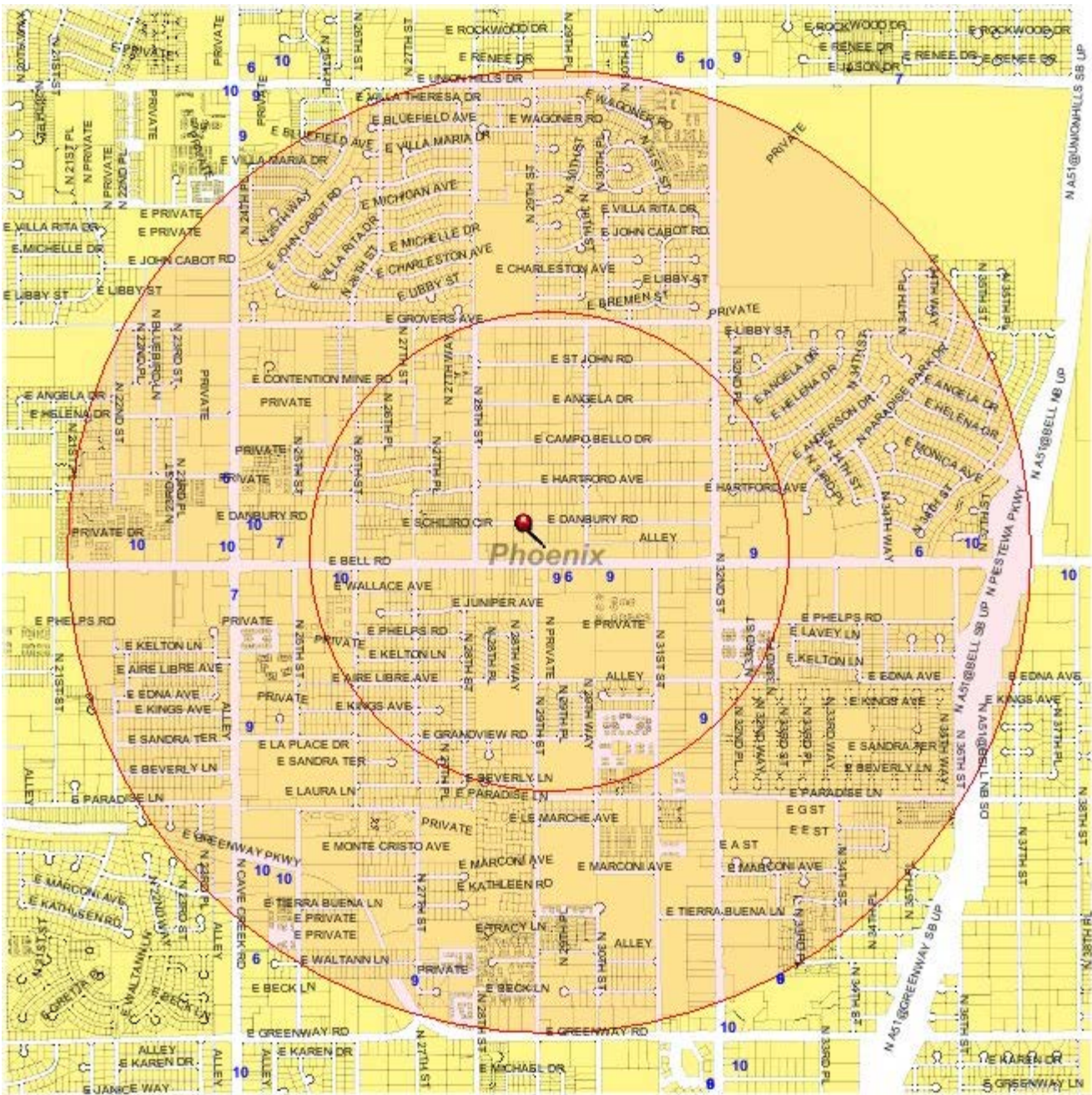
3. Staff Recommendation - Staff recommends approval of this application. Staff gave careful consideration to the protest letters received; however, after reviewing the application in its entirety staff is recommending approval of this application.

A map indicating liquor licenses within a one-mile radius accompanies this item on the following page.

This item is submitted by Ms. Takata and the City Clerk Department.

District 2

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



PETITIONS, COMMUNICATIONS, AND PUBLIC HEARINGS

ITEM 22

DISTRICTS 4, 5, AND 8

**MODIFICATION OF STIPULATION REQUEST
FOR RATIFICATION OF PLANNING HEARING
OFFICER ACTION**

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)
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.
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.
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.

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.

DISTRICT 5
103RD AVENUE AND CAMELBACK ROAD
APPLICANT: COAL CREEK - FOR
VERIZON WIRELESS
OWNER: BP-AZ-6N-LC ETAL
REPRESENTATIVE: COAL CREEK - FOR
VERIZON WIRELESS

- B. Application: Z-SP-13-08-5
Existing Zoning: R1-6 SP
Acreage: 1.0
Location: Approximately 1,200 feet south of the southeast corner of 103rd Avenue and Camelback Road
Proposal: Modification of Stipulation 1 regarding site plan date stamped May 16, 2008.

The Planning Hearing Officer recommended approval.

The Maryvale Village Planning Committee did not review this request.

Stipulations

1. ~~That~~ Development shall be in general conformance to the site plan and elevations date stamped ~~May 16, 2008~~ NOVEMBER 6, 2013, as modified by the following stipulations and approved by the PLANNING AND Development ~~Services~~ Department:
 - a. That the screen wall shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the PLANNING AND Development ~~Services~~ Department.
 - b. That the gate shall include a decorative wrought iron gate with metal slats painted a complementary color to the screen wall, as approved by the PLANNING AND Development ~~Services~~ Department.
 - c. That vines or shrubs shall be planted along the exterior of the six foot-high Concrete Masonry Unit (CMU) wall around the wireless equipment, as approved by the PLANNING AND Development ~~Services~~ Department.

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.
- ~~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.
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.

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, Deus Gilbert, PLLC~~
 - ~~4000 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.
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 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.

This item is recommended by Mr. Naimark and the Planning and Development Department.

ITEM 23

DISTRICT 8

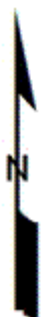
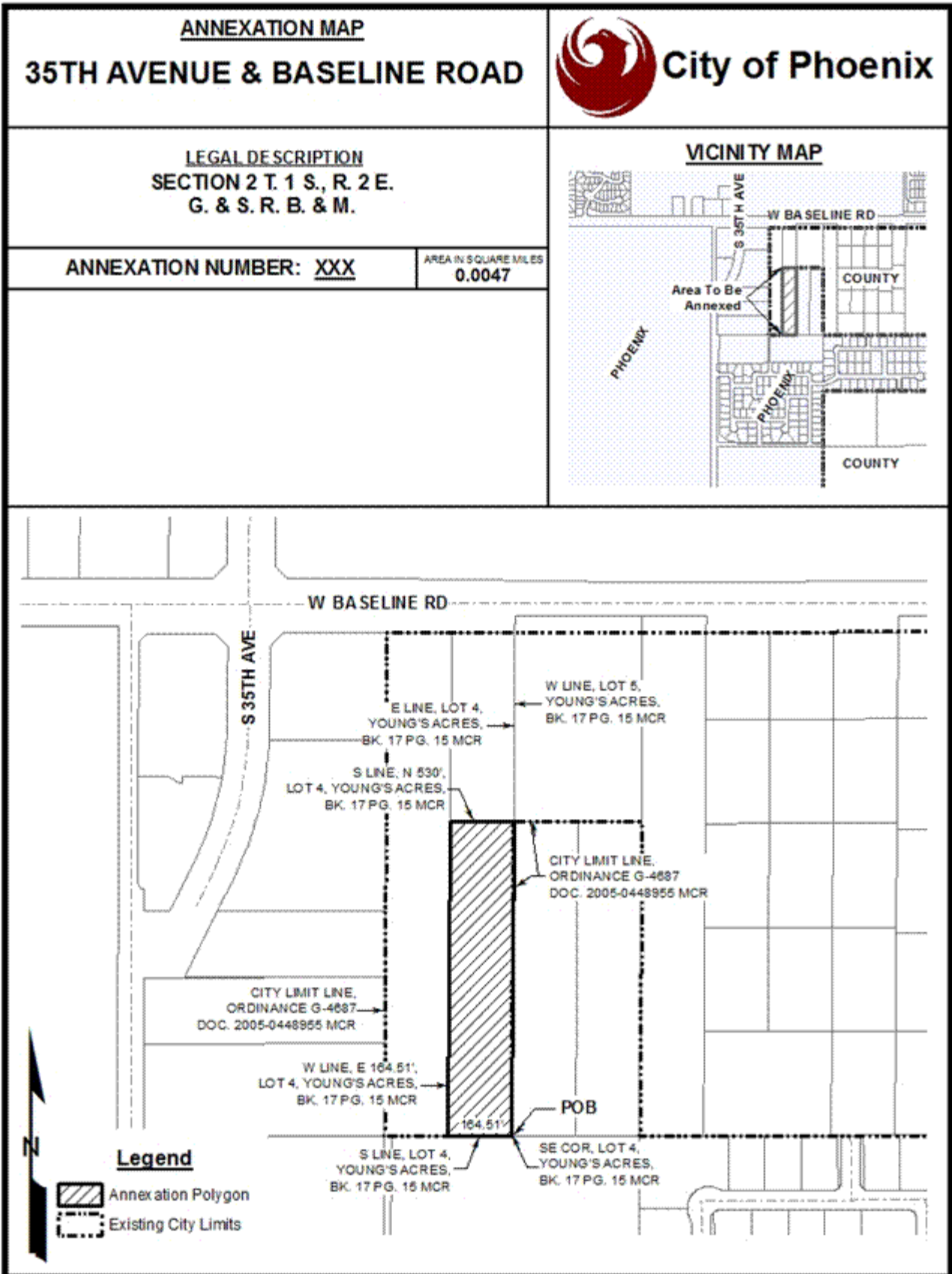
**PUBLIC HEARING -
PROPOSED 35TH AVENUE AND BASELINE
ROAD ANNEXATION**

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 allows the City Council to gather community comment regarding this annexation proposal. The City Council will not act on the proposed annexation at this public hearing. Formal adoption of this proposed annexation will be considered at a later date.

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

Notification of this public hearing has been 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 has been executed.

A map accompanies this item on the following page.



Legend

-  Annexation Polygon
-  Existing City Limits

W BASELINE RD

S 35TH AVE

E LINE, LOT 4, YOUNG'S ACRES, BK. 17 PG. 15 MCR

S LINE, N 530', LOT 4, YOUNG'S ACRES, BK. 17 PG. 15 MCR

W LINE, LOT 5, YOUNG'S ACRES, BK. 17 PG. 15 MCR

CITY LIMIT LINE, ORDINANCE G-4887, DOC. 2005-0448955 MCR

CITY LIMIT LINE, ORDINANCE G-4887, DOC. 2005-0448955 MCR

W LINE, E 164.51', LOT 4, YOUNG'S ACRES, BK. 17 PG. 15 MCR

164.51'

POB

S LINE, LOT 4, YOUNG'S ACRES, BK. 17 PG. 15 MCR

SE COR, LOT 4, YOUNG'S ACRES, BK. 17 PG. 15 MCR

OLD BUSINESS

ITEM 24

DISTRICT 4

LIQUOR LICENSE APPLICATION - BADA BING GENTLEMEN'S CLUB

(Continued from January 29, 2014) - 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

This request is 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 does not have an interim permit. This location is not within 2,000 feet of a proposed light rail station.

The sixty-day limit for processing this application was Monday, February 3, 2014.

Consideration may be given to the applicant's personal qualifications and to the location.

1. Department of Liquor Licenses and Control Public Access Data - This database indicates that the applicant does not hold an interest in any other liquor license in the State of Arizona.
2. Police Calls for Service - Not applicable since the applicant does not hold an interest in any other liquor license in the City of Phoenix.
3. Public Opinion - No petitions or protests have been received.
4. 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."

5. Neighborhood Stability

Liquor License Data		1 Mile	1/2 Mile
Description	Series	#	#
Bar	6	5	3
Beer & Wine Bar	7	2	1
Liquor Store	9	5	1
Beer & Wine Store	10	15	5
Restaurant	12	14	7

Crime Data	Avg.	1 Mile	1/2 Mile
Violent Crimes	5.82	20.23	19.37
Property Crimes	45.04	77	77.87

Property Violation Data	Avg.	1/2 Mile
Parcels w/Violations	57	159
Total Violations	105	357

Census 2000 Data 1/2 Mile				
Block Group	2000 Population	Owner Occupied	Residential Vacancy	Persons In Poverty

1116012	1776	69%	5%	15%
1116023	1144	22%	6%	40%
1116024	1270	45%	2%	20%
1116025	1564	58%	3%	31%
1117001	1283	71%	5%	16%
1117002	1757	75%	6%	22%
1132031	1153	45%	8%	30%
1132033	852	38%	8%	38%
1133001	927	61%	7%	24%
1133004	1384	20%	5%	51%
Average		63%	6%	15%

6. Staff Recommendation - Staff recommends disapproval of this application based on a Police Department and a Street Transportation Department recommendation for disapproval.

The Police Department disapproval is 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 has not demonstrated the capability, reliability, and qualifications required to hold and control a liquor license.

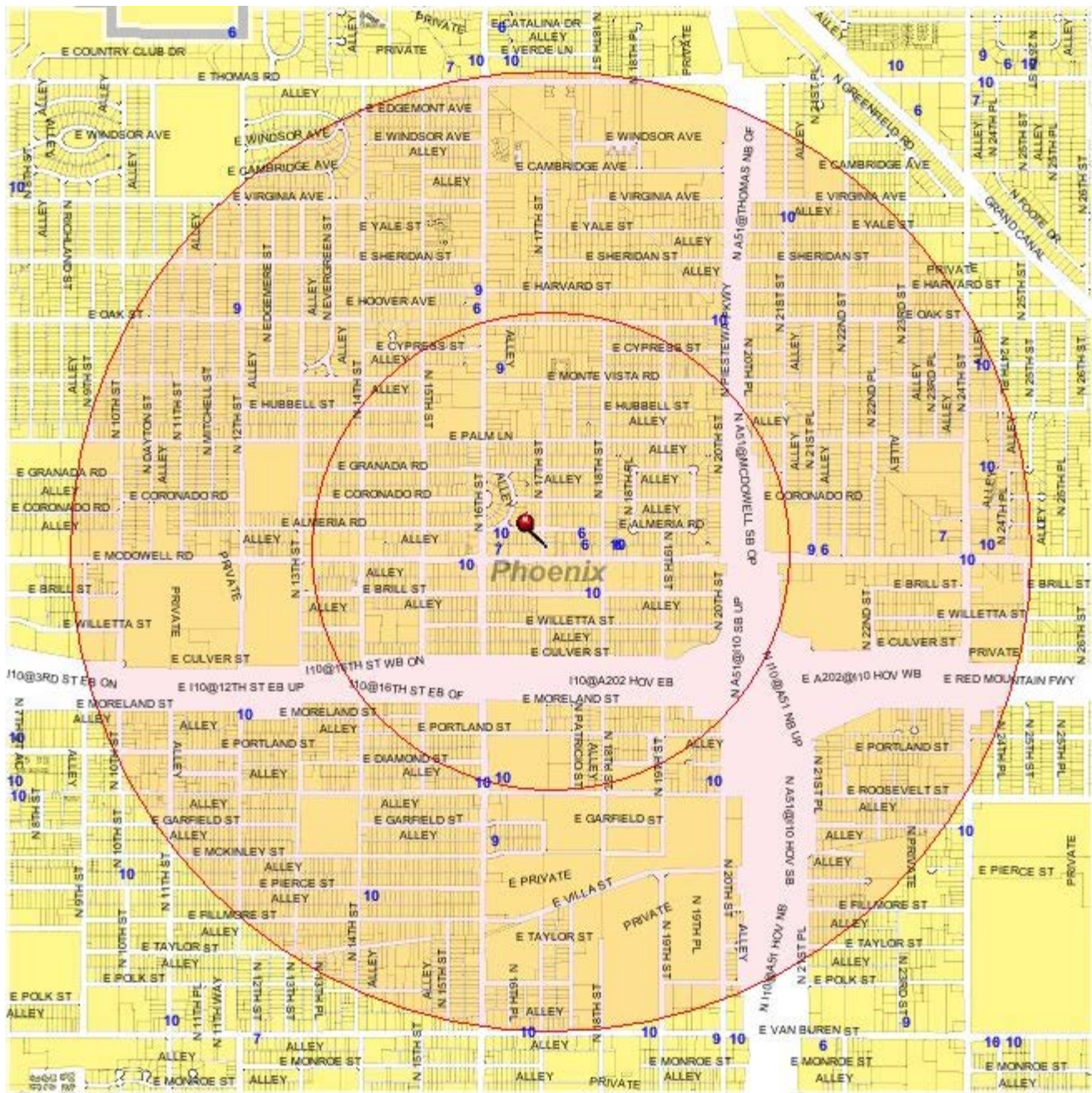
The Street Transportation Department disapproval is pursuant to Arizona Revised Statutes, Section 4-207, that restricts liquor licensing near churches and schools. The proposed liquor license location is within 300 feet of a church.

A map indicating liquor licenses within a one-mile radius accompanies this item on the following page.

This item is submitted by Mr. Meyer and the City Clerk Department.

District 4

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



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**

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 will provide that Citizen Comments will 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 may address the Council to comment on issues of interest or concern to them. Citizen Comments will be televised with the formal meeting. Members of the public will be given a maximum of three minutes each to address the Council. Speakers will be called in the order in which cards requesting to speak at Citizen Comments are received. Members of the public who are not called during the 15 minutes prior to the meeting, will be called to speak following the formal meeting. A quorum of the City Council may or may not be present, but in either event, no decisions will be made and no action on any issue raised will be taken.

Emergency Clause Justification

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

This item is recommended by Mr. Zuercher and the City Manager's Office.

ITEM 26

DISTRICT 1

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

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.

This item is recommended by Mr. Naimark and the Planning and Development Department.

ITEM 27

DISTRICT 2

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

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.

This item is recommended by Mr. Naimark and the Planning and Development Department.

ITEM 28

DISTRICT 2

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

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.

This item is recommended by Mr. Naimark and the Planning and Development Department.

ITEM 29**DISTRICT 2****ORDINANCE G-5887 -
AMEND CITY CODE -
REZONING
APPLICATION Z-50-13-2**

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 is recommended by Mr. Naimark and the Planning and Development Department.

ITEM 30**DISTRICT 5****ORDINANCE G-5888 -
AMEND CITY CODE -
REZONING
APPLICATION Z-55-13-5**

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 is recommended by Mr. Naimark and the Planning and Development Department.

ITEM 31**CITYWIDE****ORDINANCE S-40555 -
PAYMENT ORDINANCE**

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.

\$ 8,637.30	a)	To Arizona Republic for payment of City Page items advertised during the month of November 2013, for the City Clerk Department.
29,000.00	b)	To Bob Murray & Associates to provide recruitment consulting services through October 1, 2014, under Agreement 137061, for the Human Resources Department.
10,477.62	c)	To Carquest Auto Parts for the purchase of seven multiple diagnostics interface modules utilized to diagnose and repair automotive electrical and electronic systems, for the Public Works Department.
10,897.69	d)	To Centerline Supply West, Inc. for the purchase of cantilever street name sign brackets, for the Street Transportation Department.
9,160.00	e)	To Copper State Supply, Inc. for the purchase of ball valve repair kits and springs, utilized during the annual maintenance and repair of the Val Vista Water Treatment Plant, for the Water Services Department.
12,216.98	f)	To Cybergear, Inc. for the purchase of seven Touchsystems, industrial design touch screen computers, used for the Passenger Information and Paging System at Phoenix Sky Harbor International Airport, for the Aviation Department.
19,991.09	g)	To Diamond Kitchen and Bath, Inc. for the purchase of bathroom cabinetry and sinks, to replace existing equipment that has reached the end of its service life, for the Fire Department.
28,624.49	h)	To DPS, Inc. for the purchase network hardware, utilized to monitor the City's microwave network, to replace existing equipment that has reached the end of its service life, for the Information Technology Services Department.

11,550.00	i)	To Econolite Control Products, Inc. for the purchase of traffic control cabinets utilized at signalized intersections, as inventory for new intersections, remodeled intersections, or to replace existing equipment that has reached the end of its service life, for the Street Transportation Department.
10,816.00	j)	To Jones & Bartlett Publishers, Inc. for the purchase of paramedic training material, for the Fire Department.
27,300.00	k)	To KM Facility Services, LLC to provide cooling tower maintenance and coating restoration on two units located at the Palo Verde Branch Library, for the Public Works Department.
50,000.00	l)	To Nussbaum Gillis & Dinner, P.C. IOLTA in trust for Dean Allen Kelly, to fund the settlement of claim CV2012-070064, 11-0578-001, RE: Kelly versus City of Phoenix, for the Finance Department.
18,325.00	m)	To Sierra Transportation & Technologies for the purchase of traffic control cabinets utilized at signalized intersections, as inventory for new intersections, remodeled intersections, or to replace existing equipment that has reached the end of its service life, for the Street Transportation Department.
27,273.00	n)	To the City of Glendale for administration of agreement with the firm of Baker, Donelson, Bearman, Caldwell & Berkowitz to provide West Valley Partner Communities comprehensive federal legislative representation and consulting services on behalf of Luke Air Force Base, for the Aviation Department.
12,000.00	o)	To Thermo Scientific Portable for the purchase of proprietary software for the TruDefender Hazardous Materials Identification System utilized by Bomb Squad technicians, funded by the Urban Areas Security Initiative (UASI) grant, for the Police Department.
13,250.00	p)	To VMWare, Inc. for payment of a technical support agreement, through December 3, 2014, for proprietary software used in support of virtual production servers, for the Convention Center Department.
11,771.00	q)	To Water Safety Products for the purchase of professional lifeguard uniforms, for the Parks and Recreation Department.
25,000.00	r)	To WateReuse Research Foundation for payment of subscriber fees for Calendar Year 2014 to support various water reuse and desalination research projects for the Water Services Department. The Transportation and Infrastructure Subcommittee recommended approval of this item at their September 2013 meeting.

This section requests continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions, and/or bids awarded:

\$ 135,000.00	s)	To Aviat U.S., Inc. to exercise an option to extend Agreement P-A7538-06 awarded by RFA 04-073, through December 31, 2014, to continue to supply microwave equipment and related training services, for the Information Technology Services Department.
89,180.00	t)	To ePlus Security to exercise an option to extend Agreement P-09489-12 awarded by IFB 12-048, through November 30, 2014, to continue to provide Check Point network security products and support on an as-

needed basis, for the Municipal Court and Police Department.

15,000.00 u) To Riverside Manufacturing Company to exercise an option to extend Agreement MW11-00005 awarded by RFQ 11-005, through December 31, 2014, to continue to supply flame resistant uniforms for electricians and production technicians, for the Convention Center Department.

150,000.00 v) To the following vendors to exercise an option to extend respective Agreements awarded by IFB 11-146, through December 31, 2014, to continue to provide street paving emulsion products on an as needed basis, for the Street Transportation Department:

\$124,000.00 Paramount Petroleum Corporation, P-B9397-12/131150

26,000.00 Ergon Asphalt & Emulsions, Inc., P-09398-12/131149

365,000.00 w) To the following vendors to exercise an option to extend respective Agreements awarded by IFB 11-098, through December 31, 2014, to continue to provide electric motor maintenance and repair services on an as-needed basis, for the Water Services and Public Works Departments:

\$182,500.00 Foster Electric Motor, P-09339-12/130796

182,500.00 Keller Electrical Industries, Inc., P-09338-12/130795

Notice is hereby given of the payment of funds pursuant to Phoenix City Code Section 42-13. No action required.

\$ 11,144.96 x) To Allied Waste Transportation, Inc. for payment of Condemnation Judgment dated December 13, 2013, RE: City of Phoenix versus Allied Waste Transportation, Case CV2012-018602, for the Law Department.

40,435.00 y) To Clerk of the Superior Court for cash bond pursuant to order dated January 9, 2014, RE: City of Phoenix versus MRM Investments, Case CV2013-013679, for the Law Department.

\$ 1,142,050.13

This item is recommended by Mr. Zuercher and the Finance Department.

**ITEM 32 DISTRICT 7 ORDINANCE S-40556 -
PORTLAND PARK LOFTS TEMPORARY SALES
OFFICE**

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 request authorization for the City Controller to accept and deposit revenues into the Downtown Community Reinvestment Fund.

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 allows 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 ramps up its sales and marketing efforts in anticipation of construction commencing late this year, they have 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 is unencumbered and proximate to the project. The agreement will facilitate the Council-approved development while at the same time generating net new revenue to the City.

The license will 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 is within the range of market rents as determined by the Community and Economic Development Department.
3. Insurance and Indemnity: License will contain insurance and indemnity provisions acceptable to the City's Risk Management Division and the City Attorney.
4. Termination: The license may 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 may contain such other terms and conditions deemed necessary or appropriate by the City.

Financial Impact

There is no cost to the City.

This item is recommended by Mr. Blue and the Community and Economic Development Department.

ITEM 33

DISTRICTS 7 AND 8

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

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 is 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 is a critical system and contains all network data and resources used to perform daily business operations, including the event management system at the Phoenix Convention Center. The new components are required to replace existing components that have reached their life expectancy.

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

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

Financial Impact

The contract value shall not exceed \$70,000. Funds are available in the Phoenix Convention Center Department's budget.

This item is recommended by Mr. Blue and the Finance Department.

ITEM 34

CITYWIDE

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

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 shall be for three years beginning on or about February 5, 2014 and ending January 31, 2017. Authorization is 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 will result in the outsourcing of smart card fare media encoding, currently performed by City staff, saving approximately \$50,000 annually. These savings will be realized by eliminating the need to purchase stock and supplies, and maintain specialized equipment and software.

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

Option to Extend

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

Financial Impact

The aggregate contract value for all option years will not exceed \$700,000 with an estimated annual expenditure of \$140,000. Most of this cost will be recovered through a per card charge to Platinum Pass Program participants and through charges to regional transit partners to which the City provides support services, such as fare management. Funds are available in the Public Transit Department's Operating budget utilizing Transit 2000 funds.

The Interim Public Transit Director agrees with this recommendation.

This item is also recommended by Mr. Naimark.

ITEM 35

CITYWIDE

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

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 is 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 has reviewed the offer and has determined the price to be fair and reasonable based on previous contract pricing and current market prices.

<u>Water Movers, Inc.</u>	
<u>Description</u>	<u>Price/Discount</u>
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	\$ 50

Person)	
Emergency Delivery Surcharge	\$100
Emergency Labor Rate for Emergency Work Hours (Per Person)	\$ 75

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

Option to Extend

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

Financial Impact

The aggregate contract value for all option years will not exceed \$575,000 with an estimated annual expenditure of \$115,000. Funds are available in the Water Services Department's budget.

This item is also recommended by Mr. Naimark.

<u>ITEM 36</u>	CITYWIDE	ORDINANCE S-40560 - IFB 14-091 - ALUMINUM SIGN BRACKETS, ACCESSORIES, AND BANDING PRODUCTS - REQUIREMENTS CONTRACT
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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 is also requested for the City Controller to disburse funds over the life of the contracts in an amount not to exceed \$250,000.

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:

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

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

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

Financial Impact

The aggregate contract value for all option years will not exceed \$250,000 with an estimated annual expenditure of \$50,000. Funds are available in the Street Transportation Department's budget.

Option to Extend

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

The Street Transportation Director agrees with this award.

This item is also recommended by Mr. Naimark.

<u>ITEM 37</u>	CITYWIDE	ORDINANCE S-40561 - RFA 14-036 - DANIEL DEFENSE CARBINES
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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 is 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 have 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 is the only manufacturer of this carbine with many features unique to the firearm.

Financial Impact

The contract value shall not exceed \$70,000. Funds are available in the Police Department's budget through 2013 Court Award funds.

This request is made by the Deputy Finance Director.

The Chief of Police also recommends this award.

This item is also recommended by Mr. Murphy.

ITEM 38

DISTRICT 2

**ORDINANCE S-40562 -
AMEND ORDINANCE S-40469 - ACQUISITION OF
AN INTEREST LESS THAN FEE TITLE**

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 is less than fee title.

The remainder of the ordinance is unchanged.

This item is recommended by Mr. Zuercher and the Law Department.

ITEM 39

DISTRICT 8

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

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 is 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 is 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 will bring diverse communities together with writers and performers to highlight the forces that shape the meaning of place in their lives and fast-changing city.

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

Financial Impact

The \$100,000 NEA grant requires 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 will be donated in-kind from Friendly House, Phoenix Community Alliance, and the Latino Institute of the City of Phoenix Parks and Recreation Department.

This item is recommended by Ms. Spencer and the Phoenix Office of Arts and Culture.

This item is also recommended by Mr. Zuercher.

ITEM 40

CITYWIDE

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

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 is also requested for the City Controller to receive and disburse funds. The funding period is effective from January 1, 2014 through September 30, 2014. The agreement may be extended for a maximum of one year to September 30, 2015, by mutual agreement by all parties.

The purpose of this agreement is 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 will act as the Chief Advisor for the Office of Child Welfare Investigations. Detective McKay will be working on recruiting, hiring, and authoring operational plans to better investigative criminal child abuse reports in the State of Arizona.

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

Financial Impact

No matching funds are required; cost to the City is in-kind resources only.

This item is recommended by Mr. Murphy and the Police Department.

ITEM 41

CITYWIDE

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

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 will not exceed \$200,000 annually. Authorization is also requested for the City Controller to disburse funds over the life of the contract. The contract will 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 is deemed in the City's best interest to do so.

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

Financial Impact

The aggressive contract value for all option years will not exceed \$1,000,000 with an estimated annual expenditure of \$200,000. Funds are available in the Public Works Department's budget.

This request is recommended by the Public Works Director.

This item is also recommended by Mr. Naimark.

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**

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

- 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.

Financial Impact

Funds for this project are available from the Water Services Department's Capital Improvement Program budget using Wastewater Revenue, Fund 0090.

This Request for Council Action (RCA) is 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 benefits 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 is currently under design, total savings to the original segments is not known at this time but staff estimates 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 has since contacted the City of Phoenix now wishing to change his vote to yes and to participate in the cost sharing. Mr. Castaneda is a new participant who was not originally balloted.

Previous City Council Action

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

Citizen Notification

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 being received.

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

This item is recommended by Mr. Naimark and the Street Transportation Department.

ITEM 43

CITYWIDE

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

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 request to authorize the City Controller to disburse funds for the purpose of this ordinance.

The Engineer performs design and construction administration and inspection services on an as-needed basis to support the work of the Job Order Contractor (JOC). Individual projects are identified by City staff under the JOC Program. Projects differ in

size, scope, and complexity. At any given time there may be a number of projects in various stages of implementation. The engineer is required to manage all projects in all phases simultaneously, and to coordinate with City staff and the City's JOC contractor.

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 shall not exceed \$2,100,000, including all subconsultant and allowable costs.

Financial Impact

Funding for this project is available in the Water Services Department's Capital Improvement Program budget using Water Revenue (0051 - \$700,000) and Val Vista Water Treatment Plant Capital Outlay (0404 - \$300,000) funds.

Previous City Council Action

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.

This Council award is subject to execution of the agreement by all of the parties.

The Water Services Department concurs with this request.

This item is also recommended by Mr. Naimark and the Street Transportation Department.

NEW BUSINESS

ITEM 44

CITYWIDE

PENSION/LABOR CONSULTING SERVICES QUALIFIED VENDOR LIST

Request approval to establish a Qualified Vendor List (QVL) for pension/labor consulting services.

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 relates 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 is anticipated these services may 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 relate 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 is 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.

This item is also recommended by Mr. Zuercher.

ITEM 45

CITYWIDE

CREATE TWO NEW POSITIONS FOR THE HEALTH CARE BENEFITS TRUST

Request approval for the City Manager to create two new positions in the Human Resources Department: Benefits Analyst II, who will 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).

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

The Wellness Program Coordinator will assist with the design, implementation, and administration of the City's health and wellness strategy for employees, dependents, and retirees. This position will 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 will be responsible for communicating and supporting Citywide and/or department-specific programs and initiatives that engage and focus employees on healthy living practices and creating a general wellness/medical prevention culture within the City.

The Administrative Assistant II will 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 will include coordination of the Benefits Division budget and working on claim recoveries. The position will also perform high level accounting and auditing functions related to reconciliations with the Public Safety Retirement System and the subsidies the City gets from the State. In addition, this position can assist with audits of members covered on the City's plan to ensure that only eligible dependents are covered. Since 2008, this activity has accounted for close to \$500,000 in recoveries.

These positions will account for less than a tenth of the overall health care costs associated with the City's plans. The intent of these positions is 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.

Financial Impact

No General funds are 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 will include the positions and overhead.

This item is recommended by Mr. Zuercher and the Human Resources Department.

ITEM 46

CITYWIDE

DONATION OF FENCE MATERIAL FOR THE REGIONAL CANINE TRAINING CENTER

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 estimates the fair market value of the donated property to be \$9,000.

The donation will 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 are off lead for a substantial amount of time during training deployments, the need to have a secured site when conducting training is critical. Ocotillo Lumber Sales, Inc. is a family-owned wholesale fencing company located in the City of Phoenix and has 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.

Pursuant to Phoenix Police Operations Order 4.29, the Contribution/Solicitation Review Board reviewed the proposed donation on November 7, 2013, and forwarded to the Chief of Police for his action. The Chief of Police recommends the Council approve the donation.

This item is also recommended by Mr. Murphy.

ITEM 47

DISTRICT 7

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

Request 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 is 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 are consistent with and shall not interfere within USA Fee Property.

This license is necessary to support commercial development that is currently proposed for this site. SRP requires that the license agreement be executed with a public entity. Further request 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.

The SRP license agreement includes 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 are 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 may terminate this license without cause, subject to 360 days written notice.

Financial Impact

This action does not have a direct financial impact to the City.

Citizen Notification

No citizen notification is required.

This item is recommended by Mr. Naimark and the Street Transportation Department.

ITEM 48

DISTRICT 2

FINAL PLAT - SONORAN COMMONS PHASE II -

The following final plat has been 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

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

It is recommended that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

This item is recommended by Mr. Naimark and the Planning and Development Department.

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

The following final plat has been 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 is recommended that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

This item is recommended by Mr. Naimark and the Planning and Development Department.

PLANNING AND ZONING MATTERS

ITEM 50 **DISTRICT 7** **RESOLUTION 21196 - PUBLIC HEARING - GPA-EST-1-13-7 - 67TH AVENUE AND INTERSTATE 10**

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: Estrella - December 17, 2013 - No Quorum.
PC Action: January 14, 2014 - Approved. Vote 6-0

This item is recommended by Mr. Naimark and the Planning and Development Department.

ITEM 51

DISTRICT 7

**ORDINANCE G-5889 -
PUBLIC HEARING -
Z-20-13-7 -
67TH AVENUE AND INTERSTATE 10**

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-20-13-7 - (Companion case GPA-EST-1-13-7)
From: CP/GCP and R-3
To: PUD
Acreage: 100.90
Location: Southeast corner of 67th Avenue and Interstate 10
Proposal: Planned Unit Development (PUD) to allow commercial, warehouse, and industrial uses.
Applicant: Paul Gilbert - Beus Gilbert, PLLC
Owner: Estrella Vista Commerce Park, LLC
Representative: Paul Gilbert - Beus Gilbert, PLLC
Staff: Approved, subject to stipulations.
VPC Action: Estrella - December 17, 2013 - No Quorum.
PC Action: January 14, 2014 - Approved per the staff Addendum A dated January 14, 2014.
Vote 6-0

The following stipulations are subject to discussion at the meeting and the City Council may 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.

This item is recommended by Mr. Naimark and the Planning and Development Department.

ITEM 52

DISTRICT 4

ORDINANCE G-5890 -

PUBLIC HEARING -

Z-47-13-4 -

3RD AVENUE AND CAMELBACK ROAD

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-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 are subject to discussion at the meeting and the City Council may 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.

This item is recommended by Mr. Naimark and the Planning and Development Department.

ITEM 53

DISTRICT 3

ORDINANCE G-5891 -

PUBLIC HEARING -

**Z-24-13-3 -
TATUM BOULEVARD AND SHEA BOULEVARD**

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
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 are subject to discussion at the meeting and the City Council may 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.

This item is recommended by Mr. Naimark and the Planning and Development Department.

<u>ITEM 54</u>	CITYWIDE	ORDINANCE G-5892 - <u>PUBLIC HEARING -</u> Z-TA-8-13 - SIGNAGE FOR MASTER PLANNED DEVELOPMENTS FOR SPORTS, ENTERTAINMENT, OR CONCERT VENUES WITH A MINIMUM OF 4,000 SEATS
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Request to hold a public hearing and approve the text amendment changes for the following item by adopting the Planning Commission's recommendation and the related ordinance.

Application: Z-TA-8-13
Request: Signage for sports, entertainment, or concert venues with a minimum of 4,000 seats
Proposal: Amend Chapter 12, Section 1209.B.8 (Business Core) of the Zoning Ordinance regarding signage for sports, entertainment, or concert venues with a minimum of 4,000 seats.
Applicant: Dennis Newcombe - Beus Gilbert, PLLC
Staff: Approved.

VPC Action: Central City - January 13, 2014 - Approved per Staff Addendum A dated January 10, 2014, with modification to building mounted signs. Vote 14-0
PC Action: January 14, 2014 - Approved per the Village Planning Committee recommendation for approval per Staff Addendum A dated January 10, 2014, with modifications. Vote 6-0

The following language is subject to discussion at the meeting and the City Council may 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:
 - (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:
- 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.

- (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.

- (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.

This item is recommended by Mr. Naimark and the Planning and Development Department.

REPORTS FROM CITY MANAGER, COMMITTEES, OR CITY OFFICIALS

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