SCOTTSDALE

CITY COUNCIL MEETING

AGENDA ***ITEM 18 AMENDED

COUNCIL
Mary Manross, Mayor
Wayne Ecton
Robert W. Littlefield
Cynthia Lukas
Ned O'Hearn
David Ortega
Tom Silverman

Monday, May 19, 2003

4:00 P.M.

City Council Special Meeting to Call Executive Session

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Blvd.
Roll Call

1. **Request:** Motion to recess into executive session, if needed after staff presentation, regarding acquisition of a portion of the following property for inclusion into the McDowell Sonoran Preserve: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street.
Staff Contact: Ed Gawf, Deputy city manager, 480-312-4510, egawf@scottsdaleaz.gov

2. MOTION TO RECESS INTO EXECUTIVE SESSION, FOR DISCUSSION OR CONSULTATION FOR LEGAL ADVICE AND TO CONSIDER THE CITY'S POSITION AND INSTRUCT ITS REPRESENTATIVES AND ATTORNEY(S) REGARDING CONTRACT AND OTHER NEGOTIATIONS TO ACQUIRE A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street. ARS 38-431.03(A)(3), (A)(4) and ((A)(7).
Staff Contact: Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov

Adjourn

City Council Executive Session
Immediately Following 4:00 P.M. City Council Special Meeting

Call to Order – City Hall Kiva Conference Room

1. MOTION TO RECESS INTO EXECUTIVE SESSION, FOR DISCUSSION OR CONSULTATION FOR LEGAL ADVICE AND TO CONSIDER THE CITY'S POSITION AND INSTRUCT ITS REPRESENTATIVES AND ATTORNEY(S) REGARDING CONTRACT AND OTHER NEGOTIATIONS TO ACQUIRE A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street. ARS 38-431.03(A)(3), (A)(4) and ((A)(7).
Staff Contact: Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov

Adjourn

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Public Comment
Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes

SPECIAL MEETINGS	REGULAR MEETINGS	EXECUTIVE SESSIONS
	May 6, 2003	April 15, 2003

CONSENT AGENDA ITEMS 1 - 15

1. Fusion Restaurant & Lounge Liquor License
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing restaurant location. This extension will add a 144 sq. ft. patio to the licensed premises of the establishment.
Location: 4441 N Buckboard Tr
Reference: 11-EX-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

2. Danny's General Store Liquor License
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 09 (liquor store) State liquor license for an existing liquor store located within a grocery store.
Location: 8711 E Pinnacle Peak Rd
Reference: 18-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

3. **Danny's General Store Liquor License**
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 07 (beer/wine bar) State liquor license for an existing café located within a grocery store.
Location: 8711 E Pinnacle Peak Rd
Reference: 19-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

4. **Thai Pan Fresh Exotic Cuisine Liquor License**
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location.
Location: 7605 E Pinnacle Peak Rd
Reference: 20-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

5. **Samurai Sams Teriyaki Grill Liquor License**
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location.
Location: 7366 E Shea Bl
Reference: 21-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

6. **Copa Room Liquor License**
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location.
Location: 15445 N Scottsdale Rd
Reference: 22-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

7. **The Billet Bar Liquor License**
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an extension of premises and the probate/will assignment of a series 6 (bar) State liquor license.
Location: 3752 N Scottsdale Rd
Reference: 27-LL-2003 & 18-EX-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

8. Kit Cat Lounge Liquor License

Request: To consider forwarding an approval recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer for a series 6 (bar) State liquor license for a new bar location.
Location: 4426 N Saddlebag Tr
Reference: 8-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

9. Mirage Of Scottsdale- Parcel G/Sierra Hills 2

Request: Approve a final plat for a 32-lot single-family subdivision on a parcel of approximately 40 acres.
Location: E Via Linda Rd/136th (se)
Reference: 9-PP-2002 & 11-PP-2002
Staff Contact(s): Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov

10. Fairmont Scottsdale Princess Expansion

Request:

1. To rezone 34+/- acres from Planned Community District (PCD) with Commercial Office (CO) comparable uses to a Planned Community District (PCD) with Central Business (C-2) comparable uses, with amended standards and amend the development plan for the Princess Resort, for property located near the southest corner of Scottsdale Road and Princess Boulevard.
2. Adopt Ordinance No. 3504 affirming the above rezoning and amended standards.

Location: East of the Southeast corner of Scottsdale Rd & Princess Blvd
Reference: 1-ZN-2003
Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov

11. Authorize Contract Modification for Insurance Agent/Broker Services

Request: Adopt Resolution No. 6284 authorizing Contract Modification No. 2002-022-COS-A with the firm of Marsh USA, Inc. for insurance agent/broker services.

Related Policies, References: This contract extension allows Risk Management to continue to secure expertise of insurance agent/broker services to assist in planning an arranging the City's property-casualty program that renews July 1 of each year, including the services of program design, accessing the worldwide insurance market, identifying potential insurers, and structuring and negotiating terms and conditions of needed insurance coverage to protect City assets.
Staff Contact(s): Myron J. Kuklok, Risk Management Director, (480) 312-7841, Mkuklok@ScottsdaleAZ.gov

12. Authorize Continuing Legal Expenses.

Request: Authorize the City's Risk Management Division to continue payments of legal fees in the defense of Guthrie v. City of Scottsdale, CIV 02-2468 PHX RCB, currently pending in the United States District Court, for an additional contract amount of $50,000.

Related Policies, References: On February 3, 2003, the City Council authorized a contract with the law firm of Udall, Shumway & Lyons to provide specialized and expert legal services relating to litigation. The City Council directed that expenditures for attorney's fees in excess of $50,000 should return for the City Council's review and approval.

Staff Contact(s): David Pennartz, (480) 312-2405, dpennartz@scottsdaleaz.gov; Myron Kuklok, (480) 312-7841, Mkuklok@ScottsdaleAZ.gov; Michael Mason, (480) 312-7040, mmason@scottsdaleaz.gov

13. Construction Bid Award for Fire Station #12 Located at the Scottsdale Airport

Request: Construction Bid Award No 03PB094 to G.R. Walton General Contractors, Inc., the lowest responsive bidder, at their lump sum base bid of $807,500.00.

Related Policies, References:

- The design and construction of these facilities will move the City toward the accepted total emergency coverage that was identified in 1992 and subsequently included in the City's General Plan.
- Voters in the 2000 Bond Election approved the construction project, together with an Airport Fire Fighting and Rescue Vehicle.
- Council approved the design contract for the station on December 4, 2000.

Staff Contact(s): Dan Walsh, Project Manager, (480) 312-5248, dwalsh@ci.scottsdale.az.us

14. Phase I Construction of McDowell-Papago Streetscape

Request: Authorize Construction Bid Award No. 03PB098 to Landscape Professionals, Inc., the lowest responsive bidder, at their lump sum bid of $ 53,950.00, for installation of the landscaping along McDowell Road (8100 E. Block). This is the first phase of streetscape improvements planned for this area.

Related Policies, References:

- 1991 McDowell Streetscape Guidelines
- McDowell Corridor Improvements Master Plan dated 12/12/2002
- Council approval on 02/18/2003 authorizing Architectural Services Contract No. 2003-026-COS
- DRB stipulations 39-DR-2002 and DRB approval of the design 79-SA-2003

Staff Contact(s): Al Dreska, CPM Administrator, (480) 3312-2776, adreska@scottsdaleaz.gov; Marek Urbanek, CPM Project Manager, (480) 312-2563
murbanek@scottsdaleaz.gov

15. Recreational Land Use Agreement (RLUA) amendment

Request: Adopt Resolution No. 6279 amending contract No. 860299 between the Bureau of Reclamation (BOR) and the City of Scottsdale and contract No. 860223 between the City of Scottsdale and Scottsdale Princess Partnership to return 7.92 acres of BOR land located at Scottsdale Road and Princess Drive to the RLUA between the BOR and the City and allow for the Entry Walls and landscaping to remain with specified compensation from Scottsdale Princess Partnership.

Related references: June 10, 1985 Recreational Land Use Agreement between BOR and City of Scottsdale and the June 16, 1986 Lease Agreement between Scottsdale Princess Partnership and City of Scottsdale.

Staff Contact(s): Contact Bill Exham, Community Services General Manager, (480) 312-2377, bexham@scottsdaleaz.gov

Regular Agenda begins on the following page

16. Comprehensive Financial Policy Adoption

Request: Adopt Resolution No. 6288 relating to a Comprehensive Financial Policy as formal guidelines for City financial planning and management.
Staff Contact(s): Craig Clifford, General Manager, (480) 312-2364, cclifford@ci.scottsdale.az.us

17. Public Hearing and Adoption of Rates and Fees Ordinance and Resolutions

Request:

- Accept citizen comments at a public hearing regarding proposed rates and fees.
- Adopt Resolution No. 6289 and Ordinance No. 3503 amending Scottsdale Revised Code, Chapter 49, eliminating the 35% surcharge to water customers outside the City effective July 1, 2003, increasing water rates 3.0% effective November 1, 2003 and increasing wastewater rates 2.5% effective July 1, 2003.
- Adopt Resolution No. 5851 increasing fees associated with the development review process by 4% and reducing water heater replacement fee by 44% effective July 1, 2003.
- Adopt Resolution No. 6283 amending the Airport/Airpark Rates and Fees Schedule to increase the transient aircraft landing fee from $1.00 to $1.50/1,000 lbs. certified maximum take-off weight, and the airport hourly rate from $38.29 to $42.27 effective July 1, 2003.

Related Policies, References: City of Scottsdale's Comprehensive Financial Policies
Water and Sewer Rates, Scottsdale Revised Code, Chapter 49
Building and Development Fee Schedule, Scottsdale Revised Code, Chapter 46
Airport/Airpark Rates and Fees Schedule, Scottsdale Revised Code, Chapter 5
Staff Contact(s): Craig Clifford, Chief Financial Officer, (480) 312-2364, cclifford@scottsdaleaz.gov

***18. Tentative 2003/04 Budget

Request: To solicit public testimony on the FY 2003/04 Operating Budget and Capital Improvement Plan, and Adopt Ordinance No. 3508, the Tentative Budget estimates FY 2003/04. The City Council receives public input and adopts the Tentative Budget estimates in accordance with Arizona State Statutes and the City Charter.
Staff Contacts: Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@ScottsdaleAZ.gov; Art Rullo, Budget Director, 480-312-2435, arullo@ScottsdaleAZ.gov

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report

Mayor and Council Items

Adjournment of the City Council Meeting and Convening of:

- **DC Ranch Community Facilities District Board of Directors Meeting (Agenda Attached)**
- **McDowell Mountain Ranch Community Facilities District Board of Directors Meeting (Agenda Attached)**
- **Scottsdale Mountain Community Facilities District Board of Directors Meeting (Agenda Attached)**
- **Via Linda Road Community Facilities District Board of Directors Meeting (Agenda Attached)**

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF DC RANCH COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the DC Ranch Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of February 3, 2003
3. Call for Public Comments
4. Adopt Resolution No. 17
5. Adjournment

Dated: May 19, 2003

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF MCDOWELL MOUNTAIN RANCH COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the McDowell Mountain Ranch Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Civic Center Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of June 17, 2002
3. Call for Public Comments
4. Adopt Resolution No. 29
5. Adjournment

Dated: May 19, 2003

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF SCOTTSDALE MOUNTAIN COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the Scottsdale Mountain Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of June 17, 2002
3. Call for Public Comments
4. Adopt Resolution No. 32
5. Adjournment

Dated: May 19, 2003

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF VIA LINDA ROAD COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the Via Linda Road Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of June 17, 2002
3. Call for Public Comments
4. Adopt Resolution No. 13
5. Adjournment

Dated: May 19, 2003

Item No. _____

CITY COUNCIL REPORT

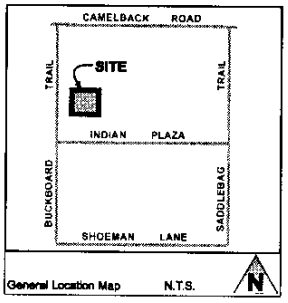
MEETING DATE: May 19 , 2003 ITEM NO. 1 GOAL: Preserve Character and Environment

SUBJECT

Permanent extension of premises for Fusion Restaurant & Lounge, currently operating with a series 12 (restaurant) liquor license.
11-EX-2003

REQUEST

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing restaurant location. This extension will add a 144 sq. ft. patio to the licensed premises of the establishment.



OWNER
APPLICANT CONTACT

Jennifer L. Long
480-423-9043

LOCATION

4441 North Buckboard Trail

BACKGROUND

This site is zoned C-2/P-3/P-2 (Central Business District/Parking District/Passenger Automobile Parking).
This extension will add a 144 sq. ft. patio to the licensed premises of the establishment. The patio addition was approved through the staff approval process (78-SA-2003) and stipulates the following:

- Patio area not to exceed 200 square feet.
- Maximum of three tables.
- Patio to be enclosed by a standard black wrought iron fence; height not to exceed 3 feet.
- Minimum 5' sidewalk to be maintained between fence and parking area for pedestrian and handicap accessibility.

APPLICANT'S PROPOSAL

Goal/Purpose of Request. This establishment is currently operating with a series 12 (restaurant) liquor license and is requesting approval to add a 144 square foot patio.

IMPACT ANALYSIS

Police/Fire. The Police Department has conducted a review and recommends approval of this case. Rural Metro has reviewed this application and reported no opposition to this case.

Parking. Planning and Development Services has conducted a review of the parking requirements. Parking is in compliance with the zoning ordinance.

Recommended Approach: The review of this application has shown that it meets zoning, parking, and public safety requirements. Staff recommends approval.

STAFF CONTACT(S)

Jeff Fisher
Plan Review and Permit Services Director
312-7619
E-mail: jfisher@ci.scottsdale.az.us

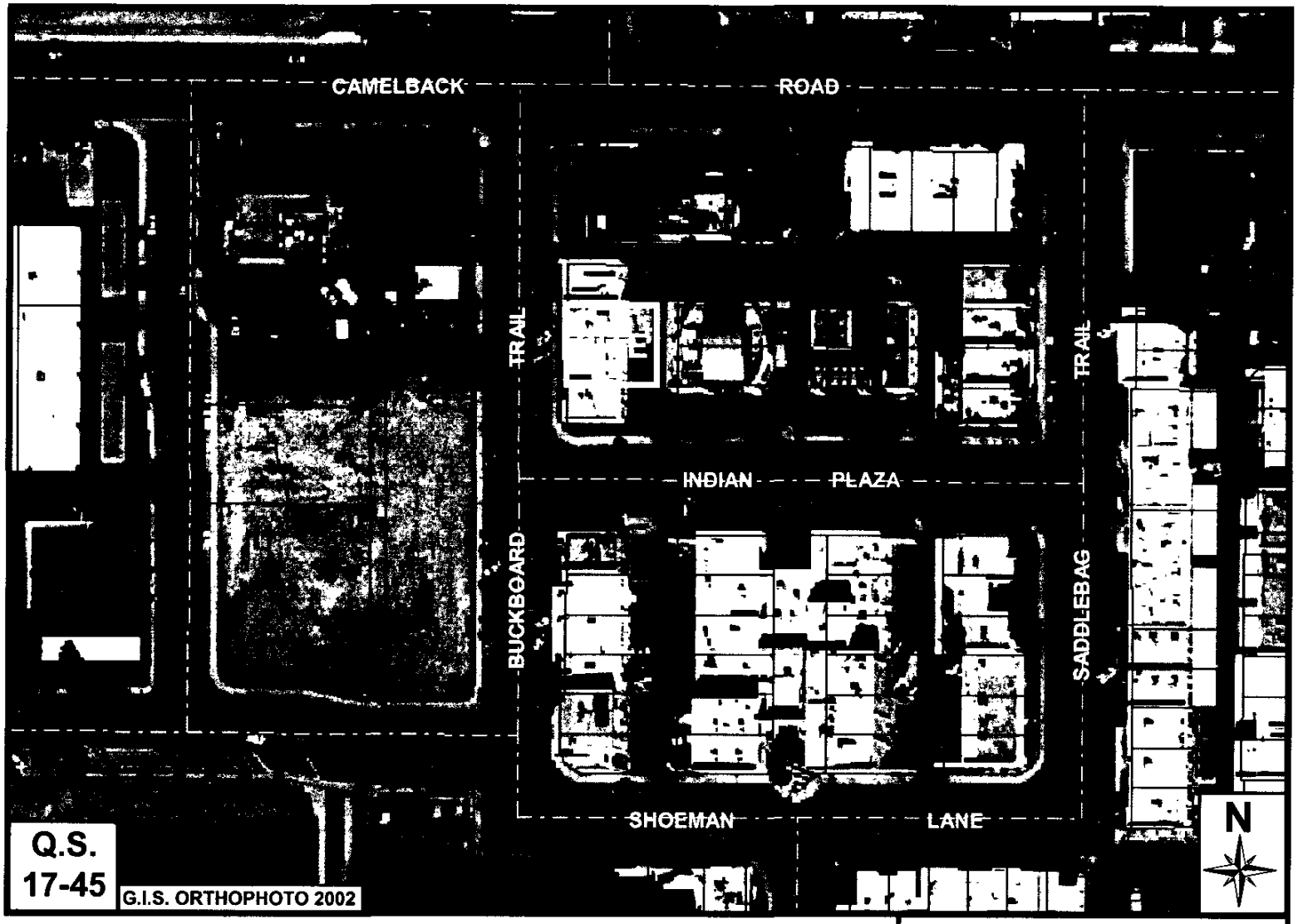
APPROVED BY

Kroy Ekblaw — Date
Planning and Development Services General Manager

Ed Gawf — 5/2/03 Date
Deputy City Manager

Attachments:

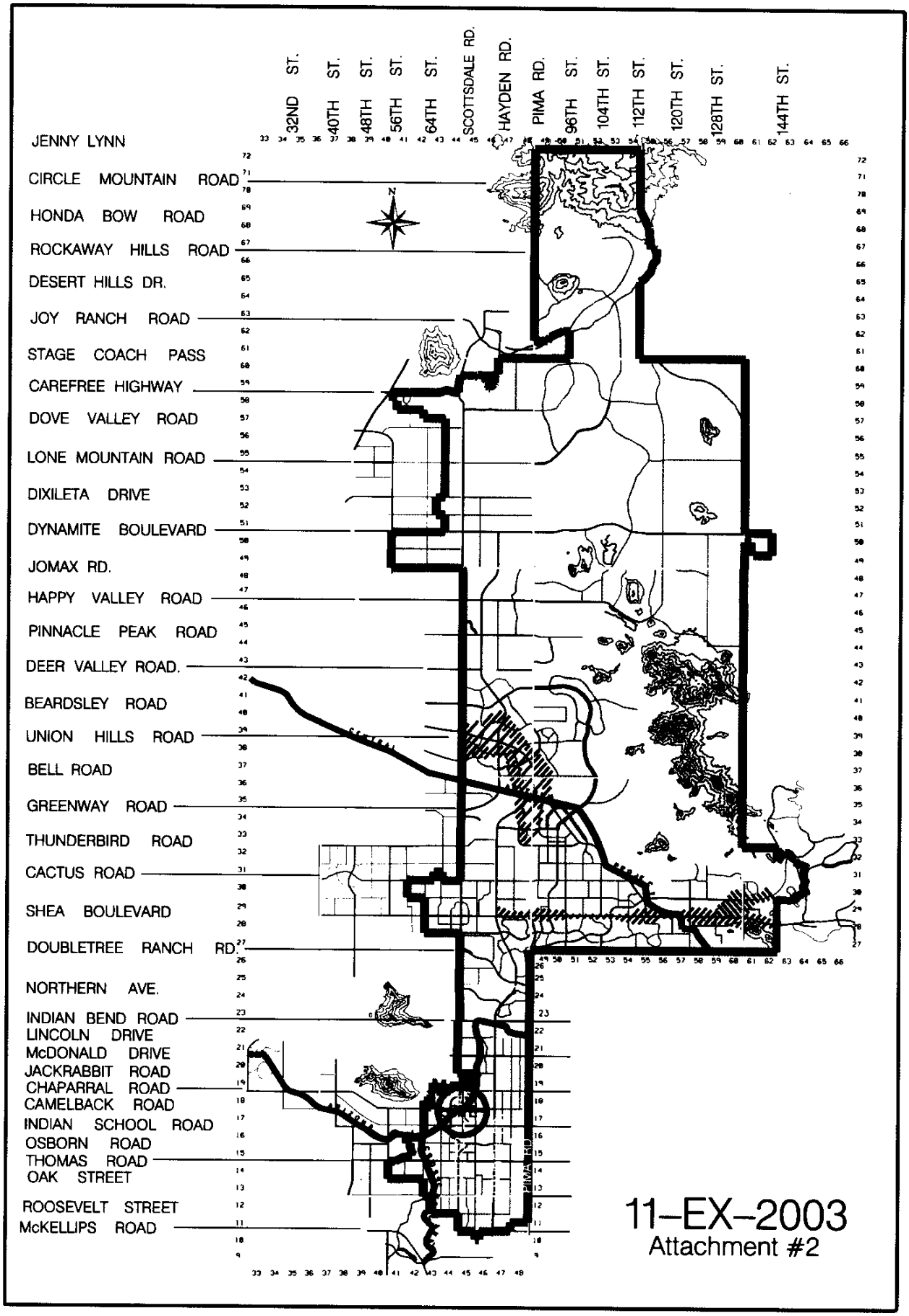
#1 Aerial Map
#2 Vicinity Map
#3 Application



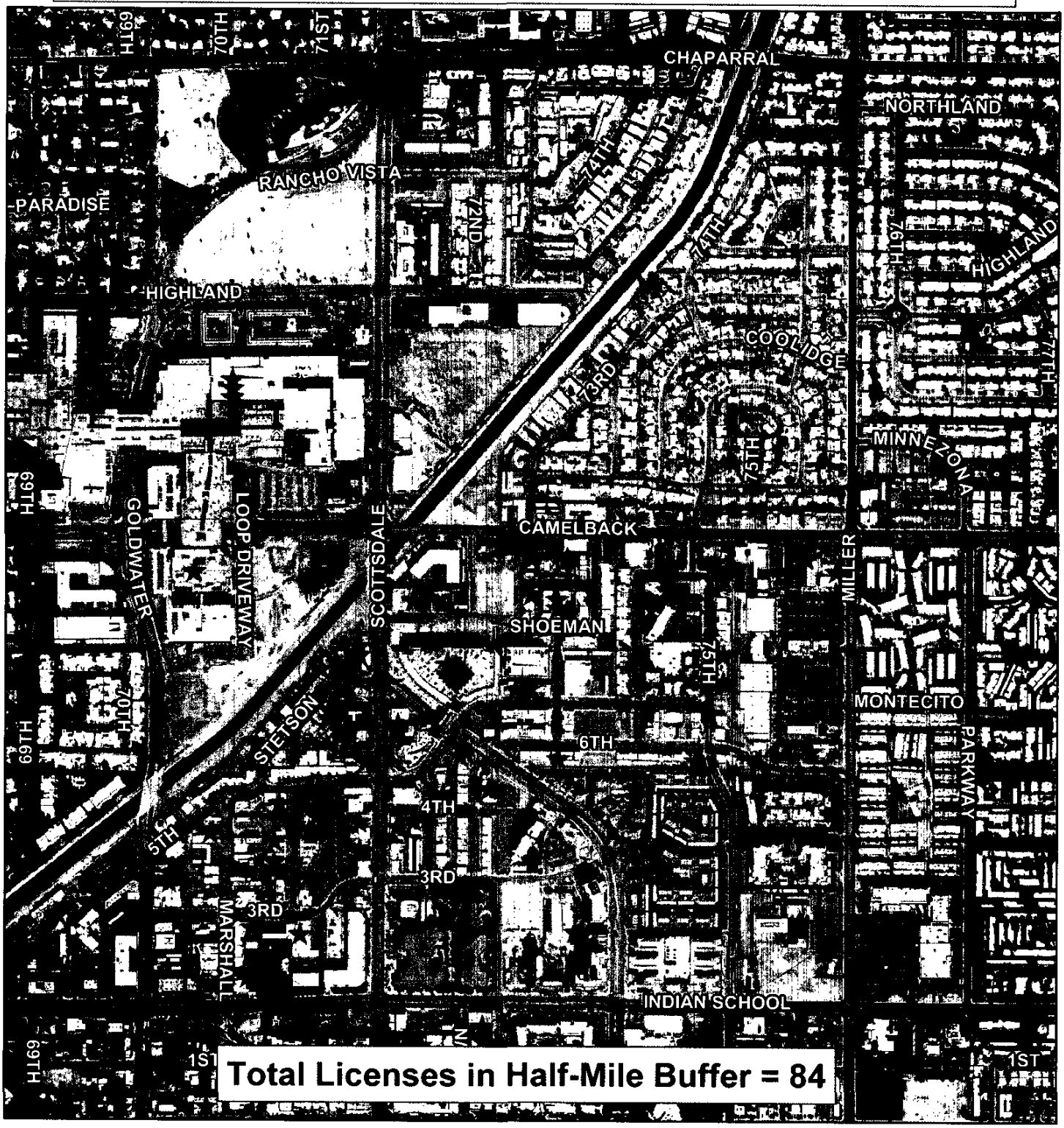
Fusion Restaurant & Lounge

11-EX-2003

ATTACHMENT #1


32ND ST.
40TH ST.
48TH ST.
56TH ST.
64TH ST.
SCOTTSDALE RD.
HAYDEN RD.
PIMA RD.
96TH ST.
104TH ST.
112TH ST.
120TH ST.
128TH ST.
144TH ST.
JENNY LYNN
CIRCLE MOUNTAIN ROAD
HONDA BOW ROAD
ROCKAWAY HILLS ROAD
DESERT HILLS DR.
JOY RANCH ROAD
STAGE COACH PASS
CAREFREE HIGHWAY
DOVE VALLEY ROAD
LONE MOUNTAIN ROAD
DIXILETA DRIVE
DYNAMITE BOULEVARD
JOMAX RD.
HAPPY VALLEY ROAD
PINNACLE PEAK ROAD
DEER VALLEY ROAD.
BEARDSLEY ROAD
UNION HILLS ROAD
BELL ROAD
GREENWAY ROAD
THUNDERBIRD ROAD
CACTUS ROAD
SHEA BOULEVARD
DOUBLETREE RANCH RD.
NORTHERN AVE.
INDIAN BEND ROAD
LINCOLN DRIVE
McDONALD DRIVE
JACKRABBIT ROAD
CHAPARRAL ROAD
CAMELBACK ROAD
INDIAN SCHOOL ROAD
OSBORN ROAD
THOMAS ROAD
OAK STREET
ROOSEVELT STREET
McKELLIPS ROAD
N
11–EX–2003
Attachment #2

Liquor Licenses Within A Half-Mile Radius of 4441 N Buckboard Trail



0 220 440 880 1,320 1,760 Feet

1 inch equals 741.95 feet

Liquor Licenses.mxd
Printed: 04/02/2003
Created By: Brian Hancock
Source: City of Scottsdale, State of Arizona Dept. of Liquor Licenses and Control.

11-EX-2003

CITY OF SCOTTSDALE

N

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

11-EX-2003

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

RECEIVED
MAR 1 1 2003
CITY OF SCOTTSDALE
DEVELOPMENT SERVICES

☑ Permanent change of area of service
☐ Temporary change for date(s) of: _____

1. Owner or Agent's Name: LONG (Last) JENNIFER (First) L. (Middle)
2. Mailing Address: 4141 N. BUCKBOARD TRL. (City) SCOTTSDALE AZ (State) 85251 (Zip)
3. Business Name: FUSION RESTAURANT + LOUNGE LICENSE #: 12075073
4. Business Address: 4141 N. BUCKBOARD TRL. (City) SCOTTSDALE (COUNTY) MARICOPA (State) AZ 85251 (Zip)
5. Business Phone: (480) 423 9043 Residence Phone: ([redacted])
6. Are you familiar with Arizona Liquor Laws and Regulations? ☑ YES ☐ NO
7. What security precautions will be taken to prevent liquor violations in the extended area? Gated area governed by the same rules interior premises abides by.
8. Does this extension bring your premises within 300 feet of a church or school? ☐ YES ☑ NO
9. IMPORTANT: ATTACH THE REVISED FLOOR PLAN CLEARLY DEPICTING YOUR LICENSED PREMISES AND WHAT YOU PROPOSE TO ADD.

After completing sections 1-9, take this application to your local Board of Supervisors, City Council or Designate for their recommendation.

This change in premises is RECOMMENDED by the local Board of Supervisors, City Council or Designate:

_____ (Authorized Signature) _____ (Title) _____ (Agency)

I, JENNIFER L. LONG (Print full name), hereby declare that I am the APPLICANT filing this application. I have read the application and the contents and all statements are true,correct and complete.

X _____ (Signature of Owner or Agent)

OFFICIAL SEAL
BONNIE D FULLER
MARICOPA COUNTY
My Comm Expires Aug. 20, 2005

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 11 (Day of Month) day of March (Month), 2003 (Year)

Bonnie D. Fuller 3/11/03
(Signature of NOTARY PUBLIC)

My commission expires on: 8/20/2005

Investigation Recommendation: _____ Date: _____

Licensing Approval: _____ Date: _____

Disabled individuals requiring special accommodation, please call the Department.

LIC0105 05/1999

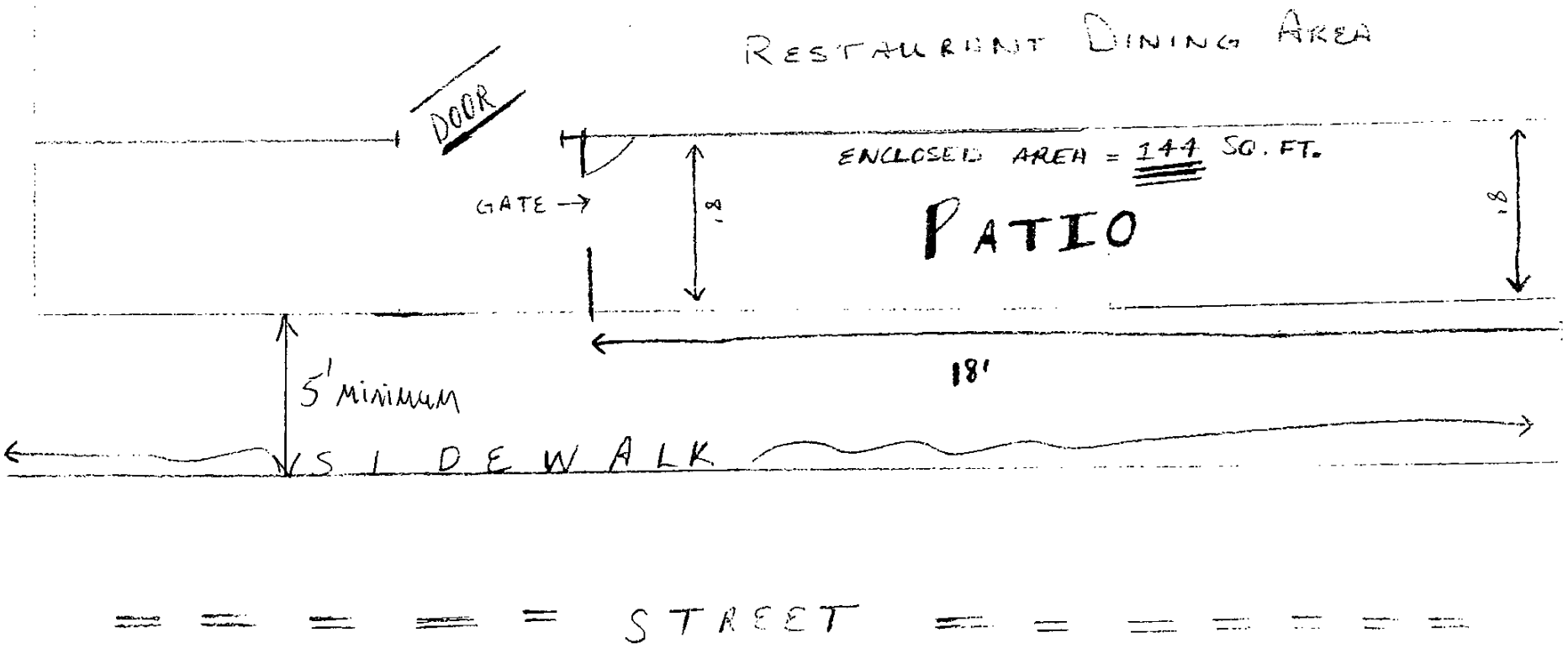
78-SA-03

CITY OF SCOTTSDALE
COMMUNITY DEVELOPMENT
STAFF APPROVAL
SITE PLAN

THIS SITE PLAN WAS APPROVED BY STAFF WITH STIPULATIONS AS NOTED ON THE SITE PLAN. APPROVAL OF THIS DESIGN DOES NOT CONSTITUTE APPROVAL OF ANY MATERIALS THAT ARE NOT CONTRARY TO THE BUILDING CODE OF THE CITY OF SCOTTSDALE.

3-11-03
DATE

INITIALS



STAFF APPROVAL NO. 78-SA-2003

SUBMIT ONE COPY OF THIS APPROVAL LETTER WITH THE FOLLOWING PLAN SETS TO THE ONE-STOP SHOP FOR PLAN REVIEW:

PROJECT NAME: Fusion Restaurant & Bar

LOCATION: 4441 N Buckboard Tr

__ __ PARCEL 173-41-175 QUARTER SECTION 17-45

COMPANY NAME: Matt & Jen Long
APPLICANT'S NAME: Jen Long
ADDRESS: 4441 N Buckboard Tr Scottsdale, AZ 85251
PHONE: [redacted] FAX:

REQUEST Outdoor patio area w/ fence

STAFF APPROVAL NOTIFICATION

This letter is notification that your REQUEST is approved conceptually by Community Development staff. Plans shall be submitted for permits as required by the One-Stop Shop. **This approval expires one (1) year from date of approval if a permit is required but has not been issued.**

[ ] NO STIPULATIONS PERTAINING TO THIS PROJECT OTHER THAN THOSE IN RELATED CASES.

[x] STIPULATIONS:

1. patio area not to exceed 200 square feet.
2. maximum of 3 tables
3. patio to be enclosed by a standard black wrought iron fence as shown in detail provided by owner. Height of fence not to exceed 3'.
4. minimum 5' sidewalk to be maintained between the fence and the parking area for pedestrian & handicap accessibility.
5. no final plans review or permit required.

RELATED CASES 78-SA-2003

SIGNATURE: Greg Bloemberg

DATE: March 18, 2003

STAFF: Please return this letter along with approved plans to Office Coordination for necessary distribution.

c Project File
Applicant

CITY COUNCIL REPORT

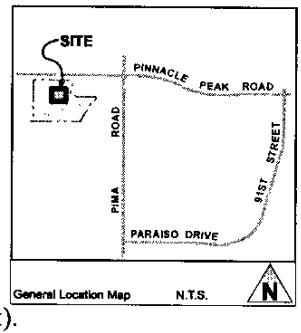
MEETING DATE: May 19, 2003 ITEM NO. 2 GOAL: Preserve Character and Environment

SUBJECT

Liquor Store License Request for Danny's General Store
18-LL-2003

REQUEST

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 09 (liquor store) State liquor license for an existing liquor store located within a grocery store.



OWNER

Pinnacle & Pima, LLC

APPLICANT CONTACT

Lauren Kay Merritt
480-348-2223

LOCATION

8711 E. Pinnacle Peak Rd.

BACKGROUND

This site is zoned C-2 (Central Business District).
This request is for a person transfer of a series 09 (liquor store) liquor license for an existing grocery store location. This request is being made along with 19-LL-2003, which, if approved, will license the café portion of the establishment. This request is due to a change of business ownership. This location previously operated with a series 09 (liquor store) liquor license under the business name Pinnacle Peak General Store.
The distance to the nearest school, Copper Ridge Elementary, is approximately 1 mile.
The distance to the nearest church, Pinnacle Presbyterian, is approximately 1 mile.
There are 16 liquor licenses within a one half mile radius of this location.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.
The applicant is seeking a favorable recommendation on a series 09 liquor license. The applicant has maintained the required posting notice for the State mandated 20-day period.

IMPACT ANALYSIS

Police/Fire. The Police Department has conducted a review and recommends approval of this case.

Financial Services. Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

Parking. Planning and Development Services has conducted a review of

(Continued)

the parking requirements. There are no interior modifications or changes intended for this establishment. Parking is in compliance with the zoning ordinance.

Development Information. This establishment is 8,426sq. ft. The grocery store portion of the business is 6,326 sq. ft.

Maricopa County. Maricopa County Environmental Health has reviewed this application and reported no opposition to this case.

Community involvement. No petitions or protests have been filed with the City Clerk during the 20 (twenty) day posting period.

OPTIONS AND STAFF RECOMMENDATION

City Council has the option of recommending approval or denial to the Arizona Department of Liquor Licenses and Control.

Recommended Approach: The review of this application has shown that it meets zoning, parking, and public safety requirements.
Staff recommends approval.

Proposed Next Steps: The City Council's recommendation of approval or denial will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant should receive their license from the State within 15 days.

RESPONSIBLE DEPT(S)

Planning and Development Services Department

STAFF CONTACT(S)

Jeff Fisher
Plan Review and Permit Services Director
480-312-7619
E-mail: Jfisher@ScottsdaleAZ.Gov

APPROVED BY

Kroy Ekblaw — Date
Planning and Development Services General Manager

Ed Gawf — 5/2/03 Date
Deputy City Manager

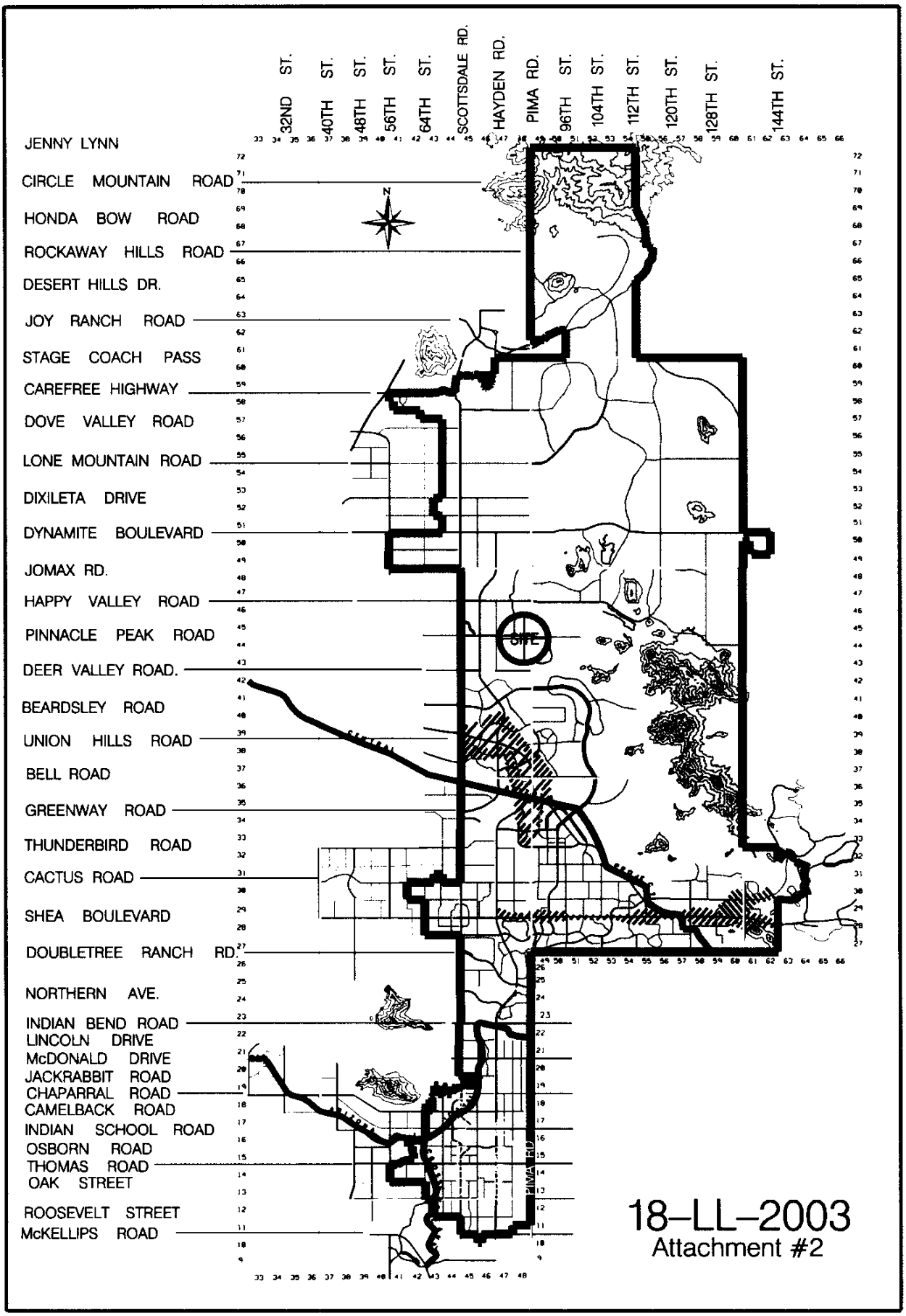
ATTACHMENTS

#1: Aerial Map
#2: Vicinity Map
#3 Graphic – Liquor license locations within ½ mile
#4: Application

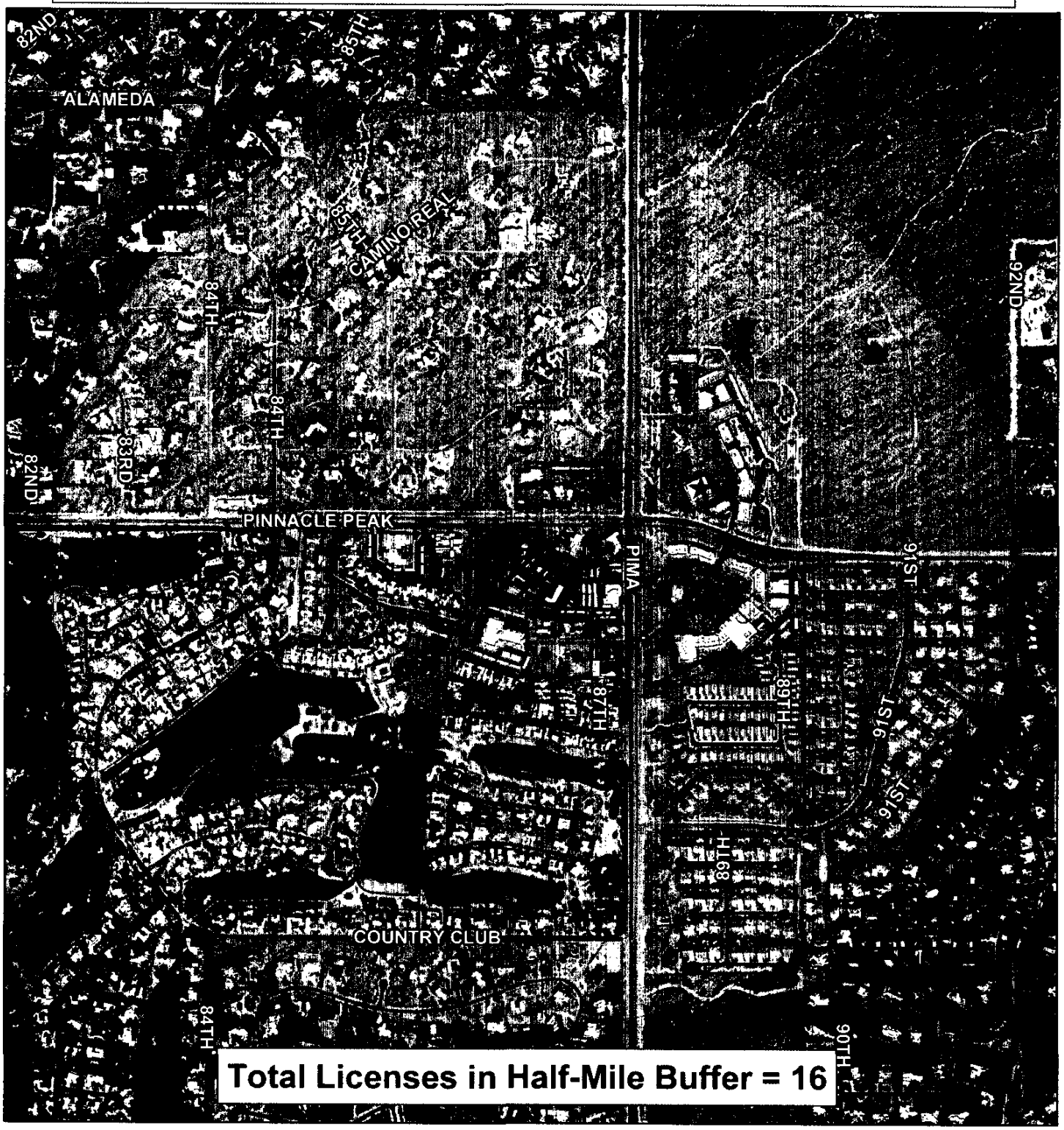
DANNY'S GENERAL STORE

18-LL-2003

ATTACHMENT #1


32ND ST.
40TH ST.
48TH ST.
56TH ST.
64TH ST.
SCOTTSDALE RD.
HAYDEN RD.
PIMA RD.
96TH ST.
104TH ST.
112TH ST.
120TH ST.
128TH ST.
144TH ST.
JENNY LYNN
CIRCLE MOUNTAIN ROAD
HONDA BOW ROAD
ROCKAWAY HILLS ROAD
DESERT HILLS DR.
JOY RANCH ROAD
STAGE COACH PASS
CAREFREE HIGHWAY
DOVE VALLEY ROAD
LONE MOUNTAIN ROAD
DIXILETA DRIVE
DYNAMITE BOULEVARD
JOMAX RD.
HAPPY VALLEY ROAD
PINNACLE PEAK ROAD
DEER VALLEY ROAD.
BEARDSLEY ROAD
UNION HILLS ROAD
BELL ROAD
GREENWAY ROAD
THUNDERBIRD ROAD
CACTUS ROAD
SHEA BOULEVARD
DOUBLETREE RANCH RD.
NORTHERN AVE.
INDIAN BEND ROAD
LINCOLN DRIVE
McDONALD DRIVE
JACKRABBIT ROAD
CHAPARRAL ROAD
CAMELBACK ROAD
INDIAN SCHOOL ROAD
OSBORN ROAD
THOMAS ROAD
OAK STREET
ROOSEVELT STREET
McKELLIPS ROAD
SITE
PIMA RD.
18–LL–2003
Attachment #2

Liquor Licenses Within A Half-Mile Radius of 8711 E Pinnacle Peak Road



Total Licenses in Half-Mile Buffer = 16

0 325 650 1,300 1,950 2,600 Feet

1 inch equals 831.44 feet

Liquor Licenses.mxd
Printed: 03/25/2003
Created By: Brian Hancock
Source: City of Scottsdale, State of Arizona Dept. of Liquor Licenses and Control.

CITY OF SCOTTSDALE

N

18-LL-2003

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

18-11-2003

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

2003 MAR 10 P 3:01

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

RECEIVED

MAR 1 : 2003

CITY OF SCOTTSDALE
DEVELOPMENT SERVICES

SECTION 1 This application is for a:

- ☒ INTERIM PERMIT *Complete Section 5*
- ☐ NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16, 17*
- ☒ PERSON TRANSFER (Bars & Liquor Stores ONLY) *Complete Sections 2, 3, 4, 11, 13, 15, 16, 17*
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) *Complete Sections 2, 3, 4, 12, 13, 15, 16, 17*
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE *Complete Sections 2, 3, 4, 9, 13, 15, 17* (fee not required)
- ☐ GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16, 17*

SECTION 2 Type of ownership:

- ☐ J.T.W.R.O.S. *Complete Section 6*
- ☐ INDIVIDUAL *Complete Section 6*
- ☐ PARTNERSHIP *Complete Section 6*
- ☐ CORPORATION *Complete Section 7*
- ☒ LIMITED LIABILITY CO. *Complete Section 7*
- ☐ CLUB *Complete Section 8*
- ☐ GOVERNMENT *Complete Section 10*
- ☐ TRUST *Complete Section 6*
- ☐ OTHER Explain _____

SECTION 3 Type of license and fees: LICENSE #: 09070529

1. Type of License: Series #09
2. Total fees attached: $ _____

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

SECTION 4 Applicant: (All applicants must complete this section)

1. Applicant/Agent's Name: Mr. / Ms. MERRETT (Last) LAUREN (First) KAY (Middle) 1,036740
   (Insert one name ONLY to appear on license)
2. Corp./Partnership/L.L.C.: PINNACLE E. PIMA LLC 01028719
   (Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: DANNY'S GENERAL STORE
   (Exactly as it appears on the exterior of premises)
4. Business Address: 8711 E. PINNACLE PEAK (Do not use PO Box Number) SCOTTSDALE (City) MARICOPA (COUNTY) 85255 (Zip)
5. Business Phone: (480) 348-2323 Residence Phone: ( ) NOT AVAILABLE
6. Is the business located within the incorporated limits of the above city or town? ☒YES ☐NO
7. Mailing Address: 736 S. LONGMORE ST. ~~SCOTTSDALE~~ Chandler (City) AZ (State) 85224 (Zip)
8. Enter the amount paid for a 06, 07, or 09 license: $ _____ (Price of License ONLY)

DEPARTMENT USE ONLY

Accepted by: SR Date: 3/10/03 Lic. # 09070529

Fees:	100.00	100.00			248 3	$ 278.00
	Application	Interim Permit	Agent Change	Club	F. Prints	TOTAL

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD. YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

LIC 0100 11/2000

*Disabled individuals requiring special accommodation, please call (602) 542-9027.

SECTION 5 Interim Permit:

. If you intend to operate business while your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.

:. There MUST be a valid license of the same type you are applying for currently issued to the location.

). Enter the license number currently at the location. _____

-. Is the license currently in use? ☐ YES ☐ NO If no, how long has it been out of use? _____

DLG
2003 MAR 10 P 3:07

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

, _____, declare that I am the CURRENT LICENSEE of the stated license and
(Print full name)
ocation . I have read this application and the contents and all statements are true, correct and complete.

_____
(Signature)

State of _____ County of _____
The foregoing instrument was acknowledged before me this
_____ day of _____, _____.
Day of Month Month Year

My commission expires on: _____

_____
(Signature of NOTARY PUBLIC)

SECTION 6 Individual or Partnership Owners:

ACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

. Individual:

Last	First	Middle	% Owned	Residence Address	City State Zip
			%		

Partnership Name: (Only the first partner listed will appear on license) _____

eneral-Limited	Last	First	Middle	% Owned	Residence Address	City State Zip
☐ ☐				%		
☐ ☐				%		
☐ ☐				%		
☐ ☐				%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

. Is any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO

SECTION 5 ~~Interim Permit:~~

1. If you intend to operate business while your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 09070529
4. Is the license currently in use? ☒ YES ☐ NO If no, how long has it been out of use? _____

2003 MAR 10 P 3:07

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, Jerry Nelson (Print full name), declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, STOCKHOLDER OR LICENSEE of the stated license and location.

x Jerry Nelson (Signature)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 28 (Day of Month) day of Jan. (Month), 2003 (Year).

Colleen A Pacheco (Signature of NOTARY PUBLIC)

My commission expires on:

OFFICIAL SEAL
COLLEEN A. PACHECO
NOTARY PUBLIC - STATE OF ARIZONA
MARICOPA COUNTY
My Comm. Expires Dec. 4, 2006

SECTION 6 **Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD

1. Individual:

Last	First	Middle	% Owned	Residence Address	City State Zip
			%		

Partnership Name: (Only the first partner listed will appear on license) _____

General	Limited	Last	First	Middle	% Owned	Residence Address	City State Zip
☐	☐				%		
☐	☐				%		
☐	☐				%		
☐	☐				%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

2. Is any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

☐ CORPORATION *Complete questions 1, 2, 3, 5, 6, 7, 8.*
☒ L.L.C. *Complete questions 1, 2, 4, 5, 6, 7 and attach copy of Articles of Org. and Operation Agreement.*

1. Name of Corporation/L.L.C.: PINNACLE PIMA LLC
(Exactly as it appears on Articles of Inc. or Articles of Org.)

2. Date Incorporated/Organized: 8/28/02 State where Incorporated/Organized: L-1043418-6

2003 MAR 10 P 3:07

3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____

4. AZ L.L.C. File No: _____ Date authorized to do business in AZ: _____

5. Is Corp./L.L.C. non-profit? ☐ YES ☒ NO If yes, give IRS tax exempt number: _____

6. List all directors/officers in Corporation/L.L.C.:

Last	First	Middle	Title	Residence Address	City State Zip
PS INVESTMENT PROPERTY HOLDINGS L.L.C.			~~MANAGER~~ MEMBER	[redacted]	
PROGRESSIVE PARTNERS LLC			MEMBER	[redacted]	
ALEX PANANIDES			Member MANAGER	[redacted]	
DANIEL HENDON			Member MANAGER	[redacted]	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders or controlling members owning 10% or more:

Last	First	Middle	% Owned	Residence Address	City State Zip
ALEX PANANIDES 50% PATRICK SMITH 50% PS INVESTMENT PROPERTY HOLDINGS LLC			% 50	[redacted]	
DANIEL HENDON 100% PROGRESSIVE PARTNERS LLC			% 50	[redacted]	
			%		
			%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach an ownership, and director/officer/members disclosure for the parent entity. Attach additional sheets as necessary in order to disclose real people.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter) (Attach a copy of Club Charter)

2. Is club non-profit? ☐ YES ☐ NO If yes, give IRS tax exempt number: _____

3. List officer and directors:

Last	First	Middle	Title	Residence Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

:TION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store:

:urrent Licensee's Name: _____
ly as it appears on license) Last First Middle

ssignee's Name: _____
Last First Middle

icense Type: _____ License Number: _____ Date of Last Renewal: _____

ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

2003 MAR 10 PM 3:07 DLLC

:TION 10 Government: (for cities, towns, or counties only)

erson to administer this license: _____
Last First Middle

ssignee's Name: _____
Last First Middle

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

:TION 11 [redacted]

estions [redacted] Liquor Stores ONLY).

urrent Licens[redacted] _____ Entity: _____
ly as it appears on license) Last First Middle (Indiv., Agent, etc.)

orporation/L.L.C. Name: _____
(Exactly as it appears on license)

urrent Business Name: _____

[redacted]
urrent Business Address: _____

[redacted] _____

icense Type: _____ License Number: _____ Last Renewal Date: _____

urrent Mailing Address (other than business): _____

_____

ave all creditors, lien holders, interest holders, etc. been notified of this transfer? ☐ YES ☐ NO

oes the applicant intend to operate the business while this application is pending? ☐ YES ☐ NO If yes, complete section 5, attach fee, and urrent license to this application.

hereby relinquish my rights to the above described license to the applicant named in this application and hereby declare that the statements nade in this section are true, correct and complete.

_____, declare that I am the CURRENT LICENSEE of the stated license. I have read this
(Print full name)
cation and the contents and all statements are true, correct and complete.

State of _____ County of _____
The foregoing instrument was acknowledged before me this

_____ day of _____, _____.
Day of Month Month Year

_____
(Signature of CURRENT LICENSEE)

ommission expires on: _____

_____
(Signature of NOTARY PUBLIC)

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store:

1. Current Licensee's Name: _____ (Exactly as it appears on license) Last First Middle
2. Assignee's Name: _____ Last First Middle
3. License Type: _____ License Number: DLLC Date of Last Renewal: _____
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

2003 MAR 10 P 3:01

SECTION 10 Government: (for cities, towns, or counties only)

1. Person to administer this license: _____ Last First Middle
2. Assignee's Name: _____ Last First Middle

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY).

1. Current Licensee's Name: Nelson Jerry Entity: Agent (Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: PINNACLE PARADISE INC. (Exactly as it appears on license)
3. Current Business Name: PINNACLE PEAK GENERAL STORE (Exactly as it appears on license)
4. Current Business Address: 8711 E. PINNACLE PEAK SCOTTSDALE AZ 85255
5. License Type: SERIES 09 License Number: 09070529 Last Renewal Date: 12/17/02
6. Current Mailing Address (other than business): 8711 E Pinnacle Peak Scottsdale AZ 85255
7. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? ☒ YES ☐ NO
8. Does the applicant intend to operate the business while this application is pending? ☒ YES ☐ NO If yes, complete section 5, attach fee, and current license to this application.
9. I hereby relinquish my rights to the above described license to the applicant named in this application and hereby declare that the statements made in this section are true, correct and complete.

I, Jerry Nelson (Print full name), declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, STOCKHOLDER or LICENSEE of the stated license. I have read this section and the contents and all statements are true, correct and complete.

Jerry Nelson
(Signature of CURRENT LICENSEE)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 28 day of Jan., 2003.
Day of Month Month Year

My commission expires on: OFFICIAL SEAL COLLEEN A. PACHECO NOTARY PUBLIC - STATE OF ARIZONA MARICOPA COUNTY My Comm. Expires Dec. 4, 2006

Colleen A Pacheco

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE.

1. Current Business Name and Address: (Exactly as it appears on license) _____

2. New Business Name and Address: (Do not use PO Box Number) _____

DLLC

2003 MAR 10 P 3:07

3. License Type: _____ License Number: _____ Last Renewal Date: _____

4. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants:

1. Distance to nearest school: 5300 ft. (Regardless of distance) Name/Address of school: COPPER RIDGE ELEM/MIDDLE SCHOOLS SCOTTSDALE AZ 10101 E. THOMPSON PEAK PKWY 85255

2. Distance to nearest church: 5400 ft. (Regardless of distance) Name/Address of church: PINNACLE PRESBYTERIAN CHURCH 26150 N. PIMA RD SCOTTSDALE AZ 85255

3. I am the: ☐ LESSEE ☐ SUBLESSEE ☒ OWNER ☐ PURCHASER (of premises)

4. If the premises is leased give lessors name and address: N/A

4a. Monthly rental/lease rate $ _____ What is the remaining length of the lease? _____ yrs. _____ mos.

4b. What is the penalty if the lease is not fulfilled? $ _____ or other _____ (give details - attach additional sheet if necessary)

5. What is the total business indebtedness of the applicant for this license/location excluding lease? $ -0-

Does any one creditor represent more than 10% of that sum? ☐ YES ☐ NO If yes, list below. Total must equal 100%.

Last	First	Middle	% Owed	Residence Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

. What type of business will this license be used for? (BE SPECIFIC) GROCERY STORE

. Has a license, or a transfer license for the premises on this application been denied by the state within the past one (1) year? ☐ YES ☒ NO If yes, attach explanation.

. Does any spirituous liquor manufacturer, wholesaler, or employee, have any interest in your business? ☐ YES ☒ NO

. Is the premises currently licensed with a liquor license? ☒ YES ☐ NO If yes, give license number and licensee's name:

License # 09070529 (Exactly as it appears on license) Name JERRY NELSON

CTION 14 Restaurant, or Hotel-Motel Applicants:

Is there a valid restaurant or hotel-motel license at the proposed location? ☐ YES ☐ NO If yes, give licensee's name:

_____ and license #: _____
Last First Middle

If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of this application.

DLLC
2003 MAR 10 3:07

All restaurant applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor.

Do you understand that 40% of your annual gross revenue must be from food sales? ☐ YES ☐ NO

ECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

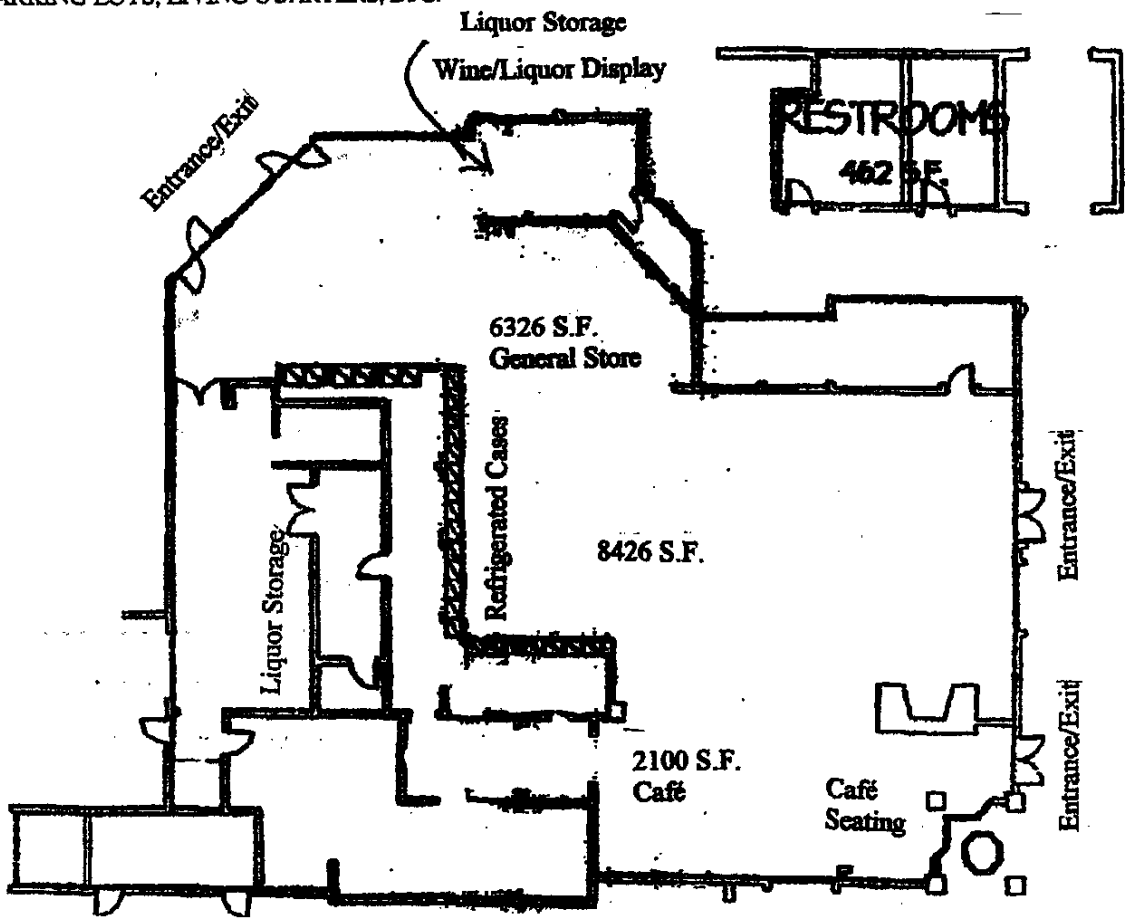
Check ALL boxes that apply to your licensed premises:

- ☒ Entrances/Exits
- ☐ Drive-in windows
- ☐ Service windows
- ☒ Liquor storage areas
- ☐ Patio enclosures
- ☐ Under construction: estimated completion date _____

Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.

The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.

DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC.



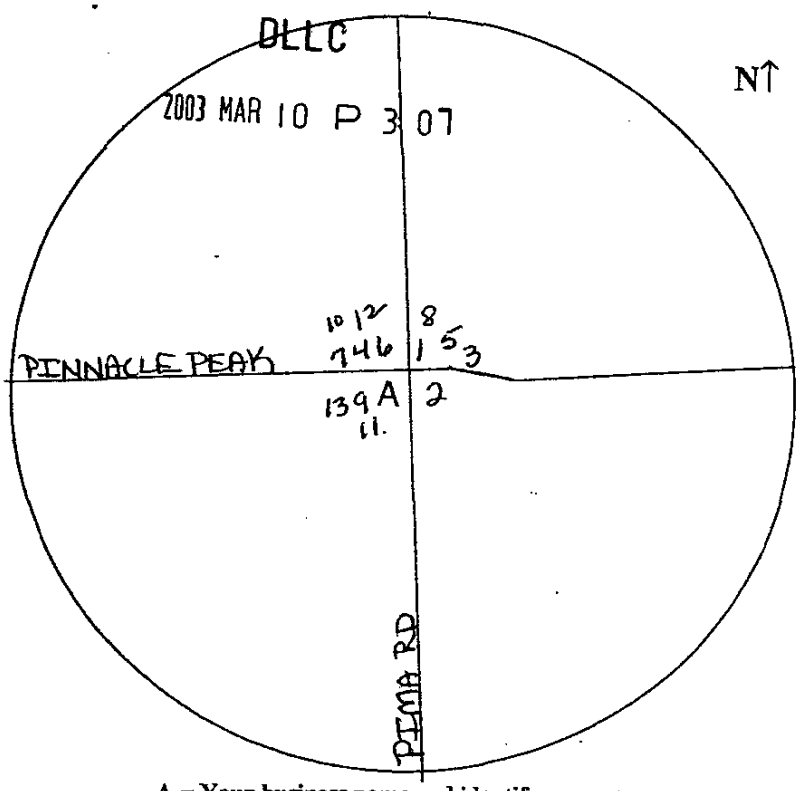
'OU MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, ENTRANCES, :XITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.

SECTION 16 Geographical Data: A SAMPLE FOR THIS SECTION IS PROVIDED ON THE BACK OF THIS PAGE.

List below the exact names of all churches, schools, and spirituous liquor outlets within a one half mile radius of your proposed location.

1. WALGREENS
2. OSCO DRUGS
3. PANE E VINO ITALIAN REST.
4. MICHAELS MARKET
5. CHOP HOUSE
6. BISTRO PROVENCE INC.
7. CAFE ISABELLA
8. NICK'S
9. VIC'S AT PINNACLE PEAK
10. CAFE TED
11. PIZZA PEAK
12. RESTAURANT OCEANA
13. PINNACLE PEAK COUNTRY CLUB
14. _____
15. _____

(ATTACH ADDITIONAL SHEET IF NECESSARY)



A = Your business name and identify cross streets.

SECTION 17 Signature Block:

I, LAUREN KAY MERRETT, declare that: 1) I am the APPLICANT (Agent/Club Member/Partner), making this
(Print name of APPLICANT/AGENT listed in Section 4 Question 1)
application; 2) I have read the application and the contents and all statements are true, correct and complete; 3) that this application is not being made to defraud or injure any creditor, taxing authority, regulatory authority, or transferor; 4) that no other person, firm, or corporation, except as indicated, has an interest in the spirituous liquor license for which these statements are made; and 5) that none of the owners, partners, members, officers, directors or stockholders listed have been convicted of a felony in the past five (5) years.

X Lauren Kay Merrett
(Signature)

State of _____ County of _____
The foregoing document was acknowledged before me this
10 day of March, 2003.
Day of Month Month Year

JENNIFER GARDNER
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
JANUARY 22, 2007

My commission expires on: January 22, 2007

Jennifer Gardner
(Signature of NOTARY PUBLIC)

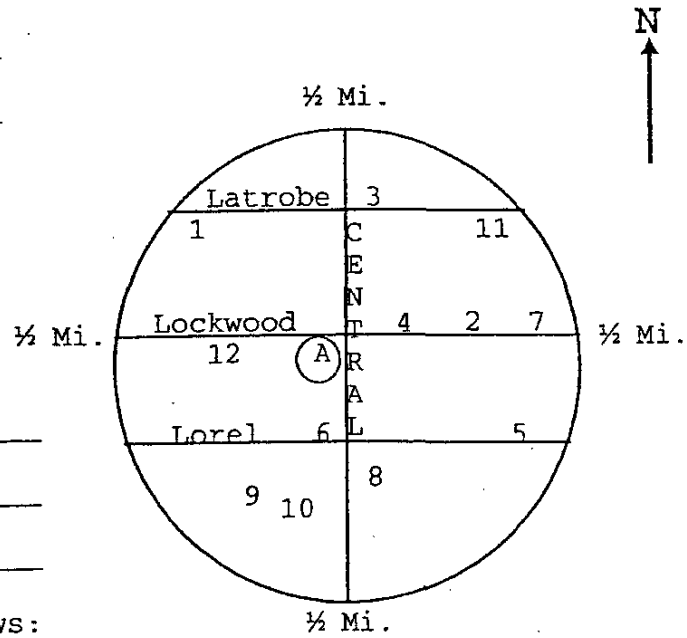
SAMPLE

GEOGRAPHICAL DATA

the area adjacent to the map provided below indicates your proposed location
l the exact names of all churches, schools, and alcoholic beverage outlets
:hin a 1/2 mile radius of your proposed location.
:e example below)

OLLC
2003 MAR 10 P 3:07

: Applicant	Series 12
Pink Elephants	Series 06
Mama's Rest.	Series 12
Corner Liquors	Series 09
Joe's Groceries	Series 10
Lions Club	Series 14
Burgers R Us	Series 07
Pizza Perfect	Series 07
Billy Bobs Bar	Series 06
St. Anthonys Church	
St. Anthonys School	
Burbank Middle School	
First United Baptist Church	



R.S. Section 4-207.A reads as follows:

No retailers license shall be issued for any premises which are. at the time
e license application is received by the Director, within three hundred(300)
rizontal feet of a church, within three hundred(300) horizontal feet of a
blic or private school building with kindergarten programs or any of
ades one(1) through twelve(12). or within three hundred(300) horizontal
et of a fenced recreational area adjacent to such school building.

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

AE 010426

QUESTIONNAIRE

DLL COLLC

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting on public view.

2003 MAR 11 PM 3:12:35

Read Carefully, this instrument is a sworn document. Type or print with black ink
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted. Liquor License # 09070529
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852) (If the location is currently licensed)

1. Check appropriate box → ☐ Owner ☐ Partner ☐ Stockholder ☐ Member ☐ Officer ☐ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager | ☒ Manager (Only) Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: Novinger (Last) Ross (First) A. (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] (This Will Not Become a Part of Public Records) Drivers License #: B14796413 State: AZ

4. Place of Birth: Dodge City (City) Kansas (State) USA (Country) (not county) Height: 6' Weight: 230 Eyes: GRN Hair: BRN

5. Marital Status ☒ Single ☐ Married ☐ Divorced ☐ Widowed Residence (Home) Phone: [redacted]

6. Name of Current or Most Recent Spouse: N/A (Last) (First) (Middle) (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? AZ If Arizona, date of residency: 12/97

8. Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: DANNY'S General Store Premises Phone: (480) 991-1822

11. Licensed Premises Address: 8711 E. Pinnacle Peak (Street Address) Scottsdale (City) Maricopa (County) 85255 (Zip)
(Do not use PO Box #)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
12/97	CURRENT	Store/General MGR.	Danny's Family Carousel 7373 E. Shea Blvd. Scottsdale AZ 85254
6/93	12/97	Warehouse Supervisor	Pacra International LTD 2323 AZTEC Rd. Albuquerque, NM 87504

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
9/2001	CURRENT	Rent	[redacted]	[redacted]	[redacted]	[redacted]
12/1999	9/2001	Rent	[redacted]	[redacted]	[redacted]	[redacted]
12/1997	12/1999	Rent	[redacted]	[redacted]	[redacted]	[redacted]

Disabled individuals requiring special accommodations please call (602) 542-9027

[redacted]

[redacted]

[redacted]

[redacted]

If you checked the Manager box on the front of this form skip to # 11

10. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day?_____, answer #10a below. If NO, skip to #11. ☐ YES ☐ NO

10a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to # 10a is "NO", course must be completed before issuance of a new license or approval on an existing license.

11. Have you EVER been *detained, cited, arrested, indicted or summoned* into court for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☒ YES ☐ NO

DLLC

12. Have you EVER been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☒ YES ☐ NO

2003 MAR 10 P 3:01

13. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐ YES ☒ NO

14. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☒ YES ☐ NO

15. Has anyone EVER *filed suit or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐ YES ☒ NO

16. Are you NOW or have you EVER held ownership, been an officer, member, director or manager on *any other liquor license* in this or any other state? ☐ YES ☒ NO

If any answer to Questions 11 through 16 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

If you checked the Manager box on the front of this form, fill in #17-19 and 20, all others skip the following box (17-19) and go to # 20

Manager Section

17. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to #17 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

18. Do you make payments to the licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

19. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

20. I, Ross A. Novinger, hereby declare that I am the APPLICANT of this questionnaire.
(Print full name of Applicant)
have read this questionnaire and the contents and all statements are true, correct and complete.

OFFICIAL SEAL
LAUREN MERRETT
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Sept. 20, 2003

Ross A. Novinger
(Signature of Applicant)

State of _____ County of _____
The foregoing instrument was acknowledged before me this
7th day of March, 2003
Day of Month Month Year

My commission expires on: 20 Sept 2003
Day of Month Month Year

Lauren Merrett
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION

Licensee or Agent Approval of Manager

21. I, (Print Licensee/Agent's Name): Hendon Lewis Daniel
Last Middle First

Hereby authorize the applicant to act as manager for the named liquor license.

OFFICIAL SEAL
LAUREN MERRETT
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Sept. 20, 2003

State of _____ County of _____
The foregoing instrument was acknowledged before me this
7th day of March, 2003
Day of Month Month Year

X _____
(Signature of LICENSEE/AGENT)

My commission expires on: 20 Sept 2003
Day of Month Month Year

Lauren Merrett
(Signature of NOTARY PUBLIC)

DLLC

DLLC

2002 OCT 2 2:35

2003 MAR 10 P 3:07

#15 I was drunk and disorderly in Washington State while in the Navy.

#16 I posted bail on the above violation. I was later deployed, and to the best of my knowledge no formal charges have ever been filed.

#20 I am currently the manager at another Danny's Family Carousel location.

Ross A Novinger

Ross A. Novinger

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with black ink.
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

DLLC
2003 MAR 0 P 3:07

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 09070529
(If the location is currently licensed)

1. Check appropriate box →

☐ Owner ☐ Partner ☐ Stockholder ☐ Member ☐ Officer ☐ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager	☐ Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: Hendon (Last) Daniel (First) Lewis (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] Drivers License #: [redacted] State: AZ
(This Will Not Become a Part of Public Records)

4. Place of Birth: Detroit (City) Michigan (State) USA (Country) (not county) Height: 6' Weight: 185 Eyes: BL Hair: BR

5. Marital Status ☒ Single ☐ Married ☐ Divorced ☐ Widowed Residence (Home) Phone: [redacted]

6. Name of Current or Most Recent Spouse: _____ Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary) . Last First Middle Maiden

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: 8/1/84

8 Telephone number to contact you during business hours for any questions regarding this document: [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: DANNY'S GENERAL STORE Premises Phone: (480) 991-1822

11. Licensed Premises Address: 8711 Pinnacle Peak Rd (Street Address (Do not use PO Box #)) Scottsdale (City) Maricopa (County) 85255 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
1984	CURRENT	Carwash Owner	C.W. Management 7373 E Shea Blvd. Scottsdale AZ 85260

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
3/95	CURRENT		[redacted]	[redacted]	[redacted]	

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day?_____, **answer #14a below**. If NO, skip to #15. ☐YES ☒NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

DLLC
2003 MAR 10 P 3:07

15. Have you **EVER** been ***detained, cited, arrested, indicted or summoned*** into court for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? ***For traffic violations, include only those that were alcohol and/or drug related.*** ☒YES ☐NO

16. Have you **EVER** been ***convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole*** for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? ***For traffic violations, include only those that were alcohol and/or drug related.*** ☒YES ☐NO

17. Are there **ANY** administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses **PENDING** against you or **ANY** entity in which you are now involved? ☐YES ☒NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager **EVER** had a business, professional or liquor ***APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined*** in this or any other state? ☒YES ☐NO

19. Has anyone [redacted] ***or obtained a judgment against you*** in a civil action, the subject of which involved ***fraud or mi*** [redacted] ***of a business, professional or liquor license***? ☐YES ☒NO

20. Are you **NOW** or have you **EVE**[redacted]ntrolling person , bee[redacted] or manager on ***any other liquor license*** in this or any other state? ☒YES ☐NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

[redacted] **box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24**

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☐NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you [redacted] ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, Danny Hendon, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

OFFICIAL SEAL
LAUREN MERRETT
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Sept. 20, 2003

X [signature]
(Signature of Applicant)

State of _____ County of _____
The foregoing instrument was acknowledged before me this
7th day of March, 2003
Day of Month Month Year

My commission expires on: 20 Sept 2003
Day of Month Month Year

Lauren Merrett
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (**Print** Licensee/Agent's Name): _____
Last Middle First

Hereby [redacted] to act as manager for the named liquor [redacted]

State of _____ County of _____
The foregoing instrument was acknowledged before me this

X _____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) Day of Month Month Year

My commission expires on: _____ _____
Day of Month Month Year (Signature of NOTARY PUBLIC)

DLLC

2003 MAR 10 P 3:07

STATEMENT REGARDING QUESTIONS #15, AND #16

I was arrested in Aspen, Colorado in 1992.

I pleaded guilty to the offense of resisting arrest (a Class 2 misdemeanor) and was required to pay a small fine and attend family counseling. The affidavit exonerates me from the original third degree assault charge. The affidavit and other factual circumstances caused the Pitkin County attorney to accept my plea of resisting arrest.

If you have any questions please give me a call at 996-9920.

Daniel L. Hendon

DANIEL L. HENDON

Violations

Date of Occurrence	Violation Statute	Description
3/28/1996	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
10/14/1998	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
12/21/1999	A.R.S. 4-244.A	Failure to Request ID from Underage Buyer
12/21/1999	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
12/21/1999	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
1/1/2001		Failure to Protect the Safety of a Patron
8/30/2001	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
8/00/2002	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
12/12/02		Use of unathorized patio
12/12/02	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person

DLLC
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#18

Question # 20

Current Series 10 Licenses:

DLLC

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10071499
10073476
10073475
10073410
10073470
10073498
10074321
10073129
10074321

Current Series 12 Licenses:

12074589
12074917

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

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Read carefully. This instrument is a sworn document. Type or print with black ink.
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 09070529
(If the location is currently licensed)

1. Check appropriate box →

☐ Owner ☐ Partner ☑ Stockholder ☑ Member ☐ Officer ☐ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager	☐ Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: SMITH (Last) PATRICK (First) NEILAND (Middle) Date of Birth: [redacted]
(This Will Not Become a Part of Public Records)

3. Social Security Number [redacted] Drivers License # [redacted] State: CALIF
(This Will Not Become a Part of Public Records)

4. Place of Birth: DETRIOT (City) MICH (State) USA (Country) (not county) Height: 5'-10" Weight: 190# Eyes: Blue Hair: Brown

5. Marital Status ☐ Single ☒ Married ☐ Divorced ☐ Widowed Residence (Home) Phone: ([redacted]

6. Name of Current or Most Recent Spouse: SMITH (Last) JANET (First) ANN (Middle) SAVARINO (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? CALIFORNIA If Arizona, date of residency: _____

8 Telephone number to contact you during business hours for any questions regarding this document. ([redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: DANNY'S General STORE Premises Phone: (480) 991-1822

11. Licensed Premises Address: 8711 E. PINNACLE PEAK (Street Address (Do not use PO Box #)) SCOTTSDALE (City) MARICOPA (County) 85255 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
1974	CURRENT	PRESIDENT	WESTPAC INVESTMENT INC. / Smith & Co. Inc
			Avila BEACH Realty Inc.

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
96	CURRENT	OWN	[redacted]	[redacted]		
98	current	OWN	[redacted]	[redacted]		

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day?_____, **answer #14a below**. If NO, skip to #15. ☐YES ☒NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you EVER been *detained, cited, arrested, indicted or summoned* into court for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐YES ☒NO

16. Have you EVER been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐YES ☒NO

17. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐YES ☒NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☐YES ☒NO

19. Has a[redacted] *or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐YES ☒NO

20. Are you NOW or have you EVER [redacted] ownership, [redacted] controlling person [redacted] or manager on *any other liquor license* in this or any other state? ☒YES ☐NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

[redacted]**ed the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24**

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do [redacted]? ☐ YES ☒ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☒ NO If "yes", attach a copy of such agreement

24. I, Patrick N. Smith, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X_____
(Signature of Applicant)

RUSSELL YOUNG
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
NOVEMBER 18, 2005

State of ARIZONA County of MARICOPA
The foregoing instrument was acknowledged before me this 16TH day of JANUARY, 2005
(Day of Month) (Month) (Year)

My commission expires on: 11 18 2005
(Day of Month) (Month) (Year)

(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (Print Licensee/Agent's Name): _____
Last First

Hereby [redacted] act as manager for the named liquor licen[redacted]

[redacted] County of _____
The foregoing instrument was acknowledged before me this

X_____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) (Day of Month) (Month) (Year)

My commission expires on: _____
(Day of Month) (Month) (Year)

(Signature of NOTARY PUBLIC)

January 15, 2003

DLLC

2003 MAR 10 P 3:08

TO WHOM IT MAY CONCERN:

I was once a stockholder in Savemore Drug and Discount Stores, Inc., in San Luis Obispo, California which held a liquor license to sell beer and wine from the store. The license was obtained in May of 1987 and ultimately was sold to Longs Drug Store in Atascadero, California in May of 1989.

Patrick N. Smith

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with black ink. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

DLLC
2003 MAR 10 P 3:08

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 09070529
(If the location is currently licensed)

1. **Check appropriate box** → ☐ Owner ☐ Partner ☑ Stockholder ☑ Member ☐ Officer ☐ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager | ☐ Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: PANANIDES ALEXANDER Nicholas (Last / First / Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] (This Will Not Become a Part of Public Records) Drivers License #: [redacted] State: CA

4. Place of Birth: ANN ARBOR, MI USA (City / State) Height: 5'10 Weight: 210 Eyes: BR Hair: BR
Country (not county)

5. Marital Status ☐ Single ☐ Married ☒ Divorced ☐ Widowed Residence (Home) Phone: [redacted]

6. Name of Current or Most Recent Spouse: N/A (Last / First / Middle / Maiden) Date of Birth: N/A
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? CA If Arizona, date of residency: N/A

8 Telephone number to contact you during business hours for any questions regarding this document [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: DANNY'S GENERAL STORE Premises Phone: (480) 991-1822

11. Licensed Premises Address: 8711 PINNACLE PEAK Rd. Scottsdale MARICOPA 85255
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
12/31/74	CURRENT	PRESIDENT	WESTPAC Shelter Corp. c/o
			7310 E. Keim DR Paradise Valley, AZ

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
98	CURRENT	OWN	[redacted]	[redacted]	[redacted]	[redacted]
98	Current	OWN	[redacted]	[redacted]	[redacted]	[redacted]

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day?_____, **answer #14a below**. If NO, skip to #15. ☐YES ☒NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you **EVER** been ***detained, cited, arrested, indicted or summoned*** into court for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? ***For traffic violations, include only those that were alcohol and/or drug related.*** DLLC ☐YES ☒NO

16. Have you **EVER** been ***convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole*** for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? ***For traffic violations, include only those that were alcohol and/or drug related.*** ☐YES ☒NO

17. Are there **ANY** administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses **PENDING** against you or **ANY** entity in which you are now involved? ☐YES ☒NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager **EVER** had a business, professional or liquor ***APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined*** in this or any other state? ☐YES ☒NO

19. H[redacted] ***or obtained a judgment against you*** in a civil action, the subject of which involved ***fraud or misrepresentation of a business, professional or liquor license***? ☐YES ☒NO

20. Are you **NOW** or have you **EVER** he[redacted]ontrolling person , been a[redacted], or manager on ***any other liquor license*** in this or any other state? See ATTACHED ☒YES ☐NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

[redacted]

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do[redacted]? ☐ YES ☒ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☒ NO If "yes", attach a copy of such agreement

24. I, Alex N Parandes, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X_____ (Signature of Applicant)

State of ARIZONA County of MARICOPA
The foregoing instrument was acknowledged before me this 16TH day of JANUARY, 2007
(Day of Month) (Month) (Year)

RUSSELL YOUNG
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
NOVEMBER 18, 2005

My commission expires on: 11 (Day of Month) [illegible] (Month) [illegible] (Year)

_____ (Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (**Print** Licensee/Agent's Name): _____
Last Middle First

I [redacted]ct as manager for the named liquor license. [redacted]

[redacted] State of [redacted] County of _____
The foregoing instrument was acknowledged before me this

X_____ (Signature of LICENSEE/AGENT) _____ day of _____, _____
(Day of Month) (Month) (Year)

My commission expires on: _____ (Day of Month) (Month) (Year)

_____ (Signature of NOTARY PUBLIC)

DLLC

2003 MAR 10 P 3:08

ALL CALIFORNIA LIQUOR LICENSES

1) Bar Investors, a CA Joint Ventura, dba "South Coast Inn" (Goleta CA) Beer and Wine for motel guests -- still active

2) Santa Barbara Athletic Club, Inc., a California Corporation, dba "Santa Barbara Athletic Club (Santa Barbara, CA) Beer and Wine for club members – still active

3) Kellog Associates, a California Limited Partnership, dba "Sandman Bar & Grill" (Santa Barbara, CA) Restaurant full liquor license - still active

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with black ink. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 09070529
(If the location is currently licensed)

1. Check appropriate box →

☐ Owner ☐ Partner ☐ Stockholder ☐ Member ☐ Officer ☒ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager	☐ Manager(Only) Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: MERRETT (Last) LAUREN (First) KAY (Middle) Date of Birth: [redacted]
(This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] Drivers License #: [redacted] State: AZ
(This Will Not Become a Part of Public Records)

4. Place of Birth: PHX (City) AZ (State) USA (Country) (not county) Height: 5'8" Weight: 130 Eyes: HZ Hair: BR

5. Marital Status ☐ Single ☒ Married ☐ Divorced ☐ Widowed Residence (Home) Phone: ( ) UNlisted

6. Name of Current or Most Recent Spouse: MOREOW (Last) JAMES (First) QUINCY (Middle) _____ (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? AZ If Arizona, date of residency: 1958

8 Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: DANNY'S General Store Premises Phone: (480) 991-1822

11. Licensed Premises Address: 8711 PINNACLE PEAK (Street Address) SCOTTSDALE (City) MARICOPA (County) 85255 (Zip)
(Do not use PO Box #)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
1996	CURRENT	MERECO INC.	736 S. LONGMORE ST. CHANDLER AZ 85224

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
1996	CURRENT		[redacted]	[redacted]	[redacted]	[redacted]

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day?_____, **answer #14a below**. If NO, skip to #15. ☐YES ☒NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you **EVER** been ***detained, cited, arrested indicted or summoned*** into court for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? ***For traffic violations, include only those that were alcohol and/or drug related.*** ☐YES ☒NO

16. Have you **EVER** been ***convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole*** for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? ***For traffic violations, include only those that were alcohol and/or drug related.*** ☐YES ☒NO

17. Are there **ANY** administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses **PENDING** against you or **ANY** entity in which you are now involved? ☐YES ☒NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager **EVER** had a business, professional or liquor ***APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined*** in this or any other state? ☐YES ☒NO

19. Has anyon[redacted] ***it or obtained a judgment against you*** in a civil action, the subject of which involved ***fraud or misrepresentation of a business, professional or liquor license***? ☐YES ☒NO

20. Are you **NOW** or have you **EVER** [redacted] controlling person , been [redacted], or manager on ***any other liquor license*** in this or any other state? ☐YES ☒NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

[redacted]

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☐NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you [redacted]? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, Lauren Kay Merrett, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X Lauren Kay Merrett
(Signature of Applicant)

State of [redacted] County of [redacted]
The foregoing [redacted] was acknowledged before me this 10 day of [redacted] 2003
Day of Month Month Year

JENNIFER GARDNER
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
JANUARY 22, 2007

My commission expires on: 22nd January 2007
Day of Month Month Year

Jennifer Gardner
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (**Print** Licensee/Agent's Name): _____
Last Middle First

[redacted] the applicant to act as manager for the named liquor license. [redacted]

State of [redacted] County of _____
The foregoing instrument was acknowledged before me this

X _____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) Day of Month Month Year

My commission expires on: _____
Day of Month Month Year

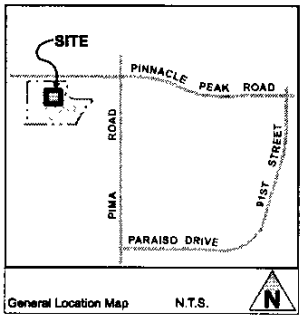
_____
(Signature of NOTARY PUBLIC)

CITY COUNCIL REPORT

MEETING DATE: May 19,2003 ITEM NO. 3 GOAL: Preserve Character and Environment

SUBJECT **Beer/Wine Bar Liquor License Request for Danny's General Store 19-LL-2003**

REQUEST To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 07 (beer/wine bar) State liquor license for an existing café located within a grocery store.



OWNER Pinnacle & Pima LLC

APPLICANT CONTACT Lauren Kay Merritt
480-348-2223

LOCATION 8711 E. Pinnacle Peak Rd.

BACKGROUND This site is zoned C-2 (Central Business District).
This is a request for a person transfer of a series 07 (beer/wine bar) liquor license for an existing café located within a grocery store. This is being requested along with 18-LL-2003, which, if approved, will license the grocery/liquor store area of the establishment. These requests are due to a change in the business ownership. This location previously operated with a series 07 (beer/wine bar) liquor license under the business name Pinnacle Peak General Store.
The distance to the nearest school, Copper Ridge Elementary, is approximately 1 mile.
The distance to the nearest church, Pinnacle Presbyterian, is approximately 1 mile.
There are 16 liquor licenses within a one half mile radius of this location.

APPLICANT'S PROPOSAL **Goal/Purpose of Request.**
The applicant is seeking a favorable recommendation on a series 07 liquor license. The applicant has maintained the required posting notice for the State mandated 20 day period.

IMPACT ANALYSIS **Police/Fire.** The Police Department has conducted a review and recommends approval of this case.

Financial Services. Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

(Continued)

Parking. Planning and Development Services has conducted a review of the parking requirements. There are no interior modifications or changes intended for this establishment. Parking is in compliance with the zoning ordinance.

Development Information. This establishment is 8,426 sq. ft. The café portion is 2100 sq. ft.

Maricopa County. Maricopa County Environmental Health has reviewed this application and reported no opposition to this case.

Community involvement. No petitions or protests have been filed with the City Clerk during the 20 (twenty) day posting period.

OPTIONS AND STAFF RECOMMENDATION

City Council has the option of recommending approval or denial to the Arizona Department of Liquor Licenses and Control.

Recommended Approach: The review of this application has shown that it meets zoning, parking, and public safety requirements.
Staff recommends approval.

Proposed Next Steps: The City Council's recommendation of approval or denial will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant should receive their license from the State within 15 days.

RESPONSIBLE DEPT(S)

Planning and Development Services Department

STAFF CONTACT(S)

Jeff Fisher
Plan Review and Permit Services Director
480-312-7619
E-mail: Jfisher@ScottsdaleAZ.Gov

APPROVED BY

Kroy Ekblaw — Date
Planning and Development Services General Manager

Ed Gawf — 5/2/03 Date
Deputy City Manager

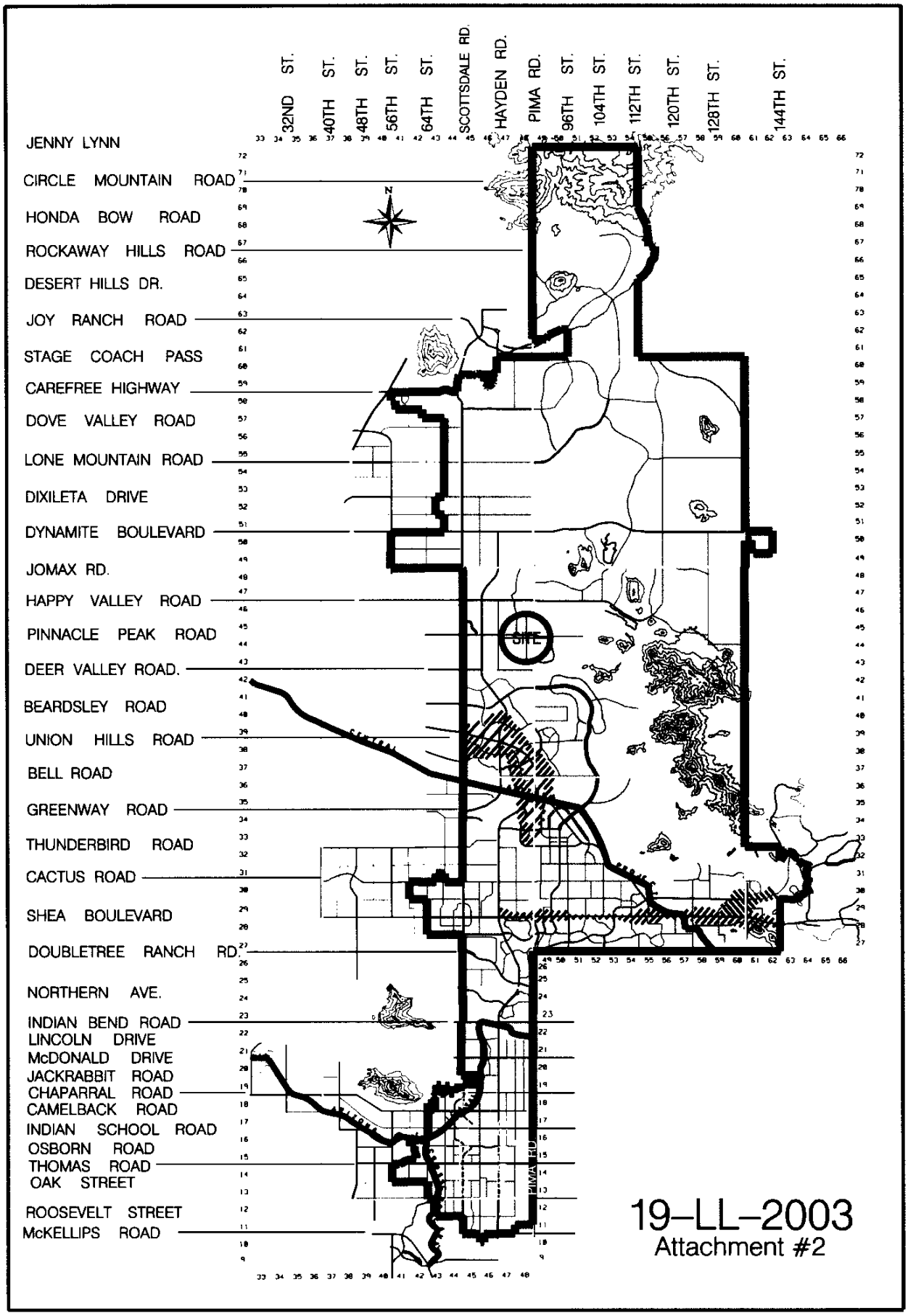
ATTACHMENTS

#1: Aerial Map
#2: Vicinity Map
#3 Graphic – Liquor license locations within ½ mile
#4: Application

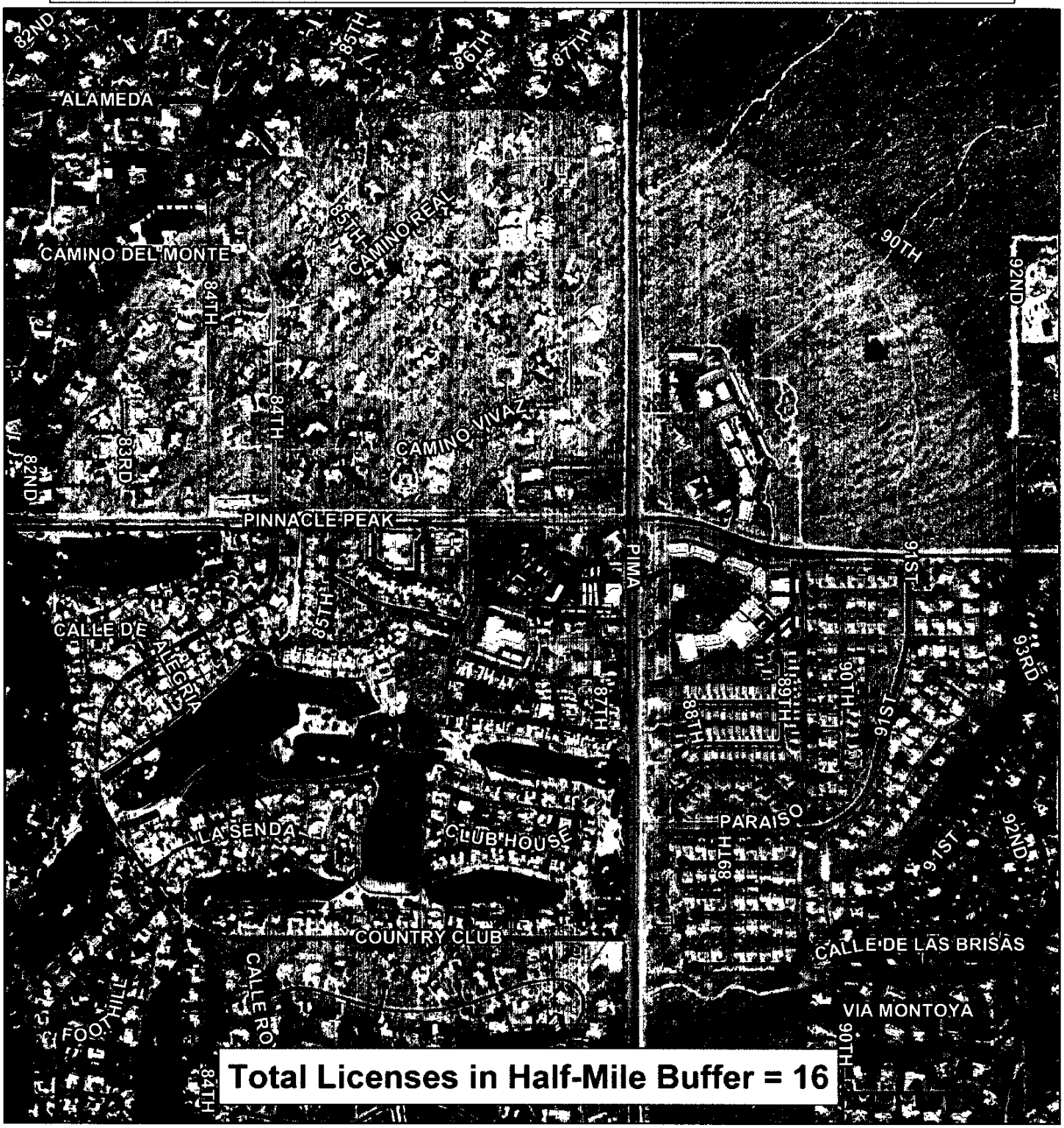
DANNY'S GENERAL STORE

19-LL-2003

ATTACHMENT #1


32ND ST.
40TH ST.
48TH ST.
56TH ST.
64TH ST.
SCOTTSDALE RD.
HAYDEN RD.
PIMA RD.
96TH ST.
104TH ST.
112TH ST.
120TH ST.
128TH ST.
144TH ST.
JENNY LYNN
CIRCLE MOUNTAIN ROAD
HONDA BOW ROAD
ROCKAWAY HILLS ROAD
DESERT HILLS DR.
JOY RANCH ROAD
STAGE COACH PASS
CAREFREE HIGHWAY
DOVE VALLEY ROAD
LONE MOUNTAIN ROAD
DIXILETA DRIVE
DYNAMITE BOULEVARD
JOMAX RD.
HAPPY VALLEY ROAD
PINNACLE PEAK ROAD
DEER VALLEY ROAD.
BEARDSLEY ROAD
UNION HILLS ROAD
BELL ROAD
GREENWAY ROAD
THUNDERBIRD ROAD
CACTUS ROAD
SHEA BOULEVARD
DOUBLETREE RANCH RD.
NORTHERN AVE.
INDIAN BEND ROAD
LINCOLN DRIVE
McDONALD DRIVE
JACKRABBIT ROAD
CHAPARRAL ROAD
CAMELBACK ROAD
INDIAN SCHOOL ROAD
OSBORN ROAD
THOMAS ROAD
OAK STREET
ROOSEVELT STREET
McKELLIPS ROAD
SITE
N
19–LL–2003
Attachment #2

Liquor Licenses Within A Half-Mile Radius of 8711 E Pinnacle Peak Road



Total Licenses in Half-Mile Buffer = 16

0 315 630 1,260 1,890 2,520 Feet

1 inch equals 831.44 feet

Liquor Licenses.mxd
Printed: 03/25/2003
Created By: Brian Hancock
Source: City of Scottsdale, State of Arizona Dept. of Liquor Licenses and Control.

CITY OF SCOTTSDALE

N

19-LL-2003

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

19-CC-2023

DLLC

APPLICATION FOR LIQUOR LICENSE

2003 MAR 10 PM 3:25

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

RECEIVED
MAR 1 2003
CITY OF SCOTTSDALE
DEVELOPMENT SERVICES

SECTION 1 This application is for a:

- ☒ INTERIM PERMIT *Complete Section 5*
- ☐ NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16, 17*
- ☒ PERSON TRANSFER (Bars & Liquor Stores ONLY) *Complete Sections 2, 3, 4, 11, 13, 15, 16, 17*
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) *Complete Sections 2, 3, 4, 12, 13, 15, 16, 17*
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE *Complete Sections 2, 3, 4, 9, 13, 15, 17* (fee not required)
- ☐ GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16, 17*

SECTION 2 Type of ownership:

- ☐ J.T.W.R.O.S. *Complete Section 6*
- ☐ INDIVIDUAL *Complete Section 6*
- ☐ PARTNERSHIP *Complete Section 6*
- ☐ CORPORATION *Complete Section 7*
- ☒ LIMITED LIABILITY CO. *Complete Section 7*
- ☐ CLUB *Complete Section 8*
- ☐ GOVERNMENT *Complete Section 10*
- ☐ TRUST *Complete Section 6*
- ☐ OTHER Explain _____

SECTION 3 Type of license and fees: LICENSE #: 07070513

1. Type of License: SERIES #07
2. Total fees attached: $ _____

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

SECTION 4 Applicant: (All applicants must complete this section)

1. Applicant/Agent's Name: Mr. / Ms. MERRETT (Last) LAUREN (First) KAY (Middle)
(Insert one name ONLY to appear on license)
2. Corp./Partnership/L.L.C.: PINNACLE & PIMA LLC B1028719
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: DANNY'S GENERAL STORE B1004488
(Exactly as it appears on the exterior of premises)
4. Business Address: 8711 E. PINNACLE PEAK (Do not use PO Box Number) SCOTTSDALE (City) MARICOPA (COUNTY) 85255 (Zip)
5. Business Phone: (480) 348-2323 Residence Phone: ( ) NOT AVAILABLE
6. Is the business located within the incorporated limits of the above city or town? ☒ YES ☐ NO
7. Mailing Address: 7360 S LONGMORE ST. SCOTTSDALE (City) AZ (State) 85260 (Zip)
8. Enter the amount paid for a 06, 07, or 09 license: $ _____ (Price of License ONLY)

DEPARTMENT USE ONLY

Accepted by: MP Date: 3/10/03 Lic. # 07070513

Fees:	Application	Interim Permit	Agent Change	Club	F. Prints	TOTAL
	100	100				$ 200.

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD. YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

LIC 0100 11/2000

*Disabled individuals requiring special accommodation, please call (602) 542-9027.

ECTION 5 Interim Permit:

. If you intend to operate business while your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.

. There MUST be a valid license of the same type you are applying for currently issued to the location.

. Enter the license number currently at the location. _____

. Is the license currently in use? ☐ YES ☐ NO If not, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

2003 MAR 10 P 3:25

_____, declare that I am the CURRENT LICENSEE of the stated license and
(Print full name)
ocation . I have read this application and the contents and all statements are true, correct and complete.

_____
(Signature)

State of _____ County of _____
The foregoing instrument was acknowledged before me this

_____ day of _____, _____.
Day of Month Month Year

My commission expires on: _____

_____
(Signature of NOTARY PUBLIC)

ECTION 6 Individual or Partnership Owners:

ACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

. Individual:

Last	First	Middle	% Owned	Residence Address	City State Zip
			%		

Partnership Name: (Only the first partner listed will appear on license) _____

eneral-Limited	Last	First	Middle	% Owned	Residence Address	City State Zip
☐ ☐				%		
☐ ☐				%		
☐ ☐				%		
☐ ☐				%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

. Is any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO

SECTION 5 **Interim Permit:**

DLLC

1. If you intend to operate business while your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 070705B325
4. Is the license currently in use? ☒ YES ☐ NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, Jerry Nelson (Print full name), declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, STOCKHOLDER OR LICENSEE of the stated license and location.

x Jerry Nelson (Signature)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 28 day of January 2003.
Day of Month Month Year

OFFICIAL SEAL
COLLEEN A. PACHECO
NOTARY PUBLIC - STATE OF ARIZONA
MARICOPA COUNTY
My Comm. Expires Dec. 4, 2006

My commission expires on: _____

Colleen A Pacheco
(Signature of NOTARY PUBLIC)

SECTION 6 **Individual or Partnership Owners:**

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $34 FEE FOR EACH CARD

1. Individual:

Last	First	Middle	% Owned	Residence Address	City State Zip
			%		

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Residence Address	City State Zip
☐ ☐				%		
☐ ☐				%		
☐ ☐				%		
☐ ☐				%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

2. Is any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

☐ CORPORATION *Complete questions 1, 2, 3, 5, 6, 7, 8.*
☒ L.L.C. *Complete questions 1, 2, 4, 5, 6, 7 and attach copy of Articles of Org. and Operation Agreement.*

1. Name of Corporation/L.L.C.: PINNACLE & PARTNERS LLC
(Exactly as it appears on Articles of Inc. or Articles of Org.)

2. Date Incorporated/Organized: 8/28/02 State where Incorporated/Organized: L-1043418-6 AZ

3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____

4. AZ L.L.C. File No: L1043418 Date authorized to do business in AZ: 8/28/02

5. Is Corp./L.L.C. non-profit? ☐ YES ☒ NO If yes, give IRS tax exempt number: _____

6. List all directors/officers in Corporation/L.L.C.:

Last	First	Middle	Title	Residence Address	City State Zip
PS INVESTMENT PROPERTY HOLDINGS L.L.C.			MEMBER	[redacted]	
PROGRESSIVE PARTNERS LLC			MEMBER	[redacted]	
ALEX PANANIDES	Patrick smith		MANAGER	[redacted]	
DANIEL HENDON			MANAGER	[redacted]	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders or controlling members owning 10% or more:

Last	First	Middle	% Owned	Residence Address	City State Zip
ALEX PANANIDES 50% PATRICK SMITH 50% PS INVESTMENT PROPERTY HOLDINGS LLC			% 50	[redacted]	
DANIEL HENDON 100% PROGRESSIVE PARTNERS LLC			% 50	[redacted]	
			%		
			%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach an ownership, and director/officer/members disclosure for the parent entity. Attach additional sheets as necessary in order to disclose real people.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter) (Attach a copy of Club Charter)

2. Is club non-profit? ☐ YES ☐ NO If yes, give IRS tax exempt number: _____

3. List officer and directors:

Last	First	Middle	Title	Residence Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

:TION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store:

:urrent Licensee's Name: _____
:ly as it appears on license) Last First Middle

ssignee's Name: _____
Last First Middle

icense Type: _____ License Number: _____ Date of Last Renewal: _____

ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

DLLC

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:TION 10 Government: (for cities, towns, or counties only)

erson to administer this license: _____
Last First Middle

ssignee's Name: _____
Last First Middle

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

:TION 11 [redacted]

estions [redacted] Liquor Stores ONLY).

:urrent Licensee's [redacted] _____ Entity: _____
:ly as it appears on license) Last First Middle (Indiv., Agent, etc.)

orp[redacted] _____
(Exactly as it appears on license)

urrent Business Name: _____
[redacted]

[redacted] _____

icense Type: _____ License Number: _____ Last Renewal Date: _____

urrent Mailing Address (other than business): _____

_____

ave all creditors, lien holders, interest holders, etc. been notified of this transfer? ☐ YES ☐ NO

oes the applicant intend to operate the business while this application is pending? ☐ YES ☐ NO If yes, complete section 5, attach fee, and urrent license to this application.

hereby relinquish my rights to the above described license to the applicant named in this application and hereby declare that the statements nade in this section are true, correct and complete.

_____, declare that I am the CURRENT LICENSEE of the stated license. I have read this
(Print full name)
cation and the contents and all statements are true, correct and complete.

State of _____ County of _____
The foregoing instrument was acknowledged before me this

_____ day of _____, _____.
Day of Month Month Year

_____
(Signature of CURRENT LICENSEE)

ommission expires on: _____

_____
(Signature of NOTARY PUBLIC)

DLLC

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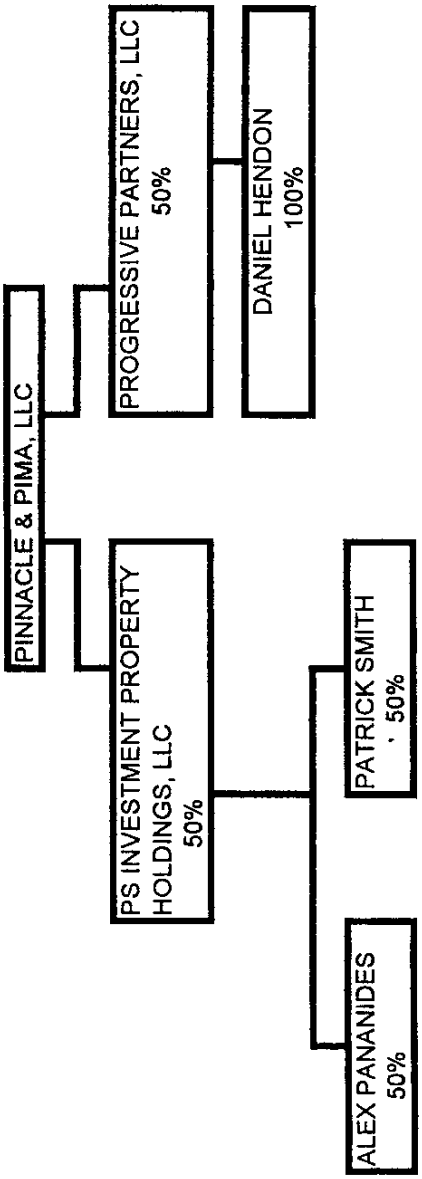

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store:

1. Current Licensee's Name: _____ (Exactly as it appears on license) Last First Middle
2. Assignee's Name: _____ Last First Middle
3. License Type: _____ License Number: _____ Date of Last Renewal: _____
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

DLLC

SECTION 10 Government: (for cities, towns, or counties only)

1. Person to administer this license: _____ Last First Middle
2. Assignee's Name: _____ Last First Middle

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY).

1. Current Licensee's Name: NELSON (Last) Jerry (First) Middle Entity: AGENT (Indiv., Agent, etc.) (Exactly as it appears on license)
2. Corporation/L.L.C. Name: PINNACLE PARADISE INC. (Exactly as it appears on license)
3. Current Business Name: PINNACLE PEAK GENERAL STORE (Exactly as it appears on license)
4. Current Business Address: 8711 E. PINNACLE PEAK SCOTTSDALE AZ 85255
5. License Type: SERIES 07 License Number: 07070513 Last Renewal Date: 2/11/02
6. Current Mailing Address (other than business): 8711 E. PINNACLE PEAK Scottsdale AZ 85255
7. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? ☒ YES ☐ NO
8. Does the applicant intend to operate the business while this application is pending? ☒ YES ☐ NO If yes, complete section 5, attach fee and current license to this application.
9. I hereby relinquish my rights to the above described license to the applicant named in this application and hereby declare that the statement made in this section are true, correct and complete.

I, Jerry Nelson (Print full name), declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, STOCKHOLDER or LICENSEE of the stated license. I have read this section and the contents and all statements are true, correct and complete

X Jerry Nelson (Signature of CURRENT LICENSEE)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 28 (Day of Month) day of Jan. (Month), 2003 (Year).

Colleen A Pacheco

My commission expires on:

OFFICIAL SEAL
COLLEEN A. PACHECO
NOTARY PUBLIC - STATE OF ARIZONA
MARICOPA COUNTY
My Comm. Expires Dec. 4, 2006

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE.

1. Current Business Name and Address: DLLC
(Exactly as it appears on license)

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2. New Business Name and Address:
(Do not use PO Box Number)

3. License Type: _____ License Number: _____ Last Renewal Date: _____

4. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants:

1. Distance to nearest school: 5300 ft. (Regardless of distance) Name/Address of school: COPPER RIDGE ELEM/MIDDLE SCHOOLS SCOTTSDALE AZ 10101 E THOMPSON PEAK PKWY 85255

2. Distance to nearest church: 5400 ft. (Regardless of distance) Name/Address of church: PINNACLE PRESBYTERIAN CHURCH 25150 N. PIMA RD SCOTTSDALE AZ 85255

3. I am the: ☐ LESSEE ☐ SUBLESSEE ☒ OWNER ☐ PURCHASER (of premises)

4. If the premises is leased give lessors name and address: N/A

4a. Monthly rental/lease rate $ _____. What is the remaining length of the lease? _____ yrs. _____ mos.

4b. What is the penalty if the lease is not fulfilled? $_____ or other_____
(give details - attach additional sheet if necessary)

5. What is the total business indebtedness of the applicant for this license/location excluding lease? $ -0-

Does any one creditor represent more than 10% of that sum? ☐ YES ☐ NO If yes, list below. Total must equal 100%.

Last	First	Middle	% Owed	Residence Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for? (BE SPECIFIC) CAFE

7. Has a license, or a transfer license for the premises on this application been denied by the state within the past one (1) year?
☐ YES ☒ NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee , have any interest in your business? ☐ YES ☒ NO

9. Is the premises currently licensed with a liquor license? ☒ YES ☐ NO If yes, give license number and licensee's name:
License # 07070513 (Exactly as it appears on license) Name JERRY NELSON

CTION 14 Restaurant, or Hotel-Motel Applicants:

Is there a valid restaurant or hotel-motel license at the proposed location? ☐ YES ☐ NO If yes, give licensee's name:

_____ and license #: _____

Last First Middle

If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of this application.

All restaurant applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor.

Do you understand that 40% of your annual gross revenue must be from food sales? ☐ YES ☐ NO

ECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

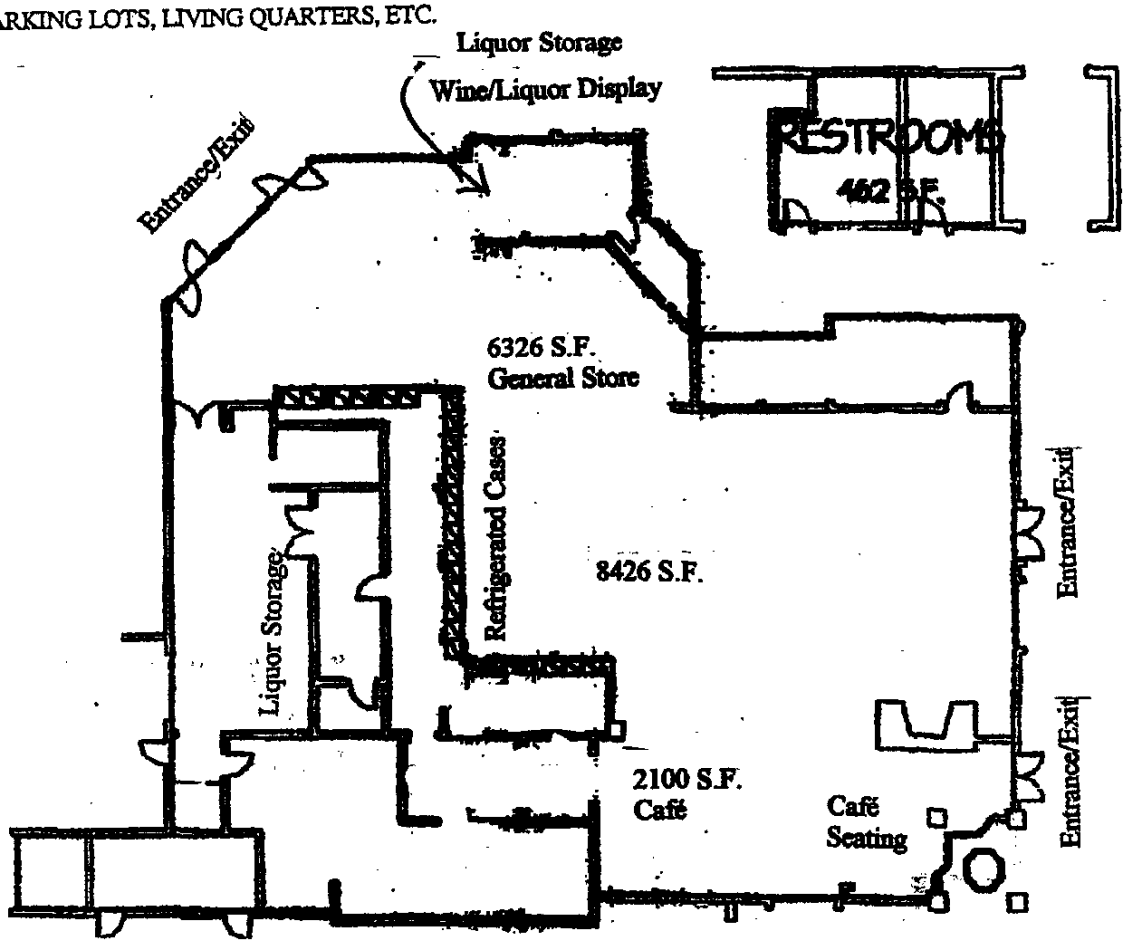
Check ALL boxes that apply to your licensed premises:

- ☒ Entrances/Exits
- ☐ Drive-in windows
- ☐ Service windows
- ☒ Liquor storage areas
- ☐ Patio enclosures
- ☐ Under construction: estimated completion date _____

Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.

The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.

DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC.



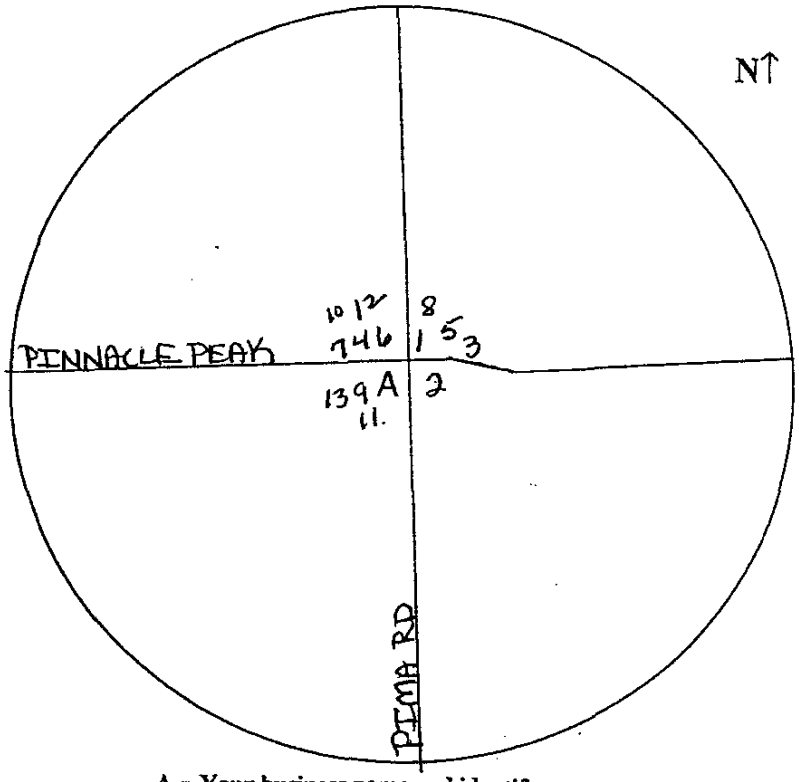
'OU MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, ENTRANCES, :XITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.

SECTION 16 Geographical Data: A SAMPLE FOR THIS SECTION IS PROVIDED ON THE BACK OF THIS PAGE.

List below the exact names of all churches, schools, and spirituous liquor outlets within a one half mile radius of your proposed location.

1. WALGREENS DLLC
2. OSCO DRUG 2003 MAR 10 P 3:26
3. PANE E VINO ITALIAN REST.
4. MICHAELS MARKET
5. CHOP HOUSE
6. BISTRO PROVENCE INC.
7. CAFE ISABELLA
8. NICK'S
9. VIC'S AT PINNACLE PEAK
10. CAFE TED
11. PIZZA PEAK
12. RESTAURANT OCEANA
13. PINNACLE PEAK COUNTRY CLUB
14. _____
15. _____

(ATTACH ADDITIONAL SHEET IF NECESSARY)



A = Your business name and identify cross streets.

SECTION 17 Signature Block:

I, Lauren Kay Merrett, declare that: 1) I am the APPLICANT (Agent/Club Member/Partner), making this application; 2) I have read the application and the contents and all statements are true, correct and complete; 3) that this application is not being made to defraud or injure any creditor, taxing authority, regulatory authority, or transferor; 4) that no other person, firm, or corporation, except as indicated, has an interest in the spirituous liquor license for which these statements are made; and 5) that none of the owners, partners, members, officers, directors or stockholders listed have been convicted of a felony in the past five (5) years.

(Print name of APPLICANT/AGENT listed in Section 4 Question 1)

X Lauren Kay Merrett
(Signature)

State of Arizona, County of Maricopa
The foregoing instrument was acknowledged before me this 10 day of March, 2003.
Day of Month Month Year

JENNIFER GARDNER
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
JANUARY 22, 2007

My commission expires on: January 22, 2007

Jennifer Gardner
(Signature of NOTARY PUBLIC)

SAMPLE

GEOGRAPHICAL DATA

the area adjacent to the map provided below indicates your proposed location
l the exact names of all churches, schools, and alcoholic beverage outlets
:hin a 1/2 mile radius of your proposed location.
:e example below)

DLLC
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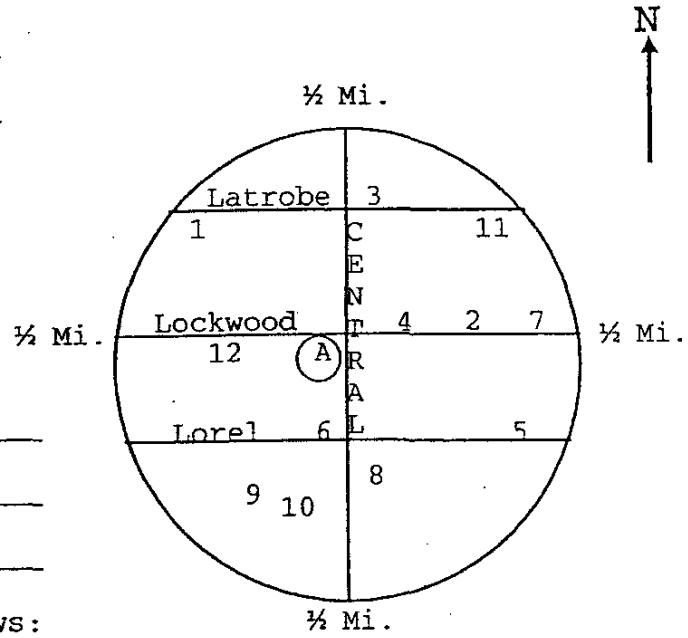
: Applicant	Series 12
Pink Elephants	Series 06
Mama's Rest.	Series 12
Corner Liquors	Series 09
Joe's Groceries	Series 10
Lions Club	Series 14
Burgers R Us	Series 07
Pizza Perfect	Series 07
Billy Bobs Bar	Series 06
St. Anthonys Church	
St. Anthonys School	
Burbank Middle School	
First United Baptist Church	



R.S. Section 4-207.A reads as follows:

No retailers license shall be issued for any premises which are. at the time
e license application is received by the Director, within three hundred(300)
rizontal feet of a church, within three hundred(300) horizontal feet of a
blic or private school building with kindergarten programs or any of
ades one(1) through twelve(12) or within three hundred(300) horizontal
et of a fenced recreational area adjacent to such school building.

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with black ink. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # _____
(If the location is currently licensed)

1. **Check appropriate box** →

☐ Owner ☐ Partner ☐ Stockholder ☐ Member ☐ Officer ☒ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager	☐ Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: Merrett (Last) Laurel (First) Kay (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number [redacted] (This Will Not Become a Part of Public Records) Drivers License #: [redacted] State: AZ

4. Place of Birth: Phx (City) AZ (State) USA (Country) (not county) Height: 5'8" Weight: 130 Eyes: HZ Hair: BR

5. Marital Status ☐ Single ☒ Married ☐ Divorced ☐ Widowed Residence (Home) Phone: (____) Unlisted

6. Name of Current or Most Recent Spouse: Morrow (Last) James (First) Quincy (Middle) / (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? AZ If Arizona, date of residency: 1958

8 Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: DANNY'S GENERAL STORE Premises Phone: (480) 991-1822

11. Licensed Premises Address: 8711 PINNACLE PEAK (Street Address - Do not use PO Box #) SCOTTSDALE (City) MARICOPA (County) 85255 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
1996	CURRENT	Mereco INC	736 S LONGMORE ST CHANDLER AZ 85224

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
1996	CURRENT		[redacted]	[redacted]		

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day?_____, **answer #14a below**. If NO, skip to #15. ☐YES ☒NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you **EVER** been ***detained, cited, arrested, indicted or summoned*** into court for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? ***For traffic violations, include only those that were alcohol and/or drug related.*** ☐YES ☒NO

DLLC
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16. Have you **EVER** been ***convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole*** for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? ***For traffic violations, include only those that were alcohol and/or drug related.*** ☐YES ☒NO

17. Are there **ANY** administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses **PENDING** against you or **ANY** entity in which you are now involved? ☐YES ☒NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager **EVER** had a business, professional or liquor ***APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined*** in this or any other state? ☐YES ☒NO

19. Has anyone **EVER** ***filed suit or obtained a judgment against you*** in a civil action, the subject of which involved ***fraud or [redacted]on of a business, professional or liquor license***? ☐YES ☒NO

20. Are you **NOW** or have you **EVER** held ownership, been a controlling person , been an officer, member, director, or manager on ***any other liquor licen[redacted]*** [redacted]er state? ☐YES ☒NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

[redacted]

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☐NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you make payments to the licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____
[redacted]

23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business?
☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, Lauren Kay Merrett, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

JENNIFER GARDNER
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
JANUARY 22, 2007

X Lauren Kay Merrett
(Signature of Applicant)

State of _____ County of _____
The foregoing instrument was acknowledged before me this
18 day of March, 2003
Day of Month Month Year

My commission expires on: 22 January 2007
Day of Month Month Year

Jennifer Gardner
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (**Print** Licensee/Agent's Name):_____
Last Middle First

Hereby authorize the applicant to act as manager for the named liquor license.
[redacted]

[redacted] County of_____
The foregoing instrument was acknowledged before me this

X_____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) Day of Month Month Year

My commission expires on:_____ _____
Day of Month Month Year (Signature of NOTARY PUBLIC)

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

P1029113

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

2003 MAR 10

Read carefully. This instrument is a sworn document. Type or print with black ink. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 09070529
(If the location is currently licensed)

1. **Check appropriate box** →

☐ Owner ☐ Partner ☐ Stockholder ☐ Member ☐ Officer ☐ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager	☐ Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: PANANIDES ALEXANDER Nicholas (Last / First / Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] (This Will Not Become a Part of Public Records) Drivers License #: [redacted] State: CA

4. Place of Birth: Ann Arbor (City) Mi (State) USA (Country (not county)) Height: 5'10" Weight: 210 Eyes: BR Hair: BR

5. Marital Status ☐ Single ☐ Married ☒ Divorced ☐ Widowed Residence (Home) Phone: ([redacted]

6. Name of Current or Most Recent Spouse: N/A (Last / First / Middle / Maiden) Date of Birth: N/A
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? CA If Arizona, date of residency: N/A

8 Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: Danny's General Store Premises Phone: (480) 991-1822

11. Licensed Premises Address: 8711 Pinnacle Peak Rd (Street Address (Do not use PO Box #)) Scottsdale (City) Maricopa (County) 85255 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
12/31/74	CURRENT	PRESIDENT	Westpac Shelter Corp c/o 7310 E. Kiem DR. Paradise Valley AZ.

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
98	CURRENT	OWN	[redacted]	[redacted]		
98	current	OWN	[redacted]	[redacted]		

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day?_____, **answer #14a below**. If NO, skip to #15. ☐YES ☒NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you **EVER** been *detained, cited, arrested, indicted or summoned* into court for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐YES ☒NO

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16. Have you **EVER** been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐YES ☒NO

17. Are there **ANY** administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses **PENDING** against you or **ANY** entity in which you are now involved? ☐YES ☒NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager **EVER** had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☐YES ☒NO

19. [redacted] *it or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐YES ☒NO

20. Are you **NOW** or have you **EVE**[redacted] controlling person [redacted]ctor, or manager on *any other liquor license* in this or any other state? See ATTACHED ☒YES NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

[redacted]**ger box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24**

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. D[redacted] the licensee? ☐ YES ☒ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☒ NO If "yes", attach a copy of such agreement

24. I, Alexander N. Panaridos, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X_____ (Signature of Applicant)

RUSSELL YOUNG
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
NOVEMBER 18, 2005

State of ARIZONA County of MARICOPA
The foregoing instrument was acknowledged before me this 15TH day of JANUARY, 2003
(Day of Month) (Month) (Year)

My commission expires on: _____
Day of Month Month Year

(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (**Print** Licensee/Agent's Name):_____
Last Middle First

H[redacted]ac[redacted]

[redacted] State of [redacted] County of _____
[redacted] The foregoing instrument was acknowledged before me this

X_____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) Day of Month Month Year

My commission expires on: _____
Day of Month Month Year

(Signature of NOTARY PUBLIC)

DLLC

2003 MAR 10 P 3: 26

#2

ALL CALIFORNIA LIQUOR LICENSES

1) Bar Investors, a CA Joint Ventura, dba "South Coast Inn" (Goleta CA) Beer and Wine for motel guests – still active

2) Santa Barbara Athletic Club, Inc., a California Corporation, dba "Santa Barbara Athletic Club (Santa Barbara, CA) Beer and Wine for club members – still active

3) Kellog Associates, a California Limited Partnership, dba "Sandman Bar & Grill" (Santa Barbara, CA) Restaurant full liquor license - still active

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with black ink. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 07070513
(If the location is currently licensed)

1. Check appropriate box → ☐ Owner ☐ Partner ☐ Stockholder ☐ Member ☐ Officer ☐ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager | ☐ Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: SMITH (Last) PATRICK (First) NEKLAND (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] Drivers License #: [redacted] State: CALIF
(This Will Not Become a Part of Public Records)

4. Place of Birth: DETRIOT (City) MICH (State) USA (Country) (not county) Height: 5'10" Weight: 190# Eyes: Blue Hair: Brown

5. Marital Status ☐ Single ☒ Married ☐ Divorced ☐ Widowed Residence (Home) Phone: [redacted]

6. Name of Current or Most Recent Spouse: SMITH (Last) JANET (First) ANN (Middle) SAVARINO (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? CALIFORNIA If Arizona, date of residency: _____

8 Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: DANNY'S GENERAL STORE Premises Phone: (480) 991-1822

11. Licensed Premises Address: 8711 E. PINACLE PEAK (Street Address) SCOTTSDALE (City) MARICOPA (County) 85255 (Zip)
(Do not use PO Box #)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
1974	CURRENT	PRESIDENT	Westpac Investments Inc./Smith & Co. Inc.
			Avila Beach Realty Inc.

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
96	CURRENT	OWN	[redacted]	[redacted]	[redacted]	
98	Current	Own	[redacted]	[redacted]		

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day? ____, **answer #14a below**. If NO, skip to #15. ☐YES ☒NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you **EVER** been *detained, cited, arrested, indicted or summoned* into court for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐YES ☒NO

16. Have you **EVER** been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, and sentence suspended, placed on probation or parole* for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐YES ☒NO

17. Are there **ANY** administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses **PENDING** against you or **ANY** entity in which you are now involved? ☐YES ☒NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager **EVER** had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☐YES ☒NO

19. Has [redacted] *filed suit or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐YES ☒NO

20. Are you **NOW** or have you **EVER** [redacted] a controlling person [redacted] director, or manager on *any other liquor license* in this or any other state? ☒YES ☐NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

[redacted] If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you make pay[redacted] to the licensee? ☐ YES ☒ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☒ NO If "yes", attach a copy of such agreement

24. I, Patrick N. Smith, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X _____
(Signature of Applicant)

RUSSELL YOUNG
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires

My commission expires on: _____ 2005
Day of Month Month Year

State of ARIZONA County of MARICOPA
The foregoing instrument was acknowledged before me this
15TH day of JANUARY, 2003
Day of Month Month Year

_____
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (**Print** Licensee/Agent's Name): _____
Last Middle First

[redacted] to act as [redacted] State of [redacted] County of _____
[redacted] acknowledged before me this

X _____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) Day of Month Month Year

My commission expires on: _____ _____
Day of Month Month Year (Signature of NOTARY PUBLIC)

#20

DLLC

January 15, 2003

2003 MAR 10 P 3:26

TO WHOM IT MAY CONCERN:

I was once a stockholder in Savemore Drug and Discount Stores, Inc., in San Luis Obispo, California which held a liquor license to sell beer and wine from the store. The license was obtained in May of 1987 and ultimately was sold to Longs Drug Store in Atascadero, California in May of 1989.

Patrick N. Smith

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

DEC 0 6 2002

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

P100454

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

DLLC 2003 MAR

Read carefully. This instrument is a sworn document. Type or print with black ink. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 09070528
(If the location is currently licensed)

1. Check appropriate box →

☐ Owner ☐ Partner ☐ Stockholder ☐ Member ☐ Officer ☐ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager	☐ Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: Hendon (Last) Daniel (First) Lewis (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] (This Will Not Become a Part of Public Records) Drivers License [redacted] State: AZ

4. Place of Birth: Detroit (City) Michigan (State) USA (Country (not county)) Height: 6' Weight: 185 Eyes: BL Hair: BR

5. Marital Status ☒ Single ☐ Married ☐ Divorced ☐ Widowed Residence (Home) Phone: ([redacted]

6. Name of Current or Most Recent Spouse: _____ Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: 8/1/84

8 Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: Danny's General Store Premises Phone: (480) 991-1822

11. Licensed Premises Address: 8711 E Pinnacle Peak Rd (Street Address (Do not use PO Box #)) Scottsdale (City) Maricopa (County) 85255 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
1984	CURRENT	Carwash Owner	C.W. Management 7373 E. Shea Blvd Scottsdale AZ 85260

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
3/95	CURRENT		[redacted]	[redacted]		

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day? ____, **answer #14a below**. If NO, skip to #15. ☐YES ☒NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☒NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you **EVER** been *detained, cited, arrested, indicted or summoned* into court for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☒YES ☐NO

DLLC 2003 MAR 10 P 3:26

16. Have you **EVER** been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of **ANY** law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☒YES ☐NO

17. Are there **ANY** administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses **PENDING** against you or **ANY** entity in which you are now involved? ☐YES ☒NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager **EVER** had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☒YES ☐NO

19. Has anyone [redacted] *suit or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐YES ☒NO

20. Are you **NOW** or have you **EVER** [redacted] controlling person , been [redacted] tor, or manager on *any other liquor license* in this or any other state? ☒YES ☐NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

[redacted] **ger box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24**

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐YES ☐NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you [redacted] licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, DANNY HENDON, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X [signature]
(Signature of Applicant)

State of _____ County of _____
The foregoing instrument was acknowledged before me this
7th day of March, 2003
Day of Month Month Year

OFFICIAL SEAL LAUREN MERRETT Notary Public State of Arizona County of Maricopa

My commission expires on: 20 Sept 2003
Day of Month Month Year

Lauren Merrett
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (**Print** Licensee/Agent's Name): _____
Last Middle First

[redacted] cant to act as manager for the named liquor [redacted]

State of _____ County of _____
The foregoing instrument was acknowledged before me this

X _____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) Day of Month Month Year

My commission expires on: _____ _____
Day of Month Month Year (Signature of NOTARY PUBLIC)

DLLC

2003 MAR 10 P 3:26

STATEMENT REGARDING QUESTIONS #15 AND #16

I was arrested in Aspen, Colorado in 1992.

I pleaded guilty to the offense of resisting arrest (a Class 2 misdemeanor) and was required to pay a small fine and attend family counseling. The affidavit exonerates me from the original third degree assault charge. The affidavit and other factual circumstances caused the Pitkin County attorney to accept my plea of resisting arrest.

If you have any questions please give me a call at 996-9920.

DANIEL L. HENDON

Violations

DLLC

2003 MAR 10 P 3:21

Date of Occurrence	Violation Statute	Description
3/28/1996	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
10/14/1998	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
12/21/1999	A.R.S. 4-244.A	Failure to Request ID from Underage Buyer
12/21/1999	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
12/21/1999	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
1/1/2001		Failure to Protect the Safety of a Patron
8/30/2001	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
8/00/2002	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person
12/12/02		Use of unathorized patio
12/12/02	A.R.S. 4-244.9	Sell, Give, Furnish Alcohol to an underage person

#18

Question # 20

DLLC

Current Series 10 Licenses:

2002 MAR 20 P 3:26

10071499
10073476
10073475
10073410
10073470
10073498
10074321
10073129
10074321

Current Series 12 Licenses:

12074589
12074917

CITY COUNCIL REPORT

MEETING DATE: May 19, 2003 ITEM NO. 4 GOAL: Preserve Character and Environment

SUBJECT

Restaurant Liquor License Request for Thai Pan Fresh Exotic Cuisine 20-LL-2003

REQUEST

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for the former China Lite restaurant, which previously operated under a series 12 (restaurant) liquor license.

OWNER

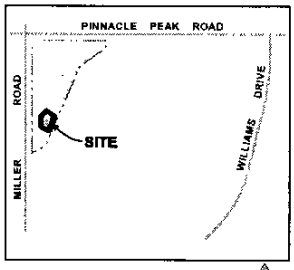
Thai Pan Restaurant, L.L.C.

APPLICANT CONTACT

Mark Gerding
480-513-7471

LOCATION

7605 E. Pinnacle Peak Rd. #2



General Location Map N.T.S. N

BACKGROUND

This site is zoned C-1/ESL (Neighborhood Commercial District/Environmentally Sensitive Lands).
This is a request for a new series 12 (restaurant) liquor license for an existing restaurant located in The Shops at Pinnacle Peak shopping center. This establishment previously operated with a series 12 (restaurant) liquor license under the business name China Lite.
The distance to the nearest school, Pinnacle Peak Elementary School, is 800 feet.
The distance to the nearest church, Pinnacle Presbyterian Church , is 1.7 miles.
There are 13 liquor licenses within a one half mile radius of this location.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.
The applicant is seeking a favorable recommendation on a series 12 liquor license. The applicant has maintained the required posting notice for the State mandated 20-day period.

IMPACT ANALYSIS

Police/Fire. The Police Department has conducted a review and recommends approval of this case.

Financial Services. Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

Parking. Planning and Development Services has conducted a review of

(Continued)

the parking requirements. There are no interior modifications or changes intended for this establishment. Parking is in compliance with the zoning ordinance.

Development Information. This establishment is 2100 sq. ft.

Maricopa County. Maricopa County Environmental Health has reviewed this application and reported no opposition to this case.

Community involvement. No petitions or protests have been filed with the City Clerk during the 20 (twenty) day posting period.

OPTIONS AND STAFF RECOMMENDATION

City Council has the option of recommending approval or denial to the Arizona Department of Liquor Licenses and Control.

Recommended Approach: The review of this application has shown that it meets zoning, parking, and public safety requirements.
Staff recommends approval.

Proposed Next Steps: The City Council's recommendation of approval or denial will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant should receive their license from the State within 15 days.

RESPONSIBLE DEPT(S)

Planning and Development Services Department

STAFF CONTACT(S)

Jeff Fisher
Plan Review and Permit Services Director
480-312-7619
E-mail: Jfisher@ScottsdaleAZ.Gov

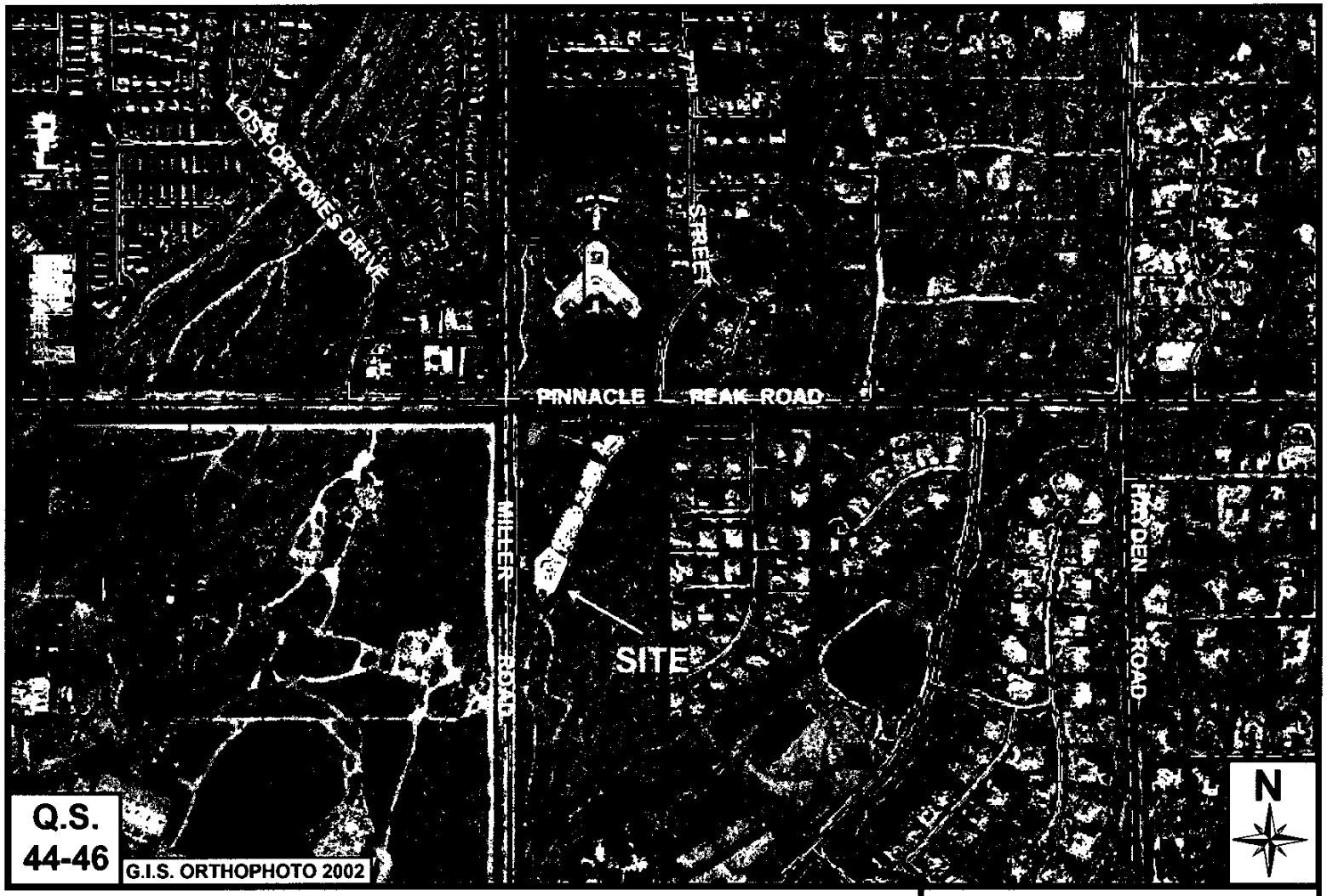
APPROVED BY

Kroy Ekblaw — Date
Planning and Development Services General Manager

Ed Gawf — 5/2/03 Date
Deputy City Manager

ATTACHMENTS

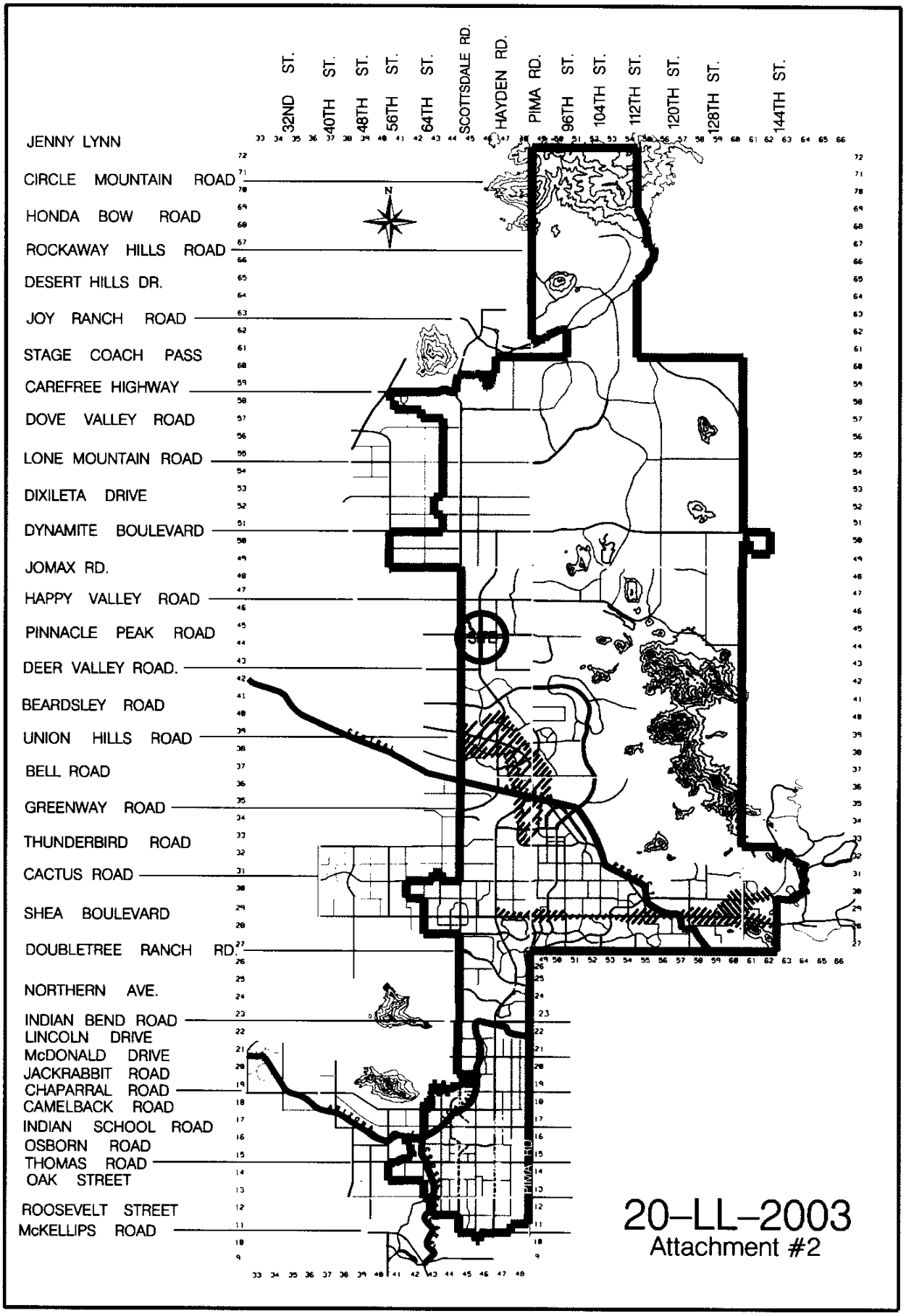
#1: Aerial Map
#2: Vicinity Map
#3 Graphic – Liquor license locations within ½ mile
#4: Application



Thai Pan Fresh Exotic Cuisine

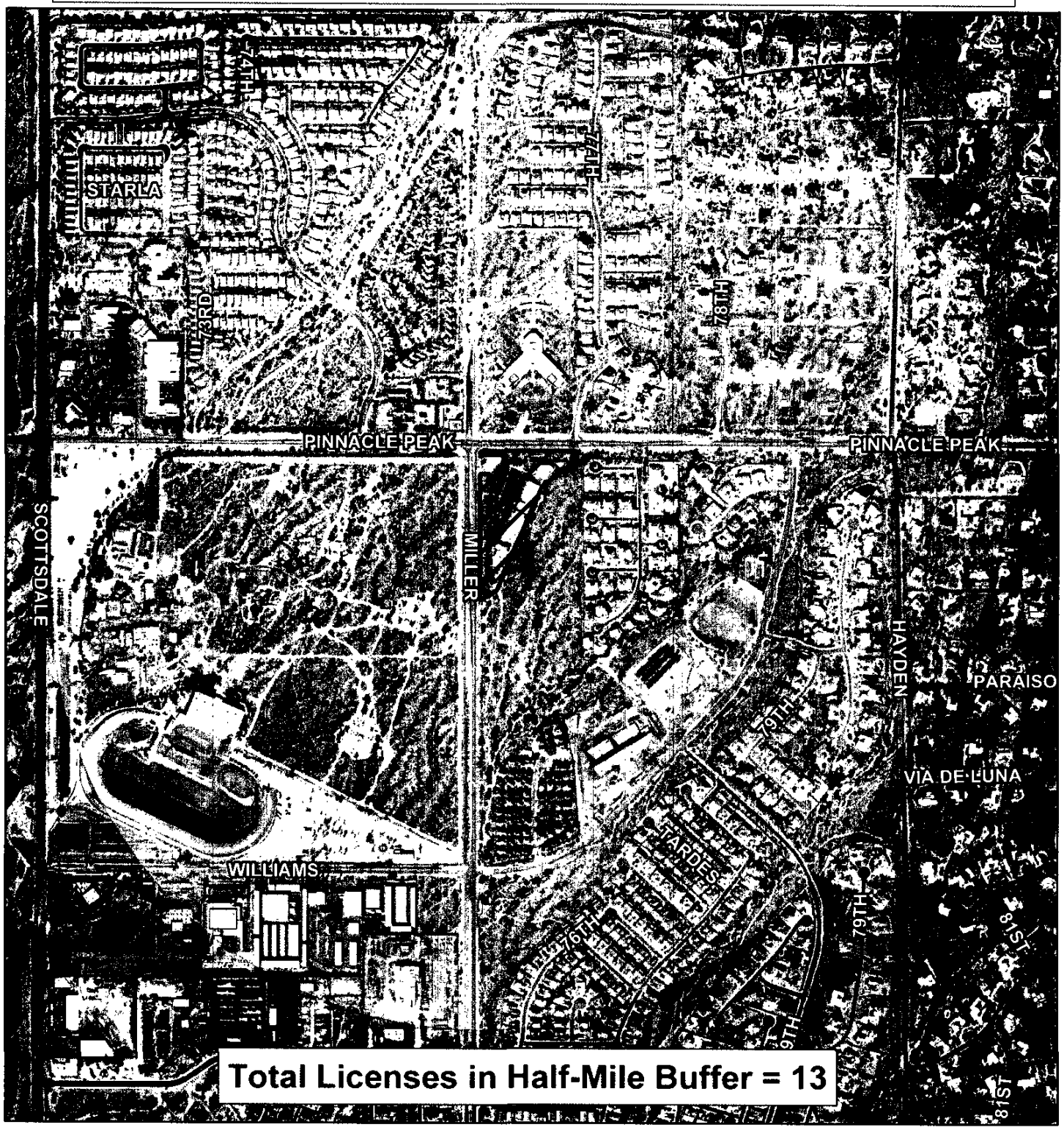
20-LL-2003

ATTACHMENT #1



20–LL–2003
Attachment #2

Liquor Licenses Within A Half-Mile Radius of 7605 E Pinnacle Peak Road



0 250 500 1,000 1,500 2,000 Feet

1 inch equals 814.91 feet

Liquor Licenses.mxd
Printed: 04/02/2003
Created By: Brian Hancock
Source: City of Scottsdale, State of Arizona Dept. of Liquor Licenses and Control.

CITY OF SCOTTSDALE

N

20-LL-2003

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

20-LL-2003

APPLICATION FOR LIQUOR LICENSE

BLLC

TYPE OR PRINT WITH BLACK INK

2003 MAR 19 A 9:11

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- ☒ INTERIM PERMIT *Complete Section 5*
- ☒ NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16, 17*
- ☐ PERSON TRANSFER (Bars & Liquor Stores ONLY) *Complete Sections 2, 3, 4, 11, 13, 15, 16, 17*
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) *Complete Sections 2, 3, 4, 12, 13, 15, 16, 17*
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE *Complete Sections 2, 3, 4, 9, 13, 15, 17* (fee not required)
- ☐ GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16, 17*

SECTION 2 Type of ownership:

- ☐ J.T.W.R.O.S. *Complete Section 6*
- ☐ INDIVIDUAL *Complete Section 6*
- ☐ PARTNERSHIP *Complete Section 6*
- ☐ CORPORATION *Complete Section 7*
- ☒ LIMITED LIABILITY CO. *Complete Section 7*
- ☐ CLUB *Complete Section 8*
- ☐ GOVERNMENT *Complete Section 10*
- ☐ TRUST *Complete Section 6*
- ☐ OTHER Explain _____

SECTION 3 Type of license and fees: LICENSE #: _____

1. Type of License: RESTAURANT (12) 2. Total fees attached: $ 5000.00

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

SECTION 4 Applicant: (All applicants must complete this section)

1. Applicant/Agent's Name: Mr. Ms. GERDING (Last) MARK (First) _____ (Middle)
(Insert one name ONLY to appear on license)
2. Corp./Partnership/L.L.C.: THAI PAN RESTAURANT, L.L.C. B1038678
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: THAI PAN FRESH EXOTIC CUISINE
(Exactly as it appears on the exterior of premises)
4. Business Address: 7605 E. PINNACLE PEAK RD. #2 (Do not use PO Box Number) SCOTTSDALE (City) AZ (COUNTY) 85255 (Zip)
5. Business Phone: (480) 513-7471 Residence Phone: ([redacted])
6. Is the business located within the incorporated limits of the above city or town? ☒YES ☐NO
7. Mailing Address: 7605 E. PINNACLE PEAK RD. #2 SCOTTSDALE (City) AZ (State) 85255 (Zip)
8. Enter the amount paid for a 06, 07, or 09 license: $ _____ (Price of License ONLY)

DEPARTMENT USE ONLY

Accepted by: SK Date: 3/19/03 Lic. # B075447

Fees:	Application	Interim Permit	Agent Change	Club	F. Prints	TOTAL
	100.00	100.00	—	—	24.4	$ 296.00

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD. YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

LIC 0100 11/2000

*Disabled individuals requiring special accommodation, please call (602) 542-9027.

CTION 5 Interim Permit:

:f you intend to operate business while your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.

There MUST be a valid license of the same type you are applying for currently issued to the location. DLC

Enter the license number currently at the location. 12074545

2003 MAR 19 A 9:11

:s the license currently in use? ☒ YES ☐ NO If no, how long has it been out of use?

TACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

KUO CHI CHANG, declare that I am the CURRENT LICENSEE of the stated license and
(Print full name)

.tion . I have read this application and the contents and all statements are true, correct and complete.

K. C. Chang
(Signature)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
16th day of February, 2003.
Day of Month Month Year

Edwin P. Ellison
(Signature of NOTARY PUBLIC)

commission expires on: 3-31-2003

OFFICIAL SEAL
EDWIN P. ELLISON
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Expires 3-20-2003

CTION 6 Individual or Partnership Owners:

:H PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

ndividual:

t	First	Middle	% Owned	Residence Address	City State Zip
			%		

artnership Name: (Only the first partner listed will appear on license)

ral-Limited	Last	First [redacted]	% Owned	Residence Address	City State Zip
] ☐			%		
] ☐			%		
] ☐			%		
] ☐			%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

s any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

☐ CORPORATION *Complete questions 1, 2, 3, 5, 6, 7, 8.*

☒ L.L.C. *Complete questions 1, 2, 4, 5, 6, 7 and attach copy of Articles of Org. and Operation Agreement.*

1. Name of Corporation/L.L.C.: THAI PAN RESTAURANT LLC - L.C.
(Exactly as it appears on Articles of Inc. or Articles of Org.)

2. Date Incorporated/Organized: 9-10-2002 State where Incorporated/Organized: AZ

2002 MAR 0 A 11

3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____

4. AZ L.L.C. File No: L1044884-0 Date authorized to do business in AZ: 9-10-2002

5. Is Corp./L.L.C. non-profit? ☐ YES ☒ NO If yes, give IRS tax exempt number: _____

6. List all directors/officers in Corporation/L.L.C.:

Last	First	Middle	Title	Residence Address	City State Zip
~~WOK'D INN ASIA LLC~~			~~MEMBER~~		
GERDING	MARK		PRESIDENT	[redacted]	
~~CHINAM FOODS, INC~~			~~MEMBER~~		
CHANG	KUO	CHI	V. PRESIDENT	[redacted]	
~~WOK'D INN ASIA LLC.~~			~~MEMBER~~	[redacted]	
BENNY	SUTANTO		MEMBER	[redacted]	
~~CHINAM FOODS, INC.~~			~~MEMBER~~	[redacted]	
~~KEVIN~~	~~ALLEN~~			[redacted]	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders or controlling members owning 10% or more:

Last	First	Middle	% Owned	Residence Address	City State Zip
			%		
			%		
WOK'D INN ASIA LLC			60 %	[redacted]	
CHINAM FOODS, INC.			40 %	[redacted]	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach an ownership, and director/officer/members disclosure for the parent entity. Attach additional sheets as necessary in order to disclose real people.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter) (Attach a copy of Club Charter)

2. Is club non-profit? ☐ YES ☐ NO If yes, give IRS tax exempt number: _____

3. List officer and directors:

Last	First	Middle	Title	Residence Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

:CTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store:

Current Licensee's Name: _____
ıctly as it appears on license) Last First Middle

Assignee's Name: _____
Last First Middle

License Type: _____ License Number: _____ DLLC Date of Last Renewal: _____

ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

2003 MAR 19 A 9:12

:CTION 10 Government: (for cities, towns, or counties only)

Person to administer this license: _____
Last First Middle

Assignee's Name: _____
Last First Middle

A SEPAR[redacted] EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

:CTION 11 [redacted]

[redacted]estions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY).

Current [redacted]'s Name: _____ Entity: _____
ıctly as it appears on license) Last First Middle (Indiv., Agent, etc.)

Corporation/L.L.C. Name: _____
(Exactly as it appears on license)

Current Business Name: _____
(Exactly as it appears on license)

Current Business Address: _____
[redacted]

License Type: _____ License Number: _____ Last Renewal Date: _____

Current Mailing Address (other than business): _____

Have all creditors, lien holders, interest holders, etc. been notified of this transfer? ☐ YES ☐ NO

Does the applicant intend to operate the business while this application is pending? ☐ YES ☐ NO If yes, complete section 5, attach fee, and current license to this application.

I hereby relinquish my rights to the above described license to the applicant named in this application and hereby declare that the statements made in this section are true, correct and complete.

_____, declare that I am the CURRENT LICENSEE of the stated license. I have read this
(Print full name)
ıication and the contents and all statements are true, correct and complete.

_____
(Signature of CURRENT LICENSEE)

State of _____ County of _____
The foregoing instrument was acknowledged before me this
_____ day of _____, _____.
Day of Month Month Year

commission expires on: _____

_____
(Signature of NOTARY PUBLIC)

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE.

1. Current Business Name and Address: _____
(Exactly as it appears on license)

2. New Business Name and Address: DLLC
(Do not use PO Box Number)

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3. License Type: _____ License Number: _____ Last Renewal Date: _____

4. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants:

1. Distance to nearest school: 1 MILE ft. (Regardless of distance) Name/Address of school: PINNACLE PEAK ELEMENTARY SCHOOL 7690 E. WILLIAM DR. Scottsdale, 85255

2. Distance to nearest church: 2 MILE ft. (Regardless of distance) Name/Address of church: PINNACLE PRESBYTERIAN CHURCH 25150 N. PIMA RD. SCOTTSDALE, 85255

3. I am the: ☒ LESSEE ☐ SUBLESSEE ☐ OWNER ☐ PURCHASER (of premises)

4. If the premises is leased give lessors name and address: ROBERT J. SINGER 2555 E. CAMELBACK RD. #400 PHOENIX AZ 85016

4a. Monthly rental/lease rate $ 5670.88. What is the remaining length of the lease? 5 yrs. 5 mos.

4b. What is the penalty if the lease is not fulfilled? $_____ or other EVACUATE
(give details - attach additional sheet if necessary)

5. What is the total business indebtedness of the applicant for this license/location excluding lease? $ —

Does any one creditor represent more than 10% of that sum? ☐ YES ☐ NO If yes, list below. Total must equal 100%.

Last	First	Middle	% Owed	Residence Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for? (BE SPECIFIC) RESTAURANT.

7. Has a license, or a transfer license for the premises on this application been denied by the state within the past one (1) year?
☐ YES ☒ NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee, have any interest in your business? ☐ YES ☒ NO

9. Is the premises currently licensed with a liquor license? ☒ YES ☐ NO If yes, give license number and licensee's name:
License # 12074545 (Exactly as it appears on license) Name KUO CHI CHANG

CTION 14 Restaurant, or Hotel-Motel Applicants:

s there a valid restaurant or hotel-motel liquor license at the proposed location? ☒ YES ☐ NO If yes, give licensee's name:

CHANG (Last) KUO (First) CHI (Middle) and license #: 12074545

f the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of this application.

DLLC

All restaurant applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor.

2003 MAR 19 A 9:12

Do you understand that 40% of your annual gross revenue must be from food sales? ☒ YES ☐ NO

CTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

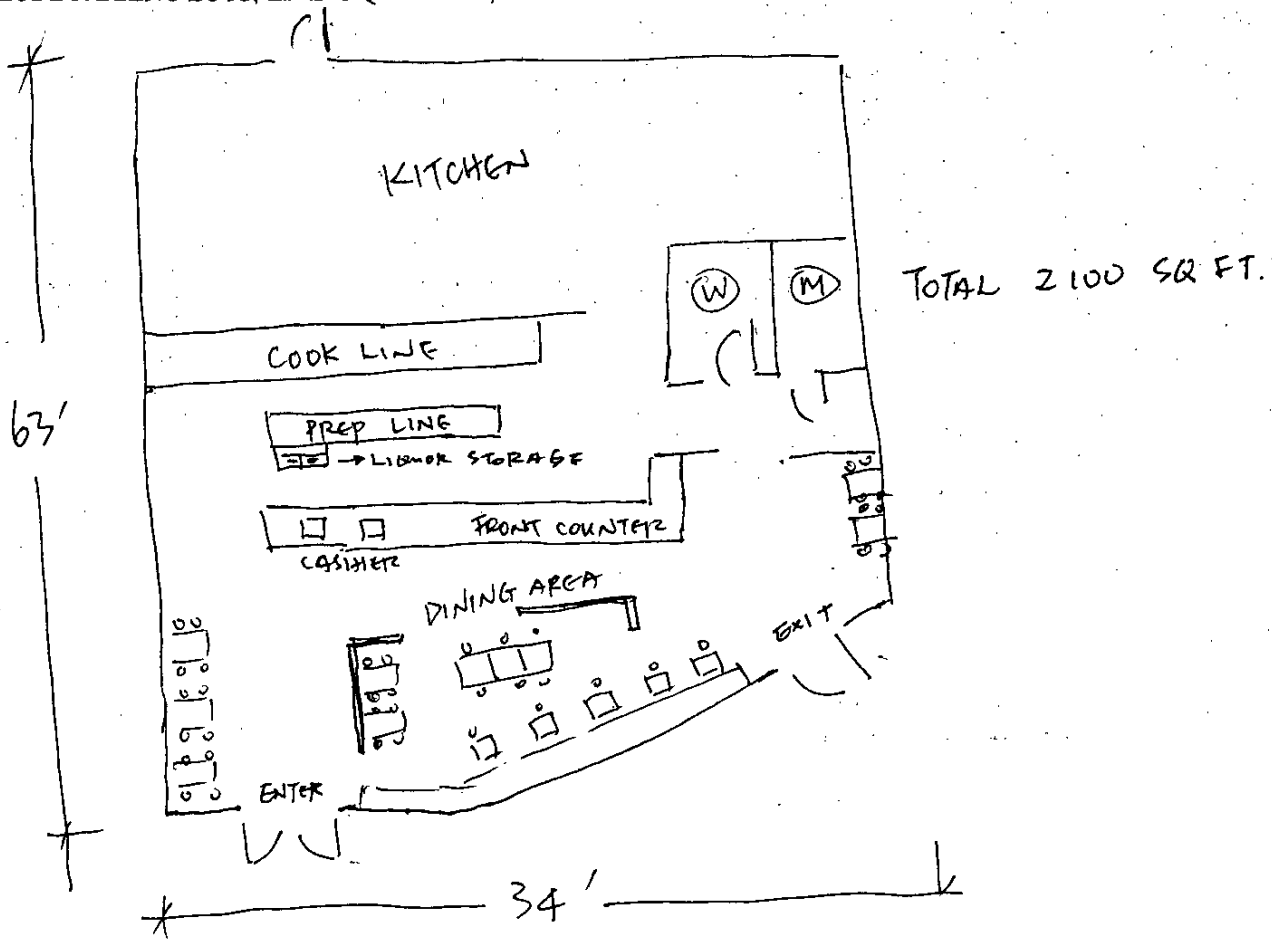
Check ALL boxes that apply to your licensed premises:

- ☒ Entrances/Exits
- ☐ Drive-in windows
- ☐ Service windows
- ☒ Liquor storage areas
- ☐ Patio enclosures
- ☐ Under construction: estimated completion date _____

Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.

The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.

DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC.



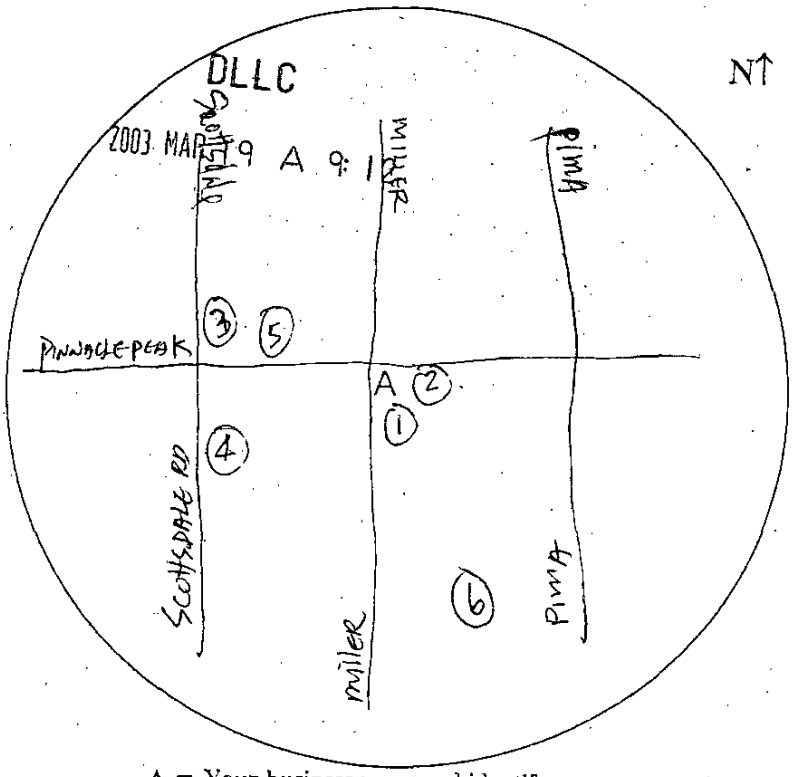
U MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, TRANCES, EXITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.

SECTION 16 Geographical Data: A SAMPLE FOR THIS SECTION IS PROVIDED ON THE BACK OF THIS PAGE.

List below the exact names of all churches, schools, and spirituous liquor outlets within a one half mile radius of your proposed location.

1. 3 TOMATO & A MOZALELA
2. RED KANGAROO
3. SAFEWAY
4. RAWHIDE
5. MONTI
6. PINNACLE PEAK ELEMENTARY
7.
8.
9.
10.
11.
12.
13.
14.
15.

(ATTACH ADDITIONAL SHEET IF NECESSARY)



A = Your business name and identify cross streets.

SECTION 17 Signature Block:

I, MARK GERDING, declare that: 1) I am the APPLICANT (Agent/Club Member/Partner), making this application; 2) I have read the application and the contents and all statements are true, correct and complete; 3) that this application is not being made to defraud or injure any creditor, taxing authority, regulatory authority, or transferor; 4) that no other person, firm, or corporation, except as indicated, has an interest in the spirituous liquor license for which these statements are made; and 5) that none of the owners, partners, members, officers, directors or stockholders listed have been convicted of a felony in the past five (5) years.

(Print name of APPLICANT/AGENT listed in Section 4 Question 1)

X Mark Gerding
(Signature)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 24 day of February, 2003
Day of Month Month Year

My commission expires on: OFFICIAL SEAL EDWIN P. ELLISON NOTARY PUBLIC - ARIZONA MARICOPA COUNTY My Comm. Expires 3-20-2003

Edwin P. Ellison
(Signature of NOTARY PUBLIC)

SAMPLE

GEOGRAPHICAL DATA

the area adjacent to the map provided below indicates your proposed location
d the exact names of all churches, schools, and alcoholic beverage outlets
thin a 1/2 mile radius of your proposed location.
ee example below)

DLIC
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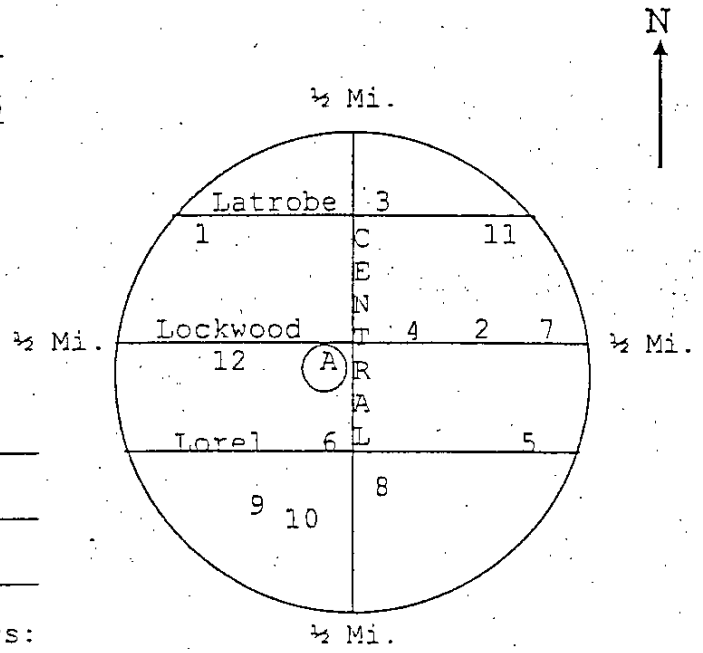
= Applicant	Series 12
Pink Elephants	Series 06
Mama's Rest.	Series 12
Corner Liquors	Series 09
Joe's Groceries	Series 10
Lions Club	Series 14
Burgers R Us	Series 07
Pizza Perfect	Series 07
Billy Bobs Bar	Series 06
St. Anthonys Church	
St. Anthonys School	
Burbank Middle School	
First United Baptist Church	



R.S. Section 4-207.A reads as follows:

No retailers license shall be issued for any premises which are. at the time
e license application is received by the Director, within three hundred(300)
rizontal feet of a church, within three hundred(300) horizontal feet of a
blic or private school building with kindergarten programs or any of
ades one(1) through twelve(12). or within three hundred(300) horizontal
et of a fenced recreational area adjacent to such school building.

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

DLLC

2003 MAR 19 A 9:12

RESTAURANT OPERATION PLAN

LICENSE # _____

1. List by Make, Model and Capacity of your :

Grill	NO
Oven	IMPERIAL IR-6 26" BAKING OVEN
Freezer	6'x8'x8'H WALK-IN FREEZER
Refrigerator	8'x8'x8'H WALK-IN COOLER
Sink	3-COMP. SINK 24"x24" TUB SIZE
Dish Washing Facilities	AUTOCHLOR SINGLE RACK DISHWASHER 24"
Food Preparation Counter (Dimensions)	(3EA) 30"x12" S.S. WORK TABLE
Other	

2. Print the name of your restaurant: THAI PAN FRESH EXOTIC CUISINE

3. Attach a copy of your menu (Breakfast, Lunch and Dinner including prices).

4. List the seating capacity for:

   a. **Restaurant area** of your premises [48]

   b. **Bar area** of your premises [+ —]

   c. **Total area** of your premises [48]

5. What type of dinnerware and utensils are utilized within your restaurant?
   ☒ Reusable ☐ Disposable

6. Does your restaurant have a bar area that is distinct and separate from the restaurant seating? (If yes, what percentage of the public floor space does this area cover). ☐ Yes _____ % ☒ No

7. What percentage of your public premises is used primarily for restaurant dining?
   (Does not include kitchen, bar, cocktail tables or game area.) 30 %

***Disabled individuals requiring special accommodations, please call the Department.**

Lic0114 05/1999

8. Does your restaurant Contain any games or television? ☐ Yes ☒ No
(If yes, what types and how many? Pool tables, Video Games, Darts, etc.)

DLLC

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9. Do you have live entertainment or dancing? ☐ Yes ☒ No
(If yes, what type and how often?)

10. Use space below or attach a list of employee positions and their duties to fully staff your business.

JENNY	ASSISTANT MGR.
JESSE	KITCHEN MGR.
ERIC	COOK
RUDY	COOK
JONETHAN	PREP COOK
JOHN	PREP COOK
MARIO	PREP
MAX	DISHWASHER
KRISTA	CASHIER
JASON	CASHIER

I, MARK GERDING, hereby declare that I am the APPLICANT filing this application. I have
(Print full name)
read theis application and the contents and all statements true, correct and complete.

X Mark Gerding
(Signature of APPLICANT)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
7th day of February, 2003.
Day of Month Month Year

Edwin P. Ellison
(Signature of NOTARY PUBLIC)

OFFICIAL SEAL
EDWIN P. ELLISON
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Exp. 3-20-2003

My commission expires on:

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

DLLC

HOTEL-MOTEL AND RESTAURANT LICENSES
RECORDS REQUIRED FOR AUDIT OF SERIES #11 & #12 LICENSES

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH YOUR DLLC RECORDS

In the event of an audit, you will be asked to provide to the department any documents necessary to determine compliance with A.R.S. 205.02.G. Such documents requested may include however, are not limited to:

1. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises. If you do not have all food or liquor invoices, please contact your vendors immediately and request copies of missing invoices. These must be available for pick-up at the time of the Audit Interview Appointment. **If all food invoices are not available at that time, you may not be given credit for *all* food sales.**
2. A list of ***all*** food and liquor vendors
3. The restaurant menu used during the audit period
4. A price list for alcoholic beverages during the audit period
5. Mark-up figures on food and alcoholic products during the audit period
6. A recent, ***accurate*** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
7. Monthly Inventory Figures - beginning and ending figures for food and liquor
8. Chart of accounts (copy)
9. Financial Statements-Income Statements-Balance Sheets
10. General Ledger
    A. Sales Journals/Monthly Sales Schedules
       1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)
       2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
       3) Guest Checks
       4) Coupons/Specials
       5) Any other evidence to support income from food and liquor sales
    B. Cash Receipts/Disbursement Journals
       1) Daily Bank Deposit Slips
       2) Bank Statements and canceled checks
11. Tax Records
    A. Transaction Privilege Sales, Use and Severance Tax Return (copies)
    B. Income Tax Return - city, state and federal (copies)
    C. Any supporting books, records, schedules or documents used in preparation of tax returns

12. Payroll Records

A. Copies of all reports required by the State and Federal Government

B. Employee Log (A.R.S. 4-119)

C. Employee time cards (actual document used to sign in and out each work day)

D. Payroll records for all employees showing hours worked each week and hourly wages

DLLC
2003 MAR 19 A 9:12

The sophistication of record keeping varies from establishment to establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH A.R.S. 210.A.7. AND A.R.S. 205.02.G.

A.R.S. 210.A.7. The licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of food.

A.R.S. 205.02.G. For the purpose of this section:

1. "Restaurant" means an establishment which derives **at least forty percent (40%)** of its gross revenue from the sale of food.
2. "Gross revenue" means the revenue derived from all sales of food and spirituous liquor on the licensed premises, regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any other license that has been issued for the premises pursuant to this article.

I, (**print** Licensee/Agent's Name):

GERDING MARK

Last First Middle

have read and fully understand all aspects of this statement.

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

X Mark Gerding
(Signature of Licensee/Agent)

26th day of February, 03
Day of Month Month Year

My commission Expires on
Day of Month Month Year

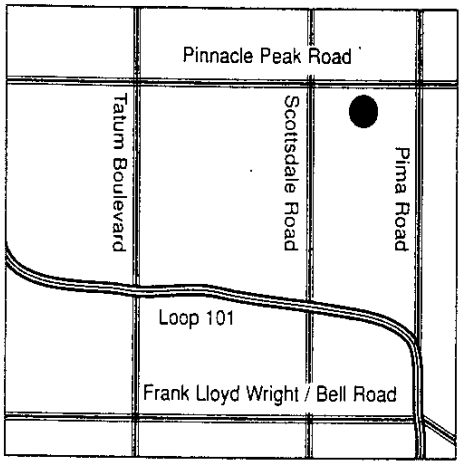
OFFICIAL SEAL
EDWIN P. ELLISON
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Exp. 10-20-2003

Edwin P. Ellison
(Signature of NOTARY PUBLIC)

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH YOUR DLLC RECORDS

DLLC

2003 MAR 19 A 9:11



OPEN 11:00-8:30 MON-SAT
4:00-8:30 SUNDAY

ThaiPan

FRESH EXOTIC CUISINE

ThaiPan
7605 E. PINNACLE PEAK RD. #2
SCOTTSDALE, AZ 85255
480.**513.7471**

APPETHAIZERS

Spring Rolls (2) 3.95
Crispy pork and vegetable spring rolls with sweet chili sauce

ThaiPan's Chicken Lettuce Wraps 5.25
Toasted garlic, chili, water chestnuts and Thai basil

Shrimp Summer Rolls (2) 4.75
Soft rice paper with shrimp, crisp lettuce, rice noodles, mint and peanut dipping sauce

Thai Toast (4) 3.75
Crisp toast points with chicken, garlic, cilantro and cool cucumber salad

Coconut Shrimp (4) 4.95
Panko crusted shrimp dipped in Thai beer batter with lemongrass chili dipping sauce and cool cucumber salad

Soups & Salads

Tom Kha Serves 1-2 5.75
Spicy coconut milk soup with lemongrass, mushrooms, galanga, kaffir lime and cilantro
Choose: chicken or vegetables/tofu
(add 1.00 for shrimp)

Tom Yum Serves 1-2 5.75
Thai style hot and sour lemongrass broth with mushrooms, chili, lime juice and cilantro
Choose: chicken or vegetables/tofu
(add 1 .00 for shrimp)

Bangkok Chicken Salad 6.50
Thai barbecued chicken, lettuce, wontons, cucumber and spicy peanut dressing

Singha Shrimp Salad 6.95
Coconut beer battered shrimp with lettuce, julienne carrots, red onions and lime chili vinaigrette

The Tradition of ThaiPan Cuisine

2003 MAR 19 A 9:10

ThaiPan is about the freshness and exotic flavors of Thailand. The Thai culture teaches it's people that life should be "Sanuk" or "Fun", thus eating is a very important part of their daily lives. Thai's love talking about their food.

Although most assume that all Thai food is spicy, the fact is that Thai food does not have to be spicy, although some dishes can be extremely hot. Flavors from Thailand are all about balance. Sweet, sour, salty and spicy are the key elements in a traditional Thai meal. Thai cooking is easy to identify because all the ingredients are fresh. Lemongrass, garlic, cilantro, mint, sweet basil, chili, kaffir lime and coconut milk all combine to make a harmony that is unforgettable.

If you like your food even hotter, "Chili Selections" on your table will allow you to spice it up to match your individual tastes. Food from Thailand is considered to be some of the most flavorful food in the world. One word of warning. Thai food is addictive, you will want to return over and over again to experience **ThaiPan's** fresh exotic cuisine.

Welcome

Wok'd Bowls, Fried Rice & Noodles

Choose: Chicken or Vegetables/Tofu (Add $1 for Beef or Shrimp)

Thaiyaki Bowl 6.00
Our version with slightly spicy teriyaki sauce, pineapple and toasted sesame seeds

Peanut Satay Bowl 6.00
Wok'd Chinese long beans and peanut sauce over Jasmine rice

Thai-Style Fried Rice 6.00
Garlic, soy, egg and house vegetable

🌶 **ThaiPan Spicy Rice** 6.50
Authentic spicy rice with red curry, kaffir lime, vegetables and Thai basil

Exotic Thai Rice 6.50
Fried rice with pineapple, vegetable, egg and toasted cashew nuts

Pad Thai 6.95
Thailand's most famous rice noodles with bean sprouts, crushed peanuts and sweet and sour tamarind sauce

Broccoli Noodles 6.95
Wok'd rice noodles, broccoli, bean sprouts, egg and soy

Garlic Noodles 6.95
Stir-fried flat noodles, toasted garlic, crisp vegetables, cilantro and crushed peanuts

🌶 **Spicy Basil Noodles** 6.95
Rice noodles with wok'd vegetables, garlic, Thai basil and spicy sauce

Cracking the Coconut Thai Curries

Chicken	Beef	Shrimp	Vegetables/Tofu
7.50	7.95	8.95	6.95

🌶 **Red or Green Curry**
Spicy curry, bamboo shoots, long beans, zucchini, kaffir lime and Thai basil

Famous Yellow
Mild yellow curry paste with coconut milk, potatoes, onions and carrots

🌶 **Panang Curry**
Peanut curry, carrots, bell pepper, basil and mint

🌶 **Shrimp and Pineapple Curry**
Simmered in red curry, kaffir lime, carrots, onions and bell pepper

🌶 Indicates spicy dish (Some Items can be made less spicy upon request.)

FEATURED Thai DISHES

🌶 **Golden Pineapple** 6.95
Crispy chicken with sweet Thai chili sauce, pineapple and sesame seeds

🌶 **Evil Jungle Princess**
Lemongrass, straw mushrooms, coconut milk, lime juice and fresh mint over julienned cabbage

Chicken	Shrimp	Vegetables/Tofu
7.95	8.95	6.75

🌶 **Kapow!**
Stir-fried fresh chili, garlic, snap peas, red bells, carrots, mushrooms and Thai basil

Chicken	Beef	Shrimp	Vegetables/Tofu
6.95	7.95	8.95	6.75

Thai Style Sweet and Sour (chicken available crispy)
Stir-fried with pineapple, cucumber, onions, ginger and bell pepper

Chicken	Beef	Shrimp	Vegetables/Tofu
6.95	7.95	8.95	6.75

Peanut Satay
Chinese long beans, slightly spicy peanut sauce and cool cucumber salad

Chicken	Beef	Shrimp	Vegetables/Tofu
6.95	7.95	8.95	6.75

Spicy Cashew Nut Chicken 6.95
Bangkok style crispy chicken with green onion, cashew nuts and spicy sauce

Toasted Garlic
Stir-fried with garlic, broccoli, bell peppers, carrots, mushrooms, snow peas and cilantro

Chicken	Beef	Shrimp	Vegetables/Tofu
6.95	7.95	8.95	6.75

Singha Crispy Fish 8.95
Asian white fish fillet dipped in Thai beer batter, served crispy with spicy lemongrass chili sauce

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

DLLC 2003 MAR 10 A 10:42

Read Carefully, this instrument is a sworn document. Type or print with black ink
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

1043691

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 5147 12074545
(If the location is currently licensed)

1. Check appropriate box → [X] Owner [X] Partner [ ] Stockholder [ ] Member [ ] Officer [ ] Agent [ ] Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager | [ ] Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: GERDING (Last) MARK (First) John (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] (This Will Not Become a Part of Public Records) Drivers License #: [redacted] State: AZ

4. Place of Birth: PAYNES VILLE (City) MN (State) USA (Country) (not county) Height: 6'1 Weight: 192 Eyes: BR Hair: BR

5. Marital Status [X] Single [ ] Married [ ] Divorced [ ] Widowed Residence (Home) Phone: [redacted]

6. Name of Current or Most Recent Spouse: _____ Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden

7. You are a bona fide resident of what state? AZ If Arizona, date of residency: 1989

8. Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: THAI PAN FRESH EXOTIC CUISINE Premises Phone: (480) 513-7471

11. Licensed Premises Address: 7605 E. PINNACLE PEAK #2 (Street Address (Do not use PO Box #)) SCOTTSDALE (City) MARICOPA (County) AZ 85255 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
10/02	CURRENT	MGR	THAI PAN, 7605 E. PINNACLE PEAK, SCOTTSDALE AZ 85255
3/00	9/02	CHEF	THAI FOON, GANEY RANCH, SCOTTSDALE AZ 8570
6/94	2/00	CHEF INSTRUCTOR	EAST VALLEY INSTITUTE OF TECHNOLOGY MESA AZ

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
7/02	CURRENT	OWN	[redacted]	[redacted]		
1/98	6/02	OWN	[redacted]	[redacted]	[redacted]	

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day? 10 , answer #14a below. If NO, skip to #15. ☒ YES ☐ NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☒ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you EVER been *detained, cited, arrested, indicted or summoned* into court for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

DLLC

16. Have you EVER been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

2003 MAR 19 A 9:12

17. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐ YES ☒ NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☐ YES ☒ NO

19. Has anyone EVER *filed suit or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐ YES ☒ NO

20. Are you NOW or have you EVER held ownership, been a controlling person , been an officer, member, director, or manager on *any other liquor license* in this or any other state? ☐ YES ☒ NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you make payments to the licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. [redacted]ract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, MARK GERDING, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X Mark Gerding
(Signature of Applicant)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 7th day of February 2003.
Day of Month Month Year

OFFICIAL SEAL
EDWIN P. ELLIS
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Expires 3-20-2003

My commission expires on: _____
Day of Month Month Year

Edwin P. Ellis
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION

Licensee or Agent Approval of Manager

25. I, (Print Licensee/Agent's Name): _____
Last Middle First

Hereby authorize the applicant to act as manager for the named liquor license.

[redacted] State of [redacted] County of _____
The foregoing instrument was acknowledged before me this [redacted] day of _____, _____
Day of Month Month Year

X _____
(Signature of LICENSEE/AGENT)

My commission expires on: _____
Day of Month Month Year

_____
(Signature of NOTARY PUBLIC)

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read Carefully, this instrument is a sworn document. Type or print with black ink
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted. Liquor License # 12074545 (547)
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852) (If the location is currently licensed)

1. Check appropriate box → [X] Owner [X] Partner [ ] Stockholder [ ] Member [ ] Officer [ ] Agent [ ] Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager | [ ] Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: CHANG (Last) KUO (First) CHI (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] (This Will Not Become a Part of Public Records) Drivers License #: [redacted] State: AZ

4. Place of Birth: TAIWAN (City) R.O.C (State) Country (not county) Height: 508 Weight: 180 Eyes: BR Hair: BK

5. Marital Status [ ] Single [X] Married [ ] Divorced [ ] Widowed Residence (Home) Phone: [redacted]

6. Name of Current or Most Recent Spouse: LIN (Last) Sarah (First) _____ (Middle) _____ (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? AZ If Arizona, date of residency: 1990

8 Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: THAI PAN FRESH EXOTIC CUISINE Premises Phone: (480) 513-7471

11. Licensed Premises Address: 7605 E. PINNACLE PEAK #2 (Street Address (Do not use PO Box #)) SCOTTSDALE (City) MARICOPA (County) AZ 85255 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
1/94	CURRENT	MGR/OWNER	CHINA LITE, 10455 N. FRANK LLOYD WRIGHT, SCOTTSDALE

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
94/1	CURRENT	OWN	[redacted]	[redacted]	[redacted]	

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day? 8 , answer #14a below. If NO, skip to #15. ☒ YES ☐ NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☒ YES ☐ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you EVER been *detained, cited, arrested, indicted or summoned* into court for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

DLLC

16. Have you EVER been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

2003 MAR 6 A 9:12

17. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐ YES ☒ NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☐ YES ☒ NO

19. Has anyone EVER *filed suit or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐ YES ☒ NO

[redacted]

20. Are you NOW or have you EVER held ownership, been a controlling person , been an officer, member, director, or manager on *any other* [redacted] or any other state? [redacted] ☐ YES ☒ NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

[redacted]

Manager Section

[redacted]

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you make payments to the licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. [redacted] act or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, KUO CHI CHANG, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X K. C Chang
(Signature of Applicant)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 7th day of February 2003.
Day of Month Month Year

OFFICIAL SEAL
EDWIN P. ELLISON
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Expires 3-20-2003

My commission expires on: _____
Day of Month Month

Edwin P. Ellison
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION

Licensee or Agent Approval of Manager

25. I, (Print Licensee/Agent's Name): _____
Last Middle First

Hereby authorize the applicant to act as manager for the named liquor license.

[redacted]

State of [redacted] County of _____
The foregoing instrument was acknowledged before me this

X _____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) Day of Month Month Year

My commission expires on: _____
Day of Month Month Year

_____
(Signature of NOTARY PUBLIC)

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

SOCIAL SECURITY AND BIRTHDATE INFORMATION IS CONFIDENTIAL BY LAW AND CANNOT BE DISSEMINATED TO THE PUBLIC

Read Carefully , this instrument is a sworn document. Type or print with black ink

An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

DLLC
2003 MAR 19 A 9:42

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 1207 ~~4545~~ 5447
(If the location is currently licensed)

1. Check appropriate box → [X] Owner [ ] Partner [ ] Stockholder [ ] Member [ ] Officer [ ] Agent [ ] Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager | [ ] Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: ALLEN (Last) KEVIN (First) FLETCHER (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] (This Will Not Become a Part of Public Records) Drivers License #: [redacted] State: AZ

4. Place of Birth: AMES (City) IOWA (State) US Country (not county) Height: 6'0 Weight: 250 Eyes: BLU Hair: BRW

5. Marital Status [ ] Single [X] Married [ ] Divorced [ ] Widowed Residence (Home) Phone: ([redacted]

6. Name of Current or Most Recent Spouse: ALLEN (Last) PATRICIA (First) ANN (Middle) POALE (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? ARIZONA If Arizona, date of residency: 1/88

8 Telephone number to contact you during business hours for any questions regarding this document. ([redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: THAI PAN FRESH EXOTIC CUISINE Premises Phone: (480) 513-7471

11. Licensed Premises Address: 7605 E. PINNACLE PEAK # 2 (Street Address (Do not use PO Box #)) Scottsdale (City) MARICOPA (County) AZ 85255 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
1/97	CURRENT	OWNER / PRESIDENT	Allen & Allen 2111 E. BASELINE RD # B-1 TEMPE AZ 85283

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
6/02	CURRENT	OWN	[redacted]	[redacted]		
12/95	5/02	OWN	[redacted]	[redacted]		

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day?_____, answer #14a below. If NO, skip to #15. ☐ YES ☒ NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you EVER been *detained, cited, arrested, indicted or summoned* into court for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

16. Have you EVER been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

17. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐ YES ☒ NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☐ YES ☒ NO

19. Has anyone EVER *filed suit or obtained a judgment against you* in a civil action, the subject of which involved [redacted] *or misrepresentation of a business, professional or liquor license*? ☐ YES ☒ NO

20. Are you NOW or have you EVER held ownership, been a controlling person , been an officer, member, director, or manager on *any other liquor lic*[redacted] other state? [redacted] ☐ YES ☒ NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

[redacted] **If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24**

[redacted]

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you make payments to the licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is th[redacted] contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, KEVIN ALLEN, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X Kevin Allen
Signature of Applicant

OFFICIAL SEAL
EDWIN P. ELLISON
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires March 20, 2007

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 18th day of March, 03.
Day of Month Month Year

Edwin P. Ellison
(Signature of NOTARY PUBLIC)

My commission expires on: Kevin Ellison
Day of Month Month Year

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION

Licensee or Agent Approval of Manager

25. I, (Print Licensee/Agent's Name):_____
Last Middle First

Hereby authorize the applicant to act as manager for the named liquor license.

[redacted] State of [redacted] County of_____
The foregoing instrument was acknowledged before me this [redacted] day of _____, _____
Day of Month Month Year

X_____
(Signature of LICENSEE/AGENT)

My commission expires on:_____
Day of Month Month Year

_____
(Signature of NOTARY PUBLIC)

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

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Read Carefully, this instrument is a sworn document. Type or print with black ink

An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

2003 MAR 19 A 9:12

P1043828

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 120 ~~7454~~ 5447
(If the location is currently licensed)

1. Check appropriate box → [X] Owner [ ] Partner [ ] Stockholder [ ] Member [ ] Officer [ ] Agent [ ] Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager | [ ] Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: SUTANTO (Last) BENNY (First) _____ (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] (This Will Not Become a Part of Public Records) Drivers License #: [redacted] State: AZ

4. Place of Birth: MEDAN (City) INDONESIA (State) Height: 5'6 Weight: 170 Eyes: BR Hair: BK
Country (not county)

5. Marital Status [ ] Single [X] Married [ ] Divorced [ ] Widowed Residence (Home) Phone: ([redacted]

6. Name of Current or Most Recent Spouse: LIU (Last) VICKY (First) WEN (Middle) _____ (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? AZ If Arizona, date of residency: 1994

8 Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: THAI PAN FRESH EXOTIC CUISINE Premises Phone: (480) 513-7471

11. Licensed Premises Address: 7605 E. PINNACLE PEAK #2 (Street Address) (Do not use PO Box #) Scottsdale (City) MARICOPA (County) AZ 85255 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
8/94	CURRENT	G.M.	UNITED REST. SUPPLY INC. 3532 W. NORTHERN AVE. PHEONIX AZ 85051

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
7/97	CURRENT	OWN	[redacted]	[redacted]	[redacted]	[redacted]

LIC 0101 10/2001

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day?_____, answer #14a below. If NO, skip to #15. ☐ YES ☒ NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you EVER been *detained, cited, arrested, indicted or summoned* into court for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

DLC
2003 MAR 19 A 9:12

16. Have you EVER been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

17. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐ YES ☒ NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☐ YES ☒ NO

19. Has anyone EVER *filed suit or obtained a judgment against you* in a civil action, the subject of which involved fraud or misrepresentation *of a business, professional or liquor license*? ☐ YES ☒ NO

20. Are you NOW or have you EVER held ownership, been a controlling person , been an officer, member, director, or manager on *any other liquor license* in this or any other state? ☐ YES ☒ NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you make payments to the licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, BENNY SUTANTO, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X_____ (Signature of Applicant)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 18th day of March, 03.
Day of Month Month Year

OFFICIAL SEAL
EDWIN P. ELLISON
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires March 20, 2007

My commission expires on: _____ Day of Month Month

Edwin P. Ellison
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (Print Licensee/Agent's Name):_____
Last Middle First

Hereby authorize the applicant to act as manager for the named liquor license.

X_____ (Signature of LICENSEE/AGENT)

OFFICIAL SEAL
EDWIN P. ELLISON
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires March 20, 2007

State of _____ County of _____
The foregoing instrument was acknowledged before me this _____ day of _____, _____
Day of Month Month Year

My commission expires on: _____ Day of Month Month Year

_____ (Signature of NOTARY PUBLIC)

CITY COUNCIL REPORT

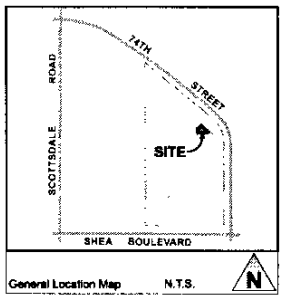
MEETING DATE: May 19, 2003 ITEM NO. 5 GOAL: Preserve Character and Environment

SUBJECT

Restaurant Liquor License Request for Samarai Sam's Teriyaki Grill 21-LL-2003

REQUEST

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for the former Origami's, which also operated under a series 12 (restaurant) liquor license.



OWNER

S & R Crescent Corporation

APPLICANT CONTACT

Richard Voth, Jr.
480-992-1388

LOCATION

7366 East Shea Blvd., Suite 112

BACKGROUND

This site is zoned C-2 (Central Business District).
This request is for a new series 12 (restaurant) liquor license for an existing restaurant located within the Scottsdale East shopping center.
This location previously operated with a series 12 (restaurant) liquor license under the business name Origamis.
The distance to the nearest school, Chaparral High School, is 2450 feet.
The distance to the nearest church, Scottsdale Bible Church, is 1360 feet.
There are 53 liquor licenses within a one half mile radius of this location.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.
The applicant is seeking a favorable recommendation on a series 12 (restaurant) liquor license. The applicant has maintained the required posting notice for the State mandated 20-day period.

IMPACT ANALYSIS

Police/Fire. The Police Department has conducted a review and recommends approval of this case.

Financial Services. Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

Parking. Planning and Development Services has conducted a review of the parking requirements. There are no interior modifications or changes intended for this establishment. Parking is in compliance with the zoning ordinance.

(Continued)

Development Information. This establishment is 2,089 sq. ft.

Maricopa County. Maricopa County Environmental Health has reviewed this application and reported no opposition to this case.

Community involvement. No petitions or protests have been filed with the City Clerk during the 20 (twenty) day posting period.

OPTIONS AND STAFF RECOMMENDATION

City Council has the option of recommending approval or denial to the Arizona Department of Liquor Licenses and Control.

Recommended Approach: The review of this application has shown that it meets zoning, parking, and public safety requirements.
Staff recommends approval.

Proposed Next Steps: The City Council's recommendation of approval or denial will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant should receive their license from the State within 15 days.

RESPONSIBLE DEPT(S)

Planning and Development Services Department

STAFF CONTACT(S)

Jeff Fisher
Plan Review and Permit Services Director
480-312-7619
E-mail: Jfisher@ScottsdaleAZ.Gov

APPROVED BY

Kroy Ekblaw — Date 5/2/03
Planning and Development Services General Manager

Ed Gawf — Date 5/2/03
Deputy City Manager

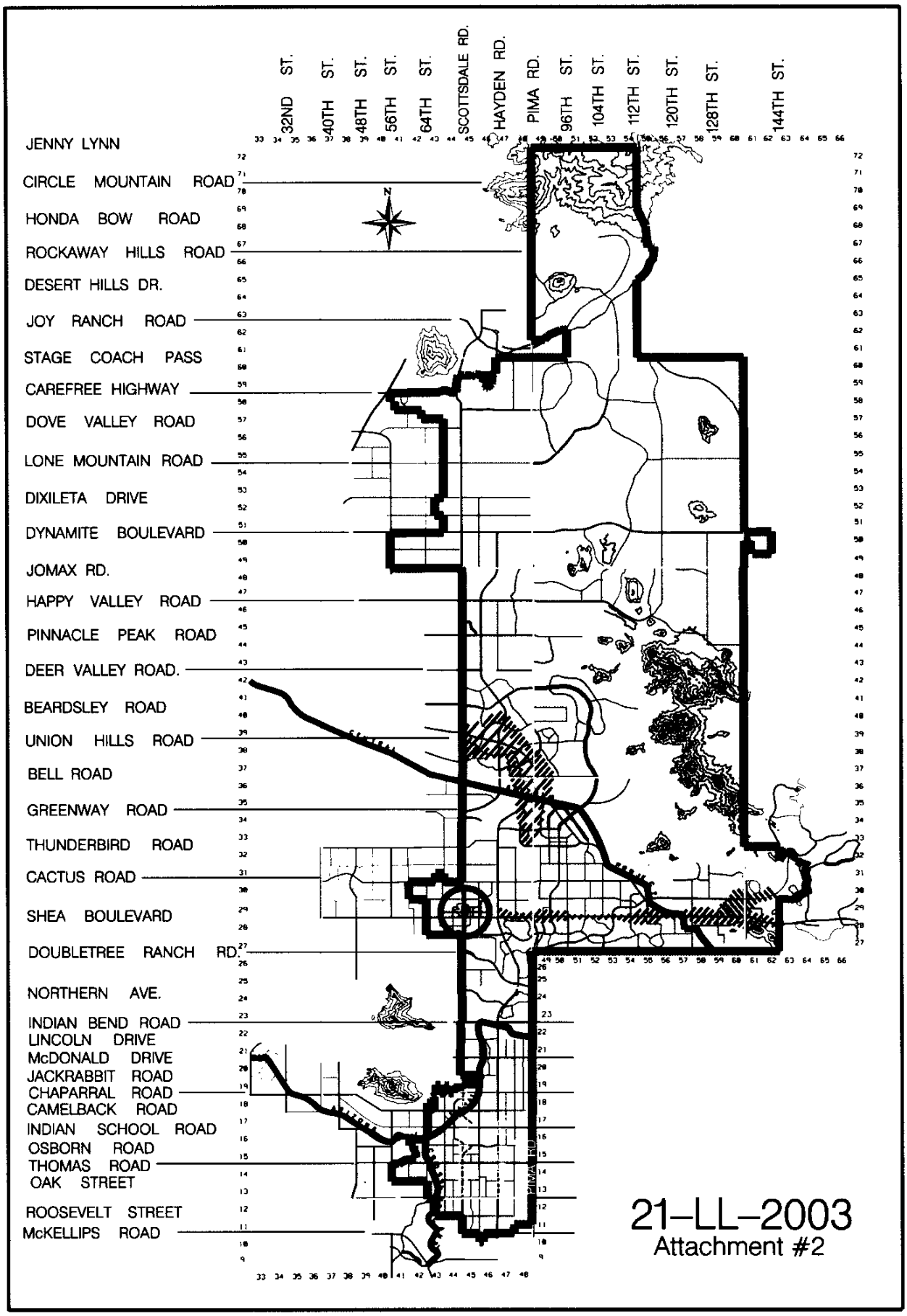
ATTACHMENTS

#1: Aerial Map
#2: Vicinity Map
#3 Graphic – Liquor license locations within ½ mile
#4: Application

Samurai Sam's Teriyaki Grill

21-LL-2003

ATTACHMENT #1


32ND ST.
40TH ST.
48TH ST.
56TH ST.
64TH ST.
SCOTTSDALE RD.
HAYDEN RD.
PIMA RD.
96TH ST.
104TH ST.
112TH ST.
120TH ST.
128TH ST.
144TH ST.
JENNY LYNN
CIRCLE MOUNTAIN ROAD
HONDA BOW ROAD
ROCKAWAY HILLS ROAD
DESERT HILLS DR.
JOY RANCH ROAD
STAGE COACH PASS
CAREFREE HIGHWAY
DOVE VALLEY ROAD
LONE MOUNTAIN ROAD
DIXILETA DRIVE
DYNAMITE BOULEVARD
JOMAX RD.
HAPPY VALLEY ROAD
PINNACLE PEAK ROAD
DEER VALLEY ROAD.
BEARDSLEY ROAD
UNION HILLS ROAD
BELL ROAD
GREENWAY ROAD
THUNDERBIRD ROAD
CACTUS ROAD
SHEA BOULEVARD
DOUBLETREE RANCH RD.
NORTHERN AVE.
INDIAN BEND ROAD
LINCOLN DRIVE
McDONALD DRIVE
JACKRABBIT ROAD
CHAPARRAL ROAD
CAMELBACK ROAD
INDIAN SCHOOL ROAD
OSBORN ROAD
THOMAS ROAD
OAK STREET
ROOSEVELT STREET
McKELLIPS ROAD
N
21-LL-2003
Attachment #2

Liquor Licenses Within A Half-Mile Radius of 7366 E Shea Blvd.

Total Licenses in Half-Mile Buffer = 53

0 265 530 1,060 1,590 2,120 Feet

1 inch equals 853.86 feet

Liquor Licenses.mxd
Printed: 04/09/2003
Created By: Brian Hancock
Source: City of Scottsdale, State of Arizona Dept. of Liquor Licenses and Control.

21-LL-2003

CITY OF SCOTTSDALE

N

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

21-CC-2003

APPLICATION FOR LIQUOR LICENSE

2003 MAR 13 3:34

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

MAR 2 4 2003

AMENDMENT

SECTION 1 **This application is for a:**

- ☐ INTERIM PERMIT *Complete Section 5*
- ☐ NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16, 17*
- ☐ PERSON TRANSFER (Bars & Liquor Stores ONLY) *Complete Sections 2, 3, 4, 11, 13, 15, 16, 17*
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) *Complete Sections 2, 3, 4, 12, 13, 15, 16, 17*
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE *Complete Sections 2, 3, 4, 9, 13, 15, 17* (fee not required)
- ☐ GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16, 17*

SECTION 2 **Type of ownership:**

- ☐ J.T.W.R.O.S. *Complete Section 6*
- ☐ INDIVIDUAL *Complete Section 6*
- ☐ PARTNERSHIP *Complete Section 6*
- ☐ CORPORATION *Complete Section 7*
- ☐ LIMITED LIABILITY CO. *Complete Section 7*
- ☐ CLUB *Complete Section 8*
- ☐ GOVERNMENT *Complete Section 10*
- ☐ TRUST *Complete Section 6*
- ☐ OTHER Explain _____

SECTION 3 **Type of license and fees:** **LICENSE #:** _____

1. Type of License: _____ 2. Total fees attached: $ _____

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

SECTION 4 **Applicant: (All applicants must complete this section)**

1. Applicant/Agent's Name: Mr. Ms. _____
(Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: _____
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: S&R CRESCENT CORP, dba SAMURAI SAM'S TERIYAKI GRILL
(Exactly as it appears on the exterior of premises)
4. Business Address: 7386 EAST SHEA BLVD, SUITE #112 SCOTTSDALE MARICOPA 85206
(Do not use PO Box Number) City COUNTY Zip
5. Business Phone: (_____) _____ Residence Phone: (_____) _____
6. Is the business located within the incorporated limits of the above city or town? ☐YES ☐NO
7. Mailing Address: _____
City State Zip
8. Enter the amount paid for a **06, 07, or 09** license: $ _____.____ **(Price of License ONLY)**

DEPARTMENT USE ONLY

Accepted by: _____ Date: _____ Lic. # _____

Fees: _____ Application _____ Interim Permit _____ Agent Change _____ Club _____ F. Prints $_____ **TOTAL**

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD. YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

LIC 0100 11/2000

***Disabled individuals requiring special accommodation, please call (602) 542-9027.**

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

DLLC

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

21-LL-2003 **APPLICATION FOR A LIQUOR LICENSE**

2003 MAR 24 P 4:58

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

MAR 2 4 2003

SECTION 1 This application is for a:

- INTERIM PERMIT *Complete Section 5*
- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16, 17*
- PERSON TRANSFER (Bars & Liquor Stores ONLY) *Complete Sections 2, 3, 4, 11, 13, 15, 16, 17*
- LOCATION TRANSFER (Bars and Liquor Stores ONLY) *Complete Sections 2, 3, 4, 12, 13, 15, 16, 17*
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE *Complete Sections 2, 3, 4, 9, 13, 15, 17* (fee not required)
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16, 17*

SECTION 2 Type of ownership:

- ☐ J.T.W.R.O.S. *Complete Section 6*
- ☐ INDIVIDUAL *Complete Section 6*
- ☐ PARTNERSHIP *Complete Section 6*
- ☒ CORPORATION *Complete Section 7*
- ☐ LIMITED LIABILITY CO. *Complete Section 7*
- ☐ CLUB *Complete Section 8*
- ☐ GOVERNMENT *Complete Section 10*
- ☐ TRUST *Complete Section 6*
- ☐ OTHER Explain _____

SECTION 3 Type of license and fees: LICENSE #: _____

Type of License: 12 - RESTAURANT 2. Total fees attached: $ 2,000.00

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

SECTION 4 Applicant: (All applicants must complete this section)

Applicant/Agent's Name: Mr. / Ms. VOTH, JR (Last) RICHARD (First) J (Middle)
(Enter one name ONLY to appear on license)

Corp./Partnership/L.L.C.: S & R CRESCENT CORPORATION
(Exactly as it appears on Articles of Inc. or Articles of Org.)

Business Name: SAMURAI SAM'S TERIYAKI GRILL
(Exactly as it appears on the exterior of premises)

Business Address: 15433 N. TATUM BLVD., PHOENIX (City) MARICOPA (COUNTY) 85032-4258 (Zip)
(Do not use PO Box Number)

Business Phone: ~~(602) 616-5377~~ 480-992-1388 Residence Phone: [redacted]

Is the business located within the incorporated limits of the above city or town? ☒ YES ☐ NO

Mailing Address: P.O. BOX 6343 SCOTTSDALE, AZ 85261
(City) (State) (Zip)

Enter the amount paid for a 06, 07, or 09 license: $ _____.____ (Price of License ONLY)

DEPARTMENT USE ONLY

Accepted by: M. Bustamante Date: 3-7-03 Lic. # 12075443

Fees:	Application	Interim Permit	Agent Change	Club	F. Prints	TOTAL
	100	–	–	–	48 –	$ 148 –

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD. YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

0100 11/2000

*Disabled individuals requiring special accommodation, please call (602) 542-9027.

:CTION 5 Interim Permit:

If you intend to operate business while your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.

There MUST be a valid license of the same type you are applying for currently issued to the location.

Enter the license number currently at the location. _____

Is the license currently in use? ☐ YES ☐ NO If no, how long has it been out of use? _____

DLLC
2003 MAR -7 P 4:58

:TACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

_____, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER,
(Print full name)
RTNER, STOCKHOLDER OR LICENSEE of the stated license and location.

_____
(Signature)

State of _____ County of _____
The foregoing instrument was acknowledged before me this
_____ day of _____, _____.
Day of Month Month Year

' commission expires on: _____

_____
(Signature of NOTARY PUBLIC)

:CTION 6 Individual or Partnership Owners:

CH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

Individual:

st	First	Middle	% Owned	Residence Address	City State Zip
			%		

Partnership Name: (Only the first partner listed will appear on license) _____

eral-Limited	Last	First	Middle	% Owned	Residence Address	City State Zip
☐ ☐						
☐ ☐						
☐ ☐						
☐ ☐				%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

Is any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO

ECTION 7 Corporation/Limited Liability Co.:

ACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

☒ CORPORATION *Complete questions 1, 2, 3, 5, 6,* DL&C

☐ L.L.C. *Complete questions 1, 2, 4, 5, 6, 7 and attach copy of Articles of Org. and Operation Agreement.*

Name of Corporation/L.L.C.: S & R CRESCENT - CORPORATION
(Exactly as it appears on Articles of Inc. or Articles of Org.)

Date Incorporated/Organized: 09/18/97 State where Incorporated/Organized: ARIZONA

AZ Corporation Commission File No.: -0819176-2 Date authorized to do business in AZ: ~~09/18/97~~ 11/04/97

AZ L.L.C. File No: _____ Date authorized to do business in AZ: _____

Is Corp./L.L.C. non-profit? ☐ YES ☒ NO If yes, give IRS tax exempt number: _____

List all directors/officers in Corporation/L.L.C.:

Last	First	Middle	Title	Residence Address	City State Zip
VOTH,	RICHARD	JAMES, JR	PRES. & CEO	[redacted]	
VOTH,	RICHARD	JAMES, SR	CHAIR & SEC/TREAS	[redacted]	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

List stockholders or controlling members owning 10% or more:

Last	First	Middle	% Owned	Residence Address	City State Zip
VOTH	RICHARD	JAMES, JR	75%	[redacted]	
VOTH	RICHARD	JAMES, SR	25%	[redacted]	
			%		
			%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

If the corporation/L.L.C. is owned by another entity, attach an ownership, and director/officer/members disclosure for the parent entity. Attach additional sheets as necessary in order to disclose real people.

ECTION 8 Club Applicants:

CH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter) (Attach a copy of Club Charter)

Is club non-profit? ☐ YES ☐ NO If yes, give IRS tax exempt number: _____

List officer and directors:

Last	First	Middle	Title	Residence Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

[redacted]

[redacted]

ECTION 9 Probate, Will Assignment or A orce Decree of an existing Bar or Liquor Sto

Current Licensee's Name: _____
actly as it appears on license) Last First Middle

Assignee's Name: _____
Last First Middle

License Type: _____ License Number: _____ Date of Last Renewal: _____

ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

DLLC

2005 MAR -7 PM 5:58

ECTION 10 Government: (for cities, towns, or counties only)

Person to administer this license: _____
Last First Middle

Assignee's Name: _____
Last First Middle

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

ECTION 11 Person to Person Transfer:

iestions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY).

Current Licensee's Name: _____ Entity: _____
actly as it appears on license) Last First Middle (Indiv., Agent, etc.)

Corporation/L.L.C. Name: _____
(Exactly as it appears on license)

Current Business Name: _____
(Exactly as it appears on license)

Current Business Address: _____

_____

License Type: _____ License Number: _____ Last Renewal Date: _____

Current Mailing Address (other than business): _____

_____

Have all creditors, lien holders, interest holders, etc. been notified of this transfer? ☐ YES ☐ NO

Does the applicant intend to operate the business while this application is pending? ☐ YES ☐ NO If yes, complete section 5, attach fee, and current license to this application.

I hereby relinquish my rights to the above described license to the applicant named in this application and hereby declare that the statements made in this section are true, correct and complete.

_____, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER,
(Print full name)
OCKHOLDER or LICENSEE of the stated license. I have read this section and the contents and all statements are true, correct and complete.

_____
(Signature of CURRENT LICENSEE)

State of _____ County of _____
The foregoing instrument was acknowledged before me this
_____ day of _____, _____.
Day of Month Month Year

commission expires on: _____ _____

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE.

Current Business Name and Address: DLLC
(Exactly as it appears on license)

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New Business Name and Address:
(Do not use PO Box Number)

License Type: _____ License Number: _____ Last Renewal Date: _____

What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants:

Distance to nearest school: 2,640 ft. Name/Address of school: CHAPARRAL HIGH SCHOOL 6935 E GOLD DUST, SCOTTSDALE, A
(Regardless of distance)

Distance to nearest church: ~~2,640~~ 2,660 ft. Name/Address of church: SCOTTSDALE BIBLE CHURCH 7601 E SHEA, SCOTTSDALE AZ
(Regardless of distance)

I am the: ☒ LESSEE ☐ SUBLESSEE ☐ OWNER ☐ PURCHASER (of premises)

If the premises is leased give lessors name and address: SHEA EAST, LLC, 10881 N SCOTTSDALE RD, #200 SCOTTSDALE, AZ 85254-5241

Monthly rental/lease rate $ 4,352.08. What is the remaining length of the lease? 4 yrs. 10 mos.

What is the penalty if the lease is not fulfilled? $_____ or other LIABILITY FOR REMAINING RENT
(give details - attach additional sheet if necessary)

What is the total business indebtedness of the applicant for this license/location excluding lease? $ ~~[illegible]~~ $-0-

Does any one creditor represent more than 10% of that sum? ☒ YES ☐ NO If yes, list below. Total must equal 100%.

Last	First	Middle	% Owed	Residence Address	City	State	Zip
~~SEE LIST ATTACHED~~							
N/A							

(ATTACH ADDITIONAL SHEET IF NECESSARY)

What type of business will this license be used for? (BE SPECIFIC) RESTAURANT - ASIAN FOOD

Has a license, or a transfer license for the premises on this application been denied by the state within the past one (1) year?
☐ YES ☒ NO If yes, attach explanation.

Does any spirituous liquor manufacturer, wholesaler, or employee, have any interest in your business? ☐ YES ☒ NO

Is the premises currently licensed with a liquor license? ☐ YES ☒ NO If yes, give license number and licensee's name:

License # _____ (Exactly as it appears on license) Name _____

ECTION 14 Restaurant, or Hotel-Mote. plicants:

Is there a valid restaurant or hotel-motel liquor license at the proposed location? ☐ YES ☒ NO If yes, give licensee's name:

_____ and license #: _____
Last First Middle

If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of the application.

DLLC

2003 MAR -7 P 4:58

All restaurant applicants must complete a Restaurant Operation Plan (Form LIQ 114) provided by the Department of Liquor.

Do you understand that **40% of your annual gross revenue** must be from food sales? ☒ YES ☐ NO

ECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

Check **ALL** boxes that apply to your licensed premises:

- ☒ Entrances/Exits
- ☐ Drive-in windows
- ☒ Service windows
- ☒ Liquor storage areas
- ☒ Patio enclosures
- ☐ Under construction: estimated completion date _____

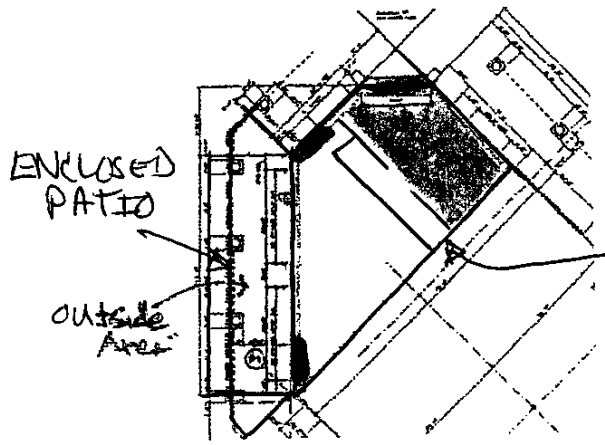
Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.

The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.

DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC.

SQUARE FOOTAGE = 2,089

- CUSTOMER SEATING (NO BAR)



- KITCHEN & STORAGE AREA FOR FOOD & LIQUOR

WALK-UP SERVICE COUNTER

- ENTRANCES & EXITS

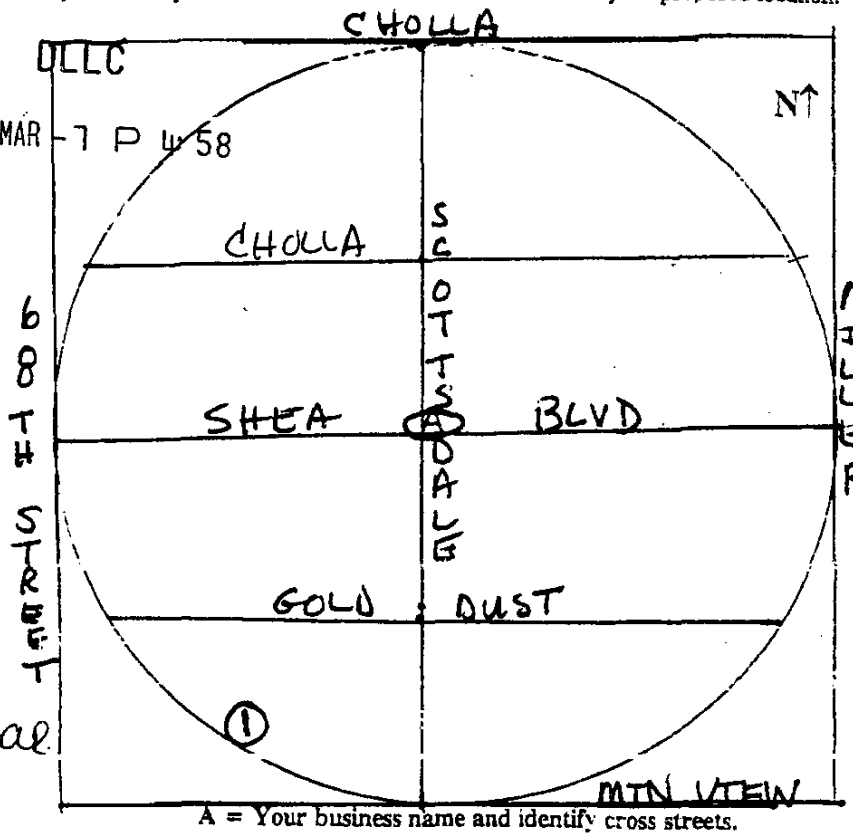
OU MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, NTRANCES, EXITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.

SECTION 16 Geographical Data: **A SAMPLE FOR THIS SECTION IS PROVIDED ON THE BACK OF THIS PAGE.**

List below the exact names of all churches, schools, and spirituous liquor outlets within a one half mile radius of your proposed location.

1. CHAPARREL H.S.
2. Blue Burrito Grill
3. Chuckbox Rest
4. Jason's Deli
5. Osco Drug #9210
6. Circle K #136
7. Drinkwaters Liquor
8. Safeway #02032
9. Uptown Brewery
10. Denny's Rest #1485
11. NYPD Pizza
12. PizzaFarros
13. Razz's Rest. & Catering
14. Hackers Grille.
15. Schmedly's Sports Bar

(ATTACH ADDITIONAL SHEET IF NECESSARY)



A = Your business name and identify cross streets.

SECTION 17 Signature Block:

I, RICHARD J. VOTH, JR, declare that: 1) I am the APPLICANT (Agent/Club Member/Partner), making this application: 2) I have read the application and the contents and all statements are true, correct and complete: 3) that this application is not being made to defraud or injure any creditor, taxing authority, regulatory authority, or transferee: 4) that no other person, firm, or corporation, except as indicated, has an interest in the spirituous liquor license for which these statements are made; and 5) that none of the owners, partners, members, officers, directors or stockholders listed have been convicted of a felony in the past five (5) years.

(Print name of APPLICANT/AGENT listed in Section 4 Question 1)

X _____
(Signature)

OFFICIAL SEAL
SANDRA D. HONAHNI
NOTARY PUBLIC – ARIZONA
MARICOPA COUNTY
My Comm. Expires July 16, 2004

My commission expires on

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
6th day of March, 2003
Day of Month Month Year

Sandra D. Honahni
(Signature of NOTARY PUBLIC)

16. Buzz
17. HandleBar J Restaurant
18. Macayo Scottsdale North
19. Wild oats market
20. Pasta Bene
21. Sam's Cafe.
22. LA Fonda Del Sol
23. Ernie's Inn
24. mobil Mart #8-615
25. Jewish Quarter
26. Peking Palace Chinese Rest.
27. Tuiamisu
28. Romano's macaroni Grill
29. Guidos Chicago Deli
30. Maria's When in Naples Ristorante
31. California Pizza Kitchen
32. Lonestar Steakhouse & Saloon
33. Sushi on Shea
34. getz americana
35. El Camino Cafe.
36. Shadey O's neighborhood Sports
37. Carvers
38. Claim Jumper Restaurant

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ARIZONA L .'ARTMENT OF LIQUOR LIC..ISES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

HOTEL-MOTEL AND RESTAURANT LICENSES
RECORDS REQUIRED FOR AUDIT OF SERIES #11 & #12 LICENSES

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH YOUR DLLC RECORDS

In the event of an audit, you will be asked to provide to the department any documents necessary to determine compliance with A.R.S. 205.02.G. Such documents requested may include however, are not limited to:

1. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises. If you do not have all food or liquor invoices, please contact your vendors immediately and request copies of missing invoices. These must be available for pick-up at the time of the Audit Interview Appointment. **If all food invoices are not available at that time, you may not be given credit for *all* food sales.**
2. A list of ***all*** food and liquor vendors
3. The restaurant menu used during the audit period
4. A price list for alcoholic beverages during the audit period
5. Mark-up figures on food and alcoholic products during the audit period
6. A recent, ***accurate*** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
7. Monthly Inventory Figures - beginning and ending figures for food and liquor
8. Chart of accounts (copy)
9. Financial Statements-Income Statements-Balance Sheets
10. General Ledger
    - A. Sales Journals/Monthly Sales Schedules
      1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)
      2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
      3) Guest Checks
      4) Coupons/Specials
      5) Any other evidence to support income from food and liquor sales
    - B. Cash Receipts/Disbursement Journals
      1) Daily Bank Deposit Slips
      2) Bank Statements and canceled checks
11. Tax Records
    - A. Transaction Privilege Sales, Use and Severance Tax Return (copies)
    - B. Income Tax Return - city, state and federal (copies)
    - C. Any supporting books, records, schedules or documents used in preparation of tax returns

12. Payroll Records

A. Copies of all reports required by the State and Federal Government

B. Employee Log (A.R.S. 4-119) DLLC

C. Employee time cards (actual documents used to sign in and out each work day) 2003 MAR -7 P 4: 58

D. Payroll records for all employees showing hours worked each week and hourly wages

The sophistication of record keeping varies from establishment to establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH A.R.S. 210.A.7. AND A.R.S. 205.02.G.

A.R.S. 210.A.7. The licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale, and delivery of food.

A.R.S. 205.02.G. For the purpose of this section:

1. "Restaurant" means an establishment which derives **at least forty percent (40%)** of its gross revenue from the sale of food.
2. "Gross revenue" means the revenue derived from all sales of food and spirituous liquor on the licensed premises, regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any other license that has been issued for the premises pursuant to this article.

I, (**print** Licensee/Agent's Name):

VOTH RICHARD JAMES, SR

Last First Middle

have read and fully understand all aspects of this statement.

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

X _____ (Signature of Licensee/Agent)

7th day of March, 2003

Day of Month Month Year

My commission Expires on: 21 2 05

Day of Month Month Year

_____ (Signature of NOTARY PUBLIC)

"OFFICIAL SEAL"
B. HARDY
Notary Public State of Arizona
Maricopa County
My Comm. Expires 2/21/05

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH YOUR DLLC RECORDS

ARIZONA DE ARTMENT OF LIQUOR LICE ES & CONTROL

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Phoenix AZ 85007-2934
(602) 542-5141

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400 W Congress #150
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RESTAURANT OPERATION PLAN

LICENSE # _____

1. List by Make, Model and Capacity of your :

Grill	
Oven	PLEASE SEE ATTACHED LIST
Freezer	
Refrigerator	
Sink	
Dish Washing Facilities	
Food Preparation Counter (Dimensions)	
Other	

2. Print the name of your restaurant: SAMURAISAM'S TERIYAKI GRILL

3. Attach a copy of your menu (Breakfast, Lunch and Dinner including prices).

4. List the seating capacity for:

   a. **Restaurant area** of your premises [60]

   b. **Bar area** of your premises [+ -0-]

   c. **Total area** of your premises [60]

5. What type of dinnerware and utensils are utilized within your restaurant?
   ☐ Reusable ☒ Disposable

6. Does your restaurant have a bar area that is distinct and separate from the restaurant seating? (If yes, what percentage of the public floor space does this area cover). ☐ Yes _____ % ☒ No

7. What percentage of your public premises is used primarily for restaurant dining? (Does not include kitchen, bar, cocktail tables or game area.) 100 %

***Disabled individuals requiring special accommodations, please call the Department.**

Lic0114 05/1999

8. Does your restaurant Contain any games or television? ☐ Yes ☒ No
(If yes, what types and how many? Pool tables, Video Games, Darts, etc.)

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9. Do you have live entertainment or dancing? ☐ Yes ☒ No
(If yes, what type and how often?)

10. Use space below or attach a list of employee positions and their duties to fully staff your business.

PLEASE SEE ATTACHED LIST

I, RICHARD J. VOTH, JR, hereby declare that I am the APPLICANT filing this application. I have
(Print full name)
read theis application and the contents and all statements true, correct and complete.

X _____
(Signature of APPLICANT)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
7 day of March, 03
Day of Month Month Year

My commission expires on:: June 10, 2005

Kendelle Woodard
(Signature of NOTARY PUBLIC)

OFFICIAL SEAL
KENDELLE WOODARD
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Expires June 10, 2005

NUTRITIONAL ANALYSIS OF SAMURAI SAM'S MENU ITEMS

MENU ITEM	PROTEIN (GRAMS	FAT (GRMS.)	CALORIES (FAT)	CARBS	CALORIES TOTAL
Chicken Bowl	33	11	87	94	603
Chicken Bowl – All White	36	3	24	89	531
Steak Bowl	40	9	79	93	612
Veggie Bowl	8	1	5	88	404
Large Chicken Bowl	47	15	130	138	869
Large Chicken Bowl – All White	54	4	33	130	776
Large Steak Bowl	57	13	112	136	882
Chicken & Steak Bowl	36	10	85	94	608
Chic. & Steak Bowl – All White	35	7	58	91	567
Large Chicken & Steak Bowl	52	14	121	137	877
Lg. Chicken & Steak Bowl All White	55	9	73	133	724
Large Veggie Bowl	14	1	9	134	699
Yaki Soba	16	9	82	96	530
Oriental Chicken Salad	17	8	70	89	495
Prawn Dish	27	2	11	88	643
Steak & Prawns Combo	40	8	64	92	780
Chicken & Prawns Combo	35	9	70	92	754
Chicken & Prawns Combo – All Wht.	38	4	22	92	702
California Roll (6 Rolls)	6	1	5	53	242

ARIZONA

ANTHEM 3655 W. Anthem Marketplace, (623) 551-5523
CHANDLER 1900 W Chandler Blvd. (480) 726-0018
2950 S. Alma School Road (480) 726-8514
FOUNTAIN HILLS 16225 E. Palisades Dr (480) 837-7475
GILBERT 2060 S. Power Road (480) 654-4225
GLENDALE 20229 N 67th Avenue (623) 362-2422
5830 W. Thunderbird Rd. (602) 564-1797
MESA 1641 South Stapley Drive (480) 633-7080
PHOENIX 4731 E. Greenway Road (602) 482-0323
2316 W. Bethany Home Rd. (602) 242-6755
3815 N. Central Avenue (602) 241-0988
3013 W. Agua Fria Frwy. (623) 580-8600
550 W Bell Road (602) 298-1200
801 E. Washington (602) 286-9311
17037 N. 43rd Avenue (602) 863-7020
4815 Carefree Highway #112
PRESCOTT 150 E. Sheldon St., Prescott (520) 708-9941
PRESCOTT VALLEY 7840 E. Highway 69, (520) 775-8852
SCOTTSDALE 15111 N. Hayden Rd. (480) 483-6763
23359 N. Pima Road. (480) 585-4452
6339 E Greenway Road (480) 922-8602
7620 E. Indian School Rd (480) 949-2774
10105 E. Via Linda (480) 614-3555
7336 E. Shea Blvd. (480) 922-1388
TEMPE 2747 W Southern #8 (602) 453-0533
920 E University Drive (480) 858-0011
TUCSON 994 E. University Blvd (520) 792-0404

CALIFORNIA

LOS ANGELES 1833 S La Cienega Blvd (310) 204-4027
MANHATTAN BEACH 1570 Rosecrans (310) 643-0059
SAN DIEGO 8650 Genesee Ave. (858) 404-0707

COLORADO

LITTLETON 9231 W. Lincoln Ave. (303) 948-0440
12482 W. Ken Caryl Ave (303) 799-6635
COLORADO SPRINGS 3578 Hartsel Dr. (719) 265-8779
4431 Centennial Blvd

NEBRASKA

LINCOLN 230 North 17th (402) 475-7267
OMAHA 18114 Wright St (402) 330-5588

NEVADA

LAS VEGAS 7550 W. Lake Mead Blvd (702) 838-9444
1030 W. Charleston Blvd. (702) 243-3111
HENDERSON 10075 South Eastern (702) 492-1503

OREGON

BEAVERTON 14845 SW Murray Scholls Dr. (503) 590-5828
TUALATIN 7628 SW Nyberg Rd (503) 691-6600

TEXAS

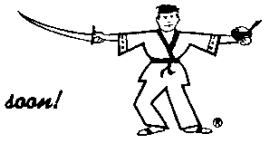
AUSTIN 9003 Waterford Center Blvd (512) 977-9988

WASHINGTON

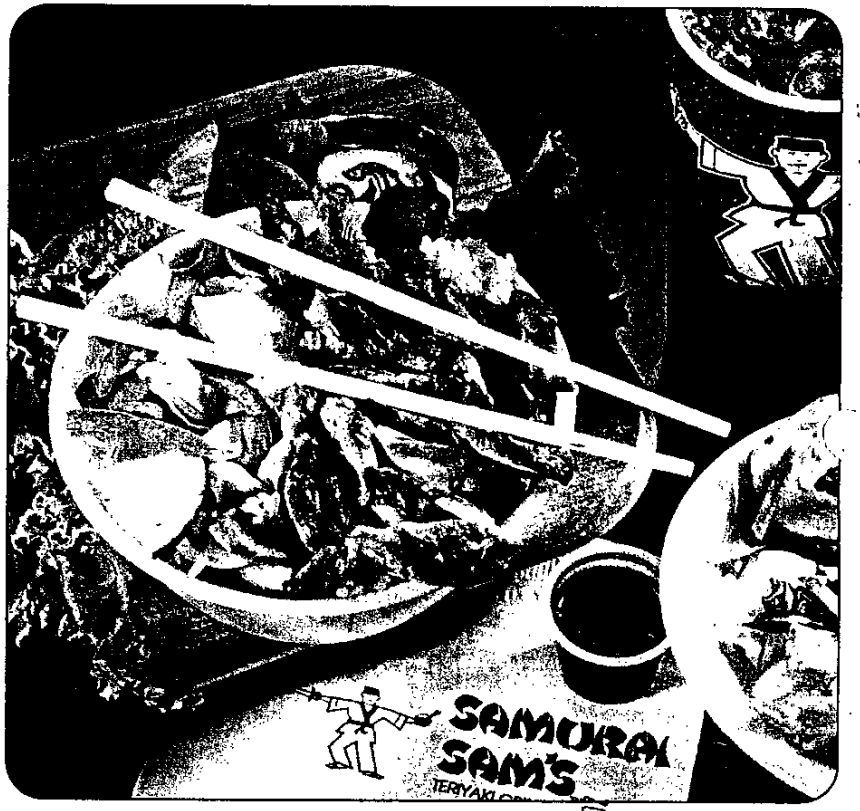
BELLEVUE 3205 148th Avenue (425) 957-7267
MOSES LAKE 1217 S Pioneer Way (509) 766-7267
REDMOND 8920 161st NE (425) 498-2288
RICHLAND 1731 George Washington Way (509) 943-6267
WOODINVILLE 17848 Garden Way (425) 398-7267
VANCOUVER 1401 SE 164th Avenue (360) 883-0545
13009 NE Hwy 99 (360) 546-0898
6700 NE 162 Ave. (360) 882-RICE
13521 SE 3rd Way

SAMURAI SAM'S®
TERIYAKI GRILLS
Chosen as the Number 1 Asian Fast Food Franchise in USA by Entrepreneur Magazine
(April 2002 issue)

There's a Samurai Sam's coming your way soon!



Take your taste to a different place!®

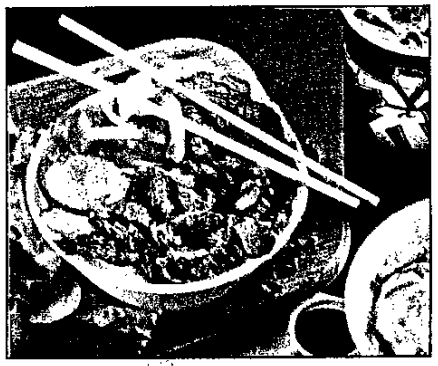


SAMURAI SAM'S®
TERIYAKI GRILL

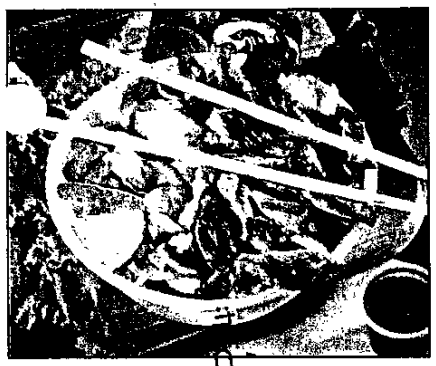
Serving quality, fresh food fast... and at affordable prices!

It's Healthier Here!®

DINE IN! TAKE OUT! CATERING!



Value Meal #2 Steak Teriyaki



Chicken Bowl

VALUE MEALS

#1 TERIYAKI CHICKEN **$4.69**

Includes side salad and regular drink

All white Add	.89
Add Egg Roll	.99

MAKE IT SUMO SIZE ADD .99

#2 TERIYAKI STEAK **$5.49**

Includes side salad and regular drink

Add Egg Roll	.99

MAKE IT SUMO SIZE ADD .99

#3 WRAP & ROLL TERIYAKI **$5.69**

Includes Chicken Wrap, Egg Roll and regular drink

All white add	.89

PARTY TRAYS

The perfect choice for parties, sales meetings or any special occasion.

FROM $28.99

Our Mission

We strive to please our customers in every way possible, from the delicious and healthier low fat Japanese meals we serve, to our prompt, friendly service. We want every visit to Samurai Sam's to be a special and enjoyable experience for you... one that makes you want to keep coming back again and again.

TERIYAKI BOWLS

Our teriyaki bowls are served over a bed of rice with fresh grilled vegetables. Samurai Sam's "famous" Teriyaki Sauce is served along with each teriyaki bowl.

	Regular	Large
CHICKEN	**$3.59**	**$4.59**
All white add	.89	.99
STEAK	**$4.59**	**$5.59**
VEGETABLE	**$3.09**	**$4.09**
CHICKEN /STEAK	**$3.99**	**$4.99**
All white add	.49	.59
THE HULA BOWL	**$3.79**	**$4.79**
All white add	.89	.99

SUMO BOWL ***"The Ultimate One"*** **$7.69**

For those with the heartiest appetites!

TERIYAKI WRAPS

Our teriyaki wraps are served with rice, green pepper, onion, cabbage and zucchini, wrapped in a fresh flour tortilla, and served with Samurai Sam's "famous" teriyaki sauce.

CHICKEN	**$3.69**
All White add	.79
STEAK	**$4.69**
CHICKEN & STEAK	**$4.19**
All White add	.49
VEGETARIAN	**$3.29**

MAKE ANY OF OUR MEALS HOT & SPICY
ADD 25¢

SAM'S SPECIALTIES

YAKI SOBA **$4.19**

Wok stirred noodles and fresh grilled veggies

Add Chicken	$1.69
Add All White	$1.99
Add Steak	$2.39

TERIYAKI PRAWNS **$7.49**

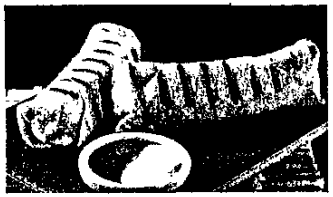
Includes 2 skewers of grilled shrimp served on a bed of rice, plus a delicious crisp salad

CHICKEN & PRAWNS COMBO **$5.99**

Add All White	.49

STEAK & PRAWNS COMBO **$6.79**

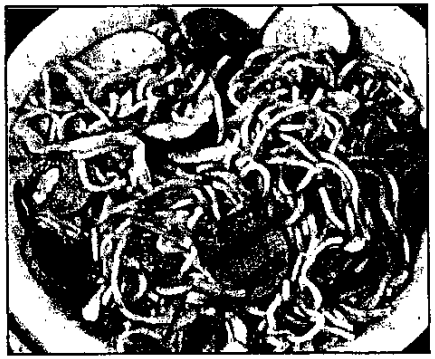
APPETIZERS & SIDES



GRILLED EGG ROLL $1.29 each

California Rolls	$2.39
Cucumber Rolls	2.29
Teriyaki Sauce	.25
Regular Rice	.99
Substitute Brown Rice	.25
Extra Chicken	1.69
Extra Chicken (White)	1.99
Extra Steak	2.39
Extra Prawn Skewer	2.49
Extra Vegetables	.99

Value Meal #3 Wrap & Roll



Yaki Soba

SALADS

ORIENTAL CHICKEN **$4.29**

Hot grilled chicken breast over a bed of fresh lettuce, cabbage, carrots, cucumber and crunchy noodles with Samurai Sam's original vinaigrette dressing.

GINGER CHICKEN **$4.29**

Cold chicken breast over a bed of fresh lettuce, cabbage, carrots, cucumber and crunchy noodles, topped with tangy ginger dressing.

SMALL GREEN SALAD **.59**

For information about owning your own Samurai Sam's Teriyaki Grill (one of America's fastest growing franchise restaurant networks), call today...

(480) 483-8602 (800)-473-2798

SP FRANCHISING, INC.

7720 E. EVANS ROAD, STE. 107
Scottsdale, AZ 85260

Web Site: www.samuraisams.net

SAMURAI SAM'S TERIYAKI GRILL

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1641 S. Stapley Drive	3013 W. Agua Fria Freeway	5830 W. Thunderbird Rd.
(480) 633-7080	(623) 580-8600	(602) 564-1797
Fax: (480) 633-7038	Fax: (623) 580-8700	Fax: (602) 564-1597

Prices subject to change without notice

Equipment List

Rcmnd Qty.	Actual Qty.	U/M	Stock #	Mfg. #	Description EQUIPMENT:
4	4	EA.	134786	MMF304141	SPILLAGE PAN, **ALUMINUM,** COVED, 6-1/4" DEEP
4	4	EA.		VOL 99780	**STAINLESS STEEL** SPILLAGE PAN
2	2	EA.	45864	DUKADI-4E	HOT FOOD WELL UNIT, DROP-IN, ELECTRIC, 4-WELLS
2	2	EA.	58936	MMFGDI-3-208	HOT FOOD WELL UNIT, DROP-IN, ELECTRIC, 3-WELLS
1	1	EA.	1742	AFS7-PS-60X	HAND SINK-WALL MOUNT-W/FAUCET & BASKET DRAIN
1	1	EA.	8850	AFSDI-1-10	HAND SINK - DROP-IN - FAUCETS INCLUDED
1	1	EA.	108636	DUKE304	HOT FOOD TABLE, ELECTRIC, (4)-WELLS, W/EXPOSED
1	1	EA.	109190	JBCFBLG-3630	WORK TABLE, S/S TOP, 30" WIDE, 36" LONG,
1	1	EA.	109192	JBCFBLG-4830	WORK TABLE, S/S TOP, 30" WIDE, 48" LONG,
1	1	EA.	109193	JBCFBLG-6030	WORK TABLE, S/S TOP, 30" WIDE, 60" LONG,
1	1	EA.	109194	JBCFBLG-7230	WORK TABLE, S/S TOP, 30" WIDE, 72" LONG,
					TWO REMOTE CONTROL PANELS, S/S TOP AND
					INCLUDES SPILLAGE PANS
					208 VOLTS, 1-PH, 3000 WATTS, NEMA 6-20
Rcmnd Qty.	**Actual Qty.**	**U/M**	**Stock #**	**Mfg. #**	**Description EQUIPMENT:**
1	1	EA.	109194	JBCFBLG-7230	WORK TABLE, S/S TOP, 30" WIDE, 72" LONG,
					36" HIGH, GALVANIZED UNDERSHELF AND POSTS,
					18 GUAGE, 400 STAINLESS
1	1	EA.	109201	JBCUFBLG-7230	EQUIPMENT STAND, 72" X 30" WITH BACKSPLASH
2	2	EA.	84779	CAST001-884	CASTER W/ BRAKE 1 1/2" FOR EQUIPMENT STAND
2	2	EA.	84780	CAST001-883	CASTER W/O BRAKE FOR EQUIPMENT STAND
2	2	EA.	61723	DMT1675BPQR-36	QUICK DISCONECT 3/4" X 36"
1	1	EA.		HCOSYSTEM-B	**NEW ILLUMINATED** MENU BOARD SYSTEM
1	1	EA.	26091	NMI55200AN	EASY SLICER (ADJUSTABLE)
1	1	EA.	116606	SPN3C17X23-2-18	3-COMPARTMENT SINK 91" X 28.5" 16 GA. 304 S/S
					WITH (2) - 18" DRAINBOARDS
1	1	EA.	47779	FIS2210-WB	FISHER PRE RINSE UNIT W/WALL BRACKET
1	1	EA.	82161	FIS2901-12	FISHER ADD ON FAUCET W/12" SWING SPOUT
1	1	EA.	126734	SPNE1C16X20-R-18	SINK ONE COMPARTMENT (VEGETABLE PREP), 16" x 20"
					W/18" DRAINBOARD, (SPECIFY DRAINBOARD SIDE)

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1	1	EA.	69531	FIS3252	FAUCET 10" SWIVEL GOOSENECK
					(FOR 1-COMPARTMENT SINK)
1	1	EA.	95582	RKDORSU-212C	DOUBLE WOK RANGE NATURAL GAS
1	1	EA.	134789	BAKLCB-48R	COUNTERTOP CHAR BROILER, RADIANT MODEL,
					WITH SPLASH GUARD, 48" x 33", 140,000 BTU
Remnd	**Actual**				**Description**
Qty.	**Qty.**	**U/M**	**Stock #**	**Mfg. Stock #**	**EQUIPMENT:**
1	1	EA.	75445	SMNCME506	CUBER, AIR OR WATER COOLED, 500 LB/24 HR.,
					S/S FINISH, 115 VOLT/60 Hz/1-PHASE
1	1	EA.	47883	CUN55819-06	CUNO WATER FILTER SYSTEM
1	*1*	*EA.*		MASTERBILT	KOLPAK WALK-IN COOLER
					OVERALL DIMENSIONS: 6' 9-12" x 7' 9" x 7' 3-3/4"
					COOLER DOOR: (1) 34x78 RIGHT SWING DOOR CENTERED
					FLOOR APPLICATION: NO FLOOR, LESS SCREED
					INTERIOR & EXTERIOR FINISH: GALVALUME
					W/ACCESSORIES: (2) 3" x 3" GALV. TRIM STRIP 10' PIECE
					15-GALVALUME CLOSURE PANELS, 1-VAPOR PROOF LIGHT
				REFRIGERATION:	MODEL NO. PCL70MOP, 3/4 HP, MEDIUM TEMP, PRE-
					CHARGED REMOTE, W/10 FT. OF LINES, AIR COOLED,
					HERMETIC, OUTDOOR AMBIENT PKG., REFRIG. R-22
				VOLTAGE:	208-230/60/1 COMPRESSOR, 115 V/1 EVAPORATOR
				AMPS:	COMPRESSOR 7.2, UNIT COOLER 2.1
				ACCESSORY:	40 FT. PRE-CHARGED LINES

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SAMURAI SAM'S TERIYAKI GRILL

7366 Shea Blvd Scottsdale, AZ 85260

Name	Address	Date of Birth	Soc Sec #	Job Title
Romero, Ancelmo	[redacted]	[redacted]	[redacted]	Night-Weekend Cook
Kukurba, Natalie	[redacted]	[redacted]	[redacted]	Manager
Furia, Christine	1[redacted]	[redacted]	[redacted]	Catering Director
Najera, Crisoforo	[redacted]	[redacted]	[redacted]	Daytime Cook
Espinosa, Juan	[redacted]	[redacted]	[redacted]	Kitchen Manager
Mainini, Kelly	[redacted]	[redacted]	[redacted]	Food Preperation
Morse, Allison	3[redacted]	[redacted]	[redacted]	Night-Weekend Manager
Voth, Richard Jr.	[redacted]	[redacted]	[redacted]	Owner/General Manager
Neihart, Tiffany	4[redacted]	[redacted]	[redacted]	Catering Director

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[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE DLLC

NB

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view. 2002 MAR -7 P 4:58

Read Carefully, this instrument is a sworn document. Type or print with black ink
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted. **Liquor License #** 12075443
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852) (If the location is currently licensed)

1. Check appropriate box → ☐ Owner ☐ Partner ☒ Stockholder ☐ Member ☐ Officer ☐ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager | ☐ Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: VOTH, RICHARD JAMES, SR (Last / First / Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] (This Will Not Become a Part of Public Records) Drivers License #: B12482119 State: AZ

4. Place of Birth: CHICAGO, IL USA (City / State / Country (not county)) Height: 6'1" Weight: 210 Eyes: GRN Hair: BR

5. Marital Status ☐ Single ☐ Married ☒ Divorced ☐ Widowed Residence (Home) Phone: [redacted]

6. Name of Current or Most Recent Spouse: VOTH, SALLY REAY COXEY (Last / First / Middle / Maiden) Date of [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? ARIZONA. If Arizona, date of residency: SEP 1961

8 Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: SAMURAI SAMS TERIYAKI GRILL Premises Phone: (480) 992-1388

11. Licensed Premises Address: 7366 EAST SHEA, #12, SCOTTSDALE, MARICOPA, 85260 (Street Address (Do not use PO Box #) / City / County / Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
4/2001	CURRENT	CHAIRMAN & CFO	15433 N TATUM BLVD, PHX 85032 S&R CRESCENT CORPORATION
11/1982	4/2001	CHAIRMAN & CEO	INFORMATION NETWORK CORPORATION 7600 N 16TH ST., #230, PHX, AZ 85020

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
7/94	CURRENT	OWN	[redacted]	[redacted]		

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockh , Member or Officer, will you be physically p nt and operating the licensed premises ? If you answered YES, how many hrs/day?_____, answer #14a below. If NO, skip to #15. ☐ YES ☒ NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☒ YES ☐ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you EVER been *detained, cited, arrested, indicted or summoned* into court for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

DLLC

16. Have you EVER been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

2003 MAR -7 P 4:58

17. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐ YES ☒ NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☐ YES ☒ NO

19. Has anyone EVER *filed suit or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐ YES ☒ NO

20. Are you NOW or have you EVER held ownership, been a controlling person , been an officer, member, director, or manager on *any other liquor license* in this or any other state? ☐ YES ☒ NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you make payments to the licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a [redacted] or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, RICHARD J. VOMA SR, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X _____
(Signature of Applicant)

OFFICIAL SEAL
SANDRA D. HONAHNI
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Expires July 16, 2004

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 6th day of March, 2003.
Day of Month Month Year

My commission expires on: _____
Day of Month Month Year

Sandra D. Honahni
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (Print Licensee/Agent's Name): _____
Last Middle First

Hereby authorize the applicant to act as manager for the named liquor license.

[redacted] State of [redacted] County of _____
The foregoing instrument was acknowledged before me this

X _____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) Day of Month Month Year

My commission expires on: _____
Day of Month Month Year

_____
(Signature of NOTARY PUBLIC)

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007
(602) 542-5141

400 W Congress #150
Tucson AZ 85701
(520) 628-6595

2003 MAR -7 P 4:58

CERTIFICATION OF COMPLETED ALCOHOL TRAINING PROGRAM(S)

OBTAIN ORIGINALS OF THIS FORM FROM DLLC-DO NOT PHOTOCOPY, DOCUMENT IS COMPUTER SCANNED. TYPE OR PRINT WITH BLACK INK.

ALCOHOL TRAINING PROGRAM INDIVIDUAL INFORMATION

RICHARD J. VOTH, SR
Individual Name (Print)

Individual Signature

10/16/02
Date Training Completed

TYPE OF TRAINING COMPLETED

- [ ] BASIC
- [x] ON SALE
- [x] MANAGEMENT
- [ ] OFF SALE
- [ ] BOTH
- [ ] OTHER _____

IF TRAINEE IS EMPLOYED BY A LICENSEE:

NAME OF THE LICENSEE	BUSINESS NAME	LIQUOR LICENSE NUMBER
S&R CRESCENT CORP	SAMURAI SAM'S	

ALCOHOL TRAINING PROGRAM PROVIDER INFORMATION

ARIZONA LIQUOR INDUSTRY CONSULTANTS
Company or Individual Name

P.O. Box 2502
Address

City	State	Zip	Phone
Chandler	Az.	85244	(602)813-1364

I Certify the above named individual has successfully completed the specified program(s).

Brian Andersen
Trainer Name (Print)

Trainer Signature

10/16/02
Date

Trainer give original of completed form to trainee, photocopy and maintain completed document for your records.

Mandatory Liquor Law Training for all new applications submitted after Nov. 1, 1997. A.R.S. Section 4-112(G)(2).
Completion of the Liquor License Training Courses is required at the issuance of a license.
The person(s) required to attend both the Basic Liquor Law and Management Training, (either on-sale or off-sale), will include all of the following : owner(s), licensee/agent or manager(s) WHO ARE ACTIVELY INVOLVED IN THE DAY TO DAY OPERATION OF THE BUSINESS.
Proof of attendance within the last five years for the required courses must be submitted to the Department before the license application is considered complete.
Before acceptance of a Manager's Questionnaire and/or Agent Change for an existing license, proof of attendance for the Basic Liquor Law and Management Training (either on-sale or off-sale) will be required.

Disabled individuals requiring special accommodations please call (602) 542-9051

ARI[illegible]A DEPARTMENT OF LIQUOR LICENSES & CONT[illegible]

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

NB

QUESTIONNAIRE

DELC

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

2001 MAR 7 P 4:58

Read Carefully, this instrument is a sworn document. Type or print with black ink
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

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A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 12075443
(If the location is currently licensed)

1. Check appropriate box → ☐ Owner ☐ Partner ☒ Stockholder ☐ Member ☐ Officer ☐ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager | ☐ Manager(Only) Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: VOTH, RICHARD JAMES, JR (Last / First / Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] (This Will Not Become a Part of Public Records) Drivers License #: D01481107 State: AZ

4. Place of Birth: PHOENIX, AZ (City / State) USA (Country (not county)) Height: 6'4" Weight: 250 Eyes: HZ Hair: BR

5. Marital Status ☐ Single ☒ Married ☐ Divorced ☐ Widowed Residence (Home) Phone: [redacted]

6. Name of Current or Most Recent Spouse: VOTH, SAMANTHA (Last / First / Middle) SIMMONS (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? ARIZONA If Arizona, date of residency: [redacted]

8. Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: SAMURAI SAMS TERIYAKI GRILL Premises Phone: (480) 992-1388

11. Licensed Premises Address: 7366 EAST SHEA, #112, SCOTTSDALE MARICOPA 85260
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
4/2001	CURRENT	PRES & CEO	15433 N TATUM BLVD, PHX 85032 S&R CRESCENT CORPORATION
9/94	4/2001	DIR SALES & MKTG	INFORMATION NETWORK CORP 7600 N 16TH ST, #230, PHOENIX, AZ 85020

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

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6/98	CURRENT	OWN	[redacted]			[redacted]

If you checked the Manager box on the front of this form skip to # 15

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DELC
2003 MAR -7 P 4:58

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18. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☐ YES ☒ NO

19. Has anyone EVER *filed suit or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐ YES ☒ NO

20. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director, or manager on *any other liquor license* in this or any other state? ☐ YES ☒ NO

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22. Do you make payments to the licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, RICHARD J. VOTH, JR, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X _____
(Signature of Applicant)

OFFICIAL SEAL
SANDRA D. HONAHNI
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY
My Comm. Expires July 16, 2004

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 6th day of March 2003.
Day of Month Month Year

My commission expires on: _____
Day of Month Month Year

Sandra D. Honahni
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (Print Licensee/Agent's Name): _____
Last Middle First

Hereby authorize the applicant to act as manager for the named liquor license.

State of _____ County of _____
The foregoing instrument was acknowledged before me this

X _____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) Day of Month Month Year

My commission expires on: _____
Day of Month Month Year

_____
(Signature of NOTARY PUBLIC)

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007
(602) 542-5141

400 W Congress #150
Tucson AZ 85701
DLLC (520) 628-6595

2003 MAR -7 P 4:58

CERTIFICATION OF COMPLETED ALCOHOL TRAINING PROGRAM(S)

OBTAIN ORIGINALS OF THIS FORM FROM DLLC-DO NOT PHOTOCOPY, DOCUMENT IS COMPUTER SCANNED. TYPE OR PRINT WITH BLACK INK.

ALCOHOL TRAINING PROGRAM INDIVIDUAL INFORMATION

RICHARD J VOTH, JR.
Individual Name (Print)

Individual Signature

10/6/02
Date Training Completed

TYPE OF TRAINING COMPLETED

- [ ] BASIC
- [X] ON SALE
- [X] MANAGEMENT
- [ ] OFF SALE
- [ ] BOTH
- [ ] OTHER _____

IF TRAINEE IS EMPLOYED BY A LICENSEE:

NAME OF THE LICENSEE _____ BUSINESS NAME Samurai Sam's _____ LIQUOR LICENSE NUMBER _____

ALCOHOL TRAINING PROGRAM PROVIDER INFORMATION

ARIZONA LIQUOR INDUSTRY CONSULTANTS
Company or Individual Name

P.O. Box 2502
Address

City	State	Zip	Phone
Chandler	Az.	85244	(602)813-1364

I Certify the above named individual has successfully completed the specified program(s).

Brian Andersen
Trainer Name (Print)

Trainer Signature

10-16-02
Date

Trainer give original of completed form to trainee, photocopy and maintain completed document for your records.

Mandatory Liquor Law Training for all new applications submitted after Nov. 1, 1997. A.R.S. Section 4-112(G)(2).
Completion of the Liquor License Training Courses is required at the issuance of a license.
The person(s) required to attend both the Basic Liquor Law and Management Training, (either on-sale or off-sale), will include all of the following : owner(s), licensee/agent or manager(s) WHO ARE ACTIVELY INVOLVED IN THE DAY TO DAY OPERATION OF THE BUSINESS.
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Disabled individuals requiring special accommodations please call (602) 542-9061

S & R Crescent Corporation,
d.b.a., Samurai Sam's Teriyaki Grill

P.O. Box 6343
Scottsdale, AZ 85261
(480) 540-7575
Fax: (480) 998-7734

DLLC

2003 MAR 13 P 3:39

March 13, 2003

Arizona Department of Liquor License & Control
800 West Washington, 5th Floor
Phoenix, AZ 85007-5141

RE: License Application #12075443

To Whom It May Concern:

We have been notified by your Department that there was an error in the application that we recently submitted to you. It appears that I inadvertently used our administrative office address when I should have used the restaurant address related to this application.

To be clear, the addresses are:

Restaurant subject to this application:

S&R Crescent Corporation, d.b.a,
Samurai Teriyaki Grill
7366 7386 East Shea Blvd., Suite 112
Scottsdale, AZ 85260

Corporate office:

S&R Crescent Corporation
15433 North Tatum Blvd, Suite 201
Phoenix, AZ 85032

I apologize for any inconvenience my error may have caused.

Very truly yours,

Richard J Voth, Sr.
Chairman & CFO

CITY COUNCIL REPORT

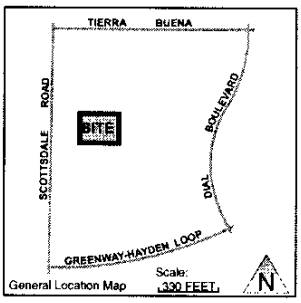
MEETING DATE: May 19, 2003 ITEM NO. 6 GOAL: Preserve Character and Environment

SUBJECT

Restaurant Liquor License Request for Copa Room
22-LL-2003

REQUEST

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for the former Copeland's, which also operated under a series 12 (restaurant) liquor license.



OWNER

BR Restaurant Enterprises, LLC

APPLICANT CONTACT

Brian Ruggiero
480-315-1299

LOCATION

15445 N. Scottsdale Rd.

BACKGROUND

This site is zoned C-3 (Highway Commercial District).
The applicant is seeking a favorable recommendation of a new series 12 liquor license for an existing restaurant located in The Shops at Zocallo shopping center. This establishment previously operated with a series 12 (restaurant) liquor license under the business name Copeland's.
The distance to the nearest school, Thunderbird Adventist Academy, is 6000 feet.
The distance to the nearest church, Mountain Valley Community Church, is 2200 feet.
There are 5 liquor licenses within a one half mile radius of this location.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.
The applicant is seeking a favorable recommendation on a series 12 (restaurant) liquor license. The applicant has maintained the required posting notice for the State mandated 20-day period.

IMPACT ANALYSIS

Police/Fire. The Police Department has conducted a review and recommends approval of this case.

Financial Services. Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

Parking. Planning and Development Services has conducted a review of the parking requirements. There are no interior modifications or changes intended for this establishment. Parking is in compliance with the zoning

(Continued)

ordinance.

Development Information. This establishment is 8400 sq. ft.

Maricopa County. Maricopa County Environmental Health has reviewed this application and reported no opposition to this case.

Community involvement. No petitions or protests have been filed with the City Clerk during the 20 (twenty) day posting period.

OPTIONS AND STAFF RECOMMENDATION

City Council has the option of recommending approval or denial to the Arizona Department of Liquor Licenses and Control.

Recommended Approach: The review of this application has shown that it meets zoning, parking, and public safety requirements.
Staff recommends approval.

Proposed Next Steps: The City Council's recommendation of approval or denial will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant should receive their license from the State within 15 days.

RESPONSIBLE DEPT(S)

Planning and Development Services Department

STAFF CONTACT(S)

Jeff Fisher
Plan Review and Permit Services Director
480-312-7619
E-mail: Jfisher@ScottsdaleAZ.Gov

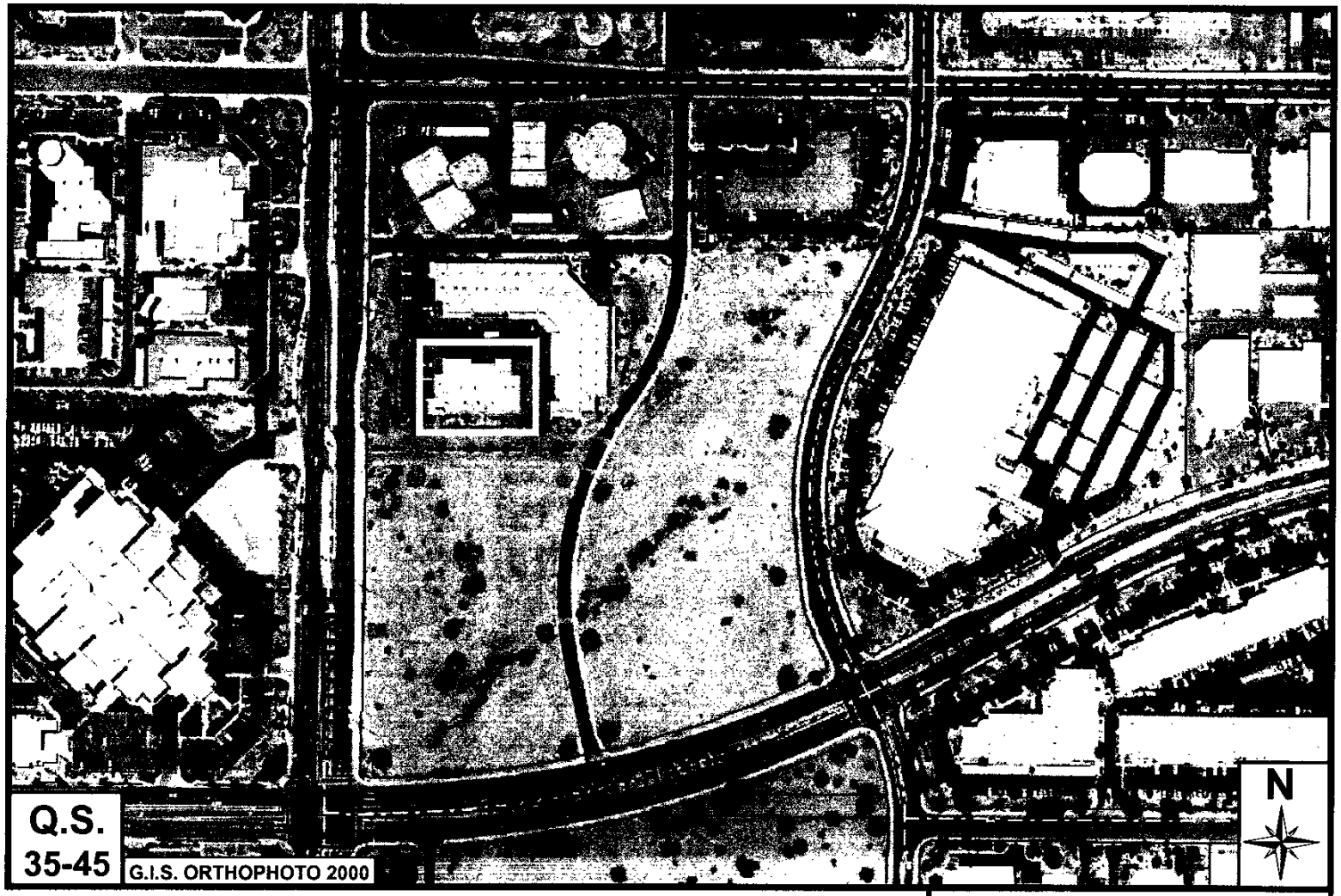
APPROVED BY

Kroy Ekblaw — Date
Planning and Development Services General Manager

Ed Gawf — 5/2/03 Date
Deputy City Manager

ATTACHMENTS

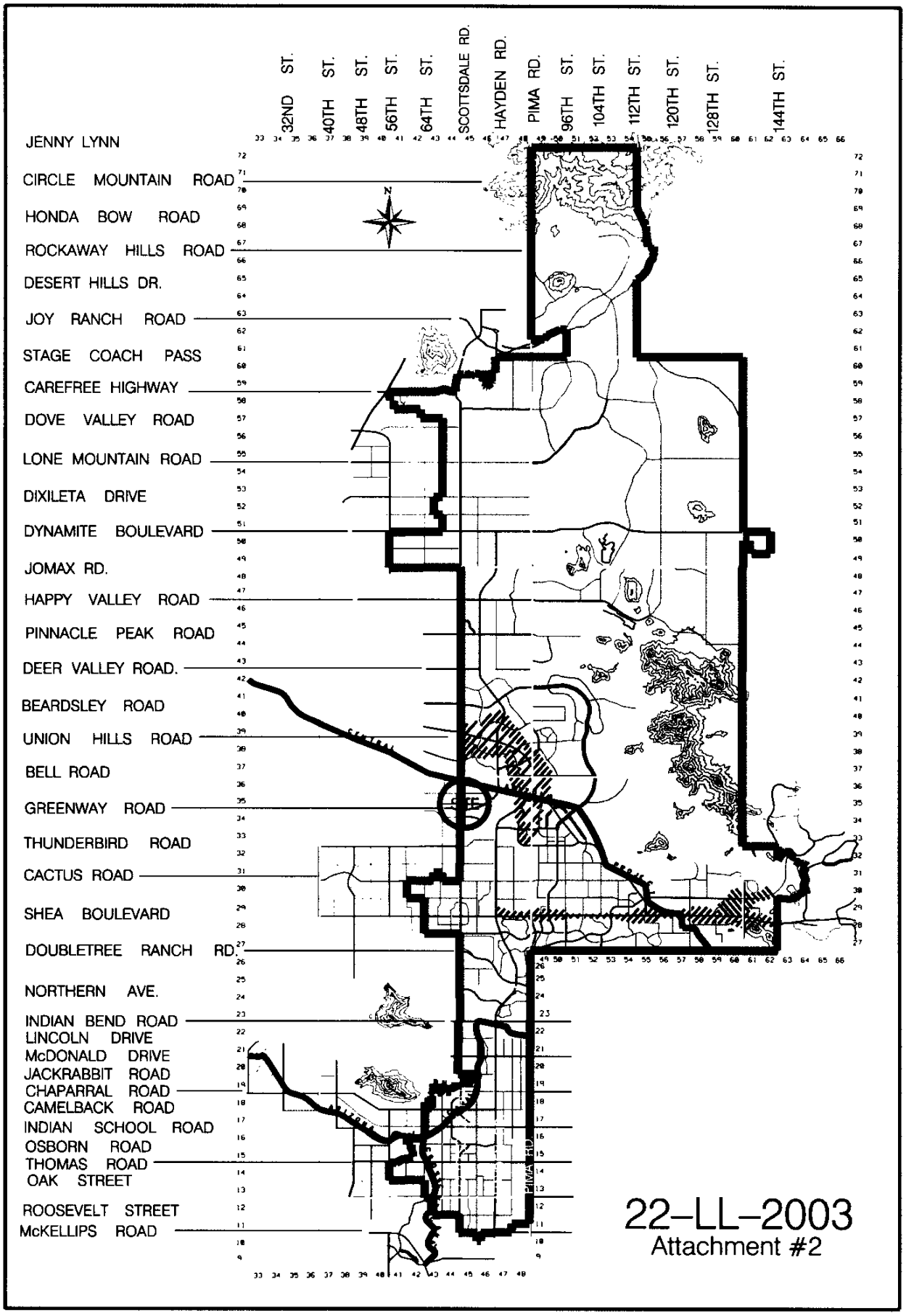
#1: Aerial Map
#2: Vicinity Map
#3 Graphic – Liquor license locations within ½ mile
#4: Application



22-LL-2003

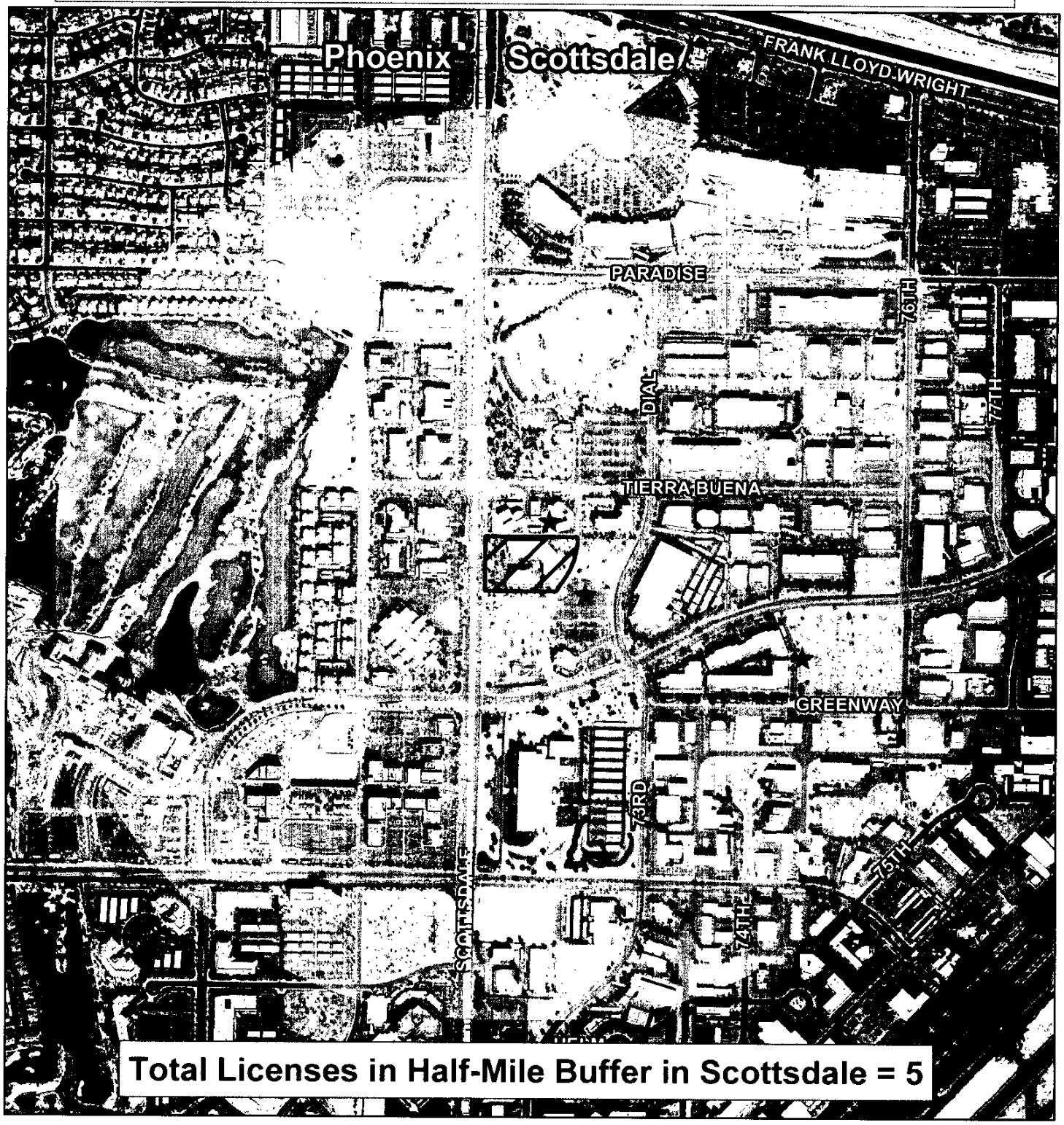
Copa Room

ATTACHMENT #1



22–LL–2003
Attachment #2

Liquor Licenses Within A Half-Mile Radius of 15445 N Scottsdale Road



Total Licenses in Half-Mile Buffer in Scottsdale = 5

0 285 570 1,140 1,710 2,280 Feet

1 inch equals 809.77 feet

Liquor Licenses.mxd
Printed: 04/09/2003
Created By: Brian Hancock
Source: City of Scottsdale, State of Arizona Dept. of Liquor Licenses and Control.

CITY OF SCOTTSDALE

N

22-LL-2003

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

RECEIVED
MAR 3 1 2003
CITY OF SCOTTSDALE
DEVELOPMENT SERVICES

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

22-11-2003

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

AMENDMENT

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of this liquor licensing requirements.

SECTION 1 This application is for:

- ☐ INTERIM PERMIT *Complete Section 5*
- ☐ NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16, 17*
- ☐ PERSON TRANSFER (Bars & Liquor Stores ONLY) *Complete Sections 2, 3, 4, 11, 13, 15, 16, 17*
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) *Complete Sections 2, 3, 4, 12, 13, 15, 16, 17*
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE *Complete Sections 2, 3, 4, 9, 13, 15, 17* (fee not required)
- ☐ GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16, 17*

SECTION 2 Type of ownership:

- ☐ I.T.W.R.O.S. *Complete Section 6*
- ☐ INDIVIDUAL *Complete Section 6*
- ☐ PARTNERSHIP *Complete Section 6*
- ☐ CORPORATION *Complete Section 7*
- ☐ LIMITED LIABILITY CO. *Complete Section 7*
- ☐ CLUB *Complete Section 8*
- ☐ GOVERNMENT *Complete Section 10*
- ☐ TRUST *Complete Section 6*
- ☐ OTHER Explain _____

SECTION 3 Type of license and fees: LICENSE #: 12075460

1. Type of License: _____ 2. Total fees attached: $ _____

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

SECTION 4 Applicant: (All applicants must complete this section)

1. Applicant/Agent's Name: Mr. Ms. RUGGIERO (Last) BRIAN (First) (Middle)
(Insert one name ONLY to appear on license)
2. Corp./Partnership/L.L.C.: BR RESTAURANT ENTERPRISES, LLC
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: COPA ROOM
(Exactly as it appears on the exterior of premises)
4. Business Address: 15445 N. SCOTTSDALE RD. SCOTTSDALE MARICOPA 856
(Do not use PO Box Number) City COUNTY Zip
5. Business Phone: (____) _____ Residence Phone: (____) _____
6. Is the business located within the incorporated limits of the above city or town? ☐YES ☐NO
7. Mailing Address: _____ City State Zip
8. Enter the amount paid for a 06, 07, or 09 license: $ _____ (Price of License ONLY)

DEPARTMENT USE ONLY

Accepted by: _____ Date: _____ Lic. # _____

Fees: _____ Application _____ Interim Permit _____ Agent Change _____ Club _____ F. Prints $ _____ TOTAL

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD.
YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

LIC 0100 11/2000

*Disabled individuals requiring special accommodation, please call (602) 542-9027.

Continued —

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

22-LL-2003 **APPLICATION FOR LIQUOR LICENSE**

2003 MAR 4:21

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

MAR 2 8 2003

SECTION 1 **This application is for a:**

- ☒ INTERIM PERMIT *Complete Section 5*
- ☒ NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16, 17*
- ☐ PERSON TRANSFER (Bars & Liquor Stores ONLY) *Complete Sections 2, 3, 4, 11, 13, 15, 16, 17*
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) *Complete Sections 2, 3, 4, 12, 13, 15, 16, 17*
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE *Complete Sections 2, 3, 4, 9, 13, 15, 17* (fee not required)
- ☐ GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16, 17*

SECTION 2 **Type of ownership:**

- ☐ J.T.W.R.O.S. *Complete Section 6*
- ☐ INDIVIDUAL *Complete Section 6*
- ☐ PARTNERSHIP *Complete Section 6*
- ☐ CORPORATION *Complete Section 7*
- ☒ LIMITED LIABILITY CO. *Complete Section 7*
- ☐ CLUB *Complete Section 8*
- ☐ GOVERNMENT *Complete Section 10*
- ☐ TRUST *Complete Section 6*
- ☐ OTHER Explain _____

SECTION 3 **Type of license and fees:** **LICENSE #:** 12075460

1. Type of License: 12 Restaurant 2. Total fees attached: $ 224.00

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

SECTION 4 **Applicant: (All applicants must complete this section)**

1. Applicant/Agent's Name: Mr. Ms. Ruggiero (Last) Brian (First) G. (Middle)
(Insert one name ONLY to appear on license)
2. Corp./Partnership/L.L.C.: BR Restaurant Enterprises, LLC
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Copa Room
(Exactly as it appears on the exterior of premises)
4. Business Address: 15455 N. Scottsdale Rd. (Do not use PO Box Number) Scottsdale (City) Maricopa (COUNTY) 85254 (Zip)
5. Business Phone: (480) 315-1299 Residence Phone: ([redacted])
6. Is the business located within the incorporated limits of the above city or town? ☒YES ☐NO
7. Mailing Address: 4416 N. Miller Rd. Scottsdale (City) Arizona (State) 85251 (Zip)
8. Enter the amount paid for a 06, 07, or 09 license: $ _____ **(Price of License ONLY)**

DEPARTMENT USE ONLY

Accepted by: AE Date: 3/26/03 Lic. # 12075460

Fees:	Application	Interim Permit	Agent Change	Club	F. Prints	TOTAL
	100.00	100.00			24.00	$ 224.00

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD. YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

LIC 0100 11/2000

*Disabled individuals requiring special accommodation, please call (602) 542-9027.

SECTION 5 Interim Permit:

1. If you intend to operate business while your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. DLLC 12075109
4. Is the license currently in use? ☒ YES ☐ NO If no, how long has it been out of use? _____

2003 MAR 26 P 4:2

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, Susan S. Godfrey (Print full name), declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, STOCKHOLDER OR LICENSEE of the stated license and location.

X Susan S. Godfrey (Signature)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 26 day of March, 03 (Day of Month, Month, Year)

Amy Nations (Signature of NOTARY PUBLIC)

AMY NATIONS
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
JULY 25, 2003

My commission expires on: _____

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Residence Address	City State Zip
			%		

Partnership Name: (Only the first partner listed will appear on license) _____

General	Limited	Last	First	Middle	% Owned	Residence Address	City State Zip
☐	☐	[redacted]			%		
☐	☐				%		
☐	☐				%		
☐	☐				%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

2. Is any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES AND CONTROL

ALCOHOLIC BEVERAGE LICENSE

License 12075109

Issue Date: 5/10/2002

Expiration Date: 3/31/2003

Restaurant

Issued To:
THOMAS C ROMIG, Agent
SOUTHWEST CAJUN CO LLC, Owner

Location:
COPA ROOM
15455 N SCOTTSDALE RD
SCOTTSDALE, AZ 85254

Mailing Address:
THOMAS C ROMIG
SOUTHWEST CAJUN CO LLC
COPA ROOM
4416 N MILLER RD
SCOTTSDALE, AZ 85251

2003 MAR 26 P 4: 23

DLLC

EXP 3/31/2003

GREAT SEAL OF THE STATE OF ARIZONA
DITAT DEUS
1912

POST THIS LICENSE IN A CONSPICUOUS PLACE

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

☐ CORPORATION *Complete questions 1, 2, 3, 5, 6, 7, 8.*

☒ L.L.C. *Complete questions 1, 2, 4, 5, 6, 7 and attach copy of Articles of Org. and Operation Agreement.*

1. Name of Corporation/L.L.C.: BR Restaurant Enterprises, DLLC
   (Exactly as it appears on Articles of Inc. or Articles of Org.)

2003 MAR 26 P 4:21

2. Date Incorporated/Organized: 01/15/03 State where Incorporated/Organized: Arizona

3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____

4. AZ L.L.C. File No: ~~L-1060669-0~~ L-10612546 Date authorized to do business in AZ: 01/15/03

5. Is Corp./L.L.C. non-profit? ☐ YES ☒ NO If yes, give IRS tax exempt number: _____

6. List all directors/officers in Corporation/L.L.C.:

Last	First	Middle	Title	Residence Address	City State Zip
Ruggiero	Brian	G.	Manage Member	[redacted]	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders or controlling members owning 10% or more:

Last	First	Middle	% Owned	Residence Address	City State Zip
Ruggiero	Brian	G.	100%	[redacted]	
			%		
			%		
			%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach an ownership, and director/officer/members disclosure for the parent entity. Attach additional sheets as necessary in order to disclose real people.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
   (Exactly as it appears on Club Charter) (Attach a copy of Club Charter)

2. Is club non-profit? ☐ YES ☐ NO If tax exempt, give IRS tax exempt number: _____

3. List officer and directors:

Last	First	Middle	Title	Residence Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store:

1. Current Licensee's Name: _____
(Exactly as it appears on license) Last First Middle

2. Assignee's Name: DLLC
Last First Middle

3. License Type: _____ License Number: 2003 MAR 26 P 4:21 Date of Last Renewal: _____

4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

1. Person to administer this license: _____
Last First Middle

2. Assignee's Name: _____
Last First Middle

[redacted]

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY).

1. Current Licensee's Name: _____ Entity: _____
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)

2. Corporation/L.L.C. Name: _____
(Exactly as it appears on license)

[redacted]

3. Current Business Name: _____
(Exactly as it appears on license)

4. Current Business Address: _____

_____

5. License Type: _____ License Number: _____ Last Renewal Date: _____

6. Current Mailing Address (other than business): _____

_____

7. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? ☐ YES ☐ NO

8. Does the applicant intend to operate the business while this application is pending? ☐ YES ☐ NO If yes, complete section 5, attach fee, and current license to this application.

9. I hereby relinquish my rights to the above described license to the applicant named in this application and hereby declare that the statements made in this section are true, correct and complete.

I, _____, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER,
(Print full name)
STOCKHOLDER or LICENSEE of the stated license. I have read this section and the contents and all statements are true, correct and complete.

X_____
(Signature of CURRENT LICENSEE)

State of _____ County of _____
The foregoing instrument was acknowledged before me this
_____ day of _____, _____
Day of Month Month Year

My commission expires on: _____

_____
(Signature of NOTARY PUBLIC)

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE.

1. Current Business Name and Address: DLLC
(Exactly as it appears on license)

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2. New Business Name and Address:
(Do not use PO Box Number)

3. License Type: _____ License Number: _____ Last Renewal Date: _____

4. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants:

1. Distance to nearest school: ~~8560~~ 6000 ft. Name/Address of school: Thunderbird Adventist Academy
7410 E. Sutton Place
Scottsdale, Arizona 85254
(Regardless of distance)

2. Distance to nearest church: ~~2600~~ 2000 ft. Name/Address of church: Mountain Valley Community Church
15678 N. Greenway-Hayden Loop #201
Scottsdale, Arizona 85254
(Regardless of distance)

3. I am the: ☒ LESSEE ☐ SUBLESSEE ☐ OWNER ☐ PURCHASER (of premises)

4. If the premises is leased give lessors name and address: Broadmoor Group LLC
4020 N. Scottsdale Road Suite 300 Scottsdale, Arizona 85251

4a. Monthly rental/lease rate $ 20,282.00. What is the remaining length of the lease? 10 yrs. _____ mos.

4b. What is the penalty if the lease is not fulfilled? $_____ or other Still owe term
(give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness of the applicant for this license/location excluding lease? $ 0

Does any one creditor represent more than 10% of that sum? ☐ YES ☐ NO If yes, list below. Total must equal 100%.

Last	First	Middle	% Owed	Residence Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for? (BE SPECIFIC) Restaurant

7. Has a license, or a transfer license for the premises on this application been denied by the state within the past one (1) year?
☐ YES ☒ NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee , have any interest in your business? ☐YES ☒ NO

9. Is the premises currently licensed with a liquor license? ☒ YES ☐ NO If yes, give license number and licensee's name:
License # 12075109 (Exactly as it appears on license) Name ThomasCRomig

SECTION 14 Restaurant, or Hotel-Motel Applicants:

1. Is there a valid restaurant or hotel-motel liquor license at the proposed location? ☒ YES ☐ NO If yes, give licensee's name:

   Romig (Last) Thomas (First) C. (Middle) and license #: 12075109

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of this application.

   2003 MAR 26 P 4:21

3. All restaurant applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor.

4. Do you understand that **40% of your annual gross revenue** must be from food sales? ☒ YES ☐ NO

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your licensed premises:

   ☒ Entrances/Exits ☒ Liquor storage areas
   ☐ Drive-in windows ☒ Patio enclosures
   ☐ Service windows ☐ Under construction: estimated completion date _____

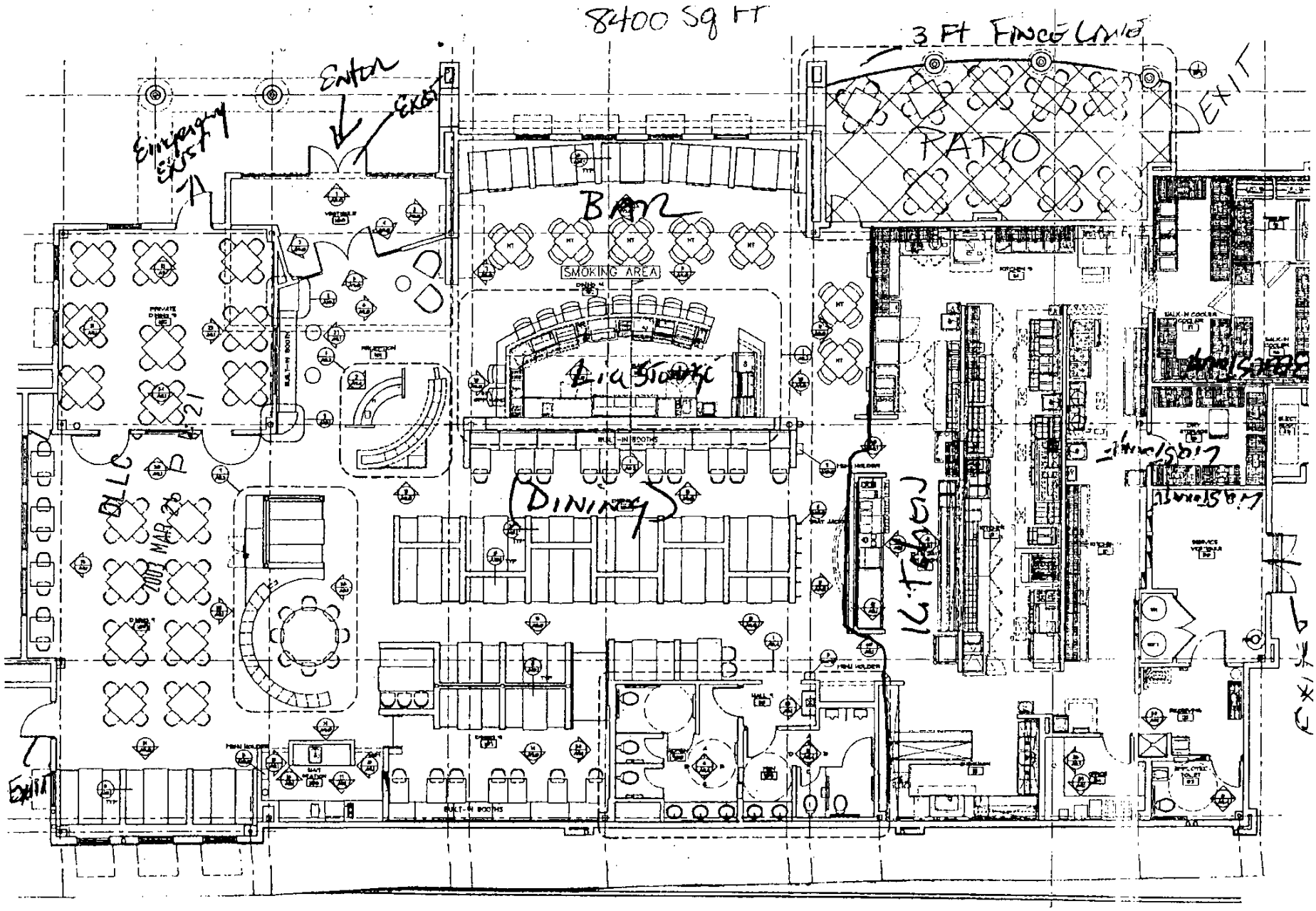
2. Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.

3. The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.

   DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC.

   SEE ATTACHED

'OU MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, NTRANCES, EXITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.


8400 Sq Ft
3 Ft Fence Line
Enter
Exit
Emergency Exit
Bar
Patio
Exit
SMOKING AREA
Lia Storage
Dining
Kitchen
Exit
Exit

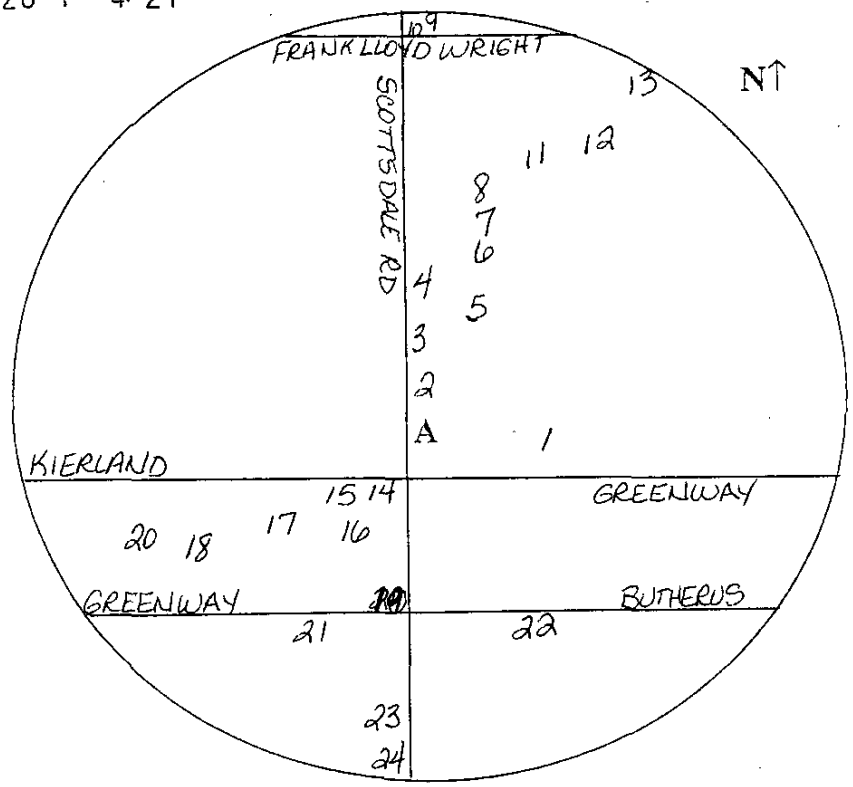
SECTION 16 Geographical Data: A SAMPLE FOR THIS SECTION IS PROVIDED ON THE BACK OF THIS PAGE.

List below the exact names of all churches, schools, and spirituous liquor outlets within a one half mile radius of your proposed location.

2003 MAR 26 P 4:21

1. Barcelona
2. Danny's Car Wash
3. Craker Jax
4. Fox Sports Grill
5. Cost Plus
6. Pasta Pomodora
7. Flo's Asian Kitchen
8. Cabo Seafood
9. Carrabba's Italian Grill
10. Charleston's
11. Redfish
12. TGI Fridays
13. Trader Joe's
14. Morton's Steakhouse
15. Cheesecake Factory

(ATTACH ADDITIONAL SHEET IF NECESSARY)



A = Your business name and identify cross streets.

SECTION 17 Signature Block:

I, Brian Ruggiero, declare that: 1) I am the APPLICANT (Agent/Club Member/Partner), making this
(Print name of APPLICANT/AGENT listed in Section 4 Question 1)
application; 2) I have read the application and the contents and all statements are true, correct and complete; 3) that this application is not being made to defraud or injure any creditor, taxing authority, regulatory authority, or transferor; 4) that no other person, firm, or corporation, except as indicated, has an interest in the spirituous liquor license for which these statements are made; and 5) that none of the owners, partners, members, officers, directors or stockholders listed have been convicted of a felony in the past five (5) years.

X Brian Ruggiero
(Signature)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
17 day of March, 2003
Day of Month Month Year

Amy Nations
(Signature of NOTARY PUBLIC)

My commission expires:

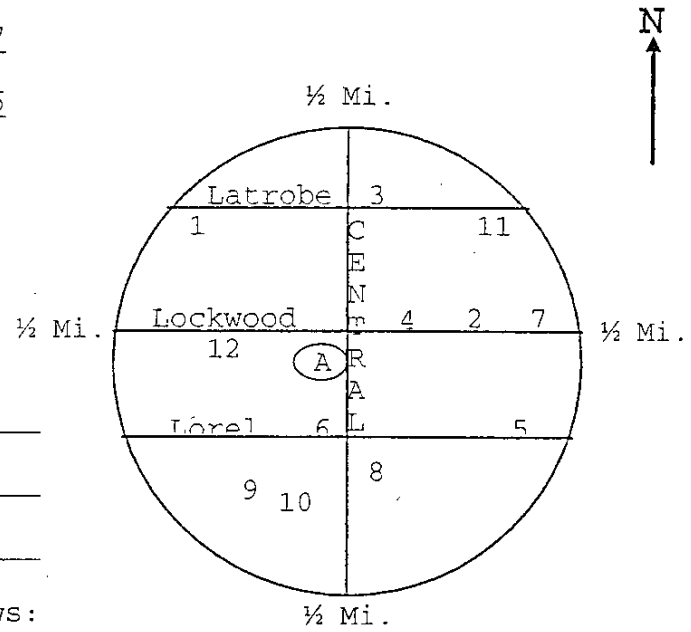
AMY NATIONS
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
JULY 25, 2003

SAMPLE
GEOGRAPHICAL DATA

In the area adjacent to the map provided below indicates your proposed location and the exact names of all churches, schools, and alcoholic beverage outlets within a 1/2 mile radius of your proposed location.
(See example below)

2003 MAR 26 P 4:21

A = Applicant	Series 12
01 Pink Elephants	Series 06
02 Mama's Rest.	Series 12
03 Corner Liquors	Series 09
04 Joe's Groceries	Series 10
05 Lions Club	Series 14
06 Burgers R Us	Series 07
07 Pizza Perfect	Series 07
08 Billy Bobs Bar	Series 06
09 St. Anthonys Church	
10 St. Anthonys School	
11 Burbank Middle School	
12 First United Baptist Church	
13	
14	
15	



A.R.S. Section 4-207.A reads as follows:

A. No retailers license shall be issued for any premises which are. at the time the license application is received by the Director, within three hundred(300) horizontal feet of a church, within three hundred(300) horizontal feet of a public or private school building with kindergarten programs or any of grades one(1) through twelve(12). or within three hundred(300) horizontal feet of a fenced recreational area adjacent to such school building.

16. Crate & Barrel
17. Zinc Café
18. Ra Sushi
19. PF Changs
20. North
21. Mezcal
22. Jilly's
23. Sapporo's
24. Cinema Supper Club

DLLC
2003 MAR 26 P 4:21

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

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2003 MAR 26 P 4:21

RESTAURANT OPERATION PLAN

LICENSE # 12075460

1. List by Make, Model and Capacity of your :

Grill	Broiler deck type gas / Montague oven model ST-36 Griddle counter unit / Valcan Hart836A
Oven	Convection oven gas Valcan Hart SG-49DP
Freezer	Walk in cooler with Freezer (500SF) Kolpak Custom Model
Refrigerator	Same as above
Sink	Three compartment advance/Taboo madel 93-3-54-18RL
Dish Washing Facilities	Hobart model 44 Coneyon type 203 racks 1 hr capacity
Food Preparation Counter (Dimensions)	Advance / Tabco model KSS-300 30" long under shelf
Other	

2. Print the name of your restaurant: Copa Room

3. Attach a copy of your menu (Breakfast, Lunch and Dinner including prices).

4. List the seating capacity for:

   a. **Restaurant area** of your premises [290]

   b. **Bar area** of your premises [+ 10]

   c. **Total area** of your premises [300]

5. What type of dinnerware and utensils are utilized within your restaurant?
   ☒ Reusable ☐ Disposable

6. Does your restaurant have a bar area that is distinct and separate from the restaurant seating? (If yes, what percentage of the public floor space does this area cover). ☒ Yes 20 % ☐ No

7. What percentage of your public premises is used primarily for restaurant dining?
   (Does not include kitchen, bar, cocktail tables or game area.) 60 %

*Disabled individuals requiring special accommodations, please call the Department.

8. Does your restaurant Contain any games or television? ☒ Yes ☐ No
(If yes, what types and how many? Pool tables, Video Games, Darts, etc.)

3 Televisions

DLLC

2003 MAR 26 P 4:21

9. Do you have live entertainment or dancing? ☒ Yes ☐ No
(If yes, what type and how often?)

Occasional bands and dancing

10. Use space below or attach a list of employee positions and their duties to fully staff your business.

Hostesses
Servers
Bartenders
Cooks
Bussers
Dishwashers
Line Cooks
Prep Cooks
Owner or Manager

I, Brian G. Ruggiero, hereby declare that I am the APPLICANT filing this application. I have
(Print full name)
read theis application and the contents and all statements true, correct and complete.

x Brian Ruggiero
(Signature of APPLICANT)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this

17 day of March, 2003.
Day of Month Month Year

Amy Nations
(Signature of NOTARY PUBLIC)

AMY NATIONS
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
JULY 25, 2003

My commission expires on:

DLLC
2003 MAR 26 P 4: 21

LUNCH MENU

Corn & Crawfish Bisque
$5.00
Ahi Tuna Carpaccio
$8.50
Maryland Lump Crab Cake in a Basil Tartar Sauce
$10.00
Hearts of Romaine with Grilled Chicken & a Roasted Garlic Dressing
$8.00
Chef Eric's Grilled Chicken Pillard Salad
With Grilled Apples, Candied Pecans & Herb Dressing
$8.50
Grilled Salmon Salad
$9.50
Copa Room Chef Salad
$7.50
Turkey Burger with Plum Tomatoes, Avocado & Red Onions
$7.00
"Copa" Burger with Swiss, Caramelized Onions & Shiitake Mushrooms
$7.00
McDowell Burger Monteray Jack Cheese, Bacon, Lettuce & Tomato And The Copa's Special Dressing
$7.50
Grilled Chicken Sandwich
Portabella Mushrooms, Roasted Peppers, & Mozzarella Cheese
$8.50
Roasted Beef Tenderloin Sandwich
with Caramelized Onions, Shiitake Mushrooms & B.B.Q. Sauce
$9.50
Libby's Meatloaf Sandwich
$7.50
Mixed Grilled Vegetable Sandwich with a Pesto Mayonnaise Dressing
$7.50
Penne Alla Nona with Prosciutto, Onions, Grilled Chicken & Peas With a Tomato Cream Sauce
$10.00
Cappelini with Fresh Tomato & Basil Sauce
$10.00

DINNER MENU

APPETIZERS

Corn & Crawfish Bisque
$5.00
Ahi Tuna Capriccio
$9.00
Cold Poached Artichoke
$9.00
Maryland Lump Crab Cake with Basil Tartar Sauce
$11.00
Shrimp Sautéed Sinatra Style
$12.00
The Copa Room's Golden Beet Salad
$9.00
Crispy Calamari with Sesame Slaw & Ginger Aioli
$9.00
Hearts of Romaine with Parmesan Croutons with Roasted Garlic Dressing
$5.00
Mixed Baby Greens with Grilled Apples, Candied Pecans & Herb White Balsamic Vinaigrette
$7.00
Stevens Maui Onion & Beef Steak Tomato Salad with Stilton Blue Cheese
$8.00

DLLC
2003 MAR 26 P 4:22

ENTREES

Medallions of Veal
Sautéed Shitake Mushrooms, Prosciutto Onion in Marsala Wine Sauce
$19.00
Big Al's Chicken with Caramelized Onions, Seasoned Pecans on a Bed of Mashed Sweet Potatoes
$16.00
Grilled Atlantic Salmon served with Roasted Potatoes & Vegetables
$19.00
Grilled Beef Tenderloin with Arugula Tomato Salad Gorgonzola & Fig Balsamic Syrup
$29.00
Pan Roasted Prime N.Y. Strip Steak Wild Mushroom Risotto and Port Wine Reduction
$27.00
Pan Seared Ahi Tuna served with Asian Baby Greens and Sweet Cashew Sauce
$21.00
Home Made Wild Mushroom Ravioli with a Mascapone Cream Sauce
$16.00
Angel Hair with Lobster Americano
$23.00
Penn Alla Nona, Grilled Chicken, Prosciutto Onions & Peas, Tomato Cream Sauce
$16.00
Turkey Burgers served with Roasted Plum Tomatoes, Red Onion & Avocado
$8.50
The Copa Burger with Swiss Cheese, Caramelized Onions & Shitake Mushrooms
$8.50
Center Cut Grilled Pork Chop served with Sautéed Roasted Peppers & Balsamic Vinegar
$18.00
Sauteed Calves Liver with Applewood Bacon, Sweet Onions, Apples & Red Wine Demi Glas
$17.50

SIDES

Creamed Spinach	*$7.00*	*Asparagus*	*$7.00*
Roasted Potatoes	*$5.00*	*Penne Pasta*	*$4.00*
Sweet Mash Potatoes	*$6.00*	*French Fries*	*$5.00*

Consuming raw or undercooked meat, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

DLLC

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

2003 MAR 28 PM 4:33

HOTEL-MOTEL AND RESTAURANT LICENSES
RECORDS REQUIRED FOR AUDIT OF SERIES #11 & #12 LICENSES

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH YOUR DLLC RECORDS

In the event of an audit, you will be asked to provide to the department any documents necessary to determine compliance with A.R.S. 205.02.G. Such documents requested may include however, are not limited to:

1. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises. If you do not have all food or liquor invoices, please contact your vendors immediately and request copies of missing invoices. These must be available for pick-up at the time of the Audit Interview Appointment. **If all food invoices are not available at that time, you may not be given credit for *all* food sales.**
2. A list of ***all*** food and liquor vendors
3. The restaurant menu used during the audit period
4. A price list for alcoholic beverages during the audit period
5. Mark-up figures on food and alcoholic products during the audit period
6. A recent, ***accurate*** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
7. Monthly Inventory Figures - beginning and ending figures for food and liquor
8. Chart of accounts (copy)
9. Financial Statements-Income Statements-Balance Sheets
10. General Ledger
    - A. Sales Journals/Monthly Sales Schedules
      1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)
      2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
      3) Guest Checks
      4) Coupons/Specials
      5) Any other evidence to support income from food and liquor sales
    - B. Cash Receipts/Disbursement Journals
      1) Daily Bank Deposit Slips
      2) Bank Statements and canceled checks
11. Tax Records
    - A. Transaction Privilege Sales, Use and Severance Tax Return (copies)
    - B. Income Tax Return - city, state and federal (copies)
    - C. Any supporting books, records, schedules or documents used in preparation of tax returns

12. Payroll Records

A. Copies of all reports required by the State and Federal Government

B. Employee Log (A.R.S. 4-119) DLLC

C. Employee time cards (actual doc[illegible] 2003 MAR 26 P 4:22 [illegible] out each work day)

D. Payroll records for all employees showing hours worked each week and hourly wages

The sophistication of record keeping varies from establishment to establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH A.R.S. 210.A.7. AND A.R.S. 205.02.G.

A.R.S. 210.A.7. The licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of food.

A.R.S. 205.02.G. For the purpose of this section:

1. "Restaurant" means an establishment which derives **at least forty percent (40%)** of its gross revenue from the sale of food.
2. "Gross revenue" means the revenue derived from all sales of food and spirituous liquor on the licensed premises, regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any other license that has been issued for the premises pursuant to this article.

I, (**print** Licensee/Agent's Name):

Ruggiero	Brian	G.
Last	First	Middle

have read and fully understand all aspects of this statement.

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this

X Brian Ruggiero
(Signature of Licensee/Agent)

17 day of March, 2003
Day of Month Month Year

AMY NATIONS
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
JULY 25, 2003

My commission Expires on
Day of Month Month Year

Amy Nations
(Signature of NOTARY PUBLIC)

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH YOUR DLLC RECORDS

JAN 1 5 2003

APPR. Margaret Wright
TERM
DATE 01/15/03
L-1060669-0

ARTICLES OF ORGANIZATION OF

BR RESTAURANT MANAGEMENT L.L.C.

We the undersigned hereby associate ourselves for the purpose of forming a limited liability company under and by virtue of the laws of the State of Arizona.

DLLC
2003 MAR 26 P 4:22

1. The name of the limited liability company is BR RESTAURANT MANAGEMENT L.L.C.

2. The name and address of the registered office and address of the agent for service of process required to be maintained by ARS 29-604 is

Ivy L. Kushner
Attorney at Law
4295 N. Miller
Scottsdale, Arizona 85251

3. There are or will be two or more members at the time the limited liability company is formed.

4. The latest date on which the limited liability company is to dissolve is January 1, 2020.

5. Management of the limited liability company is vested in a manager: Brian Ruggiero

6. The name and mailing address of the manager and each member who owns a twenty per cent or greater interest in the capital or profits of the limited liability company are:

Brian Ruggiero
15445 N. Scottsdale Road
Scottsdale, Arizona 85254

IN WITNESS WHEREOF, I hereunto affix my signature as of the 14 day of January 2003 by Brian Ruggiero.

Brian Ruggiero DLLC

Brian Ruggiero

2003 MAR 26 P 4: 22

Subscribed and sworn this 14 day of January 2003 by Brian Ruggiero

Notary Public

My commission expires:

NOTARY PUBLIC
STATE OF ARIZONA
Maricopa County
IVY L. SCHNER
My Commission Expires September 10, 2004

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

SOCIAL SECURITY AND BIRTHDATE INFORMATION IS CONFIDENTIAL BY LAW AND CANNOT BE DISSEMINATED TO THE PUBLIC

Read Carefully , this instrument is a sworn document. Type or print with black ink

An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 1207546
(If the location is currently licensed)

1. Check appropriate box → ☐ Owner ☐ Partner ☒ Stockholder ☒ Member ☐ Officer ☒ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager | ☐ Manager(Only) Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: Ruggiero (Last) Brian (First) G. (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] Drivers License #: [redacted] State: Arizona
(This Will Not Become a Part of Public Records)

4. Place of Birth: Englewood (City) New Jersey (State) USA Country (not county) Height: 5'5 Weight: 205 Eyes: Brn Hair: Brn

5. Marital Status ☒ Single ☐ Married ☐ Divorced ☐ Widowed Residence (Home) Phone: ([redacted]

6. Name of Current or Most Recent Spouse: _____ (Last) _____ (First) _____ (Middle) _____ (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: 1992

8 Telephone number to contact you during business hours for any questions regarding this document. ([redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: Copa Room Premises Phone: (480) 315-1299

11. Licensed Premises Address: 15455 N. Scottsdale Road (Street Address (Do not use PO Box #)) Scottsdale (City) Maricopa (County) 85254 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
12/95	CURRENT	Owner	Pasta Brioni 852 4416 N. Miller Rd. #702 Scottsdale,

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Z
08/98	CURRENT	own	[redacted]	[redacted]		
08/97	08/98	rent	[redacted]	[redacted]		

... requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day? 6 , **answer #14a below**. If NO, skip to #15. ☒ YES ☐ NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☒ YES ☐ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

DLLC
2003 MAR 26 P 4:22

15. Have you EVER been *detained, cited, arrested, indicted or summoned* into court for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☒ YES ☐ NO

16. Have you EVER been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☒ YES ☐ NO

17. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐ YES ☒ NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☒ YES ☐ NO

19. Has an [redacted] *filed suit or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐ YES ☒ NO

20. Are you NOW or have you EVER [redacted] been a controlling person , been an officer, member, director, or manager on *any other liquor license* in this or any other state? [redacted] ☒ YES ☐ NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

[redacted]

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

[redacted]

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. [redacted] licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a formal written contract or agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, Brian G. Ruggiero, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X Brian Ruggiero
(Signature of Applicant)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 17 day of March, 2003.
(Day of Month) (Month) (Year)

AMY NATIONS
Notary Public - Ariz
MARICOPA COUNTY
My Commission Expire
JULY 25, 2003

My commission expires on: _____ (Day of Month, Month, Year)

Amy Nations
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION

Licensee or Agent Approval of Manager

25. I, (Print Licensee/Agent's Name): _____
Last Middle First

[redacted] applicant to act as manager for the named liquor license.

[redacted] State of [redacted] County of _____
The foregoing instrument was acknowledged before me this

X _____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) (Day of Month) (Month) (Year)

My commission expires on: _____

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007
(602) 542-5141

400 W Congress #150
Tucson AZ 85701
(520) 628-6595

DLLC

2003 MAR 26

CERTIFICATION OF COMPLETED ALCOHOL TRAINING PROGRAM(S)

OBTAIN ORIGINALS OF THIS FORM FROM DLLC-DO NOT PHOTOCOPY, DOCUMENT IS COMPUTER SCANNED. TYPE OR PRINT WITH BLACK INK.

ALCOHOL TRAINING PROGRAM INDIVIDUAL INFORMATION

Brian Ruggiero
Individual Name (Print)

Individual Signature

August 10, 1999
Date Training Completed

TYPE OF TRAINING COMPLETED

- [X] BASIC
- [X] ON SALE
- [ ] MANAGEMENT
- [ ] OFF SALE
- [ ] BOTH
- [ ] OTHER _____

IF TRAINEE IS EMPLOYED BY A LICENSEE:

NAME OF THE LICENSEE | BUSINESS NAME | LIQUOR LICENSE NUMBER

ALCOHOL TRAINING PROGRAM PROVIDER INFORMATION

ARIZONA LIQUOR INDUSTRY CONSULTANTS
Company or Individual Name

P.O. Box 2502
Address

City	State	Zip	Phone
Chandler	Az.	85244	(602)813-1364

I Certify the above named individual has successfully completed the specified program(s).

Randy Nations
Trainer Name (Print)

Trainer Signature

8/10/99
Date

Trainer give original of completed form to trainee. photocopy and maintain completed document for your records.

Mandatory Liquor Law Training for all new applications submitted after Nov. 1, 1997. A.R.S. Section 4-112(G)(2).
Completion of the Liquor License Training Courses is required at the issuance of a license.
The person(s) required to attend both the Basic Liquor Law and Management Training, (either on-sale or off-sale), will include all of the following : owner(s), licensee/agent or manager(s) WHO ARE ACTIVELY INVOLVED IN THE DAY TO DAY OPERATION OF THE BUSINESS.
Proof of attendance within the last five years for the required courses must be submitted to the Department before the license application is considered complete.
Before acceptance of a Manager's Questionnaire and/or Agent Change for an existing license, proof of attendance for the Basic Liquor Law and Management Training (either on-sale or off-sale) will be required.

... special accommodations please call (602) 542-9051

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007
(602) 542-5141

400 W Congress #150
Tucson AZ 85701
(520) 628-6595

DLLC
2001 MAR 26 P 4:22

CERTIFICATION OF COMPLETED ALCOHOL TRAINING PROGRAM(S)

OBTAIN ORIGINALS OF THIS FORM FROM DLLC-DO NOT PHOTOCOPY. DOCUMENT IS COMPUTER SCANNED. TYPE OR PRINT WITH BLACK INK.

ALCOHOL TRAINING PROGRAM INDIVIDUAL INFORMATION

BRIAN RUGGIERO
Individual Name (Print)

Individual Signature

8-11-99
Date Training Completed

TYPE OF TRAINING COMPLETED

- [ ] BASIC
- [x] ON SALE
- [x] MANAGEMENT
- [ ] OFF SALE
- [ ] BOTH
- [ ] OTHER _____

IF TRAINEE IS EMPLOYED BY A LICENSEE:

NAME OF THE LICENSEE | PASTA BRIONI BUSINESS NAME | LIQUOR LICENSE NUMBER

ALCOHOL TRAINING PROGRAM PROVIDER INFORMATION

ARIZONA LIQUOR INDUSTRY CONSULTANTS
Company or Individual Name

P.O. Box 2502
Address

City	State	Zip	Phone
Chandler	Az.	85244	(602)813-1364

I Certify the above named individual has successfully completed the specified program(s).

Brian Andersen
Trainer Name (Print)

Trainer Signature

8-11-99
Date

Trainer give original of completed form to trainee, photocopy and maintain completed document for your records.

Mandatory Liquor Law Training for all new applications submitted after Nov. 1, 1997. A.R.S. Section 4-112(G)(2).
Completion of the Liquor License Training Courses is required at the issuance of a license.
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Proof of attendance within the last five years for the required courses must be submitted to the Department before the license application is considered complete.
Before acceptance of a Manager's Questionnaire and/or Agent Change for an existing license, proof of attendance for the Basic Liquor Law and [illegible] on-sale or off-sale) will be required.

Questions 15 & 16

DLLC

2003 MAR 26 P 4:22

To whom it may concern,
Regarding the incident that occurred on 10-20-97, between myself and Myong Kim. Myong and myself were into a very bad relationship for 8 years. At the time of the incident, we were going through a very stressful time and we got into an argument at the Pasta Brioni restaurant before we opened. The police came and I was taken away. I was charged with disorderly conduct. I went to anger management classes, which helped a great deal. We haven't had any problems since and I haven't had any dealings with Myong since then.

Question 18

I was fined by DLLC in May 1997 for selling to an intoxicated person and paid a $500.00 fine.

Question 20

Pasta Brioni	4416 N. Miller Road Suite 702 Scottsdale, Arizona 85251
Mulberry Bar & Grill	3752 E. Indian School Road Phoenix, Arizona 85018

CITY COUNCIL REPORT

MEETING DATE: May 19, 2003 ITEM NO. 7 GOAL: Preserve Character and Environment

SUBJECT

Bar Liquor License & Extension of Premises Request for Billet Bar
27-LL-2003
18-EX-2003

REQUEST

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an extension of premises and the probate/will assignment of a series 6 (bar) State liquor license.

OWNER

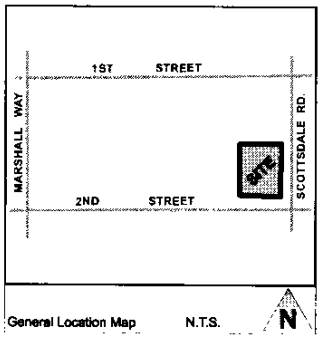
Myron Larrabee

APPLICANT CONTACT

Myron Larrabee
480-941-1876

LOCATION

3752 N. Scottsdale Rd.



BACKGROUND

This site is zoned C-3 (Highway Commercial).
This request is for approval of:

- A probate/will assignment of an existing bar (series 06) liquor license due to the death of the previous applicant/agent. This application includes interior bar area and exterior patios.
- A permanent amendment to the establishment's floor plan. This extension will add 535 interior sq. ft. to the licensed area of the business. The proposed addition was previously used as retail space.

The distance to the nearest school, Our Lady of Perpetual Help, is 2680 ft.
The distance to the nearest church, First Baptist, is 1525 ft.
There are 80 liquor licenses within a one half mile radius of this location.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.
The applicant is seeking a favorable recommendation on the probate/will assignment of a series 06 liquor license and extension of premises. The applicant has maintained the required posting notice for the State mandated 20-day period.

IMPACT ANALYSIS

Police/Fire. The Police Department has conducted a review and recommends approval of these cases.

Financial Services. Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

(Continued)

Parking. Planning and Development Services has conducted a review of the parking requirements. Parking is in compliance with the zoning ordinance.

Development Information. The existing establishment is 1355 sq. ft. The proposed addition is 535 sq. ft.

Maricopa County. Maricopa County Environmental Health has reviewed this application and reported no opposition to these cases.

Community involvement. No petitions or protests have been filed with the City Clerk during the 20 (twenty) day posting period.

OPTIONS AND STAFF RECOMMENDATION

City Council has the option of recommending approval or denial to the Arizona Department of Liquor Licenses and Control.

Recommended Approach: The review of these applications has shown that they meet zoning, parking, and public safety requirements. Staff recommends approval.

Proposed Next Steps: The City Council's recommendation of approval or denial will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is approved by the Department of Liquor Licenses and Control, the applicant should receive their license from the State within 15 days.

RESPONSIBLE DEPT(S)

Planning and Development Services Department

STAFF CONTACT(S)

Jeff Fisher
Plan Review and Permit Services Director
480-312-7619
E-mail: Jfisher@ScottsdaleAZ.Gov

APPROVED BY

Kroy Ekblaw — Date
Planning and Development Services General Manager

Ed Gawf — 5/2/03
Ed Gawf — Date
Deputy City Manager

ATTACHMENTS

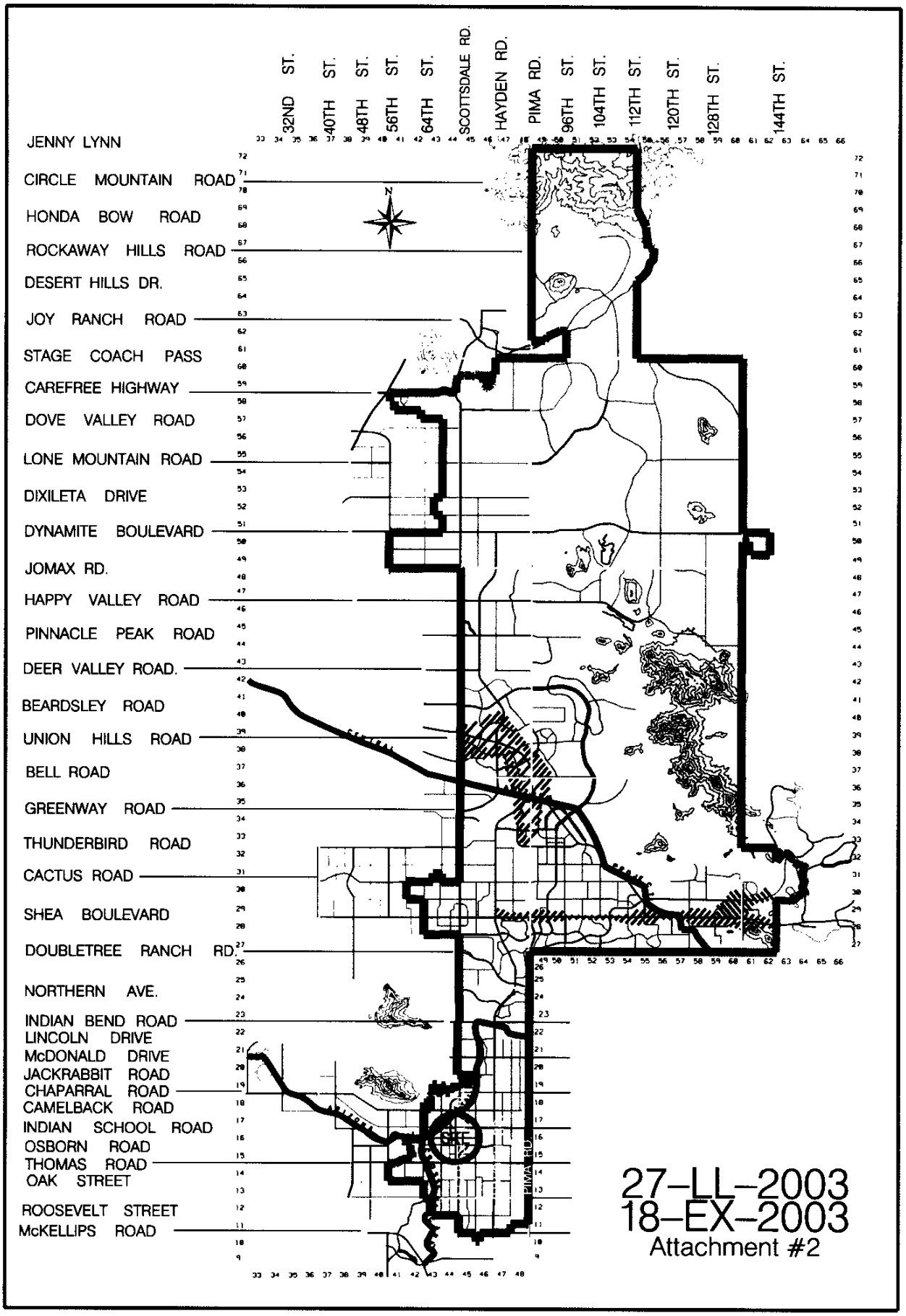
#1: Aerial Map
#2: Vicinity Map
#3 Graphic – Liquor license locations within ½ mile
#4: Application (Series 06 Probate/Will Assignment)
#5: Application (Extension of Premises)
#6: Project Info & Parking Lease Agreement

27-LL-2003

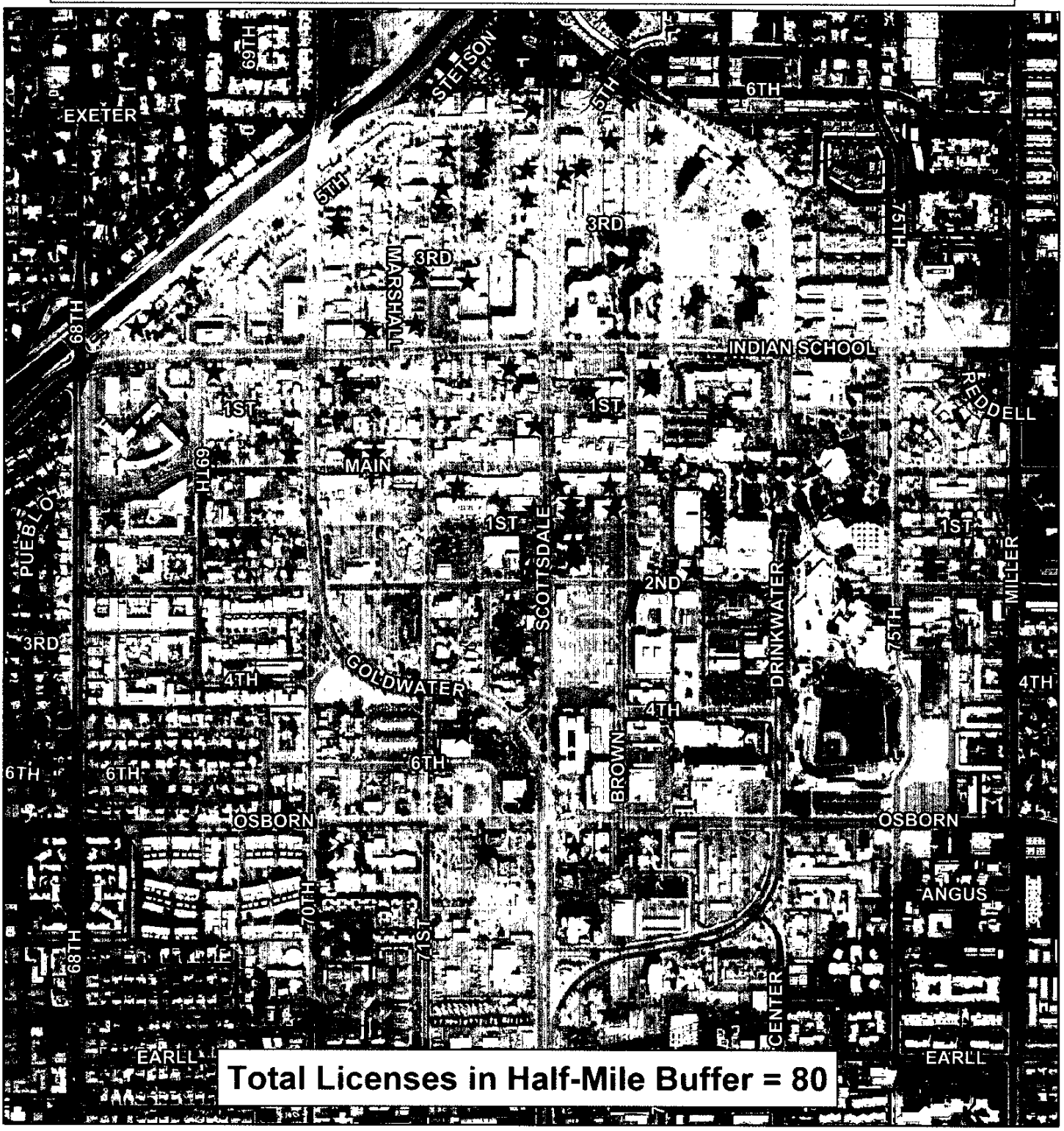
18-EX-2003

Billet Bar

ATTACHMENT #1


32ND ST.
40TH ST.
48TH ST.
56TH ST.
64TH ST.
SCOTTSDALE RD.
HAYDEN RD.
PIMA RD.
96TH ST.
104TH ST.
112TH ST.
120TH ST.
128TH ST.
144TH ST.
JENNY LYNN
CIRCLE MOUNTAIN ROAD
HONDA BOW ROAD
ROCKAWAY HILLS ROAD
DESERT HILLS DR.
JOY RANCH ROAD
STAGE COACH PASS
CAREFREE HIGHWAY
DOVE VALLEY ROAD
LONE MOUNTAIN ROAD
DIXILETA DRIVE
DYNAMITE BOULEVARD
JOMAX RD.
HAPPY VALLEY ROAD
PINNACLE PEAK ROAD
DEER VALLEY ROAD.
BEARDSLEY ROAD
UNION HILLS ROAD
BELL ROAD
GREENWAY ROAD
THUNDERBIRD ROAD
CACTUS ROAD
SHEA BOULEVARD
DOUBLETREE RANCH RD.
NORTHERN AVE.
INDIAN BEND ROAD
LINCOLN DRIVE
McDONALD DRIVE
JACKRABBIT ROAD
CHAPARRAL ROAD
CAMELBACK ROAD
INDIAN SCHOOL ROAD
OSBORN ROAD
THOMAS ROAD
OAK STREET
ROOSEVELT STREET
McKELLIPS ROAD
N
27-LL-2003
18-EX-2003
Attachment #2

Liquor Licenses Within A Half-Mile Radius of 3752 N Scottsdale Rd.



Total Licenses in Half-Mile Buffer = 80

0 225 450 900 1,350 1,800 Feet

1 inch equals 744.84 feet

Liquor Licenses.mxd
Printed: 04/14/2003
Created By: Brian Hancock
Source: City of Scottsdale, State of Arizona Dept. of Liquor Licenses and Control.

27-LL-2003 & 18-EX-2003

CITY OF SCOTTSDALE

N

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

27-LL 2003

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

APR 0 7

SECTION 1 This application is for a:

- [x] INTERIM PERMIT *Complete Section 5*
- [ ] NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16, 17*
- [ ] PERSON TRANSFER (Bars & Liquor Stores ONLY) *Complete Sections 2, 3, 4, 11, 13, 15, 16, 17*
- [ ] LOCATION TRANSFER (Bars and Liquor Stores ONLY) *Complete Sections 2, 3, 4, 12, 13, 15, 16, 17*
- [x] PROBATE/WILL ASSIGNMENT/DIVORCE DECREE *Complete Sections 2, 3, 4, 9, 13, 15, 17* (fee not required)
- [ ] GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16, 17*

SECTION 2 Type of ownership:

- [ ] J.T.W.R.O.S. *Complete Section 6*
- [ ] INDIVIDUAL *Complete Section 6*
- [ ] PARTNERSHIP *Complete Section 6*
- [ ] CORPORATION *Complete Section 7*
- [x] LIMITED LIABILITY CO. *Complete Section 7*
- [ ] CLUB *Complete Section 8*
- [ ] GOVERNMENT *Complete Section 10*
- [ ] TRUST *Complete Section 6*
- [ ] OTHER Explain _____

SECTION 3 Type of license and fees: LICENSE #: 06070208

1. Type of License: 06 - Bar 2. Total fees attached: $ 124.00

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

SECTION 4 Applicant: (All applicants must complete this section)

1. Applicant/Agent's Name: Mr. Ms. Larrabee (Last) Myron (First) J. (Middle)
(Insert one name ONLY to appear on license)
2. Corp./Partnership/L.L.C.: The Billet Bar, L.L.C. B1028821
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Billet Bar B1017716
(Exactly as it appears on the exterior of premises)
4. Business Address: 3752 North Scottsdale Road, Scottsdale, Maricopa 85251
(Do not use PO Box Number) City COUNTY Zip
5. Business Phone: (480) 941-1876 Residence Phone: [redacted]
6. Is the business located within the incorporated limits of the above city or town? [x] YES [ ] NO
7. Mailing Address: [redacted]
City State Zip
8. Enter the amount paid for a 06, 07, or 09 license: $ _____ (Price of License ONLY)

DEPARTMENT USE ONLY

Accepted by: CB Date: 4-2-03 Lic. # 06070208

Fees: waived (Application) 100 (Interim Permit) ____ (Agent Change) ____ (Club) 24 (F. Prints) $ 124 (TOTAL)

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD. YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

LIC 0100 11/2000

*Disabled individuals requiring special accommodation, please call (602) 542-9027.

SECTION 5 Interim Permit:

1. If you intend to operate business while your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There MUST be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 06070208
4. Is the license currently in use? ☒ YES ☐ NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, Myron harrabee (Print full name), declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, STOCKHOLDER OR LICENSEE of the stated license and location.

x Myron Harrabee (Signature)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 31st day of March, 2003.
(Day of Month) (Month) (Year)

My commission expires on: Feb 14, 2006

Anna M Heupel (Signature of NOTARY PUBLIC)

Notary Public State of Arizona
Maricopa County
Anna M Heupel
Expires February 14, 2006

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Residence Address	City State Zip
			%		

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Residence Address	City State Zip
☐ ☐	[redacted]					
☐ ☐	[redacted]					
☐ ☐						
☐ ☐				%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

2. Is any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

☐ CORPORATION *Complete questions 1, 2, 3, 5, 6, 7, 8* LLC

☒ L.L.C. *Complete questions 1, 2, 4, 5, 6, 7 and attach copy of Articles of Org. and Operation Agreement.*

1. Name of Corporation/L.L.C.: The Billet 2003 [illegible] 34
(Exactly as it appears on Articles of Inc. or Articles of Org.)

2. Date Incorporated/Organized: 3-10-03 State where Incorporated/Organized: Arizona

3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____

4. AZ L.L.C. File No: L-1069347-9 Date authorized to do business in AZ: 03-10-03

5. Is Corp./L.L.C. non-profit? ☐ YES ☒ NO If yes, give IRS tax exempt number: N/A

6. List all directors/officers in Corporation/L.L.C.:

Last	First	Middle	Title	Residence Address	City State Zip
Larrabee	Myron	J.	Manager	[redacted]	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders or controlling members owning 10% or more:

Last	First	Middle	% Owned	Residence Address	City State Zip
see attached			50 %		
			50 %		
			%		
			%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach an ownership, and director/officer/members disclosure for the parent entity. Attach additional sheets as necessary in order to disclose real people.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter) (Attach a copy of Club Charter)

2. Is club non-profit? ☐ YES ☐ NO If yes, give IRS tax exempt number: _____

3. List officer and directors:

Last	First	Middle	Title	Residence Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store:

1. Current Licensee's Name: Faulkinbury (Last) Cynthia (First)
(Exactly as it appears on license)

2. Assignee's Name: Larrabee (Last) Myron (First) J. (Middle)

3. License Type: 06-Bar License Number: 06070208 Date of Last Renewal: 1-31-03

4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUME DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE T APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

1. Person to administer this license: _____
Last First Middle

2. Assignee's Name: _____
Last First Middle

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERV

[redacted] Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY).

1. Current Licensee's Name: _____ Entity: _____
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)

2. Corporation/L.L.C. Name: _____
(Exactly as it appears on license)

3. Current Business Name: _____
(Exactly as it appears on license)

4. Current Business Address: _____

5. License Type: _____ License Number: _____ Last Renewal Date: _____

6. Current Mailing Address (other than business): _____

7. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? ☐ YES ☐ NO

8. Does the applicant intend to operate the business while this application is pending? ☐ YES ☐ NO If yes, complete section 5, attac and current license to this application.

9. I hereby relinquish my rights to the above described license to the applicant named in this application and hereby declare that the state made in this section are true, correct and complete.

I, _____, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER,
(Print full name)
STOCKHOLDER or LICENSEE of the stated license. I have read this section and the contents and all statements are true, correct and com

X _____
(Signature of CURRENT LICENSEE)

State of _____ County of _____
The foregoing instrument was acknowledged before me
_____ day of _____, _____
Day of Month Month Year

My commission expires on: _____

_____
(Signature of NOTARY PUBLIC)

Attachment to LIC0100

50% Myron L. Larrabee

B1628823 — Myron J. Larrabee, Trustee of the Larrabee Family Trust U/T/A dated September 12, 2002 -- Decedent's Trust

[redacted]
Scottsdale, Arizona 85251

50% Myron L. Larrabee

B1028822 Myron J. Larrabee, Trustee of the Larrabee Family Trust U/T/A dated September 12, 2002 -- Survivor's Trust

[redacted]
Scottsdale, Arizona 85251

Myron L. Larrabee - sole individual

DLLC

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SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE.

DLLC

1. Current Business Name and Address: (Exactly as it appears on license)

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2. New Business Name and Address: (Do not use PO Box Number)

3. License Type: _____ License Number: _____ Last Renewal Date: _____

4. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants:

1. Distance to nearest school: 1 mile ft. (Regardless of distance) Name/Address of school: Our Lady of Perpetual Help 3801 N. Miller Road Scottsdale, AZ

2. Distance to nearest church: 1 mile ft. (Regardless of distance) Name/Address of church: First Baptist 7025 East Osborn Scottsdale, AZ

3. I am the: ☒ LESSEE ☐ SUBLESSEE ☐ OWNER ☐ PURCHASER (of premises)

4. If the premises is leased give lessors name and address: The Luther B. Washburn Family Trust c/o Ed Lowry, 6900 East Camelback Road, #1040, Scottsdale, AZ 85251

4a. Monthly rental/lease rate $ 1,152.00. What is the remaining length of the lease? 4 yrs. 2 mos.

4b. What is the penalty if the lease is not fulfilled? $_____ or other see attached (give details - attach additional sheet if necessary)

5. What is the total business indebtedness of the applicant for this license/location excluding lease? $ N/A

Does any one creditor represent more than 10% of that sum? ☐ YES ☐ NO If yes, list below. Total must equal 100%.

Last	First	Middle	% Owed	Residence Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for? (BE SPECIFIC) Bar.

7. Has a license, or a transfer license for the premises on this application been denied by the state within the past one (1) year? ☐ YES ☒ NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee, have any interest in your business? ☐ YES ☒ NO

9. Is the premises currently licensed with a liquor license? ☒ YES ☐ NO If yes, give license number and licensee's name:

License # 06070208 (Exactly as it appears on license) Name Cynthia Faulkinbury.

SECTION 14 Restaurant, or Hotel-Motel Applicants:

1. Is there a valid restaurant or hotel-motel liquor license at the proposed location? ☐ YES ☐ NO If yes, give licensee's name:

   _____ and license #: _____
   Last First Middle

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of this application.

3. All restaurant applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor.

4. Do you understand that **40% of your annual gross revenue must be from food sales?** ☐ YES ☐ NO

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your licensed premises:

   ☒ Entrances/Exits ☒ Liquor storage areas
   ☐ Drive-in windows ☐ Patio enclosures
   ☐ Service windows ☐ Under construction: estimated completion date _____

2. Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.

3. The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.

   DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC.

   See attached - Not applicable

YOU MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, ENTRANCES, EXITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.

DLLC

2003 APR -2

[redacted]

[redacted]

DEFAULT

18. (a) Default of Tenant: If Tenant shall fail to pay any part of the rent herein provided or any other sum required by this Lease to be paid to Landlord at the times or in the manner provided, or if default shall be made in any of the other covenants or conditions or Tenant's part agreed to be performed, besides other rights or remedies it may have, under this Lease or otherwise, if such failure to pay rent or such other sum or such default shall continue for ten (10) days after written notice thereof from Landlord to Tenant in the case of a monetary default and twenty (20) days in the case of a non-monetary default, then Landlord, may either (i) terminate this Lease, or (ii) re-enter the Premises by summary proceedings or otherwise and remove all persons and property from the Premises without liability to any persons for damages sustained by reason of such removal, and re-let the Premises at such rental and upon such other terms and conditions as

DLLC

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Landlord in its sole discretion may deem advisable. In such event, Tenant shall remain liable for the monthly rent reserved in this Lease, plus the reasonable costs of obtaining possession of and re-letting the Premises and of any repairs and alterations necessary to prepare them for re-letting, less the rents received from such re-letting, if any. Any and all monthly deficiencies so payable by Tenant shall be paid monthly on the date herein provided for the payment of rent. No such re-entry or taking possession of the Premises by Landlord shall be construed as an election on its part to terminate this Lease unless a written notice of such intention be given to Tenant or unless the termination thereof be decreed by a court of competent jurisdiction. Notwithstanding any such re-letting without termination, Landlord may at any time thereafter elect to terminate this Lease for such previous breach. Should Landlord at any time terminate this Lease for any breach, in addition to any other remedies it may have, it may recover from Tenant all damages it may incur by reason of such breach, including but not limited to the costs of recovering the Premises, and including the worth at the time of such termination of the excess, if any, of the amount of the rent and charges equivalent to rent reserved in this Lease for the remainder of the stated term over the then reasonable rental value of the Premises for the remainder of the stated term, all of which amounts shall be immediately due and payable from Tenant to Landlord.

(b) All remedies conferred herein upon Landlord shall be cumulative and no one exclusive of any other remedy conferred herein or by law. For the purposes of this section, a default may occur if the Tenant or any of Tenant's agents or employees violate any of the terms or conditions of the Lease or any rules or regulations of the Premises and Building.

(c) In the event of an abandonment of the Premises as defined in Paragraph 14 hereof that shall constitute a default and in such event should Tenant vacate or abandon the Premises or any part thereof (absence of five (5) days after default in the payment of rent shall constitute an abandonment) Landlord may, at its option, resort to any and all remedies legal or otherwise or combinations thereof which the Landlord may wish to assert including but not limited to one or more of the following:

(1) Lock the doors to the Premises and exclude the Tenant therefrom.

(2) Retain or take possession of any property on the Premises pursuant to the Landlord's lien for unpaid rents.

(3) Enter the Premises and remove all persons and property therefrom.

(4) Declare the Lease at an end and terminated.

(5) Sue for the rent due and to become due under this Lease Agreement.

(6) Sue for any and all damages sustained by Landlord.

(7) Continue the Lease in effect and re-let the Premises on such terms and conditions as Landlord may deem advisable and in accord with the other provisions of this section of the Lease Agreement.

(d) Any waiver by Landlord of any breach by the Tenant shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition contained in this Lease Agreement. Further, the acceptance of rent shall not be construed to be a waiver of any breach previously made by Tenant. Tenant agrees that the breach of any of the covenants contained in the Lease shall of itself constitute a wrongful detainer of said Premises by the Tenant within the meaning of the statutes of the State of Arizona governing forcible entry and detainer.

(e) All remedies herein conferred upon the Landlord shall be cumulative and no one exclusive of any other remedy conferred herein or by law. If Tenant is in default, Landlord may prevent removal of property from the Premises by any lawful means it deems necessary to protect its interests.

(f) Computation of Time Periods. Should Tenant be notified of a violation and the violation is one that cannot reasonably be corrected within the time periods described above and provided corrective measures are commenced within the requisite time periods, then no day during which reasonable and diligent efforts are being taken toward correction of the asserted violation shall be counted in computing the time periods prescribed for the correction of the asserted violation.

ATTORNEY'S FEES

19. (a) If any person not a party to this Lease shall institute an action against Tenant in which Landlord involuntarily and without cause shall be made a party, Tenant shall indemnify and save Landlord harmless from all liabilities by reason thereof, including reasonable attorney's fees and all costs incurred by Landlord in such action.

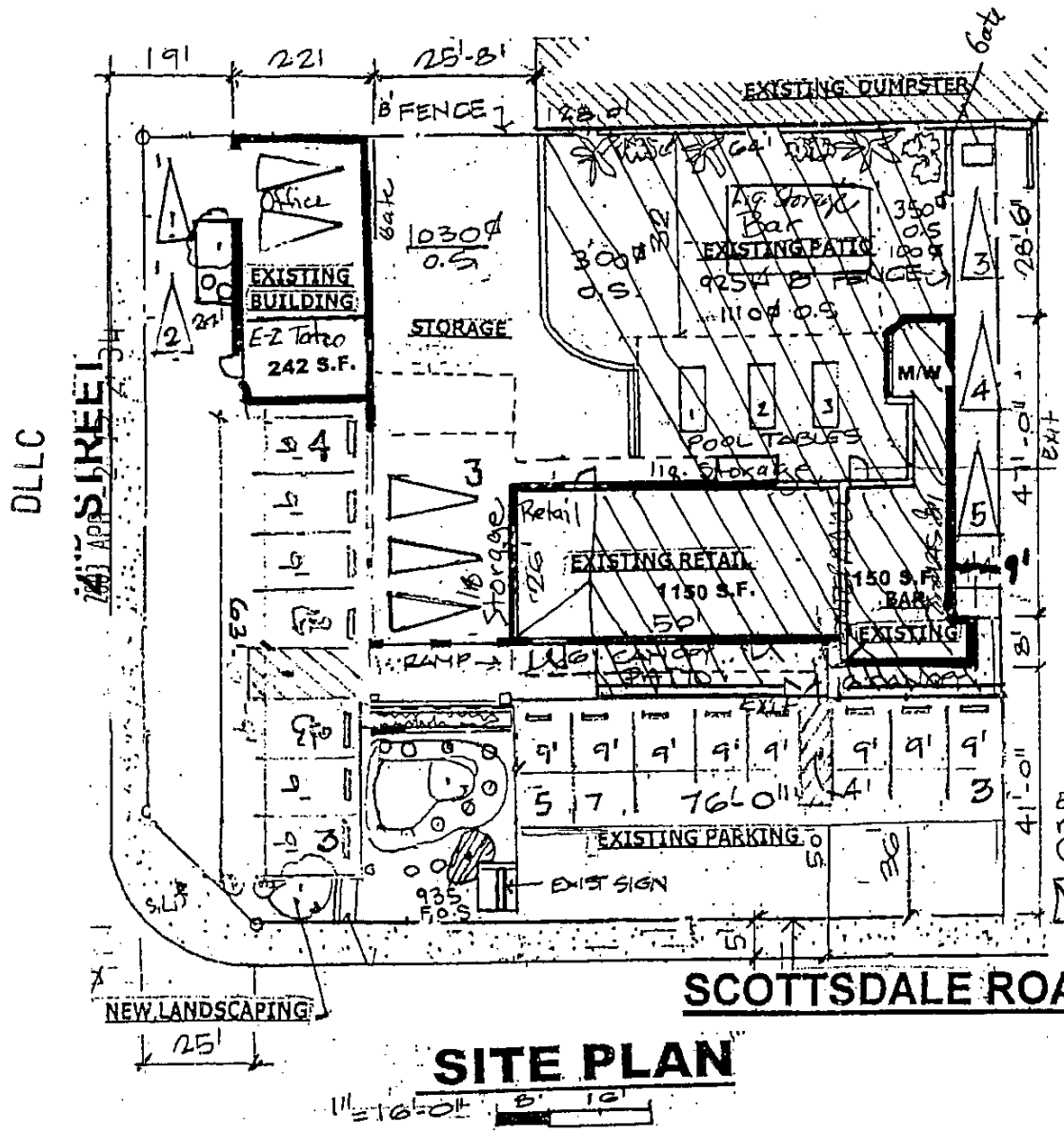
(b) If Landlord incurs any costs or expenses in enforcing any of the terms, conditions or covenants of this lease, preparing and/or serving notices, or other matter of enforcement short of litigation, then tenant agrees to reimburse landlord for such costs and/or expenses.

(c) If an action shall be brought by Landlord to recover any rental under this Lease, or for or on account of any breach of or to enforce or to interpret any of the terms, covenants or conditions of this Lease, or for the recovery or possession of the Premises, Landlord shall be entitled to recover from Tenant, as part of its costs, a reasonable attorney's fee, the amount of which shall be fixed by the Judge of the Court and shall be made a part of any judgment rendered. Attorney's fees and costs shall include, but not be limited to, all expenses incurred by Landlord in preparation for litigation or in settling or disposing of threats of litigation, travel expenses incurred by attorneys, parties (and their representatives), witnesses, the employment of expert witnesses and the fees and costs paid to them, court costs, and the expenses incurred in the preparation for trial of and appeal of any matter brought before a court.

[redacted]

[redacted]

[redacted]



SITE PLAN

BILLET BAR

OUTDOOR SEATING CHANGE

ADDRESS: 3748 SCOTTSDALE RD
ZONING: C-3
PARCEL: 130-12-129 QS. 16-44
NET LOT AREA: 15465 S.F.
OPEN SPACE REQ.: 1856 S.F.
OPEN SPACE EXIST: 4335 S.F.

PARKING LOT LANDSCAPG REQ. 812 S.F.
PARKING LOT LANDSCAPING 312 S.F.*
FRONT O. SPACE REQ: 928 S.F.
FRONT O.S. PROVIDED: 935 S.F.

PARKING:
RETAIL: (242+1150)/200=5.60 CARS
BAR: 150 +100=250/35= 7.14 CARS
PATIO: 925 +100+ 80=
1105-200/200= 4.50 CARS
POOL TABLES: 3@ 2/PT= 6.00 CARS
SPACES REQ: 23.24 OR 24.0 CARS

SPACES PROVIDED: 25 O.K.

*INDICATES LEGAL NON-CONFORMING

Expansion into existing retail requires 3rd Party agreements (attached).

indicates licensed area

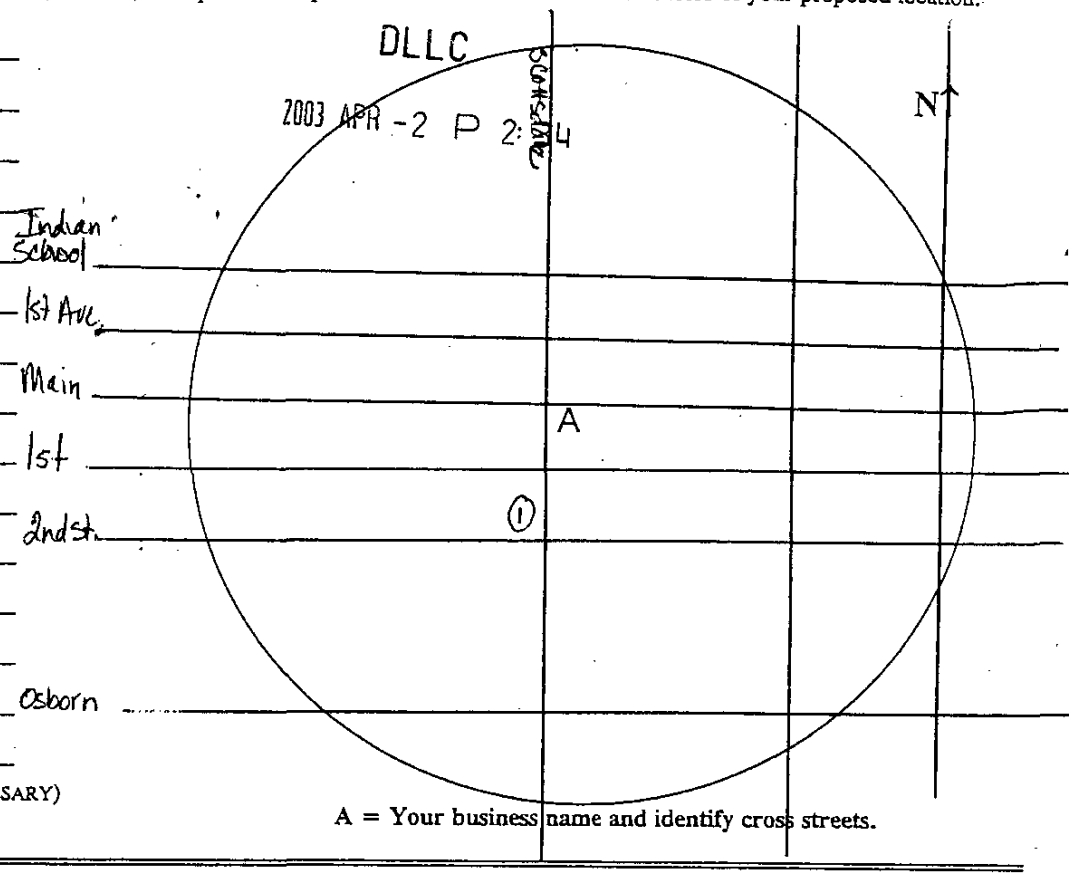
APPROVED
8/7/2001
DATE
INITIALS

SECTION 16 Geographical Data: A SAMPLE FOR THIS SECTION IS PROVIDED ON THE BACK OF THIS PAGE.

List below the exact names of all churches, schools, and spirituous liquor outlets within a one half mile radius of your proposed location.

1. The Billet Bar
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.

(ATTACH ADDITIONAL SHEET IF NECESSARY)



A = Your business name and identify cross streets.

SECTION 17 Signature Block:

I, Myron Larrabee, declare that: 1) I am the APPLICANT (Agent/Club Member/Partner), making this
(Print name of APPLICANT/AGENT listed in Section 4 Question 1)
application; 2) I have read the application and the contents and all statements are true, correct and complete; 3) that this application is not being made to defraud or injure any creditor, taxing authority, regulatory authority, or transferor; 4) that no other person, firm, or corporation, except as indicated, has an interest in the spirituous liquor license for which these statements are made; and 5) that none of the owners, partners, members, officers, directors or stockholders listed have been convicted of a felony in the past five (5) years.

x Myron Larrabee
(Signature)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
26th day of March, 2003.
Day of Month Month Year

My commission expires on: February 14, 2006

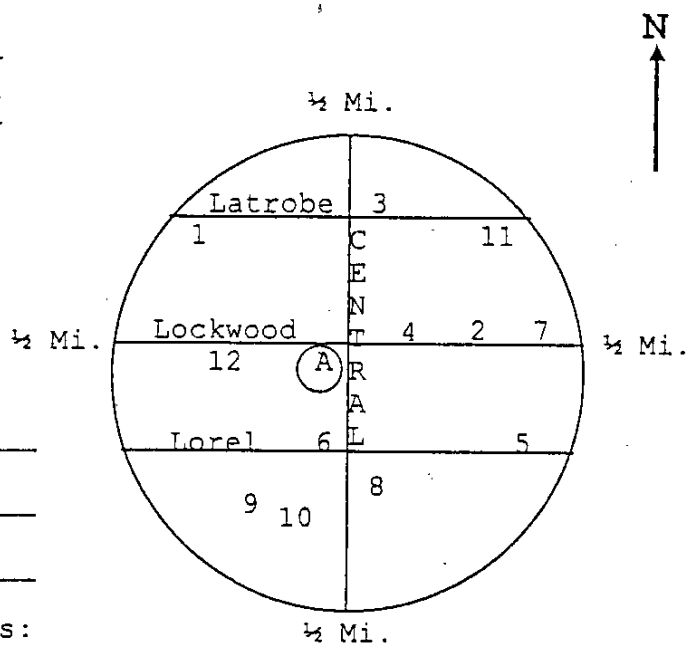
Anna M. Heupel
(Signature of NOTARY PUBLIC)

Notary Public State of Arizona
Maricopa County
Anna M Heupel
Expires February 14, 2006

SAMPLE
GEOGRAPHICAL DATA

In the area adjacent to the map provided below indicates your proposed location and the exact names of all churches, schools, and alcoholic beverage outlets within a 1/2 mile radius of your proposed location.
(See example below)

A = Applicant	Series 12
01 Pink Elephants	Series 06
02 Mama's Rest.	Series 12
03 Corner Liquors	Series 09
04 Joe's Groceries	Series 10
05 Lions Club	Series 14
06 Burgers R Us	Series 07
07 Pizza Perfect	Series 07
08 Billy Bobs Bar	Series 06
09 St. Anthonys Church	
10 St. Anthonys School	
11 Burbank Middle School	
12 First United Baptist Church	
13	
14	
15	



A.R.S. Section 4-207.A reads as follows:

A. No retailers license shall be issued for any premises which are. at the time the license application is received by the Director, within three hundred(300) horizontal feet of a church, within three hundred(300) horizontal feet of a public or private school building with kindergarten programs or any of grades one(1) through twelve(12). or within three hundred(300) horizontal feet of a fenced recreational area adjacent to such school building.

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

SOCIAL SECURITY AND BIRTHDATE INFORMATION IS CONFIDENTIAL BY LAW AND CANNOT BE DISSEMINATED TO THE PUBLIC

Read Carefully, this instrument is a sworn document. Type or print with black ink

An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # 06070208 (If the location is currently licensed)

P027323

1. Check appropriate box → ☐ Owner ☐ Partner ☒ Stockholder ☒ Member ☐ Officer ☒ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager | ☒ Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: Larrabee (Last) Myron (First) J (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] Drivers License #: [redacted] State: Arizona
(This Will Not Become a Part of Public Records)

4. Place of Birth: Gabriel (City) California (State) USA (Country) (not county) Height: 511 Weight: 215 Eyes: Brown Hair: Brown

5. Marital Status ☐ Single ☐ Married ☐ Divorced ☒ Widowed Residence (Home) Phone: [redacted]

6. Name of Current or Most Recent Spouse: Larrabee (Last) Cynthia (First) L. (Middle) _____ (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: 1971

8 Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: Billet Bar Premises Phone: (480) 941-1876

11. Licensed Premises Address: 3752 North Scottsdale Road (Street Address) (Do not use PO Box #), Scottsdale (City), Maricopa (County) 85251 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
5/1996	CURRENT	Owner	Billet Bar 3752 N. Scottsdale Road Scottsdale, AZ 85251

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
1/1990	CURRENT	own	[redacted]	[redacted]		

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day? 2-3, answer #14a below. If NO, skip to #15. 15 hours per week ☒ YES ☐ NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☒ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you EVER been *detained, cited, arrested, indicted or summoned* into court for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☒ YES ☐ NO

16. Have you EVER been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☒ YES ☐ NO

17. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐ YES ☒ NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☐ YES ☒ NO

19. Has anyone EVER *filed suit or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐ YES ☒ NO

[redacted]

20. Are you NOW or have you EVER held ownership, been a controlling person , been an officer, member, director, or manager on *any other liquor license* in this or any other state? [redacted] ☒ YES ☐ NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

[redacted]

Manager Section

[redacted] attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☒ NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you make payments to the licensee? ☐ YES ☒ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a [redacted] written contract or agreement between you and the licensee relating to the operation or management of this business? ☒ YES ☐ NO If "yes", attach a copy of such agreement

24. I, Myron Larrabee, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X Myron Larrabee
(Signature of Applicant)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
26th day of March 2003
Day of Month Month Year

Notary Public State of Arizona
Maricopa County
Anna M Heupel
Expires February 14, 2006

My commission expires on: February 14, 2006
Day of Month Month Year

Anna M Heupel
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION

~~The Billet Bar, LLC By:~~ Licensee or Agent Approval of Manager

25. I, (Print Licensee/Agent's Name): Larrabee (Last) Myron (First) (Middle)

Hereby authorize the applicant to act as manager for the named liquor license.

[redacted]

X Myron Larrabee
(Signature of LICENSEE/AGENT)

State of [redacted] County of Maricopa
[redacted] The foregoing instrument was acknowledged before me this
26th day of March 2003
Day of Month Month Year

Notary Public State of Arizona
Maricopa County
Anna M Heupel
Expires February 14, 2006

My commission expires on: February 14 2006
Day of Month Month Year

Anna M Heupel
(Signature of NOTARY PUBLIC)

Attachment to LIC0101

Question 15 & 16:

July 4, 1972 – DUI
1998 – assault (posted bond). Disposition: charges dropped.

Question 20:

Community one-half interest in Liquor License #06070208 issued by the Arizona Department of Liquor Licenses & Control to Cynthia L. Faulkinbury.

DLLC
2003 APR -2 P 2:34

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

CERTIFICATION OF COMPLETED ALCOHOL TRAINING PROGRAM(S)

OBTAIN ORIGINALS OF THIS FORM FROM DLLC-DO NOT PHOTOCOPY, DOCUMENT IS COMPUTER SCANNED. TYPE OR PRINT WITH BLACK INK.

ALCOHOL TRAINING PROGRAM INDIVIDUAL INFORMATION

Myron J Larrabee
Individual Name (Print)

Myron Larrabee
Individual Signature

3-/23-03
Date Training Completed

TYPE OF TRAINING COMPLETED

- [ ] BASIC
- [x] ON SALE
- [ ] MANAGEMENT
- [ ] OFF SALE
- [x] BOTH
- [ ] OTHER _____

IF TRAINEE IS EMPLOYED BY A LICENSEE:

NAME OF THE LICENSEE	BUSINESS NAME	LIQUOR LICENSE NUMBER
	Bullet Bar	06070208

2003 MAR 26 P 2:34

ALCOHOL TRAINING PROGRAM PROVIDER INFORMATION

JENNIFER WILSON
Company or Individual Name

3752 N Scottsdale Rd
Address

City	State	Zip	Phone
Scottsdale	Az	85251	

I Certify the above named individual has successfully completed the specified program(s).

Jennifer Wilson
Trainer Name (Print)

Trainer Signature

3-23-03
Date

Trainer give original of completed form to trainee, photocopy and maintain completed document for your records.

Mandatory Liquor Law Training for all new applications submitted after Nov. 1, 1997. A.R.S. Section 4-112(G)(2).
Completion of the Liquor License Training Courses is required at the issuance of a license.
The person(s) required to attend both the Basic Liquor Law and Management Training, (either on-sale or off-sale), will include all of the following : owner(s), licensee/agent or manager(s) WHO ARE ACTIVELY INVOLVED IN THE DAY TO DAY OPERATION OF THE BUSINESS.
Proof of attendance within the last five years for the required courses must be submitted to the Department before the license application is considered complete
Before acceptance of a Manager's Questionnaire and/or Agent Change for an existing license, proof of attendance for the Basic Liquor Law and Management Training (either on-sale or off-sale) will be required.

Disabled individuals requiring special accommodations please call (602) 542-9051

CERTIFIED COPY

FILED
2003 MAR 24 PM 3:27

John J. Schneider
Attorney I.D. No. 007219
PLATTNER, SCHNEIDMAN & SCHNEIDER, P.C.
1707 East Highland Avenue, Suite 190
Phoenix, Arizona 85016
(602) 274-7955
Attorneys for the Estate

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

2003 APR -2 P 2:

DLLC

In the Matter of the Estate of CYNTHIA L. FAULKINBURY LARRABEE, Deceased.	))))))	NO: PB2003-000806 **INSTRUMENT OF DISTRIBUTION**

MYRON J. LARRABEE, Personal Representative for the estate of the above-named decedent, in order to make distribution of the property of this Estate in compliance with Title 14 of Arizona Revised Statutes, hereby assigns, transfers and releases to Myron J. Larrabee, a distributee of the Estate, whose address is [redacted], Scottsdale, Arizona 85251, all right, title and interest of decedent in and to the following described property:

Alcoholic Beverage License No. 06070208, issued by the Arizona Department of Liquor License and Control on May 20, 2998.

DATED: March 21, 2003.

Myron J. Larrabee

MYRON J. LARRABEE
Personal Representative

PLATTNER, SCHNEIDMAN & SCHNEIDER, P.C.
1707 East Highland
Suite 190
Phoenix, Arizona 85016

STATE OF ARIZONA)
) ss.
County of Maricopa)

SUBSCRIBED AND SWORN to before me, a Notary Public in and for said county and state, this 21st day of March, 2003.

Notary Public

My Commission Expires:

December 31, 2005

NOTARY PUBLIC
STATE OF ARIZONA
Maricopa County
STEPHANIE C. SANDERS PAINE
My Commission Expires 12/31/05

25375-9900MPL.M02

DLLC
2003 APR -2 P 2:34

The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest MAR 2 4 2003
MICHAEL K. JEANES, Clerk of the Superior Court of the State of Arizona, in and for the County of Maricopa.

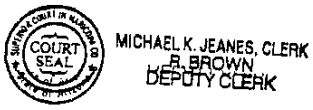
By _____ Deputy

DLLC

2003 APR -2 P 2:34

COPY

FEB 2 6 2003



LAST WILL

OF

CYNTHIA L. LARRABEE

PB2003-000806

I, CYNTHIA L. LARRABEE, a resident of Maricopa County, Arizona, declare this to be my Will.

ARTICLE ONE: I revoke all Wills and Codicils to Wills that I have previously made.

ARTICLE TWO: I declare that I am married to MYRON J. LARRABEE, and all references in this Will to "my husband" are to him. We have no children born of our marriage. My husband has two (2) children from a prior marriage, namely, JENZ BROWN ("JENZ"), an adult, and BLAKE LARRABEE ("BLAKE"), born August 3, 1984. All references in this Will to "my children" are to them.

ARTICLE THREE: The funeral expenses, claims, costs of administration and taxes assessed by reason of my death may be paid by my Personal Representative out of my probate estate, or they may be paid by the then acting Trustee under the Agreement of which I am a Settlor dated the 12th day of SEPT, 2000, as amended, from time to time ("Trust Agreement").

ARTICLE FOUR: I intend to prepare a separate writing identifying and disposing of items of my tangible personal property. This writing may hereafter be altered, amended or revoked and the most recent such writing shall be effective at the time of my death.

My Personal Representative is authorized and directed to distribute my tangible personal property in accordance with the instructions contained in such writing.

ARTICLE FIVE: I give all of my tangible personal property, including any household furniture and furnishings, as well as any automobiles, together with any insurance on such property, and any transferable club memberships which I may own at the time of my death, except that property previously disposed of pursuant to the provisions of Article FOUR above, to my husband. If my husband does not survive me, I give this property to my children who survive me in equal shares.

ARTICLE SIX: I give to the then acting Trustee under the Trust Agreement all of the residue of my estate to be added to the trusts thereunder, for the uses and purposes and for the benefit of the beneficiaries named therein.

ARTICLE SEVEN: If my husband and I shall die under circumstances which make it difficult or impossible to determine which of us died first, for the purposes of this Will, it shall be conclusively presumed that I survived my husband and all of the provisions of this Will shall be construed upon that presumption.

ARTICLE EIGHT: I nominate and appoint as Personal Representative of this, my Will, my husband to serve hereunder without bond. If for any reason my husband shall fail to qualify or cease to act as Personal Representative, I then nominate and appoint as Alternate Personal Representative, JENZ BROWN, to serve hereunder without bond. CH

ARTICLE NINE: My Personal Representative is authorized to elect to cause all or a portion of the assets comprising the Survivor's Income Trust and held under the Trust

Agreement to be treated as qualified terminable interest property for Federal estate tax purposes in the manner and with the discretion set forth in the Trust Agreement. If for any reason my Personal Representative is unable to make such election, then the Trustee of the Trust Agreement is authorized to make such election, in the same manner and with the same discretion set forth above.

I, CYNTHIA L. LARRABEE, the testatrix, sign my name to this instrument this 12TH day of SEPT., 2000, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Cynthia L Larrabee
CYNTHIA L. LARRABEE

We, LESLIE A. PLATTNER and SAMANTHA A. MILLER, witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testatrix signs and executes this instrument as her Last Will and that she signs it willingly, and that each of us, in the presence and hearing of the testatrix, hereby signs this Will as witness to the testatrix's signing, and that to the best of our knowledge the testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Leslie A. Plattner
Witness

Samantha A. Miller
Witness

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 12th day of Sept., 2000, by CYNTHIA L. LARRABEE, the testatrix, and by LESLIE A. PLATTNER and SAMANTHA A. MILLER, witnesses.

Bobbi J. Maguire
Notary Public

My Commission Expires:
6/14/04

NOTARY PUBLIC
STATE OF ARIZONA
Maricopa County
BOBBI J. MAGUIRE
My Commission Expires 06/14/04

DLLC
2003 APR -2 P 2:35

2003 APR -2 DLLC

ORIGINAL STATE COPY

STATE OF ARIZONA
DEPARTMENT OF HEALTH SERVICES - OFFICE OF VITAL RECORDS

CERTIFICATE OF DEATH

DEATH NO. D 102-

DECEDENT

1. NAME OF DECEASED — A. FIRST: CYNTHIA; B. MIDDLE: FAULKINBURY-LARRABEE; C. LAST:
2. SEX: FEMALE
DATE OF DEATH (MONTH, DAY, YEAR): [redacted]
5. WAS DECEASED EVER IN U.S. ARMED FORCES? (SPECIFY YES OR NO): No
6A. RACE (e.g., white, black, American Indian, (specify tribe) etc.) SPECIFY: White
6B. WAS DECEDENT OF HISPANIC ORIGIN? (SPECIFY YES OR NO): No
6C. IF YES, INDICATE MEXICAN, SPANISH, PUERTO RICAN, CUBAN, ETC.: ---
6. PLACE OF DEATH — A. COUNTY: MARICOPA
B. TOWN OR CITY: SCOTTSDALE
C. HOSPITAL OR INSTITUTION (IF RESIDENCE, GIVE STREET ADDRESS): [redacted]
D. ☐ DOA ☐ OP EMER. ☐ IN PATIENT
7. DATE OF BIRTH (MONTH, DAY, YEAR): [redacted]
8A. AGE (YEARS LAST BIRTHDAY): 48
8B. IF UNDER 1 YEAR MOS. DAYS
8C. IF UNDER 1 DAY HRS. MIN.
9. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY): Married
10. SURVIVING SPOUSE (IF WIFE, GIVE MAIDEN NAME): Myron Larrabee
11. STATE AND CITY OF BIRTH (if not in USA, name country): Chicago, Illinois
12. CITIZEN OF WHAT COUNTRY? SPECIFY: U.S.A.
13. SOCIAL SECURITY NO.: [redacted]
14A. USUAL OCCUPATION (Give kind of work done most of working life, even if retired): Business Owner
14B. KIND OF BUSINESS OR INDUSTRY: Fitness Facility
15. USUAL RESIDENCE — A. STATE: Arizona; B. COUNTY: Maricopa; C. TOWN OR CITY: Scottsdale; D. ZIP CODE: 85251
16. HOW LONG IN ARIZONA? 34 years
17. EDUCATION HIGHEST GRADE COMPLETED — A. ELEMENTARY-SECONDARY (0-12): 12; B. COLLEGE (1-4 or 5+): 2
15E. STREET ADDRESS OF R.F.D.: [redacted]
15F. INSIDE CITY LIMITS? (SPECIFY Yes or No): Yes
15G. ON RESERVATION (SPECIFY Yes or No): No
18. PREVIOUS STATE OF RESIDENCE: Illinois

PARENTS

19. FATHER'S NAME — A. FIRST: Charles; B. MIDDLE: Faulkinburg; C. LAST:
20. MOTHER'S MAIDEN NAME — A. FIRST: Del; B. MIDDLE: Brandt; C. LAST:

POSITION

21. INFORMANT'S SIGNATURE ▶ By: [signature] Myron Larrabee
22. RELATIONSHIP TO DECEASED: Husband
23. ADDRESS [redacted] ZIP CODE
24. BURIAL, CREMATION, REMOVAL, OTHER (Specify): Cremation
25. DATE: 1-22-03
26. CEMETERY OR CREMATORY NAME/LOCATION: Paradise Memorial Crematory Scottsdale, Arizona
27A. EMBALMER'S SIGNATURE ▶ Not embalmed.
27B. CERT. NO.:
28. FUNERAL HOME NAME, STREET ADDRESS, CITY AND STATE: Messinger Indian School Mortuary 7601 E. Indian School Rd., Scottsdale, Arizona
29A. FUNERAL DIRECTOR or person acting as such (SIGNATURE) ▶ [signature]
29B. CERT. NO.: 39[illegible]

CERTIFIER

To be completed by CERTIFYING PHYSICIAN ONLY: TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE TIME, DATE AND PLACE AND DUE TO THE CAUSE(S) STATED.
30. SIGNATURE ▶ AND TITLE
31. DATE SIGNED (Mo., Day, Year)
32. HOUR OF DEATH
33. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or print)

To be completed by MEDICAL EXAMINER OR TRIBAL LAW ENFORCEMENT AUTHORITY ONLY: ON THE BASIS OF EXAMINATION AND/OR INVESTIGATION, IN MY OPINION DEATH OCCURRED AT THE TIME, DATE AND PLACE DUE TO THE CAUSE(S) AND MANNER STATED.
34. SIGNATURE ▶ AND TITLE [signature]
35. DATE SIGNED (Mo., Day, Year): JANUARY 20, 2003
36. HOUR OF DEATH: UNK
37. PRONOUNCED DEAD (Mo., Day, Year): ON JANUARY 18, 2003
38. PRONOUNCED DEAD (Hour): AT 1025

39. NAME AND ADDRESS OF CERTIFIER, PHYSICIAN, MEDICAL EXAMINER OR TRIBAL LAW ENFORCEMENT AUTHORITY (Type or Print): MARK A. FISCHIONE, MD, 701 W. JEFFERSON ST., PHOENIX, AZ
40. AUTHORIZED FOR CREMATION (SPECIFY): ☒ Yes ☐ No
41. MEDICAL EXAMINER'S SIGNATURE
42. DATE REGISTERED
43. REG. FILE NO.
44. REGISTRAR'S SIGNATURE ▶
45. REG. DISTRICT
46. DATE REC'D. IN STATE OFFICE

CAUSE OF DEATH

47. SEQUENTIALLY LIST CONDITIONS, IF ANY, LEADING TO IMMEDIATE CAUSE. ENTER UNDERLYING CAUSE (DISEASE OR INJURY THAT INITIATED EVENTS RESULTING IN DEATH) LAST. PART I
A. IMMEDIATE CAUSE (FINAL DISEASE OR CONDITION RESULTING IN DEATH) (ENTER ONLY ONE CAUSE ON EACH LINE): PENDING
B. DUE TO OR AS A CONSEQUENCE OF:
C. DUE TO OR AS A CONSEQUENCE OF:
APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH
48. PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I
49. AUTOPSY (Specify Yes or No): YES
50. WAS CASE REFERRED TO MEDICAL EXAMINER (Specify Yes or No): YES

MEDICAL EXAMINER

51. MANNER OF DEATH: ☐ NATURAL CAUSES ☐ HOMICIDE ☐ ACCIDENT ☒ PENDING INVESTIGATION ☐ SUICIDE ☐ UNDETERMINED
52. DATE OF INJURY (MO, DAY, YR)
53. HOUR M
54. INJURY AT WORK? (Specify Yes or No)
55. DESCRIBE HOW INJURY OCCURRED
56. PLACE OF INJURY (At home, farm, street, factory, office building, etc.) SPECIFY
57. WHERE LOCATED? STREET ADDRESS CITY OR TOWN STATE

STATE USE

58. SUPPLEMENTARY ENTRIES

COMMISSIONERS
MARC SPITZER - Chairman
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

ARIZONA CORPORATION COMMISSION

BRIAN C. MCNEIL
Executive Secretary

JOANNE C. MACDONNELL
Director, Corporations Division

March 18, 2003

2003 APR -2 P 2:35
DLLC

GCS SEARCH CO.
1850 N. CENTRAL AVE.
VALERIE
PHOENIX, AZ 85004

RE: THE BILLET BAR, L.L.C.
File Number: L-1069347-9

We are pleased to notify you that your Articles of Organization were filed on March 10, 2003.

You must publish a notice of the filing of your Articles of Organization OR alternatively, you may publish the Articles of Organization in their entirety. The publication must be in a newspaper of general circulation in the county of the known place of business, in Arizona as filed with the Commission, for three (3) consecutive publications.

For your convenience we have provided a Notice of Publication form. Please complete this form, in its entirety, and submit to the newspaper of your choice. An affidavit from the newspaper, evidencing such publication, must be delivered to the Commission for filing WITHIN NINETY (90) DAYS from the date of this letter.

The Commission strongly recommends that you periodically check Commission records regarding the corporation. The Commission web site www.cc.state.az.us/corp contains information specific to each Limited Liability Company of record and is a good general source of information.

If you have any questions or need further information, please contact us at (602) 542-3135 in Phoenix, (520) 628-6560 in Tucson, or Toll Free (Arizona residents only) at 1-800-345-5819.

Sincerely,

MARGARET COTA
Examiner
Corporations Division

LL:13
Rev: 01/2003

EXPEDITED
AZ CORP COMMISSION
FILED

2003 MAR 10 P 2:36

APPR Megan Cato
DATE APPR 3-10-03
TERM
DATE TIME
L-1069347-9

2003 APR -2 P 2:35

DLLC

ARTICLES OF ORGANIZATION

OF

THE BILLET BAR, L.L.C.

The undersigned, for the purposes of forming a Limited Liability Company under the Arizona Limited Liability Company Act (the "Act"), hereby makes, acknowledges and files the following Articles of Organization:

ARTICLE I.

Name and Registered Office

The name of the Limited Liability Company is The Billet Bar, L.L.C. Its registered office is located at 3752 North Scottsdale Road, Scottsdale, Arizona 85251.

ARTICLE II.

Registered Agent

The name and address of the Limited Liability Company's registered agent in the State of Arizona is Myron J. Larrabee, 3748 North Scottsdale Road, Scottsdale, Arizona 85251.

ARTICLE III.

Duration

The Limited Liability Company shall have perpetual existence.

ARTICLE IV.

Management

Management of the Limited Liability Company is vested in a manager or managers (the "Manager").

The undersigned, having been designated to act as Statutory Agent, hereby consents to act in that capacity until removal or resignation is submitted in accordance with the Arizona Revised Statutes.

MYRON J. LARRABEE

DLLC
2003 APR -2 P 2:35

ARTICLE V.

Name and Address of the Manager

2003 APR 2 P 2: 3
DLC

The name and address of the Manager of the Limited Liability Company is as follows:

NAME	ADDRESS
Myron J. Larrabee	[redacted]

ARTICLE VI.

Names and Addresses of the Members

The names and addresses of the Members of the Limited Liability Company owning a twenty percent (20%) or greater interest in the capital or profits of the limited liability company are as follows:

NAME	ADDRESS
Myron J. Larrabee, Trustee of the Larrabee Family Trust U/T/A dated September 12, 2002 -- Decedent's Trust	[redacted]
Myron J. Larrabee, Trustee of the Larrabee Family Trust U/T/A dated September 12, 2002 -- Survivor's Trust	[redacted]

IN WITNESS WHEREOF, the undersigned has hereunto subscribed his name on the 26th day of February, 2003.

MYRON J. LARRABEE

6055.007
3-31-03

When Recorded Return To:
Lila Madden (Donna Bronski)
City of Scottsdale
7447 E. Indian School Road
Suite 100
Scottsdale, Arizona 85251

DRAFT

Easement Agreement and Restrictive Covenant for Parking

This Agreement (the Agreement) is entered into this 31st day of March, 2003, by and between Gail Hodge, as Successor Trustee of the Luther B. Wasbotten Family Trust, hereinafter referred to as "property owner" and Smith and Smith, Inc., an Arizona Corporation hereinafter referred to as "property owner." Hereafter, each is referred to individually as an "Owner" and collectively referred to as the "Owners."

A. Property owner, Gail Hodge as Successor Trustee of the Luther B. Wasbotten Family Trust, is the fee simple Owner of real property leased to Tokyo Joe's Incorporated, an Arizona Corporation dba "Easy Rider" and "Billet Bar" located at 3748 and 3752 North Scottsdale Road, Scottsdale, Arizona, the "Easy Rider Property" described on Exhibit "A" attached hereto and incorporated by this reference. The Easy Rider Property is zoned C-2

B. Property owner, Smith and Smith, Inc., an Arizona Corporation dba Smoothie King, is the fee simple owner of land located at 3737 North Scottsdale Road, Scottsdale, Arizona, known as the "Smoothie King" property and which is described on Exhibit "B" attached hereto and incorporated by this reference. The Smoothie King property is zoned C-2.

C. This Agreement is designed to assure compliance by Easy Rider with the project parking requirements in the City of Scottsdale Zoning Ordinance, Section 9.107 parking code.

D. Pursuant to expansion of premises drawing, dated, _____ _____, 2003; "the premises" the Easy Rider Property is vested with 24 car spaces and requires 34.2 total car spaces for its expansion of premises.

E. The Smoothie King property located across the street on North Scottsdale Road has 11 car spaces available after 7:00 p.m. and has entered into a 5-year Lease Agreement with Easy Rider for said 11 car spaces.

RESTRICTED AREA IS NOTED PER ATTACHED PLAN
← END OF ITEM "E"

F. Accordingly, without adding additional building area, but allowing the expansion of the Premises during limited hours, the Easy Rider Property will benefit from use of 11 spaces due to their non-use by Smoothie King after its closing time each day.

G. The Easy Rider Property thereby gains expansion of Premises from this remote parking, which is located less than 100 feet from Easy Rider Property.

H. The Owners voluntarily enter into this Agreement in order to provide for compliance by the Easy Rider Property, with the City requirements to provide parking including 11 remote spaces, for a total of 35 car parking spaces.

I. This Agreement is consistent with the portions of the Scottsdale General Plan applicable to the Easy Rider Property and the Smoothie King Property as of the date this Agreement is executed.

J. Easy Rider and the Owner of the Smoothie King Property have entered into a Parking Lease Agreement described as Exhibit "C," attached hereto, and incorporated by reference as the Parking Lease Agreement (Exhibit "C").

Agreements

NOW THEREFORE, in consideration of yearly rent as stated in attached and incorporated Exhibit "C," the Owners hereby declare covenant and agree as follows:

1. Recitals. The recitals set forth above are hereby incorporated by this reference.

2. Agreement. Owners acknowledge and agree that entering into this Agreement will help the Easy Rider Property comply with City parking requirements on the Easy Rider Property.

3. Maintenance of Parking Lease Agreement. Myron Larrabee, on behalf of Easy Rider, shall at all times during the term of this Agreement (see paragraph 7 below), maintain the Parking Lease Agreement (Exhibit "C") for parking consisting of approximately 11 cars to benefit Easy Rider.

4. Easement. Property Owner Smoothie King grants to Easy Rider a non-exclusive easement in, over and across the parking lot known as the Smoothie King Property per the terms of (Exhibit "C").

5. Use Restrictions. Property Owners and Easy Rider agree that the Easy Rider Property expansion of premises can only be used for parking during the term of the Parking Lease Agreement. The Owners agree to notify the City of Scottsdale of any proposed change in use that complies with uses permitted by the zoning applicable to each of the Properties in order to recalculate the required parking for the property.

6. Termination. If the remote parking use on the Smoothie King Property is discontinued for any reason, the use of the Easy Rider Property Expansion of Premises shall be discontinued until such time as the Easy Rider Property is in compliance with the City of Scottsdale parking requirements. Accordingly, in strict conformance with General Provision Item "j" Recordation, said Termination shall be recorded to remove Easement Agreement and Restrictive Covenant For Parking within ten (10) days of Termination.

7. Term. This Agreement shall be effective as of the date of recordation and shall continue in full force and effect until any of the following events may occur: 1) Completion of the Five year (5) term of Parking Lease Agreement (Exhibit "C"); or 2) this Agreement is terminated by mutual consent of parties.

General Provisions.

a. Notices. All notices, filings, consents, approvals and other communications provided for herein or given in connection herewith ("notices") shall be validly given, filed, made delivered or served if in writing delivered personally or sent by registered or certified United States Postal Service mail, return receipt requested, postage prepaid to:

If to the City: The City of Scottsdale
7447 E. Indian School Road
Scottsdale, Arizona 85251
ATTN: Zoning Administrator
and City Manager
City of Scottsdale
3939 Drinkwater Boulevard
Scottsdale, Arizona 85251

If to Property Owner of 3748 and 3752 North Scottsdale Road:
Gail B. Hodge, Trustee
14022 North 81st Street
Scottsdale, Arizona 85260

If to Property Owner of 3737 North Scottsdale Road:
Smoothie King
c/o Smith and Smith, Inc.
3737 North Scottsdale Road
Scottsdale, Arizona 85251

If to Easy Rider:
Easy Rider
3748 North Scottsdale Road
Scottsdale, Arizona 85251

Or to such addresses as either party may from time to time designate in writing and deliver in like manner. Any such change of address notice shall be given at least ten (10) days before the date on which the change is to become effective. Notices personally delivered shall be deemed delivered upon delivery.

b. Mailing Effective. Notices given by mail shall be deemed delivered seventy-two (72) hours following deposit in the U.S. Postal Service in the manner set forth.

c. Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof and no waiver by the parties of the breach of any provision of this Agreement shall be construed as a waiver of any proceeding, or succeeding, breach of the same or of any other provision of this Agreement.

d. Headings. The Descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or effect the meaning or construction of any provisions of this Agreement.

e. Authority. The parties to this Agreement represent to each other that they have the full power and authority to enter into this Agreement and that all necessary actions have been taken to give full force to this Agreement. Easy Rider and Smoothie King represent and warrant that they are duly formed and valid under the laws of Arizona and are in good standing under applicable state laws. The Owner warrants that the individual executing the Agreement on behalf of the Trust is authorized and empowered to bind the Trust on whose behalf the individual is signing.

f. Entire Agreement. The Agreement, including Exhibit "A," Exhibit "B" and Exhibit "C," constitutes the entire Agreement between the parties relating to the provision of off-site parking, also known as remote parking.

g. Amendment of the Agreement. This Agreement may be amended, in whole or in part, and with respect to all or any portion of the Easy Rider Property or the Smoothie King Property, only with the written mutual consent of the parties or by their successors.

h. Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect, providing that the fundamental purpose of this Agreement is not defeated by such severability.

i. Governing Law. The Laws of the State of Arizona shall govern the interpretation and enforcement of this Agreement. The parties agree that

the venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction in Maricopa County, Arizona and the parties hereby waive any right to object to such venue.

j. Recordation. This Agreement and any amendment or cancellation of this Agreement shall be recorded in its entirety in the official records and county recorder's office in Maricopa County, Arizona, no later than ten (10) days after the Owners execute agreement. Notwithstanding this requirement, the failure to record this Agreement shall not effect the validity of this Agreement.

k. Remedies. If any party to this Agreement breaches any provision of the Agreement, the non-defaulting party shall be entitled to remedies available to both law and inequity including specific performance.

l. Attorney's Fees and Costs. In the event of any legal action or proceeding brought by either party against the other under this Agreement, the prevailing party shall be entitled to recover reasonable attorney costs incurred including all fees incurred in connection with the judgment.

m. Assignment. No portion of this Agreement shall be assignable.

n. Third Parties. There are no third party beneficiaries to this Agreement and no person or entity not a party hereto shall have any right to cause action hereunder.

o. No Agency Created. Nothing contained in this Agreement shall create any partnership, joint venture or agency relationship between the parties.

In Witness Whereof, the parties have executed this Agreement as of the day and year first above written.

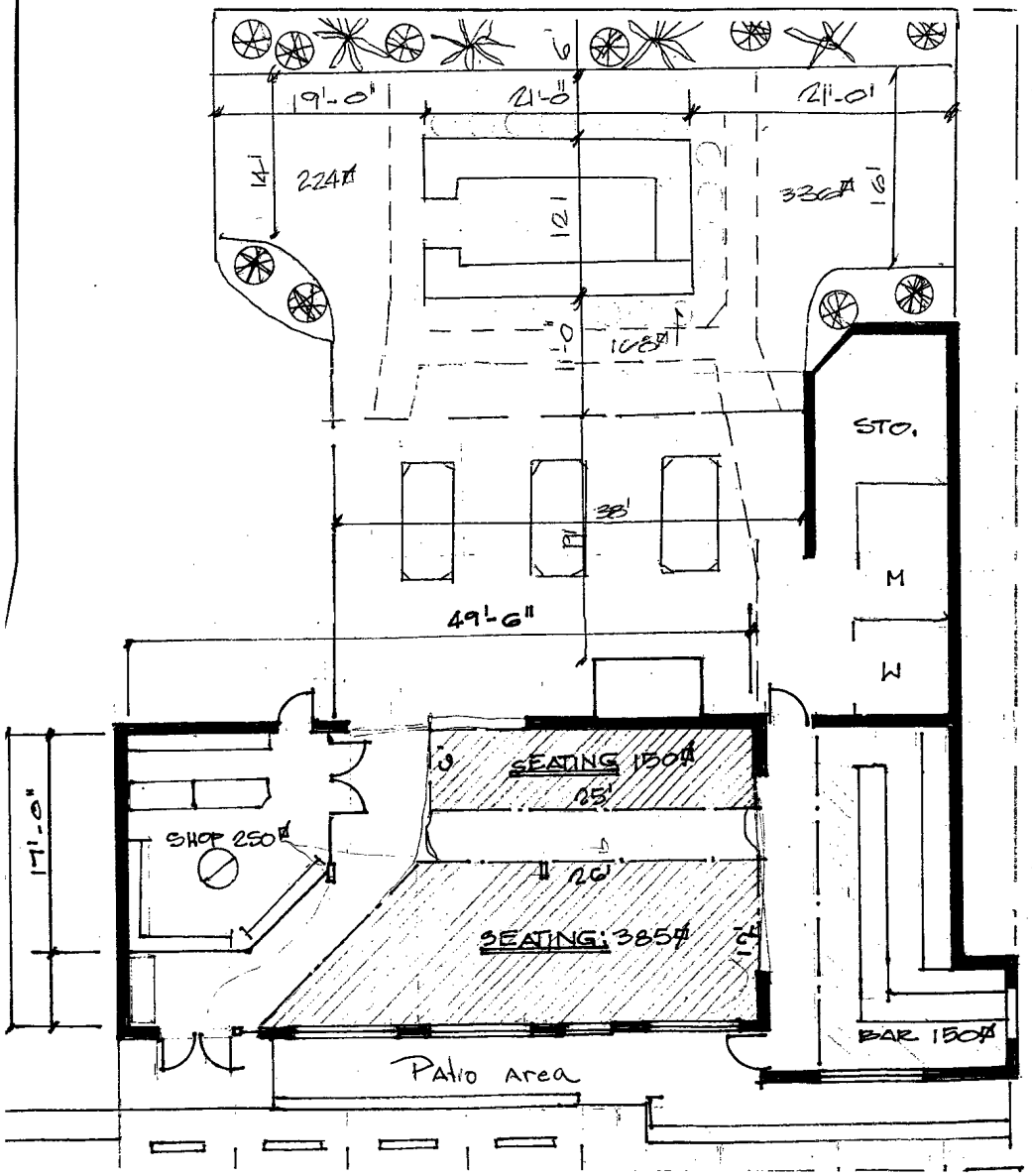
OWNER:

By:_____ Date:_____
Gail B. Hodge
Trustee

OWNER:

Smith & Smith, Inc., dba Smoothie King:

By:_____ Date:_____
Nick Smith
President



.499 SQ. FT.

SCOPE OF PROJECT: EXPAND EXISTING BAR/ RESTAURA
CONVERTING A PORTION OF EXISTING 1130 SQ. FT. RETAI
AREA) 1300 SQ. FT. (GROSS AREA) INTO TO BAR 535 SQ. F
AREA) . KEEP 250 SQ. FT. NET RETAIL AREA FOR LOGO S
SALES. USE REMAINS THE SAME .

PARKING CALCULATIONS ARE AS FOLOWS:

EXISTING BILLET BAR:	150 SQ. FT/ 35 =	4.2
EXISTING PATIO BILLIARDS:	3 TABLES X 2 =	6.0
EXISTING FRONT OUTDOOR SEATING	250 -200=50=	1.0
EXISTING TATOO STORAGE	400 SQ. FT/225=	2.0
REMAINING RETAIL SHOP 250 SQ. FT.	250 SQ. / 225=	1.2
NEW BAR AREA SQ. FT. NET:	535 SQ. FT./35=	15.3
EXISTING BACK PATIO: (628)	600 SQ. FT/200=	3.0
	TOTAL CARS REQUIRED:	32.(

PARKING PROVIDED ON SITE : 19 CARS
PARKING PROVIDED OFF-SITE 15 CARS
TOTAL PARKING PROVIDED: 34 CARS < 32 CARS REQU

PARKING PROVIDED BY WRITTEN FIVE YEAR AGREEMENT
ACROSS SCOTTSDALE RD AT LIGHT SIGNAL. SITE PLAN /

DAVID D. ORTEGA, A.I.A
ARCHITECT & ASSOCIATES, IN
7150 FIFTH AVENUE, SUITE 202
SCOTTSDALE, ARIZONA 85251

APPROVED:

Tokyo Joe's Incorporated, an Arizona Corporation dba Easy Rider and/or Billet Bar:

By:_____ **Date:**_____
Myron Larrabee
President

THIRD PARTY SIGNATOR
City of Scottsdale, an Arizona Municipal Corporation

_____

Approved as to Form:

By:_____
City Attorney

CITY OF SCOTTSDALE
HAS THEIR OWN
LAST SHEET FOR
ACKNOWLEDGMT
MS. BOOMSA
at CITY REVIEWS

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES AND CONTROL

BAR

ALCOHOLIC BEVERAGE LICENSE

License 06070208

Issue Date: 4/2/2003

Expiration Date: 7/16/2003

Issued To:
MYRON J LARRABEE, Agent
BILLET BAR LLC, Owner

Location:
BILLETT BAR
3752 N SCOTTSDALE RD
SCOTTSDALE, AZ 85251

Bar
Interim Permit

Mailing Address:
MYRON J LARRABEE
BILLET BAR LLC
BILLETT BAR
3748 N SCOTTSDALE RD
SCOTTSDALE, AZ 85251

EXP 7/16/2003

GREAT SEAL OF THE STATE OF ARIZONA
DITAT DEUS
1912

POST THIS LICENSE IN A CONSPICUOUS PLACE

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

18-EX-2003 APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

☒ Permanent change of area of service
☐ Temporary change for date(s) of: _____

1. Owner or Agent's Name: LARRABEE (Last) MYRON (First) J. (Middle)
2. Mailing Address: 3748 North Scottsdale Road, Scottsdale, Arizona 85251 (City, State, Zip)
3. Business Name: Billet Bar LICENSE #: 06070208
4. Business Address: 3752 North Scottsdale Road, Scottsdale, Arizona 85251 (City, COUNTY, State, Zip)
5. Business Phone: (480) 941-1876 Residence Phone: ([redacted])
6. Are you familiar with Arizona Liquor Laws and Regulations? ☒ YES ☐ NO
7. What security precautions will be taken to prevent liquor violations in the extended area? Fence and Security.
8. Does this extension bring your premises within 300 feet of a church or school? ☐ YES ☒ NO
9. IMPORTANT: ATTACH THE REVISED FLOOR PLAN CLEARLY DEPICTING YOUR LICENSED PREMISES AND WHAT YOU PROPOSE TO ADD.

After completing sections 1-9, take this application to your local Board of Supervisors, City Council or Designate for their recommendation.

This change in premises is RECOMMENDED by the local Board of Supervisors, City Council or Designate:

(Authorized Signature) (Title) (Agency)

I, Myron J. Larrabee (Print full name), hereby declare that I am the APPLICANT filing this application. I have read the application and the contents and all statements are true,correct and complete.

x Myron Larrabee
(Signature of Owner or Agent)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this 10th (Day of Month) day of April (Month), 2003 (Year)

Notary Public State of Arizona
Maricopa County
Anna M Heupel
Expires February 14, 2006

My commission expires on: February 14, 2006

Anna M Heupel
(Signature of NOTARY PUBLIC)

Investigation Recommendation : _____ Date: _____

Licensing Approval: _____ Date: _____

Disabled individuals requiring special accommodation, please (602) 542-9027

AVID ORTEGA ARCHITECT & ASSOCIATES INC.

1 E. FIFTH AVE. SUITE 202 SCOTTSDALE, AZ 85251 (480) 991-4224 FAX (480) 778-0140 ORTEGARCHI@ COX.NET

December 20, 2002

Mr. Jeff Fisher
City of Scottsdale
7447 E. Indian School
Scottsdale, AZ 85251

RE: BILLET BAR Expansion Request

Billet Bar is an award winning business operating both indoor and outdoor uses. Interior space is cramped, consisting of 150 sq. ft. net area. This request would convert 585 sq. ft of retail to bar use and allow required fire exit aisles and access to existing back patio.

SCOPE OF PROJECT: EXPAND EXISTING BAR/ RESTAURANT BY CONVERTING A PORTION OF EXISTING 1130 SQ. FT. RETAIL (NET AREA) 1300 SQ. FT. (GROSS AREA) INTO TO BAR 535 SQ. FT. (NET AREA) . KEEP 250 SQ. FT. NET RETAIL AREA FOR LOGO STORE SALES. USE REMAINS THE SAME .

PARKING CALCULATIONS ARE AS FOLOWS:

EXISTING BILLET BAR 150+ 100:	250 SQ. FT/ 35 =	7.14 CARS
EXISTING PATIO BILLIARDS:	3 TABLES X 2 =	6.00 CARS
EXISTING FRONT & BACK PATIO OUTDOOR SEATING		
925 (-320)=625 + 100+80 (-200) =	645 SQ. FT/200=	3.22 CAR
EXISTING TATOO STORE	242 SQ. FT/200=	1.20 CAR
REMAINING BILLET LOGO STORE:	250 SQ. FT/200=	1.25 CARS
NEW BAR AREA SQ. FT. NET:	535 SQ. FT./35=	15.30 CARS
	TOTAL CARS REQUIRED:	34.11 CARS

PARKING PROVIDED ON SITE : 24 CARS (actual)
PARKING PROVIDED OFF-SITE 11 CARS (SMOOTHE KING)
TOTAL PARKING PROVIDED: 35 CARS < 34.11 CARS REQUIRED ok

PARKING PROVIDED BY WRITTEN FIVE YEAR AGREEMENT PARKING ACROSS SCOTTSDALE RD AT LIGHT SIGNAL. SITE PLAN ATTACHED.

LEASE AGREEMENT

This Agreement is made on this 28th day of October, 2002, by and between Smith & Smith, Inc. (hereinafter, "Lessor") and the Billet Bar, (hereinafter, "Lessee".)

RECITALS

A. Lessor is the owner of the parking lot located at 3737 N. Scottsdale Road, Scottsdale, Arizona (the "leased space").

B. Lessor desires to grant to Lessee, its agents, owners, and operators the exclusive right to utilize the Leased Spaced to park cars and motorcycles.

AGREEMENT

The Lessor and Lessee hereby agree to the following:

1. **Usage**
   Lessor hereby grants to Lessee, its agents, owners, and operators, the exclusive right to utilize the Leases Space from 7:00 pm to 1:00 am. Monday through Saturday. Sunday 4:00pm through 1:00 am.
2. **Lessee Fee**
   Lessee shall pay to Lessor an amount of two hundred dollars ($200.00) per month for the exclusive use of the Leased Space, rent for the first shall be prorated based on the actual number of days.
3. **Term**
   The term of this Agreement shall be for the initial term of 60 months commencing November 28th, 2002. Lessee will have the option of 36 months November 28th, 2007.
4. **Safety and Cleanliness**
   Lessee shall maintain the Leased Space in a safe, clean and orderly manner.
5. **Insurance**
   Liability Insurance. Lessee or its designated operator will carry and maintain at its own cost and expense comprehensive public liability insurance, including automobile liability, contractual liability and property damage insurance, with a combined single limit of not less than $1,000,000 each occurrence. Lessee or its designated operator will provide Lessor with a Certificate of Insurance naming Lessor as additionally insured. The company providing such coverage is rated "A" or better.
6. **Entire Agreement**
   This Agreement contains the entire Agreement and understanding between Lessor and Lessee.

7. **Successors and Assigns**
The Agreement is binding on the successors and assigns of Lessee and Lessor, however, the Lessor may assign its interest hereunder to any of its subsidiaries or affiliates without such consent, upon the condition the Lessor will remain liable for the full, faithful, and complete performance hereunder.

8. **Attorney's Fees**
In the event that either party commences legal proceedings to enforce any of the terms of this Agreement, the prevailing party in any such suit will receive from the other attorney's fees including applicable court costs.

9. **Notices**
All writings or payments required by a party to this Agreement shall be deemed given when deposited in the United States mail postage prepaid addressed as follows:

To Lessor: Smith & Smith, Inc.
3737 N. Scottsdale Rd.
Scottsdale, AZ. 85251

To Lessee: **Billet Bar**
3752 N. Scottsdale Rd.
Scottsdale, AZ.85251

IN WITNESS WHEREOF, the parties hereto have executed the Agreement the day and year above mentioned.

Lessor:
By: Nicholas J. Smith
Nick Smith
Date: 10/28/02

Lessee:
By: C. Faulkinbury Myron Larrabee
Cynthia Faulkinbury/Larrabee, MYRON
Date: 10/28/02

CITY COUNCIL REPORT

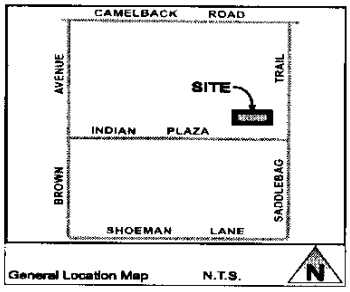
MEETING DATE: May 19, 2003 ITEM NO. 8 GOAL: Preserve Character and Environment

SUBJECT

Bar Liquor License Request for Kit Cat Lounge
8-LL-2003

REQUEST

To consider forwarding an approval recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer for a series 6 (bar) State liquor license for a new bar location.



OWNER

Lucid Entertainment, Inc.

APPLICANT CONTACT

H. Lewkowitz
602-280-1000

LOCATION

4426 N. Saddlebag Trail

BACKGROUND

This site is zoned C-2/P-3/P-2 (Central Business District/Parking District/Passenger Automobile Parking).
This is a person and location transfer for a new bar location. This license is being transferred from Karen Sevilla at 1654 E. McDowell Rd., Phoenix, AZ to this new location in Scottsdale.

The distance to the nearest school, Scottsdale United Methodist School is 2,000 ft. The distance to the nearest church, Scottsdale United Methodist Church, is 2,000 ft. There are 82 liquor licenses within a one half mile radius of this location. Twenty-two of these 82 licenses are series 06 (bar) licenses. This area has the highest concentration of bar licenses in the city.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.
The applicant is seeking a favorable recommendation on a series 6 (bar) liquor license. The applicant has maintained the required posting notice for the State mandated 20-day period.

STATE GUIDELINES FOR CONSIDERING AN APPLICATION

R19-1-102. Granting a License for a Certain Location
Local governing authorities and the Department may consider the following criteria in determining whether public convenience requires and that the best interest of the community will be substantially served by the issuance or transfer of a liquor license at a particular unlicensed location:
1. Petitions and testimony from persons in favor of or opposed to the issuance of a license who reside in, own or lease property in close proximity.
2. The number and series of licenses in close proximity.
3. Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.
4. The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.
5. Residential and commercial population density in close proximity.

(Continued)

6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers.
7. Effect on vehicular traffic in close proximity.
8. The compatibility of the proposed business with other activity in close proximity.
9. The effect or impact of the proposed premises on businesses or the residential neighborhood whose activities might be affected by granting the license.
10. The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the Board.
11. Comparison of the hours of operation of the proposed premises to the existing businesses in close proximity.

IMPACT ANALYSIS

Police/Fire. The Police Department has conducted a review of this application and their review comments are attached. The following concerns were noted:

- Background of the sole operating officer.
  - The applicant for Kit Cat Lounge, 4426 N. Saddlebag Tr. is William Asher, DBA Lucid Entertainment Inc. Mr.Asher has completed the required application indicating that he has sole financial interest in the bar. This fact cannot be disputed based on information received by the Scottsdale Police Department. The Police Department has confirmed that Mr. Asher is the President of Vivid Entertainment, a large-scale adult video production/distribution company. Mr. Asher also has financial interest in, and/or is listed as a corporate officer with the following California corporations: VOD Inc., Califa Entertainment, and Playboy Enterprises. All of these companies are associated with the adult video industry. There is no indication that Mr. Asher has any financial or other interest in any liquor establishments at this time.
  - Lucid Entertainment is a California corporation started by Mr. Asher in 2001. The Corporation Commission in California lists Mr. Asher as the sole corporate officer of Lucid Entertainment Inc. There is a pending application for State of Arizona incorporation under the name of Lucid Entertainment Inc. The Arizona Corporation Commission paperwork lists Mr. Asher as the sole controlling interest in the corporation and indicates the character of the business to be operated in Arizona as "food and beverage". There is no indication that this corporation owns or holds interest in any other liquor establishment at this time.
  - Mr. Asher has indicated that he will not have day-to-day operational control of this business in Scottsdale. The Police Department has been provided paperwork naming Ryan Jocque as the person who will be controlling/managing the Kit Cat Lounge. Mr. Jocque will be asked to provide the State DLLC with a "Manager's Agreement", per State requirements, which will include a criminal background check to be conducted by State of Arizona DLLC investigators. Mr. Jocque has past experience in managing liquor establishments, which would indicate he is qualified to act as manager for this bar. The Scottsdale Police Department has uncovered no adverse information that would prohibit Mr. Jocque from managing this bar.

- The applicant has disclosed that Lucid Entertainment/Ryan Jocque has secured a 10-year lease on this property at a monthly lease rate of $3900 per month. City utility records also indicate that Lucid Entertainment is renting the property.

- The following traffic/customer concerns
  - There are concerns about adding another Class 6 liquor establishment in an area congested with other liquor establishments; the Kit Cat Lounge will be immediately adjacent to Axis-Radius, which operates with a series 06 and within a block of five other establishments currently operating under series 6 licenses: Downside Risk, Suede, Sanctuary, Maloney's & Martini Ranch. The immediate area also includes 11 establishments operating under series 12 (restaurant) licenses: Zipps on Camelback, Chances Are, Pasta Brioni, Buddha Bar, Tequila Grill, Drift, Six, Buckets, Pearl, Fusion & Blue Horse Tavern. There are concerns about the patrons, especially in this area congested by heavy traffic during bar hours; emergency personnnel presently have difficulty arriving at the scene of a call in this area. Vehicle traffic is usually bumper-to-bumper within one hour of bar closing, and pedestrian traffic is extremely heavy. Parking is extremely challenging at best, even with four valet operations within one block.

- Calls for service in entertainment district for time period Jan-Dec 2002 (detailed report included as attachment #7):
  - The study shows that there were a total of 9,586 calls for service in the area.
  - 2,524 calls (26%) could be related to the liquor establishments located in the area.
  - 1,123 (44%) resulted in a departmental report being taken.
  - Of the top 20 businesses that received the most calls for service, 7 were liquor establishments.

These trends in the entertainment district will be cause for further policy discussion regarding concentration of liquor establishments in the downtown area. Current police resources can effectively manage the addition of this bar within this area.

Financial Services. Revenue Collection has reported that the applicant has met City licensing requirements and all fees have been paid.

Planning. Currently in C-2 districts bars are allowed by right without a conditional use permit. Staff is preparing an ordinance amendment for consideration by City Council in July that would require new bars/nightclubs to obtain a use permit from the City as part of the review process.

Staff has initiated a new policy requiring the application of liquor licenses prior to obtaining building permits, development review or conditional use permits. This new policy will help to ensure that the concentration and density of liquor establishments within a certain area can be discussed or determined before major investment occurs. This location, as well as one other in the general vicinity, began construction prior to the development of this policy.

Parking. Planning and Development Services has conducted a review of the parking requirements (details in attachments #4 & #5).

- Parking spaces required by ordinance: 44.34
- Total parking spaces provided: 94.32
  - On-Site: 4
  - Credits: 12.32
  - Remote: 47
- There are 47 remote parking spaces located south of Camelback Road connected to the site by a sidewalk/crosswalk. In addition, the applicant has secured 31 parking spaces located north of Camelback which will be used for employee parking only. The parking plan and lease agreements (attached) indicate compliance with the zoning ordinance.

Development Information. This establishment is 2,750 sq. ft. inside and the outdoor patio is 1,320 sq. ft.

Maricopa County. Maricopa County Environmental Health has reviewed this application and reported no opposition to this case.

Community involvement. Letters of support were received from seventeen (17) neighboring businesses (Attachment #8). No petitions or protests have been filed with the City Clerk during the 20 (twenty) day posting period.

OPTIONS AND STAFF RECOMMENDATION

City Council has the option of recommending approval or denial to the Arizona Department of Liquor Licenses and Control. The review of this application has shown that it meets zoning, parking and public safety requirements.

Proposed Next Steps: The City Council's recommendation of approval or denial, along with the City Council meeting minutes, will be forwarded to the Department of Liquor Licenses and Control for their consideration. If the application is recommended for approval by the City of Scottsdale, the Department of Liquor Licenses and Control will issue the liquor license after a 15-day waiting period. If the application is recommended for denial, the Department of Liquor Licenses and Control will conduct a hearing to determine if this application should be approved or denied.

RESPONSIBLE DEPT(S)

Planning and Development Services Department

STAFF CONTACT(S)

Jeff Fisher
Plan Review and Permit Services Director
480-312-7619
E-mail: Jfisher@ScottsdaleAZ.Gov

RESPONSIBLE DEPT(S)

Planning and Development Services Department

STAFF CONTACT(S)

Jeff Fisher
Plan Review and Permit Services Director
480-312-7619
E-mail: Jfisher@ScottsdaleAZ.Gov

APPROVED BY

Kroy Ekblaw — Date 5/6/03
Planning and Development Services General Manager

JOHN COCCA #374
FOR ALAN RODBELL — Date 5/6/03
Alan Rodbell
Chief of Police

Ed Gawf — Date 5/6/03
Ed Gawf
Deputy City Manager

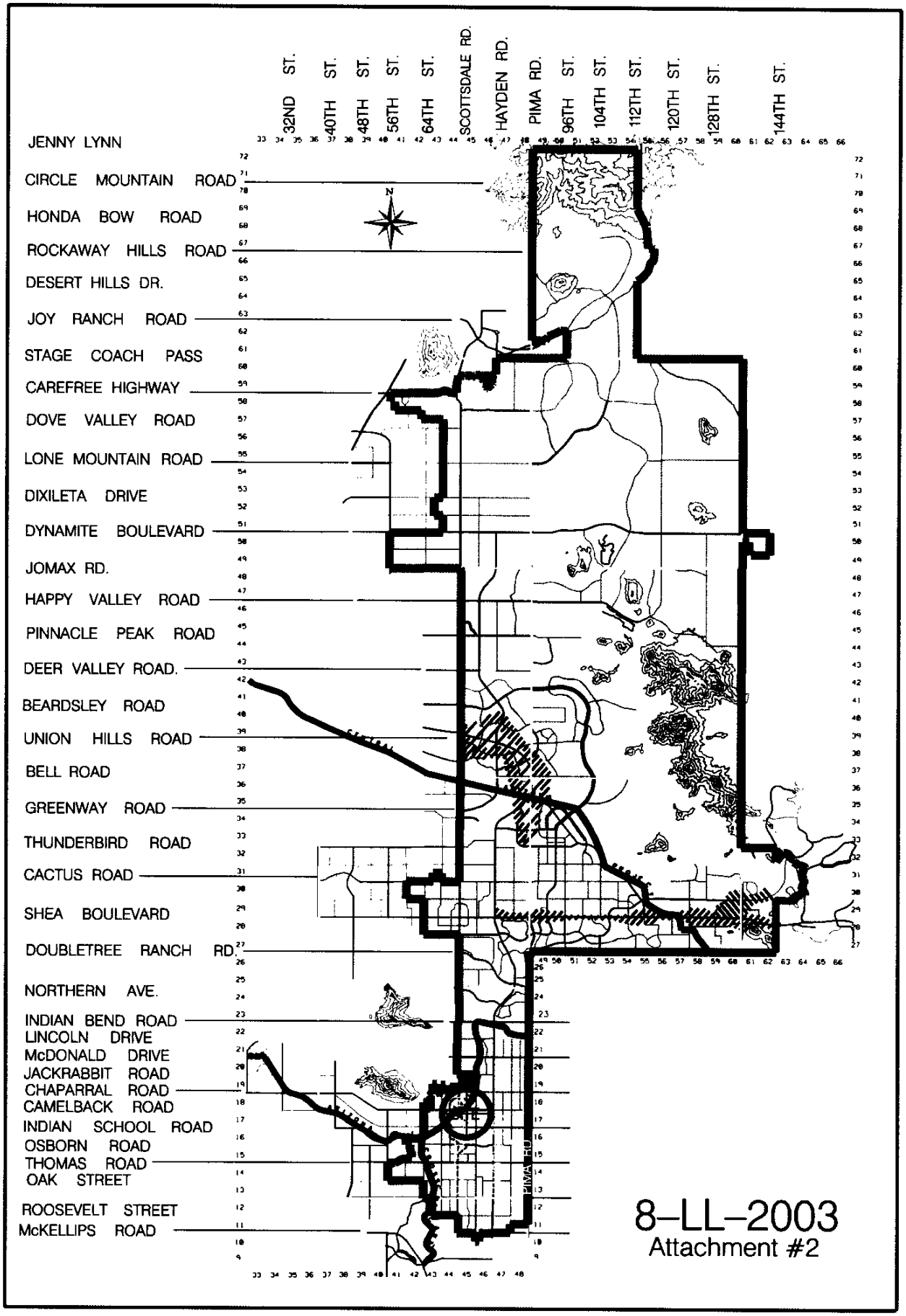
ATTACHMENTS

#1: Aerial Map
#2: Vicinity Map
#3: Graphic- Liquor License locations within ½ mile
#4: Parking Overview & Parking Agreements
#5: Parking Overview (graphic)
#6: Police Department Review Comments
#7: Police calls for service in area
#8: Community Input
#9: Security Plan
#10: Master Parking Plan
#11: Applicant affidavit / narrative
#12: Application

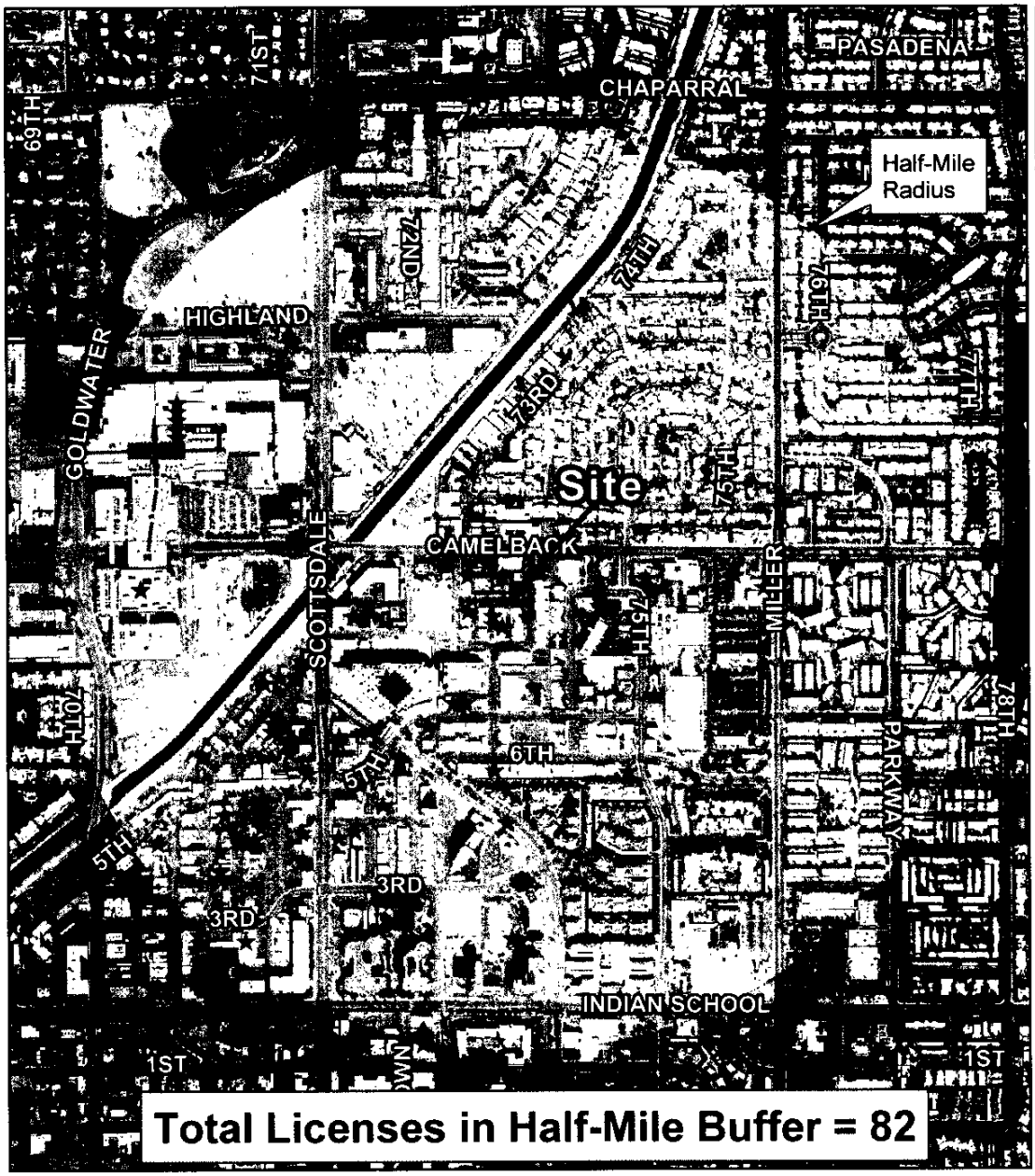
Kit Cat Lounge

8-LL-2003

ATTACHMENT #1


32ND ST.
40TH ST.
48TH ST.
56TH ST.
64TH ST.
SCOTTSDALE RD.
HAYDEN RD.
PIMA RD.
96TH ST.
104TH ST.
112TH ST.
120TH ST.
128TH ST.
144TH ST.
JENNY LYNN
CIRCLE MOUNTAIN ROAD
HONDA BOW ROAD
ROCKAWAY HILLS ROAD
DESERT HILLS DR.
JOY RANCH ROAD
STAGE COACH PASS
CAREFREE HIGHWAY
DOVE VALLEY ROAD
LONE MOUNTAIN ROAD
DIXILETA DRIVE
DYNAMITE BOULEVARD
JOMAX RD.
HAPPY VALLEY ROAD
PINNACLE PEAK ROAD
DEER VALLEY ROAD.
BEARDSLEY ROAD
UNION HILLS ROAD
BELL ROAD
GREENWAY ROAD
THUNDERBIRD ROAD
CACTUS ROAD
SHEA BOULEVARD
DOUBLETREE RANCH RD.
NORTHERN AVE.
INDIAN BEND ROAD
LINCOLN DRIVE
McDONALD DRIVE
JACKRABBIT ROAD
CHAPARRAL ROAD
CAMELBACK ROAD
INDIAN SCHOOL ROAD
OSBORN ROAD
THOMAS ROAD
OAK STREET
ROOSEVELT STREET
McKELLIPS ROAD
N
8–LL–2003
Attachment #2

[redacted] A Half-Mile [redacted]bag



Liquor Licenses

- ■ Hotel-Motel, 2
- ★ Liquor Store, 3
- ▲ Beer_Wine Store, 2
- ★ Bar, 22
- ▲ Beer_Wine bar, 11
- ★ Restaurant, 42

Legend

- Public School
- Private School
- Faith Communities

N
W E
S

0 850 1,700 3,400 Feet

1 inch equals 977.08 feet

liquor licenses.mxd
Printed 4/30/03
Created By: Brian Hancock
Source: City of Scottsdale

8-LL-2003

Attachment #3

Planning & Development Services

Parking Overview

4426 N Saddlebag Trail

	Public Floor Area					
Bar:	1,537	SF				
Total:	1,537	/	35	=	43.91	
Parking Required				=	**43.91**	**spaces**
P3 Area	3,066.60	SF /	300	=	10.22	
On-Street Parking	53	SF /	25	=	2.12	
Provided On-site				=	4	spaces
Parking Provided				=	**16.35**	**spaces**
			Difference:		**-27.57**	

7332 & 7402 E Camelback Rd

*****Employee Only - Not Included in total*****

Retail:	680	/	250	=	2.72	
Office:						
	1,596	/	300	=	5.32	
	2,276	/	300	=	7.59	
Total Required:				=	**15.63**	
On-Lot Parking				=	**28.00**	
Dirt -lot				=	**3**	
Total Provided:				=	**31.00**	
			Difference:			**15.37 spaces**

4422 N Civic Center Plaza

Office:	5,791	/	300	=	19.30	
Total Required:				=	**19.30**	
On-Lot Parking				=	**9.00**	
P-3 Credit				=	17.36	
Total Provided:				=	**26.36**	
			Difference:			**7.06 spaces**

4414 N Civic Center Plaza

Office:	5,204	/	300	=	17.35	
Total Required:				=	**17.35**	
On-Lot Parking				=	**9.00**	
P-3 Credit				=	16.74	
Total Provided:				=	**25.74**	
			Difference:			**8.39 spaces**

7373 E Camelback Rd

Retail:	4,184	/	250	=	16.74	
Office:	6,275	/	300	=	20.92	
Total Required:				=	**37.65**	
On-Lot Parking				=	**29.00**	
P-3 Credit				=	78.19	
Total Provided:				=	**107.19**	
			Difference:			**69.54 spaces**

Total of 47 parking spaces south of Camelback Road for Patrons.

Total of 31 parking spaces north of Camelback Road for Employees Only.

PARKING LEASE AGREEMENT

Marge Peltz, an Arizona _____ ("Lessor"), hereby grants to Lucid Entertainment Inc., ("Lessee"), the right and lease to use parking spaces adjacent to the buildings located at 7332 and 7402 East Camelback Road, Scottsdale, Arizona, for the use of Remote Parking for 4426 N. Saddlebag Trail. Pursuant to this Parking Lease Agreement ("Lease"), as described below and subject to the following conditions:

.1. Type and Number of Parking Spaces. Lessee shall have the right to use Twenty-five (25) automobile parking spaces adjacent to the above mentioned buildings on the days of Monday through Sunday, from the hours of 7:00 p.m. to 4:00 a.m., and at no other times, for sole and specific use of the employees of, and valet parking for, Lucid Entertainment Inc.

2. Monthly Fee, Lessee shall pay for the right and lease granted hereby the rate of Four Hundred Dollars ($400.00) per month. Such fees shall be payable in advance on the first day of each calendar month, Lessor shall have no obligation to accept any such payment from anyone other than Lessee (e.g. Lessee's employees, subtenants, etc.). If Lessee fails to make any such payment when due, Lessor, at its option, may forthwith terminate this Lease and all rights of Lessee hereunder. Any late monthly fee payment will result in additional administrative and processing costs, to be paid by Lessee, in the amount of Ten Dollars ($10.00) per day.

3, Term. The term of this Lease shall be for Five (5) one-year terms, commencing October 1st, 2002; or upon final approval of this Agreement by the City of Scottsdale, whichever is later. Lessor and Lessee agree that the term renews after each Twelve (12) month period. It is understood that either party may terminate this contract by giving the other party 30 days written notice. Additionaly, Lesssor may terminate this Agreement during any term upon material default by Lessee upon Thirty (30) day written notice to Lessee. Upon notice of default, Lessee may use the Thirty (30) day period to cure the default, in which case the Agreement stays in affect.

4. Rights Non-Transferable. The foregoing parking rights are exclusive to Lessee and Lessee shall not assign, convey, or otherwise transfer said rights in any manner whatsoever without Lessor's prior written consent,which shall not be unreasonably withheld. Any attempt by Lessee to do so shall be null and void and, at Lessor's election, shall constitute a material default hereunder.

5. Lessee Indemnification, Use of said parking spaces and of the parking areas in the above mentioned locations shall be at the sole risk of Lessee. Unless caused by the gross negligence or wrongful act of Lessor, its agents or employees, Lessee hereby agrees to defend, indemnify and hold Lessor harmless from and against any liability, loss, cost or expense (including reasonable attorneys' fees) for any damage to or loss or theft of any vehicle or property within any vehicle or any other property (including property of Lessee), injury to or death of any person (including Lessee and Lessee's family, agents, employees, visitors or customers), or for any damage to or loss to the said property, arising directly or indirectly out of or in connection with the use by Lessee or such other persons of the parking areas or any part thereof. This obligation shall survive the termination of this Lease with regard to claims arising from events which occur during the Lease term.

6. Condition. The parking areas shall be left in the same or better condition each night. During the nightly use of the parking areas, Lessee shall not allow any other persons or vehicles to enter and/or park in the facility, except as set forth above. In this regard, Lessee shall ensure that: (a) Lessee's employees will have all keys to the vehicles located in the parking area; (b) all automobiles that remain in the parking areas at 4:30 a.m. shall be removed to Lessee's parking lot; (c) no automobiles will be left in the parking area in the way of Lessor's tenants when they arrive in the morning; and (d) Between the hours of 4:00a.m. and 7:00p.m. Lessee shall remove from parking area any automobile related to Lessee's business upon Lessor's request. (e) Between the hours of 7:00pm and 4:00am, Lessee shall have the right to remove from the parking area any automobiles unrelated to Lessee's business, except that any automobiles remaining on the lot between the hours of 7:00pm and 4:00am that relate to Lessor's daytime tenants' businesses will not be removed by Lessee. Upon Lessee's request, Lessor will provide a description of said automobiles.

7. (a) InsuranceGeneral, In addition to any insurance required by the City of Scottsdale Parking Ordinances, Lessee shall be required to obtain such additional insurance as required herein. All insurance

required to be carried by Lessee hereunder shall be issued by responsible insurance companies reasonably acceptable to Lessor. All policies of insurance provided for herein shall be issued by insurance companies with general policyholders rating of not less than A in the most current available "Best Insurance Reports". Each policy shall name Lessor and at Lessor's request any agent of Lessor as an additional insured, as their respective interests may appear- Lessee shall promptly deliver certificates of such insurance to Lessor upon request evidencing the existence and amounts of such insurance. Failure to make such delivery shall constitute a material default by Lessee under this Lease. All policies of insurance delivered to Landlord must contain a provision that the company writing said policy will give Lessor Thirty (30) days' prior written notice of any modification, cancellation or lapse or reduction in the amounts of insurance. All public liability, property damage and other casualty insurance policies shall be written as primary policies, not contributing with, and not in excess of coverage, which Lessor may carry.

(b) Liability insurance. Lessee shall at all times obtain and continue to provide isurance coverage pertaining to the parking activities, which includes: Public Liability , Three (3) Million dollars, Garage Keeper's Legal Liability (Fire and explosion, theft of the entire automobile, riot and vandalism, collision or upset) One-Thousand ($1,000) deductible on collision. Lessor shall be named as an additional insured and a certificate of such insurance policy shall be furnished to Lessor and be accepted by it as satisfactory. Lessee will take financial responsibiltiy for the One-Thousand ($1,000) deductible which applies to the collision coverage.

8. Interruption of Use. Lessor shall not be liable to Lessee for any interruption of Lessee's use of the rights granted hereunder due to repairs, improvements or alterations of the parking areas, or due to any labor controversy, or resulting from any cause beyond the reasonable control of Lessor. However, Lessee shall be entitled to a proportional abatement of the monthly fee with regard to any parking space to the extent it is prevented from using such space and no reasonably similar alternative space is made available to it by Lessor.

9. Rules and Regulations. Lessor may adopt such other rules and regulations relating to the use of the parking areas as in Lessor's opinion are necessary or desirable for the proper, orderly and safe use of the parking areas. If Lessee fails to comply with the rules and regulations and modifications thereto reasonably adopted by Lessor and expressed in written form to Lessee, Lessor may at its option consider such faliure to comply material default of Agreement and terminate under the terms herein. Lessee may also, whether or not such Lease is so terminated, take such action as shall be required to remedy such failure, and Lessee agrees to pay Lessor on demand the reasonable cost to Lessor of such actions including attorneys' fees. Lessee shall at all times be required to park in a lawful manners and no vehicle shall at any time be parked in more than one marked space at a time. Lessor shall be entitled to tow away any vehicle, which is improperly parked, at the vehicle owner's sole cost and expense. In the event of such tow away, neither Lessor nor any mortgagee of Lessor shall have any liability therefor to Lessee or to such vehicle owner.

10. Lessor's Property Rights. Lessor shall have the right to alter or rearrange parking spaces and improvements in the parking areas, to take all or any portion of the parking areas for purposes of maintaining, repairing or restoring same, or for purposes of construction and operating structures thereon or adjacent thereto, to have ingress and egress in connection with the exercise of any such rights, and to do and perform such other acts with respect to the parking areas as Lessor shall in its discretion deem appropriate. Lessor may tow away any such improperly parked vehicles. In the event of such tow away, neither Lessor nor any mortgagee of Lessor shall have any liability therefor to Lessee or to such vehicle owner.

11. Miscellaneous. No waiver by Lessor of any breach of this Lease by Lessee shall constitute a waiver of any other breach. Any amount due to Lessor that is not paid when due shall bear interest at the maximum rate allowable under law. In the event of any legal action taken or proceeding brought to enforce the provisions hereof, the prevaling party shall be entitled to recover its reasonable attorneys' fees and costs incurred in connection therewith.

DATED effective this ___ day of September, 2002

LESSOR:

Marge Peltz, an Individual residing in Arizona

By: _____

Its: _____

LESSEE:

Lucid Entertainment Inc., a California Corporation

By: _____

Its: Vice President

This addendum shall be incorporated as part of the Parking Lease Agreement dated September 1st, 2002, by and between Marge Peltz (Lessor) and Lucid Entertainment Inc. (Lessee).

12. City of Scottsdale Parking Requirements. An important purpose of this lease agreement is to provide Tenant with guaranteed use of parking spaces required by the City of Scottsdale ("City") code for operation of Tenant's property located at 4426 N. Saddlebag Trail, Scottsdale, Arizona. This agreement grants to Tenant a lease with an initial term of at least 5 years for not less than 25 of Landlord's off-street private parking spaces located at 7332 and 7402 E. Camelback Rd. Scottsdale, Arizona. Landlord acknowledges that parking spaces leased to tenant under this agreement do not count toward City code parking requirements for Landlord's property. Tenant acknowledges that loss of the parking under this agreement may cause Tenant's other property not to comply with City parking requirements. These parking spaces do not count for code required parking at Tenant's property until after this agreement is executed and notarized by Landlord. (and by any person who may hold a lien on the leased parking) and recorded at the Maricopa county recorder's office. No expiration, amendment or termination of this agreement is effective until Thirty (30) days after Landlord or Tenant delivers to City's chief code enforcement officer written notice of the change. City is a third party beneficiary of this agreement, but has no duties or obligations under this agreement. This paragraph controls any contrary provision of this agreement.

Approved as to compliance with Scottsdale Zoning Ordinance Section 9.107:

Authorized Agent (City of Scottsdale)

Sate of ARIZONA

County of MARICOPA

OFFICIAL SEAL
BONNIE D. FULLER
Notary Public State of Arizona
MARICOPA COUNTY
My Comm. Expires Aug. 20, 2005

Acknowledged before me on this 10th day of FEBRUARY, 2003

Bonnie D. Fuller
Notary Public

Marge Peltz
Marge Peltz (Landlord)

STATE OF ARIZONA
COUNTY OF MARICOPA } SS.

This instrument was acknowledged before me this 15 day of January, 2003, by Marge Peltz
In witness whereof I herewith set my hand and official seal.
NOTARY PUBLIC

OFFICIAL SEAL
KATHRYN A. SWANSON
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires June 30, 2003

Covenant running with land in re: 4426 Saddlebag Trail, Scottsdale AZ. 85251

Pursuant to sec 9.107 of ordinance numbers 2736, 2887, 2977, 3225, 3274 Greg Aeed hereafter designated as owner enters into this covenant running with the land located at 4426 Saddlebag Trail Scottsdale, AZ. 85251, on both the generating use and parking properties with the City of Scottsdale as a third party signator. Agreeing that should the parking use be discontinued without substitution compliant with this ordinance and City of Scottsdale approval, then as of the date of the discontinuance of the parking use the operation of the generating use shall also be discontinued within 30 days thereafter.

Greg Aeed
Owner

1/14/2003
Date

State of Arizona

County of Maricopa

Acknowledge before me on this 14th day of January 2003

Darlene Zwisler
Notary Public

OFFICIAL SEAL
DARLENE ZWISLER
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires April 4, 2005

City of Scottsdale
Authorized Agent

1/14/03
Date

PARKING LEASE AGREEMENT

Marge Peltz, an Arizona _____ ("Lessor"), hereby grants to Lucid Entertainment Inc., ("Lessee"), the right and lease to use parking spaces adjacent to the buildings located at 7332 and 7402 East Camelback Road, Scottsdale, Arizona, for the use of Remote Parking for 4426 N. Saddlebag Trail. Pursuant to this Parking Lease Agreement ("Lease"), as described below and subject to the following conditions:

.1. Type and Number of Parking Spaces. Lessee shall have the right to use Twenty-five (25) automobile parking spaces adjacent to the above mentioned buildings on the days of Monday through Sunday, from the hours of 7:00 p.m. to 4:00 a.m., and at no other times, for sole and specific use of the employees of, and valet parking for, Lucid Entertainment Inc.

2. Monthly Fee. Lessee shall pay for the right and lease granted hereby the rate of Four Hundred Dollars ($400.00) per month. Such fees shall be payable in advance on the first day of each calendar month, Lessor shall have no obligation to accept any such payment from anyone other than Lessee (e.g. Lessee's employees, subtenants, etc.). If Lessee fails to make any such payment when due, Lessor, at its option, may forthwith terminate this Lease and all rights of Lessee hereunder. Any late monthly fee payment will result in additional administrative and processing costs, to be paid by Lessee, in the amount of Ten Dollars ($10.00) per day.

3, Term. The term of this Lease shall be for Five (5) one-year terms, commencing October 1st, 2002; or upon final approval of this Agreement by the City of Scottsdale, whichever is later. Lessor and Lessee agree that the term renews after each Twelve (12) month period. It is understood that either party may terminate this contract by giving the other party 30 days written notice. Additionaly, Lesssor may terminate this Agreement during any term upon material default by Lessee upon Thirty (30) day written notice to Lessee. Upon notice of default, Lessee may use the Thirty (30) day period to cure the default, in which case the Agreement stays in affect.

4. Rights Non-Transferable. The foregoing parking rights are exclusive to Lessee and Lessee shall not assign, convey, or otherwise transfer said rights in any manner whatsoever without Lessor's prior written consent,which shall not be unreasonably withheld. Any attempt by Lessee to do so shall be null and void and, at Lessor's election, shall constitute a material default hereunder.

5. Lessee Indemnification, Use of said parking spaces and of the parking areas in the above mentioned locations shall be at the sole risk of Lessee. Unless caused by the gross negligence or wrongful act of Lessor, its agents or employees, Lessee hereby agrees to defend, indemnify and hold Lessor harmless from and against any liability, loss, cost or expense (including reasonable attorneys' fees) for any damage to or loss or theft of any vehicle or property within any vehicle or any other property (including property of Lessee), injury to or death of any person (including Lessee and Lessee's family, agents, employees, visitors or customers), or for any damage to or loss to the said property, arising directly or indirectly out of or in connection with the use by Lessee or such other persons of the parking areas or any part thereof. This obligation shall survive the termination of this Lease with regard to claims arising from events which occur during the Lease term.

6. Condition. The parking areas shall be left in the same or better condition each night. During the nightly use of the parking areas, Lessee shall not allow any other persons or vehicles to enter and/or park in the facility, except as set forth above. In this regard, Lessee shall ensure that: (a) Lessee's employees will have all keys to the vehicles located in the parking area; (b) all automobiles that remain in the parking areas at 4:30 a.m. shall be removed to Lessee's parking lot; (c) no automobiles will be left in the parking area in the way of Lessor's tenants when they arrive in the morning; and (d) Between the hours of 4:00a.m. and 7:00p.m. Lessee shall remove from parking area any automobile related to Lessee's business upon Lessor's request. (e) Between the hours of 7:00pm and 4:00am, Lessee shall have the right to remove from the parking area any automobiles unrelated to Lessee's business, except that any automobiles remaining on the lot between the hours of 7:00pm and 4:00am that relate to Lessor's daytime tenants' businesses will not be removed by Lessee. Upon Lessee's request, Lessor will provide a description of said automobiles.

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required to be carried by Lessee hereunder shall be issued by responsible insurance companies reasonably acceptable to Lessor. All policies of insurance provided for herein shall be issued by insurance companies with general policyholders rating of not less than A in the most current available "Best Insurance Reports". Each policy shall name Lessor and at Lessor's request any agent of Lessor as an additional insured, as their respective interests may appear- Lessee shall promptly deliver certificates of such insurance to Lessor upon request evidencing the existence and amounts of such insurance. Failure to make such delivery shall constitute a material default by Lessee under this Lease. All policies of insurance delivered to Landlord must contain a provision that the company writing said policy will give Lessor Thirty (30) days' prior written notice of any modification, cancellation or lapse or reduction in the amounts of insurance. All public liability, property damage and other casualty insurance policies shall be written as primary policies, not contributing with, and not in excess of coverage, which Lessor may carry.

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11. Miscellaneous. No waiver by Lessor of any breach of this Lease by Lessee shall constitute a waiver of any other breach. Any amount due to Lessor that is not paid when due shall bear interest at the maximum rate allowable under law. In the event of any legal action taken or proceeding brought to enforce the provisions hereof, the prevaling party shall be entitled to recover its reasonable attorneys' fees and costs incurred in connection therewith.

DATED effective this ___ day of September, 2002

LESSOR:

Marge Peltz, an Individual residing in Arizona

By: _____

Its: _____

LESSEE:

Lucid Entertainment Inc., a California Corporation

By: _____

Its: Vice President

This addendum shall be incorporated as part of the Parking Lease Agreement dated September 1st, 2002, by and between Marge Peltz (Lessor) and Lucid Entertainment Inc. (Lessee).

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Approved as to compliance with Scottsdale Zoning Ordinance Section 9.107:

Authorized Agent (City of Scottsdale)

Sate of ARIZONA

County of MARICOPA

OFFICIAL SEAL
BONNIE D. FULLER
Notary Public State of Arizona
MARICOPA COUNTY
My Comm. Expires Aug. 20, 2005

Acknowledged before me on this 10th day of FEBRUARY, 2003

Bonnie D. Fuller
Notary Public

Marge Peltz (Landlord)

STATE OF ARIZONA
COUNTY OF MARICOPA } SS

This instrument was acknowledged before me this 15 day of January, 2003, by Marge Peltz
in witness whereof I herewith set my hand and official seal.
NOTARY PUBLIC

OFFICIAL SEAL
KATHRYN A. SWANSON
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires June 30, 2003

Covenant running with land in re: 4426 Saddlebag Trail, Scottsdale AZ. 85251

Pursuant to sec 9.107 of ordinance numbers 2736, 2887, 2977, 3225, 3274 Greg Aeed hereafter designated as owner enters into this covenant running with the land located at 4426 Saddlebag Trail Scottsdale, AZ. 85251, on both the generating use and parking properties with the City of Scottsdale as a third party signator. Agreeing that should the parking use be discontinued without substitution compliant with this ordinance and City of Scottsdale approval, then as of the date of the discontinuance of the parking use the operation of the generating use shall also be discontinued within 30 days thereafter.

Greg Aeed
Owner

1/14/2003
Date

State of Arizona

County of Maricopa

Acknowledge before me on this 14th day of January 2003

Darlene Zwisler
Notary Public

OFFICIAL SEAL
DARLENE ZWISLER
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires April 4, 2005

City of Scottsdale
Authorized Agent

1/14/03
Date

Kit Cat Lounge

8-LL-2003

ATTACHMENT #5

REVIEW SHEET

Application type: **Other**
Name of Business: **Kit Cat Lounge**
Address: **4426 North Saddlebag Trail**
License Number: **06070420**

DETAILS
This application is for a change of location for a bar license. The applicant is intending to open the Kit Cat Lounge at 4426 North Saddlebag Trail.

CONCERNS
Controlling Persons: Mr. Asher indicated that he is the sole officer and stockholder of Lucid Entertainment. Mr. Asher indicated that he is president of Vivid Entertainment, an expired tradename owned by Marcus Knight of Higley, Arizona.
During an internet search, the terms "vivid entertainment" and "william asher" were used, producing numerous connections to pornography websites. Although the specific web sites were not checked, it appears that PBS produced a video titled "American Porn: The Business: The Mainstream" where Bill Asher, president of Vivid Entertainment, "which produces adult movies," was interviewed. A visit to a web site which specializes in business information listed Vivid Entertainment Group as the "world's top producer of adult films" and William Asher as the "Chairman, President and CEO."
Site Inspection: An inspection was conducted on 021403, and the property was in the process of demolition of the interior and no build-outs have begun. Approval would be conditional to site inspection upon completion of build-outs. The construction manager, Ryan Jocque, said that he hopes to have the building completed in May 2003.
Licenses and Permits: The applicant has applied for a Privilege Tax License and Liquor License with the City of Scottsdale. Under the category of building permit, there was a permit indicating "Tenant Rush Bar."
Traffic/Customer Concerns: There are concerns about adding another Class 6 liquor establishment in an area congested with other liquor establishments; the Pussycat Lounge will be immediately adjacent to Axis-Radius, and within a block of Zipps on Camelback, Chances Are, Pasta Brioni, Circle K, Budda Bar, Downside Risk Restaurant and Bar, Tequila Grill, Drift, Suede, Sanctuary, Six, Maloney's, Martini Ranch, Buckets, Pearl, Fusion, and Blue Horse Tavern. On this street, there is one other Class 6 and three restaurants (at least one of which is behaving like a Class 6 bar). There are concerns about the patrons, especially in this area congested by heavy traffic during bar hours; emergency personnnel presently have difficulty arriving at the scene of a call in this area. Vehicle traffic is usually bumper-to-bumper within one hour of bar closing, and pedestrian traffic is extremely heavy. Parking is extremely challenging at best, even with four valet operations within one block.

Attachment 6

JAN-DEC 2002 CALLS FOR SERVICE ACTIVITY FOR AREA AROUND 4426 N SADDLEBAG

JAN-DEC 2002 CALLS FOR SERVICE FOR SPECIFIC SUBZONES*

BY CALL TYPE

CALL FOR SERVICE	Number	Percent
911WEL 911 welfare check	777	8.11
459VEH Burglary from vehicle report	456	4.76
CKSUBJ Check subject	445	4.64
487 Theft report	440	4.59
UIP Urinating in public	385	4.02
ASSIST Assist another agency	305	3.18
CKWEL Check welfare	266	2.77
CKAREA Check a specific area	260	2.71
LIQUOR Liquor violation	251	2.62
415 Disturbance	248	2.59
CKVEH Check a vehicle	246	2.57
CRIMDAM Criminal Damage	237	2.47
AT Auto Theft	228	2.38
SHPLIFT Shoplifting	227	2.37
MUSIC Music disturbance	224	2.34
415FAM Family fight	223	2.33
CELLPHN	221	2.31
CKACT Check activity	207	2.16
415SUBJ Subject disturbing	203	2.12
ILLPARK Illegal parking	202	2.11
390 Intoxicated subject/driver	195	2.03
459 Burglary report	194	2.02
PARTY Party Disturbance	179	1.87
LITTER Littering	169	1.76
ASSAULT Simple Assault report	160	1.67
FIGHT Fight	142	1.48
415390 Intoxicated subject causing a disturbance	100	1.04
CKHAZ Check hazard	94	0.98
FRAUD Fraud	92	0.96
DR Title for all misc. reports	90	0.94
FLAG	82	0.86
SUSPECT Suspect contact	72	0.75
ABDVEH Abandoned vehicle	67	0.70
VIOLOP Violation of order of protection	65	0.68
THREATS Threats	59	0.62
CP Close Patrol	58	0.61
COMPOL Community Policing	57	0.59
ASLTJO Assault just occurred	54	0.56
CKBUS Check business	53	0.55
RECAT Recovered stolen vehicle	52	0.54
211A Armed robbery alarm	50	0.52
415DOG Barking Dog	48	0.50
415JUV Juvenile disturbance	48	0.50
HARASS Harassment	48	0.50
LOSTPRP Lost property report	46	0.48
CCODE	44	0.46
CKSIG Check traffic signal	42	0.44
FIRE Fire	40	0.42
909 Directed Activity	39	0.41
487VEH Theft from vehicle report	35	0.37
CKRES Check residence	34	0.35
MISPERS Missing person/juvenile	34	0.35
STANDBY Civil stand-by/keep the peace	33	0.34
BARCK Bar check	32	0.33
DC Disorderly conduct	31	0.32
RUNAWAY Runaway report	31	0.32
415VEH Vehicle disturbing	30	0.31
SDOWN	30	0.31
TRESPAS Trespass	30	0.31
901 Dead body	27	0.28
T Traffic stop	27	0.28
TRESIP	27	0.28
ATTAT Attempted auto theft	25	0.26

BY HOUR OF DAY

Hour	Number	Percent
0001	902	9.41
0022	767	8.00
0000	702	7.32
0023	612	6.38
0021	584	6.09
0016	446	4.65
0015	443	4.62
0014	427	4.45
0012	426	4.44
0020	420	4.38
0017	416	4.34
0018	412	4.30
0019	399	4.16
0011	397	4.14
0013	370	3.86
0002	341	3.56
0010	337	3.52
0009	302	3.15
0008	231	2.41
0007	193	2.01
0003	162	1.69
0006	111	1.16
0004	106	1.11
0005	80	0.83
Total	9586	100

JAN-DEC02 ALL CFS DEFINED AREA - Defined area police subzones 1002, 1003, 1102-1105 and 0902-0906.

Attachment 7

JAN-DEC 2002 CALLS FOR SERVICE ACTIVITY FOR AREA AROUND 4426 N SADDLEBAG

JAN-DEC 2002 CALLS FOR SERVICE FOR SPECIFIC SUBZONES*

BY CALL TYPE

CALL FOR SERVICE	Number	Percent
	23	0.24
CRUELTY Cruelty to animals	23	0.24
FOOTPAT Foot patrol	23	0.24
NPROB	23	0.24
THEFTID	23	0.24
961390 Accident, no injury, impaired driver involved	22	0.23
AGGASLT Aggravated assault report	21	0.22
PODD	21	0.22
POM	21	0.22
SNDSHOT Sound of shots fired (heard only)	20	0.21
OD Overdose	19	0.20
SXASLT	19	0.20
ATT459 Attempted burglary	18	0.19
FORGERY Forgery	17	0.18
459S Silent burglary alarm	16	0.17
SUSSUBJ Suspicious subject	16	0.17
SUSVEH Suspicious vehicle	16	0.17
LEASH Leash law violation	14	0.15
ATTSUIC Subject attempting suicide	13	0.14
487JO Theft just occurred	12	0.13
CRIMJO	11	0.11
ILLTRAN Ill. use of transportation/joyride	11	0.11
PODP	11	0.11
THRSUIC Subject threatening suicide	11	0.11
UNKP	10	0.10
459IP Burglary in progress	9	0.09
SERVOP Serve order of protection	9	0.09
SGUN	9	0.09
211 Armed robbery delayed	8	0.08
FLDSRV Field services request	8	0.08
311 Indecent Exposure	7	0.07
311JO Indecent Exposure just occurred	7	0.07
DISLIQ Disturbance at a liquor estab.	7	0.07
FAILID	7	0.07
210 Strong arm robbery (no weapon)	6	0.06
CRIMIP	6	0.06
POSSMJ Possession of marijuana	6	0.06
SOLICIT Check solicitor	6	0.06
961HRJO	5	0.05
ATJO Auto theft just occurred	5	0.05
CKWATER Check a water problem	5	0.05
CURFEW Curfew violation	5	0.05
FIREWK Fireworks disturbing	5	0.05
PHONE	5	0.05
PROWLER Prowler	5	0.05
962390 Injury accident, impaired driver involved	4	0.04
DEADANM Dead animal	4	0.04
FLSINFO False information	4	0.04
FRAUDIP Fraud in progress	4	0.04
SKNIFE	4	0.04
459JO Burglary just occurred	3	0.03
487IP Theft in progress	3	0.03
918 Person with mental problems	3	0.03
960HRJO	3	0.03
ASLTIP Assault in progress	3	0.03
BOMB	3	0.03
FNDCHLD Found child	3	0.03
FRAUDJO Fraud just occurred	3	0.03
HORSE Horse patrol	3	0.03
LOITER Loitering or panhandling	3	0.03
PONARC	3	0.03
SUBJDWN Subject down	3	0.03
311IP Indecent Exposure in progress	2	0.02

BY HOUR OF DAY

Hour	Number	Percent

JAN-DEC02 ALL CFS DEFINED AREA - Defined area police subzones 1002, 1003, 1102-1105 and 0902-0906.

JAN-DEC 2002 CALLS FOR SERVICE ACTIVITY FOR AREA AROUND 4426 N SADDLEBAG

JAN-DEC 2002 CALLS FOR SERVICE FOR SPECIFIC SUBZONES*

BY CALL TYPE

CALL FOR SERVICE	Number	Percent
ATIP Auto theft in progress	2	0.02
ATT211 Attempted robbery	2	0.02
CRMDMJO Criminal damage just occurred	2	0.02
CRSPEED	2	0.02
EMERGCO	2	0.02
ILLSTOR Illegal vehicle storage on roadway	2	0.02
KIDNAP Delayed kidnapping report only	2	0.02
NEIGPRB Neighbor problem without disturbance	2	0.02
SEARCH Search warrant	2	0.02
SEXASLT Sexual assault	2	0.02
STAB	2	0.02
TRESJO	2	0.02
TRSPIP Trespass in progress	2	0.02
VIOLCO	2	0.02
210JO Strong arm robbery just occurred	1	0.01
211T Armed robbery	1	0.01
960A Unknown injury accident, Dept Emp involved	1	0.01
962HRJO	1	0.01
ABUSE Child abuse	1	0.01
ARSON Arson	1	0.01
CARJACK Car jacking	1	0.01
CRMDMIP Criminal damage in progress	1	0.01
DEATH Death investigation	1	0.01
ENDNGR	1	0.01
FAILRTN Failure to return rental property	1	0.01
FLSRPT False reporting	1	0.01
HAZMAT Hazardous materials	1	0.01
ILLDUMP Illegal dumping	1	0.01
INJANIM Injured animal	1	0.01
OPDOOR	1	0.01
SHOOT Shooting	1	0.01
SHOTFRD Shots fired	1	0.01
SXASLJO Sexual assault just occurred	1	0.01
TOBACCO	1	0.01
Total	9586	100.00

BY HOUR OF DAY

Hour	Number	Percent

JAN-DEC02 ALL CFS DEFINED AREA - Defined area police subzones 1002, 1003, 1102-1105 and 0902-0906.

JAN-DEC 2002 CALLS FOR SERVICE ACTIVITY FOR AREA AROUND 4426 N SADDLEBAG

JAN-DEC 2002 CALLS FOR SERVICE FOR SPECIFIC SUBZONES*

TOP 25

NAME OF BUSINESS	Number	Percent
ORCHID TREE APTS	254	2.65
FRYS 7628	144	1.50
HEATHERTREE APTS 777	126	1.31
SANCTUARY	119	1.24
ALEXAN APTS	115	1.20
MAYA APTS	101	1.05
HEATHERTREE APTS 414	95	0.99
FASHION SQUARE	86	0.90
MOTEL 6	84	0.88
SAN MARIN APTS	81	0.84
AXIS	72	0.75
DOS GRINGOS	71	0.74
MARTINI RANCH	70	0.73
NORDSTROMS	69	0.72
CALL ONLY	66	0.69
CAT EYE LOUNGE	59	0.62
EL CHAPARRAL APTS	55	0.57
CAJUN HOUSE	53	0.55
ANDERSONS 5TH ESTATE	51	0.53
RODEWAY INN	45	0.47

TOP 25

ADDRESS	Number	Percent
7014 E CAMELBACK RD	937	9.77
6801 E CAMELBACK RD	290	3.03
7628 E INDIAN SCHOOL RD	162	1.69
7350 E STETSON DR	161	1.68
4400 N BROWN AV	157	1.64
7777 E HEATHERBRAE DR	156	1.63
7340 E INDIAN PZ	143	1.49
4111 N DRINKWATER BL	141	1.47
4140 N 78 ST	129	1.35
7340 E SHOEMAN LN	128	1.34
4215 N DRINKWATER BL	120	1.25
7625 E CAMELBACK RD	107	1.12
7295 E STETSON DR	102	1.06
4500 N SCOTTSDALE RD	100	1.04
4425 N 78 ST	99	1.03
6848 E CAMELBACK RD	98	1.02
7300 E 6 AV	98	1.02
7350 E 6 AV	81	0.84
4435 N 78 ST	80	0.83
4209 N CRAFTSMAN CT	77	0.80
7055 E CAMELBACK RD	77	0.80
7117 E 3 AV	73	0.76
6900 E CAMELBACK RD	73	0.76
7164 E STETSON DR	64	0.67
4950 N MILLER RD	61	0.64
7300 E STETSON DR	61	0.64

FREQ OF CFS BY BUS & ADDRESS - Defined area police subzones 1002, 1003, 1102-1105 and 0902-0906.

JAN-DEC 2002 CALLS FOR SERVICE ACTIVITY FOR AREA AROUND 4426 N SADDLEBAG

JAN-DEC 2002 CALLS FOR SERVICE (WHERE A DR WAS WRITTEN) FOR SPECIFIC SUBZONES* BY CALL TYPE

CALL FOR SERVICE	Number	Percent
UIP Urinating in public	379	12.39
459VEH Burglary from vehicle report	336	10.98
487 Theft report	269	8.79
LIQUOR Liquor violation	245	8.01
SHPLIFT Shoplifting	192	6.27
390 Intoxicated subject/driver	180	5.88
LITTER Littering	167	5.46
AT Auto Theft	151	4.93
CRIMDAM Criminal Damage	151	4.93
459 Burglary report	143	4.67
ASSAULT Simple Assault report	109	3.56
DR Title for all misc. reports	90	2.94
FRAUD Fraud	51	1.67
CCODE	41	1.34
VIOLOP Violation of order of protection	36	1.18
487VEH Theft from vehicle report	30	0.98
DC Disorderly conduct	30	0.98
901 Dead body	27	0.88
RECAT Recovered stolen vehicle	24	0.78
AGGASLT Aggravated assault report	21	0.69
PODD	20	0.65
POM	20	0.65
ATTAT Attempted auto theft	19	0.62
961390 Accident, no injury, impaired driver involved	18	0.59
RUNAWAY Runaway report	16	0.52
TRESPAS Trespass	16	0.52
FORGERY Forgery	13	0.42
LOSTPRP Lost property report	12	0.39
SXASLT	12	0.39
ATT459 Attempted burglary	11	0.36
PODP	11	0.36
THEFTID	11	0.36
ATTSUIC Subject attempting suicide	10	0.33
THREATS Threats	9	0.29
211 Armed robbery delayed	8	0.26
415FAM Family fight	8	0.26
ABDVEH Abandoned vehicle	8	0.26
CKSUBJ Check subject	8	0.26
ASLTJO Assault just occurred	7	0.23
DISLIQ Disturbance at a liquor estab.	7	0.23
FAILID	7	0.23
HARASS Harassment	7	0.23
ILLTRAN Ill. use of transportation/joyride	6	0.20
POSSMJ Possession of marijuana	6	0.20
210 Strong arm robbery (no weapon)	5	0.16
311 Indecent Exposure	5	0.16
487JO Theft just occurred	5	0.16
BARCK Bar check	5	0.16
CURFEW Curfew violation	5	0.16
415390 Intoxicated subject causing a disturbance	4	0.13
415SUBJ Subject disturbing	4	0.13
962390 Injury accident, impaired driver involved	4	0.13
FLSINFO False information	4	0.13
MISPERS Missing person/juvenile	4	0.13
SUSPECT Suspect contact	4	0.13
961HRJO	3	0.10
ASSIST Assist another agency	3	0.10
OD Overdose	3	0.10
PONARC	3	0.10
THRSUIC Subject threatening suicide	3	0.10
415 Disturbance	2	0.07
ATJO Auto theft just occurred	2	0.07
ATT211 Attempted robbery	2	0.07

BY HOUR OF DAY

Hour	Number	Percent
0022	352	11.50
0001	332	10.85
0021	247	8.07
0023	223	7.29
0000	217	7.09
0012	144	4.71
0014	137	4.48
0015	128	4.18
0016	121	3.95
0013	114	3.73
0010	113	3.69
0011	111	3.63
0018	108	3.53
0009	102	3.33
0020	98	3.20
0019	95	3.10
0017	94	3.07
0007	80	2.61
0008	76	2.48
0002	60	1.96
0006	40	1.31
0003	31	1.01
0005	22	0.72
0004	15	0.49
Total	3060	100

JAN-DEC02 DR CFS DEFINED AREA - Defined area police subzones 1002, 1003, 1102-1105 and 0902-0906.

JAN-DEC 2002 CALLS FOR SERVICE ACTIVITY FOR AREA AROUND 4426 N SADDLEBAG

JAN-DEC 2002 CALLS FOR SERVICE (WHERE A DR WAS WRITTEN) FOR SPECIFIC SUBZONES*

BY CALL TYPE

CALL FOR SERVICE	Number	Percent
BOMB	2	0.07
CKWEL Check welfare	2	0.07
CRIMJO	2	0.07
CRSPEED	2	0.07
FIGHT Fight	2	0.07
PARTY Party Disturbance	2	0.07
T Traffic stop	2	0.07
210JO Strong arm robbery just occurred	1	0.03
459JO Burglary just occurred	1	0.03
960A Unknown injury accident, Dept Emp involved	1	0.03
960HRJO	1	0.03
962HRJO	1	0.03
ABUSE Child abuse	1	0.03
ARSON Arson	1	0.03
ASLTIP Assault in progress	1	0.03
CARJACK Car jacking	1	0.03
CELLPHN	1	0.03
CKACT Check activity	1	0.03
CKVEH Check a vehicle	1	0.03
CP Close Patrol	1	0.03
CRIMIP	1	0.03
CRMDMIP Criminal damage in progress	1	0.03
CRMDMJO Criminal damage just occurred	1	0.03
DEATH Death investigation	1	0.03
ENDNGR	1	0.03
FAILRTN Failure to return rental property	1	0.03
FLAG	1	0.03
FLSRPT False reporting	1	0.03
HAZMAT Hazardous materials	1	0.03
KIDNAP Delayed kidnapping report only	1	0.03
PHONE	1	0.03
PROWLER Prowler	1	0.03
SDOWN	1	0.03
SEXASLT Sexual assault	1	0.03
SGUN	1	0.03
SHOOT Shooting	1	0.03
SOLICIT Check solicitor	1	0.03
TOBACCO	1	0.03
TRESIP	1	0.03
TRESJO	1	0.03
UNKP	1	0.03
Total	3060	100.00

BY HOUR OF DAY

Hour	Number	Percent

JAN-DEC02 DR CFS DEFINED AREA - Defined area police subzones 1002, 1003, 1102-1105 and 0902-0906.

JAN-DEC 2002 CALLS FOR SERVICE ACTIVITY FOR AREA AROUND 4426 N SADDLEBAG

JAN-DEC 2002 CALLS FOR SERVICE (WHERE A REPORT WAS TAKEN) FOR SPECIFIC SUBZONES*

TOP 20

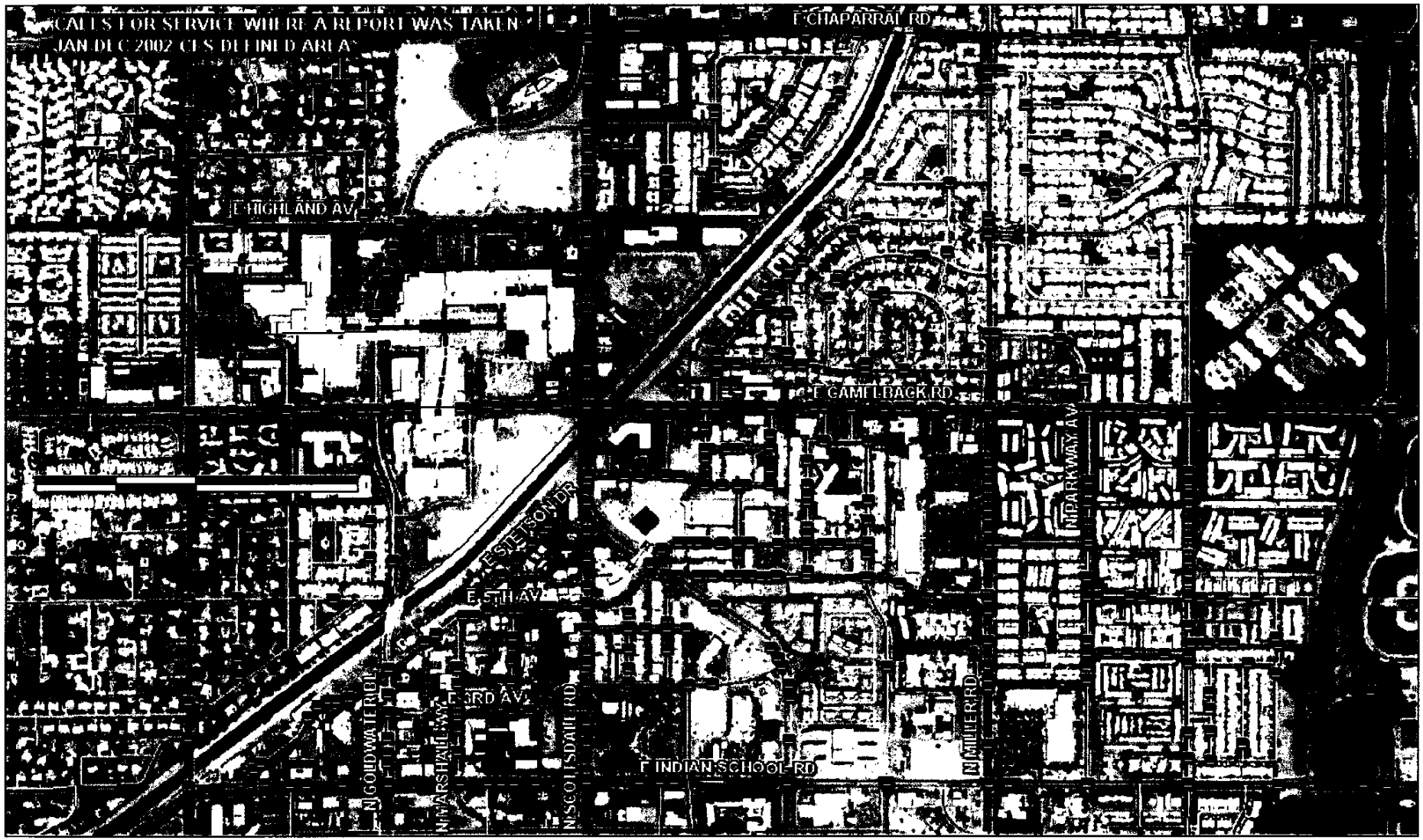
NAME OF BUSINESS	Number	Percent
FRYS 7628	57	1.86
ORCHID TREE APTS	55	1.80
NORDSTROMS	35	1.14
HEATHERTREE APTS 7777	33	1.08
CALL ONLY	31	1.01
SANCTUARY	30	0.98
ROBINSONS MAY	28	0.92
FASHION SQUARE	25	0.82
AXIS	25	0.82
HEATHERTREE APTS 4140	23	0.75
CAT EYE LOUNGE	20	0.65
DOS GRINGOS	18	0.59
MAYA APTS	17	0.56
MARTINI RANCH	16	0.52
ALEXAN APTS	16	0.52
ROBINSON'S MAY	15	0.49
SCDL SHADOWS	14	0.46
CALL	14	0.46
CIRCLE K 4440	13	0.42
CAJUN HOUSE	12	0.39

TOP 25

ADDRESS	Number	Percent
7014 E CAMELBACK RD	311	10.16
4400 N BROWN AV	146	4.77
7350 E STETSON DR	120	3.92
7350 E 6 AV	79	2.58
4500 N SCOTTSDALE RD	76	2.48
7300 E 6 AV	70	2.29
7628 E INDIAN SCHOOL RD	67	2.19
6801 E CAMELBACK RD	65	2.12
7340 E INDIAN PZ	51	1.67
7055 E CAMELBACK RD	41	1.34
4140 N 78 ST	40	1.31
N SADDLEBAG TR AND E SHOEMAN LN	37	1.21
7777 E HEATHERBRAE DR	37	1.21
6900 E CAMELBACK RD	36	1.18
7340 E SHOEMAN LN	35	1.14
7300 E STETSON DR	35	1.14
7295 E STETSON DR	31	1.01
4215 N DRINKWATER BL	28	0.92
7164 E STETSON DR	23	0.75
4111 N DRINKWATER BL	22	0.72
7100 E 3 AV	21	0.69
4209 N CRAFTSMAN CT	20	0.65
4435 N 78 ST	20	0.65
7117 E 3 AV	19	0.62
N HAYDEN RD AND E CHAPARRAL RD	19	0.62
7625 E CAMELBACK RD	19	0.62

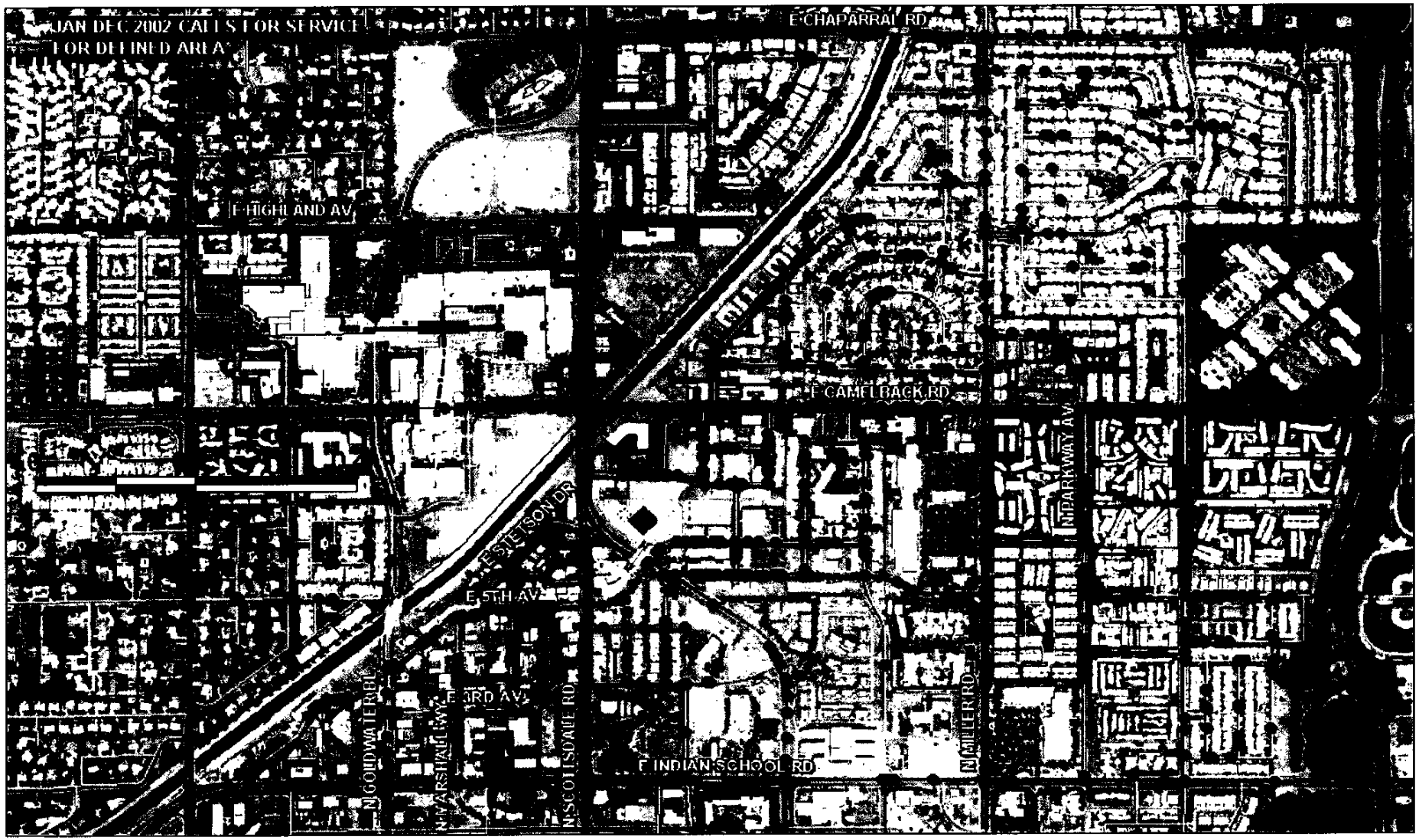
FREQ OF CFS-DR BY BUS & ADDRESS - Defined area police subzones 1002, 1003, 1102-1105 and 0902-0906.

JAN-DEC 2002 CALLS FOR SERVICE ACTIVITY FOR AREA AROUND 4426 N SADDLEBAG



MAP OF AREA - CFS-DR - Defined area police subzones 1002, 1003, 1102-1105 and 0902-0906.

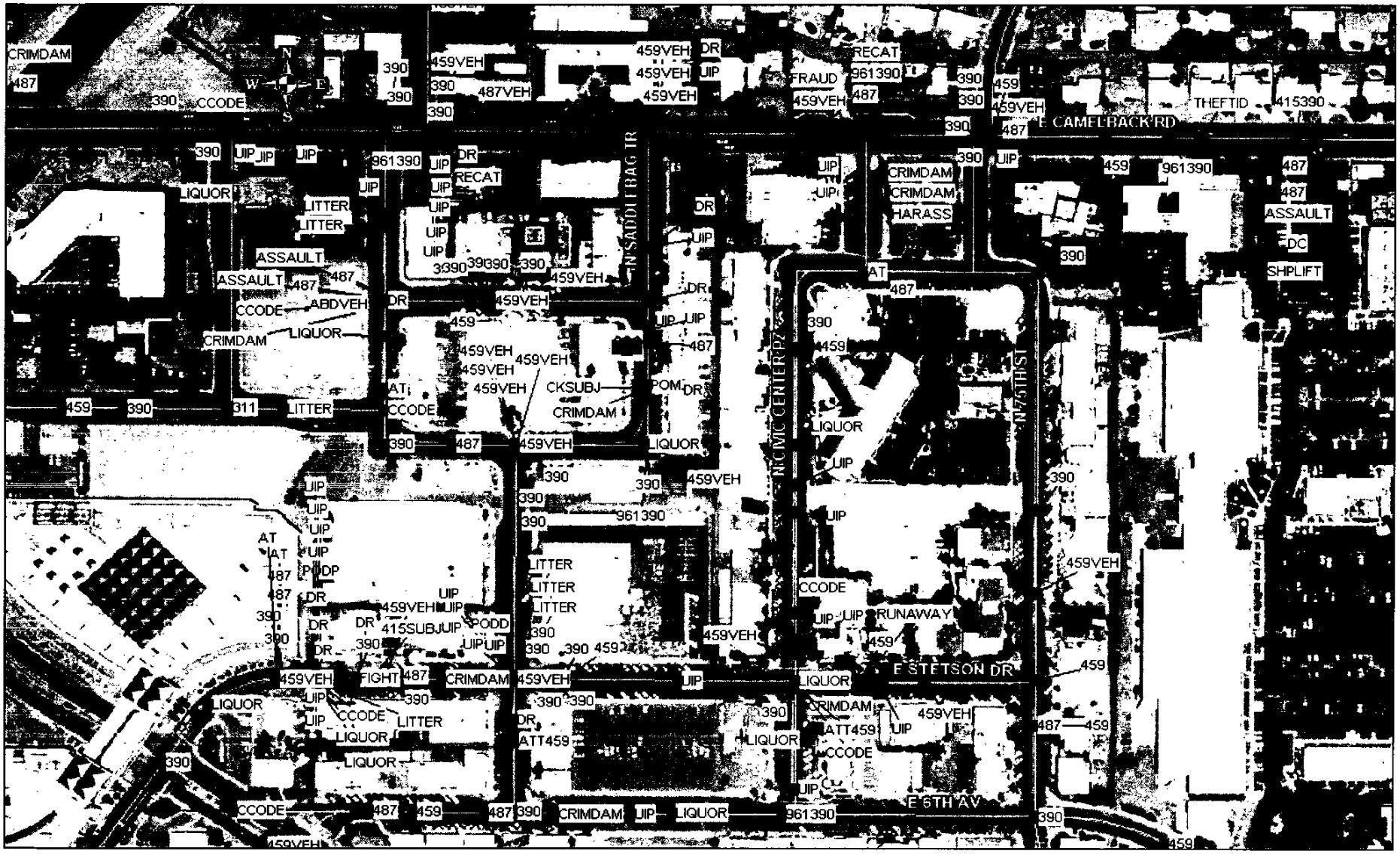
JAN-DEC 2002 CALLS FOR SERVICE ACTIVITY FOR AREA AROUND 4426 N SADDLEBAG



MAP OF AREA - ALL CFS - Defined area police subzones 1002, 1003, 1102-1105 and 0902-0906.

JAN-DEC 2002 CALLS FOR SERVICE ACTIVITY FOR AREA AROUND 4426 N SADDLEBAG

DEPARTMENTAL REPORTS TAKEN AROUND 4426 N SADDLEBACK TR - JAN-DEC 2002 CALLS FOR SERVICE WHERE A REPORT WAS WRITTEN



AREA AROUND 4426 N SADDLEBAG - Defined area police subzones 1002, 1003, 1102-1105 and 0902-0906.

March 1st, 2003

Dear Neighbor,

The purpose of this letter is to seek community approval of a "liquor license" for the new Lucid Entertainment "Kit Cat Lounge" located at 4426 N. Saddlebag Trail, Scottsdale 85251.

This license is very common in the Bar industry and is needed for any type of alcohol sales without the service of food. Although this License is costly and is only needed for a limited number of hours during the week, it is still a requirement by the City of Scottsdale. Our hours of operation will be 7pm to 1am Monday through Saturday.

The Kit Cat is a new lounge delivering to downtown Scottsdale an "Old Hollywood" classic living room martini lounge. Influenced by some of the first lounges Hollywood had to offer, mixed with the modern décor Scottsdale lounges are famous for, the Kit Cat will create an atmosphere for all generations to enjoy.

Thank you for your support in this matter. Please feel free to contact me at your convenience and I look forward to seeing you all at the Kit Cat.

Very Truly Yours,

Ryan Jocque

AXIS
Company Name

LES COBIERI
Printed Name

3-6-03
Signature Date

Attachment 8

March 1st, 2003

Dear Neighbor,

The purpose of this letter is to seek community approval of a "liquor license" for the new Lucid Entertainment "Kit Cat Lounge" located at 4426 N. Saddlebag Trail, Scottsdale 85251.

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Very Truly Yours,

Ryan Jocque

Fry Investment Co, LLC
Company Name

Jeffrey S. Fry
Printed Name

3/10-03
Signature Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

Ryan Jocque

Espressions Coffee Roastery

Company Name

Virgil Paulsen

Printed Name

3/10/03

Signature Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

Sundial Resorts Inc
Company Name

Jude Nau
Printed Name

Signature Date 3/8/03

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

Ryan Jocque

Sir Speedy Printing Scottsdale

Company Name

Sheri Statt Bercau

Printed Name

Sheri Statt Bercau 3/6/03

Signature Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

Ryan Jocque

Company Name

MARJORIE PELTZ

Printed Name

5-5-03

Signature Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

Allied Homes Mtg Corp

Company Name

Michael Melenovich

Printed Name

3/5/03

Signature Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

Company Name

CANINE PREFERRED
4450 N. Saddlebag Trail
Scottsdale, AZ 85251

Printed Name

Signature Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

Vizio Salon

Company Name

Art Martinez

Printed Name

Signature

MAR 5-03

Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

Ryan Jocque

FUSION RESTAURANT + LOUNGE

Company Name

JENNIFER L. LONG

Printed Name

Jennifer L. Long 3/5/03

Signature Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

Ryan Jocque

SYNERGY TOURS

Company Name

ALEXIS WATTS

Printed Name

3-6-03

Signature Date

March 1st, 2003

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The Kit Cat is a new lounge delivering to downtown Scottsdale an "Old Hollywood" classic living room martini lounge. Influenced by some of the first lounges Hollywood had to offer, mixed with the modern décor Scottsdale lounges are famous for, the Kit Cat will create an atmosphere for all generations to enjoy.

Thank you for your support in this matter. Please feel free to contact me at your convenience and I look forward to seeing you all at the Kit Cat.

Very Truly Yours,

Ryan Jocque

Phuket Island
Company Name

Linda
Printed Name

3/10/03
Signature Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

R.J. Gulling, Inc.
Company Name

Robert J Gulling
Printed Name

Signature Date 3 4 03

March 1st, 2003

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Ryan Jocque

Ryan Jocque

Today's Arizona Woman Magazine

Company Name

Today's Arizona Woman.

Printed Name

3/4/03.

Signature Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

WESTTEC MORTGAGE
Company Name

SUCRATES HATTER
Printed Name

3-4-03
Signature Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

Leverage RB
Company Name

Jon Rosenberg
Printed Name

3-4-03
Signature Date

March 1st, 2003

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Very Truly Yours,

Ryan Jocque

American Family
Company Name

Don Neeley
Printed Name

3/6/03
Signature Date

SECURITY PLAN
For Live Entertainment Use Permits

Scottsdale Police Department 9065 E. Via Linda Scottsdale, Arizona 85258
(602) 312-5000 FAX: (602) 483-7438

Establishment:	KIT CAT
Address:	4426 N SADDLEBAG TRAIL
Business Phone:	480 - 481 - 3100
Business FAX:	818 - 728 - 9698
Maximum Occupancy:	100
Effective Date of Plan:	
Date of Plan Review:	
Use Permit Issue Date:	
Liquor License Number:	
Contact Person (1):	RYAN JOCQUE
Home Phone:	310 - 213 - 4971
Contact Person (2):	GEORGE MONZORES
Home Phone:	602 - 327 - 3603

I. PURPOSE OF THE PLAN

This Plan addresses security measures for an establishment whose use shall require a Security Plan pursuant to Scottsdale Revised Code.

This Security Plan's purpose is to comply with the Security Plan conditions and/or requirements set forth in a Use Permit; to address the concerns of the zoning ordinance regarding: any significant increase in vehicular or pedestrian traffic, adequate control of disruptive behavior both inside and outside the premises, compatibility with surrounding structures and uses, any deterioration of the neighborhood or to the downgrading of property values; and to assist in providing an environment which may enhance safeguarding of property and public welfare and reduce the necessity for calls for service from law enforcement agencies.

This Security Plan, when approved by the City of Scottsdale, is granted to the establishment as set forth in Scottsdale City Code. A Security Plan may be required as a condition prior to the issuance of a Use Permit or City license. Deviations from or changes, modifications or alterations to the Plan shall not occur without prior written approval of the City of Scottsdale. **A copy of this Security Plan must be kept on the premises at all times and shall be made available upon request.**

II. PLAN OF OPERATION, PROGRAM PLAN AND HOURS

1. PERMITTEE: LUCIO ENTERTAINMET
(Business Name)
TYPE ORGANIZATION: X Arizona Corporation ___ Corporation
____ Sole Proprietorship ___ LLC ___ Partnership ____ Other

2. MANAGING AGENT(S):

Name: RYAN JOCQUE
Title: DIR OF OPERATIONS
Address: 4013 E CAMPBELL, PHX AZ 85018

Phone: 310-213-4971
FAX or Other Numbers: 818-728-9698 FAX

3. BUSINESS OWNER(S) (if different than Managing Agent) Name, Address, Phone:

Name: WILLIAM ASHER
Address: 15490 VENTURA BLVD #235
SHERMAN OAKS, CA 91403
Phone: 818-728-9696
FAX or Other Numbers: 818-728-9698

4. PROPERTY OWNER or PROPERTY MANAGER (if different from Managing Agent) Name, Address, Phone:

Name: SAME AS MY AGENT
Address:

Phone:
FAX or Other Numbers:

5. HOURS OF OPERATION:

	Open to Customers	Liquor Sale Ends	Closed to Customers
Sunday	7 pm	12:45	1:15
Monday	↓	↓	↓
Tuesday	↓	↓	↓
Wednesday	↓	↓	↓
Thursday	↓	↓	↓
Friday	↓	↓	↓
Saturday	↓	↓	↓

6. PROMOTIONAL EVENTS (Ladies Night, Teen Nights, etc.):
N/A

7. DESCRIPTION OF OPERATIONS/SERVICES (attach or describe):

Services Provided: _____
Target Audience/Patrons (age): 25 - 35
Estimated Nightly Attendance: 100
Menu: N/A
Designated Driver Program: TAXI

8. PROGRAM FORMAT, ENTERTAINMENT (attach or describe): Program/entertainment format, advertising.

a. Live entertainment and live music shall terminate no later than **12:55 a.m.** or as approved in Use Permit.

b. Music and amplified sound (interior and exterior) shall terminate at closing and is subject to City noise and other ordinances.

9. SPECIAL EVENTS:

a. Notice must be given by Permittee to Scottsdale at the address above at least twenty (20) days prior to conducting Special Events on the premises. "Special Events" are any program formats varying from the regular format and audiences described or provided above organized or planned by Permittee. Scottsdale requires separate licenses for outdoor special events.

b. Additional security or revisions to this Plan may be required by Scottsdale for Special Events (program formats varying from the regular format described above).

c. Permittee must be separately licensed to conduct After Hours, Teen Nights, Outdoor Event/Special Events, Special Liquor License Events, Extensions of Premises, and separately approved Security Plans (or amendments to this Plan). See Scottsdale City Code for requirements.

10. COOPERATION/COMPLAINTS/CONCERNS:

a. Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses who may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

RYAN JOCQUE 310-213-4971
Name

b. Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale police, officers and neighbors in addressing and investigating complaints and concerns.

c. Permittee's managing agent(s) shall meet with Scottsdale Police Department when requested by C.P.T.E.D. Officer or District Commander on matters related to this Plan.

III. GENERAL SAFETY REQUIREMENTS

1. **Duration of Security Responsibilities**

   The applicants responsibility for providing security to patrons, employees and the public extends to established parking areas as identified in the parking plan from one hour before opening to one hour after the end of business on any day of business operation. This commitment by the applicant is necessary to keep the parking areas free from loitering, other criminal activity and to prevent cruising through parking areas.

2. **Required Inspection of Facilities and Operation**

   Prior to the first day of operation, the interior and exterior of the premises (including the parking area) will be inspected by a certified Crime Prevention Through Environmental Design (CPTED) Specialist from the Scottsdale Police Department. Such approval is required to insure that appropriate crime prevention measures are in place including sufficient lighting, video cameras if required and adherence to the existing security plan, etc. Any changes required by the CPTED Inspector must be instituted within 45 days of notice to Club Management.

3. **Reporting Acts of Violence and Disorderly Conduct**

   a) **Incidents to be Reported Immediately**

   Management or employees of the proposed establishment shall immediately notify the Scottsdale Police Department of any disturbances, acts of violence, acts of intimidation (as defined in ARS 13-1202) or incidents involving patrons in or on the Property or parking lots using illegal drugs. "Act of Violence" shall mean an incident consisting of a riot, a brawl or a disturbance, in which bodily injuries are sustained by any person and such injuries would be obvious to a reasonable person, or tumultuous conduct of sufficient intensity as to require intervention to restore normal order, or an incident in which a weapon is brandished, displayed or used.

   b) **Written Reports**

   All acts of violence as defined in the preceding paragraph occurring inside or outside the premises (including the parking areas) will be reported in writing to the Scottsdale Police Department no later than seventy-two (72) hours from occurrence.

   c) **Log of Reportable Incidents**

   The proposed establishment shall establish and maintain an accurate log of all reportable incidents. The log shall be available to the Community Development Director for inspection upon demand.

4. **Disorderly Patrons**

Disorderly patrons will be properly controlled and immediately escorted from the establishment using the minimum amount of force necessary. Employees of the establishment will take one of the following steps to maintain the safety of other employees, patrons and the person ejected:

a) The disorderly patron will be escorted to his/her vehicle to leave only if he/she shows no apparent signs or symptoms of impairment by alcohol or drugs.

b) The disorderly patron will be placed in a taxicab or the control of a responsible third party to insure that he/she leaves the area.

c) The disorderly patron will be turned over to the custody and care of on-duty Scottsdale Police officers for disposition.

5. **Employees Access to Police and Fire Services**

Neither the Permitee, management of the proposed establishment nor other controlling persons shall prohibit employees or subcontracted labor from communicating a request for assistance to the police or fire departments during incidents where the employees or subcontracted labor reasonably perceive a threat to public safety.

6. **Cooperation during Police Investigations and Prosecution**

The Permitee, managers, employees and sub-contracted employees will reasonably cooperate with police investigations and subsequent prosecutions regarding arrests made on or relating to the premises resulting from a need to maintain the peace or public order, or resulting from a request by the establishments employees to investigate any potentially criminal act. In cases where an arresting officer acts on information received from an employee of the establishment, all involved employees will provide, to the Scottsdale Police Department, written statements detailing their observations and involvement.

7. **Incidents of Criminal Trespass**

During investigations and complaints of Criminal Trespass where the establishment is the victim, at least one employee of the establishment will act as arresting citizen with supporting documentation from the property owner authorizing such action and authority by the arresting citizen/employee.

8. **Occupancy Levels**

a) The applicant will closely monitor occupancy levels with a clear understanding that fire department personnel will complete random checks.

b) Patrons waiting for admission into the establishment will be required to remain in an orderly, designated line with access to restroom facilities or will be required to leave the area.

9. On-site Security

a) Employees of the establishment (with the exception of off-duty, sworn police officers) shall not be armed with a deadly weapon while on or off the premises during hours of employment by the establishment.

b) The owners and managers of the proposed establishment have a clear understanding that the Scottsdale Police Department will not provide off-duty officers for employment at the establishment.

V. PATRON PARKING, INGRESS AND EGRESS, VEHICULAR AND PEDESTRIAN TRAFFIC CONTROL

1. PARKING

a) Parking Study completed and attached? [X] YES [ ] NO

b) Parking utilized by Patrons (# spaces, description, location): See Parking Plan

7373 E Camelback Rd (30 spaces) 4414 - 4422 Civic Center (18 spaces)

c) Parking utilized by Employees (# spaces, description, location):

7332 + 7402 E Camelback (28 spaces)

d) Any parking used by patrons or employees of the Permittee and any parking area of the Permittee shall be supervised by the Permittee to ensure that the parking areas are used by persons entering and exiting from their vehicles and are not used as a gathering place, for consumption of spirituous liquor, for violations of state or city law, acts of violence or disorderly conduct.

2. PATRON INGRESS/EGRESS

a. Entrances to the premises will be continually monitored by Permittee for compliance with the maximum occupancy requirements for the premises.

b. Patron identification shall be required and verified by Permittee prior to entry to ensure minors are not permitted on the premises when the primary use is spirituous liquor in violation of state law. Acceptable forms of identification and log verifying receipt of such identification shall conform with requirements of state law.

c. Patrons awaiting entry shall not disrupt orderly flow of pedestrian or other traffic, block entrance to neighboring establishments or premises, or occupy greater width than two (2) persons abreast. Permittee shall request patrons violating this paragraph to leave and shall not allow admittance to such patrons.

d. Parking areas will be monitored by Permittee from one hour (sixty minutes) before opening to one hour (sixty minutes) after closing.

e. All patrons must have exited the premises and parking areas used by patrons within thirty (30) minutes after the designated closing time.

VI. STAFFING AND OPERATIONS

1. OFFENSES AND POLICE CALLS FOR SERVICE

The Permittee agrees that it, its agents or employees will not commit or knowingly allow violations of Arizona State Law or Scottsdale City Ordinances to occur on the premises utilized by patrons of the Permittee.

Permitee will also inform patrons, through appropriate signage or other means, that acts and conduct prohibited by the following laws and ordinances are not allowed or tolerated by the Permittee on any premises or parking areas utilized by patrons of the Permittee; and that violators will be considered as trespassers by the Permittee, subject to criminal prosecution for trespass in addition to any offense charged.

a. A.R.S. 4-101 et seq. through 4-261, as amended, Arizona Liquor Laws.

b. A.R.S. 13-101 et seq. Arizona Criminal Code and A.R.S. 28-101 et seq. Arizona Motor Vehicle Code.

c. Scottsdale City Code § 19-11.1.a, Curfew. This law sets a curfew for juveniles under the age of sixteen (16) at 10:00 p.m., and for juveniles age sixteen (16) and seventeen (17) at midnight. To comply with this law, Permittee agrees it will not allow any juveniles to remain at any location on its premises 1/2 hour prior to the curfew established in the code.

2. DEADLY WEAPONS

Permittee shall notify patrons that carrying of deadly weapons on the Permittee's premises and Permittee's parking areas is prohibited and request that weapons be removed as provided by A.R.S. 13-3102.

3. PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE

The Permitee agrees that a person under twenty-one (21) years of age will not be allowed on the premises where liquor is sold, dispensed or consumed unless:

a. The person is accompanied by a spouse, parent or legal guardian

who is at least twenty-one (21) years of age or is an on-duty employee of the Permittee; OR

b. The primary purpose of the premises is serving food; OR

c. The primary purpose of the premises is a patron participatory recreation activity limited to the minor's participation in any of the following sport activities: bowling, golf, football, basketball or sporting event.

4. MANAGEMENT

Permittee agrees to provide a minimum number of managers (general and assistant) as indicated in the addendum hereto on the premises during hours when the Permittee is open for business. On duty managers are responsible for supervision of all employees, security personnel and agents, and shall identify all employees, personnel and agents on the premises when requested by Scottsdale.

5. SECURITY PERSONNEL AND EMPLOYEES

a. Permittee agrees to provide a minimum number of security personnel as indicated in the addendum hereto on the premises during hours when the Permittee is open for business or as otherwise indicated in the addendum hereto. **Security personnel shall primarily perform security functions and not serve as manager or in another capacity**.

b. All employees managing or serving patrons, security personnel and agents of the Permittee shall be trained and knowledgeable about the contents of this Plan.

c. Any personnel serving in security capacity on the premises (whether as employee or contractor) shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulations issued pursuant thereto.

6. SECURITY APPAREL AND EQUIPMENT

Security personnel shall display on their outer most clothing readily identifiable, and in contrasting colors, the words "Security" or "Security Personnel". Security shall be designated on the front of the clothing at least two (2) inches high, and on the back of the clothing at least four (4) inches high. Security uniforms shall not resemble Scottsdale law enforcement uniforms. Security uniforms shall be approved prior to use.

a. All exterior security personnel shall have reflectorized vests with "SECURITY" displayed on both the front and back if the outer garment does not display "SECURITY".

b. On-duty employees and agents shall wear clothing that readily identifies them as employees of the Permittee.

c. Two-way radios will be provided by Permittee to all managers and exterior security personnel.

VII. CONDITIONS OF PLAN

1. COMPLIANCE WITH THE PLAN. Successful execution and enforcement of this Plan may be a requirement and condition of Scottsdale's Use Permit. Termination, cancellation or non-approval of the Plan constitutes a breach of any condition requiring the existence of an approved Security Plan.

2. TERMINATION OF PLAN. This Plan may terminate on the date that the Permittee's Use Permit terminates, or two (2) years from the Security Plan's effective date, whichever date occurs first, unless otherwise provided herein.

3. Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402. Conditional use permits which have been approved by the City Council shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.
   A. Violation. The violation of any condition imposed by the conditional use permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1300.
   B. Amendment. Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.

4. REVOCATION OF THE PLAN. The Zoning Administrator may recommend to the Board of Adjustment and the board may effect revocation of a conditional use permit pursuant to Section 1.807 of the Scottsdale Zoning Code for acts including but not limited to:
   A. A violation of the Plan
   B. Violation of the conditions of the Use Permit

C. Violation of Scottsdale ordinances or law
D. Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permitee.
E. Failure of the Permitee to take reasonable steps to protect the safety of person(s) entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations.
F. Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from Scottsdale.
G. Misrepresentations or material misstatements of the Permittee, its agents or employees.

5. ASSIGNMENT OR TRANSFER. This Plan is not assignable or transferable to Permittee's successors or assigns. The Plan is automatically terminated upon sale or transfer of any interest in the Permittee.

6. SECURITY PLAN CHANGES. Any change in personnel identified in this Plan shall be reported to the Scottsdale Police Department within fourteen (14) calendar days after the change. Any change in the plan of operation or program shall be reported to Scottsdale Police Department at least fourteen (14) calendar days prior to the change taking place and is subject to approval by the District Commander and/or C.P.T.E.D. Office.

7. MEETING REQUIREMENTS. Management of Permittee shall arrange meetings with a representative of the Scottsdale Police Department regarding incidents of disorderly conduct, safety, I.D. verification and general security issues when deemed necessary by the District Commander and/or the C.P.T.E.D. Coordinator.

   a. A letter shall be forwarded by the manager, Permittee or its designee to the District Commander pertaining to the meeting date, topics of training, names of employees attending and the name of the presenter/officer(s).

8. A copy of this Security Plan must be kept on the premises at all times and shall be made available upon request.

APPLICANT:

Name: RYAN JOCQUE
Title:
Address: 4013 E CAMPBELL PHX, AZ 85018

Phone: 310-213-4971

Date: 4/14/03

APPROVED:

Scottsdale Police Department
9065 E. Via Linda
Scottsdale, AZ 85258
(602) 391-5000
(602) 483-7438 - FAX
Date:

ADDENDUM # 1

STAFFING FOR SECURITY PLAN

For the purpose of developing and implementing the Security Plan for approval by the City of Scottsdale, Permitee hereby offers to maintain the following minimum staffing on the premises during the hours indicated during the effective term of this Plan.

A. Operations

1. There shall be a general manager on duty all hours while open for business and thirty (30) minutes after closing.

   a. There shall be a general manager and one assistant manager on duty during peak nights (Friday and Saturday or when there are teen nights, promotional or special events).

2. A manager shall be identified as the "Security Manager" and be responsible for insuring that a safe environment exists, for the supervision of all security personnel and that all security personnel as identified here shall meet the requirements of Section V, paragraph 5 of their Security Plan.

3. Additional functions performed by management:

   a. Monitor each entry door open for patrons.

   b. Monitoring and patrolling exterior uses of the premises including the parking areas.

B. Security Personnel (Minimum Staffing Requirements)

1. Entry doors.

   a. Present at each door open for entry to patrons until thirty (30) minutes after closing.

   b. Cashier for each door open when there is a cover charge.

2. Off-Peak Nights (SUN – THURS).

   a. Foyer area roamer 2

   b. Interior roamers

      From opening to 10:00 p.m. 1
      From 10:00 p.m. to thirty (30) minutes

after closing 2

c. Exterior parking lots

From opening to 10:00 p.m. 1

From 10:00 p.m. to sixty (60) minutes after closing 2

3. Peak Nights (Friday and Saturday). The following staffing shall also apply to Sundays when the following Monday is a legal holiday, or when teen nights, promotional or special events are scheduled.

a. Foyer area roamer 3

b. Interior roamers

From opening to 10:00 p.m. 2

From 10:00 p.m. to thirty (30) minutes after closing 2

c. Exterior parking lots

From opening to 10:00 p.m. 1

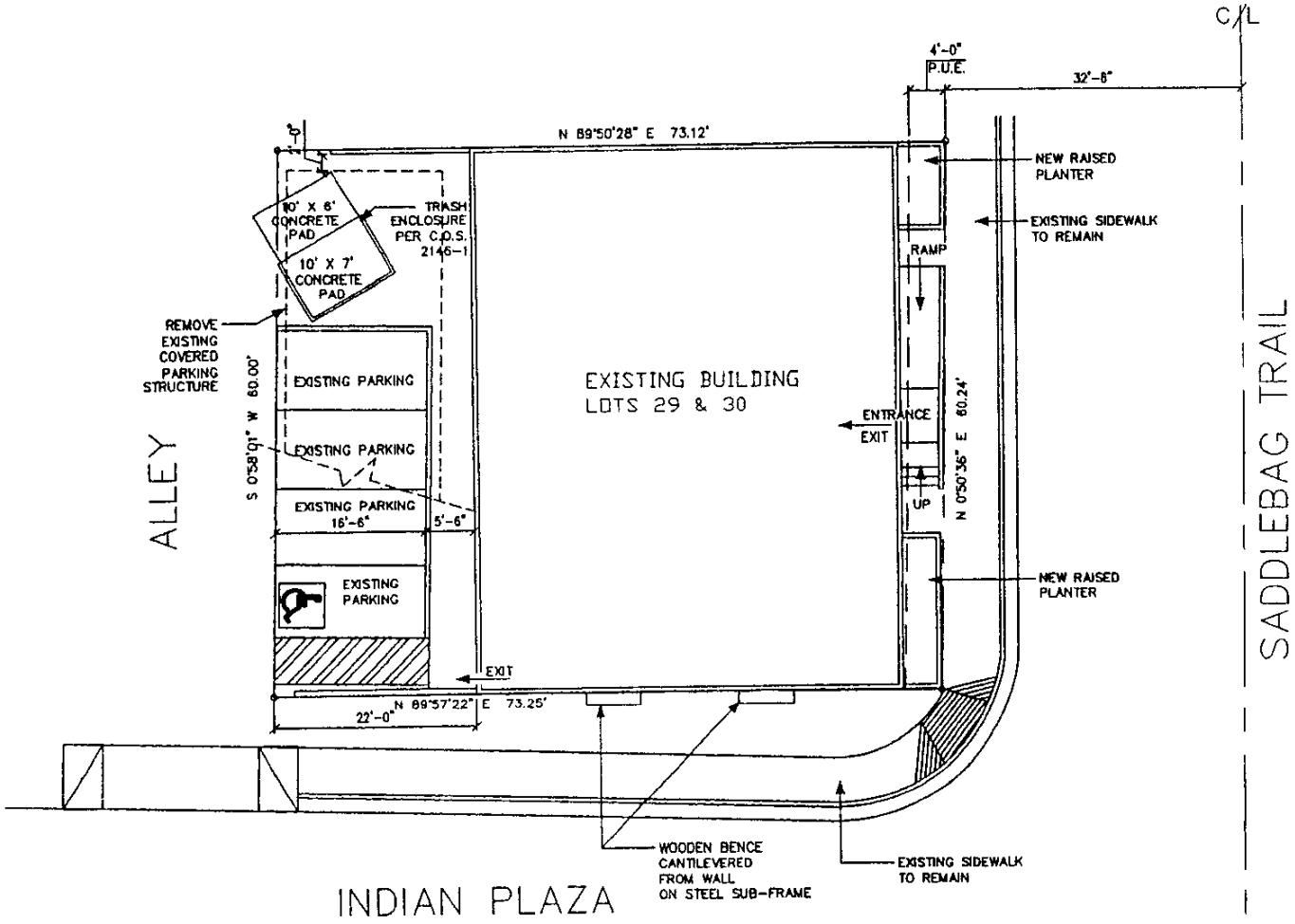
From 10:00 p.m. to sixty (60) minutes after closing 2

Permittee shall provide a copy of their policy and procedures, training documentation and overall operational plan pertaining to security.

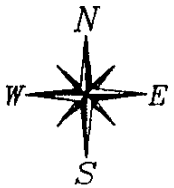
APPLICANT: DATE: 4/13/03

APPROVED: DATE:

Scottsdale Police Department
9065 E. Via Linda
Scottsdale, AZ 85258
(602) 391-5000
(602) 483-7438 - FAX
Date:



SITE PLAN



GRAPHIC SCALE

10 0 5 10

1 INCH = 10 FT

4426 Saddlebag Trail

Master Parking Plan

PREPARED FOR:
City of Scottsdale Community Develpoment
7447 E. Indian School Rd.
Scottsdale, Arizona 85251

PREPARED BY:
Ryan Jocque
&
Lucid Entertainment Inc.
15490 Ventura Blvd. Ste: 235
Sherman Oaks, California 91403

Attachment 10

INTRODUCTION

Lucid Entertainment Inc., is requesting the City of Scottsdale's consideration of a parking master plan developed to meet the cumulative parking demands of Five (5) properties located in the vicinity of Saddlebag Trail and Indian Plaza in Downtown Scottsdale. The purpose of this report is to present the following:

- The extent, in terms of size, location, and existing, proposed or otherwise anticipated use of the buildings under consideration.
- The number, type and location of all parking spaces currently available for use by tenants of these buildings.
- The amount of parking that the City of Scottsdale would require Lucid entertainment to provide for the anticipated tenant mix.

BUILDING AND TENANTS

The area under consideration in this study are the properties on the northwest corner of Indian Plaza and Saddlebag Trail extending directly East and Southeast across Saddlebag Trail, as illustrated in Location Map with reference made to Figure 2. The specific buildings under consideration in this study, and their existing, proposed and/or anticipated tenants consist of:

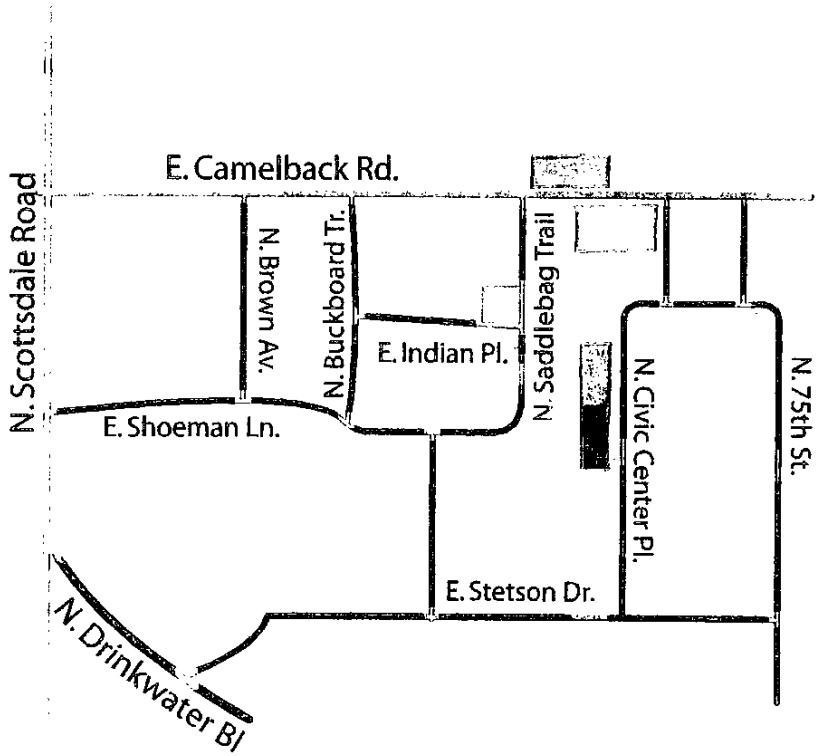
- The "KitKat Lounge", 4426 N. Saddlebag Trail, Scottsdale 85251 identified by PINK on the Location Map, which is currently vacant but is leased to Lucid Entertainment for the use of a Bar/Tavern

  7332 & 7402 East Camelback Rd. Scottsdale 85251, identified by RED on the Location Map, which is currently occupied by 85% office and 15% personal service.

- The "Jones Group" 4422 N. Civic Center Plaza. Scottsdale 85251, identified by GREEN on the Location Map, which is currently occupied for 100% office use.

- The "4414 N. Civic Center Plaza LLC" located at 4414 N. Civic Center Plaza, identified by BLUE on the Location Map, which is currently occupied by 100% office use.

- "Sir Speedy Printing", 7373 E. Camelback Rd. Scottsdale 85251, identified by ORANGE on the Location Map, which is currently occupied for 20% personnel service and 80% office.



Zone Code	Distance from "A1"
C2-P2-P3	N/A
S-R	270ft
C2-P2-P3	72ft
C2-P2-P3	402ft
C2-P2-P3	458ft

PROJECT LOCATION
4426 Saddlebacg Trail
Scottsdale, Arizona

NORTH

LOCATION MAP

Parking Requirment Calculations

A1 – KitKat Lounge 4426 Saddlebag Trail

Lot Size	=	4386sf
P3	=	3066sf
P2	=	1320sf
Restrooms		
Storage/Bar	=	1177sf
Public Floor Area	=	1537sf

Calculations	=	P3sf	= 3066.6/300	=	10.22	credits
		On-street	= 73.11/20	=	2.12	credits
		Existing		=	4.00	spaces
			TOTAL	**=**	**16.35**	**Credits**

Public Floor Area	1537/35	=	44.00	spaces
			- 16.35	credits/existing

= **27.65 additional spaces required**

(28 spaces)

PARKING PROVIDED

Figure 2 and Table 1 illustrate where and how the supply of parking is calculated for tenants, employees, and customers per the City Ordinance. The calculations are based on the following information

- All of the parking spaces located within the boundaries of the property are either owned or being leased by Lucid Entertainment for a term of Five (5) or more years, which complies with the City's Zoning Ordinance Section 9.107.B.

- The "KitKat Lounge" (A1) is adjacent to angled on-street parking, which qualifies for a credit of approximately Two (2) parking spaces, subject to the conditions of the City Ordinance Section 9.104.B.

- There is a P-3 overlay of sites "A1, A4, A5 & A6", which provides a parking credit equal to 1 parking space for every Three Hundred (300) square feet of the net lot area that is zoned P-3.

- Four (4) on-site parking spaces are provided for the "KitKat Lounge "A1".

- Fourteen (14) on-site parking spaces are provided for the building suites labeled "A2".

- Fourteen (14) on-site parking spaces are provided for the building suites labeled "A3".

- Three (3) on-site parking spaces will be provided with the improvement of the dirt lot adjacent to suites labels "A3".

- Nine (9) on-site parking spaces are provided for the building suites labeled "A4".

- Nine (9) on-site parking spaces are provided for the building suites labeled "A5".

- Twenty-nine (29) on-site parking spaces are provided for the building labeled "A6".

PARKING REQUIRED

Table 2 provides a breakdown of the parking required for the six sites. The calculations are based on the gross square footage and tenant use of the buildings labels "A2, A3, A4, A5 & A6", and the public floor area of building labeled "A1"

These commercial establishments are "mixed-use"; meaning they generate peak parking demands at different times of the day and night. By providing a mixed-use shared parking plan, all current daytime office tenants labeled A2 through A6, will continue to operate undisturbed during their regular business hours between 8a.m. and 6p.m. while allowing an elevated use of the property labeled A1 by providing parking after business hours from 8p.m.- 2a.m. The mixed-use parking plan benefits both businesses by drastically reducing the cost as well as the property space needed to provide additional parking. Table 3 illustrates the amount of parking required based on Table 9.3 of the Zoning Ordinance.

Parking Overview

4426 N Saddlebag Trail

	Public Floor Area					
Bar:	1,537	SF				
Total:	1,537	/	35	=	43.91	
Parking Required				=	**43.91**	**spaces**
P3 Area	3,066.60	SF /	300	=	10.22	
On-Street Parking	53	SF /	25	=	2.12	
Provided On-site				=	4	spaces
Parking Provided				=	**16.35**	**spaces**
			Difference:		**-27.57**	

7332 & 7402 E Camelback Rd

Employee Only - Not Included In total

Retail:	680	/	250	=	2.72	
Office:						
	1,596	/	300	=	5.32	
	2,276	/	300	=	7.59	
Total Required:				=	**15.63**	
On-Lot Parking				=	**28.00**	
Dirt-lot				=	**3**	
Total Provided:				=	**31.00**	
			Difference:			**15.37 spaces**

4422 N Civic Center Plaza

Office:	5,791	/	300	=	19.30	
Total Required:				=	**19.30**	
On-Lot Parking				=	**9.00**	
P-3 Credit				=	17.36	
Total Provided:				=	**26.36**	
			Difference:			**7.06 spaces**

4414 N Civic Center Plaza

Office:	5,204	/	300	=	17.35	
Total Required:				=	**17.35**	
On-Lot Parking				=	**9.00**	
P-3 Credit				=	16.74	
Total Provided:				=	**25.74**	
			Difference:			**8.39 spaces**

7373 E Camelback Rd

Retail:	4,184	/	250	=	16.74	
Office:	6,275	/	300	=	20.92	
Total Required:				=	**37.65**	
On-Lot Parking				=	**29.00**	
P-3 Credit				=	78.19	
Total Provided:				=	**107.19**	
			Difference:			**69.54 spaces**

Total of 47 parking spaces south of Camelback Road for Patrons.

Total of 31 parking spaces north of Camelback Road for Employees Only.

LUCID ENTERTAINMENT Shared Parking Analysis

Parking Based On Ordinance Requirment

Bar	43.91
Office	57.57
Retail	16.74

Weekdays
Midnight-7AM

Retail	0%	x	16.74	=	0
Office	5%	x	57.57	=	2.88
Bar	50%	x	43.91	=	21.96
Total Required				=	**24.84**

Weekdays
7AM-6PM

Retail	100%	x	16.74	=	16.74
Office	100%	x	57.57	=	57.57
Bar	70%	x	43.91	=	30.73
Total Required				=	**105.04**

Weekdays
6PM-Midnight

Retail	80%	x	16.74	=	13.39
Office	5%	x	57.57	=	2.88
Bar	100%	x	43.91	=	43.91
Total Required				=	**60.18**

Weekdays
Midnight-7AM

Retail	0%	x	16.74	=	0
Office	0%	x	57.57	=	0
Bar	45%	x	43.91	=	19.75
Total Required				=	**19.75**

Weekends
7AM-6PM

Retail	100%	x	16.74	=	16.74
Office	60%	x	57.57	=	34.54
Bar	70%	x	43.91	=	30.74
Total Required				=	**82.02**

Weekends
6PM-Midnight

Retail	60%	x	16.74	=	10.04
Office	10%	x	57.57	=	5.75
Bar	100%	x	43.91	=	43.91
Total Required				=	**59.7**

Maximum (Total) Required Parking: = **105.04 Spaces**

Parking Provided

	P3 Credit	=	10.22 spaces	A4	P3 Credit	=	17.36 spaces
A1	On-Street	=	2.12 spaces		On-Lot	=	9.00 spaces
	On-Lot	=	4.00 spaces	A5	P3 Credit	=	16.74 spaces
A2-A3	On-Lot	=	31 spaces (not Incldeed)		On-Lot	=	9.00 spaces
	(12 spaces for emplyees included)			A6	P3 Credit	=	78.19 spaces
					On-Lot	=	29 spaces

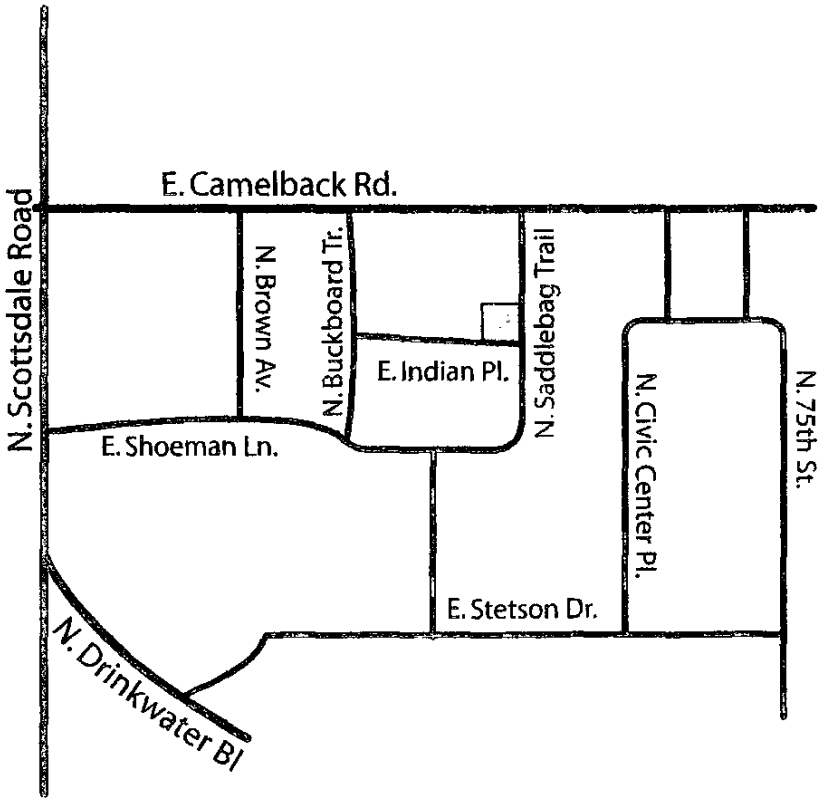
Total Parking Provided = **187.63 Spaces**

CONCLUSIONS AND RECOMENDATIONS:

Lucid Entertainment Inc will make the following improvements:

- The repaving and striping of the current Four (4) parking spaces adjacent to building "A1"
- Minor modifications in striping and signing to restrict certain spaces use by the mobility impaired
- The paving and striping of the current dirt lot adjacent to building marked "A3" in accordance to the City's parking Ordinance Sec. 9.107.B

In summary, the building referred to as "Kit Kat" labeled "A1" requires Forty-four (44) parking spaces for their said use. Of those Forty-four (44), Twelve (12.35) are credited to the property due to a P3 zoning overlay and Four (4) exist on the property. This leaves and additional 28 parking spaces required. Twelve (12) of these spaces are being leased 24hrs a day for a term of Five (5) years or more. The remaining spaces are being leased as part of a mixed-use shared parking plan also for a term for no less than 5 years. The shared parking plan will allow "Kit Kat's" employees access to the parking spaces labeled "A2 & A3", while designating parking areas "A3 – A6" strictly for the use of "Kit Kat's" patrons.
This shared parking plan works specific to this location because the hours of operation and peak parking demands of the businesses and retail properties in question, occur on weekdays between the hours of 7am – 6pm, thus creating parking for the "Kit Kat" whose hours of operation and peak parking demands are 8pm – 2am (primarily on weekends)



PROJECT LOCATION
4426 Saddlebacg Trail
Scottsdale, Arizona

NORTH

LOCATION MAP

March 1, 2003

City of Scottsdale
Community Development
7447 E. Indian School Rd.
Los Angeles, CA 85251

To Whom It May Concern:

The enclosed affidavit is set forth for the purpose and objective of my enterprise, which I hope to be an asset to the City of Scottsdale. For any matters of concern which I have not addressed, I would be happy to do so anytime the council deems it necessary.

Very Truly Yours,

William Asher

Lucid Entertainment 15490 Ventura Blvd. Ste 235 Sherman Oaks. CA 91403
(818) 728-9696 fax (818) 728-9698

Attachment 11

March 1, 2003

City of Scottsdale
Community Development
7447 E. Indian School Rd.
Los Angeles, CA 85251

To Whom It May Concern:

It is my understanding that there are concerns on the part of the Scottsdale City Council in regard to the lounge I anticipate opening at 4426 N. Saddlebag Trail, Scottsdale 85251. I am the sole owner and have sole discretion of the use and format of said lounge. I am writing this affidavit so the Scottsdale City Council can be assured of the following matters:

1. The Lounge will always be an asset to the City of Scottsdale in every way possible.
2. The use and/or theme of said lounge is now and will continue to be a present day upscale lounge with a high degree of sophistication.
3. The future of the lounge will never include any sort of Striptease or similar type of format.
4. The object of this enterprise is to operate with good taste and good judgment abiding by all appropriate statutes and ordinances of the State of Arizona, the county of Maricopa and the City of Scottsdale.

William Asher

Notarized By: Gayle Ertz

GAYLE ANDREA ERTZ
Commission # 1350045
Notary Public - California
Los Angeles County
My Comm. Expires Apr 7, 2006

Lucid Entertainment 15490 Ventura Blvd, Ste 235 Sherman Oaks, CA 91403
(818) 728-9696 fax (818) 728-9698

LUCID ENTERTAINMENT

The comfortable familiarity of the martini lounge is back, as strong financially backed Lucid Entertainment opens the first in a series of inviting new nightspots. Re-defining sophistication, the initial upscale Lucid venue is under construction in Scottsdale with others in progress in Hollywood and Downtown Los Angeles. All will target young professionals and discerning club regulars – the most valued target market in the service industry. And all will be directed by the seasoned and talented team Lucid has retained from among the best in the fields of bar/restaurant promotion, management and operations.

SCOTTSDALE

The first lounge is located in the epicenter of Scottsdale's pulsing nightlife where Camelback and Scottsdale Roads converge. It's the destination of choice when the adventurous from throughout the Phoenix area come out to play. An elegant Robert Krumpe – designed exterior establishes the gateway into an intimate, classic speakeasy lounge. Krumpe has constructed landmark restaurants and nightclubs throughout Los Angeles and Las Vegas including Barfly, Opus and Pinot as well as the venerable Spago. Once inside, patrons discover a warm inviting setting with a classic soundtrack familiar and inspiring but soft enough to accommodate easy conversation. Award winning artist and interior designer Jeff Low, who created atmosphere at the Phoenician Resort, Six (Scottsdale), Denim (Philadelphia) and the Cobalt Coast Resort (Cayman Islands), has wrapped warm, sensual tones around eclectic images of the most notoriously decadent figures in music and movie history. Combining hip stylishness and softly illuminated elegance creates a sensual and inviting environment with a unique and irreverent edge.

PROFESSIONAL EXPERIENCE

In keeping with its practice of recruiting the best talent available, Lucid Entertainment has retained Ryan Jocque as Promoter/Operator. Ryan brings a wealth of experience as well as numerous "best of" awards. In restaurant/bars from Dallas to Las Vegas and Phoenix. Ryan's venues have achieved and consistently maintained profitability- the foundation of Lucid Entertainment's business plan.

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

8-11-2003

APPLICATION FOR LIQUOR LICENSE

DLLC 2003 MAR -5 P 1:10

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- ☐ INTERIM PERMIT *Complete Section 5*
- ☐ NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16, 17*
- ☐ PERSON TRANSFER (Bars & Liquor Stores ONLY) *Complete Sections 2, 3, 4, 11, 13, 15, 16, 17*
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) *Complete Sections 2, 3, 4, 12, 13, 15, 16, 17*
- ☐ PROBATE/WILL ASSIGNMENT/ADVANCE DEFERRED *Complete Sections 2, 3, 4, 12, 13, 15, 16 (Memo required)*
- ☐ GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16, 17*

SECTION 2 Type of ownership:

- ☐ J.T.W.R.O.S. *Complete Section 6*
- ☐ INDIVIDUAL *Complete Section 6*
- ☐ PARTNERSHIP *Complete Section 6*
- ☐ CORPORATION *Complete Section 7*
- ☐ LIMITED LIABILITY CO. *Complete Section 7*
- ☐ CLUB *Complete Section 8*
- ☐ GOVERNMENT *Complete Section 10*
- ☐ TRUST *Complete Section 6*
- ☐ OTHER Explain _____

MAR 0 7 2003 CITY OF SCOTTSDALE DEVELOPMENT SERVICES

AMENDMENT

SECTION 3 Type of license and fees: LICENSE #: 06070420

1. Type of License: _____ 2. Total fees attached: $ _____

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

SECTION 4 Applicant: (All applicants must complete this section)

1. Applicant/Agent's Name: Mr. Ms. _____ (Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: _____ (Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Kit Cat Lounge (Exactly as it appears on the exterior of premises)
4. Business Address: _____ (Do not use PO Box Number) City COUNTY Zip
5. Business Phone: (____) _____ Residence Phone: (____) _____
6. Is the business located within the incorporated limits of the above city or town? ☐YES ☐NO
7. Mailing Address: _____ City State Zip
8. Enter the amount paid for a 06, 07, or 09 license: $ _____.____ (Price of License ONLY)

DEPARTMENT USE ONLY

Accepted by: _____ Date: _____ Lic. # _____

Fees: _____ Application _____ Interim Permit _____ Agent Change _____ Club _____ F. Prints $ _____ TOTAL

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD. YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

LIC 0100 11/2000

*Disabled individuals requiring special accommodation, please call (602) 542-9027.

Attachment 12

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934 DLLC
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

EC

2003 JAN 28 P 4:21

8-LL-2003

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the ousiness must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

JAN 2 - 2003
CITY OF SCOTTSDALE
DEVELOPMENT SERVICES

SECTION 1 This application is for a:

- ☐ INTERIM PERMIT *Complete Section 5*
- ☐ NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16, 17*
- ☒ PERSON TRANSFER (Bars & Liquor Stores ONLY) *Complete Sections 2, 3, 4, 11, 13, 15, 16, 17*
- ☒ LOCATION TRANSFER (Bars and Liquor Stores ONLY) *Complete Sections 2, 3, 4, 12, 13, 15, 16, 17*
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE *Complete Sections 2, 3, 4, 9, 13, 15, 17* (fee not required)
- ☐ GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16, 17*

SECTION 2 Type of ownership:

- ☐ J.T.W.R.O.S. *Complete Section 6*
- ☐ INDIVIDUAL *Complete Section 6*
- ☐ PARTNERSHIP *Complete Section 6*
- ☒ CORPORATION *Complete Section 7*
- ☐ LIMITED LIABILITY CO. *Complete Section 7*
- ☐ CLUB *Complete Section 8*
- ☐ GOVERNMENT *Complete Section 10*
- ☐ TRUST *Complete Section 6*
- ☐ OTHER Explain _____

SECTION 3 Type of license and fees: LICENSE #: 06070420

1. Type of License: Series 6
2. Total fees attached: $ 224.00

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

SECTION 4 Applicant: (All applicants must complete this section)

1. Applicant/Agent's Name: Mr. Ms. Lewkowitz, H. J.
   (Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: Lucid Entertainment, Inc.
   (Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Pussycat Lounge
   (Exactly as it appears on the exterior of premises)
4. Business Address: 4426 N. Saddlebag Trail, Scottsdale, Maricopa 85251
   (Do not use PO Box Number) City COUNTY Zip
5. Business Phone: (____) pending Residence Phone: ([redacted])
6. Is the business located within the incorporated limits of the above city or town? ☒YES ☐NO
7. Mailing Address: [redacted]
   City State Zip
8. Enter the amount paid for a 06, 07, or 09 license: $ _____ (Price of License ONLY)

DEPARTMENT USE ONLY

Accepted by: M. Bustamante Date: 1-28-03 Lic. # 06070420

Fees:	Application	Interim Permit	Agent Change	Club	F. Prints	TOTAL
	200 -		-	-	-	$ 224 -

PROCESSING APPLICATIONS TAKES APPROXIMATELY 90 DAYS, AND CIRCUMSTANCES OFTEN RESULT IN A LONGER WAITING PERIOD. YOU ARE CAUTIONED REGARDING PLANS FOR A GRAND OPENING, ETC., BEFORE FINAL APPROVAL AND ISSUANCE OF THE LICENSE.

LIC 0100 11/2000

*Disabled individuals requiring special accommodation, please call (602) 542-9027.

ECTION 5 Interim Permit:

If you intend to operate business while your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.

There MUST be a valid license of the same type you are applying for currently issued to the location.

Enter the license number currently at the location. 2003 JAN 28 P 4:21

Is the license currently in use? ☐ YES ☐ NO If no, how long has it been out of use? _____

ITACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

_____, declare that I am the CURRENT LICENSEE of the stated license and
(Print full name)
:ation . I have read this application and the contents and all statements are true, correct and complete.

_____
(Signature)

State of _____ County of _____
The foregoing instrument was acknowledged before me this

_____ day of _____, _____.
Day of Month Month Year

y commission expires on: _____

_____
(Signature of NOTARY PUBLIC)

ECTION 6 Individual or Partnership Owners:

CH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

Individual:

ast	First	Middle	% Owned	Residence Address	City State Zip
			%		

Partnership Name: (Only the first partner listed will appear on license) _____

neral-Limited	Last	First	Middle	% Owned	Residence Address	City State Zip
☐ ☐						
☐ ☐						
☐ ☐						
☐ ☐				%		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

Is any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

☒ CORPORATION *Complete questions 1, 2, 3, 5, 6, 7, 8.*

☐ L.L.C. *Complete questions 1, 2, 4, 5, 6, 7 and attach copy of Articles of Org. and Operation Agreement.*

DLLC

2003 JAN 23 P 4:21

1. Name of Corporation/L.L.C.: Lucid Entertainment, Inc.
(Exactly as it appears on Articles of Inc. or Articles of Org.)

2. Date Incorporated/Organized: 09/18/01 State where Incorporated/Organized: California

3. AZ Corporation Commission File No.: F10613436 Date authorized to do business in AZ: pending

4. AZ L.L.C. File No: _____ Date authorized to do business in AZ: _____

5. Is Corp./L.L.C. non-profit? ☐ YES ☒ NO If yes, give IRS tax exempt number: _____

6. List all directors/officers in Corporation/L.L.C.:

Last First Middle	Title	Residence Address City State Zip
Asher, William Michael-Fitzgerald	Pres./Sec.	[redacted]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders or controlling members owning 10% or more:

Last First Middle	% Owned	Residence Address City State Zip
Asher, William Michael-Fitzgerald	100%	See Above
	%	
	%	
	%	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach an ownership, and director/officer/members disclosure for the parent entity. Attach additional sheets as necessary in order to disclose real people.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED FORM "LIC0101", AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter) (Attach a copy of Club Charter)

2. Is club non-profit? ☐ YES ☐ NO If yes, give IRS tax exempt number: _____

3. List officer and directors:

Last First Middle	Title	Residence Address City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

ECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store:

Current Licensee's Name: _____
xactly as it appears on license) Last First Middle

Assignee's Name: _____
Last First Middle

License Type: _____ License Number: _____ Date of Last Renewal: _____

ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

ECTION 10 Government: (for cities, towns, or counties only)

Person to administer this license: _____
Last First Middle

Assignee's Name: _____
Last First Middle

A SEPARATE LICENSE M[redacted]H PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

ECTION 11 Person to Person Transfer:

uestions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY).

Current Licensee's Name: Sevilla, Karen Entity: Agent
xactly as it appears on license) Last First Middle (Indiv., Agent, etc.)

Corporation/L.L.C. Name: Z & T Investments, Inc.
(Exactly as it appears on license)

Current Business Name: Sevilla's Gopher Club
(Exactly as it appears on license)

Current Business Address: 1654 E. mcDowell Road
Phoenix, AZ 85006

License Type: Series 6 License Number: 06070420 Last Renewal Date: 01/02

Current Mailing Address (other than business): 3101 North Central Avenue #1500
Phoenix, AZ 85012

Have all creditors, lien holders, interest holders, etc. been notified of this transfer? ☒ YES ☐ NO

Does the applicant intend to operate the business while this application is pending? ☐ YES ☒ NO If yes, complete section 5, attach fee, and current license to this application.

I hereby relinquish my rights to the above described license to the applicant named in this application and hereby declare that the statements made in this section are true, correct and complete.

THEODORE R. SEVILLA, declare that I am the CURRENT LICENSEE of the stated license. I have read this
(Print full name)
plication and the contents and all statements are true, correct and complete.

OFFICIAL SEAL
MICHAEL J. MORRIS
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires June 22, 2005

(Signature of CURRENT LICENSEE)

State of ARIZONA County of MARICOPA
The foregoing instrument was acknowledged before me this 20th day of JANUARY, 2003.
Day of Month Month Year

/ commission expires on: _____

(Signature of NOTARY PUBLIC)

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE.

DLLC

1. Current Business Name and Address: Sevill's Gopher Club
(Exactly as it appears on license) 2003 JAN 28 4054 E. McDowell Road, Phoenix, AZ 85006

2. New Business Name and Address: Pussycat Lounge
(Do not use PO Box Number) 4426 N. Saddlebag Trail, Scottsdale, AZ 85251

3. License Type: Series 6 License Number: 06070420 Last Renewal Date: 01/02

4. What date do you plan to move? ASAP What date do you plan to open? April 1, 2003

SECTION 13 Questions for all in-state applicants:

1. Distance to nearest school: 2800 ft. (Regardless of distance) Name/Address of school: Scottsdale United Methodist Church & School
4140 N. Miller Road
Scottsdale, AZ 85251

2. Distance to nearest church: 2800 ft. (Regardless of distance) Name/Address of church: Scottsdale United Methodist Church
4140 N. Miller Road
Scottsdale, AZ 85251

3. I am the: ☒ LESSEE ☐ SUBLESSEE ☐ OWNER ☐ PURCHASER (of premises)

4. If the premises is leased give lessors name and address: Aeed Family Trust
6414 E. Aster Dr., Scottsdale, AZ 85254

4a. Monthly rental/lease rate $ 3900.00. What is the remaining length of the lease? 10 yrs. ____ mos.

4b. What is the penalty if the lease is not fulfilled? $ 1yr. Rent or other ____
(give details - attach additional sheet if necessary)

5. What is the total business indebtedness of the applicant for this license/location excluding lease? $ 0

Does any one creditor represent more than 10% of that sum? ☐ YES ☒ NO If yes, list below. Total must equal 100%.

Last	First	Middle	% Owed	Residence Address	City	State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for? (BE SPECIFIC) Cocktail Lounge.

7. Has a license, or a transfer license for the premises on this application been denied by the state within the past one (1) year?
☐ YES ☒ NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee, have any interest in your business? ☐ YES ☒ NO

9. Is the premises currently licensed with a liquor license? ☐ YES ☒ NO If yes, give license number and licensee's name:

License # ____ (Exactly as it appears on license) Name ____.

ECTION 14 Restaurant, or Hotel-Motel Applicants:

Is there a valid restaurant or hotel-motel liquor license at the proposed location? ☐ YES ☐ NO If yes, give licensee's name:

_____ and license #: _____
Last First Middle

If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. Section 4-203.01; and complete Section 5 of this application.

DLLC
2003 JAN 28 P 4:27

All restaurant applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor.

Do you understand that 40% of your annual gross revenue must be from food sales? ☐ YES ☐ NO

ECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

Check ALL boxes that apply to your licensed premises:

- ☒ Entrances/Exits
- ☐ Drive-in windows
- ☐ Service windows
- ☒ Liquor storage areas
- ☐ Patio enclosures
- ☐ Under construction: estimated completion date _____

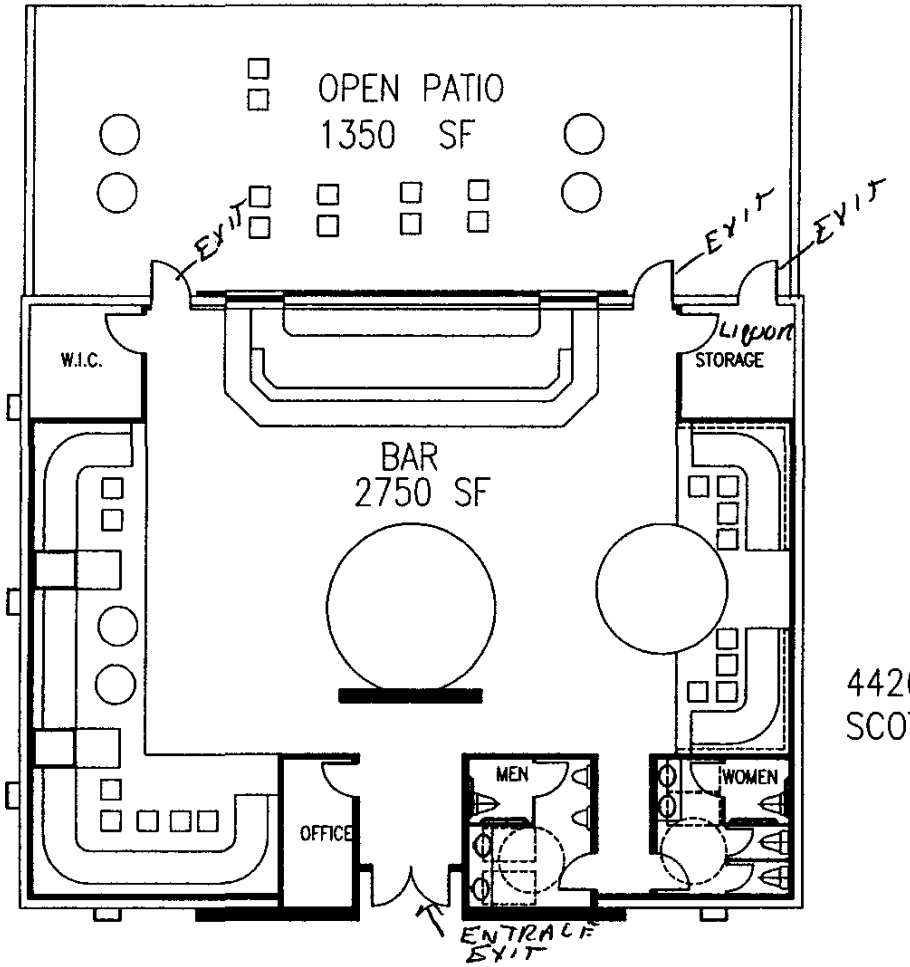
Restaurants and Hotel/Motel applicants must explicitly depict kitchen equipment and dining facilities.

The diagram below is the only area where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored. Give the square footage or outside dimensions of the licensed premises.

DO NOT INCLUDE PARKING LOTS, LIVING QUARTERS, ETC.

See Attached

OU MUST NOTIFY THE DEPARTMENT OF LIQUOR OF ANY CHANGES OF BOUNDARIES, NTRANCES, EXITS, OR SERVICE WINDOWS MADE AFTER SUBMISSION OF THIS DIAGRAM.



FLOOR PLAN

SCALE: 1/4" = 1'-0"

KEYNOTES	
BAR AREA	2750 SF
OPEN PATIO	1320 SF

4426 N. SADDLEBAG TRAIL
SCOTTSDALE, AZ 85251

DLLC
2003 JAN 28 P 4:21

DESIGN CONSULTING SERVICES, LLC

"RUSH"
4426 N. SADDLEBAG TRAIL
SCOTTSDALE, AZ 85251

A-2

SECTION 16 Geographical Data: A SAMPLE FOR THIS SECTION IS PROVIDED ON THE BACK OF THIS PAGE.

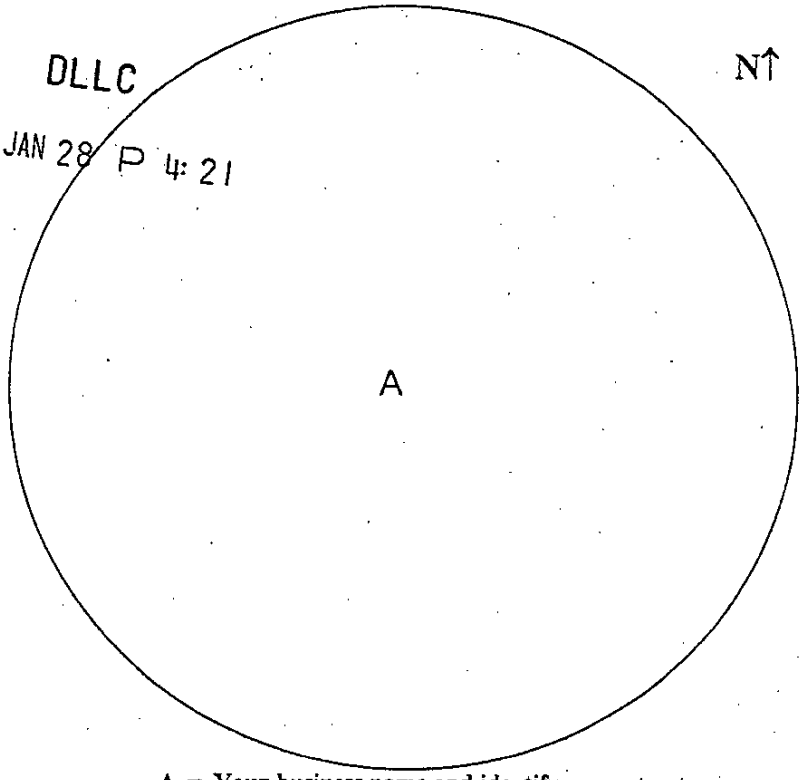
List below the exact names of all churches, schools, and spirituous liquor outlets within a one half mile radius of your proposed location.

1. See Attached
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.

(ATTACH ADDITIONAL SHEET IF NECESSARY)

DLLC

2003 JAN 28 P 4: 21



A = Your business name and identify cross streets.

SECTION 17 Signature Block:

I, Lewkowitz, H. J., declare that: 1) I am the APPLICANT (Agent/Club Member/Partner), making this
(Print name of APPLICANT/AGENT listed in Section 4 Question 1)
application; 2) I have read the application and the contents and all statements are true, correct and complete; 3) that this application is not being made to defraud or injure any creditor, taxing authority, regulatory authority, or transferor; 4) that no other person, firm, or corporation, except as indicated, has an interest in the spirituous liquor license for which these statements are made; and 5) that none of the owners, partners, members, officers, directors or stockholders listed have been convicted of a felony in the past five (5) years.

X _____
(Signature)

OFFICIAL SEAL
MICHAEL J. MORRIS
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires June 22, 2005

My commission expires _____

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

27th day of January, 2003.
Day of Month Month Year

_____
(Signature of NOTARY PUBLIC)

SAMPLE

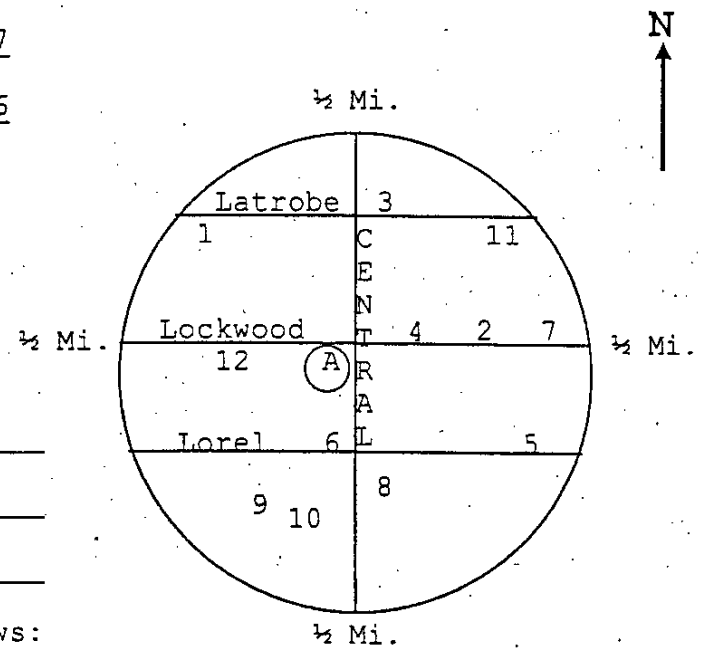
GEOGRAPHICAL DATA

n the area adjacent to the map provided below indicates your proposed location nd the exact names of all churches, schools, and alcoholic beverage outlets ithin a 1/2 mile radius of your proposed location.
See example below)

DLLC

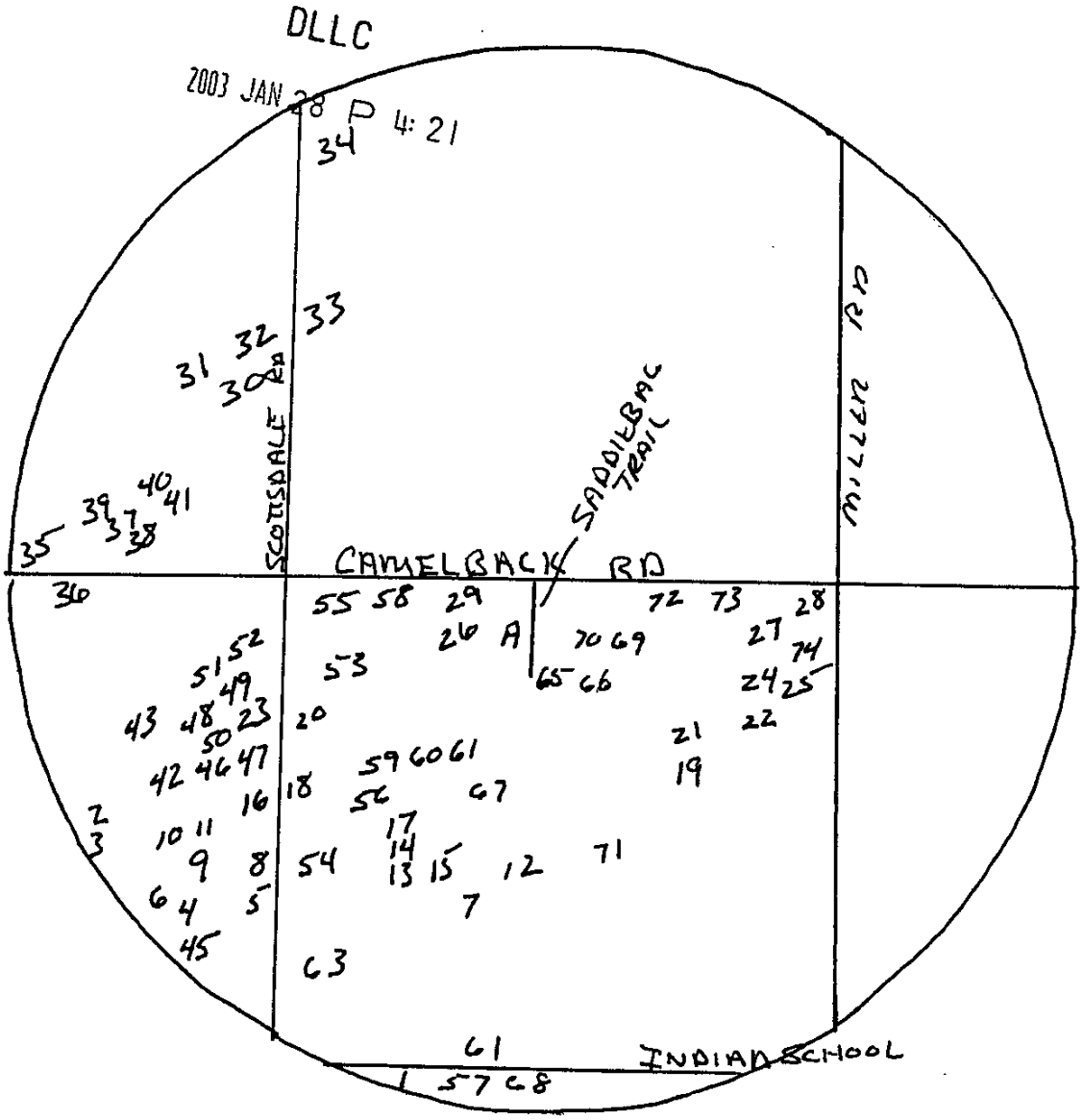
2003 JAN 28 P 4:21

= Applicant	Series 12
1 Pink Elephants	Series 06
2 Mama's Rest.	Series 12
3 Corner Liquors	Series 09
4 Joe's Groceries	Series 10
5 Lions Club	Series 14
6 Burgers R Us	Series 07
7 Pizza Perfect	Series 07
8 Billy Bobs Bar	Series 06
9 St. Anthonys Church	
0 St. Anthonys School	
1 Burbank Middle School	
2 First United Baptist Church	
3	
4	
5	



.R.S. Section 4-207.A reads as follows:

. No retailers license shall be issued for any premises which are. at the time he license application is received by the Director, within three hundred(300) orizontal feet of a church, within three hundred(300) horizontal feet of a ublic or private school building with kindergarten programs or any of rades one(1) through twelve(12). or within three hundred(300) horizontal eet of a fenced recreational area adjacent to such school building.


DLLC
2003 JAN 28 P 4:21
SCOTTSDALE RD
MILLER RD
SADDLEBAC TRAIL
CAMELBACK RD
INDIAN SCHOOL

Attachment to questionnaire of
H. J. Lewkowitz, Esq.

2003 JAN 28 P 4: 21

Question 18:

I have never held ownership of or interest in, nor have I been an officer/director or had managerial responsibilities for any business license, professional license, liquor license or liquor license application having been rejected, denied, revoked, suspended or fined in this or any other state. I have represented clients as attorney and/or agent who have had applications denied and licenses fined, suspended or revoked.

I am a life member of the Phoenix Thunderbirds. The Thunderbirds sponsor the Phoenix Open Golf Tournament every January. The Thunderbirds were fined for infractions during the 1999 & 2000 & 2001 tournaments.

Question 20.

I held a proprietary interest in a Village Inn Pizza Parlor in Canoga Park, CA. I sold my interest in 1975.

I have served or currently serve as Attorney/Agent for hundreds of liquor licenses in the State of Arizona. In that capacity I do not, and never have, been involved in the day to day operations of the aforementioned liquor licenses.

1	6070348	Active	GRAPEVINE	4013 N BROWN	SCOTTSDALE	85251	Bar
3	12074835	Active	DEVILS MARTINI RESTAURANT	4175 GOLDWATER BLVD STE 1	SCOTTSDALE	85251	Restrnt
2	12074702	Active	CAF'E BLUE	4175 GOLDWATER BLVD STE 2,3,4,5	SCOTTSDALE	85251	Restrnt
4	6070587	Active	DOS GRINGOS	4209 N CRAFTSMAN CT	SCOTTSDALE	85251	Bar
5	12074854	Active	TONY ROMA'S	4218 N SCOTTSDALE RD	SCOTTSDALE	85251	Restrnt
6	6070188	Active	NOYZ	4224 NORTH CRAFTSMAN COURT	SCOTTSDALE	85251	Bar
7	12074666	Active	OUTBACK STEAKHOUSE	4225 N DRINKWATER BLVD	SCOTTSDALE	85251	Restrnt
8	6070215	PndInct	VOODOO LOUNGE	4228 N SCOTTSDALE RD	SCOTTSDALE	85251	Bar
9	12074069	Active	SCOTTSDALE KEBAB MIDDLE EASTERN	4233 N SCOTTSDALE RD	SCOTTSDALE	85251	Restrnt
10	6070658	Active	COURT	4238 CRAFTSMAN CT	SCOTTSDALE	85251	Bar
11	6070449	Active	ACME BAR & GRILL	4245 N CRAFTSMANS CT	SCOTTSDALE	85251	Bar
12	7070678	Active	SUMMERFIELD SUITES HOTEL	4245 N DRINKWATER BLVD	SCOTTSDALE	85251	BrWnBar
13	10074186	Active	ARCADIA FINE WINE	4251 N BROWN AVE #9	SCOTTSDALE	85251	BrWnStor
14	6070334	Active	GILIGIN'S	4251 N WINFIELD SCOTT PLAZA	SCOTTSDALE	85251	Bar
15	12074491	Active	BLUE AGAVE MEXICAN CANTINA	4280 N CIVIC CENTER BLVD #100	SCOTTSDALE	85251	Restrnt
16	12073615	Active	MR C'S EXQUISITE CHINESE DINING	4302 N SCOTTSDALE RD	SCOTTSDALE	85251	Restrnt
17	6070017	Active	MICKEY'S HANGOVER	4312 N BROWN AVE	SCOTTSDALE	85251	Bar
17	7070178	Active	MICKEY'S HANGOVER	4312 N BROWN AVE	SCOTTSDALE	85251	BrWnBar
18	12072227	Active	LANDRY'S PACIFIC FISH CO	4321 N SCOTTSDALE RD	SCOTTSDALE	85251	Restrnt
19	12075236	Active	DRIFT	4341 N 75TH ST	SCOTTSDALE	85251	Restrnt
20	12075183	Active	SCOTTSDALE CULINARY INSTITUTE	4343 N SCOTTSDALE RD STE 200	SCOTTSDALE	85251	Restrnt
21	12075074	Active	TEQUILA GRILL	4363 N 75TH ST	SCOTTSDALE	85251	Restrnt
22	9070505	Active	OSCO DRUG STORE #9244	4380 N MILLER RD	SCOTTSDALE	85251	LiqrStor
23	12075008	Active	IBIZA CAFE / BAR	4400 N SCOTTSDALE RD #12	SCOTTSDALE	85251	Restrnt
24	9070654	Inactive	ABCO #414	4402 N MILLER RD	SCOTTSDALE	85251	LiqrStor
25	12074282	Active	PASTA BRIONI	4416 N MILLER RD STE 702	SCOTTSDALE	85251	Restrnt
26	12075108	Active	PEARL	4425 N BUCKBOARD TRL	SCOTTSDALE	85251	Restrnt
27	12070035	Active	SUNDAY'S EATERY & SPIRITS	4432 N MILLER RD #H	SCOTTSDALE	85251	Restrnt
28	9070155	Active	CIRCLE K STORE #127	4440 N MILLER RD	SCOTTSDALE	85251	LiqrStor
29	12075073	Active	ROCKY'S GOLDEN PHOENIX	4441 N BUCKBOARD TRL	SCOTTSDALE	85251	Restrnt
30	7070653	Active	COCO'S #21	4700 N SCOTTSDALE RD	SCOTTSDALE	85251	BrWnBar
31	7070613	Active	DAYS INN SCOTTSDALE	4710 N SCOTTSDALE RD	SCOTTSDALE	85251	BrWnBar
32	12074107	Active	OPIUM	4720 N SCOTTSDALE RD	SCOTTSDALE	85251	Restrnt
33	12074301	Active	EARLS	4821 N SCOTTSDALE RD	SCOTTSDALE	85251	Restrnt
34	6070081	Active	SUNBURST HOTEL	4925 N SCOTTSDALE RD	SCOTTSDALE	85251	Bar
35	7070211	Active	NM CAFE	6900 E CAMELBACK RD	SCOTTSDALE	85251	BrWnBar
36	12075111	Active	DRINKWATERS STEAKHOUSE	6991 E CAMELBACK RD	SCOTTSDALE	85251	Restrnt
37	12071833	Active	Z'TEJAS GRILL	7000 E CAMELBACK RD	SCOTTSDALE	85251	Restrnt
38	12074149	Active	PF CHANG'S CHINA BISTRO	7014 E CAMELBACK RD	SCOTTSDALE	85251	Restrnt
39	12073979	Active	KONA GRILL	7014-559 E CAMELBACK RD	SCOTTSDALE	85251	Restrnt

40	12073118	Active	LA MADELEINE FRENCH BAKERY	7014-564 E CAMELBACK RD	SCOTTSDALE	85251	Restrnt
41	12075205	Active	NICK AND TONY'S BAR LOUIE	7014-590 E CAMELBACK RD	SCOTTSDALE	85251	Restrnt
42	12074568	Active	FLIP FLOPS BANANA BAR	7051 E 5TH AVE	SCOTTSDALE	85251	Restrnt
43	6070304	Active	MADISON'S	7108 E STETSON DR	SCOTTSDALE	85251	Bar
44	12075319	Pending	NEXT	7111 E 5TH AVE	SCOTTSDALE	85251	Restrnt
45	6070578	Active	CAJUN HOUSE OF BLUES	7117 E 3RD AVE	SCOTTSDALE	85251	Bar
46	6070490	Active	BS WEST	7125 E 5TH AVE #30	SCOTTSDALE	85251	Bar
47	7070380	Active	THYMELESS CUISINE	7125 E 5TH AVE #31	SCOTTSDALE	85251	BrWnBar
48	12073363	Active	COWBOY CIAO	7133 E STETSON DR	SCOTTSDALE	85251	Restrnt
49	6070585	Active	KAZIMIERZ WORLD WINE BAR	7137 E STETSON DR	SCOTTSDALE	85251	Bar
50	10073263	Active	6TH AVE BISTROT	7146 E 6TH AVE	SCOTTSDALE	85251	BrWnStor
50	12071997	Active	6TH AVE BISTRO	7150 E 6TH AVE	SCOTTSDALE	85251	Restrnt
51	6070573	Active	CAT EYE LOUNGE	7164 E STETSON DR	SCOTTSDALE	85251	Bar
52	12074772	Active	KYOTO RESTAURANT	7170 E STETSON	SCOTTSDALE	85251	Restrnt
53	12075063	Active	BUCKETS RESTAURANT	7216 E SHOEMAN LN	SCOTTSDALE	85251	Restrnt
54	12075283	Active	MEDIZONA	7217 E 4TH AVE	SCOTTSDALE	85251	Restrnt
55	12075242	Active	BLUE HORSE TAVERN	7243 E CAMELBACK RD	SCOTTSDALE	85251	Restrnt
56	6070197	Active	GIBSONS MARTINI RANCH	7295 E STETSON DR	SCOTTSDALE	85251	Bar
57	7070692	Pending	JACQUELINE'S MARKET	7303 E INDIAN SCHOOL RD	SCOTTSDALE	85251	BrWnBar
58	12073255	Active	JULIO'S TOO	7305 E CAMELBACK RD	SCOTTSDALE	85251	Restrnt
59	12074449	Active	SIX	7316 E STETSON DR #2	SCOTTSDALE	85251	Restrnt
60	6070796	Active	MALONEY'S	7318 E STETSON	SCOTTSDALE	85251	Bar
61	6070714	Active	DJ'S OF SCOTTSDALE	7320 E STETSON	SCOTTSDALE	85251	Bar
62	11073058	Active	HILTON GARDEN INN SCOTTSDALE	7324 E INDIAN SCHOOL RD	SCOTTSDALE	85251	Hotel
63	11071077	Active	MARRIOTT SUITE HOTEL	7325 E 3RD AVE	SCOTTSDALE	85251	Hotel
64	6070120	Active	SUEDE	7333 E INDIAN PLAZA	SCOTTSDALE	85251	Bar
64	12074886	Active	SUEDE	7333 E INDIAN PLAZA	SCOTTSDALE	85251	Restrnt
65	6070531	Active	SANCTUARY	7340 E SHOEMAN LN	SCOTTSDALE	85251	Bar
66	6070055	Active	AXIS & RADIUS	7340 INDIAN PLAZA	SCOTTSDALE	85251	Bar
67	12074810	Active	LUCKY SEVEN	7341 E 6TH AVE	SCOTTSDALE	85251	Restrnt
68	11073062	Active	OLD TOWN HOTEL	7353 E INDIAN SCHOOL RD	SCOTTSDALE	85251	Hotel
69	12073444	Active	BUDDHA BAR	7419 E INDIAN PLAZA #A	SCOTTSDALE	85251	Restrnt
70	6070199	Active	DOWNSIDE RISK RESTAURANT & BAR	7419 E INDIAN PLAZA #B	SCOTTSDALE	85251	Bar
71	6070520	Inactive	KAMIKAZI COAST	7443 E 6TH AVE	SCOTTSDALE	85251	Bar
72	6070707	Active	DON & CHARLIE'S	7501 E CAMELBACK RD	SCOTTSDALE	85251	Bar
73	12074687	Active	ZIPPS ON CAMELBACK	7551 E CAMELBACK RD	SCOTTSDALE	85251	Restrnt
74	12071920	Active	CHANCES ARE	7570 E 6TH AVE	SCOTTSDALE	85251	Restrnt

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

QUESTIONNAIRE

DLLC

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

2003 JAN 28 P 4:21

Read Carefully, this instrument is a sworn document. Type or print with black ink
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

There is a $24.00 processing fee for each fingerprint card submitted.
A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # _____
(If the location is currently licensed)

1. Check appropriate box →
☐ Owner ☐ Partner ☐ Stockholder ☐ Member ☐ Officer ☑ Agent
☐ Other _____ (Complete Questions 1-20 & 24)
Licensee or Agent must complete # 25 for a Manager

☐ Manager (Only)
(Complete All Questions *except* # 14, 14a & 25)
Licensee or Agent must complete # 25

2. Name: Lewkowitz (Last) H. (First) J. (Middle) Date of Birth: [redacted]
(This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] Drivers License #: [redacted] State: AZ
(This Will Not Become a Part of Public Records)

4. Place of Birth: New London, (City) CT (State) USA (Country) (not county) Height: 6'4" Weight: 210 Eyes: Br Hair: Gr

5. Marital Status ☐ Single ☒ Married ☐ Divorced ☐ Widowed Residence (Home) Phone: ([redacted])

6. Name of Current or Most Recent Spouse: Lewkowitz, (Last) Andrea (First) J. (Middle) Dahlman (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: 1929

8 Telephone number to contact you during business hours for any questions regarding this document. ([redacted])

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: Pussycat Lounge Premises Phone: (pending)

11. Licensed Premises Address: 4426 N. Saddlebag Trail, Scottsdale, Maricopa 85251
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
05/95	CURRENT	Lawyer	Ryan, Woodrow & Rapp, PLC 3101 No. Central Ave. #1500 Phoenix, AZ 85012

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet giving name, address and phone number of landlord	City	State	Zip
02/01/99	CURRENT	Own	[redacted]	[redacted]	[redacted]	[redacted]
11/90	01/01/99	Own	6350 No. 19th Street	Phoenix	AZ	85016

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day?_____, answer #14a below. If NO, skip to #15. ☐ YES ☑ NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☑ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you EVER been *detained, cited, arrested, indicted or summoned* into court for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

16. Have you EVER been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

17. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐ YES ☒ NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? (see attached) ☒ YES ☐ NO

19. Has anyone EVER *filed suit or obtained a judgment against you* in a civil action, the subject of which involved *fraud or misrepresentation of a business, professional or liquor license*? ☐ YES ☒ NO

20. Are you NOW or have you EVER held ownership, been a controlling person , been an officer, member, director, or manager on *any other liquor license* in this or any other state? (see attached) ☒ YES ☐ NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

If you checked the Manager box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you make payments to the licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there a fo[redacted]agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes", attach a copy of such agreement

24. I, H. J. Lewkowitz, hereby declare that I am the APPLICANT filing this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

X _____
(Signature of Applicant)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
27th day of January 2003.
Day of Month Month Year

OFFICIAL SEAL
MICHAEL J. MORRIS
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires June 22, 2005

My commission expires: _____
Day of Month Month Year

_____
(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION

Licensee or Agent Approval of Manager

25. I, (Print Licensee/Agent's Name): _____
Last Middle First

Hereby authorize the applicant to act as manager for the named liquor license.

[redacted]

State of [redacted] County of _____
The foregoing instrument was acknowledged before me this

X _____
(Signature of LICENSEE/AGENT)

_____ day of _____, _____
Day of Month Month Year

My commission expires on: _____
Day of Month Month Year

_____
(Signature of NOTARY PUBLIC)

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

DLQUESTIONNAIRE

SOCIAL SECURITY AND BIRTHDATE INFORMATION IS CONFIDENTIAL BY LAW AND CANNOT BE DISSEMINATED TO THE PUBLIC

Read Carefully , this instrument is a sworn document. Type or print with black ink

An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH OWNER, AGENT, PARTNER, STOCKHOLDER (10% OR MORE), MEMBER, OFFICER OR MANAGER. ALSO EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT THE DEPT. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT OF LIQUOR. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

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A service fee of $25.00 will be charged for all dishonored checks (A.R.S. 44.6852)

Liquor License # _____
If the location is currently licensed)

1. Check appropriate box →

☒ Owner ☐ Partner ☐ Stockholder ☐ Member ☐ Officer ☐ Agent ☐ Other _____ (Complete Questions 1-20 & 24) Licensee or Agent must complete # 25 for a Manager	☐ Manager(Only) (Complete All Questions *except* # 14, 14a & 25) Licensee or Agent must complete # 25

2. Name: ASHER (Last) WILLIAM (First) MICHAEL-FITZGERALD (Middle) Date of Birth: [redacted] (This Will Not Become a Part of Public Records)

3. Social Security Number: [redacted] (This Will Not Become a Part of Public Records) Drivers License #: [redacted] State: CA

4. Place of Birth: JUNEAU (City) ALASKA USA (State) Country (not county) Height: 6-01 Weight: 180 Eyes: BLU Hair: BLN

5. Marital Status ☒ Single ☐ Married ☐ Divorced ☐ Widowed Residence (Home) Phone: ([redacted]

6. Name of Current or Most Recent Spouse: N/A ASHER (Last) LAURA (First) SWORTWOOD (Middle) (Maiden) Date of Birth: [redacted]
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? CALIFORNIA If Arizona, date of residency: _____

8 Telephone number to contact you during business hours for any questions regarding this document. [redacted]

9. If you have been a resident less than three (3) months, submit a copy of driver's license or voter registration card.

10. Name of Licensed Premises: PUSSYCAT LOUNGE Premises Phone: (480) 481 - 3100

11. Licensed Premises Address: 4426 N SADDLEBAG TRAIL (Street Address) (Do not use PO Box #) SCOTTSDALE (City) MARICOPA (County) 85251 (Zip)

12. List your employment or type of business during the past five (5) years, if unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Give street address, city, state & zip)
3/99	CURRENT	PRESIDENT	VIVID ENT [redacted] 15127 CALIFA ST VAN NUYS CA 91411
6/97	3/99	SR. V.P	Playboy Entertainment 9242 Beverly Hills CA 90210

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	RESIDENCE Street Address	City	State	Zip
10/99	CURRENT	[redacted]	[redacted]	[redacted]	[redacted]
7/97	10/99	13442 Galewood St.	Sherman Oaks	CA	91423

Disabled individuals requiring special accommodations please call (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As an Owner, Agent, Partner, Stockholder, Member or Officer, will you be physically present and operating the licensed premises ? If you answered YES, how many hrs/day?_____, answer #14a below. If NO, skip to #15. ☐ YES ☑ NO

14a. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☒ NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you EVER been *detained, cited, arrested, indicted or summoned* into court for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

2003 JAN 28 P 4:21

16. Have you EVER been *convicted, fined, posted bond, been ordered to deposit bail, imprisoned, had sentence suspended, placed on probation or parole* for violation of ANY law or ordinance (regardless of the disposition even if dismissed or expunged)? *For traffic violations, include only those that were alcohol and/or drug related.* ☐ YES ☒ NO

17. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐ YES ☒ NO

18. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor *APPLICATION OR LICENSE rejected, denied, revoked, suspended or fined* in this or any other state? ☐ YES ☒ NO

19. Has anyone EVER *filed suit or obtained a judgment against you* in a civil action, the subject of which involved [redacted] *misrepresentation of a business, professional or liquor license*? ☐ YES ☒ NO

20. Are you NOW or have you EVER held ownership, been a controlling person , been an officer, member, director, or manager on *any other liquor licen*[redacted]other state? SEE ATTACHED [redacted] ☒ YES ☐ NO

If any answer to Questions 15 through 20 is "YES" YOU MUST attach a signed statement giving complete details. Please be sure to include dates, agencies involved and dispositions.

[redacted]ger box on the front of this form, fill in #21-23 and 24, all others skip the following box (21-23) and go to # 24

[redacted]

Manager Section

21. Have you attended a Department approved Liquor Law Training Course within the last 5 years? (Must provide proof) ☐ YES ☐ NO
If the answer to #21 is "NO" course must be completed BEFORE ISSUANCE of a new license OR APPROVAL on an existing license.

22. Do you make payments to the licensee? ☐ YES ☐ NO If "yes", how much? $_____ per month. Total debt to licensee $_____

23. Is there [redacted] agreement between you and the licensee relating to the operation or management of this business? ☐ YES ☐ NO If "yes" attach a copy of such agreement

24. I, William Asher, hereby declare that [redacted] APPLICANT filling this questionnaire.
(Print full name of Applicant)

I have read this questionnaire and the contents and all statements are true, correct and complete.

GAYLE ANDREA ERTZ
Commission # 1350045
Notary Public - California
Los Angeles County
My Comm. Expires Apr 7, 2006

(Signature of Applicant)

State of California County of Los Angeles
The foregoing instrument was acknowledged before me this 31 day of October, 2003
(Day of Month) (Month) (Year)

My commission expires on: April 7, 2002
(Day of Month) (Month) (Year)

(Signature of NOTARY PUBLIC)

FILL IN THIS SECTION ONLY IF YOU ARE A LICENSEE OR AGENT APPROVING A MANAGER APPLICATION
Licensee or Agent Approval of Manager

25. I, (Print Licensee/Agent's Name):_____
Last Middle First

Hereby authorize the applicant to act as manager for the named liquor license.

[redacted] County of_____

The foregoing instrument was acknowledged before me this

X_____ _____ day of _____, _____
(Signature of LICENSEE/AGENT) (Day of Month) (Month) (Year)

My commission expires on:_____
(Day of Month) (Month) (Year)

(Signature of NOTARY PUBLIC)

DLLC

2003 JAN 28 P 4: 21

November 6, 2002

ATTN: Arizona Department of Liquor & Control

To Whom It May Concern:

In answering the question if I been a controlling person on any other Liquor License the answer is yes. I was the Corporate Secretary for Lawry's Restaurants in California from 1992 - 1994.

Sincerely,

William Asher

Lucid Entertainment 15490 Ventura Blvd. #235 Sherman Oaks, CA 91403 818/728-9696

Received Time Nov. 6. 2:43PM

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES AND CONTROL

ALCOHOLIC BEVERAGE LICENSE

License 06070420

2003 JAN 28 P 4:21 DLLC

Issue Date: 9/4/1991

Expiration Date: 1/31/2003

Bar

Issued To:
KAREN SUE SEVILLA, Agent
Z & T INVESTMENTS INC, Owner

Location:
SEVILLA'S GOPHER CLUB
1654 E MCDOWELL RD
PHOENIX, AZ 85006

Mailing Address:
KAREN SUE SEVILLA
Z & T INVESTMENTS INC
SEVILLA'S GOPHER CLUB
1654 E MCDOWELL RD
PHOENIX, AZ 85006

GREAT SEAL OF THE STATE OF ARIZONA
DITAT DEUS
1912

POST THIS LICENSE IN A CONSPICUOUS PLACE

CITY COUNCIL REPORT

MEETING DATE: May 19, 2003 ITEM NO. 9 GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **Sierra Hills Final Plat**

REQUEST Request to approve a final plat for a 32-lot single-family subdivision on a parcel of approximately 40 acres.
9-PP-2002 and 11-PP-2002

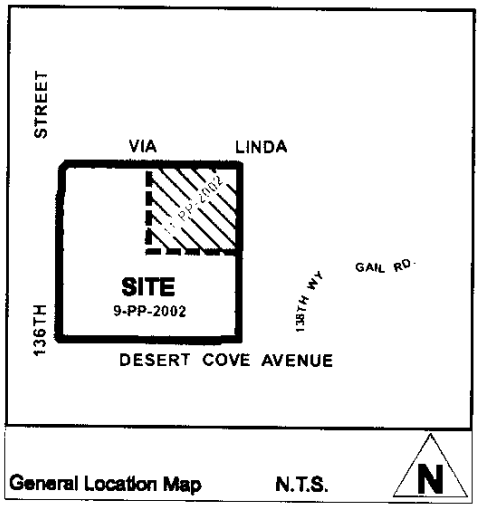
Key Items for Consideration.

- Consistent with DRB approval
- Construction of 32 single-family homes
- Construction of private roadway improvements
- Construction of waterlines and sewer lines

OWNER Scottsdale Sierra Hills LLC
4800 College Blvd.
Overland Park, KS 66211

Mirage Homes Construction Inc.
16927 E Saguaro Blvd
Fountain Hills, AZ 85268
Contact: Michael Duffy

APPLICANT CONTACT Sierra Hills LLC
7730 E Greenway Blvd Ste 101
Scottsdale, Az 85260
Contact: Tim Burns
Phone: 480-951-4141



General Location Map N.T.S.

LOCATION Southeast corner of 136th Street and Via Linda Road; and northeast corner of 136th Street and Desert Cove.

BACKGROUND

Zoning.
This site is zoned for residential development with single-family residential district – Forty-three thousand (43,000) square feet per lot (R1-43) and Environmentally Sensitive Lands (ESL)

Context.
This site is located east of the Mayo Clinic campus on unimproved land. To the north is a commercial shopping center. To the east is single-family residential development and to the south is unimproved land.

Preliminary Plat Review.
Initially, this project consisted of 2 properties under separate ownerships. The separate properties got separate Development Board preliminary plat approvals as cases 11-PP-2002, approved on June 20, 2002 and 9-PP-2002, approved on July 11, 2002.

The action submitted in this application, combines the preliminary plats into one subdivision at the final plat stage of development. This allows the elimination of an access across a drainage corridor to Via Linda Road by combining two cul-de-sac streets into one street at the north side of the property. There are also minor adjustments to the lot lines and a detention basin was combined at the northern portion of the site. The total number of lots remains at 32 (24 lots in 9-PP-2002 and 8 lots in 11-PP-2002).

APPLICANT'S PROPOSAL

Goal/Purpose of Request.
The purpose of the City Council final plat approval is to authorize the recordation of the final plat with the Maricopa County records office. The City Council approval process is the last step to confirm that the plat is consistent with the preliminary plat approval prior to recordation with the county.

IMPACT ANALYSIS

Traffic.
Access is through a gated entrance to East Desert Cove Avenue. East Desert Cove Avenue will function as a half-street until the land to the south develops, then the street will be a three-lane road. In the interim there will improvements that meet City standards for two- way travel. Via Linda access is not required because natural features can be preserved to a greater extend with access only to Desert Cove.

Drainage.
Storm water management complies with City Ordinance and Policies. Design elements include water storage basins throughout the site to prevent increased runoff to adjacent properties, and a significant wash corridor along the northern portion of the property. The capacity and character of this wash is consistent with its extensions into adjacent developed property.

Water/Sewer.
Water and sewer utilities exist in adjacent rights of way. For this development, it is necessary to extend services into the property, and to complete a waterline loop connection to its eastern boundary with Sierra Estates

Police/Fire.
Rural/Metro Fire Department has reviewed this plat and it conforms to the minimum requirements for fire vehicle access.

School District.
This site is located in the Scottsdale Unified School District. The School District has reviewed this proposal and reports that boundary changes being implemented this next year for Anasazi and Mountainside School should ensure that there would be space available for new students from

this development. The Desert Mountain High School is at capacity and additional students will add to overcrowding. However, the District will accommodate increasing numbers of students through tighter scheduling of available classrooms. In summary, the school district states that "the development is not expected to have a significant impact on school enrollment."

Open space, scenic corridors.
Via Linda is a buffered corridor and the proposed plat will maintain a minimum 60-foot buffered setback through the dedication of NAOS and drainage easements along the frontage of Via Linda. The required amount of NAOS is 12.5 acres; 15.4 acres will be provided for this project.

Community involvement.
During the zoning and design review of this project and changes made after DRB, this project has received support of the North East Scottsdale Property Owners Association (NESPOA).

Other Boards and Commissions.
The Development Review Board approved the preliminary plats on 7-11-2002 (9-PP-2002) and 6-20-2002 (11-PP-2002).

STAFF RECOMMENDATION

Recommended Approach:
Staff recommends that the final plat be approved as presented.

Approval of this plat will result in 32 single-family residential lots, infrastructure improvements, a trail, and buffered corridor.

Proposed Next Steps:
Approval will enable the final plat to be recorded, establishing lots, streets, easements, and common tracts.

RESPONSIBLE DEPT(S)

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Kira Wauwie AICP
Project Coordination Manager
480-312-7061
E-mail:
kwauwie@ScottsdaleAZ.gov

Joe Morris
Development Engineering Manager
480-312-5757
E-mail:
jdmorris@ScottsdaleAz.gov

APPROVED BY

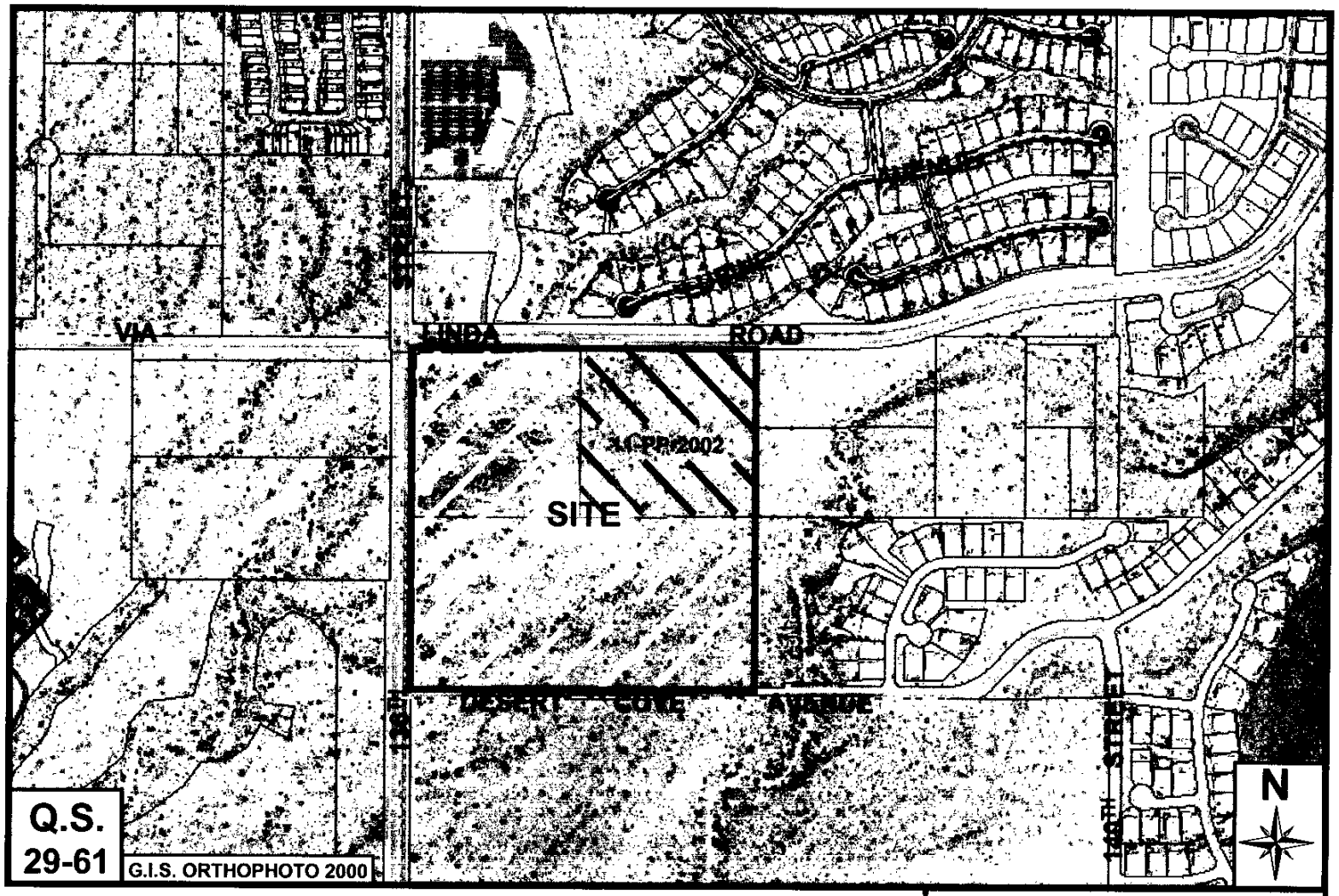
5/ /
2 03

Kroy Ekblaw — Date
Planning and Development Services General Manager

Ed Gawf — 5/2/03
Ed Gawf — Date
Deputy City Manager

ATTACHMENTS

1. Aerial Map
2. Final Plat
3. Preliminary Plat
4. Development Review Board Staff Report
5. Development Review Board Minutes



9-PP-2002

Sierra Hills

ATTACHMENT #1

FINAL PLAT
FOR
SIERRA HILLS
SCOTTSDALE, AZ

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 19, T-3-N, R-6-E, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT SCOTTSDALE SIERRA HILLS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, HAS SUBDIVIDED UNDER THE NAME OF SIERRA HILLS, A PORTION OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON, AND HEREBY DECLARES THAT THE PLAT SETS FORTH THE LOCATION AND GIVES THE MEASUREMENT AND DIMENSIONS OF THE LOTS, EASEMENTS, STREETS AND TRACTS CONSTITUTING SAME, AND THAT EACH LOT, STREET, AND TRACT SHALL BE KNOWN BY THE NUMBER, NAME OR LETTER GIVEN EACH RESPECTIVELY ON SAID PLAT. AND THAT SIERRA HOMES, LLC, AN ARIZONA CORPORATION, HEREBY DEDICATES TO THE PUBLIC, FOR USE AS SUCH, 138TH STREET AS SHOWN ON THE PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES.

TRACT "A" SHALL BE FOR PRIVATE STREETS TO BE MAINTAINED BY THE SIERRA HILLS HOMEOWNERS ASSOCIATION, AN ARIZONA NONPROFIT CORPORATION, AND NEVER TO BE DEDICATED TO THE CITY OF SCOTTSDALE FOR MAINTENANCE. EXCEPT FOR SUCH EASEMENT RIGHTS AS ARE PROVIDED HEREON, NOTHING CONTAINED IN THIS PLAT SHALL BE INTERPRETED AS A DEDICATION TO THE PUBLIC OF THE PRIVATE STREETS OR TRACTS. EASEMENTS ARE HEREBY DEDICATED TO THE CITY FOR THE PURPOSES SHOWN HEREON. THERE IS HEREBY DEDICATED A BLANKET EASEMENT UPON, ACROSS, OVER, AND UNDER ALL PRIVATE STREETS FOR INGRESS, EGRESS OF EMERGENCY AND SERVICE TYPE VEHICLES, CONSTRUCTION, INSTALLATION, REPLACEMENT, REPAIR, REMOVAL, MAINTENANCE AND OPERATION OF ALL UTILITIES INCLUDING BUT NOT LIMITED TO, WATER, SEWER, GAS, TELEPHONE, ELECTRIC, DRAINAGE, CABLE TELEVISION, AND OTHER UTILITY PROVIDERS.

THERE IS HEREBY DEDICATED TO THE CITY OF SCOTTSDALE AN EASEMENT OVER TRACT "B" FOR THE PURPOSE OF NATURAL AREA OPEN SPACE AND DRAINAGE FACILITIES FOR THE PURPOSE OF PERMANENTLY PRESERVING SUCH LAND AS A VIEW CORRIDOR AND SCENIC NATURAL DESERT AREA. DESIGNATED AREA SHALL NOT BE ACCEPTED FOR MAINTENANCE OR OWNERSHIP BY THE CITY WITHOUT EXPRESSED ACTION OF THE CITY COUNCIL. BEFORE ANY IMPROVEMENT IS ACCEPTED, IT SHALL MEET CITY STANDARDS. FAILURE TO MAINTAIN THE OPEN SPACE TRACT COULD RESULT IN A COURT ACTION BROUGHT BY THE CITY FOR COSTS INCURRED BY THE CITY FOR SAID MAINTENANCE. TRACT "B" SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

THERE IS HEREBY DEDICATED TO THE CITY OF SCOTTSDALE AN EASEMENT OVER TRACT "C" FOR THE PURPOSE OF WATER SERVICE AND EMERGENCY ACCESS. A WATER LINE WITHIN THIS TRACT SHALL BE OWNED AND MAINTAINED BY THE CITY OF SCOTTSDALE. MAINTENANCE OF TRACT "C" SHALL BE THE RESPONSIBILITY OF THE SIERRA HILLS HOME OWNERS ASSOCIATION.

THERE IS HEREBY DEDICATED TO THE CITY OF SCOTTSDALE NATURAL AREA OPEN SPACE ("N.A.O.S.") EASEMENTS UPON, OVER, AND ACROSS THE AREAS DESIGNATED AS SUCH HEREON FOR THE PURPOSE OF PERMANENTLY PRESERVING SUCH LAND IN ITS NATURAL DESERT STATE. THE N.A.O.S. EASEMENTS SHALL NOT BE USED FOR ANY PURPOSE INCONSISTENT WITH THE PRESERVATION OF SAID LAND IN ITS NATURAL STATE AND NO GRADING, GRUBBING, EXCAVATING, OR CONSTRUCTION OF ANY STRUCTURE OR DEVELOPMENT OF ANY KIND SHALL BE PERMITTED ON OR WITHIN SAID EASEMENTS EXCEPT AS ALLOWED UNDER CITY OF SCOTTSDALE ORDINANCES.

AN EASEMENT IS HEREBY DEDICATED TO THE CITY OF SCOTTSDALE IN, OVER AND UNDER THE AREAS INDICATED HEREON AS A PUBLIC UTILITY EASEMENT (PUE) FOR THE INSTALLATION, REPLACEMENT AND OPERATION, MAINTENANCE, REPAIR AND REMOVAL OF NECESSARY UNDERGROUND UTILITIES. FAILURE TO MAINTAIN THE DESIGNATED COMMON AREAS COULD RESULT IN A CIVIL ACTION BROUGHT BY THE CITY FOR THE COSTS INCURRED BY THE CITY FOR SAID MAINTENANCE.

A DRAINAGE EASEMENT IS HEREBY DEDICATED OVER PORTIONS OF ALL LOTS FOR THE PURPOSE OF CONSTRUCTION, OPERATION, REPLACEMENT AND REPAIR OF LEVEES, DIKES, CHANNELS AND OTHER WORKS OF DRAINAGE OR FLOOD CONTROL IN AND OVER A PORTION OF THE AREAS DESIGNATED AS SUCH HEREON, AND SAID EASEMENTS ARE HEREBY DEDICATED TO THE CITY OF SCOTTSDALE. MAINTENANCE OF THE DRAINAGE AND/OR STORMWATER STORAGE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE SIERRA HILLS HOME OWNERS ASSOCIATION.

PUBLIC TRAIL EASEMENTS ARE HEREBY DEDICATED TO THE CITY OF SCOTTSDALE OVER A PORTION OF TRACT "B" AS SHOWN HEREON FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE AND REPAIR OF A MEANDERING PUBLIC TRAIL. THESE EASEMENTS SHALL BE MAINTAINED BY THE SIERRA HILLS HOME OWNERS ASSOCIATION.

SIGHT DISTANCE EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED TO THE CITY OF SCOTTSDALE AND SHALL BE MAINTAINED BY THE SIERRA HILLS HOME OWNERS ASSOCIATION. AREAS WITHIN THE SIGHT DISTANCE TRIANGLES ARE TO BE CLEAR OF LANDSCAPING, SIGNS, OR OTHER VISIBLE OBSTRUCTIONS BETWEEN 2 FEET AND 7 FEET IN HEIGHT AND 6 INCHES MAXIMUM WIDTH OR DIAMETER. TREES WITHIN THE SITE DISTANCE TRIANGLES SHALL HAVE A CANOPY THAT BEGINS AT 7 FEET IN HEIGHT.

OWNER WARRANTS AND REPRESENTS TO THE CITY OF SCOTTSDALE TO BE THE SOLE OWNER OF THE PROPERTY COVERED HEREBY AND THAT EVERY LENDER, EASEMENT HOLDER OR OTHER PERSON OR ENTITY HAVING ANY INTEREST IN THE LAND ADVERSE TO OR INCONSISTENT WITH THE DEDICATIONS, CONVEYANCES OR OTHER REAL PROPERTY INTERESTS CREATED OR TRANSFERRED BY THIS PLAT HAS CONSENTED TO OR JOINED IN THIS PLAT, AS EVIDENCED BY INSTRUMENTS WHICH ARE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE OR WHICH OWNER WILL RECORD NOT LATER THAN THE DATE ON WHICH THIS PLAT IS RECORDED.

IN WITNESS WHEREOF: SCOTTSDALE SIERRA HILLS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED THEREUNTO DULY AUTHORIZED.

SCOTTSDALE SIERRA HILLS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY
AS OWNER

____
MICHAEL EARL, MANAGING MEMBER

IN WITNESS WHEREOF: LOS PADRES BANK, A FEDERAL SAVINGS BANK, AND SIERRA HOMES, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, AS BENEFICIARIES, HAVE HEREUNTO CAUSED THEIR NAMES TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED THEREUNTO DULY AUTHORIZED.

LOS PADRES BANK, A FEDERAL SAVINGS BANK
AS BENEFICIARY

____
VERNON HANSON, PRESIDENT

SIERRA HOMES, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY
AS BENEFICIARY

____
MICHAEL EARL, MANAGING MEMBER

LEGEND

△	PROPERTY CORNER TO BE SET W/ 1/2" REBAR & RLS CAP NO. 30343
●	SURVEY MONUMENT
●	EXISTING SURVEY MONUMENT
12	LOT NUMBER
N.A.O.S. & D.E.	NATURAL AREA OPEN SPACE & DRAINAGE EASEMENT
S.D.E.	SIGHT DISTANCE EASEMENT
PUE	PUBLIC UTILITY EASEMENT
VNAE	VEHICULAR NON ACCESS EASEMENT
R/W	RIGHT OF WAY
(solid line)	PROPERTY LINE / BOUNDARY
(line)	LOT LINE
(line)	RIGHT OF WAY
(line)	CENTERLINE
(dashed line)	PUE (PUBLIC UTILITY EASEMENT)
(dashed line)	SIGHT DISTANCE TRIANGLE EASEMENT
(line)	PUBLIC TRAIL EASEMENT
(line)	ROADWAY & UTILITY EASEMENT
(line)	STORMWATER STORAGE EASEMENT
(dashed line)	DRAINAGE EASEMENT

ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA)

BEFORE ME, THIS____DAY OF____________, 2003, MICHAEL EARL PERSONALLY APPEARED AND ACKNOWLEDGED HIMSELF TO BE A MANAGING MEMBER OF SCOTTSDALE SIERRA HILLS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AND THAT HE AS SUCH, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF: I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: ______________________ ______________________
NOTARY PUBLIC MY COMMISSION EXPIRES

ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA)

BEFORE ME, THIS____DAY OF____________, 2003, MICHAEL EARL PERSONALLY APPEARED AND ACKNOWLEDGED HIMSELF TO BE A MANAGING MEMBER OF SIERRA HOMES, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AND THAT HE AS SUCH, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF: I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: ______________________ ______________________
NOTARY PUBLIC MY COMMISSION EXPIRES

ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF MARICOPA)

BEFORE ME, THIS____DAY OF____________, 2003, VERNON HANSON PERSONALLY APPEARED AND ACKNOWLEDGED HIMSELF TO BE THE PRESIDENT OF LOS PADRES BANK, A FEDERAL SAVINGS BANK, AND THAT HE AS SUCH, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF: I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: ______________________ ______________________
NOTARY PUBLIC MY COMMISSION EXPIRES

BASIS OF BEARING

THE BASIS OF BEARING IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA. SAID BEARING BEING NORTH [illegible] EAST.

ZONING

R1-43 ESL

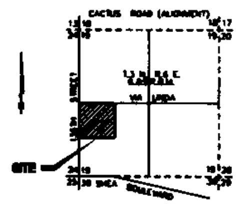
CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF MAY, 2003; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN; THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: ______________________ DATE: ______________
HERB BLAIR, R.L.S. NO. 30343

BASIS OF SURVEY DOCUMENTS:

1. M.C.R. BOOK 380, PAGE 05
2. M.C.R. BOOK 250, PAGE 13
3. U.S.G.L.O. TOWNSHIP PLAT T. 3 N., R. 6 E., DATED 2-20-1921



VICINITY MAP
N.T.S.

NOTES

1. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENTS WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER OR THROUGH THE EASEMENTS. THE CITY OF SCOTTSDALE MAY, IF IT SO DESIRES, CONSTRUCT AND/OR MAINTAIN DRAINAGE FACILITIES ON OR UNDER THE LAND IN THE EASEMENTS.
2. CONSTRUCTION WITHIN PUBLIC UTILITY EASEMENTS SHALL BE LIMITED TO WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING.
3. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT.
4. THE SIERRA HILLS HOME OWNERS ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL HAVE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS, DRAINAGE FACILITIES AND EXTERIOR PERIMETER WALLS IN ACCORDANCE WITH THE APPROVED PLANS.
5. ELECTRIC LINES ARE TO BE INSTALLED PER ARIZONA CORPORATION COMMISSION GENERAL ORDER U-48.
6. ALL UTILITIES ARE TO BE PLACED UNDERGROUND.
7. THOSE AREAS OF DESIGNATED COMMON AREA SHALL NOT BE ACCEPTED FOR MAINTENANCE OR OWNERSHIP BY THE CITY WITHOUT EXPRESS ACTION OF THE CITY COUNCIL. BEFORE ANY IMPROVEMENT IS ACCEPTED IT SHALL MEET CITY STANDARDS. FAILURE TO MAINTAIN THE DESIGNATED COMMON AREAS COULD RESULT IN A CIVIL ACTION BROUGHT BY THE CITY FOR COSTS INCURRED BY THE CITY FOR SAID MAINTENANCE.
8. ALL EASEMENTS ARE DEDICATED TO THE CITY FOR THE PURPOSES SHOWN.
9. THE MAINTENANCE OF EASEMENTS WHICH LIE WITHIN THE BOUNDARY OF A SUBDIVISION LOT IS THE RESPONSIBILITY OF EACH INDIVIDUAL LOT OWNER.
10. THIS SUBDIVISION IS ON THE CITY OF SCOTTSDALE WATER SYSTEM, WHICH HAS A CERTIFICATION OF ASSURED WATER SUPPLY.
11. SIGHT DISTANCE EASEMENTS MUST BE CLEAR OF LANDSCAPING, SIGNS, OR OTHER VISIBILITY OBSTRUCTIONS BETWEEN 2 FEET AND 7 FEET IN HEIGHT AND 6 INCHES MAXIMUM WIDTH OR DIAMETER. EASEMENTS SHALL BE MAINTAINED BY THE SIERRA HILLS HOME OWNERS ASSOCIATION.
12. THE STREETS ARE PRIVATE STREETS, TO BE OWNED AND MAINTAINED BY THE SIERRA HILLS HOME OWNERS ASSOCIATION. NORMALLY, AFTER THIS PLAT IS RECORDED, THE CITY OF SCOTTSDALE WILL NOT ACCEPT DEDICATION OF THE STREET TO THE PUBLIC IN ORDER TO RELIEVE SIERRA HILLS HOME OWNERS ASSOCIATION OF STREET MAINTENANCE RESPONSIBILITIES UNLESS ALL STREET IMPROVEMENTS AND RIGHT-OF-WAYS MEET CURRENT APPLICABLE CITY STANDARDS.
13. THE SEWER LINES AND WATER LINES LOCATED WITHIN TRACT "A" SHALL BE OWNED & MAINTAINED BY THE CITY OF SCOTTSDALE.

APPROVALS

APPROVED BY THE COUNCIL OF THE CITY OF SCOTTSDALE, ARIZONA THIS ________DAY OF ____________ 2003, BY ______________________, MAYOR.

ATTEST BY ______________________, CITY CLERK.

I HEREBY CERTIFY THAT THIS PLAT SUBSTANTIALLY CONFORMS TO THE APPROVED PRELIMINARY PLAT.

BY ______________________ DATE ______________
PROJECT COORDINATION MANAGER

I HEREBY CERTIFY THAT ALL ENGINEERING CONDITIONS AND REQUIREMENTS OF THE CITY CODE HAVE BEEN COMPLIED WITH.

BY ______________________ DATE ______________
INTERIM PLAN REVIEW AND PERMIT SERVICES DIRECTOR

Kimley-Horn and Associates, Inc.

© 2003 KIMLEY-HORN AND ASSOCIATES, INC.
7600 North 15th Street, Suite 250
Phoenix, Arizona 85020 (602) 944-5500

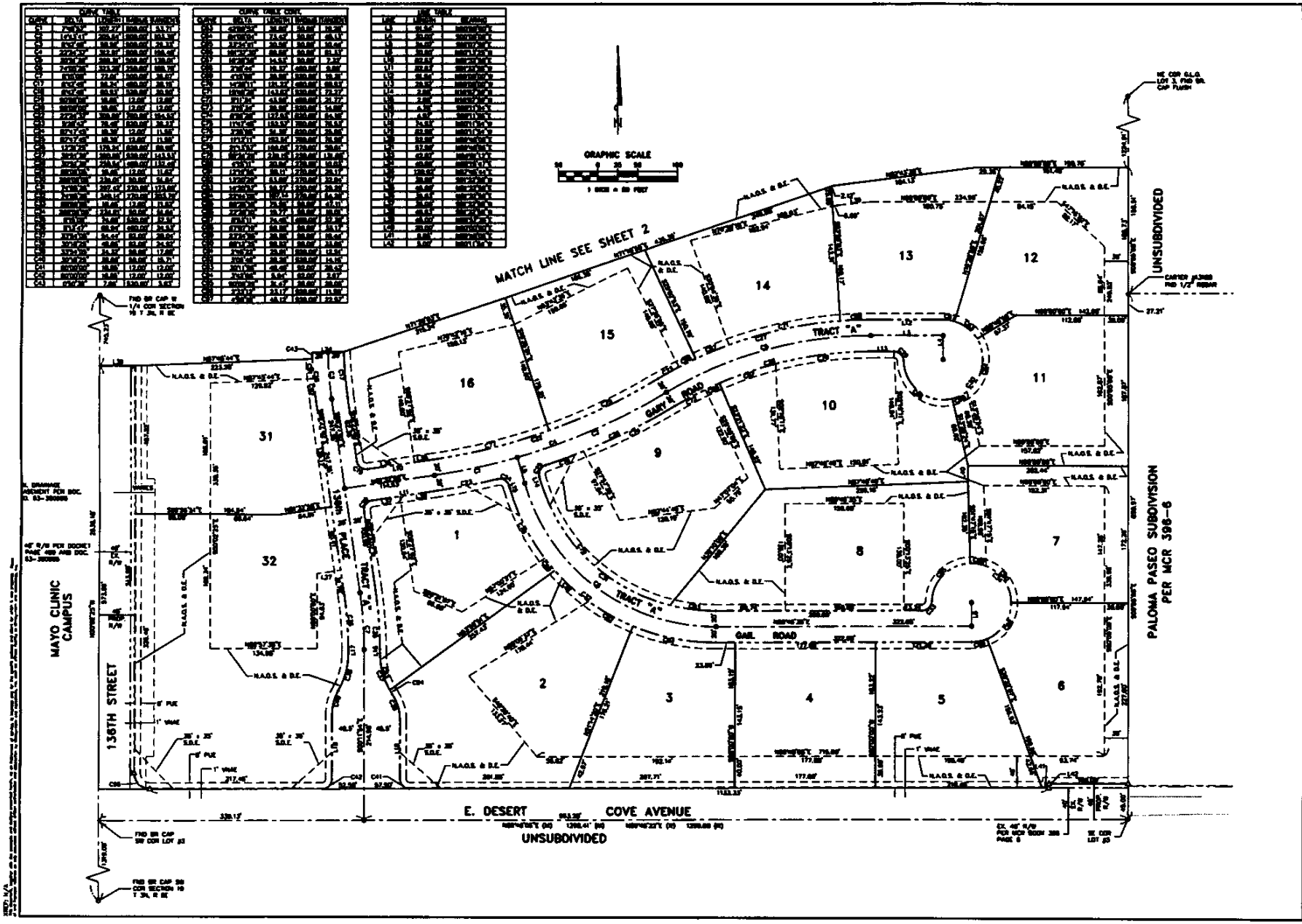
SCALE (H): N/A
SCALE (V): NONE
DESIGNED BY: CEP
DRAWN BY: JLP
CHECKED BY: MJD
DATE: APRIL 2003

SIERRA HILLS
FINAL PLAT
COVER SHEET

1 of 3

CASE # 8-PP-2002 100-MP-2002 4629-01-3

ATTACHMENT #2


MATCH LINE SEE SHEET 2
GRAPHIC SCALE
1 INCH = 50 FEET
MAYO CLINIC CAMPUS
136TH STREET
E. DESERT COVE AVENUE
UNSUBDIVIDED
PALOMA PASEO SUBDIVISION PER MCR 398-6
GAIL ROAD
GARY'S ROAD
TRACT "A"
N.A.G.S. & D.E.
Kimley-Horn and Associates, Inc.
SIERRA HILLS
FINAL PLAT
3 of 3
CASE # 11-PP-2002 4828-01-2

SCOTTSDALE MOUNTAIN ESTATES UNIT I
MCR 356-16

VIA LINDA DRIVE

TRACT "B"

TRACT "C"

TRACT "A"

YUCCA STREET

136th STREET

MAYO CLINIC CAMPUS

UNSUBDIVIDED

E. DESERT COVE AVENUE

MATCH LINE SEE SHEET 3

GRAPHIC SCALE

1 INCH = 50 FEET

Kimley-Horn and Associates, Inc.

SIERRA HILLS
FINAL PLAT

PROJECT NO.

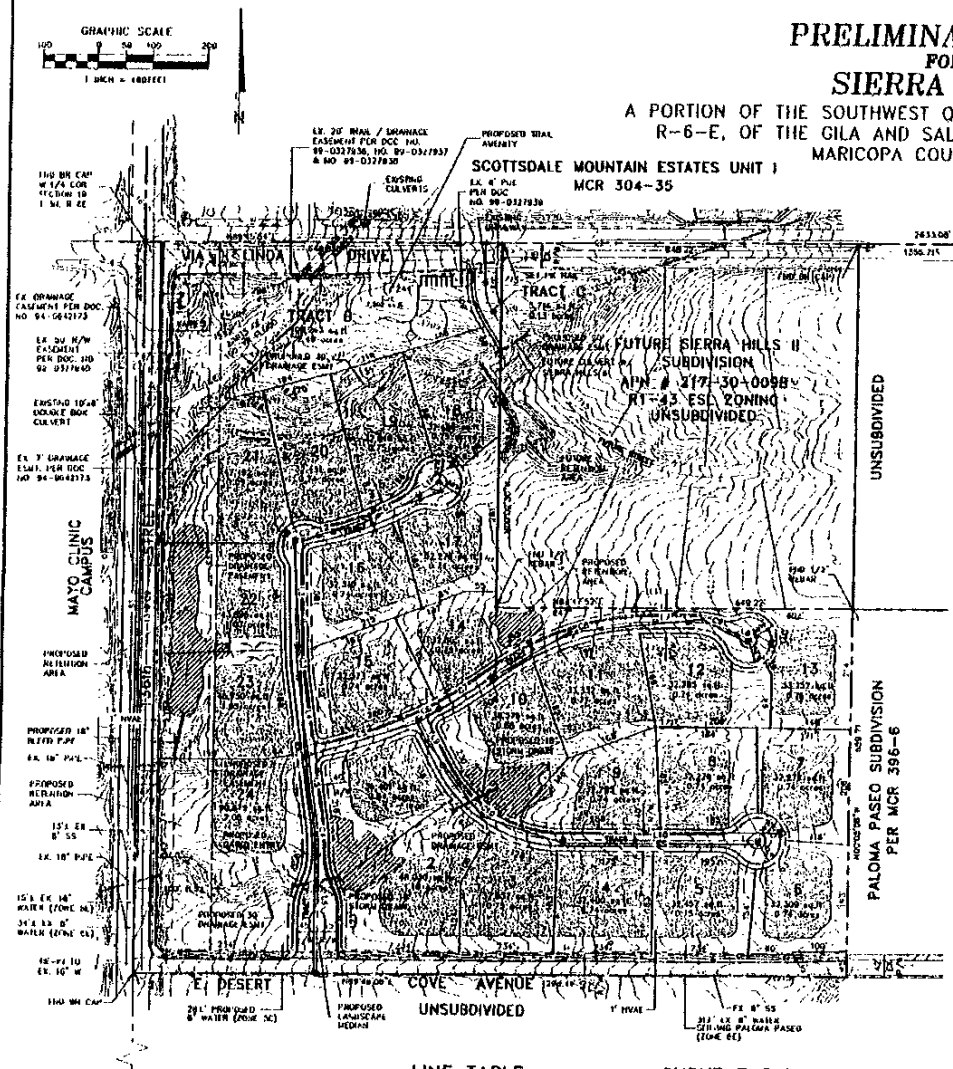
DRAWING NAME

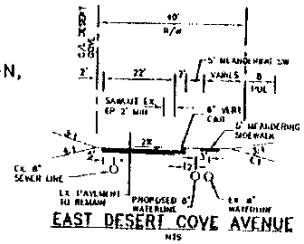
2 of 3

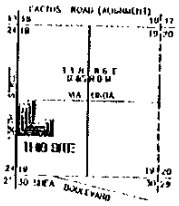
CASE # 11-PP-2002 4629-01-2

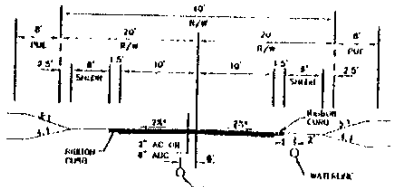
PRELIMINARY PLAT
FOR
SIERRA HILLS

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 19, T-3-N, R-6-E, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA









LEGEND

- PROPERTY LINE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED SEWER LINE
- EXISTING SEWER LINE
- PROPOSED WATER LINE
- EXISTING WATER LINE
- PROPOSED CULVERT
- PROPOSED SURVEY MONUMENT PER MAG STD DET 120-1, TYPE "B"
- PROPOSED MANHOLE
- PROPOSED FIRE HYDRANT
- EXISTING MANHOLE
- EXISTING FIRE HYDRANT
- PUE — PUBLIC UTILITY EASEMENT
- R/W — RIGHT OF WAY
- NAME — NON VEHICULAR ACCESS EASEMENT
- P/L — PROPERTY LINE
- 33 — PROPOSED LOT NUMBERS
- BUILDING ENVELOPE
- RETENTION AREA
- DRAINAGE FLOW ARROW

LEGAL DESCRIPTION

PARCEL NO. 1:

THE NORTH HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA,

EXCEPT THE WEST 33 FEET; AND ALSO

EXCEPT THE NORTH 15 FEET, AND ALSO

EXCEPT THAT PART OF THE NORTH HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 3 NORTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 33.00 FEET EAST OF THE SOUTHWEST CORNER OF SAID NORTH HALF, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID NORTH HALF AND SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE NORTHERLY ALONG THE EAST LINE OF THE EXISTING RIGHT OF WAY AS DESCRIBED IN DOCKET 116, PAGE 439 MARICOPA COUNTY RECORDS, A DISTANCE OF 814 FEET TO A POINT THAT IS 15.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTH HALF;

THENCE EASTERLY ALONG A LINE 15.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTH HALF, A DISTANCE OF 7.00 FEET;

THENCE SOUTHERLY ALONG A LINE 7.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE AFOREMENTIONED RIGHT-OF-WAY, A DISTANCE OF 814 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 19;

THENCE WESTERLY ALONG SAID LINE A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING; AND ALSO

EXCEPT ALL THE COAL AND OTHER MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

PARCEL NO. 2:

THE SOUTH HALF OF LOT 3, SECTION 19, TOWNSHIP 3 NORTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 40 FEET AND THE WEST 40 FEET, AND ALSO

EXCEPT ALL THE COAL AND OTHER MINERALS AS RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA.

ENGINEER

KIMLEY-HORN & ASSOCIATES
2600 N 15TH STREET, SUITE 250
PHOENIX, ARIZONA 85020
TELEPHONE: (602) 944 5500
CONTACT: MICHAEL L. DEGRAFFENREID

SURVEYOR

BLAIR OAKLAND & ASSOCIATES, INC.
2432 W PEORIA, PMB 2 #1068
PHOENIX, ARIZONA 85029
TELEPHONE: (602) 870 3103
CONTACT: HEWH BLAIR

OWNER/DEVELOPER

MIRAGE HOMES
18927 E SAGUARO DRIVE
FOUNTAIN HILLS, ARIZONA 85268
TELEPHONE: (480) 837-8700
CONTACT: MIKE DUFFY

BENCHMARK

FOUND BRASS CAP IN HANDHOLE AT THE INTERSECTION OF VIA LINDA & 136TH STREET
ELEV = 1693.89 (NGVD DATUM)

FOUND BRASS CAP AT THE INTERSECTION OF VIA LINDA & 136TH STREET
ELEV = 1692.07 (NGVD DATUM)

UTILITIES

WATER & SEWER	CITY OF SCOTTSDALE
ELECTRIC	APS
TELEPHONE	US WEST
GAS	SOUTHWEST GAS CO
CABLE TV	COX COMMUNICATIONS

ZONING

R1-43 ESL

SITE DATA

GROSS AREA	28.48 AC
NET AREA	26.30 AC
TRACT "A"	2.60 AC
TRACT "B"	2.49 AC
TRACT "C"	0.13 AC
TOTAL NUMBER OF LOTS	24
TYPICAL LOT SIZE	CUSTOM
MAXIMUM LOT AREA	50,679 SF
MINIMUM LOT AREA	37,248 SF
AVERAGE LOT AREA	37,553 SF
DENSITY	0.91 DU/AC

SETBACK TABLE

FRONT	30 FT
REAR	37 FT
SIDE	
(ADJ LOT)	15 FT
(ADJ STREET)	15 FT

NOTES

1. ALL STREETS WILL BE PRIVATE. ALL STREETS AND ANY STREET LIGHTS TO BE LOCATED WITHIN THIS PRIVATE TRACT ARE TO BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION.
2. TRACT "A" AND TRACT "C" ARE FOR ACCESS AND UTILITIES. TRACT "B" IS FOR OPEN SPACE/DRAINAGE/RETENTION PURPOSES. ALL TRACTS WILL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION.
3. BUILDING ENVELOPES ARE CONCEPTUAL ONLY.
4. FOR DRAINAGE CALCULATIONS AND RETENTION VOLUME CALCULATIONS, REFER TO "SIERRA HILLS PRELIMINARY DRAINAGE REPORT" PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC. A WAIVER OF DOWNSTREAM RETENTION HAS BEEN APPROVED FOR THIS PROJECT.
5. ALL GRADED LAND AND AREAS DISTURBED BY ROAD AND UTILITY CONSTRUCTION WILL BE REVEGETATED BY THE DEVELOPER USING NATIVE PLANT SPECIES TO APPROXIMATE THE SOIL DENSITY AS NATURAL DESERT. IRRIGATION WILL BE EITHER HAND WATERING OR BY AN AUTOMATIC DRIP SYSTEM.
6. NO IMPROVEMENTS ARE PROPOSED TO 136TH STREET AND VIA LINDA DRIVE EXCEPT FOR THE ADDITION OF A 8" S/W ADJACENT TO THE EX CURB ON 136TH ST.
7. THE EXISTING 8" WATERLINE IN E. DESERT COVE AVE. IS A HIGH PRESSURE LINE SERVING THE PALOMA PASEO SUBDIVISION. A CONNECTION MAY BE MADE TO THIS LINE WITH A NEW VALVE. OTHERWISE, A CONNECTION MUST BE MADE TO THE EXISTING 18" WATERLINE IN 136TH STREET.

LINE TABLE

LINE TABLE		
LINE	LENGTH	BEARING
L1	12.19'	S37°03'37"W
L2	27.82'	N76°13'55"E
L3	160.22'	N01°45'13"W
L4	13.17'	N02°27'06"W
L5	112.18'	N00°17'07"W
L6	214.60'	S00°13'34"E
L7	39.84'	S00°17'32"W
L8	22.24'	N65°24'05"W
L9	94.44'	S27°57'33"E
L10	354.47'	S00°46'15"W
L11	6.87'	S00°13'09"E

CURVE TABLE

CURVE TABLE				
CURVE	DELTA	LENGTH	RADIUS	TANGENT
C1	19°11'27"	167.48'	500.00'	84.57'
C2	4°59'44"	42.86'	500.00'	21.48'
C3	6°42'42"	58.58'	500.00'	29.33'
C4	8°15'08"	72.08'	500.00'	36.07'
C5	10°01'10"	209.84'	800.00'	105.70'
C6	2°31'24"	40.02'	909.00'	20.01'
C7	8°18'23"	112.52'	800.00'	57.06'
C8	14°01'31"	314.43'	500.00'	158.01'
C9	28°30'02"	93.67'	300.00'	47.81'
C10	62°15'20"	271.69'	250.00'	151.00'

Kimley-Horn and Associates, Inc.

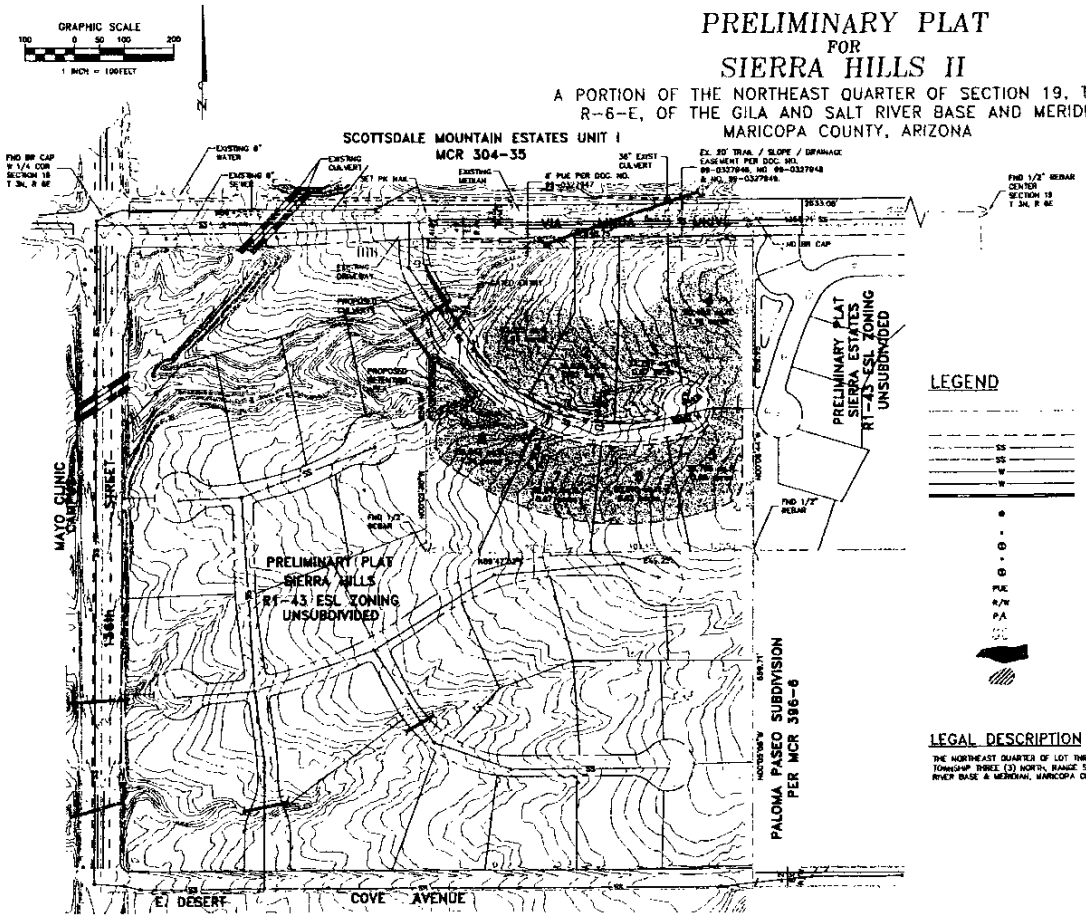
SIERRA HILLS
PRELIMINARY PLAT

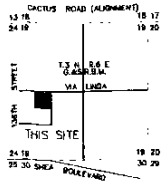
PROJECT NO
DRAWING NAME
1 OF 1

ATTACHMENT #3

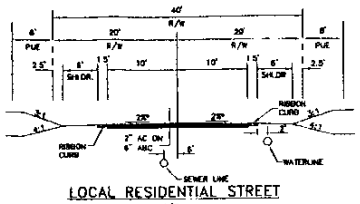
PRELIMINARY PLAT
FOR
SIERRA HILLS II

A PORTION OF THE NORTHEAST QUARTER OF SECTION 19, T-3-N, R-6-E, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA





VICINITY MAP
N.T.S.



LOCAL RESIDENTIAL STREET
NTS
*NOTE: STREET MAY ALSO HAVE A ONE WAY CROWN

LEGEND

- PROPERTY LINE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED SEWER LINE
- EXISTING SEWER LINE
- PROPOSED WATER LINE
- EXISTING WATER LINE
- PROPOSED CULVERT
- PROPOSED SURVEY MONUMENT PER MAG STD DET 120-1, TYPE "B"
- PROPOSED MANHOLE
- PROPOSED FIRE HYDRANT
- EXISTING MANHOLE
- EXISTING FIRE HYDRANT
- PUE — PUBLIC UTILITY EASEMENT
- R/W — RIGHT-OF-WAY
- P.A. — PROPERTY LINE
- PROPOSED LOT NUMBERS
- BUILDING ENVELOPE
- RETENTION AREA

LEGAL DESCRIPTION

THE NORTHEAST QUARTER OF LOT THREE (3), SECTION NINETEEN (19), TOWNSHIP THREE (3) NORTH, RANGE SIX (6) EAST OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA

ENGINEER

KIMLEY-HORN & ASSOCIATES
7600 N. 15TH STREET, SUITE 250
PHOENIX, ARIZONA 85020
TELEPHONE: (602) 944-5500
CONTACT: MICHAEL L. DELMARTER

SURVEYOR

BLAIR OXFORD & ASSOCIATES, INC.
2432 W. PEORIA BLDG. 9 #1189
PHOENIX, ARIZONA 85029
TELEPHONE: (602) 870-3103
CONTACT: HERB BLAIR

OWNER/DEVELOPER

SIERRA HOMES
7720 E. GREENWAY ROAD, SUITE 101
SCOTTSDALE, ARIZONA 85260
TELEPHONE: (602) 314 8500
CONTACT: TIM BURNS

BENCHMARK

FOUND BRASS CAP FLUSH AT THE INTERSECTION OF VIA LINDA & 136TH STREET
ELEV = 1893.89 (C.O.S. DATUM)

FOUND BRASS CAP AT THE INTERSECTION OF VIA LINDA & 132nd STREET
ELEV = 1852.57 (C.O.S. DATUM)

UTILITIES

WATER & SEWER	CITY OF SCOTTSDALE
ELECTRIC	SRP
TELEPHONE	U.S. WEST
GAS	SOUTHWEST GAS CO.
CABLE TV	COX COMMUNICATIONS

ZONING

R1-43 ESL

SITE DATA

GROSS AREA	9.84 AC
NET AREA	9.17 AC
TRACT "A"	0.77 AC
TOTAL NUMBER OF LOTS	8
TYPICAL LOT SIZE	CUSTOM
MAXIMUM LOT AREA	62,315 S.F.
MINIMUM LOT AREA	32,350 S.F.
AVERAGE LOT AREA	45,736 S.F.
DENSITY	0.81 DU/AC

SETBACK TABLE

FRONT	30 FT
REAR	27 FT
SIDE	
(ADJ LOT)	15 FT
(ADJ STREET)	15 FT

LINE TABLE

LINE TABLE		
LINE	LENGTH	BEARING
L1	72.70'	S00°00'00"E
L2	127.84'	S31°31'24"E

CURVE TABLE

CURVE TABLE				
CURVE	LENGTH	RADIUS	TANGENT	DELTA
C1	96.80'	100.00	26.54	31°31'24"
C2	300.13'	400.00'	159.89'	71°38'15"

NOTES

1. ALL STREETS WILL BE PRIVATE. ALL STREETS AND ANY STREET LIGHTS TO BE LOCATED WITHIN THIS PRIVATE TRACT ARE TO BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION.
2. TRACT "A" IS FOR ACCESS AND UTILITIES. ALL TRACTS WILL BE MAINTAINED BY THE HOME OWNER'S ASSOCIATION.
3. BUILDING ENVELOPES ARE CONCEPTUAL ONLY.
4. FOR CHANNEL DISCHARGES AND RETENTION VOLUME CALCULATIONS, REFER TO "SIERRA HILLS II PRELIMINARY DRAINAGE REPORT" PREPARED BY KIMLEY-HORN AND ASSOCIATES, INC.
5. ALL GRADED LAND AND AREAS DISTURBED BY ROAD AND UTILITY CONSTRUCTION WILL BE REVEGETATED BY THE DEVELOPER USING NATIVE PLANT SPECIES IN APPROXIMATELY THE SAME DENSITY AS NATURAL DESERT. IRRIGATION WILL BE EITHER HAND-WATERING OR BY AN AUTOMATIC DRIP SYSTEM.
6. NO IMPROVEMENTS ARE PROPOSED TO VIA LINDA DRIVE

Kimley-Horn and Associates, Inc.

SIERRA HILLS II
PRELIMINARY PLAT

1 of 1

588-pa-2000#2
3-4-02

11-PP-2002

TO: DEVELOPMENT REVIEW BOARD DATE: July 11, 2002
FROM: CURRENT PLANNING SERVICES
SUBJECT: CASE 9-PP-2002

REQUEST: Approve preliminary plat for 24 lot subdivision, approval of landscape and entry gate
PROJECT NAME: Mirage Of Scottsdale- Parcel G
LOCATION: Southeast corner of Via Linda & 136th Street

DEVELOPER/OWNER: Mayo Clinic Foundation
ENGINEER: Kimley Horn Associates, Inc.
APPLICANT/COORDINATOR: LVA Urban Design Studio, Steven Voss
7502 E Main St
Scottsdale, AZ 85251
480-994-0994

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

REQUEST:
- 24 single-family residential lots on 29.48 gross acres (26.30 net acres)
- 2.49 acre amenity Tract B
- Private interior streets with gated entrance

LOCATION & ZONING:
- Southeast corner of Via Linda Drive and 136th Street, and on the north side of East Desert Cove Avenue
- Single-family residential district – Forty-three thousand (43,000) square feet per lot (R1-43) and Environmentally Sensitive Lands (ESL)

CHARACTERISTICS:
- The site has one major wash located at its northwest corner and several smaller washes throughout the site.
- The terrain is mostly gently sloping from the northeast to the southwest except the major wash has steep sides.

DISCUSSION:
The subdivision design provides access from Desert Cove Avenue and consists of one private street with 3 cul-de-sacs. Tract C on the north side of the site provides future access to Sierra Hills II and to amenity area Tract B. The amenity area of Tract B is intended to provide a trail access for trails along Via Linda Drive and through the major wash.

The minimum lot size is 32,275 square feet and the largest lot is 90,746 square feet. NAOS is provided on-lot and in Tracts with a total of 11.07 acres proposed where 9.3 acres are required.

Kira Wauwie
Project Coordination Manager
480-312-7000

ATTACHMENTS:

#1-Project Narrative
#2-Aerial
#3-Zoning Map
#4-Context Photos
#5-Preliminary Plat
#6-Landscape / Entry Features
A-Stipulations
B-Ordinance Requirements

TO: DEVELOPMENT REVIEW BOARD **DATE:** June 20, 2002
FROM: CURRENT PLANNING SERVICES
SUBJECT: CASE 11-PP-2002

REQUEST: Approve amended development standards and preliminary plat
PROJECT NAME: Sierra Hills 2
LOCATION: Via Linda & 138th Street

DEVELOPER/OWNER: Sierra Homes LLC
ENGINEER: Kimley Horn, Mike Delmarter
APPLICANT/COORDINATOR: LVA Urban Design Studio, Alex Stedman
7502 E Main Street
Scottsdale, AZ 85251
480 994-0994

STAFF RECOMMENDATION: APPROVE subject to the attached stipulations.

PUBLIC COMMENTS: There have been several meetings held with the neighborhood over the past several months regarding this project and other area rezonings. No comments on this specific proposal have been received at the time this staff report was written.

LOCATION & ZONING: This property is zoned R1-43 ESL and is located east of 136th and Via Linda and is part of an overall Master Plan that is currently evolving for this and several parcels in the area.

CHARACTERISTICS: This property has a significant wash crossing the northwest corner that will be preserved.

DISCUSSION:

This 10 acre parcel is planned for 8 lots and is anticipated to be developed as part of the Sierra Hills 1 project to the south and west. The applicant has requested the approval of amended development standards and staff has found their request justified as follows:

- Average 150 foot scenic setback along Via Linda
- NAOS dedications provided on final plat

Because both the Sierra Hills 1 and 2 parcels are under separate ownership at this time, the plat submitted for the #2 parcel shows it as a stand-alone project. When and if the ownership change occurs, there will be an administrative approval of this plat to connect the northeastern-most cul-de-sac of Sierra Hills 1 with the internal street of this project. The following are changes that will occur with this administrative approval:

- Minor adjustments to the lot lines
- No access point on Via Linda

- Detention basin removed from west end of the property.

Staff is stipulating that the natural area along Via Linda remain conceptually the same with the variation in the building envelope setback as illustrated on the preliminary plat.

Jayna Shewak, 480-312-7059
Project Coordination Manager

ATTACHMENTS:

#1-Project Narrative
#2-Aerial
#3-Zoning Map
#4-Context Photos
#5-Preliminary Plat
#6-Aerial/Preliminary Plat overlay
#7-NAOS Plan
#8-Amended Development Standards exhibit
#9-Entry Feature Plan
10-Wall concept exhibit
A-Stipulations
B-Ordinance Requirements

MS. GALE MOVED TO CONTINUE CASE 33-DR-2002 TO THE NEXT DR BOARD MEETING TO ALLOW THE APPLICANT TIME TO CONSIDER THE COLOR, MOVEMENT, CHARACTER AND DETAILING OF THE WALL. SECONDED BY MR. CORTEZ.

THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0) WITH MR. ELBRACHT ABSTAINING.

13. 9-PP-2002

Mirage of Scottsdale – Parcel G
Preliminary Plat, approval of landscape and entry gate
Southeast corner Via Linda Rd/136th
LVA Urban Design Center applicant

MS. WAUWIE presented this case as per the project coordination packet. Staff recommends approval subject to the attached stipulations.

MR. ELBRACHT stated the Board is asked to approve amended development standards and he wants to make sure there is a strong justification for it. He requested that the Applicant address their justifications and reasons for the amended development standards. He commented the future Sierra Hills II has a separate entrance off Via Linda that is on this property why is that piece not tied into this piece avoiding a whole crossing of a wash and a separate gate house. **MS. WAUWIE** stated the Applicant would need to address that but two different owners own these properties. **MR. ELBRACHT** stated he would also like the Applicant to address the entry feature. He further stated he was not sure about the purpose of the roof structure.

MS. SHEWAK stated as a point of clarification she did coordinate Phase II and the little square in the northeast corner it was her understanding as she was reviewing the plat it was most likely that the two would be connected in the future. **MR. ELBRACHT** commented that they are not completely disconnected.

KEN CALDWELL, LVA Urban Design Studio, 7502 E. Main Street, presented background information on this case. He stated they would like to avoid the wash crossing to get access in. They will develop their subdivision with the adjacent subdivision as one development without the wash crossing. He presented information on the request for amended development standards. He presented information on the entry feature. He stated that if there are objections to the roof element they would be willing to remove the roof.

MR. ELBRACHT requested additional information regarding the intent of Sierra Hills II. **MR. CALDWELL** stated the intent is to have both parcels developed by Sierra Homes and connect them with a single entry off Desert Cove. **MR. ELBRACHT**

inquired if this would be a staff approval. **MS. SHEWAK** replied in the affirmative and reviewed the process that would take place. **MR. ELBRACHT** stated he likes the idea that Sierra Hills II does not have to cross and disturb the wash. He further stated there is benefit to keeping the wash open from Via Linda to 136th Street.

MR. CORTEZ inquired how many lots would they have without the amended development standards. **MR. CALDWELL** stated it would be a different layout. The density would be planned to be the same. It would mean crossing the wash and having lots in that corner.

MR. CORTEZ asked how far away were they from actually having the two properties connected.

TIM BURNS, Sierra Homes, 7730 E. Greenway, stated the two land acquisitions are closing at the end of the month and they would process the final plat after that. It is a done deal. He presented information on the public input that was reflected in the site plan.

VICE CHAIRMAN POTTER stated assuming these two are tied together won't Sierra Hills II be a different configuration of lots. **MS. SHEWAK** discussed the difference between the two configurations. She stated they have not had a chance to analyze the connection of the two properties. **VICE CHAIRMAN POTTER** expressed his concern regarding how to marry up something that has already been approved. He requested clarification on how to proceed. **MS. SHEWAK** provided information on how the Board could resolve that issue. The Board could establish criteria that they felt were important.

MR. ELBRACHT inquired if a scenic corridor or enhanced setback was required long 136th Street. **MS. SHEWAK** replied in the negative. He further inquired if the 100 foot building setback along 136th was voluntary. **MR. CALDWELL** stated that was part of the negotiations with the Mayo clinic.

MR. ELBRACHT stated the Board has very specific criteria to follow before they can grant amended development standards.

MR. BURNS stated the intent from the beginning was to provide preliminary platting for the two parcels so they would have entitlements to move forward with the lot ties. It is a very complex case to tie the two together.

MR. ELBRACHT MOVED TO APPROVE CASE 9-PP-2002 WITH THE FOLLOWING ADDED STIPULATIONS:

1) AN ABSOLUTE MINIMUM OF 11.7 NAOS ACRES BE PROVIDED.

MR. ELBRACHT stated the purpose of that stipulation is to

justify the amended development standards to ensure there is a 11.7 acres and it does not whittle away as other improvements or final engineering is completed.

2) **THE ENTRY FEATURE GATE ELEVATIONS RETURN TO THE BOARD FOR STAFF APPROVAL AT A STUDY SESSION TO CONSIDER OPTIONS OTHER THAN THE ROOF STRUCTURE SO THAT IT DOESN'T LOOK LIKE A GATEHOUSE.**
3) **STRONG ENCOURAGEMENT AND SUPPORT OF TYING THIS PARCEL WITH THE FUTURE SIERRA HILLS II SO IT DOES NOT HAVE TO HAVE A CROSSING OF THAT WASH.**

SECONDED BY MR. CORTEZ.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

14. 15-PP-2002

Mirabel Village 12
Preliminary plat
Cave Creek Rd & Mirabel Club Drive
Don Vita, Architect/Designer

MS. WAUWIE presented this case as per the project coordination packet. Staff recommends approval subject to the attached stipulations.

MR. ELBRACHT stated the slope analysis indicates open space requirements of 23.1 acres and the NAOS plan states there are 15.67 provided. **MS. WAUWIE** stated the Applicant would need to explain the difference. She stated Village 12 is part of the overall development for the NAOS. **MR. ELBRACHT** remarked he understands the master plan NAOS concept but he wants to make sure the NAOS is carefully tracked.

GARY STOCKER, civil engineer, this village is in the middle of the golf course and they had planned on using some of the excess NAOS from the golf course to offset it because they are right up against it. The master NAOS plan has reflected the negative roughly seven acres for this village. There are positive acreages throughout the development. At this point, they are at a plus 30 acres for the entire development and it is all reflected in the master NAOS plan.

MR. ELBRACHT stated he wants to make sure staff is carefully tracking the NAOS that is being provided in the master NAOS plan. **MS. WAUWIE** reported the City is carefully tracking that information. **MR. ELBRACHT** inquired if the NAOS for the golf course has been dedicated at this time. **MR. STOCKER** stated it is being finalized right now. They have presented staff with the NAOS plan for the golf course. **MR. ELBRACHT** stated he would direct staff to make sure they have very clear tracking mechanism and it is tied back to these cases so there is never any question whether sufficient NAOS has been provided. He further stated the NAOS summary does not

branch bank
Site plan and elevations
16431 N. Scottsdale Road
Mittelstaedt Grover & Copper Ltd,
Architect/Designer

11. 92-DR-1996#3 The Famous Door
Site plan and elevations for building addition
7419 E. Indian Plaza
Design Coalition, Architect/Designer

VICE CHAIRMAN POTTER MOVED TO APPROVE CASES 128-DR-1986#5, 25-DR-2002, 69-DR-1994#2, 82-DR-1998#13, 92-DR-1996#3 AND 11-PP-2002 WITH THE AMENDED STIPULATIONS. SECONDED BY MR. ELBRACHT.

THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).

VICE CHAIRMAN POTTER MOVED TO APPROVE 14-PP-2002 WITH THE AMENDED STIPULATIONS. SECONDED BY MR. CORTEZ.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0) WITH MR. ELBRACHT ABSTAINING.

REGULAR AGENDA

12. 11-PP-2002 Sierra Hills 2
Preliminary Plat
Via Linda & 138th Street
LVA Urban Design, applicant

(PULLED TO EXPEDITED AGENDA)

1. 109-DR-1983#2 Flicka's Cantina & Restaurant – addition
to and expansion of a current restaurant
Site plan and elevations
2003 N. Scottsdale Road
David Ortega Architect, Inc.,
Architect/Designer

MS. SHEWAK presented this case as per the project coordination packet. She stated staff has been speaking with the Applicant regarding the crème color. Staff felt it could be reduced and a little more neutralized verses as yellow as it is. The Applicant has indicated they are willing to work with staff to further refine that color. Staff recommends approval subject to the attached stipulations.

MR. ELBRACHT stated he is glad to see that improvements are being proposed to the building and the landscaping. He stated he has several concerns about the architectural character of the building. His first concern is the parapet over the front shed porch roof it seems tall relative to the proportion of the rest of the building. The second concern is the building massing related to the building color and the dissimilar

CITY COUNCIL REPORT

MEETING DATE: May 19, 2003 ITEM NO. 10 GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **Fairmont Scottsdale Princess Expansion**

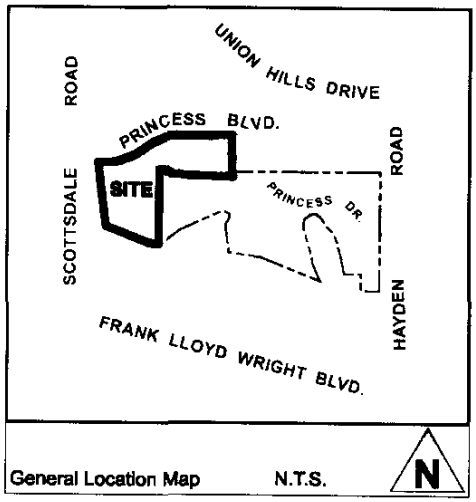
REQUEST

Request
1. To rezone 34+/- acres from Planned Community District (PCD) with Commercial Office (CO) comparable uses to a Planned Community District (PCD) with Central Business (C-2) comparable uses, with amended standards and amend the development plan for the Princess Resort, for property located near the southeast corner of Scottsdale Road and Princess Boulevard.
2. Adopt Ordinance No. 3504 affirming the above rezoning and amended standards.

1-ZN-2003

Key Items for Consideration:

- The proposed rezoning replaces 34 acres of office/employment zoning with a 34-acre resort expansion.
- The proposed development plan and land use budget allows resort-commercial uses that may be distributed throughout the site.
- The change from office uses to the proposed resort-commercial uses reduces traffic.
- Planning Commission recommends approval, 6-0.



General Location Map N.T.S.

Related Policies, References:
Previous Cases: 135-ZN-1985, 57-ZN-1986, 63-ZN-1987, 14-ZN-1988, and 60-ZN-1992.

OWNER Arizona State Land Department
602-542-1704

APPLICANT CONTACT Stewart Cushman
Wolff Di Napoli L L C
310-966-2372

LOCATION East of the Southeast corner of Scottsdale Rd & Princess Blvd

BACKGROUND

General Plan.
The General Plan Land Use Element designates the property as Mixed Use Neighborhoods with a Regional Use Overlay. The Mixed Use Neighborhoods

category encourages a wide range of complimentary uses located in areas having strong access to multiple modes of transportation and major regional access and services. The Regional Use designation provides flexibility in land uses when it can be demonstrated that the land uses are viable in serving a regional market. Regional uses include tourism, region serving retail, and destination attraction uses.

Zoning.
This property was originally part of a 2,000-acre master planned community (PCD) to the north (known as Core South), of which a majority was replaced with the Crossroads East zoning case in 2002 (19-ZN-2002). This property was not included in the Crossroads East zoning case, so is still part of the Core South master plan. The site is currently zoned Planned Community District with Commercial Office comparable uses (C-O/PCD), which allows primarily office and employment uses. The Planned Community District (PCD) encourages the organized development of large tracts of land and land development patterns that will maintain and enhance the physical, social, and economic values of an area.

Context.
This property is located near the southeast corner of Scottsdale Road and Princess Boulevard, and directly abuts the existing Princess Resort to the east and the TPC Golf Course to the south. To the west of Scottsdale Road is the City of Phoenix and to the north is a large undeveloped State land property, which will provide opportunities for mixed use development appropriate for the Freeway Corridor. The 101 Freeway is located approximately ¾ mile to the north.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.
This is a request to rezone approximately 34 acres from office/employment (C-O/PCD) zoning to Central Business (C-2/PCD) zoning, and to amend the Princess Resort Development Plan. The rezoning will remove the 34-acre property from the Core South planned community (PCD) and place it into the Princess Resort planned community (PCD) as "Parcel J".

In addition to adding Parcel J to the Princess Resort Development Plan, the future development of the undeveloped portions of the Princess property (Parcels A and B-2, and new Parcel J; 55 acres total) is proposed to be amended to allow maximum flexibility of the types, locations, and numbers of hotel/resort-oriented land uses. The proposed land uses include hotel and related residential units, retail and restaurant uses, conference and event space, and recreation and clubhouse uses (see Attachment #4, Section V and Appendix A). The hotel/resort land uses may be distributed among Parcels A, B-2, and J.

The following table is a land use budget demonstrating how the developer will manage the number of units and gross floor area (GFA) allowed on the site:

Total Maximum Development Allowance – Parcels A, B-2, and J

Use Category	Base Density / Square Footage	Maximum Density / Square Footage
Hotel / Resort Residential	**350 UNITS**	**525 UNITS**
Hotel Ancillary Uses		
Retail / Services	100,000 sq.ft.	150,000 sq.ft.
Restaurant / Bar	50,000 sq.ft.	75,000 sq.ft.
Clubhouse / Recreation	30,000 sq.ft.	45,000 sq.ft.
Conference / Event / Meeting Space	70,000 sq.ft.	105,000 sq.ft.
Cultural Uses	25,000 sq.ft.	37,5000 sq.ft.
	275,000 Square Feet	**412,500 Square Feet**

The proposed land use budget allows a base density of 350 units and 275,000 square feet of commercial development. The density range may allow up to a maximum of 525 units and 412,500 square feet of commercial development as long as the land uses are hotel/resort-oriented and traffic can be accommodated by the adjacent street system. This flexibility in the development allowance is proposed to strengthen the ability of the resort to respond to ever changing market conditions, to remain competitive with new mega-resort projects that have recently been built in the area, and to help ensure the property maintains the existing resort character.

The applicant also proposes to amend the development standards of the proposed C-2/PCD district (Parcel J) to match the previously amended C-2/PCD standards of the existing hotel property. Amended standards are proposed as being more appropriate for the hotel resort, and include increasing the amount of open space required, allocating the open space internally to the project, parking reductions, and reducing side and rear yard setbacks. (See Attachment #4, Appendix C).

Development information.

- *Existing Use:* Undeveloped/Parking Areas
- *Proposed Use:* Hotel/Resort and related uses
- *Parcel Size:* 34 acres (Parcel J only)
  55 acres (Parcels A, B-2 and J)
- *Building Height Allowed:* 36 feet
- *Base Density* 350 units (6.3 units per acre) and
  275,000 sq.ft. (11% floor area ratio)
- *Maximum Density* 525 units (9.5 units per acre) and
  412,500 sq.ft. (17% floor area ratio)

IMPACT ANALYSIS

Traffic.
The proposed resort zoning and land uses will result in a 41% decrease in projected trips in the area. The existing office/employment zoning and resort land uses project 24,289 trips per day for the undeveloped property (Parcels A, B-2, and J), and the proposed resort-only zoning and land uses projects 14,431 trips per day. The potential maximum flexibility in development allowance proposed for the hotel/resort will only be permitted after a new trip generation analysis demonstrates that increased traffic can be accommodated by the adjacent street system or with improvements made by the developer.

Land uses.
The proposed land use budget maintains the existing hotel/resort character of the Princess area and complements surrounding uses. The development provisions provide flexibility for the resort while regulating the size of development to mitigate its impacts. The potential maximum flexibility in development allowance for the hotel/resort of the entire 55 acres (Parcels A, B-2, and J) could result in a maximum hotel residential density of approximately 9.5 units per acre, and a maximum commercial floor area-to-land ratio of 17%. Both the hotel and commercial development densities are relatively small compared to other hotel densities (typically more than 20 units per acre) and compared to the typical commercial floor area-to-land ratios (typically more than 25%).

Amended standards.
The proposed amended standards match and reaffirm those previously approved for the existing hotel/resort. The standards are appropriate for the hotel/resort because they maximize the allocation of open space and parking into the resort campus, and will not negatively affect surrounding uses.

Water/Sewer.
There are existing water and sewer lines in Princess Boulevard that are adequate to serve the site, so there are no anticipated water and sewer impacts.

Police/Fire.
The location of the nearest police station is at 20363 N. Pima Road (District 3); there are no anticipated police service impacts from the proposal. The nearest fire station is Station 17, which is located at 103rd Street and Bell Road; there are no anticipated fire service impacts from the proposal.

Community Impact.
The proposal allows an existing successful resort to expand in size and continue to provide a wide range of hospitality services. The proposal adds to the resort image of the community and strengthens the ability of the resort to respond to ever changing market conditions, which will help the resort remain viable and competitive. The rezoning will also result in less traffic than office and other types of commercial development, and will not impact existing community services.

Policy implications.
The proposed rezoning replaces 34 acres of office/employment zoning with a

34-acre resort expansion. The existing resort character of the Princess Boulevard area suggests that this property is best suited for resort activities. The amended development plan establishes and maintains the resort character while maximizing flexibility for the future. Other nearby areas in the City, such as the Perimeter Center, the Airpark areas, and portions of Crossroads East, are developed or planned for offices and employment centers.

Community involvement.
The applicant has held three open houses and has notified landowners within 750 feet of the property. There has been general support for the project and there is no known opposition. A letter from the State Land Department was received authorizing the application, supporting the request, and emphasizing the need for a regional transportation solution (transit) to serve future development in the area.

Key Issues.

- The proposed rezoning replaces 34 acres of office/employment zoning with a 34-acre resort expansion.
- The amended development plan establishes and maintains the resort character while maximizing flexibility for the future.

RECOMMENDATION

Planning Commission:
The Planning Commission heard this case on April 8, 2003. One person from the State Land Department spoke in favor of the request and supported a regional transportation solution (transit) to serve future development in the area. The Planning Commission discussed traffic impacts for the proposed resort expansion compared with the office development currently allowed.

The Planning Commission recommends approval, 6-0.

RESPONSIBLE DEPT(S)

Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Tim Curtis
Project Coordination Manager
480-312-4210
E-mail: tcurtis@ScottsdaleAZ.gov

Randy Grant
Chief Planning Officer
480-312-7995
E-mail: rgrant@ScottsdaleAz.gov

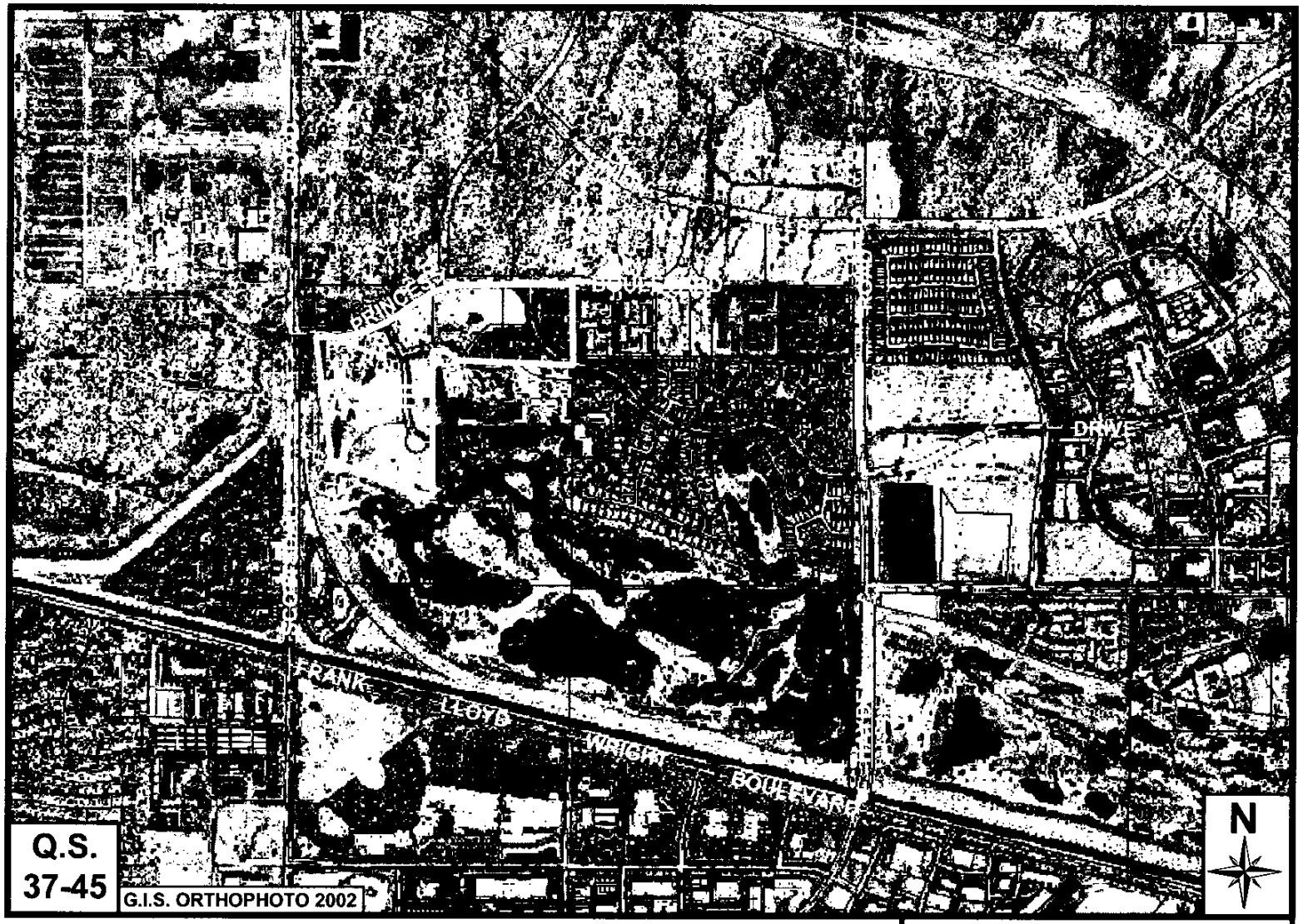
APPROVED BY

Kroy Ekblaw — Date
General Manager, Planning & Development Services Department

Ed Gawf — 5/2/03 Date
Deputy City Manager

ATTACHMENTS

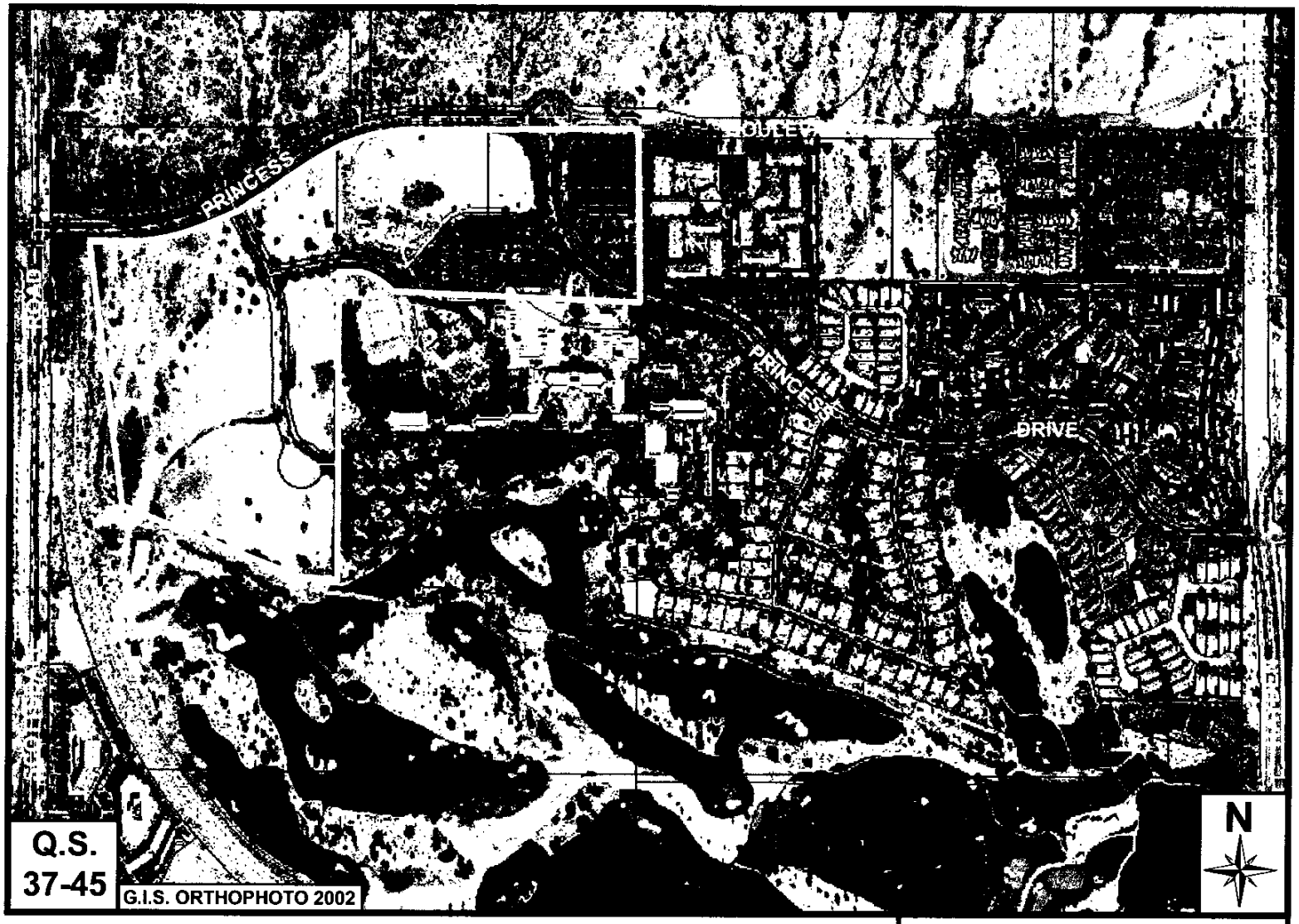
1. Context Aerial
1A. Aerial Close-Up
2. General Plan Land Use Map
3. Existing Zoning Map
3A. Proposed Zoning Map
4. Applicant's Narrative
5. Stipulations
6. Additional Information
7. Traffic Impact Summary
8. Citizen Involvement
9. April 8, 2003 Draft Planning Commission Minutes
10. Site Plan
11. Ordinance No. 3504
    Exhibit 1. Stipulations
    Exhibit 2. Zoning Map
    Exhibit 3. Amended Standards



Fairmont Scottsdale Princess Expansion

1-ZN-2003

ATTACHMENT #1

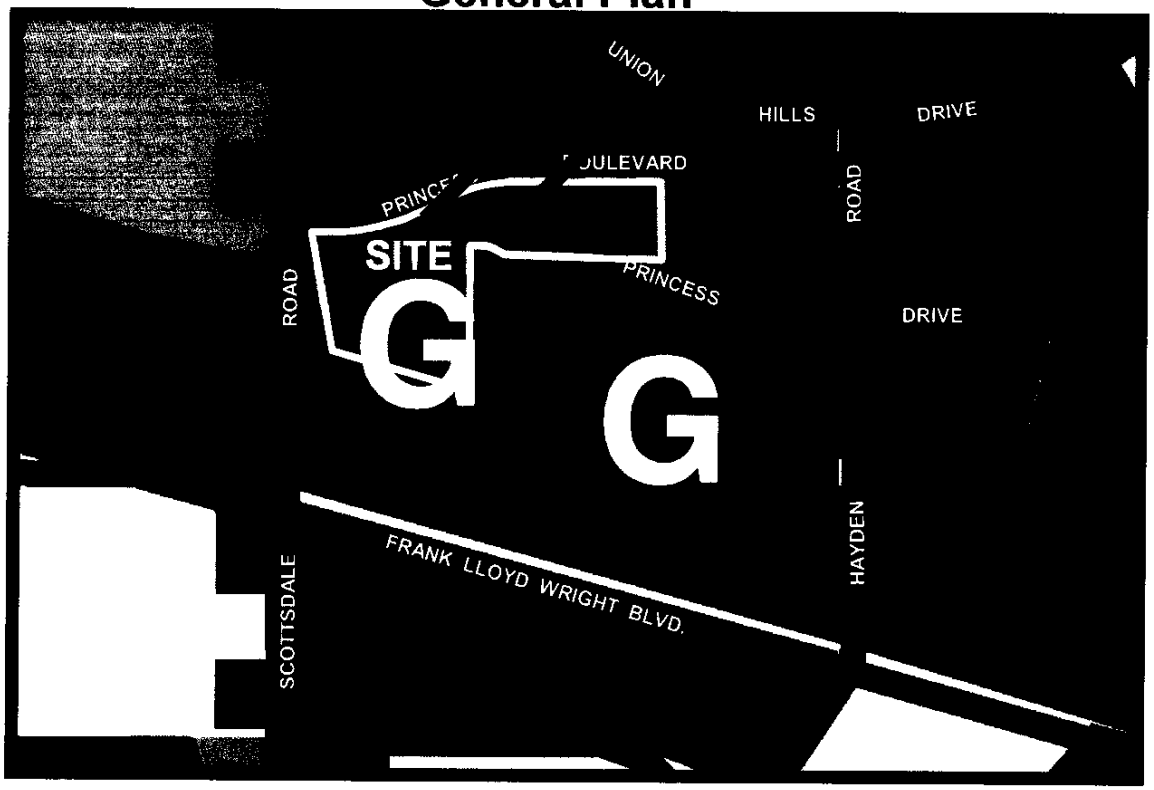


Fairmont Scottsdale Princess Expansion

1-ZN-2003

ATTACHMENT #1A

General Plan



Rural Neighborhoods
Suburban Neighborhoods
Urban Neighborhoods
Mixed-Use Neighborhoods
Resorts/Tourism
Shea Corridor
Mayo Support District
Regional Use District

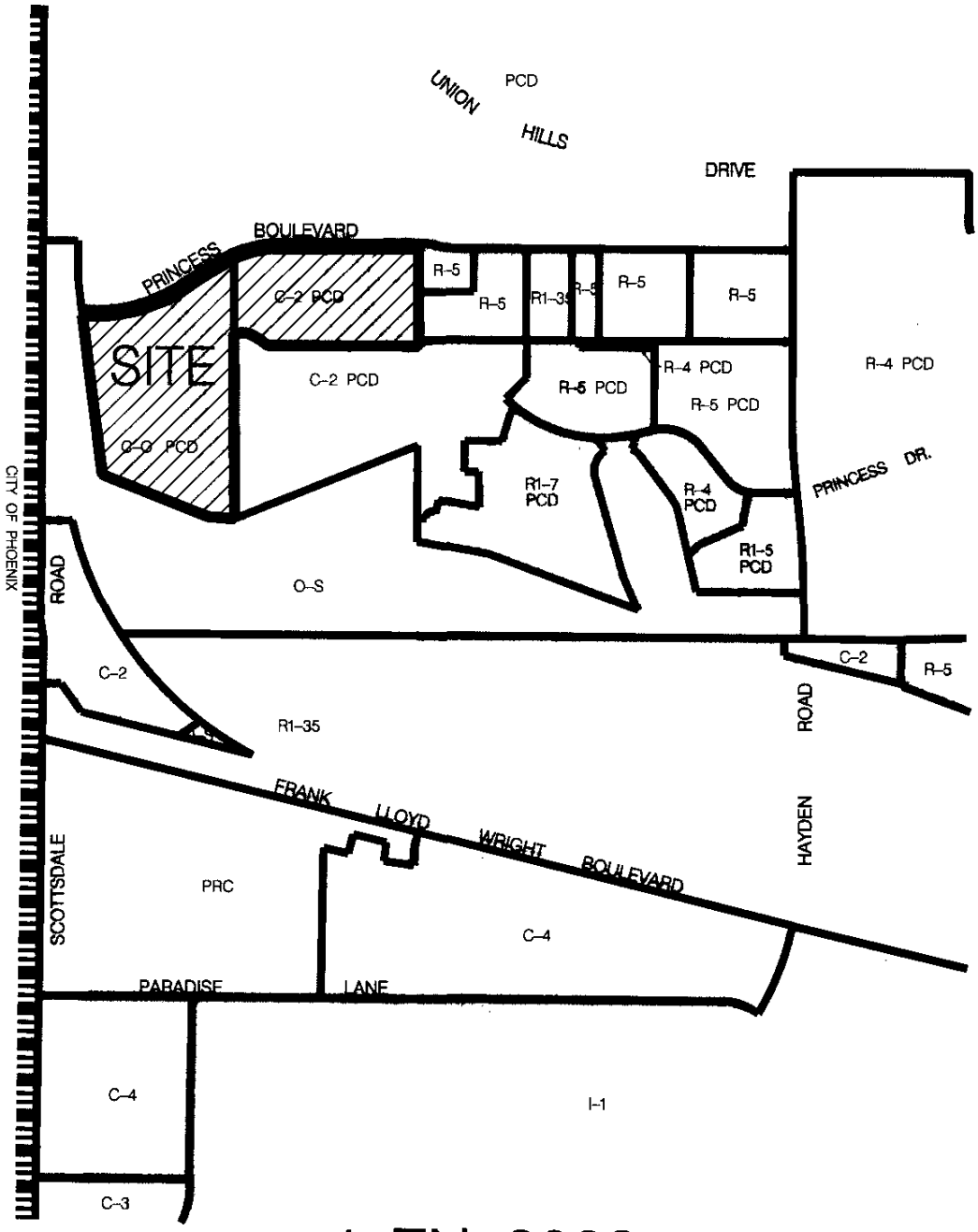
Commercial
Office
Employment
Natural Open Space
Developed Open Space (Parks)
Developed Open Space (Golf Courses)
Cultural/Institutional or Public Use
State Trust Lands under State Land Commissioner's Order #078-2001/2002

McDowell Sonoran Preserve (as of 3 /2002)
Recommended Study Boundary of the McDowell Sonoran Preserve
City Boundary

N

1-ZN-2003

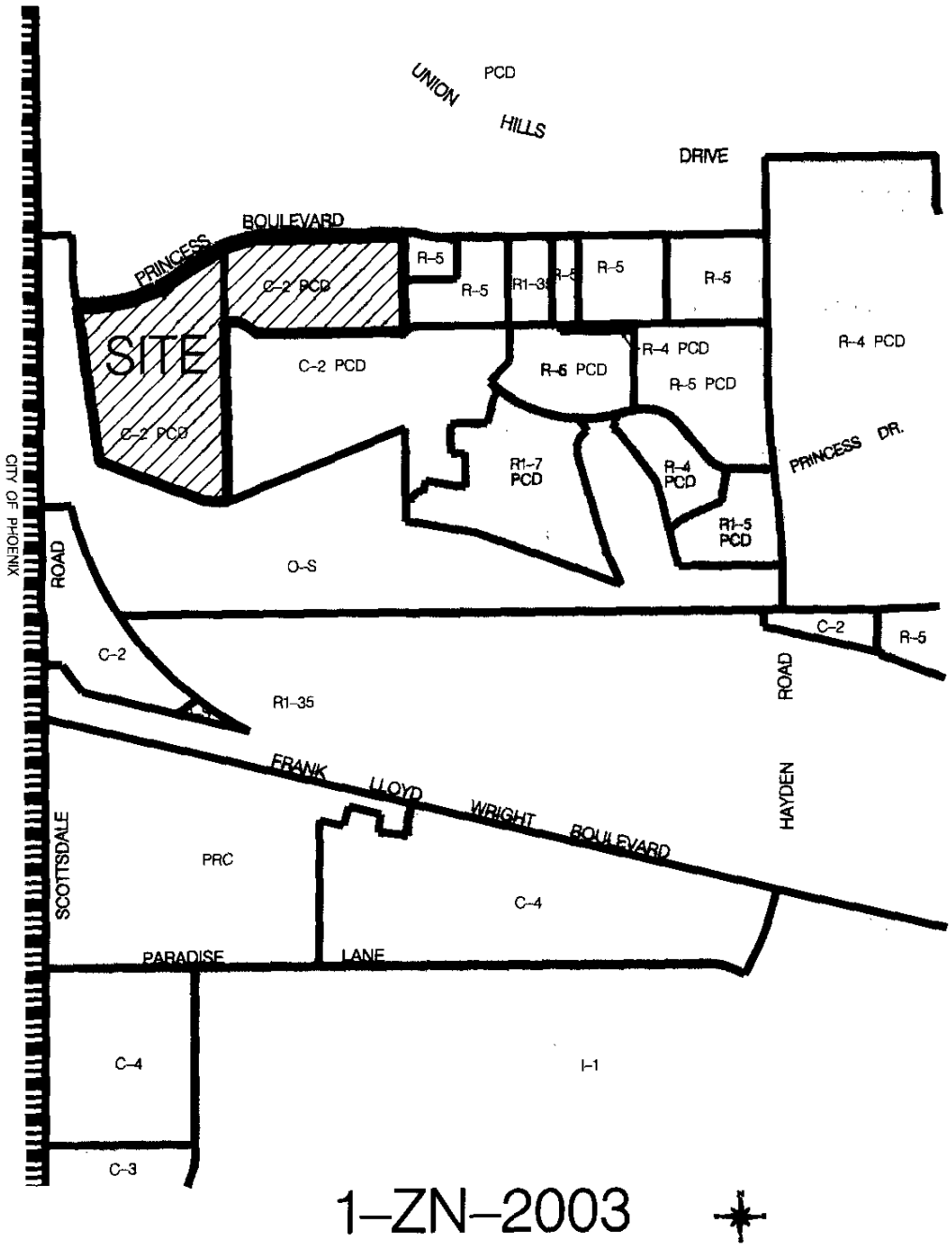
ATTACHMENT #2



1–ZN–2003

EXISTING ZONING MAP

ATTACHMENT #3

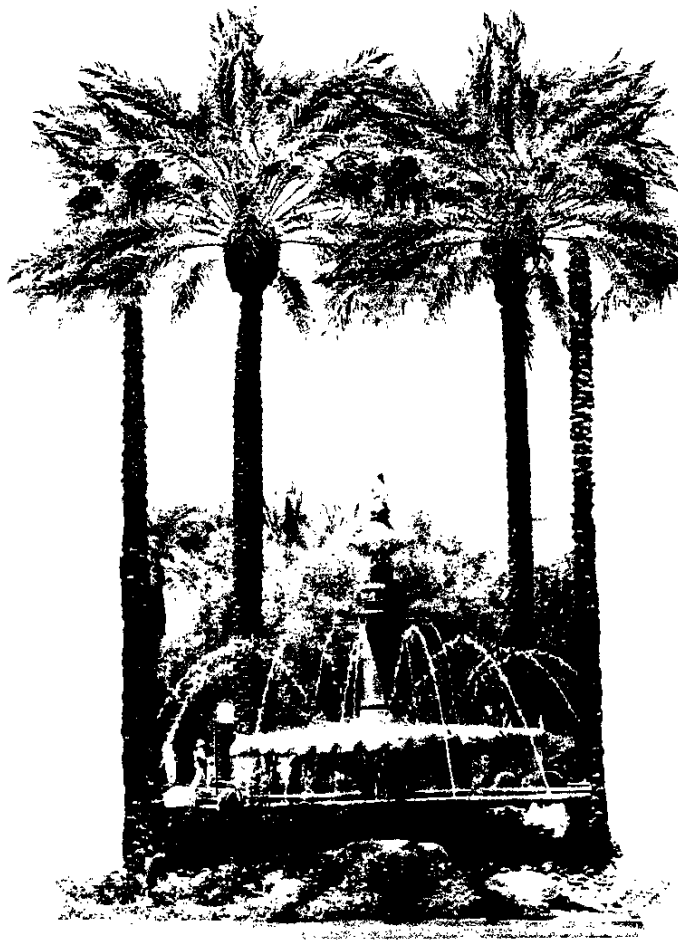


PROPOSED ZONING MAP

ATTACHMENT #3A

SCOTTSDALE PRINCESS
PLANNED COMMUNITY DISTRICT

SUPPLEMENTAL ZONING NARRATIVE



DRAKE & ASSOCIATES
GERSON ASSOCIATES

ATTACHMENT #4

SUPPLEMENTAL ZONING NARRATIVE

EXECUTIVE SUMMARY

Since our original submittal for amendment of the Scottsdale Princess Planned Community District (PCD) in August of 2001, conditions in the vicinity of the site and in the hotel/resort market have changed dramatically. Given these changes, we request the flexibility to consider additional uses compatible with the character and quality of the Fairmont Scottsdale Princess resort and residential community.

This Supplemental Zoning Narrative is being submitted at the request of the City of Scottsdale to update information about potential traffic impacts of the expanded range of potential uses proposed on lands leased from the Arizona State Land Department east of the existing hotel property (Parcel J) and on undeveloped land north of the hotel, within the current PCD boundary (Parcels A and B-2).

The PCD Amendment will expand the Scottsdale Princess PCD boundaries to take in the 35 acres of State Land leased by Princess from the State in 2002 (Parcel J) and will change the zoning of this parcel from CO-PCD to C-2 PCD. The Amendment will also revise land use assumptions for Parcels A and B-2, the undeveloped parcels of the Fairmont Scottsdale Princess.

In order to maintain flexibility in the future development of Parcels A, B-2 and J, this narrative specifies maximum square footages for general land use categories, with the proviso that significant variation from these maximums may require additional approvals, in the event traffic is adversely affected. Prior to Development Review Board hearing, land use distribution among the three parcels will be finalized.

Trip generation projections prepared in 2001 by *amec Infrastructure*[1] have been updated to reflect the uses and maximum square footages in this Narrative. In addition, the 2001 traffic analysis did not accurately reflect approved zoning; and this has been corrected. The new projections, prepared by Paul Basha, of Olsson Associates, demonstrate that the traffic generated by uses proposed by this Amendment will be significantly less than those allowed under the PCD's currently approved Development Plan. As shown in the ***Trip Generation Comparison*** memorandum from Olsson Associates dated 2/27/03, (Appendix B), the land uses proposed by this Amendment will generate 14,431 daily vehicle trips, representing a 41% reduction when compared to trips for approved zoning.

The State Trust Lands were leased to protect the integrity and character Fairmont Scottsdale Princess and to guarantee development consistent with the high quality of the resort and its associated residential community. The development of these lands will continue the resort community's strong history of attention to design and detail. The architectural style and overall character of the new development will be consistent with the existing resort in terms of materials and landscaping style. Abundant open space will be provided and emphasis will be placed on pedestrian circulation and amenities, as it is now throughout the resort and the entire Princess community.

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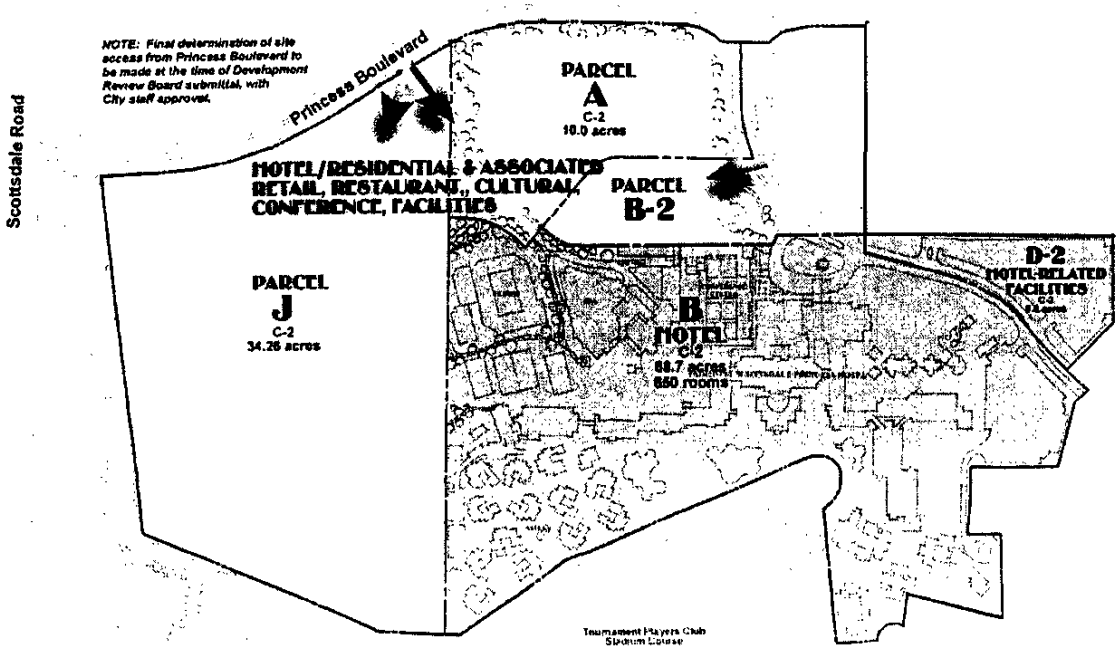
[1] *Fairmont Scottsdale Princess Expansion Traffic Impact Analysis*, August, 2001, amec Infrastructure. It should be noted that trip generation totals in this analysis were high. They assumed potential retail development of the entire State Land parcel (Parcel J). They also assumed apartment development on Parcel A/B-2, which was not correct, as Case 63-Z-87 had eliminated the apartments and replaced them with Princess Village retail/restaurant uses.

I. INTRODUCTION

The proposed amendments to the Scottsdale Princess Planned Community District (PCD) consist of two primary components:

1. Revision of uses for Parcels A and B-2 (location of Fairmont Scottsdale Princess parking lot and vacant land, north of the hotel)
2. Expansion of the PCD to include Parcel J (land recently leased from the Arizona State Land Department between the hotel and Scottsdale Road)

The following narrative describes each of these components. The figure below shows Parcels within the PCD that are affected by this amendment. A copy of the overall Planned Community District is included at this end of this Narrative, showing residential parcels east of the hotel.



Fairmont SCOTTSDALE PRINCESS

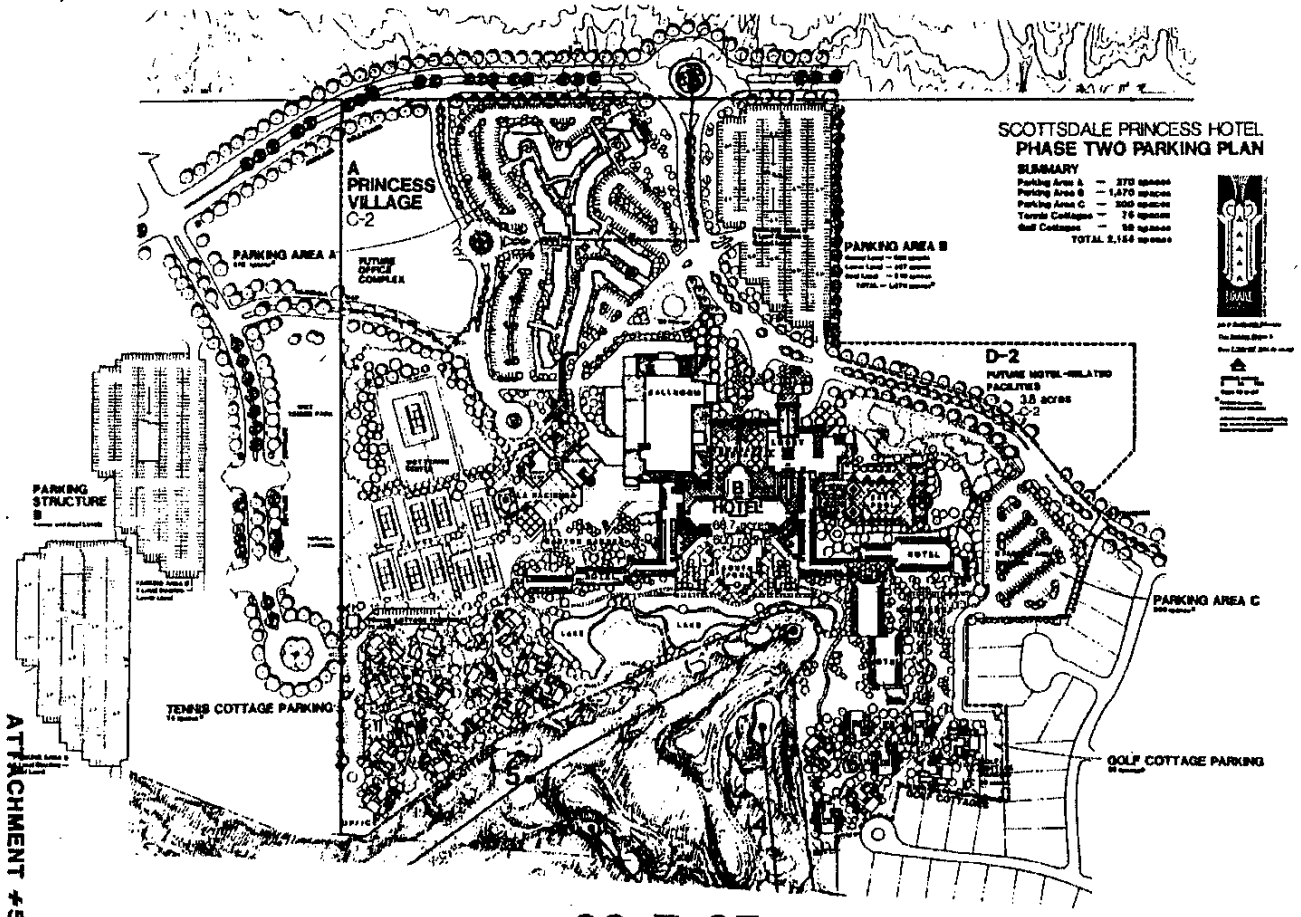
Scottsdale Princess/Eagle PCD **PARCEL KEY MAP**

II. PARCELS A and B-2

The most recent zoning case to address Parcels A and B-2 was approved in 1987. Per this case, a retail village ("Princess Village") was approved to include: 41,700 sq. ft. of retail uses, 15,000 sq. ft. of restaurants, 75,000 sq. ft. of offices, 370 surface parking spaces on Parcel A and 1,470 spaces in a three-level parking structure on the east side of Princess Drive.

The 200 "winter rental apartments" previously approved for Parcel A were eliminated but the right to develop a maximum of 1,053 total units within the PCD was retained. Staff was given authority to approve reallocation of the units as long as the maximum density allowable within a given zoning category was not exceeded.

A detail from the approved development plan that accompanied Case 63-Z-87, showing Phase Two improvements for Parcels A and B-2 is included below.



63-Z-87

ATTACHMENT #5

III. PARCEL J

Parcel J is State Trust Land leased by Fairmont in August of 2002. It was formerly part of the Core South/Forest Cities Planned Community District and was zoned in 1986 as CO-PCD, Commercial Office. Under the approved zoning, up to 895,000 square feet of office development would be allowed.

Fairmont acquired a 99-year lease on the parcel from the State Land Department to allow for future expansion of the hotel and ancillary uses and to provide a protective buffer between the hotel and intense uses planned and under development to the north and west.

At this time, we are requesting that Parcel J be rezoned from CO-PCD to C-2-PCD, consistent with C-2-PCD zoning on Parcels A and B-2 (the hotel parcels). Given the rapid evolution of markets and development character in this area, we want to maintain flexibility with regard to specific uses and site plans for Parcel J. It is likely that the parcel will be developed in phases, over a two to five-year period. The final mix of uses will evolve with the City's plans for the area and with market factors and will be consistent with development character specified on page 5. Uses may include hotel-related guest units, residential units, clubhouse, meeting space, recreation areas and other amenities, with associated retail, restaurants, bars and cultural facilities.

IV. TRAFFIC IMPACTS

Traffic impacts of the proposed PCD Amendment are documented in a ***Trip Generation Comparison*** memorandum from Paul Basha, P.E., P.T.O.E., of Olsson Associates, dated February 27, 2003. The *Comparison* analysis updates and corrects information submitted as part of our initial zoning application in August, 2001.[2] A copy of this memorandum is included with this Narrative as Appendix B.

Updated and corrected trip generation projections are based on the following land use assumptions:

Approved *(per Case 63-Z-87)*

Parcels A and B-2
- *41,700 square feet of retail*
- *15,000 square feet of restaurants*
- *75,000 square feet of office uses*

Parcel J/State Lands
- *895,000 square feet of development under CO-PCD zoning (assume 90% office, 5% restaurant and 5% retail uses)*

Proposed

Parcels A and B-2
- *50,000 square feet of resort conference space*

Parcel J/State Lands
- *350 resort/residential units*
- *100,000 square feet of retail*
- *50,000 square feet of restaurants*
- *25,000 square feet of cultural uses*
- *30,000 square feet of hotel clubhouse, recreation, amenities*
- *20,000 square feet of resort conference*

ESTIMATED DAILY TRAFFIC VOLUME *(See Appendix A for additional information)*

	Approved	***Proposed***	***Difference*** ***(Approved vs. Proposed)***
Parcels A and B-2	5,523	615	-89%
Parcel J (State Lands)	18,766	13,816	-26%
TOTAL	*24,289*	*14,431*	*-41%*

SOURCE: Olsson Associates

As presently approved, the combined traffic generated by Parcels A, B-2 and J would generate 24,289 vehicle trips per day.

The current PCD amendment application represents a substantial reduction in the number of trips that would be generated. Daily vehicle trips projected go from 24,289 to 14,431, a reduction of 41%.

Recognizing that the proposed uses will generate much less traffic than those previously approved, it is requested that the staff be given the flexibility to approve minor modifications to uses and square footages. If the uses, or the square footage of uses, change to the extent that projected trips increase by 20% or more, a revised Traffic Impact Study will be prepared and submitted to City staff for approval prior to Development Review Board hearing.

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[2] *Fairmont Scottsdale Princess Expansion Traffic Impact Analysis*, August, 2001, amec Infrastructure. It should be noted that trip generation totals in this analysis were high. They assumed potential retail development of the entire State Land parcel (Parcel J). They also assumed apartment development on Parcel A/B-2, which was not correct, as Case 63-Z-87 had eliminated the apartments and replaced them with Princess Village retail/restaurant uses.

V. DEVELOPMENT CHARACTER: PARCELS A, B-2 AND J

All proposed development will be compatible with the character and quality of the Fairmont Scottsdale Princess and the Scottsdale Princess community in terms of uses, design, materials, color, landscaping and scale.

A. Land Use Character

The following uses are anticipated at this time and are denoted as maximums:

Hotel and related residential units	350 units*
**Increases maximum allowable for the overall PCD to 1,403 units*	
Retail uses	100,000 sq. ft.
Restaurants, bars, lounges	50,000 sq. ft.
Cultural uses	25,000 sq. ft.
Hotel clubhouse, recreation, amenities	30,000 sq. ft.
Conference, meeting, event space	20,000 sq. ft.

NOTE: It is requested that staff also be given the authority to approve distribution of uses within the boundaries of Parcels A, B-2 and J so long as stated maximum intensity is not exceeded. A final site plan showing proposed uses will be submitted prior to Development Review Board hearing.

B. Hotel and Related Residential Units

Resort hotels have historically been an important part of Scottsdale's economic foundation, from the old-time guest ranches of yesteryear to the exclusive golf and conference resorts of today. The character of the hotels has evolved over time. Today's hotels include the conventional guest units and casitas but may also involve a variety of new options. The Fairmont Scottsdale Princess is studying the following options for future expansion of hotel and hotel/residential uses:

- traditional hotel rooms
- casita clusters – small groups of attached units, similar to the existing casitas
- units that are part of a fractional ownership/timeshare pool, managed by the hotel
- VIP casitas – detached units at 3,000 to 5,000 square feet
- privately owned condominium units, serviced by the hotel

It is likely that future development will include a mix of these unit types, up to the stated maximum of 350 units. The hotel and hotel/residential units will be designed to appear as an extension of the existing Fairmont Scottsdale Princess property in terms of character, quality, site planning and landscaping.

C. Retail Uses

Any retail uses developed will complement the character and quality of the hotel and residential community. Among the types of uses anticipated are art galleries, antique stores, a bookshop, bakery, clothing stores, wine shop, gift shop, Indian arts and crafts, western/cowboy shop and similar uses. These businesses will appeal to both hotel guests and residents.

Retail uses will be designed to create a unique, pedestrian-oriented, amenity-rich environment. It is not our desire to build a scatter of cookie cutter franchise establishments, each on its own isolated pad. We will not, for example, allow adult uses, pool halls, mini-storage units, big box retail or car washes. We will work to attract one-of-a-kind, "upscale" uses and to create an intimate shopping village unlike any other in north Scottsdale.

Retail uses will:

- be compatible in character in scale, architecture, landscaping and detailing with the Fairmont Scottsdale Princess and its established design guidelines.
- be clustered into a shopping "village" and/or integrated into hotel buildings.
- be planned to create an active pedestrian-oriented environment
- consist of uses of a character that appeal to both hotel/resort guests and area residents.

D. Restaurants, Bars and Lounges

An important component of the resort hotel environment is the offering of a variety of dining experiences and opportunities for social drinking and entertainment. After a hard day of meetings at the hotel, guests may like to be able to stroll over to a nightclub for live jazz or to a cigar bar for a connoisseur's smoking experience without the hassle of driving, directions and parking. The Fairmont Scottsdale Princess is renowned for its fine bars and restaurants. Any new eating and drinking establishments built within the PCD will have to meet a high standard.

- It is not our desire to have "fast food"/drive-through restaurants such as Burger King or Taco Bell.
- Bars and restaurants will be integrated into the plan for the retail village or into hotel buildings.
- There will be a mix of quality, sit-down restaurants and boutique, unique cafes and bars.
- There may be live entertainment provided, subject to a Use Permit.

E. Cultural Uses

The Fairmont Scottsdale Princess attracts visitors to Scottsdale from all over the world. For many, this is their first visit to Arizona and they are immensely curious about the desert, cowboys, Native Americans and the Southwestern heritage we take for granted. For hotel guests busy with conference meetings and events, the opportunities for satisfying this curiosity without considerable travel and interruption are limited. It is hoped that interpretive and cultural elements can be incorporated into new development and planning, such as:

- Exhibit space, with programming from Scottsdale Cultural Council, Arizona Commission on the Humanities, Scottsdale Historical Society, Rex Allen Arizona Cowboy Museum, Heard Museum and other organizations.
- Interpretive paths and gardens, with information about desert plants, historic uses of plants, possibly incorporating elements such as sculpture, seating and small waterhole features.
- Small art events, where local artists of quality can exhibit and offer work for sale, including art demonstrations and lectures.
- Small performance spaces and events for dance, theater, chamber music, Native American performers, cowboy poets and musicians and similar types of performers.
- Space for art workshops and art schools, possibly in conjunction with established organizations such as Scottsdale Artists School and Scottsdale Cultural Council.

F. Hotel Clubhouse, Recreation, Amenities

Depending on the types of hotel and residential units that are developed, there may be a need for additional guest/resident facilities. Among the types of facilities under consideration are:

- A Wrigley Mansion-style clubhouse building with restaurant and meeting space
- One or more small clubhouses for specific areas within the hotel/residential unit developments
- Opportunities for outdoor recreation, such as:
  - croquet
  - bocce ball
  - swimming pools
  - exercise course
  - fishing
  - square dancing
  - walking and jogging
  - children's play
- Lawn areas for events, visual open space and passive recreation.
- Gardens and paths
- Small water features where people can sit by them and interact with them, read, relax, visit.
- Small ramadas or "outdoor parlours" where people can enjoy a mesquite wood fire in winter and a shady retreat in summer.

G. Conference, Meeting and Event Space

The current application includes a 50,000 square foot addition to the Princess Conference Center. This addition consists of a junior ballroom, meeting and break-out rooms, prefunction space, support and service facilities. The expanded facilities are needed to maintain the Fairmont Scottsdale Princess' position as new hotels open in the City of Phoenix and competition for conference, event and meeting business increases. For the past several years, the Princess has needed to use a tent in the parking lot to accommodate some events.

- The architectural character of the expanded Conference Center will complement that of the existing hotel.
- Materials will match existing materials and color palette – stucco, clay tile roofs, precast concrete columns, wrought iron railings and ceramic tile accents.
- Landscaping will draw from the master plant list approved for the PCD and the existing landscape character.
- The Conference Center will include outdoor pedestrian plazas and activity/function areas. These will be designed with shade and other pedestrian amenities.
- Strong pedestrian connections will be provided between the Conference Center, parking areas, the hotel's pathway system and the rest of the hotel property.

H. Parking Deck

A new parking deck is proposed behind the existing Princess Boulevard berm. The design of this deck will use the substantial grade difference between Princess Boulevard and land to the south to reduce its visual impact. The upper level of the parking structure will be at approximately the finished floor level of the hotel (+/-1,562 feet), below the top of the existing landscape berm (+/-1,565 feet) that parallels Princess Boulevard. The lower level will be at a finished grade of approximately +/-1,551 feet at the southwest corner of the structure.

The structure will accommodate approximately 1,100 parking spaces. Access to the parking structure will be via a drive from Princess Drive (private hotel access road) to Princess Boulevard. Final Princess Boulevard access location will be approved by City staff prior to Development Review Board hearing.

- The parking structure will be designed so its architectural character is consistent with that of the hotel and Conference Center.
- The parking structure will be sited and screened to minimize visual impacts from Princess Boulevard and Princess Drive.
- The parking structure will be designed for ease of pedestrian circulation and security, both with the structure and through sidewalk/pathway linkages to the rest of the hotel property.

I. Site Planning

- A strong emphasis in site planning will be placed on encouraging pedestrian circulation and amenity. Conflicts with motor vehicles will be minimized, through peripheral parking and motor vehicle circulation.
- A trail/pathway system will link Parcel J to Parcels A, B and B-2. This system will be planned for use by service carts and well as pedestrians. It may include interpretive and exercise course elements.
- Service access to the maintenance yard south of the southwest corner of Parcel J will be maintained.

J. Architectural Character

- All buildings will be compatible with the character of the Scottsdale Princess community and with the approved *Scottsdale Princess Design Guidelines* in the CC&Rs.

K. Landscaping Character

- Landscaping will use materials from the Approved Plant List (Master Landscape Plan) and character will be consistent with that of the Fairmont Scottsdale Princess hotel and community.
- Within Parcel J, a hierarchy of open spaces will be provided, preserving views of the mountains and golf course.

VI. AMENDED DEVELOPMENT STANDARDS

Case 63-Z-87 amended development standards for the C-2 zoning category and Off-Street Parking standards. These included the following:

Note that the complete, amended standards are found in Appendix C of this Narrative:

C-2 Amended Property Development Standards

- Open Space Requirement – increased the minimum requirement from 10% to 12% of net lot area for 0 feet to 12 feet of height; and increased the requirement from .4% to .5% of the net lot for each foot of height above 12 feet.

- Front Yard – deleted reference to blocks partly in residential districts.

- Side Yard – reduced minimum side yard from 50 feet to 15 feet where the C-2 area abuts a single-family residential district; and reduced the side yard from 25 feet to ten (10) feet where it abuts a multi-family residential district.

- Rear Yard – reduced minimum rear yard from 50 feet to 15 feet where the C-2 area abuts a single-family residential district; and reduced the rear yard from 25 feet to ten (10) feet where it abuts a multi-family residential district.

Amended Off-Street Parking Standards

- For commercial uses and office buildings – increased parking ratio from one parking space per two hundred fifty square feet to one parking space per two hundred eighty-five square feet of building floor area.

- For restaurants, cafes, bars, cocktail lounges and similar uses – increased parking ratio from one parking space per fifty (50) square feet of indoor public floor area to one parking space per seventy-five (75) square feet of indoor public floor area.

These amended development standards will apply to Parcel J, which is being brought into the Scottsdale Princess PCD zoned C-2, as part of this application. They are the same as those previously approved for Parcels A, B and B-2 as part of 63-Z-87. No additional amendment of development standards is requested.

VII. APPENDICES

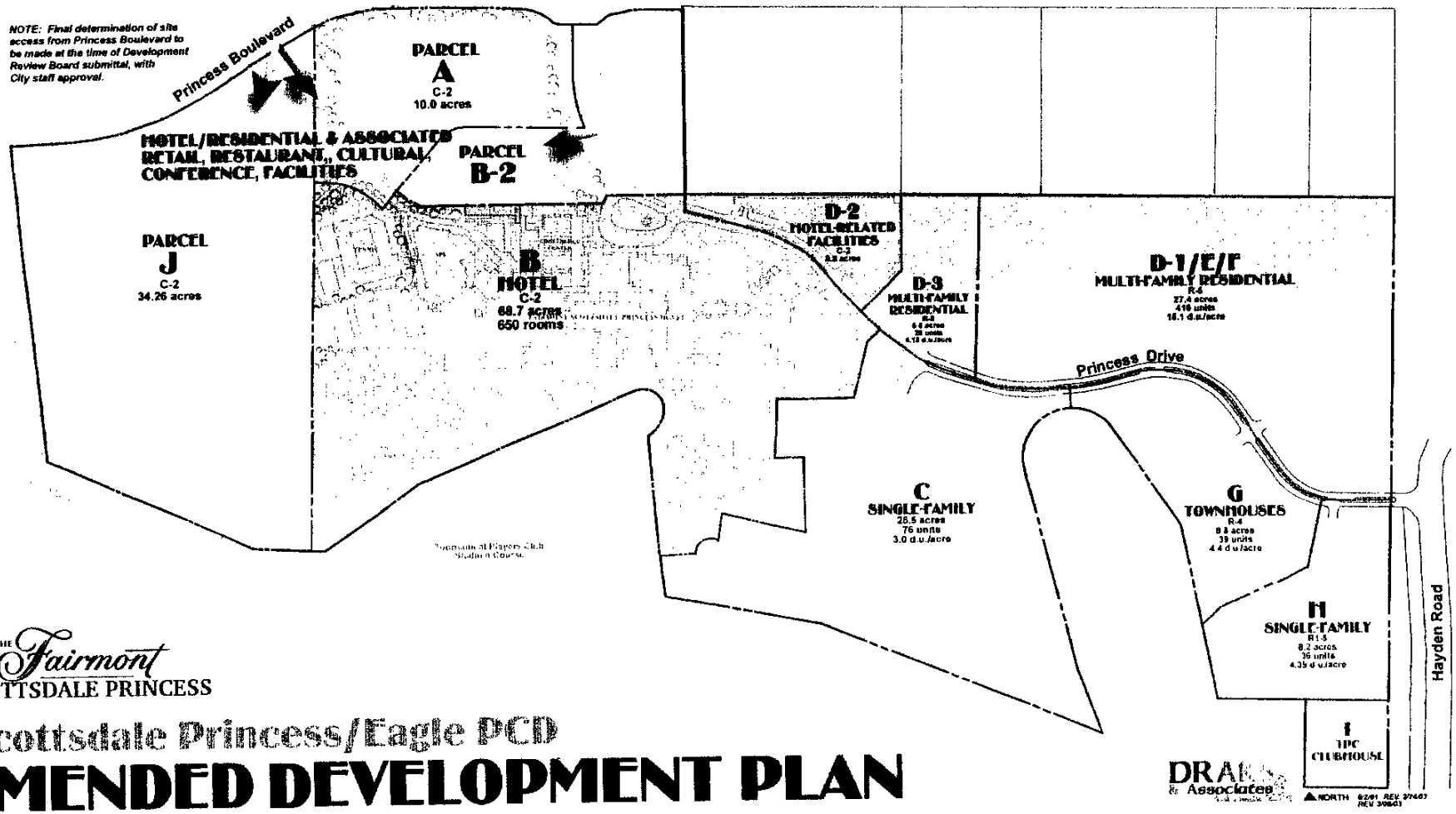
(On following pages)

Appendix A – **Amended Development Plan**

Appendix B – **Trip Generation Comparison Memorandum** *(Olsson Associates)*

Appendix C – **Amended C-2 Development Standards**
Amended Off-Street Parking Standards

Appendix A
Amended Development Plan



THE Fairmont
SCOTTSDALE PRINCESS

Scottsdale Princess/Eagle PCD

AMENDED DEVELOPMENT PLAN

DRAEGER & Associates

Appendix B
Trip Generation Comparison
Olsson Associates

OLSSON ASSOCIATES

Memorandum

To: Stewart Cushman
Vice President
Wolff-DiNapoli

From: Paul E. Basha, P.E., P.T.O.E.

Date: 27 February 2003

Project: Fairmont Scottsdale Princess

Project No.: 2-2003-0214

Subject: Trip Generation Comparison

Registered Professional Engineer (Civil)
CERTIFICATE NO.
17711
PAUL
BASHA
Date Signed 2/27/03
ARIZONA, U.S.A.

Per your request, we have completed an analysis comparing the trip generation of the currently approved zoning and the proposed land uses for the Fairmont Scottsdale Princess property.

The land uses associated with each of the two scenarios are listed below and on the following page. Parcels A and B refers to property currently developed as part of the Fairmont Scottsdale Princess Hotel. Parcel J refers to property recently leased by the Fairmont Scottsdale Princess from the Arizona State Land Department. The 895,000 square feet of commercial office – approved by current zoning – was assumed to be 90% office, 5% restaurant, and 5% retail for purposes of estimating the trip generation.

Approved Zoning

Parcels A&B:
41,700 square feet of retail
15,000 square feet of restaurants
75,000 square feet of office

Parcel J:
895,000 square feet of commercial office

Current Proposed Land Uses

Parcels A and B:
50,000 square feet of conference

Parcel J:
350 Resort/Residential units
100,000 square feet of retail
50,000 square feet of restaurants
20,000 square feet of conference
25,000 square feet of cultural uses
30,000 square feet of hotel clubhouse, recreation, amenities

The estimated daily traffic volumes resulting from the currently approved zoning and the newly proposed land uses are provided below.

ESTIMATED DAILY TRAFFIC VOLUME FOR INDICATED LAND USE

	APPROVED	PROPOSED	DIFFERENCE
PARCELS A and B	5,523	615	- 89%
PARCEL J	18,766	13,816	- 26%
TOTAL	24,289	14,431	- 41%

These data indicate that the current development proposal would generate an estimated 41% fewer daily vehicles than the currently approved development.

A complete summary of the estimated daily and hourly traffic volumes for each of the two scenarios is provided on the following pages. All traffic volume estimations were calculated based on the data and procedures provided in the Institute of Transportation Engineers 1997 publication, *Trip Generation, Sixth Edition,* with one exception. This document does not contain a land use category of conference area. The trip generation rates for this land use category were determined in the 2001 Traffic Impact Study for the Fairmont Scottsdale Princess Case 100-PA-2001 as prepared by Amec. This study utilized traffic volumes measured at the Fairmont Scottsdale Princess to estimate trip generation rates for the conference area. These rates were also utilized for this comparative analysis. The trip generation calculations are attached.

TABLE 1: APPROVED ZONING (1987)								
		Generated Trips						
			AM Peak Hour			PM Peak Hour		
Land Use	Size	Daily	Enter	Exit	Total	Enter	Exit	Total
Parcels A & B (Princess Property)								
Retail	41,700 SF	3,884	58	37	95	169	183	353
Restaurants	15,000 SF	1,955	72	67	139	177	113	290
Office	75,000 SF	1,064	130	18	148	28	136	163
Parcels A & B Total (reduced by 20% for internal trips)		5,523	209	97	306	299	346	645
Parcel J (State Trust Land) 895,000 SF of commercial office								
Retail - 5%	22,375 SF	4,065	60	39	99	177	192	369
Restaurant - 5%	22,375 SF	5,833	216	199	415	292	194	486
Office - 90%	850,250 SF	8,869	1,106	151	1,257	204	996	1,200
Parcel J		18,766	1,382	389	1,770	673	1,383	2,056
TOTAL PARCELS A, B, & J		**24,289**	**1,590**	**486**	**2,076**	**972**	**1,728**	**2,700**

TABLE 2: PROPOSED LAND USES (FEBRUARY 2003)								
		Generated Trips						
			AM Peak Hour			PM Peak Hour		
Land Use	Size	Daily	Enter	Exit	Total	Enter	Exit	Total
Parcels A & B (Princess Property)								
Conference Center Expansion	Increase by 50,000 SF	615	77	38	115	48	97	145
Parcels A & B Total		615	77	38	115	48	97	145
Parcel J (State Trust Land)								
Resort/Residential	350 Units	4,701	93	36	130	93	36	130
Retail	100,000 SF	6,817	98	62	160	301	327	628
Restaurants	50,000 SF	5,507	137	115	252	345	170	515
Conference	20,000 SF	246	31	15	46	19	39	58
Cultural	25,000 SF	Incidental to other uses						
Clubhouse	30,000 SF	Included within Resort/Residential Units						
Parcel J Total (reduced by 20% for internal trips)		13,816	287	183	470	607	458	1,064
TOTAL PARCELS A, B, & J		**14,431**	**364**	**221**	**585**	**655**	**555**	**1,209**

Please contact me at (602) 748-1005 extension 209 if you have any questions regarding this memorandum or its calculations.

Attachments

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE		PARCELS A&B-1987 ZONING CASE SHOPPING CENTER - 820 1000 GROSS SQUARE FEET 41.70		
		TRIPS		
		ENTERING	EXITING	TOTAL
***WEEKDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	299			
AVERAGE SIZE	331			
MINIMUM RATE	12.50	261	261	521
AVERAGE RATE	42.92	895	895	1,790
MAXIMUM RATE	270.89	5,648	5,648	11,296
STANDARD DEVIATION	21.39			
EQUATION	$R^2 = 0.78$	1,942	1,942	3,884
LARGEST OF AVERAGE OR EQUATION		**1,942**	**1,942**	**3,884**
AM PEAK HOUR ADJACENT STREET		61%	39%	
NUMBER OF STUDIES	96			
AVERAGE SIZE	292			
MINIMUM RATE	0.10	3	2	4
AVERAGE RATE	1.03	26	17	43
MAXIMUM RATE	9.05	230	147	377
STANDARD DEVIATION	1.40			
EQUATION	$R^2 = 0.51$	58	37	95
LARGEST OF AVERAGE OR EQUATION		**58**	**37**	**95**
AM PEAK HOUR GENERATOR		NA	NA	
NUMBER OF STUDIES	NA			
AVERAGE SIZE	NA			
MINIMUM RATE	NA	3	2	4
AVERAGE RATE	NA	26	17	43
MAXIMUM RATE	NA	230	147	377
STANDARD DEVIATION	NA			
EQUATION	NA	58	37	95
LARGEST OF AVERAGE OR EQUATION		**58**	**37**	**95**
PM PEAK HOUR ADJACENT STREET		48%	52%	
NUMBER OF STUDIES	401			
AVERAGE SIZE	383			
MINIMUM RATE	0.68	14	15	28
AVERAGE RATE	3.74	75	81	156
MAXIMUM RATE	29.27	586	635	1,221
STANDARD DEVIATION	2.73			
EQUATION	$R^2 = 0.81$	169	183	353
LARGEST OF AVERAGE OR EQUATION		**169**	**183**	**353**
PM PEAK HOUR GENERATOR		NA	NA	
NUMBER OF STUDIES	NA			
AVERAGE SIZE	NA			
MINIMUM RATE	NA	14	15	28
AVERAGE RATE	NA	75	81	156
MAXIMUM RATE	NA	586	635	1,221
STANDARD DEVIATION	NA			
EQUATION	NA	169	183	353
LARGEST OF AVERAGE OR EQUATION		**169**	**183**	**353**

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE		PARCELS A&B-1987 ZONING CASE HIGH TURNOVER (SIT-DOWN) RESTAURANT - 832 1,000 SQUARE FEET GROSS FLOOR AREA 15.00		
		TRIPS		
		ENTERING	EXITING	TOTAL
***WEEKDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	12			
AVERAGE SIZE	7			
MINIMUM RATE	73.51	551	551	1,103
AVERAGE RATE	130.34	978	978	1,955
MAXIMUM RATE	246.00	1,845	1,845	3,690
STANDARD DEVIATION	43.77			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**978**	**978**	**1,955**
AM PEAK HOUR ADJACENT STREET		52%	48%	
NUMBER OF STUDIES	22			
AVERAGE SIZE	6			
MINIMUM RATE	0.53	4	4	8
AVERAGE RATE	9.27	72	67	139
MAXIMUM RATE	25.60	200	184	384
STANDARD DEVIATION	7.46			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**72**	**67**	**139**
AM PEAK HOUR GENERATOR		49%	51%	
NUMBER OF STUDIES	18			
AVERAGE SIZE	7			
MINIMUM RATE	3.00	27	18	45
AVERAGE RATE	14.62	132	88	219
MAXIMUM RATE	54.09	487	325	811
STANDARD DEVIATION	10.49			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**132**	**88**	**219**
PM PEAK HOUR ADJACENT STREET		60%	40%	
NUMBER OF STUDIES	34			
AVERAGE SIZE	6			
MINIMUM RATE	2.80	25	17	42
AVERAGE RATE	10.86	98	65	163
MAXIMUM RATE	62.00	558	372	930
STANDARD DEVIATION	9.83			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**98**	**65**	**163**
PM PEAK HOUR GENERATOR		61%	39%	
NUMBER OF STUDIES	25			
AVERAGE SIZE	5			
MINIMUM RATE	5.60	51	33	84
AVERAGE RATE	19.38	177	113	291
MAXIMUM RATE	69.20	633	405	1,038
STANDARD DEVIATION	14.39			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**177**	**113**	**291**

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	PARCELS A&B-1987 ZONING CASE GENERAL OFFICE - 710 1000 SQUARE FEET 75.000			
		TRIPS		
	RATE	ENTERING	EXITING	SUM
***WEEKDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	78			
AVERAGE SIZE	199			
MINIMUM RATE	3.58	134	134	269
AVERAGE RATE	11.01	413	413	826
MAXIMUM RATE	28.80	1,080	1,080	2,160
STANDARD DEVIATION	6.13			
EQUATION	R^2=.80	532	532	1,064
LARGEST OF AVERAGE OR EQUATION		**532**	**532**	**1,064**
AM PEAK HOUR ADJACENT STREET		88%	12%	
NUMBER OF STUDIES	216			
AVERAGE SIZE	223			
MINIMUM RATE	0.60	40	5	45
AVERAGE RATE	1.56	103	14	117
MAXIMUM RATE	5.98	395	54	449
STANDARD DEVIATION	1.40			
EQUATION	R^2=.83	130	18	148
LARGEST OF AVERAGE OR EQUATION		**130**	**18**	**148**
AM PEAK HOUR GENERATOR		88%	12%	
NUMBER OF STUDIES	216			
AVERAGE SIZE	223			
MINIMUM RATE	0.60	40	5	45
AVERAGE RATE	1.56	103	14	117
MAXIMUM RATE	5.98	395	54	449
STANDARD DEVIATION	1.40			
EQUATION	R^2=.83	130	18	148
LARGEST OF AVERAGE OR EQUATION		**130**	**18**	**148**
PM PEAK HOUR ADJACENT STREET		17%	83%	
NUMBER OF STUDIES	234			
AVERAGE SIZE	216			
MINIMUM RATE	0.49	6	31	37
AVERAGE RATE	1.49	19	93	112
MAXIMUM RATE	6.39	81	398	479
STANDARD DEVIATION	1.37			
EQUATION	R^2=.82	28	136	163
LARGEST OF AVERAGE OR EQUATION		**28**	**136**	**163**
PM PEAK HOUR GENERATOR		17%	83%	
NUMBER OF STUDIES	234			
AVERAGE SIZE	216			
MINIMUM RATE	0.49	6	31	37
AVERAGE RATE	1.49	19	93	112
MAXIMUM RATE	6.39	81	398	479
STANDARD DEVIATION	1.37			
EQUATION	R^2=.82	28	136	163
LARGEST OF AVERAGE OR EQUATION		**28**	**136**	**163**

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	STATE TRUST LAND-1987 ZONING CASE GENERAL OFFICE - 710 1000 SQUARE FEET 805.500			
		TRIPS		
	RATE	ENTERING	EXITING	SUM
***WEEKDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	78			
AVERAGE SIZE	199			
MINIMUM RATE	3.58	1,442	1,442	2,884
AVERAGE RATE	11.01	4,434	4,434	8,869
MAXIMUM RATE	28.80	11,599	11,599	23,198
STANDARD DEVIATION	6.13			
EQUATION	R^2=.80	3,294	3,294	6,588
LARGEST OF AVERAGE OR EQUATION		**4,434**	**4,434**	**8,869**
AM PEAK HOUR ADJACENT STREET		88%	12%	
NUMBER OF STUDIES	216			
AVERAGE SIZE	223			
MINIMUM RATE	0.60	425	58	483
AVERAGE RATE	1.56	1,106	151	1,257
MAXIMUM RATE	5.98	4,239	578	4,817
STANDARD DEVIATION	1.40			
EQUATION	R^2=.83	865	118	983
LARGEST OF AVERAGE OR EQUATION		**1,106**	**151**	**1,257**
AM PEAK HOUR GENERATOR		88%	12%	
NUMBER OF STUDIES	216			
AVERAGE SIZE	223			
MINIMUM RATE	0.60	425	58	483
AVERAGE RATE	1.56	1,106	151	1,257
MAXIMUM RATE	5.98	4,239	578	4,817
STANDARD DEVIATION	1.40			
EQUATION	R^2=.83	865	118	983
LARGEST OF AVERAGE OR EQUATION		**1,106**	**151**	**1,257**
PM PEAK HOUR ADJACENT STREET		17%	83%	
NUMBER OF STUDIES	234			
AVERAGE SIZE	216			
MINIMUM RATE	0.49	67	328	395
AVERAGE RATE	1.49	204	996	1,200
MAXIMUM RATE	6.39	875	4,272	5,147
STANDARD DEVIATION	1.37			
EQUATION	R^2=.82	167	815	982
LARGEST OF AVERAGE OR EQUATION		**204**	**996**	**1,200**
PM PEAK HOUR GENERATOR		17%	83%	
NUMBER OF STUDIES	234			
AVERAGE SIZE	216			
MINIMUM RATE	0.49	67	328	395
AVERAGE RATE	1.49	204	996	1,200
MAXIMUM RATE	6.39	875	4,272	5,147
STANDARD DEVIATION	1.37			
EQUATION	R^2=.82	167	815	982
LARGEST OF AVERAGE OR EQUATION		**204**	**996**	**1,200**

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	PARCELS A&B-1987 ZONING CASE HIGH TURNOVER (SIT-DOWN) RESTAURANT - 832 1,000 SQUARE FEET GROSS FLOOR AREA 44.750			
		TRIPS		
		ENTERING	EXITING	TOTAL
***WEEKDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	12			
AVERAGE SIZE	7			
MINIMUM RATE	73.51	1,645	1,645	3,290
AVERAGE RATE	130.34	2,916	2,916	5,833
MAXIMUM RATE	246.00	5,504	5,504	11,009
STANDARD DEVIATION	43.77			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**2,916**	**2,916**	**5,833**
AM PEAK HOUR ADJACENT STREET		52%	48%	
NUMBER OF STUDIES	22			
AVERAGE SIZE	6			
MINIMUM RATE	0.53	12	11	24
AVERAGE RATE	9.27	216	199	415
MAXIMUM RATE	25.60	596	550	1,146
STANDARD DEVIATION	7.46			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**216**	**199**	**415**
AM PEAK HOUR GENERATOR		49%	51%	
NUMBER OF STUDIES	18			
AVERAGE SIZE	7			
MINIMUM RATE	3.00	81	54	134
AVERAGE RATE	14.62	393	262	654
MAXIMUM RATE	54.09	1,452	968	2,421
STANDARD DEVIATION	10.49			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**393**	**262**	**654**
PM PEAK HOUR ADJACENT STREET		60%	40%	
NUMBER OF STUDIES	34			
AVERAGE SIZE	6			
MINIMUM RATE	2.80	75	50	125
AVERAGE RATE	10.86	292	194	486
MAXIMUM RATE	62.00	1,665	1,110	2,775
STANDARD DEVIATION	9.83			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**292**	**194**	**486**
PM PEAK HOUR GENERATOR		61%	39%	
NUMBER OF STUDIES	25			
AVERAGE SIZE	5			
MINIMUM RATE	5.60	153	98	251
AVERAGE RATE	19.38	529	338	867
MAXIMUM RATE	69.20	1,889	1,208	3,097
STANDARD DEVIATION	14.39			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**529**	**338**	**867**

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE		STATE LAND USE - 1987 ZONING CASE SHOPPING CENTER - 820 1000 GROSS SQUARE FEET 44.750		
		TRIPS		
		ENTERING	EXITING	TOTAL
***WEEKDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	299			
AVERAGE SIZE	331			
MINIMUM RATE	12.50	280	280	559
AVERAGE RATE	42.92	960	960	1,921
MAXIMUM RATE	270.89	6,061	6,061	12,122
STANDARD DEVIATION	21.39			
EQUATION	$R^2 = 0.78$	2,032	2,032	4,065
LARGEST OF AVERAGE OR EQUATION		**2,032**	**2,032**	**4,065**
AM PEAK HOUR ADJACENT STREET		61%	39%	
NUMBER OF STUDIES	96			
AVERAGE SIZE	292			
MINIMUM RATE	0.10	3	2	4
AVERAGE RATE	1.03	28	18	46
MAXIMUM RATE	9.05	247	158	405
STANDARD DEVIATION	1.40			
EQUATION	$R^2 = 0.51$	60	39	99
LARGEST OF AVERAGE OR EQUATION		**60**	**39**	**99**
AM PEAK HOUR GENERATOR		NA	NA	
NUMBER OF STUDIES	NA			
AVERAGE SIZE	NA			
MINIMUM RATE	NA	3	2	4
AVERAGE RATE	NA	28	18	46
MAXIMUM RATE	NA	247	158	405
STANDARD DEVIATION	NA			
EQUATION	NA	60	39	99
LARGEST OF AVERAGE OR EQUATION		**60**	**39**	**99**
PM PEAK HOUR ADJACENT STREET		48%	52%	
NUMBER OF STUDIES	401			
AVERAGE SIZE	383			
MINIMUM RATE	0.68	15	16	30
AVERAGE RATE	3.74	80	87	167
MAXIMUM RATE	29.27	629	681	1,310
STANDARD DEVIATION	2.73			
EQUATION	$R^2 = 0.81$	177	192	369
LARGEST OF AVERAGE OR EQUATION		**177**	**192**	**369**
PM PEAK HOUR GENERATOR		NA	NA	
NUMBER OF STUDIES	NA			
AVERAGE SIZE	NA			
MINIMUM RATE	NA	15	16	30
AVERAGE RATE	NA	80	87	167
MAXIMUM RATE	NA	629	681	1,310
STANDARD DEVIATION	NA			
EQUATION	NA	177	192	369
LARGEST OF AVERAGE OR EQUATION		**177**	**192**	**369**

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	PARCELS A&B-1987 ZONING CASE RESORT HOTEL - 330 OCCUPIED ROOMS 302			
		TRIPS		
	RATE	ENTERING	EXITING	SUM
***SATURDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	1			
AVERAGE SIZE	273			
MINIMUM RATE	NA	NA	NA	NA
AVERAGE RATE	13.43	2,028	2,028	4,056
MAXIMUM RATE	NA	NA	NA	NA
STANDARD DEVIATION	NA			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**2,028**	**2,028**	**4,056**
PEAK HOUR GENERATOR		NA	NA	
NUMBER OF STUDIES	NA			
AVERAGE SIZE	NA			
MINIMUM RATE	NA	NA	NA	NA
AVERAGE RATE	NA	NA	NA	NA
MAXIMUM RATE	NA	NA	NA	NA
STANDARD DEVIATION	NA			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**0**	**0**	**0**
***SUNDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	1			
AVERAGE SIZE	273			
MINIMUM RATE	NA	NA	NA	NA
AVERAGE RATE	10.09	1,524	1,524	3,047
MAXIMUM RATE	NA	NA	NA	NA
STANDARD DEVIATION	NA			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**1,524**	**1,524**	**3,047**
PEAK HOUR GENERATOR		NA	NA	
NUMBER OF STUDIES	NA			
AVERAGE SIZE	NA			
MINIMUM RATE	NA	NA	NA	NA
AVERAGE RATE	NA	NA	NA	NA
MAXIMUM RATE	NA	NA	NA	NA
STANDARD DEVIATION	NA			
EQUATION	NA	NA	NA	NA

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	PROPOSED LAND USE-FEBRUARY 2003-PARCEL J RESORT HOTEL - 330 OCCUPIED ROOMS 350			
		TRIPS		
	RATE	ENTERING	EXITING	SUM
***WEEKDAY* DAILY**		NA	NA	
NUMBER OF STUDIES	NA			
AVERAGE SIZE	NA			
MINIMUM RATE	NA	NA	NA	NA
AVERAGE RATE	NA	2,350	2,350	NA
MAXIMUM RATE	NA	NA	NA	NA
STANDARD DEVIATION	NA			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**2,350**	**2,350**	**4,701**
AM PEAK HOUR ADJACENT STREET		72%	28%	
NUMBER OF STUDIES	7			
AVERAGE SIZE	434			
MINIMUM RATE	0.28	71	27	98
AVERAGE RATE	0.37	93	36	130
MAXIMUM RATE	0.59	149	58	207
STANDARD DEVIATION	0.61			
EQUATION	R^2=.81	93	36	129
LARGEST OF AVERAGE OR EQUATION		**93**	**36**	**130**
AM PEAK HOUR GENERATOR		63%	37%	
NUMBER OF STUDIES	7			
AVERAGE SIZE	434			
MINIMUM RATE	0.34	75	44	119
AVERAGE RATE	0.47	104	61	165
MAXIMUM RATE	0.67	148	87	235
STANDARD DEVIATION	0.70			
EQUATION	R^2=.73	108	64	172
LARGEST OF AVERAGE OR EQUATION		**108**	**64**	**172**
PM PEAK HOUR ADJACENT STREET		43%	57%	
NUMBER OF STUDIES	10			
AVERAGE SIZE	429			
MINIMUM RATE	0.27	41	54	95
AVERAGE RATE	0.49	74	98	172
MAXIMUM RATE	0.72	108	144	252
STANDARD DEVIATION	0.70			
EQUATION	R^2=.88	70	93	163
LARGEST OF AVERAGE OR EQUATION		**74**	**98**	**172**
PM PEAK HOUR GENERATOR		50%	50%	
NUMBER OF STUDIES	7			
AVERAGE SIZE	434			
MINIMUM RATE	0.36	63	63	126
AVERAGE RATE	0.59	103	103	207
MAXIMUM RATE	1.06	186	186	371
STANDARD DEVIATION	0.79			
EQUATION	R^2=.64	113	113	226
LARGEST OF AVERAGE OR EQUATION		**113**	**113**	**226**

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	PROPOSED LAND USE-FEBRUARY 2003-PARCEL J HIGH TURNOVER (SIT-DOWN) RESTAURANT - 832 1,000 SQUARE FEET GROSS FLOOR AREA 25.00			
		TRIPS		
		ENTERING	EXITING	TOTAL
***WEEKDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	12			
AVERAGE SIZE	7			
MINIMUM RATE	73.51	919	919	1,838
AVERAGE RATE	130.34	1,629	1,629	3,259
MAXIMUM RATE	246.00	3,075	3,075	6,150
STANDARD DEVIATION	43.77			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**1,629**	**1,629**	**3,259**
AM PEAK HOUR ADJACENT STREET		52%	48%	
NUMBER OF STUDIES	22			
AVERAGE SIZE	6			
MINIMUM RATE	0.53	7	6	13
AVERAGE RATE	9.27	121	111	232
MAXIMUM RATE	25.60	333	307	640
STANDARD DEVIATION	7.46			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**121**	**111**	**232**
AM PEAK HOUR GENERATOR		49%	51%	
NUMBER OF STUDIES	18			
AVERAGE SIZE	7			
MINIMUM RATE	3.00	45	30	75
AVERAGE RATE	14.62	219	146	366
MAXIMUM RATE	54.09	811	541	1,352
STANDARD DEVIATION	10.49			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**219**	**146**	**366**
PM PEAK HOUR ADJACENT STREET		60%	40%	
NUMBER OF STUDIES	34			
AVERAGE SIZE	6			
MINIMUM RATE	2.80	42	28	70
AVERAGE RATE	10.86	163	109	272
MAXIMUM RATE	62.00	930	620	1,550
STANDARD DEVIATION	9.83			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**163**	**109**	**272**
PM PEAK HOUR GENERATOR		61%	39%	
NUMBER OF STUDIES	25			
AVERAGE SIZE	5			
MINIMUM RATE	5.60	85	55	140
AVERAGE RATE	19.38	296	189	485
MAXIMUM RATE	69.20	1,055	675	1,730
STANDARD DEVIATION	14.39			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**296**	**189**	**485**

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	PROPOSED LAND USE-FEBRUARY 2003-PARCEL J SHOPPING CENTER - 820 1000 GROSS SQUARE FEET 100.00	TRIPS		
		ENTERING	EXITING	TOTAL
***WEEKDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	299			
AVERAGE SIZE	331			
MINIMUM RATE	12.50	625	625	1,250
AVERAGE RATE	42.92	2,146	2,146	4,292
MAXIMUM RATE	270.89	13,545	13,545	27,089
STANDARD DEVIATION	21.39			
EQUATION	$R^2 = 0.78$	3,408	3,408	6,817
LARGEST OF AVERAGE OR EQUATION		**3,408**	**3,408**	**6,817**
AM PEAK HOUR ADJACENT STREET		61%	39%	
NUMBER OF STUDIES	96			
AVERAGE SIZE	292			
MINIMUM RATE	0.10	6	4	10
AVERAGE RATE	1.03	63	40	103
MAXIMUM RATE	9.05	552	353	905
STANDARD DEVIATION	1.40			
EQUATION	$R^2 = 0.51$	98	62	160
LARGEST OF AVERAGE OR EQUATION		**98**	**62**	**160**
AM PEAK HOUR GENERATOR		NA	NA	
NUMBER OF STUDIES	NA			
AVERAGE SIZE	NA			
MINIMUM RATE	NA	6	4	10
AVERAGE RATE	NA	63	40	103
MAXIMUM RATE	NA	552	353	905
STANDARD DEVIATION	NA			
EQUATION	NA	98	62	160
LARGEST OF AVERAGE OR EQUATION		**98**	**62**	**160**
PM PEAK HOUR ADJACENT STREET		48%	52%	
NUMBER OF STUDIES	401			
AVERAGE SIZE	383			
MINIMUM RATE	0.68	33	35	68
AVERAGE RATE	3.74	180	194	374
MAXIMUM RATE	29.27	1,405	1,522	2,927
STANDARD DEVIATION	2.73			
EQUATION	$R^2 = 0.81$	301	327	628
LARGEST OF AVERAGE OR EQUATION		**301**	**327**	**628**
PM PEAK HOUR GENERATOR		NA	NA	
NUMBER OF STUDIES	NA			
AVERAGE SIZE	NA			
MINIMUM RATE	NA	33	35	68
AVERAGE RATE	NA	180	194	374
MAXIMUM RATE	NA	1,405	1,522	2,927
STANDARD DEVIATION	NA			
EQUATION	NA	301	327	628
LARGEST OF AVERAGE OR EQUATION		**301**	**327**	**628**

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	PROPOSED LAND USE-FEBRUARY 2003-PARCEL J QUALITY RESTAURANT - 831 1,000 SQUARE FEET GROSS FLOOR AREA 25.00			
		TRIPS		
		ENTERING	EXITING	TOTAL
***WEEKDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	15			
AVERAGE SIZE	9			
MINIMUM RATE	33.41	418	418	835
AVERAGE RATE	89.95	1,124	1,124	2,249
MAXIMUM RATE	139.80	1,748	1,748	3,495
STANDARD DEVIATION	36.81			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**1,124**	**1,124**	**2,249**
AM PEAK HOUR ADJACENT STREET		82%	18%	
NUMBER OF STUDIES	11			
AVERAGE SIZE	9			
MINIMUM RATE	0.25	5	1	6
AVERAGE RATE	0.81	17	4	20
MAXIMUM RATE	1.60	33	7	40
STANDARD DEVIATION	0.93			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**17**	**4**	**20**
AM PEAK HOUR GENERATOR		82%	18%	
NUMBER OF STUDIES	14			
AVERAGE SIZE	9			
MINIMUM RATE	0.87	15	7	22
AVERAGE RATE	5.57	93	46	139
MAXIMUM RATE	10.37	174	86	259
STANDARD DEVIATION	3.79			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**93**	**46**	**139**
PM PEAK HOUR ADJACENT STREET		67%	33%	
NUMBER OF STUDIES	24			
AVERAGE SIZE	9			
MINIMUM RATE	2.42	41	20	61
AVERAGE RATE	7.49	125	62	187
MAXIMUM RATE	18.64	312	154	466
STANDARD DEVIATION	4.89			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**125**	**62**	**187**
PM PEAK HOUR GENERATOR		62%	38%	
NUMBER OF STUDIES	16			
AVERAGE SIZE	9			
MINIMUM RATE	3.24	50	31	81
AVERAGE RATE	9.02	140	86	226
MAXIMUM RATE	15.89	246	151	397
STANDARD DEVIATION	4.55			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**140**	**86**	**226**

PARCEL ITE LAND USE CATEGORY AND CODE INDEPENDENT VARIABLE SIZE	PROPOSED LAND USE-FEBRUARY 2003-PARCEL J HIGH TURNOVER (SIT-DOWN) RESTAURANT - 832 1,000 SQUARE FEET GROSS FLOOR AREA 25.00			
		TRIPS		
		ENTERING	EXITING	TOTAL
***WEEKDAY* DAILY**		50%	50%	
NUMBER OF STUDIES	12			
AVERAGE SIZE	7			
MINIMUM RATE	73.51	919	919	1,838
AVERAGE RATE	130.34	1,629	1,629	3,259
MAXIMUM RATE	246.00	3,075	3,075	6,150
STANDARD DEVIATION	43.77			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**1,629**	**1,629**	**3,259**
AM PEAK HOUR ADJACENT STREET		52%	48%	
NUMBER OF STUDIES	22			
AVERAGE SIZE	6			
MINIMUM RATE	0.53	7	6	13
AVERAGE RATE	9.27	121	111	232
MAXIMUM RATE	25.60	333	307	640
STANDARD DEVIATION	7.46			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**121**	**111**	**232**
AM PEAK HOUR GENERATOR		49%	51%	
NUMBER OF STUDIES	18			
AVERAGE SIZE	7			
MINIMUM RATE	3.00	45	30	75
AVERAGE RATE	14.62	219	146	366
MAXIMUM RATE	54.09	811	541	1,352
STANDARD DEVIATION	10.49			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**219**	**146**	**366**
PM PEAK HOUR ADJACENT STREET		60%	40%	
NUMBER OF STUDIES	34			
AVERAGE SIZE	6			
MINIMUM RATE	2.80	42	28	70
AVERAGE RATE	10.86	163	109	272
MAXIMUM RATE	62.00	930	620	1,550
STANDARD DEVIATION	9.83			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**163**	**109**	**272**
PM PEAK HOUR GENERATOR		61%	39%	
NUMBER OF STUDIES	25			
AVERAGE SIZE	5			
MINIMUM RATE	5.60	85	55	140
AVERAGE RATE	19.38	296	189	485
MAXIMUM RATE	69.20	1,055	675	1,730
STANDARD DEVIATION	14.39			
EQUATION	NA	NA	NA	NA
LARGEST OF AVERAGE OR EQUATION		**296**	**189**	**485**

ESTIMATED TRAFFIC VOLUMES GENERATED BY HOTEL CONFERENCE AREA

	DAY TOTAL	AM PEAK HOUR ENTER	AM PEAK HOUR EXIT	AM PEAK HOUR TOTAL	PM PEAK HOUR ENTER	PM PEAK HOUR EXIT	PM PEAK HOUR TOTAL
18,000 SF Expansion Calculated from Existing Traffic Volumes	222	28	14	42	17	35	52
Rate per 1000 SF	12.3	67%	33%	2.3	67%	33%	2.9
	DAY TOTAL	AM PEAK HOUR ENTER	AM PEAK HOUR EXIT	AM PEAK HOUR TOTAL	PM PEAK HOUR ENTER	PM PEAK HOUR EXIT	PM PEAK HOUR TOTAL
50,000 SF Expansion Based on calculated rates	615	77	38	115	48	97	145
	DAY TOTAL	AM PEAK HOUR ENTER	AM PEAK HOUR EXIT	AM PEAK HOUR TOTAL	PM PEAK HOUR ENTER	PM PEAK HOUR EXIT	PM PEAK HOUR TOTAL
20,000 SF Conference Based on calculated rates	246	31	15	46	19	39	58

Note: Data obtained from August 2001 Traffic Impact Analyses by Amec

Appendix C
Amended C-2 Development Standards
Amended Off-Street Parking Standards

C-2 CENTRAL BUSINESS DISTRICT – *Amended Development Standards*

Approved as part of Case 63-Z-87)

Sec. 5.1404. Property development standards.

The following property development standards shall apply to all land and buildings in the C-2 district:

A. *Floor area ratio.* In no case shall the gross floor area of a structure exceed the amount equal to eight-tenths multiplied by net lot area in square feet.

B. *Volume ratio.* In no case shall the volume of any structure exceed the product of the net lot area in square feet multiplied by 9.6 feet.

C. Open space requirement.

1. In no case shall the open space requirement be less than ~~ten (10)~~ TWELVE (12) percent of the net lot area for zero (0) feet to twelve (12) feet of height, plus ~~four-tenths~~ FIVE-TENTHS percent of the net lot for each foot of height above twelve (12) feet.

2. Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance.

D. *Building height.* No building shall exceed thirty-six (36) feet in height except as otherwise provided in article VI or article VII.

E. *Density.*

1. Hotels, motels, and timeshare projects shall provide not less than ten (10) guest rooms and/or dwelling units with a minimum gross land area of one thousand (1,000) square feet per unit.

2. Multiple-family dwellings shall provide a minimum floor area of five hundred (500) square feet for each dwelling unit.

F. *Yards.*

1. Front Yard.

a. No front yard is required except as listed in the following three (3) paragraphs and in article VII hereof, ~~unless a block is partly in a residential district, in which event the front yard regulations of the residential district shall apply.~~

b. ~~A minimum of one-half (1/2) of the open space requirement shall be incorporated as frontage open space to provide a setting for the building and a streetscape containing a variety of spaces.~~

c. Where parking occurs between a building and the street a yard of thirty-five (35) feet in depth between the street and parking shall be maintained. This depth may be decreased to a minimum of twenty (20) feet subject to Section 10.402.D.3.

2. Side Yard.

a. A side yard of not less than ~~fifty (50)~~ FIFTEEN (15) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The ~~fifty (50)~~ FIF TEEN (15) feet may include the width of the alley.

b. A side yard of not less than ~~twenty-five (25)~~ TEN (10) feet shall be maintained where the side lot abuts a multiple-family residential district. The ~~twenty-five (25)~~ TEN (10) feet may include any alley adjacent to the multiple-family residential district.

3. Rear Yard.

a. A rear yard of not less than ~~fifty (50)~~ FIFTEEN (15) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district. The ~~fifty (50)~~ feet may include the width of the alley.

b. A rear yard of not less than ~~twenty-five (25)~~ TEN (10) feet shall be maintained where the rear lot abuts a multiple-family residential district. ~~The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district~~.

4. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review [Board] approval or use permit.

5. Other requirements and exceptions as specified in article VII.

(Ord. No. 1840, § 1, 10-15-85; Ord. No. 2818, § 1, 10-17-95)

Approved as part of Case 63-Z-87

Sec. 9.103. Parking requirements.

A. *General requirement*. Except as provided elsewhere in this ordinance, each principal and accessory use of land shall be provided with the number of on-site parking spaces indicated for that use in table 9.2.

B. *Required bicycle parking*. Every principal and accessory use of land which is required to provide at least forty (40) vehicular parking spaces shall be required to provide bicycle parking spaces at a rate of one (1) bicycle parking space per every ten (10) required vehicular parking spaces. Those professional office, business, and retail uses outside of the downtown (D) districts which primarily serve the surrounding neighborhood or provide basic convenience goods and services, but are required to provide less than forty (40) vehicular parking spaces, shall provide a minimum of four (4) bicycle parking spaces. All other uses required to provide less than forty (40) vehicular parking spaces may also provide bicycle parking which may be used to reduce vehicular parking requirements pursuant to section 9.104.C., *Credit for bicycle parking facilities.* In no event shall any use be required to provide more than one hundred (100) bicycle parking spaces.

For uses in the downtown (D) districts required to provide less than forty (40) vehicular parking spaces, bicycle parking spaces may be provided by the City within larger common public rights-of-way, and conveniently and aesthetically located.

Required bicycle parking facilities shall, at a minimum, provide a stationary object to which the operator can lock the bicycle frame and both wheels with a user provided U-shaped lock or cable and lock. Bicycle lockers and other high security bicycle parking facilities, if provided, may be granted parking credits pursuant to 9.104.C, credit for bicycle parking facilities.

C. *Calculating required parking for bar and restaurant combinations.* For bars and nightclubs which serve food and for restaurants which include a bar, required parking shall be calculated according to table 9.1 below.

Table 9.1. Calculating Parking for Bars and Restaurant Combinations

Percentage of Gross Floor Area Devoted to Kitchen	Percentage of Public Floor Area Calculated as Restaurant	Percentage of Public Floor Area Calculated as Bar
40% or more	100%	0%
30--39%	75%	25%

Percentage of Gross Floor Area Devoted to Kitchen	Percentage of Public Floor Area Calculated as Restaurant	Percentage of Public Floor Area Calculated as Bar
20--29%	50%	50%
5--19%	25%	75%
Less than 5%	0%	100%

D. *Calculating required parking for transportation facilities.* Required parking for park and ride lots and major transfer centers shall be determined by the City Manager or designee. Subject to section 3.3, transit, of the design standards and policies manual and the following criteria:

1. Goals of the city with regard to transit ridership along the route on which the transportation facility is located.

2. Distance from other transportation facilities with parking.

E. *Fractions shall be rounded.* When any calculation results in a fraction of a parking space, any fraction shall be rounded up to the next greater whole number.

F. *Interpreting requirements for analogous uses.* The City Manager or designee shall determine the number of spaces required for analogous uses. In making this determination, the City Manager or designee shall consider the following:

1. The number of parking spaces required for a use listed in table 9.2 that is similar to the proposed use;

2. An appropriate variable by which to calculate parking for the proposed use; for example, square footage or number of employees;

3. Parking data from the same use on a different site or from a similar use on a similar site;

Alternatively, an applicant may elect to have requirements for unlisted uses approved by public hearing before the City Council.

G. *Additional requirements for company vehicles.* When parking spaces are used for the storage of vehicles or equipment used for delivery, service and repair, or other such use, such parking spaces shall be provided in addition to those otherwise required by this ordinance. At the time a building permit is issued, each developer

shall indicate clearly on the plans, or in an accompanying letter, the number of spaces to be used for vehicle storage. Unless additional spaces are provided in excess of the required number of spaces, no vehicles in addition to that number shall be stored on the site.

H. *Special events parking.* Parking for special events shall be provided as per section 7.900.

Table 9.2. Schedule of Parking Requirements

TYPE OF USE	PARKING SPACES REQUIRED
Residential Uses	
Boardinghouses, lodging houses, fraternity and sorority houses and other such uses	One (1) parking space for each one (1) guest room or dwelling unit.
Dwellings, multi-family	
In planned neighborhood center or planned community center	Two (2) spaces per unit.
In planned convenience center	Two (2) spaces per unit, both of which shall be covered.
In downtown area	One and one-half (1.5) spaces per unit. In a mixed-use project, residential parking may be reduced to one (1) space per unit if more than four (4) nonresidential spaces are available.
In other districts	Parking spaces per dwelling unit Efficiency units 1.25 One-bedroom 1.3 Two-bedrooms 1.7 Three (3) or more bedrooms 1.9
Dwellings, single-and two-family and townhouses	Two (2) spaces per unit.
Guest houses with cooking facilities	One (1) parking space in addition to the parking required for the single-family dwelling.
Hotels, motels, and resorts	One (1) parking space for each one (1) guest room or dwelling unit.
Resort hotels, auxiliary commercial uses	A. One (1) parking space for every sixty (60) square feet of usable public floor area of restaurants, dining rooms, bars and dancing areas and places where the public is served, with an additional twenty (20) percent for employee parking.
	B. One (1) parking space for every four hundred (400) square feet of usable floor area, for commercial accessory uses.

TYPE OF USE	PARKING SPACES REQUIRED
	C. For places of public assembly, one (1) space for every five (5) seats, if seats are fixed or one (1) space for fifty (50) square feet of general assembly area.
Mobile home parks	Three (3) parking spaces for every two (2) mobile home spaces, either in or within one hundred (100) feet of the mobile home space.
Ranches	One (1) space per every two (2) horse stalls.
Institutional uses	
Hospitals	One (1) parking space for each one (1) bed.
Medical/dental offices and clinics	One (1) space per two hundred fifty (250) square feet of gross floor area.
Post offices on private property	One (1) parking space for each two hundred (200) square feet of floor area.
Places of worship	A. With fixed seating. One (1) space per four (4) seats in main sanctuary or auditorium plus one (1) space per each three hundred (300) square feet of classrooms and other meeting areas.
	B. Without fixed seating. One (1) space for each thirty (30) square feet of floor area in main sanctuary plus one (1) space per each three hundred (300) square feet of classrooms and other meeting areas.
Residential health care facilities	A. Specialized care facilities--five-tenths (0.5) of one parking space for each bed.
	B. Minimal care facilities--seven-tenths (0.7) of one parking space for each dwelling unit.
Commercial/Retail Service Uses	
Automobile dealers, new and used	A. One (1) employee parking space per each two hundred (200) square feet of indoor floor area, and
	B. One (1) employee parking space per each twenty (20) outdoor vehicle display spaces, and
	C. One (1) customer parking space per each twenty (20) outdoor vehicle display spaces.
	Parking plans submitted for automobile dealers shall illustrate the parking spaces allocated for each of A, B, and C, above.
Automotive service stations	Three (3) spaces per service bay and one (1) space per two hundred fifty (250) square feet of accessory retail

TYPE OF USE	PARKING SPACES REQUIRED
	sales area.
Banks/financial/civic offices	TWO HUNDRED EIGHT-FIVE (285) One (1) space per ~~two hundred fifty (250)~~ square feet gross floor area.
Bar, lounge, tavern or nightclub	SEVENTY-FIVE(75) One (1) space per ~~thirty-five (35)~~ square feet of indoor public floor area, plus one (1) space per two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.
Bars with restaurants	See "restaurants with bars."
Car wash, automated	Four (4) spaces per bay or stall plus one (1) space per employee plus ten (10) stacking spaces.
Dry cleaners	TWO HUNDRED EIGHT-FIVE (285) One (1) space per two ~~hundred fifty (250~~) square feet gross floor area.
Freestanding stores and neighborhood centers (up to two hundred thousand (200,000) square feet)	
In planned neighborhood center, planned community center, or planned regional center	One (1) space per two hundred fifty (250) square feet gross floor area.
In planned convenience center, with arterial street frontage	One (1) space per two hundred fifty (250) square feet gross floor area.
In planned convenience center, without arterial street frontage	One (1) space per three hundred (300) square feet gross floor area.
In downtown (D) districts	One (1) space per two hundred fifty (250) square feet gross floor area.
In other districts	TWO HUNDRED EIGHTY-FIVE (285) One (1) space per ~~two hundred fifty (250)~~ square feet gross floor area.
Funeral homes	One (1) parking space for every two (2) persons for which permanent seating is provided in the main auditorium and one (1) parking space for every thirty (30) square feet of public assembly area.
Furniture and appliance stores	A. Up to fifteen thousand (15,000) square feet. One (1) space per five hundred (500) square feet gross floor area.
	B. Over fifteen thousand (15,000) square feet. One (1) space per five hundred (500) square feet for the first fifteen thousand (15,000) square feet, one (1) space per

TYPE OF USE	PARKING SPACES REQUIRED
	eight hundred (800) square feet thereafter.
Grocery (food store)	One (1) space per three hundred (300) square feet gross floor area.
Office, business and professional services	One (1) space per three hundred (300) square feet gross floor area.
Personal services	TWO HUNDRED EIGHT-FIVE (285) One (1) space per ~~two hundred fifty (250)~~ square feet gross floor area.
Plant nurseries, building materials yards, equipment rental or sales yards and similar uses	One (1) parking space for each three hundred (300) square feet of sales and display area.
Regional shopping center (more than two hundred thousand (200,000) square feet)	One (1) space per two hundred (200) square feet gross floor area.
Restaurants	
In planned neighborhood center, planned community center or planned regional center	One (1) space per eighty (80) square feet indoor public floor area, and one (1) space per two hundred fifty (250) square feet outdoor public floor area, excluding the first two hundred fifty (250) square feet of outdoor public floor area.
In other districts	SEVENTY-FIVE (75) One (1) parking space for each ~~fifty (50)~~ square feet of public floor area, and one (1) space for each two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.
Restaurants with bars	The amount of restaurant area and bar area shall be determined according to the method provided in table 9.1, section 9.103.C., calculating required parking for bar, and restaurant combinations.
In planned neighborhood center, planned community center, or planned regional center	A. Restaurant area. One (1) space per eighty (80) square feet of indoor public floor area.
	B. Bar area. One (1) space per fifty (50) square feet of indoor public floor area.
	C. Outdoor areas. One (1) space per two hundred fifty (250) square feet outdoor public floor area, excluding the first two hundred fifty (250) square feet of outdoor public floor area.
In other districts	SEVENTY-FIVE A. Restaurant area. One (1) parking space for each ~~fifty~~ (75)

TYPE OF USE	PARKING SPACES REQUIRED
	~~(50)~~ square feet of public floor area.
	B. Bar area. One (1) space for each thirty-five (35) square feet indoor public floor area.
	C. Outdoor areas. One (1) space for each two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.
Educational uses	
College/university	One (1) space per two (2) employees plus one (1) space per four (4) students, based on projected maximum enrollment.
Dance/music/business/vocational/trade schools	One (1) space per two hundred (200) square feet of classroom area.
Day nurseries or pre-schools	One (1) parking space for each employee; plus one (1) space for every fifteen (15) students, plus one (1) space for each company vehicle as per section 9.103.G, additional requirements for company vehicles.
Elementary schools	One (1) parking space for each classroom plus one (1) parking space for each two hundred (200) square feet of floor area in office areas.
High schools	One (1) parking space for each employee plus one (1) space for every six (6) students, based on projected maximum enrollment.
Cultural/entertainment uses	
Amusement parks	Three (3) spaces per hole for any miniature golf course, plus one (1) space per three thousand (3,000) square feet of outdoor active recreation space, plus any additional spaces required for ancillary uses such as but not limited to game centers and billiard halls.
Arts festivals, seasonal	One (1) space for each two hundred (200) square feet of indoor public floor area, other than public restaurant space. restaurant space at seasonal arts festivals shall be provided parking as otherwise required for restaurants in table 9.2.
Art galleries	One (1) space per four hundred (400) square feet indoor public floor area, one (1) space per two hundred twenty-five (225) square feet of office or work area, and one (1)

TYPE OF USE	PARKING SPACES REQUIRED
	space per eight hundred (800) square feet storage space.
Billiard halls	Two (2) spaces per billiard table.
Bowling alleys	Four (4) parking spaces for each lane, plus two (2) for any billiard table, plus one (1) space for each five (5) seats in any visitors gallery.
Club/lodge	One (1) space per two hundred fifty (250) square feet gross floor area.
Community or recreation buildings	One (1) parking space for each two hundred (200) square feet of floor area.
Cultural institutions and museums	One (1) space per three hundred (300) square feet gross floor area.
Dance halls, skating rinks, and similar recreational uses	One (1) parking space for each three hundred (300) square feet of floor space in the building.
Game centers	One (1) space per one hundred (100) square feet gross floor area.
Golf course	One (1) parking space for each two hundred (200) square feet of floor area in any main building plus one (1) space for every two (2) practice tees in the driving range, plus four (4) parking spaces for each green in the playing area.
Health or fitness studio	A. Less than ten thousand (10,000) square feet: one (1) space per one hundred fifty (150) square feet gross floor area.
	B. Ten thousand (10,000) to nineteen thousand nine hundred ninety-nine (19,999) square feet: one (1) space per two hundred (200) square feet gross floor area.
	C. Twenty thousand (20,000) to twenty-nine thousand nine hundred ninety-nine (29,999) square feet: one (1) space per two hundred fifty (250) square feet gross floor area.
	D. Thirty thousand (30,000) square feet and over: one (1) space per three hundred (300) square feet gross floor area.
Library	One (1) space per three hundred (300) square feet gross floor area.
Parks, public or private	Three (3) parking spaces for each acre of park area.

TYPE OF USE	PARKING SPACES REQUIRED
Stables, commercial	Adequate parking for daily activities shall be provided as determined by the City Manager or designee. Additional parking, improved as determined by the City Manager or designee, shall be provided for shows or other special events pursuant to section 7.900, special events.
Swimming pool or natatorium	One (1) space per one thousand (1,000) square feet gross floor area.
Tennis clubs	One (1) parking space per each two hundred (200) square feet of gross floor area, excluding court area, plus three (3) parking spaces per each court. The applicant shall be responsible for reserving space for parking that may be required in order to obtain permission for tournaments, shows and other activities.
Theaters, cinemas, auditoriums, gymnasiums and similar places of public assembly	
In planned neighborhood center, planned community center or planned regional center	One (1) space per ten (10) seats.
In other districts	One (1) parking space per four (4) seats. The total requirement may be reduced by one (1) parking space for every four (4) guest rooms contained in an attached hotel.
Trailheads	
Gateway	Five hundred (500) to six hundred (600) spaces, including those for tour buses and horse trailers.
Major community	Two hundred (200) to three hundred (300) spaces, including those for horse trailers.
Minor community	Fifty (50) to one hundred (100) spaces.
Local	None required.
Western theme park	Total of all spaces required for the various uses of the theme park, may apply for a reduction in required parking per section 9.104, programs and incentives to reduce parking requirements.
Technical uses	
Internalized community storage	One (1) parking space for each two thousand five hundred (2,500) square feet of gross floor area.
Manufacturing and industrial uses	One (1) parking space for each five hundred (500) square feet of gross floor area.

TYPE OF USE	PARKING SPACES REQUIRED
Warehousing or wholesaling establishments	One (1) parking space for each eight hundred (800) square feet of gross floor area.
Warehouses, mini	One (1) space per three hundred (300) square feet of administrative office space plus one (1) space per each fifty (50) storage spaces.
Communication Uses	
Radio/TV/studio	One (1) space per five hundred (500) square feet gross floor area, plus one (1) space per company vehicle, as per section 9.103.G, additional requirements for company vehicles.
Transportation Uses	
Transportation facilities, per section 5.3054	Required parking shall be determined by the City Manager or designee per section 9.103.D., calculating required parking for transportation facilities.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3225, § 1, 5-4-99)

PROJECT DESCRIPTION

Additions to the Fairmont Scottsdale Princess Hotel
Case No. 109-PA-2001

The project is located on approximately 34.6 acres immediately west of the existing Fairmont Scottsdale Princess Hotel. The current zoning is C-O allowing a building area of approximately 895,000 s.f. The land is presently undeveloped except for right-of-way easements for North Cottage Terrace and East Hacienda Way (which are partially paved) that provide access to the hotel service area and the existing hotel villas. The land is seasonally used as a parking area for special events such as the Phoenix Open.

The proposed project will consist of approximately 28--2 and 3 story hotel "villa-style" guest room buildings organized in clusters of 5 or 6 buildings. Each cluster will have swimming pools and other guest amenities. Also a "Clubhouse" building will be constructed as an additional amenity for the hotel guests. This facility will provide the guest with an alternative location for meetings, evening cocktails and other events.

A 150 to 200-seat restaurant is proposed along Princess drive. This will be an additional restaurant destination for the hotel guest.

The requested zoning is C-2 (with PCD Overlay) to bring it into conformance with the existing hotel property. The C-2 zoning will allow an F.A.R. of 0.8 resulting in an allowable building area of almost 1.2 million square feet. The proposed project is approximately 685,000 s.f. The existing right-of-way will be abandoned and relocated per the new site plan.

On the existing zoned hotel property, a parking structure along Princess drive is proposed to replace the dirt and gravel lot presently existing. The design of this structure will use the sloping grades to help reduce its visual impact. The upper deck of the parking structure will be at approximately the finished floor level of the hotel (±1562), below the top of the existing landscape berm (±1565) that parallels Princess drive. The lower level will be at the approximate existing finished grade (±1551) at the southwest corner of the

structure. The structure will house approximately 1,100 parking spaces to replace the less than 750 existing spaces.

The site plan also shows an approximately 50,000 s.f. addition to the hotels existing Conference Center. This facility will include a junior ballroom and other break out meeting rooms, prefunction space and necessary support and service facilities.

The proposed structures will be designed to complement and be compatible with the existing hotel. Materials will be from the existing materials and color palette—stucco, clay tile roofs, precast concrete columns, wrought iron railings and ceramic tile accents. The landscaping of the proposed project will also draw from the approved plant list of the neighborhood and the existing "resort style" landscaping of the hotel.

STIPULATIONS FOR CASE 1-ZN-2003

PLANNING/ DEVELOPMENT

1. CONFORMANCE TO DEVELOPMENT PROGRAM. The overall character of development for Parcels A, B-2, and J shall be hotel/resort-oriented and shall generally conform to "Section V - Development Character" in the "Supplemental Zoning Narrative" submitted by Drake & Associates and dated 3/12/2003 (see report Attachment #1, Section V). The narrative shall not be construed to permit uses and other applicable use-related provisions beyond those already permitted for C-2 zoning of the Zoning Ordinance. Development on Parcels A, B-2, and J shall conform to the Amended Development Plan, contained within Appendix A of the Supplemental Zoning Narrative (see report Attachment #1, Appendix A). The following stipulations shall take precedence over the above-referenced documents. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.

2. PREVIOUS APPROVALS. Except as amended by stipulations herein for Parcels A and B-2, Parcels A, B, C, D-1/E/F, D-2, D-3, G, H, and I shall continue to be governed by the most recently approved stipulations for each respective parcel and area as approved and specifically amended by cases 135-ZN-1985, 57-ZN-1986, 63-ZN-1987, 14-ZN-1988, and 60-ZN-1992.

3. MAXIMUM DEVELOPMENT ALLOWANCES. The total development on Parcels A, B-2, and J shall conform to the development allowances specified in "Section V - Development Character" in the "Supplemental Zoning Narrative" submitted by Drake & Associates and dated 3/12/2003 (see report Attachment #1, Section V). A fifty percent (50%) increase in the development allowance for each single use category shall be allowed, as shown in Table 1 below:

TABLE 1 - TOTAL MAXIMUM DEVELOPMENT ALLOWANCE – PARCELS A, B-2, AND J

Use Category	Base Density / Square Footage	Maximum Density / Square Footage *
Hotel / Resort Residential Total	**350 Units**	**525 Units**
Hotel Ancillary Uses		
Retail / Services	100,000 sq.ft.	150,000 sq.ft.
Restaurant / Bar	50,000 sq.ft.	75,000 sq.ft.
Clubhouse / Recreation	30,000 sq.ft.	45,000 sq.ft.
Conference / Event / Meeting Space	70,000 sq.ft.	105,000 sq.ft.
Cultural Uses	25,000 sq.ft.	37,5000 sq.ft.
Total	**275,000 Square Feet**	**412,500 Square Feet**

* A fifty percent (50%) increase in the development allowance for each single use category is allowed if the Zoning Administrator, through the development application process, determines the following:

- The changes are hotel/resort-oriented; and
- A trip generation analysis demonstrates that the proposed development results in fewer than twenty percent (20%) trips generated over that proposed in the Trip Generation Comparison submitted by Olsson Associates dated 2/27/2003 (see report Attachment #1, Section IV and Appendix B). If there is an aggregate increase of twenty percent (20%) or more, then the developer shall submit a new traffic impact study with the Development Review Board submittal.

The specific distribution of proposed uses between parcels A, B-2, and J shall be included with each Development Review Board submittal.

ATTACHMENT #5

4. CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS. Parcel J shall conform with the amended development standards for a comparable zoning of C-2 and amended parking standards, both included in Appendix C of the Supplemental Zoning Narrative dated 3/12/2003 (see report Attachment #1, Appendix C).

5. PHASING. Detailed site plans that are submitted for Development Review Board approval shall clearly define the limits of construction of all improvements necessary to serve the proposed buildings and facilities and link them to all developed areas of the site.

6. UTILITY POLES. The developer shall remove all utility poles / overhead utilities along the south sides of Princess Boulevard. All necessary utilities shall be located underground.

MASTER PLANS

1. MASTER PLANS GENERALLY. The developer shall have each Master Plan specified below prepared by a registered engineer licensed to practice in Arizona (except Schedule E). Each Master Plan for Parcels A, B-2, and J shall be subject to city staff and/or Development Review Board approval before or concurrent with any further Development Review Board submittal.

   a. Schedule A - Circulation Master Plan
   b. Schedule B - Drainage Master Plan
   c. Schedule C - Water Master Plan
   d. Schedule D - Wastewater Master Plan
   e. Schedule E - Master Environmental Design Concept Plan

SCHEDULE A – CIRCULATION MASTER PLAN

MASTER CIRCULATION PLAN. The developer shall submit a master circulation report and plan, which shall indicate the location and design of site driveways, internal streets, parking lot access, pedestrian access to the commercial and recreational areas on and adjacent to the site, and bus facilities. In addition, the circulation master plan shall include the following:

a. The entrance to the site from Princess Blvd. shall be a minimum distance of 660 feet from the intersection of Scottsdale Road and Princess Blvd., unless otherwise approved by the City Transportation Director.
b. Continuous bicycle facilities shall be provided from the Hayden/Bell intersection to the Princess/Scottsdale intersection, as required by Cases 57-Z-86, 63-Z-87, and 14-Z-88.
c. A non-vehicular access easement (NVE) shall be provided along Princess Blvd. or Princess Lane except at street/driveway openings approved by the City Transportation Director.
d. Pedestrian crossing concepts of Princess Boulevard to the north.

SCHEDULE B – DRAINAGE MASTER PLAN

1. MASTER DRAINAGE REPORT. The developer shall submit a master drainage report and plan, which shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the master drainage report and plan shall:

   a. Include a complete description of requirements relating to project phasing.
   b. Identify the timing of and parties responsible for construction of all storm water management facilities.

2. MASTER DRAINAGE REPORT COPIES. Before master drainage report approval by the Drainage Planning Department, the developer shall, when requested by city staff, submit two (2) hard copies and one (1) disc copy of the complete master drainage report.

3. MASTER DRAINAGE REPORT APPROVAL. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the master drainage report.

SCHEDULE C – WATER MASTER PLAN

1. MASTER WATER REPORT. The developer shall submit a master water report and plan subject to Water Resources Department approval. The master water report and plan shall conform to the Design Standards and Policies Manual - Master Plan. In addition, the master water report shall:

   a. Include a complete description of requirements relating to project phasing.
   b. Identify the timing of and parties responsible for construction of all water facilities.

2. MASTER WATER REPORT APPROVAL. Before the improvement plan submittal to the Development Quality/Compliance Division, the developer shall have obtained approval of the master water report.

SCHEDULE D – WASTEWATER MASTER PLAN

1. MASTER WASTEWATER REPORT. With the Development Review Board submittal, the developer shall submit a master wastewater report and plan subject to Water Resources Department approval. The master wastewater report and plan shall conform to the Design Standards and Policies Manual - Master Plan. In addition, the master waste water plan shall:

   a. Include a complete description of requirements relating to project phasing.
   b. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.

2. MASTER WASTEWATER REPORT APPROVAL. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the master wastewater report.

SCHEDULE E – MASTER ENVIRONMENTAL DESIGN CONCEPT PLAN

The architectural and site character of Parcels A, B-2, and J shall be compatible to, and consistent with, the existing hotel-resort development on Parcel B.

CIRCULATION

1. ACCESS RESTRICTIONS. Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):

   a. [PRINCESS BLVD. AND PRINCESS DRIVE] - The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at approved street/driveway openings

approved by the City Transportation Director. Any median break on Princess Blvd. shall be located a minimum distance of 660 feet, and a maximum distance of 1,000 feet, from the intersection of Scottsdale Road and Princess Blvd., unless otherwise approved by the City of Scottsdale Transportation Department General Manager. The developer shall be responsible for modifying the existing Princess Boulevard median to provide left-turn access, if necessary.

2. EASEMENT REQUIREMENTS. Before any final plan approval, the developer shall dedicate an emergency/maintenance access easement through the new project to the TPC golf course in a form acceptable to city staff. The access easement shall have a minimum width of 20 feet and a vertical clearance of 13' 6".

3. PEDESTRIAN CIRCULATION PLAN. With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval. This plan shall indicate the location and width of all sidewalks and pedestrian pathways, and consistent with the Master Circulation Plan.

4. TRANSIT FACILITIES. Before issuance of any certificate of occupancy for the site, the developer shall construct bus bay(s) and stop facilities (landscaping, bench and trash can) if required by the city of Scottsdale Transit Department. The design and location of these facilities shall be subject to city staff approval before any final plan approval. Contact city of Scottsdale Transit Department at 480-312-7696.

DRAINAGE AND FLOOD CONTROL

1. CONCEPTUAL DRAINAGE REPORT. With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:

   a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- verses post-development discharge comparison of ALL washes which exit the property.
   b. Determine easement dimensions necessary to accommodate design discharges.
   c. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage.
   d. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code.
   e. Include a complete description of requirements relating to project phasing.

2. FINAL DRAINAGE REPORT. With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a final drainage report and plan subject to city staff approval. The final drainage report and plan shall conform to the Design Standards and Policies Manual – Drainage Report and Preparation. In addition, the final drainage report and plan shall:

   a. Demonstrate consistency with the approved master drainage plan and report.
      (1). Any design that modifies the approved master drainage report requires from the developer a site-specific addendum to the final drainage report and plan, subject to review and approval by the city staff.
      (2). Addendum generated by the final drainage analysis for this site shall be added to the appendix of the final drainage report.
   b. Provide final calculations and detailed analysis that demonstrate consistency with the accepted conceptual drainage plan and report.

STORM WATER STORAGE REQUIREMENT. Before improvement plan approval, the developer shall submit a final drainage report and plan which calculates the storm water storage volume required, Vr, and the volume provided, Vp, using the 100-year, 2-hour storm event.

3. STORM WATER STORAGE REQUIREMENT. On-site storm water storage is required for the full 100-year, 2-hour storm event, unless city staff approves the developer's Request for Waiver. See Section 2 of the Design Standards and Policies Manual for waiver criteria.

   a. If applicable, the developer shall submit to the Community Development Division a Request for Waiver Review form, which shall:
      (1). Include a supportive argument that demonstrates historical flow through the site will be maintained, and that storm water runoff exiting this site has a safe place to flow.
      (2). Include an estimate for payment in-lieu of on-site storm water storage, subject to city staff approval.
   b. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained the waiver approval.

4. STORM WATER STORAGE EASEMENTS. With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall include and identify tracts with easements dedicated for the purposes of storm water storage, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.

5. DRAINAGE EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all drainage easements necessary to serve the site.

VERIFICATION OF COMPLIANCE

1. REQUIRED SPECIAL INSPECTIONS. Before the approval of the improvement plans, the Project Quality/Compliance Division staff shall specify those drainage facilities that shall be required to have Special Inspections. See Section 2-109 of the Design Standards and Policies Manual for more information on this process.

2. CONDITION FOR ISSUANCE OF GRADING & DRAINAGE PERMIT. Before the issuance of a Grading & Drainage Permit:

   a. The developer shall certify to the Project Quality/Compliance Division, that it has retained an Inspecting Engineer by completing Part I (Project Information) and Part II (Owner's Notification of Special Inspection) of the Certificate of Special Inspection of Drainage Facilities (CSIDF); and,
   b. The Inspecting Engineer shall seal, sign and date Part III (Certificate of Responsibility) of the CSIDF.

3. CONDITION FOR ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR LETTER OF ACCEPTANCE. Before the issuance of a Certificate of Occupancy and/or a Letter of Acceptance:

   a. The Inspecting Engineer shall seal, sign and date the Certificate of Compliance form.
   b. The developer shall submit all required Special Inspection Checklists and the completed Certificate of Compliance form to the Inspection Services Division. The Certificate of

Compliance form shall be sealed, signed and dated by the Inspecting Engineer, and shall be attached to all required Special Inspection Checklists completed by the Inspecting Engineer.

4. AS-BUILT PLANS. City staff may at any time request the developer to submit As-built plans to the Inspection Services Division. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor. As-built plans for drainage facilities and structures shall include, but are not limited to, streets, lot grading, storm drain pipe, valley gutters, curb and gutter, flood walls, culverts, inlet and outlet structures, dams, berms, lined and unlined open channels, storm water storage basins and underground storm water storage tanks, bridges as determined by city staff.

WATER

1. BASIS OF DESIGN REPORT (WATER). Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:

   a. Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc.
   b. Identify the timing of and parties responsible for construction of all water facilities.
   c. Include a complete description of requirements relating to project phasing.

2. APPROVED BASIS OF DESIGN REPORT. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.

3. NEW WATER FACILITIES. Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all water lines and water related facilities necessary to serve the site. Water line and water related facilities shall conform to the city Water System Master Plan.

4. WATERLINE EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code the Design Standards and Policies Manual, all water easements necessary to serve the site.

WASTEWATER

1. BASIS OF DESIGN REPORT (SANITARY SEWER).). Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:

   a. Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities.
   b. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.
   c. Include a complete description of requirements relating to project phasing.

2. APPROVED BASIS OF DESIGN REPORT. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.

3. NEW WASTEWATER FACILITIES. Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all sanitary sewer lines and wastewater related facilities necessary to serve the site. Sanitary sewer lines and wastewater related facilities shall conform to the city Wastewater System Master Plan.

4. SANITARY SEWER EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site.

OTHER REQUIREMENTS

1. ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS. All construction activities that disturb five or more acres, or less than five acres if the site is a part of a greater common plan, shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. [NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100. Contact Region 9 of the U.S. Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site http://www.epa.gov/region.

   The developer shall:
   a. Submit a completed Notice of Intent (NOI) to the EPA.
   b. Submit a completed Storm Water Pollution Prevention Plan (SWPPP) to the EPA.

2. NOTICE OF INTENT (NOI). With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a copy of the NOI.

3. DUST CONTROL PERMITS. Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county 602-507-6727 for fees and application information.

4. UTILITY CONFLICT COORDINATION. With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a signed No Conflict form (not required for city owned utilities) from every affected utility company.

5. ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS (ADEQ). The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications. The developer shall demonstrate compliance with Engineering Bulletin #10 *Guidelines for the Construction of Water Systems*, and Engineering Bulletin #11 *Minimum Requirements for Design, Submission of Plans, and Specifications of Sewerage Works*, published by the ADEQ. In addition:

   a. Before approval of final improvement plans by the Project Quality/Compliance Division, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD).
   b. Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and/or Wastewater Systems has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.

c. Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
d. Before acceptance of improvements by the city Inspection Services Division, the developer shall submit a Certificate of Approval of Construction signed by the MCESD and a copy of the As-Built drawings.
   (1). Before issuance of Letters of Acceptance by the city Inspection Services Division, the developer shall:
   (2). Provide to the MCESD, As-Built drawings for the water and/or sanitary sewer lines and all related facilities, subject to approval by the MCESD staff, and to city staff, a copy of the approved As-Built drawings and/or a Certification of As-Builts, as issued by the MCESD.
   (3). Provide to the MCESD a copy of the Engineers Certificate of Completion with all test results, analysis results, and calculations, as indicated on the form.
   (4). Provide to the MCESD a copy of the Request for Certificate of Approval of Construction of water and/or sanitary sewer lines with all appropriate quantities.
   (5). Provide the city Inspection Services Division a copy of the Certificate of Approval of Construction, as issued by the MCESD.

ADDITIONAL INFORMATION FOR CASE 1-ZN-2003

PLANNING/DEVELOPMENT

1. DENSITY CONTINGENCIES. The approved density for each parcel may be decreased due to drainage issues, topography, and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.

2. DEVELOPMENT CONTINGENCIES. The approved development program may be changed due to drainage issues, topography, requirements, and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed development program.

3. DEVELOPMENT REVIEW BOARD. The City Council directs the Development Review Board's attention to:

   a. wall design,
   b. the type, height, design, and intensity of proposed lighting on the site, to ensure that it is compatible with the adjacent use,
   c. improvement plans for common open space, common buildings and/or walls, and amenities such as ramadas, landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included).
   d. major stormwater management systems,
   e. signage,
   f. Master Environmental Design Concept Plans.

4. NOTICE TO PROSPECTIVE BUYERS. The developer shall give the following information in writing to all prospective buyers of lots on the site:

   a. The closest distance from the lot to the midpoint of the Scottsdale Airport runway.
   b. The city shall not accept any common areas on the site for ownership or maintenance.

5. NATIVE PLANT PRESERVATION. The owner shall secure a native plant permit as defined in the Scottsdale Revised Code for each parcel. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale.

ENGINEERING

1. RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE. The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.

2. FEES. The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.

ATTACHMENT #6

3. STREET CONSTRUCTION STANDARDS. The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual.

4. CITY CONTROL OF ACCESS. The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

TRAFFIC IMPACT ANALYSIS SUMMARY
109-PA-2001, 1-ZN-2003
Scottsdale Princess
Planned Community District

Existing Conditions:
Princess Boulevard is identified as a Neighborhood System on the new mobility element of the city's General Plan and is built as a major collector cross section. The street is improved to have two through lanes for each direction and a raised center landscaped median. The posted speed limit on Princess Boulevard is 30-MPH. Princess Boulevard is a public roadway. Princess Drive, which intersects Princess Boulevard at the roundabout, is a private roadway. Princess Boulevard was recently extended west of Scottsdale Road into the City of Phoenix.

Scottsdale Road is identified as a Regional System on the new mobility element of the city's General Plan and is identified as a Major Arterial on the streets master plan. Scottsdale Road is not built out to a full major arterial cross section in the vicinity of Princess Boulevard. Scottsdale Road has two lanes in each direction with a double yellow centerline. The posted speed limit on Scottsdale Road in the vicinity of Princess Boulevard is 45-MPH.

The intersection of Princess Boulevard and Scottsdale Road is signalized.

Proposed Development:
The Fairmont Scottsdale Princess resort is an existing resort located south of Princess Boulevard and west of Scottsdale Road. There are several parcels of land that make up the Princess resort. The existing hotel and amenities are built on Parcel B. Parcel B is not fully developed. There is a section on the north side of Parcel B that is still vacant. Parcel A, which is north of Parcel B, and Parcel J, which is west of Parcels A and B, are vacant. The Princess resort leases Parcel J from the State Land Department.

The Princess resort land, Parcels A, B, and J, is currently zoned CO-PCD (Commercial Office – Planned Community District). In the most recent zoning case for the Princess resort (63-ZN-87), proposed land uses were identified for the remaining portion of Parcel B, as well as Parcels A and J. "Princess Village" was planned for Parcel A and the remaining portion of Parcel B. Princess Village was planned to have retail, restaurant, and office uses. Parcel J was planned to have offices with small percentage of restaurant and retail uses.

The current zoning case is proposing to change the zoning and proposed land uses for Parcel J to C-2-PCD (Central Business District – Planned Community District) and to amend the proposed land uses for Parcels A and B. Under the proposal, an expansion of the existing Princess Conference Center space is planned for Parcel A and the remaining portion of Parcel B. Parcel J is planned to have resort/residential units, retail, restaurants, a hotel clubhouse with recreation amenities, and resort conference space.

The Trip Generation Summary Tables below show the number of trips that would be expected for the approved zoning and land use and for the proposed zoning and land use for Parcel A, the remaining portion of Parcel B, and Parcel J. The trip generation is for proposed development only and does not account for the existing resort hotel and amenities on Parcel B.

TRIP GENERATION SUMMARY TABLES

Previously Approved Zoning and Land Uses	Daily Total	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Parcels A & B (Princess Property)							
Retail 41,700 SF	3,884	58	37	95	169	183	353
Restaurants 15,000 SF	1,995	72	67	139	177	113	290
Office 75,000 SF	1,064	130	18	148	28	136	163
Total Parcels A & B	**5,523**	**209**	**97**	**306**	**299**	**346**	**645**
Parcel J (State Trust Land)							
Retail – 5% 22,375 SF	4,065	60	39	99	177	192	369
Restaurant – 5% 22,375 SF	5,833	216	199	415	292	194	486
Office – 90% 850,250 SF	8,869	1,106	151	1,257	204	996	1,200
Total Parcel J	**18,766**	**1,382**	**389**	**1,770**	**673**	**1,383**	**2,056**
TOTAL PARCELS A, B, & J	**24,289**	**1,590**	**486**	**2,076**	**972**	**1,728**	**2,700**

Proposed Zoning and Land Uses (Base Density)	Daily Total	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Parcels A & B (Princess Property)							
Conference Center Expansion Increase by 50,000 SF	615	77	38	115	48	97	145
Total Parcels A & B	**615**	**77**	**38**	**115**	**48**	**97**	**145**
Parcel J (State Trust Land)							
Resort/Residential 350 Units	4,701	93	36	130	93	36	130
Retail 100,000 SF	6,817	98	62	160	301	327	628
Restaurants 50,000 SF	5,507	137	115	252	345	170	515
Conference 20,000 SF	246	31	15	46	19	39	58
Cultural 25,000 SF	Incidental to Other Uses						
Clubhouse 30,000 SF	Included within Resort/Residential Units						
Total Parcel J *(Reduced 20% for Internal Trips)*	**13,816**	**287**	**183**	**470**	**607**	**458**	**1,064**
TOTAL PARCELS A, B, & J	**14,431**	**364**	**221**	**585**	**655**	**555**	**1,209**

This trip generation summary is based on data contained in the Institute of Transportation Engineer's *Trip Generation*. The applicant has provided a trip generation comparison prepared by Olsson Associates, which compares the trip generation characteristics of the proposed zoning and land uses to the previously approved zoning and land uses. The total number of trips for Parcel J was reduced by 20% to account for internal trips that originate within the resort.

The Trip Generation Comparison Table below compares the total trips generated by the approved zoning and land use to the proposed zoning and land use. This table demonstrates that the proposed zoning and land use represents a 41% reduction in traffic for the site. Trip generation for Parcels A and B is 89% less for the proposed zoning and land use. Trip generation for Parcel J is 26% less for the proposed zoning and land use.

TRIP GENERATION COMPARISON TABLE

Development Scenario	Daily Total	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Previously Approved Zoning and Land Uses	24,289	1,590	486	2,076	972	1,728	2,700
Proposed Zoning and Land Uses (Base Density)	14,431	364	221	585	655	555	1,209
Difference	**9,858**	**1,236**	**265**	**1,491**	**317**	**1,173**	**1,491**

Summary:
The proposed zoning and land uses for Parcels A, B, and J at the Princess resort will result in a decrease in trips to and from the resort. The approved zoning and land use for the Princess resort projects 24,289 trips per day for the undeveloped portions of Parcels A, B, and J. The proposed zoning and land use projects 14,431 trips per day for the undeveloped portions of Parcels A, B, and J. Trip generation for the proposed zoning and land uses is 41% less than for the approved zoning and land uses.

CITIZEN REVIEW REPORT
(Submitted - 12/10/02)

PUBLIC NOTIFICATION & INPUT

Open House Invitees

Invitations to the Open Houses to discuss the Re-Zoning application were sent on September 26th and 27th of 2002 to 185 interested parties, including:

- Arizona State Land Department – Michael E. Anable, State Land Commissioner
- Arizona State Land Department – Catherine Balzano, Planning Section
- Bureau of Reclamation – Carol Lynn Erwin, Area Manager
- City of Phoenix – Donna Stevens, Planning Department
- City of Scottsdale – Tim Curtis, Community Development
- Resort Suites – Gordon Zuckerman, Jr.
- Scottsdale Princess Homeowners Association members (*176 individuals*)
- Scottsdale Villa Mirage Resort – Terry Gunn, General Manager
- Sheraton Desert Oasis – Bob Gaul, General Manager
- Tournament Players Club – Bill Grove, Regional General Manager

Open House Location

Fairmont Scottsdale Princess, McDowell Meeting Rooms

Open House Dates and Times

Thursday, October 10, 2002 (5:00 – 7:00 PM)
Friday, October 11, 2002 (8:00 – 10:00 AM)
Saturday, October 12, 2002 (9:00 – 11:00 AM)

Open House Content

Copies of the following content are attached:

- Invitation [*Attachment A*]
- Sign-In Sheets [*Attachment B*]
- Comment Sheets [*Attachment C*]
- Handout [*Attachment D*]
- Exhibit Boards [*Attachment E*]

Map of Interested Parties

See *Attachment F* for Map of Interested Parties.

People that Participated in the Public Process

See above for list of Open House invitees and *Attachments B, C & G* for names of those that signed-in, left comments or attended one of the Scottsdale Princess Community Association meetings.

Preliminary Public Involvement

At the dates listed below and prior to the Open Houses, we introduced the preliminary site plan and discussed the City of Scottsdale rezoning process with the members of the Scottsdale Princess Community Association in attendance at the regularly scheduled meetings [*Attachment G*]. We invited questions and comments from those in attendance.

June 19, 2001 (Board Meeting)
June 25, 2001 (Quarterly Meeting)
September 7, 2001 (Quarterly Meeting)
September 12, 2002 (Quarterly Meeting)

Issues, Concerns, Problems

As the few, three (3), Comment Sheets show, and verbal comments supported, area residents have been supportive of the Princess' plans, which would be of a lower-density, lower-traffic, lower-height, and more open space site plan/development than would be allowed for an office building under current zoning standards. Specifically, attendees noted that the proposed types of hotel-affiliated land uses are preferable to "strip" retail, gas stations, auto dealerships and office buildings.

We were able to address attendee concerns with a site plan that showed substantially lower densities and neighborhood impacts with significantly higher open space preserved in the site plan, which would complement the existing Princess resort and neighborhood.

SITE POSTING

See *Attachment H* for Affidavit Of Posting.

THE Fairmont

YOU ARE INVITED

OPEN HOUSE

at the

Fairmont Scottsdale Princess Resort

to find out about the Resort's
Rezoning Application

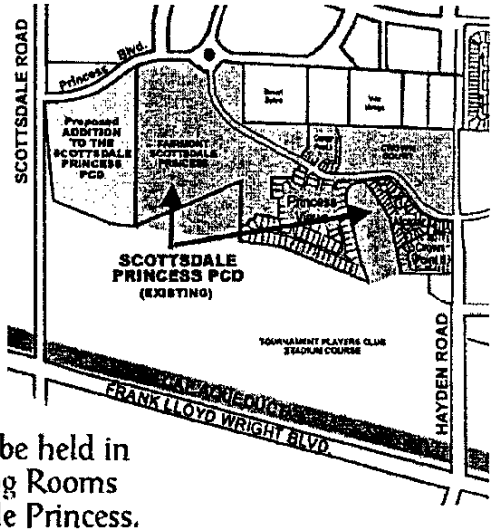
for the 35 acres at the southeast corner of Princess Boulevard and Scottsdale Road, recently leased from the Arizona State Land Department. Representatives of the Fairmont Scottsdale Princess will be present to answer questions and respond to your comments about the rezoning application.

OPEN HOUSE DATES AND TIMES

Thursday October 10
5:00 PM to 7:00 PM

Friday October 11
8:00 AM to 10:00 AM

Saturday October 12
9:00 AM to 11:00 AM



The Open Houses will be held in
the McDowell Meeting Rooms
at the Fairmont Scottsdale Princess.
(see map, attached)
Please park in the east parking lot and follow the signs.

EVERYONE IS WELCOME!

If you have questions about the Open Houses, please contact Jan Macy, at the Resort.
Her telephone number is 480-585-2703.

We look forward to seeing you and getting your input!

Five Diamond Award

7575 EAST PRINCESS DRIVE, SCOTTSDALE, ARIZONA 85255
TELEPHONE 480 585 4848 FACSIMILE 480 585 0086

A member of The Leading Hotels of the World

Janet Napolitano
Governor

Mark Winkleman
State Land
Commissioner

Arizona
State Land Department

1616 West Adams Street Phoenix, AZ 85007 www.land.state.az.us

April 2, 2003

Tim Curtis
City of Scottsdale
7447 East Indian School Road, Suite 105
Scottsdale, Arizona 85251-3922

RE: City of Scottsdale Rezoning Case No. 1-ZN-2003

Dear Mr. Curtis:

The purpose of this letter is to submit the State Land Department's comments on the above-referenced rezoning case. The state's lessee, CP Hotels (Scottsdale 3) LLC, is an entity related to the Fairmont Princess Hotel. The Department is aware that the Scottsdale Planning and Zoning Commission will consider this request on April 8, 2003, and will have staff in attendance.

The State Land Department basically supports the applicant's request for a zoning change from Planned Community District (PCD) allowing C-O uses to PCD allowing C-2 uses. The proposed extension of the resort is in agreement with the terms of the commercial lease.

The impact analysis states that the proposed rezoning will result in a reduction of traffic. However, it is critical to consider the development of the "Crossroads" area in its entirety. Should Princess Boulevard need to be widened at some time in the future – whether for additional traffic lanes or to accommodate transit – the Department requests that the expanded right-of-way be proportionate to both the north and south sides of the public roadway.

Still supporting a multi-modal circulation concept for this important regional node, the Department appreciates staff's inclusion of "transit facilities" in thestipulations. No doubt, the consideration of hotel guests and adjacent residential communities is vital to makingthe proposed system successful. Under the City's direction, we request that the Fairmont Princess participate in future planning, design and implementation.

Thank you for the opportunity to submit comments. Please contact me at 602-364-0483 or by email at cbalzano@lnd.state.az.us if I may be of further assistance.

Sincerely,

Catherine Balzano

Catherine Balzano
Planning Section

Copy: Sandy Kelley / Commercial Lease File 03-106716
Stewart Cushman, Wolff DiNapoli LLC

MINUTES APPROVAL

March 25, 2003

COMMISSIONER HEITEL MADE A MOTION TO APPROVE THE MARCH 25, 2003 MINUTES AS PRESENTED. SECOND BY COMMISSIONER HENRY.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

1-ZN-2003 (Fairmont Scottsdale Princess Expansion) request by Wolff Di Napoli LLC, applicant, Arizona State Land Department, owner, to rezone 34+/- acres from Planned Community District (PCD) with Commercial Office (CO) comparable uses to a Planned Community District (PCD) with Central Business (C-2) comparable uses, with amended standards and amend the development plan for the Princess Resort, for property located near the southeast corner of Scottsdale Road and Princess Boulevard.

MR. CURTIS presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

VICE CHAIRMAN STEINBERG inquired if there are any plans to widen Princess Road. Mr. Curtis replied in the negative. Vice Chairman Steinberg stated it has a regional significance from a transit point of view. Mr. Kercher stated the concern that was expressed about widening Princess had to do with the State Land Department desire to create a loop road in this area around the freeway Scottsdale Road interchange. What they have done through some zoning cases in this area the plan would take Princess and curve it north along the Miller Road alignment take it under the freeway and connect it back to Scottsdale Road. This plan is consistent with that.

BETTY DRAKE, applicant, stated she felt the staff did a good job introducing the application. She further stated in August 2002 they acquired a 99-year lease on the land from the State Land Department. As the area has been under development from the north of the freeway and to the west in Phoenix the hotel and the residential community both expressed concern about protecting themselves and creating a buffer to extend the character of the existing community and allow for future expansion of the hotel consistent with what they have. They also have to compete in terms of meeting space with the new hotels in the City of Phoenix. This application would allow them to get rid of the tent in the parking lot syndrome, which would make everyone happy.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

CATHERINE BALZANO, Arizona State Land Department, stated she is here to support the application and represent the State Land Department. She further stated the land uses in the rezoning are in agreement with the State's lease. She remarked she is glad the City of Scottsdale is still very interested in their transit concept. They believe that this is an important element to the vitality of this regional focal point both on the Scottsdale side and on the Phoenix side. They want the Princess Hotel and the

residents in the adjacent communities to participate in a collective effort to make this a wonderful place. Whether you live there, work there, or just go for a one-time event.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

CHAIRMAN GULINO requested the Applicant paint a broad-brush picture of the type of development they would see there under the current zoning and what they envision with the approval of this case. He also requested additional information of the potential problems for traffic congestion. Ms. Drake provided an overview of the types of development that would occur. She noted this is a strongly pedestrian oriented plan with lots of open space and walking paths to tie into the rest of the hotel property. She further noted they have a strong commitment to maintaining the character and quality of the design through out this whole process. It will be consistent with the character of what is out there now. She remarked with regard to the traffic impacts they filed a complete traffic study with the City. Based on the comparisons to what was approved versus what is proposed they are looking at a reduction of 41 percent in the overall traffic. She reported they held several open houses and so far have had excellent support from the community around them.

COMMISSIONER NELSSEN stated there was not an economic analysis required. He inquired if they had any quantitative comparison between the existing and proposed land use in terms of the potential impact to the City budget.

JOHN BERRY, 4800 N. Scottsdale Road, stated the proposed use has a much more positive impact on the citizens of Scottsdale because it reduces traffic and it will have a positive impact with additional bed tax dollars, retail dollars and sales tax dollars in stead of office.

COMMISSIONER OSTERMAN stated he was pleased to see the Fairmont Princess is moving forward to stay competitive and keep itself at a premiere spot in the hotel industry. It is a great use for the land surrounding it.

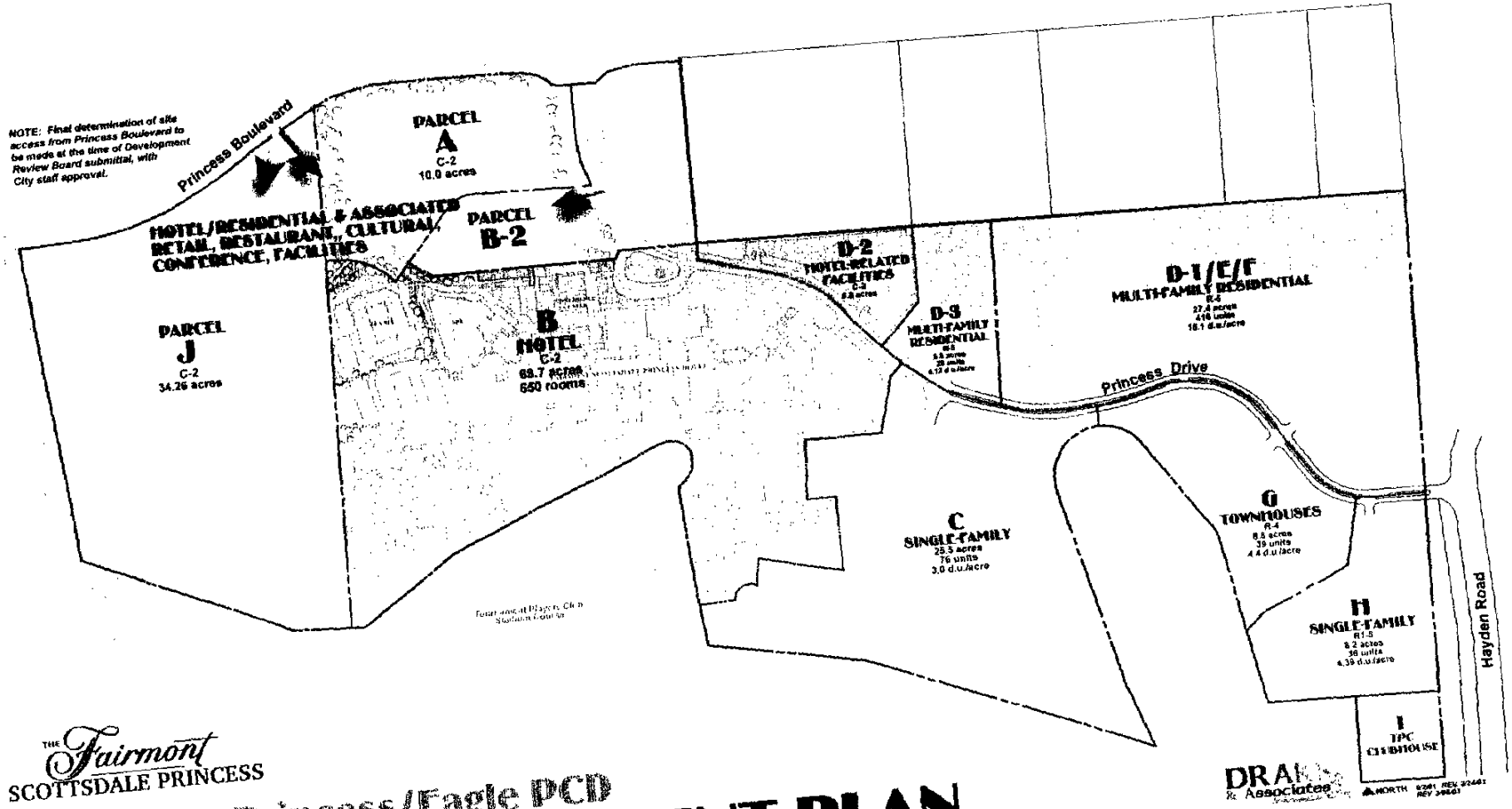
COMMISSIONER HEITEL MOVED TO FORWARD CASE 1-ZN-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY VICE CHAIRMAN STEINBERG.

COMMISSIONER OSTERMAN stated he felt it was a fabulous fit for that particular piece of land and he strongly supports the case.

CHAIRMAN GULINO stated this projects looks to be an improvement over what is existing he will also support this case.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

2-UP-2003 (C.A.P. Basin Park) request by City of Scottsdale - Parks Department, applicant/owner, for municipal use master site plan for a City park on 80+/- acres located at the northeast corner of Hayden and Bell Roads with Townhouse Residential, Planned Community Development (R-4 PCD) zoning.



THE Fairmont
SCOTTSDALE PRINCESS

Scottsdale Princess/Eagle PCD

AMENDED DEVELOPMENT PLAN

DRAKE & Associates

1-ZN-2003

ATTACHMENT

ORDINANCE NO. 3504

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 1-ZN-2003, TO REZONE 34 +/- ACRES FROM PLANNED COMMUNITY DISTRICT (PCD) WITH COMMERCIAL OFFICE (CO) COMPARABLE USES TO A PLANNED COMMUNITY DISTRICT (PCD) WITH CENTRAL BUSINESS (C-2) COMPARABLE USES, WITH AMENDED DEVELOPMENT STANDARDS, AND AMEND THE DEVELOPMENT PLAN FOR THE PRINCESS RESORT, LOCATED AT THE SOUTHEAST CORNER OF SCOTTSDALE ROAD AND PRINCESS BOULEVARD.

WHEREAS, Case No. 1-ZN-2003 has been properly noticed for City Council consideration, pursuant to the requirements of the Zoning Ordinance of the City of Scottsdale and the statutes of the State of Arizona, and the necessary hearings have been completed; and

WHEREAS, the Council of the City of Scottsdale, Arizona, wishes to rezone the Property located at the southeast corner of Scottsdale Road and Princess Boulevard (the "Property") and amend the development plan for the Property, subject to stipulations and amended development standards; and

WHEREAS, the Council of the City of Scottsdale, Arizona, wishes to amend the comprehensive zoning map of the City of Scottsdale for this Property

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. That the "District Map" adopted as a part of the Zoning Ordinance of the City of Scottsdale, Arizona, showing the zoning district boundaries is amended, as follows:

The 34+/- acre parcel located at the southeast corner of Scottsdale Road and Princess Boulevard, and illustrated on the zoning map attached hereto as Exhibit 2 and incorporated herein by reference, currently zoned as Planned Community District (PCD) with Commercial Office (CO) comparable uses is rezoned to Planned Community District (PCD) with Central Business (C-2) comparable uses.

Section 2. That the City Council hereby approves the Amended Development Plan for Case No. 1-ZN-2003, which shall remain on file with the City's Planning and Development Services Department, and further ordains the Rezoning is conditioned on compliance with the Amended Development Plan.

Section 3. That the Rezoning is conditioned on compliance with the Stipulations contained in Exhibit 1, attached hereto and incorporated herein by reference.

Section 4. That the Zoning Ordinance of the City of Scottsdale is hereby amended as set forth in the amended development standards as contained in Exhibit 3, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ___ day of May, 2003.

ATTEST:

By:_____
Sonia Robertson, City Clerk

CITY OF SCOTTSDALE, an Arizona municipal corporation

By:_____
Mary Manross, Mayor

APPROVED AS TO FORM:

By: Patricia J. Boomsma for
David A. Pennartz, City Attorney

STIPULATIONS FOR CASE 1-ZN-2003

PLANNING/ DEVELOPMENT

1. CONFORMANCE TO DEVELOPMENT PROGRAM. The overall character of development for Parcels A, B-2, and J shall be hotel/resort-oriented and shall generally conform to "Section V - Development Character" in the "Supplemental Zoning Narrative" submitted by Drake & Associates and dated 3/12/2003 (see report Attachment #1, Section V). The narrative shall not be construed to permit uses and other applicable use-related provisions beyond those already permitted for C-2 zoning of the Zoning Ordinance. Development on Parcels A, B-2, and J shall conform to the Amended Development Plan, contained within Appendix A of the Supplemental Zoning Narrative (see report Attachment #1, Appendix A). The following stipulations shall take precedence over the above-referenced documents. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.

2. PREVIOUS APPROVALS. Except as amended by stipulations herein for Parcels A and B-2, Parcels A, B, C, D-1/E/F, D-2, D-3, G, H, and I shall continue to be governed by the most recently approved stipulations for each respective parcel and area as approved and specifically amended by cases 135-ZN-1985, 57-ZN-1986, 63-ZN-1987, 14-ZN-1988, and 60-ZN-1992.

3. MAXIMUM DEVELOPMENT ALLOWANCES. The total development on Parcels A, B-2, and J shall conform to the development allowances specified in "Section V - Development Character" in the "Supplemental Zoning Narrative" submitted by Drake & Associates and dated 3/12/2003 (see report Attachment #1, Section V). A fifty percent (50%) increase in the development allowance for each single use category shall be allowed, as shown in Table 1 below:

TABLE 1 - TOTAL MAXIMUM DEVELOPMENT ALLOWANCE – PARCELS A, B-2, AND J

Use Category	Base Density / Square Footage	Maximum Density / Square Footage *
Hotel / Resort Residential Total	**350 Units**	**525 Units**
Hotel Ancillary Uses		
Retail / Services	100,000 sq.ft.	150,000 sq.ft.
Restaurant / Bar	50,000 sq.ft.	75,000 sq.ft.
Clubhouse / Recreation	30,000 sq.ft.	45,000 sq.ft.
Conference / Event / Meeting Space	70,000 sq.ft.	105,000 sq.ft.
Cultural Uses	25,000 sq.ft.	37,5000 sq.ft.
Total	**275,000 Square Feet**	**412,500 Square Feet**

* A fifty percent (50%) increase in the development allowance for each single use category is allowed if the Zoning Administrator, through the development application process, determines the following:

- The changes are hotel/resort-oriented; and
- A trip generation analysis demonstrates that the proposed development results in fewer than twenty percent (20%) trips generated over that proposed in the Trip Generation Comparison submitted by Olsson Associates dated 2/27/2003 (see report Attachment #1, Section IV and Appendix B). If there is an aggregate increase of twenty percent (20%) or more, then the developer shall submit a new traffic impact study with the Development Review Board submittal.

The specific distribution of proposed uses between parcels A, B-2, and J shall be included with each Development Review Board submittal.

EXHIBIT #1

4. CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS. Parcel J shall conform with the amended development standards for a comparable zoning of C-2 and amended parking standards, both included in Appendix C of the Supplemental Zoning Narrative dated 3/12/2003 (see report Attachment #1, Appendix C).

5. PHASING. Detailed site plans that are submitted for Development Review Board approval shall clearly define the limits of construction of all improvements necessary to serve the proposed buildings and facilities and link them to all developed areas of the site.

6. UTILITY POLES. The developer shall remove all utility poles / overhead utilities along the south sides of Princess Boulevard. All necessary utilities shall be located underground.

MASTER PLANS

1. MASTER PLANS GENERALLY. The developer shall have each Master Plan specified below prepared by a registered engineer licensed to practice in Arizona (except Schedule E). Each Master Plan for Parcels A, B-2, and J shall be subject to city staff and/or Development Review Board approval before or concurrent with any further Development Review Board submittal.

   a. Schedule A - Circulation Master Plan
   b. Schedule B - Drainage Master Plan
   c. Schedule C - Water Master Plan
   d. Schedule D - Wastewater Master Plan
   e. Schedule E - Master Environmental Design Concept Plan

SCHEDULE A – CIRCULATION MASTER PLAN

MASTER CIRCULATION PLAN. The developer shall submit a master circulation report and plan, which shall indicate the location and design of site driveways, internal streets, parking lot access, pedestrian access to the commercial and recreational areas on and adjacent to the site, and bus facilities. In addition, the circulation master plan shall include the following:

a. The entrance to the site from Princess Blvd. shall be a minimum distance of 660 feet from the intersection of Scottsdale Road and Princess Blvd., unless otherwise approved by the City Transportation Director.
b. Continuous bicycle facilities shall be provided from the Hayden/Bell intersection to the Princess/Scottsdale intersection, as required by Cases 57-Z-86, 63-Z-87, and 14-Z-88.
c. A non-vehicular access easement (NVE) shall be provided along Princess Blvd. or Princess Lane except at street/driveway openings approved by the City Transportation Director.
d. Pedestrian crossing concepts of Princess Boulevard to the north.

SCHEDULE B – DRAINAGE MASTER PLAN

1. MASTER DRAINAGE REPORT. The developer shall submit a master drainage report and plan, which shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the master drainage report and plan shall:

   a. Include a complete description of requirements relating to project phasing.
   b. Identify the timing of and parties responsible for construction of all storm water management facilities.

2. MASTER DRAINAGE REPORT COPIES. Before master drainage report approval by the Drainage Planning Department, the developer shall, when requested by city staff, submit two (2) hard copies and one (1) disc copy of the complete master drainage report.

3. MASTER DRAINAGE REPORT APPROVAL. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the master drainage report.

SCHEDULE C – WATER MASTER PLAN

1. MASTER WATER REPORT. The developer shall submit a master water report and plan subject to Water Resources Department approval. The master water report and plan shall conform to the Design Standards and Policies Manual - Master Plan. In addition, the master water report shall:

   a. Include a complete description of requirements relating to project phasing.
   b. Identify the timing of and parties responsible for construction of all water facilities.

2. MASTER WATER REPORT APPROVAL. Before the improvement plan submittal to the Development Quality/Compliance Division, the developer shall have obtained approval of the master water report.

SCHEDULE D – WASTEWATER MASTER PLAN

1. MASTER WASTEWATER REPORT. With the Development Review Board submittal, the developer shall submit a master wastewater report and plan subject to Water Resources Department approval. The master wastewater report and plan shall conform to the Design Standards and Policies Manual - Master Plan. In addition, the master waste water plan shall:

   a. Include a complete description of requirements relating to project phasing.
   b. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.

2. MASTER WASTEWATER REPORT APPROVAL. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the master wastewater report.

SCHEDULE E – MASTER ENVIRONMENTAL DESIGN CONCEPT PLAN

The architectural and site character of Parcels A, B-2, and J shall be compatible to, and consistent with, the existing hotel-resort development on Parcel B.

CIRCULATION

1. ACCESS RESTRICTIONS. Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):

   a. [PRINCESS BLVD. AND PRINCESS DRIVE] - The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at approved street/driveway openings

approved by the City Transportation Director. Any median break on Princess Blvd. shall be located a minimum distance of 660 feet, and a maximum distance of 1,000 feet, from the intersection of Scottsdale Road and Princess Blvd., unless otherwise approved by the City of Scottsdale Transportation Department General Manager. The developer shall be responsible for modifying the existing Princess Boulevard median to provide left-turn access, if necessary.

2. EASEMENT REQUIREMENTS. Before any final plan approval, the developer shall dedicate an emergency/maintenance access easement through the new project to the TPC golf course in a form acceptable to city staff. The access easement shall have a minimum width of 20 feet and a vertical clearance of 13' 6".

3. PEDESTRIAN CIRCULATION PLAN. With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval. This plan shall indicate the location and width of all sidewalks and pedestrian pathways, and consistent with the Master Circulation Plan.

4. TRANSIT FACILITIES. Before issuance of any certificate of occupancy for the site, the developer shall construct bus bay(s) and stop facilities (landscaping, bench and trash can) <u>if required</u> by the city of Scottsdale Transit Department. The design and location of these facilities shall be subject to city staff approval before any final plan approval. Contact city of Scottsdale Transit Department at 480-312-7696.

<u>DRAINAGE AND FLOOD CONTROL</u>

1. CONCEPTUAL DRAINAGE REPORT. With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the <u>Design Standards and Policies Manual</u> - Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:

   a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- verses post-development discharge comparison of ALL washes which exit the property.
   b. Determine easement dimensions necessary to accommodate design discharges.
   c. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage.
   d. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the <u>Scottsdale Revised Code.</u>
   e. Include a complete description of requirements relating to project phasing.

2. FINAL DRAINAGE REPORT. With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a final drainage report and plan subject to city staff approval. The final drainage report and plan shall conform to the <u>Design Standards and Policies Manual</u> – Drainage Report and Preparation. In addition, the final drainage report and plan shall:

   a. Demonstrate consistency with the approved master drainage plan and report.
      (1). Any design that modifies the approved master drainage report requires from the developer a site-specific addendum to the final drainage report and plan, subject to review and approval by the city staff.
      (2). Addendum generated by the final drainage analysis for this site shall be added to the appendix of the final drainage report.
   b. Provide final calculations and detailed analysis that demonstrate consistency with the accepted conceptual drainage plan and report.

STORM WATER STORAGE REQUIREMENT. Before improvement plan approval, the developer shall submit a final drainage report and plan which calculates the storm water storage volume required, Vr, and the volume provided, Vp, using the 100-year, 2-hour storm event.

3. STORM WATER STORAGE REQUIREMENT. On-site storm water storage is required for the full 100-year, 2-hour storm event, unless city staff approves the developer's Request for Waiver. See Section 2 of the Design Standards and Policies Manual for waiver criteria.

   a. If applicable, the developer shall submit to the Community Development Division a Request for Waiver Review form, which shall:
      (1). Include a supportive argument that demonstrates historical flow through the site will be maintained, and that storm water runoff exiting this site has a safe place to flow.
      (2). Include an estimate for payment in-lieu of on-site storm water storage, subject to city staff approval.
   b. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained the waiver approval.

4. STORM WATER STORAGE EASEMENTS. With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall include and identify tracts with easements dedicated for the purposes of storm water storage, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.

5. DRAINAGE EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all drainage easements necessary to serve the site.

VERIFICATION OF COMPLIANCE

1. REQUIRED SPECIAL INSPECTIONS. Before the approval of the improvement plans, the Project Quality/Compliance Division staff shall specify those drainage facilities that shall be required to have Special Inspections. See Section 2-109 of the Design Standards and Policies Manual for more information on this process.

2. CONDITION FOR ISSUANCE OF GRADING & DRAINAGE PERMIT. Before the issuance of a Grading & Drainage Permit:

   a. The developer shall certify to the Project Quality/Compliance Division, that it has retained an Inspecting Engineer by completing Part I (Project Information) and Part II (Owner's Notification of Special Inspection) of the Certificate of Special Inspection of Drainage Facilities (CSIDF); and,
   b. The Inspecting Engineer shall seal, sign and date Part III (Certificate of Responsibility) of the CSIDF.

3. CONDITION FOR ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR LETTER OF ACCEPTANCE. Before the issuance of a Certificate of Occupancy and/or a Letter of Acceptance:

   a. The Inspecting Engineer shall seal, sign and date the Certificate of Compliance form.
   b. The developer shall submit all required Special Inspection Checklists and the completed Certificate of Compliance form to the Inspection Services Division. The Certificate of

Compliance form shall be sealed, signed and dated by the Inspecting Engineer, and shall be attached to all required Special Inspection Checklists completed by the Inspecting Engineer.

4. AS-BUILT PLANS. City staff may at any time request the developer to submit As-built plans to the Inspection Services Division. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor. As-built plans for drainage facilities and structures shall include, but are not limited to, streets, lot grading, storm drain pipe, valley gutters, curb and gutter, flood walls, culverts, inlet and outlet structures, dams, berms, lined and unlined open channels, storm water storage basins and underground storm water storage tanks, bridges as determined by city staff.

WATER

1. BASIS OF DESIGN REPORT (WATER). Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:

   a. Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc.
   b. Identify the timing of and parties responsible for construction of all water facilities.
   c. Include a complete description of requirements relating to project phasing.

2. APPROVED BASIS OF DESIGN REPORT. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.

3. NEW WATER FACILITIES. Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all water lines and water related facilities necessary to serve the site. Water line and water related facilities shall conform to the city Water System Master Plan.

4. WATERLINE EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code the Design Standards and Policies Manual, all water easements necessary to serve the site.

WASTEWATER

1. BASIS OF DESIGN REPORT (SANITARY SEWER).). Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:

   a. Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities.
   b. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.
   c. Include a complete description of requirements relating to project phasing.

2. APPROVED BASIS OF DESIGN REPORT. Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.

3. NEW WASTEWATER FACILITIES. Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all sanitary sewer lines and wastewater related facilities necessary to serve the site. Sanitary sewer lines and wastewater related facilities shall conform to the city Wastewater System Master Plan.

4. SANITARY SEWER EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site.

OTHER REQUIREMENTS

1. ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS. All construction activities that disturb five or more acres, or less than five acres if the site is a part of a greater common plan, shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. [NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100. Contact Region 9 of the U.S. Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site http://www.epa.gov/region.

   The developer shall:
   a. Submit a completed Notice of Intent (NOI) to the EPA.
   b. Submit a completed Storm Water Pollution Prevention Plan (SWPPP) to the EPA.

2. NOTICE OF INTENT (NOI). With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a copy of the NOI.

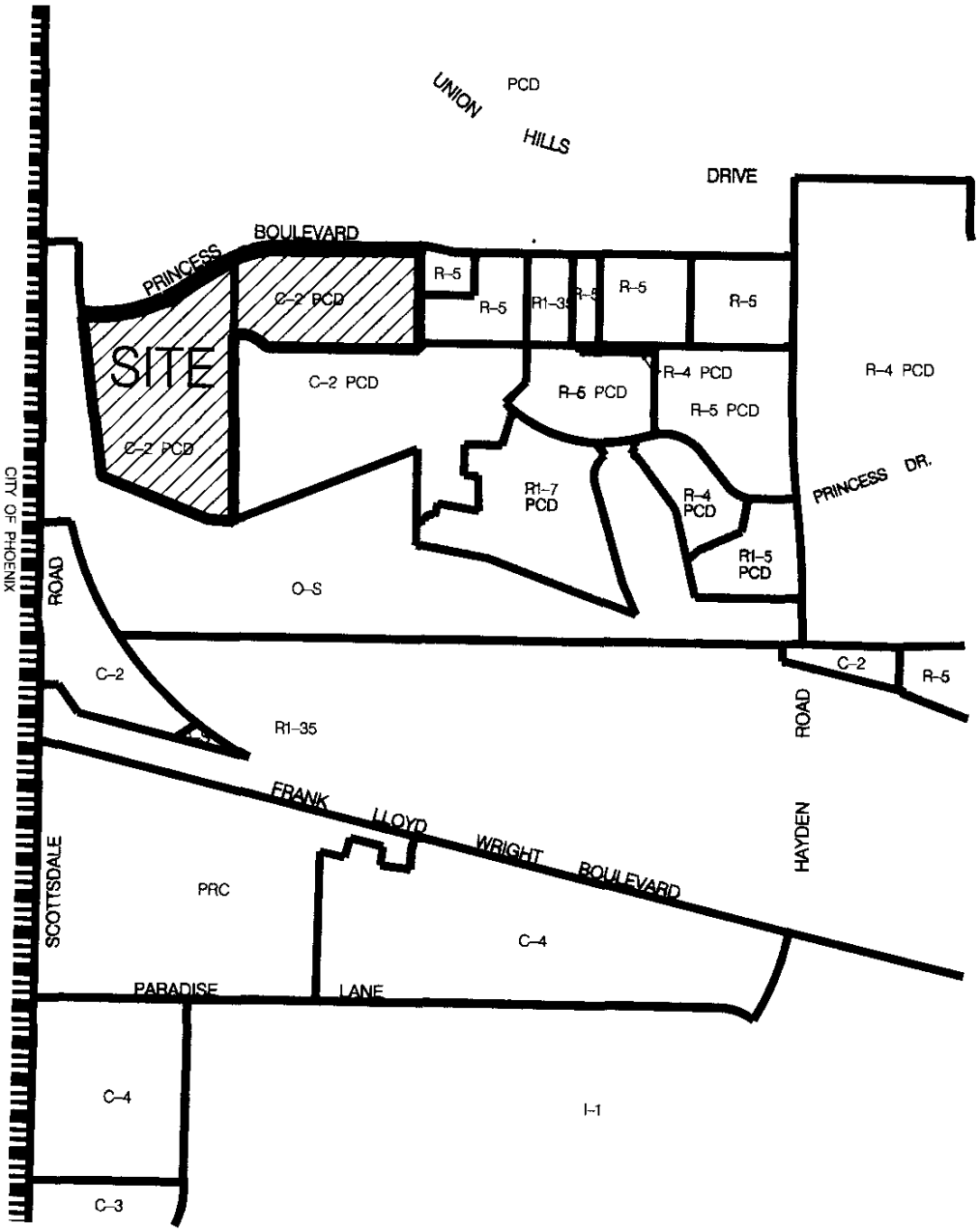
3. DUST CONTROL PERMITS. Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county 602-507-6727 for fees and application information.

4. UTILITY CONFLICT COORDINATION. With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a signed No Conflict form (not required for city owned utilities) from every affected utility company.

5. ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS (ADEQ). The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications. The developer shall demonstrate compliance with Engineering Bulletin #10 *Guidelines for the Construction of Water Systems*, and Engineering Bulletin #11 *Minimum Requirements for Design, Submission of Plans, and Specifications of Sewerage Works*, published by the ADEQ. In addition:

   a. Before approval of final improvement plans by the Project Quality/Compliance Division, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD).
   b. Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and/or Wastewater Systems has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.

c. Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
d. Before acceptance of improvements by the city Inspection Services Division, the developer shall submit a Certificate of Approval of Construction signed by the MCESD and a copy of the As-Built drawings.
   (1). Before issuance of Letters of Acceptance by the city Inspection Services Division, the developer shall:
   (2). Provide to the MCESD, As-Built drawings for the water and/or sanitary sewer lines and all related facilities, subject to approval by the MCESD staff, and to city staff, a copy of the approved As-Built drawings and/or a Certification of As-Builts, as issued by the MCESD.
   (3). Provide to the MCESD a copy of the Engineers Certificate of Completion with all test results, analysis results, and calculations, as indicated on the form.
   (4). Provide to the MCESD a copy of the Request for Certificate of Approval of Construction of water and/or sanitary sewer lines with all appropriate quantities.
   (5). Provide the city Inspection Services Division a copy of the Certificate of Approval of Construction, as issued by the MCESD.



1-ZN-2003

EXHIBIT #2

Appendix C
Amended C-2 Development Standards
Amended Off-Street Parking Standards

EXHIBIT #3

C-2 CENTRAL BUSINESS DISTRICT – *Amended Development Standards*

Approved as part of Case 63-Z-87)

Sec. 5.1404. Property development standards.

The following property development standards shall apply to all land and buildings in the C-2 district:

A. *Floor area ratio.* In no case shall the gross floor area of a structure exceed the amount equal to eight-tenths multiplied by net lot area in square feet.

B. *Volume ratio.* In no case shall the volume of any structure exceed the product of the net lot area in square feet multiplied by 9.6 feet.

C. Open space requirement.

1. In no case shall the open space requirement be less than ~~ten (10)~~ TWELVE (12) percent of the net lot area for zero (0) feet to twelve (12) feet of height, plus ~~four-tenths~~ FIVE-TENTHS percent of the net lot for each foot of height above twelve (12) feet.

2. Open space required under this section shall be exclusive of parking lot landscaping required under the provisions of article IX of this ordinance.

D. *Building height.* No building shall exceed thirty-six (36) feet in height except as otherwise provided in article VI or article VII.

E. *Density.*

1. Hotels, motels, and timeshare projects shall provide not less than ten (10) guest rooms and/or dwelling units with a minimum gross land area of one thousand (1,000) square feet per unit.

2. Multiple-family dwellings shall provide a minimum floor area of five hundred (500) square feet for each dwelling unit.

F. *Yards.*

1. Front Yard.

a. No front yard is required except as listed in the following three (3) paragraphs and in article VII hereof, ~~unless a block is partly in a residential district, in which event the front yard regulations of the residential district shall apply.~~

b. ~~A minimum of one-half (1/2) of the open space requirement shall be incorporated as frontage open space to provide a setting for the building and a streetscape containing a variety of spaces.~~

c. Where parking occurs between a building and the street a yard of thirty-five (35) feet in depth between the street and parking shall be maintained. This depth may be decreased to a minimum of twenty (20) feet subject to Section 10.402.D.3.

2. Side Yard.

a. A side yard of not less than ~~fifty (50)~~ FIFTEEN (15) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The ~~fifty (50)~~ FIF TEEN (15) feet may include the width of the alley.

b. A side yard of not less than ~~twenty-five (25)~~ TEN (10) feet shall be maintained where the side lot abuts a multiple-family residential district. The ~~twenty-five (25)~~ TEN (10) feet may include any alley adjacent to the multiple-family residential district.

3. Rear Yard.

a. A rear yard of not less than ~~fifty (50)~~ FIFTEEN (15) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district. The ~~fifty (50)~~ feet may include the width of the alley.

b. A rear yard of not less than ~~twenty-five (25)~~ TEN (10) feet shall be maintained where the rear lot abuts a multiple-family residential district. ~~The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district~~.

4. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence as determined by Development Review [Board] approval or use permit.

5. Other requirements and exceptions as specified in article VII.

(Ord. No. 1840, § 1, 10-15-85; Ord. No. 2818, § 1, 10-17-95)

Sec. 9.103. Parking requirements.

A. *General requirement*. Except as provided elsewhere in this ordinance, each principal and accessory use of land shall be provided with the number of on-site parking spaces indicated for that use in table 9.2.

B. *Required bicycle parking*. Every principal and accessory use of land which is required to provide at least forty (40) vehicular parking spaces shall be required to provide bicycle parking spaces at a rate of one (1) bicycle parking space per every ten (10) required vehicular parking spaces. Those professional office, business, and retail uses outside of the downtown (D) districts which primarily serve the surrounding neighborhood or provide basic convenience goods and services, but are required to provide less than forty (40) vehicular parking spaces, shall provide a minimum of four (4) bicycle parking spaces. All other uses required to provide less than forty (40) vehicular parking spaces may also provide bicycle parking which may be used to reduce vehicular parking requirements pursuant to section 9.104.C., *Credit for bicycle parking facilities.* In no event shall any use be required to provide more than one hundred (100) bicycle parking spaces.

For uses in the downtown (D) districts required to provide less than forty (40) vehicular parking spaces, bicycle parking spaces may be provided by the City within larger common public rights-of-way, and conveniently and aesthetically located.

Required bicycle parking facilities shall, at a minimum, provide a stationary object to which the operator can lock the bicycle frame and both wheels with a user provided U-shaped lock or cable and lock. Bicycle lockers and other high security bicycle parking facilities, if provided, may be granted parking credits pursuant to 9.104.C, credit for bicycle parking facilities.

C. *Calculating required parking for bar and restaurant combinations.* For bars and nightclubs which serve food and for restaurants which include a bar, required parking shall be calculated according to table 9.1 below.

Table 9.1. Calculating Parking for Bars and Restaurant Combinations

Percentage of Gross Floor Area Devoted to Kitchen	Percentage of Public Floor Area Calculated as Restaurant	Percentage of Public Floor Area Calculated as Bar
40% or more	100%	0%
30--39%	75%	25%

Percentage of Gross Floor Area Devoted to Kitchen	Percentage of Public Floor Area Calculated as Restaurant	Percentage of Public Floor Area Calculated as Bar
20--29%	50%	50%
5--19%	25%	75%
Less than 5%	0%	100%

D. *Calculating required parking for transportation facilities.* Required parking for park and ride lots and major transfer centers shall be determined by the City Manager or designee. Subject to section 3.3, transit, of the design standards and policies manual and the following criteria:

1. Goals of the city with regard to transit ridership along the route on which the transportation facility is located.

2. Distance from other transportation facilities with parking.

E. *Fractions shall be rounded.* When any calculation results in a fraction of a parking space, any fraction shall be rounded up to the next greater whole number.

F. *Interpreting requirements for analogous uses.* The City Manager or designee shall determine the number of spaces required for analogous uses. In making this determination, the City Manager or designee shall consider the following:

1. The number of parking spaces required for a use listed in table 9.2 that is similar to the proposed use;

2. An appropriate variable by which to calculate parking for the proposed use; for example, square footage or number of employees;

3. Parking data from the same use on a different site or from a similar use on a similar site;

Alternatively, an applicant may elect to have requirements for unlisted uses approved by public hearing before the City Council.

G. *Additional requirements for company vehicles.* When parking spaces are used for the storage of vehicles or equipment used for delivery, service and repair, or other such use, such parking spaces shall be provided in addition to those otherwise required by this ordinance. At the time a building permit is issued, each developer

shall indicate clearly on the plans, or in an accompanying letter, the number of spaces to be used for vehicle storage. Unless additional spaces are provided in excess of the required number of spaces, no vehicles in addition to that number shall be stored on the site.

H. *Special events parking.* Parking for special events shall be provided as per section 7.900.

Table 9.2. Schedule of Parking Requirements

TYPE OF USE	PARKING SPACES REQUIRED
Residential Uses	
Boardinghouses, lodging houses, fraternity and sorority houses and other such uses	One (1) parking space for each one (1) guest room or dwelling unit.
Dwellings, multi-family	
In planned neighborhood center or planned community center	Two (2) spaces per unit.
In planned convenience center	Two (2) spaces per unit, both of which shall be covered.
In downtown area	One and one-half (1.5) spaces per unit. In a mixed-use project, residential parking may be reduced to one (1) space per unit if more than four (4) nonresidential spaces are available.
In other districts	Parking spaces per dwelling unit Efficiency units 1.25 One-bedroom 1.3 Two-bedrooms 1.7 Three (3) or more bedrooms 1.9
Dwellings, single-and two-family and townhouses	Two (2) spaces per unit.
Guest houses with cooking facilities	One (1) parking space in addition to the parking required for the single-family dwelling.
Hotels, motels, and resorts	One (1) parking space for each one (1) guest room or dwelling unit.
Resort hotels, auxiliary commercial uses	A. One (1) parking space for every sixty (60) square feet of usable public floor area of restaurants, dining rooms, bars and dancing areas and places where the public is served, with an additional twenty (20) percent for employee parking.
	B. One (1) parking space for every four hundred (400) square feet of usable floor area, for commercial accessory uses.

TYPE OF USE	PARKING SPACES REQUIRED
	C. For places of public assembly, one (1) space for every five (5) seats, if seats are fixed or one (1) space for fifty (50) square feet of general assembly area.
Mobile home parks	Three (3) parking spaces for every two (2) mobile home spaces, either in or within one hundred (100) feet of the mobile home space.
Ranches	One (1) space per every two (2) horse stalls.
Institutional uses	
Hospitals	One (1) parking space for each one (1) bed.
Medical/dental offices and clinics	One (1) space per two hundred fifty (250) square feet of gross floor area.
Post offices on private property	One (1) parking space for each two hundred (200) square feet of floor area.
Places of worship	A. With fixed seating. One (1) space per four (4) seats in main sanctuary or auditorium plus one (1) space per each three hundred (300) square feet of classrooms and other meeting areas.
	B. Without fixed seating. One (1) space for each thirty (30) square feet of floor area in main sanctuary plus one (1) space per each three hundred (300) square feet of classrooms and other meeting areas.
Residential health care facilities	A. Specialized care facilities--five-tenths (0.5) of one parking space for each bed.
	B. Minimal care facilities--seven-tenths (0.7) of one parking space for each dwelling unit.
Commercial/Retail Service Uses	
Automobile dealers, new and used	A. One (1) employee parking space per each two hundred (200) square feet of indoor floor area, and
	B. One (1) employee parking space per each twenty (20) outdoor vehicle display spaces, and
	C. One (1) customer parking space per each twenty (20) outdoor vehicle display spaces.
	Parking plans submitted for automobile dealers shall illustrate the parking spaces allocated for each of A, B, and C, above.
Automotive service stations	Three (3) spaces per service bay and one (1) space per two hundred fifty (250) square feet of accessory retail

TYPE OF USE	PARKING SPACES REQUIRED
	sales area.
Banks/financial/civic offices	TWO HUNDRED EIGHT-FIVE (285) One (1) space per ~~two hundred fifty (250)~~ square feet gross floor area.
Bar, lounge, tavern or nightclub	SEVENTY-FIVE(75) One (1) space per ~~thirty-five (35)~~ square feet of indoor public floor area, plus one (1) space per two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.
Bars with restaurants	See "restaurants with bars."
Car wash, automated	Four (4) spaces per bay or stall plus one (1) space per employee plus ten (10) stacking spaces.
Dry cleaners	TWO HUNDRED EIGHT-FIVE (285) One (1) space per two ~~hundred fifty (250~~) square feet gross floor area.
Freestanding stores and neighborhood centers (up to two hundred thousand (200,000) square feet)	
In planned neighborhood center, planned community center, or planned regional center	One (1) space per two hundred fifty (250) square feet gross floor area.
In planned convenience center, with arterial street frontage	One (1) space per two hundred fifty (250) square feet gross floor area.
In planned convenience center, without arterial street frontage	One (1) space per three hundred (300) square feet gross floor area.
In downtown (D) districts	One (1) space per two hundred fifty (250) square feet gross floor area.
In other districts	TWO HUNDRED EIGHTY-FIVE (285) One (1) space per ~~two hundred fifty (250)~~ square feet gross floor area.
Funeral homes	One (1) parking space for every two (2) persons for which permanent seating is provided in the main auditorium and one (1) parking space for every thirty (30) square feet of public assembly area.
Furniture and appliance stores	A. Up to fifteen thousand (15,000) square feet. One (1) space per five hundred (500) square feet gross floor area.
	B. Over fifteen thousand (15,000) square feet. One (1) space per five hundred (500) square feet for the first fifteen thousand (15,000) square feet, one (1) space per

TYPE OF USE	PARKING SPACES REQUIRED
	eight hundred (800) square feet thereafter.
Grocery (food store)	One (1) space per three hundred (300) square feet gross floor area.
Office, business and professional services	One (1) space per three hundred (300) square feet gross floor area.
Personal services	TWO HUNDRED EIGHT-FIVE (285) One (1) space per ~~two hundred fifty (250~~) square feet gross floor area.
Plant nurseries, building materials yards, equipment rental or sales yards and similar uses	One (1) parking space for each three hundred (300) square feet of sales and display area.
Regional shopping center (more than two hundred thousand (200,000) square feet)	One (1) space per two hundred (200) square feet gross floor area.
Restaurants	
In planned neighborhood center, planned community center or planned regional center	One (1) space per eighty (80) square feet indoor public floor area, and one (1) space per two hundred fifty (250) square feet outdoor public floor area, excluding the first two hundred fifty (250) square feet of outdoor public floor area.
In other districts	SEVENTY-FIVE (75) One (1) parking space for each ~~fifty (50)~~ square feet of public floor area, and one (1) space for each two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.
Restaurants with bars	The amount of restaurant area and bar area shall be determined according to the method provided in table 9.1, section 9.103.C., calculating required parking for bar, and restaurant combinations.
In planned neighborhood center, planned community center, or planned regional center	A. Restaurant area. One (1) space per eighty (80) square feet of indoor public floor area.
	B. Bar area. One (1) space per fifty (50) square feet of indoor public floor area.
	C. Outdoor areas. One (1) space per two hundred fifty (250) square feet outdoor public floor area, excluding the first two hundred fifty (250) square feet of outdoor public floor area.
In other districts	SEVENTY-FIVE A. Restaurant area. One (1) parking space for each ~~fifty~~ (75)

TYPE OF USE	PARKING SPACES REQUIRED
	~~(50)~~ square feet of public floor area.
	B. Bar area. One (1) space for each thirty-five (35) square feet indoor public floor area.
	C. Outdoor areas. One (1) space for each two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.
Educational uses	
College/university	One (1) space per two (2) employees plus one (1) space per four (4) students, based on projected maximum enrollment.
Dance/music/business/vocational/trade schools	One (1) space per two hundred (200) square feet of classroom area.
Day nurseries or pre-schools	One (1) parking space for each employee; plus one (1) space for every fifteen (15) students, plus one (1) space for each company vehicle as per section 9.103.G, additional requirements for company vehicles.
Elementary schools	One (1) parking space for each classroom plus one (1) parking space for each two hundred (200) square feet of floor area in office areas.
High schools	One (1) parking space for each employee plus one (1) space for every six (6) students, based on projected maximum enrollment.
Cultural/entertainment uses	
Amusement parks	Three (3) spaces per hole for any miniature golf course, plus one (1) space per three thousand (3,000) square feet of outdoor active recreation space, plus any additional spaces required for ancillary uses such as but not limited to game centers and billiard halls.
Arts festivals, seasonal	One (1) space for each two hundred (200) square feet of indoor public floor area, other than public restaurant space. restaurant space at seasonal arts festivals shall be provided parking as otherwise required for restaurants in table 9.2.
Art galleries	One (1) space per four hundred (400) square feet indoor public floor area, one (1) space per two hundred twenty-five (225) square feet of office or work area, and one (1)

TYPE OF USE	PARKING SPACES REQUIRED
	space per eight hundred (800) square feet storage space.
Billiard halls	Two (2) spaces per billiard table.
Bowling alleys	Four (4) parking spaces for each lane, plus two (2) for any billiard table, plus one (1) space for each five (5) seats in any visitors gallery.
Club/lodge	One (1) space per two hundred fifty (250) square feet gross floor area.
Community or recreation buildings	One (1) parking space for each two hundred (200) square feet of floor area.
Cultural institutions and museums	One (1) space per three hundred (300) square feet gross floor area.
Dance halls, skating rinks, and similar recreational uses	One (1) parking space for each three hundred (300) square feet of floor space in the building.
Game centers	One (1) space per one hundred (100) square feet gross floor area.
Golf course	One (1) parking space for each two hundred (200) square feet of floor area in any main building plus one (1) space for every two (2) practice tees in the driving range, plus four (4) parking spaces for each green in the playing area.
Health or fitness studio	A. Less than ten thousand (10,000) square feet: one (1) space per one hundred fifty (150) square feet gross floor area.
	B. Ten thousand (10,000) to nineteen thousand nine hundred ninety-nine (19,999) square feet: one (1) space per two hundred (200) square feet gross floor area.
	C. Twenty thousand (20,000) to twenty-nine thousand nine hundred ninety-nine (29,999) square feet: one (1) space per two hundred fifty (250) square feet gross floor area.
	D. Thirty thousand (30,000) square feet and over: one (1) space per three hundred (300) square feet gross floor area.
Library	One (1) space per three hundred (300) square feet gross floor area.
Parks, public or private	Three (3) parking spaces for each acre of park area.

TYPE OF USE	PARKING SPACES REQUIRED
Stables, commercial	Adequate parking for daily activities shall be provided as determined by the City Manager or designee. Additional parking, improved as determined by the City Manager or designee, shall be provided for shows or other special events pursuant to section 7.900, special events.
Swimming pool or natatorium	One (1) space per one thousand (1,000) square feet gross floor area.
Tennis clubs	One (1) parking space per each two hundred (200) square feet of gross floor area, excluding court area, plus three (3) parking spaces per each court. The applicant shall be responsible for reserving space for parking that may be required in order to obtain permission for tournaments, shows and other activities.
Theaters, cinemas, auditoriums, gymnasiums and similar places of public assembly	
In planned neighborhood center, planned community center or planned regional center	One (1) space per ten (10) seats.
In other districts	One (1) parking space per four (4) seats. The total requirement may be reduced by one (1) parking space for every four (4) guest rooms contained in an attached hotel.
Trailheads	
Gateway	Five hundred (500) to six hundred (600) spaces, including those for tour buses and horse trailers.
Major community	Two hundred (200) to three hundred (300) spaces, including those for horse trailers.
Minor community	Fifty (50) to one hundred (100) spaces.
Local	None required.
Western theme park	Total of all spaces required for the various uses of the theme park, may apply for a reduction in required parking per section 9.104, programs and incentives to reduce parking requirements.
Technical uses	
Internalized community storage	One (1) parking space for each two thousand five hundred (2,500) square feet of gross floor area.
Manufacturing and industrial uses	One (1) parking space for each five hundred (500) square feet of gross floor area.

TYPE OF USE	PARKING SPACES REQUIRED
Warehousing or wholesaling establishments	One (1) parking space for each eight hundred (800) square feet of gross floor area.
Warehouses, mini	One (1) space per three hundred (300) square feet of administrative office space plus one (1) space per each fifty (50) storage spaces.
Communication Uses	
Radio/TV/studio	One (1) space per five hundred (500) square feet gross floor area, plus one (1) space per company vehicle, as per section 9.103.G, additional requirements for company vehicles.
Transportation Uses	
Transportation facilities, per section 5.3054	Required parking shall be determined by the City Manager or designee per section 9.103.D., calculating required parking for transportation facilities.

(Ord. No. 2736, § 1, 3-7-95; Ord. No. 3048, § 2, 10-7-97; Ord. No. 3225, § 1, 5-4-99)

CITY COUNCIL REPORT

MEETING DATE: 05/19/2003 ITEM NO. 11 GOAL: Fiscal Management

SUBJECT

Approve Resolution No. 6284 authorizing Contract Modification No. 2002-022-COS-A

REQUEST

Authorize Contract Modification No. 2002-022-COS-A with the firm of Marsh USA, Inc. for insurance agent/broker services.

Related Policies, References:
This contract extension allows Risk Management to continue to secure expertise of insurance agent/broker services to assist in planning an arranging the City's property-casualty program that renews July 1 of each year, including the services of program design, accessing the worldwide insurance market, identifying potential insurers, and structuring and negotiating terms and conditions of needed insurance coverage to protect City assets.

BACKGROUND

Insurance agent/broker services were bid out in 2002 under RFP 02RP021 for services to be rendered for the period 5/2/02 – 03. The vendor selected was Marsh USA, Inc.

That contract allows for four (4) one-year extensions upon mutual agreement between the parties.

ANALYSIS & ASSESSMENT

Recent staff action.
The Risk Management Division negotiated a one-year extension and a 5% price increase as stated in the contract. The 5% increase is warranted because of the very difficult international insurance marketplace and the additional work for the agent/broker necessary to effect a cost effective excess insurance program for the City.

Significant issues to be addressed.
The City seeks insurance coverage from the worldwide insurance market in the areas of Excess General Liability and Public Officials coverage, primary Property insurance on buildings and contents, Excess Workers' Compensation coverage, primary premises Aviation coverage for the Scottsdale Airport, Fidelity coverage and some miscellaneous smaller insurance policies. As a result, the insurance agent/broker must have large commercial account property-casualty experience including large Arizona public entities and have global market access and presence.

Approximately 95% of available public entity insurers market their products through the insurance agent/broker system. Insurers utilizing the agency system will not deal directly with client entities, but only with agents/brokers themselves. There are a few "direct writer" insurance companies, but none currently that competitively address the needs of a large Arizona public entity.

Action Taken _____

Contract Terms.
The contract extension will be for a period of one year, effective May 28, 2003.

Policy implications.
Not applicable.

Community involvement.
Payment of agent/broker fees will not involve a public outreach process.

RESOURCE IMPACTS

Available funding.
Available funding is available from the City's Risk Management budget.

Cost recovery options.
None.

Future budget implications.
None.

Staffing, workload impact.
None because the insurance agent/broker performs services directed into the international insurance marketplace.

Maintenance requirements.
None.

OPTIONS & STAFF RECOMMENDATION

Description of Option(s):

1. Renew contract with current vendor for another year.
2. Seek solicitations proposals from other insurance brokers.

Recommended Approach:
Renew contract with current insurance broker because of their very high professional services quality in the public risk sector.

Proposed Next Steps:
Council to approve Contract Modification for services for the period 5/2/03 – 04.

RESPONSIBLE DEPT(S)

Risk Management Division

STAFF CONTACT(S)

Myron J. Kuklok, Risk Management Director

APPROVED BY

Craig Clifford, Chief Financial Officer	4/2/03 Date
David Pennartz, City Attorney	4/3/03 Date
Ed Gawf, Deputy City Manager	4/7/03 Date
Jan Dolan, City Manager	4/8/03 Date

ATTACHMENTS

Contract Modification No. 2002-022-COS-A

(Continued)

RESOLUTION NO. 6284

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY TO EXECUTE CONTRACT NO. 2002-022-COS-A, THE FIRST RENEWAL OF AN AGREEMENT WITH THE FIRM OF MARSH, USA, INC. FOR THE PROVISION OF INSURANCE AGENT/BROKER SERVICES

WHEREAS, the City of Scottsdale's Risk Management Division has previously contracted with Marsh, USA, Inc. for insurance agent/broker services in connection with identifying and negotiating needed insurance coverage to protect City assets; and

WHEREAS, the City desires that Marsh USA, Inc. continue to provide services in assisting the City in planning and arranging the City's property-casualty program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. Mayor Mary Manross is hereby authorized and directed to execute, on behalf of the City of Scottsdale, Contract No. 2002-022-COS-A, the first renewal of an agreement with the firm of Marsh USA, Inc. for the provision of insurance agent/broker services.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Scottsdale this 19th day of May, 2003.

ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Sonia Robertson,
City Clerk

By: _____
Mary Manross,
Mayor

APPROVED AS TO FORM:

By: _____
David A. Pennartz,
City Attorney

34923-1

Contract No. 2002-022-COS-A

CITY OF SCOTTSDALE
MODIFICATION TO PROFESSIONAL SERVICES

THIS CONTRACT MODIFICATION, made and entered into this 19th day of May, 2003, by and between the City of Scottsdale, a Municipal Corporation of the State of Arizona, hereinafter referred to as "City", and Marsh USA, Inc., hereinafter referred to as "Contractor", amending the Contract dated May 28, 2002, between City and Contractor.

WITNESSETH

THAT, the Mayor of the City of Scottsdale is authorized and empowered by provisions of the City Charter to execute Contracts and Contract Modifications.

WHEREAS, the CITY desires to renew this Contract for a one-year period; and

WHEREAS, the City and the Contractor mutually agree to modify the contract;

NOW THEREFORE, in consideration of the mutual promises and obligations set forth herein, the parties hereto agree as follows:

1.0 MODIFICATIONS:

1.1 Section 3.1. The term of this Contract shall be extended for a one-year period. The new term will be 5/28/03 – 04.

1.2 Section 2.4. The parties mutually agree to a 5% price increase for the above-referenced contract renewal period. The amount paid to Contractor inclusive of all expenses under this Contract shall be $61,425.

2.0 OTHER CONTRACT PROVISIONS:

All provisions of the original Contract not modified in Section 1.0, above, shall remain in full force and effect as stated therein.

IN WITNESS WHEREOF, THE CITY OF SCOTTSDALE by its Mayor and City Clerk have hereunto subscribed their name this 19th day of May, 2003.

CITY OF SCOTTSDALE

By:_____
Mary Manross, Mayor

ATTEST:

By: _____
Sonia Robertson, City Clerk

CONTRACTOR

By: _____
Michael Goss
Managing Director

CITY CONTRACT ADMINISTRATOR

By: _____
Myron J. Kuklok
Risk Management Director

CITY OF SCOTTSDALE REVIEW

_____
Monroe C. Warren
Purchasing Director

_____
Myron J. Kuklok
Risk Management Director

APPROVED AS TO FORM:

_____
David A. Pennartz
City Attorney

CITY COUNCIL REPORT

MEETING DATE: 05/19/2003 ITEM NO. 12 GOAL: Fiscal Management

SUBJECT

Authorize Continuing Legal Expenses.

REQUEST

Authorize the City's Risk Management Division to continue payments of legal fees in the defense of Guthrie v. City of Scottsdale, CIV 02-2468 PHX RCB, currently pending in the United States District Court, for an additional contract amount of $50,000.

Related Policies, References: On February 3, 2003, the City Council authorized a contract with the law firm of Udall, Shumway & Lyons to provide specialized and expert legal services relating to litigation. The City Council directed that expenditures for attorney's fees in excess of $50,000 should return for the City Council's review and approval.

BACKGROUND

This case concerns the allegations of wrongful termination by Mr. Guthrie, former Police Legal Advisor.

Approximately $46,000 has been paid in attorney's fees to date. The additional requested contract amount of $50,000 would allow outside counsel to continue to defend the City through the remaining pre-trial, trial and appeal processes.

ANALYSIS & ASSESSMENT

Recent staff action.
The City Attorney's Office continues to monitor the defense of the case and all expenditures made to outside counsel. The City Attorney's Office agrees that the City should continue to respond in opposition to Plaintiffs' case and on case dispositive motions for summary judgment.

Significant issues to be addressed.
Over the past two years, 2/3 of the City's litigation cases have been kept or brought in-house. There is still a need to send some cases, particularly larger of more complex cases, to outside counsel to preserve the resources in the City Attorney's Office, so that the City attorneys can focus on the remaining 2/3 of in-house litigation cases and other legal questions. The contract extension is requested for the same reason to ensure the continuity of the City's defense, and because principal in-house attorneys are witnesses in the case.

Contract Terms.
On February 3, 2003, the City Council authorized a contract with the law firm of Udall, Shumway & Lyons, to provide specialized and expert legal services relating to litigation. The City Council directed that expenditures for attorney's fees in

Action Taken _____

excess of $50,000 should return for review and approval. Currently, expenditures for attorney's fees total approximately $46,000. It is estimated that attorney's fees for the pre-trial, trial and post-trial work will not exceed the additional $50,000 contract amount requested.

Policy implications.
Not applicable.

Community involvement.
Payment of legal fees will not involve a public outreach process.

RESOURCE IMPACTS

Available funding.
Available funding to increase the maximum contract amount by an additional $50,000 is available from the City's Risk Management budget, 710-03740-52486.

Cost recovery options.
None.

Future budget implications.
None.

Staffing, workload impact.
Under Option A, limited staffing time will be necessary to monitor the defense of the case and all expenditures made to outside counsel.

Under Option B, internal attorney time and resources would need to be diverted from other litigation matters and legal questions to work on the pre-trial, trial and post-trial motions. Due to their familiarity with the case, it is generally a more efficient use of legal resources to have the lawyers who are most familiar with the facts of the case continue with defense of the case. Court rules also do not permit attorneys both to litigate cases and serve as trial witnesses.

Maintenance requirements.
Under Option A, the City would continue to monitor the defense of the case and expenditures to outside counsel.

OPTIONS & STAFF RECOMMENDATION

Description of Option A:
Approval of an additional contract amount to allow the law firm of Udall, Shumway & Lyons to continue to defend the City.

Description of Option B:
The City Attorney's Office could internally work on pre-trial, trial and post-trial legal proceedings in this case. Difficulties would be encountered in staffing a major case where principal in-house attorneys are disqualified by serving as trial witnesses in the case.

(Continued)

Recommended Approach:
Staff recommends Option A, approving the additional contract amount of $50,000 for the payment of legal fees to the law firm of Udall, Shumway & Lyons for the defense of Guthrie v. City of Scottsdale. This will ensure the continuity of the City's defense and will allow the attorneys in the City Attorney's Office to focus on the litigation cases and other legal matters that have not been sent to outside counsel. Bringing the Guthrie case in-house at this point will require other cases to be sent outside, potentially at even greater cost.

Proposed Next Steps:
If the additional contract amount is approved, staff will consult with outside counsel to confirm the continuing post-trial defense of this case.

RESPONSIBLE DEPT(S) City Attorney's Office and Risk Management.

STAFF CONTACT(S) David Pennartz, Myron Kuklok, and Michael Mason.

APPROVED BY

Craig Clifford, Financial Services General Manager — Date 4/23/03

David Pennartz, City Attorney — Date 4/23/03

Jan Dolan, City Manager — Date 4/24/03

ATTACHMENTS None.

(Continued)

CITY COUNCIL REPORT

MEETING DATE: 05/19/2003 ITEM NO. 13 GOAL: Neighborhoods

SUBJECT

Construction Bid Award for Fire Station #12 Located at the Scottsdale Airport

REQUEST

AUTHORIZE Construction Bid Award No 03PB094 to G.R. Walton General Contractors, Inc., the lowest responsive bidder, at their lump sum base bid of $807,500.00.

Related Policies, References:

- The design and construction of these facilities will move the City toward the accepted total emergency coverage that was identified in 1992 and subsequently included in the City's General Plan.
- Voters in the 2000 Bond Election approved the construction project, together with an Airport Fire Fighting and Rescue Vehicle.
- Council approved the design contract for the station on December 4, 2000.

BACKGROUND

The original Scottsdale Airport facility was located at the SE corner of Scottsdale Road and Thunderbird. In 1992, a decision was made to move the fire station and airport protection equipment to a temporary facility, located at the center of the runway, north of the tower, on property owned by the City. This move provided a better location from which to reach all areas of the airport property with faster response times. The temporary facility was constructed to allow a permanent structure to be built in the near future, when funding was available, without jeopardizing fire suppression operations. The funding for the permanent facility, along with a Fire Fighting and Rescue Vehicle, was approved by voters as part of the 2000 Bond Election and design activities began early the following year. The new facility will consist of three bays that will house two fire suppression/rescue vehicles to support the airport, along with a pumper, ambulance and brush truck which will provide fire support to the adjacent community. Living quarters for fire fighters will also be provided as part of this project and will alleviate current interior noise levels which exceed OSHA standards.

ANALYSIS & ASSESSMENT

Work under this contract is scheduled to begin in June with completion in February 2004. The existing temporary station will remain in operation during the construction process and will be removed from the site upon the completion of the work and the relocation of operational elements to the new structure. No negative impacts are expected on current operations, and potential impacts will be reviewed daily, by on-site personnel, as construction activities progress.

Action Taken_____

Contract process and terms.
The Purchasing Department opened sealed bids the project on April 8, 2003 at 3:00 PM. The bids that were received were as follows:

G.R. Walton General Contractors, Inc.	**$807,500.00**
Adaptive CM, LLC	$856,852.00
Suft Construction	$878,500.00
Sygnos, Inc.	$939,000.00
W.M. Grace Contractors, Inc.	$954,300.00
Close Construction	$960,000.00
Woods Construction	$968,000.00
Bunny's, Inc.	$969,000.00
Vizor, LLC	$978,000.00
Ryan Co.	$989,000.00
Norguay Construction, Inc.	$997,000.00
Agate, Inc.	$999,500.00
AFC Contracting, Inc.	$999,600.00
Sun Eagle Corp.	$1,020,000.00
JMW Construction Co.	$1,042,982.12
Kinney Construction Service	$1,057,000.00
Pace Pacific	$1,058,950.00

The Purchasing Director concurs with the identification of the successful bidder and confirms that the procurement procedures provided by the City Code have been followed. The CIP Coordinator concurs that funds are available to authorize this contract

Community involvement.
The adjacent community was notified of the design as part of the Design Review process and no negative comments were received.

RESOURCE IMPACTS

Available funding.
Funds totaling $1,802,500 were originally appropriated in CIP account 400-B0202 (Fire Station & Rescue Vehicle – Scottsdale Airport). Approximately $111,000 has been expended for design costs and a purchase order in the amount of $627,847 has been issued for the rescue/suppression vehicle leaving a balance of approximately $1,063,653 for construction costs, equipment and contingency.

Future budget implications.
There will be minor increased maintenance costs as the facility is larger than that which exists currently, although most of the costs will be offset by the removal of the current facility.

Staffing, workload impact.
The coordination and supervision of construction activities is part of the available staff allocation in the Capital Project Management division. The fire suppression staff that will ultimately occupy the facility are currently operating out of the temporary facility and no additional staff needs are anticipated.

Maintenance requirements.
The cost of maintaining the facility and grounds will remain the City's responsibility.

OPTIONS & STAFF RECOMMENDATION

Description of Option A:
Do not approve this contract and continue to provide fire suppression services out of the temporary facility. This option would necessitate renovations to replace deteriorated flooring in the temporary station and to provide noise barriers required by OSHA standards.

Recommended Approach:
Approve this contract award in order to advance the project in the most expeditious manner possible.

Proposed Next Steps:
Approval of this construction contract would enable the initiation of construction activities in June with a targeted completion by the end of January 2004.

RESPONSIBLE DEPT(S)

Municipal Services, Capital Project Management

STAFF CONTACT(S)

Dan Walsh, Project Manager, (480) 312-5248
dwalsh@ci.scottsdale.az.us

APPROVED BY

5/5/03

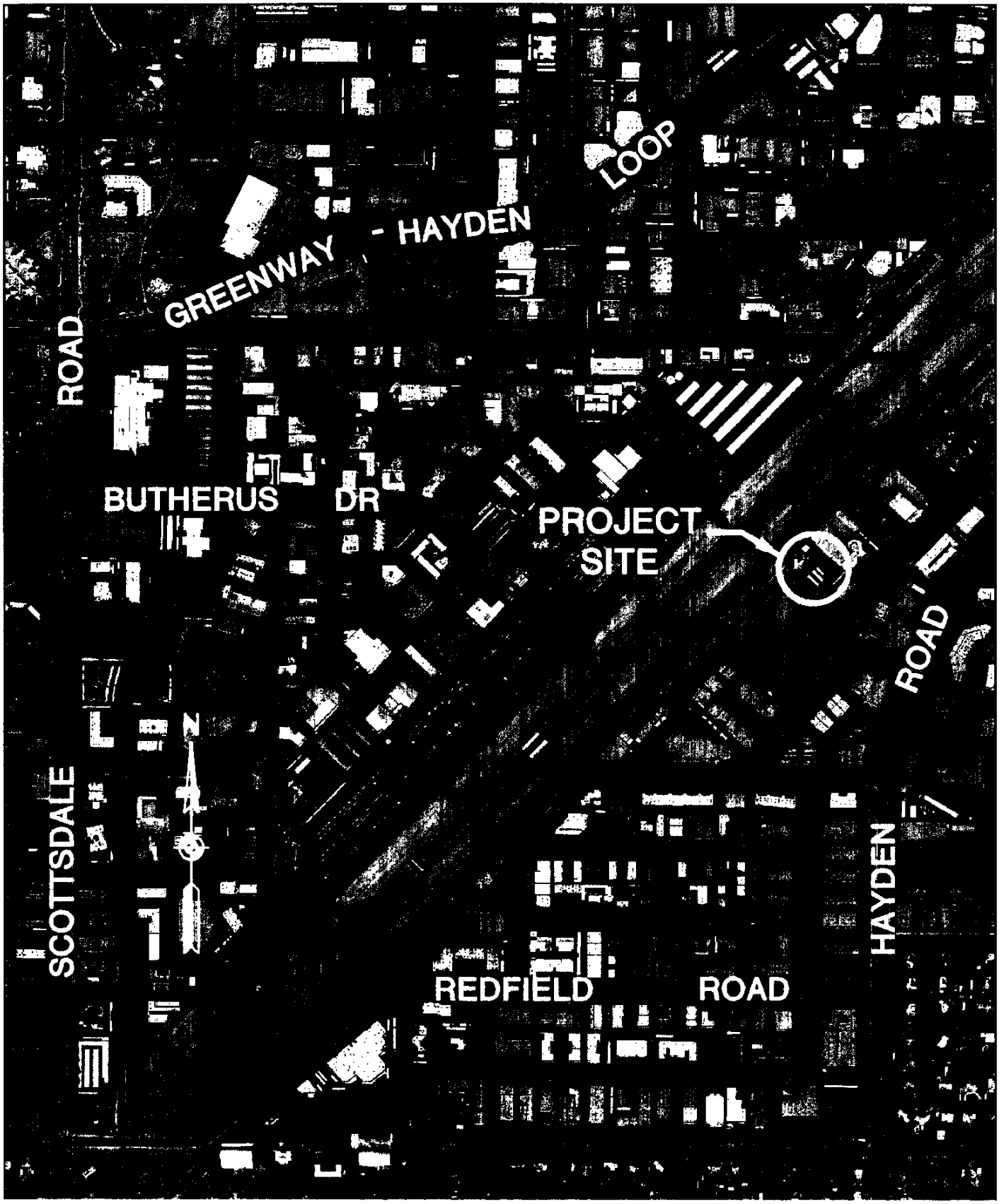
Al Dreska
Municipal Services General Manager
adreska@ci.scottsdale.az.us (480) 312-5555
Date

5/5/03

Roger Klingler
Assistant City Manager
rklingler@ci.scottsdale.az.us (480) 312-5830
Date

ATTACHMENTS

1. Location Map



FIRE STATION 12
SCOTTSDALE AIRPARK

ATTACHMENT 1

CITY COUNCIL REPORT

MEETING DATE: 05/19/2003 ITEM NO. 14 GOAL: Neighborhoods

SUBJECT

Construction of Streetscape along McDowell Road

REQUEST

Authorize Construction Bid Award No. 03PB098 to Landscape Professionals, Inc., the lowest responsive bidder, at their lump sum bid of $ 53,950.00, for installation of the landscaping along McDowell Road (8100 E. Block) adjacent to the new Republic West Building.

Related Policies, References:

- 1991 McDowell Streetscape Guidelines
- McDowell Corridor Improvements Master Plan dated 12/12/2002
- Council approval on 02/18/2003 authorizing Architectural Services Contract No. 2003-026-COS
- DRB stipulations 39-DR-2002 and DRB approval of the design 79-SA-2003

BACKGROUND

In response to business and property owner requests, and general community interest, the City is taking the next step to improve the streetscape along McDowell Road. The project represents the first phase of construction for the McDowell Streetscape project, which will eventually extend from Pima Road to 64th Street.

Extensive planning and design has taken place over the last 12 years involving the public, planning staff and landscape architects to provide site improvements. The project will provide landscaping along the new Republic West Building (8100 E. Block) following guidelines approved for the entire McDowell Road corridor.

ANALYSIS & ASSESSMENT

Recent staff action.
Bids for this construction project were opened on April 22, 2003 at 3:30 p.m. Bids were received as follows:

Landscape Professionals, Inc.	$53,950.00
Sunburst Landscaping	$59,820.00
JSA Company	$64,494.00
Rain Dance	$68,069.93
Bassegio & Company	$70,183.00
T & T Construction	$92,000.00
Morris Building	$128,000.00

Action Taken_____

The Purchasing Director confirms that the procurement procedures provided by the City Code have been followed. The C.I.P. Coordinator concurs that funds are available to authorize this contract.

Significant issues to be addressed.
The landscaping along this section of East McDowell will be used as a showcase for further improvements to the corridor. The contractual time for construction is 60 calendar days.

Community involvement.
The community initiated this project and the owners were included in the scope of work. Other tenants, property owners and members of the public will be individually contacted regarding input for the future improvements. Installation of the landscape on this phase will help to demonstrate the concept of the streetscapes for other areas of the corridor.

RESOURCE IMPACTS

Available funding.
Funding for this project is available from CIP Account 402-P8736

Maintenance requirements.
Maintenance staff provided input into the guidelines for improvements. The design strictly adheres to the approved Master Plan.

Future budget implications.
The submitted contract represents the first phase of the planned improvements. The consultant is currently working on streetscapes for the next segment of the corridor between Granite Reef and Hayden Road and staff is working with the public on the remaining planned improvements.

OPTIONS & STAFF RECOMMENDATION

Description of Option A: Do nothing.
The public will not see any of the long desired improvements.

Description of Option B: Award the Contract.
Award of the contract is a natural consequence of the unanimous Council's approval of the Architectural Services Contract for Streetscape Improvements along McDowell Road of February 18, 2003.

Recommended Approach:
Award the contract and pursue an aggressive timeline for completion of the plans for next segments of McDowell Road.

Proposed Next Steps:
The tentatively planned next steps of the design include
* Streetscape for the ½ mile from Granite Reef to Hayden Road
* Streetscape on the 1-mile distance from Hayden to Scottsdale Road
* Streetscape of the Motor Mile (Scottsdale Road to 64th Street)
* Streetscape improvements between Pima Road and Granite Reef

RESPONSIBLE DEPT(S)

Capital Project Management

STAFF CONTACTS

Marek Urbanek, CPM Project Manager, (480) 312-2563
murbanek@scottsdaleaz.gov

APPROVED BY

5/5/03
Date

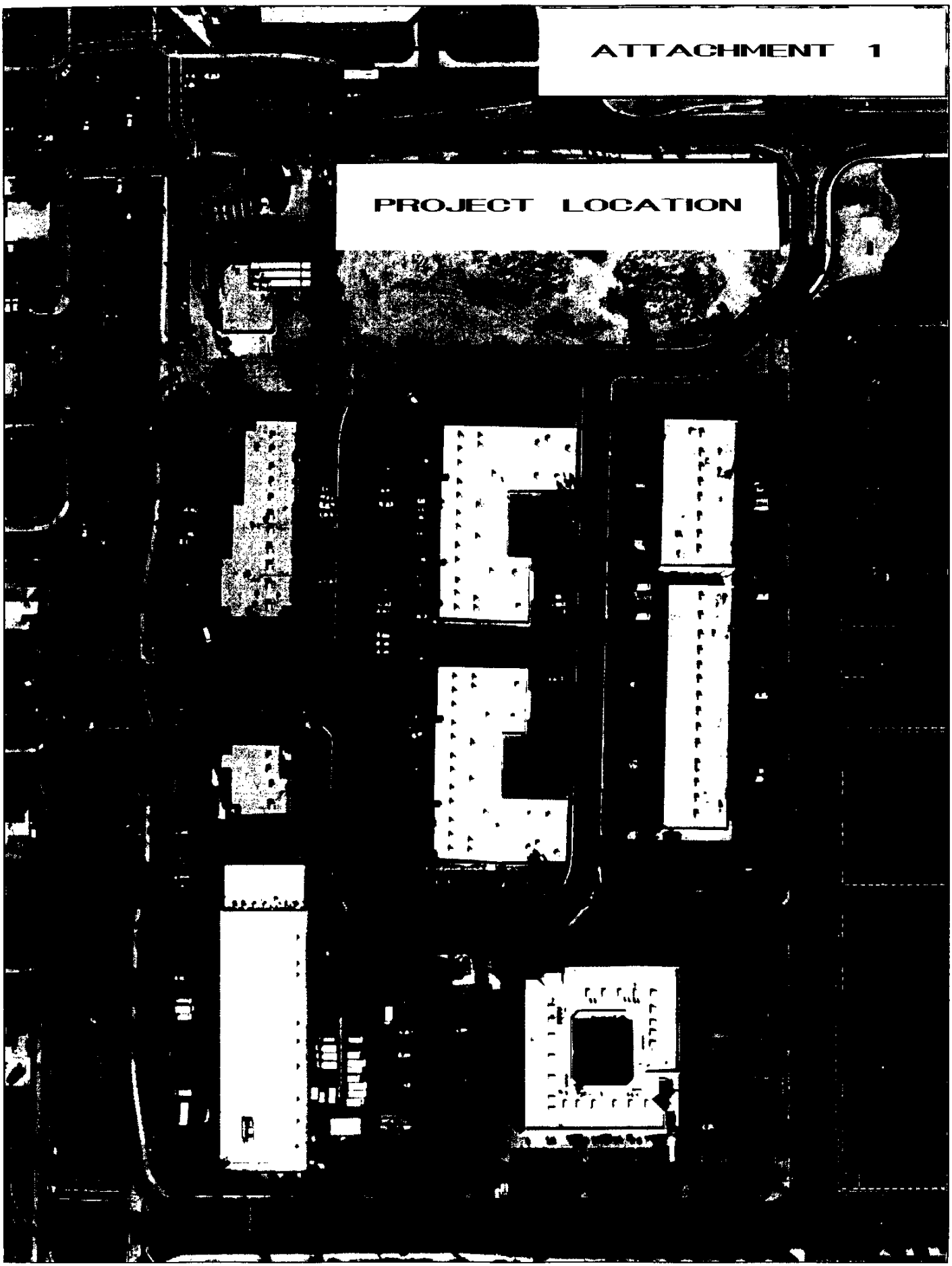
Al Dreska
Municipal Services General Manager
adreska@scottsdaleaz.gov

Date

Roger Klingler
Assistant City Manager
rklingler@scottsdaleaz.gov

ATTACHMENTS

1. Location Map


ATTACHMENT 1
PROJECT LOCATION

CITY COUNCIL REPORT

MEETING DATE: 05/19/2003 ITEM NO. 15 GOAL: Preservation and Character

SUBJECT

Consent to amend the Recreational Land Use Agreement (RLUA) between the Bureau of Reclamation (BOR) and the City of Scottsdale and amend the Ground Lease between the City of Scottsdale and Scottsdale Princess Partnership to include a parcel of BOR property at Scottsdale Road and Princess Drive in the RLUA with BOR.

REQUEST

Adopt Resolution No. 6279 amending contract No. 860299 between the Bureau of Reclamation and the City of Scottsdale and contract No. 860223 between the City of Scottsdale and Scottsdale Princess Partnership to return 7.92 acres of BOR land located at Scottsdale Road and Princess Drive to the RLUA between the BOR and the City and allow for the Entry Walls and landscaping to remain with specified compensation from Scottsdale Princess Partnership.

Related Policies, References: The June 10, 1985 Recreational Land Use Agreement between BOR and City of Scottsdale and the June 16, 1986 Lease Agreement between Scottsdale Princess Partnership and City of Scottsdale.

BACKGROUND

On June 10, 1985, the City of Scottsdale and the Bureau of Reclamation developed a Recreational Land Use Agreement (RLUA) to provide the use of BOR land for the development of the Tournament Players Club of Scottsdale (TPC) golf facility. The agreement identified three parcels of land for the project. Parcel I was 331.7 acres north of the Central Arizona Project (CAP) Dike, Parcel II was 23.9 acres located outside of the CAP Dike adjacent to Scottsdale Road and Parcel III was 8.1 acres located outside the CAP Dike adjacent to Pima Road.

On June 16, 1986, the City of Scottsdale entered into a lease agreement with Scottsdale Princess Partnership to allow for the construction of the Scottsdale Princess Resort. As part of the first phase of development, Scottsdale Princess Partnership was allowed to construct the existing entry walls and landscape features at Princess Drive and Scottsdale Road (see attachment 3).

On September 9, 1987, the BOR amended the RLUA and removed Parcels II and III from the original agreement. The BOR intended to transfer the titles for the two parcels to the State of Arizona as partial repayment for state land that was condemned by the BOR for construction of the Central Arizona Project. This method of repayment was not allowed by the Arizona Supreme Court.

The BOR disposed of 15.88 acres of Parcel II but retained ownership of 7.92 acres

Action Taken_____

at the request of the City because of the entry features constructed on the property. This parcel also includes a City of Scottsdale production well site. Well #123 was built on this parcel by means of a perpetual easement with the BOR saving the City the cost of land acquisition. The BOR has now informed the City that they need to dispose of this remnant parcel. The City has requested that this 7.92-acre parcel be returned to the RLUA and that the entry features be allowed to remain in place.

The Bureau of Reclamation has approved the return of the parcel to the RLUA with the provision that the Scottsdale Princess Partnership pay $250,000 to the Basin Management Fund for the right to allow the entry features to remain for the term of the RLUA Agreement. The Scottsdale Princess Partnership has agreed to these terms.

The Basin Management Fund was established by the Bureau of Reclamation to support projects within Reach 11 of the Central Arizona Project. In Scottsdale, Reach 11 includes the TPC, Westworld, and the Sanctuary Golf Course. It is funded by a $1.00 surcharge per nine holes of golf at the TPC and Sanctuary courses and by charges to specific projects that displace BOR property. The Basin Management Funds can only be utilized for projects within Reach 11 that are approved by the BOR.

ANALYSIS & ASSESSMENT

Amending the Recreational Land Use Agreement will return the Scottsdale Princess parcel to the oversight of the City of Scottsdale. The initial term of the RLUA expires in 2035 with a 25-year renewal option. The $250,000 funding required of the Scottsdale Princess Partnership will be deposited into the Basin Management Fund and will be used to fund appropriate BOR-approved projects in Reach 11 of the Central Arizona Project.

Amending the Ground Lease with the Scottsdale Princess Partnership will provide them with assurance that the entry features will remain in place through the end of the agreement with the BOR. The Scottsdale Princess Partnership will have the option to pay the $250,000 in a lump sum or over a 20-year period at $12,500 annually with annual adjustments on the CPI for the unpaid balance.

Additionally, the City of Scottsdale is currently developing plans for the widening of Scottsdale Road adjacent to this Bureau of Reclamation parcel. The identified parcel currently has a 65-foot right of way that allows for the existing Scottsdale Road alignment. The new road project will require an additional 10 feet of right of way to accommodate the new design.

The Bureau of Reclamation has directed the City of Scottsdale to deal directly through the Central Arizona Water Conservation District (CAWCD) to develop the Scottsdale Road widening project. BOR has indicated that it does not matter if the requested parcel is in the RLUA or not, CAWCD is solely responsible for developing the road project with the City.

Community involvement. As the use of the land will not change as a result of this action, there have been no public meetings.

Available funding. There is no fiscal impact incurred by the City by this action.

Staffing, workload impact. There will be no staffing or workload impacts on the City by this action.

Maintenance requirement. No maintenance impacts will be imposed upon the City as a result of this action. The Scottsdale Princess Partnership is contractually responsible for all maintenance functions required for the entry walls and landscaping.

OPTIONS & STAFF RECOMMENDATIONS

Description of Option A: Adopt Resolution No. 6279 which approves the amendment to Contract No. 860299 and to Contract No. 860223.

Description of Option B: Reject Resolution No. 6279 which denies amendments to Contract No. 860299 and to Contract No. 860223. Rejection will leave the BOR to explore other means of disposing of this parcel of property. BOR has indicated that in order to dispose of the parcel they will have to remove the entry features from the property. Princess Drive is allowed by virtue of a perpetual crossing roadway easement.

The Basin Management Fund will not receive the $250,000 funding. Additionally, Scottsdale Princess Partnership will be likely to file legal action to attempt to protect their investment.

Recommended Approach: Adopt Resolution No. 6279 which amends Contract No. 860299 and Contract No. 860223 putting the 7.92 acres of BOR land back into the RLUA and committing the Scottsdale Princess Partnership to contribute $250,000 to the Basin Management Fund.

Proposed next step. Once the City approves the adoption of Resolution No. 6279, the amendment will be in place.

RESPONSIBLE DEPT(S)

Community Services Department
Parks, Recreation, and Facilities Division

STAFF CONTACT(S)

5/2/03

William J.S. Exham, Jr. DATE
Community Services General Manager
bexham@scottsdaleaz.gov (480)312-2377

5/6/03

Craig Clifford DATE
Chief Financial Officer
cclifford@scottsdaleaz.gov (480)312-2364

APPROVED BY

Barbara A. Burns 5/2/03

Barbara Burns DATE
Assistant City Manager
bburns@scottsdaleaz.gov (480)312-2599

ATTACHMENTS

1. Resolution #6279
2. Amendment No. 2 with parcel maps
3. Pictures of Princess walls and landscape
4. Contract #860299 with BOR
5. Contract #860223 with Scottsdale Princess

RESOLUTION NO. 6279

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AMENDMENT OF A RECREATIONAL LAND USE AGREEMENT AND A LEASE AGREEMENT TO ACCOMMODATE SIGNAGE AT THE SOUTHEAST CORNER OF SCOTTSDALE ROAD AND PRINCESS BOULEVARD FOR THE PRINCESS HOTEL.

WHEREAS, the Bureau of Reclamation (or BOR) owns a parcel of real property located at the southeast corner of Scottsdale Road and Princess Boulevard; and

WHEREAS, in approximately 1987, Princess Hotel constructed landscaping, decorative walls, and other improvements upon the corner parcel; and

WHEREAS, Princess has requested that BOR permit Princess' improvements to remain upon the corner parcel; and

WHEREAS, BOR is willing to allow the Princess improvements to remain upon the corner parcel; and

WHEREAS, BOR prefers to contract with City, and allow City to in turn contract with Princess; and

WHEREAS, BOR has agreed to extend the Recreational Land Use Agreement to include the corner parcel;

NOW, THEREFORE, be it resolved that:

Section 1. The Mayor is hereby authorized to enter into on behalf of the City of Scottsdale the Seventh Amendment to Recreational Land Use Agreement attached hereto as Exhibit "A" and the Wall and Sign Agreement and Third Amendment to Lease attached hereto as Exhibit "B."

PASSED AND ADOPTED by the Council of the City of Scottsdale this 19th day of May, 2003.

_____
Mary Manross, Mayor

ATTEST:

By: _____
Sonia Robertson, City Clerk

APPROVED AS TO FORM:

By: _____
David A. Pennartz, City Attorney

03/28/03, 34881-1, CR _____ E__ M___

ATTACHMENT #2
Contract No. 5-07-30-L0213
Amendment No. 2

DUPLICATE-ORIGINAL

AMENDMENT TO RECREATIONAL
LAND USE AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA
AND THE CITY OF SCOTTSDALE, ARIZONA

WHEREAS, the United States of America, acting through the Bureau of Reclamation and the City of Scottsdale, Arizona, entered into a Recreational Land Use Agreement on June 10, 1985, to develop public recreational use of a portion of the Paradise Valley Flood Detention Basin; and

WHEREAS, Article 19 of the Agreement permits amendments to the Agreement at any time.

NOW, THEREFORE, it is agreed that the Agreement, Exhibit A,and Exhibit C are amended to exclude Parcels 2 and 3. The only land included in the Agreement is north of the Flood Detention Dikes.

Mayor, City of Scottsdale
Maricopa County
State of Arizona

11/21/86
Date

Regional Director
Lower Colorado Region
Bureau of Reclamation
U.S. Department of the Interior

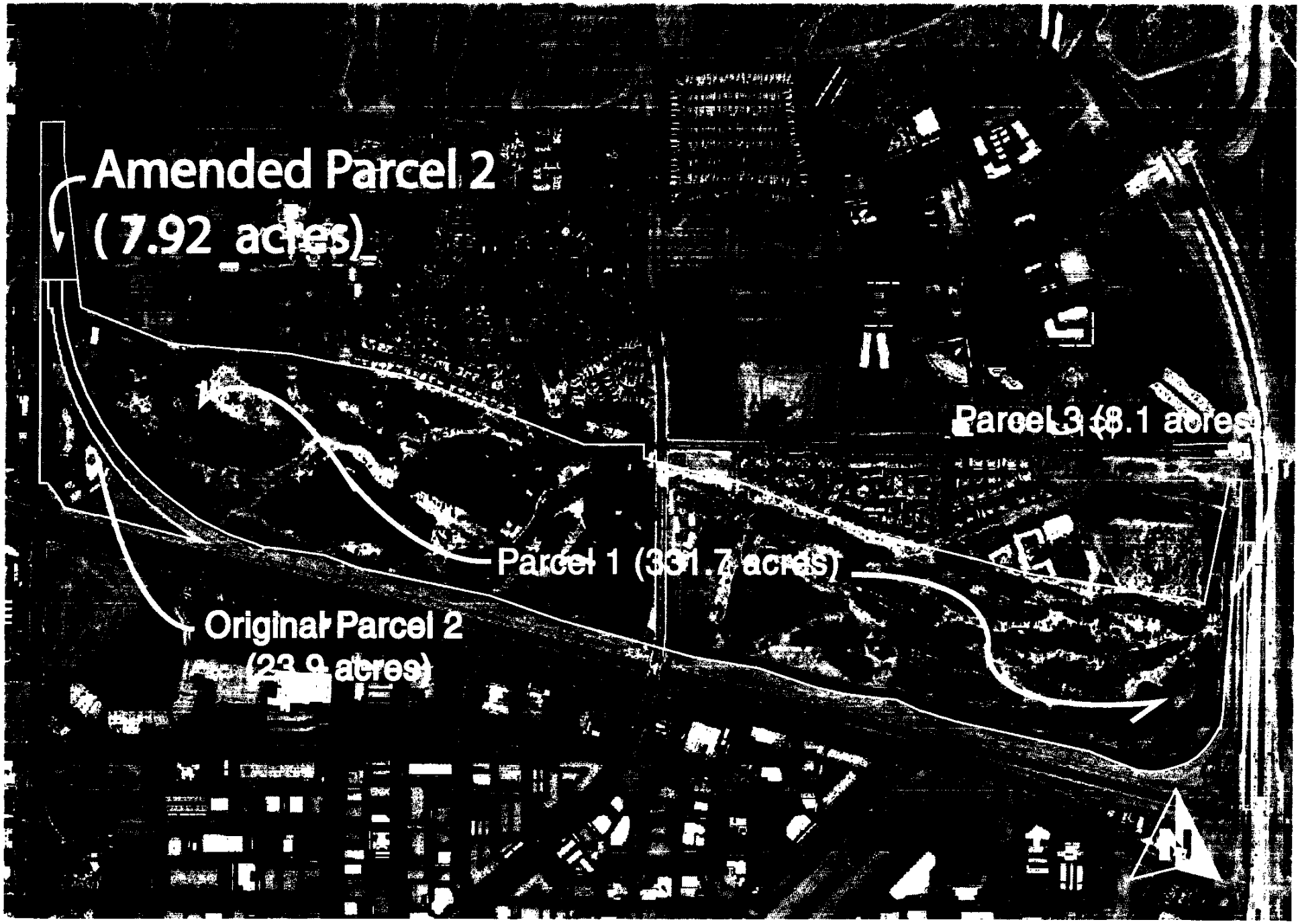
1-9-87
Date

Approved as to legal form
and sufficiency

By
Scottsdale City Attorney

Approved as to legal form
and sufficiency

By 12-5-86
For the Field Solicitor


Amended Parcel 2
(7.92 acres)
Parcel 3 (8.1 acres)
Parcel 1 (331.7 acres)
Original Parcel 2
(23.9 acres)

Scottsdale Road
Amended Parcel 2
(7.92 acres)
Princess Drive

ATTACHMENT #3

When Recorded Return to:
Lila Madden (Tom Beat)
ONE STOP SHOP
CITY OF SCOTTSDALE
7447 East Indian School Road, Suite 100
Scottsdale, AZ 85251

BOR Contract No. 5-07-30-L0213
Amendment No. 7
City of Scottsdale Contract No. 860299A

SEVENTH AMENDMENT TO RECREATIONAL LAND USE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF SCOTTSDALE, ARIZONA

This Seventh Amendment to Recreational Land Use Agreement Between the United States of America and the City of Scottsdale, Arizona (the "Amendment") is made and entered into this 15th day of April, 2003, by and between the City of Scottsdale, an Arizona municipal corporation ("City") and the United States of America ("Government"), acting through the Bureau of Reclamation ("Reclamation"), collectively referred to as the "Parties".

RECITALS

A. City and Government are parties to a certain Recreational Land Use Agreement (the "Agreement") dated June 10, 1985.

B. The Agreement permits the City to use a portion of the Paradise Valley Flood Detention Basin of the Central Arizona Project in Maricopa County, City of Scottsdale, Arizona, for the construction and operation of the Scottsdale Golf Complex.

C. The Agreement has previously been amended a number of times since its initial execution as follows:

DOCUMENT	DATE
Original Agreement	June 10, 1985
Amendment no. 1	Approximately January 9, 1987
Amendment no. 1(a)	Approximately January 9, 1987
Amendment no. 2	Approximately January 9, 1987
Amendment no. 3	Approximately September 9, 1987
Amendment no. 4	Approximately October 19, 1987
Amendment no. 5	April 17, 1995
Amendment no. 6	December 3, 1998

D. Article 18 of the Agreement permits amendments to the Agreement at any time.

E. The Agreement affects certain real property (the "Property") identified in the Agreement.

F. Adjacent to the Property is a certain parcel (the "Corner Parcel") more particularly described on Exhibit "A" attached hereto.

G. The Corner Parcel is located at the southeast corner of Scottsdale Road and Princess Boulevard.

H. Government is the owner of the Corner Parcel.

I. In approximately 1987, Scottsdale Princess Partnership, an Arizona general partnership ("Princess"), or its predecessor constructed certain landscaping, decorative walls, and other improvements (the "Princess Improvements") now existing upon the Corner Parcel.

J. Princess has requested that Government permit the Princess Improvements to remain upon the Corner Parcel.

K. Government is willing to allow the Princess Improvements to remain upon the Corner Parcel, but is not willing to enter into an agreement directly with Princess. Instead, Government prefers to contract with City, and allow City to in turn contract with Princess.

L. Government has agreed to extend the Agreement to include the Corner Parcel and to make the Corner Parcel part of the Property.

NOW, THEREFORE, in consideration of the foregoing, the mutual promises contained herein, and other good and valuable consideration received, the parties agree as follows:

TERMS

1. The recitals which appear above are incorporated into this Amendment.

2. Unless otherwise expressly provided in this Amendment, all terms, conditions and definitions ascribed to words in the Agreement shall apply to this Amendment, which is hereby incorporated into the Agreement by this reference.

3. The Agreement is hereby amended to extend to and include the Corner Parcel.

4. City shall submit to Reclamation an annual maintenance plan for the Corner Parcel for review and approval by Reclamation.

5. City shall cause the Corner Parcel and the Princess Improvements to be maintained in a reasonably safe and trash-free condition.

6. Liabilities related to use of the Corner Parcel pursuant to the Agreement rest upon City.

7. Nothing in this Agreement shall impose upon City any responsibilities for improvements to the Corner Parcel or uses of the Corner Parcel by persons not claiming under City.

8. The Corner Parcel is subject to and included in the Agreement as hereby amended.

9. Prior to any construction activities or development of the Corner Parcel, Scottsdale will submit plans for such improvements to Reclamation for its approval. No development will take place without such Reclamation approval.

10. As provided in Article 2 of the Agreement, Reclamation hereby grants supervision, operation, maintenance and control of the Corner Parcel to the Scottsdale Parks and Recreation Department subject to the terms and conditions contained in this Amendment.

11. City will collect from Princess and deposit into the Basin Management Fund, an amount (the "Fund Amount") not less than Two Hundred Fifty Thousand Dollars ($250,000). The Fund Amount shall be paid no later than the date (the "Commencement Date") which is January 1 of the first calendar year following the execution date of this Amendment. Reclamation also approves an alternative deferred twenty-year payment plan for the Fund Amount under the following conditions:

11.1 The entire Fund Amount shall be paid no later than the twentieth annual anniversary of the Commencement Date. Princess shall have the right of prepayment without penalty. Any prepaid amount shall be adjusted in the same manner provided for annual payments.

11.2 Princess shall make annual payments for each year to City and City shall deposit such payments in the Basin Management Fund by January 15th of the succeeding year. (For example, the payment for 2008 is due January 15, 2009.) The annual payment for the calendar year of the date of this Amendment is due within thirty (30) days after the date of this Amendment.

11.3 The amount of each annual payment shall be twelve thousand five hundred dollars ($12,500.00).

11.4 All payments of the Fund Amount (whether paid annually or otherwise) shall be subject to the following adjustments:

11.4.1 The amount of each payment will be automatically adjusted upward on the basis of changes in the United States Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, all items, published by the United States Bureau of Labor Statistics (the "Cost of Living Index").

11.4.2 Adjustment dates shall be each fifth annual anniversary of the Commencement Date.

11.4.3 In the event the Cost of Living Index increases more than one and one-half percent (1.5%) during any year, then the Cost of Living Index shall be deemed to have increased by one and one-half percent (1.5%) during that year.

11.4.4 The amount of each adjusted payment (represented by the letter "R" in the formula set forth below) shall be equal to the Cost of Living Index number on the last adjustment date (represented by the letter "C" in the formula set forth below) divided by the Cost of Living Index number for the Commencement Date (represented by the Letter "M" in the formula set forth below), and multiplied by the original payment amount (represented by the "$" symbol in the formula set forth below). This computation is expressed by the following formula:

$$R = \frac{C}{M} X\$$$

11.4.5 In no event shall any annual payment be adjusted downward from any previous period.

11.4.6 If the Cost of Living Index has not been published on any adjustment date, City shall have the right to estimate the Cost of Living Index and to make the adjustment based on such estimate. Any correction due to an error in City's estimate shall be paid by Princess to City (or by City to Princess, as the case may be) within thirty (30) days after notice by either party to the other that the Cost of Living Index has been published. If such Cost of Living Index shall not for any reason whatsoever be published or readily identifiable at the adjustment date, then an index published by any state or federal agency or an index, formula or table accepted generally by the real estate profession shall be used as chosen by City in City's reasonable discretion. Any delayed adjustment shall be effective retroactively.

12 All structures and landscaping on the Corner Parcel as of the date of the Amendment are to remain in place, but subject to the right of City to submit to Reclamation for its approval, modifications and changes to such structures and landscaping. No further development will take place without Reclamation approval. City is not obligated to further improve the Corner Parcel.

13 The provisions of Article 17 of the Agreement, pertaining to the Term of the Contract, and Article 9 of the Agreement, pertaining to Third Party Concession Agreements, shall apply to all activities on the Corner Parcel including the contractual relationships between City and Princess. If Reclamation sells or assigns the Corner Parcel to a third party, the Agreement shall be binding upon such third party during the Term of the Agreement.

14 City shall maintain such accounting records as are necessary to satisfy the requirements of this Amendment and shall furnish, upon request, to Reclamation, not later than 30 days, a statement indicating payments and balances.

15 Except as modified by this Amendment, the Agreement remains in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused to be affixed the signatures of their respective authorized officials as of the date first above written.

Bureau of Reclamation
By _____
Its _____

Approved as to legal form and sufficiency.

~~For the~~ Field Solicitor, Phoenix

City of Scottsdale, an Arizona
Municipal corporation

_____
Mary Manross, Mayor

ATTEST:

_____
Sonia Robertson, City Clerk

In accordance with A.R.S. Section 11-952, the undersigned, as legal counsel for the City of Scottsdale, has reviewed the foregoing intergovernmental agreement and has determined that it is in appropriate form and is within the powers and authority granted to the City.

David A. Pennartz, City Attorney

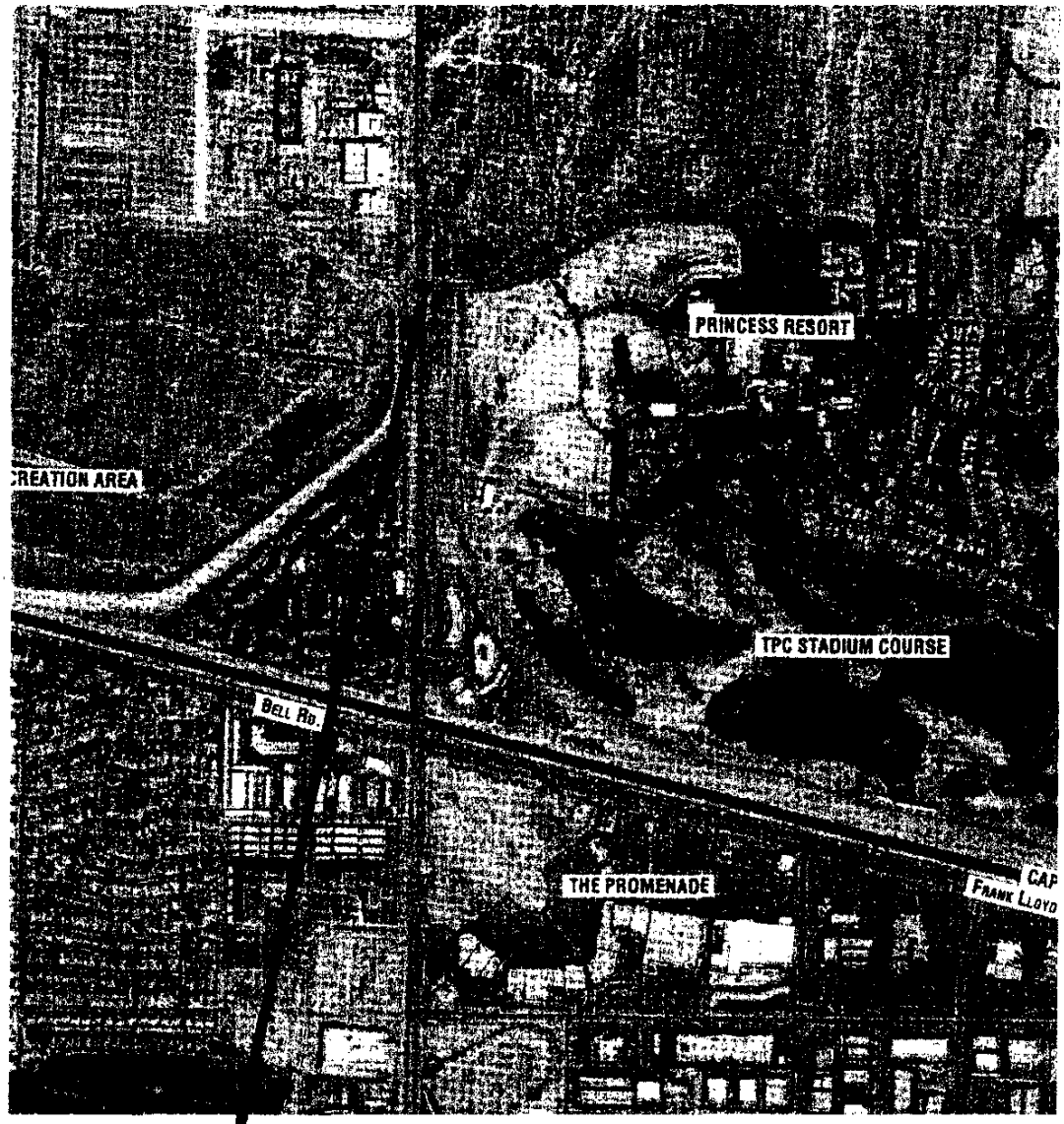
25365-7

Central Arizona Project Parcel GR-11-20g

A parcel of land in the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) and in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4), Section Thirty-Five (35), Township Four (4) North, Range Four (4) East, Gila and Salt River Meridian, County of Maricopa, State of Arizona, containing an area of 7/92 acres, more or less, and being more particularly described as follows:

> Beginning at the Southwest corner of said Northwest Quarter of the Southwest Quarter; thence Northerly along the west boundary of said Section 35, 1,370.00 feet; thence leaving said west boundary South 89°59′59″ East 200.00 feet; thence South 00°00′01″ West 297.84 feet; thence South 07°01′30″ East 1,080.27 feet to a point in the south boundary of said Northwest Quarter of the Southwest Quarter; thence Westerly along said south boundary 332.12 feet to the point of beginning.

EXHIBIT "A"



Location of Parcel GR-11-20g at the intersection of Scottsdale Road and Princess Drive.

EXHIBIT "A-1"

When Recorded Return to:
Lila Madden (Tom Beat)
ONE STOP SHOP
CITY OF SCOTTSDALE
7447 East Indian School Road, Suite 100
Scottsdale, AZ 85251

City of Scottsdale Contract No. 860223A

WALL AND SIGN AGREEMENT AND
THIRD AMENDMENT TO LEASE

This Wall and Sign Agreement and Third Amendment to Lease (the "Agreement") is made and entered into this ____ day of _____, 20___, by and between the City of Scottsdale, an Arizona municipal corporation ("City") and Scottsdale Princess Partnership, an Arizona general partnership ("Princess"), collectively referred to as the "Parties".

RECITALS

A. The United States of America ("Government"), acting through the Bureau of Reclamation ("Reclamation") is the owner of a certain parcel of real property (the "Corner Parcel") more particularly described on Exhibit "A" attached hereto.

B. The Corner Parcel is located at the southeast corner of Scottsdale Road and Princess Boulevard.

C. In approximately 1987, Princess constructed certain landscaping, decorative walls, and other improvements (the "Princess Improvements") upon the Corner Parcel.

D. Princess has requested that Government permit the Princess Improvements to remain upon the Corner Parcel.

E. Government is willing to allow the Princess Improvements to remain upon the Corner Parcel, but is not willing to enter into an agreement directly with Princess. Instead, Government prefers to contract with City, and allow City to in turn contract with Princess.

F. City and Government are parties to a certain Recreational Land Use Agreement (the "BOR Contract") dated June 10, 1985 as amended.

G. The BOR Contract permits the City to use a portion of the Paradise Valley Flood Detention Basin of the Central Arizona Project in Maricopa County, City of Scottsdale, Arizona, for the construction and operation of the Scottsdale Golf Complex.

H. The BOR Contract affects certain real property (the "Property") identified in the BOR Contract.

I. The BOR Contract has previously been amended a number of times since its initial execution. The most recent amendment to the BOR Contract is that certain Seventh Amendment to Recreational Land Use Agreement Between the United States of America and the City of Scottsdale, Arizona dated _____, 20___ (the "Seventh Amendment").

J. Pursuant to the Seventh Amendment, Government has agreed to extend the BOR Contract to include the Corner Parcel and to make the Corner Parcel part of the Property.

NOW, THEREFORE, in consideration of the foregoing, the mutual promises contained herein, and other good and valuable consideration received, the parties agree as follows:

TERMS

1. Recitals. The recitals which appear above are incorporated into this Amendment.

2. Permission for Improvements. Exercising its rights under the Seventh Amendment and the BOR Contract, City hereby grants to Princess permission for the Princess Improvements to remain upon the Corner Parcel. Princess' rights to use the Corner Parcel expire only upon the earlier of (i) expiration or termination for any reason of that certain ground lease (the "Lease"). The Lease is dated December 30, 1985 between City and Princess concerning the hotel located south and east of the Corner Parcel (ii) expiration or termination of the BOR Contract for any reason or (iii) Princess' default under this Agreement.

3. Indemnity. Princess shall timely, fully and faithfully perform all obligations of City under the Seventh Amendment and the BOR Contract with respect to the Corner Parcel. Princess shall not have power to amend, modify, terminate or otherwise change the Seventh Amendment or the BOR Contract. Princess shall pay, indemnify, defend and hold harmless City and its agents and representatives of, from and against any and all claims, demands, damages, expenses, interest or penalties of any kind or nature whatsoever, including attorneys', arbitrators' and experts' fees and court costs, which arise from or relate to violations of the Seventh Amendment or the BOR Contract by Princess or those claiming through Princess, or arising in any way out of Princess' use of the Corner Parcel or the existence of the Princess Improvements.

4 Payments. Princess shall pay to City any and all amounts due under the Seventh Amendment or the BOR Contract with respect to the Corner Parcel at least thirty (30) days prior to the date City is obligated to make such payments.

5 Default. Princess' failure to perform any obligation under this Agreement within thirty (30) days after City's demand therefore shall constitute a default by Princess under this Agreement and under the Lease.

6 Lenders and Others. Princess warrants and represents that each person having or claiming a lien, lease, easement or other interest in Princess' leasehold interest under the Lease has executed and acknowledged an instrument in the form attached hereto as Exhibit "B" whereby such persons joining this agreement and subject and subordinate their

interests to this agreement and all requirements, provisions, and terms of this agreement and such instruments are attached to this Agreement.

7 Miscellaneous.

7.1 Severability. If any provision of this Agreement is declared void or defective, that declaration shall not affect the validity nor any other provision of this Agreement.

7.2 Amendments. This Agreement may not be amended except by a formal writing executed by all of the parties.

7.3 Notices. Notices hereunder shall be given as provided by the Lease.

7.4 Time of Essence. Time is of the essence of each and every provision of this Agreement.

7.5 Integration. This Agreement (including the exhibits attached hereto) constitutes the entire agreement between the parties with respect to the subject matter hereof.

7.6 Construction. Whenever the context of this Agreement requires, the singular shall include the plural, and the masculine shall include the feminine. This Agreement was negotiated on the basis that it shall be construed according to its plain meaning and neither for nor against any party, regardless of their respective roles in preparing this Agreement. The terms of this Agreement were established in light of the plain meaning of this Agreement and this Agreement shall therefore be interpreted according to its plain meaning and without regard to rules of interpretation, if any, which might otherwise favor either party.

7.7 Further Assurances. Each party shall do such further acts and things and execute and deliver such additional agreements and instruments as the other may reasonably require to consummate, evidence, confirm or carry out the agreement contained herein.

7.8 Paragraph Headings. The paragraph headings contained herein are for convenience in reference and not intended to define or limit the scope of any provision of this Agreement.

7.9 No Third Party Beneficiaries. No person or entity shall be a third party beneficiary to this Agreement or shall have any right or cause of action hereunder.

7.10 Exhibits. All exhibits attached hereto as specified herein are hereby incorporated into and made an integral part of this Agreement for all purposes.

7.11 Attorneys' Fees. In the event any action or suit or proceeding is brought by City or Princess to enforce compliance with this Agreement, the party which does not prevail shall pay all costs of such action or suit and all expenses of such action or suit together with such sum as the court may adjudge reasonable as attorneys' fees to be allowed in said suit, action or proceeding.

7.12 Choice of Law. This Agreement shall be governed by the internal laws of the State of Arizona without regard to choice of law rules.

7.13 Institution of Legal Actions. In addition to any other rights or remedies, any party may institute legal action to cure, correct or remedy any default or to obtain any other remedy consistent with this Agreement. Such legal actions shall be instituted in the Superior Court of the County of Maricopa, State of Arizona, or in the Federal District Court in the District of Arizona sitting in Maricopa County. City and Princess agree to the exclusive jurisdiction of such courts.

7.14 Statutory Cancellation Right. In addition to its other rights hereunder, City shall have the rights specified in A.R.S. § 38-511.

IN WITNESS WHEREOF, the parties hereto have caused to be affixed the signatures of their respective authorized officials as of the date first above written.

Scottsdale Princess Partnership,
an Arizona general partnership

By _____
Its _____

ATTEST:

City of Scottsdale, an Arizona
Municipal corporation

_____
Sonia Robertson, City Clerk

_____
Mary Manross, Mayor

APPROVED:

Tom Beat

Tom Beat, Contract Officer

APPROVED AS TO FORM:

_____
David A. Pennartz, City Attorney

24469_9

)
) ss.
)

The foregoing instrument was acknowledged before me this 23rd day of December, 20___, by Terence Padovk, as general partner of Scottsdale Princess Partnership, an Arizona general partnership,

Notary Public

My Commission Expires:

N/A

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 20___, by Mary Manross, Mayor of the City of Scottsdale, an Arizona Municipal corporation.

Notary Public

My Commission Expires:

_____

24469_9

TABLE OF EXHIBITS

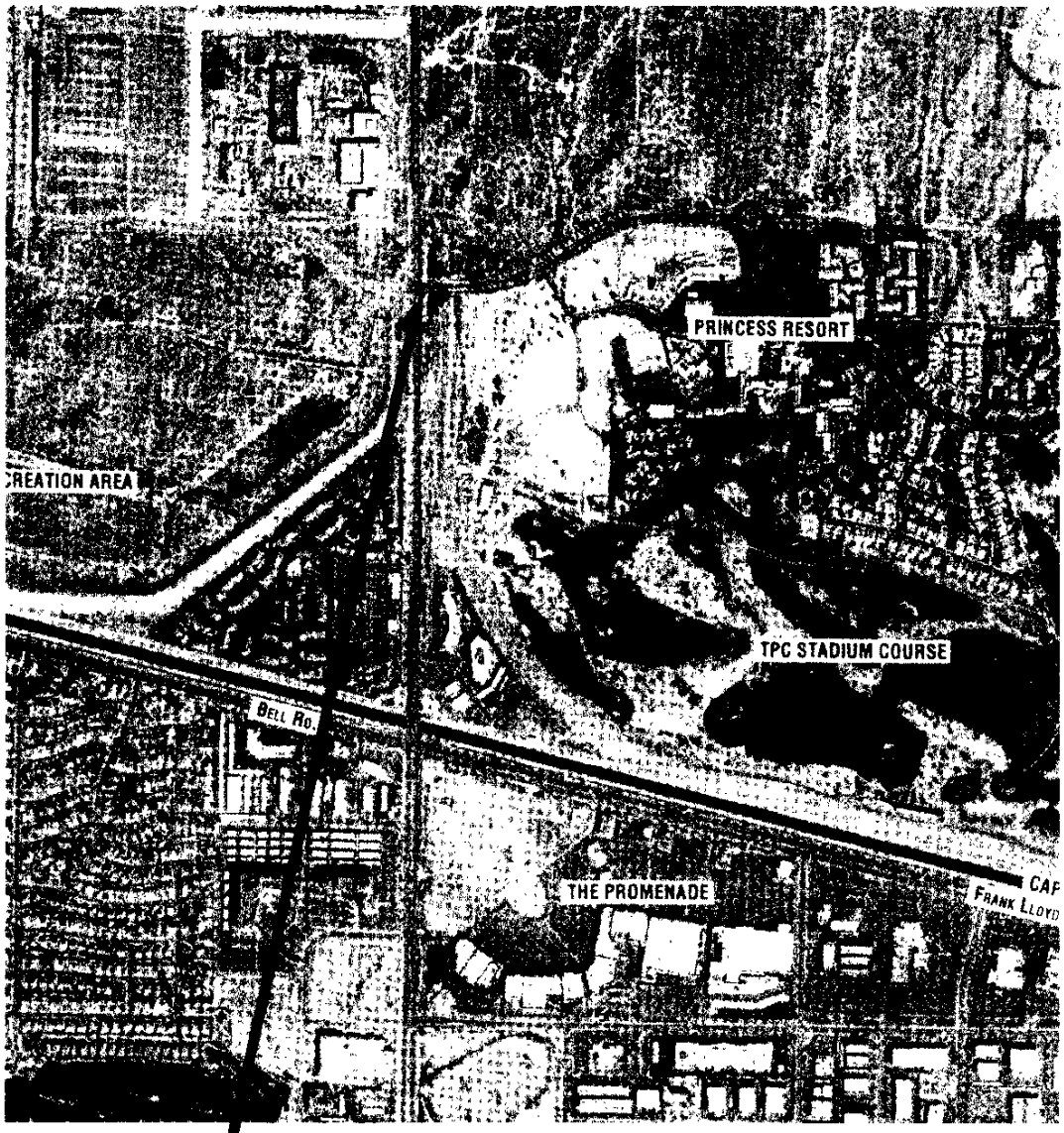
Exhibit	Paragraph	Description
A	A	Legal description for Corner Parcel
B	7	Form of Consent to Wall and Sign Agreement

Central Arizona Project Parcel GR-11-20g

A parcel of land in the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) and in the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4), Section Thirty-Five (35), Township Four (4) North, Range Four (4) East, Gila and Salt River Meridian, County of Maricopa, State of Arizona, containing an area of 7/92 acres, more or less, and being more particularly described as follows:

> Beginning at the Southwest corner of said Northwest Quarter of the Southwest Quarter; thence Northerly along the west boundary of said Section 35, 1,370.00 feet; thence leaving said west boundary South 89°59′59″ East 200.00 feet; thence South 00°00′01″ West 297.84 feet; thence South 07°01′30″ East 1,080.27 feet to a point in the south boundary of said Northwest Quarter of the Southwest Quarter; thence Westerly along said south boundary 332.12 feet to the point of beginning.

EXHIBIT "A"



Location of Parcel GR-11-20g at the intersection of Scottsdale Road and Princess Drive.

EXHIBIT "A-1"

CONSENT TO WALL AND SIGN AGREEMENT
AND THIRD AMENDMENT TO LEASE

The undersigned, having or claiming a lien, lease, easement or other interest in the leasehold interest under the Lease as defined in the Wall and Sign Agreement and Third Amendment to Lease to which this consent is attached hereby joins in said Agreement and subjects and subordinates its interests to said Agreement and its requirements.

EXECUTED as of the date first given above.

_____
_____

By: _____
Its: _____

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 20___, by _____, _____ of _____, a _____.

_____
Notary Public

My Commission Expires:

_____

24469_9

CITY COUNCIL REPORT

MEETING DATE: 05/19/2003 ITEM NO. 16 GOAL: Fiscal Management

SUBJECT

Resolution No. 6288 relating to a Comprehensive Financial Policy as formal guidelines for City financial planning and management.

REQUEST

That the City Council adopt Resolution No. 6288 relating to a Comprehensive Financial Policy as formal guidelines for City financial planning and management.

BACKGROUND

Council first adopted a comprehensive financial policy in conjunction with the FY 1994/95 budget. The policy encompasses sound financial management as promulgated by the International City/County Management Association (ICMA), the Government Finance Officers Association (GFOA), independent bond credit rating agencies and the City's financial advisor, City Manager, and the Financial Services Department staff.

The comprehensive financial policy sets forth guidelines against which current budgetary performance can be measured and proposals for future programs can be evaluated. The adoption of a comprehensive financial policy has been a factor in achieving a bond rating of Aaa from Moody's Investors Service, AAA from Fitch Investors Service, Inc., and AAA by Standard & Poor's Investment Service. These general obligation bond ratings are the highest combined rating of any City in Arizona and results in our ability to issue debt at lower interest cost.

Since original adoption in 1994, the policies have served as one of the principle foundations upon which our long-term financial plans are developed and operations managed. They have been instrumental in discussions with credit rating agencies regarding Scottsdale's strategic planning and have contributed to attaining a AAA bond rating.

ANALYSIS & ASSESSMENT

The proposed Comprehensive Financial Policy establishes a framework for Scottsdale's overall financial planning and management. Individual policies address five key areas of sound financial management:

- Operational Management;
- Capital Management;
- Debt Management;
- Reserves and Contingencies; and,
- Financial Reporting.

Adherence to adopted financial policies promotes sound financial planning and management of public funds. Financial Services staff uses these policies as basic

tenets of multi-year financial planning and as guidelines for preparing Scottsdale's budget.

Key recommended changes for FY2003/04 are relating to:

- Allowing up to 40% of the .2% Transportation sales tax to be used to fund transportation improvement operating costs.

- Revised reserve policies for Water, Sewer, Solid Waste and Aviation enterprise funds related to rational and determinable 90 days operating expenses to provide sufficient expenditure flexibility in times of emergencies.

- Explicitly acknowledging our Debt Service reserve, sufficient to pay the bonded indebtedness for General Obligation bond principal and interest.

Financial Services recommends adoption of these Comprehensive Financial Policies as formal guidelines for management of Scottsdale's finances. The City is currently in compliance with all of the recommended financial policies.

RESOURCE IMPACTS

Publicly adopted financial policy statements contribute greatly toward public confidence in government. Having an explicit policy provides a better understanding of City financial affairs by the public. Explicit financial policies also provide clear direction to City staff concerning the diligence and care in which public monies are to be managed.

Publicly adopted financial policies demonstrate to the public, the credit rating industry, and prospective investors (bond buyers) the City's commitment to sound financial management and preserving Scottsdale's fiscal integrity. Sound financial management ensures high City bond ratings and low cost of capital. Setting financial policy can improve the City's fiscal stability by helping City officials plan fiscal strategy with a thoughtful and consistent approach.

The adopted financial policies have been included in our annual Financial Trend Analysis report with a status as to compliance for each policy. This document is discussed at Council's retreat in the fall and made available to the public through the Financial Services Department and via the City Internet site. The adopted policies have also been included in past City Budget publications, which are also available through the Financial Services Department and the City's Internet site.

OPTIONS & STAFF RECOMMENDATION

- Adopt amended policies as recommended by staff.
- Retain current policies, without update and without re-adoption.
- Recommend alternative policy(s) for adoption.

RESPONSIBLE DEPT(S)

Financial Services Department
Administration Division

STAFF CONTACTS

Craig Clifford, General Manager, (480) 312-2364
cclifford@ci.scottsdale.az.us

APPROVED BY

Craig Clifford 4/24/03
Date
Financial Services General Manager
cclifford@ci.scottsdale.az.us, (480) 312-2364

Barbara Burns 4/25/03
Date
Assistant City Manager
bburns@ci.scottsdale.az.us, (480) 312-2599

4/25/03
Date
Jan Dolan
City Manager/City Treasurer
jdolan@ci.scottsdale.az.us, (480) 312-2422

ATTACHMENTS

1. Resolution No. 6288

RESOLUTION NO. 6288

A RESOLUTION OF THE CITY OF SCOTTSDALE,
ARIZONA, ESTABLISHING FINANCIAL POLICIES

WHEREAS, establishing sound financial policies and principles contribute to sound financial management, continuity in handling financial affairs and preserving the City's fiscal integrity; and

WHEREAS, publicly adopted policy statements contribute greatly to the credibility of and public and financial community confidence in the governmental organization; and

WHEREAS, financial policies establish the framework for overall fiscal planning and management; and

WHEREAS, financial policies set forth guidelines against which current performance can be measured and proposals for future programs to be evaluated.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

Section 1. The following comprehensive financial policies are hereby adopted:

Operating Management Policies

1. All departments will participate in the responsibility of meeting policy goals and ensuring long-term financial health. Future service plans and program initiatives will be developed to reflect current policy directives, projected resources and future service requirements. In order to ensure compliance with policy, sunset provisions will be required on all grant program initiatives and incorporated into other service plans, as appropriate.

2. The budget process is intended to weigh all competing requests for City resources, within expected fiscal constraints. Requests for new, ongoing programs made outside the budget process will be discouraged.

3. Budget development will use strategic multi-year fiscal planning, conservative revenue forecasts, and modified zero-base expenditure analysis that requires every program to be justified annually in terms of meeting intended objectives ("effectiveness criteria") and in terms of value received for dollars allocated ("efficiency criteria"). The process will include a diligent review of programs by staff, management, citizens and City Council.

4. A Citizen Budget Committee will be created annually at the very beginning of the budget development process to serve in an advisory capacity in reviewing operating and capital budget recommendations from a departmental, program, and goals perspective. Specific roles of the Committee, and its composition, will be determined by the City Council.

5. Revenues will not be dedicated for specific purposes, unless required by law or generally accepted accounting practices (GAAP). All non-restricted revenues will be deposited in the General Fund and appropriated by the budget process.

6. Current revenues will fund current expenditures and a diversified and stable revenue system will be developed to protect programs from short-term fluctuations in any single revenue source.

7. Addition of personnel will only be requested to meet program initiatives and policy directives, after service needs have been thoroughly examined and it is substantiated that additional staffing will result in increased revenue or enhanced operating efficiencies. To the extent feasible, personnel cost reductions will be achieved through attrition.

8. Enterprise (Water, Sewer, Solid Waste Management, and Airport) user fees and charges will be examined annually to ensure that they recover all direct and indirect costs of service and be approved by the City Council. Any unfavorable balances in cost recovery will be highlighted in budget documents. Rate adjustments for enterprise operations will be based on five-year fund plans.

9. All non-enterprise user fees and charges will be examined annually to determine the direct and indirect cost of service recovery rate. The acceptable recovery rate and any associated changes to user fees and charges will be approved by the City Council.

10. Development impact fees, as permitted by state law, for capital expenses attributable to new development will be reviewed annually to ensure that fees recover all direct and indirect development-related expenses and be approved by City Council. Any unfavorable balances in cost recovery will be highlighted in budget documents.

11. Capital equipment replacement will be accomplished through the use of a "rental" rate structure. The rates will be revised annually to ensure that charges to operating departments are sufficient for operation and replacement of vehicles and other capital equipment (fleet, computers, phones and copier systems). Replacement costs will be based upon equipment lifecycle financial analysis.

12. Grant funding will be considered to leverage City funds. Inconsistent and/or fluctuating grants should not be used to fund ongoing programs. Programs financed with grant monies will be budgeted in separate cost centers, and the service program will be adjusted to reflect the level of available funding. In the event of reduced grant funding, City resources will be substituted only after all program priorities and alternatives are considered during the budget process.

13. Balanced revenue and expenditure forecasts will be prepared to examine the City's ability to absorb operating costs due to changes in the economy, service demands, and capital improvements. The forecast will be updated annually, focus on a three-year horizon, but include a five-year outlook.

14. Alternative means of service delivery will be evaluated to ensure that quality services are provided to our citizens at the most competitive and economical cost. Departments, in cooperation with the City Manager, will identify all activities that could be provided by another source and review options/alternatives to current service delivery. The review of service delivery alternatives and the need for the service will be performed annually or on an "opportunity" basis.

15. Cash and Investment programs will be maintained in accordance with the City Charter and the adopted investment policy and will ensure that proper controls and safeguards are maintained. City funds will be managed in a prudent and diligent manner with an emphasis on safety of principal, liquidity, and financial return on principal, in that order.

16. The City will follow an aggressive, consistent, but sensitive to the circumstances policy of collecting revenues to the limit of our ability. Collection policy goal will be for all adjusted uncollectible accounts to be no more than .5 of 1% of the total City revenue being adjusted for bad debts annually.

Capital Management Policies

17. A five-year Capital Improvement Plan will be developed and updated annually, including anticipated funding sources. Capital improvement projects are defined as infrastructure or equipment purchases or construction which results in a capitalized asset costing more than $25,000 and having a useful (depreciable life) of two years or more.

18. The capital improvement plan will include, in addition to current operating maintenance expenditures, adequate funding to support repair and replacement of deteriorating infrastructure and avoidance of a significant unfunded liability.

19. Proposed capital projects will be reviewed and prioritized by a cross-departmental team regarding accurate costing (design, capital, and operating) and overall consistency with the City's goals and objectives. Financing sources will then be identified for the highest ranking projects.

20. Capital improvement lifecycle costs will be coordinated with the development of the Operating Budget. Future operating, maintenance and replacement costs associated with new capital improvements will be forecast, matched to available revenue sources and included in the Operating Budget. Capital project contract awards will include a fiscal impact statement disclosing the expected operating impact of the project and when such cost is expected to occur.

21. Dedicated two tenths of percent (.02%) privilege tax revenue for transportation improvements will be restricted to funding the planning, design, construction and acquisition costs associated with building, renovating, or enhancing capital projects for streets, highways, traffic control, transit and aviation and transportation improvement operating costs

22. Pay-as-you-go Capital Improvement Plan financing should account for a minimum of 25 percent of all capital improvement projects for each five-year planning period. Pay-as-you-go financing is defined as all sources of revenue other than City debt issuance, i.e., fund balance contributions, developer contributions, grants, endowments, etc.

23. Pay-as-you-go contributions up to 10% or $500,000, whichever is less, may be authorized by City Council towards any single utility undergrounding improvement district. Any unused annual budget authorization may carryforward towards a maximum $2 million appropriation for utility undergrounding capital projects that benefit the community as a whole.

Debt Management Policies

24. The City will seek to maintain and, if possible, improve our current bond rating in order to minimize borrowing costs and preserve access to credit.

25. An analysis showing how the new issue combined with current debt impacts the City's debt capacity and conformance with City debt policies will accompany every future bond issue proposal.

26. The City will communicate, and, where appropriate, coordinate with all jurisdictions with which we share a common tax base concerning our collective plans for future debt issues.

27. City Debt Service costs (GO, MPC, HURF, Revenue Bond, Mountain Preservation and Contractual Debt) should not exceed 25% of the City's operating revenue in order to control fixed costs and ensure expenditure flexibility. Improvement District (ID) and Community Facility District (CFD) debt service is not included in this calculation because it is paid by district property owners and is not an obligation of the general citizenry. Separate criteria have been established regarding ID and CFD debt policies.

28. General Obligation debt, which is supported by property tax revenues and grows in proportion to the City's assessed valuation and/or property tax rate increases, will be utilized as authorized by voters. Other types of voter-approved debt (e.g., water, sewer, and HURF) may also be utilized when they are supported by dedicated revenue sources (e.g., fees and user charges).

29. General Obligation debt issuances will be managed on an annual basis to match funds to Capital Improvement Plan cashflow requirements while being sensitive to the property tax burden on citizens. Careful management of bond issuances will allow the City to not exceed $1.50 property tax per $100 assessed value.

30. Municipal Property Corporation and contractual debt, which is non-voter approved, will be utilized only when a dedicated revenue source (e.g., golf course revenue, bed tax) can be identified to pay debt service expenses. The following considerations will be made to the question of pledging of project (facility) revenues towards debt service requirements:
    a. The project requires monies not available from other sources.
    b. Matching fund monies are available which may be lost if not applied for in a timely manner.
    c. Catastrophic conditions.
    d. The project to be financed will generate net positive revenues (i.e., the additional tax revenues generated by the project will be greater than the debt service requirements). The net revenues should not simply be positive over the life of the bonds, but must be positive each year within a reasonably short period (e.g., by the third year of debt service payments).

31. McDowell Mountain Preservation debt service will be funded by the dedicated .2% privilege tax. The City's privilege tax to debt service goal will be at least 1.5:1 for senior lien debt to ensure the City's ability to pay for preserve debt from this elastic revenue source.

32. Improvement District (ID) and Community Facility District *(CFD) Bonds shall be permitted only when there is a general City benefit. ID and CFD bonds will be utilized only when it is expected that they will be issued for their full term. It is intended that ID and CFD bonds will be primarily issued for existing neighborhoods desiring improvements to their property such as roads, water lines, sewer lines, streetlights, and drainage.

    a. Improvement District debt will be permitted only when the full cash value of the property, as reported by the Assessor's Office, to debt ratio (prior to improvements being installed) is a minimum of 3/1 prior to issuance of debt and 5/1 or higher after construction of improvements. Should the full cash value to debt ratio not meet the minimum requirements, property value may be determined by an appraisal paid for by the applicant and administered by the City. In addition, the City's cumulative improvement district debt will not exceed 5 percent of the City's secondary assessed valuation. Bonds issued to finance improvement district projects will not have maturities longer than ten years.

    b. Community Facility District debt will be permitted only when the full cash value of the property, as reported by the Assessor's Office, to debt ratio (prior to improvements being installed) is a minimum of 3/1 prior to issuance of debt and 5/1 or higher after construction of improvements. In addition, the City's cumulative facility district debt will not exceed 5 percent of the City's secondary assessed valuation. The landowner/developer shall also contribute $.25 in public infrastructure improvement costs of each dollar of public infrastructure improvement debt to be financed by the district.

33. Debt financing should not exceed the useful life of the infrastructure improvement with the average (weighted) bond maturities at or below ten years.

34. A ratio of current assets to current liabilities of at least 2/1 will be maintained to ensure the City's ability to pay short-term obligations.

35. Bond interest earnings will be limited to funding changes to the bond financed Capital Improvement Plan, as approved by City Council, or be applied to debt service payment on the bonds issued for construction of this plan.

36. Utility rates will be set, as a minimum, to ensure the ratio of revenue to debt service meets our bond indenture requirement of 1.2/1. The City goal will be to maintain a minimum ratio of utility revenue to debt service of 1.6/1 or greater, to ensure debt coverage in times of revenue fluctuations attributable to weather or other causes, and to ensure a balanced pay-as-you-go Capital Improvement Plan.

Reserve Policies

37. All fund designations and reserves will be evaluated annually for long-term adequacy and use requirements in conjunction with development of the City's balanced five year financial plan.

38. General Fund Stabilization Reserve of 10 percent of annual general governmental (General/HURF funds) operating expenditures will be maintained for unforeseen emergencies or catastrophic impacts to the City. Funds in excess of 10 percent, but not to exceed $5 million, may be used for economic investment in the community when justified by the financial return to the City.

39. Debt Service Reserve will be funded with secondary property taxes, levied by City Council, sufficient to pay the bonded indebtedness for General Obligation bond principal and interest. A debt service sinking fund will be maintained to account for these restricted revenues and debt payments, as well as any additional debt amounts deemed to be advisable and necessary for any public or municipal purposes.

40. Water and Sewer Fund Reserves will be maintained to meet three objectives: 1) ensure adequate funding for operations; 2) to ensure infrastructure repair and replacement; and, 3) to provide working capital to provide level rate change for customers.

    a. An Operating Reserve will be funded not to exceed 90 days of budgeted system operating expenditures to provide sufficient expenditure flexibility during times of unusual weather resulting in variations in average consumption and associated operating expenses.
    b. A Replacement and Extension Reserve will be maintained, per bond indenture requirements, to meet the minimum requirement of 2% of all tangible assets of the system to ensure replacement of water and sewer infrastructure.
    c. In addition, Working Capital will be funded based upon a multi-year financial plan to provide adequate cash for water and sewer capital improvements and to level the impact of rate increases upon our customers.

41. Solid Waste Management Reserve will be funded not to exceed 90 days of budgeted system operating expenditures to provide contingency funding for costs associated with solid waste disposal. Costs may include site purchase, technology applications, or inter-governmental investment to maximize the value of waste disposal activities.

42. Aviation Fund Reserve will be funded not to exceed 90 days of budgeted system operating expenditures to provide contingency funding for costs associated with airport operations. Costs may include site purchase, technology applications, or inter-governmental investment to maximize the value of airport activities.
43. Self-Insurance Reserves will be maintained at a level, which, together with purchased insurance policies, will adequately indemnify the City's property, liability, and health benefit risk. A qualified actuarial firm shall be retained on an annual basis in order to recommend appropriate funding levels, which will be approved by Council.

44. Fleet Management Reserve will be maintained based upon lifecycle replacement plans to ensure adequate fund balance required for systematic replacement of fleet vehicles and operational contingencies. Operating departments will be charged for fleet operating costs per vehicle class and replacement costs spread over the useful life of the vehicles.

45. Contingency Reserves to be determined annually will be maintained to offset unanticipated revenue shortfalls and/or unexpected expenditure increases. Contingency reserves may also be used for unanticipated and/or inadequately budgeted events threatening the public health or safety. Use of contingency funds should be utilized only after all budget sources have been examined for available funds, and subject to City Council approval.

Financial Reporting Policies

46. The City's accounting and financial reporting systems will be maintained in conformance with all state and federal laws, generally accepted accounting principles (GAAP) and standards of the Governmental Accounting Standards Board (GASB) and the Government Finance Officers Association (GFOA).

47. An annual audit will be performed by an independent public accounting firm, with an audit opinion to be included with the City's published Comprehensive Annual Financial Report (CAFR).

48. The City's CAFR will be submitted to the GFOA Certification of Achievement for Excellence in Financial Reporting Program. The financial report should be in conformity with GAAP, demonstrate compliance with finance related legal and contractual provisions, disclose thoroughness and detail sufficiency, and minimize ambiguities and potentials for misleading inference.

49. The City's CAFR will also be submitted to the National Federation of Municipal Analysts (NFMA) Awards Program and to national repositories identified by the NFMA as a continuing commitment to disclose thoroughness to enable investors to make informed decisions.

50. The City's Budget will be submitted to the GFOA Distinguished Budget Presentation Program. The budget should satisfy criteria as a financial and programmatic policy document, as a comprehensive financial plan, as an operations guide for all organizational units and as a communications device for all significant budgetary issues, trends and resource choices.

51. Financial systems will maintain internal controls to monitor revenues, expenditures, and program performance on an ongoing basis.

Section 2. The comprehensive financial policies adopted by this resolution supersede any and all comprehensive financial policies previously adopted by the mayor and city council.

PASSED AND ADOPTED by the Mayor and Council of the City of Scottsdale this 19th day of May, 2003.

CITY OF SCOTTSDALE
A Municipal Corporation

ATTEST:

Sonia Robertson
City Clerk

Mary Manross
Mayor

APPROVED AS TO FORM:

David A. Pennartz
City Attorney

CITY COUNCIL REPORT

MEETING DATE: 05/19/2003 ITEM NO. 17 GOAL: Fiscal and Resource Management

SUBJECT **Public Hearing and Adoption of Rates and Fees Ordinance and Resolutions**

REQUEST

ACCEPT citizen comments at a public hearing regarding proposed rates and fees.

ADOPT Resolution No. 6289 and Ordinance No. 3503 amending Scottsdale Revised Code, Chapter 49, eliminating the 35% surcharge to water customers outside the City effective July 1, 2003, increasing water rates 3.0% effective November 1, 2003 and increasing wastewater rates 2.5% effective July 1, 2003.

ADOPT Resolution No. 5851 increasing fees associated with the development review process by 4% and reducing water heater replacement fee by 44% effective July 1, 2003.

ADOPT Resolution No. 6283 amending the Airport/Airpark Rates and Fees Schedule to increase the transient aircraft landing fee from $1.00 to $1.50/1,000 lbs. certified maximum take-off weight, and the airport hourly rate from $38.29 to $42.27 effective July 1, 2003.

Related Policies, References:
City of Scottsdale's Comprehensive Financial Policies
Water and Sewer Rates, Scottsdale Revised Code, Chapter 49
Building and Development Fee Schedule, Scottsdale Revised Code, Chapter 46
Airport/Airpark Rates and Fees Schedule, Scottsdale Revised Code, Chapter 5

BACKGROUND

Per the City's Comprehensive Financial Policies, Operating Management Policies Nos. 8 and 9, user fees and charges will be examined annually to determine the direct and indirect cost of service recovery rate, and approved by City Council.

This report consolidates the adoption of proposed Water Resources, Planning and Development, and Transportation (Airport) rates and fees. Community Services and WestWorld rates and fees are currently under review and will be brought forward for adoption in the Fall. WestWorld rates and fees were adjusted by 5% effective January 1, 2003. No rate increase is proposed for Solid Waste Services. The following sections provide details as to the background and history for the specific rates and fees recommendations presented in this report.

Water Resources:
Financial Plan. The City of Scottsdale sets water and wastewater rates based on the five-year Water Resources financial plan for the water and wastewater funds.

Action Taken_____

Consistent with the existing five-year financial plan, rate changes are proposed as follows:

- Water – Eliminate 35% surcharge to water customers outside the City effective July 1, 2003 and increase rate 3.0% effective November 1, 2003, reflecting the impacts of arsenic regulations enacted by the U.S. Environmental Protection Agency (EPA) as well as pending disinfection by-product regulations proposed by the EPA.
- Sewer – Increase rate 2.5% effective July 1, 2003, to support the operating and capital costs associated with the Multi-City 91st Avenue Wastewater Treatment Plant to serve existing customers' wastewater treatment needs; and to support Scottsdale's proportionate share of the rehabilitation costs of the jointly-owned Salt River Outfall pipe, which transmits the City's wastewater to the 91st Avenue Plant.

Outside-City Differentials. Scottsdale currently assesses a volume surcharge of approximately 35% to water customers outside the City. While this policy had historic merit, the Water and Wastewater Rates Study and Development Fee Analysis recommended that the City eliminate the current outside-City differential due to the marginal increase in revenue derived from a small number of customers coupled with the potential consequences of legal challenge. Outside differential surcharges are currently applied to approximately 1% of our total customer base. Therefore, it is recommended that the outside-City surcharge be eliminated effective July 1.

State Public Notification Process. State statutes establish the public notice and public hearing process to ensure that City water and wastewater customers receive adequate notice time, ability to study the rate report supporting the proposed rate increases, and the opportunity to speak at a public hearing regarding the proposed increases. State statute requires the:

- Adoption of a notice of intention at a regular Council meeting (April 15) and setting of a date for a public hearing on the proposed increase to be held not less than 30 days after adoption of the notice of intention (May 19)
- Posting of a written report or data supporting the increases with the City Clerk at least 30 days prior to the public hearing (April 14)
- Publication of a notice of public hearing regarding City's intention to increase rates in a newspaper of general circulation within the boundaries of the municipality not less than 20 days prior to the public hearing date (April 25)
- Conduct of a public hearing at a Council Meeting (May 19)
- Adoption of the proposed rate increases any time after the public hearing
- Implementation of increases no sooner than 30 days after adoption (proposed wastewater rate increases effective July 1 and proposed water rate increases effective November 1)

Water and Sewer Rate Report for Fiscal Year 2003-04 was posted on April 14. Notice of Intention to increase water and sewer rates was adopted, and tonight's public hearing date was set on April 14. Public notice of tonight's public hearing was provided in the Scottsdale Tribune on April 25. The action recommended at tonight's meeting is to conduct the public hearing and adopt proposed water and sewer rate increases.

Planning and Development:

Planning and Development Services has partnered with Financial Services to review proposed development review process fees. These fees are reviewed each fiscal year and updated as appropriate. Due to economic conditions after September 11, 2001, these fees were not increased for fiscal year 2002-03.

The Planning and Development Services programs are continuously monitoring and managing resources as appropriate. For the second consecutive year, overall budgets have been proactively reduced, including permanently removing positions. Six full-time positions and five contractual positions were eliminated in 2002/03, and nine full-time positions and two contractual positions will be eliminated in the proposed 2003/04 budget.

This balanced fee proposal will cover the modest costs that have increased over the past two years and avoids an adverse affect on the overall balanced general fund proposal.

Transportation (Airport):
On May 20, 2002, City Council adopted the Aviation Financial Plan, which provided direction for the Aviation Division to review airport policies, procedures, budget rates and fees to be used as a basis for the day-to-day fiscal management at the Airport. As an enterprise fund, the Airport accounts for all operations in a manner similar to private business enterprises, i.e. where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods and services to the general public on a continuing basis be financed or recovered primarily through user fees and charges.

With the assistance of the City's Financial Services Department, the Aviation staff prepared a five-year forecast of the Aviation Fund. On April 9, 2003, the Aviation staff brought forward a recommendation to the Airport Advisory Commission to amend the Airport/Airpark Rates and Fees Schedule to increase the transient aircraft landing fee to $2.00/1,000 lbs. maximum certified take-off weight for all transient aircraft weighing 12,500 lbs. or greater and an increase to the airport hourly rate to $42.27 per hour.

At the request of the Airport Advisory Commission, staff initiated a meeting with a group of three (3) airport users following the Airport Commission meeting to discuss the implications of the new fee increase. Specifically, there were no concerns with the increase to the airport hourly rate. As a result, the group prepared a proposal and brought this forward to the special meeting held by the Airport Advisory Commission on April 22, 2003.

After review of several proposals, the Airport Advisory Commission recommended by a 4-3 vote, approval of an amendment to Airport/Airpark Rates and Fees Schedule effective July 1, 2003 as follows:

- increase the Transient Landing Fee from $1.00/1,000 lbs. to $1.50/1,000 lbs. maximum certified take-off weight for all transient aircraft weighing 12,500 lbs. or greater, and
- increase the Airport Hourly Rate from $38.29 to $42.27 in accordance with the adopted Aviation Financial Plan.

This recommendation is $0.50/1,000 lbs. lower than the original staff recommendation, thus reducing the 5-year revenue forecast by approximately $600,000. To accommodate this reduction, the Airport Advisory Commission unanimously recommended modifications to the Airport Capital Improvement program.

ANALYSIS & ASSESSMENT

Water Resources: The City prepares and annually updates a comprehensive 15-year Water Resources financial plan. This plan incorporates all projected operating and capital expenses and revenues of the Water and Sewer Funds for the 15-year period and establishes the cash needs for the period. Potential financing sources, including rates, development fees, interest earnings, and debt, are evaluated in the planning process. Based on the current financial plan which incorporates rate stabilization over the five-year period through 2007/08, the following rate changes are proposed for FY 2003/04:

- Water – Eliminate 35% surcharge to customers outside the City effective July 1, 2003, and increase the water rate 3% effective November 1, 2003 to address EPA water quality regulatory requirements related to arsenic and disinfection by-products, and
- Sewer – Increase the sewer rate 2.5% effective July 1, 2003 to accommodate increased operating and capital costs associated with the Multi-City 91st Avenue Wastewater Treatment Plant and related facilities to accommodate existing customers' wastewater treatment needs.

Community Involvement. As required by State statute, on April 14 a written report supporting the increases was filed with the City Clerk; on April 15 City Council adopted the notice of intention to increase water and wastewater rates and establish May 19 as the date for a public hearing; and on April 25, notice of the public hearing was published in the Scottsdale Tribune. Tonight's hearing provides an opportunity for citizens to comment on the proposed increases. In accordance with State statute, adoption may occur any time after the public hearing has been conducted.

Planning and Development:
Overall Development Review Process Fees: The past two fiscal years have resulted in a modest increase in costs associated with development services. Below are a few financial aspects that have been attributable to the increase proposal. This information supports a range of 4 – 6% overall increase.

- Citywide personnel costs will increase by 4.5% in the 2003/04 Proposed Budget.
- Personnel costs will increase 5.5% for the development review process.
- Citywide indirect costs have increased.
- Credit Card usage has increased resulting in an increase in merchant fees averaging $5,600 per month.

In addition, the following contextual points indicate local and national trends, consistent with the 4 – 6% increase range:

- Construction Cost Index has averaged 2.4% for each of the past two years.
- Inflation rate has averaged 2.2% for each of the past two years.
- New banking contract begins in 2003/04 that may increase the fees charged to the City.

The proposed increase of Development Review Process Fees is due to the cost of providing and maintaining customer service levels for development activities, such as those listed below.

- Pre-application meetings: Scheduled within 3 weeks after receiving information from applicant.
- Public Hearing Case Management: The cost of supporting the public hearing process through the City Council, Planning Commission, Development Review Board, Board of Adjustment, and Building Advisory Board of Appeals.
- Minor Home Improvement: 24-hour review of plans, such as new plumbing, electrical, and walls.
- Major Home Improvement: 10 working days review of home improvement plans,

such as patio additions and room enclosures.

- Residential Standard Plan Revisions: 20 working days review of changes to standard plan on file.
- Plan Review Requests: 20 working days average turn-around for new submittals, such as residential subdivision, single-family homes, retail, office, and industrial plans.
- Construction Inspections: 24-hour turn-around on inspections requests.
- Resident Inquiries: 24-hour response to resident inquiries of development proposals and projects under construction.

Water Heater Replacement Permits:
As a structural change for administrative purposes, the fee associated with water heater replacements have been reviewed and staff proposes a decrease from $63 to $35 to reflect the actual costs of providing this specific service. Currently, customers are charged the minimum plumbing/electrical permit fee for this service. Our customer service surveys show that there is a low satisfaction rate with the amount of this particular fee. Per our review of actual costs, a separate permit fee will be created specifically for this service (replacement, conversion, or relocation) that is more commensurate with this service.

This service is so that the City may perform various safety checks involved with the replacement, such as correct gas/electric connections, proper ventilation, and that safety features on the water heater are not obstructed. The inspector in the field ensures that the appliance is installed per the Plumbing code and to the manufacturer's specifications.

Permits can be obtained via the City's website or the One Stop Shop. After the water heater installation, the inspection can be scheduled via the City's automated system within 24 hours.

Community Involvement. Staff continues to meet with stakeholders regarding the proposed fee adjustments. General feedback is supportive; however, stakeholders expect customer service levels to be maintained.

Airport:
The City prepares and annually updates a five-year Aviation Financial Plan. This plan incorporates all projected revenue, operating and capital expenses; and includes establishment of a 90-day operational reserve as proposed in tonight's adoption of the City's Comprehensive Financial Policies. Based on the current financial plan, the following rate increases are proposed for 2003/04:

- Landing Fee – increase from $1.00/1,000 lbs. to $1.50/1,000 lbs. maximum certified take-off weight for all transient aircraft weighing 12,500 lbs. or greater, and
- Airport Hourly Rate – increase from $38.29 to $42.27.

Community Involvement. Notification regarding the transient aircraft landing fee was sent to all existing transient operators, and notices were provided to the fixed base operators to distribute to their customers. Out of one-thousand two-hundred (1,200) notices sent, the Aviation Division received three (3) comments back, two (2) stating they were not concerned with the original proposed increase of the transient aircraft landing fee to $2.00/1,000 lbs. – now proposed at $1.50/1,000 lbs. – and one (1) opposing any landing fees. The Airport Advisory Commission reviewed the proposed fee adjustments and by a 4-3 vote, recommended approval.

RESOURCE IMPACTS

Water Resources:
Proposed water and sewer rate increases will generate water rate revenues of approximately $2.0 million and sewer rate revenues of approximately $0.6 million for fiscal year 2003/04. The chart below illustrates the typical utility bill for 2003/04 if rate increases are approved as proposed:

Enterprise Funds – Typical Utility Bill for 2003/04

	Water	Sewer	Solid Waste	Total
% Increase	3%	2.5%	0.0%	2.3%
Current Cost	38.82	16.72	14.36	69.90
Rate Increase	1.16	.42	-	1.58
Projected Cost	$39.98	$17.14	$14.36	$71.48

Planning and Development:
Overall Development Review Process Fees: Proposed fee adjustments will ensure that the costs of providing development review process services are paid by the users of these services. The proposed fee increases are estimated to generate revenue of approximately $525,000 annually. The chart below gives examples of projects, by product type, and their respective development process fees (zoning through inspection), as well as the unit cost increase per project/product type.

Development Review Process Fees
4% Increase

Product Type	Current Development Process Fees	4% Proposed Development Process Fees	Fee Increase per Unit	Fee Increase as a % of Bldg. Value
Commercial Office Bldg. (35k sq. ft./$4.1 M value)	$42,565	$44,268	$1,703	0.04%
Apartment Project (228 units @ 1,153 sq. ft./$90,300 value per unit)	$312,179	$324,660	$55	0.06%
95 Unit Custom Home Subdivision (7,747 sq. ft./$920,380 value per home)	$848,600	$882,544	$357	0.04%
275 Unit Subdivision (2,650 sq. ft./$308,880 value per home)	$847,226	$882,115	$123	0.04%
Residential Addition (500 sq. ft./$50,000 per unit)	$308	$320	$12	0.02%
Commercial Remodel (6,556 sq. ft./$88,000 value)	$1,854	$1,928	$74	0.08%

Water Heater Replacement Permits: As a structural change for administrative purposes, the fee associated with water heater replacements, as proposed, has been decreased to more accurately reflect the cost associated with this service. The decrease will result in a revenue reduction of approximately $25,000. The chart on page 7 shows the comparison of the current fee to the proposed fee.

Water Heater Replacement Fee
44% Decrease

Structural Change	Current Fee	Proposed Fee	Fee Increase	% of Bldg Value
Water Heater Replacement Permit	$63	$35	-$28	n/a

If approved, the proposed revisions will take effect July 1, 2003.

Airport:
Proposed fee increases to the Airport/Airpark Rates and Fees Schedule are projected to provide the Airport sufficient revenues to recover all operating and capital improvement costs. It will also result in Financial Services Department's proposed new reserve policy to establish a ninety (90) day operational reserve for the aviation enterprise fund. If fees are increased, staff forecast that Airport revenues would increase an additional $120,000 next fiscal year. The following chart shows the proposed change by fee type:

Airport/Airpark Proposed Fee Revisions

Airport Service	Current Fee	Proposed Fee	Fee Increase
Transient Aircraft Landing Fee-Aircraft 12,500 lbs. or greater	1.00/1,000 lbs. maximum certified take-off weight	$1.50/1,000 lbs. maximum certified take-off weight	$0.50/1,000 lbs. (50%)
Airport Hourly Rate	$38.29	$42.27	$3.98 (10.4%)

OPTIONS & STAFF RECOMMENDATION

Water Resources:
Option A: Adopt proposed water and sewer rate increases as presented.

Option B: Adopt larger or smaller % fee adjustments based upon this review.

Option C: Deny proposed rate increases. If denied, existing water rates effective November 1, 2002 and sewer rates effective July 1, 2002 will remain in place, and a larger rate increase may be required in 2004/05.

Recommended Approach: Staff recommends approval of the proposed rate increases based on the current 15-year financial plan which incorporates rate stabilization over the planning period. Based on the current long-range financial plan, failure to approve the proposed rate increases in this fiscal year may require higher increases in future years. Year-end reserves support the City's Comprehensive Financial Policy, Water and Sewer Reserves.

Planning and Development:
Option A: Adopt proposed fee adjustments as presented.

Option B: Adopt larger or smaller % fee adjustments based upon this review.

Option C: Deny fee adjustments which will result in a lower fund balance, reduction in service levels, and/or the necessity to reduce other budgeted General Fund expenditures.

Recommended Approach: Staff recommends approval of the proposed fee adjustments of 4% increase for the development review process and 44% decrease for water heater replacement. These adjustments will cover the cost of providing this General Fund service and maintain current service levels. The 2003/04 Proposed Budget anticipates this fee adjustment.

Airport:

Option A: Adopt proposed fee adjustments as presented.

Option B: Adopt larger or smaller fee adjustments based upon this review.

Option C: Deny fee adjustments which will result in the inability to establish the ninety (90) day operational reserve for the aviation enterprise fund and may result in the reduction or cancellation of critical capital improvement projects

Recommended Approach: Staff recommends approval of the proposed fee increases of $0.50/1,000 lbs. maximum certified take-off weight for all transient aircraft weighing 12,500 lbs. or greater and an increase of $3.98 to the Airport Hourly Rate. These adjustments support the balanced five (5) year operating and capital plan and the establishment of a ninety (90) day operational reserve as proposed in the City's Comprehensive Financial Policies.

RESPONSIBLE DEPT(S)

Water Resources, Planning and Development, Transportation, and Financial Services

STAFF CONTACTS

Craig Clifford, Chief Financial Officer, (480) 312-2364
cclifford@scottsdaleaz.gov

APPROVED BY

Craig Clifford
Chief Financial Officer
cclifford@scottsdaleaz.gov

5/2/03
Date

Ed Gawf
Deputy City Manager
egawf@scottsdaleaz.gov

5/4/03
Date

Roger Klingler
Assistant City Manager
rklingler@scottsdaleaz.gov

5/5/03
Date

Jan Dolan
City Manager
jdolan@scottsdaleaz.gov

05.05.03
Date

ATTACHMENTS

Water Resources:
1a. Resolution No. 6289
1b. Ordinance No. 3503
1c. Revised Water & Sewer Rates

Planning & Development:
2a. Resolution No. 5851
2b. Revised Building and Development Fee Schedule

Transportation (Airport):
3a. Resolution No. 6283
3b. Revised Scottsdale Airport/Airpark Rates & Fees Schedule

RESOLUTION NO. 6289

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "AMENDMENTS TO WATER AND SEWER RATES—CHAPTER 49, SCOTTSDALE REVISED CODE."

BE IT RESOLVED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

Section 1. That certain document entitled "Amendments to Water and Sewer Rates—Chapter 49, Scottsdale Revised Code", three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 19th day of May 2003.

ATTEST:

CITY OF SCOTTSDALE, an Arizona municipal corporation

Sonia Robertson
City Clerk

Mary Manross
Mayor

APPROVED AS TO FORM:

David Pennartz
City Attorney

ORDINANCE NO. 3503

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 49 OF THE SCOTTSDALE REVISED CODE, WATER, SEWERS, AND SEWAGE DISPOSAL.

WHEREAS, the City of Scottsdale must continue to accommodate community needs for service, without decreasing current standards of public health; and

WHEREAS, the federal and state governments have imposed costly mandates, while decreasing revenues to local governments; and

WHEREAS, the City desires to reflect the current costs to provide water and sewer facilities in the City of Scottsdale to meet present and increasing demand and recover costs using a fair and proportionate structure.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, as follows:

Section 1. Chapter 49 of the Scottsdale Revised Code, relating to water, sewers, and waste disposal is amended by amending the following:

Section 49-48.	Metered domestic rates
Section 49-49.	Unmetered rates
Section 49-50.	Bulk water rates
Section 49-141.	Rates and user charges

as provided in that certain document known as the "Amendments to Water and Sewer Rates—Chapter 49, Scottsdale Revised Code", three copies of which are on file in the Office of the Clerk of the City of Scottsdale, Arizona, which document was made a public record by Resolution No. 6289 of the City of Scottsdale, Arizona, and is hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 3. The effective date of this ordinance, as it relates to the amendments to Scottsdale Revised Code Secitons 49-48, 49-49, and 49-50 is November 1, 2003. The effective date of this ordinance, as it relates to Scottsdale Revised Code Section 49-141, is July 1, 2003.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 19th day of May, 2003.

ATTEST:

CITY OF SCOTTSDALE, an Arizona municipal corporation

Sonia Robertson
City Clerk

Mary Manross
Mayor

APPROVED AS TO FORM:

David Pennartz
City Attorney

AMENDMENTS TO WATER AND SEWER RATES
CHAPTER 49, SCOTTSDALE REVISED CODE

[All changes are shown in strikethroughs and bold caps unless otherwise noted.]

Amendments to Section 49-48. Metered domestic rates.

Section 49-48. Metered domestic rates.

Amendments to Section 49-49. Unmetered water rates.

Section 49-49. Unmetered water rates.

Amendments to Section 49-50. Bulk water rates.

Section 49-50. Bulk water rates.

Amendments to Section 49-141. Rates and user charges.

Section 49-141. Rates and user charges.

Sec. 49-48. Metered domestic rates.

(a) Charges for domestic water supplied are imposed on all domestic water users ~~within the city~~ **effective July 1, 2003**. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated. Charges shall be paid for each meter connected to the city's water line commencing with the first request for service at the following rates, whether or not any domestic water is used:

Meter Size (inches)	Water Base Fee	Water Usage Fee
5/8	$10.92	First 7,500 at $1.28/1,000 gallons
		Over 7,500 at $2.33/1,000 gallons
3/4	15.06	First 8,300 at $1.28/1,000 gallons
		Over 8,300 at $2.33/1,000 gallons
1	22.86	First 12,600 at $1.28/1,000 gallons
		Over 12,600 at $2.33/1,000 gallons
1 1/2	41.99	First 23,100 at $1.28/1,000 gallons
		Over 23,100 at $2.33/1,000 gallons
2	62.44	First 34,300 at $1.28/1,000 gallons
		Over 34,300 at $2.33/1,000 gallons
3	108.96	First 60,000 at $1.28/1,000 gallons

		Over 60,000 at $2.33/1,000 gallons
4	167.37	First 92,000 at $1.28/1,000 gallons
		Over 92,000 at $2.33/1,000 gallons
6	311.42	First 171,000 at $1.28/1,000 gallons
		Over 171,000 at $2.33/1,000 gallons
8	459.32	First 252,000 at $1.28/1,000 gallons
		Over 252,000 at $2.33/1,000 gallons

Applicable privilege tax and other taxes will be added.

Effective November 1, ~~2002~~ **2003**, the rates are:

Meter Size (inches)	Water Base Fee	Water Usage Fee
5/8	~~$10.92~~ **$11.25**	First 7,500 at ~~$1.28~~ **$1.32**/1,000 gallons
		Over 7,500 at ~~2.33~~ **$2.40**/1,000 gallons
3/4	~~15.06~~ **15.51**	First 8,300 at ~~$1.28~~ **$1.32**/1,000 gallons
		Over 8,300 at ~~2.33~~ **$2.40**/1,000 gallons
1	~~22.86~~ **23.55**	First 12,600 at ~~$1.28~~ **$1.32**/1,000 gallons

		Over 12,600 at ~~2.33~~ **$2.40**/1,000 gallons
1 1/2	~~41.99~~ **43.25**	First 23,100 at at ~~$1.28~~ **$1.32**/1,000 gallons
		Over 23,100 at ~~2.33~~ **$2.40**/1,000 gallons
2	~~62.44~~ **64.31**	First 34,300 at ~~$1.28~~ **$1.32**/1,000 gallons
		Over 34,300 at ~~2.33~~ **$2.40**/1,000 gallons
3	~~108.96~~ **112.23**	First 60,000 at ~~$1.28~~ **$1.32**/1,000 gallons
		Over 60,000 at ~~2.33~~ **$2.40**/1,000 gallons
4	~~167.37~~ **172.39**	First 92,000 at ~~$1.28~~ **$1.32**/1,000 gallons
		Over 92,000 at ~~2.33~~ **$2.40**/1,000 gallons
6	~~311.42~~ **320.76**	First 171,000 at ~~$1.28~~ **$1.32**/1,000 gallons
		Over 171,000 at ~~2.33~~ **$2.40**/1,000 gallons
8	~~459.32~~ **473.10**	First 252,000 at ~~$1.28~~ **$1.32**/1,000 gallons
		Over 252,000 at ~~2.33~~ **$2.40**/1,000 gallons

Applicable privilege tax and other taxes will be added.

(b) Charges for domestic water supplied are imposed on all water users outside the city and south of Deer Valley Road. Users outside the city and south of Deer Valley Road may be served with domestic water at the option of the city subject to termination at any time. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated. Charges shall be paid for each meter connected to the city's water line commencing with the first request for service at the following rates, whether or not any domestic water is used:

Meter Size (inches)	Water Base Fee	Water Usage Fee
5/8	$ 11.85	First 7,500 at $1.43/1,000 gallons
		Over 7,500 at $2.52/1,000 gallons
3/4	16.30	First 8,300 at $1.43/1,000 gallons
		Over 8,300 at $2.52/1,000 gallons
1	25.78	First 12,600 at $1.43/1,000 gallons
		Over 12,600 at $2.52/1,000 gallons
1 1/2	45.61	First 23,100 at $1.43/1,000 gallons
		Over 23,100 at $2.52/1,000 gallons
2	67.81	First 34,300 at $1.43/1,000 gallons
		Over 34,300 at $2.52 /1,000 gallons
3	118.09	First 60,000 at $1.43/1,000 gallons

		Over 60,000 at $2.52/1,000 gallons
4	181.82	First 92,000 at $1.43/1,000 gallons
		Over 92,000 at $2.52/1,000 gallons
6	338.25	First 171,000 at $1.43/1,000 gallons
		Over 171,000 at $2.52/1,000 gallons
8	498.98	First 252,000 at $1.43/1,000 gallons
		Over 252,000 at $2.52/1,000 gallons

Applicable privilege tax and other taxes will be added.

Effective July 1, 2003:

~~(b) Charges for domestic water supplied are imposed on all water users outside the city and south of Deer Valley Road. Users outside the city and south of Deer Valley Road may be served with domestic water at the option of the city subject to termination at any time. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated. Charges shall be paid for each meter connected to the city's water line commencing with the first request for service at the following rates, whether or not any domestic water is used:~~

~~Meter Size (inches)~~	~~Water Base Fee~~	~~Water Usage Fee~~
~~5/8~~	~~$ 11.85~~	~~First 7,500 at $1.43/1,000 gallons~~
		~~Over 7,500 at $2.52/1,000 gallons~~
~~3/4~~	~~16.30~~	~~First 8,300 at $1.43/1,000 gallons~~

		~~Over 8,300 at $2.52/1,000 gallons~~
~~1~~	~~25.78~~	~~First 12,600 at $1.43/1,000 gallons~~
		~~Over 12,600 at $2.52/1,000 gallons~~
~~1 1/2~~	~~45.61~~	~~First 23,100 at $1.43/1,000 gallons~~
		~~Over 23,100 at $2.52/1,000 gallons~~
~~2~~	~~67.81~~	~~First 34,300 at $1.43/1,000 gallons~~
		~~Over 34,300 at $2.52 /1,000 gallons~~
~~3~~	~~118.09~~	~~First 60,000 at $1.43/1,000 gallons~~
		~~Over 60,000 at $2.52/1,000 gallons~~
~~4~~	~~181.82~~	~~First 92,000 at $1.43/1,000 gallons~~
		~~Over 92,000 at $2.52/1,000 gallons~~
~~6~~	~~338.25~~	~~First 171,000 at $1.43/1,000 gallons~~
		~~Over 171,000 at $2.52/1,000 gallons~~
~~8~~	~~498.98~~	~~First 252,000 at $1.43/1,000 gallons~~

		~~Over 252,000 at $2.52/1,000 gallons~~

~~Applicable privilege tax and other taxes will be added.~~

(c) Charges for domestic water supplied are hereby imposed on all water users outside the city and north of Deer Valley Road. Users outside the city and north of Deer Valley Road may be served with domestic water at the option of the city, subject to termination at any time. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated. Charges shall be paid for each meter connected to the city's water line with the first request for service at the following rate, whether or not any domestic water is used:

Meter Size (inches)	Water Base Fee	Water Usage Fee
5/8	$ 10.92	First 7,500 at $1.69/1,000 gallons
		Over 7,500 at $3.36/1,000 gallons
3/4	15.06	First 8,300 at $1.69/1,000 gallons
		Over 8,300 at $3.36/1,000 gallon
1	22.86	First 12,600 at $1.69/1,000 gallons
		Over 12,600 at $3.36/1,000 gallon
1 1/2	41.99	First 23,100 at $1.69/1,000 gallons
		Over 23,100 at $3.36/1,000 gallon
2	62.44	First 34,300 at $1.69/1,000 gallons

		Over 34,300 at $3.36/1,000 gallon
3	108.96	First 60,000 at $1.69/1,000 gallons
		Over 60,000 at $3.36/1,000 gallon
4	167.37	First 92,000 at $1.69/1,000 gallons
		Over 92,000 at $3.36/1,000 gallon
6	311.42	First 171,000 at $1.69/1,000 gallons
		Over 171,000 at $3.36/1,000 gallon
8	459.32	First 252,000 at $1.69/1,000 gallons
		Over 252,000 at $3.36/1,000 gallon

Applicable privilege tax and other taxes will be added.

Effective July 1, 2003:

~~(c) Charges for domestic water supplied are hereby imposed on all water users outside the city and north of Deer Valley Road. Users outside the city and north of Deer Valley Road may be served with domestic water at the option of the city, subject to termination at any time. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated. Charges shall be paid for each meter connected to the city's water line with the first request for service at the following rate, whether or not any domestic water is used:~~

~~Meter Size (inches)~~	~~Water Base Fee~~	~~Water Usage Fee~~
~~5/8~~	~~$ 10.92~~	~~First 7,500 at $1.69/1,000 gallons~~

		~~Over 7,500 at $3.36/1,000 gallons~~
~~3/4~~	~~15.06~~	~~First 8,300 at $1.69/1,000 gallons~~
		~~Over 8,300 at $3.36/1,000 gallon~~
~~1~~	~~22.86~~	~~First 12,600 at $1.69/1,000 gallons~~
		~~Over 12,600 at $3.36/1,000 gallon~~
~~1 1/2~~	~~41.99~~	~~First 23,100 at $1.69/1,000 gallons~~
		~~Over 23,100 at $3.36/1,000 gallon~~
~~2~~	~~62.44~~	~~First 34,300 at $1.69/1,000 gallons~~
		~~Over 34,300 at $3.36/1,000 gallon~~
~~3~~	~~108.96~~	~~First 60,000 at $1.69/1,000 gallons~~
		~~Over 60,000 at $3.36/1,000 gallon~~
~~4~~	~~167.37~~	~~First 92,000 at $1.69/1,000 gallons~~
		~~Over 92,000 at $3.36/1,000 gallon~~
~~6~~	~~311.42~~	~~First 171,000 at $1.69/1,000 gallons~~

		~~Over 171,000 at $3.36/1,000 gallon~~
~~8~~	~~459.32~~	~~First 252,000 at $1.69/1,000 gallons~~
		~~Over 252,000 at $3.36/1,000 gallon~~

~~Applicable privilege tax and other taxes will be added.~~

~~(d)~~ **(c)** In addition to the rates charged in this section an environmental charge will be added. The environmental water quality charge is 2.677 percent of the total of all water charges calculated in accordance with the above rate schedules.

~~(e)~~ **(d)** In the event of a water main shutdown, the water user is still subject to base fee charges for that period.

(Code 1972, § 14-108; Ord. No. 1898, § 1, 6-30-88; Ord. No. 1942, § 1, 6-1-87; Ord. No. 1990, § 3, 2-1-88; Ord. No. 2027, § 1, 6-20-88; Ord. No. 2245, § 1, 6-5-89; Ord. No. 2294, § 1, 6-4-90; Ord. No. 2309, § 1, 8-20-90; Ord. No. 2357, § 1, 6-3-91; Ord. No. 2448, § 4, 6-2-92; Ord. No. 2541, § 2, 6-1-93; Ord. No. 2661, § 6, 6-6-94; Ord. No. 2781, § 2, 6-5-95; Ord. No. 2906, § 1, 6-4-96; Ord. No. 3013, § 1, 6-2-97; Ord. No. 3149, § 1, 7-6-98; Ord. No. 3227, § 1, 6-1-99; Ord. No. 3370 § 1, 6-4-01; Ord. No. 3439 § 1, 5-20-02**; Ord. No. 3503 § 1, 5-19-03**)

Sec. 49-49. Unmetered rates.

(a) Unauthorized use of, or connection to, the city water system is unlawful and is subject to charges for estimated consumption based on similar account use, the applicable consumption rate schedule and the following fines:

Unauthorized service line connection: One hundred dollars: ($100.00)

Unauthorized fire hydrant connection:

First violation: Two hundred dollars ($200.00)
Second violation: Four hundred dollars ($400.00)

Third violation: Six hundred dollars ($600.00)

Unauthorized use of, or connection to, the city water system shall mean the taking of water from any part of the city water system, including any city water main or fire line:

(1) Without first receiving express city authorization and paying all applicable charges;

(2) By connecting, directly or indirectly, to the city water system without a meter;

(3) By willfully modifying the meter or service apparatus so as to cause a loss or reduction in consumption registration; or

(4) By indirectly connecting to the city water system by connecting to another user's water supply system without city authorization.

During construction of a residential or commercial structure, the permit holder will be responsible for paying the fines and charges when assessed. Each day that the unauthorized connection or use is made will be treated as a separate violation and will be subject to
the above fines and charges. Imposition of these fines and charges shall be in addition to any other penalties provided in this code
and any rights or remedies which the city has available to it under this chapter.

(b) If the user isn't required to place a fire flow meter, the city shall charge for provision of standby fire prevention service at the following rates:

Service Size (inches)	Monthly Charge
5/8, 3/4 and 1	$ 3.11
1 1/2	4.03
2	8.01
3	16.01
4	23.93
6	31.86
8	39.94

(c) Any charge imposed pursuant to the provisions of this section may be adjusted when in the opinion of the city there are unique circumstances, which warrant special consideration.

Applicable privilege taxes and other taxes will be added.

(Code 1972, § 14-109; Ord. No. 1898, § 1, 6-30-86; Ord. No. 1942, § 1, 6-1-87; Ord. No. 1990, § 4, 2-1-88; Ord. No. 2027, § 1, 6-20-88; Ord. No. 2245, § 1, 6-5-89; Ord. No. 2294, § 2, 6-4-90; Ord. No. 2309, § 1, 8-20-90; Ord. No. 2357, § 2, 6-3-91; Ord. No. 2448, § 5, 6-2-92; Ord. No. 2541, § 3, 6-1-93; Ord. No. 2661, § 7, 6-6-94; Ord. No. 2781, § 3, 6-5-95; Ord. No. 2841, § 2, 10-16-95; Ord. No. 3178, § 3, 10-5-98)

Sec. 49-50. Bulk water rates.

(a) Whenever bulk water is required by the contractor or owner-builder for construction, water user shall make application to the water resources operations division office for a fire hydrant meter and bulk water use permit. Upon approval of the use permit by the water operations office and payment of the following fees, a hydrant meter may be installed:

(1) Meter deposit, six hundred dollars ($600.00).

(2) Installation and removal fee, fifteen dollars ($15.00).

(b) Hydrant meters require approval of water operations prior to relocation. Any hydrant meter which is relocated will be assessed a relocation fee of ten dollars ($10.00).

(c) If damaged, user will be charged for cost of repair of hydrant meter, and in all such cases shall receive itemized billing for any amount due.

(d) The following monthly rate is imposed for domestic water service by hydrant meter, whether or not any domestic water is used. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated.

Water Base Fee	Water Usage Fee
$108.96	First 60,000 at $1.28/1000 gallons
	Over 60,000 at $2.33/1000 gallons

The environmental water quality charge will be added. Applicable privilege tax and other taxes will be added.

Effective November 1, ~~2002~~ **2003**, the fees are:

Water Base Fee	Water Usage Fee
~~$108.96~~ **$112.23**	First 60,000 at ~~$1.28~~ **$1.32**/1000 gallons
	Over 60,000 at ~~$2.33~~ **$2.40**/1000 gallons

The environmental water quality charge will be added. Applicable privilege tax and other taxes will be added.

(e) Whenever bulk water (load count) is required by the contractor or owner-contractor for construction, and it is not feasible to use a meter, the water director may authorize service under this section at the rates set forth in subsections (a) through (d). A one hundred dollar ($100.00) deposit will be required in order to obtain bulk water without a meter. Applicable privilege tax will be added.

(f) Charges for domestic water supplied are imposed on all water hauling users ~~within the city.~~ **effective July 1, 2003**. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated. Charges shall be paid for each customer hauling water from the city with the first request for service at the following rate whether or not any domestic water is used:

Water Base Fee	Water Usage Fee
$ 6.48	First 3,800 at $1.28/1000 gallons

	Over 3,800 at $2.33 /1000 gallons

Applicable privilege tax and other taxes will be added.

Effective November 1, ~~2002~~ **2003**, the fees are:

Water Base Fee	Water Usage Fee
~~$ 6.48~~ **$6.67**	First 3,800 at ~~$1.28~~ **$1.32**/1000 gallons
	Over 3,800 at ~~$2.33~~ **$2.40**/1000 gallons

Applicable privilege tax and other taxes will be added.

(g) Charges for domestic water supplied are imposed on all water hauling users outside the city. Users may be served with domestic water at the option of the city, subject to termination at any time. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated. Charges shall be paid for each customer hauling water from the city with the first request for service at the following rate, whether or not any domestic water is used:

Water Base Fee	Water Usage Fee
$ 6.48	$3.36/1,000 gallons of water

Applicable privilege tax and other taxes will be added.

Effective July 1, 2003:

~~(g) Charges for domestic water supplied are imposed on all water hauling users outside the city. Users may be served with domestic water at the option of the city, subject to termination at any time. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated. Charges shall be paid for each customer hauling water from the city with the first request for service at the following rate, whether or not any domestic water is used:~~

~~Water Base Fee~~	~~Water Usage Fee~~

~~$ 6.48~~	~~$3.36/1,000 gallons of water~~

~~Applicable privilege tax and other taxes will be added.~~

~~(h)~~ **(g)** Whenever a contractor or owner-builder requires water to settle backfill in a trench and metered water is not available or practical, the user shall make application to the water operations office for a bulk water use permit and pay the following rate:

(1) To a depth of five (5) feet at twelve cents ($0.12) per linear foot.

(2) Over a depth of five (5) feet at twenty cents ($0.20) per linear foot.

~~(i)~~ **(h)** Bulk water may be provided by the city through an unpressured system. Bulk water so delivered shall be charged to the user at the rate of one thousand two hundred twenty dollars ($1,280.00) per one million (1,000,000) gallons delivered. **Effective November 1, 2003, bulk water so delivered shall be charged to the user at the rate of one thousand three hundred twenty dollars ($1,320.00) per one million (1,000,000) gallons delivered.**

(Code 1972, §§ 14-110, 14-111; Ord. No. 1698, ch. 1, § 5, 6-17-85; Ord. No. 1898, § 1, 6-30-86; Ord. No. 1942, § 1, 6-1-87; Ord. No. 1990, § 5, 2-1-88; Ord. No. 2027, § 1, 6-20-88; Ord. No. 2245, § 1, 6-5-89; Ord. No. 2294, § 3, 6-4-90; Ord. No. 2309, § 1, 8-20-90; Ord. No. 2357, § 3, 6-3-91; Ord. No. 2448, § 6, 6-2-92; Ord. No. 2541, § 4, 6-1-93; Ord. No. 2661, § 8, 6-6-94; Ord. No. 2781, § 4, 6-5-95; Ord. No. 2841, § 3, 10-16-95; Ord. No. 2906, § 2, 6-4-96; Ord. No. 3013, § 2, 6-2-97; Ord. No. 3149, § 2, 7-6-98; Ord. No. 3227, § 2, 6-1-99; Ord. No. 3370 § 1, 6-4-01; Ord. No. 3439 § 1, 5-20-02; **Ord. No. 3503 § 1, 5-19-03**)

Chapter 49 WATER, SEWERS AND SEWAGE DISPOSAL*

***Cross reference(s)**--Solid waste, Ch. 24; plumbing code, § 31-166 et seq.

Sec. 49-141. Rates and user charges.

Effective July ~~1, 2002~~ **1, 2003**, Residential, Commercial and Medical user charges are:

User Category	User Code	Application Parameter	O & M User Charge	Other Charges	O & M and Other Charges
Single-family residential	11	In-building water use	~~$0.66~~ **$0.68**/1,000 gal.	~~$0.99~~ **$1.01**/1000 gal.	~~$1.65~~ **$1.69**/1,000 gal.
Multifamily residential	12	In-building water use	~~$0.66~~ **$0.68**/1,000 gal.	~~$0.99~~ **$1.01**/1000 gal.	~~1.65~~ **$1.69**/1,000 gal.
Commercial w/o dining	21	In-building water use	~~$0.63~~ **$0.65**/1,000 gal.	~~$0.99~~ **$1.01**/1000 gal.	~~1.62~~ **$1.66**/1,000 gal.
Commercial with dining	22	In-building water use	~~$0.85~~ **$0.87**/1,000 gal.	~~$0.99~~ **$1.01**/1000 gal.	~~1.84~~ **$1.88**/1000 gal.
Hotels, motels w/o dining	23	In-building water use	~~$0.69~~ **$0.71**/1,000 gal.	~~$0.99~~ **$1.01**/1000 gal.	~~1.68~~ **$1.72**/1000 gal.
Hotels, motels with dining	24	In-building water use	~~$0.98~~ **$1.00**/1,000 gal.	~~$0.99~~ **$1.01**/1000 gal.	~~1.97~~ **$2.01**/1000 gal.
Carwashes	25	In-building water use	~~$0.58~~ **0.59**/1,000 gal.	~~$0.99~~ **$1.01**/ 1,000 gal.	~~$1.57~~ **$1.60**/ 1,000 gal.

Commercial laundry	26	In-building water use	~~$1.06~~ **$1.09**/ 1,000 gal.	~~$0.99~~ **$1.01**/ 1,000 gal.	~~$2.05~~ **$2.10**/ 1,000 gal.
Mortuaries	27	In-building water use	~~$1.34~~ **$1.37**/ 1,000 gal.	~~$0.99~~ **$1.01**/ 1,000 gal.	~~$2.33~~ **$2.38**/ 1,000 gal.
Laundromats	28	In-building water use	~~$0.64~~ **$0.66**/ 1,000 gal.	~~$0.99~~ **$1.01**/ 1,000 gal.	~~$1.63~~ **$1.67**/ 1,000 gal.
Metal platers	29	In-building water use	~~$0.66~~ $ **0.68**/ 1,000 gal.	~~$0.99~~ **$1.01**/ 1,000 gal.	~~$1.65~~ $**1.69**/ 1,000 gal.
Restaurants	30	In-building water use	~~$1.79~~ **$1.83**/1,000 gal.	~~$0.99~~ **$1.01**/ 1,000 gal.	~~$2.78~~ **$2.84**/ 1,000 gal.
Bakeries	31	In-building water use	~~$1.79~~ **$1.83**/1,000 gal.	~~$0.99~~ **$1.01**/ 1,000 gal.	~~$2.78~~ **$2.84**/ 1,000 gal.
Service station auto repair	32	In-building water use	~~$0.69~~ **$0.71**/ 1,000 gal.	~~$0.99~~ **$1.01**/ 1,000 gal.	~~$1.68~~ **$1.72**/ 1,000 gal.
Medical institutes	40	In-building water use	~~$0.78~~ $**0.80**/ 1,000 gal.	~~$0.99~~ **$1.01**/ 1,000 gal.	~~$1.77~~ **$1.81**/ 1,000 gal.
Schools	50	In-building water use	~~$0.64~~ **$0.66**/ 1,000 gal.	~~$0.99~~ **$1.01**/ 1,000 gal.	~~$1.63~~ **$1.67**/ 1,000 gal.

(2) *Nonuniform discharger, large volume and industrial user charges.*

Effective July ~~5, 2002~~, July 1, 2003, the rates are:

User Code	Application Parameter	O & M User Charge	Other Charges	O & M and Other Charges
60	Charge per 1,000 gallons flow	~~$0.43~~ **$0.44**	~~$0.99~~ **$1.01**	~~$1.42~~ **$1.45**
	Charge per pound of BOD	$0.14		$0.14
	Charge per pound of suspended solids	$0.08		$0.08

For billing purposes the above tabulated nonuniform discharger, large volume and industrial user charges shall be converted to a cost per one thousand (1,000) gallons of in-building water use.

(3) In addition to O & M user charges and other charges, all sewer users shall pay a customer service charge of ~~nine dollars and eighty-four cents ($9.84)~~ **ten dollars and eight cents ($10.08)** per year per user.

(4) The minimum sewer service charge shall be ~~eight dollars and eleven cents ($8.11)~~ **eight dollars and thirty-one cents ($8.31**) per month per user, for nonresidential users and single family users. Multifamily users shall pay ~~four dollars and seventy-four cents ($4.74)~~ **four dollars and eighty-six cents ($4.86)** per month, per dwelling unit.

(5) In addition to the O & M user charges and other charges described above, two (2) environmental charges will be added. The environmental wastewater quality charge is 4.056 percent of the total of all charges calculated in accordance with the above user fees. The 91st Avenue wastewater treatment plant environmental charge is 14.897 percent of all charges calculated in accordance with the above user fees.

(h) All customers located outside the city limits who are provided sewer service by the city shall pay at a rate determined by the city staff and approved by the city council.

(1) For customers located within the Town of Paradise Valley, the rate shall be established by estimating the total charge which would be paid to the city of all customers were located within the city. The initial base user charge payable monthly by the town through December 31, 2007, shall be computed as follows:

(i) For residential town system users, the charge shall be ~~forty dollars and nine cents ($40.09)~~ **forty-one dollars and nine cents ($41.09**)/month/user, which is based upon the estimated average charge paid by the owner of a single family dwelling unit in the city located on a parcel of land one (1) acre or larger in size, multiplied by the number of connections in the service area by such town system users; in addition to the base rate, town system users will be charged a fee for extra collection maintenance as specified in subparagraph 49-141(h)(3) below, and

(1) For non-residential town system users, the charge shall be based upon the charges paid by similar users located within the city. In addition to the base rate, town system users will be charged a fee for extra collection maintenance as specified in subparagraph 49-141(h)(3) below.

(2) For all others, if the customer fits into a standard classification as listed in subsection (i), the base rate shall be the total sewer rate charged the same classification inside the city. If the outside city customer's sewage has flow or strength characteristics which vary from the in city customer, the city shall assign the customer to a subclass. In this case the inside city rate shall be multiplied by a proportionality constant with accounts for the varying waste characteristic. This modified rate shall then be the base rate.

(3) If the outside city customer's collection system is more expensive to maintain than the in city customer's, due to factors such as longer travel distances or other collection system characteristics, the extra costs, as determined by the city, shall be recovered by the city, adding an extra collection maintenance charge to the base rate as described above. For customers located within the Town of Paradise Valley, the extra charge shall be ten (10) percent of the charge computed in subparagraphs 49-141(h)(1) above.

(4) If the outside city customers elect to participate in orderly expansion of treatment facilities with the city by the use of sewer fees, the city with the city council's approval, may allow such use of the sewer fee.

(j) The department shall establish sewer user charges and rates based upon the following classes:

User Code	User
11	Single-family residential including townhouses
12	Multifamily residential
	1) Duplexes
	2) Triplexes
	3) Apartments
	4) Mobile homes
20	Commercial
21	General offices, retail stores (nonfood), markets no restaurant, warehousing, light manufacturing, bars (no restaurant), public buildings, churches, clubs, lodges (no food), medical offices, and veterinary offices

22	Any of the above that have dining facilities or bakery
23	Hotels, motels, boarding or rooming houses without dining facilities
24	Hotels, motels, boarding or rooming houses with dining facilities
25	Carwashes
26	Commercial laundries
27	Mortuaries
28	Laundromats
29	Metal platers
30	Restaurants
31	Bakeries
32	Service stations, garages, auto dealers, auto repair
40	Medical institutions
	1) Hospitals
	2) Nursing homes
50	Schools
60	Nonuniform discharger, large volume and industrial process waste discharger

The department may assign users to one (1) of the classes or subclasses above. The department shall establish subclasses as appropriate or necessary for effectively distributing costs among user classes.

(k) Except for customers in the Town of Paradise Valley, the determination of wastewater quantity shall be as follows:

(1) For residential customers, quantity will be measured by a determination of the in-building water use. The in-building water use shall be determined by the department for each residential account by taking ninety (90) percent of the accounts' average winter water consumption for December, January, and February of the prior fiscal year. When two (2) or more residential users share a water meter in common, it will be the responsibility of those residential users sharing the common meter to share the costs among themselves.

If the department determines that adequate water meter information is not available for billing a residential customer as described above, the customer will be charged a bill estimated on the basis of in-building water used by a similar sized residential customer in the same user class as determined by the department.

(2) For nonresidential users, quantity will be measured by a determination of the in-building water use. The in-building water use shall be determined by the department for each nonresidential user by taking ninety (90) percent of the account's average winter water consumption for December, January, and February of the prior fiscal year. When two (2) or more commercial users share a water meter in common, the service charge will be billed at the regular rate to the user billed by the water supplier. It shall be the responsibility of the business sharing the water meter to share the costs among themselves. In cases where the department determines that a sewer user's discharge pattern is too erratic, the department may authorize a rate based on a metered water use, modified by the appropriate outside use factors, instead of a single in-building water use determination.

If the department determines that adequate water meter information is not available for billing a nonresidential customer as described above, the customer will be charged a bill estimated on the basis of in-building water used by a similar sized nonresidential customer in the same user class as determined by the department.

(3) For industrial and large volume users, quantity will be metered as it enters the POTW. Installation of metering facilities will be approved as to number, size and location by the department. The costs of installation and annual calibration shall be the user's responsibility. Results of calibration shall be reported in writing to the department. The department shall furnish a list of licensed manufacturers and equipment testers capable and approved to perform this service, and their reports will be accepted by the department. The billings will also be adjusted where it can be estimated through past records, the amounts either over or under actual flows, which were billed.

Each industrial and large volume user customer will be considered as a separate user class and the department shall determine the individual factors to be applied to the monthly water meter reading to determine sewage flow.

To determine the monthly sewage flow, annual checks of these factors will be made and, if necessary, the factors will be changed annually.

(4) Upon approval of the department, industrial and large volume users may, at their own expense and subject to the regulations of the department, install a separate meter in order to determine the quantity of water actually entering the sewer system and future sewer charges shall be limited to that water actually entering the POTW as so determined by the department.

(l) If within ten (10) days of billing, a customer files a written complaint with the city alleging that a sufficient portion of his water usage does not enter the POTW or that he has been improperly classified, the department, in accordance with written appeals procedure, will provide an opportunity for the customer to present his supporting documentation to an employee designated by the city to hear complaints. If the department determines that a significant amount of water use was used for lawns, shrubbery or other nonsewer purposes, or that the user is improperly

classified, he shall have the authority to take a corresponding reduction in the sewer billing on all subsequent billings. In the event that an adjustment is necessary to a water billing due to a reading error, malfunctioning meter or other just cause as determined by the department and sewer user charges were based on the unadjusted consumption, the department shall adjust the sewer user charge to correspond to the adjusted water consumption.

(m) A proportionate charge shall be made to all users that discharge wastewater, either directly or indirectly, into the POTW. Such charges shall be based on the rate schedules issued pursuant to the above subsections. In addition, each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the POTW shall pay for such increased costs.

(n) All residential users will be assessed as having wastewater of normal strength. Quality will be monitored for this class to determine sanitary waste strength. Quality will be monitored wherever a unique situation is found to exist. For all other users, surcharges for industrial loadings will be determined through testing and sampling procedures. The department shall monitor large users and industrial quality through a sampling program for all large users and industrial users. Certified statements from users will be utilized to supplement the data and in settling any differences in the estimated strength allowable to that user, where it is so desired. Test sampling will be made by direct sampling utilizing recognized field techniques. If the department determines that the standard BOD test is not representative of a particular user, a TOC or COD test may be substituted.

Any change in the processes employed by a user contributing industrial wastes which results in a variation of more than twenty-five (25) percent in one (1) or more of the effluent loading concentrations shall be reported to the department within thirty (30) days of the change. If it is determined through testing that a significant variation exists between user's certified data and the discharge characteristics monitored by the department, the department may adjust the sewer use charge based on the monitored data from the original date of certification, unless written communication has occurred notifying the department of changes in loading and giving specific dates of changes.

Where sampling and gauging of a specific user is not practical for physical, economic, safety or other reasons, the department may designate values for concentrations of the wastes discharged into the POTW for all users in the same standard industrial classification or sub-classification.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 2661, § 9, 6-6-94; Ord. No. 2781, § 5, 6-5-95; Ord. No. 2841, § 4, 10-16-95; Ord. No. 2906, § 3, 6-4-96; Ord. No. 3013, § 3, 6-2-97; Ord. No. 3149, § 3, 7-6-98; Ord. No. 3216, § 1, 2-1-99; Ord. No. 3227, § 3, 6-1-99; Ord. No. 3370 § 1, 6-4-01;Ord. No. 3439 § 1, 5-20-02; **Ord. No. 3503 § 1, 5-19-03**)

PASSED AND ADOPTED by the Council of the City of Scottsdale this 19th day of May, 2003.

ATTEST:

By:_____
Sonia Robertson
City Clerk

CITY OF SCOTTSDALE, an Arizona municipal Corporation

By:_____
Mary Manross
Mayor

APPROVED AS TO FORM:

By: J Villalpando
City Attorney

RESOLUTION NO. 5851

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED *BUILDING AND DEVELOPMENT FEE SCHEDULE OF THE CITY OF SCOTTSDALE, ARIZONA.*"

BE IT RESOLVED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

Section 1. That certain document entitled "*BUILDING AND DEVELOPMENT FEE SCHEDULE OF THE CITY OF SCOTTSDALE, ARIZONA,*" three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 19TH day of May, 2003.

ATTEST:

CITY OF SCOTTSDALE, an Arizona municipal corporation

By:_____
Sonia Robertson,
City Clerk

By: _____
Mary Manross,
Mayor

APPROVED AS TO FORM:

By: JVillalpando
Janis Villalpando, Assistant City Attorney for
David A. Pennartz, City Attorney

Building and Development Fee Schedule Of the City of Scottsdale, Arizona

May 19, 2003

ALTHOUGH IT REFERENCES MANY DIFFERENT TYPES OF FEES, THIS SCHEDULE IS NOT ALL-INCLUSIVE AND OTHER FEES MAY APPLY, SUCH AS WATER RESOURCES FEES AND SOLID WASTE COLLECTION RATES. THE USER IS ADVISED TO CONSULT THE CORRESPONDING CHAPTER OF THE CITY CODE TO DETERMINE THOSE FEES.

NATIVE PLANT PERMIT FEES

A $27.00 FEE, PLUS AN ADDITIONAL $1.04 FOR EACH PROTECTED NATIVE PLANT TO BE DESTROYED OR RELOCATED AS SPECIFIED IN THE NATIVE PLANT PROGRAM. FOR MODIFICATION OF AN APPROVED NATIVE PLANT PERMIT, THE FEE IS $26.00, PLUS $1.04 PER PLANT SUBJECT TO THE MODIFICATION. THE FEE FOR MODIFICATION OF THE NATIVE PLANT RELOCATION METHODOLOGY OF THE APPROVED NATIVE PLANT PROGRAM IS $27.00.

BUILDING PERMIT FEES

A. THE VALUATION UNDER ANY OF THE PROVISIONS OF THIS SCHEDULE SHALL BE DETERMINED BY THE USE OF THE LATEST BUILDING VALUATION DATA TABLE, AS PUBLISHED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS (ICBO) IN THE PUBLICATION OF BUILDING STANDARDS. THE VALUE INCLUDES ALL CONSTRUCTION WORK FOR WHICH THE PERMIT IS ISSUED PLUS ALL FINISH WORK, PAINTING, ROOFING, ELECTRICAL, PLUMBING, HEATING, AIR CONDITIONING, ELEVATORS, FIRE-EXTINGUISHING SYSTEMS, AND ANY OTHER PERMANENT EQUIPMENT.

B. VALUATION FOR TENANT IMPROVEMENTS PROJECTS INVOLVING INTERIOR ALTERATIONS OR REPAIRS SHALL BE DETERMINED BY TAKING 30% OF THE UNIT COST IN THE BUILDING VALUATION DATA TABLE OR BY THE CONSTRUCTION BID, WHICHEVER IS GREATER.

C. THE FEE FOR EACH PERMIT SHALL BE AS SET FORTH IN TABLE 1.

TABLE 1

BUILDING, PLUMBING, ELECTRICAL, AND PERMIT FEES FOR EACH BUILDING. ALTERATION OR ADDITION CONSTRUCTION COSTS EXCEEDS $1,280.00,THE FEES SET FORTH IN TABLE 1 APPLY. PAYMENT OF PLAN REVIEW FEES IS DUE AT THE TIME A PLAN OR OTHER DATA IS SUBMITTED FOR REVIEW.

DESCRIPTION OF OCCUPANCY:	***PLAN CHECK FEE:***	***SINGLE PERMIT (COMMBINATION BUILDING, ELECTRICAL, MECHANICAL***

		AND PLUMBING PERMIT):
DWELLINGS, APARTMENT HOUSES, CONDOMINIUMS, BANKS, CHURCHES, HOSPITALS, HOTELS, MOTELS, OFFICES RESTAURANTS, SCHOOLS, SERVICE STATIONS, STORES, THEATERS, SWIMMING POOLS	$0.28 PER SQUARE FOOT MINIMUM FOR RESIDENTIAL: $66.00 PER HOUR MINIMUM FOR COMMERCIAL: $66.00 PER HOUR	$0.52 PER SQUARE FOOT PLUS ADMIN FEE IN NOTES BELOW
GARAGES, (PUBLIC AND PRIVATE), INDUSTRIAL PLANTS, PATIO COVERS, WAREHOUSES, CARPORTS	50% OF THE RATES ABOVE, BUT MINIMUMS STILL APPLY 100%	50% OF THE RATES ABOVE, BUT THE ADMIN FEE APPLIES 100%
FENCE WALLS	$66.00 PER PERSON PER HOUR PLUS LINEAL FOOTAGE OF FENCE	$0.14 PER LINEAL FOOT $66.00 MINIMUM
RETAINING WALLS	$66.00 PER PERSON PER HOUR PLUS LINEAL FOOTAGE OF WALLS	$1.42 PER LINEAL FOOT $118.00 MINIMUM

NOTES TO TABLE 1

COMMERCIAL BUILDING 'SHELL ONLY' PLAN CHECKS OR PERMITS: 95% OF THE CALCULATED FEE.

COMMERCIAL BUILDING 'INTERIOR ONLY' PLAN CHECKS OR PERMITS: MINIMUM FEE LISTED, OR 30% OF THE CALCULATED FEE, WHICHEVER IS HIGHER. ALTERATIONS MAY BE CALCULATED PER ROOM, WITH THE MINIMUM FEE CHARGED PER ROOM.

COMMERCIAL BUILDING 'FOUNDATION ONLY' PLAN CHECKS OR PERMITS (INCLUDING UNDERGROUND PLUMBING, ELECTRICAL AND MECHANICAL WORK): 25% OF THE CALCULATED FULL PERMIT FEE, PLUS $196.00. FOR SUBSEQUENT 'STRUCTURE ONLY' 'SHELL EXCLUSIVE OF STRUCTURE' AND 'INTERIOR ONLY,' PLAN CHECKS OR PERMITS: 30%, 40% AND 30% OF THE CALCULATED FULL FEES, RESPECTIVELY.

APARTMENT BUILDINGS AND CONDOMINIUMS WITH 4 UNITS OR MORE AND RECURRING FLOOR PLANS: 50% OF THE CALCULATED PLAN CHECK FEE FOR UP TO 100,000 SQUARE FEET OF RESIDENTIAL FLOOR AREA, AND 25% OF THE CALCULATED FEE FOR ANY

RESIDENTIAL SQUARE FOOTAGE IN EXCESS OF 100,000 SQUARE FEET. GROUP R, DIVISION 1 TOWNHOUSES OR TOWNHOUSE CONDOMINIUMS SHALL PAY THE SAME AS APARTMENT BUILDINGS AND CONDOMINIUMS EXCEPT THAT THE BUILDING OFFICIAL MAY DESIGNATE THE TOWNHOUSE OR TOWNHOUSE CONDOMINIUM PLAN TO BE A STANDARD PLAN WHEN ALL EXTERIOR FIRE WALLS ARE EXACT DUPLICATES.

BUILDING PERMIT ADMINISTRATIVE BASE FEE: $135.00; CERTIFICATE OF OCCUPANCY INSPECTION: $107.00; GIS AS-BUILT FEE: $214.00. NONE OF THESE THREE FEES ARE ASSESSED FOR CHANGE OF SERVICE PERMITS. THE GIS BASE FEE AND LOWEST FLOOR ELEVATION FEE WILL NOT APPLY TO RESIDENTIAL ADDITIONS, ENCLOSURES, PATIO COVERS OR FREE STANDING GARAGES ADDED TO EXISTING HOMES, UNLESS THIS CONSTRUCTION RESULTS IN THE INTRODUCTION OF ADDITIONAL SERVICE CONNECTIONS/INFRASTRUCTURE TO THE PUBLIC RIGHT OF WAY [I.E. ADDITIONAL WATER/SEWER SERVICE].

SINGLE TRADE PERMITS: 70% OF THE CALCULATED FEE FOR BUILDING PERMITS AND 10% PERCENT OF THE CALCULATED EACH FOR ELECTRICAL, PLUMBING AND MECHANICAL PERMITS ($66.00 MINIMUM FOR EACH).

COMBINATION BUILDING, ELECTRICAL, MECHANICAL AND PLUMBING PERMIT FEE: $196.00.

BUILDING PERMIT FEE	$66.00
ELECTRICAL PERMIT FEE	$66.00
PLUMBING PERMIT FEE	$66.00
MECHANICAL PERMIT FEE	$66.00
PLAN CHECK FEE, PER HOUR	$66.00

BUILDING DEMOLITION PERMITS: $66.00.

OTHER BUILDING FEES:

A. INSPECTIONS OUTSIDE OF NORMAL BUSINESS HOURS, PER HOUR (MINIMUM 2 HOURS): $66.00 PER HOUR.

B. REINSPECTION FEE ASSESSED UNDER PROVISIONS OF SECTION 108.8 (REINSPECTIONS) OF THE UNIFORM BUILDING CODE: $66.00 PER HOUR.

C. INSPECTION FOR WHICH NO FEE IS SPECIFICALLY SET FORTH HERE (MINIMUM CHARGE ONE HOUR): $66.00 PER HOUR.

D. AFTER HOURS BUILDING INSPECTION: $189.00 PER HOUR.

E. ADDITIONAL PLAN REVIEW REQUIRED BY CHANGES, ADDITIONS OR REVISIONS TO APPROVED PLANS (MINIMUM CHARGE ONE HOUR): $66.00 PER HOUR.

F. BUILDING PERMIT APPLICATION FEE FOR STANDARD PLANS: 15% OF THE ORIGINAL PLAN REVIEW FEE. (SEE SEC. 48-23 OF THE SCOTTSDALE REVISED CODE.)

G. APPLICATION TO BUILDING ADVISORY BOARD OF APPEALS (NON-REFUNDABLE)

1. SINGLE FAMILY RESIDENTIAL [OWNER-BUILDER ONLY]: NO CHARGE.

2. COMMERCIAL: $267.00.

H. LOWEST FLOOR SURVEY FEE (REQUIRED FOR ALL NEW RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL BUILDINGS): $195.00.

I. WATER HEATER PERMIT (REQUIRED FOR REPLACEMENT, CONVERSION, RELOCATION).

ELECTRICAL PERMIT FEES

A. ELECTRICAL SIGN PERMITS: $66.00.

B. TEMPORARY WIRING PERMITS USED FOR CONSTRUCTION: $66.00.

C. TEMPORARY POWER POLE PERMIT: $66.00.

D. CHANGE OF LOCATION OR REPLACEMENT OF EQUIPMENT ON THE SAME PREMISES: THE SAME CHARGE AS FOR A NEW INSTALLATION.

E. SPARE CIRCUIT BREAKERS OR FUSES WHICH HAVE NO WIRING CONNECTED TO THE LOAD SIDE: NO CHARGE.

F. TEMPORARY ELECTRICAL CLEARANCE DEPOSIT FEES: THE COST OF A COMBINATION BUILDING, ELECTRICAL, MECHANICAL, AND PLUMBING PERMIT FEE, AS SPECIFIED IN THIS SCHEDULE, OR $1,000.00, WHICHEVER IS GREATER. FOR SINGLE-FAMILY RESIDENTIAL PROJECTS, THE DEPOSIT SHALL BE THE SAME AS THE COST OF A COMBINATION PERMIT OR $1,000.00, WHICHEVER IS LESS

ADDITIONAL PLAN REVIEW FEES

A. MOST PLAN REVIEW FEES ARE LISTED TABLE 1. THE FOLLOWING FEES ALSO APPLY.

B. PLAN REVIEW FEES FOR STANDARD PLANS FOR GROUP R, DIVISION 3 OCCUPANCIES SHALL ALSO INCLUDE $66.00 FOR EACH ADDITIONAL EXTERIOR DESIGN ELEVATION. A MAXIMUM OF FIVE (5) ADDITIONAL EXTERIOR DESIGN ELEVATIONS SHALL BE INCLUDED WITH A PLAN FOR THE SAME BUILDING PLAN REVIEW. ADDITIONAL ELEVATIONS MAY BE SUBMITTED WITH A SEPARATE PLAN.

C. WHERE PLANS ARE INCOMPLETE, OR CHANGED SO AS TO REQUIRE ADDITIONAL PLAN REVIEW, AS IN THE CASE OF FOUNDATION OR STRUCTURAL CHANGES, AN ADDITIONAL PLAN REVIEW FEE SHALL BE CHARGED AT THE RATE SHOWN IN TABLE 1.

D. AN APPLICANT RESUBMITTING PLANS (FOR MINOR REVISIONS) MUST PAY AN ADDITIONAL MINIMUM HOURLY PLAN REVIEW FEE.

E. ADDITIONAL PLAN REVIEW FEE FOR PLANS NOT MEETING CODE AND ORDINANCE REQUIREMENTS AFTER THE THIRD REVIEW WILL BE ASSESSED 50% OF THE PLAN REVIEW FEE (WHERE A GIVEN CORRECTION ISSUE WAS NOT RESPONDED TO IN THE PREVIOUS 3 REVIEWS).

G. EXPEDITED REVIEW (BY EACH DISCIPLINE): $189.00 PER HOUR.

H. APPLICATION IN WHICH NO PERMIT IS ISSUED WITHIN 180 DAYS OF THE DATE OF APPLICATION APPROVAL SHALL EXPIRE. THE APPLICANT PRIOR TO EXPIRATION MAY APPLY FOR AN EXTENSION FROM THE BUILDING OFFICIAL. THE BUILDING OFFICIAL MAY EXTEND UP TO 180 DAYS UPON FINDING THAT CIRCUMSTANCES BEYOND THE CONTROL OF THE APPLICATION PERVENTED THE APPLICANT FROM ACTIVATING A PERMIT. IN ORDER TO RENEW PLANS POST EXPIRATION THE PLANS MUST BE REVIEWED AT THE DEPARTMENTAL HOURLY FEE ($66.00 PER HOUR).

WORK WITHOUT A PERMIT-PENALTY FEE

A PENALTY FEE, IN ADDITION TO THE PERMIT FEE, SHALL BE COLLECTED FOR WORK DONE WITHOUT A BUILDING PERMIT, WHETHER OR NOT A PERMIT IS THEN OR SUBSEQUENTLY ISSUED. SHALL BE 1.5 TIMES THE FEES LISTED THIS SCHEDULE. NATIVE PLANT WORK STARTED PRIOR TO ISSUANCE OF THE NATIVE PLANT PERMIT WILL REQUIRE A PENALTY FEE OF THE RECIPIOCAL BUILDING OR ENCROACHMENT PERMIT (FULL) FEE VALUE. THE PAYMENT OF SUCH PENALTY FEE SHALL NOT EXEMPT ANY PERSON FROM COMPLIANCE WITH ALL PROVISIONS OF THE CODE OR ANY OTHER PENALTY PRESCRIBED BY LAW.

IF ANY CONSTRUCTION OR WORK IS UNDERTAKEN PRIOR TO APPLYING FOR AND SECURING THE REQUIRED PERMIT, THE WORK SHALL BE TERMINATED UNTIL A PERMIT IS GRANTED, AND THE PENALTY FEE IS PAID.

ENCROACHMENT PERMITS

A MINIMUM FEE OF $135.00 SHALL BE CHARGED AND PAID TO THE CITY FOR EACH ENCROACHMENT PERMIT. ALL OTHER REQUIRED FEES, SHALL BE PAID IN ADDITION TO THIS REQUIRED BASE FEE.

IMPROVEMENT PLANS

A. THE FOLLOWING INSPECTION AND PERMIT FEES ARE REQUIRED FOR THE SPECIFIED ENCROACHMENTS, AND MUST BE PAID IN ADDITION TO ALL OTHER REQUIRED FEES.

	ITEM	UNIT	FEE
1.	PAVING, ASPHALTIC CONCRETE (SINGLE COURSE)	SQUARE YARD	$ 0.57
2.	PAVING, OVERLAY OR TOP COURSE OF MULTICOURSE PAVING	SQUARE YARD	$ 0.17
3.	PAVING, PORTLAND CEMENT CONCRETE	SQUARE YARD	$ 0.44
4.	DECORATIVE SIDEWALK OR PAVING (BOMANITE, TERRAZZO, ETC.)	SQUARE FOOT	$ 0.17
5.	SIDEWALK AND BICYCLE PATH	SQUARE FOOT	$ 0.14
6.	CURB AND GUTTER	LINEAR FOOT	$ 0.25
7.	VALLEY GUTTER	SQUARE FOOT	$ 0.81

8.	CONCRETE APRON INCLUDING CURB AND/OR WHEELCHAIR RAMPS	EACH	$21.00
9.	SCUPPERS AND BUILDING DRAINS	EACH	$16.75
10.	ALLEY SURFACING (NON A.C.)	SQUARE YARD	$ 0.14
11.	CUTOFF WALLS	LINEAR FOOT	$ 0.40
12.	SLOPE PROTECTION (RIPRAP, GABIONS, GUNNITE, COBBLES, ETC.)	SQUARE YARD	$ 0.70
13.	DRY WELLS (MAXWELL OR SIMILAR TYPES)	EACH	$98.47
14.	IRRIGATION AND STORM DRAIN PIPE	LINEAR FOOT	$ 1.89
15.	PRESSURE MANHOLES	EACH	$98.47
16.	CATCHBASINS, HEADWALLS, IRRIGATION, S.D. AND WATER MANHOLES	EACH	$43.52
17.	SANITARY SEWER (EXCEPT TRUSS AND P.V.C. PIPE)	LINEAR FOOT	$ 0.73
18.	SANITARY SEWER (TRUSS AND P.V.C. PIPE)	LINEAR FOOT	$ 0.97
19.	SANITARY SEWER TAPS AND SERVICE LINE (FROM MAIN TO PROPERTY LINE)	LINEAR FOOT	$ 0.41
20.	SANITARY SEWER MANHOLES, WITHOUT DROP CONNECTIONS	EACH	$65.02
21.	CLEANOUTS AND DROP CONNECTIONS	EACH	$39.31
22.	PIPE ENCASEMENTS (IN TWENTY-LINEAR-FOOT SECTIONS)	EACH	$15.65
23.	WATER LINE	LINEAR FOOT	$ 0.56
24.	WATER SERVICE LINE*	LINEAR FOOT	$ 0.41
25.	TAPPING SLEEVES AND VALVES	EACH	$65.02
26.	FIRE HYDRANTS AND LINES FROM EXISTING MAINS	LINEAR FOOT	$10.80
27.	BORINGS	LINEAR FOOT	$ 5.58
28.	SPRINKLER SYSTEM, PIPING (FOR LANDSCAPING)	LINEAR FOOT	$ 0.19
29.	TELEVISION UNDERGROUND CABLE OR CONDUIT (PLACED IN TRENCH EXCAVATED BY OR FOR PARTY LAYING CABLE OR CONDUIT; INCLUDES TRENCHING AND BACKFILL)	LINEAR FOOT	$ 0.37

30.	BARRICADING (PERMANENT-WOODEN)	EACH	$30.00
31.	GUARD RAIL	LINEAR FOOT	$ 0.30
32.	FENCE, NONREINFORCED MASONRY (CITY-OWNED)	LINEAR FOOT	$ 0.27
33.	FENCE, WIRE OR WOOD (CITY OWNED)	LINEAR FOOT	$ 0.19
34.	UTILITY TRENCHING AND BACKFILL	LINEAR FOOT	$ 0.40
35.	SPLICE AND REPAIR PITS (BACKFILL AND PATCH)	EACH	$47.59
36.	SURVEY MONUMENTS	EACH	$10.13
37.	ADJUSTMENTS: MANHOLES, VALVES CLEANOUTS, MONUMENTS, ETC.	EACH	$16.73
38.	SIGNS (REGULATORY, WARNING, STREET, ETC.)	EACH	$6.34
39.	TELEVISION INSPECTIONS FOR SEWER LINES	LINEAR FOOT	$0.50
40.	DIRT HAUL	CUBIC YARD	$ 0.064

41. EXCAVATION AND FILL IN PUBLIC RIGHT OF WAY AND EASEMENTS:

CUBIC YARDS	
100 OR LESS	NO FEE
101-1,000	$111.38 FOR FIRST 100 CUBIC YARDS, PLUS $48.00 FOR EACH ADDITIONAL 100 CUBIC YARDS OR FRACTION THEREOF
1,001-10,000	$547.06 FOR FIRST 1,000 CUBIC YARDS, PLUS $48.00 FOR EACH ADDITIONAL 1,000 CUBIC YARDS OR FRACTION THEREOF
10,001-100,000	$980.49 FOR FIRST 10,000 CUBIC YARDS, PLUS $214.59 FOR EACH ADDITIONAL 10,000 CUBIC YARDS OR FRACTION THEREOF
100,000 OR MORE	$2,793.75 FOR FIRST 100,000 CUBIC YARDS, PLUS $214.59 FOR EACH ADDITIONAL 10,000 CUBIC YARDS OR FRACTION THEREOF

42. LOWEST FLOOR SURVEY $194.00

43. CELL SITE/RIGHT OF WAY $1,299.00 YEAR 1 START UP FEE/$7,797.00

PER YEAR-EACH YEAR

44. AS BUILTS (GIS) $214.00

45. PLANNING INSPECTION $107.00

46. MISCELLANEOUS IMPROVEMENTS:

MISCELLANEOUS IMPROVEMENTS NOT COVERED BY THE FEES LISTED ABOVE SHALL BE CHARGED OR IN ACCORDANCE WITH THE FOLLOWING RATE SCHEDULE, BASED ON THE ESTIMATED OR ACTUAL COST OF BUILDING THE IMPROVEMENTS: 6% PERCENT OF THE FIRST $20,000 OR PORTION THEREOF, PLUS 5% OF THE PORTION BETWEEN $20,000 AND $100,000, PLUS 3% OF THE PORTION OVER $100,000.

47. STREET CUT SURCHARGE (IN ADDITION TO ANY PERMIT FEES)

(a) NEW PAVING LESS THAN 12 MONTHS OLD:

(1) OPENINGS 9 SQUARE FEET T0 9 LINEAL FEET: $1,299.00 EACH 50 FEET.

(2) OPENINGS OVER 9 LINEAL FEET THEN A-1 PLUS: $3,249.00 EACH 50 FEET.

(b) NEW PAVING 12 TO 24 MONTHS:

(1) OPENINGS 9 SQUARE FEET TO 9 LINEAL FEET: $832 EACH

(2) OPENINGS OVER 9 LINEAL FEET THEN B-1 PLUS: $2,080.00 EACH 50 FEET

(c) NEW PAVING 25 TO 48 MONTHS:

(1) OPENINGS 9 SQUARE FEET TO 9 LINEAL FEET $416 EACH

(2) OPENINGS OVER 9 LINEAL FEET THEN C-1 PLUS: $1040.00 EACH 50 FEET

(d) APPLICATION OF WAIVERS ARE DIRECTED TO THE STREET TRANSPORTATION DIRECTOR

48. PHASED ENGINEERING PERMITS: A SURCHARGE WILL BE CHARGED FOR THE PHASED CONSTRUCTION OF INFRASTRUCTURE (GRADING, WATER/SEWER, STREETS/CURB/SIDEWALK AND TRAILS). THE SURCHARGE WILL BE 25% (PER PHASE) IN ADDITION TO THE PERMIT VALUE OF THE REQUESTED PHASE.

<u>MULTIPLE PERMITS – BASE FEE</u>

IF MORE THAN ONE PERMIT IS REQUIRED FOR A SINGLE PROJECT, ONLY THE HIGHEST BASE FEE SHALL BE PAID. IF REINSPECTION IS NECESSARY ON ANY INSPECTION WITH TOTAL PERMIT FEE LESS THAN $66.00, A REINSPECTION FEE WILL BE CHARGED AT 75% OF ORIGINAL TOTAL BASE FEE.

AFTER HOURS INSPECTION FEE:

$195.00 PER HOUR

VACATING STREETS

A. AT THE TIME OF FILING AN APPLICATION FOR VACATION OF A PUBLIC UTILITY EASEMENT, OR ANY EASEMENT NOT INCLUDED IN SUBSECTION (B) BELOW, THE APPLICANT SHALL PAY $825.00.

B. AT THE TIME OF FILING AN APPLICATION FOR VACATION OF ANY STREET, ALLEY OR EASEMENT FOR RIGHT OF WAY THE APPLICANT SHALL PAY $1,338.00 FOR A SINGLE FAMILY PROPERTY, AND $1,867.00 FOR NON-RESIDENTIAL OR SUBDIVISIONS.

PLATTING PROCEDURES

A. LOT SPLIT/LOT TIE SUBMITTAL: $402.00

B. PRELIMINARY PLAT: $2,000.00 PLUS $13.50 PER LOT.

C. REVISED PRELIMINARY PLAT: $1,000.00, PLUS $6.75 PER LOT. IF THE PRELIMINARY PLAT APPROVAL EXPIRES PRIOR TO APPLICATION FOR FINAL APPROVAL, THE PLAT SHALL BE SUBMITTED FOR PRELIMINARY APPROVAL AS A NEW CASE AND THE SUBDIVIDER SHALL BE REQUIRED TO PAY A NEW FEE.

D. FINAL PLAT: $4,000.00 PLUS $125 PER LOT.

E. RE-PLAT OR MAP AMENDMENT: $2,000.00 PLUS $63 PER AFFECTED LOT.

PLAN REVIEW

CONTINUOUS COVERAGE FEE: THIS FEE IS CHARGED WHEN AN APPLICANT REQUESTS FULL TIME PLAN REVIEW (BUILDING, FIRE, PLANNING AND ENGINEERING) AND / OR INSPECTIONS (SAME AS PLAN REVIEW SPECIALITIES). THE APPLICANT PAYS A FEE OF 100% OF THE DIRECT/INDIRECT COSTS OF THIS ELECTIVE SERVICE.

PAVING PLAN

1. FIRST REVIEW:
   - (a) LOWER DESERT: $576 PER PAGE
   - (b) UPPER DESERT: $613 PER PAGE
   - (c) HILLSIDE: $635 PER PAGE
2. SECOND AND THIRD REVIEWS, NO CHARGE

WATER/SEWER PLAN

1. FIRST REVIEW:
   - (a) LOWER DESERT: $576 PER PAGE

(b) UPPER DESERT: $613 PER PAGE

(c) HILLSIDE: $635 PER PAGE

2. SECOND AND THIRD REVIEWS, NO CHARGE

TRAFFIC (SIGNAL, STRIPING) PLAN

1. FIRST REVIEW:

(a) LOWER DESERT: $576 PER PAGE

(b) UPPER DESERT: $613 PER PAGE

c) HILLSIDE: $635 PER PAGE

2. SECOND AND THIRD REVIEWS, NO CHARGE

GRADING/DRAINAGE PLAN

1. FIRST REVIEW:

(a) LOWER DESERT: $576 PER PAGE

(b) UPPER DESERT: $613 PER PAGE

(c) HILLSIDE: $635 PER PAGE

2. SECOND AND THIRD REVIEWS: NO CHARGE

MASTER PLAN REVIEW

WATER MASTER PLANS

(a) LOWER DESERT: $752

(b) UPPER DESERT: $822

(c) HILLSIDE: $856

SEWER MASTER PLANS

(a) LOWER DESERT: $752

(b) UPPER DESERT: $822

(c) HILLSIDE: $856

CIRCULATION MASTER PLANS

(a) LOWER DESERT: $752

(b) UPPER DESERT: $822

(c) HILLSIDE: $856

4. ENVIRONMENTAL DESIGN MASTER PLANS

(a) LOWER DESERT: $752

(b) UPPER DESERT: $822

(c) HILLSIDE: $856

5. COMPLETE MASTER PLAN PACKAGE

(a) LOWER DESERT: $3,009

(b) UPPER DESERT: $3,285

(c) HILLSIDE: $3,420

6. MINOR REVISIONS TO APPROVED MASTER PLANS: $402

7. MAJOR REVISIONS OR ADDITIONS TO APPROVED MASTER PLANS

(a) INDIVIDUAL PLANS

(1) LOWER DESERT: $752

(2) UPPER DESERT: $822

(3) HILLSIDE: $856

(b) COMPLETE PACKAGE

(1) LOWER DESERT: $2,000

(2) UPPER DESERT: $2,161

(3) HILLSIDE: $2,350

MISCELLANEOUS PLAN REVIEW

1. REVIEW OF GEOLOGY REPORTS: $135.00 PER HOUR

2. SPECIAL PROVISIONS TO PROJECT SPECIFICATIONS: $385.00 PER PROJECT

3. RECORDATION OF PLAT MAPS OR MAPS OF DEDICATIONS: $63.00

4. RE-RECORDING OF ANY TYPE OF DEDICATION FORM, (RIGHT OF WAY, EASEMENT, ETC.) BECAUSE OF INCORRECT LEGAL DESCRIPTION OR EXHIBIT OR NON-COMPLIANCE WITH MARICOPA COUNTY RECORDER'S REQUIREMENTS: $61.00 PER DOCUMENT

5. EXPEDITED REVIEW (BY EACH DISCIPLINE REQUIRED TO REVIEW PROJECT: $189.00 PER HOUR

6. PHASED ENGINEERING PLAN REVIEW: A SURCHARGE WILL BE CHARGED FOR THE PHASED PLAN REVIEW OF AN APPROVED SUBDIVISION OR PHASING IN THE INSTALLATION OF INFRASTRUCTURE (GRADING, WATER/SEWER, STREETS/CURB/SIDE WALK AND TRAILS). THE SURCHARGE WILL BE 25%(EACH PHASE) OF THE FULL PLAN REVIEW FEE

7. EACH ADDITIONAL PLAN REVIEW FEE FOR PLANS (EXCLUDING MYLARS) NOT MEETING CODE/ORDINANCE AND STIPULATED REQUIREMENTS AFTER THIRD REVIEW: 50% OF ORIGINAL PLAN REVIEW WHEN ISSUED NOT GIVEN RESPONSE IN FIRST 3 REVIEWS AND THUS CAUSING A 4TH REVIEW.

8. LOWEST FLOOR AND BENCHMARK REVIEWS: PER-SHEET CHARGE

DEVELOPMENT APPLICATIONS

THE FOLLOWING FEES SHALL ACCOMPANY DEVELOPMENT APPLICATIONS. DEVELOPMENT APPLICATIONS INITIATED BY THE PLANNING COMMISSION OR THE CITY COUNCIL SHALL NOT BE SUBJECT TO A FILING FEE. NO PART OF ANY FEE SHALL BE REFUNDABLE. THE ZONING ADMINISTRATOR SHALL HAVE THE DISCRETION TO DETERMINE IF A DEVELOPMENT APPLICATION IS MINOR.

A. PRE APPLICATION CONFERENCE: $71.00

B. ZONING TEXT AMENDMENT: Major = $1,825 (over 10 staff hours); Minor = $730

C. GENERAL PLAN AMENDMENTS

1. ALL PROJECTS FORTY (40) ACRES OR LESS BE CHARGED FIFTY SEVEN (57%) OF THE REZONING FEE.

2. ALL ESL CASES OVER FORTY (40) ACRES, PCD, PRD, PBD AND PRC PROJECTS BE CHARGED TWENTY (27%) PERCENT OF THE REZONING FEE.

3. ALL OTHER PROJECT OVER FORTY (40) ACRES BE CHARGED THIRTY SEVEN (37%) PERCENT OF THE REZONING FEE.

ZONING MAP AMENDMENTS

CHARGES ARE CALCULATED ACCORDING TO ACREAGE, USING THE FOLLOWING TABLE.

TABLE 2

ACRES	FEE* (PER ACRE)
0—100	$57.00
101-600	$45.00

601-1000	$38.00
1001-2000	$26.00
2001 and over	$6.25

CONSERVATION OPEN SPACE ACREAGE IS EXEMPT FROM THE PER ACRE FEE.

REZONING TO MULTIFAMILY RESIDENTIAL, MAJOR REVISIONS TO APPROVED PLANS AND/OR STIPULATIONS OF MULTIFAMILY DEVELOPMENTS: $959.00, PLUS A PER ACRE FEE ACCORDING TO THE SCALE LISTED IN TABLE 2.

REZONING TO SINGLE-FAMILY RESIDENTIAL, MAJOR REVISIONS TO APPROVED PLANS AND/OR STIPULATIONS OF SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS: $959.00, PLUS A PER ACRE FEE ACCORDING TO THE SCALE LISTED IN TABLE 2.

REZONING TO NONRESIDENTIAL, MAJOR REVISIONS TO APPROVED PLANS AND/OR STIPULATIONS OF NONRESIDENTIAL DEVELOPMENTS: $1,789.00, PLUS A PER ACRE FEE ACCORDING TO THE SCALE LISTED IN TABLE 2.

REZONING TO PLANNED COMMUNITY DISTRICT (PCD) OR PLANNED COMMERCE PARK (PCP) OR MAJOR REVISIONS TO APPROVED PLANS AND/OR STIPULATIONS OF PCD OR PCP DEVELOPMENTS: $4,600.00 PLUS PER ACRE FEE ON TABLE 2.

REZONING TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) OR PLANNED BLOCK DEVELOPMENT (PBD) OR MAJOR REVISIONS TO APPROVED PLANS AND/OR STIPULATIONS OF PRD OR PBD DEVELOPMENTS: $1,789.00, PLUS A PER ACRE FEE ACCORDING TO THE SCALE LISTED IN TABLE 2.

REZONING FOR ENVIRONMENTALLY SENSITIVE LANDS (ESL) OR MAJOR REVISIONS TO APPROVED PLANS AND/OR STIPULATIONS OF ESL DEVELOPMENT:

MINIMUM ESL FEE: $959.00 PLUS A PER ACRE FEE ACCORDING TO THE SCALE LISTED IN TABLE 2 OF THIS SCHEDULE.

ESL APPLICATIONS WITH AMENDED DEVELOPMENT STANDARDS AND/OR DENSITY TRANSFERS: $1,789.00, PLUS A PER ACRE FEE ACCORDING TO THE SCALE LISTED IN TABLE 2.

ESL APPLICATIONS WITH MULTIPLE LAND USES: $4,600.00, PLUS A PER ACRE FEE ACCORDING TO THE SCALE LISTED IN TABLE 2.

ESL AMENDMENTS TO THE PEAKS AND RIDGES MAP OR THE LAND FORM BOUNDARY MAP DONE CONCURRENTLY WITH REZONING: $320.00.

MINOR REVISIONS

(LESS THAN 16 STAFF HOURS): $639.

HISTORIC PROPERTY DESIGNATION

NO FEE IS REQUIRED FOR AN APPLICATION TO DESIGNATE A HISTORIC OR ARCHAEOLOGICAL RESOURCE AS A HP DISTRICT. IF THE HISTORIC PRESERVATION OFFICER, HOWEVER, MAKES AN INITIAL DETERMINATION THAT THE RESOURCE IS NOT ELIGIBLE FOR SUCH DESIGNATION, THE APPLICANT MAY PROCEED WITH THE APPLICATION ONLY UPON PAYMENT OF THE FEE REQUIRED FOR ZONING MAP AMENDMENTS.

ABANDONMENT OF RIGHTS-OF-WAY

$1,338.00 FOR ABANDONMENT OF RIGHTS-OF-WAY ON SINGLE FAMILY PROPERTY AND $1,866.00 FOR NON-RESIDENTIAL OR SUBDIVISION PROPERTY. PUBLIC UTILITY AND OTHER NON STREET RIGHT OF WAY EASEMENTS A EASEMENT RELEASE APPLICATION OF $815.

CONDITIONAL USE PERMITS

1. MINOR CASE (INVOLVING LESS THAN SIX (6) HOURS OF STAFF TIME): $511.00

2. MAJOR CASE: $2045.00

CONTINUANCES

$320 FOR APPLICATIONS REQUESTING TO BE CONTINUED ON THE PLANNING COMMISSION OR CITY COUNCIL MEETING AGENDA BY THE APPLICANT.

BOARD OF ADJUSTMENT

1. SINGLE-FAMILY RESIDENTIAL: VARIANCE REQUESTS $128.

2. NONSINGLE-FAMILY RESIDENTIAL: VARIANCE REQUESTS $1,035.

3. NONCONFORMING SIGNS: THE OWNER OF A NONCONFORMING SIGN SHALL NOT BE REQUIRED TO PAY A FILING FEE WHEN APPLYING FOR A VARIANCE FROM ORDINANCE REQUIREMENTS THAT RENDER THE SIGN NONCONFORMING.

4. APPEALS OF ADMINISTRATIVE DETERMINATIONS: APPLICATION FEE OF $128.

DEVELOPMENT REVIEW BOARD

1. APPLICATION FOR APPROVAL OF A NEW PROJECT OR COMPREHENSIVE REDEVELOPMENT: $1,262.00;

2. NEW CONSTRUCTION OR MAJOR REVISION TO A PREVIOUS APPROVAL (E.G., ELEVATION OR SITE PLAN CHANGE): $511

3. MINOR REVISION (INVOLVING LESS THAN 6 HOURS OF TOTAL STAFF TIME; E.G., SATELLITE DISH ADDITION, COLOR, AWNING, LANDSCAPING OR PARKING CHANGE): $256

4. APPEAL OF STAFF DECISION: AN APPEAL OF STAFF DECISION TO THE DEVELOPMENT REVIEW BOARD: $256.

5. APPEAL OF DEVELOPMENT REVIEW BOARD DECISION: AN APPEAL OF A DEVELOPMENT REVIEW BOARD DECISION TO THE CITY COUNCIL: $256.

6. TIME EXTENSION: $256

7. A DEVELOPMENT REVIEW APPLICATION FOR CUTS/FILLS; SCENIC/VISTA CORRIDORS A FEE OF $384.00.

8. SPECIAL EVENT APPLICATION: $64.00. THIS FEE DOES NOT INCLUDE ANY OTHER FEES RELATED TO THE EVENT, I.E., TAX LICENSE FEES, BUILDING PERMIT, ENCROACHMENT PERMIT, AND LIQUOR LICENSE.

9. DEFERRED PAYMENTS: DEFERRED PAYMENTS FOR DEVELOPMENT APPLICATIONS WILL BE ACCEPTED FROM OTHER GOVERNMENTAL AGENCIES WITH TOTAL FEES AND INTEREST TO BE PAID BEFORE ISSUANCE OF PERMITS. INTEREST SHALL BE CHARGED AT THE CURRENT MARKET RATE AND CALCULATED FROM THE DATE OF APPLICATION SUBMITTAL.

10. HISTORIC PROPERTY CERTIFICATES, CERTIFICATES OF NO EFFECT, CERTIFICATES OF APPROPRIATENESS, CERTIFICATES OF DEMOLITION APPROVAL, AND CERTIFICATES OF ECONOMIC HARDSHIP: NO CHARGE.

SIGN PERMIT FEES

A. PLAN REVIEW FEES:

TOTAL SQUARE FOOTAGE OF SIGN	*FEE*
0 THROUGH 20 SQUARE FEET	$ 31.00
21 THROUGH 30 SQUARE FEET	$ 64.00
31 SQUARE FEET AND OVER	$ 95.00

B. PERMIT FEES :

TOTAL SQUARE FOOTAGE OF SIGN	*FEE*
0 THROUGH 10 SQUARE FEET	$ 77.00
11 THROUGH 20 SQUARE FEET	$180.00
21 THROUGH 30 SQUARE FEET	$250.00
31 SQUARE FEET AND OVER	$342.00
GRAND OPENING	$ 25.00
NEW MASTER SIGN PROGRAM	$192.00

	AMENDMENT OR EXCEPTION TO AN EXISTING MASTER SIGN PROGRAM	$85.00
C.	HORIZONTAL BANNERS	$150.00
D.	VERTICAL BANNERS	$150.00

RESOLUTION NO. 6283

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE AIRPORT/AIRPARK RATES AND FEES SCHEDULE TO INCREASE THE TRANSIENT AIRCRAFT LANDING FEE AND THE AIRPORT HOURLY RATE.

WHEREAS, Chapter 5 of the Scottsdale Revised Code requires City Council approval of any changes in rates and fees imposed under the Airport/Airpark Rates and Fees Schedule; and

WHEREAS, at the April 22, 2003, meeting of the Airport Advisory Commission, the Commission recommended approval of an amendment to the Airport/Airpark Rates and Fees Schedule to increase the transient aircraft landing fee to $1.50/1,000 lbs. maximum certified takeoff weight for all transient aircraft weighing 12,500 lbs or greater.

WHEREAS, at the April 22, 2003, meeting of the Airport Advisory Commission, the Commission recommended approval of an additional amendment to the Airport/Airpark Rates and Fees Schedule to change the airport hourly rate to $42.27 per hour; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. The Airport/Airpark Rates and Fees Schedule is hereby amended to increase the transient aircraft landing fee to $1.50/1,000 lbs. maximum certified takeoff weight for all transient aircraft weighing 12,500 lbs or greater, and to change the airport hourly rate to $42.27 per hour.

PASSED, ADOPTED AND APPROVED by the Council of the City of Scottsdale this 19th day of May, 2003.

CITY OF SCOTTSDALE, an
Arizona municipal corporation

ATTEST:

Sonia Robertson, City Clerk

Mary Manross, Mayor

APPROVED AS TO FORM:

David A. Pennartz, City Attorney

SCOTTSDALE AIRPORT/AIRPARK*
RATES AND FEES SCHEDULE

Access Device Fee* ..... $50.00 deposit

Airport/Airpark Access Fee*
- Single Engine ..... $17.50 + Fuel Flowage Fee
- Twin Engine ..... $22.50 + Fuel Flowage Fee
- Turbine/Jet Aircraft ..... $55.00 + Fuel Flowage Fee

Airport Construction Permit ..... Based on Airport Escort Fee

Airport/Airpark Fuel Flowage Fee* $0.08/gallon

Airport Hourly Rate $42.27/hour

Airport Terminal Gate Fee (not applicable to Aeronautical Business Permittees)
- Single Engine Aircraft $6.00/use
- Twin Engine Aircraft $8.00/use
- Turbine/Jet Aircraft $12.00/use
- Single Rotor Helicopter <12,500 pounds $6.00/use
- Single Rotor Helicopter >12,500 pounds $8.00/use
- Twin Rotor Helicopter $12.00/use

Airport Terminal Passenger Boarding Lounge Use Fee* $7.00/hour

City T-Hangar $150.00/month

City T-Shade $85.00/month

Commercial Photography Permit ..... Based on Airport Escort Fee

Customs User Fee (Users accessing customs after-hours must pay an additional $225.00, except for single/light twin aircraft, which are prohibited from using the service after-hours)
- Single/Light Twins $50.00/use
- Heavy Twin/Turboprop $225.00/use
- Light Corporate Jet (under 35,000 lbs.) $600.00/use
- Heavy Corporate Jet (35,000 – 75,000 lbs.) $750.00/use

Monthly Aeronautical Business Permit Fee* ..... % of gross revenue or flat fee
Dependent upon activities as defined in the Airport Minimum Operating Standards

Special Event Permit Fee ..... Based on Airport Escort Fee

Tiedown Fees
- Single Engine Aircraft $35.00/month
- Twin Engine Aircraft $45.00/month
- Turbine/Jet Aircraft $110.00/month
- Single Rotor Helicopter <12,500 pounds $35.00/month
- Single Rotor Helicopter >12,500 pounds $45.00/month
- Twin Rotor Helicopter $110.00/month

Transient Landing Fee ..... $1.50/1,000 pounds maximum certificated takeoff weight
for all transient aircraft weighing 12,500 lbs & over

Transient Parking Fees
- Single Engine $5.00/night
- Twin Engine $6.00/night
- Turbine/Jet Aircraft $15.00/night
- Single Rotor Helicopter <12,500 pounds $4.00/night
- Single Rotor Helicopter >12,500 pounds $8.00/night
- Twin Rotor Helicopter $12.00/night

("*" indicates those items applicable to Airpark Operators)

July 1, 2003

Item No. 18

Backup materials for this item will be available next week.

CITY COUNCIL REPORT

MEETING DATE: 05/19/2003 ITEM NO. 18 GOAL: Fiscal Management

SUBJECT

SOLICIT public testimony on the FY 2003/04 Operating Budget and Capital Improvement Plan.

ADOPT Ordinance No. 3508, the Tentative Budget estimates FY 2003/04.

REQUEST

The City Council receives public input relative to the Proposed FY 2003/04 Operating Budget and Capital Improvement Plan, and adopts the Tentative Budget estimates in accordance with Arizona State Statutes and the City Charter.

BACKGROUND

The public input process to date regarding the FY 2003/04 Proposed Operating Budget and Capital Improvement Plan includes the following:

- May 5 – Presentation of the Citizen Budget Review Committee report to City Council.
- May 6 – First public hearing on the FY 2003/04 Proposed Operating Budget and Capital Improvement Plan. This public hearing is not required by either Arizona State Statute or the City's Charter. However, it has been the City's long standing practice to hold this additional public hearing to gain an understanding of citizen priorities prior to adopting the Tentative Budget, which sets the City's maximum spending limit for FY 2003/04.
- May 12 – Further review of the budget by Council during a Work Study session. Based on Council's direction during this session the following items have been incorporated into the revised FY 03/04 Proposed Budget being considered during the May 19 Tentative adoption meeting:
  - The General Fund Operating Contingency was increased from $1.5 million to $2.5 million. The $1.0 million increase will be funded by a combination of proposed fee increases of $.6 million and $.4 million of unreserved fund balance.
  - The Property tax rate was set at $1.12.
  - Culture Quest funding will remain at $770,000.
  - Transit Option 2 funding in the amount of $674,700 has been included in the budget and will continue the following services: Maricopa County STS, Express Route 510, Scottsdale Road: 15 minute Frequency and Miller Road: 30 minute Frequency.
  - West World's covered walkway capital project funding of $577,000 was restored.

This second public hearing continues the public input process and should culminate with City Council adopting the Tentative Budget estimates, which set the

City's maximum spending limit for FY 2003/04. The goal of this ongoing process is to provide a public forum in which City Council receives citizen input on the City's proposed Operating Budget and Capital Improvement Plan. From this public input process City Council will be better able to align the Proposed FY 2003/04 expenditures and budget outcomes with citizens' articulated expectations.

At the conclusion of this public hearing, the City Council may insert new items or may increase or decrease any items of the budget before adopting the Tentative Budget estimates in Ordinance 3805, which sets the maximum spending limit for FY 2003/04.

With the adoption of the Tentative Budget, the City Council will set the maximum expenditure limits. These limits may be reduced when final adoption takes place on June 2, 2003, but they may not be increased once the Tentative Budget estimates are adopted.

The Tentative Budget estimates will be published in the Scottsdale Tribune once a week for two weeks between the tentative adoption and the June 2nd final adoption.

The revised Proposed Budget appropriation totals $850.1 million and consists of the Operating Budget - $326.5 million; Capital Improvement Plan - $495.6 million, including $285.3 million of carryover budget authorization from prior years for projects not yet complete; and Grants and Trust Activity - $28.0 million. This is $10.8 million less than the original Proposed Budget due to the following additions and reductions:

The funds noted below comprise the modification between the proposed City's Operating Budget on March 12, 2003 and this City Council Report dated May 19, 2003 – a $1.0 million net increase in appropriations as follows:

- General Fund – $.6 million net reduction resulting from the updating of personnel service and contractual service costs.
- Special Revenue Funds – $.6 million net increase resulting from the adding in the cost of Transit option #2 and reduction from updating the personnel service and debt service costs.
- Debt Service Fund – $1.0 million increase related to setting the property tax rate at $1.12.
- Enterprise Funds - $.1 million net reduction resulting from the updating of personnel service costs.
- Internal Service Funds - $.1 million net increase resulting from the updating of the Fleet 5 year plan.

The following funds are not part of the Operating Budget for State Statutory (Expenditure Limit) reporting purposes:

- Capital Improvement Funds – $12.0 million net reduction resulting from a decrease in the carryover authorization and updating of Capital Improvement Plan.
- Grant Fund - $.2 million net increase resulting from the updating for anticipated additional grant funding.
- Expendable Trust Funds - no change in appropriations.

In addition, $27.9 million of budget authorization for use as contingencies and reserves is included in the legal appropriation, per Arizona State Statute; however, actual authorization to expend reserves requires City Council approval via Council Action for each such occurrence.

The Proposed FY 2003/04 Operating and Capital Improvement Plan was developed using sound budgeting principles recommended by the Government Finance Officers Association (GFOA) and the National Advisory Council on State and Local Budgeting (NACSLB). Local governments initialize the principles by incorporating their own unique guiding principles based on policies, practices, and economic realities.

Guiding principles followed in developing the City of Scottsdale's Proposed FY 2003/04 Operating Budget and Capital Improvement Plan include:

- Conservative and cautious revenue forecasts due to the uncertainty in the economy;
- A zero-based program approach leading to a focused review of services delivered by the City, increased scrutiny of expenditures and prioritization of the programs to be funded;
- A reduction in positions and operating costs supported by General Fund tax dollars;
- Minimize the service level impacts on citizens and businesses, while continuing innovation to help manage costs, striking a balance between current expectations and investing in the City's future needs and economic generators, and ensuring sound fiscal practices;
- A more realistic and precise plan to continue investment in the City's basic infrastructure and public facilities, combined with a more comprehensive analysis of their future operating costs. Improved cash management and other changes proposed in the Capital Improvement Program will ensure that the City can take advantage of favorable financing and construction markets to build key projects and phase in operating costs for new facilities at a reasonable pace; and
- Sustained funding of the General Fund Reserve per the City's financial policies to ensure the City can provide basic services in the event of major emergencies.

The Proposed FY 2003/04 Operating and Capital Improvement Plan was developed using these principles to guide the allocation and/or reallocation of resources to contribute to the accomplishment of City Council's six broad community goals. Consistent with government fund accounting standards, the City uses a series of fund types to ensure legal compliance and financial management for various revenues and program expenditures. Highlights by fund are noted below:

- General Fund -- total resources decreased approximately $6.3 million (3.1%) from the current year-end estimate of $201.9 million to $195.6 million; departmental expenditures, debt service and transfers out decreased by $9.4 million (4.6%) from the current fiscal year-end estimate of $204.3 million to $194.9 million; and the General Fund Reserve of $20.8 million equals 10% of the total annual operating expenditures of the General and Highway User Revenue funds per the City's adopted financial policies, the Economic Investment Reserve balance decreased to $4.0 million after considering the initial

debt service payment for the Loloma Museum (net of the bed tax contribution of $159,495), the Operating Contingency equals $2.5 million and the Unreserved Fund Balance is $1.6 million. The number of proposed full time staff equivalents is 32 less than the current year.

- Special Revenue Funds:
  - Highway User Revenue Fund (HURF) -- total resources decreased $.6 million (2.4%) from the current year-end estimate of $24.6 to $24.0 million, departmental expenditures, debt service and transfers out equal total resources. Ending Fund Balance equals $0.

  - Transportation .2 Percent Sales Tax Fund -- total resources decreased less than $.1 million (.6%) from the current year-end estimate of $16.1 to $16.0 million, departmental expenditures and transfers out equal total resources. Ending Fund Balance equals $0.

  - Preservation Sales Tax Fund -- total resources decreased less than $.1 million (.6%) from the current year-end estimate of $16.7 to $16.6 million, departmental expenditures, debt service and transfers out increased by approximately $.4 million (2.4%) from the current fiscal year-end estimate of $16.9 million to $17.3 million; and the Unreserved Fund Balance is $19.2 million.

  - Special Programs Fund -- total resources increased by .2 million (10.0%) from the current year-end estimate of $2.4 to $2.6 million, departmental expenditures and transfers out increased $1.1 million (42.0%) from the current fiscal year-end estimate of $2.7 million to $3.8 million; and the Fund Balance of $1.1 million is composed of an Operating Contingency of $.2 million and Unreserved Fund Balance is $.9 million.

- Debt Service Fund -- total resources increased $3.6 million (8.7%) from the current year-end estimate of $41.2 to $44.8 million, expenditures and transfers out increased by $4.2 million (10.3%) from the current fiscal year-end estimate of $40.6 million to $44.8 million; and the Fund Balance is $10.8 million.

- Enterprise Funds:
  - Aviation Fund -- total resources increased less than $.4 million (14.3%) from the current year-end estimate of $2.5 to $2.9 million, expenditures and transfers out decreased less than $.2 million (7.7%) from the current fiscal year-end estimate of $2.4 million to $2.2 million; and the ending Fund Balance of approximately $.7 million is composed of an Operating Reserve of $.3 million and Unreserved Fund Balance is less than $.4 million.

  - Solid Waste Fund -- total resources increased less than $.1 million (.4%) from the current year-end estimate of $16.1 to $16.2 million, departmental expenditures, debt service and transfers out increased less than $.6 million (3.6%) from the current fiscal year-end estimate of $14.5 million to $15.1 million; and the ending Fund Balance of approximately $5.7 million is composed of an Operating Reserve of $3.3 million and Unreserved Fund Balance of $2.4 million. The number of proposed full time staff equivalents is 1 less than the current year.

- Water and Sewer Fund -- total resources increased $2.8 million (2.7%) from the current year-end estimate of $103.1 to $105.9 million, departmental expenditures, debt service and transfers out increased $14.1 million (15.8%) from the current fiscal year-end estimate of $89.5 million to $103.6 million; and the ending fund balance/reserve consists of an Operating Reserve of $17.0 million, Repair and Replacement Reserves of $16.0 million, a Special Operations Fund Balance of less than ($.1) million and the Unreserved Fund Balance equals $0. The number of proposed full time staff equivalents is 2 less than the current year.

➢ Internal Service Funds -- The unique nature of this type of fund -- internal user charges set to recover cost over several years, and uneven vehicle replacement schedule -- can result in larger variances from year to year than in other fund types.

- Fleet Management Fund -- total resources increased $.2 million (2.1%) from the current year-end estimate of $11.3 to $11.5 million, expenditures and transfers out decreased $5.0 million (32.5%) from the current fiscal year-end estimate of $15.5 million to $10.5 million; and the ending Fund Balance equals $5.2 million. The number of proposed full time staff equivalents is 5 less than the current year.

- Self-Insurance Fund -- total resources increased less than $.4 million (6.5%) from the current year-end estimate of $5.5 to $5.9 million, departmental expenditures/claims and transfers out decreased less than $.1 million (1.4%) from the current fiscal year-end estimate of $5.3 million to $5.2 million; and the ending fund balance/reserve equals $15.8 million. The number of proposed full-time staff equivalents is 1 less than the current year.

➢ Capital Improvement Funds -- the FY 2003/04 proposed budget consists of $495.5 million in project expenditures, including $285.3 million of carryover budget authorization from prior years for projects not yet completed. The plan is funded by a combination of $177.2 million in new resources and use of prior year-end fund balance. Resources and expenditures vary widely from year to year due to the unique nature of these funds – one-time expenditures occur over one or many years, with unexpended balances re-appropriated each year.

➢ Grant and Trust Funds -- resources and expenditures both increase by $1.1 million (4.1%) from $26.9 to $28.0 million. The budget includes contingent revenue and expenditures of $17.1 million for possible future grants; however the City will only expend grant funds that have been awarded by the appropriate agency and accepted by City Council via Council Action for each such occurrence.

The Proposed FY 2003/04 Capital Improvement Plan, Operating Budget and Financial Policies were reviewed by the City Council in Work Study Sessions held on March 31, April 7, April 21, and May 12. Additionally, the Citizen Budget Review Committee presented their findings and recommendations to the City Council during a Work Study Session on Monday, May 5. The first public hearing on the Proposed budget was held on May 6, 2003.

This public hearing is the second of three scheduled public hearings on the pro-

posed budget. The remaining scheduled public hearings, adoption dates, and budget work study sessions are as follows:

Monday, June 2	Third public budget hearing, adoption of final budget, and Truth-in-taxation public hearing
Monday, June 16	Adoption of the property tax levy

ANALYSIS & ASSESSMENT

The Citizen Budget Review Committee, appointed by City Council on December 9, 2002, met with Financial Services staff beginning in January to gain an overall understanding of the budget process, governmental accounting and budget standards, financial policies, program budgeting, and assumptions surrounding the multi-year revenue and expenditure forecasts. Beginning in February and continuing into late April, the committee members met with City staff to review their budget development process and evaluate the proposed Operating Budget and CIP's effectiveness in meeting City Council's stated goals and priorities. The Committee Chairperson provided the Committee's findings and recommendations to the City Council during a Work Study Session on May 5.

Additionally, a budget summary was published in the Arizona Republic newspapers on Wednesday, April 30, 2003 and is available at Scottsdale's public libraries and citizen service counters throughout the City. Summary information is also available on the City's website at (www.ScottdaleAZ.gov/finance).

Also, the Citizen Bond Review Commission reviewed the proposed changes to the approved 2000 bond program projects on March 6 and concurred with the changes reflected in the Capital Improvement Plan.

RESOURCE IMPACTS

Adoption of this budget will allow the City of Scottsdale to continue service delivery to citizens over the upcoming fiscal year and continue working on capital improvements for the community.

The proposed budget minimizes service level impacts on citizens and businesses as a result of the economic downturn, while continuing innovation to help manage costs, striking a balance between current expectations and investing in the City's future needs and economic generators, and ensuring sound fiscal practices.

The proposed capital budget has a more realistic and precise plan to continue investment in the City's basic infrastructure and public facilities, combined with a more comprehensive analysis of their future operating costs. Improved cash management and other changes proposed in the Capital Improvement Program will ensure that the City can take advantage of favorable financing and construction markets to build key projects and phase in operating costs for new facilities at a reasonable pace.

Tentative adoption of the budget on May 19, 2003 will determine the maximum limit for expenditures in FY 2003/04. On June 2, 2003, when the final FY 2003/04 budget adoption takes place, budgeted expenditures may be reduced, but cannot be increased. The total proposed FY 2003/04 budget appropriation equals $850.1 million and consists of the Operating Budget - $326.5 million; Capital Improvement Plan - $495.6 million, including $285.3 million of carryover budget authorization from prior years for projects not yet complete; and Grants and Trust Activity - $28.0 million. Additionally, $27.9 million of budget authorization for use as contingencies and reserves will be included in the legal appropriation, per

Arizona State Statute; however, actual authorization to expend reserves requires City Council approval via Council Action for each such occurrence.

During the May 6 meeting, Council selected "*Fire Transition Plan Option B*" as the level of fire service that the City would provide to residents and businesses should the voters approve the May 20 ballot measures requiring the City to form a municipal fire department. Staff estimates the "*Fire Transition Plan Option B*" costs would impact the FY 03/04 budget as noted below:

Additional operating costs (assuming a Nov 16 conversion)	$2.1 million
One-time fire transition costs	$6.4 million
Estimated Total FY 03/04 Costs	$8.5 million

As part of this overall evaluation, during the May 19 public hearing, City Council may also want to begin exploring various options for funding the level of fire service selected and the one-time transition costs. Options Council may want to consider include using the City's General Fund Reserve, reducing or eliminating existing programs, raising new revenues or pursuing a combination of all three alternatives to assure adequate funding for the transition.

OPTIONS & STAFF RECOMMENDATION

Per Article 6, Section 3 of the City's Charter, a public hearing and Tentative Budget adoption must take place on or before the second regular council meeting in May of each year. Additionally, Arizona Statute requires this public hearing and Tentative Budget adoption. State law prohibits the city from increasing the budget after Tentative Adoption or exceeding its budget after Final Adoption.

The attached documents set the City's maximum spending limit for FY 2003/04 at $878.0 million, which equals the City Manager's proposed budget, including the previous changes noted in the Background section of this report. This maximum spending limit option excludes additional specific appropriation to cover the *"Fire Transition Plan Option B"* estimate of $8.5 million, as approved by Council during the May 6, 2003 public meeting. As noted above, staff estimates one-time fire transition costs ($6.4 million) and additional operating costs ($2.1 million) would increase the FY 2003/04 budget potentially by an additional $8.5 million.

The additional Fire transition and operating costs could be funded by eliminating $8.5 million of program and/or capital project expenditures. The General Fund Reserve balance would remain at 10.0% of General Fund and HURF expenditures or approximately $20.8 million.

An option would be for Council to set the City's maximum spending limit for FY 2003/04 at $886.5 million. This maximum spending limit option includes $8.5 million to cover the *"Fire Transition Plan Option B"* estimate, as approved by Council during the May 6, 2003 public meeting. As noted above, staff estimates one-time fire transition costs and additional operating costs would increase the FY 2003/04 budget by an additional $8.5 million.

Under this option, the additional costs could be funded by either: 1) appropriating $8.5 million from the City's General Fund Reserve, 2) eliminating $8.5 million of program and/or capital project expenditures, 3) raising revenues, or 4) some combination of the above. If the full $8.5 million were appropriated from the General Fund Reserve the balance would decrease from $20.8 million to $12.3 million or a reduction in the reserve percentage from 10.0% to 5.8% of General Fund and HURF expenditures.

RESPONSIBLE DEPT(S)

Financial Services Department
Administration Division
Budget Division

STAFF CONTACTS

Craig Clifford, General Manager
CClifford@ScottsdaleAz.gov, (480) 312-2364
Art Rullo, Budget Director
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APPROVED BY

Art Rullo 5/15/03
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Art Rullo for C. Clifford 5/15/03
Craig Clifford — Date
Financial Services General Manager
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Barbara Burns 5/15/03
Barbara Burns — Date
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5/15/03
Jan Dolan — Date
City Manager
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ATTACHMENTS

ORDINANCE NO. 3508

ORDINANCE NO. 3508

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING THE TENTATIVE ESTIMATES OF THE AMOUNTS REQUIRED FOR THE PUBLIC EXPENSE FOR THE CITY OF SCOTTSDALE FOR THE FISCAL YEAR 2003/04; ADOPTING A TENTATIVE BUDGET; SETTING FORTH THE RECEIPTS AND EXPENDITURES, THE AMOUNTS ACTUALLY LEVIED, THE AMOUNTS ESTIMATED AS COLLECTIBLE FOR THE PREVIOUS FISCAL YEAR, AND THE AMOUNT PROPOSED TO BE RAISED BY DIRECT PROPERTY TAXATION; AND GIVING NOTICE OF THE TIME FOR HEARING TAXPAYERS, FOR ADOPTION OF THE BUDGET AND FOR SETTING THE TAX LEVIES.

BE IT ORDAINED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

SECTION 1. Pursuant to the provisions of the laws of the State of Arizona, and the Charter and Ordinances of the City of Scottsdale, the statement and schedules herein contained are hereby adopted for the purpose as hereinafter set forth as the Tentative budget for the city of Scottsdale for the fiscal year 2003/04.

SECTION 2. That the City Clerk be, and hereby is authorized and directed to publish in a manner prescribed by law the estimates of expenditures, as hereinafter set forth, together with a notice that the Council will meet for the purpose of final hearing of taxpayers and for adoption of the fiscal year 2003/04 Annual Budget for the City of Scottsdale on the second day of June 2003, at the hour of 5:00 p.m. in the City Hall Kiva, 3939 N. Drinkwater Boulevard, Scottsdale, Arizona.

SECTION 3. Upon the recommendation of the City Manager and with the approval of the City Council, expenditures may be made from the appropriation for contingencies. The transfer of any sums within any specific appropriation may be done upon the approval of the City Manager. Any unencumbered appropriation balance or portion thereof may be transferred between offices, departments, or agencies to offset variances in the budget upon approval of the City Manager.

SECTION 4. Money from any fund may be used for any of the appropriations, except money specifically restricted by State law or by City Ordinance or by Resolution.

SECTION 5. Schedules A through F of the Tentative Budget are as follows:

PASSED, APPROVED, AND ADOPTED by the Mayor and City Council of the City of Scottsdale, Maricopa County, Arizona this nineteenth day of May, 2003.

ATTEST:

CITY OF SCOTTSDALE
A Municipal Corporation

Sonia Robertson
City Clerk

Mary Manross
Mayor

Approved as to Form:

David A. Pennartz
City Attorney

City of Scottsdale
Summary Schedule of Estimated Revenues and Expenditures
Fiscal Year 2003/04

Fund	Budgeted Expenditures 2002/03	Estimated Expenditures 2002/03	Estimated Fund Balance 7/1/03	Direct Property Tax Revenues 2003/04
General Fund	$ 197,381,916	$ 194,176,421	$ 28,153,373	$ 16,572,708
Special Revenue Funds	53,641,491	53,345,541	22,158,742	
Debt Service Funds	41,854,448	40,663,234	10,797,394	25,538,638
Capital Projects Funds	519,903,400	127,795,000	398,378,400	
Enterprise Funds	75,452,748	73,708,447	35,330,731	
Expendable Trust Funds	1,268,900	1,268,900	1,615,152	
Internal Service Funds	6,767,581	6,077,707	19,260,118	643,931
TOTAL ALL FUNDS	$ 896,270,484	$ 497,035,250	$ 515,693,910	$ 42,755,277

	2002/03	2003/04
Budgeted Expenditures	$ 896,270,484	$ 878,023,845
Budgeted Expenditures Adjusted for Reconciling Items	889,502,903	874,021,479
Less: Estimated Exclusions	(696,717,775)	(671,597,095)
Total Estimated Expenditures & Expenses Subject to Expenditure Limit	$ 192,785,128	$ 202,424,384
Expenditure Limitation	$ 242,650,033	$ 259,582,027

City of Scottsdale
Summary Schedule of Estimated Revenues and Expenditures
Fiscal Year 2003/04

Fund	Estimated Revenue Other Than Property Taxes	Proceeds From Sale of Bonds	Interfund Transfers In/(Out)	Total Financial Resources Available	Budgeted Expenditures 2003/04
General Fund	$ 178,464,933	$ -	$ -	$ 223,191,013	$ 200,024,807
Special Revenue Funds	76,490,456	-	(23,752,422)	74,896,776	54,612,775
Debt Service Funds	2,903,138	-	16,401,210	55,640,380	44,842,986
Capital Projects Funds	334,863,000	115,600,000	48,443,601	897,285,001	498,078,100
Enterprise Funds	124,667,275	-	(47,056,503)	112,941,503	74,289,811
Expendable Trust Funds	2,173,000	-	-	3,788,152	2,173,000
Internal Service Funds	4,881,854	-	217,620	25,003,523	4,002,366
TOTAL ALL FUNDS	$ 724,443,656	$ 115,600,000	-	$ 1,392,746,349	$ 878,023,845

SCHEDULE B

City of Scottsdale
Summary of Tax Levy and Tax Rate Information
Fiscal Year 2003/04

		2002/03	2003/04
1.	Maximum Allowable Primary Property Tax Levy		$ 17,220,639
2	Property Tax Levy amounts		
	A. Primary Property Taxes	$ 16,392,334	17,216,639
	B. Secondary Property Taxes	22,766,364	25,538,638
	C. Total Property Tax Levy Amounts	$ 39,158,698	$ 42,755,277
3	Property Taxes Collected*		
	A. Primary Property Taxes		
	(1) 2002-03 levy	15,982,526	
	(2) Prior years' levy	357,822	
	(3) Total primary property taxes	$ 16,340,348	
	B. Secondary Property Taxes		
	(1) 2002-03 levy	22,197,205	
	(2) Prior years' levy	546,331	
	(3) Total secondary property taxes	$ 22,743,536	
	C. Total Property Taxes Collected	$ 39,083,884	
4	Property Tax Rates		
	A. City Tax Rate		
	Primary Property Tax Rate	$ 0.5073	$ 0.4783
	Secondary Property Tax Rate	0.6456	0.6424
	Total City Tax Rate	$ 1.1528	$ 1.1207

B. Special Assessment District Rates

Secondary property tax rates - As of the date the tentative budget was prepared, the city was operating 356 special assessment districts (streetlight improvement districts) for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the City of Scottsdale's Accounting and Budget division.

* Includes actual property taxes collected as of the date the proposed budget was prepared plus estimated property tax collections for the remainder of the fiscal year.

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
GENERAL FUND			
Taxes			
Local			
Privilege Tax	84,047,534	79,547,534	77,377,547
Transient Occupancy Tax	7,600,000	6,750,000	6,600,000
Light & Power Franchise	5,640,622	5,132,000	5,464,150
Cable TV	2,114,113	2,349,720	2,300,000
Salt River Project Lieu	202,864	202,864	202,864
Fire Insurance Premium	210,000	325,000	334,750
From Other Agencies			
State Shared Sales	15,793,835	15,703,311	15,414,564
State Revenue Sharing	21,048,652	21,587,869	18,016,757
Auto Lieu Tax	6,700,000	7,711,567	6,940,606
Licenses/Permits/Service Charges			
Business & Liquor Licenses	1,705,250	1,705,250	1,756,408
Development Permits & Fees	15,500,000	15,250,000	13,500,000
Recreation Fees	2,129,765	2,129,765	2,183,009
WestWorld Equestrian Facility Fees	1,300,000	1,450,000	1,493,500
Fines and Forfeitures			
Court Fines	3,464,909	4,000,000	3,713,666
Parking Fines	137,000	200,000	142,093
Photo Radar Fines	1,150,000	750,000	1,079,896
Library Fines	445,659	400,659	454,573
Interest Earnings/Property Rental			
Interest Earnings	3,250,000	750,000	750,000
Property Rental	3,386,842	2,980,000	3,280,000
Other Revenue/Resources			
Miscellaneous	1,956,346	1,556,346	1,500,000
Reserves	13,980,550	13,980,550	15,960,550
Total General Fund	$ 191,763,941	$ 184,462,435	$ 178,464,933
SPECIAL REVENUE FUNDS			
Highway User Fund			
Highway User Tax	$ 13,118,064	$ 13,118,064	$ 13,511,606
Local Transportation Assistance Fund	1,146,323	1,146,323	1,146,323
Total Highway User Fund	$ 14,264,387	$ 14,264,387	$ 14,657,929

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
Special Programs Fund			
Court Enhancement Revenue	$ 550,000	$ 537,187	$ 574,446
Miscellaneous Police Revenue	309,491	309,491	344,186
Miscellaneous Recreation Fees	1,452,800	1,452,800	1,553,000
Miscellaneous Citizien and Neighborhood	-	-	68,801
Miscellaneous Planning Systems Fees	42,500	20,000	20,000
Reserve Appropriation	-	-	250,000
Total Special Projects Fund	$ 2,354,791	$ 2,319,478	$ 2,810,433
Transportation Sales Tax Fund			
Privilege Tax	$ 16,388,147	$ 15,600,000	$ 15,522,000
Interest Earnings	500,000	500,000	510,000
Total Transportation Sales Tax Fund	$ 16,888,147	$ 16,100,000	$ 16,032,000
Preservation Sales Tax Fund			
Privilege Tax	$ 16,640,659	$ 16,199,377	$ 16,118,380
Interest Earnings	500,000	500,000	510,000
Total Preservation Sales Tax fund	$ 17,140,659	$ 16,699,377	$ 16,628,380
Grants Funds			
Community Development Block Grant	$ 1,075,652	$ 1,075,652	$ 1,769,000
HOME Funds	302,174	302,174	731,490
Section 8 Housing	3,933,776	3,933,776	4,973,153
Federal and State Grants	20,322,055	20,322,055	18,388,071
Contingency	-	-	500,000
Total Grants Funds	$ 25,633,657	$ 25,633,657	$ 26,361,714
Total Special Revenue Funds	$ 76,281,641	$ 75,016,899	$ 76,490,456
DEBT SERVICE FUNDS			
Special Assessment Debt Fund			
Total Special Assessments	$ 2,562,210	$ 2,562,236	$ 2,903,138
Total Debt Service Funds	$ 2,562,210	$ 2,562,236	$ 2,903,138

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
CAPITAL PROJECTS FUNDS			
Capital Improvement Fund			
Development Fees	$ 28,200,000	$ 28,200,000	$ 13,600,000
Interest Earnings	12,000,000	12,000,000	5,063,000
Grant Revenue	6,000,000	6,000,000	6,400,000
Contributions	9,600,000	9,600,000	2,500,000
Miscellaneous Revenue	600,000	600,000	1,000,000
Estimated Unexpended Prior Year Budget	300,000,000	300,000,000	303,800,000
Contingent Revenue	6,000,000	6,000,000	2,500,000
Total Capital Project Funds	$ 362,400,000	$ 362,400,000	$ 334,863,000
ENTERPRISE FUNDS			
Water and Sewer Utility Fund			
Sewer Charges	$ 26,840,802	$ 24,936,468	$ 25,852,829
Water Charges	63,115,136	65,204,812	67,937,012
Groundwater Treatment Plant	2,400,000	2,400,000	1,040,000
Golf Course Water Charges	167,000	167,000	194,620
Irrigation Water Distribution System	570,000	570,000	1,105,544
Effluent Sales			
Pipeline	2,000,000	2,000,000	2,210,980
Treatment Plant	321,409	364,922	385,384
Interest Earnings	2,335,951	2,393,042	2,064,665
Miscellaneous	1,508,778	144,239	147,030
Reserves	4,000,000	4,000,000	3,650,000
Total Water and Sewer Fund	$ 103,259,076	$ 102,180,483	$ 104,588,064
Airport Fund			
Airport Fees	$ 2,386,019	$ 2,497,039	$ 2,852,980
Solid Waste Fund			
Refuse Collection	$ 16,115,445	$ 16,115,445	$ 16,177,531
Interest Earnings	44,013	44,013	48,700
Reserves	1,000,000	1,000,000	1,000,000
Total Solid Waste Fund	$ 17,159,458	$ 17,159,458	$ 17,226,231
Total Enterprise Funds	$ 122,804,553	$ 121,836,980	$ 124,667,275

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
EXPENDABLE TRUST FUNDS			
Trust Funds			
Street Light Districts	$ 500,000	$ 500,000	$ 500,000
Enhanced Municipal Services District	-	-	663,000
Expendable Trusts	768,900	768,900	1,010,000
Trust Fund Income	$ 1,268,900	$ 1,268,900	$ 2,173,000
INTERNAL SERVICE FUNDS			
Fleet Management Fund			
Equipment Rental	$ 10,470,441	$ 10,428,910	$ 11,070,763
Miscellaneous Revenue	318,418	318,418	267,711
Interest Earnings	309,149	346,648	226,277
Internal service Offset	(10,470,441)	(10,428,910)	(11,070,763)
Total Fleet Management Fund	$ 627,567	$ 665,066	$ 493,988
Self Insurance Fund			
Risk Managment	$ 4,249,164	$ 4,249,164	$ 4,250,000
Interest	300,745	292,234	237,866
Internal Service Offset	(4,099,164)	(4,099,164)	(4,100,000)
Risk Management Reserve	4,000,000	4,000,000	4,000,000
Total Self Insurance Fund	$ 4,450,745	$ 4,442,234	$ 4,387,866
Total Internal Service Funds	$ 5,078,312	$ 5,107,300	$ 4,881,854
TOTAL ALL FUNDS	$ 762,159,557	$ 752,654,750	$ 724,443,656

SCHEDULE D

City of Scottsdale
Summary By Fund of Other Financing Sources and Interfund Transfers
Fiscal Year 2003/04

FUND	OTHER FINANCING SOURCES 2003/04	INTERFUND TRANSFERS 2003/04 IN	INTERFUND TRANSFERS 2003/04 OUT
GENERAL FUND	$ -	$ -	$ -
SPECIAL REVENUE FUNDS			
Highway User Fund		9,384,425	73,477
Special Projects Fund		100,000	730,160
Transporation Sales Tax Fund			16,032,000
Preservation Sales Tax Fund			16,401,210
Total Special Revenue Funds	$ -	$ 9,484,425	$ 33,236,847
DEBT SERVICE FUNDS			
Debt Service Fund		16,401,210	
Excise Debt Service Fund		-	
Total Debt Service Funds	$ -	$ 16,401,210	$ -
CAPITAL PROJECTS FUNDS			
Capital Projects Fund	115,600,000	53,413,470	4,969,869
Total Capital Projects Funds	$ 115,600,000	$ 53,413,470	$ 4,969,869
ENTERPRISE FUNDS			
Water and Sewer Utility Fund		4,969,869	49,125,537
Airport Fund		-	907,240
Solid Waste Fund		-	1,993,595
Total Enterprise Funds	$ -	$ 4,969,869	$ 52,026,372
INTERNAL SERVICE FUNDS			
Fleet Management Fund		-	521,580
Risk Management Fund		750,000	10,800
Total Internal Service Funds	$ -	$ 750,000	$ 532,380
TOTAL ALL FUNDS	$ 115,600,000	$ 85,018,974	$ 90,765,468

SCHEDULE E

City of Scottsdale
Summary By Department of Expenditures Within Each Fund
Fiscal Year 2003/04

Fund/Department	Budgeted Expenditures 2002/03	Adjustments	Estimated Expenditures 2002/03	Budgeted Expenditures 2003/04
GENERAL FUND				
General Government	$ 16,284,910	$ -	$ 16,284,910	$ 16,133,681
Police	51,303,989	(25,000)	51,278,989	54,467,836
Financial Services	7,521,434	-	7,521,434	7,487,934
Transportation	-	-	-	0
Community Services	43,277,271	(10,450)	43,266,821	42,816,213
Information Systems	7,578,079	-	7,578,079	7,535,706
Fire	17,916,459	-	17,916,459	19,469,293
Municipal Services	588,117	-	588,117	540,252
Citizen & Neighborhood Resources	2,785,007	-	2,785,007	2,872,198
Human Resource Systems	3,458,750	-	3,458,750	3,181,535
Economic Vitality	6,530,719	34,078	6,564,797	6,513,994
Planning and Development	13,188,192	-	13,188,192	12,563,814
Estimated Department Savings	(2,000,000)	(1,500,000)	(3,500,000)	(1,000,000)
Debt Service	14,968,439	(1,704,123)	13,264,316	11,481,801
Reserve Appropriation	13,980,550	-	13,980,550	15,960,550
Total General Fund	$ 197,381,916	$ (3,205,495)	$ 194,176,421	$ 200,024,807
SPECIAL REVENUE FUND				
Highway User Fund				
Transportation	$ 10,556,093	$ -	$ 10,556,093	$ 10,143,267
Municipal Services	10,898,475	-	10,898,475	10,718,304
Debt Service	3,110,050	-	3,110,050	3,107,306
Total Highway User Fund	$ 24,564,618	$ -	$ 24,564,618	$ 23,968,877
Special Projects Fund				
General Government	$ 81,865	$ -	$ 81,865	$ 290,359
Police Department	309,491	89,810	399,301	344,186
Community Services	2,054,147	(357,260)	1,696,887	2,352,255
Citizen & Neighborhood Resources	-	-	-	68,801
Planning Systems	42,500	(28,500)	14,000	20,000
Reserve Appropriation	-	-	-	250,000
Total Special Projects Fund	$ 2,488,003	$ (295,950)	$ 2,192,053	$ 3,325,601
Preservation Sales Tax Fund				
Debt Service	$ 955,213	$ -	$ 955,213	$ 956,583
Total Preservation Sales Tax Fund	$ 955,213	$ -	$ 955,213	$ 956,583
Community Dev Block Grant Fund				
Total Grant Expenditures	$ 5,311,602	$ -	$ 5,311,602	$ 7,473,643
Grant Fund				
Grant Expenditures	$ 20,322,055	-	$ 20,322,055	$ 18,388,071
Contingency	-	-	-	500,000
Total Grant Expenditures	$ 20,322,055	$ -	$ 20,322,055	$ 18,888,071
Total Special Revenue Fund	$ 53,641,491	$ (295,950)	$ 53,345,541	$ 54,612,775

SCHEDULE E

City of Scottsdale
Summary By Department of Expenditures Within Each Fund
Fiscal Year 2003/04

Fund/Department	Budgeted Expenditures 2002/03	Adjustments	Estimated Expenditures 2002/03	Budgeted Expenditures 2003/04
DEBT SERVICE FUND				
Debt Service Fund				
Debt Service	$ 39,292,238	$ (1,191,240)	$ 38,100,998	$ 41,939,848
Excise Debt Service Fund				
Debt Service	$ -	$ -	$ -	$ -
Special Assessment Fund				
Debt Service	$ 2,562,210	$ 26	$ 2,562,236	$ 2,903,138
Total Debt Service Funds	$ 41,854,448	$ (1,191,214)	$ 40,663,234	$ 44,842,986
CAPITAL PROJECTS FUND				
Capital Projects Fund				
Capital Projects	$ 513,903,400	$(392,108,400)	$ 121,795,000	$ 495,578,100
Contingency	6,000,000	-	6,000,000	2,500,000
Total	$ 519,903,400	$(392,108,400)	$ 127,795,000	$ 498,078,100
Total Capital Projects Fund	$ 519,903,400	$(392,108,400)	$ 127,795,000	$ 498,078,100
ENTERPRISE FUNDS				
Water and Sewer Utility Fund				
Financial Services	$ 2,102,626	$ -	$ 2,102,626	$ 2,201,589
Water Resources	39,306,787	-	39,306,787	40,037,239
Estimated Department Savings	(1,000,000)	-	(1,000,000)	(1,000,000)
Debt Service	15,925,479	(1,500,000)	14,425,479	13,996,725
Reserve Appropriation	4,000,000	-	4,000,000	3,650,000
Total Water and Sewer Fund	$ 60,334,892	$ (1,500,000)	$ 58,834,892	$ 58,885,553
Airport Fund				
Transportation	$ 1,263,624	$ (14,800)	$ 1,248,824	$ 1,334,787
Debt Service	-		-	-
Total Airport Fund	$ 1,263,624	$ (14,800)	$ 1,248,824	$ 1,334,787
Solid Waste Fund				
Financial Services	$ 565,264	$ -	$ 565,264	$ 586,491
Municipal Services	11,946,975	(229,501)	11,717,474	12,137,487
Reserve Appropriation	1,000,000	-	1,000,000	1,000,000
Debt Service	341,993	-	341,993	345,493
Total Solid Waste Fund	$ 13,854,232	$ (229,501)	$ 13,624,731	$ 14,069,471
Total Enterprise Funds	$ 75,452,748	$ (1,744,301)	$ 73,708,447	$ 74,289,811

SCHEDULE E

City of Scottsdale
Summary By Department of Expenditures Within Each Fund
Fiscal Year 2003/04

Fund/Department	Budgeted Expenditures 2002/03	Adjustments	Estimated Expenditures 2002/03	Budgeted Expenditures 2003/04
EXPENDABLE TRUST FUND				
Trust Fund				
Total Trust Fund	$ 1,268,900	$ -	$ 1,268,900	$ 2,173,000
INTERNAL SERVICE FUNDS				
Fleet Management Fund				
Municipal Services	$ 12,019,856	$ (723,112)	$ 11,296,744	$ 9,936,652
Internal Service Offset	(10,470,441)	41,531	(10,428,910)	(11,070,763)
Total Fleet Management Fund	$ 1,549,415	$ (681,581)	$ 867,834	$ (1,134,111)
Risk Management Fund				
Financial Services	$ 5,317,330	$ (8,293)	$ 5,309,037	$ 5,236,477
Reserve Appropriation	4,000,000	-	4,000,000	4,000,000
Internal Service Offset	(4,099,164)	-	(4,099,164)	(4,100,000)
Total Risk Management Fund	$ 5,218,166	$ (8,293)	$ 5,209,873	$ 5,136,477
Total Internal Service Funds	$ 6,767,581	$ (689,874)	$ 6,077,707	$ 4,002,366
TOTAL ALL FUNDS	$ 896,270,484	$(399,235,234)	$ 497,035,250	$ 878,023,845

SCHEDULE F

City of Scottsdale
Summary of Specific Budget Appropriations
Fiscal Year 2003/04

	Operating Budget	Capital Budget	Other Fiscal Activity	Total Activity
Operating Budget				
General Government	$ 16,424,040			$ 16,424,040
Police	54,812,022			54,812,022
Financial Services	15,512,491			15,512,491
Transportation	11,478,054			11,478,054
Community Services	45,168,468			45,168,468
Information Systems	7,535,706			7,535,706
Fire	19,469,293			19,469,293
Water Resources	40,037,239			40,037,239
Municipal Services	33,332,695			33,332,695
Citizen & Neighborhood Resources	2,940,999			2,940,999
Human Resources	3,181,535			3,181,535
Economic Vitality	6,513,994			6,513,994
Planning and Development	12,583,814			12,583,814
Estimated Department Savings	(2,000,000)			(2,000,000)
Internal Service Fund Offsets	(15,170,763)			(15,170,763)
Debt Service	74,730,894			74,730,894
Capital Improvements		495,578,100		495,578,100
Other Fiscal Activity				
Grants			25,861,714	25,861,714
Designated Funds			2,173,000	2,173,000
Total 2003/04 Budget	**$ 326,550,481**	**$495,578,100**	**$ 28,034,714**	**$ 850,163,295**
Reserve/Contingency Appropriations	24,860,550	2,500,000	500,000	27,860,550
Total Budget Appropriation	$ 351,411,031	$498,078,100	$ 28,534,714	$ 878,023,845

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF VIA LINDA ROAD COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the Via Linda Road Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of June 17, 2002
3. Call for Public Comments
4. Adopt Resolution No. 13
5. Adjournment

DRAFT

MINUTES

DISTRICT BOARD

VIA LINDA ROAD

COMMUNITY FACILITIES DISTRICT

Monday, June 17, 2002

The Kiva
City Hall
Scottsdale, Arizona

DRAFT

MINUTES
DISTRICT BOARD
VIA LINDA ROAD
COMMUNITY FACILITIES DISTRICT
Monday, June 17, 2002

1. CALL TO ORDER

Chairman Mary Manross called to order a meeting of the District Board for the Via Linda Road Community Facilities District on Monday, June 17, 2002 in the Kiva, City Hall, at 9:32 P.M.

Present: Chairman Mary Manross
Board Members Ned O'Hearn, David Ortega, Robert Littlefield, Wayne Ecton, Tom Silverman, and Cynthia Lukas

Also Present: City Manager Jan Dolan
City Attorney David Pennartz
District Clerk Sonia Robertson

2. APPROVAL OF MINUTES OF JUNE 3, 2002

BOARD MEMBER ORTEGA MOVED FOR APPROVAL OF THE JUNE 3, 2002 MINUTES. BOARD MEMBER LUKAS SECONDED THE MOTION WHICH CARRIED 7/0.

3. CALL FOR PUBLIC COMMENTS

No public comments were received.

4. ADOPT RESOLUTION NO. 12

BOARD MEMBER LUKAS MOVED TO ADOPT RESOLUTION NO. 12 APPROVING THE DISTRICT BUDGET. BOARD MEMBER ECTON SECONDED. THE MOTION CARRIED 7/0.

DRAFT

5. ADJOURNMENT

With no further business to discuss, Chairman Manross adjourned the meeting at 9:32 P.M.

SUBMITTED BY:

Ann Eyerly

Ann Eyerly
Council Recorder

REVIEWED BY:

Sonia Robertson

Sonia Robertson
District Clerk

DRAFT

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the District Board of the Via Linda Community Facilities District of Scottsdale, Arizona held on the 17th day of June 2002.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 21st day of June 2002.

Sonia Robertson

SONIA ROBERTSON
District Clerk

VIA LINDA COMMUNITY FACILITIES DISTRICT

ACTION REPORT:

TO: Chairman and Board Members **DATE:** 5/19/03
FROM: Transportation Planning
SUBJECT: ADOPT Resolution No. 13 Approving Proposed District FY 03/04 Budget

AGENDA ITEM NO.: 4

A. McLaren (x27099)

STAFF:

ACTION

It is recommended that the District Board:

1. ADOPT Resolution No. 13, which approves the proposed District budget for Fiscal Year 03/04, and
2. SETS a hearing on such budget.

BACKGROUND

The Fiscal Year 03/04 preliminary budget (see Exhibit A) has been prepared pursuant to the requirements of the Arizona Revised Statutes. A Public Hearing for the District Budget is set for June 2, 2003 at which time the District Board will take public comment and pass the proposed budget.

ISSUE

The District is responsible for the installation of roadway, water, sewer, and drainage infrastructure, which benefits existing and future residents of the District and the City.

FISCAL IMPACT

The District will levy an ad valorem tax on the residents of Scottsdale Mountain resulting in a tax rate for future residents, which is not expected to exceed $3.00 per $100.00 of secondary assessed valuation. The project development agreement details the full disclosure of this tax to all future purchasers of homes in the Via Linda CFD.

Alex McLaren
Report Author

Craig Clifford
Financial Services General Manager

Attachments:
1. Resolution No. 13
2. Proposed FY 03/04 Budget

ACTION TAKEN: _____

VIA LINDA ROAD COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

RESOLUTION NO. 13

A RESOLUTION OF THE DISTRICT BOARD OF VIA LINDA ROAD COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA APPROVING A PROPOSED DISTRICT BUDGET FOR FISCAL YEAR 2003-2004 AND CALLING A HEARING ON SUCH BUDGET AS APPROVED

BE IT RESOLVED by the District Board of Via Linda Road Community Facilities District of Scottsdale, Arizona as follows:

WHEREAS,

1.a. Pursuant to Section 48-716, Arizona Revised Statutes, as amended, the District Treasurer of the Via Linda Road Community Facilities District of Scottsdale, Arizona (hereinafter referred to as the "District") has caused to be prepared for the District Board of the District (hereinafter referred to as the "District Board"), a proposed budget for the fiscal year 2002-2003 (such budget hereinafter referred to as the "Proposed Budget") and has caused the Proposed Budget to be submitted to the District Board for approval.

1.b. The Proposed Budget sets forth the annual statements and estimates of operation and maintenance of the District as required by Section 48-723C, Arizona Revised Statutes, as amended.

1.c. Pursuant to Section 48-723C, Arizona Revised Statutes, as amended, the District Board has filed the Proposed Budget with the City Clerk of the City of Scottsdale, Arizona and the District Clerk on or before May 19, 2003.

2. Approval of Proposed Budget. The Proposed Budget submitted to the District Board and filed with the District Clerk and attached as Exhibit A hereto is hereby approved. A hearing on the Proposed Budget is hereby ordered as required by law, and the District Manager is hereby instructed to establish the date and provide all notices of such hearing as required by law as stated in Section 3 below.

3. Notice of Hearing on Proposed Budget. As required by A.R.S. §48-716, notice of public hearing on the Proposed Budget will be published not less than ten days in advance in a newspaper of general circulation in the District and will be provided by mail to the City Clerk of the City of Scottsdale, Arizona. Notice of the public hearing on the Proposed Budget provided by the District Manager is attached hereto as Exhibit B.

4. Effective Date. This resolution shall be effective immediately.

PASSED by the District Board of Via Linda Road Community Facilities District of Scottsdale, Arizona this 19th day of May, 2003.

_____
Chairman, District Board
Via Linda Road Community Facilities
District of Scottsdale, Arizona

ATTEST:

_____
District Clerk
Via Linda Road Community Facilities
District of Scottsdale, Arizona

APPROVED AS TO FORM:

GREENBERG TRAURIG, LLP

By_____
John S. Overdorff

ATTACHMENTS:

Exhibit A - Fiscal Year 2003-2004 Proposed Budget
Exhibit B - Notice of Hearing on the Proposed Budget for Fiscal Year 2003-2004

Exhibit A

VIA LINDA ROAD COMMUNITY FACILITIES DISTRICT
OF SCOTTSDALE., ARIZONA

FISCAL YEAR 2003-04 BUDGET

REVENUES		
Tax levy at $3.00 per $100 of Secondary Assessed Valuation*	$	157,668.00
Series 1999 Interest Earnings		25,000.00
Developer's Contribution		211,014.50
TOTAL	$	393,682.50
EXPENSES		
Debt Service on the Series 1999 Bonds (1/15/04 and 7/15/04)	$	273,832.50
Premium Liability Insurance for District Board and General Liability		103,350.00
Trustee Fees		2,500.00
Miscellaneous Legal		3,000.00
City of Scottsdale General Administration		6,000.00
Contingency		5,000.00
TOTAL	$	393,682.50

* Source: Maricopa County Assessor's Office, Preliminary Secondary Assessed Valuation as of February 4, 2003.

EXHIBIT B

VIA LINDA ROAD COMMUNITY FACILITIES
DISTRICT OF SCOTTSDALE, ARIZONA

NOTICE OF HEARING
REQUIRED BY A.R.S. §48-716 AND A.R.S. §48-723C
ON THE PROPOSED BUDGET FOR FISCAL YEAR 2003-2004
OF
VIA LINDA ROAD COMMUNITY FACILITIES
DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to Sections 48-716 and 48-723C, Arizona Revised Statutes, as amended, notice is hereby given that a public hearing on the Proposed Budget for Fiscal Year 2002-2003 of the Via Linda Road Community Facilities District of Scottsdale, Arizona shall be held by the District Board on June 2, 2003, at approximately 5:00 p.m. (Phoenix, Arizona time), or immediately following the regular meeting of the Scottsdale City Council in the Council Chambers located at 3939 Civic Center Blvd., Scottsdale, Arizona. A copy of the proposed budget is on file with the Clerk of the City of Scottsdale, Arizona/District Clerk of Via Linda Road Community Facilities District of Scottsdale, Arizona, at the City Council Chambers of the City of Scottsdale, Arizona, 3939 Civic Center Blvd., Scottsdale, Arizona 85251, telephone number (480) 312-2412. This notice also constitutes notice of the filing of the estimate as required by Section 48-723C, Arizona Revised Statutes, as amended.

DATED this 19th day of May, 2003.

/s/Alex McLaren
District Manager,
Via Linda Road Community Facilities
District of Scottsdale, Arizona

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF SCOTTSDALE MOUNTAIN COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the Scottsdale Mountain Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of June 17, 2002
3. Call for Public Comments
4. Adopt Resolution No. 32
5. Adjournment

DRAFT

MINUTES

DISTRICT BOARD

SCOTTSDALE MOUNTAIN

COMMUNITY FACILITIES DISTRICT

Monday, June 17, 2002

The Kiva
City Hall
Scottsdale, Arizona

DRAFT

MINUTES
DISTRICT BOARD
SCOTTSDALE MOUNTAIN
COMMUNITY FACILITIES DISTRICT
Monday, June 17, 2002

1. CALL TO ORDER

Chairman Mary Manross called to order a meeting of the District Board for the Scottsdale Mountain Community Facilities District on Monday, June 17, 2002 in the Kiva, City Hall, at 9:31 P.M.

Present: Chairman Mary Manross
Board Members Ned O'Hearn, David Ortega, Wayne Ecton, Tom Silverman, Robert Littlefield, and Cynthia Lukas

Also Present: City Manager Jan Dolan
City Attorney David Pennartz
District Clerk Sonia Robertson

2. APPROVAL OF MINUTES OF JUNE 3, 2002

BOARD MEMBER LUKAS MOVED FOR APPROVAL OF THE JUNE 3, 2002 MINUTES. BOARD MEMBER ORTEGA SECONDED THE MOTION WHICH CARRIED 7/0.

3. CALL FOR PUBLIC COMMENTS

No public comments were received.

4. ADOPT RESOLUTION NO. 31

BOARD MEMBER SILVERMAN MOVED TO ADOPT RESOLUTION NO. 31 APPROVING THE DISTRICT BUDGET. BOARD MEMBER ECTON SECONDED. THE MOTION CARRIED 7/0.

DRAFT

5. ADJOURNMENT

With no further business to discuss, Chairman Manross adjourned the meeting at 9:31 P.M.

SUBMITTED BY:

Ann Eyerly

Ann Eyerly
Council Recorder

REVIEWED BY:

Sonia Robertson

Sonia Robertson
District Clerk

DRAFT

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the District Board of the Scottsdale Mountain Community Facilities District of Scottsdale, Arizona held on the 17th day of June 2002

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 21st day of June 2002.

Sonia Robertson

SONIA ROBERTSON
District Clerk

SCOTTSDALE MOUNTAIN COMMUNITY FACILITIES DISTRICT

ACTION REPORT:

TO: Chairman and Board Members **DATE:** 5/19/03
FROM: Transportation Planning
SUBJECT: ADOPT Resolution No 32 Approving Proposed District FY 03/04 Budget

AGENDA ITEM NO.: 4

A. McLaren (x27099)

STAFF:

ACTION

It is recommended that the District Board:

1. ADOPT Resolution No. 32, which approves the proposed District budget for Fiscal Year 03/04, and
2. SETS a hearing on such budget.

FACTS

The Fiscal Year 03/04 preliminary budget (see Exhibit A) has been prepared pursuant to the requirements of the Arizona Revised Statutes. A Public Hearing for the District Budget is set for June 2, 2003 at which time the District Board will take public comment and pass the proposed budget.

COMMUNITY IMPACT

The District was responsible for the acquisition of land that was dedicated to the mountain preserve and the installation of roadway, water, sewer, and drainage infrastructure, which benefits existing and future residents of the District and the City.

FISCAL IMPACT

The District will levy an ad valorem tax on the residents of Scottsdale Mountain resulting in a tax rate for future residents, which is not expected to exceed $2.40 per $100.00 of secondary assessed valuation. The project development agreement details the full disclosure of this tax to all future purchasers of homes in Scottsdale Mountain.

Alex McLaren
Report Author

Craig Clifford
Financial Services General Manager

Attachments:
1. Resolution No. 32
2. Proposed FY 03/04 Budget

ACTION TAKEN: _____

SCOTTSDALE MOUNTAIN COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

RESOLUTION NO. 32

A RESOLUTION OF THE DISTRICT BOARD OF SCOTTSDALE MOUNTAIN COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA APPROVING A PROPOSED DISTRICT BUDGET FOR FISCAL YEAR 2003-2004 AND CALLING A HEARING ON SUCH BUDGET AS APPROVED

BE IT RESOLVED by the District Board of Scottsdale Mountain Community Facilities District of Scottsdale, Arizona as follows:

WHEREAS,

1.a. Pursuant to Section 48-716, Arizona Revised Statutes, as amended, the District Treasurer of the Scottsdale Mountain Community Facilities District of Scottsdale, Arizona (hereinafter referred to as the "District") has caused to be prepared for the District Board of the District (hereinafter referred to as the "District Board"), a proposed budget for the fiscal year 2002-2003 (such budget hereinafter referred to as the "Proposed Budget") and has caused the Proposed Budget to be submitted to the District Board for approval.

1.b. The Proposed Budget sets forth the annual statements and estimates of operation and maintenance of the District as required by Section 48-723C, Arizona Revised Statutes, as amended.

1.c. Pursuant to Section 48-723C, Arizona Revised Statutes, as amended, the District Board has filed the Proposed Budget with the City Clerk of the City of Scottsdale, Arizona and the District Clerk on or before May 19, 2003.

2. Approval of Proposed Budget. The Proposed Budget submitted to the District Board and filed with the District Clerk and attached as Exhibit A hereto is hereby approved. A hearing on the Proposed Budget is hereby ordered as required by law, and the District Manager is hereby instructed to establish the date and provide all notices of such hearing as required by law as stated in Section 3 below.

3. Notice of Hearing on Proposed Budget. As required by A.R.S. §48-716, notice of public hearing on the Proposed Budget will be published not less than ten days in advance in a newspaper of general circulation in the District and will be provided by mail to the City Clerk of the City of Scottsdale, Arizona. Notice of the public hearing on the Proposed Budget provided by the District Manager is attached hereto as Exhibit B.

4. Effective Date. This resolution shall be effective immediately.

PASSED by the District Board of Scottsdale Mountain Community Facilities District of Scottsdale, Arizona this 19th day of May, 2003.

_____
Chairman, District Board
Scottsdale Mountain Community Facilities
District of Scottsdale, Arizona

ATTEST:

_____
District Clerk
Scottsdale Mountain Community Facilities
District of Scottsdale, Arizona

APPROVED AS TO FORM:

GREENBERG TRAURIG, LLP

By_____
John S. Overdorff

ATTACHMENTS:

Exhibit A - Fiscal Year 2003-2004 Proposed Budget
Exhibit B - Notice of Hearing on the Proposed Budget for Fiscal Year 2003-2004

Exhibit A

SCOTTSDALE MOUNTAIN COMMUNITY FACILITIES DISTRICT
OF SCOTTSDALE., ARIZONA

FISCAL YEAR 2003-04 BUDGET

REVENUES		
Tax levy at $2.40 per $100 of Secondary Assessed Valuation*	$	583,515.00
Amounts expected to be required from the Depository Trust Agreement (for Series 1993A Bonds only)**		0.00
Amounts expected to be required from the Standby Contribution Agreement		0.00
TOTAL	$	583,515.00
EXPENSES		
Debt Service on the Series 2002 Bonds (1/1/04 and 7/1/04)	$	491,095.00
Premium Liability Insurance for District Board		19,125.00
Trustee Fees		3,000.00
Miscellaneous Legal		3,000.00
Arbitrage Rebate		0.00
City of Scottsdale General Administration		6,000.00
Contingency		61,295.00
TOTAL	$	583,515.00

* Source: Maricopa County Assessor's Office, Preliminary Secondary Assessed Valuation as of February 4, 2003.

EXHIBIT B

SCOTTSDALE MOUNTAIN COMMUNITY FACILITIES
DISTRICT OF SCOTTSDALE, ARIZONA

NOTICE OF HEARING
REQUIRED BY A.R.S. §48-716 AND A.R.S. §48-723C
ON THE PROPOSED BUDGET FOR FISCAL YEAR 2003-2004
OF
SCOTTSDALE MOUNTAIN COMMUNITY FACILITIES
DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to Sections 48-716 and 48-723C, Arizona Revised Statutes, as amended, notice is hereby given that a public hearing on the Proposed Budget for Fiscal Year 2002-2003 of the Scottsdale Mountain Community Facilities District of Scottsdale, Arizona shall be held by the District Board on June 2, 2003, at approximately 5:00 p.m. (Phoenix, Arizona time), or immediately following the regular meeting of the Scottsdale City Council in the Council Chambers located at 3939 Civic Center Blvd., Scottsdale, Arizona. A copy of the proposed budget is on file with the Clerk of the City of Scottsdale, Arizona/District Clerk of Scottsdale Mountain Community Facilities District of Scottsdale, Arizona, at the City Council Chambers of the City of Scottsdale, Arizona, 3939 Civic Center Blvd., Scottsdale, Arizona 85251, telephone number (480) 312-2412. This notice also constitutes notice of the filing of the estimate as required by Section 48-723C, Arizona Revised Statutes, as amended.

DATED this 19th day of May, 2003.

/s/Alex McLaren
District Manager,
Scottsdale Mountain Community Facilities
District of Scottsdale, Arizona

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF MCDOWELL MOUNTAIN RANCH COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the McDowell Mountain Ranch Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Civic Center Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of June 17, 2002
3. Call for Public Comments
4. Adopt Resolution No. 29
5. Adjournment

DRAFT

MINUTES

DISTRICT BOARD

MCDOWELL MOUNTAIN RANCH

COMMUNITY FACILITIES DISTRICT

Monday, June 17, 2002

The Kiva
City Hall
Scottsdale, Arizona

DRAFT

MINUTES
DISTRICT BOARD
MCDOWELL MOUNTAIN RANCH
COMMUNITY FACILITIES DISTRICT
Monday, June 17, 2002

1. CALL TO ORDER

Chairman Mary Manross called to order a meeting of the District Board for the McDowell Mountain Ranch Community Facilities District on Monday, June 17, 2002 in the Kiva, City Hall, at 9:30 P.M.

Present: Mary Manross, Chairman
Board Members Ned O'Hearn, David Ortega, Robert Littlefield, Wayne Ecton, Tom Silverman, and Cynthia Lukas

Also Present: City Manager Jan Dolan
City Attorney David Pennartz
District Clerk Sonia Robertson

2. APPROVAL OF MINUTES OF JUNE 3, 2002

BOARD MEMBER LUKAS MOVED FOR APPROVAL OF THE JUNE 3, 2002 MINUTES. BOARD MEMBER ORTEGA SECONDED THE MOTION WHICH CARRIED 7/0.

3. CALL FOR PUBLIC COMMENTS

No public comments were received.

4. ADOPT RESOLUTION NO. 28

BOARD MEMBER LUKAS MOVED TO ADOPT RESOLUTION NO. 28 APPROVING THE DISTRICT BUDGET. BOARD MEMBER ORTEGA SECONDED. THE MOTION CARRIED 7/0.

5. ADJOURNMENT

With no further business to discuss, Chairman Manross adjourned the meeting at 9:30 P.M.

SUBMITTED BY:

Ann Eyerly

Ann Eyerly
Council Recorder

REVIEWED BY:

Sonia Robertson

Sonia Robertson
District Clerk

DRAFT

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the District Board of the McDowell Mountain Ranch Community Facilities District of Scottsdale, Arizona held on the 17th day of June 2002.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this _____ day of June 2002.

_____

SONIA ROBERTSON
District Clerk

MCDOWELL MOUNTAIN RANCH COMMUNITY FACILITIES DISTRICT

ACTION REPORT:

TO: Chairman and Board Members **DATE:** 5/19/03
FROM: Transportation Planning
SUBJECT: ADOPT Resolution No. 29 Approving Proposed District FY 03/04 Budget

AGENDA ITEM NO.: 4

A. McLaren (x27099)

STAFF: _____

ACTION

It is recommended that the District Board:

1. ADOPT Resolution No. 29, which approves the proposed District budget for Fiscal Year 03/04, and

2. SETS a hearing on such budget.

BACKGROUND

The Fiscal Year 03/04 preliminary budget (see Exhibit A) has been prepared pursuant to the requirements of the Arizona Revised Statutes. A Public Hearing for the District Budget is set for June 2, 2003 at which time the District Board will take public comment and pass the proposed budget.

ISSUE

The District is responsible for the installation of roadway, water, sewer, and drainage infrastructure, which benefits existing and future residents of the District and the City.

FISCAL IMPACT

The District will levy an ad valorem tax on the residents of McDowell Mountain Ranch resulting in a tax rate for existing and future residents, which is not expected to exceed $1.60 per $100.00 of secondary assessed valuation. The project development agreement details the full disclosure of this tax to all future purchasers of homes in McDowell Mountain Ranch.

Alex McLaren
Report Author

Craig Clifford
Financial Services General Manager

Attachments:
1. Resolution No. 29
2. Proposed FY 03/04 Budget

ACTION TAKEN: _____

MCDOWELL MOUNTAIN RANCH COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

RESOLUTION NO. 29

A RESOLUTION OF THE DISTRICT BOARD OF MCDOWELL MOUNTAIN RANCH COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA APPROVING A PROPOSED DISTRICT BUDGET FOR FISCAL YEAR 2003-2004 AND CALLING A HEARING ON SUCH BUDGET AS APPROVED

BE IT RESOLVED by the District Board of McDowell Mountain Ranch Community Facilities District of Scottsdale, Arizona as follows:

WHEREAS,

1.a. Pursuant to Section 48-716, Arizona Revised Statutes, as amended, the District Treasurer of the McDowell Mountain Ranch Community Facilities District of Scottsdale, Arizona (hereinafter referred to as the "District") has caused to be prepared for the District Board of the District (hereinafter referred to as the "District Board"), a proposed budget for the fiscal year 2002-2003 (such budget hereinafter referred to as the "Proposed Budget") and has caused the Proposed Budget to be submitted to the District Board for approval.

1.b. The Proposed Budget sets forth the annual statements and estimates of operation and maintenance of the District as required by Section 48-723C, Arizona Revised Statutes, as amended.

1.c. Pursuant to Section 48-723C, Arizona Revised Statutes, as amended, the District Board has filed the Proposed Budget with the City Clerk of the City of Scottsdale, Arizona and the District Clerk on or before May 19, 2003.

2. Approval of Proposed Budget. The Proposed Budget submitted to the District Board and filed with the District Clerk and attached as Exhibit A hereto is hereby approved. A hearing on the Proposed Budget is hereby ordered as required by law, and the District Manager is hereby instructed to establish the date and provide all notices of such hearing as required by law as stated in Section 3 below.

3. Notice of Hearing on Proposed Budget. As required by A.R.S. §48-716, notice of public hearing on the Proposed Budget will be published not less than ten days in advance in a newspaper of general circulation in the District and will be provided by mail to the City Clerk of the City of Scottsdale, Arizona. Notice of the public hearing on the Proposed Budget provided by the District Manager is attached hereto as Exhibit B.

4. Effective Date. This resolution shall be effective immediately.

PASSED by the District Board of McDowell Mountain Ranch Community Facilities District of Scottsdale, Arizona this 19th day of May, 2003.

_____
Chairman, District Board
McDowell Mountain Ranch Community
Facilities District of Scottsdale, Arizona

ATTEST:

_____
District Clerk
McDowell Mountain Ranch Community Facilities
District of Scottsdale, Arizona

APPROVED AS TO FORM:

GREENBERG TRAURIG, LLP

By _____
John S. Overdorff

ATTACHMENTS:

Exhibit A - Fiscal Year 2003-2004 Proposed Budget
Exhibit B - Notice of Hearing on the Proposed Budget for Fiscal Year 2003-2004

EXHIBIT B

MCDOWELL MOUNTAIN RANCH COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

NOTICE OF HEARING REQUIRED BY A.R.S. §48-716 AND A.R.S. §48-723C ON THE PROPOSED BUDGET FOR FISCAL YEAR 2003-2004 OF MCDOWELL MOUNTAIN RANCH COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to Sections 48-716 and 48-723C, Arizona Revised Statutes, as amended, notice is hereby given that a public hearing on the Proposed Budget for Fiscal Year 2002-2003 of the McDowell Mountain Ranch Community Facilities District of Scottsdale, Arizona shall be held by the District Board on June 13, 2003, at approximately 5:00 p.m. (Phoenix, Arizona time), or immediately following the regular meeting of the Scottsdale City Council in the Council Chambers located at 3939 Civic Center Blvd., Scottsdale, Arizona. A copy of the proposed budget is on file with the Clerk of the City of Scottsdale, Arizona/District Clerk of McDowell Mountain Ranch Community Facilities District of Scottsdale, Arizona, at the City Council Chambers of the City of Scottsdale, Arizona, 3939 Civic Center Blvd., Scottsdale, Arizona 85251, telephone number (480) 312-2412. This notice also constitutes notice of the filing of the estimate as required by Section 48-723C, Arizona Revised Statutes, as amended.

DATED this 19th day of May, 2003.

/s/Alex McLaren
District Manager,
McDowell Mountain Ranch Community
Facilities District of Scottsdale, Arizona

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF DC RANCH COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the DC Ranch Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of February 3, 2003
3. Call for Public Comments
4. Adopt Resolution No. 17
5. Adjournment

DRAFT

MINUTES

DISTRICT BOARD

DC RANCH

COMMUNITY FACILITIES DISTRICT

Monday, February 3, 2003

The Kiva
City Hall
Scottsdale, Arizona

DRAFT

MINUTES
DISTRICT BOARD
DC RANCH
COMMUNITY FACILITIES DISTRICT
Monday, February 3, 2003

1. CALL TO ORDER

Chairman Mary Manross called to order a meeting of the District Board for the DC Ranch Community Facilities District on Monday, February 3, 2003 in the Kiva, City Hall, at 7:09 P.M.

Present: Mary Manross, Chairman
Board Members David Ortega, Robert Littlefield, Wayne Ecton, Tom Silverman, and Cynthia Lukas

Also Present: City Manager Jan Dolan
City Attorney David Pennartz
Carolyn Jagger for District Clerk Sonia Robertson

Absent: Board Member Ned O'Hearn

2. APPROVAL OF MINUTES OF JUNE 17, 2002

BOARD MEMBER SILVERMAN MOVED FOR APPROVAL OF THE JUNE 17, 2002 MINUTES. BOARD MEMBER LUKAS SECONDED THE MOTION WHICH CARRIED 6/0.

3. CALL FOR PUBLIC COMMENTS

No public comments were received.

4. AUTHORIZE ENGINEERING SERVICES CONTRACT NO. 2003-002-COS WITH ENTELLUS INC.

Board member Ecton questioned the selection process noting that a point system was used. He explained that all the companies received a similar rating with very little point spread between them. John Little explained that the decision to recommend Entellus was a result of a panel review and a review by the district manager (Mr. Little) in consultation with the panel.

BOARD MEMBER LUKAS MOVED TO AUTHORIZE CONTRACT NO. 2003-002-COS WITH ENTELLUS INC. BOARD MEMBER ORTEGA SECONDED THE MOTION WHICH CARRIED 6/0.

5. ADJOURNMENT

With no further business to discuss, Chairman Manross adjourned the meeting at 7:12 P.M.

SUBMITTED BY:

Ann Eyerly

Ann Eyerly
Council Recorder

REVIEWED BY:

Carolyn Jaggers for

Sonia Robertson
District Clerk

DRAFT

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the District Board of the DC Ranch Community Facilities District of Scottsdale, Arizona held on the 3rd day of February 2003.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 6th day of February 2003.

Carolyn Jagger for

SONIA ROBERTSON
District Clerk

DC RANCH COMMUNITY FACILITIES DISTRICT

ACTION REPORT:

TO: Chairman and Board Members **DATE:** 5/19/03
FROM: Transportation Planning
SUBJECT: ADOPT Resolution No. 17 Approving Proposed District FY 03/04 Budget

AGENDA ITEM NO.: 4

A. McLaren (x27099)

STAFF:

ACTION:
It is recommended that the District Board:

1. ADOPT Resolution No. 17, which approves the proposed District budget for Fiscal Year 03/04, and

2. SETS a hearing on such budget.

BACKGROUND
The Fiscal Year 03/04 preliminary budget (see Exhibit A) has been prepared pursuant to the requirements of the Arizona Revised Statutes. A Public Hearing for the District Budget is set for June 2, 2003 at which time the District Board will take public comment and pass the proposed budget.

ISSUE
The District is responsible for the installation of trail and park infrastructure, which benefits existing and future residents of the District and the city.

FISCAL IMPACT
The District will levy an ad valorem tax on the residents of DC Ranch resulting in a tax rate for existing and future residents, which is not expected to exceed $2.55 per $100.00 of secondary assessed valuation. The project development agreement details the full disclosure of this tax to all future purchasers of homes in DC Ranch.

Alex McLaren
Report Author

Craig Clifford
Financial Services General Manager

Attachments: 1. Resolution 17
2. Proposed FY 03/04 Budget

ACTION TAKEN:

DC RANCH COMMUNITY FACILITIES DISTRICT
OF SCOTTSDALE, ARIZONA

RESOLUTION NO. 17

A RESOLUTION OF THE DISTRICT BOARD OF DC RANCH COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA APPROVING A PROPOSED DISTRICT BUDGET FOR FISCAL YEAR 2003-2004 AND CALLING A HEARING ON SUCH BUDGET AS APPROVED

BE IT RESOLVED by the District Board of DC Ranch Community Facilities District of Scottsdale, Arizona as follows:

WHEREAS,

1.a. Pursuant to Section 48-716, Arizona Revised Statutes, as amended, the District Treasurer of the DC Ranch Community Facilities District of Scottsdale, Arizona (hereinafter referred to as the "District") has caused to be prepared for the District Board of the District (hereinafter referred to as the "District Board"), a proposed budget for the fiscal year 2002-2003 (such budget hereinafter referred to as the "Proposed Budget") and has caused the Proposed Budget to be submitted to the District Board for approval.

1.b. The Proposed Budget sets forth the annual statements and estimates of operation and maintenance of the District as required by Section 48-723C, Arizona Revised Statutes, as amended.

1.c. Pursuant to Section 48-723C, Arizona Revised Statutes, as amended, the District Board has filed the Proposed Budget with the City Clerk of the City of Scottsdale, Arizona and the District Clerk on or before May 19, 2003.

2. Approval of Proposed Budget. The Proposed Budget submitted to the District Board and filed with the District Clerk and attached as Exhibit A hereto is hereby approved. A hearing on the Proposed Budget is hereby ordered as required by law, and the District Manager is hereby instructed to establish the date and provide all notices of such hearing as required by law as stated in Section 3 below.

3. Notice of Hearing on Proposed Budget. As required by A.R.S. §48-716, notice of public hearing on the Proposed Budget will be published not less than ten days in advance in a newspaper of general circulation in the District and will be provided by mail to the City Clerk of the City of Scottsdale, Arizona. Notice of the public hearing on the Proposed Budget provided by the District Manager is attached hereto as Exhibit B.

4. Effective Date. This resolution shall be effective immediately.

PASSED by the District Board of DC Ranch Community Facilities District of Scottsdale, Arizona this 19th day of May, 2003.

_____
Chairman, District Board
DC Ranch Community Facilities District of
Scottsdale, Arizona

ATTEST:

_____
District Clerk
DC Ranch Community Facilities
District of Scottsdale, Arizona

APPROVED AS TO FORM:

GREENBERG TRAURIG, LLP

By _____
John S. Overdorff

ATTACHMENTS:

Exhibit A - Fiscal Year 2003-2004 Proposed Budget
Exhibit B - Notice of Hearing on the Proposed Budget for Fiscal Year 2003-2004

Exhibit A

DC RANCH COMMUNITY FACILITIES DISTRICT
OF SCOTTSDALE., ARIZONA

FISCAL YEAR 2003-04 BUDGET

REVENUES		
Tax levy at $2.25 per $100 of Secondary Assessed Valuation-Debt Service*	$	1,623,300.00
Amounts expected to be required from the Standby Contribution Agreement		0.00
TOTAL	$	1,623,300.00
EXPENSES		
Debt Service on the Series 1998 Bonds (1/15/04 and 7/15/04)	$	252,917.50
Debt Service on the Series 1999 Bonds (1/15/04 and 7/15/04)		192,377.50
Debt Service on the Series 2002 Bonds (1/15/04 and 7/15/04)		1,017,682.50
Premium Liability Insurance for District Board and Geneal Liability		103,350.00
Trustee Fees		13,000.00
Miscellaneous Legal		3,000.00
City of Scottsdale General Administration		6,400.00
Contingency		34,572.50
TOTAL	$	1,623,300.00
REVENUES		
Tax levy at $.30 per $100 of Secondary Assessed Valuation-Operations*	$	216,440.00
TOTAL	$	216,440.00
EXPENSES		
Path and Trail Maintenance**		125,549.00
TOTAL	$	125,549.00

* Source: Maricopa County Assessor's Office, Preliminary Secondary Assessed Valuation as of February 4, 2003.

** For paths and trails dedicated to the City of Scottdale

EXHIBIT B

DC RANCH COMMUNITY FACILITIES
DISTRICT OF SCOTTSDALE, ARIZONA

NOTICE OF HEARING
REQUIRED BY A.R.S. §48-716 AND A.R.S. §48-723C
ON THE PROPOSED BUDGET FOR FISCAL YEAR 2003-2004
OF
DC RANCH COMMUNITY FACILITIES
DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to Sections 48-716 and 48-723C, Arizona Revised Statutes, as amended, notice is hereby given that a public hearing on the Proposed Budget for Fiscal Year 2002-2003 of the DC Ranch Community Facilities District of Scottsdale, Arizona shall be held by the District Board on June 2, 2003, at approximately 5:00 p.m. (Phoenix, Arizona time), or immediately following the regular meeting of the Scottsdale City Council in the Council Chambers located at 3939 Civic Center Blvd., Scottsdale, Arizona. A copy of the proposed budget is on file with the Clerk of the City of Scottsdale, Arizona/District Clerk of DC Ranch Community Facilities District of Scottsdale, Arizona, at the City Council Chambers of the City of Scottsdale, Arizona, 3939 Civic Center Blvd., Scottsdale, Arizona 85251, telephone number (480) 312-2412. This notice also constitutes notice of the filing of the estimate as required by Section 48-723C, Arizona Revised Statutes, as amended.

DATED this 19th day of May, 2003.

/s/John Little
District Manager,
DC Ranch Community Facilities District
of Scottsdale, Arizona

CITY COUNCIL REPORT

MEETING DATE: 05/19/2003 ITEM NO. 18 GOAL: Fiscal Management

SUBJECT

SOLICIT public testimony on the FY 2003/04 Operating Budget and Capital Improvement Plan.

ADOPT Ordinance No. 3508, the Tentative Budget estimates FY 2003/04.

REQUEST

The City Council receives public input relative to the Proposed FY 2003/04 Operating Budget and Capital Improvement Plan, and adopts the Tentative Budget estimates in accordance with Arizona State Statutes and the City Charter.

BACKGROUND

The public input process to date regarding the FY 2003/04 Proposed Operating Budget and Capital Improvement Plan includes the following:

- May 5 – Presentation of the Citizen Budget Review Committee report to City Council.
- May 6 – First public hearing on the FY 2003/04 Proposed Operating Budget and Capital Improvement Plan. This public hearing is not required by either Arizona State Statute or the City's Charter. However, it has been the City's long standing practice to hold this additional public hearing to gain an understanding of citizen priorities prior to adopting the Tentative Budget, which sets the City's maximum spending limit for FY 2003/04.
- May 12 – Further review of the budget by Council during a Work Study session. Based on Council's direction during this session the following items have been incorporated into the revised FY 03/04 Proposed Budget being considered during the May 19 Tentative adoption meeting:
  - The General Fund Operating Contingency was increased from $1.5 million to $2.5 million. The $1.0 million increase will be funded by a combination of proposed fee increases of $.6 million and $.4 million of unreserved fund balance.
  - The Property tax rate was set at $1.12.
  - Culture Quest funding will remain at $770,000.
  - Transit Option 2 funding in the amount of $674,700 has been included in the budget and will continue the following services: Maricopa County STS, Express Route 510, Scottsdale Road: 15 minute Frequency and Miller Road: 30 minute Frequency.
  - West World's covered walkway capital project funding of $577,000 was restored.

This second public hearing continues the public input process and should culminate with City Council adopting the Tentative Budget estimates, which set the

City's maximum spending limit for FY 2003/04. The goal of this ongoing process is to provide a public forum in which City Council receives citizen input on the City's proposed Operating Budget and Capital Improvement Plan. From this public input process City Council will be better able to align the Proposed FY 2003/04 expenditures and budget outcomes with citizens' articulated expectations.

At the conclusion of this public hearing, the City Council may insert new items or may increase or decrease any items of the budget before adopting the Tentative Budget estimates in Ordinance 3805, which sets the maximum spending limit for FY 2003/04.

With the adoption of the Tentative Budget, the City Council will set the maximum expenditure limits. These limits may be reduced when final adoption takes place on June 2, 2003, but they may not be increased once the Tentative Budget estimates are adopted.

The Tentative Budget estimates will be published in the Scottsdale Tribune once a week for two weeks between the tentative adoption and the June 2nd final adoption.

The revised Proposed Budget appropriation totals $850.1 million and consists of the Operating Budget - $326.5 million; Capital Improvement Plan - $495.6 million, including $285.3 million of carryover budget authorization from prior years for projects not yet complete; and Grants and Trust Activity - $28.0 million. This is $10.8 million less than the original Proposed Budget due to the following additions and reductions:

The funds noted below comprise the modification between the proposed City's Operating Budget on March 12, 2003 and this City Council Report dated May 19, 2003 – a $1.0 million net increase in appropriations as follows:

- General Fund – $.6 million net reduction resulting from the updating of personnel service and contractual service costs.
- Special Revenue Funds – $.6 million net increase resulting from the adding in the cost of Transit option #2 and reduction from updating the personnel service and debt service costs.
- Debt Service Fund – $1.0 million increase related to setting the property tax rate at $1.12.
- Enterprise Funds - $.1 million net reduction resulting from the updating of personnel service costs.
- Internal Service Funds - $.1 million net increase resulting from the updating of the Fleet 5 year plan.

The following funds are not part of the Operating Budget for State Statutory (Expenditure Limit) reporting purposes:

- Capital Improvement Funds – $12.0 million net reduction resulting from a decrease in the carryover authorization and updating of Capital Improvement Plan.
- Grant Fund - $.2 million net increase resulting from the updating for anticipated additional grant funding.
- Expendable Trust Funds - no change in appropriations.

In addition, $27.9 million of budget authorization for use as contingencies and reserves is included in the legal appropriation, per Arizona State Statute; however, actual authorization to expend reserves requires City Council approval via Council Action for each such occurrence.

The Proposed FY 2003/04 Operating and Capital Improvement Plan was developed using sound budgeting principles recommended by the Government Finance Officers Association (GFOA) and the National Advisory Council on State and Local Budgeting (NACSLB). Local governments initialize the principles by incorporating their own unique guiding principles based on policies, practices, and economic realities.

Guiding principles followed in developing the City of Scottsdale's Proposed FY 2003/04 Operating Budget and Capital Improvement Plan include:

- Conservative and cautious revenue forecasts due to the uncertainty in the economy;
- A zero-based program approach leading to a focused review of services delivered by the City, increased scrutiny of expenditures and prioritization of the programs to be funded;
- A reduction in positions and operating costs supported by General Fund tax dollars;
- Minimize the service level impacts on citizens and businesses, while continuing innovation to help manage costs, striking a balance between current expectations and investing in the City's future needs and economic generators, and ensuring sound fiscal practices;
- A more realistic and precise plan to continue investment in the City's basic infrastructure and public facilities, combined with a more comprehensive analysis of their future operating costs. Improved cash management and other changes proposed in the Capital Improvement Program will ensure that the City can take advantage of favorable financing and construction markets to build key projects and phase in operating costs for new facilities at a reasonable pace; and
- Sustained funding of the General Fund Reserve per the City's financial policies to ensure the City can provide basic services in the event of major emergencies.

The Proposed FY 2003/04 Operating and Capital Improvement Plan was developed using these principles to guide the allocation and/or reallocation of resources to contribute to the accomplishment of City Council's six broad community goals. Consistent with government fund accounting standards, the City uses a series of fund types to ensure legal compliance and financial management for various revenues and program expenditures. Highlights by fund are noted below:

- General Fund -- total resources decreased approximately $6.3 million (3.1%) from the current year-end estimate of $201.9 million to $195.6 million; departmental expenditures, debt service and transfers out decreased by $9.4 million (4.6%) from the current fiscal year-end estimate of $204.3 million to $194.9 million; and the General Fund Reserve of $20.8 million equals 10% of the total annual operating expenditures of the General and Highway User Revenue funds per the City's adopted financial policies, the Economic Investment Reserve balance decreased to $4.0 million after considering the initial

debt service payment for the Loloma Museum (net of the bed tax contribution of $159,495), the Operating Contingency equals $2.5 million and the Unreserved Fund Balance is $1.6 million. The number of proposed full time staff equivalents is 32 less than the current year.

- Special Revenue Funds:
  - Highway User Revenue Fund (HURF) -- total resources decreased $.6 million (2.4%) from the current year-end estimate of $24.6 to $24.0 million, departmental expenditures, debt service and transfers out equal total resources. Ending Fund Balance equals $0.

  - Transportation .2 Percent Sales Tax Fund -- total resources decreased less than $.1 million (.6%) from the current year-end estimate of $16.1 to $16.0 million, departmental expenditures and transfers out equal total resources. Ending Fund Balance equals $0.

  - Preservation Sales Tax Fund -- total resources decreased less than $.1 million (.6%) from the current year-end estimate of $16.7 to $16.6 million, departmental expenditures, debt service and transfers out increased by approximately $.4 million (2.4%) from the current fiscal year-end estimate of $16.9 million to $17.3 million; and the Unreserved Fund Balance is $19.2 million.

  - Special Programs Fund -- total resources increased by .2 million (10.0%) from the current year-end estimate of $2.4 to $2.6 million, departmental expenditures and transfers out increased $1.1 million (42.0%) from the current fiscal year-end estimate of $2.7 million to $3.8 million; and the Fund Balance of $1.1 million is composed of an Operating Contingency of $.2 million and Unreserved Fund Balance is $.9 million.

- Debt Service Fund -- total resources increased $3.6 million (8.7%) from the current year-end estimate of $41.2 to $44.8 million, expenditures and transfers out increased by $4.2 million (10.3%) from the current fiscal year-end estimate of $40.6 million to $44.8 million; and the Fund Balance is $10.8 million.

- Enterprise Funds:
  - Aviation Fund -- total resources increased less than $.4 million (14.3%) from the current year-end estimate of $2.5 to $2.9 million, expenditures and transfers out decreased less than $.2 million (7.7%) from the current fiscal year-end estimate of $2.4 million to $2.2 million; and the ending Fund Balance of approximately $.7 million is composed of an Operating Reserve of $.3 million and Unreserved Fund Balance is less than $.4 million.

  - Solid Waste Fund -- total resources increased less than $.1 million (.4%) from the current year-end estimate of $16.1 to $16.2 million, departmental expenditures, debt service and transfers out increased less than $.6 million (3.6%) from the current fiscal year-end estimate of $14.5 million to $15.1 million; and the ending Fund Balance of approximately $5.7 million is composed of an Operating Reserve of $3.3 million and Unreserved Fund Balance of $2.4 million. The number of proposed full time staff equivalents is 1 less than the current year.

- Water and Sewer Fund -- total resources increased $2.8 million (2.7%) from the current year-end estimate of $103.1 to $105.9 million, departmental expenditures, debt service and transfers out increased $14.1 million (15.8%) from the current fiscal year-end estimate of $89.5 million to $103.6 million; and the ending fund balance/reserve consists of an Operating Reserve of $17.0 million, Repair and Replacement Reserves of $16.0 million, a Special Operations Fund Balance of less than ($.1) million and the Unreserved Fund Balance equals $0. The number of proposed full time staff equivalents is 2 less than the current year.

➢ Internal Service Funds -- The unique nature of this type of fund -- internal user charges set to recover cost over several years, and uneven vehicle replacement schedule -- can result in larger variances from year to year than in other fund types.

- Fleet Management Fund -- total resources increased $.2 million (2.1%) from the current year-end estimate of $11.3 to $11.5 million, expenditures and transfers out decreased $5.0 million (32.5%) from the current fiscal year-end estimate of $15.5 million to $10.5 million; and the ending Fund Balance equals $5.2 million. The number of proposed full time staff equivalents is 5 less than the current year.

- Self-Insurance Fund -- total resources increased less than $.4 million (6.5%) from the current year-end estimate of $5.5 to $5.9 million, departmental expenditures/claims and transfers out decreased less than $.1 million (1.4%) from the current fiscal year-end estimate of $5.3 million to $5.2 million; and the ending fund balance/reserve equals $15.8 million. The number of proposed full-time staff equivalents is 1 less than the current year.

➢ Capital Improvement Funds -- the FY 2003/04 proposed budget consists of $495.5 million in project expenditures, including $285.3 million of carryover budget authorization from prior years for projects not yet completed. The plan is funded by a combination of $177.2 million in new resources and use of prior year-end fund balance. Resources and expenditures vary widely from year to year due to the unique nature of these funds – one-time expenditures occur over one or many years, with unexpended balances re-appropriated each year.

➢ Grant and Trust Funds -- resources and expenditures both increase by $1.1 million (4.1%) from $26.9 to $28.0 million. The budget includes contingent revenue and expenditures of $17.1 million for possible future grants; however the City will only expend grant funds that have been awarded by the appropriate agency and accepted by City Council via Council Action for each such occurrence.

The Proposed FY 2003/04 Capital Improvement Plan, Operating Budget and Financial Policies were reviewed by the City Council in Work Study Sessions held on March 31, April 7, April 21, and May 12. Additionally, the Citizen Budget Review Committee presented their findings and recommendations to the City Council during a Work Study Session on Monday, May 5. The first public hearing on the Proposed budget was held on May 6, 2003.

This public hearing is the second of three scheduled public hearings on the pro-

posed budget. The remaining scheduled public hearings, adoption dates, and budget work study sessions are as follows:

Monday, June 2	Third public budget hearing, adoption of final budget, and Truth-in-taxation public hearing
Monday, June 16	Adoption of the property tax levy

ANALYSIS & ASSESSMENT

The Citizen Budget Review Committee, appointed by City Council on December 9, 2002, met with Financial Services staff beginning in January to gain an overall understanding of the budget process, governmental accounting and budget standards, financial policies, program budgeting, and assumptions surrounding the multi-year revenue and expenditure forecasts. Beginning in February and continuing into late April, the committee members met with City staff to review their budget development process and evaluate the proposed Operating Budget and CIP's effectiveness in meeting City Council's stated goals and priorities. The Committee Chairperson provided the Committee's findings and recommendations to the City Council during a Work Study Session on May 5.

Additionally, a budget summary was published in the Arizona Republic newspapers on Wednesday, April 30, 2003 and is available at Scottsdale's public libraries and citizen service counters throughout the City. Summary information is also available on the City's website at (www.ScottdaleAZ.gov/finance).

Also, the Citizen Bond Review Commission reviewed the proposed changes to the approved 2000 bond program projects on March 6 and concurred with the changes reflected in the Capital Improvement Plan.

RESOURCE IMPACTS

Adoption of this budget will allow the City of Scottsdale to continue service delivery to citizens over the upcoming fiscal year and continue working on capital improvements for the community.

The proposed budget minimizes service level impacts on citizens and businesses as a result of the economic downturn, while continuing innovation to help manage costs, striking a balance between current expectations and investing in the City's future needs and economic generators, and ensuring sound fiscal practices.

The proposed capital budget has a more realistic and precise plan to continue investment in the City's basic infrastructure and public facilities, combined with a more comprehensive analysis of their future operating costs. Improved cash management and other changes proposed in the Capital Improvement Program will ensure that the City can take advantage of favorable financing and construction markets to build key projects and phase in operating costs for new facilities at a reasonable pace.

Tentative adoption of the budget on May 19, 2003 will determine the maximum limit for expenditures in FY 2003/04. On June 2, 2003, when the final FY 2003/04 budget adoption takes place, budgeted expenditures may be reduced, but cannot be increased. The total proposed FY 2003/04 budget appropriation equals $850.1 million and consists of the Operating Budget - $326.5 million; Capital Improvement Plan - $495.6 million, including $285.3 million of carryover budget authorization from prior years for projects not yet complete; and Grants and Trust Activity - $28.0 million. Additionally, $27.9 million of budget authorization for use as contingencies and reserves will be included in the legal appropriation, per

Arizona State Statute; however, actual authorization to expend reserves requires City Council approval via Council Action for each such occurrence.

During the May 6 meeting, Council selected *"Fire Transition Plan Option B"* as the level of fire service that the City would provide to residents and businesses should the voters approve the May 20 ballot measures requiring the City to form a municipal fire department. Staff estimates the *"Fire Transition Plan Option B"* costs would impact the FY 03/04 budget as noted below:

Additional operating costs (assuming a Nov 16 conversion)	$2.1 million
One-time fire transition costs	$6.4 million
Estimated Total FY 03/04 Costs	$8.5 million

As part of this overall evaluation, during the May 19 public hearing, City Council may also want to begin exploring various options for funding the level of fire service selected and the one-time transition costs. Options Council may want to consider include using the City's General Fund Reserve, reducing or eliminating existing programs, raising new revenues or pursuing a combination of all three alternatives to assure adequate funding for the transition.

OPTIONS & STAFF RECOMMENDATION

Per Article 6, Section 3 of the City's Charter, a public hearing and Tentative Budget adoption must take place on or before the second regular council meeting in May of each year. Additionally, Arizona Statute requires this public hearing and Tentative Budget adoption. State law prohibits the city from increasing the budget after Tentative Adoption or exceeding its budget after Final Adoption.

The attached documents set the City's maximum spending limit for FY 2003/04 at $878.0 million, which equals the City Manager's proposed budget, including the previous changes noted in the Background section of this report. This maximum spending limit option excludes additional specific appropriation to cover the *"Fire Transition Plan Option B"* estimate of $8.5 million, as approved by Council during the May 6, 2003 public meeting. As noted above, staff estimates one-time fire transition costs ($6.4 million) and additional operating costs ($2.1 million) would increase the FY 2003/04 budget potentially by an additional $8.5 million.

The additional Fire transition and operating costs could be funded by eliminating $8.5 million of program and/or capital project expenditures. The General Fund Reserve balance would remain at 10.0% of General Fund and HURF expenditures or approximately $20.8 million.

An option would be for Council to set the City's maximum spending limit for FY 2003/04 at $886.5 million. This maximum spending limit option includes $8.5 million to cover the *"Fire Transition Plan Option B"* estimate, as approved by Council during the May 6, 2003 public meeting. As noted above, staff estimates one-time fire transition costs and additional operating costs would increase the FY 2003/04 budget by an additional $8.5 million.

Under this option, the additional costs could be funded by either: 1) appropriating $8.5 million from the City's General Fund Reserve, 2) eliminating $8.5 million of program and/or capital project expenditures, 3) raising revenues, or 4) some combination of the above. If the full $8.5 million were appropriated from the General Fund Reserve the balance would decrease from $20.8 million to $12.3 million or a reduction in the reserve percentage from 10.0% to 5.8% of General Fund and HURF expenditures.

RESPONSIBLE DEPT(S)

Financial Services Department
Administration Division
Budget Division

STAFF CONTACTS

Craig Clifford, General Manager
CClifford@ScottsdaleAz.gov, (480) 312-2364
Art Rullo, Budget Director
ARullo@ScottsdaleAz.gov, (480) 312-2335

APPROVED BY

Art Rullo 5/15/03
Art Rullo — Date
Budget Director
ARullo@ScottsdaleAz.gov, (480) 312-2335

Art Rullo for C. Clifford 5/15/03
Craig Clifford — Date
Financial Services General Manager
CClifford@ScottsdaleAz.gov, (480) 312-2364

Barbara Burns 5/15/03
Barbara Burns — Date
Assistant City Manager
BBurns@ScottsdaleAz.gov (480) 312-2599

5/15/03
Jan Dolan — Date
City Manager
JDolan@ScottsdaleAz.gov, (480) 312-2422

ATTACHMENTS

ORDINANCE NO. 3508

ORDINANCE NO. 3508

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING THE TENTATIVE ESTIMATES OF THE AMOUNTS REQUIRED FOR THE PUBLIC EXPENSE FOR THE CITY OF SCOTTSDALE FOR THE FISCAL YEAR 2003/04; ADOPTING A TENTATIVE BUDGET; SETTING FORTH THE RECEIPTS AND EXPENDITURES, THE AMOUNTS ACTUALLY LEVIED, THE AMOUNTS ESTIMATED AS COLLECTIBLE FOR THE PREVIOUS FISCAL YEAR, AND THE AMOUNT PROPOSED TO BE RAISED BY DIRECT PROPERTY TAXATION; AND GIVING NOTICE OF THE TIME FOR HEARING TAXPAYERS, FOR ADOPTION OF THE BUDGET AND FOR SETTING THE TAX LEVIES.

BE IT ORDAINED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

SECTION 1. Pursuant to the provisions of the laws of the State of Arizona, and the Charter and Ordinances of the City of Scottsdale, the statement and schedules herein contained are hereby adopted for the purpose as hereinafter set forth as the Tentative budget for the city of Scottsdale for the fiscal year 2003/04.

SECTION 2. That the City Clerk be, and hereby is authorized and directed to publish in a manner prescribed by law the estimates of expenditures, as hereinafter set forth, together with a notice that the Council will meet for the purpose of final hearing of taxpayers and for adoption of the fiscal year 2003/04 Annual Budget for the City of Scottsdale on the second day of June 2003, at the hour of 5:00 p.m. in the City Hall Kiva, 3939 N. Drinkwater Boulevard, Scottsdale, Arizona.

SECTION 3. Upon the recommendation of the City Manager and with the approval of the City Council, expenditures may be made from the appropriation for contingencies. The transfer of any sums within any specific appropriation may be done upon the approval of the City Manager. Any unencumbered appropriation balance or portion thereof may be transferred between offices, departments, or agencies to offset variances in the budget upon approval of the City Manager.

SECTION 4. Money from any fund may be used for any of the appropriations, except money specifically restricted by State law or by City Ordinance or by Resolution.

SECTION 5. Schedules A through F of the Tentative Budget are as follows:

PASSED, APPROVED, AND ADOPTED by the Mayor and City Council of the City of Scottsdale, Maricopa County, Arizona this nineteenth day of May, 2003.

ATTEST:

CITY OF SCOTTSDALE
A Municipal Corporation

Sonia Robertson
City Clerk

Mary Manross
Mayor

Approved as to Form:

David A. Pennartz
City Attorney

City of Scottsdale
Summary Schedule of Estimated Revenues and Expenditures
Fiscal Year 2003/04

Fund	Budgeted Expenditures 2002/03	Estimated Expenditures 2002/03	Estimated Fund Balance 7/1/03	Direct Property Tax Revenues 2003/04
General Fund	$ 119,572,081	$ 119,971,158	$ 28,153,373	$ 16,572,708
Special Revenue Funds	53,641,491	53,345,541	22,158,742	
Debt Service Funds	41,854,448	40,663,234	10,797,394	25,538,638
Capital Projects Funds	519,903,400	127,795,000	398,378,400	
Enterprise Funds	75,452,748	73,708,447	35,330,731	
Expendable Trust Funds	1,268,900	1,268,900	1,615,152	
Internal Service Funds	6,767,581	6,077,707	19,260,118	643,931
TOTAL ALL FUNDS	$ 818,460,649	$ 422,829,987	$ 515,693,910	$ 42,755,277

	2002/03	2003/04
Budgeted Expenditures	$ 818,460,649	$ 805,707,060
Budgeted Expenditures Adjusted for Reconciling Items	811,693,068	801,704,694
Less: Estimated Exclusions	(696,717,775)	(680,980,636)
Total Estimated Expenditures & Expenses Subject to Expenditure Limit	$ 114,975,293	$ 120,724,058
Expenditure Limitation	$ 242,650,033	$ 259,582,027

City of Scottsdale
Summary Schedule of Estimated Revenues and Expenditures
Fiscal Year 2003/04

Fund	Estimated Revenue Other Than Property Taxes	Proceeds From Sale of Bonds	Interfund Transfers In/(Out)	Total Financial Resources Available	Budgeted Expenditures 2003/04
General Fund	$ 178,464,933	$ -	$ -	$ 223,191,013	$ 127,708,022
Special Revenue Funds	76,490,456	-	(23,752,422)	74,896,776	54,612,775
Debt Service Funds	2,903,138	-	16,401,210	55,640,380	44,842,986
Capital Projects Funds	334,863,000	115,600,000	48,443,601	897,285,001	498,078,100
Enterprise Funds	124,667,275	-	(47,056,503)	112,941,503	74,289,811
Expendable Trust Funds	2,173,000	-	-	3,788,152	2,173,000
Internal Service Funds	4,881,854	-	217,620	25,003,523	4,002,366
TOTAL ALL FUNDS	$ 724,443,656	$ 115,600,000	-	$ 1,392,746,349	$ 805,707,060

SCHEDULE B

City of Scottsdale
Summary of Tax Levy and Tax Rate Information
Fiscal Year 2003/04

		2002/03	2003/04
1.	Maximum Allowable Primary Property Tax Levy		$ 17,220,639
2	Property Tax Levy amounts		
	A. Primary Property Taxes	$ 16,392,334	17,216,639
	B. Secondary Property Taxes	22,766,364	25,538,638
	C. Total Property Tax Levy Amounts	$ 39,158,698	$ 42,755,277
3	Property Taxes Collected*		
	A. Primary Property Taxes		
	(1) 2002-03 levy	15,982,526	
	(2) Prior years' levy	357,822	
	(3) Total primary property taxes	$ 16,340,348	
	B. Secondary Property Taxes		
	(1) 2002-03 levy	22,197,205	
	(2) Prior years' levy	546,331	
	(3) Total secondary property taxes	$ 22,743,536	
	C. Total Property Taxes Collected	$ 39,083,884	
4	Property Tax Rates		
	A. City Tax Rate		
	Primary Property Tax Rate	$ 0.5073	$ 0.4783
	Secondary Property Tax Rate	0.6456	0.6424
	Total City Tax Rate	$ 1.1528	$ 1.1207

B. Special Assessment District Rates

Secondary property tax rates - As of the date the tentative budget was prepared, the city was operating 356 special assessment districts (streetlight improvement districts) for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the City of Scottsdale's Accounting and Budget division.

* Includes actual property taxes collected as of the date the proposed budget was prepared plus estimated property tax collections for the remainder of the fiscal year.

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
GENERAL FUND			
Taxes			
Local			
Privilege Tax	84,047,534	79,547,534	77,377,547
Transient Occupancy Tax	7,600,000	6,750,000	6,600,000
Light & Power Franchise	5,640,622	5,132,000	5,464,150
Cable TV	2,114,113	2,349,720	2,300,000
Salt River Project Lieu	202,864	202,864	202,864
Fire Insurance Premium	210,000	325,000	334,750
From Other Agencies			
State Shared Sales	15,793,835	15,703,311	15,414,564
State Revenue Sharing	21,048,652	21,587,869	18,016,757
Auto Lieu Tax	6,700,000	7,711,567	6,940,606
Licenses/Permits/Service Charges			
Business & Liquor Licenses	1,705,250	1,705,250	1,756,408
Development Permits & Fees	15,500,000	15,250,000	13,500,000
Recreation Fees	2,129,765	2,129,765	2,183,009
WestWorld Equestrian Facility Fees	1,300,000	1,450,000	1,493,500
Fines and Forfeitures			
Court Fines	3,464,909	4,000,000	3,713,666
Parking Fines	137,000	200,000	142,093
Photo Radar Fines	1,150,000	750,000	1,079,896
Library Fines	445,659	400,659	454,573
Interest Earnings/Property Rental			
Interest Earnings	3,250,000	750,000	750,000
Property Rental	3,386,842	2,980,000	3,280,000
Other Revenue/Resources			
Miscellaneous	1,956,346	1,556,346	1,500,000
Reserves	13,980,550	13,980,550	15,960,550
Total General Fund	$ 191,763,941	$ 184,462,435	$ 178,464,933
SPECIAL REVENUE FUNDS			
Highway User Fund			
Highway User Tax	$ 13,118,064	$ 13,118,064	$ 13,511,606
Local Transportation Assistance Fund	1,146,323	1,146,323	1,146,323
Total Highway User Fund	$ 14,264,387	$ 14,264,387	$ 14,657,929

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
Special Programs Fund			
Court Enhancement Revenue	$ 550,000	$ 537,187	$ 574,446
Miscellaneous Police Revenue	309,491	309,491	344,186
Miscellaneous Recreation Fees	1,452,800	1,452,800	1,553,000
Miscellaneous Citizien and Neighborhood	-	-	68,801
Miscellaneous Planning Systems Fees	42,500	20,000	20,000
Reserve Appropriation	-	-	250,000
Total Special Projects Fund	$ 2,354,791	$ 2,319,478	$ 2,810,433
Transportation Sales Tax Fund			
Privilege Tax	$ 16,388,147	$ 15,600,000	$ 15,522,000
Interest Earnings	500,000	500,000	510,000
Total Transportation Sales Tax Fund	$ 16,888,147	$ 16,100,000	$ 16,032,000
Preservation Sales Tax Fund			
Privilege Tax	$ 16,640,659	$ 16,199,377	$ 16,118,380
Interest Earnings	500,000	500,000	510,000
Total Preservation Sales Tax fund	$ 17,140,659	$ 16,699,377	$ 16,628,380
Grants Funds			
Community Development Block Grant	$ 1,075,652	$ 1,075,652	$ 1,769,000
HOME Funds	302,174	302,174	731,490
Section 8 Housing	3,933,776	3,933,776	4,973,153
Federal and State Grants	20,322,055	20,322,055	18,388,071
Contingency	-	-	500,000
Total Grants Funds	$ 25,633,657	$ 25,633,657	$ 26,361,714
Total Special Revenue Funds	$ 76,281,641	$ 75,016,899	$ 76,490,456
DEBT SERVICE FUNDS			
Special Assessment Debt Fund			
Total Special Assessments	$ 2,562,210	$ 2,562,236	$ 2,903,138
Total Debt Service Funds	$ 2,562,210	$ 2,562,236	$ 2,903,138

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
CAPITAL PROJECTS FUNDS			
Capital Improvement Fund			
Development Fees	$ 28,200,000	$ 28,200,000	$ 13,600,000
Interest Earnings	12,000,000	12,000,000	5,063,000
Grant Revenue	6,000,000	6,000,000	6,400,000
Contributions	9,600,000	9,600,000	2,500,000
Miscellaneous Revenue	600,000	600,000	1,000,000
Estimated Unexpended Prior Year Budget	300,000,000	300,000,000	303,800,000
Contingent Revenue	6,000,000	6,000,000	2,500,000
Total Capital Project Funds	$ 362,400,000	$ 362,400,000	$ 334,863,000
ENTERPRISE FUNDS			
Water and Sewer Utility Fund			
Sewer Charges	$ 26,840,802	$ 24,936,468	$ 25,852,829
Water Charges	63,115,136	65,204,812	67,937,012
Groundwater Treatment Plant	2,400,000	2,400,000	1,040,000
Golf Course Water Charges	167,000	167,000	194,620
Irrigation Water Distribution System	570,000	570,000	1,105,544
Effluent Sales			
Pipeline	2,000,000	2,000,000	2,210,980
Treatment Plant	321,409	364,922	385,384
Interest Earnings	2,335,951	2,393,042	2,064,665
Miscellaneous	1,508,778	144,239	147,030
Reserves	4,000,000	4,000,000	3,650,000
Total Water and Sewer Fund	$ 103,259,076	$ 102,180,483	$ 104,588,064
Airport Fund			
Airport Fees	$ 2,386,019	$ 2,497,039	$ 2,852,980
Solid Waste Fund			
Refuse Collection	$ 16,115,445	$ 16,115,445	$ 16,177,531
Interest Earnings	44,013	44,013	48,700
Reserves	1,000,000	1,000,000	1,000,000
Total Solid Waste Fund	$ 17,159,458	$ 17,159,458	$ 17,226,231
Total Enterprise Funds	$ 122,804,553	$ 121,836,980	$ 124,667,275

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
EXPENDABLE TRUST FUNDS			
Trust Funds			
Street Light Districts	$ 500,000	$ 500,000	$ 500,000
Enhanced Municipal Services District	-	-	663,000
Expendable Trusts	768,900	768,900	1,010,000
Trust Fund Income	$ 1,268,900	$ 1,268,900	$ 2,173,000
INTERNAL SERVICE FUNDS			
Fleet Management Fund			
Equipment Rental	$ 10,470,441	$ 10,428,910	$ 11,070,763
Miscellaneous Revenue	318,418	318,418	267,711
Interest Earnings	309,149	346,648	226,277
Internal service Offset	(10,470,441)	(10,428,910)	(11,070,763)
Total Fleet Management Fund	$ 627,567	$ 665,066	$ 493,988
Self Insurance Fund			
Risk Managment	$ 4,249,164	$ 4,249,164	$ 4,250,000
Interest	300,745	292,234	237,866
Internal Service Offset	(4,099,164)	(4,099,164)	(4,100,000)
Risk Management Reserve	4,000,000	4,000,000	4,000,000
Total Self Insurance Fund	$ 4,450,745	$ 4,442,234	$ 4,387,866
Total Internal Service Funds	$ 5,078,312	$ 5,107,300	$ 4,881,854
TOTAL ALL FUNDS	$ 762,159,557	$ 752,654,750	$ 724,443,656

SCHEDULE D

City of Scottsdale
Summary By Fund of Other Financing Sources and Interfund Transfers
Fiscal Year 2003/04

FUND	OTHER FINANCING SOURCES 2003/04	INTERFUND TRANSFERS 2003/04 IN	INTERFUND TRANSFERS 2003/04 OUT
GENERAL FUND	$ -	$ -	$ -
SPECIAL REVENUE FUNDS			
Highway User Fund		9,384,425	73,477
Special Projects Fund		100,000	730,160
Transporation Sales Tax Fund			16,032,000
Preservation Sales Tax Fund			16,401,210
Total Special Revenue Funds	$ -	$ 9,484,425	$ 33,236,847
DEBT SERVICE FUNDS			
Debt Service Fund		16,401,210	
Excise Debt Service Fund		-	
Total Debt Service Funds	$ -	$ 16,401,210	$ -
CAPITAL PROJECTS FUNDS			
Capital Projects Fund	115,600,000	53,413,470	4,969,869
Total Capital Projects Funds	$ 115,600,000	$ 53,413,470	$ 4,969,869
ENTERPRISE FUNDS			
Water and Sewer Utility Fund		4,969,869	49,125,537
Airport Fund		-	907,240
Solid Waste Fund		-	1,993,595
Total Enterprise Funds	$ -	$ 4,969,869	$ 52,026,372
INTERNAL SERVICE FUNDS			
Fleet Management Fund		-	521,580
Risk Management Fund		750,000	10,800
Total Internal Service Funds	$ -	$ 750,000	$ 532,380
TOTAL ALL FUNDS	$ 115,600,000	$ 85,018,974	$ 90,765,468

SCHEDULE E

City of Scottsdale
Summary By Department of Expenditures Within Each Fund
Fiscal Year 2003/04

Fund/Department	Budgeted Expenditures 2002/03	Adjustments	Estimated Expenditures 2002/03	Budgeted Expenditures 2003/04
GENERAL FUND				
General Government	$ 519,979	$ -	$ 519,979	$ 708,583
Police	16,284,910	0	16,284,910	16,133,681
Financial Services	51,303,989	(25,000.00)	51,278,989	54,467,836
Transportation	7,521,434.00	-	7,521,434.00	7,487,934.00
Community Services	0	0	0	0
Information Systems	0	-	0	0
Fire	0	-	0	0
Municipal Services	17,916,459	-	17,916,459	19,469,293
Citizen & Neighborhood Resources	588,117	-	588,117	540,252
Human Resource Systems	2,785,007	-	2,785,007	2,872,198
Economic Vitality	3,458,750	0	3,458,750	3,181,535
Planning and Development	6,530,719	34,078.00	6,564,797	6,513,994
Estimated Department Savings	(2,000,000)	500,000	(1,500,000)	(500,000)
Debt Service	682,167	(110,001)	572,166	872,166
Reserve Appropriation	13,980,550	-	13,980,550	15,960,550
Total General Fund	$ 119,572,081	$ 399,077	$ 119,971,158	$ 127,708,022
SPECIAL REVENUE FUND				
Highway User Fund				
Transportation	$ 10,556,093	$ -	$ 10,556,093	$ 10,143,267
Municipal Services	10,898,475	-	10,898,475	10,718,304
Debt Service	3,110,050	-	3,110,050	3,107,306
Total Highway User Fund	$ 24,564,618	$ -	$ 24,564,618	$ 23,968,877
Special Projects Fund				
General Government	$ 81,865	$ -	$ 81,865	$ 290,359
Police Department	309,491	89,810	399,301	344,186
Community Services	2,054,147	(357,260)	1,696,887	2,352,255
Citizen & Neighborhood Resources	-	-	-	68,801
Planning Systems	42,500	(28,500)	14,000	20,000
Reserve Appropriation	-	-	-	250,000
Total Special Projects Fund	$ 2,488,003	$ (295,950)	$ 2,192,053	$ 3,325,601
Preservation Sales Tax Fund				
Debt Service	$ 955,213	$ -	$ 955,213	$ 956,583
Total Preservation Sales Tax Fund	$ 955,213	$ -	$ 955,213	$ 956,583
Community Dev Block Grant Fund				
Total Grant Expenditures	$ 5,311,602	$ -	$ 5,311,602	$ 7,473,643
Grant Fund				
Grant Expenditures	$ 20,322,055	-	$ 20,322,055	$ 18,388,071
Contingency	-	-	-	500,000
Total Grant Expenditures	$ 20,322,055	$ -	$ 20,322,055	$ 18,888,071
Total Special Revenue Fund	$ 53,641,491	$ (295,950)	$ 53,345,541	$ 54,612,775

SCHEDULE E

City of Scottsdale
Summary By Department of Expenditures Within Each Fund
Fiscal Year 2003/04

Fund/Department	Budgeted Expenditures 2002/03	Adjustments	Estimated Expenditures 2002/03	Budgeted Expenditures 2003/04
DEBT SERVICE FUND				
Debt Service Fund				
Debt Service	$ 39,292,238	$ (1,191,240)	$ 38,100,998	$ 41,939,848
Excise Debt Service Fund				
Debt Service	$ -	$ -	$ -	$ -
Special Assessment Fund				
Debt Service	$ 2,562,210	$ 26	$ 2,562,236	$ 2,903,138
Total Debt Service Funds	$ 41,854,448	$ (1,191,214)	$ 40,663,234	$ 44,842,986
CAPITAL PROJECTS FUND				
Capital Projects Fund				
Capital Projects	$ 513,903,400	$(392,108,400)	$ 121,795,000	$ 495,578,100
Contingency	6,000,000	-	6,000,000	2,500,000
Total	$ 519,903,400	$(392,108,400)	$ 127,795,000	$ 498,078,100
Total Capital Projects Fund	$ 519,903,400	$(392,108,400)	$ 127,795,000	$ 498,078,100
ENTERPRISE FUNDS				
Water and Sewer Utility Fund				
Financial Services	$ 2,102,626	$ -	$ 2,102,626	$ 2,201,589
Water Resources	39,306,787	-	39,306,787	40,037,239
Estimated Department Savings	(1,000,000)	-	(1,000,000)	(1,000,000)
Debt Service	15,925,479	(1,500,000)	14,425,479	13,996,725
Reserve Appropriation	4,000,000	-	4,000,000	3,650,000
Total Water and Sewer Fund	$ 60,334,892	$ (1,500,000)	$ 58,834,892	$ 58,885,553
Airport Fund				
Transportation	$ 1,263,624	$ (14,800)	$ 1,248,824	$ 1,334,787
Debt Service	-		-	-
Total Airport Fund	$ 1,263,624	$ (14,800)	$ 1,248,824	$ 1,334,787
Solid Waste Fund				
Financial Services	$ 565,264	$ -	$ 565,264	$ 586,491
Municipal Services	11,946,975	(229,501)	11,717,474	12,137,487
Reserve Appropriation	1,000,000	-	1,000,000	1,000,000
Debt Service	341,993	-	341,993	345,493
Total Solid Waste Fund	$ 13,854,232	$ (229,501)	$ 13,624,731	$ 14,069,471
Total Enterprise Funds	$ 75,452,748	$ (1,744,301)	$ 73,708,447	$ 74,289,811

SCHEDULE E

City of Scottsdale
Summary By Department of Expenditures Within Each Fund
Fiscal Year 2003/04

Fund/Department	Budgeted Expenditures 2002/03	Adjustments	Estimated Expenditures 2002/03	Budgeted Expenditures 2003/04
EXPENDABLE TRUST FUND				
Trust Fund				
Total Trust Fund	$ 1,268,900	$ -	$ 1,268,900	$ 2,173,000
INTERNAL SERVICE FUNDS				
Fleet Management Fund				
Municipal Services	$ 12,019,856	$ (723,112)	$ 11,296,744	$ 9,936,652
Internal Service Offset	(10,470,441)	41,531	(10,428,910)	(11,070,763)
Total Fleet Management Fund	$ 1,549,415	$ (681,581)	$ 867,834	$ (1,134,111)
Risk Management Fund				
Financial Services	$ 5,317,330	$ (8,293)	$ 5,309,037	$ 5,236,477
Reserve Appropriation	4,000,000	-	4,000,000	4,000,000
Internal Service Offset	(4,099,164)	-	(4,099,164)	(4,100,000)
Total Risk Management Fund	$ 5,218,166	$ (8,293)	$ 5,209,873	$ 5,136,477
Total Internal Service Funds	$ 6,767,581	$ (689,874)	$ 6,077,707	$ 4,002,366
TOTAL ALL FUNDS	$ 818,460,649	$(395,630,662)	$ 422,829,987	$ 805,707,060

SCHEDULE F

City of Scottsdale
Summary of Specific Budget Appropriations
Fiscal Year 2003/04

	Operating Budget	Capital Budget	Other Fiscal Activity	Total Activity
Operating Budget				
General Government	$ 16,424,040			$ 16,424,040
Police	54,812,022			54,812,022
Financial Services	15,512,491			15,512,491
Transportation	11,478,054			11,478,054
Community Services	45,168,468			45,168,468
Information Systems	7,535,706			7,535,706
Fire	19,469,293			19,469,293
Water Resources	40,037,239			40,037,239
Municipal Services	33,332,695			33,332,695
Citizen & Neighborhood Resources	2,940,999			2,940,999
Human Resources	3,181,535			3,181,535
Economic Vitality	6,513,994			6,513,994
Planning and Development	12,583,814			12,583,814
Estimated Department Savings	(2,000,000)			(2,000,000)
Internal Service Fund Offsets	(15,170,763)			(15,170,763)
Debt Service	74,730,894			74,730,894
Capital Improvements		495,578,100		495,578,100
Other Fiscal Activity				
Grants			25,861,714	25,861,714
Designated Funds			2,173,000	2,173,000
Total 2003/04 Budget	**$ 326,550,481**	**$ 495,578,100**	**$ 28,034,714**	**$ 850,163,295**
Reserve/Contingency Appropriations	24,860,550	2,500,000	500,000	27,860,550
Total Budget Appropriation	$ 351,411,031	$ 498,078,100	$ 28,534,714	$ 878,023,845

SCOTTSDALE

CITY COUNCIL MEETING

AGENDA ***ITEM 18 AMENDED

COUNCIL
Mary Manross, Mayor
Wayne Ecton
Robert W. Littlefield
Cynthia Lukas
Ned O'Hearn
David Ortega
Tom Silverman

Monday, May 19, 2003

4:00 P.M.

City Council Special Meeting to Call Executive Session

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Blvd.
Roll Call

1. **Request:** Motion to recess into executive session, if needed after staff presentation, regarding acquisition of a portion of the following property for inclusion into the McDowell Sonoran Preserve: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street.
Staff Contact: Ed Gawf, Deputy city manager, 480-312-4510, egawf@scottsdaleaz.gov

2. MOTION TO RECESS INTO EXECUTIVE SESSION, FOR DISCUSSION OR CONSULTATION FOR LEGAL ADVICE AND TO CONSIDER THE CITY'S POSITION AND INSTRUCT ITS REPRESENTATIVES AND ATTORNEY(S) REGARDING CONTRACT AND OTHER NEGOTIATIONS TO ACQUIRE A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street. ARS 38-431.03(A)(3), (A)(4) and ((A)(7).
Staff Contact: Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov

Adjourn

City Council Executive Session
Immediately Following 4:00 P.M. City Council Special Meeting

Call to Order – City Hall Kiva Conference Room

1. MOTION TO RECESS INTO EXECUTIVE SESSION, FOR DISCUSSION OR CONSULTATION FOR LEGAL ADVICE AND TO CONSIDER THE CITY'S POSITION AND INSTRUCT ITS REPRESENTATIVES AND ATTORNEY(S) REGARDING CONTRACT AND OTHER NEGOTIATIONS TO ACQUIRE A PORTION OF THE FOLLOWING PARCEL FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street. ARS 38-431.03(A)(3), (A)(4) and ((A)(7).
Staff Contact: Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov

Adjourn

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Public Comment
Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes

SPECIAL MEETINGS	REGULAR MEETINGS	EXECUTIVE SESSIONS
	May 6, 2003	April 15, 2003

CONSENT AGENDA ITEMS 1 - 15

1. Fusion Restaurant & Lounge Liquor License
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing restaurant location. This extension will add a 144 sq. ft. patio to the licensed premises of the establishment.
Location: 4441 N Buckboard Tr
Reference: 11-EX-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

2. Danny's General Store Liquor License
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 09 (liquor store) State liquor license for an existing liquor store located within a grocery store.
Location: 8711 E Pinnacle Peak Rd
Reference: 18-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

3. **Danny's General Store Liquor License**
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 07 (beer/wine bar) State liquor license for an existing café located within a grocery store.
Location: 8711 E Pinnacle Peak Rd
Reference: 19-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

4. **Thai Pan Fresh Exotic Cuisine Liquor License**
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location.
Location: 7605 E Pinnacle Peak Rd
Reference: 20-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

5. **Samurai Sams Teriyaki Grill Liquor License**
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location.
Location: 7366 E Shea Bl
Reference: 21-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

6. **Copa Room Liquor License**
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location.
Location: 15445 N Scottsdale Rd
Reference: 22-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

7. **The Billet Bar Liquor License**
Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an extension of premises and the probate/will assignment of a series 6 (bar) State liquor license.
Location: 3752 N Scottsdale Rd
Reference: 27-LL-2003 & 18-EX-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

8. Kit Cat Lounge Liquor License

Request: To consider forwarding an approval recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer for a series 6 (bar) State liquor license for a new bar location.
Location: 4426 N Saddlebag Tr
Reference: 8-LL-2003
Staff Contact(s): Jeff Fisher, Plan and Permit Services Interim Director, 480-312-7619, jefisher@ScottsdaleAZ.gov

9. Mirage Of Scottsdale- Parcel G/Sierra Hills 2

Request: Approve a final plat for a 32-lot single-family subdivision on a parcel of approximately 40 acres.
Location: E Via Linda Rd/136th (se)
Reference: 9-PP-2002 & 11-PP-2002
Staff Contact(s): Kira Wauwie AICP, Project Coordination Manager, 480-312-7061, kwauwie@ScottsdaleAZ.gov

10. Fairmont Scottsdale Princess Expansion

Request:

1. To rezone 34+/- acres from Planned Community District (PCD) with Commercial Office (CO) comparable uses to a Planned Community District (PCD) with Central Business (C-2) comparable uses, with amended standards and amend the development plan for the Princess Resort, for property located near the southest corner of Scottsdale Road and Princess Boulevard.
2. Adopt Ordinance No. 3504 affirming the above rezoning and amended standards.

Location: East of the Southeast corner of Scottsdale Rd & Princess Blvd
Reference: 1-ZN-2003
Staff Contact(s): Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@ScottsdaleAZ.gov

11. Authorize Contract Modification for Insurance Agent/Broker Services

Request: Adopt Resolution No. 6284 authorizing Contract Modification No. 2002-022-COS-A with the firm of Marsh USA, Inc. for insurance agent/broker services.

Related Policies, References: This contract extension allows Risk Management to continue to secure expertise of insurance agent/broker services to assist in planning an arranging the City's property-casualty program that renews July 1 of each year, including the services of program design, accessing the worldwide insurance market, identifying potential insurers, and structuring and negotiating terms and conditions of needed insurance coverage to protect City assets.
Staff Contact(s): Myron J. Kuklok, Risk Management Director, (480) 312-7841, Mkuklok@ScottsdaleAZ.gov

12. Authorize Continuing Legal Expenses.

Request: Authorize the City's Risk Management Division to continue payments of legal fees in the defense of Guthrie v. City of Scottsdale, CIV 02-2468 PHX RCB, currently pending in the United States District Court, for an additional contract amount of $50,000.

Related Policies, References: On February 3, 2003, the City Council authorized a contract with the law firm of Udall, Shumway & Lyons to provide specialized and expert legal services relating to litigation. The City Council directed that expenditures for attorney's fees in excess of $50,000 should return for the City Council's review and approval.

Staff Contact(s): David Pennartz, (480) 312-2405, dpennartz@scottsdaleaz.gov; Myron Kuklok, (480) 312-7841, Mkuklok@ScottsdaleAZ.gov; Michael Mason, (480) 312-7040, mmason@scottsdaleaz.gov

13. Construction Bid Award for Fire Station #12 Located at the Scottsdale Airport

Request: Construction Bid Award No 03PB094 to G.R. Walton General Contractors, Inc., the lowest responsive bidder, at their lump sum base bid of $807,500.00.

Related Policies, References:

- The design and construction of these facilities will move the City toward the accepted total emergency coverage that was identified in 1992 and subsequently included in the City's General Plan.
- Voters in the 2000 Bond Election approved the construction project, together with an Airport Fire Fighting and Rescue Vehicle.
- Council approved the design contract for the station on December 4, 2000.

Staff Contact(s): Dan Walsh, Project Manager, (480) 312-5248, dwalsh@ci.scottsdale.az.us

14. Phase I Construction of McDowell-Papago Streetscape

Request: Authorize Construction Bid Award No. 03PB098 to Landscape Professionals, Inc., the lowest responsive bidder, at their lump sum bid of $ 53,950.00, for installation of the landscaping along McDowell Road (8100 E. Block). This is the first phase of streetscape improvements planned for this area.

Related Policies, References:

- 1991 McDowell Streetscape Guidelines
- McDowell Corridor Improvements Master Plan dated 12/12/2002
- Council approval on 02/18/2003 authorizing Architectural Services Contract No. 2003-026-COS
- DRB stipulations 39-DR-2002 and DRB approval of the design 79-SA-2003

Staff Contact(s): Al Dreska, CPM Administrator, (480) 3312-2776, adreska@scottsdaleaz.gov; Marek Urbanek, CPM Project Manager, (480) 312-2563
murbanek@scottsdaleaz.gov

15. Recreational Land Use Agreement (RLUA) amendment

Request: Adopt Resolution No. 6279 amending contract No. 860299 between the Bureau of Reclamation (BOR) and the City of Scottsdale and contract No. 860223 between the City of Scottsdale and Scottsdale Princess Partnership to return 7.92 acres of BOR land located at Scottsdale Road and Princess Drive to the RLUA between the BOR and the City and allow for the Entry Walls and landscaping to remain with specified compensation from Scottsdale Princess Partnership.

Related references: June 10, 1985 Recreational Land Use Agreement between BOR and City of Scottsdale and the June 16, 1986 Lease Agreement between Scottsdale Princess Partnership and City of Scottsdale.

Staff Contact(s): Contact Bill Exham, Community Services General Manager, (480) 312-2377, bexham@scottsdaleaz.gov

Regular Agenda begins on the following page

16. Comprehensive Financial Policy Adoption

Request: Adopt Resolution No. 6288 relating to a Comprehensive Financial Policy as formal guidelines for City financial planning and management.
Staff Contact(s): Craig Clifford, General Manager, (480) 312-2364, cclifford@ci.scottsdale.az.us

17. Public Hearing and Adoption of Rates and Fees Ordinance and Resolutions

Request:

- Accept citizen comments at a public hearing regarding proposed rates and fees.
- Adopt Resolution No. 6289 and Ordinance No. 3503 amending Scottsdale Revised Code, Chapter 49, eliminating the 35% surcharge to water customers outside the City effective July 1, 2003, increasing water rates 3.0% effective November 1, 2003 and increasing wastewater rates 2.5% effective July 1, 2003.
- Adopt Resolution No. 5851 increasing fees associated with the development review process by 4% and reducing water heater replacement fee by 44% effective July 1, 2003.
- Adopt Resolution No. 6283 amending the Airport/Airpark Rates and Fees Schedule to increase the transient aircraft landing fee from $1.00 to $1.50/1,000 lbs. certified maximum take-off weight, and the airport hourly rate from $38.29 to $42.27 effective July 1, 2003.

Related Policies, References: City of Scottsdale's Comprehensive Financial Policies
Water and Sewer Rates, Scottsdale Revised Code, Chapter 49
Building and Development Fee Schedule, Scottsdale Revised Code, Chapter 46
Airport/Airpark Rates and Fees Schedule, Scottsdale Revised Code, Chapter 5
Staff Contact(s): Craig Clifford, Chief Financial Officer, (480) 312-2364, cclifford@scottsdaleaz.gov

***18. Tentative 2003/04 Budget

Request: To solicit public testimony on the FY 2003/04 Operating Budget and Capital Improvement Plan, and Adopt Ordinance No. 3508, the Tentative Budget estimates FY 2003/04. The City Council receives public input and adopts the Tentative Budget estimates in accordance with Arizona State Statutes and the City Charter.
Staff Contacts: Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@ScottsdaleAZ.gov; Art Rullo, Budget Director, 480-312-2435, arullo@ScottsdaleAZ.gov

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report

Mayor and Council Items

Adjournment of the City Council Meeting and Convening of:

- **DC Ranch Community Facilities District Board of Directors Meeting (Agenda Attached)**
- **McDowell Mountain Ranch Community Facilities District Board of Directors Meeting (Agenda Attached)**
- **Scottsdale Mountain Community Facilities District Board of Directors Meeting (Agenda Attached)**
- **Via Linda Road Community Facilities District Board of Directors Meeting (Agenda Attached)**

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF DC RANCH COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the DC Ranch Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of February 3, 2003
3. Call for Public Comments
4. Adopt Resolution No. 17
5. Adjournment

Dated: May 19, 2003

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF MCDOWELL MOUNTAIN RANCH COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the McDowell Mountain Ranch Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Civic Center Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of June 17, 2002
3. Call for Public Comments
4. Adopt Resolution No. 29
5. Adjournment

Dated: May 19, 2003

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF SCOTTSDALE MOUNTAIN COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the Scottsdale Mountain Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of June 17, 2002
3. Call for Public Comments
4. Adopt Resolution No. 32
5. Adjournment

Dated: May 19, 2003

NOTICE OF PUBLIC MEETING OF THE BOARD OF DIRECTORS OF VIA LINDA ROAD COMMUNITY FACILITIES DISTRICT OF SCOTTSDALE, ARIZONA

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the Via Linda Road Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, May 19, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number (480) 312-2412.

The agenda for the meeting is as follows:

1. Call to Order
2. Approval of Minutes of June 17, 2002
3. Call for Public Comments
4. Adopt Resolution No. 13
5. Adjournment

Dated: May 19, 2003

CITY COUNCIL REPORT

MEETING DATE: 05/19/2003 ITEM NO. 18 GOAL: Fiscal Management

SUBJECT

SOLICIT public testimony on the FY 2003/04 Operating Budget and Capital Improvement Plan.

ADOPT Ordinance No. 3508, the Tentative Budget estimates FY 2003/04.

REQUEST

The City Council receives public input relative to the Proposed FY 2003/04 Operating Budget and Capital Improvement Plan, and adopts the Tentative Budget estimates in accordance with Arizona State Statutes and the City Charter.

BACKGROUND

The public input process to date regarding the FY 2003/04 Proposed Operating Budget and Capital Improvement Plan includes the following:

- May 5 – Presentation of the Citizen Budget Review Committee report to City Council.
- May 6 – First public hearing on the FY 2003/04 Proposed Operating Budget and Capital Improvement Plan. This public hearing is not required by either Arizona State Statute or the City's Charter. However, it has been the City's long standing practice to hold this additional public hearing to gain an understanding of citizen priorities prior to adopting the Tentative Budget, which sets the City's maximum spending limit for FY 2003/04.
- May 12 – Further review of the budget by Council during a Work Study session. Based on Council's direction during this session the following items have been incorporated into the revised FY 03/04 Proposed Budget being considered during the May 19 Tentative adoption meeting:
  - The General Fund Operating Contingency was increased from $1.5 million to $2.5 million. The $1.0 million increase will be funded by a combination of proposed fee increases of $.6 million and $.4 million of unreserved fund balance.
  - The Property tax rate was set at $1.12.
  - Culture Quest funding will remain at $770,000.
  - Transit Option 2 funding in the amount of $674,700 has been included in the budget and will continue the following services: Maricopa County STS, Express Route 510, Scottsdale Road: 15 minute Frequency and Miller Road: 30 minute Frequency.
  - West World's covered walkway capital project funding of $577,000 was restored.

This second public hearing continues the public input process and should culminate with City Council adopting the Tentative Budget estimates, which set the

City's maximum spending limit for FY 2003/04. The goal of this ongoing process is to provide a public forum in which City Council receives citizen input on the City's proposed Operating Budget and Capital Improvement Plan. From this public input process City Council will be better able to align the Proposed FY 2003/04 expenditures and budget outcomes with citizens' articulated expectations.

At the conclusion of this public hearing, the City Council may insert new items or may increase or decrease any items of the budget before adopting the Tentative Budget estimates in Ordinance 3805, which sets the maximum spending limit for FY 2003/04.

With the adoption of the Tentative Budget, the City Council will set the maximum expenditure limits. These limits may be reduced when final adoption takes place on June 2, 2003, but they may not be increased once the Tentative Budget estimates are adopted.

The Tentative Budget estimates will be published in the Scottsdale Tribune once a week for two weeks between the tentative adoption and the June 2nd final adoption.

The revised Proposed Budget appropriation totals $850.1 million and consists of the Operating Budget - $326.5 million; Capital Improvement Plan - $495.6 million, including $285.3 million of carryover budget authorization from prior years for projects not yet complete; and Grants and Trust Activity - $28.0 million. This is $10.8 million less than the original Proposed Budget due to the following additions and reductions:

The funds noted below comprise the modification between the proposed City's Operating Budget on March 12, 2003 and this City Council Report dated May 19, 2003 – a $1.0 million net increase in appropriations as follows:

- General Fund – $.6 million net reduction resulting from the updating of personnel service and contractual service costs.
- Special Revenue Funds – $.6 million net increase resulting from the adding in the cost of Transit option #2 and reduction from updating the personnel service and debt service costs.
- Debt Service Fund – $1.0 million increase related to setting the property tax rate at $1.12.
- Enterprise Funds - $.1 million net reduction resulting from the updating of personnel service costs.
- Internal Service Funds - $.1 million net increase resulting from the updating of the Fleet 5 year plan.

The following funds are not part of the Operating Budget for State Statutory (Expenditure Limit) reporting purposes:

- Capital Improvement Funds – $12.0 million net reduction resulting from a decrease in the carryover authorization and updating of Capital Improvement Plan.
- Grant Fund - $.2 million net increase resulting from the updating for anticipated additional grant funding.
- Expendable Trust Funds - no change in appropriations.

In addition, $27.9 million of budget authorization for use as contingencies and reserves is included in the legal appropriation, per Arizona State Statute; however, actual authorization to expend reserves requires City Council approval via Council Action for each such occurrence.

The Proposed FY 2003/04 Operating and Capital Improvement Plan was developed using sound budgeting principles recommended by the Government Finance Officers Association (GFOA) and the National Advisory Council on State and Local Budgeting (NACSLB). Local governments initialize the principles by incorporating their own unique guiding principles based on policies, practices, and economic realities.

Guiding principles followed in developing the City of Scottsdale's Proposed FY 2003/04 Operating Budget and Capital Improvement Plan include:

- Conservative and cautious revenue forecasts due to the uncertainty in the economy;
- A zero-based program approach leading to a focused review of services delivered by the City, increased scrutiny of expenditures and prioritization of the programs to be funded;
- A reduction in positions and operating costs supported by General Fund tax dollars;
- Minimize the service level impacts on citizens and businesses, while continuing innovation to help manage costs, striking a balance between current expectations and investing in the City's future needs and economic generators, and ensuring sound fiscal practices;
- A more realistic and precise plan to continue investment in the City's basic infrastructure and public facilities, combined with a more comprehensive analysis of their future operating costs. Improved cash management and other changes proposed in the Capital Improvement Program will ensure that the City can take advantage of favorable financing and construction markets to build key projects and phase in operating costs for new facilities at a reasonable pace; and
- Sustained funding of the General Fund Reserve per the City's financial policies to ensure the City can provide basic services in the event of major emergencies.

The Proposed FY 2003/04 Operating and Capital Improvement Plan was developed using these principles to guide the allocation and/or reallocation of resources to contribute to the accomplishment of City Council's six broad community goals. Consistent with government fund accounting standards, the City uses a series of fund types to ensure legal compliance and financial management for various revenues and program expenditures. Highlights by fund are noted below:

- General Fund -- total resources decreased approximately $6.3 million (3.1%) from the current year-end estimate of $201.9 million to $195.6 million; departmental expenditures, debt service and transfers out decreased by $9.4 million (4.6%) from the current fiscal year-end estimate of $204.3 million to $194.9 million; and the General Fund Reserve of $20.8 million equals 10% of the total annual operating expenditures of the General and Highway User Revenue funds per the City's adopted financial policies, the Economic Investment Reserve balance decreased to $4.0 million after considering the initial

debt service payment for the Loloma Museum (net of the bed tax contribution of $159,495), the Operating Contingency equals $2.5 million and the Unreserved Fund Balance is $1.6 million. The number of proposed full time staff equivalents is 32 less than the current year.

- Special Revenue Funds:
  - Highway User Revenue Fund (HURF) -- total resources decreased $.6 million (2.4%) from the current year-end estimate of $24.6 to $24.0 million, departmental expenditures, debt service and transfers out equal total resources. Ending Fund Balance equals $0.

  - Transportation .2 Percent Sales Tax Fund -- total resources decreased less than $.1 million (.6%) from the current year-end estimate of $16.1 to $16.0 million, departmental expenditures and transfers out equal total resources. Ending Fund Balance equals $0.

  - Preservation Sales Tax Fund -- total resources decreased less than $.1 million (.6%) from the current year-end estimate of $16.7 to $16.6 million, departmental expenditures, debt service and transfers out increased by approximately $.4 million (2.4%) from the current fiscal year-end estimate of $16.9 million to $17.3 million; and the Unreserved Fund Balance is $19.2 million.

  - Special Programs Fund -- total resources increased by .2 million (10.0%) from the current year-end estimate of $2.4 to $2.6 million, departmental expenditures and transfers out increased $1.1 million (42.0%) from the current fiscal year-end estimate of $2.7 million to $3.8 million; and the Fund Balance of $1.1 million is composed of an Operating Contingency of $.2 million and Unreserved Fund Balance is $.9 million.

- Debt Service Fund -- total resources increased $3.6 million (8.7%) from the current year-end estimate of $41.2 to $44.8 million, expenditures and transfers out increased by $4.2 million (10.3%) from the current fiscal year-end estimate of $40.6 million to $44.8 million; and the Fund Balance is $10.8 million.

- Enterprise Funds:
  - Aviation Fund -- total resources increased less than $.4 million (14.3%) from the current year-end estimate of $2.5 to $2.9 million, expenditures and transfers out decreased less than $.2 million (7.7%) from the current fiscal year-end estimate of $2.4 million to $2.2 million; and the ending Fund Balance of approximately $.7 million is composed of an Operating Reserve of $.3 million and Unreserved Fund Balance is less than $.4 million.

  - Solid Waste Fund -- total resources increased less than $.1 million (.4%) from the current year-end estimate of $16.1 to $16.2 million, departmental expenditures, debt service and transfers out increased less than $.6 million (3.6%) from the current fiscal year-end estimate of $14.5 million to $15.1 million; and the ending Fund Balance of approximately $5.7 million is composed of an Operating Reserve of $3.3 million and Unreserved Fund Balance of $2.4 million. The number of proposed full time staff equivalents is 1 less than the current year.

- Water and Sewer Fund -- total resources increased $2.8 million (2.7%) from the current year-end estimate of $103.1 to $105.9 million, departmental expenditures, debt service and transfers out increased $14.1 million (15.8%) from the current fiscal year-end estimate of $89.5 million to $103.6 million; and the ending fund balance/reserve consists of an Operating Reserve of $17.0 million, Repair and Replacement Reserves of $16.0 million, a Special Operations Fund Balance of less than ($.1) million and the Unreserved Fund Balance equals $0. The number of proposed full time staff equivalents is 2 less than the current year.

➢ Internal Service Funds -- The unique nature of this type of fund -- internal user charges set to recover cost over several years, and uneven vehicle replacement schedule -- can result in larger variances from year to year than in other fund types.

- Fleet Management Fund -- total resources increased $.2 million (2.1%) from the current year-end estimate of $11.3 to $11.5 million, expenditures and transfers out decreased $5.0 million (32.5%) from the current fiscal year-end estimate of $15.5 million to $10.5 million; and the ending Fund Balance equals $5.2 million. The number of proposed full time staff equivalents is 5 less than the current year.

- Self-Insurance Fund -- total resources increased less than $.4 million (6.5%) from the current year-end estimate of $5.5 to $5.9 million, departmental expenditures/claims and transfers out decreased less than $.1 million (1.4%) from the current fiscal year-end estimate of $5.3 million to $5.2 million; and the ending fund balance/reserve equals $15.8 million. The number of proposed full-time staff equivalents is 1 less than the current year.

➢ Capital Improvement Funds -- the FY 2003/04 proposed budget consists of $495.5 million in project expenditures, including $285.3 million of carryover budget authorization from prior years for projects not yet completed. The plan is funded by a combination of $177.2 million in new resources and use of prior year-end fund balance. Resources and expenditures vary widely from year to year due to the unique nature of these funds – one-time expenditures occur over one or many years, with unexpended balances re-appropriated each year.

➢ Grant and Trust Funds -- resources and expenditures both increase by $1.1 million (4.1%) from $26.9 to $28.0 million. The budget includes contingent revenue and expenditures of $17.1 million for possible future grants; however the City will only expend grant funds that have been awarded by the appropriate agency and accepted by City Council via Council Action for each such occurrence.

The Proposed FY 2003/04 Capital Improvement Plan, Operating Budget and Financial Policies were reviewed by the City Council in Work Study Sessions held on March 31, April 7, April 21, and May 12. Additionally, the Citizen Budget Review Committee presented their findings and recommendations to the City Council during a Work Study Session on Monday, May 5. The first public hearing on the Proposed budget was held on May 6, 2003.

This public hearing is the second of three scheduled public hearings on the pro-

posed budget. The remaining scheduled public hearings, adoption dates, and budget work study sessions are as follows:

Monday, June 2	Third public budget hearing, adoption of final budget, and Truth-in-taxation public hearing
Monday, June 16	Adoption of the property tax levy

ANALYSIS & ASSESSMENT

The Citizen Budget Review Committee, appointed by City Council on December 9, 2002, met with Financial Services staff beginning in January to gain an overall understanding of the budget process, governmental accounting and budget standards, financial policies, program budgeting, and assumptions surrounding the multi-year revenue and expenditure forecasts. Beginning in February and continuing into late April, the committee members met with City staff to review their budget development process and evaluate the proposed Operating Budget and CIP's effectiveness in meeting City Council's stated goals and priorities. The Committee Chairperson provided the Committee's findings and recommendations to the City Council during a Work Study Session on May 5.

Additionally, a budget summary was published in the Arizona Republic newspapers on Wednesday, April 30, 2003 and is available at Scottsdale's public libraries and citizen service counters throughout the City. Summary information is also available on the City's website at (www.ScottdaleAZ.gov/finance).

Also, the Citizen Bond Review Commission reviewed the proposed changes to the approved 2000 bond program projects on March 6 and concurred with the changes reflected in the Capital Improvement Plan.

RESOURCE IMPACTS

Adoption of this budget will allow the City of Scottsdale to continue service delivery to citizens over the upcoming fiscal year and continue working on capital improvements for the community.

The proposed budget minimizes service level impacts on citizens and businesses as a result of the economic downturn, while continuing innovation to help manage costs, striking a balance between current expectations and investing in the City's future needs and economic generators, and ensuring sound fiscal practices.

The proposed capital budget has a more realistic and precise plan to continue investment in the City's basic infrastructure and public facilities, combined with a more comprehensive analysis of their future operating costs. Improved cash management and other changes proposed in the Capital Improvement Program will ensure that the City can take advantage of favorable financing and construction markets to build key projects and phase in operating costs for new facilities at a reasonable pace.

Tentative adoption of the budget on May 19, 2003 will determine the maximum limit for expenditures in FY 2003/04. On June 2, 2003, when the final FY 2003/04 budget adoption takes place, budgeted expenditures may be reduced, but cannot be increased. The total proposed FY 2003/04 budget appropriation equals $850.1 million and consists of the Operating Budget - $326.5 million; Capital Improvement Plan - $495.6 million, including $285.3 million of carryover budget authorization from prior years for projects not yet complete; and Grants and Trust Activity - $28.0 million. Additionally, $27.9 million of budget authorization for use as contingencies and reserves will be included in the legal appropriation, per

Arizona State Statute; however, actual authorization to expend reserves requires City Council approval via Council Action for each such occurrence.

During the May 6 meeting, Council selected "*Fire Transition Plan Option B*" as the level of fire service that the City would provide to residents and businesses should the voters approve the May 20 ballot measures requiring the City to form a municipal fire department. Staff estimates the "*Fire Transition Plan Option B*" costs would impact the FY 03/04 budget as noted below:

Additional operating costs (assuming a Nov 16 conversion)	$2.1 million
One-time fire transition costs	$6.4 million
Estimated Total FY 03/04 Costs	$8.5 million

As part of this overall evaluation, during the May 19 public hearing, City Council may also want to begin exploring various options for funding the level of fire service selected and the one-time transition costs. Options Council may want to consider include using the City's General Fund Reserve, reducing or eliminating existing programs, raising new revenues or pursuing a combination of all three alternatives to assure adequate funding for the transition.

OPTIONS & STAFF RECOMMENDATION

Per Article 6, Section 3 of the City's Charter, a public hearing and Tentative Budget adoption must take place on or before the second regular council meeting in May of each year. Additionally, Arizona Statute requires this public hearing and Tentative Budget adoption. State law prohibits the city from increasing the budget after Tentative Adoption or exceeding its budget after Final Adoption.

The attached documents set the City's maximum spending limit for FY 2003/04 at $878.0 million, which equals the City Manager's proposed budget, including the previous changes noted in the Background section of this report. This maximum spending limit option excludes additional specific appropriation to cover the *"Fire Transition Plan Option B"* estimate of $8.5 million, as approved by Council during the May 6, 2003 public meeting. As noted above, staff estimates one-time fire transition costs ($6.4 million) and additional operating costs ($2.1 million) would increase the FY 2003/04 budget potentially by an additional $8.5 million.

The additional Fire transition and operating costs could be funded by eliminating $8.5 million of program and/or capital project expenditures. The General Fund Reserve balance would remain at 10.0% of General Fund and HURF expenditures or approximately $20.8 million.

An option would be for Council to set the City's maximum spending limit for FY 2003/04 at $886.5 million. This maximum spending limit option includes $8.5 million to cover the *"Fire Transition Plan Option B"* estimate, as approved by Council during the May 6, 2003 public meeting. As noted above, staff estimates one-time fire transition costs and additional operating costs would increase the FY 2003/04 budget by an additional $8.5 million.

Under this option, the additional costs could be funded by either: 1) appropriating $8.5 million from the City's General Fund Reserve, 2) eliminating $8.5 million of program and/or capital project expenditures, 3) raising revenues, or 4) some combination of the above. If the full $8.5 million were appropriated from the General Fund Reserve the balance would decrease from $20.8 million to $12.3 million or a reduction in the reserve percentage from 10.0% to 5.8% of General Fund and HURF expenditures.

RESPONSIBLE DEPT(S)

Financial Services Department
Administration Division
Budget Division

STAFF CONTACTS

Craig Clifford, General Manager
CClifford@ScottsdaleAz.gov, (480) 312-2364
Art Rullo, Budget Director
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APPROVED BY

Art Rullo 5/15/03
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Budget Director
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Art Rullo for C. Clifford 5/15/03
Craig Clifford — Date
Financial Services General Manager
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Barbara Burns 5/15/03
Barbara Burns — Date
Assistant City Manager
BBurns@ScottsdaleAz.gov (480) 312-2599

5/15/03
Jan Dolan — Date
City Manager
JDolan@ScottsdaleAz.gov, (480) 312-2422

ATTACHMENTS

ORDINANCE NO. 3508

ORDINANCE NO. 3508

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING THE TENTATIVE ESTIMATES OF THE AMOUNTS REQUIRED FOR THE PUBLIC EXPENSE FOR THE CITY OF SCOTTSDALE FOR THE FISCAL YEAR 2003/04; ADOPTING A TENTATIVE BUDGET; SETTING FORTH THE RECEIPTS AND EXPENDITURES, THE AMOUNTS ACTUALLY LEVIED, THE AMOUNTS ESTIMATED AS COLLECTIBLE FOR THE PREVIOUS FISCAL YEAR, AND THE AMOUNT PROPOSED TO BE RAISED BY DIRECT PROPERTY TAXATION; AND GIVING NOTICE OF THE TIME FOR HEARING TAXPAYERS, FOR ADOPTION OF THE BUDGET AND FOR SETTING THE TAX LEVIES.

BE IT ORDAINED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

SECTION 1. Pursuant to the provisions of the laws of the State of Arizona, and the Charter and Ordinances of the City of Scottsdale, the statement and schedules herein contained are hereby adopted for the purpose as hereinafter set forth as the Tentative budget for the city of Scottsdale for the fiscal year 2003/04.

SECTION 2. That the City Clerk be, and hereby is authorized and directed to publish in a manner prescribed by law the estimates of expenditures, as hereinafter set forth, together with a notice that the Council will meet for the purpose of final hearing of taxpayers and for adoption of the fiscal year 2003/04 Annual Budget for the City of Scottsdale on the second day of June 2003, at the hour of 5:00 p.m. in the City Hall Kiva, 3939 N. Drinkwater Boulevard, Scottsdale, Arizona.

SECTION 3. Upon the recommendation of the City Manager and with the approval of the City Council, expenditures may be made from the appropriation for contingencies. The transfer of any sums within any specific appropriation may be done upon the approval of the City Manager. Any unencumbered appropriation balance or portion thereof may be transferred between offices, departments, or agencies to offset variances in the budget upon approval of the City Manager.

SECTION 4. Money from any fund may be used for any of the appropriations, except money specifically restricted by State law or by City Ordinance or by Resolution.

SECTION 5. Schedules A through F of the Tentative Budget are as follows:

PASSED, APPROVED, AND ADOPTED by the Mayor and City Council of the City of Scottsdale, Maricopa County, Arizona this nineteenth day of May, 2003.

ATTEST:

CITY OF SCOTTSDALE
A Municipal Corporation

Sonia Robertson
City Clerk

Mary Manross
Mayor

Approved as to Form:

David A. Pennartz
City Attorney

City of Scottsdale
Summary Schedule of Estimated Revenues and Expenditures
Fiscal Year 2003/04

Fund	Budgeted Expenditures 2002/03	Estimated Expenditures 2002/03	Estimated Fund Balance 7/1/03	Direct Property Tax Revenues 2003/04
General Fund	$ 197,381,916	$ 194,176,421	$ 28,153,373	$ 16,572,708
Special Revenue Funds	53,641,491	53,345,541	22,158,742	
Debt Service Funds	41,854,448	40,663,234	10,797,394	25,538,638
Capital Projects Funds	519,903,400	127,795,000	398,378,400	
Enterprise Funds	75,452,748	73,708,447	35,330,731	
Expendable Trust Funds	1,268,900	1,268,900	1,615,152	
Internal Service Funds	6,767,581	6,077,707	19,260,118	643,931
TOTAL ALL FUNDS	$ 896,270,484	$ 497,035,250	$ 515,693,910	$ 42,755,277

	2002/03	2003/04
Budgeted Expenditures	$ 896,270,484	$ 878,023,845
Budgeted Expenditures Adjusted for Reconciling Items	889,502,903	874,021,479
Less: Estimated Exclusions	(696,717,775)	(671,597,095)
Total Estimated Expenditures & Expenses Subject to Expenditure Limit	$ 192,785,128	$ 202,424,384
Expenditure Limitation	$ 242,650,033	$ 259,582,027

City of Scottsdale
Summary Schedule of Estimated Revenues and Expenditures
Fiscal Year 2003/04

Fund	Estimated Revenue Other Than Property Taxes	Proceeds From Sale of Bonds	Interfund Transfers In/(Out)	Total Financial Resources Available	Budgeted Expenditures 2003/04
General Fund	$ 178,464,933	$ -	$ -	$ 223,191,013	$ 200,024,807
Special Revenue Funds	76,490,456	-	(23,752,422)	74,896,776	54,612,775
Debt Service Funds	2,903,138	-	16,401,210	55,640,380	44,842,986
Capital Projects Funds	334,863,000	115,600,000	48,443,601	897,285,001	498,078,100
Enterprise Funds	124,667,275	-	(47,056,503)	112,941,503	74,289,811
Expendable Trust Funds	2,173,000	-	-	3,788,152	2,173,000
Internal Service Funds	4,881,854	-	217,620	25,003,523	4,002,366
TOTAL ALL FUNDS	$ 724,443,656	$ 115,600,000	-	$ 1,392,746,349	$ 878,023,845

SCHEDULE B

City of Scottsdale
Summary of Tax Levy and Tax Rate Information
Fiscal Year 2003/04

		2002/03	2003/04
1.	Maximum Allowable Primary Property Tax Levy		$ 17,220,639
2	Property Tax Levy amounts		
	A. Primary Property Taxes	$ 16,392,334	17,216,639
	B. Secondary Property Taxes	22,766,364	25,538,638
	C. Total Property Tax Levy Amounts	$ 39,158,698	$ 42,755,277
3	Property Taxes Collected*		
	A. Primary Property Taxes		
	(1) 2002-03 levy	15,982,526	
	(2) Prior years' levy	357,822	
	(3) Total primary property taxes	$ 16,340,348	
	B. Secondary Property Taxes		
	(1) 2002-03 levy	22,197,205	
	(2) Prior years' levy	546,331	
	(3) Total secondary property taxes	$ 22,743,536	
	C. Total Property Taxes Collected	$ 39,083,884	
4	Property Tax Rates		
	A. City Tax Rate		
	Primary Property Tax Rate	$ 0.5073	$ 0.4783
	Secondary Property Tax Rate	0.6456	0.6424
	Total City Tax Rate	$ 1.1528	$ 1.1207

B. Special Assessment District Rates

Secondary property tax rates - As of the date the tentative budget was prepared, the city was operating 356 special assessment districts (streetlight improvement districts) for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the City of Scottsdale's Accounting and Budget division.

* Includes actual property taxes collected as of the date the proposed budget was prepared plus estimated property tax collections for the remainder of the fiscal year.

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
GENERAL FUND			
Taxes			
Local			
Privilege Tax	84,047,534	79,547,534	77,377,547
Transient Occupancy Tax	7,600,000	6,750,000	6,600,000
Light & Power Franchise	5,640,622	5,132,000	5,464,150
Cable TV	2,114,113	2,349,720	2,300,000
Salt River Project Lieu	202,864	202,864	202,864
Fire Insurance Premium	210,000	325,000	334,750
From Other Agencies			
State Shared Sales	15,793,835	15,703,311	15,414,564
State Revenue Sharing	21,048,652	21,587,869	18,016,757
Auto Lieu Tax	6,700,000	7,711,567	6,940,606
Licenses/Permits/Service Charges			
Business & Liquor Licenses	1,705,250	1,705,250	1,756,408
Development Permits & Fees	15,500,000	15,250,000	13,500,000
Recreation Fees	2,129,765	2,129,765	2,183,009
WestWorld Equestrian Facility Fees	1,300,000	1,450,000	1,493,500
Fines and Forfeitures			
Court Fines	3,464,909	4,000,000	3,713,666
Parking Fines	137,000	200,000	142,093
Photo Radar Fines	1,150,000	750,000	1,079,896
Library Fines	445,659	400,659	454,573
Interest Earnings/Property Rental			
Interest Earnings	3,250,000	750,000	750,000
Property Rental	3,386,842	2,980,000	3,280,000
Other Revenue/Resources			
Miscellaneous	1,956,346	1,556,346	1,500,000
Reserves	13,980,550	13,980,550	15,960,550
Total General Fund	$ 191,763,941	$ 184,462,435	$ 178,464,933
SPECIAL REVENUE FUNDS			
Highway User Fund			
Highway User Tax	$ 13,118,064	$ 13,118,064	$ 13,511,606
Local Transportation Assistance Fund	1,146,323	1,146,323	1,146,323
Total Highway User Fund	$ 14,264,387	$ 14,264,387	$ 14,657,929

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
Special Programs Fund			
Court Enhancement Revenue	$ 550,000	$ 537,187	$ 574,446
Miscellaneous Police Revenue	309,491	309,491	344,186
Miscellaneous Recreation Fees	1,452,800	1,452,800	1,553,000
Miscellaneous Citizien and Neighborhood	-	-	68,801
Miscellaneous Planning Systems Fees	42,500	20,000	20,000
Reserve Appropriation	-	-	250,000
Total Special Projects Fund	$ 2,354,791	$ 2,319,478	$ 2,810,433
Transportation Sales Tax Fund			
Privilege Tax	$ 16,388,147	$ 15,600,000	$ 15,522,000
Interest Earnings	500,000	500,000	510,000
Total Transportation Sales Tax Fund	$ 16,888,147	$ 16,100,000	$ 16,032,000
Preservation Sales Tax Fund			
Privilege Tax	$ 16,640,659	$ 16,199,377	$ 16,118,380
Interest Earnings	500,000	500,000	510,000
Total Preservation Sales Tax fund	$ 17,140,659	$ 16,699,377	$ 16,628,380
Grants Funds			
Community Development Block Grant	$ 1,075,652	$ 1,075,652	$ 1,769,000
HOME Funds	302,174	302,174	731,490
Section 8 Housing	3,933,776	3,933,776	4,973,153
Federal and State Grants	20,322,055	20,322,055	18,388,071
Contingency	-	-	500,000
Total Grants Funds	$ 25,633,657	$ 25,633,657	$ 26,361,714
Total Special Revenue Funds	$ 76,281,641	$ 75,016,899	$ 76,490,456
DEBT SERVICE FUNDS			
Special Assessment Debt Fund			
Total Special Assessments	$ 2,562,210	$ 2,562,236	$ 2,903,138
Total Debt Service Funds	$ 2,562,210	$ 2,562,236	$ 2,903,138

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
CAPITAL PROJECTS FUNDS			
Capital Improvement Fund			
Development Fees	$ 28,200,000	$ 28,200,000	$ 13,600,000
Interest Earnings	12,000,000	12,000,000	5,063,000
Grant Revenue	6,000,000	6,000,000	6,400,000
Contributions	9,600,000	9,600,000	2,500,000
Miscellaneous Revenue	600,000	600,000	1,000,000
Estimated Unexpended Prior Year Budget	300,000,000	300,000,000	303,800,000
Contingent Revenue	6,000,000	6,000,000	2,500,000
Total Capital Project Funds	$ 362,400,000	$ 362,400,000	$ 334,863,000
ENTERPRISE FUNDS			
Water and Sewer Utility Fund			
Sewer Charges	$ 26,840,802	$ 24,936,468	$ 25,852,829
Water Charges	63,115,136	65,204,812	67,937,012
Groundwater Treatment Plant	2,400,000	2,400,000	1,040,000
Golf Course Water Charges	167,000	167,000	194,620
Irrigation Water Distribution System	570,000	570,000	1,105,544
Effluent Sales			
Pipeline	2,000,000	2,000,000	2,210,980
Treatment Plant	321,409	364,922	385,384
Interest Earnings	2,335,951	2,393,042	2,064,665
Miscellaneous	1,508,778	144,239	147,030
Reserves	4,000,000	4,000,000	3,650,000
Total Water and Sewer Fund	$ 103,259,076	$ 102,180,483	$ 104,588,064
Airport Fund			
Airport Fees	$ 2,386,019	$ 2,497,039	$ 2,852,980
Solid Waste Fund			
Refuse Collection	$ 16,115,445	$ 16,115,445	$ 16,177,531
Interest Earnings	44,013	44,013	48,700
Reserves	1,000,000	1,000,000	1,000,000
Total Solid Waste Fund	$ 17,159,458	$ 17,159,458	$ 17,226,231
Total Enterprise Funds	$ 122,804,553	$ 121,836,980	$ 124,667,275

SCHEDULE C

City of Scottsdale
Summary of Revenues Other than Property Taxes
Fiscal Year 2003/04

Source of Revenues	Budgeted Revenues 2002/03	Estimated Revenues 2002/03	Estimated Revenues 2003/04
EXPENDABLE TRUST FUNDS			
Trust Funds			
Street Light Districts	$ 500,000	$ 500,000	$ 500,000
Enhanced Municipal Services District	-	-	663,000
Expendable Trusts	768,900	768,900	1,010,000
Trust Fund Income	$ 1,268,900	$ 1,268,900	$ 2,173,000
INTERNAL SERVICE FUNDS			
Fleet Management Fund			
Equipment Rental	$ 10,470,441	$ 10,428,910	$ 11,070,763
Miscellaneous Revenue	318,418	318,418	267,711
Interest Earnings	309,149	346,648	226,277
Internal service Offset	(10,470,441)	(10,428,910)	(11,070,763)
Total Fleet Management Fund	$ 627,567	$ 665,066	$ 493,988
Self Insurance Fund			
Risk Managment	$ 4,249,164	$ 4,249,164	$ 4,250,000
Interest	300,745	292,234	237,866
Internal Service Offset	(4,099,164)	(4,099,164)	(4,100,000)
Risk Management Reserve	4,000,000	4,000,000	4,000,000
Total Self Insurance Fund	$ 4,450,745	$ 4,442,234	$ 4,387,866
Total Internal Service Funds	$ 5,078,312	$ 5,107,300	$ 4,881,854
TOTAL ALL FUNDS	$ 762,159,557	$ 752,654,750	$ 724,443,656

SCHEDULE D

City of Scottsdale
Summary By Fund of Other Financing Sources and Interfund Transfers
Fiscal Year 2003/04

FUND	OTHER FINANCING SOURCES 2003/04	INTERFUND TRANSFERS 2003/04 IN	INTERFUND TRANSFERS 2003/04 OUT
GENERAL FUND	$ -	$ -	$ -
SPECIAL REVENUE FUNDS			
Highway User Fund		9,384,425	73,477
Special Projects Fund		100,000	730,160
Transporation Sales Tax Fund			16,032,000
Preservation Sales Tax Fund			16,401,210
Total Special Revenue Funds	$ -	$ 9,484,425	$ 33,236,847
DEBT SERVICE FUNDS			
Debt Service Fund		16,401,210	
Excise Debt Service Fund		-	
Total Debt Service Funds	$ -	$ 16,401,210	$ -
CAPITAL PROJECTS FUNDS			
Capital Projects Fund	115,600,000	53,413,470	4,969,869
Total Capital Projects Funds	$ 115,600,000	$ 53,413,470	$ 4,969,869
ENTERPRISE FUNDS			
Water and Sewer Utility Fund		4,969,869	49,125,537
Airport Fund		-	907,240
Solid Waste Fund		-	1,993,595
Total Enterprise Funds	$ -	$ 4,969,869	$ 52,026,372
INTERNAL SERVICE FUNDS			
Fleet Management Fund		-	521,580
Risk Management Fund		750,000	10,800
Total Internal Service Funds	$ -	$ 750,000	$ 532,380
TOTAL ALL FUNDS	$ 115,600,000	$ 85,018,974	$ 90,765,468

SCHEDULE E

City of Scottsdale
Summary By Department of Expenditures Within Each Fund
Fiscal Year 2003/04

Fund/Department	Budgeted Expenditures 2002/03	Adjustments	Estimated Expenditures 2002/03	Budgeted Expenditures 2003/04
GENERAL FUND				
General Government	$ 16,284,910	$ -	$ 16,284,910	$ 16,133,681
Police	51,303,989	(25,000)	51,278,989	54,467,836
Financial Services	7,521,434	-	7,521,434	7,487,934
Transportation	-	-	-	0
Community Services	43,277,271	(10,450)	43,266,821	42,816,213
Information Systems	7,578,079	-	7,578,079	7,535,706
Fire	17,916,459	-	17,916,459	19,469,293
Municipal Services	588,117	-	588,117	540,252
Citizen & Neighborhood Resources	2,785,007	-	2,785,007	2,872,198
Human Resource Systems	3,458,750	-	3,458,750	3,181,535
Economic Vitality	6,530,719	34,078	6,564,797	6,513,994
Planning and Development	13,188,192	-	13,188,192	12,563,814
Estimated Department Savings	(2,000,000)	(1,500,000)	(3,500,000)	(1,000,000)
Debt Service	14,968,439	(1,704,123)	13,264,316	11,481,801
Reserve Appropriation	13,980,550	-	13,980,550	15,960,550
Total General Fund	$ 197,381,916	$ (3,205,495)	$ 194,176,421	$ 200,024,807
SPECIAL REVENUE FUND				
Highway User Fund				
Transportation	$ 10,556,093	$ -	$ 10,556,093	$ 10,143,267
Municipal Services	10,898,475	-	10,898,475	10,718,304
Debt Service	3,110,050	-	3,110,050	3,107,306
Total Highway User Fund	$ 24,564,618	$ -	$ 24,564,618	$ 23,968,877
Special Projects Fund				
General Government	$ 81,865	$ -	$ 81,865	$ 290,359
Police Department	309,491	89,810	399,301	344,186
Community Services	2,054,147	(357,260)	1,696,887	2,352,255
Citizen & Neighborhood Resources	-	-	-	68,801
Planning Systems	42,500	(28,500)	14,000	20,000
Reserve Appropriation	-	-	-	250,000
Total Special Projects Fund	$ 2,488,003	$ (295,950)	$ 2,192,053	$ 3,325,601
Preservation Sales Tax Fund				
Debt Service	$ 955,213	$ -	$ 955,213	$ 956,583
Total Preservation Sales Tax Fund	$ 955,213	$ -	$ 955,213	$ 956,583
Community Dev Block Grant Fund				
Total Grant Expenditures	$ 5,311,602	$ -	$ 5,311,602	$ 7,473,643
Grant Fund				
Grant Expenditures	$ 20,322,055	-	$ 20,322,055	$ 18,388,071
Contingency	-	-	-	500,000
Total Grant Expenditures	$ 20,322,055	$ -	$ 20,322,055	$ 18,888,071
Total Special Revenue Fund	$ 53,641,491	$ (295,950)	$ 53,345,541	$ 54,612,775

SCHEDULE E

City of Scottsdale
Summary By Department of Expenditures Within Each Fund
Fiscal Year 2003/04

Fund/Department	Budgeted Expenditures 2002/03	Adjustments	Estimated Expenditures 2002/03	Budgeted Expenditures 2003/04
DEBT SERVICE FUND				
Debt Service Fund				
Debt Service	$ 39,292,238	$ (1,191,240)	$ 38,100,998	$ 41,939,848
Excise Debt Service Fund				
Debt Service	$ -	$ -	$ -	$ -
Special Assessment Fund				
Debt Service	$ 2,562,210	$ 26	$ 2,562,236	$ 2,903,138
Total Debt Service Funds	$ 41,854,448	$ (1,191,214)	$ 40,663,234	$ 44,842,986
CAPITAL PROJECTS FUND				
Capital Projects Fund				
Capital Projects	$ 513,903,400	$(392,108,400)	$ 121,795,000	$ 495,578,100
Contingency	6,000,000	-	6,000,000	2,500,000
Total	$ 519,903,400	$(392,108,400)	$ 127,795,000	$ 498,078,100
Total Capital Projects Fund	$ 519,903,400	$(392,108,400)	$ 127,795,000	$ 498,078,100
ENTERPRISE FUNDS				
Water and Sewer Utility Fund				
Financial Services	$ 2,102,626	$ -	$ 2,102,626	$ 2,201,589
Water Resources	39,306,787	-	39,306,787	40,037,239
Estimated Department Savings	(1,000,000)	-	(1,000,000)	(1,000,000)
Debt Service	15,925,479	(1,500,000)	14,425,479	13,996,725
Reserve Appropriation	4,000,000	-	4,000,000	3,650,000
Total Water and Sewer Fund	$ 60,334,892	$ (1,500,000)	$ 58,834,892	$ 58,885,553
Airport Fund				
Transportation	$ 1,263,624	$ (14,800)	$ 1,248,824	$ 1,334,787
Debt Service	-		-	-
Total Airport Fund	$ 1,263,624	$ (14,800)	$ 1,248,824	$ 1,334,787
Solid Waste Fund				
Financial Services	$ 565,264	$ -	$ 565,264	$ 586,491
Municipal Services	11,946,975	(229,501)	11,717,474	12,137,487
Reserve Appropriation	1,000,000	-	1,000,000	1,000,000
Debt Service	341,993	-	341,993	345,493
Total Solid Waste Fund	$ 13,854,232	$ (229,501)	$ 13,624,731	$ 14,069,471
Total Enterprise Funds	$ 75,452,748	$ (1,744,301)	$ 73,708,447	$ 74,289,811

SCHEDULE E

City of Scottsdale
Summary By Department of Expenditures Within Each Fund
Fiscal Year 2003/04

Fund/Department	Budgeted Expenditures 2002/03	Adjustments	Estimated Expenditures 2002/03	Budgeted Expenditures 2003/04
EXPENDABLE TRUST FUND				
Trust Fund				
Total Trust Fund	$ 1,268,900	$ -	$ 1,268,900	$ 2,173,000
INTERNAL SERVICE FUNDS				
Fleet Management Fund				
Municipal Services	$ 12,019,856	$ (723,112)	$ 11,296,744	$ 9,936,652
Internal Service Offset	(10,470,441)	41,531	(10,428,910)	(11,070,763)
Total Fleet Management Fund	$ 1,549,415	$ (681,581)	$ 867,834	$ (1,134,111)
Risk Management Fund				
Financial Services	$ 5,317,330	$ (8,293)	$ 5,309,037	$ 5,236,477
Reserve Appropriation	4,000,000	-	4,000,000	4,000,000
Internal Service Offset	(4,099,164)	-	(4,099,164)	(4,100,000)
Total Risk Management Fund	$ 5,218,166	$ (8,293)	$ 5,209,873	$ 5,136,477
Total Internal Service Funds	$ 6,767,581	$ (689,874)	$ 6,077,707	$ 4,002,366
TOTAL ALL FUNDS	$ 896,270,484	$(399,235,234)	$ 497,035,250	$ 878,023,845

SCHEDULE F

City of Scottsdale
Summary of Specific Budget Appropriations
Fiscal Year 2003/04

	Operating Budget	Capital Budget	Other Fiscal Activity	Total Activity
Operating Budget				
General Government	$ 16,424,040			$ 16,424,040
Police	54,812,022			54,812,022
Financial Services	15,512,491			15,512,491
Transportation	11,478,054			11,478,054
Community Services	45,168,468			45,168,468
Information Systems	7,535,706			7,535,706
Fire	19,469,293			19,469,293
Water Resources	40,037,239			40,037,239
Municipal Services	33,332,695			33,332,695
Citizen & Neighborhood Resources	2,940,999			2,940,999
Human Resources	3,181,535			3,181,535
Economic Vitality	6,513,994			6,513,994
Planning and Development	12,583,814			12,583,814
Estimated Department Savings	(2,000,000)			(2,000,000)
Internal Service Fund Offsets	(15,170,763)			(15,170,763)
Debt Service	74,730,894			74,730,894
Capital Improvements		495,578,100		495,578,100
Other Fiscal Activity				
Grants			25,861,714	25,861,714
Designated Funds			2,173,000	2,173,000
Total 2003/04 Budget	**$ 326,550,481**	**$495,578,100**	**$ 28,034,714**	**$ 850,163,295**
Reserve/Contingency Appropriations	24,860,550	2,500,000	500,000	27,860,550
Total Budget Appropriation	$ 351,411,031	$498,078,100	$ 28,534,714	$ 878,023,845