Staff Summary Report

Tempe

To: Mayor and City Council
Through: City Manager

Agenda Item Number 32
Meeting Date: 08/08/02

SUBJECT: **GAMEWORKS TEMPE #SPD-2002.45**

PREPARED BY: Hector Tapia, Senior Planner (480-350-8331)

REVIEWED BY: Steve Venker, Planning & Zoning Manager (480-350-8331)

q-j

BRIEF: This is the second public hearing for Gameworks Tempe for a time extension of an existing use permit for an arcade, restaurant/bar with live entertainment, located at 5000 South Arizona Mills Circle.

COMMENTS: **PLANNED DEVELOPMENT (0406)** Hold the second public hearing for **GAMEWORKS TEMPE** (Arizona Mills L.L.C., property owner; Sega Gameworks L.L.C., business owner) for a time extension of an existing use permit for an arcade, restaurant/bar with live entertainment (22,987 s.f. at first floor and 13,087 s.f. at the second floor), located at 5000 South Arizona Mills Circle. The following is requested from the City of Tempe:

#SPD-2002.45 An Amended Planned Area Development with a use permit for Gameworks Tempe, a 36,074 s.f. arcade, restaurant/bar with live entertainment and to delete previous condition #2:

Previous Council Condition (6/10/99 – SPD-99.49)

#2. Within three years of the date of City Council approval, the applicant shall return to the City Council for a review of compliance with the conditions of approval.

Document Name: 20020808devsrh09 **Supporting Documents: Yes**

SUMMARY: On June 10, 1999, City Council approved a use permit to allow live entertainment at the Sega Gameworks arcade, restaurant/bar within the Arizona Mills Mall. Condition #2 of that approval included a three-year probationary period. This request is now to extend the time period of that use permit. According to the applicant, the intention is to continue providing live music for special events and promotions on an occasional basis only. Their entertainment venue includes an arcade, restaurant and bar that appeals to families during the day and adults during the night. No changes on the current business operation are proposed at this time. On January 28, 2002, the Police Department renewed the Security Plan for this business and it should be active with this request (Attachment "F"). Since no problems or concerns have been expressed to Development Services or to the Police Department during the past three years, previous condition #2 should not be necessary. Staff supports this request subject to conditions. On August 1, 2002, City Council held the first public hearing for this request. Up to this date, no public input has been received.

RECOMMENDATION: Staff - Approval
Public – None

ATTACHMENTS:

1. List of Attachments
2. History & Facts / Description
3. Comments / Conditions of Approval

A. Location Map
B. Letter of Authorization
C. Letter of Explanation/Intent
D. Floor Plan – First Floor
E. Floor Plan – Second Floor
F. Updated Police Department Security Plan

HISTORY & FACTS:

April 25, 1996.	The City Council adopted Ord. 808.9606 which amended Zoning Ord 808, Section 1, 3, 5 & 7 for the purposes of establishing a RCC Regional Commercial Center District to accommodate regional mall developments like the subject's request.
April 25, 1996.	The City Council approved a text amendment to **General Plan 2000** regarding the Growth Node category located in Section 5, Plans & Programs & Land Uses which deleted the requirement for owner-occupied residential.
July 11, 1996.	The City Council approved a request for a zoning change from PCC-1 to RCC for this site along with a Preliminary PAD and Final PAD for Phase 1, subject to 13 conditions.
December 19 , 1996.	The City Council approved the Preliminary PAD and Amended Final PAD for Phase 1 of the Arizona Mills project to a accommodate Harkins Theatre footprint modification and a use permit to park the main mall building by peak demand, subject to conditions.
December 18 , 1997.	The City Council approved a Final Planned Area Development for a 5 & Diner restaurant and an Amended Final Subdivision Plat for lots 5a and 5b of Arizona Mills, located at 5025 Arizona Mills Circle, subject to conditions.
September 24, 1998.	The City Council approved a Final PAD for a Krispy Kreme Doughnut shop at the Arizona Mills Mall. There were no public comments.
October 15 , 1998.	The City Council approved an Amended Preliminary PAD and a Final PAD for Claimjumper's at the Arizona Mills Mall. There were no public comments.
December 17 , 1998.	The City Council approved a Final PAD for Bennigan's at the Arizona Mills Mall. There were no public comments.
February 4, 1999.	Council approved the request for a 3-lot Subdivision re-plat of lots 2, 3, & 4 for Arizona Mills Mall at 1536 W. Baseline Road.
June 10, 1999.	Council approved the request by Sega Gameworks for an Amended Planned Area Development with a use permit with live entertainment.
August 1, 2002.	On August 1, 2002, City Council held the first public hearing for this request

DESCRIPTION:

Property Owner – Arizona Mills L.L.C.
Business Owner – Sega Gameworks L.L.C.
Applicant – Gameworks Tempe, Bob Short, General Manager
Existing zoning - RCC
Total building Area – 36,074 s.f.
(1st floor: 22,987 s.f.; 2nd Floor: 13,087 s.f.)
Parking Provided by Mills Mall

COMMENTS: On June 10, 1999, City Council approved a use permit to allow live entertainment at the Sega Gameworks arcade, restaurant/bar within the Arizona Mills Mall. Condition #2 of that approval included a three-year probationary period.

This request is now to extend the time period of that use permit. According to the applicant, the intention is to continue providing live music for special events and promotions on an occasional basis only. Their entertainment venue includes an arcade, restaurant and bar that appeals to families during the day and adults during the night. No changes on the current business operation are proposed at this time.

On January 28, 2002, the Police Department renewed the Security Plan for this business and it should be active with this request (Attachment "F").

Since no problems or concerns have been expressed to Development Services or to the Police Department during the past three years, previous condition #2 should not be necessary. Staff supports this request subject to conditions. Up to this date, no public input has been received.

Note: On August 1, 2002, City Council held the first public hearing for this request.

REASON(S) FOR APPROVAL:

1. The proposed time extension for the existing use permit appears not detrimental to adjacent property owners, tenants within the Mills Mall, or to the surrounding neighborhood.

2. No changes in the parking requirements are necessary.

CONDITION(S) OF APPROVAL:

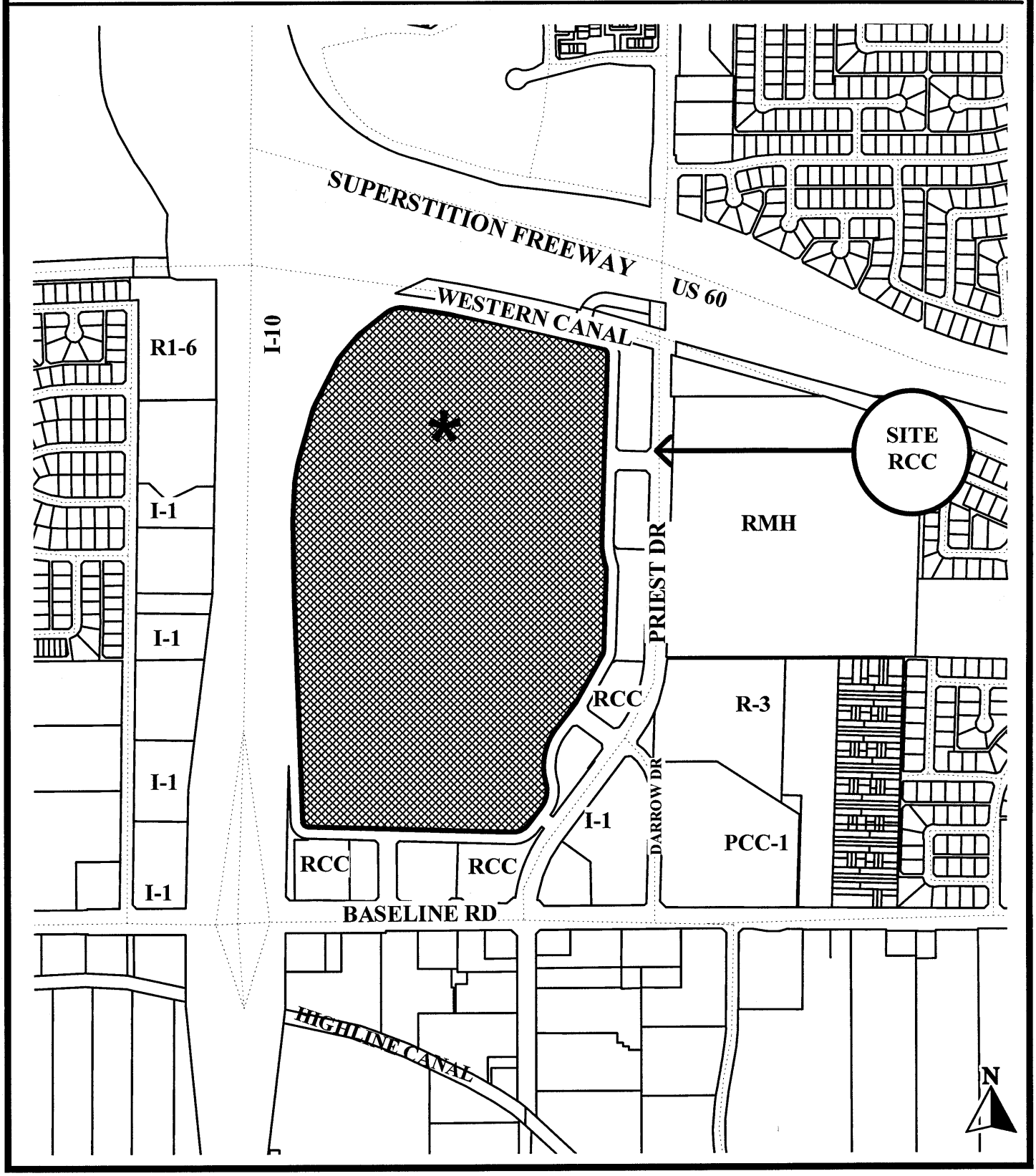
1. The use permit is non-transferable and is issued to the current owners of Gameworks Tempe only.

2. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.

3. Any significant verifiable police complaints (as determined by the City Attorney and Police Department) shall require the applicant to return to the City Council for re-evaluation of the use permit.

Tempe

GAMEWORKS TEMPE	SPD-2002.45



Location Map

A

June 10, 2002

Mr. Bob Short
General Manager
GameWorks Tempe
5000 S. Arizona Mills Circle
Tempe, AZ 85292

Re: Use Permit for Live Entertainment Renewal
Arizona Mills (Landlord) Letter of Authorization

Dear Mr. Short:

This letter shall serve as our authorization to allow GameWorks Tempe to continue to provide live entertainment at the facility.

Further, GameWorks Tempe may submit this letter of authorization to the City of Tempe with their application to renew their use permit accordingly.

Sincerely,

MillsServices Corp. as
Managing Agent for Arizona Mills L.L.C.

Daniel M. Jones, CSM
General Manager

Cc: Lease File

B

ARIZONA MILLS

5000 Arizona Mills Circle | Tempe, Arizona 85282 | Telephone 480.491.7300 | Fax 480.491.7400 | arizonamills.com

June 10, 2002

City of Tempe
P.O. Box 5002
31 East Fifth St.
Tempe, AZ 85280

Attn: Hector Tapia, Senior Planner
Planning & Code Compliance Division

RE: **GameWorks Tempe**
Renewal of Use Permit for Live Entertainment
Letter of Intent

Dear Mr. Tapia:

This letter shall serve as our letter of intent with regard to renewing our use permit to allow occasional live music at our existing GameWorks Tempe located in the Arizona Mills Mall.

It is our intention to provide live music for special events and promotions on an occasional basis. We are an entertainment venue consisting of an arcade, restaurant and bar that appeals to families during the day and adults during the night.

It is our hope that the City will renew our current use permit for an indefinite time or up to a maximum time allowed by the City. If there is any information you require that is not part of this application, please let me know.

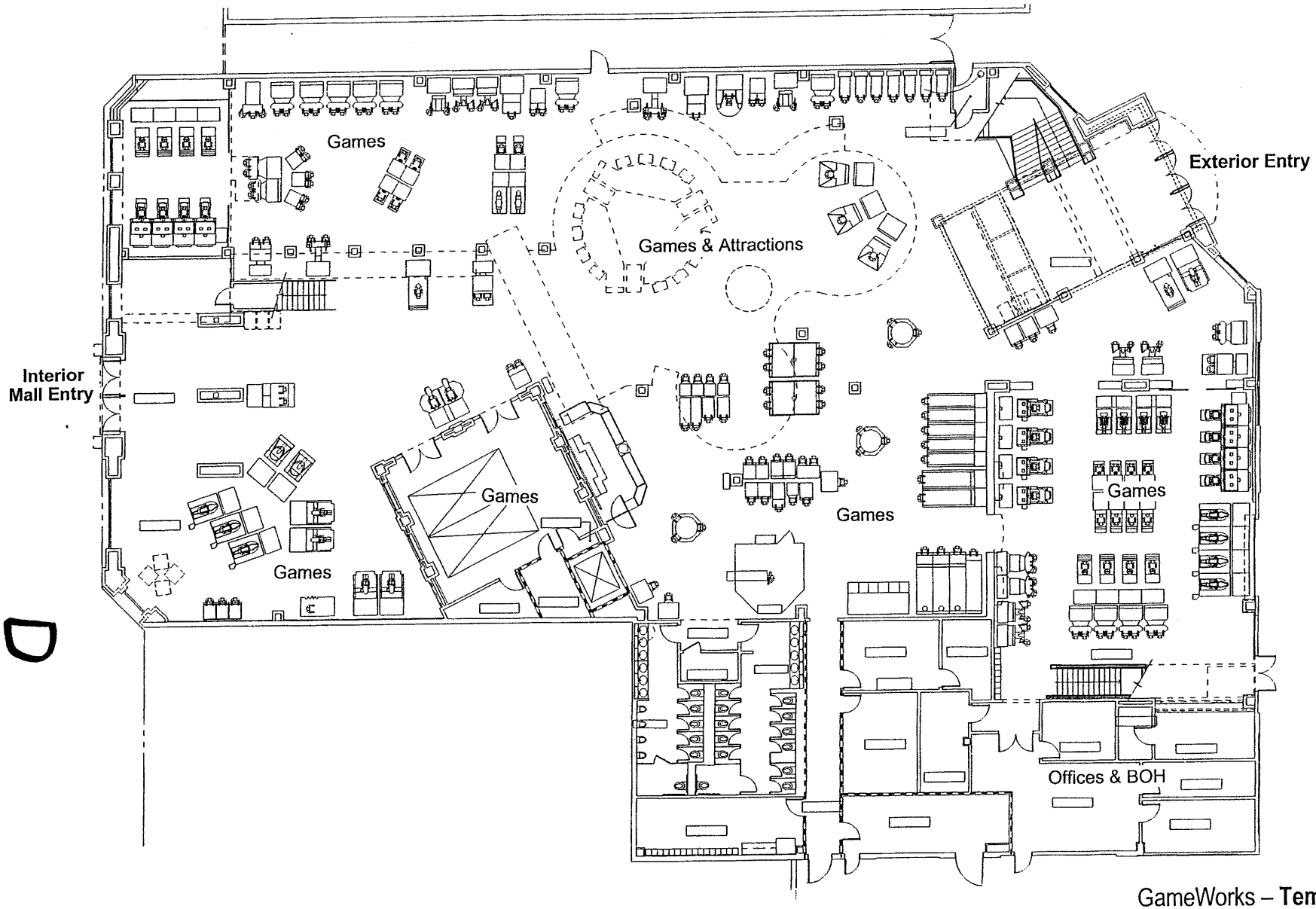
Best regards,

Bob Short
General Manager
GameWorks Tempe

cc: Anita M. Jones (Home Office)

C

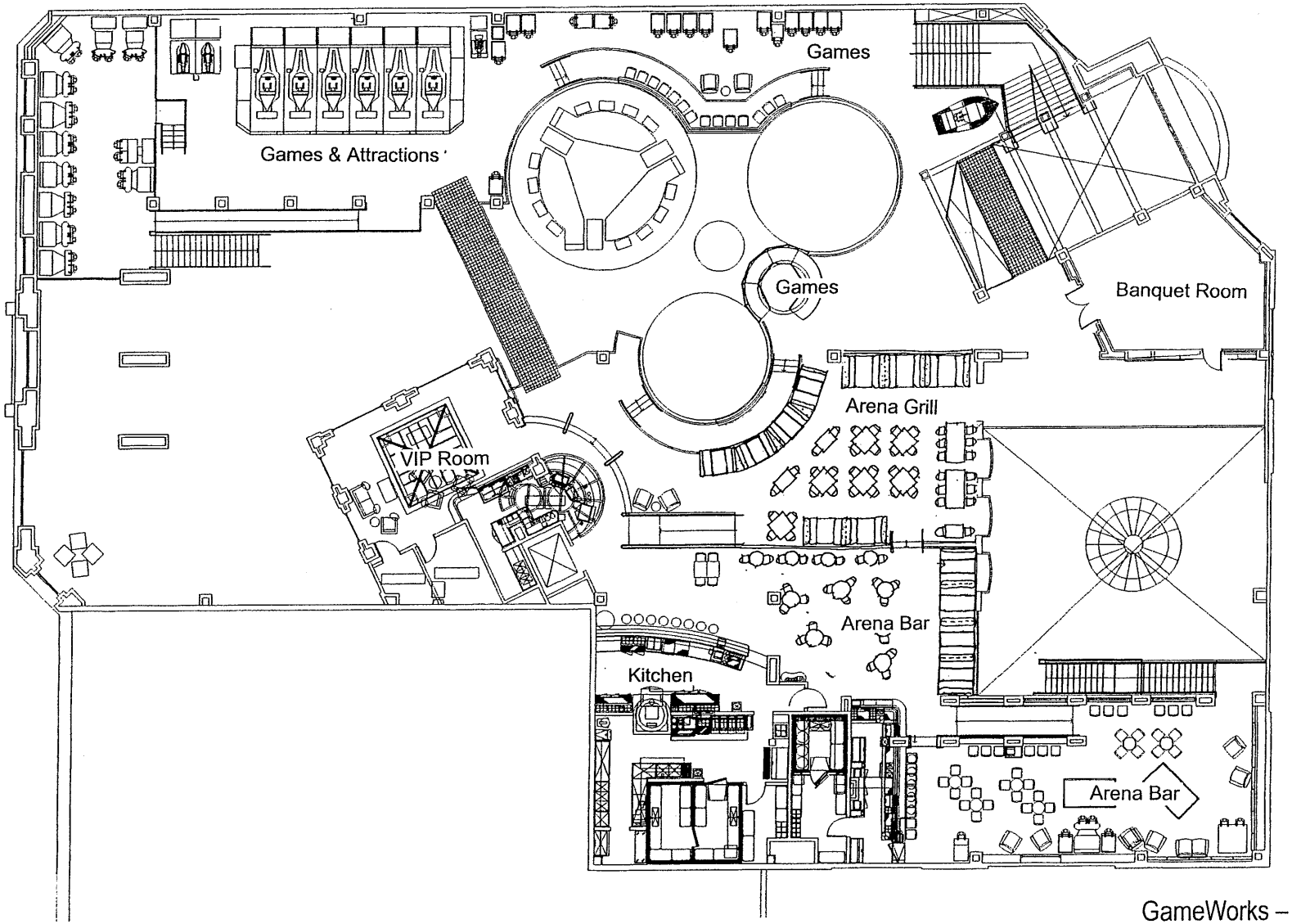
600 North Brand Blvd • Glendale, CA 91203



GameWorks – **Tempe/Arizona Mills**

Live Entertainment CUP – First Floor Plan

John Leggitt • Scale: As noted • May 29, 2002



GAMEWORKS

GameWorks – **Tempe/Arizona Mills**

Live Entertainment CUP – Second Floor Plan

John Leggitt • Scale: As noted • May 29, 2002

Security Plan

Tempe

Police Department

120 E. Fifth Street
Tempe, Arizona 85281
(480) 350-8305
FAX: (480) 350-8493

SECURITY PLAN FOR:
(Liquor)

Establishment:	Sega Gameworks, L.L.C.
Address:	5000 Arizona Mills Circle Suite 669 Tempe, AZ 85283
Business Phone:	(480) 839-4263
Business E-Mail:	bshort@gameworks.com
Business FAX:	(480) 839-4191
Maximum Occupancy:	2,342
Effective Date of Plan:	1-28-02
Date of Plan Review:	1-28-04
Beverage License:	

Type: Series 6
State No.: 06070024
Issue Date: 12/12/01

F

I. PURPOSE OF THE PLAN

This Plan addresses security measures for an establishment whose use shall require a Security Plan pursuant to Tempe City Code, Section 11-30.

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 Tempe, is granted to the establishment as set forth in Tempe City Code, Section 11-30. 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 Tempe. **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: Sega GameWorks, L.L.C.

   TYPE ORGANIZATION: ___ Arizona Corporation ___ Corporation
   ____ Sole Proprietorship __X_LLC ____ Partnership ____ Other

2. MANAGING AGENT(S):

   Name: Bob Short
   Title: General Manager
   Address: 1611 E. Tyson Pl.
   Chandler, AZ 85225-5204
   Phone: 480-782-1325
   FAX:
   E-Mail: bshort@gameworks.com

3. PROPERTY OWNER or PROPERTY MANAGER:

   Name: The Mills Corporation
   Address: 5000 Arizona Mills Circle
   Tempe, AZ 85283
   Phone: (480) 491-0965
   FAX or Other Numbers:

4. HOURS OF OPERATION:

	Open to Customers	Liquor Sale Ends	Close to Customers
Sunday - Saturday	10:00 a.m.	12:30 a.m.	1:00 a.m.

5. PROMOTIONAL EVENTS:

"Friends Play Free"

6. DESCRIPTION OF OPERATIONS/SERVICES:

Services Provided:	In File
Target Audience/Patrons:	18-35
Estimated Average Daily Attendance:	2,500
Menu:	In File
Designated Driver Program:	See File

7. PROGRAM FORMAT, ENTERTAINMENT:
Program/entertainment format, advertising.

See Attached.

a. Live entertainment and live music shall terminate no later than 12:55 a.m. and only 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.

8. SPECIAL EVENTS:

a. Notice must be given by Permittee to Tempe at the address above at least fourteen (14) 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. Tempe requires separate licenses for outdoor special events.

b. Additional security or revisions to this Plan may be required by Tempe for Special Events (program formats varying from the regular format described above).

c. Permittee must be separately licensed to conduct Outdoor Event/Special Events, Special Liquor License Events, Extensions of Premises [Call (480) 350-5180], After Hours or Teen Nights. See Tempe City Code for requirements.

9. 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:

Bob Short
Name

b. Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Tempe police, officers and neighbors in addressing and investigating complaints and concerns.

c. Permittee's managing agent(s) shall meet with Tempe Police Department when requested by the Security Plan Manager or other personnel of the Tempe Police Department on matters related to this Plan.

III. SITE/BUILDING INFORMATION

A copy (8½" x 11") of the exterior and interior plan, description is on file.

IV. GENERAL SAFETY CONDITIONS

1. Exterior entrances shall be illuminated with a minimum of five (5) footcandles of light at ground level to six (6) feet vertical between the hours of sunset and sunrise.

2. Existing exterior lamps provided on the building and in the parking areas for security of patrons and employees shall be maintained in good working order and repaired immediately when the light is not operational to maximize the lighting efficiency.

3. Only ADA locks shall be used on the restroom doors.

4. Landscape plantings shall not conflict with the above lighting standards. Landscape plantings, including trees, shall also be maintained to allow for good surveillance.

5. Any graffiti that may appear on the Permittee's property shall be removed or covered within forty-eight (48) hours, upon discovery or when notice is given by the Police Department.

6. All fire lanes shall be properly posted and curbs painted in RED or other fire department approved color where existing.

7. Owner/manager shall be included in Tempe's Operation Notification Program and Responsible Party information shall be kept current.

8. All debris, including glass and can containers, shall be removed from parking lots and adjacent landscape areas after closing.

V. PATRON PARKING, INGRESS AND EGRESS, VEHICULAR AND PEDESTRIAN TRAFFIC CONTROL

1. PARKING

a. Parking utilized by Patrons (# spaces, description, location):

6,416 spaces located around The Mills Mall

b. Parking utilized by Employees (# spaces, description, location):

6,416 spaces located around The Mills Mall – utilizing spaces predominately at the north side of the mall

c. 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.

d. Signs stating *"No Loitering"* and *"No Alcohol Consumption Permitted"* shall be posted throughout the parking area utilized by patrons. Signs shall be placed in locations visible to all patrons.

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. Entrances and parking areas will be monitored by Permittee at least once each hour at dusk and until 1:00 a.m. or thirty (30) 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 Tempe city ordinances to occur on the premises utilized by patrons of the Permittee.

Permittee 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. Tempe City Code § 22-8, 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 (This section is applicable only to establishments with a liquor license.) Per A.R.S. 4-244.22.

For an on-sale retailer or employee to allow a person under the legal drinking age to remain in an area on the licensed premises during those hours in which its **primary use** is the sale, dispensing or consumption of alcoholic beverages after the licensee, or the licensee's employees, know or should have known that the person is under the legal drinking age. An on-sale retailer may designate an area of the licensed premises as an area in which spirituous liquor will not be sold or consumed for the purpose of allowing underage persons on the premises if the designated area is separated by a physical barrier and at no time will underage persons have access to the area in which spirituous liquor is sold or consumed. The director, or a municipality, may adopt rules to regulate the presence of underage persons on licensed premises provided the rules adopted by a municipality are more stringent than those adopted by the director. The rules adopted by the municipality shall be adopted by local ordinance.

This paragraph does not apply:

a. If the person under the legal drinking age is accompanied by a spouse, parent or legal guardian of legal drinking age or is an on-duty employee of the licensee.

b. If the owner, lessee or occupant of the premises is a club as defined in section 4-101, paragraph 7, subdivision (a) and the person under the legal drinking age is any of the following:

1. An active duty military service member.

2. A veteran.

3. A member of the United States army national guard or the United States air national guard.

4. A member of the United States military reserve forces.

c. To the area of the premises used primarily for the serving of food during the hours when food is served.

4. MANAGEMENT

Permittee agrees to provide a minimum number of managers (general and assistant) as indicated 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 Tempe.

5. SECURITY PERSONNEL AND EMPLOYEES **(NOT REQUIRED AT THIS TIME, HOWEVER IT MAY BE REVIEWED/REQUIRED AT A LATER DATE)**

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. STAFFING FOR SECURITY PLAN **(NOT REQUIRED AT THIS TIME, HOWEVER IT MAY BE REVIEWED/REQUIRED AT A LATER DATE)**

For the purpose of developing and implementing the Security Plan for approval by Tempe, Permittee hereby offers to maintain the following minimum staffing on the premises during the hours indicated during the effective term of this Plan.

a. Operations. There shall be a manager on duty all hours while open for business and thirty (30) minutes after closing. There shall be a manager and one assistant manager on duty during peak nights (Friday and Saturday or when there are teen nights, promotional or special events). 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 VI of their Security Plan.

b. Additional functions performed by management: Monitor each entry door open for patrons; monitoring and patrolling exterior uses of the premises including the parking areas.

c. Security Personnel (Minimum Staffing Requirements)

1. Entry doors.

Present at each door open for entry to patrons until thirty (30) minutes after closing.

2. Cashier for each door open when there is a cover charge.

d. Off-Peak Nights (Normally Sunday - Thursday). From open until thirty (30) minutes after closing.

1. Interior roamers

From opening to 10:00 p.m. ___0___

From 10:00 p.m. to thirty (30) minutes after closing ___0___

2. Exterior parking lots

From opening to 10:00 p.m. ___0___

From 10:00 p.m. to thirty (30) minutes after closing ___0___

e. Peak Nights (Normally Friday and Saturday). From open until thirty (30) minutes after closing. 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.

1. Interior roamers

From opening to 10:00 p.m. ___0___

	From 10:00 p.m. to thirty (30) minutes after closing	0
2.	Exterior parking lots	
	From opening to 10:00 p.m.	0
	From 10:00 p.m. to thirty (30) minutes after closing	0

Permittee shall provide an updated copy of their policy and procedures, training documentation and overall operational plan pertaining to security.

7. SECURITY APPAREL AND EQUIPMENT **(NOT REQUIRED AT THIS TIME, HOWEVER, IT MAY BE REVIEWED/REQUIRED AT A LATER DATE)**
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 Tempe 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 or ID tags 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 Tempe's Use Permit. Termination, cancellation or non-approval of the Plan constitutes a breach of any condition requiring the existence an approved Security Plan.

2. TERMINATION OF PLAN. This Plan will terminate two (2) years from the Security Plan's effective date or upon termination of the use permit. It shall be the responsibility of the Permittee to insure the continuation of the Security Plan which may be renewed for two (2) year periods. Permittee must insure the continuation of the Security Plan by contacting the Security Plan Manager or C.P.T.E.D. staff sixty (60) days prior to expiration of the Plan.

3. VIOLATIONS AND PENALTIES. No person shall operate a use, which requires a Security Plan as directed in Tempe City Code, Section 11-30, in the absence of such required Security Plan or in a manner which violates a Security Plan required by this Article, and is punishable as set forth in Tempe City Code, Section 1-7.

4. REVOCATION OF THE PLAN. The Plan may be revoked by the City of Tempe upon ten (10) days written notice to the Permittee for 1) a violation of the Plan, 2) violation of the conditions of the Use Permit, 3) violation of Tempe ordinances or law, 4) repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, 5) failure of the Permittee 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 or such acts of violation or altercations, 6) any enlargement or expansion of the premises, plan of operation or program format without appropriate approvals from Tempe, 7) misrepresentations or material misstatements of the Permittee, its agents or employees.

   a. Permittee may request a hearing to appeal the decision to revoke this Plan by making the request in writing addressed to the Chief of Police of the Police Department, within five (5) days of receipt of the revocation. The Chief of Police, or a designated representative, may modify, affirm or reverse the revocation.

   b. If the Permittee is dissatisfied with the administrative review by the Police Department, the Permittee may file an appeal in writing with the City Clerk to be heard by the City Council. Any appeal shall be filed within ten (10) days of receipt of the decision of the Police Department, setting forth the reasons why the decision should not be implemented; and

   c. The City Council, acting in its legislative capacity, may modify or remand the decision of the Police Department.

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 Security Plan Manager or his designee within fourteen (14) calendar days after the change. Any change in the plan of operation or program shall be reported to the Security Plan Manager or his designee at least fourteen (14) calendar days prior to the change taking place and is subject to approval by the Security Plan Manager and/or C.P.T.E.D. Office.

7. MEETING REQUIREMENTS. Management of Permittee shall arrange meetings with a representative of the Tempe Police Department for their staff and security personnel pertaining to disorderly conduct, safety, I.D. verification and general security issues prior to opening, and at intervals thereafter or when deemed necessary by the Security Plan Manager or other personnel of the Tempe Police Department. A letter shall be forwarded to the Security Plan Manager with proposed meeting date(s) and number of employees attending. **Meetings throughout the year will be required as necessary.**

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:	Bob Short
Title:	General Manager
Address:	1611 E. Tyson Pl. Chandler, AZ 85225-5204
Phone:	(480) 782-1325

Date:_____

Name:	Bruce E. Nussbaum
Title:	SVP/ General Counsel
Address:	600 No. Brand Blvd. 5th Floor Glendale,CA 91203
Phone:	(818) 254-4111
FAX:	(818) 254-4315

Date: _____

APPROVED:

Bill "Buck" Rogers
Tempe Police Department
120 East Fifth Street
Tempe, AZ 85281
(480) 350-8542
(480) 350-8493 - FAX
Date: _____