

City Council Formal Meeting

Wednesday, November 15, 2017

2:30 PM

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CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, Nov. 15, 2017 at 2:38 p.m. in the Council Chambers.

Present: 8 - Councilman Sal DiCiccio, Councilman Michael Nowakowski, Councilman Daniel Valenzuela, Councilman Jim Waring, Councilwoman Thelda Williams, Councilwoman Kate Gallego, Vice Mayor Laura Pastor and Mayor Greg Stanton

Absent: 1 - Councilwoman Debra Stark

Councilman DiCiccio entered the Chambers and joined the voting body during Citizen Comments and left the meeting following Item 88. Councilman Nowakowski entered the Chambers and joined the voting body during Citizen Comments. Councilwoman Williams left the voting body after Item 27. Vice Mayor Pastor temporarily left the voting body and returned during Item 90. Councilman Valenzuela left the Chambers during Item 90 but remained part of the voting body via telephone, disconnected temporarily after Item 90, and returned via telephone prior to Item 74. Mayor Stanton left the Chambers during Item 90 but remained part of the voting body via telephone, temporarily disconnected following Item 90, and returned via telephone prior to the vote on Item 88.

Vice Mayor Pastor assumed the Chair upon Mayor Stanton's departure from the Chambers during Item 90.

Councilwoman Gallego assumed the Chair during Vice Mayor Pastor's absence for Item 90.

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

CITIZEN COMMENTS

Xin Hua submitted a handout and expressed her concerns regarding the permit issued by the City that allowed removal of the Chinese Cultural Center's tile roof.

Note: Councilmen DiCiccio and Nowakowski entered the Chambers and joined the voting body.

Gail Palmer provided details of the memorial service for Beverly Harvey Konik.

Mayor Stanton recalled Ms. Konik was a great community leader and would be greatly missed.

John Rusinek voiced his concerns about dust-proofing on his neighbor's lot and submitted documentation to Council.

Dianne Barker invited everyone to the next Meet Me Downtown event, a group that walked the downtown area. She also expressed concerns about air quality as more people lived downtown and wanted everybody to be part of the solution to keep the air clean.

Purple Fire spoke in support of the Chinese Cultural Center.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6373, G-6379 through G-6383, S-44037 through S-44071, and Resolutions 21590 through 21595 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

References to attachments in these minutes relate to documents that were attached to the agenda.

MINUTES OF MEETINGS**1 For Approval or Correction, the Minutes of the Formal Meeting on Sept. 6, 2017****Summary**

This item transmits the minutes of the Formal Council meeting of Sept. 6,

2017, for review, correction and/or approval by the City Council.

The minutes are available for review in the City Clerk Department, 200 W. Washington St., 15th Floor.

A motion was made by Councilman Waring, seconded by Councilwoman Williams, that this item be approved. The motion carried by voice vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

2 For Approval or Correction, the Minutes of the Formal Meeting on Sept. 20, 2017

Summary

This item transmits the minutes of the Formal Council meeting of Sept. 20, 2017, for review, correction and/or approval by the City Council.

The minutes are available for review in the City Clerk Department, 200 W. Washington St., 15th Floor.

A motion was made by Councilwoman Williams, seconded by Vice Mayor Pastor, that this item be approved. The motion carried by voice vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

BOARDS AND COMMISSIONS

3 Mayor's Appointments to Boards and Commissions

Summary

This item transmits the Mayor's recommendations for appointments and reappointments to various city boards and commissions.

The following individuals were recommended for

appointment/reappointment by Mayor Stanton:

Deer Valley Village Planning Committee

Appoint Jennifer Tunning, for a term to expire Nov. 19, 2019

Deferred Compensation and Post Employment Health Plan Boards

Appoint Lori Bays, replacing Blair Johnson, for a term to expire Sept. 30, 2018

Desert View Village Planning Committee

Appoint Jill Hankins, for a term to expire Nov. 19, 2019

Estrella Village Planning Committee

Appoint Elizabeth Cartwright, for a term to expire Nov. 19, 2019

Human Relations Commission

Appoint Balbir Grewal, for a term to expire June 30, 2020

Human Services Commission

Appoint Alex Moctezuma, for a term to expire June 30, 2019

Appoint Edna Garcia, for a term to expire June 30, 2019

Mayor's Commission on Disability Issues

Appoint Toni Grimes, for a term to expire Nov. 15, 2020

Appoint Nicole Anderson, for a term to expire Nov. 15, 2020

Reappoint Laura Cafiso, for a second term to expire Nov. 6, 2022

Reappoint Dan French, for a second term to expire June 19, 2020

Reappoint Karen Halgren, for a second term to expire June 19, 2020

Reappoint Daniel Martinez, for a second term to expire June 19, 2020

Reappoint Donald Price, for a second term to expire June 19, 2020

Phoenix Business and Workforce Development Board

Appoint Bethany Woodward, for a term to expire June 30, 2019

Appoint Michael Hale, for a term to expire June 30, 2020

Appoint Rachel Galusha, for a term to expire June 30, 2018

Phoenix Residential Investment Development Effort (PRIDE)

Appoint Del-Monte Edwards, for a term to expire Nov. 1, 2020

Phoenix Women's Commission

Appoint Delia Salvatierra, for a term to expire Nov. 15, 2019

Rio Vista Village Planning Committee

Appoint Massimo Sommacampagna, for a term to expire Nov. 19, 2019

Sister Cities Commission

Appoint Marty Weems, for a term to expire Sept. 30, 2020

Appoint Sherman Elliot, for a term to expire Sept. 30, 2020

Appoint Sheryl Frank, for a term to expire Sept. 30, 2020

Appoint Emilio Gaynor, for a term to expire Sept. 30, 2020

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that this item be approved. The motion carried by voice vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

4 City Council Appointments to Boards and Commissions

Summary

This item transmits recommendations from the Council for appointment or reappointment to City Boards and Commissions.

The following individual was recommended for appointment by Councilmember Thelda Williams:

Deer Valley Village Planning Committee

Appoint Ann O'Brien, for a term to expire Nov. 19, 2019

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that this item be approved. The motion carried by voice vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

Mayor Stanton administered the oath of office to the following appointees:

Ann O'Brien and Jennifer Tunning, Deer Valley Village Planning Committee;
Jill Hankins, Desert View Village Planning Committee;
Elizabeth Cartwright, Estrella Village Planning Committee;
Alex Moctezuma and Edna Garcia, Human Services Commission;
Nicole Anderson, Dan French, Karen Halgren and Donald Price, Mayor's
Commission on Disability Issues;
Bethany Woodward, Michael Hale and Rachel Galusha, Phoenix Business and
Workforce Development Board;
Del-Monte Edwards, Phoenix Residential Investment Development Effort
(PRIDE);
Delia Salvatierra, Phoenix Women's Commission;
Massimo Sommacampagna, Rio Vista Village Planning Committee; and
Marty Weems, Sherman Elliot and Sheryl Frank, Sister Cities Commission.

The above individuals were invited to approach the dais so Council could extend their appreciation.

LIQUOR LICENSES, BINGO, AND OFF-TRACK BETTING LICENSE APPLICATIONS

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that Items 5 through 22 be recommended for approval, except Items 21 and 22. The motion carried by voice vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski,
Councilman Valenzuela, Councilman Waring,
Councilwoman Williams, Councilwoman Gallego, Vice
Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

5 Liquor License - Wal-Mart Supercenter #6477

Request for a liquor license. Arizona State License 09070492S.

Summary

Applicant

John Curtis, Agent

License Type

Series 9S - Addition of Sampling Privileges

Location

9600 N. Metro Pkwy. W.

Zoning Classification: PUD

Council District: 1

This request is for the addition of Sampling Privileges to an existing liquor license for a liquor store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 18, 2017.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted an extensive statement. A copy is available upon request to the City Clerk's Office at 200 W. Washington St., 1st Floor, Phoenix, AZ 85003.

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Wal-Mart Supercenter #6477

Liquor License Map - Wal-Mart Supercenter #6477

This item was recommended for approval.

6 Liquor License - Whole Foods Market

Request for a liquor license. Arizona State License 07070148.

SummaryApplicant

Jeffrey Roff, Agent

License Type

Series 7 - Beer and Wine Bar

Location

7111 E. Mayo Blvd.

Zoning Classification: C-2

Council District: 2

This request is for an acquisition of control of an existing liquor license for a grocery store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 28, 2017.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"I am an officer of entity that holds hundreds of liquor licenses throughout Arizona and the United States."

Staff Recommendation

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

This item was recommended for approval.

7 Liquor License - Whole Foods Market

Request for a liquor license. Arizona State License 10076144.

Summary

Applicant

Jeffrey Roff, Agent

License Type

Series 10 - Beer and Wine Store

Location

7111 E. Mayo Blvd.

Zoning Classification: C-2

Council District: 2

This request is for an acquisition of control of an existing liquor license for a grocery store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 28, 2017.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"I am an officer of an entity that holds hundreds of liquor licenses throughout Arizona and the United States."

Staff Recommendation

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

This item was recommended for approval.

8 Liquor License - Black Mountain Tavern & Distillery

Request for a liquor license. Arizona State License 1207B187.

SummaryApplicant

Jared Repinski, Agent

License Type

Series 12 - Restaurant

Location

30855 N. Cave Creek Road, Ste. 140

Zoning Classification: C-1 PCD (Approved C-2 PCD)

Council District: 2

This request is for a new liquor license for a restaurant/distillery. This location is currently licensed for liquor sales with a Series 6 - Bar and Series 18 - Craft Distiller, liquor license and does not have an interim permit.

The 60-day limit for processing this application is Nov. 28, 2017.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Black Mountain Tavern & Distillery (Series 6)
30855 N. Cave Creek Road, Ste. 140, Phoenix
Calls for police service: 3
Liquor license violations: None

Black Mountain Tavern & Distillery (Series 18)
30855 N. Cave Creek Road, Ste. 140, Phoenix
Calls for police: 3
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"I have been representing liquor licensed establishments in Arizona for over 15 years."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Tourism plays an important role in our local economy and liquor licensed establishments (the sale of alcohol) is a very important aspect of tourism. Therefore, if the City of Phoenix continues to lead the State of Arizona by approving quality and diverse businesses (restaurants, bars, microbreweries, distilleries, hotels, resorts, golf courses, special events, etc...) similar to this proposed liquor licensed business, all businesses will prosper in our tourism based economy."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Black Mountain Tavern & Distillery

Liquor License Map - Black Mountain Tavern & Distillery

This item was recommended for approval.

9 Liquor License - Whole Foods Market

Request for a liquor license. Arizona State License 10076142.

SummaryApplicant

William Cano, Agent

License Type

Series 10 - Beer and Wine Store

Location

10810 N. Tatum Blvd. Bldg B

Zoning Classification: C-1

Council District: 3

This request is for an acquisition of control of an existing liquor license for a grocery store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 28, 2017.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"I am an officer of an entity that holds hundreds of liquor licenses throughout Arizona and the United States."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

10 Liquor License - Whole Foods Market

Request for a liquor license. Arizona State License 07070448.

SummaryApplicant

William Cano, Agent

License Type

Series 7 - Beer and Wine Bar

Location

10810 N. Tatum Blvd., Bldg B

Zoning Classification: C-1

Council District: 3

This request is for an acquisition of control of an existing liquor license for a grocery store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 28, 2017.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license

because:

"I am an officer of an entity that holds hundreds of liquor licenses throughout Arizona and the United States."

Staff Recommendation

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

This item was recommended for approval.

11 Liquor License - Lookout Tavern

Request for a liquor license. Arizona State License 1207B181.

Summary

Applicant

Kevin Stout, Agent

License Type

Series 12 - Restaurant

Location

830 E. Greenway Pkwy., Ste. 100

Zoning Classification: PSC

Council District: 3

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Use Permit to allow patron dancing and coin operated games.

The 60-day limit for processing this application is Nov. 18, 2017.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that

location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

“Myself and my family are Phoenix natives and have lived in this area my entire life. I have Started, Grown, and maintained multiple successful companies, and have already assembled a team with a combined 40 years experience in the Arizona Bar and Restaurant Industry. Managing at the highest levels of organizations like Fox Restaurant Concepts. Our focus is on Quality, Safe, and Enjoyable experiences for guests and the community.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

“This area of North Phoenix is substantially under served when it comes to high quality restaurants and bars. A burgeoning younger demographic and the addition of higher end apartment complexes in the area demand the type of high-end dining and drinking establishment we are trying to create. Public support for us has been astounding, and people can not wait for us to open. The community is in dire need of what we plan to provide.”

Staff Recommendation

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

Attachments

Liquor License Data - Lookout Tavern

Liquor License Map - Lookout Tavern

This item was recommended for approval.

12 Liquor License - Garcia's Las Avenidas

Request for a liquor license. Arizona State License 12070149.

SummaryApplicant

Paul Garcia, Agent

License Type

Series 12 - Restaurant

Location

2212 N. 35th Ave.

Zoning Classification: C-2

Council District: 4

This request is for an acquisition of control of an existing liquor license for a restaurant. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 24, 2017.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor

Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Garcia's Take Out (Series 7 & Series 12)
2216 N. 35th Ave., Phoenix
Calls for police service: 1
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"J.O. Garcia, Inc. was incorporated in Arizona on 04/02/1982. It owns and operates Garcia's Las Avenidas and Garcia's Take Out located at 2212 and 2216 North 35th Avenue, Phoenix, Arizona, respectively. In 1984, J.O. Garcia Inc. applied for and obtained Series 12 Liquor Licenses for Garcia's Las Avenidas (12070149) and Garcia's Take Out (07070696). In 1990, J.O. Garcia, Inc. obtained a Series 7 Liquor License for Garcia's Take Out (12071434). The Garcia family, starting with my mother and father, Julio and Olivia, has operated the Garcia's locations since inception, and, I have been involved in the family business, in one aspect or another, all of my adult life. In December, 2012, I became President, Secretary, and Treasurer of J.O. Garcia, Inc. I am responsible for all operations of the business. I am familiar with Arizona liquor laws. I have completed all background investigations as required by AZ Department of Liquor Licenses. I hold certifications for both Management and Basic Liquor Law Training (AZM-01397, dated 6/16/2017, and AZB-ON-10633 dated on 9/21/2017). I am a U.S. Citizen, and I was born in Arizona."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

13 Liquor License - Garcia's Take Out

Request for a liquor license. Arizona State License 07070696.

Summary

Applicant

Paul Garcia, Agent

License Type

Series 7 - Beer and Wine Bar

Location

2216 N. 35th Ave.

Zoning Classification: C-2

Council District: 4

This request is for an acquisition of control of an existing liquor license for a restaurant/bar. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 24, 2017.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Garcia's Las Avenidas (Series 12)

2212 N. 35th Ave., Phoenix

Calls for police service: 16

Liquor license violations: In January 1999, a fine of \$200 was paid for

having the front entrance locked. In April 2009, a warning letter was issued for lack of knowledge of liquor laws. In March 2015, a fine of \$375 was paid for delinquent taxes. In May 2015, a fine of \$750 was paid for selling without a license.

Garcia's Take Out (Series 12)
2216 N. 35th Ave., Phoenix
Calls for police service: 1
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"J.O. Garcia, Inc. was incorporated in Arizona on 04/02/1982. It owns and operates Garcia's Las Avenidas and Garcia's Take Out located at 2212 and 2216 North 35th Avenue, Phoenix, Arizona, respectively. In 1984, J.O. Garcia Inc. applied for and obtained Series 12 Liquor Licenses for Garcia's Las Avenidas (12070149) and Garcia's Take Out (07070696). In 1990, J.O. Garcia, Inc. obtained a Series 7 Liquor License for Garcia's Take Out (12071434). The Garcia family, starting with my mother and father, Julio and Olivia, has operated the Garcia's locations since inception, and, I have been involved in the family business, in one aspect or another, all of my adult life. In December, 2012, I became President, Secretary, and Treasurer of J.O. Garcia, Inc. I am responsible for all operations of the business. I am familiar with Arizona liquor laws. I have completed all background investigations as required by AZ Department of Liquor Licenses. I hold certifications for both Management and Basic Liquor Law Training (AZM-01397, dated 6/16/2017, and AZB-ON-10633 dated on 9/21/2017). I am a U.S. Citizen, and I was born in Arizona."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

14 Liquor License - Garcia's Take Out

Request for a liquor license. Arizona State License 12071434.

SummaryApplicant

Paul Garcia, Agent

License Type

Series 12 - Restaurant

Location

2216 N. 35th Ave.

Zoning Classification: C-2

Council District: 4

This request is for an acquisition of control of an existing liquor license for a restaurant. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 24, 2017.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Garcia's Las Avenidas (Series 12)

2212 N. 35th Ave., Phoenix

Calls for police service: 16

Liquor license violations: In January 1999, a fine of \$200 was paid for having the front entrance locked. In April 2009, a warning letter was issued for lack of knowledge of liquor laws. In March 2015, a fine of \$375 was paid for delinquent taxes. In May 2015, a fine of \$750 was paid for selling without a license.

Garcia's Take Out (Series 7)
2216 N. 35th Ave., Phoenix
Calls for police service: 1
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"J.O. Garcia, Inc. was incorporated in Arizona on 04/02/1982. It owns and operates Garcia's Las Avenidas and Garcia's Take Out located at 2212 and 2216 North 35th Avenue, Phoenix, Arizona, respectively. In 1984, J.O. Garcia Inc. applied for and obtained Series 12 Liquor Licenses for Garcia's Las Avenidas (12070149) and Garcia's Take Out (07070696). In 1990, J.O. Garcia, Inc. obtained a Series 7 Liquor License for Garcia's Take Out (12071434). The Garcia family, starting with my mother and father, Julio and Olivia, has operated the Garcia's locations since inception, and, I have been involved in the family business, in one aspect or another, all of my adult life. In December, 2012, I became President, Secretary, and Treasurer of J.O. Garcia, Inc. I am responsible for all operations of the business. I am familiar with Arizona liquor laws. I have completed all background investigations as required by AZ Department of Liquor Licenses. I hold certifications for both Management and Basic Liquor Law Training (AZM-01397, dated 6/16/2017, and AZB-ON-10633 dated on 9/21/2017). I am a U.S. Citizen, and I was born in Arizona."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

15 Liquor License - Max Stores

Request for a liquor license. Arizona State License 10074169.

SummaryApplicant

Michael Ekabutr, Agent

License Type

Series 10 - Beer and Wine Store

Location

1201 E. Missouri Ave.

Zoning Classification: C-1

Council District: 6

This request is for an acquisition of control of an existing liquor license for a convenience store that sells gas. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 20, 2017.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"I am a US citizen and college graduate with a B.S. in Business Administration from ASU. In addition, I have been managing and running Max Store, Inc. under the supervision of Sumeth Ekabutr since 2004. I have also taken and passed all the required courses to obtain a liquor license. Furthermore, all employees have been well trained in regards to the AZ Liquor Laws with an emphasis on the sanctions imposed on the sale of alcohol to minors. My employees and myself included, adhere strictly to Liquor Laws of AZ and thus far, we have had no issues."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

16 Liquor License - Whole Foods Market

Request for a liquor license. Arizona State License 10076374.

Summary

Applicant

Jeffrey Roff, Agent

License Type

Series 10 - Beer and Wine Store

Location

4701 N. 20th St.

Zoning Classification: C-2 CEPCSP

Council District: 6

This request is for an acquisition of control of an existing liquor license for a grocery store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 28, 2017.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"I am an officer of an entity that holds hundreds of liquor licenses throughout Arizona and the United States."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

17 Liquor License - Whole Foods Market

Request for a liquor license. Arizona State License 07070399.

Summary

Applicant

Jeffrey Roff, Agent

License Type

Series 7 - Beer and Wine Bar

Location

4701 N. 20th St.

Zoning Classification: C-2 CEPCSP
Council District: 6

This request is for an acquisition of control of an existing liquor license for a grocery store. This location is currently licensed for liquor sales.

The 60-day limit for processing this application is Nov. 28, 2017.

Pursuant to A.R.S. 4-203, consideration should be given only to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"I am an officer of an entity that holds hundreds of liquor licenses throughout Arizona and the United States."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

18 Liquor License - Barro's Pizza

Request for a liquor license. Arizona State License 1207B188.

Summary

Applicant

Bruce Barro, Agent

License Type

Series 12 - Restaurant

Location

3141 E. Indian School Road #106

Zoning Classification: C-2

Council District: 6

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in January 2018.

The 60-day limit for processing this application is Nov. 28, 2017.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"I'm currently listed on 17 other liquor licenses for the past 15 years without any issues/citatio."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"We are a family retsurant with liquor sales usually averagingong less than 5% of our total sal We take the reponsibility of serving alcohol very seriously and would never jeapordize our customers well being."

Staff Recommendation

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

Attachments

Liquor License Data - Barro's Pizza

Liquor License Map - Barro's Pizza

This item was recommended for approval.

19 Liquor License - Irene's Tap Room

Request for a liquor license. Arizona State License 07070320.

Summary

Applicant

Kevin Kramber, Agent

License Type

Series 7 - Beer and Wine Bar

Location

1227 E. Northern Ave.

Zoning Classification: C-2

Council District: 6

This request is for an ownership and location transfer of a liquor license for a beer and wine bar. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in January 2018.

The 60-day limit for processing this application is Nov. 27, 2017.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"I believe I meet the Title IV requirements to be a controlling person in a liquor license due to fact that I am a residential realtor who must obide by

realtor ethics and honesty in all transactions and owe a fiduciary responsibility to both buyer and seller always.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “I believe that having an upscale "Tap Room" offering different selections of unique local craft beers & wines will give the community something that is different and unique than that of a typical bar or restaurant.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Irene's Tap Room

Liquor License Map - Irene's Tap Room

This item was recommended for approval.

20 Liquor License - Special Event - The Imperial Court of Arizona, Incorporated

Request for a Series 15 - Special Event liquor license for the temporary sale of all liquors.

Summary

Applicant

Mitchell Set

Location

1101 N. Central Ave.

Council District: 7

Function

Dinner

Date(s) - Time(s) / Expected Attendance

Dec. 16, 2017 - 6 p.m. to Midnight / 125 attendees

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

21 Liquor License - Deep Roots Brewing

Request for a liquor license. Arizona State License 03073116.

Summary

Applicant

Steven Eldridge, Agent

License Type

Series 3 - Microbrewery

Location

815 W. Madison St.

Zoning Classification: A-1 CMOD

Council District: 7

This request is for a new liquor license for a microbrewery. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in December 2017.

The 60-day limit for processing this application is Nov. 17, 2017.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license

in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"I am a responsible individual that has worked hard to earn every penny I've invested into this business and plan to see it become a pillar of the community. I want to run a family oriented establishment that frowns upon overindulging and mandates drinking responsibly. I will do everything in my power to ensure that our day to day practices conform with all local, state and federal regulations while providing exemplary customer services. Title 4 training will be individual competency and part of orientation."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"As a Native Arizonan I have a vested interest in the betterment of my community. As a Rotarian, I plan to continue to support local non-profits and be involved with my neighbors both residential and commercial. My entire business model is based on family history in the valley and my hope is that I can do more than serve people beer. I will be at the forefront of a positive beer movement where I will provide a one-of-a-kind customer experience all while serving the local community I grew up in."

Staff Recommendation

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

Attachments

Liquor License Data - Deep Roots Brewing
Liquor License Map - Deep Roots Brewing

Discussion

Councilman Nowakowski asked what types of uses were allowed with a microbrewery license.

Management Assistant II Denise Archibald replied a microbrewery could sell their manufactured beer on the premises for on- and off-site consumption. They could also sell and deliver their manufactured beer to licensed wholesalers as well as serve their beer for sampling. She added a microbrewery had to manufacture no less than 5,000 gallons and no more than 6,200,000 gallons per calendar year. She advised this microbrewery was requesting outdoor alcohol consumption for their use as well.

In further response to Councilman Nowakowski, Ms. Archibald confirmed this microbrewery could sell alcohol on the premises.

Steven Eldridge, owner of Deep Roots Brewing, conveyed he had looked at this property over a year ago so it had been a long process of obtaining use permits, variance for parking and talking with the local neighborhood associations. He understood his business would be liable for customer safety such as someone going to their car. The establishment would begin as a production facility which meant closed doors but it would eventually have a tasting room. Also, he partnered with a bar in the Roosevelt district that would sell his beer exclusively. In addition, his business had a private patio which related to outdoor alcohol consumption.

Councilman Nowakowski acknowledged he received letters of support from the Glendale Mayor and a Councilmember, a governing board member of the Madison School District and an individual from the Oakland Neighborhood Association. However, he also had calls opposed to this from the CASS shelter, the human service campus, St. Vincent de Paul and the Andre House that were stakeholders within walking distance from this facility. He was concerned because those stakeholders were trying to come up with a solution and services for homeless individuals in this area. Further, the City had invested in the PHX C.A.R.E.S. program

which also looked for solutions and services regarding homelessness. He was hesitant to have a brewery that could eventually serve alcohol in this area given the homeless problem and, therefore, did not think it was the right place. Moreover, he was concerned with parking and wondered if a solution had been found yet for that issue.

Mr. Eldridge replied he obtained variance approval for parking which was reduced to six spaces on the street in front of and around his property.

Councilman Nowakowski reiterated his concern about the parking situation due to safety of individuals walking at night. He thought this was a great business concept, especially in the Roosevelt and downtown areas; however, he did not think this was the right location for a liquor license. He emphasized there were enough liquor licenses surrounding this area so this liquor license would not serve the best interests of the community. In addition, he did not think the owner had spoken with the four stakeholders that were opposed to this liquor license.

Mr. Eldridge pointed out Councilman Nowakowski's office just reached out to him yesterday, noting he had more letters of support. Mr. Eldridge said he had not talked with St. Vincent de Paul or Andre House but did speak with the CASS shelter. The building he was looking to occupy had been vacant for over 40 years and he wanted to be part of change in this area. In fact, he donated his beer to non-profit organizations and wanted to use beer for a positive effect. He was willing to speak to whomever so he could open his business.

In response to Mayor Stanton, Ms. Archibald affirmed the 60-day deadline was November 17 but this item could be continued if the applicant signed a waiver; otherwise, staff would not recommend a continuance without the applicant's consent.

Councilman Nowakowski remarked his office contacted the applicant yesterday to request a continuance in order to meet with some of the stakeholders but the response was no.

Mr. Eldridge stated he was not aware of these concerns and did not know the reason for continuance at that time. He was already paying rent on the

building and was trying to expedite this matter as quickly as possible.

Vice Mayor Pastor suggested the applicant agree to a continuance and work with the stakeholders around the property to understand their concerns and possibly come to a compromise.

Mayor Stanton asked if the applicant was willing to accept a continuance on the record so the State Liquor Board process would not start and give him a chance to do better outreach with those neighbors who were active organizations within the City.

Mr. Eldridge agreed so long as he received a list and was provided some guidance.

Councilman Nowakowski offered to set up a meeting so the applicant could connect with these individuals.

In further response to Mayor Stanton, Ms. Archibald said staff needed the applicant to sign a form regarding the continuance.

Mayor Stanton confirmed the request was for a two-week continuance to which the applicant agreed and hoped things could be worked out.

A motion was made and seconded to continue this item to the Nov. 29, 2017 formal meeting.

Councilman Waring thought the applicant had made a good case and understood the urgency. He knew that Council was not the deciding body and wanted to know when the next hearing was at the state.

Ms. Archibald replied if this item was continued for two more weeks it would only impact this application being heard by the state another two weeks. She added once Council's recommendation was forwarded it took the state 15 days or less to issue an approved license.

Councilman Waring understood the issue was the serving of alcohol and not the making of it and thought the applicant was agreeable to just the brewing and not serving. He wondered if there was a way to add a

stipulation to the license.

Ms. Archibald answered the City could not stipulate on the privileges provided by the license type.

Dawn Eldridge submitted a comment card in favor, but did not wish to speak.

A motion was made by Vice Mayor Pastor, seconded by Councilman Nowakowski, that this item be continued to the Nov. 29, 2017 City Council Formal Meeting. The motion carried by voice vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

22 (CONTINUED FROM NOV. 1, 2017) - Liquor License - Bernice Love AMVETS Post #86

Request for a liquor license. Arizona State License 14073085.

Summary

Applicant

Theresa Morse, Agent

License Type

Series 14 - Club

Location

3805 S. 16th St.

Zoning Classification: C-3 RSIOD

Council District: 8

This request is for a new liquor license for a private club. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The sixty-day limit for processing this application was Oct. 24, 2017.

However, the applicant submitted a written request for more time.

Pursuant to A.R.S. 4-203, consideration should be given to the applicant's personal qualifications.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

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

I have the capability, reliability and qualifications to hold a liquor license because:

"I am a veteran and I am a law abiding citizen as well. I have worked approx. 9 yrs in public schools to assist our youth and I am proud to be a charter member of this organization so we can assist others in need within our community. There have been private clubs in south Phoenix which have not abided by the law. As a security officer with the high school I respect the law and that is why I have decided to be a charter member and Sgt of Arms at this private club."

Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police Department disapproval is based on concerns with the applicant's criminal history and possible hidden ownership. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license.

Attachments

Liquor License Police Department Recommendation - Bernice Love
AMVETS Post #86

A motion was made by Councilwoman Gallego, seconded by Vice Mayor Pastor, that this item be withdrawn. The motion carried by voice vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

ORDINANCES, RESOLUTIONS AND NEW BUSINESS

The Mayor requested a motion on the remaining agenda items. A motion was made, as appears below.

Note: Speaker comment cards were submitted for the following items, with no one wishing to speak:

James Kuykendall - in favor, Item 83

Logan Elra - opposed, Item 89

Donna Reiner - in favor of upholding HP decision, Item 89

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that Items 23 through 93 be approved or adopted, except Items 27, 35, 38-39, 42, 45-47, 50, 52, 54, 74, 79-81, 86-88 and 90-93; continuing Items 44 and 89 to Nov. 29, 2017; and noting that Item 43 is withdrawn. The motion carried by the following vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

23 Honeywell International, Inc., doing business as Honeywell Building Solutions

For \$11,000.00 in additional payment authority for Contract 135864 to upgrade hardware for the Honeywell Fire Alarm Enterprise Building Integrator (EBI) and its operating system at Sky Harbor International Airport. The current operating system and hardware are incompatible with

the new server's processing power and speed. This upgrade is imperative to the Phoenix Sky Harbor International Airport's Communication Center dispatch staff and fire alarm maintenance personnel during emergency situations.

This item was adopted.

24 Pioneer Distributing Co., Inc.

For \$140,000.00 in additional payment authority to add the Aviation Department to the Public Works Department's petroleum products Contract 141008 with Pioneer Distributing, Inc. The contract is utilized for the preventative maintenance of City-owned vehicles and equipment, for the Aviation Department to include Phoenix Sky Harbor International Airport, Goodyear Airport and Deer Valley Airport. Products purchased through this contract consist of full synthetic engine oil, diesel engine motor oil, transmission fluid, hydraulic fluid, grease and diesel exhaust fluid utilized to maintain fleet vehicles and equipment.

This item was adopted.

25 City of Goodyear

For \$104,659.00 in payment authority for Phoenix Goodyear Airport annual water utility charges to be paid to the City of Goodyear from Sept. 1, 2017 through June 30, 2018, as provided in the Goodyear Airport's annual operating budget.

This item was adopted.

26 Phoenix Newspapers, doing business as The Arizona Republic

For \$10,238.28 in payment authority for required advertisements for the City Clerk, Aviation, Community and Economic Development, Housing, Information Technology Services, Law, Neighborhood Services, Parks and Recreation, Phoenix Convention Center, Planning and Development, Public Works and Street Transportation departments. Advertisements are placed by departments to provide notice to the public and to satisfy legal requirements.

This item was adopted.

28 Settlement of Claim *Hamell v. City of Phoenix*

To make payment of \$350,000.00 in settlement of claim, *Hamell v. City of Phoenix*, Maricopa County Superior Court, Case CV2016-009917,

15-0791-001, GL BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

29 Surveyors Source, LLC

For \$55,000.00 in payment authority to purchase GPS equipment for the Police Department's Vehicular Crimes Unit. GPS units allow for accurate mapping of large scenes that would be outside of the scope of Sokkia systems capabilities which requires line of sight.

This item was adopted.

30 Gabriel, Roeder, Smith & Company

For \$80,000.00 in additional payment authority for Contract 144725-0 for actuarial services for the Finance Department. The actuarial services include work associated with Other Post-Employment Benefits and Compensated Absences as required by Governmental Accounting Standards 16, 74 and 75, in addition to other special studies related to pension costs for FY 2017 and 2018.

This item was adopted.

31 Various Vendors for Parking Lot Striping Services

For \$100,000.00 in additional payment authority to add the Phoenix Convention Center Department (PCCD) to the Public Works Department's parking lot striping services contracts. Services are required in PCCD parking facilities of different sizes, with various numbers of entrances and surface conditions. Well-striped parking facilities direct clients, customers, and visitors safely around parking areas and ensure the ability to maximize parking spaces, efficient vehicle flow through parking facilities and provide Americans with Disabilities Act (ADA) compliance. Parking lot striping services include: the provision of ADA signage, directional traffic flow signage and markings, parking space identification and parking bollard posts. Adding \$100,000.00 increases the aggregate amount of the contracts to \$225,000.00.

Swaine Asphalt Corp., Contract 144399

Stormwater Plans, LLC, dba SWP Contracting & Paving, Contract 144398

Hitt Concrete & Site Construction, Inc., Contract 144396

This item was adopted.

32 Arizona Blue Stake, Inc., doing business as Arizona 811

For \$10,000.00 in additional payment authority for Contract 134365, through Dec. 31, 2018, for annual membership payment to continue to locate and mark City underground facilities prior to disturbance of earth surface. The Public Transit Department's membership is required by State law.

This item was adopted.

33 Western Environmental Equipment Co.

For \$19,470.00 in payment authority to purchase a wireless pole camera and accessories for the Water Services Department. The camera is used to inspect and assess sewer and stormwater pipe conditions through manholes. Storm sewer system assessments are used to determine the need for scheduled storm water system preventative maintenance, cleaning, or repair, and to meet requirements for Arizona Department of Environmental Quality regulatory permitting.

This item was adopted.

34 LSI Scales, LLC, doing business as Town and Country Scales

For \$11,501.00 in payment authority for a new contract, commencing on Feb. 1, 2018, for a term of seven years, for calibration of balances, for the Water Services Department (WSD). The performance period will be three years with two additional two-year contract extensions. In order to maintain compliance with the Arizona Department of Health Services and the National Environmental Accreditation Conference requirements, preventive maintenance and calibration services are needed for all of the balances located in all WSD laboratories. The Water Services Department must have a certificate for each balance identifying traceability to a national or international measurement standard body such as the National Institute of Standards and Technology or to ISO 17025 Standard.

This item was adopted.

36 Electrical Services for Aviation, Public Transit and Phoenix Convention Center - Requirements Contract IFB 11-135A (Ordinance S-44039)

Request to authorize the City Manager, or his designee, to extend contracts 131554, 131556 and 131558 with Commonwealth Electric Company, H&B Electric Inc., and Wilson Electric Services Corp., to provide electrical services to the Aviation, Public Transit, and Phoenix Convention Center departments. Further request authorization for the City Controller to disburse all funds related to this item. An additional amount of \$437,500 is needed, and the revised aggregate value will not exceed \$2,173,500.

Summary

This contract provides labor, materials, supplies, equipment, and transportation necessary to perform electrical services at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, Phoenix Goodyear Airport, Public Transit Department facilities, and the Phoenix Convention Center, on an as-needed basis. Additional time is needed to review citywide needs in an effort to conduct a single strategic procurement for all City departments' various electrical needs, in order to increase value and efficiency through aggregation of similar services.

Contract Term

This one-year extension will continue these contracts through Dec. 31, 2018.

Financial Impact

An additional amount of \$437,500 is needed, and the revised aggregate value will not exceed \$2,173,500. Funds are available in various departments' budgets.

Concurrence/Previous Council Action

These contracts are a result of IFB 11-135, awarded on July 6, 2011.

Location

Phoenix Sky Harbor International Airport, located at 3400 E. Sky Harbor Blvd., and surrounding airport properties; Deer Valley Airport, located at 702 W. Deer Valley Road; and Goodyear Airport, located at 1658 S. Litchfield Road, Goodyear, Arizona. Phoenix Convention Center & Venues at 100 N. 3rd St.

Council Districts: 1, 7, 8 and Out of City

This item was adopted.

37 Authorization to Utilize State of Arizona's Eligible Training Provider List (ETPL) (Ordinance S-44043)

Request to authorize the City Manager, or his designee, to utilize the State of Arizona's Eligible Training Provider List (ETPL). The various vendors will provide training, testing and certification services, as well as any required supplies or equipment to eligible adults and youth participating in the City's business and workforce development programs funded by the United States Department of Labor under the Workforce Innovation and Opportunity Act (WIOA). Further request authorization for the City Controller to disburse all funds related to this item. Payment authority is in the amount of \$2,349,441 through June 30, 2018. No General Funds are required; funding is provided by WIOA Grant Funds.

Summary

This service supports participants in need of training services to enhance their job readiness or career pathway. The types of vendors may include: post-secondary education institutions; registered apprenticeship programs; other public or private providers of training; local workforce boards; and community based organizations or private organizations. The various vendors have gone through an application and vetting process through the Arizona Department of Economic Security Workforce program.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance in which the WIOA grant funds require use of the State of Arizona's ETPL.

WIOA mandates individual states to maintain an ETPL of vendors approved to provide training to individuals eligible to receive federal funds and mandates local workforce boards like the City to allow WIOA participants to choose among these vendors for training services. The ETPL and the related eligibility procedures ensure the accountability, quality, and labor-market relevance of training services provided to eligible WIOA participants. By allowing participants to receive training from ETPL vendors, the City is complying with the terms of its WIOA grant and providing unemployed or underemployed adults and youth

access to services that will improve their economic prospects. The State of Arizona's ETPL includes approximately 300 training providers.

Financial Impact

Payment authority is in the amount of \$2,349,441 through June 30, 2018. No General Funds are required; funding is provided by WIOA Grant Funds.

This item was adopted.

40 SAP Programming Support Services (Ordinance S-44051)

Request to authorize the City Manager, or his designee, to extend Contract 142135 with Envision, LLC through Oct. 31, 2020, and to add additional expenditures in an amount of \$1,622,400 for SAP programming support services. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The primary function of this contract is to provide technical support services for business functions of the SAP system. The City utilizes the SAP system for critical financial accounting and reporting, procurement, accounts payables and receivables, business warehouse reporting, work order management, inventory management, and plant maintenance. Due to the required highly specialized programming skills, contract services are necessary to support the SAP system, which includes more than 3,000 users and interfaces with various City systems. This expenditure is necessary to provide staff augmentation for the programming of work processes and reporting applications within SAP, which will also provide expertise in advancing the role of data analytics to further enhance and optimize financial transparency for the City.

Contract Term

This contract was awarded in November 2015, utilizing the Information Technology Professional Services Qualified Vendor List with an initial term through Oct. 31, 2016, with two one-year option periods to extend. This request will extend the contract until Oct. 31, 2020.

Financial Impact

With the \$1,622,400 in additional funds, the contract's revised aggregate value is now \$2,497,400, with new estimated annual expenditures of

\$540,800. Funds are available in the Finance Department's operating budget related to SAP system support.

Concurrence/Previous Council Action

This contract was approved by City Council on Oct. 28, 2015.

This item was adopted.

41 Acceptance and Dedication of an Easement for Drainage Purposes (Ordinance S-44062)

Request for the City Council to accept and dedicate an easement for drainage purposes; further ordering the ordinance recorded.

Summary

Accepting and dedicating the property interests below will meet the Planning and Development Department's Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

Easement (a)

Applicant: Shree Hospitality, LLC, its successor and assigns

Purpose: Drainage

Location: 2118 W. Whispering Wind Drive

File: FN170093

Council District: 1

This item was adopted.

43 Operation and Maintenance of the Central City Addiction Recovery Center (CCARC) (Ordinance S-44058)

Request to authorize the City Manager, or his designee, to enter into a contract with Mercy Maricopa Integrated Care (MMIC) to provide for the operation and maintenance of the Central City Addiction Recovery Center (CCARC) in an amount not exceed \$200,000 annually, or \$2 million over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contract.

Summary

The City has an Intergovernmental Agreement (IGA) with the Arizona State Department of Health Services (ADHS) for the construction, operation, and maintenance of the CCARC (formerly known as Local Alcohol Reception Center or LARC) on the grounds of the Arizona State Hospital. The IGA expires on Dec. 15, 2017. The City constructed the

facility which houses CCARC. The City maintains the ownership of the facility and the right to continue to use it for CCARC after the IGA expires.

The CCARC serves the community of Phoenix and combines medical and behavioral interventions to address a patient's psychiatric and substance abuse issues. CCARC provides Methadone detox services and substance abuse treatment, which includes day treatment, partial hospitalization, inpatient detox, and hospital inpatient treatment services.

Three years ago, MMIC was competitively selected and entered into a contract with the State of Arizona for the delivery of mental health services in Maricopa County. The contract includes provision of local alcoholism reception center services as described in Arizona Revised Statutes title 36, chapter 18, article 2. As a result, MMIC is the sole source for the Regional Behavioral Health Authority and no other entities can be solicited for proposals for this service. MMIC has contracted with Community Bridges, Inc., to be CCARC's service provider.

Procurement Information

In accordance with City of Phoenix Administrative Regulation 3.10, a Sole Source Determination was processed and approved for this contract as the the operation and maintenance of CCARC requires a specific vendor due to the State of Arizona contract with MMIC.

Contract Term

The initial term of this contract is five years, beginning on Jan. 1, 2018 through Dec. 31, 2022, with one, five-year option to extend.

Financial Impact

The contract amount will not exceed \$200,000 annually or \$2 million over the life of the contract. General funds to support this contract are available in the Human Services Department budget.

This item was withdrawn.

44 2018-19 Request for Proposals - Community Development Block Grant Public Services and Public Facilities (Ordinance S-44044)

This report requests City Council approval of the Community

Development Block Grant (CDBG) Public Services and Public Facilities Request for Proposals (RFP) process and proposed priorities for the Public Services and Public Facilities program.

Summary

The CDBG RFP for the Public Services and Public Facilities program, an important element of the U.S. Department of Housing and Urban Development (HUD) required Annual Action (AA) Plan, provides nonprofits that serve low- and moderate-income communities in Phoenix with funding to implement facility improvements or to offer critical services and programs.

The AA Plan process began on Aug. 30, 2017, with HUD-required public hearings to assess community needs across the City of Phoenix. Residents and neighborhood leaders provided testimony regarding a number of critical issues including housing, social services, neighborhood revitalization, and community development. Residents who were unable to attend the public hearings have the opportunity to submit comments via email or voicemail. This input, along with a needs assessment, will form the basis for the 2018-19 AA Plan.

Staff proposes Public Services and Public Facilities program priorities based on feedback received and the AA Plan process. Public Service priorities for the 2018-2019 Request for Proposal are based on the community's comments during community outreach activities and identified need by the local nonprofits who serve low- and moderate-income Phoenix residents. Last year, Public Services Request for Proposals programs serving Low Income Youth, Seniors, and Persons with Disabilities totaled \$1.6 million of \$2.1 million of requests for Public Services.

In recent years, approximately \$300,000 has been available in the RFP process for Public Facilities, and approximately \$650,000 for Public Services. One Public Services priority previously approved by City Council for \$150,000 per year for five years was allocated to provide wraparound services for victim of human trafficking at Phoenix Starfish Place. Approximately \$500,000 remains available for this year's Public Services RFP process.

Procurement Information

The 2018-2019 RFP proposed priorities are as follows:

Public Services

Low Income Youth Services

Support Services to Persons with Disabilities

Senior Support Services

Of the estimated \$500,000 available for the Public Services RFP process, approximately \$250,000 was proposed as a set-aside for two additional Navigator teams of two to assist homeless individuals by the Sustainability, Housing, Efficiency, and Neighborhoods subcommittee. Staff estimates approximately \$250,000 remaining to be allocated to the Public Services portion of the RFP. However, the total will be based on the CDBG funds allocated to the City of Phoenix and further City Council actions, including the 2018-19 Annual Action Plan in the spring.

Public Facilities

Acquisition, construction, rehabilitation, and Americans with Disabilities Act (ADA) modifications to public facilities, such as senior and youth centers, neighborhood facilities, and childcare buildings.

Staff estimates approximately \$300,000 to be allocated to Public Facilities.

The City Council will be asked to review and approve the Community Development Block Grant Public Services and Public Facilities RFP allocations in the spring of 2018.

Public Outreach

Public meetings required by the U.S. Department of Housing and Urban Development were held on Aug. 30, 2017 to receive community input and feedback. Residents who were unable to attend the public hearing have the opportunity to submit comments via email or voicemail.

Concurrence/Previous Council Action

This item was recommended by the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Oct. 17, 2017, by a vote of 3-0

with approximately \$250,000 of the \$500,000 available for Public Services to be set-aside for two additional Navigator teams of two to assist homeless individuals.

This item was continued to the Nov. 29, 2017 City Council Formal Meeting.

48 Extend Contract with Active Network, LLC for Recreation Management System (Ordinance S-44041)

Request authorization for the City Manager, or his designee, to extend Contract 130050 with Active Network, LLC on a month-to-month basis, for up 12 months, to allow continuity of service while negotiating a new recreation management system contract.

Summary

Active Network, LLC (Active Net) provides the City with a hosted recreation management software product that allows online recreation program registration, facility rental and on-site point of sale. It tracks memberships, generates reports and processes fee payments. It is a critical system to manage the Parks and Recreation Department, facilitating the payment of an average of \$4 million annually for fee-based recreation programs and facility rentals.

The revenue the City receives pays for the recreation programs offered by the Parks and Recreation Department. This software product is a transaction-based model in which Active Net assumes the responsibility for collecting revenues and meeting Payment Card Industry (PCI) standards for credit card payments, and remits the revenue to the City. There are no General Fund expenditures required to purchase or maintain the Active Net recreation management system. The current contract with Active Net expires on Nov. 23, 2017.

A recent Request for Proposals (RFP) process has caused a delay in the implementation of a new recreation management system contract. An extension of the contract with Active Net will allow the Parks and Recreation Department to maintain customer service to the public while staff negotiates a new contract.

Procurement Information

An RFP process was conducted October through December of 2016. On March 1, 2017, City Council awarded the contract to Rec 1, the highest-scored proposer. On July 13, 2017, Rec 1 withdrew from contract negotiations. Staff subsequently began discussions with the second-highest-scored proposer. The extension will allow negotiations to continue without interruption of service to the public.

Contract Term

The contract with Active Net shall be extended on a month-to-month basis, for up to 12 months, beginning on or about Nov. 24, 2017.

Financial Impact

The current recreation management contract generates an average of \$4 million annually through fee-based recreation programs and facility rentals. Active Net collects this revenue and remits it to the City twice monthly. There is no impact to the City's General Fund.

Concurrence/Previous Council Action

On March 1, 2017, City Council awarded the contract to the highest-scored proposer, Rec 1.

This item was adopted.

49 Arizona Game and Fish 2017 Heritage Fund Grant Application (Ordinance S-44070)

Request retroactive authorization for the City Manager, or his designee, to apply for and, if awarded, accept and enter into agreements for up to \$33,000 in 2017 Heritage Fund grants funds from the Arizona Game and Fish Department to accommodate access by the disability and functional needs community to the community fishing ponds at Papago Park. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, any grant monies awarded. If this request is not granted, the Parks and Recreation Department will decline to accept any grant monies awarded.

Summary

The Parks and Recreation Department is seeking to apply for a 2017 Heritage Fund Grant in the amount of \$33,000 from the Arizona Game and Fish Department (AGFD). If awarded, the funds will be used for the purchase and delivery of a fishing dock to be installed at Papago Park.

This project would benefit the disability and functional needs community by providing access to community fishing ponds at Papago Park. The park is home to three scenic fishing ponds, which AGFD stocks with fish on a biweekly basis between the months of September and June. Currently, the fishing ponds have gravel banks and are not readily accessible to all members of the community.

If awarded, the Parks and Recreation Department would partner with volunteers from The Mission Continues and Park Stewards to assemble and install the dock and construct an ADA-approved walkway to the dock. Other nonprofit supporters include Daring Adventures, Hope for Trauma and We're MOVING FORWARD! These groups provide recreational opportunities for members of the disability and functional needs community and their support is invaluable.

The Heritage Fund was created in 1990 and is funded through Arizona Lottery ticket sales. Heritage funding goes toward conservation efforts such as protecting endangered species; educating students and the general public about wildlife and the outdoors; and creating new opportunities for outdoor recreation. The grant program was established by AGFD in 1992 as part of the overall Heritage Fund program. Since the grant program's inception, AGFD has awarded over \$16 million and supported more than 800 projects.

Financial Impact

The requested grant amount of \$33,000 includes product, delivery and site-preparation costs for installation of a dock at Papago Park.

Concurrence/Previous Council Action

This item was recommended for approval at the Parks, Arts, Education and Equality Subcommittee meeting on Sept. 27, 2017, by a vote of 4-0.

Location

Papago Park: 625 N. Galvin Parkway
Council District: 6

This item was adopted.

51 Authorization to Enter Into Agreement for ATM Services

(Ordinance S-44054)

Request to authorize the City Manager, or his designee, to enter into a contract with Eclipse Cash Systems, or its City-approved designee, for ATM Services for the Phoenix Convention Center Department (PCCD). Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

Contractor shall provide exclusive professional services for the installation, implementation, service and maintenance of Automated Teller Machines (ATMs) systems and services at the Phoenix Convention Center. Contractor shall be responsible for delivery, pick-up, set-up, servicing, maintenance and repair and all potential costs associated with the machines (capital, operational, or otherwise) for both long-term fixed locations and temporary "on-demand" services.

Procurement Information

In July 2017 PCCD issued Request for Proposals (RFP) 18-006 for ATM Services. The procurement was conducted in accordance with Administrative Regulation 3.10. An optional Pre-Offer Conference was held Aug. 29, 2017. PCCD received proposals from the following two firms: Eclipse Cash Systems and Prineta ATM Services. The evaluation panel consisted of PCCD staff along with panel members from the Housing, Community and Economic Development, Parks & Recreation and Aviation departments.

The technical evaluation was based on criteria in the RFP. Points assigned to each criteria totaled 1,000 and included: Experience (300 points), Financial Strength (250 points), Revenue Sharing (250 points), Operations Plan (150 points) and Overall Responsiveness (50 points).

The panel awarded the following scores and decided that interviews were not necessary:

1. Eclipse Cash Systems - 935 points
2. Prineta ATM Services - 380 points

Contract Term

The initial contract term is for a three-year period, commencing on or

about Jan. 16, 2018, with two one-year options, to be exercised at the City's sole discretion.

Financial Impact

This is a revenue contract expected to generate an estimated \$7,000 per year.

Location

Phoenix Convention Center, 100 N. Third St. and other PCCD venues in downtown Phoenix.

Council Districts: 7 & 8

This item was adopted.

53 Request to Apply for and Accept First Quarter 2018 Firehouse Subs Public Safety Foundation Grant (Ordinance S-44068)

Request authorization for the City Manager, or his designee, to apply for and accept a value not to exceed \$30,000 in a grant award from the Firehouse Subs Public Safety Foundation Grant Program for three Multi-Force Forcible Entry Door Props.

Summary

The purpose of the Firehouse Subs Public Safety Foundation Grant Program is to provide life-saving equipment and other needed resources to first responders and public safety organizations. The Fire Department is applying to Firehouse Subs for three forcible entry door props for use at the Training Academy.

Forcible entry door props are essential items for training firefighters on the use of hand tools and proper techniques needed to breach metal and security doors to enter buildings. The portability of the door props will also allow them to be transported to other training sites for crews to use during hands-on exercises. If awarded, the Firehouse Subs Foundation would purchase and provide the equipment to the Fire Department. The grant program does not require a matching contribution from awardees.

Contract Term

There is no contract term or period of performance.

Financial Impact

If awarded, the Fire Department will receive the equipment from the Firehouse Subs Foundation. Any necessary maintenance or repair costs will be funded through the Fire Department's operating budget.

Location

The Fire Department Training Academy is located at 2425 W. Lower Buckeye Road.

Council District: 7

This item was adopted.

55 Request to Issue RFP for Security Guard Services

Request to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) for security guard services at Phoenix Sky Harbor International Airport (PHX), Deer Valley Airport and Goodyear Airport (Airports) and their owned and maintained facilities.

Summary

The security guard services contracts provide licensed, unarmed, uniformed security guards, equipment, supplies, and supervision as necessary to provide high quality security services on an as-needed basis at the Airport. PHX is regulated by the Transportation Security Administration under the pertinent portions of Title 49 of the Code of Federal Regulations (C.F.R.), Parts 1500 through 1699.

Through the RFP, the Aviation Department will create up to three contracting opportunities as listed below. Each contract shall be for a term not to exceed five years. The minimum requirements listed below will allow interested parties from a variety of security backgrounds to propose on these contract opportunities.

1. Non-Regulatory: Reserved for small businesses with gross receipts of less than \$20.5 million over the past three years, a minimum of two years of experience within the last five years, and a staff of 60 or fewer full-time security guards.

2. Regulatory (External): Minimum of three years within the last 10 years of security guard experience at a 49 C.F.R. Part 1542 regulated airport or other federally-regulated facility, and a staff of 60 or more full-time security guards.

3. Regulatory (Internal): Minimum of three years within the last 10 years of security guard experience at a 49 C.F.R. Part 1542 regulated airport or other federally-regulated facility, and a staff of 60 or more full-time security guards.

Procurement Information

The proposed evaluation criteria with the corresponding points (up to 1,000 total) are as follows:

Business and Operation and Method of Approach to Scope of Work: 300 points

Company Qualifications and Experience: 200 points

General Manager Qualifications and Experience: 200 points

Pricing: 200 points

References: 100 points

It is anticipated this RFP will be issued immediately after City Council approval.

Concurrence/Previous Council Action

This item was recommended for approval at the Downtown, Aviation, Economy and Innovation Subcommittee meeting on Nov. 1, 2017 by a vote of 3-0.

Public Outreach

A Security Guard (Non-Regulatory) 101 Workshop will be conducted shortly after the RFP is issued.

Location

The service locations under this RFP include Phoenix Sky Harbor International Airport, located at 3400 E. Sky Harbor Blvd.; Deer Valley Airport, located at 702 W. Deer Valley Road; and Goodyear Airport, located at 1658 S. Litchfield Road, Goodyear, Arizona.

Council Districts: 1, 8 and Out of City

This item was approved.

56 Extend Clean Energy Lease and Fuel Purchase Agreement

(Ordinance S-44055)

Request to authorize the City Manager, or his designee, to amend Airport Agreement 114156 with Clean Energy to extend the term of the Natural Gas Vehicle Fueling Facility Lease and Gas Purchase Agreement and Fuel Dispensing Permit, and to relocate facility infrastructure. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item. The City will pay Clean Energy a not-to-exceed amount of \$670,000 reimbursement for infrastructure relocation. Clean Energy will continue to pay land lease as specified in the agreement.

Summary

In 2004, the Aviation Department entered into Agreement 114156 with Clean Energy to lease land to develop natural gas fueling facilities and to provide natural gas fuel to Aviation's bus fleet. The bus fleet provides passenger service between the Rental Car Center and airport terminals, and provides contingency service during special events and irregular operations. The Aviation Department is granted a preferential fuel rate, which saves the Department approximately \$50,000 per month on natural gas purchasing.

The facility also provides public access to natural gas. Clean Energy pays the City a fuel flowage fee for all fuel dispensed to non-City vehicles. The fuel flowage fee is \$0.10 per gas gallon equivalent. In 2016, the total paid to the City for public natural gas dispensed was \$35,912.

Stage 2 of the Phoenix Sky Train extends the train guideway west from Terminal 3 to the Rental Car Center (RCC), and, upon completion, will replace the busses as the primary means of transport between terminals and RCC. The Sky Train extension is under construction and is projected to be complete in late 2021. In order to maintain bus service through the completion of the Sky Train extension, Aviation requests to extend the Clean Energy agreement four years, with two, one-year extension options to be exercised at the sole discretion of the Aviation Director, to allow contingency for construction.

In addition, the path of the guideway extension requires that a portion of

the RCC Fuel Facility infrastructure be relocated. Under the current agreement, the City reserves the right of relocation, if in its sole discretion it determines the premises are needed for other purposes. The estimated cost to move the infrastructure is \$670,000, not including taxes, utilities, or permitting fees. To accommodate the move, Aviation requests to reimburse Clean Energy a not-to-exceed amount of \$670,000. Clean Energy will be responsible for any additional costs.

Procurement Information

This amendment is requested because it is impractical to compete, as the term of the agreement is not long enough to allow a new vendor to amortize an investment in new natural gas fuel facilities.

Contract Term

This amendment will extend the term of the agreement four years, with two, one-year extension options to be exercised at the sole discretion of the Aviation Director.

Financial Impact

The City will pay Clean Energy a not-to-exceed amount of \$670,000 reimbursement for infrastructure relocation. Clean Energy will continue to pay land lease as specified in the agreement, totaling approximately \$26,680 per year, and \$0.10 per gas gallon equivalent fuel flowage fee, which totalled \$35,912 in calendar year 2016. The preferential fuel rate to the Aviation Department will remain unchanged. Funding is available in the Aviation Capital Improvement Program budget.

Concurrence/Previous Council Action

This agreement was approved by Phoenix City Council on Sept. 8, 2004.

The Downtown, Aviation, Economy and Innovation Subcommittee heard this item on Nov. 1, 2017 and recommended approval by a vote of 3-0.

Location

3400 E. Sky Harbor Blvd, Phoenix Sky Harbor International Airport
Council District: 8

This item was adopted.

**57 Deer Valley Airport - DVT Aviation Park, LLC - Ground Lease
(Ordinance S-44059)**

Request to authorize the City Manager, or his designee, to enter into a new 30-year ground lease (Lease) with DVT Aviation Park, LLC (DVTAP) at Deer Valley Airport.

Summary

DVTAP will invest approximately \$11 million to construct five corporate aircraft storage hangars consisting of approximately 70,000 square feet of hangar and office space. The leasehold premises will be approximately 217,800 square feet following completion of the hangar improvements by DVTAP. As-built drawings will be received, and a legal survey will be completed. In the event the square footage is reduced, the rent will be adjusted to reflect the change, and DVTAP will be credited from the rent commencement date for the difference. In the event the square footage increases, DVTAP will pay to the City the difference from the rent commencement date.

Contract Term

The lease term will be for 30 years with no options to extend. If the premises are needed for airport expansion purposes, the City will provide Lessee at least 12 months' prior written notice to terminate the Lease and will buy out the initial unamortized investment.

Financial Impact

The ground rental rate will be \$0.54 per square foot per year, plus applicable tax, adjusted annually by the Consumer Price Index (CPI) for Phoenix-Mesa. Rent will commence 18 months after the lease effective date or upon beneficial occupancy of the improvements, whichever occurs first.

Concurrence/Previous Council Action

This item was recommended for approval by the Downtown, Aviation, Economy and Innovation Subcommittee on Nov. 1, 2017, by a vote of 3-0.

Location

Phoenix Deer Valley Airport is located at 702 W. Deer Valley Road.

Council District: 1

This item was adopted.

58 Acquisition of Real Property for a Public Transit Pad and Shelter Improvement Project at 16th Street and Van Buren Street (Ordinance S-44053)

Request to authorize the City Manager, or his designee, to acquire all property rights required for a Public Transit project by donation, within the City's appraised value, or by the power of eminent domain, and to dedicate land with roadway improvements to public use for right of way purposes. Further request authorization to provide relocation assistance and benefits as federally mandated, and to execute agreements to allow occupants time to relocate, as may be necessary to and in furtherance of this acquisition. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

Public Transit improvements at the intersection of 16th Street and Van Buren Street are required to accommodate an average of 70 bus boarding's per day, traveling southbound on 16th Street. Proposed improvements include an Americans with Disabilities Act (ADA) compliant bus pad and shelter. The acquisition impacts property located at 210 N. 16th St., identified by Maricopa County assessor parcel number 116-46-025.

Financial Impact

The project is funded with Transportation 2050 funds, available in the Public Transit Department's Capital Improvement Program budget.

Location

210 N. 16th St.

Council District: 8

This item was adopted.

59 Recycling of Electronics Contract Recommendation - IFB 18-SW-011 (Ordinance S-44042)

Request to authorize the City Manager, or his designee, to enter into a contract with eGreen-IT Solutions, LLC, to provide recycling of

electronics collected from the public at the City's transfer stations and Household Hazardous Waste events. Authorization is also requested in an amount not to exceed \$1,500,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This contract will provide the recycling of electronics collected from the public at the City's transfer stations and Household Hazardous Waste events in order to divert as much material as possible from entering the landfill. The contractor is responsible for managing all aspects of recycling electronics collected at the City's transfer stations and Household Hazardous Waste events.

Procurement Information

An Invitation for Bid (IFB) 18-SW-011 solicitation was conducted in accordance with Administrative Regulation 3.10. Two offers were received by the City on Aug. 30, 2017. The offers were evaluated based on responsiveness to all specifications, terms and conditions, and lowest bid. The offers for Cathode Ray Tube (CRT) containing devices per pound are as follows:

eGreen-IT Solutions, LLC:	\$0.48
Republic Services, Inc.:	\$1.08

Contract Term

The initial three year contract term will begin on or about Nov. 1, 2017, and end on Oct. 31, 2020. Provisions of the contract may include an option to extend the term up to two years, in increments of up to one year, which may be exercised by the City Manager or designee.

Financial Impact

The aggregate contract value will not exceed \$1,500,000 with an estimated annual expenditure of \$300,000. Funds are available in the Public Works Department's budget.

This item was adopted.

60 Water Main Replacement: Area Bounded By Camelback Road to Missouri Avenue and 12th Street to 16th Street - Construction

Manager at Risk Design Phase Services - WS85509015 (Ordinance S-44045)

Request to authorize the City Manager, or his designee, to enter into an agreement with TALIS Construction Corporation to provide Construction Manager at Risk (CMAR) Design Phase Services in support of a water main replacement project in the area bounded by Camelback Road to Missouri Avenue and 12th Street to 16th Street. Further request authorization for the City Controller to disburse all funds related to this item. The fee will not exceed \$10,000, including all subconsultant, subcontractor, and reimbursable costs.

Summary

The Water Services Department replaces aging water mains within the City of Phoenix. The program focus is on water mains in alleys and easements which historically have high break rates and are difficult to repair. Work typically includes installing new 2-inch to 12-inch water mains, plugging abandoned mains, and installing or relocating fire hydrants. Coordination with City staff and plumbing contractors regarding relocation of water services also may be required.

TALIS Construction Corporation will begin in an agency support role for the design phase service and then hold the construction contract with the City for construction of the project. Services during the CMAR design phase include: reviewing design plans and specifications; developing cost models through detailed cost estimating and knowledge of marketplace conditions; advising the City on ways to gain efficiencies in project delivery; project planning and scheduling; construction phasing and scheduling that will minimize interruption to the City; alternate systems evaluation and constructability studies; advising the City on ways to gain efficiencies in project delivery; long-lead procurement studies and initiating procurement of long-lead items; assisting in permitting processes; and protecting the owner's sensitivity to quality, safety, and environmental factors. A small business enterprise goal will be established for this project prior to the start of construction.

Procurement Information

TALIS Construction Corporation was chosen for this project using a qualifications-based selection process according to section 34-603 of

the Arizona Revised Statutes (A.R.S.). Pursuant to A.R.S. title 34, the City is not to release the scoring of proposals until a contract has been awarded. The top three rankings follow:

TALIS Construction Corporation: Ranked #1

J. Wise Corporation: Ranked #2

Haydon Building Corp.: Ranked #3

Contract Term

The term for services is expected to be nine months after issuance of the Notice to Proceed. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties and work may extend past the termination of the contract. No additional contract work scope may be executed after the end of the contract term.

Financial Impact

TALIS Construction Corporation's fee will not exceed \$10,000, including all subconsultant, subcontractor, and reimbursable costs. Funding for these services is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination.

Location

This project is located in the area bounded by Camelback Road to Missouri Avenue and 12th Street to 16th Street.

Council District: 6

This item was adopted.

61 Water Main Replacement: Area Bounded By Camelback Road from 26th to 40th Streets, 36th Street from Campbell Avenue to Colter Street, and 40th Street from Hazelwood Street to Camelback Road - Construction Manager at Risk Design Phase Services (Ordinance S-44046)

Request to authorize the City Manager, or his designee, to enter into an agreement with CSW Contractors, Inc., to provide Construction Manager at Risk (CMAR) Design Phase Services in support of a water main

replacement project in the area bounded by Camelback Road from 26th to 40th Streets, 36th Street from Campbell Avenue to Colter Street, and 40th Street from Hazelwood Street to Camelback Road. CSW Contractors, Inc.'s fee will not exceed \$10,000, including all subconsultant, subcontractor, and reimbursable costs. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Water Services Department replaces aging water mains within the City of Phoenix. The program focus is on water mains in alleys and easements which historically have high break rates and are difficult to repair. Work typically includes installing new 2-inch to 12-inch water mains, plugging abandoned mains, and installing or relocating fire hydrants. Coordination with City staff and plumbing contractors regarding relocation of water services also may be required.

CSW Contractors, Inc., will begin in an agency support role for the design phase service and then hold the construction contract with the City for construction of the project. Services during the CMAR design phase include: reviewing design plans and specifications; developing cost models through detailed cost estimating and knowledge of marketplace conditions; advising the City on ways to gain efficiencies in project delivery; project planning and scheduling; construction phasing and scheduling that will minimize interruption to the City; alternate systems evaluation and constructability studies; advising the City on ways to gain efficiencies in project delivery; long-lead procurement studies and initiating procurement of long-lead items; assisting in permitting processes; and protecting the owner's sensitivity to quality, safety, and environmental factors. A small business enterprise goal will be established for this project prior to the start of construction.

Procurement Information

CSW Contractors, Inc., was chosen for this project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes (A.R.S.). Pursuant to A.R.S. title 34, the City is not to release the scoring of proposals until a contract has been awarded. The top three rankings follow:

CSW Contractors, Inc.: Ranked #1

TALIS Construction Corporation: Ranked #2

Pulice Construction, Inc.: Ranked #3

Contract Term

The term for services is expected to be 12 months after issuance of the Notice to Proceed. Contract work scope identified and incorporated into the contract prior to the end of the contract term may be agreed to by the parties and work may extend past the termination of the contract. No additional contract work scope may be executed after the end of the contract term.

Financial Impact

CSW Contractors, Inc.'s fee will not exceed \$10,000, including all subconsultant, subcontractor, and reimbursable costs. Funding for these services is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination.

Location

This project is in the area bounded by Camelback Road from 26th to 40th Streets, 36th Street from Campbell Avenue to Colter Street, and 40th Street from Hazelwood Street to Camelback Road.

Council District: 6

This item was adopted.

62 Water Main Replacement: Area Bounded By Camelback Road from 26th to 40th Streets, 36th Street from Campbell Avenue to Colter Street, and 40th Street from Hazelwood Street to Camelback Road - Design Services (Ordinance S-44047)

Request to authorize the City Manager, or his designee, to enter into an agreement with GHD Inc., to provide design services and possible construction administration and inspection (CA&I) services for the water main replacement project in the area bounded by Camelback Road from 26th to 40th streets, 36th Street from Campbell Avenue to Colter Street, and 40th Street from Hazelwood Street to Camelback Road. GHD Inc.'s fee will not exceed \$460,000, including all subconsultant and

reimbursable costs. Further request authorization for the City Controller to disburse all funds related to this item.

Additionally, request authorization for the City Manager, or his designee, to take action as deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project and to include disbursement of funds. Utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads, and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary

The Water Services Department replaces aging water mains within the City of Phoenix. The program focus is on water mains in alleys and easements which historically have high break rates and are difficult to repair. This project consists of the construction of approximately 20,500 linear feet of new 6-inch to 12-inch water mains throughout quarter sections 18-33, 18-34, 18-35, 18-36, 19-33, 19-34, 19-35 and 19-36. Construction work will also include installing approximately 142 water service connections and 27 new fire hydrants and plugging off 55 abandoned water mains. It is anticipated that the project will be delivered via Construction Manager at Risk (CMAR) by CSW Contractors, Inc.

GHD Inc.'s services will include: data collection and field survey; preparation of base maps and initial design; utility coordination; preparation of preliminary and final construction cost estimates; coordination with the Street Transportation Department's Design and Construction Management Division; assistance during the CMAR bidding process; and additional services as needed.

Procurement Results

GHD Inc., was chosen for this project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes (A.R.S.). Pursuant to A.R.S. title 34, the City is not to release the scoring of proposers until contracts have been awarded. Nine firms submitted proposals. The top three rankings follow:

GHD Inc.: Ranked #1

Entellus, Inc.: Ranked #2

Sunrise Engineering, Inc: Ranked #3

Contract Term

The term of this contract will be 12 months from issuance of the Notice to Proceed. Contract work scope identified and incorporated into the contract prior to the end of the contract term may be agreed to by the parties and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

GHD Inc.'s fee will not exceed \$460,000, including all subconsultant and reimbursable costs. Funding is available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

Location

This project is located in the area bounded by Camelback Road from 26th to 40th streets, 36th Street from Campbell Avenue to Colter Street, and 40th Street from Hazelwood Street to Camelback Road.

Council District: 6

This item was adopted.

63 Aviation Department Construction Inspection Services (Ordinance S-44049)

Request to authorize the City Manager, or his designee, to enter into separate agreements with Consulting Engineers, Inc. (Phoenix), and Ritoch Powell & Associates (Phoenix), to provide construction inspection services for the Aviation Department construction projects and to execute contract options as necessary. Further request authorization for the City Controller to disburse all funds related to this item. Each firm will begin with a contract capacity not to exceed \$3 million, with a contract option to add an amount not-to-exceed \$2 million, for a total of \$5 million each.

Additionally, request authorization for the City Manager, or his designee,

to take all action as deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project and to include disbursement of funds. Utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads, and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary

The inspectors will oversee construction field work on various Aviation Department projects that are either on-going or scheduled for construction. The inspectors will be assigned to work on projects as an extension of City staff at a City facility or construction site trailer.

Procurement Information

The following firms were selected through a qualifications-based selection process according to section 34-604 of title 34 of the Arizona Revised Statutes (A.R.S.). Per title 34, the City is not to release the scoring of proposers until a contract has been awarded. The top-four rankings follow:

Consulting Engineers, Inc. (Phoenix): Ranked 1

Ritoch Powell & Associates (Phoenix): Ranked 2

Quality Testing, LLC (Gilbert, Ariz.): Ranked 3

Simpson Walker Contracting Corporation (Phoenix): Ranked 4

Contract Term

The initial term of each contract will be for three years, with the option to extend for two additional years, which may be exercised in the sole discretion of the City Engineer, or his/her designee. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

Each firm will begin with a contract capacity not to exceed \$3 million, with a contract option to add an amount not-to-exceed \$2 million, for a total of

\$5 million each. Fees incurred throughout the contract term will be recovered through charges made directly to the specific Aviation Department projects assigned. Budget and Research will approve the availability of funds prior to executing any assignment equal to or greater than \$100,000. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

Location

Services will be provided for City of Phoenix Aviation Department construction projects.

This item was adopted.

64 State Route 85 Landfill Methane Gas Design Services Amendment 1 (Ordinance S-44056)

Request to authorize the City Manager, or his designee, to execute amendments to Contract 142747 with Tetra Tech BAS, Inc., to provide continued design services for the methane gas system at the City of Phoenix State Route 85 (SR 85) Landfill not to exceed an additional \$3,540,000 in Council-authorized funding authority. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Tetra Tech BAS, Inc., is a landfill specialty consulting firm that has been supporting public and private landfill operators for more than 30 years. The firm has been in the forefront of development of state-of-the-art landfill gas mitigation technologies including design of wells and probes, landfill gas blowers, landfill gas conveyance piping, flare stations, and condensate management systems.

Tetra Tech BAS, Inc.'s services include, but are not limited to: design and evaluation of vertical and horizontal gas collectors and interrelation of the systems, design of flare stations and all of their components, design services for various phases of the methane gas system to be compatible with the final cover and drainage system and landfill end uses, and general engineering services for closed landfills.

Procurement Information

Tetra Tech BAS, Inc., was chosen for this project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes. The City and Tetra Tech BAS, Inc., entered into Contract 142747 on Aug. 3, 2016.

Contract Term

The initial term of the contract is for one year with four one-year options to extend, for a total of five years. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

Tetra Tech BAS, Inc.'s fee for design services under this contract will not exceed \$4,540,000, including all subconsultant and reimbursable costs.

Staff will immediately execute Contract Amendment 1 in the amount of \$1,540,000 to provide additional design services through Fiscal Year 2019. The total contract value will be increased from \$1,000,000 to \$2,540,000. Additional contract options to extend services through the total five-year duration of the contract will be exercised through future contract amendments at an amount not-to-exceed \$2,000,000, which will be reviewed and approved separately by the Budget and Research Department.

Funding is available in the Public Works Department's Solid Waste Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

Concurrence/Previous Council Action

City Council approved Design Services Contract 142747 on June 1, 2016, for a not-to-exceed amount of \$1,000,000, as well as the authority to execute contract options as necessary. This initial \$1,000,000 approval covered the first one-year period of the contract which began on Aug. 3, 2016.

Location

The project is located west of State Route 85, east of Old US Highway 80 and south of Patterson Road in Buckeye.

This item was adopted.

65 Citywide Light Emitting Diode Streetlight Conversion Construction Administration and Inspection Services - ST85160012 (Ordinance S-44057)

Request to authorize the City Manager, or his designee, to enter into an agreement with Wood, Patel and Associates, Inc., (Phoenix) to provide Construction Administration and Inspection (CA&I) services in support of the Citywide Light Emitting Diode (LED) Streetlight Conversion project. Further request authorization for the City Controller to disburse all funds related to this item. Wood, Patel and Associates, Inc.'s fee under the contract will not exceed \$2,110,061, which includes all subconsultant and reimbursable costs.

Additional authorization is requested for the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project to include disbursement of funds. Utility services include: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary

The City of Phoenix Street Transportation Department is performing a modified Energy Saving Streetlight Conversion for up to 100,000 existing streetlights. On Nov. 30, 2016 the Phoenix City Council approved a citywide conversion of existing streetlights to LED streetlights at 2,700 Kelvin. The project began April 10, 2017 with the performance of an investment grade audit streetlight conversion and roadway lighting design to provide a quality lighting solution for the City. Preliminary installation of approximately 970 streetlights for initial testing and planning began in Sept. 2017. Based on the outcome of the audit, installation of LED luminaries will continue and be completed by Feb. 2019.

Wood, Patel & Associates, Inc.'s, services will include, but are not limited to: construction administration and inspections; engineering services; public/community outreach; documentation and progress reports; review and certification of progress payments; and perform population database, record keeping and maintain projects documents.

Procurement Information

Wood, Patel and Associates, Inc., was chosen for this project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes (A.R.S.). Pursuant to A.R.S. title 34, the City is not to release the scoring of firms until a contract has been awarded.

The top three rankings follow:

Wood, Patel and Associates, Inc.: Ranked 1

Tristar Engineering and Management, Inc.: Ranked 2

Dibble CM, Inc.: Ranked 3

Contract Term

The term of the contract will coincide with the duration of the construction, which is expected to be completed by Feb. 2019. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

Wood, Patel and Associates, Inc.'s, fee under the contract will not exceed \$2,110,061, which includes all subconsultant and reimbursable costs. Funding is available in the Street Transportation Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

This item was adopted.

- 66 Authorization to Enter into an Inter-Governmental Agreement with Maricopa Association of Governments for a Pre-Design Project on Colter Street between 15th Avenue and 20th Street (Ordinance**

S-44060)

Request authorization for the City Manager, or his designee, to enter into an Inter-Governmental Agreement (IGA) with the Maricopa Association of Governments (MAG) for a pre-design project on Colter Street between 15th Avenue and 20th Street. Further request authorization for the City Controller to disburse all funds related to this item. The cost of this pre-design project will not exceed \$80,000. The City of Phoenix will cost share \$25,100 and will be invoiced by MAG thirty days from the execution of the Agreement.

Summary

On May 31, 2017 MAG issued a call for bicycle and pedestrian pre-design/study projects for fiscal year 2018 to utilize \$500,000 of federal funding. At the June 28, 2017 Formal Meeting, City Council authorized the Street Transportation Department to submit grant applications for a bicycle corridor study on Colter Street between 15th Avenue and 20th Street. The proposed Colter Street project is recommended to be evaluated as a low stress, east/west bicycle corridor, with a specific focus on evaluating bicycle solutions at the SR-51 traffic interchange.

Through a regional competitive review and scoring process at MAG, the Colter Street project was selected for funding. The City will supplement the federal fund grant award of \$54,900 with \$25,100 for public involvement activities.

Contract Term

This Agreement will become effective as of the date it is duly executed by both parties and will continue in full force and effect until June 30, 2019.

Financial Impact

The cost of this pre-design project will not exceed \$80,000. The City of Phoenix will cost share \$25,100 and will be invoiced by MAG thirty days from the execution of the Agreement. Funding is available in the Street Transportation Capital Improvement Program budget.

Concurrence/Previous Council Action

At the June 28, 2017 Formal Meeting, City Council authorized the Street Transportation Department to submit grant applications for a bicycle corridor study on Colter Street between 15th Avenue and 20th Street (Ordinance S-43747).

Location

Colter Street between 15th Avenue and 20th Street
Council District(s): 4, 6

This item was adopted.

67 Authorization to Enter into an Inter-Governmental Agreement with the Maricopa Association of Governments for a Pre-Design Assistance Project on 56th Street between Thomas Road and Camelback Road (Ordinance S-44061)

Request authorization for the City Manager, or his designee, to enter into an Inter-Governmental Agreement (IGA) with the Maricopa Association of Governments (MAG) for a pre-design project on 56th Street between Thomas Road and Camelback Road. Further request authorization for the City Controller to disburse all funds related to this item. The cost of the pre-design assistance project will not exceed \$120,000. The City of Phoenix will cost share \$46,800 and will be invoiced by MAG 30 days from the execution of the Agreement.

Summary

On May 31, 2017 MAG issued a call for bicycle and pedestrian pre-design/study projects for fiscal year 2018 to utilize \$500,000 of federal funding. At the June 28, 2017 Formal Meeting, City Council authorized the Street Transportation Department to submit a grant application for pre-design funding for a bicycle and pedestrian project along 56th Street from Thomas Road to Camelback Road. The proposed 56th Street pre-design project has a high amount of community support to develop a design that accommodates improved and safer access to five adjacent and nearby schools.

Through a regional competitive review and scoring process at MAG, the 56th Street project was selected for funding. The City will supplement the federal fund grant award of \$73,200 with \$46,800 for public involvement activities.

Contract Term

This Agreement will become effective as of the date it is duly executed by both parties and will continue in full force and effect until June 30, 2019.

Financial Impact

The cost of the pre-design assistance project will not exceed \$120,000. The City of Phoenix will cost share \$46,800 and will be invoiced by MAG 30 days from the execution of the Agreement. Funding is available in the Street Transportation Capital Improvement Program budget.

Concurrence/Previous Council Action

At the June 28, 2017 Formal Meeting, City Council authorized the Street Transportation Department to submit a grant application for pre-design funding for a bicycle and pedestrian project along 56th Street from Thomas Road to Camelback Road (S-43747).

Location

56th Street between Thomas Road and Camelback Road
Council District(s): 6

This item was adopted.

**68 Bearings, Seals, and Industrial Belts - Requirements Contract
(Ordinance S-44038)**

Request to authorize the City Manager, or his designee, to enter into contracts with Kaman Industrial Technologies, Inc., and Phoenix Pumps, Inc., to provide bearings, seals and industrial belts for the Water Services Department. The aggregate contract value, including all optional years, will not exceed \$320,000 (including applicable taxes). Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Water Services Department uses a variety of different ball bearings, roller bearings, pillow block bearings, machine bearings, seals, and industrial belts to provide high quality water and wastewater treatment. These items are an integral operational component of water distribution and wastewater collections. These contracts provide a time-efficient and cost-effective means of replenishing warehouse inventory used for water

and wastewater treatment operations.

Procurement Information

IFB-1718-WPP-60 was conducted in accordance with Administrative Regulation 3.10. Three offers were received by the Water Services Department on Aug. 10, 2017. One bid was determined to be non-responsive because the bidder would not guarantee pricing for the initial three-year term. The other two bids were evaluated and the award recommendation is to the lowest priced vendors whose contracts include 420 line items and manufacturer discounts.

Contract Term

The initial contract term shall begin Dec. 1, 2017, and end on Nov. 30, 2020. Provisions of the contract may include an option to extend the term of the contract up to two additional years, which may be exercised by the City Manager or designee.

Financial Impact

The aggregate contract value, including all optional years, will not exceed \$320,000 (including applicable taxes). Funds are available in the Water Services Department's operating budget.

This item was adopted.

69 Programmable Logic Controllers (PLC) and Parts - Requirements Contract (Ordinance S-44040)

Request to authorize the City Manager, or his designee, to enter into contracts with Turbine Services, LLC, dba HPI, LLC, Industrial Electronic & Controls, Inc., dba IEC Supply, LLC, and Summit Electric Supply to supply programmable logic controllers, parts, and maintenance. The aggregate contract value including all option years will not exceed \$895,000 including applicable taxes. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

A programmable logic controller is an industrial computer designed to sustain harsh environmental elements such as extreme temperatures. The systems are used at four water treatment facilities, three wastewater treatment facilities, and over 200 remote sites. These automated and highly complex systems allow the Water Services Department to meet

regulatory performance requirements, comply with federal, state and county regulations and reporting requirements, and produce high-quality water and effluent while minimizing costs through the effective use of chemicals and energy.

Procurement Information

A competitive procurement was conducted in accordance with Administrative Regulation 3.10. Three bids were received by the Water Services Department on Aug. 10, 2017. Bids were evaluated and a multiple award recommendation was made.

Contract Term

The initial three-year contract term shall begin Dec. 1, 2017, and end on Nov. 30, 2020. Contract provisions may include an option to extend the term of the contract up to two additional years which may be exercised by the City Manager or designee.

Financial Impact

The aggregate contract value including all option years will not exceed \$895,000 including applicable taxes. Funds are available in the Water Services Department's operating and Capital Improvement Program budget.

This item was adopted.

70 Water Resource Technical Policy Development (Ordinance S-44052)

Request to authorize the City Manager, or his designee, to approve a Water Technical Policy Development Qualified Vendor List (QVL) for eligible consultants to provide data analysis services for water resource and conservation projects. The aggregate contract value shall not exceed \$650,000, with an annual estimated expenditure of \$130,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

These contracts will provide the Water Services Department with a Qualified Vendor List (QVL) for consulting services, on an as-needed basis for the contract period beginning Nov. 29, 2017, through Nov. 28, 2022. Examples of water projects may include: accessing, compiling and

consolidating complex data relating to the distribution of water resources in Arizona, modeling efforts to project water and wastewater distribution challenges, and water conservation analysis.

Procurement Information

The Water Services Department released a Request for Qualifications (RFQu) for "Water Resource Technical Policy Development" on June 23, 2017. The RFQu was conducted in accordance with Administrative Regulation 3.10.

Consultants will be contributing to various projects that require specific skills in areas such as water resource and conservation assessment and development. Five responsive proposals were received in response to the RFQu.

The evaluation panel reviewed submittals according to the following criteria set forth in the RFQu:

1. Offeror's background, past experience and proven capability in providing high quality research, analysis and report preparation in selected areas of expertise.
2. Qualifications, experience, technical training and expertise of the individual staff members proposed as team members for projects in selected areas of expertise.
3. Offeror's background, past experience and proven capability in data collection, resource development, water issues, assessment of current conditions and future conditions, consensus-based/science-based policy recommendations and practices.

The panel determined that all offerors met the established criteria to provide the necessary consulting services.

1. AMP Insights
2. CH2M
3. Cliff Neal Consulting
4. Culp & Kelly, LLC
5. Kathleen Ferris

Contract Term

This is a five-year contract period beginning Nov. 29, 2017, through Nov. 28, 2022, with no options to extend.

Financial Impact

The aggregate contract value shall not exceed \$650,000, with an annual estimated expenditure of \$130,000. Funds are available in the Water Services Department operating budget.

This item was adopted.

**71 Modification of Stipulation Request for Ratification of Oct. 18, 2017
Planning Hearing Officer Action - Z-78-04-7(5)**

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 18, 2017.

Summary

Application: PHO-1-17--Z-78-04-7(5)

Current Zoning: C-2 PCD HGT/WVR

Acreage: 16.00

Applicant: Andy Jochums, Beus Gilbert PLLC

Owner: Interchange Holdings LLC

Representative: Paul E. Gilbert, Beus Gilbert PLLC

Proposal:

1. Modification of Stipulation 1 regarding general conformance with the site plan and elevations date stamped Aug. 28, 2017.
2. Deletion of Stipulation 2 regarding the height of a medical office structure not exceeding 56 feet.
3. Deletion of Stipulation 3 regarding the height of a parking structure not exceeding three stories.
4. Deletion of Stipulation 4 regarding the senior housing and parking garage design theme.
5. Deletion of Stipulation 5 regarding the senior housing structure be subject to the R-3A zoning district multiple family planned residential development standards.
6. Deletion of Stipulation 6 regarding development of the senior housing structure over two stories be subject to Planning Hearing Officer review and approval of building elevations.

7. Modification of Stipulation 7 regarding the drainageway be maintained during construction and conformance with city, state and federal regulations.
8. Modification of Stipulation 8 regarding any view fencing along the north side of the senior housing structure.
9. Deletion of Stipulation 10 regarding right-of-way dedication, transit accessory pad and bus bay.
10. Technical correction of Stipulations 9.b, 9.d.(1), 9.d.(2) and 9.d.(2).h.

Location

Approximately 113 feet north of the northwest corner of 91st Avenue and McDowell Road.

Council District: 5

Parcel Address: N/A

Concurrence/Previous Council Action

Village Planning Committee (VPC) Recommendation: The Maryvale Village Planning Committee chose not to hear this case.

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and an additional stipulation on Oct. 18, 2017.

This item was approved.

72 Map of Dedication - White Thorn Boulevard - 170001 - North of Happy Valley Road and East of Norterra Parkway

MOD: 170001

Project: 00-151

Name of Plat: White Thorn Boulevard

Owner(s): US Relp Norterra East I, LLC

Engineer(s): Wood, Patel & Associates, Inc.

Request: A Map of Dedication for White Thorn Boulevard

Reviewed by Staff: Oct. 10, 2017

Summary

Staff requests that the above map of dedication be approved by the City Council and certified by the City Clerk. Recording of the map of dedication dedicates the streets and easements as shown to the public.

Location

Generally located north of Happy Valley Road and east of Norterra Parkway.

Council District: 1

This item was approved.

73 Final Plat - Luna Azul - 170074 - Northwest Corner of 16th Street and Wahalla Lane

Plat: 170074

Project: 07-3078

Name of Plat: Luna Azul

Owner(s): Luna Azul Development Fund, LLC

Engineer(s): KSE Design Group, PLC

Request: A 1 Lot Single Family Residential Plat

Reviewed by Staff: Oct. 19, 2017

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment V090042A.

Location

Generally located at the northwest corner of 16th Street and Wahalla Lane.

Council District: 2

This item was approved.

75 Final Plat - Replat of Lot 1 Kuban Park - 170037 - 855 S. 33rd Ave.

Plat: 170037

Project: 02-2589

Name of Plat: Replat of Lot 1 Kuban Park

Owner(s): City of Phoenix

Engineer(s): Dibble Engineering

Request: A 2 Lot Commercial Plat

Reviewed by Staff: Oct. 18, 2017

Summary

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

Location

Generally located at 855 S. 33rd Ave.
Council District: 7

This item was approved.

76 Final Plat - 8th & ROW - 160050 - Northwest Corner of Roosevelt and 9th Streets

Plat: 160050
Project: 15-63
Name of Plat: 8th & ROW
Owner(s): Watt New Leaf - Roosevelt, LLC
Engineer(s): CEG, Inc.
Request: A 1 Lot Commercial Subdivision Plat
Reviewed by Staff: Oct. 17, 2017

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment V150038A.

Location

Generally located at the northwest corner of Roosevelt and 9th streets.
Council District: 8

This item was approved.

77 Final Plat - The Salvation Army Herberger Campus - 170067 - Southwest Corner of Van Buren Street and 28th Street

Plat: 170067
Project: 11-73
Name of Plat: The Salvation Army Herberger Campus

Owner(s): The Salvation Army A California Corporation

Engineer(s): Hoskin-Ryan Consultants, Inc.

Request: A 2 Lot Commercial Plat

Reviewed by Staff: Oct. 11, 2017

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat is associated to Abandonment V170052A approved on Nov. 1, 2017.

Location

Generally located at the southwest corner of Van Buren Street and 28th Street.

Council District: 8

This item was approved.

78 Abandonment of Right-of-Way and Waiver of Federal Patent Easement - V090042A - Northwest Corner of 16th Street and Wahalla Lane (Resolution 21594)

Abandonment: V090042A

Project: 08-431

Applicant: Luna Azul Partners Development, LLC

Request: To abandon the 15th Street right-of-way adjacent to the parcel addressed 19724 N. 15th St. (APN 213-23-007A); and to Waive the Federal Patent Easements located on the parcels identified as APN 213-23-006 and 1506 E. Wahalla Lane (APN 213-23-017B).

Date of Hearing: Feb. 23, 2011

Summary

The resolution of the abandonment and the subdivision plat Luna Azul, Plat 170074, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

Generally located at the northwest corner of 16th Street and Wahalla

Lane.

Council District: 2

Financial Impact

Pursuant to Phoenix City Code Art. 5, Sec. 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

This item was adopted.

82 Abandonment of Right-of-Way - V150038A - Northwest Corner of 9th and Roosevelt Streets (Resolution 21593)

Abandonment: V150038A

Project: 15-63

Applicant: Jennifer K. Boblick of Sender Associates

Request: To abandon a portion of the alley right-of-way located west of the northwest corner of 9th and Roosevelt streets, from Roosevelt Street to 16 feet south of the adjacent parcel's northern parcel line, addressed 1010 N. 9th St. (APN 116-31-151).

Date of Hearing: Sept. 16, 2015

Summary

The resolution of the abandonment and the subdivision plat "8th & ROW", Plat 160050, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

Northwest corner of 9th and Roosevelt streets.

Council District: 8

Financial Impact

Pursuant to Phoenix City Code Art. 5, Sec. 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party

general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

This item was adopted.

83 Request for Change of Grant Terms for Historic Dud R. Day Motor Company - Phoenix Motor Company Building, 401-447 W. Van Buren St. (Ordinance S-44064)

Request to authorize the City Manager, or his designee, to approve a change of grant terms for a previously approved Demonstration Project grant of up to \$250,000 for rehabilitation of the historic Dud R. Day Motor Company - Phoenix Motor Company Building, located at 401-447 W. Van Buren St.

Summary

On Sep. 5, 2017, the Historic Preservation Office received a request from the property owner, SoHo on Van Buren, LLC, to change the terms for the \$250,000 Demonstration Project grant that was approved for the rehabilitation of the Dud R. Day Motor Company - Phoenix Motor Company Building.

The City Council approved the \$250,000 Demonstration Project grant on May 10, 2017. In exchange for the grant funds, the City was to receive a 30-year conservation easement to protect the historic character of the property. The funds were split between \$75,000 of Historic Preservation Bond funds and \$175,000 of Downtown Community Reinvestment Funds. Rehabilitation was completed and "The Van Buren" opened as an event center on Aug. 23, 2017.

The owners of the property are requesting the flexibility to market the building or make changes after the 15-year lease has expired for the event center. The proposed new grant terms allow the owners the ability to pay back the grant funds and extinguish the easement, if needed. If the owners seek to extinguish the conservation easement during years 1-15, they would be required to repay the full \$250,000. Starting in year 16, the repayment amount would be reduced to \$125,000, with the remaining years pro-rated.

Financial Impact

There is no financial impact for changing the terms of the grant, which has already been approved unless the term of the easement is reduced. A portion of the grant funds would then be returned to the city, to potentially invest in other projects.

Concurrence/Previous Council Action

The Historic Preservation Commission recommended approval of this item on Sep. 18, 2017. The City Council approved the original grant request on May 10, 2017. The Downtown, Aviation, Economy and Innovation Subcommittee recommended approval by a vote of 3-0 on Nov. 1, 2017.

Location

401-447 W. Van Buren St.

Council District: 7

This item was adopted.

**84 Amend City Code - Ordinance Adoption - Rezoning Application
PHO-2-17-Z-23-15-3 - Northeast Corner of 31st Street and Cheryl
Drive (Ordinance G-6379)**

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Oct. 18, 2017.

Summary

Application: PHO-2-17-Z-23-15-3

Current Zoning: R-2

Acreage: 2.5

Applicant: Empire Residential Communities Fund II

Owner: Empire Residential Communities Fund II

Representative: Jason Allen

Proposal:

1) Modification of Stipulation 1 regarding general conformance of site plan date stamped Aug. 31, 2017 and landscape plan date stamped Aug. 31, 2017.

2) Modification of Stipulation 3 regarding the orientation of lots 1-6 and

15-22 as depicted on site plan date stamped Aug. 31, 2017.

Location

Northeast corner of 31st Street and Cheryl Drive.

Council District: 3

Parcel Address: N/A

Concurrence

Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee recommended approval by a 10-1 vote on Oct. 2, 2017.

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval on Oct. 18, 2017.

This item was adopted.

85 Amend City Code - Official Supplementary Zoning Map 1163 (Ordinance G-6382)

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1163. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-129-05-04 and the entitlements are fully vested.

Summary

To rezone a parcel located at the southeast corner of 16th Street and Cambridge Avenue.

Z-129-05-4

Zoning: C-2

Owner: Copper House LLC

Acreage: Approximately 1.56

Location: Southeast corner of 16th Street and Cambridge Avenue

Council District: 4

This item was adopted.

89 Public Hearing - Certificate of Appropriateness - Appeal of Historic Preservation Commission Decision - 1610 W. Wilshire Drive

Request to hold a public hearing on the Certificate of Appropriateness

Decision by the Historic Preservation Commission (HPC) for 1610 W. Wilshire Drive in the Del Norte Place Historic District due to an appeal form submitted on Oct. 20, 2017. The Historic Preservation Commission upheld the decision of the Historic Preservation Hearing Officer to approve the Certificate of Appropriateness with an additional stipulation on Oct. 16, 2017. The appellant's rationale for the appeal is 1) financial hardship and 2) disagreement with the ruling due to similarity with the rest of houses in the immediate area.

Summary

Application Number: HPCA-1700373

Applicant: John Burwell, representative for MWM BX PLLC, the property owner

Request: Approve the after-the-fact stucco installation over the original brick walls and redwood siding, reduction of a window opening at the front of the house, replacement of all the steel casement windows and installation of a fence adjacent to the front door.

The property was considered a contributor to the Del Norte Place Historic District prior to unpermitted work being completed. Work was completed without permits although two stop work orders were issued and a Notice of Violation was recorded. The property, in its current condition, is no longer considered a contributor. The home no longer conveys the character of the 1941 house designed by Frederick W. Whittlesey. Staff believes the property could be considered a contributor again with the two recommended stipulations.

Staff Recommendation: Approve with two stipulations.

HP Hearing Officer Action: Approved per staff recommendation on Sept. 6, 2017.

HPC Action: Uphold Hearing Officer recommendation with an additional stipulation by a vote of 8-0 on Oct. 16, 2017.

Appellant: John Burwell, representative for MWM BX PLLC, the property owner.

Historic Preservation Commission Stipulations

1. That all the stucco be removed from the house and the original redwood siding and brick be repaired;
2. That the gate and fence return adjacent to the front door be moved

northward to a point 3' from the corner window in accordance with section 703.A.2.a.1 of the City of Phoenix Zoning Ordinance;
3. That the window opening that was modified be restored to its original opening size and window type.

Action Requested

Uphold, modify or reverse the decision of the Historic Preservation Commission.

Location

1610 W. Wilshire Drive
Council District: 4

This item was continued to the Nov. 29, 2017 City Council Formal Meeting.

SUSPENSION OF THE RULES

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, to suspend the rules and hear items in the following order: 35, 91, 93 and 90. The motion carried by voice vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski,
Councilman Valenzuela, Councilman Waring,
Councilwoman Williams, Councilwoman Gallego, Vice
Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

35 Hire Outside Legal Counsel for Representation Against Opioid Manufacturers and Distributors

Request to authorize the City Manager, or his designee, through the City Attorney, to issue a Request for Proposals for outside legal counsel to represent the City of Phoenix in legal action against opioid manufacturers and distributors.

Summary

By a letter dated Nov. 7, 2017 (Attachment A), Mayor Stanton and Councilmembers Williams and Stark requested that an item be placed on this formal agenda to authorize the City Manager through the City Attorney to solicit qualified law firms to represent the City in legal action against opioid manufacturers and distributors. The purpose of this legal action is to recover the City's damages, costs, losses, and enforce the City's legal

rights and claims for harm and injury arising out of and related to the use and harm caused by opioids.

Discussion

Mayor Stanton stated this was an item that he and Councilwomen Williams and Stark placed on the agenda that proposed to hire outside legal counsel for representation against opioid manufacturers and distributors.

Councilwoman Williams thought everyone would agree this was a horrendous problem affecting neighborhoods, employees and individuals that participated as well as anyone associated to them. She stressed it was important that Council continue to pursue this issue but not at the taxpayers expense.

A motion was made and seconded to approve this item as amended and request the City Attorney's Office create a demand letter that outlined the basis of this claim and the City's cost associated with this crisis and present it to manufacturers. If there was no favorable response then authorize to hire legal counsel to pursue action.

Mayor Stanton added the use of outside counsel would be on a contingency fee basis with no out-of-pocket expenses from the City.

Leonard Clark wished to thank Mayor Stanton for partnering with Governor Ducey to stop this horrible problem.

Mayor Stanton stated the following individuals submitted speaker comment cards in favor, but did not wish to speak:

Kathleen Santin
John Rusinek
Dianne Barker

Mayor Stanton expressed this was the most important item Council would consider since the opioid epidemic was a crisis that affected everybody. He emphasized it had become so prevalent because drug companies misrepresented the risks associated with these drugs. He thought Council should do something about it as this problem placed incredible

strain on first responders, neighborhoods and human services. Moreover, it contributed to the challenges the City faced with people experiencing homelessness. He believed the City could recover costs and put those resources toward treating the problem.

A motion was made by Councilwoman Williams, seconded by Councilman DiCiccio, that this item be approved as amended to request the City Attorney's Office create a demand letter that outlined the basis of this claim and the City's associated cost and present it to manufacturers; if no favorable response then authorize to hire legal counsel to pursue action. The motion carried by the following vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

91 Maryvale Baseball Park Renovations with Milwaukee Brewers (Ordinance S-44071)

Request to authorize the City Manager, or his designee, to enter into 25-year operating, lease and non-relocation agreements with the Milwaukee Brewers Baseball Club, or City-approved designee, for the renovation, operations, maintenance and capital replacement of Maryvale Baseball Park; and to enter into an option agreement and other agreements as necessary and appropriate. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item, pursuant to the agreements.

Summary

The City opened Maryvale Baseball Park (Park) in 1998 on land donated by John F. Long Properties, Inc. Since that time, the Park has been home to spring training games hosted by Major League Baseball's (MLB) Milwaukee Brewers Baseball Club (Brewers), as well as various community events. The Brewers originally agreed to play spring training games in Maryvale for 15 years. Since that agreement expired, the Brewers have been on a year-to-year contract.

Given the age of the stadium and other park infrastructure, and the temporary nature of the existing City agreement with the Brewers, the

facilities are in need of renovations. Additionally, given the economic impact of MLB spring training on the City and state, and the community benefits of an updated and well-maintained property that can host community events as well as professional baseball operations, the City and Brewers signed a Letter of Intent dated Oct. 25, 2017, regarding the Park.

The Brewers will invest \$41 million to \$63 million renovating the Park and commit to playing spring training games in Maryvale for 25 years, through 2042. The City will contribute \$2 million per year for five years (\$10 million total) toward the renovations. Improvements at the stadium are anticipated to include more shade, wider concourses, modernized concessions, remodeled restrooms and a new kids play area. In addition, the Brewers intend to develop at the Park a new retail and ticketing building, a new clubhouse, a new major league practice field that mimics Miller Park (the regular season home of the Brewers), a new parking lot and entry feature as well as new fencing and landscaping throughout.

The Brewers will also take on responsibility for Park operations, maintenance and future capital replacement, all of which are currently the City's responsibility. The City's current net operations and maintenance costs are approximately \$1.4 million annually. The City would continue that level of support for the Park, growing at 4 percent annually. However, unlike today, the City's investment would be capped under the new agreement. Also, all future capital replacement needs would be completely funded by the Brewers, who will contribute \$1 million annually into a capital replacement account starting in 2022 and continuing for the remainder of the term.

At the end of the 25-year term, the Brewers will have an option to acquire the property at appraised value, with credit provided based on the Brewers' investments in the property. At the end of the agreement, if the Brewers decide to purchase and develop the property, the City will have the exclusive option to negotiate acquisition of youth playing fields. In addition to paying for the majority of the renovation and taking on future operating and capital replacement liabilities, the Brewers will make further investments in the community. The team will provide \$50,000 annually to the City's Kool Kids program, which provides free open swim admission

to community youth at City of Phoenix pools. The Brewers will also designate a Learning Lounge at the facility that would be available to Phoenix students. Through a new partnership, Grand Canyon University will provide tutoring, mentoring and other youth educational activities. Also, community programming that has historically occurred at the Park will continue, such as the annual Light Up the Sky fireworks display around Independence Day.

Financial Impact

The City's annual investment of approximately \$1.4 million, consistent with current net operating expenses, would continue to be paid out of the Parks and Recreation Department operating budget as it has historically. The City's \$2 million annual contribution over five years (\$10 million total) toward the \$41 million to \$63 million renovation will be paid out of the Sports Facilities Fund.

Location

Maryvale Baseball Park: 3600 N. 51st Ave.

Council District: 5

Discussion

A motion was made and seconded to approve this item.

Mayor Stanton stated the following comment cards were submitted in favor, but no one wished to speak:

Tyler Barnes, Brewers Vice President of Communications

Bob Quinn, Brewers Executive Vice President

John Kaite, Brewers Representative

Jason Stokes, president of ASPTEA, spoke in opposition. He conveyed in the last several months the City had out-sourced the homeless outreach team, Section 8 housing and now these positions. If these Parks positions were eliminated staff could accept another position, possibly a demotion, and go through probation again. He stressed there was a lot of risk associated for these employees, many of whom had worked for a long with with an outstanding record. He asked that Council consider those factors when casting their votes.

City Manager Ed Zuercher indicated there were eight filled positions affected by this action. However, they would be offered the same position within the City so these individuals would not be impacted from this transfer of responsibility to the Milwaukee Brewers.

In further response to Vice Mayor Pastor, Mr. Zuercher affirmed any of these eight people who wanted to continue as City employees would have positions at the same level, possibly higher if promoted. In addition, they could apply for a position with the Milwaukee Brewers.

Councilman Valenzuela appreciated Mr. Stokes' comments as they were valid concerns and was glad the City was working with staff. He thought this was a great model of how a professional sports team worked together with a city to extend their stay and in a way that protected taxpayers. He thanked the Milwaukee Brewers and City staff for working through this as it helped the Cactus League and looked forward to the vote.

Vice Mayor Pastor said she was approached by the non-profit community who asked if the Brewers were willing to partner with them on certain nights. For example, St. Mary's Food Bank wondered if people could donate a can of food while attending a spring training game.

Mr. Kaites, representing the Milwaukee Brewers, noted in the agreement they were doing different initiatives to support Maryvale and would be willing to do this as well. He pointed out the Brewers were partnering with Maryvale High School and creating a learning lounge within the facility where neighborhood kids could get free tutoring. Further, they were working with the Phoenix Union High School District and children that had delinquency challenges, the Parks Department's Kool Kids Program and Grand Canyon University regarding Habitat for Humanity redevelopment in the area. He emphasized the Brewers wanted Maryvale to become a great place to live, work and play.

Councilman Waring remarked he would be voting no on this item, though this was a good agreement. He did not believe the City should be in the professional sports business when there were other core competencies, like police and fire, that should have more focus. Similar to the Sheraton

Hotel and golf courses, he wanted the City to divest itself of these things. He acknowledged this was a good deal for the City because the Brewers were putting in a lot of money and applauded them for stepping up. His vote was not reflective of this particular deal but more of a fundamental core belief the City should not be involved in this type of business.

Councilman DiCiccio conveyed this was a 25-year extension with the Maryvale stadium. Moreover, the Brewers put in \$41 million of capital up front while the City would contribute \$10 million over time. He continued the Brewers put in \$1 million per year in capital expense whereas the City did not have any but would continue maintenance of the building and grounds. He emphasized this was a model the City needed to look at moving forward on anything else as it was an economic development tool as well. In general terms he agreed with Councilman Waring on these types of things, but in this case the City just continued with the maintenance while the Brewers took care of all capital expenses. Additionally, the Brewers had the ability to purchase the site at appraised value after 25 years. Councilman DiCiccio thanked everyone for their work on this good proposal but thought Council should have a critical eye on anything else moving forward.

Councilwoman Gallego stressed the City was in a budget deficit and needed to be fiscally responsible as there were limited resources. She understood the City would contribute \$10 million towards this facility from the sports facility fund but there was significant litigation right now involving the funding source for that particular fund. At this point, she did not think this deal made sense and would be voting no on the item.

Councilman DiCiccio interjected it was taxpayer dollars, whether it came from the sports facility fund or not, it was still General Fund monies.

Councilman Valenzuela conveyed the Cactus League was an economic engine for the Valley so this deal actually helped the City's core mission. He emphasized this was an opportunity to extend the Milwaukee Brewers in an area which needed it and that was Maryvale. Also, the \$40 million private investment was not just for the stadium but the surrounding neighborhoods, education and non-profits. He pointed out this private sector funding would help the tax base which allowed the City to put more

police and firefighters on the streets, make improvements to libraries and so forth. He thought this should be celebrated and, again, looked forward to the vote.

Councilman Nowakowski said he was informed the sale of this park did not have to go through the parks process.

Parks and Recreation Director Inger Erickson responded this was a special use facility, not a park. In fact, it was originally vacant land that was donated to the City by the John F. Long family; therefore, it did not fall within that jurisdiction.

Vice Mayor Pastor wondered if the John F. Long family was fine with the different direction the City was moving in regarding this land.

Ms. Erickson replied staff sat with family and several members of the foundation and they were ecstatic the Brewers were staying. Also, according to the original contract the City was free to do what it wanted with the property after the first year of spring training.

Vice Mayor Pastor commented if the Brewers had left the City would still have a building to maintain at the level necessary for any Major League Baseball team to use or sell the property. She remarked she was proud the City made it clear in this process that this area, specifically Maryvale and Phoenix Union High School District students, would have access to quality tutoring in order to move this community forward. Moreover, in 25 years the City would have the ability to purchase the practice baseball fields as the area could possibly be landlocked.

Councilwoman Williams stated she was very supportive of this item. She thought Maryvale continued to need positive influence and the structure of this agreement heightened the advantages for youth in that area. Also, spring training was a benefit to the community as it brought in millions of dollars, so keeping this team here was not only valuable to Phoenix but the West Valley. She thanked staff for their hard work on this issue and reiterated her support for this item.

Councilman Waring understood the stadium was already there and it was

not a simple thing to bulldoze it. Nonetheless, these were bad decisions and he thought the City should have been doing something better with funds to generate more revenue. Again, his vote was not against the team but he was not obligated to continue what he considered a flawed decision and did not feel this was something the City should do.

Councilman Nowakowski remarked he was one of three Councilmembers that represented Maryvale and all had been working hard to revitalize this area. He thanked Councilman Valenzuela, Vice Mayor Pastor and staff for making this happen as it was a win-win situation for the residents of Maryvale, Phoenix and baseball fans who came to Arizona.

A motion was made by Councilman Valenzuela, seconded by Councilwoman Williams, that this item be adopted. The motion carried by the following vote:

Yes: 6 - Councilman DiCiccio, Councilman Nowakowski, Councilman Valenzuela, Councilwoman Williams, Vice Mayor Pastor and Mayor Stanton

No: 2 - Councilman Waring and Councilwoman Gallego

Absent: 1 - Councilwoman Stark

93 Consideration of Citizen Petition Related to Group Homes

This report provides the City Council with information in response to a citizen petition submitted by the Take Action Phoenix (TAP) resident's group at the Nov. 1, 2017 Formal City Council meeting regarding group homes (**Attachment A**).

Summary

The petitioners request the City Council to either place a 90-day moratorium, or hold, on approval of applications for new group homes in Phoenix or for the Council to accept a report from the City Manager that outlines a framework for a new comprehensive ordinance and a revision to the zoning ordinance to regulate group homes and a timeline for bringing proposals to the City Council for approval.

At the start of the Group Home Working Committee process, staff committed to formulating and presenting draft recommendations to the City Council by the end of 2017. As outlined in this report, staff is on track to meet this timeline. Staff from multiple city departments, including City

Clerk, Neighborhood Services, Planning and Development, Law and several others, with significant input from a broad stakeholder working group, are working to finalize proposals for a comprehensive improvement package to address this issue. It includes group home license and operations standards in addition to a good neighbor policy. Planning and Development staff is also working to finalize amendment language to the zoning ordinance to update group home resident protections, definitions, parking standards, and reasonable accommodation provisions. In addition, staff is proposing to implement process improvements to enhance the existing reasonable accommodation process to ensure that public input can be gathered as part of the staff analysis of a reasonable accommodation request as part of the current process.

Due to statutorily mandated waiting/public notice periods, and a new enhanced public review process for zoning ordinance text amendment proposals, final City Council adoption will fall outside the 90-day period requested in the citizen petition. Staff proposes the following multi-step implementation framework to adopt a Group Home Comprehensive Improvement Package:

- Nov. 15, 2017: City Council receives staff report on the petition
- Nov. 20, 2017: Present Structured Sober Living Home draft license requirements to the Committee
- Nov. 30, 2017: Finalize Zoning and other recommended changes with the Committee
- Dec. 6, 2017: Present Group Home Improvement Package recommendations to City Council's Downtown, Aviation, Economy and Infrastructure (DAEI) Subcommittee
- Dec. 7, 2017: Request Planning Commission initiation of zoning ordinance text amendment modifications
- Dec. 13, 2017: Present Group Home Improvement Package recommendations to full City Council
- Dec. 2017: Review consultant locational analysis and mapping exercise with Committee
- December 2017/January 2018: Finalize language for Zoning and other recommended changes based upon mapping analysis and City Council direction

January 2018: Broad stakeholder notice regarding proposed Structured Sober Living Home License regulations

January 2018: Post proposed new license fee on City website pursuant to state law

January/February 2018: Staff to present Zoning proposal to the 15 Village Planning Committees for consideration and action

Feb. 7, 2018: Staff to provide an update to the DAEI Subcommittee

February 2018: Gather stakeholder feedback on license process changes and finalize proposed ordinance

March 1, 2018: Planning Commission to review Zoning Ordinance modifications

March 7, 2018: DAEI Subcommittee to review Zoning Ordinance modifications

March 21, 2018: Full City Council to consider and make a recommendation on the Group Home Comprehensive Improvement Package

Discussion

Note: Due to the City Clerk's role for this item, Deputy City Clerk Elizabeth Martin Parker assumed the meeting duties of the City Clerk.

Planning and Development Director Alan Stephenson stated a citizen petition was submitted two weeks ago that requested the Council enact a 90-day short-term moratorium for group homes. An alternative was also provided for a framework that defined a time frame for a comprehensive ordinance revision be adopted by Council as staff dealt with the group homes issue. Staff had provided materials in the agenda of a proposed framework outline while dealing with the group home matter that involved two pillars moving forward. He explained there were zoning changes that his staff was working on as well as the license process which was overseen by the City Clerk Department. Staff would continue through both departments, along with the Neighborhood Services Department that helped with enforcement on this issue, to work with the stakeholder group through the fall to address this matter.

Mr. Stephenson conveyed the time line of this proposal showed staff coming to the full Council on December 13 to present an overall group home improvement package and obtain feedback. Staff would then work January through March to bring those different elements and exact

ordinance changes through the required public hearing process. For example, on the zoning side it would go to the Village Planning Committees, the Planning Commission and ultimately the Council. He added that Clerk staff was part of the license process and had to post new fees on the website and go through their public hearing process as well. He concluded all of that culminated coming back to Council on March 21 with a full comprehensive package of changes related to the group home issue.

Councilman Nowakowski remarked this item was on the last Executive Session agenda but it was not heard. He wondered if a petition from the public could be continued to obtain legal advice.

City Attorney Brad Holm confirmed a motion to continue was in order.

A motion was made and seconded to continue this item.

Mayor Stanton commented the last Executive Session was so busy this item was not heard prior to the policy meeting. He thought an Executive Session would have to be scheduled for this important issue.

City Manager Ed Zuercher conveyed the Council had a couple options. First, the item could be continued to the next Executive Session on December 5, noting the framework proposed by staff had this item going before the Downtown, Aviation, Economy and Innovation Subcommittee on December 6. He advised the other option was to adopt the framework presented by staff which allowed Council to have an Executive Session before the subcommittee met on the subject matter, or continue it to November 29 with a special Executive Session scheduled or wait until December 13 which followed the Executive Session on December 5.

Councilman Nowakowski preferred to have the Executive Session before Council met on the subject matter.

Mr. Stephenson interjected he had spoken with the two proponents of the petition who were supportive of the framework as presented which outlined the steps moving forward. Staff would provide legal guidance in Executive Session and then subsequently in public hearings before the

Downtown, Aviation, Economy and Innovation Subcommittee meeting on December 6 followed by the full Council on December 13. So, there was time for an Executive Session to discuss exactly what would be included for Council to vote on at the December 13 meeting.

Mr. Zuercher clarified adopting the framework did not mean Council was locked into any specific position as that happened at the different Council meetings, the first of which was December 6. He noted the framework was basically a schedule to prompt decision-making.

Mayor Stanton stated staff's recommended course of action allowed for an Executive Session before the next substantive action as a way to accomplish both items.

Councilman DiCiccio thought the group home topic was a significant issue throughout the City and was concerned about the speed of this matter. He understood there was effort to move toward the Prescott model but he did not think it went far enough to protect neighborhoods as these were commercial entities next to people's homes with little if any regulations. He was adamant this needed to be done faster than March and knew there would be legal challenges but he was willing to push it on this issue. Also, he thought there should be federal legislation and had met with Representative David Schweikert who was looking to move this legislation forward at the federal level. He wanted to find a way to speed up this agenda but was agreeable to the continuance since it moved this issue forward.

After some discussion regarding a continuance date, Vice Mayor Pastor confirmed continuance was to the December 13 formal meeting in order to discuss this matter in Executive Session on December 5.

Councilman Waring recalled there was a 60-day waiting period before this could be implemented which now meant early February due to the continuance. He wondered if there was any way to do this quicker.

Mr. Stephenson replied that was the fastest staff could bring it back and meet the legal requirements related to the zoning ordinance process. Plus, any new fee had to be posted online for 60 days before Council

could take action. He advised the intent with the framework was to get direction on December 13 as to what type of license program Council wanted as well as the elements and fee in order to post. The Clerk's Office would also hold the required stakeholder meetings where they would develop the operations manual and things like that before coming back to Council for action in March.

In further response to Councilman Waring, Mr. Stephenson stated this would go into effect in late February because of the 60-day window. However, staff would work out the exact dates, noting it still had to go before subcommittee which only met once a month unless staff was directed to just bring it back to the full Council.

Vice Mayor Pastor suggested this issue come back to the full Council.

Mr. Zuercher conveyed that was one way to consolidate the time line, go straight back to the full Council versus going to subcommittee first.

Councilman Waring expressed this had taken too much time to get to this point since it seemed to be a big issue throughout the City. He recognized there was a motion for continuance and hoped someone notified the petitioner, especially since there were people present for this item.

Mr. Stephenson reiterated he spoke with the two petitioners who were agreeable with the framework as presented. He commented one of the other elements was an enhancement to the existing reasonable accommodation process due to concerns from neighbors. The existing ordinance passed by Council in June provided him the opportunity to make the final decision on a reasonable accommodation. Staff was now working on a process that would permit a small group to take public comment who would then make a recommendation to him. He believed that step along with this framework satisfied the neighbors that this was moving forward in the right direction.

Vice Mayor Pastor was looking at the next meeting on November 29 and assumed an Executive Session could be held on November 28.

Mr. Zuercher replied staff could schedule a special Executive Session before the November 29 formal meeting if that was the desire of Council.

Vice Mayor Pastor understood several Councilmembers wanted to move the framework forward due to the 60-day time line mentioned by staff which was why she now recommended an earlier continuance date.

Councilman Waring preferred to do a special Executive Session to discuss this issue.

Councilman Nowakowski agreed as the mover to continue this item to the November 29 formal meeting with concurrence from Vice Mayor Pastor.

Jeff Spellman, with Take Action Phoenix (TAP), conveyed the whole purpose of submitting the citizen petition was to engage this conversation at the Council level. He too was frustrated as this should have moved quicker which was why the petition had options. He was agreeable if Council chose to put in place a moratorium; however, the framework presented by staff was their alternate proposal. He thanked the City Manager for endorsing this because it was a complex issue that involved a number of City departments. Again, he was agreeable with whatever direction Council chose, even if it meant waiting a couple weeks so Council could obtain legal advice.

Frank Dancil and Larisa Balderrama submitted speaker comment cards in favor, but donated their time to Mr. Graham.

Wally Graham indicated TAP agreed with the text amendment approved by Council in June with reservations, primarily about the reasonable accommodation process which did not provide for public comment. He wanted all people to be treated fairly so whatever decision was made he asked that Council make it so the process worked for people and neighborhoods.

Leonard Clark and John Mendibles submitted speaker comment cards with a neutral position and did not wish to speak.

Mayor Stanton reiterated the motion was to continue this item to the

November 29 formal meeting and add an Executive Session in advance of that meeting.

Councilman Waring appreciated the spirit in which Mr. Spellman brought this forward because it was a complicated issue to explain as was the case in the different forums already held. Councilman Waring thought the City needed to be trend-setters in this matter since it was a problem all around the country that impacted people. He had asked that this move expeditiously as it had proliferated over the years and needed to be addressed.

A motion was made by Councilman Nowakowski, seconded by Vice Mayor Pastor, that this item be continued to the Nov. 29, 2017 City Council Formal Meeting. The motion carried by voice vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

90 (CONTINUED FROM NOV. 1, 2017) - Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-27-17-6 - Approximately 180 Feet East of the Northeast Corner of 7th Street and Marlette Avenue (Ordinance G-6373)

Request to hold a public hearing on the rezoning application for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved.

Summary

Application: Z-27-17-6

Current Zoning: R-4 and R-5

Proposed Zoning: PUD

Acreage: 3.93

Proposed Use: Planned Unit Development to allow multifamily residential and office

Owner: 700-EM Development Corp. et al

Applicant: Stephen C. Earl

Representative: Stephen C. Earl

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Camelback East Village Planning Committee heard the request on Sept. 12, 2017 and recommended approval per the staff recommendation by a 12-4 vote.

PC Action: The Planning Commission heard the request on Oct. 3, 2017 and recommended approval per the Camelback East Village Planning Committee recommendation with an additional stipulation by a 5-1 vote.

Location

Approximately 180 feet east of the northeast corner of 7th Street and Marlette Avenue

Council District: 6

Parcel Address: 713, 716, 720, 721, 723, 724, 728, 729 E. Stella Lane, and 714, 722, 724, 730, 832 E. Marlette Ave.

Discussion

Note: Councilmen DiCiccio and Valenzuela temporarily left the voting body.

Mayor Stanton announced due to the amount of testimony taken on this item at the previous meeting he was limiting each side to 25 minutes. He then declared the public hearing open.

Stephen Earl remarked staff had prepared a new report that listed additional stipulations; however, he did not have time to actually analyze them. At the prior meeting a great deal was said about how this project would produce an unsafe condition along 7th Street. So, he had a professional traffic engineer study the amount of traffic this proposal would create over what was allowed under the existing zoning. There were 31,000 vehicle trips per day on 7th Street, noting peak hour was the most important aspect as that was when the road was used the most.

Mr. Earl indicated one significant detail negotiated with adjacent property owners dealt with access to this property from Marlette. In fact, a major concession the applicant made at the beginning of this process was to remove all traffic from Marlette and move it to 7th Street. He conveyed another concern was raised about that not working because traffic during peak hours was so heavy people would be unable to make left-hand

turns. Residents thought people would instead make right-hand turns and use Maryland which meant more cars driving through the neighborhood. He sent the traffic engineer out who witnessed a traffic gap of about every minute where numerous cars could make left-hand turns. He also did a test during peak hours and came to the exact same conclusion, noting the traffic report was accepted by the City. Additionally, he put a drone in the air on August 15 and filmed this intersection for an hour. He showed two clips where people from his office lined up on Stella Lane and made left-hand turns safely onto 7th Street. He thought these examples from the study proved that traffic safety was not an issue.

Note: Councilmen DiCiccio and Valenzuela returned to the voting body.

Mr. Earl continued the next concern raised at the previous meeting was there were no sidewalks in the area with kids walking in the streets. He displayed a map that showed sidewalks on both sides of Maryland to the north, 7th Street and 10th Street next to the school had sidewalks as did a portion on Marlette adjacent to the school. The area around the project did not have sidewalks but would have an offset sidewalk lined with trees. He stated once that was done there were some portions that were not sidewalk but asphalt so nobody would be walking in the street. He added the applicant would work with the City if necessary to have them turned into sidewalks as there was adequate right-of-way since this was an important issue.

Moreover, he notified the Madison School District about this case on four different occasions, the first notification was required 30 days before filing the application. Mr. Earl explained this step was necessary to alert them of the potential children and allowed the school district to conduct an analysis. The school district concluded they had adequate facilities for the children coming from this project. He did not hear from the school district, even though they were notified about every public hearing, until last week when they held a meeting to make a recommendation. After his presentation, where he showed the sidewalk and traffic conditions from this project actually made the area significantly better, the school board decided to take no action so there was no letter from them in opposition to this case.

He pointed out the site plan was significant because the General Plan called for high density housing in the area. Mr. Earl understood the neighbors wanted lower density but this was allowed and City staff further confirmed in their report that this project was in compliance with the General Plan. Secondly, the site plan exhibited there was no single-family around this project as it was either commercial to the west, office to the north or apartments to the east and south. He conveyed this area had seen massive revitalization with opportunities for employment in numerous directions. Plus, there was no ultra-sophisticated, millennial-type project in the area so this would bring in a new demographic of people with tenants making about \$100,000 per year and rent in the \$1,500-\$3,000 range.

Mr. Earl noted the City recommended going to the surrounding owners for approval of this project. The neighborhood leaders in opposition have said he was not willing to make concessions; however, the original proposal for this development had over 270 units and was now down to 245 which was a significant reduction in density. He explained the building could not drop more due to the luxury nature of this integrated project with internalized parking. Also, the setbacks included a three-story buffer on Marlette and four stories inside the project with lush landscaping. Further, the buildings faced south so the entryways and patios now looked onto Marlette.

Mr. Earl stressed the rendering was a personification of all the development standards in the PUD. In fact, another concession was increasing the brick to make it more residential in character, so the first two floors were completely brick with additional brick on the other two elevations on Stella Lane. The PUD ordinance said a project had to be superior and he believed this was a superior project. He again listed the following aspects of this project that were not required per the code:

- access to Marlette was removed for a complete pedestrian experience;
- lush landscaping;
- completely internalized parking garage;
- front doors and patios faced onto Marlette with balconies on the above units;
- luxury level finishes inside and out, including more brick; and

- a three-story height limit.

Mr. Earl stated those in opposition felt this project would hurt their neighborhood because it was out of character. The character of the area east of 7th Street was different from that on the west as it was more diverse in nature with the amount of housing and apartments but none like this project. Moreover, he obtained support from all of the adjacent property owners and even spoke with people who lived east of 7th Street though he could not recall having 100 percent of their support, but did speak with everyone about the project. He did not set up an online petition as that was all about what input was given, not to mention the possibility of people signing it and no way to verify their signatures. Lastly, nothing was posted online about this matter having extensive hearings with favorable votes from the Camelback East Village Planning Committee and Planning Commission as well as staff support.

John Hathaway submitted a handout and spoke in opposition as a resident that lived about four blocks from this project. He wished to address the traffic study presented by Mr. Earl. Mr. Hathaway pointed out this project had a 420-car garage, noting approximately 80 percent of those 420 cars worked a standard day-shift job which equaled 338 cars. According to Mr. Earl, 80 percent of those cars would turn south while 20 percent turned north. Mr. Hathaway actually expected about 170 cars to come from the apartment complex. However, Mr. Earl showed 69 cars had the ability to turn south onto 7th Street which asked the question what happened to the other 100 cars. Thus, Mr. Hathaway believed the traffic study was inaccurate.

Mr. Hathaway stated the typical characteristic of this neighborhood was it had an average density of 9 units per acre with a standard deviation of 7. He conveyed the issue was impact to the community versus image of the project. When density was doubled it created more consequences, such as traffic issues, sewer usage and potential fire safety issues. He was concerned because while this project was under construction there was no fire suppression and it was 400 feet away from Madison Traditional Academy. He thought it would be a reckless decision to move ahead with this project as it negatively impacted the community.

Keith Charles Kerber and Pam Fitzgerald submitted speaker comment cards in opposition, but wished to donate their time to Ms. Grunow.

Sandy Grunow, who lived in the Phoenix Mid-century Modern Neighborhood Association, submitted a copy of the online petition which had 975 signatures of people opposed to this project. She met with Mr. Earl on November 7 and advised him the neighbors had gone up to 170 rental units with 50 percent lot coverage and three-story maximum. Mr. Earl would not budge, so she made an additional call to him on November 13 with no movement. She expressed the time for compromise had come and gone, and asked Council to broker a compromise.

Ms. Grunow requested Mr. Earl's November 1 presentation and construction plans prior to meeting with him on November 7. She noted portions of his presentation were missing and the construction plans consisted of artist drawings. In fact, he did not know how many one-, two- and three-bedroom apartments were planned because there were no construction plans as the PUD was the concept. She thought the City required detailed construction plans before approving a project at any level. She pointed out risks of fire danger and more specifically traffic safety with kids walking in the street as there were few sidewalks. Plus, there were recent articles reporting Millennials wanted homes now instead of apartments which was a threat to the rental market.

She also questioned why this PUD was 63 units per acre, especially since the other Wood Partners projects in Phoenix averaged about 25 units per acre. Ms. Grunow thought the answer was because there were people who had a vested interest in this PUD since they owned some of the land being purchased. Furthermore, though Councilwoman Stark was not present her Chief of Staff was the daughter of the broker for this development which gave the appearance of impropriety. She believed it was reckless to approve this PUD and again urged Council to broker a compromise.

Note: Mayor Stanton and Councilman Valenzuela left the Chambers but remained part of the voting body via telephone. Vice Mayor Pastor assumed the Chair.

Stacey Champion commented residents needed to be on more equal footing with developers since many were out-of-state with no vested interest in the community. She noted the assortment of PUDs across the city without foresight and design standards was taking its toll. Additionally, residents felt unheard and unappreciated as many of these development projects were not reflective of community values. She emphasized the right thing to do was stand with the residents, not this developer, and vote no on this project.

Larry Whitesell spoke in opposition as co-chair of the Peak Neighborhood Association and submitted a handout. He wanted to address Councilwoman Stark's comparison at the previous meeting regarding the largest apartment complex in the State of Arizona located at 7th Street and Greenway Parkway. He agreed it only accessed onto 7th Street with two points of entry and dedicated left-turn lanes. Moreover, there was an exit only one way with a no right turn sign on that property which forced traffic onto Paradise Lane and away from the neighborhood to a light where drivers could easily make a left-hand turn.

Mr. Whitesell also pointed out that apartment complex had 1,222 units on 73.4 acres which made the density 21 units per acre whereas the Marlette project was about 4 acres with a density of 63 units per acre. Moreover, the nearest schools were one and three blocks away in a community that had few sidewalks. The City had to provide infrastructure for projects with this much density, noting Wood Partners would not compromise despite that fact. Still, Councilwoman Williams mentioned many areas in her district had no sidewalks and few street lights because it was considered rural 40 years ago. He thanked her for listening to the neighbors' wishes to not change the character of those rural neighborhoods. He was asking for the same consideration, to listen to the residents' who did not want this kind of density without the proper infrastructure. He noted Mr. Earl's statements pertaining to support were mainly from business owners and not residents. In conclusion, Mr. Whitesell strongly encouraged Council to vote no on this rezoning request.

The following individuals submitted speaker comment cards in

opposition, but donated their time to Ms. Crozier:

Stephen Grunow
Claudia Grunow
Jacob Vollman
Maurice Mersch

Mary Crozier spoke in opposition. She thanked Councilmembers Gallego and Nowakowski for their leadership at the last meeting as Mr. Earl agreed to meet with neighbors. She had hoped to find out more about this project but it was still 245 units with no construction drawings, so she had no detailed information about this enormous development on this small parcel. In fact, she called Mr. Earl on November 13 with their suggestion of 170 units but he said it had to be 245 units or it would not be a Class A luxury product. She conveyed other Wood Partners projects in Arizona were Class A luxury developments with far less units and built at the density of their proposal of 170 units which would be 43 units per acre for this project. She did not think it made sense for this developer to build with no regard to the underlying zoning and negatively impact the surrounding neighborhoods.

Ms. Crozier looked to Council as the facts did not support approval of a conceptual PUD at double the density in an area that had no sidewalks, multiple schools, numerous churches and a large walking community. The neighborhood did support new development, such as the six big projects going on where neighbors worked collaboratively with the developers. She had neighborhood experience as this area was heavily traveled by both pedestrians and vehicles as well as where there were sidewalks and where there were none. There was also the dangers of pulling out onto 7th Street using the suicide lanes. She emphasized Council should base their decision on the facts of this case, noting the neighbors' compromise was a reasonable option for the developer. She requested Council not vote in favor of this PUD with all of its unknowns and put neighborhood safety and character at risk.

Vice Mayor Pastor announced she would provide each side an additional five minutes for rebuttal.

Mr. Earl reiterated this was a three-story project at only 35 feet on Marlette with four stories behind, noting everyone who surrounded the property was in favor of it. Also, the traffic study was thoroughly conducted to establish people coming out of the garage during peak hour could make a left-hand turn due to the traffic gap from the light at Maryland. He expressed a lot of things were said about his client; however, those in charge at Wood Partners were local. Further, the neighbors had a fire concern but this project had the proper fire lane as well as sprinklers, plus their plan was reviewed and approved by the Fire Department. He recalled the neighbors were concerned about the lack of construction drawings but that was done once the proposal went through the zoning process. He went through great effort to show exactly what this project would look like and was willing to stipulate to the renderings.

Mr. Earl thought his client went above and beyond what was required for a PUD and had tried to be specific over the last five months. He did not think traffic was an issue or harm to pedestrians as there would be sidewalks around the property. Moreover, if 70 units were taken out of this project as the neighbors had suggested the PUD would be worthless as it had all the luxury elements and distinct aspects, such as facing onto Marlette and no access to the neighborhood. In addition, other projects with internal garages had a higher density per acre than this project. He believed this was an outstanding project that would create revitalization for the whole area.

Mr. Hathaway did not think Mr. Earl's projection of 38 cars making a left-hand turn during the peak hour for a garage that held 420 cars made sense.

Ms. Crozier expressed the neighborhood was not against development, noting this could be a beautiful project at an appropriate density. Additionally, the neighbors did not attack Wood Partners' character but she thought it was unusual she had never talked to the developer. There were many unknowns, like not being able to accurately predict how many cars would make left-hand turns during the peak hour and she felt those unknowns would negatively impact the surrounding neighborhood. Further, she had analyzed Wood Partners other Arizona projects and this development was the most dense. Also, she noticed the fire lane on the

east side of the project was 15 feet wide instead of the appropriate 20 feet so there were risks involved with this project. She emphasized the neighbors wanted development on this parcel but did not want it at double density.

David Wachs, a neighbor on Maryland, spoke in opposition. He pointed out traffic on Maryland was already so bad he had to put his blinker on and wait before exiting his own driveway. He conveyed Maryland was a narrow street with one lane in either direction and did not think this project with multiple times the density would help that situation.

Maurice Mersch lived at 10th Street and Marlette, and spoke in opposition. He said he took Marlette to 7th Street to go to work every day and noted traffic was typically backed up from 7th Street to Rose Lane by 8:00 a.m. For that reason, he thought this project was wrong for the neighborhood.

The following individuals submitted speaker comment cards in opposition, but did not speak:

Shawn Severud
Fred Selby
Donna Reiner
Gail Palmer
Dean Scheinars
Willis Guerrero
Bryn and Jeff Lewis
GG George
D.S. Palomino
R.E. - EMNC
Brock Tunnichliff
Scott Crozier
Eric Bassingthwaighte
Tim O'Malley
Marjorie McCue
Gerry McCue
Paul Barnes - Neighborhood Coalition of Greater Phoenix
William Friedman

Janis Harris
Ben Harris
Clyde Grunow
Denise Storace Blaskovic
Robin Best

The following people submitted speaker comment cards in favor, but did not speak:

Patrick Burch
Kym Billington
Loretta Cassidy
RT Brown
Tony Palazzolo
Clay Richardson
Heath Oitzman
Charles Ball
Chris Shipley
Joe Fitzpatrick
Mike Wallace
Tony Allen
Kasey Shores
Tommy McKone
Todd Taylor
Caitlyn Penny
Chris Kelly
Andrew Biskind
Mark Phillips
Virginia Senior
Paul Ladensack
Stephen Parady
Rick Linan

Vice Mayor Pastor declared the public hearing closed.

Councilman Nowakowski wanted Mr. Mersch's perspective on the presentation related to the drone since he came down 7th Street to work every day.

Mr. Mersch replied the video looked similar to the traffic he saw at 6:00 a.m.; however, traffic did stop on 7th Street from Bethany Home to Rose Lane during the peak hour. In fact, his granddaughter could not walk to school because of the traffic on 10th Street. He said the neighborhood was not against redevelopment but it needed to be smart, and urged Council to vote no.

Councilman Nowakowski recalled having a great Wood Partners project in his district off of Fillmore and 7th Avenue. He knew safety was a top priority and asked for clarity regarding concerns about the fire lane on this project.

Mr. Earl confirmed the fire lane was 28 feet from the east edge of the building to the property line so that entire area would be open. Also, all units would have sprinklers, noting the fire system and plan were reviewed by the Fire Department.

Councilman Nowakowski thought there was a paved alley coming out of the property that people could use as a cut-through to go onto Marlette.

Mr. Earl replied that alley was abandoned along with Stella Lane. He added the alley would belong to Christo's and turned into a parking lot.

In further response to Councilman Nowakowski, Mr. Earl stated the it was currently passable because the abandonment was not finished as all of the stipulations had to be completed along with paying the City fair market value for the land. It would then be turned into a parking lot for Christo's sole use with signs prohibiting through traffic.

Councilman Nowakowski recollected residents were concerned about people parking on Marlette since some of the apartments faced that street. If that became a problem in the future, he wondered if there was a way to prohibit individuals from parking on the street and instead use the parking structure.

Mr. Stephenson answered currently there was no street parking, but there was a petition process through the Street Transportation Department that

could make it resident only parking.

In further response to Councilman Nowakowski, Mr. Stephenson conveyed he could talk to the Street Transportation Department about a traffic study along Maryland Avenue to look at traffic calming impacts. He believed it was a minor collector road so it would not be eligible for speed humps but there might be other avenues. Further, there had been no study of that street as well as no money dedicated for that purpose.

Mr. Stephenson further affirmed it was rare for any rezoning applicant to provide construction drawings prior to PUD approval as that would involve thousands of dollars for an architect or engineer when it was unknown what would actually be built. He indicated it was common to have conceptual project renderings and if approved by Council would then go into the architect and engineering design phase.

Councilman Nowakowski was still uncomfortable as he had recently worked with Wood Partners on a great project in his district where they had meetings with the community and worked things out. He thought it was odd to have the same individuals he had the opportunity to work with not sit down and compromise with this neighborhood. He did not know if there was still a chance to work it out because it was a beautiful project but neighbors had concerns about the density, parking and traffic on 7th Street.

Mr. Earl confirmed the comments made earlier were accurate in that they did meet; however, there was a radical difference in density by both parties and tried to point out this was an integrated project so a building could not be reduced. He thought additional time would be helpful to come up with stipulations that were more acceptable. Moreover, he was willing to work further with the neighbors on a traffic study or sidewalks to ensure adequate safety for kids. He wanted to bring resolution but it would be difficult to lower the density given the design as the PUD was built around this project. Again, there were other things they could work on in terms of stipulations, such as looking at the traffic on 7th Street.

Councilman Nowakowski also recalled there was concern about the height on Maryland and wanted everyone to sit down and try to find

common ground as he was not comfortable approving this project because of the lack of communication between the community and developer.

Vice Mayor Pastor asked why the developer was holding firm to the number of planned units because she thought that was the issue. She wondered if there was room to negotiate that point as the neighborhood wanted to discuss it. If the answer was no then she suggested Council vote on this item as more time would not resolve the issue.

Mr. Earl reiterated he tried to work on that issue and came down to 245 units, whereas the neighborhood wanted at most 170 units. He conveyed the project as designed could not be built at 170 units as it would not pay for the luxury nature of the development. He thought there was room to negotiate between 170 and 245 but it had to keep the integrity of the project in order to move forward. He restated there were other things they could work on and attempt to make the density work for everyone.

Vice Mayor Pastor believed, based on Mr. Earl's testimony, there was room to negotiate between 170 and 245 units to which Mr. Earl concurred after discussing it with his client.

Vice Mayor Pastor inquired if both sides could come together and discuss a compromise between 170 and 245.

Ms. Grunow said she did not think it was that simple since the current zoning was 130 at 50 percent density, noting the neighborhood already went up to 170 units while maintaining 50 percent density. She stated the neighbors also did not want four stories as this was a one- to two-story neighborhood.

Vice Mayor Pastor affirmed the neighbors were willing to talk if another continuance was granted.

Note: Vice Mayor Pastor temporarily left the voting body. Councilwoman Gallego assumed the Chair.

Mayor Stanton stated he had been on this body for a long period of time

and it was his experience that Council did not negotiate from the dais. He thought there was willingness on both sides to give it another shot, but this would not be the first time a difficult zoning case had two continuances. He was in favor of that and would be willing to be in the room with both sides. He did not know how much time was needed but he was supportive of a continuance as opposed to negotiating from the dais.

Councilwoman Gallego believed both sides were amendable to a continuance.

Note: Vice Mayor Pastor returned to the voting body and resumed as Chair.

Ms. Crozier indicated the underlying zoning for this parcel was currently 130 units, noting Mr. Earl started at 270 before talking with the neighbors. Further, since there were no apartments on this lot technically the developer had not come down and the neighbors had not gone up. She pointed out the residents went up 30 percent to 170 which to them was a compromise made in good faith but the developer was still at 245. She wanted to sit down and talk but if this was another exercise of only going down a few units she did not want to waste any more time. In fact, she preferred Mr. Earl start at the underlying zoning and go up instead of starting at 270 and come down. She wanted to have an honest discussion since the developer already purchased the land and this PUD contingent on the rezoning request getting approved.

Mr. Earl expressed each side was coming at this issue from different positions. He kept hearing what the current zoning was for this lot; yet, he did his own calculations for the number of units under a PRD option which conflicted with the neighbors number. Additionally, the current zoning also allowed the R-5 portion to be used as an office which was part of the equation in terms of traffic. His position was to have a beautiful project that was unique and thought this would be a real benefit to the community. He could not get down to 170 units with this project as the PUD would not work because of the luxury features. However, he was willing to negotiate between 170 and 245 but if the neighbors would not go higher than 170 then it might not be a productive session. He wanted to resolve this problem but had worked hard to make this project worthy of Council's

support.

Councilman DiCiccio did not think anyone should negotiate on the fly. He supported a continuance and wanted to give enough time to discuss the density and traffic study issues. He also liked the idea of having the neighborhood present when doing the traffic study so they could evaluate it.

A motion was made and seconded to continue this item to the Dec. 13, 2017 formal meeting.

Councilwoman Williams interjected since there had been hours of testimony on this case that discussion should be limited to 10 minutes each side at the next meeting.

Councilman DiCiccio added both sides had to bring new information and focus on whatever negotiations occurred during that period of time. He believed there was plenty of time to work on the traffic study which seemed to be the predominant issue more than the density given the testimony at this meeting.

A motion was made by Councilman DiCiccio, seconded by Councilman Nowakowski, that this item be continued to the Dec. 13, 2017 City Council Formal Meeting. The motion carried by the following vote:

Yes: 8 - Councilman DiCiccio, Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 1 - Councilwoman Stark

Note: Mayor Stanton and Councilman Valenzuela temporarily disconnected from the meeting.

27 Downtown Phoenix, Inc.

For \$3,844,287.00 in payment authority for Contract 141594, through Dec. 31, 2018, for the Community and Economic Development Department to provide services for the Downtown Enhanced Municipal Services District (EMSD), which include streetscape enhancements,

event management and the Downtown Ambassador program. Property owners within the EMSD boundaries pay a special assessment to Maricopa County Assessor's Office, which is the source of funds for approximately 90 percent of the 2018 budget.

Discussion

Vice Mayor Pastor noted Joanne Scott Woods submitted a comment card in favor, but did not wish to speak.

Dianne Barker spoke in support of Downtown Phoenix, Inc. receiving these funds as they did a lot to improve the downtown area. She wanted notice of their meetings posted per the Open Meeting Law.

Vice Mayor Pastor recessed the meeting prior to the vote because quorum was temporarily lost. She reconvened the meeting once a quorum was present.

A motion was made by Councilwoman Gallego, seconded by Councilwoman Williams, that this item be adopted. The item failed because it did not receive five affirmative votes as required by the Code by the following vote:

Yes:	4 - Councilman Nowakowski, Councilwoman Williams, Councilwoman Gallego and Vice Mayor Pastor
No:	2 - Councilman DiCiccio and Councilman Waring
Absent:	3 - Councilwoman Stark, Councilman Valenzuela and Mayor Stanton

Note: Councilwoman Williams left the voting body.

Discussion

Vice Mayor Pastor recognized Leonard Clark who submitted speaker comment cards with a neutral position on these items, but did not wish to speak.

A motion was made by Councilwoman Gallego, seconded by Vice Mayor Pastor, that Items 38 and 39 be continued to the Nov. 29, 2017 City Council Formal Meeting. The motion carried by voice vote:

Yes:	3 - Councilman Nowakowski, Councilwoman Gallego and Vice Mayor Pastor
No:	2 - Councilman DiCiccio and Councilman Waring

Absent: 4 - Councilwoman Stark, Councilman Valenzuela,
Councilwoman Williams and Mayor Stanton

38 Federal Lobbying Services (Ordinance S-44048)

Request to authorize the City Manager, or his designee, to enter into a contract with Holland & Knight, LLP, to provide federal lobbying services for the Office of Government Relations. The aggregate value of this contract will not exceed \$1,380,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This contract will allow the City of Phoenix to be represented by a bipartisan federal team who will represent the City's interests to decision makers in Washington D.C., with the goal of advancing the City's federal agenda to benefit City programs and services, and ultimately, City residents. The City's federal agenda is divided into four issue areas: Public Safety; Transportation; Water, Environment, Parks and Sustainability; and Community Development. Services will include working closely with members of Congress and federal agencies to address municipal issues; providing information on City projects and seeking assistance on issues of interest to the City; coordinating meetings when Phoenix representatives are in D.C.; developing strategies to address challenges City departments might have with federal program requirements; and analyzing pending legislation, rulemaking and grant funding opportunities.

Procurement Information

Request for Proposal 17-196 was conducted in accordance with Administrative Regulation 3.10. There were 11 offers received by the Finance Department's Procurement Division on Aug. 4, 2017; however, one was deemed non-responsive for taking exception to the City's insurance requirements. The proposals were scored by a five-member evaluation panel based on the following evaluation criteria: Qualifications and Expertise (400 points); Demonstrated Relevant Experience (300 points); Approach to Scope of Work (200 points); and Cost (100 points). The highest-scoring offers are as follows:

Holland & Knight: 985 points
Baker Donelson: 687 points

Capitol Strategies: 600 points

The Deputy Finance Director recommends that the offer from Holland & Knight, LLP, be accepted as the highest-scored, responsive, and responsible offer that is most advantageous to the City.

Contract Term

The two-year contract term shall begin on or about Dec. 1, 2017. Provisions of the contract include options to extend the term up to three years, which may be exercised by the City Manager or designee.

Financial Impact

The aggregate value of the contract will not exceed \$1,380,000, with an estimated annual expenditure of \$276,000. Funds are available in the Office of Government Relations' budget.

This item was continued to the Nov. 29, 2017 City Council Formal Meeting.

39 State Lobbying Services (Ordinance S-44063)

Request to authorize the City Manager, or his designee, to enter into contracts with Ballard Spahr, LLP, and Dorn Policy Group, Inc., to provide state lobbying services for the Office of Government Relations. The aggregate value of this contract will not exceed \$1,295,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This contract will allow the City of Phoenix to be represented by a bipartisan team who will represent the City's interests to policy makers at the Arizona State Legislature, with the goal of advancing the City's State Legislative Agenda to benefit City programs and services, and ultimately, City residents. Services will include representing the City's interests at the Arizona State Legislature, and working closely with members of the Executive Branch and state agencies; identifying issues/legislation relating to aviation, water, criminal justice, public safety, community and economic development, and other municipal legislative issues expected to be debated by state legislators or the Executive Branch; recommending strategies for advocacy of the City's position on priority

issues, including contacts at the Arizona State Legislature, state officials and/or key interest groups; and reviewing and commenting on state executive branch proposals, proposed and adopted administrative rules and regulations, and other executive issues of interest to the City.

Procurement Information

Request for Proposal (RFP) 17-200 was conducted in accordance with Administrative Regulation 3.10. There were 10 offers received by the Finance Department's Procurement Division on Sept. 1, 2017. The proposals were scored by a five-member evaluation panel based on the following evaluation criteria: Qualifications and Expertise (400 points); Demonstrated Relevant Experience (300 points); Approach to Scope of Work (200 points); and Cost (100 points). The highest-scoring offers are as follows:

Ballard Spahr, LLP - 939 Points

Dorn Policy Group, Inc. - 770 Points

Barclay Legal, PLC - 755 Points

The Deputy Finance Director recommends that the offers from Ballard Spahr, LLP, and Dorn Policy Group, Inc., be accepted as the highest-scored, responsive, and responsible offers that are most advantageous to the City.

Contract Term

The two-year contract term shall begin on or about Jan. 1, 2018. Provisions of the contract include an option to extend the term up to three years, which may be exercised by the City Manager or designee.

Financial Impact

The five-year aggregate value of the contract will not exceed \$1,295,000, with an estimated annual expenditure of \$259,000. Funds are available in the Office of Government Relations' budget.

This item was continued to the Nov. 29, 2017 City Council Formal Meeting.

42 Application for U.S. Environmental Protection Agency Brownfields

Assessment Grant (Ordinance S-44069)

Request approval for the City Manager, or his designee, for the City of Phoenix Office of Environmental Programs to submit a grant application to the U.S. Environmental Protection Agency (EPA) for a \$400,000 Brownfields Assessment grant for the South Central Light Rail Extension corridor and areas within one-half mile of the corridor. Further authorization for the City Treasury to accept and for the City Controller to disburse grant funds in accordance with the terms of the aforementioned grant and agreement.

Summary

The EPA Brownfields program provides grants to assess, safely clean up and sustainably reuse contaminated properties. The goal of the program is to put underused and abandoned properties with contamination or the perception of contamination back into productive use.

This assessment grant would provide \$400,000 in funding for environmental assessments of light rail property acquisitions required for construction of the project and for redevelopment of properties located within one-half mile of the South Central Light Rail corridor. The assessments include Phase I environmental site assessments, which are searches of historical records and current databases for indicators of potential environmental contamination, and Phase II environmental site assessments, which usually involve conducting soil, soil vapor, or groundwater testing to investigate any environmental concerns identified during the Phase I assessment.

These environmental assessments must be conducted prior to property purchase in order for the purchase to qualify for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability protections (a defense against Superfund claims). Often, purchasers of property, and especially small business owners, are unwilling to spend the costs of environmental investigation on a property perceived to be contaminated. These grant funds can be used to fund these assessments to define the actual environmental conditions, if any, at underutilized sites. This allows potential buyers to make informed decisions about redevelopment opportunities on these sites, and

encourages the redevelopment of properties that may otherwise remain unused.

The City of Phoenix has successfully managed several EPA Assessment grants, including a \$550,000 assessment grant for the original Light Rail alignment, and is currently administering a \$400,000 Brownfields to Healthfields Assessment grant, which provides environmental assessments on properties within the City of Phoenix being developed as a food asset (community garden, food hub, grocery store, etc.) or health asset (clinic, urgent care, etc.). This grant would complement the existing grant to provide funding for assessments of properties for all transit oriented development uses appropriate to the zoning of the property around the South Central Light Rail corridor.

The grant application deadline is Nov. 16, 2017. Award of funds is anticipated in Spring 2018 with funds available for the period of Oct. 1, 2018, through Sept. 30, 2021.

Contract Term

The grant is awarded for a period of three years.

Financial Impact

No match or general fund monies are required for this grant.

Location

If awarded, this grant would complement the existing grant to provide funding for assessments of properties for all transit oriented development uses appropriate to the zoning of the property around the South Central Light Rail corridor.

Council Districts: 7 and 8

Discussion

Dianne Barker understood the City could not purchase the property until this grant was awarded. She requested staff let her know what funds would be used for this cleanup in the meantime.

A motion was made by Councilwoman Gallego, seconded by Councilman Nowakowski, that this item be adopted. The motion carried by the following vote:

Yes: 5 - Councilman DiCiccio, Councilman Nowakowski, Councilman Waring, Councilwoman Gallego and Vice Mayor Pastor

Absent: 4 - Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams and Mayor Stanton

A motion was made by Councilman Nowakowski, seconded by Councilman DiCiccio, that Items 45 and 46 be adopted. The items failed because they did not receive five affirmative votes as required by the Code by the following vote:

Yes: 4 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Gallego and Vice Mayor Pastor

No: 1 - Councilman Waring

Absent: 4 - Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams and Mayor Stanton

45 Artist Fabrication and Construction Oversight Contract for 16th Street and Bethany Home Road Public Art Project (Ordinance S-44065)

Request authorization for the City Manager, or his designee, to enter into a contract for an amount not to exceed \$95,000 with Jones Studio, Inc., or its City-approved designee, to fabricate and oversee installation of artist-designed streetscape enhancements and transit shelters at 16th Street and Bethany Home Road. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Fiscal Year 2017-22 Public Art Project Plan includes a project to commission an artist to create street enhancements at 16th Street and Bethany Home Road. On April 17, 2013, the City Council approved a contract for artist Maria Salenger to work with City departments and the community to design enhancements for the commercial core at this intersection. Since then, the team has developed construction documents for new bus shelters, seating and landscaping within the limited right-of-way on three of the intersection's corners.

Under the proposed construction contract, Jones Studio, Inc., will fabricate and oversee the installation of two bus shelters, up to ten

benches, three trash receptacles and landscape improvements, coordinating all work with City departments and adjacent businesses.

Financial Impact

The proposed \$95,000 contract covers all costs needed to fabricate and oversee installation of the bus shelters, seating and trash receptacles, and oversee completion of streetscape enhancements at 16th Street and Bethany Home Road. Funding is available in the Neighborhood Services Capital Improvement Program.

Concurrence/Previous Council Action

The Phoenix Arts and Culture Commission reviewed and recommended this item for approval on Sept. 19, 2017. The Parks, Arts, Education and Equality Subcommittee reviewed and recommended this item for approval at its Oct. 25, 2017, meeting by a vote of 3-0.

Location

The project is located on 16th Street and Bethany Home Road.

Council District: 6

This item failed because it did not receive five affirmative votes as required by the Charter.

46 Artist Design and Construction Oversight Contracts for Phoenix Sky Harbor International Airport Sky Train Station Terrazzo (Ordinance S-44066)

Request to authorize the City Manager, or his designee, to enter into one contract with Arizona artist Bill Dambrova and one contract with Arizona artist Frank Gonzales, or their City approved-designees, each for an amount not to exceed \$50,000, to work with an Aviation Department design team to design and oversee construction of terrazzo floors for the planned Phoenix Sky Harbor International Airport PHX Sky Train Stage 2 stations at the Rental Car Center and 24th Street West Ground Transportation Center. These projects will continue the successful series of Arizona artist-designed terrazzo floors integrated into PHX Sky Train stations. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

On Sept. 8, 2017, a five-person artist selection panel recommended Mr.

Dambrova, Mr. Gonzales and six other finalists from a pool of 52 Arizona artists who had applied to be considered for this public art project. In addition to the two recommended artists, the finalists included the Fortoul Brothers, Cheryle Marine, Aaron Rothman, Mary Shindell, Rossitza Todorova and Ellen Wagener. On Oct. 9, 2017, the panel interviewed the finalists and reviewed preliminary concepts before recommending that Mr. Dambrova and Mr. Gonzales be contracted for the project. The panel based its decision on the artists' approach to the project, their potential to create beautiful and durable floors, and their ability to work effectively with complex design teams.

Financial Impact

The PHX Sky Train Phase 2 project is one of 31 projects in the Fiscal Year 2017-22 Public Art Project Plan that City Council approved on June 28, 2017. The Art Plan includes \$2,300,000 for Sky Train Phase 2 projects. The two proposed \$50,000 design and construction oversight contracts, totaling \$100,000, will cover all costs related to the artists working with City staff and the station design team to develop full designs and oversee construction of the terrazzo projects. The remaining \$2,200,000 will be used for project construction and administration, and to develop an additional public art project for safety weather screens to be integrated into the Rental Car Center station. The percent-for-art funds for this project come from the Aviation Department Capital Improvement Program.

Concurrence/Previous Council Action

The Phoenix Arts and Culture Commission reviewed and recommended this item for approval at its Oct. 17, 2017, meeting. The Parks, Arts, Education and Equality Subcommittee recommended this item for approval at its Oct. 25, 2017, meeting by a vote of 3-0.

Location

The project will be located at the Phoenix Sky Harbor PHX Sky Train Stage 2 stations at the Rental Car Center and 24th Street West Ground Transportation Center.

Council District: 8

This item failed because it did not receive five affirmative votes as required by the Charter.

SUSPENSION OF THE RULES

A motion was made by Councilwoman Gallego, seconded by Vice Mayor Pastor, to suspend the rules and hear Items 86 through 88 out of order. The motion carried by voice vote:

Yes: 5 - Councilman DiCiccio, Councilman Nowakowski, Councilman Waring, Councilwoman Gallego and Vice Mayor Pastor

Absent: 4 - Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams and Mayor Stanton

86 Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-57-17-8 - Approximately 370 Feet South of the Southwest Corner of 20th Street and Roosevelt Street (Ordinance G-6380)

Request to hold a public hearing on the rezoning application for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved.

Summary

Application: Z-57-17-8

Current Zoning: R-4 (16.77 acres) and R-5 (13.63 acres)

Proposed Zoning: WU T4:3 EG (16.77 acres) and WU T5:5 EG (13.63 acres)

Acreage: 30.40

Proposed Use: Multifamily Residential

Owner: City of Phoenix Housing Department

Applicant: Brian Swanton, Gorman and Company, Inc.

Representative: Manjula Vaz, Gammage and Burnham, PLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Central City Village Planning Committee heard the request on Oct. 16, 2017 and recommended approval per the staff recommendation by a 12-0 vote.

PC Action: The Planning Commission heard the request on Nov. 2, 2017 and recommended approval by a 6-0 vote.

Location

Approximately 370 feet south of the southwest corner of 20th Street and Roosevelt Street

Council District: 8

Parcel Addresses: 705, 713 N. 18th St.; 713, 729, 753, 765, 769, 901 N. 19th St.; 500, 710, 718, 734, 758, 770 N. 20th St.; 1805, 1821, 1837, 1853, 1869, 1877 E. McKinley St.; 1945 E. Roosevelt St.; and 1810, 1850, 1826, 1842, 1910, 1918, 1940, 1942, 1958, 1974 E. Villa St.

Discussion

Councilwoman Gallego commented these were great items, noting the City was committed to affordable housing.

Councilman Waring expressed he did not want Council to continue items that were pulled for public comment since people had stayed to speak.

Planning and Development Director Alan Stephenson indicated these three items all related to applying for a Choice Neighborhoods grant by the City's Housing Department. He conveyed Item 86 was a request to rezone the southwest corner of 20th Street and Roosevelt Street to Walkable Urban Code T4:3 EG. The Central City Village Planning Committee (VPC) and Planning Commission both voted to unanimously approve the request. He continued Item 87 was a request to rezone approximately 190 feet south of the southwest corner of 18th Street and Van Buren to Walkable Urban Code T5:5 Eastlake-Garfield. The request was also unanimously approved by the Central City VPC and Planning Commission. Lastly, Item 88 was a request to rezone the southwest corner of 15th Street and Monroe to Walkable Urban Code T5:5 Eastlake-Garfield. He conveyed the request was again unanimously approved by the Central City VPC and Planning Commission.

Vice Mayor Pastor declared the public hearing open on Items 86, 87 and 88. Noting there was no one present wishing to speak, she declared the public hearing closed for those items.

The hearing was held. A motion was made by Councilwoman Gallego, seconded by Councilman DiCiccio, to approve Item 86 per Planning Commission's recommendation and to adopt the related ordinance. The motion carried by the following vote:

Yes: 5 - Councilman DiCiccio, Councilman Nowakowski, Councilman Waring, Councilwoman Gallego and Vice Mayor Pastor

Absent: 4 - Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams and Mayor Stanton

87 Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-58-17-8 - Approximately 190 Feet South of the Southwest Corner of 18th Street and Van Buren Street (Ordinance G-6381)

Request to hold a public hearing on the rezoning application for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved.

Summary

Application: Z-58-17-8

Current Zoning: R-5

Proposed Zoning: WU T5:5 EG

Acreage: 11.07

Proposed Use: Multifamily Residential

Owner: City of Phoenix Housing Department

Applicant: Brian Swanton, Gorman and Company, Inc.

Representative: Manjula Vaz, Gammage and Burnham, PLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Central City Village Planning Committee heard the request on Oct. 16, 2017 and recommended approval per the staff recommendation by a 12-0 vote.

PC Action: The Planning Commission heard the request on Nov. 2, 2017 and recommended approval by a 6-0 vote.

Location

Approximately 190 feet south of the southwest corner of 18th Street and Van Buren Street.

Council District: 8

Parcel Addresses: 108, 532 N. 18th St.; 1720, 1722 E. Adams St.; and 1715, 1730, 1738, 1750 E. Monroe St.

Discussion

Refer to Item 86 for previous discussion on this item.

The hearing was held. A motion was made by Councilwoman Gallego, seconded by Councilman Nowakowski, to approve this item per Planning Commission's recommendation and to adopt the related ordinance. The motion carried by the following vote:

Yes: 5 - Councilman DiCiccio, Councilman Nowakowski, Councilman Waring, Councilwoman Gallego and Vice Mayor Pastor

Absent: 4 - Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams and Mayor Stanton

88 Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-59-17-8 - Southwest Corner of 15th Street and Monroe Street (Ordinance G-6383)

Request to hold a public hearing on the rezoning application for the following item and consider adoption of the Planning Commission's recommendation and the related Ordinance if approved.

Summary

Application: Z-59-17-8

Current Zoning: R-5

Proposed Zoning: WU T5:5 EG

Acreage: 2.75

Proposed Use: Multifamily Residential

Owner: City of Phoenix Housing Department

Applicant: Brian Swanton, Gorman and Company, Inc.

Representative: Manjula Vaz, Gammage and Burnham, PLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Central City Village Planning Committee heard the request on Oct. 16, 2017 and recommended approval per the staff recommendation by a 12-0 vote.

PC Action: The Planning Commission heard the request on Nov. 2, 2017 and recommended approval by a 6-0 vote.

Location

Southwest corner of 15th Street and Monroe Street.

Council District: 8

Parcel Address: 116 N. 15th St.; 1401, 1415, 1421, 1425, 1441 E.

Monroe St.; and 1447 E. Van Buren St.

Discussion

Refer to Item 86 for previous discussion on this item.

Note: Councilman Nowakowski did not participate on this item due to a potential conflict of interest.

City Attorney Brad Holm advised due to Councilman Nowakowski's conflict there was no longer a quorum of Council.

Vice Mayor Pastor recessed the meeting prior to the vote because quorum was temporarily lost. She reconvened the meeting once quorum was established.

Note: Mayor Stanton rejoined the voting body via telephone.

The hearing was held. A motion was made by Councilwoman Gallego, seconded by Councilman DiCiccio, to approve this item per Planning Commission's recommendation and to adopt the related ordinance.

The motion carried by the following vote:

Yes: 5 - Councilman DiCiccio, Councilman Waring, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Conflict: 1 - Councilman Nowakowski

Absent: 3 - Councilwoman Stark, Councilman Valenzuela and Councilwoman Williams

Note: Councilman DiCiccio left the voting body.

47 Artist Design Contract for Phoenix Sky Harbor International Airport Sky Train Rental Car Center Station Safety Weather Screens (Ordinance S-44067)

Request to authorize the City Manager, or his designee, to enter into a contract with R&R Studios, LLC, or its City-approved designee, for an

amount not to exceed \$230,000 for R&R's artists to work with an Aviation Department team to design and engineer two safety weather screens to be integrated into the PHX Sky Train Stage 2 Station at the Rental Car Center. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

On Sept. 7, 2017, a five-person artist selection panel recommended R&R Studios and six other finalists after reviewing a pool of 204 artists who had applied to be considered for this public art project. In addition to the recommended artist, the finalists included Catherine Wagner, Ball Nogues, Hypersonic & Plebian Design, Ned Kahn, Scott Parsons, and Hadrian Predock. On Oct. 3, 2017, the panel interviewed the finalists and reviewed their design concepts before recommending that R&R Studios, LLC, be contracted for the project. The panel based its decision on the artists' effective approach to integrating the safety weather screens into the station architecture, their potential to significantly enhance the arrival experience for travelers, and their ability to work effectively with complex design teams.

R&R's artists Rosario Marquardt and Roberto Behar will work with an Aviation Department team to design and engineer two safety weather screens to be integrated into the PHX Sky Train Stage 2 Station at the Rental Car Center. Each screen will be approximately 230 feet long and nine feet high. The station will be the primary entry and exit point for travelers renting cars at the airport.

Financial Impact

The PHX Sky Train Phase 2 is one of 31 projects in the Fiscal Year 2017-22 Public Art Project Plan that City Council approved on June 28, 2017. The Art Plan includes \$2,300,000 for Sky Train Phase 2 projects. The proposed \$230,000 design contract will cover all costs related to the artists working with City staff and the design team to design and engineer this project. The remaining \$2,070,000 in project funds will be used for project construction and administration, and for development of two artist-designed terrazzo floors to be integrated into the PHX Sky Train Stage 2 stations. The percent-for-art funds for this project come from the Aviation Department Capital Improvement Program.

Concurrence/Previous Council Action

The Phoenix Arts and Culture Commission reviewed and recommended this item for approval at its Oct. 17, 2017, meeting. The Parks, Arts, Education and Equality Subcommittee reviewed and recommended this item for approval at its Oct. 25, 2017, meeting by a vote of 3-0.

Location

The project will be located at the Phoenix Sky Harbor International Airport Sky Train Stage 2 Rental Car Center Station.

Council District: 8

Discussion

Councilman Waring understood this fence was necessary for safety as well as decorative reasons and further confirmed with staff this was a practical application of art.

A motion was made by Councilwoman Gallego, seconded by Councilman Nowakowski, that this item be adopted. The motion carried by the following vote:

Yes: 5 - Councilman Nowakowski, Councilman Waring, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 4 - Councilman DiCiccio, Councilwoman Stark, Councilman Valenzuela and Councilwoman Williams

50 Amendment to the Sky Harbor Center Redevelopment Area Boundary (Resolution 21595)

Request to adopt a resolution to amend the Sky Harbor Center Redevelopment Area boundary by removing three city-owned parcels.

Summary

The Sky Harbor Center Redevelopment Area (RDA) was established Dec. 5, 1984, pursuant to City Resolution 16491 and subsequently amended twice to add additional areas, pursuant to City Resolutions 16543 and 16552. A redevelopment area plan was adopted pursuant to City Resolution 16569 on April 24, 1985 (RDA Plan). The RDA Plan provides a broad framework for the development and redevelopment of the area and lists specific redevelopment objectives. These basic redevelopment objectives include:

1. Removing incompatible land uses.
2. Applying Design Guidelines and Covenants, Conditions and Restrictions.
3. Eliminating substandard, deteriorating, and obsolete buildings and environmental deficiencies.
4. Assembling land into parcels for disposition and redevelopment.
5. Providing uses compatible with the long-term operation of Phoenix Sky Harbor International Airport (PHX).

The City has taken several actions over the years to achieve these objectives. Much of Sky Harbor Center is now home to high-tech manufacturing, business, and financial service companies, including Bank of America, Honeywell, Arrow Electronics, and Chase Bank.

Three city-owned parcels within the RDA, depicted in Attachment A and legally described in Attachment B, have been assembled and prepared for redevelopment. These parcels are and will remain subject to Design Guidelines and Covenants, Conditions and Restrictions that will ultimately protect the long-term operation of PHX. In order to proceed with redevelopment of these parcels, it is recommended that these parcels be removed from the RDA boundary, as the objectives of the RDA Plan have been met. The removal of these three parcels is a minor amendment to the RDA boundary and will not impact any other parcel/property owner within the RDA boundary.

Public Outreach

While public notice is not statutorily required under Arizona Revised Statute 36-1473, a letter was mailed to property owners within the RDA boundary notifying them of the proposed minor amendment and time and date of when this item would be heard.

Location

The three parcels to be removed are generally located on the northeast corner of 16th Street and Buckeye Road, and the northeast corner of Sky

Harbor Circle North and Buckeye Road. A map of these parcels is provided in Attachment A.

Council District: 8

Discussion

Councilman Waring wondered if the people who submitted comment cards were present since the motion was for continuance.

Vice Mayor Pastor indicated the individuals actually requested the continuance.

Patricia Gurule submitted a speaker comment card with no position and Diane Lee submitted a comment card in opposition.

A motion was made by Councilman Nowakowski, seconded by Councilwoman Gallego, that this item be continued to the Nov. 29, 2017 City Council Formal Meeting. The motion carried by voice vote:

Yes: 4 - Councilman Nowakowski, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

No: 1 - Councilman Waring

Absent: 4 - Councilman DiCiccio, Councilwoman Stark, Councilman Valenzuela and Councilwoman Williams

52 Fire Protective Hoods - City of Tempe Cooperative Contract T16-151-01 (Ordinance S-44050)

Request to authorize the City Manager, or his designee, to allow the use of the City of Tempe Contract T16-151-01 and enter into an agreement with United Fire Equipment Company, dba Matlick Enterprises. Further request authorization for the City Controller to disburse all funds related to this item not to exceed \$281,752.

Summary

The Fire Protective Hoods are used by the Phoenix Fire Department intended to protect the head and neck against extreme heat, hot particles and other hazards encountered during a fire. The fire protective hood is essential to firefighter protection and safety in high atmospheric temperatures. This gear is a critical part of the Fire Department's efforts to provide life safety services to the public.

Procurement Information

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement processes, as set forth in the Phoenix City Code, Chapter 43. Utilization of cooperative agreement allows the City to benefit from national government pricing and volume discounts. The City of Tempe contracts for the purchase of fire protective hoods. The contract was awarded on June 27, 2016. The local vendor is United Fire Equipment Company, dba Matlick Enterprises Inc.

Contract Term

The contract term shall begin on December 1, 2017 and end on November 30, 2022.

Financial Impact

The aggregate contract value will not exceed \$281,752. Funds are available in the Fire Department's budget.

A motion was made by Councilwoman Gallego, seconded by Councilman Nowakowski, that this item be adopted. The motion carried by the following vote:

Yes: 5 - Councilman Nowakowski, Councilman Waring, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 4 - Councilman DiCiccio, Councilwoman Stark, Councilman Valenzuela and Councilwoman Williams

54 Phoenix Sky Harbor International Airport Land Reuse Strategy (Phase I)

Request to authorize the City Manager, or his designee, to forward to the Federal Aviation Administration (FAA) the community's goals for redevelopment of the Aviation Department parcels of land west of Phoenix Sky Harbor International Airport (Sky Harbor).

Summary

The Aviation Department voluntarily acquired more than 780 parcels of land west of Sky Harbor for noise compatibility purposes. The acquisition program area generally included the area between Washington Street on

the north, University Drive on the south, 7th Street on the west, and 16th Street on the east. The program ended in 2016. The FAA requires airports to keep current their long-term plans for acquired property and to release land that can be compatibly developed. Currently, the parcels of land are planned for continued “buffer” purposes and are not planned for development. In 2014, the Aviation Department was successful in working with the FAA to secure a pilot study grant intended to support airport noise-land redevelopment community planning and redevelopment implementation. Aviation Department staff has completed the initial phase of this community-led process and wants to submit the updated Reuse Plan to the FAA. The Reuse Plan provides the results of the highly collaborative community planning process and details the variety of potential redevelopment concepts for the land.

An executive summary of the Land Reuse Strategy is attached to this report. The final draft plan, the background project documents, presentations, and meeting summaries have been maintained throughout the project at <https://www.skyharbor.com/LandReuseStrategy>.

Financial Impact

There is no financial impact to the City in forwarding the community’s preference for land reuse to the FAA.

Concurrence/Previous Council Action

On Feb. 4, 2015, the City Council authorized Aviation Department staff to enter into negotiation with C&S Companies, the recommended consultant for the first phase of the land reuse planning effort.

On Jan. 3, 2017, the Planning & Development Subcommittee of the Phoenix Aviation Advisory Board reviewed the community’s goals for land reuse and recommended moving the plan forward.

On Jan. 19, 2017, the Phoenix Aviation Advisory Board reviewed the community goals for land reuse and recommended moving the plan forward.

On April 10, 2017, the Central City Village Planning Committee reviewed the community’s goals for land reuse and recommended moving the plan

forward.

On Nov. 1, 2017, by a vote of 4-0, the Downtown, Aviation, Economy and Innovation Subcommittee recommended moving the plan forward with one condition, that an addendum report go with the Land Reuse Strategy submittal to FAA showing 1) a supplemental Land Use Framework prepared by the Nuestro Barrio Unidos Neighborhood Association and 2) a supplemental concept concerning the formation of a historic district focused on key historical figures and institutions in the planning area.

Public Outreach

A total of 20 formal, interactive community meetings were conducted throughout a 16-month study process. Meetings were advertised through a variety of media, including the project web page, direct mail, flyers at elementary schools, posters strategically placed throughout the study area, community newsletters, and postings to the City's open meetings law web page. In addition, numerous small group meetings were held, as well as presentations to neighborhood and business associations, boards, commissions, and a variety of interest groups. Based on community recommendations, the project team hand-delivered bilingual project information door hangers to area residents and businesses, and mailed project information letters and materials to over 700 former residents that voluntarily relocated from the area. Aviation Department staff also participated in neighborhood walks in support of the community's goal of creating a neighborhood association, and facilitated meetings with other City departments and local interest groups to raise awareness about quality of life concerns expressed by area residents during the Aviation Department's planning and outreach efforts.

Location

The acquisition program area generally included the area between Washington Street on the north, University Drive on the south, 7th Street on the west, and 16th Street on the east.

Council District: 8

Discussion

Dianne Barker spoke in favor as she thought it was important to reuse land for the airport since it was an economic revenue producer for the state. She agreed it was necessary to stabilize the neighborhood but

stressed the City needed to look at mobility. Traffic was an issue with more people living downtown and she suggested using the freeways for bus transit and trains in order to move people more rapidly.

Nicolas Cortez spoke in support but emphasized the City had resources that had not reached his community and wanted to see positive things happen.

Patricia Gurule spoke in opposition. She remarked the planning and public engagement process identified an appeal for the stakeholders to maintain the residential component and cultural amenities in the area. She noted the final land reuse report listed the following goals: expand economic opportunity, and strengthen and stabilize neighborhoods to create a sense of identity. She thought creating and supporting a vibrant live/work environment would demonstrate good faith for those who might not come back, plus it celebrated the spirit of honorable people who contributed to Phoenix. She expressed cultural heritage kept people attached to their tradition but the land reuse document provided limited approach in preserving community assets. Further, she felt it diminished the relevance of the existing barrios, the Sacred Heart Parish and neighborhoods on the Salt River flood plain. She pointed out the stakeholders had proposed the Father Albert Braun memorial district which would revitalize the history of the area and recognize past struggles. She hoped their initiative continued to move forward.

Dr. Juan Gurule spoke in opposition. He recalled on November 1 the Downtown, Aviation, Economy and Innovation Subcommittee unanimously approved that the Father Albert Braun memorial district be added to the Phase I land reuse final report. He said the memorial district recognized Father Albert Braun, the iconic World War I and World War II hero and developer of the Sacred Heart Parish, barrios and neighborhoods on the Salt River flood plain. He listed the following benefits of the memorial:

- proposed to reassemble and revitalize the history of Sacred Heart Parish which also honored all veterans, the barrios and neighborhoods in the Salt River flood plain;
- provided a comprehensive master plan for historical and cultural

interaction, especially for displaced folks to return and interact with people coming in the future;

- created a centerpiece to honor veterans, especially Arizona Congressional medal of honor recipients;
- provided connectivity from the barrios, Sacred Heart Parish and the neighborhoods on the Salt River flood plain to the downtown area and the airport; and
- created a children's performing arts theater, retail marketplace as well as bike and walking paths.

Dr. Gurule emphasized a consortium of veterans organizations submitted a letter of support for this initiative in September 2017. Therefore, he requested that Council vote to approve the memorial district be included in the proposed land reuse final report for Phase I and also submitted documentation to Council.

Councilwoman Gallego indicated the community came up with a heritage trails concept that talked about the history and included veterans from the area. Staff had been meeting with these folks to ensure as this moved forward that aspect was honored. In fact, the Planning and Development Director had been looking at ways to incorporate the heritage trail in this particular concept. She thanked the community leaders, noting staff had been working to spread these ideas throughout the City.

Carlos Avila spoke in opposition on behalf of the Nuestro Barrio Unidos Neighborhood Association. He wanted to make sure the proposal submitted at the subcommittee meeting on November 1 was recognized as part of the report. He pointed out this item only looked at the land itself and not the best interests of the community that had endured impacts of sound mitigation. He conveyed the Voluntary Acquisition and Relocation Services Program (VARs) utilized funds for sound-proofing but the money was taken away while there were hundreds of homes still needing this service. He urged Council to recognize this community and provide money to those who were impacted.

Abe Arvizu, Jr. spoke in favor and requested Council approve this item as it needed to move forward to the FAA so the City had some direction. Also, he noted some of the presentations were outside the boundaries

as they were conceptual but could be considered in the future.

Councilwoman Gallego again thanked the community members, steering committee members and staff as a lot of work had already occurred and was glad to see this moving forward.

A motion was made by Councilwoman Gallego, seconded by Councilman Nowakowski, that this item be approved. The motion carried by the following vote:

Yes: 5 - Councilman Nowakowski, Councilman Waring, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 4 - Councilman DiCiccio, Councilwoman Stark, Councilman Valenzuela and Councilwoman Williams

Procedural Discussion

Councilman Waring recalled two items were heard earlier and failed to pass. He wondered if he was the sole prevailing side of bringing those items back at a later date.

City Attorney Brad Holm advised Councilman Waring had seven days to reconsider, but because those items were ordinances they could not be reconsidered at this meeting.

Note: Councilman Valenzuela rejoined the voting body via telephone.

Vice Mayor Pastor confirmed Gail Palmer, who submitted speaker comment cards in opposition on Items 74 and 79-81, was agreeable to a continuance. She also noted that John Mendibles submitted speaker comment cards in opposition to Items 79-81, but did not wish to speak. Also, Ray Martinez submitted a speaker comment card with a neutral position on Items 79-81, but did not wish to speak.

A motion was made by Councilman Nowakowski, seconded by Councilman Valenzuela, that Items 74 and 79-81 be continued to the Nov. 29, 2017 City Council Formal Meeting. The motion carried by the following vote:

Yes: 6 - Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Absent: 3 - Councilman DiCiccio, Councilwoman Stark and Councilwoman Williams

74 Final Plat - Canyon I - 170027 - Southeast Corner of Missouri Avenue and 31st Avenue

Plat: 170027

Project: 99-817

Name of Plat: Canyon I

Owner(s): Grand Canyon West Education, Inc.

Engineer(s): Strand Associates, Inc.

Request: A 1 Lot Commercial Subdivision Plat

Reviewed by Staff: Oct. 10, 2017

Summary

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. The plat needs to record concurrently with Abandonments V160027A, V160067A and V170014A.

Location

Generally located at the southeast corner of Missouri Avenue and 31st Avenue.

Council District: 5

This item was continued to the Nov. 29, 2017 City Council Formal Meeting.

79 Abandonment of Right-of-Way - V160027A - Vermont Avenue West of 29th Avenue (Resolution 21590)

Abandonment: V160027A

Project: 99-817

Applicant: Grand Canyon Education, Inc.

Request: To abandon the east-west alley right-of-way south of Missouri Avenue from the east line of the parcel addressed 5333 N. 30th Drive (APN 153-18-026E) to 29th Avenue; the Vermont Avenue right-of-way west of 29th Avenue to the east line of the parcel addressed 5327 N. 30th Drive (APN 153-18-025B), excluding the portion of cul-de-sac right-of-way south of the same parcel; and the north-south alley right-of-ways from south of Vermont Avenue to the south parcel lines of

2945 and 2911 W. Vermont Ave. (APN 153-18-038 and 153-18-031).

Date of Hearing: June 8, 2016

Summary

The resolution of the abandonment and the subdivision plat Canyon I, Plat 170027, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

Vermont Avenue west of 29th Avenue

Council District: 5

Financial Impact

A fee was also collected as part of this abandonment in the amount of \$164,424.

This item was continued to the Nov. 29, 2017 City Council Formal Meeting.

80 Abandonment of Right-of-Way - V160067A - Georgia Avenue West of 29th Avenue (Resolution 21591)

Abandonment: V160067A

Project: 99-817

Applicant: Grand Canyon Education, Inc.

Request: To abandon the cul-de-sac right-of-way located west of 30th Avenue, adjacent to the parcel addressed 5327 N. 30th Drive (APN 153-18-018D); the Georgia Avenue right-of-way from the west parcel line of 2948 W. Colter St. (APN 153-18-010C) to, and including, the 30th Avenue right-of-way north of Georgia to the south parcel line of 2945 W. Vermont Ave. (APN 153-18-038); the east-west alley right-of-way bounded by 29th and 30th avenues, and Vermont and Georgia avenues; and the sewer easement on the parcel addressed 5326 N. 29th Ave. (APN 153-18-030).

Date of Hearing: Feb. 7, 2017

Summary

The resolution of the abandonment and the subdivision plat Canyon I,

Plat 170027, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

Georgia Avenue west of 29th Avenue
Council District: 5

Financial Impact

A fee was also collected as part of this abandonment in the amount of \$83,548.

This item was continued to the Nov. 29, 2017 City Council Formal Meeting.

81 Abandonment of Right-of-Way - V170014A - 5346 North 29th Avenue (Resolution 21592)

Abandonment: V170014A

Project: 99-817

Applicant: Grand Canyon Education, Inc.

Request: To abandon the south 15-feet of Missouri Avenue right-of-way adjacent to the parcel addressed 5346 N. 29th Ave. (APN 153-18-002B).

Date of Hearing: May 9, 2017

Summary

The resolution of the abandonment and the subdivision plat Canyon I, Plat 170027, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

Location

5346 N. 29th Ave.
Council District: 5

Financial Impact

A fee was also collected as part of this abandonment in the amount of \$6,600.

This item was continued to the Nov. 29, 2017 City Council Formal Meeting.

92 Consideration of Citizen Petition Related to Implementation of a Civilian Review Board

This report provides the City Council with information in response to a citizen petition submitted by Joanne Scott Woods and Leonard Clark at the Nov. 1, 2017 Formal City Council meeting regarding the implementation of a Police Civilian Oversight/Review Board (**Attachment A**).

Summary

On Sept. 12, 2017, the City Council denied a similar petition from Leonard Clark requesting the creation of a Police Civilian Oversight/Review Board.

Staff recommends denying the petition based on City Council action on this same subject in September 2017.

Further discussion by staff of civilian review alternatives and research is possible through the Public Safety and Veterans Subcommittee or other City Council session.

Discussion

Councilwoman Gallego moved to reject the citizen petition and request the Public Safety and Veterans Subcommittee continue to study the appropriate governance for the Police Department which was seconded by Mayor Stanton.

Councilman Waring made a substitute motion to reject the citizen petition that did not receive a second. Nonetheless, he wanted to know what would happen if he voted no on the motion.

City Attorney Brad Holm replied the petition did not require five votes but did need a quorum of Council to take action. So, if the motion carried 4-1 then Council would proceed on that basis.

Councilman Waring thought the motion would not stop or add anything to what was already being done.

Councilwoman Gallego stated the intent of her motion was the citizens police trust initiative made some recommendations, noting the City Manager had been looking at these issues. She believed there should be a robust debate but a citizen petition was not the right tool to bring about change. Plus, the motion allowed the Assistant City Manager to continue with the work already being done on this matter.

In further response to Councilman Waring, Mr. Holm affirmed if the no vote happened to prevail it would not change anything as a practical matter.

Joanne Scott Woods recalled on September 12 the Council denied Leonard Clark's citizen petition to create a civilian review board because staff was already researching it through the citizens police trust initiative (CPTI). Further, the City Manager deferred to the Mayor's decision not to pursue the CPTI recommendation. She met with the City Manager and Assistant City Manager who informed her the CPTI had sunset and that no additional citizen panel would be convened. Her citizen petition proposed that not only a panel be composed of citizen volunteers but also be comprised of an equal number of Phoenix Police Department community relations officers. She understood staff was again denying this citizen petition, noting further discussion by staff was possible. However, Councilwoman Gallego said it was inappropriate to initiate a civilian review board from a citizen petition which meant only staff was capable of making decisions as to a civilian review board. She and others hoped staff followed through by 2020.

Leonard Clark was disheartened that Council did not think it was appropriate for citizens to have a petition. His issue was he did not believe police should be reviewing police, especially given the current climate of community distrust.

Shawn Severud remembered staff's analysis of the August 30 citizen petition that the City Manager charged the Assistant City Manager to conduct research over the summer with the intent of facilitating discussion in the fall. He indicated it was now fall and there was no outcome of that but the initiative had sunset. He remarked these citizen petitions kept coming up because nothing happened so he asked that

Council support this citizen petition.

Martha Winkler relayed an incident that happened to her on July 16, 2014. She had called the police for help while at a Circle K in North Central Phoenix and once the officer arrived instead of asking why she had called assaulted her causing life-threatening injuries. She conveyed nothing had been done to this officer and there was no evidence of wrong-doing. She filed a civil case against the City and the police officer which was ongoing for the past three years. There was no reason for such violence and stressed this was why a civilian review board was necessary instead of police investigating police. In conclusion, she submitted documentation to Council regarding this matter.

Councilman Nowakowski asked for a full report of what happened to Ms. Winkler.

Vice Mayor Pastor confirmed Dianne Barker submitted a comment card in favor, but did not wish to speak.

A motion was made by Councilwoman Gallego, seconded by Mayor Stanton, that the petition be rejected with direction to continue review by the Public Safety and Veterans Subcommittee and Assistant City Manager. The motion carried by the following vote:

- Yes:** 6 - Councilman Nowakowski, Councilman Valenzuela, Councilman Waring, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton
- Absent:** 3 - Councilman DiCiccio, Councilwoman Stark and Councilwoman Williams

Procedural Discussion

Prior to his vote, Councilman Waring conveyed he understood this just needed a majority vote to pass; however, he did not know what the subcommittee would do as he was not on it. Yet, the motion was to reject the citizen petition and allow the subcommittee to continue investigating with their recommendations coming forward to Council for a separate vote. So, based on that premise he would vote yes to reject the citizen petition.

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

Fawn Ho read a letter on behalf of Ye Zhou that urged Council to preserve the architecture and cultural elements of the Chinese Cultural Center.

Leonard Clark requested that Council not take away citizen petitions as he and others just wanted to feel safe and protected. He expressed how police brutality was real and hoped to build up trust again.

Aimee Williamson expressed concern regarding an incident on November 11 when a shady oasis was destroyed in the heart of downtown. She noted Council had established a tree and shade master plan seven years ago and believed the creation of an independent citizen's shade and tree committee would provide the momentum for Council to implement the City's master plan.

Joanne Scott Woods submitted a citizen petition to consider the study of the official renaming of Broadway Road to Martin Luther King, Jr. Boulevard, including its funding and possible reconciliatory compensation for property and business owners. The Council amended the City's renaming policy, so she hoped this renaming would serve as a reflection of Phoenix's growing commitment toward inclusiveness.

ADJOURN

There being no further business to come before the Council, Vice Mayor Pastor declared the meeting adjourned at 7:09 p.m.

MAYOR

ATTEST:

CITY CLERK

SC

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 15th day of November, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of January, 2018.

CITY CLERK