



City of Phoenix

Minutes

Meeting Location:
City Council Chambers
200 W. Jefferson St.
Phoenix, Arizona 85003

City Council Formal Meeting

Wednesday, May 10, 2017

2:30 PM

phoenix.gov

CALL TO ORDER AND ROLL CALL

The Phoenix City Council convened in formal session on Wednesday, May, 10, 2017, at 2:43 p.m. in the Council Chambers.

Present: 9 - Councilman Sal DiCiccio, Councilman Michael Nowakowski, Councilwoman Debra Stark, Councilman Daniel Valenzuela, Councilman Jim Waring, Councilwoman Thelda Williams, Councilwoman Kate Gallego, Vice Mayor Laura Pastor and Mayor Greg Stanton

Councilwoman Gallego left the meeting following Item 150. Councilman Nowakowski and Vice Mayor Pastor left the Chambers during Citizen Comments held at the end of the meeting but continued as part of the voting body via telephone for a portion of Citizen Comments. Councilman Valenzuela entered the Chambers and joined the voting body at the beginning of Citizen Comments held at the start of the meeting and left the Chambers but continued as part of the voting body via telephone for a portion of Citizen Comments held at the end of the meeting.

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

CITIZEN COMMENTS

Note: Councilman Valenzuela entered the Chambers and joined the voting body.

Leonard Clark requested that Council stop the practice of police investigating police as justice was upheld by a judge who was neutral. He also expressed concern about the lack of testing for lead in water, especially at local schools.

Viridiana Hernandez was present to support Lorenzca Valdez, who spoke about an incident when she called the police to get help for her distressed son who was then shot and killed by the Phoenix Police Department. Ms. Hernandez wanted a prompt investigation and firing of the officers involved, immediate release of the body camera footage and establishment of an independent response to mental health calls.

Ms. Hernandez provided Spanish translation for Ms. Valdez.

Lorenzca Valdez shared her story of how police officers took her son's life on March 23. She expressed her son, Francisco Valdez, was not a bad person and asked for justice so this situation did not happen to another family, noting kids in the area were traumatized from this incident.

Mayor Stanton offered the Council's deepest condolences on the loss of her son. He added Council could not comment beyond that due to the nature of Citizen Comments.

Councilman Nowakowski requested a report of what happened. He then relayed in Spanish that Council could not respond during Citizen Comments.

Ms. Enriquez also had someone from the audience provide Spanish interpretation.

Luz Enriquez stated she was a neighbor and saw the entire occurrence. She wanted assurance the police officer would be convicted as she did not want this to happen to anyone else, especially since her son was traumatized by this situation.

Mayor Stanton reiterated that Council could not respond in any substantive way during Citizen Comments.

The same individual from the audience provided Spanish translation for Ms. Cervantes.

Laura Cervantes indicated she was a neighbor that witnessed some of the incident. She wanted justice for the children that were outside at the time and traumatized from the scene along with the police officer taken off the streets.

Also, the community was outraged and did not want the Police Department responding to wellness calls.

Mayor Stanton announced the additional individuals present for Citizen Comments would have an opportunity to provide their testimony at the conclusion of this meeting.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6306, G-6310 through G-6320, S-43459 through S-43529, and Resolutions 21533 through 21540 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.

BOARDS AND COMMISSIONS

1 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 by Mayor Stanton:

Environmental Quality and Sustainability Commission

Kelly Barr, for a term to expire May 10, 2020

Elyse Guidas, for a term to expire May 10, 2020

Human Relations Commission

Jesse Ary, for a term to expire May 10, 2020

Sister Cities Commission

Sam Gatton, for a term to expire June 30, 2020

Ralph Marchetta, for a term to expire June 30, 2020

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

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

2 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 individuals were recommended for appointment by the City Council:

Central City Village Planning Committee

Tiffany Halperin, for a term to expire Nov. 19, 2018, as recommended by Councilwoman Gallego

Janey Pearl, for a term to expire Nov. 19, 2019, as recommended by Councilwoman Gallego

Complete Streets Advisory Board

Connor Descheemaker, representing District 5, for a term to expire May 10, 2019, as recommended by Councilman Valenzuela

Laveen Village Planning Committee

Stephanie Hurd, for a term to expire Nov. 19, 2018, as recommended by Councilwoman Gallego

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

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

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

Tiffany Halperin and Janey Pearl, Central City Village Planning Committee;

Connor Descheemaker, Complete Streets Advisory Board;
Kelly Barr and Elyse Gidas, Environmental Quality and Sustainability
Commission;
Jesse Ary, Human Relations Commission; and
Sam Gatton and Ralph Marchetta, 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

The Mayor requested a motion on liquor license items. A motion was made.

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

Kimberly O'Donnell - Agent, Item 6
Ahmad Elsaleh - Agent, Item 7
Jude Espinoza and Mike Bates, Item 11
Laura Pich - Agent, Item 14
Mary Jo Sullivan, Item 15

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that Items 3 through 16 be recommended for approval, except Item 16. The motion carried by voice vote:

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski,
Councilwoman Stark, Councilman Valenzuela,
Councilman Waring, Councilwoman Williams,
Councilwoman Gallego, Vice Mayor Pastor and Mayor
Stanton

3 Liquor License - Filibertos Mexican Food

Request for a liquor license. Arizona State License 1207A944.

Summary

Applicant

Arturo Rubio Cervantes, Agent

License Type

Series 12 - Restaurant

Location

15602 N. 35th Ave.

Zoning Classification: C-2

Council District: 1

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.

The sixty-day limit for processing this application is May 15, 2017.

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

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 have managed restaurants with and with out a liquor licenses for over 20 years. I have been trained and attended classes regaeding the liquor laws of the State of Arizona."

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

"A liquor license at our restaurant will allow us to prvide a safe family

oriented restaurant where families can eat together in a pleasant environment. We wish to provide alcoholic beverages to our clients as a compliment to their meal.”

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 - Filibertos Mexican Food

Liquor License Map - Filibertos Mexican Food

This item was recommended for approval.

4 Liquor License - Arco Bell

Request for a liquor license. Arizona State License 10076860.

Summary

Applicant

Ahmed Khan, Agent

License Type

Series 10 - Beer and Wine Store

Location

3610 E. Bell Road

Zoning Classification: C-2

Council District: 2

This request is for a new liquor license for a convenience store that sells gas. This location was previously licensed for liquor sales as Food Mart/Arco and may currently operate with an interim permit.

The sixty-day limit for processing this application is May 15, 2017.

Consideration should be given to the applicant's personal qualifications.

In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

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 grow up in liquor business my family have over 22 liquor business. I personally owned 2 liquor stores from 2009 through 2014."

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

5 Liquor License - Hampton Inn & Suites #162

Request for a liquor license. Arizona State License 07070473.

Summary

Applicant

Nicholas Guttilla, Agent

License Type

Series 7 - Beer and Wine Bar

Location

16620 N. Scottsdale Road

Zoning Classification: C-2
Council District: 2

This request is for an ownership and location transfer of a liquor license for a hotel. This location was not previously licensed for liquor sales and does not have an interim permit.

The sixty-day limit for processing this application is May 12, 2017.

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

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.

Days Inn & Suites #147 Scottsdale North (Series 6)
7330 N. Pima Road, Scottsdale
Calls for police service: N/A - not in Phoenix
Liquor license violations: None

Hampton Inn #151 (Series 7)
245 London Bridge Road, Lake Havasu City
Calls for police service: N/A - not in Phoenix
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:

“ZMC Hotels (in Arizona FN ZMC Hospitality, LLC), manages approximately 34 hotels consisting of over 4,000 rooms. ZMC has experience operating hotels under multiple brand affiliations as well as independent, non-branded hotels. The company has a stellar record of liquor compliance and takes its responsibilities regarding liquor sales very seriously.”

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

“The best interest of any community depends on responsible alcohol management. ZMC takes pride in being a good neighbor in all of the communities it serves. The hotel is seeking to put a liquor license at its hotel to offer its traveling and neighborhood guests the best experience they can while staying at or visiting the hotel.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Hampton Inn & Suites #162

Liquor License Map - Hampton Inn & Suites #162

This item was recommended for approval.

6 Liquor License - Kimmyz Tatum Point

Request for a liquor license. Arizona State License 06070377.

Summary

Applicant

Kimberly O'Donnell, Agent

License Type

Series 6 - Bar

Location

4601 E. Bell Road, Ste. 9

Zoning Classification: PSC
Council District: 2

This request is for an ownership and location transfer of a liquor license from Gilbert. This location is currently licensed for liquor sales with a Series 12 - Restaurant, liquor license. This location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption.

The sixty-day limit for processing this application is May 16, 2017.

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

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.

Kimmyz Tatum Point (Series 12)

4601 E. Bell Road, Phoenix

Calls for police service: 15

Liquor license violations: In January 2017, a fine of \$2,000 was paid for failure to derive 40% of income from food.

Kimmyz Scottsdale Grill (Series 12)

9261 E. Via De Ventura #107-109, Scottsdale

Calls for police service: N/A - not in Phoenix

Liquor license violations: None

Kimmyz on Greenway (Series 6)

5930 W. Greenway Road #27, Glendale

Calls for police service: N/A - not in Phoenix

Liquor license violations: In May 2013, a fine of \$375 was paid for delinquent taxes. In January 2017, a fine of \$375 was paid for delinquent taxes.

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 all of the qualifications above due to being in this business for over 30 years. I own 2 other locations as well. Kimmyz on Greenway and Kimmyz Scottsdale Grill. Kimmyz Tatum Point has been in business as well for 24 years."

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

"I offer a family friendly restaurant and bar for the locals to come to. We serve great food and offer a bright, friendly place to come for sports and entertainment and also creates revenue for the State and City."

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 - Kimmyz Tatum Point

Liquor License Map - Kimmyz Tatum Point

This item was recommended for approval.

7 Liquor License - Sharks Market

Request for a liquor license. Arizona State License 09073624.

Summary

Applicant

Ahmad Elsaleh, Agent

License Type

Series 9 - Liquor Store

Location

15221 N. 32nd St.

Zoning Classification: C-2

Council District: 3

This request is for a new liquor license for a convenience market. This location is currently licensed for liquor sales with a Series 10 - Beer and Wine Store, liquor license.

The sixty-day limit for processing this application is May 22, 2017.

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

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.

Sharks Market (Series 10)

15221 N. 32nd St., Phoenix

Calls for police service: 6

Liquor license violations: In April 2012, a fine of \$500 was paid for failure to request ID from an underage buyer and for selling, giving or furnishing an underage person with alcohol.

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 owned and managed two convenience stores for the past 23 years in two states and have always complied with the laws and regulations. I have completed both basic and management courses and I have all my employees trained with the proper skills of legal and responsible sales and services.”

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

“At Sharks Market we strive to provide a clean and safe environment as well as accessible products to our surrounding neighborhoods. Most of our customers are within walking distance to our store and they frequently request that we make liquor purchases available so that will save them the drive to farther stores.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Sharks Market

Liquor License Map - Sharks Market

This item was recommended for approval.

8 Liquor License - Rewined

Request for a liquor license. Arizona State License 07073607.

Summary

Applicant

John Vo, Agent

License Type

Series 7 - Beer and Wine Bar

Location

3308 N. 24th St.

Zoning Classification: C-2

Council District: 4

This request is for a new 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 September 2017.

The sixty-day limit for processing this application was May 5, 2017. However the applicant has submitted a written request for more time.

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

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 have completed the liquor law training courses and recognize the seriousness of all local and state regulations to keep the license up-to-date. I am committed to upholding the highest standards for the business. As an active licensed pharmacist, I am comfortable with seeking out resources and advice from the appropriate parties when necessary. My business partner and I participate in networking groups so

that we can be connected with 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: “Rewined will offer craft beers and wines to its patrons in a clean, comfortable space with snacks and its selection of nostalgic games and decor. Rewined is a local business that is committed to being part of the growing local flavor of the City of Phoenix. As it grows, Rewined plans to contribute back to the community through donations to local charities and supporting local events.”

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 - Rewined

Liquor License Map - Rewined

This item was recommended for approval.

9 Liquor License - Albertson's #952

Request for a liquor license. Arizona State License 09070108.

Summary

Applicant

Nicholas Guttilla, Agent

License Type

Series 9 - Liquor Store

Location

8035 N. 19th Ave.

Zoning Classification: C-1

Council District: 5

This request is for an ownership and location transfer of a liquor license from Scottsdale for a grocery store. This location is currently licensed for

liquor sales with a Series 9 - Liquor Store, liquor license.

The sixty-day limit for processing this application is May 16, 2017.

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

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:

“Albertson's is a major food and drug retailer in the united states with stores in many states. It has a stellar compliance record and trains all of its employees who handle alcohol sales. The training program for its employees is a strict, comprehensive, successful, and proven program.”

Staff Recommendation

Staff recommends approval of this application.

This item was recommended for approval.

10 Liquor License - Wingstop

Request for a liquor license. Arizona State License 1207A946.

Summary

Applicant

Thomas Aguilera, Agent

License Type

Series 12 - Restaurant

Location

1703 W. Bethany Home Road
Zoning Classification: C-1 TOD-1
Council District: 5

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.

The sixty-day limit for processing this application is May 20, 2017.

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

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 serve as Agent on numerous liquor licenses in Arizona. I have been fingerprinted and background checked. I have Title IV liquor training and

have practiced as a Liquor Law attorney for over 20 years. I have completed all paperwork and have submitted same to the Arizona Department of Liquor Licenses and Control.”

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 - JJ's

Request for a liquor license. Arizona State License 06070711.

Summary

Applicant

Jeffrey Miller, Agent

License Type

Series 6 - Bar

Location

9611 W. Camelback Road, Ste. 101

Zoning Classification: C-2

Council District: 5

This request is for an ownership and location transfer of a liquor license for a bar. This location is currently licensed for liquor sales with a Series 12 - Restaurant, liquor license.

The sixty-day limit for processing this application was April 29, 2017. However, the applicant has submitted a written request for more time.

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

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.

JJ's (Series 12)

9611 W. Camelback Road, Ste. 101, Phoenix

Calls for police service: 19

Liquor license violations: In June 2015, a violation letter was issued for having an employee intoxicated or disorderly on duty. In August 2016, a fine of \$1,000 was paid for failure to derive 40% of income from food.

Bull Shooters (Series 6)

3337 W. Peoria Ave., Phoenix

Calls for police service: 41

Liquor license violations: In December 2012, a fine of \$4,000 was paid for failure of notification of sale of license within 30 days, change in proprietary interest and false or misleading information on application or other documents.

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 ran a successful bar for nine years and a successful restaurant for two years. I am a law abiding citizen that complies with all regulations. I am aware of the responsibility as an owner/operator of the safety and well being of our customers."

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

"I would like to continue to offer my patrons an alcoholic beverage if they choose to do so."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - JJ's

Liquor License Map - JJ's

This item was recommended for approval.

12 Liquor License - Lams Market

Request for a liquor license. Arizona State License 10076864.

Summary

Applicant

Max Lam, Agent

License Type

Series 10 - Beer and Wine Store

Location

3446 W. Camelback Road, Ste. 125

Zoning Classification: C-2

Council District: 5

This request is for a new liquor license for a grocery store. This location was not previously licensed for liquor sales and does not have an interim permit.

The sixty-day limit for processing this application is May 23, 2017.

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

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.

LF Market Oriental & Seafood (Series 10)

5350 W. Bell Road, Ste. 115, Glendale

Calls for police service: N/A - not in Phoenix

Liquor license violations: In November 2013, a fine of \$375 was paid for delinquent taxes. In January 2016, a violation letter was issued for delinquent taxes.

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 currently have one other location that is selling alcohol."

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

"There are no other grocery store near by."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Lams Market

Liquor License Map - Lams Market

This item was recommended for approval.

13 Liquor License - The Porch

Request for a liquor license. Arizona State License 1207A948.

Summary

Applicant

John Dolan, Agent

License Type

Series 12 - Restaurant

Location

4017 E. Indian School Road

Zoning Classification: C-2

Council District: 6

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales as Little Shanghai Chinese Restaurant and may currently operate with an interim permit. This business is currently being remodeled with plans to open in May 2017.

The sixty-day limit for processing this application is May 21, 2017.

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

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.

Bevvy (Series 6)

4420 N. Saddlebag Trail, Ste. 100, Scottsdale

Calls for police service: N/A - not in Phoenix

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 in the restaurant and bar business for 25 years. I have owned and operated many businesses, but have held four liquor licenses in Arizona and three in Dallas. I am responsible and take this part of the business very seriously. I currently hold a liquor license in Scottsdale and would love an opportunity to hold in Phoenix."

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.

14 Liquor License - Muse & Market

Request for a liquor license. Arizona State License 1207A943.

Summary

Applicant

Laura Pich, Agent

License Type

Series 12 - Restaurant

Location

4602 E. Thomas Road

Zoning Classification: C-1

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 being remodeled with plans to open in September 2017.

The sixty-day limit for processing this application is May 15, 2017.

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

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 have been in the food and beverage industry for over 15 years and have the experience and skillsets needed to properly and reasonably hold a liquor license."

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

"We expect improved activity leading to a safer, more inviting locale. The outdoor space will generate interest along the Thomas corridor and can be regarded as a pedestrian traffic activator. Will generate 25+ local jobs ranging in skill level. Will create a new destination for nearby residents and visitors."

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 - Muse & Market

Liquor License Map - Muse & Market

This item was recommended for approval.

15 Liquor License - Knock Kneed Lobster

Request for a liquor license. Arizona State License 12070547.

SummaryApplicant

L. Brooks Bennett-Crampton, Agent

License Type

Series 12 - Restaurant

Location

3202 E. Washington St.

Zoning Classification: A-1

Council District: 8

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 sixty-day limit for processing this application is May 26, 2017.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

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 have held a liquor license in this same location for appoximatley 30 years. The only change to liquor license is to stockholders of corporation that owns restaurant and liquor license. Stockholders changed from personal holding to a family trust with same trustees."

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.

16 Liquor License - Centerfolds Cabaret

Request for a liquor license. Arizona State License 06070280.

Summary

Applicant

Patrick Zanzucchi, Agent

License Type

Series 6 - Bar

Location

2031 W. Peoria Ave.

Zoning Classification: A-1

Council District: 3

This request is for an ownership and location transfer of a liquor license for a topless bar. This location was previously licensed for liquor sales

until January 2017 and does not have an interim permit.

The sixty-day limit for processing this application is May 22, 2017.

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

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

Three letters protesting the issuance of this license have been received and are on file in the Office of the City Clerk. The letters are from local businesses who are concerned with the location. They believe the issuance of a liquor license at this location will negatively impact the neighborhood and further contribute to ongoing challenges in the area, including crime. They also feel that there are sufficient liquor licenses in the area and do not support the approval of this license application.

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:

“The managers and members of the applicant limited liability company currently own liquor licenses that operate bars featuring erotic entertainers and therefore all have experience in the operation of such businesses. This business will operate in accordance with the Arizona liquor laws and all erotic entertainers will be licensed by the City of Phoenix.”

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

“The location is entitled to a rebuttable presumption of location qualification under Section 4-203.A, Arizona Revised Statutes, that the

public convenience and the best interest of the community were established at the time the location was previously licensed with a Series 6 Bar License approximately 25 years ago which continued until January 2017.”

Staff Recommendation

Staff recommends disapproval of this application based on neighborhood protests and a Police Department recommendation for disapproval. The Police Department disapproval is based on concerns with the applicant's capability, reliability and qualifications, as well as the location. The Police Department is concerned with the applicant's involvement with similar licensed establishments that have had numerous recent liquor law violations and prohibited sex acts. The applicant has not demonstrated the capability, qualifications and reliability to hold and control a liquor license and has failed to prove that granting a liquor license at this location is in the best interest of the community.

Attachments

Liquor License Data - Centerfolds Cabaret

Liquor License Map - Centerfolds Cabaret

Police Department Recommendation - Centerfolds Cabaret

Discussion

Management Assistant II Denise Archibald stated this request was for an ownership and location transfer of a Series 6 bar license for a topless bar. The location was previously licensed for liquor sales until January 2017 and did not have an interim permit. She added consideration could be given to the applicant's personal qualifications and to the location. She noted three letters protesting the issuance of this license were received from local businesses who were concerned with the location. Staff recommended disapproval of this liquor license application based on neighborhood protests and a Police Department recommendation for disapproval.

David Dow, attorney for the applicant, sought approval of a liquor license for the new owner to open a cabaret. He knew there was resistance for this type of entertainment; however, under Arizona law there was a presumption the liquor license interest would serve the public convenience and that issuance was in the best interest of the community.

He conveyed Peoria, LLC was a capable, reliable and qualified entity managed by Jeff Oursland and Patrick Zanzucchi who were currently on other approved Arizona liquor licenses. Mr. Dow added the premises already received a sexually-oriented business license from the City.

Mr. Dow stressed the police report wrongly focused on individuals that owned less than 10 percent of the LLC as that was the lawful threshold. He pointed out Mr. Oursland was the only one who owned more than 10 percent of the LLC, noting there were no statements in the police report about him. In fact, Mr. Oursland had been on a liquor license for quite some time with no incidents. He acknowledged a fireman was unfortunately killed at the premises but that should not be attributed to the new ownership.

Mr. Dow agreed with some of the opposition letters in that this had been a rougher area at times but it was worse since the previous business closed as transients were present, plus other incidents occurred after his clients took over. He emphasized his clients had no relationship with the prior license holder as they were two separate LLCs. In conclusion, he thought Mr. Oursland was the appropriate person to run this business and would do a fair job of serving the public convenience.

Jack Garrison spoke in support. He had been a firefighter since 2005 and had worked for Mr. Oursland and Mr. Martori for the last 19 years at different organizations as a doorman with no complaints filed against himself or his staff. He said staff was trained on the laws defined by the Liquor Board and also went through National Security Council training for bouncers which taught them about reasonable force and how to handle it. He applauded the owners for their commitment to safety not only for staff but the patrons. For example, the owners organized a cab company that provided service for patrons needing a ride home. He continued if the patron was unable to pay it was club policy to cover the expense to ensure that person got home safely. He conveyed the owners had a hands-on approach and knew the business which was good representation.

Police Detective Eric Breindl spoke in opposition on behalf of the Phoenix Police Department Desert Horizon Precinct. He specified Patrick

Zanzucchi and Jeffrey Oursland were both managing members for Peoria Avenue, LLC but the ownership was actually divided amongst the following nine members: Jeffrey Oursland, Fred Martori, Michael Pavon, Patrick Zanzucchi, Robert Zanzucchi, Timothy Zanzucchi, Frank Zanzucchi, James Zanzucchi and William Zanzucchi. He noted the managing members identified in the operating agreement for Peoria Avenue, LLC were Jeffrey Oursland and Patrick Zanzucchi.

Police Detective Breindl stated the Police Department recommended disapproval of this liquor license based on the following concerns:

- The ownership within Peoria Avenue, LLC;
- Repeated violation of prohibited sex acts at other establishments owned by members of the Peoria Avenue, LLC;
- Location concerns; and
- Failure of the Peoria Avenue, LLC to fully disclose financial documentation.

He advised pursuant to Arizona Revised Statute 4-203, a spirituous liquor license shall be issued only after the satisfactory showing of the capability, qualifications and reliability of the applicants. Currently several members of the Zanzucchi family in the Peoria Avenue, LLC had ownership of one or more adult businesses in the state and many of those locations had past or pending liquor law violations which included prohibited sex acts. He indicated the Hi Liter was one of those locations and was owned by the following four Zanzucchi family members: Frank, James, Timothy and William who also had an ownership in the Peoria Avenue, LLC. In August 2015 the Hi Liter was the focus of an undercover operation by the Phoenix Police Department Vice Unit where individual charges were brought up against the dancers. In addition, the Department of Liquor Compliance Unit administratively charged the business with 13 counts of prohibited sex acts and one count of solicitation and prostitution on the premises which resulted in a \$4,000 fine.

Police Detective Breindl continued in March and October 2016 the Department conducted their own undercover operation after receiving ongoing complaints at the Hi Liter. Thirty-six counts of prohibited sex acts

and one count of failure to maintain reliability, capability and qualifications were submitted to the Department of Liquor Compliance Unit. He stressed those charges were currently pending administrative action. Both investigations revealed the prohibited sex acts were so numerous and blatant that the owners, managers and employees either knew or should have known it was happening. He pointed out that suggested the dancers had little to no oversight which was the responsibility of the owners.

Police Detective Breindl remarked Patrick Zanzucchi was the managing member of Peoria Avenue, LLC. At a recent Liquor Board hearing he identified himself as a past and current consultant to a number of topless establishments owned by his family in the state. He specified Patrick Zanzucchi was a consultant for the Hi Liter during the period of the aforementioned violations and observed the operation often. Thus, he should have been aware of the repeated violations at the Hi Liter and advised the owners to take corrective action. He emphasized failure to do that brought into question his reliability, capability and qualifications.

Police Detective Breindl added that Patrick Zanzucchi was also a co-owner of the Pink Rhino which was granted a liquor license in December 2016. In January 2017 he provided false and misleading documents to the Department of Liquor Licenses and Control reference the Pink Rhino liquor license status. He stated charges were submitted to the Department's Compliance Unit but were dismissed after this report was given to Council. Since that time an investigator from the Department of Liquor Licenses and Control conducted a follow-up interview with Patrick Zanzucchi and obtained additional evidence that substantiated the original charge and would be submitting another report.

Police Detective Breindl commented there were also concerns with location. Under Arizona Revised Statute 4-201 the applicant bore the burden of proof showing the public convenience required and the best interest of the community would be substantially served with the issuance of the license. He noted this business was located within a challenged community that had been plagued by high crime rates, poverty and transient issues but was in transition. The current rate of both violent and property crimes in this area were nearly three times the City's average so

approving this liquor license would not be in the best interest of this community.

Lastly, Police Detective Breindl conveyed members of the Peoria Avenue, LLC failed to fully disclose financial documentation as required by Arizona Revised Statute 4-202F. The request for specific information had been made on more than one occasion; however, the members continued to provide incomplete material. He established based on all of these reasons, members of the Peoria Avenue, LLC failed to demonstrate a satisfactory showing that they were reliable, capable and qualified.

Lance Van Houten spoke in opposition to this liquor license application on behalf of Ping and its parent company Karsten Manufacturing. He remarked Ping sat on approximately 50 acres in this area but the main entrance to the facility was immediately across from the Centerfolds Cabaret location. Despite this, when Centerfolds was in operation from May 2014 through the end of 2016 there were about 150 documented incidents ranging from graffiti, car break-ins of employees and guests, intoxicated patrons that trespassed onto Ping's property and things of that nature. He added since Centerfolds closed in January 2017 there had only been 3 incidents so it was a dramatic improvement. Moreover, the business closed because of the tragic incident that involved a Phoenix firefighter; therefore, he thought it was inappropriate for the same type of business to be on the premises.

Mayor Stanton made it clear the incident did not involve a Phoenix firefighter as it was a Daisy Mountain firefighter, but a tragedy nonetheless.

Marcia Veidmark spoke in opposition. She had been a business owner in the area for 40-plus years and had watched it grow and develop into a wonderful area but it had declined the last several years. Her two-acre business was one street south of this property and while Centerfolds was in operation she had undescrivable events happen on her property as a result of their patrons. For instance, loitering to continue drinking, sexual activity and toys, drug paraphernalia and even feces were left on her property. She recalled the Council approved a revitalization designation

for this area a few years earlier to further efforts in the manufacturing and industrial industry in the North Mountain community. She agreed the area improved once Centerfolds closed in January 2017 and thought approving this liquor license would be destructive.

Leticia Gonzalez, property manager at a location west of 19th Avenue, spoke in opposition. Her tenants complained when walking to the park which was east of this establishment because children and other folks witnessed what people did at that location. She was happy the community was designated as a revitalization area to continue improving it and hoped this business would not reopen.

Leonard Griffin, lead pastor of Covenant of Grace Christian Fellowship, spoke in opposition to this establishment, noting the church was located less than a mile west of Centerfolds. He had worked with business leaders and property owners in the community over the last 30 years to help revitalize the Sunnyslope area. Additionally, there were recovery ministries that met at the church such as sexual addiction and others, ministry to the poor with food and clothing distribution and ESL classes for the immigrant community. He stressed this business did not serve the needs or best interests of the community.

Councilwoman Stark thanked North Mountain Business Alliance for all of their hard work to improve the area. She also appreciated the extensive report from the Police Department as it was helpful. She wished to recommend denial as this was not the proper type of business or liquor license for this area.

A motion was made by Councilwoman Stark, seconded by Councilwoman Williams, that this item be recommended for disapproval based on neighborhood protests and testimony from the Phoenix Police Department. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Discussion

Following the unanimous vote, Mayor Stanton stated the applicant would have an opportunity for a full hearing before the State Liquor Board, noting the Council strongly disapproved this liquor license.

ORDINANCES, RESOLUTIONS, AND NEW BUSINESS

The Mayor requested a motion on the remaining agenda items. A motion was made.

Note: A speaker comment card was submitted in favor of Item 140 by James Kuykendall who did not wish to speak.

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that Items 17 through 151 be approved or adopted, except Items 17, 28, 39, 51, 64, 73, 78, 85-87, 91, 106, 143 and 150-151; and continuing Items 50 and 121 to May 31, 2017. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

Items 17-44, Ordinance S-43459 were requests to authorize the City Controller to disburse funds up to amounts indicated for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.

18 Anco Sanitation Systems, Inc.

For \$11,000.00 in payment authority to purchase a Marathon 60" Vertical Baler V-6030HD for the Aviation Department. The Vertical Baler will replace the manual process of breaking down cardboard boxes for recycling purposes.

This item was adopted.

19 Mech-Line Services, LLC

For \$120,000.00 in additional payment authority for Contract 140629 to provide variable frequency drives to help control heating, ventilation and air conditioning systems for the Aviation and Phoenix Convention Center departments.

This item was adopted.

20 FlightStats, Inc.

For \$36,000.00 in payment authority to pay for month-to-month flight data services for the Aviation Department to allow for a new data solution to be procured prior to contract expiration on Oct. 31, 2017. These services provide real-time flight data feeds to communicate flight status to passengers and tenants at the airport using visual displays and overhead paging.

This item was adopted.

21 Arizona Public Service Company

For \$20,396.11 in payment authority to purchase engineering and removal of electric transformers, capacitors, switching cabinets, service conductors and metering equipment for the Aviation Department. This utility work enables the demolition of Phoenix Sky Harbor International Airport Terminal 3 South Concourse in support of the Terminal 3 Modernization Project, Project AV13000002.

This item was adopted.

22 Applied Concepts, Inc., doing business as Stalker Radar

For \$16,000.00 in payment authority to purchase Stalker II stationary police radars, parts and accessories for the Police Department. The Stalker II stationary radar is used by the Police Department to enforce traffic laws, reduce excessive speeding, and combat aggressive driving and distracted driving. Purchase of the radar devices is important to public safety as it allows the department to decrease traffic fatalities and related traffic injuries.

This item was adopted.

23 Avantpage, Inc.

For \$25,000.00 in additional payment authority for Contract 134217 to continue to provide translating services for Citywide departments. Services are needed to assist in translating a variety of City publications,

flyers and announcements into other languages for the general public use.

This item was adopted.

24 L.N. Curtis & Sons

For \$24,000.00 in payment authority to purchase bomb ballistic vests for the Police Department. The Police Bomb Squad needs to replace their ballistic vests that expire on June 15, 2017. Vests are used to protect the squad when deactivating bombs.

This item was adopted.

25 Brady Industries of Arizona, LLC

For \$40,000.00 in payment authority for State of Arizona Cooperative Agreement ADSPO11-012618 to provide janitorial supplies for three additional months, for the Police, Aviation, Street Transportation, Public Works, Parks and Recreation and other departments.

This item was adopted.

26 L.N. Curtis & Sons

For \$75,000.00 in additional payment authority for Contract 134109 for firefighter helmets for the Fire Department. The helmets are used to protect firefighters from head and neck injuries related to structural firefighting activities. This gear is a critical part of the Fire Department's efforts to provide life safety services to the public.

This item was adopted.

27 Six Points Hardware, Inc. and Border Construction Specialties, LLC

For \$225,000.00 in additional payment authority for building supplies for Citywide departments. This contract was established to support daily operations of City Departments by providing a comprehensive term contract for building supplies. This contract is available for Citywide use, but has been primarily used by the Fire, Public Works, and Parks and Recreation departments.

Six Points Hardware, Inc., Contract 136561

Border Construction Specialties, LLC, Contract 136548

This item was adopted.

29 Phillips Law Group, P.C., in trust for Diana Barajas

For \$35,000.00 to pay settlement of claim in *Barajas v. City of Phoenix*, Maricopa County Superior Court Case CV2014-013876, 13-0585-001 AU BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

This item was adopted.

30 Miner Southwest, LLC

For \$130,000.00 in additional payment authority for Contract 138804 to continue to provide labor, materials, tools, and equipment necessary to perform all operations needed to provide for preventative maintenance and unplanned repairs of automatic doors at aging Citywide facilities, with the Parks and Recreation, Public Works, and Fire departments the majority users of the contract.

This item was adopted.

31 OCLC Online Computer Library Center, Inc., doing business as OCLC, Inc.

For \$100,000.00 in additional payment authority for Contract 133227 for online cataloging, technical support, and product information for the Phoenix Public Library Department. OCLC online cataloging and metadata services provides the tools necessary for Phoenix Public Library to effectively manage physical and electronic resources for library patrons.

This item was adopted.

32 International Association of Fire Fighters

For \$15,000.00 in payment authority for Peer Fitness Trainer Certification Program training for 15 firefighters for the Fire Department. This training/certification will assist with implementation of the department's wellness programs and recruit training process, consistent with North American fire service fitness standards.

This item was adopted.

33 PDQ Supply, Inc.

For \$25,000.00 in payment authority for a new contract, entered on or

about July 1, 2017, for a term of five years to provide appliance parts for the Housing Department. This contract is necessary to provide appliance parts for the repair of Housing Department-owned appliances.

This item was adopted.

34 DB Consulting of Phoenix, Inc.

For \$150,000.00 in additional payment authority for Contract 140085 for professional consulting services for the Phoenix Municipal Court. Consulting services will include analysis, design, and testing for enhancing the Court Management System (CMS) and the Compliance Assistance Program (CAP) program, as well as restructuring the new referral collections module. No general fund dollars will be used as the Court will seek out Judicial Collection Enhancement Fund (JCEF) grant funding from the Arizona Supreme Court.

This item was adopted.

35 Corbon Services, Inc., doing business as Sierra Fire & Communications

For \$35,500.00 in payment authority to purchase three Edwards Systems Technologies Fire Works fire life safety command system workstations for the Phoenix Convention Center Department. The workstations are used by building automation staff to monitor and control the fire alarm systems. The current systems are the oldest within the Convention Center Campus and maintenance and repair of the system is no longer supported by the manufacturer. The replacement system complies with the latest Underwriters Laboratories requirements for fire alarm systems.

This item was adopted.

36 Control Services & Repair, LLC

For \$16,290.00 in payment authority to purchase, install, test and implement a building network controller for the Phoenix Convention Center Department. The building network controller allows integrated control of the buildings' air handlers and chilled and hot water systems. This product will replace the existing building network controller because it is obsolete and the Phoenix Convention Center is in the process of standardizing systems.

This item was adopted.

37 Anderson Lock & Safe, LLC

For \$350,000.00 in additional payment authority for Contract 144200 for locksmith and related services for the Phoenix Convention Center Department. The Phoenix Convention Center Department requires ongoing maintenance of auto-opening ADA doors, general door and lock maintenance and to respond to event-related lock core changes for client offices and meeting rooms.

This item was adopted.

38 The Hiller Companies, Inc., doing business as American Fire Equipment Sales & Service

For \$30,000.00 in payment authority for a new requirements contract, entered on or about May 11, 2017, for a term of two years to provide testing and inspection of Fire Suppression Systems for the Phoenix Convention Center. Three quotes were received and American Fire Equipment Sales & Service offered the lowest hourly rates. The contract is for semi-annual, required testing and inspection of the fire sprinkler system, and is needed to maintain and keep systems functioning properly. The Phoenix Convention Center will also use the vendor for emergency and non-scheduled service calls.

This item was adopted.

40 LCS Technologies, Inc.

For \$30,000.00 in additional payment authority for Contract 137808 for Administrative Services for Business Analytics, for the Public Works Department. These services will provide the ability to continue development of Solid Waste Program dashboard components to enhance efficiencies in meeting strategic goals, such as routing changes, miles driven, and cost of fuel, and to identify potential billing exceptions.

This item was adopted.

41 S.R. Bray, LLC doing business as Power Plus

For \$600,000.00 in additional payment authority for Contract 142171 for emergency generator rental for locations serviced by the Public Works Department's Facilities Management Division. Generators will be used to supply temporary power to critical electrical equipment and keep the facility functioning at full capacity during power outages. Also, emergency systems need to keep functioning for the safety of personnel and the public. These systems include fire and security alarms, security cameras,

server rooms and egress lighting. The Aviation Department has a contract that allows for emergency generator rentals and meets the needs that may arise for the Public Works Department.

This item was adopted.

42 Super Vacuum Manufacturing Co., Inc.

For \$35,000.00 in payment authority to purchase and install six Whelen LED lights on three fire trucks for the Public Works Department on behalf of the Fire Department. The LED lights provide additional visibility during emergency responses.

This item was adopted.

43 Liberty Crane and Rigging Consultants, LLC

For \$16,500.00 in payment authority to purchase Crane Operator Trainer training for the Water Services Department. The department's Safety Division requires two individuals to be certified crane operator trainers to train approximately 300 Water Services employees in crane operations. This training will enhance safety in the workplace and ensure compliance with OSHA Regulations.

This item was adopted.

44 CEM Holdings Corporation, doing business as CEM Corporation

For \$37,500.00 in additional payment authority for Contract 144635 for CEM Moisture Microwave and Analyzer equipment, repairs, and maintenance services for the Water Services Department. The additional payment authority will be used to add the Water Production Division to the contract currently used by the Wastewater Treatment Division. CEM Smart Moisture Microwave Analyzers are used to determine the solids percentage of various water treatment process samples. The results obtained from the analysis of these samples are used to monitor, optimize, and control the solids thickening and solids dewatering processes.

This item was adopted.

45 Call for a Special Meeting and Notice of Legally Required Public Hearings on Proposed 2017-18 Budget for the City of Phoenix

Request the City Council call for a special meeting of the City Council, as required by A.R.S. 42-17105, at 2:30 p.m., Wednesday, June 21, 2017

for the purpose of considering adoption of the final 2017-18 budget for the City of Phoenix, including Operating Funds, Capital Funds and Reappropriated Funds.

Request to authorize the City Manager to:

1. Set 2:30 p.m., Wednesday, June 7, 2017, as the time and date of the legally required public hearing on the adoption of the tentative budget ordinances for the City of Phoenix for the 2017-18 fiscal year, including Operating Funds, Capital Funds and Reappropriated Funds.

2. Set 2:30 p.m., Wednesday, June 7, 2017, as the time and date of the public hearing for purposes of receiving public comments on the proposed 2017-22 Capital Improvement Program.

3. Set 2:30 p.m., Wednesday, June 21, 2017, as the time and date of the legally required public hearing on the adoption of a Property Tax Levy and Truth in Taxation, if applicable, and the final adoption of the budget for the City of Phoenix for the 2017-18 fiscal year, including Operating Funds, Capital Funds, and Reappropriated Funds.

4. Set 9 a.m., Thursday, July 6, 2017, as the time and date of the legally required public hearing on the adoption of the Property Tax Levy for the 2017-18 fiscal year.

Summary

In addition to these legally required public hearings, from April 4 through April 20, 17 community budget hearings that were advertised in various city newspapers and publicized online were held for each Council District in locations throughout the city. These hearings also provided residents with several opportunities to comment on the proposed 2017-18 budget and were video recorded for viewing on the city's YouTube page and on PHXTV. All comments and messages were summarized and forwarded in weekly City Council reports.

This item was approved.

46 Extension to Software Maintenance Agreement 136025 - CGI Technologies and Solutions, Inc. (Ordinance S-43460)

Request to authorize the City Manager, or his designee, to exercise the

fifth year of a five-year software license agreement No.136025 with CGI Technologies and Solutions, Inc. (CGI) for ongoing support of the City's budget software, Budget Reporting and Analysis Support System (BRASS); further authorizing the City Controller to disburse funds. This extension is for the period July 1, 2017 through June 30, 2018.

Summary

The City has used BRASS for preparing the annual budget since 1997, including the projection of annual salary and benefit costs. At present, the City has approximately 250 BRASS users under a site license. Without the site license, staff would be limited in its ability to accurately and effectively address budgetary issues.

This licensing agreement includes the delivery of all future software upgrades throughout the life of the agreement. CGI periodically releases BRASS upgrades that further enhance reporting capabilities of the system and allow system users to more effectively utilize budget data. Extension of this agreement will ensure that the City continues to receive BRASS upgrades and subsequent technical support from CGI.

Financial Impact

The total cost for 2017-18 (including tax) is \$112,133. Funding is available in the Budget and Research Department's operating budget.

Concurrence/Previous Council Action

This item for current contract no. 136025 was originally approved on April 17, 2013.

This item was adopted.

47 Establish Professional Services Agreement with Moss Adams for Application Implementation and Controls Audit (Ordinance S-43461)

Request to authorize the City Manager, or his designee, to establish a contract with Moss Adams for a total contract amount not to exceed \$44,600. Further request to authorize the City Controller to disburse the funds over the duration of the agreement.

Summary

The City Auditor Department requested proposals for a one-time evaluation of the City's implementation of the City's recently upgraded

Aviation Parking Revenue Control System (PRCS), Entervo 3.0, as compared to the Payment Application Data Security Standard Implementation Guide (PA-DSS), applicable aspects of the Payment Card Industry Data Security Standard (PCI DSS), and the City's internal policies regarding application control and information security.

Procurement Information

The City Auditor received seven proposals. The selection panel recommended Moss Adams based on the overall quality of the proposal and the price proposed. This contractor was selected in accordance with Administrative Regulation 3.10 using a formal request for proposal process.

<u>Firm</u>	<u>Evaluation Score</u>
Moss Adams	867
Tevora	763
ENS/RiskSense	703

Contract Term

The audit engagement will be completed by Aug. 31, 2017.

Financial Impact

Allocation for the cost of this professional service will come from the City Auditor Department's budget, with an amount not to exceed \$44,600.

This item was adopted.

48 Fiscal Year 2017 State of Arizona Clean Diesel Grant Program (Ordinance S-43462)

This report requests City Council to authorize the City Manager, or his designee, to apply for and accept funds from the Maricopa County Air Quality Department and the United States Environmental Protection Agency for the Diesel Emission Reduction Act (DERA) grant program, and to authorize the City Treasurer to accept, and for the City Controller to disburse, any funds related to this item. This report further requests approval for the City Manager, or his designee, to enter into an Intergovernmental Agreement with the Maricopa County Air Quality Department to administer the program.

Summary

The City fleet includes some older diesel vehicles with emissions that exceed those achieved by the most current emissions control technologies. The intent of the DERA grant program is to provide grant funding to assist in offsetting the cost of replacing higher polluting diesel emission engines with cleaner burning engines to reduce harmful emissions. Reducing vehicle emissions from the municipal fleet will demonstrate the City's commitment to lead by example toward the 2050 sustainability goal of clean air. Human health exposure to diesel exhaust can lead to health conditions like asthma and can worsen respiratory diseases. Emissions from diesel engines also contribute to production of ground level ozone, a pollutant for which the Maricopa County region is not currently meeting federal health standards.

The Maricopa County Air Quality Department will administer the state portion of the grant program. If awarded, funding will be provided to retrofit or re-power medium- to heavy-duty fleet vehicles with engine model year 1991-2010 with a 2013 or newer model, or purchase new low-emission fleet vehicles to replace old, high-polluting fleet vehicles, buses and equipment with 2013 models or newer. Staff anticipates obtaining grant funds for the following projects:

- * Installation of exhaust controls such as retrofit devices such as diesel oxidation catalysts, crankcase emission control devices, verified idle reduction technologies, and particulate matter filters up to 100%
- * Repower of engines up to 40%
- * Replacement of older vehicles with 2013 or newer models up to 25%

The application to the Maricopa County Air Quality Department is due May 26, 2017. Grant funds are to be awarded for the period of October 2017 through September 2018 with all projects to be completed by September 2018. The Public Works and Aviation departments have expressed interest in the program.

This item was adopted.

49 Issuance of Multifamily Housing Revenue Bonds (La Palmilla Apartments Project), Series 2017 (Resolution 21533)

This report requests City Council approval for the issuance of Multifamily Housing Revenue Bonds (La Palmilla Apartments Project), Series 2017,

to be issued in one or more tax-exempt and/or taxable senior and subordinate series in an aggregate principal amount not to exceed \$18,500,000.

Summary

Staff requests City Council adoption of a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Ariz., (the "Phoenix IDA") has previously resolved to issue up to \$18,500,000 of Multifamily Housing Revenue Bonds (the "Revenue Bonds") for use by Reliant La Palmilla, LLC (the "Borrower"), a Delaware limited liability company, to:

- a) finance acquisition, rehabilitation, improvement, equipping, and operation of a multifamily housing complex (the "Project"), and
- b) pay certain costs related to the issuance of the Revenue Bonds.

Concurrence/Previous Council Action

The Phoenix IDA Board has previously resolved to issue the Revenue Bonds at its meeting held on April 13, 2017.

Location

The facilities are located at 3838 W. Camelback Road.

This item was adopted.

50 Cave Creek Road Improvements Recommendation

Request to allocate Tatum Ranch Community Facilities District funds that were conveyed to the General Fund to:

- Improve Cave Creek Road from Tatum Boulevard southwest toward Loop 101; and
- Set aside in reserve for budget deficit reductions in 2018-19.

Summary

The Tatum Ranch Community Facilities District (the "District") was established for the purpose of financing public infrastructure including Desert Willow Parkway, Dixileta Drive, and related projects for water, sewer, drainage and landscaping.

Bonds were issued in April 1998 and fully matured on July 1, 2016. Beginning in fiscal year 2016-17, the annual levy of ad valorem taxes for debt service payments were discontinued and there are no other unpaid

obligations.

In accordance with State Statutes, the District was dissolved by the District board (which is the City Council) through a resolution on May 10, 2017. As part of the authorization to dissolve the District, all real and personal property was conveyed to the City, including approximately \$1.5 million in case reserves held by the District.

To be consistent with the original plan to fund infrastructure within the Tatum Ranch community, staff proposes to use \$1,000,000 to improve the surface condition of Cave Creek Road from Tatum Boulevard southwest toward the Loop 101. The project will provide an important capital improvement for area residents.

The remaining funds of approximately \$500,000 is recommended to be set aside in a reserve to reduce potential budget deficits in future years.

Concurrence/Previous Council Action

In accordance with State Statutes, the District was dissolved by the District board through a resolution on May 10, 2017. As part of the authorization to dissolve the District, all real and personal property was conveyed to the City.

Location

Cave Creek Road and Tatum Boulevard.

This item was continued to the May 31, 2017 City Council Formal Meeting.

52 Authorization to Sell City-owned Property at 220 E. Roeser Road Identified as Excess Property Inventory (Ordinance S-43463)

Request to authorize the City Manager, or designee, to sell City-owned property at 220 E. Roeser Road identified as excess real property inventory. Further request authorization for the City Treasurer to accept all funds related to this item.

Summary

The excess property to be sold is approximately 29,160 square feet of vacant land located within the northern portion of assessor parcel number 113-35-051A listed at 220 E. Roeser Road. The excess property to be

sold will have access from East Cody Drive. Phoenix Fire Station 22 sits on the southern portion of the parcel and will continue to have access from East Roeser Road. The current parcel will be surveyed and subdivided to maintain the existing Fire Department location, then the excess property will be listed on the open market by a City-contracted broker at market value to be determined by an appraisal, broker's opinion of value, or other valuation method accepted by the City. Further requesting authorization to negotiate with the offeror[s] in order to yield the highest dollar return to the City, as deemed acceptable by the City Manager or designee. The City Manager, or designee, will select the highest responsive and responsible offer for the property based upon market value, and enter into an Agreement for the Purchase and Sale of City-owned property, containing terms and conditions deemed necessary and appropriate by the City. The subsequent fee simple conveyance will be by Special Warranty Deed.

Concurrence/Previous Council Action

The Sustainability, Housing, Efficiency and Neighborhoods Subcommittee recommended City Council approval of this item on Feb. 21, 2017, by a vote of 4-0.

Location

220 E. Roeser Road (northern portion with access from East Cody Drive)

This item was adopted.

53 Contract with Streck to Provide Reagents, Consumables, and Equipment - Requirements Contract - RFA 17-085 (Ordinance S-43464)

Request to authorize the City Manager, or his designee, to enter into a contract with Streck, Inc. to provide reagents, consumables, and equipment for the Phoenix Police Department Crime Laboratory, Forensic Biology Section. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Police Department Crime Laboratory, Forensic Biology Section, will utilize Streck reagents, consumables, and equipment for DNA analysis for high-priority criminal cases. The specialized products provided by Streck are able to reduce two key steps of the DNA processing time by

several hours, enabling the laboratory to develop a DNA profile in a more timely manner for high-priority cases where time is critical in assisting with criminal investigations.

Procurement Information

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Sole Source Determination Memo citing Streck, Inc. is the sole manufacturer and distributor of these types of reagents, consumables, and equipment.

Contract Term

The five-year contract will begin on or about May 15, 2017 and end on or about May 14, 2022.

Financial Impact

The estimated aggregate contract value will not exceed \$135,000. The funds are available in the Police Department's budget.

This item was adopted.

54 Water Coolers/Jugs and Ice Chests - Requirements Contract - IFB 17-164 (Ordinance S-43465)

Request to authorize the City Manager, or his designee, to enter into a contract with Copper State Supply, Inc., to provide water coolers/jugs and ice chests for City of Phoenix departments. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This contract will be utilized to purchase water coolers/jugs and ice chests for all City of Phoenix departments, including but not limited to, Parks and Recreation, Aviation, Street Transportation and Water Services. The water coolers/jugs and ice chests are needed to keep employees hydrated, which is critical for employees working out in the field so they do not experience heat stress disorders; such as heat cramps, heat exhaustion and heat stroke.

Procurement Information

An Invitation for Bid, IFB 17-164 Water Coolers/Jugs and Ice Chests was conducted in accordance with Administrative Regulation 3.10. Four offers were received by the Procurement Division on March 17, 2017.

Copper State Supply, Inc.:	\$17,360.50
Construction Tool & Supply:	\$19,780.55
Six Points Hardware:	\$20,542.15
Copperstate Industrial Supply:	\$27,408.00

The Deputy Finance Director recommends that the offer from Copper State Supply, Inc., be accepted as the lowest-priced, responsive and responsible offeror.

Contract Term

The five-year contract term will begin on or about June 1, 2017.

Financial Impact

The aggregate contract value will not exceed \$95,000 (including applicable taxes) with an annual estimated expenditure of \$19,000. Funds are available in City of Phoenix departments' budgets.

This item was adopted.

55 Paraclete Trifecta-X III+ Ballistic Shields - IFB 17-148 (Ordinance S-43466)

Request to authorize the City Manager, or his designee, to enter into a contract with FX Tactical to provide the Phoenix Police Department with Paraclete Trifecta-X III+ Ballistic Shields for the replacement of shields that are out of warranty and damaged. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Police Department utilizes Paraclete Trifecta-X III+ Ballistic Shields to provide a high level of protection for police officers in high-risk situations, such as search warrants, arrests of subjects with high violence potential and resolution of barricaded subjects.

Procurement Information

IFB 17-148, Paraclete Trifecta-X III+ Ballistic Shields, was conducted in accordance with Administrative Regulation 3.10. The solicitation was emailed to 55 vendors and was posted on the City's website. One offer was received by the Procurement Division on March 17, 2017. The price has been determined to be fair and reasonable based on online research

and past purchases.

Contract Term

This is a one-time purchase to be issued on or about May 15, 2017.

Financial Impact

The amount of the one-time purchase will not exceed \$157,000. Funds are available in the Police Department's budget.

This item was adopted.

56 Concrete Tools - Requirements Contract - IFB 17-147 (Ordinance S-43467)

Request to authorize the City Manager, or his designee, to enter into a contract with Border Construction Specialties (Vendor 3050340) to purchase concrete tools for the Street Transportation Department. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Under the contract, Border Construction Specialties will provide various concrete tools to the Street Transportation Department which are used to maintain and/or repair various sidewalks, curbing, gutters, driveway approaches, concrete aprons, and concrete lined channels. The tools are important for the efficient repair of sidewalks that are utilized by citizens.

Procurement Information

Invitation for Bids (IFB) 17-147 was conducted in accordance with Administrative Regulation 3.10. The following offers were received by the Procurement Division on March 10, 2017:

Border Construction Specialties: \$10,810.62

Nina Construction Supply: \$10,831.80

The Deputy Finance Director recommends that the offer from Border Construction Specialties be accepted as the lowest-priced, responsive and responsible offer.

Contract Term

The term of the contract is five years, which will begin on or about June 1,

2017.

Financial Impact

The aggregate contract value will not exceed \$55,000 over the life of the contract. The estimated annual expenditure is \$11,000. Funds are available in the Street Transportation Department's budget.

This item was adopted.

**57 Playground, Fitness and Related Equipment - MESC Contract
14X-BANG-0220 (Ordinance S-43468)**

Request to authorize the City Manager, or his designee, to enter into an agreement for playground, fitness, and related equipment through the use of the Mohave Educational Services Cooperative Contract 14X-BANG-0220 with Dave Bang Associates, Inc. The total amount of the agreement will not exceed \$500,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The contract is for playground, fitness and related equipment and will be used in the Human Services Department Head Start Birth to Five Program. The program provides comprehensive educational and child/family development services to low-income families with children ages birth to five years old. The program requires age appropriate playground structures that meet health and safety licensing requirements. The contract will be used to replace playgrounds that the City of Phoenix has identified to be out of compliance with health and safety standards, but cannot be repaired.

Procurement Information

By utilizing the cooperative contract, the City benefits from the Mohave Educational Services Cooperative Contract pricing.

Contract Term

The Mohave Educational Services Cooperative Contract commenced on Feb. 20, 2015 and has a maximum end date of Feb. 19, 2020.

Financial Impact

The aggregate contract value including all option years will not exceed \$500,000, with an estimated annual expenditure of \$125,000. No general

funds are required. Funding is available in the Head Start budget.

This item was adopted.

58 Workforce Innovation and Opportunity Act (WIOA) Adult Development (Basic Career) Services - Requirements Contract - RFP 17-139 (Ordinance S-43469)

Request to authorize the City Manager, or his designee, to enter into contracts with Valley of the Sun YMCA (Vendor 3000055) and Arizona Women's Education and Employment, Inc. (Vendor 3034091), for adult development services for job placement, occupational training, and support services, for the Community and Economic Development Department. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Under WIOA, vendors will be responsible for providing adult workforce development (basic career) services to adults 18-years or older in high-need geographic communities in Phoenix, with employment readiness services and occupational training opportunities. Employment readiness includes services to ensure each adult being provided services has a career pathway leading to employment in high-growth occupations, has necessary soft-skills and emotional intelligence, and can access short-term training solutions and support services to enable success in gaining employment.

Procurement Information

RFP 17-139 was conducted in accordance with Administrative Regulation 3.10. There were four offers received by the Finance Department Procurement Division on Feb. 24, 2017. The three highest ranked proposers are:

1. Arizona Women's Education and Employment, Inc.: 775 Points
2. Valley of the Sun YMCA: 695 Points
3. Friendly House: 505 Points

The Finance Deputy Director recommends that the offers from Arizona Women's Education and Employment, Inc. and Valley of the Sun YMCA be accepted as the two highest-scored, responsive, and responsible offers that are most advantageous to the City.

Contract Term

The term will begin on or about July 1, 2017. Provisions of the contract include three, one-year options to extend the term, which may be exercised by the City Manager or designee.

Financial Impact

The aggregate contract value shall not exceed \$700,000, with an estimated annual expenditure of \$175,000. No General Funds are required. Funding for the contracts is provided by the WIOA Grant Funds for FY 2017-18.

Concurrence/Previous Council Action

The Phoenix Business and Workforce Development Board approved the funding of these contracts at its April 13, 2017 meeting.

This item was adopted.

59 Dedication of Right of Way for Street Improvement Project at 24th Street and Mobile Lane (Ordinance S-43470)

Request that the City Council dedicate to public use for right of way purposes land acquired for a street improvement project, and further order the ordinance be recorded.

Summary

This dedication is required for street improvements constructed along the east side of 24th Street between Chipman Road and Roeser Road. The land to be dedicated is identified by address and assessor parcel number.

<u>Address</u>	<u>Assessor Parcel Number</u>
2401 E. Chipman Road	122-54-028
4805 S. 24th St.	122-54-029A
2409 E. Chipman Road	122-54-029B
2408 E. Mobile Lane	122-54-057
4845 S. 24th St.	122-54-058
2405 E. Mobile Lane	122-54-059A
2401 E. Mobile Lane	122-54-059B
5015 S. 24th St.	122-54-088
5031 S. 24th St.	122-54-089

5034 S. 24th St. 122-54-090

This item was adopted.

60 Dedication of Right of Way of Parcels with Existing Roadway or Right of Way Improvements (Ordinance S-43471)

Request that the City Council dedicate to public use for right of way purposes land acquired for various street improvement projects, and further order the ordinance be recorded.

Summary

This dedication is required for parcels with existing roadway improvements at various locations. Each parcel to be dedicated is identified by location and assessor parcel number (APN), and grouped by Council District.

Location

District 1

APN

North 32nd Lane roadway, north of west Cheryl Drive 149-16-078B

District 3

North 21st Avenue roadway, south of west Larkspur Drive 149-04-004

North 23rd Avenue roadway, north of west Cheryl Drive 149-09-001Z

District 4

North 1st Place roadway, south of east Lexington Avenue 118-34-073D

North 1st Place roadway, south of east Lexington Avenue 118-34-097A

North Central Avenue right of way improvements, south of west Thomas Road 118-43-121A

West Camelback Road roadway at north 19th Avenue 154-01-002

District 5

West Campbell Avenue roadway, east of north 83rd Avenue 102-20-010C

North 39th Avenue roadway, north of west Colter Street 145-26-

102
West Georgia Avenue right of way, west of north 27th Avenue 153-19
-015C

District 7

South 43rd Avenue cul-de-sac, south of Elwood Street 104-61-
002D

South 38th Avenue roadway, south of west Wier Avenue 105-73-
085

Northwest corner of south 15th Avenue and west Southern
Avenue right of way improvements 105-78-006H

West Sunland Avenue right of way improvements, east of
south 11th Avenue 105-82-014G

West Cody Drive roadway, east of south Central Avenue 113-31-
040A

South Montezuma Street roadway, north of west Southern
Avenue 113-40-022F

East Baseline Road roadway, west of south Jesse
Owens Parkway 114-16-008B
114-16-009C

District 8

North 4th Street roadway, north of east Fillmore Avenue 111-46-
077A

South 16th Place roadway, south of east Jefferson Street 115-05
-060

South 16th Place roadway, south of east Madison Street 115-05-
135

South 16th Place roadway, north of east Jackson Street 115-05-
141

South 16th Place roadway, north of east Jackson Street 115-05-
142

East Baseline Road roadway, east of south 20th Street 122-94-
001P

This item was adopted.

**61 Amend Agreement with eGreen IT Solutions, LLC to Recycle
Electronics (Ordinance S-43472)**

Request to authorize the City Manager, or his designee, to enter into an amendment to increase the total amount of Contract 137334 with eGreen IT Solutions, LLC (Vendor 3073741), to recycle electronics on an as-needed basis. The additional requested funds will not exceed \$100,000 over the remaining contract term. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

eGreen IT Solutions, LLC processes electronics collected from the public at the City's transfer stations and Household Hazardous Waste events. The additional funds are needed to allow for a price adjustment due to increased disposal costs. Recently, there has been an increase in the number of cathode ray tube televisions and monitors collected from the public, as other agencies, including nonprofits that accept donations of household goods, will no longer accept these items. In addition, the component parts of these materials have lost resale value, and their disposal has become more costly for the vendor.

Financial Impact

The revised aggregate value of the contract will not exceed \$350,000 through the remainder of the contract term through Oct. 31, 2018. Funds are available in Public Works Department's budget.

This item was adopted.

62 Workplace Readiness Skills Training - Requirements Contract - RFP 17-137 (Ordinance S-43473)

Request to authorize the City Manager, or his designee, to enter into a contract with Avid Consulting, LLC (Vendor 3521442), for workplace readiness skills training for up to five years in an amount not to exceed \$288,000. Further request authorization for City Controller to disburse funds related to this item.

Summary

This contract will provide training services to develop and deliver behavioral training services to clients enrolled as an adult or dislocated worker to help build and refine soft-skills, increase workplace readiness, and increase opportunities for attaining employment in high-growth industry positions at family sustaining wages.

Procurement Information

Solicitation RFP 17-137, Workplace Readiness Skills Training, was conducted in accordance with Administrative Regulation 3.10. Nine offers were received by the Finance Department on Feb. 10, 2017. One response was deemed non-responsive.

The following is a summary of the highest scoring offers:

Avid Consulting, LLC: 988 Points
Maricopa Corporate College: 952 Points
Dr. Tyrone A. Holmes: 682 Points

The Deputy Finance Director recommends that the offer from Avid Consulting, LLC, be accepted as the highest-scoring, responsive and responsible offer that is most advantageous to the City.

Contract Term

The five-year contract term shall begin on or about July 1, 2017.

Financial Impact

The aggregate value of the contract shall not exceed \$288,000, with an annual expenditure of \$57,600. No General Funds are required. Funding for the contract is provided by the WIOA Grant Funds for FY 2017-18.

Concurrence/Previous Council Action

The Phoenix Business and Workforce Development Board approved the funding of these contracts at its April 13, 2017 meeting.

This item was adopted.

63 Transcription Services - Statewide Cooperative Contract ADSP016-135947 (Ordinance S-43474)

Request to authorize the City Manager, or his designee, to allow the use of the State of Arizona Cooperative Contract ADSP016-135947 and enter into an agreement with Net Transcripts, Inc. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Police Department utilizes transcription services to obtain verbatim statements by investigators and all involved parties being interviewed.

Transcription provides transparency and accuracy of information critical to an investigation. The transcriptions are included as part of the investigation material utilized by legal counsel representing the City at Civil Service and lawsuits filed against the City Disciplinary Review Boards and Use of Force Boards. If this process is conducted by administrative staff, it would take more than five times longer or more to complete, there is greater potential for errors, they would be unable to deliver within state-mandated time frames under public record law or legal counsel time frames, and it would cost more to have administrative staff conduct the process.

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 agreements allows the City to benefit from national government pricing and volume discounts. The State of Arizona contract covers transcription services statewide. The State of Arizona's contract was awarded on May 31, 2016. The local vendor is Net Transcripts, Inc.

Contract Term

The contract term shall begin on or about July 1, 2017 and end on June 30, 2022.

Financial Impact

The aggregate contract value will not exceed \$11,490. Funds are available in the Police Department's budget.

This item was adopted.

65 Request Authorization to Enter into Agreement with State of Arizona's Victims' Rights Program (Ordinance S-43476)

Request to authorize the City Manager, or his designee, to enter into an agreement with the State of Arizona's Victims' Rights Program (VRP) to accept an estimated \$207,000 in Crime Victim Assistance Funds. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

In 1991 and 1995, the Arizona Legislature passed statutes to address victims' rights. The Legislature also designated a portion of the Criminal Justice Enhancement Fund assessment and juvenile parental assessment monies to be deposited into a Victims' Rights Fund. Arizona Revised Statute Sec. 41-191.06(A) establishes a VRP in the Arizona Attorney General's Office. The VRP is tasked with assisting and monitoring state and local entities that are required to comply with Arizona's victims' rights laws. The Attorney General also is obligated to disburse Victims' Rights Fund monies to local and state agencies under Arizona Revised Statute Sec. 41-191.08. The City of Phoenix Prosecutor's Office is one such entity. The City of Phoenix Prosecutor's Office Victim Services Unit has received funding through VRP for more than 13 years. The State of Arizona has not yet released award amounts for the year 2017-18. Therefore, the amount requested is based on the three most recent awards (\$206,900 in 2017; \$206,795 in 2016; and \$207,000 in 2015).

In the City of Phoenix Prosecutor's Office, VRP funding partially funds duties performed by the Victim Services Secretary, Legal Clerk III, and Legal Clerk IIs, related to providing statutorily mandated services to victims. These services ensure that the Prosecutor's Office timely notifies victims, responds to victims' phone inquiries, provides victims conferences with a prosecutor, and processes victim restitution requests.

Contract Term

The funding period is 12 months and runs through June 30, 2018.

Financial Impact

The Prosecutor's Office anticipates receiving an estimated \$207,000 through VRP pass-through funding. If the amount awarded by VRP does not fully fund the positions, the Law Department will cover any deficit with a combination of salary savings, reduction of part-time hours and court-award funds, if received.

This item was adopted.

- 66 Authorization to Apply for Grant Funding to Replace Aging Hardware (Ordinance S-43477)**

Request authorization for the Phoenix Municipal Court to apply, accept, and if awarded enter into an agreement for grant funding in an amount not to exceed \$200,000 from the Arizona Supreme Court-administered Judicial Collection Enhancement Fund (JCEF). Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

Funds will be used by the Phoenix Municipal Court to replace aging desktop computers, laptops and related hardware. Replacement of the hardware will help to ensure reliability of the Municipal Court business systems, and to minimize hardware failure, support requirements and maintenance costs. In seeking grant funding through JCEF, aging computers and printers can be replaced with current, supported models without using General Fund dollars. Additionally, leveraging these funds for this purpose has helped to stretch the City's hardware budget further, as the Court will make older hardware available to other City departments.

Financial Impact

Funds will be made available in the Phoenix Municipal Court local JCEF account. The Phoenix Municipal Court must submit a funding plan and application to the Arizona Supreme Court Administrative Office of the Courts to secure approval for use of JCEF funds pursuant to Arizona Revised Statutes (A.R.S.) Section 12-113. No General Fund dollars will be used.

This item was adopted.

67 Award of Federal Housing Opportunities for Persons with AIDS (HOPWA) Funding (Ordinance S-43478)

Request authorization for the City Manager, or his designee, to enter into contracts for housing-related services to eligible non-profit agencies utilizing federal Housing Opportunities for Persons with AIDS (HOPWA) funds for an amount not to exceed \$1,296,810 annually. Also request authorization for the City Controller to disburse all funds over the life of the contracts.

Summary

On Feb. 3, 2017, the Housing Department issued a Request for Proposals (RFP) seeking proposals for HOPWA housing and supportive services programs. These programs include Housing Information

Services; Housing Advocacy; Short-Term Rent, Mortgage, and Utility Assistance Program (STRMU); Permanent Housing Placement; Transitional Housing; Permanent Supportive Housing; Permanent Independent Housing; and Employment Services.

Nine proposals were received with eight proposals meeting the threshold criteria. The eight proposals were reviewed by an evaluation committee made up of City staff and community representatives. Program awards are contingent on availability of federal funds and City Council approval. The awards are for a two-year period commencing on or about July 1, 2017, with the City retaining the option to renew or extend the agreements for three additional periods of up to one year each. The contracted value may decrease or increase by up to 15 percent per year, at the sole discretion of the Housing Director, as long as the total of all budget amendments supported through the HOPWA program do not exceed the annual allocation.

The agencies recommended for funding are:

Southwest Behavioral and Health Services (SBH)

This agency has more than 30 years experience housing vulnerable populations. SBH has been providing HOPWA-funded housing and supportive services since 1995. Programs to be provided include:

*Transitional Housing with wrap-around services to support housing stability that will allow the client to prepare for independent living in HOPWA-supported or other non-HOPWA supported housing.

*Permanent Supportive Housing with significant social and case management services as well as substance abuse and mental health counseling services.

*Permanent Independent Housing where wrap-around services are available to support housing stability.

*STRMU Assistance for clients at risk of losing their housing due to unforeseen financial crises.

*Permanent Housing Placement services for clients in need of assistance with move-in costs in order to obtain permanent safe and affordable housing.

*Employment Services that provide clients with services leading to permanent employment. Job readiness skills include budgeting, technical and soft skills to promote opportunities for employment and independence. Employment services include resume writing; job search techniques; interview preparation; basic computer skills; assistance with applications; and referrals to workshops or training. These services help clients to sustain housing stability through meaningful employment.

Phoenix Shanti Group

This agency was incorporated in 1987 with the mission of providing services to people with and at risk for HIV infection. Phoenix Shanti Group has been operating HOPWA Transitional Housing for 20 years. The agency is also an Arizona State licensed outpatient behavioral health clinic. Programs to be provided include:

*Transitional Housing with wrap-around services to support housing stability that will allow the client to prepare for independent living in HOPWA-supported or other non-HOPWA supported housing.

Area Agency on Aging/Care Directions

This agency has provided services to adults diagnosed with HIV/AIDS for 24 years. These services have included wellness education; advocacy; self-empowerment; and linkages to services. This agency has provided services through the HOPWA program since 1998. Programs to be provided include:

*Housing Information Services that include maintaining a wait list of clients seeking HOPWA supportive housing, assisting applicants in locating the best suited housing for their circumstance and providing links to other affordable housing opportunities.

*Housing Advocacy Services will link clients with services and other resources that will support housing stability such as medical assistance; case managers; chemical dependency/behavioral health counselors;

landlord/tenant counseling; fair housing information; job skills training and facilitation of problem solving.

Financial Impact

There is no impact to the General Fund. HOPWA is a federally funded program.

Location

HOPWA services are provided to residents in Maricopa and Pinal counties.

Concurrence/Previous Council Action

This item was considered at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on April 18, 2017, and approved by a vote of 4-0.

This item was adopted.

68 Authorization to Amend Agreement 140755 to Accept Additional DES Funding and Extend Agreement Term (Ordinance S-43479)

Request authorization for the City Manager, or designee, to amend intergovernmental agreement (IGA) 140755 with the Department of Economic Security to accept funding in the amount of \$7,703,672 for the period of July 1, 2017 through June 30, 2018. Further request authorization for the City Treasurer to accept and City Controller to disburse all funds related to this item.

Summary

Funding provided to the City of Phoenix through this contract will be used to assist low-income families and individuals in removing barriers to self-sufficiency in regards to employment and/or education, housing assistance, emergency assistance, and to provide ongoing supportive services through case management and community coordination.

This funding will allow the City to provide approximately 11,629 emergency financial assistance services and assist with case management and information and referral services.

Contract Term

The amendment extends the IGA term by one year from July 1, 2017

through June 30, 2018. This is the second of four annual amendments provided by the IGA.

Financial Impact

There are no matching fund requirements. Funding for fiscal year 2018 will be provided from the various fund sources below:

<u>Fund</u>	<u>Allocation</u>
Low Income Home Energy Assistance Program (LIHEAP)	
\$4,500,051	
Neighbors Helping Neighbors (NHN)	\$10,168
Social Services Block Grant (SSBG)	\$574,714
Temporary Assistance to Needy Families (TANF)	\$985,710
Community Services Block Grant (CSBG)	\$1,609,418
Community Services Block Grant Discretionary Funds (CSBG DIS)	
\$23,611	
Total	\$7,703,672

This item was adopted.

69 Authorization to Enter Into Contract and Accept Emergency Assistance Funding from Arizona Community Action Association (Ordinance S-43480)

Request authorization for the City Manager, or designee, to enter into a contract with the Arizona Community Action Association (ACAA) to accept funds in the amount not to exceed \$554,200 for the period of July 1, 2017 through June 30, 2018. Further request authorization for the City Treasurer to accept, and the City Controller to disburse, all funds related to this item.

Summary

Funding provided to the City of Phoenix through this contract will be used to assist low-income families and individuals in removing barriers to self-sufficiency in regards to employment and/or education, housing assistance, emergency utility assistance, and to provide on-going supportive services through case management and community coordination.

This funding will allow the City to provide approximately 1,873 emergency financial assistance services.

Contract Term

This will be a one-year contract term from July 1, 2017 through June 30, 2018.

Financial Impact

There are no matching fund requirements. Funding for fiscal year 2018 will be provided from the various funding sources listed below:

<u>Fund</u>	<u>Allocation</u>	
Home Energy Assistance Fund (HEAF)		\$44,000
Utility, Repair, Replacement and Deposit (URRD) Program		
\$97,200		
Arizona Public Service (APS) Rate Case Bill Assistance		
\$156,000		
Southwest Gas (SWG) Low Income Energy Conservation (LIEC) Bill Assistance		
\$70,000		
Southwest Gas (SWG) Energy Share (E-Share) Bill Assistance		
\$77,000		
Salt River Project (SRP) Bill Assistance		\$110,000
Total	\$554,200	

This item was adopted.

70 Authorization to Apply for and Accept VOCA Funds to Continue Victim Advocacy Services (Ordinance S-43481)

Request authorization for the City Manager, or his designee, to apply for, accept, and if awarded, enter into an agreement for Victim of Crime Act (VOCA) grant funds from the Arizona Department of Public Safety (DPS). The VOCA grant funds will provide victim advocacy services in an aggregate amount not to exceed \$2.4 million for a two-year period beginning Oct. 1, 2017 and ending Sept. 30, 2019. Further request authorization for the City Treasurer to accept and the City Controller to disburse the funds over the life of the agreement.

Summary

The Human Services Department (HSD) Family Advocacy Center (FAC) uses a multidisciplinary approach to provide comprehensive services to victims of violent crime, including intimate partner violence, sexual assault and sex trafficking. Services include crisis intervention, forensic exams,

safety planning and victim advocacy. Assistance obtaining emergency housing and protective orders is immediately available, as well as assistance navigating the criminal justice system, counseling, and long-term case management.

In October 2015, HSD received VOCA funds from DPS to enhance and expand victim services through Sept. 30, 2017. This application will be the second two-year request for the Human Services Department. The current grant funds five victim service positions, which expands FAC victim advocacy services to two satellite locations, and provides mobile victim advocacy services on-scene in the field.

If authorized, HSD will apply for up to \$1.2 million per year, for two years, to continue to support five victim services positions and operational costs. HSD also may apply for additional victim services positions and operational costs to further expand the capacity of the City to serve victims of interpersonal violence, sexual assault and sex trafficking.

Contract Term

If awarded, the two-year period will begin Oct. 1, 2017 and end Sept. 30, 2019.

Financial Impact

VOCA funds require recipients to contribute 20 percent match. The Human Services Department will provide a match through victim services positions supported by the General Fund.

This item was adopted.

71 Authorization to Enter into Contract for Emergency Shelter Services (Ordinance S-43482)

Request to authorize the City Manager, or his designee, to enter into a contract with UMOM New Day Centers, Inc. to provide emergency shelter services for homeless families and single women. Further request authorization for the City Controller to disburse all funds related to this item for the life of the contract.

Summary

Since November 2006 the Human Services Department (HSD) has operated the Watkins facility as a year-round overflow shelter for single

women and families who are experiencing homelessness. The City-funded program currently serves up to 17 families and 120 women each night through a contracted service provider. The contracted provider conducts basic shelter operations and delivers client services. HSD maintains the building and pays for operational costs and repairs.

The Watkins facility has been in possession of the City since approximately 1993 and has become costly to repair and maintain. The building also is in an industrial area resulting in the need to transport clients to and from the building on a daily basis, disrupting continuity of services. The services currently provided at the facility can be provided more effectively at a non-City-owned facility or facilities without increasing costs or decreasing services.

Procurement Information

This Request for Proposals was conducted in accordance with A.R. 3.10. One proposal was received by the Human Services Department on Feb. 15, 2017. Following is the tabulation of the proposal scores:

UMOM - Emergency Shelter - Single Women	901
UMOM - Emergency Shelter - Families	855

Contract Term

The term of the contract is seven years, which will begin on or about July 1, 2017.

Financial Impact

The aggregate contract value will not exceed \$7.7 million over the life of the contract. The estimated annual expenditure is approximately \$1.1 million. Funds are available from a combination of federal and local fund sources, including Emergency Solutions Grant (ESG) and Community Development Block Grant (CDBG) from the United States Department of Housing and Urban Development, as well as City of Phoenix General Funds.

Concurrence/Previous Council Action

The release of a Request for Proposals was approved by the Neighborhoods, Housing and Development Subcommittee on March 1,

2016.

This item was adopted.

72 Purchase of Oracle Licenses for Neighborhood Services Department (Ordinance S-43483)

Request authorization for the City Manager, or his designee, to purchase additional Oracle Webcenter Portal licenses from Oracle America, Inc. (Vendor 3013727) off of the City's Oracle Master Agreement (Contract 142562). Further request authorization for the City Controller to disburse all funds in an amount not to exceed \$302,400.

Summary

Currently the Neighborhood Services Department (NSD) Revitalization Division's case management system is a custom-built application that was designed in 1998 and has not had any available vendor support for more than 12 years. The current system relies on a number of antiquated software technologies that have not been supported by major vendors like Microsoft in more than 10 years, which results in a risk of failure and security. NSD staff is working with the Information Technology Services Department to utilize existing Oracle Business Process Management software to create a replacement Case Management system. The Oracle Webcenter Portal licenses are required to provide NSD users with proper visibility to case details, workflow tasks and embedded access to outside resources such as Maricopa County Assessor's Office web site. Additionally, the licenses will allow for NSD to leverage existing mobile technologies to enable staff to create, review and update cases in the field as appropriate. NSD plans to further leverage the Oracle Webcenter Portal and Business Process Management applications to replace many other applications that also rely on old technologies as well as tracking spreadsheets.

Financial Impact

The total purchase shall not exceed \$302,400. Funds are available in the Neighborhood Services Department budget using Community Development Block Grant and general funds.

Concurrence/Previous Council Action

City Council authorized Information Technology Services to establish the City's Oracle Master Agreement, Contract 142562, on Oct. 21, 2015 for

a three-year term beginning Oct. 25, 2015, with two one-year extension options. This item has been reviewed and approved by the Information Technology Services Department.

This item was adopted.

74 Creative Aging Pilot Grant Funds from Arizona Commission on the Arts (Ordinance S-43485)

Request to authorize the City Manager, or his designee, to accept and enter into an agreement for an honorarium in the amount of \$17,500 from the Arizona Commission on the Arts (ACA). The honorarium permits the ACA to partner with the Phoenix Office of Arts and Culture in support of the AZ Creative Aging initiative and distribution of Creative Aging pilot grants to City of Phoenix Senior Centers. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item.

Summary

The purpose of the Pilot Program is to equip Aging/Healthcare Service Organizations (in this case, City of Phoenix Senior Centers) with tools and knowledge to facilitate quality arts programming for the older adults they serve, to provide consultation to assess their ability to plan and implement arts programming, and to support development and implementation of one substantial new creative aging program or initiative. The six senior centers chosen for this pilot are Goelet A.C. Beuf, Devonshire, Pecos, Chinese, Adam Diaz, and Senior Opportunities West.

ACA will provide an honorarium to the Phoenix Office of Arts and Culture in the amount of \$17,500 to be disbursed as follows: \$15,000 for six Creative Aging Pilot Grants, in the amount of \$2,500 to each of the six senior centers; and \$2,500 to Phoenix Office of Arts and Culture to support administration of the partnership. The ACA also will provide full funding support for up to six City of Phoenix staff members to attend the Create/Change: AZ Institute, May 22 to 24, 2017.

In turn, the Phoenix Office of Arts and Culture will act as a liaison for the points of participation between the AZ Creative Aging initiative and City of Phoenix Human Services, Community and Senior Services Division staff; assist the six selected Senior Centers in the design, implementation, and

evaluation of their Creative Aging Pilot grant projects; and complete a final report on use of the Creative Aging Pilot grant funds, to be submitted to the Arts Commission on or before Sept. 1, 2017.

Concurrence/Previous Council Action

The Phoenix Arts and Culture Commission reviewed and approved this item on April 18, 2017.

This item was adopted.

75 Shade Structure Repair and Replacement - Requirements Contract Recommendation - IFB PKS-SOD16-002 (Ordinance S-43486)

Request to authorize the City Manager, or his designee, to enter into contracts with Matrix Management, Inc. dba Sun City Awning & Patio (Vendor 3027363), Shade N Net of Arizona, Inc. (Vendor 3002646), Shade Structures, Inc. (Vendor 3074509), The House of Canvas and Fine Wrought Iron LLC (Vendor 3524546), Total Shade LLC (Vendor 3524495), and Ultimate Shade Alternatives, Inc. (Vendor 3524220) to provide shade structure repair and replacement services for up to five years in an amount not to exceed \$250,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Parks and Recreation Department requires repair, replacement, and installation services to maintain approximately 311 various manufactured shade structures previously installed throughout the Parks and Recreation Department. These services will be on an as-needed basis. The shade structures can become damaged due to storms or regular wear and tear over time. Funding for these services is available in the Parks and Recreation Department budget.

Procurement Information

Invitation for Bid (IFB) PKS-SOD16-002 was conducted in accordance with Administrative Regulations 3.10. The Parks and Recreation Department released (IFB) PKS-SOD16-002 on Jan. 26, 2017. Six offers were received by the Parks and Recreation Department, Management Services Division on Feb. 16, 2017.

The Management Services Deputy Director recommends contract offers to the following responsive and responsible bidders to encompass the

various manufacturer types:

- * Matrix Management, Inc. dba Sun City Awning & Patio
- * Shade N Net of Arizona, Inc.
- * Shade Structures, Inc.
- * The House of Canvas and Fine Wrought Iron LLC
- * Total Shade LLC
- * Ultimate Shade Alternatives, Inc.

Contract Term

The contract will begin on or about June 1, 2017 and the term is for three years with two one-year options to renew (for a total of five years).

Financial Impact

The aggregate contract value, including all option years, will not exceed \$250,000, with an estimated annual expenditure of \$50,000. Funds are available in the Parks and Recreation Department budget.

This item was adopted.

76 Authorization to Enter into Development Agreement with IO Data Centers, LLC, for Construction of New Data Center Facility (Ordinance S-43487)

Request to authorize the City Manager, or his designee, to enter into a development agreement and other agreements as necessary (collectively called the "Agreements") with IO Data Centers, LLC ("IO") or its City-approved designee ("Developer") for the development of a new data center on privately owned property, and related public infrastructure improvements, at the northeast corner of 48th Street and Van Buren Street. Further request authorization for the City Controller to disburse City funds in an amount not to exceed \$359,000 and to accept and disburse funds received from the Developer for public infrastructure improvements as described below.

Summary

Since 2009, IO has made more than \$200 million in investments to its existing data center campus located at the southeast corner of Loop 202 and 48th Street, resulting in significant economic impacts to both the City and Region from these efforts. Growing as part of IO Data Centers nationally, this facility has now reached capacity with its occupancy of

data center tenants and requires expansion to continue to grow this operation in Phoenix. To accommodate this growth, IO has acquired the approximately 11-acre parcel south of its existing facility, with plans to construct additional data center facilities in excess of 500,000 square feet. This additional growth will bring further investment of more than \$200 million to this campus.

To accommodate this growth, improvements need to be made to the City-owned public infrastructure in the area surrounding the IO Campus, regardless of any potential development of the new facility. These improvements will mitigate drainage issues and bring existing public infrastructure in the area up to current City standards.

Based on discussions with the Street Transportation and Planning and Development departments, proposed material business terms are as follows:

1. The City and Developer shall share responsibility for the design, engineering, construction, acquisition and dedication of the following Improvements as generally described below:
 - a. Developer shall study drainage mitigation in the public right-of-way along 48th Street. Drainage mitigation may require additional construction in the area surrounding the IO Campus to allow for proper flows and drainage of water in the public area. Based on the Drainage Report, Developer may also choose (at its option) to mitigate drainage on the Expansion Parcel by raising the elevation of the Expansion Parcel in specified areas as well as the use of a retaining wall on site which construction on the Expansion Parcel shall be paid for by the Developer and is subject to the sole approval of the Planning and Development Department. Developer will complete the study for flows in the right-of-way along 48th Street as part of its on-site drainage study (the "Drainage Report"), utilizing consultants agreed upon by the City and Developer. The City shall reimburse Developer for the study costs associated with improvements in the public right-of-way, in an amount not to exceed \$25,000.
 - b. The City shall design and construct the Improvements pursuant to City

Code and state law, utilizing the "Drainage Report" and in coordination with the existing right-of-way improvements adjacent to the existing IO Building.

c. The Expansion Project will provide for all on-site retention as required by City Code.

d. The City shall widen and improve 48th Street between the northern boundary of the Expansion Parcel and Van Buren Street; improvements may also include, at the City's discretion, street lighting improvements, sidewalk and biking path improvements and landscaping improvements, and which improvements shall be at the City's sole cost and expense, except as otherwise set forth herein.

e. Developer will dedicate all rights-of-way and easements on property Developer owns or controls necessary for the Improvements. City will obtain all other necessary rights-of-way and easements to construct the above Improvements.

f. The City shall install or construct other Improvements as mutually agreed upon by Developer and the City.

g. Developer will maintain a bond, letter of credit, or other security satisfactory to the Street Transportation Director, or will pay the City in advance for the design and construction of street improvements, which Developer is required to perform pursuant to existing City Codes through a normal development process, along the east side of 48th Street between the northern boundary of the Expansion Parcel and Van Buren Street, including utilities or utility relocations for the Expansion Project. The cost of drainage mitigation requirements in the public right-of-way shall be solely borne by the City.

2. Unless paid for in advance as discussed in 1(g), Developer will make progress payments to the City to reimburse the City for Developer's fair share of the design and street improvement costs along the east side of 48th Street and between the northern boundary of the Expansion Parcel and Van Buren Street in an amount to be agreed upon by the City and Developer, and not to exceed \$587,000; such progress payments shall

be made on a quarterly basis, based on actual construction progress made during the prior calendar quarter. Final payment to the City shall be due upon the completion of construction of 48th Street.

3. Developer agrees to participate in the Strategic Economic Development Fund (SEDF) and that Developer will provide documentation necessary for the City to track the tax revenue generated by the Expansion Project. The SEDF will fund construction of the portion of the 48th Street improvements not paid for directly by Developer and for the surrounding area flood mitigation, in an amount not to exceed \$334,000.

4. The City's construction of the widening of 48th Street and flood mitigation improvements shall not commence until after issuance of construction permits to Developer for the construction of the Expansion Project, and receipt and acceptance of the Drainage Report as outlined below.

5. The City shall complete the design of the Improvements no later than nine months after its receipt and acceptance of the Drainage Report from Developer, which acceptance shall not unreasonably be withheld, conditioned or delayed. The City shall complete construction of the Improvements within one year of the completion of the design of the Improvements. In the event that any issue arises beyond the control of either Party, including but not limited to any unforeseen archaeological or environmental issue, that impacts the ability of the City to timely complete the design or construction of the Improvements, the foregoing time periods shall be extended, on a day-for-day basis, for any work stoppage caused by such unforeseen issue that is beyond the control of either Party. The City shall diligently pursue resolution of any unforeseen issues in a timely manner.

6. The Agreement shall contain other standard City terms and conditions, as mutually agreed to by the parties.

Contract Term

The contract term shall be for a period of five years from the date of the development agreement execution.

Financial Impact

The public improvements not paid by the Developer and costs related to the drainage mitigation study attributable to the public right-of-way, will be paid from the Strategic Economic Development Fund in an amount not to exceed \$359,000. Remaining project costs will be paid or reimbursed by the developer. Funding is available in the Street Transportation Department and the Community and Economic Development Department Capital Improvement Program budgets.

Location

The project is located at the northeast corner of 48th Street and Van Buren Street.

This item was adopted.

77 Authorization to Amend Ordinance S-42761, Disposition and Purchase Agreement with Metrowest Development, LLC (Ordinance S-43488)

Request authorization for the City Manager, or his designee, to amend Ordinance S-42761, to modify performance benchmarks as needed to allow for the execution of the Purchase and Sale Agreement (PSA) of three City-owned parcels located between 2nd and 3rd avenues, on the north side of McKinley Street in downtown Phoenix.

Summary

In June 2015, the Community and Economic Development Department issued a Request for Proposals (RFP) for the disposition and redevelopment of three Neighborhood Services Department-owned parcels located between 2nd and 3rd avenues, on the north side of McKinley Street (Site). Metrowest Development, LLC (Developer) was the successful proposer and was awarded the contract.

On July 1, 2016, City Council authorized the City Manager to enter into agreements for the sale of the Site through Ordinance S-42761 (Ordinance). Staff has been in negotiations with the Developer and is prepared to execute the PSA; however, the time allowed for negotiations and execution of the PSA pursuant to Section 2 of the Ordinance has passed. This amendment request is to modify Section 2, first bullet, of the Ordinance to allow for execution of the PSA to occur within 12

months, replacing the prior time of six months.

The developer also has requested an extension for the commencement of development of the West Parcel, which is the second phase of the project. This amendment request also will modify the performance benchmark listed in Section 2, fourth bullet, of the Ordinance to allow a 12-month extension for starting development of the West Parcel, changing the benchmark from 18 to 30 months. Metrowest is an established local developer and has invested in and redeveloped several sites in downtown Phoenix, and the PSA is ready to be signed upon the approval of this amendment.

Concurrence/Previous Council Action

City Council approved Ordinance S-42761 on July 1, 2016.

Location

The Site is located at 808 N. 2nd Ave. and 801 N. 3rd Ave. in downtown Phoenix.

This item was adopted.

79 Authorization to Enter into Intergovernmental Agreement for Parking Spaces with Arizona Board of Regents on Behalf of Arizona State University

This report requests City Council authorization to enter into an Intergovernmental Agreement (IGA) with Arizona State University (ASU) for parking spaces in the East and Heritage garages.

Summary

The Phoenix Convention Center Department currently has a contract with the Arizona Board of Regents to provide parking spaces for ASU students, faculty, downtown campus business tenants, and student residents and visitors. The agreement expires on June 30, 2017. Parking programs offered to ASU include: part-time and full-time student parking; non-reserved monthly parking; 24-hour, seven-day-per-week reserved monthly parking; and prepaid parking coupons. Existing rates will remain in place for the first two years of the new IGA and will escalate beginning in year three until prevailing public parking rates are reached in years seven to 10. Parking rates range from \$21.60 to \$90, including garage facility prevailing public hourly rates. The parking programs and proposed

rates accompany this item (see Attachment A).

Contract Term

This is a five-year contract beginning July 1, 2017, through June 30, 2022. Provisions of the contract include an option to extend the term up to five additional years beginning July 1, 2022, through June 30, 2027, which may be exercised solely by the City Manager or designee.

Financial Impact

This is a revenue-generating contract estimated to result in \$1.6 million over the life of the contract.

Concurrence/Previous Council Action

The Downtown, Aviation, Economy and Innovation Subcommittee recommended this item for approval on April 26, 2017, by a vote of 3-0.

Location

The East garage is located at 601 E. Washington St., and the Heritage garage is located at 123 N. 5th St.

This item was approved.

80 Exercise Contract Extension with Galloway Asset Management LLC for Financial Wellness Educational Services (Ordinance S-43489)

Request authorization for the City Manager, or his designee, to enter into an amendment to Contract #138481 with Galloway Asset Management LLC to exercise the remaining two option years of the contract. Galloway provides financial health and wellness educational consulting services, in partnership with the Employee Assistance Program and Firestrong. Authorization is also requested for the City Controller to disburse the funds for purposes of this ordinance.

Summary

Galloway Asset Management LLC provides financial education, consultation, and advice to firefighters. These services are provided to mitigate stress and support firefighter mental health.

Procurement Information

In March 2014, a Request For Proposals (RFP) for the above-described

services was advertised. The successful proposal was submitted by Galloway Asset Management LLC.

Contract Term

The initial three-year term of the contract was from June 29, 2014 through June 30, 2017. This request is to exercise the remaining two years of the five-year overall contract, from July 1, 2017 through June 30, 2019.

Financial Impact

Per the contract terms, the aggregate five-year cost shall not exceed \$240,000. This request for the remaining two years, for approximately \$48,000 (FY 17-18: \$24,000; FY 18-19: \$24,000) will not exceed the \$240,000 total aggregate five-year amount. Funds for this service are included in the Fire Department's operating budget.

Concurrence/Previous Council Action

This item was approved by City Council on May 4, 2016.

This item was adopted.

81 Request Payment Authority for TriTech Software Systems (Ordinance S-43490)

Request authorization for the City Manager, or his designee, to enter into an agreement with TriTech Software Systems for five years in an amount not to exceed an aggregate amount of \$325,000 to continue to provide ambulance billing software maintenance and support services for the Fire Department. Further request authorization for the City Controller to disburse the funds through the end of the contract term.

Summary

The City of Phoenix owns the TriTech software application. This request is for the renewal of proprietary TriTech software support and maintenance of the application that facilitates the collection of ambulance transportation fees. TriTech software updates have allowed the Fire Department to seamlessly implement changes to the Medicare electronic billing format, as well as changes to the Centers for Medicaid and Medicare Services form that is used to bill all non-Medicare payors. Failure to implement these changes will prevent the Fire Department from submitting viable bills to medical insurance companies, which will prevent the recovery of revenue owed to the City. During fiscal year

2016, the Fire Department posted more than \$35 million in collections. The Fire Department has verified that no other entity provides TriTech software maintenance and support for the proprietary TriTech application. Support for the application is only available directly from TriTech.

Contract Term

The term of the agreement will begin on or about June 1, 2017 for five years.

Financial Impact

The payment authority for all five years, aggregate, will not exceed \$325,000.

Concurrence/Previous Council Action

Payment authority for this item was approved by City Council on March 23, 2016.

Location

Citywide.

This item was adopted.

82 Fire Department Contract with Dignity Health for Mobile Stroke Unit Pilot Program (Ordinance S-43491)

Request authorization for the City Manager, or his designee, to enter into a contract with Dignity Health (Dignity), on behalf of Dignity's St. Joseph's Hospital and Medical Center and its Barrow Neurological Institute, for establishment and implementation of a Mobile Stroke Unit (MSU) Pilot Program. Authorization also is requested for the City Treasurer to accept funds from Dignity for associated Phoenix Fire Department (PFD) dispatch and communication services (dispatch through 911).

Summary

The objective of the MSU Pilot Program is pre-hospital, "ASAP" diagnosis and possible administration of the "clot-busting" drug tPa (tissue plasminogen activator) to stroke patients in the field prior to, or during, hospital transport. The objective is to treat stroke patients to potentially improve neurological recovery and outcomes.

Stroke is the fifth leading cause of death in the U.S. and the leading

cause of adult disability. According to Barrow, more than 800,000 strokes occur annually in the United States. With approximately 8,000 patients in Maricopa County, 5,500 are within the MSU response map (20 minutes), and approximately 2,500 are estimated to be tPa-eligible stroke patients who could benefit from this revolutionary, life-saving treatment. Further, the probability of a "good outcome" is reduced by 10 percent every 30 minutes that treatment is not provided. The safe time frame to treat stroke patients with the "clot-buster" drug tPa is limited to less than 4.5 hours from the onset of symptoms. Currently, approximately five percent of stroke patients receive tPa at all, and less than one percent within one hour.

The MSU Pilot Program will logistically provide that calls for assistance would be received by Fire 911, and both PFD and the MSU would be dispatched according to the 20-minute response map within Phoenix. If the assessed patient is eligible, MSU would administer the tPa IV and the patient would be transported to the closest appropriate stroke patient treatment facility as determined by the treating physician in collaboration with PFD paramedic personnel.

Contract Term

This request is for an agreement with Dignity Health, on behalf of Dignity's St. Joseph's Hospital and Medical Center and its Barrow Neurological Institute. The initial three-year term would be from approximately June 1, 2017 through May 31, 2020, and two one-year options through May 31, 2022. This contract will be non-exclusive. It is intended that other medical entities will have the opportunity to contract with PFD in the future, in an effort to expand the Mobile Stroke Program to ensure more comprehensive citywide coverage.

Financial Impact

The City will be reimbursed by Dignity for all associated dispatch and communication services (911). Dignity will provide its own vehicle, staffing, and all other necessary equipment.

Location

Twenty-minute response map within Phoenix based on Dignity's location.

This item was adopted.

83 Authorize Recommended Changes to 2017 Neighborhood Block Watch Grant Program Process

Request City Council approval of the Neighborhood Block Watch (NBW) Oversight Committee's recommended changes to the 2017 NBW grant program process as outlined below.

Summary

The Neighborhood Block Watch Oversight Committee reviewed and approved the following changes and updates to the grant program process. The Oversight Committee recommends the changes go into effect for the 2017 grant program beginning July 1, 2017.

The following changes are recommended:

1. Request that the total annual funding amount available for all grant applications be decreased from \$1,500,000.00 to \$1,400,000.00. On July 1, 2016, City Council authorized an increase to the annual funding amount from \$1,250,000.00 to \$1,500,000.00. After the July 1, 2016 City Council meeting, it was discovered there was a City Council item #4, dated Nov. 16, 1993, which stated that, "Monies awarded will not exceed revenues collected for this fund." Historically revenues collected average \$1,400,000.00 a year.

2. Set an annual deadline of Sept. 30 for all awarded grant contracts to be signed unless arrangements are made with police staff to sign the grant contract at a later date due to extenuating circumstances.

This item was approved.

84 Request Authorization for Sale of Canine Charlie for \$1.00 (Ordinance S-43492)

Request authorization for the City Manager, or his designee, to authorize the sale of canine Charlie to Officer Kenichi Doi for \$1.00. Officer Doi is assigned to the Police Department's Airport Bureau, Explosive Detection Canine Team at Phoenix Sky Harbor International Airport. Officer Doi has requested to retire and purchase his assigned canine, Charlie, in accordance with A.R. 4.2.1.

Summary

Canine Charlie is a five-year-old male Retriever and was partnered with

Officer Doi in 2016. The request to purchase canine Charlie is being made by Officer Doi because canine Charlie is unable to function in his capacity as a police service dog due to his inconsistent odor recognition, low working drive and recent failure during his annual canine evaluation. The Transportation Security Administration (TSA) is the owner of canine Charlie. The TSA has agreed to retire Charlie and transfer ownership to the City of Phoenix. Officer Doi agrees to accept full responsibility and liability for canine Charlie until his death, upon which the death certificate will be forwarded to the TSA, as required per the cooperative agreement between the City of Phoenix and the TSA.

This item was adopted.

88 FAA Reimbursable Agreement for Terminal 3 Radio Transmitter 2 Antenna Site Equipment Room Direct Current Bus System - AV13000002 (Ordinance S-43496)

Request to authorize the City Manager, or his designee, to enter into a Reimbursable Agreement (Agreement) with the Federal Aviation Administration (FAA) for the procurement and installation of a direct current (DC) bus system for the Phoenix Sky Harbor International Airport Terminal 3 radio transmitter 2 (RT2) antenna site equipment room. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Phoenix Sky Harbor International Airport Terminal 3 Modernization Project (Project) requires the removal of the Terminal 3 Northeast elevator bank. Presently, the FAA has an existing RT2 antenna platform on top of the Terminal 3 Northeast elevator bank on the roof of Terminal 3 and an emergency generator on the northeast roof of Terminal 3, both of which will be removed and replaced with the DC bus system. The Project involves FAA engineering support, design, and project management services during the construction of a new FAA platform and the procurement, installation, and commissioning of the DC bus system equipment. The Project includes preliminary work, such as technical consultations, engineering, environmental review, site visits and meetings, feasibility assessments, project planning, development of cost estimates, and development of design packages, if required. Under the Agreement, the FAA will perform the work and the City of Phoenix will reimburse the FAA for its costs, not to exceed \$325,000. The

Agreement may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee.

Financial Impact

Reimbursement to the FAA under the Agreement shall not exceed \$325,000. Funds are available in the Aviation Department Capital Improvement Program budget.

Public Outreach

The Aviation Department conducted many information presentations about the Project to community groups and local professional associations over the past four years. The Project was last presented to the Phoenix Aviation Advisory Board on Sept. 15, 2016.

Location

Phoenix Sky Harbor International Airport is located at 3400 E. Sky Harbor Blvd.

This item was adopted.

89 Transportation Security Administration High-Speed Operational Connectivity Fiber Lease (Ordinance S-43497)

Request to authorize the City Manager, or his designee, to enter into a fiber lease (Lease) with the Transportation Security Administration (TSA) to accommodate its High-Speed Operational Connectivity (HISOC) Network.

Summary

The HISOC Network enhances communication between TSA personnel in various locations, enhances security, and enables the TSA to provide more effective and efficient passenger screening services. The TSA has leased fiber at Phoenix Sky Harbor International Airport since March 19, 2007 for its HISOC Network under a short-term agreement. That agreement expires May 31, 2017. The TSA currently leases 36 strands of single-mode fiber from the City of Phoenix at the current rate of \$994.66 per strand annually. Total rent under the current agreement for 36 strands of fiber is \$35,808 annually.

Contract Term

The term of the Lease will be one year with four one-year renewal

options, which may be exercised at the sole discretion of the Aviation Director.

Financial Impact

Under the new agreement, the adjusted annual rent for 36 strands will be \$36,882 for the first year of the Lease. The rent will be increased by 3 percent annually. The total financial impact over the five-year term will be \$195,813, if all renewal options are exercised.

Location

Phoenix Sky Harbor International Airport is located at 3400 E. Sky Harbor Blvd.

This item was adopted.

90 Contract Change Orders for Jurisdictional Transit Service Revenue Agreements

Request to authorize the City Manager, or his designee, to enter into contract change orders with the City of Glendale (Agreement 138946), the City of Scottsdale (Agreement 138962) and the Regional Public Transportation Authority (RPTA) (Agreement 139285) for transit services these agencies purchase from the City of Phoenix. Further request to authorize the City Treasurer to accept the funds related to this item.

Summary

These change orders will be effective July 1, 2017 through June 30, 2018 and will establish that the City of Phoenix will provide weekday/weekend and holiday fixed route bus service for:

- City of Glendale: Routes 51, 59, 60, 67, 80, 90, 138, 170, and 186.
- City of Scottsdale: Routes 29, 41, 50, 80, 154, and 170.
- RPTA: Routes 3, 17, 29, 50, 59, 67, 70, 80, 106, and 138.

The RPTA also will disburse funds to Phoenix for Dial-A-Ride service for the City of Phoenix, Southwest Valley Region, and the Gila River Indian Community (GRIC).

Financial Impact

The other jurisdictions/agencies will pay Phoenix for the transit service not covered by farebox revenue, resulting in full cost recovery and no

cost to the City of Phoenix. The new contract amounts for 2017-18 are as follows:

City of Glendale

Gross Cost of Service: \$5,140,085

Farebox Revenue: \$1,078,059

Net Glendale Cost (Revenue to Phoenix): \$4,062,026

City of Scottsdale

Gross Cost of Service: \$2,154,352

Farebox Revenue: \$253,092

Net Scottsdale Cost (Revenue to Phoenix): \$1,901,260

RPTA

Fixed Route Bus:

Gross Cost of Service: \$10,329,167

Farebox Revenue: \$1,623,341

Net RPTA Cost (Revenue to Phoenix): \$8,705,826

Phoenix Dial-A-Ride:

Net RPTA Cost (Revenue to Phoenix): \$16,449,229

Southwest Valley & GRIC Dial-A-Ride:

Net RPTA Cost (Revenue to Phoenix): \$251,559

Total RPTA Net Cost (Revenue to Phoenix): \$25,406,614

This item was approved.

92 Enter Into Contract Change Order with Regional Public Transportation Authority for Purchase of Transit Services (Ordinance S-43499)

Request to authorize the City Manager, or his designee, to enter into a change order to Contract 143071 to reflect the increase in fixed route service to the City of Phoenix for fiscal year 2016-17 and to establish a new estimated budget for fiscal year 2017-18 for the purchase of transit services from the Regional Public Transportation Authority (RPTA) for routes 30, 45, 56, 61, 77, 108, 140 and 156, which partially operate within Phoenix borders. Further request authorization for the City Controller to

disburse funds in an amount not to exceed \$8,033,442.

Summary

This Intergovernmental Agreement was originally approved by City Council on April 20, 2016, commenced on July 1, 2016 and will continue until contract termination by either party providing sufficient notice.

Transit services are customarily purchased and sold between regional entities, where adding service or continuing an existing bus route is most economical. Phoenix also sells service to the RPTA on various routes.

As part of the T2050 Transportation Plan, Phoenix expanded bus service hours and increased weekend frequency on all bus routes within the City in October 2016 and April 2017. In October 2016, service span on Routes 30, 45, 56, 61, 77 and 108 were extended on weekdays from 4 a.m. to midnight and Saturdays and Sundays from 5 a.m. to 10 p.m. Service frequency also was increased to a minimum of every 30 minutes. In April 2017, service span was further extended on Routes 45, 61 and 77 to 4 a.m. to 2 a.m. on Fridays and 5 a.m. to 2 a.m. on Saturdays. The net cost of these service changes is an increase of \$1,178,741 to the fiscal year 2016-17 contract amount.

Effective July 1, 2017, the RPTA will provide the following fixed route service for the City of Phoenix: Routes 30, 45, 56, 61, 77, 108, 140 and 156. The total estimated net cost to be billed by the RPTA to Phoenix is \$6,854,701. At the end of each fiscal year, Phoenix and the RPTA will reconcile the actual miles operated, gross costs, federal preventive maintenance funding credits, and the fare revenue collected. The difference between the original estimates and the actuals will be communicated to the City through a credit memo from RPTA.

Financial Impact

Estimated gross costs will be reduced by fare revenues and federal preventive maintenance funding credits, which result in total estimated net increased cost for fiscal year 2016-17 of \$1,178,741 and total estimated net costs for fiscal year 2017-18 of \$6,854,701. Funds are available in the Public Transit Department operating budget in the Transportation 2050 fund.

This item was adopted.

93 Transforming Trash into Resources II: Carpeting and Carpet Foam, Latex Paint, and Urban Wood Diversion (Ordinance S-43500)

Request to authorize the City Manager, or his designee, to enter into separate agreements with GIS Consulting, Green Sheen Paint & Design, Inc., and Edgewood Lumber and Sawmill, LLC, to provide waste diversion services. Further request authorization for the City Controller to disburse all funds associated with this item.

Summary

In February 2013, the Mayor and City Council established a citywide goal to divert 40 percent of solid waste from the landfill by the year 2020. Since 2013, the City's diversion rate has increased from 16 percent to 20 percent. In April 2016, this goal was expanded to achieve Zero Waste by 2050. In order to meet these goals and improve the City's diversion rate, the Public Works Department launched the Reimagine Phoenix initiative. The initiative has a three-pronged approach:

1. Offer new solid waste services;
2. Increase education and community outreach; and,
3. Create public-private partnerships, centered on developing waste diversion strategies and economic development opportunities.

In March 2015, the Public Works Department issued the Transforming Trash into Resources Request for Proposals (RFP), resulting in two contracts to divert mattresses and residential food waste, respectively, from the City's waste stream. To date, Goodwill of Central Arizona has diverted 5,449 mattresses from the City's landfill. During the past year, Recycled City has diverted from the landfill approximately 4,500 pounds of food scraps and other material and turned it into compost for use at a local farm.

Procurement

In October 2016, the Public Works Department issued the Transforming Trash into Resources II Request for Proposals to identify new partners for diversion of carpeting and carpet foam, latex paint, and urban wood. A diverse selection panel, including representatives from the City and

community stakeholders, evaluated the proposals based on business plan (450 points), community impact (350 points), and qualifications and experience (200 points). The results are listed below by type of material.

Carpeting and Carpet Foam

An estimated 900 tons of waste carpeting and carpet foam are disposed at the City's landfill each year.

GIS Consulting was the only proposer for this category and the panel unanimously recommends entering into a contract with the company. The contractor will implement a pilot program to repurpose approximately 100 tons of carpeting and carpet foam into blown insulation and concrete brick.

Latex Paint

Each year, the City receives an estimated 11,000 gallons of waste latex paint primarily through the City's Household Hazardous Waste (HHW) events. Currently, the City ships waste latex paint to a recycling facility in California at a cost of \$5 per gallon. Two proposals were received for this category:

- 3-R Exchange, LLC: 719 points
- Green Sheen Paint & Design, Inc.: 940 points

The panel unanimously recommends entering into a contract with Green Sheen Paint & Design, Inc. (Green Sheen). Green Sheen will collect usable latex paint from the City's transfer stations and at HHW events to be processed at its Phoenix facility for resale. Green Sheen expects to create 12 to 15 new jobs over the life of the contract.

Urban Wood

The City landfills approximately 130 tons of tree trunks and large stumps annually. Two proposals were received for this category:

- Wineglass Bar Sawmill, LLC: 831 points
- Edgewood Lumber & Sawmill, LLC: 880 points

The panel unanimously recommends entering into a contract with

Edgewood Lumber and Sawmill, LLC (Edgewood). Edgewood will transport tree trunks from the City's transfer stations or other designated locations to its Gilbert facility for processing, and will make a portion of the lumber available to high school wood shop classes in Phoenix.

Contract Term

The initial contract term for Green Sheen and Edgewood will be for three years, with two one-year renewal options, beginning on or about June 6, 2017.

The initial contract term for GIS Consulting will be for six months, with four one-year renewal options, beginning on or about June 6, 2017.

Financial Impact

There is no cost associated with the GIS Consulting and Edgewood contracts.

Green Sheen will charge the City \$3.50 per gallon processed, with costs not expected to exceed \$56,000 per year or \$280,000 over the life of the contract. Funds are available in the Public Works Department's budget.

Concurrence

This item was recommended for approval by the Transportation and Infrastructure Subcommittee on April 11, 2017, by a vote of 3-0.

This item was adopted.

94 Komptech Equipment for Compost Facility - Parts and Service (Ordinance S-43501)

Request to authorize the City Manager, or his designee, to enter into a contract with Bejac Corporation (Vendor 3042964) in an amount not to exceed \$48,000 over the life of the contract for operation training and periodic monitoring of equipment at the City's new compost facility. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

In April 2017, the City opened a 30-acre Compost Facility at the Resource Innovation Campus at 27th Avenue and Lower Buckeye Road. The mulching and compost operations use a Hurrifex Mobile Stone and

Plastic Separator in the production of approximately 55,000 tons per year of stable and cured compost. The contractor will provide operation training for staff and facility operator WeCare Organics, LLC, as well as periodic monitoring to ensure the equipment is being operated and maintained per the equipment manufacturer's guidelines.

Procurement Information

Bejac Corporation is the only authorized vendor in Arizona for equipment, parts, service, warranty and training for Komptech equipment. In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing that there is only one source for the necessary goods and services.

Contract Term

The initial one-year contract term shall begin on or about June 1, 2017, and end on May 31, 2018. Provisions of the contract include an option to extend the term of the contract for up to two additional years, in one-year increments, which may be exercised by the City Manager or his designee.

Financial Impact

Expenditures shall not exceed \$48,000 over the life of the contract, with an estimated annual expenditure of \$16,000. Funds are available in the Public Works Department's budget.

Location

The Compost Facility is located at the Resource Innovation Campus, 3060 S. 27th Ave.

This item was adopted.

95 Vermeer Compost Turner and Horizontal Grinder - Maintenance and Repair (Ordinance S-43502)

Request to authorize the City Manager, or his designee, to enter into a contract with Vermeer Southwest (Vendor 3017926) in an amount not to exceed \$333,336 for equipment training and monitoring of a horizontal grinder and a compost turner. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Public Works Department has purchased Vermeer specialized equipment for the 27th Avenue Mulching Area and Compost Facility. This equipment includes a horizontal grinder and a compost turner. This contract will assist the City in ensuring that the equipment is being properly operated and maintained by the contracted Compost Facility operator as required by the original equipment manufacturer's guidelines. This equipment is critical to daily mulching and composting operations.

Procurement Information

A determination has been made for this requirements contract because Vermeer Southwest is the only authorized vendor that provides equipment, parts, service, warranty and training. In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing that there is only one source vendor for this essential equipment and services.

Contract Term

The initial two-year contract term shall begin on or about June 1, 2017 and end on May 31, 2018. Provisions of the contract include options to extend the term of the contract for up to seven additional years, in one-year increments, which may be exercised by the City Manager or his designee.

Financial Impact

Expenditures shall not exceed \$333,336 for the life of the contract, with an annual expenditure amount of \$41,667. Funds are available in the Public Works Department's budget.

This item was adopted.

96 Solid Waste 35-65-95 Gallon Containers - IFB 13-073 (Ordinance S-43503)

Request to authorize the City Manager, or his designee, to add additional expenditures to Contract 4705000167 with Rehrig Pacific Company (Vendor 3023074), in an amount of \$2,000,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Rehrig Pacific Company provides 35, 65, and 95 liquid gallon containers

to the Public Works Department that are used in the City's fully automated refuse and recycling collection programs. Order quantities are contingent upon the City's refuse, recycling and green organics collection programs, and includes replacement of existing containers as well as new containers for service area growth.

Financial Impact

The estimated expenditure for this contract through Dec. 31, 2017, is \$2,000,000; with a total aggregate value of \$12,225,200 over the life of the contract. Funds are available in the Public Works Department's budget.

Concurrence/Previous Council Action

This contract is the result of IFB 13-073 awarded by City Council on Dec. 19, 2012, with an original aggregate value of \$7,518,900 for the initial three-year period, through Dec. 31, 2015. The contract contains an option to extend the contract two additional years, which was exercised through Dec. 31, 2017. Funds in an amount of \$2,506,300 were approved on Oct. 21, 2015, for the option year through Dec. 31, 2016.

This item was adopted.

**97 Packer Body and Articulated Loader Lubrication Services
(Ordinance S-43504)**

Request to authorize the City Manager, or his designee, to enter into a contract with Lincoln Constructors, Inc. (Vendor 3523568), in an amount not to exceed \$75,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Public Works Department requires services to lubricate various equipment to comply with manufacturer specifications. Proper lubrication of refuse truck assemblies prevents breakdown of units and failure of fittings and bearings detrimental to the operation of the vehicles.

Procurement Information

In November 2016, the Public Works Department issued an Invitation for Bid for these services. No award was made as no responsive and responsible bids were received. Staff is currently revising the scope of

work to issue a new solicitation. Lubrication services are needed, on an interim basis, to maintain operations and avoid interruption of service. In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing time restrictions for this essential service.

Contract Term

The requested contract term is six months, from June 1, 2017, through Nov. 30, 2017.

Financial Impact

Expenditures over the life of this contract will not exceed \$75,000. The funds are available in the Public Works Department budget.

This item was adopted.

98 91st Avenue Wastewater Treatment Plant Facility Assessment - WS90100107 (Ordinance S-43505)

Request to authorize the City Manager, or his designee, to enter into an agreement with Arcadis U.S., Inc. (Phoenix) to conduct an assessment of the above- and below-ground facilities at the Sub-Regional Operating Group (SROG) 91st Avenue Wastewater Treatment Plant (WWTP). 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 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, telecommunication, cable television, railroads and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

Summary

The 91st Avenue WWTP is located on a 560-acre site just east of 91st Avenue, south of Broadway Road and north of Southern Avenue. Processes consist of screening, grit removal, primary sedimentation, activated sludge with nitrification-denitrification, disinfection, and dechlorination with a current design capacity of 230 million gallons per

day.

Arcadis U.S., Inc. services include but are not limited to: provide an assessment to determine current physical and performance condition of the structural, mechanical, electrical, instrumentation and architectural components of both above- and below-ground facilities, the remaining useful life of the assets at the facility, whether assets should be repaired, rehabilitated, or abandoned, identify recommendations to improve operation efficiencies, provide a condition assessment, provide a prioritized 10-year plan for rehabilitation/replacement projects and project costs for long-term management.

The plant is owned by the SROG and operated by the City of Phoenix.

Procurement Information

Arcadis U.S., 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 a contract has been awarded. Top-three rankings are as follows:

Arcadis U.S., Inc.: Ranked #1

Brown and Caldwell, Inc.: Ranked #2

Hazen and Sawyer: Ranked #3

Contract Term

The services under this contract are expected to take approximately 540 calendar days to complete. 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

Arcadis U.S., Inc.'s fee under this contract will not exceed \$1,383,349, 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

5615 S. 91st Ave., Tolleson, Ariz.

This item was adopted.

99 Electrical, Instrumentation, and Control Systems Inspection and Testing Services - Cave Creek Water Reclamation Plant - WS90300009 (Ordinance S-43506)

Request to authorize the City Manager, or his designee, to enter a contract with Arcadis US, Inc. (Phoenix) to provide professional services for design support, construction inspections, and commissioning testing in support of projects associated with electrical, instrumentation, and control systems at the Cave Creek Water Reclamation Plant, and to exercise contract options as necessary. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

To improve the functionality, efficiency, and maintenance of electrical, instrumentation, and control systems, the City uses Electrical, Instrumentation, and Control System Inspection and Testing Services to assist the engineer and contractor with projects related to the facilities and its various systems. The Water Services Department developed electrical, instrumentation, and control standards that are used to provide consistency throughout the department. Arcadis US, Inc.'s role will be to ensure adherence to these standards at the reclamation plant during design, construction, calibration, testing, and commissioning of the electrical, instrumentation, and control systems. In addition, Arcadis US, Inc. will provide operations and maintenance support when City staff are replacing existing equipment or installing new equipment, and may be required to provide arc flash hazardous testing services.

Procurement Information

Eleven firms submitted for this qualifications-based selection process. The City selected the top-four ranked firms identified below to perform the above services in various Water Services locations based on a single procurement according to Section 34-604 of the Arizona Revised Statutes (A.R.S.). The firm rankings are listed below.

Black & Veatch Corporation: Ranked #1
OZ Engineering: Ranked #2
Brown and Caldwell, Inc.: Ranked #3
Arcadis US, Inc.: Ranked #4
Wilson Engineers, LLC: Ranked #5
Stanley Consultants, Inc.: Ranked #6
Greeley and Hansen, LLC: Ranked #7
Westin Engineering, Inc.: Ranked #8
Industrial Power Solutions, LLC: Ranked #9
Quantum: Ranked #10
Automation Controls Design Specialists, LLC: Ranked #11

Pursuant to A.R.S. Title 34, the City is not to release the scoring of proposers until a contract has been awarded.

Contract Term

The term of the contract for the Cave Creek Water Reclamation Plant will be two years with an option to extend for an additional two-year period, for a total of four consecutive 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

Arcadis US, Inc.'s fee under the initial two-year contract will not exceed \$685,000, and will not exceed \$935,000 for the total four-year contract 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

Cave Creek Water Reclamation Plant, 22841 N. Cave Creek Road

This item was adopted.

100 Aquifer Storage and Recovery Well 303 Construction Manager at Risk Design Phase Services - WS85010051 (Ordinance S-43507)

Request to authorize the City Manager, or his designee, to enter into an agreement with MGC Contractors, Inc., (Phoenix) to provide Construction Manager at Risk (CMAR) Design Phase Services in support of the Aquifer Storage and Recovery (ASR) Well 303 project. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

ASR Well 303 is currently in design with drilling and construction scheduled for summer 2017. The expected production capacity is about 1,200 to 1,500 gallons per minute (gpm). Water pumped from the well will be used to supplement potable water deliveries in northeast Phoenix. During periods of low water demand, the City plans to store surplus potable water in the aquifer by injecting potable water down this well. The anticipated injection rate is 1,200 gpm with an objective of recharging 1,000 to 1,200 acre-feet per year (five to six months of recharge). The goal of recharge is to stabilize water levels in the northeast valley Phoenix aquifer.

This project will be to perform design services including the well pump and all associated piping necessary to connect it to the existing water distribution system, a de-chlorination system, the electrical components necessary for the well to operate, and the connection into the City's Supervisory Control and Data Acquisition (SCADA) system so that it is fully automated.

MGC Contractors, Inc., will be responsible for means and methods relating to construction of the project and participating with the City in the local and Small Business Enterprise (SBE) goal setting process and implementing the SBE process. MGC Contractors, Inc., will be required to solicit bids from prequalified subcontractors to perform work under the City's subcontractor selection process. MGC Contractors, Inc., also may compete to self-perform limited amounts of work for this project. MGC Contractors, Inc., will assume the risk of delivering the project through a Guaranteed Maximum Price contract.

Procurement Information

MGC Contractors, Inc., was chosen for this project using a qualifications-based selection process according to Section 34-603 of

the Arizona Revised Statutes (ARS). Pursuant to ARS Title 34, the City is not to release the scoring of proposers until a contract has been awarded. The top three rankings follow:

MGC Contractors, Inc.: Ranked #1

PCL Construction, Inc.: Ranked #2

Felix Construction Company: Ranked #3

Contract Term

The term of services is expected to be one year 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 may be executed after the end of the contract term.

Financial Impact

MGC Contractors, Inc.'s fee under this contract will not exceed \$42,178 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.

Concurrence/Previous Council Action

The CMAR Construction Phase Services contract is being submitted for City Council approval simultaneously with this request for CMAR Design Phase Services.

Location

The well is near Cave Creek and Lone Mountain roads.

This item was adopted.

101 Toxicity Identification Evaluation Services for 91st Avenue and 23rd Avenue Wastewater Treatment Plants - WS90100103 and WS90200023 (Ordinance S-43508)

Request to authorize the City Manager, or his designee, to enter into an agreement with Hazen and Sawyer, P.C., (New York, N.Y.) to provide

technical expertise and support related to toxicity identification evaluation at the 91st Avenue Wastewater Treatment Plant (WWTP) and 23rd Avenue WWTP, and to execute contract options as necessary. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Hazen and Sawyer, P.C., will provide support services and assistance related to the whole effluent toxicity testing and the toxicity identification evaluation for wastewater and water reclamation facilities to maintain compliance with conditions and requirements of the federal National Pollutant Discharge Elimination System and the Arizona Pollutant Discharge Elimination System permits for the 91st Avenue and 23rd Avenue WWTPs.

Procurement Information

Hazen and Sawyer, P.C., was chosen for this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes (ARS). Pursuant to ARS Title 34, the City is not to release the scoring of proposers until a contract has been awarded. The top two rankings follow:

Hazen and Sawyer, P.C.: Ranked #1
Alan Plummer Associates, Inc.: Ranked #2

Contract Term

The initial term of this contract is for three years, with the option to extend for one additional two-year term. 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

Hazen and Sawyer, P.C.'s fee under the contract will not exceed \$300,000, which includes 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

beyond contract termination.

Location

23rd Avenue Wastewater Treatment Plant, 2470 S. 22nd Ave.
91st Avenue Wastewater Treatment Plant, 5615 S. 91st Ave., Tolleson,
Ariz.

This item was adopted.

**102 Deer Valley Aquifer Storage and Recovery Well Program
Construction Manager at Risk Construction Phase Services
Amendment 1 - WS85010052 (Ordinance S-43509)**

Request to authorize the City Manager, or his designee, to execute Amendment No.1 to Contract 143212 with Felix Construction Company (Coolidge, Ariz.) to provide Construction Manager at Risk (CMAR) Construction Phase Services in support of the Deer Valley Water Treatment Plant (WTP) Aquifer Storage and Recovery (ASR) Well Program. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The project consists of construction of an Aquifer Storage and Recovery Well. This type of well can pump water up from the aquifer when water is needed for supply. It also can pump water down into the aquifer during low-demand periods to store water, which can then later be pumped back up during high-demand periods. The well has been drilled and the project is moving forward into the phase of constructing the well head and installing equipment necessary to operate the well.

The CMAR will assume the risk of delivering the project through a Guaranteed Maximum Price (GMP) contract. The CMAR will be responsible for constructing the infrastructure for the Deer Valley WTP ASR Well, procuring materials and equipment, scheduling and managing site operations, providing quality controls, and managing all construction-related contracts while meeting City bid requirements, including local and Small Business Enterprise (SBE) participation goals. An SBE goal of eight percent has been established for this contract.

Procurement Information

Felix Construction Company was chosen to provide CMAR services for

this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the CMAR Design Phase Services procurement process.

Contract 143212 was executed in July 2016 for Felix Construction to provide initial construction phase services to solicit pricing information from its subcontractors and suppliers, including self-performed work, and to submit its GMP proposal for the project. The incorporation of the GMP construction pricing through a contract amendment was anticipated as part of the project development process.

Contract Term

Services for this project are expected to be completed within 329 days from 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

The initial contract value was established at a not-to-exceed amount of \$21,232 to provide GMP Preparation Services. The contract capacity will be increased by \$2,580,826.61, for a new contract value of \$2,602,058.61, including all subcontractors and reimburseable 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.

Concurrence/Previous Council Action

City Council approved the CMAR Design Phase Services Contract 142335 on March 23, 2016, and the CMAR Construction Phase Services Contract 143212 on July 1, 2016. City Council approved the Design Services Contract on Oct. 1, 2014.

Location

31st and Dunlap avenues

This item was adopted.

103 Sub-Regional Operating Group Salt River Outfall Interceptor Rehabilitation, Construction Manager At Risk Construction Phase Services Amendment 1 - WS90160093 (Ordinance S-43510)

Request to authorize the City Manager, or his designee, to execute Amendment 1 to Contract 144364 with Achen-Gardner Construction, LLC, (Chandler, Ariz.) to provide Construction Manager at Risk (CMAR) Construction Phase services for the Sub-Regional Operating Group (SROG) Salt River Outfall Interceptor Rehabilitation project. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The City of Phoenix recently completed a condition assessment of the Salt River Outfall to determine the scope and need for rehabilitation of the interceptor sewer line. The final condition assessment recommendations are divided into five sections (A through E). Sections A and B were completed in Fiscal Year 2014-15. This current work for Section C involves rehabilitation of 48 manholes and repair of a short liner, and Section D involves rehabilitation of pipes and manholes at the Phoenix Sky Harbor International Airport and the Rental Car Center. Section E is scheduled to be completed in Fiscal Year 2017-18. The Water Services Department is coordinating with the Aviation Department on Section D to minimize operational impacts to the airport.

Achen-Gardner Construction, LLC, will assume the risk of delivering the project through a Guaranteed Maximum Price (GMP). The CMAR will be responsible for rehabilitation (construction) of the SROG Salt River Outfall interceptor sewer line, procurement of materials and equipment, scheduling and managing site operations, providing quality controls, and managing all construction-related contracts while meeting City procurement requirements, including local and small business enterprise (SBE) participation goals. A SBE goal of one percent has been established for this project.

Procurement Information

Achen-Gardner Construction, LLC, was chosen to provide CMAR services for this project using a qualifications-based selection process

according to Section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the CMAR Design Phase Services procurement process.

Contract Term

The term of this contract is approximately 240 calendar days. 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

Achen-Gardner Construction, LLC's initial CMAR construction services contract value was established at a not-to-exceed amount of \$59,184.15 to provide GMP preparation services. The contract capacity will be increased by \$9,550,000 for a new contract value of \$9,609,184.15, including all subcontractor, supplier and reimbursable costs. Funding is available in the Water Services Department's Capital Improvement Program budget. Funds for both Sections C and D are available for encumbrance in Fiscal Year 2016-17. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination.

Concurrence/Previous Council Action

Council approved Design Contract 142406 with Brown and Caldwell, Inc., on April 6, 2016, and CMAR Design Phase Services Contract 142405 with Achen-Gardner Construction, LLC, on April 6, 2016.

Public Outreach

The Water Services Department will follow the Public Information Guidelines for this project. Public outreach flyers and notifications will be distributed to the affected stakeholders before and during construction. Currently, the Water Services Department is coordinating stakeholder involvement and outreach activities with Aviation Department's staff and public involvement consultants for tenants of Phoenix Sky Harbor International Airport.

Location

The project is located on the Salt River Outfall interceptor sewer from the convergence of the Indian Bend Wash and Tempe Town Lake to the 91st Avenue Wastewater Treatment Plant. However, the largest portion of the contracted funds will be spent on the interceptor alignment across Phoenix Sky Harbor International Airport.

This item was adopted.

104 Booster Pump Station 3SE-B1 and 2S-B3 Replacement Program - Design Services - WS85100044 (Ordinance S-43511)

Request to authorize the City Manager, or his designee, to enter into an agreement with Wilson Engineers, LLC (Phoenix) to provide design services to replace booster pump stations 3SE-B1 and 2S-B3. Further request authorization for the City Controller to disburse all funds related to this item.

Additional authorization is requested for the City Manager, or his designee, to take action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services related to the development, design, and construction of the project and to include the 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 purpose of this project is to demolish and replace booster pump stations 3SE-B1 and 2S-B3 as the booster pump stations have reached the end of their useful life and are ready for rehabilitation or complete replacement. In order to design and rehabilitate the pump stations, a study and conceptual design was completed to determine how maintenance of the facility and service within the affected pressure zones will be achieved.

Wilson Engineers, LLC's services include, but are not limited to: providing design documents that will include demolition of the current booster pump stations, termination of existing water system connection, temporary facilities as needed, and construction of new 3SE-B1 and 2S-B3.

Procurement Information

Wilson Engineers, LLC, was chosen for this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the Study and Conceptual Design Services procurement process.

Contract Term

The design services are expected to take approximately 365 calendar days to complete. The 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

Wilson Engineers, LLC's fee under this contract will not exceed \$1,400,000, including all subconsultants 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.

Concurrence/Previous Council Action

City Council approved the Study and Conceptual Design Services Contract 142637 with Wilson Engineers, LLC, on May 18, 2016.

Location

The project is located at 7615 S. 42nd Place.

This item was adopted.

105 Annual Fire Hydrant Assessment, Preventative Maintenance, and Replacement and Water Service Line Replacement Program Job Order Contract - 4108JOC151 (Ordinance S-43512)

Request to authorize the City Manager, or his designee, to enter into separate agreements with Talis Construction Corporation (Tempe, Ariz.) and Professional Piping Systems, LLC, dba WACO Contracting (Phoenix) to provide annual Fire Hydrant Assessment, Preventative

Maintenance, and Replacement and Water Service Line Replacement Program Job Order Contract (JOC) services and to execute contract options as necessary. 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 JOCs will be utilized on an as-needed basis to assess, maintain, repair, and replace fire hydrants, and replace service lines located throughout the City.

The JOC contractors will be expected to successfully perform the following construction services, including but not limited to: assessment and preventative maintenance of hydrants; hydrant replacement construction; installation/testing of City supplied hydrants; water meter service relocation and connections; service terminations; restoration of existing landscaping/irrigation systems and removal/replacement of existing concrete curb and gutter, sidewalk and driveways; provision of information reflecting changes to the asset registry and geographical information system (GIS) data for new and replaced hydrants, valves and mains; minor design services as required; other services as required to support successful completion of the work and the City's interests.

A Small Business Enterprise goal of 4 percent has been established for these contracts.

Procurement Information

Talis Construction Corporation and Professional Piping Systems, LLC, dba WACO Contracting, were chosen for this project using a

qualifications-based selection process according to Section 34-604 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. Top-three rankings follow:

Talis Construction Corporation: Ranked #1

Professional Piping Systems, LLC, dba WACO Contracting: Ranked #2

J. Wise Corporation: Ranked #3

Contract Term

Each JOC contract will be for three years with an option to renew for an additional two 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 of the contract. No additional contract work scope changes may be executed after the end of the contract term.

Financial Impact

The contract value of each JOC will be \$8 million with an option to renew for an additional \$5 million, for a total contract value of \$13 million each, including all amendments. Funding 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. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement. Authorization is requested to execute job order agreements performed under this JOC for up to \$2 million each in construction costs. In no event will any Job Order Agreement exceed this limit without Council approval to increase the limit.

This item was adopted.

107 Library Warehouse Elevator Modernization Design-Bid-Build - LS71200007 (Ordinance S-43514)

Request to authorize the City Manager, or his designee, to accept Phoenix Elevator Company (Phoenix) as the lowest-priced, responsive, and responsible bidder and to enter into an agreement with Phoenix Elevator Company for construction services. Further request authorization for the City Controller to disburse all funds related to this

item.

Summary

Phoenix Elevator Company will provide construction services in support of the Library Warehouse Elevator Modernization project. The work includes a complete modernization of a twin-post holeless type hydraulic two-stop elevator and other associated work required to complete this project.

Procurement Information

Two bids were received according to section 34-201 of the Arizona Revised Statutes (ARS) by the Street Transportation Department on March 21, 2017. Both bidders were deemed responsive.

The bids ranged from \$77,113 to \$83,022. The Engineer's Estimate and the two lowest-price responsive and responsible bidders are listed below:

Engineer's Estimate: \$115,000

Phoenix Elevator Company: \$77,113

Otis Elevator Company: \$83,022

Contract Term

The term of the contract is 240 calendar days from the date of issuance of the Notice to Proceed. The contract work scope will be identified and incorporated into the contract prior to the end of the contract to be agreed upon 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

The bid award amount is within the total budget for this project. Funding is available in the Library 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.

Small Business Outreach

A small business enterprise goal was not established for this project due

to the lack of SBE subcontractor availability.

Location

1330 N. 29th Drive

This item was adopted.

108 Transportation 2050 Mobility Program Prioritization (Ordinance S-43515)

Request City Council approval to (1) conduct project assessments for sidewalk improvements on major streets to make transit bus stops Americans with Disabilities Act (ADA) accessible and (2) move forward with 11 areas for mobility assessments that will focus on safe pedestrian and bicycle facilities improvements funded by Transportation 2050 (T2050).

Summary

Due to the significant commitment for new bicycle and pedestrian facilities in the T2050 Plan, a separate T2050 program, Mobility Improvements, was established to implement additional projects that increase Americans with Disabilities Act (ADA) accessibility and mobility through new sidewalks and multi-modal connectivity through new bicycle facilities. Unlike other T2050 projects focused specifically on major streets (arterials and major collectors), the Mobility Improvements sub-program funding will be used for mobility projects on all streets (arterial, collector and local), with a particular emphasis on improving connectivity and access to major transportation and transit corridors.

To meet the T2050 bicycle and pedestrian facilities commitments, the Mobility Improvements Program is allocated 15 percent of the Street Transportation Department's T2050 funds.

Staff has identified and presented factors and data analysis to the Citizens Transportation Commission and Transportation and Infrastructure Subcommittee for consideration in the development of a prioritization process to evaluate system mobility needs that meet the goals of the T2050 program. This analysis includes data about: location of High Intensity Activated Crosswalk (HAWKS) and Rectangular Rapid Flash Beacon (RRFB); daily bus boardings; ADA non-accessible bus stops (the route to the bus stop does not meet ADA accessible

provisions that can include: surface, slope, ramps, curb ramps, etc.); ADA non-compliant bus stops (the bus stop infrastructure does not meet ADA requirements); zero-car households; schools lacking infrastructure to support walk/bike trips; bikeway gaps; bus boardings with bicycles; households below the poverty threshold; population 0-9 and 65+ years of age; and serious and fatal bicycle and pedestrian crashes.

Based on the analysis of the data sets, two primary areas of focus are proposed for Mobility Improvement projects:

A) Major Street Sidewalk Improvements - With T2050's emphasis on connectivity and accessibility to transportation options and street improvements that support transit service and operations, staff proposes an allocation of Mobility Improvements program funding towards ADA non-accessible bus stops in need of sidewalk improvements as reflected in Attachment A. The locations needing improvements are prioritized based on daily bus boardings at each bus stop location.

B) Mobility Improvement Areas for Further Study - Based on the data set scoring process, 39 distinct areas have been identified that have a high need for bicycle and pedestrian facilities projects, due to the amount of people walking and bicycling in these areas and the existing gaps in the transportation system. These areas are depicted in Attachment B. To better understand the specific needs of each area, staff proposes to complete area mobility assessments for the first 11 areas.

Financial Impact

The Mobility Improvements Program is allocated 15 percent of the Street Transportation Department's T2050 funds, which calculates to just over \$4.2 million in FY2017 and \$4.4 million in FY2018. It is estimated that about \$25,000 to \$75,000 will be used by staff to complete the assessment of sidewalks on major streets, and about \$750,000 to \$1,000,000 is needed to complete the mobility area assessments.

Concurrence/Previous Council Action

At its Feb. 23, 2017 meeting, the Citizens Transportation Commission unanimously recommended approval to conduct additional project assessments for major street sidewalk improvements for ADA

non-accessible bus stops. At its March 30, 2017 meeting, the Citizens Transportation Commission unanimously recommended approval to move forward with 11 areas for mobility assessments that will focus on safe pedestrian and bicycle facilities improvements funded by T2050. On April 11, 2017, the Transportation and Infrastructure Subcommittee unanimously recommended Council approval of both items as well.

This item was adopted.

109 Grand Canal Multi-Use Path Connection at Thomas Road and 22nd Street - Design-Bid-Build - ST87600081 (Ordinance S-43516)

Request to authorize the City Manager, or his designee, to accept AJP Electric, Inc. (Phoenix) as the lowest-priced responsive and responsible bidder and to enter into an agreement with AJP Electric, Inc. for construction services. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

AJP Electric, Inc. will provide construction services in support of the Grand Canal Multi-Use Path Connection at Thomas Road and 22nd Street project. The work includes construction of concrete multi-use path connections from the existing canal paths to the signalized intersection crossing at 22nd Street and Thomas Road, widening of the pedestrian sidewalk along the south side of Thomas Road, installation of four decorative pavement node areas, asphalt pavement replacement, an upgraded traffic signal at the roadway intersection, relocation of a drainage catch basin, ADA ramp improvements, removal and replacement of existing concrete driveways, placement of a new decorative pilaster and steel gate and associated landscaping and irrigation improvements, and other associated work required to complete this project.

Procurement Information

Four bids were received according to section 34-201 of the Arizona Revised Statutes by the Street Transportation Department on Feb. 22, 2017. The bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and general contractor responsiveness in demonstrating compliance with the project's Disadvantaged Business Enterprise (DBE) goal of 4.42 percent. All bidders were deemed responsive.

The bids ranged from a low of \$397,590.75 to a high of \$570,616. The Engineer's Estimate and the three lowest responsive, responsible bidders are listed below:

Engineer's Estimate: \$390,822.45

AJP Electric, Inc.: \$397,590.75

Benchmark Construction: \$404,933.32

Combs Construction Company, Inc.: \$508,106.15

Contract Term

The term of the contract is 180 calendar days from the date of 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 changes may be executed after the end of the contract term.

Financial Impact

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation DBE Program. The bid award amount is within the total budget for this project. 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.

Location

22nd Street and Thomas Road

This item was adopted.

110 Salt River Project Land Use License for City of Phoenix Project, Grand Canalscape Phase II, Segments 1, 2 and 3 - ST87600114 (Ordinance S-43517)

Request to authorize the City Manager, or his designee, to enter into a land use license with Salt River Project (SRP) for a City of Phoenix Canalscape project on the Grand Canal bank from I-17 south of Indian School Road to 56th Street south of Washington Street, Project

ST87600114, Phase II, Segments 1, 2 and 3.

Summary

The purpose of the license is to allow for landscaping, irrigation, lighting, pathway surface improvements and pedestrian amenities on the Grand Canal bank from I-17 south of Indian School Road to 56th Street south of Washington Street that is consistent with and shall not interfere with USA Fee Property.

Indemnification

The SRP license agreement includes authorization pursuant to Phoenix City Code Section 42-20 (B) to indemnify, release and hold harmless SRP for: (A) acts of omissions of the City, its agents, officers, directors or employees; (B) the City's use of occupancy of the licensed property for the purposes contemplated by the license, including but not limited to claims by third parties who are invited or permitted onto the licensed property, either expressed or implied by the City or by nature of the City's improvement or other use of the licensed property pursuant to this license; and (C) the City's failure to comply with or fulfill its obligations established by the license or by laws. Per City of Phoenix Code, indemnification of another public entity requires approval from the City Council.

Location

Segment 1, Grand Canal from I-17 south of Indian School Road to 15th Avenue south of Campbell Avenue.

Segment 2, Grand Canal from 16th Street and Indian School Road east to 36th Street south of Roosevelt Street.

Segment 3, Grand Canal from Van Buren Street and 40th Street east to 56th Street south of Washington Street.

This item was adopted.

111 Salt River Project Land Use License for Grand Canalscape Phase II, Segment 2, Appropriator's Canal Drainage Project - ST87600114 (Ordinance S-43518)

Request to authorize the City Manager, or his designee, to enter into a land use license with Salt River Project (SRP) for a City of Phoenix Canalscape Drainage Project on the north side of the Grand Canal from 24th Street and Cambridge Avenue to 31st Street and McDowell Road.

Summary

The purpose of the license is to allow for drainage improvements along the north side of the Grand Canal from 24th Street and Cambridge Avenue to 31st Street and McDowell Road. The drainage improvements are in support of the proposed pedestrian pathway improvements on the Grand Canal bank and will be consistent with and shall not interfere with USA Fee Property.

Indemnification

The SRP license agreement includes authorization pursuant to Phoenix City Code Section 42-20 (B) to indemnify, release and hold harmless SRP for: (A) acts of omissions of the City, its agents, officers, directors or employees; (B) the City's use of occupancy of the licensed property for the purposes contemplated by the license, including but not limited to claims by third parties who are invited or permitted onto the licensed property, either expressed or implied by the City or by nature of the City's improvement or other use of the licensed property pursuant to this license; and (C) the City's failure to comply with or fulfill its obligations established by the license or by laws. Per City of Phoenix Code, indemnification of another public entity requires approval from the City Council.

Location

North side of the Grand Canal, 24th Street and Cambridge Avenue to 31st Street and McDowell Road.

This item was adopted.

112 35th Avenue and Indian School Road BNSF Railroad Crossing - Federal Aid - Design-Bid-Build - ST85100289 (Ordinance S-43519)

Request to authorize the City Manager, or his designee, to accept Combs Construction Company, Inc. (Phoenix) as the lowest-priced, responsive and responsible bidder and enter into an agreement with Combs Construction Company, Inc. for construction services. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Combs Construction Company, Inc.'s services will include removal and replacement of concrete sidewalk, ramps and curbs, and perform minor

asphalt pavement replacement against the new concrete curbs and railroad tracks. Work also includes concrete adjustments for manholes and water valves and installation of minor traffic signal items including PVC conduit, loop detectors, traffic controller cabinets and traffic signal poles and foundations.

Procurement Information

Three bids were received in compliance with section 34-201 of the Arizona Revised Statutes by the Street Transportation Department on Feb. 28, 2017. The three bids were sent to the Equal Opportunity Department (EOD) for review to determine subcontractor eligibility and general contractor responsiveness with the project's Disadvantaged Business Enterprise (DBE) goal of 10.03 percent. EOD found all bidders responsive.

Bids ranged from a low of \$576,948.75 to a high of \$987,787.00. The Engineer's estimate and the three lowest-priced responsive and responsible bidders are listed below:

Engineer's Estimate: \$405,789.50

Combs Construction Company, Inc.: \$576,948.75

Lincoln Constructors, Inc.: \$672,269.25

J. Banicki Construction, Inc.: \$987,787.00

Contract Term

Work is expected to be completed within 60 calendar days from 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 changes may be executed after the end of the contract term.

Financial Impact

The bid award amount is within the total budget for this project. 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.

Disadvantage Business Outreach

A Disadvantaged Business Enterprise goal of 10.03 percent has been established for this project.

Location

35th Avenue and Indian School Road.

This item was adopted.

113 Purchase of Modular Storage and Dosing Ferrous Chloride (Ordinance S-43520)

Request to authorize the City Manager, or his designee, to add additional expenditures for Contract 136253 with USP Technologies/US Peroxide, LLC, in the amount of \$1,256,450. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The Water Services Department maintains an odor and corrosion control program in the wastewater collection system that includes the use of ferrous chloride, which is used to control hydrogen sulfide in the collection system. A new odor and corrosion control facility was developed near 46th Avenue and Pinnacle Peak Road for which additional ferrous chloride must be purchased.

Financial Impact

With \$1,256,450 in additional funds, the contract's revised aggregate value is \$4,487,700 (including applicable taxes) with an estimated annual expenditure of \$956,450. Funds are available in the Water Services Department budget.

Concurrence/Previous Council Action

This contract is the result of RFP13-027 awarded by the City Council on June 5, 2013, with an original aggregate value of \$3,231,250.

This item was adopted.

114 Itron Automated Meter Reading (AMR) Equipment Contract Extension (Ordinance S-43521)

Request to authorize the City Manager, or his designee, to extend the contract with Itron, Inc., for purchase of Automated Meter Reading (AMR)

hardware only, on a month-to-month basis, expiring Oct. 31, 2017, until a new combined hardware, hardware maintenance, software, and software maintenance contract is finalized and awarded. Further request to authorize the City Controller to disburse the funds for purposes of this ordinance.

Summary

Itron, Inc., was selected and contracted after the City initiated the Citywide AMR retrofit program. Itron, Inc., equipment, software, and maintenance are proprietary and not available to the City of Phoenix from any other supplier.

Current contract No. 131987 was extended to April 30, 2017, in anticipation of concluding negotiations for a new combined contract award. The Water Services Department and Itron, Inc., are currently negotiating considerations for the new combined contract. To avoid a lapse in coverage for the current hardware contract, approval of this request will provide the time necessary to resolve contract considerations. The equipment included in the current contract includes mobile laptop devices, hand-held reading devices, encoder radio transmitters and associated components.

Contract Term

The original contract began Sept. 15, 2011, with provisions of the contract including options to extend the term up to five years. The last contract extension was approved Nov. 30, 2016, and effective to April 30, 2017.

Financial Impact

The estimated six-month cost, based on historical trends and upcoming requirements, will be approximately \$750,000. Funds are available in the Water Services Department's operating budget.

This item was adopted.

115 Purchase of Accurpress Edge "S" Model 45012-250 and Accurshear Model 637510 for Water Services Department Machine Shop (Ordinance S-43522)

Request to authorize the City Manager, or his designee, to allow for the one-time purchase of an Accurpress Edge "S" Model 45012-250 and an

Accurshear Model 637510 from North South Machinery, Inc. (3071709) for the Water Services Department's Water Production Division. Further request the City Controller to disburse all funds related to this item.

Summary

The purchase of this equipment allows Water Services Department machinists to bend and shear metal for pump station rehabilitation projects on-site at the South Yard machine shop. The current process is costly and time-consuming as the metal has to be loaded and transported to the North Yard machine shop where it is bent and sheared then returned to the South Yard machine shop.

Procurement Information

In accordance with City of Phoenix Administrative Regulation 3.10, a Special Circumstance Determination was processed and approved for this purchase citing the goods require a specific vendor for safety, consistency and training. Water Services Department staff are currently using and trained on the Accurpress machines at the North Yard machine shop. For safety, efficiency and effectiveness, this type of machinery should be standardized across the machine shops.

Contract Term

A Request for Agreement has been created to ensure that the City's terms and conditions are agreed to for this purchase. The term will be from May 10, 2017, through May 9, 2018.

Financial Impact

Anticipated expenditures are not to exceed \$235,300. Funding is available in the Water Services Department's operating budget.

This item was adopted.

116 Commercial, Industrial, and Institutional Sectors Water Demand Study (Ordinance S-43523)

Request to authorize the City Manager, or his designee, to enter into a contract with Smart Use, LLC, to provide water demand studies for local commercial, industrial, and institutional sectors. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

This project is a continuation of a research project that examined specific water use components of local commercial, industrial, and institutional sectors and will build on the information previously collected and analyzed. Past studies were preliminary investigations into water use and wastewater generation by general office, retail, warehouse, health care facilities (primary hospitals), hospitality (primary hotels and motels), and schools. These preliminary studies helped identify the specific end uses of water or "building blocks" that can be used to disaggregate water use amounts in several sectors. The building blocks identified exist among various sectors, and additional research is needed in these sectors as well as new research in sectors such as colleges, universities, high-tech manufacturing (microchips, aerospace, etc.), government facilities, data warehouses, commercial laundries, and high-intensity water users (primary bottling plants, food processors).

Smart Use, LLC, will facilitate water use studies with local non-residential organizations and businesses. The data will be used to improve water demand forecasts based on user type, general usage, and fixture age in order to effectively allocate for water consumption and wastewater production. The data will further allow the Water Services Department to plan for potential future severe drought and associated strategies.

Procurement Information

Request for Proposals 84-17-005-RFP-8416 was conducted in accordance with City of Phoenix Administrative Regulation 3.10. There were four offers received by the Water Services Department on Feb. 15, 2017.

The proposals were scored by a three-member evaluation committee based on the following criteria: qualifications of analytical research (200), qualifications of auditing/analyzing structures (200), proposal approach (150), qualifications of managers/personnel (150), accessibility/proximity to City of Phoenix (100), references (100), and payment schedule (100).

Smart Use, LLC: 977

Burton Energy Group: 837

Montgomery & Associates: 767

Rounds Consulting Group, Inc.: 548

The Water Services Department recommends that the offer from Smart Use, LLC, be accepted as the highest scored, responsive, and responsible offer that is most advantageous to the City.

Contract Term

The initial five-year contract term shall begin on or about June 15, 2017, and end on June 14, 2022.

Financial Impact

The aggregate contract value will not exceed \$125,000 (including applicable taxes). Funds are available in the Water Services Department operating budget.

This item was adopted.

117 Additional Support for Replacement of Flow Meter Sensors (Ordinance S-43524)

Request to authorize the City Manager, or his designee, to add expenditures for Contract 4701000830 with Western Environmental Equipment Company, Inc., in the amount of \$150,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The contract allows Western Environmental Equipment Company, Inc., to provide Teledyne Isco, Inc., samplers and flow meters with parts, supplies, repair and maintenance for the Water Services Department. This purchase is to replace existing flow meter sensors for the acoustic Doppler Flow Meters, which have failed due to equipment age. The flow meters are a component of the metering system used for wastewater billing for the Subregional Operating Group (SROG) cities. Accurate flow measurement is critical to accuracy of allocation of costs to SROG partner cities.

Financial Impact

With the \$150,000 in additional funds, the contract's revised aggregate value will be \$479,500.00. Funds are available in the Water Services Department Capital Improvement Program budget.

Concurrence/Previous Council Action

This five-year contract was awarded on May 13, 2015, with an original aggregate value of \$329,500.00, with an estimated annual expenditure of \$65,900.00.

Location

Subregional Operating Group (SROG), 91st Avenue Wastewater Treatment Plant

This item was adopted.

118 Security Access Controls Requirements Contract (Ordinance S-43525)

Request to authorize the City Manager, or his designee, to enter into contracts with Westover Corporation and Wilson Electric Services Corporation to provide parts, installation, upgrades, maintenance, and repairs for the security access control system for the Water Services Department. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The security systems are used to physically control and provide secure access to water, wastewater, and remote facilities. The security access control system includes software and equipment such as badging workstations, card readers, and access controllers used to secure facilities including key sensitive areas and assets.

Procurement Information

Solicitation 84-17-016-IFB-8435 was conducted in accordance with the City of Phoenix Administrative Regulation 3.10. To meet the high volume and wide variety of security needs, multiple awards are recommended. A total of two offers were received by the Water Services Department on March 22, 2017. Offers were evaluated and the award recommendations are for the lowest bid of each of the 14 line items. Staff will select the most cost effective supplies and services available at the time of purchase. The results of the solicitation are detailed on Attachment A.

The Water Services Director recommends Westover Corporation and Wilson Electric Services Corporation be accepted as the lowest-priced, responsive, and responsible offerors.

Contract Term

The initial contract term shall begin on or about July 1, 2017, and end on June 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 option years, will not exceed \$700,000 (including applicable taxes), with an estimated annual expenditure of \$140,000. Funds are available in the Water Services Department operating budget.

This item was adopted.

119 Protocol Converters Requirements Contract (Ordinance S-43526)

Request to authorize the City Manager, or his designee, to enter into a contract with MSI Tec, Inc., and ExpoTech Engineering, Inc., to provide Moxa brand protocol converters for the Water Services Department. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

Within water and wastewater facilities, field control units are programmable automation controllers used to supervise processes such as chemical treatment and filter management. The field control units directly scan and control field equipment and execute event-driven logic programs. Protocol converters facilitate better communication between different electronic devices at the facilities. The field control units and protocol converters are an integral part of the highly automated and complex control system for treatment of water and wastewater. The software and related hardware allows the department to meet regulatory performance requirements while increasing efficiencies in manpower, chemicals, and energy management.

Procurement Information

Invitation for Bids 84-17-003-IFB-8435 was conducted in accordance with City of Phoenix Administrative Regulation 3.10. Four offers were received by the Water Services Department on March 22, 2017. Offers were evaluated and award recommendation is for lowest cost of the 45

line items. Multiple awards are recommended to meet high volume and wide variety of needs outlined in the solicitation. Staff will select the most cost-effective supplies available at the time of purchase. One offer was non-responsive due to incomplete submittal pricing. Offers may be viewed on Attachment A.

The Water Services Director recommends the offers of MSI Tec, Inc., and ExpoTech Engineering, Inc., be accepted as the lowest-priced, responsive and responsible offers.

Contract Term

The initial three-year contract term will begin on or about May 15, 2017, and end on May 14, 2020. Provision of the contract includes an option to extend the term of the contract up to two additional years, which may be exercised by the City Manager or designee.

Aggregate Impact

The aggregate contract value including all option years will not exceed \$500,000 (including applicable taxes) with an estimated annual expenditure of \$100,000. Funds are available in the Water Services Department's operating and capital improvement budgets.

This item was adopted.

120 Modification of Stipulation Request for Ratification of Feb. 15, 2017 Planning Hearing Officer Action

Application: PHO-1-16 - Z-109-89-8

Existing Zoning: C-2 HGT WVR

Acreage: 2.70

Applicant: Mountain Park Health Center

Owner: Mountain Park Health Center

Representative: Craig Passey

Proposal:

1. Modification of Stipulation 2 regarding general conformance to a site plan.
2. Technical Corrections to Stipulations 1, 3, 5 and 7.

Summary

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 Thursday, March 16, 2017.

Location

Approximately 725 feet east of the southeast corner of Central Avenue and Baseline Road.

Council District: 8

Concurrence/Previous Council Action

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

Planning Hearing Officer Recommendation: The Planning Hearing Officer took this case under advisement on Feb. 15, 2017. The Planning Hearing Officer took this case out from under advisement on March 16, 2017 and approved this request with modifications and additional stipulations.

This item was approved.

121 (CONTINUED FROM MARCH 22, APRIL 5, AND APRIL 19, 2017) - Final Plat - Lazy Day Manor - 160110 - West of 15th Avenue South of Orangewood Avenue

Plat: 160110

Project: 15-3216

Name of Plat: Lazy Day Manor

Owner(s): Plhaz Lazy Day, LLC

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

Request: A 24 Lot Conventional Subdivision Plat

Reviewed by Staff: Feb. 15, 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 west of 15th Avenue, south of Orangewood Avenue.

Council District: 5

This item was continued to the May 31, 2017 City Council Formal Meeting.

122 Final Plat - Encanto Cactus Park - 160001 - North of 43rd Avenue and West of Cactus Road

Plat: 160001

Project: 06-2775

Name of Plat: Encanto Cactus Park

Owner(s): Berkana at Charter Oak, LLC

Engineer(s): Engineering and Environmental Consultants, Inc.

Request: A 53 Lot Residential Subdivision Plat

Reviewed by Staff: March 24, 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 north of 43rd Avenue and west of Cactus Road.

Council District: 1

This item was approved.

123 Final Plat - Spectrum Ridge South Two - 170008 - Southwest Corner of 9th Place and Covey Lane

Plat: 170008

Project: 07-3688

Name of Plat: Spectrum Ridge South Two

Owner(s): Spectrum Ridge Can Flex Phase II, LLLP

Engineer(s): Hunter Engineering

Request: A 3 Lot Commercial Subdivision Plat

Reviewed by Staff: April 13, 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 the southwest corner of 9th Place and Covey Lane.
Council District: 2

This item was approved.

124 Final Plat - Alta Central - 160124 - Southeast of Indian School Road and Central Avenue

Plat: 160124

Project: 16-419

Name of Plat: Alta Central

Owner(s): WDF-4 Wood 4001 Central Owner, LLC

Engineer(s): Hubbard Engineering

Request: A 1 Lot Commercial Subdivision Plat

Reviewed by Staff: April 14, 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 southeast of Indian School Road and Central Avenue.
Council District: 4

This item was approved.

125 Final Plat - Novella at the Biltmore - 160098 - Southeast Corner of 18th Street and Missouri Avenue

Plat: 160098

Project: 15-2605

Name of Plat: Novella at the Biltmore

Owner(s): Novella at Biltmore, LLC

Engineer(s): Survey Innovation Group, Inc.

Request: A 51 Lot Residential Subdivision Plat

Reviewed by Staff: April 12, 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 the southeast corner of 18th Street and Missouri Avenue.

Council District: 6

This item was approved.

126 Final Plat - Arosa Estates - 150081 - Southwest Corner of 39th and South Mountain Avenues

Plat: 150081

Project: 04-894

Name of Plat: Arosa Estates

Owner(s): Gehan Homes of AZ, LLC

Engineer(s): EPS Group, Inc.

Request: A 53 Lot Residential Plat

Reviewed by Staff: April 14, 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 V120050.

Location

Generally located at the southwest corner of 39th Avenue (alignment) and South Mountain Avenue.

Council District: 7

This item was approved.

127 Final Plat - JFN Mechanical - 160129 - East of 52nd Avenue and South of Roosevelt Street

Plat: 160129

Project: 16-3549

Name of Plat: JFN Mechanical

Owner(s): JFN Real Estate Holdings, LLC

Engineer(s): CEG Applied Sciences

Request: A 1 Lot Commercial Plat
Reviewed by Staff: April 3, 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 east of 52nd Avenue south of Roosevelt Street.
Council District: 7

This item was approved.

128 Final Plat - The Courtyards at Madison Ranch - 160131 - Northeast Corner of 19th Avenue and Baseline Road

Plat: 160131

Project: 06-1529

Name of Plat: The Courtyards at Madison Ranch

Owner(s): Madison VIII, LLC

Engineer(s): Babbitt Nelson Engineering

Request: A 149 Lot Residential Subdivision Plat

Reviewed by Staff: April 14, 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 the northeast corner of 19th Avenue and Baseline Road.

Council District: 7

This item was approved.

129 Final Plat - 837 North 7th Avenue - 170007 - 837 N. 7th Ave.

Plat: 170007

Project: 15-2769

Name of Plat: 837 North 7th Avenue
Owner(s): William Rodriguez
Engineer(s): Survey Innovation Group, Inc.
Request: A 1 Lot Commercial Subdivision Plat
Reviewed by Staff: April 14, 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 837 N. 7th Ave.
Council District: 7

This item was approved.

130 Final Plat - 35th Ave & Southern - 150117 - Approximately 675 Feet South of the Southeast Corner of 35th and Southern Avenues

Plat: 150117
Project: 05-2165
Name of Plat: 35th Ave & Southern
Owner(s): Renaissance Development, LLC
Engineer(s): Kinetix Engineering
Request: A 49 Lot Residential Plat
Reviewed by Staff: April 13, 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 V150005.

Location

Generally located approximately 675 feet south of the southeast corner of 35th and Southern Avenues.
Council District: 8

This item was approved.

131 Final Plat - City of Phoenix Genomics Campus Replat - 160002 - Northwest Corner of 7th and Van Buren Streets

Plat: 160002

Project: 09-20

Name of Plat: City of Phoenix Genomics Campus Replat

Owner(s): City of Phoenix

Engineer(s): Dibble Engineering

Request: A 1 Lot Commercial Plat

Reviewed by Staff: April 14, 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 the northwest corner of 7th and Van Buren Streets.

Council District: 8

This item was approved.

132 Abandonment of Right-of-Way - V160071A - 3rd Street and Pierson Street (Resolution 21535)

Abandonment: V160071A

Project: 04-2446

Applicant(s): Michael Rabara, et al.

Request: To abandon the 8 foot alley Right-of-Way bounded by 1st and 3rd Streets, Pierson Street, and the parcel addressed 4715 N. Central Ave., APN 155-26-001B.

Date of Hearing: Feb. 21, 2017

Location

3rd Street and Pierson Street.

Council District: 4

Financial Impact

A fee was also collected as part of this abandonment in the amount of \$1,181.89.

This item was adopted.

133 Abandonment of Right-of-Way - V120050A - 39th Avenue and South Mountain Avenue (Resolution 21536)

Abandonment: V120050A

Project: 04-894

Applicant: Gehan Homes of Arizona, LLC

Request: To abandon the 39th Avenue Right-of-Way from South Mountain Avenue to Ardmore Road, along with the adjacent 8 foot Public Utility Easement that continues adjacent to Ardmore Road and 40th Drive; and to abandon the Ardmore Road Right-of-Way located between the parcel identified as APN 300-14-719 and the parcel addressed 8615 S. 40th Drive.

Date of Hearing: Jan. 23, 2013

Summary

The resolution of the abandonment and the subdivision plat Arosa Estates, Plat 150081, 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

39th Avenue and South Mountain Avenue.

Council District: 7

Financial Impact

A fee was also collected as part of this abandonment in the amount of \$3,948.78.

This item was adopted.

134 Abandonment of Easement - V160041A - 77 E. Polk St. (Resolution 21537)

Abandonment: V160041A

Project: 06-1166

Applicant: Mortenson Development, Inc.

Request: To abandon the west 11.79 feet of the Sidewalk Easement adjacent to north 1st Street on the parcel addressed 77 E. Polk St., APN 111-45-188.

Date of Decision: July 26, 2016

Location

77 E. Polk St.
Council District: 7

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.

135 Abandonment of Easement - V150005A - 35th Avenue and Southern Avenue (Resolution 21538)

Abandonment: V150005A

Project: 05-2165

Applicant: Renaissance Development, LLC

Request: To abandon all the public easements dedicated in the plat "SEC 35th AVE & SOUTHERN", Book 944 Page 03, MCR, and any public easements on the parcel identified as APN 105-88-005P, located east of 35th Avenue and south of the parcel addressed 6175 S. 35th Ave.

Date of Decision: March 5, 2015

Summary

The resolution of the abandonment and the subdivision plat "35th AVE & SOUTHERN", PLAT 150117, 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

35th Avenue and Southern Avenue.
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.

136 Abandonment of Right-of-Way - V160042A - 9th Way and Sherman Street (Resolution 21539)

Abandonment: V160042A

Project: 00-1081

Applicant: Don Ross

Request: To abandon the 30 foot Sherman Street Right-of-Way between the parcels addressed 719 and 801 S. 9th Way, APN 116-37-027 and 116-37-028.

Date of Hearing: Sept. 28, 2016

Location

9th Way and Sherman Street.

Council District: 8

Financial Impact

A fee was also collected as part of this abandonment in the amount of \$1,914.

This item was adopted.

137 Abandonment of Easement - V170018A - 7th Avenue and Mohave Street (Resolution 21540)

Abandonment: V170018A

Project: 14-1495

Applicant: James Brucci of Hunter Engineering

Request: To abandon the Public Utility Easement located on the south 8 feet of the parcels addressed 1840 and 1880 S. 7th Ave., APN 105-34-110 and 105-34-111, except the west 8 feet adjacent to South 11th Avenue; and the adjoining Public Utility Easement on the west 8 feet of the parcel addressed 1800 S. 7th Ave., APN 105-34-109, except the south 8 feet.

Date of Decision: April 12, 2017

Location

7th Avenue and Mohave Street
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.

138 Acceptance and Dedication of Deed and Easements for Temporary Turn Around, Drainage, Sidewalk and Roadway Purposes (Ordinance S-43527)

Request for the City Council to accept and dedicate deeds and easements for temporary turn around, drainage, sidewalk and roadway 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: US Real Estate Limited Partnership
Purpose: Temporary Turn Around
Location: 1 Norterra Drive
File: FN 170002
Council District: 1

Easement (b)

Applicant: US Real Estate Limited Partnership
Purpose: Drainage
Location: 1 Norterra Drive
File: FN 170002
Council District: 1

Easement (c)

Applicant: Duke Go PP, LLC

Purpose: Drainage

Location: 747 W. Pinnacle Peak Road

File: FN 170021

Council District: 1

Easement (d)

Applicant: US Real Estate Limited Partnership

Purpose: Sidewalk

Location: 2000 W. Happy Valley Road

File: FN 170003

Council District: 1

Easement (e)

Applicant: Madison School District No. 38

Purpose: Sidewalk

Location: 5611 N. 16th St.

File: FN 170024

Council District: 6

Deed (f)

Applicant: Westland Development, LLC

Purpose: Roadway

Location: 54 W. Fulton St.

File: FN 170028

Council District: 7

This item was adopted.

139 Acceptance of Easements for Public Utilities, Water, Sewer and Ingress and Egress Purposes (Ordinance S-43528)

Request for the City Council to accept easements for public utilities, water, sewer and ingress and egress purposes; further ordering the ordinance recorded.

Summary

Accepting 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: US Real Estate Limited Partnership

Purpose: Public Utilities

Location: 2000 W. Happy Valley Road

File: FN 170003

Council District: 1

Easement (b)

Applicant: US Real Estate Limited Partnership

Purpose: Water and Sewer

Location: 1 Norterra Drive

File: FN 170001

Council District: 1

Easement (c)

Applicant: Westland Development, LLC

Purpose: Ingress, Egress and Public Utilities

Location: 54 W. Fulton St.

File: FN 170028

Council District: 7

This item was adopted.

140 Demonstration Project Grant Application for Historic Dud R. Day Motor Company - Phoenix Motor Company Building, 401-447 W. Van Buren St. (Ordinance S-43529)

Request to authorize the City Manager, or his designee, to enter into necessary agreements and conveyances related to a Historic Preservation Demonstration Project grant in the amount of \$250,000. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The request is to provide the ownership of SoHo on Van Buren, LLC, with a Historic Preservation Demonstration Project grant in the amount of \$250,000 to assist with rehabilitation of the historic building. The total cost of the proposed work is \$506,319 and the applicant will be responsible for the matching funds. The grant amount would be split

between Historic Preservation Bond Funds (\$75,000) and Community and Economic Development Downtown Community Reinvestment Funds (\$175,000). Once completed, the former automobile dealership, constructed in 1930, will be converted to an 1,800-seat entertainment venue.

Contract Term

In exchange for the grant funds, the City will receive a 30-year conservation easement on the property. The conservation easement will require that the historic character of the property be preserved and that the property be insured and maintained in good condition. The contract also requires that 10 percent of the total grant be withheld as contingency until the grant-funded work is 100 percent completed.

Financial Impact

The City's funding for this agreement is available in the Historic Preservation and Community and Economic Development CIP budgets. The applicant intends to match the \$250,000 in City grant funds with approximately \$3.5 million in private funds to complete the rehabilitation of the property.

Location

401-447 W. Van Buren St.

Concurrence/Previous Council Action

The Historic Preservation Commission recommended approval of this item on March 20, 2017. The Downtown, Aviation, Economy and Innovation Subcommittee recommended approval of this item on April 26, 2017, as a consent item by a vote of 3-0.

This item was adopted.

141 Amend City Code - Ordinance Adoption - Rezoning Application Z-92-16-1 - Approximately 130 Feet South of the Southeast Corner of 41st Avenue and Rose Garden Lane (Ordinance G-6311)

Summary

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-92-16-1 for the R1-8 (Single-family

Residential) (10.07 acres) to allow a single-family residential subdivision.

Location

Approximately 130 feet south of the Southeast Corner of 41st Avenue and Rose Garden Lane.

Council District: 1

This item was adopted.

- 142 Amend City Code - Ordinance Adoption - Rezoning Application Z-1-17-1 - Approximately 335 Feet East of the Northeast Corner of 15th Avenue and the Whispering Wind Drive Alignment (Ordinance G-6312)**

Summary

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-1-17-1 for the CP/GCP DVAO (Commerce Park, General Commerce Park Option, Deer Valley Airport Overlay) (3.18 acres) to allow a warehouse/office.

Location

Approximately 335 feet east of the Northeast Corner of 15th Avenue and the Whispering Wind Drive Alignment.

Council District: 1

This item was adopted.

- 144 Amend City Code - Ordinance Adoption - Rezoning Application Z-77-16-2 - Approximately 551 Feet West of the Southwest Corner of Ashler Hills Drive and Cave Creek Road (Ordinance G-6314)**

Summary

Request to authorize City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-77-16-2 for the S-2 (5.04 acres) to allow the expansion of the existing Chaparral Animal Hospital.

Location

Approximately 551 feet west of the southwest corner of Ashler Hills Drive and Cave Creek Road.

Council District: 2

This item was adopted.

**145 Amend City Code - Ordinance Adoption - Rezoning Application
PHO-1-16-Z-23-15-3 - Northeast Corner of 31st Street and Cheryl
Drive (Ordinance G-6315)**

Summary

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 March 16, 2017.

Location

Northeast corner of 31st Street and Cheryl Drive

Council District: 3

This item was adopted.

**146 Amend City Code - Ordinance Adoption - Rezoning Application
Z-2-17-7 - Southwest Corner of 4th Avenue and Van Buren Street
(Ordinance G-6316)**

Summary

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-2-17-7 for the DTC-Van Buren HP (Downtown Code - Van Buren Historic Preservation) to allow Historic Preservation Zoning Overlay for Dud R. Day Motor Company/Phoenix Motor Company.

Location

Southwest corner of 4th Avenue and Van Buren Street.

Council District: 7

This item was adopted.

**147 Amend City Code - Ordinance Adoption - Rezoning Application
Z-3-17-7 - Approximately 260 Feet East of the Southeast Corner of
91st Avenue and Thomas Road (Ordinance G-6317)**

Summary

Request to authorize City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-3-17-7 for the C-2 (9.00 acres) zoning

district to allow office, retail and related uses.

Location

Approximately 260 feet east of the Southeast Corner of 91st Avenue and Thomas Road.

Council District: 7

This item was adopted.

148 Remove/Replace Zoning District - Annexation 484 - 47th Street and Ashler Hills Drive (Ordinance G-6318)

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by removing the Maricopa County RU-43 zoning district and replacing it with the City of Phoenix S-1 (Ranch or Farm Residence) zoning district on property at the location described below, which was annexed into the City of Phoenix on April 19, 2017 by Ordinance S-43401.

Location

West of 47th Street and south of Ashler Hills Drive

Council District: 2

This item was adopted.

149 Remove/Replace Zoning District - Annexation 483 - 67th Avenue and Fulton Street II (Ordinance G-6319)

Request to authorize the City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by removing the Maricopa County RU-43 zoning district and replacing it with the City of Phoenix S-1 (Ranch or Farm Residence) zoning district on property at the location described below, which was annexed into the City of Phoenix on April 19, 2017 by Ordinance S-43402.

Location

East of 67th Avenue and south of Fulton Street

Council District: 7

This item was adopted.

Items 17-44, Ordinance S-43459 were requests to authorize the City Controller to disburse funds up to amounts indicated for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requested continuing

payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.

17 Phoenix Sister Cities, Inc.

For \$35,000.00 in payment authority to purchase a membership to Phoenix Sister Cities (PSC) for the Aviation Department. This membership supports economic development, cultural and educational programs, and helps promote Phoenix and Arizona in the markets where there is interest in developing international economic and air service opportunities. The Downtown, Aviation, Economy and Innovation Subcommittee approved this item on April 26, 2017.

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

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

No: 1 - Councilman Waring

28 Arizona Service and Installation, Inc.

For \$50,000.00 in additional payment authority for Contract 140617 to continue to provide labor, materials, and equipment necessary for inspections, repairs, and preventative maintenance of motorized, fixed, and retractable basketball backboard systems and breakaway rims for the Parks and Recreation Department.

Discussion

Councilman Waring sought clarification there were 66 rims citywide and the \$50,000 request was for four years.

Parks and Recreation Director Inger Erickson affirmed there were 66 rims throughout the gymnasiums and this action would be through 2020.

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

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

39 PFM Financial Advisors, LLC

For \$48,000.00 in payment authority for a new contract, entered on or about May 10, 2017, for a term of eight months, to provide financial advisory services for the Public Transit Department. The vendor created a financial model for the department in 2015 that it will now update for T2050 planning, forecasting and calculating.

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

Yes: 7 - Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

No: 2 - Councilman DiCiccio and Councilman Waring

51 Amend City Code - Procurement (Ordinance G-6310)

An ordinance amending Phoenix City Code, Chapter 43, Article II, Section 43-10, Contract Authorizations and Article III, Section 43-11, Available Source Selection Methods, pertaining to procurement sourcing thresholds, effective July 1, 2017 (Attachment A).

Summary

Request City Council approval to amend Phoenix City Code Chapter 43, Procurement, to increase sourcing method thresholds as well as administrative changes to align with other jurisdictions and increase staff efficiencies. Specifically, formal procurement methods threshold would increase from \$50,000 to \$100,000 and small purchases would be increased from \$5,000 to \$8,600, which is equal to the Payment Ordinance.

City staff, utilizing Kaizen methods, evaluated procurement processes and determined increases in procurement methods thresholds would

result in more procurements annually. City procurement staff must currently use formal competitive methods if the cost of goods and/or services is anticipated to exceed \$50,000. This threshold is much lower than the majority of neighboring communities, the State of Arizona and Arizona State University (Attachment B). Raising the formal competitive threshold to \$100,000 will align the City's sourcing methods with other jurisdictions, allow City staff to handle additional formal solicitations and benefit the business community by shifting solicitations under \$100,000 to informal competitive methods. Further, small dollar procurements of goods and/or services costing less than \$5,000 should equal the Payment Ordinance amount, as set forth in Chapter 4, Section 12 of the Phoenix City Charter. City Council authorization is still necessary for all purchases exceeding the Payment Ordinance amount of \$8,600.

Concurrence/Previous Council Action

This item was unanimously approved by the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on March 21, 2017. City Council adopted Phoenix City Code Chapter 43 on Oct. 15, 2014 and amended the same on June 17, 2015 and July 1, 2015.

Discussion

The City Clerk read the title of the ordinance for this item.

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

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

64 Various Professional Executive Level Consulting Services - City of Maricopa Cooperative Contract 17-06 (RSOQ #17-CM09272016) (Ordinance S-43475)

Request to authorize the City Manager, or his designee, to allow the use of the City of Maricopa Cooperative Contract 17-06 and enter into an agreement with Interim Public Management, LLC. Further request authorization for the City Controller to disburse all funds related to this

item.

Summary

This contract will provide various professional executive level consulting services on an as-needed basis.

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 processes, as set forth in the Phoenix City Code, Chapter 43. The City of Maricopa contract covers various professional executive level consulting services required by the City. The City of Maricopa Cooperative Contract was awarded on Feb. 21, 2017.

Contract Term

The contract term shall begin on or about May 10, 2017.

Financial Impact

The contract value shall not exceed \$85,000.

Discussion

Greta Rogers did not know why the City was making a deal for a consulting service with the City of Maricopa. She conveyed the sum of money was not large but these amounts cumulatively put Phoenix in a tenuous financial position to do things for this city that were needed.

City Manager Ed Zuercher pointed out the City was in a consortium where it could use contracts procured by other agencies. The City of Maricopa did a proper procurement for executive-level consulting services that Phoenix could tie into with Council approval to expedite staff's work to obtain these services. He added this was similar to a temporary agency for executive-level services.

Mayor Stanton clarified the City built upon someone else's RFP for efficiency.

Vice Mayor Pastor wondered if staff reviewed the vendors to ensure they

were in line with the City's process.

Mr. Zuercher confirmed that was part of the process, noting the Finance Department reviewed the procurement to make sure it was in order as well as the firms.

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

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

73 Artist Design Contract for Terminal Three Modernization East Atrium (Ordinance S-43484)

Request to authorize the City Manager, or his designee, to enter into a contract for an amount not to exceed \$225,000 with artist Donald Lipski (NY) or his City-approved designee to work with an Aviation Department design team to develop design, engineering and construction documentation for an artwork to be integrated into the East Atrium as part of the Phoenix Sky Harbor International Airport Terminal 3 Modernization Public Art Project. The artwork will serve as a major landmark for arriving passengers and visitors to the airport, and will be funded using percent-for-art funds. Further request authorization for the City Controller to disburse all funds related to this item.

Summary

The FY 2016-21 Public Art Project Plan includes a project to commission an artist to create a major artwork as part of the modernization of Terminal 3 East Atrium at Phoenix Sky Harbor International Airport. The East Atrium will be the terminal's main passenger arrival and greeting area.

Mr. Lipski was recommended through a competitive process in October 2016 to create a concept for a major artwork for the East Atrium as part of Terminal 3 modernization. City Council approved a concept development contract for Mr. Lipski on Dec. 14, 2016. Since then, Mr. Lipski has worked with the Terminal 3 Modernization project team to develop the concept for a sculptural installation that would occupy the

93-foot width of the atrium's eastern wall.

Procurement Information

On Aug. 23, 2016, a five-person artist selection panel recommended Donald Lipski and four other finalists after reviewing a pool of 177 artists who had applied to be considered for this public art project. In addition to Mr. Lipski, the finalists included Teresita Fernandez (NY), Ball-Nogues Studio (CA), Norie Sato (WA), and Amy Cheng (NY). On Oct. 28, 2016, the panel interviewed the finalists and reviewed their design proposals before recommending that Mr. Lipski be contracted for the project. The panel based its decision on Mr. Lipski's ability to create a memorable arrival landmark in the terminal; his exemplary ability to work with other design professionals; and his expertise with the materials he proposed to consider in designing the enhancements.

The selection panel included Gary Martelli, Aviation Department; Marie Navarre, artist; Garth Johnson, curator; Gilbert Vicario, curator; and Debbie Zapatka, community representative. Mark Roddy and Rick Pfannenstiel, architect and project director, respectively, for the Terminal Three Modernization, served as advisors to the panel.

Financial Impact

The Terminal 3 Modernization East Atrium is one of 51 projects in the FY 2016-21 Public Art Project Plan approved by City Council on June 1, 2016. The Art Plan includes \$1,680,059 for this project. The proposed \$225,000 design contract will cover all costs related to development of a full design and corresponding construction documents. Funds for project construction will be requested when the design phase is complete. 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 Nov. 15, 2016, meeting.

The Parks, Arts, Education and Equality Subcommittee reviewed and recommended this item for approval at its April 26, 2017 meeting by a vote of 3-0.

Location

The project is located in the Terminal Three East Atrium at Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.

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

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

No: 1 - Councilman Waring

78 Foreign-Trade Subzone Expansion Application for Conair Corporation (Resolution 21534)

Request a resolution to authorize the City Manager, or his designee, to submit a subzone expansion application to the Foreign-Trade Zones (FTZ) Board of the U.S. Department of Commerce for Conair Corporation. Also request authorization to amend the existing FTZ Operations Agreement with Conair Corporation, to enter into an intergovernmental agreement with the City of Glendale, and to enter into all necessary and appropriate agreements and other documents.

Summary

The City of Phoenix, as Grantee of FTZ No. 75, is authorized to apply for boundary modifications to its existing foreign-trade subzones. Conair Corporation has requested a minor boundary modification to expand their existing subzone in Glendale resulting in a net increase in total acreage from 100 acres to 144 acres.

The City of Glendale has provided to the City of Phoenix a resolution indicating their support of Conair's FTZ expansion application. The City of Phoenix will enter into an intergovernmental agreement with the City of Glendale to evidence conditions of Glendale's support of the subzone expansion application for the Glendale site and outline the cities' responsibilities to one another. An amendment to the FTZ Operations Agreement with Conair will be necessary to add the proposed additional acreage.

The activities to be performed in the expanded Subzone 75A are the same as those operations originally approved by the FTZ Board. Conair will be required to pay an application fee to the City of Phoenix.

Contract Term

The term of the current contract with Conair Corporation is through March 8, 2035.

Financial Impact

The City will incur no costs associated with this request.

Concurrence/Previous Council Action

City Council approved and adopted Ordinance S-41484 on March 4, 2015. This was Council action to extend the term of the Conair agreement.

Location

Conair's proposed foreign-trade zone expansion site is located at 7311 N. Glen Harbor Blvd. in Glendale, Ariz.

Discussion

Councilwoman Gallego thanked staff for confirming the City of Glendale was supportive as she thought it was important to reach out to elected officials whose city would be impacted.

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

Yes: 7 - Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

No: 2 - Councilman DiCiccio and Councilman Waring

85 Authorization to Enter into Letter of Agreement with U.S. Department of Justice, Drug Enforcement Administration (Ordinance S-43493)

Request approval for the City Manager, or his designee, to authorize the Police Department to enter into a letter of agreement with the Drug

Enforcement Administration (DEA) for the eradication of illegal marijuana. The current agreement is for \$10,000.00, however, the Police Department requests authorization to accept up to \$75,000.00 should additional funding become available during the funding period. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

Summary

The Police Department has entered into annual agreements with the DEA in support of this drug enforcement task force over the last several years. The letter of agreement was received March 21, 2017. The DEA will reimburse the Police Department for overtime, supplies and equipment expenses as a result of investigations targeting illegal marijuana cultivation, possession and distribution. The DEA will not reimburse for fringe benefits.

Contract Term

One year from Oct. 1, 2016 through Sept. 30, 2017.

Financial Impact

The current letter of agreement reimburses the Police Department up to \$10,000.00 for overtime, supplies and equipment. Request permission to accept up to \$75,000.00 should additional funding become available. Costs to the City are associated fringe benefits and in-kind costs.

Discussion

Mayor Stanton stated Leonard Clark submitted a speaker comment card marked with a neutral position, but was not present to speak.

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

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

86 Terminal 3 Concession Program Strategy and Request to Issue Revenue Contract Solicitation (Ordinance S-43494)

Request to authorize the City Manager, or his designee, to approve the

specific terms associated with the issuance of the Terminal 3 Concessions Revenue Contract Solicitation (RCS) at Phoenix Sky Harbor International Airport, including contract packages, evaluation criteria, related business requirements, and airport contracting policy.

Summary

With the modernization of Terminal 3, Aviation Department staff developed a Concessions Leasing Strategy in preparation for the release of a Revenue Contract Solicitation to procure new Food and Beverage and Retail concession contracts.

This strategy is the foundation for Terminal 3's concession procurement. Staff has reviewed enplanement forecast and construction schedules, determined optimal concessions square footage, programmed concession space, identified contracting opportunities, created a timeline for the solicitation and anticipated tenant construction dates to coincide with the opening of Phase 2 and the new south concourse in late 2018. This timeline includes business information discussions with the industry. All existing services in the terminal will continue during this time.

The Phoenix Sky Harbor International Airport concession program goals include creating retail and food options for passengers that reflect our local community. Terminal 3's concession procurement will continue to include local, regional, and national concepts, consistent with the Terminal 4 procurement process. In order to deliver concession services in correlation with the construction timeline, the concession contract procurements for retail and food and beverage will occur simultaneously.

Multiple packages will allow contracting opportunities for companies of all sizes, including the opportunity for subleasing, joint ventures, and licensing agreements. These opportunities provide for the potential inclusion of small businesses.

Goals of the concessions program include: encouraging competition; reflect the region and include national, regional, and local brands and concepts as well as current trends; optimize sales and revenues; increase opportunity for local and small business participation; raise quality and uniqueness of souvenir and gifts merchandise; and phase implementation to coincide with the Terminal 3 Modernization

construction schedule.

The Revenue Contract Solicitation will reserve the right for potential City Council consideration of an Exclusive Beverage Pouring Rights agreement at Terminal 3, to coincide with the contractual mid-term capital investment occurring at five years into the term of the lease.

Procurement Information

Aviation recommends the following Revenue Contract Solicitation components, evaluation criteria, and related business requirements:

- * One contracting phase with four contract packages (two for Food & Beverage and two for Retail) ranging in size from four units to six units
- * Successful retail respondents can only be awarded one news and gift package
- * Successful food & beverage respondents can only be awarded one food & beverage package
- * Minimum Annual Guarantee (MAG) will be set dependent on the concession category using Phoenix Sky Harbor International Airport historical and market data
- * Percentage of gross sales for Retail will range from 12 percent to 16 percent, depending on the retail category
- * Percentage of gross sales for Food & Beverage will be 13 percent for food and 16 percent for alcohol
- * The Airport Street Plus Ten Percent Pricing policy will be in effect throughout the duration of the agreement

The proposals will be evaluated based on the following criteria:

Proposed concepts	250
Design/quality of tenant improvements	225
Management and operations plans	225
Experience and qualifications	200
Proposed Business Plan	100
 Total	 1,000

In accordance with the Employee Retention Policy, the successful

proposers will be required to hire current Terminal 3 Food & Beverage and Retail concession employees and retain those employees for at least 120 days in their current job classification. The successful proposers may only interview outside of this group of employees when there are no longer any current employees in the group that are available to hire. Aviation will secure a third-party facilitator to assure this process is successful.

Proposers will be asked to include the following information as part of the required proposal response to the Revenue Contract Solicitation. The information provided will not be considered as part of the panel deliberations or scoring criteria:

"Do you currently have an agreement in place that would prohibit a labor organization from engaging in a strike, picketing or conducting other economic actions at the proposed concessions operation? If yes, please list the labor organization(s) and the date the agreement was executed."

It is anticipated this solicitation will be issued in Spring of 2017, with estimated contract awards in early 2018.

The City's Transparency Policy will be in effect with the release of the Revenue Contract Solicitation and throughout the process.

Contract Term

10-year contract term commencing when all units have been constructed and open.

Financial Impact

Estimated \$400 million in gross sales resulting in \$51.6 million in revenue to the City over 10 years.

Concurrence/Previous Council Action

The Downtown, Aviation, Economy and Innovation Subcommittee recommended City Council approval of this item on May 3, 2017, by a vote of 4-0.

Location

Phoenix Sky Harbor International Airport, Terminal 3, 3400 E. Sky Harbor Blvd.

Discussion

Councilman Valenzuela conveyed this item was thoroughly talked about twice by the Downtown, Aviation, Economy and Innovation Subcommittee which recommended unanimous support. Therefore, he wished to make a motion to approve this item.

Mayor Stanton stated comment cards were submitted in favor by the following individuals who did not wish to speak:

Gregg Paradies
Gonzalo de la Melena
Cary Pfeffer
Navin Sharma
Holly Ritchie
Gregory Torrez
Francisco Dominguez
Teresa Dominguez
Dr. John Shufeldt

Councilwoman Stark wanted further details about the timeline for implementation of the program.

Aviation Services Director James Bennett replied pending Council approval staff would issue this RCS in the next couple weeks and anticipated an early fall submission of proposals. He indicated there would be evaluation committees that would review each of the proposals with staff bringing back to Council a recommendation on various packages by the end of the year. If Council approved that recommendation staff would execute the contract in 2018 and start working with the construction contractor doing the Terminal 3 remodel in order to have the restaurants and retail outlets available when the building opened later in 2018.

Councilwoman Stark inquired about the square footage as she was trying to understand how this coincided with the Terminal 3 construction.

Deputy Aviation Director Christina Madsen responded all of the locations would not be required to be built out as it was planned to be phased. The solicitation would disclose to the operators how much space needed to be built out which would not be 100 percent of the space.

Vice Mayor Pastor asked when the square footage would be finalized.

Ms. Madsen answered the square footage would be disclosed when the solicitation was released. Staff had been working with the consulting teams to identify exactly how much square footage needed to be built out because the space had been planned for future opportunity. She added some of the space would be less than 50 percent built out with the rest used for other things. She remarked that had been a question from several operators so staff had been working on that issue.

Vice Mayor Pastor wanted to know if it was possible to remove the 24-hour piece since it was hard to have a 24-hour business open in the airport and even harder to retain employees.

Ms. Madsen replied those services were needed for passengers coming through the airport. She did not have the exact number of which location would be open 24/7 but believed it was only one.

Mr. Bennett specified it was standard practice in existing terminals, so it was important customers had access to certain services such as food and beverage during overnight hours.

Vice Mayor Pastor thought vending machines would suffice for customers wanting to purchase a beverage and a sandwich.

Mr. Bennett interjected there would be some vending opportunities but it was also important for the customer to have that face-to-face interaction since flights could be delayed. Moreover, there were protocols in place where staff notified concessions at the last minute to stay open in order to serve customers. He stated it was not a good level of service to not have an all-night outlet available for customers.

Vice Mayor Pastor challenged that reasoning because she had heard

from operators about the difficulty of retaining staff during that time which ended up costing them more. She suggested setting up an area for food trucks to operate during those times and urged staff to look at that piece again.

Deputy City Manager Paul Blue affirmed staff could create options to evaluate the impact of not having that service while folks prepared their proposals.

In further response to Vice Mayor Pastor, Mr. Bennett conveyed the airport had an overall diversion policy that achieved high rates with the tenants working closely with staff. So, it was the airport's policy which was a provision to recycle as much of the waste coming out of the buildings as possible.

Councilwoman Williams appreciated the diversion cooperation between the airport and Public Works which was relatively new. She pointed out the airport was a world-class operation with people in the terminals around the clock for various reasons so it was important to serve these folks and kiosks did not provide friendly service. She understood the operators might have to pay more for people to work that shift but thought there were quality individuals to work it.

Councilman DiCiccio requested the union language that was added on at the subcommittee meeting be read.

Vice Mayor Pastor recited the following language: "Do you currently have an agreement in place that would prohibit a labor organization from engaging in a strike, picketing or conducting other economic actions at the proposed concession operation? If so, please list the labor organization and the date the agreement was executed." She added the purpose was to have seamless service at the airport.

Councilman DiCiccio expressed that wording had never been added before and could intimidate business owners.

Vice Mayor Pastor stressed the language was at all airports across the United States, not to mention she spoke to the industry who agreed with

it.

Councilwoman Williams sought clarification that the question did not carry any weight when the committee reviewed the proposals.

Mr. Blue confirmed the RFP would reflect it would not be considered by the panel or in the points to be awarded.

Councilman Valenzuela chaired this particular Subcommittee and took pride in how Council conducted business, noting the meetings were transparent as they were streamed on Channel 11 and archived on YouTube. He emphasized the cards that the Mayor read earlier were submitted by leaders in this industry who supported the motion.

Councilman DiCiccio stated he represented the public and would not be part of these arrangements.

Councilwoman Gallego recalled Sky Harbor won an award for advocate of the State of Arizona for helping small and local businesses and for being a great employer. She remarked this structure would further that recognition as it would allow small and local businesses to compete to get that local flavor at the airport where someone could visit a boutique or local restaurant and continue their travel experience in Phoenix. Another aspect was being a great employer which meant maintaining employees with good compensation and benefits which was part of the City's brand. She appreciated the Subcommittee's work to ensure business partners at the airport were top employers. She confirmed the question about the employer's equal pay practices and policy would be in the solicitation. Also, she inquired if the sustainability practices of the business partners was a question.

Ms. Madsen responded it was part of the criteria to ask about the sustainability measures in their buildout, construction and operation.

Councilwoman Gallego looked forward to supporting this item along with the strong support from both the partners that worked at the airport and in the business community.

A motion was made by Councilman Valenzuela, seconded by Vice

Mayor Pastor, that this item be adopted. The motion carried by the following vote:

Yes: 7 - Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

No: 2 - Councilman DiCiccio and Councilman Waring

87 Terminal 4 Retail Concession Phase Two Revenue Contract Solicitation Award Recommendation (Ordinance S-43495)

Request to authorize the City Manager, or his designee, to enter into Terminal 4 Retail Concession Phase Two agreements (Leases) with the recommended retailers described and listed below.

Summary

On April 22, 2015, the Phoenix City Council authorized staff to issue a single Revenue Contract Solicitation (RCS) process with two contracting phases for new retail opportunities in Terminal 4. The Aviation Department issued the Terminal 4 Retail Concession RCS on July 1, 2015.

Each RCS contracting phase included multiple contract packages to achieve a diverse and balanced retail program. Successful respondents were allowed to be awarded only one news and gift package in each contracting phase. Phasing the award and construction of the contract packages minimizes disruption to customer service and enhances competition. Phase One submittals were required on Sept. 22, 2015, and Leases were awarded on June 15, 2016.

Procurement Information

Phase Two of the Terminal 4 Retail Concessions RCS included eight packages encompassing 20 retail locations. Submittals were received on Sept. 19, 2016. No responses were received for Contract 12 (news/souvenir/open) and Contract 16 (open concept). The Evaluation Panel for this process held interviews for packages with more than one response. Interviews were held on Feb. 6 and 7, 2017. Six contracts with 16 locations are being recommended for award.

The Panel members evaluated the responses based on the following criteria established in the RCS: Proposed Concept(s) (30 points), Qualifications and Experience (20 points), Proposed Business Plan (15 points), Design and Quality of Improvements (15 points), Management Team, Operations and Marketing Plans (10 points), and Employee Incentives (10 points). The Panel recommendations were reached by consensus of the panel in consideration of the above criteria.

The City Transparency policy is in effect until all Leases from Phase Two of this RCS are awarded.

After a local and national outreach effort and conducting a competitive Revenue Contract Solicitation (RCS) process, the following companies are recommended for award to enter into the Leases:

<u>Recommended Retailer</u>	<u>Contract Number</u>
Casa Unlimited Enterprises, Inc.	9
Paradies Lagardere @ PHX, LLC	10
Avila Retail Development and Management, LLC	11
Avila Retail Development and Management, LLC	13
In Motion Entertainment Group, LLC	14
Dufry Phoenix Retailers JV	15

Contract Term

Each contract will have a primary lease term of seven years with one, three-year option to be executed at the sole discretion of the Aviation Director. An Employee Retention Policy is in place requiring the successful respondents to hire current Terminal 4 retail concession employees and retain those employees for at least 90 days in a similar job classification.

Financial Impact

The minimum annual guarantee (MAG) rent for Phase Two for the seven-year initial term of the Leases is estimated to be \$18.9 million.

Concurrence/Previous Council Action

The Downtown, Aviation, Economy and Innovation Subcommittee recommended City Council approval of this item on April 26, 2017, by a

vote of 3-0.

Location

Phoenix Sky Harbor International Airport is located at 3400 E. Sky Harbor Blvd.

Discussion

Mayor Stanton stated comment cards were submitted in favor by the following people that did not wish to speak:

Gregg Paradies
Gonzalo de la Melena
Cary Pfeffer
Navin Sharma
Holly Ritchie
Gregory Torrez
Francisco Dominguez
Teresa Dominguez
Dr. John Shufeldt

Councilwoman Gallego wished to thank the businesses that put a lot of effort into their practices on equal pay to ensure there was no gap, especially those companies that had good compensation methods with strong benefits. She pointed out there was even a business that signed the White House Equal Pay pledge under the previous administration.

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

Yes: 7 - Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

No: 2 - Councilman DiCiccio and Councilman Waring

91 Award of Contract for Bus Stop Enhancements - IFB PTD17-005 (Ordinance S-43498)

Request to authorize the City Manager, or his designee, to enter into a contract with Talis Construction Corporation (Vendor 3001351) for bus

stop enhancements. Further request for the City Controller to disburse all funds in an amount not to exceed \$9,512,975 over the life of the contract.

Summary

Talis Construction Corporation will be responsible for bus stop furniture and concrete work at the City's approximately 4,000 bus stop locations. This work will include the manufacture, repair and refurbishment of transit furniture and installation and removal of transit pads designated by the City.

Procurement Information

IFB PTD17-005 was conducted in accordance with Administrative Regulation 3.10. There were two offers received on Dec. 29, 2016. Low bids were based on the Estimated Total for all five contract years. The two bids received were:

*Southwest Fabrication, LLC: \$10,165,446

*Talis Construction Corporation: \$9,512,975

A protest was received by the City from Southwest Fabrication, LLC on Jan. 25, 2017 and denied on Feb. 7, 2017. Subsequently, an appeal was filed on Feb. 13, 2017. Following a hearing and, upon recommendation of the hearing officer on April 13, 2017, the City Manager denied the appeal.

Contract Term

The initial contract term shall begin on or about May 31, 2017 and end on May 30, 2022.

Financial Impact

The aggregate contract value, including all option years, shall not exceed \$9,512,975 with an estimated annual expenditure of \$1,902,595. Funds are available in the Public Transit Department's capital budget using Transportation 2050 funds.

Discussion

Mayor Stanton confirmed Luis Gomez and Dale Zeitlin, who submitted comment cards in opposition, did not wish to speak.

A motion was made by Vice Mayor Pastor, seconded by

Councilwoman Williams, that this item be adopted. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

106 48th Street: South Pointe Parkway to Baseline Road 1-Step Design-Build Amendment 1 - ST85100355 (Ordinance S-43513)

Request to authorize the City Manager, or his designee, to amend Contract 137514 with FNF Construction, Inc. (Tempe, Ariz.) to provide continuing 1-Step Design-Build services for the 48th Street: South Pointe Parkway to Baseline Road project. Further, request authorization for the City Controller to disburse all funds related to this item.

Summary

This project is to improve this segment of 48th Street for the purposes of accepting its dedication as public right of way. FNF Construction, Inc.'s additional services include design for roadway widening and pavement reconstruction, storm drainage facilities, updated street lighting, waterline re-alignment, as well as curb ramp and sidewalk improvements.

After design services are completed, FNF Construction, Inc. will assume the risk of delivering the project through a guaranteed maximum price (GMP) amendment to the design-build contract. FNF Construction, Inc. will be responsible for construction means and methods related to the project, participating with the City in the Small Business Enterprise (SBE) goal setting process, and implementing the SBE process. FNF Construction, Inc. also will be required to solicit bids from prequalified subcontractors to perform work under the City's subcontractor selection process. FNF Construction, Inc. also may compete to self-perform limited amounts of work.

Procurement Information

FNF Construction, Inc. was chosen for this project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes (ARS). Scoring and selection were made in conjunction with the 1-Step Design-Build Services procurement process.

The City and FNF Construction, Inc. entered into Contract 137514 on April 16, 2014.

Contract Term

The term of the additional design services is 16 months. 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

FNF Construction, Inc.'s fee under this amendment will not exceed \$418,546.99, including all subconsultants, subcontractors and reimbursable costs for design services. Funding for these services is available in the Street Transportation Department's Capital Improvement Program budget. Contract payments may be made up to the contract limit for all rendered contract services, which may extend past the contract termination.

Concurrence/Previous Council Action

City Council approved Contract 137514 on Dec. 18, 2013.

Location

48th Street from South Pointe Parkway to Baseline Road

Discussion

Greta Rogers expressed 48th Street was the only north-south arterial in Ahwatukee that took people to the greater community besides the I-10. It had been a private street since its existence and was in dreadful condition, noting the median consisted of weeds. She looked forward to this improvement and hoped the three-year projected timeframe for completion was achievable. Also, she was hopeful the street would become three lanes each way from the Pointe circle north to Baseline Road.

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

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

143 Amend City Code - Ordinance Adoption - Rezoning Application Z-75-A-94-2 - Northwest Corner of Mayo Boulevard and Scottsdale Road (Ordinance G-6313)

Summary

Request to authorize City Manager to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-75-A-94-2 for the PUD PCD (74.44 acres) to allow a major amendment to the Paradise Ridge PCD to allow a Planned Unit Development for a mix of uses, including an indoor shooting gallery.

Location

Northwest corner of Mayo Boulevard and Scottsdale Road.

Council District: 2

Discussion

Planning and Development Director Alan Stephenson stated this was a rezoning request at the northwest corner of Mayo Boulevard and Scottsdale Road to allow a major amendment to the Paradise Ridge Planned Community District for a planned unit development that was a mix of primarily C-2 uses but also included an indoor shooting gallery. The Desert View Village Planning Committee (VPC) recommended approval per staff stipulations and the Planning Commission recommended approval per the VPC recommendation. Staff recommended approval per the Planning Commission recommendation and adoption of the related ordinance. He advised this case was not appealed and could only be heard, discussed and approved, denied or continued. So, if Council wanted to make substantive changes the item would have to be withdrawn from the agenda and readvertised for a future public hearing.

Councilwoman Gallego wondered if a shooting gallery was allowed in C-2.

Mr. Stephenson replied C-2 was not a permitted use in the zoning district and would take C-3 zoning to allow a shooting range.

Nick Wood, with the law firm of Snell & Wilmer, represented the applicant, C2 Tactical. He pointed out the property was an older shopping center located on land owned by the State Land Department. It was subject to a long-term ground lease which was purchased by GoDaddy a couple years ago. He noted it was one of the largest shopping centers that was not a mall as it was over a quarter mile long from one end to the other and situated right up to the freeway with no residential development near the site. His applicant could have applied for C-3 but the leaseholder liked having a PUD on the property to make applications through a formal amendment process to better compete in the big box marketplace.

Mr. Wood remarked there were no controls over who could own a gun other than going through the federal requirements for background checks. Also, there was no licensing or training; however, this company provided a significant amount of training and a variety of safety classes. He noted there were questions at every level since this dialogue was about guns and stressed there would be no automatic weapons. He met with the State Land Department to make sure they agreed to this use as owners of the land. He also met with the landlord due to the possible liability who was supportive of a controlled environment. He believed a citizen sent a letter to Council asking about proper protections with things like lead in the air, noting his client could explain what controls were in place and how they complied with them. He commented his client had two other facilities in the Valley, one in Tempe and the other one in Mesa so they had experience.

Mr. Wood conveyed another concern related to noise and neighboring properties but there was no noise outside the shooting area as people had to go through double doors with one closing before the other door opened. He said another question dealt with projectiles going through walls or the roof; however, it was designed with all the protections in place so no rounds exited the shooting area. He mentioned this was a controlled environment so issues regarding environmental hazards were handled, such as fully grouted CMU walls and sound foam for purposes

of suppression. Another concern referenced what happened to the rounds and he explained there was a rubber berm at the end of the gallery and a machine that extracted all of the lead in the rounds. He added there were EPA and hazardous waste requirements in handling and disposing of the lead. Additionally, he displayed security in place at the Tempe site which was important so someone could not break into the location and steal items. The employees also went through a rigorous training process in order to identify people who came in that might have psychological problems.

He specified C-2 did not permit a shooting range but it did allow the sale of guns. Mr. Wood listed several stores that sold guns and ammunition, including a facility that went out of business but was right next door to a Harkins theatre in this center. A new tenant was moving in that sold guns and ammunition, and he hoped they would provide a card to people about his client's business so they could learn about weapon safety. A question came up about whether it was a problem to have this facility so close to the movie theater. He emphasized the one in Tempe was less than 500 feet from Main Event which was a family entertainment business, noting there had been no complaints. In fact, Main Event provided a letter in support of C2 Tactical. He was asked to provide other instances where a gun club co-existed with a movie theater and listed the following examples:

- Edmonton, Canada, gun club next to a water park and a movie theater
- Honolulu, Hawaii, gun club with a movie theater across the street
- Hodgkins, Illinois, gun club with a movie theater across the street

Mr. Wood continued the general counsel for Harkins attended the second VPC hearing and stated he was concerned about losing customers with this gun club at the end of the shopping center. Members of the club were serious about guns so he thought all issues were resolved. He pointed out no one showed up in opposition at the Planning Commission hearing or appealed the case. He reiterated this was an appropriate use, noting this was a user that had a tremendous history of safety and quality.

Mayor Stanton confirmed William Watson, who submitted a speaker comment card in favor, did not wish to speak.

Doug Dickson, president of the Desert Ridge Community Association, spoke in support of this facility. He and other VPC members toured the Tempe facility in preparation for their review and vote on this item and found the place to be exceptional. He had been in a number of different gun ranges and this was the most professional and unique facility. Further, he spoke with community residents and found virtually no opposition to this case, so he urged Council to support this item.

Mayor Stanton added speaker comment cards were submitted in favor by the following individuals who did not wish to speak:

Ruth Shea
David Carder
Whitney Siljander
Isaac Skoog

Mayor Stanton noted Leigh Jensen donated speaking time to Ms. Longdon

Jennifer Longdon did not oppose gun ranges as she was a gun owner herself, but did oppose the use of this retail space. She was the citizen that sent the letter to Council mentioned earlier and was again asking staff be directed to investigate the potential hazards and ensure they were mitigated. The staff report dated January 30, 2017 stated this request proposed the adaptive reuse of a distressed commercial building which was a compatible use to those in the existing shopping center. She emphasized the center contained businesses that were not considered distressed, noting the previous tenant of this space moved to a larger facility. She indicated this led to a number of questions with no answers in order for Council to vote and allow this shooting range to share an adjoining wall with any other retail space.

Her main concern pertained to the dangers of lead dust contamination since there were studies indicating it was hazardous. The Council would be setting a precedent and should be certain of the standards and safeguards in place because of shared ventilation and waste disposal which presented a possibility of cross contamination. Ms. Longdon was

unaware that C2 Tactical was the organization that filed this application prior to her letter submittal but there was nothing stipulated about this issue. She remarked shooting ranges tended to be stand-alone buildings in low density locations and was concerned about city inspectors being prepared for these kinds of inspections. She reiterated this set a precedent that allowed the next organization to set up a range which might not meet the same standards and implored that staff research the danger of lead dust and create stipulations for sound-proofing and back-stopping.

Mayor Stanton stated Kathleen Noble and David Noble submitted speaker comment cards in opposition, but did not wish to speak.

Mr. Wood conveyed this case was filed at the end of last summer, noting property owners within 600 feet as well as all shopping center tenants were invited to a neighborhood meeting in December. His client gave tours to show there were no dangers and showed the facility in Tempe was also in a shopping center with a family business in close proximity. Although Ms. Longdon raised a lot of good questions, he stressed this had gone through the process with answers at every level. He restated this case had support from staff, the VPC and Planning Commission and requested Council's support.

Terry O'Neill spoke in support having brought this application forward. He appreciated the comment that C2 Tactical set the benchmark on how a shooting range should be operated. He explained this big box store would get new walls, a new roof and new air handling over the shooting range which circulated air through filters at twice the standard of a hospital operating room. He advised this space could sell guns and ammunition under the current zoning, but specified this range would train people on how to fire, store and handle a weapon.

Councilwoman Gallego understood this had been going on since summer but it did not come to her until recently. She thought the applicant made a compelling proposal which she was inclined to support but wanted to request a continuance to the next formal meeting to conduct more research. There was a shooting range in her neighborhood with community conflicts and though it was a different situation she knew this

was not the last time Council would go down this path.

A motion was made by Councilwoman Gallego, seconded by Councilman Valenzuela, that this item be continued to the May 31, 2017 City Council Formal Meeting.

Councilman Waring wished to make a motion to approve this item.

Mayor Stanton thought a continuance was a procedural motion and wondered if there could be a substitute on it.

City Attorney Brad Holm replied only a substantive motion could have a substitute motion. So, the continuance motion had to be addressed before another motion could be made.

Councilman Valenzuela seconded the continuance motion out of respect for his colleague. He said time was a good thing since there were concerns from community members.

Councilman Waring stressed the applicant had been working on this case, paying attorneys and creating designs since last summer so this had been in process for some time with no issues or appeals. He appreciated Ms. Longdon's thoughts which came in Friday afternoon, noting the applicant responded Monday with an invitation but she was unavailable. He did not think it was fair since the applicant had gone through the entire process and preferred to vote on the item now. He sat outside the Tempe facility for about half an hour and did not hear a sound as well as driven by the same facility numerous times and had no issues. He asked what the nearest residence was to this facility.

Mr. Stephenson did not know the exact distance but there were apartments west of 68th Street and single-family homes south of the CAP with nothing north of the 101.

Councilman Waring did not know what facts would change regarding any of the issues that were addressed. He found the applicant to be an excellent corporate partner with a clean facility. He understood people had strong views about firearms but did not think C2 Tactical should be

punished for that since a tragedy could occur anywhere. He noted firearms were already being sold in this shopping center so he was not sure any of these dynamics would change with a two-week continuance. Again, he stated the time to vote on this item was now.

Councilman Valenzuela reiterated he was supportive of a continuance in order to have more time and inquired if this case had been continued previously.

Mr. Stephenson answered this was the first time it was on this agenda; however, he believed it was continued at the VPC.

Councilman Valenzuela understood this was the first time this case was before Council. He also knew this was a thriving industry where people obtained gainful employment but a two-week continuance was fair given there were concerns from one Councilmember. Therefore, he thought if people had issues that Council should make sure they were addressed before making these types of decisions.

Councilwoman Stark wondered if it was possible to look at a text amendment to address the issue since it seemed this business had gone above and beyond as far as safety measures. She explained staff could look at the entire issue of these facilities, including the potential of the lead and things like that while this application moved forward.

Councilman DiCiccio thought that was a good compromise, noting this was an amazing business that employed a lot of people and took incredible safety precautions. One major function not mentioned was that police officers from multiple jurisdictions were trained on site. He did not see the purpose for the delay since every 24 hours mattered to a business owner.

Councilman Nowakowski wanted to know what the votes were at the VPC and Planning Commission levels.

Mr. Stephenson replied the VPC approved this application by a 6-1 vote and the Planning Commission was a 7-0 vote.

Mayor Stanton announced the motion to continue was now on the floor.

The motion failed by voice vote:

Yes: 4 - Councilwoman Gallego, Councilman Valenzuela, Vice Mayor Pastor and Mayor Stanton

No: 5 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Waring and Councilwoman Williams

A motion was made and seconded to adopt this item.

Vice Mayor Pastor asked if the applicant could answer Ms. Longdon's questions prior to the vote.

Mayor Stanton recalled Ms. Longdon was complimentary of this particular company but was concerned about the precedent this might set.

Regardless of what happened today, Councilwoman Stark suggested a text amendment to set strict standards in case other entities in this industry wanted to enter into shopping centers. He thought environmental issues were raised and requested additional answers.

Boe Bergeson, managing member and owner of C2 Tactical, realized the main concern from an environmental standpoint was the lead particulations within the use of the range. He explained remediation started with the engineered backstop which was a big rubber berm that consisted of chopped up truck tires from large mining vehicles. The berm provided negative deceleration of the projectile in a safe manner and also trapped the lead fragmentation and particulation in its state. So, the first remediation level was how to stop the bullet followed by the second level happened when the air was scrubbed and moved within the range. He noted the air handling system ran about 33 air exchanges an hour through three filtration layers which brought it down to a .99 particulate level. He added the system was tested twice a year to ensure it was up to par.

Vincent Vasquez, owner and general manager at C2 Tactical, pointed out this system was same one law enforcement and federal agencies purchased for bullet containment.

In further response to Vice Mayor Pastor, Mr. Bergeson said the rubber acted as a good sound damper, noting the Mesa facility had a steel backdrop that was very noisy. Therefore, the rubber added a layer of sound mitigation absorption which spoke to the level of detail they put into the design and construction.

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

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

150 (CONTINUED FROM APRIL 5, 2017) - Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-73-16-2 - Northeast Corner of the 42nd Street Alignment and Dynamite Boulevard (Ordinance G-6306)

Application No. Z-73-16-2

Current Zoning: County RU-43 (Pending S-1)

Proposed Zoning: R1-18

Acreage: 12.49

Proposal: Single Family Residential

Applicant: EcoVista Development LLC

Owner: J & M Aronica Revocable Trust

Representative: Wendy Riddell, Berry Riddell LLC

Staff Recommendation: Approved with stipulations

VPC Action: Denied by a vote of 4-3

PC Action: Denied by a vote of 3-3-1

3/4 Vote Required: Yes

Location

Northeast corner of the 42nd Street alignment and Dynamite Boulevard.

Council District: 2

Summary

Request to hold a public hearing to authorize the City Manager to approve the Planning Commission's recommendation of denial to amend the

Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix for the R1-18 (Single Family Residence District) zoning district to allow single family residential development as request with application Z-73-16-2.

Discussion

Planning and Development Director Alan Stephenson stated this was a rezoning request from County RU-43 with a pending S-1 application to R1-18 to allow for single-family residential development. The subject site had an additional area that was part of the original application but was now being withdrawn pursuant to the latest staff memo. He also displayed the surrounding area and proposed site plan.

The applicant worked extensively with the residents during the continuance time to address issues raised by them and the outcome was a lower density count and removal of the additional area. Mr. Stephenson conveyed this request was denied by the Desert View Village Planning Committee and the Planning Commission. He noted a recent staff memo requested withdrawal of the 3/4 vote requirement because the adjoining property owners rescinded their petition. Based on the changes within the May 10 memo to reduce the density, contribute to single-story lots, and decrease the acreage from 12.49 to 10 acres, staff recommended approval per the May 10, 2017 memo from the Planning and Development Director and adoption of the related ordinance.

Mayor Stanton declared the public hearing open.

Councilman DiCiccio inquired about what was being done to make sure drainage and water did not flood into this property.

Mr. Stephenson replied the wash area was required to run onto the property so it would continue unimpeded and then discharge to the south. In addition, the applicant was required to do half street improvements and connect the water across the road in a box culvert that connected to a traditional water flow so it would not impact upstream properties.

In further response to Councilman DiCiccio, Mr. Stephenson indicated if Council approved the zoning staff would conduct a civil review based on submitted plans to ensure the flows were maintained. However, the

applicant was permitted to discharge water off of their site but it could not be more than what historically went off of the property, so whatever fell on their site had to be retained.

Councilman Waring confirmed the property had to take in the same amount of water it did before and was not allowed to back up on property to the north. Plus, water being released could not be more than the previous amount and had to go the same direction. He stressed there had been flooding issues and hoped this project would make things better. He recalled this case was not in a good place a month ago as substantive changes needed to be made. He thanked the neighbors who worked on this as well as the applicant in getting to this point.

Wendy Riddell spoke in favor and was appreciative of the opportunity to work through these issues with the neighbors to achieve resolution. She agreed with what was said about the drainage, but there was concern with tributaries up north that the applicant was addressing through the drainage plan.

KC Henry spoke in favor, noting his community consisted of approximately 15 acres of mainly single-family homes that ranged in size from 1 acre to 5 acres. His community was opposed to the initial proposal and filed a petition after the Planning Commission hearing at which point the applicant began to meet with them to try and address their concerns. He believed many of the concerns were resolved due to these continued negotiations and thought the stipulations maintained a fair compromise. While this was very impactful to their small community, the main concern was drainage and flooding which he hoped would be addressed through City planning.

Mayor Stanton stated Carolyn Crabtree submitted a speaker comment card in opposition, but did not wish to speak.

Lana Cullen owned a five-acre equine facility, which was also her residence, that was contiguous to this development. She had a problem with home developments moving into the area with no space in between them and people who purchased these homes eventually being unhappy because of the livestock and cleanliness of such property. She remarked

land on the south side of Dynamite Boulevard was county but these subdivisions were being built in Phoenix which was on the opposite side of the street. Drainage and flooding was a problem that increased every time homes were built and she did not think another development made it right. She specified the Tatum Ranch area was developed first and had no substantive retention areas. In fact, the 10-acre Dynamite Park was supposed to be an excavated retention but it was not and had caused hardship for those on the south side of Dynamite Boulevard. She was not excited to see more land covered, that was now absorbing water, as it increased the threat to her property.

Dr. Earla White, who spoke in opposition, agreed the applicant had worked with the neighbors and appreciated several issues being addressed through stipulations. She stood before the Council back with Tatum Ranch which changed her property due to the washes and did not believe this development would improve the flooding issue. She mentioned the Tatum Ranch case because many stipulations were agreed to but some were not carried out. Moreover, she had been calling about those stipulations for ten years with no resolution. So, if Council approved this request she wanted assurance about who would enforce these stipulations.

Mr. Stephenson explained zoning stipulations were enforced through the development process by the Planning and Development Department when civil plans were reviewed. He added these stipulations were reviewed by civil engineering staff to make sure compliance was doable. He pointed out that was the predominant way stipulations for this particular project would be adhered to because a number of them were design related that would be administered as part of the development process. In fact, there was a stipulation about having a disclosure for operational characteristics of nearby ranchettes and animal privileges which was administered by his department with standard language and approved by the Law Department. Another way stipulations were complied with was through the Neighborhood Services Department.

In further response to Dr. White, Mr. Stephenson stated the flooding issues would be addressed through the stipulations by his department as the project moved through the review process. He explained the

applicant had to have their civil engineer submit plans which the City's civil engineering team would review to ensure they met all the requirements. Once it was built the same team would go out and make sure the appropriate infrastructure was put in and that the contouring of the land was right so that it flowed properly pursuant to the plans.

Dr. White conveyed she was one of the homeowners who rescinded the 3/4 vote because she wanted to do this in good faith but it was done by incentive. The applicant promised that all of the perimeter lots would only be one story. She advised no one who had testified today spoke on behalf of the neighborhood.

Vice Mayor Pastor confirmed one-story homes was included in the stipulations. Also, she wanted staff to follow-up with Dr. White regarding the Tatum Ranch stipulations and determine who was responsible for fixing it.

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

Councilman Valenzuela commended Councilman Waring for his leadership as this was a tough case which started with a 3/4 vote. Councilman Valenzuela realized it took a lot of honest outreach and applauded the entire team for doing a good job and doing it right and was, therefore, supportive of the motion.

The hearing was held. A motion was made by Councilman Waring, seconded by Councilwoman Williams, to withdraw the 3/4 vote and approve this item per the Planning and Development Director's memo dated May 10, 2017, and to adopt the related ordinance. The motion carried by the following vote:

Yes: 9 - Councilman DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

151 Amend City Code - Public Hearing and Ordinance Adoption - Rezoning Application Z-85-16-8 - Northeast Corner of 35th Avenue

and Baseline Road (Ordinance G-6320)

Application No. Z-85-16-8

Current Zoning: S-1

Proposed Zoning: R1-8

Acreage: 79.58

Proposal: Single Family Residential

Applicant: Woodside Homes Heather Davenport

Owner: Silva Farming Enterprises LTD Partnership

Representative: Norris Design Hillary Turby

Staff Recommendation: Approval, subject to stipulations.

VPC Action: Denied as filed, approved as R1-10 per staff stipulations with a modification to Stipulation 1 and two additional stipulations by a vote of 8-0.

PC Action: Approved, per the staff Addendum B dated March 23, 2017 with an additional stipulation by a vote of 7-1.

Location

Northeast corner of 35th Avenue and Baseline Road.

Council District: 8

Summary

Request to hold a public hearing to authorize the City Manager to approve the Planning Commission's recommendation of approval to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix for the R1-10 (Single Family Residence District) zoning district to allow single family residential development as request with application Z-85-16-8.

Discussion

Mayor Stanton advised Councilwoman Gallego would not be participating in this item due to a conflict.

Note: Councilwoman Gallego left the voting body.

Planning and Development Director Alan Stephenson stated this was a rezoning request for the northeast corner of 35th Avenue and Baseline Road from S-1 to R1-8 for single-family residential development. He displayed several slides that showed the surrounding zoning along with the proposed site plan and elevations for the project, noting the applicant

had worked for a number of months on this application. The Laveen Village Planning Committee recommended approval of R1-10 development with modifications and the Planning Commission recommended approval with additional modifications per Addendum B. He conveyed this case was appealed by a citizen that requested a stipulation for a deceleration lane on Baseline Road into the proposed subdivision. He indicated the applicant worked with staff to provide the deceleration lane and pointed out an April 20 memo added that stipulation to the proposed request. Therefore, staff recommended approval per the April 20, 2017 memo and adoption of the related ordinance.

Mayor Stanton declared the public hearing open. He stated speaker comment cards were submitted in favor by the following individuals who did not wish to speak:

Phil Hertel - in favor with the new stipulation that required a right turn lane on Baseline

Jon Kimoto on behalf of Laveen Village Planning Committee

James Deibler

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

Councilman Nowakowski remarked staff's memo added a deceleration lane for Baseline Road to address the traffic issues brought forward by the Laveen Village Planning Committee and staff. He thanked everyone in the Laveen community that came together, especially the developer, and worked things out. The request started off with 400-plus homes and was reduced to a number where the community was comfortable. He reiterated the other issue that was addressed was traffic down Baseline Road.

The hearing was held. A motion was made by Councilman Nowakowski, seconded by Councilman DiCiccio, to approve this item per the Planning and Development Director's memo dated April 20, 2017, and to adopt the related ordinance. The motion carried by the following vote:

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

Absent: 1 - Councilwoman Gallego

REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS

None.

CITIZEN COMMENTS

Mayor Stanton stated the following individuals submitted speaker comment cards, but were not present to speak:

Reney LaCombe
Michael Anthony Moynihan
Heather Hamel
Noah Briggs

Craig Steblay presented the Council with two citizen petitions related to group homes and wanted to read some of it.

In response to Councilman DiCiccio, City Attorney Brad Holm advised the charter stated written petitions had to be presented and not necessarily read.

Note: Vice Mayor Pastor left the Chambers but remained part of the voting body via telephone.

Mr. Steblay expressed concern regarding the non-enforcement policy of the spacing code of larger group homes. Thus, his first petition asked for the immediate reinstatement of such enforcement. He noted the second petition requested an outside expert be retained to scrutinize the legality of proposed text amendment Z-TA-22-08.

Note: Councilmen Nowakowski and Valenzuela left the Chambers but remained part of the voting body via telephone.

Vince Gemmiti requested more time be added to crosswalk signs and to increase the audible signal over traffic noise so blind people could cross the

street. Also, he suggested that light rail ticket kiosks be enclosed so riders could see the screen during the day and to add raised buttons so blind people could purchase tickets.

Mayor Stanton indicated the City's ADA coordinator would look into those important issues.

Greta Rogers wanted a full report on the Sheraton Hotel and asked that it be agendaized at the next formal meeting.

Franklin Marino, Secretary of PLEA, requested a moment of silence in honor of Phoenix police officers who had died in the line of duty. He emphasized PLEA was steadfast in its position of 2.5 officers per 1,000 residents which was achievable if city leaders set aside the necessary funds over a five-year timeframe.

Note: Vice Mayor Pastor and Councilmen Nowakowski and Valenzuela left the voting body.

Pasquale Labate expressed concern about a rezoning hearing that occurred on April 5 for a location near his properties for a doctor's office. He had filed a motion for a new hearing date because he was improperly noticed.

Mayor Stanton requested the Planning and Development Director speak with Mr. Labate.

Queen Muhammad Ali wondered if there was a way to address a recently implemented policy that imposed an additional \$150 fee on top of a \$50 delinquent fee to turn back on someone's water.

Mayor Stanton did not know if the City Manager had a chance to talk to her about the purpose of the program, but advised a request for policy change had to go through the Subcommittee process.

James Deibler stressed the City needed to do a better job of preserving historic buildings in downtown Phoenix as well as mid-century homes in Central Phoenix to maintain its history.

ADJOURN

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 5:55 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 10th day of May, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of September, 2017.

CITY CLERK