

### City Council Formal Meeting

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Wednesday, November 29, 2017

2:30 PM

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#### **CALL TO ORDER AND ROLL CALL**

The Phoenix City Council convened in formal session on Nov. 29, 2017, at 2:32 p.m. in the Council Chambers. In the absence of the Mayor, Vice Mayor Pastor assumed the role of Chair, and called the meeting to order.

**Present:** 8 - 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

**Absent:** 1 - Councilman Sal DiCiccio

Note: Mayor Stanton and Councilman Nowakowski were not present during roll call. Both joined the voting body during Citizen Comments. Vice Mayor Pastor left the voting body prior to Item 92 being discussed.

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

#### **CITIZEN COMMENTS**

Leonard Clark spoke regarding the City of Chicago Police Department signing non-disclosure agreements with the federal government to utilize drones. He stated the fourth amendment right should be preserved under the United States constitution. He expressed concern over the Phoenix Police Department having secret agreements in place with the federal government and Homeland Security using drones similar to the City of Chicago.

Greta Rogers spoke about the incident at the Burton Barr Library. She detailed a report she received from the City Manager and City Attorney regarding the incident. She asked Councilman Valenzeula to put together a Management Review Taskforce to go over City operation management procedures and

processes. She stated that the City Manager had been quoted on the news and in the newspaper as stating that the cost for repairs to the library would total \$10 million and be covered by insurance. Ms. Rogers stated she felt the remark was a crass remark as the City of Phoenix was self-insured and claims were paid by tax payers.

City Manager Ed Zuercher responded to Ms. Rogers' statements. He stated there were a series of processes underway, including a management review of City buildings and life safety systems.

Note: Mayor Stanton joined the voting body.

Steven Ramirez addressed Council regarding Dial-a-Ride services. Mr. Ramirez stated he suffered from a condition known as Cerebral Palsy and was unable to drive. He explained that although he was very grateful to tax payers for subsidizing Dial-a-Ride, he felt there were problems on how the service operates. He referenced an article from the Arizona Republic that noted difficulties customers have faced since Valley Metro introduced changes on July 1, 2017 including; extreme hold times, extended travel times, botched pick-ups, and confused drivers. Mr. Ramirez stated he began volunteering for Americans For Prosperity (AFP) in Phoenix. He stated the staff at AFP assisted him in securing rides to and from volunteer events through ride sharing services such as Uber and Lyft. He explained the differences between ride sharing services and Dial-a-Ride, including the difference in cost. He stated a majority of people that used Dial-a-Ride did not require wheel chair accessible vehicles and those users could utilize unique codes for Uber and Lyft services, freeing up the wheel chair accessible Dial-a-Ride vehicles for those in need. He noted other potential benefits and thanked Council regarding the possibility of reforming Dial-a-Ride through the use of ride sharing that could provide greater mobility and convenience for disabled people in Phoenix.

Mayor Stanton thanked Mr. Ramirez for his comments and stated he believed it was a good idea. He asked Mr. Ramirez to speak with Public Transit Director, Maria Hyatt regarding Dial-a-Ride and ride sharing services.

Gail Palmer spoke about installing a memorial plaque in honor of Beverly Harvey Konik and Jak Keyser at Little Canyon Trail. He explained how both individuals were active in the community and how many would like to see that

memorialized.

Robert McGowan spoke about a vehicle accident he was involved in with an undercover Phoenix police officer and issues he had faced with the Risk Management since the accident took place. He was asking for an update regarding the claim he filed.

City Manager Zuercher noted that a Settlement of Claim with Mr. McGowan was Item 18 on the Formal meeting agenda today.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6384 through G-6385, S-44044, S-44048, S-44063, S-44065, S-44066 and S-44072 through S-44115, and Resolutions 21590 through 21592 and Resolutions 21595 through 21598 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:

#### **Ahwatukee Foothills Village Planning Committee**

Alexander Benezra would serve a second full term beginning on Nov. 29, 2017 which would expire on Nov. 19, 2019.

#### **Camelback East Village Planning Committee**

Andrea Hardy was an architect at Creo Architects and resided in District 8. She would serve a full term, which would expire on Nov. 19, 2019.

Karen Beckvar would serve a second full term beginning on Nov. 29, 2017 which would expire on Nov. 19, 2018.

Central City Village Planning Committee

Veronyka Lockhart would serve a third full term beginning on Nov. 29, 2017 which would expire on Nov. 19, 2018.

Calvin Goode would serve a sixth full term beginning on Nov. 29, 2017 which would expire on Nov. 19, 2019.

Deer Valley Village Planning Committee

Cynthia Williams would serve a second full term beginning on Nov. 29, 2017 which would expire on Nov. 19, 2019.

Desert View Village Planning Committee

Steven Kruczek would serve a second full term beginning on Nov. 29, 2017 which would expire on Nov. 19, 2019.

Laveen Village Planning Committee

Linda Abegg would serve a second full term beginning on Nov. 29, 2017 which would expire on Nov. 19, 2018.

Gary Flunoy would serve a second full term beginning on Nov. 29, 2017 which would expire on Nov. 19, 2019.

North Mountain Village Planning Committee

Fred Hepperle would serve a sixth full term beginning on Nov. 29, 2017 which would expire on Nov. 19, 2019.

Pacific Rim Advisory Council

Mariko Miller was the supplier management for Boeing. She would serve a full term, which would expire on Nov. 29, 2021.

Paradise Valley Village Planning Committee

Tim Knobbe would serve a second full term beginning on Nov. 29, 2017 which would expire on Nov. 19, 2019.

Parks and Recreation Board

Masavi Perea was the program director for Chispa AZ under the League of Conservation Voters and was a resident of District 4. He would serve a full term, which would expire on Nov. 29, 2021.

Phoenix Employment Relations Board

Phillip Hanley would serve a seventh full term beginning on Nov. 29, 2017 which would expire on Nov. 29, 2020.

Peter Maydanis would serve a sixth full term beginning on Nov. 29, 2017 which would expire on Nov. 29, 2020.

Phoenix Women's Commission

Jenny Poon was the founder of CO+HOOTS coworking, eeko studio and cofounder of the CO+HOOTS Foundation and was a resident of District 4. She would serve a full term, which would expire on Nov. 29, 2020.

Phoenix Youth and Education Commission

Carolina Lopez was a law student at Arizona State University and was a resident of District 8. She would serve a full term, which would expire on Aug. 31, 2019.

Sister Cities Commission

Janielle Penner was the project director for Colinas de San Miguel residential development. She would serve a full term, which would expire on Nov. 29, 2020.

South Mountain Village Planning Committee

Kenneth Mims was the principal and founder of Science Prep Academy and a resident of District 6. He would serve a full term beginning on Nov. 29, 2017 which would expire on Nov. 19, 2019.

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

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

**Absent:** 1 - Councilman DiCiccio

## **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:

#### Neighborhood Block Watch Oversight Committee

Appoint Jerry Eisen, replacing Tracey Church, for a term to expire on Nov. 19, 2019, as recommended by Councilman DiCiccio.

#### North Mountain Village Planning Committee

Appoint Joshua Matthews, replacing Bret Aldieri, for a term to expire on Nov. 19, 2018, as recommended by Councilwoman Stark.

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

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

**Absent:** 1 - Councilman DiCiccio

Mayor Stanton administered the oath of office to the following Boards and Commissions appointees:

Alexander Benezra  
Andrea Hardy  
Veronyka Lockhart  
Gary Flunoy  
Fred Hepperle  
Mariko Miller  
Masavi Perea  
Carolina Lopez  
Janielle Penner

Joshua Matthews  
Antoinette B. Grimes

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, as appears below.

Note: A speaker comment card was submitted in favor of Item 8 by Robert Scimeca, but he did not wish to speak.

**A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that items 3 through 11, except Items 3, 7, 10 and 11, be recommended for approval. The motion carried by voice vote:**

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

**Absent:** 1 - Councilman DiCiccio

#### **4 Liquor License - CVS/pharmacy #10615**

Request for a liquor license. Arizona State License 09070474.

##### **Summary**

##### Applicant

Jason Morris, Agent

##### License Type

Series 9 - Liquor Store

##### Location

5450 W. Happy Valley Road

Zoning Classification: C-2 PCD

Council District: 1

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

The 60-day limit for processing this application is Dec. 11, 2017.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

“CVS/pharmacy holds approximately 6,500 licenses to sell alcoholic beverages throughout the United States and has comprehensive measures in place, including training programs, to ensure compliance



with alcohol-related laws and regulations. CVS/pharmacy has over 145 stores in Arizona, the majority of which hold a Series 9/liquor store or Series 10/beer & wine store license with an excellent record with the state liquor department.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: “CVS/pharmacy is committed to providing quality goods and service to its customers. The ability to see alcoholic beverages assures that customers are conveniently and substantially served by a responsible retailer.”

#### 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 - CVS/pharmacy #10615

Liquor License Map - CVS/pharmacy #10615

**This item was recommended for approval.**

### **5 Liquor License - Harkins Norterra 14**

Request for a liquor license. Arizona State License 07073502.

#### **Summary**

#### Applicant

Andrea Lewkowitz, Agent

#### License Type

Series 7 - Beer and Wine Bar

#### Location

2550 W. Happy Valley Road

Zoning Classification: C-2 M-R PCD

Council District: 1

This request is for an ownership and location transfer of a liquor license

for a movie theater. This location was not previously licensed for liquor sales and does not have an interim permit.

The 60-day limit for processing this application is Dec. 9, 2017.

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

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

“Applicant is an experienced licensee committed to upholding the highest standards to maintain compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service.”

The public convenience requires and the best interest of the community

will be substantially served by the issuance of the liquor license because: "Harkins Theatres would like to offer guests 21 and over the opportunity to enjoy alcoholic beverages as an incident to their theatre experience."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Harkins Norterra 14

Liquor License Map - Harkins Norterra 14

**This item was recommended for approval.**

**6 Liquor License - Whole Foods Market**

Request for a liquor license. Arizona State License 09071005 & 09071005S.

**Summary**

Applicant

Jeffrey Roff, Agent

License Type

Series 9 - Liquor Store with Sampling Privileges

Location

7111 E. Mayo Blvd.

Zoning Classification: C-2

Council District: 2

This request is for an ownership and location transfer of a liquor license, plus sampling privileges for a grocery store. This location is currently licensed for liquor sales with a Series 7 - Beer & Wine Bar and a Series 10 - Beer and Wine Store, liquor license.

The 60-day limit for processing this application is Dec. 9, 2017.

Pursuant to A.R.S. 4-203, a spirituous liquor license shall be issued only after satisfactory showing of the capability, qualifications and reliability of the applicant and that the public convenience and the best interest of the

community will be substantially served by the issuance. If an application is filed for the issuance of a license for a location, that on the date the application is filed has a valid license of the same series issued at that location, there shall be a rebuttable presumption that the public convenience and best interest of the community at that location was established at the time the location was previously licensed. The presumption shall not apply once the licensed location has not been in use for more than 180 days.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

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

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

"Whole Foods Market offers a variety of natural/fresh food choices, as well as beer and wine. Many customers have requested to purchase spirituous liquor in addition to their current food/beverage inventory. Applicant would like to offer its customers 21 and over the option of purchasing spirits to their shopping experience."

#### 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 - Whole Foods Market

Liquor License Map - Whole Foods Market

**This item was recommended for approval.**

**8 Liquor License - PHX Sports Grill**

Request for a liquor license. Arizona State License 06070651.

**Summary**

Applicant

Andrea Lewkowitz, Agent

License Type

Series 6 - Bar

Location

4531 N. 7th St.

Zoning Classification: C-2

Council District: 4

This request is for an ownership transfer of a liquor license for a bar. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Dec. 12, 2017.

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

use for more than 180 days.

#### Other Active Liquor License Interest in Arizona

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

#### Public Opinion

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

#### Applicant's Statement

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

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

“Applicant is an experienced licensee committed to upholding the highest standards to maintain compliance with applicable laws. Managers and staff will be trained in the techniques of legal and responsible alcohol sales and service.”

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

“PHX Sports Grill will open in the space previously occupied by Roscoe's. Applicant is a fun, friendly neighborhood sports grill, and would like to continue to offer guests 21 and over the opportunity to enjoy alcoholic beverages as an incident to the meals guests enjoy.”

#### 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 - PHX Sports Grill

Liquor License Map - PHX Sports Grill

**This item was recommended for approval.**

**9 Liquor License - Wildflower Bread Company**

Request for a liquor license. Arizona State License 1207B191.

**Summary**Applicant

Louis Basile, Agent

License Type

Series 12 - Restaurant

Location

5813 N. 7th St., Ste. 130

Zoning Classification: C-2

Council District: 6

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

The 60-day limit for processing this application is Dec. 3, 2017.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"I have spent the last 38 years as a food service professional. I have completed the basic Title Four Training Program. Wildflower prides itself on having systems that ensure our employees are trained and understand the responsibilities that come with serving beer & wine."

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

"Wildflower is an everyday affordable restaurant that allows all different people to enjoy great food in a welcoming environment. The addition of beer & wine will provide patrons who choose to enjoy a beverage with their meal this opportunity."

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 - Wildflower Bread Company

Liquor License Map - Wildflower Bread Company

**This item was recommended for approval.**

**3 (CONTINUED FROM NOV. 15, 2017) - Liquor License - Deep Roots Brewing**

Request for a liquor license. Arizona State License 03073116.

**Summary**



Applicant

Steven Eldridge, Agent

License Type

Series 3 - Microbrewery

Location

815 W. Madison St.

Zoning Classification: A-1 CMOD

Council District: 7

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

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

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

#### Applicant's Statement

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

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

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

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

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

#### Staff Recommendation

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

#### Attachments

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

**Discussion**

Steven and Dawn Eldridge submitted speaker comment cards in favor of Item 3 but declined the opportunity to speak.

Mike McQuaid submitted a speaker comment card in opposition to Item 3 but declined the opportunity to speak.

Councilman Nowakowski noted he met with the applicant, CASS and other individuals that did services at the homeless campus. He shared that some of the concerns individuals had regarding alcohol in the area dealt with parking and the safety of patrons going to the business. He spoke about the different programs the City of Phoenix had created such as Phoenix cares and the patrolling of police officers in the area. He explained that he was concerned with stipulations that the applicant had said he was okay with because the city could not implement.

**A motion was made by Councilman Nowakowski, seconded by Councilwoman Williams, that this item be forwarded without recommendation. The motion carried by the following vote:**

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

**Absent:** 1 - Councilman DiCiccio

**7 Liquor License - Dirty's Topless Bar & Patio**

Request for a liquor license. Arizona State License 06070689.

**Summary**Applicant

Eben McKenzie, Agent

License Type

Series 6 - Bar

Location

3308 Grand Ave.

Zoning Classification: C-3

Council District: 4

This request is for an ownership transfer of a liquor license for a topless bar. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Dec. 4, 2017.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

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

Applicant's Statement

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

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

"I graduated from Arizona State University in 2000 with a B.S. in Psychology and a B.S. in Marketing. In 2003, I graduated with a Master's degree in Counseling Psychology. After graduation, I worked for myself in real estate and owned and operated other businesses. I have completed both basic and management title 4 training."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "I will be an outstanding operator at this location. I will make improvements to the building. The public would be inconvenienced by having alcohol at this location. This location has previously had alcohol. I will also be serving food for the public and I have retained an experienced chef."

#### Staff Recommendation

Staff recommends approval of this application.

#### Attachments

Liquor License Data - Dirty's Topless Bar & Patio

Liquor License Map - Dirty's Topless Bar & Patio

#### **Discussion**

David Dow, attorney for the applicant spoke in favor of the item. He stated there were no protests filed for the item. He listed the applicant's credentials/experience and noted the Police did not object to the liquor license and that staff was recommending approval.

James Gard and Eben McKenzie submitted speaker comment cards in favor of Item 7 but declined the opportunity to speak.

**A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that this item be forwarded without recommendation. 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:** 1 - Councilman Waring

**Absent:** 1 - Councilman DiCiccio

**10 Liquor License - Special Event - Ballet Folklorico Quetzalli-AZ, Inc.**

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

**Summary**Applicant

Vanessa Ramirez

Location

201 W. Washington St.

Council District: 7

Function

Festival

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

Dec. 9, 2017 - 10 a.m. to 6 p.m. / 1,200 attendees

Dec. 10, 2017 - 10 a.m. to 6 p.m. / 1,300 attendees

Staff Recommendation

Staff recommends approval of this application.

**Discussion**

Councilman Nowakowski acknowledged Food City and the work they do for the community. He stated a Thanksgiving meal had been organized at the McDonalds on Central and Southern for the last 24 years, however the owner had sold the McDonalds. He stated that Food City stepped in and served over 3,000 meals to members of the community.

**A motion was made by Councilman Nowakowski, seconded by Councilwoman Williams, that this item be recommended for approval.**

**The motion carried by voice vote:**

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

**Absent:** 1 - Councilman DiCiccio

**11 Liquor License - Pink Bunnys**

Request for a liquor license. Arizona State License 06070524.

**Summary**

Applicant

Lauren Merrett, Agent

License Type

Series 6 - Bar

Location

2438 E. McDowell Road

Zoning Classification: C-2

Council District: 8

This request is for an ownership transfer of a liquor license for a topless bar. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The 60-day limit for processing this application is Dec. 9, 2017.

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

Other Active Liquor License Interest in Arizona

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

Public Opinion

One letter protesting the issuance of this license has been received and is on file in the Office of the City Clerk. The letter is from the Greater Green Gables Neighborhood Association. They feel that another adult club is not needed in the area and they do not support the granting of this license.

#### Applicant's Statement

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

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

"This application is person transfer of an existing license that I acquired through a non-judicial foreclosure of a legal interest. I intend to keep the business open and will attend liquor law training classes. As appropriate, I will employ professionals to assist me."

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

"This location is licensed with an existing license for which I am submitting a person transfer. The existing license currently serves the public convenience and the best interest of the community."

#### Staff Recommendation

Staff gave careful consideration to the protest letter received, however after reviewing the application in its entirety staff is recommending approval of this application.

#### Attachments

Liquor License Data - Pink Bunnys

Liquor License Map - Pink Bunnys

#### **Discussion**

Councilwoman Gallego stated that Pink Bunnys was in District 8 and noted she had received comments from the neighborhood stating that the license had not been in active use for adult use for more than 180 days. She stated she wanted to move for disapproval of the liquor license



based on several concerns, including neighborhood protests about granting another liquor license at the location. She stated the license was not needed and did not contribute to the current positive economic and real estate growth of the area.

Mayor Stanton noted that no speaker cards had been submitted for the item.

**A motion was made by Councilwoman Gallego, seconded by Vice Mayor Pastor, that this item be recommended for denial. The motion carried by the following vote:**

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

**Absent:** 1 - Councilman DiCiccio

### **ORDINANCES, RESOLUTIONS AND NEW BUSINESS**

**A motion was made that Items 12-92 be approved or adopted, except Items 13, 14, 25-27, 48, 51, 52, 62, 76, 78-80, and 85-92. The motion carried by the following vote:**

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

**Absent:** 1 - Councilman DiCiccio

Items 12-24, Ordinance S-44072 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.

#### **12 RKS Plumbing & Mechanical, Inc.**

For \$200,000.00 in additional payment authority for Contract 133869 with

RKS Plumbing & Mechanical, Inc. to provide plumbing and rotor rooter services for the Aviation Department on an as-needed basis. The contractor provides piping repairs on domestic water booster, sewage ejector and emergency plumbing repairs throughout Phoenix Sky Harbor International Airport, Deer Valley Airport and Goodyear Airport.

**This item was adopted.**

**15 Crawford Mechanical Services, LLC**

For \$70,000.00 in payment authority for a new contract, entered on or about Dec. 1, 2017 for a term of five years, for maintenance of environmental units at the Pueblo Grande Museum for the Parks and Recreation Department. The preventative maintenance services will keep the air quality, airflow, humidity and temperature at the required level for the storage and preservation of artifacts.

**This item was adopted.**

**16 Premier Table Linens**

For \$11,436.00 in payment authority to purchase table skirting in multiple sizes for the Phoenix Convention Center Department. Table skirting is frequently used by clients for conferences, meetings, trade shows and conventions throughout the Phoenix Convention Center and venues.

**This item was adopted.**

**17 Fluoresco Services, LLC**

For \$24,000.00 in additional payment authority for Contract 141737, for high-rise light pole maintenance and repairs, for the Parks and Recreation Department. This contract provides maintenance and repairs of light poles and replacement of light bulbs for various athletic fields located throughout the City of Phoenix.

**This item was adopted.**

**18 Settlement of Claim Robert McGowan**

To make payment of \$33,595.00 in settlement of claim Robert McGowan, 16-1108-001, AU PD, for the Finance Department pursuant to Phoenix City Code Chapter 42.

**This item was adopted.**

**19 Housing Operations and Management, doing business as HOM, Inc.**

For \$90,000.00 in payment authority to purchase eligibility and leasing services for special populations under the Housing Department's Section 8 Housing Choice Voucher (HCV) Program. Services provided by HOM, Inc. include the HCV application process, background checks, eligibility assessment, rent reasonableness study, housing quality inspections, lease preparation and execution of Housing Assistance Payment contracts in accordance with federal regulations 24 C.F.R. 982. This expenditure is necessary for the Housing Department to meet the U.S. Department of Housing and Urban Development (HUD) requirements of the HCV program. There is no impact to the General Fund. Funds for this item are provided by HUD, through the Housing Department's Section 8 HCV Program.

**This item was adopted.**

**20 Arizona Grand Resort, LLC**

For \$20,000.00 in payment authority for a new contract, entered on or about Dec. 1, 2017, for a term of 60 days, for venue and catering services for the 2017 Senior Volunteer Recognition Event for the Human Services Department. The 2017 Senior Volunteer Recognition Event recognizes approximately 425 community volunteers serving seniors throughout the year at 15 senior centers. All venue services will be paid by private funds and does not include city dollars.

**This item was adopted.**

**21 RiskSense, Inc.**

For \$236,000.00 in additional payment authority for Contract 142524, through June 30, 2018, to perform services required in support of the City's compliance with Payment Card Industry (PCI) Data Security Standards (DSS) for the Information Technology Services Department. Compliance with PCI DSS is mandated by the payment card industry in order for the City to process payment card transactions. The City processes more than 3 million credit card transactions annually, totaling more than \$200 million. Failure to maintain PCI compliance will result in fines being levied by the payment card companies and could include the termination of the City's ability to accept credit card payments. Professional services will include testing, a risk assessment, and assistance to the City on official validation of PCI DSS compliance.

**This item was adopted.**

**22 WC & Partners, Inc.**

For \$35,000.00 in payment authority for a new contract, entered on or about Oct. 6, 2017, for a term of one year, for consulting services in preparation for the Food and Beverage Request for Proposals (RFP) process for the Phoenix Convention Center Department (PCCD). WC & Partners is working as a hospitality industry consultant for PCCD to ensure the highest level of quality and service with the greatest financial return to the City, incorporate industry best practices, and ensure a robust and transparent procurement and evaluation process. The consulting firm will assist PCCD staff with the development of the RFP scope of services, evaluation criteria, compilation of a knowledgeable evaluation panel and ensure the City obtains the greatest opportunity for financial return with premium quality offerings.

**This item was adopted.**

**23 Salt River Project Agricultural Improvement and Power District, doing business as SRP**

For \$100,000.00 in payment authority to purchase herbicide treatment of the Laveen Area Conveyance Channel (LACC) to prevent the buildup of algae for the Street Transportation Department. This is for the application of environmentally safe algae growth control chemicals to assist with the removal of debris and algae from the LACC for the next 5 years.

**This item was adopted.**

**24 J.R. Filanc Construction Company, Inc.**

For \$23,457.00 in additional payment authority for Contract 143086, Change Order 1 (Project WS85320024-2), for Construction Manager at Risk (CMAR) Design Phase Services for the Union Hills Water Treatment Plant Rehabilitation 2016 Project, for the Water Services Department. This new scope addition for the CMAR will support the engineer's new additional design services for the rehabilitation of water treatment facilities and equipment at the Union Hills Water Treatment Plant located in the area of Deer Valley and Cave Creek roads.

**This item was adopted.**

**28 Request to Change Start Time of Dec. 5, 2017 Executive Session from 1 p.m. to Noon**

Request City Council authorization to change the start time of the Dec. 5, 2017 Executive Session from 1 p.m. to noon.

The Dec. 5, 2017 Executive Session will be held in the East Conference Room, 12th Floor of Phoenix City Hall, 200 W. Washington St., Phoenix, Arizona. It is anticipated that the agenda will have a number of items for discussion, and the additional hour will allow sufficient time to hear all of the items.

**Public Outreach**

The Notice and Agenda for the Dec. 5, 2017 Executive Session will be posted no later than noon on Dec. 4, 2017.

**This item was approved.**

**29 Reappointment of Municipal Court Judge**

This item requests to reappoint Judge Monyette Nyquist to a four-year term expiring Dec. 19, 2021.

**Summary**

On Oct. 23, 2017, the Judicial Selection Advisory Board recommended her reappointment to the Public Safety and Veterans Subcommittee.

On Nov. 8, 2017, the Public Safety and Veterans Subcommittee unanimously recommended her reappointment as judge of the Municipal Court.

**This item was approved.**

**30 Purchase of Consumables for Qiagen Laboratory Instruments - RFA 18-030 (Ordinance S-44078)**

Request to authorize the City Manager, or his designee, to enter into a contract with Qiagen, Inc. for the purchase of laboratory equipment consumables in the amount not to exceed \$375,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The contract will provide the Police Department, Laboratory Services Bureau, Forensic Biology Section with consumables for the Qiagen instruments for the processing of deoxyribonucleic acid (DNA) evidence

collected from crime scenes. These consumables are necessary to provide DNA profiles in order for law enforcement to investigative leads of potential criminal suspects.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Special Circumstance Without Competition Determination Memo citing Qiagen, Inc. as the manufacturer and sole provider of the consumables for the Qiagen instruments. A Special Circumstance Without Competition Determination Memo was completed and approved by the Deputy Finance Director recommending the procurement with Qiagen, Inc. be accepted.

**Contract Term**

The five-year contract will begin on or about Jan. 1, 2018 and end on or about Dec. 31, 2022.

**Financial Impact**

Expenditures against this contract shall not exceed the aggregate amount of \$375,000 (including applicable taxes). Funds are available in the Police Department's budget.

**This item was adopted.**

**31 Holmatro Equipment Parts and Services-Requirements  
Contract-RFA 12-034A (Ordinance S-44080)**

Request to authorize the City Manager, or his designee, for additional payment authority under Contract 133870 with Extrication Concepts to provide parts, supplies and services for the Fire Department. The additional funds will not exceed \$60,000 and the total aggregate will not exceed \$150,000. Further request authorization for City Controller to disburse all funds related to this item.

**Summary**

The additional funds are necessary for the purchase of Holmatro hydraulic equipment and systems used for rescue, industrial and special tactics operations by the Fire Department. Holmatro products are used for cutting, spreading and prying materials for extrication, shoring of confined space entry of automobiles, buildings and other necessary equipment during various rescue operations. The purchase of these

goods and services are a critical part of the Fire Department's efforts to provide life safety services to the public.

**Contract Term**

The contract term is through May 31, 2018.

**Financial Impact**

The additional payment authority of \$60,000 is being requested upon Council approval through the contract term of May 31, 2018 with the total aggregate to not exceed \$150,000. In addition, for each DPU-31 pumped trade in, a 22.75% discount for each new pump purchased is being offered by the vendor. Funds are available in the department's budget.

**This item was adopted.**

**32 Purchase of Fourier Transform Infrared (FTIR) Microscope and Annual Service Maintenance Agreement - Requirements Contract - IFB 18-031 (Ordinance S-44090)**

Request to authorize the City Manager, or his designee, to enter into a contract with Thermo Electron North America, LLC to provide a Fourier Transform Infra-Red (FTIR) Microscope and annual service maintenance agreement in the amount not to exceed \$98,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The FTIR Microscope will be used in the Police Department's Laboratory Services Bureau, Trace Analysis Section. It performs analysis on a wide variety of physical evidence, including: fibers, paints, explosives, tapes, and miscellaneous materials related to various types of criminal investigations to help ensure public safety.

**Procurement Information**

IFB 18-031, Fourier Transform Infrared (FTIR) Microscope and Annual Service Maintenance Agreement - Requirements Contract was conducted in accordance with Administrative Regulation 3.10. The solicitation was emailed to 36 vendors and was posted on the City's website. Three offers were received by the Procurement Division on Sept. 29, 2017. Two bids were deemed nonresponsive.

Thermo Electron North America, LLC \$97,434

The Deputy Finance Director recommends the offer from Thermo Electron North America, LLC be accepted as the lowest priced, responsive and responsible offer.

**Contract Term**

The five year contract will begin on or about Dec. 1, 2017 and end on or about Nov. 30, 2022.

**Financial Impact**

The expenditures against this contract shall not exceed the aggregate amount of \$98,000. Funds are available in the Police Department's budget.

**This item was adopted.**

**33 Purchase of Custom Evidence Bags with Seals - Requirements Contract - IFB 17-145 (Ordinance S-44093)**

Request to authorize the City Manager, or his designee, to enter into a contract with Culvapak, LTD, dba Bags of Bags, to purchase Custom Evidence Bags with Seals for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$1,518,400.

**Summary**

The Police Department, sworn and non-sworn personnel, use evidence bags with seals to secure and maintain the integrity of all impounded items for long-term storage. The bags must maintain quality standards for a minimum of five years and have a secured seal to prove the bags have not been tampered with in the event the evidence is presented in a criminal trial.

**Procurement Information**

IFB 17-145 - Custom Evidence Bags with Seals - Requirements Contract, was conducted in accordance with Administrative Regulation 3.10. The solicitation was emailed to 55 vendors and was posted on the City's website. Two offers were received on Oct. 13, 2017; one offer was deemed nonresponsive because the proposer took exceptions to the



requirements.

Culvapak, LTD dba Bags of Bags: \$303,680.63

The Deputy Finance Director recommends the offer from Culvapak, LTD dba Bags of Bags be accepted as the lowest-priced, responsive and responsible offer.

### **Contract Term**

The five-year contract term will begin on or about Dec. 1, 2017 and end on or about Nov. 30, 2022.

### **Financial Impact**

The expenditures against this contract shall not exceed the aggregate amount of \$1,518,400 (including applicable taxes). Funds are available in the Police Department's budget.

**This item was adopted.**

## **34 Herberger Theater Lighting Control Console - IFB 18-063 (Ordinance S-44095)**

Request to authorize the City Manager, or his designee, to enter into a contract with Clearwing Productions Arizona, LLC to provide the Phoenix Convention Center Department (PCCD) with theater lighting control systems for the Herberger Theater Center. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$118,000.

### **Summary**

The theater lighting control systems will replace current equipment that has outlived its expected service life and is no longer supported by the manufacturer for the Herberger Theater Center, in both Center Stage and Stage West facilities. The new equipment will ensure continuity between all of the venues that the PCC maintains.

### **Procurement Information**

IFB 18-063, Herberger Theater Lighting Control Console, was conducted in accordance with Administrative Regulation 3.10. The solicitation was emailed to 47 vendors and posted on the City's website. Two offers were received by the Procurement Division on October 13, 2017. Following are the two offers with prices listed.

Clearwing Productions Arizona, LLC: \$106,668.48

Barbizon Lighting Company: \$254,453.10

The Deputy Finance Director recommends that the offer from Clearwing Productions Arizona, LLC be accepted as the lowest-priced, responsive and responsible offer.

**Contract Term**

This is a one-time purchase to be issued on or about Nov. 30, 2017.

**Financial Impact**

The amount of the one-time purchase will not exceed \$118,000 (including applicable taxes). Funds are available in the PCCD budget.

**This item was adopted.**

**35 Hearing Officer Services (Ordinance S-44096)**

Request to authorize the City Manager, or his designee, to enter into contracts with Craig Steblay, Elizabeth (Betty) Drake, Frank Dolasinski, Michael T. Milillo, Michael Widener, and Ray Jacobs for public hearing officer services for the Planning and Development Department. Further request authorization for the City Controller to disburse funds related to this item. The five-year aggregate value of all contracts will not exceed \$525,000, with an estimated annual expenditure of \$105,000.

**Summary**

The City of Phoenix Planning and Development Department utilizes hearing officer services on an as needed, assignment basis to provide an impartial and transparent hearing for zoning, zoning takings, zoning adjustment, historic preservation, and others hearings as deemed necessary by the City. Hearing officers conduct public hearings pursuant to open meeting law requirements, analyze merits of the case, and render decisions with documented findings.

**Procurement Information**

Request for Qualifications (RFQ) 17-189 was conducted in accordance with Administrative Regulation 3.10, with the intent of establishing a Qualified Vendor List (QVL) of qualified vendors to perform hearing officer services. There were seven offers received by the Finance Department's Procurement Division on Sept. 1, 2017. The offers were evaluated by a committee and interviews were held with all offerors. One offer was disqualified for failure to demonstrate the qualifications

necessary to provide hearing officer services. The following are being recommended to the QVL:

- Craig Steblay
- Elizabeth (Betty) Drake
- Frank Dolasinski
- Michael T. Milillo
- Michael Widener
- Ray Jacobs

The Deputy Finance Director recommends that the offers from the above vendors be accepted as responsive and responsible offers that are most advantageous to the City.

#### **Contract Term**

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

#### **Financial Impact**

The five-year aggregate value of all contracts will not exceed \$525,000, with an estimated annual expenditure of \$105,000. Funds are available in the Planning and Development Department's budget.

**This item was adopted.**

#### **36 Purchase of Paratech Lifting Equipment - RFA 18-103 (Ordinance S-44099)**

Request to authorize the City Manager, or his designee, to enter into a contract with L.N. Curtis and Sons to provide the Fire Department with Paratech Lifting Equipment. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$261,250.

#### **Summary**

The Fire Department, Special Operations Training, will replace current equipment that has outlived its expected service life with Paratech Lifting Equipment. The Fire Department utilizes Paratech Lifting Equipment for fast stabilization and safe lifting of heavy weights in lifesaving rescue

situations, protecting firefighters and the public in emergency situations.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Determination Memo citing L.N. Curtis and Sons as the only provider in the State of Arizona that best meets the specifications and performance standards of the City of Phoenix Fire Department. A Determination Memo was completed and approved by the Deputy Finance Director recommending the procurement with L.N. Curtis and Sons, be accepted.

**Contract Term**

The five-year contract will begin on or about Dec. 1, 2017 and end on or about Nov. 30, 2022.

**Financial Impact**

The expenditures against this contract shall not exceed the aggregate amount of \$261,250. Funds are available in the Fire Department's budget.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.

**This item was adopted.**

**37 Acceptance and Dedication of Easements for Sidewalk Purposes (Ordinance S-44102)**

Request for the City Council to accept and dedicate easements for sidewalk 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: OFMM2, LLC, its successor and assigns

Purpose: Sidewalk

Location: 4705 N. 7th St.

File: FN170096

Council District: 4

Easement (b)

Applicant: 2722 Investments, LLC, its successor and assigns

Purpose: Sidewalk

Location: 2722 N. 7th St.

File: FN170108

Council District: 4

**This item was adopted.**

**38 Acceptance of Easements for Public Utility Purposes (Ordinance S-44103)**

Request for the City Council to accept easements for public utility 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: 3 Dog Lending, LLC, its successor and assigns

Purpose: Public Utilities

Location: 4020 N. 40th Place

File: FN170102

Council District: 6

Easement (b)

Applicant: Ramin Ron Eghrari, its successor and assigns

Purpose: Public Utilities

Location: 8033 N. 14th Place

File: FN170109

Council District: 6

Easement (c)

Applicant: Marcos E. Guerrero, its successor and assigns

Purpose: Public Utilities

Location: 217 W. Tamarisk St.

File: FN170099

Council District: 7

Easement (d)

Applicant: Avril A. Hogan, its successor and assigns

Purpose: Public Utilities

Location: 2213 N. 23rd Place

File: FN170103

Council District: 8

**This item was adopted.**

**39      RMS Enhancements - National Incident-Based Reporting System  
(Ordinance S-44107)**

Request to authorize the City Manager, or his designee, to enter into a contract with Hexagon Safety & Infrastructure to provide National Incident-Based Reporting System (NIBRS) implementation services for the Police Department. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value shall not exceed \$119,000.

**Summary**

The Police Department was awarded a grant from the United States Department of Justice, Bureau of Justice Statistics to assist in the transition from the Uniform Crime Reporting (UCR) Summary reporting to UCR NIBRS reporting. The Federal Bureau of Investigations (FBI) requires all public safety agencies to transition to UCR NIBRS reporting by 2020. In order to comply with the FBI requirement, it is necessary to implement enhancements to the Police Records Management System (RMS).

Hexagon Safety & Infrastructure will provide services, including but not limited to: 1) assist in the analysis of the inPURSUIT RMS NIBRS compliance and fit/gap to ensure system is collecting and validating data; 2) make necessary software configuration and customization changes; and 3) address any issues of data quality resulting from submission testing to the Arizona Department of Public Safety.

This item has been reviewed and approved by the Information

Technology Services Department.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo citing inPURSUIT RMS is proprietary and copyrighted software owned by Hexagon Safety & Infrastructure.

The Deputy Finance Director recommends that the contract with Hexagon Safety & Infrastructure be accepted.

**Contract Term**

The one-year contract term shall begin on or about Nov. 29, 2017. Provisions of the contract may include an option to extend the term up to one year, which may be exercised by the City Manager or his designee.

**Financial Impact**

The aggregate contract value shall not exceed \$119,000. Funds are available in the Police Department's budget.

**Location:**

620 W. Washington St.

Council District: 7

**This item was adopted.**

**40 Authorization to Apply for Judicial Collection Enhancement Fund to Replace Aging A/C Equipment (Ordinance S-44108)**

Request authorization for the Phoenix Municipal Court to apply for \$175,000 in grant funding from the Arizona Supreme Court-administered local Judicial Collection Enhancement Fund (JCEF) to replace and upgrade the air conditioning units in the Court's computer room. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

The two aging air conditioning units currently located in the Court's computer room have begun to experience mechanical issues and have reached the recommended replacement age. In order to ensure the stability and supportability of the Court's computer systems, and by

extension business operations, it is essential that these units be replaced.

**Financial Impact**

Funding is available in the Phoenix Municipal Court local JCEF account. The 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 Section 14-113. No General Fund dollars will be used.

**This item was adopted.**

**41      Transfer of Retirement Funds to Arizona State Retirement System (Ordinance S-44104)**

Request authorization for the City Manager, or his designee, to transfer retirement funds for Jannet Ortega in the amount of \$6,312.15 to the Arizona State Retirement System, and further request authorization for the City Controller to disburse funds.

**Summary**

Pursuant to Arizona Revised Statutes, sections 38-730 and 38-922, retirement service credits for former members of the City of Phoenix Employees' Retirement System (COPERS) may be transferred to the Arizona State Retirement System (ASRS) upon approval by the Council. The following former City of Phoenix employee has requested the balance of their credited service:

|                |            |
|----------------|------------|
| Ortega, Jannet | \$6,312.15 |
|----------------|------------|

**Concurrence/Previous Council Action**

The COPERS Board approved this item at its Nov. 2, 2017, meeting.

**This item was adopted.**

**42      (CONTINUED FROM NOV. 15, 2017) - 2018-19 Request for Proposals - Community Development Block Grant Public Services and Public Facilities (Ordinance S-44044)**

This report requests City Council approval of the Community Development Block Grant (CDBG) Public Services and Public Facilities Request for Proposals (RFP) process and proposed priorities for the Public Services and Public Facilities program.



**Summary**

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

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

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

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

**Procurement Information**

The 2018-2019 RFP proposed priorities are as follows:

### Public Services

Low Income Youth Services

Support Services to Persons with Disabilities

Senior Support Services

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

### Public Facilities

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

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

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

### **Public Outreach**

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

### **Concurrence/Previous Council Action**

This item was recommended by the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on Oct. 17, 2017, by a vote of 3-0 with approximately \$250,000 of the \$500,000 available for Public Services to be set-aside for two additional Navigator teams of two to assist homeless individuals.

**This item was adopted.**

**43 Authorization to Amend Lease 125301 with The Chinese Senior Citizens Association to Extend the Term (Ordinance S-44109)**

Request to authorize the City Manager, or his designee, to amend City Contract 125301 with The Phoenix Chinese Senior Citizens Association to extend the lease term for a two-year period with three additional two-year options. Further request authorization for the City Controller to disburse funds related to this item. Annual base rent during the initial two-year extension is \$57,314.76.

**Summary**

The Human Services Department currently leases approximately 7,762 square feet of interior ground floor space at 734 W. Elm St. for operation of the Phoenix Chinese Senior Center and Senior Citizens Nutrition Program. The City is currently in the final option period of the lease term through Dec. 31, 2017. The lease term will be extended for a two-year period with three additional two-year options. The monthly base rent will be \$4,776.23 plus applicable taxes during the initial extension period through Dec. 31, 2019. Base rent will be adjusted to the then-prevailing market rate at the beginning of each option period.

**Financial Impact**

Annual base rent during the initial two-year extension is \$57,314.76.

**Concurrence/Previous Council Action**

This contract was approved by Ordinance 40380, adopted Nov. 20, 2013.

**Location**

734 W. Elm St.

Council District: 4

**This item was adopted.**

**44 Authorization to Amend Intergovernmental Agreement 140755 to Accept Additional DES Funding (Ordinance S-44115)**

Request authorization for the City Manager, or his designee, to amend Intergovernmental Agreement (IGA) 104755 with the Department of Economic Security to accept additional funding in the amount of

\$320,166 for a contract total of \$8,023,838 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 420 additional emergency financial assistance services for a total of 12,049 services.

**Contract Term**

This is an amendment to the IGA term from July 1, 2017 through June 30, 2018. This is the first amendment for this contract term.

**Financial Impact**

Funding for fiscal year 2018 will be provided from various fund sources (Attachment A). There are no matching fund requirements.

**This item was adopted as revised.**

**45 Request to Accept Pulliam Foundation Funds to Assist During the Holiday Season (Ordinance S-44100)**

Request to authorize the City Manager, or his designee, to accept a grant award of up to \$22,800 from the Nina Mason Pulliam Charitable Trust. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

The Pulliam Charitable Trust donation will be used to assist low-income families and individuals by removing barriers through housing assistance and eviction prevention services. This donation will allow the Human Services Department to assist approximately 45 families and individuals in remaining housed during the holiday season.

**Financial Impact**

No General Funds are required to receive this funding.

**This item was adopted.**

**46 Library Materials and Associated Services (Ordinance S-44097)**

Request to authorize the City Manager, or his designee, to enter into contracts with Brodart, Baker & Taylor, Recorded Books, Midwest Tape, Ingram Library Services, Multicultural Books and Videos, and Chulainn Publishing Corp., for the supply of physical library books and audio-visual materials and/or associated services for the Library Department. Further request authorization for the City Controller to disburse funds related to this item. The five-year aggregate value of all contracts will not exceed \$22,650,000, with an annual estimated expenditure of \$4,530,000.

**Summary**

The Phoenix Public Library (PPL) system currently consists of 17 library locations. PPL will utilize these vendors to provide physical library books, audio-visual materials, and related services in order to meet the diverse needs of City of Phoenix library patrons. The PPL system maintains a centralized system for providing all PPL locations, programs and services with technical, collection development, fiscal, and administrative services. The PPL's catalog includes more than 930,000 titles, 1.5 million physical items, and approximately 1 million library cardholders. Annual circulation was almost 13 million items in fiscal year 2015-16.

**Procurement Information**

Request for Qualifications (RFQu) 17-201 was conducted in accordance with Administrative Regulation 3.10, with the intent of establishing a Qualified Vendor List (QVL) of qualified vendors to supply physical library books and audio-visual materials and related services. There were eight offers received by the Finance Department's Procurement Division on Aug. 4, 2017. The offers were evaluated by a committee and one offer was disqualified for failure to satisfy the city's minimum qualification criteria.

The following vendors are being recommended to be included in the QVL:

Brodart  
Baker & Taylor

Recorded Books  
Midwest Tape  
Ingram Library Services  
Multicultural Books and Videos  
Chulainn Publishing Corp.

The Deputy Finance Director recommends that the offers from the above vendors be accepted as responsive and responsible offers that are most advantageous to the City.

#### **Contract Term**

The five-year contract term shall begin on or about Jan. 1, 2018.

#### **Financial Impact**

The five-year aggregate value of all contracts will not exceed \$22,650,000, with an annual estimated expenditure of \$4,530,000. Funds are available in the Library Department's budget.

#### **Concurrence/Previous Council Action**

The Parks, Arts, Education and Equality Subcommittee recommended approval of the solicitation on April 26, 2017 and full City Council recommended approval on May 31, 2017.

**This item was adopted.**

#### **47 Library eResources and Associated Services - RFQu 17-202 (Ordinance S-44098)**

Request to authorize the City Manager, or his designee, to enter into contracts with S&P Global Market Intelligence, Lexis Nexis, Bibliolabs LLC, Sage Publishing, EBSCO Industries, Kanopy LLC, Bibliotheca LLC, Skillsoft Corporation, and Demco Software to supply electronic resources and associated services for the Library Department. Further request authorization for the City Controller to disburse funds related to this item. The five-year aggregate value of the contract will not exceed \$1,327,000, with an annual estimated expenditure of \$265,400.

#### **Summary**

The Phoenix Public Library (PPL) will utilize these contracts to supply the library with eResources pertinent to its customers needs. The PPL system currently consists of 17 library locations and maintains a

centralized system for providing all PPL locations, programs and services with technical, collection development, fiscal, and administrative services. The PPL's catalog includes more than 930,000 titles, 1.5 million physical items, and approximately 1 million library cardholders. Annual circulation was almost 13 million items in fiscal year 2015-16. The Library currently uses an online system composed of: public access, circulation, acquisitions, serials, and cataloging modules. PPL currently has approximately 900 computers available to the public and PPL's website provides access to PPL's catalog, links to content for kids, teens, and Spanish-speaking users, and offers features for creating personal booklists, saving searches, and personalizing access to library information.

**Procurement Information**

Request for Qualifications (RFQu) 17-202 was conducted in accordance with Administrative Regulation 3.10, with the intent of establishing a Qualified Vendor List (QVL) of qualified vendors to supply electronic resources and associated services. There were 12 offers received by the Finance Department's Procurement Division on Aug. 4, 2017. The offers were reviewed by a committee and three offers were disqualified for failure to satisfy the city's minimum qualifications criteria.

The following vendors are being recommended to be included in the QVL:

S&P Global Market Intelligence  
Lexis Nexis  
Bibliolabs LLC  
Sage Publishing  
EBSCO Industries  
Kanopy LLC  
Bibliotheca LLC  
Skillsoft Corporation  
Demco Software

The Deputy Finance Director recommends that the offers from the above vendors be accepted as responsive and responsible offers that are most advantageous to the City.

**Contract Term**

The five-year contract term shall begin on or about Jan. 1, 2018.

**Financial Impact**

The five-year aggregate value of the contract will not exceed \$1,327,000, with an annual estimated expenditure of \$265,400. Funds are available in the Library Department's budget.

**Concurrence/Previous Council Action**

The Parks, Arts, Education and Equality Subcommittee recommended approval of the solicitation on April 26, 2017 and full City Council recommended approval on May 31, 2017.

**This item was adopted.**

**49 Shopping Cart Retrieval Services - City of Tucson Cooperative Contract - 151229 (Ordinance S-44076)**

Request to authorize the City Manager, or his designee, to utilize the City of Tucson Cooperative Contract awarded as a result of solicitation 151229, and to enter into contract with Arizona Grocer's Publishing Company, dba Arizona Cart Services for Shopping Cart Retrieval Services. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate contract value will not exceed \$250,000.

**Summary**

The contractor will provide the Neighborhood Services Department (NSD) with citywide Shopping Cart Retrieval Services. The City maintains a customer service line to receive shopping cart complaints and will forward work orders to the contractor. The Shopping Cart Retrieval Service will complete work orders within two working days of receipt and document a number of pre-determined performance metrics for the service. The Shopping Cart Retrieval Services are an integral part of NSD's blight prevention and removal strategy for Phoenix neighborhoods.

**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. The City of Tucson contract covers Shopping Cart Retrieval Services and was awarded March 24, 2015.

**Contract Term**

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

**Financial Impact**

The aggregate contract value will not exceed \$250,000 (including applicable taxes). Funds are available in the Neighborhood Services Department's budget.

**This item was adopted.**

**50     Authorize Additional Funding to Contract 144230 with Westland Resources, Inc., to Provide Environmental Project Specialist Services (Ordinance S-44105)**

Request to authorize the City Manager, or his designee, to add additional funding to Contract 144230 with Westland Resources, Inc., to provide environmental project specialist services at Rio Salado Habitat Restoration Area. Further request authorization for the City Controller to disburse all funds related to this item. The value of these additional services for the Parks and Recreation Department will not exceed \$90,000 and will cover all required ADEQ consultations, training and inspections.

**Summary**

This contract currently provides the Street Transportation Department with environmental project specialist services. The Parks and Recreation Department also has a need for these services; in particular, ensuring compliance with all Arizona Department of Environmental Quality (ADEQ) permits required under the federal Clean Water Act (CWA). ADEQ requires that these permits be renewed every five years. The contractor, Westland Resources, Inc., will provide development of stormwater pollution prevention plans; consultation under the Endangered Species Act; and National Historic Preservation Act training and inspections. Adding the additional funding to Contract 144230 will enable the Parks and Recreation Department to engage Westland Resources, Inc. for

these services, ensuring continued compliance with ADEQ requirements.

### **Procurement Information**

A Request for Proposals (RFP) was conducted and the City Council approved entering into contracts with four vendors for environmental project specialist services on Nov. 30, 2016, for the Street Transportation Department. Of these four vendors, Westland Resources, Inc., was the only vendor who responded and agreed to assist the Parks and Recreation Department with its current need for these services.

### **Contract Term**

The original contract term is one year, which commenced on Jan. 1, 2017, and included four, one-year options to extend the term of the contract for up to four additional years (for a total of up to five years).

### **Financial Impact**

The value of these additional services for the Parks and Recreation Department will not exceed \$90,000 and will cover all required ADEQ consultations, training and inspections. The funds are available in the Parks and Recreation Department's budget.

### **Concurrence/Previous Council Action**

On Nov. 30, 2016, City Council authorized a one-year agreement and up to four one-year renewal options to provide environmental project specialist services for the Street Transportation Department.

**This item was adopted.**

## **54 Amend City Contract with Ironline Partners, LLC to Extend Escrow for Sale of 135 N. 2nd Ave. (Ordinance S-44111)**

Request to authorize the City Manager, or his designee, to amend City Contract 144573 with Ironline Partners, LLC (Developer) to amend terms pertaining to the due diligence period and to extend the close of escrow by 60 days. The General Fund is not impacted by this action.

### **Summary**

Staff has successfully entered into a disposition and redevelopment agreement with Ironline Partners, LLC, City Contract 144573, for the sale and redevelopment of the City-owned former Human Resources (HR) Building at 135 N. 2nd Ave. The Developer has started their due

diligence items but needs additional time to perform a thorough review of the building. On May 31, 2017, City Council approved an initial extension for the due diligence period. Working with staff, the Developer has secured commitments for adequate parking for the building. Staff requests the following amendments to the Ordinance:

- 1) An additional 60 days be added to the current due diligence period.
- 2) The Developer shall receive sufficient permits to commence the project and close escrow by Jan. 31, 2018.

All other terms and conditions of the City Contract 144573 shall remain in full force and effect.

### **Financial Impact**

The General Fund is not impacted by this action.

### **Concurrence/Previous Council Action**

City Council originally approved Ordinance S-43138 on Jan. 11, 2017, and amended the ordinance via Ordinance S-43587 on May 31, 2017.

### **Location**

The former HR Building is located at 135 N. 2nd Ave. at the southeast corner of Monroe and 2nd Avenue in downtown Phoenix.

Council District: 7

**This item was adopted.**

## **55 Request to Issue a Request for Proposals for Audio-Visual Services**

Request to authorize the City Manager, or his designee, to issue a Request for Proposals (RFP) for Non-Exclusive Audio-Visual and Production Services, including Equipment Rental and Exclusive Rigging Services, for the Phoenix Convention Center Department (PCCD).

### **Summary**

PCCD is in the fourth year of a five-year contract for non-exclusive audio-visual and production services essential to operations at the Convention Center. "Audio-Visual Services" under this contract includes the provision of all labor, insurance, supervision, equipment and incidentals necessary to provide overhead and floor supported rigging,

rigging inspection, sound systems, projection systems, labor and related services directly to PCCD clients. This contract covers the Convention Center only. The services are utilized by clients of the Convention Center in the presentation of conventions, trade shows, meetings and concerts. Providing meeting planners and show managers with a direct link to a contractor for these services is a standard industry practice.

The current contract expires June 30, 2018. A new contract, effective July 1, 2018, is needed to provide continuity of services with no gap in coverage. The selected Proposer will maximize revenues from sales and provide PCCD with a percent commission based on gross receipts as well as create operational efficiencies for the department.

#### **Procurement Information**

The RFP evaluation criteria will cover Proposers' Commission Structure, Operational Plan, Firm History and Experience, Equipment Inventory and Pricing, Financial Strength and Customer Service Initiatives, totaling 1,000 points. It is anticipated that the RFP will be released before the end of 2017.

#### **Financial Impact**

This is a revenue-generating contract. The current contract will generate an estimated total of \$4 million over the life of the contract. It is anticipated that the new contract will generate similar revenue.

#### **Concurrence/Previous Council Action**

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

**This item was approved.**

### **56 Fire Department Automatic Aid Agreements (Ordinance S-44086)**

Request City Council authorization for the City Manager, or his designee, to authorize Fire Department automatic aid agreements with 22 cities, towns, fire districts, and governmental jurisdictions in the Phoenix metropolitan area. The new term for the agreements will be December 2017 through December 2022.

#### **Summary**

The City of Phoenix has been a leader and participant in the automatic aid

system since the 1970s, and spearheaded a more formalized arrangement among membership in 1997. Today there are 22 fire providers that are a part of the automatic aid system, a system that is unique to the Phoenix metropolitan area. The automatic aid agreement calls for the automatic dispatch of fire apparatus and other fire resources to an emergency incident without regard to jurisdictional boundary.

Standards for Fire Department deployment, suppression, and emergency medical operations for career fire departments, such as those in the Valley, are established by the National Fire Protection Association Standard 1710. The standard addresses response times, numbers of personnel, and minimum equipment required on various apparatus, among other things. The proposed amendments to the 1997 agreement add certain requirements to the levels of apparatus staffing and equipment provided by each participant, in order to meet NFPA Standard 1710.

A 2011 Efficiency Study of the Fire Department conducted by Management Partners, Incorporated recognized the Phoenix Fire Department's current automatic aid system as outstanding and stated, "If this system was diluted, Phoenix as well as other surrounding cities could have to expend more resources to obtain the same level of system performance."

Automatic aid systems result in significant savings to the taxpayers of the participating jurisdictions through the sharing of resources and avoiding the need to build redundant capital facilities. In addition, residents also receive a standard level of response.

The current Automatic Aid System participants include 22 fire departments covering 28 jurisdictions: Avondale Fire - Rescue, Buckeye Fire Department, Buckeye Valley Fire District, Chandler Fire Department, Daisy Mountain Fire District, El Mirage Fire Department, Gilbert Fire Department (Dispatched by Mesa), Glendale Fire Department, Goodyear (Litchfield Park) Fire Department, Guadalupe Fire Department, Maricopa Fire Department, Mesa Fire Department (Dispatched by Mesa), Peoria Fire Department, Phoenix (Laveen, Paradise Valley) Fire Department, Arizona Fire Medical Authority (Sun City West, Sun Lakes, Whitman),

Scottsdale Fire Department, Sun City (Youngtown) Fire District, Surprise Fire Department, Tempe Fire Department, Tolleson Fire Department, Queen Creek Fire Department, and Superstition Fire and Medical District.

**Contract Term**

The term for the Automatic Aid Agreements will be from December 2017 through December 2022.

**Financial Impact**

There is no financial impact to the City to authorize the automatic aid agreements.

**This item was adopted.**

**57 Phoenix Urban Area Security Initiative Strategic Planning  
Consultant Services (Ordinance S-44113)**

Request to authorize the City Manager, or his designee, to enter into a contract with Integrated Solutions Consulting, Inc. for strategic planning consultant services for the Phoenix Urban Area Security Initiative (UASI). Further request authorization for the City Controller to disburse funds in an amount not to exceed \$200,000.

**Summary**

The Office of Homeland Security and Emergency Management provides oversight and coordination to the Phoenix Urban Area Security Initiative (UASI). Under the United States Department of Homeland Security, Homeland Security Grant Program, the UASI receives grant funds through the Arizona Department of Homeland Security. Grant funding was awarded to the UASI for the strategic planning update process, and to develop and deliver a comprehensive and consensus based plan that will assist the UASI to efficiently direct and use UASI resources as part of a clearly defined vision for the future. The contractor will develop benchmarks and priority implementation using a two phase approach.

**Procurement Information**

RFP 160-01 was conducted in accordance with Administrative Regulation 3.10. There was one offer received on May 15, 2017.

The Office of Homeland Security and Emergency Management Director recommends that the offer from Integrated Solutions Consulting, Inc. be

accepted as the responsive and responsible offeror.

**Contract Term**

The initial contract term shall begin on or about Dec. 1, 2017 and end Nov. 30, 2018. Provisions of the agreement include options to extend the contract up to two additional years in increments of up to one year, which may be exercised by the Office of Homeland Security and Emergency Management Director if in the City's best interest to do so.

**Financial Impact**

The estimated expenditure over the term of the contract is up to \$200,000. The project will be funded by Homeland Security Grants.

**Concurrence/Previous Council Action**

The Public Safety and Veterans Subcommittee approved the award recommendation on Nov. 8, 2017, by a vote of 3-0.

**This item was adopted.**

**58 Professional Printing Services Qualified Vendor List - RFQ 17-020 (Ordinance S-44094)**

Request to authorize the City Manager, or his designee, to enter into a contract with each qualified proposer of the Request for Qualifications (RFQ) 17-020 to provide professional printing services to the Aviation Department. The contracts may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. Further request authorization for the City Controller to disburse all funds related to this item. The aggregate value for all of the contracts will not exceed \$240,000, with an estimated annual expenditure of \$80,000.

**Summary**

The Aviation Department is seeking to establish a Qualified Vendor List (QVL) for professional printing services. The qualified proposers will provide printing services to enhance the Aviation Department's communication efforts with airport customers, stakeholders, and staff. The QVL has three distinctive commercial print groups: Group A - High End, Sheet Fed, Large Format; Group B - High End, Sheet Fed, Digital Option, Mid-Sized Format; and Group C - Short Run, Digital.

**Procurement Information**

RFQ 17-020 for professional printing services was conducted in accordance with Administrative Regulation 3.10. Seven proposals were received by the Contracts and Services Division of the Aviation Department on Aug. 9, 2017. All seven proposals were deemed responsive.

The proposals were scored by a four-member evaluation committee based on the following criteria: quality of product, business and staff experience and qualifications, method of approach, and references. To qualify for the three commercial print groups, proposers had to score a minimum number of points for Group A, Group B, and Group C. The following are the recommended qualified proposers for the QVL:

Group A - High End, Sheet Fed, Large Format

Litho Tech, Inc.

Ironwood

Gordongraphics, Inc.

Prisma Graphic Corporation

Group B - High End, Sheet Fed, Digital Option, Mid-Sized Format

Litho Tech, Inc.

Gordongraphics, Inc.

Prisma Graphic Corporation

Capitol Litho Corporation

Group C - Short Run, Digital

City of Phoenix City Clerk

Litho Tech, Inc.

Gordongraphics, Inc.

Prisma Graphic Corporation

Capitol Litho Corporation

**Contract Term**

The term of each contract will be three years beginning on or about Dec. 1, 2017 and ending on Nov. 30, 2020.

**Financial Impact**



The aggregate value for all of the contracts will not exceed \$240,000, with an estimated annual expenditure of \$80,000. Funds are available in the Aviation Department's budget.

**This item was adopted.**

**59 Contract Extension for Ground Transportation Taxicab Dispatch Services (Ordinance S-44106)**

Request to authorize the City Manager, or his designee, to enter into an amendment to Agreement 135151 with Ace Parking Management Inc., to extend the term on a month-to-month basis not to exceed six months beginning on Jan. 1, 2018. The extension of the term will allow the Aviation Department sufficient time to conduct a solicitation for a new agreement. Further request authorization for the City Controller to disburse all funds related to this item. The value of a six-month extension will not exceed \$1.2 million.

**Summary**

The Agreement requires Ace Parking Management Inc., to provide taxicab dispatching services and compliance monitoring for permitted ground transportation providers at Phoenix Sky Harbor International Airport. The services are essential for the efficient and successful operation of the taxicab services contractors, and ensures taxicabs are dispatched from the staging lot to terminal pick-up locations and according to actual customer demand.

**Financial Impact**

The value of a six-month extension will not exceed \$1.2 million.

**Location**

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

Council District: 8

**This item was adopted.**

**60 Amend Ordinance S-42823 for Acquisition of Property along Washington Street, from 48th Street to 51st Street (Ordinance S-44091)**

Request to authorize the City Manager, or his designee, to amend Ordinance S-42823 to grant an exception pursuant to Phoenix City Code

42-20 authorizing indemnification and assumption of liability provision that otherwise would be prohibited by Phoenix City Code 42-18.

**Summary**

The City is in the process of acquiring a strip of vacant land from the United States Postal Service (USPS) needed for the construction of roadway improvements, including Americans with Disabilities Act (ADA) compliant sidewalks, in conjunction with the 50th Street light rail station. Inclusion of indemnification and assumption of liability provisions is a necessary condition for the acquisition of land from the USPS. This request does not require additional funding.

**Location**

5001 E. Washington St.  
Council District: 6

**Concurrence/Previous Council Action**

Ordinance S-42823 was adopted by City Council on Aug. 31, 2016.

**This item was adopted.**

**61 Acquisition of Real Property for Roadway Improvements at 7th Avenue and 7th Street Near the I-17 Interchange (Ordinance S-44092)**

Request to authorize the City Manager, or his designee, to acquire all property rights required for roadway improvements at 7th Avenue and 7th Street near the I-17 interchange by donation, within the City's appraised value, or by the power of eminent domain, and to dedicate land with roadway improvements to public use for right of way purposes. Further request authorization to provide relocation assistance and benefits as federally mandated, and to execute agreements to allow occupants time to relocate, as may be necessary to and in furtherance of this acquisition. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

The acquisition is required for roadway improvements including mill and overlay, Americans with Disabilities (ADA) compliant sidewalks and ramps, and installation of turn lanes along 7th Avenue from Mohave Street to Gibson Lane, and along 7th Street from Mohave Street to Watkins Street. This project will improve existing roadway conditions on

7th Avenue and 7th Street near the I-17 interchange to accommodate traffic once light rail construction activity commences along Central Avenue.

**Financial Impact**

Transportation 2050 funding is available in the Public Transit Capital Improvement Program budget, approved as part of the South Central Light Rail project.

**Location**

Along 7th Avenue from Mohave Street to Gibson Lane and along 7th Street from Mohave Street to Watkins Street as identified on Attachment A.

Council District: 8

**This item was adopted.**

**63 Authorization to Enter into Agreement with Contact One Call Center Inc., for After-Hours Answering and Dispatch Services (Ordinance S-44087)**

Request to authorize the City Manager, or his designee, to enter into a contract with Contact One Call Center, Inc., for After-Hours Answering and Dispatch Services and to exercise contract options as necessary. The aggregate contract value will not exceed \$137,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this contract.

**Summary**

The Street Transportation and Public Works departments will use this contract to answer and dispatch emergency and non-emergency after hours, weekends, and holiday calls. These calls include but are not limited to traffic signal outages/malfunctions at intersections, debris blocking the roadways or sidewalks, plumbing, electrical and HVAC issues.

**Procurement Information**

In accordance with Administrative Regulation 3.10, the Street Transportation Department conducted a Request for Proposal (RFP) procurement process. The original RFP was issued on Aug. 1, 2017. During the procurement process, the Public Works Department

requested to be included in the solicitation for its after-hours answering and dispatch needs. An addendum was issued on Aug. 25, 2017, to include Public Works facilities.

Proposals were received from three firms. One proposal was deemed non-responsive and therefore disqualified from the evaluation process. The selection committee thoroughly reviewed and scored all proposals and reached consensus in recommending award of the contract to Contact One Call Center, Inc. as the successful proposer.

The final scores were as follows:

Contact One Call Center, Inc.: 960  
ENCO Utility Services: 671

#### **Contract Term**

The contract term will be for a two-year period starting Jan. 1, 2018, and ending Dec. 31, 2019, with options to extend up to three additional years.

#### **Financial Impact**

The aggregate contract value will not exceed \$137,000 over the life of the contract. Funds are available in the Street Transportation and Public Works Departments' operating budgets.

**This item was adopted.**

#### **64 Purchase of Steel Roll-Off Refuse Bins (Ordinance S-44089)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Wastebuilt, LLC, to provide steel roll-off refuse bins, used for the citywide solid waste collection of green organics, recyclables, garbage and scrap metal materials, in an amount not to exceed \$970,450 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

#### **Summary**

This contract will provide the roll-off bins needed for collection of solid waste materials from single-family, multi-family, government and non-profit customers. Roll-off bins allow large quantities of materials to be collected at one time reducing staff time and the number of miles

traveled to collect materials.

### **Procurement Information**

Invitation for Bids 18-SW-007 was conducted in accordance with Administrative Regulation 3.10. Two offers were received by the City on Sept. 20, 2017. The offers were evaluated based on responsiveness to all specifications, terms and conditions, and lowest bid. The offers for Steel Roll-Off Refuse Bins is based on annual estimated quantities.

Wastebuilt, LLC.: \$194,090

Hambicki Trucks & Container Sales, Inc.: \$223,410

### **Contract Term**

The initial one year contract term will begin on or about Dec. 1, 2017, and end on Nov. 30, 2018. Provisions of the contract include an option to extend the term up to four years, in increments of up to one year, which may be exercised by the City Manager or designee.

### **Financial Impact**

The aggregate contract value will not exceed \$970,450 with an estimated annual expenditure of \$194,090. Funds are available in the Public Works Department's budget.

**This item was adopted.**

**65 Concrete Reservoir Rehabilitation Program: Union Hills Water Treatment Plant Reservoir 3D-ES2 Rehabilitation Design Services (Ordinance S-44073)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Wilson Engineers, LLC, to provide design services and construction administration and inspection (CA&I) services for the Union Hills Water Treatment Plant (WTP) Reservoir 3D-ES2 Rehabilitation project. Wilson Engineers, LLC's fee for services under this contract will not exceed \$1,419,436. 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 all action 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, telecommunications, cable television, railroads, and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

**Summary**

The existing reservoir, built in 1983, is a 40 million gallon (mg) finished water reservoir located within the confines of the Union Hills WTP, and is an integral component to the operation of the treatment plant. In order to design and rehabilitate the reservoir, it was determined that phased design is required to maintain operation of the Union Hills WTP and the City of Phoenix water distribution system during the complete or partial shutdown of the reservoir.

Wilson Engineers, LLC's design services will include but are not limited to: developing a Master Plan, preparing a Phase 1 design for rehabilitation of the Union Hills Reservoir 3D-ES2 and Phase 2 conceptual design, planning and design for isolation, relocation, and/or modification of existing booster pump stations 4A-B4 and 5E-B4, which both reside within the reservoir, development of a conceptual demolition plan for rehabilitation and construction, and modeling as required to evaluate the isolation of the booster pump station within the reservoir during rehabilitation.

CA&I services will include, but are not limited to: reviewing shop drawings, issuing interpretations and clarifications, certifying contractor progress payments, conducting inspections, and preparing reports.

**Procurement Information**

Wilson Engineers, LLC, was chosen for this project using a qualifications-based selection process for study, design, and CA&I services, according to Section 34-603 of the Arizona Revised Statutes. Scoring and selection were made previously in conjunction with the project's study services.

**Contract Term**

The contract term of the design services is expected to take

approximately 804 calendar days to complete from issuance of the Notice to Proceed. 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 for work in progress. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Wilson Engineers, LLC's fee for services under this contract will not exceed \$1,419,436. The initial contract will be executed for project design services for a not-to-exceed total of \$784,436, including all subconsultants and reimbursable costs. A future contract amendment will be executed for CA&I services for a not-to-exceed total of \$635,000, which will be reviewed separately by the Budget and Research Department. Total contract funds in the amount of \$1,419,436 are 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**

On May 7, 2014, Council approved Contract 138267 to conduct a study for the project.

**Location**

The Union Hills Water Treatment Plant is located in the area of Cave Creek and Deer Valley roads.

Council District: 2

**This item was adopted.**

**66 Project Management Information System Maintenance and Support Consultant Services Amendment - 6300001350 (Ordinance S-44082)**

Request to authorize the City Manager, or his designee, to execute the fourth and final option to Contract 137405 with Parsons Environment & Infrastructure Group, Inc., (Phoenix) to provide continued project management information system (PROMIS) services. Further request authorization for the City Controller to disburse all funds related to this

item. Parsons Environment & Infrastructure Group, Inc.'s fees will not exceed \$200,000, increasing the contract value to \$999,856.20.

**Summary**

The PROMIS database is utilized by the Street Transportation Department's project management staff to track projects from initiation through project close-out. It is also utilized by procurement staff to manage project contracts, contract amendments, and contract completion. Parsons consulting staff will maintain the PROMIS database, provide updated customized and specialized reports, input forms and system applications, coordinate PROMIS with City software, gather and reconcile data and provide support to City staff as mutually agreed upon by the City and the Consultant.

The request has been reviewed and approved by the Chief Information Officer.

**Procurement Information**

Parsons Environment & Infrastructure Group, Inc., was chosen for this project using a direct select process according to section 34-103 of the Arizona Revised Statutes.

**Contract Term**

The term of this amendment is for one year, extending the period of service through Dec. 4, 2018. The contract had an initial one-year term with four, one-year extension options. This is the fourth and final contract option. 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**

Parsons Environment & Infrastructure Group, Inc.'s fees will not exceed \$200,000, increasing the contract value to \$999,856.20. Funding is available in the Street Transportation Department's Operating 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**



Council approved the initial Consulting Services Contract 137405 on Nov. 20, 2013. Contract Amendments 1, 2 and 3 were approved by Council on Dec. 17, 2014, Nov. 18, 2015, and Dec. 14, 2016, respectively.

**This item was adopted.**

**67     Former Manganese Ore Site, Design-Bid-Build Project (Ordinance S-44083)**

Request to authorize the City Manager, or his designee, to accept Western Utility Contractors, LLC, dba Overley's Industrial Services (Overley's Industrial Services), as the lowest-priced, responsive and responsible bidder and to enter into an agreement with Overley's Industrial Services for construction services for City of Phoenix Parcel 308-06-005C, Former Manganese Ore Site project. The contract amount for this project will not exceed \$1,926,274.63. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

City of Phoenix owns Parcel 308-06-005C in La Paz County, AZ, which is a former manganese ore site, also known as McMullen Valley. Multiple environmental studies were conducted and remediation was determined to be necessary. A remedial action plan was developed to set forth the methods and procedures to perform a soil removal action. Overley's Industrial Services has been selected to remediate the property. Services include, but are not limited to, excavation and disposal of approximately 14,840 tons of non-hazardous soil containing arsenic, lead, manganese, and thallium; demolition and disposal of approximately 495 tons of existing concrete structures within and adjacent to excavation areas; excavation around the foundations of existing concrete structures and potholing; replacing the excavated soil with clean imported fill; and general site cleanup activities.

**Procurement Information**

Three bids were received according to Section 34-201 of the Arizona Revised Statutes by the Street Transportation Department on Sept. 5, 2017. All three bidders were deemed responsive. The bids ranged from a low of \$1,926,274.63 to a high of \$2,714,320.40. The Engineer's Estimate and the two lowest responsive, responsible bidders are listed below:

Engineer's Estimate: \$2,748,548.82

Western Utility Contractors, LLC, dba Overley's Industrial Services:  
\$1,926,274.63

MP Environmental Services, Inc.: \$2,050,081.65

The Small Business Enterprise goal was waived for this project because it is located outside Phoenix city limits.

### **Contract Term**

The term of the contract is 120 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 term may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

### **Financial Impact**

The contract amount for this project will not exceed \$1,926,274.63. Funding is available in the Water Services Department's operating budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

### **Location**

Wenden, Ariz.

**This item was adopted.**

**68 Specialized Equipment, Piping and Infrastructure Coatings  
Construction Administration and Inspection Services Amendment  
4 (Ordinance S-44085)**

Request to authorize the City Manager, or his designee, to execute Amendment 4 to Contract 137656 with RFI Consultants, LLC, to provide continued construction administration and inspection (CA&I) services for the specialized equipment piping and infrastructure coatings project. The contract value will be increased by \$100,000 for a new total not-to-exceed contract value of \$330,000. Further request authorization for the the City Controller to disburse all funds related to this item.

**Summary**

RFI Consultants, LLC, will provide technical assistance and inspection services to support the Wastewater Equipment and Piping Coatings Rehabilitation Program at the 91st Avenue Wastewater Treatment Plant (WWTP). RFI Consultants, LLC, will provide services to increase the useful life of hundreds of feet of piping, wet wells, manholes, and support members, and also oversee replacement of outdated chemical containment areas at the WWTP, chemical offloading area coatings, and tank coatings. Currently, CA&I services are needed to oversee and administer the specialized coating job order contract due to the constant presence of hydrogen sulfide gas, which deteriorates the piping, wet wells, manholes, and support members located at the 91st Avenue WWTP.

**Procurement Information**

RFI Consultants, LLC, was chosen for this project using a qualifications-based selection process according to Section 34-604 of the Arizona Revised Statutes (A.R.S.). The City entered into Contract 137656 with RFI Consultants, LLC, on May 14, 2014.

**Contract Term**

The contract is utilized on an as-needed basis, and had an initial one-year term, with four one-year contract options. Amendment 4 will exercise the fourth and final contract option, and will extend contract services through Jun. 30, 2019.

**Financial Impact**

The contract value will be increased by \$100,000 for a new total not-to-exceed contract value of \$330,000. Funds are available in the Water Services Department's capital improvement budget.

**Concurrence/Previous Council Action**

City Council awarded Contract 137656 on Jan. 15, 2014, with a not-to-exceed amount of \$80,000. City Council approved Amendment 1 on May 13, 2015, which exercised the first contract option to extend the contract services through Jun. 30, 2016, and increased the contract not-to-exceed amount to \$130,000. City Council approved Amendment 2 on April 6, 2016, which exercised the second contract option to extend

contract services through June 30, 2017, and increased the contract not-to-exceed amount to \$180,000. Finally, City Council approved Amendment 3 on Nov. 30, 2016, which exercised the third contract option to extend contract services through Jun. 30, 2018, and increased the contract not-to-exceed amount to \$230,000.

**Location**

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

Council District: 7

**This item was adopted.**

**69 Request Authorization to Amend Intergovernmental Agreement with Maricopa County Department of Transportation for Buckeye Road (MC85) Project (Ordinance S-44088)**

Request authorization for the City Manager, or his designee, to amend the existing Intergovernmental Agreement (IGA) with Maricopa County Department of Transportation (MCDOT) for the Buckeye Road (MC85) project, between 75th Avenue and 107th Avenue (Ordinance S-42095). The 2015 Infrastructure Finance Plan allows for a maximum value of in-lieu funds eligible to be transferred to MCDOT not to exceed \$2,972,264. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item.

**Summary**

This amendment is to clarify responsibilities related to developer requirements associated with the completion of MC85 from 107th Avenue to 75th Avenue, and to establish procedures within the IGA that will allow the City to provide impact fee credit for contributions made by private development toward the ultimate completion of MC85.

MC85 falls within Maricopa County jurisdiction and is to be designed and constructed in its entirety by MCDOT. As private development occurs within the City along this corridor, the developer is required to provide improvements along its dedicated frontage as per the current design plan. As an alternative to constructing the required roadway improvements, the developer will be given the option to provide an in-lieu cash payment to the City, based on the unit cost estimate specified in the City's 2015 Infrastructure Financing Plan for the same category of road

improvement. In the case of the developer choosing an in-lieu cash payment, this amendment establishes procedures within the IGA for MCDOT to invoice the City upon collection of developer in-lieu payments, and for the City to remit the in-lieu payments to MCDOT for the ultimate construction of MC85. Whether the developer chooses to construct the required improvements or provide the in-lieu payment, the City will provide impact fee credit for eligible contributions from private development pursuant to Chapter 29 of the City Code.

**Financial Impact**

The City of Phoenix will collect developer in-lieu payments up to a total amount of \$2,972,264, and the City of Phoenix will be invoiced by MCDOT for repayment of all funds collected. Funding is available in the Street Transportation Department's Capital Improvement Program budget.

**Concurrence/Previous Council Action**

This action is to amend the previous Buckeye Road (MC85) IGA (Ordinance S-42095) approved Oct. 21, 2015.

**Location**

Buckeye Road from 75th Avenue to 107th Avenue.

Council District: 7

**This item was adopted.**

**70 Medium and Heavy Duty Cab and Chassis Trucks - State of Arizona Contract Awards Recommendation (Ordinance S-44074)**

Request to authorize the City Manager, or his designee, to access the State of Arizona Cooperative Contracts awarded as a result of solicitation ADSPO14-00003602 and to enter into contracts with Arizona Truck Center dba Vanguard Truck Center; Chapman Ford, LLC; Inland Kenworth; PFVT Motors, Inc.; Rush Truck Centers of Arizona, Inc., dba Rush Truck Center, Phoenix; and RWC International for medium and heavy duty cab and chassis trucks with an aggregate value for all contracts not to exceed \$10 million. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Public Works Department will purchase cab and chassis trucks on

behalf of various departments on an as-needed basis to replace vehicles lost due to accidents, damage or end of useful life. The needs vary, depending on the department, and the various contracts will provide the City the option to modify trucks for specific organizational needs, such as a dump body, sweeper body or an aerial lift.

### **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 contracts were awarded through a competitive process consistent with the City's procurement processes, as set forth in the Chapter 43 of the Phoenix City Code. Use of cooperative agreements allows the City to benefit from national government pricing and volume discounts. The State of Arizona contracts cover medium and heavy duty cab and chassis trucks and were awarded Jan. 15, 2014.

### **Contract Term**

The 18-month contract terms shall begin on or about Nov. 2, 2017.

### **Financial Impact**

The aggregate value of all contracts will not exceed \$10 million. Funds are available in various department budgets.

**This item was adopted.**

## **71 Agreement for Delivery, Treatment, and Wheeling of EPCOR's Colorado Water to EPCOR through City of Phoenix Infrastructure to an EPCOR Interconnect (Ordinance S-44075)**

Request to authorize the City Manager, or his designee, to execute an Agreement between the City of Phoenix and EPCOR for treatment and delivery of EPCOR's Colorado River water through Phoenix's existing water infrastructure and distribution system to an interconnection with EPCOR's water distribution system near the Town of Paradise Valley.

### **Summary**

EPCOR has access to Colorado River water for its service area in the Town of Paradise Valley, but the company cannot take direct delivery of this water due to a lack of delivery infrastructure between the Central Arizona Project aqueduct and EPCOR's water service area. This

agreement will allow Phoenix to treat and transport up to 5,000 acre-feet of water annually to EPCOR. Treated water will be delivered to an interconnect facility near where Phoenix's city limits meet EPCOR's water service area in Town of Paradise Valley. EPCOR will be responsible for installing and maintaining all infrastructure associated with the interconnection at the company's own expense. EPCOR will pay Phoenix all related transportation and treatment costs.

**Contract Term**

This agreement will be effective for 20 years from the date of first water delivery, with an option to extend the term up to five additional years, which may be exercised by the City Manager or his designee.

**Financial Impact**

There is no net financial impact to Phoenix. EPCOR will purchase its own Colorado River allocation and pay Phoenix the actual treatment and delivery costs. EPCOR will also pay all costs associated with construction and operation of the interconnection facility.

**This item was adopted.**

**72 Gaskets and O-Rings Contract (Ordinance S-44079)**

Request to authorize the City Manager, or his designee, to enter into a contract with Cupps Industrial Supply, Inc., to provide gaskets and O-rings for the Water Services Department. Expenditures are not to exceed \$305,779 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Water Services Department has two wastewater treatment plants and four water production plants. All of the plants have machinery and equipment that require regular replacement of gaskets and O-rings as well as during annual plant maintenance. This contract will allow the Water Services Department to purchase customized gaskets and O-rings when needed and ensure continued compliance with American National Standards Institute guidelines.

**Procurement Information**

A solicitation was completed in accordance with City of Phoenix

Administrative Regulation 3.10. The Water Services Department received one bid which was determined to be responsive to the solicitation requirements.

Cupps Industrial Supply, Inc.: \$36,062.96

**Contract Term**

The contract term will be for seven years effective Jan. 1, 2018, through Dec. 31, 2024.

**Financial Impact**

Expenditures are not to exceed \$305,779 over the life of the contract. Funding for the contract is available in the Water Service Department's operating budget.

**This item was adopted.**

**73 Copper Pipe Procurement (Ordinance S-44081)**

Request to authorize the City Manager, or his designee, to enter into a contract with Canyon Pipe and Supply, Inc., for purchase of copper pipe for use by the Water Services Department (WSD). The aggregate value of the contract will not exceed \$2,644,486.40, including all options (not including applicable taxes). Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The City is seeking a fixed-price, multi-year contract for purchase of copper pipe, which comes in rolled and straight tubing. This purchase will provide a long-term material inventory, which will in turn result in a substantial savings to the City over the life of the contract.

**Procurement Information**

Solicitation IFB 1718-WPP-2 was conducted in accordance with Administrative Regulation 3.10. Two bids were received from Canyon Pipe and Supply, Inc., and HD Supply Waterworks. Both bids were determined responsive. The bids were evaluated on the basis of price only. The final prices below are based on each Bidder's proposed aggregate annual price, using WSD's estimated annual usage. The Bidders' prices are as follows:



Canyon Pipe and Supply, Inc.: \$661,121.60  
HD Supply Waterworks: \$1,278,400.00

The WSD Director recommends that the offer from Canyon Pipe and Supply, Inc., be accepted as responsive and responsible, determined to be fair and reasonable, and the most advantageous to the City.

### **Contract Term**

The contract term shall be for a base period of two years, with two one-year options to extend, to be exercised at the City's discretion. The term shall begin on or about Dec. 1, 2017, with an end date of Nov. 30, 2021.

### **Financial Impact**

The aggregate value of the contract will not exceed \$2,644,486.40, including all options (not including applicable taxes). Funds are available in the Water Services Department operating budget.

**This item was adopted.**

## **74 Disinfection Services for Reservoirs (Ordinance S-44084)**

Request to authorize the City Manager, or his designee, to enter into contract with Statewide Disinfection Service, Inc., to provide disinfection services for reservoirs for the Water Services Department. Expenditures are not to exceed \$150,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

The Water Services Department has four water production plants along with remote sites that store water for distribution. Once a year, each plant shuts down for maintenance and general inspection. After the reservoir is inspected, it must be disinfected before water can be stored in the reservoir.

### **Procurement Information**

In accordance with City of Phoenix Administrative Regulation 3.10, a solicitation was completed. The Water Services Department received a total of two offers, which were both determined to be responsive. Statewide Disinfection Service, Inc., was the lowest responsive,

responsible offer, and therefore is recommended for award.

Statewide Disinfection Service, Inc.: \$107,600

Matt Chlor Texas, LLC: \$737,760

### **Contract Term**

The contract term will be for two years effective Dec. 1, 2017, through Nov. 30, 2019, with two, two-year options to extend.

### **Financial Impact**

Expenditures are not to exceed \$150,000 over the life of the contract. Funding for this contract is available in the Water Services Department's operating budget.

**This item was adopted.**

## **75 Waiver of Federal Patent Easement - V170054F - 24980 N. 18th Ave. (Ordinance S-44101)**

Abandonment: V170054F

Project: 17-2738

Applicant: Garrett Real Estate Development

Request: To waive the remaining Federal Patent Easement located on the parcel addressed 24980 N. 18th Ave. (APN 210-07-074) and on the parcel identified as APN 210-07-073.

Date of Decision: Oct. 12, 2017

### **Location**

24980 N. 18th Ave.

Council District: 1

### **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.**

**77 Final Plat - 34th Street and Cholla - 170072 - Southeast Corner of Cholla Street and 34th Street**

Plat: 170072

Project: 17-1796

Name of Plat: 34th St. & Cholla

Owner(s): TruVista Marketing, LLC

Engineer(s): 3 Engineering, LLC

Request: A 4 Lot Residential Subdivision Plat

Reviewed by Staff: Oct. 27, 2017

**Summary**

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

**Location**

Generally located at the southeast corner of Cholla Street and 34th Street.

Council District: 3

**This item was approved.**

**81 Abandonment of Easement - V170051A - 4114 W. Circle Mountain Road (Resolution 21598)**

Abandonment: V170051A

Project: 13-907

Applicant: Pulte Home Corporation

Request: To abandon the 1-foot Vehicular Non-access Easement located around the parcel addressed 4114 W. Circle Mountain Road, APN 202-23-594, also identified as Tract C in the plat Circle Mountain Ranch, Book 1276 Page 17, Maricopa County Recorder.

Date of Decision: Oct. 5, 2017

**Location**

4114 W. Circle Mountain Road

Council District: 1

**Financial Impact**

Pursuant to Phoenix City Code Art. 5, Sec. 31-64 (e) as the City

acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the City, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

**This item was adopted.**

**82      Abandonment of Easement - V170020A - 4031 E. Hoot Owl Trail  
(Resolution 21596)**

Abandonment: V170020A

Project: 13-3228

Applicant: Lennar Homes

Request: To abandon the Drainage Easement located over the entire parcel identified as Tract D in the plat Cave Creek and Peak View, Book 1230 Page 32, Maricopa County Recorder, addressed 4031 E. Hoot Owl Trail, APN 211-39-113.

Date of Decision: April 27, 2017

**Location**

4031 E. Hoot Owl Trail

Council District: 2

**Financial Impact**

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

**This item was adopted.**

**83      Abandonment of Easement - V170050A - 4435 N. Longview Ave.  
(Resolution 21597)**

Abandonment: V170050A

Project: 16-3423

Applicant: San Mateo Townhomes, Limited Liability Company

Request: To abandon the Emergency Vehicle and Refuse Collection

Easement located on the parcel addressed 4435 N. Longview Ave., APN 155-08-076.

Date of Decision: Oct. 6, 2017

**Location**

4435 N. Longview Ave.

Council District: 4

**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.**

**84 Amend City Code - Official Supplementary Zoning Map 1164 (Ordinance G-6385)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1164. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-75-66-8 and the entitlements are fully vested.

**Summary**

To rezone a parcel located approximately 190 feet north of the northwest corner of 19th Place and University Drive.

Z-75-66-8

Zoning: A-2

Owner: Gas Properties LLC

Acreage: Approximately 0.21

Location: Approximately 190 feet north of the northwest corner of 19th Place and University Drive.

Council District: 8

**This item was adopted.**

**A motion was made by Vice Mayor Pastor, seconded by Councilman**

**Valenzuela, to suspend the rules and take Items 51, 76, and 78-80 out of order. The motion carried by voice vote:**

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

**Absent:** 1 - Councilman DiCiccio

**51 (CONTINUED FROM NOV. 15, 2017) - Amendment to the Sky Harbor Center Redevelopment Area Boundary (Resolution 21595)**

Request to adopt a resolution to amend the Sky Harbor Center Redevelopment Area boundary by removing three city-owned parcels.

**Summary**

The Sky Harbor Center Redevelopment Area (RDA) was established Dec. 5, 1984, pursuant to City Resolution 16491 and subsequently amended twice to add additional areas, pursuant to City Resolutions 16543 and 16552. A redevelopment area plan was adopted pursuant to City Resolution 16569 on April 24, 1985 (RDA Plan). The RDA Plan provides a broad framework for the development and redevelopment of the area and lists specific redevelopment objectives. These basic redevelopment objectives include:

1. Removing incompatible land uses.
2. Applying Design Guidelines and Covenants, Conditions and Restrictions.
3. Eliminating substandard, deteriorating, and obsolete buildings and environmental deficiencies.
4. Assembling land into parcels for disposition and redevelopment.
5. Providing uses compatible with the long-term operation of Phoenix Sky Harbor International Airport (PHX).

The City has taken several actions over the years to achieve these objectives. Much of Sky Harbor Center is now home to high-tech

manufacturing, business, and financial service companies, including Bank of America, Honeywell, Arrow Electronics, and Chase Bank.

Three city-owned parcels within the RDA, depicted in Attachment A and legally described in Attachment B, have been assembled and prepared for redevelopment. These parcels are and will remain subject to Design Guidelines and Covenants, Conditions and Restrictions that will ultimately protect the long-term operation of PHX. In order to proceed with redevelopment of these parcels, it is recommended that these parcels be removed from the RDA boundary, as the objectives of the RDA Plan have been met. The removal of these three parcels is a minor amendment to the RDA boundary and will not impact any other parcel/property owner within the RDA boundary.

### **Public Outreach**

While public notice is not statutorily required under Arizona Revised Statute 36-1473, a letter was mailed to property owners within the RDA boundary notifying them of the proposed minor amendment and time and date of when this item would be heard.

### **Location**

The three parcels to be removed are generally located on the northeast corner of 16th Street and Buckeye Road, and the northeast corner of Sky Harbor Circle North and Buckeye Road. A map of these parcels is provided in Attachment A.

Council District: 8

### **Discussion**

The following individuals submitted speaker comment cards in favor of Item 51 but declined the opportunity to speak:

Maria Spellen

Abe Arvizu

Liz Arvizu

William Cusimane

Patricia Gurule asked the Council to approve the November 15, 2017 amendments to the Father Albert Braun OFM Veterans Memorial District Proposal Land Reuse final report, Appendix 1, Phase 1 and be included

as part of the Amendment to the Sky Harbor Center Redevelopment Area Boundary, Resolution 21595. She provided documents to the City Clerk for the City Council to review.

Bill Baker submitted a speaker comment card in opposition to Item 51 but was not present to speak.

Mary Russell submitted a speaker comment card in opposition to Item 51 but was not present to speak.

**A motion was made by Vice Mayor Pastor, seconded by Councilman Nowakowski, that this item be adopted. The motion carried by the following vote:**

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

**Absent:** 1 - Councilman DiCiccio

**76 (CONTINUED FROM NOV. 15, 2017) - Final Plat - Canyon I - 170027 - Southeast Corner of Missouri Avenue and 31st Avenue**

Plat: 170027

Project: 99-817

Name of Plat: Canyon I

Owner(s): Grand Canyon West Education, Inc.

Engineer(s): Strand Associates, Inc.

Request: A 1 Lot Commercial Subdivision Plat

Reviewed by Staff: Oct. 10, 2017

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. The plat needs to record concurrently with Abandonments V160027A, V160067A and V170014A.

**Location**

Generally located at the southeast corner of Missouri Avenue and 31st Avenue.

Council District: 5



**Discussion**

Gail Palmer addressed the Council regarding abandonments. He stated he was concerned regarding the price GCU was paying for abandonments. He spoke about the differences in price that had been paid by Grand Canyon University (GCU) in square footage. He added that he had been told that GCU was asking for abandonment of the trail in the area. He asked the Council to help keep the trail in memory of Beverly Harvey Konik and Jak Keyser.

Taylor Earl submitted a speaker comment card in favor of Item 76 but declined the opportunity to speak.

Vice Mayor Pastor asked for clarification regarding the process of abandonment and costs.

Planning and Development Director Alan Stephenson stated that Item 76 was a plat to combine parcels of land that were subject to abandonments that were the subject items for Items 78-80. He did not believe there were questions regarding the plat but rather the abandonment. He explained that the abandonment process was a process where an applicant made a request to abandon public right-of-way of their street or alley. He noted that public hearings were part of the process and were held for Items 78-80. He stated Mr. Palmer had participated in the public hearing process. He stated that during the hearing process, stipulations were laid out and that no one appealed the stipulations. He explained that once that was done the applicant moved forward to fulfill the stipulations and then the item returns to the Council for action to divest the public interest in the right-of-way to sell to the private entity. He explained that they pay more for land area that's based upon an appraised value that was submitted to Real Estate section in the Finance Department. He added that Mr. Palmer was part of the process early on and did not submit any appeal. He stated that the item before the Council was a ministerial act to ratify what the abandonment hearing officer had approved.

Councilman Nowakowski asked what the fair market value of the property was.

Mr. Stephenson stated the developability of parcels was taken into account by the real estate professionals. He explained that a square acre of land that could be developed and a long linear strip of land that could not be developed could not be an appropriate comparison. He stated the value that the land could be sold for would go down because you could not build a home on a strip of land. He addressed other concerns from Mr. Palmer by reviewing an aerial image of the area. He stated there was no blockage and that individuals could get through on 30th Drive and on Colter. He reiterated that none of the items before the Council dealt with blocking any access to parcels. He stated that the trail that went through the canal area provided a connection through the GCU property and was not subject to any of the requests before City Council.

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

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

**Absent:** 1 - Councilman DiCiccio

**A motion was made by Councilman Valenzuela, seconded by Councilwoman Williams, that Items 78-80 be adopted. The motion carried by the following vote:**

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

**Absent:** 1 - Councilman DiCiccio

**78 (CONTINUED FROM NOV. 15, 2017) - Abandonment of Right-of-Way - V160027A - Vermont Avenue West of 29th Avenue (Resolution 21590)**

Abandonment: V160027A

Project: 99-817

Applicant: Grand Canyon Education, Inc.

Request: To abandon the east-west alley right-of-way south of Missouri

Avenue from the east line of the parcel addressed 5333 N. 30th Drive (APN 153-18-026E) to 29th Avenue; the Vermont Avenue right-of-way west of 29th Avenue to the east line of the parcel addressed 5327 N. 30th Drive (APN 153-18-025B), excluding the portion of cul-de-sac right-of-way south of the same parcel; and the north-south alley right-of-ways from south of Vermont Avenue to the south parcel lines of 2945 and 2911 W. Vermont Ave. (APN 153-18-038 and 153-18-031).  
Date of Hearing: June 8, 2016

**Summary**

The resolution of the abandonment and the subdivision plat Canyon I, Plat 170027, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

**Location**

Vermont Avenue west of 29th Avenue  
Council District: 5

**Financial Impact**

A fee was also collected as part of this abandonment in the amount of \$164,424.

**Discussion**

See Item 76 for additional discussion.

Ray Martinez stated he was a GCU graduate and a neighbor to Mr. Gail Palmer. He asked the Council to provide Mr. Palmer the same consideration as GCU. He spoke about Mr. Palmer's property off of Colter and how a concept where a veterans program would take place on the property.

Gail Palmer spoke about his concerns regarding abandonments. He reiterated his concern about the price that entities were paying for abandonments.

John Mendibles stated he was the legislative liaison for the department of Arizona American Legion. He spoke in support of Mr. Palmer and Mr.

Martinez. He said they had developed an idea to provide veteran housing for those coming out of service to use their GI bill and to incorporate the uses of GCU. He asked the Council ask GCU to collaborate with Mr. Palmer on the idea.

Councilman Valenzuela thanked Mr. Mendibles, Mr. Palmer and Mr. Martinez for their advocacy. He offered to facilitate a meeting between Mr. Palmer, Mr. Mendibles and GCU.

Councilwoman Gallego asked Mr. Mendibles if there were any abandonments that he felt hurt access to the property.

Mr. Mendibles responded that he had been assured by Planning and Development Director Alan Stephenson that they would have access to the properties. He added that the project would take time and involve many entities such as Veterans Affairs, veteran posts and the Department of Education. He reiterated that he would want to make sure there was an easement at the location.

Councilwoman Gallego thanked Mr. Mendibles for his advocacy. She stated that the city had done some new things with federal funding for housing and hoped it would help make it easier for this type of project.

Councilman Nowakowski asked if a stipulation could be added to ensure there was an easement to the property if needed in the future by veterans.

Planning and Development Director Alan Stephenson clarified that the items did not impact access to the parcels. He said the issue at hand would be the abandonment for Colter and 30th Avenue that Council had approved in October 2015. He said the item would be brought forward to Council for approval with a condition that public access easement be provided to the parcels. He offered to meet with the gentleman to go over the exact language and conditions.

Councilman Nowakowski asked for clarification regarding the different dollar amounts paid per square foot in 2016 compared to the dollar amount that it is being sold at now.

Mr. Stephenson explained that the fee was derived from an ordinance provision and from a study done by an appraiser. He said that the appraiser assessed the value, then the real estate section of the Finance Department reviewed the information with their own appraisal experts and offered a recommendation. He stated that the city was in line with other agencies as to how they do approval of right-of-way.

**This item was adopted.**

**79 (CONTINUED FROM NOV. 15, 2017) - Abandonment of Right-of-Way - V160067A - Georgia Avenue West of 29th Avenue (Resolution 21591)**

Abandonment: V160067A

Project: 99-817

Applicant: Grand Canyon Education, Inc.

Request: To abandon the cul-de-sac right-of-way located west of 30th Avenue, adjacent to the parcel addressed 5327 N. 30th Drive (APN 153-18-018D); the Georgia Avenue right-of-way from the west parcel line of 2948 W. Colter St. (APN 153-18-010C) to, and including, the 30th Avenue right-of-way north of Georgia to the south parcel line of 2945 W. Vermont Ave. (APN 153-18-038); the east-west alley right-of-way bounded by 29th and 30th avenues, and Vermont and Georgia avenues; and the sewer easement on the parcel addressed 5326 N. 29th Ave. (APN 153-18-030).

Date of Hearing: Feb. 7, 2017

**Summary**

The resolution of the abandonment and the subdivision plat Canyon I, Plat 170027, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

**Location**

Georgia Avenue west of 29th Avenue  
Council District: 5

**Financial Impact**

A fee was also collected as part of this abandonment in the amount of \$83,548.

**Discussion**

See Item 78 for discussion.

**This item was adopted.**

**80 (CONTINUED FROM NOV. 15, 2017) - Abandonment of Right-of-Way  
- V170014A - 5346 North 29th Avenue (Resolution 21592)**

Abandonment: V170014A

Project: 99-817

Applicant: Grand Canyon Education, Inc.

Request: To abandon the south 15-feet of Missouri Avenue right-of-way adjacent to the parcel addressed 5346 N. 29th Ave. (APN 153-18-002B).

Date of Hearing: May 9, 2017

**Summary**

The resolution of the abandonment and the subdivision plat Canyon I, Plat 170027, are to be recorded together with the Maricopa County recorder on the same day, at the same time. The sequence of recording to be followed is that the resolution is recorded first, then the plat is recorded second.

**Location**

5346 N. 29th Ave.

Council District: 5

**Financial Impact**

A fee was also collected as part of this abandonment in the amount of \$6,600.

**Discussion**

See Item 78 for discussion.

**This item was adopted.**

**13 Dominion Voting Systems, Inc.**

For \$30,000.00 in additional payment authority for Contract 139846 for programming and technical support of the election ballot tabulation system, for the City Clerk Department. The City Clerk Department is exercising the final option to extend the contract, which will expire on Dec.

31, 2019. Additional payment authority is needed due to the number of elections conducted over the last three years and anticipated over the next two years. The additional payment authority will increase the total contract value to an amount not to exceed \$80,000.00.

**Discussion**

Leonard Clark spoke voting systems and elections. He stated his concerns about voting data being hacked and would like to see people hired that were independent of the Dominion Voting Systems. He added that he would like to see city elections return to using paper ballots.

Councilman Waring stated he would be voting no on Item 13. He stated his vote was not reflective on City Clerk Cris Meyer or his leadership of the City Clerk Department. He stated the City of Phoenix should not hold its own elections but should partner with the county to save money.

**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:** 1 - Councilman Waring

**Absent:** 1 - Councilman DiCiccio

**14 Downtown Phoenix, Inc.**

For \$3,844,287.00 in payment authority for Contract 141594, through Dec. 31, 2018, for the Community and Economic Development Department to provide services for the Downtown Enhanced Municipal Services District (EMSD), which include streetscape enhancements, event management and the Downtown Ambassador program. Property owners within the EMSD boundaries pay a special assessment to Maricopa County Assessor's Office, which is the source of funds for approximately 90 percent of the 2018 budget. This request authorizes payment for the 2018 EMSD contractual obligations, pursuant to the invoice received on Nov. 16, 2017 from Downtown Phoenix, Inc.

**A motion was made by Councilman Valenzuela, 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:** 1 - Councilman Waring
- Absent:** 1 - Councilman DiCiccio

**A motion was made by Vice Mayor Pastor, seconded by Councilman Valenzuela, that Items 25 and 26 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:** 1 - Councilman Waring
- Absent:** 1 - Councilman DiCiccio

**25 (CONTINUED FROM NOV. 15, 2017) - Federal Lobbying Services  
(Ordinance S-44048)**

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

**Summary**

This contract will allow the City of Phoenix to be represented by a bipartisan federal team who will represent the City's interests to decision makers in Washington D.C., with the goal of advancing the City's federal agenda to benefit City programs and services, and ultimately, City residents. The City's federal agenda is divided into four issue areas: Public Safety; Transportation; Water, Environment, Parks and Sustainability; and Community Development. Services will include working closely with members of Congress and federal agencies to address municipal issues; providing information on City projects and seeking assistance on issues of interest to the City; coordinating



meetings when Phoenix representatives are in D.C.; developing strategies to address challenges City departments might have with federal program requirements; and analyzing pending legislation, rulemaking and grant funding opportunities.

**Procurement Information**

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

Holland & Knight: 985 points

Baker Donelson: 687 points

Capitol Strategies: 600 points

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

**Contract Term**

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

**Financial Impact**

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

**Discussion**

Leonard Clark said that the City of Phoenix was not in compliance with the Arizona Secretary of State election law. He said that as a principal body, the City of Phoenix is supposed to report in a certain time period annual lobbying spending. He said \$30-40,000 paid to the lobbyist was not

reported. He noted the City of Phoenix corrected the issue but he did not believe it was right for the City of Phoenix not to be fined.

Councilwoman Gallego stated her office had worked with Holland & Knight in 2014 after floods impacted District 8. She said they assisted the City of Phoenix in receiving a Presidential Disaster Declaration and meeting with FEMA, the White House and congressional delegation. She also highlighted their work as part of the southcentral light rail expansion.

Councilwoman Gallego noted a typo in the dollar figure referenced in the back-up documentation for Item 25, under Financial Impact. A decimal appeared in the amount listed for the aggregate value of the contract, rather than a comma. The correct aggregate value of the contract will not exceed \$1,380,000, with an estimated annual expenditure of \$276,000.

Mayor Stanton noted the typo was a clerical error and would be fixed administratively.

Councilman Waring stated he voted no on the contracts everytime and that his vote was not representative of the individuals or firms. He said the City of Phoenix should not be hiring lobbyists.

**This item was adopted.**

**26 (CONTINUED FROM NOV. 15, 2017) - State Lobbying Services  
(Ordinance S-44063)**

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

**Summary**

This contract will allow the City of Phoenix to be represented by a bipartisan team who will represent the City's interests to policy makers at the Arizona State Legislature, with the goal of advancing the City's State Legislative Agenda to benefit City programs and services, and ultimately, City residents. Services will include representing the City's interests at the Arizona State Legislature, and working closely with members of the

Executive Branch and state agencies; identifying issues/legislation relating to aviation, water, criminal justice, public safety, community and economic development, and other municipal legislative issues expected to be debated by state legislators or the Executive Branch; recommending strategies for advocacy of the City's position on priority issues, including contacts at the Arizona State Legislature, state officials and/or key interest groups; and reviewing and commenting on state executive branch proposals, proposed and adopted administrative rules and regulations, and other executive issues of interest to the City.

**Procurement Information**

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

Ballard Spahr, LLP - 939 Points  
Dorn Policy Group, Inc. - 770 Points  
Barclay Legal, PLC - 755 Points

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

**Contract Term**

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

**Financial Impact**

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

**Discussion**

See Item 25 for discussion.

**This item was adopted.**

**27 Amend Personnel Rule 15, Leaves of Absence (Ordinance S-44112)**

Request City Council approval of amendments to City of Phoenix Personnel Rule 15, Leaves of Absence. This action extends the period for existing rules for the use of Earned Paid Sick Leave by an additional 12 months to Dec. 31, 2018, and adopts a first phase adjustment to the City's leave policies streamlining and simplifying employees' use of Family Medical Leave Act (FMLA).

**Summary**

As a result of voter approval of Proposition 206, the City Council directed the City Manager to consult with employee unions and associations. The City Manager's Office formed a Sick Leave Work Group with representatives from all employee unions and associations, management staff from various departments, and Human Resources staff to implement specific provisions of the new State law and simplify the City's sick leave policies. Work group representatives participated in 13 meetings from August through October and developed a series of draft recommendations for the City Manager's consideration.

The first phase of the proposed amendments simplifies leave codes used for leave qualifying under FMLA (Attachment A). Current City policy states that employees who qualify for FMLA for themselves must use sick leave; employees who qualify for FMLA for a relative must use vacation leave. The current policy also states that employees must use a combination of sick and vacation leave for the birth, adoption or fostering of a child. This change would allow employees to choose to use their sick or vacation for any FMLA qualifying leave, and simplify the FMLA leave codes from two codes to one code. These proposed amendments would go into effect on Jan. 1, 2018 and were supported unanimously by the work group.

The work group has several other areas of focus, including implementing the use of Earned Paid Sick Time as defined in the new State law. On July 6, 2017, the City Council approved an interim policy to allow

employees to use up to 40 hours of Earned Paid Sick Time per year, as defined in the law. Since the law has only been in effect for five months, there currently is not enough data available to determine if Earned Paid Sick Time usage has an impact on employee leave use, department operations and service to the public. Therefore, the City Manager is recommending that Earned Paid Sick Time remain at 40 hours per year in accordance with State law for an additional 12 months, until Dec. 31, 2018. This will provide a full year of data for the work group to consider in developing recommendations on this and other items for revision before next December.

**Public Outreach**

A public meeting was conducted by the Human Resources Department on Nov. 16, 2017, to formally solicit comments on the proposed amendments.

**Discussion**

City Manager Zuercher provided background on the item. He stated in June 2017, the City Council amended Personnel Rule 15 to conform to state law passed by voters, known as Proposition 206, extending the rule until December 31, 2017 in order for management and labor to discuss. He said the recommendation was for City Council to continue the interim rule for another 12 months, while data was gathered on leave usage. He said it would allow staff to offer a recommendation based on a full year's data. He added that the rule would also allow streamlining the Family Medical Leave Act by making it simpler for employees to use their leave banks for things like maternity and paternity leave.

Abe Arvizu, Jr spoke in favor of Item 27. He stated he was Vice President of the AFSCME Local 2384 and was speaking on behalf of citizen employees of the City of Phoenix. He said the group was in agreement on moving forward with the interim rule, however, he noted the group hoped that in a year, the rule would be revised to allow usage of all sick time.

Vice Mayor Pastor spoke about leave times in other entities and companies. She stated she would vote in favor of Item 27 and hoped that in the coming year the rule would be revised to allow employees to use their leave time in excess of 40 hours.

Councilman Valenzuela thanked Mr. Arvizu and city staff. He stated he supported the item because it allowed for more extensive paid maternity and paternity leave. He said he had sent a memo to the City Manager asking about the particular policy and how it compared to others and what steps could be taken to move forward.

**A motion was made by Councilman Valenzuela, seconded by Mayor Stanton, 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:** 1 - Councilman Waring

**Absent:** 1 - Councilman DiCiccio

**48 Shopping Cart Retrieval Fee Increase (Ordinance S-44077)**

Request to authorize the City Manager, or his designee, to establish a \$50 per shopping cart retrieval fee. On June 20, 2017, the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee voted to recommend City Council approval of an increase in program fees; staff posted the proposed \$50 retrieval rate, as required by Arizona Revised Statute 9-499.15, on the City Clerk's website from July 11 to Sept. 9, 2017.

**Summary**

In 2007, City Council authorized the City Manager to establish a citywide Shopping Cart Retrieval Program under a cost recovery model. The program was designed to retrieve abandoned carts, which were not marked with permanently affixed signs as specified by State law, left outside the premises or parking areas of retail establishments. Over the past 10 years, approximately 35,500 carts were retrieved from neighborhoods and public right-of-ways, which helped to reduce resident complaints and remove blight from the community. In addition, retailers have made significant improvements regarding the management of their cart inventories, and the number of cart retrievals has decreased from nearly 10,000 in 2007 to just over 2,700 in fiscal year 2016-2017.

The current \$25 shopping cart retrieval fee, which was last adjusted by City Council in 2012, was intended to recover the program's operational and associated overhead expenses. This fee encouraged retailers to develop and implement new measures to retrieve their own carts. Since fiscal year 2012-2013, the number of billable carts retrieved has decreased by 80 percent. This has made it difficult for the Shopping Cart Retrieval Program to fully recover its costs; the program recovered 72 percent of its direct costs in fiscal year 2015-2016, and only 28 percent in fiscal year 2016-2017.

As a further incentive to the remaining retailers to manage their cart inventories and increase recovery of the program's operational and overhead expenses, staff recommends the shopping cart retrieval fee be raised from \$25 to \$50 per cart.

**Concurrence/Previous Council Action**

The Sustainability, Housing, Efficiency and Neighborhoods Subcommittee recommended City Council approval of this item on June 20, 2017 by a vote of 3-1.

**Public Outreach**

In accordance with Arizona Revised Statute 9-499.15, a public notice was posted on the City Clerk's website from July 11 to Sept. 9, 2017 regarding the proposed \$50 per shopping cart retrieval fee.

**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:** 1 - Councilman Waring

**Absent:** 1 - Councilman DiCiccio

**52 Unsolicited Development Proposal Policy for City-Owned Property**

Request to authorize the City Manager, or his designee, to implement an Unsolicited Development Proposal Policy for City-owned property.

**Summary**

As of June 20, 2017, 655 City-owned parcels were categorized as excess real property. Although some of these properties are eligible for disposal through the City's contracted real estate broker, some will require a competitive process due to federal regulations, state laws, or the City's preference to consider more than purchase price when disposing of a parcel.

Currently, when a developer expresses interest in a City-owned parcel requiring a competitive process, the City researches the parcel, conducts community outreach, and prepares a solicitation. This process is time-intensive for potential proposers, and sometimes is not nimble enough to respond to market interest timely.

**Unsolicited Development Proposal Policy**

The Unsolicited Development Proposal Policy (Attachment A) will allow developers to submit unsolicited proposals for City-owned parcels for which the City has not announced its intention to issue a solicitation. Parcels owned by the Parks and Recreation Department are governed by a separate process and are excluded from this Policy. Aviation land identified in a Federal Aviation Administration-approved airport layout plan, airport master plan, or comprehensive asset management plan, or is in support of the needs of the flying public or airport operations, is also excluded from this Policy. Benefits to the City will include increased speed to market for properties with interested buyers and reduced staff time preparing solicitations, while maintaining transparency and allowing for competition and community input. The Policy will reserve the City's right to reject an unsolicited proposal at any time prior to contract execution.

**Unsolicited Development Proposal Process Overview**

The unsolicited development proposal process will be posted on the City's website and provide instructions for submitting an unsolicited proposal. These instructions will include information about the City's Solicitation Transparency Policy, which will be in effect for an unsolicited proposal's owner and partners as of the date the unsolicited proposal is submitted. All unsolicited development proposals will be directed to the Community and Economic Development Department (CEDD).



Upon receiving an unsolicited development proposal, Staff will:

- Email City Council a brief description of the unsolicited proposal and the names of the unsolicited proposal's owner and any partners.
- Remind the unsolicited proposal's owner, in writing, about the Solicitation Transparency Policy.
- Collaborate with the City department that controls the property to prepare a staff recommendation.
- Seek authorization at a Formal City Council meeting for each responsive unsolicited proposal received.

Any unsolicited proposal approved by City Council for competition will be posted online to provide other potential proposers an opportunity to offer a proposal. The posting will include: proposer instructions, evaluation criteria, and the City's Solicitation Transparency Policy. The unsolicited proposal's owner may submit a revised proposal during this stage of the process. The City may solicit community input prior to posting any unsolicited proposal for competition.

A list of responsive proposers will be posted following the proposal deadline. If no other responsive proposals are received, the City will begin negotiations with the unsolicited proposal's owner. If the City receives multiple responsive proposals, an evaluation panel comprised of City employees, community representatives, and other individuals with relevant experience or expertise, will be assembled.

The evaluation may be based solely on the materials submitted by the deadline or may include proposer interviews and/or a short-listing process. The evaluation panel will recommend the top-ranked proposer for negotiations. The recommendation will be posted on the City's website, City staff and the recommended proposer will negotiate a letter of intent, and the recommended proposer will conduct community outreach as directed by the City. The recommended business terms will be presented to the City Council, which may accept or reject the contract award recommendation.

Upon City Council authorization, the City Manager will implement an Unsolicited Development Proposal Policy.

**Concurrence/Previous Council Action**

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

After the Subcommittee meeting, staff continued to do research and the following additional language is recommended: "Aviation land identified in a Federal Aviation Administration-approved airport layout plan, airport master plan, or comprehensive asset management plan, or is in support of the needs of the flying public or airport operations, is also excluded from this Policy."

**Discussion**

Community and Economic Development Director Christine Mackay provided background on the draft Unsolicited Development Proposal Policy for City-Owned Property. She informed the City Council that the policy was similar to what other communities had been using as a potential opportunity for redevelopment of land that cities own.

Vice Mayor Pastor stated she wanted to continue the item to Dec. 13, 2017 to allow additional time to review the policy.

Andie Abkarlan submitted a speaker comment card in neutral position for Item 52 but declined the opportunity to speak.

Councilwoman Gallego stated the policy looked like a one size fits all policy. She stated Habitat for Humanity would be developing vacant lots the City owned in District 8 but that there were small lots that the City owns that were not appropriate for single-family houses. She stated that the policy would make it too complicated for small lots.

Ms. Mackay responded that the policy could be worked out, so that it was not one size fits all, in particular for residential lots.

**A motion was made by Vice Mayor Pastor, seconded by Councilwoman Gallego that this item be continued to the Dec. 13, 2017 City Council Formal Meeting. The motion carried by voice vote:**

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

**Absent:** 1 - Councilman DiCiccio

**53 Authorization to Enter Into Contracts with True North Holdings, LLC for Sale and Redevelopment of City-Owned Knipe House Properties (Ordinance S-44110)**

Request authorization for the City Manager, or his designee, to enter into any and all agreements necessary ("Agreements") with True North Holdings, LLC, or its City-approved designee ("Developer"), to facilitate the sale and redevelopment of seven City-owned parcels located at 1009, 1015, 1016, and 1025 N. 2nd St.; and, authorize the City Treasurer to accept funds. This contract will have no expense impact to the General Fund.

**Summary**

In June 2017, the Community and Economic Development Department ("CEDD") issued a Request for Proposals ("RFP") for the disposition and redevelopment of the historic Knipe House and six additional vacant parcels of land north of Roosevelt Street on both sides of 2nd Street encompassing approximately 1.5 acres ("Site"). The City received one responsive proposal for this RFP.

The Developer controls property directly adjacent to the Site along 1st Street and Portland Street and plans to develop its project on a combined site including its own property as well as the City-owned Site. The Developer has proposed a comprehensive four structure project including (all numbers are approximate) 305,000 gross square feet ("GSF") of commercial office space, 77,000 GSF of retail space, 32 Residential Rental Units, and 1,200 Parking Spaces, with at least 250 spaces open to the public at all times. Overall the project's anticipated value is approximately \$151 million featuring 759,000 GSF of uses. Staff and the Developer have negotiated the following business terms for Council consideration:

City will sell the Site to the Developer for the fully appraised value of

\$3,560,000.

Developer shall construct a mixed-use project consisting of: a 19-story office building with ground floor commercial use; two five-story commercial office buildings with ground floor commercial use and rental residential; and renovation and preservation of the Leighton G. Knipe House.

Developer will provide a 50-year conservation easement to the City for the Leighton G. Knipe House.

Within six months of Council Authorization, the parties shall enter into Agreements. Within 18 months of Council Authorization, Developer must secure the first building permit. Developer shall complete the project within 36 months from the first building permit.

CEDD shall assist the Developer with right-of-way and permitting coordination through the development process.

The Agreements will include other terms and conditions as needed, and deadlines for performance benchmarks may be modified at the City's discretion.

In addition to the physical improvements created by this project, including the restoration and preservation of the historic structure, the project is estimated to create approximately \$151 million in new capital investment, generate approximately \$2.8 million in construction tax revenues, approximately \$2.3 million in retail, rental and other annual privilege license tax revenues and 2,300 jobs at build-out. Approval of this agreement will also sell seven City-owned parcels and return them to the public property tax rolls.

### **Procurement Information**

In June 2017, CEDD issued a Request for Proposals for the disposition and redevelopment of the Knipe House properties (RFP-CED17-KHP). Prior to the issuance of the RFP, staff met with the neighborhood groups in the vicinity including the Evans Churchill Community Association, Downtown Voices Coalition, and the Roosevelt Row Merchants Association to elicit feedback. One proposal was received for the RFP and staff verified the proposal was responsive to the RFP requirements. On Aug. 24, 2017, an award recommendation was posted, and staff began negotiations with the Developer.

**Contract Term**

The term of the development agreement will be approximately five years.

**Financial Impact**

This contract will have no expense impact to the General Fund. \$2,560,000 of the proceeds of the sale will be deposited into the Downtown Community Reinvestment Fund and \$1,000,000 of the proceeds of the sale will be deposited into the General Fund.

**Concurrence/Previous Council Action**

City Council approved the issuance of the RFP on June 7, 2017. This item was recommended for approval by the Downtown, Aviation, Economy and Innovation Subcommittee on Nov. 1, 2017.

**Location**

The Site is located on both sides of 2nd Street between Roosevelt and Portland Streets in downtown Phoenix with the street address of 1009, 1015, 1016, and 1025 N. 2nd St. The other two parcels are incorrectly addressed as 549 E. Lynwood St. The City parcels include seven distinct APNs: 111-36-029A, 111-36-029B, 111-36-030, 111-36-040, 111-36-042, 111-36-043 and 111-36-044.

Council District: 7

**Discussion**

Councilman Waring stated the city was divesting itself of a property. The developer was to pay a fair price, agreed to keep the historical features of the property and the city would be done with it after holding it for a period of time. He added that there would not be a GPLET involved with the project.

Community and Economic Development Director Christine Mackay concurred with Councilman Waring's statements.

Councilman Waring stated he felt at times historical overlays were put on projects. He stated it limited what potential reinvestment could be received from people giving money back to the taxpayers. He noted that was not the case with Item 53. He stated it should be emulated to get something that is wanted without having to spend a lot of time and

resources to get it done.

Councilman Nowakowski thanked staff and the developer for working things out with the community.

Speaker comment cards were submitted in favor of Item 53 with no one wishing to speak:

Nick Wood, attorney for the proposed buyer

Dan Klocke

Janielle Penner

Catrina Kahler

Mercedes Marie Gonzales

Dorina Bustamante

Amy Otto

Ryan Kerr

Kelly Aubey

Nathan Sonoskey

Andie Abkarian

Matthew Mook

Kristina Fioor

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

**Absent:** 1 - Councilman DiCiccio

**62 Transit Homeless Outreach Team (Ordinance S-44114)**

Request an ordinance authorizing the City Manager, or his designee, to enter into an amendment to Contract 145545 with Community Bridges, Inc., to fund a professional homeless outreach team focused on light rail and station areas. Further requesting the City Controller to disburse an amount not to exceed \$125,000 for purposes of this action.

**Summary**

The number and urgency of requests from residents, business owners and neighborhood groups related to homelessness has dramatically increased over the last two years. The Maricopa Regional Point-in-Time Count confirms the number of individuals experiencing unsheltered homelessness increased by over 27 percent between January 2015 and January 2016; and an additional increase of over 25 percent between 2016 and 2017. With public concerns continuing to escalate, the demand for services has stressed the capacity and flexibility of existing City resources and staffing structures.

The City of Phoenix invests significant resources towards services and solutions to end homelessness. Over \$4 million is allocated annually for outreach and engagement, emergency shelter, move-in deposits, housing stabilization and support services for individuals, families, unaccompanied youth and Veterans experiencing homelessness.

The goal of PHX C.A.R.E.S., a City-backed program, is to connect individuals experiencing homelessness with appropriate services and reduce the impact of unsheltered homelessness on Phoenix neighborhoods and public spaces. Since mid-March 2017, City departments have been working together to develop a coordinated service model and seamless customer interface. As the name of the program suggests, the PHX C.A.R.E.S. model is consumer centric in that it "leads with services." Persons experiencing homelessness have complex needs best addressed by certified outreach professionals with access to transportation, medical, behavioral health and recovery services. To meet this need, the Human Services Department conducted a competitive procurement process resulting in a contract with Community Bridges, Inc. The service includes transportation and access to the behavioral health network.

The procurement and subsequent contract for professional outreach and engagement services was designed to expand as needed to address increased volume and/or specific concerns related to unsheltered homelessness. As a result of significantly increased citizen requests to address the impact of unsheltered homelessness to the public transit system, transit requests to expand the contract to add a transit specific

outreach team. This would be done in partnership with Phoenix Police, Valley Metro, the Public Transit Department and citizen calls.

In partnership with Valley Metro, the Police Department's Transit Enforcement Unit (TEU) is currently managing an extra duty program that provides approximately eight extra duty police officers focused on light rail in Phoenix, with an emphasis on providing a high visibility deterrent along the 19th Avenue Corridor. This includes the additional four extra duty police officers recommended by the Citizens Transportation Commission and approved by the City Council on June 28, 2017. In addition to TEU staff, private security services are used for transit centers, park-and-rides and augmenting Municipal Security Guards at the three bus facilities.

Valley Metro is implementing a code of conduct called Respect the Ride. The code of conduct designates that Valley Metro is a destination-based service. All riders must exit the train and clear the platform area at their destination or the end-of-line station. Phoenix Police and the PHX C.A.R.E.S. team will work closely with Valley Metro to ensure light rail passengers who have been required to leave the light rail vehicle and platform do not have a negative impact on neighborhoods.

### **Financial Impact**

The cost of two full-time contracted outreach staff (one team) is approximately \$125,000 per year. Funds are available in the Public Transit Department operating budget in the T2050 fund.

Funding for this program is available through the reduction of private security guards at park-and-rides during non-peak daytime hours. Park-and-rides are primarily used by commuters. Security guards will be stationed at the park-and-rides when passengers arrive in the morning and leave in the afternoon. During non-peak service hours, roving security guards will patrol the park-and-rides. In previous years, this security model was successfully used at park-and-rides and is augmented by camera systems installed at each facility.

### **Concurrence/Previous Council Action**

The Citizens Transportation Commission recommended Transportation



& Infrastructure Subcommittee and City Council approval on Oct. 26, 2017.

The Transportation & Infrastructure Subcommittee recommended City Council approval on Nov. 14, 2017 to fund the professional homeless outreach team as a one-year pilot program. Program data will be collected and reported to determine program success and assist in determining appropriate service levels.

### **Discussion**

Leonard Clark spoke about safety concerns while riding the light rail. He stated he wanted to make sure there were no police on the team. He said he was concerned people that were poor or looked homeless would be sought out.

City Manager Zuercher clarified that the outreach team was not the police. He stated the outreach team would provide professionals that knew how to connect people with services.

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

**Absent:** 1 - Councilman DiCiccio

### **85 Public Hearing- Density Regulating Map - Modify Density Allowed on Parcel within Townsend Park Character Area in the Downtown Code - Z-TA-1-17-4 (Ordinance G-6384)**

Request for public hearing for a proposed text amendment to the zoning ordinance, Z-TA-1-17-4, regarding Amending Chapter 12 Section 1202 (Regulating Maps) of the Phoenix Zoning Ordinance to replace the Downtown Code map to amend the density provisions in the Townsend Park Character Area for the property located at the northwest corner of 3rd Street and McDowell Road.

### **Summary**

The intent of this proposed text amendment is to change the maximum density allowed on a parcel located at the northwest corner of 3rd Street and McDowell Road from a maximum of 14.5 dwelling units per acre to a maximum of 97 dwelling units per acre. The proposal does not change the permitted height of development for the parcel.

Owner: Coletta Spurling

Applicant: Senexco Arizona Star Holdings, Inc.

Representative: Larry Lazarus with Lazarus, Silvyn & Bangs, PC

### **Concurrence/Previous Council Action**

The Encanto Village Planning Committee heard the item on Sept. 11, 2017, and recommended approval by a 12-0 vote.

The Planning Commission heard the item on Oct. 3, 2017 and recommended approval per the Encanto Village Planning Committee's recommendation by a 7-0 vote.

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

### **Location**

Northwest corner of 3rd Street and McDowell Road

Council District: 4

Address: 232 E. McDowell Road

### **Discussion**

Planning and Development Director Alan Stephenson provided a staff presentation on Item 85. He stated the item was a request for a text amendment to the Townsend Park character area of the downtown code. He stated the proposed text amendment would amend Chapter 12, the regulating maps of the downtown code zoning district. The parcel was located at the northwest corner of 3rd Street and McDowell Road. He explained that the intent of the proposed text amendment was to change the maximum density allowed on the parcel from 14.5 dwellings per acre to a maximum of 97 dwelling units per acre. He stated it was not going to change the permitted height and already had height entitlements that allowed for taller buildings. He noted the Encanto Village Planning Committee recommended approval per staff by a 12-0 vote, the Planning Commission by 7-0 vote and the Downtown Aviation, Economy Subcommittee recommended approval by a 3-0 vote.

Mr. Stephenson stated that since the subcommittee vote, the applicant had additional discussions with Council District 4. He referenced a memo that had been distributed that lowered the proposed density to 89 dwelling units per acre. He added that staff recommended approval and adoption of the related ordinance per the memo.

Mayor Stanton opened the public hearing.

Larry Lazarus spoke in favor of Item 85. He thanked the Vice Mayor for working on the process.

The following individuals submitted speaker comment cards in favor of Item 85 but declined the opportunity to speak:

Coletta Spurling  
Gonzalo Barroilhet  
Heather Dukes

**The hearing was held. A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams that this item be approved per the Nov. 29, 2017 Planning Director's memo and adopted the related ordinance.**

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

**Absent:** 1 - Councilman DiCiccio

**86 (CONTINUED FROM NOV. 15, 2017) - Public Hearing - Certificate of Appropriateness - Appeal of Historic Preservation Commission Decision - 1610 W. Wilshire Drive**

Request to hold a public hearing on the Certificate of Appropriateness Decision by the Historic Preservation Commission (HPC) for 1610 W. Wilshire Drive in the Del Norte Place Historic District due to an appeal form submitted on Oct. 20, 2017. The Historic Preservation Commission upheld the decision of the Historic Preservation Hearing Officer to approve the Certificate of Appropriateness with an additional stipulation

on Oct. 16, 2017. The appellant's rationale for the appeal is 1) financial hardship and 2) disagreement with the ruling due to similarity with the rest of houses in the immediate area.

**Summary**

Application Number: HPCA-1700373

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

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

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

Staff Recommendation: Approve with two stipulations.

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

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

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

**Historic Preservation Commission Stipulations**

1. That all the stucco be removed from the house and the original redwood siding and brick be repaired;
2. That the gate and fence return adjacent to the front door be moved northward to a point 3' from the corner window in accordance with section 703.A.2.a.1 of the City of Phoenix Zoning Ordinance;
3. That the window opening that was modified be restored to its original opening size and window type.

**Action Requested**

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

**Location**

1610 W. Wilshire Drive

Council District: 4

**Discussion**

Planning and Development Director Alan Stephenson provided an overview of the case and introduced Historic Preservation Officer Michelle Dodds and Patty Boland with the Law Department. Mr. Stephenson stated Item 86 was a certificate of appropriateness appeal of a historic preservation commission decision related to a parcel at 1610 West Wilshire Drive. He explained the certificate of appropriateness was required for any work that would impact the outside structure of a home or parcel that had historic designation on it. He stated the case had gone through the process, which ultimately ends before the Mayor and Council, where the Council acts in a quasi-judicial manner by reviewing the evidence submitted. He stated the Council would make a decision based upon whether or not the construction that was done on the site was appropriate for the historic district.

Historic Preservation Officer Michelle Dodds reviewed aerial and historical information related to the site. She stated the subject site was in the Del Norte Place Historic District. She provided a timeline related to the case stating the following:

- April 24, 2017 - Initial report of unpermitted work
- April 26, 2017 Stop Work Order issued
- May 23, 2017 - Notice of Violation issued due to work continuing on the site
- June 23, 2017 - Stop Work Order issued due to work continuing on the site
- July 13, 2017 - Property listed for sale

Ms. Dodds stated the applicant was seeking after-the-fact approval for the following:

- Stucco installation over the original brick walls and redwood siding
- Reduction of a window opening at the front of the house
- Replacement of all the steel casement windows
- Installation of a fence adjacent to the front door

Ms. Dodds stated the Hearing Officer's decision was to approve a certificate of appropriateness with the following two stipulations:

1. That the stucco be removed from the house and the original redwood siding and brick be repaired
2. That the gate and fence return adjacent to the front door be moved northward to a point 3 feet from the corner window in accordance with Section 703.A.2.a.1 of the City of Phoenix Zoning Ordinance.

Ms. Dodds said the applicant appealed the Hearing Officer's decision. She stated that the Historic Preservation Commission approved the certificate of appropriateness with the two stipulations from the hearing officer and an additional stipulation that the window opening that was modified be restored to the original opening size and window type.

Councilwoman Williams asked if the brick and the redwood materials were still available.

Ms. Dodds replied that repair would be necessary but that she believed it could be removed.

Vice Mayor Pastor asked for background on the stop work order and questioned how many times one was issued.

Ms. Dodds responded a stop work order was issued twice. She stated work should have ceased and the applicant should have gone to the city for proper permits. She added that an inspector had been in contact with a representative of the applicant.

Vice Mayor Pastor asked if the home was no longer part of the registry.

Ms. Dodds explained that the home was still part of the Del Norte Historic District and had been a contributor to the district but no longer was in its

current state.

Logan Elia stated he was from the Rose Law Group and represented the owner. He explained that his client had purchased the home at an auction and had relied on a third party for renovations. He stated that the owner was out of state. He admitted that protocol had not been followed but was not done so with malicious intent. He asked for a limited concession regarding the window at the property, which had been resized and replaced.

Ms. Dodds stated that the stipulation regarding the window was not a staff recommendation but had been recommended by the Historic Preservation Commission.

Doris McVey and William Poulson submitted speaker comment cards for Item 86, in favor of upholding the Historic Preservation Commission decision, but declined the opportunity to speak.

GiGi George spoke in opposition to the appeal. She addressed the illegal work that took place. She stated the applicant had obliterated the historic facade that qualified the home as a contributor to the Del Norte Historic District. She stated any future owner would not be able to receive the state historic tax credit if the stucco exterior was not removed. She asked the Council to support the decisions from the Hearing Officer and Historic Preservation Commission. She provided the Council with several pages of signatures from members of the Historic Del Norte Place neighborhood requesting the home be held in its entirety for the property to be returned to its historic integrity.

Opal Wagner spoke in opposition to the appeal. She stated she was speaking on behalf of the Phoenix Historic Neighborhoods Coalition. She voiced the group was concerned everytime homes were altered and became noncontributors. She stated the applicant had an opportunity to mitigate damages and work with the Historic Preservation Office. She provided photographs of every house on the block of 1600 West Wilshire to compare the windows of those homes to what was altered at the subject site.

Marilyn Rendeu submitted a speaker comment card in opposition to Item 86 but declined the opportunity to speak.

John Jacqusmart stated he had lived in the Del Norte neighborhood for 7 years. He said he had written the first historic survey of the neighborhood, had lived in the neighborhood before it was on the historic register, had served on the Historic Preservation Commission and had worked in the Historic Preservation Office. He spoke about the subject site being built in 1941 as a combination of redwood and brick. He went on to explain that it would be possible to return the home to its original form.

Mr. Stephenson explained the window in question and stated that the owner had framed it, put stucco over it and made the new window much smaller in size. He reiterated the Historic Preservation Commission recommended restoration of the window.

Councilman Nowakowski thanked the individuals that advocated for historic preservation.

**A motion was made by Vice Mayor Pastor, seconded by Councilman Valenzuela, that the appeal be denied and approving the Historic Preservation Commission decision. The motion carried by the following vote:**

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

**Absent:** 1 - Councilman DiCiccio

**87 (CONTINUED FROM NOV. 15, 2017) - Consideration of Citizen Petition Related to Group Homes**

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

**Summary**

The petitioners request the City Council to either place a 90-day moratorium, or hold, on approval of applications for new group homes in



Phoenix or for the Council to accept a report from the City Manager that outlines a framework for a new comprehensive ordinance and a revision to the zoning ordinance to regulate group homes and a timeline for bringing proposals to the City Council for approval.

At the start of the Group Home Working Committee process, staff committed to formulating and presenting draft recommendations to the City Council by the end of 2017. As outlined in this report, staff is on track to meet this timeline. Staff from multiple city departments, including City Clerk, Neighborhood Services, Planning and Development, Law and several others, with significant input from a broad stakeholder working group, are working to finalize proposals for a comprehensive improvement package to address this issue. It includes group home license and operations standards in addition to a good neighbor policy. Planning and Development staff is also working to finalize amendment language to the zoning ordinance to update group home resident protections, definitions, parking standards, and reasonable accommodation provisions. In addition, staff is proposing to implement process improvements to enhance the existing reasonable accommodation process to ensure that public input can be gathered as part of the staff analysis of a reasonable accommodation request as part of the current process.

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

Nov. 15, 2017: City Council receives staff report on the petition

Nov. 20, 2017: Present Structured Sober Living Home draft license requirements to the Committee

Nov. 30, 2017: Finalize Zoning and other recommended changes with the Committee

Dec. 6, 2017: Present Group Home Improvement Package recommendations to City Council's Downtown, Aviation, Economy and Infrastructure (DAEI) Subcommittee

- Dec. 7, 2017: Request Planning Commission initiation of zoning ordinance text amendment modifications
- Dec. 13, 2017: Present Group Home Improvement Package recommendations to full City Council
- Dec. 2017: Review consultant locational analysis and mapping exercise with Committee
- December 2017/January 2018: Finalize language for Zoning and other recommended changes based upon mapping analysis and City Council direction
- January 2018: Broad stakeholder notice regarding proposed Structured Sober Living Home License regulations
- January 2018: Post proposed new license fee on City website pursuant to state law
- January/February 2018: Staff to present Zoning proposal to the 15 Village Planning Committees for consideration and action
- Feb. 7, 2018: Staff to provide an update to the DAEI Subcommittee
- February 2018: Gather stakeholder feedback on license process changes and finalize proposed ordinance
- March 1, 2018: Planning Commission to review Zoning Ordinance modifications
- March 7, 2018: DAEI Subcommittee to review Zoning Ordinance modifications
- March 21, 2018: Full City Council to consider and make a recommendation on the Group Home Comprehensive Improvement Package

**Discussion**

Planning and Development Director Alan Stephenson provided background on Item 87. He explained that there were two tracks on the petition; one a potential moratorium and the other to adopt an aggressive schedule. He stated staff recommended to accept the aggressive schedule. He added that there were a couple of more meetings to take place with the Group Home Committee that was comprised of TAP residents as well as Group Home operators.

Mr. Stephenson reviewed the proposed aggressive schedule, which included the following:

- Nov. 30, 2017 - Group Home Committee to finalize the zoning and other

modifications

- Dec. 13, 2017 - City Council to consider Group Home Improvement Package
- December 2017 - Group Home Committee to review consultant location analysis and mapping
- December 2017 - January 2018 - Finalize all proposals based on Council direction and mapping analysis
- January 2018 - Board stakeholder notice of Group Home License requirements and post new license fee on city website
- January - February 2018 - 15 Village Planning committees to consider and take action on zoning changes
- Feb. 7, 2018 - Staff to update Downtown, Aviation, Economy and Innovation (DAEI) Subcommittee
- February 2018 - Gather stakeholder feedback on licensing and finalize ordinance
- March 1, 2018 - Planning Commission to review Zoning Ordinance changes
- March 7, 2018 - DAEI to review Zoning Ordinance changes
- March 21, 2018 - Full City Council to review consideration and recommendation on full Improvement Package

Mr. Stephenson added that the Council would also pursue changes to licensing at the State level.

Jeff Spellman, of Take Action Phoenix spoke about the different options outlined in the petition. He stated he was happy with the report that staff put together and supported the report.

Mark Lewis spoke in favor of Item 87 and stated he supported the concept of expedited licensing. He talked about concerns regarding strict protection of the anonymity of the location and people in group homes. He shared an incident where a neighborhood found out that a group of women moved into a group home. He stated that drones were being flown over the home during AA meetings. He stated that protecting the anonymity of addresses was needed in order to avoid violence.

The following individuals submitted speaker comment cards in support of Item 87 but declined the opportunity to speak:

Larisa Balderrama  
Maria Uhing  
Frank Dancil  
Pam Fitzgerald

Gaile Perry Dixon, President of the Assisted Living Homes Association, stated the group opposed the moratorium but not the fast track schedule. She stated that the city planners had suggested assisted living homes be omitted from the licensing portion. She stated that Assisted Living Homes wanted to keep being licensed through the State. She noted they were heavily regulated through the State.

Joe Landin submitted a speaker comment card in opposition to Item 87 but declined the opportunity to speak.

Leonard Clark spoke in support of Item 87.

Councilwoman Stark thanked the residents involved in the process for their work and patience. She stressed regulation for group homes was a statewide issue and concern.

Councilman Valenzuela also thanked the residents involved in the process. He spoke about the need to have state legislation regarding group homes.

**A motion was made by Councilwoman Stark, seconded by Vice Mayor Pastor, that this item be approved to proceed with the alternative option in the petition for an aggressive schedule and the item return to Council in March 2018 with licensing and zoning changes. The motion carried by the following vote:**

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

**Absent:** 1 - Councilman DiCiccio

**88 Request for Reconsideration of Item 45 from the Nov. 15, 2017  
Formal Council Meeting**

Request for reconsideration of Item 45 (Ordinance S-44065) from the Nov. 15, 2017, City Council Formal Meeting pertaining to the authorization for the City Manager, or his designee, to enter into a contract for an amount not to exceed \$95,000 with Jones Studio, Inc., or its City-approved designee, to fabricate and oversee installation of artist-designed streetscape enhancements and transit shelters at 16th Street and Bethany Home Road.

### **Summary**

At the Nov. 15 meeting, the vote of the City Council on the Artist Fabrication and Construction Oversight Contract for 16th Street and Bethany Home Road Public Art Project was 4-1 with Councilman Waring dissenting. Therefore, the item relating to the Artist Fabrication and Construction Oversight Contract for 16th Street and Bethany Home Road Public Art Project failed to pass because it did not receive the required five affirmative votes.

This reconsideration is being placed on the next available agenda in accordance with a written request filed in the City Clerk Department by Councilman Waring on Nov. 22, 2017 (Attachment A).

Pursuant to the Rules of Council Proceedings, Item 45 from the Nov. 15, 2017, Formal Council Meeting has been placed on the agenda immediately following this request for reconsideration. If this request is approved, the City Council will reconsider the item. If this request is not approved, the City Council will not reconsider the item and the original action on the item will stand.

**A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that the request for reconsideration the item be approved. The motion carried by the following vote:**

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

**Absent:** 1 - Councilman DiCiccio

**89      Reconsideration of Item 45 from the Nov. 15, 2017 Formal Council Meeting - Artist Fabrication and Construction Oversight Contract for 16th Street and Bethany Home Road Public Art Project (Ordinance S-44065)**

Request authorization for the City Manager, or his designee, to enter into a contract for an amount not to exceed \$95,000 with Jones Studio, Inc., or its City-approved designee, to fabricate and oversee installation of artist-designed streetscape enhancements and transit shelters at 16th Street and Bethany Home Road. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Fiscal Year 2017-22 Public Art Project Plan includes a project to commission an artist to create street enhancements at 16th Street and Bethany Home Road. On April 17, 2013, the City Council approved a contract for artist Maria Salenger to work with City departments and the community to design enhancements for the commercial core at this intersection. Since then, the team has developed construction documents for new bus shelters, seating and landscaping within the limited right-of-way on three of the intersection's corners.

Under the proposed construction contract, Jones Studio, Inc., will fabricate and oversee the installation of two bus shelters, up to ten benches, three trash receptacles and landscape improvements, coordinating all work with City departments and adjacent businesses.

**Financial Impact**

The proposed \$95,000 contract covers all costs needed to fabricate and oversee installation of the bus shelters, seating and trash receptacles, and oversee completion of streetscape enhancements at 16th Street and Bethany Home Road. Funding is available in the Neighborhood Services Capital Improvement Program.

**Concurrence/Previous Council Action**

The Phoenix Arts and Culture Commission reviewed and recommended this item for approval on Sept. 19, 2017. The Parks, Arts, Education and

Equality Subcommittee reviewed and recommended this item for approval at its Oct. 25, 2017, meeting by a vote of 3-0.

**Location**

The project is located on 16th Street and Bethany Home Road.  
Council District: 6

**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:** 1 - Councilman Waring

**Absent:** 1 - Councilman DiCiccio

**90 Request for Reconsideration of Item 46 from the Nov. 15, 2017 Formal Council Meeting**

Request for reconsideration of Item 46 (Ordinance S-44066) from the Nov. 15, 2017, City Council Formal Meeting pertaining to the authorization for the City Manager, or his designee, to enter into one contract with Arizona artist Bill Dambrova and one contract with Arizona artist Frank Gonzales, or their City approved-designees, each for an amount not to exceed \$50,000, to work with an Aviation Department design team to design and oversee construction of terrazzo floors for the planned Phoenix Sky Harbor International Airport PHX Sky Train Stage 2 stations at the Rental Car Center and 24th Street West Ground Transportation Center.

**Summary**

At the Nov. 15 meeting, the vote of the City Council on the Artist Design and Construction Oversight Contracts for Phoenix Sky Harbor International Airport Sky Train Station Terrazzo project was 4-1 with Councilman Waring dissenting. Therefore, the item relating to the Artist Design and Construction Oversight Contracts for Phoenix Sky Harbor

International Airport Sky Train Station Terrazzo project failed to pass because it did not receive the required five affirmative votes.

This reconsideration is being placed on the next available agenda in accordance with a written request filed in the City Clerk Department by Councilman Waring on Nov. 22, 2017 (Attachment A).

Pursuant to the Rules of Council Proceedings, Item 46 from the Nov. 15, 2017, Formal Council Meeting has been placed on the agenda immediately following this request for reconsideration. If this request is approved, the City Council will reconsider the item. If this request is not approved, the City Council will not reconsider the item and the original action on the item will stand.

**A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that the request for reconsideration of the item be approved. The motion carried by the following vote:**

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

**Absent:** 1 - Councilman DiCiccio

**91 Reconsideration of Item 46 from the Nov. 15, 2017 Formal Council Meeting - Artist Design and Construction Oversight Contracts for Phoenix Sky Harbor International Airport Sky Train Station Terrazzo (Ordinance S-44066)**

Request to authorize the City Manager, or his designee, to enter into one contract with Arizona artist Bill Dambrova and one contract with Arizona artist Frank Gonzales, or their City approved-designees, each for an amount not to exceed \$50,000, to work with an Aviation Department design team to design and oversee construction of terrazzo floors for the planned Phoenix Sky Harbor International Airport PHX Sky Train Stage 2 stations at the Rental Car Center and 24th Street West Ground Transportation Center. These projects will continue the successful series of Arizona artist-designed terrazzo floors integrated into PHX Sky Train



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

**Summary**

On Sept. 8, 2017, a five-person artist selection panel recommended Mr. Dambrova, Mr. Gonzales and six other finalists from a pool of 52 Arizona artists who had applied to be considered for this public art project. In addition to the two recommended artists, the finalists included the Fortoul Brothers, Cheryle Marine, Aaron Rothman, Mary Shindell, Rossitza Todorova and Ellen Wagener. On Oct. 9, 2017, the panel interviewed the finalists and reviewed preliminary concepts before recommending that Mr. Dambrova and Mr. Gonzales be contracted for the project. The panel based its decision on the artists' approach to the project, their potential to create beautiful and durable floors, and their ability to work effectively with complex design teams.

**Financial Impact**

The PHX Sky Train Phase 2 project is one of 31 projects in the Fiscal Year 2017-22 Public Art Project Plan that City Council approved on June 28, 2017. The Art Plan includes \$2,300,000 for Sky Train Phase 2 projects. The two proposed \$50,000 design and construction oversight contracts, totaling \$100,000, will cover all costs related to the artists working with City staff and the station design team to develop full designs and oversee construction of the terrazzo projects. The remaining \$2,200,000 will be used for project construction and administration, and to develop an additional public art project for safety weather screens to be integrated into the Rental Car Center station. The percent-for-art funds for this project come from the Aviation Department Capital Improvement Program.

**Concurrence/Previous Council Action**

The Phoenix Arts and Culture Commission reviewed and recommended this item for approval at its Oct. 17, 2017, meeting. The Parks, Arts, Education and Equality Subcommittee recommended this item for approval at its Oct. 25, 2017, meeting by a vote of 3-0.

**Location**

The project will be located at the Phoenix Sky Harbor PHX Sky Train

Stage 2 stations at the Rental Car Center and 24th Street West Ground Transportation Center.  
Council District: 8

**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:** 1 - Councilman Waring

**Absent:** 1 - Councilman DiCiccio

**92 ADD-ON - Request to Name Phoenix Sky Harbor International Airport Terminal 3 the John S. McCain III Terminal**

Request to authorize the City Manager, or his designee, to begin the process to formally name Terminal 3 at Phoenix Sky Harbor International Airport the John S. McCain III Terminal.

**Summary**

By a letter dated Nov. 21, 2017 (Attachment A), Mayor Stanton and Councilmembers Waring and Stark requested that an item be placed on this formal agenda to begin the process to formally name Terminal 3 at Phoenix Sky Harbor International Airport the John S. McCain III Terminal. Terminal 3 is in the middle of a \$590 million modernization that will make it home to one of the most flier-friendly experiences in the country. By 2020, the long-outdated terminal will have a new south concourse with 15 new gates and a remodeled north concourse with all new shops and restaurants.

**Location**

Phoenix Sky Harbor International Airport, Terminal 3, 3400 E. Sky Harbor Blvd.

Council District: 8

**Discussion**

Mayor Stanton announced Item 92, a proposal to rename Terminal 3 after Senator John McCain, was added to the formal meeting agenda at his

and Councilwoman Stark and Councilman Waring's request.

Councilwoman Stark clarified that a process would be initiated first. She stated that public hearings would be required to take place before the Heritage Commission.

Leonard Clark announced he was neutral on the matter, however, he asked the Council to find a way to create a plaque to honor all of the veterans that did not return home.

Ren Ramsey agreed with the statements made by Mr. Clark. He asked the Council to consider renaming a terminal or finding a way to honor other veterans, in particular, the Navajo Code Talkers. He spoke about the group's history and connection in Arizona.

Russ Wittenbere spoke in opposition to Item 92. He stated that John McCain's military history was not what everyone believed it was. He provided the Council with information regarding Senator McCain.

RoseAnn Shawiak spoke in opposition to Item 92. She suggested renaming the terminal after someone else.

Judy Staab completed a speaker comment card in opposition to Item 92 but was not present to speak on the item.

Gilbert Arvizu spoke in support of Item 92. He stated he had served as a full-time intern for Senator McCain in Washington D.C. and in Phoenix. Mr. Arvizu spoke about his experience working with Senator McCain and noted his military and political record.

Mayor Stanton stated the intent to rename Terminal 3 was to honor Senator McCain's military service and 30 year service as a Senator for the State of Arizona.

Councilman Waring stated things were not named after individuals solely to honor the individual but broader ideas they represent. He stated Senator McCain was a fighter, displayed courage and worked extremely hard and gave everything he had in the service of his state and country.

He also agreed with Mr. Clark's idea about honoring Vietnam veterans. He spoke about the possibility of having monuments or art projects of some sort at the airport in honor of war participants similar to a monument located at the site of the first Lincoln-Douglas debate that honors Civil War participants.

Councilwoman Stark spoke about John McCain representing Arizona and what he meant to her and her family.

Councilman Nowakowski noted that a vote to rename Terminal 3 was not taking place but rather just to start the process. He questioned if calls had been received from individuals regarding other individuals that made impact on the City of Phoenix such as Virginia Piper and Ed Pastor.

Mayor Stanton stated that the item before the City Council was to rename Terminal 3 after Senator McCain.

City Manager Zuercher spoke about the City Council approved process for naming facilities. He reiterated the City Council would be initiating a process. The item would then go before the Heritage Commission as a public hearing, with the commission offering a recommendation one way or another. He stated the City Council was the final authority on naming the building.

Councilman Nowakowski inquired if an individual or a group of people were able to nominate someone else for consideration in the renaming of Terminal 3.

Historic Preservation Officer Michelle Dodds explained the formal process consisted of an application and a requirement of a sponsoring department.

City Manager Zuercher clarified that in this particular case, the Phoenix City Council would serve as the sponsoring department.

Councilman Nowakowski asked if there was the chance for an organization to go to one of the city departments and ask that Terminal 3 be named something else.

Ms. Dodds responded that if there were an active application for a specific name, it would probably precede a secondary application.

Councilwoman Williams asked if a second request need to be brought forward to City Council.

Ms. Dodds said the request would go before the Heritage Commission, then a City Council Subcommittee, and then the full City Council.

Councilwoman Williams asked if it was normal to have two requests for the same meeting.

Mayor Stanton stated that the request would only be brought before the City Council if the Heritage Commission recommended approval. He noted in this instance was a little awkward, as it would be in the form of them providing direction. He stated that it would be theoretically possible for the commission to not follow the direction of the City Council but did not believe that would happen.

Councilman Nowakowski stated he was asking questions regarding the process because the request would normally go through the subcommittee level before being presented to the full Council.

Ms. Dodds stated the commission made recommendations to the City Council but were not the final decision makers. She went on to state that the process with the Heritage Commission was created in May of 1999.

Mayor Stanton spoke about Terminal 3 going through a \$600 million renovation. He stated Terminal 3 would become the most modern airport terminal in the United States. He spoke about naming the terminal after Senator McCain and noted the Senator's service in the military, United States Senate and history as a presidential candidate. He stated it was very appropriate to name the terminal after a great Arizonan and American.

**A motion was made by Councilman Waring, seconded by Councilwoman Stark, that this item be approved. The item carried by the following vote:**

**Yes:** 7 - Councilman Nowakowski, Councilwoman Stark,  
Councilman Valenzuela, Councilman Waring,  
Councilwoman Williams, Councilwoman Gallego and  
Mayor Stanton

**Absent:** 2 - Councilman DiCiccio and Vice Mayor Pastor

**REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS**

None.

**CITIZEN COMMENTS**

Joanne Scott Woods addressed the Council regarding a police incident.

**ADJOURN**

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 5:26 p.m.

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MAYOR

ATTEST:

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CITY CLERK

RC

**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 29th day of November, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of January, 2018.

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CITY CLERK