

### City Council Formal Meeting

---

Wednesday, September 20, 2017

2:30 PM

phoenix.gov

---

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

The Phoenix City Council convened in formal session on Wednesday, Sept. 20, 2017, at 2:36 p.m. in the Council Chambers.

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

Councilwoman Gallego participated in the meeting via telephone. Councilman DiCiccio joined the voting body via telephone following the introduction of the Spanish interpreter. Councilman Nowakowski joined the voting body via telephone during discussion on Item 29.

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

Note: Councilman DiCiccio joined the voting body via telephone.

#### **CITIZEN COMMENTS**

Leonard Clark stated prayers were with Mexico City following the earthquake and hoped Phoenix offered assistance to Mexico just as it did to Texas. He said he attended the Human Relations Commission to talk about a review board and concerns about the rally but there was no quorum so the meeting did not take place. Also, he noticed that signs in the Piestewa Peak neighborhood had not been changed.

Dianne Barker encouraged everyone to attend the next Meet Me Downtown event, a group that walked the downtown area. She also attended the Human

Relations Commission to participate in the meeting which did not take place due to no quorum. She expressed more green space was needed as the Phoenix streetscape changed.

An affidavit was presented to the Council by the City Clerk stating that copies of the titles of Ordinances G-6348, G-6362 through G-6364; S-43868, S-43896 through S-43931; and Resolutions 21569 through 21570 were available to the public in the office of the City Clerk at least 24 hours prior to this Council meeting and, therefore, may be read by title or agenda item only pursuant to the City Code.

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

### **MINUTES OF MEETINGS**

#### **1 For Approval or Correction, the Minutes of the Formal Meeting on April 5, 2017**

##### **Summary**

This item transmits the minutes of the Formal Council meeting of April 5, 2017 for review, correction and/or approval by the City Council.

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

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

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

**Absent:** 1 - Councilman Nowakowski

#### **2 For Approval or Correction, the Minutes of the Formal Meeting on April 19, 2017**

**Summary**

This item transmits the minutes of the Formal Council meeting of April 19, 2017 for review, correction and/or approval by the City Council.

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

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

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

**Absent:** 1 - Councilman Nowakowski

**3 For Approval or Correction, the Minutes of the Formal Meeting on May 10, 2017**

**Summary**

This item transmits the minutes of the Formal Council meeting of May 10, 2017 for review, correction and/or approval by the City Council.

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

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

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

**Absent:** 1 - Councilman Nowakowski

**4 For Approval or Correction, the Minutes of the Formal Meeting on May 31, 2017**

**Summary**

This item transmits the minutes of the Formal Council meeting of May 31, 2017 for review, correction and/or approval by the City Council.

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

**A motion was made by Councilman DiCiccio, seconded by Councilwoman Williams, that this item be continued to the October 4, 2017 City Council Formal Meeting. The motion carried by voice vote:**

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

**Absent:** 1 - Councilman Nowakowski

**5 For Approval or Correction, the Minutes of the Formal Meeting on June 7, 2017**

**Summary**

This item transmits the minutes of the Formal Council meeting of June 7, 2017 for review, correction and/or approval by the City Council.

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

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

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

**Absent:** 1 - Councilman Nowakowski

**6 For Approval or Correction, the Minutes of the Formal Meeting on**

**June 21, 2017****Summary**

This item transmits the minutes of the Formal Council meeting of June 21, 2017 for review, correction and/or approval by the City Council.

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

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

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

**Absent:** 1 - Councilman Nowakowski

**7 For Approval or Correction, the Minutes of the Formal Meeting on June 28, 2017**

**Summary**

This item transmits the minutes of the Formal Council meeting of June 28, 2017 for review, correction and/or approval by the City Council.

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

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

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

**Absent:** 1 - Councilman Nowakowski

## **8 For Approval or Correction, the Minutes of the Formal Meeting on July 6, 2017**

### **Summary**

This item transmits the minutes of the Formal Council meeting of July 6, 2017 for review, correction and/or approval by the City Council.

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

### **Discussion**

Due to Councilman Nowakowski's absence, Mayor Stanton requested the approval of these minutes be continued.

**A motion was made by Councilwoman Williams, seconded by Vice Mayor Pastor, that this item be continued to the October 4, 2017 City Council Formal Meeting. The motion carried by voice vote:**

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

**Absent:** 1 - Councilman Nowakowski

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

Gregg Goodman - Applicant, Item 11

Camillia Diaz, Item 15

Clayton Moizo, Item 20

Kevin Kramber - Agent, Item 28

**A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that Items 9 through 29 be recommended for approval, except Item 29. The motion carried by voice vote:**

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

**Absent:** 1 - Councilman Nowakowski

**9 Liquor License - Sardella's Pizza & Wings**

Request for a liquor license. Arizona State License 07070785.

**Summary**

Applicant

David Sardella, Agent

License Type

Series 7 - Beer and Wine Bar

Location

4212 W. Cactus Road, Ste. 1102 & 1103

Zoning Classification: C-1

Council District: 1

This request is for an acquisition of control of an existing liquor license for a restaurant. This location is currently licensed for liquor sales. A beer and wine bar is not permitted in a C-1 zoning district.

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

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

Other Active Liquor License Interest in Arizona

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

for the address listed.

Sardella's Pizza & Wings (Series 12)  
18631 N. 19th Ave., Ste. 140, Phoenix  
Calls for police service: 126  
Liquor license violations: None

Sardella's Pizza & Wings (Series 7)  
8278 W. Lake Pleasant Pkwy., Ste. 100, Peoria  
Calls for police service: N/A - not in Phoenix  
Liquor license violations: In April 2012, a fine of \$200 was paid for not having a manager's agreement form on file.

#### 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:

"Currently, Sardella's Pizza and Wings at 4212 W. Cactus Rd. in Phoenix, AZ hold a series 7 liquor license and sells and delivers alcohol. An AOC was required due to the passing of Gayle Sardella on December 13, 2016. Removing Gayle Sardella and adding Sardella Family Trust, dated December 6, 1995 are the only changes. No change to location, hours of operation, day-to-day procedures and operations and beer and wine menu."

#### Staff Recommendation

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

**This item was recommended for approval.**



**10     Liquor License - Hampton Inn #166**

Request for a liquor license. Arizona State License 07070178.

**Summary**Applicant

Nicholas Guttilla, Agent

License Type

Series 7 - Beer and Wine Bar

Location

42415 N. 41st Drive

Zoning Classification: C-2 PCD

Council District: 1

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

The sixty-day limit for processing this application is Oct. 2, 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 one hundred eighty days.

Other Active Liquor License Interest in Arizona

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

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

Hampton Inn #151 (Series 7)  
245 London Bridge Road, Lake Havasu City  
Calls for police service: N/A - not in Phoenix  
Liquor license violations: None

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

Hampton Inn & Suites #162 (Series 7)  
16620 N. Scottsdale Road, Scottsdale  
Calls for police service: 13  
Liquor license violations: None

#### Public Opinion

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

#### Applicant's Statement

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

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

“ZMC Hospitality, LLC (Arizona FN for ZMC Hotels, Inc.) has been in existence since 1962 and it operates approximately 34 properties in approximately 16 states. The Hampton Inn #166 is a ZMC hotel property and it will be operated in the same responsible manner as all other ZMC properties.”

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

“ZMC prides itself on providing a full-service hotel experience to its guests and the neighbors each property serves. ZMC employees are dedicated to superior performance in the hospitality industry and its management includes deep experience in hotel operations. ZMC properties are known good neighbors offering responsible alcohol service to provide the most complete service that the public has come to expect at corporate and boutique hotels.”

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Hampton Inn #166

Liquor License Map - Hampton Inn #166

**This item was recommended for approval.**

**11 Liquor License - Special Event - Horses Help Foundation**

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

**Summary**

Applicant

Gregg Goodman

Location

2601 E. Rose Garden Lane

Council District: 2

Function

Live Music/Dinner

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

Nov. 4, 2017 - 5 p.m. to 10:30 p.m. / 500 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**12      Liquor License - Special Event - St. George Antiochian Orthodox Church**

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

**Summary**

Applicant

Layla Saikley

Location

4530 E. Gold Dust Ave.

Council District: 3

Function

Dinner/Dance

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

Oct. 20, 2017 - 7 p.m. to Midnight / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**13      Liquor License - Sardella's Pizza & Wings**

Request for a liquor license. Arizona State License 12078417.

**Summary**

Applicant

David Sardella, Agent

License Type

Series 12 - Restaurant

Location

18631 N. 19th Ave., Ste. 140

Zoning Classification: C-2

Council District: 3

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

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

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

#### Other Active Liquor License Interest in Arizona

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

Sardella's Pizza & Wings (Series 7)  
4212 W. Cactus Road, Ste. 1102 & 1103, Phoenix  
Calls for police service: 33  
Liquor license violations: None

Sardella's Pizza & Wings (Series 7)  
8278 W. Lake Pleasant Pkwy., Ste. 100, Peoria  
Calls for police service: N/A - not in Phoenix  
Liquor license violations: In April 2012, a fine of \$200 was paid for not having a manager's agreement form on file.

#### 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:

“Currently, Sardella's Pizza and Wings at 18631 N. 19th Ave. in Phoenix, AZ holds a series 12 liquor license and sells alcohol. An AOC was required due to the passing of Gayle Sardella on December 13, 2016. Removing Gayle Sardella and adding Sardella Family Trust, dated December 6, 1995 are the only changes. No change to location, hours of operation, day-to-day procedures and operations and beer and wine menu.”

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**14 Liquor License - Up N Smoke**

Request for a liquor license. Arizona State License 10076900.

**Summary**

Applicant

Omar Albayati, Agent

License Type

Series 10 - Beer and Wine Store

Location

1947 W. Indian School Road

Zoning Classification: C-2

Council District: 4

This request is for a new liquor license for a smoke shop. This location was previously licensed for liquor sales and may currently operate with an interim permit. This location requires a Zoning Clearance for a tobacco oriented retailer.

The sixty-day limit for processing this application is Sept. 22, 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 one hundred eighty 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 29 years old and legal resident of Arizona. I have no criminal record or State, City driver licenses valuation."

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

"Because I will abide by all the city, state and county laws and, requirement. I will serve the community with wholesome products at fair prices."

#### 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 - Up N Smoke

Liquor License Map - Up N Smoke

**This item was recommended for approval.**

**15 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

2209 N. 99th Ave.

Council District: 5

Function

Soccer Tournament

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

Nov. 10, 2017 - 5 p.m. to 10 p.m. / 2,500 attendees

Nov. 11, 2017 - 10 a.m. to 10 p.m. / 5,000 attendees

Nov. 12, 2017 - 10 a.m. to 7 p.m. / 4,000 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**16 Liquor License - In & Out Convenience**

Request for a liquor license. Arizona State License 10076901.

**Summary**

Applicant

H. J. Lewkowitz, Agent

License Type



## Series 10 - Beer and Wine Store

### Location

6024 N. 23rd Ave.

Zoning Classification: C-2

Council District: 5

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The sixty-day limit for processing this application is Sept. 30, 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 one hundred eighty days.

### Other Active Liquor License Interest in Arizona

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

#### Bell Tower Market & Liquors (Series 9)

6302 W. Bell Road, Glendale

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

Liquor license violations: In January 1997, a fine of \$1,250 was paid for failure to request ID from an underage buyer and for selling, giving, or

furnishing an underage person with alcohol. In May 2003, a fine of \$2,250 was paid for failure to request ID from an underage buyer and for selling, giving, or furnishing an underage person with alcohol. In August 2008, a fine of \$750 was paid for failure to follow the identification procedure prescribed by statutes and for selling, giving, or furnishing an underage person with alcohol. In April 2010, a fine of \$2,000 was paid for failure to follow the identification procedure prescribed by statutes and for selling, giving, or furnishing an underage person with alcohol. In June 2012, a fine of \$750 was paid for failure to request ID from an underage buyer and for selling, giving, or furnishing an underage person with alcohol. In October 2013, a fine of \$1,500 was paid for accepting unauthorized forms of ID and for selling, giving, or furnishing an underage person with alcohol. It was also ordered that the licensee submit current records of Employee Liquor Law training to the Department of Liquor Licenses and Control.

#### Greenway Market (Series 9)

3502 W. Greenway Road, #17, 18, 19, Phoenix

Calls for police service: 28

Liquor license violations: In October 2009, a fine of \$750 was paid for failure to request ID from an underage buyer and for selling, giving or furnishing an underage person with alcohol. In June 2012, a fine of \$750 was paid for failure to request ID from an underage buyer and for selling, giving or furnishing an underage person with alcohol. In January 2015, a warning letter was issued for failure to protect the safety of patrons.

#### 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 committed to upholding the highest standards for alcohol

sales and service. Managers and staff are trained, or will be, in the techniques of legal and responsible 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: "Applicant would like to continue to serve the neighborhood and local visitors with the convenience of one-stop shopping. Customers 21 and over purchasing beer/wine also purchase convenience items; such as, snacks, drinks or household items. Applicant will offer a clean and safe environment for its customers and neighbors."

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 - In & Out Convenience

Liquor License Map - In & Out Convenience

**This item was recommended for approval.**

**17 Liquor License - Special Event - St. Joseph Maronite Catholic Church**

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

**Summary**

Applicant

Wissam Akiki

Location

5406 E. Virginia Ave.

Council District: 6

Function

Festival

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

Nov. 3, 2017 - 5 p.m. to 10 p.m. / 400 attendees

Nov. 4, 2017 - Noon to 10 p.m. / 500 attendees

Nov. 5, 2017 - Noon to 8 p.m. / 300 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**18 Liquor License - Special Event - St. Theresa Roman Catholic Parish Phoenix**

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

**Summary**

Applicant

Sara Graf

Location

5045 E. Thomas Road

Council District: 6

Function

Festival

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

Nov. 12, 2017 - 12:30 p.m. to 5:30 p.m. / 750 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**19 Liquor License - Over Easy**

Request for a liquor license. Arizona State License 1207B129.

**Summary**

Applicant

Lauren Merrett, Agent

License Type

Series 12 - Restaurant

Location

2398 E. Camelback Road, Ste. #150 - #180

Zoning Classification: C-2 H-R CEPCSP

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 location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption.

The sixty-day limit for processing this application is Oct. 7, 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 one hundred eighty days.

Other Active Liquor License Interest in Arizona

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

Over Easy (Series 12)

4730 E. Indian School Road #123, Phoenix

Calls for police service: 32

Liquor license violations: None

Public Opinion

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

Applicant's Statement

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

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

"The owners meet all capability and qualifications requirements identified in ARS Title 4. They have been successful small business owners for several years. They are active members of their community."

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

"This is a restaurant serving breakfast lunch and dinner. Our customers will expect the convenience of having alcoholic beverages available."

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 - Over Easy

Liquor License Map - Over Easy

**This item was recommended for approval.**

**20 Liquor License - Scramble A Breakfast Joint**

Request for a liquor license. Arizona State License 1207B122.

**Summary**

Applicant

Amy Nations, Agent

License Type

Series 12 - Restaurant

Location

2375 E. Camelback Road, Ste. 115

Zoning Classification: C-2 CEPCSP

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 location requires a Use Permit to allow outdoor dining and outdoor alcohol consumption. This business is currently being remodeled with plans to open in December 2017.

The sixty-day limit for processing this application is Sept. 29, 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 one hundred eighty days.

Other Active Liquor License Interest in Arizona

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

Gold Key Racquet Club (Series 7)

12826 N. 3rd St., Phoenix  
Calls for police service: 2  
Liquor license violations: None

Half Moon Windy City Sports Grill (Series 12)  
2121 E. Highland Ave., Phoenix  
Calls for police service: 9  
Liquor license violations: None

Half Moon Sports Grill (Series 12)  
288 E. Greenway Pkwy., #103, Phoenix  
Calls for police service: 17  
Liquor license violations: In March 2010, a fine of \$1,500 was paid for failure to derive 40% of income from food sales. In August 2011, a consent agreement was signed for failure to derive 40% of income from food sales.

Scramble A Breakfast Joint (Series 12)  
6590 N. Scottsdale Road, #100, Scottsdale  
Calls for police service: N/A - not in Phoenix  
Liquor license violations: None

#### Public Opinion

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

#### Applicant's Statement

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

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

"We own and operate locations throughout the valley. We will continue to ensure our employees attend the Title 4 Basic liquor law training."

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



"We would like to offer our patrons an alcoholic beverage with their meal if they choose to do so."

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 - Scramble A Breakfast Joint

Liquor License Map - Scramble A Breakfast Joint

**This item was recommended for approval.**

**21 Liquor License - Special Event - Downtown Phoenix Partnership, Inc.**

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

**Summary**

Applicant

Alison Sipes

Location

100 N. 1st St.

Council District: 7

Function

Festival

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

Nov. 11, 2017 - Noon to 5 p.m. / 3,000 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**22 Liquor License - Special Event - Local First Arizona**

Request for a Series 15 - Special Event liquor license for the temporary

sale of all liquors.

**Summary**

Applicant

Thomas Barr

Location

1202 N. 3rd St.

Council District: 7

Function

Festival

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

Nov. 4, 2017 - 10 a.m. to 4:30 p.m. / 4,000 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**23 Liquor License - Special Event - Orgazac, Inc**

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

**Summary**

Applicant

Jesus Barraza Rodriguez

Location

4022 N. 67th Ave.

Council District: 7

Function

Dance

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

Oct. 28, 2017 - 8 p.m. to 2 a.m. / 550 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**24 Liquor License - The Van Buren**

Request for a liquor license. Arizona State License 06070600.

**Summary**Applicant

Andrea Lewkowitz, Agent

License Type

Series 6 - Bar

Location

401 W. Van Buren St.

Zoning Classification: DTC-Van Buren HP

Council District: 7

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 sixty-day limit for processing this application is Sept. 26, 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 one hundred eighty days.

Other Active Liquor License Interest in Arizona

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

Crescent Ballroom (Series 6)  
308 N. 2nd Ave., Phoenix  
Calls for police service: 52  
Liquor license violations: None

Valley Bar (Series 6)  
130 N. Central Ave., #B100, Phoenix  
Calls for police service: 37  
Liquor license violations: None

Fillmore Vig (Series 12)  
606 N. 4th Ave., Phoenix  
Calls for police service: 11  
Liquor license violations: None

Deli (Series 12)  
130 N. Central Ave., Phoenix  
Calls for police service: 37  
Liquor license violations: None

#### Public Opinion

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

#### Applicant's Statement

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

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

"Applicant is committed to upholding the highest standards for alcohol sales and service. Managers and staff are trained, or will be, in the techniques of legal and responsible 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: "The Van Buren is a unique multi-use venue featuring live music productions. Applicant would like to continue to offer alcoholic beverages to guests 21 and over."

#### 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 - The Van Buren

Liquor License Map - The Van Buren

**This item was recommended for approval.**

### **25 Liquor License - Special Event - Children's Museum of Phoenix**

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

#### **Summary**

#### Applicant

Alexander Wurth

#### Location

215 N. 7th St.

Council District: 8

#### Function

Community Event

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

Oct. 14, 2017 - 7 p.m. to 11 p.m. / 900 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**26 Liquor License - Special Event - Children's Museum of Phoenix**

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

**Summary**Applicant

Alexander Wurth

Location

215 N. 7th St.

Council District: 8

Function

Community Event

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

Dec. 2, 2017 - 6 p.m. to 9 p.m. / 450 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**27 Liquor License - Special Event - Greater Phoenix Economic Council**

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

**Summary**Applicant

Martha Miner

Location

22 E. Buchanan St.

Council District: 8

Function

Networking Event

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

Oct. 5, 2017 - 5 p.m. to 8:30 p.m. / 650 attendees

Staff Recommendation

Staff recommends approval of this application.

**This item was recommended for approval.**

**28 Liquor License - Paz Taqueria Y Cantina**

Request for a liquor license. Arizona State License 1207B125.

**Summary**Applicant

Kevin Kramber, Agent

License Type

Series 12 - Restaurant

Location

330 E. Roosevelt St.

Zoning Classification: DTC-East Evans Churchill ACSBOD

Council District: 8

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 location requires a Use Permit to allow outdoor alcohol consumption and live entertainment. A Use Permit hearing has been scheduled. This business is currently being remodeled with plans to open in November 2017.

The sixty-day limit for processing this application is Oct. 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 one hundred eighty 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:

"1. As an agent for establishments for almost 17 years I have had no legal or law enforcement actions taken against me in over 15+ years. 2. I currently represent over 85+ licensee throughout Arizona. 3. The controlling person has been associated in 1 prior liquor license and I currently."

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

"We are applying for a series 12, Restaurant, Liquor License so our business plan is revolving around the sale of food as the primary business income with alcohol sales secondary to our primary food use. It will merely be an accessory item offer to compliment our food menu."

#### 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 - Paz Taqueria Y Cantina

Liquor License Map - Paz Taqueria Y Cantina

**This item was recommended for approval.**

**29 Liquor License - Pink Rhino Cabaret**

Request for a liquor license. Arizona State License 06070397.

**Summary**

Applicant

Patrick Zanzucchi, Agent

License Type

Series 6 - Bar

Location

3613 E. Van Buren St.

Zoning Classification: C-3 TOD-2

Council District: 8

This request is for an ownership and location transfer of a liquor license for a topless bar. This location is currently licensed for liquor sales with a separate Series 6 - Bar, liquor license. In addition to alcohol sales, the applicant has indicated there will be adult live entertainment. That use is not currently permitted at this location.

The sixty-day limit for processing this application is Sept. 22, 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 one hundred eighty days.

#### Other Active Liquor License Interest in Arizona

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

Pink Rhino Cabaret (Series 6)  
3613 E. Van Buren St., Phoenix  
Calls for police service: 9  
Liquor license violations: None

Bandaid's Show Lounge (Series 6)  
2548 N. 7th St., Phoenix  
Calls for police service: 40  
Liquor license violations: In April 2010, a fine of \$1,750 was paid for a report of violence.

O Oracle 2000 (Series 6)  
2000 N. Oracle Road, Tucson  
Calls for police service: N/A - not in Phoenix  
Liquor license violations: None during the time the applicant has held ownership.

#### 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 was approved for a license for this location in November 2016 by the Arizona State Liquor Board. I have had no violations on any license in which I have an ownership interest."

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 was approved for a liquor license in November 2016 by the Arizona State Liquor Board. This business is a destination site. The bar license will be an amenity to the business' patrons."

#### Staff Recommendation

Staff recommends disapproval of this application based on a Police Department recommendation for disapproval. The Police disapproval is based on concerns with the applicants' capability, qualifications and reliability to hold and control a liquor license. The applicants have a history of liquor law violations and have provided conflicting, false and misleading information in connection with liquor license applications. The Police Department believes that granting this liquor license would not be in the best interest of the community.

Staff also notes 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 - Pink Rhino Cabaret

Liquor License Map - Pink Rhino Cabaret

Liquor License Police Department Recommendation - Pink Rhino Cabaret

#### **Discussion**

Management Assistant II Denise Archibald stated this request for was an ownership and location transfer of a liquor license for a topless bar. She added the location was currently licensed for liquor sales with a separate Series 6 Bar liquor license. In addition to alcohol sales, the applicant

indicated there would be adult live entertainment at this establishment, noting adult use was not currently permitted at this location. She advised staff recommended disapproval of this application based on a Police Department recommendation for disapproval.

Note: Councilman Nowakowski joined the voting body via telephone.

Police Detective Gabriella Westfall conveyed the Police Department recommended disapproval based on the applicants' failure to meet the requirements set forth in A.R.S. 4-203 and explained the statute. She recalled in June 2016 the Council recommended disapproval on an application for the Pink Rhino from the same applicants based on hidden ownership, liquor license violations at their other locations, and Patrick Zanzucchi's history as a convicted felon. However, in November 2016 the Arizona State Liquor Board approved the license.

Detective Westfall continued in January 2017 when the Pink Rhino was not open for business, a compliance violation was filed by the Department of Liquor alleging false or misleading information, plus failure to place the license on inactive status. She noted the case was closed on April 25 after Patrick Zanzucchi provided pictures and sales receipts which was the letter the applicant provided to Council about the case being dismissed. Yet, a second case was opened in May citing the same allegations. During a meeting with the applicants she pointed out there were inconsistencies with sales receipts as well as a thick layer of dust on the bar. She added City of Phoenix water records showed there was no water used between November 2016 and March 2017. In fact, the bar appeared as it did when she was part of a search warrant when it closed in July 2015.

Detective Westfall remarked all licenses to operate the bar had expired and when interviewed the applicant stated the bar was not open. She stressed that was important because in July 2017 an informal determination was made by the Planning and Development Department that the non-conforming status of an adult use would not be permitted since it had not been used for more than 180 days. Further, the applicants repeatedly said the Pink Rhino was open for business despite significant information showing it remained closed. She indicated this

compliance action was with the Arizona Attorney General's Office awaiting an administrative law judge hearing.

She commented Patrick Zanzucchi was in the process of applying for a license at a different location, Centerfolds Cabaret. Detective Westfall advised that license was recommended for disapproval by Council and awaiting a hearing with the State Liquor Board. Also, there was a Department of Liquor administrative hearing set for Hi Liter, another club Patrick Zanzucchi was involved in, pertaining to prohibited sex acts and licensee's failure to maintain capability, qualifications and reliability. Based on these facts, she advised granting a liquor license for this establishment would not be in the best interest of the community.

Mary Moore, representing the Van Buren Civic Association and Sunbeam Neighborhood Association, spoke in opposition to the transfer of this liquor license for the Pink Rhino. She pointed out there were two elementary schools, plus UMOM in close proximity to this location. She did not think this was a good fit for the community and hoped Council denied the application.

Councilwoman Gallego thanked Detective Westfall and the Police Department for their work on this issue, noting a lot of research went into their recommendation. Therefore, she supported the Police Department's recommendation for disapproval.

**A motion was made by Councilwoman Gallego, seconded by Councilwoman Williams, that this item be recommended for disapproval based on Police Department's recommendation for disapproval due to concerns with the applicants' capability, qualifications and reliability to hold and control a liquor license. The applicants have a history of liquor law violations and have provided conflicting, false and misleading information in connection with liquor license applications. Granting this liquor license would not be in the best interest of the community. The motion carried by the following vote:**

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

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

**A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that Items 30 through 87.2 be approved or adopted, except Items 31, 34, 36, 43, 51, 53, 56-57, 61, 63, 73, 75, 84 and 87; and continuing Item 44 to October 4, 2017. The motion carried by the following vote:**

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

Items 30-42, Ordinance S-43930 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.

**30 Professional Sky Climbing Service, Inc.**

For \$275,000.00 in additional payment authority for Contract 136263 for window/glass cleaning and high dusting services for the Aviation Department and Phoenix Convention Center. Services are provided at the Phoenix Convention Center, Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, Phoenix Goodyear Airport, Rental Car Center, Sky Train Stations and other Aviation facilities on an as-needed basis.

**This item was adopted.**

**32 CDW LLC, doing business as CDW Government, LLC**

For \$39,000.00 in payment authority to purchase various computing

items for the Police Department. The items are needed for lab use in investigations, evidence storage, evidence recording, interview transcription, printing in the tactical vehicle and other investigations conducted by Phoenix Police, Arizona Internet Crimes Against Children affiliates, and Arizona Counter Terrorism Information Center affiliates.

**This item was adopted.**

**33 Cengage Learning, doing business as Gale Group**

For \$112,500.00 in additional payment authority for Contract 145865 to continue to provide career online learning services for the Library Department. The contract will link to Maricopa County's contract to continue to allow Phoenix Public Library's College Depot to provide adults, age 21 and older, the opportunity to earn an accredited high school diploma. The career online learning platform's unique and comprehensive course-work provides the resources to facilitate the high school diploma program for participants. Funding is available in the Library Department's budget.

**This item was adopted.**

**35 Collaborative Testing Services, Inc.**

For \$10,000.00 in additional payment authority for Contract 134255 for proficiency testing for the Police Department's Laboratory Bureau. The laboratory accreditations require mandatory administration of a proficiency testing program using external test providers for analysis of all disciplines of the laboratory.

**This item was adopted.**

**37 Arcadis U.S., Inc.**

For \$120,000.00 in additional payment authority for Contract 134763 for Environmental Permit Compliance Database and Electronic Drinking Water Regulatory Database software applications maintenance for the Water Services Department. The applications provide staff with dashboard display information showing the status of drinking water compliance monitoring throughout the water system to maintain compliance the software creates compliance reports that are submitted to the various regulatory agencies.

**This item was adopted.**

**38 Bentley Systems Incorporated**

For \$34,802.00 in additional payment authority for Contract 130188, for the WaterGems software program for the Water Services Department. The program is used for modeling water and sewer systems and helps optimize the design of the infrastructure.

**This item was adopted.**

**39 Korem Corporation**

For \$15,000.00 in additional payment authority for Contract 136029 for the Korem NT End User License Agreement for the Water Services Department. The software provides mapping data that is integrated with Oracle software applications to efficiently route drivers in the course of business.

**This item was adopted.**

**40 LabVantage Solution Inc.**

For \$78,714.00 in additional payment authority for Contract 105428 for the Laboratory Information Management Systems (LIMS) Master Software License Agreement for the Water Services Department. The software handles the tracking and management of laboratory samples and provides important reporting data to water regulatory agencies regarding water quality.

**This item was adopted.**

**41 HDR Engineering, Inc.**

For \$671,421.00 in additional payment authority for Change Order 2, Contract 142744 (Project WS85500379-1) with HDR Engineering, Inc., for the inspection and assessment of approximately three miles of Pre-Stressed Concrete Cylinder Pipe (PCCP) water transmission mains prior to commencement of nearby rock blasting, removal, and construction activities, which began in August 2017, for the on-going Arizona Department of Transportation (ADOT) Loop 202 Freeway extension project. This proactive inspection and assessment will provide important baseline condition information prior to commencement of ADOT activities. The existing baseline condition information provides reference in the event this PCCP main is damaged by adjacent ADOT rock blasting and construction activities associated with the Loop 202 Freeway work in the Pecos Road alignment.



**This item was adopted.**

**42 Southwest Energy Systems LLC**

For \$150,000.00 in additional payment authority for Contract 134510 for low/medium voltage electrical equipment testing, calibration and repair services for the Phoenix Convention Center. The Water Services, Public Works, and Aviation departments share this agreement until Aug. 31, 2018. The Phoenix Convention Center has requested to be added to this contract.

**This item was adopted.**

**44 (CONTINUED FROM AUG. 30, AND SEPT. 6, 2017) - Marketing Partnership Program - Service Line Protection Program (Ordinance S-43868)**

This report requests authorization for the City Manager, or his designee, to extend revenue generating Contract 133068 with Service Line Warranties of America (SLWA) through Dec. 31, 2017, to allow sufficient time for the City to evaluate the program and procure a new contract. This report further requests authorization for the City Treasurer to accept and the City Controller to disburse funds generated through the program. There is no cost to the City; this is a revenue contract.

**Summary**

On Aug. 1, 2012, the City entered into a two-year marketing agreement with SLWA with three one-year options. SLWA is an optional warranty program for residential sewer and/or water lines, with participating residents billed directly by the company. The program is completely outsourced and generates General Fund revenue for City programs and services, with no cost to the City.

The City currently receives 12 percent of revenue from warranty subscriptions. Since its inception, the program has produced a savings of more than \$2 million for Phoenix residents who have filed claims. Additionally, the program has generated approximately \$1.4 million in revenue for the City through royalties and other one-time payments.

The current contract, including extension options, expired Aug. 1, 2017. As this contract provides revenue to the City and an optional and beneficial resource to Phoenix residents, staff recommends extending

the contract through Dec. 31, 2017, to allow staff time to evaluate the program and procure a new contract while avoiding a lapse in service.

**Contract Term**

If awarded, the term would commence immediately and expire on Dec. 31, 2017.

**Financial Impact**

There is no cost to the City; this is a revenue contract.

**This item was continued to the Oct. 4, 2017 City Council Formal Meeting.**

**45 Federal Express Corporation - State of Arizona Contract ADSPO 17-153699 (Ordinance S-43896)**

Request to authorize the City Manager, or his designee, to enter into a contract for small package delivery services with Federal Express Corporation (FedEx), not to exceed \$100,000 per year. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

This contract will allow all City departments to purchase US domestic and international door-to-door express small package air and ground services covering interstate, intrastate and international through FedEx Express and FedEx Ground Service on an as-needed basis.

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement and the Intergovernmental Agreement with the State of Arizona allows the City of Phoenix to adopt its agreements when it is beneficial for the City to do so. Using the State of Arizona cooperative agreement allows the City to benefit from State pricing and volume discounts. The State of Arizona contract [ADSPO 17-153699] was awarded on Nov. 28, 2016.

**Contract Term**

The four-year contract term shall begin on or about Oct. 1, 2017.

**Financial Impact**

The aggregate contract value will not exceed \$400,000 (including

applicable taxes), with an estimated annual expenditure of \$100,000. This amount is based on historical use and projected need. Funds are available in all City of Phoenix departments' budgets.

**This item was adopted.**

**46 Automotive Maintenance for Original Equipment Manufacturers - Requirements Contract - Maricopa County 16030-S (Ordinance S-43898)**

Request to authorize the City Manager, or his designee, to access Maricopa County Contract 16030-S and to enter into a contract with Sands Motor Company for an amount not to exceed \$2,000,000 over the life of the contract to maintain and repair Police patrol vehicles. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Public Works Department maintains the City's fleet of 1,500 Police patrol vehicles. Approximately 300 of these vehicles, due to age and high mileage, will need transmission and engine replacement to extend their useful lives. Through the County's contract, the City will utilize Sands Motor Company to meet the heavy need for repair work and avoid excessive down time for the vehicles.

**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 using a similar competitive process consistent with the City's procurement processes, as set forth in Phoenix City Code Chapter 43. Utilization of cooperative agreements allows the City to benefit from national government pricing and volume discounts. The Maricopa County contract covers automotive repair services and was awarded on Dec. 17, 2015.

**Contract Term**

The three-year contract term shall begin on or about Oct. 1, 2017.

**Financial Impact**

The aggregate contract value will not exceed \$2,000,000 over the life of the contract, with annual expenditures estimated at \$600,000. Funds are

available in the Public Works Department's budget.

**This item was adopted.**

**47 Authorization to Enter into Escrow Agreement to Accept Tracts A and C of Gold Key Racquet Club Estates (Ordinance S-43900)**

Request authorization to enter into escrow agreements and to accept conveyances for Tracts A and C from Gold Key Racquet Club Estates owners subject to terms and conditions set forth in the agreements.

Further request authorization to dedicate Tracts A and C to public right-of-way upon recording of the conveyance instruments.

**Summary**

A significant majority of Gold Key Racket Club Estates owners recently agreed to move forward and work with the City of Phoenix to form an improvement district to fund street improvements and other related public infrastructure to convert the private residential streets to public right-of-way. As part of forming the improvement district, Gold Key owners must first conditionally convey their interests in Tracts A and C to the City. The City will enter into escrow agreements with the owners of record of Tracts A and C, and the conveyance instruments will be held in escrow. The conveyance instruments will not be recorded until all requirements are met to convey clear title to the City and the City Council passes a resolution to order the construction of public improvements. Under the terms of the escrow agreements, the conveyance instruments will be returned to the respective owner if the escrow conditions are not met. If all escrow conditions are met and upon the recording of the conveyance instruments, Tracts A and C will be dedicated as public right-of-way.

**Location**

Aster Drive, 1st Street, 2nd Street, 2nd Place and Dahlia Drive; located between Central Avenue and 3rd Street, also identified as assessor parcel numbers 159-02-330 and 159-02-332A.

Council District: 3

**This item was adopted.**

**48 Wildcat Fire Services, Inc. dba National Fire Control for Fire Extinguisher Inspection, Testing and Maintenance Services Contract - Requirements Contract - IFB 12-034A (Ordinance**

**S-43905)**

Request to authorize the City Manager, or his designee, to amend Contract 132066 with Wildcat Fire Services dba National Fire Control, for fire extinguisher inspections, testing and maintenance services as needed in accordance with state and local fire codes and the National Fire Protection Association (NFPA), to extend the term for one year to allow time for a new solicitation. Further request authorization for the City Controller to disburse all funds related to this item, not to exceed \$200,000.

**Contract Term**

The contract term will be on a month-to-month basis from Jan. 1, 2018 through Dec. 31, 2018.

**Financial Impact**

The total additional payment will not exceed \$200,000. Funds are available in various departments' budgets.

**Concurrence/Previous Council Acton**

The current contract was approved by City Council on Oct. 5, 2011.

**This item was adopted.**

**49 Acceptance of Easements for Water and Public Utilities Purposes (Ordinance S-43911)**

Request for the City Council to accept easements for water and public utilities 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: Chamberlain Development, LLC, its successor and assigns

Purpose: Water

Location: 2538 E. Mohawk Lane

File: FN170075

Council District: 2

Easement (b)

Applicant: DLR Properties, LLC, its successor and assigns

Purpose: Public Utilities

Location: 19214 N. 29th Place

File: FN170058

Council District: 2

Easement (c)

Applicant: Louis A Debiasio and Mary Jane Debiasio, its successor and assigns

Purpose: Public Utilities

Location: 16650 N. 43rd St.

File: FN170081

Council District: 2

Easement (d)

Applicant: WPC Cave Creek Storage, LLC, its successor and assigns

Purpose: Public Utilities

Location: 1208 E. Mountain View Road

File: FN170079

Council District: 3

Easement (e)

Applicant: PWG, LLC, its successor and assigns

Purpose: Public Utilities

Location: 15400 W. Greenway Parkway

File: FN170068

Council District: 3

Easement (f)

Applicant: Michael L Martinez and Aaryn Green, its successor and assigns

Purpose: Public Utilities

Location: 5049 E. Osborn Road

File: FN170074

Council District: 6

Easement (g)

Applicant: Rafterhouse-Sonata, LLC, its successor and assigns  
Purpose: Public Utilities  
Location: 4203 N. 44th St.  
File: FN170067  
Council District: 6

Easement (h)

Applicant: Road Machinery, LLC, its successor and assigns  
Purpose: Water  
Location: 926 S. 7th St.  
File: FN170065  
Council District: 8

**This item was adopted.**

**50 Acceptance and Dedication of Deeds and Easements for Roadway, Sidewalk and Drainage Purposes (Ordinance S-43912)**

Request for the City Council to accept and dedicate deeds and easements for roadway, sidewalk and drainage purposes; further ordering the ordinance recorded.

**Summary**

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

Easement (a)

Applicant: Happy Valley Self Storage, L.P., its successor and assigns  
Purpose: Drainage  
Location: 1740 W. Happy Valley Road  
File: FN170069  
Council District: 1

Deed (b)

Applicant: CFT NV Developments, LLC, its successor and assigns  
Purpose: Roadway  
Location: 3448 W. Peoria Ave.  
File: FN170052  
Council District: 1

Easement (c)

Applicant: Chamberlain Development, LLC, its successor and assigns

Purpose: Sidewalk

Location: 2538 E. Mohawk Lane

File: FN170075

Council District: 2

Easement (d)

Applicant: Chamberlain Development, LLC, its successor and assigns

Purpose: Drainage

Location: 2538 E. Mohawk Lane

File: FN170075

Council District: 2

Easement (e)

Applicant: PWG, LLC, its successor and assigns

Purpose: Sidewalk

Location: north side of W. Greenway Parkway, east of W. Beck Lane

File: FN170068

Council District: 3

Deed (f)

Applicant: Rafterhouse-Sonata, LLC, its successor and assigns

Purpose: Roadway

Location: 4203 N. 44th St.

File: FN170067

Council District: 6

Easement (g)

Applicant: Diocesan Council for the Society of St. Vincent De Paul

Diocese of Phoenix, its successor and assigns

Purpose: Sidewalk and Drainage

Location: 320 W. Watkins St.

File: FN170061

Council District: 8

**This item was adopted.**

**52 Authorization to Enter Into a License with Hunter Contracting Co.**



**for Use of City-Owned Property Located at 415 - 501 E. Puget Ave.  
(Ordinance S-43920)**

Request to authorize the City Manager, or his designee, to enter into a license with Hunter Contracting Co. for temporary use of vacant City-owned property located at 415 - 501 E. Puget Ave. for construction staging and storage.

**Summary**

Hunter Contracting Co. has been contracted by the City to provide design and construction services for the North Mountain Tower project at 12950 N. 7th St. The vacant City-owned property which is approximately 64,103 square feet will be used for construction staging, parking, and a construction trailer, to facilitate the City's project. All costs related to the license are included in the North Mountain Tower project cost, with funding authorized by ordinance S-43540.

**Contract Term**

The term of the license will be 12 months.

**Location**

415 - 501 E. Puget Ave.

Council District: 3

**This item was adopted.**

**54 National Endowment for the Arts Our Town Grant Application for  
Choice Neighborhoods (Ordinance S-43927)**

This report requests authorization for the City Manager, or his designee, to apply and enter into agreement(s) for up to \$200,000 in grant funds from the National Endowment for the Arts (NEA) under the Our Town grant for arts engagement, cultural planning, and design of creative placemaking work in the Edison-Eastlake Choice Neighborhoods Community. Authorization is also requested for the City Treasurer to accept and the City Controller to disburse the grant funds over the life of the grant.

**Summary**

The Housing Department is seeking to apply for a \$200,000 National Endowment for the Arts (NEA) Our Town grant. If awarded, the Housing Department, in partnership with the Office of Arts and Culture and Xico,

Inc., will utilize these grant funds to incorporate arts engagement, cultural planning, and creative placemaking to improve existing and/or new spaces that strategically reflect or shape the physical and social character of the Edison-Eastlake Choice Neighborhoods (CN) Community. In June 2016, the City was awarded a U.S. Department of Housing and Urban Development (HUD) CN Planning and Action Grant to conduct a comprehensive neighborhood planning and community engagement process. Within the CN boundaries lie three public housing sites: Frank Luke Homes, A.L. Krohn Homes, and Sidney P. Osborn. The CN Grant focuses on creating a redevelopment plan for these three sites as well as a plan to catalyze critical neighborhood improvements, provide services for individuals and families, and improve outcomes for youth.

As learned through the Edison-Eastlake CN Community Resident Leadership Council and over 300 public housing resident surveys, neighborhood beautification was cited as a quality of life issue that is a priority to address. Integrating arts and cultural activities into comprehensive strategies will advance the goal of making the Edison-Eastlake CN Community a desirable place to live. Edison-Eastlake residents, businesses and community stakeholders will be invited to participate in the planning and design process to ensure the placemaking project and/or art implemented fully represents those that live in the community. If awarded, the NEA Our Town grant program will reach an underserved population, leveraging concurrent CN efforts with much needed neighborhood amenities.

The Office of Arts and Culture will provide technical assistance throughout the application process and future implementation of the grant project, if awarded. Xico, Inc. is a local non-profit, multi-disciplinary arts organization, created in 1975, with a vision to promote indigenous arts and culture through community-based arts programs.

Proposals are due no later than Sept. 25, 2017, with notification of final grant award in April 2018. The allowable project time period is up to two years, with a starting date no earlier than Aug. 1, 2018.

### **Financial Impact**

There is no impact to the General Fund. A one-for-one match is required.

The match will be comprised of in-kind services from partner agencies, the Housing Department, and other City departments. Match may also be available from funds designated for CN Planning and Action activities.

**Concurrence/Previous Council Action**

This item was heard at the Sustainability, Housing, Efficiency, and Neighborhoods Subcommittee on Sept. 19, 2017.

**Location**

Edison-Eastlake CN Community is bounded by 16th Street to the west, Interstate 10 to the north and east, and the Union Pacific Railroad to the south.

Council District: 8

**This item was adopted.**

**55 Agreement with GMI Pump Systems for Maintenance and Operation of Pump and Ozone Systems at Japanese Friendship Garden (Ordinance S-43903)**

Request authorization for the City Manager, or his designee, to enter into a five-year agreement with GMI Pump Systems for maintenance and operation of the pump and ozone systems at the Japanese Friendship Garden. Expenditures shall not exceed \$232,000 over the life of the contract, with an estimated annual expenditure of \$46,400. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Parks and Recreation Department recently invested more than \$1 million to replace the pump system and to refurbish and improve the ozone system at the Japanese Friendship Garden. The Japanese Friendship Garden has a one-acre koi pond that is a replica of the Japanese Friendship Garden in Himeji, Japan, Phoenix's sister city. The previous system was approximately 15 years old and was failing, causing loss of revenue to the non-profit operators and environmental concern for the health of the 1,200 koi that live in the pond. Both the pumps and the ozone need to work in tandem to keep the water aerated and clear and provide a healthy environment for the koi.

It is necessary to have contracted maintenance by experts that can keep

this system running efficiently for the enjoyment of the thousands of visitors to the Japanese Friendship Garden.

**Procurement Information**

The computer system to coordinate the pumps, ozone, cooling systems and alarms is a proprietary system installed by GMI Pump Systems on a job order contract. GMI Pump Systems, a local company, installed the proprietary system along with most of the equipment. It is critical that these complex, proprietary systems are maintained and operated by the same company that installed the overall system. In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Determination Memo citing the unusual nature of the goods and services that require a specific vendor.

**Contract Term**

The contract term shall begin on or about Sept. 20, 2017.

**Financial Impact**

Expenditures shall not exceed \$232,000 over the life of the contract, with an estimated annual expenditure of \$46,400. This will include labor, materials and weekly maintenance on the ozone system, motors, pump station, controls and filters at the Japanese Friendship Garden. Funds are available in the Parks and Recreation Department's budget.

**Location**

1125 N. 3rd Ave.

Council District: 7

**This item was adopted.**

**58 Request to Apply for and Accept Victims of Crime Act (VOCA)  
Grant Funding (Ordinance S-43910)**

Request to retroactively authorize the City Manager, or his designee, to apply, accept, and if awarded enter into an agreement for up to \$5,100,000 in Victim of Crime Act (VOCA) grant funds from the Arizona Department of Public Safety. Further request authorization for the City Treasurer to accept and the City Controller to disburse funds associated with this item. This retroactive request seeks to ratify prior action because the grant application deadline occurred on Aug. 7, 2017, during summer

break.

**Summary**

The Fire Department supports VOCA's mission of providing victim services and has received VOCA grant funding for many years. VOCA funds will allow the Fire Department to continue to fund staff positions which provide direct services to victims of crime including domestic and sexual violence, human trafficking, child abuse, vulnerable adult abuse, and secondary victims of homicide. Services are designed to help victims address immediate emotional and physical needs, stabilize their lives following the victimization, navigate the criminal justice system, and increase their measure of safety and security in alignment with the City's Domestic Violence Roadmap and Human Trafficking Compass Plan.

If awarded, the funding will be used to finance the salary and fringe benefits for the 15 Full Time Employee (FTE) positions (in FY 17/18 and FY 18/19), purchase two vehicles for use by the Community Assistance Program, and finance the salary and fringe benefits for 19.5 FTE positions (in FY 19/20).

**Contract Term**

The grant period will begin on or about Oct. 1, 2017 and end on or about Sept. 30, 2020.

**Financial Impact**

VOCA funds require recipients to contribute a 20% match of the total project cost. The Fire Department will provide the following match through in-kind volunteer and intern services:

- FY 17/18: 10,812 volunteer hours, with a value of \$297,763
- FY 18/19: 10,497 volunteer hours, with a value of \$289,106
- FY 19/20: 15,152 volunteer hours, with a value of \$417,311

Total hours: 36,461 for a total value of \$1,004,180, which satisfies the 20% project cost match requirement.

**Concurrence/Previous Council Action**

This item was approved at the Public Safety and Veterans Subcommittee meeting on Sept. 13, 2017 by a vote of 4-0.

**This item was adopted.**

**59 Contract with Fireblast 451, Inc., for Service, Maintenance, and Training for Fire Department's Class B Burn Building (Fire Training Simulator) (Ordinance S-43923)**

Request authorization for the City Manager, or his designee, to enter into a contract with Fireblast 451, Inc. for service, maintenance, and training for the Fire Department's Class B Burn Building (fire training simulator) for \$111,400 over a five-year period. Authorization is also requested for the City Controller to disburse funds.

**Summary**

The Fire Department's "live fire" training takes place at the Fire Training Academy in the Department's Class B Burn Building. Several years ago, Fireblast 451, Inc. installed the propane/smoke piping system inside the building that simulates real fire during training exercises. The equipment and maintenance is proprietary.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Determination Memo, which stated that Fireblast 451, Inc. is the sole provider of the equipment and associated maintenance and training, and must be utilized for all related services in order to prevent cancellation of warranty.

**Contract Term**

This request is to contract with Fireblast 451, Inc. for a maximum of five years, with the initial three-year term of the contract from approximately Sept. 30, 2017 through Sept. 29, 2020. In addition, there are two one-year options which could extend the contract through Sept. 29, 2022.

**Financial Impact**

The aggregate five-year cost shall not exceed \$111,400. Funds for this contract are included in the Fire Department's operating budget.

**Location**

The fire training simulator is located at the Fire Training Academy, 2425 W. Lower Buckeye Road.

Council District: 7

**This item was adopted.**

**60 Authorization to Apply for, Accept and Enter into an Agreement for 2017 U.S. Department of Justice, Internet Crimes Against Children Grant (Ordinance S-43914)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to apply for, accept and enter into an agreement with the Office of Juvenile Justice and Delinquency Prevention for the 2017 Internet Crimes Against Children (ICAC) Task Force Program in the amount of \$399,477. Also request to accept additional funds, should they become available, up to a maximum of \$600,000. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

Retroactive approval to apply for this grant is requested because the grant application was announced on June 16, 2017, and the grant application was due on June 30, 2017.

The Police Department commands the Arizona ICAC Task Force and has received funding through this source annually for the last several years. The goal of the task force is to improve effectiveness to prevent, interdict, investigate and prosecute internet crimes against children and child exploitation. The Arizona ICAC Task Force is partnered with 58 law enforcement agencies statewide. Since 2006, the Arizona ICAC Task Force has conducted more than 21,856 investigations resulting in the incarceration of hundreds of offenders and provided training presentations to children, parents and community groups to educate them on how to protect children from internet crimes.

If awarded, grant funds will be used to continue paying the salary and fringe benefits for one sergeant position, overtime and related fringe benefits for various task force personnel, supplies, travel, training and contracts/consultants to support the task force investigations. Funds are also shared statewide through a sub-grant program that assists agencies throughout Arizona to purchase equipment and attend training.

**Contract Term**

If awarded, the funding period would be 15 months from July 1, 2017

through Sept. 30, 2018.

**Financial Impact**

No matching funds are required. Cost to the City would be in-kind resources only.

**Concurrence/Previous Council Action**

This item was approved at the Public Safety and Veterans Subcommittee meeting on Sept. 13, 2017 by a vote of 4-0.

**This item was adopted.**

**62 Authorization to Amend Current Intergovernmental Agreement and Payment Ordinance (S-42506) with the Arizona Attorney General's Office for the Internet Crimes Against Children Task Force (Ordinance S-43916)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to amend the current agreement with the Arizona Attorney General's Office for the Internet Crimes Against Children (ICAC) Task Force to accept additional funds and extend the agreement period. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

In 2016, the Police Department entered into an agreement to receive reimbursement from the Arizona Attorney General's Office for \$1,800,000 to support ICAC Task Force investigations. The agreement supports the ICAC task force by providing funding for personnel, technology, equipment and supplies. The goal of this task force is to identify, investigate and prosecute individuals who exploit children.

Recently, the Police Department was advised by the Arizona Attorney General's Office the Department would receive two amendments to the current agreement. The amendments would add an additional \$1,800,000 in reimbursement to the City and extend the agreement by one year.

**Contract Term**

The initial contract period was May 12, 2016 through June 30, 2017. These amendments would extend the contract period to June 30, 2018.



**Financial Impact**

No matching funds are required. Cost to the City is in-kind resources only.

**Concurrence/Previous Council Action**

This item was approved at the Public Safety and Veterans Subcommittee meeting on Sept. 13, 2017 by a vote of 4-0.

**This item was adopted.**

**64 Authorization to Apply for, Accept and Enter into an Agreement for 2017 Edward Byrne Memorial Justice Assistance Grant Program (Ordinance S-43918)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to apply for, accept and enter into an agreement for the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG), through Maricopa County. Authorization is also requested to accept additional funds, should they become available during the funding period, not to exceed \$800,000. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

The City has received funding through this grant program over the last several years. The Police Department was informed of the availability of these funds on Aug. 3, 2017. Upon agreement, Maricopa County administers the funding to local agencies and initiates the agreement. Maricopa County submits the 2017 JAG Program grant application on behalf of the partnering cities including Phoenix and Mesa. The federal grant program proposes that Maricopa County will receive \$1,001,144 in funding, which is \$63,465 less than last year's allocation of \$1,064,609. It is anticipated the City of Phoenix will receive \$600,000, which is \$75,000 less than last year's allocation of \$675,000.

The proposed budgetary allocations are approximately \$165,000 to the Parks and Recreation Department's, Project BRAVE (Bringing Reality About Violence Education) program. Project BRAVE is a violence prevention and education program that was created with the goal of decreasing violence in our community through awareness and leadership

training activities. The project provides comprehensive workshops held at various sites, non-profit agencies and after school programs.

The Police Department proposes to use the remaining \$435,000 to enhance our current on-officer video camera program, which is one of seven priority areas in the grant solicitation. These funds can be used to purchase additional cameras, augment video storage systems and policy development with the intent of building community trust and increased transparency.

**Contract Term**

The project funding period is Oct. 1, 2017 through Sept. 30, 2020.

**Financial Impact**

No matching funds are required. Cost to the City is in-kind resources only.

**Concurrence/Previous Council Action**

This item was approved at the Public Safety and Veterans Subcommittee meeting on Sept. 13, 2017 by a vote of 4-0.

**This item was adopted.**

**65 Authorization to Enter into Agreement with Arizona Peace Officer Standards and Training Board for Reimbursement of Basic Training Costs (Ordinance S-43924)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to enter into an agreement with the Arizona Peace Officer Standards and Training Board (AZ POST) to accept funds for basic training costs in an amount not to exceed \$200,000. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

The purpose of this agreement is to provide continuity of basic training for a transition period after the closing of the former Arizona Law Enforcement Academy (ALEA).

**Contract Term**

This agreement is effective when ratified by all signatories, and

terminates on Dec. 31, 2017, at which time all unspent or unencumbered funds must be returned to the Police Officer Training Fund.

**Financial Impact**

AZ POST shall allocate \$75,000 for equipment, capital improvement and other expenditures. AZ POST shall pay \$125,000 to the Phoenix Police Department to reimburse the cost for training recruits at the facility located at 10001 S. 15th Ave.

**This item was adopted.**

**66 Phoenix Sky Harbor International Airport Terminal 4 North Apron Reconstruction - Construction Manager at Risk Construction Services Contract Amendments - AV08000072 FAA (Ordinance S-43901)**

Request to authorize the City Manager, or his designee, to amend Contract 141401 with J. Banicki Construction, Inc. (J. Banicki) (Phoenix) to provide continued Construction Manager At Risk (CMAR) construction phase services for the Phoenix Sky Harbor International Airport Terminal 4 North Apron Reconstruction project.

J. Banicki's fee for the additional construction services will not exceed \$55 million, including all subcontractor and reimbursable costs, for a revised construction services total of \$78 million for this project.

Staff will immediately execute a \$12 million contract amendment for Guaranteed Maximum Price (GMP) No. 3, and future GMP contract amendments totaling an amount not-to-exceed the remaining \$43 million will be reviewed and approved separately by the Budget and Research Department. The amendments 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.

**Summary**

This project includes the removal and replacement of concrete pavement panels in the Terminal 4 North Apron area that are displaying alkali-silica reaction (ASR). ASR occurs in Portland cement concrete pavement when a certain type of silica sand is used in the rock material as part of the concrete mix. The concrete panels were placed in 1989 and ASR has

resulted in accelerated deterioration of the pavement, as evidenced by surface cracking and spalling. Airport staff has been actively and systematically replacing the impacted concrete panels based on funding availability. This is a multi-phased project that will span several years consistent with Federal Aviation Administration (FAA) grant funding.

J. Banicki's construction services for this phase of construction may include scheduling, managing site operations, preparing a guaranteed maximum price proposal, fielding verification of site conditions, arranging for procurement of materials and equipment, and providing quality controls.

### **Procurement Information**

J. Banicki was chosen for this project using a qualifications-based selection process according to section 34-603, Arizona Revised Statutes. Scoring and selection were made in conjunction with the CMAR design phase services.

### **Contract Term**

The term of the amended contract is expected to expire by Dec. 31, 2021. Contract work scope identified and incorporated into the contract prior to the end of the term of the contract may be agreed to by the parties, and work may extend past the end of the term of the contract. No additional contract work scope changes may be executed after the end of the term of the contract.

### **Financial Impact**

J. Banicki's fee for the additional construction services will not exceed \$55 million, including all subcontractor and reimbursable costs, for a revised construction services total of \$78 million for this project.

Staff will immediately execute a \$12 million contract amendment for Guaranteed Maximum Price (GMP) No. 3, and future GMP contract amendments totaling an amount not-to-exceed the remaining \$43 million will be reviewed and approved separately by the Budget and Research Department.

Staff anticipates partial reimbursement from the FAA. Funds are available

in the Aviation 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 end of the term of the contract.

**Previous Council Action**

City Council approved CMAR Construction Services Contract 141401 on Sept. 9, 2015 for a not-to-exceed amount of \$23 million.

City Council approved CMAR Design Phase Services Contract 139591 on Nov. 5, 2014.

**Location**

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

Council District: 8

**This item was adopted.**

**67 Amend Lease with JMJ-LLC, dba Cafe on the Way, to Extend Lease Term (Ordinance S-43902)**

Request to authorize the City Manager, or his designee, to enter into Amendment 3 to Food & Beverage Lease 123391 (Lease) with JMJ-LLC, dba Cafe on the Way, to extend the term for one year. The Lease requires JMJ-LLC to pay the greater of seven percent of gross sales or a minimum annual guarantee rent. The amendment may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee.

**Summary**

The Phoenix Sky Harbor International Airport Rental Car Center (RCC) is in the process of a reconfiguration and tenant relocation project (Project). The Project includes the lobby area where the food and beverage concession is located. The project will include demolition and new construction in the lobby, which may impact this concession.

JMJ-LLC began operating at the RCC after the Lease was assigned to it on March 1, 2012. JMJ-LLC replaced the original operator through a limited solicitation process. The concession occupies 1,094 square feet and provides a quick-serve menu and vending machines to serve RCC

customers. Over the next year, Aviation staff will conduct a revenue contract solicitation for this location. The successful respondent will be able to complete its tenant improvements on schedule with the completion of the Project. A one-year extension of the term of the Lease will avoid an interruption of services to RCC customers.

**Contract Term**

The term of the Lease will be extended from Jan. 1, 2018 to Dec. 31, 2018.

**Financial Impact**

The Lease requires JMJ-LLC to pay the greater of seven percent of gross sales or a minimum annual guarantee rent. In 2016, JMJ-LLC generated \$740,679 in gross sales and paid \$51,848 in rent. Rent collected from JMJ-LLC is used to offset operation and maintenance costs for the RCC.

**Location**

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

Council District: 8

**This item was adopted.**

**68 Lease Agreement with Ready Credit Corporation (Ordinance S-43919)**

Request to authorize the City Manager, or his designee, to enter into a lease with Ready Credit Corporation for approximately 42 square feet of terminal space at Phoenix Sky Harbor International Airport, for a total estimated revenue amount of \$41,400. Ready Credit Corporation will install and operate six cashless kiosks in the space. The lease may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee.

**Summary**

Over the past few years, American Airlines, Delta Air Lines, JetBlue Airways, and United Airlines have implemented cashless transaction policies at Phoenix Sky Harbor International Airport. Cashless transactions include ticket sales, baggage charges, inflight upgrades, and miscellaneous fees. In order to provide continuous service to members

of the travelling public that have no access to a credit or debit card, the City will lease space to Ready Credit Corporation to install kiosks, which will provide a prepaid debit card in exchange for cash. In addition to the lease, Ready Credit Corporation will enter into a commercial use permit (CUP), under which it will pay eight percent of its gross sales to the Aviation Department each month.

**Procurement Information**

A sole source determination memo was completed and approved by the Deputy City Manager in accordance with Administrative Regulation 3.10.

**Contract Term**

The term is three years. The lease will contain a two-year option to extend the term that may be exercised at the discretion of the Aviation Director.

**Financial Impact**

The Aviation Department will receive approximately \$5,040 per year in rent. In addition, the Aviation Department will receive eight percent of total gross receipts under the CUP, which is estimated to be \$8,760 per year. The total estimated revenue over the term of the lease is \$41,400.

**Location**

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

Council District: 8

**This item was adopted.**

**69 Rental Car Center Independent Operator Premises (Tier 2)  
Revenue Contract Solicitation Award Recommendation (Ordinance  
S-43921)**

Request to authorize the City Manager, or his designee, to enter into concession agreements and lease agreements (Contracts) with Sixt Rent A Car, LLC; Advantage Opco, LLC; and Fox Rent A Car, Inc. for the independent operator premises (IOP) at the Rental Car Center (RCC) at Phoenix Sky Harbor International Airport. The Contracts may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee.

Revenue to the Aviation Department from the Contracts is estimated to be a minimum of \$22,885,560 over the initial five-year term of the Contracts based on the minimum annual guarantee bids submitted by the successful respondents. In addition, recommended operators will be responsible for collecting and remitting a \$6 per-day customer facility charge.

**Summary**

On May 31, 2017, the City Council authorized the Aviation Department to issue a revenue contract solicitation (RCS) for three rental car operators to occupy space in the IOP. The RCS was issued on June 7, 2017. The RCS process was designed to provide qualified independent rental car operators (i.e., Tier 2 operators) not affiliated with the three Tier 1 rental car operators (i.e., Avis Budget Car Rental, LLC; Enterprise Leasing Company of Phoenix, LLC; and The Hertz Corporation) an opportunity to rent cars at the RCC.

**Procurement Information**

After a local and national outreach effort and a competitive RCS process, the following companies are recommended for award to enter in Contracts for the IOP. Successful respondents were selected based on compliance with minimum qualifications and ranked based on the amount of minimum annual guarantee submitted by each respondent:

**Recommended Operator and MAG**

Sixt Rent A Car, LLC: \$1,701,111

Advantage Opco, LLC: \$1,576,001

Fox Rent A Car, Inc.: \$1,300,000

**Contract Term**

The term of each Contract will be five years. The Contracts will contain a five-year option to extend the term that may be exercised at the discretion of the Aviation Director.

**Financial Impact**

The Aviation Department will receive 10 percent of gross sales for rental car services from each recommended operator or the minimum annual guarantee.



**Concurrence/Previous Council Action**

This item was recommended by the Downtown, Aviation, Economy and Innovation Subcommittee on Sept. 6, 2017 by a vote of 3-0.

**Location**

The Rental Car Center is located at 1805 E. Sky Harbor Circle S.  
Council District: 8

**This item was adopted.**

**70 Lot Cleaning and Maintenance Services for 810 Aviation-Owned Land Parcels (Ordinance S-43922)**

Request to authorize the City Manager, or his designee, to enter into Amendment 8 to Contract 132095 with Berry Realty & Associates, Inc. to extend the term on a month-to-month basis not to exceed six months. The aggregate value of the six-month extension will not exceed \$226,550, with an estimated monthly expenditure of \$37,758. The amendment 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.

**Summary**

Berry Realty & Associates, Inc. currently provides lot cleaning and maintenance services for 810 Aviation-owned parcels of land. The parcels were obtained through the Community Noise Reduction Program and are vacant, undeveloped lots located in residential and industrial areas around the west end of Phoenix Sky Harbor International Airport. The services provided under the Contract include vegetation control, trash pickup, removal of illegally dumped materials, rock harrowing, fence repair, tree maintenance and removal, sign installation and repair, pest control, and other work associated with property maintenance.

Upkeep of the parcels, which total approximately 150 acres, is imperative to the communities that live and work on neighboring parcels. Extending the term of the Contract will ensure continuity of services during completion of a competitive request for proposals.

**Procurement Information**

A determination memo to extend the term of the Contract was completed

and approved by the Deputy City Manager in accordance with Administrative Regulation 3.10.

**Contract Term**

The term will be extended on a month-to-month basis not to exceed six months. The decision to terminate the month-to-month term will be exercised at the discretion of the Aviation Director.

**Financial Impact**

The aggregate value of the six-month extension will not exceed \$226,550, with an estimated monthly expenditure of \$37,758. Funds are available in the Aviation Department's budget.

**Concurrence/Previous Council Action**

Contract 132095 was approved by City Council on Sept. 14, 2011.

**Location**

The parcels are located west of Phoenix Sky Harbor International Airport.  
Council District: 8

**This item was adopted.**

**71 Request Authorization to Enter Into Agreement with New Flyer of America for Transit Buses (Ordinance S-43908)**

Request an ordinance authorizing the City Manager, or his designee, to enter into a contract with New Flyer of America Inc. for the manufacture and delivery of 40' and 60' heavy duty transit buses for the Public Transit Department. Further request authorization for the City Controller to disburse the necessary funds in the amount not to exceed \$98,703,419 over the five-year contract term.

**Summary**

The City of Phoenix Public Transit Department (City) and the Regional Public Transportation Authority/Valley Metro (RPTA) combined efforts on a joint procurement to award a five-year contract for the purchase of 30', 40', 60' and Bus Rapid Transit (BRT) buses, and minimal spare parts. A single procurement on behalf of the City and the RPTA provides a strategic regional procurement to maximize economies of scale through a bulk purchase commitment. Each agency will execute their own contracts with the manufacturers. The City will be purchasing 40' and 60'

buses, fueled with diesel (either ultra-low sulfur or biodiesel) or compressed natural gas (CNG).

These buses will be used to replace aging buses that have exceeded their useful life, as well as augment fleet needs due to increased service levels resulting from implementation of the Transportation 2050 program.

### **Procurement Information**

In September 2016, the RPTA issued a Request for Proposals (RFP) for the manufacture and delivery of heavy duty transit buses. Four proposals were received in January 2017 from the following proposers: El Dorado National Inc., Gillig LLC, New Flyer of America Inc., and Nova Bus. An evaluation committee consisting of qualified staff from the City of Phoenix, City of Tempe and the RPTA was appointed to conduct evaluations of the proposals, establish a competitive range, and select the proposer(s) to receive the contract award.

The RFP included the following evaluation criteria: proposer's technical specifications (0-200 points); proposer's product support (0-200 points); proposer's schedule (0-200 points); and proposer's total price (0-400 points). The committee developed questions and requests for clarification specific to each firm's proposal and to assumptions made in each firm's pricing structure. Based on these responses, the evaluation committee determined that El Dorado, Gillig, and New Flyer were within the competitive range and each firm was allowed an opportunity to submit a best and final offer (BAFO) before completing the evaluation and reaching a final award recommendation.

The evaluation committee evaluated the BAFOs based on the same requirements and criteria applicable to initial proposals. As a result, the committee recommends awarding the contract for 40' buses to New Flyer. The final scoring is as follows:

New Flyer of America Inc.: 936

Gillig LLC: 932

El Dorado National Inc.: 898

New Flyer submitted the only proposal for 60' buses. Staff conducted a

price analysis and has determined that New Flyer's price for the 60' bus is fair and reasonable when compared to the independent cost estimate and recent comparable bus purchases. As such, staff recommends awarding the 60' bus contract to New Flyer.

The cost for the 40' bus is \$517,829 for diesel and \$554,866 for CNG. The cost for the 60' bus is \$837,489 for diesel and \$889,159 for CNG. The prices are firm and fixed for the first two years of the contract but will be adjusted in subsequent years based on the Producer Price Index (PPI).

Staff concurs with the evaluation committee's decision and recommends awarding the five-year contract for the manufacture and delivery of heavy duty transit buses to New Flyer of America Inc. as the best overall proposal. The RPTA Board approved the contract award on June 22, 2017.

#### **Contract Term**

The five-year contract period shall begin on or about Oct. 1, 2017.

#### **Financial Impact**

Based on planned quantities of each bus type to be purchased, reflecting the year in which buses are to be purchased and including any on-board equipment required to place the vehicle into service, the estimated five-year cost is \$98,703,419. The estimated cost for fiscal year 2018-2019 is \$3,330,000, based on the planned purchase of six 40' CNG buses.

Funds are available in the Public Transit Department CIP budget using Federal Transit Administration (FTA) funds (85 percent) and regional Proposition 400 funds (15 percent).

**This item was adopted.**

#### **72 Grand Canal Multi-Use Path Connection at 16th Street and Indian School Road, Design-Bid-Build - ST87600066 (Ordinance S-43906)**

Request to authorize the City Manager, or his designee, to accept Stratton Restoration, LLC dba Stratton Builders (Chandler, Ariz.) as the lowest-priced, responsive and responsible bidder and to enter into an

agreement with Stratton Restoration, LLC dba Stratton Builders for construction services for the Grand Canal Multi-Use Path Connection at 16th Street and Indian School Road project for \$372,413. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Stratton Restoration, LLC dba Stratton Builders services include, but are not limited to: construction of a new pathway connection from the northeast corner of the Grand Canal and 16th Street intersection to the northeast corner of the Grand Canal and Indian School Road intersection. The project will include a 10-foot-wide paved multi-use pathway and a two-phase mid-block crossing across 16th Street. The project also includes wayfinding signage and site furnishings, and other associated work required to complete this project.

**Procurement Information**

Five bids were received according to section 34-201 of the Arizona Revised Statutes by the Street Transportation Department on July 25, 2017. The bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and general contractor responsiveness in demonstrating compliance with the project's Disadvantaged Business Enterprise (DBE) goal. All bidders were deemed responsive.

The bids ranged from a low of \$372,413.00 to a high of \$440,676.93. The Engineer's estimate and the three lowest responsive, responsible bidders are listed below:

Engineer's Estimate: \$322,550.65

Stratton Restoration, LLC dba Stratton Builders: \$372,413.00

AJP Electric, Inc.: \$393,000.80

Lincoln Constructors, Inc.: \$397,315.00

**Contract Term**

The term of the contract is 180 calendar days from the date of issuance of the Notice to Proceed. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the

contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations Part 26 and the U.S. Department of Transportation's DBE Program. Although the bid award amount exceeds the engineer's estimate, the amount is within the total budget for this project. It has been determined there was adequate competition and the bid award amount represents a fair and reasonable price for the work. Funding is available in the Street Transportation Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Small Business Outreach**

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

**Location**

16th Street and Indian School Road  
Council District: 4

**This item was adopted.**

**74     Dam Safety - Emergency Action Plan Updates 2017 - Engineering Services - ST83140089 (Ordinance S-43926)**

Request to authorize the City Manager, or his designee, to enter into an agreement with HDR Engineering, Inc. (Phoenix) to provide engineering services in support of the Dam Safety Emergency Action Plan Updates (EAP) project - Engineering Services - ST83140089. HDR Engineering, Inc.'s fee for Engineering Services will not exceed \$300,000, including all subconsultants and reimbursable costs. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

This project is for conducting a review of and providing updates to the existing Dam Safety EAP for eight dams, which reflect four jurisdictional and four non-jurisdictional dams (local earth embankment dams). Previous EAP updates were issued at various times between February

2005 and June 2008. Under new regulations and enforcement, the Federal Emergency Management Agency (FEMA) and Arizona Department of Water Resources (ADWR) mandate agency EAP updates every five years.

HDR Engineering, Inc. is very familiar with the requirements and procedures of the City's Dam Safety Program, and is uniquely qualified to provide the services needed.

HDR Engineering, Inc.'s services will include, but are not limited to: review of existing conditions, regulatory criteria, update pertinent components, conduct aerial mapping and topographic surveys, establish and install benchmarks, perform breach analyses, develop digital line work to support quick access and route planning procedures associated with emergency evacuation procedures, and other various tasks to accomplish the requirements mandated.

#### **Procurement Information**

HDR Engineering, 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 the contract is for two years. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

#### **Financial Impact**

HDR Engineering, Inc.'s fee for Engineering Services will not exceed \$300,000, including all subconsultants and reimbursable costs. Funding is available in the Street Transportation Department's Capital Improvement Program budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination.

#### **Location**

North Mountain Flood Detention Dam 3 - Cave Creek Road

North Mountain Flood Detention Dam 7 - Central Avenue south of Thunderbird Road

West Park Flood Detention Dam - 7th Avenue north of Peoria Avenue

East Park Flood Detention Dam - 7th Avenue east of Mountain View Park

North Mountain Flood Detention Dam 2A - 7th Street south of Thunderbird Road

North Mountain Flood Detention Dam 2B - Thunderbird Road east of 7th Street

Mountain View Road & 32nd Street - South of SR51

Little Dreamy Draw - Northwest of Northern Avenue and SR51

Council Districts: 3, 6

**This item was adopted.**

**76 Oracle America, Inc., Licensing, Maintenance and Support (Ordinance S-43899)**

Request to authorize the City Manager, or his designee, to add funds to Contract 142562 with Oracle America, Inc., in the amount of \$825,000 for the Water Services Department. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Water Services Department uses Oracle America, Inc., to support core functions such as asset management, mobile work-order management, and utility billing. The additional funds will be used to purchase licenses to maintain compliance with Oracle licensing requirements.

**Financial Impact**

The additional value shall not exceed \$825,000. Funds are available in the Water Services Department operating budget.

**Concurrence/Previous Council Action**

The Oracle Master Agreement US-GMA-554520 is the result of Formal Council Action on Oct. 25, 2015, supported by the Information Technology Services Department.

**This item was adopted.**

**77 Construction Administration and Inspection Services for**



**SROG-SRO CIPP-Liner Defect (Ordinance S-43925)**

Request to authorize the City Manager, or his designee, to enter into an amendment to contract 137750 with Brown and Caldwell, Inc., to provide Construction Administration and Inspection (CA&I) services not to exceed \$300,000 in support of the Sub-Regional Operating Group (SROG) Salt River Outfall (SRO) Interceptor CIPP-Liner Defect - 2nd Place & Watkins project. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The SRO was installed in the 1960s. It was an unlined reinforced concrete pipe. Chemical processes in the wastewater caused deterioration of the pipe, requiring it to be rehabilitated with a structural cured-in-place-pipe (CIPP) liner in the early 2000s.

Recent CCTV inspection of the pipe segment from upstream manhole 7-28-214 to downstream manhole 7-28-216, indicated a potentially significant defect in the liner. Several objects are stuck (including a CCTV camera, a mini pontoon boat and other debris), and the defect appears to have exposed the deteriorated original 69" diameter Reinforced Concrete Pipe that it was supposed to replace.

This defect needs to be evaluated to verify whether it is impacting the structural integrity or hydraulics of the SRO at this point; and the debris needs to be removed to ensure it does not cause surcharge or sanitary sewer overflow of the SRO during a major storm.

Brown and Caldwell, Inc., CA&I services include, but are not limited to: condition assessment, administering the construction schedule; reviewing shop drawings and test results; issuing interpretations and clarifications; certifying contractor progress payments; conducting inspections; and providing post-construction services.

**Contract Term**

Work under this change order is anticipated to be performed from approval until approximately Feb. 28, 2018.

**Financial Impact**

Brown and Caldwell, Inc.'s charges for work under this change order will not exceed \$300,000, for a new total valuation of the contract not to exceed \$909,981, including all sub-consultants and reimbursable costs. Funds 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**

City Council approved contract 137750 in the "not to exceed" amount of \$359,987, on Jan. 29, 2014. City Council approved an amendment to contract 137750 by an additional amount of \$249,994, on Feb. 1, 2017. This "not to exceed" change order will increase the contract amount further by an additional amount of \$300,000, and will be paid under project WS90160102.

**Public Outreach**

Informational flyers have been distributed to nearby businesses and industries, and face-to-face meetings have also been conducted. There are no residential areas in the immediate vicinity.

**Location**

2nd Place and Watkins Street

Council District: 8

**This item was adopted.**

**78 Ferric Chloride Contract (Ordinance S-43928)**

Request to authorize the City Manager, or his designee, to ratify a contract entered with Thatcher Company of Arizona, Inc. (Thatcher), to supply ferric chloride needed for water and wastewater treatment. Further request making funds approved under Ordinance S-43121 also available to pay Thatcher for this product. Request authorization for the City Controller to disburse all funds related to this item. The total contract will not exceed \$5,573,568.

**Summary**

Pencco, Inc., an existing supplier of ferric chloride, has informed the City that Pencco is unable to perform as required under Contract No. 144223 because of the flooding in Houston. Pencco's main raw material supplier

is located in Houston and is currently closed because of severe flooding of the material supplier's facility. As a result, Pennco is unable to supply ferric chloride to the Water Services Department (WSD) for an indefinite period of time. Ferric chloride is a crucial chemical required in the City's wastewater and water treatment plants. In addition to Thatcher, WSD requested quotes from the other two vendors that participated in the original solicitation. Thatcher is the sole vendor who is able to supply ferric chloride at this time. WSD entered into a contract with Thatcher to supply ferric chloride and prevent a disruption of water/wastewater treatment operations.

**Contract Term**

The contract term is for 6 months, effective Aug. 31, 2017, through Feb. 28, 2017, with one six-month extension.

**Financial Impact**

The total contract will not exceed \$5,573,568. Funds are available on Ordinance S-43121.

**Concurrence/Previous Council Action**

The City Council approved Ordinance S-43121 on Dec. 14, 2016, in the amount of \$44,000,000. The Ordinance also authorized the City Manager to execute two separate contracts with Pencco, Inc., and Kemira Water Solutions, Inc., to provide ferric chloride.

**Location**

91st Avenue Wastewater Plant, 23rd Avenue Wastewater Plant, 24th Street Water Treatment Plant, Union Hills Water Treatment Plant  
Council Districts: 2, 6, and 7

**This item was adopted.**

**79      Modification of Stipulation Request for Ratification of Aug. 16, 2017  
Planning Hearing Officer Action - Z-130-88-6**

Application: PHO-1-17- Z-130-88-6

Current Zoning: C-2

Acreage: 1.59

Applicant: Jared Calhoun, R.A.

Owner: Apax Holdings, Inc.

Representative: Bradley Pitsch c/o Diamondback Carport Repair

**Proposal:**

1. Modification of Stipulation 1 regarding development limited to that presently existing on site.
2. Addition of Stipulation 2 regarding Proposition 207.
3. Addition of Stipulation 3 regarding archaeological monitoring.

**Summary**

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 16, 2017.

**Location**

Approximately 173 feet west of the southwest corner of 24th Street and Yale Street.

Council District: 6

Parcel Address: N/A

**Concurrence**

Village Planning Committee (VPC) Recommendation: The Encanto East Village Planning Committee recommended approval by a 13-0 vote on Aug. 7, 2017.

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications on Aug. 16, 2017.

**This item was approved.**

**80 Final Plat - SWC 19th Avenue and Buckeye Road - 170017 - Southwest Corner of 19th Avenue and Buckeye Road**

Plat: 170017

Project: 16-3110

Name of Plat: SWC 19th Avenue and Buckeye Road

Owner(s): Kraf, Inc., an Arizona Corporation

Engineer(s): AW Land Surveying, LLC

Request: A 1 Lot Commercial Plat

Reviewed by Staff: Aug. 22, 2017

**Summary**

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

**Location**

Generally located at the southwest corner of 19th Avenue and Buckeye Road.

Council District: 7

**This item was approved.**

**81 Final Plat - Carver Mountain Estates - 160096 - East of 51st Avenue, North and South of Elliot Road**

Plat: 160096

Project: 06-1843

Name of Plat: Carver Mountain Estates

Owner(s): RJT Homes Carver Mountain, LLC

Engineer(s): Hilgart Wilson, LLC

Request: A 91-Lot Residential Plat

Reviewed by Staff: Aug. 25, 2017

**Summary**

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

**Location**

Generally located east of 51st Avenue, north and south of Elliot Road.

Council District: 8

**This item was approved.**

**82 Final Plat - Mulberry Park - 170016 - North of the Northwest Corner of 39th Street and Earll Drive**

Plat: 170016

Project: 14-2574

Name of Plat: Mulberry Park

Owner(s): Domain FD Mulberry, LLC

Engineer(s): Strategic Surveying, LLC

Request: A 35-Lot Residential Plat

Reviewed by Staff: Aug. 31, 2017

**Summary**

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

**Location**

Generally located north of the northwest corner of 39th Street and Earl Drive.

Council District: 8

**This item was approved.**

**83 Planning and Development Department Office and Equipment Relocation and Reconfiguration (Ordinance S-43904)**

Request to authorize the City Manager, or his designee, to add additional expenditures to Contract 4705000080 with Goodmans, Inc., dba Goodmans Interior Structures, in an amount of \$927,000 for reconfiguration of Planning and Development office space to enhance customer service, accommodate growth due to increased development activity, and enable more efficient communication between counter and technical staff. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The contractor will provide services to assist the Planning and Development Department (PDD) with a major reconfiguration project to restack the 2nd and 3rd floors of Phoenix City Hall and the 438 Adams Building. Previously, when the Planning and Development Services Departments were consolidated, staff were placed where space allowed and the department was unable to optimize counter locations and locate working teams in close proximity to the customers they served or to supporting team members. The reconfiguration project is necessary to improve customer service, accommodate staff growth, ensure compliance with ADA accessibility requirements and address identified safety and security measures. The reconfiguration will include strategically relocating the counters in the development center and associated back office space to best fit the customer needs. It will also foster improved and more efficient communication and collaboration

between employees working at the counters and technical staff called to the counters. In addition to the primary consideration of customer service, the reconfiguration will ensure flexibility to address operational changes and to accommodate incorporation of new technology (i.e. larger screens to view plans electronically).

The rate of construction growth in Phoenix has increased substantially in the last few years. Customer visits to the development center have increased to over 110,000 per year, which has resulted in longer wait times at some of the counters. Initial site plans, an indicator of future development, have steadily increased over the last five years with preapplication submittals up significantly in the last two years. Single-family residential construction continues to increase and in response, PDD has focused on innovation, efficiency and utilizing contract staff to meet increased customer service and workload demands. PDD will continue over the next few years to propose increases to base level of staffing and contractors as warranted to meet higher workloads and increased customer service demands. The fiscal year (FY) 2017-18 budget added 34 new positions focused on areas where workload has increased most significantly in the last year. This is on top of the 28 positions that were added the prior year to ensure PDD could continue to meet expected customer turnaround times and address rising infill development issues.

An alternative approach to the reconfiguration of current space to accommodate growth would be to lease separate space in the downtown area outside of City Hall. For planning purposes, \$28/per square foot is used to calculate rent for downtown office spaces based upon the current market. Public Works Facilities Planning staff indicates that approximately 20,000 square feet would be needed, which would cost approximately \$560,000/year in rent. This would be in addition to the costs to configure the new office space. In total, the leasing alternative would be expected to cost significantly more than the proposed reconfiguration while also diminishing customer service. Under the alternative (leased-space) approach, a portion of the staff currently in City Hall would need to be located elsewhere, and some services would need to be moved off site. Customers would no longer experience the benefits of a "one-stop-shop" development center, where they can receive

assistance with all aspects of the development process.

Staff recommends increasing the contract authorization amount so that development counter services can be optimized, staff can be located closer to their customers, and space for new positions can be accommodated to continue as a one-stop-shop for development within the City of Phoenix.

**Financial Impact**

Funding is available in the Development Services Fund. No General Funds are requested to support this request.

**Concurrence/Previous Council Action**

The State of Arizona contract ADSPO 13-040689 with Goodmans and contracts ADSPO 13-040686, ADSPO 13-040687, ADSPO 13-040690, ADSPO 13-040688, ADSPO 13-040691, ADSPO 13-040683, and ADSPO 13-040692 were adopted by Formal Council Action on the Oct. 30, 2013, Council agenda with an estimated annual amount of \$900,000 and an aggregate amount of \$4.5 million. The contracts are available to all City departments.

**This item was adopted.**

**85 Amend City Code - Official Supplementary Zoning Map 1161 (Ordinance G-6364)**

Request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Official Supplementary Zoning Map 1161. This amendment reflects that the property owner has met all of the rezoning conditions previously approved by City Council with Z-157-97-1 and Z-166-61-7 and the entitlements are fully vested.

**Summary**

To rezone a parcel located at the southwest corner of Mohawk Lane and 41st Avenue.

District 1

Z-157-97-1

Zoning: R1-8

Owner: Robert Gritas

Acres: Approximately 4.99



To rezone a parcel located at the southeast corner of Fillmore Street and 19th Avenue.

District 7

Z-166-61-7

Zoning: C-3

Owner: Thomas J Bradley, Sr.

Acres: Approximately 3.25

**This item was adopted.**

**86 Amend City Code - Ordinance Adoption - Rezoning Application  
PHO-1-17--Z-146-07-6- Approximately 480 Feet East of the  
Southeast Corner of 32nd Street and Camelback Road (Ordinance  
G-6363)**

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Aug. 16, 2017.

**Summary**

Application: PHO-1-17--Z-146-07-6

Current Zoning: Approved R-O

Acreage: .46

Applicant: Empire Residential Arbitrage Fund LLC

Owner: Empire Residential Arbitrage Fund LLC

Representative: Empire Residential Arbitrage Fund LLC

**Proposal:**

- 1) Deletion of Stipulation 2 regarding development commencing in 36 months.
- 2) Technical correction to Stipulations 1 and 3.

**Location**

Approximately 480 feet east of the southeast corner of 32nd Street and Camelback Road.

Council District: 6

Parcel Address: N/A

**Concurrence/Previous Council Action**

Village Planning Committee (VPC) Recommendation: The Camelback

East Village Planning Committee chose not to hear this case.

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval on Aug. 16, 2017.

**This item was adopted.**

**87.1 ADD-ON - Contract Amendment with BCFS Health and Human Services for Consulting Services (Ordinance S-43931)**

Request the City Manager, or his designee, to enter into a contract extension until Oct. 31, 2017 with BCFS Health and Human Services for consulting services.

**Summary**

This contract extension will briefly extend the contract term from Sept. 30, 2017 to Oct. 31, 2017. This contract was originally extended through Sept. 30, 2017; however, due to Hurricane Harvey, BCFS Health and Human Services was required to activate and respond to the disaster, which prevented them from leaving Texas. This extension will allow BCFS Health and Human Services to meet with the City of Phoenix and administratively close out the contract.

**Contract Term**

The current contract expires Sept. 30, 2017; an extension is being requested until Oct. 31, 2017.

**Financial Impact**

There are no additional funds required for the contract extension.

**Location**

Citywide

**This item was adopted.**

**87.2 ADD-ON - Request to Change Start Time of Sept. 26, 2017 Executive Session from 1 p.m. to 12 p.m. (noon)**

Request City Council authorization to change the start time of the Sept. 26, 2017 Executive Session from 1 p.m. to 12 p.m. (noon).

The Sept. 26, 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 Sept. 26, 2017 Executive Session will be posted no later than 12 p.m. on Sept. 25, 2017.

**This item was approved.**

Items 31, 34, 36, Ordinance S-43930 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.

**31 To Various Vendors for Fine Art Cleaning, Maintenance, Transportation and Conservation Services**

For \$48,000.00 in payment authority for a new contract, entered on or about May 1, 2017, for a term of three years, to provide fine art cleaning, maintenance, transportation and conservation services for over 900 art pieces for the Aviation Department. The art pieces require periodic cleaning, maintenance or repair services during their lifetime, including architecturally integrated works and large-scale installations for both indoors and outdoors.

Displays, LLC, doing business as Displays FAS

Rosa Lowinger and Associates

Paul Mardikian, doing business as Terra Mare Conservation, LLC

Past Matters, LLC

**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 DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

**No:** 1 - Councilman Waring

**34 Skyline Productions, Inc.**

For \$20,000.00 in additional payment authority for Contract 135031 to continue to operate the multi-camera robotics system used to broadcast City Council Subcommittee Meetings, Policy Meetings and Formal Meetings on air and online, for the Communications Office.

**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 DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

**No:** 1 - Councilman Waring

**36 Arizona Grocer's Publishing Company, doing business as Arizona Cart Services**

For \$12,000.00 in additional payment authority for Contract 134555 for citywide shopping cart retrieval services for the Neighborhood Services Department. Payment authority is requested to extend the current contract through Dec. 31, 2017, on a month-to-month basis. The current contract expires Sept. 28, 2017 and a contract extension is needed to complete a cooperative agreement with the City of Tucson and ensure that services are not interrupted.

**Discussion**

Councilman Waring stated he used this program a lot as it helped clean up blight which he thought was forward-thinking of the City. However, he did not think the program was successful since he noticed carts with weeds growing around it. Thus, he would be voting no on this item as he hoped for a better program.

Mayor Stanton asked if there were performance metrics on this agreement.

Councilman Waring added his opposition was based on his personal experience because he noticed some carts were picked up immediately while others were not.

Neighborhood Services Director Chris Hallett replied his department received the calls, noting the City was required to provide the vendor with performance metrics which was two business days per the contract. He conveyed the vendor reported their August metric was 2.8 days which included weekends. Therefore, staff believed the vendor was close to the two-day requirement. He indicated staff could find out if certain areas experienced delays but would focus on metrics with the new contract.

Vice Mayor Pastor wanted to know how staff monitored the metrics.

Mr. Hallett responded the vendor provided a self-report monthly as required by the contract, such as logs for calls received and when the carts were picked up. So, everything was tracked by the vendor and supplied to staff overseeing the program which was monitored on a regular basis with staff doing follow-up in the field. He advised staff could provide background reporting if Council wished to review the history.

City Manager Ed Zuercher remarked he would ask the Budget and Research Department to do a management review. Also, he would request the City Auditor to analyze the contract.

**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 DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

**No:** 1 - Councilman Waring

**43 (CONTINUED FROM AUG. 30, 2017) - Amend Phoenix City Code Section 36-157.3 to Add Area 29 to Residential Parking Permit Ordinance (Ordinance G-6348)**

Request to authorize the City Manager, or his designee, to amend Section 36-157.3 of the Phoenix City Code to add Area 29 to the Residential Parking Permit Ordinance. Area 29 is generally bounded by 7th Street to the east, 3rd Street to the west, Weldon Avenue to the north, and Osborn Road to the south.

**Summary**

Residents in this proposed area reported that parking by non-resident vehicles is negatively impacting their neighborhood and requested relief in accordance with residential parking permit provisions outlined in Chapter 36 of the City Code. The neighborhood is adjacent to businesses and restaurants along 7th Street near Osborn Road. A parking study was conducted and confirmed non-resident (intruder) parking to be an issue in this neighborhood.

Subsequently, the Street Transportation Department received separate requests and a petition from residents in the area to install Residential Parking Permit signs on their streets. Designation of Area 29 as a Residential Parking Permit area will restrict parking on weekdays, Monday through Friday, at all times.

**Financial Impact**

The cost to implement Area 29 as a residential parking permit area is approximately \$500 which includes the cost to fabricate and install signs. Funds are available in the Street Transportation Department's Operating Budget. The cost is expected to be offset over the duration of the program by the permit fees collected from residents in the newly designated area. Annual costs of resident and visitor permits are \$10 and \$5 per vehicle, respectively.

**Public Outreach**

The Street Transportation, Police, and Neighborhood Services departments conducted a meeting on March 11, 2017 to provide residents with options related to parking restrictions. Approximately 200 households were notified of the meeting and representatives from area businesses were invited to attend. More than 30 residents attended the meeting. Street Transportation staff also met with local businesses to notify them of the residents' requests to establish a Residential Permit Parking Area.

If Area 29 is approved by City Council, all affected households will be notified by mail and with door hanger fliers prior to installing Residential Parking Permit signs. Residents will be advised on how to obtain resident and visitor parking permits.

**Location**

Area 29 is generally bounded by 7th Street to the east, 3rd Street to the west, Weldon Avenue to the north, and Osborn Road to the south (Attachment A).

Council District: 4

**Discussion**

The City Clerk read the title of the ordinance for this item.

Street Transportation Director Ray Dovalina stated this item requested to amend the City Code based on reports from residents concerned with parking of non-resident vehicles. A public meeting was held in collaboration with the Police and Neighborhood Services departments who talked to about 30 residents, though notification was sent to approximately 200 households. He noted a parking study done subsequent to the meeting concluded that of the 75 percent of available parking, 25 percent was intruder parking. So, this amendment would create a parking permit area as depicted by the map but would not create restrictions. He advised if residents wanted restrictions they would have to create block face zones by getting 70 percent of homeowners to agree in order to create a residential parking permit area.

Vice Mayor Pastor thought there was confusion since 75 percent of residents signed a petition in agreement of doing a parking permit area but now understood that did not automatically impose parking permits.

Mr. Dovalina concurred it did not impose a parking zone restriction; however, it did create an area of intrusion which was already analyzed by staff.

In further response to Vice Mayor Pastor, Mr. Dovalina conveyed the next step would be individual block faces that required a petition with 70 percent of residents in agreement to impose a residential parking restriction. Once that requirement was met staff would place signs on that side of the street. He noted residents could buy up to four permanent parking permits and three visitor parking permits. If residents chose not to purchase permits they would not be able to park along that particular block face.

Vice Mayor Pastor wondered if a resident wanted to have a party, did they have to ask neighbors for additional visitor parking permits for their guests.

Mr. Dovalina answered visitors could park in that particular block face that had a total of seven permits; however, people could park anywhere that was not restricted. He added there was a process where staff could cover the signs and make it temporary parking in that particular area.

Vice Mayor Pastor understood this amendment to the residential parking permit ordinance just set up the district, noting it was up to the neighborhood to continue discussions regarding permit parking.

Mr. Dovalina confirmed this action would create a district and then individual block faces would have to come back with a petition of 70 percent of residents approving a residential parking restriction for that area.

Vice Mayor Pastor said she knew the area very well and acknowledged the impact that was occurring due to the businesses. So, she was in agreement with developing a district and having the neighborhood determine how to move forward with parking restrictions.

Mayor Stanton expressed this was the first step in a longer process.

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

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

**51     Burton Barr Central Library Storm Incident Response and Remediation (Ordinance S-43913)**

Request to ratify contracts executed by the City Manager, or his designee, necessary to acquire emergency services from specialized



vendors necessary to mitigate further damage to the Burton Barr Central Library (BBCL) caused by the storm and water damage up to \$2.3 million, and further requesting authorization for the City Controller to expend all funds related to this item.

**Summary**

BBCL suffered storm and water damage after a strong monsoon storm swept through Central Phoenix on July 15, 2017. The City was in need to engage specialized vendors to deal with incident response and recovery. Further, immediate actions were necessary to mitigate further damage to the library. Chapter 43 (Procurement) of the Phoenix City Code provides for exceptions to contract sourcing methods when dealing with an emergency situation. The goods and services utilized during the response period are listed below along with their estimated values:

Water extraction, drying, treatment, demolition and disposal services:

\$1,700,000

Architectural, engineering and emergency repair services: \$350,000

Content moving, inspection and evaluation services: \$100,000

Equipment, fencing, traffic barriers and portable sanitation rentals:

\$75,000

Security, fire watch and air monitoring services: \$75,000

City staff is working closely with the insurance carrier on reimbursement of these expenses. This request is to ratify all contracts executed under the emergency provisions of Phoenix City Code Chapter 43 and approve expenses related to incident response and initial remediation. Separate City Council action(s) will be brought forward when seeking to execute contracts and expend funds to bring BBCL back to full service.

**Financial Impact**

City staff is tracking all expenses separately related to the BBCL incident. Once the data is available, the City will provide a report identifying all City expenses including expenses that will be offset by a reimbursement from the insurance company.

**Location**

1221 N. Central Ave.

Council District: 7

**Discussion**

Dianne Barker understood the \$2 million for this particular contract came out of the \$20 million standing contract, but wanted to know if that was ethical.

City Manager Ed Zuercher replied this item was ethical as it was payment for work performed by a contractor. It was also legal according to the contract which was subject to Council approval.

In response to Mayor Stanton, Mr. Zuercher advised the money came from the Library's budget originally but the City would have insurance payments to reimburse for this expense.

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

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

**53 Request Authorization to Extend Federal Representation Contracts with Holland & Knight, LLP, and Murray, Montgomery & O'Donnell (Ordinance S-43929)**

Request authorization for the City Manager, or his designee, to extend Contract 134689 with Holland & Knight, LLP, for a monthly amount of \$20,000, and Contract 134579 with HROD, Inc., doing business as Murray, Montgomery & O'Donnell, for a monthly amount of \$6,666, for federal representation and consulting services under the guidance of the Office of Government Relations. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Both Holland & Knight, LLP, and Murray, Montgomery & O'Donnell assist City departments to identify grant opportunities and successfully pursue funding that supports important City services and projects. The firms also represent the City face-to-face with elected officials and agencies that make decisions about federal funding that directly affects crucial City programs and services.

Holland & Knight, LLP, represents the City on water, environment, transportation and public safety issues, and Murray, Montgomery & O'Donnell represents the City on community development issues. Both firms were selected to represent the City in 2012 after a competitive procurement process.

The City is currently undergoing a competitive procurement process for new federal representation. The current contracts in place are scheduled to expire on Sept. 30, 2017. A procurement process is underway to select and award new contracts, and a month-to-month extension of the current contracts is needed to avoid a lapse in service and to continue federal representation.

**Contract Term**

These contract extensions are for a month-to-month term, beginning on Oct. 1, 2017.

**Financial Impact**

Continued monthly payments under the Holland & Knight, LLP, contract of \$20,000 for up to six months. This includes all expenses and funds are available in the Aviation, Water Services, and Public Transit department budgets.

Continued monthly payments under the Murray, Montgomery & O'Donnell contract of \$6,666 for up to six months. This includes all expenses and funds are available in the Office of Government Relations budget.

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

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

**No:** 2 - Councilman DiCiccio and Councilman Waring

**56 Authorization to Enter into Agreement with Phoenix Sister Cities (Ordinance S-43897)**

Request to authorize the City Manager, or his designee, to enter into a one-year agreement with Phoenix Sister Cities, Inc. (PSC) beginning upon execution through June 30, 2018, with an expenditure of \$33,513 and reimbursement of insurance-related expenses not to exceed \$7,500 per year. Further request to authorize the City Controller to disburse all funds related to this item.

**Summary**

PSC is an established 501(c)(3) and has been in existence since 1975. It is responsible for coordinating exchange programs in youth and education, municipal and technical cooperation, business, arts and culture with ten Sister Cities. In fiscal year (FY) 2016-17, staff coordinated protocol visits of 70 international delegations, representing approximately 20 countries, with the Mayor, City Council, and/or City departments and conducted 80 events, exchanges and activities. This was accomplished by outsourcing the coordination of the events/exchanges/activities through a large number of PSC volunteers, totaling 154,767 hours and valued at \$3,533,330 and leveraging a total of \$48,500 of in-kind contributions.

The City of Phoenix has contracted with PSC since the mid-1980s. The organization is administered by a Board of Directors composed of PSC Commission members, appointed by the Mayor and approved by the City Council, and the chairpersons of the Sister Cities and program committees.

The PSC program has been recognized by Sister Cities International for its excellence having received the award for Best Overall Program in the United States, with a population over 500,001, nine times in the last 21 years. Most recently, PSC received the Best Overall Program and Innovation in Youth and Education awards for 2015.

**Financial Impact**

Funds are available in the Community and Economic Development Department's 2017-18 operating budget. The operating budget includes City of Phoenix funding for staff salaries and benefits. All PSC programs, exchanges, events, and travel are privately funded.

**Discussion**

Note: Councilwoman Gallego temporarily left the voting body.

Councilwoman Williams expressed she was very appreciative of Phoenix Sister Cities and emphasized they had won national awards for the past 20 years. Moreover, the cultural exchange with students had been a resounding success that continued to grow. She thanked the long-term director, who was retiring, for doing a terrific job and knew this important program would endure.

Mayor Stanton commented the Council would honor the director and her outstanding career in the future.

**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 DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Vice Mayor Pastor and Mayor Stanton

**No:** 1 - Councilman Waring

**Absent:** 1 - Councilwoman Gallego

**57 Issuance of Education Facility Revenue Bonds (Legacy Traditional Schools - Phoenix Campus), Series 2017 (Resolution 21570)**

Requests City Council approval for the issuance of Education Facility Revenue Bonds (Legacy Traditional Schools - Phoenix Campus), Series 2017, to be issued in one or more tax-exempt and/or taxable series in an aggregate principal amount not to exceed \$30,000,000.

**Summary**

Request City Council adoption of a resolution granting approval of the proceedings under which The Industrial Development Authority of the City of Phoenix, Ariz., (the "Phoenix IDA") has previously resolved to issue up to \$30,000,000 of Education Facility Revenue Bonds (the "Revenue Bonds") for use by Legacy Traditional School - East Mesa (the "Borrower"), an Arizona nonprofit corporation, to

- a) finance acquisition, design, construction, improvement, and equipping of land and buildings for charter school facilities (the "Project"), and
- b) pay certain costs related to the issuance of the Revenue Bonds.

**Concurrence/Previous Council Action**

The Phoenix IDA Board has previously resolved to issue the Revenue Bonds at its meeting held on Aug. 23, 2017.

**Location**

The Project will be located at the northeast corner of North 99th Avenue and West Campbell Avenue in Phoenix, Arizona.

With the exception of certain housing bonds, the Phoenix IDA can finance projects located anywhere in Arizona. In addition, the Phoenix IDA may issue bonds to finance projects outside of Arizona, if the out-of-state project provides a benefit within the State.

Council District: 5

**Discussion**

Note: Councilwoman Gallego rejoined the voting body via telephone.

Mayor Stanton stated comment cards were submitted in favor by the following individuals who did not wish to speak:

Jennifer Hackett  
Matthew Werner  
Corey Kennedy  
Terry Warren

Leonard Clark expressed he was a long-time opponent of corporate charter schools due to little or no transparency with requests for funds approved by nine Councilmembers whereas public schools receive funding from voters through a bond override.

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

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

**A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, that Items 61 and 63 be adopted. The motion carried by the following vote:**

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

**61 Authorization to Enter into Agreement with Bureau of Alcohol, Tobacco, Firearms and Explosives for Reimbursement of Police Services (Ordinance S-43915)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to enter into an agreement with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to accept funds for police services in an amount not to exceed \$875,000. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

The purpose of this agreement is to support the Police Department's involvement in ATF task forces. Officers will be assigned to assist ATF in investigations of federal, state, and local laws. To the maximum extent possible, the officers will be assigned on a dedicated basis, rather than rotational. In return, ATF will reimburse the City for approved overtime expenses and other costs including, but not limited to, travel, fuel, training and equipment costs incurred by the Police Department while providing resources to assist in ATF task force-related investigations.

The Police Department has partnered with ATF under similar agreements over the past six years. An exact amount of reimburseable funds is not indicated in the agreement; however, the City has received on average \$175,000 per year from ATF over the past two years.

**Contract Term**

Five years from Oct. 1, 2017 through Sept. 30, 2022.

**Financial Impact**

The cost to the City are related fringe benefits and in-kind resources.

**Concurrence/Previous Council Action**

This item was approved at the Public Safety and Veterans Subcommittee meeting on Sept. 13, 2017 by a vote of 4-0.

**Discussion**

Leonard Clark spoke in opposition to Item 61 because he did not want the City to accept funds from the federal government for Phoenix law enforcement. He was also opposed to Item 63 as he wanted officers to go after the bad guys. He urged Council not to take so much money from the federal government.

**This item was adopted.**

**63 Authorization to Enter into Agreement with Drug Enforcement Administration to Receive Reimbursement for Police Services (Ordinance S-43917)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to enter into an agreement with the Drug Enforcement Administration (DEA) to accept funds in the amount of \$18,042 per year, per officer, not to exceed \$100,000, for approved overtime. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

The Police Department has participated in DEA task forces through similar agreements for the past several years. The purpose of these task force groups is to disrupt the illegal trafficking of drugs in the State of Arizona by immobilizing targeted violators and trafficking organizations. The task force groups conduct undercover operations where appropriate and engage in other traditional methods of investigation in an effort to effectively prosecute offenders in federal and state courts. Through this agreement, three experienced Phoenix police officers will continue to be assigned to the DEA Phoenix Task Force for a period of not less than two years. This agreement provides the City with reimbursement for the



officers' overtime related to task force investigations.

**Contract Term**

One year from Oct. 1, 2017 through Sept. 30, 2018.

**Financial Impact**

The costs to the City are related fringe benefits and in-kind resources.

**Concurrence/Previous Council Action**

This item was approved at the Public Safety and Veterans Subcommittee meeting on Sept. 13, 2017 by a vote of 4-0.

**Discussion**

See Item 61 for discussion pertaining to this item.

**This item was adopted.**

**73 Authorization to Enter into an Agreement with Parkmobile for Parking Pay-by-Phone Services (Ordinance S-43909)**

Request to authorize City Manager, or his designee, to enter into a contract with Parkmobile, LLC., for Parking Pay-by-Phone services and to exercise contract options as necessary. The estimated annual income is approximately \$36,000; there is no financial cost impact to the City. Further request authorization for the City Controller to accept funds related to this contract.

**Summary**

The Street Transportation currently has a contract to provide pay-by-phone services to individuals who wish to pay for parking meters in the downtown areas using a smart phone. The existing contract will expire Nov. 30, 2017.

**Procurement Information**

In accordance with Administrative Regulation 3.10, the Street Transportation Department conducted a Request for Proposal (RFP) procurement process. On June 7, proposals were received and accepted from five firms. The technical evaluation process was conducted by a selection committee made up of staff from the Street Transportation, Aviation and Police Departments as well as a panel member from Arizona State University. The selection committee thoroughly reviewed and scored all proposals and reached consensus in

recommending award of the contract to Parkmobile, LLC. as the successful proposer. The top three proposers and their scores (out of total 1,000 points maximum) are listed below:

Parkmobile, LLC.: 934 points

PassportParking Inc.: 913 points

Pay-by-Phone Technologies: 510 points

### **Contract Term**

The contract term will be for a three-year period starting Dec. 1, 2017 and ending Nov. 30, 2020, with options to extend the contract up to two additional years. The contract options may be exercised by the City Manager or designee.

### **Financial Impact**

This is a revenue-generating contract. The estimated annual income is approximately \$36,000 from credit card-based parking meter transactions via smart phone, over the life of the contract. There is no financial cost impact to the City. Convenience fees are paid by the end user directly to the Pay-by-Phone services contractor.

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

The Transportation and Infrastructure Subcommittee recommended approval for the contract award at its Sept. 12, 2017 meeting by a vote of 3-0.

**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 DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

**No:** 1 - Councilman Waring

## **75 Support for the Formation of Madison Groves Irrigation Water Delivery District (Resolution 21569)**

Request to adopt a resolution to support formation of the Madison

Groves Irrigation Water Delivery District (IWDD) through Maricopa County. The proposed IWDD includes the single-family residential properties bounded by Ocotillo Road to the south, Glendale Avenue to the north, 12th Street to the west, and the east side of 13th Place to the east. This action has no financial impact to the City of Phoenix.

**Summary**

Under the provisions of (A.R.S.) Chapter 20, Title 48 - Special Taxing Districts, when the majority of lot or parcel owners entitled to or capable of receiving irrigation water from the same system want irrigation water delivered to their lands, they may propose the organization of an Irrigation Water Delivery District (IWDD). The County requires that applicants for an IWDD within City of Phoenix boundaries obtain City Council support before the County will start the process of forming or re-establishing a district.

If approved by the City Council, landowning neighbors seeking an IWDD complete a special taxation impact statement and submit this document to the Maricopa County Board of Supervisors. The Board of Supervisors, along with Salt River Project, will decide if a petition to organize an IWDD may be circulated.

This request has been reviewed and approved by the Water Services Department.

**Financial Impact**

This action has no financial impact to the City of Phoenix.

**Public Outreach**

On Aug. 4, 2017, the City received a formal written request from City of Phoenix resident Daniel Trozzi, president of the Squaw Peak Heights Neighborhood Association, to pursue Council approval to form an IWDD (Attachment A). The association is in the process of changing its name to Madison Groves Neighborhood Association.

**Location**

The proposed IWDD includes the single-family residential properties bounded by Ocotillo Road to the south, Glendale Avenue to the north, 12th Street to the west, and the east side of 13th Place to the east

(Attachment B).

Council District: 6

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

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

**No:** 1 - Councilman Waring

**84 Planning and Development Fee Study - RFP 17-122 (Ordinance S-43907)**

Request to authorize the City Manager, or his designee, to enter into a contract with MGT of America, LLC to provide consulting services to review and evaluate fee schedules and methodologies used to assess fee structures for the Planning and Development Department. The aggregate value of the contract will not exceed \$390,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The contract will allow the City to utilize fee study services, which include development, zoning, historic preservation and annexation fees. This will include a review of accepted industry practices and comparable jurisdictions, identification of common fees for services not being charged, and existing fees that are unusual or obsolete. The study will include a full cost of services analysis and development of activity based on costing procedures. The consultant will recommend a cost recovery fee model that ensures the Planning and Development Department has sufficient funds to cover continuity of services through normal economic and development activity cycles, future capital needs, and staff to fulfill prior commitments for services paid but not rendered. The consultant will also recommend revisions, additions, and deletions to the fee schedule/structures and the targeted funding on hand. Part of the services will include a cost recovery goal, a fee policy that provides for periodic reviews and adjustments, and improvements and efficiencies to cost recovery reporting.

**Procurement Information**

Request for Proposals (RFP) 17-122 was conducted in accordance with Administrative Regulation 3.10. There were three offers received by the Finance Department's Procurement Division on July 7, 2017. The proposals were scored by a five-member evaluation panel based on the following criteria: Understanding and Project Approach (250 points); Experience and Qualifications (250 points); Project Schedule (200 points); Staff Capabilities and Assignments (200 points); and Cost (100 points). The offers were scored as follows:

MGT of America, LLC: 822 Points

Berry Dunn McNeil & Parker, LLC: 590 Points

Raftelis Consultants, Inc: 585 Points

The Deputy Finance Director recommends that the offer from MGT of America, LLC, be accepted as the highest-scored, responsive and responsible offer that is most advantageous to the City.

**Contract Term**

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

**Financial Impact**

The aggregate value of the contract will not exceed \$390,000, with an estimated expenditure of \$190,000 for the initial year, and will not exceed \$200,000 for the remaining four years. Funds are available in the Planning and Development Department's operating budget.

**Discussion**

Planning and Development Director Alan Stephenson stated this was a request to enter into a contract for a Planning and Development fee study with MGT of America. He advised the company was selected after an RFP process and recommended for approval by the deputy finance director and himself. The aggregate value of the contract would not exceed \$390,000 over a four-year period. He conveyed this contract would permit a study of all fees throughout the department to ensure the City was competitive, plus make sure costs were recovered as projects came through the permitting process.

In response to Councilwoman Stark, Mr. Stephenson confirmed the study did not include impact fees. Also, the study could increase or decrease fees; however, once the report from the consultant came back staff would share that information with Council.

**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 DiCiccio, Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

**No:** 1 - Councilman Waring

**87 Public Hearing - State Statute Regarding Filing a Protest to Require a Three-Fourths Vote (HB 2116) Text Amendment - Z-TA-4-17 (Ordinance G-6362)**

This report requests City Council approval of a proposed text amendment to the Zoning Ordinance, Z-TA-4-17, to address changes to the Arizona Revised Statutes regarding filing a written protest to require a three-fourths vote for rezoning applications (House Bill 2116).

**Summary**

The intent of this proposed text amendment is to modify the Zoning Ordinance to be consistent with the Arizona Revised Statutes regarding filing a written protest to require a three-fourths vote (House Bill 2116). The new state statute, effective Aug. 9, 2017, modifies the method to determine when a three-fourths vote of the City Council is required. Provisions of the new regulation include: 1) Requiring a three-fourths vote by the City Council to approve a zoning amendment if 20 percent of the owners of the property by area and numbers of lots, tracts and condominium units within the zoning area file a protest against the change; 2) Defining zoning area as the area of the proposed change or within 150-feet of the proposed change, including all rights-of-way; 3) Specifying the three-fourths vote of the governing body is to be rounded to the nearest whole number as outlined in Attachment B.

**Concurrence/Previous Council Action**

The Downtown, Aviation, Economy and Innovation Subcommittee

recommended approval by a vote of 3-0 on Sept. 6, 2017. The Planning Commission heard this case on Aug. 3, 2017 and recommended approval per the memo from Racelle Escolar dated Aug. 3, 2017 (Attachment C) by a 6-0 vote as summarized in Attachment D.

### **Discussion**

Planning and Development Director Alan Stephenson stated this was a request for a text amendment to the Zoning Ordinance to comply with changes to Arizona Revised Statutes regarding the three quarter vote process for the Mayor and Council to approve a zoning change. He referenced House Bill 2116 was passed by the State Legislature, noting staff's proposed language mirrored the state statute. He advised this matter was approved by the Planning Commission and the Downtown, Aviation, Economy and Innovation Subcommittee. He added the proposed language made it more difficult to trigger a three quarter vote.

Mayor Stanton declared the public hearing open. Noting there was no one present wishing to speak, he declared the public hearing closed.

Mayor Stanton emphasized the Planning Commission and Subcommittee's approval did not imply they supported this but acknowledged it was legally required to be implemented by the City. He thought it was unfortunate as this amendment made it significantly harder for neighborhood voices to be heard at these meetings. The three quarter vote criteria was not abused at these Council meetings though it did make for tougher zoning cases which should happen if neighbors were not supportive of a change that affected their quality of life. He was supportive of the previous method but not this state statute but understood the City should implement it for legal reasons and then try to have a more informed discussion with the State Legislature.

**The hearing was held. 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 DiCiccio, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

**No:** 1 - Councilman Nowakowski

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

None.

**CITIZEN COMMENTS**

There were no additional speakers for Citizen Comment.

**ADJOURN**

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 3:34 p.m.

---

MAYOR

ATTEST:

---

CITY CLERK

SC

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 20th day of September, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15th day of November, 2017.

---

CITY CLERK